



**MASSACHUSETTS GAMING COMMISSION  
PUBLIC MEETING# 343**

May 6, 2021  
10:00 a.m.

**VIA CONFERENCE CALL NUMBER: 1-646-741-5293  
PARTICIPANT CODE: 112 483 3235**



Massachusetts Gaming Commission



**NOTICE OF MEETING and AGENDA  
May 6, 2021**

**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, May 6, 2021  
10:00 a.m.**

**Massachusetts Gaming Commission  
VIA CONFERENCE CALL NUMBER: 1-646-741-5293  
PARTICIPANT CODE: 112 483 3235**

All documents and presentations related to this agenda will be available for your review on the morning of May 6, 2021 by [clicking here](#).

**PUBLIC MEETING - #343**

1. Call to order
2. Approval of Minutes:
  - a. January 14, 2021
  - b. January 28, 2021
3. Administrative Update – Karen Wells, Executive Director
  - a. Staff Introduction
  - b. Research and Responsible Gaming International Jurisdiction Collaboration – Mark Vander Linden, Director of Research and Responsible Gaming
  - c. On-site Casino Updates – Loretta Lillios, Director of Investigations and Enforcement Bureau; Bruce Band, Assistant Director, Gaming Agents Division Chief



Massachusetts Gaming Commission

4. Community Affairs Division – Joseph Delaney, Community Affairs Division Chief
  - a. MGM Springfield Quarterly Report – Seth Stratton, Vice President & General Counsel MGM; Arlen Carballo, Executive Director of Finance; Daniel Miller, Director of Compliance
5. Licensing Division – Nakisha Skinner, Licensing Division Chief
  - a. MGM Service Employee Exemption Request 205CMR 134.03(1)(b) **VOTE**
  - b. MGM Gaming Beverage License Amendment 205 CMR 136.03(1) **VOTE**
6. Racing Division – Dr. Alex Lightbown, Director of Racing
  - a. Quarterly Local Aid Payments – Dr. Alex Lightbown, Director of Racing; Chad Bourque, Financial Analyst **VOTE**
7. Investigations and Enforcement Bureau - Loretta Lillios, Director of Investigations and Enforcement Bureau
  - a. Plainridge Park Casino Qualifier – Determination of Suitability – Katherine Hartigan, Senior Enforcement Counsel **VOTE**
8. Finance and Accounting Division – Derek Lennon, Chief Finance and Accounting Officer
  - a. MGC Budget Discussion – Derek Lennon, CFAO; Commissioner Enrique Zuniga
9. Legal Division – Todd Grossman, General Counsel
  - a. 205 CMR 146:13: Blackjack Table; Card Reader Device; Physical Characteristics; Inspections; 205 CMR 146:49: Cards: Receipt. Storage. Inspections, and Removal From Use; 205 CMR 146.51: Dealing Shoes: Automated Shuffling Devices. This is an administrative change that will remove all references to the 6-to-5 blackjack variation from the regulation – and Amended Small Business Impact Statement, for approval to finalize the promulgation process – Carrie Torrisi, Associate General Counsel **VOTE**
  - b. Update on Tribal Matters - Caitlin Monahan, Associate General Counsel
10. Community Affairs Division – Joseph Delaney, Community Affairs Division Chief
  - a. Community Mitigation Fund Application Reviews– Public Safety Impact; Transportation Planning & Construction; Community Planning – Joseph Delaney, Community Affairs Division Chief; Katherine Hartigan, Senior Enforcement Counsel; Mary Thurlow, Program Manager **VOTE**
11. Commissioner Updates
12. Other business – reserved for matters the Chair did not reasonably anticipate at the time of posting.



Massachusetts Gaming Commission

13. 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).

May 4, 2021

*Cathy Judd-Stein*, Chair

**Date Posted to Website:** May 4, 2021 at 10:00 a.m.



Massachusetts Gaming Commission



## Massachusetts Gaming Commission Meeting Minutes

**Date/Time:** January 14, 2021 – 10:00 a.m.

**Place:** Massachusetts Gaming Commission  
VIA CONFERENCE CALL NUMBER: 1-646-741-5293  
MEETING ID: 112 136 4432

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

### **00:00:00:** [Call to Order](#)

Chair Cathy Judd-Stein called to order public meeting #332 of the Massachusetts Gaming Commission (“Commission”).

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

*Commissioner Cameron  
Commissioner O’Brien  
Commissioner Zuniga  
Chair Cathy Judd-Stein*

### **00:01:20:** [Approval of Minutes](#)

*Commissioner Zuniga moved to approve the minutes from the Commission meeting of September 10, 2020, subject to correction for typographical errors and other nonmaterial matters.*

*Commissioner Cameron seconded the motion.*

*Roll Call Vote:*

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

*The motion passed unanimously.*

*Commissioner Cameron moved to approve the minutes from the Commission meeting of September 24, 2020, subject to correction for typographical errors and other nonmaterial matters. Commissioner O'Brien seconded the motion.*

*Roll Call Vote:*

*Commissioner Cameron: Aye*

*Commissioner O'Brien: Aye*

*Commissioner Zuniga: Aye*

*Chair Judd-Stein: Aye*

*The motion passed unanimously.*

## **00:03:24: Administrative Update**

### **Presentation of Recommendation for MGC Deputy Director, Investigations and Enforcement Bureau Director**

Executive Director Wells presented a recommendation for the position of MGC Deputy Director/Investigations and Enforcement Bureau Director. Executive Director Wells outlined the search and interview process for this position conducted by the review team, which consisted of Chair Judd-Stein, Commissioner Cameron, Executive Director Wells, Director of Workforce and Supplier Diversity Jill Griffin, and was aided by the Human Resources Department. The review team recommended that the Commission ratify the selection of Deputy Director of the Investigations and Enforcement Bureau Loretta Lillios to serve in the position of MGC Deputy Director/Investigations and Enforcement Bureau Director.

There was discussion regarding the importance of the process and its design to ensure that there was a diverse and inclusive pool of applicants, as well as discussion surrounding the qualifications of Deputy Director Lillios and her ultimate selection. The Chair offered her view of the selection process and offered thanks to the review team and to the outstanding pool of candidates for participating in the process. She then offered an assessment of Ms. Lillios. Commissioner Cameron shared her views of the process in general, and the importance of an open process. She then offered an assessment of Ms. Lillios. Chair Judd-Stein recommended that Deputy Director Lillios be promoted to the position of MGC Deputy Director/Director of the IEB. Commissioner Zuniga expressed full confidence in the process and in Ms. Lillios. He incorporated a historical perspective into the position as well. Commissioner O'Brien agreed that there was a diligent search conducted and offered her assessment of Ms. Lillios. Commissioner Cameron offered appreciation for Director Griffin's role in the search process. Ms. Griffin described the process she and Ms. Banda supported, and then endorsed Ms. Lillios.

*Commissioner Cameron moved to ratify Loretta Lillios to be the Director of the IEB.*

*Commissioner Zuniga seconded the motion.*

*Roll Call Vote:*

*Commissioner Cameron: Aye*

*Commissioner O'Brien: Aye*

*Commissioner Zuniga: Aye*

*Chair Judd-Stein: Aye*

*The motion passed unanimously.*

Ms. Lillios offered words of thanks and the importance of the position.

**00:27:16: On-Site Casino Updates**

Director Lillios and Assistant Director, Gaming Agents Division Chief Bruce Band provided an update regarding activities on-site at the casino properties particularly related to the Covid-19 restrictions that are in place. Director Lillios informed the Commission that pursuant to the Governor's order and in conjunction with a parallel Commission order, a 25% capacity cap had been put in place at all licensee properties beginning on December 26, 2020, and remaining in effect until at least January 24, 2021. In addition, the closing time of no later than 9:30 pm remains in effect along with all other health and safety requirements that have been in place since the properties reopened in July 2020. Director Band provided an update on the licensees' compliance over the course of the last month.

There was discussion concerning the Commission's past action; General Counsel Grossman explained that the Governor enacted an order limiting occupancy at certain places, including casinos, to 25%, and that the Commission had incorporated that directive into its own guidelines. General Counsel Grossman further explained that the Commission's guidelines followed the Governor's extension of his order and no further vote on the guidelines was required.

Director Lillios provided details concerning the number of positive Covid-19 cases among casino employees and the related reporting process. There was discussion concerning when employees who have tested positive return to work. The Commission noted its appreciation of the licensees' compliance and vigilance.

**00:44:52: Legislative Updates**

General Counsel Grossman and Director of Workforce and Supplier Diversity Jill Griffin presented legislative updates to the Commission regarding committees and subcommittees. Director Griffin explained that the members of the Gaming Policy Advisory Committee and its associated subcommittees are deemed special state employees under the state Conflict of Interest Law, which includes restrictions against divided loyalties. Director Griffin explained that appointees whose employment involves community mitigation efforts are generally precluded from serving on Commission committees and subcommittees, which makes it difficult to fill statutorily required seats. Director Griffin stated that Commission staff has been exploring options to solve this problem.

General Counsel Grossman explained the legal issues surrounding divided loyalties and presented three possible options for the Commission to consider, including (1) creating an exemption for all municipal employees from the divided loyalties section of the Conflict of Interest Law; (2) creating an exemption for members of subcommittees who are also municipal employees to state that they shall not be special state employees under the Conflict of Interest Law; and (3) proposing legislative language stating that members of the Gaming Policy

Advisory Committee and its subcommittees shall not be special state employees under the Conflict of Interest Law. General Counsel Grossman noted that options two and three are based on language included in the statute applying to the Cannabis Control Commission and their advisory board.

There was discussion regarding reviewing the legislative history to see if there is a reason the exemption language was used for the Cannabis Control Commission but not for the Commission. The Commission discussed the options presented and noted that options two and three are broad while option one is more narrow. General Counsel Grossman further explained the distinction between options two and three.

The Commission agreed that they are all comfortable with the narrower approach of either option one or option two. The Commission directed General Counsel Grossman and Director Griffin to confirm with the State Ethics Commission that option two is workable.

### **01:23:23: Research and Responsible Gaming**

#### **Encore Boston Harbor Request to Delay Implementation of Play My Way**

Director of Research and Responsible Gaming Mark Vander Linden presented background on the Play My Way program. He explained that in 2018, the Commission entered a Memorandum of Understanding with Encore Boston Harbor and MGM Springfield which provided that the licensees would launch Play My Way by September 2020. He further explained that in late March/early April of 2020, the licensees requested to delay implementation by one year to September 2021 because of effects of the Covid-19 pandemic. Director Vander Linden noted that that request was granted by the Commission. He explained that Encore Boston Harbor has requested to delay the implementation further to September 2022.

Jacqui Krum, Senior Vice President and General Counsel for Encore Boston Harbor, provided background on the reasons for Encore Boston Harbor's request, specifically that the current timeline would require Encore Boston Harbor to divert resources from other areas to the project. She explained that they do not anticipate that the delay will ultimately be a full year.

Commissioner Cameron asked how long Encore Boston Harbor would need to complete the project once operations return to a level of normalcy. Ms. Krum stated that it would take six to seven months. There was discussion concerning the reason for the request and the context in which Encore Boston Harbor is currently operating.

Chair Judd-Stein proposed that Encore Boston Harbor provide the Commission with an interim report when the implementation work begins. CIO Katrina Jagroop-Gomes suggested that the Commission consider granting a six month extension and revisit the question at that time if Encore Boston Harbor needs an additional six months. The Commissioners discussed this option.



*Commissioner O'Brien moved that the Commission approve the request of Encore Boston Harbor to delay implementation of the Play My Way management system from the current date of September 1, 2021, to September 1, 2022; further, that the licensee report back to the Commission on or before September 1, 2021, as to the status of the implementation.*

*Commissioner Cameron seconded the motion.*

*Roll Call Vote:*

*Commissioner Cameron: Aye*

*Commissioner O'Brien: Aye*

*Commissioner Zuniga: Aye*

*Chair Judd-Stein: Aye*

*The motion passed unanimously.*

### **01:43:51: [GameSense Quarterly Update](#)**

Director Vander Linden introduced a quarterly update on the GameSense program. He was joined by Marlene Warner, Executive Director of the Massachusetts Council on Gaming and Health, Chelsea Turner, Director of Responsible Gaming for the Massachusetts Council on Gaming and Health, Jodie Nealley, Voluntary Self-Exclusion Resource Liaison, and Linh Ho, Senior GameSense Advisor, who presented a GameSense quarterly update PowerPoint. Ms. Turner presented on GameSense safety protocols including the use of PPE, social distancing, hand washing, and persistent cleaning; interactions between GameSense advisors and patrons at Plainridge Park Casino, MGM, and Encore Boston Harbor; and the use of remote VSE enrollment; and recent communications and social media effort highlights. Ms. Nealley presented on VSE follow-up and telephone recovery support. Mr. Ho presented an outreach and training update. Ms. Warner presented on upcoming trainings for Asian communities, a new augmented reality project launched last year, and upcoming plans including positive play and low-risk gaming guidelines.

There was discussion concerning the adaptability to the changing conditions and environment in which the GameSense program operates, particularly related to voluntary self-exclusion being conducted virtually. The Commission thanked the GameSense team for its thorough and detailed report.

### **Investigations and Enforcement Bureau**

#### **02:43:41: [MGM Springfield Individual Qualifier – Determination of Suitability](#)**

Senior Enforcement Counsel Kate Hartigan presented on the suitability investigation of MGM qualifier Scott Wessel, Senior Vice President of Business Systems for MGM Resorts International. She stated that all required forms were submitted and a background check was conducted with no derogatory information found. She also provided a summary of his professional and educational background. Ms. Hartigan recommended that the Commission find him suitable.

*Commissioner Cameron moved that the Commission approve the suitability report of Scott Wessel as an MGM Qualifier and Senior VP of Business Systems for MGM Resorts.*

*Commissioner Zuniga seconded the motion.*

*Roll Call Vote:*

*Commissioner Cameron: Aye*

*Commissioner O'Brien: Aye*

*Commissioner Zuniga: Aye*

*Chair Judd-Stein: Aye*

*The motion passed unanimously.*

#### **02:49:59: Encore Boston Harbor Entity Qualifier – Determination of Suitability**

Senior Enforcement Counsel Kate Hartigan presented on the suitability investigation of Wynn Design and Development LLC, a wholly-owned subsidiary of Wynn Resorts, Ltd. She stated that all required forms were submitted and a background investigation was conducted with no derogatory information found. Ms. Hartigan recommended that the Commission find Wynn Design and Development suitable.

*Commissioner Zuniga moved that the Commission approve the suitability report of Wynn Design and Development to be an entity qualifier for Encore Boston Harbor. Commissioner O'Brien seconded the motion.*

*Roll Call Vote:*

*Commissioner Cameron: Aye*

*Commissioner O'Brien: Aye*

*Commissioner Zuniga: Aye*

*Chair Judd-Stein: Aye*

*The motion passed unanimously.*

#### **02:57:30: Racing Division – Quarterly Local Aid Payments**

Financial Analyst Chad Borque presented an update on quarterly local aid payments to each city and town where racing activities are conducted. Mr. Borque explained that this is the payment request for the quarter ending December 31, 2020, and that aid for this quarter is calculated by using handles that occurred in April, May, and June 2020. Mr. Borque noted that there was no live racing or wagering at the facilities during this period, and that all activity for this period was generated through account deposit wagering providers.

Mr. Borque provided the numbers for the City of Boston (\$160,454.13), the Town of Plainville (\$3,556,62), and the City of Revere (\$80,225.86), for a total of \$244,236.61.

*Commissioner Zuniga moved that the Commission approve the local aid quarterly distribution for Quarter 4 of calendar year 2020 totaling \$244,236.61 as outlined in the Commissioners' Packet. Commissioner Cameron seconded the motion.*

*Roll Call Vote:*

Commissioner Cameron: Aye  
Commissioner O'Brien: Aye  
Commissioner Zuniga: Aye  
Chair Judd-Stein: Aye  
*The motion passed unanimously.*

**03:00:51: Commissioner Updates**

**03:00:57: Review Evaluation Form and Process for Executive Director**

Commissioner O'Brien opened discussion regarding the review evaluation form and process for the Executive Director. Commissioner O'Brien noted that forms were distributed to the Commissioners and that the next step is to establish a timeline for Executive Director Wells to complete the form and for the Commission to respond. Chair Judd-Stein clarified that the Commission would first receive Executive Director Wells' completed form, would provide individual input, and would then conduct a public evaluation. Commissioner O'Brien further clarified that all forms would be distributed through the Human Resources Department.

There was discussion surrounding the timeframe needed to complete the necessary forms. The Commission concluded that it would plan to conduct the public review at the first February Commission meeting.

**03:06:01: Recommendation for MGC Secretary Appointment**

Chair Judd-Stein stated that G.L. c. 23K, §3(f) requires the Commission annually to elect a Secretary, and that Commissioner Stebbins had previously served. Chair Judd-Stein noted that Commissioner O'Brien is open to serving in this position in an interim period during which the Commission does not have a full slate of Commissioners, and that the appointment can be revisited when the fifth Commissioner seat has been filled.

*Commissioner Cameron moved that the Commission approve Commissioner O'Brien to serve as Secretary in the interim period while the Commission has four commissioners. Commissioner Zuniga seconded the motion.*

*Roll Call Vote:*

Commissioner Cameron: Aye  
Commissioner O'Brien: Abstain  
Commissioner Zuniga: Aye  
Chair Judd-Stein: Aye  
*The motion passed unanimously.*

**03:09:40: Recommendation for MGC Community Mitigation Sub-Committee Chair Appointment**

Chair Judd-Stein stated that G.L. c. 23K, §68 requires the Commission to appoint a representative to serve on Commission subcommittees. Chair Judd-Stein noted that Commissioner Zuniga is open to serving in this position in an interim period during which the Commission does not have a full slate of Commissioners, and that the appointment can be revisited when the fifth Commissioner seat has been filled.

*Commissioner Cameron moved that the Commission approve Commissioner Zuniga to serve on the Community Mitigation Subcommittee in the interim period while the Commission has four commissioners. Commissioner O'Brien seconded the motion.*

*Roll Call Vote:*

*Commissioner Cameron: Aye  
Commissioner O'Brien: Aye  
Commissioner Zuniga: Abstain  
Chair Judd-Stein: Aye  
The motion passed unanimously.*

### **03:12:54: Other Business**

There was no other business brought forth for discussion.

### **03:13:07: Executive Session**

Chair Judd-Stein initiated discussion as to whether the Commission would move into Executive Session on five different matters. The Chair described each in the following manner (followed by the Commission vote):

The Commission anticipates that it will meet in executive session in accordance with G.L. c.30A, §21(a)(3) to discuss strategy with respect to *FBT Everett Realty, LLC v. MGC v. Wynn MA, LLC* as discussion at an open meeting may have a detrimental effect on the litigating position of the Commission. The public session of the Commission meeting will not reconvene at the conclusion of the executive session

*Commissioner Zuniga moved that the Commission move into Executive Session for the purposes described. Commissioner Cameron seconded the motion.*

*Roll Call Vote:*

*Commissioner Cameron: Aye  
Commissioner O'Brien: Aye  
Commissioner Zuniga: Aye  
Chair Judd-Stein: Aye  
The motion passed unanimously.*

The Commission anticipates that it will meet in executive session in accordance with G.L. c.30A, §21(a)(3) to discuss strategy with respect to *MGC v. Landmark American Insurance* as discussion at an open meeting may have a detrimental effect on the litigating position of the

Commission. The public session of the Commission meeting will not reconvene at the conclusion of the executive session.

*Commissioner Cameron moved that the Commission move into Executive Session for the purposes described. Commissioner Zuniga seconded the motion.*

*Roll Call Vote:*

*Commissioner Cameron: Aye*

*Commissioner O'Brien: Aye*

*Commissioner Zuniga: Aye*

*Chair Judd-Stein: Aye*

*The motion passed unanimously.*

The Commission anticipates that it will meet in executive session in accordance with G.L. c.30A, §21(a)(3) to discuss strategy with respect to *City of Revere, and Mohegan Sun Massachusetts, LLC v. Massachusetts Gaming Commission* as discussion at an open meeting may have a detrimental effect on the litigating position of the Commission. The public session of the Commission meeting will not reconvene at the conclusion of the executive session.

*Commissioner O'Brien moved that the Commission move into Executive for the purposes described. Commissioner Cameron seconded the motion.*

*Roll Call Vote:*

*Commissioner Cameron: Aye*

*Commissioner O'Brien: Aye*

*Commissioner Zuniga: Aye*

*Chair Judd-Stein: Aye*

*The motion passed unanimously.*

The Commission anticipates that it will meet in executive session in accordance with G.L. c.30A, §21(a)(3) to discuss strategy with respect to *DeCosmo v. Blue Tarp reDevelopment, LLC, et al.,* and *Schuster v. Encore Boston Harbor, et al.,* as discussion at an open meeting may have a detrimental effect on the litigating position of the Commission. The public session of the Commission meeting will not reconvene at the conclusion of the executive session.

*Commissioner Zuniga moved that the Commission move into Executive Session for the purposes described. Commissioner O'Brien seconded the motion.*

*Roll Call Vote:*

*Commissioner Cameron: Aye*

*Commissioner O'Brien: Aye*

*Commissioner Zuniga: Aye*

*Chair Judd-Stein: Aye*

*The motion passed unanimously.*

The Commission anticipates that it will meet in executive session to review minutes from previous executive sessions. The public session of the Commission meeting will not reconvene at the conclusion of the executive session.

*Commissioner Zuniga moved that the Commission move into Executive Session for the purposes described. Commissioner Cameron seconded the motion.*

*Roll Call Vote:*

*Commissioner Cameron: Aye*

*Commissioner O'Brien: Aye*

*Commissioner Zuniga: Aye*

*Chair Judd-Stein: Aye*

*The motion passed unanimously.*

Commission moved into Executive Session.

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

1. Notice of Meeting and Agenda dated January 14, 2021
2. Draft Commission Meeting Minutes September 10, 2020
3. Draft Commission Meeting Minutes September 24, 2020
4. Memorandum Re: Ethics/Divided Loyalties Legislation dated January 11, 2021
5. Memorandum Re: Encore Boston Harbor Request to Delay Implementation of Play Management System dated January 14, 2021
6. PowerPoint Presentation: GameSense Updated dated January 14, 2021
7. Memorandum Re: Local Aid Quarterly Distribution for Q4 CY 2020 dated January 5, 2021



## Massachusetts Gaming Commission Meeting Minutes

**Date/Time:** January 28, 2021 – 10:00 a.m.

**Place:** Massachusetts Gaming Commission  
VIA CONFERENCE CALL NUMBER: 1-646-741-5292  
MEETING ID: 112 780 8210

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

### **00:00:00:** [Call to Order](#)

Chair Cathy Judd-Stein called to order public meeting #334 of the Massachusetts Gaming Commission (“Commission”).

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

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

### **00:01:17:** [Approval of Minutes](#)

*Commissioner O’Brien moved to approve the minutes from the Commission meeting of September 30, 2020, subject to correction for typographical errors and other nonmaterial matters.*

*Commissioner Cameron seconded the motion.*

*Roll Call Vote:*

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

*The motion passed unanimously.*

*Commissioner O'Brien moved to approve the minutes from the Commission meeting of October 1, 2020, subject to correction for typographical errors and other nonmaterial matters.*

*Commissioner Cameron seconded the motion.*

*Roll Call Vote:*

*Commissioner Cameron: Aye*

*Commissioner O'Brien: Aye*

*Commissioner Zuniga: Aye*

*Chair Judd-Stein: Aye*

*The motion passed unanimously.*

#### **00:08:12: [Administrative Update](#)**

##### **On-site Casino Updates**

IEB Director Loretta Lillios and Assistant Director, Gaming Agents Division Chief Bruce Band provided an update regarding activities on-site at the casino properties. Director Lillios informed the Commission that on January 21, 2021 Governor Baker issued Covid-19 Order No. 62 which went into effect at 5 a.m. on Monday, January 25, 2021. Order No. 62 repeals the 9:30 p.m. mandatory closing time for all casino properties and their amenities and keeps in place the 25% capacity restrictions until February 8, 2021. All other Covid health and safety measures remain in place. The casino properties may now be open 24 hours a day, 7 days a week.

Director Band informed the Commission that all casinos have remained under the 25% capacity limit. Plainridge Park Casino and Encore Boston Harbor began operating 24/7 on January 27, 2021. MGM will begin operating 24/7 on January 29, 2021.

#### **00:16:48: [MGC-ITS Gaming Technical Compliance Update](#)**

Chief Information Officer Katrina Jagroop-Gomes, Gaming Technical Compliance Manager Scott Helwig, and Gaming Technical Compliance Engineer Priya Gandotra provided the Commission with an overview of the Gaming Technical Compliance (GTC) division of the ITS team, including a summary of regulations relevant to GTC and the standards GTC has adopted from Gaming Laboratories International (GLI).

GTC operates the MGC gaming technical compliance lab located in the Boston office and conducts testing for Electronic Gaming Devices (EGD) and EGD systems. It also assists with other MGC testing, such as the Play My Way application. GTC reviews reports sent from independent testing labs on daily, weekly, and monthly bases and reserves the right to audit those labs. GTC also works alongside MGC's Network Operations Center (NOC) team, which maintains and operates the Gaming Commissions Central Monitoring System (CMS), and partners with other MGC divisions.

Executive Director Wells congratulated Ms. Jagroop-Gomes and her team on their work over the last several years. Commissioners Cameron and O'Brien also offered her congratulations.



Commissioner Zuniga asked how much testing BMM is doing as compared with GLI. Ms. Jagroop-Gomes answered that GLI conducts approximately 90% of the testing and BMM conduct approximately 10%.

Chair Judd-Stein asked Mr. Helwig to elaborate on how GTC uses technology to aid social distancing. Mr. Helwig explained that GTC worked with the IEB to create a report in which they identified which machines on the casino floor were in or out of service and whether they were being disabled properly. They continue to monitor the situation and inform the casinos if a machine that is supposed to be out of service is used. GTC also worked to automatically disable EGDs on the casino floors in order to facilitate early closing times due to Covid-19 restrictions.

Chair Judd-Stein thanked GTC for its report and noted that the IT team works as a partner with the licensees to ensure their compliance and is a helpful resource for them.

The PowerPoint used during the technical compliance update is included in the Commissioner's packet.

**00:31:23: [Research and Responsible Gaming](#)**

**Positive Play Initiative**

Director of Research and Responsible Gaming Mark Vander Linden and Program Manager of Research and Responsible Gaming Teresa Fiore introduced guest speakers Dr. Richard Wood of Gamres and Executive Director of the Massachusetts Council on Gaming and Health Marlene Warner.

Ms. Fiore explained that in 2019 MGC and the Massachusetts Council on Gaming and Health critically examined the Game Sense program and launched Game Sense 2.0 to ensure that the program stays relevant and is evolving with the players in Massachusetts. One initiative identified was the positive play scale. Up to that point, the majority of studies focused on problem behaviors. The positive play scale, however, takes a different approach and measures responsible gaming behaviors.

Dr. Wood presented the findings of the positive play study conducted in Massachusetts which evaluates responsible gaming strategies and delivers actionable recommendations that will be used to drive responsible gaming campaigns, outreach, and initiatives.

Commissioner Zuniga asked how personal responsibility is measured and what can be done with information regarding personal responsibility while avoiding the risk of becoming patronizing. Dr. Wood suggested that personal responsibility is less of an area that needs to be focused on because most players score highly on that metric. However, Game Sense advisors could ask questions regarding personal responsibility and social proof examples could be used to show how the majority of players act.

Commissioner Cameron inquired into how many Canadian provinces the program is being used in and whether the rollout in Canada influenced recommendations for Massachusetts. Dr. Wood explained that the program began in British Columbia, but the positive play scale is now used in all Canadian provinces, allowing them to validate their sample. They are now starting to run a second study in various provinces to see if there will be any changes over time and whether scores have shifted. Two studies in New Zealand were also undertaken and scores in general increased over time.

The PowerPoint used during Dr. Wood's presentation is included in the Commissioners' packet.

**01:28:15: [Legal Division](#)**

**205 CMR 134.01: Key Gaming Employee Licensees**

**205 CMR 134.02: Gaming Employee Licensees**

General Counsel Todd Grossman presented amendments to 205 CMR 134.01: Key Gaming Employee Licensees and 205 CMR 134.02: Gaming Employee Licensees, which had been in effect by emergency since December 3, 2020 due to the pandemic. The amendments allow licensees to bring in staff from sister properties to serve as key gaming employees in an emergency situation without requiring licensure. Commissioner Zuniga, who presided over the public hearing, stated there was no public comment and explained that the Commission is now in a position to complete the promulgation process.

*Commissioner Cameron moved to approve the Amended Small Business Impact Statement included in the Commissioners' packet relative to the amendment to section 134.01 as discussed. Commissioner Zuniga seconded the motion.*

*Roll Call Vote:*

*Commissioner Cameron: Aye.*

*Commissioner O'Brien: Aye.*

*Commissioner Zuniga: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously.*

*Commissioner Cameron further moved to approve the amendments to 205 CMR 134.01 as outlined in the Commissioners' packet and as discussed and to authorize staff to take all necessary steps to finalize the promulgation process.*

*Commissioner O'Brien seconded the motion.*

*Roll Call Vote:*

*Commissioner Cameron: Aye.*

*Commissioner O'Brien: Aye.*

*Commissioner Zuniga: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously.*

Commissioners Zuniga and O'Brien noted that there were typographical errors in the titles of the regulations in the Commissioners' packet. Mr. Grossman responded that he would review and update the materials.

*Commissioner Zuniga moved that the Commission approve the Amended Small Business Impact Statement included in the Commissioners' packet relative to the amendment to section 134.02 as discussed.*

*Commissioner O'Brien seconded the motion.*

*Roll Call Vote:*

*Commissioner Cameron: Aye.*

*Commissioner O'Brien: Aye.*

*Commissioner Zuniga: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously.*

*Commissioner Zuniga further moved to approve the amendments to 205 CMR 134.02 as outlined in the Commissioners' packet, with correction to the title reference, and to authorize staff to take all necessary steps to finalize the promulgation process. Commissioner O'Brien seconded the motion.*

*Roll Call Vote:*

*Commissioner Cameron: Aye.*

*Commissioner O'Brien: Aye.*

*Commissioner Zuniga: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously.*

## **01:34:51: Investigations and Enforcement Bureau**

### **Juvenile Records Review Update**

Director Lillios provided an update regarding the use of certain juvenile records in the background check process. She explained that under state law juvenile court proceedings and associated records are generally closed to the public whereas adult criminal proceedings and records are open to the public.

Pursuant to Chapter 23K, the paramount policy of the gaming law is to ensure public confidence in the integrity of gaming through the licensing process. That policy goes hand in hand with Chapter 23K's other explicit policy directive of creating employment opportunities, particularly for the unemployed. Director Lillios further explained that the IEB's mission is to ensure the credibility of gaming in the Commonwealth and the safety of patrons, but that the IEB is mindful that it does not want to hurt the very people the gaming law was created to help.

With that in mind, Director Lillios described how Chapter 23K sets out different levels of licensure and background review. The level used to investigate a particular applicant depends on the position for which they are applying. In all instances of licensure and registration Chapter 23K mandates a background review with regard to overall reputation (integrity, honesty, and

good character), and requires the consideration of patterns of misconduct that may make a person unsuitable for a license.

Over the years, the Commission has taken a number of steps to ensure that individuals receive a fair chance at obtaining a good job in the Commonwealth. Per regulation, the IEB must consider information in the light most favorable to the applicant. Regulations also address juvenile records and mandate that adjudications of delinquency are not to be treated as automatic disqualifiers. Regulations further address sealed records and information related to sealed records, which may not be reviewed as part of background investigations.

Director Lillios noted that although juvenile records are accorded a high degree of privacy, MGC is not alone as an agency in the ability to review them. She also emphasized that when the IEB reviews an application it understands both that there is a full person behind that application and that there is a policy-driver of allowing second chances.

Chair Judd-Stein explained that the purpose of the Commission's conversation was to determine if there was a consensus regarding moving forward with any regulatory changes concerning the use of juvenile records in IEB investigations.

Commissioner Cameron asked Director Jill Griffin if there have been any community-led efforts to educate individuals regarding how to seal juvenile records. Director Griffin said that she was not aware of any specific efforts regarding juvenile records. Commissioner Cameron explained that her concern with not allowing the IEB to review juvenile records relates to individuals who were recently juveniles and who have a pattern of delinquency.

Commissioner O'Brien reviewed Chapter 23K prior to the meeting and noted that there is a duality to Chapter 23K as it relates to both employment and regulatory oversight. The paramount policy objective of Chapter 23K, however, is to have public confidence in the integrity of the licensing process and strict oversight. In light of those obligations, Commissioner O'Brien believes that the Commission maintains an appropriate policy for dealing with juvenile records, which is that it complies with both the letter and the spirit of the sealing of juvenile records, but not in a way that hamstring the IEB from determining an applicant's suitability. She does not see a reason to change the IEB's access to the records in question.

Commissioner Zuniga noted that impacts of the criminal justice system tend to fall predominantly on communities of color. He understands that the IEB is very careful to review candidates holistically, but there is an increased likelihood of an adverse finding based on certain statistics. One recommendation from the MGC's equity and inclusion group was to review regulations that may have a disproportionate impact on communities of color. He would argue that this is an element of that review. Commissioner Zuniga also noted that his instinct is that, statistically, communities of color have a greater chance of having had negative interactions and outcomes with the criminal justice system. As a whole, the system and society treat juvenile records in a more benign way as compared to the criminal system. In that spirit, Commissioner Zuniga believes the Commission should do the same. Commissioner Zuniga understands that there are a few exceptions where a repeat offender could be an issue, but he is looking at averages.

Chair Judd-Stein thanked the team for its work on this issue. She noted that the Commission has considerable discretion in its regulatory function, which brings with it great responsibility. There is no prohibition on the review of juvenile records. However, when we think about juvenile records, we are aware of the increased responsibility to the science of juvenile development and to the societal impact on their records. Chair Judd-Stein also appreciates Commissioner Zuniga's point that the Commission has made an internal commitment to ensuring that its practices do not have a disproportionate impact on people of color.

Chair Judd-Stein asked Director Lillios if any applicants had been denied due to a juvenile pattern of behavior. Director Lillios said that the denial rate is low and there have been no rejections based solely on the presence of a juvenile record.

Chair Judd-Stein made several recommendations to consider. First, the legislature has not restricted the Commission from reviewing juvenile records and certain jobs do require a higher level of scrutiny. If the Commission removed the opportunity to review juvenile records, there is a risk that the Commission's core mission would be challenged. Second, Chair Judd-Stein has great confidence in the IEB's understanding that it has duties of fairness with regard to juveniles. She suggested that the IEB memorialize its procedures and not change the status quo.

Chair Judd-Stein asked if a rejected applicant has a right to appeal the IEB's decision. Director Lillios explained that the IEB does not have broad discretion in the suitability arena as decisions are tied to statutory and regulatory criteria. If a person is aggrieved, they have a right to review by an impartial hearing officer and as part of that hearing process they have the right to all of the materials that the IEB has considered, to tell their own story, bring in witnesses, examine witnesses, etc. The hearing officers are experienced in the administrative review process, including for those not represented by counsel.

Commissioner Cameron agreed with the comments made by Chair Judd-Stein and has been pleased in the manner in which the IEB conducts interviews with the understanding that a big part of the Commission's mission relates to getting people to work.

Commissioner O'Brien reiterated that she does not have reason to question the manner in which the statutory and regulatory scheme has been executed. The current scheme complies with statutory mandates, strikes an appropriate balance, and the Commission should continue to have discussions about disproportionate impacts. Memorializing the process makes sense.

Commissioner Zuniga explained that he was thinking about the information in the forms that have been previously approved related to an applicant's history. There could be places to add a personal statement or a way for a candidate to explain facts or circumstances around a particular record or other elements of their life. This would potentially be beneficial mitigating information to be considered by IEB.

Chair Judd-Stein asked if, in light of the conversation, the Commission should remove juvenile records from the IEB's consideration. Commissioner O'Brien, Commissioner Cameron, and Chair Judd-Stein support maintaining the status quo. Commissioner Zuniga would support

changing the regulation. Chair Judd-Stein said that at this point there is not consensus to vote for a regulatory change.

**02:19:16: Independent Directors Gaming Vendor Primary Status Update**

Senior Enforcement Counsel Katherine Hartigan presented a report concerning vendor suitability reviews for the chairs of audit and compliance committees. The IEB sought to determine whether changes should be made to the current practice of examining the suitability of the chairs of audit and compliance committees on a case-by-case basis. Specifically, the IEB asked 24 vendors a variety of questions and received varied responses. They also researched how other jurisdictions evaluate the chairs of audit and compliance committees. Based on the information the IEB received, it decided not to change its procedure in order to ensure a thorough suitability investigation.

Commissioner O'Brien asked Ms. Hartigan to expand on the different kinds of responses IEB received from vendors. Ms. Hartigan explained that they asked if the chairs were inside or outside directors and there was not a consensus on that question. They also asked if the chairs were subject to mandatory rotation and the answers varied widely. The manner in which chairs were regulated also varied.

Commissioner Cameron asked whether other factors were considered in determining whether the IEB should take a closer look at the vendor. Ms. Hartigan explained that IEB looks at what the vendor is doing in the jurisdiction in general and the reporting structure to the individual. She has found it to be an individualized inquiry depending on the size and location of the vendor.

Commissioner Zuniga said that he is comfortable with the approach IEB has taken and commended Ms. Hartigan on her research.

**02:29:42: Racing Division**

Director of Racing Dr. Alexandra Lightbown presented information regarding 2019 unpaid winnings. Patrons have a calendar year after they place a bet to cash it. The tracks then have 90 days from the end of 2020 to send unpaid winnings to the Commission. Pursuant to the memorandum Dr. Lightbown presented to the Commission, and which is included in the Commissioner's packet, she outlined the unclaimed winnings for calendar year 2019 as follows:

**2019 Plainridge Racecourse Unpaid Winnings**

In accordance with Massachusetts General Law Chapter 128A Section 5, Senior Financial Analyst Chad Bourque has reviewed the unclaimed winnings from calendar year 2019 at Plainridge Racecourse and determined that \$173,507.17 is payable to the Commonwealth of Massachusetts.

**2019 Suffolk Downs Unpaid Winnings**

In accordance with Massachusetts General Law Chapter 128A Section 5, Senior Financial Analyst Chad Bourque has reviewed the unclaimed winnings from calendar year 2019 at Sterling Suffolk Racecourse and determined that \$263,731.41 is payable to the Commonwealth of Massachusetts.

### **2019 Wonderland Park Unpaid Winnings**

In accordance with Massachusetts General Law Chapter 128A Section 5, Senior Financial Analyst Chad Bourque has reviewed the unclaimed winnings from calendar year 2019 for Wonderland Greyhound Park and determined that \$3,813.12 is payable to the Commonwealth of Massachusetts.

### **2019 Raynham Park Unpaid Winnings**

In accordance with Massachusetts General Law Chapter 128A Section 5, Senior Financial Analyst Chad Bourque has reviewed the unclaimed winnings from calendar year 2019 at Raynham/Taunton/Massasoit Greyhound Associations and determined that \$140,009.95 is payable to the Commonwealth of Massachusetts.

### **Authorization for CFAO to Pay Out Funds Once Approved by Commission**

*Commissioner Cameron moved that the Commission approve the unclaimed winning figures presented in Dr. Lightbown's memorandum included in the Commissioners' packet so that the respective licensees may deposit those funds with the Commission.*

*Commissioner O'Brien seconded the motion.*

*Roll Call Vote:*

*Commissioner Cameron: Aye.*

*Commissioner O'Brien: Aye.*

*Commissioner Zuniga: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously.*

Dr. Lightbown explained that, by statute, once the monies come from the tracks the Commission's financial division sends them back to the tracks to be distributed to different funds, including purse accounts and racing stabilization funds.

*Commissioner Cameron further moved that the Commission authorize the Commission's finance office to distribute those funds, upon deposit, to the respective purse account of the licensee that generated the unclaimed funds.*

*Commissioner Zuniga seconded the motion.*

*Roll Call Vote:*

*Commissioner Cameron: Aye.*

*Commissioner O'Brien: Aye.*

*Commissioner Zuniga: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously.*

**02:36:09: Executive Session**

The Chair initiated discussion as to whether the Commission would move into Executive Session to review minutes from previous executive sessions convened in accordance with G.L. c. 30A, §20(a)(3) in order for the Commission to discuss strategy with respect to litigation where such discussion at an open meeting may have had a detrimental effect on the Commission's litigating position. The public session of the Commission meeting will not reconvene at the conclusion of the executive session.

Commissioner O'Brien asked Mr. Grossman to confirm that it was appropriate to enter executive session for the sole reason of deliberating, reviewing, and potentially editing the minutes. Mr. Grossman responded that it was wholly appropriate as there is no other way to approve such minutes. Chair Judd-Stein added that there is a strategic component to such review.

*Commissioner Zuniga moved that the Commission move into Executive Session for the purposes described.*

*Commissioner Cameron seconded the motion.*

*Roll Call Vote:*

*Commissioner Cameron: Aye.*

*Commissioner O'Brien: Aye.*

*Commissioner Zuniga: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously.*

The Commission moved into Executive Session.

**List of Documents and Other Items Used**

1. Notice of Meeting and Agenda dated January 26, 2021.
2. Draft Commission Meeting Minutes of September 30, 2020
3. Draft Commission Meeting Minutes of October 1, 2020
4. Gaming Technical Compliance (GTC) Overview PowerPoint Presentation
5. Positive Play PowerPoint Presentation on Measuring Responsible Gambling in Massachusetts
6. Memorandum of Positive Play Initiative
7. Positive Play PowerPoint Presentation on Measuring Responsible Gambling in Massachusetts:  
Executive Summary
8. Regulation Review Checklist: 205 CMR 134.01, Key Gaming Employee Licensees
9. Amended Small Business Impact Statement
10. 205 CMR 134.01: Licensing and Registration of Employees, Vendors, Junket Enterprises and Representatives, and Labor Organizations: 134.01: Key Gaming Employee Licensees
11. Regulation Review Checklist: 205 CMR 134.02, Gaming Employee Licensees
12. Amended Small Business Impact Statement
13. 205 CMR 1434.00: Licensing and Registration of Employees, Vendors, Junket Enterprises and Representatives, and Labor Organizations: 134.02: Gaming Employee Licensees

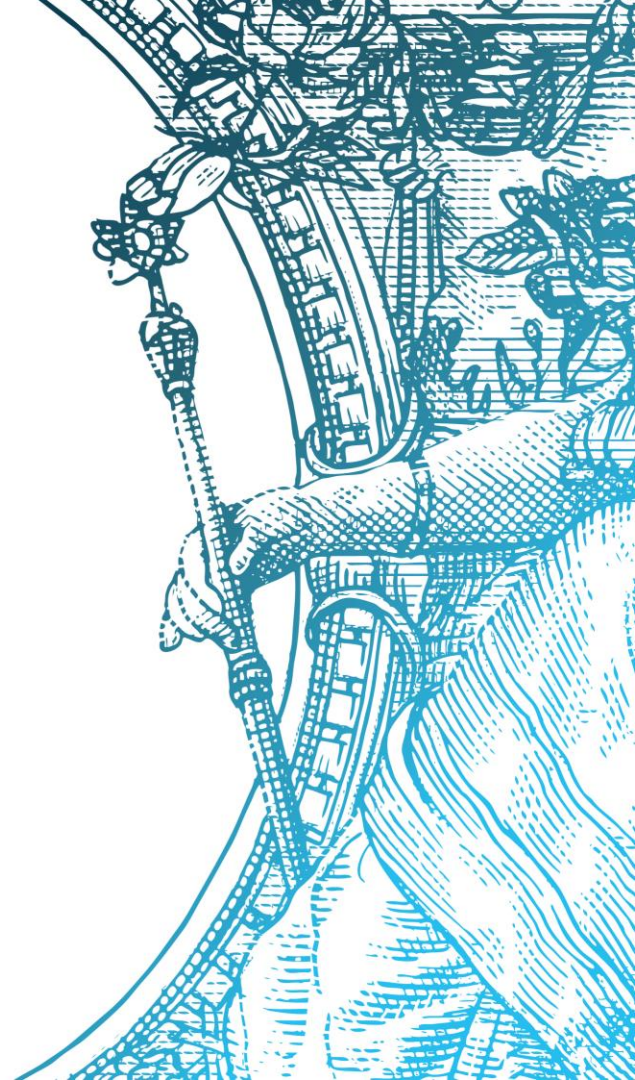


14. Memorandum of Recovery of 2019 Unclaimed Winnings from Plainridge Racecourse
15. Memorandum of Recovery of 2019 Unclaimed Winnings from Sterling Suffolk Racecourse
16. Memorandum of Recovery of 2019 Unclaimed Winnings from Wonderland Greyhound Park
17. Memorandum of Recovery of 2019 Unclaimed Winnings from Raynham/Taunton/Massasoit Greyhound Associations

# Q1 2021 Report

Massachusetts Gaming Commission

May 6, 2021



# REVENUE, TAXES, LOTTERY & COMPLIANCE



# Q1 2021 Gaming Revenue & Taxes

Month	Gaming Revenue	MA Taxes
January	\$14,498,459	\$3,624,615
February	\$16,893,706	\$4,223,427
March	\$22,063,599	\$5,515,900
<b>TOTAL</b>	<b>\$53,455,764</b>	<b>\$13,363,941</b>

# Lottery



Month	Lottery Sales at MGM Springfield
January	\$113,759
February	\$80,652
March	\$88,678

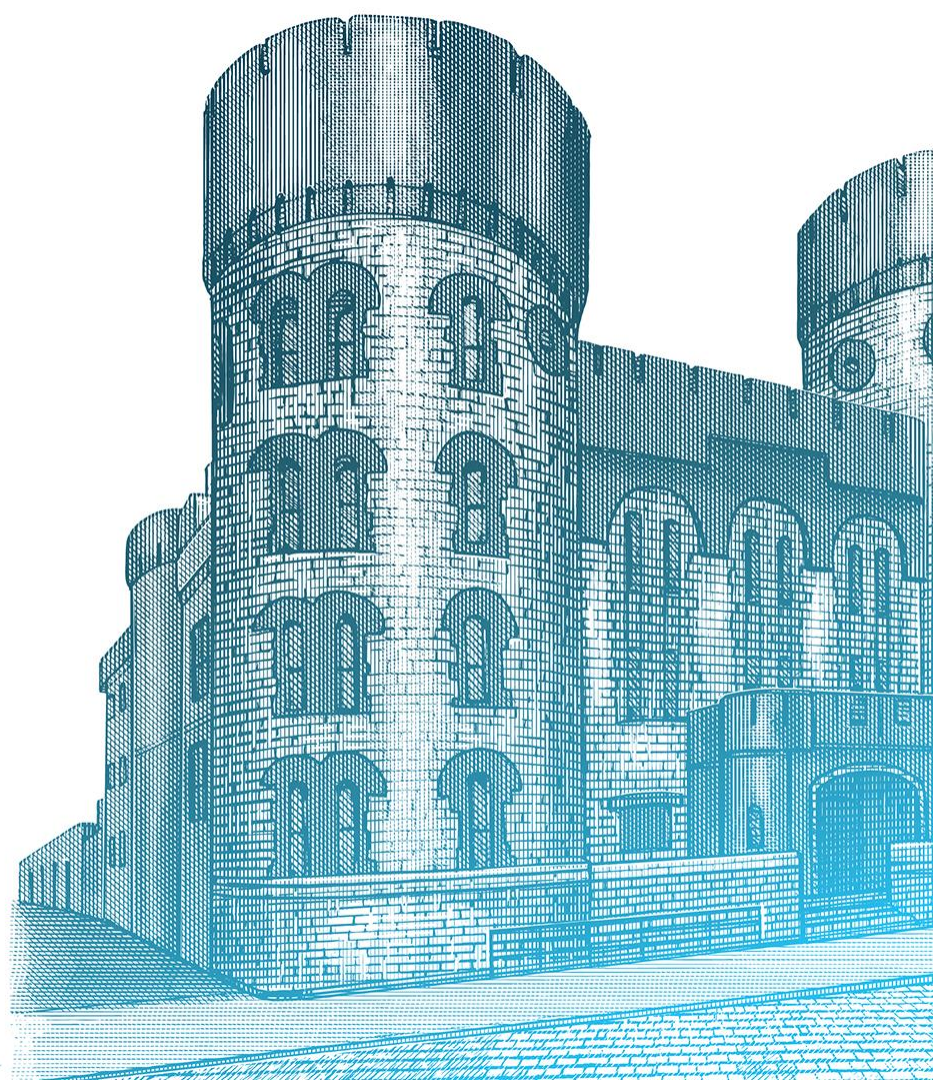


# Compliance

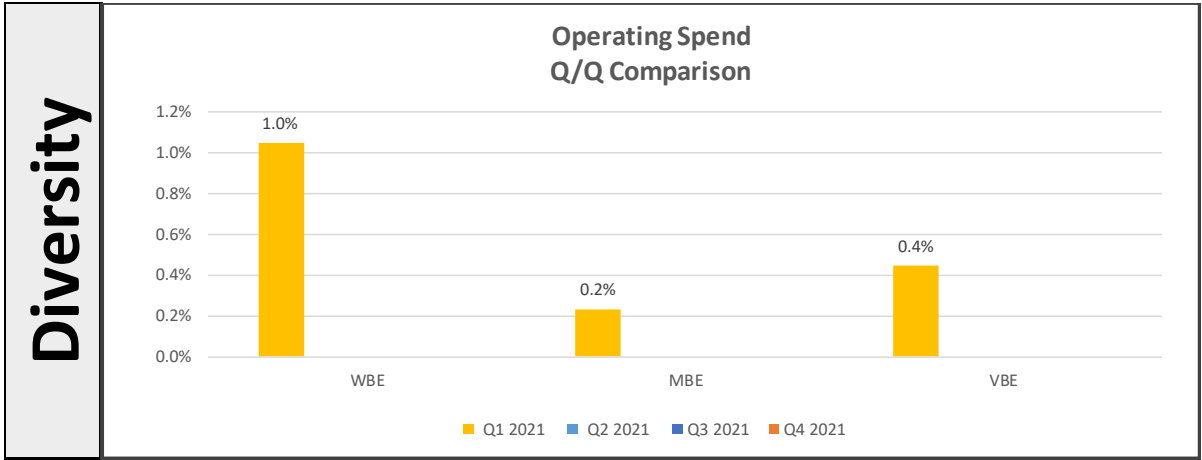


Month	Minors intercepted in Gaming Area and prevented from Gaming	Minors intercepted gaming	Minors intercepted consuming alcohol
January	4	1	0
February	2	0	0
March	0	0	0

# SPEND UPDATE



# Q1 2021 Operating Spend



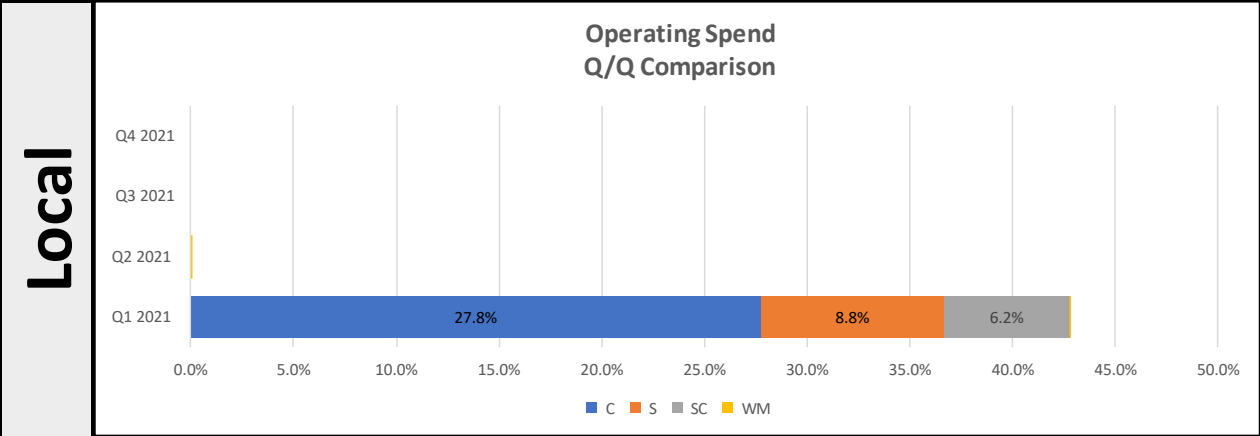
Notes:

- Total Biddable Spend for Q4 2021 was \$6.7M
- Diversity categories defined as:
  - WBE – Women-Owned Business Enterprise
  - MBE – Minority-Owned Business Enterprise
  - VBE – Veteran Owned Business Enterprise
- Diversity spend goals defined as:
  - WBE – 15% of Biddable Spend
  - MBE – 10% of Biddable Spend
  - VBE – 2% of Biddable Spend

**\$6.7M** identified in Biddable Spend  
**\$0.1M** in payments to Diversity Suppliers (2%)



# Q1 2021 Operating Spend



Notes:

- Total Spend for Q1 2021 was \$7.2M
- Spend segments defined as:
  - Commonwealth (C)
  - Springfield (S)
  - Surrounding Communities (SC)
  - Western Massachusetts (WM)

**\$3.1M** in payments to Mass. Suppliers (43%)

**\$1.1M** in payments to Western Mass (15%)



# EMPLOYMENT



# Employment Numbers

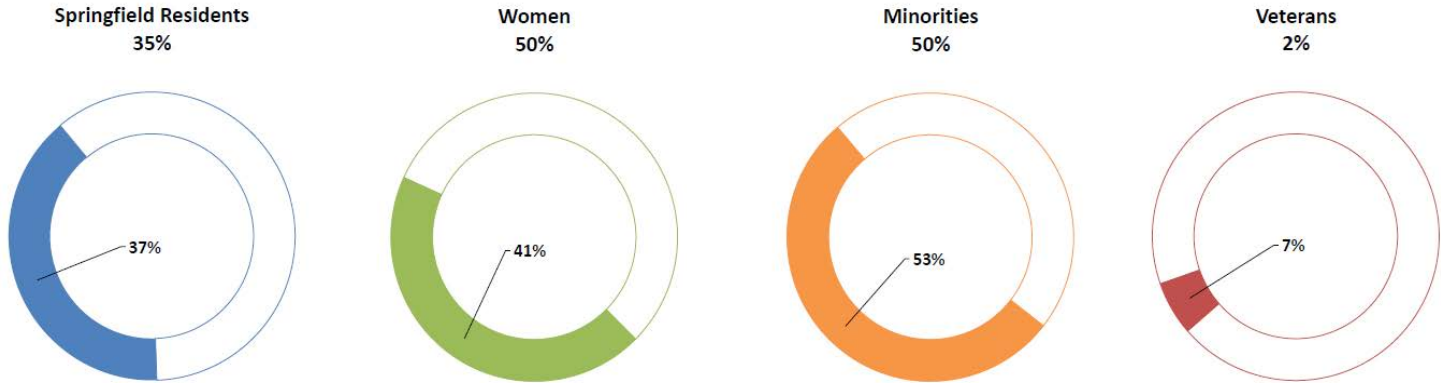
	Employees	Full-Time	Part-Time
Totals	973	777	196
% of Total	100%	80%	20%

Q1 2021	Goals	Q2 2020 %	Q2 2020 TOTAL # OF EMPLOYEES	Q3 2020 %	Q3 2020 TOTAL # OF EMPLOYEES	Q4 2020 %	Q4 2020 TOTAL # OF EMPLOYEES	Q1 2021 %	Q1 2021 TOTAL # OF EMPLOYEES
MINORITY	50%	53.4%	1,074	55.7%	507	53.9%	480	53%	517
VETERAN	2%	5.8%	116	7.0%	64	7.5%	67	7%	64
WOMEN	50%	44.3%	892	41.6%	379	41.9%	373	41%	402
LOCAL/HOST/SURROUNDING*	35%	40.1%	806	39.6%	361	37.5%	335	37%	360
WESTERN MA RESIDENTS		76.8%	1,546	74.5%	679	74.2%	661	74%	723
MA RESIDENTS		78.4%	1,577	76.0%	692	76.0%	677	76%	737
907									
TOTAL # OF GAMING ESTABLISHMENT EMPLOYEES			2,012		911		891		973*
FULL TIME			1,480		839		771		777
PART TIME			393		70		91		115
ON CALL			139		2		29		81

\* 119 are employees at the MassMutual Center and not on the Gaming Establishment

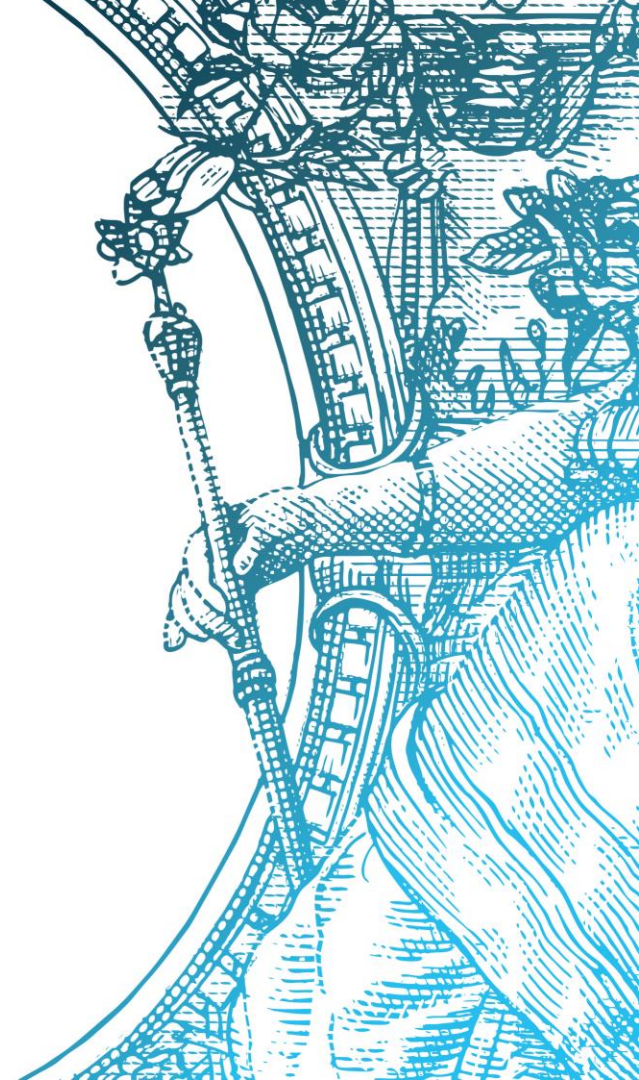


# Progress on Hiring Goals



Represents 973 active employees as of 3/31/2021 (Does not include Campus Tenants, Vendors)

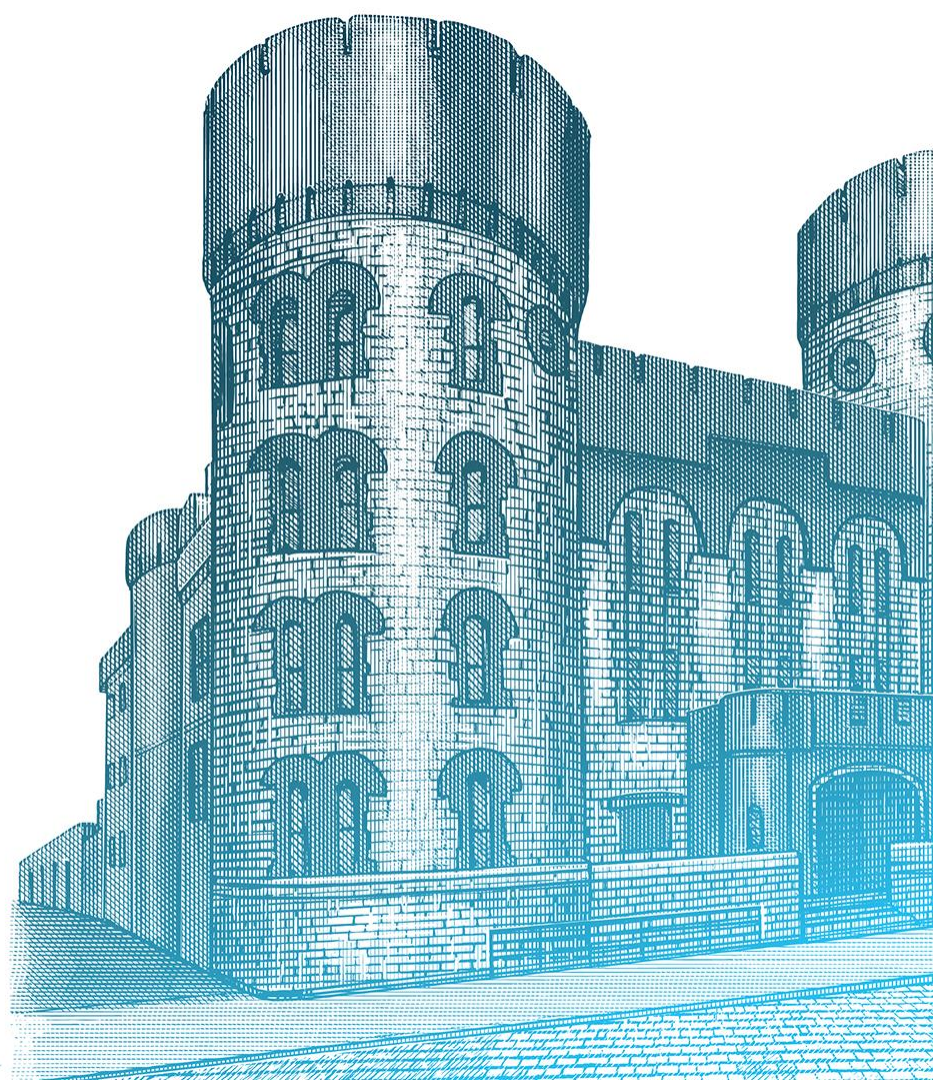
# COMMUNITY ENGAGEMENT



# Community Engagement



# FUTURE IMPACT



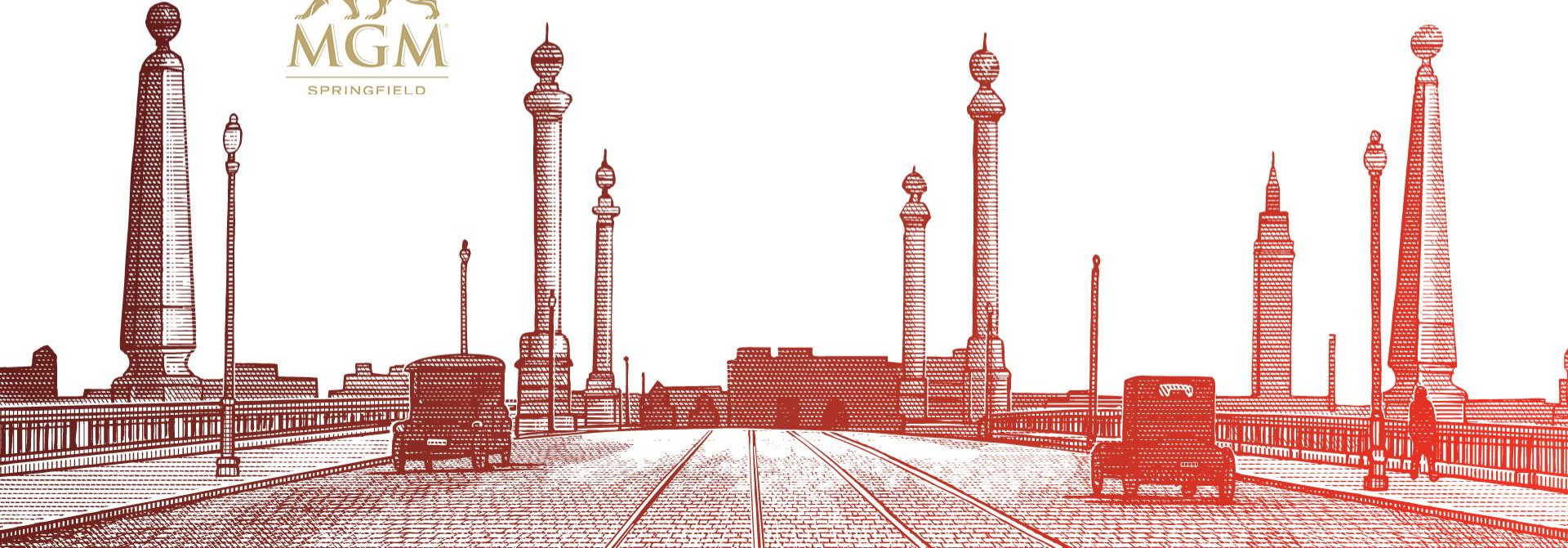
# Development Update



- **31 Elm** - Developer moving forward on construction drawings, pricing and bidding; Financial close expected in or before Q3 2021
- **Wahlburgers** – on track for May 2021 opening
- **Armory** – currently under evaluation based on phased lifting of COVID restrictions over next several months



THANK YOU





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April 30, 2021

***Via email: joseph.e.delaney@massgaming.gov***

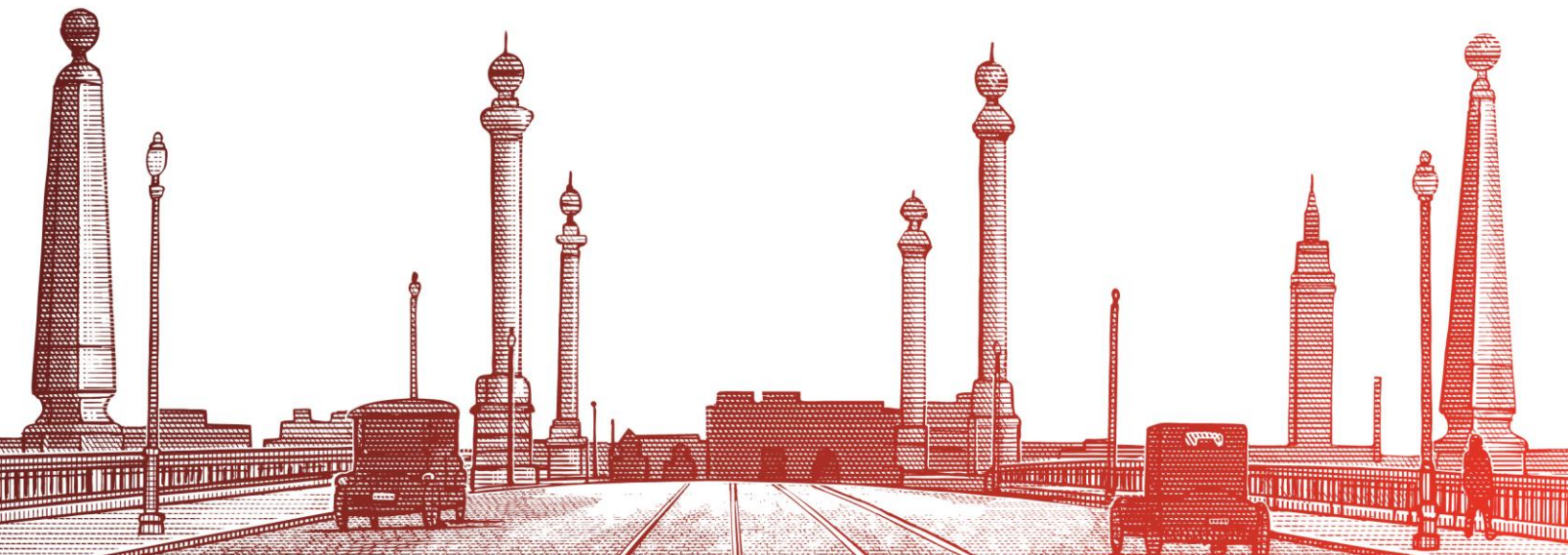
Massachusetts Gaming Commission  
101 Federal St, 12<sup>th</sup> Floor  
Boston, MA 02110

**Re: 2021 Q1 quarterly reporting under 205 CMR 139.06**

Dear Commissioners:

Please accept this report as fulfillment of the abovementioned regulatory requirement, for Blue Tarp reDevelopment, LLC dba MGM Springfield (“MGMS”).

For ease of reference, the body of this report follows the recently established template for quarterly reports to the Commission. At the end of this document, you will find the respective attestations of our President and Chief Financial Officer, as to the general financial health of the property and the content of this report.





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**1. GGR/Tax Revenue**

Quarterly Revenue					
Year	Month	GGR Table Games	GGR Slots	GGR Total	Taxes
2020	January	5,676,676	14,924,895	20,601,571	5,150,393
	February	5,457,429	16,398,785	21,856,214	5,464,054
	March	2,321,127	7,007,200	9,328,327	2,332,082
	Total	13,455,232	38,330,880	51,786,112	12,946,528
2021	January	1,867,185	12,631,274	14,498,459	3,624,615
	February	3,030,329	13,863,377	16,893,706	4,223,427
	March	3,999,768	18,063,831	22,063,599	5,515,900
	Total	8,897,282	44,558,482	53,455,764	13,363,941

Annual Revenue					
Year	Quarter	GGR Table Games	GGR Slots	GGR Total	Taxes
2020	Q1	13,455,232	38,330,880	51,786,112	12,946,528
	Q2	-	-	-	-
	Q3	9,704,017	37,081,419	46,785,436	11,696,359
	Q4	7,954,944	31,438,239	39,393,183	9,848,296
	Total	31,114,194	106,850,537	137,964,731	34,491,183
2021	Q1	8,897,282	44,558,482	53,455,764	13,363,941
	Q2	-	-	-	-
	Q3	-	-	-	-
	Q4	-	-	-	-
	Total	8,897,282	44,558,482	53,455,764	13,363,941



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## 2. Lottery Sales

Lottery Sales - Q1			
Year	Month	Lottery Sales	% Change from 2020
2020	January	173,344	-
	February	248,700	-
	March	62,127	-
	<b>Total</b>	<b>484,171</b>	<b>-</b>
2021	January	113,759	(34%)
	February	80,652	(68%)
	March	88,678	43%
	<b>Total</b>	<b>283,089</b>	<b>(42%)</b>

Annual Lottery Sales			
Year	Quarter	Lottery Sales	% Change from 2020
2020	Q1	484,171	-
	Q2	-	-
	Q3	288,394	-
	Q4	207,712	-
	<b>Total</b>	<b>1,575,904</b>	<b>-</b>
2021	Q1	283,089	(42%)
	Q2	-	0%
	Q3	-	(100%)
	Q4	-	(100%)
	<b>Total (to date)</b>	<b>283,089</b>	<b>(71%)</b>



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### 3. Workforce

2021/Q1	Goals	Q2 2020 %	Q2 2020 Total # of Employees	Q3 2020 %	Q3 2020 Total # of Employees	Q4 2020 %	Q4 2020 Total # of Employees	Q1 2021 %	Q1 2021 Total # of Employees
Minority	50%	53%	1,074	56%	507	54%	480	53%	517
Veteran	2%	6%	116	7%	64	7%	67	7%	64
Women	50%	44%	892	42%	379	42%	373	41%	402
<b>Resident Breakdown</b>									
Springfield Residents	35%	40%	806	40%	361	38%	335	37%	360
Western MA Residents	-	-	1,546	-	679	-	661	-	723
MA Residents	-	-	1,577	-	692	-	677	-	737
<b>Total # Of Gaming Establishment Employees*</b>									
			2,012		911		891		973
Full Time			1,480		839		771		777
Part Time			393		70		91		115
On Call			139		2		29		81

\*Includes MGM Springfield team members employed at the MassMutual Center.

2021/Q1	Minority	Women	Veterans	Total Headcount
<b>ALL EMPLOYEES</b>				
Number of Employees	517	402	64	973
% Actual	53%	41%	7%	100%
<b>MANAGER AND ABOVE</b>				
Number of Employees	45	38	7	110
% Actual	41%	35%	6%	100%
<b>SUPERVISORS AND ABOVE</b>				
Number of Employees	66	79	11	174
% Actual	38%	45%	6%	100%



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Additional information regarding employees of tenants/retail/vendors within the gaming establishment

Total # of Indirect Employees (of vendors/retail)	21
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**4. Goods and Services**

2021/Q4	Goals	Q1 %	Q1 \$	Q2 %	Q2 \$	Q3 %	Q3 \$	Q4 %	Q4 \$
MBE VENDOR SPEND	10%	0%	14,551	0%	-	0%	-	0%	-
VBE VENDOR SPEND	2%	0%	27,847	0%	-	0%	-	0%	-
WBE VENDOR SPEND	15%	0%	65,668	0%	-	0%	-	0%	-
TOTAL DIVERSE SPEND	27%	2%	108,066	0%	-	0%	-	0%	-
<b>LOCAL * VENDOR SPEND</b>									
LOCAL * VENDOR SPEND	\$50M	15%	1,074,688	0%	-	0%	-	0%	-
MA VENDOR SPEND	-	43%	3,067,205	0%	-	0%	-	0%	-
ADDITIONAL SPEND COMMITMENTS**	-	0%	-	0%	-	0%	-	0%	-
<b>TOTAL SPEND</b>									
TOTAL SPEND	-	100%	7,161,678	0%	-	0%	-	0%	-

\*Local Vendor Spend includes Springfield, Surrounding Communities and Western Massachusetts.

**5. Local Spend**

Total Local* Spend Year over Year		
Quarter	2020	2021
1	5,050,148	1,074,688
2	894,493	-
3	4,551,542	-
4	3,220,674	-
Total \$	13,716,857	1,074,688

Total MA Spend Year over Year		
Quarter	2020	2021
1	7,298,350	3,067,205
2	1,000,231	-
3	5,505,405	-
4	3,569,952	-
Total \$	17,373,938	3,067,205

Total Diverse Vendor Spend Year over Year		
Quarter	2020	2021
1	1,340,339	108,066
2	67,249	-
3	503,993	-
4	298,318	-
Total \$	2,209,899	108,066

\*Local Vendor Spend includes Springfield, Surrounding Communities and Western Massachusetts.



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**6. Capital Expenditures**

<b>Project Name</b>	<b>Total Project Expense in Millions*</b>
Sportsbook	\$0.8
Slot Units	0.2
Facility Re-Opening	0.1
Misc. Improvements	0.0
<b>Total</b>	<b>\$1.2</b>

*\*Numbers from Q1 2021*

**7. Gaming Floor Compliance**

<b>Month</b>	<b>Minors intercepted in Gaming Area and prevented from Gaming</b>	<b>Minors intercepted gaming</b>	<b>Minors intercepted consuming alcohol</b>
January	4	1	0
February	2	0	0
March	0	0	0



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## **8. *Site Specific Reporting***

The Armory will remain a multi-function space, but due to the impacts of COVID-19 and the continued phased reopening of the Commonwealth, there are no plans to use the facility in the near future.

The 31 Elm project has undergone a major first step in renovation with necessary remediation, structural improvements and demolition having been completed by the City and its contractors. This part of the project has made the facility safe for continued presence of construction employees and allowing for full access of the building, to complete next phases of construction and remodeling. The Developer is presently proceeding with construction plans and drawings, pricing and bidding. Financial close is now expected in or before Q3 2021.

## **9. *Promotions/Marketing***

MGM Springfield has revisited some of its promotional offerings with Health and Safety of Guests at the forefront of each event. Since our last report for Q4 of 2020, there have been no significant changes, or additional promotional events, just enhancements to increase the safe and healthy conducting of same.

## **10. *Special Events***

Due to necessary COVID-19 restrictions, no special events, conferences, concerts or other entertainment events have occurred since reopening.

## **11. *Certifications under 205 CMR 139.06***

- a. In Q1 of 2021, MGMS maintained a gaming bankroll or equivalent provisions adequate to pay winning wagers to gaming patrons when due. MGMS was also capable of maintaining a similar bankroll in the following quarter, but due to a gaming establishment closure, as a result of the unprecedented Covid-19 pandemic, the same was removed from the property for safeguarding until reopening.
- b. In Q1 MGMS paid and had the ability to pay when due all local, state and federal taxes, including the tax on gross gaming revenues imposed by M.G.L. c. 23K, § 55 and any fees imposed under M.G.L. c. 23K or 205 CMR.
- c. MGMS has the ability to make annual capital expenditures to its gaming establishment in a minimum aggregate amount equal to 3.5% of the net gaming revenues derived from the establishment or in accordance with a multi-year capital expenditure plan approved by the commission pursuant to M.G.L. c. 23K, § 21(a)(4) and 205 CMR 139.09.
- d. MGMS's to ability to pay, exchange, refinance or extend debts, including long-term and short-term principal and interest and capital lease obligations, which will mature or otherwise come due and payable during the license term, or to





MGM SPRINGFIELD  
ONE MGM WAY  
SPRINGFIELD, MA 01103

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otherwise manage such debts and any default with respect to such debts, is handled at a corporate level, through MGMS's parent company, MGM Resorts International. This information is available publicly, through MGM Resorts International's quarterly SEC filings.

I attest that, to the best of my knowledge and belief, all information in the above referenced and hereto attached is accurate and complete.

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Name: Ed Domingo  
Title: SVP CFO  
Date: April 30, 2021

---

Name: Christopher Kelley  
Title: President and COO  
Date: April 30, 2021



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## MEMORANDUM

**TO:** Chair Judd-Stein and Commissioners Cameron, O'Brien, and Zuniga  
**FROM:** Nakisha Skinner, Licensing Division Chief  
**DATE:** April 29, 2021  
**RE:** Gaming Service Employee (SER) Exemption Request: MGM Springfield

---

### SUMMARY

The following request for a registration exemption at MGM Springfield is being presented to the Commission for consideration and approval. The position will be employed by MGM Springfield, a Category 1 Casino Licensee.

VENDOR EMPLOYEE POSITION			
Job Profile Number	Position	Department	Property Access Level
10736	Graphics Designer II	Administration/ Marketing	N <sup>1</sup>

The Licensing Division worked with MGM Springfield in developing this recommendation and supports the exemption. This position works with the Creative management team and is responsible for a variety of duties involving the design of newsletters, articles, posters, brochures, and video filming and editing.

### BACKGROUND

On November 2, 2017 Governor Baker signed a statutory amendment which granted the Massachusetts Gaming Commission the authority to exempt certain "Gaming Service Employee" level job positions from the mandatory registration process. At the January 18, 2018 meeting, the Massachusetts Gaming Commission provided staff with a process for considering any potential exemptions. Additionally, the Commission endorsed the following factors for consideration when making exemption determinations:

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<sup>1</sup> Access level "N" is described as: "No access to secure casino back-of-house without security escort."



- Work performed on the gaming floor
- Managerial responsibilities in any department
- Supervisory responsibilities in Human Resources, Sales and Marketing
- Responsibilities for alcohol sales, distribution, service, and/or storage
- Access to secure casino back-of-the house areas (including executive offices) without security escort
- Responsibilities for accounting and/or finance relating to the gaming establishment
- "Write" access to gaming-related casino databases
- Responsibilities that potentially impact the integrity of gaming operations, including access to confidential or sensitive information



Massachusetts Gaming Commission



## MASSACHUSETTS GAMING COMMISSION

### IDENTIFICATION OF POTENTIAL POSITIONS FOR EXEMPTION FROM THE REGISTRATION REQUIREMENT BY THE MGC

The Massachusetts Gaming Commission may exempt a job position from categorization as a gaming service employee. See G.L. c. 6, § 172(o); 205 CMR 134.03(4).

**GAMING LICENSEE:** \_\_\_\_\_

**JOB POSITON (AND UNIQUE JOB CODE):** \_\_\_\_\_

**JOB DESCRIPTION**

**EFFECTIVE DATE OF JOB DESCRIPTION:**

*(The Licensee shall immediately notify the Bureau of changes to any job description for an exempted position.)*

*(Continue to Page 2)*

## GAMING LICENSEE CERTIFICATION

The Commission considers the following non-exhaustive list of factors when determining whether or not to exempt a job position. Please indicate information about each factor for the position that has been identified as potentially eligible for exemption.

**JOB POSITON (AND UNIQUE JOB CODE):** \_\_\_\_\_

FACTOR	DESCRIPTION / EXPLANATION
Work performed on gaming floor	
Managerial responsibilities in any department	
Supervisory responsibilities in Human Resources or Sales and Marketing	
Responsibilities for alcohol sales, distribution, service, and/or storage	
Access to secure casino back-of-the house areas (including executive offices) without security escort	
Responsibilities for accounting and/or finance relating to the gaming establishment	
“Write” access to gaming-related casino databases	
Responsibilities that potentially impact the integrity of gaming operations, including access to confidential or sensitive information	
Other (please set forth other relevant information for exemption consideration)	

*(Continue to Page 3)*

JOB POSITON (AND UNIQUE JOB CODE): Graphics Designer II - 10736

The undersigned states that the information herein is true and accurate.

  
Signature

/ Jason Randall  
/ Printed Name

03/26/2021  
Date

<b>Job Profile #:</b>	10736	<b>Grade:</b>	9
<b>Job Profile Title:</b>	Graphics Designer II	<b>FLSA Status:</b>	Non-exempt
<b>Business Title:</b>	Senior Designer - Graphic Arts	<b>Uniform Requirement (Yes/No):</b>	

Become one of the stars behind The SHOW and become part of the world's most powerful entertainment brands. Our Company has one exciting mission: **To entertain the human race.**

**PRIMARY PURPOSE:**

The Graphic Designer is responsible for a variety of duties involving: the designing of newsletters, articles, posters, brochures, video filming and editing, and other support services. You will also set the stage for guest experience with your welcoming smile and service. By understanding their unique stories and needs, you will own their experience to create **WOW** memories they will carry with them far and beyond their stay with us.

**PRINCIPAL DUTIES AND RESPONSIBILITIES:**

- Plan, design and create complex campaigns and high profile jobs from concept to completion; work with Creative management to ensure that designs meet corporate and client expectations, are within property budgets and deadlines are met
- Assist Creative management with flow of daily workload and resolution of design, timeline or production issues
- Provide creative supervision to Designers and Artists; anticipate and solve creative problems
- Assure that property's design needs are met and that property brand standards are maintained
- Communicate project status, timelines and delivery information to clients and internal teams
- Interface with internal departments, clients and vendors to resolve issues
- Train and educate employees on design techniques and print capabilities
- Stay current in design trends and styles in various media
- Generate high quality comps for presentation or review
- Perform other job-related duties as assigned

**SUPERVISION:**

None

**MINIMUM REQUIREMENTS:**

- High school diploma or equivalent
- Two (2) years of experience in design in an agency, in-house or freelance
- Work varied shifts, to include weekends and holidays

**PREFERRED:**

- Associate or Bachelor degree in art or graphic design
- Experience working in a similar resort setting

**CERTIFICATIONS, LICENSES, REGISTRATIONS:****KNOWLEDGE, SKILLS, AND ABILITIES:**

- Must be proficient in Photoshop
- Advanced understanding of composition, layout, color theory and typography
- Able to effectively communicate in English, in both written and verbal forms
- Ability to multi-task and work well in a fast paced, team-oriented environment



- Excellent organizational skills to function effectively under time constraints and within established deadlines, with particular attention to detail
- Excellent customer service skills and interpersonal skills to effectively communicate with all business contacts

**WORKING CONDITIONS:**

- Regular scheduled hours: Monday - Friday, 9:00 AM to 5:00 PM
- Must be able to work a flexible schedule including weekends and holidays

\*This is not intended to include every duty or responsibility of the job nor is it intended to be an all-inclusive list of the skills and abilities required to do this job.

This position may require strenuous physical activities and exposure to pipe, cigar and/or cigarette smoking. An ability to work a flexible schedule, including extended hours, weekends and holidays may also be required.

If you are an individual with a disability and need a reasonable accommodation for any part of the application process, or to perform the essential functions of a position, please click the following link: <http://www.mgmresortscareers.com/careers/contact-us.aspx>

We are an Equal Opportunity Employer. We are also committed to protecting the privacy of visitors to our employment application site, including the protection of any personal information provided to us. For more information about MGM Resorts International, including our privacy policy and commitment to diversity and inclusion, please visit <http://www.mgmresortscareers.com/>.





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

FROM: Nakisha Skinner, Chief of Licensing Division

DATE: April 29, 2021

RE: Gaming Beverage License Amendment Application: MGM Springfield

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### Summary of Gaming Beverage License Amendment Request

The attached Gaming Beverage License Amendment Application from Blue Tarp redevelopment, LLC dba MGM Springfield is being presented to the Commission for consideration and approval. The proposed new licensed area is Wahlburgers Restaurant located in a stand-alone building on MGM Springfield property. The application contains all the elements as required by 205 CMR 136.04(2). Wahlburgers Restaurant is a registered non-gaming vendor and, if the Commission approves the amendment, is a jointly responsible party for purposes of the MGM Springfield gaming beverage license.

### Conclusion & Recommendation

Under 205 CMR 136.03 the Licensing Division is responsible for forwarding the completed application to the Commission (see attached application, with floorplan), with a recommendation regarding approval. The Gaming Agents Division has inspected the secure nature of the proposed area where alcoholic beverages will be stored, i.e. in the office area and, at the bar area, the beer coolers have locks with additional locked storage behind the bar area. In addition, the Gaming Agents Division has confirmed the adequacy of the surveillance coverage of the affected areas. Accordingly, **the Licensing Division recommends that the Commission approve this amendment request.**



Massachusetts Gaming Commission



# GAMING BEVERAGE LICENSE AMENDMENT APPLICATION FORM

## REASON FOR FILING AMENDMENT REQUEST

### NAME OF GAMING LICENSEE

Blue Tarp reDevelopment, LLC dba MGM Springfield

### ADDRESS OF GAMING ESTABLISHMENT

One MGM Way Springfield, MA 01103

### NAME OF CONTACT INDIVIDUAL FOR PURPOSES OF THE PROCESS

Daniel Miller, Compliance Director

### CONTACT INDIVIDUAL TELEPHONE NUMBER AND EMAIL ADDRESS

413-557-8143, dmiller@mgmspringfield.com

### NAME OF LICENSED AREA YOU ARE REQUESTING TO AMEND

Wahlburgers Restaurant

### REASON FOR FILING AMENDMENT REQUEST (PLEASE CHECK THE APPLICABLE BOX)

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> NEW LICENSED AREA          | <input type="checkbox"/> DESCRIPTION OF LICENSED AREA |
| <input type="checkbox"/> CHANGE IN CAPACITY                    | <input type="checkbox"/> ALCOHOL STORAGE              |
| <input checked="" type="checkbox"/> JOINTLY RESPONSIBLE PERSON | <input type="checkbox"/> CHANGE OF HOURS              |

## FEE

The fee for an application to amend a gaming beverage license is \$100.00

## LICENSED AREAS

A licensed area is a specific, limited and defined space within a gaming establishment wherein the sale, distribution, or storage of alcoholic beverages to be drunk on the premises is permitted pursuant to a gaming beverage license. A licensed area amendment application must be submitted for each area of the gaming establishment that the gaming licensee desires to have designated as a licensed area and/or storage area.

A floor plan of the gaming establishment indicating the location of each licensed area identified below, and a diagram of each licensed area, must accompany the submission of this amendment application. If alcoholic beverages will be stored outside of a licensed area, storage areas must be identified on the floor plan.

**IMPORTANT INFORMATION**

The Massachusetts Public Records Law (Law), <http://www.sec.state.ma.us/pre/preidx.htm> found in Chapter 66, Section 10 of the Massachusetts General Laws, applies to records made or received by a Massachusetts governmental entity. Unless the requested records fall under an exemption to the Law, the responsive documents must be made available to the requester. A list of exemptions may be found in Chapter 4, Section 7(26) of the Massachusetts General Laws.

**LICENSED AREA**

**NAME OF LICENSED AREA**

Wahlburgers Springfield, LLC

**DESCRIPTION OF AMENDED LICENSED AREA**

DESCRIPTION OF THE AMENDED LICENSED AREA INCLUDING BUT NOT LIMITED TO: BUSINESS CONCEPT, DESCRIPTION OF AREA INCLUDING WHETHER THE AREA IS CLOSED OR OPEN SPACE, NUMBER AND LOCATION OF ALCOHOLIC BEVERAGE DISPENSING AREAS, AND PLACEMENT OF EXITS.

(NOTE: A FLOOR PLAN OF THE LICENSED AREA DEPICTING THESE INDIVIDUAL ELEMENTS SHALL BE ATTACHED).

**NUMBER AND/OR COLOR OF AREA ON FLOOR PLAN:**

[Empty input box]

Floor plan attached. A full-service Wahlburgers-branded restaurant featuring indoor and patio service areas, as well as a bar service area.

Restaurant is a closed, stand-alone building.

During regular operation, alcoholic beverages will be dispensed to patrons from the bar area shown on the floor plan and delivered to tables when ordered through a server.

While Covid restrictions remain in place, Alcohol will only be available to seated guests with prepared food and all other operations will be conducted in accordance with the State and Commission guidelines.

There are three exits in total – (2) for the public (one at front, one at side), as well as 1 additional exit in the rear of the building in the kitchen area.

**HOURS OF OPERATION**

Sunday–Thursday: 11:00 AM to 10:00 PM;  
Friday–Saturday: 11:00 AM to 11:00 PM

**CAPACITY OF LICENSE AREA**

130

**WILL YOU PROVIDE BOTTLE SERVICE?** YES  NO  IF YES, PLEASE ELABORATE

**ALCOHOL STORAGE**

DESCRIBE THE MANNER IN WHICH ALCOHOLIC BEVERAGES WILL BE STORED AND SECURED WHEN LICENSED AREA IS NOT IN USE. (IF STORAGE AREA IS OUTSIDE OF LICENSED AREA, THIS STORAGE AREA SHALL BE DEPICTED ON THE FLOOR PLAN).

The restaurant has locked liquor storage in the office area. At the bar area, the beer coolers have locks, and there is additional storage behind the bar area. The restaurant is a closed, stand-alone building that is secured nightly.

**NAME AND EMPLOYEE LICENSE/REGISTRATION NUMBER OF MANAGER OF LICENSED AREA**

Mark McElkerney, Sr. Manager of Corporate Operations, MGC License # ASER20-0768

**JOINTLY RESPONSIBLE PERSON**

IDENTIFY THE JOINTLY RESPONSIBLE PERSON (IF ANY) FOR THE LICENSED AREA BY NAME, CONTACT INFORMATION, VENDOR LICENSE OR REGISTRATION NUMBER, AND ATTACH EVIDENCE THAT THE LICENSEE MAINTAINS AUTHORITY OVER THE JOINTLY RESPONSIBLE PERSON.

Wahlburgers Springfield, LLC, NGV- 002957, 350 Lincoln St Ste 2501 Hingham, MA 02043, 781-749-4972. Licensee maintains authority of the license, through a Lease Agreement by and between Licensee ("Landlord") and Jointly Responsible Person ("Tenant") dated September 13, 2019, as amended by a First Amendment to Lease dated February 23, 2021, which remains in full force and effect.

**ATTESTATION**

I Daniel Miller, hereby affirm under the pains and penalties of perjury that the information contained in this application, including all attachments, is true and accurate to the best of my knowledge and understanding.



Signature

Daniel Miller

Print Name

Compliance Director

Title

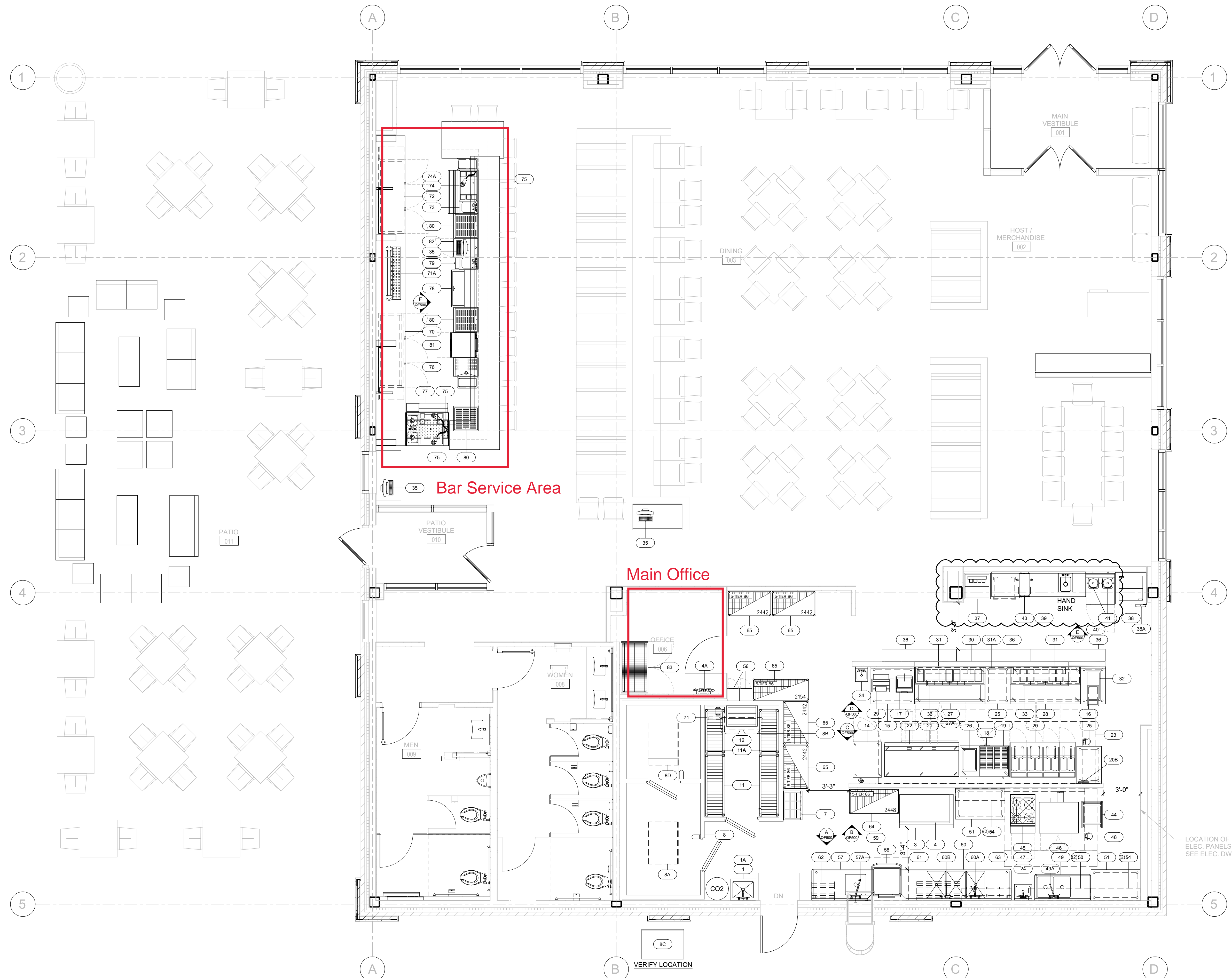
3/29/2021

Date

This document contains confidential information, is an instrument of a professional service, and the property of TriMark. It shall not be used on other projects or for the extension of this project without TriMark's written approval.

Owner and all Contractors to check and verify existing dimensions and conditions in the field before starting construction and to notify TriMark of any material or detail changes.

REVISIONS			
DATE	BY	NO.	DESCRIPTION
11/6/19	CMB	-	MECHANICALS
11/15/19	CMB	A	ADDENDUM A
11/25/19	CMB	-	ADD CO2 TANK
12/20/19	CMB	B	ADDENDUM 1
01/06/20	CMB	C	BEV COUNTER



**FOODSERVICE EQUIPMENT LAYOUT**  
 SCALE: 1/4" = 1' - 0"

**WAHLBURGERS**  
 1028 MAIN STREET  
 SPRINGFIELD, MA 01103  
 Foodservice Equipment Drawings

PROJECT NUMBER:	19-278
DATE:	08-22-2019
SCALE:	1/4" = 1'-0"
DRAWN BY:	CMB
APPROVED BY:	KH

SHEET TITLE:  
**FOODSERVICE EQUIPMENT PLAN**

SHEET NUMBER:  
**QF100**



*Division of Racing*

## **MEMORANDUM**

<b>TO:</b>	Massachusetts Gaming Commission
<b>FROM:</b>	Chad Bourque, Financial Analyst
<b>SUBJECT:</b>	Local Aid Quarterly Distribution for Q1 CY 2021
<b>DATE:</b>	April 23, 2021

In accordance with the Commonwealth of Massachusetts Budget and appropriation 1050-0140, local aid is payable to each city and town within which racing activities are conducted. Amounts are computed at .35 percent times amounts wagered during the quarter ended six months prior to the payment.

- |                      |              |
|----------------------|--------------|
| • City of Boston     | \$183,621.23 |
| • Town of Plainville | \$41,133.46  |
| • Town of Raynham    | \$23,059.09  |
| • City of Revere     | \$91,809.24  |

Total local aid quarterly payment   March 31, 2021	\$339,623.02
--	--------------

With the Commission's authorization payments will be made to the appropriate cities and towns.

Encl. localaid\_q1\_cy\_2021

Cdb



Massachusetts Gaming Commission

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

Computation of Local Aid Distributions Quarter End 03/31/2021

	<u>July, Aug, Sep</u>	<u>Local Aid .0035</u>	<u>Payable to City / Town</u>
Plainridge	4,334,898		
Exports	6,027,117		
Hollywood Bets	<u>1,390,401</u>		
Total	11,752,416	\$41,133.46	Plainville
Raynham	6,588,312	\$23,059.09	Raynham
Suffolk Downs	5,460,164		
TVG	40,053,495		
Twin Spires	15,378,061		
Xpress Bets	7,465,290		
NYRA Bets	<u>10,245,656</u>		
Total	78,602,666	\$275,109.33	Boston 2/3   Revere 1/3
Wonderland	91,755	\$321.14	
Grand Total	<u><u>97,035,149</u></u>	<u>\$339,623.02</u>	

Distributions:		
Town of Plainville	On Plainridge	\$41,133.46
Town of Raynham	On Raynham	\$23,059.09
City of Boston (line 1)	On Suffolk	\$183,407.14
City of Revere (line 1)	On Suffolk	\$91,702.19
City of Boston (line 2)	On Wonderland	\$214.10
City of Revere (line 2)	On Wonderland	\$107.05
Total		<u>\$339,623.02</u>
Payments should be made to the above communities for the amounts indicated.		



Massachusetts Gaming Commission

Q3 2020 HANDLES	JULY	AUG	SEPT	TOTALS
PLAINRIDGE	1,330,792	1,529,420	1,474,686	4,334,898
EXPORTS	1,861,184	2,128,597	2,037,335	6,027,117
WINLINE	511,620	479,224	399,557	1,390,401
TOTALS	3,703,596	4,137,241	3,911,579	11,752,416
RAYNHAM	1,524,743.00	2,481,885.80	2,581,683.30	6,588,312
SUFFOLK	900,962.40	2,260,589.40	2,298,612.20	5,460,164
TVG	14,380,783.65	13,657,926.00	12,014,784.90	40,053,495
TWS	5,173,199.30	5,235,416.10	4,969,445.40	15,378,061
XPRESS BETS	2,803,407.44	2,658,258.99	2,003,624.02	7,465,290
NYRA	3,349,741.80	3,843,597.90	3,052,316.40	10,245,656
TOTALS	26,608,095	27,655,788	24,338,783	78,602,666
WONDERLAND	16,328.90	33,895.20	41,530.50	91,755
<b>TOTALS</b>	<b>31,852,763</b>	<b>34,308,811</b>	<b>30,873,576</b>	<b>97,035,149</b>

Amounts are computed at .35 percent times amounts wagered during the quarter ended six months prior to the payment.



Massachusetts Gaming Commission





## MASSACHUSETTS GAMING COMMISSION

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### MEMORANDUM

**To:** Chair Judd-Stein and Commissioners Cameron, O'Brien, and Zuniga  
**From:** Karen Wells, Executive Director and Derek Lennon, CFAO  
**Date:** 5/6/2021  
**Re:** Fiscal Year 2021 (FY21) Third Budget Update

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#### Summary:

The Massachusetts Gaming Commission approved an FY21 budget for the Gaming Control Fund of \$32.42M, composed of: \$26.9M in regulatory costs and \$5.52M in statutorily required costs. In addition, the entire Research and Responsible Gaming budget is funded from the Public Health Trust Fund (PHTF), at an additional \$4.62M. The Gaming Control Fund required an initial assessment of \$29.67M on licensees. After balance forwards from FY20, and two quarterly budget updates, the assessment was reduced to \$27.61M. The Commission approved an additional \$5M assessment for the PHTF (\$3.75M to be billed beginning in September, with a final assessment of \$1.25M in June of 2021).

This quarterly update, the finance office is recommending a net increase to the Gaming Control Fund of \$118.95K in spending, which is offset by \$131.65K in net revenue increases. The impact of these recommendations does not require any additional assessment on licensees.

#### Gaming Control Fund Spending and Revenue Update:

After three quarters of spending activity, we are making the following adjustments in the MGC's budget:

- Decrease Gaming Enforcement Unit's budget by \$375K. This is the result of many positions in the GEU not being filled, as well as OT being less than pre-pandemic levels.
- Decrease contract employee budget by \$100K. Due to the reduction in regulatory responsibilities during the pandemic we have realized a savings in contract employee spending.
- Targeted reversion of \$100K from AGO's budget. The AGO's spending is slightly lagging, so we are projecting a reversion of \$100K.
- Increase Independent Monitor budget by \$424K for invoices paid between 1/1/21 and 3/31/21. This item is revenue neutral as Encore Boston Harbor is responsible for reimbursing the Commission for these costs.
- Increase to IT budget by \$250K. This increase is necessary to help with the transition to the cloud as well as provide resources for positions that have been vacant/vacated and have not been filled.
- Increase of \$19.9K to indirect budget. The net increase to the MGC regulatory budget is \$199K, therefore, indirect costs payable to the Commonwealth on that increase is 10%.



Massachusetts Gaming Commission

The table below summarizes the impact of the increases and decreases by object class to the MGC spending side of the budget.

Object Class	Description	Amount
CC	Contract Employees	\$ (100,000.00)
HH	Independent Monitor Bills Paid 1/1-3/31	\$ 424,045.00
JJ	Gaming Enforcement Unit	\$ (375,000.00)
UU	Cloud Migration and Contractor Assistance	\$ 250,000.00
Subtotal MGC Regulatory		\$ 199,045.00
EE	Indirect (10% AA, CC, HH, JJ and UU)	\$ 19,904.50
AGO	Anticipated Reversion	\$ (100,000.00)
<b>Total</b>		<b>\$ 118,949.50</b>

The FY21 Budget for the Gaming Control Fund relies on fees from licensing and slot machines, and an assessment to maintain regulatory oversight of the gaming operations. We are increasing third quarter revenue estimates by \$424K for independent monitoring fees, to offset the spending in the third quarter. We are also decreasing revenue estimates for licensing fees by approximately \$292K with the majority of that coming from the employee licensing fees lagging. Turnover and hiring rates at the casinos continue to be below previous year rates. The net impact of the increase for monitoring fees and decrease in licensing fees is an increase of \$131K in revenue projections for the Gaming Control Fund.

**Conclusion:**

The finance office is increasing spending estimates by \$118.95K as detailed in this memorandum, and increasing revenue estimates by \$131.65K. There is no need to increase the annual assessment on licensees as the net projected revenue increases offset the net projected spending increases.

Attachment: A FY21 Actuals Spending and Revenue as of 4/1/2021



Massachusetts Gaming Commission

2022 Projections		Budget Projections						
Row Labels	Initial Projection	FY20 Balance Forward	Approved Adjustments	Proposed Adjustments	Current Budget (Initial+Apvd Adjmts)	Actuals To Date Total	%Spent	% BFY Passed
<b>10500001--Gaming Control Fund</b>								
<b>MGC Regulatory Cost</b>								
AA REGULAR EMPLOYEE COMPENSATION	\$ 6,794,180.09		\$ (203,497.01)	\$ -	\$ 6,590,683.08	\$ 5,091,891.62	77%	67%
BB REGULAR EMPLOYEE RELATED EXPEN	\$ -		\$ 4,561.40	\$ -	\$ 4,561.40	\$ 5,522.53	121%	67%
CC SPECIAL EMPLOYEES	\$ 331,950.00		\$ -	\$ (100,000.00)	\$ 331,950.00	\$ 120,199.10	36%	67%
DD PENSION & INSURANCE RELATED EX	\$ 2,552,451.33		\$ (77,308.51)	\$ -	\$ 2,475,142.82	\$ 1,892,123.51	76%	67%
EE ADMINISTRATIVE EXPENSES	\$ 503,889.84		\$ (4,561.40)	\$ -	\$ 499,328.44	\$ 140,997.27	28%	67%
FF PROGRAM, FACILITY, OPERATIONAL SUPPLIES	\$ -		\$ (71,000.00)	\$ -	\$ (71,000.00)	\$ 22,031.30	-31%	67%
GG ENERGY COSTS AND SPACE RENTAL	\$ 1,318,586.22		\$ -	\$ -	\$ 1,318,586.22	\$ 1,000,956.32	76%	67%
HH CONSULTANT SVCS (TO DEPTS)	\$ 705,094.48		\$ 691,030.35	\$ 424,045.00	\$ 1,396,124.83	\$ 1,376,411.83	99%	67%
JJ OPERATIONAL SERVICES	\$ 10,335,644.70		\$ -	\$ (375,000.00)	\$ 10,335,644.70	\$ 3,569,016.26	35%	67%
KK Equipment Purchase	\$ 57,500.00		\$ -	\$ -	\$ 57,500.00	\$ 1,200.00	2%	67%
LL EQUIPMENT LEASE-MAINTAIN/REPAR	\$ 44,994.25		\$ -	\$ -	\$ 44,994.25	\$ 19,226.56	43%	67%
NN NON-MAJOR FACILITY MAINTENANCE REPAIR	\$ 20,000.00		\$ -	\$ -	\$ 20,000.00	\$ 5,100.00	26%	67%
PP STATE AID/POL SUB/OSD	\$ 150,000.00		\$ -	\$ -	\$ 150,000.00	\$ -	0%	67%
TT PAYMENTS & REFUNDS	\$ -		\$ -	\$ -	\$ -	\$ -	#DIV/0!	67%
UU IT Non-Payroll Expenses	\$ 4,078,393.44		\$ -	\$ 250,000.00	\$ 4,078,393.44	\$ 2,594,644.48	64%	67%
<b>MGC Regulatory Cost Subtotal:</b>	<b>\$ 26,892,684.35</b>		<b>\$ 339,224.83</b>	<b>\$ 199,045.00</b>	<b>\$ 27,231,909.18</b>	<b>\$ 15,839,320.78</b>		
<b>EE--Indirect Costs</b>	<b>\$ 1,966,560.63</b>	<b>\$ -</b>	<b>\$ 29,187.17</b>	<b>\$ 19,904.50</b>	<b>\$ 1,995,747.80</b>	<b>\$ 1,204,854.56</b>	<b>60%</b>	<b>67%</b>
<b>Office of Attorney General</b>								
ISA to AGO	\$ 2,510,000.00		\$ -	\$ (100,000.00)	\$ 2,510,000.00	\$ 1,404,878.42	56%	67%
TT Reimbursement for AGO 0810-1024	\$ -		\$ -	\$ -	\$ -	\$ 279,963.87	#DIV/0!	67%
AGO State Police	\$ 976,948.80		\$ -	\$ -	\$ 976,948.80	\$ 468,675.41	48%	67%
<b>Office of Attorney General Subtotal:</b>	<b>\$ 3,486,948.80</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ (100,000.00)</b>	<b>\$ 3,486,948.80</b>	<b>\$ 2,153,517.70</b>		<b>67%</b>
<b>ISA to ABCC</b>	<b>\$ 75,000.00</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 75,000.00</b>	<b>\$ -</b>	<b>0%</b>	<b>67%</b>
<b>Gaming Control Fund Total Costs</b>	<b>\$ 32,421,193.78</b>	<b>\$ -</b>	<b>\$ 368,412.00</b>	<b>\$ 118,949.50</b>	<b>\$ 32,789,605.78</b>	<b>\$ 19,197,693.04</b>		
<b>Revenue Projections</b>								
Revenues	Initial Projection		Approved Adjustments	Proposed Adjustments	Current Budget (Initial+Apvd Adjmts)	Actuals To Date Total		
Gaming Control Fund Beginning Balance 0500	\$ -		\$ 1,060,392.28	\$ -	\$ 1,060,392.28	\$ 1,060,392.28		
EBH Security Fees 0500/Monitoring	\$ -		\$ 1,391,030.35	\$ 424,045.00	\$ 1,391,030.35	\$ 1,406,296.13		
IEB Background/Investigative Collections 3000	\$ -		\$ 16,405.01	\$ 30,000.00	\$ 16,405.01	\$ 43,324.26		
Category/Region Collection Fees 0500	\$ -		\$ -	\$ -	\$ -	\$ -		
Phase 1 Refunds 0500	\$ -		\$ -	\$ -	\$ -	\$ -		
Phase 2 Category 1 Collections (restricted) 0500	\$ -		\$ -	\$ -	\$ -	\$ -		
Region C Phase 1 Investigation Collections 0500	\$ -		\$ -	\$ -	\$ -	\$ -		
Region C Phase 2 Category 1 Collections 0500	\$ -		\$ -	\$ -	\$ -	\$ -		
Grant Collections (restricted) 0500	\$ -		\$ -	\$ -	\$ -	\$ -		
Region A slot Machine Fee 0500	\$ 1,092,773.08		\$ -	\$ -	\$ 1,092,773.08	\$ 718,800.00		
Region B Slot Machine Fee 0500	\$ 456,057.69		\$ -	\$ -	\$ 456,057.69	\$ 279,567.95		

Slots Parlor Slot Machine Fee 0500	\$ 451,350.00	\$ -	\$ -	\$ 451,350.00	\$ 276,056.40
Gaming Employee License Fees (GEL) 3000	\$ 450,000.00	\$ -	\$ (325,000.00)	\$ 450,000.00	\$ 26,700.00
Key Gaming Executive (GKE) 3000	\$ 60,000.00	\$ -	\$ (50,000.00)	\$ 60,000.00	\$ 2,000.00
Key Gaming Employee (GKS) 3000	\$ 40,000.00	\$ -	\$ (20,000.00)	\$ 40,000.00	\$ 10,500.00
Non-Gaming Vendor (NGV) 3000	\$ 30,000.00	\$ -	\$ 20,000.00	\$ 30,000.00	\$ 49,798.00
Vendor Gaming Primary (VGP) 3000	\$ 75,000.00	\$ -	\$ 60,000.00	\$ 75,000.00	\$ 137,100.00
Vendor Gaming Secondary (VGS) 3000	\$ 25,000.00	\$ -	\$ -	\$ 25,000.00	\$ 10,000.00
Gaming School License (GSB)	\$ -	\$ -	\$ -	\$ -	\$ -
Gaming Service Employee License (SER) 3000	\$ 30,000.00	\$ -	\$ (15,000.00)	\$ 30,000.00	\$ 3,225.00
Subcontractor ID Initial License (SUB) 3000	\$ -	\$ -	\$ -	\$ -	\$ -
Temporary License Initial License (TEM) 3000	\$ 15,000.00	\$ -	\$ -	\$ 15,000.00	\$ -
Assessment for PHTF	\$ 3,750,000.00	\$ -	\$ -	\$ 3,750,000.00	\$ -
Transfer PHTF Assessment to PHTF	\$ (3,750,000.00)	\$ -	\$ -	\$ (3,750,000.00)	\$ -
Veterans Initial License (VET) 3000	\$ -	\$ -	\$ -	\$ -	\$ -
Transfer of Licensing Fees to CMF 0500	\$ -	\$ -	\$ -	\$ -	\$ -
Assessment 0500	\$ 29,671,013.01	\$ (2,060,392.28)	\$ -	\$ 27,610,620.73	\$ 18,279,985.34
Misc/MCC Grant	\$ 25,000.00	\$ -	\$ -	\$ 25,000.00	\$ -
Misc/Bank Interest 0500	\$ -	\$ -	\$ 7,603.29	\$ 7,603.29	\$ 7,603.29
<b>Grand Total</b>	<b>\$ 32,421,193.78</b>	<b>\$ -</b>	<b>\$ 407,435.36</b>	<b>\$ 131,648.29</b>	<b>\$ 32,836,232.43</b>

2021		Budget Projections				Actuals To Date		
Row Labels	Initial Projection	FY20 Balance Forward	Approved Adjustments	Proposed Adjustments	Current Budget (Initial+Apvd Adjmts)	Total	%Spent	% BFY Passed
<b>4000-1101 Research and Responsible Gaming/Public Health Trust Fund</b>								
AA REGULAR EMPLOYEE COMPENSATION	\$ 212,145.42	\$ -	\$ -	\$ -	\$ 212,145.42	156,014.95	74%	67%
BB REGULAR EMPLOYEE RELATED EXPEN	\$ 10,000.00	\$ -	\$ -	\$ -	\$ 10,000.00	372.00	4%	67%
CC SPECIAL EMPLOYEES	\$ -	\$ -	\$ -	\$ -	\$ -	-	#DIV/0!	67%
DD PENSION & INSURANCE RELATED EX	\$ 80,594.05	\$ -	\$ -	\$ -	\$ 80,594.05	59,784.97	74%	67%
EE ADMINISTRATIVE EXPENSES	\$ 319,389.54	\$ -	\$ -	\$ -	\$ 319,389.54	178,810.17	56%	67%
FF PROGRAMMATIC FACILITY OPERATONAL SUPPLIES	\$ 1,000.00	\$ -	\$ -	\$ -	\$ 1,000.00	-	0%	67%
HH CONSULTANT SVCS (TO DEPTS)	\$ 2,851,750.00	\$ -	\$ -	\$ -	\$ 2,851,750.00	1,555,228.65	55%	67%
JJ OPERATIONAL SERVICES	\$ 10,000.00	\$ -	\$ -	\$ -	\$ 10,000.00	1,300.92	13%	67%
MM PURCHASED CLIENT/PROGRAM SVCS	\$ -	\$ -	\$ -	\$ -	\$ -	-	#DIV/0!	67%
PP STATE AID/POL SUB	\$ 1,139,870.99	\$ -	\$ -	\$ -	\$ 1,139,870.99	722,863.64	63%	67%
UU IT Non-Payroll Expenses	\$ 2,000.00	\$ -	\$ -	\$ -	\$ 2,000.00	-	0%	67%
ISA to DPH	\$ -	\$ -	\$ -	\$ -	\$ -	-	#DIV/0!	67%
<b>Research and Responsible Gaming/Public Health Trust Fund Subtotal:</b>	<b>\$ 4,626,750.00</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 4,626,750.00</b>	<b>\$ 2,674,375.30</b>	<b>58%</b>	<b>67%</b>

Revenue Projections		Actuals To Date			
Revenues	Initial Projection	Approved Adjustments	Proposed Adjustments	Current Budget (Initial+Apvd Adjmts)	Total
Public Health Trust Fund ISA	\$ 4,626,750.00	\$ -	\$ -	\$ 4,626,750.00	\$ 4,626,750.00

Row Labels	Initial Projection	FY20 Balance Forward	Approved Adjustments	Proposed Adjustments	Current Budget (Initial+Bal Fwd+Apvd Adjmts)		Actuals To Date Total	%Spent	% BFY Passed
<b>10500002</b>		\$ 429,188.71							
TT LOANS AND SPECIAL PAYMENTS RSF	\$ -		\$ -	\$ -	\$ -	\$ -	\$ -	#DIV/0!	67%
<b>Revenue Projections</b>									
Revenues	Initial Projection		Approved Adjustments	Proposed Adjustments	Current Budget (Initial+Apvd Adjmts)		Actuals To Date Total	%Spent	% BFY Passed
Greyhound Balance Forward Simulcast 7200	\$ -	\$ -	\$ 304,458.62	\$ -	\$ 304,458.62	\$ -	\$ 304,458.62		
Plainridge Greyhound Import Simulcast 7200	\$ -	\$ 0	\$ -	\$ -	\$ -	\$ -	\$ 10,576.90		
Raynham Greyhound Import Simulcast 7200	\$ -	\$ 0	\$ -	\$ -	\$ -	\$ -	\$ 59,468.11		
Suffolk Greyhound Import Simulcast 7200	\$ -	\$ 0	\$ -	\$ -	\$ -	\$ -	\$ -		
TVG Greyhound Import Simulcast 7200	\$ -	\$ 0	\$ -	\$ -	\$ -	\$ -	\$ -		
TWS Greyhound Import Simulcast 7200	\$ -	\$ 0	\$ -	\$ -	\$ -	\$ -	\$ -		
Wonderland Greyhound Import Simulcast 7200	\$ -	\$ 0	\$ -	\$ -	\$ -	\$ -	\$ 1,514.48		
	\$ -	\$ -	\$ 304,458.62	\$ -	\$ 304,458.62	\$ -	\$ 376,018.11		

<b>Budget Projections</b>									
Row Labels	Initial Projection	FY20 Balance Forward	Approved Adjustments	Proposed Adjustments	Current Budget (Initial+Bal Fwd+Apvd Adjmts)		Actuals To Date Total	%Spent	% BFY Passed
<b>1050003</b>									
AA REGULAR EMPLOYEE COMPENSATION	\$ 709,011.74		\$ -	\$ -	\$ 709,011.74	\$ -	\$ 509,499.72	72%	67%
BB REGULAR EMPLOYEE RELATED EXPEN	\$ -		\$ -	\$ -	\$ -	\$ -	\$ 832.13	#DIV/0!	67%
CC SPECIAL EMPLOYEES	\$ 450,000.00		\$ -	\$ -	\$ 450,000.00	\$ -	\$ 209,142.77	46%	67%
DD PENSION & INSURANCE RELATED EX	\$ 269,353.54		\$ -	\$ -	\$ 269,353.54	\$ -	\$ 198,347.24	74%	67%
EE ADMINISTRATIVE EXPENSES	\$ 42,385.00		\$ -	\$ -	\$ 42,385.00	\$ -	\$ 4,850.68	11%	67%
FF PROGRAMMATIC FACILITY OPERATONAL SUPPLIES	\$ 2,000.00		\$ -	\$ -	\$ 2,000.00	\$ -	\$ -	0%	67%
HH CONSULTANT SVCS (TO DEPTS)	\$ 25,000.00		\$ -	\$ -	\$ 25,000.00	\$ -	\$ -	0%	67%
JJ OPERATIONAL SERVICES	\$ 769,268.17		\$ -	\$ -	\$ 769,268.17	\$ -	\$ 330,872.42	43%	67%
KK EQUIPMENT PURCHASES	\$ -		\$ -	\$ -	\$ -	\$ -	\$ -	#DIV/0!	67%
LL EQUIPMENT LEASE-MAINTAIN/REPAR	\$ 915.00		\$ -	\$ -	\$ 915.00	\$ -	\$ -	0%	67%
MM PURCHASED CLIENT/PROGRAM SVCS	\$ 85,000.00		\$ -	\$ -	\$ 85,000.00	\$ -	\$ -	0%	67%
NN INFRASTRUCTURE:	\$ -		\$ -	\$ -	\$ -	\$ -	\$ -	#DIV/0!	67%
TT LOANS AND SPECIAL PAYMENTS	\$ -		\$ -	\$ -	\$ -	\$ -	\$ -	#DIV/0!	67%
UU IT Non-Payroll Expenses	\$ 65,000.00		\$ -	\$ -	\$ 65,000.00	\$ -	\$ 1,934.28	3%	67%
EE --Indirect Costs	\$ 195,328.00		\$ -	\$ -	\$ 195,328.00	\$ -	\$ 104,501.45	54%	67%
ISA to DPH	\$ 70,000.00		\$ -	\$ -	\$ 70,000.00	\$ -	\$ -	0%	67%
<b>Grand Total</b>	\$ 2,683,261.45		\$ -	\$ -	\$ 2,683,261.45	\$ -	\$ 1,359,980.69	51%	67%

<b>Revenue Projections</b>									
Revenues	Initial Projection		Approved Adjustments	Proposed Adjustments	Current Budget (Initial+Apvd Adjmts)		Actuals To Date Total	%Spent	% BFY Passed

Racing Oversight and Development Balance Forward 0131	\$	-	\$	732,712.39	\$	-	\$	732,712.39	\$	732,712.39
Plainridge Assessment 4800	\$	400,000.00	\$	-	\$	-	\$	400,000.00	\$	78,222.55
Plainridge Daily License Fee 3003	\$	175,000.00	\$	-	\$	-	\$	175,000.00	\$	65,670.00
Plainridge Occupational License 3003/3004	\$	105,000.00	\$	-	\$	-	\$	105,000.00	\$	31,065.00
Plainridge Racing Development Oversight Live 0131	\$	20,000.00	\$	-	\$	-	\$	20,000.00	\$	2,596.16
Plainridge Racing Development Oversight Simulcast 0131	\$	15,000.00	\$	-	\$	-	\$	15,000.00	\$	53,282.78
Raynham Assessment 4800	\$	95,000.00	\$	-	\$	-	\$	95,000.00	\$	98,049.46
Raynham Daily License Fee 3003	\$	76,500.00	\$	-	\$	-	\$	76,500.00	\$	80,100.00
Raynham Racing Development Oversight Simulcast 0131	\$	85,000.00	\$	-	\$	-	\$	85,000.00	\$	79,318.72
Suffolk Assessment 4800	\$	470,000.00	\$	-	\$	-	\$	470,000.00	\$	412,570.71
Suffolk Commission Racing Development Oversight Simulcast 0131	\$	145,000.00	\$	-	\$	-	\$	145,000.00	\$	40,039.19
Suffolk Daily License Fee 3003	\$	75,000.00	\$	-	\$	-	\$	75,000.00	\$	33,600.00
Suffolk Occupational License 3003/3004	\$	3,000.00	\$	-	\$	-	\$	3,000.00	\$	-
Suffolk Racing Development Oversight Live 0131	\$	-	\$	-	\$	-	\$	-	\$	-
Suffolk TVG Commission Live 0131	\$	-	\$	-	\$	-	\$	-	\$	-
Suffolk TVG Commission Simulcast 0131	\$	160,000.00	\$	-	\$	-	\$	160,000.00	\$	409,468.23
Suffolk Twin Spires Commission Live 0131	\$	-	\$	-	\$	-	\$	-	\$	-
Suffolk Twin Spires Commission Simulcast 0131	\$	90,000.00	\$	-	\$	-	\$	90,000.00	\$	145,930.86
Suffolk Xpress Bet Commission Live 0131	\$	-	\$	-	\$	-	\$	-	\$	-
Suffolk Xpress Bet Commission Simulcast 0131	\$	45,000.00	\$	-	\$	-	\$	45,000.00	\$	74,566.14
Suffolk NYRA Bet Commission Live 0131	\$	-	\$	-	\$	-	\$	-	\$	-
Suffolk NYRA Bet Commission Simulcast 0131	\$	50,000.00	\$	-	\$	-	\$	50,000.00	\$	85,999.10
Transfer to General Fund 10500140 0000	\$	-	\$	-	\$	-	\$	-	\$	-
Wonderland Assessment 4800	\$	10,000.00	\$	-	\$	-	\$	10,000.00	\$	1,904.23
Wonderland Daily License Fee 3003	\$	66,000.00	\$	-	\$	-	\$	66,000.00	\$	31,200.00
Wonderland Racing Development Oversight Simulcast 0131	\$	5,000.00	\$	-	\$	-	\$	5,000.00	\$	806.30
Plainridge fine 2700	\$	25,000.00	\$	-	\$	-	\$	25,000.00	\$	5,050.00
Suffolk Fine 2700	\$	-	\$	-	\$	-	\$	-	\$	-
Plainridge Unclaimed wagers 5009	\$	175,000.00	\$	-	\$	-	\$	175,000.00	\$	-
Suffolk Unclaimed wagers 5009	\$	220,000.00	\$	-	\$	-	\$	220,000.00	\$	-
Raynham Unclaimed wagers 5009	\$	135,000.00	\$	-	\$	-	\$	135,000.00	\$	140,009.95
Wonderland Unclaimed wagers 5009	\$	3,000.00	\$	-	\$	-	\$	3,000.00	\$	-
Misc/Bank Interest 0131	\$	500.00	\$	-	\$	-	\$	500.00	\$	100.00
<b>Grand Total</b>		<b>\$2,649,000.00</b>		<b>\$0.00</b>		<b>\$732,712.39</b>		<b>\$0.00</b>		<b>\$3,381,712.39</b>
										<b>\$2,602,261.77</b>

Budget Projections										
Row Labels	Initial Projection	FY20 Balance Forward	Approved Adjustments	Proposed Adjustments	Current Budget (Initial+Bal Fwd+Apvd Adjmts)	Actuals To Date Total	%Spent	% BFY Passed		
10500004										
PP Grants and Subsidies (Community Mitigation Fund)	\$	-			\$	-	\$	1,358,684.13	#DIV/0!	67%
Revenue Projections										

Revenues	Initial Projection	FY20 Balance Forward	Approved Adjustments	Proposed Adjustments	Current Budget (Initial+Apvd Adjmts)	Actuals To Date Total
Balance forward prior year	\$ -	\$ -	\$ 23,107,265.85	\$ -	\$ 23,107,265.85	\$ -
<b>Grand Total</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 23,107,265.85</b>	<b>\$ -</b>	<b>\$ 23,107,265.85</b>	

Budget Projections									
Row Labels	Initial Projection	FY20 Balance Forward	Approved Adjustments	Proposed Adjustments	Current Budget (Initial+Bal Fwd+Apvd Adjmts)	Actuals To Date Total	%Spent	% BFY Passed	
<b>10500005</b>									
TT LOANS AND SPECIAL PAYMENTS (Race Horse Dev Fund)	\$ 14,500,000.00	\$ -	\$ -	\$ -	\$ 14,500,000.00	\$ 6,240,448.61	43%	67%	
Revenue Projections									
Revenues	Initial Projection	FY20 Balance Forward	Approved Adjustments	Proposed Adjustments	Current Budget (Initial+Apvd Adjmts)	Actuals To Date Total			
Balance forward prior year 3003			\$ 17,041,274.92		\$ 17,041,274.92	\$ -			
Race Horse Development Fund assessment 3003	\$ 15,000,000.00				\$ 15,000,000.00				
<b>Grand Total</b>	<b>\$ 15,000,000.00</b>	<b>\$ -</b>	<b>\$ 17,041,274.92</b>	<b>\$ -</b>	<b>\$ 32,041,274.92</b>				

Budget Projections									
Row Labels	Initial Projection	FY20 Balance Forward	Approved Adjustments	Proposed Adjustments	Current Budget (Initial+Bal Fwd+Apvd Adjmts)	Actuals To Date Total	%Spent	% BFY Passed	
<b>10500008</b>									
Casino forfeited money MGC Trust MGL 267A S4	\$ -				\$ -	\$ -			
<b>Grand Total</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>				

Budget Projections									
Row Labels	Initial Projection	FY18 Balance Forward	Approved Adjustments	Proposed Adjustments	Current Budget (Initial+Bal Fwd+Apvd Adjmts)	Actuals To Date Total	%Spent	% BFY Passed	
<b>10500012/ P promo</b>									
TT LOANS AND SPECIAL PAYMENTS	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	#DIV/0!	67%	
Revenue Projections									
Revenues	Initial Projection	Approved Adjustments	Proposed Adjustments	Current Budget (Initial+Apvd Adjmts)	Actuals To Date Total				
Plainridge Import Harness Horse Simulcast 0131	\$ 3,500.00	\$ -	\$ -	\$ 3,500.00	\$ 10,960.10				
Plainridge Racing Harness Horse Live 0131	\$ 9,000.00	\$ -	\$ -	\$ 9,000.00	\$ 1,712.10				
Raynham Import Plainridge Simulcast 0131	\$ 3,500.00	\$ -	\$ -	\$ 3,500.00	\$ 2,635.20				
Suffolk Import Plainridge Simulcast 0131	\$ 25,000.00	\$ -	\$ -	\$ 25,000.00	\$ 778.59				
Plainridge Racecourse Promo Fund Beginning Balance 7205	\$ -	\$ 153,515.23	\$ -	\$ 153,515.23	\$ 153,515.23				
TVG Live 0131	\$ -	\$ -	\$ -	\$ -	\$ -				
TVG Simulcast 0131	\$ 12,000.00	\$ -	\$ -	\$ 12,000.00	\$ 16,288.17				

Twin Spires Live 0131	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Twin Spires Simulcast 0131	\$ 14,500.00	\$ -	\$ -	\$ -	\$ 14,500.00	\$ 7,756.07	
Xpress Bets Live 0131	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Xpress Bets Simulcast 0131	\$ 3,500.00	\$ -	\$ -	\$ -	\$ 3,500.00	\$ 3,160.46	
NYRA Live 0131	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
NYRA Simulcast 0131	\$ 1,000.00	\$ -	\$ -	\$ -	\$ 1,000.00	\$ 2,945.81	
<b>Grand Total</b>	<b>\$ 72,000.00</b>	<b>\$ 153,515.23</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 225,515.23</b>	<b>\$ 199,751.73</b>	

Budget Projections									
Row Labels	Initial Projection	FY20 Balance Forward	Approved Adjustments	Proposed Adjustments	Current Budget (Initial+Bal Fwd+Apvd Adjmts)	Actuals To Date Total	%Spent	% BFY Passed	
<b>10500013/ P Cap</b>									
TT LOANS AND SPECIAL PAYMENTS	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	#DIV/0!	67%	
Revenue Projections									
Revenues	Initial Projection		Approved Adjustments	Proposed Adjustments	Current Budget (Initial+Apvd Adjmts)	Actuals To Date Total			
Plainridge Import Harness Horse Simulcast 0131	\$ 27,500.00		\$ -	\$ -	\$ 27,500.00	\$ 8,556.84			
Plainridge Racing Harness Horse Live 0131	\$ 15,000.00		\$ -	\$ -	\$ 15,000.00	\$ 4,322.81			
Raynham Import Plainridge Simulcast 0131	\$ 2,500.00		\$ -	\$ -	\$ 2,500.00	\$ 3,799.98			
Suffolk Import Plainridge Simulcast 0131	\$ -		\$ -	\$ -	\$ -	\$ 1,220.68			
Plainridge Capital Improvement Fund Beginning Balance 7205	\$ -		\$ 534,709.14	\$ -	\$ 534,709.14	\$ 534,709.14			
TVG Live 0131	\$ -		\$ -	\$ -	\$ -	\$ -			
TVG Simulcast 0131	\$ 30,000.00		\$ -	\$ -	\$ 30,000.00	\$ 16,377.78			
Twin Spires Live 0131	\$ -		\$ -	\$ -	\$ -	\$ -			
Twin Spires Simulcast 0131	\$ 30,000.00		\$ -	\$ -	\$ 30,000.00	\$ 15,735.59			
Xpress Bets Live 0131	\$ -		\$ -	\$ -	\$ -	\$ -			
Xpress Bets Simulcast 0131	\$ 6,500.00		\$ -	\$ -	\$ 6,500.00	\$ 5,643.90			
NYRA Live 0131	\$ -		\$ -	\$ -	\$ -	\$ -			
NYRA Simulcast 0131	\$ 1,200.00		\$ -	\$ -	\$ 1,200.00	\$ 5,231.87			
<b>Grand Total</b>	<b>\$112,700.00</b>		<b>\$534,709.14</b>	<b>\$0.00</b>	<b>\$647,409.14</b>	<b>\$595,598.59</b>			

Budget Projections									
Row Labels	Initial Projection	FY20 Balance Forward	Approved Adjustments	Proposed Adjustments	Current Budget (Initial+Bal Fwd+Apvd Adjmts)	Actuals To Date Total	%Spent	% BFY Passed	
<b>10500021/ S promo</b>									
TT LOANS AND SPECIAL PAYMENTS	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	#DIV/0!	67%	
Revenue Projections									
Revenues	Initial Projection		Approved Adjustments	Proposed Adjustments	Current Budget (Initial+Apvd Adjmts)	Actuals To Date Total			
Plainridge Import Suffolk Simulcast 0131	\$ -		\$ -	\$ -	\$ -	\$ 17,702.24			
Raynham Import Suffolk Simulcast 0131	\$ -		\$ -	\$ -	\$ -	\$ 17,105.91			
Suffolk Import Running Horse Simulcast 0131	\$ -		\$ -	\$ -	\$ -	\$ 15,531.02			
Suffolk Racing Running Horse Live 0131	\$ -		\$ -	\$ -	\$ -	\$ -			



Suffolk Promotional Fund Beginning Balance 7205	\$	-	\$	154,703.76	\$	-	\$	154,703.76	\$	154,703.76
TVG Live 0131	\$	-	\$	-	\$	-	\$	-	\$	-
TVG Simulcast 0131	\$	-	\$	-	\$	-	\$	-	\$	164,432.42
Twin Spires Live 0131	\$	-	\$	-	\$	-	\$	-	\$	-
Twin Spires Simulcast 0131	\$	-	\$	-	\$	-	\$	-	\$	58,086.41
Xpress Bets Live 0131	\$	-	\$	-	\$	-	\$	-	\$	-
Xpress Bets Simulcast 0131	\$	-	\$	-	\$	-	\$	-	\$	29,635.38
NYRA Live 0131	\$	-	\$	-	\$	-	\$	-	\$	-
NYRA Simulcast 0131	\$	-	\$	-	\$	-	\$	-	\$	37,394.17
<b>Grand Total</b>		<b>\$0.00</b>		<b>\$0.00</b>		<b>\$154,703.76</b>		<b>\$0.00</b>		<b>\$154,703.76</b>
										<b>\$494,591.31</b>

Budget Projections										
Row Labels	Initial Projection	FY20 Balance Forward	Approved Adjustments	Proposed Adjustments	Current Budget (Initial+Bal Fwd+Apvd Adjmts)	Actuals To Date Total	%Spent	% BFY Passed		
<b>10500022/ S Cap</b>		\$	-							
TT LOANS AND SPECIAL PAYMENTS	\$	-	\$	-	\$	-	\$	-	#DIV/0!	67%
Revenue Projections										
Revenues	Initial Projection		Approved Adjustments	Proposed Adjustments	Current Budget (Initial+Apvd Adjmts)	Actuals To Date Total				
Plainridge Import Suffolk Simulcast 0131	\$	-	\$	-	\$	-	\$	25,141.91		
Raynham Import Suffolk Simulcast 0131	\$	-	\$	-	\$	-	\$	45,716.07		
Suffolk Import Running Horse Simulcast 0131	\$	-	\$	-	\$	-	\$	27,184.41		
Suffolk Racing Running Horse Live 0131	\$	-	\$	-	\$	-	\$	-		
Suffolk Capital Improvement Fund Beginning Balance 7205	\$	-	\$	2,883,873.58	\$	-	\$	2,883,873.58	\$	2,883,873.58
TVG Live 0131	\$	-	\$	-	\$	-	\$	13,755.24		
TVG Simulcast 0131	\$	-	\$	-	\$	-	\$	440,941.75		
Twin Spires Live 0131	\$	-	\$	-	\$	-	\$	-		
Twin Spires Simulcast 0131	\$	-	\$	-	\$	-	\$	158,687.67		
Xpress Bets Live 0131	\$	-	\$	-	\$	-	\$	-		
Xpress Bets Simulcast 0131	\$	-	\$	-	\$	-	\$	81,231.78		
NYRA Live 0131	\$	-	\$	-	\$	-	\$	-		
NYRA Simulcast 0131	\$	-	\$	-	\$	-	\$	100,783.73		
<b>Grand Total</b>		<b>\$0.00</b>		<b>\$0.00</b>		<b>\$2,883,873.58</b>		<b>\$0.00</b>		<b>\$2,883,873.58</b>
										<b>\$3,777,316.14</b>

Budget Projections										
Row Labels	Initial Projection	FY20 Balance Forward	Approved Adjustments	Proposed Adjustments	Current Budget (Initial+Bal Fwd+Apvd Adjmts)	Actuals To Date Total	%Spent	% BFY Passed		
<b>10500140</b>										
TT LOANS AND SPECIAL PAYMENTS	\$	721,350.00	\$	-	\$	-	\$	721,350.00	\$	411,799.20
									57%	67%

## Regulation Review Checklist

Agency Contacts for This Specific Regulation		
Name	Email	Phone
Carrie Torrissi	<a href="mailto:Caroline.torrissi@massgaming.gov">Caroline.torrissi@massgaming.gov</a>	
Overview		
<b>CMR Number</b>	205 CMR 146.13, 146.49, 146,51	
<b>Regulation Title</b>	Blackjack Table; Card Reader Device; Physical Characteristics; Inspections Cards: Receipt. Storage. Inspections, and Removal From Use Dealing Shoes: Automated Shuffling Devices	
<b>&amp; Draft Regulation</b>		<b>&amp; Final Regulation</b>
Type of Proposed Action		
☐ 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):		
☐ Technical correction		
☐ Other Explain:		

Summary of Proposed Action
This change removes references to the “6 to 5 blackjack variation” from three locations in Chapter 146 as that variation does not exist under the rules of blackjack.
Nature of and Reason for the Proposed Action
This is an administrative change to align the regulations with the rules of the game.

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 146.00: Gaming Equipment**, in its sections **13: Blackjack Table; Card Reader Device; Physical Characteristics; Inspections; 49: Cards: Receipt. Storage. Inspections, and Removal From Use; and 51: Dealing Shoes: Automated Shuffling Devices**, for which a public hearing was held on April 22, 2021.

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 amendments to 205 CMR 146.13, 146.49, and 146.51 remove references to the 6-to-5 blackjack variation as that variation does not exist under the rules of blackjack.

This is a technical correction and as such will not impact 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 does not impose any new standards as it is a technical correction 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:

As the proposed amendment is a technical correction to be consistent with the rules of the game of blackjack, it will not have any impact on 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: May 6, 2021



Massachusetts Gaming Commission

205 CMR: MASSACHUSETTS GAMING COMMISSION

205 CMR 146.00: GAMING EQUIPMENT

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;
    2. Dealer must hit on soft 17s; 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:
  - (a) Blackjack pays 1 to 1;
  - (b) Dealer must draw to 16 and stand on all 17s or Dealer must hit on soft 17s;
  - (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, 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 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 their hole card in order to determine if the dealer has a blackjack in accordance with the authorized Rules of the Game of 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 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 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 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 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 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 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 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 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 Match-the-Dealer wager pursuant to the authorized Rules of the Game of 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 layout inscription or sign posted at the blackjack table indicating the payout odds for the Match-the-Dealer wager.

(14) If a gaming licensee offers the twenty point bonus wager pursuant to the authorized Rules of the Game of 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) If a gaming licensee offers the option set forth in the authorized Rules of the Game of 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) If a gaming licensee offers the optional bonus wager pursuant to the authorized Rules of the Game of 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.

(17) 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.

## 205 CMR: MASSACHUSETTS GAMING COMMISSION

### 205 CMR 146.00: GAMING EQUIPMENT

#### 146.49: Cards: Receipt. Storage. Inspections, and Removal From Use

(1) When decks of cards are received for use in the gaming establishment from the manufacturer or distributor thereof, at least two individuals, one of whom shall be from the casino games department and the other from the security department or accounting department, shall record on an inventory log required in 205 CMR 146.46(2), the number of decks received. The individuals shall place the decks of cards in a locked cabinet in the cashiers' cage or within a primary or secondary storage area located in the cashiers' cage or in another secure place approved by the Bureau. Secondary storage areas shall be used for the storage of surplus decks of cards. Decks of cards maintained in secondary storage areas shall not be distributed to gaming pits or tables for use in gaming until the decks have been moved to a primary storage area. A gaming licensee may have a separate storage area approved by the Bureau for decks of cards to be used at the game of poker.

(2) The gaming licensee shall maintain an inventory log (manual or electronic) for each approved storage area, to separately account for decks of cards packaged individually and in sets of multiple decks in accordance with the gaming licensee's card inventory system, which shall include the recordation of the following:

- (a) The decks of cards received from the vendor,
- (b) The decks of cards removed from storage;
- (c) The decks of cards returned to storage;
- (d) The date of receipt of, removal from, return to, or physical inventory;
- (e) The signatures of the games, security and/or accounting department personnel participating in the procedure;
- (f) A reconciliation on a daily basis of the decks of cards distributed, destroyed and cancelled, returned to the storage area, in use on an open gaming table for more than 24 hours and, if any, in card reserve; and
- (g) A physical inventory of the decks of cards at least once every three months. This inventory shall be performed by an individual with no incompatible functions and shall be verified to the balance of decks of cards on hand as required in accordance with 205 CMR 146.49(1).
- (h) Any discrepancies shall immediately be reported to the Bureau.

(3) All primary, secondary, poker storage areas, and pit stands used to store cards for more than one gaming day, other than the cashiers' cage, shall have two separate locks. The security department shall maintain one key and the games department or cashiers' cage shall maintain the other key; provided, however, that no person employed by the games department below the table games shift manager in the organizational hierarchy shall have access to the games department key for the primary and secondary storage areas and no person below the poker shift supervisor in the organizational hierarchy shall have access to the games department key to the poker storage area. Decks of cards stored in a cabinet within the cashiers' cage shall be secured by a lock, the key to which shall be maintained by a table games shift manager or supervisor thereof.

(4) When removing cards from the primary storage area, a representative of the games department, in the presence of a security officer, shall remove the appropriate number of decks of cards. The representative of the games department may be the table games shift manager or a supervisor thereof, or an employee of the games department who reports directly to the shift manager, and shall be licensed as a gaming key employee and shall have no direct supervisory responsibilities over the operation and conduct of the table games in a pit during that gaming day. This individual shall distribute sufficient decks to the table games supervisor and, if applicable, to the poker shift supervisor. Decks of cards in the pit stand shall be placed in a locked compartment, the keys to which shall be in the possession of the table games supervisor or the poker shift supervisor or supervisor thereof. If decks of cards are stored in the pit stand for more than one gaming day, the pit stand shall be equipped with a second lock, the key to which shall be maintained and controlled by the security department.

(a) If the decks are to be inspected at open gaming tables pursuant to 205 CMR 146.49(6), the table games supervisor shall distribute the decks to the dealer at each table or the poker shift supervisor shall transport the decks to the poker pit stand for subsequent distribution to the dealer at each poker table either directly or through the floorperson assigned to supervise the dealer.

1. Prior to distributing decks to each poker table, the poker shift supervisor or floorperson shall examine each deck to determine if any replacement cards are necessary pursuant to 205 CMR 146.49(6). If needed, the poker shift supervisor or floorperson shall place the appropriate replacement cards into the deck from the cards held in reserve at the pit stand. Upon insertion of the replacement cards into the deck, the poker shift supervisor or floorperson shall re-examine the front of each card and the back of each card to ensure a consistent shading pattern and to ensure that the condition of the deck with the inclusion of the replacement cards has sufficient quality in order to maintain the integrity of gaming at poker.

2. If the integrity of gaming at poker would in any way be compromised by the use of the deck with the replacement cards, the entire deck of cards shall be placed in a sealed envelope or container, identified with the date and time and shall be signed by the poker shift supervisor. The poker shift supervisor shall maintain the envelope or container in a secure place within the pit stand until collection by a security officer.

(5) When removing cards from the poker storage area, the poker shift supervisor or supervisor thereof and a casino security officer shall, prior to the commencement of each gaming day and at such other times as may be necessary, remove the appropriate number of decks from the poker storage area and distribute the decks in accordance with the provisions of 205 CMR

146.49(4)(a). The number of decks distributed shall include extra decks that shall be placed in the pit stand for card reserve. Decks of cards in the pit stand shall be placed in a locked compartment, the keys to which shall be in the possession of the poker shift supervisor or supervisor thereof. If decks of cards are stored in the pit stand for more than one gaming day, the pit stand shall be equipped with a second lock, the key to which shall be maintained and controlled by the security department.

(6) With the exception of cards which are pre-inspected and pre-shuffled, each deck of cards shall be inspected by a dealer and the inspection verified by a table games supervisor prior to the use of the cards on a gaming table.

(a) Card inspection at an open gaming table shall require each deck of cards to be sorted into sequence and into suit and a visual inspection of the back of each card. If, after inspecting the cards, the dealer finds that a card is unsuitable for use or an extra card is found, the following procedures shall be observed:

1. If a card is unsuitable for use:

a. A poker shift supervisor or games supervisor shall bring a substitute card from the card reserve in the pit stand;

b. The unsuitable card shall be placed in a sealed envelope or container, identified by table number, date, and time and shall be signed by the dealer and floorperson assigned to that table; and

c. The poker shift supervisor or games supervisor shall maintain the envelope or container in a secure place within the pit until collection by a casino security officer;

or

2. If an extra card is found:

a. The poker shift supervisor or games supervisor shall place the extra card in a sealed envelope or container, identified by table number, date and time and signed by the dealer and floorperson assigned to that table; and

b. The poker shift supervisor or games supervisor shall maintain the envelope or container in a secure place within the pit until collection by a casino security officer.

(b) The envelopes or containers and the method used to seal them shall be designed or constructed so that any tampering shall be evident.

(7) Any cards which have been opened and placed on a gaming table shall be changed at least every 24 hours. Notwithstanding the foregoing:

(a) Except as otherwise provided in 205 CMR 146.49(7)(e) for baccarat and in 205 CMR 146.18(c) for mini-baccarat, cards opened for use on a baccarat, mini-baccarat, or fast action Hold'em table shall be changed at least once during the gaming day;

(b) Cards opened for use on a pai gow poker, Caribbean stud poker, let it ride poker, Colorado Hold'em poker, Boston 5 stud poker, double cross poker, four-card poker, Texas Hold'em bonus poker, ultimate Texas Hold'em poker, two-card joker poker, flop poker, Asia poker, winner's pot poker, supreme pai gow, Mississippi stud or three-card poker table and dealt from a dealing shoe and cards opened for use on a double down stud table and dealt from the hand shall be changed at least every eight hours;

(c) Cards opened for use on a pai gow poker, Caribbean stud poker, let it ride poker, Colorado Hold'em poker, Boston 5 stud poker, double cross poker, four-card poker, Texas Hold'em bonus poker, ultimate Texas Hold'em poker, flop poker, two-card joker poker, Asia poker, winner's pot poker, supreme pai gow, Mississippi stud or three-card poker table and dealt from the dealer's hand shall be changed at least every four hours;

(d) ~~Cards opened for use on a blackjack table offering the 6 to 5 blackjack variation shall be changed at least every four hours; [This section has been deleted.]~~

(e) Cards opened for use on a baccarat table using the alternative dealing procedure shall be changed after each shoe;

(f) Cards opened for use on a poker table shall be changed at least every six hours; and

(g) Cards opened for use on a blackjack, Spanish 21 or double attack blackjack table, or on a mini-baccarat table using the alternative dealing procedures of a continuous shuffling shoe or device as set forth in the authorized Rules of the Game of Mini-baccarat, may be used for no more than 48 hours if the following requirements are satisfied:

1. The gaming table shall remain open for gaming during the entire period of card usage;
2. At least six decks of cards shall be used to play the game; and
3. A table games shift manager shall identify for the surveillance department those gaming tables at which cards are in use for the extended period.

(8) Cards damaged during course of play shall be replaced by the dealer who shall request a floorperson or supervisor thereof for the game of poker or casino supervisor for all other games to bring cards in substitution from the pit stand.

(a) The damaged cards shall be placed in a sealed envelope, identified by table number, date and time and shall be signed by the dealer and the individual who brought the replacement card to the table.

(b) The poker shift supervisor or casino supervisor shall maintain the envelopes or containers in a secure place within the pit until collection by a casino security officer.

(9) At the end of each gaming day or, in the alternative, at least once each gaming day at the same time each day, as designated by the gaming licensee, or at the end of the extended period pursuant to 205 CMR 146.49(7)(g), and at such other times as may be necessary, the floorperson or supervisor thereof for the game of poker or casino supervisor for all other games shall collect all used cards required to be removed from play.

(a) These cards shall be placed in a sealed envelope or container. A label shall be attached to each envelope or container which shall identify the table number, date and time and shall be signed by the dealer and floorperson assigned to the table.

(b) The poker shift supervisor or casino supervisor shall maintain the envelopes or containers in a secure place within the pit until collection by a casino security officer.

(10) The gaming licensee shall remove any cards at any time during the day if there is any indication of tampering, flaws, scratches, marks or other defects that might affect the integrity or fairness of the game, or at the request of the Bureau.

(11) Except for decks that have been pre-shuffled and pre-inspected in accordance with 205 CMR 146.50, all extra decks or packaged sets of multiple decks in card reserve with broken seals shall be placed in a sealed envelope or container, with a label attached to each envelope or container that contains the number of decks or packaged sets of multiple decks, as applicable, included therein, the date and time and the signature of the floorperson or supervisor thereof for poker and the pit boss for all other games.

(12) At the end of each gaming day or, in the alternative, at least once each gaming day at the same time each day, as designated by the gaming licensee, and at such other times as may be necessary, a security officer shall collect and sign all envelopes or containers with damaged cards, cards required to be removed that gaming day, and all extra decks in card reserve with broken seals, except those that have been pre-shuffled and pre-inspected in accordance with 205 CMR 146.50, and shall return the envelopes or containers to the security department.

(13) At the end of each gaming day or, in the alternative, at least once each gaming day at the same time each day, as designated by the gaming licensee, and at such other times as may be necessary, a table games shift manager or games supervisor thereof may collect all extra decks in card reserve. If the gaming licensee maintains a separate storage area for poker cards, a poker

shift supervisor or supervisor thereof may collect all extra decks in card reserve for the game of poker. If collected, all sealed decks shall either be cancelled or destroyed or returned to the storage area.

(14) When the envelopes or containers of used cards and reserve cards with broken seals are returned to the casino security department, they shall be inspected for tampering, marks, alterations, missing or additional cards or anything that might indicate unfair play.

(a) For cards used in blackjack, Spanish 21, double attack blackjack, double cross poker, red dog, casino war, fast action hold'em, or mini-baccarat using the dealing procedures in the authorized Rules of the Game, the gaming licensee shall cause to be inspected either:

1. All decks used during the day; or
2. A sample of decks selected at random or in accordance with an approved stratification plan, provided that the procedures for selecting the sample size and for assuring a proper selection of the sample are submitted to and approved by the Bureau. This sample shall be collected, stored and inspected separately from the sample required by 205 CMR 146.49(14)(b), and shall not be commingled with any cards from that sample.

(b) For cards used in baccarat, or cards used in mini-baccarat using the dealing procedures in the authorized Rules of the Game, the gaming licensee shall cause to be inspected all decks used during the day. Notwithstanding the foregoing, for any decks that are opened for a single use in a shoe (the cards are not reshuffled for a subsequent use and are removed from the table), a gaming licensee may cause to be inspected a sample of decks selected at random or in accordance with an approved stratification plan, provided that the procedures for selecting the sample size and for assuring a proper selection of the sample are submitted to and approved by the Bureau.

(c) The gaming licensee shall also inspect:

1. Any cards which the Bureau requests the gaming licensee to remove for the purpose of inspection;
2. Any cards the gaming licensee removed for indication of tampering;
3. All cards used for pai gow poker, Caribbean stud poker, let it ride poker, Colorado Hold'em poker, Boston 5 stud poker, double cross poker, four-card poker, Texas Hold'em bonus poker, ultimate Texas Hold'em poker, flop poker, two-card joker poker, Asia poker, winner's pot poker, supreme pai gow, Mississippi stud or three-card poker; and
4. All cards used for poker.

(d) The procedures for inspecting all decks required to be inspected under 205 CMR 146.49(14)(d) shall, at a minimum, include:

1. The sorting of cards sequentially by suit or utilizing a machine approved by the Bureau capable of reading the cards to determine whether any deck contains missing or additional cards;
2. The inspection of the backs with an ultra-violet light;
3. The inspection of the sides of the cards for crimps, bends, cuts and shaving; and
4. The inspection of the front and back of all plastic cards for consistent shading and coloring.

(e) If, during the inspection procedures required in 205 CMR 146.49 one or more plastic cards in a deck are determined to be unsuitable for continued use, those cards shall be placed in a sealed envelope or container and a two-part Card Discrepancy Report shall be completed in accordance with 205 CMR 146.49(14)(j).

(f) Upon completion of the inspection procedures required by 205 CMR 146.49, each deck of plastic cards which is determined suitable for continued use shall be placed in sequential order, repackaged and returned to the primary or poker storage area for subsequent use. If a deck has any missing cards, the individual who repackages the cards shall indicate the need for the appropriate replacement card(s) in a manner documented in the gaming licensee's internal control procedures.

(g) The gaming licensee shall develop internal control procedures for returning the repackaged cards to the storage area.

(h) The individuals performing said inspection shall complete a work order form which shall detail the procedures performed and list the tables from which the cards were removed and the results of the inspection. The individual shall sign the form upon completion of the inspection procedures.

(i) The gaming licensee shall submit the training procedures for those employees performing the inspection to the Bureau.

(j) Evidence of tampering, marks, alterations, missing or additional cards or anything that might indicate unfair play discovered at this time, or at any other time, shall be immediately reported to the Bureau by the completion and delivery of a two-part Card Discrepancy Report.

(k) At the end of each gaming day or at such other times as may be necessary, the gaming supervisor identified in 205 CMR 146.49(13) shall visually inspect each card for evidence of tampering. Such evidence discovered at this time or at any other time shall be immediately reported to the security department and the Bureau. A security department



member shall complete a two-part Discrepancy Report, which Report along with the evidence shall be retrieved by an agent of the Bureau. The original and duplicate Report shall contain, at a minimum:

1. The date and shift of inspection;
2. The name of the supervisor conducting the inspection. The inspection required by 205 CMR 146.49(14)(k) shall be performed by a games supervisor other than the one who originally inspected the cards;
3. The pit number, table number, and type of game;
4. A description (for example, cut corners);
5. The signature of the supervisor conducting the inspection;
6. The signature of the security representative taking custody of the card; and
7. The signature of the agent of the Bureau inspecting or accepting the card, who shall retain the original and return the duplicate to security. A receipt shall be issued to the agent of the Bureau for any card retained by the Bureau. The receipt shall be signed the by the security representative releasing the card to the Bureau and the agent of the Bureau accepting the card. The receipt shall be retained with the Security copy of the Discrepancy Report. Any card not retained by the Bureau shall be destroyed in accordance with the licensee's destruction procedures. The report shall accompany the cards.

(l) Notwithstanding any provision in 205 CMR 146.49(14)(1) to the contrary, for cards used:

1. In any authorized game or variation thereof which permits a player to touch them, the gaming licensee shall cause to be inspected all decks used during the day; and
2. At any gaming table for more than 24 hours pursuant to 205 CMR 146.49(7)(g), the gaming licensee shall cause to be inspected a sample of decks that is separate from the sample of decks selected pursuant to 205 CMR 146.49(14)(a) 2., provided that the procedures for selecting the sample size and for assuring a proper stratification of the sample shall be submitted to and approved by the Bureau.

(15) If a deck of plastic cards has been reused 12 or more times and the deck has been determined to be suitable for reuse by the individual performing the inspection procedures required by 205 CMR 146.49(14)(c), before that deck may be reused at a poker table, the deck must be inspected by a poker shift supervisor or floorperson. A satisfactory inspection shall be documented by the poker shift supervisor or floorperson. If the poker shift supervisor or

floorperson determines that the deck may not be reused, the deck shall be placed in a sealed envelope or container, with a label attached which identifies the date and time and shall be signed by the poker shift supervisor or floorperson. At the end of the gaming day or at such other times as may be necessary, said envelope or container shall be collected by a casino security officer and be returned to the casino security department for destruction or cancellation pursuant to 205 CMR 146.49(16).


(16) Where cards in an envelope or container are inspected and found to be without any indication of tampering, marks, alterations, missing or additional cards or anything that might indicate unfair play, those cards with the exception of plastic cards used at poker that are of sufficient quality for reuse, shall within 72 hours of collection be destroyed or cancelled. In addition, once cards retained as evidence by the Bureau are released to the security department, the cards shall immediately be destroyed or cancelled.

(a) Destruction and cancellation of cards shall take place in a secure place, the location and physical characteristics of which shall be approved by the Bureau. The adequacy of the destruction and cancellation process shall be approved by the Bureau.

(b) Destruction of cards shall be by shredding by the security department or a vendor approved by the Bureau.

(c) Cancellation of cards shall be by drilling a circular hole of at least 1/4 of an inch in diameter through the center of each card in the deck.

(d) Documentation supporting the actual destruction and/or cancellation of the cards shall be prepared by the casino security department or vendor performing the process. At a minimum, such documentation shall include:

- 
1. The date and time that the cards were destroyed;
  2. The name and signature of the individual(s) who performed the destruction/cancellation process;
  3. The amount of cards that were destroyed or cancelled; and
  4. The signature of the representative of the games department attesting to the number of cards (decks of cards) destroyed when the procedure is performed at the casino.

DRAFT

~~(b) The 6 to 5 blackjack variation shall be dealt from the dealer's hand in accordance with the authorized Rules of the Game of Blackjack; and~~

(e) Blackjack may be dealt from the dealer's hand in accordance with the authorized Rules of the Game of Blackjack.

(4) A device which automatically shuffles cards may be utilized at the game of blackjack, Spanish 21, double attack blackjack, pai gow poker, mini-baccarat, red dog, poker, Caribbean stud poker, let it ride poker, three-card poker, fast action hold'em, Colorado Hold'em poker, casino war, Boston 5 stud poker, double cross poker, four-card poker, Texas Hold'em bonus poker, ultimate Texas Hold'em poker, flop poker, two-card joker poker, Asia poker, winner's pot poker, supreme pai gow, Mississippi stud and double down stud in addition to a manual or automated dealing shoe, provided that:

(a) The automated card shuffling device approved by the Bureau and the procedures for shuffling and dealing the cards through the use of the device are documented in the internal controls; and

(b) The security of an automated card shuffling device conforms to the security of any dealing shoe used at the gaming table pursuant 205 CMR 146.51.

(5) Each manual or automated dealing shoe shall be designed and constructed with such features as the Bureau may require maintaining the integrity of the game at which such shoe is used. Such features shall include, at a minimum, the following:

(a) At least the first four inches of the base plate shall be white;

(b) The sides of the shoe below the base plate shall be transparent or have a transparent sealed cutout unless the dealing shoe is otherwise constructed to prevent any object from being placed into or removed from the portion of the dealing shoe below the base plate and to permit the inspection of this portion of the shoe; and

(c) A stop underneath the top of the face plate shall preclude the next card to be dealt from being moved upwards for more than 1/8 inch distance.

(6) A baccarat dealing shoe, in addition to meeting the requirements of 205 CMR 146.51, shall also adhere to the following specifications:

(a) A removable lid shall be opaque from the point where it meets the face plate to a point at least four inches from the face plate;

(b) The sides and back above the base plate shall be opaque; and

(c) A device within the shoe shall, when engaged, prevent the cards from moving backward in the shoe.

(d) A Harrigan plate be used in all baccarat shoes so the backs of the cards cannot be seen until drawn.

(7) A pai gow poker dealing shoe, in addition to meeting the requirements of 205 CMR 146.51, may, in the discretion of the gaming licensee, also contain a device on the front of the face plate so as to preclude the players from viewing the next card to be dealt.

(8) All dealing shoes and shuffling devices in the casino shall be inspected at the beginning of each gaming day by a floorperson assigned to the table prior to cards being placed in them. The purpose of this inspection shall be to assure that there has been no tampering with the shoe or shuffling device.

(9) For gaming tables at which a manual dealing shoe is utilized, the shoe shall be located on the side of the gaming table to the left of the dealer, and the discard rack shall be located on the side of the gaming table to the right of the dealer. For gaming tables at which either an automated card shuffling device or an automated dealing shoe is utilized, the discard rack shall be on the side of the gaming table opposite such device or shoe.

DRAFT



# TRIBAL LITIGATION UPDATE

*A SUMMARY OF THE CURRENT STATE OF AFFAIRS*

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TODD GROSSMAN - GENERAL COUNSEL

CAITLIN MONAHAN - ASSOCIATE GENERAL COUNSEL

MAY 6, 2021

# MGC OBLIGATIONS CONCERNING TRIBAL MATTERS

**Chapter 23K, Section 67** provides in pertinent part:

“The commission shall continue to evaluate the status of Indian tribes in the commonwealth including, without limitation, gaining federal recognition or taking land into trust for tribal economic development.”

# INDIAN REORGANIZATION ACT

- “The Indian Reorganization Act (IRA or Act) authorizes the Secretary of the Interior...to acquire land and hold it in trust ‘for the purpose of providing land for Indians.’” *Carcieri v. Salazar*, 555 U.S. 379, 381-82 (2009) (citing 25 U.S.C. § 465)
- “The Secretary’s authority under the IRA is cabined by whether a tribe meets the statute’s definition of ‘Indian,’ found in Section 19 of the [IRA] and codified at 25 U.S.C. § 5129 . . . .” *Mashpee Wampanoag Tribe v. Zinke*, 2019 WL 2569919, \*1 (D.D.C. July 21, 2019).





## DEFINITION OF “INDIAN”

“The term 'Indian' as used in this Act shall include

[1] all persons of Indian descent who are members of any recognized Indian tribe **now under Federal jurisdiction**, and

[2] all persons who are descendants of **such members** who were, on June 1, 1934, residing within the present boundaries of any Indian reservation, and shall further include

[3] all other persons of one-half or more Indian blood.”

25 U.S.C. § 5129 (emphasis added)

# CARCIERI v. SALAZAR, 555 U.S. 379 (2009)

- **Issue:** How to “interpret the statutory phrase ‘now under Federal jurisdiction’ in [the IRA’s first definition of ‘Indian’].” *Carcieri*, 555 U.S. at 382.
  - “The term 'Indian' as used in this Act shall include [1] all persons of Indian descent who are members of any recognized Indian tribe **now** under Federal jurisdiction, and [2] all persons who are descendants of such members who were, on June 1, 1934, residing within the present boundaries of any Indian reservation, and shall further include [3] all other persons of one-half or more Indian blood.” 25 U.S.C. § 5129 (emphasis added).
- The Supreme Court held that “the term ‘now under Federal jurisdiction’ in § 479 unambiguously refers to those tribes that were under the federal jurisdiction of the United States when the IRA was enacted **in 1934**.” *Carcieri*, 555 U.S. at 394. (emphasis added).
- The majority did not explain how to interpret “under Federal jurisdiction.”

## M-OPINION (MARCH 2014)

- In response to *Carciari*, on March 12, 2014, the Solicitor of the DOI issued a memorandum (M-37029) to the Secretary entitled “The Meaning of ‘Under Federal Jurisdiction’ for Purposes of the Indian Reorganization Act” (known as the ‘M-Opinion’).
- The M-Opinion outlined how to interpret “the phrase ‘under Federal jurisdiction’ in the IRA for the purposes of determining whether an Indian tribe can demonstrate that it was under federal jurisdiction in 1934.” M-Opinion at 1.



## M-OPINION, CONT.

- The M-Opinion sets out a two-part inquiry to determine whether a tribe was “under Federal jurisdiction”
  1. Whether there is a sufficient showing in the tribe’s history, at or before 1934, that it was under federal jurisdiction, *i.e.*, **whether the United States had**, in 1934 or at some point in the tribe’s history prior to 1934, **taken an action or series of actions** – through a course of dealings or other relevant acts for or on behalf of the tribe or in some instances tribal members – **that are sufficient to establish, or that generally reflect federal obligations, duties, responsibility for or authority over the tribe by the Federal Government.** M Opinion at 19.
  2. Whether the tribe’s jurisdictional status remained intact in 1934. *Id.*
- A signed M-Opinion binds the Department and its officials until modified by the Solicitor, Deputy Secretary, or Secretary or otherwise overruled by the courts. *See Mashpee Wampanoag Tribe v. Bernhardt*, 466 F. Supp. 3d 199 (D.D.C. 2020).



# THE MASHPEE WAMPANOAG TRIBE CASES

## SECOND DEFINITION OF “INDIAN”

- 2015 BIA Record of Decision (2015 ROD)
- *Littlefield, et al. v. United States Dep’t of the Interior, et al.*, No. 16-10184-WGY (D. Mass)
- *Littlefield, et al. v. Mashpee Wampanoag Indian Tribe, et al.*, No. 16-2484 (1<sup>st</sup> Cir.)

## FIRST DEFINITION OF “INDIAN”

- 2018 BIA Record of Decision (2018 ROD)
- *Mashpee Wampanoag Tribe v. Bernhardt, et al.*, No. 18-2242 (D.D.C.)
- *Mashpee Wampanoag Tribe v. Bernhardt, et al.*, No. 20-5237, 20-5238 (D.C. Cir.)



# OVERVIEW OF MASHPEE WAMPANOAG CASES

- The *Littlefield* cases in D. Mass and the First Circuit have concluded
  - Statutory Interpretation: The use of "such" in the second definition of "Indian" includes the complete antecedent “members of any recognized Indian tribe now under Federal jurisdiction.”
  - 2015 ROD Flawed: Because the IRA unambiguously foreclosed the BIA’s interpretation of the second definition of Indian in the 2015 ROD, the Secretary lacked authority to take land into trust for the benefit of the Tribe.
- The *Mashpee Wampanoag Tribe v. Bernhardt* cases in D.D.C. and the D.C. Circuit have concluded
  - 2018 ROD Flawed: 2018 ROD was arbitrary, capricious, an abuse of discretion, and contrary to law because it “did not evaluate the evidence in accordance with the directives of the M-Opinion.”
  - Remand: ROD Remanded to DOI “for a thorough reconsideration and re-evaluation of the evidence before [it]...”



## OVERVIEW, CONT.

- The RODs remain on remand
- Awaiting new record of decision from DOI regarding whether the Mashpee Wampanoag Tribe meets the first definition of “Indian’ under the IRA and, in turn, whether land may remain in trust for the Tribe
- A temporary stay prohibits the DOI from taking any steps to alter the *status quo ante* with respect to the land in Mashpee and Taunton that was taken into trust in November 2015
- Per the Indian Gaming Regulatory Act (25 USC § 2701, *et seq.*), the Tribe may not operate an Indian casino without land in trust

# SEPT. 2015 BIA RECORD OF DECISION (2015 ROD)

- In September 2015, the Bureau of Indian Affairs announced the DOI's determination that: 1) it would acquire in trust the Mashpee and Taunton Sites, 2) it would proclaim these lands to be the Tribe's reservation, and 3) the Mashpee and Taunton Sites were eligible for gaming under the 'initial reservation exception' of the Indian Gaming Regulatory Act. 2015 ROD at ii.
- **Issues Addressed in 2015 ROD:**
  1. To what does the term "such" in the IRA's second definition of Indian apply?
  2. Does the Mashpee Wampanoag Tribe meet the definition of "Indian" under the second definition of the IRA?



## 2015 ROD, CONT.

- The BIA determined that “such” refers only to “members of any recognized tribe’ but not the phrase ‘now under Federal jurisdiction’ which modifies only the first definition of ‘Indian.’” 2015 ROD at 94.
  - “The term 'Indian' as used in this Act shall include [1] all persons of Indian descent who are **members of any recognized Indian tribe** now under Federal jurisdiction, and [2] all persons who are descendants of **such members** who were, on June 1, 1934, residing within the present boundaries of any Indian reservation, and shall further include [3] all other persons of one-half or more Indian blood.” 25 U.S.C. § 5129 (emphasis added).
- Using that interpretation, the BIA found that the Tribe met the second definition of Indian
- In rendering its decision, the DOI did not determine whether the Tribe was “under Federal jurisdiction” in 1934
- DOI took land into trust for the Tribe in November 2015

# LITTLEFIELD v. U.S. DEP'T OF INTERIOR (D. MASS 2016)

- Citizen group appeal of 2015 ROD and land in trust status of Mashpee Wampanoag Tribe.
- **Issues:**
  1. To what does the term “such” in the IRA’s second definition of Indian apply?
  2. Does the Mashpee Wampanoag Tribe meet the second definition of “Indian” under the IRA?

# LITTLEFIELD v. U.S. DEP'T OF INTERIOR, CONT.

- Judge Young issued his opinion on July 28, 2016. 199 F. Supp. 3d 391.
- Contrary to the BIA rationale, Judge Young interpreted the term “such members” to refer back to the full clause in the first definition: “all persons of Indian descent who are members of any recognized Indian tribe now under Federal jurisdiction.” 199 F. Supp. 3d at 400.
- The BIA had not determined whether the Tribe was “under Federal jurisdiction” in the 2015 ROD. Dkt. 121. Therefore, based on the 2015 Decision, the Tribe did not qualify as “Indian” under the second definition of the IRA and the Secretary lacked the authority to acquire land in trust. 199 F. Supp. 3d at 400.
- The factual question of whether the Tribe was under federal jurisdiction in 1934 was not before Judge Young
- Remanded to DOI for further proceedings. *Id.*
- Judge Young clarified that on remand, the DOI could analyze the Tribe’s eligibility under the first definition of “Indian” or reassess eligibility under the second definition consistent with the Court’s ruling on the proper interpretation of that definition. Dkt. 121.



# LITTLEFIELD v. MASHPEE WAMPANOAG INDIAN TRIBE (1<sup>ST</sup> CIR. 2020)

- Tribe’s appeal to U.S. Court of Appeals for the First Circuit of Judge Young’s decision regarding the 2015 ROD.
- On February 27, 2020, the First Circuit affirmed Judge Young’s decision (951 F.3d 30):
  - Statutory Interpretation: The use of "such" in the second definition of "Indian" included the complete antecedent “members of any recognized Indian tribe now under Federal jurisdiction.” (emphasis added).
  - 2015 ROD Flawed: “Because the IRA unambiguously forecloses the BIA’s interpretation of 25 U.S.C. § 5129, the Secretary lacked authority to take land into trust for the benefit of the Tribe.”
- On March 27, 2020, the Secretary of the Interior directed the BIA to “rescind” the 2015 ROD “whereby the BIA accepted land into trust on behalf of the Tribe,” and to “revoke the reservation proclamation.” Such action was stayed by D.D.C.

# SEPTEMBER 2018 DOI RECORD OF DECISION (2018 ROD)

- In response to Judge Young’s remand order, the DOI issued the 2018 Decision on September 7, 2018.
- **Issues Addressed in 2018 ROD:**
  1. Was the Tribe “under Federal jurisdiction” as of 1934?
  2. Does the Mashpee Wampanoag Tribe meet the first definition of “Indian” under the IRA?

## 2018 ROD, CONT.

- Applying the M-Opinion, the DOI concluded that “the evidence does not show that the Tribe was under Federal jurisdiction in 1934 within the meaning of the IRA’s **first definition of ‘Indian.’**” 2018 ROD at 28 (emphasis added).
- The DOI also determined that the Tribe does not “qualify under the second definition, as that definition has been interpreted by the United States District Court for the District of Massachusetts.” *Id.*

# MASHPEE WAMPANOAG TRIBE v. BERNHARDT (D.D.C. 2020)

- Tribe challenged the 2018 ROD in the U.S. District Court for the District of Columbia, instead of D. Mass.
- **Issues:**
  1. Was the Tribe “under Federal jurisdiction” as of 1934?
  2. Does the Mashpee Wampanoag Tribe meet the first definition of “Indian” under the IRA?

# MASHPEE WAMPANOAG TRIBE v. BERNHARDT, CONT.

- On June 5, 2020, Judge Friedman found that the 2018 ROD was arbitrary, capricious, an abuse of discretion, and contrary to law because it “did not evaluate the evidence in accordance with the directives of the M-Opinion.” 466 F. Supp. 3d 199 at 217-218.
  - “The Secretary’s incorrect application of the M-Opinion – evaluating the evidence in isolation and failing to view the probative evidence ‘in concert’ – taints every category of evidence that the Secretary discussed in the 2018 ROD.” *Id.* at 218.
  - Analysis in the 2018 ROD was also inconsistent the DOI’s prior decisions and judicial precedent.
- Remanded to DOI “for a thorough reconsideration and re-evaluation of the evidence before [it] consistent with this Opinion, the 2014 M-Opinion...and the Department’s prior decisions applying the M-Opinion’s two-part test.” *Id.* at 236.



# MASHPEE WAMPANOAG TRIBE v. BERNHARDT, CONT.

- On the same day, Judge Friedman also issued a temporary stay prohibiting the DOI from taking any steps to alter the *status quo ante* with respect to the land in Mashpee and Taunton that was taken into trust in November 2015. 2020 WL 3034854 (D.D.C. June 5, 2020).
- The stay prohibits the DOI from 1) taking any steps to take the land out of trust, or 2) rescinding the proclamation that the Trust Land is the Tribe's reservation.
- The stay shall last until 14 days after the DOI issues a decision on remand that conforms with the 2014 M-Opinion.

# MASHPEE WAMPANOAG TRIBE V. BERNHARDT (D.C. CIR.)

- On August 7, 2020, the DOI and a citizen group filed notices of appeal of Judge Friedman’s decision in the Court of Appeals for the D.C. Circuit. (D.C. Cir.)
- On February 19, 2021, the DOI and the citizen group moved to dismiss their appeals voluntarily; the appeals were dismissed
- Judge Friedman’s June 2020 Order stands
  - 2018 ROD Flawed: 2018 ROD was arbitrary, capricious, an abuse of discretion, and contrary to law because it “did not evaluate the evidence in accordance with the directives of the M-Opinion.”
  - Remand: ROD Remanded to DOI “for a thorough reconsideration and re-evaluation of the evidence before [it]...”

## NEXT STEPS

- Now awaiting the DOI's decision on remand from Judge Friedman regarding whether the Tribe meets the first definition of "Indian" under the IRA and, in turn, whether the land in Mashpee and Taunton may remain in trust for the Tribe.
- Per the Indian Gaming Regulatory Act (25 USC § 2701, *et seq.*), the Tribe may not operate an Indian casino without land in trust
  - 25 USC § 2701(5) – "**Indian tribes have the exclusive right to regulate gaming activity on Indian lands** if the gaming activity is not specifically prohibited by Federal law and is conducted within a State which does not, as a matter of criminal law and public policy, prohibit such gaming activity."
  - 25 USC § 2703(4) – "**The term 'Indian lands' means**– (A) all lands within the limits of any Indian reservation; and (B) **any lands title to which is either held in trust by the United States for the benefit of any Indian tribe** or individual or held by any Indian tribe or individual subject to restriction by the United States against alienation and over which an Indian tribe exercises governmental power."



# WAMPANOAG TRIBE OF GAY HEAD (AQUINNAH) CASE

- Case in D. Mass/First Circuit in which the parties have disagreed over 1) whether federal or state gaming law applies to a gaming facility built by the Wampanoag Tribe of Gay Head (Aquinnah) on Martha's Vineyard, and 2) whether the Tribe must comply with state and local permitting laws and regulations in the building of a gaming facility
- On remand from the First Circuit, Judge Saylor entered a final judgement providing that 1) any gaming facility constructed and operated by the Tribe on the lands at issue is not subject to state and local laws and regulations concerning gaming, and 2) that any such facility is otherwise subject to state and local regulation, including any applicable permitting requirements. 390 F. Supp. 3d 183 (D. Mass. 2019).
- The Tribe appealed the latter portion of the judgment concerning the permitting issue

# WAMPANOAG TRIBE OF GAY HEAD (AQUINNAH) CASE, CONT.

- On February 25, 2021, a First Circuit panel affirmed Judge Saylor's judgment, ruling that the Tribe had waived its right to appeal the permitting issue. 989 F.3d 72.
- On April 5, 2021, the Tribe's motion for a panel rehearing or rehearing en banc was denied
- The Tribe may still petition the Supreme Court for a writ of certiorari
- The Tribe may move forward with building a Class II gaming facility in line with the aforementioned state and local laws and regulations
- Because the Tribe intends to build a Class II facility, as opposed to a Class III facility, it does not need a compact with the Commonwealth



# APPENDIX

MASSACHUSETTS GAMING COMMISSION



# TIMELINE OF RELEVANT EVENTS

**June 18, 1934:** *Indian Reorganization Act* enacted.

**February 15, 2007:** Mashpee Wampanoag Tribe obtains federal recognition from BIA.

**February 24, 2009:** *Carcieri v. Salazar*, 555 U.S. 379 (2009) decided.

**November 22, 2011:** *An Act Establishing Expanded Gaming in the Commonwealth* (Chapter 194 of the Acts of 2011) enacted.

**March 19, 2013:** Compact between Commonwealth and Mashpee Wampanoag Tribe executed.

**March 12, 2014:** DOI issues formal guidance re: how to interpret the phrase “under federal jurisdiction” in the IRA’s first definition of “Indian” (“M-Opinion”).

**September 18, 2015:** DOI grants Tribe’s fee-to- trust

application based on second definition of “Indian.” (2015 ROD).

**January 8, 2016:** Land in Mashpee and Taunton was taken into trust by Sec. of Interior.

**February 4, 2016:** Local residents challenge grant of 2015 fee-to-trust decision in U.S. District Court for the District of Massachusetts (D. Mass.) (*Littlefield*).

**April 28, 2016** - Region C decision denying application.

**July 28, 2016:** D. Mass. (Young, J.) held that DOI lacked authority under the IRA to acquire land in trust for the tribe (2015 DOI decision) under second definition of “Indian” “because they were not under federal jurisdiction in June 1934” and remanded to DOI. (*Littlefield*, 199 F. Supp. 3d 391).



# TIMELINE OF RELEVANT EVENTS, CONT.

**October 12, 2016:** D. Mass. clarifies that its finding that the Tribe was not under federal jurisdiction in 1934 would not be binding on DOI on remand. (DOI could analyze eligibility under first definition or reassess under second definition). (No. 16-10184, Dkt. 121).

**December 12, 2016:** Parties appeal D. Mass. decision to U.S. Court of Appeals for the First Circuit (1<sup>st</sup> Cir.).

**September 7, 2018:** DOI issues remand decision that Tribe was not “under federal jurisdiction” as of 1934 and could not qualify as eligible beneficiaries under first or second definition of “Indian.” (2018 ROD).

**September 27, 2018:** Tribe files complaint in U.S. District Court for the District of D.C. (D.D.C. ) challenging Sept. 2018 DOI decision. (*Bernhardt*).

**May 15, 2019:** *Mashpee Wampanoag Tribe Reservation Reaffirmation Act* passes in U.S. House of Representatives

**February 27, 2020:** 1<sup>st</sup> Cir. affirms D. Mass decision in *Littlefield*, finding that the IRA forecloses the BIA’s interpretation re: second definition of “Indian” and the Sec. of Interior lacked authority to take the land into trust. (951 F.3d 30).

**March 9, 2020:** DOI withdraws 2014 M-Opinion

**March 10, 2020:** DOI issues memorandum outlining new, four-step procedure for determining eligibility under the first definition of “Indian.”





# TIMELINE OF RELEVANT EVENTS, CONT.

**March 27, 2020:** Letter from Sec. of Interior to BIA noting that *Littlefield* decision was final and directing BIA to rescind the 2015 ROD “whereby the BIA accepted land into trust on behalf of the Tribe,” and to “revoke the reservation proclamation.”

**June 5, 2020:** D.D.C. finds that the Sec. of Interior misapplied the M-Opinion in issuing the 2018 Decision and remands to DOI for “a thorough reconsideration and re-evaluation of the evidence.” (466 F. Supp. 3d 199).; and D.D.C. prohibits DOI from taking any steps to alter the *status quo ante* with respect to the land taken into trust. Temporary stay to last until fourteen days after DOI issues a decision on remand. (2020 WL 3034854).

**August 7, 2020:** DOI (and others) appeal D.D.C. decision in the Court of Appeals for the D.C. Circuit. (D.C. Cir.)

**February 19, 2021:** DOI (and others) move to dismiss D.C. Cir. Appeal voluntarily and appeal is dismissed.

**April 27, 2021:** DOI reinstates 2014 M-Opinion

# FEDERAL LEGISLATION

- In January 2019, Representative Keating (along with 35 co-sponsors including the MA delegation) introduced a bill in the U.S. House of Representatives (H.R. 312) (a refile), titled the “Mashpee Wampanoag Tribe Reservation Reaffirmation Act.”
- The bill would:
  - ✓ Reaffirm the Tribe’s trust land;
  - ✓ Ratify and confirm the Secretary’s actions taking the land into trust; &
  - ✓ Preclude filing of further matters, and dismiss pending federal litigation concerning this matter.
- The bill was passed/agreed to in the House on May 15, 2019 (275-146). The bill was received in the U.S. Senate and placed on the Legislative Calendar on May 20, 2019.
- No further activity was reported in the 116<sup>th</sup> Congress
- The bill has not been reintroduced in the current 117<sup>th</sup> Congress.



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

FROM: 2021 Community Mitigation Fund Review Team

CC: Karen Wells, Executive Director

DATE: May 6, 2021

RE: Continuation of 2021 Community Mitigation Fund Application Review

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This memorandum provides an analysis of the following 2021 CMF Applications:

Applicant	Type	Region A	Region B	Category 2
Northampton Marketing	Community Planning		\$75,000	
Everett - Police	Specific Impact	\$215,220		
Foxborough - Police	Specific Impact			\$283,130
Springfield Blueprint	Specific Impact		\$400,000	
West Springfield - Police / EMS	Specific Impact		\$200,000	
Chicopee - Streetscapes	Transportation Planning		\$200,000	
Everett - Mystic Riverwalk	Transportation Planning	\$200,000		
Lynn - Traffic and Safety	Transportation Planning	\$200,000		
Everett Northern Strand	Transportation Construction	\$134,826		
Springfield - Dwight St.	Transportation Construction		\$200,000	

Copies of the applications can be found at <https://massgaming.com/about/community-mitigation-fund/>.

The Community Mitigation Fund Review Team (“Review Team”) reviewed the grant applications to ensure that the applications are in compliance with the 2021 Guidelines. As part of this review process, copies of the applications were sent to the licensees and MassDOT for their review and comment. Requests for supplemental information were submitted to the applicants so they could provide further clarification on their application. If necessary, the Review Team held follow-up meetings with the applicants to obtain clarifications on the application and supplemental materials. Numerous meetings were held by the Review Team to ensure a thorough review of every application.

### Recommendations of the Review Team

To effectuate a consistent and efficient system to analyze the applications, the Review Team utilized the review criteria specified in the 2021 Guidelines. This summary will mention some significant factors for these applications. Among the criteria are:

- A demonstration that the impact is being caused by the proposed gaming facility;
- The significance of the impact to be remedied;
- The potential for the proposed mitigation measure to address the impact;
- The potential for the proposal to maximize the economic impact of the gaming facility; and
- The feasibility and reasonableness of the proposed mitigation measure.

### **SPECIFIC IMPACT APPLICATIONS**

<b>Guidelines Targeted Spending</b>		<b>Applications Received</b>	<b>Awards</b>
<b>Specific Impact</b>	No Target Set	\$1,982,889	Pending

#### **EVERETT – Police Department Supplemental Personnel and Operational Funds**

**Summary:** The City of Everett Police Department (“EPD”) seeks funding through the Specific Impact Grant to supplement equipment, specifically police vehicles and personnel costs incurred because of the dedicated fulltime staffing to the Gaming Enforcement Unit and the late-night services calls in response to Encore's operations. Specifically, the City is seeking six vehicles to be used by members of the EPD assigned to the Gaming Enforcement Unit, at a total cost of \$174,570. The city is also seeking \$40,650 to cover the cost of overtime that will allow for 150 extra patrols. Each patrol is for a four-hour block and will be run by two officers on weekend nights over the next year. In addition to the weekend night patrols, these funds could also be used to staff patrols on Thursday or Sunday nights when there are special events that may increase traffic in the Encore area. The total amount being requested in the application is \$215,220.

**Analysis:** The Review Team is recommending partial funding of this grant in the amount of \$70,000 for extra patrols and a GEU assigned vehicle.

The Review Team agreed that the request for overtime should be fully funded, as EPD demonstrated a clear nexus to the hours of operation of the casino and an increase in late night calls for service. Specifically, there has been a marked increase in calls for service between the hours of 10 p.m. and 4 a.m. and as noted in previous applications to the CMF, the extended hours of alcohol service at the casino that were not contemplated in the initial Host Community Agreement and as such this factor was not considered by EPD when assessing operational costs associated with the GEU.

The Review Team reviewed the request for six vehicles to be used by the members of EPD assigned to the GEU and found that though there is some need for members of this unit to be able to leave the casino to attend court, conduct surveillance and travel to and from other law enforcement agencies, the flexibility allowed by the provision of one vehicle as opposed to six was more in line with the frequency of the purposes stated for vehicle use. Although six vehicles from the EPD fleet were assigned initially to the GEU by EPD, the total replacement of this portion of the fleet is not in

proportion with the activity described in the application and the subsequent information provided by EPD. Although the Review Team is aware that attrition is a concern when evaluating the need for police vehicles, again provision of one vehicle would seem proportionate to the any attrition experienced by the EPD since the opening of EBH and the creation of the GEU.

**Licensee Response:** “Encore Boston Harbor supports public safety initiatives in the City of Everett. We are appreciative of the collaborative relationship between Encore Boston Harbor and the Everett Police Department and look forward to working together to ensure the safety of all for years to come.”

### **FOXBOROUGH - Police Department Operational Costs**

**Summary:** The Town of Foxborough Police Department (“FPD”) is seeking funding for training costs to pursue additional specialized training for personnel in a variety of high liability areas, including sending eight members to implicit bias training, eight members to human trafficking, and three members to accident reconstruction. The total cost of all requested training is \$131,187. Additionally, the department is seeking grant funding for equipment that will enhance its investigative capabilities in conjunction with some of the specific training it is requesting, specifically three undercover police vehicles that could be used for multiple types of investigations, including human trafficking investigations. The total cost of the vehicles requested is \$103,013. The FPD is also requesting money for traffic safety equipment in the form of traffic safety signals that would be installed at seven crosswalks along Route 140. These signals would replace the traditional yellow crosswalk signs with solar powered signs which contain amber warning lights to alert motorists of the presence of a pedestrian in the crosswalk. The total cost of these signs is \$48,930.

**Analysis:** The Review Team is recommending partial funding of this grant in the amount of \$81,000 for an undercover vehicle and training costs.

The Review Team failed to see the nexus to the operation of PPC that is necessary to justify the provision of funds for the new crosswalk signs. Although the FPD was able to provide some traffic data along Route 140, the levels of traffic were relatively consistent from year to year and none of the data predated the opening of PPC, which did not allow for a real comparison of the pre- and post-development traffic.

The request for three “soft” or undercover police vehicles, was evaluated based on its nexus to the casino, and although the Review Team agreed the nexus was present, the proportion of the request did not seem to fit the described impact. The Review Team recommends funding one car in the amount of \$34,000 and feels this is a more appropriate proportional response given the frequency of the types of investigations this vehicle will be used for, primarily narcotics and human trafficking investigations. The Review Team also appreciated the intersection of this request with the specific type of training requested by the department, recognizing that an increase in training regarding human trafficking may lead to an increase in detection of it and subsequent investigations.

Regarding the request for training funds, the Review Team also looked at this request with an eye toward proportionality. The Foxborough Police Department has 39 full time positions, 37 of which are currently filled. The FPD operates on a one-for-one staffing system, meaning that any request for training will also be accompanied by the need to backfill the shift of the officer who is attending the training, this is accomplished by hiring an officer to work at an overtime rate to fill the vacancy on the shift. The total number of officers attending the suggested trainings is 19 out of the 37-member department. The cost of tuition for the trainings is \$31,035 and the cost of the overtime needed to cover the absences of the officers attending the trainings is \$100,152.

While the level of training requested may be appropriate for FPD as a whole, we have to keep in mind that the presence of PPC is only potentially responsible for a portion of the increases in crime and calls for service. Even absent PPC, Foxborough would still have issues associated with Gillette Stadium, Patriot Place and the nearby hotels. Therefore, the Review Team believes that the Community Mitigation Fund should provide funding for only a portion of these training costs. The Review Team recommends that \$47,000 be awarded for training costs, which would mean sending one member to the accident reconstruction training, three members to the implicit bias training and three members to the human trafficking training. This amounts to approximately 36% of the requested funds.

The Review Team realizes that the training monies and overtime monies may be pooled into one overall training budget, so the recommendations of specific training attendance are suggestions and may be subject to change to depending on the availability of spots in these specific classes. Reducing the number of human trafficking and implicit bias attendees from 8 per course to 3 per course would theoretically allow for one member of the department per shift to be trained on these topics, this was another basis the Review Team used in evaluating the proportionality of the request for training funds.

**Licensee Response:** “PPC has reviewed the requests submitted by Plainville and Foxborough and we have no comments to provide at this time. We appreciate the MGC’s continued practice to allow licensees to review and provide comments on Mitigation Funding.”

### **SPRINGFIELD – Blueprint Implementation 2021**

**Summary:** The City of Springfield is requesting \$400,000 to advance the implementation of the city’s Master Development Plan to transform the downtown area surrounding MGM Springfield.

**Analysis:** The Review Team recommends full funding of the project in the amount of \$400,000.

The development of MGM Springfield was expected to be a catalyst for additional development in the area. However, according to the application, “the MGM Springfield ‘economic engine’ meant to stimulate much needed catalytic development outside the Casino area has in fact inadvertently stymied it through market inflation, area speculation, hyper real estate market expectations, inactivity, disinvestment and growing blight.” The application states that the casino area stagnation is evidenced by “the absence of any significant investment, property transactions, market corrections, new businesses /tenancies openings, and ongoing building decline/disinvestment.” The Review Team agrees that attempting to address this impact is appropriate.

The City of Springfield developed an economic development plan called “Implementation Blueprint, An Economic Development Strategy for the Renaissance of a Great American Downtown: Springfield MA.” The City established a near term priority zone –the Casino Impact Zone–which covers three areas near the casino –the Main Street corridor across from MGM, the Court Square area, and Willow Street from State Street to Union Street. In 2020, the City was awarded \$250,000 in grant funds to advance the Implementation Blueprint in these areas, specifically planning studies, alternative/recommendations and implementation strategies around these priority areas with focus on reuse/higher utilization, zoning enhancements, economic incentives and other related assistance to reverse current trends. The City used those funds to establish a Master Development Plan focused on projects and initiatives that reestablish a vibrant downtown. The City’s 2021 application seeks to advance the implementation of that Master Development Plan to transform the area. Specifically, the near-term advancement would focus of designs for landscaping, hardscaping,

streetscaping, lighting, park and perimeter improvements, roadway infrastructure and utility improvements, and branding in the Court Square area, as well as developer solicitation.

The Review Team agrees that advancing implementation of the Master Development Plan is appropriate to advance redevelopment of the area and recommends approval of the project.

**Licensee Response:** “The City of Springfield has applied for a Specific Impact grant of \$400,000 for their Springfield blueprint focusing on a Main Street/Convention Overlay District. MGM fully supports this initiative as a continuation of the City's focus on advancing its economic development strategy, as further evidenced by our letter to Mayor Sarno and the City Council dated January 20, 2021. We view this as a critical regional roadmap that focuses on new private investments while complementing Springfield's current assets. This effort looks toward future growth opportunities to make Springfield a 21st century urban center and cement its status as the capital of Western Massachusetts.”

### **WEST SPRINGFIELD – Police & Fire/EMS Direct Impact**

**Summary:** The Town of West Springfield is requesting grant funding for additional Police, Fire and EMS personnel hired to increase staffing for the impact to municipal services resulting from the opening of the MGM Casino in Springfield. Specifically, the town is requesting funding to maintain and offset the cost of the 8 firefighters, 4 police officers and 4 police dispatchers that were hired in anticipation of the opening of MGM Springfield. The total funding requested is \$200,000.

**Analysis:** The Review Team recommends full funding for this request in the amount of \$200,000.

In the 2020 grant round, the Commission provided \$200,000 in funding for West Springfield's public safety costs with the understanding that it was a one-time grant and that any future requests would need to be based on the required look-back study.

Civic Economics has completed the One Year Look Back Study and delivered the final report on November 6, 2020. This study looked at impacts on commercial/retail activity, utility/ infrastructure, crime rates/public safety, real estate values, public health, municipal administrative burdens and MGM positive impacts in West Springfield. Notably, this study did not evaluate traffic as that work was to be done by a separate traffic consultant, which was unable to perform its work due to Covid-19.

The look back study does show an increase in calls for service, year over year since the opening of MGM Springfield. Because West Springfield is a surrounding community, the calculus of determining which of these calls is directly attributable the operation of MGM Springfield is more difficult and attenuated than the same calculus in a host community. Understanding this attenuation, the Review Team still sees a nexus to the operation of the casino borne out by the look back study with enough sufficiency to justify the request for offsetting funds to cover a portion of the wages for the additional public safety staff hired by the Town of West Springfield. The Review Team is also cognizant of the process set out in the surrounding community agreement, guiding surrounding communities to request funding through the CMF if the funds provided for in the Surrounding Community Agreement (SCA) are not sufficient to cover the costs of a particular category of cost set out in the initial agreement. The Town of West Springfield has availed itself of this process in requesting these particular funds from the CMF and has used the look back study to make the specific calculation that resulted in the \$200,000 request amount.

In anticipation of the MGM opening, West Springfield Police/Fire/EMS added 16 new positions (8 firefighters, 4 patrolmen and 4 dispatchers). According to the look back study, the costs for FY22 associated with this personnel is \$1,117,353. Of this amount, the Civic Economics study suggests that the operation of MGM is responsible for 49.7 percent of the cost of increased staffing, leading to a total increased public safety cost of \$585,394. The Town disputes this number, stating that the Civic Economics study did not account for any annual increase in staffing costs. The Town adjusted upward to what it contends is a more accurate total cost of \$1,311,321. Using this number along with 49.7 percent to represent the portion of increased calls attributed to MGM, the Town has provided an adjusted amount of \$651,727 as the total amount of the increase in public safety costs attributable to MGM. The town then subtracted the \$375,000 provided in the SCA for the mitigation of all adverse effects from the operation of MGM, resulting in an uncovered public safety staffing cost of \$276,727, hence the characterization of the requested \$200,000 from the CMF as an offset.

It must be noted here that MGM does not support this application. MGM believes that a flawed rationale was used and that MGM’s operation is not resulting in net-negative impacts. However, absent any data to the contrary, the look back study has determined that there is an impact over and above the \$375,000 payment received by West Springfield.

**Licensee Response:** “MGM does not support the Town of West Springfield's grant application requesting \$200,000 to hire additional police and fire personnel as currently framed. The Town's application erroneously relies upon on a look back study by Civic Economics as concluding that excessive public safety expenses incurred by the Town are an adverse fiscal impact under the parties' Surrounding Community Agreement. To the contrary, that study report concludes that the Town "substantially overshot the mark" and spent at a level that outstripped any increase in call volume. The Town has also used the prior issuance of Community Mitigation grants by the MGC as evidencing an impact and need for funding. That rationale is clearly circular. MGM supports any return of its tax dollars to local communities for infrastructure and service enhancements, including in West Springfield. MGM strongly disagrees, however, with the flawed rationale and disingenuous approach in attempting to tie such funding requests to non-existent net-negative impacts from MGM's facility and operations.”

### TRANSPORTATION PLANNING APPLICATIONS

Guidelines Targeted Spending		Applications Received	Awards
Transportation Planning (\$200,000 per application plus any regional planning incentive)	\$1,000,000	\$1,147,600	Pending

### CHICOPEE - Center Streetscapes

**Summary:** The City of Chicopee is requesting \$200,000 for consulting services to design streetscape improvements in downtown Chicopee. These will incorporate complete streets concepts to improve capacity and safety for vehicular, bicycle, pedestrian and public transit options.

**Analysis:** The Review Team recommends full funding of this grant in the amount of \$200,000. If awarded, this grant will use the remainder of Chicopee’s reserves supplemented by Transportation Planning funds.



The original Environmental Impact Report (EIR) for MGM Springfield projected that approximately 4.5% of the traffic generated by the facility would travel on local roads in Chicopee, most notably through Chicopee center. In addition, a significant number of MGM employees reside in Chicopee. The City provided additional information in the form of surveys and data from the SEIGMA studies to further bolster the identification of a project related impact. The Review Team agrees that there is a direct traffic impact on Chicopee Center as evidenced by the EIR. While mitigation was not required as part of the decision on the project, the applicant demonstrated deficiencies related to existing traffic signals, pedestrian access, bicycle access and public transit.

This City proposes to use these funds to hire a consultant to assist them in evaluating downtown Chicopee. The project will look at the existing conditions of the transportation network including: automobile movement patterns, traffic volumes, parking, bike networks, pedestrian networks; public bus routes; and connections to regional systems. It will then assist in the development of conceptual designs and recommendations, and then proceed to final design. The project also includes a robust public process to engage residents and local businesses.

This type of work is very consistent with other projects that have been funded under the CMF. Design and implementation of these types of improvements can make a lasting improvement to the transportation network. Therefore, the Review Team recommends this project for funding.

**Licensee Response:** “The City of Chicopee is applying for \$200,000 in mitigation funds to redesign the streetscapes in Chicopee Center. As a border community to our property, MGM welcomes many residents as either guests or employees. While employees and patrons of MGM are at no greater risk for injury than the general commuting public in Chicopee, new infrastructure will enhance the safety of their travel and, therefore, MGM is supportive of this request.”

**MassDOT Response:** MassDOT supports the request from the Town of Chicopee for \$200,000 to prepare a streetscape plan for Chicopee Center. Pioneer Valley Transit Authority (PVTA) buses connect Chicopee to the MGM Casino; however, in Chicopee there is insufficient active transportation infrastructure to access the PVTA bus stop and the bus stop does not provide a shelter. The improvements are intended to serve residents, patrons and employees of the MGM Casino who are likely to live in Chicopee. The application is not clear about the extent of the project. MassDOT encourages the Town to coordinate with MassDOT on the extent of the project to clarify potential overlap with previous MassDOT investments. The Town intends to hire an engineering and landscape architecture team to execute a scope that includes streetscape analysis and comprehensive design services. The application includes a Request for Qualifications for this work, indicating project readiness. This project aligns with MassDOT’s goals to provide appropriate infrastructure to promote multimodal transportation. MassDOT notes that the application does not discuss funding to implement and construct the recommendations in the plan.

### **EVERETT – Mystic Riverwalk**

**Summary:** The City of Everett is requesting a grant in the amount of \$200,000 to advance the design of a section of the Mystic Riverwalk in Mystic View Park to complete a missing section of the walkway between Mystic View Park and Route 16.

**Analysis:** The Review Team recommends full funding of the grant in the amount of \$200,000.

The pedestrian and bicycle network in this area is somewhat of a patchwork that is slowly being filled in. Encore was required to provide a pedestrian/bicycle connection between their site and Mystic View Park, which connects into an existing path network within the park. This network

terminates at Route 16 in Santilli Circle. Prior to Encore opening, MassDOT reconstructed the Woods Memorial Bridge (Route 16) over the Malden River and constructed appropriate bike lanes and underpasses for pedestrian and bicycle use. The one gap in this network of paths is between Mystic View Park and the Woods Memorial Bridge. Closing this gap would allow a much safer and more desirable route to/from the casino to the Wellington MBTA station and the existing bike networks along the Mystic and Malden Rivers.

While it is difficult to quantify the exact level of use of this type of trail, completion of this final portion should improve access to the Encore site by providing a protected route to the Encore facility. This will allow patrons and employees residing primarily to the west of the site relatively unimpeded bicycle/pedestrian access to the site. In addition, it will improve bicycle/pedestrian access to the Wellington MBTA Station, where patrons and employees can avail themselves of the shuttles to Encore. Further, it has the potential to reduce vehicular trips to Wellington/Encore by providing a safer option for walking/bicycling.

Construction of this project will present some challenges as the proposed boardwalk spans wetland areas and there are some areas of previous contamination that will have to be avoided. The applicant has prepared and submitted a detailed scope of work that addresses these issues.

This type of project is consistent with other projects that the Commission has funded in the area and the Review Team recommends approval.

**Licensee Response:** “Encore Boston Harbor supports the City of Everett’s completion of the missing section of the Mystic Riverwalk between Mystic View Park and the Route 16 Bridge.

The Massachusetts Gaming Commission, through the resources available in the Community Mitigation Fund, could make substantial and lasting improvements to our area. This project is one that could lead to significant regional improvement in the future.”

**MassDOT Response:** MassDOT supports the request from the City of Everett for \$200,000 in support of completing a missing link in the Mystic Riverwalk between Mystic View Park and the Route 16/Woods Memorial Bridge. The Encore Casino constructed the existing segment of the Mystic Riverwalk from lower Broadway to Mystic View Park. To connect from the current trail terminus to the Route 16/Woods Memorial Bridge and on to the Wellington MBTA station, currently people walking must use sidewalks adjacent to high-speed traffic and cross Santilli Circle. This project proposes to improve the active transportation connection between the Encore Casino and the Wellington MBTA station and provide links to the Mystic River and Malden River path system. This project addresses impacts of the Encore Casino by providing a dedicated active transportation connection to an MBTA station to encourage non-auto mode share. MassDOT notes that the City of Medford has been developing plans for the pathway connection under Route 28 and is seeking Transportation Improvement Program (TIP) funding for that work; this project in Everett would connect to and be compatible with the project in Medford.

The application includes a scope of work indicating that the first two phases of planning have been completed, the existing conditions report and the design alternatives report. The funds requested in this application would be used to achieve 25% design and 50% design. MassDOT notes that the total cost detailed in the scope of work, \$194,000, is less than the \$200,000 requested in the grant application. The City has allocated \$43,000 in its current five-year capital plan to improve public access to the Malden River. The City anticipates using a portion of these funds to further advance and support this project. This project is consistent with MassDOT’s goals for improved safety and accessibility and increasing non-auto mode share around the Encore Casino. The project also builds

upon and integrates with other investments in the river path systems in the area. MassDOT notes that the application does not discuss funding to implement and construct the project.

### **LYNN – Traffic and Safety Improvements - Boston St. at Hamilton St.**

**Summary:** The City of Lynn is requesting \$200,000 for the full design of improvements to the Boston Street/Hamilton Street intersection. The proposed safety improvements will decrease the number and severity of crashes and improve traffic operations. It will also improve access to the Northern Strand Community Trail.

**Analysis:** The Review Team was not able to identify a clear nexus to the Encore facility and therefore does not recommend this project for funding.

The Environmental Impact Report (EIR) for the Encore facility estimated that approximately 10 percent of the project generated traffic would enter/exit the site from the northeast via Route 1 or Route 16/1A with 9% traveling on Route 1 and the remainder using other roads through Revere/Lynn/Saugus. In the first traffic study post opening (January 2020), the average daily traffic generated by the Encore facility was approximately 24,000 vehicles per day (12,000 entering, 12,000 exiting). If 100% of the traffic using Route 16/1A were to go through Lynn, it would amount to 240 vehicles per day. Some Route 1 traffic could certainly use Lynn streets to get to/from Route 1. If 10% of the traffic using Route 1 were to come from or through Lynn, that would add an additional 216 vehicles to Lynn streets, although it appears unlikely that they would use Boston/Hamilton Street. It is expected that the vast majority of vehicles would use the main routes in and out of town such as Route 1A and Route 107. Boston Street has an average daily traffic of approximately 20,500 vehicles per day. Even if all of the casino related traffic were to use Boston Street, it would only increase the traffic on the road by 2.2%. While it is certainly plausible that some casino bound vehicles are using Boston/Hamilton Street, it is likely to be de minimis.

Access to the Northern Strand Community Trail falls within the limits of the proposed project. The Northern Strand was recently upgraded with full paving up to the project site. While safety improvements to this intersection would likely improve access to the Northern Strand, the applicant was unable to demonstrate how the number of casino bound riders would increase. The intersection of Boston/Hamilton Street is about 9 miles from the Encore facility, which is approaching the limit of a reasonable length bike ride for patrons or employees of the casino.

For these reasons, the Review Team was unable to recommend this project.

**Licensee Response:** “Encore Boston Harbor supports the City of Lynn’s proposed traffic and safety improvements at the Boston Street, Hamilton Street and Northern Strand Community Trail intersection. The Massachusetts Gaming Commission, through the resources available in the Community Mitigation Fund, could make substantial and lasting improvements to our area. We continue to encourage regional collaboration to ensure that the resources available in the Community Mitigation Fund are put towards impactful initiatives that will benefit the region for decades to come.”

**MassDOT Response:** MassDOT has some reservations regarding the request by the City of Lynn for \$200,000 towards engineering design services and preparation of contract bid documents for improvements at the Boston Street at Hamilton Street intersection, north of the Northern Strand Community Trail crossing at Boston Street. Expected elements of the design include signalization and additional turn lanes. The funding will be used to move the project through the following phases: Conceptual Design, Preliminary Design (25%), Final Design (75%, 100%, PS&E), and Engineering Services during Construction. The project is located on the Lynn-Saugus boundary and

the Town of Saugus provided a letter of support attached to the application. As noted in the grant application, this location is a MassDOT High Crash Location. This project is consistent with MassDOT’s goals related to improving safety and bicycle and pedestrian connections.

The application states that the order of magnitude construction estimate for the project is \$2 million. MassDOT notes that the estimated cost of construction may be high given the improvements described in the application, but we expect more detailed information on costs following the design process. To fund implementation, the City will pursue construction funding from the Boston MPO as the project meets evaluation standards for the Transportation Improvement Program (TIP) Criteria for the Boston Region MPO because it would provide capacity, safety, pedestrian, and trail crossing improvements. However, this project has not yet been initiated as a potential TIP project. The City is encouraged to coordinate with MassDOT; District 4 is not aware of the conversations with MassDOT which the City mentions in the application. We note that the project is over eight miles by bike from the Encore Casino.

### **TRANSPORTATION CONSTRUCTION PROJECTS**

<b>Guidelines Targeted Spending</b>		<b>Applications Received</b>	<b>Awards</b>
<b>Transportation Construction Project(s)</b>	\$4,000,000	\$1,373,726	Pending

#### **EVERETT – Northern Strand Trail Lighting Improvements**

**Summary:** The City of Everett is requesting \$135,000 for the installation of lights on the Northern Strand Community Trail from the Rivergreen District to the current terminus of the Northern Strand trail.

**Analysis:** The Review Team recommends full funding of this project in the amount of \$135,000.

Encore constructed a satellite parking lot in the Rivergreen District for employee and overflow patron parking, which is directly adjacent to the Northern Strand. It is currently served by shuttle buses from the Encore facility. The City of Everett will start construction this spring on the extension of the Northern Strand from its current terminus at Wellington Avenue to the Encore site. This will provide a protected connection directly from the Rivergreen area to Encore. This new segment of the Northern Strand will include lighting.

The provision of lighting on the existing unlit section of the Northern Strand will allow it to become a 24-hour transportation corridor. In conjunction with the Northern Strand extension, it will encourage bicycle use to and from the Encore site. The Review Team agrees that this has the potential to reduce the number of automobiles driven to the site.

The City of Everett constructed these lights last year and ran into some cost overruns. The City is asking for grant funds to offset the cost of these change orders that the City had not budgeted for. The total cost of the project came to \$452,143 with \$135,000 in change orders, which totals just under 30% of the total construction cost. This request falls within the 2021 Guidelines of paying up to 1/3 of the total construction costs.

**Licensee Response** “Encore Boston Harbor supports the City of Everett’s addition of lighting to the extension of the Northern Strand Community Trail. The Massachusetts Gaming Commission, through the resources available in the Community Mitigation Fund, has the opportunity to make substantial and

lasting improvements to our area. This project is one that could lead to significant regional improvement in the future.”

**MassDOT Response:** MassDOT recommends approval of the request from the City of Everett for \$134,826 to install lighting along the existing segment of the Northern Strand Trail that connects to a satellite parking location in Everett. The trail is currently being extended to connect to the Encore Casino, creating a link between the Encore Casino and the satellite parking. The trail extension will include lighting so that the trail can be used as a 24-hour transportation corridor. This project proposes to add lighting to the existing segment so that the trail can serve as a 24-hour connection as an alternative to the Shuttle that connects the Encore Casino and the satellite parking. This project addresses the impact of the Encore Casino by promoting non-auto mode share through the provision of a safe and attractive alternative to driving. The City is funding the remainder of the construction costs. This project aligns with MassDOT’s goals of providing safe and welcoming transportation alternatives.

### **SPRINGFIELD – Resurfacing and Complete Streets Improvements**

**Summary:** The City of Springfield is requesting \$200,000 for resurfacing and complete streets improvements on Dwight Street and Hampden Street.

**Analysis:** The Review Team recommends full funding of this project in the amount of \$200,000. The Review Team further recommends that these funds be contingent upon the City of Springfield appropriating their share of the project funds and certifying that they are available for use on the project.

Dwight Street is a major southbound route from I-291 into downtown Springfield. A substantial amount of traffic from I-90 westbound utilizes I-291 and Dwight Street to access the casino. During the construction of MGM, improvements to the intersection of Dwight Street and I-291 were required by MassDOT, but no other improvements to Dwight Street were required as part of the casino construction. The Review Team agrees that the amount of traffic using Dwight Street constitutes a demonstrated impact of the casino. The nexus between Hampden Street and the casino is more tangential, but only makes up about \$50,000 of the \$600,000 total project cost.

In addition to improvements to the pavement surface, this project will also bring Complete Streets elements to the roads, which will take into account vehicles, pedestrians, bicycles and public transit. This will bring Dwight Street and Hampden Street into alignment with the Complete Streets improvements that were made to Main Street, State Street and Columbus Avenue as part of the MGM project. The Review Team agrees that the lack of Complete Streets design discourages the use of alternative modes of transportation.

Springfield is asking for \$200,000 towards the cost of this project, which is 1/3 of the total project cost. The City provided a detailed breakdown of the project costs, which appear to be an accurate representation of the cost. This meets with the 2021 CMF Guidelines of providing up to 1/3 the construction costs of a project.

**Licensee Response:** “The City of Springfield is applying for \$200,000 in mitigation funds for resurfacing and street improvements to Dwight and Hampden Streets. While MGM is funding millions of dollars in annual payments to the City of Springfield which more than offset any financial impact to the City, MGM is supportive of this request as we welcome any roadway and safety improvements that enhance the travel experience of our residents and guests. Any additional funding indirectly through

MGM's tax payments to support additional infrastructure improvements in or around MGM's facility is money well spent.”

**MassDOT Response:** “MassDOT supports the request by the City of Springfield for \$200,000 to resurface and improve Dwight Street and Hampden Street. The Dwight Street project extends from Carew Street to Worthington Street. Major elements will include roadway resurfacing, sidewalk and median improvements, bicycle accommodations, guardrails, and safety upgrades. The Route 291 exits to Dwight Street are a common route to access the MGM Casino, thus improvements to this roadway address the impact of the MGM Casino by improving safety and multimodal access on this corridor. MassDOT notes that Carew Street at Dwight Street is approved for a future MassDOT safety project. MassDOT encourages the Town to coordinate with MassDOT on the Dwight Street design to ensure that this project integrates with other MassDOT projects. The application states that Hampden Street will be improved in a similar manner but does not describe the project extent. The estimated total project cost is \$600,000 and the grant application is for one third of that cost, consistent with the grant requirements. The remaining \$400,000 cost of the project will be funded with the City’s Chapter 90 funds. The project aligns with MassDOT’s safety and multimodal goals and connects with the 2019 Complete Streets project that included sidewalk and curb ramps on Dwight Street.”

### COMMUNITY PLANNING APPLICATIONS

Guidelines Targeted Spending		Applications Received	Awards
Community Planning	No Target Set	\$472,500	Pending

#### NORTHAMPTON – Marketing Program

**Summary:** Northampton is seeking \$75,000 to continue the “northampton.live” website which is the City’s first marketing initiative and has proven to be an informative website reaching thousands of local and regional viewers through targeted paid and organic advertising.

**Analysis:** The Review Team recommends full funding of this project in the amount of \$75,000 to the City of Northampton to continue its marketing efforts through the northampton.live initiative.

In the 2020 round of grant funding, the Commission awarded funds to Northampton with the understanding that planning funds were not intended to be an ongoing source of operational funds, and that Northampton needed to move northampton.live toward a self-sustaining model. While the Review Team did not envision funding northampton.live beyond 2020, many of the initiatives which had been planned for 2020 to make the platform financially independent were unable to be met due to the length and intensity of COVID-19. The northampton.live team was able to utilize the platform as a way to support small businesses and the community throughout the pandemic which can be demonstrated through various metrics.

The original and continuing purpose of northampton.live is to mitigate negative impacts on Northampton from the development of MGM Springfield by continued marketing to its regular customers and attracting new customers drawn to the area by MGM. This platform helps Northampton compete against the significant marketing resources of MGM.

In the request for supplemental information, Northampton indicated that \$10,000 would be provided by the Downtown Northampton Association and \$15,000 by business contributions and sponsorships, which demonstrates their commitment to moving this platform toward a self-sustaining model.

Because of the difficulties encountered over the last year in obtaining other sources of funding for the platform, the Review Team is recommending this application. The Review Team fully expects that Northampton will make the necessary efforts this year to create a financing model that does not rely on future Commission funds.

**Licensee Response:** “The City of Northampton is applying for \$75,000 in mitigation funds to continue the "northampton.live" marketing web platform that supports its marketing efforts. MGM supports this effort as it reinforces the diverse experiences that Western Massachusetts offers. While MGM supports this request, MGM is complimentary to, not competitive with, Northampton's offerings that help to make the region a destination. MGM's presence in the region has brought in millions of guests, which we believe has only helped to highlight the Pioneer Valley's amenities. This increase in tourism positively impacts many local hospitality establishments. Many of those visitors explore all that the Pioneer Valley has to offer. For this reason, we are supportive of the City's 2021 Marketing Plan, which will benefit Northampton as well as the region.”