



**MASSACHUSETTS GAMING COMMISSION  
PUBLIC MEETING #245**

June 21, 2018  
10:00 AM

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



Massachusetts Gaming Commission



**NOTICE OF MEETING and AGENDA  
June 21, 2018**

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, June 21, 2018  
10:00 a.m.  
101 Federal Street, 12<sup>th</sup> Floor  
Boston, MA**

**PUBLIC MEETING - #245**

1. Call to order
2. Approval of Minutes
  - a. June 7, 2018 – VOTE
3. Administrative Update – Ed Bedrosian, Executive Director
  - a. General Update
  - b. MGM - Opening Update
4. Licensing Division – Paul Connelly, Director
  - a. MGM Vendor Employee Exemption Request – VOTE
  - b. MGM Gaming Beverage License – VOTE
5. Legal Division – Catherine Blue, General Counsel
  - a. Penn National Gaming – GLPI Legal Issues – VOTE
  - b. MGM Request for Waiver from CPR Training – VOTE
  - c. Final Draft Version of 205 CMR 101.00: Adjudicatory Proceedings and Amended Small Business Impact Statement – VOTE to Complete the Promulgation Process
  - d. Final Draft Version of 205 CMR 115.00 et al.: (Hearing Procedure Updates) and Amended Small Business Impact Statement – VOTE to Complete the Promulgation Process
  - e. Final Draft Version of 205 CMR 138.62: Payment of Table Game Progressive Payout Wagers; Supplemental Wagers Not Paid from the Table Inventory and Amended Small Business Impact Statement – VOTE to Complete the Promulgation Process
  - f. Final Draft Version of 205 CMR 143.02: Progressive Gaming Devices and Amended Small Business Impact Statement – VOTE to Complete the Promulgation Process
  - g. Final Draft Version of 205 CMR 146.23: Chase the Flush Table; Physical Characteristics and Amended Small Business Impact Statement – VOTE to Complete the Promulgation Process
  - h. Final Draft Version of 205 CMR 146.63: Progressive Wager Equipment and Amended Small Business Impact Statement – VOTE to Complete the Promulgation Process



**Massachusetts Gaming Commission**

- i. Final Draft Version of 205 CMR 146.59: Criss Cross Poker Tables; Physical Characteristics and Amended Small Business Impact Statement – **VOTE** to Complete the Promulgation Process
- j. Final Draft Version of 205 CMR 146.58: Crazy 4 Poker Table; Physical Characteristics and Amended Small Business Impact Statement – **VOTE** to Complete the Promulgation Process
- k. Draft Version of Amendment to 205 CMR 135.01: Definitions, and 205 CMR 139.04: Reports and Information to Be Filed with the Commission and Small Business Impact Statement – **VOTE** to Begin the Promulgation Process
- l. Draft Version of Amendment to 205 CMR 140.04: Reports and Reconciliation Regarding Gross Gaming Revenue Tax and Small Business Impact Statement – **VOTE** to Begin the Promulgation Process

6. Commissioner's Updates

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

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

6/18/18  
Date

  
Enrique Zuniga, Commissioner

**Date Posted to Website:** June 19, 2018 at 10:00 a.m.



Massachusetts Gaming Commission



TO: Chairman Crosby, Commissioner Cameron, Commissioner O'Brien,  
Commissioner Stebbins, Commissioner Zuniga

FROM: Paul Connelly, Director of Licensing

DATE: June 19, 2018

RE: Gaming Service Employee (SER) Exemptions: MGM & Vendor Employees

---

**SUMMARY**

The Commission is being asked to consider the following 22 positions for exemption at MGM Springfield. (“Exemption Identification Forms” are included in the packet.) Four of the positions are employed by MGM, while 18 of the positions are employed by vendors to perform work on-site at MGM Springfield.

MGM SPRINGFIELD POSITIONS			
Job Profile Number	Position	Department	Property Access Level
16316	Facilities - Sound and Video	Sound and Video Supervisor	N <sup>1</sup>
16440	Facilities - Sound and Video	Sound and Video Technician	N
10832	Hotel - Salon and Spa	Master Barber	N
10832	Hotel - Salon and Spa	Barber	N

VENDOR EMPLOYEE POSITIONS			
Job Profile Number	Position	Department	Property Access Level
N/A	Vendor - Theater	General Manager	N <sup>2</sup>

---

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

<sup>2</sup> For vendor employees, access Level “N” is described as: “No access to secure casino back-of-house areas.”





N/A	Vendor - Theater	Assistant Manager	N
N/A	Vendor - Theater	Associate Manager	N
N/A	Vendor - Theater	Bartender	N
N/A	Vendor - Theater	Server	N
N/A	Vendor - Theater	Floor Staff	N
N/A	Vendor - Hannoush	General Manager	N
N/A	Vendor - Hannoush	Assistant Manager	N
N/A	Vendor - Hannoush	Sales Associate	N
N/A	Vendor - Kringle Candle Co.	Retail Store Manager	N
N/A	Vendor - Kringle Candle Co.	Assistant Café Manager	N
N/A	Vendor - Kringle Candle Co.	Retail Store Assistant Manager	N
N/A	Vendor - Kringle Candle Co.	Retail Sales Associate	N
N/A	Vendor - Kringle Candle Co.	Café Manager - Lead Chef	N
N/A	Vendor - Kringle Candle Co.	Line - Prep Cook	N
N/A	Vendor - Kringle Candle Co.	Café Associate - Barista	N
N/A	Vendor - Kringle Candle Co.	Porter - Dishwasher	N
N/A	Vendor - Kringle Candle Co.	Visual Merchandiser	N

Commission staff worked with MGM in developing this set of recommendations and is generally in agreement with all positions contained in this packet. Commission staff would like to note, however, that the following vendor positions have duties related to sales, distribution, service, and/or storage of alcohol.

- Theater – General Manager (managing service and storage)
- Theater – Assistant Manager (managing service and storage)
- Theater – Associate Manager (managing service and storage)
- Theater – Bartender (sales and service)
- Theater – Server (sales and service)
- Theater – Floor Person (sales and service)
- Kringle Candle – Assistant Café Manager (managing sales and service)
- Kringle Candle – Café Associate – Barista (sales and service)



Massachusetts Gaming Commission

## **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 its January 18, 2018 meeting, the Massachusetts Gaming Commission discussed its policy perspective on this exemption authority and provided staff with a framework and process for considering any potential exemptions. Additionally, the Commission endorsed factors for consideration when making exemption determinations. These included whether or not the position involves:

- 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

It is important to note that any exemption decision may be revisited by the Commission at any time, and additional positions may be exempted in the future.



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:** Blue Tarp reDevelopment, LLC (dba MGM Springfield)

**JOB POSITON (AND UNIQUE JOB CODE):** Sound and Video Supervisor (16316)

#### JOB DESCRIPTION

**EFFECTIVE DATE OF JOB DESCRIPTION:** 05-29-2018

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

It is the primary responsibility of the Sound and Video Supervisor is to manage the daily operation, support and maintenance of all Audio, Video, Crestron, and Lighting Control Hardware. This position requires the individual be the onsite operator of all Media Technology hardware systems and software applications. This is a hands-on position that requires a team player mentality and involves closely working with the Sound and Video Technical staff and facility managers to support the systems and new project initiatives. The position offers the opportunity to work in a cutting edge and fast paced technological environment.

The right individual for this role will be a motivated and energetic supervisor who enjoys working with and operating the latest in technology. This individual will take pride in ownership of the systems installed and operate them to the fullest of their ability.

All duties are to be performed in accordance with departmental and MGM Resorts International policies, practices and procedures.

#### **POSITION RESPONSIBILITIES/DUTIES:**

- Manage the operation of the install Audiovisual and Digital Signage systems to support our guests experience
- Monitor and support all Media Technology systems
- Anticipate and solve system issues quickly and effectively under pressure
- Anticipate and solve problems in Mac OS X, Mac iOS, Windows OS environments
- Daily site walks throughout the property for installations, repairs, maintenance and meetings
- Organize and maintain the properties Media Technology Service archives, libraries, inventory, and drawings
- Track and support service requests to provide timely service for customers
- *Work with other departments (e.g. engineering, IT, tech services) and technology partners when needed to complete*

*(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):** Sound and Video Supervisor (16316)

FACTOR	DESCRIPTION / EXPLANATION
<b>Work performed on gaming floor</b>	None
<b>Managerial responsibilities in any department</b>	Works alongside and aids/monitors Sound and Video technician
<b>Supervisory responsibilities in Human Resources or Sales and Marketing</b>	None
<b>Responsibilities for alcohol sales, distribution, service, and/or storage</b>	None
<b>Access to secure casino back-of-the house areas (including executive offices) without security escort</b>	Access Level: N No access to secure casino BOH without security escort
<b>Responsibilities for accounting and/or finance relating to the gaming establishment</b>	None
<b>"Write" access to gaming-related casino databases</b>	None
<b>Responsibilities that potentially impact the integrity of gaming operations, including access to confidential or sensitive information</b>	None
<b>Other (please set forth other relevant information for exemption consideration)</b>	Monitor and Supporting all Media Technology systems. Solving Mac and Windows errors on property, Maintaining Audiovisual and Digital Signage systems, main focus on property hardware systems and software applications.

(Continue to Page 3)

JOB POSITON (AND UNIQUE JOB CODE):

Sound and Video Supervisor (16316)

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

*Marikate Murren*

/ Marikate Murren

5/30/2018

Signature

/ Printed Name

Date

DRAFT



**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:** Blue Tarp reDevelopment, LLC (dba MGM Springfield)

**JOB POSITON (AND UNIQUE JOB CODE):** Sound and Video Technician (16440)

<b>JOB DESCRIPTION</b>	<b>EFFECTIVE DATE OF JOB DESCRIPTION: 05-29-2018</b> <i>(The Licensee shall immediately notify the Bureau of changes to any job description for an exempted position.)</i>
<p>It is the primary responsibility of the Sound and Video Technician to manage, install, configure, and maintain all Audio, Video, Crestron, and Lighting control hardware systems and software applications. This is a hands-on position that requires a team player and involves working closely with fellow staff and managers to support the systems throughout the property. The position offers the opportunity to work in a cutting edge and fast paced technological environment.</p> <p>The right individual for this role will be a motivated and energetic technician who enjoys working with and operating the latest technology. This individual will be tasked with various advanced hardware challenges and takes great pride in his or her work to provide the best possible guest experience.</p> <p>All duties are to be performed in accordance with departmental and MGM Resorts International policies, practices and procedures.</p> <p><b><u>POSITION RESPONSIBILITIES/DUTIES:</u></b></p> <ul style="list-style-type: none"> <li>• Operate / Maintain / Install Audiovisual and Digital Signage systems to support our guests experience</li> <li>• Monitor and support all Media Technology installed systems</li> <li>• Solve system issues quickly and effectively under pressure.</li> <li>• Solve problems in Mac OS X, Mac iOS, Windows OS environments</li> <li>• Daily site surveys will be required throughout the property to ensure the systems are operating properly and consistently.</li> <li>• Track and support service requests to provide timely service for customers and employees</li> <li>• Take ideas and direction from property operations team and MGM Resorts Media Technology department.</li> <li>• Have good organizational skills to complete tasks</li> </ul>	

*(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):** Sound and Video Technician (16440)

FACTOR	DESCRIPTION / EXPLANATION
<b>Work performed on gaming floor</b>	None
<b>Managerial responsibilities in any department</b>	None
<b>Supervisory responsibilities in Human Resources or Sales and Marketing</b>	None
<b>Responsibilities for alcohol sales, distribution, service, and/or storage</b>	None
<b>Access to secure casino back-of-the house areas (including executive offices) without security escort</b>	Access Level: N No access to secure casino BOH without security escort
<b>Responsibilities for accounting and/or finance relating to the gaming establishment</b>	None
<b>"Write" access to gaming-related casino databases</b>	None
<b>Responsibilities that potentially impact the integrity of gaming operations, including access to confidential or sensitive information</b>	None
<b>Other (please set forth other relevant information for exemption consideration)</b>	Solving Mac and Windows errors on property, Maintaining Audiovisual and Digital Signage systems, main focus on property hardware systems and software applications.

(Continue to Page 3)



JOB POSITON (AND UNIQUE JOB CODE): Sound and Video Technician (16440)

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

Marikate Murren  
Signature

Marikate Murren  
/ Printed Name

5/30/2018  
Date

DRAFT



## 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:** Blue Tarp reDevelopment, LLC (dba MGM Springfield)

**JOB POSITON (AND UNIQUE JOB CODE):** Master Barber (10832)

#### JOB DESCRIPTION

**EFFECTIVE DATE OF JOB DESCRIPTION:** 06-14-2018

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

#### PRINCIPAL DUTIES AND RESPONSIBILITIES:

- Provide haircuts and straight razor shaves.
- Proactively seek to provide refined luxury service ensuring guest satisfaction.
- Monitor and maintain cleanliness, sanitation, and organization of assigned work areas.
- Maintain the safety of all guests and staff by providing a clean and sanitary work environment; including sanitizing, disinfecting, and sweeping as necessary.
- Ensure hotel property and equipment is properly used and maintained.
- Dispose of soiled linens as needed.
- Stock work stations and inform management of necessary inventory needing replacement.
- Own all requests and complaints; resolve issues immediately and follow up to ensure the guest's satisfaction.
- Provide excellent guest service by completing services promptly in the time allotted while maintaining professional and courteous behavior to all guests and employees.
- Check equipment for damage or in need of repair.
- Anticipate guests' needs, respond promptly and acknowledge all guests, however busy and whatever time of day; be familiar

*(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):** Master Barber (10832)

FACTOR	DESCRIPTION / EXPLANATION
<b>Work performed on gaming floor</b>	None
<b>Managerial responsibilities in any department</b>	None
<b>Supervisory responsibilities in Human Resources or Sales and Marketing</b>	None
<b>Responsibilities for alcohol sales, distribution, service, and/or storage</b>	None
<b>Access to secure casino back-of-the house areas (including executive offices) without security escort</b>	Access Level: N No access to secure casino BOH without security escort
<b>Responsibilities for accounting and/or finance relating to the gaming establishment</b>	None
<b>"Write" access to gaming-related casino databases</b>	None
<b>Responsibilities that potentially impact the integrity of gaming operations, including access to confidential or sensitive information</b>	None
<b>Other (please set forth other relevant information for exemption consideration)</b>	Position provides haircuts and razor shaves. All work and stock will not be near gaming floor.

(Continue to Page 3)

JOB POSITON (AND UNIQUE JOB CODE):

Master Barber (10832)

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

*Marikate Murren*

Marikate Murren

6/15/2018

Signature

/ Printed Name

Date

DRAFT



## 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:** Blue Tarp reDevelopment, LLC (dba MGM Springfield)

**JOB POSITON (AND UNIQUE JOB CODE):** Barber- 10832

<b>JOB DESCRIPTION</b>	<b>EFFECTIVE DATE OF JOB DESCRIPTION: 06-14-2018</b> <i>(The Licensee shall immediately notify the Bureau of changes to any job description for an exempted position.)</i>
<b>PRINCIPAL DUTIES AND RESPONSIBILITIES:</b>	
<ul style="list-style-type: none"><li>• Provide haircuts and straight razor shaves.</li><li>• Proactively seek to provide refined luxury service ensuring guest satisfaction.</li><li>• Monitor and maintain cleanliness, sanitation, and organization of assigned work areas.</li><li>• Maintain the safety of all guests and staff by providing a clean and sanitary work environment; including sanitizing, disinfecting, and sweeping as necessary.</li><li>• Ensure hotel property and equipment is properly used and maintained.</li><li>• Dispose of soiled linens as needed.</li><li>• Stock work stations and inform management of necessary inventory needing replacement.</li><li>• Own all requests and complaints; resolve issues immediately and follow up to ensure the guest's satisfaction.</li><li>• Provide excellent guest service by completing services promptly in the time allotted while maintaining professional and courteous behavior to all guests and employees.</li><li>• Check equipment for damage or in need of repair.</li><li>• Anticipate guests' needs, respond promptly and acknowledge all guests, however busy and whatever time of day; be familiar</li></ul>	

*(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):** Barber- 10832

FACTOR	DESCRIPTION / EXPLANATION
<b>Work performed on gaming floor</b>	None
<b>Managerial responsibilities in any department</b>	None
<b>Supervisory responsibilities in Human Resources or Sales and Marketing</b>	None
<b>Responsibilities for alcohol sales, distribution, service, and/or storage</b>	None
<b>Access to secure casino back-of-the house areas (including executive offices) without security escort</b>	Access Level: N No access to secure casino BOH without security escort
<b>Responsibilities for accounting and/or finance relating to the gaming establishment</b>	None
<b>"Write" access to gaming-related casino databases</b>	None
<b>Responsibilities that potentially impact the integrity of gaming operations, including access to confidential or sensitive information</b>	None
<b>Other (please set forth other relevant information for exemption consideration)</b>	Position provides haircuts and razor shaves. All work and stock will not be near gaming floor.

(Continue to Page 3)



JOB POSITON (AND UNIQUE JOB CODE):

Barber- 10832

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

*Marikate Murren*

/ Marikate Murren

6/15/2018

Signature

/ Printed Name

Date

DRAFT





**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:** Blue Tarp reDevelopment, LLC (dba MGM Springfield)

**JOB POSITON (AND UNIQUE JOB CODE):** "X" Theatre - General Manager

<b>JOB DESCRIPTION</b>	<b>EFFECTIVE DATE OF JOB DESCRIPTION: April 2015</b> <i>(The Licensee shall immediately notify the Bureau of changes to any job description for an exempted position.)</i>
<p><b>Summary:</b> The General Manager (GM) is a full-time salaried employee. The GM is the face of Regal and is responsible for the overall operation of the theatre. This includes pro-actively leading the theatre team to ensure achievement of business goals in revenue, expense, profitability, guest satisfaction, inventory control, and employee morale as well as acting as a representative of Regal in a way that is consistent with our mission statement and policies.</p> <p><b>Essential Duties and Responsibilities</b> include the following. Other duties may be assigned.</p> <ul style="list-style-type: none"> <li>• Regular and consistent attendance.</li> <li>• Upholding and administering all REG policies as outlined in ROM and Corporate directives.</li> <li>• Ensure all cash management policies and procedures are adhered to at all times.</li> <li>• Control concession inventory shortages and spoilage levels.</li> <li>• Monitor janitorial staff to ensure facility is cleaned to REG standards every day.</li> <li>• The hiring, training, developing, supervising, counseling, scheduling, and after conferring with the Human Resources Manager, terminating of any employee.</li> <li>• Properly administering all applicable paperwork and upholding all company policies as they pertain to Human Resources.</li> <li>• Ensure required alcohol certification and training are current where applicable.</li> <li>• Supervising all staff positions as required; including all projection and audio- visual equipment within the theatre, both hardware and software, as well as all applicable film handling (threading, building-up, tearing down, etc.) and maintenance as required. Working knowledge of all systems within facility in Booth and Projection technology including maintenance, programming, TMS operation and all related projection skills.</li> </ul>	

(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):** "X" Theatre - General Manager

FACTOR	DESCRIPTION / EXPLANATION
<b>Work performed on gaming floor</b>	None
<b>Managerial responsibilities in any department</b>	None with MGM Springfield; within own Organization supervises Assistant/Associate Manager
<b>Supervisory responsibilities in Human Resources or Sales and Marketing</b>	None with MGM Springfield; within Organization responsible for HR, sales functions
<b>Responsibilities for alcohol sales, distribution, service, and/or storage</b>	None with MGM Springfield; within Organization responsible for managing service and storage
<b>Access to secure casino back-of-the house areas (including executive offices) without security escort</b>	Access Level: N No access to secure casino BOH areas
<b>Responsibilities for accounting and/or finance relating to the gaming establishment</b>	None
<b>"Write" access to gaming-related casino databases</b>	None
<b>Responsibilities that potentially impact the integrity of gaming operations, including access to confidential or sensitive information</b>	None
<b>Other (please set forth other relevant information for exemption consideration)</b>	"X" Theatre is a MGM Springfield Property Tenant

(Continue to Page 3)

JOB POSITON (AND UNIQUE JOB CODE):

"X" Theatre - General Manager

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

Marikate Murren

/ Marikate Murren

6/12/2018

Signature

/ Printed Name

Date

DRAFT



**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:** Blue Tarp reDevelopment, LLC (dba MGM Springfield)

**JOB POSITON (AND UNIQUE JOB CODE):** "X" Theatre - Assistant Manager

<b>JOB DESCRIPTION</b>	<b>EFFECTIVE DATE OF JOB DESCRIPTION: 05-03-2018</b> <i>(The Licensee shall immediately notify the Bureau of changes to any job description for an exempted position.)</i>
<p><b>Summary:</b> The Assistant Manager is a full-time salaried or full-time hourly employee whose primary function is the operation and supervision of a theatre and its employees, and to act as a representative Regal in a way that is consistent with our mission statement and policies.</p> <p><b>Essential Duties and Responsibilities</b> include the following. Other duties may be assigned.</p> <ul style="list-style-type: none"> <li>• Regular and consistent attendance.</li> <li>• Upholding and administering all REG policies as outlined in ROM and Corporate directives.</li> <li>• Ensure all cash management policies and procedures are adhered to at all times.</li> <li>• Control concession inventory shortages and spoilage levels.</li> <li>• Monitor janitorial staff to ensure facility is cleaned to REG standards every day.</li> <li>• The hiring, training, developing, supervising, counseling, scheduling, and after conferring with the Human Resources Manager, terminating of any theatre employee.</li> <li>• Ensure required alcohol certification and training are current where applicable.</li> <li>• Properly administrating all applicable paperwork and upholding all company policies as they pertain to Human Resources.</li> <li>• Supervising all staff positions as required; including all projection and audio- visual equipment within the theatre, both hardware and software, as well as all applicable film handling (threading, building-up, tearing down, etc.) and maintenance as required.</li> <li>• Controlling costs, including all direct operating expenses; purchasing and ordering concession and café stock and any other supplies needed for daily operations, as well as the inventory and auditing processes involved in tracking those supplies.</li> <li>• Supervising theatre maintenance (building and grounds, where applicable), including performing minor repairs and</li> </ul>	

*(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):** "X" Theatre - Assistant Manager

FACTOR	DESCRIPTION / EXPLANATION
<b>Work performed on gaming floor</b>	None
<b>Managerial responsibilities in any department</b>	None with MGM Springfield; within own Organization supervises bartenders, floor staff and servers
<b>Supervisory responsibilities in Human Resources or Sales and Marketing</b>	None with MGM Springfield; within Organization responsible for HR, sales functions
<b>Responsibilities for alcohol sales, distribution, service, and/or storage</b>	None with MGM Springfield; within Organization responsible for managing service and storage
<b>Access to secure casino back-of-the house areas (including executive offices) without security escort</b>	Access Level: N No access to secure casino BOH areas
<b>Responsibilities for accounting and/or finance relating to the gaming establishment</b>	None
<b>"Write" access to gaming-related casino databases</b>	None
<b>Responsibilities that potentially impact the integrity of gaming operations, including access to confidential or sensitive information</b>	None
<b>Other (please set forth other relevant information for exemption consideration)</b>	"X" Theatre is a MGM Springfield Property Tenant

(Continue to Page 3)



JOB POSITON (AND UNIQUE JOB CODE):

"X" Theatre - Assistant Manager

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

*Marikate Murren*

/ Marikate Murren

06/12/2018

Signature

/ Printed Name

Date

DRAFT



**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:** Blue Tarp reDevelopment, LLC (dba MGM Springfield)

**JOB POSITON (AND UNIQUE JOB CODE):** "X" Theatre - Associate Manager

<b>JOB DESCRIPTION</b>	<b>EFFECTIVE DATE OF JOB DESCRIPTION: 05-03-2018</b> <i>(The Licensee shall immediately notify the Bureau of changes to any job description for an exempted position.)</i>
<p><b>Summary:</b> The full-time Associate Manager is a full-time hourly employee and the part-time Associate Manager is a variable hour employee or PT regular employee whose primary function is the operation and supervision of a theatre and its employees, and to act as a representative Regal in a way that is consistent with our mission statement and policies.</p> <p><b>Essential Duties and Responsibilities</b> include the following. Other duties may be assigned.</p> <ul style="list-style-type: none"> <li>• Regular and consistent attendance.</li> <li>• Upholding and administering all theatre policies.</li> <li>• The training, developing, coaching and supervising of non-management employees.</li> <li>• Performing all staff positions as required.</li> <li>• Operating all projection and audio-visual equipment within the theatre, both hardware and software, including all applicable film handling (threading, building-up, tearing down, etc.) and maintenance as required. Working knowledge of all systems within facility in Booth and Projection technology including maintenance, programming, TMS operation and all related projection skills.</li> <li>• Ensure required alcohol certification and training are current where applicable.</li> <li>• Monitoring risk management as it pertains to the theatre, i.e., employee and patron safety, loss prevention, emergency situations, and the proper handling, reporting, and investigating of accidents.</li> <li>• Ensuring guest satisfaction.</li> <li>• Counting, depositing, and reconciling all receipts taken in during a business day. Receipts include cash, credit cards, coupons, gift cards, checks, discount tickets, and any other mode of payment or accountability deemed applicable by REG.</li> <li>• Knowledge and compliance of dress code.</li> </ul>	

(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):** "X" Theatre - Associate Manager

FACTOR	DESCRIPTION / EXPLANATION
<b>Work performed on gaming floor</b>	None
<b>Managerial responsibilities in any department</b>	None with MGM Springfield; within own Organization supervises bartenders, floor staff and servers
<b>Supervisory responsibilities in Human Resources or Sales and Marketing</b>	None with MGM Springfield; within Organization responsible for HR, sales functions
<b>Responsibilities for alcohol sales, distribution, service, and/or storage</b>	None with MGM Springfield; within Organization responsible for managing service and storage
<b>Access to secure casino back-of-the house areas (including executive offices) without security escort</b>	Access Level: N No access to secure casino BOH areas
<b>Responsibilities for accounting and/or finance relating to the gaming establishment</b>	None
<b>"Write" access to gaming-related casino databases</b>	None
<b>Responsibilities that potentially impact the integrity of gaming operations, including access to confidential or sensitive information</b>	None
<b>Other (please set forth other relevant information for exemption consideration)</b>	"X" Theatre is a MGM Springfield Property Tenant

(Continue to Page 3)

JOB POSITON (AND UNIQUE JOB CODE):

"X" Theatre - Associate Manager

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

*Marikate Murren*

/ Marikate Murren

6/12/2018

Signature

/ Printed Name

Date

DRAFT



## 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:** Blue Tarp reDevelopment, LLC (dba MGM Springfield)

**JOB POSITON (AND UNIQUE JOB CODE):** "X" Theatre - Bartender

#### JOB DESCRIPTION

**EFFECTIVE DATE OF JOB DESCRIPTION:** February 2108

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

**Summary:** The bartender is a team member classified based on individual theatre needs, and/or employee availability, as either variable hour, part-time fixed, part-time regular or a full-time hourly employee whose main responsibility is to provide exceptional products with fast and friendly service in a clean environment. They must have a genuine concern for assuring the satisfaction of every guest and represent the Company in a way that is consistent with the Company's mission statement and policies. Must be of legal age to serve/sell alcohol according to all state and local laws and will complete all applicable training, obtain all required permits and licenses and successfully completed a background check.

**Essential Duties and Responsibilities** include the following. Other duties may be assigned.

- Preparation of all alcoholic beverages as per company directions.
- Knowledge of and adherence to all laws and legal obligations regarding the serving of alcohol.
- Ensure required alcohol certification and training are current.
- Regular and consistent attendance.
- Knowledge of all coupons and on-going promotions.
- Knowledge of and promotion of Crown Club Program.
- Exceptional guest service skills.
- Handling of all monies and merchandise (including non-saleable and saleable)
- Operating, preparing and cleaning of all related equipment.
- Proper use of all concession related storerooms.
- Proper use of all cleaning materials.
- Knowledge of all opening, closing and in between show procedures.

*(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):** "X" Theatre - Bartender

FACTOR	DESCRIPTION / EXPLANATION
<b>Work performed on gaming floor</b>	None
<b>Managerial responsibilities in any department</b>	None with MGM Springfield; within own Organization none
<b>Supervisory responsibilities in Human Resources or Sales and Marketing</b>	None with MGM Springfield; within own Organization none
<b>Responsibilities for alcohol sales, distribution, service, and/or storage</b>	None with MGM Springfield; within own Organization sales/service
<b>Access to secure casino back-of-the house areas (including executive offices) without security escort</b>	Access Level: N No access to secure casino BOH areas
<b>Responsibilities for accounting and/or finance relating to the gaming establishment</b>	None
<b>"Write" access to gaming-related casino databases</b>	None
<b>Responsibilities that potentially impact the integrity of gaming operations, including access to confidential or sensitive information</b>	None
<b>Other (please set forth other relevant information for exemption consideration)</b>	"X" Theatre is a MGM Springfield Property Tenant

(Continue to Page 3)

JOB POSITON (AND UNIQUE JOB CODE):

"X" Theatre - Bartender

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

*Marikate Murren*

/ Marikate Murren

6/13/2018

Signature

/ Printed Name

Date

DRAFT





## 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:** Blue Tarp reDevelopment, LLC (dba MGM Springfield)

**JOB POSITON (AND UNIQUE JOB CODE):** ""X" Theatre - Server

JOB DESCRIPTION	EFFECTIVE DATE OF JOB DESCRIPTION: February 2108 <i>(The Licensee shall immediately notify the Bureau of changes to any job description for an exempted position.)</i>
<p><b>Summary:</b> The server is a team member classified based on individual theatre needs, and/or employee availability, as either variable hour, part-time fixed, part-time regular or a full-time hourly employee whose main responsibility is to provide superior guest service in a clean and comfortable environment. They must have a genuine concern for assuring the satisfaction of every guest and represent the theatre in a manner that is consistent with the Company's mission statement and policies. If the theatre sells alcohol and your assigned duties will include the serving of alcohol, must be of legal age to serve/sell alcohol according to all state and local laws and will complete all applicable training, obtain all required permits and licenses and successfully completed a background check.</p> <p><b>Essential Duties and Responsibilities</b> include the following. Other duties may be assigned.</p> <ul style="list-style-type: none"><li>• Regular and consistent attendance.</li><li>• The Server position is based in the concession stand, and essential duty includes alcohol sales. The server must be of legal age with all applicable training permits and licenses to serve alcohol according to state and local laws.</li><li>• Knowledge of and adherence to all laws and legal obligations regarding the serving of alcohol.</li><li>• Knowledge of all coupons and on-going promotions</li><li>• Knowledge of and promotion of Regal Crown Club Program.</li><li>• Knowledge and enforcement of the MPAA rating system.</li><li>• Exceptional guest service skills</li><li>• Handling of all monies and merchandise (including non-saleable and saleable).</li><li>• Operating, preparing and cleaning of all concession related equipment.</li><li>• Proper use of all concession related storerooms.</li></ul>	

(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):**       "X" Theatre - Server      

FACTOR	DESCRIPTION / EXPLANATION
<b>Work performed on gaming floor</b>	None
<b>Managerial responsibilities in any department</b>	None with MGM Springfield; within own Organization none
<b>Supervisory responsibilities in Human Resources or Sales and Marketing</b>	None with MGM Springfield; within own Organization none
<b>Responsibilities for alcohol sales, distribution, service, and/or storage</b>	None with MGM Springfield; within own Organization sales/service
<b>Access to secure casino back-of-the house areas (including executive offices) without security escort</b>	Access Level: N No access to secure casino BOH areas
<b>Responsibilities for accounting and/or finance relating to the gaming establishment</b>	None
<b>"Write" access to gaming-related casino databases</b>	None
<b>Responsibilities that potentially impact the integrity of gaming operations, including access to confidential or sensitive information</b>	None
<b>Other (please set forth other relevant information for exemption consideration)</b>	"X" Theatre is a MGM Springfield Property Tenant

(Continue to Page 3)



JOB POSITON (AND UNIQUE JOB CODE):

""X" Theatre - Server

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

Marikate Murren

/ Marikate Murren

6/13/2018

Signature

/ Printed Name

Date

DRAFT



**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:** Blue Tarp reDevelopment, LLC (dba MGM Springfield)

**JOB POSITON (AND UNIQUE JOB CODE):** "X" Theatre - Floor Person

<b>JOB DESCRIPTION</b>	<b>EFFECTIVE DATE OF JOB DESCRIPTION: October 2016</b> <i>(The Licensee shall immediately notify the Bureau of changes to any job description for an exempted position.)</i>
<p><b>Summary:</b> Floor Staff team members are classified based on individual theatre needs, and/or employee availability, as either variable hour, part-time fixed, part-time regular or full-time hourly employees whose primary responsibility is ensuring our guests receive exceptional service. Floor Staff may be scheduled to work in the Box Office, Concession Stand, or as an Usher. Floor Staff employees must act as a representative of Regal in a way that is consistent with our mission statement and policies; including</p> <ul style="list-style-type: none"> <li>• Regular and consistent attendance</li> <li>• Handling of emergency situations when called upon to do so</li> <li>• General cleaning duties; and</li> <li>• Compliance with our company dress code.</li> </ul> <p><b>Essential Duties and Responsibilities</b> for each position include, but are not limited to, the following:</p> <p><b>Box Office</b></p> <ul style="list-style-type: none"> <li>• Operating POS system, including the proper handling of and responsibility for accuracy of cash drawer, credit cards, travelers' checks, gift cards and redeemed discount tickets, passes and coupons</li> <li>• Up selling/suggestive selling of Premium Viewing Experience (3D, RPX, IMAX).</li> <li>• Promoting the Regal Crown Club program</li> <li>• Ensuring tickets are sold in accordance with the MPAA rating system and company policy</li> <li>• Responding to phone calls and questions from guests in a manner that is consistent with our guest service philosophy</li> </ul> <p><b>Concession</b></p>	

(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):** "X" Theatre - Floor Person

FACTOR	DESCRIPTION / EXPLANATION
<b>Work performed on gaming floor</b>	None
<b>Managerial responsibilities in any department</b>	None with MGM Springfield; within own Organization none
<b>Supervisory responsibilities in Human Resources or Sales and Marketing</b>	None with MGM Springfield; within own Organization none
<b>Responsibilities for alcohol sales, distribution, service, and/or storage</b>	None with MGM Springfield; within own Organization will sell alcohol
<b>Access to secure casino back-of-the house areas (including executive offices) without security escort</b>	Access Level: N No access to secure casino BOH areas
<b>Responsibilities for accounting and/or finance relating to the gaming establishment</b>	None
<b>"Write" access to gaming-related casino databases</b>	None
<b>Responsibilities that potentially impact the integrity of gaming operations, including access to confidential or sensitive information</b>	None
<b>Other (please set forth other relevant information for exemption consideration)</b>	"X" Theatre is a MGM Springfield Property Tenant

(Continue to Page 3)

JOB POSITON (AND UNIQUE JOB CODE):

"X" Theatre - Floor Person

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

Marikate Murren

/ Marikate Murren

6/12/2018

Signature

/ Printed Name

Date

DRAFT



**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:** Blue Tarp reDevelopment (dba MGM Springfield)

**JOB POSITON (AND UNIQUE JOB CODE):** Hannoush Jewelers Group - General Manager

<b>JOB DESCRIPTION</b>	<b>EFFECTIVE DATE OF JOB DESCRIPTION: 04-30-2018</b> <i>(The Licensee shall immediately notify the Bureau of changes to any job description for an exempted position.)</i>
<p>Submitted by Marikate Murren, VP, Human Resources, MGM Springfield on behalf of:  Hannoush Jewelers Group - Property Tenant</p> <p><b>General Manager Position Summary:</b></p> <ul style="list-style-type: none"> <li>- Creating and implementing operational strategies and managerial policies.</li> <li>- Coordinate with Assistant Manager and sales team to identify areas of weakness and develop protocols to optimize efficiency.</li> <li>- Money mapping and allocating space to optimize profits.</li> <li>- Leading daily morning meetings, outlining objectives and setting sales targets.</li> <li>- Delegating tasks and setting objectives for managers and sales team.</li> <li>- Identifying non performing products and developing methods to remedy.</li> <li>- Driving sales and monitoring sales metrics.</li> <li>- Coaching and developing the team on selling techniques and providing exemplary customer service.</li> <li>- Recruitment and assessment of potential team members.</li> <li>- Reporting to Owner.</li> </ul>	

*(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):** Hannoush Jewelers Group - General Manager

FACTOR	DESCRIPTION / EXPLANATION
<b>Work performed on gaming floor</b>	None
<b>Managerial responsibilities in any department</b>	Lead in Hannoush Jewelers Group None in MGM Springfield
<b>Supervisory responsibilities in Human Resources or Sales and Marketing</b>	Lead in Hannoush Jewelers Group None in MGM Springfield
<b>Responsibilities for alcohol sales, distribution, service, and/or storage</b>	None
<b>Access to secure casino back-of-the house areas (including executive offices) without security escort</b>	Access Level: N No access to secure casino BOH areas
<b>Responsibilities for accounting and/or finance relating to the gaming establishment</b>	None
<b>"Write" access to gaming-related casino databases</b>	None
<b>Responsibilities that potentially impact the integrity of gaming operations, including access to confidential or sensitive information</b>	None
<b>Other (please set forth other relevant information for exemption consideration)</b>	Hannoush Jewelers Group is a MGM Springfield Property Tenant

(Continue to Page 3)



JOB POSITON (AND UNIQUE JOB CODE):

Hannoush Jewelers Group - General Manager

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

Marikate Murren

/ Marikate Murren

5/6/2018

Signature

/ Printed Name

Date

DRAFT



## 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:** Blue Tarp reDevelopment (dba MGM Springfield)

**JOB POSITON (AND UNIQUE JOB CODE):** Hannoush Jewelers Group - Assistant Manager

JOB DESCRIPTION	EFFECTIVE DATE OF JOB DESCRIPTION: 04-30-2018
<i>(The Licensee shall immediately notify the Bureau of changes to any job description for an exempted position.)</i>	
Submitted by Marikate Murren, VP, Human Resources, MGM Springfield on behalf of: Hannoush Jewelers Group - Property Tenant	
Assistant Manager Position Summary:	
<ul style="list-style-type: none"><li>- Support the General Manager in daily operations and directives.</li><li>- Supervision of sales team.</li><li>- Provide leadership to sales team in absence of GM.</li><li>- Maintaining work systems, procedures and policies to optimize performance.</li><li>- Coaching and development of sales team.</li><li>- Initial recruitment and assessment of potential sales associates.</li><li>- Reporting to General Manager.</li></ul>	



(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):** Hannoush Jewelers Group - Assistant Manager

FACTOR	DESCRIPTION / EXPLANATION
<b>Work performed on gaming floor</b>	None
<b>Managerial responsibilities in any department</b>	Assistant Lead in Hannoush Jewelers Group None in MGM Springfield
<b>Supervisory responsibilities in Human Resources or Sales and Marketing</b>	None
<b>Responsibilities for alcohol sales, distribution, service, and/or storage</b>	Access Level: N No access to secure casino BOH areas
<b>Access to secure casino back-of-the house areas (including executive offices) without security escort</b>	None
<b>Responsibilities for accounting and/or finance relating to the gaming establishment</b>	None
<b>"Write" access to gaming-related casino databases</b>	None
<b>Responsibilities that potentially impact the integrity of gaming operations, including access to confidential or sensitive information</b>	None
<b>Other (please set forth other relevant information for exemption consideration)</b>	Hannoush Jewelers Group is a MGM Springfield Property Tenant

(Continue to Page 3)

JOB POSITON (AND UNIQUE JOB CODE):

Hannoush Jewelers Group - Assistant Manager

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

*Marikate Murren*

/ Marikate Murren

5/6/2018

Signature

/ Printed Name

Date

DRAFT



## 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:** Blue Tarp reDevelopment (dba MGM Springfield)

**JOB POSITON (AND UNIQUE JOB CODE):** Hannoush Jewelers Group - Sales Associates

JOB DESCRIPTION	EFFECTIVE DATE OF JOB DESCRIPTION: 04-30-2018
<i>(The Licensee shall immediately notify the Bureau of changes to any job description for an exempted position.)</i>	
Submitted by Marikate Murren, VP, Human Resources, MGM Springfield on behalf of: Hannoush Jewelers Group - Property Tenant	
Sales Associates Position Summary:	
<ul style="list-style-type: none"><li>- Continuous improvement on sales techniques and sale targets.</li><li>- Provide exemplary customer service.</li><li>- Support the Assistant Manager and General Manager direction.</li><li>- Compliance of all operational policies and procedures.</li><li>- Reporting to Assistant Manager and General Manager.</li></ul>	



(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):** Hannoush Jewelers Group - Sales Associates

FACTOR	DESCRIPTION / EXPLANATION
<b>Work performed on gaming floor</b>	None
<b>Managerial responsibilities in any department</b>	None in Hannoush Jewelers Group None in MGM Springfield
<b>Supervisory responsibilities in Human Resources or Sales and Marketing</b>	None
<b>Responsibilities for alcohol sales, distribution, service, and/or storage</b>	None
<b>Access to secure casino back-of-the house areas (including executive offices) without security escort</b>	Access Level: N No access to secure casino BOH areas
<b>Responsibilities for accounting and/or finance relating to the gaming establishment</b>	None
<b>"Write" access to gaming-related casino databases</b>	None
<b>Responsibilities that potentially impact the integrity of gaming operations, including access to confidential or sensitive information</b>	None
<b>Other (please set forth other relevant information for exemption consideration)</b>	Hannoush Jewelers Group is a MGM Springfield Property Tenant

(Continue to Page 3)



JOB POSITON (AND UNIQUE JOB CODE):

Hannoush Jewelers Group - Sales Associates

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

Marikate Murren

Signature

/ Marikate Murren

/ Printed Name

5/6/2018

Date

DRAFT



## 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:** Blue Tarp reDevelopment (dba MGM Springfield)

**JOB POSITON (AND UNIQUE JOB CODE):** Kringle Candle Co | Kringle Emporium - Retail Store Manager

JOB DESCRIPTION	EFFECTIVE DATE OF JOB DESCRIPTION: 04-17-2018 <i>(The Licensee shall immediately notify the Bureau of changes to any job description for an exempted position.)</i>
<p><b>Job Summary</b></p> <p>Full accountability for managing retail store operations including achieving sales goals and operating within budget. The Store manager is responsible for hiring, training and leading store staff to drive sales, deliver exceptional customer service and maintain the highest level of visual presentation throughout the store. The Retail Store Manager is a retail professional and role model for the Kringle Candle Company culture who motivates, inspires and leads the retail team.</p> <p><b>Job Duties</b></p> <ol style="list-style-type: none"><li>Ensures that store meets or exceeds predetermined sales goals and operates within established budget.<ul style="list-style-type: none"><li>Develops and executes strategies to drive sales and profitability.</li><li>Forecasts and adjusts monthly payroll to maximize productivity and achieve sales goals.</li><li>Coordinates and executes special events at store to drive sales.</li></ul></li><li>Manages day-to-day store operations:<ul style="list-style-type: none"><li>Manages and supervises retail staff including responsibility for recruiting, hiring, coaching, scheduling, and performance management.</li><li>Handles all financial activities related to registers, bank deposits, payroll and cash reporting for store operations.</li><li>Reconciles customer issues and errors related to store invoicing and/or financials.</li><li>Adheres to all company credit card, check approval, merchandise return and exchange procedures.</li></ul></li></ol>	

(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):** Kringle Candle Co | Kringle Emporium - Retail Store Manager

FACTOR	DESCRIPTION / EXPLANATION
<b>Work performed on gaming floor</b>	None
<b>Managerial responsibilities in any department</b>	None in MGM Springfield
<b>Supervisory responsibilities in Human Resources or Sales and Marketing</b>	None in MGM Springfield
<b>Responsibilities for alcohol sales, distribution, service, and/or storage</b>	None in Kringle Candle Company None in MGM Springfield
<b>Access to secure casino back-of-the house areas (including executive offices) without security escort</b>	Access Level: N No access to secure casino BOH areas
<b>Responsibilities for accounting and/or finance relating to the gaming establishment</b>	None
<b>"Write" access to gaming-related casino databases</b>	None
<b>Responsibilities that potentially impact the integrity of gaming operations, including access to confidential or sensitive information</b>	None
<b>Other (please set forth other relevant information for exemption consideration)</b>	Kringle Candle Company   Kringle Emporium is a MGM Springfield Property Tenant

(Continue to Page 3)

JOB POSITON (AND UNIQUE JOB CODE):

Kringle Candle Co | Kringle Emporium - Retail Store Manager

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

*Marikate Murren*

Marikate Murren

5/16/2018

Signature

/ Printed Name

Date

DRAFT



**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:** Blue Tarp reDevelopment (dba MGM Springfield)

**JOB POSITON (AND UNIQUE JOB CODE):** Kringle Candle Co | Kringle Emporium - Asst Cafe Manager|Chef de Crusine

<b>JOB DESCRIPTION</b>	<b>EFFECTIVE DATE OF JOB DESCRIPTION: 04-17-2018</b> <i>(The Licensee shall immediately notify the Bureau of changes to any job description for an exempted position.)</i>
<p><b>Job Summary</b>  “Hands on” working Chef who assists Café Manager/Lead Chef in production and directing the daily operations of the kitchen, performance and management of employees. Assists managing the day-to-day operational activities to optimize profits and ensure that guests are satisfied with their dining experience.</p> <p><b>Job Duties</b></p> <ol style="list-style-type: none"> <li>1. Staff Management and Personnel: <ul style="list-style-type: none"> <li>• Assists Café Manager in managing the work performance of employees, disciplining and when necessary the termination of employees.</li> <li>• Motivates and coordinates multiple activities and tasks for restaurant staff to ensure guests are satisfied.</li> </ul> </li> <li>2. Operational / Financial: <ul style="list-style-type: none"> <li>• Assists Café Manager by setting an example in providing a hands-on style of management in all areas of kitchen operations.</li> <li>• Actively participates in the food preparation, testing and line work (e.g., working the line for meals, cutting and portioning)</li> <li>• Maintains a positive working relationship with vendors, suppliers and maintenance personnel.</li> <li>• Assists with the compliance of all health and safety restaurant requirements by restaurant personnel and ensures that the staff adheres to all company policies and procedures.</li> </ul> </li> </ol>	

*(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):** Kringle Candle Co | Kringle Emporium - Asst Cafe Manager|Chef de Crusine

FACTOR	DESCRIPTION / EXPLANATION
<b>Work performed on gaming floor</b>	None
<b>Managerial responsibilities in any department</b>	None in MGM Springfield
<b>Supervisory responsibilities in Human Resources or Sales and Marketing</b>	None in MGM Springfield
<b>Responsibilities for alcohol sales, distribution, service, and/or storage</b>	None in MGM Springfield Within the Kringle Candle Organization, there might be times when serving alcohol is required to attend to high volume
<b>Access to secure casino back-of-the house areas (including executive offices) without security escort</b>	Access Level: N No access to secure casino BOH areas
<b>Responsibilities for accounting and/or finance relating to the gaming establishment</b>	None
<b>"Write" access to gaming-related casino databases</b>	None
<b>Responsibilities that potentially impact the integrity of gaming operations, including access to confidential or sensitive information</b>	None
<b>Other (please set forth other relevant information for exemption consideration)</b>	Kringle Candle Company   Kringle Emporium is a MGM Springfield Property Tenant

(Continue to Page 3)



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

Kringle Candle Co | Kringle Emporium - Asst Cafe Manager|Chef de Crusine

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

*Marikate Murren*

/ Marikate Murren

6/18/2018

Signature

/ Printed Name

Date

DRAFT



## 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:** Blue Tarp reDevelopment (dba MGM Springfield)

**JOB POSITON (AND UNIQUE JOB CODE):** Kringle Candle Co | Kringle Emporium - Retail Store Assistant Manager

JOB DESCRIPTION	<b>EFFECTIVE DATE OF JOB DESCRIPTION: 04-17-2018</b> <i>(The Licensee shall immediately notify the Bureau of changes to any job description for an exempted position.)</i>
<b>Job Summary</b>	
<p>The Assistant Store Manager is responsible for assisting in the management of retail store operations including achieving sales and profitability goals, supervising staff, and operating within budget. The Assistant Manager is responsible for supervising, training, coaching and leading store staff to drive sales, deliver exceptional customer service and maintain the highest level of visual presentation throughout the store. In conjunction with the Manager, the Assistant Manager ensures adequate staffing, oversees store safety and security, prepares cash reports, and performs other duties to ensure operational and brand standards are maintained.</p>	
<b>Job Duties</b>	
<ol style="list-style-type: none"><li>1. With the Store Manager, ensures that store meets or exceeds predetermined sales goals and operates within established budget. Adjusts staffing levels accordingly.</li> <li>2. Assists with the management of day-to-day store operations:<ul style="list-style-type: none"><li>• Manages and supervises retail staff including training, coaching, leading, and performance management.</li><li>• Handles financial activities related to registers, bank deposits, payroll management and cash reporting for store operations.</li><li>• Reconciles customer issues and errors related to store invoicing and/or financials.</li><li>• Adheres to all company credit card, check approval, merchandise return and exchange procedures.</li><li>• Ensures that store opens and closes on schedule and is sufficiently staffed.</li><li>• Ensures compliance with building regulations/codes and safety procedures.</li></ul></li></ol>	

(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):** Kringle Candle Co | Kringle Emporium - Retail Store Assistant Manager

FACTOR	DESCRIPTION / EXPLANATION
<b>Work performed on gaming floor</b>	None
<b>Managerial responsibilities in any department</b>	None in MGM Springfield
<b>Supervisory responsibilities in Human Resources or Sales and Marketing</b>	None in MGM Springfield
<b>Responsibilities for alcohol sales, distribution, service, and/or storage</b>	None in Kringle Candle Company None in MGM Springfield
<b>Access to secure casino back-of-the house areas (including executive offices) without security escort</b>	Access Level: N No access to secure casino BOH areas
<b>Responsibilities for accounting and/or finance relating to the gaming establishment</b>	None
<b>"Write" access to gaming-related casino databases</b>	None
<b>Responsibilities that potentially impact the integrity of gaming operations, including access to confidential or sensitive information</b>	None
<b>Other (please set forth other relevant information for exemption consideration)</b>	Kringle Candle Company   Kringle Emporium is a MGM Springfield Property Tenant

(Continue to Page 3)

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

Kringle Candle Co | Kringle Emporium - Retail Store Assistant Manager

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

*Marikate Murren*

Signature

Marikate Murren

/ Printed Name

5/16/2018

Date

DRAFT



## 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:** Blue Tarp reDevelopment (dba MGM Springfield)

**JOB POSITON (AND UNIQUE JOB CODE):** Kringle Candle Co | Kringle Emporium - Retail Sales Associate

JOB DESCRIPTION	EFFECTIVE DATE OF JOB DESCRIPTION: 04-17-2018 <i>(The Licensee shall immediately notify the Bureau of changes to any job description for an exempted position.)</i>
<p><b>Job Summary:</b> Promotes retail sales by offering friendly, face-to-face high quality customer service to retail customers. Provides product information and assistance with purchases. Offers merchandise suggestions, as appropriate, in a helpful and unobtrusive manner. Operates POS cash register and handles cash and credit card transactions. Restocks shelves with product merchandise. Maintains a clean, neat, pleasant work area.</p> <p><b>Job Duties:</b></p> <ol style="list-style-type: none"><li>1. Greets retail guests in a friendly and congenial manner.</li><li>2. Provides customer service and product information for all Kringle branded inventory.</li><li>3. Keeps up-to-date on new Kringle products and fragrances.</li><li>4. Offers assistance with merchandise selections; suggests candle fragrances and styles, etc. to meet customer's need or request.</li><li>5. Responds to customer inquiries and questions regarding product/merchandise, retail flagship campus, and restaurant and company information.</li><li>6. Transacts sales, operates point-of purchase register and credit card machine. ( Provides register back-up to the Café if needed)</li><li>7. Wraps and bags customer purchases to prevent breakage.</li><li>8. Restocks display units and fronts store shelves to maintain a neat appearance throughout the store.</li></ol>	

*(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):** Kringle Candle Co | Kringle Emporium - Retail Sales Associate

FACTOR	DESCRIPTION / EXPLANATION
<b>Work performed on gaming floor</b>	None
<b>Managerial responsibilities in any department</b>	None in MGM Springfield
<b>Supervisory responsibilities in Human Resources or Sales and Marketing</b>	None in MGM Springfield
<b>Responsibilities for alcohol sales, distribution, service, and/or storage</b>	None in Kringle Candle Company None in MGM Springfield
<b>Access to secure casino back-of-the house areas (including executive offices) without security escort</b>	Access Level: N No access to secure casino BOH areas
<b>Responsibilities for accounting and/or finance relating to the gaming establishment</b>	None
<b>"Write" access to gaming-related casino databases</b>	None
<b>Responsibilities that potentially impact the integrity of gaming operations, including access to confidential or sensitive information</b>	None
<b>Other (please set forth other relevant information for exemption consideration)</b>	Kringle Candle Company   Kringle Emporium is a MGM Springfield Property Tenant

(Continue to Page 3)



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

Kringle Candle Co | Kringle Emporium - Retail Sales Associate

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

*Marikate Murren*

Signature

Marikate Murren

/ Printed Name

5/16/2018

Date

DRAFT



## 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:** Blue Tarp reDevelopment (dba MGM Springfield)

**JOB POSITON (AND UNIQUE JOB CODE):** Kringle Candle Co | Kringle Emporium - Cafe Manager/Lead Chef

JOB DESCRIPTION	EFFECTIVE DATE OF JOB DESCRIPTION: 04-17-2018 <i>(The Licensee shall immediately notify the Bureau of changes to any job description for an exempted position.)</i>
<p><b>Job Summary</b> “Hands on” working manager and Chef, who manages and directs the daily operations of the Cafe including selection, development and performance management of employees. Manages the day-to-day operations and financial activities in collaboration with the Executive Chef (The Farm Table, LLC) to optimize profits and ensure that guests are satisfied with their overall experience.</p> <p><b>Job Duties</b></p> <ol style="list-style-type: none"><li>1. Staff Management and Personnel:<ul style="list-style-type: none"><li>• Maintains accurate and up-to-date plan of kitchen staffing needs. Prepares schedules and ensures that the restaurant is staffed for all shifts.</li><li>• Interviews and recommends new kitchen employees. Conducts new hire orientation of kitchen area staff and oversees the training of new employees.</li><li>• Manages performance of kitchen employees, disciplines and when necessary terminates employee's employment.</li><li>• Motivates and coordinates multiple activities and tasks for kitchen staff to ensure guests are satisfied.</li><li>• Sets the example by providing a hands-on style of management in all areas of kitchen operations.</li></ul></li><li>2. Operational / Financial:<ul style="list-style-type: none"><li>• Actively participates in the food preparation, testing and line work (e.g., working the line for meals, cutting and portioning)</li></ul></li></ol>	

(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):** Kringle Candle Co | Kringle Emporium - Cafe Manager/Lead Chef

FACTOR	DESCRIPTION / EXPLANATION
<b>Work performed on gaming floor</b>	None
<b>Managerial responsibilities in any department</b>	None in MGM Springfield
<b>Supervisory responsibilities in Human Resources or Sales and Marketing</b>	None in MGM Springfield
<b>Responsibilities for alcohol sales, distribution, service, and/or storage</b>	None in Kringle Candle Company None in MGM Springfield
<b>Access to secure casino back-of-the house areas (including executive offices) without security escort</b>	Access Level: N No access to secure casino BOH areas
<b>Responsibilities for accounting and/or finance relating to the gaming establishment</b>	None
<b>"Write" access to gaming-related casino databases</b>	None
<b>Responsibilities that potentially impact the integrity of gaming operations, including access to confidential or sensitive information</b>	None
<b>Other (please set forth other relevant information for exemption consideration)</b>	Kringle Candle Company   Kringle Emporium is a MGM Springfield Property Tenant

(Continue to Page 3)

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

Kringle Candle Co | Kringle Emporium - Cafe Manager/Lead Chef

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

*Marikate Murren*

Signature

Marikate Murren

/ Printed Name

5/16/2018

Date

DRAFT



## 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:** Blue Tarp reDevelopment (dba MGM Springfield)

**JOB POSITON (AND UNIQUE JOB CODE):** Kringle Candle Co | Kringle Emporium - Line | Prep Cook

#### JOB DESCRIPTION

**EFFECTIVE DATE OF JOB DESCRIPTION: 04-17-2018**

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

#### Job Summary

Responsible for preparing, cooking and/or plating of menu items to order in a professional and friendly manner.

#### Job Duties

1. Accurately prepares all food items during work shift according to written food orders.
2. Safely handles, prepares, slices and butchers meat, chicken, fish, cheese, produce and other food products.
3. Uses preparatory utensils safely and appropriately such as knives, pans and slicers on a regular basis.
4. Uses fryers, electric choppers, mixers, blenders, graters and other preparatory utensils safely and appropriately.
5. Always rotates food properly, old items to the right and on top.
6. Uses fryers, electric choppers, mixers, blenders, graters and other preparatory utensils safely and appropriately.
7. Always have station set and ready to serve, at least 15 minutes before service.

*(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):** Kringle Candle Co | Kringle Emporium - Line | Prep Cook

FACTOR	DESCRIPTION / EXPLANATION
<b>Work performed on gaming floor</b>	None
<b>Managerial responsibilities in any department</b>	None in MGM Springfield
<b>Supervisory responsibilities in Human Resources or Sales and Marketing</b>	None in MGM Springfield
<b>Responsibilities for alcohol sales, distribution, service, and/or storage</b>	None in Kringle Candle Company None in MGM Springfield
<b>Access to secure casino back-of-the house areas (including executive offices) without security escort</b>	Access Level: N No access to secure casino BOH areas
<b>Responsibilities for accounting and/or finance relating to the gaming establishment</b>	None
<b>"Write" access to gaming-related casino databases</b>	None
<b>Responsibilities that potentially impact the integrity of gaming operations, including access to confidential or sensitive information</b>	None
<b>Other (please set forth other relevant information for exemption consideration)</b>	Kringle Candle Company   Kringle Emporium is a MGM Springfield Property Tenant

(Continue to Page 3)



JOB POSITON (AND UNIQUE JOB CODE):

Kringle Candle Co | Kringle Emporium - Line | Prep Cook

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

*Marikate Murren*

Signature

Marikate Murren

/ Printed Name

5/16/2018

Date

DRAFT



## 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:** Blue Tarp reDevelopment (dba MGM Springfield)

**JOB POSITON (AND UNIQUE JOB CODE):** Kringle Candle Co | Kringle Emporium - Cafe Associate | Barista

#### JOB DESCRIPTION

**EFFECTIVE DATE OF JOB DESCRIPTION: 04-17-2018**

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

**Job Summary:** *Provides counter service to Café customers, takes orders, serves prepared food and alcoholic & non-alcoholic beverages and transacts sales. The Café' Associate offers friendly and courteous face-to-face customer service including product & company information to customers, as appropriate. Operates POS cash register and handles cash and credit card transactions. Operates microwave oven, ice machine, coffee maker and cappuccino machine, and additional equipment/appliances as necessary. Restocks the front of the Café with necessary supplies, for both to-go foods and in house customers. Maintains sanitary, neat, and pleasant service and dining areas.*

#### Job Duties:

1. Greets Café guests in a friendly and congenial manner. Provides excellent customer service.
2. Provides food and beverage information, as requested by customer.
3. Provides Kringle Emporium, Kringle Candle and Farm Table Restaurant information to customers to encourage & educate company brand. Responds to all customer inquiries and questions regarding Kringle Emporium, Kringle Candle Company & The Farm Table Restaurant as they pertain to products, merchandise an general company information.
4. Keeps up-to-date on new Kringle Emporium products and fragrances.
5. Transacts sales, operates point-of purchase register and credit card machine.
9. Restocks Café from back stock.

*(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):** Kringle Candle Co | Kringle Emporium - Cafe Associate | Barista

FACTOR	DESCRIPTION / EXPLANATION
<b>Work performed on gaming floor</b>	None
<b>Managerial responsibilities in any department</b>	None in MGM Springfield
<b>Supervisory responsibilities in Human Resources or Sales and Marketing</b>	None in MGM Springfield
<b>Responsibilities for alcohol sales, distribution, service, and/or storage</b>	None in MGM Springfield Within the Kringle Candle organization, they will be responsible for alcohol sales and distribution
<b>Access to secure casino back-of-the house areas (including executive offices) without security escort</b>	Access Level: N No access to secure casino BOH areas
<b>Responsibilities for accounting and/or finance relating to the gaming establishment</b>	None
<b>"Write" access to gaming-related casino databases</b>	None
<b>Responsibilities that potentially impact the integrity of gaming operations, including access to confidential or sensitive information</b>	None
<b>Other (please set forth other relevant information for exemption consideration)</b>	Kringle Candle Company   Kringle Emporium is a MGM Springfield Property Tenant

(Continue to Page 3)

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

Kringle Candle Co | Kringle Emporium - Cafe Associate | Barista

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

*Marikate Murren*

/ Marikate Murren

6/18/2018

Signature

/ Printed Name

Date

DRAFT



## 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:** Blue Tarp reDevelopment (dba MGM Springfield)

**JOB POSITON (AND UNIQUE JOB CODE):** Kringle Candle Co | Kringle Emporium - Porter \ Dishwasher

#### JOB DESCRIPTION

**EFFECTIVE DATE OF JOB DESCRIPTION:** 04-17-2018

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

#### Job Summary

Responsible for the washing, cleaning of all dishes, glassware, utensils, and other cooking equipment using dishwasher or by hand. Restocks all cleanly washed items and ensures that they are properly sanitized and available for guests and employee use. Additional duties include removal of trash and garbage, recycling of applicable materials, sweeping and mopping floors, and/or wiping countertops during the shift.

#### Job Duties:

1. Thoroughly washes and sanitizes all kitchen and restaurant dishes, glassware, utensils and other cooking equipment using dishwasher or by hand, as designated.
2. Accurately restocks clean restaurant dishes, glassware, utensils and other cooking equipment and ensures that items are clean and sanitized before restocking and available to guests and employees when needed.
3. Responsible for the proper use and maintenance of equipment.
4. Maintains a working inventory of sanitation solutions.
5. Responsible for the proper handling and storage of sanitation solutions.
6. Appropriately sets up dishwasher in morning and closes down machine at the close of business according to company procedures. Maintains cleanliness and maintenance of dishwasher and troubleshoots machine malfunctions when needed and/or contacts supervisor for additional assistance.

*(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):** Kringle Candle Co | Kringle Emporium - Porter \ Dishwasher

FACTOR	DESCRIPTION / EXPLANATION
<b>Work performed on gaming floor</b>	None
<b>Managerial responsibilities in any department</b>	None in MGM Springfield
<b>Supervisory responsibilities in Human Resources or Sales and Marketing</b>	None in MGM Springfield
<b>Responsibilities for alcohol sales, distribution, service, and/or storage</b>	None in Kringle Candle Company None in MGM Springfield
<b>Access to secure casino back-of-the house areas (including executive offices) without security escort</b>	Access Level: N No access to secure casino BOH areas
<b>Responsibilities for accounting and/or finance relating to the gaming establishment</b>	None
<b>"Write" access to gaming-related casino databases</b>	None
<b>Responsibilities that potentially impact the integrity of gaming operations, including access to confidential or sensitive information</b>	None
<b>Other (please set forth other relevant information for exemption consideration)</b>	Kringle Candle Company   Kringle Emporium is a MGM Springfield Property Tenant

(Continue to Page 3)



JOB POSITON (AND UNIQUE JOB CODE):

Kringle Candle Co | Kringle Emporium - Porter \ Dishwasher

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

*Marikate Murren*

Marikate Murren

5/16/2018

Signature

Printed Name

Date

DRAFT



## 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:** Blue Tarp reDevelopment (dba MGM Springfield)

**JOB POSITON (AND UNIQUE JOB CODE):** Kringle Candle Co | Kringle Emporium - Visual Merchandiser

#### JOB DESCRIPTION

**EFFECTIVE DATE OF JOB DESCRIPTION:** 04-17-2018

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

#### Job Summary:

The main objective is to increase sales by attracting customer attention with visually appealing merchandise displays designed to draw in business, showcase items, introduce new products and to create a positive store image inside and outside of the Kringle Candle Retail Stores. Displays are frequently changed to promote new product launches and to reflect festive, seasonal and/or holiday themes that will entice shoppers to make purchases and increase revenue.

#### Job Duties:

1. Creates and sets up merchandise displays throughout Kringle Emporium including design and display of Cafe, using available Company resources.
2. Sources and acquires the necessary props, materials and accessories needed to execute designs and create visual displays.
3. Works with pricing and restock staff to verify that merchandise is sales floor ready.
4. Maintains neat, orderly and accessible prop and merchandise storage areas.
5. Keeps abreast of design trends by reviewing design magazines and visiting other retailers.
6. Offers to help our guests in the absence of retail associates.

*(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):** Kringle Candle Co | Kringle Emporium - Visual Merchandiser

FACTOR	DESCRIPTION / EXPLANATION
<b>Work performed on gaming floor</b>	None
<b>Managerial responsibilities in any department</b>	None at MGM Springfield
<b>Supervisory responsibilities in Human Resources or Sales and Marketing</b>	None at MGM Springfield
<b>Responsibilities for alcohol sales, distribution, service, and/or storage</b>	None in Kringle Candle Company None in MGM Springfield
<b>Access to secure casino back-of-the house areas (including executive offices) without security escort</b>	Access Level: N No access to secure casino BOH areas
<b>Responsibilities for accounting and/or finance relating to the gaming establishment</b>	None
<b>"Write" access to gaming-related casino databases</b>	None
<b>Responsibilities that potentially impact the integrity of gaming operations, including access to confidential or sensitive information</b>	None
<b>Other (please set forth other relevant information for exemption consideration)</b>	Kringle Candle Company   Kringle Emporium is a MGM Springfield Property Tenant

(Continue to Page 3)

JOB POSITON (AND UNIQUE JOB CODE):

Kringle Candle Co | Kringle Emporium - Visual Merchandiser

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

*Marikate Murren*

Signature

/ Marikate Murren

/ Printed Name

5/16/2018

Date

DRAFT



TO: Chairman Crosby, Commissioner Cameron, Commissioner O'Brien,  
Commissioner Stebbins, Commissioner Zuniga

FROM: Paul Connelly, Director of Licensing

DATE: June 19, 2018

RE: Gaming Beverage License Application: MGM Springfield

---

## **SUMMARY**

The Division of Licensing is forwarding to the Commission the attached application for a Gaming Beverage License from MGM Springfield. The Division of Licensing has determined that the application contains all of the elements required in accordance with 205 136.04 and is recommending that it be approved pending the submission of information regarding jointly responsible parties, as well as any conditions that the Commission deem appropriate. A version of this application was presented to the Commission at the May 24, 2018 meeting. Since that time the commission has received public comment regarding MGM'S request to serve until 4AM on the gaming floor. Additionally, this application has been supplemented – as discussed at the May 24<sup>th</sup> meeting – with information regarding layout and monitoring of the outdoor plaza.

## **BACKGROUND**

MGM Springfield submitted an application for a Gaming Beverage License pursuant to 205 CMR 136. The application is substantially complete, and contains requests for 22 licensed areas (18 on the ground floor and 4 on the second floor). Generally, each of these areas contains a request for alcohol service between the hours of 8AM – 2AM. For the Gaming Floor however, MGM Springfield has requested alcohol service between the hours of 8AM and 4AM, which is newly allowed under Section 116 of HB3800 – An Act making appropriations for fiscal year 2018, signed by Governor Baker in July of 2017. This section reads as follows:

SECTION 116. Notwithstanding any general or special law or regulation to the contrary, in issuing a gaming beverage license pursuant to section 26 of chapter 23K of the General Laws, the Massachusetts gaming commission shall describe the scope of the particular license and any restrictions and limitations, provided, however, that a gaming beverage license may permit the sale or distribution of alcoholic beverages beyond the hour of 2 a.m. only to patrons who are actively engaged in gambling as defined in section 2 of said chapter 23K; and provided, further, that a gaming beverage license



Massachusetts Gaming Commission

shall not permit the sale or distribution of alcoholic beverages between the hours of 4 a.m. and 8 a.m.

While the Commission may condition any part of the gaming beverage license if it determines that the application may in some way compromise the integrity of gaming and/or public health, welfare, or safety, please note that Section 116 itself conditions the sale or distribution of alcohol only to those patrons actively engaged in gambling.

Though substantially complete, MGM Springfield will be required to submit the following additional information regarding jointly responsible parties (these deficiencies are highlighted in the application):

- **Section 16** - Third Party Retail: Name; Business Concept; Description; Alcohol Distribution Area; Bottle Service; Storage and Security; and Jointly Responsible Person
- **Section 17** - Kringle Candle: Alcohol Distribution Area; Storage and Security; and Jointly Responsible Person
- **Section 22** - Movie Theater: Name; Alcohol Distribution Area; Storage and Security and Jointly Responsible Person

MGM has committed to submit the outstanding information as programming and operations of those third-party spaces are finalized.



Massachusetts Gaming Commission





# GAMING BEVERAGE LICENSE APPLICATION FORM

## REASON FOR FILING APPLICATION

### NAME OF GAMING LICENSEE

Blue Tarp reDevelopment, LLC

### ADDRESS OF GAMING ESTABLISHMENT

One MGM Way  
Springfield, MA 01103

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

Seth N. Stratton, Vice President & Legal Counsel

### CONTACT INDIVIDUAL TELEPHONE NUMBER AND EMAIL ADDRESS

Telephone: (413) 273-5333 / E-mail Address: sstratton@mgmspringfield.com

## FEE

The fee for a gaming beverage license is **\$15,000**.

## 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 application on page 2 must be submitted for each area of the gaming establishment that the gaming licensee desires to have designated as a licensed 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 application. If alcoholic beverages will be stored outside of a licensed area, storage areas must be identified on the floor plan.

## PROOF OF INSURANCE

Please attach proof of insurance to this application demonstrating liquor liability insurance for bodily injury or death for a minimum amount of \$250,000 on account of injury to or death of 1 person, and \$500,000 on account of any 1 accident resulting in injury to or death of more than 1 person. The policy shall have no annual aggregate limit.

## 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 APPLICATION**

Please use a separate LICENSED AREA APPLICATION form for each licensed area and attach each sheet, along with a floor plan and licensed area diagrams to this application.

**NAME OF LICENSED AREA** (e.g. – function hall, XYZ Restaurant, gaming area, etc.)

See attached Appendix for Licensed Areas identified as Numbers 1-22 on the Table of Contents

**DESCRIPTION OF LICENSED AREA**

DESCRIPTION OF THE 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:**

See attached Appendix

See attached Appendix for Licensed Areas identified as Numbers 1-22 on the Table of Contents and as depicted on the Ground Floor (1 of 2), Second Floor or Pool Area Floor Plans.

Each Licensed Area is further described on its corresponding individual diagram included in the Appendix.

**HOURS OF OPERATION**

See attached Appendix

**CAPACITY OF LICENSE AREA**

See attached Appendix

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

In certain Licensed Areas only.

See attached Appendix for details.

**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 OLF LICENSED AREA, THIS STORAGE AREA SHALL BE DEPICTED ON THE FLOOR PLAN).

See attached Appendix

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

Anthony Caratozzolo, Vice President, Food & Beverage / MGC License No. N GSKS0008


**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.

See attached Appendix for Licensed Areas 16, 17 and 22

**ATTESTATION**

I Seth N. Stratton, 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

Seth N. Stratton  
Print Name

Vice President & Legal Counsel  
Title

5/22/18  
Date





# CERTIFICATE OF LIABILITY INSURANCE

DATE(MM/DD/YYYY)  
05/07/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Aon Risk Insurance Services West, Inc. Los Angeles CA Office 707 Wilshire Boulevard Suite 2600 Los Angeles CA 90017-0460 USA	<b>CONTACT NAME:</b> PHONE (A/C. No. Ext): (866) 283-7122      FAX (A/C. No.): (800) 363-0105	
	<b>E-MAIL ADDRESS:</b>  	
<b>INSURED</b> MGM Resorts International & its subsidiaries Risk Management Department 71 East Harmon Avenue Las Vegas NV 89109-4539 USA	<b>INSURER(S) AFFORDING COVERAGE</b>	
	<b>INSURER A:</b> Zurich American Ins Co <b>NAIC #</b> 16535	
	<b>INSURER B:</b>	
	<b>INSURER C:</b>	
	<b>INSURER D:</b>	
	<b>INSURER E:</b>	

**COVERAGES**      **CERTIFICATE NUMBER:** 570071072215      **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.      **Limits shown are as requested**

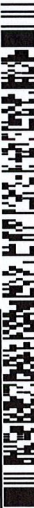
INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			GLO427988509 SIR applies per policy terms & conditions	07/01/2017	07/01/2018	EACH OCCURRENCE      \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence)      \$1,000,000 MED EXP (Any one person)      Excluded PERSONAL & ADV INJURY      \$1,000,000 GENERAL AGGREGATE      \$25,000,000 PRODUCTS - COMP/OP AGG      \$3,000,000 Liquor Liability      \$1,000,000
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input type="checkbox"/> RETENTION						EACH OCCURRENCE AGGREGATE
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR / PARTNER / EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below			N/A			<input type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT E.L. DISEASE-EA EMPLOYEE E.L. DISEASE-POLICY LIMIT

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)  
 RE: Evidence of Insurance.  
 Named Insured (s): MGM Resorts International including all subsidiaries, affiliates & allied companies, corporations or entities owned or controlled, now in existence or as may hereafter be created.

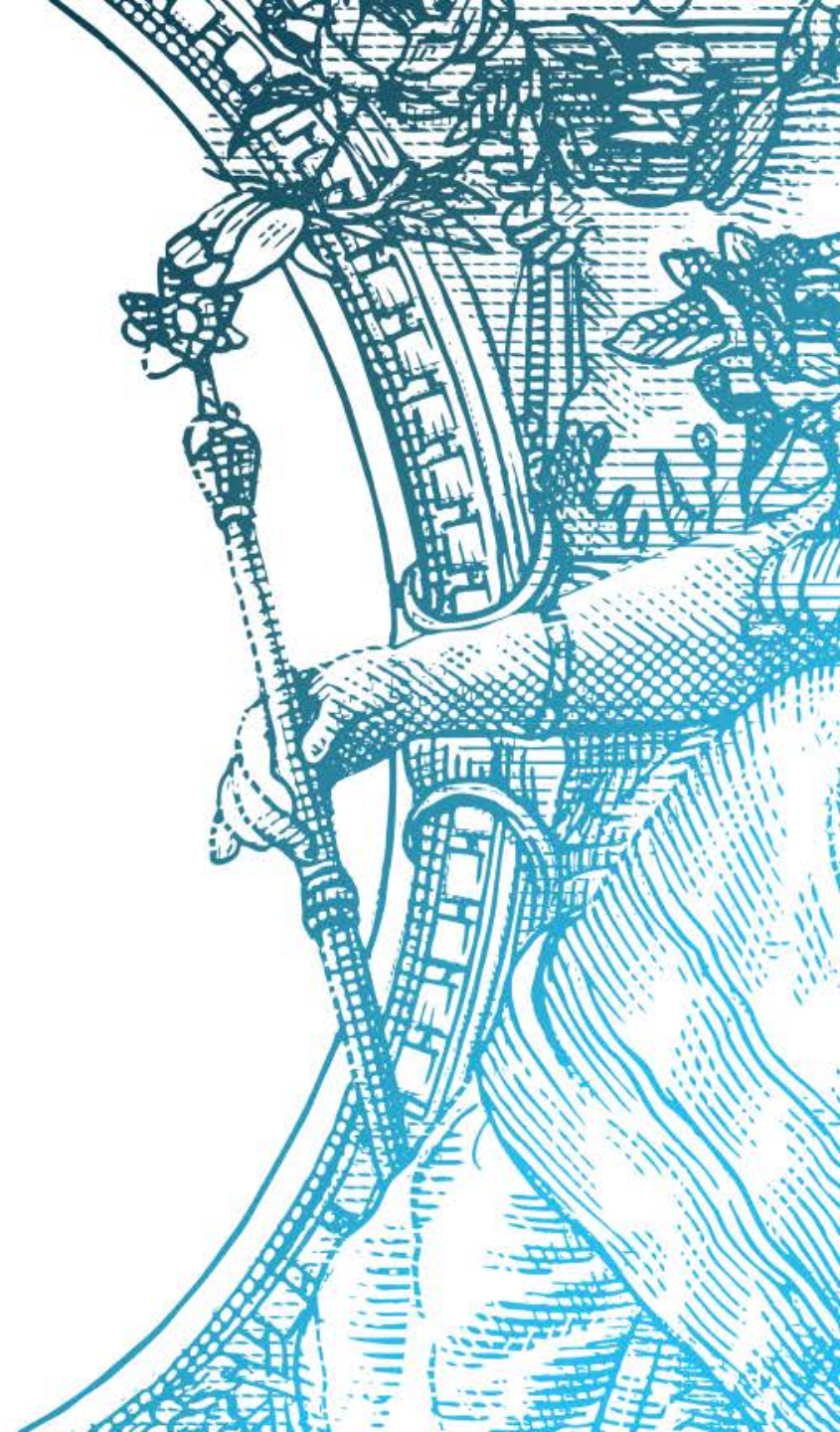
<b>CERTIFICATE HOLDER</b>  Massachusetts Gaming Commission 101 Federal St., 12th Floor Boston MA 02110-1857 USA	<b>CANCELLATION</b> SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE  <i>Aon Risk Insurance Services West Inc.</i>
---	--

Holder Identifier :

Certificate No : 570071072215



# Appendix to Gaming Beverage License Application





# Table of Contents

## Licensed Areas

### **Ground Floor Licensed Areas**

1. Cal Mare
2. The Chandler Steakhouse
3. Lobby Bar
4. Casino Walk Up Bar
5. The Knox Bar
6. Commonwealth
7. The South End Market
8. Casino Beverage
9. Salon
10. TAP Sports Bar
11. Outdoor Screen Viewing Area
12. Armory
13. Armory Marketplace
14. Top Golf
15. Indian Motor Cycle
16. TBD Retail/F&B Space
17. Kringle Candle
18. Food Trucks

## **Second Floor Licensed Areas**

19. Banquet Space
20. Pool
21. In-Room Dining
22. Movie Theater

## On-site Alcohol Storage Areas

23. Secure Liquor Pump Room
24. Secure Beer Pump Room
25. Secure Beer Cooler
26. Secure Banquet Liquor and Beer Storage

## Bottle Service

27. Liquor Bottle Service

## Limitations on Consumption within Gaming Establishment

28. Garage/Parking Lots
29. Outdoor Plaza

## Proposed Conditions

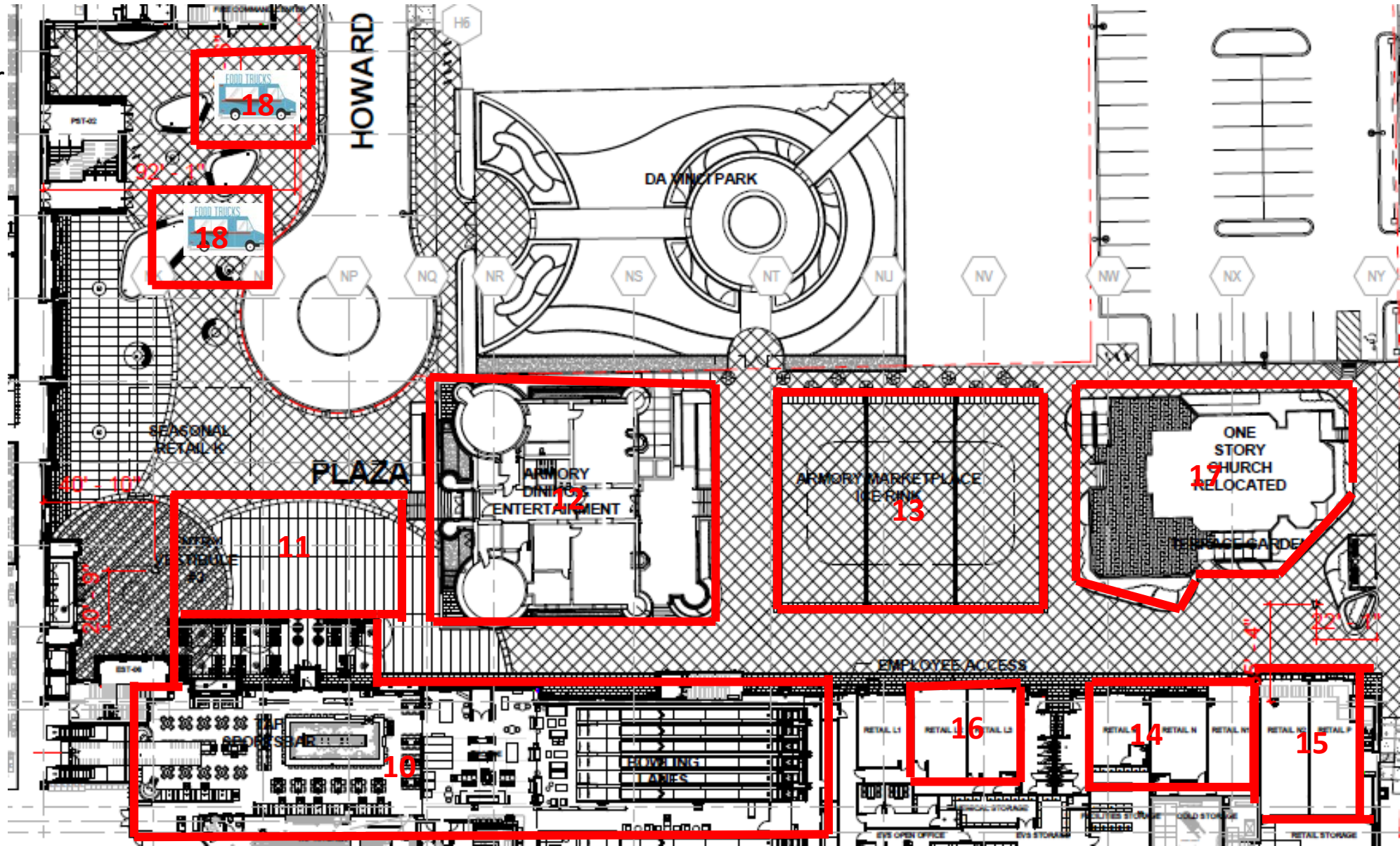
30. Conditions for Approval





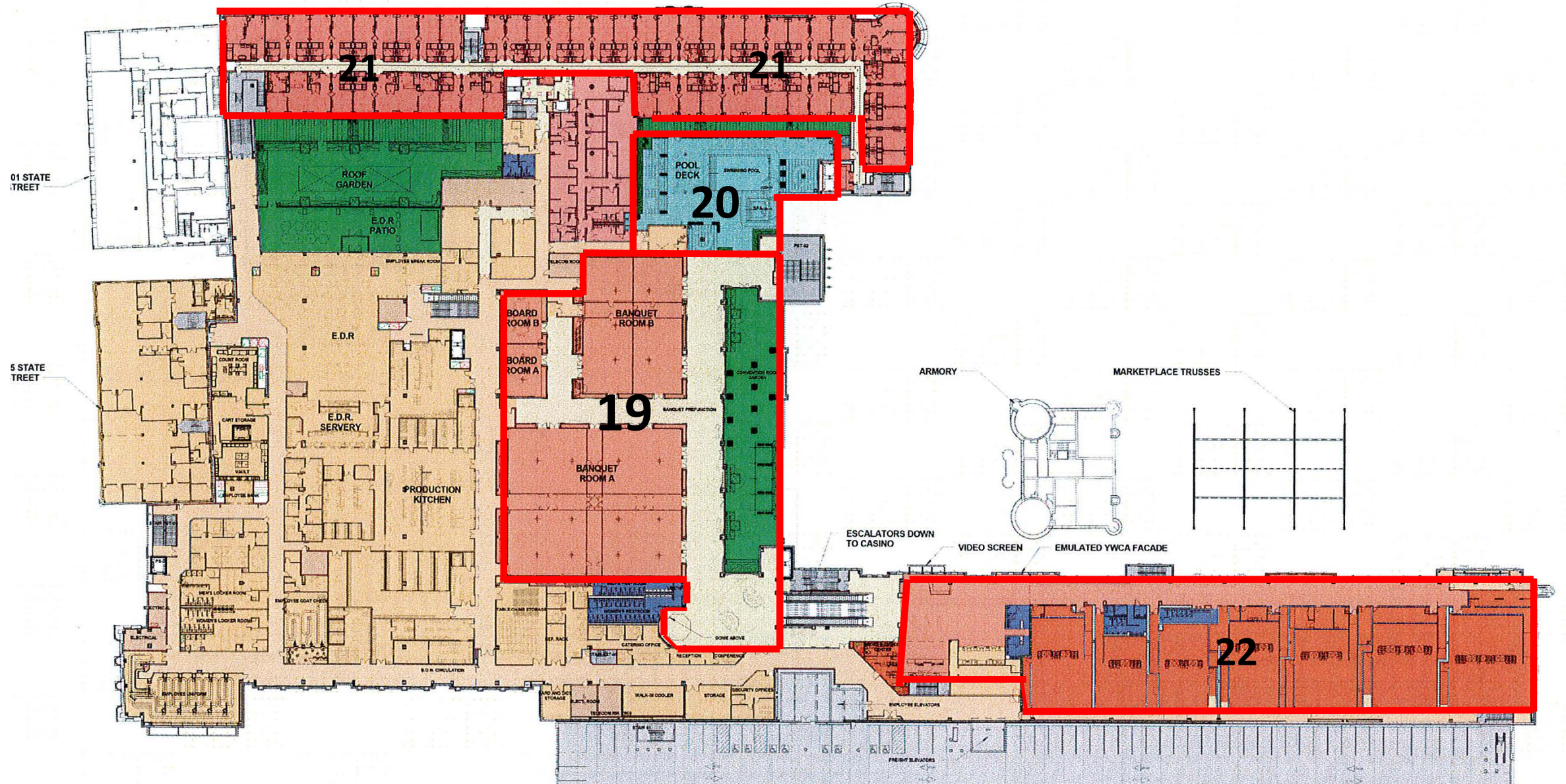


Ground Floor  
2 of 2



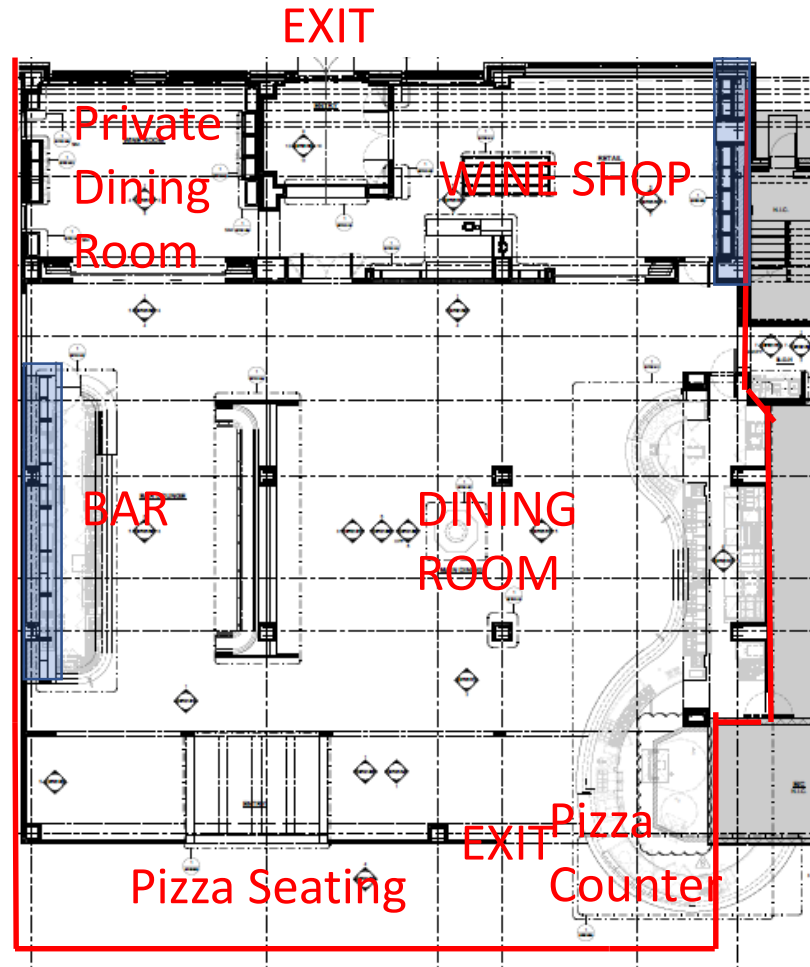


# Second Floor



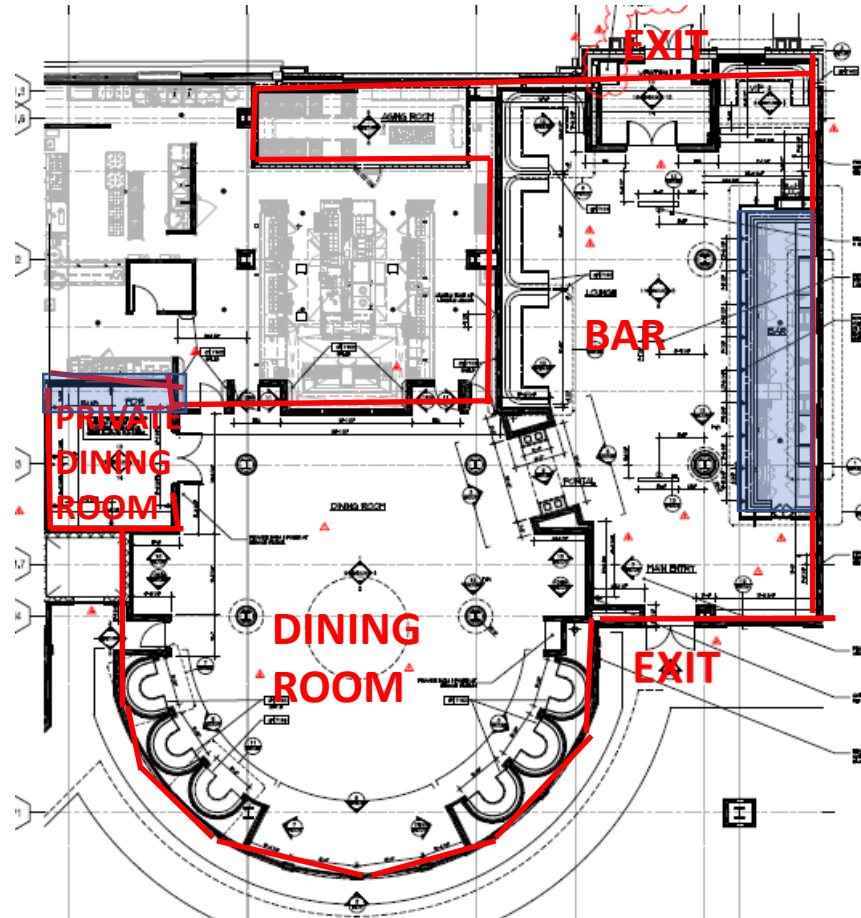


# (1) Cal Mare



- **Name:** Cal Mare
- **Business Concept:** Amalfi coast Italian seafood and pizza
- **Description:** Restaurant and bar including pizza counter for walk up service from casino
- **Normal Hours of Operation:** Dining Room and Bar 11am - 12am
- **Hours of Permitted Alcohol Service:** 8:00 a.m. to 2:00 a.m.
- **Capacity:** Total 280 (Bar 39, Private Dining Room 12, Dining Room 170, Wine Shop 32)
- **Alcohol Dispensing Area:** Alcohol distributed from Bar, served by servers, and Pizza counter (beer and wine)
- **Bottle Service:** Yes, pursuant to approved bottle service program (see Section 27)
- **Storage and Security (shown in blue):** All liquor and wine will be locked behind the bar. All liquor dispensers and taps if applicable will be shut off after closing. All areas are under 24 hour surveillance.
- **Manager of Licensed Area:** Anthony Caratozzolo (MGC Lic. N GKS00080)

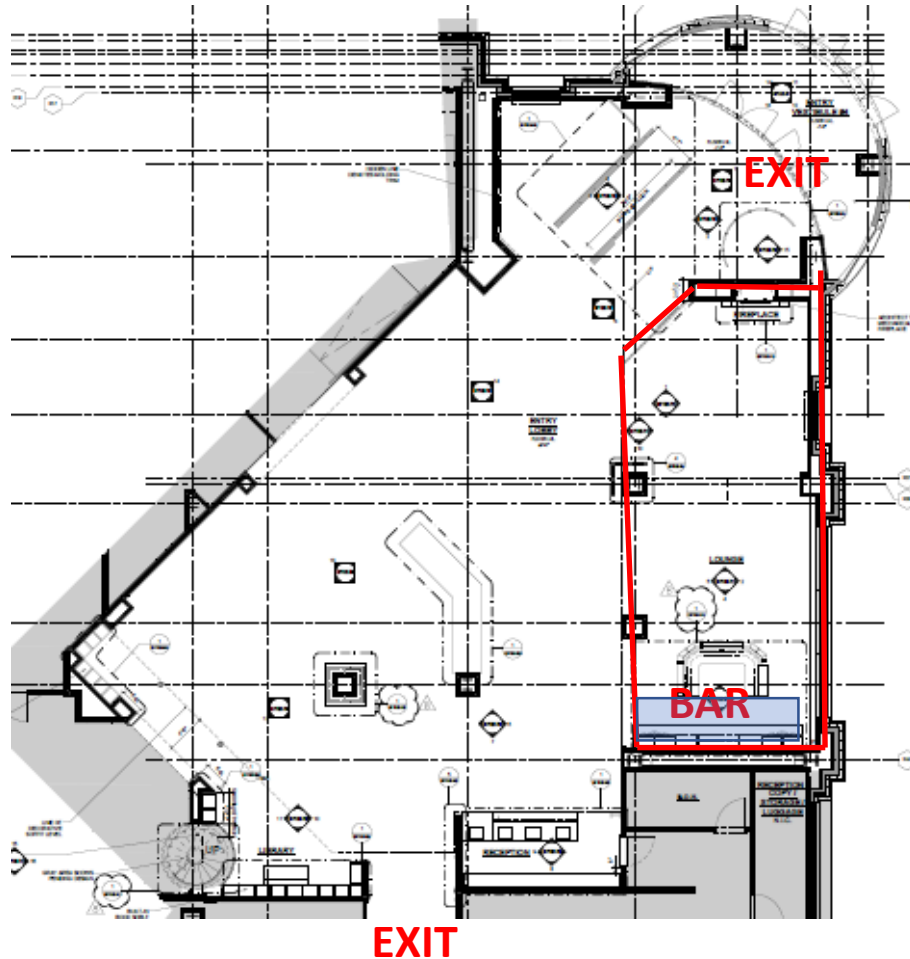
# (2) The Chandler Steakhouse



- **Name:** The Chandler Steakhouse
- **Business Concept:** Classic Steakhouse and Bar with Dry Age Room
- **Description:** Restaurant and bar
- **Normal Hours of Operation:** 5pm -11pm with potential for lunch
- **Hours of Permitted Alcohol Service:** 8:00 a.m. to 2:00 a.m.
- **Capacity:** Total 255 (Bar 102, Private Dining 10, Dining Room 143)
- **Alcohol Distribution Area:** Bar and served by servers
- **Bottle Service:** Yes, pursuant to approved bottle service program (see Section 27)
- **Storage and Security (shown in blue):** All liquor and wine will be locked behind the bar or wine storage in Private Dining Room. All liquor dispensers and taps if applicable will be shut off after closing. All areas under 24 hour surveillance.
- **Manager of Licensed Area:** Anthony Caratozzolo (MGC Lic. N GKS00080)

# (3) Lobby Bar

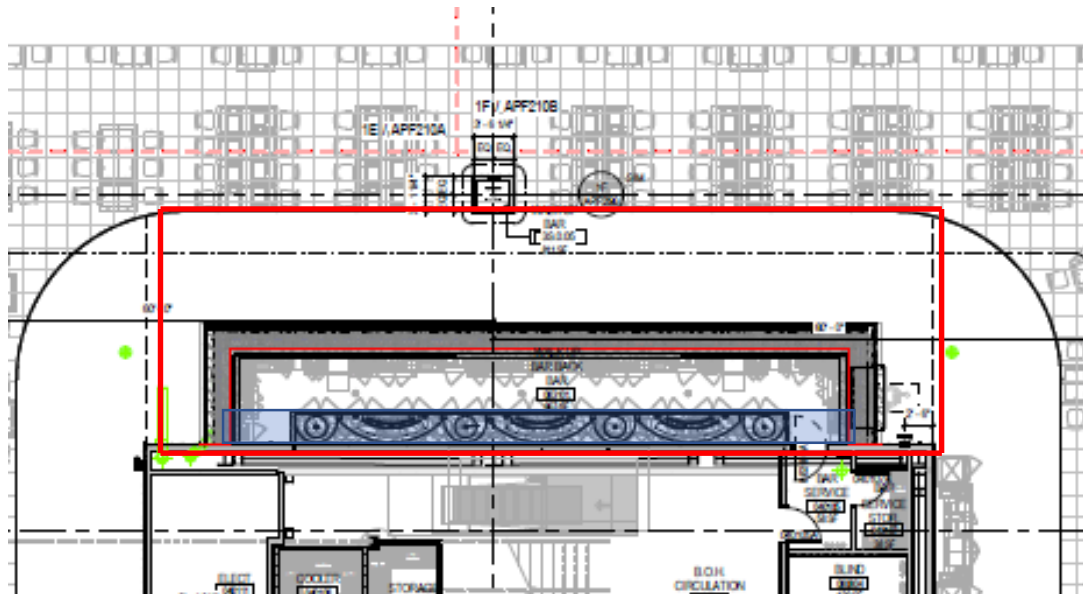
# LOBBY BAR



- **Name:** The Lobby Bar
- **Business Concept:** Hotel lobby bar with a library vibe
- **Description:** Cocktail bar
- **Normal Hours of Operation:** 10am-12am
- **Hours of Permitted Alcohol Service:** 8:00 a.m. to 2:00 a.m.
- **Capacity:** Total 40
- **Alcohol Dispensing Area:** Alcohol distributed from Bar and served by servers
- **Bottle Service:** Yes, pursuant to approved bottle service program (see Section 27)
- **Storage and Security (shown in blue):** All liquor and wine will be locked behind the bar. All areas under 24 hour surveillance.
- **Manager of Licensed Area:** Anthony Caratozzolo (MGC Lic. N GKS00080)

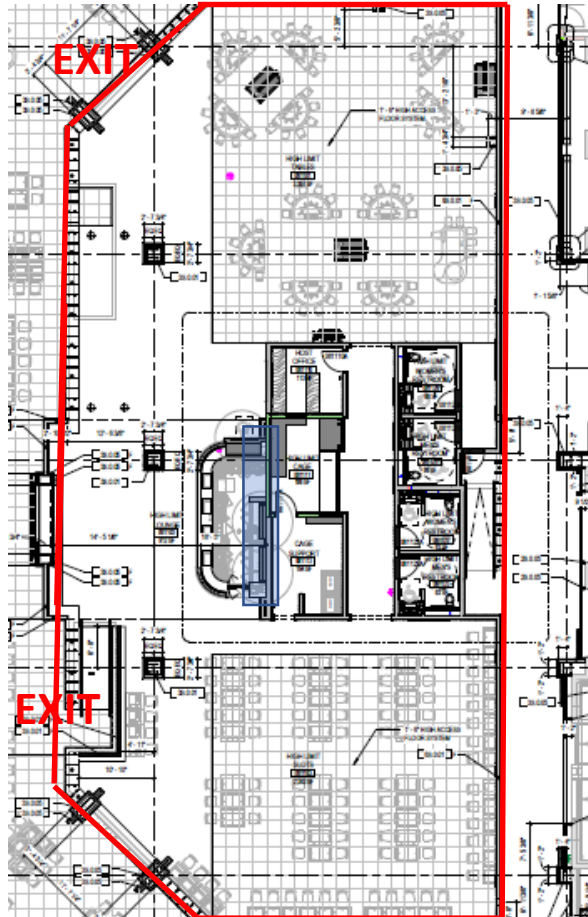


# (4) Casino Walk Up Bar



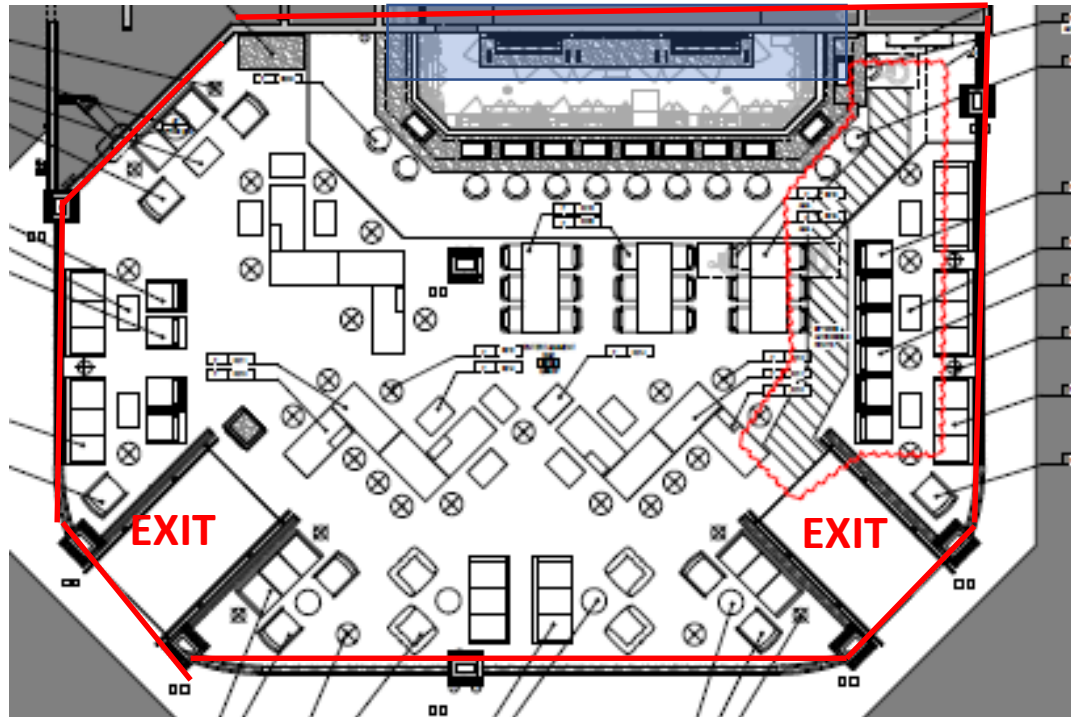
- **Name:** Casino Walk Up Bar
- **Business Concept:** Cash bar for guests who prefer a premium beverage.
- **Description:** Cocktail bar
- **Normal Hours of Operation:** 8:00am-2:00am
- **Hours of Permitted Alcohol Service:** 8:00 a.m. to 2:00 a.m.
- **Capacity:** Approx. 30
- **Alcohol Dispensing Area:** Alcohol will be served by bartenders at bar.
- **Bottle Service:** Yes, pursuant to approved bottle service program (see Section 27).
- **Storage and Security (shown in blue):** All liquor, beer and wine will be locked and all taps for beer and liquor will be shut after closing. All areas will be under 24 hour surveillance.
- **Manager of Licensed Area:** Anthony Caratozzolo (MGC Lic. N GKS00080)

# (5) The Knox Bar



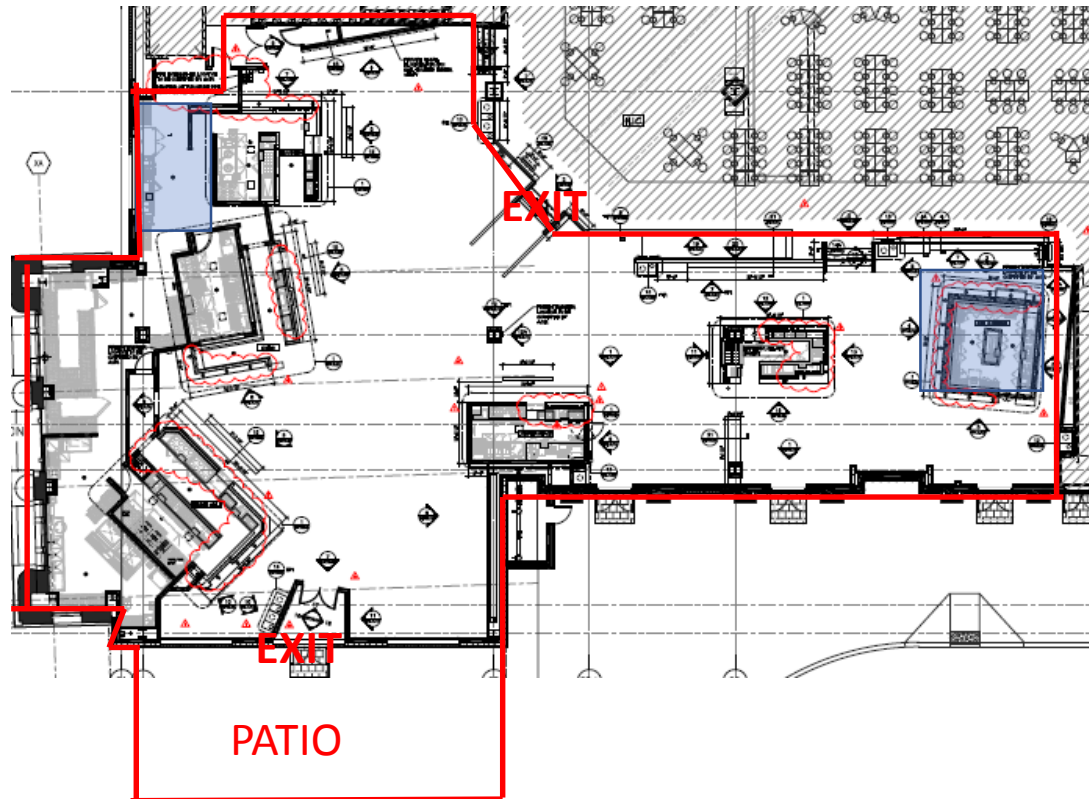
- **Name:** The Knox Bar
- **Business Concept:** High limits bar
- **Description:** Cocktail bar
- **Normal Hours of Operation:** 24 hours
- **Hours of Permitted Alcohol Service:** 8:00 a.m. to 2:00 a.m. (limited alcohol service by servers to actively gaming customers from 2:00 a.m. to 4:00 a.m. - see # 8)
- **Capacity Total :** Approx. 250
- **Alcohol Dispensing Area:** Alcohol distributed from Bar and served by servers
- **Bottle Service:** Yes, pursuant to approved bottle service program (see Section 27)
- **Storage and Security (shown in blue):** All liquor dispensers and taps if applicable will be shut off after closing. All bottles secured behind bar. All areas under 24 hour surveillance.
- **Manager of Licensed Area:** Anthony Caratozzolo (MGC Lic. N GKS00080)

# (6) Commonwealth



- **Name:** Commonwealth
- **Business Concept:** Entertainment Bar
- **Description:** Cocktail bar
- **Normal Hours of Operation:** 5:00pm -2:00am
- **Hours of Permitted Alcohol Service:** 8:00 a.m. to 2:00 a.m.
- **Capacity:** Total Approx. 200
- **Alcohol Dispensing Area:** Alcohol distributed from Bar and served by servers
- **Bottle Service:** Yes, pursuant to approved bottle service program (*see Section 27*)
- **Storage and Security (shown in blue):** All liquor dispensers and taps if applicable will be shut off after closing. All liquor bottles secured behind bar. All areas under 24 hour surveillance.
- **Manager of Licensed Area:** Anthony Caratozzolo (MGC Lic. N GKS00080)

# (7) The South End Market



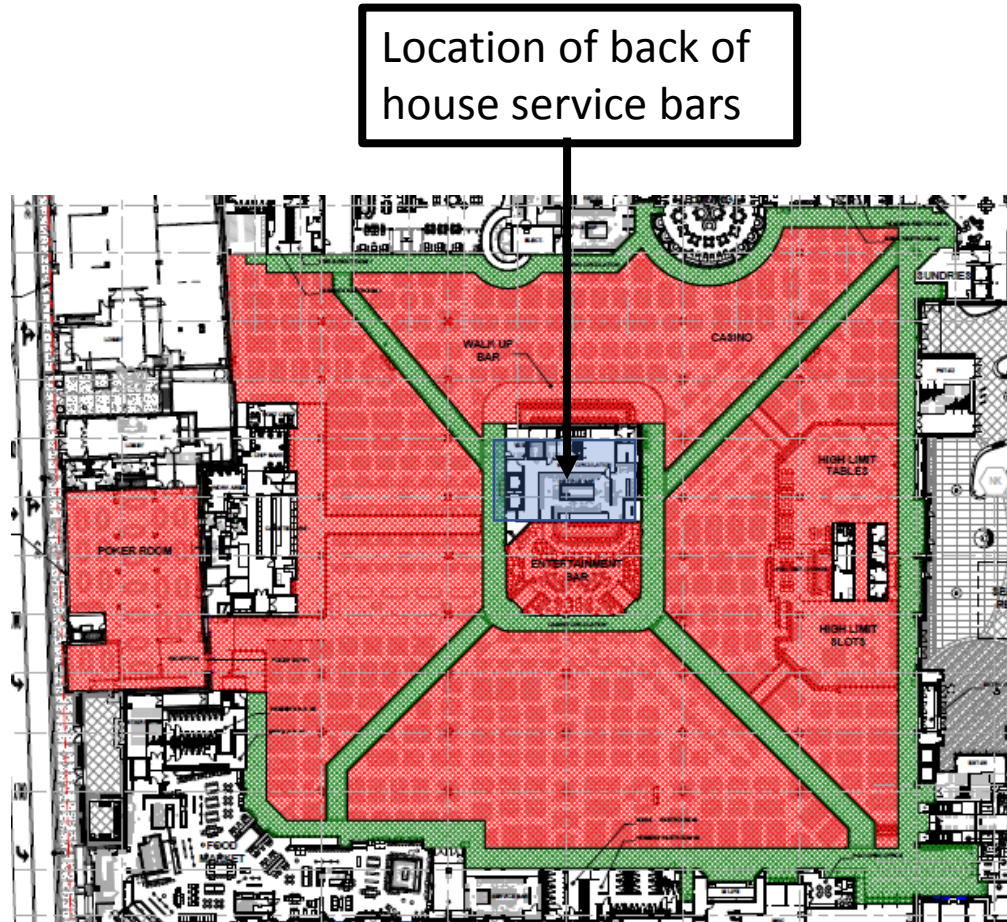
- **Name:** The South End Market
- **Business Concept:** Quick service food hall with 6 counters.
- **Description:** Indoor restaurant with outside patio
- **Normal Hours of Operation:** Hours vary by counter.

South End Market Diner	24 Hours
South End Market Lobster Shack	11am-11pm
South End Market Noodle Counter	11am-1am
South End Market Gelato & Coffee	6am-11pm
South End Market Wine & Cheese	4pm-12am
South End Market Hearth Grill	11am-11pm

- **Hours of Permitted Alcohol Service:** 8:00 a.m. to 2:00 a.m.
- **Capacity:** Total 458 (Dining Room 350, Patio 108)
- **Alcohol Dispensing Area:** Alcohol distributed at counters and by runners; beer and wine only
- **Bottle Service:** Yes, pursuant to approved bottle service program (see Section 27)
- **Storage and Security (shown in blue):** Wine and Beer will be locked at Wine & Cheese Bar and behind Wicked Noodles in locked storage area after closing. All areas under 24 hour surveillance.
- **Manager of Licensed Area:** Anthony Caratozzolo (MGC Lic. N GKS00080)

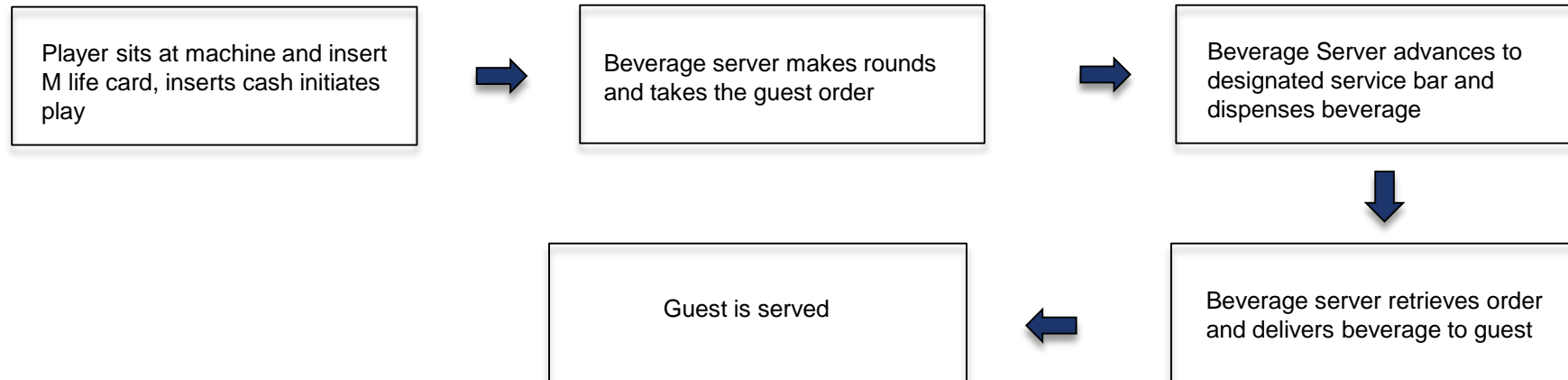


# (8) Casino Beverage



- **Name:** Casino Beverage
- **Business Concept:** Beverage service for gaming guests
- **Description:** Cocktail service by designated cocktail waitstaff
- **Normal Hours of Operation:** 24 hours
- **Hours of Permitted Alcohol Service:**
  - 8:00 a.m. to 2:00 a.m. (see Section 8(a))
  - Limited alcohol beverage service to actively gaming guests from 2:00 a.m. – 4:00 a.m. (see Section 8(b))
- **Capacity:** Total 1<sup>st</sup> floor 11,000 which includes all outlets and space not just casino floor.
- **Alcohol Dispensing Area:** Alcohol distributed from Walk up Bar and served by servers. Cocktail servers pour beverages at Smart Bar units in the service bar. Premium beverages poured at Casino Walk up bar.
- **Bottle Service:** Yes, pursuant to approved bottle service program (see Section 27)
- **Storage and Security (shown in blue):** All liquor dispensers and taps if applicable will be shut off after closing. All areas under 24 hour surveillance.
- **Manager of Licensed Area:** Anthony Caratozzolo (MGC Lic. N GKS00080)

## 8(a) - Casino Beverage Traditional Service – 8:00 a.m. to 2:00 a.m.





## 8(b) - Casino Beverage Proposed 2am – 4am Alcohol Service

---

### Key Elements

- Alcohol service for actively gaming guest only from 2am - 4am
- All front facing bars will be closed for alcohol service prior to 2am
- Alcoholic beverages will be served by casino cocktail servers only during 2am - 4am, with the exception of The Knox high limit area where a bartender will serve video poker players only
- A liquor sweep will be conducted prior to 2am to ensure only actively gaming guests on the casino floor have alcoholic beverages
- All alcohol will be secured prior to 2am in all restaurants and bars except casino service where alcohol will be secured prior to 4am

# 8(b) - Commonwealth and Casino Walk Up Bar Closing Process and Liquor Sweep

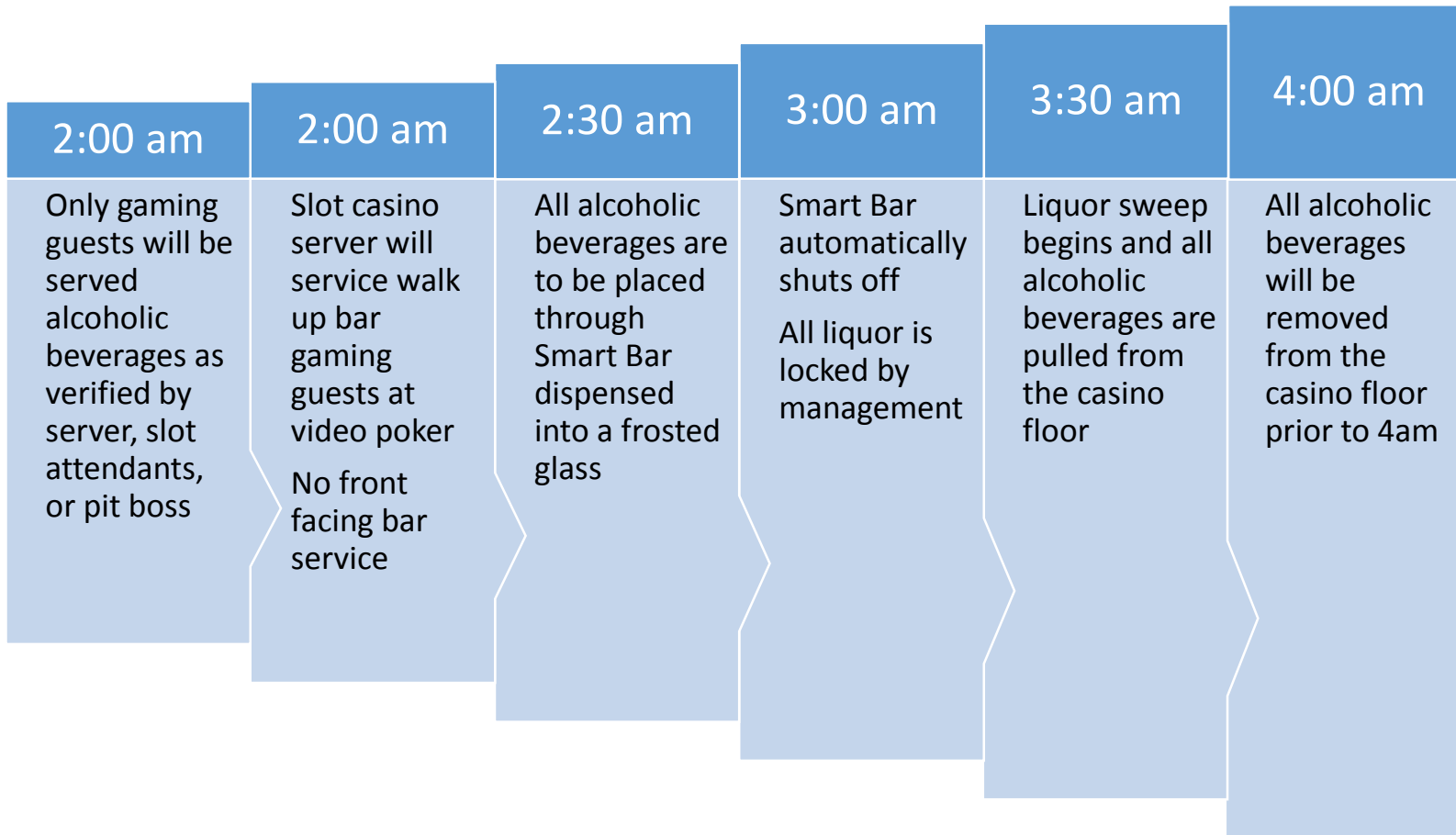


**Casino Walk Up Bar**

## 8(b) - Knox Bar 2am – 4am Alcoholic Beverage Process



# 8(b) - Casino Beverage 2am – 4am Process



**Smart Bar**



## 8(b) - Casino Beverage

All beverages will be served in glassware until 1:30



Alcoholic beverages will be transferred into frosted glasses at 1:45 am for **actively gaming guests**



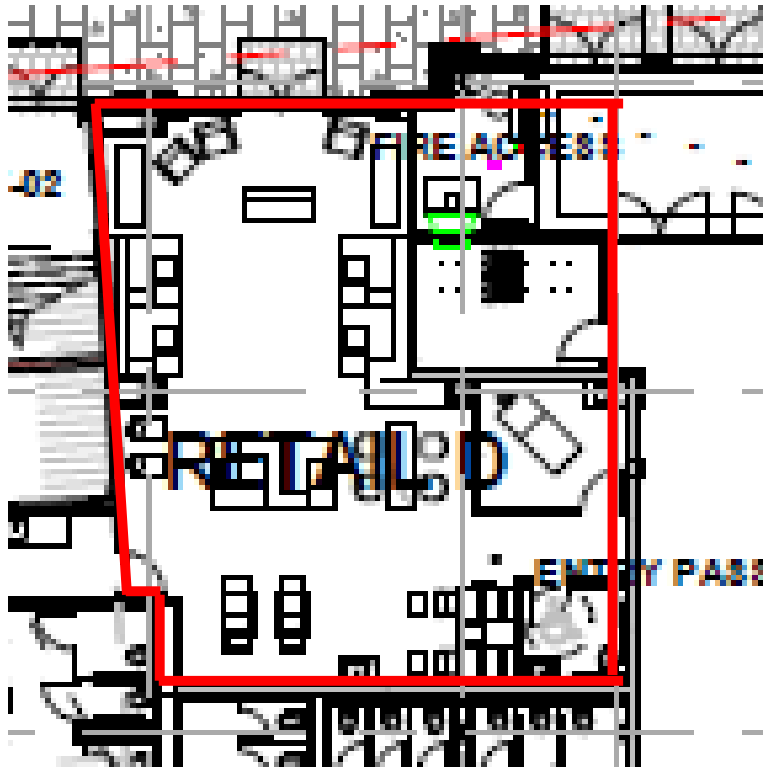
Frosted cups have the benefit of signaling who may have transferred from a bar and is not actively gaming



**After 2am ALL Alcoholic Beverages will be served in frosted plastic cups**

**Any guest that refuses to give up an alcoholic beverages or does not transfer to a frosted cup will be reported to Beverage Manager and Security**

# (9) Salon

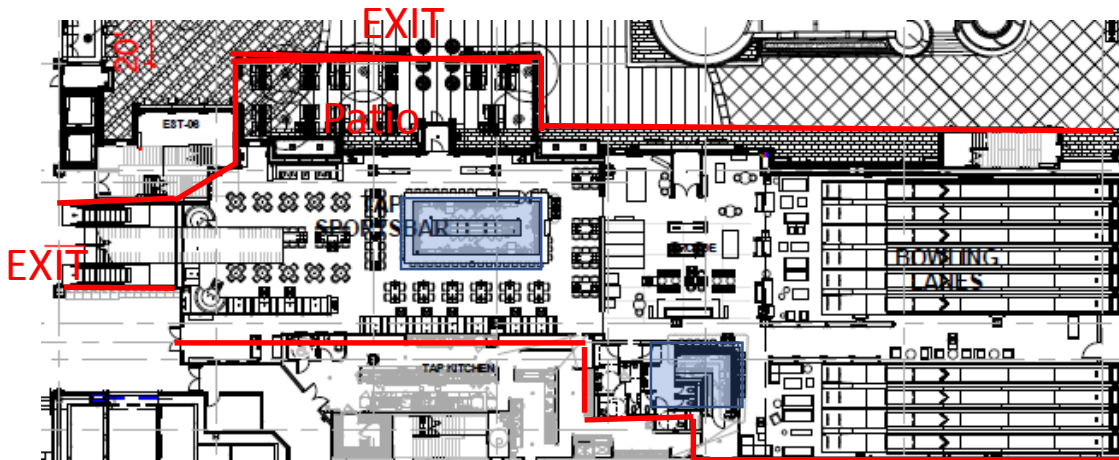


- **Name:** The Salon
- **Business Concept:** Hair, nails, and makeup shop
- **Description:** Indoor hair salon
- **Normal Hours of Operation:** 11am -9pm
- **Hours of Permitted Alcohol Service:** 8am – 2am
- **Capacity:** Approx. 50
- **Alcohol Distribution Area:** By servers or a mobile bar.
- **Bottle Service:** Yes, pursuant to approved bottle service program (see Section 27)
- **Storage and Security (shown in blue):** All liquor and wine will be locked in second floor banquet storage area. All areas under 24 hour surveillance.
- **Manager of Licensed Area:** Anthony Caratozzolo (MGC Lic. NGKS00080)

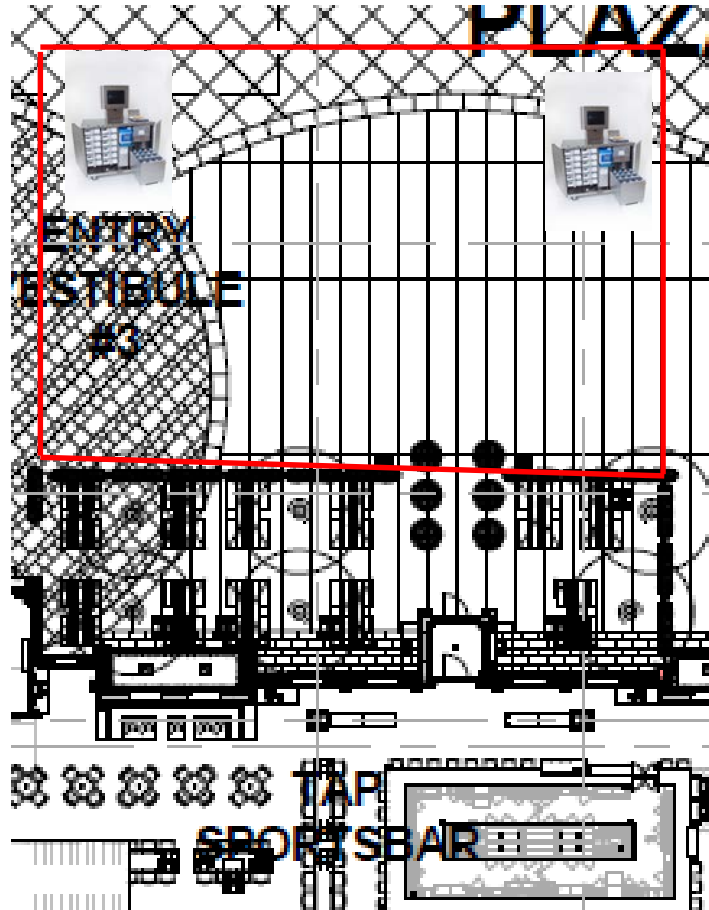


# (10) TAP Sports Bar

- **Name:** TAP Sports Bar Bowling and Arcade
- **Business Concept:** High energy sports bar with Bowling, Arcade, and outdoor patio
- **Description:** Indoor sports bar with patio
- **Normal Hours of Operation:** 11am -12am
- **Hours of Permitted Alcohol Service:** 8am – 2am
- **Capacity:** Total 410; Bar 135, Dining Room 108, Bowling Alley 50, Arcade 29, Patio 88
- **Alcohol Distribution Area:** Alcohol distributed from Main Bar, Arcade Bar and served by servers or bartenders.
- **Bottle Service:** Yes, pursuant to approved bottle service program (see Section 27)
- **Storage and Security (shown in blue):** All liquor and wine will be locked behind the bars after closing. Beer and liquor lines will be shut down. All areas under 24 hour surveillance.
- **Manager of Licensed Area:** Anthony Caratozzolo (MGC Lic. NGKS00080)

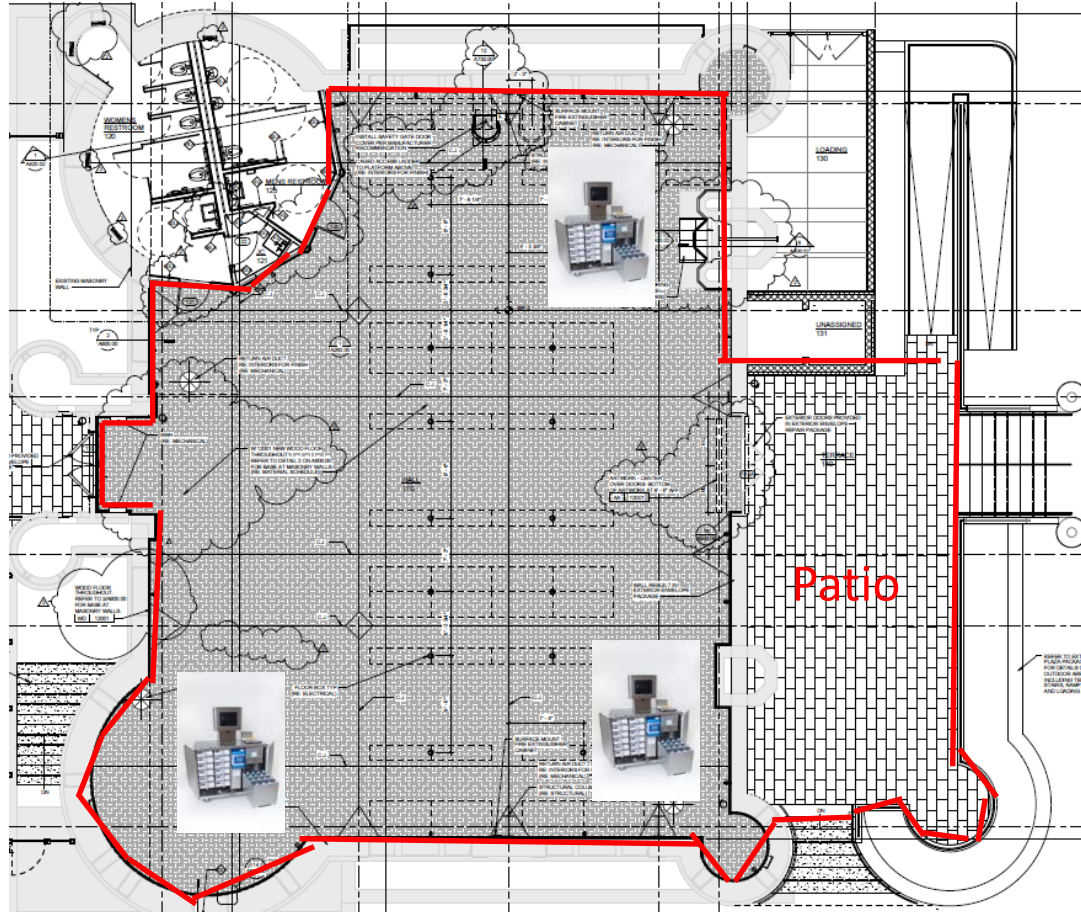


# (11) Outdoor Screen Viewing Area



- **Name:** Outdoor Screen Viewing Area
- **Business Concept:** Outdoor sports viewing experience
- **Description:** Outdoor with mobile bars
- **Normal Hours of Operation:** 11am -12am
- **Hours of Permitted Alcohol Service:** 8am – 2am
- **Capacity:** Approx. 300
- **Alcohol Distribution Area:** Alcohol distributed from mobile bars.
- **Bottle Service:** Yes, pursuant to approved bottle service program (see Section 27)
- **Storage and Security (shown in blue):** All liquor and wine will be locked in the secure banquet storage area. All areas under 24 hour surveillance.
- **Manager of Licensed Area:** Anthony Caratozzolo (MGC Lic. NGKS00080)

# (12) Armory



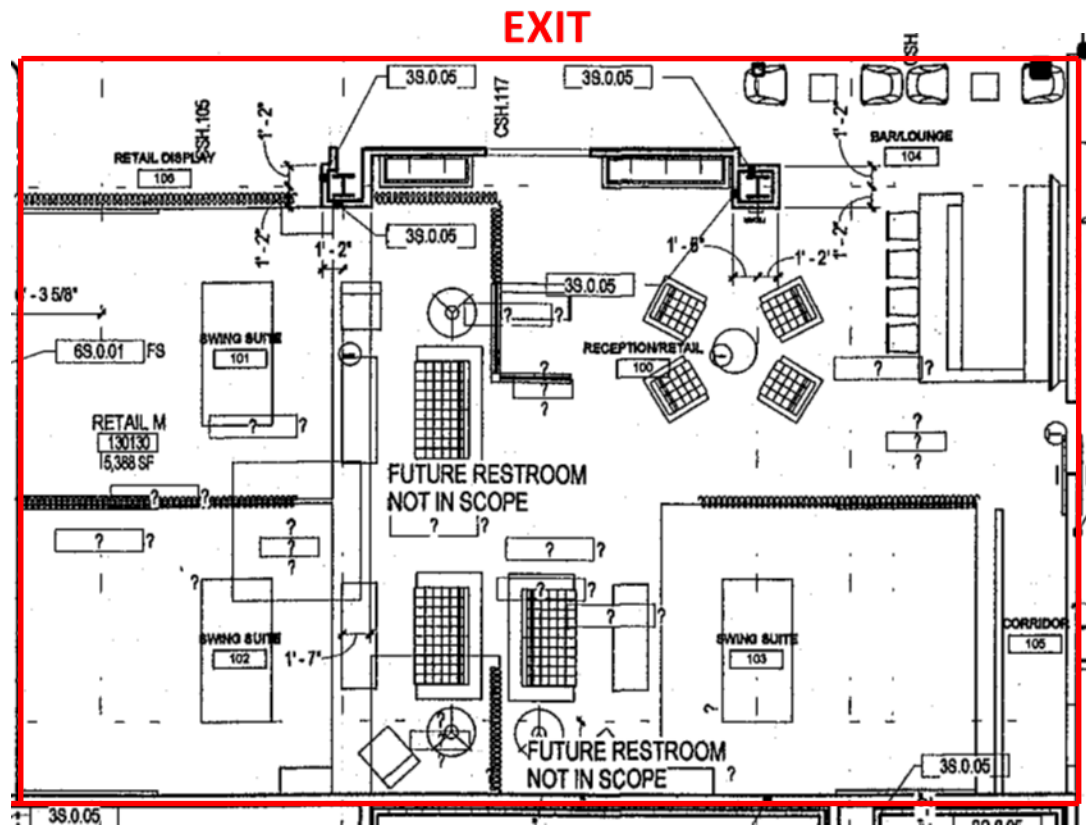
- **Name:** The Armory
- **Business Concept:** Historic building used for banquets and pop up events
- **Description:** Multipurpose event space
- **Normal Hours of Operation:** Specific to event
- **Hours of Permitted Alcohol Service:** 8am – 2am
- **Capacity:** Approx. 300
- **Alcohol Dispensing Area:** Alcohol distributed from mobile bars and by servers and bartenders.
- **Bottle Service:** Yes, pursuant to approved bottle service program (see Section 27)
- **Storage and Security:** Liquor, beer, and wine will be stored in banquets and liquor storage when not in use. All areas under 24 hour surveillance.
- **Manager of Licensed Area:** Anthony Caratozzolo (MGC Lic. N GKS00080)

# (13) Armory Marketplace



- **Name:** The Armory Marketplace
- **Business Concept:** Outdoor Marketplace and skating rink
- **Description:** Multipurpose space
- **Normal Hours of Operation:** 10am – 10pm
- **Hours of Permitted Alcohol Service:** 8am – 2am
- **Capacity:** Approx. 300
- **Alcohol Dispensing Area:** Alcohol distributed from mobile bars and by servers and bartenders.
- **Bottle Service:** Yes, pursuant to approved bottle service program (see Section 27)
- **Storage and Security:** Liquor, beer, and wine will be stored in banquet and liquor storage when not in use. All areas under 24 hour surveillance.
- **Manager of Licensed Area:** Anthony Caratozzolo (MGC Lic. N GKS00080)

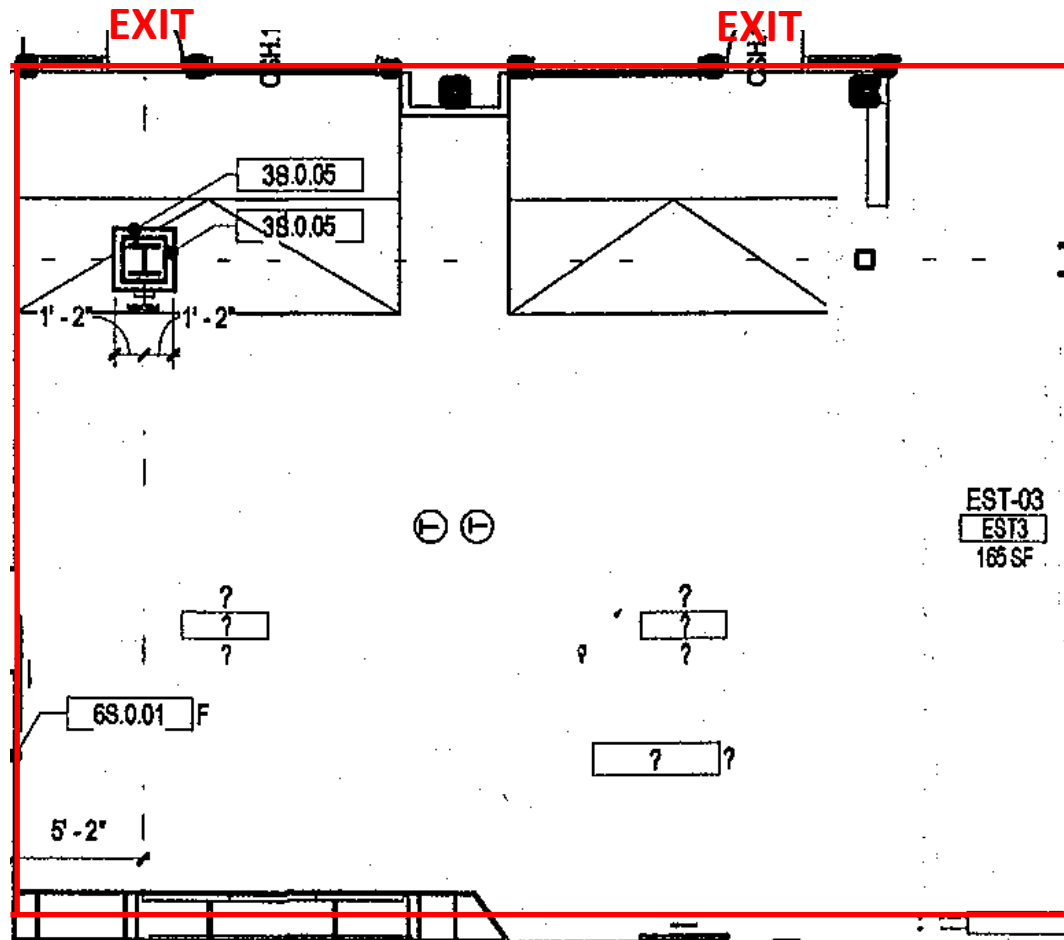
# (14) Top Golf



- **Name:** Top Golf
- **Business Concept:** Virtual golf experience with bar and food menu
- **Normal Hours of Operation:** 11am – 12am
- **Hours of Permitted Alcohol Service:** 8am – 2am
- **Description:** Indoor golf experience with food and bar
- **Capacity Total:** Approx. 50
- **Alcohol Dispensing Area:** Alcohol will be served by bartenders and servers
- **Bottle Service:** Yes, pursuant to approved bottle service program (see Section 27)
- **Storage and Security (shown in blue):** All liquor and beer will be locked behind the bar after closing. All areas under 24 hour surveillance.
- **Manager of Licensed Area:** Anthony Caratozzolo (MGC Lic. N GKS00080)

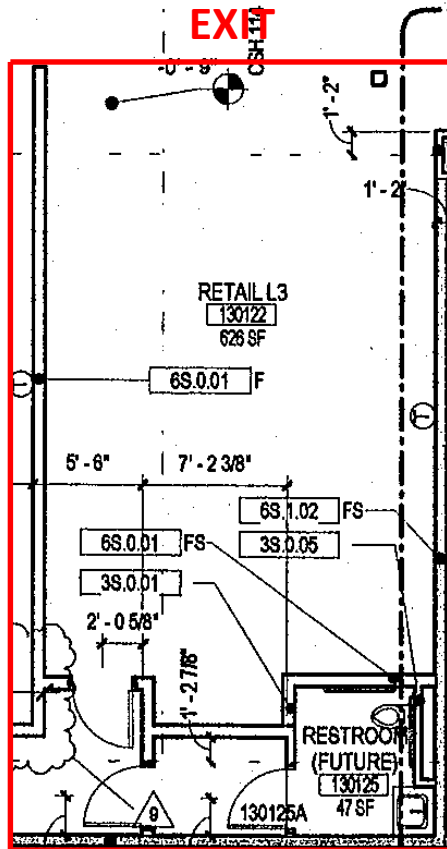


# (15) Indian Motorcycle



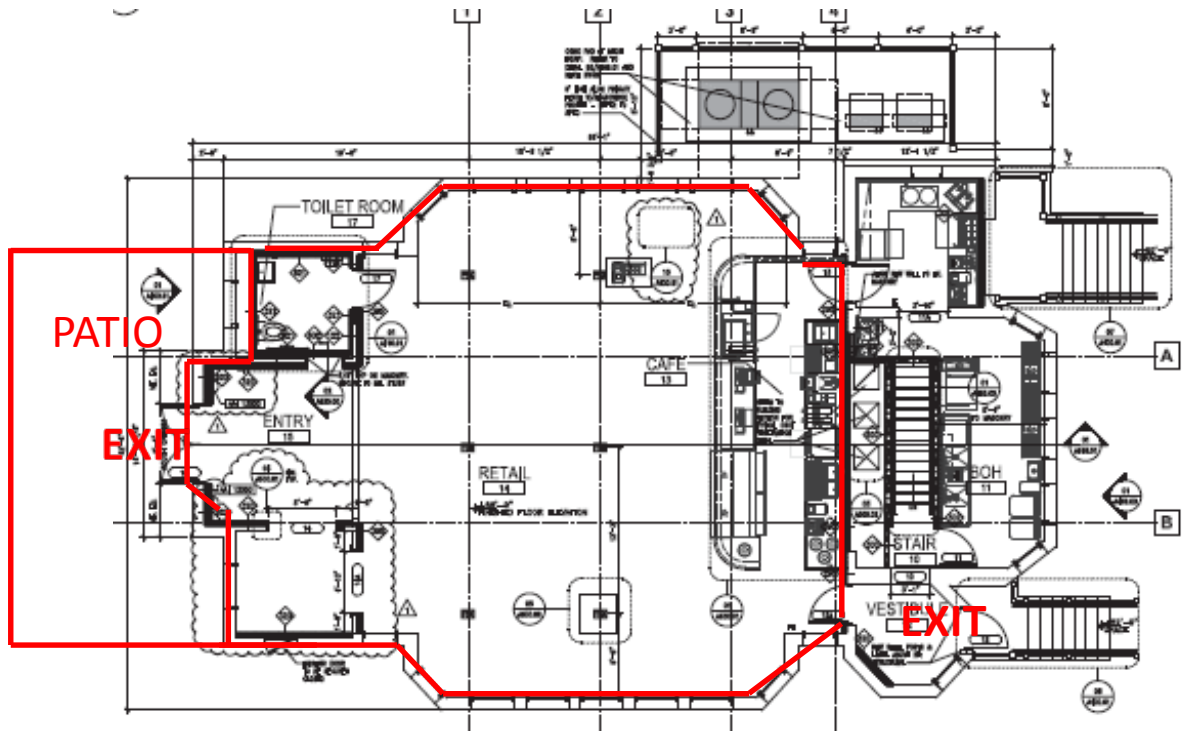
- **Name:** Indian Motorcycle
- **Business Concept:** A retail experience featuring Indian Motorcycle products. Also available for parties and events
- **Description:** Indoor retail shop with occasional special events
- **Capacity:** Approx. 100
- **Normal Hours of Operation:** 10am – 9pm or various for special events
- **Hours of Permitted Alcohol Service:** 8am – 2am
- **Alcohol Dispensing Area:** Alcohol will be served from mobile bars and servers for events only
- **Bottle Service:** **Bottle Service:** Yes, pursuant to approved bottle service program (see Section 27)
- **Storage and Security:** Liquor, beer, and wine will be in the secured banquet storage room. All areas under 24 hour surveillance.
- **Manager of Licensed Area:** Anthony Caratozzolo (MGC Lic. N GKS00080)

# (16) To Be Determined 3<sup>rd</sup> Party Retail/F&B



- Name: To be determined 3<sup>rd</sup> party retail/F&B
- Business Concept: TBD
- Description: TBD
- Capacity: Approx. 60
- Normal Hours of Operation: 10am -11pm
- Hours of Permitted Alcohol Service: 8am – 2am
- Alcohol Dispensing Area: TBD
- Bottle Service: TBD
- Storage and Security(shown in blue): TBD
- Manager of Licensed Area: Anthony Caratozzolo MGC Lic. (N GKS00080).
- Jointly Responsible Person: TBD Manager of Retail.
- Authority to Remove Jointly Responsible Person: All MGM Springfield leases are conditioned upon tenant compliance with applicable laws, including MGC regulations, and provide MGM with certain remedies upon non-compliance, including without limitation termination of the lease.

# (17) Kringle Candle-3<sup>rd</sup> Party



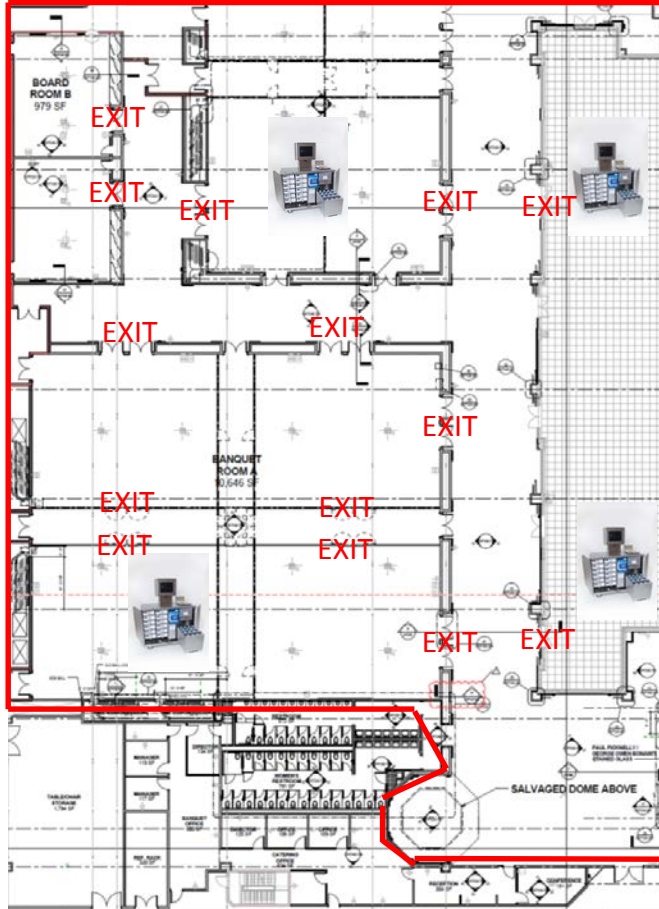
- **Name:** Kringle Candle
- **Business Concept:** Candle retail with a café
- **Description:** Indoor facility with outdoor patio featuring retail and a café.
- **Capacity:** Approx. 200
- **Normal Hours of Operation:** 10am -9pm
- **Hours of Permitted Alcohol Service:** 8am – 2am
- **Alcohol Distribution Area:** TBD
- **Bottle Service:** Yes, pursuant to approved bottle service program (see Section 27)
- **Storage and Security:** Liquor, beer and wine will be locked on site. All areas under 24 hour surveillance.
- **Manager of Licensed Area:** Anthony Caratozzolo MGC Lic. (N GKS00080).
- **Jointly Responsible Person:** TBD Manager of Kringle Candle
- **Authority to Remove Jointly Responsible Person:** All MGM Springfield leases are conditioned upon tenant compliance with applicable laws, including MGC regulations, and provide MGM with certain remedies upon non-compliance, including without limitation termination of the lease.

# (18) Food Trucks



- **Name:** Food Trucks
- **Business Concept:** Food Trucks serving street food beer, and wine
- **Description:** Trucks parked in plaza
- **Capacity:** N/A
- **Normal Hours of Operation:** 10am -9pm
- **Hours of Permitted Alcohol Service:** 8am – 2am
- **Alcohol Distribution Area:** From food truck by fountain worker
- **Bottle Service:** Yes, pursuant to approved bottle service program (see Section 27)
- **Storage and Security:** Alcohol stored in locked food truck. Plaza under 24 hour surveillance.
- **Manager of Licensed Area:** Anthony Caratozzolo  
MGC Lic. (N GKS00080).

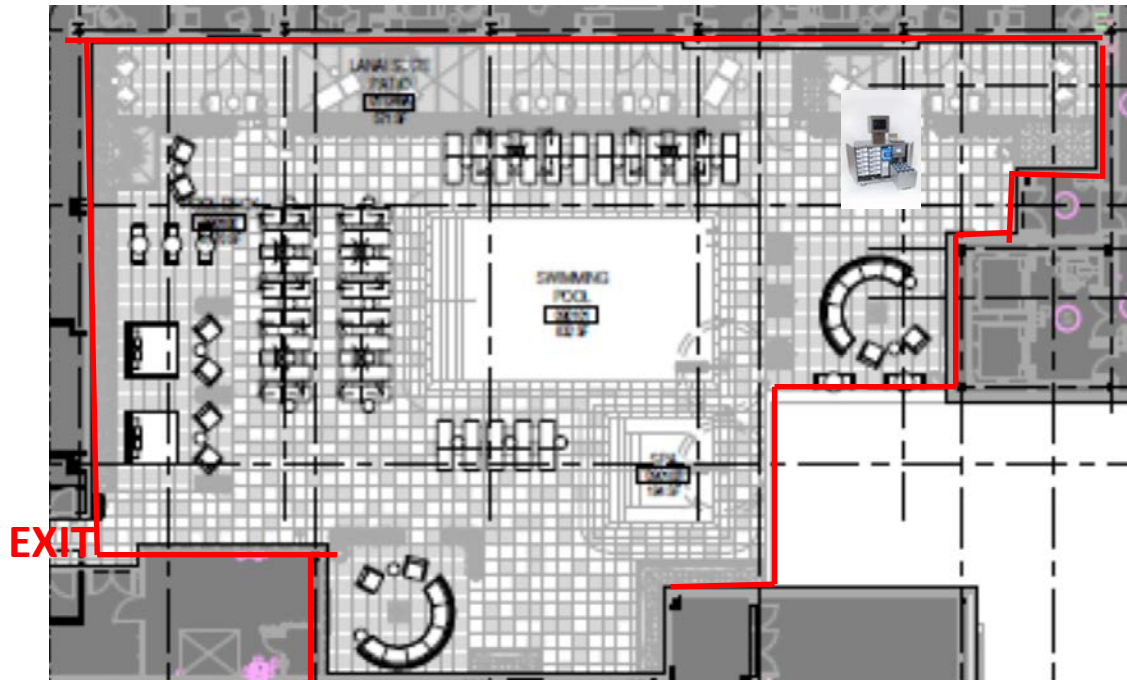
# (19) Banquet Space



- **Name:** Banquets Space
- **Business Concept:** Multi-purpose events space including pre-function
- **Description:** 2 Ballroom totaling 16,248 Sq. Ft; 2 Board Rooms totaling 1,958 Sq.; Approximately 26,800 sqft of Pre-Function including 6,200 Rooftop outdoor Pre-Function Space
- **Normal Hours of Operation:** Varies by event
- **Hours of Permitted Alcohol Service:** 8am – 2am
- **Capacity:** Total Approx. 1,200
- **Alcohol Dispensing Area:** Alcohol will be served from mobile bars and by servers
- **Bottle Service:** Yes, pursuant to approved bottle service program (see Section 27)
- **Storage and Security:** Alcohol will be in banquet storage beer and liquor room. All areas under 24 hour surveillance.
- **Manager of Licensed Area:** Anthony Caratozzolo MGC Lic. (N GKS00080)



# (20) Pool



- **Name:** Pool
- **Business Concept:** Beverages served when business level demand. Pool which can be flexed for parties
- **Normal Hours of Operation:** Weather dependent
- **Hours of Permitted Alcohol Service:** 8am -2am
- **Capacity:** Total Approx. 150
- **Alcohol Dispensing Area:** Alcohol will be served from mobile bars and by servers
- **Bottle Service:** Yes, pursuant to approved bottle service program (see Section 27)
- **Storage and Security:** Alcohol will be in banquet storage and liquor room. All areas under 24 hour surveillance.
- **Manager of Licensed Area:** Anthony Caratozzolo MGC Lic. (N GKS00080)

# (21) In Room Dining

*South End*  
**MARKET**

**WICKED  
NOODLES**



**HEARTH  
GRILL**



**wine bar**

*Bill's*  
DINER



- **Name:** In Room Dining
- **Business Concept:** Food, beer, and wine will be delivered primarily from The South End Market or TAP.
- **Description:** Food delivery service indoors.
- **Normal Hours of Operation:** Room service available 24 hours.
- **Hours of Permitted Alcohol Service:** 8am – 2am
- **Capacity:** N/A
- **Alcohol Dispensing Area:** South End Market or TAP
- **Bottle Service:** Yes, pursuant to approved bottle service program (see Section 27)
- **Storage and Security:** Applicable areas in South End Market and TAP. All areas under 24 hour surveillance.
- **Manager of Licensed Area:** Anthony Caratozzolo MGC Lic. (N GKS00080)

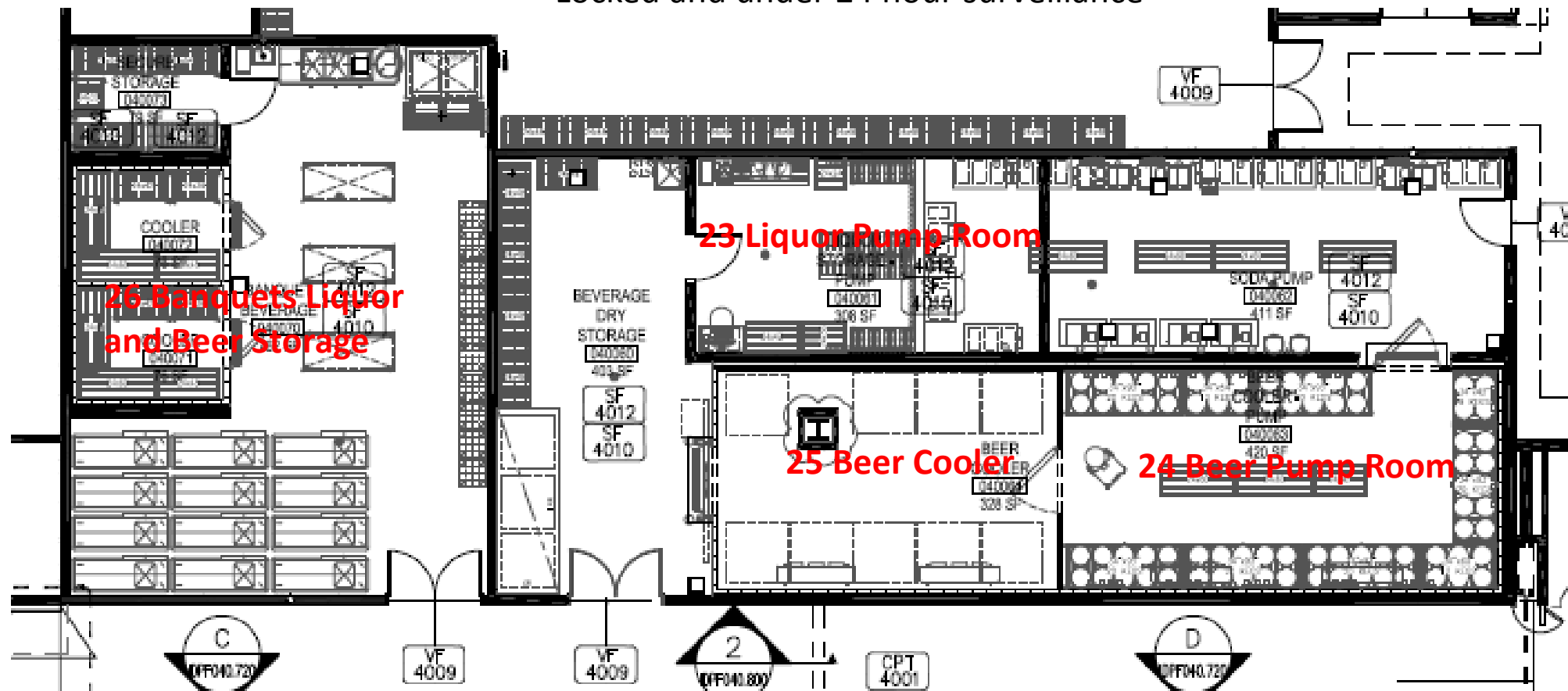
# (22) Movie Theater – 3<sup>rd</sup> Party

Insert Current Map Here

- **Name:** To be announced Movie Theater
- **Business Concept:** Leased space. Movie theater with 7 screens serving food and alcohol.
- **Description:** Indoor movie theater
- **Capacity:** Total TBD
- **Normal Hours of Operation:** TBD
- **Hours of Permitted Alcohol Service:** 8am -2am
- **Alcohol Dispensing Area:** Alcohol will be distributed from a bar by a bartender
- **Storage and Security(shown in blue):** storage will be behind the bar and secured after closing. All areas are under 24 hour surveillance.
- **Bottle Service:** **Bottle Service:** Yes, pursuant to approved bottle service program (see Section 27)
- **Manager of Licensed Area:** Anthony Caratozzolo MGC Lic. (N GKS00080).
- **Jointly Responsible Person:** TBD Manager of Movie Theater
- **Authority to Remove Jointly Responsible Person:** All MGM Springfield leases are conditioned upon tenant compliance with applicable laws, including MGC regulations, and provide MGM with certain remedies upon non-compliance, including without limitation termination of the lease.

(23) Liquor Pump Room; (24) Beer Pump Room; (25) Beer Cooler; (26) Banquet Liquor and Beer Storage

Locked and under 24 hour surveillance



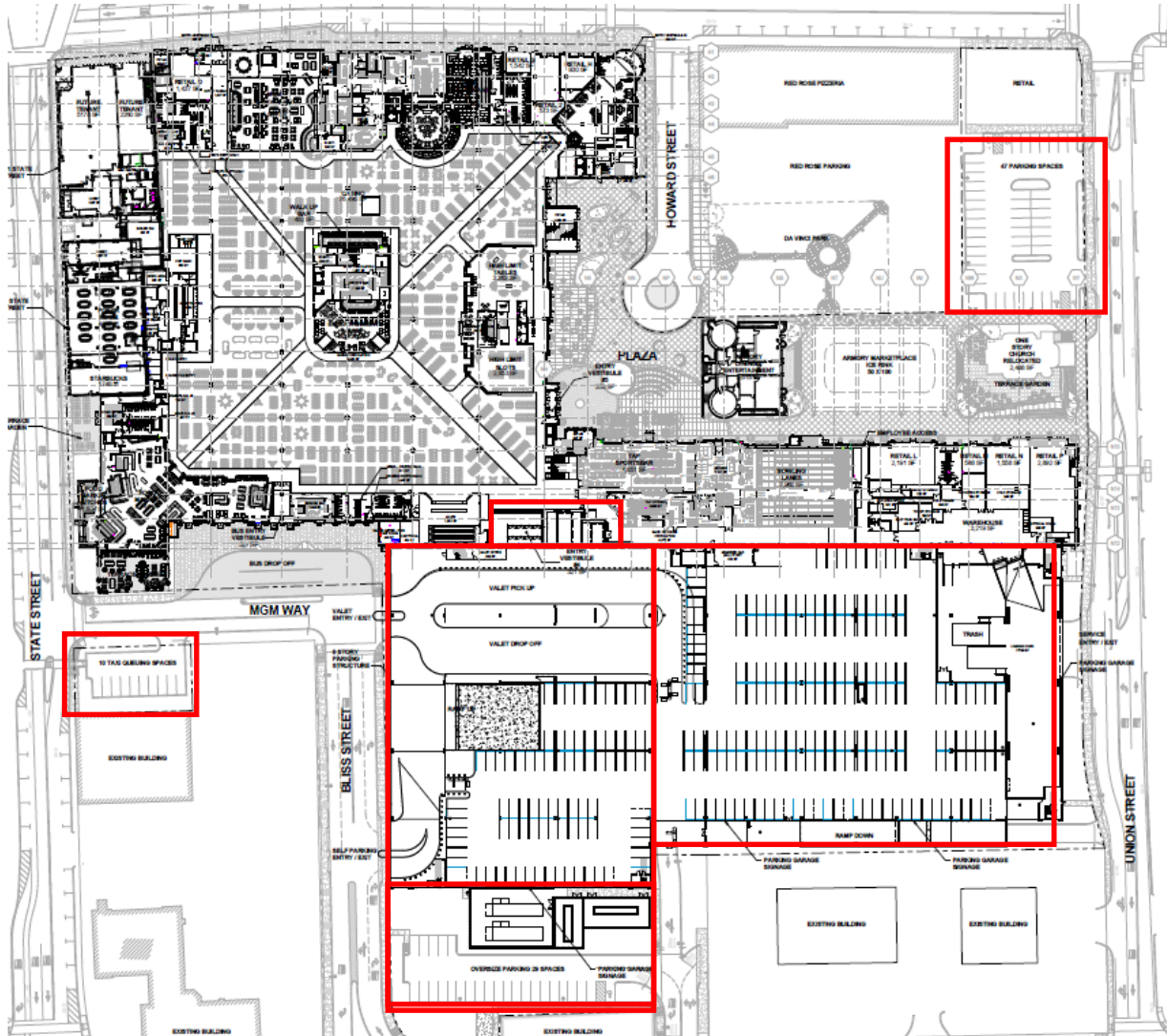
# (27) Liquor Bottle Service Program



- Pursuant to 205 CMR 136.07(6), bottle service liquor will only be poured by servers licensed or registered with the Commission under 205 CMR 134.
- A keyed and locked bottle cage will be utilized to ensure that guests may not self-pour between service.
- Bottle service shall be conducted in compliance with MGM Springfield's Alcoholic Beverage Control Policies & Procedures set forth in its Commission-approved Internal Controls.



# (28) Restricted Consumption - Garage/Parking Lots



- Consumption of alcohol will not be permitted in the parking garage deck, parking garage elevators, or parking stairwells.
- Consumption of alcohol will not be permitted in any surface parking lots.

# (29) Permitted Consumption in Outdoor Plaza

- Consumption of alcohol will be permitted within the outdoor plaza areas of the Gaming Establishment pursuant to the plan attached as **Exhibit A**, which demonstrates that the integrity of gaming and/or public health, welfare and safety are protected through security personnel, signage, active surveillance and physical access restrictions.



# (30) Proposed Conditions

---

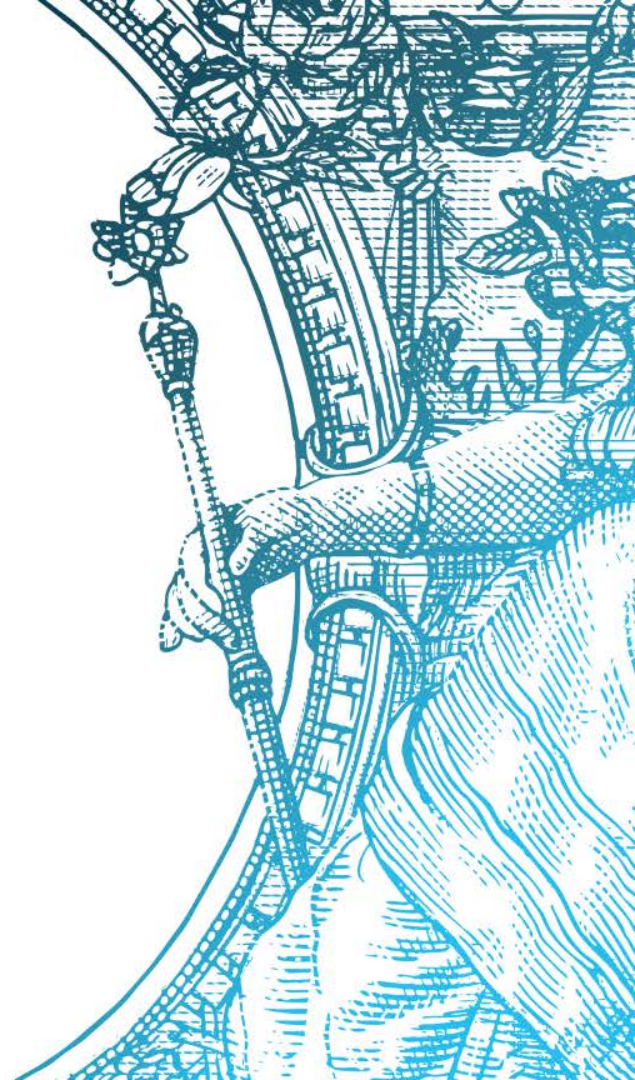
Approval of application is proposed to be conditioned on submission and MGC staff's review and approval of the following supplemental information:

- **Section 16 - Third Party Retail:** Name; Business Concept; Description; Alcohol Distribution Area; Bottle Service; Storage and Security; and Jointly Responsible Person
- **Section 17 - Kringle Candle:** Alcohol Distribution Area; Storage and Security; and Jointly Responsible Person
- **Section 22 - Movie Theater:** Name; Alcohol Distribution Area; Storage and Security and Jointly Responsible Person

# EXHIBIT A

# Safety, Security and Surveillance Plan For Outdoor Alcoholic Beverage Consumption

Armory Square & The Plaza –  
A Walkable Entertainment District





## Table of Contents

Supporting Springfield Tourism.....	3
Sample Of Outdoor Events in Western Mass That Serve Alcohol.....	4
Safety, Security and Surveillance Plan.....	8
Standard Operations.....	11
Map of Permitted Alcohol Consumption – Standard Operations.....	12
Special Events.....	13
Map of Permitted Alcohol Consumption – Sample Special Event.....	14
Alcohol Training and Responsible Serving Training .....	15



# Supporting Springfield Tourism – A Walkable Entertainment District

- MGM Springfield has committed to The City of Springfield to activate The Plaza 365 days a year to support tourism and visitation.
- The City of Springfield has announced its plan to support downtown restaurant and entertainment visitation by issuing sidewalk permits for local restaurants.
- **MGM Springfield's Plaza – A Walkable Entertainment District, goes a step further with fully integrated safety, security, and surveillance program.**

## Springfield seeks to promote sidewalk cafes with new outdoor seating permits

Updated May 16; Posted May 16



The city of Springfield will soon offer outdoor seating permits to local restaurants wishing to add dining areas on public sidewalks in front of their businesses. Here, Nadim's Restaurant on Main Street is shown with outdoor dining, allowed on its private sidewalk area without need of a special permit. (File Photo / The Republican)

# Current Outdoor Events: White Lion Wednesdays - Springfield

- Springfield has hosted a very successful and issue-free White Lion Wednesday events in rotating downtown outdoor locations.
- The event features beer and music in certain public spaces in the city center surrounded public ways.
- The event has been successful from a community engagement, safety, and security perspective.
- The security at the event is limited.





# Current Outdoor Events: Cruise Night- Springfield

- Springfield has hosted a very successful and issue-free Cruise Nights on Mondays in Court Square.
- The event features beer and music in Court Square, a public park, in the city center surrounded entirely by public ways.
- The event has been successful from a community engagement, safety, and security perspective.
- The security at the event is limited.



# Current Outdoor Events: Springfield Jam Fest and Jazz Fest

- Springfield has hosted a very successful and issue-free concert series including Jam Fest and Jazz Fest in Court Square.
- The event features beer and music in Court Square, a public park, in the city center surrounded entirely by public ways.
- The event has been successful from a community engagement, safety, and security perspective.
- The security at the event is limited.





## Current Outdoor Events: Holiday Sip and Stroll – Great Barrington, MA

- Each December, Great Barrington hosts a very successful event which allows shoppers and holiday makers to enjoy alcoholic beverages while walking and shopping the streets of Great Barrington.
- The event has been issue-free.



# A Walkable Entertainment District - Safety, Security, and Surveillance Plan

Our resort has been designed to include both indoor and outdoor areas.

This is in alignment with being an outwardly rather than inwardly focused resort which embraces rather than shuts out the host City.



To accomplish this goal, a seamless transition is necessary for our guests between our indoor and outdoor licensed areas. A guest must walk outdoors to access:

- Kringle Candle
- Top Golf
- Indian Motorcycle
- The Armory
- The Ice Rink in the winter
- The Marketplace in spring/summer/fall
- Other to-be-announced retail

# A Walkable Entertainment District - Safety, Security, and Surveillance Plan

We will accomplish a safe, walkable entertainment district by implementing a fully integrated safety, security, and surveillance program to allow for responsible and lawful outdoor consumption of alcohol.



Elements include:

- Limiting hours of operation for The Plaza to 10:00 am – Midnight on Monday-Saturday and Noon – Midnight on Sundays, in most cases.
- Cutting-edge 24/7/365 surveillance program.
- Alcohol to be consumed only from plastic containers in outdoor areas outside of licensed areas.
- Robust security protocols including signage, posted security personnel, additional bollards, added perimeter fencing, and roving security.
- Industry leading alcoholic beverage controls, including Responsible Alcohol Training (3 hours) and swipe ID terminals at each point of sale.
- An incentive program for all employees report potential minor consumption or violations of the law.

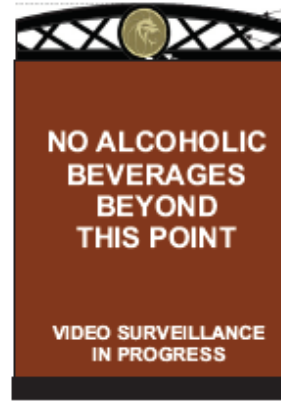
# A Walkable Entertainment District - Safety, Security, and Surveillance Plan

- **Special Events**

- Signage “No Alcohol Past This Point”
- Staffed by increased security
- Stanchions
- Pedestrian barriers
- Camera surveillance
- No glass

- **Everyday Operations**

- Signage “No Alcohol Past This Point”
- Posted and Roving security
- Camera surveillance
- No glass



# Armory Square and The Plaza – Standard Operations

## Standard Hours For Alcohol Consumption:

Monday – Saturday: 10:00 am – 12:00 am

Sunday: 12:00 pm – 10:00 pm

## Permitted Hours For Alcohol Consumption:

Monday – Sunday: 8:00 am – 2:00 am

## Security:

- Physical barriers
- Posted and Roving security
- Signage (no alcoholic beverages beyond this point)
- Strategic trash receptacles at exits to allow guests to discard unfinished beverages
- Plastic cups which designate alcoholic vs. non-alcoholic beverages
- 24/7/365 staffed camera surveillance
- All servers and bartenders trained in Responsible Alcohol Service



# Map of Area of Permitted Alcohol Consumption – Standard Operations



# The Plaza – Special Events

---

## Standard Hours For Alcohol Consumption:

Monday – Saturday: 10:00 am – 12:00 am

Sunday: 12:00 pm – 10:00 pm

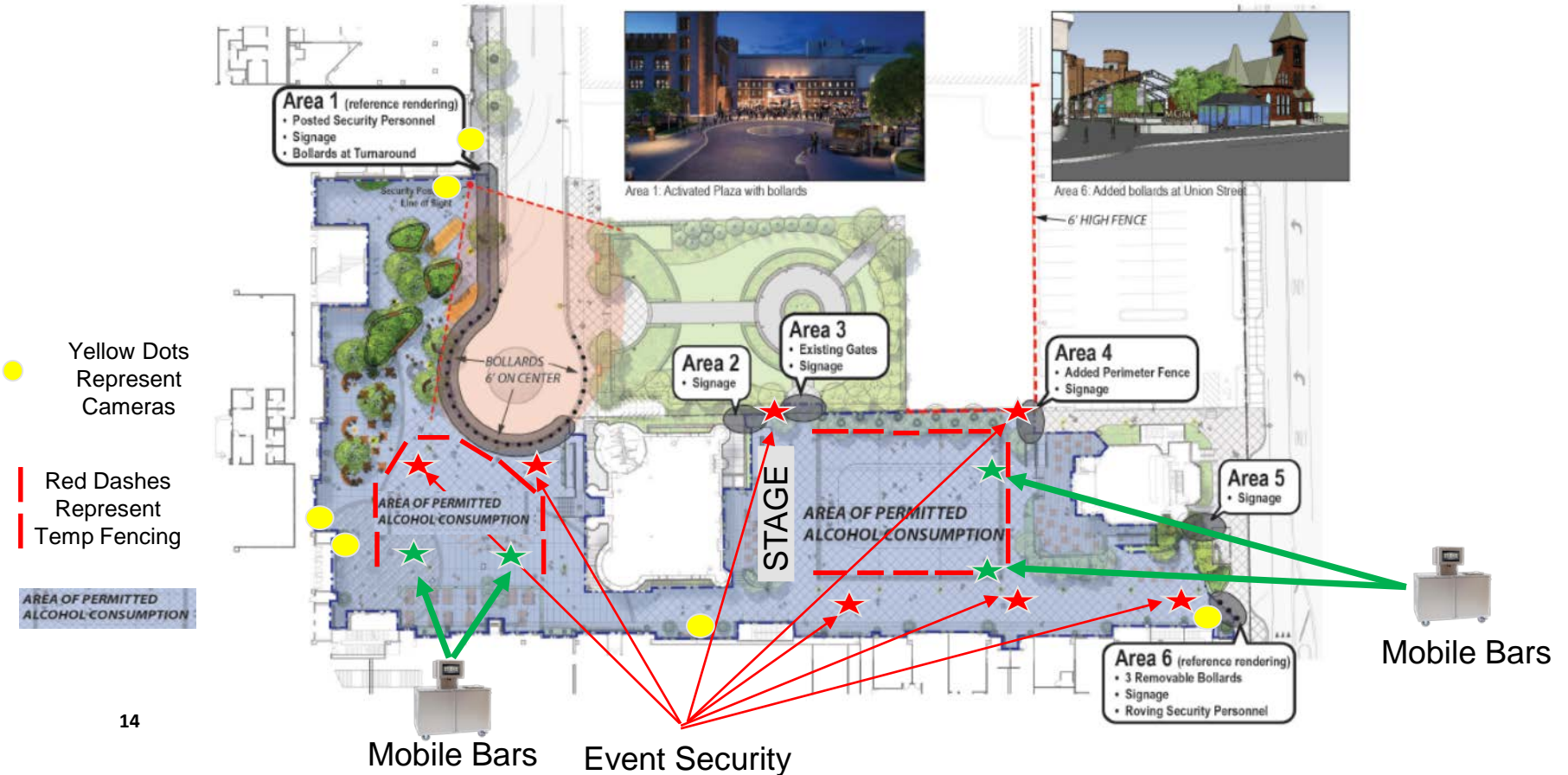
## Permitted Hours For Alcohol Consumption:

Monday – Sunday: 8:00 am – 2:00 am

## Security:

- Enhanced Physical barriers
- Added Security, Wristbands 21+
- Signage (no alcoholic beverages beyond this point)
- Strategic trash receptacles at exits to allow guests to discard unfinished beverages
- Plastic cups which designate alcoholic vs. non-alcoholic beverages
- 24/7/365 staffed camera surveillance
- All servers and bartenders trained in Responsible Alcohol Service
- Public education campaign in pre-event emails, etc. highlighting event rules

# Map of Area of Permitted Alcohol Consumption – Sample Event



# Alcohol Training and Responsible Serving

Training has been developed to ensure a consistent understanding of Massachusetts Law and MGM RESORTS policy regarding the responsible service of alcohol; reinforce the behavior required to serve alcohol responsibly; and ensure employees understand their role in working with Security to protect our customers and employees by identifying and reporting unsafe, suspicious, or potentially illegal activities.

Training includes:

- ❑ Recognizing signs of intoxication
- ❑ Sizing up customers (Evaluating)
- ❑ Techniques for slowing down consumption
- ❑ Managing bottle service
- ❑ Stopping service (Cutting off)
- ❑ Dealing with already intoxicated guests
- ❑ The effects of over-intoxication
- ❑ Proof of age, procedures to handle minors



**Acceptable ID**



**Altered ID**

**O'Connor, Kim (MGC)**

---

**From:** MGCcomments (MGC)  
**Sent:** Monday, June 04, 2018 12:28 PM  
**To:** Blue, Catherine (MGC)  
**Subject:** FW: MGM Springfield Liquor License Application

**From:** Todd Kadis [<mailto:toddkadis@gmail.com>]  
**Sent:** Sunday, June 03, 2018 12:32 PM  
**To:** MGCcomments (MGC)  
**Subject:** MGM Springfield Liquor License Application

MA Gaming Commission,

Thank you for asking for comments on the proposal to allow MGM Springfield to serve liquor between 2:00 A.M. and 4:00 A.M..

If MGM Springfield is to be granted this additional free liquor serving period, I would ask that they be held financially accountable for their decisions related to serving free alcohol to their patrons, and the resulting actions of their patrons, upon leaving their Casino.

MGM Springfield could be required to establish a fund that would pay compensation to anyone that suffered a physical injury or property damage caused by a Casino patron, who was drinking free alcohol during this additional time period, and leaves their Casino. This fund would be separate from the Liquor Liability insurance that alcohol servers purchase. If payments from this fund exceeded a predetermined annual benchmark the Casino would surrender their license to serve free alcohol from 2:00 A.M. to 4:00 A.M..

Thank you again for allowing me to voice my opinion, and suggest a plan.

Todd Kadis  
Longmeadow, MA



**O'Connor, Kim (MGC)**

---

**From:** MGCcomments (MGC)  
**Sent:** Monday, June 04, 2018 12:29 PM  
**To:** Blue, Catherine (MGC)  
**Subject:** FW: MGM Springfield Liquor License Application

**From:** MJG MG [<mailto:michael.j.gossman@gmail.com>]  
**Sent:** Sunday, June 03, 2018 3:45 PM  
**To:** MGCcomments (MGC)  
**Subject:** MGM Springfield Liquor License Application

**Subject:** MGM Springfield Liquor License Application

While I do understand the 2-4 am restriction of "actively gaming guest". I see no definition of such. So there is no difference from a quarter slot player playing \$1.00 per hour versus a \$100 Poker player. Until that definition is determined I cannot support this additional two hour allowance. Not to mention the violence that Springfield suffers from 130am to 230am after the closing of bars add your addition and that window would be extended 3 more hours. I therefore want to submit a NO in your decision.

Michael Gossman  
19 Upland Street  
Springfield MA 01104  
413-348-3679

**O'Connor, Kim (MGC)**

---

**From:** MGCcomments (MGC)  
**Sent:** Monday, June 04, 2018 12:30 PM  
**To:** Blue, Catherine (MGC)  
**Subject:** FW: Casino Alcohol

---



**From:** Keith Menard [<mailto:kmenard@foxytravel.com>]  
**Sent:** Monday, June 04, 2018 9:53 AM  
**To:** MGCcomments (MGC)  
**Subject:** Casino Alcohol



If changing the drinking time to 4am is good for the Casino, then make it for ALL establishments that serve alcohol. If you aren't willing to change the law for everyone, then don't change it for anyone.

Thank you.

- Keith

Keith Menard

Foxy Travel, inc  

FTI Coach    
38 Providence Rd.  
Linwood, MA 01525  
508.234.4585

**O'Connor, Kim (MGC)**

---

**From:** MGCcomments (MGC)  
**Sent:** Monday, June 04, 2018 12:31 PM  
**To:** Blue, Catherine (MGC)  
**Subject:** FW: no drinking till 4:00 AM - then they have to get home and go to work?

**From:** JOSEPH PETERS [<mailto:joep63@mac.com>]  
**Sent:** Monday, June 04, 2018 9:58 AM  
**To:** MGCcomments (MGC)  
**Subject:** no drinking till 4:00 AM - then they have to get home and go to work?

**O'Connor, Kim (MGC)**

---

**From:** MGCcomments (MGC)  
**Sent:** Monday, June 04, 2018 12:32 PM  
**To:** Blue, Catherine (MGC)  
**Subject:** FW: Extended drinking hours at Springfield Casino

-----Original Message-----

**From:** Frank Dellorfano [<mailto:Frankjdell@aol.com>]  
**Sent:** Monday, June 04, 2018 10:01 AM  
**To:** MGCcomments (MGC)  
**Subject:** Extended drinking hours at Springfield Casino

**NO EXTENDED DRINKING HOURS IN MASSACHUSETTS!**

This would set a dangerous precedent. If Springfield Casino gets extended drinking hours you can bet (pun intended) the Everett Casino will demand (sue) for the same extension of drinking hours. Eventually every bar in Massachusetts will be serving drinks until 4:00 AM.

[Frankjdell@aol.com](mailto:Frankjdell@aol.com)

**O'Connor, Kim (MGC)**

---

**From:** MGCcomments (MGC)  
**Sent:** Monday, June 04, 2018 12:32 PM  
**To:** Blue, Catherine (MGC)  
**Subject:** FW: Late hours to sell alcohol

-----Original Message-----

**From:** Patricia D'Amore [<mailto:pjeandamore@googlemail.com>]  
**Sent:** Monday, June 04, 2018 10:07 AM  
**To:** MGCcomments (MGC)  
**Subject:** Late hours to sell alcohol

I do not think the law should be changed/amended to allow the casino to sell alcohol until 4:00 AM.

Patricia D'Amore



**O'Connor, Kim (MGC)**

---

**From:** MGCcomments (MGC)  
**Sent:** Monday, June 04, 2018 12:33 PM  
**To:** Blue, Catherine (MGC)  
**Subject:** FW: Adding 2 hours to allow alcohol to be served

---

**From:** Kelly D Ferguson [<mailto:capevette82@comcast.net>]  
**Sent:** Monday, June 04, 2018 10:18 AM  
**To:** MGCcomments (MGC)  
**Subject:** Adding 2 hours to allow alcohol to be served

This is a very bad idea period!! Who needs to be drinking until 4:00 in the morning? Please do not allow this flawed idea to become reality!

Be sensible and keep it the way it is - which is still to late to be serving alcohol!

Kelly Ferguson

Marstons Mills, MA

**O'Connor, Kim (MGC)**

---

**From:** MGCcomments (MGC)  
**Sent:** Monday, June 04, 2018 12:34 PM  
**To:** Blue, Catherine (MGC)  
**Subject:** FW: 2 AM is late enough

-----Original Message-----

**From:** George Frantz [mailto:frantzclan@comcast.net]  
**Sent:** Monday, June 04, 2018 10:34 AM  
**To:** MGCcomments (MGC)  
**Subject:** 2 AM is late enough

I definitely support the MGM Casino in Springfield. However, the 2 AM cutoff for serving alcohol is sufficient. Later serving will just increase the requirement for police activity and cost the city money.

Stick w/ 2 AM

George Frantz

Lancaster MA

---

This email has been checked for viruses by Avast antivirus software.

[https://urldefense.proofpoint.com/v2/url?u=https-3A\\_www.avast.com\\_antivirus&d=DwIDaQ&c=IDF7oMaPKXpkYvev9V-fVahWLOQWnGCCAfCDz1Bns\\_w&r=kNiBpksvyVM0illN3iqrWR6hdEh13dSApivcT1acaWw&m=T3CvEgDcV97S\\_7w4i9Xckt2FJfpuZmMFISLnFw7N84s&s=uvIMXE4FhwjcDA4ldZ-kJ\\_7pL3D5hH5pCGWvwBRxCus&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A_www.avast.com_antivirus&d=DwIDaQ&c=IDF7oMaPKXpkYvev9V-fVahWLOQWnGCCAfCDz1Bns_w&r=kNiBpksvyVM0illN3iqrWR6hdEh13dSApivcT1acaWw&m=T3CvEgDcV97S_7w4i9Xckt2FJfpuZmMFISLnFw7N84s&s=uvIMXE4FhwjcDA4ldZ-kJ_7pL3D5hH5pCGWvwBRxCus&e=)

**O'Connor, Kim (MGC)**

---

**From:** MGCcomments (MGC)  
**Sent:** Monday, June 04, 2018 12:35 PM  
**To:** Blue, Catherine (MGC)  
**Subject:** FW: MGM liquor permit times

-----Original Message-----

**From:** Robert Conrad [<mailto:crispybob@gmail.com>]  
**Sent:** Monday, June 04, 2018 10:39 AM  
**To:** MGCcomments (MGC)  
**Subject:** MGM liquor permit times

Absolutely not. Do not give MGM permission to sell liquor after 2:00 AM.  
Respectfully  
Robert Conrad

## O'Connor, Kim (MGC)

---

**From:** MGCcomments (MGC)  
**Sent:** Monday, June 04, 2018 12:35 PM  
**To:** Blue, Catherine (MGC)  
**Subject:** FW: MGM's request to serve liquor until 4 am

**From:** Mark J. Kesselman [<mailto:mjk3@columbia.edu>]  
**Sent:** Monday, June 04, 2018 10:46 AM  
**To:** MGCcomments (MGC)  
**Cc:** Amrita Basu  
**Subject:** Fwd: MGM's request to serve liquor until 4 am

----- Forwarded message -----

**From:** Mark J. Kesselman <[mjk3@columbia.edu](mailto:mjk3@columbia.edu)>  
**Date:** Mon, Jun 4, 2018 at 10:44 AM  
**Subject:** MGM's request to serve liquor until 4 am  
**To:** +[mgccomments@state.ma.us](mailto:mgccomments@state.ma.us)  
**Cc:** Amrita Basu <[abasu@amherst.edu](mailto:abasu@amherst.edu)>

We are residents of the Springfield area and are firmly--passionately--opposed to MGM's application to serve liquor until 4 am, i.e., beyond the usual 2 am limit. There is no question that some of those who drink until 4 am will be boisterous, rowdy, in brief, a threat to public order and safety. Even if the proportion of those in this category is small, it doesn't take more than one person drinking so late to disturb the neighborhood, one person driving while intoxicated to cause great harm to herself and others, etc. 2 am is already a very late hour. Why authorize serving alcohol until the wee hours of the morning?

Many thanks for your consideration of my appeal, which I make on behalf of myself, my children, neighbors, and the entire community,

Mark Kesselman  
1364 Southeast Street  
Amherst, MA 01002

**O'Connor, Kim (MGC)**

---

**From:** MGCcomments (MGC)  
**Sent:** Monday, June 04, 2018 12:36 PM  
**To:** Blue, Catherine (MGC)  
**Subject:** FW: Casino drinking extension

-----Original Message-----

**From:** Janice Hill [<mailto:grandjan44@me.com>]  
**Sent:** Monday, June 04, 2018 10:55 AM  
**To:** MGCcomments (MGC)  
**Subject:** Casino drinking extension

This cannot be approved! Enough is enough. Jan Hill

Sent from my iPhone



**O'Connor, Kim (MGC)**

---

**From:** MGCcomments (MGC)  
**Sent:** Monday, June 04, 2018 12:37 PM  
**To:** Blue, Catherine (MGC)  
**Subject:** FW: Extended hours to serve alcohol at MGM Springfield

---

**From:** Dana Dansereau [<mailto:DanaDansereau@mcsnet.org>]  
**Sent:** Monday, June 04, 2018 10:56 AM  
**To:** MGCcomments (MGC)  
**Subject:** Extended hours to serve alcohol at MGM Springfield

I just wanted to voice my opposition to extending the hours until 4:00am to serve alcohol at MGM Springfield *to patrons who are actively gaming*. People primarily go to casinos to gamble, not to drink alcohol. To me, this appears to be a blatant attempt to take (further) advantage of people who are gambling while being under the influence and perhaps not having full command of their senses and intellect.

Dana Dansereau  
Westfield, MA

**O'Connor, Kim (MGC)**

---

**From:** MGCcomments (MGC)  
**Sent:** Monday, June 04, 2018 12:39 PM  
**To:** Blue, Catherine (MGC)  
**Subject:** FW: MGM Springfield Liquor License Application

**From:** Ludmilla Pavlova [<mailto:ludmillapavlova3@gmail.com>]  
**Sent:** Monday, June 04, 2018 11:09 AM  
**To:** MGCcomments (MGC)  
**Subject:** MGM Springfield Liquor License Application

I do not believe it is safe or appropriate to extend liquor sales at MGM casinos until 4am. This is likely to result in extending nightly disruptions to urban dwellers and increase the likelihood of driving fatalities and addictive behavior.

Ludmilla Pavlova-Gillham  
Amherst, MA

**O'Connor, Kim (MGC)**

---

**From:** MGCcomments (MGC)  
**Sent:** Monday, June 04, 2018 12:39 PM  
**To:** Blue, Catherine (MGC)  
**Subject:** FW: MGM Springfield Request to service alcohol until 4pm

**From:** Chris Tecca [<mailto:chris.tecca@gmail.com>]  
**Sent:** Monday, June 04, 2018 11:23 AM  
**To:** MGCcomments (MGC)  
**Subject:** Fwd: MGM Springfield Request to service alcohol until 4pm

I would like to let you know that I am against allowing the state in giving the MGM grand permission to allow alcohol to be served two hours after the current law of the Commonwealth.

If they really think it will impact revenues, then they should offer an increased state share of revenue for those two hours.

Best,  
Chris  
**Chris Tecca**

(e): [chris.tecca@gmail.com](mailto:chris.tecca@gmail.com)  
(m): 781-570-6249

**O'Connor, Kim (MGC)**

---

**From:** MGCcomments (MGC)  
**Sent:** Monday, June 04, 2018 12:39 PM  
**To:** Blue, Catherine (MGC)  
**Subject:** FW: MGM Springfield Request to servce alcohol until 4pm

**From:** Chris Tecca [<mailto:chris.tecca@gmail.com>]  
**Sent:** Monday, June 04, 2018 11:23 AM  
**To:** MGCcomments (MGC)  
**Subject:** Fwd: MGM Springfield Request to servce alcohol until 4pm

I would like to let you know that I am against allowing the state in giving the MGM grand permission to allow alchol to be served two hours after the current law of the Commonwealth.

If they really think it will impact revenues, then they should offer an increased state share of revenue for those two hours.

Best,  
Chris  
**Chris Tecca**

(e): [chris.tecca@gmail.com](mailto:chris.tecca@gmail.com)  
(m): 781-570-6249

**O'Connor, Kim (MGC)**

---

**From:** MGCcomments (MGC)  
**Sent:** Monday, June 04, 2018 12:40 PM  
**To:** Blue, Catherine (MGC)  
**Subject:** FW: MGM Springfield Casino request to serve liquor/alcohol until 4:00 am

---

**From:** Maguire, Mary D [<mailto:Mary.Maguire@tufts.edu>]  
**Sent:** Monday, June 04, 2018 11:32 AM  
**To:** MGCcomments (MGC)  
**Subject:** MGM Springfield Casino request to serve liquor/alcohol until 4:00 am

The casino owners were well aware of Massachusetts regulations when they decided to pursue a business in the Commonwealth of Massachusetts.

Please do not approve this special request. If you do approve it, how can you deny any other Massachusetts bar/club the right to serve alcohol until 4:00 am? It's a slippery slope.

Respectfully,  
Mary Maguire  
12 Prairie Schooner Trail  
Brookfield, MA 01506



**O'Connor, Kim (MGC)**

---

**From:** MGCcomments (MGC)  
**Sent:** Monday, June 04, 2018 12:40 PM  
**To:** Blue, Catherine (MGC)  
**Subject:** FW: NO REASON TO EXTEND DRINKING HOURS

**From:** MJ [<mailto:mjk@dabbelt.com>]  
**Sent:** Monday, June 04, 2018 11:41 AM  
**To:** MGCcomments (MGC)  
**Subject:** Re: NO REASON TO EXTEND DRINKING HOURS

On Mon, Jun 4, 2018, 11:35 AM MJ <[dabbedy@comcast.net](mailto:dabbedy@comcast.net)> wrote:

Please note I am against extending any bar closure hours. By 2:00 am - you should have enjoyed the night enough.

**O'Connor, Kim (MGC)**

---

**From:** MGCcomments (MGC)  
**Sent:** Monday, June 04, 2018 12:41 PM  
**To:** Blue, Catherine (MGC)  
**Subject:** FW: MGM Springfield Casino

---

**From:** Keusch, Gerald T [<mailto:keusch@bu.edu>]  
**Sent:** Monday, June 04, 2018 11:58 AM  
**To:** MGCcomments (MGC)  
**Subject:** MGM Springfield Casino

I am a resident of Charlestown MA.

I wholeheartedly oppose any change in the hours for serving and purchase of alcoholic beverages at the Springfield MGM Casino. This is an even more egregious request by MGM because the target for this beyond legal hours access to alcohol is patrons who are gambling at the Casino. It is precisely that constituency that can least afford any additional intoxication from alcohol while spending money to lose even more money at the venue as MGM racks up additional profits. Do not approve this request – it is outrageous.

Gerald T. Keusch, M.D.  
Professor of Medicine and International Health  
Boston University School of Medicine

**O'Connor, Kim (MGC)**

---

**From:** MGCcomments (MGC)  
**Sent:** Monday, June 04, 2018 12:41 PM  
**To:** Blue, Catherine (MGC)  
**Subject:** FW: Serving alcohol in casinos until 4 a.m.

**From:** Mary Livingston [<mailto:mlivingston56@gmail.com>]  
**Sent:** Monday, June 04, 2018 12:09 PM  
**To:** MGCcomments (MGC)  
**Subject:** Serving alcohol in casinos until 4 a.m.

Please, please no!! Inebriated, exhausted people heading out in their cars close to the same time many commuters/contractors are heading to work?? In winter with added hazards of dark, snow and ice?? Very bad idea!!

Mary Livingston  
Groton, MA

**O'Connor, Kim (MGC)**

---

**From:** MGCcomments (MGC)  
**Sent:** Monday, June 04, 2018 12:42 PM  
**To:** Blue, Catherine (MGC)  
**Subject:** FW: Extending serving alcohol from 2am to 4am in Springfield

-----Original Message-----

**From:** Wall-E [<mailto:walleee3@me.com>]  
**Sent:** Monday, June 04, 2018 12:12 PM  
**To:** MGCcomments (MGC)  
**Subject:** Extending serving alcohol from 2am to 4am in Springfield

Absolutely!

But why go through the Faux "careful consideration" of the ramifications because if you did the casino wouldn't be there in the first place.

In a year or two the hours will be extended to 6am as we inch towards 24/7

but of course with the admonition to do so responsibly

... as in ... who's responsible for the check

Wall-E

**O'Connor, Kim (MGC)**

---

**From:** MGCcomments (MGC)  
**Sent:** Monday, June 04, 2018 12:42 PM  
**To:** Blue, Catherine (MGC)  
**Subject:** FW: Booze until 4 a.m

---

**From:** Ron Blanchette [<mailto:golfalot55@msn.com>]  
**Sent:** Monday, June 04, 2018 12:26 PM  
**To:** MGCcomments (MGC)  
**Subject:** Booze until 4 a.m

Don't approve it please

Ron Blanchette



## O'Connor, Kim (MGC)

---

**From:** Bedrosian Jr., Edward (MGC)  
**Sent:** Tuesday, June 05, 2018 7:40 AM  
**To:** MGCcomments (MGC)  
**Subject:** FW: Additional Time for Public Comment

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

-----Original Message-----

**From:** Fenton, Michael A. [<mailto:mfenton@springfieldcityhall.com>]  
**Sent:** Monday, June 4, 2018 7:18 PM  
**To:** Bedrosian Jr., Edward (MGC) <[Edward.Bedrosian@MassMail.State.MA.US](mailto:Edward.Bedrosian@MassMail.State.MA.US)>  
**Cc:** Stratton, Seth <[SStratton@mgmspringfield.com](mailto:SStratton@mgmspringfield.com)>; Ziemba, John S (MGC) <[John.S.Ziemba@MassMail.State.MA.US](mailto:John.S.Ziemba@MassMail.State.MA.US)>  
**Subject:** RE: Additional Time for Public Comment

Members of the Massachusetts Gaming Commission --

Earlier this evening the Casino Oversight Committee of the Springfield City Council met and received testimony from MGM Springfield and the public concerning its application for alcohol service on the gaming floor between 2am-4am. Having received this testimony and visited the site with MGM and Mr. Bedrosian to inspect the locations where alcohol is proposed to be served between the hours of 2am-4am, I am supportive of MGM's above described application. In light of the controls that will be put in place and the limited scope of the proposed alcohol service, it is my opinion that allowing MGM to serve alcohol as described in its application would be a benefit to the regional economy and the casino. Earlier this evening, my committee voted unanimously to support MGM Springfield's pending applicaiton before your commission which includes the request to serve alcohol to active gamers between 2am-4am. We respectfully request that you conduct a swift hearing on this matter and approve the application.

Please feel free to contact me with any questions or concerns.

Sincerely,

Michael A. Fenton  
Springfield City Council  
Chair, Casino Oversight Committee  
413-523-3223

---

**From:** Bedrosian, Edward (MGC) [[edward.bedrosian@state.ma.us](mailto:edward.bedrosian@state.ma.us)]  
**Sent:** Monday, June 04, 2018 12:56 PM  
**To:** Fenton, Michael A.  
**Cc:** Stratton, Seth; Ziemba, John S (MGC)  
**Subject:** Additional Time for Public Comment

Councilor Fenton-

From our meeting in Springfield last week, I understand you would like some additional time for the Committee you chair, the Casino Oversight Committee of the Springfield City Council, to consider the issue of alcohol service at MGM Springfield past 2 AM until 4 AM. I also understand this issue may be addressed at a meeting this evening.

Please feel free to submit your comments after your meeting and please copy me on them.

If you have any other questions or concerns, also feel free to contact me.

Ed Bedrosian

Edward R. Bedrosian Jr.  
Executive Director  
Massachusetts Gaming Commission  
101 Federal Street, 12th Floor  
Boston, Ma. 02110  
Tel: 617-979-8435

[www.massgaming.com](http://www.massgaming.com)<[https://urldefense.proofpoint.com/v2/url?u=http-3A\\_www.massgaming.com\\_&d=DwIFAg&c=IDF7oMaPKXpkYvev9V-fVahWLOQWnGCCAfCDz1Bns\\_w&r=8pnsPIU4JXzeFyjSvn2CveUkhEjf50TL5dR1DZ4XPp8&m=2xhragQfiValDNyrWyrRo3MpwnNr5baQz0gf9fT7iNnsM&s=bClnZGnKPFgqeWJoCFkT53RapRF-3L2ebJrTK7v8R0c&e=>](https://urldefense.proofpoint.com/v2/url?u=http-3A_www.massgaming.com_&d=DwIFAg&c=IDF7oMaPKXpkYvev9V-fVahWLOQWnGCCAfCDz1Bns_w&r=8pnsPIU4JXzeFyjSvn2CveUkhEjf50TL5dR1DZ4XPp8&m=2xhragQfiValDNyrWyrRo3MpwnNr5baQz0gf9fT7iNnsM&s=bClnZGnKPFgqeWJoCFkT53RapRF-3L2ebJrTK7v8R0c&e=>)

## O'Connor, Kim (MGC)

---

**From:** Thomas Murphy <tpmurphbars@gmail.com>  
**Sent:** Monday, June 04, 2018 3:47 PM  
**To:** MGCcomments (MGC)  
**Subject:** "MGM Springfield Liquor License Application"

To whom it may concern;

I was never opposed to MGM coming to Springfield, even though a casino holds a distinct advantage over a regular food and beverage operation. I assumed my business would take a hit upon it's opening because it was the "new shiny object", but after a few months things would go back to normal.

However, if you approve MGM the ability to serve to 4 am and not conform to current MA happy hour regulations, it will be a crushing blow to bars and restaurants in MA. At it's face, it is discriminatory. You are allowing one large outside entity a further competitive advantage over other small businesses in the region. Let me give you examples of why I believe this. I own and operate a small pub in Agawam.

**Free alcohol will drive guests from local bars/restaurants that must charge** - on a good Saturday afternoon I have 26 guests ordering food and drinks and playing Keno from the MA Lottery. If those same guests can go to MGM and enjoy free drinks and discounted food while gambling, where do you think they will go? That will be a big loss to my business.

**4 am close will drive guests to by pass visiting local establishments** - My business stays open until 2 am. Our busy time ends around 11 but we do get a younger crowd that comes in after 11 as many are just coming out. If these folks can go to the gaming floor at MGM (and what is the definition of gaming floor?) and stay to 4 am, they will go directly there and bypass my establishment causing further losses. And, what is to stop MGM from opening a club and putting games in the club and calling it a gaming floor?

**Drunk Driving and Crime** - the #1 complaint in opposition to this casino was crime. Now, you are going to open the flood gates. At last call, people will flood to the casino. Not all will get in. Drunks will pour into Springfield and you will have people walking the streets. Crime will increase and so will drunk driving. Now, when 4 am comes around these folks will be driving drunk (drunker than they were previously) back into the surrounding towns.

To allow MGM this competitive advantage would be a huge dis-service to the bars and restaurants in the region. What's worse, many operators are not even aware of what's coming. My understanding is this was a last minute addition by the legislature into the budget. MGM came to Springfield saying they wanted to be a good partner. Looking for special advantages that directly compete against local business is not what I call a good partnership. They knew what the law was before they committed. I understand the argument for this is to be more competitive with the Casinos in CT. They all follow CT state law and close at 1 am or 2 am depending on the day. This is unnecessary. Please do the right thing and vote this down and support local small businesses.

Sincerely,

Thomas Murphy  
President  
342, Inc

**O'Connor, Kim (MGC)**

---

**From:** Jeff Boisseau <jeff@7bsbarandgrill.com>  
**Sent:** Monday, June 04, 2018 3:13 PM  
**To:** MGCcomments (MGC)  
**Subject:** Best of Luck

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

I'll support this, I'm in full belief that nothing good happens after 2am so more power to you.

Chef Jeff

## O'Connor, Kim (MGC)

---

**From:** Joe Deng <joe.deng@limeredteahouse.com>  
**Sent:** Monday, June 04, 2018 5:00 PM  
**To:** MGCcomments (MGC)  
**Subject:** MGM Springfield Liquor License Application

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

As a business owner in MA, I do not believe we should live by different standards and call that a free and fair country.

I agree with the MA Rest Association that this committee rejects special privileges to special interests.

Do not create separate rules so some can benefit while others are at a disadvantage. This is not what government and regulations should do.

We are pro business. We are not asking MGM to not have the ability as much as we should not make special exceptions to our laws: make admendments. Small business who can not afford fancy lawyers follow the law and those with the means, multi national corps, can make their own exceptions?

How can this state allow for this? Equal rights for all: please.

Joe Deng

PS: Maybe MGM could invest its funds to legalizing this for all of us instead of just themselves.

--

Regards,

Joe Deng  
CEO/Founder - LimeRed Teahouse  
[joe.deng@limeredteahouse.com](mailto:joe.deng@limeredteahouse.com)  
646-919-0601



## O'Connor, Kim (MGC)

---

**From:** Tim Rooke <trooke@axiagroup.net>  
**Sent:** Monday, June 04, 2018 3:05 PM  
**To:** MGCcomments (MGC)  
**Subject:** MGM Springfield Liquor License Application - In favor

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

June 4, 2018

Attention: Attorney Catherine Blue, MGC General Counsel

Good afternoon Gaming Commissioner Cosby and other Members:

I am writing in full support of MGM Casino request for the extended hours to serve alcohol on the casino floor for "actively engaged in gaming" players from 2 am to 4 am.

As a small business owner whose Insurance Agency is located at 933 East Columbus Avenue, which is just outside the MGM Casino footprint. A parent of two children over 21, a lifelong resident of Springfield for 55 years and as a former elected official of Springfield for 20 years, I am in favor of the extended hours for individuals "actively engaged".

The gaming industry is extremely competitive and success is sometimes determined and driven by percentages. I feel confident allowing the extended hours. Along with adequate guidelines, processes and procedures established by the Massachusetts Gaming Commission and the Alcohol Beverage Control Commission. While we want to support MGM and their success. We also need to assure that the best interest of the public, it's health and welfare are also considered. The Massachusetts Gaming Commission may revoke, suspend, refuse to renew or refuse to transfer any approved license for violations of Chapter 138 which pertain to alcohol sales and distribution due to any violations.

We need to support responsible businesses. In all of my dealings with MGM I have found them to exercise sound judgement and best business practices on all decisions. I ask for your serious consideration and support on this request.

I am happy to offer verbal testimony if needed. Thank you for allowing public testimony on this issue.

Respectfully submitted,

Timothy Rooke, VP  
Axia Insurance Services  
933 East Columbus Avenue  
Springfield, MA 01105

**O'Connor, Kim (MGC)**

---

**From:** Susan Nelson <susan.nelson315@gmail.com>  
**Sent:** Monday, June 04, 2018 3:03 PM  
**To:** MGCcomments (MGC)  
**Subject:** Alcohol Law

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Absolutely do not allow drinking until 4am. It may be a revenue maker for a private business, but it is a disaster for everyone and everything else. We already have a problem with alcohol in this country. The last thing we need is to have more alcohol-induced drivers on the roads, just as school busses and commuters hit the roads.

**BAD IDEA BY GREEDY IDIOTS!**

Susan L. Nelson  
Norfolk, MA

## O'Connor, Kim (MGC)

---

**From:** Steve Clark <sclark@themassrest.org>  
**Sent:** Monday, June 04, 2018 1:50 PM  
**To:** MGCcomments (MGC)  
**Subject:** MGM Springfield Liquor License Application/4:00 AM service of alcohol  
**Attachments:** MRA Letter to MGC- 4 AM alcohol service.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

To whom it may concern,-

Please find the attached letter to the Massachusetts Gaming Commission regarding the MGM Casino's application to serve alcohol until 4:00AM. This letter should double as testimony in opposition to any Casino entity in Massachusetts application to serve alcohol until 4:00AM.

Please do not hesitate to contact us if we can be of further assistance.

Thank you,

Stephen Clark  
Director of Government Affairs  
Massachusetts Restaurant Association  
508-303-9905  
508-573-4189 (direct dial)

**O'Connor, Kim (MGC)**

---

**From:** al stankus <imbettor@yahoo.com>  
**Sent:** Monday, June 04, 2018 1:21 PM  
**To:** MGCcomments (MGC)  
**Subject:** Fw: 4 am for casino

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Sent from Yahoo Mail on Android

On Mon, Jun 4, 2018 at 1:17 PM, al stankus <imbettor@yahoo.com> wrote:

I am in favor of granting the casino and all casinos 4.a.m. licenses.

In fact, I think all licenses should come with a 4 a.m license.

it makes sense in 2018

al stankus

Sent from Yahoo 44Mail on Android

Sent from Yahoo Mail on Android

**O'Connor, Kim (MGC)**

---

**From:** Priscilla B. <prsbro@aol.com>  
**Sent:** Monday, June 04, 2018 2:51 PM  
**To:** MGCcomments (MGC)  
**Subject:** Please- Do NOT Allow the Extension of Making Liquor Available Unitl 4am to Gambiling Individuals

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

I am very very opposed to this new liquor law being put into effect at the casinos. It is not only unnecessary, but also foolhardy and extremely dangerous to have people gambling and drinking until 4am in the morning.

Utterly irresponsible and a huge safety hazard and threat to our society and to these individuals who may be feeding one addiction -gambling- to their detriment and demise, but also the addiction of substance use and abuse.

Please do the right thing and hold fast to the 2am closing time for alcohol.

A concerned voter and Massachusetts resident and Registered Nurse.

## O'Connor, Kim (MGC)

---

**From:** Elizabeth H Jenkins <bethjen@hotmail.com>  
**Sent:** Friday, June 01, 2018 2:47 PM  
**To:** MGCcomments (MGC)  
**Subject:** License Application

To whom it may concern:

I am absolutely opposed to MGM or any establishment within Springfield being allowed to serve alcohol until 4 am on any day of the week. I am also very opposed to MGM's idea of using plastic cups. This globe does not need any further plastic trash. I live in Springfield and we already have enough problems with bars open until 2 am. All MGM wants is for their gambling customers to become so inebriated that they will make more money for the Casino.

As a recovering alcoholic I have seen way too much caused by the overuse of alcohol to endorse this idea at all. I have been sober almost 34 years and it is hard enough for me to navigate the city streets on foot, with my walker, during daylight hours without encountering someone who is stupidly drunk.

Respectfully,

Elizabeth H Jenkins  
307 Chestnut Street, Apt. 614  
Springfield, MA. 01104

Sent from my iPad



Regarding MCM Springfield

During P.M. show the  
restricted to Hotel Key Owners.

W.A.S.N.  
Agawam  
MA

Please do not 'extend last call'  
for any reason in the casino for  
gamblers or other patrons.

H. E. Seaburne - Cruise

**O'Connor, Kim (MGC)**

---

**From:** Matthew Dovell <mdovell@comcast.net>  
**Sent:** Wednesday, May 30, 2018 4:34 PM  
**To:** MGCcomments (MGC)  
**Subject:** Liquor License Application

**Categories:** Green Category

Dear Mass Gaming Commission,

These words are my own and do not represent any of my current, former or future employers. I am a resident of the City of Springfield and live right down the street from MGM at 45 Willow Street. Having moved here about three and a half years ago I understand the gravity of what the project means to the City of Springfield, the region and Commonwealth of Massachusetts as a whole. I wish to say that I am for this, however that there should be some attention by the state to see what the countermeasures might be in CT. CT still has "Happy hour" and if they extend those hours it could create complications. MGM like any other entity with a liquor license must serve responsibly and cut those off that appear to be intoxicated. Those that might argue that it would encourage more drinking might also notice the number of liquor stores in the area and that the cost of liquor per drink at MGM would be much higher than from a store. If the argument is to lower the consumption of alcohol that goes well beyond the operations of a casino and looks more towards local liquor licenses and zoning. Thank you for your time.

Sincerely,

Matthew Dovell MPA  
45 Willow St Apt 105  
Springfield, Ma 01103

**O'Connor, Kim (MGC)**

---

**From:** cpasterczy@aol.com  
**Sent:** Wednesday, May 30, 2018 9:09 AM  
**To:** MGCcomments (MGC)  
**Subject:** Fwd: mgm springfield liquor license

**Categories:** Green Category

I urge lawmakers to vote NO on serving liquor past the 2 AM deadline. Nothing good happens after 1 AM with this law. We are not Las Vegas, but a smaller city that has fewer means to control the drunks who may roam the streets that late/early morning.

Please, let's see how this casino operates in the first year before we grant any privileges!!!!!!!!!!!!!!!!!!!!!!

Thank you Celeste

## O'Connor, Kim (MGC)

---

**From:** Gary Ganoë <Garygg@charter.net>  
**Sent:** Tuesday, May 29, 2018 7:11 PM  
**To:** MGCcomments (MGC)  
**Subject:** MGM License Application

**Categories:** Green Category

Sent from my iPad

Who whom it may concern:

I do NOT feel the 2:00 a.m. Drinking time should be extended, it will just lead to more impaired drivers on the road! The 2:00 a.m. time is late enough, and would be a great idea to only serve patrons who are actually registered to stay at the hotel.

Please help to keep our city and the streets safe.

Thank you in advance,

CGanoë

## O'Connor, Kim (MGC)

---

**From:** Fenton, Michael A. <mfenton@springfieldcityhall.com>  
**Sent:** Tuesday, May 29, 2018 11:13 PM  
**To:** MGCcomments (MGC)  
**Cc:** Frank P. Fitzgerald; Seth; jdelgado@mgmspringfield.com  
**Subject:** MGM Springfield Liquor

**Categories:** Green Category

Members of the Gaming Commission:

Please accept this correspondence as my response to the request for public comment on MGM Springfield's application to serve alcohol until 4AM. I learned about this request through media reports, which was disappointing to me at the Chair of the Casino Oversight Committee of the Springfield City Council. During at least two public meetings held by my committee earlier this month, MGM Springfield was asked to share whether it would apply to the MGC for permission to serve alcohol past 2AM. MGM Springfield's testimony during these meetings was that no decision had been made by the company and that they would report back to the committee no later than June 15th on the matter. A meeting has been scheduled for June 15th to discuss several outstanding matters with MGM Springfield. Item number three on this agenda is to get an update from MGM regarding its intent with respect to alcohol service after 2AM. Given that the deadline to submit comments to the MGC on this matter is June 4th, and given that I have received no notice from MGM regarding this matter, I respectfully request that the MGC extend the comment period on this matter until June 18th. Until such time as my committee can be briefed on this matter and given an opportunity to provide meaningful feedback on behalf of the residents of Springfield, I am opposed to allowing alcohol service at MGM Springfield past 2AM.

Thank you,

Michael A. Fenton  
Springfield City Councilor  
413-523-3223



**O'Connor, Kim (MGC)**

---

**From:** cpasterczy@aol.com  
**Sent:** Wednesday, May 30, 2018 9:09 AM  
**To:** MGCcomments (MGC)  
**Subject:** Fwd: mgm springfield liquor license application

**Categories:** Green Category

I urge lawmakers to vote NO on serving liquor past the 2 AM deadline. Nothing good happens after 1 AM with this law. We are not Las Vegas, but a smaller city that has fewer means to control the drunks who may roam the streets that late/early morning.  
Please, let's see how this casino operates in the first year before we grant any privileges!!!!!!!!!!!!!!!!!!!!!!  
Thank you Celeste

**O'Connor, Kim (MGC)**

---

**From:** suzanne boniface <suzannemboniface@icloud.com>  
**Sent:** Friday, May 25, 2018 9:29 AM  
**To:** MGCcomments (MGC)  
**Subject:** "MGM Springfield Lic

**Categories:** Green Categor,

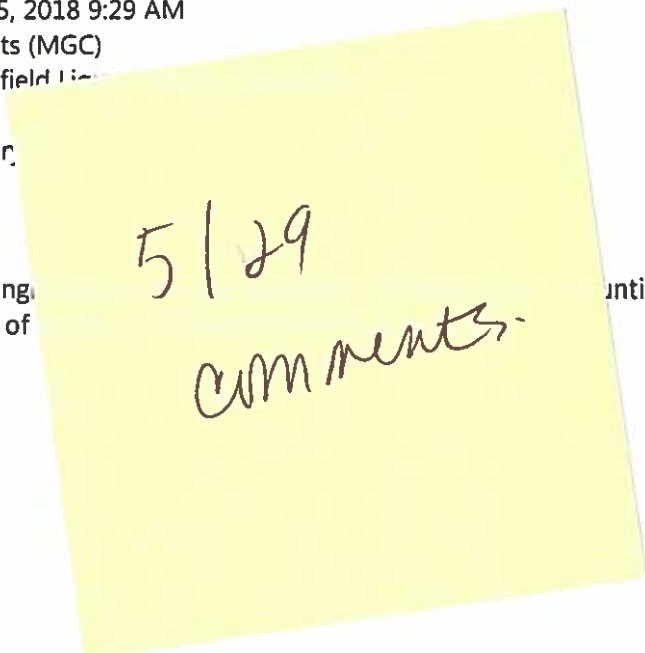
As a resident of the City of Springfield, I am strongl  
this is a dangerous move to make for the safety of

until 4 am. I believe

Thank you.

Suzanne Boniface.

SG forwarded to C Blue 5/25



**O'Connor, Kim (MGC)**

---

**From:** susan dion <sue1952us@yahoo.com>  
**Sent:** Friday, May 25, 2018 6:52 AM  
**To:** MGCcomments (MGC)  
**Subject:** "MGM Springfield Liquor License Application"

**Categories:** Green Category

Dear State Gaming Commission:

I am not in favor of extending the serving of alcohol beyond the state restriction of 2 am. at the new MGM casino in Springfield. I believe this exception could lead to even more problems than addictive gambling that is going to take place here in Springfield. The family life, safety and well-being of the people of Springfield and surrounding communities is at stake here. People who are already in a frenzied state of gambling into the early hours of the morning should not be plied with alcohol which will only distort their judgement more. These same individuals do not need to be out on the roads, endangering others after a night of drinking and gambling. We already have enough distracted driving in this state.

MGM has some guidelines in place for addictive gambling, but they are weak because MGM has no motivation to have people gamble less.

Gamblers Anonymous, which promotes abstention from addictive gambling, is not even mentioned on their website. Gamesense is only a voluntary program and will not adequately restrain those with issues. My firm belief is alcohol and gambling are a poor mix and the state law of no drinks served beyond 2 am should stand.

Let's keep this community and those near it safe.

Sincerely,

Susan J. Dion

51 Eskett Road

Belchertown, MA 01007

413.323.5517

SG forwarded to C Blue 5/25

**O'Connor, Kim (MGC)**

---

**From:** Mary Keough <mekbennington@gmail.com>  
**Sent:** Friday, May 25, 2018 6:17 PM  
**To:** MGCcomments (MGC)  
**Subject:** "MGM Springfield Liquor License Application"

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

To Whom It May Concern:

I am a resident of the City of Springfield and I would like to add my support to the increased hours of alcohol service at MGM between the hours of 2 am and 4 am for active gamblers only. I feel if MGM wants to compete with Mohegan Sun and Foxwoods increased hours are warranted.

Since this project is years behind, we should give it our best shot. If there is a lot of push back about this subject, perhaps make this a temporary service to see if problems arise.

Mary Keough  
40 Bennington Street  
Springfield, MA 01108

## O'Connor, Kim (MGC)

---

**From:** Mark Gedmin <livin2cruise@icloud.com>  
**Sent:** Thursday, May 24, 2018 4:37 PM  
**To:** MGCcomments (MGC)  
**Subject:** 4am liquor

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Green Category

I see no problem with this as long as the people being served are sober.

Sent from my iPhone

Forwarded to C Blue 5/25

**O'Connor, Kim (MGC)**

---

**From:** susan dion <sue1952us@yahoo.com>  
**Sent:** Friday, May 25, 2018 6:40 AM  
**To:** MGCcomments (MGC)  
**Subject:** Alcohol Serving after 2am.

**Categories:** Green Category

Dear State Gaming Commission:

I am not in favor of extending the serving of alcohol beyond the state restriction of 2 am. at the new MGM casino in Springfield. I believe this exception could lead to even more problems than addictive gambling that is going to take place here in Springfield. The family life, safety and well-being of the people of Springfield and surrounding communities as at stake here. People who are already in a frenzied state of gambling into the early hours of the morning should not be plied with alcohol which will only distort their judgement more. These same individuals do not need to be out on the roads, endangering others after a night of drinking and gambling. We already have enough distracted driving in this state.

MGM has some guidelines in place for addictive gambling, but they are weak because MGM has not motivation to have people gamble less. Gamblers Anonymous, which promotes abstention from addictive gambling is not even mentioned on their website. Gamesense is only a voluntary program and will not adequately restrain those with issues. My firm belief is alcohol and gambling are a poor mix and the state law of no drinks served beyond 2 am should stand.

Let's keep this community and those near it safe.

Sincerely,

Susan J. Dion  
51 Eskett Road  
Belchertown, MA 01007  
413.323.5517

SG forwarded to C Blue 5/25/18



**O'Connor, Kim (MGC)**

---

**From:** MGC Website <massgamingcomm@gmail.com>  
**Sent:** Friday, May 25, 2018 5:41 AM  
**To:** MGCcomments (MGC)  
**Subject:** Contact the Commissioner Form Submission

**Categories:** Green Category

**Name**

Nicole Geoffrion

**Email**

[Nicole.Geoffrion@gmail.com](mailto:Nicole.Geoffrion@gmail.com)

**Phone**

(413) 579-2035

**Subject**

MGM Extended Alcohol Hours

**Questions or Comments**

As a Springfield resident, I want to share my support of MGM Springfields extended hours from 2 to 4 a.m. on the gaming floor.

SG forwarded to C Blue 5/25

**O'Connor, Kim (MGC)**

---

**From:** MGC Website <massgamingcomm@gmail.com>  
**Sent:** Saturday, May 26, 2018 1:05 PM  
**To:** MGCcomments (MGC)  
**Subject:** Contact the Commissioner Form Submission

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Name**

melissa holman

**Email**

[holmanspfd@aol.com](mailto:holmanspfd@aol.com)

**Phone**

(413) 747-9918

**Subject**

extending alcohol serving hours to 4:00 A.M.

**Questions or Comments**

Our bars stop serving at 2 A.M. --I don't think it's a good idea to continue serving at the MGM Casino after 2 A.M. I worry about accidents on the highway and local streets. A bad scene for commuters coming in to the city to work.

**O'Connor, Kim (MGC)**

---

**From:** Ashley Vassallo <ashleyvassallo@yahoo.com>  
**Sent:** Tuesday, May 29, 2018 11:01 AM  
**To:** MGCcomments (MGC)  
**Subject:** MGM liquor license

To whom it may concern,

The MGM Springfield professionalism and security will be able to properly monitor the consumption of alcohol after 2am. We all know the risk of drinking and driving. My community will be safer by having an establishment that will allow inebriated people to stay and be monitored versus a bar that will close and tell them to go home.

Thank you for your consideration,  
Ashley P. Vassallo  
Monson, MA

Sent from my iPhone

## O'Connor, Kim (MGC)

---

**From:** Joseph Mruk <profjmcm@gmail.com>  
**Sent:** Sunday, May 27, 2018 4:57 PM  
**To:** MGCcomments (MGC)  
**Subject:** MGM liquor license request

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Ridiculous idea. The existing law is meant for all, no exceptions.

## O'Connor, Kim (MGC)

---

**From:** Clint Richmond <crbrookline@aol.com>  
**Sent:** Friday, May 25, 2018 11:07 AM  
**To:** MGCcomments (MGC)  
**Subject:** MGM Springfield Beverage License - Extended Hours

**Categories:** Green Category

I am not in favor of extending alcohol service beyond 2 AM anywhere in Massachusetts. Combining gambling and drinking past 2 AM is an incredibly stupid idea for MGM's patrons and the community and will only lead to trouble.

Clint Richmond,  
Brookline, MA

SG forwarded to C Blue 5/25

**O'Connor, Kim (MGC)**

---

**From:** DANIEL CHAMBERLAIN <danielchamberlain@msn.com>  
**Sent:** Sunday, May 27, 2018 7:46 PM  
**To:** MGCcomments (MGC)  
**Subject:** Mgm Springfield expanded booze hours

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Let's these guys run their business and be successful for Springfield's sake.

Sent from my iPad



## O'Connor, Kim (MGC)

---

**From:** niksam28@aol.com  
**Sent:** Friday, May 25, 2018 4:26 AM  
**To:** MGCcomments (MGC)  
**Subject:** MGM Springfield Liquor License

**Categories:** Green Category

To whom it may concern,

My thoughts on the serving of alcohol between the hours of 2-4am initially was a rousing no. In thinking a bit, there is a huge number of second shifters in this area alone that get out somewhere in area of 11:30pm and midnight. These people would like a chance to socialize a bit as the rest of the population. a lot of people work this shift out of necessity for child care and truly would appreciate the chance for a social life.

The only condition is one must absolutely make sure that all the rules are being adhered to. The servers need to know they have the backing to say no to customers that have already been served elsewhere and would put everyone at risk. They need to know that absolutely need to follow the rules in serving customers that come in for free drinks.

To me, the "free" drinks part is a problem. I have watched in Plainridge where free is now \$4 for a beer. The amount of alcohol going out is not going to be the same when one is paying for it. I have seen over and over at Foxwoods and Mohegan where it seems one person is playing and all of the buddies line up for their drinks as they sit at machines and that seems to entitle them. This is a lose lose proposition. The machines are being tied up and they drinks are going to people not really patronizing the establishment. I also notice they drink higher end product. I see a lot of Pina Colada's going out where they would not ever order these if they are paying for them. It does make me slightly nuts as it is putting these places at risk with the servers not being as alert as they should be. They, the server, really need to be educated and understand they are at risk legally for serving when they should not.

I actually had a liquor license and had to be so diligent with the bartenders who wanted to over serve and serve later as their customer was a great customer. My battle cry was always that these great customers would be the first to sue with the server liable for what ever happened as a result of their negligent serving. Supervision is key.

These are my thoughts.

Joanne Griffin

SG forwarded to C Blue 5/25

## O'Connor, Kim (MGC)

---

**From:** DAVID TORRE <djsuperdave@comcast.net>  
**Sent:** Saturday, May 26, 2018 2:41 PM  
**To:** MGCcomments (MGC)  
**Subject:** MGM Springfield Liquor License Application

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

My opinion on extended hours for serving alcohol is this: State law is 2:00am and that will most likely stand, HOWEVER, I would be ok with serving patrons that are actually staying in an on-site hotel (if they can prove it).

## O'Connor, Kim (MGC)

---

**From:** John Jurkowski <midas-777@hotmail.com>  
**Sent:** Saturday, May 26, 2018 8:07 AM  
**To:** MGCcomments (MGC)  
**Subject:** MGM Springfield Liquor License Application

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

The state should NOT allow alcohol to be served at all in casinos. It is NOT a good idea to serve alcohol at ANY location where people will have their judgement clouded by alcohol when wagering money. Casinos know that plying patrons with alcohol will cause them to lose more money than if not drinking. There is also the safety issue - more inebriated drivers let loose on the roads to kill innocent victims. For the welfare of the public - make all casinos in the state alcohol-free.

John Jurkowski  
Wilbraham, MA

**O'Connor, Kim (MGC)**

---

**From:** Matthew Harrington <mattharrington1@gmail.com>  
**Sent:** Friday, May 25, 2018 8:02 PM  
**To:** MGCcomments (MGC)  
**Subject:** MGM Springfield Liquor License Application

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

To the Gaming Commission,

Please permit MGM Springfield to serve alcohol until 4:00am. This will allow it to be competitive with other regional casinos.

Thanks in advance,

Matt Harrington

**O'Connor, Kim (MGC)**

---

**From:** Angela Negron <bostonator7413@gmail.com>  
**Sent:** Friday, May 25, 2018 11:55 AM  
**To:** MGCcomments (MGC)  
**Subject:** MGM Springfield Liquor License Application

**Categories:** Green Category

I think you should serve alcohol until 4AM

SG forwarded to C Blue 5/25

## O'Connor, Kim (MGC)

---

**From:** Ted <ttd117@comcast.net>  
**Sent:** Friday, May 25, 2018 11:41 AM  
**To:** MGCcomments (MGC)  
**Subject:** MGM Springfield Liquor License Application

**Categories:** Green Category

Honorable Commissioners,

Please do NOT grant a special extension to the MGM Springfield's liquor license.

First, as a resident who lives within a few miles of the new facility, I am very concerned that extended alcohol service will increase the likelihood that intoxicated casino patrons will take to the streets during the morning commute and impact public safety.

Second, there is no compelling interest in serving liquor past the long established 2AM cutoff other than making people too insensible to stop gambling when they probably should take a break and rest. Extended alcohol service does not benefit the patrons of the casino nor the local residents.

Third, granting this special exemption would create pressure on other local adult-themed businesses to lobby for similar treatment, given the precedent of the casino exemption, further increasing the risk to our community. (You have only to look at the history of Sunday liquor sales in MA to see how an exception can become a rule in short order.)

I believe that our community has accommodated this business' needs very generously so far in the interest of public-private partnership. In this request they have overreached into an area where we should not compromise.

Thank you for your kind attention.

Very respectfully,

Edward J Sweeney  
Longmeadow MA

SG forwarded to C Blue 5/25



## O'Connor, Kim (MGC)

---

**From:** Adam Moreau <adamwm629@gmail.com>  
**Sent:** Friday, May 25, 2018 11:11 AM  
**To:** MGCcomments (MGC)  
**Subject:** MGM springfield liquor license application

**Categories:** Green Category

I would like to express my strong opposition to extending hours for serving alcohol for MGM until 4am. Primarily, my objection is that it would provide a significant competitive disadvantage to bars and taverns in the area which will already likely be negatively impacted by having an inner city casino for competition.

Second, there is a real public safety concern as patrons drinking that late will then be closer to getting on the roads during the morning commute when there is far more traffic in the area.

Thank you.

Adam Moreau  
26 Old Reed Road  
Monson, MA 01057

SG forwarded to C Blue 5/25

**O'Connor, Kim (MGC)**

---

**From:** kathleen plante <kmpmessages@gmail.com>  
**Sent:** Friday, May 25, 2018 7:52 AM  
**To:** MGCcomments (MGC)  
**Subject:** MGM Springfield Liquor License Application

**Categories:** Green Category

Re extended drinking hours within the casino.

No matter which casino I spend time in, I would expect to be able to have a drink whenever the casino was open. I would expect nothing different at MGM Springfield.

Consequently, they should be able to serve alcohol during the hours that are now in question.

Thank you for the work you're doing for the citizens of Massachusetts.

--

Best, Kathleen

SG forwarded to C Blue 5/25/18

**O'Connor, Kim (MGC)**

---

**From:** Annie5379 <annie5379@yahoo.com>  
**Sent:** Friday, May 25, 2018 7:47 AM  
**To:** MGCcomments (MGC)  
**Subject:** MGM Springfield Liquor License Application

**Categories:** Green Category

Please do not extend the hours to serve alcohol at the new Springfield Ma casino.

I realize that alcohol will only be served to those actively gaming, but who will make that determination?

2 AM is definitely a reasonable cut off time to serve alcohol.

Thank you

Ann LaBonte  
187 Theroux Dr Apt D  
Chicopee Ma 01020

SG forwarded to C Blue 5/25/18

## O'Connor, Kim (MGC)

---

**From:** Yesenia Rivera-Caraballo <jesscara1987@gmail.com>  
**Sent:** Friday, May 25, 2018 7:32 AM  
**To:** MGCcomments (MGC)  
**Subject:** MGM Springfield Liquor License Application

**Categories:** Green Category

Good morning,

I am writing to share my opinion about the MGM Springfield Liquor License. I believe that they should be permitted to serve alcohol past the current 2 am deadline that has been set for other bars and clubs in the city. The casino will not generate the kind of revenue it will need to if it is not allowed to operate the way other Casino's do. We must consider that having the casino here in Springfield will attract visitors from outside of MA, and we must be able to meet their expectations by providing the same experience they would have at other casinos. With the metro police division in place in addition to MGM's expert experience in the entertainment business, we should not have the problems some of Springfield's residents are so worried about. However, if we are to deny MGM the liquor License they are requesting we would be doing so to our own detriment. This is new to everyone here in Springfield, and I understand where the concern is coming from. However, we must remain flexible and open minded because soon we will see Springfield's renaissance. We shouldn't risk the operational failure of this casino because people are worried about the unknown.

Sincerely,  
Yesenia Gorham  
Springfield, MA 01107  
413-686-4423

SG forwarded to C Blue 5/25/18

**O'Connor, Kim (MGC)**

---

**From:** adam@advertusmedia.com  
**Sent:** Friday, May 25, 2018 7:17 AM  
**To:** MGCcomments (MGC)  
**Subject:** MGM Springfield Liquor License Application

**Categories:** Green Category

Good Morning

I would like to express my strong opposition to extending hours of serving alcohol for MGM until 4am.

Primarily, my objection is that it would provide a significant competitive disadvantage to bars and taverns in the area which will already likely be negatively impacted by having an inner city casino for competition.

Second, there is a real public safety concern that patrons drinking that late will then be closer to getting on the roads during the morning commute when there is far more traffic in the area.

PLEASE, do not let this happen.

Best Regards,

Adam

Adam Wright  
Advertus Media  
(413) 564-5200

SG forwarded to C Blue 5/25/18

**O'Connor, Kim (MGC)**

---

**From:** Deja Cradle <princessday629@gmail.com>  
**Sent:** Friday, May 25, 2018 4:34 AM  
**To:** MGCcomments (MGC)  
**Subject:** MGM Springfield Liquor License Application

**Categories:** Green Category

Hello my name is Deja cradle and I live in Springfield. I feel like the liquor hours should be extended due to the traffic that we are expecting to have in Springfield. As someone who visits Las Vegas, Nevada often, it would make sense to extend hours past 2am and also allow other stores to sell liquor as well

Sent from my iPhone

SG forwarded to C Blue 5/25/18

**O'Connor, Kim (MGC)**

---

**From:** Tyler Kenefick, Esq. <tyler.j.kenefick@gmail.com>  
**Sent:** Thursday, May 24, 2018 11:00 PM  
**To:** MGCcomments (MGC)  
**Subject:** MGM Springfield Liquor License Application

**Categories:** Green Category

I support a later last call for mgm. All establishments should be able to sell alcohol until 4 am

Sent from my iPhone

SG forwarded to C Blue 5/25/18



## O'Connor, Kim (MGC)

---

**From:** JOHN LYFORD <bingville@comcast.net>  
**Sent:** Thursday, May 24, 2018 10:46 PM  
**To:** MGCcomments (MGC)  
**Subject:** MGM Springfield Liquor License Application

**Categories:** Green Category

To Whom It May Concern,

My name is John Lyford, I am a homeowner in Greenfield. I rise in support of MGM to extend the hours to serve alcohol to 4 a.m. I am a decades long customer of MGM Resorts International in Las Vegas. I am a decades long gambler. Frequently in Las Vegas I gamble in the early morning hours. I enjoy to have a cocktail during this time. In my experience at MGM properties in Las Vegas, I find MGM a responsible company to oversee the customers in the early morning hours serving alcohol. A few times, I have seen MGM shut off customers who look intoxicated. I do know the bartenders and servers on the casino floor go through training to observe customers actions.

As a long time MGM customer, I will patronize MGM Springfield. I am sure when I stay at the MGM Springfield hotel, I will look forward to gamble in the early morning time frame, and I also look forward to have a cocktail during this period. I ask the Gaming Commission to support MGM Resorts International intention to extend the hours serving alcohol at MGM Springfield. I thank you for your attention in this matter. John Lyford

SG Forwarded to C Blue 5/25/18

**O'Connor, Kim (MGC)**

---

**From:** Patrick Roach <Patrick\_Roach@hotmail.com>  
**Sent:** Thursday, May 24, 2018 4:44 PM  
**To:** MGCcomments (MGC)  
**Subject:** MGM Springfield Liquor License Application

**Categories:** Green Category

Commissioners,

Please know that I strongly support MGM's application for alcohol service on the gaming floor between 2am - 4am. We are very excited for MGM in Springfield and their positive impact on the economy and community.

Thank you,  
Patrick Roach  
Wilbraham, MA

Fowarded to Catherine B 5/25/18 SG

**O'Connor, Kim (MGC)**

---

**From:** Jason Levine <jlevine@murphymccoubrey.com>  
**Sent:** Thursday, May 24, 2018 4:01 PM  
**To:** MGCcomments (MGC)  
**Subject:** MGM Springfield Liquor License Application

**Categories:** Green Category

Of course the casinos should be allowed to serve alcohol on the gaming floor until 4 AM.

The whole idea of these casinos was to attract more money into the Commonwealth by making it an even more attractive place for conventions/vacations/etc. In order to make these casinos competitive with other states seeking to do the same via casinos, the casinos have to be allowed to be competitive with them. Nevada and Atlantic City are 24 hour alcohol locales, both on and off the casino floor. New York casinos serve until 4 AM. The casinos in CT are pushing for later hours. If we have decided that casinos are a route to increased revenues for the municipalities and the Commonwealth, we should not tie their hands to make themselves a less attractive option compared to other casinos. Allowing alcohol service to those actively gaming until 4 AM is part of that.

Thank you,

**Jason L. Levine, Esq.**

**Murphy McCoubrey**

272 Exchange Street

Chicopee, MA 01014

ph: 413.592.6106

fax:413.594.7409

[jlevine@murphymccoubrey.com](mailto:jlevine@murphymccoubrey.com)

**Admitted to practice in Massachusetts and New York**

*ATTORNEY-CLIENT/WORK PRODUCT PRIVILEGES: This electronic mail is for the personal and exclusive use of the recipient(s) to whom it is addressed. It contains confidential information from Murphy McCoubrey. Its contents are not only to remain absolutely confidential, but may also be subject to the attorney-client and attorney work product privileges. If you have received this transmission and are not the intended recipient(s) or his/her agent, please be advised that any disclosure, use, review, copying, selling, dissemination, publication or distribution of this transmission is unauthorized and prohibited. If you have received this transmission in error, please delete it and immediately notify [jlevine@murphymccoubrey.com](mailto:jlevine@murphymccoubrey.com)*



Forwarded to C Blue 5/25/18

**O'Connor, Kim (MGC)**

---

**From:** Elizabeth Mruk <treasuresfromliz@gmail.com>  
**Sent:** Sunday, May 27, 2018 8:34 PM  
**To:** MGCcomments (MGC)  
**Subject:** MGM Springfield Liquor License Application

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

I am writing to state my OPPOSITION to serving alcohol beyond legally established hours of 2:00 a.m. at the MGM Casino.

According to state law, absolutely no liquor is to be served between the hours of 2:00 a.m. and 8:00 a.m. If an exception is made, the law is moot, and all establishments serving alcohol should be allowed the same exemption.

Don't let big business exchange our values for their monetary gain.

## O'Connor, Kim (MGC)

---

**From:** Sandie <scorker@verizon.net>  
**Sent:** Friday, May 25, 2018 7:04 AM  
**To:** MGCcomments (MGC)  
**Subject:** MGM Springfield Liquor License

**Categories:** Green Category

I am in favor of allowing MGM Springfield to extend their hours of serving alcohol to those actively gambling. By not including individuals simply walking around the casino looking for a drink after other establishments have closed, it will protect local bars from losing customers while allowing MGM to remain competitive with gaming facilities in bordering states. It would be particularly important if MGM is able to attract universally recognized poker tournaments which could bring in added revenue.

Sent from my iPad

SG forwarded to C Blue 5/25

**O'Connor, Kim (MGC)**

---

**From:** Stanley Kaleta <oceanbreeze1@charter.net>  
**Sent:** Thursday, May 24, 2018 5:27 PM  
**To:** MGCcomments (MGC)  
**Subject:** MGM Springfield Liquor Liscense Application

**Categories:** Green Category

If controlled as mentioned on Mass Live I think it will be a great idea !!

Sent from Mail for Windows 10

SG forwarded to C Blue 5/25

## O'Connor, Kim (MGC)

---

**From:** Kent tarrant <kent100@charter.net>  
**Sent:** Sunday, May 27, 2018 3:10 AM  
**To:** MGCcomments (MGC)  
**Subject:** MGM Springfield liquor listens application

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

It is hard to imagine a scenario where anyone drinking at that hour has not consumed more than the legal limit to operate a motor vehicle or be of sound mind. The discretion of the server to determine whether someone has had enough is unreliable. No doubt there will be unhappy endings and innocent lives lost if this application is approved. Liquor being served at this hour is unnecessary and dangerous. MGM Springfield's impact on the city is yet to be determined. Erring on the side of caution and good common sense in these unpredictable early stages of Springfield's new era is prudent for those given authority. Go slow....vote no.

Kent Tarrant, Hampden, MA

Sent from my iPad



**O'Connor, Kim (MGC)**

---

**From:** m.gilsinger <m.gilsinger@comcast.net>  
**Sent:** Friday, May 25, 2018 7:04 AM  
**To:** MGCcomments (MGC)  
**Subject:** my opinion MGM alcohol regs

**Categories:** Green Category

MGM should be able to serve alcohol 24/7 365.25 days a year.

---

This email has been checked for viruses by Avast antivirus software.

<https://urldefense.proofpoint.com/v2/url?u=https->

[3A\\_www.avast.com\\_antivirus&d=DwICaQ&c=IDF7oMaPKXpkYvev9V-](https://urldefense.proofpoint.com/v2/url?u=https-3A_www.avast.com_antivirus&d=DwICaQ&c=IDF7oMaPKXpkYvev9V-)

[fVahWLOQWnGCCAfCDz1Bns\\_w&r=kNiBpksvyVM0iIN3igrWR6hdEh13dSApiVcT1acaWw&m=eqZkfsCd3uJV5TYTjfc5-SXw22YRdSbIY\\_a\\_KKJCyk&s=rVfd31gCCFrnfnaIRw2kqvbXFqd9G8iH7ZyHHK0gHE&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A_www.avast.com_antivirus&d=DwICaQ&c=IDF7oMaPKXpkYvev9V-fVahWLOQWnGCCAfCDz1Bns_w&r=kNiBpksvyVM0iIN3igrWR6hdEh13dSApiVcT1acaWw&m=eqZkfsCd3uJV5TYTjfc5-SXw22YRdSbIY_a_KKJCyk&s=rVfd31gCCFrnfnaIRw2kqvbXFqd9G8iH7ZyHHK0gHE&e=)

SG forwarded to C Blue 5/25

## O'Connor, Kim (MGC)

---

**From:** Peter Miller <peter.millersr@gmail.com>  
**Sent:** Friday, May 25, 2018 8:03 AM  
**To:** MGCcomments (MGC)  
**Subject:** No to extended hours for serving alcohol

**Categories:** Green Category

To Whom it May Concern:

In response to your call for public input, please be advised that I am strongly opposed to extending the hours for serving alcohol at the MGM Casino to 4:00 a.m. I see this as a public safety issue. Those patrons drinking at that hour are likely to have been there for an extended time or coming from somewhere else where they have been drinking. They are not likely coming from home or from the 'office' at that hour. They will, in many/most, cases be impaired. They will then be heading to the roads. Not a good idea. Nothing good can result. Please vote no.

Thanks.

Peter Miller  
Westfield, MA

Sent from my iPhone

SG sent to C Blue 5/25/18

**O'Connor, Kim (MGC)**

---

**From:** Carol Campbell <ccampbell@chicopeeindustrial.com>  
**Sent:** Friday, May 25, 2018 2:01 AM  
**To:** MGCcomments (MGC)  
**Subject:** Opinion on exemption of MGM from current liquor law hours

**Categories:** Green Category

I do not support a change for one business/industry that does not include all.  
As a small business owner in MA (not in the same industry) it is difficult to compete against the large corporations.

The goal of regulations is to keep a playing field level for all businesses.

This charge would favor one business that serve alcohol.. over another business that serves alcohol.

Thank you  
Carol Campbell  
Chicopee Industrial Contractors, Inc  
Please excuse my typos  
Sent from my iPhone  
413 552-7755

SG forwarded to C Blue 5/25/18

## O'Connor, Kim (MGC)

---

**From:** David Cadran <cadrand@gmail.com>  
**Sent:** Thursday, May 24, 2018 11:08 PM  
**To:** MGCcomments (MGC)  
**Subject:** Public Comment

**Categories:** Green Category

Hello,

This is a public comment in regards to the MGM application for serving until 4am on the game floor.

As a downtown Springfield resident- I am all for this! Whatever will keep people coming to our downtown, we should do it. MGM has my full support on this.

Best regards,

David Cadran

Sent from my iPhone

SG forwarded to C Blue 5/25



## THE CITY OF SPRINGFIELD, MASSACHUSETTS

MAYOR DOMENIC J. SARNO

*HOME OF THE BASKETBALL HALL OF FAME*

June 8, 2018

Mr. Stephen Crosby, Chairman  
Massachusetts Gaming Commission  
101 Federal St., 12th Floor  
Boston, MA 02110

*Re: MGM Springfield Liquor License Application* via email: [mgccomments@state.ma.us](mailto:mgccomments@state.ma.us)

Dear Chairman Crosby:

The City of Springfield is writing with regard to the Massachusetts Gaming Commission's request for public comment on a draft of MGM Springfield's gaming beverage license application and, specifically, its request for extended hours on the gaming floor.

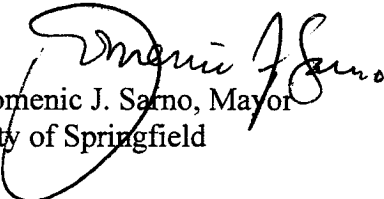
This is a very specific request to a unique venture and necessary restrictions and limitations are being proposed. I have expressed in the past that I am open minded to the application. Based on the City's review of the application, discussions with MGM Springfield and Commission staff, as well as the supplemental information that MGM Springfield has agreed to supply, I write to express the City's support of the MGM Springfield beverage application with the conditions outlined here.

According to the license application, just like all bars in Springfield, MGM "bars" will close at 2 a.m. However, MGM Springfield is requesting extended alcohol service between 2 a.m. – 4 a.m. limited to the casino floor and so long as the patron is actively gaming and so long as the necessary restrictions and limitations are put in place. I believe this can be accomplished safely. However, I would suggest that the Commission monitor the situation closely, and review the extended hours after ninety (90) days of operation, or sooner if significant problems are encountered.

In addition, though substantially complete, it is my understanding that MGM Springfield will be required to submit additional information - as highlighted in their application - before their application will be approved. This information Includes, among other things, further detail on physical features to be included in the outdoor plaza to provide adequate assurance that the interests of the integrity of gaming and/or public health, welfare or safety are met. Specifically, MGM Springfield will provide additional detail regarding physical barriers and signage, as well as its security plans to monitor the outdoor plaza area.

The opportunity for this casino development within the City of Springfield, given the devastation and economic hardship experienced since the 2011 tornado requires that state and local officials cooperate on keeping the focus on the potential for creating economic development in the City and within our region. In short, I urge the Commission to approve the MGM Springfield beverage application with the conditions as outlined above.

Very truly yours,



Domenic J. Sarno, Mayor  
City of Springfield

cc: Michael Mathis, President, MGM Springfield  
Kevin Kennedy, CDO

June 4, 2018

Massachusetts Gaming Commission  
101 Federal St., 12th Floor  
Boston, MA 02110  
Attn: Catherine Blue, General Counsel

**Re: Casino Applications to serve alcohol until 4:00 AM**

Dear Members of the Massachusetts Gaming Commission,

Please allow this correspondence to serve as written testimony by the Massachusetts Restaurant Association in opposition to any request by any gaming applicant to serve alcohol until 4 AM.

The restaurant industry and the casino industry will never compete on a level playing field when it comes to price for food or beverage. Restaurants are in the business of providing food, beverage and entertainment. This is their livelihood. Casino facilities operate on huge gaming revenues and give away food, alcohol and entertainment as a means of attracting and keeping gamblers. Restaurants should at least be able to compete within the same operating hours.

The MRA is opposed to any casino serving past 2:00AM until all alcohol serving establishments are permitted the same opportunity.

The Massachusetts legislature decided years ago that in the interest of public safety the Commonwealth should have strict alcohol service guidelines. The restaurant industry has responded positively to regulations regarding the responsible sale and service of alcohol. Gaming facilities should be held to the same standard of responsible alcohol service as the thousands of licensed restaurants in the Commonwealth.

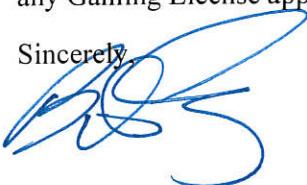
One very important public safety factor is that most alcohol served in the Casino after 2:00AM will be free. According to the Massachusetts Gaming Commission enabling statute (Chapter 23K, Section 26, part C): "...a licensee under this section may distribute **alcohol free of charge** and for on-premises consumption to patrons in the gaming area or as a complimentary service or item in the gaming establishment;" Free alcohol for patrons from 2:00AM until 4:00AM should be a major concern for any government agency.

Different closing times in neighboring communities has always been an issue for licensed establishments. One need only ask any operator with a 2:00AM license what happens when a neighboring community restricts service until 1:00AM. There is an inevitable rush of customers for that last hour of service. Now imagine what the rush will be with the lure of free drinks for another two hours?

Mohegan Sun, Foxwoods and Twin River, the closest competitors to Massachusetts casino operators all restrict alcohol service until 2:00AM.

On behalf of the more than 15,000 food and beverage locations in the Commonwealth we urge the commission to reject any Gaming License applicant the ability to serve any alcohol until 4:00AM.

Sincerely,



Bob Luz  
President and CEO



[facebook.com/marestaurants](https://facebook.com/marestaurants)



[twitter.com/massrestaurants](https://twitter.com/massrestaurants)



[instagram.com/ma\\_restaurants](https://instagram.com/ma_restaurants)



**AS Consulting, LLC**  
**PO Box 235**  
**Springfield, Ma 01101**

Massachusetts Gaming Commission  
101 Federal Street -12<sup>th</sup> Floor  
Boston, Ma 02110

Attn: Catherine Blue, General Counsel

Re: "MGM Springfield Liquor License Application"

Subject: comments

June 4, 2018

We are a consulting firm representing several downtown Springfield liquor and food establishments which employ in excess of 400 individuals. Some of our clients have been in operation for over 40 years.

First and foremost we commend MGM and the City of Springfield for their vision in focusing not merely on Gaming but expanding it into an Entertainment mecca. This area, definitely needs an economic development plan. Entertainment could become such a hub and driver.

However, we also believe that the hours of serving liquor should be extended to 4:00 for all downtown hospitality/entertainment establishments for both economic and safety reasons. To

that end we would ask the Gaming commission to approve MGM request AND also refer such decision to the Alcohol Commission for their recommendation.

Thank you for your interest,

Sincerely,

Michael Brisbois

Manager

AS Consulting, LLC.

Enrique and Steve,

I'm emailing in follow up to our conversation last week; thank you for your willingness to consider DPH input regarding the potential expansion in the number of hours casinos can serve alcohol. Please see below from our experts in our Bureau of Substance Addiction Services. Thank you.

Scientific literature & impact of extending drinking hours: in weighing the pros and cons of increasing the alcohol service hours by two hours, we examined systematic reviews of multiple studies. The conclusions quoted and referenced below are consistent:

- “There was sufficient evidence in ten qualifying studies to conclude that **increasing hours of sale by 2 or more hours increases alcohol-related harms**. Thus, disallowing extensions of hours of alcohol sales by 2 or more should be expected to prevent alcohol-related harms, while policies decreasing hours of sale by 2 hours or more at on-premises alcohol outlets may be an effective strategy for preventing alcohol-related harms.” → Hahn, R. A., Kuzara, J. L., Elder, R., Brewer, R., Chattopadhyay, S., Fielding, J. & Lawrence, B. (2010). Effectiveness of policies restricting hours of alcohol sales in preventing excessive alcohol consumption and related harms. *American journal of preventive medicine*, 39(6), 590-604. (attached)
- “Forty-four studies on density of alcohol outlets and 15 studies on hours and days of sale were identified through a systematic literature search. The majority of studies reviewed found that alcohol outlet density and hours and days of sale had an impact on one or more of the three main outcome variables, such as overall alcohol consumption, drinking patterns, and damage from alcohol. Conclusions: **Restricting availability of alcohol is an effective measure to prevent alcohol-attributable harm**.” → Popova, S., Giesbrecht, N., Bekmuradov, D., & Patra, J. (2009). Hours and days of sale and density of alcohol outlets: impacts on alcohol consumption and damage: a systematic review. *Alcohol & Alcoholism*, 44(5), 500-516. (attached)
- <https://alcoholjustice.org/news-2/blog/209-trading-hours/1335-4-a-m-last-call-research-update-splash-effect-means-one-city-s-party-is-another-city-s-pain>

From a public health perspective, there are many factors to consider when weighing whether extending the timeframe casinos can serve alcohol from 2 am - 4 am will have an **adverse effect on the surrounding populations**. It is important to think of these consequences from a universal, as well as a selective/indicated population perspective. From a universal perspective, there are factors that will adversely affect the general population.

- First, scientific literature has shown that extending hours of alcohol sales will produce alcohol related harms for the general population (see above).
- Second, this expansion might have a direct impact in the increase of DUI (<http://walkerd.people.cofc.edu/360/AcademicArticles/JHE.pdf>). Local emergency departments will need to prepare for increased patients, and local communities will need to determine how to get patrons home safely. For example, Connecticut conducted an extensive needs assessment to determine public health impact, and as a result, determined that a "safe ride" program for patrons to get home safely and reduce DUI (<http://www.mapc.org/wp-content/uploads/2017/11/Draft-Casino-Impact-Assessment-2013.pdf>).

- Third, there is also a direct impact on violence. A Norwegian study found that for every one hour extension, there was a statistically significant increase of 4.8% on assaults (<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3380552/>).

From a selective/indicated perspective, **there are individuals and segments of the population that are already at risk. It is critical to think about the patrons that will be gambling on the casino floor that fall into this segment of the population.** A percentage of those individuals will be at risk gamblers, or have gambling disorder (GD). When considering this group, it is critical to think about the high rate of comorbidities among individuals with GD; specifically, there is a large overlap between SUD and GD, as well as GD and other psychiatric illnesses. Specifically the national comorbidity study & replication study conducted by Harvard Medical School and the World Health organization found that among individuals with gambling disorder 46.2% also had an SUD. Among SUD's, AUD was the most prevalent (<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2293303/>).

- In the BSAS treatment system, we see the same overlap between AUD and GD. In FY 16 among enrollments to BSAS treatment, 5.2% (n=4,766) reported a history among problem gambling. Among these individuals, the majority reported alcohol as their primary drug (41%). Also nearly half were between 25-34, and 82% were male. Part of the DSM 5 diagnosis for any SUD, includes factors regarding consequences. For individuals that have both AUD and GD, and engage in drinking and gambling simultaneously; it can be difficult to set limits with either behavior. Studies have found that alcohol consumption is positively associated with the likelihood of experiencing any gambling-related problems and with the number of problems experienced (<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2710110/>). Given the large overlap between SUD and GD, it is also critical to think about the individuals that have an opioid use disorder.
- Similar to responsible gambling frameworks (Blaszczynski, A., Ladouceur, R., & Shaffer, H. J. (2004). A science-based framework for responsible gambling: The Reno model. *Journal of Gambling studies*, 20(3), 301-317.), it is critical to protect this segment of patrons by equipping casino employees with Narcan. There may be an opportunity to expand upon the casino kiosk staff and equip/train them on the use of Narcan and overdose prevention.
- <http://walkerd.people.cofc.edu/360/AcademicArticles/JHE.pdf> It is a link to a Journal of Health Economics.

Lindsey Tucker  
Associate Commissioner  
Massachusetts Department of Public Health  
Cell: 857.300.7937

## EPIDEMIOLOGY AND POLICY

### Hours and Days of Sale and Density of Alcohol Outlets: Impacts on Alcohol Consumption and Damage: A Systematic Review

Svetlana Popova<sup>1,2,3</sup>, Norman Giesbrecht<sup>1,2,\*</sup>, Dennis Bekmuradov<sup>1</sup> and Jayadeep Patra<sup>1</sup>

<sup>1</sup>Public Health and Regulatory Policies, Centre for Addiction and Mental Health, Toronto, Canada, <sup>2</sup>Dalla Lana School of Public Health, University of Toronto, Toronto, Canada and <sup>3</sup>Factor-Inwentash Faculty of Social Work, University of Toronto, Toronto, Canada

\*Corresponding author: 33 Russell Street, Toronto ON M5S 2S1, Canada. Tel: +1-416-535-8501 ext. 6895; Fax: +1-416-595-6899; E-mail: Norman\_Giesbrecht@camh.net

(Received 22 April 2009; first review notified 8 May 2009; in revised form 29 June 2009; accepted 6 August 2009)

**Abstract — Aims:** The aim of this study was to examine recent research studies published from 2000 to 2008 focusing on availability of alcohol: hours and days of sale and density of alcohol outlets. **Methods:** Systematic review. **Results:** Forty-four studies on density of alcohol outlets and 15 studies on hours and days of sale were identified through a systematic literature search. The majority of studies reviewed found that alcohol outlet density and hours and days of sale had an impact on one or more of the three main outcome variables, such as overall alcohol consumption, drinking patterns and damage from alcohol. **Conclusions:** Restricting availability of alcohol is an effective measure to prevent alcohol-attributable harm.

#### BACKGROUND AND CONTEXT

The World Health Organization (WHO, 2002) has indicated that in developed countries the harm from alcohol is ranked third out of 26 risk factors examined in terms of their contribution to disease, disability or mortality. The top two were tobacco and blood pressure, respectively. Alcohol was third, and ahead of the following risk factors: high cholesterol, body mass index, low intake of fruit and vegetables, physical inactivity and illicit drugs.

However, in contrast, in recent years, there are initiatives in place that promote alcohol, increase access to alcohol and stimulate alcohol sales. For example, in the UK, the rise in the affordability of alcohol by 65% between 1980 and 2006, the extension of hours of sale for both on-premise and off-premise outlets in 2003, combined with extensive advertising and the promotion of alcohol have been linked with an increase in consumption and drinking-related damage (Heather, 2006; Leon and McCambridge, 2006; Anderson, 2007; British Medical Association Board of Science, 2008).

In Canada, there has been extensive marketing and promotion of alcoholic beverages by liquor boards working in concert with alcohol producers (Giesbrecht, 2006; Giesbrecht *et al.*, 2006). In recent years, all jurisdictions within Canada have undergone substantial changes in how alcoholic beverages are distributed and sold. These changes have, for the most part, been gradual, while in some cases they have taken place concurrently. The most notable changes have included: an increase in alcohol marketing and promotion, an increase in alcohol density within retail outlets, an extension of hours and days of sale, and the use of discounts or sale prices in order to promote sales.

Provincial liquor boards and commissions include management of alcohol sales as part of their mandate. However, the current control functions are narrowly restricted to social responsibility initiatives, interventions to control smuggling, concerns about the quality of products, and some health promotion campaigns, such as prevention of drinking and driving. The social responsibility functions do not include controlling overall sales or reducing high-risk drinking, both of which have been

linked with population-level rates of damage, caused by alcohol consumption (Edwards *et al.*, 1994; Babor *et al.*, 2003). This perspective presents an incongruity between, on one hand, the greater commercial orientation and an emphasis on increasing alcohol sales and, on the other, an increase in damage and the costs that this commercial orientation will likely lead to.

This skewed current emphasis on the market factors stands in a sharp contrast to over 40 years of international research on the associations between access to alcohol, drinking patterns and damage from alcohol consumption. The body of alcohol-related research has repeatedly shown that an increase in alcohol sales is strongly linked to an increase in drinking-related damage, as demonstrated by three international projects affiliated with WHO (Bruun *et al.*, 1975; Edwards *et al.*, 1994; Babor *et al.*, 2003). Furthermore, a study of 14 European countries (Norström, 1999) established a strong association between documented trends over a 50-year period, in overall alcohol sales and mortality from alcohol-specific causes (Ramstedt, 2001), trauma (Rossow, 2001; Skog, 2001), chronic disease (Ramstedt, 2004b), as well as total mortality (Norström and Skog, 2001). Similar findings have emerged from a study conducted a few years ago, focusing on Canada and its provinces for the period 1950–2000 (Ramstedt, 2003; Skog, 2003; Norström, 2004; Rossow and Hauge, 2004; Ramstedt, 2004a, 2005).

Concurrent with extensive promotion, overall alcohol consumption and high-risk drinking have been increasing in Canada in recent years. In Canada, there has been an increase in the rate of alcohol consumption since about 1996 (Statistics Canada, 2002; Statistics Canada, 2007), with some variation between provinces. During this time, the percentage of drinkers who reported drinking 5+ alcoholic beverages per occasion, at least monthly, has also increased (Statistics Canada, 1997, 2005).

It is expected that these initiatives to increase access to alcohol and stimulate higher levels of overall consumption will contribute to an increase in the risks from alcohol, damage from alcohol and attendant health, social and law enforcement costs (Rehm *et al.*, 2006, 2008). This paper examines recent research studies focusing on two interventions that have been shown

to be particularly potent in the past in controlling consumption and damage from alcohol consumption, namely, hours and days of sale, and alcohol outlet density (AOD) (Babor *et al.*, 2003, chapter 16; Stockwell, 2006).

## METHODS

A systematic literature search was performed in multiple electronic bibliographic databases, including: Ovid MEDLINE, PubMed, EMBASE, Web of Science (including Science Citation Index, Social Sciences Citation Index, Arts and Humanities Citation Index), PsycINFO, the Cochrane Database of Systematic Reviews and Google Scholar. The search was conducted using the following keywords, in different combinations: alcohol, availability, outlet density, hours of sales, drinking pattern, morbidity, mortality, drinking and driving, injuries, crime and violence.

The available literature was searched from January 2000 to December 2008, in reference to the publication date. The search was not limited geographically and to English language publications. The last nine full years were chosen in order to provide the most recent evidence, with a sufficient number of studies and to facilitate presentation of each study along several dimensions (see Tables 1 and 2). As noted below, there is generic convergence in the findings from our systematic review reported here, and what has been reported previously (e.g. Edwards *et al.*, 1994; Holder and Edwards, 1995; Babor *et al.*, 2003; Stockwell, 2006).

Studies were excluded from the analysis for any of the following reasons:

- There was no assessment of the impact of an intervention or dependent variable.
- There was not sufficient information on the key variables, such as density of outlets or hours or days of sale.
- It was a meta-analysis or systematic review.
- The studies that were published in iteration.
- If the articles were available in abstract form only.

### Data extraction

The titles and abstracts, where available, were independently reviewed by two researchers to identify potentially relevant papers. The papers were obtained and independently read in full by two researchers. Differences were resolved by discussion and if necessary, by a third party. Reasons for exclusion were identified. The data were extracted based on inclusion and exclusion criteria defined above and on the pre-specified range of outcomes detailed in Tables 1 and 2. A second member checked the table entries for their accuracy against the original articles.

Selected studies were summarized using the following categories: author and date of publication, place and year of study; design/sample and main indicators; interventions; findings, organized by (i) alcohol consumption, (ii) drinking pattern and (iii) damage; and policy implications and comments.

The findings of this study were organized into two main categories: density of alcohol outlets, and hours and days of sale. In each case, the impacts of a change were examined on the following dimensions: overall alcohol consumption, drinking patterns and damage from alcohol. Overall consumption refers to either the average volume of alcohol consumed by

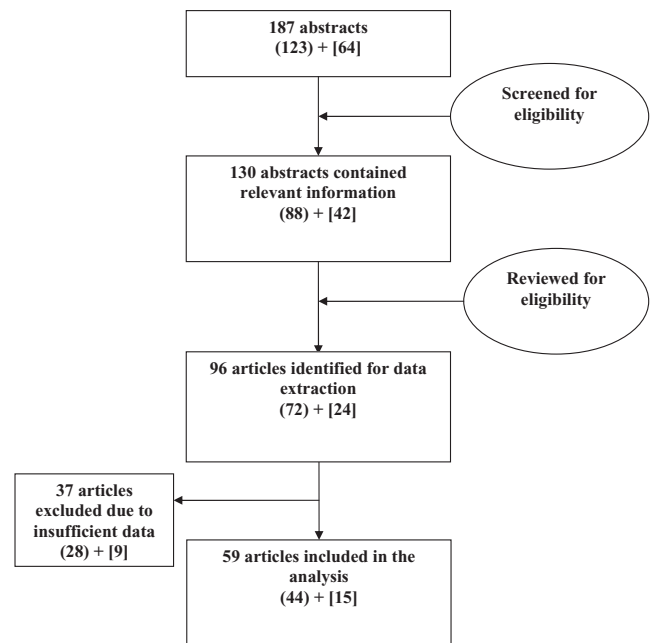


Fig. 1. Flowchart for the literature review on outlets density and hours and days of alcohol sales.

respondents (for example, if it is a survey-based study), or total sales of alcohol. Drinking patterns refer to a combination of variables, for example, how alcohol consumption is distributed over time. Measures of high-risk drinking are as indicated, for example, by blood alcohol levels. How high-risk drinking (such as, 5+ drinks per occasion) is distributed by age group or gender, and whether the percentage of persons at different levels of consumption increased or decreased as a result of the policy change, was also explored.

Finally, damage from alcohol is broadly defined, including both morbidity and mortality, and involving trauma (both intentional and unintentional causes), social problems and chronic disease. There are 45 types of trauma and chronic diseases associated with alcohol consumption (English *et al.*, 1995; Babor *et al.*, 2003). More than 30 ICD-10 three- or four-digit codes include alcohol in their name or definition (WHO, 2007) and over 200 ICD-10 three-digit disease codes in which alcohol is part of a component cause (Rothman *et al.*, 2008).

## RESULTS

The main search identified 187 abstracts, which resulted in 59 articles selected for full review and included in the present analysis (44 studies on AOD and 15 studies on hours and days of sale). The studies were found for the following countries: USA (36 studies), Australia (8), Canada (5), New Zealand (2), UK (2); and one study in each of Brazil, Iceland, Mexico, Norway, Sweden and Switzerland. The results of the systematic review are shown in Fig. 1.

### Density of alcohol outlets

Studies, which examined the AOD, are summarized in Table 1.

A few studies examined both drinking behavior (overall consumption and patterns) and alcohol-related damage

Table 1. Recent studies (2000–2008) on the impact of alcohol outlet density on alcohol consumption, drinking patterns and damage

Study; place and year of study	Design/sample of the study and main indicators	Findings: (A) drinking levels; (B) drinking patterns; (C) damage; and Policy implications and comments
(Trollidal, 2005b); Québec, Canada, 1950–2000	Interrupted time-series analysis focusing on Quebec, with rest of Canada as the control area; impact of policy changes—wine in grocery stores in 1978, large grocery chain stores allowed to sell wine in 1984 on liters of pure alcohol per capita aged 15+ (total and by beverage); alcohol prices and disposable income as control variables	(A) 10% increase in wine sales, sales of spirits and beer not significantly affected, and less effect on total sales. For 1983–1984, there was no immediate significant increase in sales of wine The estimated effect of the 1978 policy change was considered modest and likely due to a limited range of wines impacted by this change. Also, it is difficult to untangle impact of these policy changes from concurrent ongoing marketing initiatives by the government retail system
(Trollidal, 2005a); Alberta, Canada, 1950–2000	Interrupted time-series analysis focusing on Alberta, with the rest of Canada as the control area; impact of alcohol retail privatization (during 1993–1994) on total and beverage-specific adult per capita drinking (in liters of pure alcohol)—controlling for income and alcohol price—and fatal motor vehicle traffic accidents—controlling for number of motor vehicle registrations	(A) Alcohol retail privatization had a significant permanent effect on the sale of spirits, the effect on wine and beer sales was not significant, and the effect on spirits was not large enough to affect total sales. (C) The effect on the number of fatal motor vehicle traffic accidents was not significant While the privatization had an impact on AOD and hours and days of sale, it is noteworthy that alcohol sales were never allowed in ordinary grocery stores. Sales at the wholesale level continued to be under government monopoly control. The new system restricted the development of liquor store chains
(Norström, 2000); Norway, 1965–1995	Time-series analysis; number of public drinking places per 10,000 inhabitants (aged 15+); crime statistics (violence charges and convictions) per 100,000 inhabitants	(C) Statistically significant positive relationship was found between AOD and violence charges. For convictions, the relationship was positive, but of borderline significance ( $P = 0.06$ ) Other studies support conclusion, but first to be based on longitudinal data. To test for robustness and cultural specificity, replication studies in other drinking cultures are warranted
(Pollack <i>et al.</i> , 2005); CA, USA, 1979–1990	Multi-level analysis using cross-sectional surveys from four north/central California cities ( $n = 8197$ , 82 neighborhoods) linked to neighborhood deprivation variables. Three measures of alcohol access: AOD, closest distance of outlet to respondent's home and number of outlets within 0.5 mile radius of home. Separate analysis: on- and off-premise outlets	(A) The most deprived neighborhoods had substantially higher levels of AOD than the least deprived (46% versus 15%). Multi-level analysis showed that the least deprived neighborhoods were associated with the heaviest alcohol consumption even after adjusting for individual-level socio-demographic characteristics. (B) Alcohol availability was not associated with heavy drinking and thus, did not mediate the relationship between neighborhood deprivation and heavy alcohol consumption Mismatch between supply and demand may cause people in the most deprived neighborhoods to disproportionately suffer the negative health consequences of living next to an AO
(Kypri <i>et al.</i> , 2008); New Zealand, 1983	Examined the geographic density of AOs and associations with drinking patterns and problems among University students. 2550 students (mean age = 20.2) at six campuses were surveyed, and counts of outlets within 3 km from each campus were tested for their non-parametric correlation with campus drinking levels and related problems	(A) There were consistent significant associations of outlet densities with all outcomes in student-level-adjusted models. (C) Correlations for campus-level data were 0.77 ( $P = 0.07$ ) for drinking and personal problems and 0.31 ( $P = 0.54$ ) for second-hand effects Increasing AOD, and particularly off-premise licenses, may increase alcohol-related harm among university students
(Cohen <i>et al.</i> , 2006); Los Angeles (LA) County, USA, 1988–1996	Individual growth models to examine the independent effects of AO and damaged buildings on gonorrhea. Prevalence of gonorrhea, licensed AO, properties damaged during civil unrest and destruction of liquor stores and other businesses in 1992	(C) The individual growth model explained over 90% of the residual variance in census tract gonorrhea rates. After the civil unrest, a unit decrease in the number of AO per mile of roadway was associated with 21 fewer gonorrhea cases per 100,000 ( $p < 0.01$ ) in tracts affected by the unrest compared to those not affected The findings suggest that efforts to control STDs, including gonorrhea and HIV, should address contextual factors that facilitate high-risk behaviors and disease transmission
(Gorman <i>et al.</i> , 2001); NJ, USA, 1990	Examine the relationship between neighborhood social structure, AODs and violent crimes. Data were collected for 98 block groups and analyzed using bivariate, multivariate and spatial analyses	The strong association was between AO and violent crime. Even after variables were controlled for, areas with higher AO were found to have higher rates of violent crimes (explained about 1/5 of variability in violent crimes) It was found that AO only affects the immediate community and not surrounding areas. Hot spots of crime were not taken into consideration and may have affected the results found (i.e. areas where night time businesses are open, schools, etc.). Also, this study does not examine the mechanisms behind AO that account for the higher rates of crimes observed in such communities



(Peterson <i>et al.</i> , 2000); Columbus, OH, USA, 1990	Explore whether certain local institutions (i.e. AO) provide a mechanism linking economic deprivation and residential instability to criminal violence; rates of total and individual violent crimes were examined for 177 census tracts	Institutional mechanisms, such as bars, did not explain why economic deprivation and residential instability are strongly linked to violent crime The findings demonstrate that communities may reduce violent crimes somewhat by preventing some types of local institutions (i.e. bars) and by promoting the development of other types (e.g. recreation centers)
(Lipton and Gruenewald, 2002); CA, USA, 1990–1991	A spatial population model of the production of violence used to examine the relationships between population characteristics of target and surrounding areas and violence rates	(C) Bar density was found to be strongly associated with greater rates of assault, while restaurant density was associated with less violence. Both appeared to have the greatest effect in densely populated areas. Local and nearby population characteristics were also found to be related to greater rates of violence While limited to cross-sectional data, the current study suggests that AO, in the presence of socio-economic measures, moderate the occurrence of violence in urban areas
(Gyimah-Brempong, 2001); USA, 1990 and 1992	Investigate the relationship between alcohol availability (measured as alcohol license density) and crime. Census tract data from Detroit was used	(C) Alcohol availability had a significantly positive effect on the total crime rate, violent crime rate, property crime rate and homicide rate (alcohol elasticity of crime rates: 0.92, 0.82, 0.87, 0.12, respectively)
(Escobedo and Ortiz, 2002); New Mexico, USA, 1990–1994	Ecological design; linear regression model. Assessed the relationship between liquor AOD and alcohol-related health outcomes, including arrests for driving while intoxicated, alcohol-related crashes, crash fatality (adjusted for age, sex and minority status) and alcohol- and drug-related deaths	(C) Suicide, alcohol-related crash, and alcohol-related crash fatality are significantly associated with AOD. Data also show that, compared with the first tertile, suicide and alcohol-related crash rates increase about 50% and the alcohol-related crash fatality rate increases two-fold with the third tertile of AOD. Greater availability of AO is associated with higher rates of suicide, alcohol-related crash, and alcohol-related crash fatality. With one unit increase in the rate of liquor outlet density, per every 1000 population the rate of suicide increases by 0.23, the rate for alcohol-related crash by 2.4 and the rate for alcohol-related crash fatality by 0.22 In New Mexico, counties with lower median family income tend to have higher liquor outlet density. Programs to reduce alcohol-related injury by reducing availability of alcohol in communities where many of its residents are of low socio-economic status should be implemented
(Scribner <i>et al.</i> , 2007); Los Angeles, CA, USA, 1990–1996	Voting rates were analyzed to determine if a decrease on AOD is related to a change in social capital, subsequent to the LA civil unrest of 1992. It was predicted that a loss of AO would result in an increased social network. AO was divided into onsite and offsite locations and civil engagement (social capital) was measured by how many residents voted. They also looked at rates of economic inequality, economic deprivation, crime rates and other features of the neighborhoods. The data were analyzed using descriptive, bivariate and multivariate analyses in cross-sectional and longitudinal analyses	Found that after the riots, more AOs were closed down in areas where most damage had occurred as well as communities where the social capital opportunity was higher, where there was a greater proportion of Hispanic, Asian and M residents, and with a greater population between 15 and 44 years of age. They also found that voting rates increased regardless of whether AOs were decreased, but the increase was substantially higher in communities where AOs were surrendered (i.e. licenses surrendered) Seems that a decrease in AO acts as a catalyst for increasing social capital through expanding social systems and this held up in spite of economic differences, but not inequalities between communities. Limitations exist in that voting rates may not be an accurate predictor of social capital and migrating effects due to the riot were not taken into consideration
(Yu <i>et al.</i> , 2008); Los Angeles, CA, USA, 1990–1999	A hierarchical model was used to evaluate the impact of the ‘1992 Civil Unrest’ in LA on crime; civil unrest lead to damaged AO, therefore decreased alcohol sales. A total of 480 census tracts: 144 tracts underwent AO closures, while 336 did not. Measure of assaults was obtained from the LA Police Department	(C) A positive association between alcohol availability and assault; beginning 1 year after the civil unrest, on average, the census tracts that experienced AO closures experienced more dramatic decreases in assault rates This natural experiment proves important in implementing policy changes to reduce alcohol-related assault and crime
(Gyimah-Brempong and Racine, 2006); Detroit, MI, USA, 1992	This study uses census tract data and robust nonparametric estimation methods to investigate the relationship between alcohol availability and crime rates	(C) It is found that there is a positive and statistically significant relationship between crime rates and alcohol availability with calculated elasticities of 0.34, 0.37, 0.35 and 0.27 for total crime, violent crime, economic crime and homicide, respectively The effects of alcohol availability on crime rates vary with the density of alcohol availability Alcohol control policies should be evaluated at different levels of alcohol availability, in contrast to current policies, which are based on the assumption that the effect of alcohol control policies is the same regardless of the level of alcohol availability

(continued overleaf)

Table 1. (Continued)

Study; place and year of study	Design/sample of the study and main indicators	Findings: (A) drinking levels; (B) drinking patterns; (C) damage; and Policy implications and comments
(LaScala <i>et al.</i> , 2001); California communities, USA, 1992–1996	A geostatistical analysis of ecological data to examine the relationships of neighborhood characteristics, including alcohol availability and alcohol consumption patterns to pedestrian injury collisions. Archival and individual-level data from a general population telephone survey were obtained from four California communities. Units of analysis were geographic areas within each community, defined by the spatial clustering of telephone survey respondents. Independent variables: number of cross streets, bars, restaurant and off-premise outlets per km of roadway; dependent variable: pedestrian injury rate	(C) Alcohol-involved pedestrian collisions occurred more often in areas with greater bar densities and greater population, and where the local population reported drinking more alcohol per drinking occasion. Pedestrian collisions not involving alcohol occurred more often in lower income areas with greater population and cross-street densities, and in areas having either younger or older age populations The identification of neighborhood variables associated with pedestrian collisions has important implications for policy formation and targeted prevention efforts
(Treno <i>et al.</i> , 2001); CA, USA, 1992–1996	Alcohol availability, both on and off-premise, self-reports of injuries in past 6 months, type of injury, cause, location, demographic characteristics of respondents. Outlets linked with survey respondents through geographic mapping and assigned an availability measure <i>N</i> of outlets within 2 km radius for on and off separately. Telephone survey of 13,441 respondents from four communities	(C) Self-reported injury is related to the density of both on- and off-premise AO, independent of the other predictors in the model. There may be several explanations of this relationship. Outlets may be associated with more drinking, which predisposes individuals to injury. Outlets might influence neighborhood characteristics to put individuals at risk of injury, independent of their drinking. Or AO may, merely, be a surrogate measure for broader community conditions, although this possibility is partially controlled for in this study through the inclusion of individual and community-level covariates in the analysis models These three possible explanations have different policy implications: (1) interventions need to target problematic drinking behavior; (2) interventions may be most profitably targeted toward altering alcohol access, independent of drinking behavior; and (3) targeting either outlets or drinking would be irrelevant to injury
(Gruenewald <i>et al.</i> , 2002); CA, USA; 1993–1996	The study examines the degree to which the physical availability of alcohol, as measured by outlet densities, is related to self-reported individual drinking patterns, preferred drinking location, as well as both <i>driving after drinking</i> (DAD) and <i>driving while intoxicated</i> (DWI). <i>N</i> = 7826 drinkers from 1353 zip code areas in California using general-population telephone survey. HLM was used to relate AOD within and surrounding respondents' area of residence to respondents' drinking and their drinking and driving. Measures of individual alcohol consumption: drinking frequency, drinks per occasion and variance in quantities consumed per occasion. Preferred drinking locations included bars, restaurants and homes or friends' homes. DAD was defined as driving a motor vehicle within 4 h of having one or more alcoholic drinks, and DWI was defined as driving after having too much to drink and drive safely. Geographic measures of AOD were obtained for bars, restaurants and off-premise establishments, using zip codes as geographic units of analysis	(A) Whereas restaurant densities were directly related to greater drinking frequencies and DAD, bar densities were inversely related to DAD. (C) Drinking and driving was strongly related to drinking location preference (e.g. bars and restaurants) only when considered simultaneously with individual drinking patterns, particularly drinking frequency. <i>Conclusions:</i> Increased restaurant density is strongly related to a higher rate of both self-reported DAD and drinking frequency. The strongest influence on both DAD and DWI is preferred drinking location, considered together with individual drinking patterns. AOD and preferred drinking location when considered together with individual drinking patterns support DAD and thereby increase the potential for alcohol-related accidents. (B) There were no direct effects of drinking patterns on drinking and driving
(Reid <i>et al.</i> , 2003); Kansas City, MO, USA, 1995	Hierarchical regression analysis was used to determine the independent association between AOD and the rate of assaultive violence, socio-demographic factors, AOD and rates of assaultive violence across 89 inner-city census tracts in Kansas City, Missouri	(C) Socio-demographic variables predicted 61% of the variance in assaultive violence, but an additional 9% of the variability was explained by the AOD. AOD contributed significantly to the explained variance of the regression model and was associated with higher rates of assaultive violence in this Midwestern city Inner-city areas may be especially vulnerable to high concentrations of AO, especially when they are characterized by a concentration of deteriorated housing, predatory lending offices and a paucity of full-service supermarkets. In these contexts, even low AOD may function as a tipping point that portends a spiraling crime rate
(Gruenewald and Remer, 2006); CA, USA, 1995–2000	Population-based ecological approach. Longitudinal data from 581 consistently defined zip code areas represented in the California Index Locations Database, a geographic information system that coordinates population and ecological data with spatial attributes for areas across the state. Demographics, hospital discharge data, AO, retail data, violent assaults	(C) Lower median household income and greater percentages of minorities (African American, Hispanic and Asian) were related to increased rates of violence. A 10% increase in the number of off-premise AO and bars were related to 1.67 and 2.06% increases in violence rates across local and lagged spatial areas, respectively. Every six outlets accounted for one additional violent assault that resulted in at least one overnight stay in a hospital. These effects increased with larger M populations, doubling with every 3% increase. Assault rates were most strongly related to median household incomes and minority populations within zip code areas. Controlling for changes in assault rates related to these measures, greater numbers of licensed alcohol retail establishments, especially bars and off-premise outlets, were related to assault rates Failures to regulate the growth in the number of bars will increase rates of violence, especially in urban areas

- (Treno *et al.*, 2007); CA, USA, 1995–2000  
The study examines aggregate-level archival data on population and place characteristics collected for 581 indexed zip code areas. Panel model analysis enabled the examination of temporal effects and changes in AO numbers to population-based rates of alcohol-related motor vehicle accidents. Demographics, number of AO, retail data. The hospital discharge data (HDD) included automobile crashes resulting in at least one overnight stay; Automobile crash data: Statewide Integrated Traffic Record Systems (SWITRS) data included police reports of suspected alcohol-related automobile crashes
- (Nielsen *et al.*, 2005); FL, USA, 1996–1997  
Multivariate regression analyses were used to assess the impact of AOD on aggravated assault and robbery victimization in Latino and black populations. 70 census tracts with 500 or more residents were evaluated
- (Lapham *et al.*, 2004); Albuquerque, NM, USA, 1996–2000  
Investigated the spatial relationship between drive-up liquor window locals and alcohol-related traffic accidents for 2 years before and after New Mexico banned drive-thru alcohol sales. Cross-sectional and longitudinal (time series) regression analyses for two geographical areas: one model for the entire state (including Albuquerque) and a model focusing on the Albuquerque study area
- (Livingston, 2008b); Australia, 1996–2005  
Examined 9 years of data using fixed-effects models to determine the relationship between three types of AOD (using liquor licensing records) and assault (using police records of night time assaults)
- (Treno *et al.*, 2003); CA, USA, 1998–2000  
Investigates the relationship between AOD and self-reported underage drinking and driving, acquired through two telephone surveys. A final sample of 614 individuals, who had complete information on all relevant measures (323 M and 291 W). Hierarchical Linear Modeling Variables: *Drinking and driving (DAD)* and *riding with drinking drivers (RWDD)*
- (C) Changes in outlet densities over time, across 581 stable zip code locations, were directly related to traffic injury rates requiring hospitalization, but which may or may not have involved alcohol (HDD data) and to crash rates reported by police that were suspected to have had alcohol involved (SWITRS data). Local and lagged population characteristics were also related to both outcomes. Importantly, in support of established cross-sectional findings, bar and off-premise outlet densities were related to both measures
- (C) Higher AOD was associated with more Latino aggravated assault and robbery victims
- (C) Out of all NM liquor licenses, 189 (9%) included drive-up sales, which co-occurred with on- or off-premise licenses (94%). The rate of non-pedestrian alcohol-related crashes relative to non-pedestrian total crashes showed an increasing trend prior to the closure and a decreasing trend after the closure. Cross-sectional analyses in Albuquerque revealed that the percentage of alcohol-involved crashes was not related to densities of on- or off-premise AO per km of roadway, or to the percentage of drive-up outlets. Statewide, the percentage of drive-up outlets was not significantly related to the percentage of alcohol-related crashes within census tracts, but was positively associated with the percentage of alcohol-related crashes in surrounding census tracts. A statistically significant relationship did not exist between the number of drive-ups and percentage of alcohol-related crashes in either of the longitudinal models  
Despite the declining rate of alcohol-related crashes following closure of drive-up liquor windows, both in Albuquerque and statewide, regression models using spatial data do not demonstrate, definitively, an association between the decline and the closure of the drive-up liquor windows
- (C) The initial models found overall positive relationships between all three types of AOD and violence. When separate models were developed for different clusters of postcodes, the link between AOD and violence was significant in all neighborhood types, although specific relationships varied substantially  
Changes in the number of AOs in a community are linked to changes in the amount of violence a community experiences. Since the number of licenses for alcohol establishments is increasing, detrimental effects on the community may be expected
- (C) At the aggregate or city level, AO density, as measured by the number of on- and off-premise establishments licensed to sell alcohol, was associated with both DAD and RWDD. These effects were moderated by a number of individual-level effects, with younger respondents and W more likely to be affected by outlet densities. There was a main effect of AOD on DAD ( $P = 0.032$ ) (i.e. higher densities were associated with more frequent DAD). This effect was moderated by a number of individual-level effects, with younger respondents, and W more likely to be affected by outlet densities. The analysis of RWDD found a similar main effect for density, with moderated effects also for age and gender. Prompted by concerns that these effects were specific to either on- or off-premise densities, separate analyses predicting DAD were performed for each. These analyses produced virtually identical results, with the notable exception being one-tailed (as opposed to two-tailed) significance for density ( $P = 0.071$ ) and density  $\times$  age interaction ( $P = 0.093$ ) effects  
The findings provide support for the implementation of policies targeting alcohol AOD reductions. Areas with a large number of such outlets provide ample opportunities to youth for alcohol purchases

(continued overleaf)

Table 1. (Continued)

Study; place and year of study	Design/sample of the study and main indicators	Findings: (A) drinking levels; (B) drinking patterns; (C) damage; and Policy implications and comments
(Freisthler and Weiss, 2008); USA, 1998–2001	The current study incorporates three aspects of the substance use environment in a panel study of 58 California counties over 4 years ( $n = 232$ ) to study this relationship for referrals to child protective services (CPS) for child abuse and neglect. The data were analyzed using Bayesian spatio-temporal panel models	Use of welfare, the number of AOs per population and the number of drug-related arrests per population are positively related to referrals while unemployment and admissions to publicly funded alcohol and drug user treatment programs are negatively correlated to referrals. Significant spatial structure and space–time relationships are also found. The findings indicate that supply of alcohol and drugs (as measured by number of alcohol outlets and arrests for drug use and sales) may increase risk for being referred to CPS, but treatment for substance use does not increase the risk for referral
(Freisthler <i>et al.</i> , 2007); CA, USA, 1998–2003	The purpose of the study was to determine how changes in the number of AO is related to rates of referrals, substantiations and foster care entries as a consequence of child maltreatment; examines temporal effects of AOD; data were obtained from the California Department of Social Services and California Department of Alcoholic Beverage Control, respectively. Data were analyzed using spatial random effects panel models, using Spatial Statistical Systems	It was found that areas with a greater amount of bars expressed higher rates of child maltreatment, but areas in which local and lagged bars as well as off premise AOs were increased was correlated with higher rates of foster care placements, but an increase in restaurants decreased child maltreatment
(Weitzman <i>et al.</i> , 2003); Boston, USA, 1999–2000	Designed to determine whether AOD correlated with heavy and frequent drinking and drinking-related problems. AOD, survey measures of drinking using a geographic information system and the Harvard School of Public Health College Alcohol Study ( $n = 3421$ ; site $n = 8$ ). Initial analyses tested rank-order correlations between AOD and drinking among all student drinkers. Next, rank-order correlations between AOD and drinking measures among subgroups of student drinkers were tested	(A) AOD was correlated with heavy drinking, frequent drinking and drinking-related problems. For W: underage students and students who picked up binge drinking in college were affected. (B) Overall, there was a significant correlation between AOD and heavy drinking (i.e. consumed 5+ drinks at an off-campus party) for all drinkers ( $r$ , with several sites tied in rank). This finding was found to hold for multiple subgroups of students, specifically for M and students who picked up binge drinking in college. AOD was correlated with frequent drinking (i.e. drank on 10+ occasions in past 30 days) for all drinkers, with multiple ties in rank, non-Greek affiliated students, underage students, which had multiple ties, and students who picked up binge drinking in college. (C) AOD was correlated with problem drinking (i.e. reporting 5+ problems since the beginning of the school year) among all drinkers, W, underage students, average students and students who reported picking up binge drinking in college
(Britt <i>et al.</i> , 2005); Minneapolis, MN, USA, 2000	Onsite and offsite alcohol establishment rates were compared to incidence of violence (obtained through the police department) in 79 neighborhoods in Minneapolis to determine any relationships present. The relationship between crime and AOD was determined cross-sectionally using Bayesian analytical methods	(C) Found a significant relationship between AOD and crime even in the presence of fixed effects and spatial smoothing. The north and central regions of Minneapolis were found to have both the most AOs and crime rates. It was found that the erection of just one AO can increase crime by five crimes per 1000 individuals per year (only severe crimes were studied) A possible limitation is that daytime employment residents were included in the study and not night time non-residents of the city, which may yield different results
(Freisthler <i>et al.</i> , 2004); USA, 2000	To determine whether neighborhood alcohol access is related to substantiated reports of child physical abuse and neglect. A cross-sectional study was implemented using spatial regression procedures to examine the relationship between number of bars, restaurants and off-premise outlets per population, and rates of child abuse in 940 census tracts	(C) Spatial regression techniques were applied and demonstrated that the number of off-premise outlets per 1000 of the population had a positive effect on the rate of child physical abuse, and the number of bars per 1000 of the population had a positive effect on the occurrence of substantiated neglect
(Freisthler <i>et al.</i> , 2005); California, USA, 2000	To examine neighborhood rates of child maltreatment for 304 block groups in one northern California city. A cross-sectional design	(C) Higher concentration of bars and numbers of incidents of drug possession were positively related to rates of child maltreatment when controlling for neighborhood demographic characteristics
(Gorman <i>et al.</i> , 2005); Houston, TX, USA, 2000	To compare the effects of AOs and drug hot spots on rates of violence. An ecological study design was employed, using a sample of 439 census tracts	It was found that socio-cultural variables accounted for 40% of the variability in violent crimes. In a model where socio-cultural variables and drug-related crimes were present, AOD did not represent a significant account of the variability in violent crimes. The model with drug crime density explained 72% of the variance in violent crimes, whereas the model with AODs explained 46% of the variance in violent crime rates. It was found that off-sale alcohol density was much more strongly correlated with violent crimes than on-sale ADs Limitations of the study included the fact that information of violent crimes all came from the same place and alcohol-related crime was not looked at specifically as information was unavailable. Furthermore, attractors of violence were not analyzed such as late night businesses. Because a large city was used, a greater rate of violent crime was found and this may not be able to generalize to smaller locations

- (Gruenewald *et al.*, 2006); CA, USA, 2000  
Cross-sectional data on hospital discharges for violent assaults were obtained for residents of 1637 zip code areas in CA. Assault rates were related to measures of population and place characteristics using spatial statistical models corrected for spatial autocorrelated error
- (Scribner *et al.*, 2000); NO, USA  
Analyzed 2604 telephone surveys within 24 census tracts stratified by poverty status and AOD. Distance to AO, age, sex, race/ethnicity and level of education were entered as individual level covariates, and their corresponding aggregated means were entered as census tract level covariates (i.e. mean distance to outlets, mean age, percentage M, percentage Black, mean education). HLM alcohol consumption, drinking norms, drinking attitudes, social acceptability, exposure to AO, socio-demographics
- (Zhu *et al.*, 2004); TX, USA, 2000.  
Using multivariate regression and geospatial analyses, the relationship between AOD and violent crime was investigated. 188 census tracts in Austin, Texas, and 263 in San Antonio, Texas, with information drawn from archival sources
- (Scribner *et al.*, 2008); 32 colleges and universities in the USA, 2000–2004  
Objective: To examine the relationship between the physical availability of off-campus alcohol and drinking outcomes among college students. A multilevel analysis of students ( $N = 17,051$ ) residing on campus ( $N = 32$ ) was conducted. Four problem-drinking-related outcomes: average number of drinks when partying, frequency of drunkenness in the past 2 weeks, 30-day frequency of drinking and greatest number of drinks in one sitting; individual level covariates of drinking were introduced at the student level. The number of on- and off-premise AO within 3 miles of campus per 1000 enrolled students
- (Livingston, 2008a); Australia, 2001  
Cross-sectional data on police reported assaults, AO and socio-demographic characteristics were used to construct a series of models to test the relationship between AOD and assault. Four relationships were examined: a normal linear relationship between AOD and assault, a non-linear relationship with potential threshold or saturation densities, a relationship mediated by the socio-economic status of the neighborhood and a relationship that takes into account the effects of outlets in surrounding neighborhoods
- (Huckle *et al.*, 2008); New Zealand, 2001–2005  
Examined the relationship between physical, socio-economic and social environments and alcohol consumption patterns of drinkers aged 12–17 years. A random telephone survey. Multi-level modeling was used to predict typical-occasion quantity, frequency of drinking and drunkenness, using AOD as a predictive factor. A sample of 1179 teenagers, and AOD determined for 8628 census meshblocks
- (C) Rates of assault were related to population and place characteristics within zip code areas, and with characteristics of populations living in adjacent zip code areas. Assault rates were related significantly to local densities of off-premise alcohol retail establishments, not bars. However, densities of bars substantially moderated the effects related to local population characteristics. Bars were related significantly to violence in unstable poor minority areas and in rural middle-income areas of the state
- (A) Analysis of variance revealed that 16.2% of the variance in drinking norms and 11.5% of the variance in alcohol consumption were accounted for at the census tract level. In multivariate hierarchical analysis, individual distance to the closest AO was unrelated with drinking norms and alcohol consumption, whereas the mean distance to the closest AO demonstrated a negative relation with drinking norms ( $\beta_e = -5.50 \pm 2.37$ ) and with alcohol consumption ( $\beta_e = -0.477 \pm 0.195$ ); that is, the higher the mean distance to the closest AO, the lower the mean drinking norms score and mean level of alcohol consumption  
The findings suggest that the effect of AOD on alcohol-related outcomes functions through an effect at the neighborhood-level rather than at the individual-level. Problem drinkers tend to be grouped in neighborhoods, an effect predicted by AOD
- (C) The final model (with adding AOD) explained 71% of the variance in violent crime in Austin and 56% in San Antonio, after controlling for socio-structural features  
The issues of alcohol availability and access are fundamental to the prevention of alcohol-related crimes within communities
- (A) Higher densities of on-premise AO strongly related to drinking outcomes, remaining after controlling for individual predictors of college drinking. The association indicated that the campus means for the average number of drinks when partying and the number of drinking occasions in the past 30 days were, respectively, 1.13 drinks and 1.32 occasions greater when the AOD was two SDs higher  
Off-campus, on-premise AOD is strongly associated with college-drinking outcomes. Given the limited number of modifiable factors that affect college drinking, on-premise AOD represents a potential modifiable means of addressing the problem
- (C) A significant relationship between AOD and assault rates was found  
An increasing accelerating effect for the density of hotel (pub) licenses was found, suggesting a plausible upper limit for these licenses. The ongoing liberalization of the liquor licensing policy in Australia has the potential to give rise to increasing public health problems and public order
- (A) AOD was associated with typical occasion quantity and approached significance for frequency of drunkenness. Frequency of supply was also a significant predictor of all drinking measures, as was ethnic status  
Living within 10 min drive of relatively more outlets was associated with larger quantities of alcohol consumed by underage drinkers, making it an area of considerable importance from a public health perspective

(continued overleaf)

Table 1. (Continued)

Study; place and year of study	Design/sample of the study and main indicators	Findings: (A) drinking levels; (B) drinking patterns; (C) damage; and Policy implications and comments
(Donnelly <i>et al.</i> , 2006); Australia, 2002	A secondary analysis of the National Crime and Safety Survey was conducted using data from 9300 survey participants from New South Wales, to investigate the relationship between AOD and perceptions of alcohol-related problems	(B and C) Multi-level modeling revealed that respondents, who lived closer to alcohol outlets and in high-density areas, were more likely to report problems in their neighborhood from drunkenness to property damage The potential impact of higher concentrations of AO on the well-being of a community should force policy makers to restrict the number of licenses granted
(Kuntsche and Kuendig, 2005); Switzerland, 2002	Aim: to investigate the relationship between AOD, perception of adolescent drinking in public (both assessed at the school level), and adolescent drinking and drunkenness at individual level. Hierarchical linear regression models were calculated based on data from 1194 ninth graders in Switzerland (mean age = 15.3, SD = 0.7) and their schoolmasters ( $n = 61$ ). Frequency of adolescent alcohol use; frequency of lifetime drunkenness; AOD; perception of adolescents drinking in public	(A) Apart from the positive main effects, the results reveal a negative interaction of AOD and the perception of adolescent drinking in public in predicting individual alcohol use among adolescents. In regions with a high AOD, it appears that the schoolmasters' perception reflects the general drinking norm of the surrounding local area rather than the actual adolescent drinking level More research is needed, particularly in Europe and among adolescent populations, in order to reach a better understanding of school-level predictors of adolescent alcohol use
(Truong and Sturm, 2007); USA, 2002–2003	Examined the relationships between alcohol environments and excessive alcohol consumption, heavy episodic drinking, driving after drinking and riding with a driver after drinking. Two surveys were utilized ( $n = 8167$ , $n = 42,044$ ), with the primary explanatory variable being types of outlet locations from the individuals residence	(A) On-sale establishments, particularly minor-restricted establishments, were significantly associated with alcohol consumption and heavy episodic drinking, after controlling for socio-demographics. Off-sale retailers were not found to be related to problem drinking Minor restricted establishments that sell alcohol illustrated the highest risk for heavy episodic drinking when located within 1 mile of individuals' residences, although these establishments account for only 6% of licenses. License regulation must be paired with comprehensive measures to solve alcohol-related problems
(Livingston <i>et al.</i> , 2008); Australia, 2003–2004	Examined individual and community level correlates of regular very high-risk drinking (>20 drinks for M and >11 for W, at least monthly) among young (16–24) drinkers, using a CATI survey of 10,879 participants	(A) One-fifth reported regular high-risk drinking. AOD was seen as a significant community-level correlate, associated with the increased prevalence of high-risk drinking Regulatory management of retail outlets should be a priority, and an ongoing focus on early intervention and prevention of alcohol is required
(Schonlau <i>et al.</i> , 2008); USA, 2004–2005	Alcohol consumption information was collected through a telephone survey of 2881 households geo-coded by neighborhood (both in LA County and Louisiana) and individual and was used to assess the relationship between alcohol availability as measured by the density of off-premise AOs and alcohol consumption	(A) AOD was not associated with the percentage of respondents who were drinkers in either site. AOD was associated with the quantity of consumption among drinkers in Louisiana but not in LA. AOD within a one-mile buffer of the respondent's home was more strongly associated with alcohol consumption than AOD in the respondent's census tract The relationship between AOD and drinking behaviors is complex and may vary due to differences in the neighborhood design and travel patterns
(Theall <i>et al.</i> , 2008), CA and Louisiana, USA, 2004–2005	A hierarchical model was employed to examine whether AOD is associated with reduced social capital and whether this relationship is mediated by perceived neighborhood safety. $N = 2881$ from 217 census tracts	Neighborhood off-premise AOD was strongly associated with reduced social capital, and the relationship between collective efficacy and AOD appears to be mediated by perceived neighborhood safety AOD may hinder the development of social capital

M, men; W, women; AO, alcohol outlet(s); AOD, alcohol outlet density; HLM, hierarchical linear modeling; STD, sexually transmitted diseases; SD, standard deviation.

Table 2. Recent studies (2000–2008) on the impact of hours and days of sale on alcohol consumption, drinking patterns and damage

Study; place and year of study	Design/sample of study and main indicators; interventions	Findings: (A) drinking levels; (B) drinking patterns; (C) damage; and Policy implications and comments
(Chikritzhs and Stockwell, 2006); Perth, Western Australia, 1990–1997	Examined the impact of later trading hours for licensed hotels on levels of associated impaired driver road crashes and drivers' breath alcohol levels, using police data for impaired drivers involved in road crashes. Time-series analyses using multiple linear regressions were applied to determine the influence of an Extended Trading Permit (ETP); later trading hours for licensed 'hotels'	(C) Later trading levels corresponded with a significant increase in monthly crash rates. No relation was found between drivers' breath alcohol levels and ETPs The authors found that extended trading hours were consistent with increased levels of impaired driver road crashed and alcohol consumption. This may be an indication of characteristics specific to clientele of hotels who applied for the ETP
(McMillan and Lapham, 2006); NM, USA, 1990–2000	The ARC and ARC fatality data were modeled using the classic decomposition of time series into trend and seasonal components and testing for temporal autocorrelation in the residuals. Generalized linear models and Poisson regression models were used; study determined the relative risk of alcohol-related motor-vehicle accidents and fatalities after New Mexico lifted its ban on Sunday packaged alcohol sales	(C) 29% increase in alcohol-related crashes and a 42% increase in ARC fatalities on Sundays after the ban on Sunday packaged alcohol sales was lifted. There was an estimated excess of 543.1 alcohol-related crashes and 41.6 ARC fatalities on Sundays after the ban was lifted Repealing the ban on Sunday packaged AS introduced a public health and safety hazard in New Mexico. State legislators should consider these consequences when deciding on a policy that is intended to serve the public well-being
(McMillan <i>et al.</i> , 2007); NM, USA, 1990–2000	The goal of this study was to measure county-level variability in changes in ARC rates, while adjusting for county socio-demographic characteristics, spatial patterns in crash rates and temporal trends in ARC rates. Bayesian hierarchical binomial regression models ARC rate, socio-demographic characteristics; legalized Sunday packaged alcohol sales	(C) Results show marked variability in the impact of legalized Sunday packaged AS on ARC rates. Relative risks of an ARC for the post-repeal versus pre-repeal period vary across counties, from 1.04 to 1.90. Counties with an older population suffered a greater negative impact of legalized Sunday packaged alcohol sales. Counties with communities that quickly passed the local option to re-ban packaged sales on Sundays were able to mitigate most of the deleterious impact that increased alcohol availability had, across the state The current study shows that this impact varies considerably across counties in New Mexico. Furthermore, the negative impact of legalized Sunday packaged alcohol sales appear to have been mitigated in counties with large communities that quickly held an election to reinstitute the ban
(Chikritzhs and Stockwell, 2002); Perth, Australia, mid-1991 to mid-1997	Examined the impact of later trading hours for licensed hotels ('hotels') on levels of violent assault on or near these premises. Levels of alcohol purchases were also examined. A time-series analysis, employing linear regression assault rates; later trading hours for licensed hotels ('hotels')	(C) There was a significant increase in monthly assault rates for hotels with late trading following the introduction of extended trading permits. This relationship was largely accounted for by higher volumes of high alcohol content beer, wine and distilled spirits purchased by late trading hotels It is suggested that greater numbers of patrons and increased levels of intoxication contributed to the observed increase in violence and that systematic planning and evaluation of late trading licenses are required
(Vingilis <i>et al.</i> , 2005); Ontario, Canada, New York and Michigan, 1992–1998	The purpose of the study was to evaluate the road safety impact of extended drinking hours in Ontario, with a quasi-experimental design, using interrupted time series with a non-equivalent non-intervention control group to assess changes in the volume of AS in Ontario between 1989 and 1999. Total and alcohol-related monthly traffic fatalities for specific nights of the week for Ontario and compared to neighboring regions of New York and Michigan; on 1 May 1996, Ontario, Canada, amended the Liquor License Act to extend the hours of AS and service in licensed establishments from 1 am to 2 am	(A) The volume of sales in thousands of liters of beer, wine and spirits and per capita 15 years of age and over for Ontario were subjected to time-series analyses. The trends indicate that consumption of beer decreased between 1994 and 1998, while the consumption of wine and spirits decreased in the early 1990s and increased in the late 1990s (C) The blood alcohol concentration positive driver fatality trends reflected downward trends for Sunday–Wednesday 12–2 am and Thursday–Saturday 1–2 am for Ontario and downward trends for Thursday–Saturday 12–1 am and 2–3 am for New York and Michigan after the extended drinking hour policy change. Ontario total fatality data show similar movements in blood alcohol positive trends The multiple datasets converge in suggesting little impact on BAC positive fatalities with the extension of the closing hours by 1 h. These observations are consistent with other studies of small changes in access to alcohol availability. Also, many licensed establishments choose not to change their hours of closing. It is also possible that drinking and driving rates were deflated during this time due to a number of concurrent road safety initiatives

(continued overleaf)



Table 2. (Continued)

Study; place and year of study	Design/sample of the study and main indicators	Findings: (A) drinking levels; (B) drinking patterns; (C) damage; and Policy implications and comments
(Vingilis <i>et al.</i> , 2006); Windsor, Ontario and Detroit, Michigan, 1992–1999	The design involved a comparison of the city-regions of Windsor, Ontario, and Detroit, Michigan, with a 2 am closing time, and Ontario and Michigan monthly motor vehicle casualties (major injuries and fatalities) occurring between 11 pm and 3 am for 4 years pre- and 3 years post-policy change for two city regions and Ontario and Michigan; on 1 May 1996, Ontario, Canada, amended the Liquor Licence Act to extend the hours of AS and service in licensed establishments from 1 am to 2 am	(C) In the Windsor region, a significant increase was found for alcohol-related motor vehicle casualties after the drinking hours were extended. However, the Detroit region showed a statistically significant decrease in alcohol-related motor vehicle casualties concomitant with Ontario's drinking hour extension. A significant decrease was found for injury collisions involving vehicles with Ontario license plates in the Detroit region In areas with high densities of licensed establishments, competition may motivate licensed establishments to extend their hours of sale. One aim of the policy to extend the selling hours of licensed premises was to reduce the number of patrons who cross the border when Ontario's bars and restaurants close. This may have been achieved, but this consequence appears to be an increase in alcohol-related motor vehicle casualties in the Windsor area
(Vingilis <i>et al.</i> , 2007); Ontario, Canada, 1992–1999	To evaluate the impact of extended drinking hours in Ontario on motor-vehicle collision (MVC) and other injuries admitted to regional trauma units based on Ontario Trauma Registry data. A quasi-experimental design using interrupted time series. Monthly data on number of admissions from MVC and other causes of injury during the 11 pm–12 am, 12–1 am, 1–2 am, and 2–3 am time windows for 4 years before and 3 years after the policy change (May 1992–April 1999); extended hours of sale for licensed premises in Ontario, from 1 am to 2 am	(C) Increased availability of alcohol as a result of extension of closing hours had an impact on non-MVC injuries presented to Ontario trauma units, but road safety initiatives may have mediated the effects of the extension on MVC injuries These observations are consistent with those of other studies that have investigated small changes in alcohol availability
(Chikritzhs and Stockwell, 2007); Perth, Australia, 1993–1997	The purpose of the study was to determine if extending trading permits in AO influenced impaired driver breath alcohol levels. Forty-three hotels were allowed later closing hours and 130 continued with the same hours and provided controls for the study. Information was obtained through police records subsequent to the lowering of the legal breath alcohol levels (BAL) limit from 0.08 mg/mL to 0.05 mg/mL in 1993 that may have changed driver consumption. Start dates of when AO were given permits for longer hours were recorded and controls were given random start dates for longer hours to maintain control groups; ETPs for licensed hotels. Control groups were randomly given start dates for extended hours in order to be comparable to hotels in which extended hours were in effect throughout the entire study	(A) Before hours were extended, hotels that were to be extended in hours purchased much less low/mid-strength alcohol content beer, wine and spirits, but similar quantities of regular content. Hotels with extended hours were more likely to have younger crowds and more likely to be W. Having extended hours at a hotel was more likely to lead to lower BAL in W but not M (showed greater levels of breath alcohol) as measured by arrests It was believed that extended hours in hotels was related to W pacing themselves in drinking and leaving bars at least 1 h before closing time. However, it may be that fewer M were caught because there is less police patrol during the week hours of the morning. A limitation of the study may be reports of where the person last drank may be inaccurate and confound results
(Norström and Skog, 2005); Sweden, 1995–2002	Whether the increased AS spurred by the Saturday opening also led to increased rates of alcohol-related harm. The pre-intervention period covered the time period January 1995–January 2000, phase I of the post-intervention period February 2000–June 2001 (17 months), and phase II July 2001–July 2002 (13 months). Prior to Feb 2000, all alcohol monopoly outlets were closed on Saturdays. After this date, stores in an experimental area (six counties) were open on Saturdays. In the control area (seven counties), the shops remained closed. To prevent biases due to trade leakage, the experimental and control areas were separated by a buffer area (seven counties). Since continuous evaluations of the trial did not reveal any negative consequences, the Saturday opening was implemented in the whole of Sweden after 17 months. The effects of the two phases were estimated through analyses of monthly data depicting how sales and harm rates evolved in the experimental area compared to the control area during phases I and II; the extension of the Saturday opening of the alcohol monopoly shops from an experimental area to the whole of Sweden	(A) Observed: statistically significant increase in alcohol sales of 3.7% during phase I, with approximately the same increase during phase II (3.6%). (C) There were no significant changes in any of the assault indicators, neither during phase I nor during phase II. There was a statistically significant increase in drunk driving (12%) during phase I, but no change during phase II The analyses suggested that the increase during phase I was mainly due to a change in the surveillance strategy of the police. Authors could not detect any increase in alcohol-related harm due to insufficient statistical power or other methodological complications that were highlighted in the study

(Duailibi <i>et al.</i> , 2007); Diadema, Brazil, 1995–2005	This study investigated whether limiting the hours of alcoholic beverage sales in bars had an effect on homicides and violence against W in the Brazilian city of Diadema (population 360,000). Log-linear regression analyses; data on homicides (1995–2005), violence against W (2000–2005); the policy to restrict AS was introduced in July 2002 and prohibited on-premise AS after 11 pm	(C) The new restriction on drinking hours led to a decrease of almost nine murders per month. Assaults against W also decreased, but this effect was not significant in models in which underlying trends were controlled Restricting access to alcohol can reduce alcohol-related problems. Results did not provide any support to the converse view, that increasing availability will somehow reduce problems
(Lange and Voas, 2000); Mexico, 1997–1998	Anonymous and voluntary breath-test surveys, conducted over a 1-year period, were administered to 5112 boarder crossers, age 18+, between 12 am and 4 am, at the San Diego, CA, and Tijuana, Mexico, boarder; the passage in 1994 of the youth-orientated zero-tolerance driving law in California; accompanied by the weakly enforced age-18 law and low liquor costs	(A) The percentage of crossers with BACs >0.08 were 36.88% and 48.74%, for crossers between the ages of 18 and 20, and 21 and 25, respectively
(Hough and Hunter, 2008); UK, 2005	The aim was to liberalize the rigid system while reducing the problems associated with rapid heavy drinking occurring at a standardized closing time. Qualitative interviews were conducted with 105 business owners; The Licensing Act 2003, coming into force in Nov 2005, abolished set licensing hours for pubs and clubs	(A) Alcohol consumption showed a slight fall. Customers were reported as coming out later, with peak hours being pushed back. (C) No obvious impact on crime or violence While the majority of pubs extended their hours, most of these extensions were short
(Newton <i>et al.</i> , 2007); London, UK, 2005–2006	Measured the impact of new licensing laws, which permitted 24 h alcohol trading by assessing any changes in overnight attendances at the emergency department. The authors investigated 2736 patients, 16+ years, who attended in March 2005 (prior to the new licensing laws) and compared these figures to 3135 patients who attended in March 2006 (after the introduction of the new licensing laws). The attendances were examined to determine the extent to which they were related to alcohol intoxication; changes to UK licensing laws, which permitted 24-h alcohol trading	(C) Of the overnight attendances in March 2005, 2.9% were classified as alcohol related, while in March 2006, 8.0% were classified as alcohol related. The proportion of alcohol related assaults resulting in overnight hospitalization went from 0.99% of all overnight attendances in 2005 to 1.98% in 2006; alcohol-related injuries increased from 1.61% in 2005 to 4.11% in 2006; and alcohol-related hospital admissions went from 0.88% in 2005 to 2.46% in 2006 These findings could be used to make representations to liquor licensing authorities concerning applications for extensions of trading hours
(Briscoe and Donnelly, 2003); Sydney, Australia, July 1998–June 2000	This study examines the distribution of harmful outcomes across licensed premises in three inner-urban areas of NSW. Police-recorded assault incidents on licensed premises in inner Sydney, Newcastle and Wollongong over a 2-year period were analyzed	(C) In inner Sydney, 12% of hotels and nightclubs accounted for almost 60% of all assaults at hotels and nightclubs, in inner Newcastle 8% of licensed premises accounted for nearly 80% of all assaults on licensed premises and in inner Wollongong 6% of licensed premises accounted for 67% of all on-premise assaults. The analysis also found that assault incidents on licensed premises were concentrated late at night or early in the morning and on weekends. Licence types identified as being the most problematic for violence on licensed premises were hotels and nightclubs. In particular, hotels with extended or 24-h trading recorded a greater number of assaults compared with those trading standard hours. Of all assaults on licensed premises in inner Sydney, 56% were reported to occur between 12 am–3 am and 3 am–6 am
(Ragnarsdottir <i>et al.</i> , 2002); Reykjavik, Iceland, 1999–2000	The city council of Reykjavik decided to initiate an experiment with unrestricted alcohol-serving hours at bars and restaurants. The consequences were evaluated in terms of crowds gathering in streets and bars in the city center and the workload of the police as well as the professionals at the emergency ward during weekend-nights	The number of calls or work-tasks in the city center rose in number from 251 in 1999 to 286 in 2000 (14%). The total number of cases admitted to ER during the weekend-nights increased by 31%. The number of cases admitted to ER on Saturdays and Sundays rose by 20% but decreased by 2% during other weekdays. The numbers of cases of suspected drunk driving rose remarkably from 29 in 1999 to 52 in 2000 (80%)

ARC, alcohol-related crash; AS, alcohol sales; AO, alcohol outlet; BACs, blood alcohol concentrations; M, men; W, women.

(Gruenewald *et al.*, 2002; Weitzman *et al.*, 2003; Trolldal, 2005a; Kypri *et al.*, 2008), but most examined one or the other. In 13 studies, drinking patterns or consumption was examined and in 36 studies, damage from alcohol was the main focus or indirect focus. This distribution, strongly oriented toward damage variables, might reflect a combination of factors: interest of the investigator, funding, access to data and perception that damage is more conceptually interesting or politically powerful than findings on alcohol density and drinking levels or patterns of drinking. The results on alcohol consumption and drinking patterns are discussed together below.

*Impact on alcohol consumption and drinking patterns.* Most of these studies were cross-sectional in design, with several using time-series methodology—focusing on Norway (Norström, 2000) and Canada (Trolldal, 2005a, 2005b). The setting for most of the studies was the USA, and there were several from other jurisdictions that considered alcohol consumption and/or drinking patterns: Australia (Livingston, 2008b), New Zealand (Huckle *et al.*, 2008) and Switzerland (Kuntsche and Kuendig, 2005).

Several over-arching findings emerged with regard to alcohol consumption and outlet density. AOD was associated with a higher overall consumption in the jurisdiction (Trolldal, 2005b), frequency of drinking (Gruenewald *et al.*, 2002; Weitzman *et al.*, 2003), as well as college campus means for the average number of drinks when partying (Scribner *et al.*, 2008). A study of two US jurisdictions reported that high AOD was associated with the quantity consumed among drinkers in Louisiana, but not in Los Angeles County (Schonlau *et al.*, 2008). One study found that in regions of Switzerland with high AOD, the schoolmasters' perception reflected the general drinking norm of the surrounding area, rather than the actual adolescent drinking level (Kuntsche and Kuendig, 2005).

There is some variation in the findings on drinking patterns. A California-based study (Pollack *et al.*, 2005) reported dramatic differences in that the most deprived neighbourhoods had higher levels of AOD than the least deprived. Nevertheless, alcohol availability was not associated with heavy drinking in this study. In contrast, a US college-based study reported a significant correlation between high AOD and high-risk drinking—consuming 5+ drinks at an off-premise party. This relationship was held for sub-groups of drinkers (Weitzman *et al.*, 2003). Another US campus-based study found that high on-premise AOD was strongly related to the average number of drinks consumed while partying and the number of drinking occasions in the past 30 years (Scribner *et al.*, 2008). A study in New Zealand reported that AOD was associated with a typical quantity and approached significance with regard to frequency of drunkenness (Huckle *et al.*, 2008).

*Impact on alcohol-related problems.* Recent studies of alcohol density have examined a range of dependent variables, including high-risk drinking, problem drinking levels, drinking and driving incidents, traffic crashes, pedestrian casualties, assaults and other types of violence, sexually transmitted disease and suicide. Here also the most common design was cross-sectional. Time-series analysis is reported in two studies (Norström, 2000; Trolldal, 2005a) and several others used panel model analysis (Treno *et al.*, 2007), longitudinal data (Gruenewald and Remer, 2006) or hierarchical model (Yu *et al.*, 2008). The summary details on these 36 studies are found in Table 1, and some illustrative results are presented below, rather

than a study-by-study commentary. A general finding is that whether there are a few studies, or even one, or a number, with focus on a specific 'dependent variable', higher AOD tends to be associated with higher rates of damage, harm or problems.

These problems included, for example, alcohol-involved pedestrian collisions (LaScala *et al.*, 2001), self-reported injuries (Treno *et al.*, 2001) and suicide, alcohol-related crashes and alcohol-related crash fatalities (Escobedo and Oritz, 2002). In a longitudinal study, authors report that changes in outlet densities over time were directly related to traffic injury rates requiring hospitalization and that may or may not involve alcohol, and to crash rates where the incident was suspected by the police to have involved alcohol (Treno *et al.*, 2007).

A natural experiment study by Cohen and colleagues focused on the civil unrest in Los Angeles in 1992 and the destruction of liquor outlets; they found that a decrease in the number of alcohol outlets per mile of roadway was associated with 21 fewer cases of gonorrhoea cases per 100,000 in tracks affected by the civil unrest, compared to those not affected (Cohen *et al.*, 2006). Another focus in this literature is child abuse or neglect: Freisthler and colleagues (Freisthler *et al.*, 2004) report that the number of bars per 1000 was positively related to the rate of physical abuse of children, and that the number of bars per 1000 was positively related with the occurrence of substantial neglect, or higher rates of child maltreatment cases (see Freisthler *et al.*, 2007).

There were a number of studies that focused, specifically, on violence and AOD. For example, Gorman and colleagues found a strong association between alcohol outlets and violent crime (Gorman *et al.*, 2001). A longitudinal study by Yu and colleagues examined the relationship between civil unrest in Los Angeles in 1992, closure of alcohol outlets and crime, and these authors found that on average those census tracts that experienced more alcohol outlet closures experienced more dramatic decreases in assault rates since the closures (Yu *et al.*, 2008). McKinney and colleagues projected that an increase in 10 outlets per 10,000 population increased the risk of male-to-female partner violence by 34% and female-to-male partner violence by 12% (McKinney *et al.*, 2009).

Similar findings were reported in a longitudinal study by Gruenewald and Remer who found that an increase in the number of licensed alcohol retail establishments, especially bars and off-premise outlets, was related to an increase in violent assaults and overnight stays in a hospital (Gruenewald and Remer, 2006). They also reported that a 10% increase in the number of off-premise outlets and bars was related to increases of 1.67% and 2.06% in violence rates across local and lagged spatial areas, respectively. Every six outlets accounted for one additional violent assault that resulted in at least one overnight stay at a hospital. These effects increased with larger male populations, and were, specifically, found to double with every 3% increase in the percentage of males.

Violence was a central focus of a longitudinal study by Norström that considered 30 years of data from Norway, 1960–1995, and used police data on crimes of violence and AOD as the number of public drinking places per 10,000 inhabitants aged 15 and older, and time-series analysis techniques (Norström, 2000). This study found a positive relationship with borderline significance, between AOD and crimes of violence investigated by the police, and thus replicated findings that were reported in a number of cross-sectional studies.

Finally, a recent review complements the main aforementioned findings by expanding on some of the implications and proceeds to offer topics for future research (Livingston *et al.*, 2007). These authors hypothesize that the effects of AOD can be separated conceptually into: '(i) a proximity effect (how easily one can access alcohol); and (ii) an amenity effect (how outlets influence the quality and characteristics of surrounds within the local community)' (Livingston *et al.*, 2007, p. 561).

While both have implications for alcohol-related damage and prevention of the same, the authors point out that much of the outcome focus of the research on density has been on the first effect. They note that increased AOD has been shown to increase consumption and alcohol-related problems, and may also have a second effect; 'each new outlet potentially increases the competitive pressures on existing outlets, which may result in price reductions that tend to lead to increased levels of consumption' (Livingston *et al.*, 2007, p. 561; see also Babor *et al.* (2003)).

The amenity effects relate to the negative impacts of licensed premises on their neighbourhood. The negative consequences can include violence, street disturbances and other social problems. Licensed premises may be seen as attractors of trouble, and a bunch of alcohol outlets in the same district 'often results from crowds of young people, in various stages of intoxication, moving between outlets or spilling out onto the streets at closing time' (Livingston *et al.*, 2007, p. 561). Even if there is not a substantial increase in the density of outlets in an area, alcohol outlets can be linked to a high level or an increase in alcohol-related problems. For example, this may be the case if the licensed premises are bunched together, practice ineffective screening for legal age and level of intoxication of patrons when they enter, or are served, encourage over-service or heavy consumption through lax server intervention practices, using discount pricing to stay competitive, and are attractive to those who wish to participate in violent and other disruptive behaviors.

### *Hours and days of sale*

The 15 studies that examined the impact of hours and days of sale are summarized in Table 2.

The majority focuses on damage from alcohol, and also commonly includes information on overall consumption. Within the scope of our systematic review, there are currently no studies that provide information on drinking patterns. While all of the studies did not necessarily focus exclusively on licensed premises, the economic and availability principles that underlie these general findings apply to a wide range of types of outlets, including licensed premises.

*Impact on overall alcohol consumption.* An Australian study (Chikritzhs and Stockwell, 2002) found that higher volumes of high alcohol content beer, wine and distilled spirits were purchased in the licensed hotels during late trading hours. Extended hours were also associated with young crowds, more likely to be women, and lower blood alcohol levels among women but not men (Chikritzhs and Stockwell, 2007).

A study based in Sweden examined the impact of two changes in trading days, from an experimental area to the whole of Sweden, between 1995 and 2002 (Norström and Skog, 2005). This involved Saturday openings of alcohol monopoly outlets. The authors found a statistically significant increase in alcohol

sales in both phases, 3.7% during phase I and 3.6% during phase II—the two post-intervention periods.

*Impact on damage from alcohol.* Several studies, based on natural experiments, have assessed the impact of changes in either the days of sale or the hours of sale on drinking-related damage. Those studies that focused on days of sale are examined first.

An Ontario study examined the impact of the Liquor Licence Act to extend the hours of alcohol sales and services in licensed establishments from 1 am to 2 am, and focused on the period 1992–1999 (e.g. Vingilis *et al.*, 2007). Their analyses include provincial-to-state and city-to-city comparisons, from which several findings emerged. The authors found that the extension of closing hours had an impact on non-motor vehicle injuries presented at Ontario trauma units, but road safety initiatives occurring at approximately the same time may have mediated the effects of the extension on motor vehicle collision injuries (Vingilis *et al.*, 2007). Also, an analysis of several converging data sets suggested that there was little impact on the blood alcohol concentration (BAC)-positive fatalities with the extension of closing hours, a finding that they found was consistent with other studies of small changes in alcohol availability (Vingilis *et al.*, 2005). However, when the authors looked at the adjacent cities of Windsor and Detroit, they detected a cross-border impact. A significant increase in alcohol-related motor casualties was found in the Windsor region and concurrently, significant decreases in the total and alcohol-related motor vehicle casualties were found in the Detroit region, after the closing hours of licensed premises were extended in Ontario, which includes the City of Windsor. A significant decrease was found for collisions involving vehicles with Ontario license plates in the Detroit region (Vingilis *et al.*, 2006). A reasonable explanation is that prior to the change in policy, some of the drinkers who would go to Detroit after the licensed premises closed in Windsor were now staying in the Windsor area. Thus, it appears that for some parts of Ontario, the increase in access to alcohol contributed to an increase in drinking-related problems.

The Australian study presented above found that following the introduction of extended trading hour permits, there was a significant increase in monthly assault rates for hotels with late trading hours and this relationship was largely accounted for by the higher volumes of alcohol sales (Chikritzhs and Stockwell, 2002). A subsequent study found that later trading hours corresponded with a significant increase in monthly crash rates (Chikritzhs and Stockwell, 2006).

Two studies focusing on changes in closing time in the UK were found. The Licensing Act of 2003, which came into effect in November 2005, abolished closing hours for alcohol pubs and clubs, and also permitted 24 h trading—including off-premise or package venues. Focusing on pubs, Hough and Hunter reported on the results of qualitative interviews with 105 business owners: a slight fall in alcohol consumption was reported by respondents, and they indicated that customers were coming out later with peak hours being pushed back, but no obvious impact on crime or violence was noted (Hough and Hunter, 2008).

In contrast, Newton reports on a cohort study, focusing on an increase in alcohol-related hospital attendees between 2005 and 2006 (before and after implementation of the licensing act) (Newton *et al.*, 2007). The proportion of alcohol-related assaults, which resulted in overnight hospitalization went from

a total of 0.99% to 1.98%, alcohol-related injuries went from 1.6% to 4.1% and alcohol-related hospital admissions went from 0.88% to 2.46%.

Several studies examine days of sale. In their investigation of the phased introduction of Saturday openings<sup>7</sup> of government liquor stores in Sweden, Norström and Skog did not find significant changes in assault indicators during either of the two post-intervention phases. However, a significant increase in drunk driving (by 12%) was detected during phase I, with no change during the second phase (Norström and Skog, 2005).

A study based on the state of New Mexico examined the impact of allowing package sales (off-premise) on Sundays, focusing on 1990 to 2000 (McMillan and Lapham, 2006; McMillan *et al.*, 2007). Several findings emerged from this analysis. Specifically, there was an estimated excess of ~543 alcohol-related crashes and 42 alcohol-related crash fatalities per year, after the ban was lifted. There was marked variability in the impact of legalized Sunday packaged alcohol sales on alcohol-related crash rates. For example, the relative risks vary across counties, ranging from 1.04 to 1.90. Counties and communities that quickly passed the local option to re-ban packaged sales on Sundays were able to mitigate most of the deleterious impact that was associated with the increase in alcohol availability, which was observed across the state.

Finally, a study focusing on the Brazilian city of Diadema, investigated whether limiting the hours of alcoholic beverage sales in bars had an effect on homicides and violence (Duailibi *et al.*, 2007). Using the time-series analysis, the investigators found that restrictions on drinking hours led to a dramatic decrease in murders and assaults against women, specifically (Duailibi *et al.*, 2007).

## INTERPRETATIONS AND IMPLICATIONS

The studies summarized in this paper reflect a range of methods and data resources, including archival data on alcohol sales and AOD, mortality and morbidity statistics, and survey data. In some studies, a cross-sectional design is evident, while others employ a longitudinal design. There are some that involve a quasi-experimental design, such as data collected before and after an intervention, or use a comparison site or population.

Several caveats should be noted. Those with a cross-sectional design provide noteworthy findings with regard to associations between key variables, but they cannot provide a clear answer about the causal linkage or causal direction. For example, if in a cross-sectional study, alcohol consumption rates or prevalence of drinking-related problems are found to be higher in jurisdiction with a higher density of outlets, compared to those areas with a lower density, it could be that higher density stimulated an increase in alcohol consumption, or that high consumption stimulated a receptivity to more alcohol outlets and subsequent growth in density, or that both alcohol consumption and density of outlets are influenced by other factors. However, as noted in the study by Weitzman and colleagues (2003), summarized above, although it is difficult to determine the chronological order of supply and demand patterns, it is unlikely that supply, e.g. higher density of outlets, fully followed demand. In their case, both high levels of heavy episodic or binge drinking and patterns of bar and AOD had been in place for several years.

Second, the majority of these studies focus on one intervention or 'independent' variable. However, in reality, modifications in how alcohol is managed may involve concurrent or partially overlapping changes—increased marketing, lower real prices, longer hours and so on. This creates complications for isolating the impact of specific variables and interpreting the results. For example, the privatization of alcohol retailing in the province of Alberta in 1993 (Trolldal, 2005a) involved a number of concurrent or overlapping changes, such as an increase in the density of outlets, longer hours of sale, increase in the average price of higher-volume lower-priced brands and decrease in the price of higher-priced brands.

Our analysis focused on publications between 2000 and 2008. The over-arching findings are in line with earlier work on these topics as summarized in Edwards *et al.* (1994), Holder and Edwards (1995) and Babor *et al.* (2003). Furthermore, two recent publications found associations between availability of alcohol and violence among US partners (McKinney *et al.*, 2009) and between AOD and adolescent deviance (Freisthler *et al.*, 2009), which is not unexpected given the main findings from the research literature analysed in this paper. A recent publication by Stockwell and Chikritzhs (2009) noted that 11 of 14 peer reviewed papers with baseline and control measures found adverse effects from increased hours or benefits from reduced hours.

The studies from 2000 to 2008, summarized above, generally support the conclusions drawn by Babor and colleagues (2003) and Stockwell (2006) and also earlier work (Edwards *et al.*, 1994; Holder and Edwards, 1995). Babor and colleagues classified price and taxation controls, controls on hours and days of sale, and controls on AOD as being shown to be effective (Babor *et al.*, 2003). Their conclusions were based on more than a few studies and on research in several cultural settings. These interventions were among the 'top 10' interventions identified by Babor and colleagues (2003) and the findings summarized in this paper support this conclusion.

It is noteworthy that density of outlets variable and changes in hours or days in the sale of alcohol are related to drinking levels and also drinking-related harm. As reflected in the literature in this systematic review, the impact involves a wide range of variables, populations and dimensions, including pedestrians, young children, drivers, assaults, hospitalizations and chronic problems.

It is clear that alcohol management has real consequences; it can stimulate consumption and contribute to an increase in alcohol-related problems or reduce alcohol-related harm. Many problems can be reduced, or partially avoided, through careful planning and a precautionary approach. It is feasible to curtail the rise in alcohol consumption and high-risk drinking, and reduce the damage from alcohol. This will require, at a minimum, three actions: that there be no further initiatives to increase access to alcohol; that the most effective interventions be implemented, reinforced and evaluated; and that health and safety experts become central contributors to policy decisions that impact alcohol management.

In conclusion, the evidence summarized above informs the current deliberations on alcohol policy in many jurisdictions. These include those at the Canadian national level (Canadian Centre on Substance Abuse, 2007), as well as in Nova Scotia (Department of Health Promotion and Protection, 2007) and in British Columbia (Office of the Provincial Health Officer,

2008). The findings of this study are in line with the recommended actions by the WHO (2009), a document that addresses the availability of alcohol, including limits on hours and day of sale and regulations on vendor and alcohol outlet density.

*Acknowledgements* — This work was supported, in part, by a contribution by the Department of Health Promotion and Protection, Halifax, Nova Scotia, to the second author. In addition, support to CAMH for salary of scientists and infrastructure has been provided by the Ontario Ministry of Health and Long Term Care. The views expressed in this paper do not necessarily reflect those of the Ministry of Health and Long Term Care.

## REFERENCES

- Anderson P. (2007) A safe, sensible and social AHRSE: new labour and alcohol policy. *Addiction* **102**:1515–21.
- Babor T, Caetano R, Casswell S *et al.* (2003) *Alcohol: No Ordinary Commodity. Research and Public Policy*. Oxford and London: Oxford University Press.
- Briscoe S, Donnelly N. (2003) Problematic licensed premises for assaults in inner Sydney, Newcastle and Wollongong. *Aust N Z J Criminol* **36**:18–33.
- British Medical Association Board of Science. (2008) *Alcohol Misuse: Tackling the UK Epidemic*. London: BMA Science and Education Department of the Board of Science.
- Britt HR, Carlin BP, Toomey TL *et al.* (2005) Neighborhood level spatial analysis of the relationship between alcohol outlet density and criminal violence. *Environ Ecol Stat* **12**:411–26.
- Bruun K, Edwards G, Lumio M *et al.* (1975) *Alcohol Control Policies in Public Health Perspective*. Helsinki, Finland: Finnish Foundation for Alcohol Studies.
- Canadian Centre on Substance Abuse. (2007) Reducing alcohol-related harm in Canada: toward a culture of moderation. Recommendations for a national alcohol strategy. Alberta Alcohol and Drug Abuse Commission, Canadian Centre on Substance Abuse, and Health Canada.
- Chikritzhs T, Stockwell T. (2002) The impact of later trading hours for Australian public. *J Stud Alcohol* **63**:591–9.
- Chikritzhs T, Stockwell T. (2006) The impact of later trading hours for hotels on levels of impaired driver road crashes and driver breath alcohol levels. *Addiction* **101**:1254–64.
- Chikritzhs T, Stockwell T. (2007) The impact of later trading hours for hotels (public houses) on breath alcohol levels of apprehended impaired drivers. *Addiction* **102**:1609–917.
- Cohen DA, Ghosh-Dastidar B, Scribner R *et al.* (2006) Alcohol outlets, gonorrhoea, and the Los Angeles civil unrest: a longitudinal analysis. *Soc Sci Med* **62**:3062–71.
- Department of Health Promotion and Protection. (2007) Changing the culture of alcohol use in Nova Scotia: an alcohol strategy to prevent and reduce the burden of alcohol-related harm in Nova Scotia. Department of Health Promotion and Protection, Addiction Services, Halifax, Nova Scotia.
- Donnelly N, Poynton S, Weatherburn D *et al.* (2006) Liquor outlet concentrations and alcohol-related neighbourhood problems. *Alcohol Studies Bulletin*, Bureau of Crime Statistics and Research.
- Duailibi S, Ponicki W, Grube J *et al.* (2007) The effect of restricting opening hours on alcohol-related violence. *Am J Public Health* **97**:2276–80.
- Edwards G, Anderson P, Babor T *et al.* (1994) *Alcohol Policy and the Public Good*. New York: Oxford University Press.
- English D, Holman C, Milne E *et al.* (1995) *The Quantification of Drug Caused Morbidity and Mortality in Australia 1995*. Canberra, Australia: Commonwealth Department of Human Services and Health.
- Escobedo LG, Oriz M. (2002) The relationship between liquor outlet density and injury and violence in New Mexico. *Accid Anal Prev* **34**:689–94.
- Freisthler B, Byrnes HF, Gruenewald PJ. (2009) Alcohol outlet density, parental monitoring, and adolescent deviance: a multilevel analysis. *Child Youth Serv Rev* **31**:325–30.
- Freisthler B, Gruenewald PJ, Remer LG *et al.* (2007) Exploring the spatial dynamics of alcohol outlets and child protective services referrals, substantiations, and foster care entries. *Child Maltreat* **12**:114–24.
- Freisthler B, Midanik LT, Gruenewald PJ. (2004) Alcohol outlets and child physical abuse and neglect: applying routine activities theory to the study of child maltreatment. *J Stud Alcohol* **65**:586–92.
- Freisthler B, Needell B, Gruenewald PJ. (2005) Is the physical availability of alcohol and illicit drugs related to neighbourhood rates of child maltreatment? *Child Abuse Negl* **29**:1049–60.
- Freisthler B, Weiss RE. (2008) Using Bayesian space–time models to understand the substance use environment and risk for being referred to child protective services. *Subst Use Misuse* **43**:239–51.
- Giesbrecht N. (2006) Alcohol policy in Canada: reflections on the role of the alcohol industry. *Nord Stud Alcohol Drugs* **23**:445–66.
- Giesbrecht N, Demers A, Osborne A *et al.* (2006) *Sober Reflections: Commerce, Public Health, and the Evolution of Alcohol Policy in Canada, 1980–2000*. Montreal and Kingston: McGill–Queen's University Press.
- Gorman D, Speer P, Gruenewald P *et al.* (2001) Spatial dynamics of alcohol availability, neighborhood structure and violent crime. *J Stud Alcohol* **62**:628–36.
- Gorman DM, Zhu L, Horel S. (2005) Drug 'hot-spots', alcohol availability and violence. *Drug Alcohol Rev* **24**:507–13.
- Gruenewald PJ, Freisthler B, Remer L *et al.* (2006) Ecological models of alcohol outlets and violent assaults: crime potentials and geospatial analysis. *Addiction* **101**:666–77.
- Gruenewald PJ, Johnson FW, Treno AJ. (2002) Outlets, drinking and driving: a multilevel analysis of availability. *J Stud Alcohol* **63**:460–8.
- Gruenewald PJ, Remer L. (2006) Changes in outlet densities affect violence rates. *Alcohol Clin Exp Res* **30**:1184–93.
- Gyimah-Brempong K. (2001) Alcohol availability and crime: evidence from census tract data. *South Econ J* **68**:2–21.
- Gyimah-Brempong K, Racine J. (2006) Alcohol availability and crime: a robust approach. *Appl Econ* **38**:1293–307.
- Heather N. (2006) Britain's alcohol problem and what the UK government is (and is not) doing about it. *Addictions* **18**:225–35.
- Holder H, Edwards G. (1995) *Alcohol and Public Policy: Evidence and Issues*. Oxford: Oxford University Press.
- Hough M, Hunter G. (2008) The 2003 Licensing Act's impact on crime and disorder: an evaluation. *Criminol Criminal Justice* **8**:239.
- Huckle T, Huakau J, Sweetsur P *et al.* (2008) Density of alcohol outlets and teenage drinking: living in an alcogenic environment is associated with higher consumption in a metropolitan setting. *Addiction* **103**:1614–21.
- Kuntsche EN, Kuendig H. (2005) Do school surroundings matter? Alcohol outlet density, perception of adolescent drinking in public, and adolescent alcohol use. *Addict Behav* **30**:151–8.
- Kypri K, Bell ML, Hay GC *et al.* (2008) Alcohol outlet density and university student drinking: a national study. *Addiction* **103**:1131.
- Lange J, Voas R. (2000) Youth escaping limits on drinking: bingeing in Mexico. *Addiction* **95**:521–8.
- Lapham SC, Gruenewald PJ, Remer L *et al.* (2004) New Mexico's 1998 drive-up liquor window closure. Study 1: effect on alcohol-involved crashes. *Addiction* **99**:598–606.
- LaScala EA, Johnson FW, Gruenewald PJ. (2001) Neighborhood characteristics of alcohol-related pedestrian injury collisions: a geostatistical analysis. *Prev Sci* **2**:123–34.
- Leon D, McCambridge J. (2006) Liver cirrhosis mortality rates in Britain, 1950 to 2002. *Lancet* **367**:645.
- Lipton R, Gruenewald P. (2002) Spatial dynamics of violence and alcohol outlets. *J Stud Alcohol* **63**:187–95.
- Livingston M. (2008a) Alcohol outlet density and assault: a spatial analysis. *Addiction* **103**:619–28.
- Livingston MA. (2008b) A longitudinal analysis of alcohol outlet density and assault. *Alcohol Clin Exp Res* **32**:1074–9.
- Livingston M, Chikritzhs T, Room R. (2007) Changing the density of alcohol outlets to reduce alcohol-related problems. *Drug Alcohol Rev* **26**:557–66.
- Livingston M, Laslett AM, Dietze P. (2008) Individual and community correlates of young people's high-risk drinking in Victoria, Australia. *Drug Alcohol Depend* **98**:241–8.
- McKinney C, Caetano R, Harris T *et al.* (2009) Alcohol availability and intimate partner violence among US couples. *Alcohol Clin Exp Res* **33**:1–8.

- McMillan GP, Hanson TE, Lapham SC. (2007) Geographic variability in alcohol-related crashes in response to legalized Sunday packaged alcohol. *Accid Anal Prev* **39**:252–7.
- McMillan GP, Lapham SC. (2006) Effectiveness of bans and laws in reducing traffic deaths. Legalized Sunday packaged alcohol sales and alcohol-related traffic crashes and crash fatalities in New Mexico. *Am J Public Health* **96**:1944–8.
- Newton A, Sarker SJ, Pahal GS et al. (2007) Impact of the new UK licensing law on emergency hospital attendances: a cohort study. *BMJ* **24**:532–4.
- Nielsen AL, Martinez R, Lee MT. (2005) Alcohol, ethnicity and violence: the role of alcohol availability for Latino and Black aggravated assaults and robberies. *Sociol Q* **46**:479–502.
- Norström T. (1999) European Comparative Alcohol Study—ECAS. Project presentation. *Nord Stud Alcohol Drugs* **16**:5–6.
- Norström T. (2000) Outlet density and criminal violence in Norway, 1960–1995. *J Stud Alcohol* **61**:907–11.
- Norström T. (2004) Per capita alcohol consumption and all-cause mortality in Canada, 1950–98. *Addiction* **99**:1274–8.
- Norström T, Skog OJ. (2001) Alcohol and mortality: methodological and analytical issues in aggregate analyses. *Addiction* **96**:S5–17.
- Norström T, Skog OJ. (2005) Saturday opening of alcohol retail shops in Sweden: an experiment in two phases. *Addiction* **100**:767–76.
- Office of the Provincial Health Officer. (2008) *Public Health Approach to Alcohol Policy: An Updated Report from the Provincial Health Officer*. Kendall PRW (ed). Victoria, BC: Office of the Provincial Health Officer.
- Peterson RD, Krivo LJ, Harris MA. (2000) Disadvantage and neighbourhood violent crime: do local institutions matter? *J Res Crim Del* **37**:31–63.
- Pollack CE, Cubbin C, Ahn D et al. (2005) Neighbourhood deprivation and alcohol consumption: does the availability of alcohol play a role? *Int J Epidemiol* **34**:772–80.
- Ragnarsdóttir T, Kjartansdóttir A, Davidsdóttir S. (2002) Effect of extended alcohol serving-hours in Reykjavik. In Room R (ed). *The Effects of Nordic Alcohol Policies: Analyses of Changes in Control Systems*. Publication No. 42. Helsinki: Nordic Council for Alcohol and Drug Research, 145–54.
- Ramstedt M. (2001) Alcohol and suicide in 14 European countries. *Addiction* **96**:59S–75S.
- Ramstedt M. (2003) Alcohol consumption and liver cirrhosis mortality with and without mention of alcohol—the case of Canada. *Addiction* **98**:1267–76.
- Ramstedt M. (2004a) Alcohol consumption and alcohol-related mortality in Canada, 1950–2000. *Can J Public Health* **95**:121–6.
- Ramstedt M. (2004b) Alcohol consumption and liver cirrhosis mortality with and without the mention of alcohol—the case of Canada. *Addiction* **98**:1267–76.
- Ramstedt M. (2005) Alcohol and suicide at the population level—the Canadian experience. *Drug Alcohol Rev* **24**:203–8.
- Rehm J, Baliunas D, Brochu S et al. (2006) *The Costs of Substance Abuse in Canada 2002. Highlights*. Ottawa, Canada: Canadian Centre on Substance Abuse.
- Rehm J, Gnam W, Popova S et al. (2008) *Avoidable Cost of Alcohol Abuse in Canada 2002*. Ottawa, ON: Health Canada.
- Reid RJ, Hughey J, Peterson NA. (2003) Generalizing the alcohol outlet-assaultive violence link: evidence from a U.S. Midwestern city. *Subst Use Misuse* **38**:1971–82.
- Rosow I. (2001) Drinking and violence: a cross-cultural comparison of the relationship between alcohol consumption and homicide in 14 European countries. *Addiction* **96**:77S–92S.
- Rosow I, Hauge R. (2004) Who pays for the drinking? Characteristics of the extent and distribution of social harms from others' drinking. *Addiction* **99**:1094–102.
- Rothman KJ, Greenland S, Lash TL. (2008) *Modern Epidemiology*, 3rd edn. Philadelphia, PA: Lippincott Williams & Wilkins.
- Schonlau M, Scribner R, Farley TA et al. (2008) Alcohol outlet density and alcohol consumption in Los Angeles county and southern Louisiana. *Geospatial Health* **3**:91–101.
- Scribner RA, Cohen DA, Fisher W. (2000) Evidence of a structural effect for alcohol outlet density: a multilevel analysis. *Alcohol Clin Exp Res* **24**:188–95.
- Scribner R, Mason K, Theall K et al. (2008) The contextual role of alcohol outlet density in college drinking. *J Stud Alcohol Drugs* **69**:112–20.
- Scribner R, Theall KP, Ghosh-Dastidar B et al. (2007) Determinants of social capital indicators at the neighborhood level: a longitudinal analysis of loss of off-sale alcohol outlets and voting. *J Stud Alcohol Drugs* **68**:934.
- Skog OJ. (2001) Alcohol consumption and mortality rates from traffic accidents, accidental falls, and other accidents in 14 European countries. *Addiction* **96**:S49–58.
- Skog OJ. (2003) Alcohol consumption and fatal accidents in Canada, 1950–1998. *Addiction* **98**:883–93.
- Statistics Canada. (1997) *National Population Health Survey (NPHS): Cycle 1, 1994–95*. [0019782-567-XIB.]. Ottawa, ON: Statistics Canada.
- Statistics Canada. (2002) *The Control and Sale of Alcoholic Beverages in Canada*. [63-202-XIB]. Ottawa, ON: Statistics Canada.
- Statistics Canada. (2005) *Canadian Community Health Survey (CCHS), 2003*. [82M0013GPE]. Ottawa, ON: Statistics Canada.
- Statistics Canada. (2007) *The Control and Sale of Alcoholic Beverages in Canada*. Fiscal year ending 31 March 2007. [63-202-X.]. Ottawa, ON: Statistics Canada.
- Stockwell T. (2006) Alcohol supply, demand, and harm reduction: what is the strongest cocktail? *Int J Drug Policy* **17**:269–77.
- Stockwell T, Chikritzhs T. (2009) Do relaxed trading hours for bars and clubs mean more relaxed drinking? A review of international research on the impacts of changes to permitted hours of drinking. *Crime Prevention and Community Safety* **11**:153–70.
- Theall KP, Scribner R, Cohen D et al. (2008) Social capital and the neighborhood alcohol environment. *Health Place* **15**:323–32.
- Treno AJ, Grube JW, Martin SE. (2003) Alcohol availability as a predictor of youth drinking and driving: a hierarchical analysis of survey and archival data. *Alcohol Clin Exp Res* **27**:835–40.
- Treno AJ, Gruenewald PJ, Johnson FW. (2001) Alcohol availability and injury: the role of local outlet densities. *Alcohol Clin Exp Res* **25**:1467–71.
- Treno AJ, Johnson FW, Remer LG et al. (2007) The impact of outlet densities on alcohol-related crashes: a spatial panel approach. *Accid Anal Prev* **39**:894–901.
- Trolldal B. (2005a) An investigation of the effect of privatization of retail sales of alcohol on consumption and traffic accidents in Alberta, Canada. *Addiction* **100**:662–71.
- Trolldal B. (2005b) The privatization of wine sales in Quebec in 1978 and 1983 to 1984. *Alcohol Clin Exp Res* **29**:410–6.
- Truong KD, Sturm R. (2007) Alcohol outlets and problem drinking among adults in California. *J Stud Alcohol Drugs* **68**:923–33.
- Vingilis E, McLeod AI, Seeley J et al. (2005) Road safety impact of extended drinking hours in Ontario. *Accid Anal Prev* **37**:549–56.
- Vingilis E, McLeod AI, Seeley J et al. (2006) The impact of Ontario's extended drinking hours on cross-border cities of Windsor and Detroit. *Accid Anal Prev* **38**:63–70.
- Vingilis E, McLeod AI, Stoduto G et al. (2007) Impact of extended drinking hours in Ontario on motor-vehicle collision and non-motor-vehicle collision injuries. *J Stud Alcohol Drugs* **68**:905–11.
- Weitzman ER, Folkman A, Folkman MP et al. (2003) The relationship of alcohol outlet density to heavy and frequent drinking and drinking-related problems among college students at eight universities. *Health Place* **9**:1–6.
- WHO. (2002) *The World Health Report 2002: Reducing Risks, Promoting Healthy Life*. Geneva, Switzerland: WHO.
- WHO. (2007) *International Classification of Diseases and Related Health Problems*, 10th revision (version for 2007). Geneva, Switzerland: WHO.
- WHO. (2009) Towards a global strategy to reduce harmful use of alcohol. Discussion paper for regional technical consultations on harmful use of alcohol. Geneva, Switzerland: Department of Mental Health and Substance Abuse, WHO.
- Yu Q, Scribner R, Carlin B et al. (2008) Multilevel spatio-temporal dual change-point models for relating alcohol outlet destruction and changes in neighbourhood rates of assaultive violence. *Geospatial Health* **2**:161–72.
- Zhu L, Gorman DM, Horel S. (2004) Alcohol outlet density and violence: a geospatial analysis. *Alcohol Alcohol* **39**:369–75.





Published in final edited form as:

*Am J Prev Med.* 2010 December ; 39(6): 590–604. doi:10.1016/j.amepre.2010.09.016.

## Effectiveness of Policies Restricting Hours of Alcohol Sales in Preventing Excessive Alcohol Consumption and Related Harms

**Robert A. Hahn, PhD, MPH, Jennifer L. Kuzara, MA, MPH, Randy Elder, PhD, Robert Brewer, MD, MSPH, Sajal Chattopadhyay, PhD, Jonathan Fielding, MD, MPH, MBA, Timothy S. Naimi, MD, MPH, Traci Toomey, PhD, Jennifer Cook Middleton, PhD, Briana Lawrence, MPH, and the Task Force on Community Preventive Services**

Community Guide Branch of the Epidemiology and Analysis Program Office (Hahn, Kuzara, Elder, Chattopadhyay, Middleton, Lawrence), National Center for Chronic Disease Prevention and Health Promotion (Brewer, Naimi), CDC, Atlanta, Georgia; Los Angeles County Department of Public Health (Fielding), Los Angeles, California; University of Minnesota School of Public Health (Toomey), Minneapolis, Minnesota

### Abstract

Local, state, and national policies that limit the hours that alcoholic beverages may be available for sale might be a means of reducing excessive alcohol consumption and related harms. The methods of the *Guide to Community Preventive Services* were used to synthesize scientific evidence on the effectiveness of such policies. All of the studies included in this review assessed the effects of increasing hours of sale in on-premises settings (in which alcoholic beverages are consumed where purchased) in high-income nations. None of the studies was conducted in the U.S. The review team's initial assessment of this evidence suggested that changes of less than 2 hours were unlikely to significantly affect excessive alcohol consumption and related harms; to explore this hypothesis, studies assessing the effects of changing hours of sale by less than 2 hours and by 2 or more hours were assessed separately.

There was sufficient evidence in ten qualifying studies to conclude that increasing hours of sale by 2 or more hours increases alcohol-related harms. Thus, disallowing extensions of hours of alcohol sales by 2 or more should be expected to prevent alcohol-related harms, while policies decreasing hours of sale by 2 hours or more at on-premises alcohol outlets may be an effective strategy for preventing alcohol-related harms. The evidence from six qualifying studies was insufficient to determine whether increasing hours of sale by less than 2 hours increases excessive alcohol consumption and related harms.

### Introduction

Excessive alcohol consumption is responsible for approximately 79,000 deaths per year in the U.S., making it the third-leading cause of preventable death.<sup>1</sup> Binge drinking (consuming five or more drinks per occasion for men and four or more drinks per occasion for women) is reported by approximately 15% of U.S. adults aged 18 years and by approximately 29% of high school students in the U.S.<sup>2,3</sup> The direct and indirect economic costs of excessive drinking in 1998 were \$184.6 billion.<sup>4</sup> The reduction of excessive alcohol

---

Address correspondence to: Robert A. Hahn, PhD, MPH, Community Guide Branch, Epidemiology and Analysis Program Office, CDC, 1600 Clifton Road, Mailstop E-69, Atlanta GA 30333. rhahn@cdc.gov.

The names and affiliations of the Task Force members are listed at [www.thecommunityguide.org/about/task-force-members.html](http://www.thecommunityguide.org/about/task-force-members.html).

The findings and conclusions in this report are those of the authors and do not necessarily represent the official position of the CDC.

No financial disclosures were reported by the authors of this paper.

consumption in general and binge drinking in particular are thus matters of major public health and economic interest. Reducing binge drinking among U.S. adults has been a public health objective in *Healthy People 2010*.<sup>5</sup>

In the U.S., local control of the total or specific hours during which alcoholic beverages may be sold (hereafter referred to as “hours of sale”) varies from one state to another. Some states allow cities, counties, and other local jurisdictions to enact their own alcohol control policies, and in these states, restrictions on hours of sale can vary from one location to another. In other states, local control may be pre-empted by state regulations that prohibit local authorities from enacting alcohol control regulations stricter than those that apply to the rest of the state.<sup>6,7</sup> As of 1953, American Indian reservations have the authority to establish their own alcohol-related policies, prior to which alcohol was formally prohibited.<sup>8</sup>

There is also wide variation among states in the specific restrictions they place on the hours of sale by retail setting (i.e., on- or off-premises) and by the day of the week.<sup>9</sup> For on-premises alcohol outlets, states allow facilities to serve alcohol for a median of 19 hours a day on weekdays and Saturdays. Nine states (Alabama, Florida, Georgia, Illinois, Louisiana, Maryland, Nevada, New Jersey, and South Carolina) have no limits on hours of sale for on-premises alcohol outlets.<sup>9</sup> On Sundays, alcohol may be served for a median of 17 hours at on-premises facilities, with seven states placing no restrictions on Sunday on-premises sales; four states allow no sales of alcohol at on-premises facilities on Sundays. In off-premises settings, hours of sale are limited to a median of 18 hours on weekdays and Saturdays. Restrictions range from no limits on hours of sale in Alabama, Florida, Georgia, Illinois, Louisiana, Maryland, and Nevada to 8 hours of sale allowed in Idaho. On Sundays, states allow a median of 13 hours of alcohol sales at off-premises facilities, with five states having no restrictions; 18 states with “blue laws” allow no off-premises sales.

This review uses the methods of the *Guide to Community Preventive Services (Community Guide)*<sup>10</sup> to assess the effects of changes in the hours during which alcohol is served on excessive alcohol consumption and related harms. A separate review published in this issue assesses the effects of changing days of sale on excessive alcohol consumption and related harms and concludes that increasing days of sale leads to increased consumption and related harms. The focal question of the present review is how, within allowable days of sale, the number of hours available for acquisition and service of alcohol affects excessive alcohol consumption and related harms.

### Findings and Recommendations from Other Reviews and Advisory Groups

Several scientific reviews<sup>11–14</sup> have concluded that restricting the hours when alcohol may be sold is an effective strategy for reducing excessive alcohol consumption and related harms. One review,<sup>11</sup> funded by the Center for Substance Abuse Prevention (CSAP), found substantial evidence of harms associated with expanding the hours and days of alcohol sales. This conclusion was based on previous empirical research indicating that the expansion of the hours and days of sale increased prevalence of excessive alcohol consumption and alcohol-related problems. Most prior reviews have combined findings on days and hours and none have examined a threshold effect. The CSAP review included studies prior to 1999; a recent review<sup>14</sup> includes studies published between 2000 and 2008. The present review covers both periods using the systematic methods of the *Community Guide* described below.

Several international bodies have also recommended the control of hours or days of sale, or both as means of reducing excessive alcohol consumption and related harms.<sup>15</sup> For example, a recent review<sup>16</sup> of alcohol control strategies by the WHO found that limiting of hours of sale was an effective method for reducing alcohol-related harms. In Ireland, the Department of Health and Children’s Strategic Task Force on Alcohol<sup>17</sup> concluded (p. 30) that

“restricting any further increases in the physical availability of alcohol (number of outlets and times of sales)” is among the most effective policy measures for influencing alcohol consumption and related harms.

## Methods

The methods of the *Community Guide* were used to systematically review scientific studies that have evaluated the effectiveness of limiting or maintaining existing limits on the hours of sale for preventing excessive alcohol consumption and related harms.<sup>10</sup> In brief, the *Community Guide* process involves forming a systematic review development team (review team), consisting of subject matter and methodology experts from other parts of the CDC, other federal agencies, and academia, and the Task Force on Community Preventive Services (Task Force); developing a conceptual approach for organizing, grouping, and selecting interventions; selecting interventions to evaluate; searching for and retrieving available research evidence on the effects of those interventions; assessing the quality of and abstracting information from each study that meets inclusion criteria; assessing the quality of and drawing conclusions about the body of evidence on intervention effectiveness; and translating the evidence on effectiveness into recommendations. Evidence is collected and summarized on (1) the effectiveness of reviewed interventions in altering selected health-related outcomes and (2) positive or negative effects of the intervention on other health and nonhealth outcomes. When an intervention is shown to be effective, information is also included about (3) the applicability of evidence (i.e., the extent to which available effectiveness data might generalize to diverse population segments and settings); (4) barriers to implementation; and (5) the economic impact of the intervention. To help ensure objectivity, the review process is typically led by scientists who are not employed by a program that might be responsible for overseeing the implementation of the intervention being evaluated.

The results of this review process are then presented to the Task Force, an independent scientific review board that objectively considers the scientific evidence on intervention effectiveness presented to them and then determines, with the guidance of a translation table, whether the evidence is sufficient to warrant a recommendation on intervention effectiveness.<sup>10</sup> Evidence can be found to be strong, sufficient, or insufficient. Sufficient or strong evidence may indicate benefit, harm, or ineffectiveness of the intervention whereas insufficient evidence indicates more research is needed.

## Conceptual Approach and Analytic Framework

The premise of this review is that increased availability of alcoholic beverages through any mechanism facilitates increases in excessive consumption and related harms, and that limiting hours of sale of alcoholic beverages is one way to reduce availability. The limitation of hours of sale of alcoholic beverages was defined as “applying regulatory authority to limit the hours that alcoholic beverages may be sold at on- and off-premises alcoholic beverage outlets.” *Limiting* may refer to either *maintaining existing limits* in response to efforts to expand hours of sale or *reducing current limits on hours of sale*. Hours of sale may be regulated at the national, state, or local level or some combination of these. *Off-premises retailing* refers to the sale of contained alcoholic beverages, for instance, at package stores, liquor stores, grocery stores, or convenience stores, for consumption elsewhere. *On-premises retailing* refers to the sale of alcoholic beverages for consumption at the point of sale, for example, at bars, restaurants, or clubs.

Policies that regulate the hours of sale may be influenced by various characteristics of the affected population, including the demand for alcoholic beverages, the age distribution of the population, the religious affiliation and involvement of residents, and the amount of

tourism the area attracts. Policies reducing or expanding hours of sale are hypothesized to affect alcohol consumption and alcohol-related harms through the following means (Figure 1). First, increases or decreases in the hours of sale affect consumers' ability to purchase alcohol by changing its availability. Second, when access to alcoholic beverages changes, consumers may alter their purchasing habits in several ways, including changing their purchase volume, rescheduling their purchases, relocating their purchases, or obtaining alcoholic beverages illegally. Changes in their purchasing habits may then affect their drinking patterns or overall levels of alcohol use, resulting in changes in alcohol-related problems.

Changes in the hours of sale may also affect alcohol-related health outcomes by other means. For example, increases in the hours that alcohol is available at on-premises outlets may be associated with increased social aggregation, which, in turn, may increase aggressive behaviors that are exacerbated by alcohol consumption.<sup>18</sup> Increases or decreases in the hours that alcohol is available in one jurisdiction may also increase or decrease alcohol consumption in adjacent jurisdictions if consumers travel from a jurisdiction with fewer hours to one with greater hours. This may also affect the number of miles traveled to purchase alcohol, and therefore the probability of alcohol-related motor vehicle crashes.

The present review addresses the following research question: what are the effects on excessive alcohol consumption and related harms of changing the hours of sale at on- or off-premises outlets? It was hypothesized that there would be a dose-response relationship related to the magnitude of the change in hours (i.e., the amount by which hours of sale are increased or decreased). Based on this hypothesis, the body of evidence for this review was stratified into studies examining changes of  $\geq 2$  hours and  $< 2$  hours per day. This cut point was chosen by the judgment of the review team that 2 hours might be a reasonable threshold for a substantial effect and on the distribution of available studies.

The process by which hours of alcohol sale are changed in different settings may also be an important variable to consider in evaluating the effects of such changes. In some settings in which the allowable hours of sale are increased, any licensed facility may extend hours. In others, facilities must apply for an extension and meet certain criteria, such as demonstrating a lack of facility crowding in a neighborhood. It was hypothesized that the additional level of regulation required to apply for extended opening hours might reduce the potential harm from greater access by restricting the implementation and extent of added hours.

### **Inclusion and Exclusion Criteria**

To be included as evidence in this review, studies had to meet certain criteria. First, studies that assessed short-term changes in alcohol availability (e.g., alcohol sales related to a special event such as a sports competition) were not included. Second, eligible studies needed to assess the specific impact of changes in the hours of sale on excessive alcohol consumption, related harms, or both, as opposed to evaluating the effect of change in combination with other interventions. Studies of combined interventions may obscure the effects attributable specifically to changes in hours. Third, because the current focus was on the effects of changes in hours of sale in jurisdictions where these changes occurred, no review was made of studies that examined the effects of changes in hours in one jurisdiction on consumption elsewhere, for example, in neighboring jurisdictions or across a border. Fourth, to increase the applicability of the findings to the U.S., studies had to be conducted in countries with high-income economies<sup>a</sup> according to the World Bank.<sup>19</sup> Fifth, studies had to present primary research findings, not just review other research findings. Sixth, studies had to be published in English. Seventh, studies had to have a comparison group or, at a minimum, compare outcomes of interest before and after a change in the policy related to hours of sale.

Specific types of alcohol-related harms of interest were alcohol-related diseases (e.g., liver cirrhosis), alcohol-impaired driving, alcohol-related crashes, unintentional or intentional injuries, and violent crime. When studies assessed multiple outcomes of interest, those outcomes with the strongest known association with excessive alcohol consumption were selected. Outcome measures that had the strongest known association with excessive alcohol consumption included binge drinking, heavy drinking, liver cirrhosis mortality, alcohol-related medical admissions, and alcohol-related motor vehicle crashes, including single-vehicle night-time crashes (which are widely used to indicate the involvement of excessive drinking).<sup>20</sup> Less-direct measures included per capita ethanol consumption, a recognized proxy for estimating the number of heavy drinkers in a population<sup>21</sup>; unintentional injuries; suicide; and crime, such as homicide and aggravated assault.

### Search for Evidence

The following databases were searched: Econlit, PsycINFO, Sociology Abstracts, MEDLINE, Embase, and EtOH. All years of records available on the databases were searched up to February 2008. Although the systematic search ended at this date, the review team is not aware of additional hours of sale research published since this time. (The search strategy will be available on the Community Guide website.) The reference lists of articles reviewed were also searched as well as reference lists from other systematic reviews. Government reports were considered for inclusion, but unpublished papers were not. Subject matter experts were also consulted to identify studies that might have been missed.

### Assessing the Quality and Summarizing the Body of Evidence on Effectiveness

Each study that met the inclusion criteria was read by two reviewers who used standardized criteria to assess the suitability of the study design and threats to validity.<sup>10</sup> Uncertainties and disagreements between the reviewers were reconciled by consensus among the review team members. Classification of the study designs accords with the standards of the *Community Guide* review process and may differ from the classification reported in the original studies.

Studies were evaluated based on their design and execution. Those that collected data on exposed and control populations prospectively were classified as having the greatest design suitability. Those that collected data retrospectively or lacked a comparison group, but that conducted multiple pre- and post-measurements on their study population(s), were rated as having moderate design suitability. Finally, cross-sectional studies, those without a comparison group, and those that involved only a single pre- or post-measurement in the intervention population were considered to have the least suitable design. Quality of execution was assessed by examining potential threats to study validity, including an inadequate description of the intervention or of the study population(s), poor measurement of the exposure or outcome, failure to control for potential confounders, and a high attrition rate among study participants. Based on these criteria, studies were characterized as having good quality of execution if they had at most one threat to validity; fair execution if they had two to four threats to validity, and limited quality of execution if they had five or more threats to validity. For example, studies that used only proxy outcome measures were assigned a penalty for this threat to validity. Only studies with good or fair quality of

<sup>a</sup>World Bank High-Income Economies (as of May 5, 2009): Andorra, Antigua and Barbuda, Aruba, Australia, Austria, The Bahamas, Bahrain, Barbados, Belgium, Bermuda, Brunei Darussalam, Canada, Cayman Islands, Channel Islands, Cyprus, Czech Republic, Denmark, Equatorial Guinea, Estonia, Faeroe Islands, Finland, France, French Polynesia, Germany, Greece, Greenland, Guam, Hong Kong (China), Hungary, Iceland, Ireland, Isle of Man, Israel, Italy, Japan, Republic of Korea, Kuwait, Liechtenstein, Luxembourg, Macao (China), Malta, Monaco, Netherlands, Netherlands Antilles, New Caledonia, New Zealand, Northern Mariana Islands, Norway, Oman, Portugal, Puerto Rico, Qatar, San Marino, Saudi Arabia, Singapore, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Trinidad and Tobago, United Arab Emirates, United Kingdom, U.S., Virgin Islands (U.S.).

execution were included in the body of evidence; studies with any level of design suitability were included, other than those with cross-sectional design.

Effect estimates were calculated as relative percentage change in the intervention population compared with the control population using the following formulas:

1. For studies with pre- and post-measurements and concurrent comparison groups:

$$\text{Effect estimate} = (I_{\text{post}}/I_{\text{pre}})/(C_{\text{post}}/C_{\text{pre}}) - 1,$$

where:

$I_{\text{post}}$  = last reported outcome rate or count in the intervention group after the intervention;

$I_{\text{pre}}$  = reported outcome rate or count in the intervention group before the intervention;

$C_{\text{post}}$  = last reported outcome rate or count in the comparison group after the intervention;

$C_{\text{pre}}$  = reported outcome rate or count in the comparison group before the intervention.

2. For studies with pre- and post-measurements but no concurrent comparison:

$$\text{Effect estimate} = (I_{\text{post}} - I_{\text{pre}})/I_{\text{pre}}$$

All studies included in this review assessed the effects of *increasing* hours of sale, and the control condition was *not increasing* hours of sale. Although the analysis here accordingly assesses the effects of increasing hours, the public health intervention of interest is the control condition, (i.e., *limiting or not increasing hours of sale*). This approach rests on the assumption that increasing availability by increasing hours is likely to increase excessive consumption and related harms, and thus not increasing hours when proposed is the public health intervention. For each body of evidence, the review reports a number of *events* of policy changes in hours in a given jurisdiction, each of which may have been the subject of more than one *study* (a research investigation carried out by a single researcher or research group), each of which, in turn, may have been reported in more than one *paper or report*.

## Results on Intervention Effectiveness

### Studies of Changes of >2 Hours in Hours of Sale

Ten studies<sup>22–31</sup> of six events that resulted in a change of  $\geq 2$  hours in the hours of alcohol sales met the inclusion criteria. Only one study<sup>22</sup> was of greatest design suitability; however, the principal analysis in this study was presented graphically and did not allow the estimation of a numeric effect size. One study<sup>23</sup> was of moderate design suitability and eight<sup>24–31</sup> were of least suitable design. All studies had fair quality of execution. (A summary evidence table [Table 1]<sup>22–40</sup> accompanies this review.)

Four of the six events studied occurred in Australia (in 1966, 1977, 1984, and 1998–2000); one in London, England (in 2005); and one in Reykjavik, Iceland (in 2005). All of the events led to increased hours of sale at on-premises alcohol outlets.

In Victoria, Australia, weekday and Saturday hours were extended from 6:00 PM to 10:00 PM in 1966. Hours allowed prior to this change were not reported. One study<sup>22</sup> compared trends in motor vehicle–related outcomes on weekdays and Saturdays before and after the hours of alcohol sales at on-premises alcohol outlets in Victoria, Australia, were extended, to the same outcomes on Sundays, when there was no change in hours. The author found



that the increase in hours of sales on weekdays and Saturday did not significantly affect the number of crashes that occurred on these days. However, she observed a change in the timing of crashes corresponding to the change in the closing time of the on-premises alcohol outlets. Thus, in this study, it appeared that although the number of events may not have been affected by the change in the closing time of alcohol outlets, their timing was affected. In contrast to this study's findings, two subsequent analyses of the same event concluded that the increase in hours was associated with increases in consumption<sup>23</sup> and motor vehicle crash injuries.<sup>24</sup>

In 1984, hours available for alcohol service in Victoria were extended from 10:00PM until 12:00MN on weekdays and Saturdays and in length of time open from 4 hours to 8 hours on Sundays (a day on which alcohol sales had been previously allowed). Information on hours prior to the weekday and Saturday extension is not given. A study of this event<sup>30</sup> found an increase in motor vehicle crash injuries associated with these increases in hours.

Between July 1998 and June 2000, Victoria granted 24-hour permits to some on-premises alcohol outlets. A cross-sectional study comparing rates of assaults in outlets granted and not granted 24-hour permits is inconclusive.<sup>31</sup> Although authors claim that higher rates of assault are associated with 24-hour facilities, their statements describing results are inconsistent, and the authors do not provide data to allow re-evaluation.

In Tasmania (Australia), licensed premises were allowed to stay open until any hour in 1977. Prior Monday–Saturday opening hours were 10:00AM–10:00PM; Sunday hours, 12NOON–8:00PM. The assumption by policymakers underlying unrestricted closing times was that possibly intoxicated clients would not be exiting the facilities at the same time, potentially decreasing risks, because different outlets would choose different closing hours. A study of this event<sup>25</sup> found an increase in motor vehicle crash injuries associated with these increases in hours.

In Reykjavik, licensed premises were allowed to stay open until any hour in the year 1999 on an experimental basis. Prior closing requirements were 11:30 PM on weekdays and 2:00 AM on weekends. Researchers found increases in emergency room admissions, injuries, fighting, and suspected driving while intoxicated.<sup>26</sup>

Finally, the United Kingdom's Licensing Act of 2003 allowed sales of alcoholic beverages 24 hours a day in England and Wales, beginning in November 2005, subject to local licensing requirements. Three studies assessing the impact of this increase in hours of sale produced mixed results.<sup>27–29</sup> Two studies<sup>28,29</sup> found a relative decrease in harms (violent criminal offenses and alcohol-related maxillofacial trauma, respectively), whereas a third study<sup>27</sup> found a relative increase in harms (alcohol-related assault and injury) subsequent to this increase in hours of sale.

Among the ten studies in this body of evidence,<sup>22–31</sup> two studies<sup>28,29</sup> found that an increase of 2 hours in the hours of sale led to decreased alcohol-related harms (i.e., injury and serious violent crime), and six studies<sup>23–27,30</sup> found an increase in alcohol-related harms relative to the period before the increase in hours of sale took place (Figure 2). The study by Raymond<sup>22</sup> found no effect. One study<sup>23</sup> found a nonsignificant increase in alcohol consumption associated with the increase in hours in Victoria, Australia, in 1966.

Information on the requirement that premises seek permits prior to expanding hours may not have been complete in the studies reviewed. To the extent that stated permit requirements accurately reflect the expansion process, there appears to be no systematic effect of permitting. Although the harmful effects of permitted expansions appear to be larger than



those in which permits were not required (Figure 2) there were also effects in the opposite direction for studies of permitted settings.

### Studies of Changes of <2 Hours in Hours of Sale

Six studies of five events (reported in ten papers<sup>32–41</sup>) that resulted in a change of <2 hours of sale met the inclusion criteria. All studies were of on-premises alcohol outlets. Three studies (seven papers<sup>32–35,39–41</sup>) were of greatest design suitability, three<sup>36–38</sup> were of least suitable design; all were of fair quality of execution. One study (two papers<sup>39,40</sup>) of the extension of opening hours in England and Wales in 1988 did not allow the calculation of effects for several outcomes, but it reported small and inconsistent results on multiple alcohol-related outcomes. One<sup>41</sup> provides graphics and report using interrupted time series but does not report numeric results.

In 1993, Perth, Australia allowed on-premises outlets to extend their closing time from 12:00MN to 1:00AM.<sup>32–35</sup> Findings were inconsistent, with a reported increase of alcohol wholesale but a decline in drunk driving and an increase in assaults and in alcohol-related crashes. None of these findings was significant.

In December 1979, the state of New South Wales in Australia expanded on-premises alcohol outlet closing hours from 10:00PM to 11:00PM, at the same time expanding Sunday hours and outlet settings. A study of these events<sup>36</sup> proposed using the weekdays as the control in an assessment of the effects of increased Sunday sales on motor vehicle fatalities. However, this comparison is biased toward a null effect, given the change in weekday hours. A comparison of weekday fatalities before and after the weekday expansion indicates a reduction of 2.7% in motor vehicle fatalities over the study period associated with the weekday increase of 1 hour in closing time. However, this outcome may be confounded by a reduction from 0.08% to 0.05% in maximum legal blood alcohol levels in December 1980, which would have been expected to deter drunk driving and reduce motor vehicle injuries.

In 1976, Scotland allowed on-premises outlets to extend their closing time from 10:00PM to 11:00PM.<sup>37,38</sup> Reported changes were small and not consistent in direction. Knight found increased consumption for women and decreased consumption for men, and Bruce reported a small increase in the per capita consumption of beer.

In 1988, England and Wales extended the closing hours at on-premises outlets from 10:30PM to 11:00PM and moved the opening time from 11:00AM to 10:00AM.<sup>39,40</sup> The outcomes, including mortality from liver disease and cirrhosis, pancreatitis, alcohol poisoning, “alcohol-dependent syndrome,” alcohol psychosis, workplace absenteeism and injury, and various motor vehicle–related outcomes) assessed in these studies were heterogeneous and included the seemingly contradictory findings that in comparison with changes in the control setting (Scotland), convictions for sales to underage patrons increased by 64.1% (95% CI=21.2%, 99.0%), whereas sales to minors fell substantially. Another finding was an increase in recorded violent crime of 15.5% (95% CI= 14.0%, 17.0%). (See Table 1.)

Finally, in 1996, Ontario Province extended closing hours in on-premises alcohol outlets from 1:00AM to 2:00AM. A study<sup>41</sup> of this event used graphics and interrupted time series to assess the effects of this change on all and alcohol-related fatal motor vehicle crashes. Changes in Ontario were compared with changes in Michigan and New York, neither of which changed hours of sale during the same period. The study also assessed changes in the sales of beer, wine, and spirits in Ontario from the period before to the period following the policy change. Numeric results are not reported. Beer consumption declined over the study period, whereas the consumption of wine and spirits declined in the early 1990s and then

increased in the later 1990s. The authors conclude that changes in motor vehicle outcomes are “minimal.” Their graphics suggest a shift of the timing of alcohol-related fatalities to later hours following the extension of hours of sale.

This small body of evidence indicates no consistent effects of changes of <2 hours on alcohol-related outcomes. Four events of increases in hours of sale were studied. Only one study of increased hours of sale in Perth, Australia, reported substantial increases in wholesale alcohol purchases, assaults, and motor vehicle crashes. Two studies (of events in England and Wales and in Ontario, Canada) did not provide numeric results but reported small and inconsistent changes in alcohol-related outcomes including alcohol consumption, multiple alcohol-related causes of mortality, and motor vehicle crashes. Two studies of increased hours of sale in Scotland also reported small and inconsistent changes in alcohol sales and consumption.

Again, information on the requirement that premises seek permits prior to expanding hours may not have been complete in the studies reviewed. To the extent that stated permit requirements accurately reflect the expansion process, there appears to be no systematic effect of permitting (Figure 3).

### Applicability

The studies in this review were conducted in a variety of settings outside the U.S. and during a wide range of time periods. None-theless, the association between restrictions on the hours when alcohol may be sold and alcohol-related harms was consistent across most geographic locations (all in high-income countries) and time periods, and the findings of this review are likely to be relevant for considering the potential impact of modifying the number of hours when alcohol may be sold in the U.S.

### Other Harms and Benefits

Maintaining hours of sale may sustain quality of life in communities by controlling alcohol availability, excessive alcohol consumption, and health and social harms resulting from excessive alcohol use (e.g., public drunkenness); evidence of effects on quality of life were not provided by the studies reviewed. Although it is possible that crimes such as illicit alcohol sales may increase in localities where the hours of sale are limited, no evidence of such effects was found in any of the studies evaluated. One study<sup>26</sup> noted increased workload among law enforcement personnel associated with expanded hours of sale.

### Barriers

The maintenance and reduction in the number of hours when alcohol may be sold may affect overall alcohol sales and may thus be opposed by commercial interests involved in manufacture, distribution, and sale of alcoholic beverages. The alcohol industry has generally supported policies that remove restrictions on the access to alcohol.<sup>42</sup>

State pre-emption laws (i.e., state laws that prevent the implementation and enforcement of local policies more restrictive than statewide regulations) can also undermine efforts by local governments to regulate hours of sale.<sup>6</sup> Indeed, the elimination of pre-emption laws related to the sale of tobacco products is one of the health promotion objectives in *Healthy People 2010*.<sup>5</sup> However, there is no similar objective in *Healthy People 2010* related to the local sale of alcoholic beverages.

### Economics

No studies were identified that assessed the economic impact of reducing the number of hours when alcohol may be sold. No study was found that specifically estimated the

magnitude of commercial losses in sales and tax revenues because of a policy of restricting hours of alcohol sales.

## Summary

This review found that increasing the hours when alcohol may be sold by 2 hours increased alcohol-related harms. Evidence supporting this conclusion was based on studies conducted in on-premises settings outside the U.S. According to *Community Guide* rules of evidence, these findings provided sufficient evidence for the effectiveness of maintaining limits on hours of sale for the reduction of alcohol-related harms when efforts are made to increase hours by 2.<sup>10</sup> Because no qualifying study assessed the effects of reducing hours of sale, the only direct inference that can be made is that reducing hours of sale by 2 is likely to avert alcohol-related harms. However, it may also be reasonable to expect that reducing hours of sale would also reduce alcohol-related harms.

Because there was no consistent effect on excessive alcohol consumption or related harms of increasing hours of sales by <2 hours, according to *Community Guide* rules of evidence, there was insufficient evidence that this intervention had a meaningful effect.<sup>10</sup> Insufficient evidence means that it is not possible to determine from the available evidence whether this policy change had a meaningful effect.

## Research Gaps

All existing research on hours of sale to date has been conducted in nations other than the U.S. It would be useful to have studies of changes in hours of sale in U.S. settings to confirm results from other settings. In addition, all research thus far has assessed the effects of *increasing* hours of sale. Although it may be a less-frequent event, evaluating the effects of *reducing* hours of sale for preventing excessive alcohol consumption and related harms would be useful. Evidence on changes in hours of sale of <2 hours is currently insufficient because of inconsistent findings. Thus, when such changes occur, it may be worthwhile to assess the effects of smaller changes in hours of sale on excessive alcohol consumption and related harms to improve our understanding of the “dose–response” and “threshold” relationships between changes in hours of sale and public health outcomes.

Additional research is also needed to more fully assess the costs and benefits of restricting the number of hours when alcohol is sold. From a societal perspective, economic elements should include intervention costs; loss in sales, tax revenues, and employment; reductions in fatal and nonfatal injuries, crime, and violence; gains in safety and public order; and averted loss of household and workplace productivity.

Finally, no studies were found that assessed the effects of changes in hours of sale in off-premises settings. Although consumers at off-premises settings are less likely to be directly affected by the effects of excessive consumption at the place of purchase, it is nevertheless possible that changes in availability in these settings may also affect alcohol-related harms. This issue merits investigation.

## Discussion

Based on a systematic review of qualifying studies, this review confirms the findings of previous reviews and adds details regarding a possible dose or threshold effect. Evidence of the effects of changes in hours of sale of <2 hours was insufficient to determine effectiveness because of inconsistency among findings in the body of evidence, leaving unanswered the question of the effects of small increases in hours of sale. Data are not sufficient to allow systematic assessment of the relative percentage increase in hours (over a baseline) or the placement of the hours within the day.

All of the studies included in this review assessed the effects of increasing hours of sale at on-premises outlets, consistent with the international trend toward expanding the availability of alcoholic beverages. Further scientific evidence is needed to fully assess the symmetry between the effects of maintaining existing limits on the hours of sale compared with reducing hours of sale.

The only available evidence of the effects of reducing hours of sale was from a study in Brazil,<sup>43</sup> which did not qualify for inclusion in the review because Brazil is not a high-income nation, and, in general, studies of alcohol consumption from middle- and lower-income nations are thought not to be directly applicable to the contemporary U.S. context. In 1999, the city of Diadema had very high homicide rates; 65% of these were alcohol-related. Most of the homicides occurred between 11:00PM and 6:00AM. Diadema law allowed 24-hour opening of alcohol outlets. In July 2002, a new city law required bars to close at 11:00PM. From 2002 to 2005, homicide rates in the city declined by 44% (95% CI=27%, 61%), controlling for mortality trends. During this time period, there was also a 17% decline in assaults against women (the only additional outcome assessed); this finding, however, was not significant.

In addition to the lack of studies that assessed the effect of stricter limits on the hours when alcohol may be sold, the body of qualifying studies in this review had several other limitations. First, some studies did not directly assess the impact of relaxing restrictions on the hours of sales on excessive alcohol consumption and alcohol-related harms, but rather relied on proxy measures of these effect outcomes (e.g., criminal arrest rates). Second, nearly all of the studies relied on population-based data from public health surveillance systems that did not capture information on alcohol control policies. As a result, many of these studies were unable to control for some potential confounding factors. However, these studies generally assessed changes in the same geographic area before and after the implementation of changes in hours of sale over a fairly short time period. Other contextual factors that could also influence alcohol sales and consumption (e.g., changes in alcohol excise taxes) at the country, state, or community levels were likely to have remained fairly constant during the study periods, allowing for a valid assessment of the impact of changing hours of sale, independent of other factors, on alcohol-related harms.

The findings in this review support the potential value of allowing local communities to maintain restrictions on hours of sale. If further research supports the effectiveness of local restrictions on hours of sale, it would also argue for eliminating state pre-emption laws that prohibit local governments from enacting alcohol control policies more restrictive than those that exist statewide.

## Acknowledgments

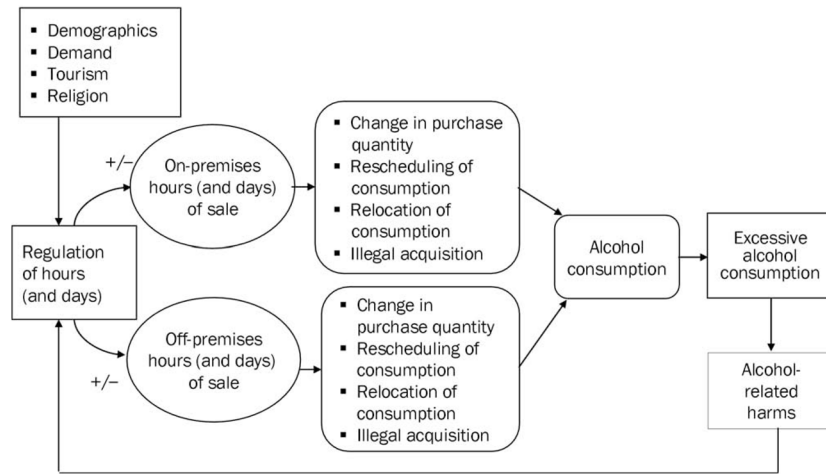
We acknowledge the support and contributions of Steven Wing of the Substance Abuse and Mental Health Services Administration (SAMHSA) in discussions of this and other reviews.

## References

1. CDC. Alcohol-attributable deaths and years of potential life lost—U.S. 2001. *MMWR Morb Mortal Wkly Rep.* 2004; 53(37):866–70. [PubMed: 15385917]
2. National Center for Health Statistics. *Health, U.S., 2005 with chart-book on trends in the health of America.* Hyattsville MD: NCHS; 2005. Report No.: 1232
3. Miller JW, Naimi TS, Brewer RD, Jones SE. Binge drinking and associated health risk behaviors among high school students. *Pediatrics.* 2007; 119(1):76–85. [PubMed: 17200273]

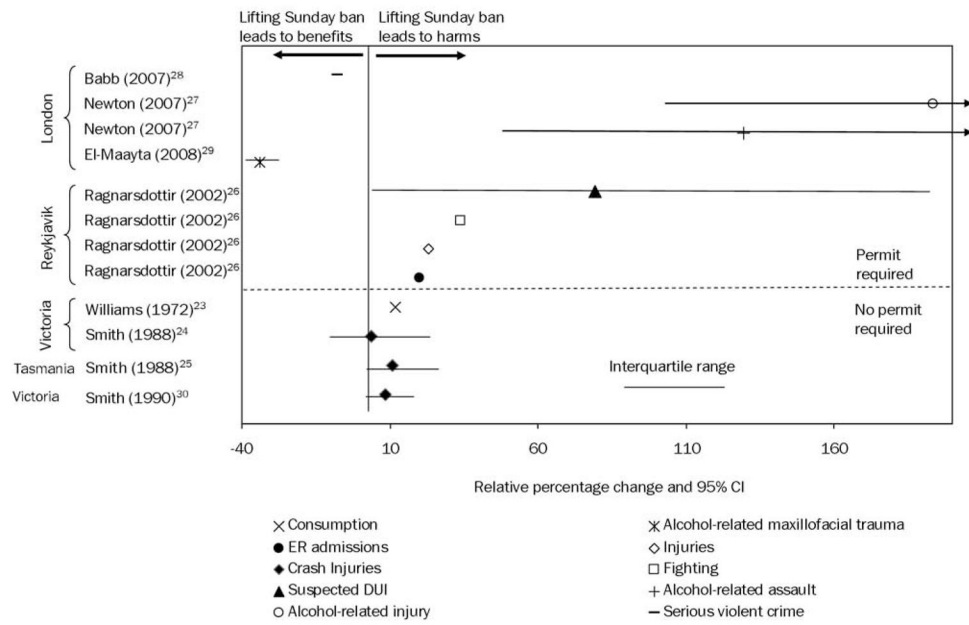
4. Harwood, H. Report prepared by The Lewin Group for the National Institute on Alcohol Abuse and Alcoholism. Rockville MD: NIAAA; 2000. Updating estimates of the economic costs of alcohol abuse in the U.S.: estimates, update methods, and data. Report No.: 98-4327
5. USDHHS. Healthy People. 2010. [www.healthypeople.gov/](http://www.healthypeople.gov/)
6. Mosher, J. Alcohol issues policy briefing paper: the perils of preemption. Chicago: American Medical Association; 2001.
7. Gorovitz E, Mosher J, Pertschuk M. Preemption or prevention? Lessons from efforts to control firearms, alcohol, and tobacco. *J Public Health Policy*. 1998; 19(1):36–50. [PubMed: 9581429]
8. Pub. L. No. 83-277, 67 Stat. 586 (1983).1983.
9. Wikipedia.org. Alcohol laws of the U.S. by state. [en.wikipedia.org/wiki/Alcohol\\_laws\\_of\\_the\\_United\\_States\\_by\\_state](http://en.wikipedia.org/wiki/Alcohol_laws_of_the_United_States_by_state)
10. Briss PA, Zaza S, Pappaioanou M, et al. Developing an evidence-based Guide to Community Preventive Service—methods. *Am J Prev Med*. 2000; 18(1S):35–43. [PubMed: 10806978]
11. Grover, PL.; Bozzo, R. Preventing problems related to alcohol availability: environmental approaches. DHHS, SAMHSA, CSAP; 1999.
12. Stockwell, T.; Gruenewald, P. Controls on the physical availability of alcohol. In: Heather, N.; Peters, TJ.; Stockwell, T., editors. *International handbook of alcohol dependence and problems*. Chichester, UK: Wiley; 2004. p. 699-719.
13. Smith DI. Effectiveness of restrictions on availability as a means of preventing alcohol-related problems. *Contemp Drug Prob*. 1988:627–84.
14. Popova S, Giesbrect N, Bekmuradov D, Patra J. Hours and days of sale and density of alcohol outlets: impacts on alcohol consumption and damage: a systematic review. *Alcohol Alcohol*. 2009; 44:500–16. [PubMed: 19734159]
15. Babor, TF.; Caetano, R.; Casswell, S., et al. *Alcohol: no ordinary commodity—research and public policy*, 2nd edition. Oxford, UK: Oxford University Press; 2010.
16. WHO. Evidence for the effectiveness and cost-effectiveness of interventions to reduce alcohol-related harm. Copenhagen, Denmark: WHO Regional Office for Europe; 2009. [www.euro.who.int/\\_data/assets/pdf\\_file/0020/43319/E92823.pdf](http://www.euro.who.int/_data/assets/pdf_file/0020/43319/E92823.pdf)
17. Strategic Task Force on Alcohol. Strategic Task Force on Alcohol—second report. Ireland: Health Promotion Unit, Department of Health and Children; 2004.
18. Lipsey, MW.; Wilson, DB.; Cohen, MA.; Derzon, JH. Is there a causal relationship between alcohol use and violence?. In: Galanter, M., editor. *Recent developments in alcoholism: volume 13, alcohol and violence*. New York: Plenum Press; 1997. p. 245-82.
19. World Bank. World development indicators 2006. 2006. [devdata.worldbank.org/wdi2006/contents/cover.htm](http://devdata.worldbank.org/wdi2006/contents/cover.htm)
20. Gruenewald PJ, Millar AB, Treno AJ, Yang Z, Ponicki WR, Roeper P. The geography of availability and driving after drinking. *Addiction*. 1996; 91(7):967–83. [PubMed: 8688823]
21. Cook PJ, Skog OJ. Alcohol, alcoholism, alcoholisation—comment. *Alcohol Health Res World*. 1995; 19(1):30–1.
22. Raymond A. Ten o'clock closing—the effect of the change in hotel bar closing time on road accidents in the metropolitan area of Victoria. *Aust Road Res*. 1969; 3(10):3–17.
23. Williams RA. Changes in trading hours: ten o'clock closing and consumption of alcohol in Victoria. *Econ Record*. 1972; 48:123–7.
24. Smith DI. Effect on casualty traffic accidents of the introduction of 10 p.m. Monday to Saturday hotel closing in Victoria. *Aust Drug Alcohol Rev*. 1988; 7:163–6.
25. Smith DI. Effect on traffic accidents of introducing flexible hotel trading hours in Tasmania, Australia. *Br J Addict*. 1988; 83:219–22. [PubMed: 3345399]
26. Ragnarsdottir, T.; Kjartansdottir, A.; Davidsdottier, S. Effect of extended alcohol serving hours in Reykjavik, Iceland. In: Room, R., editor. *The effects of Nordic alcohol policies*. Helsinki, Finland: Nordic Council for Alcohol and Drug Research; 2002. p. 145-54.
27. Newton A, Sarker SJ, Pahal GS, van den Bergh E, Young C. Impact of the new UK licensing law on emergency hospital attendances: a cohort study. *Emerg Med J*. 2007; 24:532–4. [PubMed: 17652670]

28. Babb, P. Home Office Online Report 16/07. 2007. Violent crime, disorder and criminal damage since the introduction of the Licensing Act 2003.
29. El-Maaytah M, Smith S, Jerjes W, et al. The effect of the new “24 hour alcohol licensing law” on the incidence of facial trauma in London. *Br J Oral Maxillofac Surg*. 2008; 46(6):460–3. [PubMed: 18406500]
30. Smith DI. Effect on casualty traffic accidents of changing Sunday alcohol sales legislation in Victoria, Australia. *J Drug Issues*. 1990; 20(3):417–26.
31. Briscoe S, Donnelly N. Problematic licensed premises for assault in inner Sydney, Newcastle and Wollongong. *Aust N Z J Criminol*. 2003; 36(1):18–33.
32. Chikritzhs, T.; Stockwell, T.; Masters, L. Evaluation of the public health and safety impact of extended trading permits for Perth hotels and nightclubs. Perth: National Drug Institute; 1997.
33. Chikritzhs T, Stockwell T. The impact of later trading hours for Australian public houses (hotels) on levels of violence. *J Stud Alcohol*. 2002; 63(5):591–9. [PubMed: 12380856]
34. Chikritzhs T, Stockwell T. The impact of later trading hours for hotels on levels of impaired driver road crashes and driver breath alcohol levels. *Addiction*. 2006; 101(9):1254–64. [PubMed: 16911724]
35. Chikritzhs T, Stockwell T. The impact of later trading hours for hotels (public houses) on breath alcohol levels of apprehended impaired drivers. *Addiction*. 2007; 102(10):1609–17. [PubMed: 17854337]
36. Smith DI. Effect on traffic accidents of introducing Sunday hotel sales in New South Wales, Australia. *Contemp Drug Prob*. 1987; 14:279–94.
37. Knight, I.; Wilson, P. Scottish licensing laws. London: Office of Population Censuses and Surveys, Social Survey Division; 1980.
38. Bruce D. Changes in Scottish drinking habits and behaviour following the extension of permitted evening opening hours. *Health Bull*. 1980; 38(3):133–7.
39. De Moira ACP, Duffy JC. Changes in licensing law in England and Wales and alcohol-related mortality. *Addiction Res*. 1995; 3(2):151–64.
40. Duffy JC, De Moira ACP. Changes in licensing law in England and Wales and indicators of alcohol-related problems. *Addiction Res*. 1996; 4(3):245–71.
41. Vingilis E, McLeod AI, Seeley J, Mann RE, Beirness D, Compton CP. Road safety impact of extended drinking hours in Ontario. *Accid Anal Prev*. 2005; 37(3):549–56. [PubMed: 15784209]
42. Giesbrecht N. Roles of commercial interests in alcohol policies: recent developments in North America. *Addiction*. 2000; 95(4):S581–95. [PubMed: 11218353]
43. Duailibi S, Ponicki W, Grube J, Pinsky I, Laranjeira R, Raw M. The effect of restricting opening hours on alcohol-related violence. *Am J Public Health*. 2007; 97(12):2276–80. [PubMed: 17971559]

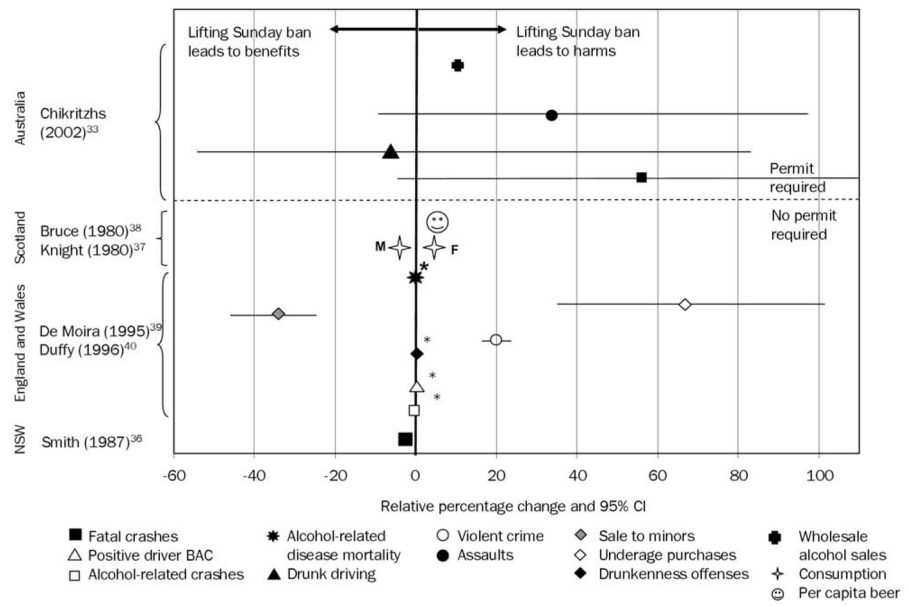


**Figure 1.** Effects of regulation of hours (and days) of alcohol sales on excessive alcohol consumption and related harms





**Figure 2.** Relative percentage change in diverse outcomes associated with increases of 2 hours DUI, driving under the influence



**Figure 3.**  
Relative percentage change in diverse outcomes associated with increases of <2 hours NSW, New South Wales

**Table 1**

Evidence of the effects of limits of alcohol hours of sale on excessive alcohol consumption and related harm

Study/design/execution	Population/study time period	Intervention/comparison	Analysis/outcome	Reported findings	Review/effect size
<b>Policies allowing a change of 2 hours—Increasing hours</b>					
El-Maaytah (2008) <sup>29</sup> Design suitability: Least Pre/post, no control Quality of execution: Fair (4 limitations)	Location: University College Hospital, London, England, and Wales Dates: Intervention: November 24, 2005 Pre-intervention: November 24, 2004–April 30, 2005 Post-intervention: November 24, 2005–April 30, 2006	Intervention: Flexible opening hours: Potentially 24-hour opening, 7 days a week, dependent on special license Note: Granting of licenses subject to consideration of impact on local residents, businesses, and expert opinion Control: None	Analysis: Chi-square Outcome: ARMT (6 months before compared to 6 months after)	ARMT Pre: 1102 Post: 730	Relative % change (95% CI): –33.8% (–39.7, –27.3)
Newton (2007) <sup>27</sup> Design suitability: Least Pre/post, no comparison Quality of execution: Fair (3 limitations)	Location: London Dates: Intervention: November 2005 Pre-intervention: March 2005 (9:00PM–9:00AM) Post-intervention: March 2006 (9:00PM–9:00AM)	Intervention: Experimental unrestricted hours Control: None	Analysis: Mann–Whitney <i>U</i> test for differences in proportions Outcomes: Numbers and percentages of “alcohol-related” ER admissions, injuries, and hospital referrals	Significant increases in number of alcohol-related admissions, alcohol-related assault, alcohol-related injury, and alcohol-related hospital admissions	Relative % change (95% CI): Alcohol-related assault: 129.6 (46.1, 260.8) Alcohol-related injury: 193.2 (108.2, 312.8)
Babb (2007) <sup>28</sup> Design suitability: Least Pre/post, no comparison Quality of execution: Fair (3 limitations)	Location: London Dates: Intervention: November 2005 Pre-intervention: December 2004–November 2005 (9:00PM–9:00AM) Post-intervention: December 2005– November 2006 (9:00PM – 9:00AM)	Intervention: Experimental unrestricted hours, along with fines/ penalties for service to drunk clients and children Control: None	Analysis: 30 of 43 home office police forces provide data on arrests for serious and less-serious violent crimes. Offenses not specified as alcohol-related	Moving averages calculated for nighttime arrests, 6:00PM to 5:59 AM	Relative % change: Serious offenses (including homicide and manslaughter): –9.5% Less-serious offenses (with wounding): –5.4% Less-serious offenses (with wounding) in city centers and near licensed premises: –4.3% Assault without injury: –2.7% Assault without injury in city centers and near licensed premises: 3.1%
Ragnarsdottir (2002) <sup>26</sup> Design suitability:	Location: “relatively small” city center, Reykjavik Dates:	Intervention: Experimental unrestricted hours Control: Unchanged hours	Analysis: Percentages; no tests of significance Outcomes:	For all outcomes, location not specified as city center (the	Relative % change:

Am J Prev Med. Author manuscript; available in PMC 2013 July 16.

Study/design/execution	Population/study time period	Intervention/comparison	Analysis/outcome	Reported findings	Review/effect size
<p>Least Pre/post, no comparison Quality of execution: Fair (3 limitations)</p>	<p>Intervention: July 1999–July 2000 Pre-intervention: March 1999–April 1999 (8 weekend nights) Post-intervention: March 2000–April 2000 (8 weekend nights) * <i>Weekend nights</i> defined as Saturday or Sunday from 12:00 MN to 7:00AM</p>		<ul style="list-style-type: none"> <li>Emergency ward admissions (not specific to city center)</li> <li>Suspected drunk driving cases</li> </ul>	<p>location of intervention) or outside city center. Emergency ward admissions: Weekend nights: 31% increase All-day: 3% increase Weekends (all day): 20% increase Weekdays: 2% decrease Reasons for admission include incidents often related to drinking: Accidents and other mishaps: 23% increase Fighting: 34% increase Non-alcohol-related admission types: No change Suspected drunk driving: 1999: 29 2000: 52</p>	<p>Weekend emergency ward admissions: 20%* Accidents and other mishaps: 23%* Fighting: 34%* Suspected drunk driving: 79.3% (13.8, 182.4)</p>
<p>Smith (1988)<sup>25</sup> Design suitability: Least Pre/post, no comparison group Quality of execution: Fair (3 limitations)</p>	<p>Location: Tasmania, Australia Dates: Intervention: August 10, 1977 Pre-intervention: July 1, 1971–June 30, 1977 Follow-up: October 1, 1977–September 30, 1978</p>	<p>Intervention: Unrestricted hours allowed throughout week. Smith reports numbers of actual hours did not change, but hours shifted to later times. Exceptions (mandatory closing): Sundays 5:00 AM–12:00NOON Sundays 8:00PM–12:00MN Good Friday Prior hotel opening hours: Monday–Saturday: 10:00 AM–10:00PM Sunday: 12:00NOON–8:00PM Control: Number of injury crash from 6:00 PM to 10:00PM</p>	<p>Analysis: Chi-square Outcome: Crash injury between 10:00PM and 6:00AM</p>	<p>Traffic injury crash: Increased between 10:00PM and 6:00AM. Although the number occurring directly after the former closing time decreased, both the proportion and the absolute number of traffic injury crash from 12:00MN to 6:00AM increased, for a total overall increase.</p>	<p>Relative % change (95% CI): Traffic injury crash: 10.8% (-1.5, 21.2)</p>
<p>Raymond (1969)<sup>22</sup> Design suitability: Greatest Pre/post, no comparison. Quality of execution: Fair (3 limitations)</p>	<p>Location: Melbourne, Victoria (Australia) Dates: Intervention: February 1, 1966 Pre-intervention: 1964–1965 Follow-up: 1966–1967 after period Note: data collection begins January 1, 1966</p>	<p>Intervention: Closing time extended from 6:00PM to 10:00PM Control: Sundays</p>	<p>Analysis: Outcomes:</p> <ul style="list-style-type: none"> <li>Casualty accidents</li> <li>Total accidents                             <ul style="list-style-type: none"> <li>– Pedestrian accidents</li> <li>– Single-vehicle accidents</li> <li>– Multi-vehicle accidents</li> </ul> </li> </ul>	<p>Summary of major findings: Total accidents: No change Hourly distribution of accidents occurring from 6:00PM to 11:00PM changed significantly: Sharp decrease from 6:00PM to 7:00PM and an increase from 10:00PM to 11:00PM.</p>	<p>Graphical comparison of weekdays and Saturday with hours change vs Sunday without change: No effect</p>

Study/design/execution	Population/study time period	Intervention/comparison	Analysis/outcome	Reported findings	Review/effect size
Williams (1972) <sup>23</sup> Design suitability: Moderate Interrupted time series Quality of execution: Fair (2 limitations)	Location: Victoria, Australia Dates: Intervention: January 2, 1966 Pre-intervention: 1958–1966 Follow-up: 1966–1969	Intervention: Closing time extended from 6:00PM to 10:00PM Control: None	Analysis: Maximum likelihood estimates Outcome: Consumption of alcohol in Aus\$ sales per capita controlled for price of beer and consumer price index	Sales increase \$1.9 per quarter due to 10:00PM closing Equivalent to 12% increase Note: Author reports no significant effect because SEs are large	Consumption change: 12% (ns)* * CIs not calculable because of lack of data
Smith (1988) <sup>24</sup>	Location: Victoria, Australia Dates: Intervention: January 2, 1966	Intervention: Closing time extended from 6:00 PM to 10:00PM Control: None	Injury crash change: Yearly vehicle crashes 3 years before and 1 year after the change in hours. No assessment of alcohol- relatedness of crashes	An increase of 11.5% in automobile crash injuries associated with the change in hours (not taking entire day into account)	Relative % change (95% CI): 3.6% (–16.6, 28.8)
Smith (1990) <sup>30</sup> Design suitability: Least Pre/post, no comparison Quality of execution: Fair (3 limitations)	Location: Victoria, Australia Dates: Intervention:  1 July 13, 1983  2 November 1984  Pre-intervention: January 1, 1980–December 31, 1983 Follow-up (1): January 1, 1984– December 31, 1984 Follow-up (2): January 1, 1985– December 31, 1985	Intervention:  (1) Two 2-hour periods allowed on Sundays between 12:00NOON and 8:00PM  (2i) Full hours allowed between 12:00NOON and 8:00PM on Sunday  (2ii) Monday to Saturday sales extended from 10:00PM to 12:00MN  (2iii) Sunday restaurant hours increased to 12:00NOON to 11:30PM (12:00NOON–4: 00PM and 6:00PM–10:00PM)  Control: None	Analysis: Chi-squares Outcome: Traffic crash injury	Injury crash during the 4 hours after 8-hour Sunday session	Relative % change (95% CI): 8.5 (2.2, 15.2)
Briscoe (2003) <sup>31</sup> Design suitability: Least Cross-sectional Quality of execution: Fair (3 limitations)	Location: Victoria, Australia Dates: Intervention: July 1998–June 2000	Intervention: 24-hour permit granted to some on- premises alcohol outlets	Analysis: descriptive statistics Outcomes: Number of assaults within outlets during study period	Summary of major findings: Authors claim that there is an association between 24-hour permits and high rates of assaults. However, findings appear contradictory and do not allow re-evaluation.	Inconclusive
<b>Policies allowing a change of &lt;2 hours</b>					
Chikritzhs (1997) <sup>32–35</sup> Design suitability:	Location: Perth, Western Australia (WA)	Intervention (1988): ETPs only (until 1:00AM instead of 12MN)	Analysis to test for ETP association:  • Paired <i>t</i> -tests	Monthly assaults per hotel: ETP hotels:	Relative % change:

Study/design/execution	Population/study time period	Intervention/comparison	Analysis/outcome	Reported findings	Review/effect size
<p>Greatest Before and after design with comparison Quality of execution: Fair (3 penalties)</p>	<p>Dates: Data collected from July 1, 1991 to June 30, 1995 for:</p> <ul style="list-style-type: none"> <li>Assaults</li> </ul> <p>Data collected from July 1, 1990 to June 30, 1996 for:</p> <ul style="list-style-type: none"> <li>Road-block breath testing</li> <li>Accidents</li> <li>Routine police patrols</li> </ul>	<p>Control: Hotels that served in standard hours (until 12:00MN) throughout study period (non- ETPs)</p>	<ul style="list-style-type: none"> <li>Repeated measures analysis</li> <li>Multiple Linear Regression</li> </ul> <p>Outcomes:</p> <ul style="list-style-type: none"> <li>Monthly assault rates</li> <li>Impaired driver BAL</li> <li>Alcohol-related crashes</li> <li>Wholesale alcohol purchase</li> </ul>	<p>Pre: 0.121; Post: 1.87 Non-ETP hotels: Pre: 0.112; Post: 0.133 * Adjusting for alcohol sales eliminated effect of ETPs (e.g., increased consumption accounted for increased harm) ETP hotels: Pre: 670,403; Post: 881,048 Non-ETP hotels: Pre: 686,094; Post: 815,822 Alcohol-related road crashes: ETP hotels: Pre: 0.0781; Post: 0.0808 Non-ETP hotels: Pre: 0.0731; Post: 0.0503</p>	<p>Monthly assaults per hotel: 30.1% Wholesale alcohol purchases: 10.5% Alcohol-related road crashes: 51.3%</p>
<p>Smith (1987)<sup>36</sup> Design suitability: Least Before and after design, no comparison Quality of execution: Fair (3 penalties)</p>	<p>Location: New South Wales, Australia Dates: Intervention: Weekday/Saturday closing hours: changed from 10:00PM to 11:00PM Pre-intervention: 1976–1979 Follow-up: 1980–1981</p>	<p>Intervention: Hours: Weekday/Saturday evening closing hours extended from 10:00PM to 11:00PM December 1979 Sunday hours and outlet types also expanded December 1980 BAC levels lowered from 0.08% to 0.05% Control: No comparison group</p>	<p>Analysis: Percentage change Outcomes: Motor vehicle fatalities</p>	<p>Summary of major findings: Findings on this outcome not considered</p>	<p>Relative % change in motor vehicle fatalities: –2.7%</p>
<p>Knight (1980)<sup>37</sup> Design suitability: Least Before and after study without comparison Quality of execution: Fair (4 limitations)</p>	<p>Location: 4 major cities and central belt of Scotland Dates: Intervention: Hours: December 13, 1976 Pre-intervention: October–November 1976 Follow-up: March 1977</p>	<p>Intervention: Hours: Evening closing hours extended from 10:00PM to 11:00PM in December 1977 (Sunday licenses issued October 1977) Control: No comparison group</p>	<p>Analysis: Percentage changes Outcomes: Consumption and patterns of consumption</p>	<p>Change in consumption (in standard units) from before to after the time change: Men: –0.9 units/week Women: 0.2 units/week</p>	<p>Relative % change in consumption following extended hour: Men: –4.9% Women: 3.8%</p>
<p>Bruce (1980)<sup>38</sup> Design suitability: Least Before and after study with no comparison Quality of execution: Fair (2 limitations)</p>	<p>Location: 4 major cities and central belt of Scotland Dates: Intervention: Hours: December 13, 1976 Pre-intervention: October–November 1976 Follow-up: March 1977</p>	<p>Intervention: Hours: Evening closing hours extended from 10:00PM to 11:00PM in December 1977 (Sunday licenses issued October 1977) Control: No comparison group</p>	<p>Analysis: Percentage changes Outcomes: Beer sales in bulk barrels</p>	<p>Beer sales in bulk barrels Mean 1970–1976/1977 3,7856,143/40,262,000 3,264,000/366,800</p>	<p>Relative % change: Beer sales in bulk barrels 5.7%</p>

Study/design/execution	Population/study time period	Intervention/comparison	Analysis/outcome	Reported findings	Review/effect size
<p>De Moira (1995)<sup>39</sup>                      Duffy (1996)<sup>40</sup>                      Design suitability:                      Greatest                      Prospective data collection                      with intervention and                      control populations                      Quality of execution:                      Fair (2 limitations)</p>	<p>Location: England/Wales                      Dates:                      Intervention:                      August 1988                      Pre-intervention:                      1980–1988                      Follow-up:                      1988–1991</p>	<p>Intervention: Extension of                      opening and Sunday hours</p> <ul style="list-style-type: none"> <li>Opening hour changed from 11:00AM to 10:00AM</li> <li>Extra hour on Sunday (hours allowed from 12:00NOON until 10:30PM, with a mandatory break of 4 hours beginning at 3:00PM)</li> <li>Drinking-up time increased from 10 to 20 minutes (weekdays only)</li> <li>Off-premises sales allowed from 8:00AM</li> </ul> <p>Control: Scotland (positive control, having already extended hours several years previously)</p>	<p>Analysis:                      Logistic linear regression, analysis of deviance                      Outcomes:</p> <ul style="list-style-type: none"> <li>Liver disease and Cirrhosis Mortality</li> <li>Pancreatitis mortality</li> <li>Alcohol poisoning</li> <li>Alcohol-dependent syndrome</li> <li>Alcohol psychosis</li> <li>Workplace absenteeism</li> <li>Workplace accidents</li> <li>Road accidents</li> <li>Positive breath tests</li> <li>Drunk driving convictions</li> <li>Drunkenness offenses</li> <li>Crimes of violence</li> <li>Underage drinking</li> </ul>	<p>Summary of major findings:                      Mortality:                      No increase in:</p> <ul style="list-style-type: none"> <li>Liver disease and cirrhosis</li> <li>Pancreatitis</li> <li>Alcohol poisoning</li> <li>Alcohol-dependent syndrome</li> <li>Alcohol psychosis</li> </ul> <p>Workplace:                      No increase in:</p> <ul style="list-style-type: none"> <li>Workplace absenteeism</li> <li>Serious or fatal workplace accidents</li> </ul> <p>Increase in:</p> <ul style="list-style-type: none"> <li>Slight workplace accidents</li> </ul> <p>RR Scotland: 1.34                      RR E and E: 1.01                      Motor vehicle:                      No increase in:</p> <ul style="list-style-type: none"> <li>Drunk driving convictions</li> <li>Positive breath tests</li> <li>Fatal and serious road accidents</li> </ul> <p>Increase in:</p> <ul style="list-style-type: none"> <li>Slight road accidents</li> </ul> <p>Relative % change: 3.5%                      Public order:                      No increase in:</p> <ul style="list-style-type: none"> <li>Drunkenness offenses</li> </ul>	<p>Relative % changes (95% CI):                      Mortality from diverse alcohol-related diseases: no effect                      Convictions for sales to underage patrons: 64.1% (21.2%, 99.0%)                      Purchases by minors: -62.4% (72.9%, 46.5%)                      Recorded violent crime: 15.5% (14.0%, 17.0%)</p>



Study/design/execution	Population/study time period	Intervention/comparison	Analysis/outcome	Reported findings	Review/effect size
				<ul style="list-style-type: none"> <li>Crimes of violence</li> <li>Underage drinking</li> </ul>	
Vingilis (2005) <sup>41</sup> Design suitability: Greatest Prospective data collection with intervention and control populations Quality of execution: Fair (3 limitations)	Intervention: May 1996 Pre-intervention: 1992–1996 Follow-up: 1996–1999	Intervention: On May 1, 1996, Ontario, Canada, amended the Liquor License Act to extended closing hours for alcohol sales and service in licensed establishments from 1:00AM to 2:00AM Control: Michigan and New York states, in which similar changes did not occur	Analysis: Supposedly interrupted time series, but results not given. Graphical analyses. Outcomes: Motor vehicle fatalities, alcohol-related and all Consumption	Summary of major findings: No significant change relative to controls Declines in consumption reported	Findings: No significant change relative to controls

\* CIs not calculable due to the lack of data.

ARMT, alcohol-related maxillofacial trauma; ETP, extended trading permit



# The impact of casinos on fatal alcohol-related traffic accidents in the United States

Chad D. Cotti<sup>a</sup>, Douglas M. Walker<sup>b,\*</sup>

<sup>a</sup> Department of Economics, University of Wisconsin Oshkosh, Oshkosh, WI 54901, USA

<sup>b</sup> Department of Economics and Finance, College of Charleston, Charleston, SC 29401, USA

## ARTICLE INFO

### Article history:

Received 3 March 2010

Received in revised form 3 August 2010

Accepted 4 August 2010

Available online 12 August 2010

### Keywords:

Alcohol

Casinos

Drunk driving

Traffic fatalities

### JEL classification:

H75

K42

L83

## ABSTRACT

Casinos have been introduced throughout the U.S. to spur economic development and generate tax revenues. Yet, casinos may also be associated with a variety of social ills. One issue that has not been empirically tested in the literature is whether there is a link between casino expansion and alcohol-related fatal traffic accidents. We suspect a link may exist since casinos often serve alcohol to their patrons and, by their dispersed nature, could impact driving distances after drinking. Using the variation in the timing and location of casino openings over a 10-year period, we isolate the impact of casino introduction on alcohol-related fatal accidents. Results indicate that there is a strong link between the presence of a casino in a county and the number of alcohol-related fatal traffic accidents. However, this relationship is negatively related to the local-area (county) population. Results prove durable, as we subject them to robustness checks.

© 2010 Elsevier B.V. All rights reserved.

## 1. Introduction

With the exception of Nevada and Atlantic City, NJ, casinos had no significant presence in the United States until Congress passed the Indian Gaming Regulatory Act (IGRA) in 1988. The IGRA opened the door for formalized Indian casinos by allowing gaming to exist on tribal lands, subject to a compact agreement with the state government.<sup>1</sup> Shortly after the IGRA passed, several states also began to legalize commercial casinos. Together these changes in the legislative landscape surrounding casinos led to a tremendous increase in the presence of casinos across the United States. By the end of 2008 commercial casinos were operating in 12 states with annual revenues exceeding \$32 billion (American Gaming Association, 2009), while tribal casinos had opened in 29 states with annual revenues exceeding \$26 billion (National Indian Gaming Commission, 2009). Collectively, the casino sector has a significant economic presence.

While the casino industry is one of the fastest growing entertainment industries in the U.S., its growth is not without

controversy. Casino opponents argue that casinos bring a variety of social problems, including increases in crime, bankruptcy, and divorce. Recently claims of casinos leading to higher drunk driving prevalence have also been noted. For example, newspaper reports often link DUI arrests and/or alcohol-related traffic fatalities to casinos that serve alcohol (e.g., Cornfield, 2009; Smith, 2010). Many casinos follow a “destination resort” model; they include restaurants, bars, shows, shops, and a hotel. Other casinos cater more to a local clientele. At a minimum, both types of casino typically include a bar service and casino customers often enjoy drinking alcohol while they socialize and play casino games. The fact that alcohol is readily available at many casinos suggests that casinos may, in fact, be a catalyst for increased drunk driving and hence, increased alcohol-related traffic fatalities. However, a more detailed look at the possible impact of casinos on drunken driving behavior demonstrates that there could be an inverse relationship between casinos and drunk driving under the right circumstances. Regardless, we are aware of no previous study that rigorously examines the possibility of such a link.

The purpose of this study is to test whether there is, in fact, a relationship between the spread of casinos and the number of alcohol-related fatal traffic accidents. Our analysis utilizes U.S. county-level data from 1990 to 2000, a period of time that saw the overwhelming majority of casino openings in the last 30 years. Overall, this presents a natural laboratory to test the effects of

\* Corresponding author. Tel.: +1 843 953 8192.

E-mail address: [WalkerD@cofc.edu](mailto:WalkerD@cofc.edu) (D.M. Walker).

<sup>1</sup> See Light and Rand (2005) for a comprehensive discussion of tribal casinos and relevant law.

casino entry on accident risk. In the next section we provide background information and discuss various theoretical issues and predictions surrounding possible effects.

In general, our estimates reveal that casino entry does significantly impact the danger posed by drunk drivers, but that the direction and size of this effect is related to the size of the population where the casino opens. Specifically, our best estimate indicates that alcohol-related fatal accidents increase by about 9.2% for casino counties with the mean log population, yet this estimated effect declines as population increases. Although this is a striking result, we will demonstrate below that our estimates are robust to the inclusion of controls for area and time fixed effects, changes in population, changes in other policies that may impact drunk driving behavior (e.g., beer taxes, blood alcohol content regulations), as well as changes in factors that may influence overall driving risk separate from drinking behavior (e.g., road construction, weather). Furthermore, these estimates are also robust to several alternative definitions of the control group, the dependent variable, and to the estimation method selected (e.g., weighted least squares, Poisson, probit).

## 2. Background and theoretical considerations

The principle motivation by governments to allow casinos to open in their jurisdictions is the hope that casinos will create economic growth and increase tax revenues at the state level. The casino expansion of the early 1990s had mostly died off until the 2007–09 recession compounded state-level fiscal crises. Consequently, much of the existing research focuses on the pre-2000 period of time that saw the vast majority of casino openings in the U.S. Given the typical motivation for casinos, research has often focused on evaluating the impacts of casino introduction on economic development or government revenue generation (e.g., Elliott and Navin, 2002; Mason and Stranahan, 1996; Siegel and Anders, 2001). While less numerous, other studies have looked at how casino introduction has impacted consumers' behavior with respect to related sectors of the local economy, such as hotels, restaurants, bars, and property values (e.g., Anders et al., 1998; Popp and Stehwi, 2002; Siegel and Anders, 1999; Wenz, 2007). Of course, other researchers have also recognized that this large increase in the presence of casinos and gambling could have important impacts on crime, bankruptcy, divorce, and other social ills (e.g., Barron et al., 2002; Curran and Scarpitti, 1991; Garrett and Nichols, 2008; Grinols and Mustard, 2006; Stitt et al., 2003; Thalheimer and Ali, 2004). However, little attention has been paid to how the introduction of casinos into a community or region impacts drinking and driving habits and their effects. This lack of research is surprising, given the degree to which alcohol use often accompanies casino gambling.

There is an extensive literature that estimates the impacts of changes in public policies, such as minimum legal drinking age laws, beer taxes, and zero-tolerance policies, on drunk driving behavior (e.g., Carpenter, 2004; Chaloupka et al., 2002; Dee, 1999; Ruhm, 1996). The motivation behind these policy changes is that they will impact individual behavior and reduce drunk driving. Of course, any factor that changes drinking behavior or the location of drinking activities can impact drunk driving outcomes, whether intended or not. The introduction of casinos into an area may be one such factor.

One can imagine a variety of ways by which casinos might impact drunk driving behavior. For example, there are several reasons to suspect that casino presence may lead to an increase in drunk driving. First, the location of a casino could promote an increase in the total number of miles driven after drinking, which

could lead to an increase in automobile accidents in an area following the opening of a casino. Existing literature on consumer behavior supports the contention that small differences in consumer utility can prompt changes in driving habits. For example, the cross-border shopping literature indicates that people will consume what they desire in an alternate location when their own jurisdiction has limits or restrictions on consumption, or relatively high costs (Asplund et al., 2007; Ferris, 2000). Some Canadians, for example, drive great distances to consume health services in the U.S. In the case of casinos, their presence may draw people from a large surrounding area to gamble. However, this effect on drunk driving fatalities would depend on the extent to which the introduction of casinos actually does lead to a net increase in the number of people driving and the average distance to casinos. The distance to casinos is likely to decrease as casinos become more widespread, but the introduction of casinos could increase the number of people driving in the area immediately surrounding the casino. If this is the case, we would expect that the introduction of a casino will likely increase the number of miles driven in a county, which could also increase the amount of drunk driving accidents, *ceteris paribus*, as drinking and gambling often go together.

Similarly, a product differentiation effect could also lead to greater distances driven after drinking. Specifically, Lee (1997) applies a Löschian location model (Lösch, 1954) to describe the hexagonal market areas created by bar service differentiation. He posits that bar differentiation leads to more drunk driving. As casinos can act as a substitute for bars in many ways, yet allow for extensive gambling activities while drinking, the introduction of a casino may increase the degree of product differentiation among drinking options in an area. So, one can assume that consumers will drive to the casino if their additional transportation and time costs do not cause their total costs to exceed their benefits from being able to gamble and drink. Therefore, the casino represents a new option for some consumers and may be likely to increase the proportional miles driven drunk as a result.

Of course, the impact of casinos on drunk driving could be negative, and this alternative possibility must be considered. The attraction of a nearby casino may cause a substitution effect, as many individuals substitute away from other discretionary pursuits, such as a night out at the local bar or club, to spend an evening gambling at a casino. As a result, if the ability to gamble at a casino creates a sufficient substitute to drinking at a bar, or if casino patrons drink less at the casino than they would have without the casino option, then we may see a decrease in alcohol-related accident risk in an area after the introduction of a casino. Moreover, while many casinos must follow local "bar time" laws when it comes to serving alcohol, the casinos themselves are typically open 24 h. This could give intoxicated individuals the opportunity to sober up before driving home.<sup>2</sup> We should also point out that, unlike casinos in Las Vegas or Atlantic City, which give complementary alcoholic beverages to those gambling, many casinos charge for alcoholic beverages, so a gambler would have to "sacrifice" some of their gambling dollars in order to purchase a drink. This might lead patrons to drink less at the casino than they might have otherwise at some bar or nightclub.<sup>3</sup> Lastly, if we assume that some

<sup>2</sup> We see professional sporting events actively facilitating this behavior as they frequently stop alcohol sales after the third quarter of a football game or after the 7th inning in a baseball game, for example.

<sup>3</sup> Casinos' policies with respect to alcohol vary by market; some states have a law that prohibits casinos providing free alcohol to patrons. That said, there is extensive complexity involved in identifying the casino specific treatment of these policies, which prohibited us from being able to specifically control for casino alcohol policies in our model. This exclusion would only impact our findings significantly if there was correlation between the county population and the likelihood of offering free

drinkers choose to frequent the closest drinking establishment to their residence, by increasing the number of drinking options in a county, the casino could reduce the distance driven after drinking among some intoxicated drivers.

Regardless of the economic theory, the literature discussed above would support the idea that the relatively dispersed nature of casino locations across the country could lead to an increased accident risk due to greater distances traveled by drunk driving gamblers. Indeed, some casinos have acknowledged such problems. For example, the Connecticut-based Mohegan Sun Casino admitted that there is a problem with drunk drivers leaving their casino (WFSB Hartford, 2009). A few studies have indirectly examined the link between casinos or gambling and DUI arrests (e.g., Reuter, 1997; Stitt et al., 2003; Stokowski, 1996; Wilson, 2001), but drunk driving is not their primary focus. Furthermore, none of these studies addresses the potential link between casinos and alcohol-related fatal accidents. We can find no study that has previously tested for such a link.

In addition to the economic literature on drinking and driving, the gambling and psychology literatures provide an anecdotal link between casinos and drunk driving. In particular, a large proportion of problem gamblers<sup>4</sup> have coexisting disorders (“comorbidity”), including alcohol abuse, which may affect the relationship between casinos and drunk driving. For example, Welte et al. (2001) find that problem drinkers (alcoholics) are 23 times more likely to have a gambling problem than individuals who do not have a drinking problem. Petry et al. (2005) have estimated that over 70% of pathological gamblers in the U.S. also have an alcohol use disorder. Since gamblers are the individuals we would most expect to increase their driving after the introduction of a casino, and since a disproportionate number of alcoholics are gamblers, then it is plausible to expect a casino to encourage travel disproportionately by the individuals who are most likely to drive while intoxicated. Of course, casino patrons are not all problem gamblers and alcoholics, but there is a small proportion of the population that has drinking and gambling problems, and this may have an impact on any relationship between casinos and drunk driving and therefore, on alcohol-related fatal accidents.

Given the discussion above about the potential impacts of casino introduction on drinking and driving behavior, we must consider what factors we anticipate will impact the strength of a particular effect on drunk driving. Specifically, we believe that the largest factor is likely to be population of the area where the casino locates. In large cities, casino patrons will disproportionately be locals, who do not need to travel great distances, or who may have public transportation options. Indeed, the opening of a casino in an urban area may not be expected to have any impact on miles driven, since the casino represents one new entertainment option out of many existing ones. Yet, in the case of rurally located casinos, with small local populations, a large proportion of the casino's customers are likely to have driven longer distances, relative to patrons at urban casinos. Therefore, we might expect miles driven and the number of alcohol-related fatal accidents following the introduction of a casino to be greater in rural than in urban areas. To the extent that casinos – either rural or urban – attract new tourists to a particular area, then we would expect an increase in miles driven. Overall,

we believe that the *net* impact of casino introduction on alcohol-related traffic risk will depend on the population or “urbanicity” of the area where the casino locates, and this hypothesis is reflected in our empirical specification.

In the remainder of the paper, we investigate whether these theoretical predictions are verified by observing the how local alcohol-related fatal accidents were impacted by casino entry. We find substantial evidence that the number of fatal accidents involving alcohol is impacted by casino entry, but the magnitude and direction of the effect is indeed dependent on the size of the local population.

### 3. Data and methods

In order to analyze any relationship that might exist between casinos and alcohol-related fatal accidents (ARFAs, hereafter), we must choose appropriate data. Although data are readily available at a state level, such aggregation would likely not foster a good analysis since many states with casinos have few of them, which means the locations of the casinos would be a necessary control for the analysis. County-level data are available on casinos and on ARFAs, and we view this to be the ideal level for our analysis.

#### 3.1. Casino and fatal accident data

The vast majority of the expansion in the U.S. casino industry occurred during the 1990–2000 period. Between 2000 and 2008, only one state (Pennsylvania) legalized commercial casinos. We are interested in analyzing whether and how the spread of casinos has affected ARFAs, so like most casino-focused studies we choose the 1990–2000 period of time for our analysis. A set of 131 counties saw casinos open within their borders between 1990 and 2000. These casino counties represent the treatment group for our primary estimates.<sup>5</sup> We link these data on casino location to data on fatal vehicle crashes obtained through the National Highway Traffic Safety Administration's (NHTSA) Fatality Analysis Reporting System (FARS).<sup>6</sup> Our primary variable of interest is the annual number of fatal accidents in a county for which a driver's imputed blood alcohol content (BAC) exceeds 0.08. The legal maximum BAC is set by state government and every state currently has a maximum legal BAC of 0.08.

Although Federal law requires that BAC levels be obtained from every fatal crash, this is frequently not done and can lead to substantial bias in any estimation. The NHTSA is aware of this issue and provides imputed measures of the BAC for all drivers who were not tested. The NHTSA creates the imputed values using a multitude of characteristics in each case, including factors such as time of day, day of week, contents of the police report, and position of car in the road (NHTSA, 2002).<sup>7</sup> While previous studies using counts generated from older FARS data used imputed values based on discriminant analysis, or relied on counts generated from accidents that were more likely to be alcohol-related (e.g., crashes on weekend evenings), more recent studies use data generated by this new NHTSA procedure (e.g., Villaveces et al., 2003; Hingson et al., 2005; Cummings et al., 2006).

drinks, and our anecdotal research suggests this is not the case. We do, however, recognize this limitation of our analysis.

<sup>4</sup> A “problem gambler” is defined as a person that gambles to such an extent that it disrupts their professional or personal life. Psychologists have estimated that about 1–3% of U.S. adults have a gambling problem (American Psychiatric Association, 1994). However, it is beyond the scope of our study to address the various levels of problem gambling severity.

<sup>5</sup> For clarity, Atlantic County, NJ and all counties in Nevada were excluded from the analysis due to the unique nature of the casino industry in these areas. Results are robust to this restriction. The list of treatment casino counties is available from the authors upon request.

<sup>6</sup> To be clear, the NHTSA reports fatal accidents on all roadways, not just “highways.”

<sup>7</sup> This follows suggestions from Rubin et al. (1998) and improves on the former procedure based on discriminant analysis (Klein, 1986; NHTSA, 2002).

**Table 1**  
County-year means and proportions of key variables in balanced-sample analysis.

	All counties	Casino counties	Non-casino counties
Number of annual fatal accidents involving a driver with a blood alcohol content (BAC) above 0.08	31.83	39.29	30.51
Number of fatal accidents involving a driver with a positive blood alcohol level	37.71	46.54	36.15
Number of fatal accidents involving no alcohol	63.89	78.52	61.30
Population (unweighted, from U.S. Census Bureau)	150,471	270,803	139,501
County unemployment rate (from Local Area Unemployment Statistics)	5.68%	5.98%	5.63%
Prevailing beer tax per gallon (in 2000 dollars)	\$0.24	\$0.23	\$0.24
BAC law specifying minimum of 0.08	29.1%	36.03%	27.84%
Zero-tolerance laws	56.23%	59.48%	55.66%
Number of observations (number of counties)	17,248 (1,568)	1,441 (131)	15,807 (1,437)

Notes: (1) As the primary estimation is weighted by county population, the above means and proportions are weighted similarly, unless noted. (2) To maintain consistency with the primary sample utilized in the analysis, the above values are from a balanced sample of counties, and they exclude data from the state of Nevada and from Atlantic County, NJ.

We aggregate NHTSA counts of fatal accidents involving a driver with a BAC content exceeding 0.08 by county and year. We can link annual fatal accident counts to other available county-level annual data (i.e., population data from the Census Bureau). Moreover, annual counts provide us with a sufficient number of accidents for each county upon which to base the analyses.

Unfortunately, county authorities sometimes fail to report any accident data for a particular year, leaving us with an unbalanced panel. For our main estimates we include only counties for which FARS data were available for all 11 years of our analysis (1990–2000). We do, however, test the robustness of this restriction. Table 1 reports means and proportions of variables included in the analysis for both the treatment counties and counties without a casino. The second column in the table, casino counties, includes all county-year observations for counties that have a casino present within their borders for at least 1 year in the sample time period. In many cases there are small differences between the treatment and control counties, although some variables, such as county population and the prevailing beer tax, are very similar. There are two notable differences between the casino and non-casino counties. First, higher unemployment rates are observed in the treatment counties. This is consistent with the idea that some municipalities or states attempt to utilize casinos as a form of economic development in depressed areas. The second difference is that there is a larger number of fatal automobile accidents (alcohol-related and non-alcohol-related) in the casino counties.

### 3.2. Methodology

We first pool a balanced sample of all of the counties in which a casino was open (the treatment group) and the remaining counties in the U.S. that did not have a casino present during the sample period (the control group). We experiment later with alternative samples and the results prove robust. Our basic analysis begins with the following fixed effects regression model:

$$ARFA_{ct} = \alpha_c + \tau_t + \beta_1 C_{ct} + \beta_2 P_{ct} + \beta_3 CP_{ct} + \gamma' X_{ct} + \varepsilon_{ct}, \quad (1)$$

where subscript  $c$  denotes counties and  $t$  denotes years. ARFA is the number of alcohol-related fatal accidents;  $\alpha_c$  and  $\tau_t$  are county and time fixed effects, respectively;  $C$  is a dichotomous variable indicating the presence of a casino;  $P$  is the log of county population;  $CP$  is an interaction term between the casino variable and the log of the county population;  $X$  is a vector of additional variables, explained in more detail along with the other variables, below; and  $\varepsilon$  is the error term.

ARFA is defined in most estimates as the log of the number of fatal accidents involving a driver whose measured BAC exceeded 0.08 in a given county-year cell. Specifically, in constructing ARFA we add one to the number of ARFAs in each county-year to prevent losing the very small counties that may have zero accidents

when the values are logged. Results prove robust to this approach. We judge logs to be the most appropriate scale for the dependent variable because the median estimated number of fatal accidents for the county-years in the sample is less than the mean.

Given that the number of accidents may be highly variable in smaller counties and that we use data aggregated to the county-year level, we weight the OLS estimates by county-year population size obtained from the Census Bureau. Estimation of Eq. (1) will therefore use weighted least squares (WLS). We also correct all standard errors to allow for non-independence of observations from the same state through clustering. This follows Arellano (1987) and Bertrand et al. (2004). We show later that redefining the dependent variable or using a different estimation model yields qualitatively identical results.<sup>8</sup>

Variable  $C$  is a county indicator that is set to one if the county has a casino present in a given year.<sup>9</sup> Variable  $CP$  is the interaction of the casino dummy and the log of the county population. To allow for a more meaningful interpretation, we will also estimate  $CP$  as the interaction of the casino dummy and the demeaned log of the county population. Thus, the estimate of  $\beta_3$  can be read as an estimate of the percent increase in ARFAs after a casino opens in a county with an average log population, relative to a control group of counties that did not have a casino open at any point during the sample period. As mentioned earlier in the paper, we believe that drinking and driving outcomes are likely to be affected by the population of the counties impacted, hence variable  $CP$ , capturing the casino-population interaction, will help to identify whether such a relationship does exist.<sup>10</sup>

The inclusion of county fixed effects ( $\alpha_c$ ) and time fixed effects ( $\tau_t$ ) are imperative to proper identification when utilizing this empirical research design. Specifically, the inclusion of county fixed effects captures differences in accident prevalence across coun-

<sup>8</sup> For example, a Poisson regression (Hausman et al., 1984) could be used given the discrete measurement of the dependent variable (before logging). Given the potential over-dispersion of the dependent variable, however, the Poisson might be inappropriate. Therefore, a negative binomial model might be more appealing, but the conditional negative binomial model correcting for over-dispersion has recently been criticized on the grounds of failing to be a true fixed effects estimator (Allison and Waterman, 2002). We settle on weighted least squares as the least problematic and most easily interpretable measure to use in presenting the basic results. We conducted a multitude of robustness checks to ensure our choice of model is not driving the result, many of which are later reported in Table 4.

<sup>9</sup> We recognize that utilizing a dichotomous variable to indicate whether there is a casino present in a county or not ignores any differences in the size of the casino environment across counties and over time. Unfortunately we were unable to obtain any reliable or comprehensive measure of casino size at the county level or for individual casinos. This is a limitation of our analysis.

<sup>10</sup> It is important to note that the inclusion of the log of population is equivalent to the inclusion of the log of population per square mile, given that county fixed effects are included and that the area size of counties does not vary over time.



ties that are time-invariant. Therefore, the inclusion of fixed effects allows us to compare counties with persistent differences in accident prevalence, without concern that these differences will impact our estimates. On the other hand, time fixed effects capture changes in accident prevalence over time that is common in all counties.

We recognize the recent empirically rigorous studies that evaluate the determinants of drunk driving (e.g., Dee, 1999; Baughman et al., 2001; Eisenberg, 2003) and understand that our empirical strategy should isolate the impact of casinos from the other determinants of ARFAs. We know that population growth will likely increase the number of accidents, so one control is the log of the county's population ( $P$ ), obtained from the Census Bureau. Although we think casino openings are likely exogenous in the context of our study, there may exist some correlation between casino presence and some other factors. Our empirical approach addresses this in a number of ways. First, the county fixed effects capture differences in counties that might affect accidents and are constant over time. We also add various covariates that capture county-specific changes in a county's ARFAs over time and include them in the  $X$  vector.

Second, Ruhm and Black (2002) showed that downturns in the economy have a small negative net impact on drinking behavior. So, county unemployment rates collected from the Local Area Unemployment Statistics (LAUS) program are included in  $X$ .

Third, we are concerned that there may be an underlying propensity for all traffic accidents to change in a county (or state) over time because of differences in speed limits, gas prices, general economic activity, highway construction, weather patterns, insurance rates, or other factors that might confound the interpretation of our estimates of ARFAs. To capture these, we employ an approach employed by Adams and Cotti (2008), which utilizes the log number of accidents per county that were *not* alcohol-related (also measured in the FARS data). This control isolates the effect of the independent variables (including the casino variables) apart from the many potentially omitted factors that make it more dangerous to drive in any particular locality. Given that this captures underlying traffic trends in the data, it would capture any differences in general accident risk that may arise between the treatment and control groups during the sample period analyzed, and as such is a very powerful control.

Another issue that must be addressed in this analysis is the concern that the opening of a casino in a county is correlated with other government policies that are meant to deter drunk drivers. We use data from 1990 to 2000, however, which is a time period beyond the point that most states had engaged in most of their legislative activity aimed at deterring drunk driving. For example, since 1988 the minimum legal drinking age has been 21 in all states. This alleviates the concern that casino passage tended to coincide with legislation aimed to deter intoxicated drivers. The fact that our sample includes casinos from every region of the U.S. further supports the experimental nature of our study.

Nevertheless, during our sample period, there were three state-level variables that changed enough to raise concern that they might confound the interpretation of the estimated casino effect. First, a number of states lowered the minimum BAC used to determine whether a driver was legally intoxicated, from 0.10 to 0.08. Table 1 shows that more counties in our treatment group than the control group were affected by this reduction. Dee (2001) and Eisenberg (2003) use somewhat older data to show that stricter BAC requirements reduce drunk driving accidents. For this reason, we include controls for whether the county is located in a state that had a 0.08 statute for a given year; the remainder of the counties had 0.10 BAC laws during this time period. Second, many states passed zero-tolerance laws on teen drivers during our sample time-frame. Carpenter (2004) shows that these laws play an important role in

reducing drinking and driving among young drivers, so we include a dummy variable indicating if a state had a zero-tolerance alcohol policy in place. Third, alcohol excise taxes varied over our sample period, as some states increased or decreased their rates. Ruhm (1996) finds beer taxes to be effective in deterring drunk driving for at least a subset of the population. Eisenberg (2003), however, finds limited evidence of such an effect from beer taxes. We include controls for the log of beer taxes (in 2000 dollars) to capture any tax effect. However, a look at Table 1 shows little differential variation in beer taxes between the treatment and control states.

There are obviously other minor state and local laws and regulations aimed at deterring drunk driving, many of which might be effective in certain areas. We find that adding control variables for BAC laws, zero-tolerance policies, and beer taxes does not substantially change our estimated casino effect. So, if these much more visible and effective policies are not correlated with the introduction of casinos, it is unlikely our results would be affected by less visible policies.<sup>11</sup>

## 4. Results

### 4.1. Basic results

We begin by estimating Eq. (1) for a balanced sample of all the treatment and control counties. Results are shown in column (1) of Table 2 and indicate that, for counties of near the mean logged population, the opening of a casino increases alcohol-related fatal accidents (ARFAs) by a statistically significant 9.2%. Consistent with our expectations, the casino-population interaction shows that this effect declines as population size increases. Recall, we estimate the casino effect where the casino-population interaction is defined as the interaction of the casino dummy and the demeaned log of the county population.<sup>12</sup> So, the estimates on the casino and casino-population interaction variables provide evidence that casino presence does impact ARFAs, but the population of a county determines the magnitude and the direction of the effect. For example, the estimates in Table 2, column (1) suggest that smaller/rural counties with casinos, such as Sauk County, WI (average sample population = 17,339; log population = 9.76) would see a statistically significant increase in ARFAs of 16.9% ( $p$ -value = 0.014), while much larger/urban counties with casinos, such as Milwaukee County, WI (average sample population = 936,589; log population = 13.75) would see a statistically significant *decline* in ARFAs of 6.1% from the introduction of a casino ( $p$ -value = 0.064). In light of our earlier theoretical discussion of the possible effects of casinos on ARFAs, our results may indicate that in rural counties, casinos tend to increase miles driven by intoxicated drivers (potentially from residents of the county and by out-of-county visitors), and therefore make ARFAs more likely. In urban settings, however, it appears that this effect may be more than offset by a substitution of casino patronage for other drinking establishments, coupled with other aspects of urban living, such as a much greater availability of public transportation.

With regard to the other variables in the regression, as expected, all else equal, population growth increases the number of accidents. Also as expected, the number of fatal accidents involving no alcohol is also positive and highly significant. We believe this captures the general accident trend in a county, which is driven by factors that impact the relative driving danger of an area separate from alcohol,

<sup>11</sup> We also included interaction terms of the casino variable and the policy variables. However, none of these interaction terms was significant and they did not affect the overall results.

<sup>12</sup> Average (unweighted) log population in the sample is 11.095.

**Table 2**  
Effects of casino entry on ARFAs, 1990–2000.

Explanatory variables	Dep. variable: Nat. log alcohol-related fatal accidents (ARFAs) WLS	
	(1)	(2)
Casino dummy (C)	0.092** (0.041)	0.117*** (0.041)
Casino-population interaction (CP) <sup>a</sup>	−0.058** (0.023)	−0.081*** (0.028)
Border county dummy (B)	–	0.107*** (0.033)
Border county-population interaction (BP) <sup>b</sup>	–	−0.069*** (0.017)
Nat. log county population (P)	0.488*** (0.171)	0.449*** (0.175)
Nat. log non-alcohol-related fatal accidents	0.148*** (0.031)	0.135*** (0.024)
Zero-tolerance law dummy	−0.052** (0.021)	−0.056*** (0.020)
0.08 blood alcohol content (BAC) dummy	0.034 (0.044)	0.029 (0.038)
Nat. log beer tax (in 2000 dollars)	−0.087 (0.074)	−0.069 (0.069)
Nat. log county unemployment rate	−0.085 <sup>†</sup> (0.051)	−0.095 <sup>†</sup> (0.054)
Observations	17,248	17,248
Counties	1568	1568
States	50	50
R-squared	0.940	0.941

Notes: (1) Robust standard errors are in parentheses. (2) Estimates are clustered at the state level to allow for non-independence of observations from the same state. (3) Estimates are weighted by county population. (4) Nevada and Atlantic County, NJ have been excluded. (5) Only counties where observations were available for all 11 years are included.

<sup>a</sup> The casino-population interaction is demeaned for interpretation at a meaningful population and is defined as (casino dummy) × [ln(population) − ln(mean population)].

<sup>b</sup> The border county-population interaction is demeaned for interpretation at a meaningful population and is defined as (border county dummy) × [ln(population) − ln(mean population)].

<sup>†</sup>  $p < 0.1$ .

\*\*  $p < 0.05$ .

\*\*\*  $p < 0.01$ .

such as road construction or weather. It is important to note that, although changes in non-alcohol-related accidents are highly correlated with ARFAs, the effect of the casino and casino-population interaction is still significant.<sup>13</sup> Estimates on the remaining controls are as anticipated or are insignificant.

The identification strategy utilized to this point is predicated on the assumption that after the inclusion of fixed effects and time-varying controls, the casino counties are comparable to the non-casino counties. Yet, even though we have controlled for changes in non-alcohol-related trends, there is always the concern that casino openings are somehow correlated with some unobserved trend in ARFAs. Although we view this to be unlikely, in light of the aforementioned controls and the exogenous nature of casinos with regard to drunk driving, we do test for the presence of such a correlation in two ways. First, we fail to reject the null hypothesis that the pre-casino trends of ARFAs in the treatment and control groups are identical, thus providing no evidence to indicate that there is a difference in accident trends between the control group and treatment group in the years prior to casino entry ( $p$ -value = 0.562). Second, we look at the effect of casinos over time by introducing lead and lagged effects, as well as a contemporaneous effect of the casino entry. The lead effects are informative in that we

can determine whether the estimates of the casino dummy variable (C) are indeed stemming from the opening of casino, as opposed to the effect of a previously existing trend. The results, presented in Table 3, indicate the expected pattern as the lead effects are not significant and have opposing signs, while estimates only become statistically significant and consistently positive after the casino opens.<sup>14</sup> Overall, these results provide no evidence to suggest that the estimates in Table 2, column (1) are the result of trending differences between the treatment and control counties; instead they appear to be real effects of casinos.

#### 4.2. Robustness checks

Although we view our empirical decisions thus far as reasonable, we recognize there are several alternative definitions of the sample, the dependent variable, the policy variables, and estimation methods that we could have employed. In order to verify that the results are not sensitive to our choices, we next engage in a series of robustness checks, which we summarize in Table 4. For comparison, row (1) repeats the primary results from Table 2, column (1), a 9.2% increase in ARFAs after casino entry, with a −0.058 estimated coefficient on the demeaned casino-population interaction.

Our first set of robustness checks tests the robustness of our chosen estimation model. We have been using weighted least squares

<sup>13</sup> One could envision a falsification exercise where the log of non-alcohol-related accidents is the dependent variable. However, we find no evidence of a casino effect on accidents with no alcohol involved (Coef. = 0.019, SE = 0.035). Likewise, the estimated effect of the casino-population interaction is both statistically and absolutely insignificant (Coef. = −0.001, SE = 0.018). It is only the alcohol-related crashes that are impacted by casino entry.

<sup>14</sup> A test of the joint significance of leads fails to reject the null hypothesis that leads jointly equal zero ( $p$ -value = 0.5506). Test of the joint significance of lags successfully rejects the null hypothesis that lags jointly equal zero ( $p$ -value = 0.0636).



**Table 3**  
Effects of casino entry on ARFAs, leads and lags.

	Dep. variable: Nat. log alcohol-related fatal accidents (ARFAs) WLS Casino year effects
Lead 3 years+	0.049 (0.070)
Lead 2 years	-0.074 (0.063)
Lead 1 year	-0.036 (0.078)
Year of casino opening	0.057 (0.052)
Lag 1 year	0.126** (0.046)
Lag 2 years	0.090 (0.060)
Lag 3 years +	0.126** (0.059)
p-value: test joint significance of leads	0.5506
p-value: test joint significance of lags	0.0636*
Observations	17,248
Counties	1568
States	50
R-squared	0.940

Notes: (1) Results are analogous to those presented in the first column of Table 2. Hence, all control variables from Table 2, column (1), as well as interactions between the lead/lag dummies and log of demeaned population were included in this regression. (2) Robust standard errors are in parentheses. (3) Estimates are clustered at the state level to allow for non-independence of observations from the same state. (4) Estimates are weighted by county population. (5) Nevada and Atlantic County, NJ have been excluded. (6) Only counties where observations were available for all 11 years are included.

\*  $p < 0.1$ .

\*\*  $p < 0.05$ .

estimation with a log transformed dependent variable. However, several alternative estimation methods are also potentially good options. For example, given the discrete count-nature of the accident data, a Poisson approach may be appropriate. Row (2) of Table 4 provides estimates using a fixed-effect Poisson estimation approach and shows similar inference to the WLS estimates.<sup>15</sup> Next we note that frequently in the accident literature the dependent variable will be divided by a measure of population to generate an accident rate and a logit or probit approach will be utilized. In row (3) we have taken this approach, using a probit model to estimate the effects of casino entry. Again results prove robust as the estimated marginal effects are very similar to the WLS estimates. The last alternative estimation approach tests the sensitivity of the basic results to the use of county fixed effects. We recognize that three of the control variables we use are measured at the state level: beer tax, zero-tolerance laws, and lower BAC requirements. In row (4) we employ state rather than county fixed effects; the estimates remain very similar to our original estimates.

Next, we checked the robustness of our chosen specification. First, to this point, we have considered a county to be a “casino county,” with the casino dummy variable equal to one if a casino was open within a county’s borders at any point during a calendar year. We could have weighted the casino dummy differently for the first year a casino is present in a county, because the impact may be lessened if the casino was not operating for the entire year. Alternatively, we could have considered a county as only having been affected by the casino’s presence for a given year if the

casino was present before the beginning of that year. So, in order to test our results to the sensitivity of the first year weighting we generate estimates where the year the casino opens is given half-weight ( $C=0.5$ ) or no weight ( $C=0$ ). As detailed in rows (5) and (6) of Table 4, the overall impact of casinos remains both quantitatively and qualitatively the same regardless of how we treat the casino dummy variable and the corresponding casino-population interaction during the first year of a casino presence. Next we consider the robustness of our dependent variable definition. Instead of using the log of ARFAs where driver BAC exceeded 0.08, we could have chosen the log number of fatal accidents involving any alcohol. When we do this the outcome is nearly the same, as shown in row (7).

In our final set of robustness tests, we test whether the sample group we have been using is unduly influencing the results. We test three alternative samples. In the first alternative, we restrict the control group to only those states with a casino present at some point during the sample time-frame (1990–2000). From the perspective of cultural or regional driving norms, the non-casino counties from states with some casino presence may provide a better control group.<sup>16</sup> The results of this test are reported in row (8); the story remains virtually unchanged. Next, on a similar theme, we used a logistic regression to calculate propensity scores for each county as a means of matching the treatment counties to the most similar control counties in the sample. Results of this examination are presented in row (9) and also prove robust, albeit less precisely measured. Finally, thus far we have been using a balanced sample of counties, which has imposed a strong restriction on the data. So, in our last robustness check we replicate the analysis from Table 2, column (1), utilizing the much larger unbalanced sample. Although the estimated effect of casino entry on the mean population is larger, the inclusion of these additional counties does not alter our qualitative findings.

Overall, the results detailed in Table 4 provide us with a broad and comprehensive picture of the nature of the measured effects. Under most of the alternatives, we estimate an effect that is slightly stronger than the basic estimates. Under a few of the alternatives, the precision is smaller, but, regardless of empirical assumptions, the qualitative conclusions of the primary model remain intact. We therefore regard our results presented in Table 2, column (1) as being robust and fairly conservative estimates for the impact of casinos on ARFAs.

#### 4.3. Border county analysis

In Section 2 of the paper we advanced several potential mechanisms that might explain how opening a casino might impact alcohol-related fatal accidents. One such mechanism for an increase in drunk driving rates comes from the existing literature on consumer behavior which suggests that small differences in consumer utility can prompt changes in driving habits. In particular, if casinos act as a destination and attract people from a wide area, we could see an increase in accident deaths in counties near a casino county, as well as in the county in which the casino is located. Returning to Table 2, we address this possibility by testing for casino effects on fatal accidents in counties adjoining the casino counties. If there are increases in ARFAs in the adjoining counties after casinos open, this is suggestive that people are driving greater distances in response to this change in their incentives.

Our specification of this analysis, presented in Eq. (2) below, is nearly identical to that presented in Eq. (1), except we now include

<sup>15</sup> Due to a limitation in the Stata programming, the estimation is not weighted and the standard errors from these estimates were clustered at the county, rather than the state level.

<sup>16</sup> For these estimates, we exclude counties from states such as Maine and South Carolina, which do not have any casinos present between the years 1990 and 2000.

**Table 4**  
Robustness checks of the basic results.

	Model	Casino dummy (C)	Casino–population interaction (CP) <sup>a</sup>
(1)	Basic specification (repeated from Table 2, column 1)	0.092** (0.041)	−0.058** (0.023)
	<i>Alternative estimation method</i>		
(2)	Unweighted Poisson fixed effects	0.088*** (0.029)	−0.068*** (0.015)
(3)	Fixed effects probit (dep. variable is ARFA rate) (marginal effects shown)	0.069** (0.029)	−0.049** (0.020)
(4)	State fixed effects (instead of county)	0.097** (0.046)	−0.048* (0.028)
	<i>Alternative specifications</i>		
(5)	Casino dummy given half-weight during year casino opened, one thereafter	0.107** (0.050)	−0.061** (0.024)
(6)	Casino dummy given zero-weight during year casino opened, one thereafter	0.099** (0.050)	−0.053** (0.021)
(7)	Dep. variable is log of number of accidents involving any alcohol	0.096** (0.042)	−0.054** (0.023)
	<i>Alternative samples</i>		
(8)	Only counties from a state with a casino (1,002 total counties)	0.099** (0.047)	−0.055** (0.022)
(9)	Propensity score analysis (701 counties)	0.133* (0.072)	−0.109** (0.048)
(10)	Unbalanced panel (3114 total counties)	0.120** (0.048)	−0.054** (0.021)

Notes: (1) Each row represents a separate regression on the dependent variable ARFAs. County and year fixed effects, as well as controls for accidents not involving alcohol, population, beer tax, a zero-tolerance dummy, the local area unemployment rate, and minimum BAC levels are included in all regressions. For the sake of brevity, these other variables are not shown here. Unless otherwise noted, the number of counties in consistent: 1568.

(2) Coefficient estimates and robust standard errors (corrected to allow for non-independence of observations within a state through clustering) are reported.

<sup>a</sup> (Casino dummy) × [ln(population) – ln(mean population)].

\*  $p < 0.1$ .

\*\*  $p < 0.05$ .

\*\*\*  $p < 0.01$ .

variable  $B$ , which is a dummy variable that is equal to one if a county borders a county with a casino, and variable  $BP$ , which is an interaction between the border county indicator and county population:

$$ARFA_{ct} = \alpha_c + \tau_t + \beta_1 C_{ct} + \beta_2 P_{ct} + \beta_3 CP_{ct} + \beta_4 B_{ct} + \beta_5 BP_{ct} + \gamma' X_{ct} + \varepsilon_{ct} \quad (2)$$

This specification allows for two distinct treatment groups, counties with a casino and counties that border counties with a casino, and a control group that consists of all remaining counties. This approach provides us not only the ability to estimate if any potential spillover effects of casinos exist in bordering counties, but, in the event spillovers are present, to also re-estimate the impact of casinos on drunk driving accidents in the casino counties against a potentially more appropriate control group.

Results presented in the second column of Table 2 indicate that, for counties of near the mean logged population, the opening of a casino increases ARFAs in border counties by a statistically significant 10.7% and in the casino county itself by 11.7%. Moreover, both the county–population interaction variables are negative and significant, indicating that again the size of the county plays an important role in outcomes. We should point out that, while the estimated border county interaction suggests that highly populated border counties could see a decline in ARFAs, given on the actual border county populations, these estimates would predict an increase in ARFAs in nearly 90% of the border counties in the sample. With this in mind, these results suggest that there are generally relevant spillover costs onto neighboring counties, as residents seem to drive to and from casinos.

Overall, findings from this border county analysis seem to indicate that increases in visitors from nearby areas are at least partially

responsible for any net increases in ARFAs observed in the casino counties. And, from a policy perspective, this result suggests that jurisdictions that border casino counties should be aware of a heightened risk of drunk drivers returning along major highways from the locations which have operating casinos.

## 5. Conclusion

This paper is the first of which we are aware to show that casinos impact the fatal accident risk posed by drunk drivers. Specifically, we find that the magnitude and direction of the effect is dependent on the size of the population where the casino is opened. Thus, on average, rural or moderately sized counties will likely see an increase in alcohol-related fatal traffic accidents when casinos are present, but urban or greater-than-average populous counties may be expected to see a decrease in alcohol-related fatal traffic accidents when casinos are present. Among other factors, we believe the net effect lies in the tradeoff between increases in the total number of miles driven while intoxicated in a county (increasing risk), and the potential that casinos may act as a substitute to other venues at which alcohol may be served (decreasing risk), with the former being stronger in all but the most urban areas.

We have shown that this result is robust to the inclusion of controls for area and time fixed effects, changes in population, changes in other policies that may impact drunk driving behavior (e.g., beer taxes, BAC laws), as well as changes in factors that may influence overall driving risk separate from drinking behavior (e.g., construction, weather). Furthermore, these estimates are also robust to several alternative definitions of the control group, the dependent variable, and to the estimation method selected (e.g., weighted least squares, Poisson, probit). Lastly, evidence from an analysis of border counties is consistent with the idea that the dispersed nature of casinos creates a destination effect – particularly

in less urban areas – that attracts people from surrounding jurisdictions to drink and gamble, which leads to an increase in ARFAs in the casino county, as well as in the bordering counties.

Overall, this study provides an important new piece of information on the effects of casinos on local communities. This information can be helpful to jurisdictions currently weighing the casino option, as well as existing casino jurisdictions attempting to address the social impacts from casinos. In particular, we hope that this study will provide increased awareness about the potential problems that casino introduction can create, especially on rural highways, and that local communities will take the appropriate steps necessary to increase the private costs associated with the decision to drink and drive.

## Acknowledgements

The authors are grateful to McKinley Blackburn for his assistance and to Earl Grinols and David Mustard for providing much of the casino opening data used in this study. Several referees and an editor also provided helpful comments and suggestions. Any errors are ours.

## References

- Adams, S., Cotti, C., 2008. Drunk driving after the passage of smoking bans in bars. *Journal of Public Economics* 92, 1288–1305.
- Allison, P., Waterman, R., 2002. Fixed-effects negative binomial regression models. *Sociological Methodology* 32, 247–265.
- American Gaming Association, 2009. State of the States, 2008. American Gaming Association, Washington, DC.
- American Psychiatric Association, 1994. Diagnostic and Statistical Manual of Mental Disorders 4e. American Psychiatric Association, Washington, DC.
- Anders, G., Siegel, D., Yacoub, M., 1998. Does Indian casino gambling reduce state revenues? Evidence from Arizona. *Contemporary Economic Policy* 16, 347–355.
- Arellano, M., 1987. Computing robust standard errors for within-groups estimators. *Oxford Bulletin of Economics and Statistics* 49, 431–434.
- Asplund, M., Friberg, R., Wilander, F., 2007. Demand and distance: evidence on cross-border shopping. *Journal of Public Economics* 91, 141–157.
- Barron, J., Staten, M., Wilshusen, S., 2002. The impact of casino gambling on personal bankruptcy filing rates. *Contemporary Economic Policy* 20, 440–455.
- Baughman, R., Dickert-Conlin, S., Conlin, M., Pepper, J., 2001. Slippery when wet: the effects of local alcohol access laws on highway safety. *Journal of Health Economics* 20, 1089–1096.
- Bertrand, M., Duflo, E., Mullainathan, S., 2004. How much should we trust differences-in-differences estimates? *Quarterly Journal of Economic* 119, 249–275.
- Carpenter, C., 2004. How do zero tolerance drunk driving laws work? *Journal of Health Economics* 23, 61–83.
- Chaloupka, F., Grossman, M., Saffer, H., 2002. The effects of price on alcohol consumption and alcohol-related problems. *Alcohol Research and Health* 26, 22–34.
- Cornfield, J., 2009. Many Arrested for DUI Said Last Drink Served at Tulalip Casino. HeraldNet, Everett, WA, 5 January.
- Cummings, P., Rivara, F., Olson, C., Smith, K., 2006. Changes in traffic crash mortality rates attributed to use of alcohol, or lack of a seatbelt, air bag, motorcycle helmet, or bicycle helmet, United States, 1982–2001. *Injury Prevention* 12, 148–154.
- Curran, D., Scarpitti, F., 1991. Crime in Atlantic City: do casinos make a difference? *Deviant Behavior* 12, 431–449.
- Dee, T., 1999. State alcohol policies, teen drinking and traffic fatalities. *Journal of Public Economics* 72, 289–315.
- Dee, T., 2001. Does setting limits save lives? The case of 0.08 BAC laws. *Journal of Policy Analysis and Management* 20, 111–128.
- Eisenberg, D., 2003. Evaluating the effectiveness of policies related to drunk driving. *Journal of Policy Analysis and Management* 22, 249–274.
- Elliott, D., Navin, J., 2002. Has riverboat gambling reduced state lottery revenue? *Public Finance Review* 30, 235–247.
- Ferris, S., 2000. The determinants of cross border shopping: implication for tax revenues and institutional change. *National Tax Journal* 53, 801–824.
- Garrett, T., Nichols, M., 2008. Do casinos export bankruptcy? *The Journal of Socio-Economics* 37, 1481–1494.
- Grinols, E., Mustard, D., 2006. Casinos, crime, and community costs. *Review of Economics and Statistics* 88, 28–48.
- Hausman, J., Hall, B., Griliches, Z., 1984. Econometric models for count data with an application to the patents-R&D relationship. *Econometrica* 52, 909–938.
- Hingson, R., Heeren, T., Winter, M., Wechsler, H., 2005. Magnitude of alcohol-related mortality and morbidity among U.S. college students ages 18–24: changes from 1998 to 2001. *Annual Review of Public Health* 26, 259–279.
- Klein, T., 1986. A Method for Estimating Posterior BAC Distributions for Persons Involved in Fatal Traffic Accidents. DOT HS 807094. National Highway Traffic Safety Administration, Department of Transportation.
- Light, S., Rand, K., 2005. Indian Gaming & Tribal Sovereignty: The Casino Compromise. University Press of Kansas, Lawrence, KS.
- Lösch, A., 1954. The Economics of Location (W. Woglom, W. Stolper, Trans.). Yale University Press, New Haven, CT.
- Mason, P., Stranahan, H., 1996. The effects of casino gambling on state tax revenue. *Atlantic Economic Journal* 24, 336–348.
- NIGC (National Indian Gaming Commission), 2009. NIGC Announces 2008 Revenues. U.S. Department of the Interior, Washington, DC.
- NHTSA (National Highway Traffic Safety Administration), 2002. Transitioning to Multiple Imputation—A New Method to Impute Missing Blood Alcohol Concentration (BAC) Values in FARS. DOT HS 809403. Washington, DC.
- Petry, N., Stinson, F., Grant, B., 2005. Comorbidity of DSM-IV pathological gambling and other psychiatric disorders: results from the National Epidemiological Surveys on Alcohol and Related Conditions. *Journal of Clinical Psychiatry* 66, 564–574.
- Popp, A., Stehwiens, C., 2002. Indian casino gambling and state revenue: some further evidence. *Public Finance Review* 30, 320–330.
- Reuter, P., 1997. The impact of casinos on crime and other social problems: an analysis of recent experiences. Report for the Greater Baltimore Committee.
- Rubin, D., Shafer, J., Subramanian, R., 1998. Multiple Imputation of Missing Blood Alcohol Concentration (BAC) Values in FARS. DOT HS 808816. National Highway Traffic Safety Administration, Department of Transportation.
- Ruhm, C., 1996. Alcohol policies and highway vehicle fatalities. *Journal of Health Economics* 15, 435–454.
- Ruhm, C., Black, W., 2002. Does drinking really decrease in bad times? *Journal of Health Economics* 21, 659–678.
- Siegel, D., Anders, G., 1999. Public policy and the displacement effects of casinos: a case study of riverboat gambling in Missouri. *Journal of Gambling Studies* 15, 105–121.
- Siegel, D., Anders, G., 2001. The impact of Indian casinos on state lotteries: a case study of Arizona. *Public Finance Review* 29, 139–147.
- Smith, G., 2010. Fatal crashes, DUI arrests up in Southeast during 2009. *Norwich Bulletin* 3 February.
- Stitt, B., Nichols, M., Giacopassi, D., 2003. Does the presence of casinos increase crime? An examination of casino and control communities. *Crime & Delinquency* 49, 253–284.
- Stokowski, P., 1996. Crime patterns and gaming development in rural Colorado. *Journal of Travel Research* 34, 63–69.
- Thalheimer, R., Ali, M., 2004. The relationship of pari-mutuel wagering and casino gaming to personal bankruptcy. *Contemporary Economic Policy* 22, 420–432.
- Villaveces, A., Cummings, P., Koepsell, T., Rivara, F., Lumley, T., Moffat, J., 2003. Association of alcohol-related laws with deaths due to motor vehicle and motorcycle crashes in the United States, 1980–1997. *American Journal of Epidemiology* 157, 131–140.
- Welte, J., Barnes, G., Wieczorek, W., Tidwell, M., Parker, J., 2001. Alcohol and gambling pathology among U.S. adults: prevalence, demographic patterns and co-morbidity. *Journal of Studies on Alcohol* 62, 706–712.
- Wenz, M., 2007. The impact of casino gambling on housing markets: a hedonic approach. *Journal of Gambling Business and Economics* 1, 101–120.
- WFSB Hartford, 2009. Mohegan Sun to Battle Drunken Driving. WFSB.com, 30 November.
- Wilson, J., 2001. Riverboat gambling and crime in Indiana: an empirical investigation. *Crime & Delinquency* 47, 610–640.

# Morgan Lewis

**Jonathan M. Albano**

Partner  
+1.617.951.8360  
jonathan.albano@morganlewis.com

June 5, 2018

**VIA EMAIL**

**c/o edward.bedrosian@state.ma.us**

Commission Chairman Stephen Crosby  
Commissioner Gayle Cameron  
Commissioner Eileen O'Brien  
Commissioner Bruce Stebbins  
Commissioner Enrique Zuniga  
Massachusetts Gaming Commission  
101 Federal Street, 12th Floor  
Boston, MA 02110

**RE: Application of Penn National Gaming, Inc., Plainville Gaming and Redevelopment, LLC, and Gaming Leisure Properties, Inc. for Approval of Transfer**

Dear Commissioners:

I am writing on behalf of Penn National Gaming, Inc. ("PNG"), Plainville Gaming and Redevelopment, LLC ("PGR") and Gold Merger Sub, LLC ("GMS"), an affiliate of Gaming Leisure Properties, Inc. ("GLPI") (collectively, the "Applicants") concerning their pending application pursuant to 205 CMR 116.10 for interim authorization of the transfer from PGR to GMS of the real estate and premises located at 301 Washington St., Plainville, Massachusetts (the "Property"), the site of Plainridge Park Casino. The Applicants request that the commission review and approve two aspects of the proposed transfer: (a) the duration of the sublease of the Property to PGR proposed as part of the transfer; and (b) the form of trust submitted by the Applicants pursuant to 205 CMR 116.10.

**A. The Proposed Transfer**

As detailed in submissions to and meetings with the IEB and the commission's legal staff, the proposed real estate transfer is part of a larger transaction between PNG and Pinnacle Entertainment, Inc. ("PNK"). In brief, subject to all applicable regulatory approvals, PNG and PNK have entered into an agreement whereby PNG will acquire PNK through a public company merger transaction. The only aspect of the proposed transaction that directly affects Massachusetts is the purchase by GMS of PGR's Property in Plainville. The Property will be leased by GMS to Pinnacle MLS, LLC ("MLS"), which will be a wholly owned, indirect subsidiary of PNG upon the closing of the transaction, through a master lease agreement covering multiple gaming facilities across the

**Morgan, Lewis & Bockius LLP**

One Federal Street  
Boston, MA 02110-1726  
United States

📞 +1.617.341.7700  
📠 +1.617.341.7701

June 5, 2018

Page 2

country. MLS will then sublease the Property to PGR, another indirect wholly-owned subsidiary of PNG.

The master lease between GMS and MLS is a triple net lease pursuant to which MLS, and through the sublease, PGR, will be solely responsible for all operating decisions, property taxes, insurance, and capital maintenance and other expenses. PGR also will be responsible for all movable furniture, fixtures and equipment required for operations.<sup>1</sup>

The sublease requires that PGR use the Property exclusively as a gaming establishment for as long as the sublease is in effect. The term of the sublease extends to April 28, 2051. If the sublease is not further extended at that time, the master lease provides a process, subject to regulatory approval, for PGR to transfer its gaming assets (including its gaming license) to a successor tenant operating under a new lease with a minimum term of ten years, further extending until at least 2061 the operation of a gaming establishment on the Property.

## **B. The Requests for Commission Approval**

The Applicants provided notice to the IEB of the proposed transfer and supplied the IEB with the transaction documents, including the master lease and sublease, and other information. The IEB designated certain individual and entity qualifiers in connection with the transfer, each of whom filed RFA-1 applications. The applications included a fully executed trust instrument as required by 205 CMR 116.10.

During discussions with the commission's legal staff, the following two issues arose as to which the Applicants seek the commission's guidance and approval.

The first issue is whether G.L. c. 23K requires PGR's sublease (and consequently the master lease) to extend for at least 60 years beyond the term of PGR's license. For the reasons set forth below, the Applicants respectfully submit that the statute does not impose any such requirement on the transfer of the real property assets of an ongoing gaming establishment. In addition, the proposed PGR sublease provides ample long-term security to the Commonwealth by granting PGR a lease term that extends to 2051. If the sublease is not further extended at that time, GMS's master lease establishes an auction-based process for PGR to sell its gaming assets to a successor tenant who, if approved by the commission as a category 2 licensee, would continue to operate the gaming establishment under a new lease with a minimum term of 10 years.

The second issue is whether the trust instrument properly allows GMS to transfer the Property directly back to PGR if, after interim authorization is granted, (1) a suitability issue arises with respect to GLPI's individual or entity qualifiers; or (2) a negative suitability determination is rendered. The Applicants submit that, should either circumstance arise, transferring the Property back to PGR as the current licensee is in the best interests of the Commonwealth and is consistent with G.L. c. 23K, § 23 and 205 CMR 116.10.

---

<sup>1</sup> GLPI's tax status as a REIT limits its ability to derive income from operating assets or to participate in the profitability of its tenants. Consequently, GMS is a passive landlord with limited access to tenant's confidential information and limited consent rights.

### 1. The Applicants' Request for Approval of the Sublease Term

The proposed sublease between MLS and PGR has a term that coincides with the term of the master lease and extends until April 28, 2051 (comprised of an initial term that ends on April 28, 2026, plus five separate renewal terms of five years each, exercisable at the option of PGR). The sublease term thus would not end until approximately 32 years after the term of PGR's license, allowing for as many as six future renewals of the category 2 license. If the sublease is not further extended in 2051, PGR is required to follow a bidding process for the transfer of its gaming assets to a successor tenant who, if licensed by the commission, would operate a gaming establishment on the Property under a new lease with a minimum term of 10 years. It is noted that the 10-year term requirement is intended to set a minimum term to provide a basis for the purpose of determining fair market value rent for the successor tenant. GLPI expects the successor tenant will enter into a lease with an initial term and renewal terms that extend well beyond 10 years.

The commission staff raised the question of whether § 15 of G.L. c. 23K (entitled "Criteria for eligibility to receive gaming license") requires that the lease extend 60 years beyond the term of PGR's license. For the reasons set forth below, the Applicants submit that § 15 does not apply to the transfer of real estate on which an existing gaming establishment operates.

Both c. 23K and the regulations promulgated thereunder expressly permit the transfer of a licensee's real property. See G.L. c. 23K, § 23(c) (licensee may transfer "property relating to an ongoing gaming establishment," including under circumstances which "require that the transferee obtain licensure"); 205 CMR 116.08 (requiring notice to IEB of proposed real estate transfers); 205 CMR 116.09(1) (requiring commission approval of real estate transfers that result in designation of new qualifiers); 250 CMR 116.10(1) (regulating contracts to transfer any "real property relating to a gaming establishment" when the transferee must obtain licensure).

The statutory standard governing the approval of real estate transfers is set forth in § 21(b) of G.L. c. 23K. Section 21(b) provides in relevant part:

No person shall transfer ... a direct or indirect real interest, structure, real property, premises, facility, personal interest or pecuniary interest under a gaming license issued under this chapter ... without the notification to, and approval by, the commission[;] and provided further, *that the commission may reject a transfer if the commission considers the transfer unsuitable*[.]

G.L. c. 23K, § 21(b) (emphasis added).

The regulations expand upon the statutory standard by providing that the commission may reject any transfer that it finds would be "disadvantageous to the interests of the Commonwealth of Massachusetts." 205 CMR 116.09(2). A transfer may be considered "disadvantageous to the interests of the Commonwealth" if the commission determines that the proposed transferee does not satisfy the applicable provisions of G.L. c. 23K and 205 CMR concerning suitability investigations, the granting or denial of license applications, or the review of proposed transfers of interests under 205 CMR 129.01.<sup>2</sup>

---

<sup>2</sup> More specifically, 205 CMR 116.09(2) provides that a transfer "may be considered disadvantageous to the interests of the Commonwealth if the commission determines that the proposed transferee does not satisfy the applicable considerations set forth in M.G.L. c. 23K, §§ 12

None of the foregoing statutory and regulatory provisions requires the licensee/transferor to lease the property for any specified term of years. Approval of a proposed transfer instead focuses on the suitability of any newly designated qualifiers and the transfer. Section 21(b) of c. 23K, for example, authorizes the commission to reject transfers it finds "unsuitable," and contains no requirement that the licensee enter into a lease of any specific duration. *See* G.L. c. 23K, § 21(b). Nor do the commission's regulations contain any such requirement. *See* 205 CMR 116.09(2) (authorizing commission to reject any transfer that it finds would be "disadvantageous to the interests of the Commonwealth"); *see also* 205 CMR 129.01 ("Review of a Proposed Transfer of Interests" involving change of control).

Section 15(3) of c. 23k, in contrast, has no application to transfers of property and instead only applies when the commission is reviewing an initial license application for a gaming establishment yet to be constructed, a scenario that involves very different considerations and risks than the real estate transfer proposed by the Applicants.

Section 15 of c. 23K provides in relevant part that "[n]o applicant shall be eligible to receive a gaming license" unless the applicant "meets the following criteria and clearly states as part of an application" that the applicant shall:

- (3) own or acquire, within 60 days after a license has been awarded, the land where the gaming establishment *is proposed to be constructed*; provided, however, that ownership of the land shall include a tenancy for a term of years under a lease that extends not less than 60 years beyond the term of the gaming license issued under this chapter;

G.L. c. 23K, § 15(3) (emphasis added).

By its terms, § 15 does not apply to licensees whose gaming establishments already have been constructed. *See* G.L. c. 23K, § 15 (referring to land where the gaming establishment "is proposed to be constructed"). Section 15 thus reflects the legislature's common sense concern that construction of a gaming facility might be threatened by questions about an applicant's right to build. The legislature therefore decreed that "eligibility to receive a gaming license" should include proof that an applicant either holds title to the land on which the gaming establishment is to be built, or has sufficient long-term control of the property to be treated as an "owner" of the undeveloped property, as that term is defined in § 15.

Other provisions of c. 23K demonstrate that § 15 does not apply to post-construction transfers of real estate and that the legislature did not intend that licensees must always and forever hold fee

---

[Investigation into suitability of applicant for gaming license], 15 [Criteria for eligibility to receive gaming license], 15 [Criteria for eligibility to receive gaming license], 16 [Grounds for denial of application for license or registration], 16 [Grounds for denial of application for license or registration], and/or 18 [Objectives to be advanced in determining granting of license; statement of findings], as applicable, 205 CMR 115.00: Phase 1 and New Qualifier Suitability Determination, Standards, and Procedures, or any other applicable provisions of M.G.L. c. 23K or 205 CMR, and/or the transferee does not satisfy the provisions of 205 CMR 129.01: Review of a Proposed Transfer of Interests."



title to (or a comparable interest in) property on which gaming establishments operate. Sections 21(b) and 23(c) of c. 23K, for example, expressly contemplate that licensees may transfer title to the real estate on which gaming establishments operate, a result that is directly contrary to requiring transferors to continue to satisfy § 15's definition of "ownership" of the land. The governing statutory and regulatory standards establish no arbitrary conditions on the terms of a transfer, and instead focus on the suitability of the transferee and the transfer. *See* G.L. c. 23K, § 21(b); 205 CMR 116.09(2). The plain language of §§ 21(b) and 116.09(2) thus permit licensees to transfer real estate without obtaining a lease term that extends at least 60 years beyond the gaming license.

Any contrary interpretation of the statute would create unexpected and inequitable results. Requiring a tenancy of not less than 60 years would mean that a category 2 licensee would need to control the property for a period equal to 12 license terms, while a category 1 licensee only would need to control its property for four license terms. Nothing in the statute indicates that the legislature intended to impose such a disparate burden on category 2 licensees.

In addition, unlike during the pre-construction phase, imposing a 60-year lease requirement on post-construction transfers would not serve any discernible legislative purpose. The duration of the lease does nothing to ensure that a licensee will continue to operate a gaming establishment during the lease term. The interests in long-term continuity and stability are far better served by provisions such as those found in the GMS master lease (and incorporated into the PGR sublease), which requires PGR to operate a gaming establishment for the entire life of the sublease, and which establishes an auction-based process for the transfer of PGR's gaming assets to a successor tenant who, subject to commission approval, would continue to operate the gaming establishment for a minimum term of 10 additional years. Provisions such as these protect the interests of the Commonwealth far more than would an arbitrary 60-year lease term.

In sum, the plain meaning and purpose of c. 23K demonstrate that there is no requirement that transfers of a gaming establishment's real estate only may occur if the licensee holds a lease of not less than 60 years beyond its license term. Because the proposed PGR sublease promotes the continued viability and continuity of the gaming establishment, including by accommodating as many six renewals of PGR's license and at least one additional 10-year term thereafter, the sublease term satisfies the requirements and purpose of § 21(b) and 205 CMR 116.09(2).

## **2. The Applicants' Request for Approval of the Trust.**

Section 23(c) of c. 23K provides that when a person contracts to transfer "any property relating to an ongoing gaming establishment ... under circumstances which require that the transferee obtain licensure under this chapter," the transfer application "shall include a fully executed and approved trust agreement." G.L. c. 23K, § 23(c). The commission's regulations concerning interim authorization of transfers further provide as follows:

- If the commission denies interim authorization, there shall be no closing until the commission makes a final positive determination on the suitability of the transferee. 250 CMR 116.10(4).
- If interim authorization is approved, the closing may occur and the prospective transferee may hold the property interests pending further determinations by the commission described below. 250 CMR 116.10(3).

- If the commission grants interim authorization but later finds reasonable cause to believe that the proposed transferee may be found unsuitable, the property shall be transferred to a trust pending a final positive suitability determination. 250 CMR 116.10(4).
- If the property is transferred to a trust, the transferee has no right to participate in the earnings of the gaming licensee pending a positive final suitability determination. 205 CMR 116.10(7).
- If the commission issues the transferee a negative suitability determination and the property then is held by the trust, the trustee shall endeavor to sell or dispose of the property to an appropriately licensed or qualified transferee. 205 CMR 116.10(9).

The regulatory framework thus contemplates that, in the event the commission issues the transferee a negative suitability determination, the property at issue will be sold by the trustee to a third party properly licensed or qualified by the commission. A third party sale of this nature would be necessary in many types of transfers where a return to the *status quo ante* is not feasible, *e.g.*, in cases involving the transfer of a gaming license, or transfers of certain ownership interests or publicly traded securities in a gaming licensee or its parent, holding or intermediary companies, or transfers of real estate in situations where the transferor no longer is qualified or able to retain title to the property.

None of the reasons for a sale of the Property to a third party are present here. Should the commission issue a negative suitability determination with respect to the GLPI qualifiers, PGR stands ready, willing, able and qualified to resume holding title to the Property, just as it has done since it was licensed by the commission. In effect, the request for interim authorization would be withdrawn, permitting the parties to choose to seek a final suitability determination. Under these circumstances, transferring the Property to a third party would be contrary to the interests of the Commonwealth as it would impose unnecessary costs and burdens on both PGR and the commission.

For these reasons, the trust instrument submitted by the Applicants provides that if, after granting interim authorization, the commission finds reasonable cause to believe that GLPI's individual or entity qualifiers may be found unsuitable or issues a negative suitability determination, the Property either may be transferred to the trust or back to PGR, at the option of GMS. The trust instrument also provides that Timothy J. Wilmott, PNG's Chief Executive Officer, will serve as trustee, further ensuring an orderly transition in the event a suitability issue arises or a negative suitability determination is made with respect to GLPI.

Accordingly, the Applicants respectfully submit that the form of trust they have submitted complies with the statutory requirements of § 23(c) as well as with the provisions of 205 CMR 116.09 and 116.10, and request that the commission approve the trust instrument as filed.

June 5, 2018

Page 7

Thank you for your consideration of these requests.

Very truly yours,



Jonathan M. Albano

JMA/kas

c: Catherine Blue, Esq., General Counsel

Todd Grossman, Esq., Deputy General Counsel

Loretta M. Lillios, Esq., Chief Enforcement Counsel/Deputy Director IEB

**PLAINRIDGE NOMINEE TRUST  
DECLARATION OF TRUST**

**dated as of May 17, 2018**

Timothy J. Wilmott, having a mailing address of Wyomissing Professional Center, 825 Berkshire Boulevard, Suite 200, Wyomissing, PA 19610 (the “**Trustee**”), hereby declares that he and his successors in trust hereunder will hold, upon the terms herein set forth, any and all property that may be conveyed to him as Trustee hereunder for the benefit of Gold Merger Sub, LLC, a Delaware limited liability company, the holder of the beneficial interests herein (the “**Beneficiary**”), subject to the terms and provisions set forth herein. The term “Trustee”, wherever used herein, shall include such person or persons who hereafter are serving as Trustee or Trustees hereunder, and the rights, powers, authority and privileges granted hereunder to any Trustee may be exercised by such person(s) subject to the provisions hereof.

1. Name. The name of this trust shall be “PLAINRIDGE NOMINEE TRUST.”

2. Contractual Transfer. The Beneficiary, as purchaser, Plainville Gaming and Redevelopment, LLC (d/b/a Plainridge Park Casino), a Delaware limited liability company (“**Seller**”), and Penn National Gaming, Inc., a Pennsylvania Corporation (“**PNG**”), as Seller’s parent, entered into that certain Purchase Agreement dated as of December 17, 2017 (as may be amended from time to time, the “**Purchase Agreement**”), pursuant to which Seller and PNG agreed to sell to the Beneficiary, and the Beneficiary agreed to purchase from Seller and PNG that certain real property located at 301 Washington Street, Plainville, Massachusetts (the “**Property**”), as more particularly described in the Purchase Agreement, for Two Hundred Fifty Million Dollars (\$250,000,000.00) (the “**Purchase Price**”). After the contemplated transfer, Seller will sublease the property and Seller will continue to be the licensed operator of the category 2 gaming facility located on the Property. The parties to the Purchase Agreement acknowledge that the transfer of the Property contemplated thereunder is subject to the approval of the Massachusetts Gaming Commission (the “**Commission**”) and in the event the Commission, after granting interim authorization for the transfer contemplated by the Purchase Agreement, finds reasonable cause to believe that the Beneficiary may be found unsuitable, or if the Beneficiary is otherwise directed to do so by the Commission’s Internal Enforcement Bureau in its discretion, the Beneficiary shall promptly transfer all of its right, title and interest in the Property to the Seller or to the Trustee (at the Beneficiary’s option), to be held strictly in accordance with this Declaration of Trust, pending a final suitability determination by the Commission.

3. Powers and Trustee. Upon the transfer of the Property to the Plainridge Nominee Trust, (a) the Trustee shall exercise all rights incident to the ownership of the Property subject to the Plainridge Nominee Trust, and shall be vested with all powers, authority and duties necessary to the unencumbered exercise of such right; (b) the Beneficiary shall have no right to participate in the rent accrued or paid in respect of the Property while the Property is held by the Plainridge Nominee Trust; and (c) while the Property is held by the Plainridge Nominee Trust, such rent shall accrue to or into Plainridge Nominee Trust and be held in escrow by the Plainridge Nominee Trust, subject to the following conditions:

- i. If the Plainridge Nominee Trust holds the Property when the Commission issues a final positive determination of suitability of the Beneficiary pursuant to 205 CMR 115.00, then the Trustee shall (A) promptly transfer to the Beneficiary all right, title and interest in the Property; and (B) pay to the Beneficiary all rent in respect of the Property that accrued to or into the Plainridge Nominee Trust while the Plainridge Nominee Trust held the Property; or
- ii. If the Plainridge Nominee Trust holds the Property when the Commission issues a final negative determination of suitability pursuant to 205 CMR 115.00, then upon full repayment of the Purchase Price to the Beneficiary, (A) all right, title and interest in the Property shall be transferred to the Seller or Seller's designee; and (B) all earnings in respect of the Property that accrued to or into the Plainridge Nominee Trust while the Plainridge Nominee Trust held the Property shall promptly, and in any event within one hundred twenty (120) days, be paid to the Seller or Seller's designee.

Any direction by the Beneficiary which is inconsistent with the express terms of this Declaration of Trust shall be disregarded by the Trustee. Notwithstanding any provisions contained herein, no Trustee shall be required to take any action which will, in the opinion of such Trustee, involve him/her/it in any personal liability unless first indemnified to his/her/its satisfaction. Any person dealing with the Trustee shall be fully protected as provided in Paragraphs 8 and 9 hereof.

4. Compensation. The Trustee shall dedicate such time as is necessary to carry out the duties of Trustee under the Plainridge Nominee Trust, and shall be compensated for services, costs and expenses in the following manner, subject to approval by the Commission of such compensation:

- i. The Trustee shall be reimbursed for out-of-pocket expenses and fees advanced or reasonably incurred by the Trustee during the ordinary course of Trustee's service or required by Trustee to discharge its duties as Trustee; provided, however, that in no event shall the Trustee make any distributions of the funds held in escrow by the Plainridge Nominee Trust (except in the event of a final positive determination of suitability in accordance with Paragraph 3 above).

Notwithstanding any provisions contained herein, the Beneficiary shall not amend the provisions of this Paragraph 4 without the prior written approval of the Trustee and the Commission, which such approval shall not be unreasonably withheld, conditioned, or delayed.

5. Termination. The Plainridge Nominee Trust may be terminated on the earlier of (a) the date on which the Commission issues the Beneficiary a final positive determination of suitability (and in the event the Property is then held by the Plainridge Nominee Trust, when the Trustee transfers the Property to the Beneficiary), or (b) when the Commission issues the Beneficiary a final negative finding of suitability (and in the event the Property is then held by the Plainridge Nominee Trust, when the Trustee transfers the Property to Seller), or (c) prior to a determination of suitability being issued, upon Commission approval at the request of the

Beneficiary, but such termination shall only be effective when a certificate thereof by any Trustee shall be recorded with the Registry of Deeds, as that term is defined in Paragraph 10 hereof.

6. Resignation and Appointment of Trustees. With the prior written consent of the Commission, the Trustee hereunder may resign by written instrument signed and acknowledged by such Trustee and recorded with the Registry of Deeds. Succeeding or additional Trustees may be appointed or any Trustee removed by an instrument or instruments in writing, signed by the Beneficiary with the approval of the Commission, provided that in each case a certificate by any person then shown by the records of the Registry of Deeds to be a Trustee, setting forth the name of the Trustee or Trustees appointed or removed, and, in the case of any appointment, the acceptance in writing by the Trustee or Trustees appointed, shall be recorded with the Registry of Deeds. So long as there is at least one Trustee serving hereunder, no successor shall be required. Upon appointment of any succeeding Trustee, the title to the trust estate shall thereupon, and without the necessity of any conveyance, be vested in said succeeding Trustee jointly with the remaining Trustee, if any. Each succeeding Trustee shall have all the rights, powers, authority and privileges as if named as an original Trustee hereunder. No Trustee shall be required to furnish bond.

7. Amendment. With the prior written consent of the Commission, this Declaration of Trust may be amended from time to time by an instrument in writing signed by the then Trustee and Beneficiary hereunder and acknowledged by one or more of such Trustees or Beneficiary, provided, in each case, a certificate by any Trustee setting forth the terms of such amendment, shall be recorded with the Registry of Deeds.

8. Liability of Trustees Limited. No Trustee hereunder shall be liable for any error of judgment nor for any loss arising out of any act or omission in good faith, but shall be responsible only for his/her/its own willful breach of trust. No license of court shall be requisite to the validity of any transaction entered into by the Trustee. The Trustee shall be entitled to indemnity by the Beneficiary against any liability incurred in the execution of the Trustee's duties hereunder, including, without limitation, liabilities in contract, in tort, and for damages, penalties, and fines, but not occasioned by such Trustee's breach of this Trust agreement, own gross negligence, or personal and willful malfeasance.

9. Reliance by Third Parties. Every agreement, lease, deed, mortgage or other instrument, affecting the trust estate, or any certificate showing the amendment hereof or the appointment or removal of a Trustee, executed by any person who, according to the records of the Registry of Deeds, appears to be a Trustee hereunder shall be conclusive evidence in favor of every person relying thereon or claiming thereunder that, at the time of the delivery thereof, this trust was in full force and effect and that the execution and delivery thereof by the Trustee was duly directed by the Beneficiary. Any person dealing with the trust property or the Trustees may always rely, without further inquiry, on a certificate signed by any person appearing from the records of the Registry of Deeds to be a Trustee hereunder as to who are the Trustees or who are the Beneficiary hereunder, or as to the authority of one or more of the Trustees to act, or as to the existence or non-existence of any fact or facts which constitute conditions precedent to acts by one or more of the Trustees, or which are in any other manner germane to the affairs of this trust.

10. Registry of Deeds. The term “**Registry of Deeds**” as used herein shall mean the Norfolk County Registry of Deeds or the Norfolk County Registry District of the Land Court in the Commonwealth of Massachusetts, as the case may be; provided that if this Declaration of Trust is recorded or filed for registration in any other public office within or without the Commonwealth of Massachusetts, any person dealing with portions or all of the trust estate, as to which documents or instruments are recorded or filed for registration in such other public office, may rely on the state of the record with respect to this trust in such other public office, and with respect to such portions or all of the trust estate the term “Registry of Deeds” as used herein shall mean such other public office.



WITNESS the execution hereof, under seal, in any number of counterparts, each of which shall be an original, but all of which constitute one and the same instrument, by the Trustee hereinabove named, this 17<sup>th</sup> day of May, 2018.

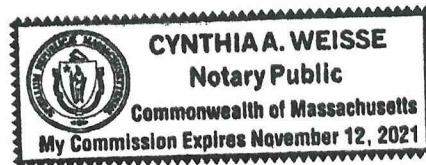
By: *Timothy J. Wilmott*  
Name: Timothy J. Wilmott  
Title: Chief Executive Officer, Penn National Gaming, Inc.

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY


On this 17th day of May, 2018, before me, the undersigned notary public, personally appeared Timothy J. Wilmott, proved to me through satisfactory evidence of identification, which were *NJ license*, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

*Cynthia A. Weisse*  
(official signature and seal of notary)  
My commission expires \_\_\_\_\_



WITNESS the execution hereof, under seal, in any number of counterparts, each of which shall be an original, but all of which constitute one and the same instrument, by the Beneficiary hereinabove named, as of this 17th day of May, 2018.


GOLD MERGER SUB, LLC,  
a Delaware limited liability company

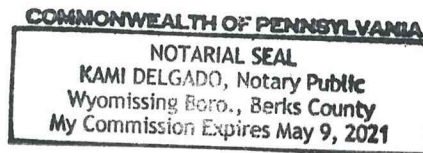
By:   
Name: Brandon J. Moore  
Title: Secretary

COMMONWEALTH OF PENNSYLVANIA

Berks COUNTY


On this 18<sup>th</sup> day of May, 2018, before me, the undersigned notary public, personally appeared Brandon J. Moore, proved to me through satisfactory evidence of identification, which were personal knowledge, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

  
(official signature and seal of notary)  
My commission expires 5/9/21



WITNESS the execution hereof, under seal, in any number of counterparts, each of which shall be an original, but all of which constitute one and the same instrument, by Plainville Gaming and Redevelopment, LLC (d/b/a Plainridge Park Casino) hereinabove named, this 17<sup>th</sup> day of May, 2018.

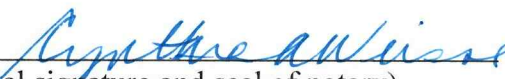
PLAINVILLE GAMING AND  
REDEVELOPMENT, LLC (d/b/a Plainridge Park  
Casino), a Delaware limited liability company

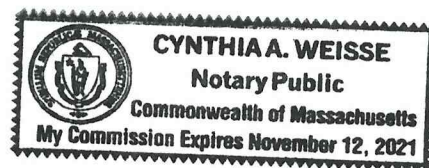
By:   
Name: Timothy J. Wilmott  
Title: President

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

On this 17th day of May, 2018, before me, the undersigned notary public, personally appeared Timothy J. Wilmott, proved to me through satisfactory evidence of identification, which were NJ license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

  
(official signature and seal of notary)  
My commission expires \_\_\_\_\_







**MGM SPRINGFIELD**  
ONE MGM WAY  
SPRINGFIELD, MA 01103

413.273.5000  
MGMSPRINGFIELD.COM

June 5, 2018

Paul Connelly, Director  
Licensing Division  
Massachusetts Gaming Commission  
101 Federal Street  
Boston, MA 02110

***RE: Waiver of CPR Training for MCCTI Gaming School Students***

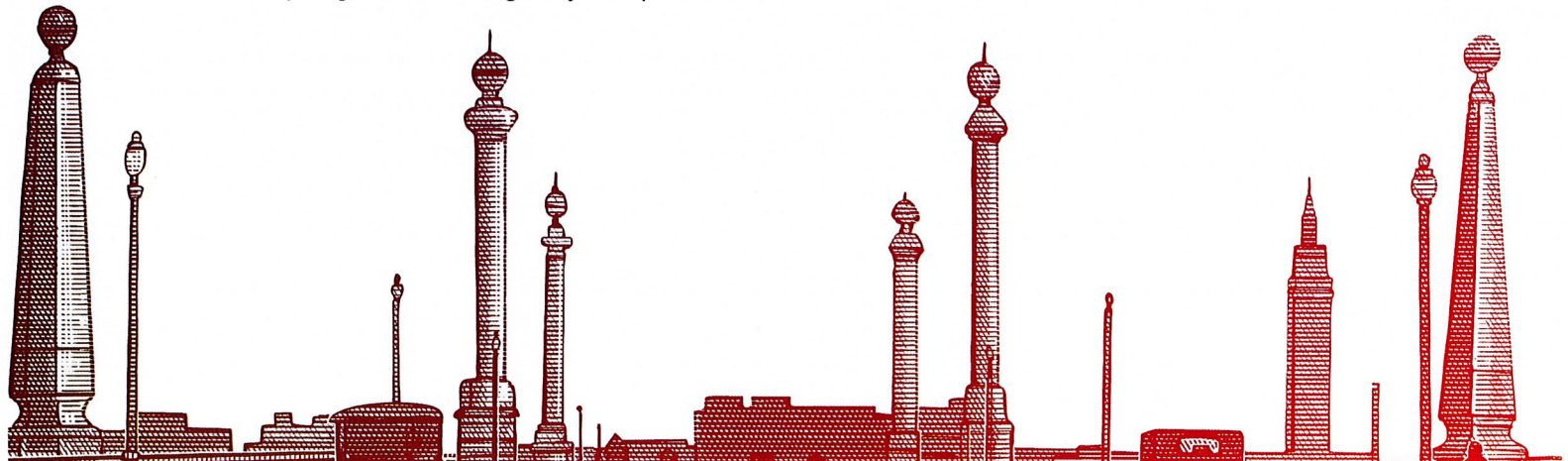
Dear Director Connelly:

Please accept this correspondence as a formal request from Blue Tarp reDevelopment, LLC dba MGM Springfield ("MGM Springfield") and the Massachusetts Casino Careers Training Institute ("MCCTI") for a waiver or variance from the Massachusetts Gaming Commission with respect to compliance with 205 CMR 137.02(2)(a)(12) which requires "Training in cardio pulmonary resuscitation (CPR)" for all attendees of the MCCTI Gaming School participating in Table Games Training.

205 CMR 102.3(4) grants the Commission discretion to "waive or grant a variance from any provision or requirement contained in 205 CMR, "upon a finding that: (1) Granting the waiver or variance is consistent with the purposes of M.G.L. c. 23K; (2) Granting the waiver or variance will not interfere with the ability of the commission or the bureau to fulfill its duties; (3) Granting the waiver or variance will not adversely affect the public interest; and (4) Not granting the waiver or variance would cause a substantial hardship to the person requesting the waiver or variance."

MGM Springfield and MCCTI request this waiver based on the following:

- The primary job function of a MGM Springfield dealer is to protect the table and assets of the casino. Time spent training on anything other than core skills is a detriment to the student's ability to functionally be ready for an audition with the company.
- Medical emergencies are handled by a trained security staff under MGM Springfield's Emergency Response Plan.





MGM SPRINGFIELD  
ONE MGM WAY  
SPRINGFIELD, MA 01103

413.273.5000  
MGMSPRINGFIELD.COM

MGM Springfield has submitted an Emergency Response plan pursuant to 205 CMR 138.22: "POLICY 900 – EMERGENCY RESPONSE AND EVACUATIONS". Section 900.7 of MGM Springfield's Emergency Response Plan sets out a detailed process for responding to life threatening emergencies and requires that all MGM Springfield Security Team Members (i) are trained in basic first aid, including the use of the Automated External Defibrillation ("AED") and CPR and (ii) are specifically trained to give immediate emergency care until paramedic personnel arrive on scene, as well as coordination with paramedic first responders. The plan also sets forth a detailed response of each security team member to a life threatening emergency, which includes collection of information regarding the victim, assessing the situation, performing CPR, contacting paramedics, crowd control and additional first aid procedures.

Granting this variance would be consistent with the purposes of G.L. c. 23K because it ensures that a gaming establishment has a detailed plan to ensure that guests with life threatening medical conditions are immediately treated by security trained in life saving measures, including but not limited to CPR. See 205 CMR 102.03(4)(1). The variance to exclude table game dealers will not negatively impact the Investigations and Enforcement Bureau ("Bureau"), onsite agents or the State Police with respect to fulfilling their duties. Indeed, dedicating responses to life threatening medical conditions to MGM security will enhance coordination between MGM Springfield, the Bureau and its agents. See 205 CMR 102.03(4)(2). To the contrary, requiring the training of table game dealers will conflate responsibilities with security staff and remove dealers from their primary responsibility of protecting the integrity of tables and revenue. The requested variance also satisfies the public interest component of the regulation, 205 CMR 102.03(4)(3), by ensuring that MGM Springfield will have a well-trained, dedicated staff for medical emergencies whose primary responsibility is the security and safety of guests. Conversely, denying the variance would cause a substantial hardship to table game students and the MCCTI by taking valuable training time away from these individuals for a skill that they will not be called upon to use. See 205 CMR 102.03(4)(4).

Given the documented emergency response procedures that are required for the MGM Springfield Security Team and the fact that the dealers will not provide CPR to guests, MGM Springfield and MCCTI respectfully request a waiver from 205 CMR 137.02(2)(a)(12).

Sincerely,

  
Seth N. Stratton  
Vice President & Legal Counsel

cc: Jill Griffin, Director of Workforce Development  
MCCTI





## AMENDED SMALL BUSINESS IMPACT STATEMENT

The Massachusetts Gaming Commission (“Commission”) hereby files this Amended Small Business Impact Statement in accordance with G.L. c.30A, §5 relative to the proposed amendments to **205 CMR 101.00: Adjudicatory Proceedings**; for which a public hearing was held on June 21, 2018. These proposals were developed as part of the process of promulgating regulations governing the operation of gaming establishments and racing in the Commonwealth. This regulation and the proposed amendments therein govern the adjudicatory proceedings of the Commission, to include hearings before the Commission and hearing officer, orders, review process, and decisions. 205 CMR 101.00 is largely governed by G.L. c.23K, §4(28), 5, and G.L. c.30A.

This regulation generally applies to gaming and racing licensees, vendors, employees, gaming establishments, and individuals subject to placement on the Massachusetts Gaming Commission’s Excluded Persons List. Accordingly, these amendments are unlikely to have an impact on small businesses, unless a vendor to the gaming establishment elects to pursue a hearing as further described below. 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 amendments on small businesses would hinder achievement of the purpose of the regulation:

1. Establishing less stringent compliance or reporting requirements for small businesses:

As a general matter, no small businesses will be impacted by these regulations unless they elect to pursue a hearing. Accordingly, there are no less stringent compliance or 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 for small businesses created by these regulations unless they elect to pursue a hearing. In that event, it is important that uniform hearing provisions be in place for all.

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



Massachusetts Gaming Commission

There are no compliance or reporting requirements for small businesses unless they elect to pursue a hearing. In that event, it is important that uniform hearing provisions be in place for all.

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

An operational standard is necessary and appropriate to ensure uniformity of the hearing process. As a general matter, hearing procedures must be prescriptive in nature to provide uniform process to all.

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

M.G.L. c.23K was enacted to create a new industry in the Commonwealth and to promote and grow local small businesses and the tourism industry, including the development of new small businesses. The proposed regulations are designed to effectuate those intentions and growth and provide parties with a fair and uniform process for dealing with the Commission.

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

There are no alternative regulatory methods that would minimize adverse impacts on small businesses. The proposed regulation is the prescribed method necessary to ensure a uniform process for all.

Massachusetts Gaming Commission

By:

---

Shara Bedard

Paralegal

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



Massachusetts Gaming Commission



205 CMR: MASSACHUSETTS GAMING COMMISSION  
205 CMR 101.00: M.G.L. C.23K ADJUDICATORY PROCEEDINGS

101.01: Hearings Before the Commission

101.02: ~~Orders Issued by the Bureau or the Racing Division~~ **Review of Orders or Civil Administrative Penalties/Forfeitures Issued by the Bureau, Commission Staff, or the Racing Division**

101.03: ~~Review of Orders Issued by the Bureau or the Racing Division~~ **Review by the Commission of Decisions of the Hearing Officer**

101.04: ~~Review by the Commission of Decisions of the Hearing Officer~~ **Informal Disposition of an Adjudicatory Proceeding**

101.05: ~~Review of a Commission Decision~~

101.01: Hearings Before the Commission

(1) Hearings held before the full commission pursuant to 205 CMR 101.01 shall be adjudicatory proceedings **conducted pursuant to 801 CMR 1.01 Formal Rules in accordance with M.G.L. c. 30A, §§ 10 and 11. All hearings shall be further held under 205 CMR 101.00, as applicable, and 801 CMR 1.02: Informal/Fair Hearing Rules unless the applicant/petitioner makes a written request for a hearing under 801 CMR 1.01: Formal Rules. In that event, the commission shall determine based on the facts and circumstances of the matter whether 801 CMR 1.01 or 1.02 will apply in order to ensure a fair outcome. Such determination shall be based on such factors as the complexity of the issues presented, whether all parties are represented by counsel, and similar considerations. Conflicts between 801 CMR 1.01 or 1.02 and 205 CMR 101.00 shall be resolved in favor of 205 CMR 101.00. If the commission grants a request for a hearing to be held pursuant to 801 CMR 1.01: Formal Rules, the provisions of 801 CMR 1.01 (1), (2), (3), (5), (6), (11) and (14) shall not apply.**

(2) The following types of adjudicatory hearings shall be held **directly, in the first instance**, by the commission:

(a) Suitability hearings before the commission pursuant to M.G.L. c. 23K, § 17(f), concerning any findings of fact, recommendations and/or recommended conditions by the ~~B~~**Bureau** relative to the suitability of the applicant for an initial gaming license or renewal of a gaming license, including without limitation, recommendations and recommended conditions resulting from the RFA-1 or new qualifier process pursuant to 205 CMR 115.00: *Phase 1 and New Qualifier Suitability Determinations, Standards and Procedures*.

(b) Hearings regarding the failure of a gaming licensee or qualifier to maintain adequate suitability as set forth in 205 CMR 115.01(4) and any adverse action taken against a gaming licensee or qualifier as a result of said failure.

~~(b)~~ (c) Hearings regarding the termination, revocation or suspension of a category 1 or category 2 gaming license issued by the commission pursuant to M.G.L. c. 23K, and/or the addition or modification of a condition thereto, or the termination, revocation or suspension of a license to conduct a horse racing meeting pursuant to M.G.L. c. 128A.

~~(e)~~ (d) Hearings regarding the transfer of a category 1 or category 2 gaming license or the transfer of a license to conduct a racing meeting or related to the transfer of interest in a category 1 or category 2 gaming license or gaming establishment in accordance with 205 CMR 116.08 through 116.10;

(e) Hearings regarding the assessment of a civil administrative penalty pursuant to M.G.L. c. 23K, § 36, against a category 1 or category 2 gaming licensee or a racing meeting licensee.

(f) Hearings regarding the approval or amendment of the gaming licensee's Operation Certificate as discussed in 205 CMR 151.00: *Requirements For the Operations and Conduct of Gaming at a Gaming Establishment*;

(g) For purposes of reviewing a petition to reopen a mitigation agreement in accordance with 205 CMR 127.04.

(h) Any challenge to the certification or denial of certification of an independent testing laboratory in accordance with 205 CMR 144.06.

(i) Any challenge to the certification or denial of certification as a gaming school in accordance with 205 CMR 137.01(4).

(j) Review of an application for a gaming beverage license, or request to amend, alter, or add a licensed area, pursuant to 205 CMR 136.03(4).

(3) Any request for such a hearing shall be filed with the clerk of the commission on a form provided by the clerk. Such a request shall not operate as a stay of the underlying action unless specifically allowed by the commission upon motion of the aggrieved party. A request for a stay may be allowed at the commission's discretion if one or both of the following two circumstances are demonstrated by the aggrieved party:

a.

- (1) there is a likelihood that the party seeking the stay will prevail on the merits of the case; and
- (2) there is a likelihood that the moving party will be harmed irreparably absent a stay.

b.

- (1) the consequences of the decision(s) to be made in the case are far-reaching;
  - (2) the immediate impact upon the parties in a novel and complex case is substantial;
- or

(3) a significant legal issue(s) is involved.

(4) In order to be considered by the commission, a request for a hearing must be filed no later than 30 days from the date the complained of action was taken, except in the event of civil administrative penalties. The request for review of a civil administrative penalty issued by the Bureau pursuant to M.G.L. c.23K, §36 shall be filed no later than 21 days after the date of the Bureau's notice of issuance of the civil administrative penalty and such a request must comply with the provisions of M.G.L. c. 23K, §36(e). In the case of a temporary suspension of a license by the Bureau in accordance with M.G.L. c. 23K, §35(e), a gaming licensee shall be entitled to a hearing before the Commission within 7 days after the suspension was issued.

(5) The request for a hearing shall include:

- a. the contact information of the party requesting the hearing;
- b. the contact information of counsel representing the party requesting the hearing, if any, and
- c. a brief description of the basis for the request for the hearing. In the event that a temporary suspension has been issued in accordance with M.G.L. c.23K, § 35(e), at its election the licensee may include a request that the hearing be scheduled within 7 days of the date of the issuance of the suspension. If the matter involves a civil administrative penalty, the request shall include a written statement denying the occurrence of any of the acts or omissions alleged by the Bureau in the notice, or assert that the amount of the proposed civil administrative penalty is excessive.

(6) The failure of a party to provide a specific description of the basis for the request for hearing may result in the dismissal of the request per the discretion of the commission.

~~(3) Standing: No person other than an aggrieved applicant and/or gaming licensee shall have standing to challenge Phase 1 or new qualifier findings of fact and recommendations or a recommendation to terminate, revoke or suspend a category 1 or category 2 gaming license.~~

~~(4) Only the aggrieved applicant and the gaming licensee or the horse racing meeting licensee shall have the right to participate in the hearing under 205 CMR 101.01 (2) (a), (b) or unless otherwise ordered by the commission.~~

(7) Any adjudicatory hearing conducted under 205 CMR 101.01 may be closed to the public at the request of either party, or on the commission's own initiative, in order to protect the privacy interests of either party or other individual, to protect proprietary or sensitive technical information including but not limited to software, algorithms and trade secrets, or for other good cause shown. Such a determination rests in the sole discretion of the commission.

(8) ~~(5)~~ Pursuant to M.G.L. c. 23K, § 3(h), the chair may direct that all of the commissioners participate in the hearing and decision of the matter before the commission. In the alternative,

pursuant to M.G.L. c. 23K, § 3(h), the chair with the concurrence of one other commissioner may appoint a ~~presiding officer~~ **single commissioner** to preside over the hearing. The notice scheduling the time and place for the ~~pre-hearing conference~~ shall specify whether the commission or a designated individual shall act as presiding officer in the particular case.

**(9) ~~(6)~~ Burden of Proof.**

**(a)** The applicant shall have the affirmative obligation to establish by clear and convincing evidence both its affirmative qualification for licensure and the absence of any disqualification for licensure.

**(b)** In the case of a recommendation to terminate, revoke or suspend a category 1 or category 2 gaming license, or a license to conduct a ~~horse~~-racing meeting, the bureau or the racing division, as appropriate, shall have the affirmative obligation to establish by substantial evidence ~~why~~ **grounds upon which** the commission should terminate, revoke or suspend the licensee's category 1 or category 2 gaming license or the licensee's license to conduct a ~~horse~~ racing meeting.

**(c)** In the case of an adverse action taken against a gaming licensee or qualifier for failure to maintain their suitability pursuant to 205 CMR 115.01(4) the Bureau or the racing division, as appropriate, shall have the affirmative obligation to establish by substantial evidence the lack of clear and convincing evidence that the gaming licensee or qualifier remains suitable.

**(d)** In the case of a transfer of interest, the gaming licensee shall have the affirmative obligation to establish by clear and convincing evidence its compliance with 205 CMR 116.09 et seq.

**(e)** In the case of a civil administrative penalty, the Bureau shall have the obligation to prove the occurrence of each act or omission by a preponderance of the evidence.

**(10) ~~(7)~~ Decisions.** Upon completion of the hearing, the commission shall render a written decision as promptly as administratively feasible, in accordance with M.G.L. c. 30A, § 11(8). The written decision of the commission shall be the final decision of the commission.

**(11) ~~(8) No-Appeal From Commission's Determination of Suitability.~~** Pursuant to M.G.L. c. 23K, § 17(g), the applicant and/or the gaming licensee shall not be entitled to any further review from the commission's determination of suitability. **~~(9) Decisions by the commission concerning the matters set forth in 205 CMR 101.01(2)(b) et seq. termination, revocation or suspension of a category 1 or category 2 gaming license or the termination, revocation or suspension of a license to conduct a horse racing meeting may be reviewed by the appropriate court pursuant to the provisions of M.G.L. c. 30A.~~**

**101.02: Orders Issued by the Bureau or the Racing Division**

~~(1) Pursuant to M.G.L. c. 23K the bureau may issue orders or fines, or may revoke, suspend, terminate or condition the license of the holder of any license issued pursuant to M.G.L. c. 23K except for category 1 or category 2 gaming. Such orders or fines are subject to commission review pursuant to 205 CMR 101.03 and 101.04 and include, but are not limited to:~~

- ~~(a) an order to cease any activity which violates the provisions of M.G.L. c. 23K, 205 CMR 101.00 or any other law related to gaming;~~
- ~~(b) an order for the imposition of civil administrative penalties in support of an order to cease and desist, or as part of an order to deny, revoke, suspend or terminate a license or as a penalty for failure to comply with any provision of M.G.L. c. 23K, 205 CMR 101.00 or any law related to gaming;~~
- ~~(c) an order requiring the placement of a person on the exclusion list;~~
- ~~(d) an order denying, revoking, suspending or conditioning a key gaming employee license; a gaming employee standard license; a gaming employee license; a gaming service employee license; gaming employee registration; a gaming vendor license; or a gaming vendor qualifier or other similar license issued under 205 CMR 134.00: *Licensing and Registration of Employees, Vendors, Junket Enterprises and Representatives, and Labor Organizations*;~~
- ~~(e) an order denying, revoking, suspending or conditioning a gaming beverage license or an order denying the transfer of a gaming beverage license.~~
- ~~(f) any other order or fine as may be issued pursuant to M.G.L. c. 23K or 205 CMR 101.00.~~

~~(2) Pursuant to M.G.L. c. 128A and 128C judges or stewards may issue orders or fines, or may deny, revoke, suspend, terminate or condition the license of the holder of any license issued pursuant to M.G.L. c. 128A or 128C except for a license to conduct a horse racing meeting. Such orders or fines include, but are not limited to:~~

- ~~(a) an order or fine issued for violation of the rules and regulations of racing as provided in 205 CMR 3.00 through 14.00;~~
- ~~(b) an order denying, revoking, suspending, terminating or conditioning an occupational license.~~
- ~~(c) an order ejecting an individual from the grounds of the race meeting.~~
- ~~(d) any other order or fine as may be provided pursuant to M.G.L. c. 128A, c. 128C or 205 CMR 3.00 through 14.00.~~

~~(3) Each order or fine issued by the bureau or by the judges or stewards of the racing division shall be in writing and shall include a description of the basis for the order or fine, including the time, date and place of the activity which constitutes the basis for the order or fine, the statutory basis for the issuance of the order or fine, the amount of the fine or penalty assessed and any other the remedial action required. Each order shall further state in clear and concise language that the party subject to the order or the fine may request review of the order or fine and the~~

process for requesting such review. The order shall also state that the review of the order shall be held pursuant to 801 CMR 1.02: *Informal/Fair Hearing Rules* and 205 CMR 101.03 and 101.04.

101.023: Review of Orders Issued by the Bureau or the Racing Division Review of Orders or Civil Administrative Penalties/Forfeitures Issued by the Bureau, Commission Staff, or the Racing Division

(1) An aggrieved party may file a request for review of an order, decision, or fine civil administrative penalty issued by the Bureau, where applicable, relative to the interpretation or application of a statute, regulation, or other applicable authority, or order, decision, or forfeiture issued by the racing judges or stewards, other than those enumerated in 205 CMR 101.01(2), shall be filed with the clerk of the commission on a form provided by the clerk. A request for review shall not operate as a stay of the order, decision, or fine civil administrative penalty/forfeiture issued by the bureau or the judges or stewards, unless the request for review includes a request for a stay and such stay is granted by the hearing officer unless specifically allowed by the hearing officer upon motion of the aggrieved party. A request for a stay may be allowed at the hearing officer's discretion if one or both of the following two circumstances are present:

- a.
  - (1) there is a likelihood that the party seeking the stay will prevail on the merits of the case; and
  - (2) there is a likelihood that the moving party will be harmed irreparably absent a stay.
- b.
  - (1) the consequences of the decision(s) to be made in the case are far-reaching;
  - (2) the immediate impact upon the parties in a novel and complex case is substantial;
  - or
  - (3) a significant legal issue(s) is involved.

(2) The request for review of a civil administrative penalty issued by the bureau pursuant to M.G.L. c.23K §36 shall be filed not later than 21 days after the date of the bureau's notice of issuance of the civil administrative penalty. All other requests for review, aside from those for civil administrative penalties, must be filed not later than 30 days from the date of the order or decision or fine issued by the bureau or the judges or stewards. Requests for review filed later than 30 days from the date of the order or fine issued by the judges or stewards shall be forwarded to the hearing officer for review.

The request for review of a civil administrative penalty issued by the Bureau pursuant to M.G.L. c.23K §36 shall be filed not later than within 21 days after the date of the Bureau's notice of issuance of the civil administrative penalty and such a request must comply with the provisions of M.G.L. c. 23K, §36(e).

In the case of the temporary suspension of a license by the Bureau in accordance with M.G.L. c. 23K, §35(e), a licensee shall be entitled to a hearing before a hearing officer within 7 days after the suspension was issued.

(3) The request for review shall include:

- (a) ~~the name, address and contact information, including telephone number and email, if any,~~ of the party requesting review;
- (b) **contact information** of counsel representing the party requesting review, if any, ~~and~~
- (c) a **brief specific** description of the basis for the request for review. **In the event that a temporary suspension has been issued in accordance with M.G.L. c.23K, §35(e), at its election the licensee may include a request that the hearing be scheduled within 7 days of the date of the issuance of the suspension. If the matter involves a civil administrative penalty, the request shall include a written statement denying the occurrence of any of the acts or omissions alleged by the Bureau in the notice, or assert that the amount of the proposed civil administrative penalty is excessive; and**
- (d) a copy of the order or fine that is the subject of the request for review.

(4) **The failure of a party to provide a specific description of the basis for the request for review in accordance with 205 CMR 101.03(3)(c) shall be grounds for dismissal of the request per the discretion of the hearing officer.**

(5) ~~When the request for review is received by the clerk, the clerk will docket the request for review. Upon receipt, t~~The clerk shall assign the request for review to a hearing officer and schedule the hearing on the request for review. **Such hearing shall not occur sooner than 30 days after the request for review is filed with the clerk, unless upon the request of a party and for good cause shown the hearing officer orders an accelerated hearing. Mailing of notice to the address on record with the commission, or emailing the notice to the email address provided by the licensee or registrant on their application for licensure or registration shall be deemed satisfactory notice. The notice of hearing shall contain:**

- a. The name of the petitioner; and
- b. The date, time and place of the hearing

(6) ~~The clerk shall request each party to file a brief stating why the order or fine should or should not be upheld and the relief requested. Such brief shall be no longer than 10 pages and shall be due no later than 10 days prior to the date of the hearing.~~

**Any adjudicatory hearing conducted under 205 CMR 101.02 may be closed to the public at the request of either party in order to protect the privacy interests of either party or other individual, to protect proprietary technical information including but not limited to software, algorithms and**



trade secrets, or for other good cause shown. Any such request may be opposed by the other party. The final determination rests in the sole discretion of the hearing officer.

(7) (a) Upon receipt of the appeal, the hearing officer shall, within ten (10) days, schedule a telephone status conference with all parties. During the status conference the hearing officer shall:

(1) Address any argument that the proceeding should proceed under the Formal Rules, 801 CMR 1.01 et seq.;

(2) Establish a briefing schedule including deadlines for the filing of the petitioner's brief and providing for a reasonable amount of time for the respondent to file a reply brief;

(3) Establish deadlines for the filing of a witness list and exhibit list a reasonable amount of time before the hearing date;

(4) Establish a briefing schedule with respect to any anticipated motions including deadlines for the filing of the movant's brief and providing for a reasonable amount of time for the respondent to file a reply brief;

(5) After completion of the status conference the hearing officer shall issue a written order memorializing all deadlines and provide it to all parties.

(b) After the initial status conference, either party may file a brief explaining how they believe the matter should be decided including the specific relief requested. No late briefs shall be accepted without express permission of the hearing officer. No sur-reply briefs shall be accepted without express permission of the hearing officer. No brief shall be longer than 15 double-spaced pages without express permission of the hearing officer.

A party may request permission to file a brief longer than ~~10~~ 15 pages. Such request shall be filed with the clerk who will forward it to the hearing officer for review. The request must be in writing and state the number of additional pages requested. It shall be up to the discretion of the hearing officer as to whether to grant such request. If the hearing officer grants a request for additional pages, the clerk shall forward the order of the hearing officer to all parties and all parties shall **have** the right to file such additional number of pages. ~~Along with the submission of the brief, each party shall submit a copy of all written evidence to be considered by the hearing officer as well as a list of witnesses that the party wishes to present at the hearing.~~

(8) With or without the submission of a brief, each party shall submit a copy of all written documentary evidence they intend to offer for consideration by the hearing officer as well as a list of all witnesses that the party intends to present at the hearing. The documentary evidence and witness lists shall be provided on or before the date determined by the Hearing Officer during the initial status conference. Failure to submit a brief shall not preclude a party from submitting written evidence or calling witnesses to be considered by the hearing officer. Upon

request, the petitioner shall be provided an opportunity in advance of the hearing to examine and copy the entire content of their case file and all other documents to be used by the commission, bureau, or racing division. All materials submitted to the clerk/hearing officer, including, but not limited to, briefs, evidence and witnesses lists, shall be contemporaneously provided to the all other parties and their counsel via first-class mail or email. Evidence or witnesses that are filed without providing reasonable notice to the opposing party may be precluded at the hearing officer's discretion.

~~(9)(8)~~ All requests for extensions of time to file a brief or to reschedule a hearing date shall be made in writing and filed with the clerk. ~~No request for extension of time to file a brief or to reschedule a hearing shall be considered unless it is made at least seven (7) days prior to the hearing date or briefing deadline. The clerk of the commission may issue orders on procedural and scheduling matters consistent with G.L. c. 23K and 205 CMR in order to further the efficient administration of the commission's hearings process.~~ The clerk shall forward the request for extension of time or to reschedule the hearing date to the hearing officer and the hearing officer may provide an extension of time to file a brief or reschedule a hearing date in the hearing officer's clerk's discretion and for good cause shown. The clerk shall send the hearing officer's order granting an extension of time to file a brief or the rescheduling of a hearing date to all the parties. Any order shall include the ~~number amount~~ of days granted for the extension of time or the new date for the rescheduled hearing. ~~Absent extenuating circumstances no hearing shall be rescheduled more than once.~~

In the event of the appeal of a decision by the Racing judges or stewards, if the petitioner fails to appear at the hearing, the Hearing Officer, after determining that the petitioner received proper notice of the hearing shall dismiss the matter. In the event of a matter before the hearing officer concerning an action taken by the bureau, the bureau may proceed with a hearing before the Hearing Officer even in the absence of the petitioner after determining that the petitioner received proper notice of the hearing.

~~(10)(9)~~ ~~All hearings shall be heard by a hearing officer appointed by the commission. All hearings under 205 CMR 101.03 and 101.04 shall be adjudicatory proceedings held pursuant to 801 CMR 1.02: Informal/Fair Hearing Rules and 205 CMR 101.03 through 101.05 unless a party to the hearing requests that the hearing be held pursuant to 801 CMR 1.01 Formal Rules and the hearing officer, after review of the request, grants the request to hold the hearing pursuant to 801 CMR 1.01. Hearings held before the hearing officer pursuant to 205 CMR 101.02 shall be adjudicatory proceedings conducted in accordance with M.G.L. c. 30A, §§ 10 and 11. All hearings shall be further held under 205 CMR 101.00, as applicable, and 801 CMR 1.02: *Informal/Fair Hearing Rules* unless the applicant/petitioner makes a written request for a hearing under 801 CMR 1.01: *Formal Rules*. In that event, the hearing officer shall determine based on the facts and circumstances of the matter whether 801 CMR 1.01 or 1.02 will apply in order to ensure a fair outcome. Such determination shall be based on such factors as the complexity of the issues presented, whether all parties are represented by counsel, and similar considerations.~~

Conflicts between 801 CMR 1.01 or 1.02 and 205 CMR 101.00 shall be resolved in favor of 205 CMR 101.00. If the hearing officer grants a request that a hearing be held pursuant to 801 CMR 1.01 Formal Rules, the provisions of 801 CMR 1.01 (1), (2), (3), (5), (6), ~~(7), (8)~~, (11) and (14) shall not apply and the provisions of 205 CMR 101.03 through 101.05 shall govern.

~~(11)(10)~~ There shall be no motions or **formal** discovery allowed in hearings under this 205 CMR 101.03 and 101.04 unless upon the request of a party and for good cause shown, the hearing officer ~~orders~~ **allows** such motions or **formal** discovery **request to be served**. **In the event that motions or formal discovery are allowed by the hearing officer, the hearing officer shall also set forth a reasonable schedule for responding to such motions or discovery requests.**

~~(12)(11)~~ A written transcript or **electronic record** of each hearing shall be created and all witnesses presenting testimony shall be sworn to testify under oath.

~~(13)(12)~~ In addition to the duties and powers of the hearing officer under 801 CMR 1.02 (10)(f), the hearing officer shall **make all factual and legal findings necessary to reach a decision, including evaluating the credibility of all witnesses and evidence presented.** ~~determine if the party requesting review has standing to request review.~~ The hearing officer may ask questions of a party or a witness at the hearing. ~~The hearing officer shall determine the credibility of all witnesses providing testimony at the hearing.~~ The hearing officer can request additional information from any party and may recess or continue the hearing to a later date. **Any party to such a hearing shall be entitled to issue subpoenas as approved by the hearing officer in compliance with 205 CMR 101.02(11) and in accordance with M.G.L. c. 30A, § 12(3).** The hearing officer may request a post-hearing brief from the parties and shall determine the page limit for such brief and the time by which it must be submitted. **The parties may request leave of the hearing officer to submit a post-hearing brief as long as such a request is made within (ten) 10 days of the hearing.**

~~(14)(13)~~ The standard of review of an order or fine issued by the bureau or the racing division shall be the substantial evidence standard unless a different standard is required by c. 23K or c. 128A or c.128C. **The hearing officer shall conduct a review of the matter, making findings of fact and conclusions of law to render a decision. The hearing officer shall affirm the order issued by the bureau or the racing division if there is substantial evidence to support it.** ~~The hearing officer shall determine whether the order or fine issued by the bureau or the racing division is supported by substantial evidence in accordance with the decisions of the Massachusetts courts regarding administrative review of agency decisions.~~

~~(15)(14)~~ The hearing officer shall issue a written decision as soon as administratively feasible after the close of the hearing. The written decision shall include findings of fact and conclusions of law and shall clearly state the basis for the hearing officer's decision. The hearing officer shall file its decision with the clerk. The decision of the hearing officer shall be the final decision of the commission unless a request for **appeal** ~~review by~~ **to** the commission is filed by a

party to the proceeding within 30 days of the date of the hearing officer's decision. **In the event of a timely filed appeal of a civil administrative penalty to the commission, payment of any such penalty shall be stayed through the final decision by the commission.**

~~(15)~~ (16) The clerk shall send a copy of the decision to all parties and shall include with the decision a letter stating that a party may request **appeal** ~~review~~ of the hearing officer's decision ~~to~~ **by** the commission and describing the process for requesting an **appeal** ~~review~~ by the commission.

(17) The hearing officer is authorized to certify any matter directly to the commission. The exercise of such authority will generally be reserved for matters of first impression or those which present extraordinary or unique circumstances. Either party may also request that the hearing officer certify such a matter for commission review. The commission may accept and review the matter or may remand the matter to the hearing officer. In the event that the commission accepts the matter such hearings will be conducted in accordance with 205 CMR 101.02 in which the commission will perform the hearing officer's functions. Appeals of such decisions may be taken in accordance with M.G.L. c.30A in lieu of 205 CMR 101.03.

#### 101.043: Review by the Commission of Decisions of the Hearing Officer

(1) **Any decision issued by a hearing officer in accordance with 205 CMR 101.02 may be appealed to the commission for review.** ~~An appeal request for review of the decision issued by a hearing officer shall be filed with the clerk of the commission on a form provided by the clerk. An appeal request for review shall not operate as a stay of the decision of the hearing officer; unless, along with the filing of a request for review, the party requesting review includes a request for a stay of the decision and such stay is granted by the commission~~ **unless specifically allowed by the commission upon motion of the appellant. A request for a stay may be allowed at the commission's discretion if one or both of the following two circumstances are present:**

- (a)
  - (1) there is a likelihood that the party seeking the stay will prevail on the merits of the case; and
  - (2) there is a likelihood that the moving party will be harmed irreparably absent a stay.
- (b)
  - (1) the consequences of the decision(s) to be made in the case are far-reaching;
  - (2) the immediate impact upon the parties in a novel and complex case is substantial;
  - or
  - (3) a significant legal issue(s) is involved.

(2) **In order to be considered by the commission, the appeal** ~~request for review~~ **must be filed not later than 30 days from the date of the decision issued by the hearing officer was served by the**

clerk in accordance with 205 CMR 101.02(16). Requests for review filed later than 30 days from the date of the order or fine issued by the judges or stewards shall be forwarded to the commission for review. Orders regarding requests for review filed later than 30 days from the date of the order or fine issued by the judges may be issued by a single commissioner appointed by the chairman to issue such orders.

(3) The appeal request for review shall include:

- a. the name, address and contact information, including telephone number and email, if any, of the party requesting the appeal review;
- b. the name and address of counsel representing the party requesting the appeal review, if any, and
- c. a brief description of the basis for the appeal request for review.; and
- d. ~~(4)~~ a copy of the decision of the hearing officer that is the basis for the appeal.

~~(4)~~ Each request for review shall include a copy of the order or fine that is the subject of the request for review.

~~(4)~~~~(5)~~ Upon receipt of the appeal request for review by the commission, the clerk shall docket the request and request a copy of the written record of the hearing from the hearing officer. The hearing officer shall provide a copy of the written record to the clerk no later than 10 days after the clerk's request. The written record shall include the decision of the hearing officer, any briefs submitted by the parties, the evidence submitted to the hearing officer and the transcript of the adjudicatory hearing before the hearing officer. The clerk shall provide a copy of the written administrative record to all parties involved in the matter to be reviewed by the commission. The record may be provided electronically or via other similar means. The record shall include the decision of the hearing officer, any briefs submitted by the parties, the evidence submitted to the hearing officer and the transcript or audio recording of the adjudicatory hearing before the hearing officer. The record may only be expanded by the commission upon petition by a party and a showing of good cause as to why the evidence was not included as part of the hearing record below.

~~(5)~~~~(6)~~ The clerk shall schedule a date for review by the commission. The clerk shall request that each party file a brief stating why the decision of the hearing officer should be affirmed, vacated or modified and the relief requested. Issues not raised before the hearing officer shall not be raised in a brief to the commission. The briefing schedule shall be set by the commission and shall be staggered to provide the appellee adequate time to address the matters raised in the appellant's brief prior to the scheduled hearing before the commission. No brief shall be no longer than 10 15 pages and shall be due no later than 15 days prior to the date of review by the

~~commission.~~ The briefs shall be filed with the clerk. Each party shall serve a copy of its brief on the other party (ies) to the hearing.

~~(6)(7)~~ The clerk shall provide copies of the briefs and a copy of the written record to the commission.

~~(7)(8)~~ A party may request permission to file a brief longer than ~~10~~ 15 pages. Such request must be in writing. The clerk shall forward the request to the commission. It shall be up to the discretion of the commission as to whether to grant such a request. If the commission grants a request for additional pages, the clerk shall forward a copy of the commission's order to all parties to the hearing and all parties shall have the right to file such additional number of pages. Requests to file a brief longer than ~~10~~ 15 pages may be granted by an order issued by a single commissioner appointed by the chairman to issue such orders.

~~(8)(9)~~ All requests for extensions of time to file a brief shall be made in writing to the clerk. The clerk shall forward the request for an extension of time to file a brief to the commission. It shall be up to the discretion of the commission as to whether to grant the request for an extension of time to file a brief. If the commission grants the request for an extension of time to file a brief, the clerk shall forward a copy of the commission's order to the parties and all parties shall have the extension of time to file a brief. Requests for an extension of time to file a brief may be granted by an order issued by a single commissioner appointed by the chairman to issue such orders.

~~(9)(10)~~ The commission's review of the decision of the hearing officer shall be on the ~~written administrative~~ record submitted by the parties of the hearing conducted by the hearing officer. The written record shall include the decision of the hearing officer, any briefs submitted by the parties, the evidence submitted to the hearing officer and the transcript of the adjudicatory hearing before the hearing officer. The commission, in its sole discretion and upon its own motion, may request oral argument on the request to review the decision of the hearing officer.

~~(10)(11)~~ Issues not raised before the hearing officer shall not be raised in the briefs to the commission or otherwise considered by the commission. The commission shall not accept as part of the request for review additional or new evidence not submitted to the hearing officer and not already included in the written record.

~~(11)(12)~~ The standard of review of a decision by the hearing officer shall be a substantial evidence standard. When reviewing a decision from the hearing officer, the commission's determination shall be supported by substantial evidence unless a different standard is required by M.G.L. c. 23K or c. 128A or c.128C. The commission shall determine whether the decision of the hearing officer is supported by substantial evidence in accordance with the decisions of the Massachusetts courts regarding administrative review of agency decisions.



(12)(13) The commission shall conduct a **de novo** review of the decision of the hearing officer based upon the **entire administrative** record submitted to the hearing officer, provided however, that findings made by the hearing officer regarding credibility of witnesses shall **be entitled to substantial deference** ~~not be reviewed~~ by the commission. **As provided by M.G.L. c.30A, § 10,** such appeal shall comply with M.G.L. c. 30A, § 11(8). **The procedures described in M.G.L. c. 30A, § 11(7) shall only apply if, where applicable, a party makes written request to the commission in advance for a tentative or proposed decision.**

(13)(14) The commission may, **in whole or part,** affirm the decision of the hearing officer, **reverse vacate** the decision of the hearing officer, modify the decision of the hearing officer or remand the matter ~~back~~ to the hearing officer for further action in accordance with the commission's decision. ~~The commission may affirm, vacate or modify the decision of the hearing officer in whole or in part.~~ **Further, the commission may add any condition reasonably calculated to ensure a person's compliance or faithful performance, to penalize for the violations, and/or to deter future violation, including but not limited to fines.** In making its decision, the commission may rely on any evidence contained in the **administrative** record and is not limited to the evidence cited by the hearing officer in support of hearing officer's decision.

(14)(15) The Commission shall issue a written decision as soon as administratively feasible and file it with the clerk. **The decision shall advise the parties of their rights to review in accordance with M.G.L c.23K and 30A, as applicable.** The clerk will provide a copy of the commission's decision to all parties.

#### 101.054: Review of a Commission Decision

Decisions by the commission pursuant to 205 CMR 101 may be reviewed by the appropriate court pursuant to the provisions of M.G.L. c. 30A and M.G.L. c.23K;

#### Informal Disposition of an Adjudatory Proceeding

**At any time during an adjudatory proceeding before a hearing officer or the Commission, the parties may make informal disposition of any adjudatory proceeding by stipulation, agreed settlement or consent order. Upon such a disposition, the parties are obligated to notify the hearing officer or commission through a joint filing indicating that the matter has been resolved and that is signed by all parties and/or their representatives.**





*Legal Division*

## **AMENDED SMALL BUSINESS IMPACT STATEMENT**

The Massachusetts Gaming Commission (“Commission”) hereby files this Amended Small Business Impact Statement in accordance with G.L. c.30A, §5 relative to the proposed amendments in **205 CMR 115.00: Phase 1 and New Qualifier Suitability Determination, Standards, and Procedures; 205 CMR 132.01: Discipline of a Gaming License; 205 CMR 133.00: Voluntary Self-Exclusion; 205 CMR 134.00: Licensing and Registration of Employees, Vendors, Junket Enterprises and Representatives, and Labor Organizations; 205 CMR 136.00 Sale and Distribution of Alcoholic Beverages at Gaming Establishments; 205 CMR 138.07: Internal Controls A: (Reserved); 205 CMR 152.00: Individuals Excluded From a Gaming Establishment;** for which a public hearing was held on June 21, 2018. These proposals were developed as part of the process of promulgating regulations governing the operation of gaming establishments in the Commonwealth. The proposed regulations and amendments therein clarify authority and ensure that all decisions in adjudicatory proceedings made by the Commission, hearing officer, and internal divisions have clear processes. These regulations are largely governed by G.L. c.23K, §4(28), 5, and G.L. c.30A.

These regulations and amendments generally apply to the gaming and racing licensees, employees, vendors, related parties, and gaming establishments. Accordingly, these regulations and amendments are unlikely to have an impact on small businesses, unless a vendor to the gaming establishment elects to pursue a hearing as further described below.

In accordance with G.L. c.30A, §5, the Commission offers the following responses as to 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:

As a general matter, no small businesses will be impacted by these regulations unless they elect to pursue a hearing. Accordingly, there are no less stringent compliance or 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 for small businesses created by these regulations unless they elect to pursue a hearing. In that event, it is important that uniform hearing provisions be in place for all.

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



Massachusetts Gaming Commission

There are no compliance or reporting requirements for small businesses unless they elect to pursue a hearing. In that event, it is important that uniform hearing provisions be in place for all.

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

An operational standard is necessary and appropriate to ensure uniformity of the hearing process. As a general matter, hearing procedures must be prescriptive in nature to provide uniform process to all.

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

M.G.L. c.23K was enacted to create a new industry in the Commonwealth and to promote and grow local small businesses and the tourism industry, including the development of new small businesses. The proposed regulations are designed to effectuate those intentions and growth and provide parties with a fair and uniform process for dealing with the Commission.

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

There are no alternative regulatory methods that would minimize adverse impacts on small businesses. The proposed regulation is the prescribed method necessary to ensure a uniform process for all.

Massachusetts Gaming Commission

By:

\_\_\_\_\_  
Shara Bedard

Paralegal

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



Massachusetts Gaming Commission

205 CMR: MASSACHUSETTS GAMING COMMISSION  
205 CMR 115.00: PHASE 1 AND NEW QUALIFIER SUITABILITY DETERMINATION,  
STANDARDS, AND PROCEDURES

115.03: Phase 1 and New Qualifier Investigation and Recommendations by the Bureau

(1) The bureau shall conduct an investigation into the qualifications and suitability of all applicants and qualifiers, as provided for in M.G.L. c. 23K, §§ 12 and 16. The bureau may conduct the investigation, in whole or in part, with the assistance of one or more contractor investigators pursuant to 205 CMR 105.10: *Authority to Retain and Utilize Contractor Investigators*. **Additionally, such an investigation may be conducted at any time after a qualifier is granted a positive determination of suitability to ensure that they continue to meet the suitability standards.**

(2) At the completion of the bureau's investigation, it shall submit a written report to the commission. At a minimum, this report will include: recommendations pursuant to M.G.L. c. 23K, §§ 12, 14(i) and 16 and findings of fact pursuant to M.G.L. c. 23K, § 17(f), as required, relative to the suitability of the applicant for a gaming license and/or of any new qualifiers **or existing qualifiers.**

\*\*\*

115.04: Phase 1 and New Qualifier Proceedings by the Commission

(1) After the commission has received the bureau's report under 205 CMR 115.03(2) it shall provide a copy to the applicant or ~~new~~ qualifier and the commission shall determine whether it shall initiate a process for a public hearing or adjudicatory proceeding. However, the commission may only utilize the public hearing process with the qualifier's consent.

(2) Adjudicatory Proceeding. If the commission determines that an adjudicatory proceeding shall be held, the commission shall conduct an adjudicatory proceeding pursuant to 205 CMR 101.00: *M.G.L. c. 23K Adjudicatory Proceedings* on the report by the bureau concerning the applicant **or qualifier** pursuant to 205 CMR 115.03(2). ~~The commission will issue a public notice in advance of the adjudicatory proceeding stating the date, time and place of the hearing.~~

(3) Public Hearing. If the commission determines that a public hearing should be held, the commission shall review the bureau's suitability report in a public hearing, subject to redaction of confidential and exempt information described in 205 CMR 103.02(1) through (5). The commission will issue a notice in advance of the public hearing stating the date, time and place of the hearing and the form (oral or written) and conditions pursuant to which the commission will receive public comments.

\*\*\*

115.05: Phase 1 and New Qualifier Determination by the Commission

(1) After the proceedings under 205 CMR 115.04, the commission shall issue a written determination of suitability pursuant to M.G.L. c. 23K, §§ 4(15), 12 and 17.

(2) Negative Determination. If the commission finds that an applicant or new qualifier **or existing qualifier** failed to meet its burden of demonstrating compliance with the suitability standards in M.G.L. c. 23K and 205 CMR 115.00, the commission shall issue a negative determination of suitability.

(3) Positive Determination. If the commission finds that an applicant or new qualifier **or existing qualifier** has met its burden of demonstrating compliance with the suitability in M.G.L. c. 23K and 205 CMR 115.00, the commission shall issue a positive determination of suitability which may include conditions and restrictions.

...

DRAFT

205 CMR: MASSACHUSETTS GAMING COMMISSION  
205 CMR 132.00: DISCIPLINE OF A GAMING LICENSEE

132.01: Discipline of a Gaming License

- (1) Grounds for Action. In addition to the reasons specifically provided for throughout 205 CMR, a gaming license or racing meeting license may be conditioned, suspended, or revoked, and/or the licensee assessed a civil administrative penalty if it is determined that:
- (a) A licensee engaged in an act or practice that caused irreparable harm to the security and integrity of the gaming establishment or the interests of the Commonwealth in ensuring the security and integrity of gaming;
  - (b) Circumstances have arisen that render the licensee unsuitable under M.G.L. c.23K, §§12 and 16;
  - (c) A licensee failed to comply with its approved system of internal controls in accordance with 205 CMR 138.02;
  - (d) A licensee refused or was unable to separate itself from an unsuitable qualifier;
  - (e) As provided in M.G.L. c.23K, §23(b): a licensee: (i) has committed a criminal or civil offense under M.G.L. c.23K or under any other laws of the commonwealth; (ii) is not in compliance with 205 CMR or is under criminal investigation in another jurisdiction; (iii) has breached a condition of licensure; (iv) has affiliates, close associates or employees that are not qualified or licensed under M.G.L. c.23K and 205 CMR with whom the gaming licensee continues to conduct business or employ; (v) is no longer capable of maintaining operations at a gaming establishment; or (vi) whose business practice, upon a determination by the commission, is injurious to the policy objectives of M.G.L. c.23K; or
  - (f) A licensee failed to abide by any provision of M.G.L. c.23K, 205 CMR, condition of gaming license, or order of the commission.
- (2) Finding and Decision. If the bureau finds that a gaming licensee has violated a provision of 205 CMR 132.01(1), it may issue a written notice of decision recommending that the commission suspend, revoke, and or condition said licensee. Either in conjunction with or in lieu of such a recommendation, the bureau may assess a civil administrative penalty upon said licensee in accordance with M.G.L. c.23K, §36. Such notices shall be provided in writing and contain a factual basis and the reasoning in support the decision including citation to the applicable statute(s) or regulation(s) that supports the decision. The bureau may alternatively issue an order temporarily suspending the license in accordance with M.G.L. c.23K, §35(e).

- (3) Civil administrative penalties. The bureau may assess a civil administrative penalty on a gaming licensee in accordance with M.G.L. c.23K, §36 for a violation of 205 CMR 133.07(1).
- (4) Review of Decision. A recommendation made by the bureau to the commission that a gaming license be suspended or revoked shall proceed directly to the commission for review in accordance with 205 CMR 101.01. If the gaming licensee is aggrieved by a decision made by the bureau to assess a civil administrative penalty in accordance with 205 CMR 133.07(2) and (3), it may request review of said decision in accordance with 205 CMR 101.00: *M.G.L. c.23K Adjudicatory Proceedings.*

DRAFT

205 CMR: MASSACHUSETTS GAMING COMMISSION  
205 CMR 133.00: VOLUNTARY SELF-EXCLUSION

133.06: Responsibilities of the Gaming Licensees

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

\*\*\*

(7) (a) A gaming licensee shall not pay any winnings derived from gaming to an individual who is prohibited from gaming in a gaming establishment by virtue of having placed their name on the voluntary self-exclusion list in accordance with 205 CMR 133.00. Winnings derived from gaming shall include, but not be limited to, such things as proceeds derived from play on a slot machine/electronic gaming device and a wager, or series of wagers, placed at a table game. Where reasonably possible, the gaming licensee shall confiscate from the individual in a lawful manner, or shall notify a commission agent who shall confiscate, or shall refuse to pay any such winnings derived from gaming or any money or thing of value that the individual has converted or attempted to convert into a wagering instrument whether actually wagered or not. A wagering instrument shall include, but not be limited to, chips, tokens, prizes, non-complimentary pay vouchers, electronic credits on a slot machine/electronic gaming device, and vouchers representing electronic credits/TITO slips. The monetary value of the confiscated winnings and/or wagering instrument shall be paid to the commission for deposit into the Gaming Revenue Fund within 45 days.

(b) If an individual wishes to contest the forfeiture of winnings or things of value, the individual may request a hearing in writing with the commission within 15 days of the date of the forfeiture. The request shall identify the reason why the winnings or things of value should not be forfeited. A hearing shall be conducted in accordance with 205 CMR 101.00: *M.G.L. c.23K Adjudicatory Proceedings* to determine whether the subject funds were properly forfeited in accordance with 205 CMR 133.06.(7)(a);

\*\*\*

133.07: Sanctions Against a Gaming Licensee

~~The commission may revoke, limit, condition, suspend or fine a gaming licensee in accordance with 205 CMR if the establishment knowingly or recklessly fails to exclude or eject from its premises any individual placed on the list of self-excluded persons. It shall not be deemed a knowing or reckless failure if an individual on the voluntary self-exclusion list shielded their identity or otherwise attempted to avoid identification while present at a gaming establishment. Further, a gaming licensee shall be deemed to have marketed to an individual on the self-~~



~~exclusion list only if marketing materials are sent directly to an address, email address, telephone number, or other contact identified by the individual on their application.~~

- (1) Grounds for Action. A gaming license may be conditioned, suspended, or revoked, and/or the gaming licensee assessed a civil administrative penalty if it is determined that a gaming licensee has:
  - a) knowingly or recklessly failed to exclude or eject from its premises any individual placed on the list of self-excluded persons. Provided, it shall not be deemed a knowing or reckless failure if an individual on the voluntary self-exclusion list shielded their identity or otherwise attempted to avoid identification while present at a gaming establishment; or
  - b) failed to abide by any provision of 205 CMR 133.00: *Voluntary Self-Exclusion*, M.G.L. c.23K, §45, the gaming licensee's approved written policy for compliance with the voluntary self-exclusion program pursuant to 205 CMR 133.06(9), or any law related to the voluntary self-exclusion of patrons in a gaming establishment. Provided, a gaming licensee shall be deemed to have marketed to an individual on the self-exclusion list only if marketing materials are sent directly to an address, email address, telephone number, or other contact identified by the individual on their application.
- (2) Finding and Decision. If the bureau finds that a gaming licensee has violated a provision of 205 CMR 133.07(1), it may issue a written notice of decision recommending that the commission suspend, revoke, and or condition said gaming licensee. Either in conjunction with or in lieu of such a recommendation, the bureau may issue a written notice assessing a civil administrative penalty upon said licensee. Such notices shall be provided in writing and contain a factual basis and the reasoning in support the decision including citation to the applicable statute(s) or regulation(s) that supports the decision.
- (3) Civil administrative penalties. The bureau may assess a civil administrative penalty on a gaming licensee in accordance with M.G.L. c.23K, §36 for a violation of 205 CMR 133.07(1).
- (4) Review of Decision. A recommendation made by the bureau to the commission that a gaming license be suspended or revoked shall proceed directly to the commission for review in accordance with 205 CMR 101.01. If the gaming licensee is aggrieved by a decision made by the bureau to assess a civil administrative penalty in accordance with 205 CMR 133.07(2) and (3), it may request review of said decision in accordance with 205 CMR 101.00: *M.G.L. c.23K Adjudicatory Proceedings*.

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

134.04: Vendors

\*\*\*

(1) Gaming Vendors.

(a) Gaming Vendors- Primary. A person who conducts business with a gaming applicant or gaming licensee on a regular or continuing basis for provision of goods or services which directly relates to gaming, as defined by M.G.L. c. 23K, § 2, including, but not limited to a person who does any of the following, shall be designated as a gaming vendor-primary:

1. Manufactures, sells, leases, supplies, or distributes devices, machines, equipment (except gaming table layouts), accessories, or items that meet at least one of the following conditions:
  - a) are designed for use in a gaming area as defined by M.G.L. c. 23K, § 2;
  - b) are designed for use in a simulcast wagering area;
  - c) are used in connection with a game in the gaming area;
  - d) have the capacity to affect the calculation, storage, collection, electronic security, or control of the gaming revenues from a gaming establishment.
2. provides maintenance services or repairs gaming or simulcast wagering equipment, including slot machines;
3. acts as a junket enterprise; or
4. provides items or services that the ~~Commission~~ **bureau** has determined are used in or are incidental to gaming or to an activity of a gaming facility.

Exception. Any person, by submission of a written petition, may request a determination from the ~~commission~~ **bureau** that ~~the person providing goods or services deemed by the Bureau to~~ **despite** meeting a description contained in 205 CMR 134.04(1)(a) **they** need not be licensed as a Gaming Vendor-primary on the grounds that they are not providing services on a regular or continuing basis or that they do not directly relate to gaming.

\*\*\*

**(8) Review of Decision. Any person aggrieved by a decision made by the bureau in accordance with 205 CMR 134.04 may request review of said decision in accordance with 205 CMR 101.00: M.G.L. c.23K Adjudicatory Proceedings.**

\*\*\*

134.09; Investigation, Determination, and Appeals for Gaming Establishment Employees and Vendors

(1) Upon receipt of an application for a key gaming employee license in accordance with 205 CMR 134.01, a gaming employee license in accordance with 205 CMR 134.02, a gaming service employee registration in accordance with 205 CMR 134.03, a gaming vendor license in accordance with 205 CMR 134.04(1), a non-gaming vendor registration in accordance with 205 CMR 134.04(4), a gaming vendor qualifier license in accordance with 205 CMR 134.04(4), or a Labor Organization in accordance with 205 CMR 134.05 the Division of Licensing shall conduct a review of each application for administrative completeness and then forward the application to the Bureau which shall conduct an investigation of the applicant. In the event an application is deemed incomplete, the Division of Licensing may either request supplemental information from the applicant or forward the application to the commission with a recommendation that it be denied. For individuals, the investigation shall include obtaining and reviewing criminal offender record information from the Department of Criminal Justice Information Services (DCJIS) and exchanging fingerprint data and criminal history with the Massachusetts Department of State Police and the United States Federal Bureau of Investigation. The investigation shall be conducted for purposes of determining whether the applicant is suitable to be issued a license or registration in accordance with 205 CMR 134.10 and 134.11.

In determining the weight to be afforded any information bearing on suitability in accordance with 205 CMR 134.10 and 134.11, the Division of Licensing, Bureau, or commission, as applicable, shall consider: the relevance of the information to employment in a gaming establishment or doing business with a gaming establishment in general, whether there is a pattern evident in the information, and whether the applicant is likely to be involved in gaming related activity. Further, the information will be considered in the light most favorable to the applicant unless the information cannot be so viewed pursuant to M.G.L. c. 23K or the information obtained does not otherwise support such view. For purposes of 205 CMR 134.00 and M.G.L. c. 23K, § 16 an adjudication of delinquency shall not be considered a conviction. Such a finding may, however, be considered for purposes of determining the suitability of an applicant. Records of criminal appearances, criminal dispositions, and/or any information concerning acts of delinquency that have been sealed shall not be considered for purposes of making a suitability determination in accordance with 205 CMR 134.00 and M.G.L. c. 23K.

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

Gaming Employee-executive, the decision shall be forwarded to the Commission as a recommendation along with the application materials for review and issuance of the license. If the application is denied, the Bureau shall forward the recommendation for denial and reasons therefor to the Division of Licensing which shall issue a written decision to the applicant explaining the reasons for the denial. The decision shall include an advisory to the applicant that they may appeal the decision ~~to the Bureau~~ in accordance with 205 CMR ~~134.09(2)~~ **101.00: M.G.L. c.23K *Adjudatory Proceedings***. If the denial is based upon information contained in the individual's criminal record the decision shall also include an advisory that the individual will be provided with a copy of their criminal record upon request and that they may challenge the accuracy of any relevant entry therein. The decision may be served via first class mail or via email to the addresses provided by the applicant on the application.

- b) Gaming Service Employees. The Division of Licensing shall issue a gaming service employee registration to the applicant on behalf of the Commission in accordance with 205 CMR 134.11(1). In the event that the Bureau determines upon completion of the investigation conducted in accordance with 205 CMR 134.09(1) that the applicant should be disqualified from holding a registration or is otherwise unsuitable in accordance with 205 CMR 134.11, it shall forward the results of the investigation to the Division of Licensing which shall issue a written notice to the registrant revoking the registration. The notice shall include an advisory to the applicant that they shall immediately cease employment at the gaming establishment and may request an appeal hearing ~~before the Bureau~~ in accordance with ~~134.09(2)~~ **101.00: M.G.L. c.23K *Adjudatory Proceedings***. If the denial is based upon information contained in the individual's criminal record the decision shall also include an advisory that the individual will be provided with a copy of their criminal record upon request and that they may challenge the accuracy of any relevant entry therein. The notice may be served via first class mail or via email to the addresses provided by the applicant on the application.
- c) Gaming Vendors and Gaming Vendor Qualifiers. Upon completion of the investigation conducted in accordance with 205 CMR 134.09(1) the Bureau shall either approve or deny the application for a gaming vendor license pursuant to 205 CMR 134.10. If the Bureau approves the application for a Gaming Vendor license and any associated applications for Gaming Vendor qualifier licenses, the decisions shall be forwarded to the Commission as a recommendation along with the application materials for review and issuance of the license. If an application for a Gaming vendor qualifier license is approved by the Bureau subsequent to the issuance of the Gaming Vendor license by the commission, the Bureau shall forward a written approval to the Division of Licensing which shall issue a license to the applicant on behalf of the Commission. If the application is denied, the Bureau shall forward the recommendation for denial and reasons therefor to the Division of Licensing which shall issue a written decision to the

applicant explaining the reasons for the denial. The decision shall include an advisory to the applicant that they may appeal the decision to the Bureau in accordance with 205 CMR ~~134.09(2)~~101.00: M.G.L. c.23K *Adjudicatory Proceedings*. If the denial is based upon information contained in a person's criminal record the decision shall also include an advisory that the person will be provided with a copy of their criminal record upon request and that they may challenge the accuracy of any relevant entry therein. The decision may be served via first class mail or via email to the addresses provided by the applicant on the application.

- d) Non-gaming Vendors. The Division of Licensing shall issue a non-gaming vendor registration to the applicant on behalf of the Commission in accordance with 205 CMR 134.11(1). In the event that the Bureau determines upon completion of the investigation conducted in accordance with 205 CMR 134.09(1) that the applicant should be disqualified from holding a registration or is otherwise unsuitable in accordance with 205 CMR 134.11, it shall forward the results of the investigation to the Division of Licensing which shall issue a written notice to the registrant revoking the registration. The notice shall include an advisory to the applicant that they shall immediately cease doing business with the gaming establishment and may request an appeal hearing before the Bureau in accordance with 205 CMR ~~134.09(2)~~101.00: M.G.L. c.23K *Adjudicatory Proceedings*. If the denial is based upon information contained in the person's criminal record the decision shall also include an advisory that the person will be provided with a copy of their criminal record upon request and that they may challenge the accuracy of any relevant entry therein. The notice may be served via first class mail or via email to the addresses provided by the applicant on the application.
- e) Labor Organizations. The Bureau shall issue a Labor Organization registration to the applicant on behalf of the Commission in accordance with 205 CMR 134.11(1).

~~(2) If an application for a key gaming employee license, gaming employee license, gaming service employee registration, gaming vendor license, non-gaming vendor registration, or gaming vendor qualifier license is denied or revoked in accordance with 205 CMR 134.09(1) the applicant may appeal the decision and request a hearing before the Bureau within 30 days of service of the decision. The request for an appeal hearing must be in writing on a form provided by the Bureau and contain an explanation of the basis for the appeal.~~

~~(3) The Bureau shall appoint a hearing officer to preside over the appeal hearing requested by an applicant in accordance with 205 CMR 134.09(2). The hearing will be conducted in accordance with M.G.L. c. 30A and 801 CMR 1.02: *Informal/Fair Hearing Rules*. An audio recording of the hearing shall be taken. The hearing officer shall issue a written decision to the applicant. The hearing officer may affirm the denial of the application or revocation of the registration, reverse the decision and recommend that the license or registration be issued, or recommend that the~~

~~license or registration be issued with conditions. The hearing officer may recommend any condition that is reasonably calculated to ensure faithful performance of the employee's duties or vendor's obligations. The decision shall include an advisory to the applicant that they may appeal the decision to the commission in accordance with 205 CMR 134.09(5). The decision may be served via first class mail or via email to the addresses provided by the applicant on the application.~~

~~(4) After a hearing conducted in accordance with 205 CMR 134.09(3) the following shall apply:~~

- ~~a) If the hearing officer recommends that a Key Gaming Employee standard license, Gaming Employee license, gaming service employee registration, Gaming vendor qualifier, or non gaming vendor registration be issued, the Division of Licensing shall issue a license or registration to the applicant on behalf of the Commission.~~
- ~~b) If the hearing officer recommends that the application for a Key Gaming Employee executive or Gaming vendor license be issued, the decision shall be forwarded to the Commission as a recommendation along with the application and appeal materials for review and issuance of the license.~~

~~(5) If an application for a key gaming employee license, gaming employee license, gaming service employee registration, gaming vendor license, non gaming vendor registration, or gaming vendor qualifier is denied or approved with conditions in accordance with 205 CMR 134.09(3) the applicant may appeal the decision and request a hearing before the commission within 30 days of service of the decision. The request for an appeal hearing must be in writing on a form provided by the commission and contain an explanation of the basis for the appeal. The hearing will be conducted at a public meeting solely on the record of the administrative proceedings conducted by the Bureau in accordance with 205 CMR 134.09(3). The Bureau shall forward a copy of the administrative record of the proceeding to the commission promptly upon receipt of the notice of appeal.~~

~~(6) After the hearing conducted in accordance with 205 CMR 134.09(5) the commission shall issue a written decision to the applicant. The commission may affirm the denial of the application or revocation of the registration, reverse the decision and order that the license or registration be issued, order that the license or registration be issued with conditions or remand the matter to the Bureau for further proceedings. The commission may impose any condition that is reasonably calculated to ensure faithful performance of the employee's duties or vendor's obligations.~~

~~(7) In reviewing the Bureau's decision in accordance with 205 CMR 134.09(6), the commission may consider whether the decision or any condition imposed is:~~

- ~~a) In excess of the statutory or regulatory authority or jurisdiction of the commission; or~~
- ~~b) Based upon an error of law; or~~

- ~~e) Made upon unlawful procedure; or~~
- ~~d) Unsupported by substantial evidence; or~~
- ~~e) Arbitrary or capricious, an abuse of discretion, or otherwise not in accordance with law.~~

~~(8) The decision of the commission made in accordance with 205 CMR 134.09(6) and (7) shall be final and an applicant shall not be entitled to further review.~~

\*\*\*

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

\*\*\*

##### (4) Rehabilitation.

- a. An applicant for a Key gaming employee license, gaming employee license or a gaming vendor qualifier license may provide proof of rehabilitation from a criminal conviction as part of the application for licensure.
- b. An applicant for a Key gaming employee license may not appeal a decision made by the Bureau ~~to the Commission in accordance with 205 CMR 134.09(6)~~ that was based upon a disqualifying prior conviction in accordance with 205 CMR 134.10(3)(a) on the basis that they wish to demonstrate rehabilitation.
- c. An applicant for a Gaming employee license or gaming vendor qualifier license may appeal a decision made by the Bureau based upon a disqualifying prior conviction in accordance with 205 CM R 134.10(3)(a) on the basis that they wish to demonstrate rehabilitation only if the conviction occurred before the ten year period immediately preceding the date of submission of the application for licensure or registration.
- d. ~~In its discretion, the Bureau and/or Commission may issue a~~ **A** Gaming employee license or Gaming vendor qualifier license **may be issued** to an applicant who can affirmatively demonstrate ~~the applicant's~~ rehabilitation. In considering the rehabilitation of an applicant, ~~the Bureau and Commission shall consider~~ the following **shall be considered**:
  - 1. the nature and duties of the position of the applicant;
  - 2. the nature and seriousness of the offense or conduct;
  - 3. the circumstances under which the offense or conduct occurred;
  - 4. the date of the offense or conduct;
  - 5. the age of the applicant when the offense or conduct was committed;



6. whether the offense or conduct was an isolated or repeated incident;
7. any social conditions which may have contributed to the offense or conduct; and
8. any evidence of rehabilitation, including recommendations and references of persons supervising the applicant since the offense or conduct was committed.

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

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

\*\*\*

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

\*\*\*

##### (4) Rehabilitation.

- a) The holder of a Gaming service employee registration or non-gaming vendor registration may appeal a decision made by the Bureau based upon a disqualifying prior conviction in accordance with 205 CMR 134.11(2) on the basis that they wish to demonstrate rehabilitation only if the conviction occurred before the ten year period immediately preceding application for licensure or registration.
- b) ~~In its discretion, the Bureau and/or Commission may issue a~~ A Gaming service employee registration or a non-gaming vendor registration **may be issued** to an applicant who can affirmatively demonstrate ~~the applicant's~~ rehabilitation. In considering the rehabilitation of an applicant ~~the Bureau and Commission shall consider~~ the following **shall be considered**:

- 1.the nature and duties of the position of the applicant;
- 2.the nature and seriousness of the offense or conduct;
- 3.the circumstances under which the offense or conduct occurred;
- 4.the date of the offense or conduct;
- 5.the age of the applicant when the offense or conduct was committed;
- 6.whether the offense or conduct was an isolated or repeated incident;
- 7.any social conditions which may have contributed to the offense or conduct; and

8.any evidence of rehabilitation, including recommendations and references of persons supervising the applicant since the offense or conduct was committed.

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

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

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

\*\*\*

#### 134.16: Term of Licenses

(1) Licenses and registrations issued in accordance with 205 CMR 134.00 shall be valid for the following terms:

\*\*\*

(e) Non-gaming Vendors. Non-gaming vendor registration shall be for an initial term of five years. The initial term of a Non-gaming vendor license shall expire and be renewable on the last day of the month on the fifth anniversary of the issuance date. Non-gaming vendor registration renewals shall be for a term of ~~five~~ **three** years.

\*\*\*

#### 134.19: Disciplinary Action

(1) Grounds for Disciplinary Action. Any **employee or vendor** license or registration issued under 205 CMR 134.00 may be conditioned, suspended, or revoked, **or a civil administrative penalty assessed**, if the ~~commission~~ **Bureau** finds that a licensee or registrant has:

- a) ~~(1)~~ been arrested or convicted of a crime while employed by a gaming establishment and failed to report the charges or the conviction to the commission;
- b) ~~(2)~~ failed to comply with M.G.L. c. 23K, § 13; or

- c) ~~(3)~~ failed to comply with any provision of M.G.L. c. 23K or 205 CMR pertaining to licensees and registrants **including failure to act in conformance with an applicable provision of the gaming licensee's system of internal controls approved in accordance with 205 CMR 138.02.**

~~(2) Complaints. Any person may file a complaint against any person licensed or registered in accordance with 205 CMR 134.00. All complaints relative to a licensee or registrant must be in writing on a form provided by the Commission. All complaints must be received by the Commission within one year of the date of the alleged wrongdoing. The Commission or Bureau may itself initiate a complaint at any time notwithstanding the date of the alleged wrongdoing.~~

**Finding and Decision. If the Bureau finds that a licensee or registrant has violated a provision of 205 CMR 134.19(1) it may issue a written notice of its intent to reprimand, suspend, or revoke said license or registration. Such notice shall be provided in writing and contain a factual basis and the reasoning in support the decision including citation to the applicable statute(s) or regulation(s) that supports the action. It shall further advise the licensee or registrant of their right to a hearing and their responsibility to request a hearing in accordance with 205 CMR 134.19(4), if they so choose, and that failure to do so may result in the decision automatically being imposed. Mailing of the notice to the address on record with the Commission, or emailing the notice to the address provided to the Commission by the licensee/registrant shall be deemed satisfactory service of the notice. The Bureau may alternatively issue an order temporarily suspending a license in accordance with M.G.L. c.23K, §35(e).**

~~(3) Basis of Complaint. A complaint must allege wrongdoing by a licensee or registrant in the form of a violation of 205 CMR 134.19(1) and/or M.G.L. c. 23K.~~

**Civil administrative penalties. The Bureau may assess a civil administrative penalty on a licensee or registrant in accordance with M.G.L. c.23K, §36 for a violation of 205 CMR 134.19(1).**

~~(4) Review and Investigation of Complaints. Every complaint filed shall be reviewed by the commission or its designee. A hearing may be convened, the complaint may be forwarded to the Bureau, or the complaint may be dismissed in the discretion of the commission or its designee. The Bureau may, if it elects, investigate a complaint prior to scheduling a hearing. In its discretion, the Bureau may resolve informal patron complaints without formal investigation, notification of parties, or convening a hearing. Failure of a complainant to cooperate in the investigation may be grounds for dismissal of a complaint.~~

**Review of Decision. Any person aggrieved by a decision made by the Bureau in accordance with 205 CMR 134.19(2) or (3) may request review of said decision in accordance with 205 CMR 101.00: *M.G.L. c.23K Adjudicatory Proceedings*. Failure to request such review may result in the decision automatically being imposed.**

~~(5) Notice of Hearing. If the Bureau determines that a hearing shall be held to resolve a complaint, reasonable notice shall be provided to the complainant and the licensee or registrant. Mailing of notice to the address on record with the Commission, or emailing the notice to the address provided by the licensee or registrant on their application for licensure or registration, shall be deemed satisfactory notice. The notice of hearing shall contain:~~

- ~~(a) The name of the complainant;~~
- ~~(b) The date, time and place of said hearing;~~
- ~~(c) The location of the incident giving rise to the complaint.~~

~~(6) Hearing. Hearings convened pursuant to 205 CMR 134.19 shall be conducted pursuant to 801 CMR 1.02: *Informal/Fair Hearing Rules* and M.G.L. c. 30A. Any party may be represented by legal counsel. All parties shall be permitted to present an opening statement, testify on their own behalf, cross examine all witnesses, present any relevant witness testimony, present any relevant documentary evidence, and offer a closing argument. The Bureau may question any witness and include any records kept by the commission as exhibits. The Bureau may conclude the hearing at any time and issue a decision based on the evidence presented.~~

~~If a licensee or registrant does not appear for the hearing, the Bureau may conduct a hearing in his or her absence and render a decision based upon the evidence presented, but only after making a finding that the licensee was provided notice as required by 205 CMR 134.19(5). The Bureau may designate a hearing officer to convene a hearing and either make a recommendation or issue a decision on its behalf.~~

~~(7) Subpoenas. The Bureau may issue a subpoena in accordance with M.G.L. c. 30A, § 12 requiring the attendance and testimony of witnesses and the production of any evidence, including books, records, correspondence or documents, relating to any matter in question in the proceeding.~~

~~(8) Decisions and Discipline of License and Registration Holders. The Bureau shall issue a written decision after the hearing. Decisions shall be issued in a reasonably prompt manner. The Bureau may suspend a license or registration for a fixed period of time, revoke a license or registration permanently, or issue a reprimand the licensee or registrant. In conjunction with or in lieu of these disciplinary measures, the Bureau may assess a fine pursuant to M.G.L. c. 23K, § 36, and recoup the costs of investigation. Any license or registration that is suspended or revoked shall be forwarded to the Bureau immediately. A person whose license is revoked may apply in writing to the commission for reinstatement no sooner than five years from the date of the revocation.~~

~~(9) Appeals.~~

~~(a) Any person aggrieved by a decision of the hearing officer may, in writing, request review of said decision by the commission. The filing of such a petition shall not serve to stay any disciplinary action taken by the hearing officer.~~

~~(b) The commission may review such decision at its discretion. Such review is an administrative review that shall be based solely on the administrative record and is not to be construed as a second hearing on the same complaint(s). After review, the commission may either deny the petition or remand the matter to the hearings officer for further proceedings as directed. The~~

~~filing of an appeal with the commission shall serve to toll the timing provisions of M.G.L. c. 30A, § 14 until such time as a final decision is rendered by the commission.~~

~~(c) Any person aggrieved by a decision of the hearings officer or the commission may appeal such decision in conformance with M.G.L. c. 30A, § 14.~~

DRAFT

205 CMR: MASSACHUSETTS GAMING COMMISSION  
205 CMR 136.00: SALE AND DISTRIBUTION OF ALCOHOLIC BEVERAGES AT  
GAMING ESTABLISHMENTS

136.03: Issuance of License and Permit

(1) Authority. Pursuant to M.G.L. c. 23K, § 26, the commission may grant a gaming beverage license to a gaming licensee for purposes of allowing the sale and distribution of alcoholic beverages within all licensed areas of the gaming establishment as identified and defined in the license subject to 205 CMR 136.00 to be drunk on the premises of the gaming establishment, subject to any restrictions imposed on the license.

(2) Hearings and Additional Information. After reviewing a gaming beverage license application submitted pursuant to 205 CMR 136.04(1), an application to amend a licensed area, or an application for a special event beverage permit submitted pursuant to 205 CMR 136.04(3), and prior to taking action on the application the commission or the commission's Division of Licensing may request additional information from the applicant to complete or supplement the application, **or** may request that the applicant modify the application in the interests of the integrity of gaming and/or public health, welfare, or safety, ~~or may schedule a hearing for the applicant to address any issues that relate to the application.~~

(3) Gaming Beverage License and Licensed Areas. Applications for licensure shall be submitted to the commission's Division of Licensing. Upon receipt of a complete application for a gaming beverage license, a complete application to amend, alter, or add a licensed area, and the fees required by 205 CMR 136.05, the Division of Licensing shall review the application to determine whether it contains all of the elements required in accordance with 205 CMR 136.04. If the Division of Licensing is satisfied that the application meets the requirements of 205 CMR 136.04 and M.G.L. c. 23K, § 26, and that any modifications requested in accordance with 205 CMR 136.03(2) have been satisfactorily addressed, it shall forward the application to the commission with a recommendation that it be approved. If it is not satisfied that the application meets the requirements of 205 CMR 136.04, or that a modification requested in accordance with 205 CMR 136.03(2) has been satisfactorily addressed, it shall engage in the process outlined in 205 CMR 136.03(2) or deny the application and advise the applicant that it may appeal the decision **directly** to the commission **in accordance with 205 CMR 101.01**.

(4) The commission shall review the application **at a hearing conducted in accordance with 205 CMR 101.01** upon receipt from the Division of Licensing and may approve the application, or parts thereof, and issue the gaming beverage license if it meets all of the requirements of 205 CMR 136.00 and M.G.L. c. 23K, § 26, or deny or condition the gaming beverage license, or parts thereof, if it determines that the application does not meet all of the requirements of 205

CMR 136.00 and M.G.L. c. 23K, § 26 or ~~would~~ **may** in some way compromise the integrity of gaming and/or public health, welfare, or safety.

\*\*\*

### 136.09: Administrative Action

- (1) Grounds for Action. A gaming beverage license issued under 205 CMR 136.03 may be suspended, revoked, conditioned and/or assessed a civil administrative penalty if the Bureau finds that a licensee has:
  - c) failed to comply with any provision of 205 CMR 136.00
  - d) failed to comply with any provision of M.G.L. c. 23K or 205 CMR pertaining to the sale and distribution of alcoholic beverages in the gaming establishment; or
  - e) failed to act in conformance with a provision of the gaming licensee's approved system of internal controls related to the service of alcoholic beverages.
- (2) Finding and Decision. If the Bureau finds that a gaming beverage licensee has violated a provision of 205 CMR 136.09(1), it may issue a written notice of decision reprimanding, suspending, or revoking the license and/or issuing a civil administrative penalty to said licensee. Such notice shall be provided in writing and contain a factual basis and the reasoning in support the decision including citation to the applicable statute(s) or regulation(s) that supports the decision. It shall further advise the licensee of its right to a hearing, and their responsibility to request a hearing in accordance with 136.09(4) if they so choose, and that failure to do so may result in the decision automatically being imposed.
- (3) Civil administrative penalties. The Bureau may assess a civil administrative penalty on a gaming beverage licensee in accordance with M.G.L. c.23K, §36 for a violation of 205 CMR 136.09(1).
- (4) Review of Decision. If the gaming beverage licensee is aggrieved by a decision made in accordance with 205 CMR 136.09(2) or (3) it may request review of said decision in accordance with 205 CMR 101.00: *M.G.L. c.23K Adjudicatory Proceedings*. Failure of the licensee to request review may result in the decision automatically being imposed.



205 CMR: MASSACHUSETTS GAMING COMMISSION  
205 CMR 137.00: GAMING SCHOOLS

137.06: Discipline

(1) Concurrent Obligations. Any school approved in accordance with 205 CMR 137.00 shall continue to be subject to all applicable laws and regulations enforced by its approving entity in accordance with 205 CMR 137.01(3)(e) including the Division of Professional Licensure and Board of Higher Education.

(2) Notice of Action. Any gaming school certified in accordance with 205 CMR 137.00 must report any disciplinary action commenced by its approving entity, accreditor, any other governing agency, identified in accordance with 205 CMR 137.01(3)(e), the Office of the Attorney General, or any other law enforcement agency to the commission within ten days of such notice being received and shall have an affirmative obligation to advise the commission as to the outcome promptly upon determination.

(3) Any certification issued in accordance with 205 CMR 137.00 may be suspended or revoked, or the school reprimanded **or a civil administrative penalty assessed**, for any of the following reasons:

- a) failure to abide by any provision of 205 CMR 137.00;
- b) failure to provide updated information relative to its application in accordance with 205 CMR 137.01(6);
- c) disciplinary action has been taken or pursued against the school by its governing agency or entity as identified in 205 CMR 137.01(3)(e), the Office of the Attorney General, or any other law enforcement agency;
- d) the school is unable to provide the proper education required to prepare individuals for employment at a gaming establishment or facility as a dealer, slot machine technician, or surveillance personnel or is otherwise unsuitable in accordance with M.G.L. c. 23K, § 12;

~~(4) Complaints. Any person may file a complaint with the commission against any school certified in accordance with 205 CMR 137.00. All complaints must be in writing on a form provided by the commission. All complaints must be received by the commission within one year of the date of the alleged wrongdoing. The commission or Bureau may itself initiate a complaint at any time notwithstanding the date of the alleged wrongdoing.~~

**Finding and Decision. If the Bureau finds that a gaming school licensee has violated a provision of 205 CMR 137.06(3), it may issue a written notice of decision reprimanding, suspending, or revoking the license or assessing a civil administrative penalty upon said licensee. Such notice shall be provided in writing and contain a factual basis and the reasoning in support the decision including citation to the applicable statute(s) or regulation(s) that supports the decision. It shall further advise the licensee of its right to a hearing and its responsibility to request a hearing in accordance with 137.06(6) if they so choose, and that failure to do so may result in the decision automatically being imposed. Mailing of the notice to the address on record with the**

Commission, or emailing the notice to the address provided to the commission by the licensee shall be deemed satisfactory notice of the decision.

~~(5) Basis of Complaint. A complaint must allege wrongdoing by the school in the form of a violation of 205 CMR 137.06(3) and/or M.G.L. c. 23K.~~

Civil administrative penalties. The Bureau may assess a civil administrative penalty on a gaming school licensee in accordance with M.G.L. c.23K, §36 for a violation of 205 CMR 137.06(3).

~~(6) Review and Investigation of Complaints. Every complaint filed shall be reviewed by the commission's Division of Licensing. A hearing may be convened, the complaint may be forwarded to the Bureau, or the complaint may be dismissed in the discretion of the Division of Licensing. Failure of a complainant to cooperate in the investigation may be grounds for dismissal of a complaint~~

Review of Decision. If a gaming school licensee is aggrieved by a decision made in accordance with 205 CMR 137.06(4) or (5) it may request review of said decision in accordance with 205 CMR 101.00: *M.G.L. c.23K Adjudicatory Proceedings*. Failure of the licensee to request review may result in the decision automatically being imposed.

~~(7) Notice of Hearing. If the commission's Division of Licensing determines that a hearing shall be held to resolve a complaint, reasonable notice shall be provided to the complainant and the school. Mailing of notice to the address on record with the commission, or emailing the notice to the address provided by the school on their application for licensure or registration, shall be deemed satisfactory notice. The notice of hearing shall contain:~~

- ~~a) The name of the complainant;~~
- ~~b) The date, time and place of said hearing;~~
- ~~c) A description, including the location, of the incident giving rise to the complaint~~

~~(8) Hearing. Hearings convened pursuant to 205 CMR. 137.00 shall be conducted pursuant to 801 CMR 1.02: *Informal/Fair Hearing Rules* and M.G.L.c. 30 A. Any party may be represented by legal counsel. All parties shall be permitted to present an opening statement, testify on their own behalf, cross-examine all witnesses, present any relevant witness testimony, present any relevant documentary evidence, and offer a closing argument. The commission's Division of Licensing may question any witness and include any records kept by the commission as exhibits. The Division of Licensing may conclude the hearing at any time and issue a decision based on the evidence presented.~~

~~If a school does not appear for the hearing, the commissions Division of Licensing may conduct a hearing in its absence and render a decision based upon the evidence presented, but only after making a finding that the school was provided notice as required by 205 CMR 137.06(7).~~

~~The commission's Division of Licensing may designate a hearing officer to convene a hearing and either make a recommendation or issue a decision on its behalf.~~

~~(9) Subpoenas. The commission's Division of Licensing may issue a subpoena in accordance with M.G.L. c. 30A, § 12 requiring the attendance and testimony of witnesses and the production of any evidence, including books, records, correspondence or documents, relating to any matter in question in the proceeding.~~

~~(10) Decisions and Discipline of License and Registration Holders. The commission's Division of Licensing shall issue a written decision after the hearing. Decisions shall be issued in a reasonably prompt manner. The Division of Licensing may suspend the certification of a school for a fixed period of time, revoke a certification permanently, or issue a reprimand to the school. In conjunction with or in *Lieu* of these disciplinary measures, the Division of Licensing may assess a fine pursuant to M.G.L. c. 23K, § 4(15), and recoup the costs of investigation. A school that has its certification revoked may apply in writing to the commission for reinstatement no sooner than five years from the date of the revocation.~~

~~(11) Appeals.~~

- ~~a) Any person aggrieved by a decision of the commission's Division of Licensing may, in writing, request review of said decision by the commission. The filing of such a petition shall not serve to stay any disciplinary action taken by the Division of Licensing.~~
- ~~b) Upon the filing of a petition in accordance with 205 CMR 137.06(11)(a) the commission may review such decision at its discretion. Such review is an administrative review that shall be based solely on the administrative record and is not to be construed as a second hearing on the same complaint(S). After review, the commission may either deny the petition or remand the matter to the commission's Division of Licensing for further proceedings as directed. The filing of an appeal with the commission shall serve to toll the timing provisions of M.G.L. c. 30A, § 14 until such time as a final decision is rendered by the commission.~~
- ~~c) Any person aggrieved by a decision of the commission's Division of Licensing or the commission may appeal such decision in conformance with M.G.L. c. 30A, § 14.~~

TITLE 205: MASSACHUSETTS GAMING COMMISSION  
CHAPTER 138.00: UNIFORM STANDARDS OF ACCOUNTING PROCEDURES AND  
INTERNAL CONTROLS

138.07: ~~Internal Controls A: (Reserved)~~ Administrative Action

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

- a) failed to abide by any provision of 205 CMR 138.00: *Uniform Standards of Accounting Procedures and Internal Controls*;
- b) failed to abide by any provision of M.G.L. c.23K related to internal controls;
- c) failed to abide by any provision of the gaming licensee's system of internal controls approved in accordance with 205 CMR 138.02.

(2) Finding and Decision. If the Bureau finds that a gaming licensee has violated a provision of 205 CMR 138.07(1), it may issue a written notice of decision recommending that the commission suspend, revoke, and or condition said gaming licensee. Either in conjunction with or in lieu of such a recommendation, the Bureau may issue a written notice assessing a civil administrative penalty upon said licensee. Such notices shall be provided in writing and contain a factual basis and the reasoning in support the decision including citation to the applicable statute(s) or regulation(s) that supports the decision.

(3) Civil administrative penalties. The Bureau may assess a civil administrative penalty on a gaming licensee in accordance with M.G.L. c.23K, §36 for a violation of 205 CMR 138.07(1).

(4) Review of Decision. A recommendation made by the Bureau to the commission that a gaming license be conditioned, suspended or revoked shall proceed directly to the commission for review in accordance with 205 CMR 101.01. If the gaming licensee is aggrieved by a decision made by the Bureau to assess a civil administrative penalty in accordance with 205 CMR 138.07(2) and (3), it may request review of said decision in accordance with 205 CMR 101.00: M.G.L. c.23K: *Adjudicatory Proceedings*.

205 CMR: MASSACHUSETTS GAMING COMMISSION  
205 CMR 152.00: INDIVIDUALS EXCLUDED FROM A GAMING ESTABLISHMENT

152.04: Investigation and Initial Placement of Names on the List

\*\*\*

(4) If a request for a hearing is received from the individual, a hearing shall be scheduled before a hearing officer and notice of such, including the date, time, and issue to be presented, shall be sent to the individual. The hearing shall be conducted in accordance with 205 CMR 101.02: *Review of Orders or Civil Administrative Penalties/Forfeitures Issued by the Bureau, Commission Staff, or the Racing Division*. If the hearing officer finds that the individual meets one or more criterion for inclusion on the list in accordance with 205 CMR 152.03 the individual's name shall be placed on the exclusion list. If the hearing officer finds that the individual does not meet any criterion for inclusion on the list, the individual's name shall not be placed on the list and the matter closed.

152.06: Duty of Gaming Licensee

\*\*\*

~~(6) The commission may revoke, limit, condition, suspend or fine a gaming licensee if it knowingly or recklessly fails to exclude or eject from its gaming establishment any individual placed by the commission on the list of excluded persons.~~

\*\*\*

152.07: Petition to Remove Name from Exclusion List

(1) An individual who has been placed on the list in accordance with 205 CMR 152.00 may petition the commission in writing to request that their name be removed from the list. Except in extraordinary circumstances, such a petition may not be filed sooner than five years from the date an individual's name is initially placed on the list.

(2) The individual shall state with particularity in the petition the reason why the individual believes they no longer satisfy one or more criterion for inclusion on the list in accordance with 205 CMR 152.03.

(3) The commission shall schedule a hearing on any properly filed petitions and provide written notice to the petitioner identifying the time and place of the hearing. Such a hearing shall be conducted in accordance with 205 CMR 101.00: *M.G.L. c. 23K Adjudicatory Proceedings*.

\*\*\*

### 152.08: Forfeiture of Winnings

\*\*\*

(3) If an individual wishes to contest the forfeiture of winnings or things of value, the individual may request a hearing in writing with the commission within 15 days of the date of the forfeiture. The request shall identify the reason why the winnings or things of value should not be forfeited. ~~The commission shall schedule a hearing on such request and provide notice to the petitioner.~~ A hearing shall be conducted in accordance with 205 CMR 101.00: *M.G.L. c.23K Adjudicatory Proceedings* to determine whether the subject funds were properly forfeited in accordance with 205 CMR 152.08.

\*\*\*

### 152.09: Sanctions Against a Gaming Licensee

- (1) Grounds for Action. A gaming license may be conditioned, suspended, or revoked, and/or the gaming licensee assessed a civil administrative penalty if the Bureau finds that a gaming licensee has:
  - a) knowingly or recklessly fails to exclude or eject from its premises any individual placed on the list of excluded persons. Provided, it shall not be deemed a knowing or reckless failure if an individual on the exclusion list shielded their identity or otherwise attempted to avoid identification while present at a gaming establishment; or
  - b) failed to abide by any provision of 205 CMR 152.00: *Individuals Excluded from a Gaming Establishment*, M.G.L. c.23K, §45, the gaming licensee's approved written policy for compliance with the exclusion list program pursuant to 205 CMR 152.06(5), or any law related to the exclusion of patrons in a gaming establishment.
- (2) Finding and Decision. If the Bureau finds that a gaming licensee has violated a provision of 205 CMR 152.09(1), it may issue a written notice of decision recommending that the commission suspend, revoke, and or condition said gaming licensee. Either in conjunction with or in lieu of such a recommendation, the Bureau may issue a written notice assessing a civil administrative penalty upon said licensee. Such notices shall be provided in writing and contain a factual basis and the reasoning in support the decision including citation to the applicable statute(s) or regulation(s) that supports the decision.
- (3) Civil administrative penalties. The Bureau may assess a civil administrative penalty on a gaming licensee in accordance with M.G.L. c.23K, §36 for a violation of 205 CMR 152.09(1).
- (4) Review of Decision. A recommendation made by the Bureau to the commission that a gaming license be conditioned, suspended or revoked shall proceed directly to the commission for review in accordance with 205 CMR 101.01. If the gaming licensee is

aggrieved by a decision made by the Bureau to assess a civil administrative penalty in accordance with 205 CMR 152.09(2) and (3), it may request review of said decision in accordance with 205 CMR 101.00: *M.G.L. c.23K Adjudicatory Proceedings*.

DRAFT





*Legal Division*

## **AMENDED SMALL BUSINESS IMPACT STATEMENT**

The Massachusetts Gaming Commission (“Commission”) hereby files this Amended Small Business Impact Statement in accordance with G.L. c.30A, §5 relative to the proposed amendments to 205 CMR 138.00: Uniform Standards of Accounting Procedures and Internal Controls. Specifically, **205 CMR 138.62; Payment of Table Game Progressive Payout Wagers; Supplemental Wagers Not Paid from the Table Inventory** was added as a new section, for which a public hearing was held on June 21, 2018. This new section was developed as part of the process of promulgating regulations governing the operation of gaming establishments in the Commonwealth. 205 CMR 138.62 is an internal control related to table game progressive equipment and procedures, and is largely governed by G.L. c.23K, §4(28), 5, and 25(d), 27 and 28.

As this new section applies to the gaming licensees, it is unlikely to have an impact on small businesses. In accordance with G.L. c.30A, §5, the Commission offers the following responses on whether any of the following methods of reducing the impact of the proposed regulation on small businesses would hinder achievement of the purpose of the proposed regulation:

1. Establishing less stringent compliance or reporting requirements for small businesses:

As this new section pertains primarily to gaming licensees, there are no 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 for small businesses created by this new section.

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

This new section addresses gaming establishment operations and the handling of funds, so there are no compliance or 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

There are no design or operational standards for small businesses required in the proposed new section. This section is directed solely at the licensee and patrons.

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

The proposed new section does not deter or encourage the formation of new businesses in the Commonwealth, as it addresses the handling of funds in gaming establishments only.

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

This new section does not create any adverse impact on small businesses.

Massachusetts Gaming Commission

By:

---

Shara Bedard  
Paralegal

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



Massachusetts Gaming Commission

205 CMR 138.00: UNIFORM STANDARDS OF ACCOUNTING PROCEDURES AND  
INTERNAL CONTROLS

138.62: Payment of Table Game Progressive Payout Wagers; Supplemental Wagers Not Paid from  
the Table Inventory

If a gaming licensee offers at its table games one or more progressive jackpots that increase in value as the game is played based upon a set rate of progression and the jackpot is awarded to a patron when a specific result or outcome is achieved, the system of internal controls submitted by a gaming licensee in accordance with 205 CMR 138.02 shall include policies and protocols as provided by 205 CMR 143.02: *Progressive Gaming Devices*.



*Legal Division*

## **AMENDED SMALL BUSINESS IMPACT STATEMENT**

The Massachusetts Gaming Commission (“Commission”) hereby files this Amended Small Business Impact Statement in accordance with G.L. c.30A, §5 relative to the proposed amendments in **205 CMR 143.02: Progressive Gaming Devices**, for which a public hearing was held on June 21, 2018. These proposals were developed as part of the process of promulgating regulations governing the operation of gaming establishments in the Commonwealth, and are largely governed by G.L. c.23K, §§4(28) and 5. 205 CMR 143.02 contains amendments to the Commission’s adoption of a particular technical standard to ensure that the standard applies to progressive devices used at table games as well as at slot machines.

The proposed amendments apply directly to gaming licensees. Accordingly, they are unlikely to have an impact on small businesses.

In accordance with G.L. c.30A, §5, the Commission offers the following responses on whether any of the following methods of reducing the impact of the proposed regulation on small businesses would hinder achievement of the purpose of the proposed regulation:

1. Establishing less stringent compliance or reporting requirements for small businesses:

As a general matter, no small businesses will be impacted by these regulations. Accordingly, there are no less stringent compliance or 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 for small businesses created by these regulations.

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

There are no compliance or reporting requirements for small businesses.

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

An operational standard is necessary and appropriate to ensure uniformity in the standard that applies to progressive devices used at table games.



Massachusetts Gaming Commission

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

These amendments apply directly to gaming licensees and therefore are not likely to deter or encourage the formation of new businesses in the Commonwealth.

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

These regulations do not create any adverse impact on small businesses.

Massachusetts Gaming Commission

By:

---

Shara Bedard

Paralegal

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



Massachusetts Gaming Commission

205 CMR 143.00: GAMING DEVICES AND ELECTRONIC GAMING EQUIPMENT

143.02: Progressive Gaming Devices

- (1) A gaming licensee and gaming device vendor shall comply with and the Commission adopts and incorporates by reference *Gaming Laboratories International, LLC Standard GLI-12: Progressive Gaming Devices in Casinos*, version 2.1, released September 6, 2011, subject to the following amendments:
- (a) Delete section 1.1.
  - (b) Delete section 1.2.
  - (c) Delete section 1.3.2.
  - (d) Delete section 1.4.
  - (e) Add the following after 2.4.2(a): “(b) No progressive meter(s) shall be turned back to a lesser amount unless:
    1. The amount indicated has been paid to a winning patron;
    2. The progressive jackpot amount won by the patron has been recorded in accordance with a gaming licensee’s system of internal controls;
    3. The change is necessitated by a slot machine or meter(s) malfunction, in which case for wide area progressive jackpots an explanation shall be entered on the Progressive Summary Report described in GLI-12 section 3.2.9(a) and the Commission shall be informed; and
    4. The patron has opted to risk the progressive award as permitted by the rules of the slot machine game or table game; or
    5. The jackpot has been removed or transferred in a manner consistent with Commission rules and 205 CMR 143.02(f).
  - (f) Delete the last sentence of section 2.5.9 and replace with: “Such access shall be detailed in the gaming licensee’s approved system of internal controls in accordance with 205 CMR 138.53 and 205 CMR 138.62 and shall, at a minimum, incorporate the following requirement. The external progressive controller and/or bank controller shall be in a location approved by the Commission in a compartment or cabinet which has two separate locking mechanisms. One locking mechanism shall be maintained and controlled by the security department and the second locking mechanism shall be maintained and controlled by the slot department. Whenever the progressive controller and/or bank controller has been accessed, written notification shall be provided to the Commission.” Alternative measures that achieve the same level of security concerning access to the progressive and/or bank controllers may be substituted for two separate locking mechanisms upon submission to and approval by the Commission.
  - (g) Delete in section 2.5.14 the words “local Internal Control procedures” and add the following: “following requirements: A gaming licensee may transfer a progressive jackpot amount on a stand-alone slot machine, stand-alone table game, or a local area progressive with a common progressive meter from the gaming area, provided the gaming licensee receives written approval from the IEB prior to the transfer, and the accrued amount minus the seed amount of the progressive jackpot is:
    1. Transferred in its entirety; and
    2. Transferred to one of the following:

- a. The progressive meter for a slot machine or table game with the same or similar probability of winning the progressive jackpot, the same or lower wager requirements to be eligible to win the progressive jackpot, and the same type of progressive jackpot (cash, annuity, annuity/cash option or a combination/alternate jackpot) as the slot machine or table game from which the jackpot is being transferred; or
  - b. The progressive meters of two or more slot machines or table games provided that each slot machine or table game to which the jackpot is transferred individually, satisfies the requirements of 205 CMR 143.02(1)(e)2.a. Further, notice of intent to transfer the progressive jackpot, which shall be subject to approval by the IEB, shall be conspicuously displayed on the front of each applicable slot machine or table game for at least ten days in advance of the transfer.”
- (h) Add the following after section 3.1.1: “Gaming licensees may operate multi-site progressive gaming devices, also known as wide area progressives (WAP). WAPs shall consist of networks of linked gaming devices within Massachusetts and/or between Massachusetts and other casinos licensed in other states of the United States. This section shall apply to WAPs used at both slot machines and table games.
1. Each WAP shall be operated and administered: By the participating gaming establishments in accordance with the terms of a written slot system agreement that has been executed by each participant and filed and approved by the Commission; or
  2. The person designated in a slot system agreement responsible for the operation and administration of a WAP shall be referred to as a slot system operator and shall be licensed under 205 CMR 143.00 as a gaming vendor primary.
    - a. More than one slot system operator may be involved in the operation and administration of WAP. A slot system operator may be involved in the operation and administration of more than one WAP.
    - b. An agreement between a slot system manufacturer and a casino licensee pursuant to which the slot system manufacturer agrees to sell, lease, or service, but not operate or administer WAP components, shall not be considered a slot system agreement. A separate agreement may be entered between the slot system manufacturer and each casino licensee participating in the WAP.
  3. Each slot system agreement shall specifically identify and describe the role, authority, and responsibilities of each participating casino and each slot system operator in the conduct of the WAP. The agreement shall comply with GLI-12 or specifically identify where it deviates from the GLI-12 standards. The agreement shall include the following:
    - a. A description of the WAP, including the process by which significant decisions that affect the operation of the game are approved and implemented by each casino or slot system operator;
    - b. If applicable, the casino or slot system operator responsible for establishing and serving as trustee of a trust for a WAP offering an annuity jackpot;
    - c. The casino or slot system operator initially responsible for the funding and payment of all jackpots, fees, and taxes associated with the operation of the WAP; and



- d. The casino or slot system operator responsible for generating, maintaining and filing all records and reports required by M.G.L. c. 23K and any applicable rules or regulations of the Commission.
- e. The method to ensure accurate accounting of all contributions;
- f. The method to ensure that each participating state's tax laws are adhered to; Said method to include a description for determining the *pro rata* share of a system payout for purposes of gross revenue deductibility and its method for determining the proportionate share of gaming taxes and fees owed by the operator to the casino. In calculating gross gaming revenue, a casino may deduct its *pro rata* share of a payout from a game played in a WAP system. The amount of the deduction must be determined based upon the written agreement among the licensed gaming establishments participating in the WAP system and the operator of the system. All cash prizes and the value of noncash prizes awarded during a contest or tournament conducted in conjunction with a WAP system are also deductible on a *pro rata* basis, to the extent of the compensation received for the right to participate in that contest or tournament. The deductions may be taken only by those participating licensed gaming establishments that held an active gaming license at any time during the month in which the payout was awarded.
- g. Procedures to address dispute resolution;
- h. Procedures to accept additional participants once the link is established in casinos of more than one state;
- i. Procedures to ensure the multistate progressive system operator is credentialed in all participating states;
- j. The method for withdrawal from the WAP, including the specific method in which progressive values are transferred when removing or replacing machines. At the minimum, said method should account for the transfer of jackpots, less the reset value, to other progressive slot machine jackpots of similar progressive wager and probability at the same facility within 30 days from the removal date. In the event that a similar progressive jackpot at the same facility is unavailable, other transfers shall be allowed. A Commission representative shall be notified in writing prior to a removal or transfer.
- k. Multistate progressive system parameter requirements including:
  - i. Maximum odds for obtaining the multistate jackpot;
  - ii. The base amount of the multistate jackpot award;
  - iii. The rest amount of the multistate jackpot award;
  - iv. The rate of increment of the multistate jackpot award;
  - v. The hidden rate, which means the increment rate for one or more reserve pools used to fund the next reset amount when applicable;
  - vi. The minimum wager required to qualify for the progressive jackpot; and
  - vii. Any other parameter as may be required in order to ensure the proper accounting and auditing of the multistate progressive system.
- l. Procedures for the independent reconciliation of the multistate jackpot amount when won.
- m. Each gaming licensee or slot system operator seeking approval to participate in a WAP shall confirm to the Commission that they have in place a system of

accounting and internal controls that satisfy the requirements of M.G.L. c. 23K and any applicable rules or regulations concerning the operation of slot machines and WAPs. The internal controls shall include a list of each employee serving in a slot system operator position title.

- n. Each WAP shall be controlled and operated from a computer monitoring room subject to inspection by the Commission. The computer monitoring room for a WAP shall:
    - i. Be under the sole possession and control of, and maintained and operated by, employees of the slot system operator designated in the slot system agreement for that slot system;
    - ii. Have continuous surveillance coverage of the operation of the slot system and its equipment in a manner approved by the Commission. Said surveillance coverage shall include the secure retention of recordings for a period of no less than 30 days or for such longer period if requested by the Commission if particular recordings are determined to hold evidentiary value;
    - iii. Have a Computer Monitoring Room Entry Log, which the Log shall be:
      - (i). Kept in the computer monitoring room;
      - (ii). Maintained in a book with bound numbered pages that cannot be readily removed or in an electronic format as approved by the Commission; and
      - (iii). Signed by each person whose presence is not expressly authorized and identified in the internal controls of the computer monitoring room slot system operator, with each Log entry containing, at a minimum, the following information:
        - The date and time entering the computer monitoring room;
        - The entering person's name, his or her department and employer and, if applicable, his or her employee license number;
        - The reason for entering the computer monitoring room;
        - The name of the person authorizing the person's entry into the computer monitoring room;
        - The date and time of exiting the computer monitoring room;
        - Be readily accessible to Commission personnel 24 hours a day;
        - Be housed in a facility approved by the Commission that is owned or leased by a slot system operator;
        - Be designed in a manner that assures that the multi-casino progressive slot system shall not be disrupted."
- (i) Add the following after "Initial laboratory testing" in section 3.1.2(a) and "set up are tested" in section 3.1.2(b): "in accordance with 205 CMR 144.04."
  - (j) From section 3.4.1, delete "the gaming regulator shall adopt procedures for" and replace it with "each player shall be entitled to."



*Legal Division*

## **AMENDED SMALL BUSINESS IMPACT STATEMENT**

The Massachusetts Gaming Commission (“Commission”) hereby files this Amended Small Business Impact Statement in accordance with G.L. c.30A, §5 relative to **205 CMR 146.23: Chase the Flush Table; Physical Characteristics**; for which a public hearing was held on June 21, 2018. This proposed new section within 205 CMR 146.00: Gaming Equipment was developed as part of the process of promulgating regulations governing the operation of gaming establishments in the Commonwealth. The section outlines the standards applicable to the equipment used in a specific table game offered for play in a gaming establishment, and is largely governed by M.G.L. c. 23K, §§ 4(28), and 5.

205 CMR 146.23 applies directly to gaming licensees as well as equipment manufacturers and vendors. To the extent that a manufacturer or vendor is a small business, it may 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:

To the extent that a small business is affected, this regulation is necessary and appropriate to ensure uniformity for reporting requirements for small businesses for the standards applicable to the various types of equipment used in the table games offered for play in a gaming establishment. The proposed new section is merely a designation of one of those games.

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 for small businesses created by the proposed new section.

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

To the extent that a small business is affected, the proposed new section is necessary to ensure uniformity for reporting requirements for small businesses.



Massachusetts Gaming Commission

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

A design standard is necessary and appropriate in the proposed new section to ensure uniformity in equipment standards used in specific table games throughout the Commonwealth.

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

G.L. c.23K was enacted to create a new industry in the Commonwealth and to promote and grow local small businesses and the tourism industry, including the development of new small businesses. The proposed regulations are designed to effectuate those intentions and growth.

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

This new section does not create any adverse impact on small businesses.

Massachusetts Gaming Commission

By:

---

Shara Bedard  
Paralegal

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



Massachusetts Gaming Commission

205 CMR 146.00: GAMING EQUIPMENT

146.23 Chase the Flush Table; Physical Characteristics

- (1) Chase the Flush shall be played on a table having positions for six players on one side of the table and a place for the dealer on the opposite side. A true-to-scale rendering and a color photograph of the layout(s) shall be submitted to the Bureau for approval prior to utilizing the layout design.
- (2) The layout for a Chase the Flush table shall contain, at a minimum:
  - (a) The name or trade name of the gaming licensee;
  - (b) Four separate designated betting areas at each player position for the placement of ante, x-tra bonus, all in and same suit wagers, configured with the same suit area closest to the dealer, the all in wager area farthest from the dealer, the ante wager area arrayed between the same suit wager area and the all in wager area, and the x-tra bonus wager area to the right of and separated from the ante wager area by an “+” symbol;
  - (c) A separate designated area for the placement of the four community cards, which area shall be located in the center of the table between the table inventory container and the player betting areas;
  - (d) A separate designated area for the placement of the dealer’s three cards, which area shall be located between the table inventory container and the designated area for the community cards described in 205 CMR 146.23(2)(c);
  - (e) An inscription indicating that an ante wager shall push if the dealer has less than a 3-card nine high flush; and
  - (f) Unless the gaming licensee complies with 205 CMR 146.23(3) an inscription at each player position describing the following:
    1. The payout odds for same suit and x-tra bonus wagers;
    2. That an x-tra wager shall not be paid unless the player’s hand beats the dealer with four or more cards of the same suit. If the player wins with less than a four card flush then the x-tra Bonus bet pushes.; and
    3. The rules governing the required amount of an all in wager as a multiple of the player’s ante wager (three times the ante if made prior to the first two cards cards being exposed; two times the ante if made after the first two cards are dealt but prior to the final two community cards being dealt; or equal to the ante if made after all community cards are dealt but prior to the dealer’s cards being revealed).
- (3) If the information required by 205 CMR 146.23(2)(f) is not inscribed on the layout, a sign shall be posted at each Chase the Flush table that sets forth such information.
- (4) Each Chase the Flush table shall have a drop box and a tip box attached to it on the same side of the table as, but on opposite sides of, the dealer.



*Legal Division*

## **AMENDED SMALL BUSINESS IMPACT STATEMENT**

The Massachusetts Gaming Commission (“Commission”) hereby files this Amended Small Business Impact Statement in accordance with G.L. c.30A, §5 relative to **205 CMR 146.63: Progressive Wager Equipment**, for which a public hearing was held on June 21, 2018. This new section within 205 CMR 146.00: Gaming Equipment was developed as part of the process of promulgating regulations governing the operation of gaming establishments in the Commonwealth. The section addresses progressive wager equipment as it pertains to table games, and is largely governed by G.L. c.23K, §§2, 4(37), and 5.

205 CMR 146.63 applies apply directly to gaming licensees as well as equipment manufacturers and vendors. To the extent that a manufacturer or vendor is a small business, the proposed new section may 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:

To the extent that a small business is affected, this regulation is necessary and appropriate to ensure uniformity for reporting requirements for small businesses for the standards applicable to the various types of equipment used in the table games offered for play in a gaming establishment. The proposed new section is merely a designation of one of those games.

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 for small businesses created by the proposed new section.

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

To the extent that a small business is affected, the proposed new section is necessary to ensure uniformity for reporting requirements for small businesses.

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



Massachusetts Gaming Commission

A design standard is necessary and appropriate in the proposed new section to ensure uniformity in equipment standards used in specific table games throughout the Commonwealth.

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

G.L. c.23K was enacted to create a new industry in the Commonwealth and to promote and grow local small businesses and the tourism industry, including the development of new small businesses. The proposed regulations are designed to effectuate those intentions and growth.

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

This new section does not create any adverse impact on small businesses.

Massachusetts Gaming Commission

By:

---

Shara Bedard  
Paralegal

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



Massachusetts Gaming Commission



205 CMR 146.00: GAMING EQUIPMENT

146.63: Table Game Progressive wager equipment

- (1) To the extent not specifically provided for in this section or in 143.02: *Progressive Gaming Devices*, if a gaming licensee offers an approved progressive wager for any game authorized pursuant to 205 CMR 147: *Uniform Standards of Rules of the Games*, the table layout for such game shall have designated areas for the placement of the progressive wager and may include other equipment as approved by the Bureau including but not limited to:
  - (a) A separate acceptor device for the placement of a progressive wager, each of which shall have a light which shall illuminate upon placement and acceptance of a gaming chip;
  - (b) A method to ensure that only one progressive wager is made per person, per round of play;
  - (c) A sign describing the winning wagers and the payouts to be awarded on winning progressive wagers at a location on the table, or within a reasonable distance from the table such that a patron can easily read it;
  - (d) 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 chips from being recognized in the acceptor device; and
  - (e) 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 designated and constructed to contain any feature the IEB 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 IEB.



*Legal Division*

## **AMENDED SMALL BUSINESS IMPACT STATEMENT**

The Massachusetts Gaming Commission (“Commission”) hereby files this Amended Small Business Impact Statement in accordance with G.L. c.30A, §5 relative to **205 CMR 146.59: Criss-Cross Poker Table; Physical Characteristics**; for which a public hearing was held on June 21, 2018. This proposed new section within 205 CMR 146.00: Gaming Equipment was developed as part of the process of promulgating regulations governing the operation of gaming establishments in the Commonwealth. The section outlines the standards applicable to the equipment used in a specific table game offered for play in a gaming establishment, and is largely governed by M.G.L. c. 23K, §§ 4(28), and 5.

205 CMR 146.59 applies directly to gaming licensees as well as equipment manufacturers and vendors. To the extent that a manufacturer or vendor is a small business, it may 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:

To the extent that a small business is affected, this regulation is necessary and appropriate to ensure uniformity for reporting requirements for small businesses for the standards applicable to the various types of equipment used in the table games offered for play in a gaming establishment. The proposed new section is merely a designation of one of those games.

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 for small businesses created by the proposed new section.

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

To the extent that a small business is affected, the proposed new section is necessary to ensure uniformity for reporting requirements for small businesses.



Massachusetts Gaming Commission

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

A design standard is necessary and appropriate in the proposed new section to ensure uniformity in equipment standards used in specific table games throughout the Commonwealth.

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

G.L. c.23K was enacted to create a new industry in the Commonwealth and to promote and grow local small businesses and the tourism industry, including the development of new small businesses. The proposed regulations are designed to effectuate those intentions and growth.

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

This new section does not create any adverse impact on small businesses.

Massachusetts Gaming Commission

By:

---

Shara Bedard  
Paralegal

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



Massachusetts Gaming Commission

146.59: Criss-Cross Poker table physical characteristics.

- (1) Criss-Cross Poker shall be played at a table having betting positions for no more than six players on one side of the table and a place for the dealer on the opposite side of the table. 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 Criss-Cross Poker table shall contain, at a minimum:
  - (a) The name or trade name of the gaming licensee.
  - (b) Five separate betting areas for each player designated for the placement of the Ante Across and Ante Down Wagers and the Across, Down and Middle Bets.
  - (c) Five separate areas designated for the placement of the five community cards. The area for the community cards must form a cross with one box furthest from the table inventory container, three boxes in the center row and one box directly in front of the table inventory container.
  - (d) If the licensee offers the optional Five Card Bonus Wager, a separate area designated for the placement of the Five Card Bonus Wager for each player.
  - (e) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers offered by the licensee. If payout odds or amounts are not inscribed on the layout, a sign identifying the payout odds or amounts for all permissible wagers shall be posted at each Criss-Cross Poker table.
  - (f) If the licensee establishes a payout limit per player per round, inscriptions that advise patrons of the payout limit. If the limit is not inscribed on the layout, a sign identifying the payout limit shall be posted at each Criss-Cross Poker table.
  - (g) Each Criss-Cross Poker table must have a drop box and a tip box attached on the same side of the table as, but on opposite sides of, the dealer as approved by the on-site Bureau office. The Bureau may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.
- (3) Each Criss-Cross Poker table must have a discard rack securely attached to the top of the dealer's side of the table.



*Legal Division*

## **AMENDED SMALL BUSINESS IMPACT STATEMENT**

The Massachusetts Gaming Commission (“Commission”) hereby files this Amended Small Business Impact Statement in accordance with G.L. c.30A, §5 relative to **205 CMR 146.58: Crazy 4 Poker Table; Physical Characteristics**; for which a public hearing was held on June 21, 2018. The proposed amendment was developed as part of the process of promulgating regulations governing the operation of gaming establishments in the Commonwealth. The amendment is a correction to a cited regulation within the section. 205 CMR 146.58 is largely governed by M.G.L. c. 23K, §§ 4(28), and 5.

As the proposed amendment is merely a correction to a cited regulation within a section, it 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:

To the extent that a small business is affected by this regulation overall, it is necessary and appropriate to ensure uniformity for reporting requirements for small businesses for the standards applicable to the various types of equipment used in the table games offered for play in a gaming establishment. This amendment, however, is merely a correction to a cited regulation within a section and will not affect 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 for small businesses created by the proposed amendment.

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

There are no compliance or reporting requirements for small businesses created by this amendment.

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



Massachusetts Gaming Commission

A design standard is necessary and appropriate to ensure uniformity in equipment standards used in specific table games throughout the Commonwealth. However, the proposed amendment is merely a cite correction.

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

G.L. c.23K was enacted to create a new industry in the Commonwealth and to promote and grow local small businesses and the tourism industry, including the development of new small businesses. The proposed regulations are designed to effectuate those intentions and growth.

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:

---

Shara Bedard  
Paralegal

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



Massachusetts Gaming Commission

205 CMR 146.00: GAMING EQUIPMENT

146.58: Crazy 4 Poker Table; Physical Characteristics

- (1) Crazy 4 poker shall be played on a table having positions for no more than six players on one side of the table and a place for the dealer on the opposite side. 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 Crazy 4 poker table shall contain, at a minimum:
  - (a) The name or trade name of the gaming licensee;
  - (b) Separate designated betting areas at each betting position for the placement of the Ante, Play, Super Bonus and Queens Up Wagers for each player. The Super Bonus betting area must be located to the right of the Ante Wager betting area and be separated by an “=” symbol;
  - (c) If the licensee offers either the Four or Five-Card Progressive Payout Wager authorized under Section 7 of the Authorized Rules of the Game for Crazy 4 Poker, a separate area designated for the placement of the Progressive Payout Wager for each player;
  - (d) If a licensee offers the Five Card Hand Bonus Wager authorized under Section 7 of the Authorized Rules of the Game for Crazy 4 Poker, each betting position must contain an electronic wagering system for the placement of the Five Card Hand Bonus Wager;
  - (e) An inscription identifying the payout odds for all authorized wagers or a sign identifying the payout odds or amounts for all permissible wagers posted at each Crazy 4 Poker table;
  - (f) Inscriptions that advise patrons of the following:
    - (i) The best four-card hand plays.
    - (ii) The dealer qualifies with a king or better.
    - (iii) A player who has a pair of aces or better may place a Play Wager in an amount up to three times the player's Ante Wager.
    - (iv) The player's Super Bonus Wager shall be returned if the player beats or ties the dealer with a hand that is not a straight or better.
- (4) Each Crazy 4 poker table shall have a drop box and a tip box attached to it on the same side of the table as, but on opposite sides of the dealer.
- (5) If the gaming licensee offers either a Four or Five-Card Progressive Payout Wager in accordance with Section 7 of the Authorized Rules of the Game for Crazy 4 Poker, the Crazy 4 Poker table must have a progressive table game system, in accordance with 205 CMR 143.02 for the placement of Progressive Payout Wagers. If the gaming licensee is offering a Progressive Payout Wager on multiple linked tables or games in the same gaming establishment, the progressive table game system must comply with 205 CMR 143.02. The progressive table game system must include:
  - (a) A wagering device at each betting position that acknowledges or accepts the placement of the Progressive Payout Wager; and



(b) A device that controls or monitors the placement of Progressive Payout Wagers at the gaming table, including a mechanism, such as a lock-out button, that prevents the recognition of any Progressive Payout Wager that a player attempts to place after the dealer has announced “no more bets.”

(6) If the gaming licensee offers the Five Card Hand Bonus Wager authorized under Section 7 of the Authorized Rules of the Game for Crazy 4 Poker, the Crazy 4 Poker table must have a table game system, in accordance with 205 CMR 138.62 and an electronic wagering system in accordance 205 CMR 146.463. Each betting position must contain an electronic wagering system for the placement of the Five Card Hand Bonus Wager. The system must include a mechanism, such as a lockout button, that prevents the placement of any Five Card Hand Bonus Wagers that a player attempts to place after the dealer has begun dealing the cards. If the certificate holder is offering a Five Card Hand Bonus Wager on multiple linked tables or games in the same gaming establishment, the progressive table game must comply with 205 CMR 143.02.



*Legal Division*

## **SMALL BUSINESS IMPACT STATEMENT**

The Massachusetts Gaming Commission (“Commission”) hereby files this Small Business Impact Statement in accordance with G.L. c. 30A, §2 relative to the proposed amendment to **205 CMR 135.01: Definitions**, and **205 CMR 139.04: Reports and Information to Be Filed with the Commission**; notice of which was filed with the Secretary of the Commonwealth. These amendments were developed as part of the process of promulgating regulations governing the operation of gaming establishments in the Commonwealth. These amendments update the process by which the Commission recognizes entities certified as Veteran Business Enterprises, allowing administration by the Commonwealth’s Supplier Diversity Office. These regulations are authorized by G.L. c. 23K §§ 4, 5, and 26.

These amendments may impact small businesses. In accordance with G.L. c.30A, §2, the Commission offers the following responses to the statutory questions:

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

The Commission would estimate the number of small businesses that may be affected by this regulation to be under 100.

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

Most costs associated with this process will be with the Supplier Diversity Office, not with the Commission. In any event, it relates to a one-time application.

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

When dealing with an application process, design standards are important to ensure uniformity of the process.

4. Identify regulations of the promulgating agency, or of another agency or department of the Commonwealth, which may duplicate or conflict with the proposed regulation:



Massachusetts Gaming Commission

38 CFR 74 and 205 CMR 135.02(8) relate to the same subject matter, but the Commission incorporates them to ensure that no duplication occurs.

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

This regulation is designed to encourage the formation of new businesses in the Commonwealth by clarifying the ability of Veteran Business Enterprises to receive recognition of their status.

Massachusetts Gaming Commission

By:

---

Shara Bedard

Paralegal

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



Massachusetts Gaming Commission

205 CMR: MASSACHUSETTS GAMING COMMISSION  
205 CMR 135.00: MONITORING OF PROJECT CONSTRUCTION AND  
LICENSEE REQUIREMENTS

135.01: Definitions

\*\*\*

Veteran's Business Enterprise. (VBE) A Veteran Owned ~~Business~~ **Enterprise** shall have the same meaning as the term ~~“small business concern owned and controlled by veteran(s)”~~ **“Veteran-owned small business concern”** as defined by the ~~United States Department of Veterans Affairs (38 CFR 74.1)~~, whose status can be verified by Vendor Information Pages ~~Verification Program~~ located at ~~www.VetBiz.gov or the successor vendor information and verification system established by or in contract with the federal government~~ **on the U.S. Department of Veterans Affairs Office of Small & Disadvantaged Business Utilization website** or by the Licensing Division of the Massachusetts Gaming Commission. Veteran's Business Enterprise is inclusive of the Service-disabled veteran-owned business as defined in 15 USC § 632. **Additionally, the term VBE shall include any entity certified as a VBE, as defined by M.G.L. c. 7, § 58, by the supplier diversity office within the operational services division pursuant to regulations promulgated in accordance with M.G.L. c.7, §61(a).**

**Notwithstanding the foregoing, for purposes of 205 CMR 135.02(8) and 139.04(3), effective upon the issuance of an operation certificate to a gaming licensee, the term VBE shall only include those entities certified as such by the supplier diversity office, or verified with the U.S. Department of Veterans Affairs. (Note: vendors previously verified by the Licensing Division will continue to be recognized until the end of their existing contract.)**

205 CMR: MASSACHUSETTS GAMING COMMISSION  
205 CMR 139.00: CONTINUING DISCLOSURE AND REPORTING  
OBLIGATIONS OF GAMING LICENSEES

139.04: Reports and Information to Be Filed with the Commission

The following reports and information shall be filed with the commission, or its designee, in the manner and time provided:

\*\*\*

(3) Pursuant to M.G.L. c. 23K, § 21(a)(24) and 205 CMR 135.00: *Monitoring of Project Construction and License Requirements*, a detailed annual, and at other times as directed by the commission, statistical report on the total dollar amounts contracted with and actually paid to minority business enterprises, women business enterprises and veteran business enterprises in:

- (a) Design contracts;
- (b) Construction contracts (as the term 'construction' is defined in accordance with 205 CMR 139.04(2)); and
- (c) Contracts for every good and service procured by the gaming establishment.

The annual statistical report shall also identify the amounts so contracted as a percentage of the total dollar amounts contracted with and actually paid to all firms.



*Legal Division*

## **SMALL BUSINESS IMPACT STATEMENT**

The Massachusetts Gaming Commission (“Commission”) hereby files this Small Business Impact Statement in accordance with G.L. c. 30A, §2 relative to the proposed amendment to **205 CMR 140.04: Reports and Reconciliation Regarding Gross Gaming Revenue Tax**; notice of which was filed with the Secretary of the Commonwealth. These amendments were developed as part of the process of promulgating regulations governing the operation of gaming establishments in the Commonwealth. This amendment updates the protocol for processing the monthly gross gaming revenue report that is filed with the Commission. This regulation is largely governed by M.G.L. c. 23K, §§2, 55, 59, and 60.

This regulation applies solely to the gaming licensees, and it is unlikely that these amendments will impact any small businesses. In accordance with G.L. c.30A, §2, the Commission offers the following responses to the statutory questions:

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

There are no small businesses that will be impacted by this regulation or the amendments therein, as they apply to gaming licensees only.

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

There are no reporting, recordkeeping or administrative costs created by these amendments that do not already exist at this time.

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

The amendment changes an accounting procedure for licensees. A design standard is necessary to ensure the proper calculation of gross gaming revenue.

4. Identify regulations of the promulgating agency, or of another agency or department of the Commonwealth, which may duplicate or conflict with the proposed regulation:

There are no conflicting regulations in 205 CMR, and the Commission is unaware of any conflicting or duplicating regulations of any other agency or department of the Commonwealth.



Massachusetts Gaming Commission

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

Given its limited audience, this amendment is unlikely to deter or encourage the formation of new businesses in the Commonwealth.

Massachusetts Gaming Commission

By:

---

Shara Bedard

Paralegal

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



Massachusetts Gaming Commission



## 140.04: Reports and Reconciliation Regarding Gross Gaming Revenue Tax

### CURRENT REG

(1) On or before the 15<sup>th</sup> calendar day of each month, the gaming licensee shall file a monthly gross gaming revenue report with the commission, in a format acceptable to the commission, which shall reflect the amount of gross gaming revenue actually derived on a daily basis during the preceding month, the amount of daily tax deposits required for that month, the amount of gross gaming revenue derived during the year to the end of the preceding month, and the tax liability for the year calculated to the end of the preceding month. In the event that the total amount of gross gaming revenue tax deposits made for the month is determined to be less than the daily gaming revenue tax liability for that month, the gaming licensee shall remit the requisite additional payment to the commission at the time of submission of the monthly report. In the event that the total amount of the deposit made by the gaming licensee for the month is determined to be greater than the gross revenue tax liability due, the gaming licensee may reduce the amount of its daily deposits in the succeeding month by the amount of the overpayment, which adjustment must be reflected on the daily remittance reports. Nothing in 205 CMR 140.04(1) shall limit any authority of the commission to determine the insufficiency of any gross revenue tax deposit or deposits, to require payments of penalties and interest, or to allow or disallow any claim for refund due to overpayment as may be determined by the commission pursuant to any audits performed for the verification of gross gaming revenues.

### NEW REG

(1) On or before the 15<sup>th</sup> calendar day of each month, the gaming licensee shall file a monthly gross gaming revenue report with the commission, in a format acceptable to the commission, which shall reflect the amount of gross gaming revenue actually derived on a daily basis during the preceding month, the amount of daily tax deposits required for that month, the amount of gross gaming revenue derived during the year to the end of the preceding month, and the tax liability for the year calculated to the end of the preceding month. In the event that the total amount of gross gaming revenue tax deposits made for the month is determined to be less than the daily gaming revenue tax liability for that month, ~~the gaming licensee shall remit the requisite additional payment to the commission at the time of submission of the monthly report~~ **the gaming licensee will be invoiced the amount due based on the true up from the daily deposits from the succeeding month.** In the event that the total amount of the deposit made by the gaming licensee for the month is determined to be greater than the gross gaming revenue tax liability due, ~~the gaming licensee may reduce the amount of its daily deposits in the succeeding month by the amount of the overpayment, which adjustment must be reflected on the daily remittance reports~~ **the gaming licensee will be refunded the amount due based on the true up from the daily deposits from the succeeding month.** Nothing in 205 CMR 140.04(1) shall limit any authority of the commission to determine the insufficiency of any gross revenue tax deposit or deposits, to require payments of penalties and interest, or to allow or disallow any claim for refund due to overpayment as may be determined by the commission pursuant to any audits performed for the verification of gross gaming revenues.