



## **MASSACHUSETTS GAMING COMMISSION MEETING**

June 13, 2013  
9:30 am  
Division of Insurance  
1000 Washington Street  
1<sup>st</sup> Floor, Meeting Room 1-E  
Boston, MA



Massachusetts Gaming Commission

84 State Street, 10th Floor, Boston, Massachusetts 02109 | TEL 617.979.8400 | FAX 617.725.0258 | [www.massgaming.com](http://www.massgaming.com)



## NOTICE OF HEARING/MEETING and AGENDA

June 13, 2013 Meeting

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 13, 2013

9:30 a.m.

Division of Insurance

1000 Washington Street

1<sup>st</sup> Floor, Meeting Room 1-E

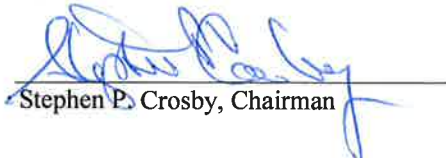
Boston, Massachusetts

### PUBLIC MEETING - #69

1. Call to order
2. Approval of Minutes
  - a. May 30, 2013
3. Administration – Rick Day, Executive Director
  - a. General Administrative Update
    - i. Draft 2014 Budget
  - b. Director of Research and Problem Gambling
4. Ombudsman Report – John Ziemba
5. Legal Report – Catherine Blue and Todd Grossman
  - a. Steps to Licensing
  - b. Application Form
6. Racing Division - Jennifer Durenberger, Director
  - a. Administrative Update
  - b. Delegation of Authority
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 "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), [brian.gosselin@state.ma.us](mailto:brian.gosselin@state.ma.us).

6/10/13  
(date)

  
Stephen P. Crosby, Chairman

**Date Posted to Website:** June 10, 2013 at 3:00 p.m.



Massachusetts Gaming Commission



## Meeting Minutes

**Date:** May 30, 2013

**Time:** 9:30 a.m.

**Place:** Division of Insurance  
1000 Washington Street  
1<sup>st</sup> Floor, Meeting Room 1-E  
Boston, Massachusetts

**Present:** Commissioner Stephen P. Crosby, Chairman  
Commissioner Gayle Cameron  
Commissioner James F. McHugh  
Commissioner Bruce Stebbins  
Commissioner Enrique Zuniga (present via teleconference)

**Absent:** None.

Clicking on the time posted in the margin will link directly to the appropriate section of the video.

### Call to Order

See transcript page 2.

9:38 a.m. Chairman Crosby opened the 68th public meeting.

### Approval of Minutes

See transcript pages 2-6.

9:38 a.m. Commissioner McHugh stated that the minutes for the May 16 meeting are ready for approval. He clarified that clicking on the times listed in the margin of the electronic minutes will take the reader directly to the corresponding discussion in the video recording.

*Motion made by Chairman Crosby that the minutes of May 16, 2013 be accepted as tendered. Motion seconded by Commissioner Stebbins. The motion passed unanimously by roll call vote.*

## **Presentations**

See transcript pages 6-47.

- 9:42 a.m. The Commission has invited presentations from Helena Fruscio, Creative Economy Director- Executive Office of Economic Development, Mary Jordan, Director- Division of Agricultural Markets, and Catherine Deronde, MA Department of Agriculture, to talk about the size of these two sectors in the Massachusetts economy as well as how their organizations can be a resource to our applicants in helping them connect with small businesses across the Commonwealth.
- 9:43 a.m. Ms. Fruscio explained her background and role with the Commonwealth. She discussed examples of innovative activities by the creative economy in Massachusetts, and how similar activities can be integrated into gaming establishments.
- 10:06 a.m. Ms. Jordan, accompanied by Ms. Doronde, presented an overview of the agriculture industry in Massachusetts. They expressed interest in reaching out to applicants to discuss the opportunities available.

## **Administration**

Report by Executive Director Day. See transcript pages 47-96.

- 10:27 a.m. Executive Director Day stated that he has finished interviews with candidates for the Director of Licensing position and will be making decisions soon. He is working on strengthening administrative functions and fine tuning the process for the Commission's review of the suitability reports. Commissioner Stebbins stated that the RFP for financial services has gone out, the RFP for building and site design is almost ready, and the RFP for economic development will come after. They are also working on a process to find a project coordinator. The CFAO position is in the executive recruitment stage, and the extensive pool of CIO candidates is being narrowed for interviews.
- 10:31 a.m. Executive Director Day reported on the Region C schedule. The proposed timeline has the publication of the RFA 1 set for the following week, and the award of the license is scheduled to occur about six months after awards in regions A and B. In order to give applicants more time to submit, the Commission decided to push the entire Region C process back by one month. The RFA-1 applications for Region C would be due on September 30, 2013, and the projected award date would be October 30, 2014.
- 10:55 a.m. Executive Director Day raised the question of whether the RFA-2 deadline for Category 1 applicants should be set for December 6, as compared with the original deadline of December 31. The timeline for the RFA-2 process for Category 1 applicants gives the Commission 100 days for review of the applications, as opposed to the 74 days for Category 2 application review. After considering

applicants' and communities' ability to have everything ready in time and the staff burden during the December period, the Commission decided to keep the RFA-2 deadline for Category 2 at December 31, 2013 and extend the review process to 100 days.

### **Ombudsman Report**

Report by Ombudsman Ziemba. See transcript pages 96-119.

- 11:26 a.m. Ombudsman Ziemba presented and recommended for approval the Everett voter notification form. Commissioner Stebbins requested that the community amend the language to make clear that the Commission must still determine suitability of the applicant prior to starting the RFA-2 phase, as the language currently seems to imply that the RFA-2 phase will begin immediately after the community vote.

*Motion made by Commissioner McHugh that the notification proposed by the City of Everett for the host community agreement, with the amendment just described, be approved by the Commission in the form it presented to the Commission today. Motion seconded by Commissioner Cameron. The motion passed unanimously by roll call vote.*

- 11:28 a.m. The Commission discussed amending two documents, the grant agreement and the letter of authorization, to allow the Commission to directly pay regional planning agencies, rather than continuing with the current process that anticipates the applicant paying the Commission, the Commission paying a community, and the community then in turn paying the RPA for the services. Commissioner McHugh recommended adding language to make clear that the RPAs are not acting as agents for the Commission.

*Motion made by Commissioner McHugh that the Commission approve the very carefully thought-out grant forms for RPA assistance to host and surrounding communities in the form presented to us with the modification to section seven and with the addition, if necessary, of a provision explicitly stating that the RPAs are not the Commission's agents, and authorize the Executive Director in consultation with the Ombudsman to make further changes to the extent necessary to meet particular circumstances provided that those changes do not alter substantially the content of the agreement forms. Motion seconded by Commissioner Cameron. The motion passed unanimously by roll call vote.*

- 11:38 a.m. Ombudsman Ziemba introduced Robert Hubbard, recently appointed chair of the Gaming Policy Advisory Committee. The Commission discussed how it planned to interact with the Committee. Mr. Hubbard stated that the Committee can assist with the community mitigation process and funnel information from mitigation committees in each region back to the Commission. Chairman Crosby suggested that the regional committees can be part of the public input process as well. The Commission recommended that the Committee learn more about the research projected headed by Rachel Volberg.

11:51 a.m. The Commission took a brief recess.

### **Racing Division**

Report by General Counsel Blue. See transcript pages 120-123.

12:00 p.m. The Commission received a request from Suffolk Downs to cancel three days of racing on June 11, 18, and 25 and to move those days to November 25, 26, and 27 in anticipation of legislation to shorten the season. This request is a routine practice.

*Motion made by Commissioner Cameron to approve Suffolk Down's request to cancel three days of racing on June 11, 18, and 25 and to move those days to November 25, 26, and 27. Motion seconded by Commissioner Stebbins. The motion passed unanimously by roll call vote.*

### **RFA-2 Application**

Report by General Counsel Blue and Attorney Grossman. See transcript pages 124-.

12:04 p.m. The Commission reviewed the draft RFA-2 application created by the legal staff. The legal staff will incorporate changes that Commissioner McHugh proposed and any recommendations that the consultants propose. The legal team will also go through the entire application and mark any types of documents that can be redacted. The format of the application allows the public to immediately receive the main application form while the review and redactions occur in parallel.

12:20 p.m. Commissioner Zuniga, who was attending via teleconference, left the meeting for a previously scheduled appointment.

12:20 p.m. The Commission continued review of the draft RFA-2 application form. Chairman Crosby compiled a list of edits that he will share with the legal team for implementation. The Commission agreed that staff will incorporate all of the changes discussed and the Commission will review the updated application form at the next commission meeting on June 13.

12:40 p.m. The Commission discussed whether to accept the applications via direct upload to the Commission's servers rather than delivery of a CD. This would be a temporary solution prior to the full document management system being in place and would allow all Commissioners to have secure access to the application materials. The Commission agreed that it should consider the option if it can be securely implemented, but did not want to make any decisions until having more certainty on the system.

12:43 p.m. Chairman Crosby raised the issue of the licensing fee, and giving the licensee a bit more certainty than only a Commission vote prior to requiring the licensee to pay the \$85 million license fee. He recommended creating a template license form that



can be ready upon a vote and provided to the licensee as the official document memorializing the license award.

- 12:46 p.m. Commissioner McHugh requested that the Commission clarify the application instructions to state that during the initial 90-minute presentation, although the Commission does not anticipate asking question, it may ask clarificatory questions if the need arose.
- 12:52 p.m. Chairman Crosby also recommended making several adjustments to the application relative to online gaming, cross-marketing in other jurisdictions, and further addressing the destination resort casino nature of the projects.
- 12:57 p.m. Meeting adjourned.

#### **List of Documents and Other Items Used at the Meeting**

1. Massachusetts Gaming Commission May 30, 2013 Notice of Meeting and Agenda
2. Massachusetts Gaming Commission May 16, 2013 Meeting Minutes
3. Massachusetts Creative Economy Presentation
4. Massachusetts Gaming Commission 5-22-2013 Region C Draft Schedule
5. Massachusetts Gaming Commission Highlights of Revised Draft Region C Schedule
6. Massachusetts Gaming Commission Highlights of Revised Draft Category 1 and Category 2 Schedules
7. Massachusetts Gaming Commission 5-22-2013 Summary Schedule Update
8. Massachusetts Gaming Commission Evaluation Plan Category 1 & 2 License Applications
9. Massachusetts Gaming Commission Evaluation Process
10. City of Everett Voter Notification
11. Massachusetts Gaming Commission RPA Grant Agreement Form
12. Massachusetts Gaming Commission RPA Letter of Authorization
13. Biography Data for Robert Hubbard
14. Massachusetts Gaming Commission Draft RFA-2 Application for Category 1 or Category 2 Gaming License

/s/ Catherine Blue  
Catherine Blue  
Assistant Secretary

3.a

**Massachusetts Gaming Commission**  
**Cash Flow Projection with Draft FY14 Budget**  
**Version Date: June 11, 2013**

Item	Description	FY2012 / Beginning Bal	FY2013 Amount	FY2014 Amount	Notes	Jul-13	Aug-13	Sep-13	Oct-13	Nov-13	Déc-13	Jan-14	Feb-14	Mar-14	Apr-14	May-14	Jun-14
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## I. Racing Operations

## REVENUES

1	Projected Program Revenue (see attached detail)	\$ 2,911,650	\$ 253,700	\$ 257,950	\$ 243,500	\$ 230,950	\$ 228,000	\$ 221,750	\$ 225,550	\$ 229,400	\$ 241,800	\$ 235,400	\$ 276,950	\$ 266,700
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## COSTS

[illegible]



Massachusetts Gaming Commission  
Cash Flow Projection with Draft FY14 Budget  
Version Date: June 11, 2013

II. Gaming Operations	FY2012 / Beginning Bal	FY2013 Amount	FY2014 Amount	Notes	Jul-13	Aug-13	Sep-13	Oct-13	Nov-13	Dec-13	Jan-14	Feb-14	Mar-14	Apr-14	May-14	Jun-14
<b>REVENUES (Note 1)</b>																
1 Phase 1 Application Fees (Region A, B, Slots)		\$ 4,400,000														
2 Phase 1 Investigation Assessments (all applicants)		\$ 3,361,062	\$ 460,058	\$ 115,015	\$ 115,015	\$ 115,015	\$ 115,015									
Commission Overhead for Phase 1 Investigations (13.71%)		\$ 1,064,042	\$ 115,474	2 \$ 28,868	\$ 28,868	\$ 28,868	\$ 28,868									
Phase 2 Investigation Assessments (all applicants)			\$ 6,420,000	3					\$ 802,500	\$ 802,500	\$ 802,500	\$ 802,500	\$ 802,500	\$ 802,500	\$ 802,500	\$ 802,500
Commission Overhead for Phase 2 Investigations (4%)			\$ 256,800						\$ 32,100	\$ 32,100	\$ 32,100	\$ 32,100	\$ 32,100	\$ 32,100	\$ 32,100	\$ 32,100
3 Phase 1 Application Fees (Region C)	N/A		\$ 800,000	4				\$ 800,000								
Additional Fees Region C Investigations			\$ 688,750	5				\$ 137,750	\$ 137,750	\$ 137,750	\$ 137,750	\$ 137,750				
Commission OH to Region C Phase 1 Investigations (13.71%)			\$ 204,108						\$ 40,822	\$ 40,822	\$ 40,822	\$ 40,822	\$ 40,822			
4 Commission Overhead to Racing			\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
5 Assessment Public Health Trust Fund (Licensees)			\$ 3,113,451								\$ 622,690				\$ 1,245,380	\$ 1,245,380
Assessment per Slots Machine			\$ 3,750,000	6							\$ 750,000				\$ 1,500,000	\$ 1,500,000
6 Licensing Fees (Vendors, Individuals, etc.)			\$ 26,250										\$ 3,750		\$ 11,250	\$ 11,250
Subtotal Gaming Operations Revenues	\$ 15,000,000	\$ 8,825,104	\$ 15,834,891		\$ 143,883	\$ 143,883	\$ 143,883	\$ 1,081,633	\$ 1,013,172	\$ 1,013,172	\$ 2,385,862	\$ 1,013,172	\$ 879,172	\$ 834,600	\$ 3,591,230	\$ 3,591,230
<b>COSTS (Note 7)</b>																
1 Investigations and Enforcement (IEB)																
IEB Salaries and Fringe		\$ (256,401)	\$ (1,025,605)	\$ (85,467)	\$ (85,467)	\$ (85,467)	\$ (85,467)	\$ (85,467)	\$ (85,467)	\$ (85,467)	\$ (85,467)	\$ (85,467)	\$ (85,467)	\$ (85,467)	\$ (85,467)	\$ (85,467)
Investigator Costs (Region A, B, Slots)		\$ (6,165,840)	\$ (2,055,280)	\$ (513,820)	\$ (513,820)	\$ (513,820)	\$ (513,820)									
Investigator Costs (Region C)			\$ (1,121,063)					\$ (224,213)	\$ (224,213)	\$ (224,213)	\$ (224,213)	\$ (224,213)				
2 Gaming Commission	\$ (855,101)	\$ (5,426,914)		8												
2.1 MGC Salaries and Fringe			\$ (4,369,720)	9 \$ (364,143)	\$ (364,143)	\$ (364,143)	\$ (364,143)	\$ (364,143)	\$ (364,143)	\$ (364,143)	\$ (364,143)	\$ (364,143)	\$ (364,143)	\$ (364,143)	\$ (364,143)	\$ (364,143)
2.2 Consulting and Service Providers (non evaluation)			\$ (1,240,809)	\$ (103,401)	\$ (103,401)	\$ (103,401)	\$ (103,401)	\$ (103,401)	\$ (103,401)	\$ (103,401)	\$ (103,401)	\$ (103,401)	\$ (103,401)	\$ (103,401)	\$ (103,401)	\$ (103,401)
2.3 Consulting and Service Providers (evaluation - all applicants)			\$ (6,420,000)				\$ (802,500)	\$ (802,500)	\$ (802,500)	\$ (802,500)	\$ (802,500)	\$ (802,500)	\$ (802,500)	\$ (802,500)	\$ (802,500)	
2.4 Rent/Office/Furniture/Events/Hearings/Travel			\$ (1,170,589)	10 \$ (97,549)	\$ (97,549)	\$ (97,549)	\$ (97,549)	\$ (97,549)	\$ (97,549)	\$ (97,549)	\$ (97,549)	\$ (97,549)	\$ (97,549)	\$ (97,549)	\$ (97,549)	\$ (97,549)
Performance Management Project			\$ (850,000)		\$ (212,500)	\$ (212,500)	\$ (212,500)	\$ (212,500)								
Research Project			\$ (3,113,451)			\$ (1,037,817)					\$ (1,037,817)					\$ (1,037,817)
Subtotal Gaming Operations Costs	\$ (855,101)	\$ (11,849,155)	\$ (21,366,517)		\$ (1,164,380)	\$ (1,376,880)	\$ (2,414,697)	\$ (2,403,593)	\$ (1,889,773)	\$ (1,677,273)	\$ (2,715,090)	\$ (1,677,273)	\$ (1,453,060)	\$ (1,453,060)	\$ (1,453,060)	\$ (1,688,377)
Subtotal	\$ 14,144,899	\$ (3,024,051)	\$ (5,531,626)		\$ (1,020,497)	\$ (1,232,997)	\$ (2,270,814)	\$ (1,321,960)	\$ (876,601)	\$ (664,101)	\$ (329,228)	\$ (664,101)	\$ (573,889)	\$ (618,460)	\$ 2,138,170	\$ 1,902,853
Cummulative Balance	\$ 14,144,899	\$ 11,120,848			\$ 10,100,350	\$ 8,867,353	\$ 6,596,539	\$ 5,274,579	\$ 4,397,978	\$ 3,733,877	\$ 3,404,649	\$ 2,740,547	\$ 2,166,659	\$ 1,548,198	\$ 3,686,368	\$ 5,589,222
SUBTOTAL GAMING			\$ 5,589,222													

Revenue Assumptions & Notes

- 1 Assessment on investigations for Phase 2 are assumed equal and generally contemporaneous to costs (with a month lag)  
2 Reflects updated projected overhead. This overhead rate may be slightly adjusted further after true-up. Includes overseas travel  
3 See assumptions details. This line item is reflected as both a revenue and a cost with a month lag  
4 Assumes two additional applicants for Region C  
5 Assumes average investigation cost on Region A,B,slots (\$744,375 per applicant)  
6 Assumes slots machine assessment of \$600/year is up front. C1 at 2,500 slots

Cost Assumptions & Notes

- 7 Assumes Commonwealth indirect Cost (currently assessed) is waived for FY 14 (waived for FY13 already)  
8 Projection for end of current FY13 (below budget). Assumes chargebacks are credited as per waiver.  
9 Assumes 14 additional FTE's from current staffing levels  
10 Does not assume additional moving costs or office fit out (end of lease is April 2014)



3.6

For Immediate Release  
May 28, 2013

Media Contact  
Elaine Driscoll (MGC) 617-979-8408  
Press release: 13-047

**Massachusetts Gaming Commission Hires  
Mark Vander Linden as Director of Research and Problem Gambling**  
*A Nationally –Renowned Treatment and Prevention Expert to Lead Commission's  
Responsible Gambling Initiatives and Strategic Partnerships*

Today the Massachusetts Gaming Commission (MGC) announces the appointment of problem gambling treatment and prevention specialist, Mark Vander Linden, as Director of Research and Problem Gambling. Mr. Vander Linden was hired by MGC's Executive Director Rick Day after a lengthy and diligent search for the most experienced candidate. As MGC's Director of Research and Problem Gambling, Mr. Vander Linden will oversee all MGC research efforts and serve as the head of MGC's Office of Compulsive and Problem Gambling. In this role, Mr. Vander Linden will research, develop and recommend the most effective and innovative programs designed to prevent, educate and treat compulsive and problem gambling in the Commonwealth.

Mr. Vander Linden is currently the Executive Officer in the Office of Problem Gambling Treatment and Prevention at the Iowa Department of Public Health. He is also currently the Board President at the Association of Problem Gambling Service Administrators and on the Board of Directors for the National Center for Responsible Gaming.

As MGC Director of Research and Problem Gambling, Vander Linden will be responsible for reviewing the compulsive gambling plans and procedures for all entities that submit gaming applications to MGC and for coordinating with the Department of Public Health and the Massachusetts Council on Compulsive Gambling to implement the provisions of the Gaming Act among many other duties and responsibilities as it relates to all aspects of MGC's proactive initiatives to address concerns related to compulsive and problem gambling.

Mr. Vander Linden has more than 15 years of experience in social work and also a specialized focus in national and international gaming policy and research. Currently as Executive Officer in the Office of Problem Gambling Treatment and Prevention at the Iowa Department of Public Health, Vander Linden directs all aspects of problem gambling services for the state including treatment, prevention, marketing, research and training.

Executive Director Day stated, "We are very pleased to appoint Mark Vander Linden to this very important role at the gaming commission. Mr. Vander Linden has a remarkable track record of more than 15 years of accomplishment in this area of expertise. I am confident that Mr. Vander Linden's in-depth knowledge will make him uniquely qualified and also a valuable member of the MGC team."



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Marlene Warner, Executive Director of the Massachusetts Council on Compulsive Gambling, stated, “Mark Vander Linden is a top-notch professional in the field of problem gambling. Very few individuals are expert on the issues surrounding prevention, treatment, regulation and research all related to problem gambling and can easily navigate conversations and work between these varied groups of professionals, but Mark can.” Warner added, “It was a real achievement for the MGC to secure Mark in this role and the Mass. Council on Compulsive Gambling is eager to work on building comprehensive problem gambling services across the Commonwealth with him.”

In reaction to his new role at MGC, Mr. Vander Linden said, “I’m thrilled to join the MGC and become a part of this groundbreaking work. In my experience I haven’t seen anywhere in the United States a more thoughtful plan to address problem gambling and the related health and social issues. Massachusetts is clearly on the right track as they move to expand gaming in the next few years.”

Prior to his role as Executive Officer in Iowa, Vander Linden held a position as Clinical Supervisor at the Mid-Eastern Council on Chemical Abuse and several other positions in various social work capacities. In addition to board positions held with the Association of Problem Gambling Service Administrators and the National Center for Responsible Gaming, Vander Linden has been an active board member to Midwest Consortium on Problem Gambling and Substance Abuse.

Vander Linden earned a *Masters of Social Welfare* from the University of California at Berkley. He also holds a Bachelor of Arts degree in Social Work from the University of Iowa.

#### **About MGC**

The mission of the Massachusetts Gaming Commission is to create a fair, transparent, and participatory process for implementing the expanded gaming law passed by the Legislature and signed by the Governor in November, 2011. In creating that process, the Commission will strive to ensure that its decision-making and regulatory systems engender the confidence of the public and participants, and that they provide the greatest possible economic development benefits and revenues to the people of the Commonwealth, reduce to the maximum extent possible the potentially negative or unintended consequences of the new legislation, and allow an appropriate return on investment for gaming providers that assures the operation of casino-resorts of the highest quality. For more information on MGC, please visit [MassGaming.com](http://MassGaming.com) or connect and share on Twitter (@MassGamingComm) or Facebook ([www.facebook.com/MAgamingComm](http://www.facebook.com/MAgamingComm)).



Massachusetts Gaming Commission

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## Mark M. Vander Linden

1057 40<sup>th</sup> Street • Des Moines • Iowa • 50311 • (515)371-9915 • vanderlindenmark@yahoo.com

### Professional Experience

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#### Iowa Department of Public Health

Des Moines, IA

##### *Executive Officer II, Office of Problem Gambling Treatment and Prevention*

2006-current

- ❖ Direct statewide efforts of the Office of Problem Gambling Treatment and Prevention by providing daily functional oversight of all operational matters including: development, compliance, evaluation, fiscal management, surveillance, legislative relations and staff coordination.
- ❖ Promote the awareness of problem gambling as a public health issue by providing interviews, information and presentations to a wide variety of stakeholders including government officials, media, contractors, and the gaming industry. *See page 3, Presentations and Trainings for more information.*
- ❖ Provide policy leadership and oversight to the legislatively directed alignment of the problem gambling and substance abuse treatment and prevention service system toward a recovery oriented system of care.
- ❖ Manage Department-wide training and information services by negotiating, assuring coordination and contract compliance with various Department programs and bureaus.
- ❖ Direct the implementation and operations of the statewide the Anti-Bullying and Youth Suicide Prevention Program.

#### Mid-Eastern Council on Chemical Abuse (MECCA)

Des Moines, IA

##### *Clinical Supervisor, Outpatient Services*

2005-2006

- ❖ Manage and supervise multiple outpatient programs including substance abuse, co-occurring and Targeted Capacity Expansion
- ❖ Ensure the quality of outpatient clinical services by providing supervision and consultation to all outpatient staff
- ❖ Evaluate and revise the structure and delivery of clinical services utilizing the Network for Improving Addiction Treatment (NIATx) strategy
- ❖ Assist in the development and implementation of new outpatient programs
- ❖ Provide clinical services as needed

#### Seneca Center

Oakland, CA

##### *Team Supervisor, Project Destiny*

2002-2005

- ❖ Supervise and evaluate staff providing intensive wrap-around case management and clinical treatment to Alameda County dependent children and their families
- ❖ Assure that services provided uphold the program goal of helping children and families receive intensive treatment in the least restrictive environment
- ❖ Coordinate wrap-around case management and treatment for caseload of clients
- ❖ Manage Medi-Cal EPSDT reimbursement of mental health services for the program
- ❖ Provide programmatic leadership to changes in organization structure and funding streams

##### *Program Director, Public Schools Program*

- ❖ Plan and implement Community Development Block Grant violence prevention and mental health programs in two Oakland Middle Schools
- ❖ Work in collaboration with Oakland Unified School District and other non-profit organizations to strategically plan and implement mental health services and violence prevention programs at two Oakland Middle Schools
- ❖ Direct three public school day treatment programs in Hayward elementary, middle and high schools
- ❖ Develop, implement and direct mental health services including individual, group and in-class mental health support at Oakland continuation school serving 60 students
- ❖ Manage the Medi-Cal EPSDT reimbursement of mental health services for all Seneca Center public school programs in Alameda County

**Alameda Unified School District**

Alameda, CA

*Program Coordinator/Grants Manager*

2000 - 2002

- ❖ Plan and implement all school-based programs and services for Miller Elementary School under the direction of a collaborative steering committee and in close collaboration with school administration, teaching staff and community
- ❖ Develop partnerships and secure funding to assure the sustainability of AUSD essential mental health and enrichment programs
- ❖ Oversee Encinal High School 21st Century and Woodchip Healthy Start programs, including staff supervision, budget management, sustainability planning and grant writing
- ❖ Work closely with school-site staff and district administration to respond to emerging needs in Alameda's West End community

**El Cerrito High School**

El Cerrito, CA

*Social Welfare Intern (Year 2)*

1999-2000

- ❖ Coordinate capital campaign for the renovation of the Community Project Health and Resource Center
- ❖ Initiate, foster and maintain relationships with foundations, corporations and government funding sources

**Prevention Institute**

Berkeley, CA

*Social Welfare Intern (Year 1)*

1998-1999

- ❖ Contribute to the planning and development of multiple Prevention Institute projects
- ❖ Identify funding opportunities and initiate grant writing process

**University of California, San Francisco AIDS Health Project**

San Francisco, CA

*Case Manager*

1997-1998

- ❖ Provide individual harm reduction substance abuse counseling to HIV positive clients
- ❖ Coordinate mental health and health services in interdisciplinary team
- ❖ Facilitate substance use support group for HIV positive men recently released from correctional facilities

**Treatment Alternatives for Safer Communities (TASC)**

Chicago, IL

*Case Manager*

1994-1996

- ❖ Coordinate home health services for persons with living with AIDS
- ❖ Plan hospital discharge, often in coordination with Hospice, hospital staff and family members
- ❖ Collaborate on numerous services and projects with the Illinois Department of Rehabilitation and the AIDS Foundation of Chicago

**Education**

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**University of California at Berkeley**

Berkeley, CA

*Masters of Social Welfare*

2000

- ❖ Focus: Program Management, Administration and Planning
- ❖ Research: Individual and social factors associated with chronic absenteeism in secondary education.
- ❖ Recipient of the *Outstanding Student in Social Work Practice Award*: University of California and the National Association of Social Workers

**University of Iowa**

Iowa City, IA

*Bachelor of Arts in Social Work*

1994

**Professional Affiliations**

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Association of Problem Gambling Service Administrators, Board President

2011-current

National Center for Responsible Gaming, Board of Directors

2012-current

Prairielands Addiction Technology Transfer Center (ATTC), Advisor

2009-2012

Midwest Consortium on Problem Gambling and Substance Abuse, Board President

2009-2011



### **Presentations and Trainings (2007 to Present)**

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**Provide expertise and leadership on a range of topics including; administration, clinical issues, evaluation, marketing, policy, public health and surveillance.**

**How State Governments are Addressing Problem Gambling**, 2013 Winter Meeting of the National Council of Legislators from Gaming States, Las Vegas, NV, January, 2013

**Betting on our future: A look at adolescent gambling**, Iowa Prevention Conference, Des Moines, IA, November 2012

**Implementing Recovery-Oriented Systems of Care: The Iowa Gambling Treatment Program**, National Center for Responsible Gaming, Las Vegas, NV, October, 2012

**Industry and Government Support of Treatment Centers: Evaluating Where the Dollars Go**, Global Gaming Expo/National Center for Responsible Gaming, Las Vegas NV, October 2012

**Pathological Gambling: The link between gambling and crime**, Iowa Correction Fall Conference, Council Bluffs, IA, September 2012

**The Impact of a Sustained Health Promotion Campaign: And Where to Go from Here**, Center for Disease Control and Prevention, National Conference on Health Communication, Atlanta, GA, August 2012

**A Survey of Gambling Attitudes and Behaviors: From Paper to Practice**, National Council on Problem Gambling, Milwaukee, WI, July 2012

**Fitting the Pieces Together: Shifting Culture, Service Delivery and Administration to a Recovery Oriented System of Care**, National Council on Problem Gambling, Milwaukee, WI, July 2012

**Post Treatment: How Do We Support Gamblers in Recovery**, National Council on Problem Gambling, Milwaukee, WI, July 2012

**Publications Trainings and More to Address Gambling Disorders and Addictions**, National Council on Problem Gambling, Milwaukee, WI, July 2012

**Know Your Audience: A review of the 2011 Iowa Attitudes and Behaviors Survey**, Midwest Conference on Problem Gambling and Substance Abuse, Kansas City, MO, June 2012

**Life in the Fast Lane: Exploring Adolescent Gambling**, Delaware Council on Gambling Problems, Wilmington and Rehoboth, DE, January 2012

**Improving Systems through Data, Evidence, Logic and Passion**, 2012 Winter Meeting of the National Council of Legislators from Gaming States, Las Vegas, NV, January 2012

**Data Tools for Prevention**, 2011 Iowa Prevention Conference, Des Moines, IA, November 2011

**Instant Access: Using the Web to Promote Health and Responsible Gaming**, 2011 Global Gaming Expo/National Center for Responsible Gaming, Las Vegas NV, October 2011

**Distance Counseling Services: Removing Barriers and Increasing Access to Treatment/ Recovery Oriented System of Care – Plenary**, 2011 Midwest Conference on Problem Gambling and Substance Abuse, Kansas City, MO, July 2011

**Presentations and Trainings - continued**

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**Improving Access to and Retention in Treatment: The NIATx Program in Iowa**, 2010 National Center for Responsible Gaming, Las Vegas NV, November 2010

**NIATx Gambling Treatment Process Focus on Increasing Admissions**, 2010 National Conference on Problem Gambling Prevention, Research, Recovery and Treatment, Portland, OR, June 2010

**Betting with Your Future; Gambling and Modern Culture**, Risky Business Conference, Ames, IA, April 2010

**Distance Counseling Services: Removing Barriers to Accessing Treatment**, Iowa Governor's Conference, Des Moines, IA April 2010

**State of California Office of Problem Gambling Clinician Training Series**, December 2009 and January 2010

**Exploring the Role and Efficacy of Government in Responsible Gaming Programs**: National Center for Responsible Gaming Conference on Gambling and Addiction, Las Vegas, NV, November 2009

**Life in the Fast Lane: Exploring Adolescent Gambling**: Risky Business Conference, Ames, IA, April 2009

**Addressing Problem Gambling from a Public Health Perspective**: Iowa Public Health Association Annual Conference, Ames, IA, April 2009

**Recovery Systems: A Collaborative Process: Plenary**: Midwest Conference on Problem Gambling and Substance Abuse, St. Louis, MO, August 2008

**Taking the First Step**, Iowa Lottery Annual Conference, Des Moines, IA, June 2008

**Innovations in Public Policy: Iowa Gambling Treatment Program**: National Center for Responsible Gaming Conference on Gambling and Addiction, Las Vegas, NV, November 2007

**Development and Effectiveness of State-wide Media Strategies: Iowa Dept. of Public Health 1800-BETS-OFF Media Campaign**: CSAT Multi-State Problem Gambling Meeting, Cincinnati, OH, September, 2007

**Useful Problem Gambling Treatment Outcomes Monitoring/ Community Mobilization: Multi-state Collaboration of**

**Problem Gambling Treatment, Training, and Prevention Strategies**: National Conference on Problem Gambling Prevention, Research, Recovery and Treatment, Kansas City, MO, June 2007

**Evaluation as the Fuel to Drive Change and Improve Practice**: Massachusetts Council on Compulsive Gambling Annual Conference, Boston MA, May 2007



## **SECTION 4 – NO DOCUMENTS FOR REVIEW**

S.a

**DRAFT****38 SIMPLE STEPS TO ISSUE A GAMING LICENSE- Category 1 Regions A, B**(click numbers highlighted in **yellow** in left column to link to informational appendix)

	ACT OR DECISION	TIMING	LEAD
<b>1</b>	IEB investigates all applicants and qualifiers. Note- some initial qualifiers may have withdrawn or seek withdrawal.		KW
<b>2</b>	MGC conducts public hearing on Phase 2 regulations.	May 3, 2013	MGC
<b>3</b>	MGC develops the RFA-2 application. (205 CMR 119.01)		TG
<b>4</b>	MGC considers public comments, votes on final version of regulations, and approves updated SBIS.	May 23, 2013	MGC
<b>5</b>	Updated SBIS filed with Secretary of the Commonwealth	May 23, 2013	TG
<b>6</b>	Final phase 2 regulations filed with Secretary of the Commonwealth.	May 24, 2013	TG
<b>7</b>	Phase 2 regulations published in <i>Massachusetts Register</i> and become effective.	June 7, 2013	
<b>8</b>	MGC posts RFA-2 application on website and sets filing deadline.	<b>June 13, 2013</b>	ED
<b>9</b>	MGC is forwarded and approves any notices re: HC election before suitability determination prior to dissemination by municipality. A description of other methods to inform the community about suitability standards and procedures shall also be forwarded to MGC prior to the election. (205 CMR 115.05(6))	Prior to HC election if prior to determination of suitability	CB
<b>10</b>	IEB submits written report with recommendations to MGC relative to suitability of each applicant. (205 CMR 115.03(2))	<b>August 5, 2013</b>	KW
<b>11</b>	Upon receipt of IEB report, MGC provides a copy to the subject applicant (205 CMR 115.04(1)) along with the public notice of the date of adjudicatory hearing on IEB report. (205 CMR 115.04(3)) Once the notice of adjudicatory hearing is issued, no applicant or qualifier may withdraw unless consent is granted by MGC. (205 CMR 111.05)  If recommendations are uncontested by applicant, MGC issues notice of public hearing including the form and conditions under which the MGC will receive public comments. (205 CMR 115.04(4))	<ul style="list-style-type: none"> <li>• Upon receipt from IEB</li> <li>• Hearing date will be at least 33 days (if mailed) after service of IEB report upon applicant.</li> </ul>	CB
<b>12</b>	Applicant may file a Notice of Claim in contest of IEB recommendation(s). (205 CMR 115.04(2))	w/in 30 days of receipt of report	



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13	MGC holds adjudicatory hearing on any contested findings or, if requested by applicant and approved MGC, reviews uncontested IEB report at public meeting subject to redactions.		MGC
14	MGC issues positive or negative written determination of suitability for each applicant. (205 CMR 115.05(1)). [No appeals of suitability determinations]. (205 CMR 115.05(5))	November 20, 2013	MGC
15	Applicant forwards HCA and summary to MGC. MGC posts HCA and summary on www.massgaming.com along with sign up for SC notifications. (205 CMR 123.02(3))	Upon execution of HCA	ED
16	MGC retains consultants (financial, accounting, architects, engineers, gaming, environmental, etc.) to assist in review of RFA-2 applications. (205 CMR 118.04(1)(c))		
17	RFA-2 application submitted to MGC. (205 CMR 118.01(2))	December 31, 2013	
18	ED conducts Administrative Completeness Review of all RFA-2 applications. If negative determination- applicant may cure or appeal to or seek variance from MGC. (205 CMR 118.03)		RD
19	MGC refers application, in parts, to staff and consultants. (205 CMR 118.04(1)(b))		
20	MGC prepares standard conditions to be agreed upon by all applicants prior to award of license.		CB
21	MGC conducts appeal hearings and/or considers requests for waiver/variance relative to Administrative Completeness decisions by ED.		MGC
22	MGC ensures that impact studies are properly forwarded to prospective SC that signed up online.		JZ
23	<ul style="list-style-type: none"> <li>Petitions to be designated surrounding community submitted. Applicants have 10 days to support or oppose petition. (205 CMR 125.01(2)(a))</li> <li>Petitions to be designated ILEV submitted. (205 CMR 126.01(2))</li> </ul>	Due no later than 10 days after RFA-2 app. received by MGC	
24	<ul style="list-style-type: none"> <li>MGC makes determinations on SC petitions at open meeting (may allow presentations). (205 CMR 125.01(2)(a))</li> <li>MGC makes determinations on ILEV petitions at open meeting. (205 CMR 126.01(2))</li> </ul> (Each determination starts 30 day negotiation clock → 5 day selection of arbitrator(s) → 20 day arbitration period → 5 day submission of final agreement).	At least 30 days prior to public hearing on RFA-2 application	
25	(optional) MGC hears informational presentations by applicants explaining RFA-2 application. (205 CMR 118.04(1)(e))	January 12-14, 2014	MGC
26	(optional) MGC holds open meeting(s) on an application (separate from §17(c) public hearing) to discuss progress, issues, public input, request further info, etc. (205 CMR 118.04(1)(a))		
27	MGC determines the format of §17(c) public hearing, i.e.- receipt of written comments, time limits on presentations, etc.		MGC





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28	Locations for §17(c) public hearings are established within the host community unless request from HC CEO to hold elsewhere. (205 CMR 118.05(1))		JR
29	MGC provides notice of §17(c) public hearing on RFA-2 application to each applicant and the clerk of each host and surrounding community and posts on MGC website. (205 CMR 118.05(1))	At least 30 days prior to hrg.	CB/ED
30	MGC conducts §17(c) public hearing on each application in the respective host community, but does not vote to close. Instead, it adjourns each hearing until further notice. (205 CMR 118.05)		MGC
31	MGC votes to close each public hearing (by region). (205 CMR 118.05(3))	After each public hearing in the region is held.	MGC
32	All surrounding community agreements and ILEV agreements have been executed and submitted to MGC.	March 30, 2014	
33	MGC evaluates RFA-2 applications. (205 CMR 119.03)		
34	MGC awards license in region A and region B. License includes all conditions outlined in G.L. c.23K, §21 and 205 CMR 120.00, and an assessment of all fees described in 205 CMR 121.00. (205 CMR 118.06)	April 10, 2014 (Must be 30-90 days from vote to close §17(c) pub hrg [may extend by 30 days]) (April 29, 2014 if surrounding community process ends up in arbitration)	
35	MGC issues a statement of findings as to how each applicant proposes to advance the objectives outlined in G.L. c.23K, §18.		
36	MGC formally prepares and files decision denying applications of unsuccessful applicants. If requested by applicant, a statement of the reasons for denial, including findings of fact, must be prepared. (205 CMR 118.06(4)).		
	<u>Post License Award</u>		
37	MGC issues MEPA findings in accordance with G.L. c.30, §61 and 301 CMR 11.12, and MGC reviews submission by licensee and determines that it has obtained all necessary permits or the MGC makes a finding that the license cannot satisfy the MEPA or permitting process. (205 CMR 120.02)		



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38 MGC returns 10% deposit upon finding that a project is in its final stage of construction. (205 CMR 122.05(3))



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### Step 1- Withdrawal of a qualifier

The Commission has established a procedure by which an application of a qualifier (i.e.- Business Entity Disclosure form, Multi-jurisdictional Personal History Disclosure form, and Massachusetts Supplemental form) may be withdrawn. The controlling regulation provides that “a written notice of withdrawal of an application [] may be filed by an applicant, qualifier, licensee, or registrant at any time prior to final commission action thereon.” See 205 CMR 111.05(1). With certain exceptions that require a finding of ‘good cause’ by the Commission prior to withdrawal, an applicant or qualifier can withdraw simply by providing written notice to the Commission. There are corresponding provisions of the regulations governing the *addition* of new qualifiers or financial sources and changes to the qualifiers. See 205 CMR 116.04, 116.05, and 116.06. Each essentially requires the applicant to promptly notify the Commission when it becomes aware of a change and the Commission to refer the matter to the IEB for appropriate action.

Here are the applicable regulations in full:

#### ➤ 205 CMR 111.05: Withdrawal of Application

- (1) Except as provided in 205 CMR 111.05(2), a written notice of withdrawal of an application or renewal papers may be filed by an applicant, qualifier, licensee or registrant **at any time prior to final commission action thereon.**
- (2) A withdrawal request submitted in accordance with 205 CMR 111.05(1) **shall be permitted** without the need for commission approval except under the following conditions, in which cases no withdrawal will be allowed without express commission approval upon a **finding of good cause**:
  - (a) If a hearing on an initial application or renewal has been requested by a party or directed by the bureau or commission;
  - (b) If the application or renewal matter has been transmitted to a bureau presiding officer;
  - (c) If the application or renewal matter has been assigned to any other hearing examiner authorized by law to hear such matter;or
  - (d) If the commission has made a determination to hear the application or renewal matter directly.



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(3) If the commission agrees to grant withdrawal under any of the circumstances in 205 CMR 111.05(2), the commission may condition that withdrawal with appropriate terms it deems necessary, including, but not limited to, a period of time within which the applicant may not re-apply.

➤ 205 CMR 116.04: Notification of Anticipated or Actual Changes in Directors, Officers or Equivalent Qualifiers

(1) Each Category 1 and Category 2 applicant or licensee shall notify the commission, in writing, as soon as it becomes aware, of the proposed appointment, appointment, proposed nomination, nomination, election, intended resignation, resignation, incapacitation or death of any qualifier.

(2) Upon receipt of a notice under 205 CMR 116.04(1), the commission shall refer the matter to the bureau for appropriate handling including, but not limited to, a notice to the new qualifier requiring the filing of an appropriate application and the subsequent investigation of that application.

➤ 205 CMR 116.05: Notification of New Financial Sources

(1) Each Category 1 and Category 2 applicant or licensee shall immediately notify the commission, in writing, as soon as it becomes aware that it intends to enter into a transaction bearing any relation to its gaming establishment project that may result in new persons involved in the financing of the gaming establishment.

(2) Upon receipt of a notice under 205 CMR 116.05(1), the commission shall refer the matter to the bureau for appropriate handling, including, but not limited to, a notice to the new financial source requiring the filing of an appropriate application and the subsequent investigation of that application.

➤ 205 CMR 116.06: Notification Concerning Certain New Qualifiers of Holding, Intermediary or Subsidiary Companies and New Qualifying Entities





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(1) Each Category 1 and Category 2 applicant or licensee shall immediately notify the commission, in writing, as soon as it becomes aware of any new persons required to be qualified in connection with the holding, intermediary or subsidiary company of that Category 1 or Category 2 applicant or licensee in accordance with M.G.L. c. 23K.

(2) Upon receipt of a notice under 205 CMR 116.06(1), the commission shall refer the matter to the bureau for appropriate handling, including, but not limited to, a notice to the new person requiring the filing of an appropriate application and the subsequent investigation of that application.



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### Step 11- adjudicatory hearings

- G.L. c.23K, §17(f) Upon denial of an application, the commission shall prepare and file the commission's decision and, if requested by the applicant, shall further prepare and file a statement of the reasons for the denial, including specific findings of fact by the commission and the recommendation from the bureau relative to the suitability of the applicant pursuant to sections 12 and 16. **Applicants may request a hearing before the commission to contest any findings of fact by the bureau relative to the suitability of the applicant.**
- 205 CMR 101.01: Hearings Before the Commission
  - (1) Except as set forth in M.G.L. c. 23K and 205 CMR 101.03, the commission will conduct the following types of adjudicatory hearings in accordance with the procedures in 801 CMR 1.01: *Formal Rules*: Hearings before the commission pursuant to M.G.L. c. 23K, § 17(f), to contest any findings of fact by the bureau relative to the suitability of the applicant for an initial gaming license or the renewal of a gaming license, including without limitation, recommendations and recommended conditions resulting from the RFA-1 process pursuant to 205 CMR 115:00: *Phase 1 Suitability Determinations, Standards and Procedures* and the RFA-2 process described in 205 CMR 110.00: *Issuance of Request for Category 1 and Category 2 License Applications*.
- 205 CMR 101.03: Special Procedures for Hearings Before the Commission

Hearings Concerning Phase 1 Determinations of Suitability. For hearings before the commission pursuant to M.G.L. c. 23K, § 17(f) and 205 CMR 101.01(1) concerning the bureau's Phase 1 recommendations and findings of fact pursuant to 205 CMR 115.00: *Phase 1 Suitability Determinations, Standards and Procedures*, the following provisions of M.G.L. c. 23K and 205 CMR 101.00 shall supersede any conflicting provisions of 801 CMR 1.01: *Formal Rules*:

  - (a) Standing: No person other than an aggrieved applicant shall have automatic standing to participate in the hearing under 205 CMR 101.01.
  - (b) Presiding Officer: 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



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concurrence of one other commissioner may appoint a presiding officer 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.

(c) Burden of Proof. 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.

(d) No Appeal From Commission's Determination of Suitability. Pursuant to M.G.L. c. 23K, § 17(g), the applicant shall not be entitled to any further review from the commission's determination of suitability.



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### **Step 20- Standard conditions to be attached to award of all gaming licenses**

For example:

- All conditions in G.L. c.23K, §21
- Must expend not less than minimum capital investment identified in RFA-2 application
- Must begin gaming operations within 1 year after the date specified in the Commission approved construction timeline
- Must abide by all terms of host and surrounding community agreements and ILEV agreements unless properly modified or granted leave by court or MGC
- Must satisfy MEPA/permitting related conditions provided in 205 CMR 120.02
- Regular reporting requirements regarding commencement and completion of construction; also post construction reporting regarding compliance with permits and host and surrounding community agreements and ILEV agreements.

G.L. c.23K, §21 provides:

(a) The commission shall prescribe the form of the gaming license, which shall include, but not be limited to, the following license conditions for each licensee. The licensee shall:

(1) have an affirmative obligation to abide by every statement made in its application to the commission, including all evaluation criteria and eligibility requirements;

(2) comply with all laws of the commonwealth, the laws of the United States and all rules and regulations promulgated under this chapter;

(3) pay daily to the commission the gross gaming revenue payment;

(4) make, or cause to be made, capital expenditures to its gaming establishment in a minimum aggregate amount equal to 3.5 per cent of the net gaming revenues derived from the establishment; provided, however, that a gaming licensee may make capital expenditures in an amount less than 3.5 per cent per year as part of a multi-year capital expenditure plan approved by the commission;



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- (5) not change its business governing structure without the notification and approval of the commission;
- (6) not operate, invest in or own, in whole or in part, another gaming licensee's license or gaming establishment;
- (7) cooperate with the commission and the attorney general in all gaming-related investigations. Each gaming licensee shall make readily available all documents, materials, equipment, personnel and any other items requested during an investigation; provided, however, that material that the gaming licensee considers a trade secret or detrimental to the gaming licensee if it were made public may, with the commission's approval, be protected from public disclosure and the gaming licensee may require nondisclosure agreements with the commission before disclosing such material;
- (8) cooperate with the commission and the attorney general with respect to the investigation of any criminal matter; provided, however, that the gaming licensee shall, upon receipt of a criminal or civil process compelling testimony or production of documents in connection with a civil or criminal investigation, immediately disclose such information to the commission; and provided further, that this clause shall not prohibit private persons or public entities from seeking any remedy or damages against a gaming licensee;
- (9) allow the commission or the division and state police officers assigned to the commission or the division to conduct warrantless searches of the licensee's gaming area;
- (10) have a duty to inform the commission of any action which the gaming licensee reasonably believes would constitute a violation of this chapter, and shall assist the commission and any federal or state law enforcement agency in the investigation and prosecution of such violation; provided, however, that no person who informs the commission of such an action shall be discriminated against by an applicant or gaming licensee as a consequence for having supplied such information;
- (11) provide an office for the commission at the gaming establishment and the designated state police unit at the gaming establishment; provided, however, that the commission shall establish the minimum requirements for square footage for the state police office, office furnishings and parking spaces;
- (12) collect and annually report to the commission a detailed statistical report on the number, job titles, benefits and salaries of employees hired and retained in employment at the gaming establishment;



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- (13) employ only those persons licensed or registered by the commission;
- (14) do business only with those vendors licensed or registered by the commission;
- (15) provide to the commission aggregate demographic information with respect to the gaming licensee's customers in a manner and under a schedule to be defined by the commission;
- (16) provide complimentary on-site space for an independent substance abuse, compulsive gambling and mental health counseling service and establish a program to train gaming employees in the identification of and intervention with customers exhibiting problem gaming behavior;
- (17) keep conspicuously posted in the gaming area a notice containing the name and a telephone number for problem gambling assistance; provided, however, that the commission may require the gaming licensee to provide this information in more than 1 language;
- (18) provide a process for individuals to exclude their names and contact information from the gaming licensee's database or any other list held by the gaming licensee for use in marketing or promotional communications;
- (19) institute additional public health strategies as required by the commission;
- (20) abide by an affirmative action program of equal opportunity by which the gaming licensee guarantees to provide equal employment opportunities to all employees qualified for licensure in all employment categories, including persons with a disabilities, under the laws of the commonwealth;
- (21) formulate for commission approval and abide by an affirmative marketing program by which the gaming licensee identifies specific goals, expressed as an overall program goal applicable to the total dollar amount or value of contracts entered into, for the utilization of: (i) minority business enterprises, women business enterprises and veteran business enterprises to participate as contractors in the design of the gaming establishment; (ii) minority business enterprises, women business enterprises and veteran business enterprises to participate as contractors in the construction of the gaming establishment; and (iii) minority business



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enterprises, women business enterprises and veteran business enterprises to participate as vendors in the provision of goods and services procured by the gaming establishment and any businesses operated as part of the gaming establishment; provided, however, that the specific goals for the utilization of such minority business enterprises, women business enterprises and veteran business enterprises shall be based on the availability of such minority business enterprises, women business enterprises and veteran business enterprises engaged in the type of work to be contracted by the gaming licensee;

(22) formulate for commission approval and abide by an affirmative action program of equal opportunity whereby the licensee establishes specific goals for the utilization of minorities, women and veterans on construction jobs; provided, however, that such goals shall be equal to or greater than the goals contained in executive office of administration and finance administration Bulletin Number 14; provided further, that in furtherance of the specific goals for the utilization of minorities, women and veterans on construction jobs, the gaming licensee shall send to each labor union or representative of workers with which the gaming licensee or its agent has a collective bargaining agreement or other contract or understanding, a notice advising the labor union or workers' representative of the gaming licensee's commitments;

(23) provide to the commission, on a quarterly basis, a detailed statistical report on the number, gender and race of individuals hired to perform labor as part of the construction of the gaming establishment;

(24) collect and annually provide to the commission a detailed statistical report on the total dollar amounts contracted with and actually paid to minority business enterprises, women business enterprises and veteran business enterprises in: (i) design contracts; (ii) construction contracts; and (iii) contracts for every good and service procured by the gaming establishment; provided, however, that such 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; and

(25) require its security personnel to conduct regular checks of parking areas for minors left in motor vehicles and immediately report any such finding to the local and state police in the municipality wherein the gaming establishment is located.

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(c) The commission may include any reasonable additional requirements to the license conditions.





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### **Step 25- informational presentations**

The MGC may benefit by requiring each applicant to appear before it shortly after its RFA-2 application is filed to make an informational presentation. The presentation would be intended to allow an applicant to walk the MGC through its application; providing a roadmap of its contents, explaining complex data, highlighting extraordinary elements, and the like. Certainly, information that would not otherwise be subject to public disclosure would be withheld from inclusion in the presentation.



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### Steps 27-31- the §17(c) public hearing

This public hearing is intended to afford members of the public an opportunity to comment on an application; this is similar in nature to the public hearings held relative to the promulgation of regulations. This hearing is not intended to be “the hearing” to determine whether a license will be issued to a particular applicant. §17(d) provides that:

The public hearing shall provide the commission with the opportunity to address questions and concerns relative to the proposal of a gaming applicant to build a gaming establishment, including the scope and quality of the gaming area and amenities, the integration of the gaming establishment into the surrounding community and the extent of required mitigation plans and receive input from members of the public from an impacted community. During the hearing, the commission may take the opportunity to read into the record any letters of support, opposition or concern from members of a community in the vicinity of the proposed gaming establishment.

The closure of the public hearing, however, is an event of substantial legal significance; §17(e) provides that:

“[n]ot sooner than 30 days nor later than 90 days after the conclusion of the public hearing, the commission shall take action on the application. The commission may: (i) grant the application for a gaming license; (ii) deny the application; or (iii) extend the period for issuing a decision in order to obtain any additional information necessary for a complete evaluation of the application; provided, however, that the extension shall be not longer than 30 days.”

Accordingly, this hearing should be held towards the end of the process so that the commission has had a chance to review the RFA-2 application, request any additional information or clarification it seeks, and solicit opinions and recommendations from any MGC staff or consultants it has retained to assist in the review process. Upon closure of the hearings, the MGC should be prepared to award a license in about 30 days. Since a public hearing should be conducted for every applicant, the MGC will have to decide whether to narrow the field of applicants and request best and final offers shortly after the public hearing.

It is important to note that neither this hearing specifically, nor the licensing process as a whole are intended to be an *adjudicatory proceeding*. Treating the public hearing or the process itself as an adjudicatory proceeding would lead to a host of potential difficulties that may hinder the Commission’s ability to effectively and timely award gaming licenses. As support for this proposition, the Commission can rely upon two recent Massachusetts cases which both indicated that a process of the sort being



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conducted by the MGC would be a regulatory process, not an adjudicatory one. See Hoffer v. Board of Registration in Medicine, 461 Mass. 451 (2012) and School Committee of Hudson v. Board of Education, 448 Mass. 565 (2007).

An *adjudicatory proceeding* is defined in G.L. c.30A, §1(1) to mean “a proceeding before an agency in which the legal rights, duties or privileges of specifically named persons are required by constitutional right or by any provision of the General Laws to be determined after opportunity for an agency hearing.” In the case of the issuance of gaming licenses the applicants do not have any constitutional right to a hearing nor is there any provision of the law that requires a hearing. Accordingly, no adjudicatory proceeding will be conducted. “The fact that a public hearing [is] required in the [] application process does not render the process or the public hearings an adjudicatory hearing.” Hudson, supra at 577. Further, “[t]he mere ‘expectanc[y]’ or hope of a future benefit is neither sufficiently certain nor sufficiently material to constitute a property interest under the Fourteenth Amendment.” Hoffer, supra at 454.



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### **Step 35- Objectives to be advanced in determining granting of license**

G.L. c.23K, §18 provides as follows:

In determining whether an applicant shall receive a gaming license, the commission **shall evaluate and issue a statement of findings** of how each applicant proposes to advance the following objectives:

- (1) protecting the lottery from any adverse impacts due to expanded gaming including, but not limited to, developing cross-marketing strategies with the lottery and increasing ticket sales to out-of-state residents;
- (2) promoting local businesses in host and surrounding communities, including developing cross-marketing strategies with local restaurants, small businesses, hotels, retail outlets and impacted live entertainment venues;
- (3) realizing maximum capital investment exclusive of land acquisition and infrastructure improvements;
- (4) implementing a workforce development plan that utilizes the existing labor force, including the estimated number of construction jobs a proposed gaming establishment will generate, the development of workforce training programs that serve the unemployed and methods for accessing employment at the gaming establishment;
- (5) building a gaming establishment of high caliber with a variety of quality amenities to be included as part of the gaming establishment and operated in partnership with local hotels and dining, retail and entertainment facilities so that patrons experience the diversified regional tourism industry;
- (6) taking additional measures to address problem gambling including, but not limited to, training of gaming employees to identify patrons exhibiting problems with gambling and prevention programs targeted toward vulnerable populations;
- (7) providing a market analysis detailing the benefits of the site location of the gaming establishment and the estimated recapture rate of gaming-related spending by residents travelling to out-of-state gaming establishments;
- (8) utilizing sustainable development principles including, but not limited to: (i) being certified as gold or higher under the appropriate certification category in the Leadership in Environmental and Energy Design program created by the United



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States Green Building Council; (ii) meeting or exceeding the stretch energy code requirements contained in Appendix 120AA of the Massachusetts building energy code or equivalent commitment to advanced energy efficiency as determined by the secretary of energy and environmental affairs; (iii) efforts to mitigate vehicle trips; (iv) efforts to conserve water and manage storm water; (v) demonstrating that electrical and HVAC equipment and appliances will be EnergyStar labeled where available; (vi) procuring or generating on-site 10 per cent of its annual electricity consumption from renewable sources qualified by the department of energy resources under section 11F of chapter 25A; and (vii) developing an ongoing plan to submeter and monitor all major sources of energy consumption and undertake regular efforts to maintain and improve energy efficiency of buildings in their systems;

(9) establishing, funding and maintaining human resource hiring and training practices that promote the development of a skilled and diverse workforce and access to promotion opportunities through a workforce training program that: (i) establishes transparent career paths with measurable criteria within the gaming establishment that lead to increased responsibility and higher pay grades that are designed to allow employees to pursue career advancement and promotion; (ii) provides employee access to additional resources, such as tuition reimbursement or stipend policies, to enable employees to acquire the education or job training needed to advance career paths based on increased responsibility and pay grades; and (iii) establishes an on-site child day-care program;

(10) contracting with local business owners for the provision of goods and services to the gaming establishment, including developing plans designed to assist businesses in the commonwealth in identifying the needs for goods and services to the establishment;

(11) maximizing revenues received by the commonwealth;

(12) providing a high number of quality jobs in the gaming establishment;

(13) offering the highest and best value to create a secure and robust gaming market in the region and the commonwealth;

(14) mitigating potential impacts on host and surrounding communities which might result from the development or operation of the gaming establishment;

(15) purchasing, whenever possible, domestically manufactured slot machines for installation in the gaming establishment;



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(16) implementing a marketing program that identifies specific goals, expressed as an overall program goal applicable to the total dollar amount of contracts, for the utilization of: (i) minority business enterprises, women business enterprises and veteran business enterprises to participate as contractors in the design of the gaming establishment; (ii) minority business enterprises, women business enterprises and veteran business enterprises to participate as contractors in the construction of the gaming establishment; and (iii) minority business enterprises, women business enterprises and veteran business enterprises to participate as vendors in the provision of goods and services procured by the gaming establishment and any businesses operated as part of the gaming establishment;

(17) implementing a workforce development plan that: (i) incorporates an affirmative action program of equal opportunity by which the applicant guarantees to provide equal employment opportunities to all employees qualified for licensure in all employment categories, including persons with disabilities; (ii) utilizes the existing labor force in the commonwealth; (iii) estimates the number of construction jobs a gaming establishment will generate and provides for equal employment opportunities and which includes specific goals for the utilization of minorities, women and veterans on those construction jobs; (iv) identifies workforce training programs offered by the gaming establishment; and (v) identifies the methods for accessing employment at the gaming establishment;

(18) whether the applicant has a contract with organized labor, including hospitality services, and has the support of organized labor for its application, which specifies: (i) the number of employees to be employed at the gaming establishment, including detailed information on the pay rate and benefits for employees and contractors; (ii) the total amount of investment by the applicant in the gaming establishment and all infrastructure improvements related to the project; (iii) completed studies and reports as required by the commission, which shall include, but need not be limited to, an economic benefit study, both for the commonwealth and the region; and (iv) whether the applicant has included detailed plans for assuring labor harmony during all phases of the construction, reconstruction, renovation, development and operation of the gaming establishment; and

(19) gaining public support in the host and surrounding communities which may be demonstrated through public comment received by the commission or gaming applicant.





**DRAFT****38 SIMPLE STEPS TO ISSUE A GAMING LICENSE- Category 1 Region C**

(click numbers highlighted in yellow in left column to link to informational appendix)

	ACT OR DECISION	TIMING	LEAD
1	IEB investigates all applicants and qualifiers. Note- some initial qualifiers may have withdrawn or seek withdrawal.	September 30, 2013	KW
2	MGC conducts public hearing on Phase 2 regulations.	May 3, 2013	MGC
3	MGC develops the RFA-2 application. (205 CMR 119.01)		TG
4	MGC considers public comments, votes on final version of regulations, and approves updated SBIS.	May 23, 2013	MGC
5	Updated SBIS filed with Secretary of the Commonwealth	May 23, 2013	TG
6	Final phase 2 regulations filed with Secretary of the Commonwealth.	May 24, 2013	TG
7	Phase 2 regulations published in <i>Massachusetts Register</i> and become effective.	June 7, 2013	
8	MGC posts RFA-2 application on website and sets filing deadline.	January 15, 2014	ED
9	MGC is forwarded and approves any notices re: HC election before suitability determination prior to dissemination by municipality. A description of other methods to inform the community about suitability standards and procedures shall also be forwarded to MGC prior to the election. (205 CMR 115.05(6))	Prior to HC election if prior to determination of suitability	CB
10	IEB submits written report with recommendations to MGC relative to suitability of each applicant. (205 CMR 115.03(2))	February 13, 2014	KW
11	<p>Upon receipt of IEB report, MGC provides a copy to the subject applicant (205 CMR 115.04(1)) along with the public notice of the date of adjudicatory hearing on IEB report. (205 CMR 115.04(3)) Once the notice of adjudicatory hearing is issued, no applicant or qualifier may withdraw unless consent is granted by MGC. (205 CMR 111.05)</p> <p>If recommendations are uncontested by applicant, MGC issues notice of public hearing including the form and conditions under which the MGC will receive public comments. (205 CMR 115.04(4))</p>	<ul style="list-style-type: none"> <li>• Upon receipt from IEB</li> <li>• Hearing date will be at least 33 days (if mailed) after service of IEB report upon applicant.</li> </ul>	CB
12	Applicant may file a Notice of Claim in contest of IEB recommendation(s). (205 CMR 115.04(2))	w/in 30 days of receipt of report	





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13	MGC holds adjudicatory hearing on any contested findings or, if requested by applicant and approved MGC, reviews uncontested IEB report at public meeting subject to redactions.		MGC
14	MGC issues positive or negative written determination of suitability for each applicant. (205 CMR 115.05(1)). [No appeals of suitability determinations]. (205 CMR 115.05(5))	May 8, 2014	MGC
15	Applicant forwards HCA and summary to MGC. MGC posts HCA and summary on www.massgaming.com along with sign up for SC notifications. (205 CMR 123.02(3))	Upon execution of HCA	ED
16	MGC retains consultants (financial, accounting, architects, engineers, gaming, environmental, etc.) to assist in review of RFA-2 applications. (205 CMR 118.04(1)(c))		
17	RFA-2 application submitted to MGC. (205 CMR 118.01(2))	August 7, 2014	
18	ED conducts Administrative Completeness Review of all RFA-2 applications. If negative determination-applicant may cure or appeal to or seek variance from MGC. (205 CMR 118.03)		RD
19	MGC refers application, in parts, to staff and consultants. (205 CMR 118.04(1)(b))		
20	MGC prepares standard conditions to be agreed upon by all applicants prior to award of license.		CB
21	MGC conducts appeal hearings and/or considers requests for waiver/variance relative to Administrative Completeness decisions by ED.		MGC
22	MGC ensures that impact studies are properly forwarded to prospective SC that signed up online.		JZ
23	<ul style="list-style-type: none"> <li>Petitions to be designated surrounding community submitted. Applicants have 10 days to support or oppose petition. (205 CMR 125.01(2)(a))</li> <li>Petitions to be designated ILEV submitted. (205 CMR 126.01(2))</li> </ul>	Due no later than 10 days after RFA-2 app. received by MGC	
24	<ul style="list-style-type: none"> <li>MGC makes determinations on SC petitions at open meeting (may allow presentations). (205 CMR 125.01(2)(a))</li> <li>MGC makes determinations on ILEV petitions at open meeting. (205 CMR 126.01(2))</li> </ul> (Each determination starts 30 day negotiation clock → 5 day selection of arbitrator(s) → 20 day arbitration period → 5 day submission of final agreement).	At least 30 days prior to public hearing on RFA-2 application	
25	(optional) MGC hears informational presentations by applicants explaining RFA-2 application. (205 CMR 118.04(1)(e))	August 17-19, 2014	MGC
26	(optional) MGC holds open meeting(s) on an application (separate from §17(c) public hearing) to discuss progress, issues, public input, request further info, etc. (205 CMR 118.04(1)(a))		
27	MGC determines the format of §17(c) public hearing, i.e.- receipt of written comments, time limits on presentations, etc.		MGC



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28	Locations for §17(c) public hearings are established within the host community unless request from HC CEO to hold elsewhere. (205 CMR 118.05(1))		JR
29	MGC provides notice of §17(c) public hearing on RFA-2 application to each applicant and the clerk of each host and surrounding community and posts on MGC website. (205 CMR 118.05(1))	At least 30 days prior to hrg.	CB/ED
30	MGC conducts §17(c) public hearing on each application in the respective host community, but does not vote to close. Instead, it adjourns each hearing until further notice. (205 CMR 118.05)		MGC
31	MGC votes to close each public hearing (by region). (205 CMR 118.05(3))	After each public hearing in the region is held.	MGC
32	All surrounding community agreements and ILEV agreements have been executed and submitted to MGC.	November 4, 2014	
33	MGC evaluates RFA-2 applications. (205 CMR 119.03)		
34	MGC awards license in region A and region B. License includes all conditions outlined in G.L. c.23K, §21 and 205 CMR 120.00, and an assessment of all fees described in 205 CMR 121.00. (205 CMR 118.06)	October 30, 2014 (Must be 30-90 days from vote to close §17(c) pub hrg [may extend by 30 days]) (December 3, 2014 if surrounding community process ends up in arbitration)	
35	MGC issues a statement of findings as to how each applicant proposes to advance the objectives outlined in G.L. c.23K, §18.		
36	MGC formally prepares and files decision denying applications of unsuccessful applicants. If requested by applicant, a statement of the reasons for denial, including findings of fact, must be prepared. (205 CMR 118.06(4)).		
	<u>Post License Award</u>		
37	MGC issues MEPA findings in accordance with G.L. c.30, §61 and 301 CMR 11.12, and MGC reviews submission by licensee and determines that it has obtained all necessary permits or the MGC makes a finding that the license cannot satisfy the MEPA or permitting process. (205 CMR 120.02)		



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38 MGC returns 10% deposit upon finding that a project is in its final stage of construction. (205 CMR 122.05(3))



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### Step 1- Withdrawal of a qualifier

The Commission has established a procedure by which an application of a qualifier (i.e.- Business Entity Disclosure form, Multi-jurisdictional Personal History Disclosure form, and Massachusetts Supplemental form) may be withdrawn. The controlling regulation provides that “a written notice of withdrawal of an application [] may be filed by an applicant, qualifier, licensee, or registrant at any time prior to final commission action thereon.” See 205 CMR 111.05(1). With certain exceptions that require a finding of ‘good cause’ by the Commission prior to withdrawal, an applicant or qualifier can withdraw simply by providing written notice to the Commission. There are corresponding provisions of the regulations governing the *addition* of new qualifiers or financial sources and changes to the qualifiers. See 205 CMR 116.04, 116.05, and 116.06. Each essentially requires the applicant to promptly notify the Commission when it becomes aware of a change and the Commission to refer the matter to the IEB for appropriate action.

Here are the applicable regulations in full:

#### ➤ 205 CMR 111.05: Withdrawal of Application

(1) Except as provided in 205 CMR 111.05(2), a written notice of withdrawal of an application or renewal papers may be filed by an applicant, qualifier, licensee or registrant **at any time prior to final commission action thereon.**

(2) A withdrawal request submitted in accordance with 205 CMR 111.05(1) **shall be permitted** without the need for commission approval except under the following conditions, in which cases no withdrawal will be allowed without express commission approval upon a **finding of good cause:**

- (a) If a hearing on an initial application or renewal has been requested by a party or directed by the bureau or commission;
- (b) If the application or renewal matter has been transmitted to a bureau presiding officer;
- (c) If the application or renewal matter has been assigned to any other hearing examiner authorized by law to hear such matter;
- or
- (d) If the commission has made a determination to hear the application or renewal matter directly.



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(3) If the commission agrees to grant withdrawal under any of the circumstances in 205 CMR 111.05(2), the commission may condition that withdrawal with appropriate terms it deems necessary, including, but not limited to, a period of time within which the applicant may not re-apply.

### **➤ 205 CMR 116.04: Notification of Anticipated or Actual Changes in Directors, Officers or Equivalent Qualifiers**

(1) Each Category 1 and Category 2 applicant or licensee shall notify the commission, in writing, as soon as it becomes aware, of the proposed appointment, appointment, proposed nomination, nomination, election, intended resignation, resignation, incapacitation or death of any qualifier.

(2) Upon receipt of a notice under 205 CMR 116.04(1), the commission shall refer the matter to the bureau for appropriate handling including, but not limited to, a notice to the new qualifier requiring the filing of an appropriate application and the subsequent investigation of that application.

### **➤ 205 CMR 116.05: Notification of New Financial Sources**

(1) Each Category 1 and Category 2 applicant or licensee shall immediately notify the commission, in writing, as soon as it becomes aware that it intends to enter into a transaction bearing any relation to its gaming establishment project that may result in new persons involved in the financing of the gaming establishment.

(2) Upon receipt of a notice under 205 CMR 116.05(1), the commission shall refer the matter to the bureau for appropriate handling, including, but not limited to, a notice to the new financial source requiring the filing of an appropriate application and the subsequent investigation of that application.

### **➤ 205 CMR 116.06: Notification Concerning Certain New Qualifiers of Holding, Intermediary or Subsidiary Companies and New Qualifying Entities**





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- (1) Each Category 1 and Category 2 applicant or licensee shall immediately notify the commission, in writing, as soon as it becomes aware of any new persons required to be qualified in connection with the holding, intermediary or subsidiary company of that Category 1 or Category 2 applicant or licensee in accordance with M.G.L. c. 23K.
- (2) Upon receipt of a notice under 205 CMR 116.06(1), the commission shall refer the matter to the bureau for appropriate handling, including, but not limited to, a notice to the new person requiring the filing of an appropriate application and the subsequent investigation of that application.



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### Step 11- adjudicatory hearings

- G.L. c.23K, §17(f) Upon denial of an application, the commission shall prepare and file the commission's decision and, if requested by the applicant, shall further prepare and file a statement of the reasons for the denial, including specific findings of fact by the commission and the recommendation from the bureau relative to the suitability of the applicant pursuant to sections 12 and 16. **Applicants may request a hearing before the commission to contest any findings of fact by the bureau relative to the suitability of the applicant.**
- 205 CMR 101.01: Hearings Before the Commission
  - (1) Except as set forth in M.G.L. c. 23K and 205 CMR 101.03, the commission will conduct the following types of adjudicatory hearings in accordance with the procedures in 801 CMR 1.01: *Formal Rules*: Hearings before the commission pursuant to M.G.L. c. 23K, § 17(f), to contest any findings of fact by the bureau relative to the suitability of the applicant for an initial gaming license or the renewal of a gaming license, including without limitation, recommendations and recommended conditions resulting from the RFA-1 process pursuant to 205 CMR 115:00: *Phase 1 Suitability Determinations, Standards and Procedures* and the RFA-2 process described in 205 CMR 110.00: *Issuance of Request for Category 1 and Category 2 License Applications*.
- 205 CMR 101.03: Special Procedures for Hearings Before the Commission

Hearings Concerning Phase 1 Determinations of Suitability. For hearings before the commission pursuant to M.G.L. c. 23K, § 17(f) and 205 CMR 101.01(1) concerning the bureau's Phase 1 recommendations and findings of fact pursuant to 205 CMR 115.00: *Phase 1 Suitability Determinations, Standards and Procedures*, the following provisions of M.G.L. c. 23K and 205 CMR 101.00 shall supersede any conflicting provisions of 801 CMR 1.01: *Formal Rules*:

  - (a) Standing: No person other than an aggrieved applicant shall have automatic standing to participate in the hearing under 205 CMR 101.01.
  - (b) Presiding Officer: 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



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concurrence of one other commissioner may appoint a presiding officer 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.

(c) Burden of Proof. 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.

(d) No Appeal From Commission's Determination of Suitability. Pursuant to M.G.L. c. 23K, § 17(g), the applicant shall not be entitled to any further review from the commission's determination of suitability.



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### **Step 20- Standard conditions to be attached to award of all gaming licenses**

For example:

- All conditions in G.L. c.23K, §21
- Must expend not less than minimum capital investment identified in RFA-2 application
- Must begin gaming operations within 1 year after the date specified in the Commission approved construction timeline
- Must abide by all terms of host and surrounding community agreements and ILEV agreements unless properly modified or granted leave by court or MGC
- Must satisfy MEPA/permitting related conditions provided in 205 CMR 120.02
- Regular reporting requirements regarding commencement and completion of construction; also post construction reporting regarding compliance with permits and host and surrounding community agreements and ILEV agreements.

G.L. c.23K, §21 provides:

(a) The commission shall prescribe the form of the gaming license, which shall include, but not be limited to, the following license conditions for each licensee. The licensee shall:

(1) have an affirmative obligation to abide by every statement made in its application to the commission, including all evaluation criteria and eligibility requirements;

(2) comply with all laws of the commonwealth, the laws of the United States and all rules and regulations promulgated under this chapter;

(3) pay daily to the commission the gross gaming revenue payment;

(4) make, or cause to be made, capital expenditures to its gaming establishment in a minimum aggregate amount equal to 3.5 per cent of the net gaming revenues derived from the establishment; provided, however, that a gaming licensee may make capital expenditures in an amount less than 3.5 per cent per year as part of a multi-year capital expenditure plan approved by the commission;



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- (5) not change its business governing structure without the notification and approval of the commission;
- (6) not operate, invest in or own, in whole or in part, another gaming licensee's license or gaming establishment;
- (7) cooperate with the commission and the attorney general in all gaming-related investigations. Each gaming licensee shall make readily available all documents, materials, equipment, personnel and any other items requested during an investigation; provided, however, that material that the gaming licensee considers a trade secret or detrimental to the gaming licensee if it were made public may, with the commission's approval, be protected from public disclosure and the gaming licensee may require nondisclosure agreements with the commission before disclosing such material;
- (8) cooperate with the commission and the attorney general with respect to the investigation of any criminal matter; provided, however, that the gaming licensee shall, upon receipt of a criminal or civil process compelling testimony or production of documents in connection with a civil or criminal investigation, immediately disclose such information to the commission; and provided further, that this clause shall not prohibit private persons or public entities from seeking any remedy or damages against a gaming licensee;
- (9) allow the commission or the division and state police officers assigned to the commission or the division to conduct warrantless searches of the licensee's gaming area;
- (10) have a duty to inform the commission of any action which the gaming licensee reasonably believes would constitute a violation of this chapter, and shall assist the commission and any federal or state law enforcement agency in the investigation and prosecution of such violation; provided, however, that no person who informs the commission of such an action shall be discriminated against by an applicant or gaming licensee as a consequence for having supplied such information;
- (11) provide an office for the commission at the gaming establishment and the designated state police unit at the gaming establishment; provided, however, that the commission shall establish the minimum requirements for square footage for the state police office, office furnishings and parking spaces;
- (12) collect and annually report to the commission a detailed statistical report on the number, job titles, benefits and salaries of employees hired and retained in employment at the gaming establishment;





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- (13) employ only those persons licensed or registered by the commission;
- (14) do business only with those vendors licensed or registered by the commission;
- (15) provide to the commission aggregate demographic information with respect to the gaming licensee's customers in a manner and under a schedule to be defined by the commission;
- (16) provide complimentary on-site space for an independent substance abuse, compulsive gambling and mental health counseling service and establish a program to train gaming employees in the identification of and intervention with customers exhibiting problem gaming behavior;
- (17) keep conspicuously posted in the gaming area a notice containing the name and a telephone number for problem gambling assistance; provided, however, that the commission may require the gaming licensee to provide this information in more than 1 language;
- (18) provide a process for individuals to exclude their names and contact information from the gaming licensee's database or any other list held by the gaming licensee for use in marketing or promotional communications;
- (19) institute additional public health strategies as required by the commission;
- (20) abide by an affirmative action program of equal opportunity by which the gaming licensee guarantees to provide equal employment opportunities to all employees qualified for licensure in all employment categories, including persons with a disabilities, under the laws of the commonwealth;
- (21) formulate for commission approval and abide by an affirmative marketing program by which the gaming licensee identifies specific goals, expressed as an overall program goal applicable to the total dollar amount or value of contracts entered into, for the utilization of: (i) minority business enterprises, women business enterprises and veteran business enterprises to participate as contractors in the design of the gaming establishment; (ii) minority business enterprises, women business enterprises and veteran business enterprises to participate as contractors in the construction of the gaming establishment; and (iii) minority business



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enterprises, women business enterprises and veteran business enterprises to participate as vendors in the provision of goods and services procured by the gaming establishment and any businesses operated as part of the gaming establishment; provided, however, that the specific goals for the utilization of such minority business enterprises, women business enterprises and veteran business enterprises shall be based on the availability of such minority business enterprises, women business enterprises and veteran business enterprises engaged in the type of work to be contracted by the gaming licensee;

(22) formulate for commission approval and abide by an affirmative action program of equal opportunity whereby the licensee establishes specific goals for the utilization of minorities, women and veterans on construction jobs; provided, however, that such goals shall be equal to or greater than the goals contained in executive office of administration and finance administration Bulletin Number 14; provided further, that in furtherance of the specific goals for the utilization of minorities, women and veterans on construction jobs, the gaming licensee shall send to each labor union or representative of workers with which the gaming licensee or its agent has a collective bargaining agreement or other contract or understanding, a notice advising the labor union or workers' representative of the gaming licensee's commitments;

(23) provide to the commission, on a quarterly basis, a detailed statistical report on the number, gender and race of individuals hired to perform labor as part of the construction of the gaming establishment;

(24) collect and annually provide to the commission a detailed statistical report on the total dollar amounts contracted with and actually paid to minority business enterprises, women business enterprises and veteran business enterprises in: (i) design contracts; (ii) construction contracts; and (iii) contracts for every good and service procured by the gaming establishment; provided, however, that such 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; and

(25) require its security personnel to conduct regular checks of parking areas for minors left in motor vehicles and immediately report any such finding to the local and state police in the municipality wherein the gaming establishment is located.

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(c) The commission may include any reasonable additional requirements to the license conditions.



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### **Step 25- informational presentations**

The MGC may benefit by requiring each applicant to appear before it shortly after its RFA-2 application is filed to make an informational presentation. The presentation would be intended to allow an applicant to walk the MGC through its application; providing a roadmap of its contents, explaining complex data, highlighting extraordinary elements, and the like. Certainly, information that would not otherwise be subject to public disclosure would be withheld from inclusion in the presentation.



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### Steps 27-31- the §17(c) public hearing

This public hearing is intended to afford members of the public an opportunity to comment on an application; this is similar in nature to the public hearings held relative to the promulgation of regulations. This hearing is not intended to be “the hearing” to determine whether a license will be issued to a particular applicant. §17(d) provides that:

The public hearing shall provide the commission with the opportunity to address questions and concerns relative to the proposal of a gaming applicant to build a gaming establishment, including the scope and quality of the gaming area and amenities, the integration of the gaming establishment into the surrounding community and the extent of required mitigation plans and receive input from members of the public from an impacted community. During the hearing, the commission may take the opportunity to read into the record any letters of support, opposition or concern from members of a community in the vicinity of the proposed gaming establishment.

The closure of the public hearing, however, is an event of substantial legal significance; §17(e) provides that:

“[n]ot sooner than 30 days nor later than 90 days after the conclusion of the public hearing, the commission shall take action on the application. The commission may: (i) grant the application for a gaming license; (ii) deny the application; or (iii) extend the period for issuing a decision in order to obtain any additional information necessary for a complete evaluation of the application; provided, however, that the extension shall be not longer than 30 days.”

Accordingly, this hearing should be held towards the end of the process so that the commission has had a chance to review the RFA-2 application, request any additional information or clarification it seeks, and solicit opinions and recommendations from any MGC staff or consultants it has retained to assist in the review process. Upon closure of the hearings, the MGC should be prepared to award a license in about 30 days. Since a public hearing should be conducted for every applicant, the MGC will have to decide whether to narrow the field of applicants and request best and final offers shortly after the public hearing.

It is important to note that neither this hearing specifically, nor the licensing process as a whole are intended to be an *adjudicatory proceeding*. Treating the public hearing or the process itself as an adjudicatory proceeding would lead to a host of potential difficulties that may hinder the Commission’s ability to effectively and timely award gaming licenses. As support for this proposition, the Commission can rely upon two recent Massachusetts cases which both indicated that a process of the sort being



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conducted by the MGC would be a regulatory process, not an adjudicatory one. See Hoffer v. Board of Registration in Medicine, 461 Mass. 451 (2012) and School Committee of Hudson v. Board of Education, 448 Mass. 565 (2007).

An *adjudicatory proceeding* is defined in G.L. c.30A, §1(1) to mean “a proceeding before an agency in which the legal rights, duties or privileges of specifically named persons are required by constitutional right or by any provision of the General Laws to be determined after opportunity for an agency hearing.” In the case of the issuance of gaming licenses the applicants do not have any constitutional right to a hearing nor is there any provision of the law that requires a hearing. Accordingly, no adjudicatory proceeding will be conducted. “The fact that a public hearing [is] required in the [] application process does not render the process or the public hearings an adjudicatory hearing.” Hudson, supra at 577. Further, “[t]he mere ‘expectanc[y]’ or hope of a future benefit is neither sufficiently certain nor sufficiently material to constitute a property interest under the Fourteenth Amendment.” Hoffer, supra at 454.





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### **Step 35- Objectives to be advanced in determining granting of license**

G.L. c.23K, §18 provides as follows:

In determining whether an applicant shall receive a gaming license, the commission **shall evaluate and issue a statement of findings** of how each applicant proposes to advance the following objectives:

- (1) protecting the lottery from any adverse impacts due to expanded gaming including, but not limited to, developing cross-marketing strategies with the lottery and increasing ticket sales to out-of-state residents;
- (2) promoting local businesses in host and surrounding communities, including developing cross-marketing strategies with local restaurants, small businesses, hotels, retail outlets and impacted live entertainment venues;
- (3) realizing maximum capital investment exclusive of land acquisition and infrastructure improvements;
- (4) implementing a workforce development plan that utilizes the existing labor force, including the estimated number of construction jobs a proposed gaming establishment will generate, the development of workforce training programs that serve the unemployed and methods for accessing employment at the gaming establishment;
- (5) building a gaming establishment of high caliber with a variety of quality amenities to be included as part of the gaming establishment and operated in partnership with local hotels and dining, retail and entertainment facilities so that patrons experience the diversified regional tourism industry;
- (6) taking additional measures to address problem gambling including, but not limited to, training of gaming employees to identify patrons exhibiting problems with gambling and prevention programs targeted toward vulnerable populations;
- (7) providing a market analysis detailing the benefits of the site location of the gaming establishment and the estimated recapture rate of gaming-related spending by residents travelling to out-of-state gaming establishments;
- (8) utilizing sustainable development principles including, but not limited to: (i) being certified as gold or higher under the appropriate certification category in the Leadership in Environmental and Energy Design program created by the United



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States Green Building Council; (ii) meeting or exceeding the stretch energy code requirements contained in Appendix 120AA of the Massachusetts building energy code or equivalent commitment to advanced energy efficiency as determined by the secretary of energy and environmental affairs; (iii) efforts to mitigate vehicle trips; (iv) efforts to conserve water and manage storm water; (v) demonstrating that electrical and HVAC equipment and appliances will be EnergyStar labeled where available; (vi) procuring or generating on-site 10 per cent of its annual electricity consumption from renewable sources qualified by the department of energy resources under section 11F of chapter 25A; and (vii) developing an ongoing plan to submeter and monitor all major sources of energy consumption and undertake regular efforts to maintain and improve energy efficiency of buildings in their systems;

(9) establishing, funding and maintaining human resource hiring and training practices that promote the development of a skilled and diverse workforce and access to promotion opportunities through a workforce training program that: (i) establishes transparent career paths with measurable criteria within the gaming establishment that lead to increased responsibility and higher pay grades that are designed to allow employees to pursue career advancement and promotion; (ii) provides employee access to additional resources, such as tuition reimbursement or stipend policies, to enable employees to acquire the education or job training needed to advance career paths based on increased responsibility and pay grades; and (iii) establishes an on-site child day-care program;

(10) contracting with local business owners for the provision of goods and services to the gaming establishment, including developing plans designed to assist businesses in the commonwealth in identifying the needs for goods and services to the establishment;

(11) maximizing revenues received by the commonwealth;

(12) providing a high number of quality jobs in the gaming establishment;

(13) offering the highest and best value to create a secure and robust gaming market in the region and the commonwealth;

(14) mitigating potential impacts on host and surrounding communities which might result from the development or operation of the gaming establishment;

(15) purchasing, whenever possible, domestically manufactured slot machines for installation in the gaming establishment;



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(16) implementing a marketing program that identifies specific goals, expressed as an overall program goal applicable to the total dollar amount of contracts, for the utilization of: (i) minority business enterprises, women business enterprises and veteran business enterprises to participate as contractors in the design of the gaming establishment; (ii) minority business enterprises, women business enterprises and veteran business enterprises to participate as contractors in the construction of the gaming establishment; and (iii) minority business enterprises, women business enterprises and veteran business enterprises to participate as vendors in the provision of goods and services procured by the gaming establishment and any businesses operated as part of the gaming establishment;

(17) implementing a workforce development plan that: (i) incorporates an affirmative action program of equal opportunity by which the applicant guarantees to provide equal employment opportunities to all employees qualified for licensure in all employment categories, including persons with disabilities; (ii) utilizes the existing labor force in the commonwealth; (iii) estimates the number of construction jobs a gaming establishment will generate and provides for equal employment opportunities and which includes specific goals for the utilization of minorities, women and veterans on those construction jobs; (iv) identifies workforce training programs offered by the gaming establishment; and (v) identifies the methods for accessing employment at the gaming establishment;

(18) whether the applicant has a contract with organized labor, including hospitality services, and has the support of organized labor for its application, which specifies: (i) the number of employees to be employed at the gaming establishment, including detailed information on the pay rate and benefits for employees and contractors; (ii) the total amount of investment by the applicant in the gaming establishment and all infrastructure improvements related to the project; (iii) completed studies and reports as required by the commission, which shall include, but need not be limited to, an economic benefit study, both for the commonwealth and the region; and (iv) whether the applicant has included detailed plans for assuring labor harmony during all phases of the construction, reconstruction, renovation, development and operation of the gaming establishment; and

(19) gaining public support in the host and surrounding communities which may be demonstrated through public comment received by the commission or gaming applicant.



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**37 SIMPLE STEPS TO ISSUE A GAMING LICENSE- Category 2**

(click numbers highlighted in **yellow** in left column to link to informational appendix)

	ACT OR DECISION	TIMING	LEAD
<a href="#"><u>1</u></a>	IEB investigates all applicants and qualifiers. Note- some initial qualifiers may have withdrawn or seek withdrawal.		KW
<a href="#"><u>2</u></a>	MGC conducts public hearing on Phase 2 regulations.	May 3, 2013	MGC
<a href="#"><u>3</u></a>	MGC develops the RFA-2 application. (205 CMR 119.01)		TG
<a href="#"><u>4</u></a>	MGC considers public comments, votes on final version of regulations, and approves updated SBIS.	May 16, 2013	MGC
<a href="#"><u>5</u></a>	Updated SBIS filed with Secretary of the Commonwealth.	May 23, 2013	TG
<a href="#"><u>6</u></a>	Final phase 2 regulations filed with Secretary of the Commonwealth.	May 24, 2013	TG
<a href="#"><u>7</u></a>	Phase 2 regulations published in <i>Massachusetts Register</i> and become effective.	June 7, 2013	
<a href="#"><u>8</u></a>	MGC posts RFA-2 application on website and sets filing deadline.	<b>June 13, 2013</b>	ED
<a href="#"><u>9</u></a>	MGC is forwarded and approves any notices re: HC election before suitability determination prior to dissemination by municipality. A description of other methods to inform the community about suitability standards and procedures shall also be forwarded to MGC prior to the election. (205 CMR 115.05(6))	Prior to HC election if prior to determination of suitability	CB
<a href="#"><u>10</u></a>	IEB submits written report with recommendations to MGC relative to suitability of each applicant. (205 CMR 115.03(2))	<b>May-June, 2013</b>	KW
<a href="#"><u>11</u></a>	Upon receipt of IEB report, MGC provides a copy to the subject applicant (205 CMR 115.04(1)) along with the public notice of the date of adjudicatory hearing on IEB report. (205 CMR 115.04(3)) Once the notice of adjudicatory hearing is issued, no applicant or qualifier may withdraw unless consent is granted by MGC. (205 CMR 111.05)  If recommendations are uncontested by applicant, MGC issues notice of public hearing including the form and conditions under which the MGC will receive public comments. (205 CMR 115.04(4))	<ul style="list-style-type: none"> <li>• Upon receipt from IEB</li> <li>• Hearing date will be at least 33 days (if mailed) after service of IEB report upon applicant.</li> </ul>	CB
<a href="#"><u>12</u></a>	Applicant may file a Notice of Claim in contest of IEB recommendation(s). (205 CMR 115.04(2))	w/in 30 days of receipt of report	





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13	MGC holds adjudicatory hearing on any contested findings or, if requested by applicant and approved MGC, reviews uncontested IEB report at public meeting subject to redactions.		MGC
14	MGC issues positive or negative written determination of suitability for each applicant. (205 CMR 115.05(1)). [No appeals of suitability determinations]. (205 CMR 115.05(5))	July 30, 2013	MGC
15	Applicant forwards HCA and summary to MGC. MGC posts HCA and summary on www.massgaming.com along with sign up for SC notifications. (205 CMR 123.02(3))	Upon execution of HCA	ED
16	MGC retains consultants (financial, accounting, architects, engineers, gaming, environmental, etc.) to assist in review of RFA-2 applications. (205 CMR 118.04(1)(c))		
17	RFA-2 application submitted to MGC. (205 CMR 118.01(2))	October 3, 2013	
18	ED conducts Administrative Completeness Review of all RFA-2 applications. If negative determination-applicant may cure or appeal to or seek variance from MGC. (205 CMR 118.03)		RD
19	MGC refers application, in parts, to staff and consultants. (205 CMR 118.04(1)(b))		
20	MGC prepares standard conditions to be agreed upon by all applicants prior to award of license.		CB
21	MGC conducts appeal hearings and/or considers requests for waiver/variance relative to Administrative Completeness decisions by ED.		MGC
22	MGC ensures that impact studies are properly forwarded to prospective SC that signed up online.		JZ
23	<ul style="list-style-type: none"> <li>Petitions to be designated surrounding community submitted. Applicants have 10 days to support or oppose petition. (205 CMR 125.01(2)(a))</li> <li>Petitions to be designated ILEV submitted. (205 CMR 126.01(2))</li> </ul>	Due no later than 10 days after RFA-2 app. received by MGC	
24	<ul style="list-style-type: none"> <li>MGC makes determinations on SC petitions at open meeting (may allow presentations). (205 CMR 125.01(2)(a))</li> <li>MGC makes determinations on ILEV petitions at open meeting. (205 CMR 126.01(2))</li> </ul> (Each determination starts 30 day negotiation clock → 5 day selection of arbitrator(s) → 20 day arbitration period → 5 day submission of final agreement).	At least 30 days prior to public hearing on RFA-2 application	
25	(optional) MGC hears informational presentations by applicants explaining RFA-2 application. (205 CMR 118.04(1)(e))	October 16-18, 2013	MGC
26	(optional) MGC holds open meeting(s) on an application (separate from §17(c) public hearing) to discuss progress, issues, public input, request further info, etc. (205 CMR 118.04(1)(a))		
27	MGC determines the format of §17(c) public hearing, i.e.- receipt of written comments, time limits on presentations, etc.		MGC





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28	Locations for §17(c) public hearings are established within the host community unless request from HC CEO to hold elsewhere. (205 CMR 118.05(1))		JR
29	MGC provides notice of §17(c) public hearing on RFA-2 application to each applicant and the clerk of each host and surrounding community and posts on MGC website. (205 CMR 118.05(1))	At least 30 days prior to hrg.	CB/ED
30	MGC conducts §17(c) public hearing on each application in the respective host community, but does not vote to close. Instead, it adjourns each hearing until further notice. (205 CMR 118.05)		MGC
31	MGC votes to close each public hearing relative to the Category 2 gaming license. (205 CMR 118.05(3))	After each public hearing is held.	MGC
32	All surrounding community agreements and ILEV agreements have been executed and submitted to MGC.	January 5, 2014	
33	MGC evaluates RFA-2 applications. (205 CMR 119.03)		
34	MGC awards Category 2 gaming license. License includes all conditions outlined in G.L. c.23K, §21 and 205 CMR 120.00, and an assessment of all fees described in 205 CMR 121.00. (205 CMR 118.06)	December 16, 2013 (Must be 30-90 days from vote to close §17(c) pub hrg [may extend by 30 days]) (February 4, 2014 if surrounding community process ends up in arbitration)	
35	MGC issues a statement of findings as to how each applicant proposes to advance the objectives outlined in G.L. c.23K, §18.		
36	MGC formally prepares and files decision denying applications of unsuccessful applicants. If requested by applicant, a statement of the reasons for denial, including findings of fact, must be prepared. (205 CMR 118.06(4)).		
37	MGC issues MEPA findings in accordance with G.L. c.30, §61 and 301 CMR 11.12, and MGC reviews submission by licensee and determines that it has obtained all necessary permits or the MGC makes a finding that the license cannot satisfy the MEPA or permitting process. (205 CMR 120.02)		



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### Step 1- Withdrawal of a qualifier

The Commission has established a procedure by which an application of a qualifier (i.e.- Business Entity Disclosure form, Multi-jurisdictional Personal History Disclosure form, and Massachusetts Supplemental form) may be withdrawn. The controlling regulation provides that “a written notice of withdrawal of an application [] may be filed by an applicant, qualifier, licensee, or registrant at any time prior to final commission action thereon.” See 205 CMR 111.05(1). With certain exceptions that require a finding of ‘good cause’ by the Commission prior to withdrawal, an applicant or qualifier can withdraw simply by providing written notice to the Commission. There are corresponding provisions of the regulations governing the *addition* of new qualifiers or financial sources and changes to the qualifiers. See 205 CMR 116.04, 116.05, and 116.06. Each essentially requires the applicant to promptly notify the Commission when it becomes aware of a change and the Commission to refer the matter to the IEB for appropriate action.

Here are the applicable regulations in full:

➤ 205 CMR 111.05: Withdrawal of Application

- (1) Except as provided in 205 CMR 111.05(2), a written notice of withdrawal of an application or renewal papers may be filed by an applicant, qualifier, licensee or registrant **at any time prior to final commission action thereon.**
- (2) A withdrawal request submitted in accordance with 205 CMR 111.05(1) **shall be permitted** without the need for commission approval except under the following conditions, in which cases no withdrawal will be allowed without express commission approval upon a **finding of good cause:**
  - (a) If a hearing on an initial application or renewal has been requested by a party or directed by the bureau or commission;
  - (b) If the application or renewal matter has been transmitted to a bureau presiding officer;
  - (c) If the application or renewal matter has been assigned to any other hearing examiner authorized by law to hear such matter;or
  - (d) If the commission has made a determination to hear the application or renewal matter directly.



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(3) If the commission agrees to grant withdrawal under any of the circumstances in 205 CMR 111.05(2), the commission may condition that withdrawal with appropriate terms it deems necessary, including, but not limited to, a period of time within which the applicant may not re-apply.

➤ **205 CMR 116.04: Notification of Anticipated or Actual Changes in Directors, Officers or Equivalent Qualifiers**

(1) Each Category 1 and Category 2 applicant or licensee shall notify the commission, in writing, as soon as it becomes aware, of the proposed appointment, appointment, proposed nomination, nomination, election, intended resignation, resignation, incapacitation or death of any qualifier.

(2) Upon receipt of a notice under 205 CMR 116.04(1), the commission shall refer the matter to the bureau for appropriate handling including, but not limited to, a notice to the new qualifier requiring the filing of an appropriate application and the subsequent investigation of that application.

➤ **205 CMR 116.05: Notification of New Financial Sources**

(1) Each Category 1 and Category 2 applicant or licensee shall immediately notify the commission, in writing, as soon as it becomes aware that it intends to enter into a transaction bearing any relation to its gaming establishment project that may result in new persons involved in the financing of the gaming establishment.

(2) Upon receipt of a notice under 205 CMR 116.05(1), the commission shall refer the matter to the bureau for appropriate handling, including, but not limited to, a notice to the new financial source requiring the filing of an appropriate application and the subsequent investigation of that application.

➤ **205 CMR 116.06: Notification Concerning Certain New Qualifiers of Holding, Intermediary or Subsidiary Companies and New Qualifying Entities**



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- (1) Each Category 1 and Category 2 applicant or licensee shall immediately notify the commission, in writing, as soon as it becomes aware of any new persons required to be qualified in connection with the holding, intermediary or subsidiary company of that Category 1 or Category 2 applicant or licensee in accordance with M.G.L. c. 23K.
- (2) Upon receipt of a notice under 205 CMR 116.06(1), the commission shall refer the matter to the bureau for appropriate handling, including, but not limited to, a notice to the new person requiring the filing of an appropriate application and the subsequent investigation of that application.



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### Step 11- adjudicatory hearings

- G.L. c.23K, §17(f) Upon denial of an application, the commission shall prepare and file the commission's decision and, if requested by the applicant, shall further prepare and file a statement of the reasons for the denial, including specific findings of fact by the commission and the recommendation from the bureau relative to the suitability of the applicant pursuant to sections 12 and 16. **Applicants may request a hearing before the commission to contest any findings of fact by the bureau relative to the suitability of the applicant.**
- 205 CMR 101.01: Hearings Before the Commission
  - (1) Except as set forth in M.G.L. c. 23K and 205 CMR 101.03, the commission will conduct the following types of adjudicatory hearings in accordance with the procedures in 801 CMR 1.01: *Formal Rules*: Hearings before the commission pursuant to M.G.L. c. 23K, § 17(f), to contest any findings of fact by the bureau relative to the suitability of the applicant for an initial gaming license or the renewal of a gaming license, including without limitation, recommendations and recommended conditions resulting from the RFA-1 process pursuant to 205 CMR 115.00: *Phase 1 Suitability Determinations, Standards and Procedures* and the RFA-2 process described in 205 CMR 110.00: *Issuance of Request for Category 1 and Category 2 License Applications*.
- 205 CMR 101.03: Special Procedures for Hearings Before the Commission

Hearings Concerning Phase 1 Determinations of Suitability. For hearings before the commission pursuant to M.G.L. c. 23K, § 17(f) and 205 CMR 101.01(1) concerning the bureau's Phase 1 recommendations and findings of fact pursuant to 205 CMR 115.00: *Phase 1 Suitability Determinations, Standards and Procedures*, the following provisions of M.G.L. c. 23K and 205 CMR 101.00 shall supersede any conflicting provisions of 801 CMR 1.01: *Formal Rules*:

  - (a) Standing: No person other than an aggrieved applicant shall have automatic standing to participate in the hearing under 205 CMR 101.01.
  - (b) Presiding Officer: 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



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concurrence of one other commissioner may appoint a presiding officer 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.

(c) **Burden of Proof.** 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.

(d) **No Appeal From Commission's Determination of Suitability.** Pursuant to M.G.L. c. 23K, § 17(g), the applicant shall not be entitled to any further review from the commission's determination of suitability.





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**Step 20- Standard conditions to be attached to award of all gaming licenses**

For example:

- All conditions in G.L. c.23K, §21
- Must expend not less than minimum capital investment identified in RFA-2 application
- Any infrastructure improvements necessary to increase visitor capacity and account for traffic mitigation shall be completed before the category 2 licensee shall be authorized to operate a slot machine at the gaming establishment.
- Must abide by all terms of host and surrounding community agreements and ILEV agreements unless properly modified or granted leave by court or MGC
- Must satisfy MEPA/permitting related conditions provided in 205 CMR 120.02
- Regular reporting requirements regarding commencement and completion of construction; also post construction reporting regarding compliance with permits and host and surrounding community agreements and ILEV agreements.

G.L. c.23K, §21 provides:

(a) The commission shall prescribe the form of the gaming license, which shall include, but not be limited to, the following license conditions for each licensee. The licensee shall:

(1) have an affirmative obligation to abide by every statement made in its application to the commission, including all evaluation criteria and eligibility requirements;

(2) comply with all laws of the commonwealth, the laws of the United States and all rules and regulations promulgated under this chapter;

(3) pay daily to the commission the gross gaming revenue payment;



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(4) make, or cause to be made, capital expenditures to its gaming establishment in a minimum aggregate amount equal to 3.5 per cent of the net gaming revenues derived from the establishment; provided, however, that a gaming licensee may make capital expenditures in an amount less than 3.5 per cent per year as part of a multi-year capital expenditure plan approved by the commission;

(5) not change its business governing structure without the notification and approval of the commission;

(6) not operate, invest in or own, in whole or in part, another gaming licensee's license or gaming establishment;

(7) cooperate with the commission and the attorney general in all gaming-related investigations. Each gaming licensee shall make readily available all documents, materials, equipment, personnel and any other items requested during an investigation; provided, however, that material that the gaming licensee considers a trade secret or detrimental to the gaming licensee if it were made public may, with the commission's approval, be protected from public disclosure and the gaming licensee may require nondisclosure agreements with the commission before disclosing such material;

(8) cooperate with the commission and the attorney general with respect to the investigation of any criminal matter; provided, however, that the gaming licensee shall, upon receipt of a criminal or civil process compelling testimony or production of documents in connection with a civil or criminal investigation, immediately disclose such information to the commission; and provided further, that this clause shall not prohibit private persons or public entities from seeking any remedy or damages against a gaming licensee;

(9) allow the commission or the division and state police officers assigned to the commission or the division to conduct warrantless searches of the licensee's gaming area;

(10) have a duty to inform the commission of any action which the gaming licensee reasonably believes would constitute a violation of this chapter, and shall assist the commission and any federal or state law enforcement agency in the investigation and prosecution of such violation; provided, however, that no person who informs the commission of such an action shall be discriminated against by an applicant or gaming licensee as a consequence for having supplied such information;



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(11) provide an office for the commission at the gaming establishment and the designated state police unit at the gaming establishment; provided, however, that the commission shall establish the minimum requirements for square footage for the state police office, office furnishings and parking spaces;

(12) collect and annually report to the commission a detailed statistical report on the number, job titles, benefits and salaries of employees hired and retained in employment at the gaming establishment;

(13) employ only those persons licensed or registered by the commission;

(14) do business only with those vendors licensed or registered by the commission;

(15) provide to the commission aggregate demographic information with respect to the gaming licensee's customers in a manner and under a schedule to be defined by the commission;

(16) provide complimentary on-site space for an independent substance abuse, compulsive gambling and mental health counseling service and establish a program to train gaming employees in the identification of and intervention with customers exhibiting problem gaming behavior;

(17) keep conspicuously posted in the gaming area a notice containing the name and a telephone number for problem gambling assistance; provided, however, that the commission may require the gaming licensee to provide this information in more than 1 language;

(18) provide a process for individuals to exclude their names and contact information from the gaming licensee's database or any other list held by the gaming licensee for use in marketing or promotional communications;

(19) institute additional public health strategies as required by the commission;

(20) abide by an affirmative action program of equal opportunity by which the gaming licensee guarantees to provide equal employment opportunities to all employees qualified for licensure in all employment categories, including persons with a disabilities, under the laws of the commonwealth;



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(21) formulate for commission approval and abide by an affirmative marketing program by which the gaming licensee identifies specific goals, expressed as an overall program goal applicable to the total dollar amount or value of contracts entered into, for the utilization of: (i) minority business enterprises, women business enterprises and veteran business enterprises to participate as contractors in the design of the gaming establishment; (ii) minority business enterprises, women business enterprises and veteran business enterprises to participate as contractors in the construction of the gaming establishment; and (iii) minority business enterprises, women business enterprises and veteran business enterprises to participate as vendors in the provision of goods and services procured by the gaming establishment and any businesses operated as part of the gaming establishment; provided, however, that the specific goals for the utilization of such minority business enterprises, women business enterprises and veteran business enterprises shall be based on the availability of such minority business enterprises, women business enterprises and veteran business enterprises engaged in the type of work to be contracted by the gaming licensee;

(22) formulate for commission approval and abide by an affirmative action program of equal opportunity whereby the licensee establishes specific goals for the utilization of minorities, women and veterans on construction jobs; provided, however, that such goals shall be equal to or greater than the goals contained in executive office of administration and finance administration Bulletin Number 14; provided further, that in furtherance of the specific goals for the utilization of minorities, women and veterans on construction jobs, the gaming licensee shall send to each labor union or representative of workers with which the gaming licensee or its agent has a collective bargaining agreement or other contract or understanding, a notice advising the labor union or workers' representative of the gaming licensee's commitments;

(23) provide to the commission, on a quarterly basis, a detailed statistical report on the number, gender and race of individuals hired to perform labor as part of the construction of the gaming establishment;

(24) collect and annually provide to the commission a detailed statistical report on the total dollar amounts contracted with and actually paid to minority business enterprises, women business enterprises and veteran business enterprises in: (i) design contracts; (ii) construction contracts; and (iii) contracts for every good and service procured by the gaming establishment; provided, however, that such 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; and

(25) require its security personnel to conduct regular checks of parking areas for minors left in motor vehicles and immediately report any such finding to the local and state police in the municipality wherein the gaming establishment is located.



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(c) The commission may include any reasonable additional requirements to the license conditions.



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### **Step 25- informational presentations**

The MGC may benefit by requiring each applicant to appear before it shortly after its RFA-2 application is filed to make an informational presentation. The presentation would be intended to allow an applicant to walk the MGC through its application; providing a roadmap of its contents, explaining complex data, highlighting extraordinary elements, and the like. Certainly, information that would not otherwise be subject to public disclosure would be withheld from inclusion in the presentation.





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### **Steps 27-31- the §17(c) public hearing**

This public hearing is intended to afford members of the public an opportunity to comment on an application; this is similar in nature to the public hearings held relative to the promulgation of regulations. This hearing is not intended to be “the hearing” to determine whether a license will be issued to a particular applicant. §17(d) provides that:

The public hearing shall provide the commission with the opportunity to address questions and concerns relative to the proposal of a gaming applicant to build a gaming establishment, including the scope and quality of the gaming area and amenities, the integration of the gaming establishment into the surrounding community and the extent of required mitigation plans and receive input from members of the public from an impacted community. During the hearing, the commission may take the opportunity to read into the record any letters of support, opposition or concern from members of a community in the vicinity of the proposed gaming establishment.

The closure of the public hearing, however, is an event of substantial legal significance; §17(e) provides that:

“[n]ot sooner than 30 days nor later than 90 days after the conclusion of the public hearing, the commission shall take action on the application. The commission may: (i) grant the application for a gaming license; (ii) deny the application; or (iii) extend the period for issuing a decision in order to obtain any additional information necessary for a complete evaluation of the application; provided, however, that the extension shall be not longer than 30 days.”

Accordingly, this hearing should be held towards the end of the process so that the commission has had a chance to review the RFA-2 application, request any additional information or clarification it seeks, and solicit opinions and recommendations from any MGC staff or consultants it has retained to assist in the review process. Upon closure of the hearings, the MGC should be prepared to award a license in about 30 days. Since a public hearing should be conducted for every applicant, the MGC will have to decide whether to narrow the field of applicants and request best and final offers shortly after the public hearing.

It is important to note that neither this hearing specifically, nor the licensing process as a whole are intended to be an *adjudicatory proceeding*. Treating the public hearing or the process itself as an adjudicatory proceeding would lead to a host of potential difficulties that may hinder the Commission’s ability to effectively and timely award gaming licenses. As support for this



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proposition, the Commission can rely upon two recent Massachusetts cases which both indicated that a process of the sort being conducted by the MGC would be a regulatory process, not an adjudicatory one. See Hoffer v. Board of Registration in Medicine, 461 Mass. 451 (2012) and School Committee of Hudson v. Board of Education, 448 Mass. 565 (2007).

An *adjudicatory proceeding* is defined in G.L. c.30A, §1(1) to mean “a proceeding before an agency in which the legal rights, duties or privileges of specifically named persons are required by constitutional right or by any provision of the General Laws to be determined after opportunity for an agency hearing.” In the case of the issuance of gaming licenses the applicants do not have any constitutional right to a hearing nor is there any provision of the law that requires a hearing. Accordingly, no adjudicatory proceeding will be conducted. “The fact that a public hearing [is] required in the [] application process does not render the process or the public hearings an adjudicatory hearing.” Hudson, supra at 577. Further, “[t]he mere ‘expectanc[y]’ or hope of a future benefit is neither sufficiently certain nor sufficiently material to constitute a property interest under the Fourteenth Amendment.” Hoffer, supra at 454.



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### **Step 35- Objectives to be advanced in determining granting of license**

G.L. c.23K, §18 provides as follows:

In determining whether an applicant shall receive a gaming license, the commission **shall evaluate and issue a statement of findings** of how each applicant proposes to advance the following objectives:

- (1) protecting the lottery from any adverse impacts due to expanded gaming including, but not limited to, developing cross-marketing strategies with the lottery and increasing ticket sales to out-of-state residents;
- (2) promoting local businesses in host and surrounding communities, including developing cross-marketing strategies with local restaurants, small businesses, hotels, retail outlets and impacted live entertainment venues;
- (3) realizing maximum capital investment exclusive of land acquisition and infrastructure improvements;
- (4) implementing a workforce development plan that utilizes the existing labor force, including the estimated number of construction jobs a proposed gaming establishment will generate, the development of workforce training programs that serve the unemployed and methods for accessing employment at the gaming establishment;
- (5) building a gaming establishment of high caliber with a variety of quality amenities to be included as part of the gaming establishment and operated in partnership with local hotels and dining, retail and entertainment facilities so that patrons experience the diversified regional tourism industry;
- (6) taking additional measures to address problem gambling including, but not limited to, training of gaming employees to identify patrons exhibiting problems with gambling and prevention programs targeted toward vulnerable populations;
- (7) providing a market analysis detailing the benefits of the site location of the gaming establishment and the estimated recapture rate of gaming-related spending by residents travelling to out-of-state gaming establishments;
- (8) utilizing sustainable development principles including, but not limited to: (i) being certified as gold or higher under the appropriate certification category in the Leadership in Environmental and Energy Design program created by the United



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States Green Building Council; (ii) meeting or exceeding the stretch energy code requirements contained in Appendix 120AA of the Massachusetts building energy code or equivalent commitment to advanced energy efficiency as determined by the secretary of energy and environmental affairs; (iii) efforts to mitigate vehicle trips; (iv) efforts to conserve water and manage storm water; (v) demonstrating that electrical and HVAC equipment and appliances will be EnergyStar labeled where available; (vi) procuring or generating on-site 10 per cent of its annual electricity consumption from renewable sources qualified by the department of energy resources under section 11F of chapter 25A; and (vii) developing an ongoing plan to submeter and monitor all major sources of energy consumption and undertake regular efforts to maintain and improve energy efficiency of buildings in their systems;

(9) establishing, funding and maintaining human resource hiring and training practices that promote the development of a skilled and diverse workforce and access to promotion opportunities through a workforce training program that: (i) establishes transparent career paths with measurable criteria within the gaming establishment that lead to increased responsibility and higher pay grades that are designed to allow employees to pursue career advancement and promotion; (ii) provides employee access to additional resources, such as tuition reimbursement or stipend policies, to enable employees to acquire the education or job training needed to advance career paths based on increased responsibility and pay grades; and (iii) establishes an on-site child day-care program;

(10) contracting with local business owners for the provision of goods and services to the gaming establishment, including developing plans designed to assist businesses in the commonwealth in identifying the needs for goods and services to the establishment;

(11) maximizing revenues received by the commonwealth;

(12) providing a high number of quality jobs in the gaming establishment;

(13) offering the highest and best value to create a secure and robust gaming market in the region and the commonwealth;

(14) mitigating potential impacts on host and surrounding communities which might result from the development or operation of the gaming establishment;

(15) purchasing, whenever possible, domestically manufactured slot machines for installation in the gaming establishment;



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(16) implementing a marketing program that identifies specific goals, expressed as an overall program goal applicable to the total dollar amount of contracts, for the utilization of: (i) minority business enterprises, women business enterprises and veteran business enterprises to participate as contractors in the design of the gaming establishment; (ii) minority business enterprises, women business enterprises and veteran business enterprises to participate as contractors in the construction of the gaming establishment; and (iii) minority business enterprises, women business enterprises and veteran business enterprises to participate as vendors in the provision of goods and services procured by the gaming establishment and any businesses operated as part of the gaming establishment;

(17) implementing a workforce development plan that: (i) incorporates an affirmative action program of equal opportunity by which the applicant guarantees to provide equal employment opportunities to all employees qualified for licensure in all employment categories, including persons with disabilities; (ii) utilizes the existing labor force in the commonwealth; (iii) estimates the number of construction jobs a gaming establishment will generate and provides for equal employment opportunities and which includes specific goals for the utilization of minorities, women and veterans on those construction jobs; (iv) identifies workforce training programs offered by the gaming establishment; and (v) identifies the methods for accessing employment at the gaming establishment;

(18) whether the applicant has a contract with organized labor, including hospitality services, and has the support of organized labor for its application, which specifies: (i) the number of employees to be employed at the gaming establishment, including detailed information on the pay rate and benefits for employees and contractors; (ii) the total amount of investment by the applicant in the gaming establishment and all infrastructure improvements related to the project; (iii) completed studies and reports as required by the commission, which shall include, but need not be limited to, an economic benefit study, both for the commonwealth and the region; and (iv) whether the applicant has included detailed plans for assuring labor harmony during all phases of the construction, reconstruction, renovation, development and operation of the gaming establishment; and

(19) gaining public support in the host and surrounding communities which may be demonstrated through public comment received by the commission or gaming applicant.



# RFA-2 APPLICATION

## For a Category 1 or Category 2 Gaming License



Applicant: \_\_\_\_\_



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## **INSTRUCTIONS**

## General

This RFA-2 Application form (“application”) was designed by the Massachusetts Gaming Commission (“Commission”) as a vehicle for each applicant to demonstrate that **it has** thought broadly and creatively about creating an innovative and unique gaming establishment in Massachusetts that will create a synergy with, and provide a significant and lasting benefit to, the residents of the host community, the surrounding communities, the region, and the Commonwealth of Massachusetts, and will deliver an overall experience that draws both residents and tourists to the gaming establishment and the Commonwealth of Massachusetts.

**This application has been broken up into seven sections: A. Background; 1. Overview of Project; 2. Finance; 3. Economic Development; 4. Building and Site Design; 5. Mitigation; B. Signature Forms.** Sections 1-5 contain the main categories of information each containing its own criteria, which the Commission will focus on for purposes of evaluating the application. Each criterion is outlined on a separate page of the application. This has been done for purposes of ensuring an organized response by the applicant and facilitating a uniform review of all applications by the Commission.

**The application may only be submitted by applicants that have received a positive determination of suitability from the Commission in accordance with 205 CMR 115.05(3) and that do not owe any outstanding investigatory or community disbursement related fees. The application must be completed in accordance with these instructions. Any discrepancies may result in a negative determination of administrative completeness.**

To the extent that an applicant is a newly formed entity **or to date has been a largely non-operational entity**, any information required to be provided relative to past performance or **general practice** shall, at a minimum, be provided in relation to the primary controlling and/or operating entity of the proposed gaming establishment and/or its significant business units.

If an applicant is unable to comply with or respond to any part of the application it may apply for a waiver or variance from the Commission in accordance with 205 CMR 102.03(4) in advance of the filing deadline. **Further, an applicant may request a pre-application consultation with the Executive Director and/or Commission staff in accordance with 205 CMR 118.02 by contacting the Executive Director at XXXX.** The purpose of the consultation(s) would solely be to provide guidance or clarification to the applicant relative to the RFA-2 application and **review/evaluation procedures.** All communications from an applicant should be directed to the Executive Director or Commission staff. **At no time during the application process should any applicant, agent of the applicant, qualifier, or other associated individual contact a Commissioner directly.**

~~Each of the responses to this application must address in detail all aspects of the answer to the question. The applicant is encouraged to think creatively to propose a competitively unique,~~

## Instructions

~~innovative, and viable proposal. The applicant has a continuing duty to promptly disclose to the Commission any changes in the information provided in its response.~~

This RFA-2 Application does not constitute an offer of any nature or kind to any applicant or its agents. The Commission is under no obligation to issue a license to any of the applicants. By submitting an RFA-2 Application, the applicant is deemed to agree to all of the terms of this process. In accordance with G.L. c.23K, §19, for Category 1 license applicants, “[w]ithin any region, if the commission is not convinced that there is an applicant that has both met the eligibility criteria and provided convincing evidence that the applicant will provide value to the region in which the gaming establishment is proposed to be located and to the commonwealth, no gaming license shall be awarded in that region.” In accordance with G.L. c.23K, §20, for Category 2 license applicants, “[i]f the commission is not convinced that there is an applicant that has both met the eligibility criteria and provided convincing evidence that the applicant will provide value to the commonwealth, no category 2 license shall be awarded.”

To the extent that anything contained in this application is inconsistent with any other guidance or policy related document issued by the Commission in the past, this application shall control. To the extent that anything contained in this application is inconsistent with any provision of 205 CMR or G.L. c.23K, the governing law shall control.

Please also be reminded as you complete this application that G.L. c.23K, §23(a) requires all licensees to file annual reports with the Commission:

*“explicitly stating its progress on meeting each of the stated goals and stipulations put forth in the licensee’s original application. Failure to meet stated goals within a reasonable time frame, as determined by the commission, shall result in additional fees as deemed fair and reasonable by the commission. Failure to meet stated goals may also result in revocation of the license at any time by the commission.”*

The Commission reserves the right to amend or clarify this application at any time prior to the deadline for the submission of applications.

For each RFA-2 application, all of the Commission’s costs and expenses of the RFA-2 administrative proceedings pursuant to 205 CMR 118.01 through 118.06 shall be borne by the applicant. All such costs and expenses shall be assessed to the applicant and collected by the Commission pursuant to 205 CMR 114.04: *Additional fees for investigations.*

The Commission will utilize its website, [www.massgaming.com](http://www.massgaming.com), to provide notices of hearings, notice of amendment or clarification of the RFA-2 application form, general updates, and general information relative to the application process.



## Filling Out the Application

The application is divided into five primary sections, each section containing questions relating to that section. The applicant should answer each question fully. While a cross reference to other sections within the application may be included as part of an answer to a particular question, a cross reference may not serve as the entire answer to any particular question. Please make sure to include the name of the applicant in the provided space at the top of the page for each question. Answering each question requires consideration the following:

- (1) **Response Box:** If a question calls for a written response, the written response should be attached as set forth in the instructions for “Electronic Application Format” and “Paper Application Format.” The box below the question is intended for the applicant to provide a brief overview of the written response. In some instances, the application will specify certain information that must be contained in the overview. That brief overview will be considered public information and released in response to any public records request. The attached written response, however, will be withheld from disclosure only if it is subject to an exemption to the public records law. (See [Public Records](#) instruction). While the applicant is urged to be mindful of the public nature of the overview, it must ensure that it provides a full and fair summary of the written response. Failure to provide an adequate response may result in a negative determination of administrative completeness being issued for the application.
- (2) **Attachments:** Where a question calls for a document to be attached in response or if the applicant wishes to supplement its written Application Form with a document or other exhibit of any nature, it may attach such documents and/or exhibits as set forth in the instructions for “Electronic Application Format” and “Paper Application Format.” All attachments must be named and listed in the designated space on the corresponding Application Form page. If the same attachment is responsive to multiple questions within the application, a copy of the attachment should be attached to each question, not just cross referenced. Most questions will require at least one attachment representing the written answer to the question, but some will require multiple attachments. The number of spaces for listing attachments does not correspond to the number of attachments that the Commission is requesting, and no inference should be drawn from the number of such spaces. The spaces are solely included for the convenience of the applicant. If there are more attachments to a question than can be listed on the application form, mark the appropriate box indicating that there are additional attachments and provide a supplemental sheet listing all attachments.

Every question must be answered completely. If a question or portion thereof is not applicable, enter “N/A” into the appropriate space. All questions that applicants for a Category 2 license are

## Instructions

not required to respond to have been so identified. Category 2 applicants may, however, provide a response to these questions.

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## Submission of Materials

The RFA-2 application must be submitted by the application deadline. The deadline for **Category 1 applicants is October 3, 2013**. The deadline for **Category 2 applicants is December 31, 2013**. Pursuant to 205 CMR 118.01(3) the Commission shall have no obligation to accept or review an application submitted after the established deadline. The applicant must submit two hard copies of the application and one electronic version. The two hard copies, prepared in accordance with the **Paper Application Format** section of these instructions, must be submitted to the following address:

Massachusetts Gaming Commission  
84 State Street, 10<sup>th</sup> floor  
Boston, MA 02109

The electronic version, prepared in accordance with the **Electronic Application Format** section of these instructions, may be submitted either via removable storage media or electronic upload:

- (a) The first method requires that the applicant load the application materials onto one CD, DVD, or USB disk and submit it with the hard copies of the application. The Commission requires that the applicant provide only a single removable media disk.
- (b) Alternatively, the applicant may satisfy the electronic submission requirement by uploading the application materials to the Commission's server. Directions as to how to upload the application materials will be provided on [www.massgaming.com](http://www.massgaming.com) as the application deadline approaches.

## **Electronic Application Format**

Whether the electronic version of the application materials is submitted via removable storage media or uploaded to the Commission's server, the applicant must include the following:

- (a) The applicant must submit this original completed 315 page Application Form that has not been printed, signed, and scanned, but with all answers electronically filled in, all attachments identified, and all necessary boxes checked. This version is being required so that it may be searched electronically by the Commission during the evaluation process. This document must be in the original PDF format as provided to the applicant.
- (b) The applicant must also submit this completed 315 page Application Form with all answers electronically filled in, all attachments identified, all necessary boxes checked, and all required signatures affixed. This version is identical to the document described in (a) above, but it should also be printed, signed, and scanned. This scanned document must be in PDF format.
- (c) The applicant must submit each attachment as its own electronic file. No electronic file should contain more than one document. Each attachment should be in PDF format unless otherwise required. The file names of all of the attachments must be named strictly in accordance with the following rules:
  - The first portion of the filename must contain the Section number that the question is contained in followed by a hyphen, then the question number with a leading zero for numbers under 10 followed by a hyphen, and finally the attachment number with a leading zero for numbers under 10. This portion must be exactly seven characters in total (“#-##-##”).
  - The file name should then contain the descriptive name of the attachment, in at most 20 characters. The name of the attachment need not contain the name of the applicant.
  - The final portion of the filename should be the extension, such as “.pdf” or “.xls”.
  - The file name should correspond to the list of attachments on the application form.
  - If the attachment is confidential or whole or in part (i.e.- exempt from disclosure under the Public Records Law), then the filename must have the word “CONFIDENTIAL” in all capital letters placed directly before the file extension. Failure to include this label may result in the public release of the document. (See also, section C. *Public Records*). **Any file containing the word “CONFIDENTIAL” must also be accompanied by a duplicate, but redacted file, containing the word “REDACTED” in all capital letters.**

## Instructions

Although a PDF version of each attachment is required, in certain cases providing an alternative format may be helpful to the Commission in reaching its decision. For example, where the applicant is required to submit tables of calculations, such as a pro-forma financial projection, it should be submitted in spreadsheet format so that the Commission may numerically analyze this information. The applicant may also, although not required, provide other documents such as videos, interactive documents, or physical models. These types of documents do not readily lend themselves to conversion into PDF format. For these documents, the applicant should provide both the document in original format, and a PDF file describing the existence of such a document within the applicant's application materials. The file name of the alternate format, if it is in fact a computer readable file, and the filename of the PDF format of the attachment should be identical excluding the file extension. For redaction purposes, the applicant need not redact the original format of the file but only redact the PDF version.

No electronically submitted document to the Commission may be password protected. If encryption is required during the transmission of the documents to the Commission, all documents must be placed into a single encrypted file container. The individual documents should not be encrypted separately. Examples of acceptable encryption include using a single ".zip" file containing all of the required documents or using an encrypted USB disk.

Electronic folders for organizing the submitted application form and attachments may be used but are not required. The applicant should ensure that the numerical prefix to all electronic files is correct. Physical folders or multiple storage media should not be used to organize the electronic version of the application.

Any attachments containing a table of calculations, such as a pro-forma financial projection, should be included in the electronic submission in a spreadsheet format, preferably Microsoft Excel ".xls" files.

The following is an example of the select files of a properly organized application:

- 1-02-01 Answer.pdf
- 1-02-02 Agreement with Town.pdf
- 2-11-01 Pro Forma Projections CONFIDENTIAL.pdf
- 2-11-01 Pro Forma Projections REDACTED.pdf
- 2-11-01 Pro Forma Projections CONFIDENTIAL.xls
- 4-11-01 Answer.pdf
- 4-11-02 Diagram of Spaces CONFIDENTIAL.pdf
- 4-11-02 Diagram of Spaces REDACTED.pdf
- A-07-01 Qualification.pdf
- C-00-00 Supplemental Materials.pdf
- C-01-01 Chart.pdf
- C-01-02 Description of Chart.pdf
- Application.pdf
- Signed Application.pdf

## Instructions

The following is what the public will receive from the above example:

- 1-02-01 Answer.pdf
- 1-02-02 Agreement with Town.pdf
- 2-11-01 Pro Forma Projections REDACTED.pdf
- 4-11-01 Answer.pdf
- 4-11-02 Diagram of Spaces REDACTED.pdf
- A-07-01 Qualification.pdf
- C-00-00 Supplemental Materials.pdf
- C-01-01 Chart.pdf
- C-01-02 Description of Chart.pdf
- Application.pdf
- Signed Application.pdf

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## **Paper Application Format**

The applicant must submit two hard copies of the application. These paper versions of the application should be submitted in three ring binders. There will be a minimum of six binders:

1. Application Form, including all signature pages, but no attachments
2. Overview
3. Finance
4. Economic Development
5. Building and Site Design
6. Mitigation

The first binder will contain a complete copy of the entire application form, filled out and signed, but with no attachments. **This copy will be released to the public in its entirety in response to any public records request.**

The remaining five binders will contain the answers and attachments to questions in each of the five sections. These binders should have copied in them the question page from the Application Form followed by all of the attachments identified in the attachment list on the question page. If the attachments for a section cannot fit in a single binder, that section may be split between multiple binders, but more than one section may not appear in a single binder.

Each binder must be clearly labeled with the applicant's name, the section name, and the words "Binder # of #" if multiple binders comprise one section.

Within each binder containing attachments, each attachment must be tabbed and the tab must be labeled with the seven character number of the attachment. This number is the section number followed by a hyphen, then the question number with a leading zero for numbers under 10 followed by a hyphen, and finally the attachment number with a leading zero for numbers under 10. This number will be exactly seven characters in total ("#-##-##"). The tabbed number and the number prefixed to the filename of the electronic version of the attachments should be the same.

If a certain attachment is better presented in a format that does not fit within a binder, provide a sheet in the binder identifying that the attachment is contained separately.

Do not place the redacted attachments into the binders. Those attachments are only required in the electronic version.

## Introductory Presentation

Each applicant will be required to make an informational introductory presentation of its RFA-2 application to the Commission. The presentation is intended to afford the applicant an opportunity to provide the Commission with a roadmap of the contents of the application, explain any particularly complex information, and highlight any specific areas it desires. The presentations for applications within a region or category will all be held on the same day approximately 2 weeks after the application submission deadline. Each presentation will be limited to 90 minutes. **The Commission does not anticipate asking questions of the applicant other than for purposes of clarification.** The order of the presentations will be drawn by lot at a public meeting of the Commission.

## **Public Hearing**

In accordance with [G.L. c.23K, §17\(c\) and \(d\)](#) and [205 CMR 118.05](#) the Commission will convene a public hearing in the subject host community relative to each application. The public hearing will provide the Commission with the opportunity to address questions and concerns relative to the proposal of a gaming applicant to build a gaming establishment, including the scope and quality of the gaming area and amenities, the integration of the gaming establishment into the surrounding community and the extent of required mitigation plans and receive input from members of the public from an impacted community. The Commission will send written notice of the public hearing to the applicant for a gaming license and to the city or town clerk of each host and surrounding community at least 30 days before the public hearing. The Commission will post the notice of the public hearing on its website: [www.massgaming.com](http://www.massgaming.com).

The chair or his designee shall preside over the public hearing. The applicant and its agents and representatives shall attend the public hearing, may make a presentation and respond to questions or public comments as directed by the chair or his designee. The applicant shall have at least one individual available who, based on actual knowledge, is prepared to respond on behalf of the applicant to such questions or public comments that can reasonably be anticipated relative to the contents of its application, including the scope and quality of the proposed gaming area and amenities, the integration of the proposed gaming establishment into the host and surrounding communities and the extent of required mitigation plans. Representatives of the host community, representatives of the surrounding communities and representatives of the impacted live entertainment venues may attend the public hearing, may make a presentation and respond to questions as directed by the chair or his designee. Others may attend the public hearing and may make a presentation in the discretion of the Commission. Prior to the hearing the Commission will prescribe the manner in which it will receive comments from members of the public, and may take the opportunity during the hearing to read into the record any letters of support, opposition or concern from members of a community in the vicinity of the proposed gaming establishment.

## Public Records

Generally, it is the Commission's intention to release the entire 2XX page application form itself, including overviews typed into the boxes within the questions and lists of attachments, to the public in response to any request for such public records. The actual attachments submitted in response to the questions will be released to the public unless they meet an exemption to the Public Records Law. The application form is designed so that when properly completed, a broad, though comprehensive, overview of the applicant's proposal is presented. However, the applicant should keep the public nature of the application form itself in mind when answering the questions. The applicant must nevertheless provide a responsive overview in the applicable boxes instead of solely relying on redacted attachments.

The attachments may be exempt from public disclosure. The Commission has identified all classes of documents it has determined to be presumptively exempt from disclosure in section C, *Public Records*. An applicant may request application of an exemption to a specific document identified in section C, *Public Records* by appropriately completing that section of the application. In addition to requesting the exemption in section C., the applicant must properly assign the document an electronic filename containing the word "CONFIDENTIAL" as discussed in the [Electronic Application Format](#) instructions above. Any documents that are not so properly labeled and identified in section C will be presumed to be a public record and may be released in response to a public records request without further notice to the applicant. **FAILURE TO FOLLOW THESE INSTRUCTIONS OR REDACTING WITHOUT REGARD TO THE PRECISE NATURE OF THE EXEMPTIONS MAY ALSO RESULT IN A NEGATIVE DETERMINATION OF ADMINISTRATIVE COMPLETENESS BEING ISSUED FOR THE APPLICATION.**

Please note, though the Commission will use its best efforts to protect any information it deems subject to an exemption, final appeals are adjudicated by the [Secretary of the Commonwealth](#) in accordance with G.L. c.66, §10.

## Evaluation

Upon receipt of the application and all attachments, the Commission will briefly review the entire submission for administrative completeness in accordance with 205 CMR 118.03. Any material deficiencies in the application may be cured within seven days after the email notice from the Executive Director as described in 205 CMR 118.03. Non-material deficiencies may be cured within fourteen days after the date of the email notice from the Executive Director as described in 205 CMR 118.03. **Generally speaking, all of the items listed in the checklists that precede each of the five sections contain items that will be deemed material. Pursuant to 205 CMR 118.01(3) the Commission shall have no obligation to accept or review an application issued a negative determination of administrative completeness.** Email notices relative to administrative completeness and any deficiencies will be provided to the applicant's primary contact person, as listed in question A-10.

Evaluation of the Application will be conducted in accordance with 205 CMR 118.04 and 119.03. In evaluating the application, the Commission will create five review teams; each team, which will be led by one of the Commissioners, will review one specific numbered section of the application. **A team may be comprised of Commission staff, retained experts or specialists, Commission or Commonwealth consultants, and any other personnel necessary to assist the Commission in a thorough evaluation of its assigned section.** Each team will evaluate its assigned section for each submitted application and present its analysis and findings to the Commission. The Commission will evaluate the applications as a whole, without assigning any fixed weight to any of the sections.

During the evaluation process, the Commission does not anticipate asking for a best and final offer from the applicants, but may ask applicants for clarification or elaboration on a response. Any failure to respond or failure to submit sufficient information in response to a request for information may be grounds for denial of the application. Please note, in reviewing and evaluating the RFA-2 Application, the Commission may also review and consider the information in its possession gathered as part of the RFA-1 application process.

## Checklist

Complete this checklist prior to submitting any materials to the Commission.

- ☐ The applicant answered all questions in this application form that it was required to respond to.
- ☐ All answer boxes on this application are filled in with an appropriate answer and all checklists completed.
- ☐ Any question requiring an attachment has the attachment noted on the application form, or on a supplemental index page if additional space is required.
- ☐ The applicant properly named the electronic version of all files and is submitting those files in addition to the two hard copies.
- ☐ The applicant understands that if an electronic file does not contain the word “CONFIDENTIAL” in the file name **AND** is not properly identified in section *C. Public Records* it may be released to the public in response to a request for public records.
- ☐ **The applicant has included an identical but redacted electronic copy of all documents it believes to be exempt from public disclosure.**
- ☐ The applicant has prepared and is submitting a paper copy of the entire application and all attachments properly organized in multiple binders.
- ☐ **The original electronic file format is submitted for numerical charts and calculations, when available, along with an identically named PDF version of that file.**
- ☐ No electronic files have been password protected.
- ☐ The application has been prepared and will be submitted in accordance with the “Electronic Application Format” and “Paper Application Format” instructions.
- ☐ The applicant has signed all required pages in section *B. Signature Forms* section of this application.
- ☐ **The applicant has completed section *C. Public Records* of this application.**
- ☐ The applicant will update the Commission if there are any changes to the information presented in the Application or any attachments.
- ☐ **The applicant has forwarded a copy of the completed studies, as required by 205 CMR 118.01(5) and requested in questions 2-17, 3-1, and 5-2 to each prospective surrounding community on the applicable list compiled by the Commission.**



**A. BACKGROUND**

**Background****A-1. Name of the applicant (person or entity in whose name the license would be issued)**

Name: \_\_\_\_\_

**A-2. Category of gaming license applying for (check one box)**☐ Category 1 (full casino)☐ Category 2 (slots only)**A-3. Mailing address of the applicant**\_\_\_\_\_  
Number and Street\_\_\_\_\_  
City\_\_\_\_\_  
State\_\_\_\_\_  
Zip Code\_\_\_\_\_  
Phone\_\_\_\_\_  
Fax\_\_\_\_\_  
Email**A-4. Type of business entity that the applicant is formed as**

Entity: \_\_\_\_\_

**A-5. State under the laws of which the business entity it is incorporated, organized, formed, or registered**

State: \_\_\_\_\_

Please attach proof of formation as an entity and label it "A-05-01 Entity formation."

**A-6. Location of the principal place of business of the applicant**\_\_\_\_\_  
Number and Street\_\_\_\_\_  
City\_\_\_\_\_  
State\_\_\_\_\_  
Zip Code\_\_\_\_\_  
Phone\_\_\_\_\_  
Fax\_\_\_\_\_  
Email**A-7. Names, addresses, and titles of its owners, members, partners, directors and/or stockholders of the applicant**

Please attach a list containing the above requested information and label it “A-07-01 Owners of Applicant.”

**A-8. Do all qualifiers identified by the Commission in accordance with 205 CMR 116.00 and deemed suitable under the RFA-1 process in accordance with 205 CMR 115.00 maintain the association with the applicant as of the filing of this application as was previously identified in the RFA-1 process?**☐ Yes ☐ No

If no, please attach a written explanation and label it “A-08-01 Qualifiers.”

**A-9. Does the applicant have, or anticipate having upon award of a license, any new qualifiers in accordance with 205 CMR 116.00 that have not yet been identified to the Commission and deemed suitable under the RFA-1 process in accordance with 205 CMR 115.00?**☐ Yes ☐ No

If yes, please attach a written explanation and label it “A-09-01 New Qualifiers.”

**A-10. Primary contact person for the applicant**\_\_\_\_\_  
Name\_\_\_\_\_  
Number and Street\_\_\_\_\_  
City\_\_\_\_\_  
State\_\_\_\_\_  
Zip Code\_\_\_\_\_  
Phone\_\_\_\_\_  
Fax\_\_\_\_\_  
Email**A-11. Proposed city/town in which gaming establishment is to be located (host community)**

City/Town: 1. \_\_\_\_\_

2. \_\_\_\_\_

**A-12. Primary contact person for the host community**\_\_\_\_\_  
Name and title\_\_\_\_\_  
Number and Street\_\_\_\_\_  
City\_\_\_\_\_  
State\_\_\_\_\_  
Zip Code\_\_\_\_\_  
Phone\_\_\_\_\_  
Fax\_\_\_\_\_  
Email**A-13. Name of person or entity that will operate or manage the gaming establishment**\_\_\_\_\_  
Name and title\_\_\_\_\_  
Number and Street\_\_\_\_\_  
City\_\_\_\_\_  
State\_\_\_\_\_  
Zip Code\_\_\_\_\_  
Phone\_\_\_\_\_  
Fax\_\_\_\_\_  
Email

**A-14. Table of organization**

Please attach a projected table of organization detailing the organizational structure likely to be utilized by the applicant in the event that it is awarded a license. The table should include owners, investors and the top executives, as well as upper, mid and lower supervision tiers. Further, specificity as to which executives are anticipated to be on site in Massachusetts and which based in other jurisdictions but assisting in oversight of the Commonwealth operations is requested. Please label the table “A-14-01 Table of Organization.”

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## **1. OVERVIEW OF PROJECT**

Since it began operations more than a year ago and throughout its nearly seventy public meetings and eight public educational sessions, the members of the Massachusetts Gaming Commission have tried to articulate a vision, rooted in the expanded gaming legislation, of how it would like to see expanded gaming conceived of and operated in the Commonwealth. The backbone of that vision will be found in considerable detail in the four other sections of this application: financial, economic development, building and site design, and mitigation. In addition to these basic structures, the Commission has tried to articulate its aspirations for something more-something unique, something special, something innovative- in the architecture of the gaming industry in Massachusetts. In this part of the application the applicant is asked to respond in detail to the broad thematic questions on the following pages that, in combination, embrace that architecture.



## Overview

### **1-1 Massachusetts Brand**

How does the project you propose manifest an appreciation for and collaboration with the existing Massachusetts “brand,” i.e., our intellectual/knowledge economy; our biomedical, life sciences, educational and financial services economic driver; and our long history of innovation and economic regeneration over the 400 years of our existence?

**Please attach a detailed, written response to this question as attachment 1-01-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

### **List of Attachments:**

1-01-01 _____	1-01-11 _____
1-01-02 _____	1-01-12 _____
1-01-03 _____	1-01-13 _____
1-01-04 _____	1-01-14 _____
1-01-05 _____	1-01-15 _____
1-01-06 _____	1-01-16 _____
1-01-07 _____	1-01-17 _____
1-01-08 _____	1-01-18 _____
1-01-09 _____	1-01-19 _____
1-01-10 _____	1-01-20 _____

Check this box if you have additional attachments: ☐

## Overview

### **1-2 Destination Resort**

*(Optional For Category 2 applicants)* Some visionaries in the gaming business describe an evolution of gaming facilities from “convenience casinos” to “destination resorts” to “city integrated resorts.” Explain what, if any, meaning “city integrated resorts” has to you, and how you anticipate following its principles, if in fact you subscribe to them. Additionally, please explain how the project you propose embraces the Legislature’s mandate to present “destination resort casinos” rather than “convenience casinos”?

**Please attach a detailed, written response to this question as attachment 1-02-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

### **List of Attachments:**

1-02-01_____	1-02-11_____
1-02-02_____	1-02-12_____
1-02-03_____	1-02-13_____
1-02-04_____	1-02-14_____
1-02-05_____	1-02-15_____
1-02-06_____	1-02-16_____
1-02-07_____	1-02-17_____
1-02-08_____	1-02-18_____

1. Overview of Project

Applicant: \_\_\_\_\_

1-02-09 \_\_\_\_\_

1-02-19 \_\_\_\_\_

1-02-10 \_\_\_\_\_

1-02-20 \_\_\_\_\_

Check this box if you have additional attachments: ☐

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## Overview

### **1-3 Outward Looking**

How do you propose to merge a "destination resort **casino**" with an **outward looking** physical structure and business strategy that leverages our existing assets, and enhances and coordinates with Massachusetts' existing tourism and other leisure venues?

**Please attach a detailed, written response to this question as attachment 1-03-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

### **List of Attachments:**

1-03-01	1-03-11
1-03-02	1-03-12
1-03-03	1-03-13
1-03-04	1-03-14
1-03-05	1-03-15
1-03-06	1-03-16
1-03-07	1-03-17
1-03-08	1-03-18
1-03-09	1-03-19
1-03-10	1-03-20

Check this box if you have additional attachments: ☐

## Overview

### **1-4 Competitive Environment**

Describe the competitive environment in which you anticipate operating over the next 10 years and how you plan to succeed in that environment without taking revenues away from other Massachusetts gaming establishments, race tracks or businesses.

**Please attach a detailed, written response to this question as attachment 1-04-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

### **List of Attachments:**

1-04-01 _____	1-04-11 _____
1-04-02 _____	1-04-12 _____
1-04-03 _____	1-04-13 _____
1-04-04 _____	1-04-14 _____
1-04-05 _____	1-04-15 _____
1-04-06 _____	1-04-16 _____
1-04-07 _____	1-04-17 _____
1-04-08 _____	1-04-18 _____
1-04-09 _____	1-04-19 _____
1-04-10 _____	1-04-20 _____

Check this box if you have additional attachments: ☐

## Overview

### **1-5 Meeting Unmet Needs**

How do you propose to work with affiliated attractions and amenities to broaden the market base of the gaming facility and to meet unmet needs in our array of entertainment, education and leisure resources?

**Please attach a detailed, written response to this question as attachment 1-05-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

### **List of Attachments:**

1-05-01 _____	1-05-11 _____
1-05-02 _____	1-05-12 _____
1-05-03 _____	1-05-13 _____
1-05-04 _____	1-05-14 _____
1-05-05 _____	1-05-15 _____
1-05-06 _____	1-05-16 _____
1-05-07 _____	1-05-17 _____
1-05-08 _____	1-05-18 _____
1-05-09 _____	1-05-19 _____
1-05-10 _____	1-05-20 _____

Check this box if you have additional attachments: ☐



## Overview

### **1-6 Collaborative Marketing**

How do you intend to market aggressively outside Massachusetts and internationally, perhaps in cooperation with our existing industries and organizations such as [MassPort](#) and the [Massachusetts Office of Travel and Tourism](#) (“MOTT”), and certainly in collaboration with our existing institutional drivers of economic and international development?

**Please attach a detailed, written response to this question as attachment 1-06-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

### **List of Attachments:**

1-06-01 _____	1-06-11 _____
1-06-02 _____	1-06-12 _____
1-06-03 _____	1-06-13 _____
1-06-04 _____	1-06-14 _____
1-06-05 _____	1-06-15 _____
1-06-06 _____	1-06-16 _____
1-06-07 _____	1-06-17 _____
1-06-08 _____	1-06-18 _____
1-06-09 _____	1-06-19 _____
1-06-10 _____	1-06-20 _____

Check this box if you have additional attachments: ☐

## Overview

### **1-7 Diverse Workforce and Supplier Base**

Describe your commitment to a diverse workforce and supplier base, and an inclusive approach to marketing, operations and training practices that will take advantage of the broad range of skills and experiences represented in our Commonwealth's evolving demographic profile.

Further, identify and discuss the diversity within the leadership and ownership of the applicant, if any.

**Please attach a detailed, written response to this question as attachment 1-07-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

#### **List of Attachments:**

1-07-01 _____	1-07-11 _____
1-07-02 _____	1-07-12 _____
1-07-03 _____	1-07-13 _____
1-07-04 _____	1-07-14 _____
1-07-05 _____	1-07-15 _____
1-07-06 _____	1-07-16 _____
1-07-07 _____	1-07-17 _____
1-07-08 _____	1-07-18 _____
1-07-09 _____	1-07-19 _____
1-07-10 _____	1-07-20 _____

Check this box if you have additional attachments:



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**Overview****1-8 Broadening the Region's Tourism Appeal**

What is your overall perspective and strategy for broadening the appeal of your region and the Commonwealth to travelers inside and outside of Massachusetts?

**Please attach a detailed, written response to this question as attachment 1-08-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

**List of Attachments:**

1-08-01 _____	1-08-11 _____
1-08-02 _____	1-08-12 _____
1-08-03 _____	1-08-13 _____
1-08-04 _____	1-08-14 _____
1-08-05 _____	1-08-15 _____
1-08-06 _____	1-08-16 _____
1-08-07 _____	1-08-17 _____
1-08-08 _____	1-08-18 _____
1-08-09 _____	1-08-19 _____
1-08-10 _____	1-08-20 _____

Check this box if you have additional attachments: ☐

## Overview

### **1-9 Post Licensing**

Describe any post-licensing actions by the Commission or the Commonwealth of Massachusetts that you believe will be essential for the success of the project you are proposing.

**Please attach a detailed, written response to this question as attachment 1-09-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

### **List of Attachments:**

1-09-01 _____	1-09-11 _____
1-09-02 _____	1-09-12 _____
1-09-03 _____	1-09-13 _____
1-09-04 _____	1-09-14 _____
1-09-05 _____	1-09-15 _____
1-09-06 _____	1-09-16 _____
1-09-07 _____	1-09-17 _____
1-09-08 _____	1-09-18 _____
1-09-09 _____	1-09-19 _____
1-09-10 _____	1-09-20 _____

Check this box if you have additional attachments: ☐

## **2. FINANCE**



**Prerequisites**

Does your application:

- ☐ Provide a timeline for construction as required by Question 2-10?
- ☐ Demonstrate the manner in which the Applicant plans to Maximize Revenues for the Commonwealth?
- ☐ Provide completed studies and reports as required by Question 2-19?
- ☐ Provide a full description of the proposed internal controls as required by Question 2-23?
- ☐ Provide a market analysis as required by Question 2-28?
- ☐ Realize maximum capital investment exclusive of land?
- ☐ Show the total investment within the boundaries of the gaming facility as required by Question 2-30?
- ☐ Show the total investment outside the boundaries of the gaming facility as required by Question 2-31?
- ☐ Offer the highest and best value to create a secure and robust gaming market?
- ☐ Provide a study showing the overall economic benefit as required by Question 2-38?

## Prerequisites

### **2-1 Application Fee and Community Disbursements**

All applicants have paid a nonrefundable application fee of \$400,000 to the Commission to defray the costs associated with the processing of the application and investigation of the applicant. However, if the costs of the investigation exceed or have exceeded the initial application fee, the applicant shall pay the additional amount to the Commission within 30 days after notification of insufficient fees by the Commission or the application shall be rejected. Similarly, each applicant shall pay to the Commission all amounts in excess of the initial \$50,000 of the application fee for purposes of making approved Community Disbursements in accordance with 205 CMR 114.03. Is the applicant current with all payments to the Commission for amounts in excess of the initial application fee?

☐ Yes ☐ No

### **2-2 Licensing Fee**

An applicant must demonstrate that it is able to pay the licensing fee (\$85,000,000 for a Category 1 license and \$25,000,000 for a Category 2 license) in the event that it is awarded a license. **The Commission will refer to information and documentation in its possession as a result of the RFA-1 application process as well as to responses to inquiries in this section to make this determination.** The applicant may attach additional documentation or provide further evidence as to its ability to pay **(as attachments 2-02-01 et. seq.)**. Further, the applicant must commit to paying the gaming licensing fee in the event that it is awarded a license. Have you signed and attached the required acknowledgment form contained in section [B. Signature Forms?](#)

☐ Yes ☐ No

### **2-3 Minimal Capital Investment**

In accordance with the design plans submitted in accordance with section 4 of the RFA-2 application that applicant must agree to invest not less than \$500,000,000 into a Category 1 gaming establishment or \$125,000,000 into a Category 2 gaming establishment. Further, unless granted leave by the Commission, the applicant must agree to expend the amount identified as the capital investment in accordance with section 2-30 of the RFA-2 application. Have you signed and attached the required acknowledgment form contained in section [B. Signature Forms?](#)

☐ Yes ☐ No

## Prerequisites

### **2-4 Land**

The applicant must own or acquire the land where the gaming establishment is proposed to be constructed within 60 days after a license has been awarded (an applicant shall be deemed to own the land if it has entered into a tenancy for a term of years under a lease that extends not less than 60 years beyond 15 years for a Category 1 license or 5 years for a Category 2 license).

Please attach a copy of a lease, deed, option, or other documentation to this page and provide an explanation as to the status of the land on which the proposed establishment will be constructed in the box below.

**If the applicant does not presently possess an ownership interest in the location, provide an agreement, and description of its plan as to how it intends to own or acquire, within 60 days after a license has been awarded, the land where the gaming establishment is proposed to be constructed. Further, state whether the land that the applicant purchased or intends to purchase is publicly-owned.**

**Please provide a brief overview in this box relative to the statut of the land. The response provided in this box will be released to the public.**

### **List of Attachments:**

2-04-01 _____	2-04-07 _____
2-04-02 _____	2-04-08 _____
2-04-03 _____	2-04-09 _____
2-04-04 _____	2-04-10 _____
2-04-05 _____	2-04-11 _____
2-04-06 _____	2-04-12 _____

Check this box if you have additional attachments: ☐

## Financial & Capital Structure

### **2-5 Audited Financial Statements**

Provide **an independent audit report of financial activities and interests applicant's audited financial statements** for each of the last five years, including, but not limited to, the disclosure of all contributions, donations, loans or any other financial transactions to or from a gaming entity or operator in the past 5 years. If applicant is comprised of more than one legal entity, provide financial statements for each. Do not include financial statements for individual partners, officers or shareholders.

#### **List of Attachments:**

2-05-01	2-05-21
2-05-02	2-05-22
2-05-03	2-05-23
2-05-04	2-05-24
2-05-05	2-05-25
2-05-06	2-05-26
2-05-07	2-05-27
2-05-08	2-05-28
2-05-09	2-05-29
2-05-10	2-05-30
2-05-11	2-05-31
2-05-12	2-05-32
2-05-13	2-05-33
2-05-14	2-05-34
2-05-15	2-05-35
2-05-16	2-05-36
2-05-17	2-05-37
2-05-18	2-05-38
2-05-19	2-05-39
2-05-20	2-05-40

Check this box if you have additional attachments: ☐

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## Financial & Capital Structure

### **2-6 Unaudited Financials and SEC Filings**

Provide **any** unaudited financial statements and all SEC filings **for the applicant, if applicable**, for the current fiscal year through the end of the most recent quarter prior to filing.

#### **List of Attachments:**

2-06-01_____	2-06-21_____
2-06-02_____	2-06-22_____
2-06-03_____	2-06-23_____
2-06-04_____	2-06-24_____
2-06-05_____	2-06-25_____
2-06-06_____	2-06-26_____
2-06-07_____	2-06-27_____
2-06-08_____	2-06-28_____
2-06-09_____	2-06-29_____
2-06-10_____	2-06-30_____
2-06-11_____	2-06-31_____
2-06-12_____	2-06-32_____
2-06-13_____	2-06-33_____
2-06-14_____	2-06-34_____
2-06-15_____	2-06-35_____
2-06-16_____	2-06-36_____
2-06-17_____	2-06-37_____
2-06-18_____	2-06-38_____
2-06-19_____	2-06-39_____
2-06-20_____	2-06-40_____

Check this box if you have additional attachments: ☐



## Financial & Capital Structure

### **2-7 Financing Structure**

**An applicant must demonstrate its financial stability by clear and convincing evidence.** Describe and attach documentation demonstrating the financing structure and plan for the proposed project including all sources of capital. Include current capital commitments as well as plan and timing for meeting future capital needs.

**Please attach a written response to this question as attachment 2-07-01 and provide a brief overview of your response in this box. Given the sensitivity of this information, the information provided in the overview may be of a general nature but shall identify the sources of capital. The response provided in this box will be released to the public.**

#### **List of Attachments:**

2-07-01 _____	2-07-11 _____
2-07-02 _____	2-07-12 _____
2-07-03 _____	2-07-13 _____
2-07-04 _____	2-07-14 _____
2-07-05 _____	2-07-15 _____
2-07-06 _____	2-07-16 _____
2-07-07 _____	2-07-17 _____
2-07-08 _____	2-07-18 _____
2-07-09 _____	2-07-19 _____
2-07-10 _____	2-07-20 _____

Check this box if you have additional attachments:



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## Financial & Capital Structure

### **2-8 Budget**

Provide a detailed budget of the total project cost. Identify separately construction costs (labor, materials), design costs, **legal and professional fees**, consulting fees and all other development costs. Also identify all other pre-opening costs including training, marketing and initial working capital.

**Please attach a detailed, written response to this question as attachment 2-08-01 and **briefly describe the major costs of the project in this box.** The information contained in The response provided in this box will be released to the public.**

### **List of Attachments:**

2-08-01 _____	2-08-11 _____
2-08-02 _____	2-08-12 _____
2-08-03 _____	2-08-13 _____
2-08-04 _____	2-08-14 _____
2-08-05 _____	2-08-15 _____
2-08-06 _____	2-08-16 _____
2-08-07 _____	2-08-17 _____
2-08-08 _____	2-08-18 _____
2-08-09 _____	2-08-19 _____
2-08-10 _____	2-08-20 _____

Check this box if you have additional attachments: ☐

## Financial & Capital Structure

### **2-9 Significant Economic Downturn**

Describe the attributes and resources that will allow the project to **survive and** succeed in the event of a significant economic downturn during the initial license term.

Alt language: **Design a sensitivity analysis that demonstrates the applicant's plan and capacity for accommodating steep downturns in gaming revenues, and cite examples of where those plans and strategies have been successful in other markets in which the applicant operates.**

**Please attach a detailed, written response to this question as attachment 2-09-01 and provide a brief overview of your response in this box. The overview should include, at a minimum, a description of the plan and reference to the examples. The response provided in this box will be released to the public.**

#### **List of Attachments:**

2-09-01 _____	2-09-11 _____
2-09-02 _____	2-09-12 _____
2-09-03 _____	2-09-13 _____
2-09-04 _____	2-09-14 _____
2-09-05 _____	2-09-15 _____
2-09-06 _____	2-09-16 _____
2-09-07 _____	2-09-17 _____
2-09-08 _____	2-09-18 _____
2-09-09 _____	2-09-19 _____

2. Finance

Applicant: \_\_\_\_\_

2-09-10 \_\_\_\_\_ 2-09-20 \_\_\_\_\_

Check this box if you have additional attachments: ☐

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## Financial & Capital Structure

### **2-10 Timeline for Construction**

Provide a timeline of construction of the facility that includes detailed stages of construction for the gaming establishment, non-gaming structures and any racecourse, where applicable, and provide the number of construction hours estimated to complete the work. **Include the deadline by which the stages and overall construction and any infrastructure improvements will be completed, any plans for phasing of the project, and a projected date that the applicant will begin gaming operations.**

**Please attach a detailed, written response to this question as attachment 2-10-01 and provide a brief overview of your response in this box. The overview must include, at a minimum, identification of each stage and associated timeframe, the number of construction hours, and the projected date to begin gaming operations. The response provided in this box will be released to the public.**

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### **List of Attachments:**

2-10-01_____	2-10-11_____
2-10-02_____	2-10-12_____
2-10-03_____	2-10-13_____
2-10-04_____	2-10-14_____
2-10-05_____	2-10-15_____
2-10-06_____	2-10-16_____
2-10-07_____	2-10-17_____
2-10-08_____	2-10-18_____
2-10-09_____	2-10-19_____

2. Finance

Applicant: \_\_\_\_\_

2-10-10 _____	2-10-20 _____
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Check this box if you have additional attachments: ☐

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## Financial & Capital Structure

### **2-11 Pro-Forma Cash Flow**

**An applicant must demonstrate its financial stability by clear and convincing evidence.** Provide an enterprise pro-forma with a summary budget and cash-flow. Identify sources and uses of cash on a quarterly basis during the construction period and annually for five years (Category II facility) or 15 years (Category I facility) after opening. Discount cash flows at 4% and estimate the project's internal rate of return.

**Please attach a detailed, written response to this question as attachment 2-11-01 and provide a brief overview of your response in this box. The overview should contain, at a minimum, a description of the contents of the pro-forma. The response provided in this box will be released to the public.**

### **List of Attachments:**

2-11-01 _____	2-11-11 _____
2-11-02 _____	2-11-12 _____
2-11-03 _____	2-11-13 _____
2-11-04 _____	2-11-14 _____
2-11-05 _____	2-11-15 _____
2-11-06 _____	2-11-16 _____
2-11-07 _____	2-11-17 _____
2-11-08 _____	2-11-18 _____
2-11-09 _____	2-11-19 _____
2-11-10 _____	2-11-20 _____

Check this box if you have additional attachments: ☐

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## Financial & Capital Structure

### **2-12 Credit Arrangements and Financial Commitments**

Describe all existing credit arrangements and financial commitments **relative to the project** including the identity of each lender and the terms or conditions under which loan proceeds can be obtained **and distributed**.

**Please attach a detailed, written response to this question as attachment 2-12-01 and provide a brief overview of your response in this box. Given the sensitivity of this information, the information provided in the overview may be a general description of the credit arrangements and financial commitments. The response provided in this box will be released to the public.**

#### **List of Attachments:**

2-12-01 _____	2-12-11 _____
2-12-02 _____	2-12-12 _____
2-12-03 _____	2-12-13 _____
2-12-04 _____	2-12-14 _____
2-12-05 _____	2-12-15 _____
2-12-06 _____	2-12-16 _____
2-12-07 _____	2-12-17 _____
2-12-08 _____	2-12-18 _____
2-12-09 _____	2-12-19 _____
2-12-10 _____	2-12-20 _____

Check this box if you have additional attachments:



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## Financial & Capital Structure

### **2-13 Breaches of Contract**

Provide a description of any contract, loan agreement or commitment that the applicant has breached or defaulted on during the last 10 years and provide information for any lawsuit, administrative proceeding or other proceeding that occurred as a result of the breach or default.

**Please attach a detailed, written response to this question as attachment 2-13-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

### **List of Attachments:**

2-13-01 _____	2-13-11 _____
2-13-02 _____	2-13-12 _____
2-13-03 _____	2-13-13 _____
2-13-04 _____	2-13-14 _____
2-13-05 _____	2-13-15 _____
2-13-06 _____	2-13-16 _____
2-13-07 _____	2-13-17 _____
2-13-08 _____	2-13-18 _____
2-13-09 _____	2-13-19 _____
2-13-10 _____	2-13-20 _____

Check this box if you have additional attachments: ☐

## Financial & Capital Structure

### **2-14 Administrative and Judicial Proceedings**

Provide a description of any administrative or judicial proceeding during the last 10 years in which the applicant or any entity that owns a 5% or greater share of the applicant was found to have violated a statute or regulation governing its operations.

**Please attach a detailed, written response to this question as attachment 2-14-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

#### **List of Attachments:**

2-14-01 _____	2-14-11 _____
2-14-02 _____	2-14-12 _____
2-14-03 _____	2-14-13 _____
2-14-04 _____	2-14-14 _____
2-14-05 _____	2-14-15 _____
2-14-06 _____	2-14-16 _____
2-14-07 _____	2-14-17 _____
2-14-08 _____	2-14-18 _____
2-14-09 _____	2-14-19 _____
2-14-10 _____	2-14-20 _____

Check this box if you have additional attachments: ☐

## Financial & Capital Structure

### **2-15 Bankruptcy Filings**

List any entities owned or controlled by the applicant and any entity that owns a 5% or greater share of the applicant that have filed for bankruptcy in the last 10 years. (Remove as included in In RFA-1?)

**Please attach a detailed, written response to this question as attachment 2-15-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

### **List of Attachments:**

2-15-01 _____	2-15-11 _____
2-15-02 _____	2-15-12 _____
2-15-03 _____	2-15-13 _____
2-15-04 _____	2-15-14 _____
2-15-05 _____	2-15-15 _____
2-15-06 _____	2-15-16 _____
2-15-07 _____	2-15-17 _____
2-15-08 _____	2-15-18 _____
2-15-09 _____	2-15-19 _____
2-15-10 _____	2-15-20 _____

Check this box if you have additional attachments: ☐



## Financial & Capital Structure

### **2-16 Racial, Ethnic, and Gender Diversity of Financial Sources**

Describe the racial, gender and ethnic diversity in the composition of the individual and corporate sources of financing for the project. **Is this question framed properly?**

**Please attach a detailed, written response to this question as attachment 2-16-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

#### **List of Attachments:**

2-16-01_____	2-16-11_____
2-16-02_____	2-16-12_____
2-16-03_____	2-16-13_____
2-16-04_____	2-16-14_____
2-16-05_____	2-16-15_____
2-16-06_____	2-16-16_____
2-16-07_____	2-16-17_____
2-16-08_____	2-16-18_____
2-16-09_____	2-16-19_____
2-16-10_____	2-16-20_____

Check this box if you have additional attachments: ☐

## Financial & Capital Structure

### **2-17 Supplemental Documentation of Financial Suitability and Responsibility**

If deemed necessary by the Commission, provide supplemental documentation considered in making its positive determination of suitability, clear and convincing evidence of financial stability including, but not limited to, bank references, business and personal income and disbursement schedules, tax returns and other reports filed by government agencies and business and personal accounting check records and ledgers.

An applicant must demonstrate its financial stability by clear and convincing evidence. The Commission will review the information relative to financial stability provided by the applicant, or otherwise obtained by the Commission, in the course of the RFA-1 application process.

Please provide any supplemental documentation, if any, for each qualifier reflecting the period between the submission of the RFA-1 application and the submission of the RFA-2 application including, but not limited to, bank references, business and personal income and disbursement schedules, tax returns and other reports filed by government agencies and business and personal accounting check records and ledgers.

Please attach a detailed, written response to this question as attachment 2-17-01 and provide a brief overview of your response in this box. The overview should contain, at a minimum, a description of the applicant's financial stability. The response provided in this box will be released to the public.

#### List of Attachments:

2-17-01_____	2-17-11_____
2-17-02_____	2-17-12_____
2-17-03_____	2-17-13_____
2-17-04_____	2-17-14_____

2. Finance

Applicant: \_\_\_\_\_

2-17-05 \_\_\_\_\_

2-17-15 \_\_\_\_\_

2-17-06 \_\_\_\_\_

2-17-16 \_\_\_\_\_

2-17-07 \_\_\_\_\_

2-17-17 \_\_\_\_\_

2-17-08 \_\_\_\_\_

2-17-18 \_\_\_\_\_

2-17-09 \_\_\_\_\_

2-17-19 \_\_\_\_\_

2-17-10 \_\_\_\_\_

2-17-20 \_\_\_\_\_

Check this box if you have additional attachments: ☐

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## Financial & Capital Structure

### 2-18 Supplemental Documentation of Ability to Pay

If deemed necessary by the Commission, provide supplemental documentation considered in making its positive determination of suitability, evidence of its ability to pay and a commitment to paying the gaming licensing fee in accordance with 205 CMR 121.00. (merge with question above?)

**Please attach a detailed, written response to this question as attachment 2-18-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

DRAFT

#### List of Attachments:

2-18-01 _____	2-18-11 _____
2-18-02 _____	2-18-12 _____
2-18-03 _____	2-18-13 _____
2-18-04 _____	2-18-14 _____
2-18-05 _____	2-18-15 _____
2-18-06 _____	2-18-16 _____
2-18-07 _____	2-18-17 _____
2-18-08 _____	2-18-18 _____
2-18-09 _____	2-18-19 _____
2-18-10 _____	2-18-20 _____

Check this box if you have additional attachments: ☐

## Maximize Revenues to the Commonwealth

### **2-19 Revenue Generation**

Provide completed studies and reports showing the estimated municipal and state tax revenue to be generated by the gaming establishment.

**Please attach a detailed, written response to this question as attachment 2-19-01 and provide a brief overview of your response in this box. The overview should include, at a minimum, the figures of the estimated taxes to be generated and the method(s) used to generate the estimates. The response provided in this box will be released to the public.**

DRAFT

### **List of Attachments:**

2-19-01 _____	2-19-11 _____
2-19-02 _____	2-19-12 _____
2-19-03 _____	2-19-13 _____
2-19-04 _____	2-19-14 _____
2-19-05 _____	2-19-15 _____
2-19-06 _____	2-19-16 _____
2-19-07 _____	2-19-17 _____
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2-19-09 _____	2-19-19 _____
2-19-10 _____	2-19-20 _____

Check this box if you have additional attachments: ☐

## Maximize Revenues to the Commonwealth

### **2-20 Projected Gaming Revenue**

Provide projections for gross gaming revenue each year for the first five years of **casino gaming** operations on a best, average and worst case basis.

**Please attach a detailed, written response to this question as attachment 2-20-01 and provide a brief overview of your response in this box. The overview should include, at a minimum, each of the projected figures. The response provided in this box will be released to the public.**

DRAFT

#### **List of Attachments:**

2-20-01 _____	2-20-11 _____
2-20-02 _____	2-20-12 _____
2-20-03 _____	2-20-13 _____
2-20-04 _____	2-20-14 _____
2-20-05 _____	2-20-15 _____
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Check this box if you have additional attachments: ☐

## Maximize Revenues to the Commonwealth

### **2-21 Projected Non-Gaming Revenue**

Provide projections for gross non-gaming revenue generated by elements of the **casino gaming establishment** complex each year for the first five years of operations on a best, average and worst case basis, identifying the source of each element of the non-gaming revenue.

**Please attach a detailed, written response to this question as attachment 2-21-01 and provide a brief overview of your response in this box. The overview should include, at a minimum, each of the projected figures categorized in broad categories. The response provided in this box will be released to the public.**

DRAFT

#### **List of Attachments:**

2-21-01 _____	2-21-11 _____
2-21-02 _____	2-21-12 _____
2-21-03 _____	2-21-13 _____
2-21-04 _____	2-21-14 _____
2-21-05 _____	2-21-15 _____
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Check this box if you have additional attachments: ☐



## Maximize Revenues to the Commonwealth

### **2-22 Projected Tax Revenue to the Commonwealth**

Provide projections for **all** tax revenue to the Commonwealth (**gaming, sales, etc.**) each year for the first five years of operations on a best, average and worst case basis, identifying the source of each element of the tax revenue.

**Please attach a detailed, written response to this question as attachment 2-22-01 and provide a brief overview of your response in this box. The overview should include, at a minimum, each of the projected figures. The response provided in this box will be released to the public.**

#### **List of Attachments:**

2-22-01 _____	2-22-11 _____
2-22-02 _____	2-22-12 _____
2-22-03 _____	2-22-13 _____
2-22-04 _____	2-22-14 _____
2-22-05 _____	2-22-15 _____
2-22-06 _____	2-22-16 _____
2-22-07 _____	2-22-17 _____
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2-22-09 _____	2-22-19 _____
2-22-10 _____	2-22-20 _____

Check this box if you have additional attachments: ☐

## Maximize Revenues to the Commonwealth

### **2-23 Internal Controls**

The Commission will develop regulations governing internal controls for gaming establishments in Massachusetts in the near future. However, in order to assist its evaluation of the applicant, the Commission is interested in knowing what standards the applicant anticipates adhering to at its Massachusetts establishment. Accordingly, subject to any adjustments required upon promulgation of the future regulations, please provide a full description of the proposed internal controls, electronic surveillance systems, and security systems for the proposed gaming establishment and any related facilities, including internal audits, independent external audits, separation of accounting and cage processes for independent verifications, cage and count room supervision, gaming floor drop processes, and other asset preservation and secure cash handling systems and processes and other internal controls. Further, please attach a projected table of organization that includes staffing levels and identifies the critical departments of accounting (e.g.- positions in the cage, count room, and income control sections), internal audit, and surveillance as well as indication as to which staff position(s) would be responsible for communications with the Commission.

Please attach a detailed, written response to this question as attachment 2-23-01 and provide a brief overview of your response in this box. Given the sensitivity of this information, the information provided in the overview may be a very broad description of the internal controls. The response provided in this box will be released to the public.

DRAFT

### **List of Attachments:**

2-23-01 _____	2-23-11 _____
2-23-02 _____	2-23-12 _____
2-23-03 _____	2-23-13 _____

2. Finance

Applicant: \_\_\_\_\_

2-23-04 \_\_\_\_\_

2-23-14 \_\_\_\_\_

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2-23-06 \_\_\_\_\_

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2-23-20 \_\_\_\_\_

Check this box if you have additional attachments: ☐

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## Maximize Revenues to the Commonwealth

### **2-24 Central Computerized Accounting (duplicative of 4-69??)**

The Commission will likely utilize a central, computerized accounting and auditing system to assure the integrity, security, honesty, accountability and fairness in the operation and administration of games played at the facility. Describe the measures **and commitment** that the applicant will **take institute** to facilitate installation and maintenance of any hardware and software necessary for the system's operation and the applicant's experience with similar systems at all other locations the applicant owns, controls or operates. **Further, please attach a projected table of organization, containing brief descriptions of the positions, relative to staffing of the Information Technology department to address the needs posed by a system of this nature.**

**Please attach a detailed, written response to this question as attachment 2-24-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

#### **List of Attachments:**

2-24-01_____	2-24-11_____
2-24-02_____	2-24-12_____
2-24-03_____	2-24-13_____
2-24-04_____	2-24-14_____
2-24-05_____	2-24-15_____
2-24-06_____	2-24-16_____
2-24-07_____	2-24-17_____
2-24-08_____	2-24-18_____
2-24-09_____	2-24-19_____

2. Finance

Applicant: \_\_\_\_\_

2-24-10 _____	2-24-20 _____
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Check this box if you have additional attachments: ☐

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## Maximize Revenues to the Commonwealth

### **2-25 Maximizing In-State Revenue**

If the applicant or any entity that owns a 5% or greater share of the applicant has an investment in a gaming facility within **300** miles of the applicant's proposed location within the Commonwealth, describe the plans and methods the applicant intends to use to ensure that revenues are maximized at the Massachusetts facility even if maximizing revenues in Massachusetts requires or leads to reduction of revenues at the out of state facility.

**Please attach a detailed, written response to this question as attachment 2-25-01 and provide a brief overview of your response in this box. The overview should contain, at a minimum, a broad description of the plans. The response provided in this box will be released to the public.**

### **List of Attachments:**

2-25-01 _____	2-25-11 _____
2-25-02 _____	2-25-12 _____
2-25-03 _____	2-25-13 _____
2-25-04 _____	2-25-14 _____
2-25-05 _____	2-25-15 _____
2-25-06 _____	2-25-16 _____
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2-25-08 _____	2-25-18 _____
2-25-09 _____	2-25-19 _____
2-25-10 _____	2-25-20 _____

Check this box if you have additional attachments: ☐

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## Maximize Revenues to the Commonwealth

### **2-26 Customer Cross-Marketing**

If the applicant or any entity that owns a 5% or greater share of the applicant has an investment in a gaming facility beyond 300 miles from the applicant's proposed location within the Commonwealth, describe any plans the applicant has to use those other facilities or customers who patronize those other facilities to enhance revenues at the applicant's Massachusetts facility.

**Please attach a detailed, written response to this question as attachment 2-26-01 and provide a brief overview of your response in this box. The overview should contain, at a minimum, a broad description of the plans. The response provided in this box will be released to the public.**

#### **List of Attachments:**

2-26-01 _____	2-26-11 _____
2-26-02 _____	2-26-12 _____
2-26-03 _____	2-26-13 _____
2-26-04 _____	2-26-14 _____
2-26-05 _____	2-26-15 _____
2-26-06 _____	2-26-16 _____
2-26-07 _____	2-26-17 _____
2-26-08 _____	2-26-18 _____
2-26-09 _____	2-26-19 _____
2-26-10 _____	2-26-20 _____

Check this box if you have additional attachments:





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## Maximize Revenues to the Commonwealth

### **2-27 History of Revenue**

In order to award a gaming license to an applicant, an applicant must demonstrate that it has sufficient business ability and experience to create the likelihood of establishing and maintaining a successful gaming establishment. To that end, provide a history of ~~meeting~~ **operating performance versus** revenue projections over the last ten years with respect to each facility of a size comparable to or larger than the facility you are proposing for Massachusetts. **Include** documentation outlining the applicant's record of success or failure in meeting these performance objectives. (From ? 2-29)

**Please attach a detailed, written response to this question as attachment 2-27-01 and provide a brief overview of your response in this box. The overview should contain, at a minimum, a description of the applicant's business ability and experience and it's history over the last ten years. The response provided in this box will be released to the public.**

### **List of Attachments:**

2-27-01_____	2-27-11_____
2-27-02_____	2-27-12_____
2-27-03_____	2-27-13_____
2-27-04_____	2-27-14_____
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2-27-07_____	2-27-17_____
2-27-08_____	2-27-18_____

2. Finance

Applicant: \_\_\_\_\_

2-27-09 \_\_\_\_\_

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2-27-20 \_\_\_\_\_

Check this box if you have additional attachments: ☐

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## Maximize Revenues to the Commonwealth

### **2-28 Market Analysis**

One of the principal objectives driving the enactment of the Gaming Act was to repatriate money spent by Massachusetts residents in other gaming jurisdictions. Provide a market analysis showing benefits of the site location of the applicant's proposal and the estimated recapture rate of gaming-related spending by Massachusetts residents travelling to out-of-state gaming establishments. Further, please describe how the applicant plans to compete with other nearby gaming destinations and to market to their patrons from Massachusetts who are embedded in their databases and marketing systems.

Please attach a detailed, written response to this question as attachment 2-28-01 and provide a brief overview of your response in this box. The overview should contain, at a minimum, a description of the benefits of the site locations and the estimated recapture rate. The response provided in this box will be released to the public.

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#### **List of Attachments:**

2-28-01_____	2-28-11_____
2-28-02_____	2-28-12_____
2-28-03_____	2-28-13_____
2-28-04_____	2-28-14_____
2-28-05_____	2-28-15_____
2-28-06_____	2-28-16_____
2-28-07_____	2-28-17_____
2-28-08_____	2-28-18_____

2. Finance

Applicant: \_\_\_\_\_

2-28-09 \_\_\_\_\_

2-28-19 \_\_\_\_\_

2-28-10 \_\_\_\_\_

2-28-20 \_\_\_\_\_

Check this box if you have additional attachments: ☐

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## Maximize Revenues to the Commonwealth

### **2-29 Record of Success**

Provide documentation that outlines applicant's record of success in meeting these objectives at other operational sites. **(delete? as included in 2-27)**

**~~Please attach a detailed, written response to this question as attachment 2-29-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public. :~~**

#### **List of Attachments:**

2-29-01 _____	2-29-11 _____
2-29-02 _____	2-29-12 _____
2-29-03 _____	2-29-13 _____
2-29-04 _____	2-29-14 _____
2-29-05 _____	2-29-15 _____
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2-29-08 _____	2-29-18 _____
2-29-09 _____	2-29-19 _____
2-29-10 _____	2-29-20 _____

Check this box if you have additional attachments: ☐

## Realize Maximum Capital Investment Exclusive of Land and Infrastructure

### **2-30 Total Capital Investment Within the Property**

Provide the total capital investment and demonstrate how it was calculated in accordance with 205 CMR 122.00. Show the total investment in the gaming facility and infrastructure within the property boundaries. Describe how the applicant proposes to realize the maximum capital investment exclusive of land acquisition and infrastructure improvements. (See related attestation in Section [B. Signature Forms](#)).

Please attach a detailed, written response to this question as attachment 2-30-01 and provide a brief overview of your response in this box. The overview should include, at a minimum, the total capital investment figure and a broad description as to how the applicant proposes to realize the maximum capital investment. The response provided in this box will be released to the public.

### **List of Attachments:**

2-30-01 _____	2-30-11 _____
2-30-02 _____	2-30-12 _____
2-30-03 _____	2-30-13 _____
2-30-04 _____	2-30-14 _____
2-30-05 _____	2-30-15 _____
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2-30-07 _____	2-30-17 _____
2-30-08 _____	2-30-18 _____
2-30-09 _____	2-30-19 _____

2. Finance

Applicant: \_\_\_\_\_

2-30-10 _____	2-30-20 _____
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Check this box if you have additional attachments: ☐

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## Realize Maximum Capital Investment Exclusive of Land and Infrastructure

### 2-31 Total Investment Outside the Property

Show the total investment in the infrastructure outside the property boundaries. (Delete as duplicative of 2-30?)

Please attach a detailed, written response to this question as attachment 2-31-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

### List of Attachments:

2-31-01 _____	2-31-11 _____
2-31-02 _____	2-31-12 _____
2-31-03 _____	2-31-13 _____
2-31-04 _____	2-31-14 _____
2-31-05 _____	2-31-15 _____
2-31-06 _____	2-31-16 _____
2-31-07 _____	2-31-17 _____
2-31-08 _____	2-31-18 _____
2-31-09 _____	2-31-19 _____
2-31-10 _____	2-31-20 _____

Check this box if you have additional attachments: ☐

## Realize Maximum Capital Investment Exclusive of Land and Infrastructure

### **2-32 Additional Financial Commitments**

**(Required For Category I applicants only)** Describe all financial commitments and guarantees the applicant is prepared to provide to the Commission and to the host community over and above the deposit or bond required by G.L. c. 23K, §10(a) to ensure that the project is completed, license conditions are fulfilled and sufficient working capital is available to allow operation in the promised fashion. Include examples of letters of credit, MOU's or other agreements or commitments the applicant is willing to provide.

**Please attach a detailed, written response to this question as attachment 2-32-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

#### **List of Attachments:**

2-32-01 _____	2-32-11 _____
2-32-02 _____	2-32-12 _____
2-32-03 _____	2-32-13 _____
2-32-04 _____	2-32-14 _____
2-32-05 _____	2-32-15 _____
2-32-06 _____	2-32-16 _____
2-32-07 _____	2-32-17 _____
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2-32-09 _____	2-32-19 _____
2-32-10 _____	2-32-20 _____

Check this box if you have additional attachments: ☐

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## Realize Maximum Capital Investment Exclusive of Land and Infrastructure

### **2-33 Construction Plan**

Provide a construction plan and schedule that includes major construction milestones, key dates, **and any phased opening plans, and mitigation** measures the applicant will take to reduce the impact of construction on the local community.

**Please attach a detailed, written response to this question as attachment 2-33-01 and provide a brief overview of your response in this box. The overview should contain, at a minimum, information relative to each of the required elements of the plan and schedule. The response provided in this box will be released to the public.**

### **List of Attachments:**

2-33-01 _____	2-33-11 _____
2-33-02 _____	2-33-12 _____
2-33-03 _____	2-33-13 _____
2-33-04 _____	2-33-14 _____
2-33-05 _____	2-33-15 _____
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2-33-09 _____	2-33-19 _____
2-33-10 _____	2-33-20 _____

Check this box if you have additional attachments: ☐

## Offer Highest and Best Value to Create a Secure and Robust Gaming Market

### **2-34 Business Plan**

Provide a business plan describing how applicant will meet projected revenue generation plans in the near term and over time.

**Please attach a detailed, written response to this question as attachment 2-34-01 and provide a brief overview of your response in this box. The overview should contain, at a minimum, a broad description of the plan. The response provided in this box will be released to the public.**

### **List of Attachments:**

2-34-01 _____	2-34-11 _____
2-34-02 _____	2-34-12 _____
2-34-03 _____	2-34-13 _____
2-34-04 _____	2-34-14 _____
2-34-05 _____	2-34-15 _____
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2-34-10 _____	2-34-20 _____

Check this box if you have additional attachments: ☐

## Offer Highest and Best Value to Create a Secure and Robust Gaming Market

### **2-35 Maximum Facility Use**

Describe the applicant's strategy for ensuring maximum use of the facilities throughout the calendar year including how that strategy will take account of the seasonal nature of tourism in the Northeast.

**Please attach a detailed, written response to this question as attachment 2-35-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

### **List of Attachments:**

2-35-01 _____	2-35-11 _____
2-35-02 _____	2-35-12 _____
2-35-03 _____	2-35-13 _____
2-35-04 _____	2-35-14 _____
2-35-05 _____	2-35-15 _____
2-35-06 _____	2-35-16 _____
2-35-07 _____	2-35-17 _____
2-35-08 _____	2-35-18 _____
2-35-09 _____	2-35-19 _____
2-35-10 _____	2-35-20 _____

Check this box if you have additional attachments: ☐

## Offer Highest and Best Value to Create a Secure and Robust Gaming Market

### **2-36 Competition from Internet Gaming**

Describe the applicant's plans for maintaining a robust gaming market at its facility if, and as, internet gaming becomes more widespread by articulating:

1. How does the applicant plan to compete with internet gaming in the event that it is not allowed in Massachusetts; and
2. Does the applicant intend to implement internet gaming into its plans if it is allowed in Massachusetts, and if so, how?

Please attach a detailed, written response to this question as attachment 2-36-01 and provide a brief overview of your response in this box. The overview should contain, at a minimum, a broad description of the plan. The response provided in this box will be released to the public.

#### **List of Attachments:**

2-36-01 _____	2-36-11 _____
2-36-02 _____	2-36-12 _____
2-36-03 _____	2-36-13 _____
2-36-04 _____	2-36-14 _____
2-36-05 _____	2-36-15 _____
2-36-06 _____	2-36-16 _____
2-36-07 _____	2-36-17 _____
2-36-08 _____	2-36-18 _____
2-36-09 _____	2-36-19 _____

2. Finance

Applicant: \_\_\_\_\_

2-36-10 _____	2-36-20 _____
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Check this box if you have additional attachments: ☐

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## Offer Highest and Best Value to Create a Secure and Robust Gaming Market

### **2-37 Marketing Plan**

Describe the applicant's marketing plan for its Massachusetts facility. If that marketing plan is the same as, or similar to, marketing plans the applicant has used elsewhere, describe how those plans succeeded or failed, including whether the applicant met its financial projections for the facilities where the plans were used. If the marketing plan for a Massachusetts facility differs from the marketing plans used elsewhere, describe the factors that led the applicant to devise its Massachusetts plan.

Further, in the highly competitive gaming market that exists today, gaming facility operators are increasingly diversifying their products and assuring financial stability by increasing revenues from non-gaming activities. Explain your long-term strategies for accommodating the increasingly saturated competitive environment, and cite examples from other locations you operate that demonstrate the strategic development.

Please attach a detailed, written response to this question as attachment 2-37-01 and provide a brief overview of your response in this box. The overview should contain, at a minimum, a broad description of the plan. The response provided in this box will be released to the public.

### **List of Attachments:**

2-37-01_____	2-37-11_____
2-37-02_____	2-37-12_____
2-37-03_____	2-37-13_____
2-37-04_____	2-37-14_____
2-37-05_____	2-37-15_____
2-37-06_____	2-37-16_____
2-37-07_____	2-37-17_____

2. Finance

Applicant: \_\_\_\_\_

2-37-08 \_\_\_\_\_

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Check this box if you have additional attachments: ☐

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## Offer Highest and Best Value to Create a Secure and Robust Gaming Market

### **2-38 New Revenue**

**Describe and** provide a completed study showing the overall economic benefit to the Commonwealth and the region from the applicant's proposed facility, including in that study the way in which the facility will generate new revenues as opposed to taking revenues from other Massachusetts businesses.

**Please attach a detailed, written response to this question as attachment 2-38-01 and provide a brief overview of your response in this box. The overview should, at a minimum, summarize the study. The response provided in this box will be released to the public.**

### **List of Attachments:**

2-38-01 _____	2-38-11 _____
2-38-02 _____	2-38-12 _____
2-38-03 _____	2-38-13 _____
2-38-04 _____	2-38-14 _____
2-38-05 _____	2-38-15 _____
2-38-06 _____	2-38-16 _____
2-38-07 _____	2-38-17 _____
2-38-08 _____	2-38-18 _____
2-38-09 _____	2-38-19 _____
2-38-10 _____	2-38-20 _____

Check this box if you have additional attachments: ☐

## Offer Highest and Best Value to Create a Secure and Robust Gaming Market

### **2-39 Marketing to Out of State Visitors and use of Junkets**

Describe the components of the applicant's marketing plan that focus on out of state visitors and the anticipated gaming and non-gaming gross revenues the applicant anticipates from out of state visitors during each of the first five years of the facility's operations on a best, average and worst case scenario. **Please explain how the use of Junkets, as the term is defined by G.L c.23K, §2, will factor into this plan. Include a short summary of the applicant's historical use of and reliance upon Junkets in its other operations in other jurisdictions, and include a listing of Junket operators who are anticipated to be utilized at the Commonwealth property.**

**Please attach a detailed, written response to this question as attachment 2-39-01 and provide a brief overview of your response in this box. The overview should contain, at a minimum, a broad description of the plan including the planned and historical use of Junkets. The response provided in this box will be released to the public.**

#### **List of Attachments:**

2-39-01_____	2-39-11_____
2-39-02_____	2-39-12_____
2-39-03_____	2-39-13_____
2-39-04_____	2-39-14_____
2-39-05_____	2-39-15_____
2-39-06_____	2-39-16_____
2-39-07_____	2-39-17_____
2-39-08_____	2-39-18_____

2. Finance

Applicant: \_\_\_\_\_

2-39-09 \_\_\_\_\_

2-39-19 \_\_\_\_\_

2-39-10 \_\_\_\_\_

2-39-20 \_\_\_\_\_

Check this box if you have additional attachments: ☐

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## Offer Highest and Best Value to Create a Secure and Robust Gaming Market

### **2-40 Marketing to In-State Visitors**

Describe the components of the applicant's marketing plan that focus on instate visitors and the anticipated gaming and non-gaming gross revenues the applicant anticipates from instate visitors during each of the first five years of the facility's operations on a best, average and worst case scenario. **Please explain how the use of Junkets will factor into this plan.**

**Please attach a detailed, written response to this question as attachment 2-40-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

### **List of Attachments:**

2-40-01 _____	2-40-11 _____
2-40-02 _____	2-40-12 _____
2-40-03 _____	2-40-13 _____
2-40-04 _____	2-40-14 _____
2-40-05 _____	2-40-15 _____
2-40-06 _____	2-40-16 _____
2-40-07 _____	2-40-17 _____
2-40-08 _____	2-40-18 _____
2-40-09 _____	2-40-19 _____
2-40-10 _____	2-40-20 _____

Check this box if you have additional attachments: ☐

## Offer Highest and Best Value to Create a Secure and Robust Gaming Market

### **2-41 Secure and Robust Gaming Market**

Describe the measures the applicant or any entity owning a 5% or greater share of the applicant has taken to ensure a secure and robust gaming market at each other gaming facility it owns or controls.

**Please attach a detailed, written response to this question as attachment 2-41-01 and provide a brief overview of your response in this box. The overview should contain, at a minimum, a broad description of such measures. The response provided in this box will be released to the public.**

#### **List of Attachments:**

2-41-01 _____	2-41-11 _____
2-41-02 _____	2-41-12 _____
2-41-03 _____	2-41-13 _____
2-41-04 _____	2-41-14 _____
2-41-05 _____	2-41-15 _____
2-41-06 _____	2-41-16 _____
2-41-07 _____	2-41-17 _____
2-41-08 _____	2-41-18 _____
2-41-09 _____	2-41-19 _____
2-41-10 _____	2-41-20 _____

Check this box if you have additional attachments: ☐

### **3. ECONOMIC DEVELOPMENT**



**Prerequisites**

Does your application:

- ☐ Provide completed studies and reports as required by Question 3-1?
- ☐ Describe a workforce development plan that utilizes and enhances the existing labor force?
- ☐ Provide information on the total employees employed as required by Question 3-2?
- ☐ Describe the affirmative action plan as required by Question 3-7?
- ☐ Demonstrate a plan for workforce development as required by Question 3-8?
- ☐ Describe plans for establishing, funding and maintaining HR practices that promote development of skilled and diverse workforce as required by Question 3-9?
- ☐ Describe contracts with organized labor as required by Question 3-10?
- ☐ Show plans for ensuring labor harmony during the construction and operational phases of the project as required by Question 3-11?
- ☐ Estimate construction jobs and provide equal employment opportunities for them as required by Question 3-12?
- ☐ Describe plans for promoting local businesses as required by Question 3-15?
- ☐ Describe plans for contracting with local businesses owners as required by Question 3-17?
- ☐ Describe a marketing program as required by Question 3-21?
- ☐ Describe plans for purchasing domestic slot machines as required by Question 3-24?
- ☐ Describe plans for building a gaming establishment of high caliber with quality amenities in partnership with local facilities?

**General****3-1 Studies and Reports**

Provide completed studies and reports showing the proposed gaming establishment's: (i) economic benefits to the region and the Commonwealth; (ii) impact on the local and regional economy, including the impact on cultural institutions and on small businesses in the host community and surrounding communities.

**Please provide a brief overview summarizing the studies and reports in this box. The response provided in this box will be released to the public.**

**List of Attachments:**

3-01-01 _____	3-01-07 _____
3-01-02 _____	3-01-08 _____
3-01-03 _____	3-01-09 _____
3-01-04 _____	3-01-10 _____
3-01-05 _____	3-01-11 _____
3-01-06 _____	3-01-12 _____

Check this box if you have additional attachments: ☐

## Job Creation

### **3-2 Employees**

State the number of employees to be employed at the proposed gaming establishment, including detailed information on the pay rate and benefits for employees, **and describe how the applicant proposes to ensure that it provides a high number of quality jobs in the gaming establishment.**

**Please attach a detailed, written response to this question as attachment 3-02-01 and provide a brief overview of your response in this box. The overview should contain, at a minimum, the total number of anticipated employees to be employed at the proposed gaming establishment and a general description of the applicant's plan. The response provided in this box will be released to the public.**

### **List of Attachments:**

3-02-01 _____	3-02-11 _____
3-02-02 _____	3-02-12 _____
3-02-03 _____	3-02-13 _____
3-02-04 _____	3-02-14 _____
3-02-05 _____	3-02-15 _____
3-02-06 _____	3-02-16 _____
3-02-07 _____	3-02-17 _____
3-02-08 _____	3-02-18 _____
3-02-09 _____	3-02-19 _____
3-02-10 _____	3-02-20 _____

Check this box if you have additional attachments:

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## Job Creation

### **3-3 Massachusetts Community College Workforce Training Plans**

Describe any plans the applicant has for working with the Massachusetts Community College **Workforce-Casino Careers** Training Institute or other training organizations as the applicant trains and hires the staff for its facility.

**Please attach a detailed, written response to this question as attachment 3-03-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

#### **List of Attachments:**

3-03-01 _____	3-03-11 _____
3-03-02 _____	3-03-12 _____
3-03-03 _____	3-03-13 _____
3-03-04 _____	3-03-14 _____
3-03-05 _____	3-03-15 _____
3-03-06 _____	3-03-16 _____
3-03-07 _____	3-03-17 _____
3-03-08 _____	3-03-18 _____
3-03-09 _____	3-03-19 _____
3-03-10 _____	3-03-20 _____

Check this box if you have additional attachments: ☐

## Job Creation

### **3-4 Job Opportunities and Training for Unemployed or Underemployed**

Provide strategy as to how applicant will focus on job opportunities and training in areas and demographics of high unemployment and underemployment.

**Please attach a detailed, written response to this question as attachment 3-04-01 and provide a brief overview of your response in this box. The overview should contain, at a minimum, a broad description of the strategy. The response provided in this box will be released to the public.**

#### **List of Attachments:**

3-04-01 _____	3-04-11 _____
3-04-02 _____	3-04-12 _____
3-04-03 _____	3-04-13 _____
3-04-04 _____	3-04-14 _____
3-04-05 _____	3-04-15 _____
3-04-06 _____	3-04-16 _____
3-04-07 _____	3-04-17 _____
3-04-08 _____	3-04-18 _____
3-04-09 _____	3-04-19 _____
3-04-10 _____	3-04-20 _____

Check this box if you have additional attachments: ☐

## Job Creation

### **3-5 Experience with Hiring Unemployed and Underemployed**

Describe the applicant's approach to and experience with hiring in areas and demographics of high unemployment and underemployment in other jurisdictions where the applicant has done business in the last 10 years.

**Please attach a detailed, written response to this question as attachment 3-05-01 and provide a brief overview of your response in this box. The overview should contain, at a minimum, a broad description of the approach and experience. The response provided in this box will be released to the public.**

#### **List of Attachments:**

3-05-01 _____	3-05-11 _____
3-05-02 _____	3-05-12 _____
3-05-03 _____	3-05-13 _____
3-05-04 _____	3-05-14 _____
3-05-05 _____	3-05-15 _____
3-05-06 _____	3-05-16 _____
3-05-07 _____	3-05-17 _____
3-05-08 _____	3-05-18 _____
3-05-09 _____	3-05-19 _____
3-05-10 _____	3-05-20 _____

Check this box if you have additional attachments: ☐

## Job Creation

### **3-6 Plan for Workforce Development**

Provide your plan for workforce development as set forth in the memoranda of understanding-the host community agreement and any surrounding community agreements that the applicant has executed.

**Please attach a detailed, written response to this question as attachment 3-06-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

#### **List of Attachments:**

3-06-01 _____	3-06-11 _____
3-06-02 _____	3-06-12 _____
3-06-03 _____	3-06-13 _____
3-06-04 _____	3-06-14 _____
3-06-05 _____	3-06-15 _____
3-06-06 _____	3-06-16 _____
3-06-07 _____	3-06-17 _____
3-06-08 _____	3-06-18 _____
3-06-09 _____	3-06-19 _____
3-06-10 _____	3-06-20 _____

Check this box if you have additional attachments: ☐



## Job Creation

### **3-7 Affirmative Action Plan**

Provide an explanation as to how the applicant proposes to establish and implement an affirmative action program of equal opportunity whereby specific goals for the utilization of minorities, women and veterans on construction jobs; provided, however, that such goals shall be equal to or greater than the goals contained in the executive office for administration and finance Administration [Bulletin Number 14](#). (See related attestation in section [B. Signature Forms](#))

Please attach a detailed, written response to this question as attachment 3-07-01 and provide a brief overview of your response in this box. The overview should contain, at a minimum, identification of the specific goals. The response provided in this box will be released to the public.

### **List of Attachments:**

3-07-01_____	3-07-11_____
3-07-02_____	3-07-12_____
3-07-03_____	3-07-13_____
3-07-04_____	3-07-14_____
3-07-05_____	3-07-15_____
3-07-06_____	3-07-16_____
3-07-07_____	3-07-17_____
3-07-08_____	3-07-18_____
3-07-09_____	3-07-19_____
3-07-10_____	3-07-20_____

Check this box if you have additional attachments: ☐

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## Job Creation

### **3-8 Workforce Development**

Describe your workforce development plan that utilizes and enhances the existing labor force. State whether the applicant has prepared, and **explain** how the applicant proposes to implement a workforce development plan **it such that it:** (i) incorporates an affirmative action program of equal opportunity by which the applicant guarantees to provide equal employment opportunities to all employees qualified for licensure in all employment categories, including persons with disabilities (**applicant may reference response to question 3-7**); (ii) utilizes the existing labor force in the commonwealth; (iii) estimates the number of construction jobs a gaming establishment will generate and provides for equal employment opportunities and which includes specific goals for the utilization of minorities, women and veterans on those construction jobs; (iv) identifies workforce training programs offered by the gaming establishment; (v) identifies the methods for accessing employment at the gaming establishment; and (vi) addresses workplace safety issues for employees.

**Please attach a detailed, written response to this question as attachment 3-08-01 and provide a brief overview of your response in this box. The overview should contain, at a minimum, a broad description of the plan for each category provided including the number of estimated construction jobs to be generated. The response provided in this box will be released to the public.**

#### **List of Attachments:**

3-08-01 _____	3-08-07 _____
3-08-02 _____	3-08-08 _____
3-08-03 _____	3-08-09 _____
3-08-04 _____	3-08-10 _____
3-08-05 _____	3-08-11 _____

3-08-06 \_\_\_\_\_ 3-08-12 \_\_\_\_\_

Check this box if you have additional attachments: ☐

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## Job Creation

### **3-9 HR Practices**

State whether the applicant has prepared, and how the applicant proposes to establish, fund and maintain human resource hiring and training practices that promote the development of a skilled and diverse workforce and access to promotion opportunities through a workforce training program that: (i) establishes transparent career paths with measurable criteria within the gaming establishment that lead to increased responsibility and higher pay grades that are designed to allow employees to pursue career advancement and promotion; (ii) provides employee access to additional resources, such as tuition reimbursement or stipend policies, to enable employees to acquire the education or job training needed to advance career paths based on increased responsibility and pay grades; and (iii) establishes an on-site child day-care program. Further, identify whether the applicant plans to establish employee assistance programs, including those relative to substance abuse and problem gaming, and outline its plan to establish a program to train its gaming employees in the identification of and intervention with customers exhibiting problem gaming behavior

**Please attach a detailed, written response to this question as attachment 3-09-01 and provide a brief overview of your response in this box. The overview should contain, at a minimum, a broad description of the plan within each of the categories provided. The response provided in this box will be released to the public.**

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#### **List of Attachments:**

3-09-01 _____	3-09-07 _____
3-09-02 _____	3-09-08 _____
3-09-03 _____	3-09-09 _____
3-09-04 _____	3-09-10 _____

3. Economic Development

Applicant: \_\_\_\_\_

3-09-05 \_\_\_\_\_

3-09-11 \_\_\_\_\_

3-09-06 \_\_\_\_\_

3-09-12 \_\_\_\_\_

Check this box if you have additional attachments: ☐

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## Job Creation

### **3-10 Organized Labor Contracts**

State whether the applicant has, **is subject to, or is negotiating** any contract with organized labor, including hospitality services, and whether the applicant has the support of organized labor for its application, which specifies: (i) the number of employees to be employed at the gaming establishment, including detailed information on the pay rate and benefits for employees and contractors, (ii) **the total amount of investment by the applicant in the gaming establishment and all infrastructure improvements related to the project**, (iii) **completed studies and reports including an economic benefit study, both for the Commonwealth and the region** and (iv) whether the applicant has included detailed plans for assuring labor harmony during all phases of the construction, reconstruction, renovation, development and operation of the gaming establishment.

**Please attach a detailed, written response to this question as attachment 3-10-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

#### **List of Attachments:**

3-10-01 _____	3-10-07 _____
3-10-02 _____	3-10-08 _____
3-10-03 _____	3-10-09 _____
3-10-04 _____	3-10-10 _____
3-10-05 _____	3-10-11 _____
3-10-06 _____	3-10-12 _____

Check this box if you have additional attachments: ☐

## Job Creation

### **3-11 Labor Harmony**

**Show Outline the applicant's plans for ensuring labor harmony during the construction and operational phases of the project including whether the applicant plans to enter into any Project Labor Agreements or neutrality agreements. (Reference may be made to the response to question 3-10). If the applicant does not intend to enter into any such agreements, please explain.**

**Please attach a detailed, written response to this question as attachment 3-11-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

#### **List of Attachments:**

3-11-01 _____	3-11-11 _____
3-11-02 _____	3-11-12 _____
3-11-03 _____	3-11-13 _____
3-11-04 _____	3-11-14 _____
3-11-05 _____	3-11-15 _____
3-11-06 _____	3-11-16 _____
3-11-07 _____	3-11-17 _____
3-11-08 _____	3-11-18 _____
3-11-09 _____	3-11-19 _____
3-11-10 _____	3-11-20 _____

Check this box if you have additional attachments:



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## Job Creation

### **3-12 Construction Jobs**

Estimate the number of construction jobs and provide a description of plans to ensure equal employment opportunities for those jobs. **(Delete as duplicative of 3-8?)**

**~~Please attach a detailed, written response to this question as attachment 3-12-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.~~**

#### **List of Attachments:**

3-12-01 _____	3-12-11 _____
3-12-02 _____	3-12-12 _____
3-12-03 _____	3-12-13 _____
3-12-04 _____	3-12-14 _____
3-12-05 _____	3-12-15 _____
3-12-06 _____	3-12-16 _____
3-12-07 _____	3-12-17 _____
3-12-08 _____	3-12-18 _____
3-12-09 _____	3-12-19 _____
3-12-10 _____	3-12-20 _____

Check this box if you have additional attachments: ☐

## Job Creation

### **3-13 Employee Retention Record**

**Please describe and provide** documentation that outlines applicant's employee retention record at other operational sites.

**Please attach a detailed, written response to this question as attachment 3-13-01 and provide a brief overview of your response in this box. The overview should include, at a minimum, a summary of the record. The response provided in this box will be released to the public.**

#### **List of Attachments:**

3-13-01 _____	3-13-11 _____
3-13-02 _____	3-13-12 _____
3-13-03 _____	3-13-13 _____
3-13-04 _____	3-13-14 _____
3-13-05 _____	3-13-15 _____
3-13-06 _____	3-13-16 _____
3-13-07 _____	3-13-17 _____
3-13-08 _____	3-13-18 _____
3-13-09 _____	3-13-19 _____
3-13-10 _____	3-13-20 _____

Check this box if you have additional attachments: ☐

## Job Creation

### **3-14 Ethnic Diversity**

**Please describe and provide** documentation that outlines the ethnic diversity of the applicant's workforce at other locations, the plans for workforce diversity the applicant has used at those facilities, the results of those plans and, unless they are self-explanatory, the metrics the applicant has used to determine those results.

**Please attach a detailed, written response to this question as attachment 3-14-01 and provide a brief overview of your response in this box. The overview should include, at a minimum, a summary of the diversity. The response provided in this box will be released to the public.**

#### **List of Attachments:**

3-14-01 _____	3-14-11 _____
3-14-02 _____	3-14-12 _____
3-14-03 _____	3-14-13 _____
3-14-04 _____	3-14-14 _____
3-14-05 _____	3-14-15 _____
3-14-06 _____	3-14-16 _____
3-14-07 _____	3-14-17 _____
3-14-08 _____	3-14-18 _____
3-14-09 _____	3-14-19 _____
3-14-10 _____	3-14-20 _____

Check this box if you have additional attachments:

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## Supporting External Business And Job Growth

### **3-15 Local Business Promotion**

Describe plans for promoting local businesses in host and surrounding communities **including developing cross-marketing strategies with local restaurants, small businesses, hotels, retail outlets and impacted live entertainment venues.**

**Please attach a detailed, written response to this question as attachment 3-15-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

### **List of Attachments:**

3-15-01 _____	3-15-11 _____
3-15-02 _____	3-15-12 _____
3-15-03 _____	3-15-13 _____
3-15-04 _____	3-15-14 _____
3-15-05 _____	3-15-15 _____
3-15-06 _____	3-15-16 _____
3-15-07 _____	3-15-17 _____
3-15-08 _____	3-15-18 _____
3-15-09 _____	3-15-19 _____
3-15-10 _____	3-15-20 _____

Check this box if you have additional attachments: ☐

## Supporting External Business And Job Growth

### **3-16 Local Suppliers**

Describe plans for use of Massachusetts based firms, suppliers and materials in the construction and furniture, fixtures, and equipment (“FFE”) furnishing phase of the applicant's project.

**Please attach a detailed, written response to this question as attachment 3-16-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

### **List of Attachments:**

3-16-01 _____	3-16-11 _____
3-16-02 _____	3-16-12 _____
3-16-03 _____	3-16-13 _____
3-16-04 _____	3-16-14 _____
3-16-05 _____	3-16-15 _____
3-16-06 _____	3-16-16 _____
3-16-07 _____	3-16-17 _____
3-16-08 _____	3-16-18 _____
3-16-09 _____	3-16-19 _____
3-16-10 _____	3-16-20 _____

Check this box if you have additional attachments: ☐

## Supporting External Business And Job Growth

### **3-17 Local Business Owners**

Describe plans for contracting with local business owners for provision of goods and services **to the gaming establishment, including developing plans designed to assist businesses in the Commonwealth in identifying the needs for goods and services to the establishment.**

**Please attach a detailed, written response to this question as attachment 3-17-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

### **List of Attachments:**

3-17-01 _____	3-17-11 _____
3-17-02 _____	3-17-12 _____
3-17-03 _____	3-17-13 _____
3-17-04 _____	3-17-14 _____
3-17-05 _____	3-17-15 _____
3-17-06 _____	3-17-16 _____
3-17-07 _____	3-17-17 _____
3-17-08 _____	3-17-18 _____
3-17-09 _____	3-17-19 _____
3-17-10 _____	3-17-20 _____

Check this box if you have additional attachments: ☐



## Supporting External Business And Job Growth

### **3-18 Assisting Businesses**

Provide your plans to assist businesses owners in the Commonwealth in identifying the **future needs of the applicant for the provision of** goods and services to the establishment.

**Please attach a detailed, written response to this question as attachment 3-18-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

### **List of Attachments:**

3-18-01 _____	3-18-11 _____
3-18-02 _____	3-18-12 _____
3-18-03 _____	3-18-13 _____
3-18-04 _____	3-18-14 _____
3-18-05 _____	3-18-15 _____
3-18-06 _____	3-18-16 _____
3-18-07 _____	3-18-17 _____
3-18-08 _____	3-18-18 _____
3-18-09 _____	3-18-19 _____
3-18-10 _____	3-18-20 _____

Check this box if you have additional attachments: ☐

## Supporting External Business And Job Growth

### **3-19 Promoting Regional Businesses**

Provide plans to demonstrate how you will **support and/or** promote regional businesses.

**(Applicant may refer back to response to question 3-15).**

**Please attach a detailed, written response to this question as attachment 3-19-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

#### **List of Attachments:**

3-19-01 _____	3-19-11 _____
3-19-02 _____	3-19-12 _____
3-19-03 _____	3-19-13 _____
3-19-04 _____	3-19-14 _____
3-19-05 _____	3-19-15 _____
3-19-06 _____	3-19-16 _____
3-19-07 _____	3-19-17 _____
3-19-08 _____	3-19-18 _____
3-19-09 _____	3-19-19 _____
3-19-10 _____	3-19-20 _____

Check this box if you have additional attachments: ☐

## Supporting External Business And Job Growth

### **3-20 Vendor Supplied Goods**

Provide plans detailing an **outside spending budget** for vendor supplied goods and services and breakdowns by category of expenditures.

**Please attach a detailed, written response to this question as attachment 3-20-01 and provide a brief overview of your response in this box. The overview should contain, at a minimum, a summary of the plan by category. The response provided in this box will be released to the public.**

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### **List of Attachments:**

3-20-01 _____	3-20-11 _____
3-20-02 _____	3-20-12 _____
3-20-03 _____	3-20-13 _____
3-20-04 _____	3-20-14 _____
3-20-05 _____	3-20-15 _____
3-20-06 _____	3-20-16 _____
3-20-07 _____	3-20-17 _____
3-20-08 _____	3-20-18 _____
3-20-09 _____	3-20-19 _____
3-20-10 _____	3-20-20 _____

Check this box if you have additional attachments: ☐

## Supporting External Business And Job Growth

### **3-21 Minority, Women, and Veteran Businesses**

Provide a copy of a marketing program, and an explanation as to how the applicant proposes to implement the program, by which the applicant identifies specific goals, expressed as an overall program goal applicable to the total dollar amount of contracts, for utilization of: (i) minority business enterprises, women business enterprises and veteran business enterprises to participate as contractors in the design of the gaming establishment; (ii) minority business enterprises, women business enterprises and veteran business enterprises to participate as contractors in the construction of the gaming establishment; and (iii) minority business enterprises, women business enterprises and veteran business enterprises to participate as vendors in the provision of goods and services procured by the gaming establishment and any businesses operated as part of the gaming establishment. (See related attestation in section [\*B. Signature Forms\*](#))

**Please attach a detailed, written response to this question as attachment 3-21-01 and provide a brief overview of your response in this box. The overview should include, at a minimum, a general summary of the plan in each of the provided categories. The response provided in this box will be released to the public.**

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#### **List of Attachments:**

3-21-01_____	3-21-07_____
3-21-02_____	3-21-08_____
3-21-03_____	3-21-09_____
3-21-04_____	3-21-10_____
3-21-05_____	3-21-11_____
3-21-06_____	3-21-12_____

Check this box if you have additional attachments: ☐

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## Supporting External Business And Job Growth

### **3-22 Marketing to Minority, Women, and Veteran Businesses – Financials** (delete as duplicative of 3-21??)

~~Provide a plan detailing your marketing program expressed relative to the percentage of total dollar amount of overall contracts for utilization of: (i) minority business enterprises, women business enterprises and veteran business enterprises to participate as contractors in the design of the gaming establishment; (ii) minority business enterprises, women business enterprises and veteran business enterprises to participate as contractors in the construction of the gaming establishment; and (iii) minority business enterprises, women business enterprises and veteran business enterprises to participate as vendors in the provision of goods and services procured by the gaming establishment and any businesses operated as part of the gaming establishment.~~

**Please attach a detailed, written response to this question as attachment 3-22-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public. :**

#### List of Attachments:

3-22-01_____	3-22-07_____
3-22-02_____	3-22-08_____
3-22-03_____	3-22-09_____
3-22-04_____	3-22-10_____
3-22-05_____	3-22-11_____
3-22-06_____	3-22-12_____

Check this box if you have additional attachments: ☐

## Supporting External Business And Job Growth

### **3-23 Projected Benefit for Regional Businesses**

Provide projections for increases in gross revenues for regional businesses as a result of **casino gaming establishment** operations each year for the first five years of operations on a best, average and worst case basis, identifying and describing the methodology used to produce the projections and describe the assumptions on which each projection is based.

**Please attach a detailed, written response to this question as attachment 3-23-01 and provide a brief overview of your response in this box. The overview should contain, at a minimum, the projection within each category. The response provided in this box will be released to the public.**

#### **List of Attachments:**

3-23-01 _____	3-23-11 _____
3-23-02 _____	3-23-12 _____
3-23-03 _____	3-23-13 _____
3-23-04 _____	3-23-14 _____
3-23-05 _____	3-23-15 _____
3-23-06 _____	3-23-16 _____
3-23-07 _____	3-23-17 _____
3-23-08 _____	3-23-18 _____
3-23-09 _____	3-23-19 _____
3-23-10 _____	3-23-20 _____

Check this box if you have additional attachments:



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## Supporting External Business And Job Growth

### **3-24 Domestic Slot Machines**

Describe any plans the applicant has for purchasing **domestically manufactured slot machines for installation in the gaming establishment.**

**Please attach a detailed, written response to this question as attachment 3-24-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

#### **List of Attachments:**

3-24-01 _____	3-24-11 _____
3-24-02 _____	3-24-12 _____
3-24-03 _____	3-24-13 _____
3-24-04 _____	3-24-14 _____
3-24-05 _____	3-24-15 _____
3-24-06 _____	3-24-16 _____
3-24-07 _____	3-24-17 _____
3-24-08 _____	3-24-18 _____
3-24-09 _____	3-24-19 _____
3-24-10 _____	3-24-20 _____

Check this box if you have additional attachments: ☐

## Supporting External Business And Job Growth

### **3-25 Gaming Equipment Vendors**

~~Provide the names of all proposed vendors of gaming equipment.~~ Realizing that formal plans may not be finalized, please provide the names of all proposed vendors of gaming equipment to the best of your present knowledge and belief.

If more space is needed, please use an attachment. Provide the primary business address for each vendor in an attachment.

#### **Names of Gaming Equipment Vendors:**

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_
9. \_\_\_\_\_
10. \_\_\_\_\_
11. \_\_\_\_\_
12. \_\_\_\_\_
13. \_\_\_\_\_
14. \_\_\_\_\_
15. \_\_\_\_\_
16. \_\_\_\_\_
17. \_\_\_\_\_
18. \_\_\_\_\_
19. \_\_\_\_\_
20. \_\_\_\_\_

#### **List of Attachments:**

3-25-01 _____	3-25-03 _____
---------------	---------------

3. Economic Development

Applicant: \_\_\_\_\_

3-25-02 \_\_\_\_\_ 3-25-04 \_\_\_\_\_

Check this box if you have additional attachments: ☐

DRAFT

## Supporting External Business And Job Growth

### **3-26 Third Party Revenue Impacts** (is this covered by 3-1??)

Provide reports and analysis documenting projections for third-party revenue impacts.

**Please attach a detailed, written response to this question as attachment 3-26-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

#### **List of Attachments:**

3-26-01 _____	3-26-11 _____
3-26-02 _____	3-26-12 _____
3-26-03 _____	3-26-13 _____
3-26-04 _____	3-26-14 _____
3-26-05 _____	3-26-15 _____
3-26-06 _____	3-26-16 _____
3-26-07 _____	3-26-17 _____
3-26-08 _____	3-26-18 _____
3-26-09 _____	3-26-19 _____
3-26-10 _____	3-26-20 _____

Check this box if you have additional attachments: ☐

## Regional Tourism And Attractions

### **3-27 Local Agreements**

Provide local agreements designed to expand ~~casino~~ gaming establishment draw (what do we mean by 'draw'?- number of patrons?).

**Please provide a brief summary of any attached agreements in this box. The response provided in this box will be released to the public.**

DRAFT

### **List of Attachments:**

3-27-01 _____	3-27-11 _____
3-27-02 _____	3-27-12 _____
3-27-03 _____	3-27-13 _____
3-27-04 _____	3-27-14 _____
3-27-05 _____	3-27-15 _____
3-27-06 _____	3-27-16 _____
3-27-07 _____	3-27-17 _____
3-27-08 _____	3-27-18 _____
3-27-09 _____	3-27-19 _____
3-27-10 _____	3-27-20 _____

Check this box if you have additional attachments: ☐

## Regional Tourism And Attractions

### **3-28 Cross Marketing**

Provide plans that demonstrate how you will cross-market with other attractions.

**Please attach a detailed, written response to this question as attachment 3-28-01 and provide a brief overview of your response in this box. The overview should contain, at a minimum, a summary of any attached agreements and a general summary of the plans. The response provided in this box will be released to the public.**

DRAFT

#### **List of Attachments:**

3-28-01 _____	3-28-11 _____
3-28-02 _____	3-28-12 _____
3-28-03 _____	3-28-13 _____
3-28-04 _____	3-28-14 _____
3-28-05 _____	3-28-15 _____
3-28-06 _____	3-28-16 _____
3-28-07 _____	3-28-17 _____
3-28-08 _____	3-28-18 _____
3-28-09 _____	3-28-19 _____
3-28-10 _____	3-28-20 _____

Check this box if you have additional attachments: ☐

## Regional Tourism And Attractions

### **3-29 Collaboration with Tourism and Other Industries**

Provide plans that detail collaboration **by the applicant** with tourism and other related industries **including the Massachusetts tourism and other related industries.** (From 3-30)

**Please attach a detailed, written response to this question as attachment 3-29-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

DRAFT

#### **List of Attachments:**

3-29-01 _____	3-29-11 _____
3-29-02 _____	3-29-12 _____
3-29-03 _____	3-29-13 _____
3-29-04 _____	3-29-14 _____
3-29-05 _____	3-29-15 _____
3-29-06 _____	3-29-16 _____
3-29-07 _____	3-29-17 _____
3-29-08 _____	3-29-18 _____
3-29-09 _____	3-29-19 _____
3-29-10 _____	3-29-20 _____

Check this box if you have additional attachments: ☐

## Regional Tourism And Attractions

### **3-30 Collaboration with Tourism and Other Industries** (delete as merged with 3-29??)

Provide the applicant's plans for collaboration with Massachusetts tourism and related industries.

**Please attach a detailed, written response to this question as attachment 3-30-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public. :**

DRAFT

#### **List of Attachments:**

3-30-01 _____	3-30-11 _____
3-30-02 _____	3-30-12 _____
3-30-03 _____	3-30-13 _____
3-30-04 _____	3-30-14 _____
3-30-05 _____	3-30-15 _____
3-30-06 _____	3-30-16 _____
3-30-07 _____	3-30-17 _____
3-30-08 _____	3-30-18 _____
3-30-09 _____	3-30-19 _____
3-30-10 _____	3-30-20 _____

Check this box if you have additional attachments: ☐



## Regional Tourism And Attractions

### **3-31 International Marketing Efforts**

*(Optional For Category 2 applicants)* Provide plans for international marketing efforts.

Reference may be made to the response to question 3-29.

**Please attach a detailed, written response to this question as attachment 3-31-01 and provide a brief overview of your response in this box. The summary should include, at a minimum, a broad description of the plans. The response provided in this box will be released to the public.**

#### **List of Attachments:**

3-31-01 _____	3-31-11 _____
3-31-02 _____	3-31-12 _____
3-31-03 _____	3-31-13 _____
3-31-04 _____	3-31-14 _____
3-31-05 _____	3-31-15 _____
3-31-06 _____	3-31-16 _____
3-31-07 _____	3-31-17 _____
3-31-08 _____	3-31-18 _____
3-31-09 _____	3-31-19 _____
3-31-10 _____	3-31-20 _____

Check this box if you have additional attachments: ☐

## Regional Tourism And Attractions

### **3-32 Other Amenities**

Provide plans for planned attractions and amenities beyond hotel, **casino gaming**, restaurants and in-house entertainment to draw customers. (*Note- hotel optional For Category 2 applicants*)

**Please attach a detailed, written response to this question as attachment 3-32-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

DRAFT

#### **List of Attachments:**

3-32-01 _____	3-32-11 _____
3-32-02 _____	3-32-12 _____
3-32-03 _____	3-32-13 _____
3-32-04 _____	3-32-14 _____
3-32-05 _____	3-32-15 _____
3-32-06 _____	3-32-16 _____
3-32-07 _____	3-32-17 _____
3-32-08 _____	3-32-18 _____
3-32-09 _____	3-32-19 _____
3-32-10 _____	3-32-20 _____

Check this box if you have additional attachments: ☐

## Regional Tourism And Attractions

### **3-33 Unique Business and Marketing Strategies**

Provide additional plans that demonstrate unique business and marketing strategies to draw new revenues from new customers.

**Please attach a detailed, written response to this question as attachment 3-33-01 and provide a brief overview of your response in this box. Given the potential sensitivity of this information, the overview should contain, at a minimum, a broad summary of any plans. The response provided in this box will be released to the public.**

DRAFT

#### **List of Attachments:**

3-33-01 _____	3-33-11 _____
3-33-02 _____	3-33-12 _____
3-33-03 _____	3-33-13 _____
3-33-04 _____	3-33-14 _____
3-33-05 _____	3-33-15 _____
3-33-06 _____	3-33-16 _____
3-33-07 _____	3-33-17 _____
3-33-08 _____	3-33-18 _____
3-33-09 _____	3-33-19 _____
3-33-10 _____	3-33-20 _____

Check this box if you have additional attachments: ☐

## Regional Tourism And Attractions

### **3-34 Regional Economic Plan Coordination**

**State whether the applicant's proposed gaming establishment is part of a regional or local economic plan,** and provide documentation demonstrating inclusion and coordination with regional economic plans.

**Please attach a detailed, written response to this question as attachment 3-34-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

#### **List of Attachments:**

3-34-01 _____	3-34-11 _____
3-34-02 _____	3-34-12 _____
3-34-03 _____	3-34-13 _____
3-34-04 _____	3-34-14 _____
3-34-05 _____	3-34-15 _____
3-34-06 _____	3-34-16 _____
3-34-07 _____	3-34-17 _____
3-34-08 _____	3-34-18 _____
3-34-09 _____	3-34-19 _____
3-34-10 _____	3-34-20 _____

Check this box if you have additional attachments: ☐

## Regional Tourism And Attractions

### **3-35 Community Support**

Provide documentation of community support and agreement relationships with local organizations: **(delete as subsumed in question 5-8??)**

**~~Please attach a detailed, written response to this question as attachment 3-35-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.~~**

DRAFT

#### **List of Attachments:**

3-35-01 _____	3-35-11 _____
3-35-02 _____	3-35-12 _____
3-35-03 _____	3-35-13 _____
3-35-04 _____	3-35-14 _____
3-35-05 _____	3-35-15 _____
3-35-06 _____	3-35-16 _____
3-35-07 _____	3-35-17 _____
3-35-08 _____	3-35-18 _____
3-35-09 _____	3-35-19 _____
3-35-10 _____	3-35-20 _____

Check this box if you have additional attachments: ☐

## Regional Tourism And Attractions

### **3-36 Other Community Enhancements**

Provide plans outlining community enhancements not **already** covered by **section 3. Economic Development.**

**Please attach a detailed, written response to this question as attachment 3-36-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

DRAFT

#### **List of Attachments:**

3-36-01 _____	3-36-11 _____
3-36-02 _____	3-36-12 _____
3-36-03 _____	3-36-13 _____
3-36-04 _____	3-36-14 _____
3-36-05 _____	3-36-15 _____
3-36-06 _____	3-36-16 _____
3-36-07 _____	3-36-17 _____
3-36-08 _____	3-36-18 _____
3-36-09 _____	3-36-19 _____
3-36-10 _____	3-36-20 _____

Check this box if you have additional attachments: ☐

## Regional Tourism And Attractions

### **3-37 Record of Success**

Provide documentation that outlines applicant's record of success in meeting **these objectives** at other operational sites.

**Please attach a detailed, written response to this question as attachment 3-37-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

### **List of Attachments:**

3-37-01 _____	3-37-11 _____
3-37-02 _____	3-37-12 _____
3-37-03 _____	3-37-13 _____
3-37-04 _____	3-37-14 _____
3-37-05 _____	3-37-15 _____
3-37-06 _____	3-37-16 _____
3-37-07 _____	3-37-17 _____
3-37-08 _____	3-37-18 _____
3-37-09 _____	3-37-19 _____
3-37-10 _____	3-37-20 _____

Check this box if you have additional attachments: ☐

## Regional Tourism And Attractions

### **3-38 Entertainment and Athletic Events**

Provide details of the applicant's plans for using entertainers and entertainment, including athletic events, to attract patrons to the applicant's facility.

**Please attach a detailed, written response to this question as attachment 3-38-01 and provide a brief overview of your response in this box. The summary should include, at a minimum, a broad description of the plans. The response provided in this box will be released to the public.**

DRAFT

#### **List of Attachments:**

3-38-01 _____	3-38-11 _____
3-38-02 _____	3-38-12 _____
3-38-03 _____	3-38-13 _____
3-38-04 _____	3-38-14 _____
3-38-05 _____	3-38-15 _____
3-38-06 _____	3-38-16 _____
3-38-07 _____	3-38-17 _____
3-38-08 _____	3-38-18 _____
3-38-09 _____	3-38-19 _____
3-38-10 _____	3-38-20 _____

Check this box if you have additional attachments: ☐



## **4. BUILDING & SITE DESIGN**

**Prerequisites**

Does your application:

- ☐ Comply with [780 CMR](#) (State Building Code), [521 CMR](#) (Architectural Access regulations), local ordinances and by-laws, including M.G.L. c.30, §§61-62H as provided in [205 CMR 120.01](#)?
- ☐ Provide the names and addresses of the architects, engineers and designers of the gaming facility as required by Question 4-3?
- ☐ State how your hotels, hotel rooms, restaurants will compare in quality to other area hotels and amenities as required by Question 4-19?
- ☐ Utilize sustainable development principles in the construction and during the life cycle of the facility?
- ☐ Describe your plans relating to LEED as required by Question 4-38?
- ☐ Describe plans to meet or exceed the stretch energy code requirements as required by Question 4-40?
- ☐ Describe expected total vehicle traffic and mitigation as required by Question 4-41?
- ☐ Describe plans for conservation of water and management of storm water as required by Question 4-43?
- ☐ Describe plans for use of energy efficient equipment as required by Question 4-46?
- ☐ Describe plans for generating at least 10% of energy on site as required by Question 4-49?
- ☐ Describe plans for monitoring energy use as required by Question 4-53?

## Demonstrate Creativity In Design And Overall Concept Excellence

## **4-1 Overall Theme**

Describe the overall theme and concept underlying the proposed design of the facility, including how that theme and concept promote attraction of visitors to the facility and interaction by those visitors with the facility's immediate and regional surroundings.

**Please attach a detailed, written response to this question as attachment 4-01-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

AFI

### List of Attachments:

4-01-01	4-01-11
4-01-02	4-01-12
4-01-03	4-01-13
4-01-04	4-01-14
4-01-05	4-01-15
4-01-06	4-01-16
4-01-07	4-01-17
4-01-08	4-01-18
4-01-09	4-01-19
4-01-10	4-01-20

Check this box if you have additional attachments: ☐

## Demonstrate Creativity In Design And Overall Concept Excellence

### **4-2 Relationship with Surroundings**

Describe the relationship, if any, between the proposed facility and the architecture, history and culture of its immediate and regional surroundings.

**Please attach a detailed, written response to this question as attachment 4-02-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

DRAFT

### **List of Attachments:**

4-02-01 _____	4-02-11 _____
4-02-02 _____	4-02-12 _____
4-02-03 _____	4-02-13 _____
4-02-04 _____	4-02-14 _____
4-02-05 _____	4-02-15 _____
4-02-06 _____	4-02-16 _____
4-02-07 _____	4-02-17 _____
4-02-08 _____	4-02-18 _____
4-02-09 _____	4-02-19 _____
4-02-10 _____	4-02-20 _____

Check this box if you have additional attachments: ☐

## Demonstrate Creativity In Design And Overall Concept Excellence

### **4-3 Architects, Engineers, and Designers**

Provide the names and addresses of the architects, engineers and designers of the gaming facility.

Further, please provide a brief biographical summary along with any other information including links to web sites or other similar material about these individuals and/or entities describing projects in which these individuals and/or entities have participated.

Please attach a detailed, written response to this question as attachment 4-03-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.

### **List of Attachments:**

4-03-01 _____	4-03-11 _____
4-03-02 _____	4-03-12 _____
4-03-03 _____	4-03-13 _____
4-03-04 _____	4-03-14 _____
4-03-05 _____	4-03-15 _____
4-03-06 _____	4-03-16 _____
4-03-07 _____	4-03-17 _____
4-03-08 _____	4-03-18 _____
4-03-09 _____	4-03-19 _____
4-03-10 _____	4-03-20 _____

Check this box if you have additional attachments: ☐

**Demonstrate Creativity In Design And Overall Concept Excellence****4-4 Color Rendering**

Provide a color rendering of the **casino gaming establishment** and all structures located on the **casino gaming establishment** site.

**List of Attachments:**

4-04-01 _____	4-04-03 _____
4-04-02 _____	4-04-04 _____

Check this box if you have additional attachments: ☐

**4-5 Schematic Design**

Provide a schematic design, as defined/understood by the [AIA](#), **along** for each structure within the boundaries of the site showing at least the total and usable floor area, interior and exterior themes, and finished, building elevations and perspectives.

**List of Attachments:**

4-05-01 _____	4-05-03 _____
4-05-02 _____	4-05-04 _____

Check this box if you have additional attachments: ☐

**4-6 Proposed Landscaping**

Provide a site plan showing the proposed landscaping and other site improvements.

**List of Attachments:**

4-06-01 _____	4-06-03 _____
4-06-02 _____	4-06-04 _____

Check this box if you have additional attachments: ☐

**4-7 Alternative presentation (new section)**

If the applicant chooses, it may provide a mock up of the project, video presentation, or other medium of presenting the proposal separate from those otherwise required. If such a presentation is provided, please provide a written explanation briefly describing it and how it has been included in the application materials.

**List of Attachments:**

4-07-01 _____	4-07-03 _____
4-07-02 _____	4-07-04 _____

Check this box if you have additional attachments: ☐

### Demonstrate Creativity In Design And Overall Concept Excellence

#### **4-8 Parking**

Describe the number, location and [accessibility](#) of parking spaces for employees, patrons and buses.

**Please attach a detailed, written response to this question as attachment 4-08-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

#### **List of Attachments:**

4-08-01 _____	4-08-11 _____
4-08-02 _____	4-08-12 _____
4-08-03 _____	4-08-13 _____
4-08-04 _____	4-08-14 _____
4-08-05 _____	4-08-15 _____
4-08-06 _____	4-08-16 _____
4-08-07 _____	4-08-17 _____
4-08-08 _____	4-08-18 _____
4-08-09 _____	4-08-19 _____
4-08-10 _____	4-08-20 _____

Check this box if you have additional attachments: ☐



**Demonstrate Creativity In Design And Overall Concept Excellence****4-9 Transportation Infrastructure**

Describe the plans for tour bus, taxi and valet drop-off and for service vehicle parking, satellite parking and other related transportation infrastructure. **Additionally, please describe plans to offer refueling, overnight bus parking and convenience store facilities on site.**

**Please attach a detailed, written response to this question as attachment 4-09-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

**List of Attachments:**

4-09-01	4-09-11
4-09-02	4-09-12
4-09-03	4-09-13
4-09-04	4-09-14
4-09-05	4-09-15
4-09-06	4-09-16
4-09-07	4-09-17
4-09-08	4-09-18
4-09-09	4-09-19
4-09-10	4-09-20

Check this box if you have additional attachments: ☐

## Gaming Establishment Of High Caliber With Quality Amenities In Partnership With Local Facilities

### **4-10 Gaming**

Describe the proposed **casino gaming area**, including the square feet of gaming area, the number and types of table games and slot machines it will contain, the number of gaming positions, as defined in G.L. c. 23K, §2, it will contain and the specific location of the games and machines in the proposed gaming establishment. **Further, please discuss any plans for special high limit or VIP areas.**

**Please attach a detailed, written response to this question as attachment 4-10-01 and provide a brief overview of your response in this box. The overview should contain, at a minimum, a brief summary of the description specifically including the number and types of table games and slot machines, and the number of gaming positions. The response provided in this box will be released to the public.**

### **List of Attachments:**

4-10-01 _____	4-10-11 _____
4-10-02 _____	4-10-12 _____
4-10-03 _____	4-10-13 _____
4-10-04 _____	4-10-14 _____
4-10-05 _____	4-10-15 _____
4-10-06 _____	4-10-16 _____
4-10-07 _____	4-10-17 _____
4-10-08 _____	4-10-18 _____

4. Building and Site Design

Applicant: \_\_\_\_\_

4-10-09 \_\_\_\_\_

4-10-19 \_\_\_\_\_

4-10-10 \_\_\_\_\_

4-10-20 \_\_\_\_\_

Check this box if you have additional attachments: ☐

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### **Gaming Establishment Of High Caliber With Quality Amenities In Partnership With Local Facilities**

#### **4-11 Non-Gaming Amenities**

Describe the restaurants, retail spaces, bars, lounges and other non-gaming amenities located within the boundaries of the **casino gaming establishment** site, along with the names of their proposed operators.

**Please attach a detailed, written response to this question as attachment 4-11-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

DRAFT

#### **List of Attachments:**

4-11-01 _____	4-11-11 _____
4-11-02 _____	4-11-12 _____
4-11-03 _____	4-11-13 _____
4-11-04 _____	4-11-14 _____
4-11-05 _____	4-11-15 _____
4-11-06 _____	4-11-16 _____
4-11-07 _____	4-11-17 _____
4-11-08 _____	4-11-18 _____
4-11-09 _____	4-11-19 _____
4-11-10 _____	4-11-20 _____

Check this box if you have additional attachments: ☐

## Gaming Establishment Of High Caliber With Quality Amenities In Partnership With Local Facilities

### 4-12 Exhibition Spaces

*(Optional For Category 2 applicants)* Describe any exhibition space or spaces the applicant plans to include in its facility, including the square footage of the spaces and the amenities they will contain.

**Please attach a detailed, written response to this question as attachment 4-12-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

DRAFT

### List of Attachments:

4-12-01 _____	4-12-11 _____
4-12-02 _____	4-12-12 _____
4-12-03 _____	4-12-13 _____
4-12-04 _____	4-12-14 _____
4-12-05 _____	4-12-15 _____
4-12-06 _____	4-12-16 _____
4-12-07 _____	4-12-17 _____
4-12-08 _____	4-12-18 _____
4-12-09 _____	4-12-19 _____
4-12-10 _____	4-12-20 _____

Check this box if you have additional attachments: ☐

## Gaming Establishment Of High Caliber With Quality Amenities In Partnership With Local Facilities

### **4-13 Conference Space**

**(Optional For Category 2 applicants)** Describe any conference space or spaces the applicant plans to include in its facility, including the square footage of the spaces and the amenities they will contain

**Please attach a detailed, written response to this question as attachment 4-13-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

DRAFT

### **List of Attachments:**

4-13-01 _____	4-13-11 _____
4-13-02 _____	4-13-12 _____
4-13-03 _____	4-13-13 _____
4-13-04 _____	4-13-14 _____
4-13-05 _____	4-13-15 _____
4-13-06 _____	4-13-16 _____
4-13-07 _____	4-13-17 _____
4-13-08 _____	4-13-18 _____
4-13-09 _____	4-13-19 _____
4-13-10 _____	4-13-20 _____

Check this box if you have additional attachments: ☐

## Gaming Establishment Of High Caliber With Quality Amenities In Partnership With Local Facilities

### **4-14 Serving the Surrounding Community**

Describe how the restaurants, retail spaces, bars, lounges and other non-gaming amenities located within the boundaries of the **casino gaming establishment** site will serve the surrounding community.

**Please attach a detailed, written response to this question as attachment 4-14-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

DRAFT

### **List of Attachments:**

4-14-01 _____	4-14-11 _____
4-14-02 _____	4-14-12 _____
4-14-03 _____	4-14-13 _____
4-14-04 _____	4-14-14 _____
4-14-05 _____	4-14-15 _____
4-14-06 _____	4-14-16 _____
4-14-07 _____	4-14-17 _____
4-14-08 _____	4-14-18 _____
4-14-09 _____	4-14-19 _____
4-14-10 _____	4-14-20 _____

Check this box if you have additional attachments: ☐

## Gaming Establishment Of High Caliber With Quality Amenities In Partnership With Local Facilities

### **4-15 Entertainment Venues**

Describe the entertainment venues located on the **casino gaming establishment** site inside or outside the **casino gaming establishment** proper, the capacity of each and uses to which the venues will be dedicated. **Note- in accordance with M.G.L. c.23K, §9(a)(11) a gaming licensee shall only be permitted to build a live entertainment venue that has less than 1,000 seats or more than 3,500 seats.**

**Please attach a detailed, written response to this question as attachment 4-15-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

### **List of Attachments:**

4-15-01 _____	4-15-11 _____
4-15-02 _____	4-15-12 _____
4-15-03 _____	4-15-13 _____
4-15-04 _____	4-15-14 _____
4-15-05 _____	4-15-15 _____
4-15-06 _____	4-15-16 _____
4-15-07 _____	4-15-17 _____
4-15-08 _____	4-15-18 _____
4-15-09 _____	4-15-19 _____
4-15-10 _____	4-15-20 _____



Check this box if you have additional attachments: ☐

DRAFT

## Gaming Establishment Of High Caliber With Quality Amenities In Partnership With Local Facilities

### 4-16 Public Spaces

*(Optional For Category 2 applicants)* Describe the convention, meeting and other public spaces, other than those identified in response to questions 4-11 and 4-12 if any, located on the **casino gaming establishment** site inside or outside the **casino gaming establishment** proper, the capacity of each and uses to which the venues will be dedicated.

**Please attach a detailed, written response to this question as attachment 4-16-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

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#### List of Attachments:

4-16-01_____	4-16-11_____
4-16-02_____	4-16-12_____
4-16-03_____	4-16-13_____
4-16-04_____	4-16-14_____
4-16-05_____	4-16-15_____
4-16-06_____	4-16-16_____
4-16-07_____	4-16-17_____
4-16-08_____	4-16-18_____
4-16-09_____	4-16-19_____
4-16-10_____	4-16-20_____

4. Building and Site Design

Applicant: \_\_\_\_\_

Check this box if you have additional attachments: ☐

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## Gaming Establishment Of High Caliber With Quality Amenities In Partnership With Local Facilities

### **4-17 Description of Hotel**

*(Optional For Category 2 applicants)* Describe the proposed hotel, including the types of rooms, the numbers of each type, and the number that will be reserved for **casino gaming establishment** promotions. **Additionally specify whether housekeeping and laundry will be out sourced or retained within the facility operations.**

**Please attach a detailed, written response to this question as attachment 4-17-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

### **List of Attachments:**

4-17-01 _____	4-17-11 _____
4-17-02 _____	4-17-12 _____
4-17-03 _____	4-17-13 _____
4-17-04 _____	4-17-14 _____
4-17-05 _____	4-17-15 _____
4-17-06 _____	4-17-16 _____
4-17-07 _____	4-17-17 _____
4-17-08 _____	4-17-18 _____
4-17-09 _____	4-17-19 _____
4-17-10 _____	4-17-20 _____

Check this box if you have additional attachments: ☐

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## Gaming Establishment Of High Caliber With Quality Amenities In Partnership With Local Facilities

### **4-18 Other Facilities**

Describe any other facilities or amenities, **other than those already described**, that will be located on the site. **Further, please specify whether day care or minor/child babysitting services are planned. If so, what standards will be utilized in offering such patron services?**

**Please attach a detailed, written response to this question as attachment 4-18-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

DRAFT

### **List of Attachments:**

4-18-01 _____	4-18-11 _____
4-18-02 _____	4-18-12 _____
4-18-03 _____	4-18-13 _____
4-18-04 _____	4-18-14 _____
4-18-05 _____	4-18-15 _____
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4-18-07 _____	4-18-17 _____
4-18-08 _____	4-18-18 _____
4-18-09 _____	4-18-19 _____
4-18-10 _____	4-18-20 _____

Check this box if you have additional attachments: ☐

## Gaming Establishment Of High Caliber With Quality Amenities In Partnership With Local Facilities

### **4-19 Quality of Amenities**

*(Hotel and hotel room portion of the response is optional For Category 2 applicants)* State how the hotels, hotel rooms, restaurants and other amenities that are part of the proposed facility will compare in quality to other area hotels and amenities **as well as those included and offered in other competitive gaming establishments within the 300 mile area.**

**Please attach a detailed, written response to this question as attachment 4-19-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

### **List of Attachments:**

4-19-01 _____	4-19-11 _____
4-19-02 _____	4-19-12 _____
4-19-03 _____	4-19-13 _____
4-19-04 _____	4-19-14 _____
4-19-05 _____	4-19-15 _____
4-19-06 _____	4-19-16 _____
4-19-07 _____	4-19-17 _____
4-19-08 _____	4-19-18 _____
4-19-09 _____	4-19-19 _____
4-19-10 _____	4-19-20 _____

Check this box if you have additional attachments: ☐

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### Gaming Establishment Of High Caliber With Quality Amenities In Partnership With Local Facilities

#### **4-20 Art**

Describe any public art, **sculpture, paintings, or other patron attractions** that will be located at the **casino gaming establishment complex** site.

**Please attach a detailed, written response to this question as attachment 4-20-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

#### **List of Attachments:**

4-20-01 _____	4-20-11 _____
4-20-02 _____	4-20-12 _____
4-20-03 _____	4-20-13 _____
4-20-04 _____	4-20-14 _____
4-20-05 _____	4-20-15 _____
4-20-06 _____	4-20-16 _____
4-20-07 _____	4-20-17 _____
4-20-08 _____	4-20-18 _____
4-20-09 _____	4-20-19 _____
4-20-10 _____	4-20-20 _____

Check this box if you have additional attachments: ☐

### **Gaming Establishment Of High Caliber With Quality Amenities In Partnership With Local Facilities**

#### **4-21 Tourism Diversity**

Describe **how the applicant proposes to build a gaming establishment of high caliber with a variety of quality amenities included as part of the gaming establishment and operated in partnership with local hotels, and dining, retail, and entertainment facilities, including identifying the existing or anticipated contracts, agreements, or strategies between and among the applicant and local hotels and dining, retail and entertainment facilities, designed to ensure that patrons experience that diversified regional tourism industry. Further please describe the applicant's intended use of any busing programs including any plans for patron solicitation for bus related marketing programs.**

**Please attach a detailed, written response to this question as attachment 4-21-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

#### **List of Attachments:**

4-21-01_____	4-21-11_____
4-21-02_____	4-21-12_____
4-21-03_____	4-21-13_____
4-21-04_____	4-21-14_____
4-21-05_____	4-21-15_____
4-21-06_____	4-21-16_____
4-21-07_____	4-21-17_____
4-21-08_____	4-21-18_____

4. Building and Site Design

Applicant: \_\_\_\_\_

4-21-09 \_\_\_\_\_

4-21-19 \_\_\_\_\_

4-21-10 \_\_\_\_\_

4-21-20 \_\_\_\_\_

Check this box if you have additional attachments: ☐

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### **Gaming Establishment Of High Caliber With Quality Amenities In Partnership With Local Facilities**

#### **4-22 Diversified Regional Tourism**

Describe the existing or anticipated contracts or agreements between non-gaming entities within the boundaries of the **casino gaming establishment** complex and local hotels and dining, retail and entertainment facilities designed to ensure that patrons experience **that** diversified regional tourism industry.

**Please attach a detailed, written response to this question as attachment 4-22-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

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#### **List of Attachments:**

4-22-01	4-22-11
4-22-02	4-22-12
4-22-03	4-22-13
4-22-04	4-22-14
4-22-05	4-22-15
4-22-06	4-22-16
4-22-07	4-22-17
4-22-08	4-22-18
4-22-09	4-22-19
4-22-10	4-22-20

Check this box if you have additional attachments: ☐

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### Compatibility with Surroundings

#### **4-23 Egress from ~~casino~~ Gaming Establishment Site**

Describe all adjacent streets, highways, buses, and other public transportation facilities and how they will be utilized for access to and egress from the ~~casino~~ gaming establishment site.

**Please attach a detailed, written response to this question as attachment 4-23-01 and provide a brief overview of your response in this box. The overview should contain, at a minimum, a summary of the overall plan. The response provided in this box will be released to the public.**

#### **List of Attachments:**

4-23-01 _____	4-23-11 _____
4-23-02 _____	4-23-12 _____
4-23-03 _____	4-23-13 _____
4-23-04 _____	4-23-14 _____
4-23-05 _____	4-23-15 _____
4-23-06 _____	4-23-16 _____
4-23-07 _____	4-23-17 _____
4-23-08 _____	4-23-18 _____
4-23-09 _____	4-23-19 _____
4-23-10 _____	4-23-20 _____

Check this box if you have additional attachments: ☐

## Compatibility with Surroundings

### **4-24 Adequacy of Existing Transportation Infrastructure**

Provide an analysis of the adequacy of the existing transportation facilities, including those for refueling, to deliver patrons to and from the casino-site gaming establishment complex and the measures the applicant will take, including infrastructure and other improvements, to remedy any inadequacy.

**Please attach a detailed, written response to this question as attachment 4-24-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

#### **List of Attachments:**

4-24-01 _____	4-24-11 _____
4-24-02 _____	4-24-12 _____
4-24-03 _____	4-24-13 _____
4-24-04 _____	4-24-14 _____
4-24-05 _____	4-24-15 _____
4-24-06 _____	4-24-16 _____
4-24-07 _____	4-24-17 _____
4-24-08 _____	4-24-18 _____
4-24-09 _____	4-24-19 _____
4-24-10 _____	4-24-20 _____

Check this box if you have additional attachments: ☐

### Compatibility with Surroundings

#### **4-25 Traffic Mitigation**

Describe the steps, plans and measures the applicant will take, including infrastructure improvements, to mitigate traffic flow in the vicinity of the **casino gaming establishment complex** by stimulating use of public transit.

**Please attach a detailed, written response to this question as attachment 4-25-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

#### **List of Attachments:**

4-25-01 _____	4-25-11 _____
4-25-02 _____	4-25-12 _____
4-25-03 _____	4-25-13 _____
4-25-04 _____	4-25-14 _____
4-25-05 _____	4-25-15 _____
4-25-06 _____	4-25-16 _____
4-25-07 _____	4-25-17 _____
4-25-08 _____	4-25-18 _____
4-25-09 _____	4-25-19 _____
4-25-10 _____	4-25-20 _____

Check this box if you have additional attachments: ☐



## Compatibility with Surroundings

### **4-26 Parking Facilities**

Describe the parking facilities and how they will be linked to the ~~casino complex~~ gaming establishment complex in a manner consistent with other design elements.

**Please attach a detailed, written response to this question as attachment 4-26-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

### **List of Attachments:**

4-26-01 _____	4-26-11 _____
4-26-02 _____	4-26-12 _____
4-26-03 _____	4-26-13 _____
4-26-04 _____	4-26-14 _____
4-26-05 _____	4-26-15 _____
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4-26-07 _____	4-26-17 _____
4-26-08 _____	4-26-18 _____
4-26-09 _____	4-26-19 _____
4-26-10 _____	4-26-20 _____

Check this box if you have additional attachments: ☐

### Compatibility with Surroundings

#### **4-27 Adjacent Land**

Describe the relationship of the project to adjacent land uses and proposed land uses to ensure compatibility between the ~~casino~~ gaming establishment complex and the adjacent uses.

**Please attach a detailed, written response to this question as attachment 4-27-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

#### **List of Attachments:**

4-27-01 _____	4-27-11 _____
4-27-02 _____	4-27-12 _____
4-27-03 _____	4-27-13 _____
4-27-04 _____	4-27-14 _____
4-27-05 _____	4-27-15 _____
4-27-06 _____	4-27-16 _____
4-27-07 _____	4-27-17 _____
4-27-08 _____	4-27-18 _____
4-27-09 _____	4-27-19 _____
4-27-10 _____	4-27-20 _____

Check this box if you have additional attachments: ☐

## Compatibility with Surroundings

### 4-28 Zoning Requirements

Describe applicable zoning requirements and how the applicant proposes to meet them. (delete as subsumed in 4-77?)

**~~Please attach a detailed, written response to this question as attachment 4-28-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public. :~~**

### **List of Attachments:**

4-28-01 _____ 4-28-02 _____ 4-28-03 _____ 4-28-04 _____ 4-28-05 _____ 4-28-06 _____ 4-28-07 _____ 4-28-08 _____ 4-28-09 _____ 4-28-10 _____	4-28-11 _____ 4-28-12 _____ 4-28-13 _____ 4-28-14 _____ 4-28-15 _____ 4-28-16 _____ 4-28-17 _____ 4-28-18 _____ 4-28-19 _____ 4-28-20 _____
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Check this box if you have additional attachments: ☐

### Compatibility with Surroundings

#### **4-29 Delivery of Supplies and Trash Removal**

Describe how the facilities for delivery **and storage** of supplies and trash removal are integrated with the overall project complex **including an explanation as to whether on-site compacting or incineration will be utilized and what facility systemic recycling processes, if any, are planned.**

**Please attach a detailed, written response to this question as attachment 4-29-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

#### **List of Attachments:**

4-29-01	4-29-11
4-29-02	4-29-12
4-29-03	4-29-13
4-29-04	4-29-14
4-29-05	4-29-15
4-29-06	4-29-16
4-29-07	4-29-17
4-29-08	4-29-18
4-29-09	4-29-19
4-29-10	4-29-20

Check this box if you have additional attachments: ☐

**Compatibility with Surroundings****4-30 Signage**

Describe the proposed signage and the plans to ensure that it is energy efficient and sensitive to surroundings.

**Please attach a detailed, written response to this question as attachment 4-30-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

**List of Attachments:**

4-30-01 _____	4-30-11 _____
4-30-02 _____	4-30-12 _____
4-30-03 _____	4-30-13 _____
4-30-04 _____	4-30-14 _____
4-30-05 _____	4-30-15 _____
4-30-06 _____	4-30-16 _____
4-30-07 _____	4-30-17 _____
4-30-08 _____	4-30-18 _____
4-30-09 _____	4-30-19 _____
4-30-10 _____	4-30-20 _____

Check this box if you have additional attachments: ☐

**Compatibility with Surroundings****4-31 Minimizing Noise and Lighting**

Describe plans to minimize impact of noise and facility lighting on surroundings areas.

**Please attach a detailed, written response to this question as attachment 4-31-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

**List of Attachments:**

4-31-01	4-31-11
4-31-02	4-31-12
4-31-03	4-31-13
4-31-04	4-31-14
4-31-05	4-31-15
4-31-06	4-31-16
4-31-07	4-31-17
4-31-08	4-31-18
4-31-09	4-31-19
4-31-10	4-31-20

Check this box if you have additional attachments: ☐

## Compatibility with Surroundings

### **4-32 Integration with Surrounding Venues**

Describe how the site will be integrated with and provide access to and from surrounding areas restaurants, hotels, bars, entertainment venues and other attractions through multiple entry and exit points.

**Please attach a detailed, written response to this question as attachment 4-32-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

#### **List of Attachments:**

4-32-01 _____	4-32-11 _____
4-32-02 _____	4-32-12 _____
4-32-03 _____	4-32-13 _____
4-32-04 _____	4-32-14 _____
4-32-05 _____	4-32-15 _____
4-32-06 _____	4-32-16 _____
4-32-07 _____	4-32-17 _____
4-32-08 _____	4-32-18 _____
4-32-09 _____	4-32-19 _____
4-32-10 _____	4-32-20 _____

Check this box if you have additional attachments: ☐

### Compatibility with Surroundings

#### **4-33 Site improvements**

Describe the landscaping, lighting, and other site improvements and how they will integrate the casino gaming establishment complex with its surroundings.

**Please attach a detailed, written response to this question as attachment 4-33-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

#### **List of Attachments:**

4-33-01 _____	4-33-11 _____
4-33-02 _____	4-33-12 _____
4-33-03 _____	4-33-13 _____
4-33-04 _____	4-33-14 _____
4-33-05 _____	4-33-15 _____
4-33-06 _____	4-33-16 _____
4-33-07 _____	4-33-17 _____
4-33-08 _____	4-33-18 _____
4-33-09 _____	4-33-19 _____
4-33-10 _____	4-33-20 _____

Check this box if you have additional attachments: ☐



#### **4-34 Stimulating Retail Activity**

**Please attach a detailed, written response to this question as attachment 4-34-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

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4-34-01	4-34-11
4-34-02	4-34-12
4-34-03	4-34-13
4-34-04	4-34-14
4-34-05	4-34-15
4-34-06	4-34-16
4-34-07	4-34-17
4-34-08	4-34-18
4-34-09	4-34-19
4-34-10	4-34-20

Check this box if you have additional attachments: ☐

**Compatibility with Surroundings****4-35 Extreme Weather**

State whether facilities will be available for community use in the event of extreme weather and, if so, describe how.

**Please attach a detailed, written response to this question as attachment 4-35-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

\_\_\_\_\_

**List of Attachments:**

4-35-01 _____	4-35-11 _____
4-35-02 _____	4-35-12 _____
4-35-03 _____	4-35-13 _____
4-35-04 _____	4-35-14 _____
4-35-05 _____	4-35-15 _____
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4-35-08 _____	4-35-18 _____
4-35-09 _____	4-35-19 _____
4-35-10 _____	4-35-20 _____

Check this box if you have additional attachments: ☐

### Compatibility with Surroundings

#### **4-36 Regional Water Facilities** (moved from mitigation section)

Provide an analysis of existing regional water facilities available to the project, the impact the facility's water usage will have on those who share the same water resources, and the steps the applicant plans to take to remedy any deficiencies the impact produces.

**Please attach a detailed, written response to this question as attachment 4-36-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

#### List of Attachments:

4-36-01 _____	4-36-11 _____
4-36-02 _____	4-36-12 _____
4-36-03 _____	4-36-13 _____
4-36-04 _____	4-36-14 _____
4-36-05 _____	4-36-15 _____
4-36-06 _____	4-36-16 _____
4-36-07 _____	4-36-17 _____
4-36-08 _____	4-36-18 _____
4-36-09 _____	4-36-19 _____
4-36-10 _____	4-36-20 _____

Check this box if you have additional attachments: ☐

### Compatibility with Surroundings

#### **4-37 Sewage Facilities** (moved from mitigation section)

Provide an analysis of existing sewage facilities and their capacity to absorb the effluent from the **casino gaming establishment** complex during average and peak flows, including an estimate of those flows in gallons per day, and the steps the applicant plans to take to remedy any deficiencies in the ability of the existing infrastructure to absorb that flow.

**Please attach a detailed, written response to this question as attachment 4-37-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

#### **List of Attachments:**

4-37-01 _____	4-37-11 _____
4-37-02 _____	4-37-12 _____
4-37-03 _____	4-37-13 _____
4-37-04 _____	4-37-14 _____
4-37-05 _____	4-37-15 _____
4-37-06 _____	4-37-16 _____
4-37-07 _____	4-37-17 _____
4-37-08 _____	4-37-18 _____
4-37-09 _____	4-37-19 _____
4-37-10 _____	4-37-20 _____

Check this box if you have additional attachments: ☐

### **Utilize Sustainable Development Principles In The Construction And During The Life Cycle Of The Facility**

#### **4-38 LEED Certification**

Describe plans including all proposed baseline and improved building design elements and measures for becoming certifiable at the gold or higher **platinum** level under the appropriate certification category in the Leadership in Environmental and Energy Design (LEED) program created by the United States Green Building Council.

**Please attach a detailed, written response to this question as attachment 4-38-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

#### **List of Attachments:**

4-38-01	4-38-11
4-38-02	4-38-12
4-38-03	4-38-13
4-38-04	4-38-14
4-38-05	4-38-15
4-38-06	4-38-16
4-38-07	4-38-17
4-38-08	4-38-18
4-38-09	4-38-19
4-38-10	4-38-20

Check this box if you have additional attachments: ☐

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### Utilize Sustainable Development Principles In The Construction And During The Life Cycle Of The Facility

#### **4-39 Compliance with Environmental Standards**

Describe the extent to which the building and site **will** comply with LEED-ND, LEED Existing Building; LEED EBOM Water; ISI; & IGCC Standards.

**Please attach a detailed, written response to this question as attachment 4-39-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

#### **List of Attachments:**

4-39-01	4-39-11
4-39-02	4-39-12
4-39-03	4-39-13
4-39-04	4-39-14
4-39-05	4-39-15
4-39-06	4-39-16
4-39-07	4-39-17
4-39-08	4-39-18
4-39-09	4-39-19
4-39-10	4-39-20

Check this box if you have additional attachments: ☐

### Utilize Sustainable Development Principles In The Construction And During The Life Cycle Of The Facility

#### **4-40 Stretch Energy Code**

Describe plans to meet or exceed the [stretch energy code](#) requirements contained in Appendix 115AA of the Massachusetts building energy code [State Building Code, 8<sup>th</sup> edition \(780 CMR 115: Appendices\)](#) or equivalent commitment to advanced energy efficiency as determined by the secretary of energy and environmental affairs, including any building energy efficiency measures you propose to use to do so.

**Please attach a detailed, written response to this question as attachment 4-40-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

#### **List of Attachments:**

4-40-01 _____	4-40-11 _____
4-40-02 _____	4-40-12 _____
4-40-03 _____	4-40-13 _____
4-40-04 _____	4-40-14 _____
4-40-05 _____	4-40-15 _____
4-40-06 _____	4-40-16 _____
4-40-07 _____	4-40-17 _____
4-40-08 _____	4-40-18 _____
4-40-09 _____	4-40-19 _____
4-40-10 _____	4-40-20 _____



Check this box if you have additional attachments: ☐

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## Utilize Sustainable Development Principles In The Construction And During The Life Cycle Of The Facility

### **4-41 Vehicle Traffic and Public Transportation** (move to mitigation section?)

Describe expected total vehicle traffic generated by the site, and plans for mitigating vehicle trips to and from the site both during construction and operation of the facilities. Describe efforts to encourage public transportation options to access the site, and pedestrian access and amenities of the site and surrounding area. **Reference may be made to all relevant responses provided as part of section 5. Mitigation.**

**Please attach a detailed, written response to this question as attachment 4-41-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

#### **List of Attachments:**

4-41-01 _____	4-41-11 _____
4-41-02 _____	4-41-12 _____
4-41-03 _____	4-41-13 _____
4-41-04 _____	4-41-14 _____
4-41-05 _____	4-41-15 _____
4-41-06 _____	4-41-16 _____
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4-41-09 _____	4-41-19 _____
4-41-10 _____	4-41-20 _____

Check this box if you have additional attachments: ☐

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### Utilize Sustainable Development Principles In The Construction And During The Life Cycle Of The Facility

#### **4-42 Alternative Fuel Vehicles**

Describe any plans for utilizing electric vehicles and other [alternative fuel vehicles](#) for the resort fleet vehicles, and the accommodation of electric vehicle recharging for resort patrons, and any preferential parking for hybrid or electric vehicles at the site.

**Please attach a detailed, written response to this question as attachment 4-42-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

#### **List of Attachments:**

4-42-01 _____	4-42-11 _____
4-42-02 _____	4-42-12 _____
4-42-03 _____	4-42-13 _____
4-42-04 _____	4-42-14 _____
4-42-05 _____	4-42-15 _____
4-42-06 _____	4-42-16 _____
4-42-07 _____	4-42-17 _____
4-42-08 _____	4-42-18 _____
4-42-09 _____	4-42-19 _____
4-42-10 _____	4-42-20 _____

Check this box if you have additional attachments: ☐

### Utilize Sustainable Development Principles In The Construction And During The Life Cycle Of The Facility

#### **4-43 Conservation of Storm Water**

Describe plans for **conservation of water and** management of storm water **including any plans to use Institute for Sustainable Infrastructure (“ISI”) techniques to minimize impact of storm water and maximize its reuse.**

**Please attach a detailed, written response to this question as attachment 4-43-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

#### **List of Attachments:**

4-43-01 _____	4-43-11 _____
4-43-02 _____	4-43-12 _____
4-43-03 _____	4-43-13 _____
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Check this box if you have additional attachments: ☐

Utilize Sustainable Development Principles In The Construction And During The Life Cycle Of  
The Facility

**4-44 Limiting Water Conservation Usage**

**Describe plans for conservation of water including any plans** to target use of 40% less water than standard buildings of same size and design, for example through the use of waterless urinals, dual flush toilets, and low flow faucets, and by water saving landscaping techniques, and promotion of water reuse and recharge.

**Please attach a detailed, written response to this question as attachment 4-44-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

**List of Attachments:**

4-44-01 _____	4-44-11 _____
4-44-02 _____	4-44-12 _____
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4-44-05 _____	4-44-15 _____
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Check this box if you have additional attachments: ☐

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### Utilize Sustainable Development Principles In The Construction And During The Life Cycle Of The Facility

#### **4-45 Storm Water Reuse** (delete as incorporated into 4-40?)

Describe plans, if any, to use ISI techniques to minimize impact of storm water and maximize its reuse.

**Please attach a detailed, written response to this question as attachment 4-45-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public. :**

#### **List of Attachments:**

4-45-01	4-45-11
4-45-02	4-45-12
4-45-03	4-45-13
4-45-04	4-45-14
4-45-05	4-45-15
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Check this box if you have additional attachments:

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## Utilize Sustainable Development Principles In The Construction And During The Life Cycle Of The Facility

### **4-46 Energy Efficient Equipment**

Describe plans for ensuring use of EnergyStar rated equipment and high efficiency HVAC and heat recovery systems throughout the **casino gaming establishment** complex.

**Please attach a detailed, written response to this question as attachment 4-46-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

### **List of Attachments:**

4-46-01 _____	4-46-11 _____
4-46-02 _____	4-46-12 _____
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Check this box if you have additional attachments: ☐

### **Utilize Sustainable Development Principles In The Construction And During The Life Cycle Of The Facility**

#### **4-47 Energy Efficient Gaming Equipment**

Describe any plans for ensuring that all gaming equipment conforms to best practices for energy efficient use.

**Please attach a detailed, written response to this question as attachment 4-47-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

#### **List of Attachments:**

4-47-01	4-47-11
4-47-02	4-47-12
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4-47-05	4-47-15
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Check this box if you have additional attachments: ☐

### Utilize Sustainable Development Principles In The Construction And During The Life Cycle Of The Facility

#### **4-48 Lighting**

Describe plans for incorporating and fully commissioning state of the art daylighting, LED lighting and lighting controls and for installing upgraded lighting periodically every 5 years or less.

**Please attach a detailed, written response to this question as attachment 4-48-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

#### **List of Attachments:**

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4-48-02 _____	4-48-12 _____
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Check this box if you have additional attachments: ☐

## Utilize Sustainable Development Principles In The Construction And During The Life Cycle Of The Facility

### **4-49 On-Site Energy Generation**

Describe plans for procuring or generating on-site at least 10% of the facility's annual electricity consumption from renewable energy sources qualified by the Massachusetts Department of Energy Resources ([DOER](#)) under G.L. c.25A, §11F. Further, please describe plans, if any, for ensuring that 25% of the facility's annual electricity generated on site is from renewable energy sources, and the date by which that goal will be reached

**Please attach a detailed, written response to this question as attachment 4-49-01 and provide a brief overview of your response in this box. The overview should contain, at a minimum, a summary of the plans as they relate to the 10% and 25% objectives. The response provided in this box will be released to the public.**

### **List of Attachments:**

4-49-01 _____	4-49-11 _____
4-49-02 _____	4-49-12 _____
4-49-03 _____	4-49-13 _____
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4. Building and Site Design

Applicant: \_\_\_\_\_

4-49-10 \_\_\_\_\_

4-49-20 \_\_\_\_\_

Check this box if you have additional attachments: ☐

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## Utilize Sustainable Development Principles In The Construction And During The Life Cycle Of The Facility

### 4-50 On-Site Energy Generation

Describe plans, if any, for ensuring that 25% generated on site is from renewables and the date by which that goal will be reached (delete as merged into 4-46??)

~~Please attach a detailed, written response to this question as attachment 4-50-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.~~

### List of Attachments:

4-50-01	4-50-11
4-50-02	4-50-12
4-50-03	4-50-13
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4-50-05	4-50-15
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Check this box if you have additional attachments: ☐

### Utilize Sustainable Development Principles In The Construction And During The Life Cycle Of The Facility

#### **4-51 Off-Site Renewable Energy**

Describe any plans for obtaining off site power from **renewables** **renewable energy sources** or with renewable energy credits.

**Please attach a detailed, written response to this question as attachment 4-51-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

#### **List of Attachments:**

4-51-01 _____	4-51-11 _____
4-51-02 _____	4-51-12 _____
4-51-03 _____	4-51-13 _____
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4-51-05 _____	4-51-15 _____
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Check this box if you have additional attachments: ☐

### Utilize Sustainable Development Principles In The Construction And During The Life Cycle Of The Facility

#### **4-52 Building Envelope and HVAC**

Describe plans for commissioning the building envelope and HVAC systems in all buildings, and plans for ongoing retrocommissioning of facilities.

**Please attach a detailed, written response to this question as attachment 4-52-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

#### **List of Attachments:**

4-52-01 _____	4-52-11 _____
4-52-02 _____	4-52-12 _____
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Check this box if you have additional attachments: ☐



### **Utilize Sustainable Development Principles In The Construction And During The Life Cycle Of The Facility**

#### **4-53 Energy Consumption Monitoring**

Describe plans for developing an ongoing system that will submeter and monitor all major sources of energy consumption and for undertaking regular and sustained efforts throughout the life-cycle of the facility to maintain and improve energy efficiency and reliance on renewable sources of power in all buildings and equipment that are part of the facility.

**Please attach a detailed, written response to this question as attachment 4-53-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

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#### **List of Attachments:**

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Check this box if you have additional attachments: ☐

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## **4-54 Advanced Building Controls for Energy Use**

**Please attach a detailed, written response to this question as attachment 4-54-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

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Check this box if you have additional attachments: ☐

### **Utilize Sustainable Development Principles In The Construction And During The Life Cycle Of The Facility**

#### **4-55 Centralized Heating and Cooling**

Describe plans for use of centralized & efficient heating and cooling systems, including opportunities to utilize renewable thermal energy such as solar water heating and geothermal heating and cooling. Provide evaluation and opportunities to utilize of e.g., co-generation of combined heat and power (CHP, or cogeneration) to provide efficient electric generation with heat recovery to serve building heating and cooling loads.

**Please attach a detailed, written response to this question as attachment 4-55-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

#### **List of Attachments:**

4-55-01 _____	4-55-11 _____
4-55-02 _____	4-55-12 _____
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Check this box if you have additional attachments: ☐

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### Utilize Sustainable Development Principles In The Construction And During The Life Cycle Of The Facility

#### **4-56 Shifting Peak Energy Use**

Describe plans, if any, to utilize technologies such as absorption chiller based cooling and off-peak thermal ice and heat storage, to maximize operational efficiencies of the physical plant, and to shift peak demands to off-peak time periods for the electric grid.

**Please attach a detailed, written response to this question as attachment 4-56-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

#### **List of Attachments:**

4-56-01 _____	4-56-11 _____
4-56-02 _____	4-56-12 _____
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Check this box if you have additional attachments: ☐

### **Utilize Sustainable Development Principles In The Construction And During The Life Cycle Of The Facility**

#### **4-57 Net Zero Energy**

Describe plans, if any, for operation of one or more buildings at net zero energy within 3 years.

**Please attach a detailed, written response to this question as attachment 4-57-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

#### **List of Attachments:**

4-57-01	4-57-11
4-57-02	4-57-12
4-57-03	4-57-13
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4-57-05	4-57-15
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Check this box if you have additional attachments: ☐

### **Utilize Sustainable Development Principles In The Construction And During The Life Cycle Of The Facility**

#### **4-58 Sustainable Building Construction**

Describe any plans for incorporating other sustainable features into building construction, such as use of local, recycled and/or natural materials, protection of indoor environmental quality from construction materials and, natural habitat protection, reuse and recycling of construction materials.

**Please attach a detailed, written response to this question as attachment 4-58-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

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#### **List of Attachments:**

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Check this box if you have additional attachments: ☐

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## Utilize Sustainable Development Principles In The Construction And During The Life Cycle Of The Facility

### **4-59 Ongoing Sustainable Site Operations**

Describe any plans for ongoing sustainable site operations,, including, but not limited to, the management of solid waste generated at the site, including food waste and other organic materials, the use of less or non-toxic cleaning, personal care, and any other products used at the facility, policies to minimize use of hazardous materials and to effectively manage any hazardous materials on site, the procurement of environmentally preferable products for use in the facility **such as recycled content janitorial or office paper**, EPEAT certified equipment, and other products certified by independent 3rd party organizations.

**Please attach a detailed, written response to this question as attachment 4-59-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

### **List of Attachments:**

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Check this box if you have additional attachments: ☐

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### Utilize Sustainable Development Principles In The Construction And During The Life Cycle Of The Facility

#### **4-60 Testing of Clean Energy Technologies**

Describe any plans for integrating emerging clean energy technologies by providing beta test sites for Massachusetts based companies into buildings, facilities, and vehicles in partnership with the [Massachusetts Clean Energy Center](#) and other parties.

**Please attach a detailed, written response to this question as attachment 4-60-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

#### **List of Attachments:**

4-60-01 _____	4-60-11 _____
4-60-02 _____	4-60-12 _____
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Check this box if you have additional attachments: ☐

### **Utilize Sustainable Development Principles In The Construction And During The Life Cycle Of The Facility**

#### **4-61 Energy Contracts**

Describe any plans to offset all or some of the projected electrical energy consumption not met with on-site **renewables** **renewable energy sources** via long term contracts for energy and RECs with off-site RPS Class I qualified wind, or solar, or other renewable energy projects, or other strategies.

**Please attach a detailed, written response to this question as attachment 4-61-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

#### **List of Attachments:**

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Check this box if you have additional attachments: ☐

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### **Utilize Sustainable Development Principles In The Construction And During The Life Cycle Of The Facility**

#### **4-62 Public Education on Clean Energy, Sustainability, and Waste Management**

Describe any plans to educate building and facility occupants with educational kiosks, display screens, or other public awareness campaigns regarding the clean energy, sustainability, and waste management strategies and technologies deployed on and off site.

**Please attach a detailed, written response to this question as attachment 4-62-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

#### **List of Attachments:**

4-62-01 _____	4-62-11 _____
4-62-02 _____	4-62-12 _____
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Check this box if you have additional attachments: ☐

### Utilize Sustainable Development Principles In The Construction And During The Life Cycle Of The Facility

#### **4-63 Grid Failure**

Describe any plans to identify and equip a portion of the facility to serve as a designated critical facility that would allow **casino** patrons and other affected residents to seek shelter, heating or cooling, and cell phone charging emergency power services in the event of a grid failure **and describe the applicant's back up power generation plans.** Such a system could integrate CHP or fuel cells, energy storage (electric and thermal) and clean DG (solar) with grid islanding capabilities to provide community resilience benefits while also helping to shave peak loads and reduce facility electric demand charges. **Further, please describe the applicant's plan to ensure that adequate data and information protection and backup is in place in the event of a grid failure.**

**Please attach a detailed, written response to this question as attachment 4-63-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

#### **List of Attachments:**

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4. Building and Site Design

Applicant: \_\_\_\_\_

4-63-10 \_\_\_\_\_

4-63-20 \_\_\_\_\_

Check this box if you have additional attachments: ☐

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## Security

### **4-64 Surveillance**

Describe the applicant's approach to surveillance within and in the immediate vicinity of the gaming establishment and the types and kinds of security surveillance facility will contain including, but not limited to, specifics relating to gaming floor coverage, location of cameras, recording policies, retention of recordings, sharing of information with other gaming facilities and law enforcement agencies, monitoring room access, and operational guidelines. Please also describe the applicant's plans to ensure that adequate back up powers systems are in place to protect the surveillance and security systems.

**Please attach a detailed, written response to this question as attachment 4-64-01 and provide a brief overview of your response in this box. Given the sensitivity of this information, the information provided in the overview may be a very generic description of the surveillance approach. The response provided in this box will be released to the public.**

### **List of Attachments:**

4-64-01_____	4-64-11_____
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4-64-03_____	4-64-13_____
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4. Building and Site Design

Applicant: \_\_\_\_\_

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Check this box if you have additional attachments: ☐

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## **4-65 Emergency Evacuation**

**Please attach a detailed, written response to this question as attachment 4-65-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

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4-65-09	4-65-19
4-65-10	4-65-20

Check this box if you have additional attachments: ☐

**Security****4-66 Emergency Response**

Describe all of the applicant's plans for dealing with emergencies, including any and all use of local, state or regional public safety and medical **entities and** facilities that will be utilized in the event an emergency occurs.

**Please attach a detailed, written response to this question as attachment 4-66-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

**List of Attachments:**

4-66-01 _____	4-66-11 _____
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Check this box if you have additional attachments: ☐

## Security

### **4-67 Regulatory Accommodations**

Describe the spaces within the facility that will be provided for regulatory staff, including members of the State Police including designation of square footage. Plans should also address the provision of security, law enforcement and regulatory interview rooms with electronic surveillance coverage, including any temporary criminal holding facility plans, and fingerprinting area. Additionally, please discuss plans for enabling Commission and State Police access to computer terminals for player tracking, surveillance coverage, and any required audit capabilities.

**Please attach a detailed, written response to this question as attachment 4-67-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

#### **List of Attachments:**

4-67-01 _____	4-67-11 _____
4-67-02 _____	4-67-12 _____
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4. Building and Site Design

Applicant: \_\_\_\_\_

4-67-10 \_\_\_\_\_

4-67-20 \_\_\_\_\_

Check this box if you have additional attachments: ☐

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## Security

### **4-68 Remote Regulatory Surveillance**

Describe the applicant's approach to remote regulatory surveillance, including the facilities and equipment in the establishment that will be available for facilitating surveillance of that type.

**Please attach a detailed, written response to this question as attachment 4-68-01 and provide a brief overview of your response in this box. Given the sensitivity of this information, the information provided in the overview may be a very broad description of the approach. The response provided in this box will be released to the public.**

#### **List of Attachments:**

4-68-01	4-68-11
4-68-02	4-68-12
4-68-03	4-68-13
4-68-04	4-68-14
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Check this box if you have additional attachments: ☐



## Security

### **4-69 Excluding Minors**

Describe the steps and measures the applicant will take to ensure that minors are excluded from the casino gaming premises including a description of plans for controlled facility access points, security policies, and age verification techniques and equipment. Further, please describe how the facility design itself will help minimize access by minors into restricted areas.

**Please attach a detailed, written response to this question as attachment 4-69-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

### **List of Attachments:**

4-69-01	4-69-11
4-69-02	4-69-12
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Check this box if you have additional attachments: ☐

## Security

### **4-70 Security of Premises**

Describes the steps and measures that the applicant will take with respect to security and prevention of unlawful behavior on the ~~casino~~ **gaming establishment** premises and in its immediate vicinity. **Please also describe any planned policies relative to use of force and restraint, notification to law enforcement, and use of non-lethal chemical and electrical equipment for subduing unruly and physically assaultive patrons. Further, please describe any planned processes for the discovery, documentation and notification of proper authorities relative to forged documents, counterfeit currency, credit card fraud, player bonus point frauds, and false identifications. Finally, please describe any anticipated policies and procedures addressing such issues as the abandonment of minors in a parking area or hotel room.**

**Please attach a detailed, written response to this question as attachment 4-70-01 and provide a brief overview of your response in this box. Given the sensitivity of some of this information, the information provided in the overview may include only general descriptions where necessary. The response provided in this box will be released to the public.**

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#### **List of Attachments:**

4-70-01 _____	4-70-11 _____
4-70-02 _____	4-70-12 _____
4-70-03 _____	4-70-13 _____
4-70-04 _____	4-70-14 _____
4-70-05 _____	4-70-15 _____
4-70-06 _____	4-70-16 _____

4. Building and Site Design

Applicant: \_\_\_\_\_

4-70-07 \_\_\_\_\_

4-70-17 \_\_\_\_\_

4-70-08 \_\_\_\_\_

4-70-18 \_\_\_\_\_

4-70-09 \_\_\_\_\_

4-70-19 \_\_\_\_\_

4-70-10 \_\_\_\_\_

4-70-20 \_\_\_\_\_

Check this box if you have additional attachments: ☐

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## Security

### **4-71 History of Security**

Describe the measures they applicant has utilized with respect to security and prevention of unlawful behavior at other facilities it owns and operates, how well those measures have succeeded and the metrics used to measure their success.

**Please attach a detailed, written response to this question as attachment 4-71-01 and provide a brief overview of your response in this box. Given the sensitivity of some of this information, the information provided in the overview may include only general descriptions where necessary. The response provided in this box will be released to the public.**

### **List of Attachments:**

4-71-01 _____	4-71-11 _____
4-71-02 _____	4-71-12 _____
4-71-03 _____	4-71-13 _____
4-71-04 _____	4-71-14 _____
4-71-05 _____	4-71-15 _____
4-71-06 _____	4-71-16 _____
4-71-07 _____	4-71-17 _____
4-71-08 _____	4-71-18 _____
4-71-09 _____	4-71-19 _____
4-71-10 _____	4-71-20 _____

Check this box if you have additional attachments:
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**Security****4-72 Central Accounting and Auditing** (duplicative of 2-24??)

Describe the provisions the applicant intends to make to facilitate the Commission's use of central accounting and auditing hardware and software to monitor financial activities at the applicant's facilities.

**Please attach a detailed, written response to this question as attachment 4-72-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

**List of Attachments:**

4-72-01	4-72-11
4-72-02	4-72-12
4-72-03	4-72-13
4-72-04	4-72-14
4-72-05	4-72-15
4-72-06	4-72-16
4-72-07	4-72-17
4-72-08	4-72-18
4-72-09	4-72-19
4-72-10	4-72-20

Check this box if you have additional attachments: ☐

## Permitting

### 4-73 Permit Chart

Provide as attachment 4-73-01 a chart identifying all federal, state, and local permits and approvals required, or anticipated to be required, for the construction and operation of the applicant's proposed category 1 or category 2 gaming establishment that includes:

- a) the date on which the applicant submitted, or anticipates that it will submit, its application for each permit or approval;
- b) the maximum time period set by statute, regulation, and/or by-law or ordinance that the authority having jurisdiction has to render a decision on an application, if any (*e.g.* 780 CMR 105.3.1 *Action on Application*);
- c) the expiration date or maximum effective time period for each permit or approval, if any, set by statute, regulation, and/or by-law or ordinance; and
- d) a citation to the statute, regulations, and/or by-law or ordinance governing the issuance of each permit or approval.

### 4-74 Permit Chart Attachments

Provide a complete copy of: (i) any completed application for each permit or approval that was submitted by the applicant to the authority having jurisdiction, including a copy of any exhibits and attachments; (ii) any written comments received by the applicant from a host community, surrounding community or prospective surrounding community, impacted live entertainment venue or prospective impacted live entertainment venue, and/or the permitting agency regarding the applicant's request for the permit or approval; and (iii) any permit, approval or decision issued by the authority having jurisdiction.

#### List of Attachments:

4-74-01 _____	4-74-11 _____
4-74-02 _____	4-74-12 _____
4-74-03 _____	4-74-13 _____
4-74-04 _____	4-74-14 _____
4-74-05 _____	4-74-15 _____
4-74-06 _____	4-74-16 _____
4-74-07 _____	4-74-17 _____
4-74-08 _____	4-74-18 _____
4-74-09 _____	4-74-19 _____
4-74-10 _____	4-74-20 _____

Check this box if you have additional attachments: ☐

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**Permitting****4-75 ENF**

Provide a copy of the applicant's environmental notification form (ENF) along with proof of the applicant's submission of the ENF in compliance with G.L. c. 30, §62A and 301 CMR 11.00 in connection with the applicant's proposed category 1 or category 2 gaming establishment.

**List of Attachments:**

4-75-01 _____	4-75-11 _____
4-75-02 _____	4-75-12 _____
4-75-03 _____	4-75-13 _____
4-75-04 _____	4-75-14 _____
4-75-05 _____	4-75-15 _____
4-75-06 _____	4-75-16 _____
4-75-07 _____	4-75-17 _____
4-75-08 _____	4-75-18 _____
4-75-09 _____	4-75-19 _____
4-75-10 _____	4-75-20 _____

Check this box if you have additional attachments: ☐

**Permitting****4-76 EOEEA Certificate (ENF)**

Provide a copy of the certificate from the secretary of EOEEA after the conclusion of the comment period on the filing of the ENF pursuant to 301 CMR 11.06(7) and a copy of all written comments submitted to the [MEPA](#) unit during its review of such ENF.

**List of Attachments:**

4-76-01 _____	4-76-11 _____
4-76-02 _____	4-76-12 _____
4-76-03 _____	4-76-13 _____
4-76-04 _____	4-76-14 _____
4-76-05 _____	4-76-15 _____
4-76-06 _____	4-76-16 _____
4-76-07 _____	4-76-17 _____
4-76-08 _____	4-76-18 _____
4-76-09 _____	4-76-19 _____
4-76-10 _____	4-76-20 _____

Check this box if you have additional attachments: ☐

#### 4. Building and Site Design

Applicant: \_\_\_\_\_

#### **4-77 EIR**

Provide a copy, if any, of the draft, final, supplemental, or single environmental impact report (EIR), Notice of Project Change, or a request for an Advisory Opinion submitted by the applicant pursuant to G.L. c. 30, §§61-62H and 301 CMR 11.00 in connection with the applicant's proposed category 1 or category 2 gaming establishment.

#### **List of Attachments:**

4-77-01 _____	4-77-11 _____
4-77-02 _____	4-77-12 _____
4-77-03 _____	4-77-13 _____
4-77-04 _____	4-77-14 _____
4-77-05 _____	4-77-15 _____
4-77-06 _____	4-77-16 _____
4-77-07 _____	4-77-17 _____
4-77-08 _____	4-77-18 _____
4-77-09 _____	4-77-19 _____
4-77-10 _____	4-77-20 _____

Check this box if you have additional attachments: ☐

**Permitting****4-78 EOEEA Certificate (EIR)**

Provide a copy, if any, of the certificate from the secretary of EOEEA after the conclusion of the comment period on the filing of any such draft, final, supplemental, or single EIR, Notice(s) of Project Change, and in the case of an Advisory Opinion, the decision of either the Secretary or the MEPA Director pursuant to G.L. c. 30, §§61-62H and 301 CMR 11.00, and a copy of all written comments submitted to the MEPA unit during its review of such filing.

**List of Attachments:**

4-78-01 _____	4-78-11 _____
4-78-02 _____	4-78-12 _____
4-78-03 _____	4-78-13 _____
4-78-04 _____	4-78-14 _____
4-78-05 _____	4-78-15 _____
4-78-06 _____	4-78-16 _____
4-78-07 _____	4-78-17 _____
4-78-08 _____	4-78-18 _____
4-78-09 _____	4-78-19 _____
4-78-10 _____	4-78-20 _____

Check this box if you have additional attachments: ☐

**Permitting****4-79 Environmental Assessment, Findings, and Impact Statement**

Provide a copy of any notice or draft, final, or supplemental environmental assessment, finding of no significant impact, or environmental impact statement prepared by any federal agency in accordance with 42 U.S.C. §4321 in connection with the applicant's proposed category 1 or category 2 gaming establishment.

**List of Attachments:**

4-79-01 _____	4-79-11 _____
4-79-02 _____	4-79-12 _____
4-79-03 _____	4-79-13 _____
4-79-04 _____	4-79-14 _____
4-79-05 _____	4-79-15 _____
4-79-06 _____	4-79-16 _____
4-79-07 _____	4-79-17 _____
4-79-08 _____	4-79-18 _____
4-79-09 _____	4-79-19 _____
4-79-10 _____	4-79-20 _____

Check this box if you have additional attachments: ☐

**Permitting****4-80 Host Community Zoning**

Describe applicable zoning requirements for the site of the proposed project, explain how the applicant proposes to meet them, and provide a statement from the host community's zoning officer, town counsel or city solicitor that, notwithstanding a site plan approval, the proposed category 1 or category 2 gaming establishment is either:

- a) Permitted at its proposed location as of right pursuant to the host community's zoning ordinances or bylaws; or
- b) Permitted at its proposed location pursuant to all of the host community's zoning ordinances or bylaws subject only to the applicant's obtaining some or all of the permits and approvals identified in the application pursuant to 205 CMR 120.01(1)(a).

**List of Attachments:**

4-80-01 _____	4-80-11 _____
4-80-02 _____	4-80-12 _____
4-80-03 _____	4-80-13 _____
4-80-04 _____	4-80-14 _____
4-80-05 _____	4-80-15 _____
4-80-06 _____	4-80-16 _____
4-80-07 _____	4-80-17 _____
4-80-08 _____	4-80-18 _____
4-80-09 _____	4-80-19 _____
4-80-10 _____	4-80-20 _____

Check this box if you have additional attachments: ☐

**Permitting****4-81 Permit Appeals**

Provide a copy of the filings associated with any appeal, whether to a municipal or state entity or for judicial review, filed with respect to any permit or approval listed on the chart provided in response to question 4-70 along with a current copy of the docket sheet on such appeal and each decision on any appeal, if any.

**List of Attachments:**

4-81-01 _____	4-81-11 _____
4-81-02 _____	4-81-12 _____
4-81-03 _____	4-81-13 _____
4-81-04 _____	4-81-14 _____
4-81-05 _____	4-81-15 _____
4-81-06 _____	4-81-16 _____
4-81-07 _____	4-81-17 _____
4-81-08 _____	4-81-18 _____
4-81-09 _____	4-81-19 _____
4-81-10 _____	4-81-20 _____

Check this box if you have additional attachments: ☐

**Other****4-82 Other Uses of Facility**

Describe the design features that will allow other uses of the buildings in the **casino gaming establishment** complex in the event that the applicant decides to cease gaming operations in the facility at some future date.

**Please attach a detailed, written response to this question as attachment 4-82-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

**List of Attachments:**

4-82-01	4-82-11
4-82-02	4-82-12
4-82-03	4-82-13
4-82-04	4-82-14
4-82-05	4-82-15
4-82-06	4-82-16
4-82-07	4-82-17
4-82-08	4-82-18
4-82-09	4-82-19
4-82-10	4-82-20

Check this box if you have additional attachments: ☐



**Other****4-83 Site Plan**

Provide documentation showing the location of the proposed gaming establishment, including all amenities and significant structures, which shall include the address, maps, book and page numbers from the appropriate registry of deeds, assessed value of the land at the time of application and ownership interests over the past 20 years, including all interests, options, agreements in property and demographic, geographic and environmental information.

**Please attach a detailed, written response to this question as attachment 4-83-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

**List of Attachments:**

4-83-01 _____	4-83-11 _____
4-83-02 _____	4-83-12 _____
4-83-03 _____	4-83-13 _____
4-83-04 _____	4-83-14 _____
4-83-05 _____	4-83-15 _____
4-83-06 _____	4-83-16 _____
4-83-07 _____	4-83-17 _____
4-83-08 _____	4-83-18 _____
4-83-09 _____	4-83-19 _____
4-83-10 _____	4-83-20 _____

Check this box if you have additional attachments: ☐

## **5. MITIGATION**

### Prerequisites

Does your application:

- ☐ Provide an attached signed agreement to be a lottery agent and not to run competing games?
- ☐ Demonstrate how the applicant proposes to address lottery mitigation, compulsive gambling problems, workforce development and community development and host and surrounding community impact and mitigation issues?
- ☐ Identify the infrastructure costs of the host and surrounding from construction and operation and commit to a mitigation plan as required by Question 5-1?
- ☐ Provide a signed host community agreement with favorable community vote as required by Question 5-4?
- ☐ Provide surrounding community agreements as required by Question 5-15?
- ☐ Provide completed studies and reports as required by Question 5-2?
- ☐ Provide impacted live entertainment venues agreements as required by Question 5-19?
- ☐ Show that you have ~~paid the~~ agreed upon and provided for payment of a community impact fee in the event a gaming license is awarded as required by Question 5-3?
- ☐ Describe public support as required by Question 5-12?
- ☐ Demonstrate how the applicant intends to protect and enhance the lottery?
- ☐ Demonstrate how the applicant intends to implement measures to address problem gambling?
- ☐ Provide an agreement to mitigate negative effects of problem gambling as required by Question 5-34?
- ☐ Provide an agreement to mitigate negative effects of gambling and operating a gaming establishment as required by Question 5-38?

## Prerequisites

### **5-1 Infrastructure Costs**

Identify the infrastructure costs to the host and surrounding communities from construction and operation of a gaming establishment. May reference response to question 5-2. (See related agreement in section *B. Signature Forms*) and commit to a mitigation plan

**Please attach a summary costs, including a citation as to the source of the information, as attachment 5-01-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

### **List of Attachments:**

5-01-01 _____	5-01-11 _____
5-01-02 _____	5-01-12 _____
5-01-03 _____	5-01-13 _____
5-01-04 _____	5-01-14 _____
5-01-05 _____	5-01-15 _____
5-01-06 _____	5-01-16 _____
5-01-07 _____	5-01-17 _____
5-01-08 _____	5-01-18 _____
5-01-09 _____	5-01-19 _____
5-01-10 _____	5-01-20 _____

Check this box if you have additional attachments: ☐

## Prerequisites

### 5-2 Impacts and Costs

Provide completed studies and reports showing the proposed gaming establishment's: ~~(i) impact on the local and regional economy, including the impact on cultural institutions and on small businesses in the host community and surrounding communities~~ (delete as included in 3-1); (ii) cost to the host community and surrounding communities and the Commonwealth for the proposed gaming establishment to be located at the proposed location, and (iii) local and regional social, environmental, traffic and infrastructure impacts.

**Please attach a summary of each study and report and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

### List of Attachments:

5-02-01 _____	5-02-11 _____
5-02-02 _____	5-02-12 _____
5-02-03 _____	5-02-13 _____
5-02-04 _____	5-02-14 _____
5-02-05 _____	5-02-15 _____
5-02-06 _____	5-02-16 _____
5-02-07 _____	5-02-17 _____
5-02-08 _____	5-02-18 _____
5-02-09 _____	5-02-19 _____
5-02-10 _____	5-02-20 _____

Check this box if you have additional attachments: ☐

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## Prerequisites

### **5-3 Community Impact Fee**

~~Provide documentation showing that you have paid the agreed upon community impact fee.~~

**Describe and identify the applicable section of the executed host community agreement, between the applicant and the host community, for the payment of a community impact fee including the timing as to when the fee will be paid in the event that the applicant is awarded a gaming license.**

**Please attach a detailed, written response to this question as attachment 5-03-01 and provide a brief overview of your response in this box. The overview should include, at a minimum, the total impact fee to be paid and the timing of the payment. The response provided in this box will be released to the public.**

#### **List of Attachments:**

5-03-01 _____	5-03-11 _____
5-03-02 _____	5-03-12 _____
5-03-03 _____	5-03-13 _____
5-03-04 _____	5-03-14 _____
5-03-05 _____	5-03-15 _____
5-03-06 _____	5-03-16 _____
5-03-07 _____	5-03-17 _____
5-03-08 _____	5-03-18 _____
5-03-09 _____	5-03-19 _____
5-03-10 _____	5-03-20 _____

Check this box if you have additional attachments: ☐

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## Host Community Agreement

### **5-4 Agreements**

Attach all host community agreements, **including any appendices or attachments**, into which the applicant has entered.

#### **List of Attachments:**

5-04-01 \_\_\_\_\_

5-04-02 \_\_\_\_\_

### **5-5 Election Materials**

Provide the summary of the host community agreement that was provided to the voters along with a description of the election at which the agreement was approved by the voters, including the date of the election, the polling procedures, and a certified copy of the election results **provided by the city or town clerk**.

**Please attach a detailed, written response to this question as attachment 5-05-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

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#### **List of Attachments:**

5-05-01 \_\_\_\_\_

5-05-02 \_\_\_\_\_

5-05-03 \_\_\_\_\_

5-05-04 \_\_\_\_\_

Check this box if you have additional attachments: ☐

## Host Community Agreement

### 5-6 Mitigation

Describe how the applicant proposes to address host community impact and mitigation issues as set forth in the host community agreement during both the construction and operation of the proposed gaming establishment.

**Please attach a detailed, written response to this question as attachment 5-06-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

#### List of Attachments:

5-06-01 _____	5-06-11 _____
5-06-02 _____	5-06-12 _____
5-06-03 _____	5-06-13 _____
5-06-04 _____	5-06-14 _____
5-06-05 _____	5-06-15 _____
5-06-06 _____	5-06-16 _____
5-06-07 _____	5-06-17 _____
5-06-08 _____	5-06-18 _____
5-06-09 _____	5-06-19 _____
5-06-10 _____	5-06-20 _____

Check this box if you have additional attachments: ☐

## Host Community Agreement

### **5-7 Election related advertising**

Attach a copy of all M22 forms filed in accordance with G.L c.55, §22 relative to expenditures made by the applicant with intent to influence the outcome of the host community ballot question and/or the M101 BQ and M102 forms filed relative to the forming and funding by the applicant of a host community related ballot question committee as prescribed by the [Office of Campaign and Political Finance](#).

State the total amount of money the applicant spent on advertising or organizing for a favorable election outcome.

Money Spent: \_\_\_\_\_

### **5-8 Negative advertising**

Since November 22, 2011, has the applicant, any person or entity with a financial interest in the applicant, anyone acting at the direction or request of the applicant or anyone acting at the direction or request of a person or entity with a financial interest in the applicant made any monetary or in-kind contribution, directly or through an intermediary, to any entity, group or person who was urging voters to cast a negative vote in any election governed by G.L. c. 23K, §15(13)?

☐ Yes ☐ No

If yes, please use attachment “5-08-01 Contributions” to state the name of the donor, the date of the monetary or in-kind contribution, the amount or nature of the contribution and the name and address of the recipient of the contribution.

## Host Community Agreement

### **5-9 Contributions**

State the total value of contributions of money or other things of value the applicant or anyone acting on behalf of the applicant or the applicant's casino project have made to any elected or appointed public official or any City or Town or any Massachusetts entity at the request of an elected or appointed public official since November 21, 2011. Attach a copy of all Form M119 prescribed by the [Office of Campaign and Political Finance](#) that have been filed by the applicant in accordance with G.L. c.23K, §47. Further, in accordance with 205 CMR 108.02, disclose all political contributions, community contributions, or contributions in kind made by an applicant or qualifier to a municipality or a municipal employee of the host community from January 15, 2013 through the date of submission of this application.

### **5-10 Requests for Contribution**

List each request for a contribution of money or other thing of value the applicant or anyone acting on behalf of an applicant has received from any elected or appointed public official or any city or town or any Massachusetts since the applicant deposited its initial application fee with the Commission. Subject to the exemptions identified in 205 CMR 108.03(4), identify all requests of which the applicant is aware for any thing of substantial value, as defined by 205 CMR 108.03(1), made to an agent or employee of the applicant or any qualifier by persons or persons listed in 205 CMR 108.01(1) from January 15, 2013 through the date this application is filed. Each request identified shall include the name of the person who made the request, the date the request was made, and the nature of the request. (Note- the Commission is only interested in requests that are related in some fashion to the Massachusetts project, be it the nature of the request or the individual making the request. The Commission is not seeking disclosure of requests solely related to the applicant's business in other states or internationally. For example, a request received by the applicant to sponsor a youth sports team in Massachusetts should be disclosed. However, a similar request by an individual unconnected to Massachusetts to sponsor a youth sports team in Nevada need not be disclosed.)

#### **List of Attachments:**

5-10-01 _____	5-10-03 _____
5-10-02 _____	5-10-04 _____

Check this box if you have additional attachments: ☐

## Host Community Agreement

### 5-11 Public Outreach

Provide a description and documentation for all public outreach efforts that the applicant has made to local communities.

**Please attach a detailed, written response to this question as attachment 5-11-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

#### List of Attachments:

5-11-01 _____	5-11-11 _____
5-11-02 _____	5-11-12 _____
5-11-03 _____	5-11-13 _____
5-11-04 _____	5-11-14 _____
5-11-05 _____	5-11-15 _____
5-11-06 _____	5-11-16 _____
5-11-07 _____	5-11-17 _____
5-11-08 _____	5-11-18 _____
5-11-09 _____	5-11-19 _____
5-11-10 _____	5-11-20 _____

Check this box if you have additional attachments: ☐

## Host Community Agreement

### **5-12 Public Support**

Describe in detail the public support for the **casino** project the applicant has obtained in the host and surrounding communities in addition to that reflected by the host community vote, including the names and affiliations of all individuals, **including elected officials**, organizations and groups that have given public support to the project, **and describe any agreement relationships with local organizations.**

**Please attach a detailed, written response to this question as attachment 5-12-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

### **List of Attachments:**

5-12-01 _____	5-12-11 _____
5-12-02 _____	5-12-12 _____
5-12-03 _____	5-12-13 _____
5-12-04 _____	5-12-14 _____
5-12-05 _____	5-12-15 _____
5-12-06 _____	5-12-16 _____
5-12-07 _____	5-12-17 _____
5-12-08 _____	5-12-18 _____
5-12-09 _____	5-12-19 _____
5-12-10 _____	5-12-20 _____

Check this box if you have additional attachments:

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## Host Community Agreement

### **5-13 Non Profit and Community Partnerships**

**Describe and** provide evidence of partnerships with or other support for non-profit and community groups in the host community.

**Please attach a detailed, written response to this question as attachment 5-13-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

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#### **List of Attachments:**

5-13-01 _____	5-13-11 _____
5-13-02 _____	5-13-12 _____
5-13-03 _____	5-13-13 _____
5-13-04 _____	5-13-14 _____
5-13-05 _____	5-13-15 _____
5-13-06 _____	5-13-16 _____
5-13-07 _____	5-13-17 _____
5-13-08 _____	5-13-18 _____
5-13-09 _____	5-13-19 _____
5-13-10 _____	5-13-20 _____

Check this box if you have additional attachments: ☐



## Host Community Agreement

### **5-14 Political Contributions and Requests** (covered in 5-9 and 5-10)

Provide all information required by 205 CMR 108.00: Community and Political Contributions.

**Please attach a detailed, written response to this question as attachment 5-14-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public. :**

#### **List of Attachments:**

5-14-01 _____	5-14-11 _____
5-14-02 _____	5-14-12 _____
5-14-03 _____	5-14-13 _____
5-14-04 _____	5-14-14 _____
5-14-05 _____	5-14-15 _____
5-14-06 _____	5-14-16 _____
5-14-07 _____	5-14-17 _____
5-14-08 _____	5-14-18 _____
5-14-09 _____	5-14-19 _____
5-14-10 _____	5-14-20 _____

Check this box if you have additional attachments: ☐

### Surrounding Community Agreements

#### **5-15 Executed Surrounding Community Agreements**

Provide a copy of all executed surrounding community agreements as described in 205 CMR 125.01(1)(b).

#### **List of Attachments:**

5-15-01	_____
5-15-02	_____
5-15-03	_____
5-15-04	_____
5-15-05	_____
5-15-06	_____
5-15-07	_____
5-15-08	_____
5-15-09	_____
5-15-10	_____
5-15-11	_____
5-15-12	_____
5-15-13	_____
5-15-14	_____
5-15-15	_____
5-15-16	_____
5-15-17	_____
5-15-18	_____
5-15-19	_____
5-15-20	_____

## Surrounding Community Agreements

### **5-16 Designation of Surrounding Community w/o Executed Agreement**

List all municipalities that the applicant wishes to designate as a surrounding community in accordance with 205 CMR 125.01(1)(a) with which no surrounding community agreement has been executed as of the time of the filing of this application. Please briefly describe the nature of the discussions with any identified community. Please attach the notice of such designation that was provided to the chief executive officer of the community in accordance with 205 CMR 125.01(1)(a).

Attached notices of designation

5-16-01 \_\_\_\_\_  
 5-16-02 \_\_\_\_\_  
 5-16-03 \_\_\_\_\_  
 5-16-04 \_\_\_\_\_  
 5-16-05 \_\_\_\_\_  
 5-16-06 \_\_\_\_\_  
 5-16-07 \_\_\_\_\_  
 5-16-08 \_\_\_\_\_  
 5-16-09 \_\_\_\_\_

Check this box if you have additional  
 attachments:

☐

**Surrounding Community Agreements****5-17 Declined Communities**

Identify any community that requested a surrounding community agreement or sought to discuss its status as a prospective surrounding community, which the applicant declined. Please explain the reasons for declining and describe the nature of the discussions or negotiations the applicant had with the community.

**List of Communities:****Explanations**

	5-17-01
	5-17-02
	5-17-03
	5-17-04
	5-17-05
	5-17-06
	5-17-07
	5-17-08
	5-17-09
	5-17-10

Check this box if you have additional attachments: ☐

## Surrounding Community Agreements

### **5-18 Mitigation**

Describe how the applicant proposes to address surrounding community impact and mitigation issues as set forth in the surrounding community agreements during both the construction and operation of the proposed gaming establishment.

**Please attach a detailed, written response to this question as attachment 5-18-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

### **List of Attachments:**

5-18-01 _____	5-18-11 _____
5-18-02 _____	5-18-12 _____
5-18-03 _____	5-18-13 _____
5-18-04 _____	5-18-14 _____
5-18-05 _____	5-18-15 _____
5-18-06 _____	5-18-16 _____
5-18-07 _____	5-18-17 _____
5-18-08 _____	5-18-18 _____
5-18-09 _____	5-18-19 _____
5-18-10 _____	5-18-20 _____

Check this box if you have additional attachments: ☐

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**Impacted Live Entertainment Venue Agreements****5-19 Executed Impacted Live Entertainment Venue Agreements**

Provide a copy of all impacted live entertainment venue agreements executed in accordance with 205 CMR 126.01(1)(a).

**List of Attachments:**

5-19-01	_____
5-19-02	_____
5-19-03	_____
5-19-04	_____
5-19-05	_____

**Impacted Live Entertainment Venue Agreements****5-20 Declined ILEV Agreements**

Identify any venue that requested an impacted live entertainment venue agreement or sought to discuss its status as a prospective impacted live entertainment venue, which the applicant declined. Please explain the reasons for declining and describe the nature of the discussions or negotiations the applicant had with the venue.

**List of Attachments:**

5-20-01	_____
5-20-02	_____
5-20-03	_____
5-20-04	_____
5-20-05	_____



**Impacted Live Entertainment Venue Agreements****5-21 Cross Marketing Agreements**

List all cross-marketing agreements with impacted live entertainment venues the applicant has entered. **If more space is needed, please use an attachment.**

**List of Cross-Marketing Agreements:**

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_
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10. \_\_\_\_\_
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17. \_\_\_\_\_
18. \_\_\_\_\_
19. \_\_\_\_\_
20. \_\_\_\_\_

**List of Attachments:**

5-21-01 _____	5-21-03 _____
5-21-02 _____	5-21-04 _____

Check this box if you have additional attachments: ☐

## Impacted Live Entertainment Venue Agreements

### **5-22 Exclusivity with Entertainers**

Describe the applicant's plans for use of exclusivity provisions in contracts it enters with entertainers or entertainment entities it engages to perform at its facility and provide all exclusivity terms it has utilized at the other facilities it owns or controls during the last three years. **Provide a statement as to whether the applicant intends to incorporate a geographic exclusivity clause into agreements with its entertainers engaged to perform at a venue within its proposed Massachusetts gaming establishment. If so, please explain the nature of the agreements.**

**Please attach a detailed, written response to this question as attachment 5-22-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

### **List of Attachments:**

5-22-01 _____	5-22-11 _____
5-22-02 _____	5-22-12 _____
5-22-03 _____	5-22-13 _____
5-22-04 _____	5-22-14 _____
5-22-05 _____	5-22-15 _____
5-22-06 _____	5-22-16 _____
5-22-07 _____	5-22-17 _____
5-22-08 _____	5-22-18 _____
5-22-09 _____	5-22-19 _____

5. Mitigation

Applicant: \_\_\_\_\_

5-22-10 \_\_\_\_\_ 5-22-20 \_\_\_\_\_

Check this box if you have additional attachments: ☐

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## Protect and Enhance Lottery

### **5-23 State Lottery**

Describe the plans, measures and steps the applicant intends to take to avoid any negative impact on the revenues currently generated by the Massachusetts State Lottery, including cross-marketing strategies with the lottery and increasing ticket sales to out-of-state residents. **Further, provide a written plan demonstrating the manner in which the lottery and keno games shall be made readily accessible to the guests of the gaming establishment including the designation of any lottery outlet retail floor space. (See associated agreement in section [B. Signature Forms](#))**

**Please attach a detailed, written response to this question as attachment 5-23-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

### **List of Attachments:**

5-23-01 _____	5-23-11 _____
5-23-02 _____	5-23-12 _____
5-23-03 _____	5-23-13 _____
5-23-04 _____	5-23-14 _____
5-23-05 _____	5-23-15 _____
5-23-06 _____	5-23-16 _____
5-23-07 _____	5-23-17 _____
5-23-08 _____	5-23-18 _____
5-23-09 _____	5-23-19 _____
5-23-10 _____	5-23-20 _____

5. Mitigation

Applicant: \_\_\_\_\_

Check this box if you have additional attachments: ☐

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## Implement Measures to Address Problem Gambling

### **5-24 On Site Resources for Problem Gambling**

Describe the on-site resources that will be accessible to those affected by gambling-related problems. **(See associated agreement in section B. Signature Forms)**

**Please attach a detailed, written response to this question as attachment 5-24-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

DRAFT

#### **List of Attachments:**

5-24-01 _____	5-24-11 _____
5-24-02 _____	5-24-12 _____
5-24-03 _____	5-24-13 _____
5-24-04 _____	5-24-14 _____
5-24-05 _____	5-24-15 _____
5-24-06 _____	5-24-16 _____
5-24-07 _____	5-24-17 _____
5-24-08 _____	5-24-18 _____
5-24-09 _____	5-24-19 _____
5-24-10 _____	5-24-20 _____

Check this box if you have additional attachments: ☐

## Implement Measures to Address Problem Gambling

### **5-25 Problem Gambling Signage**

Describe the signs, alerts and other information that will be available in the **casino gaming establishment** complex to identify the on-site resources available for those affected by gambling-related problems. **(See associated agreement in section B. Signature Forms)**

**Please attach a detailed, written response to this question as attachment 5-25-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

### **List of Attachments:**

5-25-01 _____	5-25-11 _____
5-25-02 _____	5-25-12 _____
5-25-03 _____	5-25-13 _____
5-25-04 _____	5-25-14 _____
5-25-05 _____	5-25-15 _____
5-25-06 _____	5-25-16 _____
5-25-07 _____	5-25-17 _____
5-25-08 _____	5-25-18 _____
5-25-09 _____	5-25-19 _____
5-25-10 _____	5-25-20 _____

Check this box if you have additional attachments: ☐

## Implement Measures to Address Problem Gambling

### **5-26 Self Exclusion Policies**

Describe the exclusion policies that will be available for **casino gaming establishment** patrons **and employees**, including the process that will be utilized to notify individuals of the availability of self-exclusion and the steps that will be taken to assist those who request exclusion. **(See associated agreement in section B. Signature Forms)**

**Please attach a detailed, written response to this question as attachment 5-26-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

### **List of Attachments:**

5-26-01 _____	5-26-11 _____
5-26-02 _____	5-26-12 _____
5-26-03 _____	5-26-13 _____
5-26-04 _____	5-26-14 _____
5-26-05 _____	5-26-15 _____
5-26-06 _____	5-26-16 _____
5-26-07 _____	5-26-17 _____
5-26-08 _____	5-26-18 _____
5-26-09 _____	5-26-19 _____
5-26-10 _____	5-26-20 _____

Check this box if you have additional attachments: ☐



## Implement Measures to Address Problem Gambling

### **5-27 Identification of Problem Gambling**

Describe the initial and ongoing training that will be used to help **casino gaming establishment** employees identify those who may have gambling-related problems, **or self-identify**, and assist them to obtain help for those problems.

**Please attach a detailed, written response to this question as attachment 5-27-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

### **List of Attachments:**

5-27-01 _____	5-27-11 _____
5-27-02 _____	5-27-12 _____
5-27-03 _____	5-27-13 _____
5-27-04 _____	5-27-14 _____
5-27-05 _____	5-27-15 _____
5-27-06 _____	5-27-16 _____
5-27-07 _____	5-27-17 _____
5-27-08 _____	5-27-18 _____
5-27-09 _____	5-27-19 _____
5-27-10 _____	5-27-20 _____

Check this box if you have additional attachments: ☐

## Implement Measures to Address Problem Gambling

### **5-28 Credit Extension Abuse**

Describe the policies the applicant will use to ensure that credit extensions are not being abused by those with gambling-related problems.

**Please attach a detailed, written response to this question as attachment 5-28-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

### **List of Attachments:**

5-28-01 _____	5-28-11 _____
5-28-02 _____	5-28-12 _____
5-28-03 _____	5-28-13 _____
5-28-04 _____	5-28-14 _____
5-28-05 _____	5-28-15 _____
5-28-06 _____	5-28-16 _____
5-28-07 _____	5-28-17 _____
5-28-08 _____	5-28-18 _____
5-28-09 _____	5-28-19 _____
5-28-10 _____	5-28-20 _____

Check this box if you have additional attachments: ☐

## Implement Measures to Address Problem Gambling

### **5-29 Code of Ethics**

Provide a copy of the code of ethics employees, including senior managers, are required to follow and the process by which the code is promulgated.

**Please attach a detailed, written response to this question as attachment 5-29-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

### **List of Attachments:**

5-29-01 _____	5-29-11 _____
5-29-02 _____	5-29-12 _____
5-29-03 _____	5-29-13 _____
5-29-04 _____	5-29-14 _____
5-29-05 _____	5-29-15 _____
5-29-06 _____	5-29-16 _____
5-29-07 _____	5-29-17 _____
5-29-08 _____	5-29-18 _____
5-29-09 _____	5-29-19 _____
5-29-10 _____	5-29-20 _____

Check this box if you have additional attachments: ☐

## Implement Measures to Address Problem Gambling

### **5-30 Metrics for Problem Gambling**

Describe the metrics the applicant will use to measure whether it is succeeding in its efforts to reduce gambling at its facility **but** by those with gambling-related problems and the use to which those metrics will be put and provide the data those metrics have generated for each of the last five years at each of the applicant's facilities. **Further, please describe how the applicant proposes to cooperate and support the Commission in the development of an annual research agenda as provided in G.L. c. 23K, §71.**

**Please attach a detailed, written response to this question as attachment 5-30-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

### **List of Attachments:**

5-30-01_____	5-30-11_____
5-30-02_____	5-30-12_____
5-30-03_____	5-30-13_____
5-30-04_____	5-30-14_____
5-30-05_____	5-30-15_____
5-30-06_____	5-30-16_____
5-30-07_____	5-30-17_____
5-30-08_____	5-30-18_____
5-30-09_____	5-30-19_____
5-30-10_____	5-30-20_____

5. Mitigation

Applicant: \_\_\_\_\_

Check this box if you have additional attachments: ☐

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## Implement Measures to Address Problem Gambling

### **5-31 Advertising Responsible Gambling**

Describe the extent to which responsible gambling messages will be part of the applicant's advertising.

**Please attach a detailed, written response to this question as attachment 5-31-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

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#### **List of Attachments:**

5-31-01 _____	5-31-11 _____
5-31-02 _____	5-31-12 _____
5-31-03 _____	5-31-13 _____
5-31-04 _____	5-31-14 _____
5-31-05 _____	5-31-15 _____
5-31-06 _____	5-31-16 _____
5-31-07 _____	5-31-17 _____
5-31-08 _____	5-31-18 _____
5-31-09 _____	5-31-19 _____
5-31-10 _____	5-31-20 _____

Check this box if you have additional attachments: ☐

## Implement Measures to Address Problem Gambling

### **5-32 Treatment and Prevention**

Describe the plans the applicant has to coordinate with local providers to facilitate assistance and treatment for those with gambling-related problems **and plans to develop prevention programs targeted toward vulnerable populations as the term is defined by 205 CMR 102.02.**

**Please attach a detailed, written response to this question as attachment 5-32-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

### **List of Attachments:**

5-32-01_____	5-32-11_____
5-32-02_____	5-32-12_____
5-32-03_____	5-32-13_____
5-32-04_____	5-32-14_____
5-32-05_____	5-32-15_____
5-32-06_____	5-32-16_____
5-32-07_____	5-32-17_____
5-32-08_____	5-32-18_____
5-32-09_____	5-32-19_____
5-32-10_____	5-32-20_____

Check this box if you have additional attachments: ☐

## Implement Measures to Address Problem Gambling

### **5-33 Historical Efforts Against Problem Gambling**

Describe the processes the applicant uses to address problem gambling at the other facilities it owns or controls, the effectiveness of those processes, and the metrics the applicant uses to determine the effects.

**Please attach a detailed, written response to this question as attachment 5-33-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

#### **List of Attachments:**

5-33-01 _____	5-33-11 _____
5-33-02 _____	5-33-12 _____
5-33-03 _____	5-33-13 _____
5-33-04 _____	5-33-14 _____
5-33-05 _____	5-33-15 _____
5-33-06 _____	5-33-16 _____
5-33-07 _____	5-33-17 _____
5-33-08 _____	5-33-18 _____
5-33-09 _____	5-33-19 _____
5-33-10 _____	5-33-20 _____

Check this box if you have additional attachments: ☐



## Implement Measures to Address Problem Gambling

### **5-34 Agreement** (see Signature Forms)

Provide the Commission with an agreement that the applicant shall mitigate the potential negative public health consequences associated with gambling and the operation of a gaming establishment, including: (i) prominently displaying information on the signs of problem gambling and how to access assistance; (ii) describing a process for individuals to exclude their names and contact information from a gaming licensee's database or any other list held by the gaming licensee for use in marketing or promotional communications.

**Please attach a detailed, written response to this question as attachment 5-34-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public. :**

### **List of Attachments:**

5-34-01 _____	5-34-11 _____
5-34-02 _____	5-34-12 _____
5-34-03 _____	5-34-13 _____
5-34-04 _____	5-34-14 _____
5-34-05 _____	5-34-15 _____
5-34-06 _____	5-34-16 _____
5-34-07 _____	5-34-17 _____
5-34-08 _____	5-34-18 _____
5-34-09 _____	5-34-19 _____
5-34-10 _____	5-34-20 _____

Check this box if you have additional attachments: ☐

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## Traffic

### 5-35 Traffic Control Measures (consolidate with 4-38?)

Describe the plans for traffic control measures the applicant proposes for the **casino gaming establishment** complex and the surrounding areas. **May reference report or study included in response to question 5-2.**

**Please attach a detailed, written response to this question as attachment 5-35-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

#### List of Attachments:

5-35-01 _____	5-35-11 _____
5-35-02 _____	5-35-12 _____
5-35-03 _____	5-35-13 _____
5-35-04 _____	5-35-14 _____
5-35-05 _____	5-35-15 _____
5-35-06 _____	5-35-16 _____
5-35-07 _____	5-35-17 _____
5-35-08 _____	5-35-18 _____
5-35-09 _____	5-35-19 _____
5-35-10 _____	5-35-20 _____

Check this box if you have additional attachments: ☐

**Traffic****5-36 Traffic for Special Events**

Describe the applicant's plans for accommodating special events and the traffic those events may generate.

**Please attach a detailed, written response to this question as attachment 5-36-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

**List of Attachments:**

5-36-01 _____	5-36-11 _____
5-36-02 _____	5-36-12 _____
5-36-03 _____	5-36-13 _____
5-36-04 _____	5-36-14 _____
5-36-05 _____	5-36-15 _____
5-36-06 _____	5-36-16 _____
5-36-07 _____	5-36-17 _____
5-36-08 _____	5-36-18 _____
5-36-09 _____	5-36-19 _____
5-36-10 _____	5-36-20 _____

Check this box if you have additional attachments: ☐

**Traffic****5-37 Snow Removal**

Describe the applicant's snow-removal plans.

**Please attach a detailed, written response to this question as attachment 5-37-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

**List of Attachments:**

5-37-01_____	5-37-11_____
5-37-02_____	5-37-12_____
5-37-03_____	5-37-13_____
5-37-04_____	5-37-14_____
5-37-05_____	5-37-15_____
5-37-06_____	5-37-16_____
5-37-07_____	5-37-17_____
5-37-08_____	5-37-18_____
5-37-09_____	5-37-19_____
5-37-10_____	5-37-20_____

Check this box if you have additional attachments: ☐

## Other

**5-38 Agreement to Mitigate** (see Signature Forms)

~~Provide the Commission with an agreement that the applicant shall mitigate the potential negative public health consequences associated with gambling and the operation of a gaming establishment, including: (i) maintaining a smoke-free environment within the gaming establishment under section 22 of chapter 270; (ii) providing complimentary on-site space for an independent substance abuse and mental health counseling service to be selected by the commission; and (iii) instituting other public health strategies as determined by the commission;~~

~~Please attach a detailed, written response to this question as attachment 5-38-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public. :~~

DATA

**List of Attachments:**

5-38-01	5-38-07
5-38-02	5-38-08
5-38-03	5-38-09
5-38-04	5-38-10
5-38-05	5-38-11
5-38-06	5-38-12

Check this box if you have additional attachments: ☐

**Other****5-39 Housing**

Provide an assessment of the likely impact on the housing stock in the host and surrounding communities resulting from the new jobs the ~~casino~~ gaming establishment provides, and the steps the applicant plans to take to remedy any negative impacts.

**Please attach a detailed, written response to this question as attachment 5-39-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

**List of Attachments:**

5-39-01 _____	5-39-11 _____
5-39-02 _____	5-39-12 _____
5-39-03 _____	5-39-13 _____
5-39-04 _____	5-39-14 _____
5-39-05 _____	5-39-15 _____
5-39-06 _____	5-39-16 _____
5-39-07 _____	5-39-17 _____
5-39-08 _____	5-39-18 _____
5-39-09 _____	5-39-19 _____
5-39-10 _____	5-39-20 _____

Check this box if you have additional attachments: ☐

**Other****5-40 School Population**

Provide an assessment of the likely impact on school populations in the host and surrounding communities resulting from new jobs the **casino gaming establishment provides, and the steps the applicant plans to take to remedy any negative impacts.** Also, please describe the proximity and potential impact of the facility to local schools, religious institutions and facilities, and public fields and parks, including any plans designed to avoid interference with school buses, student drop-offs, local athletic events, and other education related activities, especially during peak student transportation hours.

**Please attach a detailed, written response to this question as attachment 5-40-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

**List of Attachments:**

5-40-01 _____	5-40-11 _____
5-40-02 _____	5-40-12 _____
5-40-03 _____	5-40-13 _____
5-40-04 _____	5-40-14 _____
5-40-05 _____	5-40-15 _____
5-40-06 _____	5-40-16 _____
5-40-07 _____	5-40-17 _____
5-40-08 _____	5-40-18 _____
5-40-09 _____	5-40-19 _____



5. Mitigation

Applicant: \_\_\_\_\_

5-40-10 \_\_\_\_\_

5-40-20 \_\_\_\_\_

Check this box if you have additional attachments: ☐

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**Other****5-41 Emergency Services Available**

Provide an analysis of available police, fire and emergency medical services available to the **casino gaming establishment** complex, the adequacy of those resources, the steps the applicant plans to take to remedy any deficiencies, and the agreements the applicant has made with the service providers to ensure that the appropriate levels of protection are available.

**Please attach a detailed, written response to this question as attachment 5-41-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public.**

**List of Attachments:**

5-41-01 _____	5-41-11 _____
5-41-02 _____	5-41-12 _____
5-41-03 _____	5-41-13 _____
5-41-04 _____	5-41-14 _____
5-41-05 _____	5-41-15 _____
5-41-06 _____	5-41-16 _____
5-41-07 _____	5-41-17 _____
5-41-08 _____	5-41-18 _____
5-41-09 _____	5-41-19 _____
5-41-10 _____	5-41-20 _____

Check this box if you have additional attachments: ☐

**Other****5-42 Regional Water Facilities** (moved to building and site design section)

Provide an analysis of existing regional water facilities available to the project, the impact the facilities water usage will have on those who share the same water resources, and the steps the applicant plans to take to remedy any deficiencies the impact produces.

**Please attach a detailed, written response to this question as attachment 5-42-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public. :**

**List of Attachments:**

5-42-01 _____	5-42-11 _____
5-42-02 _____	5-42-12 _____
5-42-03 _____	5-42-13 _____
5-42-04 _____	5-42-14 _____
5-42-05 _____	5-42-15 _____
5-42-06 _____	5-42-16 _____
5-42-07 _____	5-42-17 _____
5-42-08 _____	5-42-18 _____
5-42-09 _____	5-42-19 _____
5-42-10 _____	5-42-20 _____

Check this box if you have additional attachments:

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**Other****5-43 Sewage Facilities (moved to building and site design section)**

Provide an analysis of existing sewage facilities and their capacity to absorb the effluent from the **casino-gaming establishment** complex during average and peak flows, including an estimate of those flows in gallons per day, and the steps the applicant plans to take to remedy any deficiencies in the ability of the existing infrastructure to absorb that flow.

**Please attach a detailed, written response to this question as attachment 5-43-01 and provide a brief overview of your response in this box. The response provided in this box will be released to the public. :**

**List of Attachments:**

5-43-01 _____	5-43-11 _____
5-43-02 _____	5-43-12 _____
5-43-03 _____	5-43-13 _____
5-43-04 _____	5-43-14 _____
5-43-05 _____	5-43-15 _____
5-43-06 _____	5-43-16 _____
5-43-07 _____	5-43-17 _____
5-43-08 _____	5-43-18 _____
5-43-09 _____	5-43-19 _____
5-43-10 _____	5-43-20 _____

Check this box if you have additional attachments:

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**B. SIGNATURE FORMS**

**LICENSING FEES**

An applicant must demonstrate that it is able to pay the licensing fee (\$85,000,000 for a Category 1 license and \$25,000,000 for a Category 2 license) in the event that it is awarded a license. The Commission will refer to the applicant's RFA-1 application and responses to relevant questions in the RFA-2 application to make this determination. The applicant may attach additional documentation or provide further evidence as to its ability to pay. Further, the applicant must commit to paying the gaming licensing fee in the event that it is awarded a license. Pursuant to 205 CMR 118.06(5), the 'award' of a gaming license shall be deemed to have occurred immediately upon a majority vote by the commission to issue a license to an applicant. In accordance with 205 CMR 121.02, if the successful applicant fails to pay all required licensing fees within 30 days after the vote by the Commission to award the license, the Commission may take any remedial action it deems necessary up to and including revocation of the gaming license and re-awarding the license. **Please insert the applicant's name and sign below:**

\_\_\_\_\_ *hereby commits*  
*to pay all required licensing fees within 30 days of the award of the*  
*license in accordance with 205 CMR 121.00 in the event that it is*  
*awarded a gaming license.*

\_\_\_\_\_  
Name of Authorized Individual

\_\_\_\_\_  
Signature of authorized individual

\_\_\_\_\_  
Position with applicant

\_\_\_\_\_  
Date

**CAPITAL INVESTMENT**

In accordance with the design plans submitted in accordance with sections 4-4 and 4-5 of the RFA-2 application the applicant must agree to invest not less than \$500,000,000 into a Category 1 gaming establishment or \$125,000,000 into a Category 2 gaming establishment. Further, unless granted leave by the Commission, the applicant must agree to expend the amount identified as the capital investment in accordance with section 2-30 of the RFA-2 application.

**Please insert the applicant's name and sign below:**

\_\_\_\_\_ *hereby commits to  
make the capital investments identified in the RFA-2 application in the event  
that it is awarded a license unless granted leave by the Commission.*

\_\_\_\_\_  
Name of Authorized Individual

\_\_\_\_\_  
Signature of authorized individual

\_\_\_\_\_  
Position with applicant

\_\_\_\_\_  
Date

**AFFIRMATIVE ACTION PROGRAM OF EQUAL OPPORTUNITY**

The applicant must agree to abide by an affirmative action program of equal opportunity, as referenced in question 3-7, whereby the applicant establishes specific goals for the utilization of minorities, women and veterans on construction jobs; provided, however, that such goals shall be equal to or greater than the goals contained in the executive office for administration and finance Administration Bulletin Number 14. **Please insert the applicant's name and sign below:**

\_\_\_\_\_ hereby commits to abide by the affirmative action program of equal opportunity submitted in response to question 3-7 of this Application (and subject to Commission approval).

\_\_\_\_\_  
Name of Authorized Individual

\_\_\_\_\_  
Signature of authorized individual

\_\_\_\_\_  
Position with applicant

\_\_\_\_\_  
Date



**MARKETING TO MINORITY, WOMEN, AND VETERAN BUSINESSES**

The applicant must agree to abide by a marketing program, as referenced in question 3-21, for utilization of: (i) minority business enterprises, women business enterprises and veteran business enterprises to participate as contractors in the design of the gaming establishment; (ii) minority business enterprises, women business enterprises and veteran business enterprises to participate as contractors in the construction of the gaming establishment; and (iii) minority business enterprises, women business enterprises and veteran business enterprises to participate as vendors in the provision of goods and services procured by the gaming establishment and any businesses operated as part of the gaming establishment.

\_\_\_\_\_ hereby commits to  
abide by the marketing program submitted in response to question 3-21 of this  
Application..

\_\_\_\_\_  
Name of Authorized Individual

\_\_\_\_\_  
Signature of authorized individual

\_\_\_\_\_  
Position with applicant

\_\_\_\_\_  
Date

**PUBLIC HEALTH MITIGATION**

*In the event that it is awarded a gaming license, \_\_\_\_\_ hereby agrees, in accordance with G.L. c.23K, §9(a)(8), to mitigate the potential negative public health consequences associated with gambling and the operation of a gaming establishment, including: (i) maintaining a smoke-free environment within the gaming establishment under G.L. c.270, §22; (ii) providing complimentary on-site space for an independent substance abuse and mental health counseling service to be selected by the Commission; (iii) prominently displaying information on the signs of problem gambling and how to access assistance; (iv) describing a process for individuals to exclude their names and contact information from a gaming licensee's database or any other list held by the gaming licensee for use in marketing or promotional communications; and (v) instituting other public health strategies as determined by the commission. Please insert the applicant's name and sign below:*

\_\_\_\_\_  
Name of Authorized Individual\_\_\_\_\_  
Signature of authorized individual\_\_\_\_\_  
Position with applicant\_\_\_\_\_  
Date

**STATE LOTTERY SALES AGENT**

The applicant is required to agree to be a licensed state lottery sales agent under G.L. c.10 to sell or operate lottery, multi-jurisdictional and keno games; demonstrate that the lottery and keno games shall be readily accessible to the guests of the gaming establishment and agree that, as a condition of its license to operate a gaming establishment, it will not create, promote, operate or sell games that are similar to or in direct competition, as determined by the commission, with games offered by the state lottery commission, including the lottery instant games or its lotto style games such as keno or its multi-jurisdictional games. **Please write the applicant's name and sign below:**

*In the event that it is awarded a license, \_\_\_\_\_  
hereby agrees to be a licensed lottery sales agent under G.L. c.10, to sell or  
operate lottery, multi-jurisdictional and keno games, and that it will not create,  
promote, operate or sell games that are similar to or in direct competition, as  
determined by the Massachusetts Gaming Commission, with games offered by  
the Massachusetts State Lottery Commission, including the lottery instant  
games or its lotto style games such as keno or its multi-jurisdictional games.*

\_\_\_\_\_  
Name of Authorized Individual\_\_\_\_\_  
Signature of authorized individual\_\_\_\_\_  
Position with applicant\_\_\_\_\_  
Date

**COMMITMENT TO COMMUNITY MITIGATION**

The applicant is required to commit to supporting its community mitigation plan under 205 CMR 119.01(6) and (11). **Please insert the applicant's name and sign below:**

*If awarded a license, \_\_\_\_\_  
hereby agrees to commit to the community mitigation plans it entered into as  
part of the host community agreement(s) and surrounding community  
agreements relative to the construction and operation of a gaming  
establishment.*

\_\_\_\_\_  
Name of Authorized Individual\_\_\_\_\_  
Signature of authorized individual\_\_\_\_\_  
Position with applicant\_\_\_\_\_  
Date

**VERIFICATION AND AUTHENTICATION**

*The applicant, \_\_\_\_\_, hereby authorizes the Commission, the Executive Director of the Commission, the Investigations and Enforcement Bureau, and/or their respective designees to take all necessary and reasonable steps to verify and authenticate any information or materials submitted in conjunction with this application and agrees to fully cooperate in such an inquiry. Further, the applicant is aware that if any of the responses to any question in this application are determined to be false, or if they are misleading, the application may be denied. The applicant acknowledges its continuing duty to provide updated information and/or promptly notify the Commission of any changes to the information or materials, of which it becomes aware or should be aware, that were provided in response to any question in this application.*

\_\_\_\_\_  
Name of Authorized Individual\_\_\_\_\_  
Signature of authorized individual\_\_\_\_\_  
Position with applicant\_\_\_\_\_  
Date

**ATTESTATION**

I, \_\_\_\_\_, on behalf of \_\_\_\_\_  
hereby swear or affirm under the pains and penalties of perjury that the  
information contained in this RFA-2 Application form and all materials  
accompanying said form are true and accurate to the best of my knowledge and  
understanding; that I have reviewed the information contained in the RFA-2  
Application form for accuracy; that I read and understand the questions and  
responses on the RFA-2 Application form; that any document accompanying this  
RFA-2 Application that is not an original document is a true copy of the original  
document; that I have read and understood all applicable provisions of 205 CMR  
and G.L. c.23K; that the applicant agrees to all terms, conditions, and obligations  
made applicable to all applicants for a gaming license; that in the event that the  
applicant is awarded a gaming license it agrees to all obligations, terms, and  
conditions imposed upon a successful applicant; and that I am authorized to  
submit this application on behalf of the applicant.

\_\_\_\_\_  
Name of Authorized Individual\_\_\_\_\_  
Signature of authorized individual\_\_\_\_\_  
Position with applicant\_\_\_\_\_  
Date

**WAIVER OF LIABILITY**

\_\_\_\_\_ hereby holds the  
*Commonwealth of Massachusetts and its instrumentalities and agents, including but not limited to the Massachusetts Gaming Commission and its agents, representatives and employees harmless, both individually and collectively, from any and all claims of liability for damages of whatever kind, resulting at any time from any disclosure or publication of information acquired during the application process or the use of any information provided in furtherance of this application.*

\_\_\_\_\_  
Name of Authorized Individual\_\_\_\_\_  
Signature of authorized individual\_\_\_\_\_  
Position with applicant\_\_\_\_\_  
Date

**C. PUBLIC RECORDS**



The Public Records Law in Massachusetts provides that “[e]very person having custody of any public record, [] shall, at reasonable times and without unreasonable delay, permit it, or any segregable portion of a record which is an independent public record, to be inspected and examined by any person.” See [G.L. c.66, §10\(a\)](#). Further, the Gaming Act included specific language relative to gaming applications. The applicable law states that “[a]pplications for licenses shall be public records under section 10 of chapter 66; provided however, that trade secrets, competitively-sensitive or other proprietary information provided in the course of an application for a gaming license under this chapter, the disclosure of which would place the applicant at a competitive disadvantage, may be withheld from disclosure under chapter 66.” See [G.L. c.23K, §9\(b\)](#). Additionally, there are [20 statutory exemptions](#) from the [definition](#) of the term *public record*. Given the breadth of this application and the volume of attached materials, in an effort to provide clarity to the applicants and the public as to which materials the Commission anticipates withholding from public disclosure in response to any request for public records, this guidance is provided.

As articulated in the [Instructions section](#) of this application, the Commission intends to release the entire completed application form itself to the public in response to a request for public records. Some of the attachments, however, will be withheld from public release by the Commission on the grounds that they meet an exemption to the definition of the term *public record*. The most commonly asserted exemption as it applies to the public release of this RFA-2 application will be the statutory exemption: G.L. c.4, §7(26)(a). In this case, the so called statutory exemption relates to the aforementioned exemption included in G.L. c.23K, §9(b) for “trade secrets, competitively-sensitive or other proprietary information provided in the course of an application for a gaming license [], the disclosure of which would place the applicant at a competitive disadvantage . . . .” To that end, the Commission has determined that the attachments provided by an applicant in response to the questions articulated below will presumptively contain information triggering the statutory exemption and accordingly will be withheld if the applicant so elects by checking the corresponding ‘YES’ box on the grid below, and electronically labels the document ‘CONFIDENTIAL’ in accordance with the [Electronic Application Format](#) instructions. To the extent that the applicant does not believe that the exemption applies, or otherwise does not seek the assertion of the exemption, it may assent to the release of the materials by checking the corresponding ‘NO’ box on the grid below. This chart, along with these instructions, shall serve as the specimen form referenced in 205 CMR 103.09.

In accordance with 205 CMR 103.09, all information submitted by an applicant in the RFA-2 application, other than that identified in the chart below, shall be presumed to be available for public disclosure on request unless an applicant demonstrates or the Commission otherwise finds that a separable portion of the information is exempt from disclosure pursuant to 205 CMR 103.02(1) through (5). Applicants shall make such a demonstration in accordance with the provisions of 205 CMR 103.10 through 103.12.

Unless indicated otherwise, the Commission has determined that the attachments to each of the questions identified below presumptively contain trade secrets, competitively-sensitive or other proprietary information that will be provided in the course of an application for a gaming license, the disclosure of which would place the applicant at a competitive disadvantage. Please check 'YES' if the applicant agrees with that assessment or 'NO' if the applicant assents to the public release of the attachments accompanying the subject question. If the applicant assents to the release of some, but not all, of the attachments to a particular question, those documents which the applicant would like to release should be noted in the 'OTHER' column and should not be marked 'CONFIDENTIAL' in accordance with [Electronic Application Format](#) instructions. If the applicant is of the belief that a different exemption applies, that exemption should be cited in the 'OTHER' column. Any request for exempt status for any document not already identified in this chart may be included at the end of the grid with all information required in accordance with 205 CMR 103.10 including a citation to the exemption the applicant believes to be applicable.

QUESTION #	QUESTION TITLE	YES	NO	OTHER
1-4	Competitive Environment	<input type="checkbox"/>	<input type="checkbox"/>	_____
1-6	Collaborative Marketing	<input type="checkbox"/>	<input type="checkbox"/>	_____
2-5	Audited Financial Statements	<input type="checkbox"/>	<input type="checkbox"/>	_____
2-6	Unaudited Financials and SEC Filings (note- exemption applies to unaudited financials only)	<input type="checkbox"/>	<input type="checkbox"/>	_____
2-7	Financing Structure	<input type="checkbox"/>	<input type="checkbox"/>	_____
2-8	Budget	<input type="checkbox"/>	<input type="checkbox"/>	_____
2-9	Significant Economic Downturn	<input type="checkbox"/>	<input type="checkbox"/>	_____
2-10	Timeline for Construction	<input type="checkbox"/>	<input type="checkbox"/>	_____
2-11	Pro-forma Cash Flow	<input type="checkbox"/>	<input type="checkbox"/>	_____
2-12	Credit Arrangements and Financial Commitments	<input type="checkbox"/>	<input type="checkbox"/>	_____

## C. Public Records

Applicant: \_\_\_\_\_

2-17	Supplemental Documentation of Financial Suitability and Responsibility	<input type="checkbox"/>	<input type="checkbox"/>	_____
2-19	Revenue Generation	<input type="checkbox"/>	<input type="checkbox"/>	_____
2-20	Projected Gaming Revenue	<input type="checkbox"/>	<input type="checkbox"/>	_____
2-21	Projected Non-Gaming Revenue	<input type="checkbox"/>	<input type="checkbox"/>	_____
2-22	Projected Tax Revenue to the Commonwealth	<input type="checkbox"/>	<input type="checkbox"/>	_____
2-23	Internal Controls	<input type="checkbox"/>	<input type="checkbox"/>	_____
2-24	Central Computerized Accounting	<input type="checkbox"/>	<input type="checkbox"/>	_____
2-25	Maximizing In-State Revenue	<input type="checkbox"/>	<input type="checkbox"/>	_____
2-26	Customer Cross-Marketing	<input type="checkbox"/>	<input type="checkbox"/>	_____
2-27	History of Revenue	<input type="checkbox"/>	<input type="checkbox"/>	_____
2-28	Market Analysis	<input type="checkbox"/>	<input type="checkbox"/>	_____
2-30	Capital Investment	<input type="checkbox"/>	<input type="checkbox"/>	_____
2-31	Total Investment Outside the Property	<input type="checkbox"/>	<input type="checkbox"/>	_____
2-33	Construction Plan	<input type="checkbox"/>	<input type="checkbox"/>	_____
2-34	Business Plan	<input type="checkbox"/>	<input type="checkbox"/>	_____
2-36	Competition from Internet Gaming	<input type="checkbox"/>	<input type="checkbox"/>	_____
2-37	Marketing Plan	<input type="checkbox"/>	<input type="checkbox"/>	_____
2-39	Marketing to Out of State Visitors and Use of Junkets	<input type="checkbox"/>	<input type="checkbox"/>	_____
2-40	Marketing to In-State Visitors	<input type="checkbox"/>	<input type="checkbox"/>	_____

## C. Public Records

Applicant: \_\_\_\_\_

<b>2-41</b>	Secure a Robust Gaming Market	<input type="checkbox"/>	<input type="checkbox"/>	_____
<b>3-8</b>	Workforce Development	<input type="checkbox"/>	<input type="checkbox"/>	_____
<b>3-13</b>	Employee Retention Record	<input type="checkbox"/>	<input type="checkbox"/>	_____
<b>3-28</b>	Cross Marketing	<input type="checkbox"/>	<input type="checkbox"/>	_____
<b>3-29</b>	Collaboration with Tourism and Other Industries	<input type="checkbox"/>	<input type="checkbox"/>	_____
<b>3-31</b>	International Marketing Efforts	<input type="checkbox"/>	<input type="checkbox"/>	_____
<b>3-33</b>	Unique Business and Marketing Strategies	<input type="checkbox"/>	<input type="checkbox"/>	_____
<b>4-10</b>	Gaming (only with regard to special high limit or VIP areas)	<input type="checkbox"/>	<input type="checkbox"/>	_____
<b>4-63</b>	Grid Failure (additional exemption- G.L. c.4, §7(26)(n))	<input type="checkbox"/>	<input type="checkbox"/>	_____
<b>4-64</b>	Surveillance (additional exemption- G.L. c.4, §7(26)(n))	<input type="checkbox"/>	<input type="checkbox"/>	_____
<b>4-66</b>	Emergency Response	<input type="checkbox"/>	<input type="checkbox"/>	_____
<b>4-68</b>	Remote Regulatory Surveillance (additional exemption- G.L. c.4, §7(26)(n))	<input type="checkbox"/>	<input type="checkbox"/>	_____
<b>4-69</b>	Excluding Minors (additional exemption- G.L. c.4, §7(26)(n))	<input type="checkbox"/>	<input type="checkbox"/>	_____
<b>4-70</b>	Security of Premises (additional exemption- G.L. c.4, §7(26)(n))	<input type="checkbox"/>	<input type="checkbox"/>	_____
<b>4-71</b>	History of Security (additional exemption- G.L. c.4, §7(26)(n))	<input type="checkbox"/>	<input type="checkbox"/>	_____
<b>5-22</b>	Exclusivity with Entertainers	<input type="checkbox"/>	<input type="checkbox"/>	_____
<b>5-30</b>	Metrics for Problem Gambling	<input type="checkbox"/>	<input type="checkbox"/>	_____
<b>5-33</b>	Historical Efforts Against Problem Gambling	<input type="checkbox"/>	<input type="checkbox"/>	_____

### C. Public Records

Applicant: \_\_\_\_\_

[illegible]

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## Department of Revenue

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### TIR 13-4: Withholding on Wagering Winnings

On November 22, 2011, An Act Establishing Expanded Gaming in the Commonwealth ("the Act") was approved and became law.<sup>[1]</sup> The Act added new chapter 23K to the General Laws, which provides for expanded gaming in Massachusetts under the jurisdiction of the Massachusetts Gaming Commission. The Act authorizes the Massachusetts Gaming Commission to license certain gaming establishments: one casino in each of three regions in the state, and a single slots parlor that can be in any region. This TIR explains the changes made by the Act to chapter 62, the personal income tax, chapter 62B, the withholding tax, and chapter 62C, tax administration.

#### **A. Background; Personal Income Tax, G.L. c. 62, and Changes under the Act**

For purposes of the personal income tax, Massachusetts gross income is federal gross income as defined under the Internal Revenue Code ("Code" or "IRC") of January 1, 2005, with certain modifications not relevant here.<sup>[2]</sup> Federal gross income is all income from whatever source derived, except from those sources specifically excluded by the Code. Federal gross income includes winnings from all types of wagering including, without limitation, the Massachusetts lottery and other lotteries, casino and slots parlor gaming, charitable gaming (e.g., bingo or beano, raffles, and "casino" or "Las Vegas" nights), dog and horse track betting (live and simulcast), and any other type of gambling.<sup>[3]</sup>

A resident of Massachusetts must include in Massachusetts gross income any lottery and wagering winnings includible in federal gross income, whether the winnings are from wagering in Massachusetts or in another state or jurisdiction. A resident may take a credit against the Massachusetts personal income tax for income taxes properly due to other states, any territory or possession of the United States, or Canada or any of its provinces, on any item of Massachusetts gross income.<sup>[4]</sup>

A nonresident is subject to the personal income tax on certain types of Massachusetts gross income that arise from Massachusetts sources.<sup>[5]</sup> Under the Act, the scope of

Massachusetts source income is expanded to include the following wagering winnings:

. . . items of gross income derived from or effectively connected with: . . . (2) the participation in any lottery or wagering transaction within the commonwealth, including gaming winnings acquired at or through a gaming establishment licensed under chapter 23K; . . . [6]

Accordingly, a nonresident's lottery or wagering winnings from Massachusetts sources are subject to the Massachusetts personal income tax. For a nonresident, wagering income is Massachusetts source income if the winnings are derived from any of the following: (1) A casino or slots parlor located in Massachusetts, (2) the Massachusetts lottery, (3) a multijurisdictional lottery if the ticket was purchased within Massachusetts, (4) pari-mutuel wagering paid by a Massachusetts racetrack or simulcast center, or (5) any other wagering transaction within Massachusetts.

A nonresident whose Massachusetts source income exceeds either \$8,000 or the prorated personal exemption, whichever is less, is required to file a Massachusetts income tax return.[7] If a nonresident's state of residence has an income tax, the nonresident may be able to claim a credit for tax paid to Massachusetts on the income tax return for the home state.

#### **B. Withholding of Personal Income Tax, G.L. c. 62B**

Chapter 62B requires withholding on certain wagering winnings, including, but not limited to, certain wagering winnings that are subject to federal withholding under the Code. For purposes of the withholding rules, references to the Code mean the current Code as amended and in effect for the applicable year.

The Act, effective November 22, 2011, provides that wagering winnings are subject to Massachusetts withholding as follows:

Every person, including the United States, the commonwealth or any other state, or any political subdivision or instrumentality of the foregoing, making any payment of lottery or wagering winnings which are subject to tax under chapter 62 and which are subject to withholding under section 3402 of the Internal Revenue Code, without the exception for slot machines, keno and bingo played at licensed casinos in subsections (q)(5) and (r) of said section 3402 of the Internal Revenue Code, shall deduct and withhold from such payment an amount equal to 5 percent of such payment, except that such withholding for purposes of this chapter shall apply to payments of winnings of \$600 or greater notwithstanding any contrary provision of the Internal Revenue Code. For the purposes of this chapter and chapter 62C, such payment of winnings shall be treated as if it were wages paid by an employer to an employee. [8]

Accordingly, a payor of Massachusetts lottery or wagering winnings of \$600 or greater is required to deduct and withhold Massachusetts personal income tax in an amount equal to five percent of a payment made to a Massachusetts resident or a nonresident, in the following situations:

1. The winnings are subject to tax under chapter 62, and

2. The payment is subject to withholding under rules described in § 3402 of the Code<sup>[9]</sup>, but modified for Massachusetts withholding purposes as follows:

- Payments of winnings of \$600 or greater are subject to Massachusetts withholding notwithstanding that higher dollar thresholds for federal withholding are provided in § 3402 of the Code.
- Payments of winnings of \$600 or greater from slot machines, keno, and bingo played at licensed casinos are subject to Massachusetts withholding notwithstanding the exemption that would apply from federal withholding in § 3402 of the Code.<sup>[10]</sup>

**Horse and Dog Racing.** Under prior law,<sup>[11]</sup> there was an exemption from Massachusetts withholding for winnings from horse and dog racing. The Act removed the exemption from Massachusetts withholding for winnings from horse and dog racing. Under the Act, a payment of winnings of \$600 or greater from horse or dog racing (including winnings from simulcast horse or dog racing) is subject to Massachusetts withholding.<sup>[12]</sup>

**Massachusetts Withholding Required on Certain Winnings from Slot Machines, Keno and Bingo Notwithstanding Federal Exemption.** Under prior law, there was an exemption from Massachusetts withholding for winnings from slot machines, keno and bingo that was tied to the federal exemption from withholding in Code § 3402(q)(5).<sup>[13]</sup> However, under the Act and as noted above, Massachusetts has decoupled from this federal exemption to the extent the winnings are from "slot machines, keno and bingo played at licensed casinos." Thus, under the Act, Massachusetts withholding is required from a payment of winnings of \$600 or greater from slot machines, keno or bingo played at licensed casinos, including at a licensed slots parlor.<sup>[14]</sup>

**Winnings Treated As Wages.** For the purposes of General Laws chapter 62B (Withholding of Taxes on Wages and Declaration of Estimated Income Tax), and chapter 62C (Tax Administration), a payment of winnings is treated as if it were wages paid by an employer to an employee.<sup>[15]</sup>

**Identification.** Before or at the time a person receives a payment of winnings that is subject to Massachusetts withholding, the payee must furnish to the person making such payment a statement, made under the penalties of perjury, containing the name, address and taxpayer identification number of the person receiving the payment and of each person entitled to any portion of such payment.<sup>[16]</sup> Proof of identity includes a Driver's License or other State-issued photo identification.

**Amounts Subject to Massachusetts Withholding.** Payors must withhold Massachusetts personal income tax each time a payor makes a single payment of lottery or wagering winnings of \$600 or greater. It does not matter that several individuals may jointly hold the winning ticket and each person's "share" is less than \$600.<sup>[17]</sup> If the proceeds from the wager qualify as winnings subject to Massachusetts withholding, then the total proceeds from the wager, and not merely amounts in excess of \$600, are subject to withholding. In determining the amount paid with respect to a wager, proceeds which are not money, e.g. where the winnings consist of a car or boat, shall be taken into account at the fair market value.



**Form W2-G.** The payor must provide a withholding statement, Form W2-G, Certain Gambling Winnings, on all winnings of \$600 or greater. Some winners will receive the Form W2-G at the time of the payment of wagering or gaming winnings. If not, the payor must furnish a Form W2-G to the payee before January 31 of the following year.<sup>[18]</sup>

**Liability for Failure to Withhold or Pay Over Withheld Taxes.** A payor or other person required to withhold who fails to withhold or pay to the Commissioner any sum required by the withholding statutes to be withheld or paid shall be personally and individually liable for such sum to the Commonwealth, together with related interest and penalties under G.L. c. 62B and G.L. c. 62C.<sup>[19]</sup>

**C. Annual Reports by Entities Doing Business in Massachusetts, G.L. c. 62C, § 8**

**Information Return.** Every person or entity doing business in the Commonwealth who makes payments which are taxable to the recipient under G.L. c. 62, the personal income tax, must file an annual report with the Commissioner: (1) giving the names and addresses of all residents of Massachusetts and other persons deriving income in Massachusetts to whom it has paid any income subject to the personal income tax during the preceding calendar year on the same basis as is required by the federal government under the Code, and (2) state in such report the amount of such income so paid by it.<sup>[20]</sup>

Under the Act, this same basis of reporting must be utilized for income that is subject to taxation or withholding under chapter 62 or 62B even where it is not subject to federal taxation or withholding under the Code.<sup>[21]</sup> Thus, a person making payments of winnings subject to the Massachusetts personal income tax or withholding is required to file an information return in Massachusetts even if the winnings are not subject to federal income tax or withholding.<sup>[22]</sup>

/s/Amy Pitter

Amy Pitter

Commissioner of Revenue

AP:MTF:adh

February 28, 2013

TIR 13-4

<sup>[1]</sup> St. 2011, c. 194.

<sup>[2]</sup> G.L. c. 62, §§ 1, 2.

<sup>[3]</sup> IRC § 61(a).

<sup>[4]</sup> G.L. c. 62, § 6(a).

<sup>[5]</sup> G.L. c. 62, § 5A.

<sup>[6]</sup> G.L. c. 62, § 5A as amended by St. 2011, c. 194, § 27.

[7] G.L. c. 62, §§ 5 and 5A; A nonresident taxpayer's personal exemption must be prorated based on the ratio of Massachusetts source income to the gross income that would have been taxed to the taxpayer had he or she been a Massachusetts resident for the taxable year.

[8] G.L. c. 62B, § 2 (seventh paragraph, first and second sentences), as amended by St. 2011, c. 194, § 28.

[9] In general, wagering winnings that are subject to federal withholding are those in excess of \$5,000. The federal regulations provide that winnings subject to withholding means any payment from:

1. A wager placed in a State-conducted lottery resulting in winnings greater than \$5,000;
2. A wager placed in any other sweepstakes, wagering pool, or lottery, including a pari-mutuel pool with respect to horse races, dog races, or jai alai, resulting in winnings greater than \$5,000; and
3. Any other wagering transaction where the winnings exceed \$5,000 and are at least 300 times as large as the amount of the wager.

[10] Federal law requires casinos to report to the Internal Revenue Service certain winnings from bingo, keno and slot machines where no federal withholding is required. See footnote 13, below.

[11] Prior to the Act, pursuant to G.L. c. 62B, § 2 (seventh paragraph), wagering winnings subject to Massachusetts withholding were described as follows:

Every person, including the United States, the commonwealth or any other state, or any political subdivision or instrumentality of the foregoing, making any payment of winnings, except winnings from horse and dog racing, which are subject to tax under chapter sixty-two and which are subject to withholding under section thirty-four hundred and two (q) of the Internal Revenue Code shall deduct and withhold from such payment an amount equal to five per cent of such payment, except that such withholding for purposes of this chapter shall apply to payments of winnings of \$600 or greater notwithstanding any contrary provisions of the Internal Revenue Code, as amended from time to time. For purposes of this chapter and chapter sixty-two C, such payment of winnings shall be treated as if it were wages paid by an employer to an employee.

[12] The Massachusetts Gaming Commission regulates simulcasting for horse racing, harness racing, and dog racing. Effective January 1, 2010, dog racing in Massachusetts is prohibited. See G.L. c. 128A, § 14E. However, under the regulation of the Massachusetts Gaming Commission, simulcasting in Massachusetts of dog racing taking place outside of Massachusetts is permitted.

[13] Although not subject to federal withholding, the following winnings must be reported to the Internal Revenue Service on Form W2-G: (1) Winnings (not reduced by the wager) of \$1,200 or more from a bingo game or slot machine, and (2) Winnings (not reduced by the wager) of \$1,500 or more from a keno game. If a winner fails to provide his or her TIN, the winnings are subject to federal withholding.

[14] In contrast to Massachusetts law, Code § 3402(q)(5) provides an exemption from federal withholding on winnings from a slot machine, keno or bingo in a case where the winner provides his or her taxpayer identification number (TIN).

[15] G.L. c. 62B, § 2 (seventh paragraph, third sentence).

[16] G.L. c. 62B, § 2 (seventh paragraph, fourth sentence).

[17] If winnings are to be split among several winners, winners are reported on Form 5754, Statement by Person(s) Receiving Gambling Winnings.

[18] G.L. c. 62B, § 5 (first paragraph).

[19] G.L. c. 62C, § 5.

[20] G.L. c. 62C, § 8. See *also* Department of Revenue Directives 93-5, 94-10, and 97-3 which set out the reporting requirements for filing annual information reports.

[21] G.L. c. 62C, § 8 (first paragraph), as amended by St. 2011, c. 194, § 30.

[22] G.L. c. 10, § 38 provides for the licensing of certain organization to conduct beano games, raffles or bazaars. The Act does not change the longstanding requirement under G.L. c. 62C, § 18 that every organization operating or conducting a game under G.L. c. 10, § 38 must, within ten days after such game is held, file an information return with the Commissioner containing the names and addresses of all persons receiving prizes over \$500 in such game and the amount of every such prize.

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6.5

## MASSACHUSETTS GAMING COMMISSION

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### MEMORANDUM

**To:** Stephen Crosby, Chair  
Gayle Cameron, Commissioner  
Enrique Zuniga, Commissioner  
James F. McHugh, Commissioner  
Bruce Stebbins, Commissioner

**From:** Jennifer Durenberger, Director of Racing  
Catherine Blue, General Counsel

**Date:** June 13, 2013

**Re:** Delegation of Authority to the Director of Racing

---

**REQUEST:** that the Massachusetts Gaming Commission (“Commission”) delegate to the Director of Racing the authority to approve track matters pertaining to racing licensees to ensure the efficient operation of the racing division and regulation of the racing licensees.

**DISCUSSION:** From time to time, matters (“track matters”) arise at the licensee tracks which require Commission approval. These track matters are generally routine and ministerial, arise between regular Commission meetings and require a prompt response. It was the past practice of the former racing commission to delegate the authority to approve these track matters to the Director of Racing. This delegation allowed the licensee tracks to request and obtain approval for changes to better meet their business needs and to allow the Director of Racing to more efficiently oversee the regulation of the racing licensees.

Track matters consist of the following matters:

- sending notices and demand letters to licensee when a licensee has failed to make any statutorily required payment to the Commission under M.G.L. c 128A and c. 128C;
- executing Show Cause orders;



Massachusetts Gaming Commission

- approve change of post times on special event days or on other days as requested by a licensee;
- approve cancellation of race day(s), rescheduling of race days or addition of race days; provided, however, that any permanent change in the length of the racing schedule or amendment to the license granted to a licensee will come to the Commission for approval;
- approval of racing officials pending background checks;
- approval of additional simulcast outlets pending executed contracts and approval of appropriate horsemen's groups;
- approval of special event simulcasting; and
- approval of premium-free simulcast days.

The accompanying resolution requests that the Commission approve a delegation of authority to the Director of Racing to approve track matters as described in this Memorandum. The Director of Racing will advise the Commission as part of the regular racing report of any actions taken under this delegation of authority.



Massachusetts Gaming Commission



**MASSACHUSETTS GAMING COMMISSION  
COMMISSION MEETING  
JUNE 13, 2013**

- WHEREAS;** From time to time matters arise at the licensee tracks which require Commission approval; and
- WHEREAS;** These matters are referred to as “track matters” and are more fully defined in the Memorandum dated June 13, 2013 from Jennifer Durenberger, Director of Racing and Catherine Blue, General Counsel; and
- WHEREAS;** The Commission wishes to delegate to the Director of Racing the authority to approve track matters as they arise to ensure the efficient operation of the racing division and regulation of racing licensees;
- NOW IT IS  
HEREBY  
RESOLVED;** That the Commission hereby delegates to the Director of Racing the authority to take all steps necessary to approve track matters, as those matters are more fully described in the Commission memorandum from Jennifer Durenberger, Director of Racing and Catherine Blue, General Counsel, dated June 13, 2013; and
- RESOLVED;** That the Director of Racing will report to the Commission on a regular basis as part of the racing report on all track matters approved by the Director of Racing; and
- RESOLVED;** That the Commission hereby delegates and directs the Director of Racing to take any and all actions, to execute any and all documents, and to take all steps necessary to implement the actions approved by the vote of the Commission herein.



6.6

## MASSACHUSETTS GAMING COMMISSION

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### MEMORANDUM

**To:** Stephen Crosby, Chair  
Gayle Cameron, Commissioner  
Enrique Zuniga, Commissioner  
James F. McHugh, Commissioner  
Bruce Stebbins, Commissioner

**From:** Rick Day, Executive Director  
Catherine Blue, General Counsel

**Date:** June 13, 2013

**Re:** Delegation of Authority to the Executive Director

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**REQUEST:** that the Commission approve a delegation of authority to the Executive Director to approve and make payments required under §5 (h) of c. 128A; to negotiate, enter into and execute all necessary agreements and documents to make such payments; and to take all steps necessary to comply with the requirements of §5(h).

**DISCUSSION:** Pursuant to chapter 194 of the acts of 2011, the Massachusetts Gaming Commission (“Commission”) assumed regulatory responsibility for matters pertaining to running horse and harness racing in the Commonwealth. M.G.L. c. 128A §5 outlines in detail how money paid to the Commission arising from racing activities regulated by the Commission is distributed. In particular, §5(h) describes how pari-mutuel taxes, assessments, association licensing fees, occupational licensing fees, fines, penalties and miscellaneous revenues, other than unclaimed wagers, paid to the Commission are to be distributed. For example, §5(h) distributes money to licensee host communities; to the Commission to fund the racing division budget; to fund programs for health, medical,



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food, substance abuse and other social services for employees of running horse races; to fund economic assistance programs for employees of running horse facilities; to fund health and welfare benefits for jockeys; to fund programs on compulsive gambling administered by the department of public health; to fund purse accounts; and to provide money to the general fund.

Section 5(h) is specific as to how the payments are calculated, the amounts to be paid and the types of organizations to which the payments are made. Thus, the payments are routine and ministerial in nature.

The accompanying resolution requests that the Commission approve a delegation of authority to the Executive Director to approve and make the payments required under §5(h) and to negotiate, enter into and execute any and all agreements and documents necessary to make those payments, such as agreements with any organizations that receive the money, and to take all other actions required to comply with the requirements of §5(h) in a timely manner. The Executive Director will advise the Commission on a regular basis of actions taken under this delegation as part of the regular Executive Director report.



Massachusetts Gaming Commission

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**MASSACHUSETTS GAMING COMMISSION  
COMMISSION MEETING  
JUNE 13, 2013**

- WHEREAS;** M.G.L c. 128A §5(h) requires that the Commission make payments in certain amounts for certain purposes, all as more fully described in the Commission memorandum from Catherine Blue to the Commission dated June 13, 2013; and
- WHEREAS;** The payments required under §5(h) are routine and ministerial in nature; and
- WHEREAS;** In order to ensure that the payments are made in a timely manner, the Commission wishes to delegate to the Executive Director the authority to approve and make the required payments and to negotiate, enter into and execute all agreements and documents necessary to effectuate such payments and to report to the Commission regarding the status of such payments.
- NOW IT IS  
HEREBY  
RESOLVED;** That the Commission hereby delegates to the Executive Director the authority to approve and make all payments as required under M.G.L. 128A §5(h); and
- RESOLVED;** That the Commission authorizes the Executive Director to negotiate, enter into and execute all agreements and documents required to effectuate the payments required under §5(h) and to report to the Commission on the status of such payments; and
- RESOLVED;** That the Commission hereby authorizes, delegates and directs the Executive Director to take any and all actions, to execute any and all documents, and to take all steps necessary to implement the actions approved by the vote of the Commission herein, all as more fully described in the Commission memorandum from Catherine Blue to the Commission dated June 13, 2013.

**SECTION 7 – NO DOCUMENTS FOR  
REVIEW**