



U P D A T E D

NOTICE OF MEETING and AGENDA

August 9, 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:

Friday, August 9, 2013

9:30 a.m.

Division of Insurance

1000 Washington Street

1st Floor, Meeting Room 1-E

Boston, Massachusetts

PUBLIC MEETING - #74

1. Call to order
2. Approval of Minutes
 - a. July 25, 2013
 - b. July 26, 2013
3. Administration – Rick Day, Executive Director
 - a. General Administrative Update
 - i. Evaluation Process Project Coordinator
 - ii. Financial Advisor Recommendation
4. Racing Division - Jennifer Durenberger, Director and Catherine Blue, General Counsel
 - a. Administrative Update
 - b. Tax Withholding Update – Kevin Brown, General Counsel – Department of Revenue
 - c. Draft letter to LGAC regarding amendments to 205 CMR 3.00 and 4.00 – VOTE
 - d. Draft application for license to conduct horse racing pursuant to M.G.L. c.128A - VOTE
5. Legal – Catherine Blue, General Counsel and Todd Grossman, Attorney
 - a. Proposed Phase 3 Regulations
6. Ombudsman Report - John Ziemba
 - a. Report on Applicant Community Outreach
 - b. West Springfield Citizen Notice
7. Other business – reserved for matters the Chair did not reasonably anticipate at the time of posting

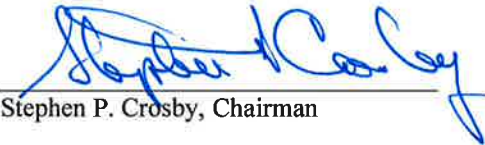


Massachusetts Gaming Commission

8. Executive session pursuant to M.G.L. c 30A §21(a)(5) and 21(a)(7) and M.G.L. c.66 and M.G.L. c.4 §7 cl 26(f).

I certify that on this date, this Notice was posted as "Gaming Commission Meeting" at www.massgaming.com and emailed to: regs@sec.state.ma.us, melissa.andrade@state.ma.us, brian.gosselin@state.ma.us.

8/7/13
(date)


Stephen P. Crosby, Chairman

Date Posted to Website: August 7, 2013 at 9:30 a.m.



Massachusetts Gaming Commission

84 State Street, 10th Floor, Boston, Massachusetts 02109 | TEL 617.979.8400 | FAX 617.725.0258 | www.massgaming.com



Meeting Minutes

Date: July 25, 2013

Time: 9:30 a.m.

Place: Boston Convention and Exhibition Center
415 Summer Street, Room 102-B
Boston, MA 02210

Present: Commissioner Stephen P. Crosby, Chairman
Commissioner Gayle Cameron
Commissioner James F. McHugh
Commissioner Bruce Stebbins
Commissioner Enrique Zuniga

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.

9:31 a.m. Chairman Crosby opened the 72nd public meeting.

Approval of Minutes

See transcript pages 2-3.

9:32 a.m. Commissioner McHugh stated that the minutes for the July 11 meeting are ready for approval.

Motion made by Commissioner McHugh that the minutes of July 11, 2013 be accepted. Motion seconded by Commissioner Cameron. The motion passed unanimously.

Administration

Report by Executive Director Day. See transcript pages 3-24.

- 9:33 a.m. Executive Director Day stated that the Commission will hold its next public meeting on August 9th rather than August 8th as previously anticipated.
- 9:33 a.m. Executive Director Day introduced David Acosta, the Commission's new Director of Licensing. Mr. Acosta expressed his enthusiasm for working with the Commission. The Commission was in agreement that Mr. Acosta would be a great fit for the position.
- 9:39 a.m. The Commission is currently in the process of finalizing its decision for the Project Manager position and conducting the necessary background checks. Executive Director Day anticipates introducing the successful bidder at the next public meeting.
- 9:42 a.m. The Commission and its consultants have reached a decision about extension of the contract with the gaming consultants for non- investigative services. The monthly retainer will be reduced by 25% for the first three months of the new contract. The consultants will then present data on how many hours they worked during those three months. Based on this information, the parties will negotiate the method and amount of payment going forward.
- 9:45 a.m. Executive Director Day presented the procurement chart, and Commissioner Zuniga mentioned one modification to the dates for the financial advisor hiring process.
- 9:48 a.m. Executive Director Day provided an overview of the changes to the Master Schedule. The Commission expects to complete Category 2 suitability by August 29 and begin the review of Category 1 suitability reports on August 22.

Racing Division

Report by Director Durenberger. See transcript pages 24-34.

- 9:55 a.m. Director Durenberger provided an update on the equine drug testing at racetracks. The 1000th sample was tested this week and there have been no findings of prohibited substances. The tests uncovered ten instances of a therapeutic substance being present in a horse. This number is only slightly higher than the national average.
- 10:00 a.m. Director Durenberger corrected an error from the prior public meeting. The list of additional simulcasting outlets approved to receive the export signal from Suffolk Downs incorrectly identified Monarch Management as one of the outlets. The list should have instead identified Saddle Brook Jockey Club.
- 10:00 a.m. Under the authority the Commission delegated to the Director of Racing, Director Durenberger conditionally approved Suffolk's request to simulcast the Hambletonian Card from the Meadowlands.

- 10:01 a.m. At an earlier public meeting the Commission approved a list of racing officials conditioned upon successful completion of background investigations. All of the background investigations were completed successfully.
- 10:01 a.m. Director Durenberger described the upcoming events scheduled at Suffolk Downs and Plainridge.
- 10:03 a.m. Representatives from the Department of Revenue are scheduled to speak with the Commission's staff about the changes in the tax law relating to withholding on winnings from wagering. The staff will then determine the best way to present this information to the Commission as a whole.
- 10:05 a.m. Meeting adjourned.

List of Documents and Other Items Used at the Meeting

1. Massachusetts Gaming Commission July 25, 2013 Notice of Meeting and Agenda
2. Curriculum Vitae David Acosta
3. Massachusetts Gaming Commission 7-29-2013 Licensing Schedule Update

/s/ Catherine Blue
Catherine Blue
Assistant Secretary



Meeting Minutes

Date: July 26, 2013

Time: 9:30 a.m.

Place: Boston Convention and Exhibition Center
415 Summer Street, Room 102-B
Boston, MA 02210

Present: Commissioner Stephen P. Crosby, Chairman
Commissioner Gayle Cameron
Commissioner James F. McHugh
Commissioner Bruce Stebbins
Commissioner Enrique Zuniga

Absent: None

Raynham Referendum

See transcript page 7-11.

9:31 a.m. Chairman Crosby opened the 73rd public meeting.

9:31 a.m. Ombudsman Ziemba stated that the Town of Raynham approved the holding of a referendum prior to a determination of suitability for Raynham Park LLC. The Town is requesting that the Commission approve its proposed notice to citizens as required by the Commission regulations.

9:35 a.m. *Motion made by Commissioner McHugh to approve the Raynham application as printed in the meeting materials and vest authority to make nonmaterial changes, formatting changes, highlighting changes, and similar in the General Counsel and the Executive Director.*

9:36 a.m. Meeting adjourned.

List of Documents and Other Items Used at the Meeting

1. Town of Raynham, Request to Approve Notice of Referendum.

/s/ Catherine Blue
Catherine Blue
Assistant Secretary



Pinck & Co.
Jennifer Pinck
President
98 Magazine St.
Boston, MA 02119
T. (617) 445-3555 x301
jpinck@pinck-co.com

Dear Members of the Massachusetts Gaming Commission Selection Committee:

We are pleased to submit our proposal to the Massachusetts Gaming Commission for Project Coordinator Services. We would be honored to support the Commission as it selects the resort casino and slot parlor operators.

Founded in 1998 Pinck & Co serves exclusively as Owner's Project Managers. In this role, our primary task is coordination and our track record of delivering consistently high quality services to our client/owners is unmatched.

For the Commission to make its final selections we believe the best approach requires that the Commission and all its partners, consultants and critical stakeholders establish a strong framework process early, communicate it clearly and implement it evenly. In addition the entire team must adhere to a culture of collaboration and transparency, especially to meet the schedule.

Pinck & Co is the ideal partner to support the Commission in this endeavor. Our culture is collaborative, openness and transparency are fundamental, and we build strong teams focused on the owner's interests. Our mission is delivering first-rate facilities that enhance the local and broader community for mission-driven owners and developers. Key staff have worked for Massachusetts authorities, agencies and institutional owners on large scale development projects, including the Central Artery and the Boston Harbor Projects. We are a SDO certified WBE with a strong commitment to diversity.

Our record of success is based on the unique program and project management experience acquired earlier in my career as Construction Manager for the MWRA, and Mitigation Manager on the Big Dig and which I have combined in the philosophy and culture of the firm. Our approach is based on open and transparent communication, keen attention to detail, careful procurement, proactive planning and creative problem solving - while paying close and continual attention to schedule and cost.

Pinck & Co.

I will lead the development of the application review process. Nancy Stack will be assigned the role of prime project coordinator under her direction. Margaret Wood, with expertise in architecture and process management, will guide the review and evaluation of the building design component, especially if the MGC adopts AIA's recommendation to utilize a Design Review Board. Additionally, other staff at all levels will be available on an as-needed basis. When construction commences Tom O'Neil and Andraya Lombardi, construction professionals, are available to provide the oversight to ensure the developers comply with their promises and keep to schedule, while reporting to the Commission.

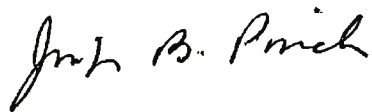
We understand the pressure and scrutiny that will surround the slot parlor and resort casino selections and the importance of integrating and synthesizing significant amounts of technical information on a timely basis.

The final decisions of the Commission will be critically important to the entire Commonwealth and to the host and surrounding communities. The potential benefits and impacts must be carefully considered, each proposal reviewed equally and information presented concisely and clearly. In addition, the basis for the decisions must be transparent and defensible.

We are ready to commence services immediately and are confident we can add value on day one for the MGC. The key to success is to define the process early, communicate it thoroughly, and implement it consistently.

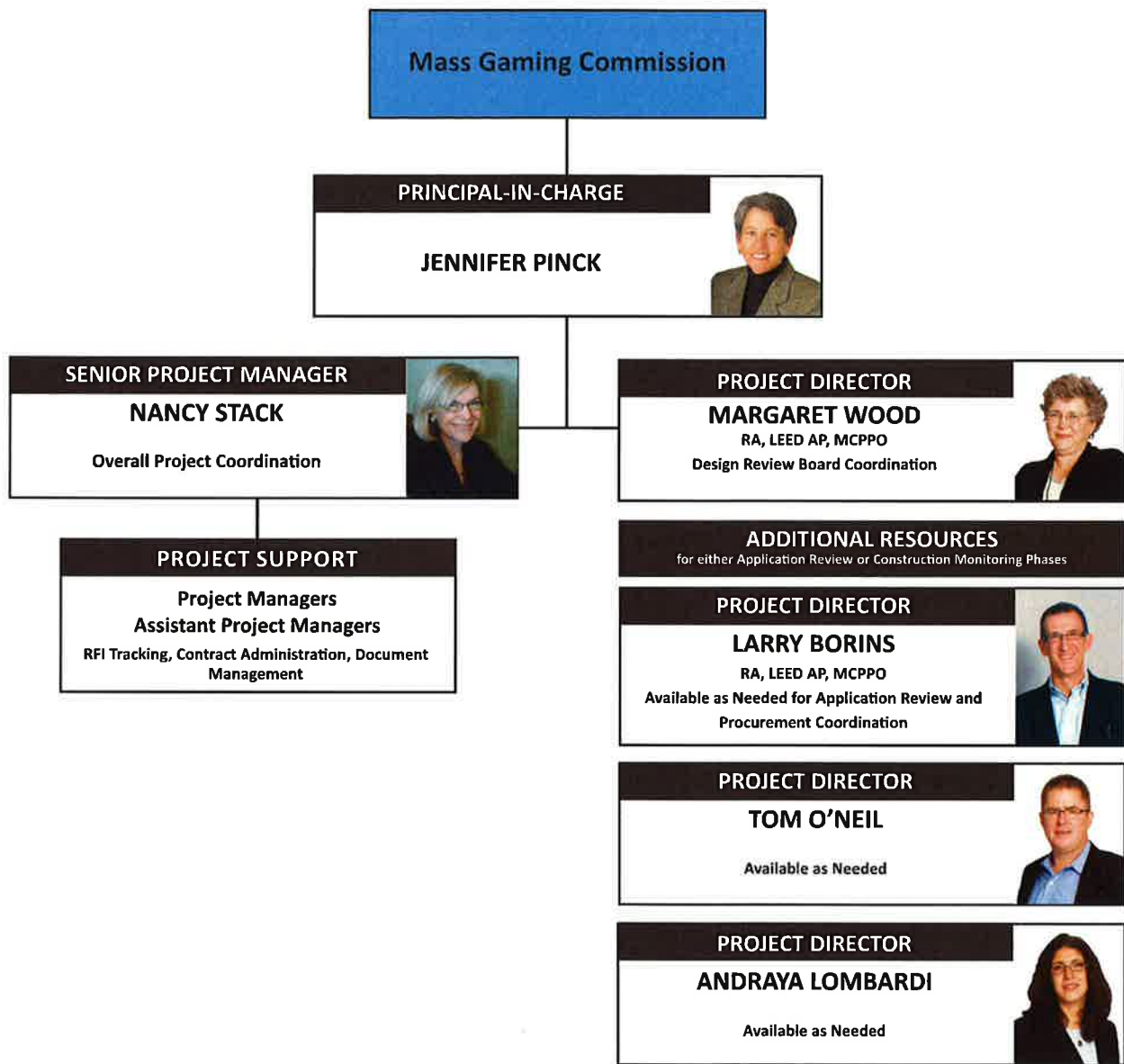
Pinck & Co would be honored to be selected to support the Massachusetts Gaming Commission in the last step of selecting the casino operators. Our focus on the public sector and not-for-profit developers is not accidental; we are committed to delivering projects that truly enhance the local and broader community. We look forward to the challenge and opportunity of representing the Commission and the citizens of the Commonwealth.

Sincerely,



Jennifer Pinck
President

Confirmation of Key RFR Requirements



Additional Pinck & Co. Support Staff:

Deborah Marai, Registered Architect, LEED AP, MCPPO: Skilled project manager with 20 years experience managing major construction projects. Deborah has broad experience including college/university and K-12 education projects, multi- and single-family housing, and public projects. *Notable Projects: Westfield State University, Innovation Academy Charter School*

Matt Donnelly, Registered Architect: Matt has over 20 years experience in building and site design, construction and real estate development with extensive experience in project management. Matt excels at design review and coordination, management of both the internal design team and engineers/special consultants to achieve project goals. *Notable Projects: Girls, Inc. Headquarters, Cambridge School of Weston*

Massachusetts Gaming Commission

MEMORANDUM

Date: August 7, 2013
To: Commissioners
From: Enrique Zuniga
Re: Recommendation to Select a Financial Advisor

Recommendations: That the Gaming Commission accept the proposal submitted by HLT Advisory Inc. and pursue contract negotiations and detailed scoping of the services described in their response to the RFR # MGC-FA-2013 dated June 28, 2013.

Furthermore, the PMT recommends that the Gaming Commission pre-qualify the firms of Moelis & Co., Rubin Brown and Spectrum Gaming Capital to provide services to the Commission if needed.

Finally, the PMT recommends that the Gaming Commission extend the pre-qualification of the same firms (Moelis & Co., Rubin Brown and Spectrum Gaming Capital) to provide services to any host and/or surrounding community that may so choose as part of their efforts to negotiate and/or evaluate mitigation agreements with applicants (subject to executing a letter of agreement with the respective applicant).

Description of the Procurement Process

The Commission issued a Request for Responses for firms qualified in evaluating the financial and financing aspects of gaming/resort facilities on May 20, 2013. The response deadline was June 28, 2013.

The Commission conducted a “bidders conference” on May 28, 2013. Attendance in person or by phone was encouraged but not required to submit a response. The deadline to submit written questions to the Commission was May 31, 2013.

The Commission received seven responses prior to the deadline.

Conflicts of Interest: As part of the RFR, the Commission asked bidders to disclose all current, on-going work and past work (going back to 10 years) for any of the current applicants for a MA gaming license.

The Commission anticipated the possibility that one or more groups may have a conflict or even the appearance of a conflict given current or past work assignment with one or more of the casino applicants. The RFR stipulated that a conflict and/or the appearance of a conflict of interest would not be a disqualifying factor for a bidder. The RFR stipulated the reserved right of the Commission to contract with or pre-qualify more than one bidder.

Phase I Review: Eileen Glovsky conducted a “Phase I” review of all responses. This review was designed and undertaken to ensure compliance with administrative provisions of the RFR, and verify the inclusion of mandatory forms and attachments. Respondents were not scored on the Phase 1 review, and all respondents proceeded to the Phase II review.

Phase II Review: This phase consisted of the review and evaluation of the technical proposal. The evaluation criteria were part of the RFR and were put forth in advance (prior to the receipt of the proposals) and it was as follows:

- 10% for similar past experiences, including evaluating and/or analyzing a bidding and award process
- 10 % for knowledge and experience analyzing and evaluating gaming facilities and/or large real estate development projects
- 10% for knowledge and experience with gaming operations
- 10% for knowledge experience with complex financing structures, notably in gaming and real estate
- 35% for approach and recommendations
- 5% for supplier diversity

The figures above add up to 80%. The remaining 20% of the score was reserved for the cost proposal (Phase III review – see below).

Phase III Review: Firms were asked to submit a cost proposal in a separately sealed envelope. After the review of the technical proposal was completed, the procurement management team moved on to the phase III review. The Cost proposals (phase Three) were assigned a weight of 20% of the overall score.

PMT – Evaluation of the Technical Proposal

The procurement management team (PMT) was led by Commissioner Enrique Zuniga and further comprised of Alan Levobidge and Ken Wissman (both volunteering time to the Commission for this effort, and with significant prior experience evaluating and contracting with financial advisory and financing firms, as well as public procurement processes). Eileen Glovsky attended all meetings and presentations to support the team administratively. Commissioner Bruce Stebbins attended certain meetings of the PMT as an observer.

The PMT assigned scores on the criteria stipulated above on the following scale:

- 5 = Far exceeds needs and expectations
- 4 = Exceeds needs and expectations
- 3 = Fully meets needs and expectations
- 2 = Partially meets needs and expectations
- 1 = Minimal provision of needs and expectations
- 0 = Completely non-responsive

Each member of the PMT scored all responses on the criteria of the technical proposal. The PMT met and discussed each of the scores to reach a consensus score on each criterion for each respondent. The scores were then weighed according to the previously determined relative weight.

After completion of Phase I and Phase II, but prior to the undertaking the review of Phase III, the PMT invited four firms to make oral presentations. The oral presentations took place on July 15, 2013.

After determination of the points above, the cost proposals were opened. The costs were normalized to ensure adequate comparison (i.e., percent participation of senior vs. junior team members and their relatively different hourly billing rates, and/or the number of proposals to be reviewed and a cost per proposal/applicant). The costs proposals were scored accordingly, with the most cost advantageous proposal receiving the maximum of 20 points.

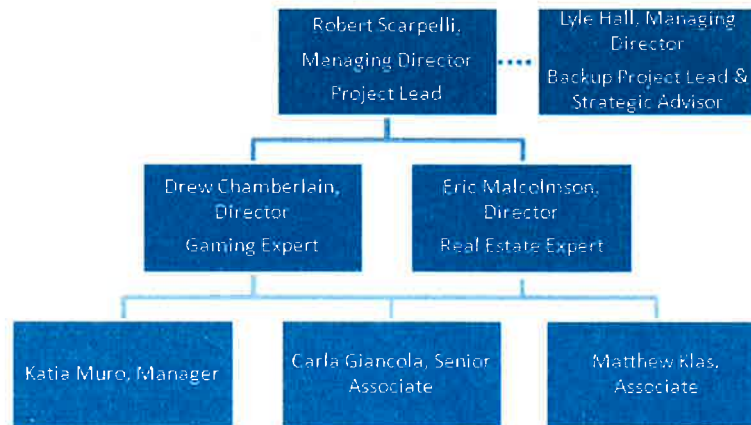
The total points received (sum of Phase II and Phase III points) determined a clearly most advantageous proposal to the team of HLT Advisory Inc.

Conclusion

After the Phase II and Phase III scoring, the firm that ranked the highest was the Canadian firm of HLT Advisory Inc. Throughout the written proposal process HLT Advisory demonstrated a good combination of significant firm and individual experience in business advisory, transaction support and RFP/Bid management. Specifically, HLT has strong relevant and recent experience evaluating and negotiating on behalf of Canadian provincial governments' award of gaming licenses and related development/operator agreements as well as other financial performance reviews of casino and resort operations. All current work and past work (within the last 10 years) has been on behalf of governments, and thus do not represent an actual or even perceived conflict of interest.

HLT Advisory Inc.

- 4.1.6 **Organization Charts - Contract-Specific Chart.** The bidder should include a contract organization chart, with names showing management, supervisory and other key personnel (including subcontractor management, supervisory or other key personnel) to be assigned to the contract. The chart should include the labor category and title of each such individual.



HLT Advisory Inc. is a specialized business and financial services advisory firm focussed on serving hospitality and leisure industries, including gaming, lodging, convention centres, tourism, and sport/recreation facilities. The gaming industry is a core business focus area. HLT was formed in 2005 by Rob Scarpelli and Lyle Hall. Until April 2005, Rob was Managing Director/Partner of PwC's Canadian Hospitality and Leisure practice area. Lyle held a similar position (Managing Director/Partner) at KPMG (Canadian Hospitality and Leisure practice area) until April 2004. Both Rob and Lyle managed their practice areas out of the Corporate Finance Groups of PwC and KMPG respectively. Rob and Lyle are supported by seven seasoned professionals with significant experience in gaming and hospitality.

Both Rob and Lyle left their respective partnerships to form HLT Advisory Inc. (a registered Ontario based Corporation owned by Rob and Lyle). Individually and together, they have continuously provided a wide range of business and financial advisory services to the gaming industry for over 20 years. Over this time frame, they have completed approximately 300 gaming and gaming related assignments in Canada and internationally including in the United States (e.g. Michigan, New York, Illinois, Nevada, Pennsylvania and Oklahoma), Singapore, Russia, Chile, the Caribbean and selected European countries.

The vast majority of HLT's assignments have involved advising governments on the implementation of government gaming policy, including First Nation (or Tribal) initiatives. HLT and/or its Principals have been directly involved since 1993 in the introduction of various gaming projects and programs (specifically casino gaming) that form the Canadian gaming industry and have helped the industry expand from less than \$6.0 billion in gaming reserves ("win") in 1993 to over \$15.0 billion in win today.

5 RESUMES

Instructions: Detailed resumes should be submitted for all management, supervisory and key personnel to be assigned to the contract. Resumes should be structured to emphasize relevant qualifications and experience of these individuals in successfully completing contracts of a similar size and scope to those required by this RFP. (Recommended that resumes are approximately one page.)

The following provides a summary description of our proposed senior project staff team. Complete resumes of these individuals are provided in Appendix A.

Rob Scarpelli, Managing Director of HLT Advisory Inc. has over 20 years of business and consulting experience. For 17 of these years, Rob has focused on the hospitality and leisure industries, especially gaming. Prior to forming HLT Advisory Inc. with Lyle Hall, Rob was the Managing Director (Partner) of PricewaterhouseCoopers' Hospitality and Leisure Practice within the Corporate Finance Group. Rob has completed ~200 gaming and gaming related assignments for both public sector and private sector clients in Canada as well as in a number of international jurisdictions, including the United States. These assignments have spanned across every major gaming sector: casinos, electronic gaming devices (not in casinos), lottery, pari-mutuel, charity gaming and bingo.

Rob has project managed and/or participated in significant public gaming procurement processes over the past 20 years including Casino Windsor, Casino Rama, Casino Niagara, Ontario Charity Gaming Clubs, British Columbia Community and Destination Gaming facilities and New Brunswick Casino. Rob has evaluated all aspects including financing of over 100 casino bids.

Rob was recently selected through an open procurement process as the independent advisor to an internal committee of the Ontario Lottery and Gaming Corporation ("OLG"). OLG is the crown corporation of the Ontario Government that operates and manages all commercial gaming in the Province of Ontario including 4 commercial casinos (operated by third-party operators), 6 charity casinos (self-operated), 17 slots-at-racetrack facilities (self operated), an extensive lottery network and electronic bingo. OLG generates about \$7.0 billion in gaming revenue and returns to the Province about \$2.0 billion in revenue annually. This committee is charged with overseeing the implementation of a new multi-year strategic plan for OLG. The committee is chaired by OLG's Chief Transformation/Information Officer and includes other OLG senior management, representatives from the Provincial gaming regulator and one member from OLG's Board of Directors. The contract is for one year with two one-year extension options.

Lyle Hall, Managing Director of HLT Advisory Inc. has close to 30 years of consulting and hands-on experience in the hospitality and tourism industry, most recently as the Managing Director of KPMG's Hospitality, Leisure & Tourism practice within the Corporate Finance Group. Prior to joining KPMG, Lyle began his consulting career with Vancouver-based Laventhol & Horwath and then joined Western Management Consultants before moving to Toronto with KPMG in 1992. Following 15 years with KPMG, Lyle now offers senior-level advisory services across a broad spectrum of hospitality industry sectors-both within Canada and internationally, through HLT Advisory.

HLT Advisory Inc.

Within the gaming industry Lyle has extensive experience assisting public- and private-sector entities address land-based casino opportunities including revenue potential to government, operational profitability, and economic and tourism benefits within host communities. Lyle has been involved with a wide range of casino gaming projects in mature/traditional markets (e.g., Ontario, Illinois, Michigan, British Columbia) as well as in start-up jurisdictions such as Singapore, Russia and Morocco.

Lyle is a member of the International Society of Hospitality Consultants (Board member and Treasurer) as well as the International Masters of Gaming Law; participation in these two organizations affords a comprehensive resource of benchmarking and best practice information from numerous gaming jurisdictions.

Drew Chamberlain, Director of HLT Advisory Inc. In addition to being a member of the Canadian Institute of Chartered Accountants (CPA and CA), Drew is a seasoned casino professional with over 13 years of senior management experience acting in both the CFO and General Manager roles at varying times with the Niagara Casinos (i.e. Niagara Casino and Fallsview Casino Resort, \$700 million in revenues) between 1996 and 2009. During his time as CFO, he oversaw the re-development of the temporary Niagara Casino and the development of the permanent \$1.0 billion plus Fallsview Casino. Prior to his operational experience in the casino business, Drew worked with the Ontario Casino Corporation (predecessor to the Ontario Lottery and Gaming Corporation) in the capacity of CFO and was involved in negotiating operating agreements for both Casino Rama and Casino Niagara with private sector operators.

Since joining HLT Drew has been involved in numerous gaming assignments. Relevant gaming assignments for this proposal would include: selection of a casino operator for Casino Rama (\$450 million in revenues), working on all aspects of Ontario Lottery and Gaming initiative to privatize casino gaming in Ontario (\$4 billion in annual revenues), financial projections required for bank financing for two casinos in Vladivostok, Russia, review of casino operator compensation for 24 casinos in Alberta assessing whether casino operators were earning a commercially reasonable rate of return, due diligence review of a casino resort in Edmonton in connection with re-financing.

Drew began his career with KPMG, where five years were spent in the general audit practice and two years were spent in the Forensic and Investigative Unit.

Eric Malcolmson, Director of HLT Advisory Inc. is an accomplished hotel acquisitions and development real estate professional. Over the past 20 years, Eric has developed a particular specialty in completing complex hotel-enhanced mixed-use development projects from concept through to opening, structuring and executing complex real estate transactions and completing comprehensive repositioning plans / workouts of full-service and luxury hotels and resorts.

Eric has led or participated in the successful acquisition and development of over \$4 billion of hotel real estate; completed over 200 hotel and mixed-use real estate valuations and feasibility studies; successfully negotiated contracts for 20 luxury hotel and resort properties in the Americas and internationally; completed the financing of over \$400 million in hotel senior debt and construction financing; and facilitated the marketing and divestiture of over 60 hotel assets. This experience has been gained by working closely with individual investors, financial institutions, public hotel companies, major investment funds and public sector organizations to assist with the investment in hotel and resort assets in 28 countries throughout Canada, USA and internationally.

HLT Advisory Inc.

Prior to joining HLT Advisory, Eric was formerly Vice President, Development for Fairmont Raffles Hotels International, as well as a number of real estate corporate finance, advisory and investment sales roles at PricewaterhouseCoopers and Colliers International. Eric has a BComm in Hospitality and Tourism Management from Ryerson University (Toronto, Canada) and is a frequent speaker at numerous industry conferences.

Katia Muro, Manager at HLT Advisory Inc., has over 10 years of consulting experience. She began her career in the real estate industry conducting economic/market analyses to support the development of multiple retail and residential proposals across Southern Ontario. Since joined HLT in 2006, Katia has focused on the gaming industry and has since completed numerous casino-related assignments including province-wide market assessments, bank financing reviews, casino operational benchmarks as well as economic impact analyses. Currently, Katia is part of HLT team assisting the Ontario Lottery Corporation in its land-based modernization strategy, which mandate includes the review and assessment of the RFPQ responses for the pre-qualification of potential casino operators.

In addition, Katia is fully bilingual in English and Spanish and has also experience working in gaming-related assignments in Latin America markets. Katia holds a Masters Degree in Economics from the University of Guelph and an Honours B.A. in Economics from Lakehead University, both universities located in Ontario, Canada.

Carla Giancola, Senior Associate at HLT Advisory Inc. entered the gaming and hospitality consulting industry in 2005, following a career in business lending at Allied Irish Banks p.l.c., where she provided lending, monitoring and control, and advisory services to clients in both the licensed beverage and retail sectors. Since joining HLT, Carla has undertaken numerous gaming-related assignments including the development of a new bingo gaming revenue sharing model in Ontario, casino operational benchmarks and multiple gaming market assessments. Carla was also part of the team of professionals involved in evaluating the responses to the RFP process undertaken to select the private sector entity that designed, financed, equipped, developed and currently operates the first destination casino in the Province of New Brunswick.

Carla holds an Honours B.A. in History from the University of Western Ontario, a Higher Diploma in Education from Trinity College, University of Dublin, and a Higher Diploma in Business Studies from the Michael Smurfit Graduate School of Business, University College Dublin, Ireland.

Matthew Klas, Senior Associate at HLT Advisory Inc joined HLT as an Analyst in January 2010. Since joining HLT, Matthew has been involved in several casino benchmarking and market assessment studies across Canada. Matthew's recent experience in the gaming sector includes due diligence on behalf of the Bank of Montreal in connection with River Cree Resort's refinancing as well as a detailed review of the operator compensation model on behalf of the Alberta Gaming and Liquor Commission. Currently, Matthew is part of HLT's team assisting the Ontario Lottery and Gaming Corporation in its land-based modernization strategy. To date, this has included the review and assessment of RFPQ responses for the pre-qualification of potential casino operators.

Matthew holds a Masters of Business Administration degree as well as an Honours Bachelor of Business Administration from Brock University in St. Catharines, Ontario, Canada.



Division of Racing

August 9, 2013

Ms. Marilyn Contreas
Department of Housing & Community Development
100 Cambridge Street, Suite 300
Boston, MA 02114

&

Mr. John Robertson
Massachusetts Municipal Association
One Winthrop Square
Boston, MA 02110

RE: Amendment of 205 CMR

Dear Ms. Contreas and Mr. Robertson,

The Massachusetts Gaming Commission ("Commission") is proposing amendments to 205 CMR 3.29 and 205 CMR 4.52: *Medications and Prohibited Substances*. These amendments incorporate important updates to existing rules as recently approved by the Association of Racing Commissioners International ("ARCI") *Model Rules of Racing for the use of the Pari-Mutuel Industry* in the areas of medication, testing, and associated penalties. These proposed updates do several important things including, but not limited to:

- finding any occupational licensee found to have administered prohibited substances to a racehorse subject to penalty;
- preventing the transfer of horses in a suspended trainer's care to his or her spouse during the period of suspension;
- incorporating a schedule of controlled therapeutic medications and associated threshold and treatment restriction times; and
- incorporating a "point" penalty scheme assigned to occupational licensees who incur multiple medication violations.

The Commission does not anticipate that any part of these proposed changes would affect local governments or municipalities.

★ ★ ★ ★ ★

Massachusetts Gaming Commission

84 State Street, 10th Floor, Boston, Massachusetts 02109 | TEL 617.979.8400 | FAX 617.725.0258 | www.massgaming.com

The Commission will convene a public hearing on this amendment on September 30, 2013, at 1:00 P.M. at 84 State Street, 7th Floor, Boston, MA, 02109. If you have any questions regarding this proposal, please feel free to contact me at (617) 979-8400.

Respectfully submitted,

Jennifer Durenberger, DVM, JD
Director of Racing



Massachusetts Gaming Commission

84 State Street, 10th Floor, Boston, Massachusetts 02109 | TEL 617.979.8400 | FAX 617.725.0258 | www.massgaming.com

DRAFT



APPLICATION FOR LICENSE TO HOLD OR CONDUCT A RACING MEETING

APPLICATION OF: _____
FOR LICENSE TO HOLD OR CONDUCT _____ RACING MEETING AT
_____ FOR CALENDAR YEAR 2014.

Pursuant to the provisions of Chapter 128A of the General Laws of the Commonwealth of Massachusetts, inserted by Chapter 374 of the Acts of 1934, as amended, the undersigned hereby makes application for license to hold or conduct a _____ racing meeting at _____ County of _____.

Attached hereto, is a certified check or bank draft payable to the Massachusetts Gaming Commission in the sum of \$_____ in payment of the first six days' license fee.

Applicant has either provided the Massachusetts Gaming Commission with a certificate of deposit with _____ in the sum of \$125,000.00 as surety or provided a bond issued by surety qualified to do business in the Commonwealth of Massachusetts in the amount of \$125,000 in accordance with Section 3(o) of Chapter 128A of the General Laws.

1. The name of the applicant:
2. The post office address of the applicant:
3. Address of Principal office:
4. Trade name, if any, under which business is or is to be conducted:
5. The location of the race track where it is proposed to hold or conduct such meeting.
6. The days on which it is intended to hold or conduct such a meeting.
7. The hours of each day between which it is intended to hold or conduct racing at such meeting.

8. Name and Address of attorney, if any, of the applicant:

9. Applicant is (check one):

- ☐ An individual
☐ A limited partnership
☐ An unincorporated association
☐ A general partnership
☐ A trust
☐ A corporation
☐ An LLC
☐ Other (specify)

If applicant is a foreign corporation, provide the name and residence of registered or authorized agent upon whom service of process in any proceedings against the applicant pursuant to Chapter 128A of the General Laws of the Commonwealth of Massachusetts and amendments, or proceedings in any Court of this State or in the United States District Court for the District of Massachusetts may be made:

NOTE: As used in this application the words "party to this application" have the following meanings, respectively: In case of an individual applicant, the applicant. In case of a partnership applicant, all partners, including limited and silent partners. In case of a corporate applicant, all officers, directors, stockholders of record, persons owning the beneficial interest in any stock, subscribers to any stock and persons who voted any of the voting stock at the last stockholders

NOTE: Number exhibits serially in the space provided in the body of the form and list each exhibit in the space provided on page _____ of this application.

10. If applicant is an individual, give name, residence, place and date of birth.

Name _____

Residence _____

Place of Birth _____ Date of Birth _____

Submit as Exhibit No. ____ three personal references including one of a bank.

11. If a corporation, LLC, or other similar business entity, the name of the state under the laws of which it is incorporated:

12. If not formed under the laws of the Commonwealth of Massachusetts, is the corporation, LLC, or other organized business entity authorized to do business in Massachusetts?

13. If a corporation or other stock-issuing business entity, the names and addresses of its Directors and stockholders. If an LLC, the names and addresses of its Directors, members, and managers. Submit as Exhibit No. ____ information required by this question.

14. If applicant is a corporation, LLC, partnership or other business entity:

- (a) Submit as Exhibit No. _____ the name, place, date of birth and legal residence of each member, manager, partner and/or officer of applicant and the office held by each.
- (b) Submit as Exhibit No. _____ a statement showing (a) class of stock issued or to be issued (designate which), (b) par value, (c) vote per share, (d) number of shares authorized, (e) number of shares issued, (f) number of shares subscribed, and (g) total number of shares.
- (c) If business entity is an LLC or other organized entity that does not issue stock, submit a schedule of ownership listing all members/managers and percentage of entity held.
- (d) If business entity is a partnership or other organized entity, submit a schedule listing the partners or others holding an interest and the percentage of the entity held.
- (e) Is the beneficial owner of any stock or share of business entity a person other than the owner of record or subscriber? If the applicant cannot answer this question by "Yes" or "No," set forth explanation.
- (f) Submit as Exhibit No. _____ if answer to question eighteen (C) (18-c) is "Yes," a statement showing (a) the name of the owner of record, or subscriber, (b) the name of the beneficial owner, and (c) the conditions under which the owner or subscriber holds and votes or has subscribed for such stock or share of business entity.
- (g) Has applicant any other obligations or securities authorized or outstanding which bear voting rights whether absolutely or upon any contingency?
- (h) Submit as Exhibit No. _____ if answer to question eighteen (e) (18-e) is "yes," a statement of (a) the nature of such securities, (b) the face value or par value, (c) the number of units authorized, (d) the number of units issued and outstanding, (e) the number of units, if any, proposed to be issued, (f) the conditions or contingency upon which such securities may be voted, and (g) facts showing whether or not such securities have been voted or entitled to be voted in the past five years and at the present time.
- (i) Does the applicant have officers or directors who are also members, managers, officers or directors of any other race track that is or has been licensed by this or any other racing or gaming commission?
- (j) Is five per cent (5%) or more of the stock or share of applicant owned by an individual, corporation or other organization?

- (k) Submit Exhibit No. ____ if answer to either question eighteen (g) or (h) (18-g-h) is "Yes," a statement showing the names of such officers, members, managers, or directors and all pertinent details - and with respect to (h)-(18-h) the names and addresses of all such individuals, corporation or other organizations.
15. (a) Has applicant had a race track license revoked by order of decree of any Federal or State Court or any State Racing or Gaming Commission?
____ Yes ____ No
- (b) Have voluntary proceedings in bankruptcy been instituted by, or have involuntary proceedings in bankruptcy ever been brought against applicant?
____ Yes ____ No
- (c) Are there outstanding any unsatisfied judgments, decrees or restraining orders against applicant?
____ Yes ____ No
- (d) If answer to any of the foregoing parts of this question is "Yes," submit as Exhibit No. ____ a full disclosure concerning the persons and matters involved, identifying the court and the proceeding (by dates and file numbers), stating the facts upon which the proceeding was based or the nature of the offense committed, present status and the final disposition of the matter, if any.
16. Does the applicant or any of its officers, members, managers, or directors have now, or have ever had, any direct or indirect financial interest with the following:
- (a) Any harness horse, running horse, or dog racing meeting conducting legalized pari-mutuel wagering?
____ Yes ____ No
- (b) Any application other than this pending before the Massachusetts Gaming Commission?
____ Yes ____ No
- (c) Any application which has been denied by the Massachusetts Gaming Commission, the predecessor Massachusetts State Racing Commission or any other State Commission or authority?
____ Yes ____ No
- (d) Any racing meeting, the license for which has been revoked?
____ Yes ____ No
- (e) Any harness horse, running horse, or dog racing meeting conducting pari-mutuel wagering in a State where pari-mutuel wagering, betting, pool making or gambling was not or is not legalized by State law?
____ Yes ____ No
- (f) If answer to any of the foregoing parts of this question twenty (20) is "Yes" submit as Exhibit No. ____ a full disclosure showing (a) nature of interest or connection (giving dates), (b) place of racing meeting, (c) name under which such racing meeting was conducted.

17. The Commission is seeking in this question information as to contracts and arrangements now in existence, as well as any arrangements or negotiation, written or oral, which relate to the present or future ownership control or operation of the track. Questions must be answered in the light of this instruction.
- (a) Applicant's control of the real property on which the race track is located is by reason of (indicate by check mark):
☐ Fee Simple Ownership ☐ Lease ☐ Other Authority
 - (b) Name and address of the owner of the premises (if other than the applicant):
 - (c) Will the applicant have and maintain control of the race track, its equipment and entire operation?
☐ Yes ☐ No
 - (d) Are there any documents, instruments, contracts or understandings relating to ownership, management, use or control of the race track or any concession, or any right or interest therein financial or otherwise?
☐ Yes ☐ No
 - (e) Are there any agreements, obligations or promises expressed or implied made by the applicant, any of its agents, or any party to this application, which are to be performed by the applicant?
☐ Yes ☐ No
 - (f) If answer to (c) is "No," or the answer to question (d) or (e) is "Yes" submit as Exhibit No. ____ complete details; also state the substance of oral contracts or understandings, including the name of the party or parties with whom made.
18. Location of Premises for which license is requested:
- (a) Street:
 - (b) Municipality:
 - (c) County:
 - (d) Post Office Address:
 - (e) Submit as Exhibit No. ____ the exact description, by metes and bounds, number of acres in premises, a plot plan showing the entire premises with all buildings presently on premises or proposed to be erected on said premises, information showing accessibility by highway, railroad and/or other means of public transportation, population within a 50 mile radius, and distances from principal cities, within said 50 mile radius.

19. Has applicant's entire premises been approved by local authorities in accordance with Section 13-A of Chapter 128-A of the General Laws?

☐ Yes ☐ No

If so, on what date: _____

20. Does the applicant own the entire premises involved?

☐ Yes ☐ No

(a) If answer to question is "Yes" submit as Exhibit No. ☐ a statement showing (a) name of person from whom premises were purchased, (b) purchase price paid, (c) real estate commission paid, (d) any amount paid for right of ways, bonus, etc.

(b) If the premises have been under the sole ownership of the applicant and the track operated for the same purpose as set forth in this application, for twenty years or more, then this question need not be answered. In such case the applicant shall submit as Exhibit No. ☐ a properly signed statement to that effect.

(c) If the provisions of question applies to the applicant and is not answered in detail, the applicant shall submit as Exhibit No. ☐ a record of all land acquired since the date of last application showing (a) name of person from whom premises were purchased, (b) purchase price paid, (c) real estate commission paid, (d) any amount for right of ways, bonus, etc.

(d) If not, give full name and post office address of the owner:

(e) If not does the applicant have an agreement to purchase or an option to purchase the premises involved?

☐ Yes ☐ No

(f) If not, and applicant is leasing or renting the premises involved, give name and address of persons from whom the premises are leased or to be leased.

(g) State amounts of any encumbrances against premises involved, the names of the holders of the same together with the dates of maturity thereof:

(h) Submit as Exhibit No. ☐ if answer to question is "No," a copy of agreement to purchase, option to purchase, or the lease on property as the case may be.

21. (a) Is the applicant or any party to the application delinquent in the filing of any report or the payment of any tax as required by Chapter 128-A of the General Laws of the Commonwealth of Massachusetts or delinquent in the filing of any other report or the payment of any other tax required by the laws of the Commonwealth of Massachusetts?

☐ Yes ☐ No

- (b) Submit as Exhibit No. ____ if answer to question is "yes," a complete detailed report giving names, dates and all other pertinent information.
22. (a) State number of races it is intended to run daily:
- (b) State minimum purse to be paid, if it has been determined:
23. Submit as Exhibit No. ____ a copy of all executed agreements with representative horsemen's organizations.
24. If license is granted applicant will carry: Check
- | | | |
|----------------------------------|------------------------------|-----------------------------|
| Workmen's Compensation Insurance | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Public Liability Insurance | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Jockey Insurance | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Drivers' Insurance | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
- (a) Submit as Exhibit No. ____ copies of such existing policies.
- (b) Submit as Exhibit No. ____ a statement setting forth all other types of insurance intended to be carried for the protection of employees and patrons.
25. Submit as Exhibit No. ____ a statement setting forth all pertinent information on the details of the applicant's premises, buildings, etc. including the following:
- (a) Total number of acres in the applicant's premises.
- (b) Total number of acres used for track, buildings, stables, kennels, parking area, etc..
- (c) Grandstand:
- (1) Seating capacity
 - Box Seats
 - Reserved Seats
 - General Admission
 - Total seating capacity
 - (2) Is Grandstand enclosed
 - (3) Is Grandstand heated
 - (4) Is any portion of Grandstand Air Conditioned
 - (5) Type of construction of Grandstand
 - (6) Ground area covered by the Grandstand
- (d) Club House
- (1) Seating Capacity
 - Box Seats
 - Reserved Seats
 - General Admission
 - Total seating capacity
 - (2) Is Club House enclosed

- (3) Is Club House heated
- (4) Is any portion of the Club House Air Conditioned
- (5) Type of construction of Club House
- (6) Ground area covered by the Club House
- (e) Bleachers
 - (1) Seating Capacity
 - (2) Type of construction of Bleachers
 - (3) Ground area covered by the Bleachers
- (f) Parking Space:
 - (1) Area
 - (2) Automobile capacity
 - (3) Is parking area lighted
 - (4) Is parking area treated - and if so how.
 - (5) Is parking area numbered
 - (6) Is parking are marked out
 - (7) Is charge made for parking, if so how much
- (g) Number of pari-mutuel ticket windows provided:

Grandstand:	Selling:	Cashing:
Club House:	Selling:	Cashing:
Other Locations:	Selling:	Cashing:
- (h) Toilet facilities for patrons of each sex in Grandstand, Club House and/or other locations.
- (i) Are all buildings properly maintained - i.e. painting, repair, etc.
- (j) System of sewerage disposal. If not connected to main sewerage system give details of system used.
- (k) Number of outlets for fresh, pure drinking water for patrons in grandstand, clubhouse and/or other locations.
- (l) Security and Traffic Control:
 Submit as Exhibit No. __ a detailed statement of security measures which will be employed for the protection of patrons attending racing on the premises of the applicant and the control of traffic within the premises and on roads leading to and from the said premises. This statement should include but not be confined to:
 - (a) number of uniformed police officers to be on duty each day inside of the track;
 - (b) whether such police officers will be regular police officers or special officers;
 - (c) number of uniformed police officers detailed to traffic within the premises and on roads leading to and from the premises before, during and after racing hours;
 - (d) number of plain clothes officers or detectives assigned within the track proper;
 - (e) system to be used for the detection and suppression of illegal gambling within the premises of the applicant;
 - (f) system to be used in the detection and barring of pick-

- (g) pockets, touts and other undesirable characters;
 - (g) name of person who will be in charge of security within the track proper;
 - (h) name of person who will have supervision of traffic control within the premises of the applicant and will act as liaison between the applicant and local police authorities in the control of traffic outside of the premises of the applicant;
 - (i) name of police authority who has been consulted in setting up security measures within the track and the control of traffic within and outside of the premises of the applicant.
- (m) For horse tracks (running horse and harness horse)
 - (1) Size of Track
 - (2) Number of Chutes
 - (3) Number of Stables
 - (4) Number of Stalls
 - (5) Number of Tack Rooms
 - (6) Number of Tack Rooms Heated
 - (7) Number of Shower baths in stable area
 - (8) Toilet facilities in stable area
 - (9) Fire protection in stable area
 - Number of sprinklers
 - Number of fire alarm boxes
 - Other fire protective measures in stable area
 - (10) Policing of Stable Area:
 Submit as Exhibit ____ a detailed statement of measures which will be employed in the policing of the stable area. This statement should include but not be confined to:
 - (a) Is stable area enclosed, if so, describe method of enclosure;
 - (b) Number of gates to enclosure, where located and method of control;
 - (c) system of passes to be issued to persons employed in stable area;
 - (d) method to be followed in allowing persons in and out of stable area;
 - (e) number of uniformed police officers to be assigned to the stable area indicating the number in daytime hours and nights;
 - (f) number of plain clothes officers or detectives to be assigned to the stable area, days and nights;
 - (g) name of person who will be in charge of policing in the stable area.
 - (11) Recreation room
 - (12) Track Kitchen
 - Seating Capacity
 - (13) Size of jockey or driver's room and equipment available including number of shower baths, toilets, hot-boxes, etc.
 - (14) List of other accommodations, facilities or services in stable area.
- (n) Are all grounds in good order and properly maintained?

- (o) List any other accommodations, facilities or services for the benefit of the patrons attending.

26. Submit as Exhibit No. ____ the trade name of any of the following equipment used at the track-date of purchase or the date of present contract and expiration date of said contract:

- (a) Pari-Mutuel Equipment
- (b) Starting Gate
- (c) Photo Finish Camera
- (d) Film Patrol
- (e) Timing Devices
- (f) Inter-communication system
- (g) Public Address System
- (h) Closed Circuit Television System
- (i) Horse Shoe Board
- (j) Scales
- (k) Any Other

27. Submit as Exhibit No. ____

- (a) a copy of applicant's employee handbook;
- (b) a copy of all of applicant's policies and procedures regarding internal controls including but not limited to those policies that deal with the handling of money, or the placing of wagers both in person and via telephone or other methods;
- (c) a copy of applicant's audit committee and compliance committee charters as well as a list of the audit and compliance committee members and their relationship to the applicant;
- (d) any other policies that indicate that applicant meets general industry standards for business and financial practices, procedures, and controls.

28. Submit as Exhibit No. ____ name and address of concessionaire, date of present contracts and expiration date of said contracts for the following:

Food
Beverage
Programs
Parking
Toilets
Other (describe)

29. Submit as Exhibit No. ____ a statement showing the total gross receipts for the past five calendar years received by each concessionaire from racing meetings conducted by the applicant-and the amount paid to the applicant. If the receipts to the applicant are based on other than the gross receipts, explain.

30. Has the applicant or any party to the application as defined in page _ of this application any beneficial interest in any concessionaire who is now under contract or has been under contract with the applicant within the past five calendar years?

__ Yes __ No

If the answer to question is "yes" submit as Exhibit No. ____ complete details.

31. Submit as Exhibit No. ___, an unaudited or internally produced balance sheet as of August 31st of the calendar year preceding the calendar year for which the application requests a license to be issued.

32. Submit as Exhibit No. ___ detailed itemized profit and loss statement. Signed by a Certified Public Accountant for fiscal year immediately preceding the calendar year for which the application requests a license to be issued.

33. Submit as Exhibit No. ___ a statement setting forth the reasons why the applicant believes that the dates applied for will be beneficial to the public, the Commonwealth and the applicant.

34. Submit as Exhibit No. ___ answers to the following:

- (a) Actual amount of purses paid in calendar year 2012;
- (b) Estimated amount of purses to be paid in calendar year 2013;
- (c) Actual handle generated by applicant on its live races in calendar year 2012 (all sources);
- (d) Direct employment numbers attributable to applicant in calendar year 2012, as evidenced by the number of people who received a Form W-2 and / or Form 1099 MISC;
- (e) Indirect employment numbers attributable to applicant in calendar year 2012, as evidenced by statements from sub-contract companies (such as concession workers, security guards, tote personnel, etc.) as to employees assigned to applicant's facility;
- (f) Number of occupational licenses attributable to applicant in calendar year 2012;
- (g) Amount of tax revenue and other revenues paid to the Commonwealth in calendar year 2012, including total Massachusetts income tax withheld from employees, Massachusetts sales taxes paid to the Commonwealth, Massachusetts corporate taxes actually paid or payable for the most recent fiscal year, and real estate taxes, as evidenced by appropriate source documents such as Forms W-2, M941, sales tax remittance forms, etc.;
- (h) Total pari-mutuel revenue generated and paid to the Commonwealth in calendar year 2012, including state commissions, assessments, association license fees, occupational license fees, fines, penalties and miscellaneous revenues, other than unclaimed wagers, paid to the Massachusetts State Racing Commission and Massachusetts Gaming Commission.

35. Please include as Exhibit No. ____ a master list of requested simulcast imports with this application. Additionally, a new form ("Licensee Request for Simulcast Import") MUST be completed for EACH signal and submitted to the Commission no later than November 29, 2013. Approval letters from the host racetrack's regulatory authority and both representative horsemen's groups must be on file with MGC by the end of business day prior to the first day of import.

36. Please include as Exhibit No. ____ a master list of requested simulcast export outlets with this application. Such list should identify all secondary, satellite, and/or guest sites serviced by the primary outlet. In addition, a new form ("Licensee Request for Simulcast Export") MUST be completed for each signal and submitted to the Commission, along with an approval letter from the applicant's representative horsemen's group, no later than 30 days before the first scheduled day of the live race meet.

37. Please include as Exhibit No. ____ supporting documentation pertaining to 205 CMR 6.20 *General Account Wagering*:

The association shall annually request authorization from the Commission before a system of account wagering is offered. Included in the associations' request shall be information related to any planned, non-monetary, incentive programs and account security plans. If a service provider is used, copies of any and all agreements between the service provider and the association regarding the services to be provided by the service provider to the association in respect to the association's account wagering operations will be given to the Commission.

38. Additional Requirements

- (1) Approval of a race meeting by the Commission does not establish the Commission as the insurer or guarantor of the safety or physical condition of the association's facilities or purse of any race.
- (2) Applicant shall agree to indemnify, save and hold harmless the Commission from any liability, if any, arising from unsafe conditions of association grounds and default in payment of purses.
- (3) Applicant shall provide the Commission with a certificate of liability insurance as required by the Commission.
- (4) Applicant shall maintain in an approved depository, those amounts deducted from the pari-mutuel handle for distribution for the purposes specified in the Ch. 128A, 128C, and Commission rules.
- (5) Applicant and its managing officers are jointly and severally responsible to ensure that the amounts retained from the pari-mutuel handle are distributed according to the Ch. 128A, 128C, and Commission rules and not otherwise.

- (6) Applicant and its managing officers shall ensure that all purse monies, disbursements and appropriate nomination race monies are available to make timely distribution in accordance with Ch. 128A, and Commission rules.

The applicant agrees, if a license is issued, to abide by and comply with the provisions of Chapters 128A and 128C of the General Laws now in effect or as hereafter amended and any rules and regulations heretofore or hereafter promulgated by the Massachusetts Gaming Commission. The applicant acknowledges by the signing of this application that if a license is granted, it will become the duty of the applicant as long as the license shall remain in effect, to file with the Massachusetts Gaming Commission such reports as may be required by Chapters 128A and 128C of the General Laws now in effect or as hereafter amended and such rules and regulations as it has adopted or may hereafter adopt, and to make such payments as may be required by law, and for failure so to do, the licensee shall incur the penalties set forth in Chapters 128A and 128C of the General Laws, or in such rules and regulations as said Massachusetts Gaming Commission has adopted or may hereafter adopt.

The applicant agrees that all buildings erected or to be erected on the premises here involved may be inspected by the Massachusetts Gaming Commission and their duly authorized agents, representatives or employees at any time, with or without prior notice to applicant.

The applicant agrees that if said license is granted and the race track and buildings proposed to be erected have not already been constructed, that such construction shall be subject to the inspection of the Massachusetts Gaming Commission and to that end further agrees that the said Massachusetts Gaming Commission, its agents, representatives or employees, shall have access to the same during construction, and further agrees to so construct in strict accordance with such plans and specifications as may hereafter be approved by the Massachusetts Gaming Commission and to pay for the cost and expense incurred for the study and approval of the plans and specifications and inspection of the construction by said Massachusetts Gaming Commission.

Applicant agrees that all exhibits, statements, plans reports, papers, etc. submitted with the application are made a part hereof and are incorporated into this application as if set forth herein in full.

Applicant states under penalty of perjury that the answers provided in this application are true and correct. Applicant agrees that any license which may hereafter be granted is predicated upon statements and answers herein contained and that if the Massachusetts Gaming Commission determines that any information provided herein is false or misleading said license may be revoked.

THE REST OF THIS PAGE INTENTIONALLY LEFT BLANK.

SIGNATURE LINE APPEARS ON NEXT PAGE.

Applicant: _____

By: _____

Date: _____

WITNESS: _____

WITNESS: _____

WITNESS: _____

WITNESS: _____

WITNESS: _____

WITNESS: _____

ATTEST: _____
Secretary (Affix Corporate Seal)

AFFIDAVIT BY INDIVIDUAL APPLICANT

Commonwealth of Massachusetts, County of _____

_____, being duly sworn, upon his oath deposes and says that:
The answers, statements and declarations made in the foregoing application are true.

Subscribed and sworn to before me this ____ day of _____

Signature of Affiant

Signature of officer administering oath

Title of such officer

AFFIDAVIT BY CORPORATE APPLICANT

Commonwealth of Massachusetts, County of _____

_____, being duly sworn, upon his oath deposes and says that:

1. She/he is the _____ of the corporation named as the applicant and signed the foregoing application.
2. She/he was duly authorized by the Board of Directors of said corporation to sign said application in its name and in its behalf.
3. She/he has read and fully understands all of the questions pertaining to such applicant corporation and that all of the foregoing answers, statements and declarations made thereto are true.

Subscribed and sworn to before me this ____ day of _____

Signature of Affiant

Signature of officer administering oath

Title of such officer

AFFIDAVIT BY PARTNERSHIP APPLICANT

Commonwealth of Massachusetts
Commonwealth of Massachusetts, County of _____ County of Suffolk, ss

_____, each being duly sworn say on
their respective oaths that:

1. They are the partners of the partnership named as the applicant in the foregoing application.
2. They have read and fully understand all of the questions pertaining to such applicant partnership and are authorized by all of said partners to make this affidavit.
3. That all of the foregoing answers, statements and declarations made thereto are true.

Subscribed and sworn to before me this _____ day of _____

Signature of officer administering oath

Title of such officer

AFFIDAVIT BY LIMITED LIABILITY COMPANY APPLICANT

Commonwealth of Massachusetts, County of _____

_____, being duly sworn, upon ____ oath deposes and says that:

1. ____ is the _____ of the Limited Liability Company named as the applicant and signed the foregoing application.
2. ____ was duly authorized to sign said application in its name and in its behalf.
3. ____ has read and fully understands all of the questions pertaining to such applicant and that all of the foregoing answers, statements and declarations made thereto are true.

Subscribed and sworn to before me this _____ day of _____.

Signature of Affiant

Signature of officer administering oath

Title of such officer

PHASE II (PARTS 2 & 3)

PART 2

A. GAMING EQUIPMENT

SECTION TITLE	POLICY #	GOVERNING G.L.	DATE FWRD → LGL BY DRAFTE R	DATE FWRD BY LGL → MGC	OTHER JURISDICT. MODEL	COMMENTS
1. Possession and maintenance of gaming equip		c. 23K, § 37, 41, 42				
2. Gaming chips (general rules)						
3. Receipt of gaming chips or plaques from manufacturer or distributor; inventory, security, storage and destruction of chips and plaques						
4. Value gaming chips						
5. Non-value gaming chips						
6. Non-value chips; permitted uses; inventory and impressment						
7. Gaming plaques; issuance and use; denominations; physical						

characteristics						
8.Exchange and redemption of gaming chips, plaques and coupons						
9.Roulette wheel and table; physical characteristics; double zero roulette wheel used as a single roulette wheel						
10.Roulette balls						
11.Roulette; inspection procedures; security procedures						
12. Blackjack table; card reader device; physical characteristics; inspections						
13. Poker table; physical characteristics						
14.Craps tables; physical characteristics						
15. Baccarat tables; physical characteristics						
16.Big Six Wheel and layout; physical characteristics						
17. Pai gow table; pai gow shaker; physical characteristics						
18.Dice;						

physical characteristics						
19.Manual and automated dice shakers; security procedures						
20.Cards; physical characteristics						
21.Cards; receipt, storage, inspections and removal from use						
22.Pre-shuffled and pre-inspected cards						
23.Dealing shoes; automated shuffling devices						
24.Pai gow tiles; physical characteristics						
25.Pai gow tiles; receipt; storage; inspections and removal form use						
26. Inspection and approval of gaming equipment and related devices and software						
27.Expiration of slot machine control program approvals and resubmission						
28.Possession of slot machines						
29.Transportati on of slot						

machines into, within and out of Mass.						
30. Slot machine seals						
31. Slot machines and bill acceptors; identification; other devices						
32. Slot machine areas, density, arrangement and floor plans						
33. Testing of designated electronic gaming equipment	41	c. 23K, § 66				
34. Standards for the approval of a slot machine game						
35. Slot machine control programs and operating systems						
36. Standards for slot machine meters						
37. Standards for a persistent state system						
38. Standards for bonusing systems						
39. Multi-player system requirements and standards						
40. Standards for a random number generator (RNG)						

41.Requirement s for alterable media						
42. External touch screen systems						
43. Touch screen monitors						
44. Technical standards for approving a gaming device cabinet						
45.Coin/token acceptors and hoppers						
46. Printers						
47. Bill acceptors and stackers						
48. Technical standards for kiosks						
49. Technical standards for electronic table games						
50.Technical standards for electronic table games which utilize gaming vouchers						
51.Submission requirements						
52.Mass first submissions and approvals						
53. Software development requirements for electronic gaming equipment submitted to the						

MGC for approval						
54. Technical standards for a keno system						
55. Qualifications of independent testing laboratories for gaming equipment	41	c. 23K, § 66				
56. Licensing of independent testing laboratories	41	c. 23K, § 66				
57. Distribution of independent testing laboratory's reports						
58. MGC use of applicable data and testing results from other independent testing labs or in other gaming jurisdiction laboratories						
59. Procedure for the submission and approval of variation of standard games						
60. procedure for submission and approval of new games						
61. Fees for testing of gaming equipment	41					
62. Removal and		c. 23K, § 42				

seizure of non-compliant gaming equipment by MGC						
--	--	--	--	--	--	--

B. VENDOR LICENSING

SECTION TITLE	POLICY #	GOVERNING G.L.	DATE FWRD → LGL BY DRAFTER	DATE FWRD BY LGL → MGC	OTHER JURISDICT. MODEL	COMMENTS
1. Definitions		c. 23K § 2				
2. Persons Required to Obtain a Gaming Vendor License		c. 23K § 2, 31(a)				
3. Gaming Vendor License Application Form	23	c. 23K § 31(b), 31(m)				
4. Persons Required to Qualify in Connection with a Gaming Vendor License		c. 23K § 31(e)				
5. Vendor License Standards	13, 23	c. 23K § 12, 16, 31(g), 31(i-l),				
6. Abbreviated Gaming Vendor License Procedures		c. 23K § 31(f)				
7. Approval of license application	23	c. 23K § 31(h)				
8. Denial of license application		c. 23K § 31(h)				
9. Vendor License Hearing		c. 23K § 31(h)				

Process						
10. Appeals from denial of license application		c. 23K § 31(h)				
11. Transactional Waiver Procedure for Gaming Vendor Applicants						
12. Persons Required to Obtain a Non-Gaming Vendor Registration	43	c. 23K § 31(d)				
13. Non-Gaming Vendor Registration Application Form						
14. Persons Required to be Qualified in Connection with a Non-Gaming Vendor Registration						
15. Non-Gaming Vendor Registration Standards		c. 23K § 12, 16, 31(g), 31(i-l),				
16. Vendor License Terms	13	c. 23K § 31				
17. Vendor License Fees		c. 23K § 31(m)				
18. Suspension or revocation of license or registration		c. 23K § 31(i)				
19. Notice of vendor contracts		c. 23K § 31(k)				
20. Prohibited vendor list		c. 23K § 31(j)				
21. Prohibition of manufacture, sale, distribution, testing or repair		c. 23K § 31(c)				

of gaming equipment without gaming vendor license						
22. Renewal and or duty to update information.		c. 23K § 31(l)				

C. EMPLOYEE LICENSING

SECTION TITLE	POLICY #	GOVERNING G.L.	DATE FWRD → LGL BY DRAFTER	DATE FWRD BY LGL → MGC	OTHER JURISDICT. MODEL	COMMENTS
1. Definitions		c. 23K § 2				
2. Persons Required to Obtain a Key Gaming Employee License		c. 23K § 2, 30(a)				
3. Key Gaming Employee License Application Form		c. 23K § 30(b), 30(i)				
4. Key Gaming Employee License Standards	50	c. 23K § 16(a), 30(d), 30(f), 30(g), 30(h)				
5. Procedure for the Issuance of Temporary Key Gaming Employee Licenses		c. 23K § 30(e)				
6. Persons Required to Obtain a Casino Employee License		c. 23K § 2, 30(a)				

7. Casino Employee License Application Form	50	c. 23K § 30(b), 30(i)				
8. Casino Employee License Standards	50	c. 23K § 16(b), 30(d), 30(f), 30(g), 30(h)				
9. Procedure for the Issuance of Temporary Casino Employee Licenses		c. 23K § 30(e)				
10. Persons Required to Obtain Gaming Service Employee Registration		c. 23K § 2, 30(a)				
11. Gaming Service Employee Registration Application Form		c. 23K § 2, 30(c)				
12. Gaming Service Employee Registration Standards	50	c. 23K § 16(b), 30(f), 30(h)				
13. Procedure for the Issuance of Casino Service Employee Registrations	50					
14. Employee License Terms		c. 23K § 30				
15. Approval of license applic.		c. 23K § 30(g)				
16. Denial of license applic.		c. 23K § 30(g)				
17. Employee Licensing		c. 23K § 30(g)				

Hearing Procedures						
18. Authorization for Employee License Conditions		c. 23K § 30(h)				
19. Employee License Fees		c. 23K § 30(i)				
20. Suspension or revocation of license		c. 23K § 30(h)				
21. Prohibition regarding gaming activity		c. 23K § 14, 25(g), 27(h), 46				
22. Prohibition of employment without required credential		c. 23K § 30(a)				
23. Appeals from denial of license application		c. 23K § 30(g)				
24. License period	42	c. 23K § 30(i)				
25. Provisional licenses						
26. Key License Fee		c. 23K § 30(i)				
27. Renewal		c. 23K § 30(e)				

D. CRIMINAL LAW ENFORCEMENT JURISDICTION

SECTION TITLE	POLICY #	GOVERNING G.L.	DATE FWRD → LGL BY DRAFTER	DATE FWRD BY LGL → MGC	OTHER JURISDICT. MODEL	COMMENTS
1. Operational coordination among MGC, AGO, MSP, DAs, Sheriff and host		c. 12 § 11M, c. 22C § 70, c. 23K § 6(d-f),				

community police						
2. Operational coordination between gaming licensee security departments and law enforcement agencies		c. 23K § 21(a)(8)				
3. Duty of gaming licensee to report criminal law violations to MGC		c. 23K § 36(a)				
4. Crime statistics and reporting						

E. TAXES

SECTION TITLE	POLICY #	GOVERNIN G G.L.	DATE FWRD → LGL BY DRAFTER	DATE FWRD BY LGL → MGC	OTHER JURISDICT. MODEL	COMMENTS
1. Definitions		c. 23K § 2				
2. Tax year						
3. Tax Payer						
4. Payment of Tax		c. 23K, §§ 26(e), 48, 49, 55, 56, 59, c. 62, 62E, 63, 63B				
5. Computation of Tax						
6. Return and Reports						
7. Examination of Accounts and Records		c. 23K, § 65				
8. Penalties		c. 23K, § 37(g)				

F. REQUIREMENTS FOR GAMING LICENSEES

SECTION TITLE	POLICY #	GOVERNING G.L.	DATE FWRD → LGL BY DRAFTER	DATE FWRD BY LGL → MGC	OTHER JURISDICT. MODEL	COMMENTS
1. Annual report		c. 23K, §§ 5(a)(8), 21(a)(12), 21(a)(24), 23(a), 29, 65				Including impacted live entertainment update in accordance with c.23K, s.5(15)
2. Emergency response plan		c. 23K, § 25(j)				
3. Mitigation plans with entertainment venues		c. 23K, § 17(b), 18(2), 21(d),				
4. Cooperate and support the MGC in the devel. of research agenda (G.L. c.23K, §71)						
5.						

G. CASINO INTERNAL AND ACCOUNTING CONTROLS

I. General Provisions

SECTION TITLE	POLICY #	GOVERNING G.L.	DATE FWRD → LGL BY DRAFTER	DATE FWRD BY LGL → MGC	OTHER JURISDICT. MODEL	COMMENTS
1. Definitions		c. 23K § 2				
2. Submission of internal controls	13, 24	c. 23K § 9(7), 25(d)				
3. Changes in						

internal control submissions						
4. Gaming day		c. 23K § 25(b)				
5. Accounting records	13, 49	c. 23K § 5(a)(10),				
6. Licensee's system of internal controls	24	c. 23K § 9(7), 25(d)				
7. Records regarding ownership						
8. Forms, records and documents	13, 49					
9. Patron identification file		c. 23K § 18(6), 21(18)				
10. Standard financial and statistical reports		c. 23K § 21(a)				
11. Quarterly financial reports	13, 51	c. 23K § 5(a)(8)				
12. Required annual audit and other reports	49	c. 23K § 5(a)(8), 23, 65				
13. Retention, storage and destruction of books, records and documents	13, 49	c. 23K § 4(23-24)				
14. Complimentary services or items	28, 30	c. 23K § 28				
15. Closed circuit television system; surveillance department control; surveillance department		c. 23K § 25(c)				

restrictions						
16.Casino licensee's organization						
17. Table of organization						
18. Personnel assigned to the operation and conduct of gaming		c. 23K § 21(11), 21(16), 25(a)				
19. Internal control procedures for access badge system and issuance of temporary identification credentials	25					
20. Firearms; possession within casino gaming facilities or casino simulcasting facility						
21. Physical description of cashiers' main cage; satellite cage; master coin bank; coin vault; simulcast booth; slot booth and keno booth						
22. Accounting controls and functions for the cashiers' main cage; satellite cage; master coin bank; coin vault; simulcast						

booth; slot booth; and chip person						
23. Drop boxes for table games and electronic table games; gaming table slot cash shortage boxes	25					
24. Procedure for accepting cash and coupons at gaming tables	25					
25. Presentation of recognized credit card or debit card in exchange for gaming chips of plaques	26	c. 23K, § 27(f)				
26. Procedure for buying in and cashing out of an electronic table game which utilizes electronic chips for wagering						
27. Acceptance of tips or gratuities from patrons		c. 23K, § 25(g)				
28. Table inventory; table inventory container; chip reserve compartment	25					
29. Procedures for counting table inventory						
30. Procedure for distributing						

gaming chips, coins and/or plaques to a gaming table						
31. Procedure for removing gaming chips, coins and/or plaques from a gaming table						
32. Procedures for acceptance, accounting for, withdrawal and refund of patron deposits						
33. Procedures for accepting and accounting for wire transfers and electronic fund transfers						
34. Procedures for sending funds by wire transfer or electronic fund transfer						
35. Procedure for acceptance of checks, cash equivalents and credit cards; issuance of Counter Checks or slot Counter Checks	26, 27					
36. Redemption, substitution, and consolidation of Counter Checks or Slot Counter Checks at the	26					

cashiers' cage; redemption of Counter Checks at a gaming table						
37. Procedures for establishing patron credit accounts, and recording checks exchanged, redeemed or consolidated	26					
38. Patron request for prohibition or suspension of credit privileges (and removal from list)	26	c. 23K, § 45				
39. Procedure for depositing checks received from gaming patrons	27	c. 23K, § 27(c)				
40. Procedures and standards for prohibition of certain financial transactions by persons receiving government public assistance	26	c. 23K, § 27(f)				
41. Procedure for recording and collecting checks returned to the casino after deposit	27					
42. Count rooms; physical		c. 23K, § 25(f)				

characteristics; count protocols						
43. Procedure for opening, counting and recording contents of table drop boxes and slot cash storage boxes						
44. Procedure for opening, counting and recording the contents of bill validator boxes from gaming voucher redemption machines						
45. Table game revenue reporting requirements; keno revenue						
46. Accounting controls for automated jackpot payout machines and gaming voucher redemption machines						
47. Slot machines and bill changers; coin and slot token containers; slot cash storage boxes; entry authorization logs						
48. Slot machines;						

hopper storage areas						
49. Account based wagering system procedures						
50. Slot machines; tokenization; residual slot credit						
51. Gaming tables; slot machines and bill changers; movement; removal from a casino floor	25					
52. Progressive slot machine jackpots						
53. Linked slot machines interconnected in more than one casino; slot system operating; computer monitoring room						
54. Attendance paid jackpots and credit meter payouts						
55. Jackpot payouts of merchandise or other things of value; cash jackpot payouts offered together with or as an alternative to jackpot payouts						

of merchandise or other things of value						
56. Jackpot payouts in the form of an annuity						
57. Multi-casino slot system jackpot payouts of cash						
58. Inspection of slot machine jackpots						
59. Jackpot payouts of cash by a slot attendant from an impress pouch						
60. Alternative procedures for a manual slot payout of less than \$10,000						
61. Procedure for filing payout reserve containers of slot machines and hopper storage areas						
62. Procedures governing the removal of coin, slot token and slugs from a slot machine hopper						
63. Removal of slot drop buckets, slot drop boxes and slot cash shortage boxes; unsecured						

currency; recording of meter readings for slot machine drop						
64. Procedure for counting and recording contents of slot drop buckets and slot drop boxes						
65. Slot accounting requirements; electronic table games which accept gaming vouchers or coupons redeemed by a gaming voucher system						
66. Key for dual locks; casino licensee- controlled keys and locks; notice to the Division and surveillance department upon malfunction and repair, maintenance or replacement of alarms						
67. Signatures						
68. Keno runners						
69. Public keno areas						
70. Accounting controls for the operation of						

keno booths and keno work stations						
71. Keno drawer fill procedures						
72. Keno drawer credit procedures						
73. Keno computer system						
74. Payment of table game progressive payout wagers; supplemental wagers not paid from the table inventory						
75. Gaming Vouchers; procedures for issuance and redemption; redemption of coupons through a gaming voucher system	28					

II. Casino Computer Systems

SECTION TITLE	POLICY #	GOVERNING G.L.	DATE FWRD → LGL BY DRAFTER	DATE FWRD BY LGL → MGC	OTHER JURISDICT. MODEL	COMMENTS
1. Definitions		c. 23K § 2				
2. Use of controlled computer systems						
3. Installation						

and change controls for controlled computer systems						
---	--	--	--	--	--	--

II. Expiration of Gaming Related Obligations Owed to Patrons

SECTION TITLE	POLICY #	GOVERNING G.L.	DATE FWRD → LGL BY DRAFTER	DATE FWRD BY LGL → MGC	OTHER JURISDICT. MODEL	COMMENTS
1.Expiration of gaming related obligations owed to patrons;						

H. TRANSFER OF INTERESTS

SECTION TITLE	POLICY #	GOVERNING G.L.	DATE FWRD → LGL BY DRAFTER	DATE FWRD BY LGL → MGC	OTHER JURISDICT. MODEL	COMMENTS
1. Transfer of gaming license, establishment, property, or interest						
2. Disposition of Securities						
3. Transfer of Gaming Establishment						
4. Waiting Period						
5. Restriction of Interest in Multiple Gaming						

Licenses						
----------	--	--	--	--	--	--

I. PROBLEM GAMING

SECTION TITLE	POLICY #	GOVERNING G.L.	DATE FWRD → LGL BY DRAFTER	DATE FWRD BY LGL → MGC	OTHER JURISDICT. MODEL	COMMENTS
1. Definitions		c. 23K § 2				
2. Required Submission of Problem Gaming Policy and Procedure		c. 23K §§ 9(a)(8)(iii), 71				Add in general obligation to cooperate (providing info, feedback, statistics) re problem gaming impact, ID what data licensees have to submit, fees
3. Required Posting of Payback Statistics on Slot Machines		c. 23K § 5(a)(17)				
4. Required Commitment to Responsible Gaming Prevention Policies and Programs		c. 23K, §§ 21(a)(16), 21(a)(17)				
5. Description of Training Program for Employees to						

Identify Problem Gamblers						
----------------------------------	--	--	--	--	--	--

J. REGION C MODIFICATIONS

SECTION TITLE	POLICY #	GOVERNING G.L.	DATE FWRD → LGL BY DRAFTER	DATE FWRD BY LGL → MGC	OTHER JURISDICT. MODEL	COMMENTS
1. Allow unsuccessful region A, B, or slot applicant to apply in region C w/o add'l fee						If region C app deadline is before decision in other region, it won't apply to these applicants- new deadline to be set.
2. Updated qualifier list and invest.						

K. EQUAL EMPLOYMENT

SECTION TITLE	POLICY #	GOVERNING G.L.	DATE FWRD → LGL BY DRAFTER	DATE FWRD BY LGL → MGC	OTHER JURISDICT. MODEL	COMMENTS
1. Scope, Policy, and Purpose	14, 21					
2. Definitions		c. 23K § 2				
3. Equal Employment and Affirmative Action Obligations of Casino Operators		c. 23K § 15(15), 18(16), 18(17), 21(21-24) ↓				
4. Equal						

Employment and Affirmative Action Obligations of Contractors and Sub-Contractors Regarding Construction						
5. Equal Employment and Affirmative Action Obligations of Vendors						
6. Required Preparation and Approval of Equal Employment and Business Opportunity Plan						
7. Required Marketing Program Describing Utilization of Minority and Women's Owned Businesses						

PART 3

A. EXCLUSION OF PERSONS

SECTION TITLE	POLICY #	GOVERNING G.L.	DATE FWRD → LGL BY DRAFTER	DATE FWRD BY LGL → MGC	OTHER JURISDICT. MODEL	COMMENTS
1. Definitions	29↓	c. 23K § 45 ↓				
2. Duties and responsibilities of the MGC						
3. Criteria for Exclusion	48					
4. Procedure for the entry of names						
5. Application for preliminary placement of candidate on list						
6. Information contained on list						
7. Maintenance and Distribution of list						Notice to person re distr. of list and reciprocity
8. Duties and Responsibilities of gaming licensees						
9. Appeal from Placement on the list						
10. Processes for removal of name from the list						
11. Self-exclusion request process						
12. Self-exclusion list	47					
13. Duties of						

gaming licensees regarding self-exclusions						
14. Process for removal from self-exclusion list						
15. Confidentiality of self-exclusion list	47					
16. Acquisition and utilization of other jurisdictions exclusion lists	47					
17. Prohibition of and participation in, gaming activities, or receipt of credit or comp services, benefits or items by governmental officials	26, 30, 46					
18. Forfeiture of winnings by prohibited persons						
19. Hearings						

B. JUNKET ENTERPRISE LICENSING

SECTION TITLE	POLICY #	GOVERNING G.L.	DATE FWRD → LGL BY DRAFTER	DATE FWRD BY LGL → MGC	OTHER JURISDICT. MODEL	COMMENTS
1. Definitions		c. 23K § 2				

2. Scope of activities included		c. 23K § 2				
3. Licensing of Junket enterprises and junket representatives		c. 23K § 33↓				
4. Conduct of junkets and conditions of junket agreements	26					
5. Open-ended or conditional complimentary offers	30					
6. Advertising						
7. Junket enterprises; transactional waivers prior to business						
8. Purchases of patron lists						
9. Monthly reports to IEB by gaming licensees						
10. License fees and term for Junket enterprises and Junket representatives						
11. Special prohibitions for junket enterprises, junket representatives, or persons acting as a Junket representative						

C. ALCOHOLIC BEVERAGE CONTROL

SECTION TITLE	POLICY #	GOVERNING G.L.	DATE FWRD → LGL BY DRAFTER	DATE FWRD BY LGL → MGC	OTHER JURISDICT. MODEL	COMMENTS
1. Definitions	7	c. 23K § 2				
2. Co-ordination with ABCC	6, 7	c. 10 § 72, c. 23K § 6(g), 26(a), 26(c)				
3. Categories of Licensure	6,7					
4. Gaming Beverage License Application Form	6, 7	c. 23K § 26				
5. Persons Who Must be Qualified in Connection with a Gaming Beverage License						
6. Standards for the Issuance of a Gaming Beverage License	6,7	c. 23K § 26(a)				
7. Transfer of gaming beverage license		c. 23K § 26(f)				
8. Procedures for the Service of Alcoholic Beverages		c. 23K § 26(d)				
9. Procedures for the service of Complimentary Alcoholic Beverages	30	c. 23K § 26(c)				
10. Casino Dram Shop Obligations						
11. Alcoholic Beverage Advertising						
12. Procedures for the		c. 23K § 26(c)				

Prevention of Service to Minors						
13.Special Permits						
14.Fees	6	c. 23K § 26(b)				
15.Violations and sanctions		c. 23K § 26(e)				

D. GAMING SCHOOLS

SECTION TITLE	POLICY #	GOVERNING G.L.	DATE FWRD → LGL BY DRAFTER	DATE FWRD BY LGL → MGC	OTHER JURISDICT. MODEL	COMMENTS
1. Definitions	33, 34↓	c. 23K § 2				
2. License Requirements		c. 23K § 5(a)(11)				
3. Effect of Gaming School Certification						
4. Gaming Equipment						
5. Coordination with DPL trade school program						

E. PENALTIES AND REMEDIES

SECTION TITLE	POLICY #	GOVERNING G.L.	DATE FWRD → LGL BY DRAFTER	DATE FWRD BY LGL → MGC	OTHER JURISDICT. MODEL	COMMENTS
1.Definitions		c. 23K § 2				
2.Scope of Potential Penalties		c. 23K §§ 1(9), 3(l), 4(15),				

		4(17), 4(27), 13(c), 19(e- f), 20(b-c), 23(b), 24(b), 26(e), 30(h), 31(i), 34- 44, 45(c), 45(f) ↓				
3.Scope of Potential Remedies						
4.Interim Remedies						

F. GAMING RULES

SECTION TITLE	POLICY #	GOVERNING G.L.	DATE FWRD → LGL BY DRAFTER	DATE FWRD BY LGL → MGC	OTHER JURISDICT. MODEL	COMMENTS
1. Definitions	40↓	c. 23K § 2				
2. Process for Submission of Standard Games for Approval						
3. Process for Approval of Standard Games						
4. Basic Elements of Standard Games a. Craps b. Mini-craps c. Blackjack d. Baccarat- Punto Banco e. Baccarat- Chemin De						

Fer f. Roulette g. Big Six Wheel h. Poker i. Keno j. Pai Gow						
5. Process for Submission of Variations of Standard Games						
6. Process for Approval of Variations of Standard Games						
7. Process for Submission of New Games						
8. Process for Approval of New Games						
9. Table games internal controls						
10. Prohibited table game play by casino operator employees and gaming related vendors						
11. Shipment of table games and table game mechanisms						
12. Publication of rules and payout schedules						

G. ADMINISTRATION OF FUNDS

			DATE	DATE	OTHER	
--	--	--	-------------	-------------	--------------	--

SECTION TITLE	POLICY #	GOVERNING G.L.	FWRD → LGL BY DRAFTER	FWRD BY LGL → MGC	JURISDICT. MODEL	COMMENTS
1. Massachusetts Gaming Control Fund		c. 23K, §57				
2. Gaming Revenue Fund		c. 23K, §59				
3. Race Horse Development Fund		c. 23K, §60				
4. Community Mitigation Fund		c. 23K, §61				

H. TRIBAL

SECTION TITLE	POLICY #	GOVERNING G.L.	DATE FWRD → LGL BY DRAFTER	DATE FWRD BY LGL → MGC	OTHER JURISDICT. MODEL	COMMENTS
1. Effect of Tribal-Commonwealth Gaming Compact	32↓	c. 23K § 67				
2. Allocation of Regulatory responsibilities between Commonwealth and Tribe						
3. Recognition of Allocation of Criminal law jurisdiction						
4. Recognition of Allocation of Civil law jurisdiction						
5. Revenue Sharing						
6. Revenue						

verification and audit						
7. Licensing						
8. Dispute resolution						

Possible additions:

I. INTERNET GAMING (SUBJECT TO FUTURE LEGISLATION)

J. SPORTS BETTING (SUBJECT TO FUTURE LEGISLATION)

STATUS OF RESORT-CASINO APPLICANTS- CATEGORY 1 IN REGION A (EASTERN MASS)

Applicant	License Type	Region/ Host Community	Host Community Agreement	Host Community Referendum	Suitability	Licensing Conditions
Suffolk Downs Sterling Suffolk Racecourse, LLC	Resort-Casino	Region A – East Boston, Revere	Not yet signed	Not yet scheduled	Suitability determination expected in August/September	
Wynn MA, LLC	Resort-Casino	Region A - Everett	Signed 4/19/13	6/22/13 Yes – 86.46% No – 13.54%	Suitability determination expected in August/September	
Crossroads Massachusetts, LLC	Resort-Casino	Region A - Milford	Not yet signed	Not yet scheduled	Suitability determination expected in August/September	

STATUS OF RESORT CASINO APPLICANTS – CATEGORY 1 IN REGION B (WESTERN MASS)

Applicant	License Type	Region/Host Community	Host Community Agreement	Host Community Referendum	Suitability	Licensing Conditions
MGM Springfield Blue Tarp Redevelopment, LLC	Resort-Casino	Region B - Springfield	Signed 5/14/13	7/16/13 Yes: 57.66% No: 42.33%	Suitability determination expected in August/September	
Hard Rock HR Massachusetts, LLC	Resort-Casino	Region B – West Springfield	Signed 7/11/13	9/10/13	Suitability determination expected in August/September	
Mohegan Sun Mohegan Sun Massachusetts, LLC	Resort-Casino	Region B - Palmer	Not yet signed	Not yet scheduled	Suitability determination expected in August/September	

TIMELINE FOR SLOTS LICENSE

License Application Step	Earliest Likely Date	Latest Likely Date
Applicants submission of completed RFA-1	January 15, 2013	N/A
Commission review of completed RFA-1 and release of RFA-2 to qualified applicants	June 2013	August 2013
Host and Surrounding community agreements executed	June 2013	August 2013 (October 2013 for Surrounding Community Agreements)
Host community agreements approved by referendum	August 2013	October 2013
Applicant submission of completed RFA-2	August 2013	October 4, 2013
Commission selection of licensee(s)	December 2013 (no surrounding community / impacted live entertainment venue disputes)	February 2014 (with surrounding community / impacted live entertainment venue arbitration)



TO: Commissioners

FROM: John Ziemba

DATE: August 7, 2013

RE: Update on Potential Surrounding Community Outreach

Each applicant was requested to provide a brief narrative (a few paragraphs, less than a page) that describes the current status of the applicant's outreach to potential surrounding communities.*

In the narrative, applicants were asked to provide an update on whether the applicant expects to utilize the services of Regional Planning Agencies ("RPAs") for community technical assistance needs. In addition, the applicants were asked to describe any major efforts (e.g. ongoing regional studies, HCA provisions) that will be part of the applicant's plan with potential surrounding communities. Finally, as the time for communities to procure and utilize technical assistance (especially with Category 2 facilities) is very short, the applicants were asked to describe how the applicant is working with communities to enable them to reach surrounding community agreements before the application deadlines.

In the request for information, the applicants were advised that the Commission hopes to understand the general status of each applicant's potential surrounding community efforts but does not intend to require the release of sensitive information about the status or content of discussions with individual communities.

* In describing the applicant's efforts to educate communities, applicants were advised to construe the term "potential surrounding communities" broadly to include not only those communities that the applicant, at this stage, will likely designate as surrounding communities but also geographically proximate communities that would likely have questions or concerns about the proposed facility.

Boston/Revere - Suffolk Sterling Racecourse LLC

Suffolk Downs has been active and engaged with its local communities, residents and businesses for more than 78 years. Over the past three years, in preparation for filing a gaming application by the end of this year to earn a license to construct and operate a world-class Caesars resort at historic Suffolk Downs, we have undertaken numerous traffic, environmental, economic and social studies, commenced our MEPA application and engaged state agencies, and assisted communities with their independent review of our project. We received our MEPA Secretary's Certificate and expect to file our draft DEIR soon.

We have engaged our Host Communities, Surrounding Communities, neighboring communities, regional associations, businesses and residents in an open and participatory process over the past three years to discuss the impacts and benefits of our project, and to forge mutually beneficial plans to develop and operate a world-class entertainment, racing and gaming complex. As such, we have posted our plans, studies and related materials on our website, published details and announcements in local publications, made copies available to interested parties and placed copies on file at local libraries. Additionally, we have conducted more than 100 public meetings involving several thousand area residents to present and discuss our designs, studies and plans. This has included presentations in English and Spanish, and has utilized social media, earned and paid media, to engage our communities in a robust discussion about our proposal. We have more than 8,000 followers on Facebook and have had more than 55,000 views of our presentation video on YouTube.

We continue to negotiate agreements with our two Host Communities, Surrounding Communities and impacted live entertainment venues, and expect to complete these agreements, along with conducting our Host Community referenda, well in advance of the application deadline. Our Host Communities and Surrounding Communities, given their internal sophistication in dealing with complex developments, have declined to utilize the services of the MAPC. As such, we do not see a role for them in our community process. Please note that the MAPC did provide comment on our MEPA application.

Everett - Wynn MA, LLC

Wynn MA, either directly or through its consultants and lawyers, has been communicating with communities that are geographically proximate to its proposed destination resort hotel and gaming facility to be located in the City of Everett. The communications include official meetings with communities' elected officials and staff and leaders of local organizations. Wynn MA has provided a general overview of its proposed project plans and shared the findings of impact studies, with a particular emphasis on traffic and economic benefits, the study and analyses of which are ongoing. At this time, Wynn MA does not expect that it will utilize the services of RPAs for community technical assistance. Wynn MA has commissioned certain regional impact studies, at its own expense, which remain ongoing, and it expects to utilize those findings to aide future communications with communities that are geographically proximate to the proposed project site. In the end, Wynn MA hopes to work directly with community leaders to assess whether or not, and to what extent, their community is impacted by Wynn MA's proposed destination resort hotel and gaming facility to be located in Everett, MA, and determine what is necessary for Wynn MA to mitigate those impacts.

Leominster - Cordish/PPE Casino Resorts MA, LLC

PPE Casino Resorts MA, LLC selected its location in Leominster, off I-190 and 117 as a result of its strategic positioning in the north central region of Massachusetts and due to the substantial existing commercial infrastructure in place to accommodate the gaming facility. This infrastructure minimizes any disruption to both the City of Leominster and any other communities.

We have been in contact with the Town of Lancaster, which immediately abuts the casino site, to review the project and answer their questions. We have a follow up meeting already arranged. We have not been contacted by any other communities in the area, however we plan to contact other communities in the region over the next several weeks to continue the education process and answer any questions that may arise. At this point, we do not anticipate utilizing the services of RPAs, but we will keep in contact if we believe such services are advisable.

Milford - Crossroads Massachusetts, LLC d/b/a Foxwoods, Massachusetts

In response to your request that Foxwoods provide a brief update relative to its outreach efforts to potential surrounding communities please be advised that Foxwoods and the Town of Milford have had numerous public meetings. Both the proponent's and the Town's consultants' reports are posted on the Town of Milford web page so they are readily available to members of the public and officials from nearby communities. Foxwoods is committed to addressing the concerns of all nearby communities that may be impacted by the proposed development. In order to work with all potential surrounding communities in an efficient and productive manner, Foxwoods will sign an agreement with the Metropolitan Area Planning Council, a Regional Planning Agency ("RPA") to take the lead to facilitate discussions with any impacted community. The RPA will provide technical assistance and facilitate negotiations of any necessary surrounding community agreements.

As you may know, the RPA has sub-contracted with the Central Massachusetts Planning Commission to organize and host working sessions with groups of potential surrounding communities. The RPA will work with each surrounding community on an individual basis to address specific community concerns, needs and preferences. The scope of work for the RPA is quite broad and includes, among other things, analysis of transportation, housing, economic impacts, water resources and public safety. The result of these sessions may be a single regional impact agreement or individual agreements which will memorialize the measures Foxwoods will commit to in order to mitigate impacts on surrounding communities. The RPA has distributed a Work Session and Data Analysis Schedule that includes community meetings in Bellingham on August 12th, September 5th and October 10th and in Hopedale on August 22nd. It is my understanding that the RPA has finalized and distributed the schedule and agenda for the first meeting.

Finally, in accordance with your recommendation that "potential" surrounding communities be broadly applied, yesterday, Foxwoods sent a letter to the following fifteen communities notifying them of the RPA process: Hopedale, Upton Hopkinton, Holliston, Medway, Bellingham, Westborough, Grafton, Northbridge, Mendon, Ashland, Sherborn, Millis, Franklin and Wrentham. Copies of those letters are enclosed for your information. Once the RPA begins its work more information will become available with regard to nearby communities and then Foxwoods will determine whether or not to designate a community as a "surrounding Community" in accordance with 250 CMR 125.00(1)(a) and/or execute surrounding community agreements.

Millbury - Mass Gaming & Entertainment, LLC

Mass Gaming & Entertainment, LLC (MGE) has executed a host community agreement with the Town of Millbury, and a public ballot has been scheduled for September 24. MGE has been focused on designing and obtaining local approval for a first-class casino. MGE believes its project will have de minimis impacts (if any) on nearby communities. MGE will file its ENF on or before August 15. Although MGE has not been contacted by nearby communities, MGE will contact the Central Massachusetts Regional Planning Commission to schedule an introductory meeting.

Palmer - Mohegan Sun

As you are aware, Mohegan Sun intends to use the Regional Planning Authority technical assistance process as proposed by the Massachusetts Gaming Commission in order to facilitate the surrounding community agreement process. In conjunction with our host community negotiations, the Town of Palmer has already posted all of the relevant studies of our proposed casino (traffic, socio-economic, fiscal and economic impact, and water and sewer use) on its website. We look forward to the Pioneer Valley Regional Planning Commission (PVRPC) undertaking a technical analysis or peer review of these studies in order to further an understanding about the impacts of the proposed Mohegan Sun casino on the potential surrounding communities. We also propose to use the PVRPC to help convene the potential surrounding communities and expect that process to begin shortly after the Town of Palmer approves a host community agreement. In the meantime, we have had individual conversations with a variety of surrounding communities in order to answer questions and to describe our project.

Raynham - Raynham Park, LLC

This letter is in response to your email dated August 1, 2013 requesting an update on Raynham Park, LLC's ("Raynham Park") out-reach to potential surrounding communities. As of the date of this letter Raynham Park intends to utilize the services of the Regional Planning Authorities

("RPA") for community technical assistance and is in the process of meeting with and/or coordinating meetings with the Town of Easton, the Town of Bridgewater, the Town of West Bridgewater and the City of Taunton.

On July 23, 2013 Raynham Park met with the Town of Easton. Participants of the initial meeting included, representatives from the Town of Easton, Raynham Park, the Old Colony Planning Council and the Massachusetts Gaming Commission ("MGC"). Raynham Park is in the process of arranging follow-up meetings with Easton in an effort to share and exchange information.

A regional study is currently being conducted and should be completed within the next few weeks. We hope to use the regional study as a framework for discussions and negotiations with the potential surrounding communities.

Springfield - MGM (Blue Tarp ReDevelopment, LLC)

MGM started the local approval process in the City of Springfield and the Western Region in 2012. In the past year our company was involved in a thorough and comprehensive application process in the host community of Springfield. MGM was fortunate enough to be selected as the operator of choice for the city and successfully completed a Host Community Agreement (HCA) on May 14th. As part of this local process and the Massachusetts Gaming Commission (MGC) regulation, 205 CMR 119.01 (7), the city conducted a binding vote. On July 16th, 2013 MGM successfully received an overwhelming majority of the vote (58%) in the positive from the residents of Springfield for a gaming license.

With the HCA and local vote in hand, MGM has recently initiated formal conversations with contiguous cities and towns and potential surrounding communities. With the exception of Wilbraham, which meeting is scheduled for next week, MGM met with each of Springfield's bordering municipalities, including West Springfield, Agawam, Ludlow, Longmeadow, East Longmeadow, and Chicopee. Additionally, MGM met with the city of Holyoke based upon its importance as a major gateway city in the region. The outreach started informally over the course of the last several weeks and has since become more active since the successful referendum vote.

On Monday August 5th and Tuesday August 6th MGM met with these communities individually to discuss regional and local studies of the impact of a resort casino located in Springfield. The intent of these meetings was to preliminarily discuss the scope of study along with local priorities including public safety, traffic, employment and vendor opportunities and general economic development issues. These discussions along with the completed impact studies will help guide MGM and the potential surrounding communities in mitigation agreements as required by 205 CMR 119.01 (8).

We believe that these meetings will help provide municipal representatives an understanding of the level of resources necessary to put these communities in a position to better understand the impacts and benefits of the Springfield development. MGM fully anticipates having surrounding community studies and agreements completed as part of our application submission. Indeed, many of the individuals we met with expressed appreciation after our meetings that we had commenced the process and that we were devoting significant resources to the process.

It is also the intent of MGM to open discussions on a regional basis with valued communities and other Gateway Cities in Western Massachusetts. Our goal is to integrate, wherever appropriate, regional cultural and entertainment institutions, universities, vendors and the general workforce to enhance the full impact of our proposal for the region. Throughout this process, MGM will coordinate with Tim Brennan and the Pioneer Valley Planning Commission (PVPC) to better understand the needs and priorities of our regional partners.

As part of our regional and local studies, MGM will work with potential surrounding communities on the shape and scope of services and technical assistance that may be provided by the PVPC. While each of the community representatives we met with expressed a desire to have direct discussions and negotiations with MGM relating to issues that were unique to those communities, there was also strong support for considering this regional approach on issues of regional significance that where there some level of common interest.

The clear example of such an area was overall traffic impact to the region. Most, if not all, of the communities we met with agreed that there efficiencies to be gained by having a common approach to

validating MGM's general traffic and visitation assumptions, and that they would support the PVPC engaging such a consultant on their collective behalf. If the PVPC would agree to serve in that role and MGM was assured that enough communities would avail themselves of their work, MGM was open to funding such a consultant, recognizing that the consultants would be independently working on behalf of the communities. MGM has initiated the concept with PVPC and will be meeting next week in an attempt to advance that work. If the PVPC is unable or unwilling to take on such a role, we discussed in our meetings the potential for the surrounding communities to work cooperatively to hire such a consultant, which given the right parameters, MGM would be willing to fund.

MGM has also begun the process of studying the regional impact by working with our economic development consultants HRA and our development partner Davenport Properties. As part of our discussions with regional communities we will introduce both HRA and Davenport to the individual communities to offer them their expertise and experience. Our goal is to make certain these communities have all the tools they need to analyze and evaluate any potential impacts of a resort casino.

MGM will continue to work with Western Mass communities to provide them with the information and sufficient time to appropriately analyze our project and reach agreements wherever necessary. We look forward to working with these communities, the PVPC and the MGC as this process moves forward.

Tewksbury - Penn National

Lowell's Town Manager expressed an interest in various potential impacts such as traffic, local non-profit live entertainment venues and local restaurants, and crime studies in connection with gaming establishments. We plan to provide near term responses to their questions and to begin discussing key terms for agreements with local entertainment venues and the Town.

Andover's Town Manager raised questions on potential impacts on traffic, infrastructure (water/drainage) and nighttime lumination public safety. We have requested a follow-up meeting subsequent to Mr. Ziemba's August 6 presentation to the Town. We hope to schedule this follow-up meeting promptly to address any Andover issues and work constructively with them.

As we stand today, it is not likely that we will be utilizing the services of Regional Planning Authorities. To the extent that changes, we will advise you promptly.

West Springfield - HR Massachusetts, LLC

In response to your request below, please find the following summary explanation of HR Massachusetts, LLC's (the "Applicant") outreach to potential surrounding communities to date.

In an effort to begin dialogue with potential surrounding communities, the Applicant has met numerous times with nearby communities in close proximity to its site. This outreach included presenting before the Town of Agawam's casino advisory committee on several occasions, as well as holding frequent discussions with committee leaders and independently meeting with their legal counsel. The Applicant has also held several meetings with various community leaders in the City of Springfield and representatives of Mayor Sarno's office. Further, the Applicant has fielded inquiries as received from various communities interested in learning more about its project.

The Applicant has met with officials from the PVPC and MGC multiple times to discuss the value of RPAs to assist individual communities. While it appears most of the communities the Applicant has held discussions with may choose to continue discussions independent of an RPA, the Applicant continues to be receptive to the use of this resource to the extent any of its potential surrounding communities choose to utilize these services.

While the Applicant has primarily focused on the completion of its Host Community Agreement ("HCA") and September 10th special election prior to turning its full attention to address surrounding community agreements, its HCA contains numerous provisions related to surrounding communities, as well as economic benefits to other nearby communities in Western Massachusetts, whether or not they are formally designated as a surrounding community. Examples of these benefits include: (i) up to \$2,000,000 in Surrounding Community Enhancement Grants paid prior to opening for the mitigation of any potential Project impacts; (ii) 1.0% of annual Project GGR as a Surrounding Community Impact Fee to mitigate any ongoing Project-related impacts; and, (iii) the establishment of a Regional Partners Fund whereby the Project will pay a total of 0.75% of its annual Project GGR for capital improvement projects into a fund to be administered by the MGC. Such funds will inure to the benefit of the following communities: (a) West Springfield, (b) Springfield, (c) Agawam, (d) Chicopee, (e) Holyoke, and (f) Westfield.

[DATE]

Dear Resident:

As you may have heard, West Springfield has executed a Host Community Agreement with Hard Rock Resorts regarding Hard Rock's proposed development of an \$800-million destination resort casino at the Eastern States Exposition site. The Town is continuing the process of engaging members of the public on their thoughts and impressions of how this proposed resort would affect our community. A summary of the Host Community Agreement's primary terms is enclosed with this letter for your reference. The full Agreement may also be viewed on the Town's website: <http://www.west-springfield.ma.us>.

A special ballot election will be held on **Tuesday, September 10, 2013**, and every registered voter will have the chance to vote at that election on whether this project should be allowed to proceed in West Springfield.

In addition to requiring local approval, the Hard Rock project may only proceed if the Massachusetts Gaming Commission issues a gaming license for the project. The first step in the application process before the Gaming Commission involves the Commission's determination of whether an applicant is suitable to be licensed. If the applicant is deemed suitable by the Commission and has entered into a host community agreement and obtained the approval of the community's voters at a ballot election, the applicant may then submit a final license application to the Commission.

The Gaming Commission has adopted a regulation relative to scheduling local ballot elections under the Massachusetts Expanded Gaming Act. Under that regulation, a municipality may hold an election prior to the applicant being deemed suitable by the Commission only if two conditions are met: (1) the governing body of a city or town, in this case the Town Council with approval of the Mayor, votes to authorize such an election; and (2) a public awareness notice is mailed to all voting households in the host community regarding the application status of the developer and informing voters about the Commission's standards and procedures for determining suitability.

As of the date of this mailing, the Gaming Commission has not issued a suitability determination with respect to Hard Rock, and it is possible that the Commission may not have issued a suitability determination relative to Hard Rock prior to the **September 10, 2013** vote. Therefore, the West Springfield Town Council, with my approval, unanimously authorized the election to be held on the ballot question of whether to approve a gaming facility in West Springfield prior to a determination of suitability being issued by the Commission, thereby satisfying the first condition of the Commission's regulation. The purpose of this letter is to satisfy the second requirement of the Commission's regulation.

As indicated above, the state process for awarding a gaming license has two parts. First, "Phase I" of the application involves an investigation conducted by the Commission, primarily through its Investigations and Enforcement Bureau, to determine "suitability and eligibility" of an applicant – that is, whether or not the applicant meets the statutory and financial requirements of opening a gaming facility in Massachusetts. As part of the investigation, the Commission reviews such things as the integrity, honesty, good character and reputation of the applicant; the financial stability, integrity and background of the applicant; the business practices and the business ability of the applicant to establish and maintain a successful gaming establishment; and whether the applicant has a history of compliance with gaming licensing requirements in other jurisdictions. **As noted above, a final determination of Phase I suitability of the applicant has yet to be made and may not be issued prior to the election.** The Commission will make its determination of suitability after completing a thorough background investigation of the applicant, its principal operating officers and investors. Additionally, the Commission will not permit the applicant or its principal operating officers or investors to proceed with the application unless it determines that they are suitable to operate a gaming facility in Massachusetts.

The second part of the application process, "Phase II", involves the Commission's review of the details of the development itself and will involve such matters as the project's location, design, benefits for and impacts on the host community and the region, and potential to generate revenue for the Commonwealth. That process can proceed only if and after West Springfield votes to allow the project to proceed and the Commission determines the applicant to be suitable.

Hard Rock has filed its Phase I application, paid the fee required by the Commission, and is undergoing the required investigation. The outcome of the election on September 10, 2013, will have no effect on a final determination of Phase I of the application process. However, if the Commission determines Hard Rock to be a suitable applicant, a positive vote at the September 10, 2013 election will permit Hard Rock to continue the process and file a Phase 2 application with the Commission.

Again, the Special Election will be held on September 10, 2013. The polls will be open from 7AM to 8PM at the normal polling locations. If you have questions about your voter status or polling location, please call the Town Clerk's Office at (413) 263-3012.

Please do not hesitate to contact my office with any questions regarding this important matter.

Very truly yours,

Gregory C. Neffinger
Mayor

Encls.