



## **Instructions for Applicants for a Gaming License RFA-1 Applications for Region C**

### **Overview of the Process**

The awarding of gaming licenses is a two phase process. In Phase 1, the Commission will evaluate the qualifications and suitability of a gaming license applicant and all of its natural person and entity qualifiers.

All applicants found suitable by the Commission, according to the standards set forth in the Massachusetts Gaming Act, M.G.L. c. 23K and the accompanying regulations in 205 CMR, will be eligible to proceed to Phase 2 of the process and submit RFA Phase 2 applications.

In Phase 2, the Commission will review an applicant's proposal, focusing on the merits of an applicant's proposed gaming establishment, compliance with all statutory and regulatory criteria, and other matters within the Commission's jurisdiction.

It is highly recommended that applicants review the details of the application process set forth in the Massachusetts Gaming Act, M.G.L. c. 23K, and its attendant regulations, 205 CMR 101.00 through 131.00. This information is available on the Commission's website. All requests for confidentiality will be processed in accordance with the provisions of 205 CMR §§ 103.09 through 103.13. All requests for waivers of any disclosure the forms require and all requests for deadline extensions will be processed in accordance with 205 CMR § 102.03 and/or § 116.03.

The deadline for filing the RFA Phase 1 application for an applicant that has not successfully completed the RFA-1 process for Region A, Region B, or Category 2 is 5:00 pm on September 30, 2013.

All applicants for a gaming license, and all of the qualifiers, both natural person and entity qualifiers, shall be subject to a thorough background investigation by the Investigations and Enforcement Bureau (IEB) of the Commission, or by its designated agents. The licensing fee shall be used to defray the costs of said investigations and the Applicant shall bear any additional costs.

Applicants are obligated to establish their suitability for a gaming license and the suitability of all qualifiers by clear and convincing evidence. Prior to submitting any application materials, the Applicant should provide information to the IEB regarding its organizational structure and schedule a meeting with the IEB to determine which entities and individuals are qualifiers. Failure to do so may result in the denial of the application due to missing qualifiers.



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## Contents of the RFA-1 Application

An Applicant for a Category 1 gaming license is required to submit as part of the RFA Phase 1 application the following:

1. For those applicants who have not already successfully completed the RFA-1 process for Region A, Region B, or Category 2, a non-refundable initial application fee of \$400,000, payable to the Massachusetts Gaming Commission. See the fee submittal instructions below for more information. For those applicants who have completed the RFA-1 process for Region A, Region B, or Category 2, the Commission will advise them if any additional review is required and any additional fee is due.
2. For the Applicant entity:
  - a. A complete and accurate Massachusetts Business Entity Disclosure Form, including an executed and notarized Release Authorization; Consent to Inspections, Searches And Seizures; Statement Of Truth; and Waiver Of Liability (BED Form), initialing at the bottom of each page of the application form.
3. For each entity qualifier as identified by the Commission in 205 CMR 116.00 and approved by the IEB Director:
  - a. A complete and accurate Massachusetts Business Entity Disclosure Form including an executed and notarized Release Authorization; Consent To Inspections, Searches And Seizures; Statement Of Truth; and Waiver Of Liability (BED Form), initialing at the bottom of each page of the application form.
4. For each natural person qualifier as identified by the Commission in 205 CMR 116.00 and approved by the IEB Director:
  - a. A complete and accurate Multi-Jurisdictional Personal History Disclosure Form, including an executed and notarized Statement Of Truth (MJPHD Form); and
  - b. A complete and accurate Massachusetts Supplemental Form to the Multi-Jurisdictional Personal History Disclosure Form, including an executed and notarized Release Authorization, Statement of Truth, Waiver of Liability and Consent to Inspections (MA-Supp Form).

Copies of the above forms are available for downloading from the Commission's website.

Complete instructions on how to prepare the application and where to send it are below. Failure to fully comply with the instructions may result in the denial of the application. We request that questions regarding completion of the application form, or regarding any of the instructions, be submitted via email to [MGCApplcations@state.ma.us](mailto:MGCApplcations@state.ma.us). All questions will be answered promptly and both the questions and answers may be posted on our website.



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## Fee Submittal

An Applicant may pay the nonrefundable application fee either by certified check or by secure electronic transfer made payable to the Massachusetts Gaming Commission. If the fee is submitted in advance of filing the application, the Applicant must sign a certification stating that it will be applying for a gaming license and that it understands that the application fee is nonrefundable. The non-refundable initial application fee of \$400,000 is due no later than the RFA-1 application deadline.

The fee may be paid by check, made payable to the Massachusetts Gaming Commission and submitted with the application.

If the applicant wishes to wire the fee there are two options.

- If the fee is submitted in advance of filing the application, the Applicant must sign a certification stating that it will be applying for a gaming license and that it understands that the application fee is nonrefundable. Once a certification is received, wiring instructions will be provided.
- An applicant may submit its application with instructions on whom the Commission should provide with wiring instructions. Name, email, and phone numbers should be clearly listed.

If you have any additional questions about payment of the fee, please contact Eileen Glovsky via email at [eileen.glovsky@state.ma.us](mailto:eileen.glovsky@state.ma.us)



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## **Method of Submission**

All application documents must be filed electronically. Applicants may submit those documents via one of two methods: (a) direct file upload or (b) shipment of electronic media to the Commission. We will not accept any applications sent via email. The entire application must be submitted at one time.

### A. Direct File Upload:

More information for the procedure for direct file upload will be provided closer to the application deadline. All applicants seeking to use this method should notify the Commission no later than two weeks prior to submitting their applications.

### B. Shipment of Electronic Media:

1. Two copies of all documents must be submitted on CDs, DVDs or USB disks. The first copy of all required documents must be submitted on a single CD, DVD, or USB disk. The second copy of all required documents must be submitted on a second CD, DVD, or USB disk.
2. Both CDs, DVDs or USB disks should be labeled with the applicant name. Labeling should be applied to a storage media, itself, rather than the dust jacket or removable case. Labeling information can be hand written on the CD, DVD, or USB using a permanent marker pen. Printed labels are appreciated but not required.
3. Each shipment of documents should be accompanied by a cover memo stating: who is sending the material and a brief description of the contents. The cover memo should also state who the primary contact person is for all inquiries regarding the applicant. Please provide a name, company, position, mailing address, phone number, and email address for the primary contact.
4. The mailing address for shipments of CDs, DVDs, and USB disks is:

Lt. Brian Connors  
Massachusetts Gaming Commission  
Investigations and Enforcement Bureau  
84 State Street, Floor 10  
Boston, Massachusetts 02109  
617.979.8424

A receipt for the application submissions will be sent to the primary contact person listed on the cover memo.



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## Electronic File Standards

The electronic application must be submitted with strict adherence to file naming standards and each file should contain no more than one document. The applicant must submit the Application Forms (BED Form, MJPHD Form, and MA-Supp Form) in PDF version with all answers electronically filled-in and no signatures:

- (a) The first PDF version of the application form is one that has been answered fully by typing the answers into the blank application form. This version should not be signed.
- (b) The applicant should also submit a second version of each application form in PDF format. This second version is identical to the first version, but has been printed, signed, and scanned. In lieu of printing and scanning, the applicant may digitally sign the second copy of the form.

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

The file names of all documents and attachments must be named strictly in accordance with the following rules:

- Application Forms
  - The original BED Form must be named “BED.pdf”, the original MJPHD Form must be named “MJPHD.pdf”, and the original MA-Supp Form must be named “MA-Supp.pdf”.
  - The signed and scanned BED Form must be named “BED Signed.pdf”, the signed and scanned MJPHD Form must be named “MJPHD Signed.pdf”, and the signed and scanned MA-Supp Form must be named “MA-Supp Signed.pdf”.
  - All Application Form file names should be prefixed with the applicant/qualifier name, such that if the qualifier is John Smith, the MJPHD Form should be named “John Smith MJPHD.pdf” and the signed version named “John Smith MJPHD Signed.pdf”. If the applicant/qualifier name is lengthy, an abbreviation may be used.
  - If an Application Form does not provide for space or does not provide sufficient space to fully answer the question, please provide a separate file with the attachment. For example, the photo of the individual qualifier should be placed in an attachment rather than modifying the Application Form to accept the photo.
  - The Application Forms submitted should have the exact number of pages in them as the original blank forms. If additional space is required, the applicant should use attachments (as separate files) corresponding to the appropriate question as further described below.
    - BED Form is 53 pages
    - MJPHD Form is 66 pages
    - MA-Supp Form is 17 pages



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- Attachments
  - All attachments should be in PDF format, with a short descriptive file name preceded by the applicant/qualifier name and the question number. If the attachment is not related to a question, the descriptive title should be preceded by the applicant/qualifier name and “00”. If the qualifier name is lengthy, an abbreviation may be used. An example of a correctly formatted filename is “21 John Smith Licensing Permits.pdf”
  - If an attachment applies to multiple questions, provide one copy of the attachment for each question.
  - If the attachment contains confidential portions, then the filename must have the word “CONFIDENTIAL” in all capital letters placed directly before the file extension. For example, “9N Alice Doe Tax Return 2012 CONFIDENTIAL.pdf”
- Specifying Redactions
  - The Commission will redact the Application Forms and all attachments in accordance with the provided specimen forms.
  - If you seek additional redactions not already on the specimen forms, please provide a written request for confidentiality along with your application.
  - The request for confidentiality must clearly state the qualifier, the answer, and the legal basis for the confidentiality and be otherwise in accordance with 205 CMR 103.00.
  - You are not required to provide redacted copies of the Application Forms or attachments.

All files submitted must be organized into electronic folders as follows. Do not use physical binders or other non-electronic devices for organizing or segregating the documents.

- The root folder should contain an electronic copy of the cover memo and three folders: “Applicant”, “Qualifiers”, “Requests”. Each of these folders should then contain the appropriate documents as described below.
- The applicant and each qualifier must be placed in its own folder, the name of which shall be the full name of the entity or individual. Within this folder, the appropriate Application Forms should be placed, as well as one folder for attachments to each of the Application Forms.
- All attachments should be placed in the appropriate attachment folder.
- Please see the example on the following page for further guidance.



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An example of appropriate file naming and folder structure is as follows:

- 📁 **Casino Developer LLC Application**
  - 📁 **Applicant**
    - 📁 **Casino Developer LLC**
      - 📁 **BED Attachments**
        - 📄 29A Casino Developer Bankruptcy Proceedings.pdf
        - 📄 40 Casino Developer Organizational Chart CONFIDENTIAL.pdf
        - 📄 41 Casino Developer Tax Return 2011 CONFIDENTIAL.pdf
        - 📄 41 Casino Developer Tax Return 2012 CONFIDENTIAL.pdf
      - 📄 Casino Developer BED.pdf
      - 📄 Casino Developer BED Signed.pdf
  - 📁 **Qualifier**
    - 📁 **Alice Doe**
      - 📁 **MA-Supp Attachments**
        - 📄 9N Alice Doe Tax Return 2012 CONFIDENTIAL.pdf
      - 📁 **MJPHD Attachments**
        - 📄 21 Alice Doe Licenses.pdf
        - 📄 Alice Doe MA-Supp.pdf
        - 📄 Alice Doe MA-Supp Signed.pdf
        - 📄 Alice Doe MJPHD.pdf
        - 📄 Alice Doe MJPHD Signed.pdf
    - 📁 **Funding Entity Cayman Islands LLC**
      - 📁 **BED Attachments**
        - 📄 29A FECI Bankruptcy Proceedings.pdf
        - 📄 40 FECI Organizational Chart CONFIDENTIAL.pdf
        - 📄 41 FECI Tax Return 2011 CONFIDENTIAL.pdf
        - 📄 41 FECI Tax Return 2012 CONFIDENTIAL.pdf
      - 📄 FECI BED.pdf
      - 📄 FECI BED Signed.pdf
    - 📁 **John Smith**
      - 📁 **MA-Supp Attachments**
        - 📄 9N John Smith Tax Return 2012 CONFIDENTIAL.pdf
      - 📁 **MJPHD Attachments**
        - 📄 21 John Smith Licenses.pdf
        - 📄 John Smith MA-Supp.pdf
        - 📄 John Smith MA-Supp Signed.pdf
        - 📄 John Smith MJPHD.pdf
        - 📄 John Smith MJPHD Signed.pdf
    - 📁 **Parent Corporation Inc**
      - 📁 **BED Attachments**
        - 📄 29A Parent Corp Bankruptcy Proceedings.pdf
        - 📄 40 Parent Corp Organizational Chart CONFIDENTIAL.pdf
        - 📄 41 Parent Corp Tax Return 2011 CONFIDENTIAL.pdf
        - 📄 41 Parent Corp Tax Return 2012 CONFIDENTIAL.pdf
      - 📄 Parent Corp BED.pdf
      - 📄 Parent Corp BED Signed.pdf
  - 📁 **Requests**
    - 📄 Request for Confidentiality.pdf



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