



## REVISED NOTICE OF MEETING AND AGENDA

Pursuant to the Massachusetts Open Meeting Law (G.L. c. 30A, §§ 18-25), St. 2022, c. 107, and St. 2023, c. 2, notice is hereby given of a public meeting of the **Massachusetts Gaming Commission**. The meeting will take place:

**Thursday | March 28, 2024 | 9:00 a.m.**

**VIA REMOTE ACCESS: 1-646-741-5292**

**MEETING ID/ PARTICIPANT CODE: 112 023 4112**

**All meetings are streamed live at [www.massgaming.com](http://www.massgaming.com).**

Please note that the Commission will conduct this public meeting remotely utilizing collaboration technology. Use of this technology is intended to ensure an adequate, alternative means of public access to the Commission's deliberations for any interested member of the public. If there is any technical problem with the Commission's remote connection, an alternative conference line will be noticed immediately on [www.massgaming.com](http://www.massgaming.com).

All documents and presentations related to this agenda will be available for your review on the morning of the meeting date by visiting our website and clicking on the News header, under the Meeting Archives drop-down.

### **PUBLIC MEETING - #511**

1. Call to Order – Jordan Maynard, Interim Chair
2. Meeting Minutes
  - a. June 29, 2023 **VOTE**
  - b. July 10, 2023 **VOTE**
3. Administrative Update – Todd Grossman, Interim Executive Director and General Counsel
  - a. Federal Legislation Update – Mark Vander Linden, Director of Research and Responsible Gaming
4. Legislative Update – Commissioner Brad Hill
  - a. Report on Planned Legislative Breakfast
5. Investigations and Enforcement Bureau – Caitlin Monahan, Director of Investigations and Enforcement Bureau; Kara O'Brien, Chief, Licensing Division
  - a. Plainridge Park Casino's Request for an Amendment to the Beverage License – David MacKay, Licensing Manager **VOTE**



Massachusetts Gaming Commission

- b. Encore Boston Harbor's Request for Service Registration Exemptions –  
David MacKay, Licensing Manager **VOTE**

6. Racing – Dr. Alexandra Lightbown, Director of Racing and Chief Veterinarian

- a. Request to Escrow Race Horse Development Funds that are Designated for Thoroughbred Purses – Judith Young, Associate General Counsel; Derek Lennon, Chief Financial and Accounting Officer; Paul Umbrello Executive Director, New England Horsemen's Benevolent and Protective Association **VOTE**
- b. Plainridge Park Racecourse Request for Approval of Racing Officials and Key Operating Personnel –Steve O'Toole, Director of Racing Plainridge Park Casino **VOTE**
- c. Plainridge Park Racecourse Request for Waiver of 205 CMR 3.12(7)-Qualifying Race Requirement -Steve O'Toole, Director of Racing Plainridge Park Casino **VOTE**

7. Research and Responsible Gaming - Mark Vander Linden, Director of Research and Responsible Gaming

- a. FY25 Research Agenda **VOTE**
- b. Problem Gambling Awareness Month Update

8. Legal – Todd Grossman, Interim Executive Director & General Counsel

- a. 205 CMR 15.00: Racing Meeting Licensing – Discussion and Review of Regulation and Amended Small Business Impact Statement for Final Review and Adoption – Judith Young, Associate General Counsel, Justin Stempeck, Deputy General Counsel, Dr. Alexandra Lightbown, Director of Racing **VOTE**

9. Legal and Sports Wagering Division – Carrie Torrisi, Deputy General Counsel; Bruce Band, Director of Sports Wagering

- a. Update from WynnBET on Cessation of Operations with respect to Settlement of Futures Wagers and Parlay Legs – Jennifer Roberts, Vice President and General Counsel, WynnBET; Jacqui Krum, Senior Vice President and General Counsel, Encore Boston Harbor



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10. Sports Wagering Division – Bruce Band, Director of Sports Wagering
  - a. Discussion on Sports Wagering Operator Wager Limitations – Andrew Steffen, Sports Wagering Operations Manager
  - b. Update on Status of Bally’s Operational Plan – Crystal Beauchemin, Sports Wagering Business Manager

11. Commissioner Updates

12. Other Business - Reserved for matters the Chair did not reasonably anticipate at the time of posting.

I certify that this Notice was posted as “Massachusetts Gaming Commission Meeting” at [www.massgaming.com](http://www.massgaming.com) and emailed to [regs@sec.state.ma.us](mailto:regs@sec.state.ma.us). Posted to Website: March 26, 2024 | 9:00 a.m. EST | **Revised March 26, 2024 at 4:00 p.m**

March 26, 2024



Jordan M. Maynard, Interim Chair

*If there are any questions pertaining to accessibility and/or further assistance is needed, please email [Grace.Robinson@massgaming.gov](mailto:Grace.Robinson@massgaming.gov).*



Massachusetts Gaming Commission

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## Massachusetts Gaming Commission

### Meeting Minutes

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**Date/Time:** June 29, 2023, 9:00 a.m.  
**Place:** Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292  
PARTICIPANT CODE: 112 381 9091

The Commission conducted this public meeting remotely utilizing collaboration technology. The use of this technology was intended to ensure an adequate, alternative means of public access to the Commission's deliberations for any interested member of the public.

#### **Commissioners Present:**

Chair Cathy Judd-Stein  
Commissioner Eileen O'Brien  
Commissioner Bradford Hill  
Commissioner Nakisha Skinner  
Commissioner Jordan Maynard

#### 1. [Call to Order](#) (00:00)

Chair Judd-Stein called to order the 462<sup>nd</sup> Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted, and all five Commissioners were present for the meeting.

#### 2. [Meeting Minutes](#) (00:22)

The *December 22, 2022, public meeting minutes* were included in the Commissioner's Packet on pages 3 through 21. The *January 3, 2023, public meeting minutes* were included in the Commissioner's Packet on pages 22 through 23.

Commissioner Hill moved that the Commission approve the minutes from the December 22, 2022, and January 3, 2023, public meetings that are included in the Commissioner's Packet subject to any necessary corrections for typographical errors or other non-material matters. Commissioner Skinner seconded the motion.

*Roll call vote:*

Commissioner O'Brien: Aye.  
Commissioner Hill: Aye.  
Commissioner Skinner: Aye.  
Commissioner Maynard: Aye.  
Chair Judd-Stein: Aye.

*The motion passed unanimously, 5-0.*

### 3. [Administrative Update](#) (01:06)

#### a. Casino Update and Slot Machine and Denomination Breakdown Presentation

IEB Gaming Agents Division Chief Burke Cain stated that a sportsbook was under construction at Plainridge Park Casino ("PPC"). He stated that PPC was posting positions for the restaurant in the sports lounge. He noted that PPC continued to have live music on Fridays and Saturdays. Chief Cain stated that MGM Springfield ("MGM") had opened a fifteenth poker table in the poker lounge and was planning on running a Christmas in July promotion. He stated that the City of Springfield had hosted an ironman competition which led to MGM seeing 50,000 patrons across four days. He stated that MGM would host their annual Fourth of July viewing party. Chief Cain stated that Encore Boston Harbor ("EBH") had numerous promotions throughout July. He stated that EBH was assisting Pine Street Inn with preparing meals for those experiencing homelessness and that EBH had a volunteer program with the Greater Boston Food Bank.

Chief Cain explained that slot machines have become more computerized than in the past and had progressed to allow multi-denominational, multi-line, and multi-credits wagering. He presented a PowerPoint with topics including the number of games, slot machine change, slot denomination breakdown, and multi-denomination machines. The *presentation on slot machines* was included in the Commissioner's Packet on pages 24 through 31. He stated that multi-denominational and multi-line functionality allowed operators to further customize their slot machines.

### 4. [Racing](#) (20:26)

#### a. Jockeys Guild Recognition

Chief Veterinarian and Director of Racing Dr. Alex Lightbown explained that General Law Chapter 128A § 5(h)(4) required the recognition of a representative group for jockeys in Massachusetts. She recommended that the Jockey Guild be recognized as the representative group. She stated that the Commission reviewed the statute in 2021 and found that recognition of a jockey group could still occur even without racing occurring. She stated that this \$65,000 in funding would be distributed to retired jockeys and jockeys with disabilities. A *memorandum regarding the recognition process* was included in the Commissioner's Packet on pages 32 through 33.

Attorney Mindy Coleman from the Jockey's Guild stated that the funds would go to eleven retired jockeys and four permanently disabled jockeys with injuries they sustained in Massachusetts. She noted that two jockeys who indicated that they were retired in previous years had ridden in fifty or more races.

Commissioner Hill moved that the Commission approve the Jockey Guild as the organization that represents the majority of jockeys to the purposes of M.G.L. Chapter 128A § 5(h)(4). Commissioner O'Brien seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0.*

b. [Request to Escrow Race Horse Development Funds that are Designated for Thoroughbred Purses](#) (25:16)

Dr. Lightbown stated the New England Horsemen's Benevolent Protective Association ("NEHBPA") had requested the Racehorse Development Funds designated for thoroughbred purses be placed into escrow. An overview of NEHBPA's request was included in the Commissioner's Packet on pages 36 through 38.

Dr. Lightbown explained that the Racehorse Development Fund divided its funds amongst thoroughbred and standardbred racing; and divided the funds further into the categories of purse money, money for breeders, and funding for health and welfare. She stated that the horseracing committee was tasked with determining how the money was divided. She noted that the committee shifted percentages to direct more funds to standardbred horses, as thoroughbred horses were not currently racing in Massachusetts. She stated that there was approximately \$22,000,000 in the thoroughbred purses account.

Associate General Counsel Judith Young then shared a presentation relative to NEHBPA's request to escrow the funds designated for thoroughbred purses with topics including an overview of the racehorse development fund, the request from NEHBPA, escrowing funds, 205 CMR 149.03 and 205 CMR 149.04. The *Presentation on The Racehorse Development Fund Escrow Accounts* was included in the Commissioner's Packet on pages 44 through 54. Associate General Counsel Young noted that the escrowing of accounts was not contemplated in the horseracing statutes and was discussed in the Commission's regulations.

Commissioner Skinner noted that the funds going to standardbred racing had shifted to 92%, 75%, and 50%, and asked what the numbers were previously. Chief Financial and Accounting

Officer (“CFAO”) Derek Lennon stated that the numbers were reported monthly on the Commission website and that he would send the numbers to the Commissioners.

Commissioner O’Brien inquired whether creating an escrow account would change how the interest accumulated. CFAO Lennon stated that the Commonwealth General Fund received the interest from the trust funds, whereas in escrow, the escrow account would bear the interest. Executive Director of NEHBPA, Paul Umbrello, stated that if the escrow received the interest that the funds could be used for the horses or fund days of racing.

Commissioner Skinner stated that she wanted to address the threshold question of whether the NEHBPA met the definition of an association eligible to make requests for escrow. Associate General Counsel Young stated that in order to qualify as a horseracing or harness-racing association, an association must be licensed to conduct a horseracing meeting. She expressed her opinion that NEHBPA would likely be considered a horseman’s association, but not an association as defined by regulations.

Mr. Umbrello stated that the request to escrow the funding was to help secure the funding for purses for potential future races. He noted that there has been interest in a new racetrack offering thoroughbred racing. NEHBPA Board Member Matthew Clarke stated that there was not a problem with shortage of investors or locations, but difficulty finding a location that would embrace a racetrack in their community. NEHBPA Board Member Kevin McCarthy stated that having money protected in an escrow account could attract investors. Mr. Umbrello stated that the Commonwealth did not have to go after the funds in the racehorse development fund because there was currently a surplus, but expressed concern that the legislature might attempt to take these funds if they were not in escrow.

Associate General Counsel Young stated that the Commission would not be able to escrow the funds independently, as the Treasurer manages all funds under control of a state agency. She stated that if the Commission wanted to put the funds in escrow, it would be under the purview and consent of the Treasurer’s Office. CFAO Lennon noted that if the accounts being set up were not the Commission’s typical banking situations, there could also be costs associated with maintaining those accounts. He stated that the Commission would need to work with the Treasurer’s Office to establish any account and make an ISA agreement with the Treasurer’s Office to reimburse any costs associated with maintaining the accounts.

Commissioner O’Brien inquired as to what the potential cost could be. CFAO Lennon stated that it depended upon which bank the Treasurer’s Office selected. He stated that the Treasurer would put it out to bid to their approved banks. Commissioner O’Brien asked if there would be additional administrative costs for this process. CFAO Lennon replied that it would be solely the banking costs.

Mr. Umbrello expressed concerns that the funds were not presently in an interest-bearing account. Commissioner O’Brien asked if the funds were not accruing interest. CFAO Lennon clarified that the fund accrued interest, but that the current structure was to benefit the

Commonwealth's General Fund. Mr. Umbrello stated that he had misunderstood and thought that the Racehorse Development Fund was not interest-bearing.

Chair Judd-Stein noted that the NEHBPA representatives had stated that escrow provided protections and sought clarification regarding what additional protections there would be. CFAO Lennon noted that the legislature would have to enact statutory change to General Law Chapter 23K in order to move the money from the active fund, but that if the legislature did, they could remove funds, even those placed within escrow. He stated that should the legislature take this course of action, the Commission would have to address the potential issues that arise, such as fines for breaking the terms of escrow.

Chair Judd-Stein sought clarification regarding time constraints on the potential escrow account. CFAO Lennon stated that per the Commission's regulation, the funds would be removed from escrow after three years and distributed based upon how the Racehorse Committee determines their percentages. He noted that if there was not a thoroughbred licensee, the funds would return to the Racehorse Development Fund. Chair Judd-Stein inquired whether the funds could go to another escrow account with permission from the Treasurer's Office. CFAO Lennon stated that was correct.

Mr. Umbrello reiterated the NEHBPA's concerns about legislative attempts to go after this funding. He noted that Pennsylvania had borrowed money from similar funds under the condition that the funds would later be repaid to go to the horsemen. He stated that if thoroughbred racing did not restart during the three-year escrow period, that the funds could be transferred to the standardbreds for them to continue their industry.

Chair Judd-Stein asked if there were any additional stakeholders the Commission should hear from on this issue. Associate General Counsel Young stated that more research had to be done based on the information presented by CFAO Lennon but that they could return for an additional discussion.

c. [Quarterly Local Aid Payments, Q3 FY23](#) (1:39:17)

Financial Analyst Chad Bourque explained that aid is payable to each city and town where racing activities are conducted. He noted that the amount of aid is calculated at 0.35% of the handle from the quarter that ended six months prior to the payable date. A *memorandum related to the FY23 Quarter Three Local Aid Payments* was included in the Commissioner's Packet on pages 60 through 62. Mr. Bourque stated that the Quarter Three payments were for the quarter that ended on March 31, 2023, and calculated using handles from July, August, and September of 2022.

Commissioner Hill moved that the Commission authorize FY23 Quarter Three local aid payments to the City of Boston in the amount of \$149,274.48, to the Town of Plainville in the amount of \$42,297.99, to the Town of Raynham in the amount of \$18,483.69, and to the City of Revere in the amount of \$74,659.64. Commissioner O'Brien seconded the motion.



*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0.*

d. [Quarterly Local Aid Payments, Q4 FY23](#) (1:42:37)

Mr. Bourque stated that the Quarter Four payments were for the quarter ending on June 30, 2023, and calculated using the handles from October, November, and December of 2022. A *Memorandum Related to the FY23 Quarter Four Local Aid Payments* was included in the Commissioner's Packet on pages 63 through 65.

Commissioner O'Brien moved that the Commission authorize FY23 Quarter Four local aid payments to the City of Boston in the amount of \$100,380.05, to the Town of Plainville in the amount of \$29,051.93, to the Town of Raynham in the amount of \$16,482.33, and to the City of Revere in the amount of \$50,205.09.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0.*

5. [Research and Responsible Gaming](#) (1:56:33)

Director of Research and Responsible Gaming Mark Vander Linden stated that GameSense had a new website [gamesensema.com](https://gamesensema.com). He stated that the Research and Responsible Gaming Division had worked with the marketing firm ASG. He stated that the website added sports wagering, a live chat function, remote enrollment for voluntary self-exclusion, and a google translate feature.

a. [Voluntary Self Exclusion Update](#) (2:01:17)

Program Manager Long Banh explained that the Expanded Gaming Act included mandates such as the establishment of a list of self-excluded persons from gaming establishments. He stated that G.L. Chapter 23K § 45 (f) directed the Commission to develop procedures for the placement, removal, and transmittal of the self-excluded persons list to gaming establishments. He stated that the system had since evolved to allow both in-person enrollment and remote enrollment. He stated that an application was being developed where gaming establishments could access the self-excluded person list in real time through a secure process.

Mr. Banh presented on voluntary self-exclusion with topics including voluntary self-exclusion list (“VSE”) enrollments and reinstatements, VSE enrollment terms, demographic data for those who enrolled, and enrollments requesting a follow-up. The *Presentation On The Voluntary Self-Exclusion List* was included in the Commissioner’s Packet on pages 67 through 87.

Commissioner O’Brien noted that the data presented supported the projections regarding gender and age breakdowns for sports wagering. Mr. Banh stated that the Commission staff surmised that sports wagering would trend to a younger audience, and that the data helped illustrate what that meant for Massachusetts.

b. [GameSense Quarterly Report](#) (2:18:14)

Mr. Banh explained that General Law Chapter 23K, § 21 required that operators provide an on-site space for independent substance abuse, compulsive gambling, and mental health counseling service in addition to establishing a program to train gaming employees in identification and intervention with patrons. He stated that GameSense was developed to address this requirement. He stated that the Commission contracted with the Massachusetts Council on Gaming and Health (“MACGH”) to operate the GameSense information centers located on-site at Massachusetts casinos.

Chief Operations Officer from MACGH, Chelsea Turner, and Chief Program Officer from MACGH, Odessa Dwarika, provided the GameSense Quarterly report with topics including interaction numbers, an update on PlayMyWay, sports betting, telephone recovery support, capacity building, GameSense excellence awards, community events, and a personnel update. The *GameSense Quarterly Report* was included in the Commissioner’s Packet on pages 89 through 108.

Commissioner O’Brien noted that the presentation found that gambling literacy is lower in Massachusetts than other jurisdictions, and asked if that was also true for sports wagering. Ms. Turner stated that sports wagering had yet to be launched when research was carried out regarding that topic. Director Vander Linden stated that the study was performed in 2020, before sports wagering was legalized, and that gambling literacy was not broken down based upon gambling type. Commissioner O’Brien expressed an interest in seeing information related to sports wagering gambling literacy.

Chair Judd-Stein requested further detail regarding the telephone recovery service. Director Vander Linden stated that the telephone recovery support helps get those who enrolled in the VSE to the next step in their recovery journey. He stated that it is intended to provide connection to other services, and that it was good to see the number of people taking advantage of this program was increasing.

Mr. Banh stated that the Research and Responsible Gaming Division wanted to explore different technological advantages in providing these services, such as texting and having a drop-in virtual space.

c. [Presentation of “Views and Perspectives of Springfield Hispanic Residents Towards the MGM Casino, their Homes, Community and Neighborhoods](#) (3:03:14)

Research Manager Dr. Bonnie Andrews stated that the expanded gaming act established an annual research agenda to understand the social and economic effects and mitigate the negative consequences of Casino Gambling in Massachusetts. She stated that the Commission funded Neighbor 2 Neighbor, a community-action organization based in Massachusetts, in partnership with JSI Research and Training to conduct a study on the effect of a casino on housing related issues primarily among Hispanic residents in Springfield. She noted there is little research into the effect of the casino on housing related issues.

Principal Investigator from Neighbor 2 Neighbor, Zulma Lee Rivera, and JSI Consultant, Rodolfo Vega, presented a report on the views and perspectives of Springfield Hispanic residents towards the MGM Casino, their homes, community, and neighborhoods. Topics highlighted in the presentation included neighborhood indicators, neighborhood perceptions, interviews with neighbors of the casino, crime perception, quality of life, and recommendations. The *Research And Presentation* were included in the Commissioner’s Packet on pages 111 through 175.

Commissioner O’Brien sought clarification regarding the ZIP Codes that had different perspectives regarding the casino. Dr. Vega stated that MGM was located between the 01103 and 01105 ZIP Codes. He stated that residents of the 01103 ZIP Code were 47% Latino while residents of the 00105 ZIP Code were 78% Latino. Ms. Rivera stated that there was more criminal activity a couple of blocks from the casino in the High Street area.

Chair Judd-Stein noted that some of the recommendations were outside of the Commission’s control and suggested highlighting the recommendations to other stakeholders and distributing the results of the study. Director Vander Linden stated that the report was shared with the Springfield Health Department and MGM.

Ms. Rivera stated that the interviews took thirty minutes per participant and said that there were opportunities to delve deeper into the participants’ understanding of their lived experiences. Director Vander Linden stated that community-based participatory research taps into the human condition and experience in ways other methodologies could not. He stated that a casino jobs impact report would be released this Summer, as well as a Springfield public safety report. He stated that work was beginning on a study examining the casinos’ effect on human trafficking across the Commonwealth.

6. [Sports Wagering Division](#) (4:16:52)

a. Category 3 Sports Wagering Operator Lottery Update

Sports Wagering Business Manager Crystal Beauchemin stated that almost all category three operators had introductory meetings with the Lottery. A *Summary Detailing The Responses Received from the Category Three Sports Wagering Operators Regarding Communications with The Lottery* was included in the Commissioner’s Packet on pages 176 through 183. Ms.

Beauchemin stated that the lottery indicated they are in the process of evaluating these conversations and proposals to determine what is best for their organization. She stated that all operators would be required to include a brief summary update on their work with the Lottery in their quarterly reports going forward.

Commissioner Skinner noted that an operator had commented regarding a regulation that was expected to be promulgated. She requested that the Sports Wagering Division and Legal Division check to see if there was any action to take to strengthen the application requirements related to mitigation of harm to the Lottery.

## 7. [Finance](#) (4:20:16)

### a. FY24 Budget Final Review

CFAO Lennon stated that the Commission staff had gone through the annual process for developing a budget and presented it to the Commission on June 1, 2023. He noted at that meeting the discussion included hiring a FTE position to assist the Executive Director as well as adding \$750,000 to the sports wagering control fund to alleviate timing of expansion or additional contracted assistance. He stated that the budget submitted for this meeting included those two additions, and that no public comments were received. He stated that the recommended operational budget was \$55.79m to fund 134 FTEs and 6 contract employees. The *FY24 Budget Recommendation* was included in the Commissioners' packet on pages 184 through 256.

CFAO Lennon stated that the proposed budget represents a \$6.4 million increase over the currently approved FY23 budget. He stated that the budget had revised the cost allocation across programs and shifted 28.5% of the lease costs from the Gaming Control Fund to the Sports Wagering Control Fund. He recommended a FY24 budget of \$37.46 million for the Gaming Control Fund to cover regulatory and statutorily required costs. He stated that the Community Mitigation Fund was consistent with the figures presented at the June 1, 2023, meeting at \$385,000. He recommended an FY24 budget of \$9.12 million for the sports wagering control fund and \$5.9 million for the Public Health Trust Fund.

CFAO Lennon stated that the budget required assessments on the licensees for the Gaming Control Fund in addition to \$5 million for the Public Health Trust Fund. He stated that the apportionment of the assessment is based upon gaming positions and slot machine counts from the licensees. He stated that the difference between the Gaming Control Fund Budget and revenue estimates amounts to \$33.65 million which will be assessed upon gaming licensees as required by G.L. Chapter 23K. He stated that the same proportions based upon gaming positions will be used to divide the \$5 million assessment for the Public Health Trust Fund.

CFAO Lennon stated that the budget required two assessments on sports wagering licensees, one for the sports wagering control fund and another \$1 million assessment for the Public Health Trust Fund. He stated that apportionment of this assessment was calculated based upon adjusted gross sports wagering receipts from the licensees from implementation to the end of May 2023.

He stated that the finance division recommended an assessment of \$8.16 million for the Sports Wagering Control Fund divided amongst the thirteen sports wagering licensees. He stated that the number would be revised to use data through June 30, 2023, upon the first quarterly update. He noted that two sports wagering licensees would not have adjusted gross sports wagering receipts by the end of May, and that they would pay equal to the lowest licensee which was 0.25%. He noted that the 0.5% would be removed from the highest assessed licensee.

Chair Judd-Stein asked how that reassignment of that 0.5% of the assessment would affect DraftKings. CFAO Lennon explained that in order to maintain a 100% split amongst the operators the 0.5% being paid by the licensees who were not active was to be removed from the operator paying the largest percentage of the assessment.

Commissioner Skinner moved that the Commission approve the FY24 budget as included in the Commissioner's Packet and discussed here today. Commissioner Maynard seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0.*

## 8. [Legal](#) (4:33:26)

### a. 205 CMR 255: Play Management – Review of Regulation and Amended Small Business Impact Statement for final adoption, and filing

Deputy General Counsel Carrie Torrisi explained that 205 CMR 255 was in effect by emergency and that the Commission had received public comments. The *draft 205 CMR 255, Public Comments, and Amended Small Business Impact Statement* were included in the Commissioner's Packet on pages 258 through 276.

Outside Counsel from the law firm Anderson and Krieger Attorney Annie Lee stated that on January 20, the Commission had discussed components of technological feasibility regarding what was proposed. She stated that the regulation was revised to address some of those concerns with the input of Gaming Laboratories International ("GLI"). She stated that the regulation was promulgated by emergency on May 4, 2023, and that the Commission later received follow-up comments regarding concerns related to the technological aspects. She stated that the technological components commented on were the operators' requirement to remind players on a monthly basis regarding play management and the requirement to conspicuously display notification to patrons that play management is available when they first access the platform. She noted that six operators had requested waivers from provisions of this regulation and that the Commission approved all wagers on May 23.

Ms. Lee stated that another comment requested that operators be able to impose additional or more restrictive play management options if they submit a request and the Commission grants approval. She stated that this is the only change recommended for the regulation over the version presented in May. Deputy General Counsel Torrisi noted that the regulation was promulgated by emergency and that the emergency expires on August 9. She stated that the final version would be filed on July 21 and go into effect on August 4. She stated that this would allow operators to have time to submit their requests.

Chair Judd-Stein inquired whether approval of these requests could be delegated to the Sports Wagering Division. Deputy General Counsel Torrisi stated that the language could be changed to allow that. Commissioner O'Brien expressed an interest in ensuring that the requests only be more restrictive forms of play management and not less restrictive. Ms. Lee responded that was the intent of the change. Commissioner O'Brien asked if additional language could be added to clarify that the change must be more restrictive. Ms. Lee stated that clarifying language could be added.

Chair Judd-Stein asked the Commission if they would be willing to delegate approval of these requests to the Sports Wagering Division. Executive Director Karen Wells stated that efficiencies could be created in allowing staff to make decisions as appropriate. Commissioner Hill expressed that he had no problem delegating the approval to the Sports Wagering Division but suggested that language be included to allow the issue to come before the Commission if needed.

Commissioner Skinner suggested that the authority be delegated to the Responsible Gaming Division as play management was a responsible gaming tool. Executive Director Wells stated that the Sports Wagering Division was more regularly in contact with the new operators, but that there could be collaboration and cooperation between the divisions. Commissioner Skinner stated that she would want the Responsible Gaming Division to have a more active role, and potentially sign off on the requests.

Commissioner O'Brien suggested that the requests require approval from both the Sports Wagering Division and the Responsible Gaming Division. Commissioner Maynard stated that with two different divisions with veto power he would want to ensure that Commissioner Hill's suggested language that the request can go to the Commission was included.

Commissioner Skinner moved that the Commission approve the amended small business impact statement and the draft of 205 CMR 255 as included in the Commissioner's Packet and discussed here today and further that staff be authorized to take the steps necessary to file the required documentation with the Secretary of the Commonwealth to finalize the regulation promulgation process. Commissioner O'Brien seconded the motion.

*Roll call vote:*

*Commissioner O'Brien:* Aye.

*Commissioner Hill:* Aye.

*Commissioner Skinner:* Aye.

*Commissioner Maynard: Aye.*  
*Chair Judd-Stein: Aye.*  
*The motion passed unanimously, 5-0.*

b. [205 CMR 256.05](#): Sports Wagering and Advertising – Discussion and Review of Regulation and Small Business Impact Statement for possible emergency adoption, and/or authorization to begin the promulgation process (4:52:08)

Deputy General Counsel Torrisi stated that the Commission had requested comments from operators and interested parties. She stated that a waiver was currently in place through June 30. *The draft 205 CMR 256.05, public comments, and amended small business impact statement* were included in the Commissioner’s Packet on Pages 279 through 298

Attorney Mina Makarious from Anderson and Krieger stated that the first comment received was from the owners of TD Garden and Fenway Park and noted that their comments requested the reference to branding be removed. Mr. Makarious noted that during the prior Commission discussion there was an interest in creating a distinction between branding on clothing items and the use of a logo on fixed signage. He stated that Fanatics, DraftKings, and Penn Sports Interactive also proposed removing the word branding from this provision.

Mr. Makarious stated that Penn Sports Interactive had sought clarification as to whether this provision would only apply to logos and trademarks related to sports wagering. He noted that if a brand had a separate logo for sports wagering, the provision would only apply to the sports wagering affiliated branding. He stated that WynnBet suggested that the language indicating that sports wagering is intended for audiences aged twenty-one and up be limited to audiences where 25% or more of the audience is anticipated to be over the age of twenty-one. He stated that the suggested language was less restrictive than what the legal team envisioned.

Commissioner O’Brien suggested adding the language “related to sports wagering” to address Penn Sports Interactive’s request for clarification. She suggested that language as simple as “21+” could satisfy this provision. She noted that the submissions from the sports teams referenced fantasy sports being playable at eighteen, and stated that was incorrect as patrons must be twenty-one or older to participate in fantasy sports and sports wagering in Massachusetts.

Chair Judd-Stein sought clarification as to how “related to sports wagering” would change the provision. Mr. Makarious stated that it would allow operators to use different branding for sports wagering and non-sports wagering operations. Chair Judd-Stein asked if requiring language regarding age would be too impactful. Commissioner O’Brien stated that a distinction can be drawn between logo on a shirt which is different from signage in a fixed location.

Commissioner Skinner expressed an interest in seeing evidence whether a disclaimer regarding age requirements would deter underage sports wagering. She stated that she wanted to know if the impact was greater than the challenge operators may have in implementing the requirements.



Commissioner Maynard stated that he had seen fixed location signage for a Cannabis Control Commission regulated company and that the signage included twenty-one or older language. Chair Judd-Stein inquired whether it was an advertisement or a logo. Commissioner Maynard stated that while it was an advertisement, he did not see a distinction between advertisements and logos if the logos are being used to attempt to attract customers.

Chair Judd-Stein asked if the operators would have to change their logo for sports wagering purposes. Mr. Makarious stated that the language would give the operator the choice of adding a “21+” to any logo on fixed signage or choose to develop a distinguishable sports wagering logo.

Commissioner Hill stated that it was common sense that patrons had to be twenty-one or older to sports wagering, and that he did not believe the branding needed to clearly indicate the age restrictions. Commissioner O’Brien stated that the public comments from the sports team misidentified the age requirement for fantasy sports. She stated that advertisements already require the age restriction language, and she expressed an interest in ensuring that the age restrictions were clear.

Commissioner Hill sought clarification as to what changes Commissioner O’Brien was suggesting. Commissioner O’Brien stated that the language “21+” would satisfy the requirement, and that the requirement of this provision for branding would be limited to logos placed on fixed signage.

Chair Judd-Stein expressed her opinion that branding should be removed from this provision, as a requirement that operators change their branding for Massachusetts would be onerous. Commissioner Skinner stated that she supported branding being removed from the provision if the provision addressed branding related to sports wagering on a fixed structure.

Commissioner Skinner asked if that language would include Fanatics logos at the ballpark that were not related to sports wagering. Mr. Makarious stated that if an operator chose to use the logo for their sports wagering business it would be considered a sports wagering logo. He stated that the operator could maintain a single logo with the age restrictions indicated or develop a second logo specific to their sports wagering line of business.

Chair Judd-Stein expressed concern that this requirement could be overzealous and affect licensees’ branding decision. Commissioner O’Brien noted that several operators already had sports wagering specific logos. Commissioner Maynard stated that Barstool had a separate logo for their sports wagering branding, and that it would not be overly broad to require this of operators.

Chair Judd-Stein noted that the age restriction language was not required for casino signage. Commissioner O’Brien stated that the Commission did not have statutory instruction regarding advertising in G.L. Chapter 23K like they did under G.L. Chapter 23N. Commissioner Maynard noted that there was also a physical checkpoint at the casinos which is not available for the category three licensees. Chair Judd-Stein stated that the category three licensees had a verification process, but that the discussion should be about branding and logos.



Commissioner Skinner stated that the decision regarding branding should limit the requirement to fixed signage at venues. She reiterated her request for evidence that the age restriction language would affect the rate of underage sports wagering. She asked if any other jurisdictions had the requirement of age restriction language being used on branding.

Commissioner O'Brien suggested that the language "related to sports wagering" and the idea that "21+" is sufficient be communicated to the operators so that they could comment. Mr. Makarios stated that the operators were clear that they would like branding removed from this provision. He suggested that any logo or trademark shown on fixed signage where it could be seen by underage youths should include a message that patrons must be twenty-one years of age or older to participate. He stated that this language would allow the logo to be used on hats, shirts, business cards, and coasters as discussed previously.

Chair Judd-Stein noted that other similarly regulated industries, such as alcohol, did not have signage requirements this strict. Commissioner Maynard asked if this language would affect signage at the company headquarters. Mr. Makarios stated that it would if the signage was visible from a public area. Commissioner Skinner expressed that she was not comfortable with the change if it affected the signage at the company headquarters. Commissioner Maynard agreed.

Commissioner O'Brien stated that she did not believe there was a difference between advertising, marketing, and branding as the main purpose of these activities was to receive brand loyalty and sell their product to consumers. She stated that practically speaking logos in a private office space were different. Chair Judd-Stein stated that logos were different than a form of advertising.

Commissioner Maynard offered a compromise that the provision apply to fixed signage in public venues. Commissioner O'Brien stated that she was agreeable and that her main concern was prominent branding in venues where people under the age of twenty-one would be present. Commissioner Skinner stated she was comfortable limiting this requirement to sports venues.

Chair Judd-Stein sought clarification as to whether the requirement would be limited to sports venues or all public venues. Commissioner O'Brien stated that the branding requirement could be limited to sports stadiums of a certain size. Mr. Makarios stated that the branding language could be limited to a fixed structure in or at a sports venue. Commissioner O'Brien, Commissioner Maynard, and Commissioner Skinner agreed with the proposed language. Commissioner Skinner stated that she would like to see the language "related to sports wagering branding" included as discussed earlier.

Mr. Makarios presented the final proposed language changes and stated, "provided that branding consisting only of a display of an operator's logo or trademark related to sports wagering shall not be required to comply with this provision unless it is or intended to be displayed on signage or a fixed structure in a sports venue where it is likely to be viewed by persons under twenty-one years of age".

Commissioner O'Brien moved that the Commission approve the small business impact statement and the draft of 205 CMR 256.05 as included in the Commissioner's Packet and as further discussed here today, specifically adding the words related to sports wagering and sporting venue as discussed by Attorney Makarious, and further that staff be authorized to take the steps necessary to file the required documentation with the Secretary of the Commonwealth by emergency and thereafter to begin the regulation promulgation process and further that staff be authorized to modify chapter or section numbers or titles to file additional regulation sections as reserved or to make any other additional changes as necessary to execute the regulation promulgation process. Commissioner Maynard seconded the motion.

*Roll call vote:*

*Commissioner O'Brien:* Aye.

*Commissioner Hill:* Nay.

*Commissioner Skinner:* Aye.

*Commissioner Maynard:* Aye.

*Chair Judd-Stein:* Nay.

*The motion passed, 3-2.*

Commissioner Skinner asked if these changes would go into effect immediately. Deputy General Counsel Torris stated that the changes would go into effect upon filing with the Secretary of the Commonwealth the next day. She stated that the existing waiver also expired the next day.

Commissioner O'Brien moved that in accordance with 205 CMR 202.023 that the Commission issue a waiver through ninety days starting tomorrow to all sports wagering operators from the requirement outlined in 205 CMR 256.05(1) and that the edits made today in a previous vote as granting the waiver meets the requirements specified in 205 CMR 102.034 and is consistent with the purposes of General Law Chapter 23N. Commissioner Skinner seconded the motion.

*Roll call vote:*

*Commissioner O'Brien:* Aye.

*Commissioner Hill:* Aye.

*Commissioner Skinner:* Aye.

*Commissioner Maynard:* Aye.

*Chair Judd-Stein:* Aye.

*The motion passed unanimously, 5-0.*

#### 9. [Review of Selection Process for Permanent Executive Director](#) (5:55:14)

Mr. Makarious stated that due to the open meeting law requirements there were restrictions as to when the Commission could enter executive session to review applicants. He stated that there was a carveout for screening committees under the open meeting law in order to maintain confidentiality as needed.

Mr. Makarious stated that there were three options for a process to get the best candidates possible. He stated that the first option was for one Commission or staff member to do all the

preliminary screening. He stated that the second process was for all applicants to be vetted by the entire Commission in a public meeting. He stated that the third option was to use a screening committee, but that the committee could not include a quorum of the Commission. He noted that the screening committee could include other employees or individuals with knowledge and experience regarding the position. He stated that the screening committee would cull the number of applicants down to a manageable number for the Commission to review and perform the final interviews.

Mr. Makarios stated that successful screening committees are given clear charge of their task and that developing the job description would aid in that process. He stated that it would be beneficial to have an understanding regarding when the committee would check back in with the Commission. He stated that multiple applicants must interview in public with the Commission, but that the screening committee could be requested to keep that number narrower or broader.

Mr. Makarios stated that screening committees often work with a contracted or delegated search firm. He stated that it is important to be clear regarding the process of submitting the application and the public interview.

Commissioner O'Brien stated that she would like to address the Executive Director job description and whether the Commission would hire a Deputy Executive Director. She stated that during the previous process the Commission used an outside agency and stated that the Commission should discuss which Commissioners would move forward on the screening committee. Chair Judd-Stein noted that CFAO Lennon had indicated that the Commission had sufficient funding to hire for the Deputy Executive Director position.

Chair Judd-Stein asked if a search firm could also assist in developing the job description. Mr. Makarios stated that a search firm could, provided they receive clarity as to what the Commission's expectations are. Commissioner Skinner stated that the discussion relative to the Executive Director's role could also be used as an opportunity to create efficiencies with the expectations of the Executive Director and how other divisions do their work.

Commissioner Hill expressed an interest in all five commissioners being involved in the screening process. Mr. Makarios stated that there were limitations regarding executive sessions, but that the Commission could have regular check-ins with the subcommittee or screening committee. He noted that the screening committee would have to be careful in what they present to ensure what is conveyed cannot be considered pre-negotiation. He stated that the presentation can be adjusted without risking interference with the quality of the search process.

Commissioner Hill stated that he would prefer to have each commissioner review the full pool of applicants. Mr. Makarios stated that it was possible but expressed concern about all applicants' names being in the public. Commissioner Hill stated he was uncomfortable with not knowing who had applied. Chair Judd-Stein stated that if there was a screening committee she would take herself out of the running to allow others the opportunity.

Commissioner Hill expressed that he did not support the use of search firms as he had seen search firms put forward choices that were not good fits in the past. He reiterated that he would like all five commissioners to be able to work together in picking the next Executive Director. Chair Judd-Stein stated that the Commission could use internal HR assistance rather than a search firm.

Mr. Makarious stated that search firms were not a legal requirement or recommendation. He stated that he had seen similar situations to the one Commissioner Hill alluded to where the candidate selected by the search firm might not have been the best fit. Mr. Makarious stated that one requirement that is needed is a final decision made by the Commission. He stated that the size of the group of finalists that is presented to the Commission is a policy decision, and that larger groups can mitigate Commissioner Hill's concern about loss of transparency.

10. [Review of Executive Director Job Description](#) (6:20:04)

Commissioner O'Brien stated that it would be beneficial to discuss the role of the Executive Director with Executive Director Wells. She agreed with Commissioner Hill's concerns regarding search firms. She stated that the Commissioners could discuss the job description with Executive Director Wells in two-by-twos so that a quorum was not created.

Commissioner O'Brien stated that the discussion regarding the job description should be done with the full Commission. Commissioner Hill and Commissioner Maynard agreed. Commissioner Skinner stated that Executive Director Wells was working on a transition document and that it would be beneficial to review that document before the next discussion. Executive Director Wells stated that the transition document would be ready in the following week. Chair Judd-Stein stated that the discussion would be set for the meeting on July 11.

Commissioner O'Brien noted that in the screening committee meeting for the Interim Executive Director on Monday Commissioner Skinner had requested information regarding the process for evaluating the presumptive Interim Executive Directors. Commissioner O'Brien requested that information be made available to all of the Commissioners, to the extent it could be anonymized and distributed. Mr. Makarious stated that it could be done if anonymized and properly noticed.

Chair Judd-Stein stated that it was the same process as when the last Executive Director gave notice. She explained that she gathered each of the Executive Director's reports and the Director of the IEB. She stated that this group had a discussion regarding what they liked about the Executive Director's leadership style, and asked if any of this group were interested in serving as interim or permanent Executive Director.

Commissioner O'Brien suggested a discussion be held regarding the succession plans for the interim Executive Director. Commissioner Skinner expressed that she would have preferred to have the discussion as a Commission and make the appointment outright rather than having a screening process. She stated that it was important to have a discussion regarding how the Commission will appoint future interim Executive Directors as part of the discussion regarding

the roles and responsibilities of the Executive Director. Commissioner Maynard agreed that the Commission should develop a succession plan.

11. [Succession of Officers and Positions Document Review](#) (6:37:47)

Commissioner O'Brien stated that the Commission had a policy decision as to whether they would have the Commissioners cycle in and out of the Treasurer and Secretary positions or have two Commissioners swap in and out for each position. Chair Judd-Stein stated that she thought it was acceptable if a commissioner wanted a second term. *A document regarding the process for succession of officers and positions* was included in the Commissioner's Packet pages 297 through 298.

Commissioner Hill expressed support for the first option. Commissioner Skinner asked if two commissioners were stepping down as Treasurer and Secretary and two other commissioners were stepping into those roles, how would it be determined which commissioner receives which role. Commissioner O'Brien stated that commissioners would take whichever office they had yet to hold or whichever position they are temporally furthest from holding.

Commissioner Skinner inquired how it would be decided if a commissioner had yet to serve in either role. Commissioner O'Brien stated that it would be based on whoever was first to arrive at the Commission. Commissioner Skinner expressed that she did not like using seniority, but that it was a neutral way to make the decision.

Commissioner Skinner asked if the commissioners had the ability to decline an office. Commissioner O'Brien stated that there was nothing in the process that would prohibit a commissioner from declining. She stated that this process was to establish the presumptive nominees. Commissioner O'Brien stated that rotation would work but would occasionally have to be deviated from dependent upon when commissioners are appointed.

Commissioner Skinner stated that she did not have a preference for either version. Commissioner Hill reiterated his preference for the first version. Commissioner O'Brien and Commissioner Maynard stated that they were okay with version one. Commissioner O'Brien clarified that this vote was to approve the process and that the vote on the positions would be on July 15.

Commissioner O'Brien moved that the Commission approve the procedures for presumptive nominations and rotations of Commission officer positions and specifically adopt the version one language as included in the Commissioner's Packet and discussed here today. Commissioner Hill seconded the motion.

*Roll call vote:*

<i>Commissioner O'Brien:</i>	<i>Aye.</i>
<i>Commissioner Hill:</i>	<i>Aye.</i>
<i>Commissioner Skinner:</i>	<i>Aye.</i>
<i>Commissioner Maynard:</i>	<i>Aye.</i>
<i>Chair Judd-Stein:</i>	<i>Aye.</i>

*The motion passed unanimously, 5-0.*

12. [Other Business](#) (6:44:29)

Hearing no other business, Chair Judd-Stein requested a motion to adjourn.

Commissioner Hill moved to adjourn. The motion was seconded by Commissioner O'Brien.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0.*

**List of Documents and Other Items Used**

1. [Revised Notice of Meeting and Agenda](#) dated June 27, 2023
2. [Commissioner's Packet](#) from the June 29, 2023, meeting (posted on massgaming.com)



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## Massachusetts Gaming Commission Meeting Minutes

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**Date/Time:** July 10, 2023, 10:00 a.m.

**Place:** Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292

PARTICIPANT CODE: 111 357 9645

The Commission conducted this public meeting remotely utilizing collaboration technology. The use of this technology was intended to ensure an adequate, alternative means of public access to the Commission's deliberations for any interested member of the public.

### **Commissioners Present:**

Chair Cathy Judd-Stein

Commissioner Eileen O'Brien

Commissioner Bradford Hill

Commissioner Nakisha Skinner

Commissioner Jordan Maynard

### 1. [Call to Order](#) (00:00)

Chair Judd-Stein called to order the 464<sup>th</sup> Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted, and all five Commissioners were present for the meeting.

### 2. [Review of Interim Executive Director Selection Process](#) (00:47)

Chair Judd-Stein expressed appreciation for the two candidates willing to interview for the role of Interim Executive Director in the public meeting in order to comply with Massachusetts' Open Meeting Law. She stated that each interview would be approximately thirty minutes, and that the Commission would then deliberate and select a candidate to appoint.

Chair Judd-Stein stated that while meeting with the Executive Director's direct reports to gauge interest in the interim position, she was made aware that the Director of the Investigations and Enforcements Bureau, ("IEB") Loretta Lillios had planned to retire later in the summer.

Commissioner O'Brien sought a discussion regarding the scope of the expected responsibilities for the Interim Executive Director position. She expressed that she did not envision the Interim Executive Director to be able to hire the deputy executive director position, which should be a position hired by the permanent Executive Director.

Commissioner Skinner stated that it would behoove the Commission to consider the responsibilities of the Interim Executive Director and whether responsibilities would shift on an interim basis in any other capacity. Commissioner Hill agreed. Commissioner Maynard stated that the Interim Executive Director should keep operations running smoothly until the permanent Executive Director was identified. He stated that it was important for the Commission to understand and identify the duties of the role, so that the candidates could better understand the role.

Chair Judd-Stein inquired how the role of Interim Executive Director would differ from the current duties. Commissioner O'Brien stated that the Commission would likely have to be more involved in approval for hiring for senior staff positions.

Commissioner Skinner sought clarification regarding how much authority Interim Executive Directors had held in the past. Chair Judd-Stein stated that there was shorter notice in the process of shifting authority to Executive Director Karen Wells. Chair Judd-Stein stated that the Commission typically has input on hiring higher level positions at the Executive Director's request, but that she did not believe Commission input was necessary for hiring all positions.

Commissioner Skinner stated that the Interim Executive Director would be in that role for months, as it would take time to search for a permanent Executive Director. She stated it would be beneficial for them to be able to have the authority to make decisions relative to filling interim roles. She posited that assistance could be provided by having an Interim Deputy Executive Director and someone to step into their current role.

Commissioner Maynard stated that anyone who steps into the role should have the latitude to do the business of the Commonwealth. He expressed a need for stability and stated that changing the structure of roles too much could affect long term stability when the permanent Executive Director is hired and has authority to effectuate changes in a different way. Commissioner Skinner agreed.

Commissioner O'Brien stated that the individuals who serve as Deputy Executive Director and Director of The IEB were substantially tied to who the permanent Executive Director would be. She noted that historically, Executive Director Wells had continued to serve in her role as Director of the IEB while she was the Interim Executive Director.

Commissioner Hill agreed that the Interim Executive Director should not be making those hiring decisions, as whoever was the Interim Executive Director may not be the permanent Executive



Director. He expressed the importance of the permanent Executive Director's relationships with their direct reports.

Commissioner Skinner stated that the concept of the Interim Executive Director serving in a dual capacity was new information to her. She questioned whether the candidates were aware that they would have to maintain their current duties in addition to the Interim Executive Director role. She stated that this information should have been communicated to the applicants. She further stated that she was in favor of stability and that the permanent Executive Director should make high-level hiring decisions.

Chair Judd-Stein echoed Commissioner Skinner's comments and stated that she looked forward to hearing from the two candidates. She stated that she trusted the candidates to understand the purpose of the interim position, and exercise correct judgment but suggested raising these concerns with the applicants during their interviews.

Commissioner O'Brien stated that the two issues that needed to be clarified to the applicants were the expectation that the applicant would be fulfilling their current role in addition to the Interim Executive Director role, and that the Interim Executive Director may not be given the authority for hiring certain positions such as the Director Of The IEB and the Deputy Executive Director role.

Chair Judd-Stein offered clarification that the Director of the IEB role reports to the Chair and not to the Executive Director. Commissioner O'Brien responded that while the reporting structure was different, the hiring structure was not different. She stated that she was not as concerned about the Interim Executive Director hiring certain roles such as gaming agents, but that the Deputy Executive Director should be hired by the permanent Executive Director.

Chair Judd-Stein stated that Executive Director Wells indicated that it was difficult to both perform the role of Interim Executive Director and her previous position. She stated that interim positions were not traditionally backfilled; and that the Commission should ask the candidates if they were comfortable fulfilling the responsibilities of both roles during the interview.

Commissioner Maynard agreed with Commissioner O'Brien that any Senior Director or Deputy Director position hired should be reviewed by the Commission. He stated that when the permanent Executive Director was hired, the Commission could step back and not be involved.

Commissioner O'Brien stated that there seemed to be a Commission consensus that candidates should be made aware that they would be expected to fulfill both their current position and the Interim Executive Director position. She stated that there also seemed to be a consensus that the Deputy Executive Director position would not be hired until the permanent Executive Director was in place.

Chair Judd-Stein stated that she would not expect the Interim Executive Director to hire the deputy role and suggested that the Commission might want to be involved in hiring for that position. Commissioner Skinner proposed allowing the Interim Executive Director to appoint an Interim Deputy Director. She stated that this could be an internal growth opportunity and would provide support to the Interim Executive Director. She agreed that the permanent Executive Director should then be the one to hire the Deputy Executive Director.

Commissioner Hill cautioned against creating more interim positions, though he expressed an interest in the staff having opportunities. He asked if limiting the authority of the Interim Executive Director overstepped any statutory requirements. Outside Counsel from the law firm Anderson and Krieger, Attorney David Mackey stated that limiting the authority in the interim period would not circumvent the statute. He stated that if the Commission believed it made more sense for the permanent Executive Director to hire the Deputy Executive Director Position, then it would be appropriate and sensible.

Chair Judd-Stein stated that these two issues should be raised to the candidates during the process and asked that Commissioner O'Brien describe them to the candidates as she was the one who raised the issue.

Outside Counsel from Anderson and Krieger Attorney Mina Makarious noted that the Screening Committee had met twice and reviewed internal candidates who had expressed interest in the Interim Executive Director role. He stated that the Screening Committee had forwarded two names to the Commission who were willing to have interviews in a public setting. He stated that the interviews would be thirty minutes for each candidate. He noted that potential questions had been sent to Chief People and Diversity Officer David Muldrew, but that these questions did not need to be used. He stated that the two interviewees identified were General Counsel Todd Grossman, and Director of Racing and Chief Veterinarian Dr. Alex Lightbown.

Commissioner Skinner noted that the Screening Committee was presented with two interested applicants and that those were the two individuals referred to the Commission for this process. Commissioner O'Brien asked if the Screening Committee conducted any interviewing. Commissioner Skinner replied that it had not. Commissioner Skinner stated that her understanding was that the Screening Committee was charged with providing two names for the interview process.

Mr. Makarious noted that other candidates had appeared before the Screening Committee, but they had withdrawn upon learning about the public process. Mr. Makarious noted that all five Commission members would be reviewing these candidates for the first time in the upcoming interview.

### 3. [Interview and Consideration of Interim Executive Director Candidates](#) (59:09)

#### a. Candidate 1 Interview

Chair Judd-Stein greeted the first candidate for the Interim Executive Director position, General Counsel Todd Grossman. She thanked him for his willingness to interview in the public setting.

Commissioner O'Brien stated that two issues had been discussed by the Commission prior to the interview. She stated that the Commission expected the Interim Executive Director to continue to fulfill the responsibilities of their current position. She noted that historically, the Interim Executive Director had fulfilled the duties of both roles. She stated that while the Deputy Executive Director role was included in the Commission's budget, the Commission expected that role to be hired by the permanent Executive Director. She noted that the Commission also expected to be involved with the hiring of any director level positions and above. General Counsel Grossman stated that he appreciated the information conveyed by Commissioner O'Brien.

Commissioner Hill asked how General Counsel Grossman planned to use his experience to direct an agency of more than one-hundred individuals as compared to overseeing a department with far fewer employees. General Counsel Grossman stated that he had diverse experience in his career as he was a member of boards and commissions, a prosecutor, a civil litigator, and now in a regulatory space. He stated that he had managed in a variety of different contexts. He stated that while he had not managed this many people, he had managed successful and high-performing groups. He stated that in the course of his work with the Commission, he had worked closely with three executive directors and gained a sense of what it takes to be a great leader and manage effectively.

General Counsel Grossman stated that employees need attention to make them as effective as possible. He noted that he had managed a team of attorneys during his time at the district attorney's office. He stated that the Interim Executive Director role was heavily management focused. He stated that a management position like this required proficiency with connecting with the subject matter as well as the training of staff and management of personnel. He stated that this would be his first foray into managing a team this large, but that his experience prepared him for that. He stated that he would work with the Commissioners to ensure the staff advances the right philosophies and tone at the top.

Commissioner Hill asked how General Counsel Grossman would be able to create a positive work environment. General Counsel Grossman stated that a change in leadership provides the opportunity to reflect on positive leadership qualities, and what can be improved. He stated that ensuring a positive work environment was based upon having great communication processes in place and allowing staff the autonomy to make decisions that were required. He stated that he would be open and available for discussion. He added that engagement leads to better decision-making and a more thoughtful approach.

Commissioner Skinner asked what leadership principles demonstrated by Executive Director Wells could be used in the Interim Executive Director role. General Counsel Grossman stated

that Executive Director Wells had an innate ability to connect with and understand people. He stated that it takes time to reach out to people and be present, and that he tries to emulate that quality. He stated that it was important to be able to share conflicting views on complex topics and invite others to challenge his point of view.

Commissioner O'Brien asked what the largest group General Counsel Grossman had supervised was. General Counsel Grossman replied that the legal department at the Commission and his work with the Attorney General's Office at the Malden District Court were the largest equivalents.

Commissioner O'Brien asked how he planned to balance the duties of Interim Executive Director, General Counsel, and the needs of the Commission. General Counsel Grossman stated that it would take planning and the management of a complicated schedule. He stated that he trusted the Legal Division, and that some of his work as General Counsel would fall onto the staff there. He said that he believed additional staffing would be required, and that the search process had already begun. He stated that scheduling meetings with the Commissioners and Senior Staff, and having clearly calendared time to be available would be the centerpiece of success for the Interim Executive Director position.

Commissioner Maynard stated that bridgebuilding was important for communication and asked how General Counsel Grossman planned to use his experience to build bridges between staff members, stakeholders, and the Commission. General Counsel Grossman stated that there was a lot of room to coordinate communications efforts. He stated that it was important to communicate with the Licensees of the new industry being regulated by the Commission. He stated that communication starts with the tone at the top for senior management, and that he would meet with senior leadership regarding communication with staff.

Commissioner Hill inquired as to how General Counsel Grossman would react when strategies do not go as planned. General Counsel Grossman stated that confidence was required for roles such as this, and that he offered a steady hand that would not be shaken by big issues that arose. He stated that he would be conscientious and consider the Mission Statement of the Commission. He added that if a strategy does not go as planned, there was room to pivot and find a different way to get from one point to another. He stated that it was also important to identify why something did not work as expected.

Chair Judd-Stein extended gratitude to General Counsel Grossman for his work in the Legal department, and asked him what he was proudest of in his role this past year. General Counsel Grossman stated that he had pride in accomplishing the implementation of sports wagering under challenging circumstances. He stated that it took thoughtful planning, teamwork, and compromise.

Chair Judd-Stein asked if General Counsel Grossman had any concluding statements. General Counsel Grossman stated that regardless of who the Commission chooses the role will be in

great hands. He stated that he could offer leadership and know-how to ensure the Commission continues to move ahead and that there was no disruption in the Commission's responsibilities.

b. [Candidate 2 Interview](#) (1:46:26)

Chair Judd-Stein greeted the second candidate for the Interim Executive Director position, Director of Racing and Chief Veterinarian Dr. Alex Lightbown. Chair Judd-Stein thanked Dr. Lightbown for her work and being willing to interview in a public meeting.

Commissioner O'Brien stated that two issues had been discussed by the Commission prior to the interview. She stated that the Commission expected the Interim Executive Director to continue to fulfill the responsibilities of their current position. She noted that historically, the Interim Executive Director had fulfilled the duties of both roles. She stated that while the Deputy Executive Director was included in the budget, the Commission expected that role to be hired by the permanent Executive Director. She noted that the Commission also expected to be involved with the hiring of any director level positions and above.

Commissioner O'Brien noted that Dr. Lightbown had previously served as the Interim Director Of Racing for seven months, and asked if there were any challenges in assuming both job positions during that time period. Dr. Lightbown stated that the racing staff supported her duties and that some of the duties had overlapped. She stated that the biggest difficulty was time management and prioritizing issues.

Commissioner O'Brien noted that in addition to the duties of the Director of Racing and Interim Executive Director role, the Interim Executive Director would have to answer to the five Commissioners. She asked how Dr. Lightbown would intend to balance those responsibilities. Dr. Lightbown stated that she would first meet with each Commissioner to set out expectations and figure out what level of communication each Commissioner preferred.

Commissioner Hill asked how Dr. Lightbown's experience would translate to managing a department of more than one hundred employees. Dr. Lightbown stated that when she was the Director Of Racing under the State Racing Commission, she managed a group of fifty people. She stated that it was a tumultuous time, but that she was able to manage prioritization of issues and discovered how efficiencies could be made.

Commissioner Hill asked how Dr. Lightbown's experience could help create a positive workplace environment. Dr. Lightbown stated that communication was really important for the interim period. She explained that the Racing Division did periodic check-ins rather than performance reviews. She stated that she would check in with as many staff members as possible on a regular basis.

Commissioner Skinner asked what leadership principles exhibited by Executive Director Wells would serve an Interim Executive Director well. Dr. Lightbown stated that Executive Director

Wells was a good listener who would listen to understand problems, and be thoughtful in developing solutions to resolve the issue.

Commissioner Maynard asked how Dr. Lightbown would build bridges with stakeholders if she was selected for the interim position. Dr. Lightbown stressed the importance of communication with stakeholders. She stated that when medication changes were implemented for racing, she ensured that the stakeholders were informed of the changes a year before they were made. She stated that this built a sense of trust and that the Commission was also keeping the stakeholders' interests in mind. She stated that she also had extensive meetings with horsemen's groups, and racetrack employees. She stated that she received scientific information and policies from other jurisdictions. She opined that organizations were more effective with open lines of communication.

Commissioner Hill asked Dr. Lightbown to elaborate on her work with other jurisdictions and agencies. Dr. Lightbown stated that she had worked with the Department of Agricultural Resources, the Board of Registration in Veterinary Medicine, and the Department of Public Health. She stated that she was comfortable collaborating with other state agencies. She noted that she had worked with other jurisdictions regarding racing rules, and the Jockey's Guild which was a national organization. She stated that she was the Chair of the Standardbred Committee for the Association of Racing Commissioners International. Commissioner O'Brien asked if fifty employees were the largest group Dr. Lightbown had overseen. Dr. Lightbown confirmed that was correct.

Commissioner Hill asked how Dr. Lightbown would react if a strategy did not go as planned. Dr. Lightbown stated that the first step would be to discern why the strategy did not go to plan and discover a way to correct it. She stated that it was important to have policies in place so that issues that arise could be handled smoothly. She noted that unexpected events, such as Covid-19 could occur, which would require big shifts to assess what was needed and move forward.

Chair Judd-Stein noted that Dr. Lightbown had been dealing with proposals for potential new racetracks, and asked what she was proudest of during her tenure with the Commission. Dr. Lightbown stated that she was proud of her COVID-19 response in modifying regulations to get racing operational again. She stated that racing was able to safely open up again as a result.

Chair Judd-Stein inquired whether there were challenges in managing seasonal staff. Dr. Lightbown stated that it was important to remember seasonal staff often have other jobs and commitments and that it was important to know their availability ahead of time. She stated that seasonal staff have to be flexible and often work weekend days. She stated that there were also challenges as the seasonal staff have to be rehired every year. She stated that Orientation Day helped with the efficiency of the process.

Chair Judd-Stein noted that horse racing re-opened earlier than gaming during the pandemic. She asked if Dr. Lightbown had any concluding statements. Dr. Lightbown stated that she had been

in interim positions during tumultuous times before and thanked the Commission for the opportunity to interview for this position.

#### 4. [Selection of Interim Executive Director](#) (2:19:29)

Commissioner Skinner stated that both candidates seemed well-equipped to take on the responsibilities of the interim position. She stated that structurally based on the responsibilities and role that the General Counsel had a more natural progression to the Interim Executive Director position in terms of breadth and agency exposure. She stated her belief that General Counsel Grossman should be given the Interim Executive Director position.

Commissioner O'Brien stated that she appreciated Commissioner Skinner's points but noted that Dr. Lightbown had more exposure in supervising large groups and that Dr. Lightbown had performed in interim positions in the past. Commissioner O'Brien stated it might be easier for Dr. Lightbown to manage her existing position in addition to the duties of the Interim Executive Director position. Commissioner O'Brien stated that General Counsel Grossman had a breadth of experience with more departments within the Commission, however.

Commissioner Hill stated that both candidates brought different perspectives on how to approach the role. He stated that Dr. Lightbown's experience overseeing a large group of individuals influenced his choice. He stated that Dr. Lightbown exhibited her ability to work with other jurisdictions and agencies. He agreed with Commissioner O'Brien that General Counsel Grossman worked with more departments within the Commission. He reiterated that Dr. Lightbown did well at an interim position where she oversaw fifty people, and that those facts held weight in his decision-making process.

Commissioner Maynard stated that each of the candidates had particular strengths. He stated that General Counsel Grossman touched every piece of the organization. He stated that Dr. Lightbown's experience managing her industry as it was moved across the state government was also a consideration.

Chair Judd-Stein stated that both candidates had made significant contributions to the Commission and had different management styles. She stated that General Counsel Grossman had built important relationships with external stakeholders, which might be new to Dr. Lightbown. Chair Judd-Stein stated that General Counsel Grossman did a superb job in implementing the sports wagering regulations.

Commissioner Skinner stated that she appreciated both individuals bringing different qualities in terms of experience and skillset. She stated that she did not discount Dr. Lightbown's prior interim role and experience leading a large team. Commissioner Skinner stated that General Counsel Grossman's subject matter expertise warranted serious consideration, and that there would be a larger learning curve for Dr. Lightbown. Commissioner Skinner stated that

General Counsel Grossman had experience collaborating with the different departments and that he could provide stability in the Interim Executive Director role.

Commissioner O'Brien stated that Dr. Lightbown had more experience with breadth of management, but that General Counsel Grossman knew more about the stakeholders and issues that may arise. Commissioner O'Brien expressed concern about potential disruption to the Legal Team as it could be difficult to manage the duties of both the General Counsel and Interim Executive Director roles. She noted that it was also the middle of the horseracing season. She stated that as the Interim Executive Director would begin their duties in the following week, she believed General Counsel Grossman to be a slightly better fit.

Commissioner Maynard stated that because the General Counsel collaborates with the other Commission departments, he supported appointing General Counsel Grossman for this position. He noted that Dr. Lightbown does a fantastic job doing unique and challenging work.

Commissioner O'Brien suggested that General Counsel Grossman could be appointed Interim Executive Director, but that the Racing Division be changed to answer to Commissioner Hill and the Commission rather than the Executive Director for the interim period. She stated that this would allow for a greater balance of duties. Commissioner Hill stated that he was fine with the proposal, but asked why the duties would be split now, when they were not in the past. Commissioner O'Brien stated that in one of the first iterations of the Interim Executive Director period, the Racing Division reported directly to Former-Commissioner Gayle Cameron rather than the Interim Executive Director.

Chair Judd-Stein stated that Commissioners can be assigned by statutory structure to different areas, and that she wanted to ensure there was a clear understanding of how the Racing Division would report to Commissioner Hill. Executive Director Wells stated that during her first tenure as Interim Director, Former-Commissioner Gayle Cameron had the Racing Division report to her rather than the Interim Executive Director. Executive Director Wells noted that this did not occur the second time she was appointed Interim Executive Director.

Commissioner Hill said he would gladly take on this responsibility during the interim period. Commissioner O'Brien and Commissioner Maynard expressed willingness to take up additional responsibilities to ease the process as well. Commissioner Skinner stated that she supported the proposal as it allowed both candidates to get a win. She noted that she would still like the Interim Executive Director to receive updates on any issues that arose related to horseracing. Commissioner O'Brien stated that the Interim Executive Director would be kept in the loop.

Chair Judd-Stein asked if there were any consequences the Commission had not considered. Chief Muldrew stated that this approach allowed for collaboration and would set a fine example for Commission employees. He stated that both candidates had the ability to instill stability.



Commissioner Skinner sought clarification as to whether the arrangement with the Racing Division would be on an interim basis. Commissioner O'Brien stated that she envisioned it would be on an interim basis. Commissioner Maynard stated that the structure of the organization could be reviewed for efficiency purposes. Commissioner Skinner stated that she had hoped a review of the structure of the organization could occur when reviewing the Executive Director job descriptions.

Chair Judd-Stein stated that it was important to understand where Dr. Lightbown would report to regarding the Racing Division. She recommended that Commissioner Hill discuss this with Dr. Lightbown and bring it to Chief Muldrew to ensure responsibilities were clear.

Commissioner O'Brien moved that the Commission designate General Counsel Todd Grossman to serve as the Interim Executive Director to take effect upon the departure of the current Executive Director at the conclusion of the day on July 14, 2023; and further, that Director Alex Lightbown at that same time commence reporting to the Commission and in the first instance to Commissioner Hill during the same time period in which the Commission has the Interim Executive Director. Commissioner Skinner seconded the motion.

*Roll call vote:*

*Commissioner O'Brien:* Aye.

*Commissioner Hill:* Aye.

*Commissioner Skinner:* Aye.

*Commissioner Maynard:* Aye.

*Chair Judd-Stein:* Aye.

*The motion passed unanimously, 5-0.*

Commissioner Skinner asked when the Commission would discuss compensation for the Interim Executive Director role. Mr. Makarious stated that the topic of compensation could be discussed in the reserved executive session, or Chief Muldrew could develop a recommendation that could be discussed in a later executive session. Commissioner O'Brien stated that it would be difficult to accept the position without knowing the salary, and that the salary would need to be known by the end of the week. Commissioner Skinner expressed an interest in Chief Muldrew's recommendations regarding best practices.

Chair Judd-Stein proposed adding a meeting on Wednesday September 12, 2023, with an executive session. She requested that Chief Muldrew and the outside counsel team meet with General Counsel Grossman to ensure he is all set and allow him the opportunity to provide input regarding compensation.

## 5. [Other Business](#) (3:46:15)

Hearing no other business, Chair Judd-Stein requested a motion to adjourn.

Commissioner O'Brien moved to adjourn. The motion was seconded by Commissioner Skinner.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 5-0.*

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

1. [Notice of Meeting and Agenda](#) dated July 6, 2023



*Division of Licensing*

TO: Interim Chair Maynard and Commissioners O'Brien, Hill, and Skinner

FROM: David MacKay, Licensing Division Manager

CC: Kara O'Brien, Licensing Division Chief, and Caitlin Monahan, IEB Director

DATE: March 28, 2024

RE: PPC's Application for Amendment of Gaming Beverage License

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### **OVERVIEW**

Plainridge Park Casino (PPC) has applied for an amendment of its gaming beverage license to update the Food Court licensed area (Area 1-5) to serve draft beer. Wahlburgers will replace the area formerly occupied by Smashburger.

### **STANDARD**

Under G.L. c. 23K, § 26, and 205 CMR 136.03 and 136.04, the Commission is authorized to amend the license for the sale and distribution of alcoholic beverages to be drunk on the premises of the gaming establishment.

Pursuant to 205 CMR 136.03(3), the Division of Licensing "shall review the application to determine whether it contains all of the elements required in accordance with 205 CMR 136.04."

Accordingly, "[i]f the Division of Licensing is satisfied that the application meets the requirements of 205 CMR 136.04 and M.G.L. c. 23K, § 26, and that any modifications requested in accordance with 205 CMR 136.03(2) have been satisfactorily addressed, it shall forward the application to the [C]ommission with a recommendation that it be approved."

### **DISCUSSION**

The Division of Licensing has reviewed the amendment application submitted by the licensee and has determined that it is complete and in conformance with all regulatory requirements.

#### The scope of the review also included:

- Confirming sufficient information regarding the description of the licensed area, floor plan, and storage of the alcoholic beverages
- Confirming that the license area manager, or jointly responsible person, Ronald Robert, Food and Beverage Manager, holds a valid certification from a recognized alcoholic beverage server training program; this individual is properly licensed by the Commission and in good standing (RSER22-0265).



*Division of Licensing*

On 3/15/2024, Eric Cantell, Casino Regulatory Manager, conducted a walkthrough inspection of the licensed area to confirm the accuracy of the reported information. The inspection confirmed surveillance and security were in compliance and provided adequate coverage. Additionally, the inspection confirmed the posting requirement under 205 CMR 136.07(5)(b) was met.

**RECOMMENDATION OF THE LICENSING DIVISION**

After reviewing the amendment application and performance of the on-site inspection, the Licensing Division recommends that the Commission approve PPC's amendment application to update the Food Court licensed area.



# GAMING BEVERAGE LICENSE AMENDMENT APPLICATION FORM

## REASON FOR FILING AMENDMENT REQUEST

### NAME OF GAMING LICENSEE

Plainville Gaming and Redevelopment, LLC

### ADDRESS OF GAMING ESTABLISHMENT

Plainridge Park Casino  
301 Washington Street,  
Plainville, MA, 02762

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

Lisa McKenney

### CONTACT INDIVIDUAL TELEPHONE NUMBER AND EMAIL ADDRESS

508-576-4409, lisa.mckenney@pennentertainment.com

### NAME AND LICENSE NUMBER OF LICENSED AREA YOU ARE REQUESTING TO AMEND

Food Court (Smashburger and Slice): MGCGBLR2 5

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

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

## FEE

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

## LICENSED AREAS

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

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

### IMPORTANT INFORMATION

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

### LICENSED AREA

#### NAME OF LICENSED AREA

Amendment to change Name of Venue from: Food Court (Smashburger & Slice) to Food Court (Wahlburgers & Slice)

#### DESCRIPTION OF AMENDED LICENSED AREA

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

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

NUMBER AND/OR COLOR OF AREA ON FLOOR PLAN:

The food court is a 150 seat restaurant with approximately 42 tables. It has 2 unique food outlets. Slice is a pizza, grab and go outlet. Wahlbugers is a specialty burger, salads and sandwiches themed restaurant. Alcohol service in this restaurant is draft beer only.

Exits are red boxes on the exhibit.

There will not be bottle service.

#### HOURS OF OPERATION

7 days, 8am- 1am

#### CAPACITY OF LICENSE AREA

150 Occupants / 4,367 sq ft

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

#### ALCOHOL STORAGE

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

Wahlburgers will offer 2 draft beers both dispensed out of one kegerator located in the back left counter as marked by a pink arrow on the exhibit. When the restaurant is closed, the kegerator will be locked and PPC will utilize tap locks to secure the draft beer.

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

Ron Robert, Multi-Outlet F&B Manager

### JOINTLY RESPONSIBLE PERSON

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

### ATTESTATION

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

 RSE/R22-0265  
Signature

Ronald Robert  
Print Name

Multi-Outlet Food & Beverage Manager  
Title

2/29/24  
Date



## Food Court (Wahlburgers & Slice) Exhibit

SEATING CAPACITY OF FOOD COURT: 150 SEATS  
SQUARE FOOTAGE OF SEATING AREA: 4,367 SF







TO: Interim Chair Maynard and Commissioners O'Brien, Hill, and Skinner

FROM: David MacKay, Licensing Division Manager

CC: Kara O'Brien, Licensing Division Chief, and Caitlin Monahan, IEB Director

DATE: March 28, 2024

RE: Encore Boston Harbor (Seamark Restaurant) Exemption Request Summary

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### **OVERVIEW**

This service employee exemption request for twelve (12) new positions at Encore Boston Harbor is presented by the Licensing Division to the Commission for consideration and approval.

### **STANDARD**

Pursuant to G.L. c. 6, § 172(o) and 205 CMR 134.03(1)(b), the Commission may exempt a job position from categorization as a gaming service employee. The Commission may at any time, in its discretion, revisit any job position.

On January 18, 2018, the Commission endorsed the following factors for consideration when making exemption determinations:

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

### **DISCUSSION**

Encore Boston Harbor requests exemptions for twelve new positions in conjunction with the opening of the new leased outlet restaurant, Seamark Seafood & Cocktails. This is the restaurant that will occupy the space that was formerly Sinatra.

The Licensing Division worked with Kara Henson, Asst. Director of Recruiting & Employment, Encore Boston Harbor, to obtain the necessary information to develop this request, including: the required Exemption Identification Forms, complete job descriptions, and complete the Gaming Licensee Certifications.



Massachusetts Gaming Commission

The positions requested to be exempt are as follows:

- Executive Chef
- Chef de Cuisine
- Sous Chef
- Dishwasher
- Line Cook
- Prep Cook
- Receiver
- Runner
- Busser
- Server
- Lead Host
- Host

Currently, Mystique has similar exempt positions. Additionally, when the space was formerly Sinatra (Encore owned and operated), the Commission afforded Encore similar exempt positions.

**ACTION REQUESTED**

The Licensing Division is asking the Commission for a vote on the matter.

**RECOMMENDATION**

The Licensing Division recommends that the Commission support the exemption.



## MASSACHUSETTS GAMING COMMISSION

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

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

**GAMING LICENSEE:** Exempt

**JOB POSITON (AND UNIQUE JOB CODE):** Seamark - Executive Chef SM - 002

#### JOB DESCRIPTION

**EFFECTIVE DATE OF JOB DESCRIPTION:** 01/16/2024

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

#### POSITION SUMMARY

The Seamark Executive Chef is responsible for directing the preparation and ordering of all foods in the restaurant, dining room, and kitchen, ensuring that all foods are of the highest quality and that all operations are efficient, effective, and profitable. The Executive Chef is responsible for working with the Executive Chef de Cuisine to ensure that their menu is properly executed and managed. The Executive Chef is responsible for overseeing the performance and strategy of the restaurant and is fully accountable for meeting Seamark food quality standards and financial goals. The primary responsibilities include assigning tasks and priorities, coordinating resources, developing budgets, and controlling operating expenses. The Executive Chef is responsible for working with the Chef de Cuisine to ensure that the outlet menu is properly implemented. The Executive Chef is also responsible for the overall management, development, and training of staff, and ensures that all government health regulations, industrial safety standards, and corporate and departmental policies are followed.

(Please see attached for full JD)

*(Continue to Page 2)*

## GAMING LICENSEE CERTIFICATION

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

**JOB POSITON (AND UNIQUE JOB CODE):** Seamark - Executive Chef SM - 002

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

(Continue to Page 3)

JOB POSITON (AND UNIQUE JOB CODE):

Seamark - Executive Chef SM - 002

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



/ Kara Henson

Signature

/ Printed Name

02/29/2024

Date

## JOB DESCRIPTION: EXECUTIVE CHEF

**LOCATION:** Encore Resort & Casino Boston Harbor  
**POSITION TITLE:** Executive Chef  
**REPORTS TO:** VP of Food & Beverage/Director  
**DATE CREATED:** 1/2/2024  
**FLSA STATUS:** Salaried - Overtime Exempt

### POSITION SUMMARY

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The Seamark Executive Chef is responsible for directing the preparation and ordering of all foods in the restaurant, dining room, and kitchen, ensuring that all foods are of the highest quality and that all operations are efficient, effective, and profitable. The Executive Chef is responsible for working with the Executive Chef de Cuisine to ensure that their menu is properly executed and managed.

The Executive Chef is responsible for overseeing the performance and strategy of the restaurant and is fully accountable for meeting Seamark food quality standards and financial goals. The primary responsibilities include assigning tasks and priorities, coordinating resources, developing budgets, and controlling operating expenses. The Executive Chef is responsible for working with the Chef de Cuisine to ensure that the outlet menu is properly implemented. The Executive Chef is also responsible for the overall management, development, and training of staff, and ensures that all government health regulations, industrial safety standards, and corporate and departmental policies are followed.

### PRIMARY RESPONSIBILITIES

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- Implements short-and long-term restaurant goals, objectives, policies, and operating procedures; monitors and evaluates operational effectiveness; effects changes required for improvement. Identifies key drivers of success.
- Identifies best practices and determines quality and efficiency measures as benchmarks for individual performance.
- Held accountable for departmental performance, and the accuracy, confidentiality, and thoroughness of restaurant policies and procedures, records, and reports.
- Oversees the performance of team members under his/her area of responsibility.
- Monitors all activities of the department to ensure that all applicable internal policies, federal and state laws, rules, regulations, and property-wide controls are enforced.
- Administers departmental operating budget, financial controls, marketing, capital expenditures, and overall outlet initiatives through annual detailed business plan. Responsible for financial planning, forecast, labor, and payroll for areas of responsibility.
- Ensures the department delivers and maintains a maximum level of property-wide service and satisfaction.
- Facilitates communication throughout the property by organizing and presiding over regularly scheduled meetings with team members within the department and with other departments as appropriate.
- Partner with Front of House management team to facilitate daily pre-shift meetings with service staff.
- Oversees all hiring, performance management, and employee engagement within the department. Provides training opportunities, mentorship, constructive and positive feedback at all levels. Creates a motivating environment.
- Innovates menu(s) while adhering to outlet concept.
- Monitors and improves consistency of food quality to enhance overall customer experience.
- Organizes and regularly conducts food tastings.

- Actively encourages and supports team members to participate in decision-making processes to assume responsibility and authority.
- Ensures adequate staffing levels are maintained by a proactive (vs. reactive) approach.
- Involves all management team members in decision-making process to provide broader team with understanding of bigger picture outlet strategy and objectives.
- Keeps informed of all new industry developments relevant to restaurant outlet and broader Food & Beverage department and makes recommendations designed to maximize outlet and company success.
- Effectively manages internal and external guest relations, some of which will require levels of patience, tact, and diplomacy. Responsible for addressing guest and team member issues as appropriate.
- Partner with executive management team and public relations department to develop marketing plans as applicable.
- Promote outlet through dining room presence and regular table touches.
- Manages multiple priorities simultaneously and meets deadlines, often in stressful and high-pressure situations.
- Develops strategic buying practices and works with the purchasing department to ensure the best price and quality for food.
- Effectively manages projects assigned by executive management and delegate projects to reports appropriately.
- Evaluates current needs, past experiences, and forecasted business conditions to make decisions and recommendations for best allocation of resources among restaurant outlets to achieve maximum financial returns and guest service levels.
- Works with Executive Director of Food & Beverage and Executive Chef to analyze and manage food and labor costs and forecast business trends to make recommendations for revision of menu prices that will most appropriately meet company and outlet financial goals.
- Promptly and decisively identifies, rectifies, and reports actual and potential problems to ensure workplace and environmental safety.
- Must have the ability to promote positive, fair, and ethical relations with all team members, with all Encore contractors, and in all interactions within the Host and Surrounding Communities, as an ambassador of the Encore brand.
- Works with safety as a priority and follows department and company safety standards.
- Maintains relevant knowledge of industry through continuing education and training.
- Performs any other job-related duties as assigned.

This job description reflects the position's essential functions; it does not encompass all the tasks that may be assigned.

## **OUR IDEAL CANDIDATE**

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### **EXPERIENCE, EDUCATION, AND CERTIFICATIONS**

- High school degree or equivalent required. Culinary arts degree preferred.
- Minimum 8 years of experience as a chef of a full-service restaurant, 5 years in a leadership role required. Hospitality experience preferred. Extensive sanitation and culinary knowledge, and demonstrated knife skills required.
- Requires basic computer skills and knowledge of Microsoft Office.
- Candidate must have experience with planning and project management.
- Must possess outstanding organizational, interpersonal, and administrative skills, as well as excellent attention to detail.

## **JOB DESCRIPTION: EXECUTIVE CHEF**

- Knowledge of union as well as non-union working environments preferred.

### **SKILLS**

- Strong leadership and interpersonal skills – that can be factually verified by peers and prior supervisors.
- Can illustrate consultative skills and ability to work cross-functionally.
- Exhibits excellent verbal and written communication skills.
- Demonstrates strong problem-solving skills through the ability to diagnose and develop recommended solutions.
- Possesses the potential and aspiration to serve as a Seamark General Manager.

### **PHYSICAL DEMANDS**

- Ability to move throughout the business (standing, walking, kneeling, bending) for extended periods.
- Ability to make repeating movements of the arms, hands, and wrists.
- Manual dexterity, hand-eye coordination, and ability to work with hand above shoulders.
- Ability to regularly move objects (lift, push, pull, balance, carry) up to 50 pounds / 25 kilograms.
- Ability to turn or twist body parts in a circular motion.
- Ability to tolerate exposure to heat, cold, chemicals, and loud/noisy environments.

### **ADDITIONAL REQUIREMENTS**

- Deep understanding of lifestyle hotels and premium dining products and services.
- Self-starter with an entrepreneurial spirit and strong organizational skills
- Must meet legal requirements for any required licensing.
- Ability to work evenings, weekends, and holidays, as needed.





## MASSACHUSETTS GAMING COMMISSION

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

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

**GAMING LICENSEE:** Exempt

**JOB POSITON (AND UNIQUE JOB CODE):** Seamark - Chef deCuisine SM - 003

JOB DESCRIPTION	EFFECTIVE DATE OF JOB DESCRIPTION: 01/16/2024 <i>(The Licensee shall immediately notify the Bureau of changes to any job description for an exempted position.)</i>
<b>POSITION SUMMARY</b>  The Seamark Chef de Cuisine is responsible for supporting the Executive Chef with overseeing performance and strategy of their restaurant and being accountable for meeting Seamark food quality standards and financial goals. This includes, but is not limited to; implementing the department strategy and ensuring alignment with overall Encore Boston Harbor strategy; maximizing opportunities for departmental and company success; maintaining all Encore Standards; and ensuring excellent guest and team member experience.  (Please see attached for full JD)	

(Continue to Page 2)

## GAMING LICENSEE CERTIFICATION

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

**JOB POSITON (AND UNIQUE JOB CODE):** Seamark - Chef deCuisine SM - 003

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

(Continue to Page 3)

JOB POSITON (AND UNIQUE JOB CODE): Seamark - Chef deCuisine SM - 003

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



/ Kara Henson

Signature

/ Printed Name

02/29/2024

Date

## JOB DESCRIPTION: CHEF DE CUISINE

**LOCATION:** Encore Resort & Casino Boston Harbor  
**POSITION TITLE:** Chef de Cuisine  
**REPORTS TO:** VP of Food & Beverage  
**DATE CREATED:** 1/2/2024  
**FLSA STATUS:** Salaried - Overtime Exempt

### POSITION SUMMARY

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The Seamark Chef de Cuisine is responsible for supporting the Executive Chef with overseeing performance and strategy of their restaurant and being accountable for meeting Seamark food quality standards and financial goals. This includes, but is not limited to; implementing the department strategy and ensuring alignment with overall Encore Boston Harbor strategy; maximizing opportunities for departmental and company success; maintaining all Encore Standards; and ensuring excellent guest and team member experience.

### PRIMARY RESPONSIBILITIES

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- Implements short-and long-term departmental goals, objectives, policies, and operating procedures; monitors and evaluates operational effectiveness; effects changes required for improvement. Identifies key drivers of success.
- Held accountable for departmental performance, and the accuracy, confidentiality, and thoroughness of departmental policies and procedures, records, and reports.
- Oversees the performance of team members under his/her area of responsibility.
- Monitors all activities of the department to ensure that all applicable internal policies, federal and state laws, rules, regulations, and controls property wide are enforced.
- Administers departmental operating budget and financial controls. Responsible for financial planning, forecast, labor, and payroll for areas of responsibility.
- Ensures the department delivers and maintains a maximum level of property-wide service and satisfaction.
- Facilitates communication throughout the property by organizing and presiding over regularly scheduled meetings with team members within the department and with other departments as appropriate to ensure property wide communication.
- Oversees all hiring, performance management, and employee engagement within the department. Provides training opportunities, constructive and positive feedback to team members within their area of responsibility. Creates a motivating environment.
- Keeps informed of all new developments within the department and makes recommendations designed to maximize department and company success.
- Effectively manages internal and external guest relations, which may require levels of patience, tact, and diplomacy. Responsible for addressing guest and team member issues as appropriate.
- Manages multiple priorities simultaneously and meets deadlines, often in stressful and high-pressure situations.
- Must have the ability to promote positive, fair, and ethical relations with all team members, with all Encore contractors, and in all interactions within the Host and Surrounding communities as an ambassador of the Encore brand.
- Demonstrates creative and artistic approaches to plate presentations and research new products and menu items on a regular basis.
- Facilitates daily pre-shifts with back of house staff.
- Requisitions food and equipment from respective purchasing agents, giving specifications, quantities, and quality descriptions which must be maintained by the Purchasing Department.

## JOB DESCRIPTION: CHEF DE CUISINE

- Initiates, promotes, and enforces safety procedures, primarily the cooking and holding processes of hot and cold foods.
- Ensures safe handling of all equipment within the “back of the house”, (mixers, dicers, vegetable cutters, etc.).
- Establishes and maintains department objectives, standards, guidelines, and budget to ensure proper management of department; monitors and evaluates staffing levels and food purchasing, production, and inventory to control costs and waste.
- Develops strategic buying practice and works with purchasing department to ensure best price and quality for foods purchased.
- Evaluates current needs, past experiences, and forecasted business conditions to make decisions and recommendations for best allocation of resources among restaurant outlets to achieve maximum financial returns and guest service levels.
- Assists the Executive Chef with analyzing food costs and forecasting business trends to make recommendations for revision of menu prices that will most appropriately meet company goals.
- Works with safety as a priority and follows department and company safety standards.
- Maintains relevant knowledge of industry through continuing education and training.
- Performs any other job-related duties as assigned.

This job description reflects the position’s essential functions; it does not encompass all the tasks that may be assigned.

## OUR IDEAL CANDIDATE

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### EXPERIENCE, EDUCATION, AND CERTIFICATIONS

- High school degree or equivalent required. Culinary arts or a related field education or experience preferred. Sanitation knowledge, culinary knowledge, and demonstrated knife skills and safe food handling required.
- Minimum 7 years of full service kitchen experience, 4 years in a leadership role required.
- Requires strong computer skills and proficiency in Microsoft Office.
- Candidate must have experience with planning and project management.
- Must possess outstanding organizational, interpersonal, and administrative skills, as well as excellent attention to detail.
- Knowledge of union as well as non-union working environments preferred.

### SKILLS

- Strong leadership and interpersonal skills – that can be factually verified by peers and prior supervisors.
- Can illustrate consultative skills and ability to work cross-functionally.
- Exhibits excellent verbal and written communication skills.
- Demonstrates strong problem-solving skills through the ability to diagnose and develop recommended solutions.
- Possesses the potential and aspiration to serve as a Seamark Chef de Cuisine.

### PHYSICAL DEMANDS

- Ability to move throughout the business (standing, walking, kneeling, bending) for extended periods.
- Ability to make repeating movements of the arms, hands, and wrists.

## **JOB DESCRIPTION: CHEF DE CUISINE**

SEAMARK

SEAFOOD & COCKTAILS

- Manual dexterity, hand-eye coordination, and ability to work with hand above shoulders.
- Ability to regularly move objects (lift, push, pull, balance, carry) up to 50 pounds / 25 kilograms.
- Ability to turn or twist body parts in a circular motion.
- Ability to tolerate exposure to heat, cold, chemicals, and loud/noisy environments.

### **ADDITIONAL REQUIREMENTS**

- Deep understanding of lifestyle hotels and premium dining products and services.
- Self-starter with an entrepreneurial spirit and strong organizational skills
- Must meet legal requirements for any required licensing.
- Ability to work evenings, weekends, and holidays, as needed.



## MASSACHUSETTS GAMING COMMISSION

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

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

**GAMING LICENSEE:** Exempt

**JOB POSITON (AND UNIQUE JOB CODE):** Seamark - Sous Chef SM-004

JOB DESCRIPTION	EFFECTIVE DATE OF JOB DESCRIPTION: 01/16/2024 <i>(The Licensee shall immediately notify the Bureau of changes to any job description for an exempted position.)</i>
<b>POSITION SUMMARY</b>  Sous Chefs are an important part of the kitchen team. Sous Chefs support the Executive Chef and Chef de Cuisine in all aspects of restaurant operations, with a primary focus on training and supporting the kitchen staff. The Sous Chef is responsible for overseeing the production, preparation and plating of the entire menu on a daily basis. Sous Chefs are accountable for meeting all Seamark food quality and financial standards, government health regulations, industry safety standards, and ensuring all Corporate and departmental policies are followed.  (Please see attached for full JD)	

(Continue to Page 2)

## GAMING LICENSEE CERTIFICATION

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

**JOB POSITON (AND UNIQUE JOB CODE):** Seamark - Sous Chef SM-004

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

(Continue to Page 3)



JOB POSITON (AND UNIQUE JOB CODE): Seamark - Sous Chef SM-004

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



Signature

/ Kara Henson

/ Printed Name

02/29/2024

Date

## JOB DESCRIPTION: SOUS CHEF

**LOCATION:** Encore Resort & Casino Boston Harbor  
**POSITION TITLE:** Sous Chef  
**REPORTS TO:** Executive Chef  
**DATE CREATED:** 1/2/2024  
**FLSA STATUS:** Hourly

### POSITION SUMMARY

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Sous Chefs are an important part of the kitchen team. Sous Chefs support the Executive Chef and Chef de Cuisine in all aspects of restaurant operations, with a primary focus on training and supporting the kitchen staff. The Sous Chef is responsible for overseeing the production, preparation and plating of the entire menu on a daily basis. Sous Chefs are accountable for meeting all Seamark food quality and financial standards, government health regulations, industry safety standards, and ensuring all Corporate and departmental policies are followed.

### PRIMARY RESPONSIBILITIES

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- Ensure all prep lists are followed.
- Handle all food items and follow Department of Health guidelines for potentially hazard food items.
- Held accountable for department performance.
- Order all necessary products.
- Create production lists and assignments.
- Expedite during service.
- Maintain all par levels.
- Assists in training, interviewing, scheduling, and coaching employees.
- Support the Executive Chef and Chef de Cuisine.
- Maintain professional appearance standard as set forth in the Company Handbook.
- Maintain kitchen in a clean and organized manner to follow all DOH guidelines.
- Rotate all prep stock and properly label and date all products, ensuring FIFO and Company standards are met.
- Organize and clean walk-ins.
- Possesses In depth knowledge of all recipes and execution.
- Handle all dietary restrictions and modifications.
- Accurately handle all orders from the POS system in a timely manner.
- Communicate all product needs to the Executive Chef and support staff.
- Report damaged or defective equipment to management.
- Complete all required Jolt checklists.
- Works with safety as a priority and follows department and company safety standards.
- Maintains relevant knowledge of industry through continuing education and training.
- Attend and participate in any training sessions, departmental meetings, and daily pre-service meetings.

This job description reflects the position's essential functions; it does not encompass all the tasks that may be assigned.

### OUR IDEAL CANDIDATE

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### EXPERIENCE, EDUCATION, AND CERTIFICATIONS

## **JOB DESCRIPTION: SOUS CHEF**

SEAMARK

SEAFOOD & COCKTAILS

- High school degree or equivalent required. Culinary arts or a related field education or experience preferred. Sanitation knowledge, culinary knowledge, and demonstrated knife skills and safe food handling required.
- Current Massachusetts Food Handler Card.

### **SKILLS**

- Can illustrate consultative skills and ability to work cross-functionally.
- Exhibits excellent verbal and written communication skills.
- Demonstrates strong problem-solving skills through the ability to diagnose and develop recommended solutions.
- Computer proficient to include Microsoft word and Excel

### **PHYSICAL DEMANDS**

- Ability to move throughout the business (standing, walking, kneeling, bending) for extended periods.
- Ability to make repeating movements of the arms, hands, and wrists.
- Manual dexterity, hand-eye coordination, and ability to work with hand above shoulders.
- Ability to regularly move objects (lift, push, pull, balance, carry) up to 50 pounds / 25 kilograms.
- Ability to turn or twist body parts in a circular motion.
- Ability to tolerate exposure to heat, cold, chemicals, and loud/noisy environments.

### **ADDITIONAL REQUIREMENTS**

- Ability to work evenings, weekends, and holidays, as needed.



## MASSACHUSETTS GAMING COMMISSION

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

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

**GAMING LICENSEE:** Exempt

**JOB POSITON (AND UNIQUE JOB CODE):** Seamark - Line Cook SM-009

JOB DESCRIPTION	EFFECTIVE DATE OF JOB DESCRIPTION: 01/16/2024 <i>(The Licensee shall immediately notify the Bureau of changes to any job description for an exempted position.)</i>
<b>POSITION SUMMARY</b>  Line cook position is responsible for preparing all items needed for their station and delivering the highest quality of food and service. Our Line cooks keep our kitchen running smoothly while ensuring all Department of Health guidelines are met.  (Please see atatched for full JD)	

(Continue to Page 2)

## GAMING LICENSEE CERTIFICATION

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

**JOB POSITON (AND UNIQUE JOB CODE):** Seamark - Line Cook SM-009

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

(Continue to Page 3)

JOB POSITON (AND UNIQUE JOB CODE):

Seamark - Line Cook SM-009

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



/ Kara Henson

Signature

/ Printed Name

02/29/2024

Date

## JOB DESCRIPTION: LINE COOK

**LOCATION:** Encore Resort & Casino Boston Harbor  
**POSITION TITLE:** Line Cook  
**REPORTS TO:** Sous chef / Executive Chef  
**DATE CREATED:** 1/2/2024  
**FLSA STATUS:** Hourly

### POSITION SUMMARY

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Line cook position is responsible for preparing all items needed for their station and delivering the highest quality of food and service. Our Line cooks keep our kitchen running smoothly while ensuring all Department of Health guidelines are met.

### PRIMARY RESPONSIBILITIES

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- Follow all prep lists created by Sous Chef and Executive Chef.
- Measure all ingredients properly and strictly follow all recipes.
- Handle all food items and follow Department of Health guidelines for potentially hazard food items.
- Properly set up their station maintaining all par levels.
- Must keep station and all knives and cutting board sanitized.
- Rotate all prep stock and properly label and date all products, ensuring FIFO and Company standards are met.
- Organize and clean walk-ins.
- Handle all dietary restrictions.
- Accurately handle all orders from the POS system in a timely manner.
- Communicate all product needs to Chef team.
- Report damaged or defective equipment to management.
- Complete all required Jolt checklists.
- Properly label and date all products.
- Report any 86 items promptly to the Executive Chef and Sous Chef.
- Works with safety as a priority and follows department and company safety standards.
- Possesses in-depth knowledge of all menu items and their recipes and their execution.
- Proper set up and breakdown of workstation.
- Complete any needed logs and check lists.
- Maintains relevant knowledge of industry through continuing education and training.
- Maintain professional appearance standards as directed in employee handbook.

This job description reflects the position's essential functions; it does not encompass all the tasks that may be assigned.

### OUR IDEAL CANDIDATE

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#### EXPERIENCE, EDUCATION, AND CERTIFICATIONS

- Current Massachusetts Food Handler Card.

#### SKILLS

- Can illustrate consultative skills and ability to work cross-functionally.

## **JOB DESCRIPTION: LINE COOK**

- Demonstrates strong problem-solving skills through the ability to diagnose and develop recommended solutions.
- Prior line experience preferred.

### **PHYSICAL DEMANDS**

- Ability to move throughout the business (standing, walking, kneeling, bending) for extended periods.
- Ability to make repeating movements of the arms, hands, and wrists.
- Manual dexterity, hand-eye coordination, and ability to work with hand above shoulders.
- Ability to regularly move objects (lift, push, pull, balance, carry) up to 50 pounds/25 kilograms.
- Ability to turn or twist body parts in a circular motion.
- Ability to tolerate exposure to heat, cold, chemicals, and loud/noisy environments.

### **ADDITIONAL REQUIREMENTS**

- Ability to work evenings, weekends, and holidays, as needed.





## MASSACHUSETTS GAMING COMMISSION

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

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

GAMING LICENSEE: Exempt

JOB POSITON (AND UNIQUE JOB CODE): Seamark - Prep Cook SM-010

#### JOB DESCRIPTION

EFFECTIVE DATE OF JOB DESCRIPTION: 01/16/2024

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

#### POSITION SUMMARY

Prep cooks ensure quality, consistency, and production of all food menu items. They are responsible for preparing, sauces, soups, and stocks. Prep Cooks prepare the ingredients that allow line cooks to provide guests with an excellent dining experience.

(Please see attached for full JD)

*(Continue to Page 2)*

## GAMING LICENSEE CERTIFICATION

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

**JOB POSITON (AND UNIQUE JOB CODE):** Seamark - Prep Cook SM-010

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

(Continue to Page 3)

JOB POSITON (AND UNIQUE JOB CODE):

Seamark - Prep Cook SM-010

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



/ Kara Henson

Signature

/ Printed Name

02/29/2024

Date

## JOB DESCRIPTION: PREP COOK

**LOCATION:** Encore Resort & Casino Boston Harbor  
**POSITION TITLE:** Prep Cook  
**REPORTS TO:** VP of Food & Beverage/Director  
**DATE CREATED:** 1/2/2024  
**FLSA STATUS:** Salaried - Overtime Exempt

### POSITION SUMMARY

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Prep cooks ensure quality, consistency, and production of all food menu items. They are responsible for preparing, sauces, soups, and stocks. Prep Cooks prepare the ingredients that allow line cooks to provide guests with an excellent dining experience.

### PRIMARY RESPONSIBILITIES

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- Handles all food items by washing, chopping, and cutting according to recipe specifications.
- Follow all prep lists created by Sous Chef and Executive Chef
- Measure all ingredients properly and strictly follow all recipes.
- Handle all food items and follow DOH guidelines for potentially hazard food.
- Must keep station and all knives, cutting boards, and prep areas sanitized.
- Rotate all prep stock and properly label and date all products, ensuring FIFO and Company standards are met.
- Organize and clean walk-ins.
- Possesses In depth knowledge of all products.
- Communicate all product needs to Chef team.
- Report damaged or defective equipment to management.
- Complete all required Jolt checklists.
- Works with safety as a priority and follows department and company safety standards.
- Maintains relevant knowledge of industry through continuing education and training.

This job description reflects the position's essential functions; it does not encompass all the tasks that may be assigned.

### OUR IDEAL CANDIDATE

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#### EXPERIENCE, EDUCATION, AND CERTIFICATIONS

- Current Massachusetts Food Handler Card.

#### SKILLS

- Can illustrate consultative skills and ability to work cross-functionally.
- Exhibits excellent verbal and written communication skills.
- Demonstrates strong problem-solving skills through the ability to diagnose and develop recommended solutions.

#### PHYSICAL DEMANDS

- Ability to move throughout the business (standing, walking, kneeling, bending) for extended periods.
- Ability to make repeating movements of the arms, hands, and wrists.

## **JOB DESCRIPTION: PREP COOK**

SEAMARK

SEAFOOD & COCKTAILS

- Manual dexterity, hand-eye coordination, and ability to work with hand above shoulders.
- Ability to regularly move objects (lift, push, pull, balance, carry) up to 50 pounds/25 kilograms.
- Ability to turn or twist body parts in a circular motion.
- Ability to tolerate exposure to heat, cold, chemicals, and loud/noisy environments.

## **ADDITIONAL REQUIREMENTS**

- Ability to work evenings, weekends, and holidays, as needed.



## MASSACHUSETTS GAMING COMMISSION

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

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

**GAMING LICENSEE:** Exempt

**JOB POSITON (AND UNIQUE JOB CODE):** Seamark - Dishwasher SM-008

JOB DESCRIPTION	EFFECTIVE DATE OF JOB DESCRIPTION: 01/16/2024 <i>(The Licensee shall immediately notify the Bureau of changes to any job description for an exempted position.)</i>
<b>POSITION SUMMARY</b>  Dishwashers are an important part of the kitchen team. Dishwashers are responsible ensuring the kitchen has a steady supply of clean plates, bowls, silverware, pots, pans & glassware. They will also help to maintain the overall cleanliness of the kitchen.  (Please see attached for full JD)	

(Continue to Page 2)

## GAMING LICENSEE CERTIFICATION

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

**JOB POSITON (AND UNIQUE JOB CODE):** Seamark - Dishwasher SM-008

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

(Continue to Page 3)

JOB POSITON (AND UNIQUE JOB CODE): Seamark - Dishwasher SM-008

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



/ Kara Henson

Signature

/ Printed Name

02/29/2024

Date



## JOB DESCRIPTION: DISHWASHER

**LOCATION:** Encore Resort & Casino Boston Harbor  
**POSITION TITLE:** Dishwasher  
**REPORTS TO:** Sous Chef/Executive Chef  
**DATE CREATED:** 1/2/2024  
**FLSA STATUS:** Hourly

### POSITION SUMMARY

---

Dishwashers are an important part of the kitchen team. Dishwashers are responsible ensuring the kitchen has a steady supply of clean plates, bowls, silverware, pots, pans & glassware. They will also help to maintain the overall cleanliness of the kitchen.

### PRIMARY RESPONSIBILITIES

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- Maintain professional appearance standards.
- Maintain cleanliness of all areas of the kitchen to include all floors and walls.
- Maintain a clean dish area.
- Possess in-depth knowledge of the dish machine.
- Maintain the dishwasher machine following all proper procedures.
- Follow all proper procedures of 3-compartment sink.
- Properly store and remove garbage and soiled linens.
- Follow all Department of Health standards.
- Follow supervisor instructions.
- Possess in-depth knowledge of all cleaning chemicals and tools.
- Communicates all product needs to management.
- Properly set up and break down dish and pot stations.
- Report all breakage and damage to management.
- Handle all food items and follow DOH guidelines for potentially hazardous foods.
- Properly set up dessert station maintaining all par levels.
- Works with safety as a priority and follows department and company safety standards.

This job description reflects the position's essential functions; it does not encompass all the tasks that may be assigned.

### OUR IDEAL CANDIDATE

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#### EXPERIENCE, EDUCATION, AND CERTIFICATIONS

- Current Massachusetts Food Handler Card.

#### SKILLS

- Ability to comprehend and use basic language, either written or spoken, to communicate information and ideas.

#### PHYSICAL DEMANDS

- Ability to move throughout the business (standing, walking, kneeling, bending) for extended periods.

## **JOB DESCRIPTION: DISHWASHER**

SEAMARK

SEAFOOD & COCKTAILS

- Ability to make repeating movements of the arms, hands, and wrists.
- Manual dexterity, hand-eye coordination, and ability to work with hand above shoulders.
- Ability to regularly move objects (lift, push, pull, balance, carry) up to 50 pounds/25 kilograms.
- Ability to turn or twist body parts in a circular motion.
- Ability to tolerate exposure to heat, cold, chemicals, and loud/noisy environments.

## **ADDITIONAL REQUIREMENTS**

- Ability to work evenings, weekends, and holidays, as needed.



## MASSACHUSETTS GAMING COMMISSION

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

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

**GAMING LICENSEE:** Exempt

**JOB POSITON (AND UNIQUE JOB CODE):** Seamark - Lead Host SM - 018

JOB DESCRIPTION	EFFECTIVE DATE OF JOB DESCRIPTION: 01/16/2024 <i>(The Licensee shall immediately notify the Bureau of changes to any job description for an exempted position.)</i>
<b>POSITION SUMMARY</b>  The Lead Host is responsible for providing prompt and courteous service to restaurant guests, including taking reservations, managing guest lists, greeting and seating guests, and accommodating special requests. As a first point of contact, this position is instrumental in creating an environment and executing service that blows our guests away. The Lead Host must continually seek opportunities to create memories by anticipating needs, exceeding expectations, and building relationships. The Lead Host will be responsible for ensuring that the host staff is greeting and seating guests in a professional manner ensuring 100% satisfaction. The Lead Host is responsible for ensuring that the host team has the most up to date information regarding any food and beverage special offerings, has reviewed all reservations, and pre-plotted VIP guests while still interacting in a pleasant and professional manner with guests and management.  (Please see attached for full JD)	

(Continue to Page 2)

## GAMING LICENSEE CERTIFICATION

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

**JOB POSITON (AND UNIQUE JOB CODE):** Seamark - Lead Host SM - 018

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

(Continue to Page 3)

JOB POSITON (AND UNIQUE JOB CODE):

Seamark - Lead Host SM - 018

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



/ Kara Henson

Signature

/ Printed Name

02/29/2024

Date

## JOB DESCRIPTION: LEAD HOST

**LOCATION:** Encore Resort & Casino Boston Harbor  
**POSITION TITLE:** Lead Host  
**REPORTS TO:** GM/AGM/F&B Manager  
**DATE CREATED:** 1/2/2024  
**FLSA STATUS:** Hourly - Overtime Non-Exempt

### POSITION SUMMARY

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The Lead Host is responsible for providing prompt and courteous service to restaurant guests, including taking reservations, managing guest lists, greeting and seating guests, and accommodating special requests. As a first point of contact, this position is instrumental in creating an environment and executing service that blows our guests away. The Lead Host must continually seek opportunities to create memories by anticipating needs, exceeding expectations, and building relationships. The Lead Host will be responsible for ensuring that the host staff is greeting and seating guests in a professional manner ensuring 100% satisfaction. The Lead Host is responsible for ensuring that the host team has the most up to date information regarding any food and beverage special offerings, has reviewed all reservations, and pre-plotted VIP guests while still interacting in a pleasant and professional manner with guests and management.

### PRIMARY RESPONSIBILITIES

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- Provide guests with basic food and beverage information including special offerings and displays upselling skills.
- Leads the host team in assigning seating considering service standards, staffing levels and kitchen capacity when necessary.
- Leads pre-shift when necessary to discuss the PPX guests and cover flow of service for the staff.
- Ensures that the host stand is set up to standards before service begins and ensures general cleanliness and orderliness of the area throughout shift.
- Reviews the reservation book to ensure impeccable service in guest seating.
- Assists with incoming calls, answers questions from guests and confirms reservations.
- Ensures that reservations are sat promptly at a table pre-set for the number in the party; assists the host team in seating tables as necessary.
- Maintains effective communication with guests and managers.
- Communicate large group bookings and overbookings with the management team.
- Possesses in-depth knowledge of all food and beverage menus and the company.
- Protects establishment, guests, and employees by adhering to Department of Health and company sanitation standards.
- Accurately completes all end-of-shift procedures.
- Reports all breakage, damage of equipment or furniture immediately to management.
- Attends and participates in daily pre-service meetings.
- Updates knowledge by participating in staff training opportunities.
- Portrays a positive and professional attitude.
- Maintain professional appearance standards as directed in the Employee Handbook.
- Anticipate and accommodate the needs of the guests while providing professional and exceptional service to ensure guest satisfaction.
- Be thoroughly familiar with all menu items, including ingredients and food allergens, and wine list in order to assist guests and answer questions accurately.
- Ensure the restaurant is always clean and in order, including tables, chairs, floors, walls, ceilings, lighting, temperature, music, memorabilia, and décor.

## JOB DESCRIPTION: LEAD HOST

- Ensure menus and wine lists are stocked, clean, undamaged, and accurate for the meal period.
- Review property daily occupancy, group activity, VIPs, and special guests.
- Take reservations and cancellations as needed.
- Organize station seating and prepare station chart as needed.
- Escort guests to the table for seating, present menus, and wish a good meal.
- Manage list of guests waiting to be seated.
- Accommodate guests with special needs, such as elderly guests or guests with disabilities.
- Monitor service flow in the restaurant and update table statuses.
- Assist servers and bussers, as needed.
- Ensure sequence of service is followed for all guests.
- Accommodate guests' special requests whenever possible.
- Process payments according to POS and cash handling procedures.
- Answer the restaurant phone. Take phone orders, as needed.
- Maintain positive and professional communication with all staff.
- Provide recognition to others, including co-workers, supervisors, managers, and directors.
- Participate in meetings to learn about global programs, new products, and procedures, and to discuss areas of opportunities, special events, and other activities.
- Ensure a healthy and safe work environment for co-workers and guests.
- Be knowledgeable of property facilities, services, hours of operation, in-house events, conferences, and amenities to proactively assist guests.
- Promote property outlets to guests.
- Assist guests in finding locations within the property by escorting, when possible, or giving clear directions.
- Resolve guest complaints using property procedures.
- Create a positive environment in which all employees have the ability to maximize their potential.
- Listen to comments, criticisms, and feedback from guests, employees, and managers to gain an understanding of strength and opportunity to improve personal/property performance.
- Work as a team, helping all employees to complete the required activities that ensure we deliver amplified service.
- Always smile and offer a warm greeting to all.
- Know, understand, and practice (with energy and enthusiasm) the mission, values, mottos, culture, and spirit that make Seamark unique.
- Take the initiative to offer assistance throughout the property.
- Operate ethically to protect the Seamark brand.
- Utilize programs designed to help Save the Planet.
- Perform duties in accordance with company standards, policies, and guidelines, and applicable laws and regulations.
- Perform additional duties as requested by department managers and supervisors.
- Communicate with supervisors and managers to ensure that assigned duties are completed to standard.
- Coordinate operations with other departments, as needed.
- Present a professional image to employees, guests, clients, owners, and investors.
- Review and develop guest history records to enhance personalized service for repeat guests.
- Maintain confidentiality of guest, employee, and company information.

This job description reflects the position's essential functions; it does not encompass all the tasks that may be assigned.

## **OUR IDEAL CANDIDATE**

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### **EXPERIENCE, EDUCATION, AND CERTIFICATIONS**

- Secondary school degree preferred and/or previous work experience in service for at least 2 year.
- Current Massachusetts Food Handler Card.

### **SKILLS**

- Ability to comprehend and use basic language, either written or spoken, to communicate information and ideas.
- Ability to read, comprehend, and write simple instructions, short correspondence, and memos.
- Ability to perform numerical operations using basic counting, adding, subtracting, multiplying, or dividing.
- Ability to effectively deal with internal and external customers and staff, some of whom will require elevated levels of patience, tact, and diplomacy.
- Fluency in English: additional languages preferred.

### **PHYSICAL DEMANDS**

- Ability to move throughout the business (standing, walking, kneeling, bending) for extended periods of time.
- Ability to make repeating movements of the arms, hands, and wrists.
- Manual dexterity, hand-eye coordination, and ability to work with hand above shoulders.
- Ability to regularly move objects (lift, push, pull, balance, carry) up to 50 pounds 25 kilograms.
- Ability to turn or twist body parts in a circular motion.
- Ability to tolerate exposure to heat, cold, chemicals, and loud/noisy environment.

### **ADDITIONAL REQUIREMENTS**

- Understanding of lifestyle hotels and premium dining products and services.
- Must meet legal requirements for any required licensing.
- Ability to work evenings, weekends, and holidays, as needed.





## MASSACHUSETTS GAMING COMMISSION

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

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

**GAMING LICENSEE:** Exempt

**JOB POSITON (AND UNIQUE JOB CODE):** Seamark - Host SM- 019

JOB DESCRIPTION	EFFECTIVE DATE OF JOB DESCRIPTION: 01/16/2024 <i>(The Licensee shall immediately notify the Bureau of changes to any job description for an exempted position.)</i>
<b>POSITION SUMMARY</b>  The Host is responsible for providing prompt and courteous service to restaurant guests, including taking reservations, managing guest lists, greeting and seating guests, and accommodating special requests. As a first point of contact, this position is instrumental in creating an environment and executing service that blows our guests away. The Host must continually seek opportunities to create memories by anticipating needs, exceeding expectations, and building relationships  (Please see attached for full JD)	

(Continue to Page 2)

## GAMING LICENSEE CERTIFICATION

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

**JOB POSITON (AND UNIQUE JOB CODE):** Seamark - Host SM- 019

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

(Continue to Page 3)

JOB POSITON (AND UNIQUE JOB CODE):

Seamark - Host SM- 019

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



Kara Henson

Signature

/ Printed Name

02/29/2024

Date

## JOB DESCRIPTION: HOST

**LOCATION:** Encore Resort & Casino Boston Harbor  
**POSITION TITLE:** Host  
**REPORTS TO:** GM/AGM/F&B Manager  
**DATE CREATED:** 1/2/2024  
**FLSA STATUS:** Hourly - Overtime Non-Exempt

### POSITION SUMMARY

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The Host is responsible for providing prompt and courteous service to restaurant guests, including taking reservations, managing guest lists, greeting and seating guests, and accommodating special requests. As a first point of contact, this position is instrumental in creating an environment and executing service that blows our guests away. The Host must continually seek opportunities to create memories by anticipating needs, exceeding expectations, and building relationships.

### PRIMARY RESPONSIBILITIES

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- Be thoroughly familiar with all menu items, including ingredients and food allergens, and wine list to assist guests and answer questions accurately.
- Ensure the restaurant is always clean and in order, including tables, chairs, floors, walls, ceilings, lighting, temperature, music, memorabilia, and décor.
- Ensure menus and wine lists are stocked, clean, undamaged, and accurate for the meal period.
- Ensure the host stand is fully stocked with pens/pencils, note pads, reservation book, daily function sheet, toothpicks, and candies.
- Review property daily occupancy, group activity, VIPs, and special guests.
- Take reservations and cancellations.
- Organize station seating and prepare station chart.
- Escort guests to the table for seating, present menus, and wish a good meal.
- Manage list of guests waiting to be seated.
- Accommodate guests with special needs, such as elderly guests or guests with disabilities.
- Monitor service flow in the restaurant and update table statuses.
- Assist servers and bussers, as needed.
- Ensure sequence of service is followed for all guests.
- Accommodate guests' special requests whenever possible.
- Process payments according to POS and cash handling procedures.
- Answer the restaurant phone. Take phone orders, as needed.
- Maintain positive and professional communication with all staff.
- Provide recognition to others, including co-workers, supervisors, managers, and directors.
- Participate in meetings to learn about global programs, new products, and procedures, and to discuss areas of opportunities, special events, and other activities.
- Ensure a healthy and safe work environment for co-workers and guests.
- Be knowledgeable of property facilities, services, hours of operation, in-house events, conferences, and amenities to proactively assist guests.
- Promote property outlets to guests.
- Assist guests in finding locations within the property by escorting, when possible, or giving clear directions.
- Resolve guest complaints using property procedures.
- Create a positive environment in which all employees have the ability to maximize their potential.

## JOB DESCRIPTION: HOST

- Listen to comments, criticisms, and feedback from guests, employees, and managers to gain an understanding of strength and opportunity to improve personal/property performance.
- Work as a team, helping all employees to complete the required activities to ensure we deliver Amplified Service.
- Participate in Sound Check meetings on each shift.
- Always smile and offer a warm greeting to all.
- Know, understand, and practice (with energy and enthusiasm) the mission, values, mottos, culture, and spirit that make Seamark unique.
- Take the initiative to offer assistance throughout the property.
- Operate ethically to protect the Seamark brand.
- Utilize programs designed to help Save the Planet.
- Perform duties in accordance with company standards, policies, and guidelines, and applicable laws and regulations.
- Perform additional duties as requested by department managers and supervisors.
- Communicate with supervisors and managers to ensure that assigned duties are completed to standard.
- Coordinate operations with other departments, as needed.
- Present a professional image to employees, guests, clients, owners, and investors.
- Review and develop guest history records to enhance personalized service for repeat guests.
- Maintain confidentiality of guest, employee, and company information.

This job description reflects the position's essential functions; it does not encompass all the tasks that may be assigned.

## OUR IDEAL CANDIDATE

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### EXPERIENCE, EDUCATION, AND CERTIFICATIONS

- Secondary school degree preferred and/or previous work experience in service for at least 2 year.
- Current Massachusetts Food Handler Card.

### SKILLS

- Ability to comprehend and use basic language, either written or spoken, to communicate information and ideas.
- Ability to read, comprehend, and write simple instructions, short correspondence, and memos.
- Ability to perform numerical operations using basic counting, adding, subtracting, multiplying, or dividing.
- Ability to effectively deal with internal and external customers and staff, some of whom will require elevated levels of patience, tact, and diplomacy.
- Fluency in English: additional languages preferred.

### PHYSICAL DEMANDS

- Ability to move throughout the business (standing, walking, kneeling, bending) for extended periods of time.
- Ability to make repeating movements of the arms, hands, and wrists.
- Manual dexterity, hand-eye coordination, and ability to work with hand above shoulders.
- Ability to regularly move objects (lift, push, pull, balance, carry) up to 50 pounds/25 kilograms.
- Ability to turn or twist body parts in a circular motion.
- Ability to tolerate exposure to heat, cold, chemicals, and loud/noisy environment.

## **JOB DESCRIPTION: HOST**

### **ADDITIONAL REQUIREMENTS**

- Understanding of lifestyle hotels and premium dining products and services.
- Must meet legal requirements for any required licensing.
- Ability to work evenings, weekends, and holidays, as needed.



## MASSACHUSETTS GAMING COMMISSION

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

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

**GAMING LICENSEE:** Exempt

**JOB POSITON (AND UNIQUE JOB CODE):** Seamark - Reciever SM-011

#### JOB DESCRIPTION

**EFFECTIVE DATE OF JOB DESCRIPTION:** 01/16/2024

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

#### POSITION SUMMARY

The Receiver is responsible for receiving of all product, maintaining pars, ordering and maintaining inventory. They keep all walkins and storage areas Department of Health complaint, clean, and orderly.

- Manage all incoming orders in a quick and efficient manner.
- Rotate all prep stock and properly label and date all products, ensuring FIFO and Company standards are met.
- Follow all pars created by Sous Chef and Executive Chef
- Handle all food items and follow DOH guidelines for potentially hazard food items.
- Review all daily purchase orders and process all invoices.
- Perform receiving duties while following company protocols.
- Organize and clean walk-ins.
- Properly label all products
- Possess In depth knowledge of all products and receiving procedures.
- Communicate all product needs and shorts to Chef team.
- Report damaged or defective equipment to management.

(Please see atatched for full JD)

*(Continue to Page 2)*

## GAMING LICENSEE CERTIFICATION

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

**JOB POSITON (AND UNIQUE JOB CODE):** Seamark - Reciever SM-011

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

(Continue to Page 3)



JOB POSITON (AND UNIQUE JOB CODE):

Seamark - Reciever SM-011

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



/ Kara Henson

Signature

/ Printed Name

02/29/2024

Date

## JOB DESCRIPTION: RECEIVER

**LOCATION:** Encore Resort & Casino Boston Harbor  
**POSITION TITLE:** Receiver  
**REPORTS TO:** Sous chef / Executive Chef  
**DATE CREATED:** 1/2/2024  
**FLSA STATUS:** Hourly

### POSITION SUMMARY

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The Receiver is responsible for receiving of all product, maintaining pars, ordering and maintaining inventory. They keep all walk-ins and storage areas Department of Health complaint, clean, and orderly.

### PRIMARY RESPONSIBILITIES

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- Manage all incoming orders in a quick and efficient manner.
- Rotate all prep stock and properly label and date all products, ensuring FIFO and Company standards are met.
- Follow all pars created by Sous Chef and Executive Chef
- Handle all food items and follow DOH guidelines for potentially hazard food items.
- Review all daily purchase orders and process all invoices.
- Perform receiving duties while following company protocols.
- Organize and clean walk-ins.
- Properly label all products
- Possess In depth knowledge of all products and receiving procedures.
- Communicate all product needs and shorts to Chef team.
- Report damaged or defective equipment to management.
- Complete all required Jolt checklists.
- Works with safety as a priority and follows department and company safety standards.
- Proper set up and breakdown of their station.
- Complete any needed logs and checklists.
- Maintains relevant knowledge of industry through continuing education and training.
- Maintain professional appearance standards as directed in employee handbook.

This job description reflects the position's essential functions; it does not encompass all the tasks that may be assigned.

### OUR IDEAL CANDIDATE

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#### EXPERIENCE, EDUCATION, AND CERTIFICATIONS

- Current Massachusetts Food Handler Card.

#### SKILLS

- Can illustrate consultative skills and ability to work cross-functionally.
- Demonstrates strong problem-solving skills through the ability to diagnose and develop recommended solutions.
- Prior receiving experience preferred.

## **JOB DESCRIPTION: RECEIVER**

### **PHYSICAL DEMANDS**

- Ability to move throughout the business (standing, walking, kneeling, bending) for extended periods.
- Ability to make repeating movements of the arms, hands, and wrists.
- Manual dexterity, hand-eye coordination, and ability to work with hand above shoulders.
- Ability to regularly move objects (lift, push, pull, balance, carry) up to 50 pounds/25 kilograms.
- Ability to turn or twist body parts in a circular motion.
- Ability to tolerate exposure to heat, cold, chemicals, and loud/noisy environments.

### **ADDITIONAL REQUIREMENTS**

- Ability to work evenings, weekends, and holidays, as needed.



## MASSACHUSETTS GAMING COMMISSION

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

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

**GAMING LICENSEE:** Exempt

**JOB POSITON (AND UNIQUE JOB CODE):** Seamark - Server SM - 016

JOB DESCRIPTION	EFFECTIVE DATE OF JOB DESCRIPTION: 01/16/2024 <i>(The Licensee shall immediately notify the Bureau of changes to any job description for an exempted position.)</i>
<b>POSITION SUMMARY</b>  The Restaurant Server is responsible for providing prompt and courteous service to all restaurant guests, including taking orders, suggestive selling, serving food and beverages, and clearing tables. This position is instrumental in creating an environment of luxury, attention to detail, and executing service standards that captivates and wows our guests. The Restaurant Server must continually seek opportunities to create memories by anticipating guests needs, exceeding expectations, and building relationships. An overall subject matter expert on everything relating to a restaurant and fine dining experience.  (Please see attached for full JD)	

(Continue to Page 2)

## GAMING LICENSEE CERTIFICATION

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

**JOB POSITON (AND UNIQUE JOB CODE):** Seamark - Server SM - 016

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

(Continue to Page 3)

JOB POSITON (AND UNIQUE JOB CODE):

Seamark - Server SM - 016

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



/ Kara Henson

Signature

/ Printed Name

02/29/2024

Date

## JOB DESCRIPTION: RESTAURANT SERVER

**LOCATION:** Encore Resort & Casino Boston Harbor  
**POSITION TITLE:** Restaurant Server  
**REPORTS TO:** GM/AGM/F&B Manager  
**DATE CREATED:** 1/2/2024  
**FLSA STATUS:** Hourly - Overtime Non-Exempt

### POSITION SUMMARY

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The Restaurant Server is responsible for providing prompt and courteous service to all restaurant guests, including taking orders, suggestive selling, serving food and beverages, and clearing tables. This position is instrumental in creating an environment of luxury, attention to detail, and executing service standards that captivates and wows our guests. The Restaurant Server must continually seek opportunities to create memories by anticipating guests needs, exceeding expectations, and building relationships. An overall subject matter expert on everything relating to a restaurant and fine dining experience.

### PRIMARY RESPONSIBILITIES

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- Reconcile transactions at the end of each shift, cash out, and maintain a balanced bank.
- Be thoroughly familiar with all menu items, including ingredients and food allergens, and wine list to assist guests and answer questions accurately.
- Ensure the restaurant is always clean and in order, including tables, chairs, floors, walls, ceilings, lighting, temperature, music, and décor.
- Ensure sequence of service is followed for all guests.
- Greet guests, take food and beverage orders, and suggestive sell.
- Serve food and beverages, ensuring timeliness, completeness, and accuracy.
- Accommodate guests' special requests whenever possible.
- Maintain tables by clearing finished plates, glassware, silverware, trash, and other items.
- Process payments according to POS and cash handling procedures.
- Maintain bank variance within standard.
- Ensure all checks are closed out.
- Polish and set up china, glassware, silverware, and service items.
- Stock clean linen and discard used linen.
- Set up and empty trash and recycling.
- Set up and stock condiments.
- Clean and stock side stations.
- Set up, maintain, and break down beverage stations.
- Follow all food safety, sanitation, and alcohol service laws and regulations.
- Maintain positive and professional communication with all staff.
- Provide recognition to others, including co-workers, supervisors, managers, and directors.
- Participate in meetings to learn about global programs, new products, and procedures, and to discuss areas of opportunities, special events, and other activities.
- Ensure a healthy and safe work environment for co-workers and guests.
- Be knowledgeable of property facilities, services, hours of operation, in-house events, conferences, and amenities to proactively assist guests.
- Assist guests in finding locations within the property by escorting, when possible, or giving clear directions.
- Resolve guest complaints using property procedures.

## JOB DESCRIPTION: RESTAURANT SERVER

SEAMARK

SEAFOOD & COCKTAILS

- Create a positive environment in which all employees can maximize their potential.
- Listen to comments, criticisms, and feedback from guests, employees, and managers to gain an understanding of strengths and opportunities to improve personal/venue performance.
- Work as a team, helping all employees to complete the required activities to ensure we deliver exceptional service.
- Participate in pre-shift meetings on each shift.
- Always smile and offer a warm greeting and fond farewell to all.
- Know, understand, and practice (with energy and enthusiasm) the mission, values, mottos, culture, and spirit that make Carver Road Hospitality unique.
- Take the initiative to offer assistance throughout the venue.
- Operate ethically to protect the SEAMARK brand.
- Perform duties in accordance with company standards, policies, and guidelines, and applicable laws and regulations.
- Perform additional duties as requested by department managers and supervisors.
- Communicate with supervisors and managers to ensure that assigned duties are completed to standard.
- Coordinate operations with other departments, as needed.
- Present a professional image to employees, guests, clients, owners, and investors.
- Review and develop guest history records to enhance personalized service for repeat guests.
- Maintain confidentiality of guest, employee, and company information.

This job description reflects the position's essential functions; it does not encompass all the tasks that may be assigned.

## OUR IDEAL CANDIDATE

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### EXPERIENCE, EDUCATION, AND CERTIFICATIONS

- Secondary school degree preferred and/or previous work experience in service for at least 2 years in a hotel managed restaurant or 4 years in an independent quality restaurant.
- Current Massachusetts Food Handler Card.
- Current Massachusetts Alcohol Server Training Certificate.

### SKILLS

- Ability to comprehend and use basic language, either written or spoken, to communicate information and ideas.
- Ability to read, comprehend, and write simple instructions, short correspondence, and memos.
- Ability to perform numerical operations using basic counting, adding, subtracting, multiplying, or dividing.
- Ability to effectively deal with internal and external customers and staff, some of whom will require elevated levels of patience, tact, and diplomacy.
- Fluency in English: additional languages preferred.

### PHYSICAL DEMANDS

- Ability to move throughout the business (standing, walking, kneeling, bending) for extended periods of time.
- Ability to make repeating movements of the arms, hands, and wrists.
- Manual dexterity, hand-eye coordination, and ability to work with hand above shoulders.
- Ability to regularly move objects (lift, push, pull, balance, carry) up to 50 pounds / 25 kilograms.
- Ability to turn or twist body parts in a circular motion.



## **JOB DESCRIPTION: RESTAURANT SERVER**

- Ability to tolerate exposure to heat, cold, chemicals, and loud/noisy environment.

### **ADDITIONAL REQUIREMENTS**

- Understanding of lifestyle hotels and premium dining products and services.
- Must meet legal requirements for any required licensing.
- Ability to work evenings, weekends, and holidays, as needed.



## MASSACHUSETTS GAMING COMMISSION

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

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

**GAMING LICENSEE:** Exempt

**JOB POSITON (AND UNIQUE JOB CODE):** Seamark - Busser/ Server Assistant SM - 013

JOB DESCRIPTION	EFFECTIVE DATE OF JOB DESCRIPTION: 01/16/2024 <i>(The Licensee shall immediately notify the Bureau of changes to any job description for an exempted position.)</i>
<b>POSITION SUMMARY</b>  The Service Assistant is responsible for the clearing and resetting of tables. This position is instrumental in maintaining the cleanliness of the restaurant and ensures efficient table sets to optimize volume of business. At times the service attendant will be assigned to run food from various kitchens in the hotel to home department.  (Please see attached for full JD)	

(Continue to Page 2)

## GAMING LICENSEE CERTIFICATION

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

**JOB POSITON (AND UNIQUE JOB CODE):** Seamark - Busser/ Server Assistant SM - 013

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

(Continue to Page 3)

JOB POSITON (AND UNIQUE JOB CODE): Seamark - Busser/ Server Assistant SM - 013

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



/ Kara Henson

Signature

/ Printed Name

02/29/2024

Date

## JOB DESCRIPTION: SERVER ASSISTANT

**LOCATION:** Encore Resort & Casino Boston Harbor  
**POSITION TITLE:** Server Assistant  
**REPORTS TO:** GM/AGM/F&B Manager  
**DATE CREATED:** 1/2/2024  
**FLSA STATUS:** Hourly - Overtime Non-Exempt

### POSITION SUMMARY

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The Service Assistant is responsible for the clearing and resetting of tables. This position is instrumental in maintaining the cleanliness of the restaurant and ensures efficient table sets to optimize volume of business. At times the service attendant will be assigned to run food from various kitchens in the hotel to home department.

### PRIMARY RESPONSIBILITIES

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- Set up dish breakdown areas.
- Be thoroughly familiar with all menu items, including ingredients and food allergens, and wine list to assist guests and answer questions accurately.
- Ensure the restaurant is always clean and in order, including tables, chairs, floors, walls, ceilings, lighting, temperature, music, memorabilia, and décor.
- Ensure sequence of service is followed for all guests.
- Assist servers in serving water and other beverages.
- Accommodate guests' special requests whenever possible.
- Maintain tables by clearing finished plates, glassware, silverware, trash, and other items.
- Break down dishes in breakdown area.
- Set, clear, and reset tables.
- Polish and set up china, glassware, silverware, and service items.
- Stock clean linen and discard used linen.
- Set up and empty trash and recycling.
- Set up and stock condiments.
- Clean and stock side stations.
- Set up, maintain, and break down beverage stations.
- Maintain floors by picking up debris and spot sweeping with small broom and dustpan.
- Follow all food safety, sanitation, and alcohol service laws and regulations.
- Maintain positive and professional communication with all staff.
- Provide recognition to others, including co-workers, supervisors, managers, and directors.
- Participate in meetings to learn about global programs, new products, and procedures, and to discuss areas of opportunities, special events, and other activities.
- Ensure a healthy and safe work environment for co-workers and guests.
- Be knowledgeable of property facilities, services, hours of operation, in-house events, conferences, and amenities to proactively assist guests.
- Promote property outlets to guests.
- Assist guests in finding locations within the property by escorting, when possible, or giving clear directions.
- Resolve guest complaints using property procedures.
- Create a positive environment in which all employees can maximize their potential.
- Listen to comments, criticisms, and feedback from guests, employees, and managers to gain an understanding of strength and opportunity to improve personal/property performance.

## JOB DESCRIPTION: SERVER ASSISTANT

SEAMARK

SEAFOOD & COCKTAILS

- Work as a team, helping all employees to complete the required activities to ensure we deliver Amplified Service.
- Participate in Sound Check meetings on each shift.
- Always smile and offer a warm greeting to all.
- Know, understand, and practice (with energy and enthusiasm) the mission, values, mottos, culture, and spirit that make Carver Road Hospitality & Seamark unique.
- Take the initiative to offer assistance throughout the property.
- Operate ethically to protect the Hard Rock brand.
- Utilize programs designed to help Save the Planet.
- Perform duties in accordance with company standards, policies, and guidelines, and applicable laws and regulations.
- Perform additional duties as requested by department managers and supervisors.
- Communicate with supervisors and managers to ensure that assigned duties are completed to standard.
- Coordinate operations with other departments, as needed.
- Present a professional image to employees, guests, clients, owners, and investors.
- Maintain confidentiality of guest, employee, and company information.

This job description reflects the position's essential functions; it does not encompass all the tasks that may be assigned.

## OUR IDEAL CANDIDATE

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### EXPERIENCE, EDUCATION, AND CERTIFICATIONS

- Secondary school degree preferred and/or previous work experience in service for at least 2 years in a hotel managed restaurant or 4 years in an independent quality restaurant.
- Current Massachusetts Food Handler Card.
- Current Massachusetts Alcohol Server Training Certificate.

### SKILLS

- Ability to comprehend and use basic language, either written or spoken, to communicate information and ideas.
- Ability to read, comprehend, and write simple instructions, short correspondence, and memos.
- Ability to perform numerical operations using basic counting, adding, subtracting, multiplying, or dividing.
- Ability to effectively deal with internal and external customers and staff, some of whom will require elevated levels of patience, tact, and diplomacy.
- Fluency in English: additional languages preferred.

### PHYSICAL DEMANDS

- Ability to move throughout the business (standing, walking, kneeling, bending) for extended periods of time.
- Ability to make repeating movements of the arms, hands, and wrists.
- Manual dexterity, hand-eye coordination, and ability to work with hand above shoulders.
- Ability to regularly move objects (lift, push, pull, balance, carry) up to 50 pounds/25 kilograms.
- Ability to turn or twist body parts in a circular motion.
- Ability to tolerate exposure to heat, cold, chemicals, and loud/noisy environment.

**JOB DESCRIPTION: SERVER ASSISTANT**

**ADDITIONAL REQUIREMENTS**

- Understanding of lifestyle hotels and premium dining products and services.
- Must meet legal requirements for any required licensing.
- Ability to work evenings, weekends, and holidays, as needed.



## MASSACHUSETTS GAMING COMMISSION

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

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

GAMING LICENSEE: Exempt

JOB POSITON (AND UNIQUE JOB CODE): Seamark - Food Runner SM - 012

#### JOB DESCRIPTION

EFFECTIVE DATE OF JOB DESCRIPTION: 01/16/2024

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

#### POSITION SUMMARY

The Food Runner is responsible for assisting the Servers in friendly, courteous food preparation and service in accordance with established standards, additionally maintaining the stock and restaurant cleanliness

- Familiarizes with service standards for the restaurant, especially table setups, beverage service and pre-busing of tables.
- Cleans and resets tables in accordance with established procedures and sanitation guidelines.
- Polishes glassware, silverware, and china.
- Stocks all mise en place before, during and after service to ensure that the service team has all the tools necessary to fulfill their roles.
- Performs immediate cleaning function of the restaurant, floors, carpet, and service stations during business hours and when in the interest of preserving the guest experience.
- Monitors and ensures cleanliness of all place settings, tabletops, seats, and floor.

(Please see attached for full JD)

*(Continue to Page 2)*



## GAMING LICENSEE CERTIFICATION

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

**JOB POSITON (AND UNIQUE JOB CODE):** Seamark - Food Runner SM - 012

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

(Continue to Page 3)

JOB POSITON (AND UNIQUE JOB CODE):

Seamark - Food Runner SM - 012

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



/ Kara Henson

Signature

/ Printed Name

02/29/2024

Date

## JOB DESCRIPTION: FOOD RUNNER

**LOCATION:** Encore Resort & Casino Boston Harbor  
**POSITION TITLE:** Food Runner  
**REPORTS TO:** GM/AGM/F&B Manager  
**DATE CREATED:** 1/2/2024  
**FLSA STATUS:** Hourly - Overtime Non-Exempt

### POSITION SUMMARY

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The Food Runner is responsible for assisting the Servers in friendly, courteous food preparation and service in accordance with established standards, additionally maintaining the stock and restaurant cleanliness.

### PRIMARY RESPONSIBILITIES

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- Familiarizes with service standards for the restaurant, especially table setups, beverage service and pre-busing of tables.
- Cleans and resets tables in accordance with established procedures and sanitation guidelines.
- Polishes glassware, silverware, and china.
- Stocks all mise en place before, during and after service to ensure that the service team has all the tools necessary to fulfill their roles.
- Performs immediate cleaning function of the restaurant, floors, carpet, and service stations during business hours and when in the interest of preserving the guest experience.
- Monitors and ensures cleanliness of all place settings, tabletops, seats, and floor.
- Leaves money or guest checks on tables.
- Performs customer service duties as assigned such as bread service, water and non-alcoholic drink service, coffee and tea service, replacement of silverware between courses amongst other things. Communicates with host for seating needs and any guest service issues.
- Performs various stock supply duties to maintain par levels of all equipment and dining supplies.
- Works closely with the chef to prepare all garnish, underliners, and special plating setups.
- Must have intimate familiarity with all menu items to ensure items that leave the kitchen are prepared accordingly and presented as planned.
- Transports all food items from the kitchen to the guest both through hand-carried technique or with trays when appropriate.
- Organizes and polishes plates and serving utensils in the expeditor station. Explains in detail all food items to the guest.
- Assists the Gourmet Food Server with supportive tasks.
- Communicates with host/hostess for seating needs and any guest service issues.
- Maintains health code standards.
- Works with safety as a priority and follows department and company safety standards.
- Maintains relevant knowledge of industry through continuing education and training.
- Clear and reset tables, quickly and efficiently, according to restaurant standards.
- Stock and maintain side stations.
- Check all silverware for cleanliness, defective pieces.
- Proper stacking of soiled plates and glasses in the dish room.
- Maintain cleanliness standards throughout the restaurant.
- Respond to guest requests.
- Assist servers as necessary.
- Pre bus tables.

## JOB DESCRIPTION: FOOD RUNNER

- Fold napkins.
- Stock and maintain restrooms.
- Deliver food to the guest.
- Ensure all dishes match the dupe including modifiers and special requests.
- Check quality of plate presentation.
- Communicate with wait staff regarding guest requests.
- Set up the line for service of each meal period.
- Maintain par levels of product.
- Complete opening/closing & weekly side work duties.
- Garnish dishes as necessary.
- Call the dupes in the absence of an expo.
- Performs any other job-related duties as assigned.

This job description reflects the position's essential functions; it does not encompass all the tasks that may be assigned.

## OUR IDEAL CANDIDATE

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### EXPERIENCE, EDUCATION, AND CERTIFICATIONS

- Secondary school degree preferred and/or +2 years working as a Food Runner in a recognized high volume / good quality independent bar or as part of a larger restaurant foot print.
- Current Massachusetts Food Handler Card.
- Current Massachusetts Alcohol Server Training Certificate.

### SKILLS

- Ability to comprehend and use basic language, either written or spoken, to communicate information and ideas.
- Ability to read, comprehend, and write simple instructions, short correspondence, and memos.
- Ability to perform numerical operations using basic counting, adding, subtracting, multiplying, or dividing.
- Ability to effectively deal with internal and external customers and staff, some of whom will require elevated levels of patience, tact, and diplomacy.
- Fluency in English: additional languages preferred.

### PHYSICAL DEMANDS

- Ability to move throughout the business (standing, walking, kneeling, bending) for extended periods of time.
- Ability to make repeating movements of the arms, hands, and wrists.
- Manual dexterity, hand-eye coordination, and ability to work with hand above shoulders.
- Ability to regularly move objects (lift, push, pull, balance, carry) up to 50 pounds / 25 kilograms.
- Ability to turn or twist body parts in a circular motion.
- Ability to tolerate exposure to heat, cold, chemicals, and loud/noisy environment.

### ADDITIONAL REQUIREMENTS

- Understanding of lifestyle hotels and premium dining products and services.
- Must meet legal requirements for any required licensing.
- Ability to work evenings, weekends, and holidays, as needed.



*Legal Division*

TO: Jordan Maynard, Interim Chairman  
Eileen O'Brien, Commissioner  
Bradford Hill, Commissioner  
Nakisha Skinner, Commissioner

FROM Judith Young, Associate General Counsel  
Dr. Alexandra Lightbown, Director of the Racing Division  
Derek Lennon, Chief Financial and Accounting Officer

RE: The Escrow of Funds pursuant to 205 CMR 149.03 and 149.04; and the  
Request from the New England Horsemen's Benevolent and Protective  
Association, Inc.

DATE: March 28, 2024

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## Overview

On June 21, 2023,<sup>1</sup> the New England Horsemen's Benevolent and Protective Association, ("NEHBPA") an organization aimed at promoting and protecting the thoroughbred racing industry in the Commonwealth; and dually representing the interests of trainers and local owners of thoroughbred horses since 1940, sent a letter of request to the Massachusetts Gaming Commission ("Commission") regarding the Race Horse Development Fund ("RHDF" or "Fund"). The letter noted the accrued and unexpended purse funds within the RHDF, after live thoroughbred racing ended in the Commonwealth in 2019. The NEHBPA has requested that the Commission undertake the process within 205 CMR 149.00 to establish an escrow account; moving thoroughbred purse funds from the RHDF for their future use in the thoroughbred racing industry. This memorandum will provide an overview of the RHDF, the creation of an escrow account, the distribution requirements of both items, and considerations for Commissioners based on recent discussions.

## **The Race Horse Development Fund and 205 CMR 149.00**

The regulations that pertain to escrowing funds from the RHDF are also intended to clarify the allocation and distribution of the Funds within M.G.L. c. 23K, § 60. See, 205 CMR 149.00. Prior to 2019, there were two types of racing within the Commonwealth; and the RHDF was intended to support both Standardbred<sup>2</sup> and Thoroughbred racing. Distributions of gross gaming revenue to the RHDF were set by the Legislature when drafting the enabling legislation of the Commission, within Chapter 194 of the Acts of 2011, and M.G.L. c. 23K. Distributions from the Fund are set out in M.G.L. c. 23K, § 60, in the following amounts: 80 (%)

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<sup>1</sup> Since the first drafting of this memorandum and the Commission's last discussion of this matter at a public meeting in June 2023, The NEHBPA has submitted a more recent version of a similar request to place the monies allocated for Thoroughbred racing from the Race Horse Development Fund into an escrow account. The letter is dated March 7th, 2024, and has been included in the Commissioners Packet with other public comments received.

<sup>2</sup> Standardbred Racing occurs at Plainridge Park Casino and is referred to in 205 CMR 3.00 - 14.00 as "Harness Horse Racing".



Massachusetts Gaming Commission

percent for purse amounts; 16 (%) percent to be utilized for horse breeding efforts in the Commonwealth; and 4 (%) percent for Health and Pension Benefits for Jockeys, Trainers, and Drivers.

Thoroughbred racing ceased at Suffolk Downs after 2019, and no distributions from the fund for thoroughbred racing pursues have been made since. Revenue from Category 1 and 2 Gaming establishments is still deposited within the Fund and has continued to steadily increase and accumulate. On April 26, 2021, the Commission and Horse Racing Committee voted to assign a greater portion of funds towards Standardbred racing and re-allocated the proportions accordingly. Standardbred racing would now receive, 92 percent ( of the 80%) purse allocation; 75 percent (of the 16%) allocation for Horse breeding efforts; and 50 percent (of the 4%) Health and Pension Benefits.<sup>3</sup>

### **Escrowing Funds**

Neither M.G.L. chs. 23K nor 128A address the Commission's ability to escrow funds from the Race Horse Development Fund. 205 CMR 149.00 was developed in an attempt to codify and provide clarity surrounding distributions from the RHDF, and to describe a process should the potential need for escrowing arise. 205 CMR 149.01 and 149.02 provide definitions utilized within the Chapter and sections, and also set out the regulatory requirement for the Commission to make distributions from the RHDF in accordance with the provisions of Chapter 23K, § 60. Similarly, a harness racing association,<sup>4</sup> and horse racing association,<sup>5</sup> (collectively "Racing Associations") also have requirements for how they must distribute funds received from the RHDF as well. See, 149.02(2).

The Commission's initial consideration of placing money from the RHDF within an escrow account requires a "prompting event" to occur. See, 205 CMR 149.03(1)-(2). A racing association must provide the Commission with at least 30 days written notice of their intent to either discontinue harness races or horse races for the remainder of a harness meeting or horse meeting; permanently discontinue harness races or horse races; close a race track used for harness races or horse races; abandon or relinquish their license; not apply for the renewal of a license; or transfer a race track to any other entity.

Once in receipt of the written notice, or once the Commission becomes aware of a racing association's failure to notify the Commission of their current or future intentions, the Commission has discretion to consider what, if any, protocols it wishes to undertake. Pursuant to 205 CMR 149.03(2)(a)(1)-(3), the Commission may choose to hold a public hearing to determine: whether monies that would have been

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<sup>3</sup> From August 27, 2020, to April 21, 2021, the split of RHDF Funds to Standardbred racing was 70 percent ( of the 80%) purse allocation; 75 percent (of the 16%) allocation for Horse breeding efforts; and 40 percent (of the 4%) Health and Pension Benefits.

<sup>4</sup> 205 CMR 149.01 states that a 'Harness Racing Association' means an association as defined in 205 CMR 3.02: *Definitions*. 205 CMR 3.00, a regulation pertaining to Harness Racing, defines Association is any person or persons, associations, or corporations licensed by the Commission to conduct harness horse racing within the Commonwealth of Massachusetts for any stake, purse or reward. *See*, 205 CMR 3.02. emphasis original.

<sup>5</sup> 205 CMR 149.01 states that a 'Horse Racing Association' means an association as defined in 205 CMR 4.02: *Definitions*. 205 CMR 4.00, a regulation pertaining to thoroughbred Horse Racing, defines Association is any person or persons, associations, or corporations licensed by the Commission to conduct horse racing within the Commonwealth of Massachusetts for any stake, purse or reward. *See*, 205 CMR 4.02. emphasis original.

received by the association should be placed in an escrow account; whether to transfer the money that would have been received by association to a different racing association; or whether to transfer an association's license to another association.

Additionally, 205 CMR 149.03(2)(a)(4) provides the Commission discretion to act within its authority and determine whether to take any other kind of protective action for: the interests of the Commonwealth; employees or former employees of racing associations; horsemen; and the intended beneficiaries of the RHDF. In the alternative, the Commission may also choose not to hold a hearing, and instead require an association to complete a "winding up" of sorts. Pursuant to 205 CMR 149.03(2)(b), a racing association that has given notice in 149.03(1), may be required to pay any unclaimed winnings, assessments, taxes, or fees to the Commission.

Next, 205 CMR 149.04 prescribes the methods in which an escrow fund, that was approved pursuant to 149.03(2) is administered and distributed to the respective racing association that it was created for. *See*, 205 CMR 149.04(2). It mirrors the same distributions set by the Legislature and requires that funds from the RHDF, or an escrow account are distributed in accordance with M.G.L. c. 23K, §60.

Escrowing funds is not a long-term means of feasibly safeguarding the unspent portions of the RHDF. 205 CMR 149.04(3) places a three-year requirement upon any funds that have been placed into an escrow account. After those three years, the remaining funds are to be transferred or distributed by the Commission, in accordance with the recommendations of the Horse Racing Committee. Additionally, escrowed funds could still be subject to withdrawal or reallocation, pending an act of the Legislature.

### **Additional Considerations and Research on Escrow Accounts**

In the course of the Division's review of the escrow process with Director of Racing, Dr. Lightbown, and CFAO Lennon, we were able to review additional statutes, and gain insight into the external process related to escrow accounts within the Commonwealth. It is now evident that the Commission cannot solely place the funds into escrow as 205 CMR 149.00, *et seq* implies. M.G.L. c. 29, § 23 provides that "the Treasurer shall manage all cash, funds or investments under the control of a state agency." Additionally, M.G.L. c. 29, §34, prescribes that a state agency must obtain the Treasurer's consent to deposit funds into a banking institution lawfully doing business with the Commonwealth. Accordingly, the Treasurer's office must approve whether or not the Commission may create an escrow account, prior to the Commission doing so.<sup>6</sup>

In its review of a request for a new account, the Treasurer's Office may also have additional inquiries for the Commission and the specific request; including whether there is statutory authority for the account. As previously mentioned, statute does not have language that contemplates the Commission's ability to escrow funds from the RHDF.

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<sup>6</sup> The Memorandum from Treasurer's Office "*Re: Authority for Banking Activity*" has been included in the Commissioner's packet.

# **New England Horsemen's Benevolent and Protective Association, Inc**

A National Organization



P.O. Box 550247 Waltham, MA. 02455 617-744-3603

[www.newenglandhbpa.com](http://www.newenglandhbpa.com)

President – Anthony Spadea

Executive Director – Paul Umbrello

Directors Owners- Joseph DiRico, Shirley Dullea, Dan Joyce, Al Tassone, Chris Trakas

Directors Trainers –Matt Clarke, Robert Manning, Kevin McCarthy, Leona McKanas George Saccardo

March 7<sup>th</sup>, 2024

Dear Members of the Massachusetts Gaming Commission

On behalf of the New England Horsemen's Benevolent and Protective Association and our members, I want to thank you for agreeing to take up the issue of escrowing the RHDF purse account which is critical to the future of thoroughbred racing in Massachusetts. As the primary regulator of the racing industry, the MGC has played a primary role in the viability of our industry since passage of the 2011 casino law. In that regard, we believe that the MGC has a statutory obligation to advocate for the success of the racing industry in Massachusetts.

Within that framework is the clear language under 23K Section 60 requiring the deposit of these funds into the horsemen's account. Our reading of the statute is that whether we race six days or 60 days – or are not currently racing – is irrelevant to the intent of the language, which is to deposit the funds along with interest into the horsemen's account. The Commission's unwillingness to abide by the statute has likely contributed to the decline in our industry when potential investors in a new track interpret the Commission's policy as a lack of support for a new facility and our sport.

To secure the future funding of racing and attract investors, it is imperative for the MGC to act according to the statute and, at a minimum, escrow the current funds in the RHDF Purse account.

We are requesting that the Commission approach these issues with a bias in favor of the racing industry, as was intended by the Legislature, to support our future potential both as a sport and as an important piece of our rural and agricultural economy. The MGC was created, in part, to assure our future success. It is that mission we are asking you to bear in mind as we move forward. You remain our primary regulator, but that should not include policy decisions that contribute to our demise.

**Supporting Language**

**23K Section 60**



(i) 80 per cent of the funds approved by the commission shall be deposited weekly into a separate, interest-bearing purse account to be established by and for the benefit of the horsemen; provided, however, that the earned interest on the account shall be credited to the purse account; and provided further, that licensees shall combine these funds with revenues from existing purse agreements to fund purses for live races consistent with those agreements with the advice and consent of the horsemen;

#### **205 CMR 149.03: Notice to Commission of Intent to Discontinue Racing**

(1) A harness racing association or horse racing association shall provide the commission at least 30 days prior written notice of its intent to take any of the following actions:

- (a) To discontinue harness races or horse races for the remainder of a harness meeting or horse meeting;
- (b) To permanently discontinue harness races or horse races;
- (c) To close a race track used for harness races or horse races;
- (d) To abandon or relinquish a license;
- (e) To not apply for the renewal of a license; or
- (f) To transfer a race track to any other entity.

**205 CMR 149 then goes on further to explain that even without proper notice, the Commission has the authority to act with broad discretion.**

(2) Upon receipt of a written notice of intent pursuant to 205 CMR 149.03(1), or upon learning that the harness racing association or horse racing association has failed to timely notify the commission pursuant thereto or that any event described in 205 CMR 149.03(1)(a) through (f) has occurred or will occur, the commission may take one or more of the following actions:

(a) Hold a public hearing to determine:

1. whether monies from the race horse development fund which the harness racing association or horse racing association would have received pursuant to M.G.L. c. 23K, § 60, should be placed in a racing escrow account for distribution pursuant to 205 CMR 149.04;
2. whether to transfer monies from the race horse development fund which the harness racing association or horse racing association would have received pursuant to M.G.L. c. 23K, § 60 to a different harness racing association or horse racing association;
3. whether to transfer the harness racing associations or horse racing association's license to a different harness racing association or horse racing association;
4. whether to take any other action within its authority to protect:
  - a. the interests of the commonwealth;
  - b. employees or former employees of the harness racing association or horse racing association;
  - c. harness racing horsemen and horse racing horsemen; and
  - d. the intended beneficiaries of the race horse development fund, any other fund established pursuant to M.G.L. c. 23K, 128A or 128C, and any other fund to which the harness racing association or horse racing association was required to contribute.

Thank you

Paul Umbrello – Executive Director NEHBPA

**From:** [Lightbown, Alexandra](#)  
**To:** [Young, Judith](#)  
**Subject:** escrow of RHDF public comments  
**Date:** Thursday, March 21, 2024 9:57:59 AM  
**Attachments:** Escrow RHDF Anthony Spadea-NEHBPA.pdf  
Escrow of RHDF Paul Umbrello.pdf  
Escrow of RHDF Tim Ryan.pdf

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**From:** paddy reardon <bodababie@gmail.com>  
**Sent:** Monday, March 4, 2024 3:32 PM  
**To:** Lightbown, Alexandra <alexandra.lightbown@massgaming.gov>  
**Subject:** race horse development fund

Good Afternoon Commissioners,

Given the fact that there are multiple horsemens groups in the Commonwealth, we would respectfully request the MGC provide for a mechanism that both groups \_\_\_\_\_ consent to the distribution or allocation of any incentive funds. Without live racing , those funds should be held by the MGC until at which time there are actual live races to provide for the appropriate purse structure. Those incentives and purse funds remain vital to attract live racing to Massachusetts and without such funds in the hands of the MGC almost certainly spell the end of opportunity for any live racing to support our horsemen and farms. The agents of the state hold the purse account in every state where there are multiple groups and where never touched by a horsemen's group, for it goes from the MGC to the agent of the track for direct payout. Thank You,

Massachusetts Thoroughbred Horsemen's Association

Patricia O'Neill-Reardon

Executive Director

**From:** Tim Ryan <[timkatryan@gmail.com](mailto:timkatryan@gmail.com)>  
**Sent:** Wednesday, February 28, 2024 9:53 PM  
**To:** MGCcomments <[MGCcomments@massgaming.gov](mailto:MGCcomments@massgaming.gov)>  
**Subject:**

You don't often get email from [timkatryan@gmail.com](mailto:timkatryan@gmail.com). [Learn why this is important](#)

As a horse owner and race horse farm owner i believe the fund should not be moved . The state of mass is the best steward of the fund. No horsemans group should be intrusted to funds ...

# **New England Horsemen's Benevolent and Protective Association, Inc**

A National Organization



P.O. Box 550247 Waltham, MA. 02455 617-744-3603

[www.newenglandhbpa.com](http://www.newenglandhbpa.com)

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Executive Director – Paul Umbrello

Directors Owners- Joseph DiRico, Shirley Dullea, Dan Joyce, Al Tassone, Chris Trakas

Directors Trainers –Matt Clarke, Robert Manning, Kevin McCarthy, Leona McKanas George Saccardo

Dear Massachusetts Gaming Commissioners:

March 7<sup>th</sup>, 2024

As you know, the 2011 casino law enacted by the Legislature, which included creation of the Gaming Commission (MGC), purposefully included creation of the Race Horse Development Fund (RHDF) to protect racing in the Commonwealth from casino gambling competition. Revenues from the state's casinos and slots were then held in trust by the Gaming Commission to support the Thoroughbred and Standardbred racing venues.

When Suffolk Downs lost its bid to host the Boston region's casino license, it ultimately decided to sell its property for development. The New England Horsemen's Benevolent and Protective Association (NEHBPA) worked closely with the MGC to continue festival racing at Suffolk Downs using funds from the RHDF until Suffolk Downs finally ran its last races in June 2019.

At that time, the Commission was very supportive of our efforts and openly embraced our sport as a central part of its mission to not only regulate our industry but to promote horse racing in the Commonwealth.

We are now at a pivot point when we are fighting language in the Governor's budget that would eliminate the RHDF. At the same time, we are asking the MGC to escrow funds that have been collected in the RHDF to preserve racing purses for future racing.

These issues are not just about racing. The racing industry impacts our rural economy and farming in countless ways. We have lost breeding and hay farms in Massachusetts to developers since the shutdown of Suffolk Downs because racing drives a rural economy that few see or understand. If we do not fund the breeding program from the RHDF, we will lose more breeding farms. If we do not support the development of a new racetrack, we will lose more farms and more supply businesses that support those farms.

The Legislature created the RHDF because it understood the interconnection between racing and the thousands of jobs tied to our industry. It also understood the connection between racing, farm preservation, and all the jobs that support farming and horse racing activities.

As the President of the NEHBPA and on behalf of myself, the Board, and our membership, I ask you to look deeper into what this industry does for Massachusetts and consider what the Commission can do, to not only honor its commitment to this industry, but also to act to preserve family farms and the rural economy in Massachusetts.

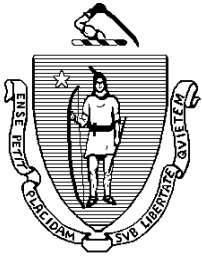
Anthony Spadea – President  
NEHBPA

Dear MGC,

There are two thoroughbred horsemans group with in the commonwealth. I am a board member and acting president of the Mass Thoroughbred Horsemans Assoc. The MGC has proven to be a protector of these funds. In other states with more than one group the funds are held by a state agency. These funds should be held by a proven steward(MGC) until there are live races. The funds are important in attracting investors to the state.

Lee Loebelenz

Westport, ma



# *The Commonwealth of Massachusetts*

## *Office of the Treasurer and Receiver General*

*One Ashburton Place, 12<sup>th</sup> Floor  
Boston, Massachusetts 02108-1608*

**Deborah B. Goldberg**  
Treasurer and Receiver General

### **MEMORANDUM**

**TO:** Commonwealth of Massachusetts Chief Fiscal Officers

**FROM:** James A. MacDonald, First Deputy Treasurer  
Office of the Treasurer and Receiver General

**DATE:** June 27, 2023

**SUBJECT:** Authority for Banking Activity

The purpose of this memorandum is to explain the Treasury's policies on the banking services that are provided under the existing banking contracts, how any additional services will be charged back to agencies, and how new accounts may be added.

Central control of cash management is required in order to assure that the Commonwealth's cash is effectively managed and invested, that banking services are reasonable and cost effective, and that banking information is reported into the state MMARS accounting system accurately and promptly. Under the Constitution of the Commonwealth and as more fully described in Massachusetts General Laws ("M.G.L.") chapter 29, section 23, the State Treasurer is responsible for managing all cash in the control of the Commonwealth. This includes overseeing all banking activities undertaken on behalf of the Commonwealth. Pursuant to M.G.L. chapter 29, section 23:

*The state treasurer shall manage all cash, funds, or investments under the control or jurisdiction of any state agency, other than nonappropriated funds held by a public institution of higher education. "State agency" shall mean any department, office, commission, committee, council, board, division, bureau, institution, office or other agency within the executive or legislative department, excluding, however, the Massachusetts Bay Transportation Authority, the Massachusetts Turnpike Authority, and the Massachusetts Port Authority. Funds shall be deemed to be under the control of a state agency from the date of the initial deposit into any commonwealth account until the date a check or draft drawn on a commonwealth account clears the disbursing bank.*

#### ***Banking Services***

Each service provided under the main Treasury banking contracts: controlled disbursement checking accounts, Dynacash checking accounts and lockbox, provides most of the services necessary for individual agencies to perform their various functions. With limited exceptions, the Treasury will pay for these services, whether provided to the Treasury or to a delegated agency. In addition to these services, there may be other services that your agency views as necessary to your business practice. We have anticipated some of these services, which have been included in the contracts under a "bundled services" approach, whereby the vendor has committed to provide the service at a stated cost throughout the term of the contract.

Other unanticipated services may also arise during the term of these contracts. These additional services are considered optional and will require the department that selects such services to enter into an Interdepartmental Service Agreement (ISA) to reimburse the Treasury for the additional costs associated with the service. Before any such service may be instituted, you must file a request with the Cash Management Division of the Treasury and an ISA between the department and the Treasury must be executed. Our main banking services' vendors have been instructed not to initiate any new service unless authorized by the Treasury. If it is determined that the additional service requested are unduly expensive or do not represent good banking practice, we may decline to authorize the additional service.

Please note that we view these banking relationships as dynamic and will consider changes to the package of basic services that will be provided as the contracts go forward. If, in our judgment, the optional service may replace a service currently provided under the contract, the Treasury may agree to assume some or all of the cost of that service.

### ***New Accounts/Procurement of Delegated Banking Services***

As part of the Treasury's responsibility to effectively manage banking services, our office must give authorization prior to the opening of any new bank account and/or service.

- The enclosed New Account Request Form must be used to apply for the opening of a new depository sweep account. Once completed, the form must be returned to our office where the application will be reviewed and submitted for authorization. If the new account request is authorized, our office will contact the bank to open the account.
- If your department would like to add another type of banking service, such as a check disbursement account or lockbox, you must contact the Cash Management Division of the Treasury beforehand. Please note that you may contact our banking services vendors to inquire about information on the benefits and costs of the services they provide; however, they have been instructed not to add any new services without prior Treasury approval. Use the same form as above.
- Departments that have previously received authorization for either an account or a particular banking service must also coordinate the procurement of these services through the Treasury, even if a separate appropriation for the service exists. Any RFP or other procurement for banking services must include representation from the Treasurer's Office.

If you have general questions regarding banking services, sweep or Dynacash accounts, please contact Minot Powers, Assistant Treasurer/Chief Financial Officer, at [mpowers@tre.state.ma.us](mailto:mpowers@tre.state.ma.us) or (617) 367-9333, extension 510.



205 CMR: MASSACHUSETTS GAMING COMMISSION

205 CMR 149.00: RACE HORSE DEVELOPMENT FUND

Section

149.01: Definitions

149.02: Distributions from the Race Horse Development Fund

149.03: Notice to Commission of Intent to Discontinue Racing

149.04: Race Horse Development Fund: Distributions; Escrow Accounts

149.01: Definitions

As used in 205 CMR 149.00, the following words and phrases shall have the following meaning, unless the context clearly requires otherwise:

Commission is defined in M.G.L. c. 23K, § 2.

Harness Race means a race involving standardbreds as defined in 205 CMR 3.02: *Definitions*.

Harness Racing Association means an association as defined in 205 CMR 3.02: *Definitions*.

Horse Race means a race involving thoroughbreds as defined in 205 CMR 4.02: *Definitions*.

Horse Racing Association means an association as defined in 205 CMR 4.02: *Definitions*.

Horse Racing Committee means the committee established pursuant to M.G.L. c. 23K, § 60(b).

Horsemen has the meaning ascribed to the term in M.G.L. c. 23K, § 60 and refers to Harness Horsemen and Thoroughbred Horsemen respectively.

Horsemen's Organization means the horsemen's organization that represents the horse owners and trainers at a meeting.

License means a license to conduct a harness race, horse race, or both issued pursuant to M.G.L. c. 128A.

Meeting means a meeting as defined in 205 CMR 3.02: *Definitions* and 4.02: *Definitions*, respectively.

Race Horse Development Fund means the fund established pursuant to M.G.L. c. 23K, § 60.

Race Horse Development Fund Escrow Account means an escrow account established pursuant to 205 CMR 149.03(2)(a) and 149.04.

Race Track is defined in M.G.L. c. 128A, § 1.

149.02: Distributions from the Race Horse Development Fund

(1) The commission shall make distributions from the race horse development fund between harness racing associations and horse racing associations in accordance with the requirements of M.G.L. c. 23K, § 60, 205 CMR 149.02 and 149.04 and the recommendations of the horse racing committee.

(2) A harness racing association or horse racing association shall distribute funds received from the race horse development fund in accordance with M.G.L. c. 23K, § 60(c) and 205 CMR 149.04.

(3) In order for a harness racing association or horse racing association to be eligible to receive funds from the race horse development fund such harness racing association or horse racing association shall comply with all safety standards adopted by the Commission and applicable to such harness racing association or horse racing association.

149.03: Notice to Commission of Intent to Discontinue Racing

- (1) A harness racing association or horse racing association shall provide the commission at least 30 days prior written notice of its intent to take any of the following actions:
  - (a) To discontinue harness races or horse races for the remainder of a harness meeting or horse meeting;
  - (b) To permanently discontinue harness races or horse races;
  - (c) To close a race track used for harness races or horse races;
  - (d) To abandon or relinquish a license;
  - (e) To not apply for the renewal of a license; or
  - (f) To transfer a race track to any other entity.
- (2) Upon receipt of a written notice of intent pursuant to 205 CMR 149.03(1), or upon learning that the harness racing association or horse racing association has failed to timely notify the commission pursuant thereto or that any event described in 205 CMR 149.03(1)(a) through (f) has occurred or will occur, the commission may take one or more of the following actions:
  - (a) Hold a public hearing to determine:
    1. whether monies from the race horse development fund which the harness racing association or horse racing association would have received pursuant to M.G.L. c. 23K, § 60, should be placed in a racing escrow account for distribution pursuant to 205 CMR 149.04;
    2. whether to transfer monies from the race horse development fund which the harness racing association or horse racing association would have received pursuant to M.G.L. c. 23K, § 60 to a different harness racing association or horse racing association;
    3. whether to transfer the harness racing association's or horse racing association's license to a different harness racing association or horse racing association;
    4. whether to take any other action within its authority to protect:
      - a. the interests of the commonwealth;
      - b. employees or former employees of the harness racing association or horse racing association;
      - c. harness racing horsemen and horse racing horsemen; and
      - d. the intended beneficiaries of the race horse development fund, any other fund established pursuant to M.G.L. c. 23K, 128A or 128C, and any other fund to which the harness racing association or horse racing association was required to contribute.
  - (b) Require the harness racing association or horse racing association to pay to the commission any amounts required pursuant to the terms of its license, M.G.L. c. 23K, 128A, and 128C, and 205 CMR 149.00 including, without limitation, all unclaimed winnings and breaks, assessments, taxes, and fees.

149.04: Race Horse Development Fund: Distributions; Escrow Accounts

- (1) If the commission determines pursuant to 205 CMR 149.03(2)(a) that monies due to a harness racing association or horse racing association from the race horse development fund should be placed in an escrow account, the commission shall establish a race horse development fund escrow account to hold such funds and any interest thereon for distribution in accordance with M.G.L. c. 23K, § 60(c), the recommendations of the horse racing committee, and 205 CMR 149.00.
- (2) The commission shall establish a separate race horse development fund escrow account concerning each harness racing association or horse racing association for which it determines such an account is necessary pursuant to 205 CMR 149.03(2)(a)
- (3) The commission shall hold funds in such race horse development fund escrow accounts subject to the following requirements: Monies held in a race horse development fund escrow account shall be held in escrow for no more than three years from the date of the Commission's determination to hold the funds in escrow. After three years, any monies remaining in such race horse development fund escrow accounts shall be transferred or distributed by the commission in accordance with the recommendations of the horse racing committee.

149.04: continued

- (4) (a) The commission shall make distributions from the race horse development fund, or from a race horse development fund escrow account created under 205 CMR 149.03, in the distribution percentage(s) approved by the commission upon a recommendation of the horse racing committee between thoroughbred and standardbred racing as follows, in accordance with M.G.L. c. 23K, § 60, and 205 CMR 149.00:
1. 80% of the funds approved by the commission shall be paid weekly into separate, interest bearing purse accounts in accordance with M.G.L. c. 23K, § 60(c)(i). If there is more than one racing association within a particular breed, the funds allocated to that breed shall be divided between the associations at the discretion of the commission. The earned interest on those accounts shall be credited to the respective purse accounts and shall be combined with revenues from existing purse agreements to fund purses for live races consistent with those agreements, with the advice and consent of the applicable horsemen.
  2. 16% of the funds approved by the commission shall be deposited by the Commission in accordance with M.G.L. c. 23K, § 60(c)(ii) for the benefit of the respective breeding programs authorized by the commission.
  3. 4% of the funds approved by the commission shall be used to fund health and pension benefits for the members of the horsemen's organizations representing the owners and trainers at a horse racing facility for the benefit of the organization's members, their families, employees and others under the rules and eligibility requirements of the organization, as approved by the commission in accordance with M.G.L. c. 23K, § 60(c)(iii), provided, however, that if there is more than one horsemen's organization within a particular breed, the funds allocated to that breed shall be divided at the discretion of the commission. This amount shall be deposited by the Commission within five business days of the end of each month into a separate account to be established by each respective horsemen's organization at a banking institution of its choice. Of this amount, the commission shall determine how much shall be paid annually by the horsemen's organization to the thoroughbred jockeys or standardbred drivers' organization at the horse racing facility for health insurance, life and/or accident insurance or other benefits to active and disabled thoroughbred jockeys or standardbred drivers under the rules and eligibility requirements of that organization.
- (b) The commission may distribute less than the entire amount of the funds in 205 CMR 149.04(4)(a)1. if the commission determines in its sole discretion that such distribution shall be beneficial or if a lesser amount is requested by the harness racing association or the horse racing association. Funds under 205 CMR 149.04(4)(a)1. that remain after payment by the commission under 205 CMR 149.04 shall remain in the race horse development fund and shall be available for payment in future years in the commission's discretion, after applying the distribution percentage recommendation of the horse racing committee.
- (5) If the commission awards a license to a harness racing association after placing the funds in escrow pursuant to 205 CMR 149.03, the commission may transfer funds to that harness racing association, for use in accordance with M.G.L. c. 23K § 60, and 205 CMR 149.00, from any race horse development fund escrow account then in existence that was created under 205 CMR 149.03.
- (6) If the commission awards a license to a horse racing association after placing the funds in escrow pursuant to 205 CMR 149.03, the commission may transfer funds to that horse racing association, for use in accordance with M.G.L. c. 23K § 60, and 205 CMR 149.00, from any race horse development fund escrow account then in existence that was created under 205 CMR 149.03.
- (7) The commission may, upon the recommendation of the horse racing committee, transfer all or a portion of the funds held in a race horse development fund escrow account to any one or more harness racing associations or horse racing associations for distribution in accordance with M.G.L. c. 23K, § 60, and 205 CMR 149.00.

#### REGULATORY AUTHORITY

205 CMR 149.00: M.G.L. c. 23K, §§ 2, 4(37), 4(38), 5, 7, 60; M.G.L. c. 128A, §§ 1, 2, 3, 9 and 9B.



*Division of Racing*

TO: Jordan Maynard, Interim Chairman  
Eileen O'Brien, Commissioner  
Bradford Hill, Commissioner  
Nakisha Skinner, Commissioner

FROM: Alexandra Lightbown, Director of Racing

CC: Todd Grossman, Interim Executive Director and  
General Counsel

DATE: March 28, 2024

RE: Plainridge Operating Personnel and Racing Officials

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Dear Commissioners:

Plainridge Park Casino Director of Racing Steve O'Toole has submitted a request for approval of their Operating Personnel and Racing Officials dated March 21, 2024. These personnel and officials have all been approved by the Commission in previous years. They are in the process of applying for their 2024 licenses. The State police will conduct their background checks.

**Recommendation: That the Commission approve the request of Plainridge Park Casino to approve their March 21, 2024 list of Operating Personnel and Racing Officials, pending satisfactory completion of licensure by the Massachusetts Gaming Commission Division of Racing and satisfactory completion of their background checks by the Massachusetts State Police.**



Massachusetts Gaming Commission



PLAINRIDGE PARK  
CASINO

March 21, 2024

Alexandra Lightbown  
Director of Racing  
Massachusetts Gaming Commission  
101 Federal St.  
Boston, MA 02110

Dear Director Lightbown,

Plainridge Park Casino respectfully requests approval of the following operating personnel and racing officials for the 2024 racing season;

OPERATING PERSONNEL

Steve O'Toole	Director of Racing
Lenny Calderone	Racing Services Manager
Andrew Tavares	Mutuel Manager
William Sullivan	Assistant Racing Services Manager
Joseph Pastela	Assistant Racing Services Manager

RACING OFFICIALS

Charles Eaton III	Presiding Judge
Paul Verrette	Racing Secretary
James Tomaso	Clerk of Course
Gregory Brewster	Paddock Judge
John Mattero	Starter / Patrol Judge
Lenny Calderone	Announcer
Dr. Jeremy Murdock	Racing Veterinarian
Dr. Zach Matzkin	Racing Veterinarian
Jeniffer Allen	Identifier
Joseph Pastela	Photo Finish / Timing
Steve O'Toole	Back up Presiding Judge & Starter / Patrol Judge
Andrew Tavares	Back up Photo Finish / Timing
William Sullivan	Back up Photo Finish / Timing
Brenda Faffard	Back up Photo Finish / Timing

Sincerely,

Steve O'Toole  
Director of Racing  
Plainridge Park Casino  
Plainville Gaming and Redevelopment, LLC



*Division of Racing*

TO: Jordan Maynard, Interim Chairman  
Eileen O'Brien, Commissioner  
Bradford Hill, Commissioner  
Nakisha Skinner, Commissioner

FROM: Alexandra Lightbown, Director of Racing

CC: Todd Grossman, Interim Executive Director and  
General Counsel

DATE: March 28, 2024

RE: Plainridge Waiver Request of 205 CMR 3:12 (7)

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Dear Commissioners:

Plainridge Park Casino Director of Racing Steve O'Toole has submitted a request for approval of a waiver of 205 CMR 3:12 (7) for the 2024 racing season at Plainridge Park Casino.

205 CMR 3:12 (7) reads: "The Judges shall require all horses not showing a satisfactory racing line during the previous 30 days to go a qualifying mile in a race before the Judges. The Association may request a waiver of this requirement".

The requested waiver would change the requirement from 30 days to 45 days. Plainridge has requested this same waiver each year starting in 2018 and the Commission approved it each time. There have been no issues with this waiver.

**Recommendation: That the Commission approve the request of Plainridge Park Casino of a waiver for the 2024 racing season with respect to 205 CMR 3:12 (7) which would require all horses not showing a satisfactory racing line during the previous 45 days to go a qualifying mile in a race before the Judges.**



Massachusetts Gaming Commission



PLAINRIDGE PARK  
CASINO

March 21, 2024

Alexandra Lightbown  
Director of Racing  
Massachusetts Gaming Commission  
101 Federal St.  
Boston, MA 02110

Dear Director Lightbown,

Plainridge Park Casino respectfully requests approval of a waiver for the 2024 racing season with respect to 205 CMR 3:12 (7) which would require all horses not showing a satisfactory racing line during the previous 45 days to go a qualifying mile in a race before the Judges.

205 CMR 3:12 (7) reads as follows;

(7) The Judges shall require all horses not showing a satisfactory racing line during the previous 30 days to go a qualifying mile in a race before the Judges. The Association may request a waiver of this requirement.

Sincerely,

Steve O'Toole  
Director of Racing  
Plainridge Park Casino  
Plainville Gaming and Redevelopment, LLC



TO: Commissioners O'Brien, Hill, Skinner, Maynard

FROM: Mark Vander Linden, Director of Research and Responsible Gaming,  
Bonnie Andrews, Research Manager

CC: Todd Grossman, Interim Executive Director

DATE: March 28, 2024

RE: Proposed FY2025 Gaming Research Agenda

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**Background:**

The Expanded Gaming Act enshrines the role of research in understanding the social and economic effects and mitigating the negative consequences of casino gambling in Massachusetts. To this end, with the advice of the Gaming Policy Advisory Committee, the Commission is charged with carrying out an annual research agenda to comprehensively assess the impacts of casino gambling in Massachusetts. Specifically, [M.G.L. Chapter 23K §71](#) directs the research agenda to examine the social and economic effects of expanded gambling and to obtain scientific information relative to the neuroscience, psychology, sociology, epidemiology, and etiology of gambling. [M.G.L. Chapter 23N, §23](#) extends the scope of the research agenda to include an understanding of the effects of sports wagering in the commonwealth.

To support the successful implementation of these statutory mandates, the Commission adopted a strategic research plan that outlines research in seven key focus areas, including:

**Economic Impact Research**

The Economic Impact component of the Social and Economic Impacts of Gambling in Massachusetts (SEIGMA) study, conducted by a team from the UMass Donahue Institute, analyzes the fiscal and economic effects of expanded gaming across the Commonwealth. The economic research is intended to provide 1) neutral information of decision-making, 2) early warning signs of changes connected with casino gambling, and 3) help reducing gambling-related harm. To explore more about the economic impact research including completed reports: <https://massgaming.com/about/research-agenda-search/?cat=economic-impact>

**Social Impact Research**

The Social Impact component of the Social and Economic Impacts of Gambling in Massachusetts



(SEIGMA) study, conducted by a team from UMass Amherst, analyzes the social and health effects of expanded gaming across the Commonwealth. To explore more about the social impact research, including completed reports: <https://massgaming.com/about/research-agenda-search/?cat=social-impact-research>

### **Community-Engaged Research**

The objective of community-engaged research is to understand and address the impact of gambling in Massachusetts communities. The specific research topic or question is developed by the community through a community-driven process. To explore more about the community-engaged research, including completed reports: <https://massgaming.com/about/research-agenda-search/?cat=community-engaged-research>

### **Public Safety Research**

Public safety research examines gaming impacts on public safety, including crime, calls-for-service, collision, and driving under the influence data. This element of the Commission's research agenda has produced a baseline for each casino host and surrounding communities. Annual follow-up studies measure change in activity and highlight possible connections to the casino. To explore more about the public safety research, including completed reports: <https://massgaming.com/about/research-agenda-search/?cat=public-safety>

### **Responsible Gaming Program Evaluation**

The Commission is committed to offering effective, evidence-based responsible gaming programs and initiatives. Currently, these initiatives include statewide Voluntary Self Exclusion, PlayMyWay Play Management System, and the GameSense program. The introduction of mobile sports wagering will usher in additional responsible gaming tools, and measures. Ongoing and independent evaluation informs the overall responsible gaming strategy and future direction of these programs. To explore more about the evaluation research, including completed reports: <https://massgaming.com/about/research-agenda-search/?cat=responsible-gaming-program-evaluations>

### **Massachusetts Gaming Impact Cohort**

The Massachusetts Gambling Impact Cohort (MAGIC), was the first major longitudinal cohort study of gambling behavior in the United States. This study provided insights into demographic groups particularly at risk of experiencing gambling-related harm and provides information on how gambling and problem gambling develop, progress and remit, and will identify demographic groups particularly at risk of experiencing gambling-related harm. To explore more about the Massachusetts Gaming Impact Cohort, including completed reports: <https://massgaming.com/about/research-agenda-search/?cat=massachusetts-gambling-impact-cohort>

### **Data Sharing**

To improve transparency and build upon the existing research body of research, the Commission has a robust research library and data sharing portal. The Massachusetts Open Data Exchange (MODE) invites researchers of all disciplines to use available gaming-related data to advance the empirical evidence and knowledge base about casinos' social and economic effects on individuals and communities. To explore more about the Massachusetts Open Data Exchange: <https://massgaming.com/about/research-agenda/>

## Ongoing and Upcoming Research

The proposed FY25 research agenda is taking place in the context of several multi-year research projects currently underway or upcoming from previous years' research agendas:

- **Social and Economic Research**
  - **2024 Integrated Impact Report:** An integrated report looking at the overall social and economic impacts since Plainridge Park Casino opened in 2015. This report will include a section updating work conducted in 2014 to select communities in the Northeast matched to the MA casino host communities for purposes of counterfactual analysis of the economic impacts of casinos in MA, as well as a section on operations and economic impacts.
  - **Online Panel Survey 2023 Report:** This report will assess changes in gambling participation from 2022 to 2023, as well as the prevalence of problem gambling. A template for series of brief reports tracking participation and prevalence will also be produced
  - **Out of State Visitorship to MA Casinos Report:** Using a new anonymized dataset (Airsage), this report will use cellphone data to track out of state visitorship to MA casinos. This will provide a comparison to a study by researcher Clyde Barrow about this issue before casinos opened in MA, as well as impacts on the travel and tourism industry.
  - **Early Impact of Sports Wagering:** This analysis will assess impacts from currently licensed operators of retail sports betting, including the three Massachusetts casinos and two racetracks.
  - **Impacts of Advertising on Gambling Behavior in Massachusetts:** This report assesses evidence on whether and how advertising affects gambling behavior and presents recommendations to minimize gambling-related harm, with a specific focus on Massachusetts and the recent introduction of sports betting to the Commonwealth.
- **Public Safety**
  - **Plainville Public Safety Report:** A report on public safety in Plainville and surrounding communities using data through 2023.
  - **Sex Trafficking Study:** A study to assess the influence of casinos and casino resorts on sex trafficking in the Commonwealth.
- **Community-Engaged Research**
  - **Youth Perspectives on the Legalization of Sports Wagering:** This project's objective is to understand community perspectives on the social and public health impacts of legalized sports betting in Massachusetts. To meet this objective, NORC at the University of Chicago (NORC) will use a community-engaged research (CER) approach. NORC will engage a Community Advisory Board (CAB) to identify relevant research questions, co-design and support implementation of a study focused on the legalization of sports betting in Massachusetts and its impact on young adults, ages 18-25, and support analysis and dissemination of data and findings.

- **Two additional FY24 projects currently under review**
- **Evaluation of Responsible Gaming Initiatives**
  - **GameSense Evaluation:** The study will measure the effectiveness of the GameSense Program at meeting the goals stated in the GameSense Logic Model: 1) Create a responsible gaming enabled casino workforce, 2) Promote positive play, 3) Reduce gambling related harm.
  - **New approaches to advance pre-commitment: Assessing whether a mandatory (versus voluntary) limit adherence feature and reward facilitates responsible gambling (Funded through the International Center for Responsible Gaming):** This research will build evidence to assist with informed decisions about the strengths and weaknesses of play management systems, as well as contribute to the development of effective responsible gambling initiatives.
  - **AI and Player Risk Identification and Response Research Services:** A study on current and possible uses of artificial intelligence (AI) in the gaming industry, with a particular focus on marketing, player acquisition, game integrity, and responsible gaming initiatives, as well as implications for problem gambling and player health in the Commonwealth. This focus on responsible gaming will include reviewing evidence and evaluation data related to identifying and responding to behavioral risk on sports wagering mobile applications. This review may include research related to key elements of an effective system such as variables associated with risk, as well as evidence and evaluation data related to methods and strategies to intervene with individuals exhibiting risky behaviors.
- **Legislatively Mandated Studies on Sports Wagering:**
  - **Kiosk Study:** A prospective study on the feasibility, and potential impact, of allowing retail locations in the commonwealth to operate sports wagering kiosks
  - **Sports Wagering Diversity Study:** Study on the participation by minority business enterprises, women business enterprises, and veteran business enterprises in the sports wagering industry in the Commonwealth
- **iGaming Study:** A study on the impact of iGaming on public health, with particular focus on comparison of participants with participants in other forms of gaming, comorbidity with problem gambling, and impacts on youth under the age of 25
- **Collaboration with Community Mitigation Fund:** The Research and Responsible Gaming Division is also collaborating with the Community Affairs Division to support several ongoing and upcoming Gambling Harm Reduction community-engaged research projects.

## Proposed FY25 Gaming Research Agenda

The proposed FY25 Gaming Research Agenda is estimated to be \$1,810,000. This is a slight decrease from the adopted FY24 budget of \$1,890,000. As the FY25 research priorities are established, we'll continue to work with the finance division to assure there is sufficient funding to support the research deliverables.

Of note, a proposed addition to the research agenda for this upcoming fiscal year adds additional focus specifically on youth and sports wagering.

Below, the proposed FY25 research agenda is shared with you in the following table and includes 1) general description of each project, 2) specific deliverables/activities, 3) a reference to the section of M.G.L. c. 23K or the 2022 Massachusetts Sports Wagering Act, and significance.

Proposed FY2025 Gaming Research Agenda	
Social and Economic Research	
The Expanded Gaming Act (M.G.L. c. 23K § 71) required the MGC to engage research to understand the social and economic effects of casino gambling in Massachusetts.	
Task/deliverable	Statutory and Practical Significance
In-depth analysis of FGPS or FOPS and OPS23	Relates to: M.G.L. c. 23K, § 71 (1), §71 (2)(iii), §71 (3)(ii); M.G.L. c. 23N, § 23 Additional in-depth analysis from these surveys including trends, a highlight of sports wagering, and survey comparisons.
Task/deliverable	Statutory and Practical Significance
Online Panel Survey (OPS) 2024 Report	Relates to: M.G.L. c. 23K, §71 (2)(iii), §71 (3)(ii) M.G.L. c. 23N, § 23 This will be a brief report using the OPS23 report as a template, but with an expanded section on sports betting behavior that focuses on trends.
Task/deliverable	Statutory and Practical Significance
OPS 25 Data Collection, Analysis, and Report	Relates to: M.G.L. c. 23K, § 71 (1) and §71 (2)(iii) M.G.L. c. 23N, § 23
	Relates to: M.G.L. c. 23K, § 71 (1), §71 (2)(iii), §71 (3)(ii); M.G.L. c. 23N, § 23 This joint report will include an expanded section on sports wagering behavior, with both social and economic analysis.
Task/deliverable	Statutory and Practical Significance
	May Relate to: M.G.L. c. 23K, §71 (2)(iv); M.G.L. c. 23N, § 23
Ad Hoc Report	Option 1: Host and Surrounding Community Net Impacts: a review of economic activity pulled from vs. given to host and surrounding communities (a number of existing data sources will be used to calculate these impacts)  Option 2: Casino Contracting to Minority Business Enterprises: as the largest industry group whose activities in this area are monitored, this is an opportunity for a deeper dive into how those monies are being allocated within the industry

	Option 3: Other
Task/deliverable	Statutory and Practical Significance
	Relates to: M.G.L. c. 23N, § 23
Report on reallocation of sports gambling using OPS23 and OPS24 data	This joint report will be based on data in the OPS23 and OPS24 reports, with likely inclusion of data available to the economic team from other sources.
Task/deliverable	Statutory and Practical Significance
	Relates to: M.G.L. c. 23K, §71 (2)(iv); M.G.L. c. 23N, § 23
Springfield youth health surveys	Support addition of gambling-related questions to Springfield's FY25 youth surveys

Public Safety Research	
The MGC is examining changes in crime, calls for service, and collisions following the opening of casinos in Massachusetts. The intention is to demonstrate what changes in crime, disorder, and other public safety harms can be attributed directly or indirectly to the introduction of a casino and what strategies local communities need to implement to mitigate the harm.	
Task/deliverable	Statutory and Practical Significance
Prepare integrated report to assess the influence of gambling on public safety for all three casinos' host and surrounding communities since opening, as well as statewide and local trends and host/surrounding communities compared to state.	Relates to: M.G.L. c. § 71 (2)(ii) M.G.L. c.
	<ul style="list-style-type: none"> <li>• Provides ongoing monitoring system of crime, calls for service, and traffic.</li> <li>• Allows for early detection and response to casino related problems that may arise.</li> <li>• Provides an opportunity for greater collaboration with local police chiefs and crime analysts.</li> <li>• This report will explore any changes in public safety which may be related to opening of the three MA casinos.</li> </ul>

Community-Engaged Research	
Task/deliverable	Statutory and Practical Significance
Support an estimated 1-2 new community driven research projects	Relates to: M.G.L. c. 23K, § 71 (3)(ii) M.G.L. c. 23N, § 23
	The objective of community-engaged research is to more deeply understand and address the impact of casino gambling in Massachusetts's communities. The specific research topic or question is developed by the community through a community-participatory process.
Task/deliverable	Statutory and Practical Significance
	Relates to: M.G.L. c. 23K, § 71 (3)(ii) M.G.L. c. 23K, § 61
Support new community-driven research projects through the Community Mitigation Fund	The Commission seeks to study and mitigate gambling related harms through a program with the Community Mitigation Fund, which will provide funding for community-engaged research projects.
Data Sharing	
Task/deliverable	Practical significance
Maintain existing datasets in the MODE repository and add additional datasets as they become available, including player card data as required.	Relates to: M.G.L. c. 23K, § 71 (2); Chapter 194, Section 97  The purpose of MODE is to provide access to data generated by research projects funded and overseen by the MGC. Datasets from existing and ongoing research projects and player card data are publicly available with certain parameters.
Finalize infrastructure to share player data and procure first research projects using player data	
Responsible Gaming Evaluation	
The MGC is committed to offering effective, evidence-based responsible gaming programs and initiatives. Ongoing and independent evaluation informs the overall responsible gaming strategy and future direction of these programs.	
Task/deliverable	Statutory and Practical significance M.G.L. c. 23N, § 23

Positive Play Study	This study will identify the extent of positive play among Massachusetts players engaging in sports wagering, to define specific areas where positive play could be further supported, and to identify the extent of positive play among different player segments. The proposed study builds upon Positive Play studies conducted in 2021 and 2023.
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Sports Wagering Research	
<p>The 2022 Massachusetts Sports Wagering Act, §23 extends the scope of the research agenda to understand the social and economic effects of sports wagering in the commonwealth and to obtain scientific information relative to the neuroscience, psychology, sociology, epidemiology and etiology of sports wagering. The sports wagering research agenda shall also include, but not be limited to: (i) an assessment of whether problem sports wagering is comorbid with problem gambling; (ii) an assessment as to whether the individuals participating in sports wagering are different than those who participate in other forms of gaming or gambling; (iii) an assessment of the impact of sports wagering on youth under the age of 25; (iv) an assessment of the impacts of sports wagering on college athletics and professional sports; and (v) the costs of implementing this chapter.</p>	
Task/deliverable	Statutory and Practical Significance
Study of student-athletes	Relates to: M.G.L. c. 23N, § 23
	There exists a critical need for targeted interventions that address the specific needs of college student-athletes in the context of legalized sports wagering. This project aims to use a Personalized Feedback-only approach specifically designed to address at-risk gambling behaviors among college athletes.
Task/deliverable	Statutory and Practical Significance
Sports wagering ad hoc study	Relates to: M.G.L. c. 23N, § 23
	Given the rapidly evolving sports wagering landscape, the Research and Responsible Gaming Division proposes to set aside funding to address emerging topics of interest in this area during FY25.

Research Review
To ensure the highest quality research, the MGC has assembled a research review committee. This committee is charged with providing the MGC and research teams with advice and feedback on gaming research design, methods, and analysis. Where additional expertise is needed, the MGC seeks advice from experts with specific subject matter expertise to review reports and advise on research matters.
Knowledge Translation and Exchange

To ensure findings from the MGC research program are accessed and used by key stakeholders, MGC engaged an organization with expertise in this area, the Gambling Research Exchange of Ontario (GREO), in FY23 to help develop a strategic plan, provide on-going training, consultation, and support to build in-house capacity to improve current KTE strategies, practices, and skill sets. In FY25, work on this initiative will include increasing capacity for data visualization, technical assistance related to knowledge mobilization, particularly related to MGC's model for conducting research and the revised Responsible Gaming Framework, and planning future research.

### **Next Steps**

The Gaming Research Advisory Committee, which met for a presentation and discussion of this agenda on March 20, 2024. In this meeting, the following potential projects were identified as additional areas for the Commission to consider:

- A study of video gaming and esports, including but not limited to youth under the age of 25, and associations with problem gambling;
- An updated evaluation of the Voluntary Self-Exclusion program
- A continued commitment to knowledge translation and exchange, and specifically summarizing findings to date to inform policy and regulation.

The process for developing and finalizing the FY25 research agenda following this initial presentation to the Commission will include a meeting with the Gaming Policy Advisory Committee (GPAC) for advice and discussion as required by M.G.L. Chapter 23K §71. The proposed agenda will then be presented to Commissioners after incorporating advice of the GPAC. The FY25 research agenda will be finalized in alignment with the FY25 budget-setting process.





TO: Interim Chair Maynard, Commissioners O'Brien, Hill, and Skinner

FROM: Long Banh, Responsible Gaming Program Manager

DATE: March 28, 2024

RE: 2024 Problem Gambling Awareness Month (PGAM) Update

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The Expanded Gaming Act includes a number of key mandates to ensure the successful implementation of expanded gaming, including the prevention of and mitigation of social impacts and costs. To fulfill this mandate, the Commission adopted GameSense, an innovative responsible gaming program that equips casino patrons who chose to gamble with information and tools to adopt positive play behaviors and offers resources to individuals in distress from gambling-related harm.

Problem Gaming Awareness Month (PGAM) is a nationwide grassroots campaign, held annually in March, that seeks to increase public awareness of problem gambling and promote prevention, treatment, and recovery services. The two goals of PGAM are to increase public awareness of problem gambling and the availability of prevention treatment and recovery services; and to encourage healthcare providers to screen clients for problem gambling.

Today, the Research and Responsible Gaming Division will share with you PGAM updates from the marketing and media campaign, Gambling Disorder Screening Day, and the GameSense activities with patrons at Plainridge Park Casino, MGM Springfield, and Encore Boston Harbor in 2024.



Massachusetts Gaming Commission

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# 2024 Problem Gambling Awareness Month (PGAM) Update

Long Banh, Program Manager, Research & Responsible Gaming

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March 28, 2024



# Problem Gambling Awareness Month (PGAM)

Problem Gambling Awareness Month is a nationwide grassroots campaign, held annually in March, that seeks to increase public awareness of problem gambling and promote prevention, treatment, and recovery services.

## Goals:

- To increase public awareness of problem gambling and the availability of prevention, treatment and recovery services
- To encourage healthcare providers to screen clients for problem gambling

**2024 Theme: Every Story Matters**



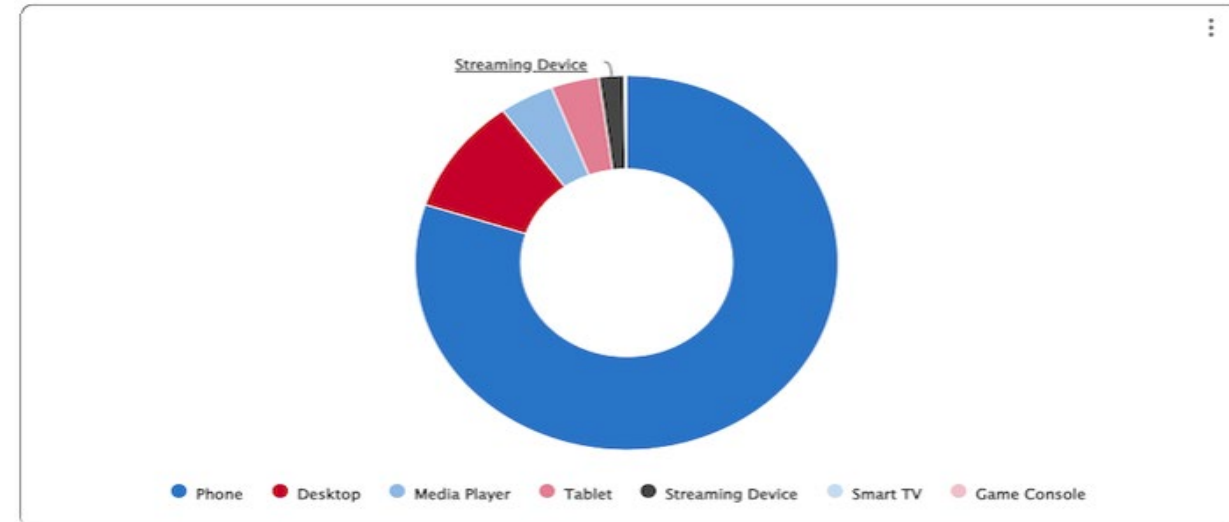
# Media Buy: March 4, 2024 – March 25, 2024

Overall impressions: 932.7K  
Display ad impressions: 80.3K  
Podcast impressions: 457.6K  
Streaming audio impressions: 394.8K

Podcast ads reach: 124.4K  
Streaming audio reach: 78.2K

Overall clicks: 58  
Overall click through rate: 0.07%

Impressions By Device

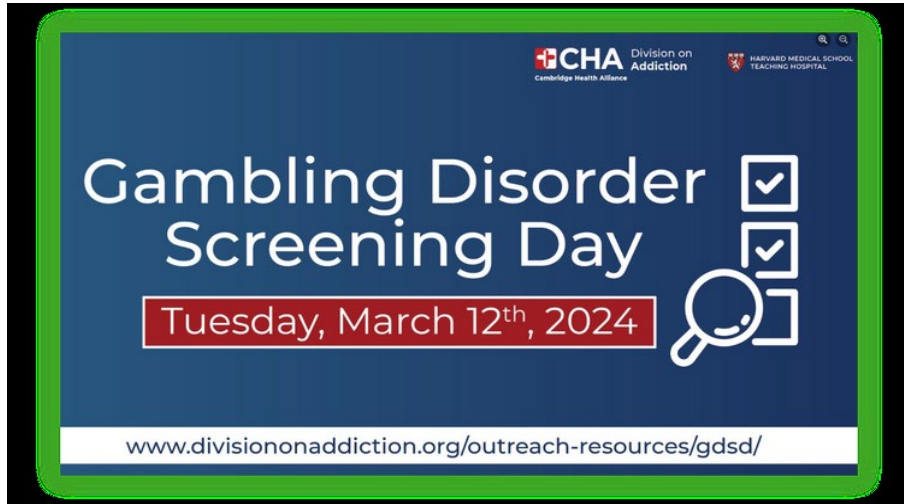


Impressions & Clicks by Day





# Gambling Disorder Screening Day



**Tuesday, March 12, 2024**

- Partnership with Cambridge Health Alliance
- 3 question Brief Biosocial Gambling Screen (BBGS), based on the DSM-IV criteria for Gambling Disorder
- In 2024, the screening was administered back-of-house

569 invited to screen

77% (438) completed screening

25% (111) with positive screen

**Men (59%) between the ages of 26-40 (33%)  
were screened positive for Gambling Disorder**

A screenshot of the Brief Biosocial Gambling Screen (BBGS) questionnaire. It contains three questions, each with "Yes" and "No" options.

1. During the past 12 months, have you become restless irritable or anxious when trying to stop/cut down on gambling?
  - Yes
  - No
2. During the past 12 months, have you tried to keep your family or friends from knowing how much you gambled?
  - Yes
  - No
3. During the past 12 months did you have such financial trouble as a result of your gambling that you had to get help with living expenses from family, friends or welfare?
  - Yes
  - No



# GameSense Activities at the Three Properties

## Topics of activities:

- Week One: PlayMyWay
- Week Two: College Athletics and Gambling
- Week Three: Resources
- Week Four: Positive Play

As of March 25, 2024:

12 completed Positive Play Quiz  
4975 participated in Swag Wheel  
29 participated in the Marble activity  
223 completed Sports Wagering Quiz  
473 participated in Vending Machine  
193 completed March Madness Quiz  
134 engaged in the GameSense Jeopardy



Q10 How much money does research suggest that an individual should bet on gambling to keep it safe?

- ☒ 10% of my income
- ☐ 5% of my income
- ☐ 2% of my income
- ☐ 1% of my income

Answer: 1% of your monthly income is the suggested amount to keep it fun and healthy based on the Lower Risk Gambling Guidelines.

You Are Correct!





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TO: Commissioner Brad Hill  
Commissioner Jordan Maynard  
Commissioner Eileen O'Brien  
Commissioner Nakisha Skinner

FROM: Justin Stempeck, Deputy General Counsel  
Judith Young, Associate General Counsel  
Mina Makarious, Esq., Anderson & Kreiger  
Paul Kominers, Esq., Anderson & Kreiger

CC: Todd Grossman, Interim Executive Director, and General Counsel  
Dr. Alexandra Lightbown, Director of Division of Racing

DATE: March 28, 2024

RE: 205 CMR 15.00: Horse Racing Meeting Licensing

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**Overview:**

Enclosed for the Commission's review is the proposed final draft of 205 CMR 15.00. The regulation was first presented for initial discussion and review on October 19, 2024, and posted for public comment thereafter. On November 16, 2024, after additional review, the Commission voted to approve the draft of 205 CMR 15.00 be filed by emergency.<sup>1</sup>

205 CMR 15.00 was filed by emergency on December 8, 2023, and has been making its way through the promulgation process. A public hearing was held on January 9, 2024, and no additional comments were provided to the Commission. In accordance with G.L. c. 128A, § 9B, 205 CMR 15.00 was filed with the Senate Clerk for the requisite 60-day period on January 22, 2024.<sup>2</sup> The regulation has now completed the promulgation process and is back before the Commission with an amended small business impact for a vote of finalization.

The proposed regulation would govern applications for racing meeting licenses under 205 CMR 128A. The regulation borrows many structural elements from the sports wagering licensing regulations but adapts them for the racing framework and statutes.

For the Commission's convenience, the outline of the regulation from the November 16, 2023, meeting where the regulation was last discussed follows:

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<sup>1</sup> The regulation was originally numbered as 205 CMR 2.00, but was since re-classified as 205 CMR 15.00, to accommodate the filing requirements of the Secretary of State's Regulations' Division.

<sup>2</sup> To accommodate the promulgation process and the 60-day filing period, the regulation was re-filed with the Secretary of State to prevent a lapse, on March 8, 2024.



Massachusetts Gaming Commission



## **Section 2.02: Racing Meeting License Application**

Section 2.02(1) sets out the materials that each applicant must submit. Under 205 CMR 2.02(1)(a), an applicant who was not licensed in the prior year must submit a scoping survey and, as appropriate, BEDs, MJPHDs, and Mass. Supps. Every applicant must submit a racing meeting license application form and remit several fees.

Section 2.02(2) sets out the sequence of submissions for an applicant who was not licensed in the prior year. Practically, the scoping survey must be submitted before the BEDs, MJPHDs, and Mass. Supps., but other materials can be submitted when the applicant prefers. A subsequent subsection, 205 CMR 2.02(3)(c), ensures that applicants who submit scoping surveys or BEDs, MJPHDs, and Mass. Supps. too late to be actionable understand that they may be denied a license as a result.

Section 2.02(3) sets out the application requirements. Subsection 2.02(3)(a) lays out standard materials that every applicant must submit annually. Most are drawn directly from G.L. c. 128A. Subsection 2.02(3)(b) lays out additional requirements for an applicant who proposes to hold a race at a racetrack where the applicant has not previously held a race. This list should be largely familiar to the Commission from extensive discussions of the new-track application form. Subsection 2.02(3)(c), finally, lays out additional requirements for applicants who have never been found suitable or temporarily suitable, or who did not hold a license in the prior year. An applicant may be completely new, but it is also possible that an applicant previously found suitable will try to open a new track, or an applicant already operating at an existing track may never have been found suitable in accordance with this regulation.

## **Section 2.03: Evaluation of Application and Decision**

Section 2.03 is modeled after 205 CMR 218, the primary sports wagering licensing regulation, but there are a few relevant differences:

- If the applicant submits materials in stages in accordance with 205 CMR 2.02(2), administrative sufficiency review takes place in the same stages.
- G.L. c. 128A, § 3 requires the Commission to hold at least one public meeting in the municipality where the racing meeting is to be held; this regulation incorporates that requirement at 205 CMR 2.03(4)(a).
- The list of factors for the Commission's review is drawn from G.L. c. 128A, § 3(i), § 11C, and case law, and supplemented with factors developed in the sports wagering licensing process.
- The Commission must deliberate on license applications in an adjudicatory proceeding.



Massachusetts Gaming Commission

- Standard license conditions are laid out at 205 CMR 2.02(7)(c), instead of in a separate regulation.

#### **Section 2.04: Suitability of New and Existing Licensees, and Qualifiers**

This section is modeled after 205 CMR 215. Under 205 CMR 2.04(1), an applicant or qualifier may be found suitable for five years on a showing by clear and convincing evidence. Under 205 CMR 2.04(2), an applicant or qualifier may be found “temporarily” suitable based on attestations and a briefer investigation. This dichotomy mirrors the durable/preliminary suitability standards in 205 CMR 215. However, because racing applicants return to the Commission every year, the “preliminary” suitability finding has been replaced with an annual finding of “temporary” suitability.

205 CMR 2.04(3)-(4) set out substantive suitability standards. These standards are based on the parallel standards for sports wagering licensing but have been tweaked somewhat to account for the racing statutes’ requirements.

205 CMR 2.04(5)-(12) address the designation of qualifiers.

#### **Section 2.08: Additional Information and Cooperation of Racing Meeting Applicants and Licensees**

This section closely tracks 205 CMR 212 and requires cooperation with the Commission and IEB throughout the application process, and after licensure.

#### **Section 2.09: Withdrawal of Application For License To Hold Or Conduct A Racing Meeting**

This section is largely modeled on 205 CMR 213. Note, however, that the list of different kinds of pending proceedings that trigger the good-cause standard for withdrawal is omitted because the Commission hears all license applications and qualifier suitability decisions directly.

#### **Reserved Sections:**

The following sections are reserved for future rulemaking:

- Section 2.05: Advance Deposit Wagering; Licensure, Review and Authorization
- Section 2.06: Licensing, Registration, and Fees for Owners, Trainers, Stable Employees, Authorized Agents, Vendors and Racing Officials
- Section 2.07: Financial Payments, Outs, and Requests for Capital Improvement or Reimbursement



Massachusetts Gaming Commission

205 CMR 15.00: RACING MEETING LICENSING

Section

- 15.01 : Authority and Definitions
- 15.02 : Racing Meeting License Application
- 15.03: Evaluation of Application and Decision
- 15.04 : Suitability of New and Existing Licensees, and Qualifiers
- 15.05 : Advance Deposit Wagering; Licensure, Review and Authorization (RESERVED)
- 15.06 : Licensing, Registration, and Fees for Owners, Trainers, Stable Employees, Authorized Agents, Vendors and Racing Officials (RESERVED)
- 15.07 : Financial Payments, Outs, and Requests for Capital Improvement or Reimbursement (RESERVED)
- 15.08: Additional Information and Cooperation of Racing Meeting Applicants and Licensees
- 15.09: Withdrawal of Application For License To Hold Or Conduct A Racing Meeting

15.01: Authority and Definitions

(1) Authority. 205 CMR 15.00 is issued pursuant to M.G.L. c. 128A, § 9, and M.G.L. c. 128C, § 8.

(2) Definitions. As used in 205 CMR 15.00, the following words and phrases shall have the following meanings, unless the context clearly requires otherwise. Words and phrases not defined below shall have the meaning given to them in M.G.L. c. 128A, § 1 or M.G.L. c. 128C, § 1, 205 CMR 202.02: *Sports Wagering Authority and Definitions*, or 205 CMR 102.00: *Construction and Application*, if any, unless the context clearly requires otherwise. In the event of any conflict between those provisions, any definition in M.G.L. c. 128A, § 1 shall be given priority, followed by M.G.L. c. 128C, § 1, 205 CMR 202.02, and 205 CMR 102.00, in that order, unless the context clearly requires otherwise.

Applicant means an applicant for a racing meeting license.

Application means an application for a racing meeting license.

Application Deadline means the first day of October of the calendar year preceding the calendar year for which the application requests a license to be issued.

Authorized Individual means, if the applicant is an individual, such individual; if two or more individuals or a partnership, one of such individuals or by a member of such partnership, as the case may be; if a trust, a trustee of such trust; and, if an association or corporation, by the president or vice president thereof.

BED means a Business Entity Disclosure Form by an authorized individual as described in 205 CMR 111.02: *Business Entity Disclosure Form - Category 1 and Category 2 Entity Applicants and Holding/Intermediary Companies*.

License means a racing meeting license.

Licensee means a racing meeting licensee. A licensee shall be considered a licensee through the full calendar year in which its license permits it to host racing meetings regardless of the date of its last scheduled racing meeting.

Mass. Supp. means Massachusetts Supplemental Form as described in 205 CMR 111.04: *Massachusetts Supplemental Form*.

MJPHD means a Multi-jurisdictional Personal History Form as described in 205 CMR 111.03: *Multi-jurisdictional Personal History Form*.

Scoping Survey means an Operator and Vendor Scope of Licensing - Initial Survey.

Racing Meeting License means a license to conduct a live racing meeting.

15.01 : continued

Qualifier means a person whose qualification must be established in evaluating the suitability of an applicant in accordance with the standards and criteria set forth in M.G.L. c. 128A and 205 CMR 15.04.

15.02 : Racing Meeting License Application

(1) Required Materials. An applicant must submit a fully executed original application to the Commission on or before the application deadline. All application materials shall be submitted in accordance with the instructions included in the relevant form or online. The Commission shall have no obligation to accept or review an incomplete application. Applicants shall, at a minimum, submit the following completed materials as part of their application:

(a) If the applicant is not currently a licensee:

1. a scoping survey;
2. For each designated (or, with the permission of the Bureau, anticipated) entity qualifier: a BED;
3. For each designated (or, with the permission of the Bureau, anticipated) individual qualifier:
  - a. An MJPHD; and
  - b. A Mass. Supp.

(b) A racing meeting license application form, in accordance with 205 CMR 15.02 and consistent with M.G.L. c. 128A and M.G.L. c. 128C, signed and sworn to by an authorized individual;

(c) A \$300 licensing fee pursuant to M.G.L. c. 128A, § 4;

(d) A certified check or bank draft, or electronic equivalent, payable to the Commission, weekly in advance for the full amount of the license fee required by M.G.L. c. 128A;

(e) A bond payable to the Commission in the amount of \$125,000 with a surety or sureties approved by the Commission conditioned upon the payment of all sums which may become payable to the commission under 205 CMR 15.00.

(2) Sequence of submissions. An applicant who is not currently a licensee:

(a) may submit the scoping survey prior to and separately from any other required materials; and

(b) may submit any BEDs, MJPHDs, and Mass. Supps. required by 205 CMR 15.02(1)(a)2. and 3;

1. prior to and separately from the materials required under 205 CMR 15.02(1)(b) through (f); and
2. Either for all qualifiers at once, or, with the permission of the Bureau, on a per-qualifier basis.

(c) An applicant who submits any forms prior to and separately from other application materials in accordance with 205 CMR 15.02(2)(a) or (b) must also submit an attestation signed and sworn to that the applicant intends in good faith to submit a fully executed original application on or before the application deadline, and acknowledging that if the applicant fails to do so without good cause, the Commission may charge the applicant for any administrative and investigatory costs incurred in evaluating those application forms the applicant did submit. Only one such attestation shall be required per application regardless of the volume or nature of forms submitted early.

(3) Racing Meeting License Application Form requirements.

(a) For any applicant, the racing meeting license application form shall require the following:

1. The name of the applicant;
2. The post office address of the applicant, and if a corporation or corporate entity, the name of the state under the laws of which it is incorporated or formed, the location of its principal place of business and the names and addresses of its directors and stockholders, members, or directors;
3. The location of the racetrack where it is proposed to hold or conduct such meeting;
4. An explanation of the ownership of the real property on which the race track is proposed to be constructed or operated, and the applicant's rights to construct or operate the race track on said real property;

15.02: continued

5. Documentation sufficient to demonstrate that the applicant has received:
    - a. municipal approval pursuant to M.G.L. c. 128A, § 13A; and
    - b. an affirmative county vote pursuant to M.G.L. c. 128A, § 14;
  6. The calendar year in which the applicant anticipates conducting the meeting, and the specific days on which it intends or anticipates holding or conducting such a meeting;
  7. The hours of each day between which it is intended to hold or conduct racing at such meeting subject to the restrictions described in M.G.L. c. 128A;
  8. An attestation signed and sworn to that the applicant will comply, in case such license be issued, with all applicable laws and with all applicable rules and regulations prescribed by the Commission, and that the applicant shall have an affirmative obligation to abide by every statement made in the application to the Commission should it be awarded a license;
  9. An attestation signed and sworn to that the applicant will comply, in case such license shall be issued, with all affirmative representations, promises or inducements made to governing bodies, government officials of the host and surrounding communities or local organizations and any mitigation agreements, formal or informal; and
  10. Such other information or certifications as the Commission may require.
- (b) For any applicant who proposes to hold a racing meeting at a race track where the applicant has not previously held a racing meeting, the racing meeting license application form shall also require the following:
1. A summary of the project and racing facilities including a description of the proposed financing and source(s) of capital;
  2. Submission of feasibility, viability, economic impact/development studies including projected revenues, purses, handles, tax payments, attendance, and employment figures;
  3. Submission of designs, traffic, and environmental impact studies, including information relative to the safety and security of patrons, employees, occupational licensees, and horses;
  4. A detailed description of the race track that will be constructed and an indication of the type of grounds the horses will be raced upon, whether dirt, turf or synthetic, including a timeline for completion and the name and qualifications of the entity or individual overseeing construction;
  5. Information relative to the public interest and benefits associated with the conduct of the proposed racing meeting including the existence of, or the applicant's plan to execute, a purse agreement with a representative horsemen's organization; any support or opposition to the proposal has received from the host and nearby communities; and the applicant's plan to attract and employ a diverse workforce in both construction and operational phases of the proposal, including through use of vendors.
  6. Information or a statement as to whether the applicant plans on entering into a Project Labor Agreement(s);
  7. Information relative to the proposed pari-mutuel wagering plan for live racing, simulcasting, and advance account deposit wagering;
  8. Information relative to the proposed responsible gaming initiatives to be offered on the premises;
  9. Information relative to the applicant's plans to seek or not seek a Category 2 Sports Wagering license;
  10. Any agreements, written or otherwise, that the applicant has made or executed with racing governing bodies, the municipality where the applicant proposes to hold racing meetings, other municipalities, or any other entities; and
  11. Such other information or certifications as the Commission may require.
- (c) For any applicant who is not currently a licensee, or who has not previously been found durably or temporarily suitable in accordance with 205 CMR 15.00 to hold a license, the racing meeting license application form shall also require the following:
1. An attestation signed and sworn to that if the form described in 205 CMR 15.02(1)(a)1. is not deemed administratively sufficient by May 1<sup>st</sup>, the applicant acknowledges the Commission may not have adequate time to assess the applicant's suitability, and that this may result in denial of the application;

15.02 : continued

2. An attestation signed and sworn to that if the forms described in 205 CMR 15.02(1)(a)2 and 3. are not deemed administratively sufficient by August 1, the applicant acknowledges the Commission may not have adequate time to assess the applicant's suitability, and that this may result in denial of the application; and
3. Such other information or certifications as the Commission may require.

15.03 : Evaluation of Application and Decision

(1) Pre-application Consultation. The Commission or its designees may conduct one or more consultation meetings or information sessions with an applicant or prospective applicant to provide guidance on application procedures, including the requirements of M.G.L. c. 128A or 128C, or 205 CMR 15.00. In addition, the Commission may use other methods to respond to inquiries regarding the application process, such as publishing responses to questions submitted by any applicant.

(2) Administrative Sufficiency Review. The Division of Licensing will review application materials for administrative sufficiency as they are submitted.

(a) Administrative Sufficiency Review - How Undertaken.

1. When determining whether the application materials to be reviewed at any stage are administratively sufficient, the Division of Licensing shall review the forms and determine whether all information or materials required to be provided in response to each question or request have been submitted.

2. If any application materials to be reviewed in a stage are determined to be insufficient:

a. The Licensing Division shall notify the applicant in writing by email or first-class mail. The notification shall specify the deficiencies within the materials.

b. Until the application deadline passes, the applicant shall have the right to submit corrected materials to cure the deficiencies.

c. After the application deadline passes, the applicant must request leave from the Commission or its designee to submit corrected materials to cure the specified deficiencies, and must submit any corrected materials within the time allowed by the Commission or its designee.

d. The Commission or its designee shall not grant leave to submit proof of approvals required under M.G.L. c. 128A, §§ 13A and 14.

(b) Positive Determination of Administrative Sufficiency - Significance. A positive determination of administrative sufficiency shall not constitute a finding with respect to the accuracy of the information submitted and shall not bar a request for further information by the Commission, the Bureau or their agents and employees with respect to the application.

(3) Review Procedures. In reviewing the merits of the application, the Commission may, at such times and in such order as the Commission deems appropriate, take some or all of the following actions:

(a) Refer the application, or any parts thereof, for advice and recommendations, to any or all of the following:

1. The Executive Director;

2. The Bureau;

3. Any office, agency, board, council, commission, authority, department, instrumentality, or division of the commonwealth;

4. Commission staff; and

5. Any consultant retained by the Commission to aid in the review of the application;

(b) Retain, or authorize the Executive Director or the Executive Director's designee to retain such professional consultants (including without limitation financial and accounting experts, legal experts, racing experts, contractor investigators, and other qualified professionals) as the Commission in its discretion deems necessary and appropriate to review the request and make recommendations; and

(c) Require or permit, in the Commission's discretion, the applicant to provide additional information and documents.

15.03: continued

(4) Public Meetings Regarding Applications

- (a) Pursuant to M.G.L. c. 128A, § 3, the Commission shall not issue a license without holding at least one public meeting in the municipality where the applicant proposes to hold a racing meeting.
- (b) The Commission may conduct one or more other meetings to:
  - 1. receive public feedback on the application;
  - 2. allow the applicant to make a presentation; and
  - 3. allow the applicant to respond to questions or public comments.

(5) Evaluation of the Application by the Commission. Once an application is deemed administratively sufficient, regardless of whether the application deadline has passed, the Commission shall commence a substantive evaluation of its contents. The Commission may utilize any technical or expert assistance it deems necessary to aid in its review.

- (a) The Commission shall analyze the factors and considerations set out in 205 CMR 15.01, and M.G.L. c. 128A, § 3(i) in no particular order, and giving any particular weights, to any factor in order to make a determination as to whether a license awarded to the applicant would benefit the Commonwealth. These factors include but are not limited to:
  - 1. Whether the application meets the requirements of M.G.L. c. 128A;
  - 2. Whether the applicant has adequately answered the questions in the application;
  - 3. Whether the application meets the factors set out in M.G.L. c. 128A, § 3(i):
    - a. The applicant's financial ability to successfully operate a race track;
    - b. The impact of the application on the maximization of state revenues;
    - c. The suitability of the racing facilities for operation at the time of the year for which dates are assigned;
    - d. The circumstance that large groups of spectators require safe and convenient facilities;
    - e. The interest of members of the public in racing competition honestly managed and of good quality;
    - f. The necessity of having and maintaining proper physical facilities for racing meetings; and
    - g. The economic interest and investments of those who in good faith have provided and maintain such facilities;
  - 4. Whether the Applicant is financially responsible, able to meet obligations to the Commonwealth, has suitable and safe facilities for the service of patrons, and is likely to conduct racing in accordance with approved practices and in a manner consistent with the public safety, health, morals, and welfare, including the suitability of the Applicant and its leadership to hold or conduct a racing meeting;
  - 5. The reputation for honest dealing, and the gaming, racing, or sports wagering history of the Applicant and its qualifiers;
  - 6. Whether granting the application would result in an undesirable concentration of ownership of racing facilities within the Commonwealth;
  - 7. Whether the application would have an adverse impact upon the integrity of the racing industry;
  - 8. The applicant's proposed measures related to responsible wagering, including:
    - a. The Applicant's responsible wagering policies;
    - b. The Applicant's advertising and promotional plans; and
    - c. The Applicant's history of demonstrated commitment to responsible wagering;
  - 9. The Applicant's willingness to foster racial, ethnic, and gender diversity, equity, and inclusion, including:
    - a. Within the applicant's workforce;
    - b. Through the applicant's supplier spend; and
    - c. In the applicant's corporate structure;
  - 10. any other relevant considerations the Commission deems appropriate, per M.G.L. c. 128A, § 2.
- (b) The Commission shall deliberate on license applications in an adjudicatory proceeding pursuant to 205 CMR 101.01: *Hearings Before the Commission*.

15.03: continued

(6) Determinations on Applications.

(a) After evaluating an application in accordance with 205 CMR 15.03(5), the Commission may:

1. Award the applicant a license, subject to conditions in accordance with M.G.L. c. 128A and 128C, and 205 CMR; or
2. Deny the application for any of the reasons set out in M.G.L. c. 128A and 128C, and 205 CMR.

(b) The Commission shall not award a license without first having found the applicant durably suitable in accordance with 205 CMR 15.04(1) within the current or prior four calendar years, or having found the applicant temporarily suitable in accordance with 205 CMR 15.04(2) within the last calendar year; provided, the Commission may make either finding simultaneously with the decision to award a license in accordance with 205 CMR 15.03(6)(a)1.

(7) Provisions Applicable to All Licensing Determinations. Upon granting an application, the Commission shall prepare and file its decision, and shall issue a statement of the reasons for the grant, including specific findings of fact, and noting any conditions of licensure imposed pursuant to M.G.L. c. 128A, or 128C.

(a) Upon denial of an application, the Commission shall prepare and file its decision and, if requested by the applicant, shall further prepare and file a statement of the reasons for the denial, including specific findings of fact.

(b) For purposes of 205 CMR and M.G.L. c. 128A, or 128C, the award of a Racing Meeting License shall be deemed to have occurred immediately upon a majority vote by the Commission to issue the license, unless otherwise determined by the Commission.

(c) License conditions.

1. All licenses shall be issued subject to the following conditions:
  - a. That the licensee comply with all terms and conditions of its license;
  - b. That the licensee comply with M.G.L. c. 128A, c. 128C, and all rules and regulations of the Commission; and
  - c. That the licensee, and its qualifiers, not become, or be found, unsuitable.
2. The Commission may impose any other appropriate condition on a license.

15.04 : Suitability of New and Existing Licensees, and Qualifiers

(1) Durable Suitability Determinations.

(a) An applicant or qualifier shall have the duty to establish its durable suitability by clear and convincing evidence.

(b) No applicant shall be determined to be durably suitable in accordance with 205 CMR 15.04(1)(a) unless and until all qualifiers identified in 205 CMR 15.04(6) have been found by the Commission durably suitable in accordance with 205 CMR 15.04(1)(a) within the current or prior four calendar years.

(c) Investigation. Before the Commission may determine that an applicant or qualifier is durably suitable in accordance with 205 CMR 15.04(1), the Bureau shall conduct an investigation into the qualifications and suitability of the applicant. At the completion of the Bureau's investigation, it shall submit a written report to the Commission, which will include recommendations and findings of fact relative to the suitability of the applicant or qualifier.

(d) The Commission shall make any finding of durable suitability in accordance with 205 CMR 15.04(1) after an adjudicatory proceeding pursuant to 205 CMR 101.00: *M.G.L.*

*c. 23K Adjudicatory Proceedings.*

(e) After the proceedings under 205 CMR 15.04(1)(d), the Commission shall issue a written determination of durable suitability as follows:

1. Negative Determination. If the Commission finds that an applicant or qualifier failed to meet its burden of demonstrating its durable suitability, the Commission, in its sole discretion, shall either:
  - a. issue a negative determination of suitability; or
  - b. request that the applicant or qualifier submit a certification in accordance with 205 CMR 15.04(2)(b) and, as appropriate, that the Bureau conduct an investigation in accordance with 205 CMR 15.04(2)(c), and thereafter consider whether the applicant or qualifier is temporarily suitable in accordance with 205 CMR 15.04(2).



15.04: continued

2. Positive Determination. If the Commission finds that an applicant or qualifier has met its burden of demonstrating its durable suitability, the Commission shall issue a positive determination of durable suitability which may include conditions and restrictions.
- (2) Temporary Suitability Determinations.
- (a) Notwithstanding any other provision of 205 CMR 15.04, the Commission, in its sole discretion, may deem an applicant or qualifier temporarily suitable, until the end of the calendar year in which the applicant proposes to hold a racing meeting based on a certification pursuant to 205 CMR 15.04(2)(b) and an investigatory report pursuant to 205 CMR 15.04(2)(c).
    1. No applicant shall be determined to be temporarily suitable in accordance with this 205 CMR 15.04(2)(a) unless and until all qualifiers identified in 205 CMR 15.04(6) have been found durably suitable in accordance with 205 CMR 15.04(1)(b) or temporarily suitable in accordance with this 205 CMR 15.04(2)(a).
    3. Any evaluation of whether an applicant or qualifier is temporarily suitable shall take place in a public meeting, unless the applicant or qualifier requests that the evaluation take place after an adjudicatory proceeding held pursuant to 205 CMR 101.00: *M.G.L. c. 23K Adjudicatory Proceedings*.
  - (b) To be found temporarily suitable in accordance with 205 CMR 15.04(2), the applicant or qualifier must certify:
    1. that it understands it may be denied a license or have a license revoked if it has willfully, knowingly, recklessly, or intentionally provided false or misleading information to the Commission;
    2. that, under pains and penalties of perjury, to the best of its reasonable knowledge and belief, it is suitable to hold a license pursuant to M.G.L. c. 128A and 205 CMR 15.04; and
    3. an applicant certifies, under pains and penalties of perjury, that to the best of its reasonable knowledge and belief, all of its qualifiers are also suitable to hold a license pursuant to M.G.L. c. 128A, and 205 CMR 15.04.
  - (c) Before the Commission may determine that an applicant or qualifier is temporarily suitable in accordance with 205 CMR 15.04(2), the Bureau shall conduct an investigation into the qualifications and suitability of the applicant or qualifier. The investigation may be limited to a review of the applicant or qualifier's 205 CMR 15.04(2)(b) certification; an applicant's self-disclosed licensing and compliance history in other jurisdictions; self-disclosed open litigation involving an applicant; and an open-source check concerning the applicant or, if a natural person, a qualifier. At the completion of the Bureau's investigation, it shall submit a written report to the Commission. The Bureau's report may be redacted consistent with the Massachusetts Public Records Law, M.G.L. c. 66, and other sources of law.
  - (d) After evaluating whether the applicant or qualifier is temporarily suitable in accordance with 205 CMR 15.04(2)(d):
    1. If the Commission finds the applicant or qualifier temporarily suitable: the Commission shall issue a written determination of temporary suitability for the applicant or qualifier. The determination may include conditions and restrictions.
    2. Otherwise: the Commission may issue a negative determination of suitability.
- (3) In determining whether a person is suitable, the Commission shall evaluate and consider the overall reputation of the person, including, without limitation, and on the basis of a report from the Bureau, sworn attestations, or other information or evidence available to the Commission:
- (a) the person's integrity, honesty, good character and reputation;
  - (b) the person's financial stability, integrity, and background;
  - (c) whether the person has a history of compliance with racing or other gaming or sports wagering requirements in other jurisdictions;
  - (d) whether the person, at the time of the request, is a defendant in litigation;
  - (e) whether the person is ineligible to hold a license under 205 CMR 15.04(4), or M.G.L. c. 128A;

15.04: continued

- (f) whether the person has been convicted of a crime of moral turpitude;
- (g) whether, and to what extent, the person has associated with members of organized crime and other persons of disreputable character;
- (h) whether the person has failed to demonstrate responsible business practices in any jurisdiction;
- (i) whether awarding a license to the applicant would have an adverse impact upon the integrity of the racing industry;
- (j) whether awarding a license to the applicant would have an adverse impact on the interest of members of the public in racing competition honestly managed and of good quality; and
- (k) the extent to which the person have cooperated with the Bureau during the review of the Racing Meeting License Application.

(4) The Commission shall determine that an applicant is unsuitable if the applicant or one of its qualifiers:

- (a) has knowingly made a false statement of a material fact to the Commission or IEB;
- (b) has had a license revoked by any governmental authority responsible for regulation of racing or associated pari-mutuel wagering activities or gaming or sports wagering activities;
- (c) has been convicted of a felony or other crime involving embezzlement, theft, fraud, perjury or a gambling-related offense;
- (d) has not demonstrated to the satisfaction of the Commission financial responsibility sufficient to adequately meet the requirements of the proposed enterprise;
- (e) has affiliates or close associates that would not qualify for a license, or whose relationship with the applicant may pose an injurious threat to the interests of the Commonwealth.

(5) Persons Required to Be Qualified. The following persons shall be qualifiers for any application:

- (a) If the applicant is a corporation:
  - 1. Each officer;
  - 2. Each inside director;
  - 3. Any person owning, or having another beneficial or proprietary interest in, 10% or more of the common stock of the applicant, or a holding, intermediary or subsidiary company of such company; and
  - 4. In the judgment of the Division of Licensing after consultation with the Bureau, any person with significant and substantial responsibility for the applicant's business under the jurisdiction of the Commission, or having the power to exercise significant influence over decisions concerning the applicant's operations in the Commonwealth.
- (b) If the applicant is a limited liability corporation:
  - 1. Each member;
  - 2. Each transferee of a member's interest;
  - 3. Any other holder of a beneficial or proprietary interest of 10% or more in the applicant;
  - 4. Each manager; and
  - 5. In the judgment of the Division of Licensing after consultation with the Bureau, any person with significant and substantial responsibility for the applicant's business under the jurisdiction of the Commission or having the power to exercise significant influence over decisions concerning the prospective applicant's operations in the Commonwealth.
- (c) If the applicant is a partnership:
  - 1. Each partner;
  - 2. Any other holder of a beneficial or proprietary interest of 10% or more in the applicant; and
  - 3. In the judgment of the Division of Licensing after consultation with the Bureau, any person with significant and substantial responsibility for the applicant's Business under the jurisdiction of the Commission or having the power to exercise significant influence over decisions concerning the applicant's operations in the Commonwealth.

15.04: continued

(6) Other Qualifiers. The Commission may, in its sole discretion, require other persons that have a business association of any kind with the applicant to undergo a qualifier review and determination process. These persons may include, but are not limited to, holding, intermediary or subsidiary companies of the applicant.

(7) Waivers. In addition to any other exception or exemption under 205 CMR 15.04, upon written petition, the Commission may waive the requirement to be qualified as a qualifier under 205 CMR 15.04(5) and (6) for:

(a) Institutional investors holding up to 15% of the stock of the applicant, or holding, intermediary or subsidiary company thereof, upon a showing by the person seeking the waiver that it purchased the securities for investment purposes only and does not have any intention to influence or affect the affairs or operations of the applicant or holding, intermediary or subsidiary company thereof. Provided, however, any institutional investor granted a waiver which subsequently determines to influence or affect the affairs or operations of the applicant, or a holding, intermediary or subsidiary company thereof shall provide not less than 30 days' notice to the Commission of such intent and shall file an application and may be subject to the licensing requirements of 205 CMR 15.00, 205 CMR 3.00: *Harness Horse Racing* and 205 CMR 4.00: *Horse Racing* respectively before taking any action that may influence or affect the affairs of the applicant or a holding, intermediary or subsidiary company; or

(b) Any person who, in the opinion of the Bureau or the Commission, cannot exercise control or provide direction to an applicant or a holding, intermediary or subsidiary company thereof.

(8) Persons Deemed Suitable.

(a) Any person may be deemed durably suitable for purposes of M.G.L. c. 128A and 205 CMR without an additional finding of suitability pursuant to 205 CMR 15.04 if they were previously:

1. qualified pursuant to M.G.L. c. 23K or 205 CMR 116.00: *Persons Required to Be Licensed or Qualified*; or
2. found suitable pursuant to 205 CMR 215.01(1): *Durable Finding of Suitability*.

(b) Any person may be deemed temporarily suitable for purposes of M.G.L. c. 128A and 205 CMR without an additional finding of suitability pursuant to 205 CMR 15.04 if they were previously found preliminarily suitable pursuant to 205 CMR 215.01(2): *Preliminary Finding of Suitability*.

(9) Qualification of New Qualifiers. No person requiring qualification pursuant to 205 CMR 15.04 may perform any duties or exercise any powers relating to the position that said qualifier is seeking to assume for a licensee unless the person notifies the Bureau in writing within 30 days of appointment to the position. Such notification shall be accompanied by an applicable business entity or personal disclosure form, specified by the Bureau. Following such notification and submission of the completed form, the person may continue to perform duties and exercise powers relating to the position pending qualification.

(a) A person with reason to believe that their new position with an applicant or licensee may require qualification pursuant to 205 CMR 15.04 shall notify the Bureau in writing within 30 days of appointment to the position. Such notification shall be accompanied by a summary of the responsibilities and/or features of the position. The Bureau shall determine whether the person shall be designated a qualifier pursuant to 205 CMR 15.04(5) and (6) and shall notify the person of such designation in writing. Within 30 days of designation as a qualifier, the person shall submit a completed personal disclosure form. Following submission of the completed form, the person may continue to perform duties and exercise powers relating to the position pending qualification.

(b) The Bureau shall review the forms submitted by the new qualifier, as well as such other information that the Bureau may request, and, upon completion of its investigation, shall make a recommendation in accordance with 205 CMR 15.04(1)(c) whether the new qualifier meets the standards for suitability.

15.04 : continued

(c) Upon notification by the Bureau of a determination that reasonable cause exists to believe the qualifier may not ultimately be found suitable, an applicant shall promptly remove the qualifier from his or her position until such time as the Commission makes its final determination on suitability.

(10) Internal Review of Determinations. An applicant or qualifier may request review of any determination made by the Bureau in accordance with either 205 CMR 15.04(5) through (7) or 205 CMR 15.04(9) to the Commission, by filing a petition on a form prescribed by the Commission. The Commission shall decide the question at a public meeting on the matter at which it may allow representatives of the petitioner and Bureau to testify.

(11) Unsuitable Qualifiers. An unsuitable qualifier may not hold an interest in a license. A licensee's articles of organization or other document governing the sale or transfer of securities or other interests shall contain provisions in a form approved by the Commission stating that the sale, assignment, transfer, pledge or other disposition of any security issued by it is conditional and shall be ineffective if disapproved by the Commission. Further, a licensee shall have a mechanism approved by the Commission in place by which it may effectuate divestiture or redemption of securities, or a like process, in the event of a negative determination of suitability being issued to a person required to be qualified.

(12) Transfers of Interest in Licenses and Licensees. Prior to giving written approval to a sale, transfer, or conveyance of a beneficial or legal interest in a license or licensee in accordance with M.G.L. c. 128A, § 11C, the Commission must find the transferee durably or temporarily suitable in accordance with 205 CMR 15.04 as though the transferee was an applicant or qualifier for a new license.

15.05 : Advance Deposit Wagering; Licensure, Review and Authorization (Reserved)

15.06 : Licensing, Registration, and Fees for Owners, Trainers, Stable Employees, Authorized Agents, Vendors and Racing Officials (Reserved)

15.07 : Financial Payments, Outs, and Requests for Capital Improvement or Reimbursement (Reserved)

15.08 : Additional Information and Cooperation of Racing Meeting Applicants and Licensees

(1) The Commission, the Bureau or their agents and employees may request additional information and documents from an applicant or its qualifiers, or any other person associated with the applicant whose licensure or registration is required under M.G.L. c. 128A and 128C or 205 CMR, throughout the application review process. Failure by the applicant, qualifier, or other person to timely submit the additional information as requested by the Commission, the Bureau or their agents and employees may be grounds for denial of the application.

(2) All applicants, licensees, registrants, qualifiers, or other person whose licensure or registration is required under M.G.L. c. 128A and 128C, or 205 CMR shall comply with all requests of the Commission, the Bureau and their agents and employees for information and documents as authorized by M.G.L. c. 128A and 128C, and 205 CMR.

(3) Applicants, licensees, registrants, and qualifiers, and other persons shall respond within ten days or within the time specified in an information request by the Commission, the Bureau, and their agents and employees, under 15.08(1) and 15.08(2), to said information request.

(4) All applicants, licensees, registrants, qualifiers and other persons shall have a continuing duty to provide all information and documents requested by the Commission, Bureau, and their agents and employees and to cooperate in any investigation or hearing conducted by the Commission, Bureau, and their agents and employees, as authorized by M.G.L. c. 23K, § 7.

15.08: continued

(5) Once issued a positive determination of suitability, all licensees and qualifiers shall have a continuing duty to maintain suitability in accordance with 205 CMR 15.04. Each licensee or qualifier shall have a continuing duty to notify and update the Bureau, in writing, within ten days of the occurrence, unless an alternative filing time is authorized by the executive director, or where applicable, after gaining knowledge of the following:

- (a) Any denial, suspension or revocation by a governmental authority in any jurisdiction of a racing-, gaming, or sports-wagering-related license, registration, certification, permit or approval held by or applied for by the licensee or qualifier;
- (b) Any discipline, including a fine or warning, related to racing, imposed upon the licensee or qualifier by any governmental authority in any jurisdiction;
- (c) Any fine related to racing assessed on any entity owned or operated by the parent to the licensee by any governmental authority in any jurisdiction.
- (d) Any arrest, indictment, charge or criminal conviction of any qualifier in any jurisdiction;
- (e) Any complaints, allegations, or notice of investigation thereof made or known to be contemplated by a governmental authority against the racing meeting licensee, qualifier, or any racing entity owned or operated by the parent to the licensee, of which the licensee or qualifier is or should reasonably be aware, involving conduct that if substantiated could reasonably lead to potential revocation or suspension of the license or approval held by the licensee, qualifier, or racing entity owned or operated by the parent to the licensee, in that jurisdiction and/or imposition of a fine of \$50,000 or greater;
- (f) Any reports, complaints, allegations, or material legal proceedings made, commenced, or known to be contemplated by a governmental authority against the licensee or qualifier, of which the licensee or qualifier is or should reasonably be aware, involving conduct that if substantiated could reasonably lead to potential criminal charges including, but not limited to, allegations of theft or embezzlement;
- (g) Any information known or that should reasonably be known to the licensee or qualifier, including by way of receipt of a subpoena, that the licensee or qualifier is or may be the subject of a criminal investigation by a law enforcement or regulatory agency;
- (h) Any exclusion or barring of a qualifier from any casino, gaming establishment, or gambling/gaming related entity, or race track in any jurisdiction; however, this shall not include exclusions or barring of a qualifier which stem solely from the interest in, or position they hold with, the licensee;
- (i) The termination, suspension from employment, or other discipline of any qualifier or racing employee licensed in accordance with 205 CMR;
- (j) Any material pending legal proceedings required to be reported in accordance with 17 CFR 229.103 - (Item 103) Legal proceedings: For purposes of 205 CMR 212.01(5)(j) the registrant referred to in 17 CFR 229.103 - (Item 103) shall be both the licensee and the parent company of the licensee as determined by the Bureau. Additionally, the licensee and each qualifier shall provide notice of any pending legal proceeding which includes any allegation of fraudulent conduct by the licensee or a qualifier, that may reasonably threaten the economic viability of the licensee or a qualifier, or that alleges a pattern of improper conduct by the licensee or a qualifier over a sustained period of time;
- (k) Any significant financial event related to a licensee or entity qualifier. For purposes of 205 CMR 15.08(5)(k), a significant financial event means a merger, acquisition, consolidation, debt restructuring, material change in debt rating by major credit rating agencies (US/International), legal entity change, material ownership change, the assessment of a fine or penalty of \$250,000 or greater by the SEC or international equivalent, restatement of previously issued financial statement(s), late filing of financial statement(s) with the SEC or international equivalent, US or international equivalent bankruptcy petition, default of financial debt covenants and receivership, disposal of a material business segment or asset, or adverse action(s) taken by the IRS;
- (l) Issuance of an "Adverse" or "Qualified" audit opinion, or the international equivalent, by an independent accountant to the Racing Meeting Licensee or qualifier;
- (m) A change in accounting firm engaged to perform attestation and/or assurance services for the licensee or qualifier; and
- (n) Issuance of a delisting notice from a United States or international stock exchange relative to the licensee or qualifier.

15.08: continued

(6) If the Commission determines that an applicant, licensee, registrant, or qualifier has knowingly withheld information, knowingly failed to provide information or documents requested by the Commission, Bureau, or their agents and employees, knowingly provided materially false or misleading information to the Commission, the Bureau or their agents and employees, or knowingly failed to cooperate with any investigation or hearing conducted by the Commission, Bureau, or their agents and employees, the Commission may, with respect to such person:

- (a) Find that person ineligible to hold a license or registration or be qualified in connection with a license;
- (b) Suspend the relevant license, registration or qualification; or
- (c) Revoke the relevant license, registration or qualification.

15.09: Withdrawal of Application for License to Hold or Conduct a New Racing Meeting

(1) Except as provided in 205 CMR 15.09(2), a written notice of withdrawal of an application may be filed by an applicant or qualifier at any time prior to final Commission action thereon.

(2) Withdrawal requests submitted in accordance with 205 CMR 15.09(2) shall be permitted without the need for Commission approval except that if a hearing on suitability, temporary suitability, or an application has been requested by a party or directed by the Bureau or Commission, no withdrawal will be allowed without express Commission approval upon a finding of good cause:

(3) If the Commission agrees to grant withdrawal under 205 CMR 15.09(2), the Commission may condition that withdrawal with appropriate terms it deems necessary, including, but not limited to, a period of time within which the applicant or qualifier may not re-apply.

(4) The provisions of 205 CMR 111.05(4) governing the surrender of credentials shall govern the surrender of any credential issued under M.G.L. c. 128A and 128C, or the sections of 205 CMR governing racing.

REGULATORY AUTHORITY

205 CMR 15.00: M.G.L. c. 128A, §§ 2, 3(i), and 5C; and M.G.L. c. 128C.



## **AMENDED SMALL BUSINESS IMPACT STATEMENT**

The Massachusetts Gaming Commission (“Commission”) hereby files this amended Small Business Impact Statement in accordance with G.L. c. 30A, § 5 relative to the proposed promulgation of **205 CMR 15.00 - Racing Meeting Licensing**. A public hearing was held on January 22, 2024, discussing this proposed regulation.

The proposed regulation applies directly to applicants seeking a license to conduct a racing meeting. These applicants may consist of existing or new entities that may identify as small businesses; however, this proposed regulation is not likely to have a negative impact on small businesses. This regulation is governed by G.L. c. 128A, §§ 2, 4, 9(B), 13A, and 14.

In accordance with G.L. c.30A, §5, the Commission offers the following responses on whether any of the following methods of reducing the impact of the proposed regulation on small businesses would hinder achievement of the purpose of the proposed regulation:

1. Establishing less stringent compliance or reporting requirements for small businesses:

Given the potential for new racing applicants in the future, there is a possibility that this regulation could impact small businesses. Presently, there are no less stringent compliance or reporting requirements for small businesses.

2. Establishing less stringent schedules or deadlines for compliance or reporting requirements for small businesses:

The proposed regulation does not impose any reporting requirements for small businesses; however, it does require submission of the intended days the applicant, seeks to offer live racing, as well as submission of suitability materials.

3. Consolidating or simplifying compliance or reporting requirements for small businesses:

This regulation does not impose any reporting requirements for small businesses.

4. Establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation:

The proposed regulation is prescriptive, and performance based, to ensure uniformity of information submitted to the Commission. They are appropriate in this instance to allow for transparency to applicants seeking licensure.



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5. An analysis of whether the proposed regulation is likely to deter or encourage the formation of new businesses in the Commonwealth:

This regulation could encourage the formation of new businesses in the Commonwealth, as it may encourage new businesses within the racing industry or adjacent vendors or contractors.

6. Minimizing adverse impact on small businesses by using alternative regulatory methods:

This regulation is not likely to adversely impact small businesses.

Massachusetts Gaming Commission  
By:

/s/ Judith Young  
Judith A. Young  
Associate General Counsel  
Legal Division

Dated: March 28, 2024



Massachusetts Gaming Commission





**TO:** Commissioner Eileen O'Brien  
Commissioner Brad Hill  
Commissioner Nakisha Skinner  
Commissioner Jordan Maynard

**FROM:** Andrew Steffen, Sports Wagering Operations Manager  
Bruce Band, Director of Sports Wagering

**MEMO**

**MEETING**

**DATE:** March 26, 2024

**DATE:** March 28, 2024

**RE:** Wager Limitations

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**INTRODUCTION:**

Through public comment, a question has arisen as to whether a Sports Wagering Operator is authorized to limit the amount an individual patron may to wager.

The Sports Wagering Division met with select operators and completed a thorough investigation, monitoring compliance with regards to how the Sports Wagering Operators limit the wagers of patrons.

**REGULATION BACKGROUND:**

Pursuant to [205 CMR 247.02](#), a sports wagering operator must adopt comprehensive House Rules for sports wagering. Under 247.02(3), the House Rules must address certain criteria at a minimum. Subsection 247.02(3)(l) addresses maximum payouts and establishing such limits, noting that: "such limits must only be established through limiting the amount of a Sports Wager and cannot be applied to reduce the amount paid to a patron as a result of a winning Sports Wager."

Additionally, pursuant to 205 CMR 247.08(1), unless otherwise directed by the Commission, there is no limitation as to the minimum or maximum wager a Sports Wagering Operator may accept. This rule does not preclude a Sports Wagering Operator from establishing its own wager limits or limiting a patron's wager for reasons considered necessary or appropriate.

## OVERVIEW:

### *House Rules Excerpts –*

- BetMGM:
  - BetMGM will determine the minimum and maximum wager amounts per patron on all events to include all periods, segments, propositions, and future book wagers. Maximum payout limits shall only be established through limiting the amount wagered and cannot be applied to reduce a winning wager amount.
- Caesars:
  - Management determines the minimum and maximum wagers on all events. The minimum wager amount may be as low as \$0.10. The maximum wager amount is \$1,000,000 which can be restricted or increased based on internal management review and approval, per customer, based on sport or event and includes all wager types.
- DraftKings:
  - DraftKings reserves the right to limit the maximum bet amount such that the net payout on any bet or combination of bets by one Authorized Account Holder does not exceed {\$500,000}. This limit may be lowered by DraftKings in DraftKings' sole discretion.
  - All bet selections are subject to pre-imposed limits set solely at DraftKings' discretion which may be lower than the limits mentioned in the Sport Specific Limits and/or mentioned elsewhere on DraftKings' platform. Should this limit be reached, the Authorized Account Holder has the right to ask for it to be exceeded by means of a request effected through DraftKings' platform. DraftKings reserves the right to accept (fully or partially) or reject the said request without any prior notice and further explanation.
- ESPN Bet (PSI):
  - The Operator reserves the right to make changes to the site, betting limits, payout limits and offerings. The Operator reserves the right to refuse any wager or delete or limit any selection(s) prior to the acceptance of the wagers.
  - In order to guarantee the viability of each market, to avoid potential cases of fraud and match-fixing, and to be able to make a correct estimate of the risk involved in each product offered, the Operator reserves the right to limit the net payout (the payout after the stake has been deducted) on any bet or combination of bets by one Account Holder for any bets placed or settled within a 24-hour timeframe.
- Fanatics:
  - For all events the maximum payout limits apply on a per day basis. The maximum payout limits refer to the total returns on your bets, excluding your original stake. The maximum payout limit applies on a personal basis, but where Fanatics Sportsbook has reason to believe that a customer has acted as a group to circumvent these limits and produce multiple accounts or retail tickets, we reserve

the right to limit this customer or group of customers to a single maximum payout.

- The maximum payout for all events is currently \$1,000,000, provided that this limit will be established through limiting the amount of a sports wager. This policy will not preclude any customer from collecting a payout more than these limits if Fanatics Sportsbook allows the customer to place a valid wager that pays more than the stated maximum amounts.
- FanDuel:
  - FanDuel Sportsbook reserves the right in its sole discretion not to accept certain Sportsbook bets, or to scale back the stakes (on a per user or aggregate basis). The minimum bet wager on all sports events shall be set to \$0.09 and the maximum bet wager on all sports events shall be set to \$5,000,000. FanDuel Sportsbook reserves the right to set a lower or higher maximum bet wager amount per customer for any offered event and/or wager type. Any bet limitations will be implemented at the time of bet placement.
- Encore Boston Harbor:
  - Management reserves the right to refuse any bet; or delete or limit any selection(s) prior to the acceptance of the bets.
  - Management will determine the minimum and maximum wagers on all events and can set a lower maximum wager amount or higher maximum wager amount per patron for any offered event and/or wager type. Patrons may fund wagers in cash or with a winning sports wagering voucher. Credit wagers of any type are not permitted.
- MGM Springfield:
  - The MGMS will determine minimum and maximum wagers on all sports events. Any maximum payout will only be established through limiting the amount of a Sports Wager and will not be applied to reduce the amount paid to a patron as a result of a winning Sports Wager.
- Plainridge Park Casino:
  - The Operator reserves the right to make changes to the site, betting limits, payout limits and offerings.
  - The overall minimum bet amount for retail wagers is \$5.00. The overall maximum bet amount for retail wagers up to \$10,000,000. Within these limits, the operator will determine the accepted stake amount for each wager based on the individual player and event factors. Pursuant to 205 CMR 247.08 (3), The Sportsbook at Plainridge Park may, in its discretion, permit a player to wager below the established minimum wager or above the established maximum wager.

**DISCUSSION:**

The Sports Wagering division has confirmed all operators meet the minimum requirements of 205 CMR 247.02(3)(l) and 205 CMR 247.08(1). While language differs from operator to operator, it is similar in nature and meets the minimum requirements of the regulation.