



NOTICE OF MEETING AND AGENDA

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

Thursday | November 10, 2022 | 10:00 a.m.
VIA REMOTE ACCESS: 1-646-741-5292
MEETING ID/ PARTICIPANT CODE: 111 720 3371

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.

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 - #400

1. Call to Order
2. Administrative Update – Karen Wells, Executive Director
 - a. MGC Vacation Carryover Policy – David Muldrew, Chief People and Diversity Officer
 - b. FY23 Q1 Budget Update – Derek Lennon, Chief Financial Officer
3. Research and Responsible Gaming – Mark Vander Linden, Director
 - a. Report: New Employee Survey at Encore Boston Harbor: January 2019 through December 2021 – Rebecca Loveland; Kazmiera Breest - UMass Donahue Institute
4. Community Affairs – Joe Delaney, Chief
 - a. Plainridge Park Casino Quarterly Report- Q3
 - b. Finalization of Community Mitigation Fund Guidelines **VOTE**
5. MGC Semi-Annual Diversity Update– David Muldrew, Chief People and Diversity Officer; Trupti Banda, Human Resources Manager, John Scully, Finance and Budget Office Manager



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6. Licensing Division – Kara O’Brien, Chief
 - a. Employee Exemption Request - MGM Springfield – David MacKay, Licensing Supervisor

7. Legal Division: Regulations – Todd Grossman, General Counsel
 - a. 205 CMR 2.01 – Application for License to Conduct a Racing Meeting by a New Operator; and Amended Small Business Impact Statement to finalize the promulgation process and send to Legislature

 - b. Repeal of 205 CMR 103: Access to and Confidentiality of Commission Records and Review of Comments Received – Carrie Torrisi, Deputy General Counsel
 - i. 205 CMR 103: Access to and Confidentiality of Commission Records and Amended Small Business Impact Statement to finalize the promulgation process **VOTE**
 - ii. 205 CMR 102.02: Definitions, and Amended Small Business Impact Statement to finalize the promulgation process **VOTE**
 - iii. 205 CMR 115.04: Phase 1 and New Qualifier Proceedings by the Commission, and Amended Small Business Impact Statement to finalize the promulgation process **VOTE**
 - iv. Amendments to Policy Governing Information Provided in Response to Request for Applications – Phase 1 & Phase 2 **VOTE**
 - v. Amendments to Security Protocols and Restricted Access Policy **VOTE**

 - c. Sports Wagering Operator Licensing Framework – Carrie Torrisi, Deputy General Counsel
 - i. 205 CMR 212: Additional Information Requested of Applicants and Continuing Duty and Amended Small Business Impact Statement for possible emergency adoption **VOTE**
 - ii. 205 CMR 214: Application and Investigation Fees and Amended Small Business Impact Statement for possible emergency adoption **VOTE**
 - iii. 205 CMR 215: Suitability Determinations, Standards, and Procedures and Amended Small Business Impact Statement for possible emergency adoption **VOTE**
 - iv. 205 CMR 219- Temporary Licensing Procedures and Amended Small Business Impact Statement for possible emergency adoption **VOTE**
 - v. 205 CMR 220- License Conditions and Amended Small Business Impact Statement for possible emergency adoption **VOTE**
 - vi. 205 CMR 221- Licensing Fees and Amended Small Business Impact Statement for possible emergency adoption **VOTE**



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- d. Additional Sports Wagering Regulations
 - i. 205 CMR 244.06: Independent Test Labs and Amended Small Business Impact Statement to finalize the promulgation process **VOTE**
 - ii. Draft 205 CMR 233: Voluntary Self- Exclusion for initial review and possible emergency adoption **VOTE**
 - iii. Draft 205 CMR 250: Protection of Minors and Underage Youth and Small Business Impact Statement for initial review and possible emergency adoption **VOTE**
 - iv. Draft 205 CMR 235: Sports Wagering Occupational Licenses and Small Business Impact Statement for initial review and possible emergency adoption **VOTE**
 - v. Draft 205 CMR 105: Investigations and Enforcement Bureau and Small Business Impact Statement for initial review and possible emergency adoption **VOTE**
- 8. Sports Wagering Process Updates- Karen Wells, Executive Director
 - a. Sports Wagering Category 2 Licenses
 - i. Category 2 License Timeline **VOTE**
 - ii. Request for clarification regarding MGL c. 23N, §6(f) **VOTE**
 - b. Divisional Updates
- 9. Commissioner Updates
 - a. Advertising/Media Round Table Update – Cathy Judd-Stein, Chair, Tom Mills, Chief of Communications
- 10. 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 and emailed to regs@sec.state.ma.us. Posted to Website: November 8, 2022 | 9:30 a.m.

November 7, 2022

Cathy Judd-Stein
Cathy Judd-Stein, Chair

*This meeting is open to all interested individuals for viewing.
If there are any questions pertaining to accessibility and/or further assistance is needed, please email
crystal.beauchemin@massgaming.gov.*



Massachusetts Gaming Commission



MASSACHUSETTS GAMING COMMISSION

MEMORANDUM

To: Chair Judd-Stein and Commissioners Hill, Maynard, O'Brien and Skinner
From: Karen Wells, Executive Director and Derek Lennon, CFAO
Date: 11/10/2022
Re: Fiscal Year 2023 (FY23) First Budget Update

Summary:

The Massachusetts Gaming Commission approved a FY23 budget for the Gaming Control Fund of \$35.7M, composed of \$29.34M in regulatory costs and \$6.36M in statutorily required costs. The Gaming Control Fund required an initial assessment of \$29.3M on licensees. After balancing forward \$1.84M from FY22 and correcting for an over statement of revenue estimates of \$1.2M the assessment is reduced to \$29.88M. The Commission also approved an additional \$5M assessment required by law for the PHTF.

This quarterly update, staff is recommending increasing the Gaming Control Fund by a total of \$213.7K. Of the increased amount, \$32.6K is for invoices for the independent monitor received and paid in the first quarter. The independent monitor expense is revenue neutral. We are also increasing payroll estimates and fringe estimates by \$181K due to the salary restructuring done at the close of FY22.

Gaming Control Fund

Spending Update:

When the Commission approved the initial FY23 budget, it was with the knowledge that only the bare minimum required for the MGC's insurance policy was funded in the litigation budget. In addition, the FY23 funding included a flat spending projection for MSP OT. We will continue to monitor both items. The costs of the independent monitor were not included in the FY23 budget as that item is revenue neutral, (each dollar of expense is offset by a corresponding dollar of revenue). However, as will be discussed later in the memo we did mistakenly include a revenue estimate for the independent monitor. We are increasing the spending projection by \$32,608.40 for the independent monitor bills paid between 7/1/2022 and 9/30/2022. We are increasing the revenue projection by that same amount.

In March, April and May of fiscal year 2022 the Commission underwent a review of our salary structure. As a result of that review we made adjustments to salaries for positions to better align with other Commonwealth agencies and quasi-governmental entities. The adjustments went into effect in late June of 2022. The adjustments were not included in the FY23 budget projections. In addition the Commission had included \$350K in turnover projections. We have experienced high turnover as well as lag in filling vacant positions in FY23. The combination of turnover and difficulty filling vacant positions has eliminated the turnover projections as well as all but \$127K of the FY22 salary adjustments. We are not recommending an increase to the assessment for the payroll and fringe projections at this time and will continue to monitor it through future quarterly updates.



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Revenue Update:

The FY23 Budget for the Gaming Control Fund relies on fees from licensing and slot machines, and an assessment to maintain regulatory oversight of the gaming operations. The Commonwealth operates on a modified cash basis of accounting. Therefore, the reimbursements for \$401.3K of independent monitoring expenses that were paid in FY22 were credited to FY23 revenue because they were not received until after July 1, 2022. The \$401.3K in independent monitoring fee revenue, combined with the excess revenue of \$1.437M from FY22 is credited back to the assessment on licensees. The amount credited back to each licensee was discussed in the FY22 closeout report.

The FY23 assessment was built on projected gaming positions from the licensees. As well as projected fees. In preparing this update we identified a mistake in revenue projections. We inadvertently included a \$1.2M projection for the independent monitor. Since the inception of the independent monitor we did not budget the expenses or the revenues as only one licensee is responsible for that cost. Previously we had increased spending projections and revenue projections when the cost was incurred. To correct this mistake we have decreased the independent monitor projected revenue to match the actual costs through 9/30/2022 (\$32.6K) and increased the assessment by \$1.2M to balance the budget. In addition, we have since received actual gaming position counts as of July 1, 2022. The tables below detail the effects of the revised gaming position counts, the increase of \$1.2M to the FY23 assessment as well as the FY22 \$1.84M balance forward for each licensee's assessment.

FY23 Initial Gaming Position Projections for Assessments							
Licensee	Slots Machines	Table Games	Table Gaming Positions	Total Gaming Positions	Percentage of Gaming Positions	FY23 Gaming Control Fund Assessment	FY23 PHTF Assessment
MGM	1,550	50	300	1,850	24.83%	7,579,760.65	1,241,610.74
Encore	2,750	250	1,750	4,500	60.40%	18,437,255.64	3,020,134.23
Penn	1,025	-	-	1,100	14.77%	4,506,884.71	738,255.03
TOTAL	5,325	300	2,050	7,450	100.00%	30,523,901.00	5,000,000.00

FY23 Actual Gaming Positions a/o 7/1 for Assessments										
Licensee	Slot Machines	Table Games	Table Gaming Positions	Total Gaming Positions	Percentage of Gaming Positions	FY23 Gaming Control Fund Initial Assessment	FY23 Assessment Correction	Credit to FY23 Assessment from FY22 Surplus	FY23 Gaming Control Fund Assessment After Credit	FY23 PHTF Assessment
MGM	1,521	42	261	1,782	26.22%	8,002,588.14	314,609.39	549,889.86	7,767,307.67	1,310,872.44
Encore	2,661	253	1,404	4,065	59.81%	18,255,062.17	717,669.56	1,040,076.62	17,932,655.11	2,990,289.83
Penn	904	-	-	950	13.98%	4,266,250.69	167,721.05	248,402.72	4,185,569.02	698,837.72
TOTAL	5,086	295	1,665	6,797	100.00%	30,523,901.00	1,200,000.00	1,838,369.20	29,885,531.80	5,000,000.00

Due to the numerous potential areas of exposure, we are tracking right now, the large surplus that was carried forward from the prior fiscal year, as well as this report only covering the first three (3) months of the fiscal year we are not recommending any increase to the current assessment to offset the proposed budgetary increases.

Attachment A to this document shows the initial budgets, actual spending, and revenue for the first quarter of FY22 as well as the recommended adjustments contained in this memorandum.

Conclusion:

At this time, we recommend increasing the Gaming Control Fund spending projections by \$213.7K increasing revenue projections by \$32.6K for the independent monitor actual costs and through a combination of \$1.84M excess revenue in FY22 and an increase of \$1.2M to the initial assessment to correct for the projected revenue for the independent monitor result in an overall \$32.6K increase to revenue projections and a \$638.4K decrease to the FY23 assessment. We will continue to monitor all spending and revenue activity with attention to litigation costs, GEU overtime costs, payroll turnover



Massachusetts Gaming Commission

savings. We have not included an update on the sports wagering budget as we have not received any licensing or investigatory fees as of the writing of this memo. We will address that in a future Commission meeting.

Attachment A: FY23 Actuals Spending and Revenue as of 10/1/2022



Massachusetts Gaming Commission

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2023		Budget Projections						
Row Labels	Initial Projection	FY22 Balance Forward	Approved Adjustments	Proposed Adjustments	Current Budget (Initial+Apvd Adjmts)	Actuals To Date Total	%Spent	% BFY Passed
10500001--Gaming Control Fund								
MGC Regulatory Cost								
AA REGULAR EMPLOYEE COMPENSATION	\$ 7,982,768.03		\$ -	\$ 127,623.77	\$ 8,110,391.80	\$ 1,790,411.88	22%	25%
BB REGULAR EMPLOYEE RELATED EXPEN	\$ 81,197.00		\$ -	\$ -	\$ 81,197.00	\$ 3,201.56	4%	25%
CC SPECIAL EMPLOYEES	\$ 248,022.52		\$ -	\$ -	\$ 248,022.52	\$ 53,676.08	22%	25%
DD PENSION & INSURANCE RELATED EX	\$ 3,198,108.43		\$ -	\$ 53,461.60	\$ 3,251,570.03	\$ 729,028.29	22%	25%
EE ADMINISTRATIVE EXPENSES	\$ 634,974.92		\$ -	\$ -	\$ 634,974.92	\$ 85,329.46	13%	25%
FF PROGRAM, FACILITY, OPERATIONAL SUPPLIES	\$ 20,000.00		\$ -	\$ -	\$ 20,000.00	\$ 1,152.10	6%	25%
GG ENERGY COSTS AND SPACE RENTAL	\$ 1,347,958.08		\$ -	\$ -	\$ 1,347,958.08	\$ 337,371.44	25%	25%
HH CONSULTANT SVCS (TO DEPTS)	\$ 818,500.00		\$ -	\$ 32,608.40	\$ 851,108.40	\$ 38,193.71	4%	25%
JJ OPERATIONAL SERVICES	\$ 10,510,400.56		\$ -	\$ -	\$ 10,510,400.56	\$ 487,085.03	5%	25%
KK Equipment Purchase	\$ 62,000.00		\$ -	\$ -	\$ 62,000.00	\$ -	0%	25%
LL EQUIPMENT LEASE-MAINTAIN/REPAR	\$ 41,707.90		\$ -	\$ -	\$ 41,707.90	\$ 5,758.78	14%	25%
NN NON-MAJOR FACILITY MAINTENANCE REPAIR	\$ 25,000.00		\$ -	\$ -	\$ 25,000.00	\$ 396.30	2%	25%
PP STATE AID/POL SUB/OSD	\$ 150,000.00		\$ -	\$ -	\$ 150,000.00	\$ -	0%	25%
TT PAYMENTS & REFUNDS	\$ -		\$ -	\$ -	\$ -		#DIV/0!	25%
UU IT Non-Payroll Expenses	\$ 4,222,914.03		\$ -	\$ -	\$ 4,222,914.03	\$ 645,399.25	15%	25%
MGC Regulatory Cost Subtotal:	\$ 29,343,551.47		\$ -	\$ 213,693.77	\$ 29,557,245.24	\$ 4,177,003.88	14%	25%
EE--Indirect Costs	\$ 2,419,852.48	\$ -	\$ -	\$ -	\$ 2,419,852.48	\$ 280,060.70	12%	25%
Office of Attorney General								
ISA to AGO	\$ 2,927,384.00		\$ -	\$ -	\$ 2,927,384.00	\$ 538,259.97	18%	25%
TT Reimbursement for AGO 0810-1024	\$ -				\$ -	\$ -		25%
AGO State Police	\$ 939,113.12				\$ 939,113.12	\$ 41,435.40	4%	25%
Office of Attorney General Subtotal:	\$ 3,866,497.12	\$ -	\$ -	\$ -	\$ 3,866,497.12	\$ 579,695.37	15%	25%
ISA to ABCC	\$ 75,000.00	\$ -	\$ -	\$ -	\$ 75,000.00		0%	25%
Gaming Control Fund Total Costs	\$ 35,704,901.07	\$ -	\$ -	\$ 213,693.77	\$ 35,918,594.84	\$ 5,036,759.95	14%	25%
		Revenue Projections						
Revenues	Initial Projection		Approved Adjustments	Proposed Adjustments	Current Budget (Initial+Apvd Adjmts)	Actuals To Date Total		
Gaming Control Fund Beginning Balance 0500	\$ -		\$ -	\$ 1,437,053.80	\$ 1,437,053.80	\$ 1,437,053.08		
EBH Security fees 0500/Independent Monitor	\$ 1,200,000.00		\$ -	\$ (1,167,391.60)	\$ 32,608.40	\$ -		
Category/Region Collection Fees 0500	\$ -		\$ -	\$ -	\$ -			
Prior Year Independent Monitor Fees 500	\$ -		\$ -	\$ 401,316.12	\$ 401,316.12	\$ 148,691.44		
IEB background / investigative collections 0500	\$ 125,000.00				\$ 125,000.00	\$ 25,125.99		
Phase 1 Refunds 0500			\$ -	\$ -	\$ -			
Phase 2 Category 1 Collections (restricted) 0500	\$ -		\$ -	\$ -	\$ -			
Region C Phase 1 Investigation Collections 0500	\$ -		\$ -	\$ -	\$ -			
Region C Phase 2 Category 1 Collections 0500	\$ -		\$ -	\$ -	\$ -			
Grant Collections (restricted) 0500	\$ -		\$ -	\$ -	\$ -			
Region A slot Machine Fee 0500	\$ 1,596,600.00		\$ -	\$ -	\$ 1,596,600.00	\$ 1,650,000.00		
Region B Slot Machine Fee 0500	\$ 912,600.00		\$ -	\$ -	\$ 912,600.00	\$ 930,000.00		

Slots Parlor Slot Machine Fee 0500	\$ 542,400.00	\$ -	\$ -	\$ 542,400.00	\$ 615,000.00
Gaming Employee License Fees (GEL) 3000	\$ 300,000.00	\$ -	\$ -	\$ 300,000.00	\$ 43,200.00
Key Gaming Executive (GKE) 3000	\$ 10,000.00	\$ -	\$ -	\$ 10,000.00	
Key Gaming Employee (GKS) 3000	\$ 50,000.00	\$ -	\$ -	\$ 50,000.00	\$ 7,000.00
Non-Gaming Vendor (NGV) 3000	\$ 50,000.00	\$ -	\$ -	\$ 50,000.00	\$ 3,400.00
Vendor Gaming Primary (VGP) 3000	\$ 225,000.00	\$ -	\$ -	\$ 225,000.00	
Vendor Gaming Secondary (VGS) 3000	\$ 15,000.00	\$ -	\$ -	\$ 15,000.00	\$ 5,000.00
Gaming School License (GSB)/LIQ	\$ 15,000.00	\$ -	\$ -	\$ 15,000.00	
Gaming Service Employee License (SER) 3000	\$ 75,000.00	\$ -	\$ -	\$ 75,000.00	\$ 4,950.00
Subcontractor ID Initial License (SUB) 3000	\$ 15,000.00	\$ -	\$ -	\$ 15,000.00	
Temporary License Initial License (TEM) 3000	\$ 10,000.00	\$ -	\$ -	\$ 10,000.00	
Assessment for PHTF	\$ 5,000,000.00	\$ -	\$ -	\$ 5,000,000.00	
Transfer PHTF Assessment to PHTF	\$ (5,000,000.00)	\$ -	\$ -	\$ (5,000,000.00)	
Veterans Initial License (VET) 3000	\$ -	\$ -	\$ -	\$ -	
Transfer of Licensing Fees to CMF 0500	\$ -	\$ -	\$ -	\$ -	
Assessment 0500	\$ 30,523,901.07	\$ (1,838,369.20)	\$ 1,200,000.00	\$ 29,885,531.87	\$ 7,630,975.25
Misc/MCC Grant	\$ 25,000.00	\$ -	\$ -	\$ 25,000.00	
Miscellaneous 0500	\$ 11,000.00	\$ -	\$ -	\$ 11,000.00	
Bank Interest 2700	\$ 3,400.00	\$ -	\$ -	\$ 3,400.00	\$ 260.11
Grand Total	\$ 35,704,901.07	\$ -	\$ (1,838,369.20)	\$ 1,870,978.32	\$ 35,737,510.19
					\$ 12,500,655.87

2023		Budget Projections						
Row Labels	Initial Projection	FY22 Balance Forward	Approved Adjustments	Proposed Adjustments	Current Budget (Initial+Apvd Adjmts)	Actuals To Date Total	%Spent	% BFY Passed
4000-1101 Research and Responsible Gaming/Public Health Trust Fund								
AA REGULAR EMPLOYEE COMPENSATION	\$ 313,023.39		\$ -	\$ -	\$ 313,023.39	\$ 54,483.83	17%	25%
BB REGULAR EMPLOYEE RELATED EXPEN	\$ 7,250.00		\$ -	\$ -	\$ 7,250.00	\$ 1,228.33	17%	25%
CC SPECIAL EMPLOYEES	\$ -		\$ -	\$ -	\$ -		0%	25%
DD PENSION & INSURANCE RELATED EX	\$ 131,125.50		\$ -	\$ -	\$ 131,125.50	\$ 21,889.41	17%	25%
EE ADMINISTRATIVE EXPENSES	\$ 352,602.34		\$ -	\$ -	\$ 352,602.34	\$ 53,832.52	15%	25%
FF PROGRAMMATIC FACILITY OPERATONAL SUPPLIES	\$ -		\$ -	\$ -	\$ -		0%	25%
HH CONSULTANT SVCS (TO DEPTS)	\$ 3,051,775.00		\$ -	\$ -	\$ 3,051,775.00	\$ 477,938.78	16%	25%
JJ OPERATIONAL SERVICES	\$ 10,000.00		\$ -	\$ -	\$ 10,000.00	\$ -	0%	25%
MM PURCHASED CLIENT/PROGRAM SVCS	\$ -		\$ -	\$ -	\$ -		0%	25%
PP STATE AID/POL SUB	\$ 1,360,000.00		\$ -	\$ -	\$ 1,360,000.00	\$ 13,770.96	1%	25%
UU IT Non-Payroll Expenses	\$ 2,000.00		\$ -	\$ -	\$ 2,000.00		0%	25%
ISA to DPH	\$ 39,225.00		\$ -	\$ -	\$ 39,225.00		0%	25%
Research and Responsible Gaming/Public Health Trust Fund Subtotal:	\$ 5,267,001.23	\$ -	\$ -	\$ -	\$ 5,267,001.23	\$ 623,143.83	12%	25%
Revenue Projections								
Revenues	Initial Projection		Approved Adjustments	Proposed Adjustments	Current Budget (Initial+Apvd Adjmts)	Actuals To Date Total		
Public Health Trust Fund ISA	\$ 5,267,001.23		\$ -		\$ 5,267,001.23			

Row Labels		Initial Projection	FY22 Balance Forward	Approved Adjustments	Proposed Adjustments	Current Budget (Initial+Bal Fwd+Apvd Adjmts)	Actuals To Date Total	%Spent	% BFY Passed
10500002									
TT LOANS AND SPECIAL PAYMENTS		\$ -		\$ -	\$ -	\$ -			25%
Revenue Projections									
Revenues		Initial Projection		Approved Adjustments	Proposed Adjustments	Current Budget (Initial+Apvd Adjmts)	Actuals To Date Total	%Spent	% BFY Passed
Greyhound Balance Forward Simulcast 7200		\$ -		\$ -	\$ -	\$ -	\$ 685,532.32		
Plainridge Greyhound Import Simulcast 7200		\$ 20,000.00		\$ -	\$ -	\$ 20,000.00	\$ 6,478.80		
Raynham Greyhound Import Simulcast 7200		\$ 50,000.00		\$ -	\$ -	\$ 50,000.00	\$ 6,929.84		
Suffolk Greyhound Import Simulcast 7200		\$ 15,000.00		\$ -	\$ -	\$ 15,000.00	\$ -		
TVG Greyhound Import Simulcast 7200		\$ 25,000.00		\$ -	\$ -	\$ 25,000.00	\$ 1,900.42		
TWS Greyhound Import Simulcast 7200		\$ 10,000.00		\$ -	\$ -	\$ 10,000.00	\$ 1,833.62		
Wonderland Greyhound Import Simulcast 7200		\$ 1,500.00		\$ -	\$ -	\$ 1,500.00	\$ 159.11		
		\$ 121,500.00	\$ -	\$ -	\$ -	\$ 121,500.00	\$ 702,834.11		

Budget Projections									
Row Labels		Initial Projection	FY22 Balance Forward	Approved Adjustments	Proposed Adjustments	Current Budget (Initial+Bal Fwd+Apvd Adjmts)	Actuals To Date Total	%Spent	% BFY Passed
1050003									
AA REGULAR EMPLOYEE COMPENSATION		\$ 955,163.30		\$ -	\$ -	\$ 955,163.30	\$ 159,658.03	17%	25%
BB REGULAR EMPLOYEE RELATED EXPEN		\$ 13,000.00		\$ -	\$ -	\$ 13,000.00	\$ 238.95	2%	25%
CC SPECIAL EMPLOYEES		\$ 468,000.00		\$ -	\$ -	\$ 468,000.00	\$ 136,238.98	29%	25%
DD PENSION & INSURANCE RELATED EX		\$ 409,038.88		\$ -	\$ -	\$ 409,038.88	\$ 68,539.04	17%	25%
EE ADMINISTRATIVE EXPENSES		\$ 42,385.00		\$ -	\$ -	\$ 42,385.00	\$ 1,744.67	4%	25%
FF PROGRAMMATIC FACILITY OPERATONAL SUPPLIES		\$ 42,000.00		\$ -	\$ -	\$ 42,000.00		0%	25%
HH CONSULTANT SVCS (TO DEPTS)		\$ 25,000.00			\$ -	\$ 25,000.00		0%	25%
JJ OPERATIONAL SERVICES		\$ 773,122.26		\$ -	\$ -	\$ 773,122.26	\$ 110,905.42	14%	25%
KK EQUIPMENT PURCHASES		\$ -		\$ -	\$ -	\$ -		#DIV/0!	25%
LL EQUIPMENT LEASE-MAINTAIN/REPAR		\$ 915.00		\$ -	\$ -	\$ 915.00		0%	25%
MM PURCHASED CLIENT/PROGRAM SVCS		\$ 85,000.00		\$ -	\$ -	\$ 85,000.00		0%	25%
NN INFRASTRUCTURE:		\$ -		\$ -	\$ -	\$ -		#DIV/0!	25%
TT LOANS AND SPECIAL PAYMENTS		\$ -		\$ -	\$ -	\$ -	\$ 93,620.08	#DIV/0!	25%
UU IT Non-Payroll Expenses		\$ 15,000.00		\$ -	\$ -	\$ 15,000.00	\$ 309.32	2%	25%
EE --Indirect Costs		\$ 209,178.18		\$ -	\$ -	\$ 209,178.18	\$ 40,680.25	19%	25%
ISA to DPH		\$ 70,000.00		\$ -	\$ -	\$ 70,000.00		0%	25%
Grand Total		\$ 3,107,802.62		\$ -	\$ -	\$ 3,107,802.62	\$ 611,934.74	20%	25%
Revenue Projections									
Revenues		Initial Projection		Approved Adjustments	Proposed Adjustments	Current Budget (Initial+Apvd Adjmts)	Actuals To Date Total		
Racing Oversight and Development Balance Forward 0131		\$ -		\$ -	\$ -	\$ -	\$ 1,006,209.74		

Attachment A FY23 Actuals Spending and Revenue 10-1-2022 (1)

Plainridge Assessment 4800	\$	75,000.00	\$	-	\$	-	\$	75,000.00	\$	17,445.01
Plainridge Daily License Fee 3003	\$	120,000.00	\$	-	\$	-	\$	120,000.00	\$	40,180.00
Plainridge Occupational License 3003/3004	\$	50,000.00	\$	-	\$	-	\$	50,000.00	\$	4,580.00
Plainridge Racing Development Oversight Live 0131	\$	20,000.00	\$	-	\$	-	\$	20,000.00	\$	4,291.66
Plainridge Racing Development Oversight Simulcast 0131	\$	100,000.00	\$	-	\$	-	\$	100,000.00	\$	30,215.71
Raynham Assessment 4800	\$	50,000.00	\$	-	\$	-	\$	50,000.00	\$	7,700.68
Raynham Daily License Fee 3003	\$	85,000.00	\$	-	\$	-	\$	85,000.00	\$	15,000.00
Raynham Racing Development Oversight Simulcast 0131	\$	85,000.00	\$	-	\$	-	\$	85,000.00	\$	11,017.26
Suffolk Assessment 4800	\$	620,000.00	\$	-	\$	-	\$	620,000.00	\$	109,187.56
Suffolk Commission Racing Development Oversight Simulcast 0131	\$	10,000.00	\$	-	\$	-	\$	10,000.00	\$	13,431.93
Suffolk Daily License Fee 3003	\$	85,000.00	\$	-	\$	-	\$	85,000.00	\$	10,200.00
Suffolk Occupational License 3003/3004	\$	5,000.00	\$	-	\$	-	\$	5,000.00		
Suffolk Racing Development Oversight Live 0131	\$	-	\$	-	\$	-	\$	-		
Suffolk TVG Commission Live 0131	\$	-	\$	-	\$	-	\$	-		
Suffolk TVG Commission Simulcast 0131	\$	500,000.00	\$	-	\$	-	\$	500,000.00	\$	70,974.04
Suffolk Twin Spires Commission Live 0131	\$	-	\$	-	\$	-	\$	-		
Suffolk Twin Spires Commission Simulcast 0131	\$	220,000.00	\$	-	\$	-	\$	220,000.00	\$	38,419.22
Suffolk Xpress Bet Commission Live 0131	\$	-	\$	-	\$	-	\$	-		
Suffolk Xpress Bet Commission Simulcast 0131	\$	100,000.00	\$	-	\$	-	\$	100,000.00	\$	15,775.55
Suffolk NYRA Bet Commission Live 0131	\$	-	\$	-	\$	-	\$	-		
Suffolk NYRA Bet Commission Simulcast 0131	\$	120,000.00	\$	-	\$	-	\$	120,000.00	\$	17,769.44
Transfer to General Fund 10500140 0000	\$	-	\$	-			\$	-		
Wonderland Assessment 4800	\$	5,000.00	\$	-	\$	-	\$	5,000.00	\$	149.45
Wonderland Daily License Fee 3003	\$	60,000.00	\$	-	\$	-	\$	60,000.00	\$	9,000.00
Wonderland Racing Development Oversight Simulcast 0131	\$	2,000.00	\$	-	\$	-	\$	2,000.00	\$	97.23
Plainridge fine 2700	\$	25,000.00	\$	-	\$	-	\$	25,000.00	\$	7,350.00
Suffolk Fine 2700	\$	-	\$	-	\$	-	\$	-		
Plainridge Unclaimed wagers 5009	\$	180,000.00	\$	-	\$	-	\$	180,000.00		
Suffolk Unclaimed wagers 5009	\$	250,000.00	\$	-	\$	-	\$	250,000.00		
Raynham Unclaimed wagers 5009	\$	150,000.00	\$	-	\$	-	\$	150,000.00		
Wonderland Unclaimed wagers 5009	\$	5,000.00	\$	-	\$	-	\$	5,000.00		
Return of Unclaimed wagers	\$	(585,000.00)	\$	-	\$	1.00	\$	(585,000.00)		
Misc/Bank Interest 0131	\$	500.00	\$	-	\$	-	\$	500.00		
Grand Total		\$2,337,500.00	\$0.00	\$0.00	\$1.00		\$2,337,500.00	\$1,428,994.48		

	Budget Projections								
Row Labels	Initial Projection	FY22 Balance Forward	Approved Adjustments	Proposed Adjustments	Current Budget (Initial+Bal Fwd+Apvd Adjmts)	Actuals To Date		% BFY Passed	
						Total	%Spent		
10500004									
AA REGULAR EMPLOYEE COMPENSATION	\$ 170,463.12	\$ -	\$ -	\$ -	\$ 170,463.12	\$ 32,400.30	19%	25%	
BB REGULAR EMPLOYEE RELATED EXPEN	\$ 5,000.00	\$ -	\$ -	\$ -	\$ 5,000.00	\$ 232.00	5%	25%	
DD PENSION & INSURANCE RELATED EX	\$ 71,407.00	\$ -	\$ -	\$ -	\$ 71,407.00	\$ 13,397.53	19%	25%	
EE ADMINISTRATIVE EXPENSES	\$ 20,687.22	\$ -	\$ -	\$ -	\$ 20,687.22	\$ 3,240.04	16%	25%	
GG ENERGY COSTS AND SPACE RENTAL	\$ 2,500.00	\$ -	\$ -	\$ -	\$ 2,500.00		0%	25%	
PP STATE AID/GRANTS	\$ 10,000,000.00	\$ -	\$ -	\$ -	\$ 10,000,000.00	\$ 310,491.40	3%	25%	
UU IT Non-Payroll Expenses	\$ 40,000.00	\$ -	\$ -	\$ -	\$ 40,000.00		0%	25%	

Grand Total	\$ 10,310,057.34	\$ -	\$ -	\$ -	\$ 10,310,057.34	\$ 359,761.27	3%	25%
Revenue Projections								
Revenues	Initial Projection	FY22 Balance Forward	Approved Adjustments	Proposed Adjustments	Current Budget (Initial+Apvd Adjmts)	Actuals To Date Total		
Balance forward prior year	\$ -	\$ -	\$ -	\$ -	\$ -	\$40,371,307.30		25%
Grand Total	\$ -	\$ -	\$ -	\$ -	\$ -			

Budget Projections								
Row Labels	Initial Projection	FY22 Balance Forward	Approved Adjustments	Proposed Adjustments	Current Budget (Initial+Bal Fwd+Apvd Adjmts)	Actuals To Date Total	% Spent	% BFY Passed
10500005								
TT LOANS AND SPECIAL PAYMENTS (Race Horse Dev Fund)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,600,430.12	#DIV/0!	25%
Revenue Projections								
Revenues	Initial Projection	FY22 Balance Forward	Approved Adjustments	Proposed Adjustments	Current Budget (Initial+Apvd Adjmts)	Actuals To Date Total		
Balance forward prior year 3003					\$ -	\$ 21,522,593.49		
Race Horse Development Fund assessment 3003	\$ 20,000,000.00				\$ 20,000,000.00			
Grand Total	\$ 20,000,000.00	\$ -	\$ -	\$ -	\$ 20,000,000.00			

10500008								
Row Labels	Initial Projection	FY22 Balance Forward	Approved Adjustments	Proposed Adjustments	Current Budget (Initial+Bal Fwd+Apvd Adjmts)	Actuals To Date Total	% Spent	% BFY Passed
Casino forfeited money MGC Trust MGL 267A S4	\$ -				\$ -	\$7,229.00	#DIV/0!	25%
Grand Total	\$ -	\$ -	\$ -	\$ -	\$ -			

Budget Projections								
Row Labels	Initial Projection	FY22 Balance Forward	Approved Adjustments	Proposed Adjustments	Current Budget (Initial+Bal Fwd+Apvd Adjmts)	Actuals To Date Total	% Spent	% BFY Passed
10500012/ P promo								
TT LOANS AND SPECIAL PAYMENTS	\$ -	\$ -	\$ -	\$ -	\$ -		#DIV/0!	25%
Revenue Projections								
Revenues	Initial Projection		Approved Adjustments	Proposed Adjustments	Current Budget (Initial+Apvd Adjmts)	Actuals To Date Total		
Plainridge Import Harness Horse Simulcast 0131	\$ 18,000.00		\$ -	\$ -	\$ 18,000.00	\$ 3,842.31		
Plainridge Racing Harness Horse Live 0131	\$ 10,000.00		\$ -	\$ -	\$ 10,000.00	\$ 3,940.79		
Raynham Import Plainridge Simulcast 0131	\$ 5,000.00		\$ -	\$ -	\$ 5,000.00	\$ 611.82		
Suffolk Import Plainridge Simulcast 0131	\$ 2,000.00		\$ -	\$ -	\$ 2,000.00	\$ 148.34		
Plainridge Racecourse Promo Fund Beginning Balance 7205	\$ -		\$ -	\$ -	\$ -	\$ 270,274.76		
TVG Live 0131	\$ -		\$ -	\$ -	\$ -			

TVG Simulcast 0131	\$	20,000.00	\$	-	\$	-	\$	20,000.00	\$	3,198.96
Twin Spires Live 0131	\$	-	\$	-	\$	-	\$	-		
Twin Spires Simulcast 0131	\$	10,000.00	\$	-	\$	-	\$	10,000.00	\$	1,612.60
Xpress Bets Live 0131	\$	-	\$	-	\$	-	\$	-		
Xpress Bets Simulcast 0131	\$	5,000.00	\$	-	\$	-	\$	5,000.00	\$	599.72
NYRA Live 0131	\$	-	\$	-	\$	-	\$	-		
NYRA Simulcast 0131	\$	5,000.00	\$	-	\$	-	\$	5,000.00	\$	641.30
Grand Total	\$	75,000.00	\$	-	\$	-	\$	75,000.00	\$	284,870.60

	Budget Projections								
						Current Budget (Initial+Bal Fwd+Apvd Adjmts)	Actuals To Date Total	% BFY Passed	
Row Labels	Initial Projection	FY22 Balance Forward	Approved Adjustments	Proposed Adjustments					
10500013/ P Cap									
TT LOANS AND SPECIAL PAYMENTS	\$ -	\$ -	\$ -	\$ -		\$ -		#DIV/0! 25%	
	Revenue Projections								
Revenues	Initial Projection		Approved Adjustments	Proposed Adjustments		Current Budget (Initial+Apvd Adjmts)	Actuals To Date Total		
Plainridge Import Harness Horse Simulcast 0131	\$ 25,000.00		\$ -	\$ -		\$ 25,000.00	\$ 7,703.43		
Plainridge Racing Harness Horse Live 0131	\$ 20,000.00		\$ -	\$ -		\$ 20,000.00	\$ 6,921.27		
Raynham Import Plainridge Simulcast 0131	\$ 7,000.00		\$ -	\$ -		\$ 7,000.00	\$ 983.34		
Suffolk Import Plainridge Simulcast 0131	\$ 5,000.00		\$ -	\$ -		\$ 5,000.00	\$ 321.09		
Plainridge Capital Improvement Fund Beginning									
Balance 7205	\$ -		\$ -	\$ -		\$ -	\$798,697.92		
TVG Live 0131	\$ -		\$ -	\$ -		\$ -			
TVG Simulcast 0131	\$ 50,000.00		\$ -	\$ -		\$ 50,000.00	\$ 8,240.10		
Twin Spires Live 0131	\$ -		\$ -	\$ -		\$ -			
Twin Spires Simulcast 0131	\$ 25,000.00		\$ -	\$ -		\$ 25,000.00	\$ 4,484.73		
Xpress Bets Live 0131	\$ -		\$ -	\$ -		\$ -			
Xpress Bets Simulcast 0131	\$ 10,000.00		\$ -	\$ -		\$ 10,000.00	\$ 1,234.02		
NYRA Live 0131	\$ -		\$ -	\$ -		\$ -			
NYRA Simulcast 0131	\$ 15,000.00		\$ -	\$ -		\$ 15,000.00	\$ 2,030.47		
Grand Total	\$157,000.00		\$0.00	\$0.00		\$157,000.00	\$830,616.37		

	Budget Projections								
							Current Budget (Initial+Bal Fwd+Apvd Adjmts)	Actuals To Date Total	% BFY Passed
Row Labels	Initial Projection		FY22 Balance Forward		Approved Adjustments	Proposed Adjustments			%Spent
10500021/ S promo									
TT LOANS AND SPECIAL PAYMENTS	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		#DIV/0!
									25%
	Revenue Projections								
							Current Budget (Initial+Apvd Adjmts)	Actuals To Date Total	
Revenues	Initial Projection				Approved Adjustments	Proposed Adjustments			
Plainridge Import Suffolk Simulcast 0131	\$ 25,000.00				\$ -	\$ -	\$ 25,000.00	\$ 7,206.96	
Raynham Import Suffolk Simulcast 0131	\$ 20,000.00				\$ -	\$ -	\$ 20,000.00	\$ 2,150.12	
Suffolk Import Running Horse Simulcast 0131	\$ 30,000.00				\$ -	\$ -	\$ 30,000.00	\$ 3,972.24	
Suffolk Racing Running Horse Live 0131	\$ -				\$ -	\$ -	\$ -		

Suffolk Promotional Fund Beginning Balance 7205	\$ -	\$ -	\$ -	\$ -	\$ -	\$786,113.53
TVG Live 0131	\$ -	\$ -	\$ -	\$ -	\$ -	
TVG Simulcast 0131	\$ 125,000.00	\$ -	\$ -	\$ -	\$ 125,000.00	\$ 22,297.92
Twin Spires Live 0131	\$ -	\$ -	\$ -	\$ -	\$ -	
Twin Spires Simulcast 0131	\$ 75,000.00	\$ -	\$ -	\$ -	\$ 75,000.00	\$ 11,645.11
Xpress Bets Live 0131	\$ -	\$ -	\$ -	\$ -	\$ -	
Xpress Bets Simulcast 0131	\$ -	\$ -	\$ -	\$ -	\$ -	
NYRA Live 0131	\$ -	\$ -	\$ -	\$ -	\$ -	
NYRA Simulcast 0131	\$ 50,000.00	\$ -	\$ -	\$ -	\$ 50,000.00	\$ 5,644.87
Grand Total	\$325,000.00	\$0.00	\$0.00	\$0.00	\$325,000.00	\$839,030.75

Budget Projections							
Row Labels	Initial Projection	FY22 Balance Forward	Approved Adjustments	Proposed Adjustments	Current Budget (Initial+Bal Fwd+Apvd Adjmts)	Actuals To Date Total	% Spent % BFY Passed
10500022/ S Cap							
TT LOANS AND SPECIAL PAYMENTS	\$ -	\$ -	\$ -	\$ -	\$ -		#DIV/0! 25%
Revenue Projections							
Revenues	Initial Projection		Approved Adjustments	Proposed Adjustments	Current Budget (Initial+Apvd Adjmts)	Actuals To Date Total	
Plainridge Import Suffolk Simulcast 0131	\$ 100,000.00		\$ -	\$ -	\$ 100,000.00	\$ 24,633.88	
Raynham Import Suffolk Simulcast 0131	\$ 70,000.00		\$ -	\$ -	\$ 70,000.00	\$ 7,204.65	
Suffolk Import Running Horse Simulcast 0131	\$ 150,000.00		\$ -	\$ -	\$ 150,000.00	\$ 15,178.89	
Suffolk Racing Running Horse Live 0131	\$ -		\$ -	\$ -	\$ -		
Suffolk Capital Improvement Fund Beginning Balance 7205	\$ -		\$ -	\$ -	\$ -	\$ 5,260,377.61	
TVG Live 0131	\$ -		\$ -	\$ -	\$ -		
TVG Simulcast 0131	\$ 450,000.00		\$ -	\$ -	\$ 450,000.00	\$ 80,378.97	
Twin Spires Live 0131	\$ -		\$ -	\$ -	\$ -		
Twin Spires Simulcast 0131	\$ 225,000.00		\$ -	\$ -	\$ 225,000.00	\$ 44,640.31	
Xpress Bets Live 0131	\$ -		\$ -	\$ -	\$ -		
Xpress Bets Simulcast 0131	\$ -		\$ -	\$ -	\$ -		
NYRA Live 0131	\$ -		\$ -	\$ -	\$ -		
NYRA Simulcast 0131	\$ 150,000.00		\$ -	\$ -	\$ 150,000.00	\$ 22,438.36	
Grand Total	\$1,145,000.00	\$0.00	\$0.00	\$0.00	\$1,145,000.00	\$5,454,852.67	

Budget Projections							
Row Labels	Initial Projection	FY22 Balance Forward	Approved Adjustments	Proposed Adjustments	Current Budget (Initial+Bal Fwd+Apvd Adjmts)	Actuals To Date Total	% Spent % BFY Passed
10500140							
TT LOANS AND SPECIAL PAYMENTS	\$ 1,112,591.00	\$ -	\$ -	\$ -	\$ 1,112,591.00		0% 25%



TO: Chair Judd-Stein, Commissioners O'Brien, Hill, Skinner, and Maynard

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

DATE: November 10, 2022

RE: Encore Boston Harbor New Employee Survey Report

The Expanded Gaming Act was created to provide avenues for the creation of new jobs, revenue, and economic growth in the state. Through MGC's economic research agenda, we strive to understand to what degree these goals are being met and what the impact has been on the people of the Commonwealth.

The report being released today by the Social and Economic Impacts of Gambling in Massachusetts (SEIGMA) team provides information about the jobs created by Encore Boston Harbor from before it opened (January 2019) until December 2021. More importantly, this report paints a picture of the people seeking jobs in this new industry. Analysis shows that casino employment has been serving several purposes for the Commonwealth's workers, including those who have been underemployed, younger workers, women, and workers of color. For many, casino employment is a way to leverage existing experience from other fields such as the food, retail, or hospitality industries and continue a career with the potential for growth. Casino hires also include the unemployed; new workers joining the workforce for the first time; retired individuals; and some workers needing non-traditional hours.

The Encore Boston Harbor New Employee Survey follows identical surveys that were completed at the other two Massachusetts casinos, MGM Springfield, released in October 2020 and Plainridge Park Casino, released in June 2019.



Massachusetts Gaming Commission



UNIVERSITY OF MASSACHUSETTS SCHOOL OF PUBLIC HEALTH AND HEALTH SCIENCES

New Employee Survey at Encore Boston Harbor

January 2019 through December 2021

Prepared by the UMass Donahue Institute's
Economic & Public Policy Research Group

September 2022

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Acknowledgements

Financial support for the Social and Economic Impacts of Gambling in Massachusetts (SEIGMA) study comes from the Massachusetts Gaming Commission. This multi-year project was competitively bid and awarded to the University of Massachusetts Amherst in April 2013. In June 2019, the Massachusetts Gaming Commission issued a subsequent Request for Response (BD-19-1068-1700-1-40973) for Research Services and the University of Massachusetts Amherst was awarded the contract effective January 2020.

We would like to thank Mark Vander Linden, Director of Research and Responsible Gaming at the Massachusetts Gaming Commission, whose leadership and research insights have contributed to our work. We would also like to thank Teresa Fiore and Marie-Claire Flores-Pajot at the Massachusetts Gaming Commission for helping us to acquire data critical to this report. Finally, we would like to express appreciation to Lisa McKenney at Plainridge Park Casino, Jacqui Krum at Encore Boston Harbor, and Daniel Miller at MGM Springfield, along with their Human Resources staff teams for managing the data collection process necessary to complete this project.

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A PDF OF THIS REPORT CAN BE DOWNLOADED AT: umass.edu/seigma/reports

Executive Summary

Through the establishment of the casino industry in Massachusetts, lawmakers provided avenues for the creation of new jobs, revenue, and economic growth in the state. The Social and Economic Impacts of Gambling in Massachusetts (SEIGMA) study, of which the Economic and Public Policy Research unit at the University of Massachusetts Donahue Institute (UMDI) is a part, strives to understand the impact of the casinos on the people and economy of the Commonwealth. The New Employee Survey was designed to gather information on work-related characteristics of new casino employees that could not be collected from any other source. The survey data can help workforce development providers and policy makers better understand the workforce at the Commonwealth's three casinos. This report summarizes the results of a New Employee survey administered by the Massachusetts Gaming Commission (MGC) to the incoming employees hired at Encore Boston Harbor (EBH).

For this report we analyzed new employee survey data collected at EBH from January 2019 to December 2021. The findings draw from a sample of all employees who elected to participate in the survey, capturing hires from pre-opening through two and a half years of operations after EBH opened its doors in June of 2019. It is important to note that this study was conducted before and throughout the COVID-19 pandemic. EBH opened for operation in June of 2019 until the government ordered all non-essential establishments to close on March 13, 2020. Following a three-month period of total shutdown, the casinos reopened in July 2020. Since then, they have continued to operate amid a shifting landscape of regulations and limitations.

To gain insight into how casino jobs meet the needs of workers, the survey asks new employees about their demographics, previous employment, residency, experience, and other economic measures. Analysis shows that casino employment has been serving several purposes for the Commonwealth's workers, including those who have been underemployed, younger workers, women, and workers of color. For many, casino employment is a way to leverage existing experience from other fields such as the food, retail, or hospitality industries and continue a career with the potential for growth. Casino hires also include the unemployed; new workers joining the workforce for the first time; retired individuals; and some workers needing non-traditional hours. Survey respondents report improved economic situations through increased income, access to benefits, and employment status, though there is still some unmet demand for full-time employment and higher pay.

What do jobs at EBH offer workers?

Stable and flexible work opportunities

- After being hired by the casino, 79 percent of new hires surveyed obtained one full-time job—up from approximately 70 percent of workers' who held one full-time job in their most recent work arrangement.
- One in four surveyed new employees who are taking full-time positions at the casino previously worked less than full-time.
- The majority of workers who wanted full-time work at the casino obtained it. Eighty-six percent of those who were previously unemployed found full-time positions at EBH. Sixty-seven percent of former part-time workers (including those holding multiple jobs totaling less than full-time) found full-time jobs at EBH.

- Nevertheless, there is still some unmet demand for full-time employment. For example, 63 percent of current part-time workers at EBH reported that they wanted to work full-time but did not obtain full-time jobs.
- Most new surveyed workers at EBH—nearly 83 percent of those surveyed—moved into hourly pay positions rather than salaried ones.

Increased pay and improved benefits as compared to their previous jobs

- Forty-one percent of respondents expect to earn more income than they did at their previous job, and another 29 percent expect to earn roughly the same.
- Of the 30 percent who expect to earn less salary and wage income, half expect to earn tips as well. The proportion of tip earners in this category is higher than among those who will be earning higher pay, suggesting that the chance to earn tips at the casino may counterbalance the prospect of lower base salary pay.
- Regardless of full-time status, EBH provided some type of benefits package to 91 percent of new workers such as healthcare benefits, retirement benefits, and paid time off.
- A large number of surveyed workers gained improved access to at least one benefit type with their new casino job—23 percent gained paid time off, 26 percent gained health care benefits, and 29 percent gained retirement benefits over their previous jobs.

Career potential and training opportunities in the casino industry

- When asked about the reason they chose to work at a casino, the primary answer—for 65 percent of respondents—was for the opportunity of career advancement.
- Ninety-four percent of workers reported being either somewhat or very interested in a career in the casino industry.
- Most newly hired casino workers are taking a casino job for the first time, while approximately one in five are entering their new jobs with work experience in the casino industry.

Employment for long-term and local residents

- Workers who are long-term residents of Massachusetts account for 79 percent of the surveyed workforce. The others (21 percent) moved to the state less than one year before hire.
- Eighty-six percent of survey respondents reported Massachusetts residencies at time of hire.
- Eighty percent of surveyed new employees report residencies within 30 miles of the casino.
- Forty-eight percent of all surveyed employees live in Host and Surrounding communities.
- Workers from 144 of the 351 municipalities across the state started new jobs at EBH.

Improved employment opportunities for historically disadvantaged groups

- White workers account for the largest share of surveyed workers (35 percent) while Asian workers make up the next-largest share (20 percent), followed by Hispanic or Latino workers (23 percent), and then Black workers (18 percent).
- Women make up under half (43 percent) of the surveyed workforce at EBH.
- A large proportion of surveyed EBH workers (43 percent) were born outside of the U.S.
- Workers of color represent 65 percent of survey respondents, and 70 percent of respondents who were working less than full-time at the casino.
- Just over 41 percent of minorities and women respondents, respectively, reported that they are expecting to make higher salaries than they did in their most recent job, at rates proportional to respondents as a whole.

- Women, unemployed and underemployed workers, and minority workers, received or retained benefits at proportional rates to that of all respondents.
- Unemployed and underemployed workers who wanted full-time positions were less likely to get full-time positions than other groups and all respondents.
- It appears that EBH's diversity hiring goals positively impacted the availability of full-time jobs; there was relative parity across demographic groups among those who wanted a full-time job. Male or White employees reported very slightly higher rates of full-time employment while female or Asian workers had slightly lower rates of full-time employment. Black and Hispanic workers had a proportionate share of full-time jobs for those who sought one.

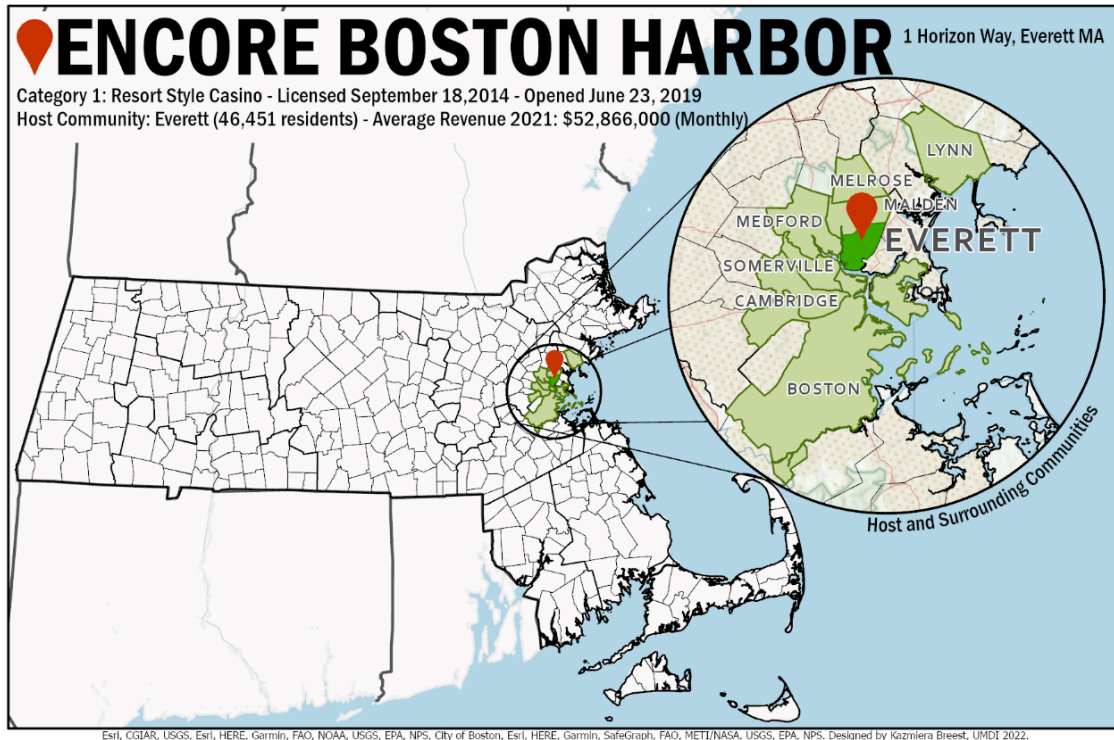
Introduction

Through the expansion of the casino industry in Massachusetts, lawmakers provided avenues for the creation of new jobs, revenue, and economic growth in the state. Their primary objective: creating a more diverse and skilled workforce, and providing opportunities for minority, women, and veteran-owned businesses, with hopes to ultimately enhance economic opportunity for all Massachusetts residents. But to what extent are the casinos fulfilling that promise?

The Economic and Public Policy Research (EPPR) team at the University of Massachusetts Donahue Institute (UMDI), as a part of the Social and Economic Impacts of Gambling in Massachusetts (SEIGMA) research team, is tasked with producing various analyses of economic and fiscal impacts in fulfillment of the MGC's research agenda and mandates. The goal of the New Employee study is to understand how casino jobs fulfill needs for work in the Commonwealth from the perspective of the job seekers themselves. The survey collects information that regular employee records do not, and, therefore, provides unique information on the workers who were hired. This report summarizes the results of the New Employee Survey administered at Encore Boston Harbor (EBH) between January 2019 and December 2021. The findings draw from a sample of all employees who elected to participate in the survey, capturing hires from pre-opening through two and a half years of operations after EBH opened its doors in June of 2019. This report summarizes the results of a New Employee survey administered by the Massachusetts Gaming Commission (MGC) to the incoming employees hired at EBH. As Figure 1 shows, EBH is located in the City of Everett, Massachusetts, near its official surrounding communities of Lynn, Melrose, Medford, Somerville, Cambridge and Boston proper.¹ For details about the study, methods, representativeness, results by question, and the survey instrument, please see the Technical Appendix located at the end of this report.

¹ A surrounding community is a municipality in proximity to a host community that the MGC determines is likely to experience impacts from the development or operation of a gaming establishment.

Figure 1. Encore Boston Harbor location and host and surrounding communities



The New Employee Survey was designed to gather information on work-related characteristics of new casino employees that could not be collected from any other source. The survey data can help workforce development providers and policy makers better understand the workforce at the Commonwealth's three casinos.² To gain insight into how casino jobs meet the needs of workers, the survey asks new employees about their demographics, previous employment, residency, experience, and other economic measures. These details give us an understanding of the types of workers who have been hired by EBH, so that we may properly explore the effects that casino employment might have on them. Note that this report only surveys persons who have been hired, not those who applied but were rejected. This report examines new employee survey data from pre-opening hires through two and a half years of EBH operation (January 2019-December 2021).

To ensure a diverse and inclusive workforce, The Expanded Gaming Act (November 2011) requires that casino developers set their own diversity goals for the hiring of minority, women, and veteran workers. EBH's initial goals were to hire a workforce comprised of 40 percent minorities, 50 percent women, and 3 percent veterans with 75 percent of the entire workforce coming from a 30-mile radius around the casino.³

² For an explanation of the Massachusetts Gaming Commission's employment opportunity goals, see Appendix D – Massachusetts Gaming Act: Employment Goals, which provides excerpts from the Expanded Gaming Act.

³ *Encore Boston Harbor Workforce Development & Diversity Plan*. Encore Boston Harbor, June 14, 2018. See <https://massgaming.com/wp-content/uploads/Encore-Boston-Harbor-Workforce-Development-Plan-6-18-18.pdf>

The report uses survey data to describe the characteristics of recently hired workers at EBH and assess the degree to which their economic situations are changing as a result of their new employment. The survey data show that the casino does provide improved economic opportunities for a wide range of workers, including workers who, by virtue of their previous employment history, gender, or race, may have historically faced discrimination in the workplace or may struggle to find employment opportunities. For many of these workers, EBH offers improvements in pay, benefits, and work hours over their previous employment situation.

Representativeness Assessment

The staging of the survey was established so that all new hires are given the opportunity to take the survey. The survey is given to newly hired workers during the I-9 process, during which new employee paperwork is filled out. While all employees hired between January 2019 and December 2021 were invited to take the survey, not all employees elected to participate in it. Therefore, the findings in the report reflect data from a sample of all employees at EBH. Overall, there were 3,179 responses captured, and 2,729 were valid and complete responses, an 86 percent completion rate. These 2,729 responses represent 37 percent of the 7,438 employee hires reported by the operator for the same period.⁴

Figure 2. Diagram showing EBH survey dates, and the two primary data sets used in the analysis



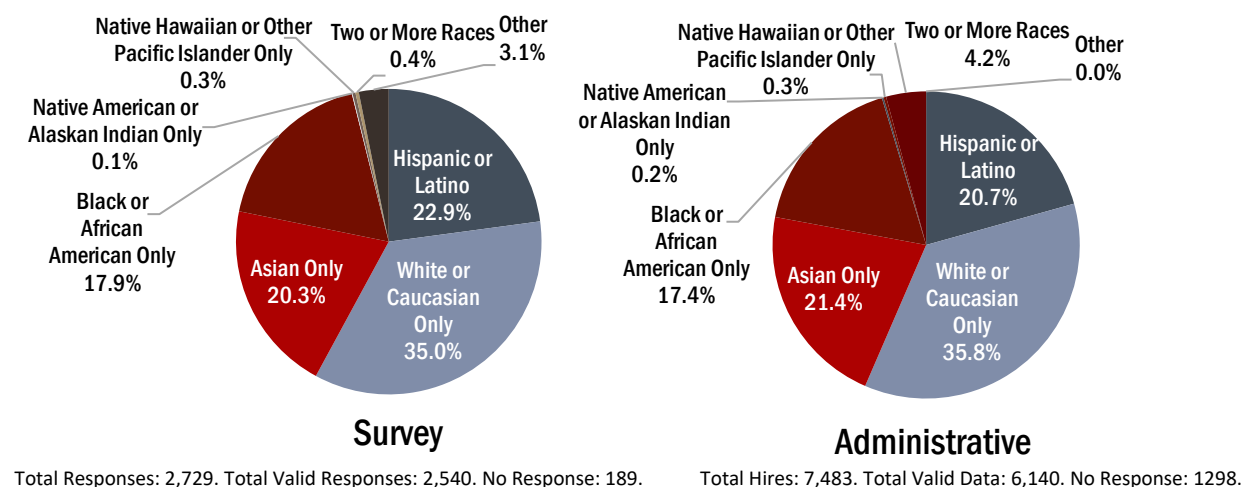
To make conclusions about the population of employees working at the casino, we first have to understand how well the survey sample represents the population of employees included in EBH's administrative data (also called operator data). For comparison, we analyzed survey responses collected from January 2019 to December 2021 against EBH's administrative data on all hires from the same period (Figure 2). We compared the frequencies of surveyed new employees to the frequencies of EBH administrative data on employees hired across the following four categories: gender, race and ethnicity, hourly or salaried pay, and casino department. The variables were chosen as they represent areas in which the SEIGMA team determined there could be potential for over- or under-sampling in the survey data or were of particular interest to measures of diversity established by the MGC.

The survey data reflect similar distributions when compared to the employee data provided by EBH for the same period. A representative sample allows us to generalize about the population using information from the sample of workers that we surveyed. Given that the proportions for key variables are generally within a few percentage points, we can assume that the sample collected is representative of the population at EBH, highlighted here:

⁴ Employee hire counts are calculated using a count of unique employee ID numbers (anonymized) which appear in the administrative data. EBH's 2018 Workforce Development and Diversity Plan outlines a strategy to recruit and hire a team to fill over 4,000 positions.

- Comprising the largest share at EBH, White workers account for 36 percent of all workers in the EBH administrative data (35 percent Survey). Asian workers make up the next-largest share (21 percent administrative data vs 20 percent Survey), followed by Hispanic or Latino workers (21 percent administrative data vs 23 percent Survey), and then Black workers (17 percent administrative data vs 18 percent Survey) (Figure 3).
- Women make up just under half of the workforce at 45 percent in the EBH administrative data (43 percent Survey) (Figure 4).
- 90 percent of the EBH workforce hired had hourly jobs, according to EBH administrative data, while 83 percent of surveyed employees reported having hourly status at the time of hiring (Figure 4).
- Most workers at the casino are employed in the food and beverage department (23 percent in the administrative data, 35 percent Survey), or the gaming and recreation department, (33 percent administrative data, 28 percent Survey) (Figure 5).

Figure 3. Race and ethnicity: survey and administrative data



Though the proportions are similar, there is some variation in the distribution across departments and between salaried versus hourly jobs. For example, the share of respondents in the food and beverage department is about 10 percent greater than the share of operator hires in this department. It is unclear why food and beverage workers appear more frequently in survey data compared to the proportion in the administrative data.

Furthermore, salaried workers are over-represented in the survey data compared to salaried workers in the administrative data and the proportion of hourly workers is lower than the proportion of hourly workers in the administrative data. We suspect these differences were driven in part by disruptions to survey data collection during the pandemic shutdown and limited operating phases. Due to their larger numbers overall, the hiring of hourly workers takes place more frequently than hiring of salaried workers. This hiring process continued during the period when the survey was off- line, leading to hourly workers being missed more frequently in the survey data.

Aside from these differences, our analysis of representativeness concludes that survey takers are for the most part representative of employees as a whole. Therefore, we can make assumptions about the

whole population given what we have learned from the survey. The remainder of this report will discuss the results of the survey data.

Figure 4. Gender & salary or hourly positions: survey and administrative data

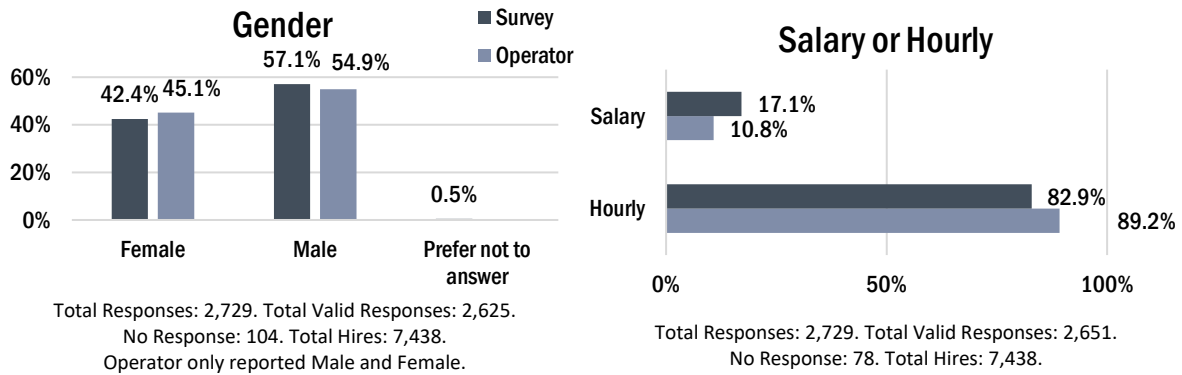
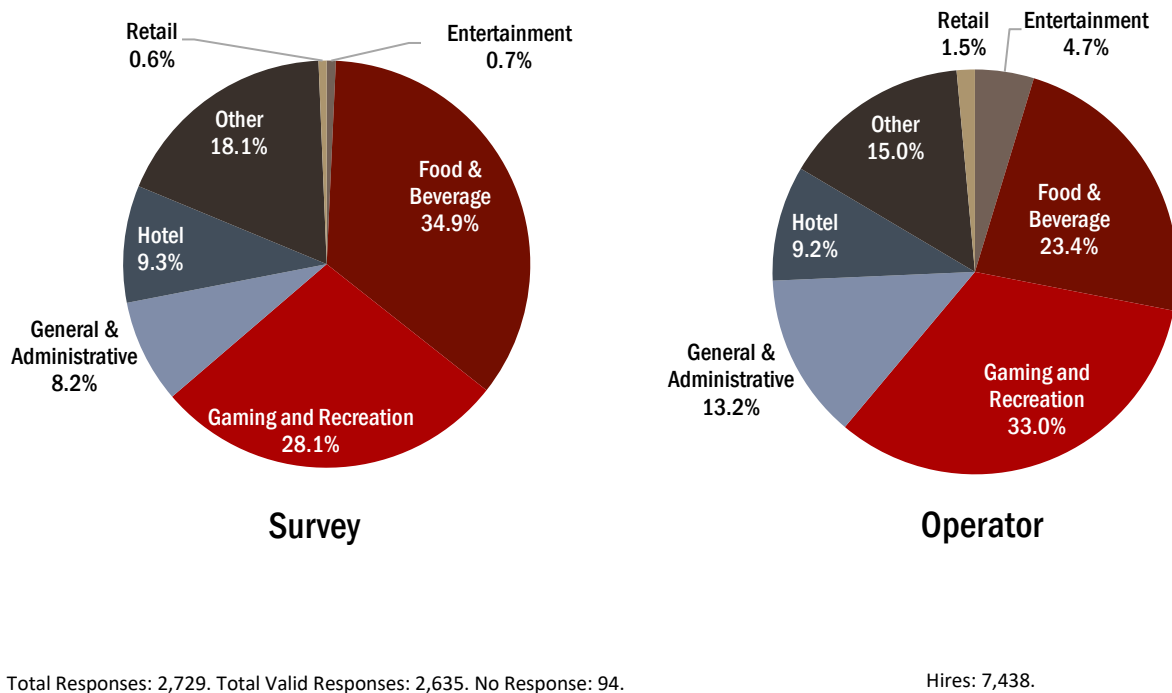


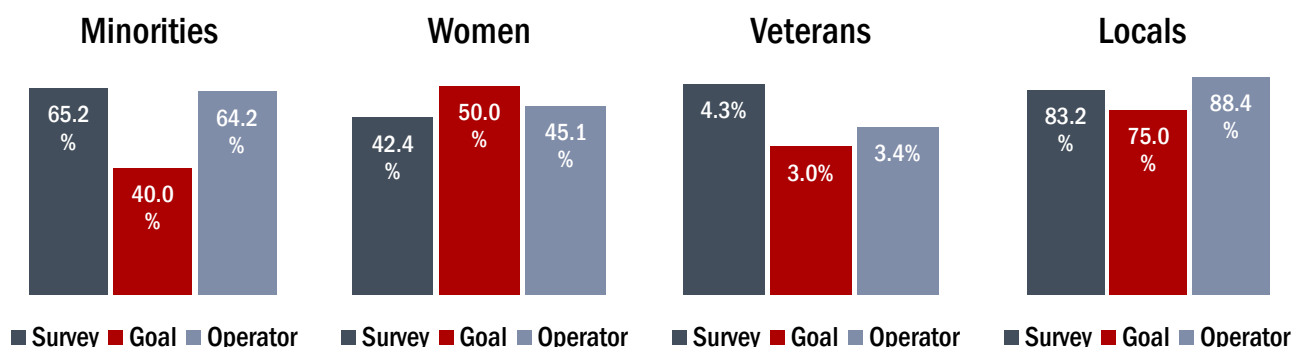
Figure 5. Departmental proportions: survey and administrative data



Who are EBH new employees?

This section summarizes important demographic characteristics about new employees at EBH. In our analysis, we use gender, race, veteran status and current residence to assess how EBH may have been able to meet their goals. The bar charts below (Figure 6) show proportions of employees in these identified diversity categories, comparing proportions from survey and administrative (operator) data to EBH hiring goals.

Figure 6. Demographic proportions compared: operator goals, survey, and administrative data

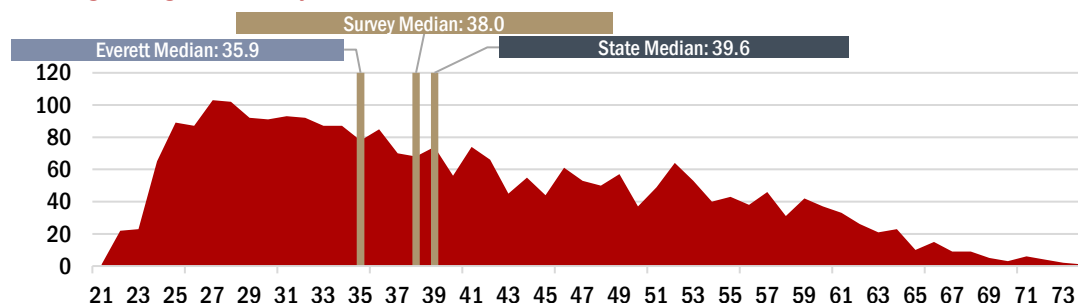


Total Responses: 2,729. Total Valid Responses: 2,617. No Response: 112.

Note: Locals are employees living within 30 miles of EBH.

The most common age group represented is workers in their twenties through mid-thirties. The median age of surveyed workers was 38 years old, just above the median in the City of Everett, 35.9 years, and below the state's median of 39.5 years (Figure 7).⁵ The youngest worker was 21 years old, while the oldest was 76.

Figure 7. Age range of surveyed EBH workers

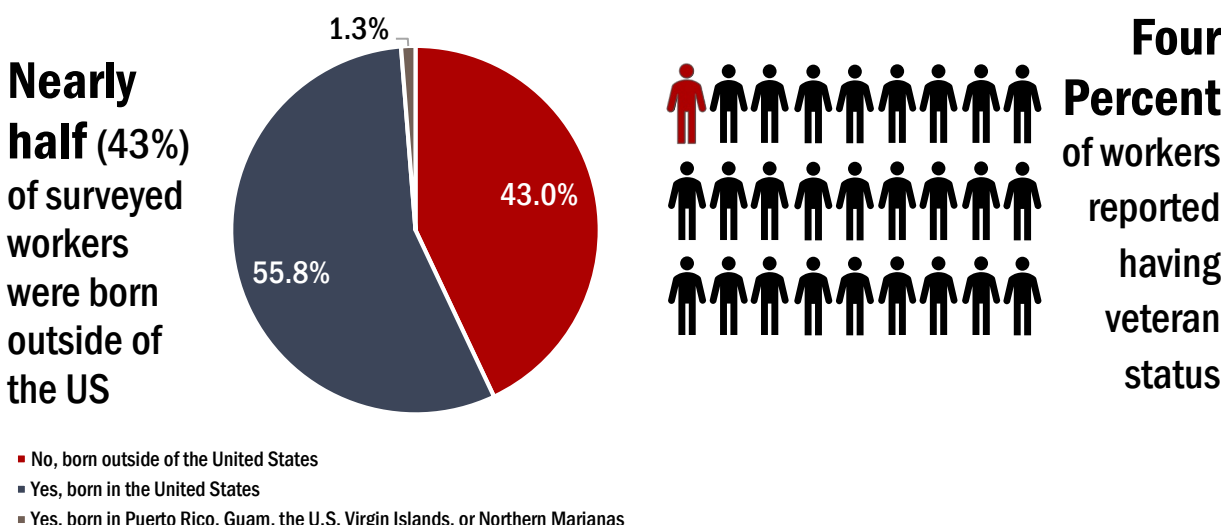


Over 100 survey respondents were veterans, making up about 4 percent of the survey respondents. EBH administrative data show a similar 3 percent proportion of the population that are veterans. The share of respondents that identified as being a veteran is slightly higher than that of Everett (3 percent) and just under the share of veterans at the state level which is over 5 percent of residents aged 18 years and over (5 percent).⁶

⁵ U.S. Census Bureau, 2016-2020 American Community Survey 5-Year Estimates. Tables S0101, DP02, and S2101

⁶ U.S. Census Bureau, 2016-2020 American Community Survey 5-Year Estimates.

Figure 8. Foreign-born and Veteran status of surveyed EBH workers



Total Responses: 2,729. Total Valid Responses: 2,624. No Response: 105. Total Responses: 2,729. Total Valid Responses: 2,624. No Response: 105.

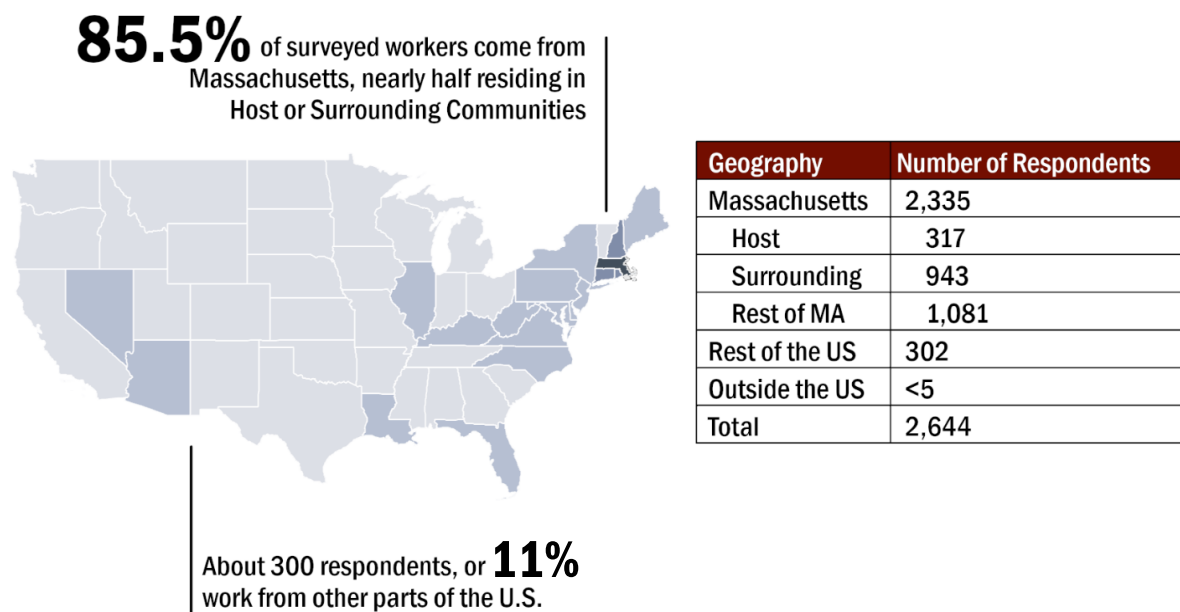
While most survey respondents were born in the U.S. (56 percent), a large proportion of respondents were born abroad— over 1,000 respondents (43 percent) were born outside of the U.S. (Figure 8). This is a high proportion compared to the 17 percent of the Massachusetts population born outside the U.S., while similar to the City of Everett, where 43 percent of the population are foreign-born. In general, the communities where employees live are also some of the communities with the most immigrants.⁷

Geographic Origin

One goal of the Massachusetts gaming legislation was for casinos to utilize the existing labor force in the Commonwealth. When asked where they lived at the time of hire by EBH, 86 percent of New Employee respondents reported Massachusetts residencies, 80 percent of whom lived within 30 miles of the casino. Of workers living in the state, 54 percent lived in either the Host or Surrounding communities. About 302 respondents, or 11 percent, lived in other U.S. states at their time of hire (Figure 9).

⁷ U.S. Census Bureau, 2016-2020 American Community Survey 5-Year Estimates.

Figure 9. Map of home residences of surveyed EBH workers



Total Responses: 2,729. Total Valid Responses: 2,644. No Response: 85.

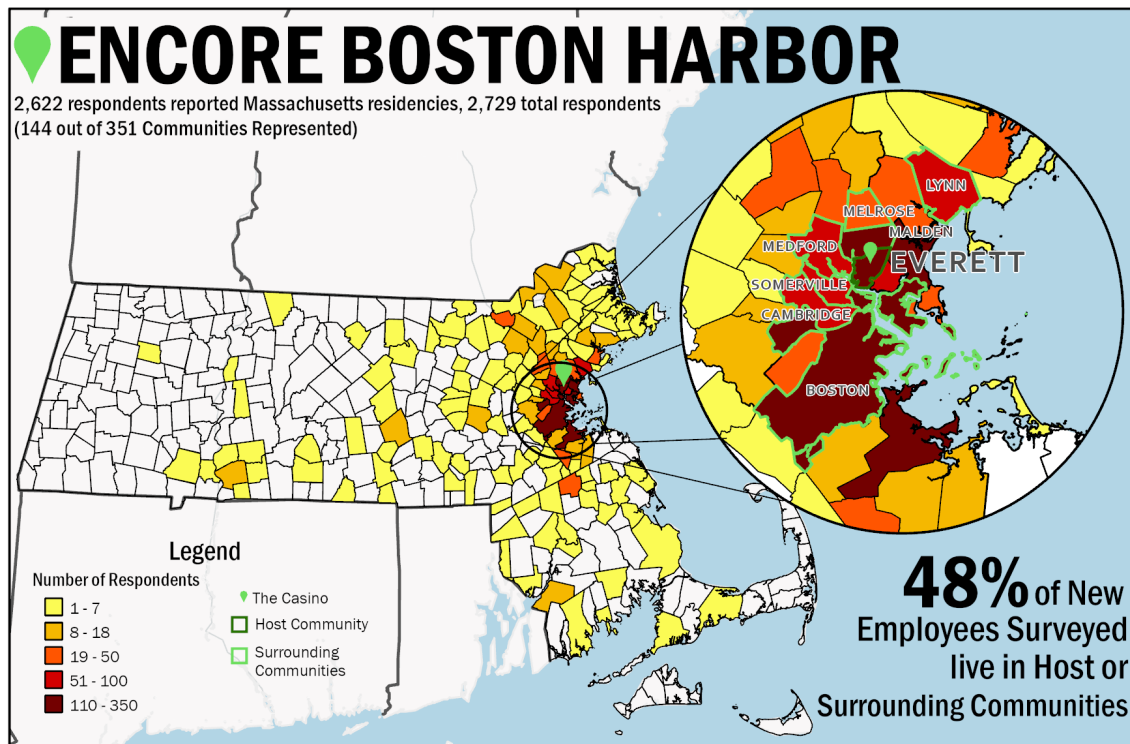
The survey allows us to assess the degree to which existing Massachusetts residents have been employed by the casino. Long-term residents who have lived in the Commonwealth for more than one year made up over 79 percent of Massachusetts residents hired by the casino during this time. The other 21 percent moved to the state less than one year before hire. Similarly, nearly 80 percent of workers hired from host and surrounding communities were long-term residents.

One year or more > 79%

21% < Less than one year

Forty-eight percent of all surveyed employees live in Host and Surrounding communities, providing an opportunity to better understand employees from these local cities (Figure 10). While 80 percent of respondents reported residencies within 30 miles of the casino, the highest number of respondents came from the immediate region. Roughly 13 percent came from Boston, 12 percent were from Everett, and 8 percent came from Malden. Altogether, survey respondents were hired from 144 of the 351 municipalities in Massachusetts, while 190 municipalities are reflected in the EBH administrative data.

Figure 10. Massachusetts residences of surveyed EBH workers



Past Experience and Future Aspirations

Also highlighted in the gaming legislation was the importance of providing new employment opportunities in all sectors of the economy, as well as opportunities for the unemployed.⁸ As the discussion in this section illustrates, in their waves of hiring new workers, casinos have hired employees with a wide range of previous job types, educational backgrounds, and industry and occupational experiences. Furthermore, these workers come to their jobs at the casino with hopes for further training and professional development.

⁸ This statement on employment goals was found in Section 1 (5), in Chapter 194 “An Act Establishing Expanded Gaming in the Commonwealth,” Chapter 23K - THE MASSACHUSETTS GAMING COMMISSION. For more information on employment goals in the legislation, see Appendix D – Massachusetts Gaming Act: Employment Goals.

Worker Employment Status

In order to assess how workers at EBH may be benefitting from their new positions, it is important to understand their previous employment background. Casino employment has attracted workers from different backgrounds and position types. Seventy percent of new hires surveyed came to their casino jobs from full-time positions (Table 1). Fifteen percent of new hires came from part-time jobs and nine percent were working multiple part-time jobs (mostly working more than full-time in those jobs). The remaining six percent of new hires surveyed were unemployed at time of hire.

Table 1. Type of job in most recent previous employment of surveyed EBH workers

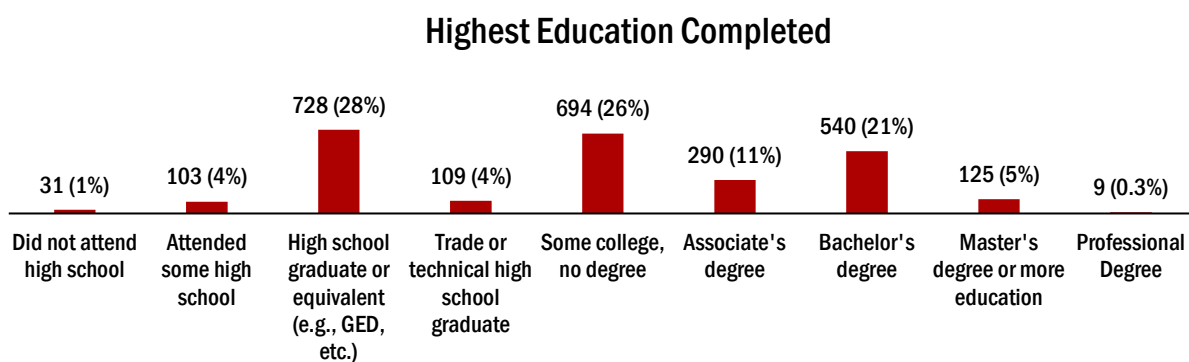
Previous Employment Status	n	%
Full-time job	1,897	69.9%
Part-time job	400	14.7%
Multiple jobs totaling full-time or more	215	7.9%
Unemployed	162	6.0%
Multiple jobs totaling less than full-time	38	1.4%
Total	2,712	100.0%

Total Responses: 2,729, Total Valid Responses: 2,712, No Response: 17.

Education

Survey data illustrate that EBH is providing job opportunities for workers with lower levels of educational attainment. Nearly 63 percent of surveyed workers had less than a college degree (Figure 11). The largest single group of respondents at EBH have completed a high school diploma or equivalent as their highest level of education (28 percent), and 5 percent of the new workers surveyed have not completed a high school education. Taken together, this is close to the proportion of workers at these educational levels in Massachusetts as a whole (24 percent and 9 percent, respectively), but smaller than the proportions in the Everett population (36 percent and 16 percent).⁹ There is also a large group of workers who have attended some college without getting a degree (26 percent). The remaining largest groups had completed bachelor's degrees (21 percent) or associates degrees (11 percent).

Figure 11. Educational attainment of surveyed EBH workers



Total Responses: 2,729, Total Valid Responses: 2,629, No Response: 100

⁹ U.S. Census Bureau, American Community Survey 5-Year Estimates, 2016-2020

Previous Industry

As they enter new jobs at the casino, a large majority of respondents bring with them industry-specific experience and occupational skills from previous jobs. The industry that previously employed the most survey respondents is the Food Services industry (30 percent) followed by Casino/Gambling Industries (15 percent) (Table 2). Large numbers of workers also come from the Accommodations and Retail sectors, representing 8 percent of respondents each, and Security Services (7 percent).

Table 2. Industry of more recent previous job of surveyed EBH Workers

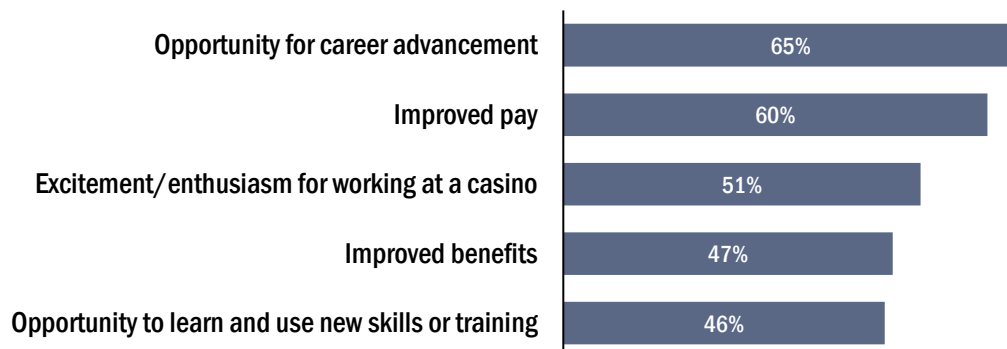
Top 10 Previous Industries	n	%
Food Services (food and drinking establishments; catering; etc.)	793	29.8%
Casino/gambling Industries	405	15.2%
Accommodations (hotels; B&Bs; inns; motels; etc.)	199	7.5%
Retail	199	7.5%
Security Services (surveillance; guarding, etc.)	178	6.7%
Transportation and Warehousing	122	4.6%
Health Care (including hospitals and EMS)	110	4.1%
Finance and Insurance (including banking)	77	2.9%
None, this will be my first job.	64	2.4%
Construction	63	2.4%
All Other Industries	454	17.0%
Total	2,664	100.0%

Total Responses: 2,729. Total Valid Responses: 2,664. No response: 65.

Casino Careers

The majority of newly hired casino workers are taking a casino job for the first time, while approximately one in five are entering their new jobs with work experience in the casino industry. Twenty-one percent of workers surveyed had previous casino work experience while 79 percent are new to the industry. For those who have previous experience working in a casino, 21 percent have been working at a casino for more than five years. Five percent of workers with casino experience had worked as employees of Wynn Resorts, the operator and owner of EBH.

Figure 12. Top 5 reasons for seeking casino job



Total Responses: 2,729, Total Valid Responses: 2,636, No Response: 93

When asked about the reason they chose to work at a casino, 65 percent of respondents are looking forward to the opportunity for career advancement at EBH, the number one answer for respondents (Figure 12). Following closely was improved pay (60 percent) and excitement/enthusiasm for working at a casino (51 percent). The survey also asked specifically about respondents' interest in a career in the casino industry, to which 94 percent of workers responded that they were either somewhat or very interested. Most of this interest comes from those entering the food and beverage department and gaming and recreation department, though many respondents in hotel operations and security are also looking forward to a career at the casino.

Job Training Interests

To prepare workers for their new careers, EBH offers casino career training by department as well as other types of training including adult basic education, higher education, or basic work skills, English for speakers of other languages, leadership/management training and technical/computer training. Eighty-nine percent of respondents reported that they had already received or anticipated getting their training at EBH. Additionally, 6 percent had received training at Cambridge College and 3 percent at the Massachusetts Casino Career Training Institute (MCCTI).

Table 3. Training obtained or interest in training by Casino Department

Casino Training Departments	n = 2581	%
Casino Operations (slots, table games, poker, cashiering, count rooms, security)	951	36.8%
Food and Beverage Operations (bartending, busing, serving, cooking, supervising)	917	35.5%
Customer Service	608	23.6%
General Management, Supervisor	574	22.2%
Hotel and Facility Operations (housekeeping, front desk, valet, grounds keeping, maintenance, facilities, retail)	412	16.0%
Security	381	14.8%
Finance and Administration (accounting, financial analysis, purchasing, MIS/IT, auditing)	243	9.4%
Human Resources Administration (human resources, personnel)	233	9.0%
Sales and Marketing (advertising, box office, promotions, public relations)	221	8.6%
None	96	3.7%

Total Responses: 2,729. Total Valid Responses: 2,581. No Response: 148.

In a survey question about job training, respondents indicated the types of casino career training they anticipated obtaining or were interested in obtaining for their new positions. Most were being trained or were interested in training in casino operations or food and beverage operations (Table 3). These are also the two industry settings which previously employed the most respondents. Customer service, general management, and hotel and facility operations were also common areas, either areas where people were receiving training or that were of interest among new employees at EBH. Training in these fields has the potential to develop skills useful for future work in the casino industry or for career paths in other sectors.

What do jobs at EBH offer workers?

In this section, we explore data from the survey offering evidence of improved economic opportunities for workers. Comparing data on previous employment to respondents' current casino employment, we explore several categories of workers and the extent to which they benefit from casino employment.

Employment Status: Previous and Casino

Casino employment offered many people the opportunity for full-time work. After being hired by the casino, 77 percent of new hires surveyed obtained one full-time job—up from approximately 70 percent of workers' who held one full-time job in their most recent work arrangement (Table 4). A large proportion of workers surveyed who wanted to work full-time at the casino did indeed obtain full-time work there (92 percent of workers who wanted full time work obtained it). New hires for full-time work at the casino included a large proportion of people who had previously worked less than full-time (including 67 percent of former part-time workers and 86 percent of those who had been unemployed). At the same time, an additional set of the workers surveyed—19 percent in all—obtained part-time jobs at the casino. The small remainder of workers who answered the survey question had obtained on-call jobs.

Table 4. Types of employment: comparing previous and casino jobs

	All Respondents (n = 2,729)			
	Previous Employment		Casino Employment	
Full-time job	1,897	69.9%	2,090	77.1%
Part-time job	400	14.7%	509	18.8%
Multiple jobs	253	9.3%	16	0.6%
On-Call Job	0	0.0%	31	1.1%
Unemployed	162	6.0%	0	0.0%
Total	2,712	100.0%	2,646	97.6%

Total Responses: 2,729. Total Valid Responses (Previous Employment): 2,712. Total Valid Responses (Casino Employment): 2,646.

Full-Time Employment

An analysis of workers' before-and-after employment status suggests that EBH jobs did, to a large extent, provide adequate full-time employment opportunities for workers who wanted that. As the pie chart in Figure 13 below shows, the large majority of workers coming from more marginal employment situations (e.g., people who were previously working part-time, working multiple jobs, or were unemployed) did obtain full-time work at EBH casino.

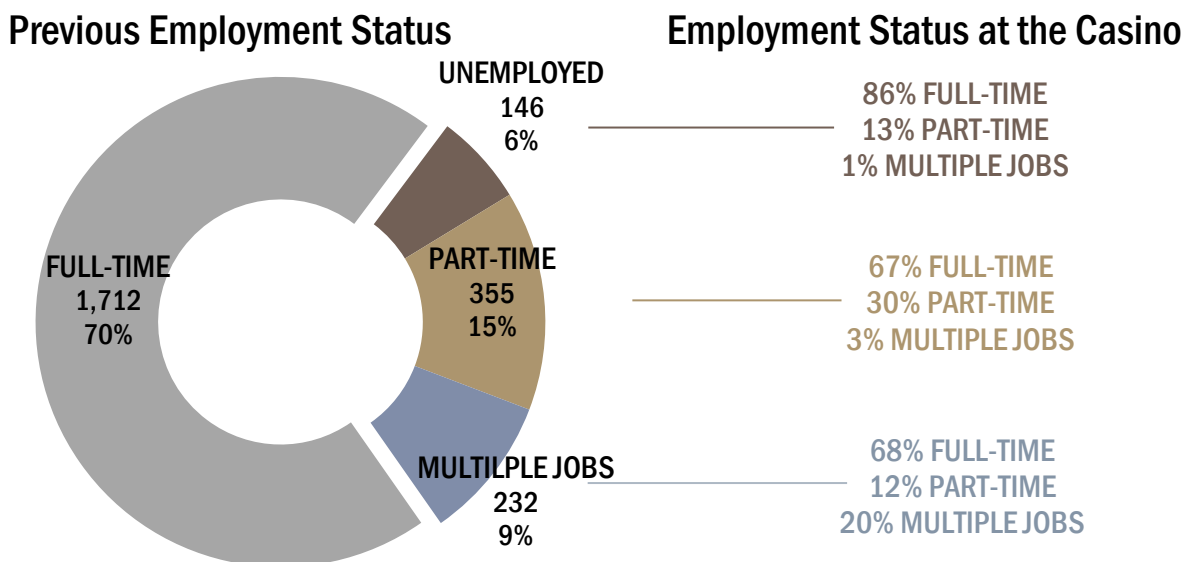
Among those who worked part-time at their previous jobs, 67 percent entered full-time employment at EBH. Similarly, 68 percent of those who previously worked multiple jobs before working at the casino found full-time employment. Of respondents who had been previously unemployed, an even larger proportion (86 percent) found full-time work.

Still, there still appears to be demand for part-time work at the casino for workers, including people coming from less-than-full-time jobs or unemployment. Thirty percent of those who previously worked part-time continued working part-time at the casino. Twelve percent of former multiple jobholders

reported that their new jobs at EBH were part-time, and an additional 20 percent of former multiple job holders reported working in multiple jobs at EBH. Of people who were formerly unemployed, 13 percent obtained part-time work at EBH.

Clearly, not everyone who works part-time at the casino necessarily sought a full-time job. However, there is evidence of some need for improved employment opportunities among current casino workers. Sixty-three percent of current part-time workers at EBH reported that they wanted to work full-time but did not obtain full-time jobs. Nine percent of current full-time employees are still working other jobs in order to supplement their income. Also, former full-time workers are slightly over-represented in full-time jobs. Seventy-five percent of EBH's full-time positions were occupied by people who previously held full-time jobs despite their representing only 70 percent of the survey population.

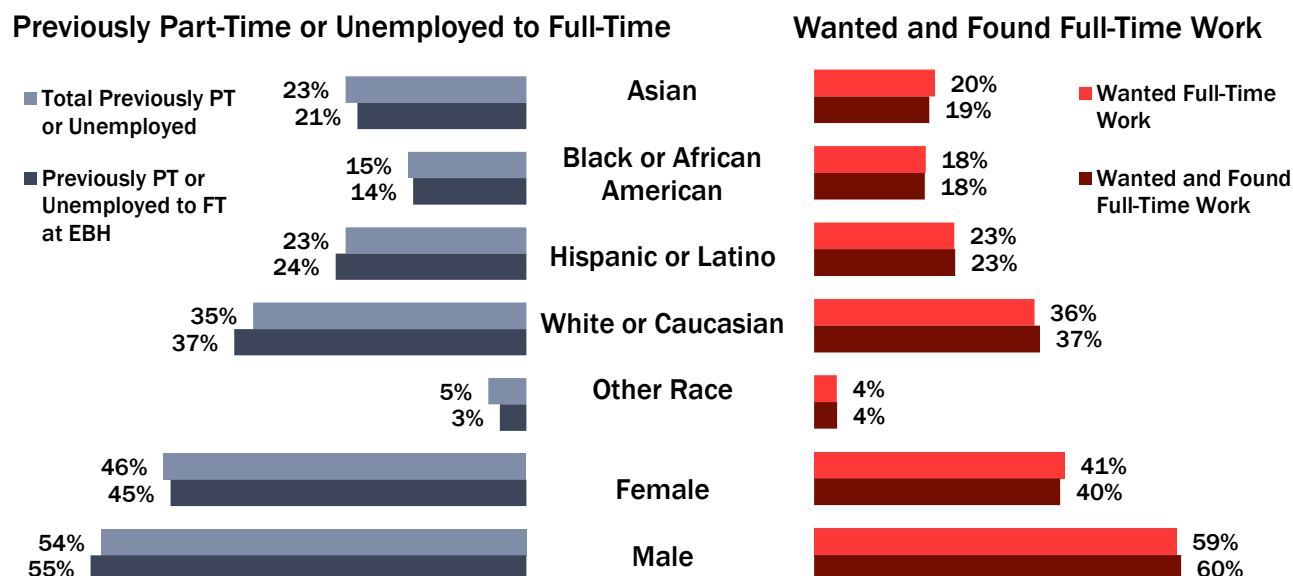
Figure 13. Casino employment outcomes based on previous employment status



Total Responses: 2,729. Total Valid Responses: excludes 16 respondents who did not report their previous employment status and 81 who did not report their employment status at EBH.

When considering the benefits of casino employment (and, specifically, full-time employment at the casino), it is also important to look at the extent to which EBH provided full-time work across demographic groups. In general, we observed relative parity with respect to those who were previously part-time or unemployed and also for those who wanted full-time work and found full-time work. The analysis can be seen in the two bar charts below (Figure 14).

Figure 14. Casino employment outcomes across demographic groups



Total Responses: 2,729. Response counts for Pacific Islander & Native Hawaiian; Native American & Alaskan Native; Two or More Races; and Other Race were too small to report.

Survey respondents who identified as Asian or as Black or African American represented 23 percent and 15 percent of those employees who were previously unemployed or worked part-time, respectively (Figure 14). At the same time, these groups comprised 21 percent and 14 percent of those who were previously unemployed or part-time and obtained a full-time job at EBH. White workers were slightly overrepresented among workers previously unemployed or part-time who found full-time work (35 percent versus 37 percent who found full-time work). Hispanic workers also obtained full-time positions at a slightly higher rate than their share of the population of previously unemployed or part-time (23 percent to 24 percent). Finally, full-time positions were slightly less concentrated among formerly part-time or unemployed female workers relative to their size of the surveyed population.

A similar pattern of proportional parity relative to the population emerges when we examine workers who wanted—and eventually found—full-time work at EBH. Not everyone wanted a full-time job; but, among those who did, white or male employees tended to have slightly higher rates of full-time employment compared to their Asian or female colleagues. Black and Hispanic workers, on the other hand, had a proportionate share of full-time jobs given their share of those employees who sought a full-time job.

EBH's less-than-full time workers were more likely to be workers of color. When asked about the jobs they will be working once hired, 70 percent of respondents who were working less than full-time across all jobs were workers of color (despite workers of color representing 65 percent of EBH's workforce).

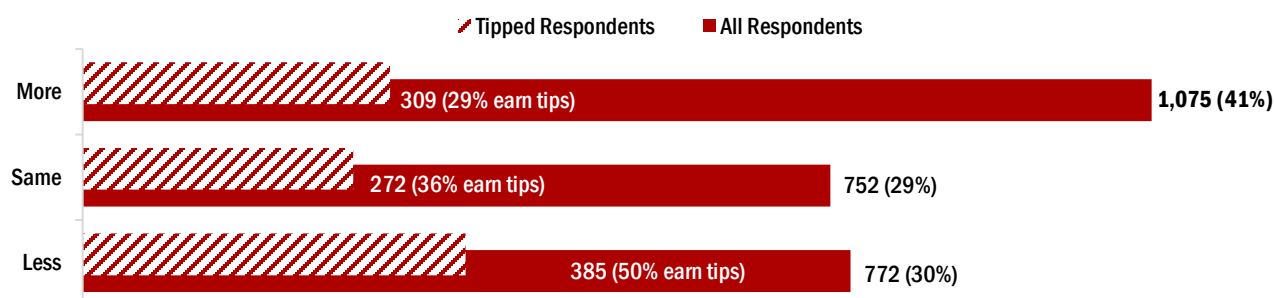
Casino Employment: Other Outcomes

Income in Previous and Casino Jobs

In the survey, respondents were asked to provide their previous annual income and the annual income they expect to receive from their casino job (both before tips). We created a code to indicate if the

income they expect to receive at the casino is, roughly, either less, the same, or more than their previous income. Forty-one percent of respondents expect to earn more income than they did at their previous job, and another 29 percent expect to earn roughly the same (Figure 15). Of the 30 percent who expect to earn less salary and wage income, half expect to earn tips as well, a larger proportion of tip earners than among those who will be earning higher pay (50 percent of those earning less will earn tips versus 29 percent of those earning more wage and salary income). These differences suggest that the chance to earn tips at the casino may counterbalance the prospect of lower base salary pay.

Figure 15. Income and tips: comparing previous and casino jobs



Total Responses: 2,729. Total Valid Responses (Previous): 2,569. Total Valid Responses (Casino): 2,516. Total Valid Responses (Tipped): 2,516.

Hourly/Salary Positions in Previous and Casino Jobs

Most new workers at EBH—nearly 83 percent of those surveyed—moved into hourly positions rather than salaried ones (Table 5). The majority of past hourly workers, 92 percent, stayed in hourly work at EBH. At the same time, nearly 50 percent of respondents who had held salaried positions with their previous employer (48 percent) entered hourly positions at EBH. The remaining eight percent of workers who previously held hourly jobs entered salaried jobs and 52 percent of former salaried workers entered salaried positions.

Table 5. Salary or wage jobs: comparing previous and casino jobs

	Casino Employment					
	Hourly Wage		Salary		Total	
Previous Hourly wage	1,899	92.0%	166	8.0%	2,065	100.0%
Previous Salary	267	48.3%	286	51.7%	553	100.0%
Total	2,166	82.7%	452	17.3%	452	100.0%

Total Responses: 2,729. Total Valid Responses: 2,166.

Benefits in Previous and Casino Jobs

To a large degree, new workers at the casino saw improved access to health benefits, retirement benefits, and personal time off (PTO) as sick or vacation time. Sixty-seven percent of respondents reported having PTO benefits in their previous jobs, 64 percent had health benefits, and just under half had retirement benefits (Table 6). Approximately 25 percent of workers surveyed said they did not obtain benefits in their previous jobs. Upon being hired by the casino, the proportion of workers who expect to earn benefits is larger across every benefit category. Furthermore, the percentage of respondents who receive no benefits was considerably lower than for workers' previous jobs.

Table 6. Benefits offered by type: comparing previous and casino jobs

	All Respondents (n = 2,729)	
	Previous Jobs (n = 2,635)	Casino Jobs (n = 2,573)
Health Benefits	64.3%	85.7%
Retirement Benefits	47.3%	70.9%
PTO sick or vacation	66.7%	84.1%
None	25.4%	8.7%

Total Responses: 2,729. Total Valid Responses: Not Applicable, respondents can choose more than one option, all that apply.

Findings across Demographic Groups of Interest

There is particular interest in how casino industry jobs may offer improved work opportunities for workers who are unemployed as well as workers from demographic groups which have historically faced disadvantages in the workforce. In this analysis, we take our cue from the interests expressed in the Gaming Legislation as well as the Massachusetts Gaming Commission “to promote the development of a skilled and diverse workforce in the [Massachusetts] casino industry.”¹⁰ In particular, we look at how formerly unemployed and underemployed workers,¹¹ women, and minority¹² workers have fared in a few areas of interest relative to job quality. In contrast to the proportional comparisons used in previous sections— which compare the pool of workers in their most recent previous jobs against the pool of workers in their new casino jobs—the analysis in this section tracks individual outcomes as detailed in the survey. In this case, we examine individual employees—comparing their most recent job conditions to the same conditions offered at hire by the casino—to assess how EBH may have improved job opportunities for individuals. Note that in this analysis there can be overlap in membership across the various groups.

Salary improvements

Related to wage and salary pay, respondents were asked to estimate their salary range (in increments of \$10,000) for their most recent primary job regardless of previous employment status, and for their new job at the casino. By comparing answers from these two questions, we are able to assess if an individual worker’s new salary offered by EBH is an improvement from their current/most recent salary.¹³ In comparing groups, a higher proportion of women and minority workers reported higher salaries. Compared to 41 percent of all respondents, 42 percent of both minority and female workers will earn a higher salary range for their new casino job than for their most recent, previous job (Table 7). Formerly unemployed/underemployed workers, however, were somewhat less likely to see higher salaries. Only 37 percent of these respondents reported having a higher wage and salary range. Finally, workers who said they were seeking higher pay (asked in a separate question) were over-represented in workers

¹⁰ For more information on employment-related topics in the Legislation see Appendix D: The Massachusetts Gaming Act - Employment Goals: employment goals

¹¹ Underemployed workers are defined as those who formerly held multiple jobs adding up to less than full-time work.

¹² In this analysis, we define Minority as people who identify as Black or African American, Hispanic or Latino, Asian, Native Hawaiian and Pacific Islander, Native American and Alaskan Indian. People who identify as two or more races or as a race other than the ones specified were not included for this analysis.

¹³ The question as designed asked respondents to estimate wage and salary income (not including tips) in \$10,000 increments. Therefore, we cannot calculate exactly how much higher or lower a salary is at the new casino job, only that the new range is above, below, or within the same range of the wage and salary income of a person’s most recent, primary job.

obtaining higher pay. Forty-eight percent of these workers obtained a new casino job with a higher wage and salary range than for their latest primary job.

Table 7. Wage and salary income changes with casino job

Salary Range	Higher Range		Lower Range		Same Range		Total
All Respondents	1,075	40.7%	800	30.3%	769	29.1%	2,644
Analysis by Selected Group							
Unemployed & Underemployed	70	36.5%	69	35.9%	53	27.6%	192
Minorities	635	41.5%	430	28.1%	466	30.4%	1,531
Women	453	41.8%	305	28.1%	327	30.1%	1,085
New Hires Seeking Improved Pay	782	48.4%	408	25.2%	427	26.4%	1,617

Note: In this analysis each person can belong to one or more group so the combined totals will not equal the number of All Respondents.

“Q: What is the annual wage and salary pay of your most recent primary job (salary or total wages) before working at the casino? (17) And of your new job at the casino? (22) Please do not include tips in the total. If you are unsure, please estimate to the closest dollar range.”

Attainment of full-time work

Related to the ability to obtain full-time work when desired, respondents were asked if they would prefer to work full-time at the casino. They were also asked to indicate how much they expected to work at the casino—either full-time, part-time, multiple jobs totaling less than full-time, or multiple jobs totaling more than full-time. Overall, for those who indicated wanting to work full-time, 83 percent did improve to full-time status, while 12 percent did not (Table 8). Unemployed/underemployed, and minority workers as groups had relatively similar outcomes proportionally to the total population. In contrast, women were slightly less likely to obtain full-time work when they wanted it, and as a group had the highest proportion of workers who did not want full-time work.

Table 8. Attainment of full-time work with casino job

	Wanted Full Time						
	Got Full Time		Did Not Get Full Time		Didn't Want		Total
All Respondents	2193	83.0%	312	11.8%	137	5.2%	2,642
Analysis by Selected Group							
Unemployed & Underemployed	163	84.0%	18	9.3%	13	6.7%	194
Minorities	1290	82.9%	188	12.1%	79	5.1%	1,557
Women	878	80.0%	138	12.6%	82	7.5%	1,098

Note: In this analysis each person can belong to one or more group so the combined totals will not equal the number of All Respondents. This question includes salaried- as well as hourly full-time work.

Q: How much do you expect to work after you are hired at the casino? (26) Would you prefer to work full-time at the casino? (27)

Improved access to benefits

New employees were asked if their most recent primary job and their new casino job provided benefits in three different categories: health care, retirement, and paid time off for sick or vacation time. Respondents could check more than one box so these benefits categories are not mutually exclusive. Comparing before and after proportions only, surveyed workers' new casino jobs provide them with proportionally higher rates of all three types of benefits compared to jobs with previous employers.

Both women and minorities saw improved access to benefits in all three benefit categories and those two groups expect to receive benefits at a similar rate to all respondents as a whole. Formerly unemployed and underemployed respondents as a group saw even greater proportional gains in access to benefits (Table 9). Former unemployed/underemployed worker access to health benefits increased from 56 percent in previous jobs to 82 percent in their new casino jobs, access to retirement increased from 43 percent to 71 percent, and access to paid time off increased from 54 percent to 80 percent of the group now receiving benefits.

Table 9. Obtainment of benefits, previous jobs and casinos jobs

	Previous Employer		Casino	
	n=2635		n=2574	
Health benefits	1,695	64.3%	2,204	85.6%
Unemployed & Underemployed	106	55.8%	154	81.9%
Minorities	964	62.1%	1261	83.3%
Women	679	61.8%	890	82.9%
Retirement benefits	1,246	47.3%	1,823	70.8%
Unemployed & Underemployed	82	43.2%	134	71.3%
Minorities	690	44.4%	1024	67.7%
Women	510	46.4%	734	68.3%
Paid time off for sick or vacation	1,757	66.7%	2,164	84.1%
Unemployed & Underemployed	102	53.7%	151	80.3%
Minorities	1018	65.6%	1258	83.1%
Women	724	65.9%	869	80.9%
None	669	25.4%	223	8.7%

Note: In this analysis each person can belong to one or more group so the combined totals will not equal the number of All Respondents.

The final figure below (Figure 16) tracks individual employees—comparing their most recent job conditions to the same conditions offered at hire by the casino—to assess how EBH jobs may have improved individual access to benefits. Looking at each benefit type exclusively and for each group, we compare individual access to benefits in previous and casino jobs to determine if access to benefits improved, stayed the same, or if no benefits were expected in casino jobs.

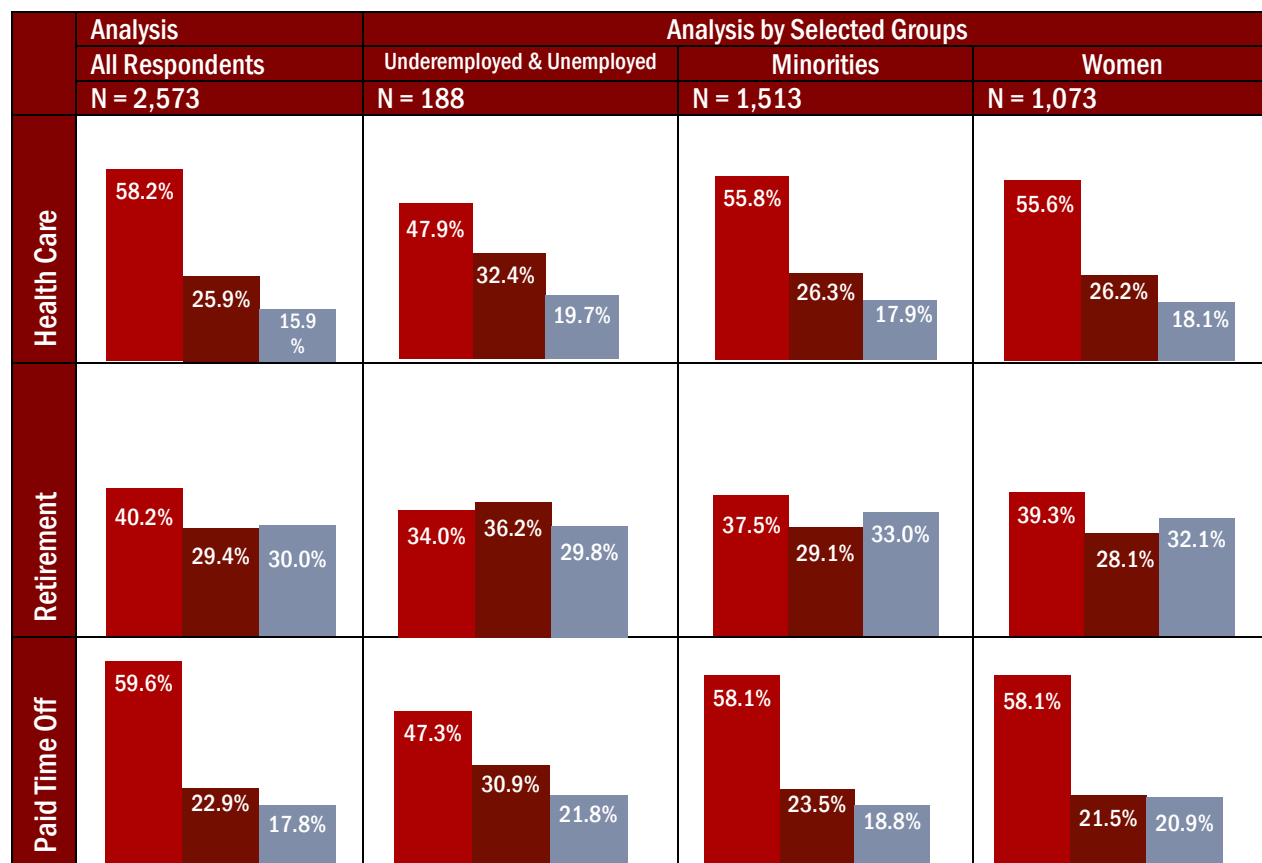
Figure 16. Receipt of benefits with casino job

Key:

Kept Benefits: those who were previously receiving a benefit and are expecting to have the same benefit at the casino

New Benefits: those who were not previously receiving a benefit and now are expecting to at the casino

Not Benefitted: those who are not expecting benefits at the casino, regardless of previous benefit status



Note: In this analysis each person can belong to one or more group so the combined totals will not equal the number of All Respondents. The category "Not Benefitted" includes two groups of people- those who did have previous benefits but do not expect to at the casino, and those who did not have previous benefits and do not expect benefits at the casino.

As the bar chart figure above (Figure 16) illustrates, overall, those who were previously benefitted tended to keep these same types of benefits when hired at the casino. When it comes to expanded access, more than one in five people hired by the casino gained access to a new type of benefit due to their casino job. For example, across all demographic groups, 26 percent of newly hired workers gained new access to health care benefits that had not been offered in their most recent previous jobs for a total of 84 percent who expect to receive casino healthcare benefits. Twenty-nine percent and 23 percent of respondents gained new access to retirement and PTO benefits respectively, totaling 70 percent of new respondents who expect retirement benefits, and 83 percent who expect to get PTO. As a group, unemployed and underemployed respondents saw the highest rates of individual improved benefits across respondent groups, although they likely had fewer benefits to keep in the first place given that they were previously under- or unemployed. Finally, very few employees lost entire categories of benefits when entering their new casino jobs. Furthermore, a large proportion of the workers who said they lost a category or more of benefits are working part-time jobs at the casino. Part-time jobs are generally are less likely to be fully benefitted.

Conclusion

The casino industry in Massachusetts has been a vital source of tax revenue for the state,¹⁴ but it has also had an impact on the state's workforce. The three casinos have generated demand for casino employment and created a pipeline of casino jobs. New Employee survey data are beginning to show that employees are transferring from one casino to another, as in other industries and trades. Perhaps more importantly, casino employment has been serving several purposes for the Commonwealth's workers, including those who have been in economically at-risk situations, and younger workers, women, and workers of color. For many, casino employment is a way for employees to leverage existing experience from other fields such as the food, retail, or hospitality industries and continue a career with the potential for growth. For others, casino employment may serve as a pathway to re-enter the workforce or to work in a new way. Casino hires include the unemployed, new workers joining the workforce for the first time, retired individuals, and other workers needing non-traditional hours. Low barriers to entry such as not requiring a college degree or several years of specialized training or experience mean that casino jobs are accessible and can utilize people's lived experience and skillsets in ways that many other industries do not. This is especially relevant given the current labor shortage that is gripping the nation and the leisure and hospitality sector's slow recovery to pre-pandemic employment levels.

In the first three years of its operations, EBH has delivered on gaming legislation goals to provide employment opportunities to Massachusetts residents, especially the existing labor force in the Commonwealth, the unemployed and marginally employed, with specific goals for workers within the host and surrounding communities, and for the utilization of minorities, women, and veterans. Our profile of EBH's workforce shows that many new casino employees were born outside the U.S., were people of color, had less than a college degree, and brought with them invaluable skillsets developed from previous work in leisure and hospitality sectors, retail, and security services, among others. Working at EBH has helped to improve economic situations through increased income, access to benefits, and employment status, although there is still some unmet demand for full-time employment and higher pay. Many new employees at EBH earned a higher income by means of full-time work or earning tips. Due to their new jobs at EBH, more than one in five new employees accrue new benefits such as health care, retirement plans, or paid time off; and the majority of the previously unemployed found a full-time position at the casino. Many of EBH's full-time positions also went to people of color and women. Finally, working at EBH afforded some employees with the opportunity to supplement their income from other sources and, for workers generally, provided new avenues to improve overall economic stability.

Next steps for new employee research include continued surveying of new employees at the casinos and further analysis of the data from the survey in combination with casino employer administrative data to conduct a casino jobs and employment impacts study across all three Massachusetts casinos.

¹⁴ For information on the scale of state tax revenues from gross gaming revenue before, during, and after the pandemic shutdowns, see the section called *Taxes Collected on Gross Gaming Revenue*, in the report *SEIGMA COVID-19 Impacts Report*, 2022.

Technical Appendix

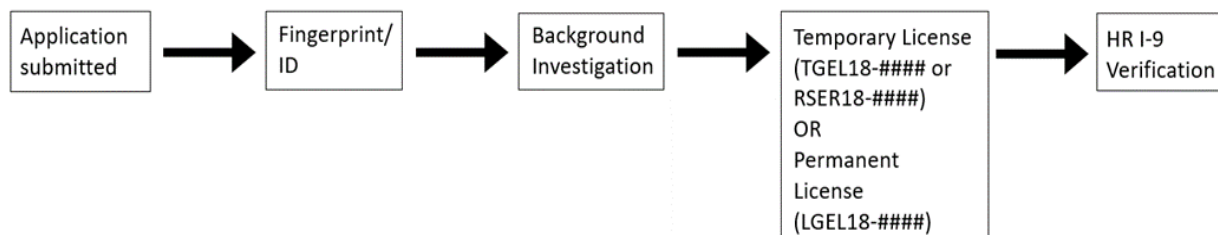
Appendix A: Methodology

Data-collection responsibilities for the New Employee Survey reside exclusively with the Massachusetts Gaming Commission (MGC), and the survey data are shared with the SEIGMA research team as secondary data. The research team collaborated with the MGC to create the survey instrument and is responsible for analyzing the results of the survey.

Licensing, hiring and administration of the New Employee Survey

The MGC's New Employee Survey is distributed through the online tool SurveyMonkey on tablet computers during the I-9 verification phase in the hiring process. The figure below outlines the process for licensing and hiring casino employees, ending with I-9 verification. At the I-9 phase, during which new employee paperwork is filled out, candidates are officially employees rather than job applicants or candidates. Moreover, the I-9 phase is a key end point in the hiring and on-boarding process when employees appear in person so this phase was selected as the obvious choice for the point at which the surveys could be administered to all applicants, gaming, and service employees alike.

The Process for Licensing Casino Employees



Contents of the survey

The earliest versions of the New Employee Survey were significantly more limited in the questions that were asked and information that was collected. The survey asked respondents only about whether they already work for the casino operator, previous employment status, reasons for seeking the job at the casino, whether they have experience or moved to take the position (and, if so, to and from where they moved), and whether they received pre-employment training.

The current survey collects a wider range of information from new casino employees, and items that could not be acquired from other sources, including: employment status and wages prior to hire; whether the applicant currently works for the operator or is a new hire; whether they plan to still work at their previous job while working at the casino and the locations of their previous job; how long they were previously employed or unemployed; reasons for seeking the job; previous industry and occupation; salary or wages for the position at the casino as well as whether they will receive tips and have received tips in the past; whether the applicant moved to take the position; the origin and destination of movers; current residence of non-movers; training received in preparation for work at the casino; level of educational attainment; types and sources of casino-related training received; and interest in seeking different types of training. The survey also asks respondents about demographic information, which is used to assess diversity and representativeness compared to employee data from

the operator. See Appendix C: Survey Instrument for a copy of the survey instrument showing all questions included in the survey.

Survey data in this report

The analysis in this report covers the period of January 2019 to December 2021, which captures the mass hiring activities during the ramp-up phase of hiring, transition to steady-state hiring, and the first two and a half years of Encore Boston Harbor operations.

Survey respondents include a range of new employee types:

- 1) people who are new to the gaming industry and are being hired for gaming positions at Encore Boston Harbor,
- 2) employees of Encore Boston Harbor's entertainment vendors, including the salon, spa, fitness center, retail stores, bars, and restaurants,
- 3) seasonal employees, and
- 4) gaming employees who were permanently transferred from other gaming properties owned by Encore Boston Harbor.

The survey excludes Encore Boston Harbor's construction workers whose employment impacts are discussed in SEIGMA's October 2019 construction report.¹⁵

The survey data included in this report reflect 2,729 cleaned, de-duplicated and completed cases of survey respondents. In this instance, "completed cases" refers to the number of respondents that completed at least the first five questions. Survey data from respondents who did not complete the first five questions are considered invalid responses. Overall, there were 3,179 responses captured, and 2,729 were valid and complete responses, an 85.8 percent completion rate. These 2,729 responses represent 36.7 percent of the 7,438 employee hires reported by the operator for the same period.¹⁶

While the survey is considered administrative in nature, in keeping with research guidelines, the MGC's New Employee Survey was strongly encouraged but not mandatory, and within the survey instrument itself, respondents were permitted to skip questions and end the survey at any time. This meant that the total survey count for each question was not consistent across the entire survey. The findings of this report are based on the *valid responses* for each question, or the responses that were answered completely and excluding blank responses. Appendix B: Survey Result Tables, below, includes tables showing the responses for each survey question, and includes the valid response count and total number of survey records.

¹⁵ Motamedi, R., Hall, A., & Dinnie, I. (2020). The Construction of Encore Boston Harbor: Spending, Employment, and Economic Impacts. Hadley, MA: University of Massachusetts Donahue Institute, Economic and Public Policy Research Group.

https://www.umass.edu/seigma/sites/default/files/Encore%20Boston%20Harbor%20Construction%20Report_FIN AL.pdf

¹⁶ Employee hire counts are calculated using a count of unique employee ID numbers (anonymized) which appear in the administrative data.

The total number of survey responses (N = 3,179) reflects the cumulative total of survey responses collected from people hired between January 2019 and December 2021 at Encore Boston Harbor rather than a headcount of employees at any point in time. During this same period, Encore Boston Harbor hired 7,438 employees, yielding a 36.7 percent response rate for the MGC's New Employee Survey. For context, the latest quarterly performance statistics for Encore Boston Harbor report the casino having 3,256 total employees as of the most recent quarter ending in June 2022.¹⁷ It is important to note that the period of study for this report stretches from before the pandemic and throughout shutdowns, which resulted in a lot of turn over for jobs in the industry. There was an intensive hiring phase leading up to June 2019 when the casino opened, and then again after restrictions relaxed, which means there have been more new employees coming in and taking the survey than there would have been if the survey was administered only during the first, massive hiring period. The nature of this cumulative count and the reality of job turnover may explain some of the discrepancy between total operator reported hires and our survey results. Since the survey is administered to each applicant only once, it can neither reveal whether the respondent continues employment at the gaming establishment nor the duration of that employment. For these reasons, it may be more useful to interpret the number of survey responses as a pool of employees within a given time period rather than a headcount of employment in real time.

¹⁷ <https://massgaming.com/about/encore-boston-harbor/>

Appendix B: Survey Result Tables

Q2. In your latest job, did you work at a casino? If so, where?

Response	n	%
No	2,146	78.9%
Yes, for a different casino operator outside of Massachusetts	327	12.0%
Yes, for this casino operator	147	5.4%
Yes, for a different casino operator in Massachusetts	101	3.7%
Total	2,721	100%
No response	8	

Q7. How much did you work before your new job at the casino?

Response	n	%
Full-time job	1,897	69.9%
Part-time job	400	14.7%
Multiple jobs totaling full-time or more	215	7.9%
Unemployed	162	6.0%
Multiple jobs totaling less than full-time	38	1.4%
Total	2,712	100%
No response	17	

Q8. Do you plan to keep working in this job/these jobs after you are hired by the casino?

Response	n	%
No	1,185	47.8%
Yes	972	39.2%
Not sure	322	13.0%
Total	2,479	100%
No response	250	

Q9. Please indicate how long you were unemployed.

Response	n	%
Not reported	2,572	94.2%
Less than 2 years	120	4.4%
5-10 years	15	0.5%
2-5 years	14	0.5%
10-20 years	7	0.3%
Over 20 years	1	0.0%
Total	2,729	100%
No response	0	

Q10. What type of job did you have prior to applying to this casino?

Response	n	%
Food and Beverage Operations (bartending, bussing, serving, cooking, supervising)	746	28.7%
Casino Operations (slots, table games, poker, cashiering, count rooms)	387	14.9%
Retail Sales (cashier, retail store manager, customer service)	225	8.7%
Security (security guard, surveillance, correctional officer, police)	208	8.0%
Hotel and Facility Operations (housekeeping, front desk, valet)	196	7.5%
Finance and Administration (accounting, financial analysis, purchasing, MIS/IT, auditing)	139	5.4%
Trucker or Driver (long-distance trucking, towing, taxis, Uber)	82	3.2%
None, this will be my first job.	74	2.8%
Computer or IT-related Jobs (software developer, programmer, systems administrator)	64	2.5%
Personal and Home-based Services (hairstylist, home health aide, childcare, fitness trainer)	59	2.3%
All Other Occupations	417	16.1%
Total	2,597	100.0%

Q11. What industry did you work in before applying to the casino? If multiple jobs, answer for your primary job.

Response	n	%
Food Services (food and drinking establishments; catering; etc.)	793	29.8%
Casino/gambling Industries	405	15.2%
Accommodations (hotels; B&Bs; inns; motels; etc.)	199	7.5%
Retail	199	7.5%
Security Services (surveillance; guarding, etc.)	178	6.7%
Transportation and Warehousing	122	4.6%
Health Care (including hospitals and EMS)	110	4.1%
Finance and Insurance (including banking)	77	2.9%
None, this will be my first job.	64	2.4%
Construction	63	2.4%
All Other Industries	454	17.0%
Total	2,664	100.0%

Q12. Location of recent job – State (Top 10)

Response	n	%
Massachusetts	2,123	79.70%
Rhode Island	106	4.00%
Connecticut	98	3.70%
Nevada	49	1.80%
New Hampshire	47	1.80%
New York	45	1.70%
Outside the U.S.	37	1.40%
Pennsylvania	25	0.90%
Maryland	17	0.60%
California	14	0.50%
All Other States	102	3.83%
Total	2,663	100%
No response	66	

Q13. Location of recent job – Town (Top 10)

Response	n	%
Boston	841	32.1%
Cambridge	109	4.2%
Everett	95	3.6%
Springfield	72	2.7%
Somerville	58	2.2%
Malden	53	2.0%
Lincoln	50	1.9%
Chelsea	48	1.8%
Las Vegas	46	1.8%
Quincy	43	1.6%
All Other Cities	1207	46.0%
Total	2,622	100%
No response	107	

Q15. How long were you employed at your most recent job?

Response	n	%
Less than 2 years	1,040	38.1%
2-5 years	813	29.8%
5-10 years	456	16.7%
10-20 years	241	8.8%
Over 20 years	94	3.4%
Not reported	85	3.1%
Total	2,729	100%
No Response	0	

Q16. Did you receive a salary or hourly wage from your most recent job before working at the casino?

Response	n	%
Hourly wage	2,081	78.8%
Salary	559	21.2%
Total	2,640	100%
No response	89	

Q17. What was the annual income from your most recent primary job before working at the casino?

Response	n	%
\$30,000-\$39,999	490	19.1%
\$20,000-\$29,999	417	16.2%
\$40,000-\$49,999	401	15.6%
\$10,000-\$19,999	339	13.2%
\$50,000-\$59,999	264	10.3%
Less than \$10,000	220	8.6%
\$60,000-\$69,999	175	6.8%
\$70,000-\$79,999	94	3.7%
\$100,000-\$149,999	71	2.8%
\$80,000-\$89,999	47	1.8%
\$90,000-\$99,999	27	1.1%
\$150,000-\$199,999	16	0.6%
\$200,000 and over	8	0.3%
Total	2,569	100%
No response	160	

Q18. Did you receive tips in your most recent primary job?

Response	n	%
No	1,859	70.3%
Yes	784	29.7%
Total	2,643	100%
No response	86	

Q19. Did your most recent primary job provide benefits?

Response	n	%
Health benefits	1695	85.6%
Retirement benefits	1246	62.9%
Paid time off for sick or vacation	1757	88.7%
None	669	33.8%
Total	1,980	100.0%
No response	749	

Q20. Please characterize your job at the casino

Response	n	%
Food & Beverage Operations (bartending, catering, busing, serving, cooking, supervising)	920	34.9%
Casino Operations (slots, table games, poker, cashiering, count rooms, loyalty program, surveillance)	720	27.3%
Security Services	308	11.7%
Hotel Operations (housekeeping, front desk, valet, call center)	245	9.3%
Facility Maintenance (grounds keeping, horticulture, cleaning, other maintenance)	116	4.4%
Finance, Accounting and IT (accounting, financial analysis, purchasing, MIS/IT, auditing)	91	3.5%
Casino Administration (executive team, management, human resources, personnel)	87	3.3%
Casino Marketing (advertising, promotions, public relations)	39	1.5%
Transportation	36	1.4%
Recreation (salon, spa, arcade, movie theatre)	20	0.8%
Entertainment/Event Production (box office, audio-visual production, facility changeover)	19	0.7%
Retail	17	0.6%
Warehouse Operations	17	0.6%
Total	2,635	100%
No response	94	

Q21. Will you receive a salary or hourly wage from your new job at the casino?

Response	n	%
Hourly wage	2,197	82.9%
Salary	454	17.1%
Total	2,651	100%
No response	78	

Q22. What is the annual wage and salary pay of your new job at the casino?

Response	n	%
\$40,000-\$49,999	532	21.1%
\$30,000-\$39,999	461	18.3%
\$10,000-\$19,999	379	15.1%
\$50,000-\$59,999	290	11.5%
\$20,000-\$29,999	257	10.2%
\$60,000-\$69,999	149	5.9%
\$70,000-\$79,999	141	5.6%
Less than \$10,000	118	4.7%
\$80,000-\$89,999	63	2.5%
\$100,000-\$149,999	58	2.3%
\$90,000-\$99,999	34	1.4%
\$150,000-\$199,999	20	0.8%
\$200,000 and over	14	0.6%
Total	2,516	100%
No response	213	

Q23. Will you receive tips in your job at the casino?

Response	n	%
No	1,625	62.2%
Yes	987	37.8%
Total	2,612	100%
No response	117	

Q24. Does your job at the casino provide benefits? If yes, please check all that apply.

Response	n	%
Health benefits	2205	93.4%
Retirement benefits	1823	77.2%
Paid time off for sick or vacation	2164	91.6%
None	223	9.4%
Total	2,362	100.0%
No response	367	

Q25. Will your job at the casino be:

Response	n	%
Full-time job	2,218	84.3%
Part-time job	302	11.5%
Multiple jobs totaling full-time or more	106	4.0%
Multiple jobs totaling less than full-time	5	0.2%
Total	2,631	100%
No response	98	

Q26. How much do you expect to work after you are hired at the casino?

Response	n	%
One full-time job	2,090	79.0%
One part-time job	509	19.2%
On-call job	31	1.2%
Multiple part-time jobs	16	0.6%
Total	2,646	100%
No response	83	

Q27. Would you prefer to work full-time at the casino?

Response	n	%
Yes	2,491	94.2%
No	152	5.8%
Total	2,643	100%
No response	86	

Q28. What are your reason(s) for seeking a job at this casino? Please check all that apply.

RCJT	n
Improved pay	1,643
Improved benefits (e.g., health insurance)	1,276
Excitement/enthusiasm for working at a casino	1,384
Opportunity for career advancement	1,761
Flexible hours	566
It offers jobs that are more stable and secure	732
Job closer to home	711
Have been unemployed and need work	195
It offers me additional supplementary income or benefits	344
It offers me part-time work, not interested in full-time	77
Job is a higher role or has more responsibilities	464
Opportunity to learn and use new skills or training (professional development)	1,245
No college degree (Associate's, Bachelor's, etc.) needed	119
No specialized training needed	46
Other	64

Q29. Where do you currently live? (State)

Response	n	%
Massachusetts	2,336	88.4%
Connecticut	103	3.9%
Rhode Island	99	3.7%
New Hampshire	49	1.9%
New York	20	0.8%
Pennsylvania	11	0.4%
Maryland	7	0.3%
Maine	4	0.2%
New Jersey	4	0.2%
Arizona	1	0.0%
All Other States	10	0.4%
Total	2,644	100%
No response	85	

Q30. Current City/Town (Top 10)

Response	n	%
Boston	352	13.40%
Everett	303	11.60%
Malden	204	7.80%
Revere	137	5.20%
Quincy	101	3.90%
Chelsea	93	3.50%
Lynn	93	3.50%
Medford	87	3.30%
Somerville	79	3.00%
Cambridge	74	2.80%
All Other Cities	1099	41.91%
Total	2,622	100%
No response	107	

Q33. How long have you lived at current residence?

Response	n	%
One year or more	1,908	78.7%
Less than one year	515	21.3%
Total	2,423	100%
No response	306	

Q34. Have you moved or do you plan to move to take this job at this casino?

Response	n	%
No, I have not moved and do not plan to move to take this job.	1,931	73.3%
Yes, I have already moved to take this job.	403	15.3%
Yes, I plan to move to take this job but have not moved yet.	302	11.5%
Total	2,636	100%
No response	93	

Q35. Where did you move from? (Top 10 showing) (Question only for people who moved)

Response	n	%
Massachusetts	129	34.2%
Nevada	48	12.7%
Connecticut	29	7.7%
New York	28	7.4%
Outside the U.S.	21	5.6%
New Jersey	16	4.2%
Pennsylvania	13	3.4%
Florida	11	2.9%
Illinois	11	2.9%
Rhode Island	10	2.7%
All Other States	61	16.2%
Total	377	100%
No response	2,352	

Q36. City/Town you moved from (Question only for people who moved)

Response	n	%
Las Vegas	37	10.2%
Everett	15	4.2%
Malden	13	3.6%
Boston	12	3.3%
Quincy	9	2.5%
Henderson	7	1.9%
Saipan	7	1.9%
Dorchester	6	1.7%
Revere	6	1.7%
Chicago	5	1.4%
All Other Cities	244	67.6%
Total	361	100%
No response	2,368	

Q39. What state do you plan to move to? (Question only for people who moved)

Response	n	%
Massachusetts	293	96.1%
Rhode Island	5	1.6%
Nevada	3	1.0%
New Hampshire	3	1.0%
Connecticut	1	0.3%
Total	305	100%
No response	2,424	

Q40. City/Town you plan to move to. (Question only for people who moved)

Response	n	%
Everett	60	24.5%
Boston	40	16.3%
Malden	35	14.3%
Medford	12	4.9%
Quincy	11	4.5%
Chelsea	8	3.3%
Revere	8	3.3%
Salem	6	2.4%
Somerville	5	2.0%
Lynn	4	1.6%
All Other Cities	56	22.9%
Total	245	100%
No response	2,484	

Q43. Do you have previous experience working at a casino?

Response	n	%
No	2,006	76.2%
Yes	626	23.8%
Total	2,632	100%
No response	97	

Q 44. What is the highest level of education you have completed?

Response	n	%
High school graduate or equivalent (e.g., GED, etc.)	728	27.7%
Some college, no degree	694	26.4%
Bachelor's degree	540	20.5%
Associate's degree	290	11.0%
Master's degree or more education	125	4.8%
Trade or technical high school graduate	109	4.1%
Attended some high school	103	3.9%
Did not attend high school	31	1.2%
Professional Degree	9	0.3%
Total	2,629	100%
No response	100	

Q45. Have you received training, or do you anticipate any orientation or training in preparation for your job at the casino (e.g., casino operations, food and beverage operations, hotel operations, etc.)?

Response	n	%
Yes	1,983	75.3%
No	650	24.7%
Total	2,633	100%
No response	96	

Q46. Where did you receive training (or anticipate training)? Please check all that apply.

Response	n	%
From this casino or another casino	1,616	89.4%
Cambridge College (CC)	108	6.0%
Massachusetts Casino Career Training Institute (MCCTI)	55	3.0%
Bunker Hill Community College (BHCC)	19	1.1%
North Shore Community College (NSCC)	4	0.2%
Roxbury Community College (RCC)	3	0.2%
Bristol Community College (BCC)	1	0.1%
Massasoit Community College (MCC)	1	0.1%
Total	1,807	100.0%

Q47. How interested are you in pursuing a career in the casino industry?

Response	n	%
Very interested	2,147	82.2%
Somewhat interested	276	10.6%
Neutral (neither interested nor disinterested)	161	6.2%
Very disinterested	14	0.5%
Somewhat disinterested	13	0.5%
Total	2,611	100%
No response	118	

Q48. Please indicate which types of casino career training you are obtaining or are interested in obtaining for your job. Please check all that apply (There are 148 non responses).

Casino Training Departments	n
Casino Operations (slots, table games, poker, cashiering, count rooms, security)	951
Food and Beverage Operations (bartending, busing, serving, cooking, supervising)	917
Customer Service	608
General Management, Supervisor	574
Hotel and Facility Operations (housekeeping, front desk, valet, grounds keeping, maintenance, facilities, retail)	412
Security	381
Finance and Administration (accounting, financial analysis, purchasing, MIS/IT, auditing)	243
Human Resources Administration (human resources, personnel)	233
Sales and Marketing (advertising, box office, promotions, public relations)	221
None	96

Q49. Please indicate which other types of training you might benefit from in your career. Please check all that apply (There are 196 non respondents).

Response	n
Leadership/management training	1,294
Technical/computer training	651
Adult higher education (Bachelor's degree or more)	590
English for speakers of other languages	446
Adult basic work skills	439
None	423
Adult basic education (GED/high-school-equivalency certification)	270
Other	49

Q50. What is your age?

Response	n	%
35-49	936	35.8%
24-34	923	35.3%
50-64	583	22.3%
16-24	111	4.2%
65+	64	2.4%
Total	2,617	100%
No response	112	

Q51. What is your gender?

Response	n	%
Male	1,500	57.1%
Female	1,113	42.4%
Prefer not to answer	12	0.5%
Total	2,625	100%
No response	104	

Q52. Are you Hispanic or Latino?

Response	n	%
No	2,035	77.8%
Yes	581	22.2%
Total	2,616	100.0%

Q53. Which one or more of the following would you say is your race?

Response	n	%
White or Caucasian	890	35.0%
Hispanic or Latino	581	22.9%
Asian	515	20.3%
Black or African American	455	17.9%
Two or More Races	80	3.1%
Other	9	0.4%
Native Hawaiian or Other Pacific Islander	8	0.3%
Native American or Alaskan Indian	2	0.1%
Total	2,540	100%
No response	189	

Appendix C: Survey Instrument



Please fill out this survey which is required by the Massachusetts Gaming Commission. You will need your MGC license, registration or employee number to complete the survey. All responses are kept strictly confidential and will not affect your employment in any way.

Thank you for your participation.

Background

- 1. At what casino will you be working?**
 - ☐ Encore Boston Harbor
 - ☐ MGM Springfield
 - ☐ Plainridge Park Casino
- 2. In your latest job, did you work at a casino? If so, where?**
 - ☐ Yes, for this casino operator
 - ☐ Yes, for a different casino operator in Massachusetts
 - ☐ Yes, for a different casino operator outside of Massachusetts
 - ☐ No
- 3. Does your position require you to have a Massachusetts Gaming License?**
 - ☐ Yes
 - ☐ No, I am not required to have a gaming license
 - ☐ I do not know

Massachusetts Gaming Commission Registration or License Number

The information is for survey purposes only and your survey responses will not affect your employment at this casino.

What is your Massachusetts Gaming Commission registration or license number?

4. 6-digit Prefix (e.g., RSER18)

- ☐ LGEL18
- ☐ TGEL18
- ☐ LGKE18
- ☐ TGKE18
- ☐ LGKS18
- ☐ TGKS18
- ☐ LSER18
- ☐ RSER18
- ☐ TSER18
- ☐ LGEL19
- ☐ TGEL19
- ☐ LGKE19
- ☐ TGKE19
- ☐ LGKS19
- ☐ TGKS19
- ☐ LSER19
- ☐ RSER19
- ☐ TSER19
- ☐ LGEL20
- ☐ TGEL20
- ☐ LGKE20
- ☐ TGKE20
- ☐ LGKS20
- ☐ TGKS20
- ☐ LSER20
- ☐ RSER20
- ☐ TSER20
- ☐ It has not been issued
- ☐ I cannot remember my number

5. 4-digit Number (e.g., 1234)

Employee ID Number

The information is for survey purposes only and your survey responses will not affect your employment

at this casino.

6. What is your employee ID number at this casino?

- ☐ I can't remember my number

Employment

7. How much did you work before your new job at the casino?

- ☐ Full-time job ➡ **GO TO QUESTION 8**
- ☐ Part-time job ➡ **GO TO QUESTION 8**
- ☐ Multiple jobs totaling full-time or more ➡ **GO TO QUESTION 8**
- ☐ Multiple jobs totaling less than full-time ➡ **GO TO QUESTION 8**
- ☐ Unemployed ➡ **GO TO QUESTION 9**

8. Do you plan to keep working in this job/these jobs after you are hired by the casino?

- Yes ➡ **GO TO QUESTION 10**
- No ➡ **GO TO QUESTION 10**
- Not sure

9. Please indicate how long you were unemployed.

_____ Years and _____ Months

10. What type of job did you have prior to applying to this casino?

- ☐ None, this will be my first job.
- ☐ Casino Operations (slots, table games, poker, cashiering, count rooms)
- ☐ Food and Beverage Operations (bartending, bussing, serving, cooking, supervising)
- ☐ Hotel and Facility Operations (housekeeping, front desk, valet)
- ☐ Marketing (advertising, box office, promotions, public relations)
- ☐ Retail Sales (cashier, retail store manager, customer service)
- ☐ Security (security guard, surveillance, correctional officer, police)
- ☐ Finance and Administration (accounting, financial analysis, purchasing, MIS/IT, auditing)
- ☐ Human Resources
- ☐ Building and Grounds/Maintenance
- ☐ Computer or IT-related Jobs (software developer, programmer, systems administrator)
- ☐ Construction Worker or Building Trades (carpenter, plumber, electrician, HVAC)
- ☐ Teacher or Education Administration
- ☐ Health Worker (physician, nurse, physical therapist, EMT)
- ☐ Military
- ☐ Personal and Home-based Services (hairstylist, home health aide, childcare, fitness trainer)
- ☐ Production Worker (machinist, welder, plant operator, food processing)
- ☐ Trucker or Driver (long-distance trucking, towing, taxis, Uber)
- ☐ Artist, Designer, Entertainer
- ☐ Architect or Engineer
- ☐ Lawyer or Paralegal
- ☐ Other, please specify:

11. What industry did you work in before applying to this casino? If multiple jobs, answer for your primary job.

- ☐ None, this will be my first job.
- ☐ Casino/gambling Industries
- ☐ Accommodations (hotels; B&Bs; inns; motels; etc.)
- ☐ Administrative and Support Services
- ☐ Agriculture, Forestry, Fishing, and Hunting
- ☐ Construction
- ☐ Education (primary; secondary; higher ed.)
- ☐ Security Services (surveillance; guarding, etc.)
- ☐ Finance and Insurance (including banking)
- ☐ Food Services (food and drinking establishments; catering; etc.)
- ☐ Government (Including military but not education)
- ☐ Health Care (including hospitals and EMS)
- ☐ Information (telecommunications; software design; publishing; etc.)
- ☐ Manufacturing
- ☐ Arts, Entertainment, and Recreation
- ☐ Professional, Scientific, and Technical Services
- ☐ Real Estate, Rentals, and Leasing
- ☐ Retail
- ☐ Social Assistance
- ☐ Transportation and Warehousing
- ☐ Wholesale Trade
- ☐ Other, please specify:

Where was your most recent job located? Please provide details below.

12. State or territory. Please circle one.

Outside the U.S.

PR Puerto Rico

AK Alaska

AL Alabama

AR Arkansas

AZ Arizona

CA California

CO Colorado

CT Connecticut

DC District of Columbia

DE Delaware

FL Florida

GA Georgia

HI Hawaii

IA Iowa

ID Idaho

IL Illinois

IN Indiana

KS Kansas

KY Kentucky

LA Louisiana

MA Massachusetts

MD Maryland

13. City or town: _____

14. If you worked outside of the United States, please enter the name of that country.

15. How long were you employed at your most recent job?

_____ Years and _____ Months

16. Did you receive a salary or hourly wage from your most recent job before working at the casino?

- ☐ Salary
- ☐ Hourly wage

17. What was the annual income from your most recent primary job (salary or total wages) before working at the casino? Please do not include tips in the total. If you are unsure, please estimate to the closest dollar range.

- ☐ Less than \$10,000
- ☐ \$10,000-\$19,999
- ☐ \$20,000-\$29,999
- ☐ \$30,000-\$39,999
- ☐ \$40,000-\$49,999
- ☐ \$50,000-\$59,999
- ☐ \$60,000-\$69,999
- ☐ \$70,000-\$79,999
- ☐ \$80,000-\$89,999
- ☐ \$90,000-\$99,999
- ☐ \$100,000-\$149,999
- ☐ \$150,000-\$199,999
- ☐ \$200,000 and over

18. Did you receive tips in your most recent primary job?

- ☐ Yes
- ☐ No

19. Did your most recent primary job provide benefits? Please check all that apply.

- ☐ Health benefits
- ☐ Retirement benefits
- ☐ Paid time off for sick or vacation
- ☐ None

20. Please characterize your new department at the casino.

- ☐ Casino Operations (slots, table games, poker, cashiering, count rooms, surveillance)
- ☐ Hotel Operations (housekeeping, front desk, valet)
- ☐ Security Services
- ☐ Recreation (salon, spa, arcade, movie theatre)
- ☐ Food & Beverage Operations (bartending, busing, serving, cooking, supervising)
- ☐ Entertainment/Event Production (box office, audio-visual production, facility changeover)

- ☐ Facility Maintenance (grounds keeping, cleaning, other maintenance)
- ☐ Retail
- ☐ Casino Marketing (advertising, promotions, public relations)
- ☐ Finance, Accounting and IT (accounting, financial analysis, purchasing, MIS/IT, auditing)
- ☐ Casino Administration (executive team, management, human resources, personnel)
- ☐ Transportation
- ☐ Warehouse Operations
- ☐ Other, please specify: _____

21. Will you receive a salary or hourly wage from your new job at the casino?

- ☐ Salary
- ☐ Hourly wage

22. What is the annual wage and salary pay of your new job at the casino? Please do not include tips in the total. If you are unsure, please estimate to the closest dollar range.

- ☐ Less than \$10,000
- ☐ \$10,000-\$19,999
- ☐ \$20,000-\$29,999
- ☐ \$30,000-\$39,999
- ☐ \$40,000-\$49,999
- ☐ \$50,000-\$59,999
- ☐ \$60,000-\$69,999
- ☐ \$70,000-\$79,999
- ☐ \$80,000-\$89,999
- ☐ \$90,000-\$99,999
- ☐ \$100,000-\$149,999
- ☐ \$150,000-\$199,999
- ☐ \$200,000 and over

23. Will you receive tips in your job at the casino?

- ☐ Yes
- ☐ No

24. Does your job at the casino provide benefits? If yes, please check all that apply.

- ☐ Health benefits
- ☐ Retirement benefits
- ☐ Paid time off for sick or vacation

25. Will your job at the casino be:

- ☐ One full-time job
- ☐ One part-time job
- ☐ Multiple part-time jobs
- ☐ On-call job

26. How much do you expect to work after you are hired at the casino?

- ☐ Full-time job
- ☐ Part-time job
- ☐ Multiple jobs totaling full-time or more
- ☐ Multiple jobs totaling less than full-time

27. Would you prefer to work full-time at the casino?

- ☐ Yes
- ☐ No

28. What are your reason(s) for seeking a job at this casino? Please check all that apply.

- ☐ Improved pay
 - ☐ Improved benefits (e.g., health insurance)
 - ☐ Excitement/enthusiasm for working at a casino
 - ☐ Opportunity for career advancement
 - ☐ Flexible hours
 - ☐ It offers jobs that are more stable and secure
 - ☐ Job closer to home
 - ☐ Have been unemployed and need work
 - ☐ It offers me additional supplementary income or benefits
 - ☐ It offers me part-time work, not interested in full-time
 - ☐ Job is a higher role or has more responsibilities
 - ☐ Opportunity to learn and use new skills or training (professional development)
 - ☐ No college degree (Associate's, Bachelor's, etc.) needed
 - ☐ No specialized training needed
 - ☐ Other, please specify:
-

Residency and moving: Where do you currently live?

29. State or territory. Please circle one.

Outside the U.S.

PR Puerto Rico

AK Alaska

AL Alabama

AR Arkansas

AZ Arizona

CA California

CO Colorado

CT Connecticut

DC District of Columbia

DE Delaware

FL Florida

GA Georgia

HI Hawaii

IA Iowa

ID Idaho

IL Illinois

IN Indiana

KS Kansas

KY Kentucky

LA Louisiana

MA Massachusetts

MD Maryland

30. City or town: _____

31. Zip code or postal code:

32. If you live outside of the United States, please enter the name of that country.

33. How long have you lived there?

- ☐ Less than one year
- ☐ One year or more

34. Have you moved or do you plan to move to take this job at this casino?

- ☐ Yes, I have already moved to take this job. ➡ **GO TO QUESTION 35**
- ☐ Yes, I plan to move to take this job but have not moved yet. ➡ **GO TO QUESTION 39**
- ☐ No, I have not moved and do not plan to move to take this job. ➡ **GO TO QUESTION 43**

Residency and moving: Where did you move from?

35. State or territory. Please circle one.

Outside the U.S.
 PR Puerto Rico
 AK Alaska
 AL Alabama
 AR Arkansas
 AZ Arizona
 CA California
 CO Colorado
 CT Connecticut
 DC District of Columbia
 DE Delaware
 FL Florida
 GA Georgia
 HI Hawaii
 IA Iowa
 ID Idaho
 IL Illinois
 IN Indiana
 KS Kansas
 KY Kentucky
 LA Louisiana
 MA Massachusetts
 MD Maryland

36. City or town: _____

37. Zip code or postal code:

38. If you moved from outside of the United States, please enter the name of that country.



GO TO QUESTION 43

Residency and moving: Where do you plan to move?

39. State or territory. Please circle one.

- Outside the U.S.
- PR Puerto Rico
- AK Alaska
- AL Alabama
- AR Arkansas
- AZ Arizona
- CA California
- CO Colorado
- CT Connecticut
- DC District of Columbia
- DE Delaware
- FL Florida
- GA Georgia
- HI Hawaii
- IA Iowa
- ID Idaho
- IL Illinois
- IN Indiana
- KS Kansas
- KY Kentucky
- LA Louisiana
- MA Massachusetts
- MD Maryland

40. City or town: _____

41. Zip code or postal code:

42. If you are moving outside of the United States, please enter the name of that country.

Experience and Training

43. Do you have previous experience working at a casino?

- ☐ Yes
- ☐ No

44. What is the highest level of education that you have completed?

- ☐ Did not attend high school
- ☐ Attended some high school
- ☐ High school graduate or equivalent (e.g., GED, etc.)
- ☐ Trade or technical high school graduate
- ☐ Some college, no degree
- ☐ Associate's degree
- ☐ Bachelor's degree
- ☐ Master's degree or more education

45. Have you received or do you anticipate any orientation or training in preparation for your job at the casino (e.g., casino operations, food and beverage operations, hotel operations, etc.)?

- ☐ Yes ➡ **GO TO QUESTION 46**
- ☐ No ➡ **GO TO QUESTION 47**

46. Where did you receive training (or anticipate training)? **Please check all that apply.**

- ☐ From this casino or another casino
- ☐ Massachusetts Casino Career Training Institute (MCCTI)
- ☐ Bristol Community College
- ☐ Bunker Hill Community College
- ☐ Cambridge College
- ☐ Holyoke Community College
- ☐ Massasoit Community College

- ☐ North Shore Community College
 - ☐ Roxbury Community College
 - ☐ Springfield Technical Community College
 - ☐ Other training provider (community organization, employment board, etc.), please specify institution name.
-

47. How interested are you in pursuing a career in the casino industry?

- ☐ Very interested
- ☐ Somewhat interested
- ☐ Neutral (neither interested nor disinterested)
- ☐ Somewhat disinterested
- ☐ Very disinterested

48. Please indicate which types of casino career training you are obtaining or are interested in obtaining for your job. **Please check all that apply.**

- ☐ Casino Operations (slots, table games, poker, cashiering, count rooms, security)
 - ☐ Food and Beverage Operations (bartending, busing, serving, cooking, supervising)
 - ☐ Customer Service
 - ☐ General Management, Supervisor
 - ☐ Hotel and Facility Operations (housekeeping, front desk, valet, grounds keeping, maintenance, facilities, retail)
 - ☐ Sales and Marketing (advertising, box office, promotions, public relations)
 - ☐ Security
 - ☐ Finance and Administration (accounting, financial analysis, purchasing, MIS/IT, auditing)
 - ☐ Human Resources Administration (human resources, personnel)
 - ☐ None
 - ☐ Other, please specify:
-

49. Please indicate which other types of training you might benefit from in your career. **Please check all that apply.**

- ☐ Adult basic education (GED/high-school-equivalency certification)
 - ☐ Adult higher education (Bachelor's degree or more)
 - ☐ Adult basic work skills
 - ☐ English for speakers of other languages
 - ☐ Leadership/management training
 - ☐ Technical/computer training
 - ☐ None
 - ☐ Other, please specify:
-

This section asks questions about you.

50. What year were you born?

51. What is your gender?

- ☐ Male
- ☐ Female
- ☐ Prefer not to answer

52. Are you Hispanic or Latino?

- ☐ Yes
- ☐ No

53. Which one or more of the following would you say is your race? Please check all that apply.

- ☐ White/Caucasian
- ☐ Black/African-American
- ☐ Asian
- ☐ Native Hawaiian/Other Pacific Islander
- ☐ Native American/Alaskan Native
- ☐ Some other race, please specify:

54. Were you born in the United States?

- ☐ Yes, born in the United States
- ☐ Yes, born in Puerto Rico, Guam, the U.S. Virgin Islands, or Northern Marianas
- ☐ No, born outside of the United States

55. Have you ever served in the Military or reserves of the United States?

- ☐ Yes
- ☐ No

Thank you for taking the time to complete this survey.

Appendix D: The Massachusetts Gaming Act - Employment Goals

The material in this appendix is taken directly from the Expanded Gaming Act to summarize expectations in the law related to casino employment and workforce conditions. In particular, we reference Chapter 23K – The Massachusetts Gaming Commission. The source document providing this information is called Chapter 194 “An Act Establishing Expanded Gaming in the Commonwealth.”¹⁸

Chapter 23K - The Massachusetts Gaming Commission

Section 1. Findings and declaration

(5) the commonwealth must provide for new employment opportunities in all sectors of the economy, particularly opportunities for the unemployed, and shall preserve jobs in existing industries in the commonwealth; this chapter sets forth a robust licensing process whereby an applicant for a gaming license shall submit a comprehensive plan for operating a gaming establishment which includes how the applicant will foster and encourage new construction through capital investment and provide permanent employment opportunities to residents of the commonwealth;

....

Section 18. In determining whether an applicant shall receive a gaming license, the commission shall evaluate and issue a statement of findings of how each applicant proposes to advance the following objectives:

(4) implementing a workforce development plan that utilizes the existing labor force, including the estimated number of construction jobs a proposed gaming establishment will generate, the development of workforce training programs that serve the unemployed and methods for accessing employment at the gaming establishment;

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

(11) maximizing revenues received by the commonwealth;

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

¹⁸ The Gaming Act can be found here: <https://malegislature.gov/Laws/SessionLaws/Acts/2011/Chapter194>

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

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

Other documents

Massachusetts Gaming Commission publication

In addition to the material above taken directly from the General Law, the Massachusetts Gaming Commission provides an overview of the employment goals of the Massachusetts Gaming Act in a publication entitled *Resort Casino and Slots Workforce and Employment: Frequently Asked Questions*. The report states: “In November of 2011, the Legislature passed and Governor Deval Patrick signed “An Act Establishing Expanded Gaming in the Commonwealth,” (the Act) which established Casino Gaming in Massachusetts. The legislation was designed to stimulate economic development and job creation, including private investment and new state and local tax revenue.... The legislation also calls for a net job-gain for the Commonwealth and for the creation of new career and job opportunities for the unemployed or underemployed with opportunity for personal growth and career advancement.”¹⁹

Encore Boston Harbor publication

In 2018, Encore Boston Harbor released a document detailing and discussing its workforce development and diversity plan. This report, *Encore Boston Harbor Workforce Development & Diversity Plan*, provides a good source of information on plans related to the Encore Boston Harbor workforce.²⁰

¹⁹ *Resort Casino and Slots Workforce and Employment*. Massachusetts Gaming Commission.

<http://massgaming.com/wp-content/uploads/Resort-Casino-and-Slots-Workforce-and-Employment.pdf>

²⁰ *Encore Boston Harbor Workforce Development & Diversity Plan*. Encore Boston Harbor. June 14, 2018.

<https://massgaming.com/wp-content/uploads/Encore-Boston-Harbor-Workforce-Development-Plan-6-18-18.pdf>

New Employees at Encore Boston Harbor: Survey Findings

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Economic and Public Policy Research
UMass Donahue Institute

Project Background: SEIGMA

- Since 2013, UMDI has monitored and reported on the economic and fiscal impacts of expanded gaming in Massachusetts as part of the SEIGMA team
- Through a variety of data collection activities, we observe and report on conditions at the Commonwealth's three casinos: Encore Boston Harbor, MGM Springfield and Plainridge Park Casino.
- Annual work includes :
 - Construction impacts
 - Economic impact topics
 - Lottery revenues
 - Real estate impacts
 - COVID-19 impacts
 - New Employee Survey

Project Background: Data Collection

- Examples of data collected for SEIGMA:
 - Operator data: Administrative data related to employees and vendor spending
 - Patron survey: Survey data collected from patrons who visited the casinos
 - New Employee survey: Survey data collected from new hires at the casinos

Studying the Workforce: New Employee Survey

- The purpose of this study is to understand how casino jobs fulfill workforce needs in the Commonwealth from the perspective of job seekers.
- The survey collects information that employee records do not, providing unique insight on the background of workers who were hired.
- This presentation summarizes results of the New Employee Survey administered at Encore Boston Harbor (EBH) between January 2019 and December 2021.

Survey Method

- The survey is given to newly hired workers while filing hiring paperwork.
- All employees hired between January 2019 and December 2021 were invited to take the survey, but not all employees elected to participate.
- The survey instrument has 55 questions which ask about previous, current and future residence, work experience, and other demographic information.

Survey Method

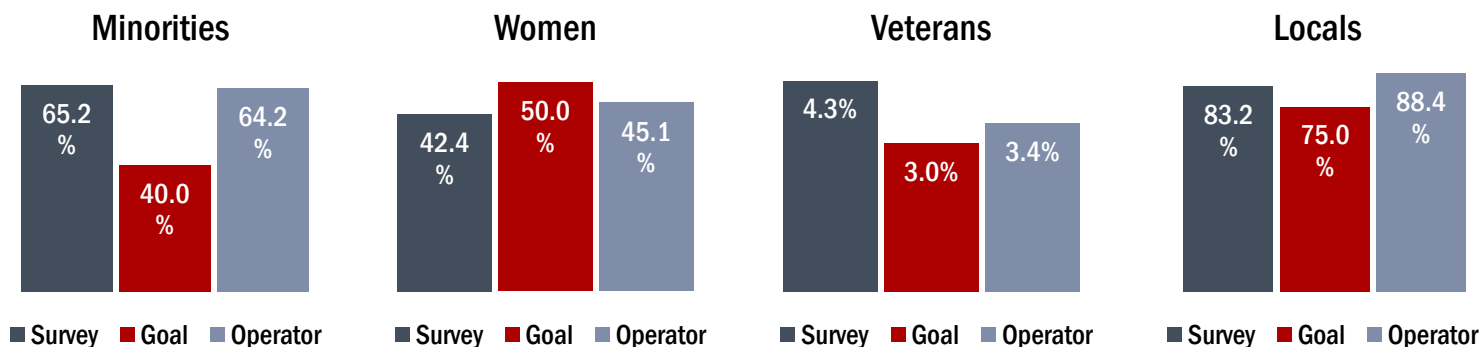
- The survey had an 86% completion rate during this period
 - 3,179 workers responded
 - 2,729 were valid and complete responses
- These 2,729 responses represent 37% of the 7,438 employee hires reported by the operator for the same period.
- The shares of race, gender, full-time status and department found in the survey are representative of the shares reported by EBH.

Note: the response rate for this survey was impacted by COVID shut-downs and furloughs.

Summary of Findings

The research team analyzed survey data across three broad areas:

- **New Hire Demographics:** The survey data portray a diverse workforce at EBH, heavily made up of people of color, local and long-term residents, and people born outside of the US.
- **New Hire Opportunities:** EBH has offered many of its workers improved pay, benefits, and full-time work compared to their past experiences.
- **New Hire Diversity:** EBH met and exceeded its hiring goals for Minorities, Veterans and Locals, falling just shy of its goal for Women.



Who Are EBH Workers?



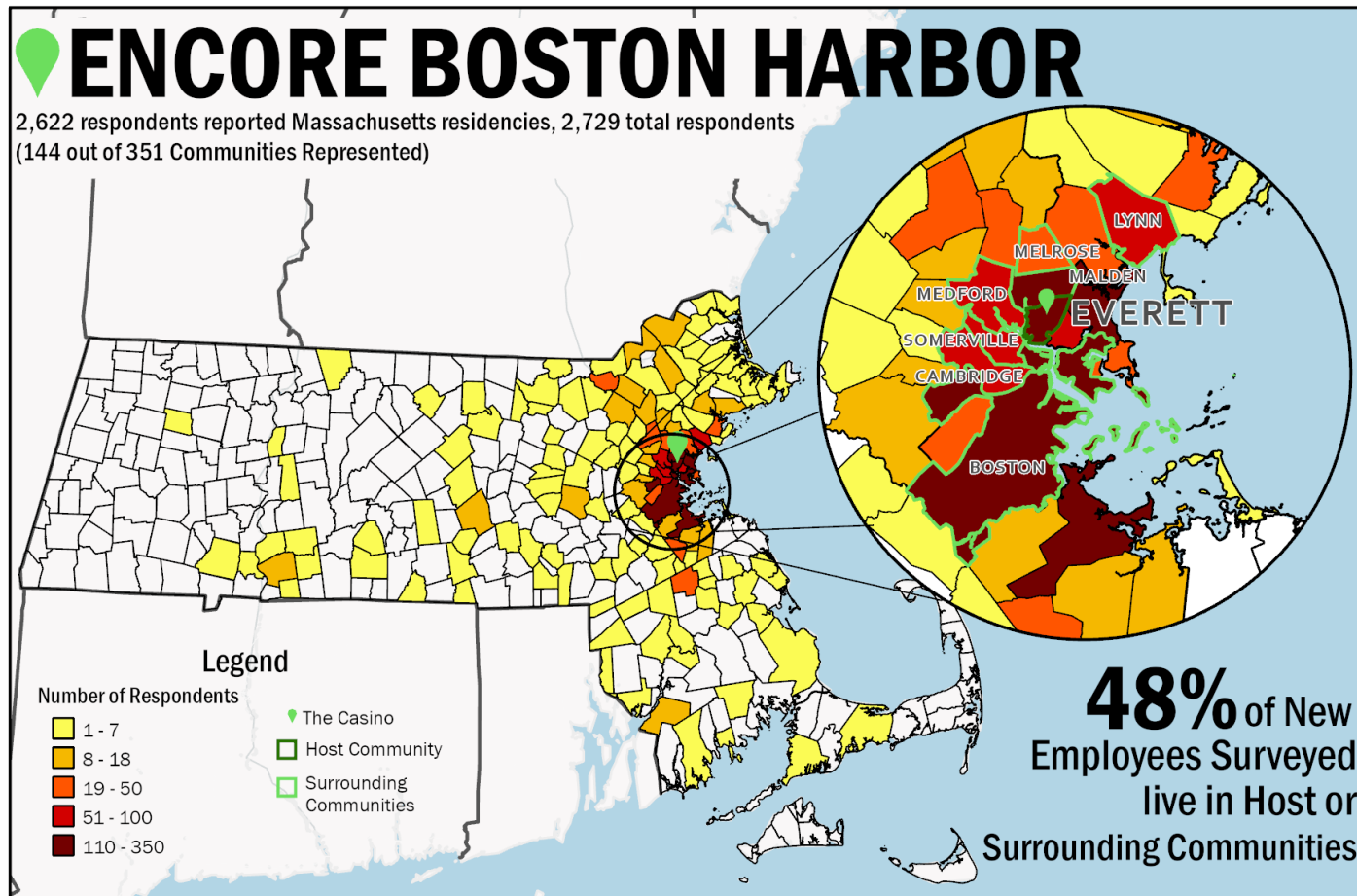
UNIVERSITY OF MASSACHUSETTS SCHOOL OF PUBLIC HEALTH AND HEALTH SCIENCES

Who are EBH Workers?

- Predominantly local and longer-term residents
- Mostly male and people of color
- Representative of Host and Surrounding Communities demographics
- Have diverse work backgrounds including previous unemployment and underemployment

Predominantly local and longer-term residents

Report Page 88

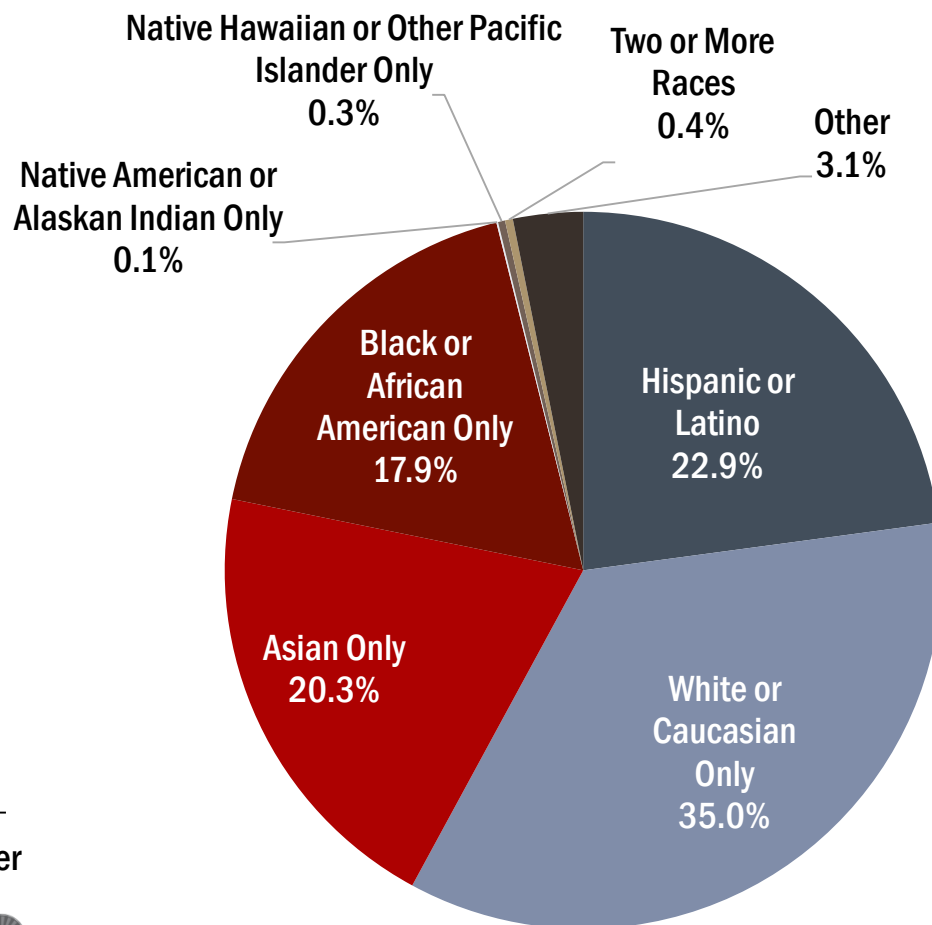
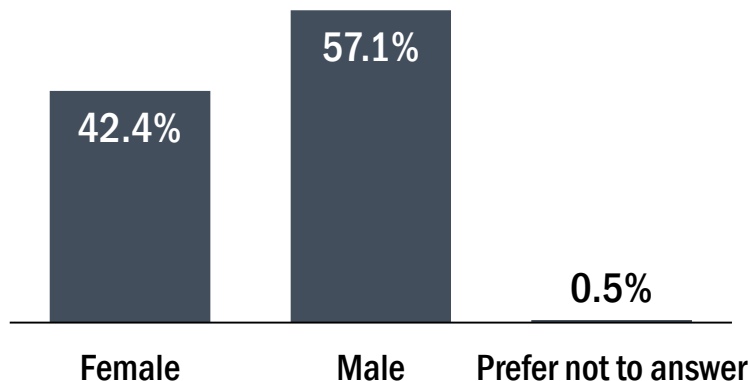


79% of workers surveyed have lived in the state for more than one year.

Mostly male and people of color

People of color make up **65%** of the workforce, with Asian, Black and Hispanic workers accounting for approximately **1/5** of the workforce each.

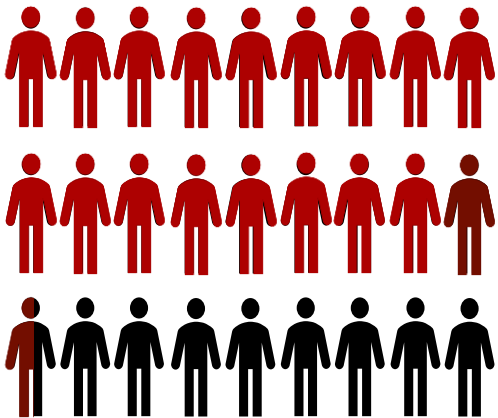
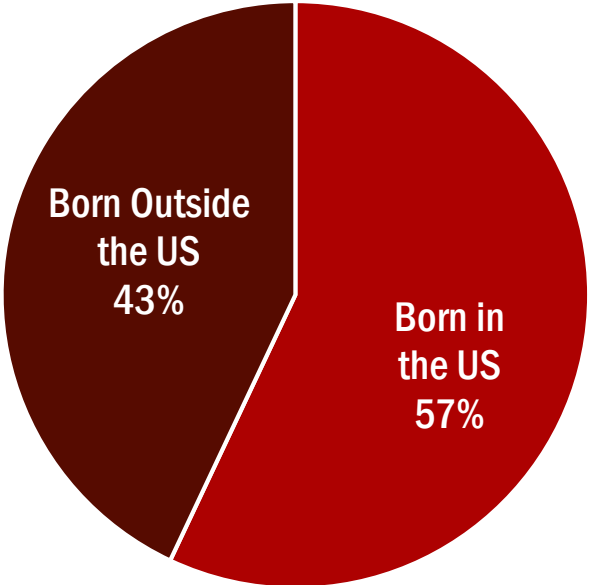
57.1% of the surveyed workforce identify as male.



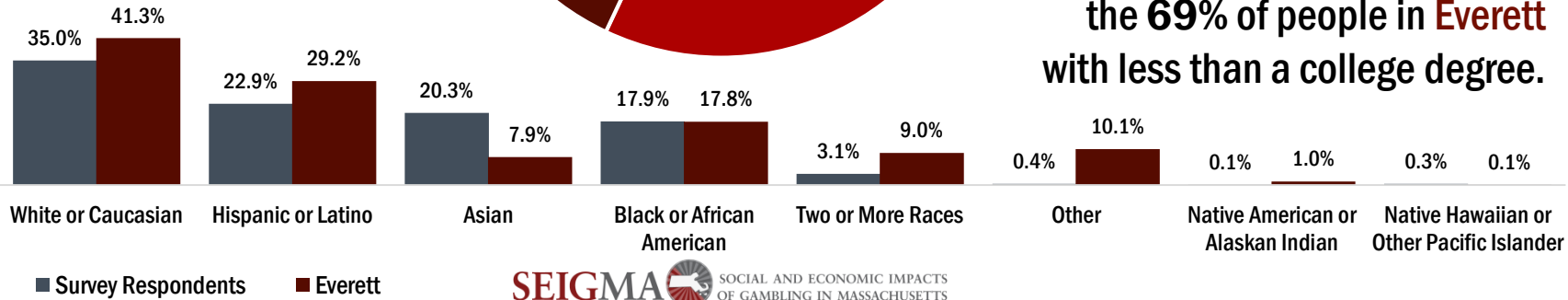
Representative of Host and Surrounding Community demographics

Nearly half (43%) of surveyed workers were born outside of the US, **proportional** to the foreign-born population in **Everett** (43%).

Race and Ethnicity shares are similar to that of **Everett**, though the survey respondents tended to be **less white** and **more Asian**.



Nearly two thirds (63%) of surveyed workers have less than a college degree, reflective of the **69%** of people in **Everett** with less than a college degree.

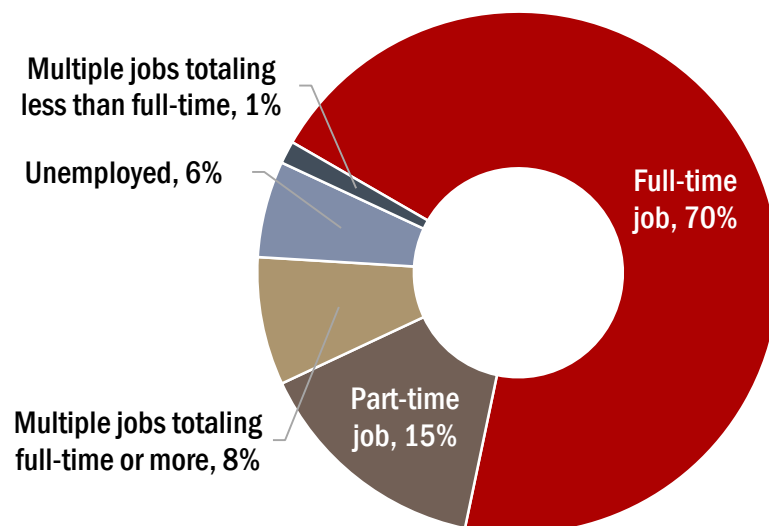


■ Survey Respondents ■ Everett

Have diverse work backgrounds including previous unemployment and underemployment

Top 10 Previous Industries	n	%
Food Services	793	29.8%
Casino/gambling Industries	405	15.2%
Accommodations	199	7.5%
Retail	199	7.5%
Security Services	178	6.7%
Transportation and Warehousing	122	4.6%
Health Care	110	4.1%
Finance and Insurance	77	2.9%
None, this will be my first job.	64	2.4%
Construction	63	2.4%
All Other Industries	454	17.0%
Total	2,664	100.0%

The largest number of new employees came from backgrounds in Food Services **29.8%**



About **7%** or **200** respondents were previously unemployed or underemployed

What do Jobs at EBH offer Workers?

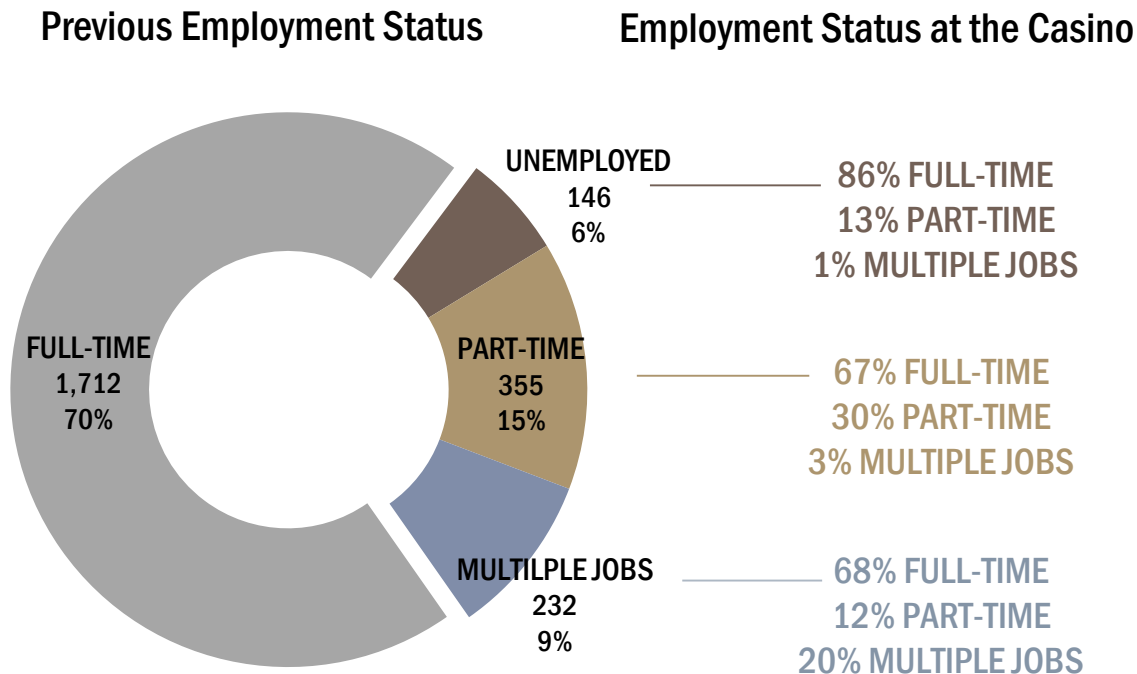


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What do Jobs at EBH offer Workers?

- Opportunities for stable and flexible work
- Potential for increased pay and improved benefits
- Career paths and training in the casino industry
- Improved opportunities for historically disadvantaged groups
 - Minorities
 - Women
 - Unemployed & underemployed

Opportunities for Stable & Flexible Work



79% of surveyed workers accepted full-time positions

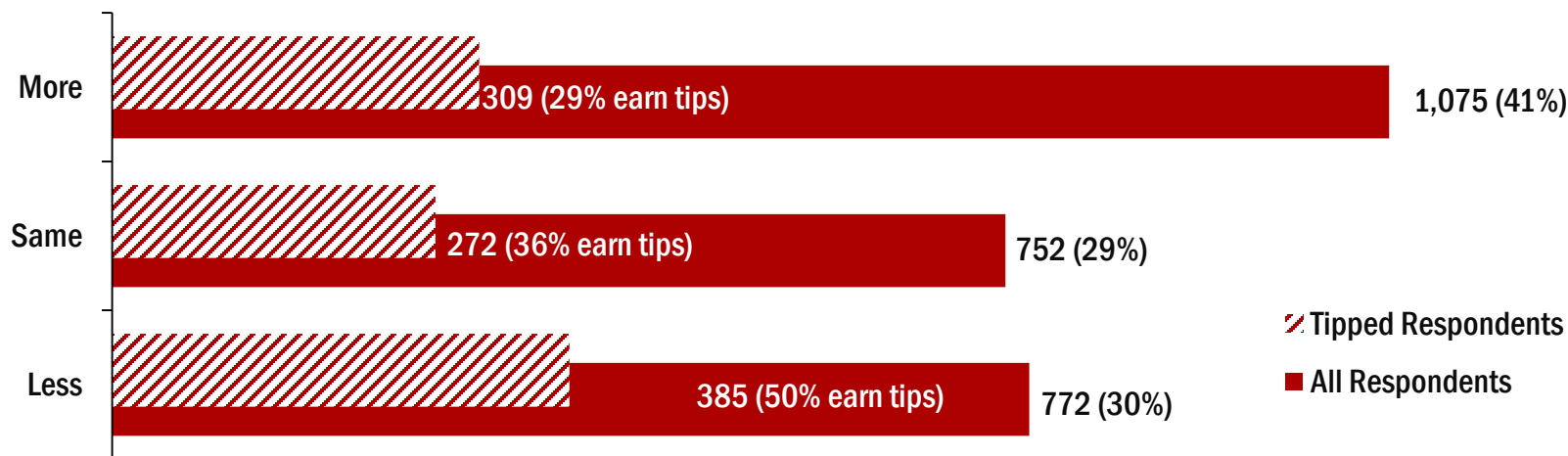
67% of former part-time workers (including those holding multiple jobs totaling less than full-time) found full-time jobs at EBH.

86% of those who were previously unemployed found full-time positions at EBH.

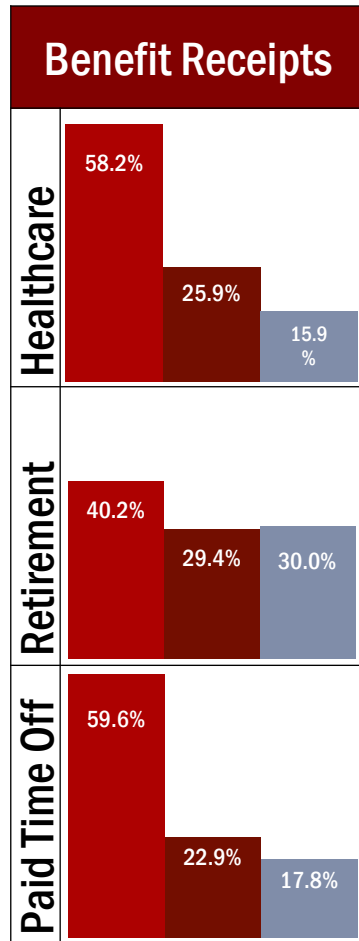
Potential for Increased Pay

41% of respondents say they will earn more income than they did at their previous job, and another **29%** expect to earn roughly the same.

Of the **30%** who expect to earn less income, half expect to earn tips as well. This is the highest proportion of tip earners, suggesting tips may counterbalance lower pay.



Potential for Improved Benefits



EBH offered some type of benefits package to **91%** of new workers such as healthcare benefits, retirement benefits, and paid time off.

A substantial number of surveyed workers expect to gain improved access to at least one benefit type at their new casino job—

23% expect to gain paid time off,

26% expect to gain health care benefits

29% expect to gain retirement benefits

Kept Benefits

New Benefits

Not Benefitted

Career Paths & Training Opportunities

Most newly hired casino workers are taking a casino job for the first time while approximately **1 in 5** are entering their new jobs with work experience in the casino industry.

65% of respondents indicated they chose to work at the casino for the opportunity of career advancement.

94% of workers reported being either somewhat or very interested in a career in the casino industry.

The plurality of respondents, **36.8%**, expressed interest in Casino Operations training

Casino Training Opportunities	n = 2581	%
Casino Operations	951	36.8%
Food and Beverage Operations	917	35.5%
Customer Service	608	23.6%
General Management, Supervisor	574	22.2%
Hotel and Facility Operations	412	16.0%
Security	381	14.8%
Finance and Administration	243	9.4%
Human Resources Administration	233	9.0%
Sales and Marketing	221	8.6%

Improved employment opportunities for historically disadvantaged groups

Packlet Page 48

- There was relative parity across demographic groups among those who wanted a full-time job.
 - Male or White employees reported very slightly higher rates of full-time employment while female or Asian workers had slightly lower rates of full-time employment.
 - Black and Hispanic workers had a proportionate share of full-time jobs for those who sought one.
- Just over 41% of people of color and women respondents reported that they are expecting to make higher salaries than their most recent job, proportional to the survey population.
- Women, unemployed and underemployed workers, and minority workers, expected to receive or retain benefits at proportional rates to that of all respondents.

People
of Color

Women

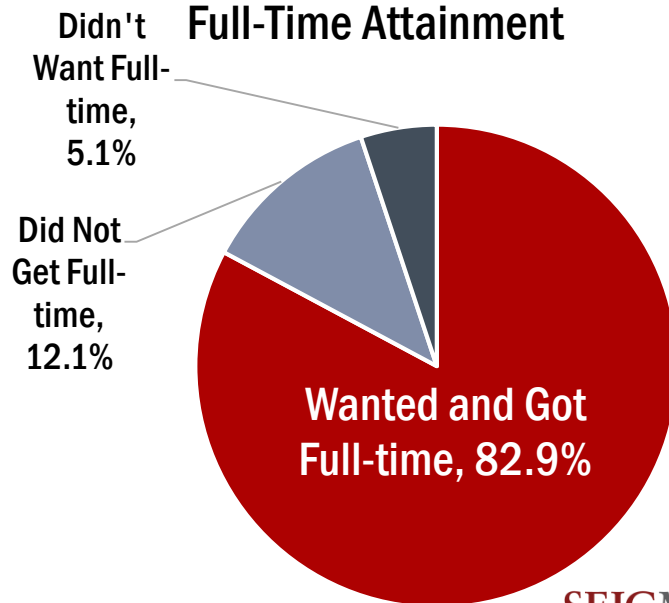
Under &
Unemployed

People of Color

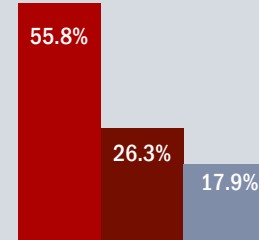
Salary and Income Change



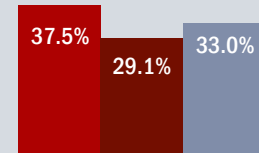
Full-Time Attainment



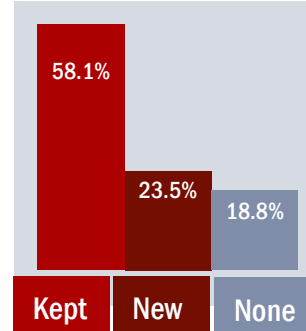
Healthcare



Retirement



Paid Time Off



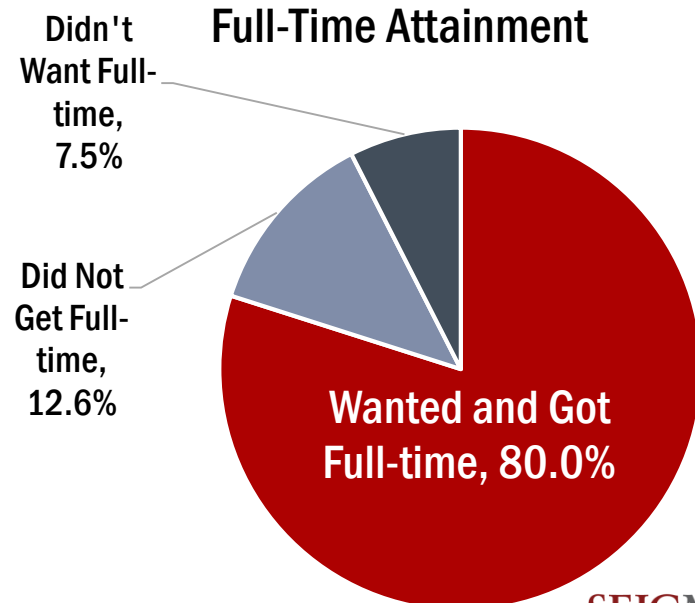
1, 570 people of color,
65% of surveyed respondents.
 Hispanic **22.9%**,
 Asian **20.3%**,
 and Black **17.9%**
 workers were represented most in the survey

Women

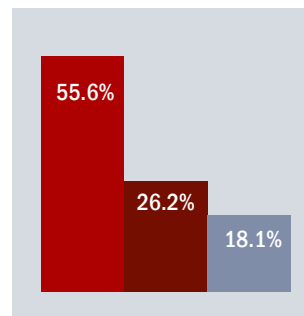
Salary and Income Change



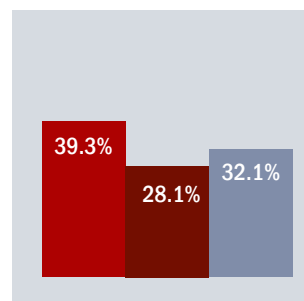
Full-Time Attainment



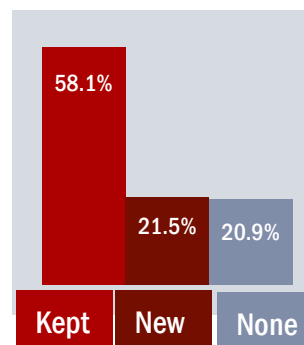
Healthcare



Retirement



Paid Time Off



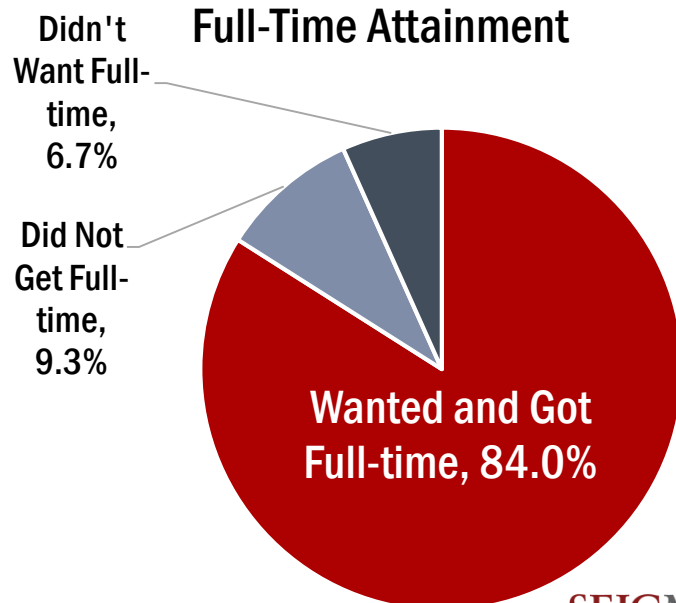
1, 113
women,
42.4% of
surveyed
respondents.

Unemployed & Underemployed

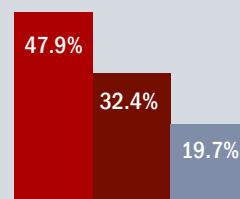
Salary and Income Change



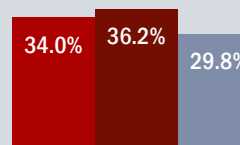
Full-Time Attainment



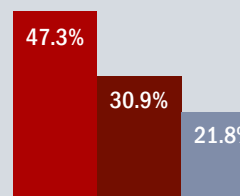
Healthcare



Retirement



Paid Time Off



200
previously
unemployed &
underemployed,
7.4% of
surveyed
respondents.

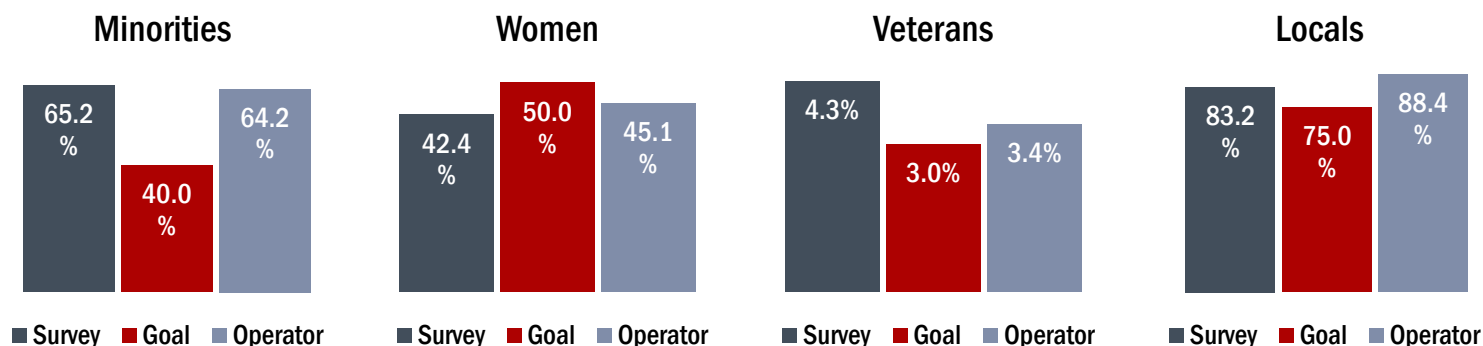
Conclusion



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Recap

- **New Hire Demographics:** The survey data portray a diverse workforce at EBH, heavily made up of people of color, local and long-term residents, and people born outside of the US.
- **New Hire Opportunities:** EBH has offered many of its workers improved pay, benefits, and full-time work compared to their past experiences.
- **New Hire Diversity:** EBH met and exceeded its hiring goals for Minorities, Veterans and Locals, falling just shy of its goal for Women.



Next Steps

- Continued surveying of new employees at the casinos
- Further analysis of jobs and employment impacts across the casino industry
 - Plans to assess survey data in combination with administrative operator data

Thank You! Questions?

Kazmiera Breest, Research Analyst
kbreest@donahue.umass.edu

Rebecca Loveland, Sr. Research Manager
rloveland@donahue.umass.edu



PLAINRIDGE PARK

Q3 2022 REPORT



GAMING REVENUE AND TAXES

Year	Quarter	Net Slot Revenue	State Taxes	Race Horse Taxes	Total Taxes
2021	Q1	\$31,572,862	\$12,629,145	\$2,841,558	\$15,470,703
	Q2	\$36,329,149	\$14,531,660	\$3,269,623	\$17,801,283
	Q3	\$37,682,927	\$15,073,171	\$3,391,463	\$18,464,634
	Q4	\$33,762,844	\$13,505,137	\$3,038,656	\$16,543,793
	Total	\$139,347.782	\$55,739,113	\$12,541,300	\$68,280,413
2022	Q1	\$33,730,006	\$13,492,002	\$3,035,701	\$16,527,703
	Q2	\$36,607,522	\$14,643,009	\$3,294,677	\$17,937,686
	Q3	\$36,659,335	\$14,663,734	\$3,299,340	\$17,963,074
	Q4				
	Total	\$106,996,863	\$42,798,745	\$9,629,718	\$52,428,463

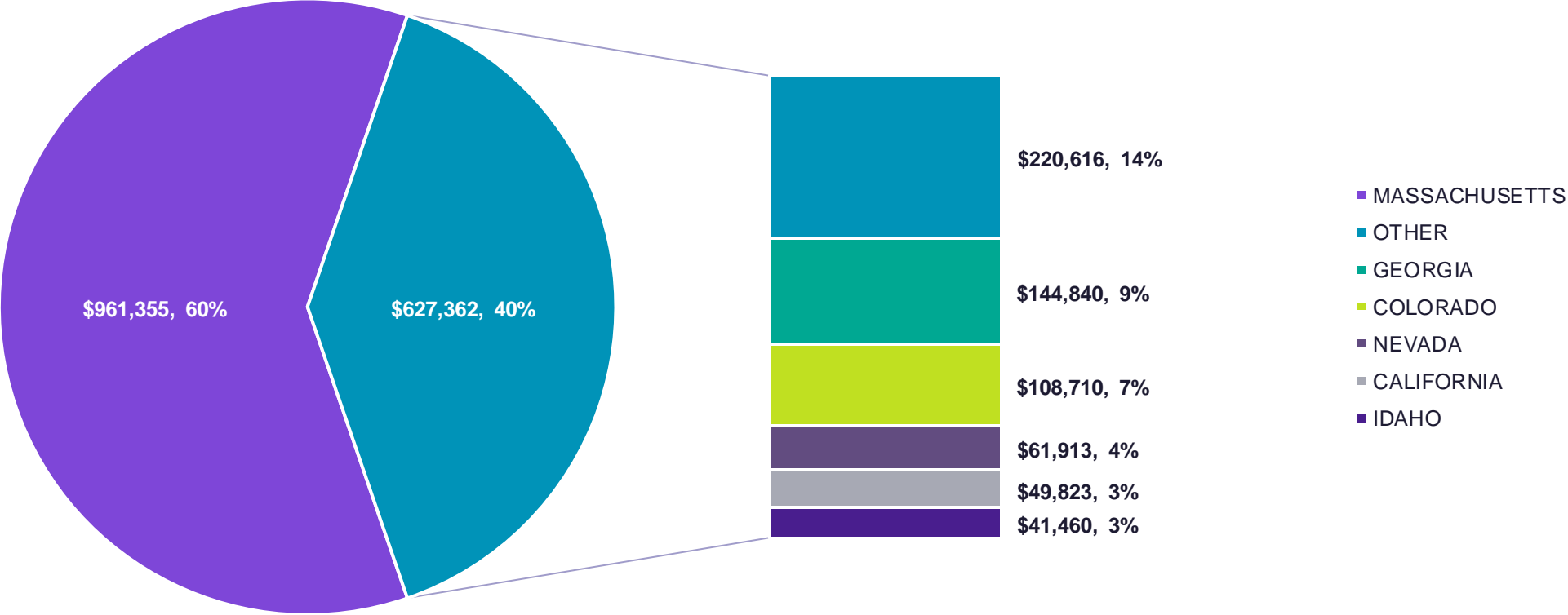
LOTTERY SALES

Quarter	2022	2021	\$ Difference	% Difference
Q1	\$507,710	\$458,540	\$49,170	10.7%
Q2	\$485,744	\$578,739	\$(92,995)	-16.07%
Q3	\$529,297	\$582,981	\$(53,684)	-9.21%
Q4		\$503,875		
Total		\$2,124,135		

- PPC currently has five instant ticket machines and four online terminals
- Prior to the casino opening the property had one instant ticket machine and two online machines

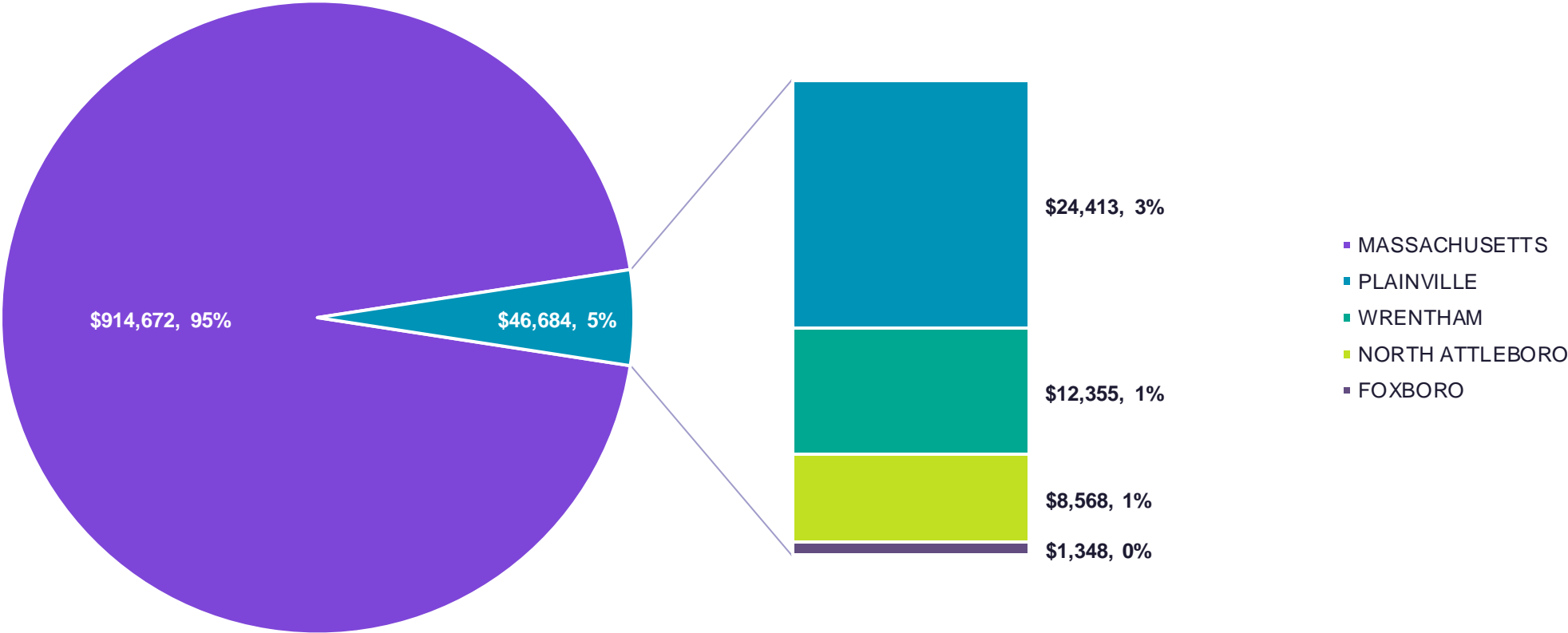
SPEND BY STATE

Q3 2022 Total Qualified Spend By State



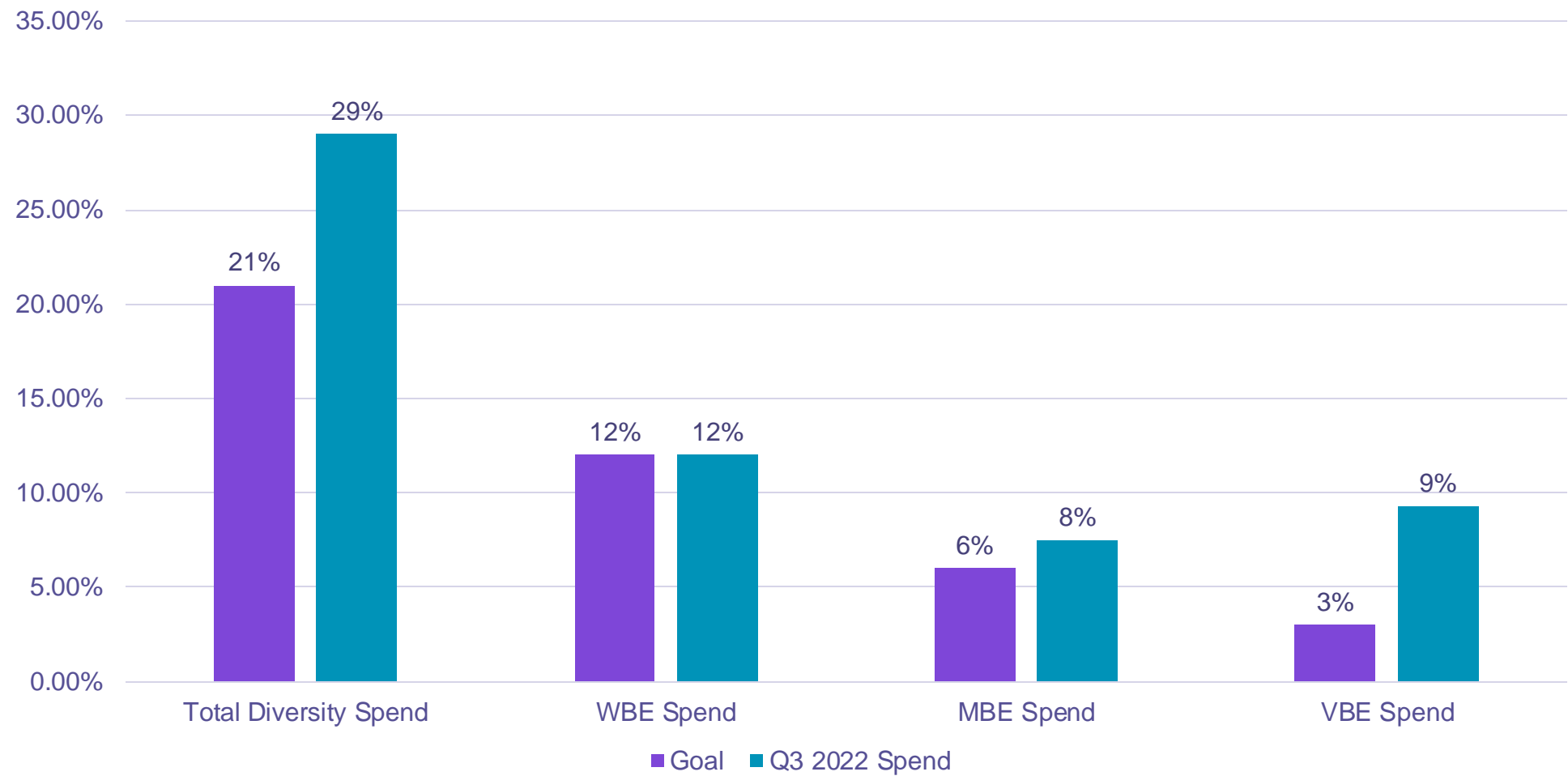
LOCAL SPEND

Q3 2020 Massachusetts vs Host & Surrounding Community Qualified Spend



VENDOR DIVERSITY

Q3 2022 vs Goal



DIVERSE SPEND

Category ¹	Q3 2022	Q2 2022	\$ Difference	% Difference
WBE	\$190,717	\$144,034	\$46,683	24.48%
MBE	\$119,252	\$67,710	\$51,542	43.22%
VBE	\$149,041	\$55,829	\$93,212	62.54%
Total Diverse Spend	\$459,010	\$267,573	\$191,437	41.71%
Qualified Spend	\$1,588,717	\$1,074,839	\$513,878	32.35%

¹ Includes vendors that are certified in multiple diversity categories. Spend is reported in all qualified categories.

COMPLIANCE

Month	Prevented from Entering Gaming Establishment			Expired, Invalid, No ID	Fake ID	Minors and Underage Escorted from the Gaming Area	Minors and Underage Gambling at Slot Machines	Minors and Underage Consuming Alcoholic Beverages
	Total	Minors ¹	Underage ²					
July	75	4	23	47	1	1	1	0
August	80	3	25	52	0	0	2	0
September	65	6	15	42	0	0	0	0
Total	220	13	63	143	1	1	3	0

¹ Person under 18 years of age

² Person 18-21 years of age

EMPLOYMENT¹ : ALL EMPLOYEES²

Employee Category	Percentage Goal	Total # of Employees in Category	Q3-22 Actual Percentage of Total Employees	Q2-22 Actual Percentage of Total Employees
Diversity	15%	86	24%	22%
Veterans	2%	17	5%	5%
Women	50%	155	43%	42%
Local ³	35%	128	35 %	36 %
MA Employees		232	64%	64 %

¹ All employees referenced in this slide were current as of Q3 2022

² Total number of employees Q3 2022: 364

³ Local includes Attleboro, Foxboro, Mansfield, North Attleboro, Plainville & Wrentham

	Employees	Full-Time	Part-Time	Seasonal
Total	364	240	124	0
% of Total	100%	66%	34%	0%

EMPLOYMENT¹ : SUPERVISOR AND ABOVE²

Employee Category	Total # of Employees in Category	Actual Percentage of Total Employees
Diversity	12	21 %
Veterans	2	3 %
Women	15	26 %

¹ All employees referenced in this slide were current as of Q3 2022

² Total number of Supervisor and Above Q3 2022: 58



Diversity Series:

- Understanding Diversity, Equity, Inclusion & Belonging
- Understanding Unconscious Bias
- Belonging and Allyship
 - Ecourse for team members
- Diversity, Equity, Inclusion, & Belonging
 - In person training for leaders of teams

PPC CARES: COMMUNITY AND TEAM



- Q3 TiTo Ticket Donations:
- Sturdy Memorial Foundation
 - Standardbred Retirement Foundation



- Q3 PPC
- Guide Dogs of America, Foley Invitational Machinist Union Golf Tournament



- Q3 PPC Donations:
- ASC Making Strides Boston Walk



- Q3 PPC Donations:
- Habitat for Humanity House Ground Break

PPC CARES: COMMUNITY AND TEAM





23

COMMUNITY MITIGATION FUND

TO: Chair Cathy Judd-Stein and Commissioners Eileen O'Brien,
Bradford Hill, Nakisha Skinner and Jordan Maynard

FROM: Joseph Delaney, Mary Thurlow, and Lily Wallace

CC: Karen Wells, Executive Director

DATE: November 7, 2022

RE: 2023 Community Mitigation Fund Guidelines

At the Commission meeting on October 20, 2023, the Commissioners reviewed the discussion draft of the 2023 CMF Guidelines, which was forwarded to host and surrounding communities and Category 1 and Category 2 licensees in addition to the GPAC committees. During this period, the staff members met with the Local Community Mitigation Advisory Committee and the Subcommittee on Community Mitigation.

The Commission posted a request for public comments on the draft 2023 Guidelines which closed on November 4th and received 11 comments. One comment was received from the City of Malden and the rest were identical advocacy emails providing support and suggestions for the new Gambling Harm Reduction Grant (comments attached).

The Review Team discussed the comment letters and determined that no substantive changes are needed to the 2023 Guidelines as currently written.

The following information is to provide clarity in response to the comment letters:

City of Malden:

The city of Malden has several comments regarding the Guidelines as follows:

- The City had concerns that impacts covered under the Surrounding Community Agreement would not be eligible for CMF Funding. This provision has been in our Guidelines since the beginning to prevent a community from receiving funding twice for the same project. The CMF Team is not recommending any changes to this item.
- The City was concerned with the wording associated with the casino related impact in the Community Planning Section. In the 2022 Guidelines the Commission determined that Community Planning Grants do not have to go to great lengths to confirm the impacts potentially caused by a casino. The 2023 language is consistent with the 2022 Guidelines and is consistent with the request by Malden. Therefore, the CMF Team does not recommend any changes.
- The City of Malden suggested stronger language regarding the Commission's rights to re-categorize grant applications. The CMF Team does not recommend changes to this



Massachusetts Gaming Commission

language as the language contained in this section gives the Commission significant flexibility to make decisions in these matters.

- The City of Malden suggested that the Commission should coordinate with MassDOT in traffic related applications. While not specifically spelled out in the Guidelines, the CMF Team sends all transportation related applications to MassDOT for review. Section 3.2 of the Guidelines states “Depending on the content of the application Commission Staff may consult with outside agencies with expertise in various areas to assist the review process.” This has been done with MassDOT since the beginning of the CMF program.

Gambling Harm Reduction Grant:

The Commission received 10 identical advocacy emails on behalf of several groups generally in support of this grant category. The emails suggested that Applicant’s proposals include a clear community-based partner and not simply the community as a research object. Due to the structure of our program the grant application must be led by a municipality. Within our Guidelines we have strongly encouraged that municipalities partner with community-based organizations on their research.

2023 Community Mitigation Fund Notable Guidelines:

- Increase in funding for Community Planning, Transportation Planning Grants
- Increase in the amount of Regional Incentive Awards
- Two new categories of Grants: Projects of Regional Significance and Gambling Harm Reduction
- Inclusion of information concerning Interoperability of Communication Equipment for applications for Radio or other communication equipment
- Applicants will now be submitting their applications directly to an email address for the Massachusetts Gaming Commission. Applications must be sent to the MGC email address: [MGCCMF](#).



Deborah A. Burke
Director

OFFICE OF STRATEGIC PLANNING AND COMMUNITY DEVELOPMENT

215 Pleasant Street, 3rd Floor, Malden, MA 02148
781-324-5720

MEMORANDUM

TO: Joe Delaney, Chief of Massachusetts Gaming Commission Division of Community Affairs

FROM: Director Deborah Burke, Malden Office of Strategic Planning and Community Development *DABurke*

DATE: November 3rd, 2022

RE: Comments on draft 2023 Community Mitigation Fund Guidelines

Chief Delaney,

I write today to provide comment on the Gaming Commission's 2023 draft Community Mitigation Fund Guidelines. Our concerns and suggestions are as follows:

- Section 1.2 states: 'Impacts that were addressed under a host or surrounding community agreement are not eligible for funding.' – Is this referring to specific impacts, or more general impacts (e.g. roadway impacts, public safety impacts). If the latter, then Malden is concerned that Malden's Surrounding Community Agreement is written too broadly for the City to be able to apply for transportation-related grants in the future, despite funding needs exceeding the City's current fiscal resources.
- Section 2.1 also states that "The Application must identify an impact associated with the casino. The proposed planning project must be designed to mitigate the identified impact," and then goes on to say that the Commission "has determined that the presence of a gaming establishment likely has some negative impact on local businesses." These two statements are at somewhat at odds with each other, and Malden advocates that the Commission retain its 2022 policy of preemptively acknowledging that Community Planning Grants have a nexus to the Casino.
- Section 2.0 states: 'Should an applicant file under the incorrect category, the Commission reserves the right to re-categorize the grant application.' Malden recommends that the language be added that they *shall* do this if it affects an application being awarded or not.
- Section 3.2 goes over the factors the Commission will use to evaluate apps. Malden would like to recommend that they coordinate with MassDOT to access their traffic count data. They have ongoing contracts with providers who can develop analyses for them. The responsibility shouldn't be on municipalities when we do not have access to data.

Thank you for your consideration of our concerns. Please do not hesitate to reach out with questions.

From [REDACTED]
Sent: Friday, November 4, 2022 2:28 PM
To: MGCcomments <MGCcomments@massgaming.gov>
Subject: 2023 CMF Guidelines

We are encouraged that Gambling Harm Reduction has been specifically identified as a grant category.

As the CMF is for communities to offset costs related to the construction and operation of a gaming establishment...casinos in our communities have been documented as compounding problem gambling and the relationship with social determinates of health.

The focus on community-engaged research in the Gambling Harm Reduction category is important and good including the desire that the research should be "developed through a community driven process."

We highly recommend the guidelines include applicants' proposals include a clear community-based partner in the research and not simply the community as a research object. As a supporter of Tufts University's Clinical and Translational Science Institute (CTSI) ADAPT coalition (Addressing Disparities in Asian Populations through Translational Research) community-based/community engaged research has been about an approach and collaboration that "equalizes power between researchers and community partners by sharing ownership, responsibility, and decision-making." This approach recognizes the "human, social, cultural, and political capital" of the community. This approach is not making the community objects of research but partners and even leaders of the research.

BCNC's MGC supported Asian CARES research project is a clear example of the impact, power, and benefit of that model of community engaged research.

Item 3 on page 7 of the guidelines, "Collaboration and Knowledge of the Community": describe the organization's relationship and understanding of the community with whom the study will take place. Community members and community organizations in partnership with "governmental entities" and research institutions understand the community the best.

Thank you for your consideration.

Sincerely,

Tyler Nguyen

From: Dong, Kimberly R <kimberly.dong@tufts.edu>
Sent: Friday, November 4, 2022 4:08 PM
To: MGCcomments <MGCcomments@massgaming.gov>
Subject: 2023 CMF Guidelines

We are encouraged that Gambling Harm Reduction has been specifically identified as a grant category.

As the CMF is for communities to offset costs related to the construction and operation of a gaming establishment, casinos in our communities have been documented as compounding problem gambling and the relationship with social determinants of health.

The focus on community-engaged research in the Gambling Harm Reduction category is important and necessary, including the desire that the research should be “developed through a community driven process.”

We highly recommend the guidelines insist that applicants’ proposals must include a clear community-based partner in the research and not simply the community as a research object. As a member of Tufts University’s Clinical and Translational Science Institute (CTSI) ADAPT coalition (Addressing Disparities in Asian Populations through Translational Research) community-based/community engaged research has been about an approach and collaboration that “equalizes power between researchers and community partners by sharing ownership, responsibility, and decision-making.” This approach recognizes the “human, social, cultural, and political capital” of the community. This approach is not making the community objects of research but partners and even leaders of the research.

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Item 3 on page 7 of the guidelines, “Collaboration and Knowledge of the Community”: *describe the organization’s relationship and understanding of the community with whom the study will take place.* Community members and community organizations in partnership with “government entities” and research institutions understand the community the best.

Thank you for your consideration.

Kimberly Dong Breen, DrPH, MS, RD, LDN (*she/her/hers*)
 Assistant Professor
 Associate Director, [Online MPH Program](#)
 Director and Co-Founder, [Tufts COHERE \(CHW Training Program\)](#)
 Department of Public Health & Community Medicine
 Tufts University School of Medicine
 Phone: 617-636-3659

From: Chu, MyDzung <mchu1@tuftsmedicalcenter.org>
Sent: Friday, November 4, 2022 2:59 PM
To: MGCcomments <MGCcomments@massgaming.gov>
Subject: CMF 2022 Public comment -Gambling Harm Reduction

To whom it may concern,

I am encouraged that Gambling Harm Reduction has been specifically identified as a grant category.

As the CMF is for communities to offset costs related to the construction and operation of a gaming establishment, casinos in our communities have been documented as compounding problem gambling and the relationship with social determinates of health.

The focus on community-engaged research in the Gambling Harm Reduction category is important and good including the desire that the research should be “developed through a community driven process.”

We highly recommend the guidelines include applicants’ proposals include a clear community-based partner in the research and not simply the community as a research object. In my job at the Tufts University’s Clinical and Translational Science Institute (CTSI) as the Director of the ADAPT (Addressing Disparities in Asian Populations through Translational Research) Coalition, community-based and community engaged research and have seen the benefits of a research approach that “equalizes power between researchers and community partners by sharing ownership, responsibility, and decision-making.” This approach recognizes the “human, social, cultural, and political capital” of the community. This approach is not making the community objects of research but partners and even leaders of the research.

The MGC supported Asian CARES research project is a clear example of the impact, power, and benefit of that model of community engaged research.

Item 3 on page 7 of the guidelines states, “Collaboration and Knowledge of the Community”: *describe the organization’s relationship and understanding of the community with whom the study will take place.* Community members and community organizations in partnership with “governmental entities” and research institutions understand the community the best. Thus, the community must be a partner and not just a subject to understand.

Thank you for your consideration.

Dr. MyDzung Chu

MyDzung Chu, PhD, MSPH
Director, ADAPT (Addressing Disparities in Asian Populations through Translational research)
Tufts Clinical and Translational Science Institute (CTSI)
Research Faculty, Center for Community-Engaged Medicine,
Institute for Clinical Research and Health Policy Studies, Tufts Medical Center
Office: 35 Kneeland Street, Room 1004 | Boston, MA 02111
Contact: mchu1@tuftsmedicalcenter.org | [LinkedIn](#)
[@tuftsCTSI](#) #TuftsADAPT
Scheduling: calendly.com/mydzung

From: Ratty, Michael R <mratty@tuftsmedicalcenter.org>

Sent: Friday, November 4, 2022 3:04 PM

To: MGCComments <MGCComments@massgaming.gov>

Subject: Advocating for true community-engaged research in Gambling Harm Reduction

Good Afternoon,

We are encouraged that Gambling Harm Reduction has been specifically identified as a grant category.

As the CMF is for communities to offset costs related to the construction and operation of a gaming establishment...casinos in our communities have been documented as compounding problem gambling and the relationship with social determinates of health.

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We highly recommend the guidelines include applicants’ proposals include a clear community-based partner in the research and not simply the community as a research object. As a member of the Tufts community, Tufts University’s Clinical and Translational Science Institute (CTSI) ADAPT coalition (Addressing Disparities in Asian Populations through Translational Research) community-based/community engaged research has been about an approach and collaboration that “equalizes power between researchers and community partners by sharing ownership, responsibility, and decision-making.” This approach recognizes the “human, social, cultural, and political capital” of the community. This approach is not making the community objects of research but partners and even leaders of the research.

BCNC’s MGC supported Asian CARES research project is a clear example of the impact, power, and benefit of that model of community engaged research.

Item 3 on page 7 of the guidelines, “Collaboration and Knowledge of the Community”: *describe the organization’s relationship and understanding of the community with whom the study will take place.* Community members and community organizations in partnership with “governmental entities” and research institutions understand the community the best.

Thank you for your consideration.

Michael Ratty, Tufts CTSI

Michael Ratty

Manager, Communications and Media

Tufts Clinical and Translational Science Institute (CTSI)

www.tuftsctsi.org

www.facebook.com/tuftsctsi

www.twitter.com/tuftsctsi

www.linkedin.com/company/tufts-clinical-and-translational-science-institute-ctsi-

www.instagram.com/tuftsctsi/

Cite the NIH CTSA award any time you use Tufts CTSI resources, services, and facilities: UL1TR002544.

From: Ben Hires <ben.hires@bcnc.net>
Sent: Friday, November 4, 2022 10:27 AM
To: MGCcomments <MGCcomments@massgaming.gov>
Subject: 2023 CMF Guidelines

We are encouraged that Gambling Harm Reduction has been specifically identified as a grant category.

As the CMF is for communities to offset costs related to the construction and operation of a gaming establishment...casinos in our communities have been documented as compounding problem gambling and the relationship with social determinates of health.

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Thank you for your consideration.

Ben Hires (he, him, his) | Chief Executive Officer
Boston Chinatown Neighborhood Center (BCNC)
Boston: 617-635-5129 x1070
bcnc.net | [facebook](https://www.facebook.com/bcnc) | [twitter](https://twitter.com/bcnc) | [linkedin](https://www.linkedin.com/company/bcnc)

From: Santos, Hannah <HSantos@tuftsmedicalcenter.org>
Sent: Friday, November 4, 2022 10:40 AM
To: MGCcomments <MGCcomments@massgaming.gov>
Subject: 2023 CMF Guidelines

To whom it may concern,

I am encouraged that Gambling Harm Reduction has been specifically identified as a grant category.

As the CMF is for communities to offset costs related to the construction and operation of a gaming establishment, casinos in our communities have been documented as compounding problem gambling and the relationship with social determinates of health.

The focus on community-engaged research in the Gambling Harm Reduction category is important and good including the desire that the research should be “developed through a community driven process.”

We highly recommend the guidelines include applicants’ proposals include a clear community-based partner in the research and not simply the community as a research object. In my job at Tufts University’s Clinical and Translational Science Institute (CTSI), I have had the honor of observing the ADAPT (Addressing Disparities in Asian Populations through Translational Research) coalition’s community-based and community engaged research and have seen the benefits of a research approach that “equalizes power between researchers and community partners by sharing ownership, responsibility, and decision-making.” This approach recognizes the “human, social, cultural, and political capital” of the community. This approach is not making the community objects of research but partners and even leaders of the research.

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Thank you for your consideration.

Hannah

Hannah Merrick Santos, MBA
Program Administrative Director,
Community and Stakeholder Engagement
Tufts Clinical and Translational Science Institute
Tufts Medical Center

Cite the NIH CTSA grant any time you use Tufts CTSI resources, services, and facilities: UL1TR002544

From: Dawn Sauma <dawn@atask.org>
Sent: Friday, November 4, 2022 11:00 AM
To: MGCcomments <MGCcomments@massgaming.gov>
Subject: 2023 CMF Guidelines

Dear Mass Gaming Commission -

We are encouraged that Gambling Harm Reduction has been specifically identified as a grant category.

As the CMF is for communities to offset costs related to the construction and operation of a gaming establishment...casinos in our communities have been documented as compounding problem gambling and the relationship with social determinates of health.

The focus on community-engaged research in the Gambling Harm Reduction category is important and good including the desire that the research should be "developed through a community driven process."

We highly recommend that the guidelines on applicants' proposals include a clear community-based partner in the research and not simply the community as a research object. As the Community Co-Chair of Tufts University's Clinical and Translational Science Institute ([CTSI](#)) [ADAPT coalition](#) (Addressing Disparities in Asian Populations through Translational Research, our work on community-based/community engaged research has been about an approach and collaboration that "equalizes power between researchers and community partners by sharing ownership, responsibility, and decision-making." This approach recognizes the "human, social, cultural, and political capital" of the community. This approach is not making the community objects of research but partners and even leaders of the research.

[ATASK's](#) (Asian Task Force Against Domestic Violence) [MGC supported Asian CARES research project](#) is a clear example of the impact, power, and benefit of that model of community engaged research.

Item 3 on page 7 of the guidelines, "Collaboration and Knowledge of the Community": *describe the organization's relationship and understanding of the community with whom the study will take place.* Community members and community organizations in partnership with "governmental entities" and research institutions understand the community the best.

Thank you for your consideration.

Dawn Sauma

Dawn Sauma, LICSW | Co-Executive Director
 Asian Task Force Against Domestic Violence
 M: 617-981-0527 P: 617-338-2350 x245
 E: dawn@atask.org W: <https://www.atask.org/>
 A: PO Box 120108 Boston, MA 02111
 pronouns: she/her/hers

From: Chin- Louie, Yuen <YChinLouie@tuftsmedicalcenter.org>
Sent: Friday, November 4, 2022 11:23 AM
To: MGCcomments <MGCcomments@massgaming.gov>
Subject: Comments on Community Mitigation Funds Guidelines

To whom it may concern,

I am encouraged that Gambling Harm Reduction has been specifically identified as a grant category.

As the CMF is for communities to offset costs related to the construction and operation of a gaming establishment, casinos in our communities have been documented as compounding problem gambling and the relationship with social determinates of health.

The focus on community-engaged research in the Gambling Harm Reduction category is important and good including the desire that the research should be “developed through a community driven process.”

We highly recommend the guidelines for applicants’ proposals to include a clear community-based partner in the research and not simply the community as a research object. As the project manager of the [ADAPT](#) (Addressing Disparities in Asian Populations through Translational Research) coalition at the Tufts Clinical and Translational Science Institute (CTSI), I have had the honor of working with academic and community partnerships committed to building authentic community-based participatory research (CBPR) teams and conducting community prioritized research that translate into improved service delivery and advocacy. The CBPR or community engaged research approach “equalizes power between researchers and community partners by sharing ownership, responsibility, and decision-making.” This bidirectional approach is based on the principles of integrity, transparency, and mutual respect. It recognizes the “human, social, cultural, and political capital” of the community and does not make the community objects of research but partners and even leaders of the research.

The MGC supported Asian CARES research project is a clear example of the impact, power, and benefit of that model of community engaged research.

Item 3 on page 7 of the guidelines states, “**Collaboration and Knowledge of the Community**”: *describe the organization’s relationship and understanding of the community with whom the study will take place.* Community members and community organizations in partnership with “governmental entities” and research institutions understand the community the best. Thus, the community must be a partner and not just a subject to be studied.

Thank you for your consideration.

Sincerely,

Annie Chin-Louie, MBA
Project Manager, ADAPT
Tufts Clinical and Translational Science Institute
Tufts Medical Center

Office: 35 Kneeland Street, Boston, MA 02111
Email: ychinlouie@tuftsmedicalcenter.org
<http://www.tuftsctsi.org>

From: [REDACTED]
Sent: Friday, November 4, 2022 11:32 AM
To: MGCcomments <MGCcomments@massgaming.gov>
Subject: Advocacy for true community-engaged research

We are encouraged that Gambling Harm Reduction has been specifically identified as a grant category.

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We highly recommend the guidelines include applicants' proposals include a clear community-based partner in the research and not simply the community as a research object. As a member of Tufts University's Clinical and Translational Science Institute (CTSI) ADAPT coalition (Addressing Disparities in Asian Populations through Translational Research) community-based/community engaged research has been about an approach and collaboration that "equalizes power between researchers and community partners by sharing ownership, responsibility, and decision-making." This approach recognizes the "human, social, cultural, and political capital" of the community. This approach is not making the community objects of research but partners and even leaders of the research.

As a member of Tufts University's MGC supported Asian CARES research project is a clear example of the impact, power, and benefit of that model of community engaged research.

Item 3 on page 7 of the guidelines, "Collaboration and Knowledge of the Community": *describe the organization's relationship and understanding of the community with whom the study will take place.* Community members and community organizations in partnership with "governmental entities" and research institutions understand the community the best.

Thank you for your consideration.

From: Rushforth, Alice <ARushforth@tuftsmedicalcenter.org>
Sent: Friday, November 4, 2022 12:45 PM
To: MGCcomments <MGCcomments@massgaming.gov>
Subject: 2023 CMF Guidelines

Dear Mass Gaming Commission,

I am encouraged that Gambling Harm Reduction has been specifically identified as a grant category.

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Boston Chinatown Neighborhood Center’s MGC-supported Asian CARES research project is a clear example of the impact, power, and benefit of that model of community engaged research.

Item 3 on page 7 of the guidelines, “Collaboration and Knowledge of the Community”: *describe the organization’s relationship and understanding of the community with whom the study will take place.* Community members and community organizations in partnership with “governmental entities” and research institutions understand the community the best.

Thank you for your consideration.

Very best regards,
Alice

Alice M. Rushforth, PhD
Associate Dean of Programs and Partnerships
Tufts Clinical and Translational Science Institute (CTSI),
Tufts Medical Center
Assistant Professor, Department of Medicine
Tufts University School of Medicine
800 Washington Street, #63
Boston, MA 02111
Tel: 617-636-9427
Fax: 617-636-7757
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www.facebook.com/tuftsctsi
www.twitter.com/tuftsctsi

<http://www.linkedin.com/company/tufts-clinical-and-translational-science-institute-ctsi->

From: Hudson, Linda B. <Linda.Hudson@tufts.edu>
Sent: Friday, November 4, 2022 12:52 PM
To: MGCcomments <MGCcomments@massgaming.gov>
Subject: 2023 CMF Guidelines

To whom it may concern,

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Thank you for your consideration.

Linda Hudson

Linda B. Hudson, ScD MSPH
Assistant Professor
Dept. of Public Health and Community Medicine
Tufts University School of Medicine
Associate Director, Integrating Underrepresented Populations in Research
Director, CREST Coalition
Tufts Clinical and Translational Science Institute
136 Harrison Ave.
Boston MA 02111
Tel. (617) 636-3632
Fax# (617) 636-4017
Pronouns: She series

From: Barry, Binta F <bbarry1@tuftsmedicalcenter.org>
Sent: Friday, November 4, 2022 12:53 PM
To: MGCcomments <MGCcomments@massgaming.gov>
Subject: 2023 CMF Guidelines

You don't often get email from bbarry1@tuftsmedicalcenter.org. [Learn why this is important](#)

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Thank you for your consideration.

Binta

Binta F. Barry, MS
Senior Project Manager, Integrating Underrepresented Populations in Research

Tufts Clinical and Translational Science Institute (CTSI)

Email: bbarry1@tuftsmedicalcenter.org

Mobile Phone: 617-888-3269

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www.twitter.com/tuftsctsi

Update on MGC Diversity Efforts

In 2017 MGC set a diversity staffing goal of 25% which we almost met at 24.3%. Leading up to the pre-COVID-19 pandemic in 2020, MGC experienced a slight reduction achieving 23%. During the COVID-19 pandemic MGC experienced an increase achieving 24.71% in diversity staffing. As of 10/31/22 MGC diversity staffing goal continued to trend upward at 24.99%.

Comparative data: Greater Boston diversity population is 42% (U.S. Census Data). Massachusetts diversity population is currently 23%. (U.S. Census Data).

As of 10/31/2022 the racial demographic of MGC:

Caucasian (white): 75%

African-American (black) 11.90%

Hispanic (1.19%)

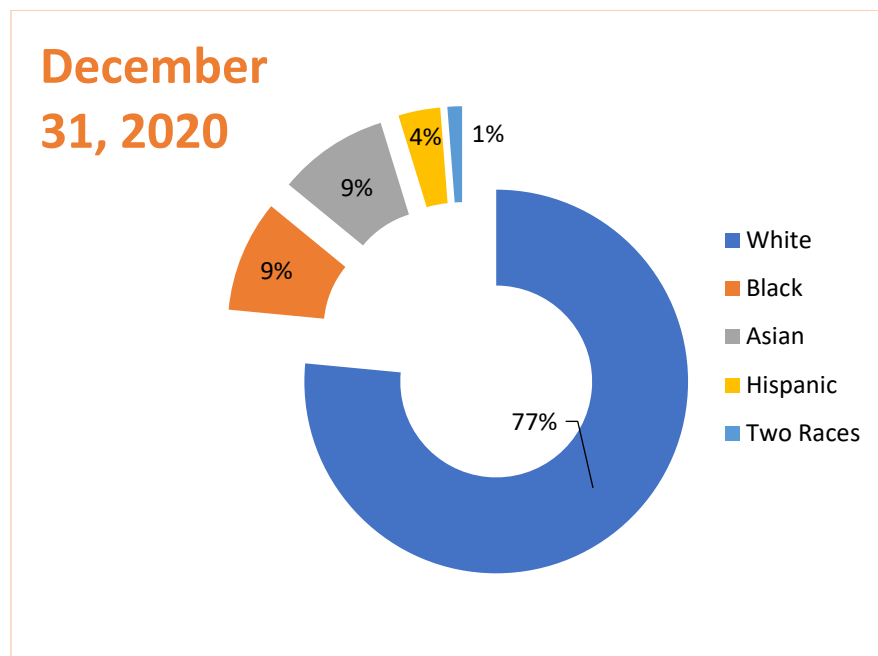
Asian/Pacific (8.33%)

Native American (0%)

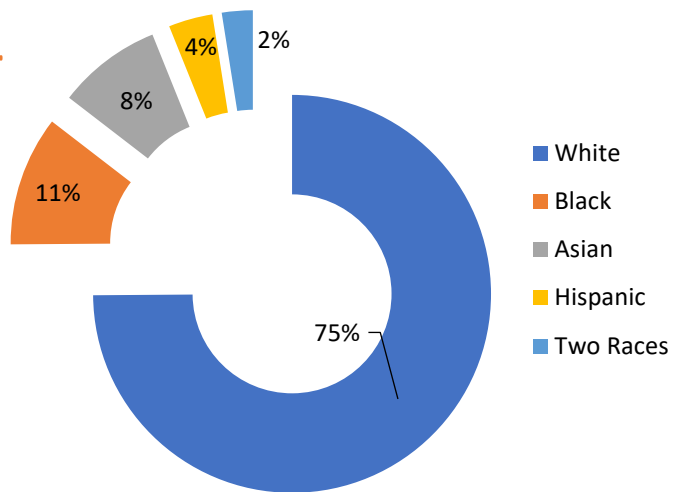
Multiple Races (3.57%)

Comparatively, over the last three years, the Caucasian employee population has slightly decreased from 77% to 75%. During the same time period, MGC African-American employee population has increased from 9.2% to 11.9%.

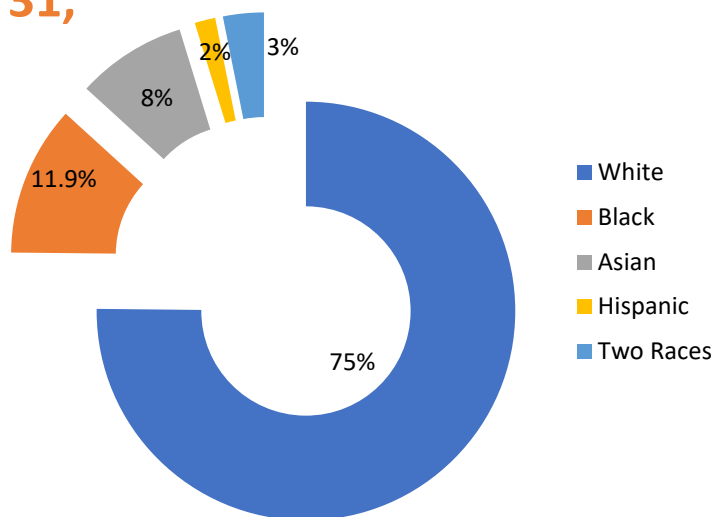
Although we are experiencing progress in diversifying the Commission in terms of race/ethnicity, over a three year period, MGC has experienced a reduction in female staff from 50.57% in 2020 to 46.43% in 10/2022. Below are a set of pie charts which better illustrates the fluctuations in MGC staff population over the last three year period.



**December
31, 2021**



**October 31,
2022**



The Massachusetts Gaming Commission Equity and Inclusion Working Group

We value a diverse workforce and supplier base, and an inclusive culture internally and among our partners in the Massachusetts Gaming Industry.

Statement of Purpose

The MGC is committed to racial equity and justice, diversity, and inclusion and expects the same of its employees, licensees, and other stakeholders. In our society at large there are systems, policies and practices that continue to yield inequitable outcomes. As a result of these systems, communities of color are disproportionately negatively affected and/or afforded benefits and opportunities to a lesser degree. Although the MGC remains committed to safeguarding all protected classes from discrimination, recent national events have underscored the urgency for all of us, as an agency, to take action on racial equity.

We recognize that, in addressing systemic issues, everyone who is part of any system has an opportunity and responsibility to examine how those systems work and to dismantle barriers obstructing racial equity.

We embrace anti-racism as a guiding principle. Anti-racism 1 (in contrast to an absence of racism) calls for proactiveness. On the topic of racial equity, neutrality is insufficient, preserves the status quo, and is equivalent to an abdication of moral obligation. As such, the MGC adopts these principles and pledges to follow a proactive approach of continuous engagement towards developing and ensuring an environment of equity and justice.

Diversity Initiatives:

- *In 2020 Madam Chair Cathy Judd-Stein created the MGC Equity and Inclusion Working Group.*
- *In 2022 re-launch of Encore Boston Harbor (EBH) Vendor Advisory Team*
- *(Currently in discussions with re-launch of MGM/MGC Vendor Diversity Team)*
- *In 2022 onboarded Chief People and Diversity Officer*
- *In 2022 creation of new HR/D.E.I. professional job position*
- *In 2022 creation of Global Diversity Calendar. Recognizing and celebrating the different races, cultures, genders, religious beliefs, disabilities, etc of current MGC employees and folks around the world*

2021	Sum of MBE Payments: \$281,367.13
	Sum of WBE Payments: \$297,057.79
	Sum of Combined Disability Payment: \$21,947.09
	Sum of Combined Veteran Payments: \$21,947.09

2022	<i>Sum of MBE Payments: \$300.956.00</i>
	<i>Sum of WBE Payments: \$281,909.00</i>
	<i>Sum of Combined Disability Payments: \$41,209.00</i>
	<i>Sum of Combined Veteran Payments: \$41,209.00</i>



TO: Chair Judd-Stein and Commissioners Hill, Maynard, O'Brien and Skinner

FROM: David MacKay, Licensing Supervisor

CC: Loretta Lillios, IEB Director and Kara O'Brien, Licensing Division Chief

DATE: November 10, 2022

RE: Gaming Service Employee (SER) Exemption Request: MGM Springfield

Overview: This request for exemption for one new position at MGM Springfield from service employee registration is presented by the Licensing Division to the Commission for consideration and approval. (Further detail is available in the attached Exemption Request Summary).

Pursuant to G.L. c. 6, § 172(o) and 205 CMR 134.03(4), the Commission may exempt a job position from categorization as a gaming service employee.

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



TO: Chair Judd-Stein and Commissioners Hill, Maynard, O'Brien and Skinner

FROM: David MacKay, Licensing Supervisor

CC: Loretta Lillios, IEB Director and Kara O'Brien, Licensing Division Chief

DATE: November 10, 2022

RE: MGM Springfield Exemption Request Summary

Summary: The Facilities department at MGM Springfield would like to request one new title for the purpose of creating a career progression plan as follows:

- Currently, the department has a Technician-Sound and Video position, already exempt. The department would like to add a Lead Technician-Sound and Video position. This position would offer a promotional track for the existing Technician position. The position will report to the Facilities Manager, a GEL approved position.
 - Lead Technician-Sound and Video - Position #: 16441, Department: Facilities, Property Access Level: N¹

The Licensing Division worked with Jason Randall, Executive Director of Human Resources, MGM Springfield, to obtain the necessary information to develop this request, including: the required Exemption Identification Forms complete job description, and complete the Gaming Licensee Certification.

Background: On November 2, 2017, Governor Baker signed a statutory amendment which granted the Massachusetts Gaming Commission the authority to exempt certain "Gaming Service Employee" level job positions from the mandatory registration process. At the January 18, 2018, meeting, the Massachusetts Gaming Commission provided staff with a process for considering any potential exemptions. Additionally, 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, Sales and Marketing
- Responsibilities for alcohol sales, distribution, service and/or storage

¹ Access level "N" is described as: "No access to secure casino back-of-house without security escort."



Massachusetts Gaming Commission

- Access to secure casino back-of-the-house areas (including executive offices) without security escort
- Responsibilities for accounting and/or finance relating to the gaming establishment
- "Write" access to gaming-related casino databases
- Responsibilities that potentially impact the integrity of gaming operations, including access to confidential or sensitive information



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: MGM Springfield

JOB POSITON (AND UNIQUE JOB CODE): 16441 - Audio Visual Lead

JOB DESCRIPTION	EFFECTIVE DATE OF JOB DESCRIPTION: 09/13/2022 <i>(The Licensee shall immediately notify the Bureau of changes to any job description for an exempted position.)</i>
See Attached	

(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): 16441 - Audio Visual Lead

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

(Continue to Page 3)

JOB POSITON (AND UNIQUE JOB CODE): 16441 - Audio Visual Lead

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



Signature

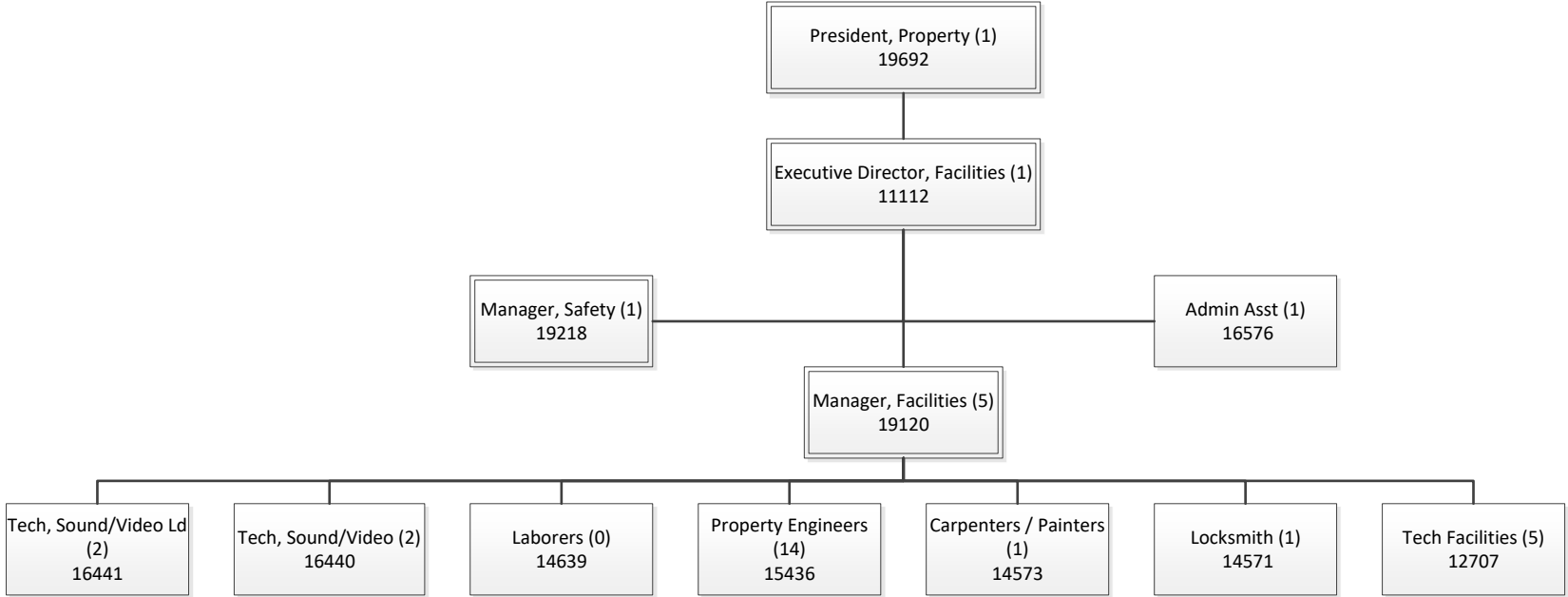
/ Jason Randall
/ Printed Name

09/13/2022

Date



MGM Springfield
Facilities Division
as of September 13, 2022





Standardized Job Description

Job Profile #:	16441	Grade:	9
Job Profile Title:	Tech Sound/Video Ld	FLSA Status:	Non-Exempt
Position Title:	Lead Technician-Sound and Video	Uniform Requirement (Yes/No):	Yes

Become one of the stars behind the show and become part of the world's most powerful entertainment brands. Our Company has one exciting mission: **To entertain the human race.**

PRIMARY PURPOSE:

The responsibility of the Lead Sound & Video Technician will collaborate with other departments during the performances, rehearsals, and/or maintenance work with the goal of presenting an entertainment experience beyond our guest's expectations.

PRINCIPAL DUTIES AND RESPONSIBILITIES:

- Tour the property and monitor all systems to verify proper operation
- Perform and provide preventative maintenance and quality control on A/V equipment and systems to maintain proper operation
- Troubleshoot the A/V systems and look for any potential problems
- Repair and maintain electronic equipment such as audio, video, sound, and projection systems
- Assist with upgrade and new installations of complex audio, video, projection, automated control, switching, and distribution systems
- Maintain system service information and personal daily work logs
- Drive and operate company vehicles to work off property and obtain needed parts and equipment
- Perform other job-related duties as requested

SUPERVISION:

None

MINIMUM REQUIREMENTS:

- High school diploma or equivalent
- Four (4) years of experience in the A/V field
- Work varied shifts, to include weekends and holidays

PREFERRED:

- Five (5) years of experience in the A/V field
- Experience with digital, analog, audio and video processing systems
- Experience with Master Antenna Television (MATV), Cable Antenna Television (CATV), Digital Music Express (DMX), or Digital Satellite System (DSS) signal distribution systems
- Experience with audio/video signal distribution systems, sound system design or installation, fiber optics, AMX, Creston, or another control system
- Experience with Media Matrix audio systems, NEXSYS, CobraNet, 70V, or similar control systems
- Experience with large screen projection systems, small screen projection systems, video walls, and kiosks
- Experience with Liquid Crystal Display (LCD) and Digital Light Processing (DLP) projection systems
- Experience working in a similar resort setting

CERTIFICATIONS, LICENSES, REGISTRATIONS:

KNOWLEDGE, SKILLS, AND ABILITIES:

- Able to effectively communicate in English, in both written and verbal forms



Standardized Job Description

- Able to lead and mentor a team
- Excellent customer service skills and interpersonal skills to effectively communicate with all business contacts
- Maintain a professional, neat and well-groomed appearance adhering to company standards

WORKING CONDITIONS:

*This is not intended to include every duty or responsibility of the job nor is it intended to be an all-inclusive list of the skills and abilities required to do this job.

This position may require strenuous physical activities and exposure to pipe, cigar and/or cigarette smoking. An ability to work a flexible schedule, including extended hours, weekends and holidays may also be required.

If you are an individual with a disability and need a reasonable accommodation for any part of the application process, or to perform the essential functions of a position, please click the following link: <http://www.mgmresortscareers.com/careers/contact-us.aspx>

We are an Equal Opportunity Employer. We are also committed to protecting the privacy of visitors to our employment application site, including the protection of any personal information provided to us. For more information about MGM Resorts International, including our privacy policy and commitment to diversity and inclusion, please visit <http://www.mgmresortscareers.com/>.

Physical/Sensory Requirements & Work Environment Form

This is a required checklist for attachment to Position Descriptions. It clarifies the smallest components of the mental and physical requirements of the job. Check all areas that are essential in performing the job, according to the essential functions section in the position description guidelines. Signatures are to be obtained at the time of interview for the position.



MEMORANDUM

TO: Massachusetts Gaming Commission
FROM: Judith Young, Associate General Counsel
RE: 205 CMR 2.01: Application for License to Conduct a Racing Meeting by a New Operator
DATE: November 04, 2022

Enclosed for the Commission's review and vote of approval is 205 CMR 2.01: *Application for License to Conduct a Racing Meeting by a New Operator*. As previously discussed at the public meeting on September 15, 2022, this is an entirely new regulation designed to codify the contents of the application for a new license to conduct a racing meeting in a regulation (as opposed to an application for renewal, for which there is a separate application). This regulation is intended to clarify the statute governing the license application.

The application for a license to conduct a horse racing meeting is described in G.L. c. 128A, §2. The draft regulation includes all the information described in section 2, as well as several requirements and information described elsewhere in Chapter 128A (e.g., municipal approval of the location of a racetrack, ensuring racing competition honestly managed and of good quality, and the financial ability of an applicant to operate a racetrack).

As this is a racing regulation, the Commission must be mindful of G.L. c. 128A, §9B which requires a copy of the regulation be filed with the Clerk of the State Senate, prior to any racing regulation taking effect. The Legislature has approximately 60 days from the filing, to vote to disapprove the regulation. If the Legislature does not take such action, the regulation then takes effect. This means that the regulation will not become finalized until January 10, 2023, at the earliest.

A public hearing for this regulation will be held at 9:30 am November 10, 2022, in advance of the public meeting set to begin at 10:00 am. We have received no public comment, (at the time of drafting this memorandum) but will provide an update to Commissioners at the time of the meeting.



Massachusetts Gaming Commission

205 CMR: MASSACHUSETTS GAMING COMMISSION
205 CMR 2.00: HORSE RACING MEETING LICENSING

Section 2.01: Application for license to conduct a racing meeting by a new operator

- (1) Pursuant to M.G.L. c. 128A, §2, any person desiring to hold or conduct a horse racing meeting shall submit a completed application with the commission to do so on a form to be provided by the commission. Such application shall require, but not be limited to, submission of the following:
 - a) The name of the applicant;
 - b) A \$300 licensing fee as described in M.G.L. c. 128A, § 4;
 - c) The post office address of the applicant, and if a corporation, the name of the state under the laws of which it is incorporated, the location of its principal place of business and the names and addresses of its directors and stockholders;
 - d) The location of the proposed racetrack where it is proposed to hold or conduct such meeting including the ownership of the proposed parcel(s);
 - e) The calendar year in which the applicant anticipates conducting the meeting, and the specific days on which it is intends to hold or conduct such a meeting;
 - f) 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;
 - g) A summary of the project and racing facilities including a description of the proposed financing and source(s) of capital;
 - h) Submission of feasibility, viability, economic impact/development studies including projected revenues, purses, handles, tax payments, attendance, and employment figures;
 - i) Information and documentation of the applicant's receipt of required approvals from groups and entities outside of the commission including, but not limited to, a municipal approval pursuant to M.G.L. c. 128A, § 13A, an affirmative county vote pursuant to M.G.L. c. 128A, § 14, and other state or federal environmental, land use, building, and hospitality-related permits, licenses, or authorizations;
 - j) Information for the evaluation of the suitability of the applicant including all individual and entity qualifiers. A qualifier shall be considered any entity or individual that, in the commission's discretion, maintains an ability to influence or control the operation of the applicant and prospective licensee including any business associates. Suitability shall include, but not be limited to, an evaluation of the integrity, honesty, and good character of each qualifier, an evaluation of the financial stability, integrity, and background of the applicant and each qualifier, and the overall business ability of the applicant to establish and maintain an honestly managed racing meeting;
 - k) Information relative to the public interest and benefits associated with the conduct of the proposed racing meeting including the existence, or plan to execute, a purse agreement with a representative horsemen's organization, any support or opposition to the proposal received from the host and nearby communities, the applicant's plan to attract and employ a diverse workforce in both construction and operational phases of the proposal including use of vendors, and whether the applicant plans on entering into a Project Labor Agreement(s);
 - l) Information relative to the proposed pari-mutuel wagering plan for live racing, simulcasting, and advance deposit wagering;

- m) 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; and
 - n) Answers to such other questions as the commission may prescribe.
- (2) The application described in 205 CMR 2.01 shall not apply to a renewal of a license awarded the previous year or for a fair license described in M.G.L. c. 128A, §3.

REGULATORY AUTHORITY

G.L. c. 128A, §§ 2, 4, 9(B), 13A and 14



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 2.01 - Application for License to Conduct a Racing Meeting by a New Operator**. A public hearing was held on November 10, 2011, discussing this proposed regulation.

The regulation is designed to codify in the regulations the contents of the application for a new license to conduct a racing meeting (as opposed to a renewal for which there is a separate application) and to clarify the statute governing the license application. The draft regulation includes all the information described in G.L. c. 128A, §2, as well as a number of materials and information described elsewhere in chapter 128A (e.g.- municipal approval of the location of a racetrack, ensuring racing competition honestly managed and of good quality, and the financial ability of an applicant to operate a racetrack) This regulation is governed by G.L. c. 128A, §§ 2, 4, 9(B), 13A, and 14.

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 could identify as small businesses; however, this proposed regulation is not likely to have a negative impact on small businesses.

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

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

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.

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

This regulation does not impose any reporting requirements for small businesses.



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4. Establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation:

The proposed regulation is prescriptive to ensure uniformity of information submitted to the commission. They are appropriate in this instance to allow for transparency to applicants seeking licensure.

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 community or as 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: November 4, 2022



Massachusetts Gaming Commission



Legal Division

TO: Cathy Judd-Stein, Chair
Eileen O'Brien, Commissioner
Brad Hill, Commissioner
Nakisha Skinner, Commissioner
Jordan Maynard, Commissioner

FROM: Carrie Torrisi, Deputy General Counsel

DATE: September 13, 2022

RE: Repeal of 205 CMR 103: *Access to and Confidentiality of Commission Records* – Final Vote for Promulgation

On June 22, 2022, the Commission reviewed at length the proposed rescission of 205 CMR 103: *Access to and Confidentiality of Commission Records* and voted to begin the formal promulgation process to rescind the regulation in its entirety as doing so would eliminate redundancy and streamline the process to which it relates. By way of background, 205 CMR 103 creates a process by which information or records can be deemed by the Commission to constitute “confidential information” and therefore exempt from public disclosure. “Confidential information” is defined separately in 205 CMR 102:.02 *Definitions* as

all records which are, and those portions of records which contain: (a) trade secrets, competitively-sensitive information and other proprietary information provided to the commission, the bureau, and their agents and employees in the course of an application or an investigation; and (b) trade secrets and other information protected from public disclosure by a nondisclosure agreement between the gaming licensee and the commission pursuant to M.G.L. c. 23K, § 21(a)(7).

Ultimately, 205 CMR 103 consists of language that is either unnecessary or duplicative of other laws, better suited for policies and procedures as opposed to regulatory language, or inconsistent with the Massachusetts Public Records Law where it creates a redundant or duplicative process for deeming records exempt from public disclosure.

In addition, the legal department identified two regulations that include cross-references to 205 CMR 103. First, 205 CMR 102.02: *Definitions*, which includes several defined terms that only exist within 205 CMR 103. Second, 205 CMR 115.04: *Phase 1 and New Qualifier Proceedings by the Commission*, which includes a citation to 205 CMR 103. At its meeting on July 26, 2022, the Commission voted to begin the promulgation process to amend each of those regulations to remove references to 205 CMR 103.



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Finally, at its meeting on June 22, 2022, the Commission agreed that three sections within 205 CMR 103 included language better suited for policy language versus regulatory language, and voted at its meeting on July 12, 2022, to adopt the following three policies:

- Official Custodians Policy: Individuals Responsible for Personal Data Systems (relocated from 205 CMR 103.03);
- Policy Governing Information Provided in Response to Request for Applications – Phase 1 & Phase 2 (relocated from 205 CMR 103.09); and
- Security Protocols and Restricted Access Policy (relocated from 205 CMR 103.14).

Given that two of these policies include citations to 205 CMR 103, they are included herewith for amendments to remove those citations in conjunction with the final rescission of the regulation.

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~~205 CMR 103.00: ACCESS TO AND CONFIDENTIALITY OF COMMISSION RECORDS~~

~~103.01: PURPOSE, AUTHORITY AND APPLICABILITY~~

~~103.02: AVAILABILITY OF PUBLIC RECORDS~~

~~103.03: OFFICIAL CUSTODIANS: INDIVIDUAL RESPONSIBLE FOR PERSONAL DATA SYSTEM~~

~~103.04: DETERMINATIONS BY THE OFFICIAL CUSTODIAN, THE GENERAL COUNSEL AND THE COMMISSION~~

~~103.05: EFFECT OF REQUESTS FOR CONFIDENTIALITY~~

~~103.06: POSTPONING DENIAL OF CONFIDENTIALITY REQUEST PENDING APPEAL~~

~~103.07: WHEN CONFIDENTIAL OR EXEMPT INFORMATION MAY BE DISCLOSED BY THE COMMISSION~~

~~103.08: CONFIDENTIAL INFORMATION SUBJECT TO PROMISE OF CONFIDENTIALITY~~

~~103.09: INFORMATION PROVIDED IN RESPONSE TO REQUEST FOR APPLICATIONS —PHASE I & PHASE II~~

~~103.10: REQUEST FOR PROTECTING CONFIDENTIAL INFORMATION~~

~~103.11: PROCEDURE FOR ACTING ON REQUESTS FOR PROTECTING CONFIDENTIAL INFORMATION~~

~~103.12: RECONSIDERING CONFIDENTIALITY DETERMINATIONS~~

~~103.13: EXECUTIVE SESSION CONSIDERATION OF CONFIDENTIAL OR EXEMPT INFORMATION~~

~~103.14: SECURITY PROTOCOLS; RESTRICTED ACCESS~~

~~103.15: RECORDS RETENTION~~

~~103.01: Purpose, Authority and Applicability~~

~~205 CMR 103.00 is promulgated pursuant to M.G.L. c. 23K, §§ 4(37), and 5. 205 CMR 103.00 is intended to assure that public access to, and the confidentiality of, records made or received by the commission and the bureau are in conformity with M.G.L. c. 23K, § 9(b) and § 21(a)(7); M.G.L. c. 66, § 10; M.G.L. c. 4, § 7, cl. 26; and 950 CMR 32.00: *Public Records Access*.~~

~~103.02: Availability of Public Records~~

~~All records made or received by the commission or the bureau shall be public records and shall be available for disclosure on request pursuant to 205 CMR 103.00 and 950 CMR 32.00: *Public Records Access*, except the following, which shall be exempt from disclosure to the extent permitted by law:~~

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~~(1) all records, including without limitation investigatory materials, specifically excluded from the definition of “public record” pursuant to M.G.L. c. 4, § 7, cl. 26;~~

~~(2) all confidential information as defined in 205 CMR 102.02: *Definitions*;~~

~~(3) all records which are or which contain “criminal offender record information”, “evaluative information”, or “intelligence information” pursuant to M.G.L. c. 6, § 167, the disclosure of which would not be in compliance with M.G.L. c. 6, §§ 167 through 178Q;~~

~~(4) all records which are or which contain “personal data” pursuant to M.G.L. c. 66A, § 1, the disclosure of which would not be in compliance with M.G.L. c. 66A; or which are or which contain “personal information” pursuant to M.G.L. c. 93H, § 1, the disclosure of which would not be in compliance with M.G.L. c. 93H; and~~

~~(5) all records specifically or by necessary implication exempted from disclosure by statute including, but not limited to, the exemption statutes listed by the supervisor of public records in the official *Guide to the Massachusetts Public Records Law: Appendix*.~~

~~103.03: Official Custodians: Individual Responsible for Personal Data System~~

~~(1) Pursuant to M.G.L. c. 66, § 6, and M.G.L. c. 23K § 3(f) and (i), subject to the oversight of the chair, the secretary shall be the official custodian of all books, documents and papers filed by the commission and of its minute book; the chief financial and accounting officer shall be the official custodian of its books of account and accounting records; the deputy director shall be the official custodian of all records of the bureau; and the executive director shall be the official custodian of all other records of the commission. In the case of an absence or vacancy in the office of an official custodian or in the case of disability as determined by the commission, the chair may designate an acting custodian to serve until the vacancy is filled or the absence or disability ceases. Each official custodian may, with the permission of the chair, delegate to another commissioner, employee or employees of the commission or the bureau responsibility for the custody of some or all public records under his or her jurisdiction.~~

~~(2) Pursuant to M.G.L. c. 66A, § 2, subject to the oversight of the chair, the executive director shall be the individual immediately responsible for any personal data system maintained by the commission; the deputy director shall be the individual immediately responsible for any personal data system maintained by the bureau; and each shall conform to the requirements of M.G.L. c. 66A and 801 CMR 3.00: *Privacy and Confidentiality* for preventing unauthorized access to or dissemination of personal data under his or her jurisdiction. In the case of an absence or vacancy in the office of an individual immediately responsible for any personal data system, or in the case of disability as determined by the commission, the chair may designate an acting person to serve as the individual immediately responsible for any personal data system until the vacancy is filled or the absence or disability ceases. The executive director or the deputy director may, with the permission of the chair, delegate to another commissioner or employee of the commission or the bureau immediate responsibility for any personal data system under his or her jurisdiction.~~

~~103.04: Determinations by the Official Custodian, the General Counsel and the Commission~~

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~~No information which is exempt from disclosure under 205 CMR 103.02 or which a confidentiality claimant asserts to be confidential information defined in 205 CMR 102.02: Definitions shall be disclosed in response to any request for public records unless the Commission has expressly so authorized in accordance with 205 CMR 103.00.~~

~~103.05: Effect of Requests for Confidentiality~~

~~Whenever a confidentiality claimant requests in writing that particular records be deemed to be or to contain confidential information as defined in 205 CMR 102.02: Definitions, such records or information shall be treated as confidential and may not be disclosed until the confidentiality request has been approved or denied pursuant to 205 CMR 103.04, 103.10 and 103.11.~~

~~103.06: Postponing Denial of Confidentiality Pending Appeal~~

~~Whenever the commission denies a request to deem records to be or to contain confidential information as defined in 205 CMR 102.02: Definitions or exempt from disclosure as described in 205 CMR 103.02(1) through (5), such denial shall take effect 14 days after the date thereof so that any person aggrieved by said denial may appeal to a court of competent jurisdiction. During this 14 day period, the records in question shall be treated as confidential and accordingly exempt from public disclosure in accordance with M.G.L. c. 4, § 7(26)(a). This 14 day period may be extended by the commission in extraordinary situations. Any extension shall be in writing and signed by the general counsel.~~

~~103.07: When Confidential or Exempt Information May be Disclosed by the Commission~~

~~(1) Notwithstanding any provision of 205 CMR 103.00 to the contrary, information otherwise exempt from disclosure as described in 205 CMR 103.02(1) through (5) shall be subject to disclosure by the commission only:~~

- ~~(a) to the extent necessary to comply with Federal Law;~~
- ~~(b) to the extent necessary to comply with or carry out the responsibilities contained in M.G.L. c. 23K or other state law;~~
- ~~(c) to the extent necessary for any enforcement action, whether criminal or civil, judicial or administrative;~~
- ~~(d) upon presentation of proper identification, to the person who furnished the specific information to the commission or the bureau; or~~
- ~~(e) upon presentation of a timely and duly executed and notarized authorization by the person who furnished the specific information to the commission or the bureau, to any other person making a written request for the specifically identified information.~~

~~(2) If information otherwise exempt from disclosure as described in 205 CMR 103.02(1) through (5) is released or otherwise disclosed to any person under any circumstances other than those identified in 205 CMR 103.07(1)(d) and (e), written notice of such release or disclosure shall be provided to the last known address the commission has in its records for the person who~~

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~~furnished the confidential information to the commission or the bureau, unless such notice may prejudice the possibility of effective law enforcement or otherwise imperil the integrity of the commission's or the bureau's operations. To the extent known, the notice shall include:~~

- ~~(a) The name and address of the person to whom the information was released or disclosed;~~
- ~~(b) A description of the information released or disclosed; and~~
- ~~(c) The date of the release or disclosure.~~

~~(3) Subject to 205 CMR 103.07(2) any such notice of confidential information to be released or disclosed will be given prior to the release or disclosure to provide an opportunity for review.~~

~~103.08: Confidential Information Subject to Promise of Confidentiality~~

~~For confidential information to be protected from public disclosure by a nondisclosure agreement pursuant to M.G.L. c. 23K, § 21(a)(7) or by other promise of confidentiality pursuant to M.G.L. c. 4, § 7, cl. 26(g), the nondisclosure agreement or other promise of confidentiality must be made in writing and signed by the chair, the secretary or a person designated by the commission.~~

~~103.09: Information Provided in Response to Request for Applications—Phase 1 & Phase 2~~

~~(1) In accordance with M.G.L. c. 23K, § 9(b), an application for a license in response to the commission's Request for Applications—Phase 1, 205 CMR 110.00: *Issuance of Request for Category 1 and Category 2 License Applications*, and an RFA-2 application submitted in accordance with 205 CMR 118.00: *Phase 2—Applying for a License* shall be a public record except those portions of the application containing information otherwise exempt from disclosure pursuant to 205 CMR 103.02(1) through (5).~~

~~(2) As guidance to applicants and the public, the commission shall issue a set of specimen annotated application forms and distribute such forms together with, or incorporated as part thereof, the Request for Applications—Phase 1 pursuant to 205 CMR 111.00: *Phase 1 Application Requirements* and with or part of the Request for Applications—Phase 2 pursuant to 205 CMR 118.00: *Phase 2—Applying For a License*. These specimen annotated application forms shall designate as “Exempt/Redact” or otherwise identify all information or categories of information which, at a minimum, the commission considers to be exempt from disclosure in accordance with 205 CMR 103.02(1) through (5).~~

~~(3) To assist the commission in protecting from inadvertent disclosure information subject to 205 CMR 103.02(1) through (5), applicants shall follow the procedures in 205 CMR 103.10(1) in completing and submitting the required forms pursuant to 205 CMR 111.00: *Phase 1 Application Requirements* and 205 CMR 118.00: *Phase 2—Applying For a License*.~~

~~(4) All information submitted by an applicant in the RFA Phase 1 or Phase 2 application, other than that described as “Exempt/Redact” or otherwise so identified in 205 CMR 103.09(2), shall be presumed to be available for public disclosure on request unless a confidentiality claimant demonstrates or the commission otherwise finds that a separable portion of the information is exempt from disclosure pursuant to 205 CMR 103.02(1) through (5). Confidentiality claimants~~

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~~shall make such a demonstration in accordance with the provisions of 205 CMR 103.10 through 103.12.~~

~~103.10: Requests for Protecting Confidential Information~~

~~Except as set forth in 205 CMR 103.09, no record shall be deemed to be or to contain confidential information as defined in 205 CMR 102.02: *Definitions* unless a person submits a written request to the commission to deem the information confidential information and accordingly exempt from public disclosure in accordance with M.G.L. c. 4, § 7(26)(a). The request shall be made and substantiated as follows:~~

~~(1) Each record containing information that is the subject of a confidentiality request shall be clearly marked "CONFIDENTIAL". To assist the commission in complying with 205 CMR 103.02, persons shall separately submit confidential portions of otherwise non-confidential records. If submitted separately, the record that is the subject of a confidentiality request shall be clearly marked "CONFIDENTIAL" and the record from which confidential information has been redacted shall be clearly marked "REDACTED".~~

~~(2) The request for confidentiality shall be supported with the following information, which shall be treated as a public record:~~

~~(a) The time period for which confidential treatment is desired.~~

~~(b) The reason the record was provided to the commission or the bureau, and the date of submittal.~~

~~(c) The basis for the claim that the record contains confidential information and, if applicable, the basis for believing that the criteria in 205 CMR 103.11 are satisfied.~~

~~(d) The extent to which the person requesting that the record be kept confidential has disclosed the contents of that record to other persons without a restriction as to confidentiality imposed by agreement or by law.~~

~~(e) A statement whether, to the best of the provider's knowledge, the information has previously been provided to a governmental entity that does not treat the information as confidential or that has denied a request for confidential treatment.~~

~~(f) A statement that the information is not required to be disclosed or otherwise made available to the public under any other Federal or state law.~~

~~(g) How making the record a public record would place the applicant at a competitive disadvantage pursuant to M.G.L. c. 23K, § 9(b), or would be detrimental to a gaming licensee if it were made public pursuant to M.G.L. c. 23K, § 21(a)(7).~~

~~(h) If the record was submitted voluntarily for use in developing governmental policy and upon a promise of confidentiality pursuant to M.G.L. c. 4, § 7, cl. 26(g), and not in compliance with a regulation or order of the commission or a court, whether and if so why making the record a public record would tend to lessen the availability to the commission or the bureau of similar records in the future.~~

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~~103.11: Procedure for Acting on Requests for Protecting Confidential Information~~

~~The commission shall act on a confidentiality request made pursuant to 205 CMR 103.10 subject to the following provisions:~~

~~(1) If the commission has received a request to inspect or copy a record which is the subject of a confidentiality request on which the commission has not made a final decision, the commission shall notify the person who made the request to inspect or copy the record that the record in question is the subject of a pending confidentiality request and a final decision will be made when the commission determines whether the record in question is entitled to confidentiality protection and shall notify the confidentiality claimant of the request to inspect or copy the record.~~

~~(2) The commission shall determine whether the record is confidential information as defined in 205 CMR 102.02: Definitions. The Commission shall give notice of its determination(s) to the confidentiality claimant and all persons who requested to inspect or copy the record.~~

~~(3) If the commission determines that a record is confidential information as defined in 205 CMR 102.02: Definitions, the record in question, or portion thereof, shall be exempt from public disclosure in accordance with M.G. L. c. 4, § 7(26)(a) for such length of time, and subject to such terms, conditions and limitations, as the commission may include in the determination. The commission shall so notify the person who submitted the record to the commission or the bureau, the confidentiality claimant, and all persons making a request to inspect or copy the record in question.~~

~~(4) All notices given pursuant to 205 CMR 103.11(2) and (3) shall be in writing, shall be delivered by hand, by first class mail, or by electronic mail, and shall include:~~

~~(a) the reasons for the determination,~~

~~(b) notice that the determination constitutes a final decision of the commission,~~

~~(c) notice that the determination may be subject to review by the supervisor of records of the Office of the Secretary of the Commonwealth or by the courts, as applicable.~~

~~(d) if the determination is that the record in question, or portion thereof is not confidential information as defined in 205 CMR 102.02: Definitions, notice that the record in question shall become a public record 14 days after the date of the commission's determination unless, a person aggrieved by said determination appeals the determination to a court of competent jurisdiction. This 14-day period may be extended only in extraordinary situations, and any such extension must be in writing and signed by the commission's general counsel.~~

~~(5) If pursuant to 205 CMR 103.11, the commission denies a request to protect confidential information made pursuant to 205 CMR 103.10, the confidentiality claimant may, within ten days from the date of the commission's notice of such determination, submit to the commission one request to reconsider such determination, which request to reconsider shall set forth any and all supplemental information supporting the claim of confidentiality and further addressing the criteria of 205 CMR 103.10(2). The commission shall act on the request to reconsider following~~

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~~the procedures in 205 CMR 103.11(1) through (4). The request for reconsideration shall stay the effect of the commission's original denial and the 14 day period set forth in 205 CMR 103.11(4) shall run from the date of the commission's notice of its ruling on the request for reconsideration.~~

~~(6) If pursuant to 205 CMR 103.11, the commission denies a request to protect confidential information made pursuant to 205 CMR 103.10, the confidentiality claimant may, at any time before the expiration of the applicable 14 day period set forth in 205 CMR 103.11(4), submit a written request to the commission pursuant to 205 CMR 111.05: Withdrawal of Application, to withdraw with prejudice the application to which the information relates and to order the information permanently sealed or returned to the applicant. If the commission allows the request to withdraw the application with prejudice, the commission may order the information permanently sealed or returned to the applicant to the extent permitted by M.G.L. c. 4, § 7, cl. 26, and M.G.L. c. 23K.~~

~~103.12: Reconsidering Confidentiality Determinations~~

~~If the commission determines that newly discovered information or changed circumstances make it appropriate for the commission to reconsider and possibly modify a prior grant of confidentiality, the commission shall so notify the person who submitted the record to the commission or the bureau, and the confidentiality claimant. The notice shall give the person and the confidentiality claimant a reasonable period of time to substantiate, pursuant to 205 CMR 103.10, keeping the record in question confidential. The amount of time originally established in the notice may be reasonably extended by the commission. After this time has passed, or after the commission has received a written response from the confidentiality claimant, whichever occurs first, the commission shall make a new determination whether the record in question shall be deemed either confidential or a public record.~~

~~103.13: Executive Session Consideration of Confidential or Exempt Information~~

~~Pursuant to M.G.L. c 30A, § 21(a)(7), the commission may meet in executive session to review information which is exempt from disclosure as described in 205 CMR 103.02(1) through (5); or to conduct an in camera inspection of records to enable the commission to resolve matters as to confidentiality or exemption pursuant to 205 CMR 103.04(1) or (2), to act on requests for protecting confidential information pursuant to 205 CMR 103.11, or to reconsider confidentiality determinations pursuant to 205 CMR 103.12.~~

~~103.14: Security Protocols; Restricted Access~~

~~(1) The executive director, subject to the direction of the commission, shall establish and maintain secure storage areas, methodologies and procedures to protect tangible and electronic information exempt from disclosure as described in 205 CMR 103.02(1) through (5) contained in the records of the commission or the bureau. Records containing such information shall be kept, managed, accessed and used in accordance with the security protocols.~~

~~(2) Records for which confidential information claims have been made and related supporting materials, and information for which such claims have been finally adjudicated in favor of the confidentiality claimant, shall be kept, managed, accessed and used in accordance with the~~

205 CMR: MASSACHUSETTS GAMING COMMISSION

~~security protocols. Materials and information for which such claims have been finally adjudicated against the confidentiality claimant may be permanently removed from the protection of the security protocols.~~

~~(3) The executive director the deputy director and the official custodians shall be responsible for implementing the security protocols for records under their respective custody.~~

~~(4) Personnel and authorized agents of the commission or the bureau who require information contained within the secure tangible and electronic storage areas for the effective performance of their duties may, upon request to its official custodian, examine documents containing such information in accordance with the security protocols.~~

~~(5) The commission and the bureau shall keep the number of tangible and electronic copies of information exempt from disclosure as described in 205 CMR 103.02(1) through (5) to a minimum and shall ensure that all copies of such information are maintained in a manner consistent with the requirements of the security protocols. No copies of such documents or information may be made or transmitted except in accordance with the security protocols; where necessary to the authorized duties and operations of the commission, the bureau, or their employees and authorized agents; or where release of the confidential information is authorized pursuant to 205 CMR 103.00. Any notes concerning such information made by commission or bureau employees or agents shall be treated as confidential pursuant to 205 CMR 103.00.~~

~~(6) Commission or bureau employees or authorized agents who violate the procedures required by 205 CMR 103.00 or the security protocols established pursuant thereto shall be subject to disciplinary action.~~

~~103.15: Records Retention~~

~~The commission shall follow the records retention schedule set forth in the *Massachusetts Statewide Records Retention Schedule* (2011 Edition) published by the Records Conservation Board in conjunction with the Massachusetts Archives and the supervisor of public records; which records retention schedule shall apply to all records within the commission's possession including all records containing information exempt from disclosure as described in 205 CMR 103.02(1) through (5).~~

205 CMR 102: CONSTRUCTION AND APPLICATION

102.02: Definitions

As used in 205 CMR 101.00 ~~et seq. through 131.00~~, the following words and phrases shall have the following meaning, unless the context clearly requires otherwise:

Affiliate ~~is~~ **as** defined in M.G.L. c. 23K, § 2.

Applicant ~~is~~ **as** defined in M.G.L. c. 23K, § 2.

Application ~~is~~ **as** defined in M.G.L. c. 23K, § 2.

Bureau ~~is~~ **as** defined in M.G.L. c. 23K, § 2.

Bureau Decision ~~is defined as described~~ in 205 CMR 115.03: *Phase 1 Investigation and Recommendations by the Bureau* and 205 CMR 101.00: *M.G.L. c. 23K Adjudicatory Proceedings*.

Bureau Hearing ~~is defined as described~~ in 205 CMR 101.02: *Hearings Before the Bureau*.

Business ~~is~~ **as** defined in M.G.L. c. 23K, § 2.

Business Entity Disclosure Form (BED) ~~is defined as described~~ in 205 CMR 111.02: *Business Entity Disclosure Form Category 1 and Category 2 Entity Applicants and Holding/Intermediary Companies*.

Candidate means a person seeking nomination or election to any local, county, or state public office in Massachusetts, but shall not include a person seeking nomination or election to any ~~f~~**F**ederal public office.

Capital Expenditure ~~is~~ **as** defined in M.G.L. c. 23K, § 2.

Cashless Wagering System ~~is~~ **as** defined in M.G.L. c. 23K, § 2.

Category 1 License ~~is~~ **as** defined in M.G.L. c. 23K, § 2.

Category 2 License ~~is~~ **as** defined in M.G.L. c. 23K, § 2.

Chair ~~is~~ **as** defined in M.G.L. c. 23K, § 2.

Change of Control means a transfer of interest which directly or indirectly results in a person obtaining greater than 50% ownership interest in a gaming licensee or which results in, or is likely to result in, significant change to the management or operation of a gaming licensee.

Cheat ~~is~~ **as** defined in M.G.L. c. 23K, § 2.

Cheating and Swindling Device or Cheating and Swindling Game ~~is~~ as defined in M.G.L. c. 23K, § 2.

Chief Executive Officer means:

(a) As to gaming licensees or applicants the natural person who is ultimately responsible for the daily conduct of the gaming establishment business of one or more affiliated gaming licensees or applicants, regardless of the form of business association of the gaming licensee or applicant or the particular title which that person or any other person holds; and

(b) As to gaming vendor licensees or applicants, the natural person who bears ultimate responsibility for the organization and business activities of the enterprise.

Chief Financial and Accounting Officer means the chief financial and accounting officer of the commission.

Close Associate ~~is~~ as defined in M.G.L. c. 23K, § 2.

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

Commissioner ~~is~~ as defined in M.G.L. c. 23K, § 2.

Community Contribution means a political contribution or contribution in kind made by an applicant for a gaming license to a municipality or a municipal employee as allowed by M.G.L. c. 23K, § 47.

Competitively-Sensitive Information means all records which are, and those portions of records which contain, confidential personal or business information which if made publicly available would have a reasonable likelihood of placing a person at a competitive disadvantage, or be detrimental to or otherwise cause substantial damage or irreparable harm, ~~to the person~~ such as identity theft, industrial espionage, unfair competition, or similar adverse consequences, ~~to the person~~. Competitively-sensitive information includes, without limitation, social security numbers, passport numbers and other unique identifying information, research and development information, financial records, banking or lending records, mortgage and credit history, lists of customers or business contacts, pricing information, marketing information, processes and methods, and any other unique information, methodology, technique, system, or feature which is restricted by appropriate security measures ~~in the ordinary course~~ to the individual or person or to top management, counsel, research and development staff, and expert consultants only ~~in the ordinary course~~.

Complimentary Service or Item ~~is~~ as defined in M.G.L. c. 23K, § 2.

~~Confidential Information means all records which are, and those portions of records which contain:~~

~~(a) trade secrets, competitively sensitive information and other proprietary information provided to the commission, the bureau, and their agents and employees in the course of an application or an investigation; and~~

~~(b) trade secrets and other information protected from public disclosure by a nondisclosure agreement between the gaming licensee and the commission pursuant to M.G.L. c. 23K, § 21(a)(7).~~

~~Confidentiality Claimant means any person who makes a claim that any records, material or information submitted to the commission, the bureau, or their agents and employees constitutes confidential information.~~

Conservator ~~is as~~ defined in M.G.L. c. 23K, § 2.

Contractor Investigator ~~is defined as described~~ in 205 CMR 105.10: *Authority to Retain and Utilize Contractor Investigators*.

Contribution means a payment, transfer or pledge of money or a thing of value to or for the benefit of a candidate or political organization.

Credit Card ~~is as~~ defined in M.G.L. c. 23K, § 2.

Credit Instrument ~~is as~~ defined in M.G.L. c. 23K, § 2.

Dependent Person means a person who is:

- (a) An employee or co-employee of a prohibited person;
- (b) An employee or co-employee of a person affiliated with a prohibited person;
- (c) An enterprise or firm, or an officer, director, partner, owner, or principal employee of an enterprise or firm, that is a party to any contract with, or is bidding for or seeking to enter any contract with, or regularly represents or provides services to, a prohibited person; or
- (d) A child residing with a prohibited person or who is claimed as a dependent by a prohibited person for Federal tax reporting purposes.

Deputy Director means the deputy director of the bureau.

Director of Gaming Enforcement means the assistant attorney general designated by the attorney general as the director of gaming enforcement pursuant to M.G.L. c. 12, § 11M(b).

Director of Security means an employee of a gaming establishment in charge of, and with overall supervisory responsibility for, security of the gaming establishment.

Director of Surveillance means an employee of a gaming establishment in charge of, and with overall supervisory responsibility for, surveillance at the gaming establishment.

Division ~~is~~ as defined in M.G.L. c. 23K, § 2.

Executive Director ~~is~~ as defined in M.G.L. c. 23K, § 2.

Financial Stability ~~is defined~~ as described in 205 CMR 117.00: *Phase I Determination of Financial Stability*.

Gambling ~~is~~ as defined in M.G.L. c. 23K, § 2.

Game ~~is~~ as defined in M.G.L. c. 23K, § 2.

Gaming ~~is~~ as defined in M.G.L. c. 23K, § 2.

Gaming Area ~~is~~ as defined in M.G.L. c. 23K, § 2.

Gaming Device or Gaming Equipment is defined in M.G.L. c. 23K, § 2.

Gaming Employee ~~is~~ as defined in M.G.L. c. 23K, § 2.

Gaming Enforcement Unit means the gaming enforcement unit established by the colonel of state police pursuant to M.G.L. c. 22C, § 70.

Gaming Establishment ~~is~~ as defined in M.G.L. c. 23K, § 2.

Gaming License ~~is~~ as defined in M.G.L. c. 23K, § 2.

Gaming Licensee ~~is~~ as defined in M.G.L. c. 23K, § 2.

Gaming Position ~~is~~ as defined in M.G.L. c. 23K, § 2.

Gaming Service Employee ~~is~~ as defined in M.G.L. c. 23K, § 2.

Gaming Vendor ~~is~~ as defined in M.G.L. c. 23K, § 2.

Gaming Vendor License ~~is~~ as defined in M.G.L. c. 23K, § 2.

General Counsel means the person designated by the commission as its general counsel or acting general counsel.

Governing Body ~~is~~ as defined in M.G.L. c. 23K, § 2.

Gross Revenue or Gross Gaming Revenue ~~is~~ as defined in M.G.L. c. 23K, § 2.

Holding Company ~~is~~ **as** defined in M.G.L. c. 23K, § 2.

Host Community ~~is~~ **as** defined in M.G.L. c. 23K, § 2.

Impacted Live Entertainment Venue is defined in M.G.L. c. 23K, § 2.

Institutional Investor ~~is~~ **as** defined in M.G.L. c. 23K, § 2.

Intermediary Company ~~is~~ **as** defined in M.G.L. c. 23K, § 2.

Investigatory Material means any document, record, transcript, complaint, evidentiary material of any nature, correspondence, memoranda, report, work product, or other information concerning any examination, any investigation (whether formal or informal), or any related litigation, which pertains to or may disclose:

(a) the possible violation by any person of any provision of any statute, rule, or regulation administered by the commission or the bureau, by any other ~~F~~**f**ederal, state, local or foreign governmental authority, by any professional association, or by any securities industry self-regulatory organization as well as all written communications from, or to, any person complaining of or otherwise furnishing information ~~respecting with respect to~~ such possible violations;

(b) information relating to an ongoing ~~investigaton~~ **investigation** that could **potentially** ~~potentially-aert alert~~ subjects to the activities of investigative officials;

(c) confidential investigative techniques, the disclosure of which would prejudice future law enforcement efforts;

(d) any details in witness statements, which if released create a grave risk of directly or indirectly identifying a private citizen who volunteers as a witness; and

(e) the background of any person the disclosure of which would constitute an unwarranted invasion of personal privacy.

Junket ~~is~~ **as** defined in M.G.L. c. 23K, § 2.

Junket Enterprise ~~is~~ **as** defined in M.G.L. c. 23K, § 2.

Junket Representative ~~is~~ **as** defined in M.G.L. c. 23K, § 2.

Key Gaming Employee ~~is~~ **as** defined in M.G.L. c. 23K, § 2.

License ~~is~~ **as** defined in M.G.L. c. 23K, § 2.

List of Excluded Persons ~~is~~ **as** defined in M.G.L. c. 23K, § 2.

Lottery ~~is~~ **as** defined in M.G.L. c. 23K § 2.

Major Policymaking Position ~~is~~ **as** defined in M.G.L. c. 23K, § 2.

Massachusetts Supplement Form (PHD-MA-SUPP) ~~is defined as described~~ in 205 CMR 111.04: *Massachusetts Supplemental Form*.

MEPA means the Massachusetts Environmental Policy Act.

Minority Business Enterprise (MBE) ~~A means~~ **a** minority-owned business that has been certified by either the Massachusetts Supplier Diversity Office within the Operational Services Division, the Greater New England Minority Supplier Development Council, or both.

Money means cash or instruments that are convertible to cash in any negotiable currency.

Multi-jurisdictional Personal History Disclosure Form (PHD-MA) ~~is defined as described~~ in 205 CMR 111.03: *Multi-jurisdictional Personal History Form*.

Non-gaming Vendor ~~is~~ **as** defined in M.G.L. c. 23K, § 2.

Operation Certificate ~~is~~ **as** defined in M.G.L. c. 23K, § 2.

Person ~~is~~ **as** defined in M.G.L. c. 23K, § 2.

Political Contribution means a contribution as defined in M.G.L. c. 55, § 1, except for a community contribution as defined in 205 CMR 102.02: Community Contribution.

Political Organization means any committee of any political party in the Commonwealth of Massachusetts, as structured and defined in accordance with M.G.L. c. 23K, §§ 46 and 47, or any group, committee, or association organized in support of such political party or any candidate. Political Organization shall not include a national party committee or the committee of a ~~F~~**F**ederal candidate for the United States Senate or House of Representatives, unless such a committee contributes to a state candidate from its general receipts.

Prohibited Person means any officer, director, key gaming employee, qualifier, or principal employee of an applicant for a gaming license or of any holding, intermediary, or subsidiary company thereof.

Promotional Gaming Credit ~~is~~ **as** defined in M.G.L. c. 23K, § 2.

Proprietary Information means all records which are, and those portions of records which contain, personal or business information which, owing to its confidential nature, is in the ordinary course subjected to strict measures to preserve its confidentiality, including confidentiality agreements, non-competition agreements, encryption and password protection for electronic information, restriction of access to those with a need-to-know, and other policies,

procedures, security measures, or markings designed to protect the secrecy of information and to keep the information strictly confidential.

Publicly Traded Corporation means a person, other than an individual, which:

- (a) has a class or series of securities registered under the Securities and Exchange Act of 1934 (48 Stat 881, 15 U.S.C. § 78a *et seq.*);
- (b) is a registered management company under the Investment Company Act of 1940 (54 Stat. 789, 15 U.S.C. § 80a-1 *et seq.*); or
- (c) is subject to the reporting obligations imposed by section 15(d) of the Securities and Exchange Act of 1934 by reason of having filed a registration statement which has become effective under the Securities Act of 1933 (48 Stat. 74, 15 U.S.C. § 77a *et seq.*) or by reason of an indenture entered into pursuant to an exemption from registration under the Securities Act of 1933.

Qualification or Qualified ~~is as~~ defined in M.G.L. c. 23K, § 2.

Qualifier ~~is as~~ defined as 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. 23K, § 12(a), and 205 CMR 115.01: *Phase I Determination Standards* and 205 CMR 116.02: *Persons Required to be Qualified*.

~~Record means a book, paper, map, photograph, recorded tape, financial statement, statistical tabulation, or any other documentary material or data, regardless of physical form or characteristics.~~

Restricted Area means a part of the gaming establishment that is not open to the public as determined by the commission.

Rewards Card ~~is as~~ defined in M.G.L. c. 23K, § 2.

RFA-P1 or RFA-1 Process ~~is defined as described~~ in 205 CMR 110.00: *Issuance of Request for Category 1 and Category 2 License Applications*.

RFA-2 ~~is defined as described~~ in 205 CMR 110.00: *Issuance of Request for Category 1 and Category 2 License Applications*.

~~Secretary means the secretary of the commission.~~

Secretary of EOEEA means the Secretary of the Executive Office of Energy and Environmental Affairs.

~~Security Protocols means the system for securing and preserving the confidentiality of records in accordance with 205 CMR 103.14: *Security Protocols; Restricted Access*.~~

Slot Machine ~~is~~ as defined in M.G.L. c. 23K, § 2.

Solicitation means a request, suggestion or recommendation made to a particular person, by any means of communication, that the person make a contribution; provided, however, that a statement to a person expressing support for or opposition to the election of any candidate, or support for or opposition to any political organization, which is made without reference to a contribution or a statement intended for and given public dissemination encouraging all persons to make contributions to any candidate or political organization, is not a solicitation.

State Police ~~is~~ as defined in M.G.L. c. 23K, § 2.

Subsidiary ~~is~~ as defined in M.G.L. c. 23K, § 2.

Surrounding Communities ~~is~~ as defined in M.G.L. c. 23K, § 2.

Table Game ~~is~~ as defined in M.G.L. c. 23K, § 2.

Thing of Value means:

- (a) An item of real, personal or intellectual property that may be converted into money by selling it or pledging it as security for a loan or other advance of funds;
- (b) A loan of assets, property, personnel, or facilities for use by a candidate or political organization, such as, without limitation, office space, automobiles, telephones or telephone services, or the time and effort of employees or consultants who are paid by the person making the contribution;
- (c) A personal or professional service that is not incidental to the expression of a person's ideological beliefs or membership in a political organization, and that has a value to the candidate or political organization;
- (d) A non-reimbursed expense that is not incidental to the expression of a person's ideological beliefs or membership in a political organization, and is of the type normally incurred by the candidate or political organization; or
- (e) ~~Any~~ thing, service, expense, or other item of value similar to that identified in ~~205-CMR 102.02 this chapter, -Thing of Value(a) through (d)~~ which may be identified by the commission in an advisory ruling or other appropriate proceeding.

Trade Secret means all records which are, and those portions of records which contain, anything tangible or intangible or electronically kept or stored, which constitutes, represents, evidences, or records a secret scientific, technical, merchandising, production, manufacturing, or management information, design, process, procedure, formula, invention, method, or improvement which its owner considers to be and treats as confidential and which is not available to the public by any

other source. Trade Secret shall include anything which is a trade secret pursuant to M.G.L. c. 266, § 30(4).

Transfer ~~is~~ **as** defined in M.G.L. c. 23K, § 2.

Veteran Business Enterprise (VBE): ~~means a A Veteran Business Enterprise shall have the same meaning as~~ “Veteran-owned small business concern” as defined by 38 CFR 74.1, the status of which can be verified by Vendor Information Pages on the U.S. Department of Veterans Affairs Office of Small & Disadvantaged Business Utilization website or by the Licensing Division of the Massachusetts Gaming Commission. Veteran Business Enterprise is inclusive of the ~~S~~service-disabled veteran-owned business as defined in 15 USC § 632. Additionally, VBE shall include any entity certified as a VBE, as defined by M.G.L. c. 7, § 58, by the Massachusetts Supplier Diversity Office within the Operational Services Division pursuant to regulations promulgated in accordance with M.G.L. c. 7, §61(a).

Notwithstanding the foregoing, for purposes of 205 CMR 135.02(8) and 205 CMR 139.04(3), effective upon the issuance of an operation certificate to a gaming licensee, for vendors associated with that licensee, VBE shall only include those entities certified as such by the Supplier Diversity Office, or verified with the U.S. Department of Veterans Affairs. (Note: vendors previously verified by the Licensing Division will continue to be recognized until the end of their existing contract.)

Vulnerable Populations means groups of people that studies have shown to be more susceptible to gambling problems than others, including people with a history of alcohol or other drug abuse, people with a history of mental health issues, low income patrons of gaming establishments, and older adults.

Wager ~~is~~ **as** defined in M.G.L. c. 23K, § 2.

Women Business Enterprise (WBE): ~~means a A~~ women-owned business that has been certified by either the Massachusetts Supplier Diversity Office within the Operational Services Division, the Women's Business Enterprise National Council (or its local affiliate, Center for Women & Enterprise), or both.

205 CMR 115: PHASE 1 AND NEW QUALIFIER SUITABILITY DETERMINATION, STANDARDS, AND PROCEDURES

115.04: Phase 1 and New Qualifier Proceedings by the Commission

(1) After the Commission has received the bureau's report under 205 CMR 115.03(2), it shall provide a copy to the applicant or qualifier and the Commission shall determine whether to initiate a process for a public hearing or adjudicatory proceeding. However, the Commission may only utilize the public hearing process with the qualifier's consent.

(2) Adjudicatory Proceeding. If the Commission determines that an adjudicatory proceeding shall be held, the Commission shall conduct an adjudicatory proceeding pursuant to 205 CMR 101.00: *M.G.L. c. 23K Adjudicatory Proceedings* on the report by the bureau concerning the applicant or qualifier pursuant to 205 CMR 115.03(2).

(3) Public Hearing. If the Commission determines that a public hearing should be held, the Commission shall review the bureau's suitability report in a public hearing, subject to redaction in accordance with G.L. c. 4, § 7(26) ~~of confidential and exempt information described in 205 CMR 102.02(1) through (5)~~. The Commission will issue a notice in advance of the public hearing stating the date, time and place of the hearing and the form (oral or written) and conditions pursuant to which the Commission will receive public comments.



AMENDED SMALL BUSINESS IMPACT STATEMENT

The Massachusetts Gaming Commission (“Commission”) hereby files this Amended Small Business Impact Statement in accordance with G.L. c.30A, § 5 relative to the proposed amendments to **205 CMR 103: Access to and Confidentiality of Commission Records; 205 CMR 102: Definitions; and 205 CMR 115.04: Phase 1 and New Qualifier Proceedings by the Commission**, for which a public hearing was held on September 15, 2022.

205 CMR 103, 102, and 115.04 were developed as part of the process of promulgating regulations governing the operation of gaming establishments in the Commonwealth. The proposed amendments will repeal 205 CMR 103 and remove cross-references to 205 CMR 103 found within 205 CMR 102 and 115.04.

The amendment to 205 CMR 103, 102, and 115.04 applies to entities submitting financial and other corporate information to the Commission. Accordingly, this regulation is unlikely to have an impact on small businesses.

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

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

As a general matter, no small businesses will be negatively impacted by this amendment. Accordingly, there are no less stringent compliance or reporting requirements for small businesses.

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

There are no schedules or deadlines for compliance or reporting requirements by this amendment.

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

This amendment does not impose any reporting requirements.

4. Establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation:



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There are no design or operational standards required in the proposed amendment.

5. An analysis of whether the proposed regulation is likely to deter or encourage the formation of new businesses in the Commonwealth:

This amendment is not likely to deter or encourage the formation of new businesses in the Commonwealth as it is limited in its likely impact on the business community.

6. Minimizing adverse impact on small businesses by using alternative regulatory methods:

This amendment does not create any adverse impact on small businesses.

Massachusetts Gaming Commission
By:

/s/ Carrie Torrisi
Carrie Torrisi
Associate General Counsel
Legal Division

Dated: September 13, 2022



Massachusetts Gaming Commission



Security Protocols and Restricted Access Policy

1. The executive director, subject to the direction of the commission, shall establish and maintain secure storage areas, methodologies and procedures to protect tangible and electronic information exempt from disclosure ~~as described in 205 CMR 103.02(1) through (5)~~ pursuant to the Massachusetts Public Records Law, G.L. c. 4, § 7(26) contained in the records of the commission or the bureau. Records containing such information shall be kept, managed, accessed and used in accordance with the security protocols.
2. ~~Records for which confidential information claims have been made and related supporting materials, and information for which such claims have been finally adjudicated in favor of the confidentiality claimant, shall be kept, managed, accessed and used in accordance with the security protocols. Materials and information for which such claims have been finally adjudicated against the confidentiality claimant may be permanently removed from the protection of the security protocols.~~
3. The executive director the deputy director and the official custodians shall be responsible for implementing the security protocols for records under their respective custody.
4. Personnel and authorized agents of the commission or the bureau who require information contained within the secure tangible and electronic storage areas for the effective performance of their duties may, upon request to its official custodian, examine documents containing such information in accordance with the security protocols.
5. The commission and the bureau shall keep the number of tangible and electronic copies of information exempt from disclosure ~~as described in 205 CMR 103.02(1) through (5)~~ pursuant to the Massachusetts Public Records Law, G.L. c. 4, § 7(26) to a minimum and shall ensure that all copies of such information are maintained in a manner consistent with the requirements of the security protocols. ~~No copies of such documents or information may be made or transmitted except in accordance with the security protocols; where necessary to the authorized duties and operations of the commission, the bureau, or their employees and authorized agents; or where release of the confidential information is authorized pursuant to 205 CMR 103.00. Any notes concerning such information made by commission or bureau employees or agents shall be treated as confidential pursuant to 205 CMR 103.00.~~



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6. Commission or bureau employees or authorized agents who violate ~~the procedures required by 205 CMR 103.00 or~~ the established security protocols ~~established pursuant thereto~~ shall be subject to disciplinary action.

Approved by Commission: ~~July 12, 2022~~ October 27, 2022



Massachusetts Gaming Commission



Policy Governing Information Provided in Response to Request for Applications – Phase 1 & Phase 2

1. In accordance with M.G.L. c. 23K, § 9(b), an application for a license in response to the commission's Request for Applications-Phase 1, 205 CMR 110.00: *Issuance of Request for Category 1 and Category 2 License Applications*, and an RFA-2 application submitted in accordance with 205 CMR 118.00: *Phase 2- Applying for a License* shall be a public record except those portions of the application containing information otherwise exempt from disclosure pursuant to ~~205 CMR 103.02(1) through (5)~~ the Massachusetts Public Records Law, G.L. c. 4, § 7(26).

2. As guidance to applicants and the public, the commission shall issue a set of specimen annotated application forms and distribute such forms together with, or incorporated as part thereof, the Request for Applications - Phase 1 pursuant to 205 CMR 111.00: *Phase 1 Application Requirements* and with or part of the Request for Applications- Phase 2 pursuant to 205 CMR 118.00: *Phase 2 - Applying For a License*. These specimen annotated application forms shall designate as “Exempt/Redact” or otherwise identify all information or categories of information which, at a minimum, the commission considers to be exempt from disclosure in accordance with ~~205 CMR 103.02(1) through (5)~~ the Massachusetts Public Records Law, G.L. c. 4, § 7(26).

3. To assist the commission in protecting from inadvertent disclosure information ~~subject to 205 CMR 103.02(1) through (5)~~ exempt from disclosure pursuant to the Massachusetts Public Records Law, G.L. c. 4, § 7(26), applicants shall ~~follow the procedures in 205 CMR 103.10(1)~~ clearly mark as confidential any documents covered by G.L. c. 23K, § 9(b) in completing and submitting the required forms pursuant to 205 CMR 111.00: *Phase 1 Application Requirements* and 205 CMR 118.00: *Phase 2-Applying For a License*.

4. All information submitted by an applicant in the RFA Phase 1 or Phase 2 application, other than that described as “Exempt/Redact” or otherwise so identified ~~in 205 CMR 103.09(2)~~ by the commission as information or categories of information it considers to be exempt from disclosure in accordance with the Massachusetts Public Records Law, G.L. c. 4, § 7(26), shall be presumed to be available for public disclosure on request unless ~~a confidentiality claimant~~ an applicant demonstrates or the commission otherwise finds that a separable portion of the information is exempt from disclosure pursuant to ~~the~~ Massachusetts Public Records Law, G.L. c. 4, § 7(26) ~~205 CMR 103.02(1) through (5)~~. ~~Confidentiality claimants shall make such a demonstration in accordance with the provisions of 205 CMR 103.10 through 103.12.~~



Massachusetts Gaming Commission

Approved by Commission: ~~July 12, 2022~~ October 27, 2022



Massachusetts Gaming Commission

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VIA EMAIL: caroline.torrissi@massgaming.gov

Caroline Torrissi
Massachusetts Gaming Commission
101 Federal Street, 12th Floor
Boston, Massachusetts 02110

Re: Regulation Comment 205 CMR 103

Dear Attorney Torrissi:

Pursuant to the Notice of Public Hearing and request for Comment issue by the Massachusetts Gaming Commission (“Commission”) on the proposed amendments to 205 CMR 103.00, *Access to and Confidentiality of Commission Records* (“Section 103”), Wynn MA, LLC and Blue Tarp reDevelopment, LLC (collectively hereinafter “Licensees”) submit the following comments for the Commission’s consideration. For the reasons set forth below, the Licensees oppose the wholesale repeal of Section 103 and urge the Commission to update the Regulation to preserve its framework of protecting highly sensitive and confidential information while providing the public with access to information that is not otherwise protected under the law. Rather than just repeal Section 103, the Commission should replace the Regulation with a revised Regulation or Policy that governs confidential information and incorporates a review of the use of Chapter 23K, section 21(a)7’s nondisclosure agreement provision to ensure it provides a practical and efficient mechanism to ensure the free flow of information between the Licensees and the Commission, in particular the Investigations and Enforcement Bureau (“IEB”).

Background

The Commission is unique among Massachusetts public instrumentalities in that it has sweeping authority to compel applicants and the Licensees to produce almost any record. For an applicant, failure to do so can result in a negative finding of suitability and the Licensees are subject to discipline for failing to produce records as requested by the Commission including those requested by the IEB during an investigation or as part of an applicant’s ongoing duty to maintain suitability. G.L. c. 23K, sec. 13. The Commission has subpoena power and the Commission’s regulations provide for a unilateral right to inspect and seize any Licensee record on demand. *See* G.L. c. 23K, sec. 4(22), 4(23) and 4(31). The gaming license applications used by the Commission require the disclosure of highly personal information, in some cases going back 20 years, as well as detailed financial information and records, and the application contains a consent to search. Businesses likewise are required to disclose significant non-public information, including commercially sensitive and proprietary information. The IEB shares this authority and has the ability to obtain information pertaining to applicants and licensees from law enforcement entities or gaming authorities, foreign and domestic, including the Federal Bureau of Investigation. *See* G.L. c. 23K, sec. 6. Cooperating in a gaming-related investigations,

including to “make readily available all documents, materials, equipment, personnel and any other items requested during an investigation,” is a condition of licensure. G.L. c. 23K, sec. 21(a)(7).

Section 103 (and the relevant definitions contained in 205 CMR 102) were promulgated by the Commission in late 2012 in advance of the submission of the Category 1 and Category 2 RFA-1 applications. In promulgating Section 103, the Commission recognized that it was about to become the steward of a significant amount of highly personal information on individual qualifiers as well as highly sensitive and confidential business records of gaming license applicants. It recognized that “there should be an expectation that a significant portion of this information would be deemed confidential based on the nature of the inquiries we’re making as a result of these investigations.” See Transcript, MGC Public Meeting, May 16, 2013, at p. 137.

At the same time, the Commission recognized as a public agency that any record that it received is considered a public record unless protected by a statutory exemption to the public records law. G.L. c. 4, sec. 7 cls. 26 and G.L. c. 66. Section 103’s framework as applied to applications is entirely consistent with G.L. c. 23K, sec. 9(b) which recognizes applications as public records, but allows “trade secrets, competitively-sensitive or other proprietary information provided in the course of an application for a gaming license under this chapter, the disclosure of which would place the applicant at a competitive disadvantage, may be withheld from disclosure under chapter 66.” Section 103, while having some flaws, mostly having to do with the internal appeal process in connection with a public records request, provided a framework to address the competing interest of the Licensees in maintaining the confidentiality of their records (and that of their qualifiers) and the Commission’s obligations under the public records law.

Section 103 Framework

While Section 103 recognizes that all records made or received by the Commission or IEB are potentially public records, it specifically exempts from disclosure “to the maximum extent permitted by law”: (1) all records that are specifically excluded from the definition of “public record” pursuant to G.L. c. 4, § 7, cl. 26; (2) “all confidential information as defined in 205 CMR 102.02,”; (3) all records that include CORI or intelligence information pursuant to G.L. c. 6, § 167; (4) personal data pursuant to G.L. c. 66A; and (5) “all records specifically or by necessary implication exempted from disclosure by statute including, but not limited to, the exemption statutes listed by the supervisor of public records in the official *Guide to the Massachusetts Public Records Law: Appendix*.” 205 CMR 103.02. Subsection (1) includes records that are subject to the privacy exemption or the investigatory exemption to the public records law. G.L. c. 4, § 7, cl. 26(c) and (f).

Under Section 103, the Commission defines confidential information as:

(a) trade secrets, competitively sensitive information¹ and other proprietary information² provided to the commission, the bureau, and their agents and employees in the course of an application or an investigation; and

(b) trade secrets and other information protected from public disclosure by a nondisclosure agreement between the gaming licensee and the commission pursuant to M.G.L. c. 23K, § 21(a)(7).

205 CMR 102 “Definitions”

The categories of exempt records and information under 205 CMR 103.02 may only be disclosed as expressly authorized by the Access to and Confidentiality of Commission Records Regulation. Section 103.04 provides:

No information which is exempt from disclosure under 205 CMR 103.02 or which a confidentiality claimant asserts to be confidential information defined in 205 CMR 102.02: *Definitions* shall be disclosed in response to any request for public records unless the Commission has expressly so authorized in accordance with 205 CMR 103.00.

205 CMR 103.04.

If a record falls within the categories listed in section 103.02, it can only be released pursuant to section 103.07. Section 103.07, in turn, provides for the release in certain limited circumstances to comply with law or carry out functions under chapter 23K among others. 205 CMR 103.07(1). If disclosed outside of those limited exceptions, “written Notice *shall* be provided to “the person who furnished the confidential information to the commission or the bureau . . .” 205 CMR 103.07(2) (emphasis supplied). Further, “any such Notice of confidential information to be released or disclosed will be given *prior to the release or disclosure to provide an opportunity for review.*” *Id.* (emphasis supplied).

Therefore, under the current Regulation, records can only be released pursuant 205 CMR 103.07, which must include at least prior notice to a Licensee and an opportunity for review. Section 103.04 applies to such records regardless of whether a claim of confidentiality has been made or not: “No information which is exempt from disclosure under 205 CMR 103.02 *or* which a

¹ “Competitively-sensitive Information” means all records which are, and those portions of records which contain, confidential personal or business information which if made publicly available would have a reasonable likelihood of placing a person at a competitive disadvantage or be detrimental to or otherwise cause substantial damage or irreparable harm to the person such as identity theft, industrial espionage, unfair competition, or similar adverse consequences. 205 CMR 102.02.

² “Proprietary Information” means all records which are, and those portions of records which contain personal or business information which, owing to its confidential nature, is in the ordinary course subjected to strict measures to preserve its confidentiality, including confidentiality agreements, non-competition agreements, encryption and password protection for electronic information, restriction of access to those with a need-to-know, and other policies, procedures, security measures or markings designed to protect the secrecy of information and to keep the information strictly confidential. 205 CMR 102.02.

confidentiality claimant asserts to be confidential information defined in 205 CMR 102.02 . . .” (emphasis supplied).³

In fact, even after a public records request has been denied and the Commission “determines that a record is confidential information as defined in 205 CMR 102.02: *Definitions*, the record in question, or a portion thereof, shall be exempt from public disclosure. . .” 205 CMR 103.11(3). In that instance, the Commission must still “notify the person who submitted the record to the commission or the bureau, the confidentiality claimant, and all persons making a request to inspect or copy the record in question.” *Id.* This regulation further prescribes that such notices must be in writing. 205 CMR 103.11(4).

When records are exempt under section 103.02, the Commission is required to provide Notice to the person who submitted the information allowing for an opportunity to review the materials and seek any further protection of their information than the Commission may provide prior to disclosure. Importantly, this process allows for input from the subject of the records providing a vantagepoint of the information or record that is critical to determining whether it may be confidential. As the Commission has recognized in the past,

“that personal information in some cases is not self-evident. So, some of the applicants have asked for additional information that on its face doesn't look like it's personal information, to be kept from disclosure because in fact when you examine the facts surrounding the information bit, it is personal information. It's just hard to tell, things like divorce records and the like.”

See, Transcript, MGC Public Meeting, March 23, 2013, at pp. 17-18. Such input as to what may be protected under an exemption to the Public Records law, or a non-disclosure agreement, is an important step for the Commission to make an informed decision in meeting its obligation to keep such information out of the public domain. Importantly, nothing under the Public Records law prevents the Commission from seeking such input, and in no way does it dilute the Commission's ultimate authority to determine what is or what is not subject to an exemption or a nondisclosure agreement. Section 103 not only ensures that a person's (including a corporation) rights are protected, but also avoids the Commission making judgments regarding confidentiality unilaterally. The elimination of Section 103 as proposed terminates the notice requirement, prejudicing the Licensees and placing the Commission in a less informed position to make judgments on what information may be subject to disclosure and what should be protected.

G.L. c. 23K, sec. 21(a)(7) Nondisclosure Agreement

In recognition of the Commission's largely unfettered right to obtain information in connection with an IEB investigation, the Legislature provided an equally powerful protection for company records and information making its disclosure subject to entering into a nondisclosure agreement.

³ Additional protections are provided under 205 CMR 103.10 to persons that make written request to deem designated information confidential. This section of the regulation provides a confidentiality claimant the ability to request Commission designation of additional information beyond what is *per se* exempt from disclosure, as well as notice of requests for such confidential materials.

Section 21(a)(7) provides a vital mechanism to protect information submitted to the IEB during the course of an investigation. Specifically, section 21(a)(7) provides in pertinent part:

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

G.L. c. 23K, sec. 21(a)(7). The Commission has a companion regulation that sets forth the process for obtaining a nondisclosure agreement and decrees certain types of records preemptively as covered by a nondisclosure agreement under section 21(a)(7). This section provides in pertinent part:

Pursuant to M.G.L. c. 23K or 205 CMR 139.00 the gaming licensee may request that the commission enter into a written nondisclosure agreement under the terms of which the commission agrees not to release the specified material or information publicly, in response to a request for public records or otherwise, and will assert the statutory exemption, M.G.L. c. 4, §7(26)(a), and/or any other applicable exemptions, and withhold the applicable materials in response to any request for such record or information. The agreement may provide for coverage for specific materials or information, or categories of materials or information, which will be, or are likely to be, submitted to or obtained by the commission on more than one occasion. A request for a non-disclosure agreement shall be on a form provided by the commission. Upon review of the gaming licensee's request, the commission may execute such an agreement in its discretion.

205 CMR 139.02. The Commission has relied on nondisclosure agreements in protecting Licensee information and the Supervisor of Public Records has upheld the Commission's position to broadly protect records collected during the course of an IEB investigation.⁴

All of the Licensees have nondisclosure agreements in place, originally entered into around the time of each property's opening. These agreements in their current form,

⁴ Specifically, the Supervisor of Public Records has found:

“The above cited regulation states that “[a]ll documents submitted by a gaming licensee or obtained by the [C]ommission in accordance with 205 CMR 139.00 shall be deemed to have been submitted pursuant to a gaming related investigation to ensure compliance with M.G.L. c. 23K . . .” The regulation also permits the Commission to enter into a nondisclosure agreement with the licensee in order to keep certain records confidential. Where the Commission deemed the requested records to have been submitted pursuant to a gaming related investigation and entered into a nondisclosure agreement to prevent the disclosure of certain records, including the three records stated above, the Commission has met its burden to withhold those records from disclosure.

however, may not cover all records and information sought by the IEB or the Commission on a case-by-case basis. It is common for the IEB to request records, information, or analysis regarding a matter that may not fit within the four corners of an existing nondisclosure agreement despite the only requirement for such protection being that the licensee considers the material “a trade secret or detrimental to the gaming licensee if it were made public.”⁵ Revising a nondisclosure agreement under the Commission’s current process takes time and may delay the flow of information between the IEB and a Licensee. While a Licensee has a statutory right to *require* a nondisclosure agreement *before* providing the requested records, Licensees have accommodated investigative requests with the understanding that such material will remain confidential under an exemption to the public records law. The repeal of Section 103 leaves only the formal nondisclosure agreement process to protect company records and information and, while such an agreement requires approval by the Commission, the failure to approve such a request may prevent a licensee from providing the requested material or providing it in a timely manner.

The elimination of Section 103 has additional impacts on documents protected by nondisclosure agreements. As set forth above, the current regulation provides notice to a Licensee if records were requested that are subject to a nondisclosure agreement, as these are recognized under the regulation as *per se* exempt as confidential. 205 CMR 103.02. As a party to these agreements, a Licensee may have rights to enforce in addition to the Commission’s authority. Absent the notice provision in 205 CMR 103.04, a Licensee would not know whether its records are being sought or fully protected under a nondisclosure agreement to which it is a party. To the extent, the Commission and a licensee disagree about the release of a record, there may be other avenues of relief including through the Courts. Judicial relief while an unlikely scenario nonetheless is also forfeited without a process that involves notice.

Recommendations

In 2012, prior to taking custody of highly personal and other sensitive information, the Commission sought to provide clarity regarding what information it collected through the

⁵ Notably, there is no balancing test or finding that the Commission must make for a record to be covered by a nondisclosure agreement. It is within the discretion of the licensee to determine what records may be a “trade secret or detrimental to the gaming licensee if it were made public.” G.L. c. 23K, sec. 21(a)(7). The lack of a balancing test or other burden makes section 21(a)(7) unique within exceptions to the public records law and other processes for seeking confidential treatment of records submitted to a regulator. *Cf.* G.L. c. 4, sec. 7 cls. 26(c)(“personnel and medical files or information and any other materials or data relating to a specifically named individual, *the disclosure of which may constitute an unwarranted invasion of personal privacy*”)(emphasis supplied); G.L. c. 4, sec. 7, cls. 26(f)(“investigatory materials necessarily compiled out of the public view by law enforcement or other investigatory officials *the disclosure of which materials would probably so prejudice the possibility of effective law enforcement that such disclosure would not be in the public interest*”)(emphasis supplied); G.L. c. 25, sec. 5D (“Notwithstanding the provisions of clause Twenty-sixth of section seven of chapter four and section ten of chapter sixty-six, the department [of Public Utilities] may protect from public disclosure, trade secrets, confidential, competitively sensitive or other proprietary information provided in the course of proceedings conducted pursuant to this chapter. *There shall be a presumption that the information for which such protection is sought is public information and the burden shall be upon the proponent of such protection to prove the need for such protection*”)(emphasis supplied).

application process and through its investigative powers would be considered confidential and what may be accessible to the public. This approach not only provided some certainty to applicants, but also helped set the public expectation that many of the Commission's records obtained from applicants and licensees were not going to be open to review. Section 103 was part of these efforts to balance these interests. The Commission also published a "specimen application" which showed which parts of the Multi Jurisdictional Personal History Disclosure and Business Entity Disclosure forms would be public. Commission staff and the Licensees spent considerable time reviewing IEB reports in connection with the RFA-1 process to create public versions of the reports, and the Commission specifically designed the RFA-2 applications to allow for confidential exhibits. All of these steps provided some level of certainty that the highly confidential information provided to the Commission would be protected from public disclosure. The repeal of Section 103, as well as a reluctance to provide applicants or Licensees any ability to review their own records before being disclosed, erodes this certainty. In addition to revising Section 103, the Licensees respectfully urge the Commission to use this opportunity to establish a comprehensive policy on confidential records in its place, one that balances access to public records with the reality of the Commission being in possession highly personal information pertaining to individuals and highly sensitive and proprietary information of businesses many of which are publicly traded.

Specifically, the Licensees request the Commission to consider:

- Expanding the categories of records recognized as presumptively exempt listed in 205 CMR 139 and in each Licensee's nondisclosure agreement to include additional records regularly submitted to the Commission
- Clarifying a process to provide notice to the Licensees that their records are subject to a request for disclosure that is consistent with the public records law
- Upon notice of such a request, providing an opportunity for comments and proposed redactions for the Commission's consideration prior to release of the records
- Providing a mechanism so that a Licensee can designate a record "NDA Request Pending" at the time of submission to allow for the timely production of records
- Providing a mechanism for limited review of sensitive records on a secure company FTP site without further production of such materials
- Establishing a specific process and presumption of approval of an NDA if the elements of that process and G.L. c. 23K, section 21(a)(7) are met
- Streamlining the NDA process and designating authority to a single commissioner for review and approval
- Reviving the application specimens for the MJPHD, BED and MA Supp
- Providing a mechanism for review of any IEB or other Commission Report to determine whether any information contained in the report should be redacted pursuant to an exemption under the public records law or a nondisclosure agreement
- Establishing a protocol for use of confidential information in connection with adjudicatory hearing

Thank you for your consideration of these comments. We look forward to working with the Commission and staff to establish a comprehensive policy and regulations pertaining to confidential records.

Sincerely,

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Legal Division

TO: Cathy Judd-Stein, Chair
Eileen O'Brien, Commissioner
Brad Hill, Commissioner
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Jordan Maynard, Commissioner

FROM: Carrie Torrisi, Deputy General Counsel
Caitlin Monahan, Deputy General Counsel
Mina S. Makarious, Anderson & Krieger LLP
Paul Kominers, Anderson & Krieger, LLP

DATE: November 3, 2022

RE: Proposed 205 CMR 212, 214, 215, 219, 220 and 221 re Sports Wagering
Operator Licensing

Enclosed for the Commission's review is a proposed package of regulations regarding the Sports Wagering licensing process. These regulations supplement 205 CMR 218, previously approved by the Commission on October 27, 2022, which governed the form, submittal, and review of Sports Wagering applications. As with other regulations presented to the Commission, this set of regulations is largely based on the Commission's existing gaming regulations (205 CMR 112, 114, 115, 116, 117, 120 and 121). However, because the Commission is proceeding with a one-phase application process for Sports Wagering, as opposed to the two-phase gaming licensing process, the regulations are organized and titled somewhat differently. Also, there is no direct analogue in G.L. c. 23K for temporary licensing pursuant to G.L. c. 23N, § 6(c), which is addressed here in 205 CMR 219. These regulations were developed collaboratively by the Commission's finance and legal teams (along with outside counsel) and the IEB.

The Commission first reviewed these regulations on October 27th and the versions in this packet include changes made as a result of that discussion, including distinguishing preliminary suitability from final suitability; clarifying the forum in which suitability determinations will be made; clarifying language related to the term of temporary licensing; and more explicitly stating that an operation certificate is required before any sports wagering activity may commence.

Each of the proposed regulations is described briefly below.



Massachusetts Gaming Commission

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205 CMR 214: SPORTS WAGERING APPLICATION FEES

This regulation describes the applications fee required under G.L. c. 23N, § 7(a). It also requires applicants to cover the Commission’s full costs to review an application as provided under 205 CMR 114. Rather than establish a new schedule of investigative fees, 205 CMR 214 adopts the fees established pursuant to 205 CMR 114.04(3).

205 CMR 215: APPLICANT AND QUALIFIER SUITABILITY DETERMINATION, STANDARDS, AND PROCEDURES

This provision mirrors the RFA-1 suitability process under 205 CMR 115 to 117, with one important exception: like the vendor regulations approved at 205 CMR 234, the regulation contemplates a “preliminary finding of suitability” that (in combination with 205 CMR 218.07) permits an Applicant to seek a temporary license from the Commission in accordance with G.L. c. 23N, § 6(c). Such a preliminary finding can be made based on applicant and qualifier certifications made under the pains and penalties of perjury that the applicant and its qualifiers meet the suitability criteria for a license.

205 CMR 115 also provides the suitability criteria for licensure, including criteria and evidence that may be taken into consideration under 215.01(3) and mandatory bases for denial under 215.01(4).

A description of persons and entities required to be qualified, and the Bureau's and Commission's process for identifying and reviewing qualifiers, is laid out in 215.02. This section largely tracks 205 CMR 116, but was included in this section for simplicity. Reviews of qualification decisions made by the Bureau under 205 CMR 115.02 may be requested from the Commission.

205 CMR 219: TEMPORARY LICENSING PROCEDURES

This regulation establishes a procedure to issue temporary licenses that function as provisional licenses. It permits applicants already deemed suitable under 205 CMR 215 (either after a full review, or based on attestations) to request a temporary license from the Commission. Temporary license requestors must pay the \$1,000,000 temporary license fee and have their request reviewed by the Executive Director or their designee. The Executive Director then makes a recommendation to the Commission regarding the eligibility of the requestor for temporary licensing. The Commission will then deliberate on the temporary licensee's request at an open meeting.

Allowing applicants deemed suitable based on a full review to request temporary licenses gives the Commission the option (but does not require the Commission) to simplify certain operating requirements, such as occupational licensing, for temporary licensees.

205 CMR 220: SPORTS WAGERING LICENSE CONDITIONS

205 CMR 220 provides a set of high-level categories of conditions that may be placed on a licensee, including that the Sports Wagering Operator:

- comply with G.L. c. 23N and all applicable rules and regulations of the Commission;
- pay all amounts due to the Commission;
- maintain its suitability; and
- comply with its approved system of internal controls and house rules.

205 CMR 220.01(2) also permits the Commission to impose any other conditions it determines appropriate to secure the objectives of G.L. c. 23N and 205 CMR.

205 CMR 220.02 provides a separate condition applicable to temporary licensee: an expiration date of the temporary license of either the final conclusion of suitability review or one year, whichever is longer. However, a temporary license shall in any event expire within three years, with the option for one two-year renewal, consistent with the term of all operator licenses under G.L. c. 23N.

205 CMR 221: SPORTS WAGERING LICENSE FEES

This provision outlines the licensing fees paid by licensees pursuant to G.L. c. 23N, including:

- The \$1,000,000 initial licensing fee for temporary licensees, pursuant to G.L. c. 23N, § 6(c);
- The \$5,000,000 license fee for operator licenses (subject to a credit of \$1,000,000 for entities that paid the initial licensing fee for a temporary license);
- Annual assessments pursuant to M.G.L. c. 23N, § 15(c), to be determined by the Commission to cover costs of the Commission necessary to maintain control over Sports Wagering; and
- A \$1,000, 000 annual fee for licensees other than Category 1 Licensees (who are exempt from payment pursuant to G.L. c. 23N, § 15(e).

The remainder of this regulation provides the method for payment of fees and the Commission's establishment of a budget and reconciliation process for sports wagering.

**MASSACHUSETTS GAMING COMMISSION
PROPOSED REGULATIONS AT 205 CMR 212
SPORTS WAGERING ADDITIONAL INFORMATION AND COOPERATION
11/3/2022 A&K Draft**

205 CMR 212: ADDITIONAL INFORMATION AND COOPERATION

212.01 Additional Information and Cooperation

212.01 Additional Information and Cooperation

- (1) The Commission, the Bureau or their agents and employees may request additional information and documents from an Applicant including all qualifiers, employee license, vendor license or registration, or any other license or registration required in accordance with M.G.L. c. 23N or 205 CMR throughout the application review process. Failure by the Applicant 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 and qualifiers under M.G.L. c. 23N and 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. 23N and 205 CMR.
- (3) Applicants, licensees, registrants and qualifiers 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 212.01(1) and 212.01(2) to said information request.
- (4) All Applicants, licensees, registrants and qualifiers under M.G.L. c. 23N 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. 23N.
- (5) Once issued a positive determination of suitability, all Sports Wagering Operators and qualifiers shall have a continuing duty to maintain suitability in accordance with 205 CMR 215.00. The Sports Wagering Operator and each 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, gaining knowledge of the following:
 - (a) Any denial, suspension or revocation by a Governmental Authority in any jurisdiction of a Sports Wagering related license, registration, certification, permit or approval held by or applied for by the Sports Wagering Operator or qualifier;
 - (b) Any discipline, including a fine or warning, related to Sports Wagering imposed upon the Sports Wagering Operator or qualifier by any Governmental Authority in any jurisdiction;

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PROPOSED REGULATIONS AT 205 CMR 212
SPORTS WAGERING ADDITIONAL INFORMATION AND COOPERATION
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- (c) Any fine related to Sports Wagering assessed on any Sports Wagering entity owned or operated by the parent to the Sports Wagering Operator 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 Sports Wagering Operator, qualifier, or any Sports Wagering entity owned or operated by the parent to the Sports Wagering Operator, of which the Sports Wagering Operator 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 Sports Wagering Operator, qualifier, or Sports Wagering entity owned or operated by the parent to the Sports Wagering Operator, 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 Sports Wagering Operator or qualifier, of which the Sports Wagering Operator 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 Sports Wagering Operator or qualifier, including by way of receipt of a subpoena, that the Sports Wagering Operator 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 Sports Wagering or Sports Wagering facility in any jurisdiction;
- (i) The termination, suspension from employment, or other discipline of any qualifier or Sports Wagering 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 Sports Wagering Operator and the parent company of the Sports Wagering Operator as determined by the Bureau. Additionally, the Sports Wagering Operator and each qualifier

**MASSACHUSETTS GAMING COMMISSION
PROPOSED REGULATIONS AT 205 CMR 212
SPORTS WAGERING ADDITIONAL INFORMATION AND COOPERATION
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shall provide notice of any pending legal proceeding which includes any allegation of fraudulent conduct by the Sports Wagering Operator or a qualifier, that may reasonably threaten the economic viability of the Sports Wagering Operator or a qualifier, or that alleges a pattern of improper conduct by the Sports Wagering Operator or a qualifier over a sustained period of time;

- (k) Any significant financial event related to a Sports Wagering Operator or entity qualifier. For purposes of 205 CMR 212.01(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 Sports Wagering Operator or qualifier;
 - (m) A change in accounting firm engaged to perform attestation and/or assurance services for the Sports Wagering Operator or qualifier; and
 - (n) Issuance of a delisting notice from a United States or international stock exchange relative to the Sports Wagering Operator or qualifier.
- (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.

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PROPOSED REGULATIONS AT 205 CMR 212
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205 CMR 212: ADDITIONAL INFORMATION AND COOPERATION

212.01 Additional Information and Cooperation

212.01 Additional Information and Cooperation

- (1) The Commission, the Bureau or their agents and employees may request additional information and documents from an Applicant ~~for a Sports Wagering License~~ including all qualifiers, employee license, vendor license or registration, or any other license or registration required in accordance with M.G.L. c. 23N or 205 CMR throughout the application review process. Failure by the Applicant 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 and qualifiers under M.G.L. c. 23N and 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. 23N and 205 CMR.
- (3) Applicants, licensees, registrants and qualifiers 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 212.01(1) and 212.01(2) to said information request.
- (4) All Applicants, licensees, registrants and qualifiers under M.G.L. c. 23N 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. 23N.
- (5) Once issued a positive determination of suitability, all Sports Wagering Operators and qualifiers shall have a continuing duty to maintain suitability in accordance with 205 CMR 215.00. The Sports Wagering Operator and each 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, gaining knowledge of the following:
 - (a) Any denial, suspension or revocation by a Governmental Authority in any jurisdiction of a Sports Wagering related license, registration, certification, permit or approval held by or applied for by the Sports Wagering Operator or qualifier;

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- (b) Any discipline, including a fine or warning, related to Sports Wagering imposed upon the Sports Wagering Operator or qualifier by any Governmental Authority in any jurisdiction;
- (c) Any fine related to Sports Wagering assessed on any Sports Wagering entity owned or operated by the parent to the Sports Wagering Operator 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 Sports Wagering Operator, qualifier, or any Sports Wagering entity owned or operated by the parent to the Sports Wagering Operator, of which the Sports Wagering Operator 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 Sports Wagering Operator, qualifier, or Sports Wagering entity owned or operated by the parent to the Sports Wagering Operator, 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 Sports Wagering Operator or qualifier, of which the Sports Wagering Operator 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 Sports Wagering Operator or qualifier, including by way of receipt of a subpoena, that the Sports Wagering Operator 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 Sports Wagering or Sports Wagering facility in any jurisdiction;
- (i) The termination, suspension from employment, or other discipline of any qualifier or Sports Wagering employee licensed in accordance with 205 CMR;

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- (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 Sports Wagering Operator and the parent company of the Sports Wagering Operator as determined by the Bureau. Additionally, the Sports Wagering Operator and each qualifier shall provide notice of any pending legal proceeding which includes any allegation of fraudulent conduct by the Sports Wagering Operator or a qualifier, that may reasonably threaten the economic viability of the Sports Wagering Operator or a qualifier, or that alleges a pattern of improper conduct by the Sports Wagering Operator or a qualifier over a sustained period of time;
 - (k) Any significant financial event related to a Sports Wagering Operator or entity qualifier. For purposes of 205 CMR 212.01(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 Sports Wagering Operator or qualifier;
 - (m) A change in accounting firm engaged to perform attestation and/or assurance services for the Sports Wagering Operator or qualifier; and
 - (n) Issuance of a delisting notice from a United States or international stock exchange relative to the Sports Wagering Operator or qualifier.
- (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:

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- (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.

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205 CMR 214: SPORTS WAGERING APPLICATION FEES

214.01 Application Fees

214.02 Additional Fees for Investigations

214.01 Application Fees

- (1) Pursuant to M.G.L. c. 23N, § 7(a), each Applicant for a Sports Wagering Operator License shall pay to the Commission a nonrefundable application fee of \$200,000 to defray the costs associated with the processing of the application and investigation of the Applicant; provided, however, that if the costs of the investigation exceed the initial application fee, the Applicant shall pay the additional amount to the Commission within 30 days after notification of insufficient fees or the application shall be rejected.
- (2) The Applicant shall pay the initial non-refundable application fee of \$200,000 by certified check or secure electronic funds transfer made payable to the "Massachusetts Gaming Commission." The Applicant shall submit this initial non-refundable application fee with or before its initial application.
- (3) All required application fees and community disbursements pursuant to 205 CMR 214.00 shall be non-refundable, due and payable notwithstanding the withdrawal or abandonment of any application.
- (4) In connection with an application for a Sports Wagering Operator License, the Applicant and its Affiliates shall be jointly and severally liable for any amounts chargeable to the Applicant pursuant to 205 CMR 214.00.
- (5) All fees in this section 205 CMR 214.00 shall be deposited into the Sports Wagering Control Fund established in M.G.L. c. 23N, § 15.

214.02 Additional Fees for Investigations

- (6) Pursuant to 205 CMR 214.00, the Applicant shall be responsible for paying to the Commission all costs incurred by the Commission, directly or indirectly, for conducting any investigation into an Applicant. As required by the procedure established pursuant to 205 CMR 114.04(5), the Applicant shall pay to or reimburse the Commission for all such investigation costs that exceed the initial application fee.
- (7) For purposes of 205 CMR 214.00, the costs for conducting any investigation into an Applicant shall include, without limitation:
 - (a) All costs for conducting an investigation into an Applicant and its qualifiers, the Applicant's Affiliates and Close Associates, and any other

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person subject to the jurisdiction of the Commission under M.G.L. c. 23N relating to the application in question; and

- (b) All fees for services, disbursements, out of pocket costs, allocated overhead, processing charges, administrative expenses, professional fees, and other costs directly or indirectly incurred by the Commission, including without limitation all such amounts incurred by the Commission to and through the Bureau, the Division, the Gaming Enforcement Unit, the Gaming Liquor Enforcement Unit, and any contract investigator.
- (8) The Commission in its discretion shall establish, and, post on its website, a schedule of hourly fees, wages, applicable fringe benefits, payroll taxes, overhead rates and other charges to be assessed by the Commission to Applicants for in-house personnel, services and work of the Commission, the Bureau, the Division, the Gaming Enforcement Unit, and the Gaming Liquor Enforcement Unit for conducting investigations into an Applicant pursuant to 205 CMR 214.00.
- (9) The Commission shall assess to the Applicant all other costs paid by or for the Commission, directly or indirectly, to any other Person for conducting an investigation into an Applicant plus an appropriate percent for overhead, processing and administrative expenses.

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- (2) The Applicant shall pay the initial non-refundable application fee of \$200,000 by certified check or secure electronic funds transfer made payable to the "Massachusetts Gaming Commission." The Applicant shall submit this initial non-refundable application fee with or before its initial application.
- (3) All required application fees and community disbursements pursuant to 205 CMR 214.00 shall be non-refundable, due and payable notwithstanding the withdrawal or abandonment of any application.
- (4) In connection with an application for a Sports Wagering Operator License, the Applicant and its Affiliates shall be jointly and severally liable for any amounts chargeable to the Applicant pursuant to 205 CMR 214.00.
- (5) All fees in this section 205 CMR 214.00 shall be deposited into the Sports Wagering Control Fund established in M.G.L. c. 23N, § 15.

214.02 Additional Fees for Investigations

- (1) Pursuant to 205 CMR 214.00, the Applicant shall be responsible for paying to the Commission all costs incurred by the Commission, directly or indirectly, for conducting any investigation into an Applicant. As required by the procedure established pursuant to 205 CMR 114.04(5), the Applicant shall pay to or reimburse the Commission for all such investigation costs that exceed the initial application fee.
- (2) For purposes of 205 CMR 214.00, the costs for conducting any investigation into an Applicant shall include, without limitation:
 - (a) All costs for conducting an investigation into an Applicant and its qualifiers, the Applicant's Affiliates and Close Associates, and any other

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person subject to the jurisdiction of the Commission under M.G.L. c. 23N relating to the application in question; and

- (b) All fees for services, disbursements, out of pocket costs, allocated overhead, processing charges, administrative expenses, professional fees, and other costs directly or indirectly incurred by the Commission, including without limitation all such amounts incurred by the Commission to and through the Bureau, the Division, the Gaming Enforcement Unit, the Gaming Liquor Enforcement Unit, and any contract investigator.
- (3) The Commission in its discretion shall establish, and, post on its website, a schedule of hourly fees, wages, applicable fringe benefits, payroll taxes, overhead rates and other charges to be assessed by the Commission to Applicants for in-house personnel, services and work of the Commission, the Bureau, the Division, the Gaming Enforcement Unit, and the Gaming Liquor Enforcement Unit for conducting investigations into an Applicant pursuant to 205 CMR 214.00.
- (4) The Commission shall assess to the Applicant all other costs paid by or for the Commission, directly or indirectly, to any other Person for conducting an investigation into an Applicant plus an appropriate percent for overhead, processing and administrative expenses.

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**205 CMR 215: APPLICANT AND QUALIFIER SUITABILITY DETERMINATION,
STANDARDS, AND PROCEDURES**

215.01 Affirmative Suitability Standards for Applicants and Qualifiers

215.02 Persons required to be qualified.

215.01 Affirmative Suitability Standards for Applicants and Qualifiers

(1) Durable finding of suitability.

- (a) An Applicant or Qualifier shall have the duty to establish its suitability by clear and convincing evidence.
- (b) No Applicant shall be determined to be suitable in accordance with this 205 CMR 215.01(1) unless and until all Qualifiers identified in 205 CMR 215.02 have been found by the Commission suitable in accordance with this 205 CMR 215.01(1).
- (c) Before the Commission may determine that an Applicant or Qualifier is suitable in accordance with this 205 CMR 215.01(1), the Bureau shall conduct an investigation into the qualifications and suitability of the Applicant or Qualifier, consistent with 205 CMR 115.03(1). 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 for a Sports Wagering License.
- (d) The Commission shall make any finding of suitability in accordance with this 205 CMR 215.01(1) after an adjudicatory proceeding pursuant to 205 CMR 101.00 concerning the applicant or qualifier pursuant to 205 CMR 215.01(1)(c).
- (e) After the proceedings under 205 CMR 215.01(1)(d), the Commission shall issue a written determination of suitability as follows:
 - (i) Negative Determination. If the Commission finds that an applicant or new qualifier or existing qualifier failed to meet its burden of demonstrating its suitability, the Commission shall issue a negative determination of suitability.
 - (ii) Positive Determination. If the Commission finds that an applicant or new qualifier or existing qualifier has met its burden of demonstrating its suitability, the Commission shall issue a positive

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determination of suitability which may include conditions and restrictions.

- (2) Preliminary finding of suitability. Notwithstanding any other provision of 205 CMR 215.00, the Commission, in its sole discretion, may determine in accordance with 205 CMR 215.01(5) that an Applicant or Qualifier is preliminarily suitable in accordance with this 205 CMR 215.01(2) based on a certification pursuant to 205 CMR 215.01(2)(a) and an investigatory report pursuant to 205 CMR 215.01(2)(b).
 - (a) To be found preliminarily suitable in accordance with 205 CMR 215.01(2), the Applicant or Qualifier must certify:
 - (i) that it understands it may be denied a Sports Wagering License or have a Sports Wagering License revoked if it has willfully, knowingly, recklessly, or intentionally provided false or misleading information to the Commission;
 - (ii) 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. 23N, §§ 5, 6, and 9(a), and 205 CMR 215.01(3)-(4); and
 - (iii) (for an Applicant): the 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. 23N, §§ 5, 6, and 9(a), and 205 CMR 215.01(3)-(4).
 - (b) Before the Commission may determine that an Applicant or Qualifier is preliminarily suitable in accordance with this 205 CMR 215.01(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 215.01(2)(a) 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.
 - (c) Any evaluation of whether an Applicant or Qualifier is preliminarily suitable shall take place during deliberations held in accordance with 205 CMR 218.06(4). The Bureau's report may be redacted consistent with the Massachusetts Public Records Law, G.L. c. 66, and other sources of law.

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- (d) After evaluating whether the Applicant or Qualifier is preliminarily suitable in accordance with 205 CMR 215.01(2)(c):
 - (i) If the Commission finds the Applicant or Qualifier preliminarily suitable, and deems the relevant Applicant eligible to request a Temporary License, in accordance with 205 CMR 218.07(1)(a): the Commission shall issue a written determination of preliminary suitability for the Applicant or Qualifier. The determination may include conditions and restrictions.
 - (ii) Otherwise: the Commission may issue a negative determination of suitability.
- (3) In determining whether an Applicant or Qualifier is suitable, the Commission shall evaluate and consider the overall reputation of the Applicant and its Qualifiers, if any, 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 integrity, honesty, good character and reputation of the Applicant and its Qualifiers;
 - (b) the financial stability, integrity, and background of the Applicant and its Qualifiers;
 - (c) whether the Applicant and its Qualifiers have a history of compliance with gaming and Sports Wagering licensing requirements in other jurisdictions;
 - (d) whether the Applicant or any Qualifier, at the time of the request, is a defendant in litigation;
 - (e) whether the Applicant or any Qualifier is ineligible to hold a license under 205 CMR 215.01(4), M.G.L. c. 23N, § 9(a), or M.G.L. c. 23N, § 6(e);
 - (f) whether the Applicant or any Qualifier has been convicted of a crime of moral turpitude;
 - (g) whether, and to what extent, the Applicant or any Qualifier has associated with members of organized crime and other Persons of disreputable character; and
 - (h) the extent to which the Applicant and its Qualifiers have cooperated with the Bureau during the review of the Sports Wagering License Application.

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- (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;
 - (b) has had a license revoked by any Governmental Authority responsible for regulation of 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 Sports Wagering License or whose relationship with the Applicant may pose an injurious threat to the interests of the Commonwealth.

215.02 Persons Required to be Qualified.

- (1) The following Persons shall be required to qualify as part of the Sports Wagering License review:
 - (a) If the Applicant is a corporation:
 - (i) Each officer;
 - (ii) Each inside director;
 - (iii) 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
 - (iv) 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:

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- (i) Each member;
 - (ii) Each transferee of a member's interest;
 - (iii) Any other holder of a beneficial or proprietary interest of 10% or more in the Applicant;
 - (iv) Each manager; and
 - (v) 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:
 - (i) Each partner;
 - (ii) Any other holder of a beneficial or proprietary interest of 10% or more in the Applicant; and
 - (iii) 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.
- (2) 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 requestor.
- (3) Waivers and Persons Deemed Qualified.
 - (a) Waivers. In addition to any other exception or exemption under 205 CMR 215.00, upon written petition, the Commission may waive the requirement to be qualified as a Qualifier under this Section 205 CMR 215 for:
 - (i) 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

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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 210.00 through 218.00 before taking any action that may influence or affect the affairs of the Applicant or a holding, intermediary or subsidiary company; or

- (ii) 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.
- (b) Persons deemed qualified. Any Person previously qualified pursuant to M.G.L. c. 23K or 205 CMR 116.00 may be deemed qualified for purposes of M.G.L. c. 23N and 205 CMR 105 without an additional finding of suitability pursuant to this 205 CMR 215.
- (4) Qualification of New Qualifiers.
 - (a) No Person requiring qualification pursuant to 205 CMR 215.02(1)-(2) may perform any duties or exercise any powers relating to the position that said Qualifier is seeking to assume for a Sports Wagering Operator unless the Person notifies the Bureau in writing within 30 days of appointment to the position. Such notification shall be accompanied by the 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.
 - (b) A Person with reason to believe that his or her new position with a Sports Wagering Operator may require qualification pursuant to 205 CMR 215.02(1)-(2) 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 215.02(1)-(2) 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

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submission of the completed form, the Person may continue to perform duties and exercise powers relating to the position pending qualification.

- (c) 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 215.01(1)(c) whether the new Qualifier meets the standards for suitability.
- (d) 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.
- (5) Internal Review of Determinations. An Applicant may ask for review of any determination made by the Bureau in accordance with either 205 CMR 215.02(1)-(3) or 205 CMR 215.02(4)(b) 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.

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215.01 Affirmative Suitability Standards for Applicants and Qualifiers
 215.02 Persons required to be qualified.

215.01 Affirmative Suitability Standards for Applicants and Qualifiers

(1) Durable finding of suitability.

- (a) An Applicant or Qualifier shall have the duty to establish its suitability by clear and convincing evidence.
- (b) No Applicant shall be determined to be suitable in accordance with this 205 CMR 215.01(1) unless and until all Qualifiers identified in 205 CMR 215.02 have been found by the Commission suitable in accordance with this 205 CMR 215.01(1).
- (c) Before the Commission may determine that an Applicant or Qualifier is suitable in accordance with this 205 CMR 215.01(1), the Bureau shall conduct an investigation into the qualifications and suitability of the Applicant or Qualifier, consistent with 205 CMR 115.03(1). 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 for a Sports ~~Watering~~Wagering License.

(d) The Commission shall make any finding of suitability in accordance with this 205 CMR 215.01(1) after an adjudicatory proceeding pursuant to 205 CMR 101.00 concerning the applicant or qualifier pursuant to 205 CMR 215.01(1)(c).

(e) After the proceedings under 205 CMR 215.01(1)(d), the Commission shall issue a written determination of suitability as follows:

- (i) Negative Determination. If the Commission finds that an applicant or new qualifier or existing qualifier failed to meet its burden of demonstrating its suitability, the Commission shall issue a negative determination of suitability.
- (ii) Positive Determination. If the Commission finds that an applicant or new qualifier or existing qualifier has met its burden of demonstrating its suitability, the Commission shall issue a positive

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determination of suitability which may include conditions and restrictions.

- (2) Preliminary finding of suitability. Notwithstanding any other provision of 205 CMR 215.00, the Commission, in its sole discretion, may determine in accordance with 205 CMR 215.01(5) that an Applicant or Qualifier is preliminarily suitable in accordance with this 205 CMR 215.01(2) if the Applicant or Qualifier certifies based on a certification pursuant to 205 CMR 215.01(2)(a) and an investigatory report pursuant to 205 CMR 215.01(2)(b).
- (a) To be found preliminarily suitable in accordance with 205 CMR 215.01(2), the Applicant or Qualifier must certify:
- (i) that it understands it may be denied a Sports Wagering License or have a Sports Wagering License revoked if it has willfully, knowingly, recklessly, or intentionally provided false or misleading information to the Commission;
 - (ii) 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. 23N, §§ 5, 6, and 9(a), and 205 CMR 215.01(3)-(4); and
 - (iii) (for an Applicant): the 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. 23N, §§ 5, 6, and 9(a), and 205 CMR 215.01(3)-(4).
- (b) Before the Commission may determine that an Applicant or Qualifier is preliminarily suitable in accordance with this 205 CMR 215.01(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 215.01(2)(a) 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.
- (c) Any evaluation of whether an Applicant or Qualifier is preliminarily suitable shall take place during deliberations held in accordance with 205

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CMR 218.06(4). The Bureau's report may be redacted consistent with the Massachusetts Public Records Law, G.L. c. 66, and other sources of law.

(d) After evaluating whether the Applicant or Qualifier is preliminarily suitable in accordance with 205 CMR 215.01(2)(c):

(i) If the Commission finds the Applicant or Qualifier preliminarily suitable, and deems the relevant Applicant eligible to request a Temporary License, in accordance with 205 CMR 218.07(1)(a): the Commission shall issue a written determination of preliminary suitability for the Applicant or Qualifier. The determination may include conditions and restrictions.

(ii) Otherwise: the Commission may issue a negative determination of suitability.

(3) In determining whether an Applicant or Qualifier is suitable, the Commission shall evaluate and consider the overall reputation of the Applicant and its Qualifiers, if any, 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 integrity, honesty, good character and reputation of the Applicant and its Qualifiers;
- (b) the financial stability, integrity, and background of the Applicant and its Qualifiers;
- (c) whether the Applicant and its Qualifiers have a history of compliance with gaming and Sports Wagering licensing requirements in other jurisdictions;
- (d) whether the Applicant or any Qualifier, at the time of the request, is a defendant in litigation;
- (e) whether the Applicant or any Qualifier is ineligible to hold a license under 205 CMR 215.01(4) ~~and~~, M.G.L. c. 23N, § 9(a), or M.G.L. c. 23N, § 6(e);
- (f) whether the Applicant or any Qualifier has been convicted of a crime of moral turpitude;
- (g) whether, and to what extent, the Applicant or any Qualifier has associated with members of organized crime and other Persons of disreputable character; and

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- (h) the extent to which the Applicant and its Qualifiers have cooperated with the Bureau during the review of the Sports Wagering 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;
 - (b) has had a license revoked by any Governmental Authority responsible for regulation of 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 Sports Wagering License or whose relationship with the Applicant may pose an injurious threat to the interests of the Commonwealth.
- ~~(5) Determinations of suitability, and further Commission review thereof shall be made in a manner consistent with 205 CMR 115.04 and 205 CMR 115.05.~~

215.02 Persons Required to be Qualified.

- (1) The following Persons shall be required to qualify as part of the Sports Wagering License review:
 - (a) If the Applicant is a corporation:
 - (i) Each officer;
 - (ii) Each inside director;
 - (iii) 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 who has the ability to control the activities of the Applicant; and

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- (iv) 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:
 - (i) Each member;
 - (ii) Each transferee of a member's interest;
 - (iii) Any other holder of a beneficial or proprietary interest of 10% or more in the Applicant;
 - ~~(iii)~~(iv) Each manager; and
 - ~~(iv)~~(v) 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:
 - ~~(i)~~ Each partner; ~~and~~
 - ~~(i)~~(ii) Any other holder of a beneficial or proprietary interest of 10% or more in the Applicant; and
 - ~~(ii)~~(iii) 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.
- (2) 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 requestor.

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(3) Waivers and Persons Deemed Qualified.

- (a) Waivers. In addition to any other exception or exemption under 205 CMR 215.00, upon written petition, the Commission may waive the requirement to be qualified as a Qualifier under this Section 205 CMR 215 for:
 - (i) 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 210.00 through 218.00 before taking any action that may influence or affect the affairs of the Applicant or a holding, intermediary or subsidiary company; or
 - (ii) 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.
- (b) Persons deemed qualified. Any Person previously qualified pursuant to M.G.L. c. 23K or 205 CMR 116.00 may be deemed qualified for purposes of M.G.L. c. 23N and 205 CMR 105 without an additional finding of suitability pursuant to this 205 CMR 215.

~~(3)~~(4) Qualification of New Qualifiers.

- (a) No Person requiring qualification pursuant to 205 CMR 215.02(1)-(2) may perform any duties or exercise any powers relating to the position that said Qualifier is seeking to assume for a Sports Wagering Operator unless the Person notifies the Bureau in writing within 30 days of appointment to the position. Such notification shall be accompanied by the 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.

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- (b) A Person with reason to believe that his or her new position with a Sports Wagering Operator may require qualification pursuant to 205 CMR 215.02(1)-(2) 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 215.02(1)-(2) 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.
- (c) 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 215.01(1)(c) whether the new Qualifier meets the standards for suitability.
- (d) 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.

(4)(5) Internal Review of Determinations. An Applicant may ask for review of any determination made by the Bureau in accordance with either 205 CMR 215.02(1)-(3) or 205 CMR 215.02(4)(b) 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.

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205 CMR 219: TEMPORARY LICENSING PROCEDURES

219.01 Eligibility to Request a Temporary License

219.02 Temporary License Request Process

219.01 Eligibility to Request a Temporary License

- (1) A Person shall be eligible to request a Temporary License if:
 - (a) The Commission deems it eligible in accordance with 205 CMR 218.07(1)(a); or
 - (b) The Commission awards it a Sports Wagering License in accordance with 205 CMR 218.07(1)(b).

219.02 Temporary License Request Process

- (1) Any Person who is eligible to request a Temporary License may submit a request for a Temporary License to the Executive Director on a form to be approved by the Commission. Such request shall be accompanied by an initial licensing fee of \$1,000,000 payable to the Commission.
- (2) Upon receiving a request for a Temporary License, the Executive Director or their designee shall within **fourteen** days determine whether the requestor is eligible to request a Temporary License and has paid the initial licensing fee as described in 205 CMR 219.02, and make a written recommendation to the Commission as follows:
 - (a) If the Executive Director determines that the requestor is eligible and has paid the initial licensing fee, they shall recommend to the Commission that the Commission issue the requested Temporary License.
 - (b) If the Executive Director determines that the requestor is not eligible or has not paid the initial licensing fee, they shall recommend to the Commission that the Commission deny the requested Temporary License.
- (3) Upon receiving a recommendation from the Executive Director in accordance with 205 CMR 219.02(2), the Commission shall, at an open public meeting held within **fourteen** days, either issue or deny the requested Temporary License.
 - (a) The Commission shall send written notice of the public meeting to the requestor at least **seven** days in advance of the meeting.
 - (b) The Commission may in its discretion receive comment or presentations from representatives of the requestor or from the public.

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- (4) Any Temporary License shall be subject to conditions in accordance with M.G.L. c. 23N and 205 CMR 220.

219.03 Temporary License Expiration

- (1) The Temporary License shall expire after the Commission makes a supplemental determination of suitability in accordance with 205 CMR 218.06(7), or one year, whichever is longer; provided, that if the Commission has not made a supplemental determination of suitability within one year, the Temporary License shall:
- (a) expire after the Commission makes a supplemental determination of suitability in accordance with 205 CMR 218.06(7), or after three years, whichever is shorter, if the Operator does not request a renewal in accordance with 205 CMR 219.04; or
 - (b) expire after the Commission makes a supplemental determination of suitability in accordance with 205 CMR 218.06(7), or after five years, whichever is shorter, if the Operator timely requests and is granted a renewal in accordance with 205 CMR 219.04.
- (2) Under no circumstances shall any Operator conduct Sports Wagering under a Temporary License after five years from the date the Temporary License issued.

219.04 Temporary License Renewal Process

- (1) No Operator shall submit a renewal request in accordance with this 205 CMR 219.04 until twenty-one months or more than two years after the date the Temporary License issued.
- (2) Renewal requests shall be submitted to the Executive Director on a form approved by the Commission.
- (3) Before the Commission may consider the renewal request, the Bureau shall conduct an investigation into the qualifications and continued suitability of the licensee and its Qualifiers, and submit a written report to the Commission, in accordance with 205 CMR 215.01(2)(b).
- (4) Upon receiving a report from the Bureau in accordance with 205 CMR 219.03(2), the Commission shall, at an open public meeting, either grant or deny the requested renewal. The Commission shall send written notice of the public meeting to the requestor at least **fourteen** days in advance of the meeting.
- (5) If the Commission denies a request for renewal of a Temporary License, the Temporary License shall expire no sooner than **two weeks after** the date on which the Commission denies the renewal.

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(6) Renewal application and licensing fees.

(a) Application fee.

- (i) Any renewal request shall be accompanied by a nonrefundable application fee of \$50,000 to defray the costs associated with the processing of the renewal request and investigation of the licensee. Except for the dollar amount of the fee, said fee shall be subject to the provisions of 205 CMR 214.01 and 205 CMR 214.02.
- (ii) The Executive Director shall deny, without prejudice, any renewal request not accompanied by the required application fee.

(b) Renewal licensing fee.

- (i) Within 30 days after the renewal of a Temporary License pursuant to 205 CMR 219.04(4), the licensee shall pay a non-refundable license fee of \$1,000,000 in accordance with 205 CMR 221.01(2).

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205 CMR 219: TEMPORARY LICENSING PROCEDURES

- 219.01 Eligibility to Request a Temporary License
- 219.02 Temporary License Request Process

219.01 Eligibility to Request a Temporary License

- (1) A Person shall be eligible to request a Temporary License if:
 - (a) The Commission deems it eligible in accordance with 205 CMR 218.07(1)(a); or
 - (b) The Commission awards it a Sports Wagering License in accordance with 205 CMR 218.07(1)(b).

219.02 Temporary License Request Process

- (1) Any Person who is eligible to request a Temporary License may submit a request for a Temporary License to the Executive Director on a form to be approved by the Commission. Such request shall be accompanied by an initial licensing fee of \$1,000,000 payable to the Commission.
- (2) Upon receiving a request for a Temporary License, the Executive Director or their designee shall within **fourteen** days determine whether the requestor is eligible to request a Temporary License and has paid the initial licensing fee as described in 205 CMR 219.02, and make a written recommendation to the Commission as follows:
 - (a) If the Executive Director determines that the requestor is eligible and has paid the initial licensing fee, they shall recommend to the Commission that the Commission issue the requested Temporary License.
 - (b) If the Executive Director determines that the requestor is not eligible or has not paid the initial licensing fee, they shall recommend to the Commission that the Commission deny the requested Temporary License.
- (3) Upon receiving a recommendation from the Executive Director in accordance with 205 CMR 219.02(2), the Commission shall, at an open public meeting held within **fourteen** days, either issue or deny the requested Temporary License.
 - (a) The Commission shall send written notice of the public meeting to the requestor at least **seven** days in advance of the meeting.

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- (b) The ~~chair or their designee shall preside over the public meeting,~~ and Commission may in ~~their~~its discretion ~~allow~~receive comment or presentations from representatives of the requestor or from the public.
- (4) Any Temporary License shall be subject to conditions in accordance with M.G.L. c. 23N and 205 CMR 220.

219.03 Temporary License Expiration

- (1) The Temporary License shall expire after the Commission makes a supplemental determination of suitability in accordance with 205 CMR 218.06(7), or one year, whichever is longer; provided, that if the Commission has not made a supplemental determination of suitability within one year, the Temporary License shall:
 - (a) expire after the Commission makes a supplemental determination of suitability in accordance with 205 CMR 218.06(7), or after three years, whichever is shorter, if the Operator does not request a renewal in accordance with 205 CMR 219.04; or
 - (b) expire after the Commission makes a supplemental determination of suitability in accordance with 205 CMR 218.06(7), or after five years, whichever is shorter, if the Operator timely requests and is granted a renewal in accordance with 205 CMR 219.04.
- (2) Under no circumstances shall any Operator conduct Sports Wagering under a Temporary License after five years from the date the Temporary License issued.

219.04 Temporary License Renewal Process

- (1) No Operator shall submit a renewal request in accordance with this 205 CMR 219.04 until twenty-one months or more than two years after the date the Temporary License issued.
- (2) Renewal requests shall be submitted to the Executive Director on a form approved by the Commission.
- (3) Before the Commission may consider the renewal request, the Bureau shall conduct an investigation into the qualifications and continued suitability of the licensee and its Qualifiers, and submit a written report to the Commission, in accordance with 205 CMR 215.01(2)(b).
- (4) Upon receiving a report from the Bureau in accordance with 205 CMR 219.03(2), the Commission shall, at an open public meeting, either grant or deny the

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requested renewal. The Commission shall send written notice of the public meeting to the requestor at least **fourteen** days in advance of the meeting.

(5) If the Commission denies a request for renewal of a Temporary License, the Temporary License shall expire no sooner than **two weeks after** the date on which the Commission denies the renewal.

(6) Renewal application and licensing fees.

(a) Application fee.

(i) Any renewal request shall be accompanied by a nonrefundable application fee of \$50,000 to defray the costs associated with the processing of the renewal request and investigation of the licensee. Except for the dollar amount of the fee, said fee shall be subject to the provisions of 205 CMR 214.01 and 205 CMR 214.02.

(ii) The Executive Director shall deny, without prejudice, any renewal request not accompanied by the required application fee.

(b) Renewal licensing fee.

(i) Within 30 days after the renewal of a Temporary License pursuant to 205 CMR 219.04(4), the licensee shall pay a non-refundable license fee of \$1,000,000 in accordance with 205 CMR 221.01(2).

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SPORTS WAGERING: LICENSE CONDITIONS

- 220.01 Conditions on All Licenses
- 220.02 Conditions on Temporary Licenses

220.01 Conditions on All Licenses

- (1) All Sports Wagering Licenses shall be issued subject to the following conditions:
 - (a) That the Operator obtain an Operation Certificate before conducting any sports wagering in the Commonwealth.
 - (b) That the Operator comply with all terms and conditions of its license and Operation Certificate;
 - (c) That the Operator comply with G.L. c. 23N and all rules and regulations of the Commission;
 - (d) That the Operator make all required payments to the Commission in a timely manner;
 - (e) That the Operator maintain its suitability to hold a sports wagering license; and
 - (f) That the Operator conduct sports wagering in accordance with its approved system of internal controls, consistent with 205 CMR, and in accordance with its approved house rules, in accordance with G.L. c. 23N, § 10(a) and consistent with 205 CMR.
- (2) All Temporary Licenses shall be issued subject to the condition that the license shall expire in accordance with 205 CMR 219.03 and 219.04.
- (3) The Commission may impose any other conditions on particular licenses that it determines are appropriate to secure the objectives of G.L. c. 23N and 205 CMR.

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SPORTS WAGERING: ~~License Conditions~~ LICENSE CONDITIONS

- 220.01 Conditions on All Licenses
- 220.02 Conditions on Temporary Licenses

220.01 Conditions on All Licenses

- (1) All Sports Wagering Licenses shall be issued subject to the following conditions:
 - (a) That the Operator ~~comply with all terms and conditions of its license and operations certificate; obtain an Operation Certificate before conducting any sports wagering in the Commonwealth.~~ obtain an Operation Certificate before conducting any sports wagering in the Commonwealth.
 - (b) That the Operator comply with all terms and conditions of its license and Operation Certificate;
 - ~~(b)(c)~~ (c) That the Operator comply with G.L. c. 23N and all rules and regulations of the Commission;
 - ~~(c)(d)~~ (d) That the Operator make all required payments to the Commission in a timely manner;
 - ~~(d)(e)~~ (e) That the Operator maintain its suitability to hold a sports wagering license; and
 - ~~(e)(f)~~ (f) That the Operator conduct sports wagering in accordance with its approved system of internal controls, consistent with 205 CMR, and in accordance with its approved house rules, in accordance with G.L. c. 23N, § 10(a) and consistent with 205 CMR.
- ~~(2)~~ All Temporary Licenses shall be issued subject to the condition that the license shall expire in accordance with 205 CMR 219.03 and 219.04.
- ~~(2)(3)~~ (3) The Commission may impose any other conditions on particular licenses that it determines are appropriate to secure the objectives of G.L. c. 23N and 205 CMR.

220.02 Conditions on Temporary Licenses

~~In addition to the conditions set out in 205 CMR 220.01, all Temporary Licenses shall be issued subject to the condition that the Temporary License shall expire after the Commission makes a supplemental determination of suitability in accordance with 205 CMR 218.06(7), or one year, whichever is longer; provided, that the Temporary License shall expire after five years if the Commission has not made a supplemental determination of suitability in that time.~~

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205 CMR 221: SPORTS WAGERING LICENSE FEES

- 221.01 Licensing and Assessment Fees
- 221.02 Payment of Fees
- 221.03 Annual Reconciliation of Commission Budget

221.01 Licensing and Assessment Fees

- (1) Upon submission of a request for a Temporary License pursuant to 205 CMR 219.00, the requestor shall pay an initial non-refundable license fee of \$1,000,000 to the Commission.
- (2) Within 3 years after the renewal of Temporary License pursuant to 205 CMR 219.03, the licensee shall pay a non-refundable renewal license fee of \$1,000,000 to the Commission.
- (3) Within 30 days after the award of a Sports Wagering Operator License by the Commission, the Operator shall pay a license fee of \$5,000,000 to the Commission; provided, however, that any \$1,000,000 fee or fees paid to the Commission because the Operator previously received or renewed a Temporary License shall be credited against that \$5,000,000. As a pre-condition of any award, the Commission may provide that such license fees be paid on an installment basis before the award is made and the license issued.
- (4) The following additional fees are due and payable to the Commission for each Sports Wagering Operator:
 - (a) An Annual Assessment **[to be added to defined terms]** as provided by M.G.L. c. 23N, § 15(c), to be determined by the Commission and calculated in accordance with M.G.L. c. 23N, § 15(c) to cover costs of the Commission necessary to maintain control over Sports Wagering, in proportion to each licensee's actual or projected Adjusted Gross Sports Wagering receipts; provided, however, that such assessment may be adjusted by the Commission at any time after payment is made where required to reflect the actual Adjusted Gross Sports Wagering Receipts, and accordingly, the payment of additional funds may be required or a credit may be issued towards the payment due the following year;
 - (b) An annual fee, as provided by M.G.L. c. 23N, § 15(e) reflecting each Operator that is not a Category 1 Sports Wagering Licensee's share of \$1,000,000 to be deposited into the Public Health Trust Fund; provided, however, that the Commission shall determine each Operator's share as their proportional share of anticipated or actual Adjusted Gross Sports Wagering Receipts; provided further, however, that such assessment may

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be adjusted by the Commission at any time after payment is made where required to reflect the actual adjusted gross sports wagering revenue; and

- (c) any other such license fees required under M.G.L. c. 23N and required to be assessed by the Commission.

221.02 Payment of Fees

- (5) Except in the case of an assessment for fiscal years 2023 and 2024 the Annual Assessment due under 205 CMR 221.01(3)(a) shall be assessed on or about 30 days prior to the start of the Commission fiscal year. The Annual Assessment for each Operator shall be the difference between the Commission's projected costs to regulate Sports Wagering minus any other revenues anticipated to be received by the Commission related to Sports Wagering and assessed as provided in 205 CMR 221.01(3)(b). The Commission may assess the Annual Assessment on a *pro rata* basis commencing in fiscal year 2023 and will make such assessment each fiscal year thereafter. The Commission, in its sole discretion, may allow the Annual Assessment to be paid in one or more installments during the fiscal year.
- (6) All license fees and assessments due to the Commission shall be due and payable within 30 days of receipt of an invoice from the Commission.
- (7) All license fees and assessments shall be submitted in the form of a certified check or secure electronic funds transfer payable to the "Massachusetts Gaming Commission."
- (8) In the event that a licensee fails to pay any fees or assessments as provided in 205 CMR 221.01, the Commission may take any remedial action it deems necessary up to and including revocation of the Sports Wagering Operator License.

221.03 Commission Budget and Reconciliation

- (9) The Commission shall establish a budget for Sports Wagering in the course of establishing its overall budget pursuant to 205 CMR 121.03 and 121.04.
- (10) If at any time during the fiscal year the Commission determines that actual costs associated with Sports Wagering will exceed the projected costs and projected revenue associated with Sports Wagering in the budget the Commission will revise the Annual Assessment assessed to Operator and invoice each Operator for its proportional share of such costs.
- (11) Within 90 days of the close of each fiscal year the Commission will reconcile its actual costs to actual revenues. In no case will the Commission end a fiscal year

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on a negative basis. No commitment or expense shall cause the Sports Wagering Control Fund to end the fiscal year with a negative cash balance.

- (12) In the event that actual revenues exceed actual costs for a given fiscal year, the Commission in its sole discretion shall credit such Excess Assessment to the Annual Assessment due for the next fiscal year.
- (13) In the event that actual revenues associated with Sports Wagering are less than actual costs associated with Sports Wagering for a given fiscal year, the Commission will assess each Operator for its share of the excess costs (Excess Cost Assessment) in the same manner in which the Commission assessed the Annual Assessment. Such Excess Cost Assessment shall be due and payable as part of the Annual Assessment due for the next fiscal year.

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205 CMR 221: SPORTS WAGERING LICENSE FEES

- 221.01 Licensing and Assessment Fees
- 221.02 Payment of Fees
- 221.03 Annual Reconciliation of Commission Budget

221.01 Licensing and Assessment Fees

- (1) Upon submission of a request for a Temporary License pursuant to 205 CMR 219.00, the requestor shall pay an initial non-refundable license fee of \$1,000,000 to the Commission.
- (2) Within 3 years after the renewal of Temporary License pursuant to 205 CMR 219.03, the licensee shall pay a non-refundable renewal license fee of \$1,000,000 to the Commission.
- ~~(2)~~(3) Within 30 days after the award of a Sports Wagering Operator License by the Commission, the Operator shall pay a license fee of \$5,000,000 to the Commission; provided, however, that any \$1,000,000 fee or fees paid to the Commission because the Operator previously received or renewed a Temporary License shall be credited against that \$5,000,000. As a pre-condition of any award, the Commission may provide that such license fees be paid on an installment basis before the award is made and the license issued.
- ~~(3)~~(4) The following additional fees are due and payable to the Commission for each Sports Wagering Operator:
 - (a) An Annual Assessment to be added to defined terms as provided by M.G.L. c. 23N, § 15(c), to be determined by the Commission and calculated in accordance with M.G.L. c. 23N, § 15(c) to cover costs of the Commission necessary to maintain control over Sports Wagering, in proportion to each licensee's actual or projected Adjusted Gross Sports Wagering receipts; provided, however, that such assessment may be adjusted by the Commission at any time after payment is made where required to reflect the actual Adjusted Gross Sports Wagering Receipts, and accordingly, the payment of additional funds may be required or a credit may be issued towards the payment due the following year;
 - (b) An annual fee, as provided by M.G.L. c. 23N, § 15(e) reflecting each Operator that is not a Category 1 Sports Wagering Licensee's share of \$1,000,000 to be deposited into the Public Health Trust Fund; provided, however, that the Commission shall determine each Operator's share as their proportional share of anticipated or actual Adjusted Gross Sports Wagering Receipts; provided further, however, that such assessment may

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be adjusted by the Commission at any time after payment is made where required to reflect the actual adjusted gross sports wagering revenue; and

- (c) any other such license fees required under M.G.L. c. 23N and required to be assessed by the Commission.

221.02 Payment of Fees

- (1) Except in the case of an assessment for fiscal years 2023 and 2024 the Annual Assessment due under 205 CMR 221.01(3)(a) shall be assessed on or about 30 days prior to the start of the Commission fiscal year. The Annual Assessment for each Operator shall be the difference between the Commission's projected costs to regulate Sports Wagering minus any other revenues anticipated to be received by the Commission related to Sports Wagering and assessed as provided in 205 CMR 221.01(3)(b). The Commission may assess the Annual Assessment on a *pro rata* basis commencing in fiscal year 2023 and will make such assessment each fiscal year thereafter. The Commission, in its sole discretion, may allow the Annual Assessment to be paid in one or more installments during the fiscal year.
- (2) All license fees and assessments due to the Commission shall be due and payable within 30 days of receipt of an invoice from the Commission.
- (3) -All license fees and assessments shall be submitted in the form of a certified check or secure electronic funds transfer payable to the "Massachusetts Gaming Commission."
- (4) In the event that a licensee fails to pay any fees or assessments as provided in 205 CMR 221.01, the Commission may take any remedial action it deems necessary up to and including revocation of the Sports Wagering Operator License.

221.03 Commission Budget and Reconciliation

- (1) The Commission shall establish a budget for Sports Wagering in the course of establishing its overall budget pursuant to 205 CMR 121.03 and 121.04.
- (2) If at any time during the fiscal year the Commission determines that actual costs associated with Sports Wagering will exceed the projected costs and projected revenue associated with Sports Wagering in the budget the Commission will revise the Annual Assessment assessed to Operator and invoice each Operator for its proportional share of such costs.
- (3) Within 90 days of the close of each fiscal year the Commission will reconcile its actual costs to actual revenues. In no case will the Commission end a fiscal year

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on a negative basis. No commitment or expense shall cause the Sports Wagering Control Fund to end the fiscal year with a negative cash balance.

- (4) In the event that actual revenues exceed actual costs for a given fiscal year, the Commission in its sole discretion shall credit such Excess Assessment to the Annual Assessment due for the next fiscal year.
- (5) In the event that actual revenues associated with Sports Wagering are less than actual costs associated with Sports Wagering for a given fiscal year, the Commission will assess each Operator for its share of the excess costs (Excess Cost Assessment) in the same manner in which the Commission assessed the Annual Assessment. Such Excess Cost Assessment shall be due and payable as part of the Annual Assessment due for the next fiscal year.

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SMALL BUSINESS IMPACT STATEMENT

The Massachusetts Gaming Commission (“Commission”) hereby files this Small Business Impact Statement in accordance with G.L. c. 30A, §2 relative to the proposed adoption of **205 CMR 212 ADDITIONAL INFORMATION AND COOPERATION**.

This regulation was developed as part of the process of promulgating regulations governing sports wagering in the Commonwealth, and is primarily governed by G.L. c. 23N, §4.

The adoption of 205 CMR 212 applies to potential sports wagering operators and the Commission. Accordingly, this regulation is unlikely to have an impact on small businesses. Under G.L. c.30A, §2, the Commission offers the following responses to the statutory questions:

1. Estimate of the number of small businesses subject to the proposed regulation:

This regulation is unlikely to have an impact on small businesses.

2. State the projected reporting, recordkeeping, and other administrative costs required for compliance with the proposed regulation:

There are no projected reporting, recordkeeping, or other administrative costs required for small businesses to comply with this regulation.

3. State the appropriateness of performance standards versus design standards:

No standards applicable to small businesses are set forth.

4. Identify regulations of the promulgating agency, or of another agency or department of the Commonwealth, which may duplicate or conflict with the proposed regulation:

There are no conflicting regulations in 205 CMR, and the Commission is unaware of any conflicting or duplicating regulations of any other agency or department of the Commonwealth.

5. State whether the proposed regulation is likely to deter or encourage the formation of new businesses in the Commonwealth:



Massachusetts Gaming Commission

Sports wagering is a new industry in the Commonwealth and these regulations are intended to encourage it, not deter it.

Massachusetts Gaming Commission
By:

/s/ Carrie Torrasi
Carrie Torrasi, Deputy General Counsel

Dated: October 21, 2022

DRAFT



Massachusetts Gaming Commission

101 Federal Street, 12th Floor, Boston, Massachusetts 02110 | TEL 617.979.8400 | FAX 617.725.0258 | www.massgaming.com



SMALL BUSINESS IMPACT STATEMENT

The Massachusetts Gaming Commission (“Commission”) hereby files this Small Business Impact Statement in accordance with G.L. c. 30A, §2 relative to the proposed adoption of **205 CMR 214 SPORTS WAGERING APPLICATION FEES**.

This regulation was developed as part of the process of promulgating regulations governing sports wagering in the Commonwealth, and is primarily governed by G.L. c. 23N, §4.

The adoption of 205 CMR 214 applies to potential sports wagering operators and the Commission. Accordingly, this regulation is unlikely to have an impact on small businesses. Under G.L. c.30A, §2, the Commission offers the following responses to the statutory questions:

1. Estimate of the number of small businesses subject to the proposed regulation:

This regulation is unlikely to have an impact on small businesses.

2. State the projected reporting, recordkeeping, and other administrative costs required for compliance with the proposed regulation:

There are no projected reporting, recordkeeping, or other administrative costs required for small businesses to comply with this regulation.

3. State the appropriateness of performance standards versus design standards:

No standards applicable to small businesses are set forth.

4. Identify regulations of the promulgating agency, or of another agency or department of the Commonwealth, which may duplicate or conflict with the proposed regulation:

There are no conflicting regulations in 205 CMR, and the Commission is unaware of any conflicting or duplicating regulations of any other agency or department of the Commonwealth.

5. State whether the proposed regulation is likely to deter or encourage the formation of new businesses in the Commonwealth:



Massachusetts Gaming Commission

Sports wagering is a new industry in the Commonwealth and these regulations are intended to encourage it, not deter it.

Massachusetts Gaming Commission
By:

/s/ Carrie Torrasi
Carrie Torrasi, Deputy General Counsel

Dated: October 21, 2022

DRAFT



Massachusetts Gaming Commission



SMALL BUSINESS IMPACT STATEMENT

The Massachusetts Gaming Commission (“Commission”) hereby files this Small Business Impact Statement in accordance with G.L. c. 30A, §2 relative to the proposed adoption of **205 CMR 215 APPLICANT AND QUALIFIER SUITABILITY**.

This regulation was developed as part of the process of promulgating regulations governing sports wagering in the Commonwealth, and is primarily governed by G.L. c. 23N, §4.

The adoption of 205 CMR 215 applies to potential sports wagering operators and the Commission. Accordingly, this regulation is unlikely to have an impact on small businesses. Under G.L. c.30A, §2, the Commission offers the following responses to the statutory questions:

1. Estimate of the number of small businesses subject to the proposed regulation:

This regulation is unlikely to have an impact on small businesses.

2. State the projected reporting, recordkeeping, and other administrative costs required for compliance with the proposed regulation:

There are no projected reporting, recordkeeping, or other administrative costs required for small businesses to comply with this regulation.

3. State the appropriateness of performance standards versus design standards:

This regulation expects the Commission to make context-sensitive determinations as to the suitability of licensees and applicants.

4. Identify regulations of the promulgating agency, or of another agency or department of the Commonwealth, which may duplicate or conflict with the proposed regulation:

There are no conflicting regulations in 205 CMR, and the Commission is unaware of any conflicting or duplicating regulations of any other agency or department of the Commonwealth.

5. State whether the proposed regulation is likely to deter or encourage the formation of new businesses in the Commonwealth:



Massachusetts Gaming Commission

Sports wagering is a new industry in the Commonwealth and these regulations are intended to encourage it, not deter it.

Massachusetts Gaming Commission
By:

/s/ Carrie Torrissi
Carrie Torrissi, Deputy General Counsel

Dated: October 21, 2022

DRAFT



Massachusetts Gaming Commission

101 Federal Street, 12th Floor, Boston, Massachusetts 02110 | TEL 617.979.8400 | FAX 617.725.0258 | www.massgaming.com



SMALL BUSINESS IMPACT STATEMENT

The Massachusetts Gaming Commission (“Commission”) hereby files this Small Business Impact Statement in accordance with G.L. c. 30A, §2 relative to the proposed adoption of **205 CMR 219 TEMPORARY LICENSING PROCEDURES**.

This regulation was developed as part of the process of promulgating regulations governing sports wagering in the Commonwealth, and is primarily governed by G.L. c. 23N, §4.

The adoption of 205 CMR 219 applies to potential sports wagering operators and the Commission. Accordingly, this regulation is unlikely to have an impact on small businesses. Under G.L. c.30A, §2, the Commission offers the following responses to the statutory questions:

1. Estimate of the number of small businesses subject to the proposed regulation:

This regulation is unlikely to have an impact on small businesses.

2. State the projected reporting, recordkeeping, and other administrative costs required for compliance with the proposed regulation:

There are no projected reporting, recordkeeping, or other administrative costs required for small businesses to comply with this regulation.

3. State the appropriateness of performance standards versus design standards:

No standards are set forth in this regulation.

4. Identify regulations of the promulgating agency, or of another agency or department of the Commonwealth, which may duplicate or conflict with the proposed regulation:

There are no conflicting regulations in 205 CMR, and the Commission is unaware of any conflicting or duplicating regulations of any other agency or department of the Commonwealth.

5. State whether the proposed regulation is likely to deter or encourage the formation of new businesses in the Commonwealth:



Massachusetts Gaming Commission

Sports wagering is a new industry in the Commonwealth and these regulations are intended to encourage it, not deter it.

Massachusetts Gaming Commission
By:

/s/ Carrie Torrissi
Carrie Torrissi, Deputy General Counsel

Dated: October 21, 2022

DRAFT



Massachusetts Gaming Commission

101 Federal Street, 12th Floor, Boston, Massachusetts 02110 | TEL 617.979.8400 | FAX 617.725.0258 | www.massgaming.com



SMALL BUSINESS IMPACT STATEMENT

The Massachusetts Gaming Commission (“Commission”) hereby files this Small Business Impact Statement in accordance with G.L. c. 30A, §2 relative to the proposed adoption of **205 CMR 220 LICENSE CONDITIONS**.

This regulation was developed as part of the process of promulgating regulations governing sports wagering in the Commonwealth, and is primarily governed by G.L. c. 23N, §4.

The adoption of 205 CMR 220 applies to potential sports wagering operators and the Commission. Accordingly, this regulation is unlikely to have an impact on small businesses. Under G.L. c.30A, §2, the Commission offers the following responses to the statutory questions:

1. Estimate of the number of small businesses subject to the proposed regulation:

This regulation is unlikely to have an impact on small businesses.

2. State the projected reporting, recordkeeping, and other administrative costs required for compliance with the proposed regulation:

There are no projected reporting, recordkeeping, or other administrative costs required for small businesses to comply with this regulation.

3. State the appropriateness of performance standards versus design standards:

No standards are set forth in this regulation.

4. Identify regulations of the promulgating agency, or of another agency or department of the Commonwealth, which may duplicate or conflict with the proposed regulation:

There are no conflicting regulations in 205 CMR, and the Commission is unaware of any conflicting or duplicating regulations of any other agency or department of the Commonwealth.

5. State whether the proposed regulation is likely to deter or encourage the formation of new businesses in the Commonwealth:



Massachusetts Gaming Commission

Sports wagering is a new industry in the Commonwealth and these regulations are intended to encourage it, not deter it.

Massachusetts Gaming Commission
By:

/s/ Carrie Torrissi
Carrie Torrissi, Deputy General Counsel

Dated: October 21, 2022

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Massachusetts Gaming Commission



SMALL BUSINESS IMPACT STATEMENT

The Massachusetts Gaming Commission (“Commission”) hereby files this Small Business Impact Statement in accordance with G.L. c. 30A, §2 relative to the proposed adoption of **205 CMR 221 SPORTS WAGERING LICENSE FEES**.

This regulation was developed as part of the process of promulgating regulations governing sports wagering in the Commonwealth, and is primarily governed by G.L. c. 23N, §4.

The adoption of 205 CMR 221 applies to potential sports wagering operators and the Commission. Accordingly, this regulation is unlikely to have an impact on small businesses. Under G.L. c.30A, §2, the Commission offers the following responses to the statutory questions:

1. Estimate of the number of small businesses subject to the proposed regulation:

This regulation is unlikely to have an impact on small businesses.

2. State the projected reporting, recordkeeping, and other administrative costs required for compliance with the proposed regulation:

There are no projected reporting, recordkeeping, or other administrative costs required for small businesses to comply with this regulation.

3. State the appropriateness of performance standards versus design standards:

No standards are set forth in this regulation.

4. Identify regulations of the promulgating agency, or of another agency or department of the Commonwealth, which may duplicate or conflict with the proposed regulation:

There are no conflicting regulations in 205 CMR, and the Commission is unaware of any conflicting or duplicating regulations of any other agency or department of the Commonwealth.

5. State whether the proposed regulation is likely to deter or encourage the formation of new businesses in the Commonwealth:



Massachusetts Gaming Commission

Sports wagering is a new industry in the Commonwealth and these regulations are intended to encourage it, not deter it.

Massachusetts Gaming Commission
By:

/s/ Carrie Torrissi
Carrie Torrissi, Deputy General Counsel

Dated: October 21, 2022

DRAFT



Massachusetts Gaming Commission



Legal Division

TO: Cathy Judd-Stein, Chair
Eileen O'Brien, Commissioner
Brad Hill, Commissioner
Nakisha Skinner, Commissioner
Jordan Maynard, Commissioner

FROM: Carrie Torrisi, Deputy General Counsel

DATE: November 3, 2022

RE: 205 CMR 244.06: Independent Testing Laboratory Certification

On September 8, 2022, the Commission voted to promulgate by emergency 205 CMR 244.06: *Independent Testing Laboratory Certification*. This regulation authorizes the Commission to permit any entity certified as an independent testing laboratory for electronic gaming-related devices pursuant to 205 CMR 144: *Approval of Slot Machines and Other Electronic Gaming Devices and Testing Laboratories* to be automatically certified as an independent testing laboratory for sports wagering-related devices. On September 19, 2022, the Commission voted to authorize Gaming Laboratories International (GLI) BMM Testlabs (BMM), which were previously certified by the Commission as independent testing laboratories pursuant to 205 CMR 144, to be certified as independent testing laboratories pursuant to 205 CMR 244.06.

On September 8, 2022, the Commission also voted to begin the formal promulgation process for 205 CMR 244.06. At this time, Commission staff seeks approval to finalize the promulgation process and to file the regulation with the Secretary of State's office.



Massachusetts Gaming Commission

205 CMR 244: APPROVAL OF SPORTS WAGERING EQUIPMENT AND TESTING LABORATORIES

244.06: Independent Testing Laboratory Certification

A person certified as an independent testing laboratory pursuant to 205 CMR 144 may be authorized by the Commission to provide testing services of sports wagering devices in Massachusetts. Such certified independent testing laboratory shall be subject to the same notification requirements and continued obligations outlined in 205 CMR 144.06 as they relate to sports wagering devices as well as the same reporting requirements outlined in 205 CMR 144.04 as they relate to sports wagering device testing.



AMENDED SMALL BUSINESS IMPACT STATEMENT

The Massachusetts Gaming Commission (“Commission”) hereby files this amended Small Business Impact Statement in accordance with G.L. c.30A, § 5 relative to the proposed amendments to **205 CMR 244.06: Independent Testing Laboratory Certification**, for which a public hearing was held on November 9, 2022.

This regulation was developed as part of the process of promulgating regulations governing sports wagering in the Commonwealth, and is primarily governed by G.L. c. 23N, §4.

205 CMR 244.06 applies to independent testing laboratories and the Commission. Accordingly, this regulation is unlikely to have an impact on small businesses.

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

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

As a general matter, no small businesses will be negatively impacted by this amendment as it solely relates to the testing laboratories and the Commission’s licensees. Accordingly, there are no less stringent compliance or reporting requirements for small businesses.

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

There are no schedules or deadlines for compliance or reporting requirements by this regulation.

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

This amendment does not impose any reporting requirements.

4. Establishing performance standards for small businesses to replace design or operational standards required in the proposed regulation:

There are no design or operational standards required in the proposed amendment.



Massachusetts Gaming Commission

5. An analysis of whether the proposed regulation is likely to deter or encourage the formation of new businesses in the Commonwealth:

This amendment is not likely to deter or encourage the formation of new businesses in the Commonwealth as it is limited in its likely impact on the business community.

6. Minimizing adverse impact on small businesses by using alternative regulatory methods:

This amendment does not create any adverse impact on small businesses.

Massachusetts Gaming Commission

By:

/s/ Carrie Torrasi
Carrie Torrasi
Deputy General Counsel
Legal Division

Dated: November 3, 2022



Massachusetts Gaming Commission



Legal Division

TO: Cathy Judd-Stein, Chair
 Eileen O'Brien, Commissioner
 Brad Hill, Commissioner
 Nakisha Skinner, Commissioner
 Jordan Maynard, Commissioner

FROM: Carrie Torrisi, Deputy General Counsel
 Judith Young, Associate General Counsel
 Mark Vander Linden, Director of Research and Responsible Gaming
 David Mackey, Anderson & Kreiger LLP
 Annie Lee, Anderson & Kreiger LLP

DATE: November 4, 2022

RE: Proposed Responsible Sports Wagering Regulations: 205 CMR 233 and 250

Background

Section 13(e)(2) of G.L. c. 23N, the Massachusetts Sports Wagering Act, directs the Commission to (emphasis added):

Establish a list of self-excluded persons from sports wagering. A person may request their name to be placed on the list of self-excluded persons by filing a statement with the commission acknowledging that they are a problem gambler and by agreeing that, during any period of voluntary exclusion, they shall not collect any winnings or recover any losses resulting from any sports wagering. The commission shall adopt further regulations for the self-excluded persons list including procedures for placement, removal and transmittal of the list to sports wagering operators. The commission may revoke, limit, condition, suspend or fine a sports wagering operator if the operator knowingly or recklessly fails to exclude or eject from its premises any person placed on the list of self-excluded persons. The list of self-excluded persons from sports wagering shall not be open to public inspection.

Section 13(d) of G.L. c. 23N prohibits operators from accepting:

- (i) A wager from a person who is less than 21 years of age.

The proposed 205 CMR 233 carries out the Commission's mandate to create and maintain a list of individuals self-excluded from sports wagering. It largely tracks, and where appropriate



Massachusetts Gaming Commission

incorporates by reference, 205 CMR 133 governing the list of individuals self-excluded from gaming.

The proposed 205 CMR 250 creates obligations on sports wagering operators to establish and implement policies, practices and procedures to prevent minor and underage youth from sports wagering. It largely tracks, and where appropriate incorporates by reference, 205 CMR 150 governing the protection of minors and underage youth from gaming.

Summary of Sections

- 233.01 Consistent with G.L. c. 23N, § 13(e)(2), this section reiterates the Commission's duty to create and maintain a list of individuals self-excluded from sports wagering. As with 205 CMR 133, the purpose of the self-exclusion list is to offer individuals means to help address or deter problematic sports wagering.

- 233.02 This section outlines the consequences of placement on the self-exclusion list, as well as the procedures by which an individual can apply to have their name placed on the voluntary self-exclusion list. The procedure follows the same procedures set out in 205 CMR 133. Unlike 205 CMR 133, which requires gaming licensees to update its internal management system with the names of individuals being added or removed from the self-exclusion list every 72 hours, this section requires sports wagering operators to make those updates every 24 hours.

- 233.03 This section sets out the minimum requirements for individuals to apply for inclusion on the self-exclusion list. These requirements follow the same requirements set out in 205 CMR 133, but as applicable to sports wagering.

- 233.04 The duration periods for which an individual can elect to be included on the self-exclusion list, and processes and procedures for applying to remove oneself from the self-exclusion list are the same as those provided in 205 CMR 133 for gambling. When an individual removes themselves from the self-exclusion list and participates in a reinstatement session, the individual will be automatically offered resources to address problematic sports wagering, unless they expressly decline such resources.

- 233.05 The Commission has the same obligations relative to the maintenance and custody of the voluntary self-exclusion list as it does under 205 CMR 133. Sports wagering operators have the same access to and obligations regarding the voluntary self-exclusion list as gaming licensees do under 205 CMR 133.

- 233.06 A sports wagering operator's responsibilities relative to the administration of the voluntary self-exclusion list follow the same responsibilities gaming licensees are subject to under 205 CMR 133 in the sports wagering context.

- 233.07 A sports wagering operator may be sanctioned for its failure to abide by its responsibilities set out in 205 CMR 233. Any sanctions are subject to the same procedural requirements, including review before the Commission, as set out in 205 CMR 133.

- 233.08 Just as an individual on the self-exclusion list is not entitled to recover losses, and a gaming licensee is not prohibited from seeking payment of a debt from an individual on a self-exclusion list under 205 CMR 133, the same applies to individuals self-excluded from sports wagering and sports wagering operators.

- 250.01 Consistent with G.L. c. 23N, § 13(d), this section requires sports wagering operators to implement policies, procedures and practices designed to prevent minors and underage youth from sports wagering. This section also includes provisions requiring sports wagering operators to submit for approval by the Commission a written policy memorializing such policies, procedures and practices, similar to the requirement for approval of a written policy under 205 CMR 133 and 233.

- 250.02-04 Sports wagering operators are required to monitor gaming establishments and sports wagering facilities for minors, prevent the service of alcohol to underage persons at such places, and report any such incidents discovered to the Commission, as gaming licensees are required to under 205 CMR 150.

- 250.05 This section provides that where a sports wagering operator violates its obligations as set forth in this section, sports wagering operators are subject to the same slate of potential sanctions, and if imposed, procedural requirements and review process, as those set forth in 205 CMR 133 and 233 for violations of the self-exclusion list.

205 CMR 233: SPORTS WAGERING VOLUNTARY SELF-EXCLUSION

Section

- 233.01: Scope and Purpose
- 233.02: Placement on the Self-exclusion List
- 233.03: Contents of the Application
- 233.04: Duration of Exclusion and Reinstatement from the List
- 233.05: Maintenance and Custody of the List
- 233.06: Responsibilities of the Sports Wagering Operator
- 233.07: Sanctions against a Sports Wagering Operator
- 233.08: Collection of Debts

233.01: Scope and purpose

- (1) In accordance with M.G.L. c. 23N, § 13(e)(2), the Commission shall establish a list of self-excluded Persons from Sports Wagering. 205 CMR 233.00 shall govern the procedures and protocols relative to the list of Persons self-excluded from entering a Sports Wagering Area or a Sports Wagering Facility, or holding a Sports Wagering Account. The voluntary-self exclusion list shall consist of names and information relative to those individuals who have complied with the requirements of 205 CMR 233.00 and have been placed on the list by the Commission. Placement of one's name on the self-exclusion list is intended to offer individuals one means to help address problem gambling behavior or deter an individual with family, religious, or other personal concerns from entering the Sports Wagering Area or Sports Wagering Facility, or holding a Sports Wagering Account.
- (2) For purposes of 205 CMR 233.00, the term 'problem gambler' shall have the same meaning as that term is defined in 205 CMR 133.01.

233.02: Placement on the Self-exclusion List

- (1) An individual whose name is placed on the voluntary self-exclusion list shall be prohibited from entering a Sports Wagering Area or a Sports Wagering Facility, or holding a Sports Wagering Account, for the duration of the exclusion period and until the completion of the reinstatement session required by 205 CMR 233.04(2), and shall not collect any winnings or recover any losses resulting from any Sports Wagering. Provided, however, that an employee of a Sports Wagering Operator or vendor who is on the voluntary-self exclusion list may be in a Sports Wagering Area or a Sports Wagering Facility, or hold a Sports Wagering Account, solely for the purposes of performing the employee's job functions.
- (2) An individual may request to have the individual's name placed on the voluntary self-exclusion list in accordance with the procedures outlined in 205 CMR 133.02(2)-(7) and (9)-(10). Applications for placement on the voluntary self-exclusion list shall also be available at designated locations on and off the premises of the gaming establishment in which there is a Sports Wagering Area, at a Sports Wagering Facility, and on a public web page directly accessible from a link prominently placed on a Sports Wagering Operator's mobile application or other digital platform as determined by the Commission.

- (3) The course of training required to become a designated agent who can accept and perform intakes related to an application for placement on the voluntary self-exclusion list pursuant to 205 CMR 133.02 shall also include an understanding of 205 CMR 233.00.
- (4) If the Sports Wagering Operator utilizes an internal management system to track individuals on the self-exclusion list, the Sports Wagering Operator shall update that system at least every 24 hours with names of individuals being added or removed from the self-exclusion list.

233.03: Contents of the Application

The application for voluntary self-exclusion shall require provision of, at a minimum, the same content required by 205 CMR 133.03(2)-(4), (7), (10)-(11) and (13). The application for voluntary self-exclusion shall also require provision of, at a minimum, the following content:

- (1) Name, home address, email address, telephone number, date of birth, last four digits of social security number of the applicant, and any other information required by the Commission;
- (2) An acknowledgment by the applicant that the applicant will not enter the Sports Wagering Area or Sports Wagering Facility, or engage in Sports Wagering, for the duration of the exclusion period and until the completion of the reinstatement session required by 205 CMR 233.04(2) (except as provided by 205 CMR 233.02(1)), and that it is the applicant's responsibility to refrain from doing so;
- (3) An acknowledgment by the applicant that the applicant shall not collect any winnings or recover any losses resulting from Sports Wagering for the duration of the exclusion period and until completion of the reinstatement session required by 205 CMR 233.04(2);
- (4) An acknowledgment by the applicant that by placing the applicant's name on the voluntary self-exclusion list, the prohibitions identified in 205 CMR 233.02(1) may apply to all forms of gaming offered by any entities licensed by the Commission, as well as by any affiliates of such entities, whether within Massachusetts or another jurisdiction, and that the Commission may share the list with other domestic or international gaming or Sports Wagering jurisdictions resulting in placement on the lists of such other jurisdictions, and may share such portion of the list with designated agents as may be necessary for the purpose of administering the voluntary self-exclusion program;
- (5) An acknowledgment by the applicant that if the applicant violates the agreement to refrain from entering the Sports Wagering Area or Sports Wagering Facility, or engage in Sports Wagering, the applicant shall notify the Commission of such violation within 24 hours of the violation; and
- (6) An acknowledgment by the applicant that once the applicant's name is placed on the self-exclusion list, the applicant may be refused entry or ejected from the gaming establishment, Sports Wagering Area or Sports Wagering Facility, or be prohibited from having the applicant's Sports Wager be accepted.

233.04: Duration of Exclusion and Reinstatement from the List

- (1) As part of the request for voluntary self-exclusion, the individual must select the duration for which the individual wishes to be voluntarily excluded in accordance with 205 CMR 133.04(1). The processes and procedures concerning removal from the voluntary self-exclusion list shall be the same as those processes and procedures provided in 205 CMR 133.04(2)-(4) and (6)-(9).
- (2) In addition, to be eligible for removal from the voluntary self-exclusion list, the petitioner shall participate in a reinstatement session with a designated agent. The reinstatement session shall include a review of the risks and responsibilities of Sports Wagering, budget setting and a review of problem gambling resources unless the petitioner declines such a review. Upon completion of the reinstatement session, the designated agent shall sign the individual's petition for removal from the list attesting to the fact that the reinstatement session was conducted. The designated agent shall submit an electronic verification to the Commission that the petitioner has completed a reinstatement session. The designated agent shall provide a copy of the electronic verification that the petitioner has completed a reinstatement session to Sports Wagering Operators and the petitioner.

233.05: Maintenance and Custody of the List

- (1) The Commission shall be subject to the same obligations relative to the maintenance and custody of the voluntary self-exclusion list as set forth in 205 CMR 133.05(1) and (3).
- (2) Sports Wagering Operators shall have the same access to and obligations regarding the voluntary self-exclusion list as gaming licensees pursuant to 205 CMR 133.05(1)-(2).

233.06: Responsibilities of the Sports Wagering Operator

A Sports Wagering Operator shall have the same responsibilities relative to the administration of the voluntary self-exclusion list as gaming licensees have pursuant to 205 CMR 133.06(3)-(6) and (7)(b). An individual on the self-exclusion list shall have the same rights as those provided under 205 CMR 133.06(7)(b). A Sports Wagering Operator shall also have the following responsibilities relative to the administration of the voluntary self-exclusion list:

- (1) A Sports Wagering Operator shall eject from or refuse entry into the Sports Wagering Area or Sports Wagering Facility any individual on the voluntary self-exclusion list;
- (2) A Sports Wagering Operator shall not accept any Sports Wager from an individual on the voluntary self-exclusion list attempts to place;
- (3) A Sports Wagering Operator shall promptly notify the Commission, or its designee, if an individual on the voluntary self-exclusion list is found in the Sports Wagering Area or Sports Wagering Facility, or attempting to place a Sports Wager;
- (4) A Sports Wagering Operator shall not pay any winning derived from Sports Wagering to an individual who is prohibited from Sports Wagering by virtue of having their name on the voluntary self-exclusion list in accordance with 205 CMR 233.00. Winnings derived from Sports Wagering shall include, but not be limited to, such things as proceeds derived

from wagering on a Sports Wagering Kiosk. When reasonably possible, the Sports Wagering Operator shall confiscate in a lawful manner or shall refuse to pay, or shall notify a Commission agent who shall confiscate in a lawful manner, any such winnings derived from Sports Wagering or any money or thing of value that the individual has converted or attempted to convert into a wagering instrument whether actually wagered or not. A wagering instrument shall have the same meaning as that term is defined in 205 CMR 133.06(7)(a) and shall also include electronic credits on a Sports Wagering Kiosk. The monetary value of the confiscated winnings or wagering instrument shall be paid to the Commission for deposit into the Sports Wagering Fund within 45 days;

- (5) In cooperation with the Commission, and where reasonably possible, the Sports Wagering Operator shall determine the amount wagered and lost by an individual who is prohibited from Sports Wagering. The monetary value of the losses shall be paid to the Commission for deposit into the Sports Wagering Fund within 45 days;
- (6) A Sports Wagering Operator shall submit a written policy for compliance with the voluntary self-exclusion program for Commission approval at least 30 days before the Sports Wagering Operator begins accepting bets from individuals participating in Sports Wagering from Massachusetts. The Commission shall review the plan, and if approved, the plan shall be implemented and followed by the Sports Wagering Operator. The plan for compliance with the voluntary self-exclusion program shall include at a minimum those procedures provided under 205 CMR 133.06(9)(a)-(f) and 251. If the plan is not approved, the Commission may withhold issuance of an Operations Certificate until the Sports Wagering Operator has submitted a new policy that is approved by the Commission.
- (7) The Commission shall review each Sports Wagering Operator's written policy at least once a year.
- (8) If a Sports Wagering Operator amends its written policy prior to the Commission's annual review, the Sports Wagering Operator shall submit an amended written policy for Commission approval within 30 days of amending the written policy. The Sports Wagering Operator shall not implement the amended written policy until the Commission approves the amended written policy. While the Commission reviews the amended written policy, the Sports Wagering Operator shall continue to implement the written policy most recently approved by the Commission.
- (9) A Sports Wagering Operator shall notify the Commission within ten days if an employee or agent fails to exclude or eject from its premises, or fails to reject or block an attempted Sports Wager, from any individual on the voluntary self-exclusion list, or otherwise fails to perform its obligation set forth in 205 CMR 233.06, including any provision of its approved written policy for compliance with the voluntary self-exclusion program.

233.07: Sanctions Against a Sports Wagering Operator

- (1) Grounds for Action. A Sports Wagering Operator license may be conditioned, suspended, or revoked, or a Sports Wagering Operator assessed a civil administrative penalty if it is determined that a Sports Wagering Operator has:

- (a) knowingly or recklessly failed to exclude or eject from the Sports Wagering Area or the Sports Wagering Facility any individual placed on the voluntary self-exclusion list, or knowingly or recklessly failed to reject or block an attempted Sports Wager by any individual placed on the voluntary self-exclusion list. Provided, it shall not be deemed a knowing or reckless failure if an individual on the voluntary self-exclusion list shielded their identity or otherwise attempted to avoid identification while present at a Sports Wagering Area, Sports Wagering Facility, or on a Sports Wagering Platform; or
 - (b) failed to abide by any provision of 205 CMR 233.00, M.G.L. c. 23N, § 13(e)(2), a Sports Wagering Operator's approved written policy for compliance with the voluntary self-exclusion program pursuant to 205 CMR 233.00, or any law related to the voluntary self-exclusion of patrons from a Sports Wagering Area, Sports Wagering Facility or Sports Wagering Platform. Provided, a Sports Wagering Operator shall be deemed to have marketed to an individual on the voluntary self-exclusion list only if marketing materials are sent directly to an address, email address, telephone number, or other contact identified by the individual on their application.
- (2) Finding and Decision. If the bureau finds that a Sports Wagering Operator has violated a provision of 205 CMR 233.07(1), it may issue a decision or notice in accordance with 205 CMR 133.07(2).
 - (3) Civil Administrative Penalties. The Commission may assess a civil administrative penalty on a Sports Wagering Operator in accordance with M.G.L. c. 23N, § 16 for a violation of 205 CMR 233.07(1).
 - (4) Review of Decision. A recommendation that a Sports Wagering Operator license be suspended or revoked shall proceed in accordance with the procedures set out in 205 CMR 133.07(4).

233.08: Collection of Debts

- (1) An individual who is prohibited from Sports Wagering under 205 CMR 233.00 shall not be entitled to recover losses as a result of prohibited Sports Wagering based solely on their inclusion on the list.
- (2) Nothing in 205 CMR 233.00 shall be construed to prohibit a Sports Wagering Operator from seeking payment of a debt from an individual whose name is on the voluntary self-exclusion list.

205 CMR 250: PROTECTION OF MINORS AND UNDERAGE YOUTH FROM SPORTS WAGERING

Section

- 250.01: Preventing Sports Wagering by Underage Persons
- 250.02: Monitoring the Premises for Unattended Minors
- 250.03: Preventing the Service of Alcohol to Underage Persons
- 250.04: Reporting Requirements Related to Minors and Underage Persons
- 250.05: Sanctions Against a Sports Wagering Operator

250.01: Preventing Sports Wagering by Underage Persons

- (1) Each Sports Wagering Operator shall implement policies, procedures and practices designed to prevent Persons younger than 21 years old, except for an employee 18 years of age or older acting in the performance of the employee's duties, from:
 - a. Entering a Sports Wagering Area or Sports Wagering Facility; or
 - b. Holding a Sports Wagering Account.
- (2) Each Sports Wagering Operator shall submit a written policy that includes the policies, procedures and practices described in 205 CMR 250.01(1) and (5) for Commission approval at least 30 days before the Sports Wagering Operator begins accepting bets from individuals participating in Sports Wagering from Massachusetts. The Commission shall review the plan, and if approved, the plan shall be implemented and followed by the Sports Wagering Operator. If the plan is not approved, the Commission may withhold issuance of an Operations Certificate until the Sports Wagering Operator has submitted a new policy that is approved by the Commission.
- (3) The Commission shall review each Sports Wagering Operator's written policy at least once a year.
- (4) If a Sports Wagering Operator amends its written policy prior to the Commission's annual review, the Sports Wagering Operator shall submit an amended written policy for Commission approval within 30 days of amending the written policy. The Sports Wagering Operator shall not implement the amended written policy until the Commission approves the amended written policy. While the Commission reviews the amended written policy, the Sports Wagering Operator shall continue to implement the written policy most recently approved by the Commission.
- (5) The policies, procedures and practices shall include but not be limited to an ongoing program of training for personnel at the gaming establishment or Sports Wagering Facility, or for personnel who are responsible for regulating access to a Sports Wagering Platform, that emphasizes the responsibility of those personnel for identifying and preventing Sports Wagering by persons younger than 21 years old.
- (6) In cooperation with the Commission, and where reasonably possible, the Sports Wagering Operator shall determine the amount wagered and lost by a Person younger than 21 years old.

The monetary value of the losses shall be paid to the Commission for deposit into the Sports Wagering Fund within 45 days established in M.G.L. c. 23N, § 17.

250.02: Monitoring the Premises for Unattended Minors

Sports Wagering Operators shall be subject to the same responsibilities regarding the monitoring of parking areas and the safety of minors on the premises of a gaming establishment or Sports Wagering Facility as gaming licensees as set forth in 205 CMR 150.02.

250.03: Preventing the Service of Alcohol to Underage Persons

Each Sports Wagering Operator shall implement policies, procedures and practices in accordance with 205 CMR 138.12 to prevent the service of alcoholic beverages to underage Persons upon the premises of the gaming establishment or Sports Wagering Facility.

250.04: Reporting Requirements Related to Minors and Underage Persons

Each Sports Wagering Operator shall submit an underage Person report to the bureau by the tenth day of each month reporting the following information for the previous month:

- (1) The number of Persons younger than 21 years old found in the Sports Wagering Facility;
- (2) The number of Persons younger than 21 years old found Sports Wagering or attempting to Sports Wager in the Sports Wagering Area, including but not limited to, wagering on a Sports Wagering Kiosk;
- (3) The number of Persons younger than 21 years old found Sports Wagering or attempting to Sports Wager on a Sports Wagering Platform;
- (4) The number of Persons younger than 21 years old found consuming or attempting to consume alcohol in the Sports Wagering Area or Sports Wagering Facility;
- (5) The number of Persons younger than 21 years old turned over to the proper law enforcement authority by the Sports Wagering Operator; and
- (6) The number of Persons younger than 21 years old escorted from the Sports Wagering Area.

250.05: Sanctions Against a Sports Wagering Operator

- (1) Grounds for Action. A Sports Wagering Operator license may be conditioned, suspended, or revoked, or a Sports Wagering Operator assessed a civil administrative penalty if it is determined that a Sports Wagering Operator has:
 - (a) knowingly or recklessly failed to reject or block a sports wager placed by any Person younger than 21 years old. Provided, it shall not be deemed a knowing or reckless failure if a Person younger than 21 years old shielded their age or otherwise attempted to avoid age verification while present at a Sports Wagering Area, Sports Wagering Facility, or on a Sports Wagering Platform; or

- (b) failed to abide by any provision of 205 CMR 250.00, M.G.L. c. 23N, §§ 12(a)(x) or 13(d)(i), a Sports Wagering Operator's approved written policy for compliance with the protection of minors and underage youth from sports wagering program pursuant to 205 CMR 250.00, or any law related to the protection of minors and underage youth from sports wagering in a Sports Wagering Area, Sports Wagering Facility or Sports Wagering Platform. Provided, a Sports Wagering Operator shall be deemed to have marketed to a minor or underage youth only if marketing materials are sent directly to an address, email address, telephone number, or other contact identified by the individual on their application.
- (2) Finding and Decision. If the bureau finds that a Sports Wagering Operator has violated a provision of 205 CMR 250.05(1), it may issue a written notice of decision recommending that the Commission suspend, revoke, or condition said Sports Wagering Operator license. Either in conjunction with or in *lieu* of such a recommendation, the bureau may issue a written notice assessing a civil administrative penalty upon said Sports Wagering Operator. Such notices shall be provided in writing and contain a factual basis and the reasoning in support of the decision, including citation to the applicable statute(s) or regulation(s).
- (3) Civil Administrative Penalties. The Commission may assess a civil administrative penalty on a Sports Wagering Operator in accordance with M.G.L. c. 23N, § 16 for a violation of 205 CMR 250.05(1).
- (4) Review of Decision. A recommendation made by the bureau to the Commission that a Sports Wagering Operator license be suspended or revoked shall proceed directly to the Commission for review in accordance with 205 CMR 101.01. If the Sports Wagering Operator license is aggrieved by a decision made by the bureau in accordance with 205 CMR 250.05(2) and (3), it may request review of said decision in accordance with 205 CMR 101.00.



SMALL BUSINESS IMPACT STATEMENT

The Massachusetts Gaming Commission (“Commission”) hereby files this Small Business Impact Statement in accordance with G.L. c. 30A, §2 relative to the proposed promulgation of 205 CMR 233.00: Sports Wagering Voluntary Self-Exclusion; notice of which was filed with the Secretary of the Commonwealth. This regulation will extend the process for enrolling in voluntary self-exclusion to the arena of Sports Wagering. 205 CMR 233.00 largely mirrors 205 CMR 133 and will govern the procedures and protocols relative to the list of Persons self-excluded from entering a Sports Wagering Area or a Sports Wagering Facility or placing a bet on a mobile or online Sports Wagering Platform.

This regulation was developed as part of the process of promulgating regulations governing the licensure and operation of Sports Wagering in the Commonwealth, and is primarily governed by M.G.L. c. 23N, § 13(e)(2).

205 CMR 133.00 applies to sports wagering licensees, individuals seeking a means to address their problem gambling behavior, and the Commission. Accordingly, this regulation is unlikely to have an impact on small businesses. Under G.L. c.30A, §2, the Commission offers the following responses to the statutory questions:

1. Estimate of the number of small businesses subject to the proposed regulation:

As a general matter, small businesses are not subject to the proposed regulation.

2. State the projected reporting, recordkeeping, and other administrative costs required for compliance with the proposed regulation:

There are no projected reporting, recordkeeping, or other administrative costs required for small businesses to comply with the proposed regulation.

3. State the appropriateness of performance standards versus design standards:

Specific design standards are required in this situation to ensure clarity and compliance with the intended regulation by the licensees.

4. Identify regulations of the promulgating agency, or of another agency or department of the Commonwealth, which may duplicate or conflict with the proposed regulation:



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There appear to be no conflicting regulations in 205 CMR, and the Commission is unaware of any conflicting or duplicating regulations of any other agency or department of the Commonwealth.

5. State whether the proposed regulation is likely to deter or encourage the formation of new businesses in the Commonwealth:

This regulation is not likely to have any impact on the formation of new businesses in the Commonwealth.

Massachusetts Gaming Commission

By:

/s/ Carrie Torrasi

Carrie Torrasi

Deputy General Counsel

Dated: November 3, 2022



Massachusetts Gaming Commission



SMALL BUSINESS IMPACT STATEMENT

The Massachusetts Gaming Commission (“Commission”) hereby files this small business impact statement in accordance with G.L. c.30A, §2 relative to the proposed new regulations in 205 CMR 250.00: Protection of Minors & Underage Youth from Sports Wagering; notice of which was filed this day with the Secretary of the Commonwealth. These proposals were developed as part of the process of promulgating regulations governing the operation of Sports Wagering in the Commonwealth.

These regulations govern the protection of minors and underage youth in sports wagering areas, in sports wagering facilities, and on sports wagering platforms. These regulations are largely governed by G.L. c.23N, §§ 4(d)(2), 13(e)(2).

These new regulations apply solely to the Sports Wagering Operators and accordingly are unlikely to have an impact on small businesses. In accordance with G.L. c.30A, §2, the Commission offers the following responses:

1. Estimate of the number of small businesses subject to the proposed regulation:

There are no small businesses that the Commission anticipates will be impacted by these regulations.

2. State the projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation:

There are no projected reporting, recordkeeping or administrative costs created by these regulations that would affect small businesses.

3. State the appropriateness of performance standards versus design standards:

As a general matter, performance based standards are necessary in this instance to ensure licensee compliance with the regulation requirements.

4. Identify regulations of the promulgating agency, or of another agency or department of the commonwealth, which may duplicate or conflict with the proposed regulation:

There are no conflicting regulations in 205 CMR, and the Commission is unaware of any conflicting or duplicating regulations within any other agency or department of the Commonwealth.



Massachusetts Gaming Commission

5. State whether the proposed regulation is likely to deter or encourage the formation of new businesses in the Commonwealth

This regulation is not likely to deter or encourage the formation of new businesses within the Commonwealth.

Massachusetts Gaming Commission
By:

/s/ Carrie Torrisi
Carrie Torrisi
Deputy General Counsel

Dated: November 3, 2022



Massachusetts Gaming Commission



TO: Chair Cathy Judd-Stein
 Commissioner Brad Hill
 Commissioner Jordan Maynard
 Commissioner Eileen O'Brien
 Commissioner Nakisha Skinner

FROM: Caitlin Monahan, Deputy General Counsel
 Mina Makarious, Anderson & Kreiger
 Paul Kominers, Anderson & Kreiger

CC: Karen Wells, Executive Director

DATE: November 7, 2022

RE: 205 CMR 235: Sports Wagering Occupational Licenses

Background

Sections 8(a) and (b) of G.L. c. 23N, the Massachusetts Sports Wagering Act provide as follows (emphasis added):

- (a) All persons employed by an operator to perform duties directly related to the operation of sports wagering in the commonwealth in a supervisory role **shall maintain a valid occupational license issued by the commission**. The commission shall issue such occupational license to a person who meets the requirements of this section.
- (b) An occupational license authorizes the licensee to be employed in the capacity designated by the commission while the license is active. **The commission may establish, by rule or regulation, job classifications with different requirements based on the extent to which a particular job impacts, or has the potential to impact, the lawful operation of sports wagering.**

Section 8(c) provides that the application fee for such occupational licenses shall be \$100. Section 8(d) provides that occupational licensees must apply for renewal "[n]ot later than March 1 of the third calendar year following the issuance or renewal of an occupational license."

The proposed 205 CMR 235 carries out the Commission's mandate to issue occupational licenses under Section 8. It is modeled on, and largely tracks, 205 CMR 234, which the Commission recently approved to govern vendor licenses. Both 205 CMR 234 and 235 also track 205 CMR 134, which governs vendor, occupational, and other licenses under G.L. c. 23K.



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Summary of Sections

- 235.01 Consistent with G.L. c. 23N, § 8(b), this section identifies the persons required to hold an occupational license. As with 205 CMR 134 and 234, the persons are identified by the positions they hold for an operator. Persons licensed, qualified or found suitable under other provisions of 205 CMR 200 *et seq.* (e.g., vendors and sports wagering qualifiers), are not required to hold an occupational license.

- 235.02 This section identifies the form that must be completed to gain licensure and allows the Bureau, with the approval of the Commission, to create different forms for different types of employees.

- 235.03-05; 07 These sections require submittal of the license application and the \$100 fee. Occupational license investigations, determinations and appeals will then follow the same process as the Commission has set out for vendors under 205 CMR 234.

- 235.06 Temporary occupational licensing will also proceed in the same manner as vendor licensing under 205 CMR 234, including showing eligibility for a license through certification. Like the comparable provisions of 205 CMR 234, the regulation includes a “sunset” date of August 31, 2023 after which applicants will no longer have the self-certification option.

- 235.08 The term of the occupational license ends on March 1 of the third calendar year after issuance, consistent with G.L. c. 23N, § 8(d). This section also provides a renewal process for occupational licenses.

- 235.09-11: These sections provide the occupational licensee’s duty to cooperate with the Commission in the same manner as gaming employees under 205 CMR 134 and vendors under 205 CMR 234, and include comparable enforcement provisions if licensees fail to do so.



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SPORTS WAGERING OCCUPATIONAL LICENSES

- 235.01 Sports Wagering Employees Requiring Occupational Licenses
- 235.02 Forms; Fingerprinting
- 235.03 Submission by Applicants; Fee
- 235.04 Investigation, Determination, and Appeals for Occupational Licenses
- 235.05 Affirmative License Standards for Occupational Licenses
- 235.06 Temporary Occupational Licenses
- 235.07 Administrative Closure of Applications for Occupational Licenses
- 235.08 Term of Occupational License; Renewal
- 235.09 Duties of Licensees
- 235.10 Disciplinary Action
- 235.11 Application following Denial or Revocation

235.01 Sports Wagering Employees Requiring Occupational Licenses

- (1) Requirement for Licensure.
 - (a) No Person shall perform duties directly related to the operation of Sports Wagering in a supervisory role on behalf of a Sports Wagering Operator unless the Person has obtained an Occupational License in accordance with this 205 CMR 235.00.
 - (b) Notwithstanding 205 CMR 235.01(a), the following persons do not have to obtain Occupational Licenses:
 - (i) Any Qualifier to a Sports Wagering Operator pursuant to 205 CMR 215 and 218;
 - (ii) Any person licensed or registered as a Key Gaming Employee or Gaming Vendor pursuant to 205 CMR 134.00; or
 - (iii) Any person licensed or registered as a Sports Wagering Vendor pursuant to 205 CMR 234.00.
- (2) Persons who perform duties directly related to the operation of Sports Wagering in a supervisory role on behalf of a Sports Wagering Operator shall include:
 - (a) An individual holding one of the following positions, and any person in a similar or equivalent position, regardless of job title, whose employment relates to Sports Wagering:
 - (i) Assistant General Manager;
 - (ii) Gaming or Sports Wagering Manager;
 - (iii) Chief of Security;

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- (iv) General Manager;
- (v) Chief Surveillance Officer;
- (vi) Chief Compliance Officer;
- (vii) Principal executive Officer;
- (viii) Principal accounting Officer;
- (ix) Chief Information Officer;
- (x) Chief Technology Officer;
- (b) An individual holding one of the following positions, and any person in a similar or equivalent position, regardless of job title, whose employment relates directly to Sports Wagering:
 - (i) Electronic gaming device manager;
 - (ii) Information technology manager;
 - (iii) Software development manager;
 - (iv) Pit boss;
 - (v) Shift supervisor of an in-person Sports Wagering department, or a shift supervisor in surveillance, cage, or player development whose work relates directly to sports wagering;
 - (vi) Cage manager;
 - (vii) Other managerial employees who are not identified in 205 CMR 235.01(a), but who are empowered to make discretionary decisions which impact Sports Wagering operations, or as determined by the Commission.

235.02 Forms; Fingerprinting

- (1) Occupational License Application Form. Every Person applying for an Occupational License shall be obligated to complete and submit an Occupational License Application Form to the Division of Licensing. Said forms shall be created by the Bureau, subject to the approval of the Commission. The Bureau may create different Occupational License Application Forms for different categories of applicants. The Division of Licensing may make non-material changes to the forms. The Occupational

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License Application for Occupational Licensees shall require, at a minimum, the following information:

- (a) The name of the Applicant;
 - (b) The address of the Applicant;
 - (c) A detailed employment history of the Applicant, as prescribed by the Bureau;
 - (d) The fingerprints of the Applicant;
 - (e) The Applicant's criminal and arrest record; and
 - (f) Any civil judgments obtained against the Applicant pertaining to antitrust or security regulation.
- (2) The Bureau may require the Applicant to provide additional information, as set forth in the application forms, including, but not limited to:
- (a) information related to the financial integrity of the Applicant;
 - (b) bank accounts and records of the Applicant;
 - (c) bank references for the Applicant;
 - (d) business and personal income and disbursement schedules of the Applicant;
 - (e) tax returns and other reports filed by government agencies regarding the Applicant; and
 - (f) business and personal accounting check records and ledgers of the Applicant.
- (3) Fingerprinting. Each Applicant for an Occupational License shall be fingerprinted under the supervision of the Commission in accordance with the procedures in 205 CMR 134.13.

235.03 Submission by Applicants; Fee

- (1) An application for the initial issuance of an Occupational License shall include:
 - (a) an Occupational License Form, as set forth in 205 CMR 235.02(1)-(2);
 - (b) Proof of an offer of employment from a Sports Wagering Operator in the manner prescribed by the Division of Licensing. Ongoing employment

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with an Operator is a prerequisite for an application for licensure to remain a valid application not subject to administrative closure in accordance with 205 CMR 235.07.

- (2) Each Applicant shall file a complete application pursuant to 205 CMR 235.03(1) with the Division of Licensing in the manner prescribed by the Division of Licensing. The Division of Licensing shall not accept an incomplete application.
- (3) Fee.
 - (a) A non-refundable fee of \$100 for an initial application and \$100 for a renewal shall be paid at the time of application for occupational licensure.
 - (b) The provisions of 205 CMR 134.15(5) concerning employer payment and payroll deductions shall apply to the fees described in 205 CMR 235.03(3)(a).

235.04 Investigation, Determination, and Appeals for Occupational Licenses

The investigation of, determination on, and any appeal resulting from an Occupational License Application shall follow the processes set forth in 205 CMR 234.04(1)-(3).

235.05 Affirmative License Standards for Occupational Licensees

- (1) An Applicant for an Occupational License shall establish their suitability by clear and convincing evidence.
- (2) In determining whether an Applicant for an Occupational License is suitable for purposes of being issued an Occupational License, the Bureau shall evaluate and consider the overall reputation of the Applicant consistent with 205 CMR 234.05(2), deny an application for any of the reasons set out in 205 CMR 234.05(3), and consider rehabilitation and the Applicant's age consistent with 205 CMR 234.05(4).

235.06 Temporary Occupational Licenses

- (1) Notwithstanding any other provision of 205 CMR 235.00, upon petition to the Commission by an Operator, the Commission may issue a temporary Occupational License to an Applicant for an Occupational License if:
 - (a) the Applicant for an Occupational License has filed a completed application with the Commission and has submitted all of the disclosure forms as required by the Division of Licensing;
 - (b) the Operator certifies, and the Bureau finds, that the issuance of a temporary Occupational License is necessary for the operation of Sports

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Wagering and is not designed to circumvent the normal licensing procedures; and

- (c) the Operator certifies that, to the best of its reasonable knowledge and belief, the proposed temporary Occupational Licensee meets the qualifications for licensure pursuant to 205 CMR 234.05 and that the Operator understands that it may be denied an Operator License if it has willfully, knowingly or intentionally provided false or misleading information regarding the proposed vendor.
- (2) An Applicant for an Occupational License on or before August 31, 2023 shall demonstrate its suitability for temporary licensure upon certification by the Applicant under the pains and penalties of perjury that the Applicant:
 - (a) is not disqualified under one or more of the criteria listed in 205 CMR 234.05(3);
 - (b) is properly licensed or registered, and in good standing, to conduct the same operations in every other jurisdiction where they are employed in an equivalent position; and
 - (c) has disclosed any other information not previously disclosed of which it is aware or reasonably should be aware which would negatively impact a determination on the Applicant's suitability for an Occupational License.
- (3) On or after September 1, 2023, a temporary Occupational License shall issue, unless:
 - (a) A preliminary review of the Applicant shows that the Applicant is disqualified under one or more of the criteria listed in 205 CMR 234.05(3); or
 - (b) A preliminary review of the Applicant shows that the Applicant will be unable to establish his or her qualifications for licensure under the standards set forth in 205 CMR 234.05(1).
- (4) If an Applicant for a temporary Occupational License is licensed or registered in another jurisdiction within the United States with comparable license and registration requirements, as determined by the Bureau, and is in good standing in all jurisdictions in which they hold such a license or registration, the Commission may issue the Applicant a temporary Occupational License; provided, however, that the Commission shall reserve its rights to investigate the qualifications of an Applicant at any time.
- (5) Unless otherwise stated by the Commission, a temporary Occupational License issued under this 205 CMR 235.06 shall expire upon issuance of a full

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Occupational License or upon suspension or revocation of the temporary Occupational License, and in any event no later than the term of the license as set forth in 205 CMR 235.08(1).

235.07 Administrative Closure of Applications for Occupational Licenses

Applications for Occupational Licenses shall be subject to the provisions of 205 CMR 234.08.

235.08 Term of Occupational License; Renewal

- (1) Term. Occupational Licenses shall expire on March 1 of the third calendar year following the issuance or renewal of the license.
- (2) Renewal
 - (a) Not later than the expiration date of the Occupational License, an Occupational Licensee shall submit a renewal application on a form established by the Commission.
 - (b) If an Occupational Licensee has made timely and sufficient application for a renewal, the Applicant's existing license shall not expire and the Applicant shall remain in good standing until the Bureau has issued a decision on the application. If a renewal application is received after the expiration date and the license expires before the Commission issues a new license, the Person shall not conduct business with an Operator until a new license is issued.
 - (c) It shall be the responsibility of the Occupational Licensee to ensure that their license is current.

235.09 Duties of Licensees

All Occupational Licensees shall have the same duties and obligations required of gaming vendor Applicants, licensees, and registrants pursuant to 205 CMR 134.18.

235.10 Disciplinary Action

An Occupational Licensee may be disciplined in the same manner, for the same reasons, and through the same process set forth in 205 CMR 234.11. They may appeal said discipline through the process set forth in 205 CMR 234.11(4).

235.11 Application Following Denial or Revocation

No individual who has been denied a license or has had their license revoked pursuant to 205 CMR 235.10 may reapply for the same license prior to two years from the date of denial or revocation. If an individual has appealed the denial or revocation of their license, the two year

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period shall begin to run from the date that the denial or revocation is affirmed pursuant to 205 CMR 101.00 or otherwise pursuant to M.G.L. c. 30A.

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SMALL BUSINESS IMPACT STATEMENT

The Massachusetts Gaming Commission (“Commission”) hereby files this Small Business Impact Statement in accordance with G.L. c. 30A, §2 relative to the proposed adoption of **205 CMR 235 SPORTS WAGERING OCCUPATIONAL LICENSES**.

This regulation was developed as part of the process of promulgating regulations governing sports wagering in the Commonwealth, and is primarily governed by G.L. c. 23N, §4.

The adoption of 205 CMR 235 applies to potential individual sports wagering occupational licensees and the Commission. Accordingly, this regulation is unlikely to have an impact on small businesses. Under G.L. c.30A, §2, the Commission offers the following responses to the statutory questions:

1. Estimate of the number of small businesses subject to the proposed regulation:

This regulation is unlikely to have an impact on small businesses.

2. State the projected reporting, recordkeeping, and other administrative costs required for compliance with the proposed regulation:

There are no projected reporting, recordkeeping, or other administrative costs required for small businesses to comply with this regulation.

3. State the appropriateness of performance standards versus design standards:

No standards applicable to small businesses are set forth. Provided standards are performance standards.

4. Identify regulations of the promulgating agency, or of another agency or department of the Commonwealth, which may duplicate or conflict with the proposed regulation:

There are no conflicting regulations in 205 CMR, and the Commission is unaware of any conflicting or duplicating regulations of any other agency or department of the Commonwealth.

5. State whether the proposed regulation is likely to deter or encourage the formation of new businesses in the Commonwealth:



Massachusetts Gaming Commission

This amendment is unlikely to have any impact on the formation of new businesses in the Commonwealth.

Massachusetts Gaming Commission
By:

/s/ Caitlin W. Monahan
Caitlin W. Monahan, Deputy General Counsel

Dated: November __, 2022

DRAFT



Massachusetts Gaming Commission



To: Chair Cathy Judd-Stein
Commissioner Brad Hill
Commissioner Jordan Maynard
Commissioner Eileen O'Brien
Commissioner Nakisha Skinner

From: Caitlin Monahan, Deputy General Counsel
David S. Mackey, Anderson & Kreiger
Annie E. Lee, Anderson & Kreiger

Re: 205 CMR 105 Amendments

Date: November 7, 2022

Enclosed for the Commission's review is a proposed set of amendments to existing Commission regulations at 205 CMR 105.00: Investigations and Enforcement Bureau.

A summary of the proposed substantive amendments¹ is as follows:

- The Investigations and Enforcement Bureau ("IEB") is identified as the enforcement agent for regulatory matters under the Sports Wagering Act, and is tasked with investigating the qualifications and suitability of Sports Wagering Operator applicants, just as it does under the Gaming Act.
- The IEB has authority to issue subpoenas, require testimony under oath and require compliance with orders in accordance with its investigation and enforcement duties for sports wagering, just as it does under the Gaming Act.
- The IEB has the ability to seize any equipment or materials used for sports wagering in violation of the Sports Wagering Act.
- The IEB will coordinate with the State Police and Attorney General's Office in accordance with its investigation and enforcement duties for sports wagering, just as it does under the Gaming Act.

¹ The proposed amendments also include a number of technical corrections – such as inclusion of sports wagering specific language, missing words and typos, the inclusion of gender neutral language, etc.



Massachusetts Gaming Commission

November 7, 2022

Page 2

- The IEB has the authority to retain and utilize contractor investigators in furtherance of its investigation and enforcement duties for sports wagering, just as it does under the Gaming Act.



Massachusetts Gaming Commission

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MASSACHUSETTS GAMING COMMISSION
 PROPOSED AMENDED REGULATIONS AT 205 CMR 105.00
 INVESTIGATIONS AND ENFORCEMENT BUREAU

205 CMR 105: Investigations and Enforcement Bureau

- 105.01: Bureau Duties and Responsibilities
- 105.02: Subpoena Power
- 105.03: Authority to Require Testimony Under Oath
- 105.04: Orders and Directives
- 105.05: Civil Penalties
- 105.06: Seizure of Unlawful Devices, Games or Machines
- 105.07: Coordination with the Massachusetts State Police
- 105.08: Coordination with the Massachusetts Attorney General
- 105.09: Coordination with the Massachusetts Alcoholic Beverages Control Commission
- 105.10: Authority to Retain and Utilize Contractor Investigators

105.01: Bureau Duties and Responsibilities

- (1) The bureau shall be the primary enforcement agent for regulatory matters under M.G.L. chs. 23K, 23N and 205 CMR 101.00, *et seq.* and shall have all of the powers and duties of the bureau enumerated in St. 2011, c. 194, M.G.L. c. 23K and 205 CMR 101.00, *et seq.*
- (2) The bureau shall be under the supervision and control of the deputy director who shall be the executive and administrative head of the bureau and shall be responsible for administering and enforcing the laws relative to the bureau and to each administrative unit of the bureau. The duties of the deputy director shall be exercised and discharged subject to the direction, control and supervision of the chair or to the executive director by appropriate delegation of authority pursuant to 205 CMR 104.02: *Delegation of Chair's Authority*.
- (3) The bureau shall be a law enforcement agency and its employees shall have such law enforcement powers as necessary to effectuate the purposes of M.G.L. chs. 23K and 23N, including the power to receive intelligence on an applicant or licensee, and to investigate any suspected violations of M.G.L. chs. 23K and 23N.
- (4) With respect to the investigation and enforcement of gaming establishments and licensees, and sports wagering temporary licensees and sports wagering operators, the bureau may obtain or provide pertinent information regarding applicants, licensees or operators from or to law enforcement entities or gaming authorities and other domestic, Federal or foreign jurisdictions, including the Federal Bureau of Investigation, and may transmit such information to each other electronically or via other secure methods.
- (5) The bureau shall conduct investigations into the qualifications and suitability of all applicants, qualifiers and other persons required to be registered or investigated in connection with any form of license or registration pursuant to M.G.L. chs. 23K, 23N and 205 CMR 101.00, *et seq.* including without limitation an investigation of qualifications and suitability to hold a gaming or sports wagering operator license pursuant to M.G.L. chs. 23K and 23N.

MASSACHUSETTS GAMING COMMISSION
PROPOSED AMENDED REGULATIONS AT 205 CMR 105.00
INVESTIGATIONS AND ENFORCEMENT BUREAU

105.02: Subpoena Power

- (1) Pursuant to M.G.L. c. 23K, § 4(31), M.G.L. c. 23N, § 4(h) and M.G.L. c. 30A, § 12, the deputy director is authorized in the name of the commission to issue subpoenas, in the conduct of investigations and adjudicatory proceedings, to compel the attendance of witnesses and to produce documents and records, including, but not limited to, written materials, materials maintained and stored in any form of documentary or electronic media, internet, intranet, other electronic, analog or digital formats, and at any place or virtual location within the Commonwealth of Massachusetts.
- (2) Subpoenas pursuant to 205 CMR 105.02(1) concerning an adjudicatory proceeding shall be issued in accordance with M.G.L. c. 30A, § 12, and 205 CMR 101.00.
- (3) Subpoenas pursuant to 205 CMR 105.02(1) may be served by bureau employees and agents, including contractor investigators.

105.03: Authority to Require Testimony Under Oath

Pursuant to M.G.L. c. 23K, § 4(31), M.G.L. c. 23N, § 4(h) and M.G.L. c. 30A, § 12, the deputy director may designate specific bureau employees and agents, including contractor investigators, to require testimony under oath in bureau investigations and hearings.

105.04: Orders and Directives

The bureau shall have power and authority, without limitation, to issue orders and require compliance pursuant to and in accordance with M.G.L. c. 23K, § 35 and M.G.L. c. 23N, § 4(g).

105.05: Civil Penalties

The bureau shall have power and authority, without limitation, to assess a civil administrative penalty pursuant to and in accordance with M.G.L. c. 23K, § 36.

105.06: Seizure of Unlawful Devices, Games or Machines

Pursuant to M.G.L. c. 23K, § 42, any device, game, gaming device, or equipment or material used for sports wagering possessed, used, manufactured, distributed, sold or serviced in violation of M.G.L. chs. 23K, 23N or 205 CMR 101.00, *et seq.* shall be subject to seizure and forfeiture by the division or the bureau. Forfeiture proceedings shall be conducted as provided in M.G.L. c. 94C, § 47(b) through (j). For purposes of M.G.L. c. 94C, § 47(d) and M.G.L. c. 271A, § 3, the commission shall be considered a police department and shall be entitled to a police departments distribution of forfeiture proceedings.

105.07: Coordination with the Massachusetts State Police

MASSACHUSETTS GAMING COMMISSION
PROPOSED AMENDED REGULATIONS AT 205 CMR 105.00
INVESTIGATIONS AND ENFORCEMENT BUREAU

The bureau will coordinate with the Gaming and Enforcement Unit in accordance with the provisions of M.G.L. c. 22C, § 70, M.G.L. c. 23K, § 6, M.G.L. c. 23N, §§ 11(d) and M.G.L. c. 12, § 11M.

105.08: Coordination with the Massachusetts Attorney General

The bureau will coordinate with the division in accordance with the provisions of M.G.L. c. 12, § 11M, M.G.L. c. 22C, § 70, and M.G.L. c. 23K and M.G.L. c. 23N, §§ 4(g) and 11(d).

105.09: Coordination with the Massachusetts Alcoholic Beverages Control Commission

The bureau will coordinate with the Gaming Liquor Enforcement Unit of the Massachusetts Alcoholic Beverages Control Commission in accordance with the provisions of M.G.L. c. 10, § 72A and M.G.L. c. 23K.

105.10: Authority to Retain and Utilize Contractor Investigators

- (1) The commission may, pursuant to M.G.L. c. 23K, § 4 and M.G.L. c. 23N, § 6(d), and any applicable procurement procedures, retain qualified contractor investigators, either directly or pursuant to a contract or contracts with a private investigative business or businesses, to assist the bureau in conducting initial suitability, qualification, and background investigations of license applicants and qualifiers in accordance with the criteria set forth in M.G.L. chs. 23K, 23N and 205 CMR 101.00 through 117.00.
- (2) In retaining contractor investigators, the commission may establish minimum qualifications in terms of education, training, and experience in Federal, state or local, civil or criminal, law enforcement, regulatory and investigative matters.
- (3) Prior to entering a contract with the commission, each prospective contractor investigator and, if applicable, the investigator's related business shall be subject to an expedited background inquiry by the bureau through the gaming and enforcement unit, which shall include, without limitation, an examination of prior criminal history, financial stability, reputation for integrity, honesty, good character; and education, training, and experience in federal, state or local, civil or criminal, law enforcement, regulatory and investigative matters. If a contractor investigator and, if applicable, the investigator's business entity is deemed suitable and qualified by the bureau in its discretion based on this expedited background inquiry, then the commission on behalf of the bureau may enter into a contract for the professional services of the contractor investigator in a form and with terms such acceptable to the commission.
- (4) Once retained, each contractor investigator shall be provided with the necessary authority and credentials to serve as an official agent of the bureau in conducting initial suitability, qualification, and background investigations of license applicants and qualifiers in accordance with the criteria set forth in M.G.L. chs. 23K, 23N and 205 CMR.

MASSACHUSETTS GAMING COMMISSION
 PROPOSED AMENDED REGULATIONS AT 205 CMR 105.00
 INVESTIGATIONS AND ENFORCEMENT BUREAU

- (5) Immediately on being retained each contractor investigator shall be sworn to the faithful performance of the investigator's official duties under M.G.L. chs. 23K, 23N and 205 CMR. Before a contractor investigator can participate in any investigation under M.G.L. chs. 23K, 23N or 205 CMR, the investigator shall execute a certification acknowledging the investigator's full understanding and acceptance of the authority given, applicable confidentiality provisions, and the limits to such an investigative authority.
- (6) Each contractor investigator shall report to the deputy director of the bureau or the deputy director's designee. In the case of an absence or vacancy in the office of the deputy director, each contractor investigator shall report to an interim supervisor designated by the chair to supervise such investigators and investigations.
- (7) Any contract entered by the commission for the services of any contractor investigator may be terminated by the commission, without cause, liability or recourse.

~~205 CMR:~~ MASSACHUSETTS GAMING COMMISSION
PROPOSED AMENDED REGULATIONS AT 205 CMR 105.00
INVESTIGATIONS AND ENFORCEMENT BUREAU

205 CMR ~~105.00:—INVESTIGATIONS AND ENFORCEMENT BUREAU~~ 105:
Investigations and Enforcement Bureau

~~Section~~

- 105.01: Bureau Duties and Responsibilities
- 105.02: Subpoena Power
- 105.03: Authority to Require Testimony ~~under~~ Under Oath
- 105.04: Orders and Directives
- 105.05: Civil Penalties
- 105.06: Seizure of Unlawful Devices, Games or Machines
- 105.07: Coordination with the Massachusetts State Police
- 105.08: Coordination with the Massachusetts Attorney General
- 105.09: Coordination with the Massachusetts Alcoholic Beverages Control Commission
- 105.10: Authority to Retain and Utilize Contractor Investigators

105.01: Bureau Duties and Responsibilities

- (1) The bureau shall be the primary enforcement agent for regulatory matters under M.G.L. ~~echs.~~ 23K, 23N and 205 CMR 101.00 ~~through 131.00, et seq.~~ and shall have all of the powers and duties of the bureau enumerated in St. 2011, c. 194, M.G.L. c. 23K and 205 CMR 101.00 ~~through 131.00, et seq.~~
- (2) The bureau shall be under the supervision and control of the deputy director who shall be the executive and administrative head of the bureau and shall be responsible for administering and enforcing the laws relative to the bureau and to each administrative unit of the bureau. The duties of the deputy director shall be exercised and discharged subject to the direction, control and supervision of the chair or to the executive director by appropriate delegation of authority pursuant to 205 CMR 104.02: *Delegation of Chair's Authority*.
- (3) The bureau shall be a law enforcement agency and its employees shall have such law enforcement powers as necessary to effectuate the purposes of M.G.L. ~~echs.~~ 23K and 23N, including the power to receive intelligence on an applicant or licensee, and to investigate any suspected violations of M.G.L. ~~echs.~~ 23K and 23N.
- (4) With respect to the investigation and enforcement of gaming establishments and licensees, and sports wagering temporary licensees and sports wagering operators, the bureau may obtain or provide pertinent information regarding applicants ~~or~~ licensees or operators from or to law enforcement entities or gaming authorities and other domestic, Federal or foreign jurisdictions, including the Federal Bureau of Investigation, and may transmit such information to each other electronically or via other secure methods.
- (5) The bureau shall conduct investigations into the qualifications and suitability of all applicants, qualifiers and other persons required to be registered or investigated in

~~205 CMR:~~ MASSACHUSETTS GAMING COMMISSION
PROPOSED AMENDED REGULATIONS AT 205 CMR 105.00
INVESTIGATIONS AND ENFORCEMENT BUREAU

connection with any form of license or registration pursuant to M.G.L. ~~echs. 23K, 23N~~ and 205 CMR 101.00 ~~through 131.00, et seq.~~ including without limitation an investigation of qualifications and suitability to hold a gaming or sports wagering operator license pursuant to M.G.L. ~~echs. 23K and 23N~~.

105.02: Subpoena Power

- (1) Pursuant to M.G.L. c. 23K, § 4(31), M.G.L. c. 23N, § 4(h) and M.G.L. c. 30A, § 12, the deputy director is authorized in the name of the commission to issue subpoenas, in the conduct of investigations and adjudicatory proceedings, to compel the attendance of witnesses and to produce documents and records, including, but not limited to, written materials, materials maintained and stored in any form of documentary or electronic media, internet, intranet, other electronic, analog or digital formats, and at any place or virtual location within the Commonwealth of Massachusetts.
- (2) Subpoenas pursuant to 205 CMR 105.02(1) concerning an adjudicatory proceeding shall be issued in accordance with M.G.L. c. 30A, § 12, and 205 CMR 101.00: ~~M.G.L. c. 23K Adjudicatory Proceedings.~~
- (3) Subpoenas pursuant to 205 CMR 105.02(1) may be served by bureau employees and agents, including contractor investigators.
 - i.

~~205 CMR~~: MASSACHUSETTS GAMING COMMISSION
PROPOSED AMENDED REGULATIONS AT 205 CMR 105.00
INVESTIGATIONS AND ENFORCEMENT BUREAU

105.03: Authority to Require Testimony Under Oath

Pursuant to M.G.L. c. 23K, § 4(31), M.G.L. c. 23N, § 4(h) and M.G.L. c. 30A, § 12, the deputy director may designate specific bureau employees and agents, including contractor investigators, to require testimony under oath in bureau investigations and hearings.

105.04: Orders and Directives

The bureau shall have power and authority, without limitation, to issue orders and require compliance pursuant to and in accordance with M.G.L. c. 23K, § 35 and M.G.L. c. 23N, § 4(g).

105.05: Civil Penalties

The bureau shall have power and authority, without limitation, to assess a civil administrative penalty pursuant to and in accordance with M.G.L. c. 23K, § 36.

105.06: Seizure of Unlawful Devices, Games or Machines

Pursuant to M.G.L. c. 23K, § 42, any device, game-~~or~~, gaming device, or equipment or material used for sports wagering possessed, used, manufactured, distributed, sold or serviced in violation of M.G.L. ~~chs.~~ 23K, 23N or 205 CMR 101.00, et seq. shall be subject to seizure and forfeiture by the division or the bureau. Forfeiture proceedings shall be conducted as provided in M.G.L. c. 94C, § 47(b) through (j). For purposes of M.G.L. c. 94C, § 47(d) and M.G.L. c. 271A, § 3, the commission shall be considered a police department and shall be entitled to a police ~~department's~~ departments distribution of forfeiture proceedings.

105.07: Coordination with the Massachusetts State Police

The bureau will coordinate with the Gaming and Enforcement Unit in accordance with the provisions of M.G.L. c. 22C, § 70, M.G.L. c. 23K, § 6, M.G.L. c. 23N, §§ 11(d) and M.G.L. c. 12, § 11M.

105.08: Coordination with the Massachusetts Attorney General

The bureau will coordinate with the division in accordance with the provisions of M.G.L. c. 12, § 11M, M.G.L. c. 22C, § 70, and M.G.L. c. 23K and M.G.L. c. 23N, §§ 4(g) and 11(d).

105.09: Coordination with the Massachusetts Alcoholic Beverages Control Commission

The bureau will coordinate with the Gaming Liquor Enforcement Unit of the Massachusetts Alcoholic Beverages Control Commission in accordance with the provisions of M.G.L. c. 10, § 72A and M.G.L. c. 23K.

105.10: Authority to Retain and Utilize Contractor Investigators

~~205 CMR~~: MASSACHUSETTS GAMING COMMISSION
PROPOSED AMENDED REGULATIONS AT 205 CMR 105.00
INVESTIGATIONS AND ENFORCEMENT BUREAU

- (1) The commission may, pursuant to M.G.L. c. 23K, § 4 and M.G.L. c. 23N, § 6(d), and any applicable procurement procedures, retain qualified contractor investigators, either directly or pursuant to a contract or contracts with a private investigative business or businesses, to assist the bureau in conducting initial suitability, qualification, and background investigations of license applicants and qualifiers in accordance with the criteria set forth in M.G.L. ~~echs.~~ 23K, 23N and 205 CMR 101.00 through 117.00.
- (2) In retaining contractor investigators, the commission may establish minimum qualifications in terms of education, training, and experience in Federal, state or local, civil or criminal, law enforcement, regulatory and investigative matters.
- (3) Prior to entering a contract with the commission, each prospective contractor investigator and, if applicable, ~~his or her~~ the investigator's related business shall be subject to an expedited background inquiry by the bureau through the gaming and enforcement unit, which shall include, without limitation, an examination of prior criminal history, financial stability, reputation for integrity, honesty, good character; and education, training, and experience in ~~Federal~~ federal, state or local, civil or criminal, law enforcement, regulatory and investigative matters. If a contractor investigator and, if applicable, ~~his or her~~ the investigator's business entity is deemed suitable and qualified by the bureau in its discretion based on this expedited background inquiry, then the commission on behalf of the bureau may enter into a contract for the professional services of the contractor investigator in a form and with terms such acceptable to the commission.

~~105.10: continued~~

- (4) Once retained, each contractor investigator shall be provided with the necessary authority and credentials to serve as an official agent of the bureau in conducting initial suitability, qualification, and background investigations of license applicants and qualifiers in accordance with the criteria set forth in M.G.L. ~~echs.~~ 23K, 23N and 205 CMR.
- (5) Immediately on being retained each contractor investigator shall be sworn to the faithful performance of ~~his or her~~ the investigator's official duties under M.G.L. ~~echs.~~ 23K, 23N and 205 CMR. Before a contractor investigator can participate in any investigation under M.G.L. ~~echs.~~ 23K, 23N or 205 CMR, the investigator shall execute a certification acknowledging ~~his or her~~ the investigator's full understanding and acceptance of the authority given, applicable confidentiality provisions, and the limits to such an investigative authority.
- (6) Each contractor investigator shall report to the deputy director of the bureau or the deputy director's designee. In the case of an absence or vacancy in the office of the deputy director, each contractor investigator shall report to an interim supervisor designated by the chair to supervise such investigators and investigations.

~~205 CMR:~~ MASSACHUSETTS GAMING COMMISSION
PROPOSED AMENDED REGULATIONS AT 205 CMR 105.00
INVESTIGATIONS AND ENFORCEMENT BUREAU

- (7) Any contract entered by the commission for the services of any contractor investigator may be terminated by the commission, without cause, liability or recourse.

~~REGULATORY AUTHORITY~~

~~205 CMR 105.00: St. 2011, c. 194; M.G.L. c. 10, § 72A; c. 12, § 11M; c. 22C, § 70; c. 23K~~

~~§§ 4(37), 5, 6, 35, 36, 42; c. 30A, § 12; and c. 94C, § 47.~~

~~NON-TEXT PAGE~~

Document comparison by Workshare 10.0 on Monday, November 7, 2022
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Document 1 ID	file:///tosscloud.local/tosscloud/AND0001\$/home/ALee_AND0001/Downloads/205cmr105.pdf
Description	205cmr105
Document 2 ID	file:///C:/Users/ALee_AND0001/AppData/Local/Temp/8/Workshare/wmtempb6dc/205 CMR 105 Amendments (clean)(1464793.1).docx
Description	205 CMR 105 Amendments (clean)(1464793.1)
Rendering set	Standard

Legend:	
<u>Insertion</u>	
Deletion	
Moved from	
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Style change	
Format change	
Moved deletion	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	50
Deletions	32
Moved from	0
Moved to	0
Style change	0

Format changed	0
Total changes	82



SMALL BUSINESS IMPACT STATEMENT

The Massachusetts Gaming Commission (“Commission”) hereby files this Small Business Impact Statement in accordance with G.L. c. 30A, §2 relative to the proposed amendment of **205 CMR 105: INVESTIGATIONS AND ENFORCEMENT BUREAU**.

This regulation was amended as part of the process of promulgating regulations governing sports wagering in the Commonwealth, and is primarily governed by G.L. c. 23K, §5 and G.L. c. 23N, §4.

The amendment of 205 CMR 105 applies to potential sports wagering operators and the Commission. Accordingly, this regulation is unlikely to have an impact on small businesses. Under G.L. c.30A, §2, the Commission offers the following responses to the statutory questions:

1. Estimate of the number of small businesses subject to the proposed regulation:

This regulation is unlikely to have an impact on small businesses.

2. State the projected reporting, recordkeeping, and other administrative costs required for compliance with the proposed regulation:

There are no projected reporting, recordkeeping, or other administrative costs required for small businesses to comply with this regulation.

3. State the appropriateness of performance standards versus design standards:

No standards applicable to small businesses are set forth. Provided standards are performance standards.

4. Identify regulations of the promulgating agency, or of another agency or department of the Commonwealth, which may duplicate or conflict with the proposed regulation:

There are no conflicting regulations in 205 CMR, and the Commission is unaware of any conflicting or duplicating regulations of any other agency or department of the Commonwealth.

5. State whether the proposed regulation is likely to deter or encourage the formation of new businesses in the Commonwealth:

This amendment is unlikely to have any impact on the formation of new businesses in the Commonwealth.



Massachusetts Gaming Commission

Massachusetts Gaming Commission

By:

/s/ Caitlin W. Monahan

Caitlin W. Monahan, Deputy General Counsel

Dated: November __, 2022

DRAFT



Massachusetts Gaming Commission

101 Federal Street, 12th Floor, Boston, Massachusetts 02110 | TEL 617.979.8400 | FAX 617.725.0258 | www.massgaming.com

October 4, 2022

Via Electronic Mail Only

Ms. Cathy Judd-Stein, Chair
Commissioner Eileen O'Brien
Commissioner Bradford R. Hill
Commissioner Nakisha Skinner
Commissioner Jordan Maynard
Executive Director Karen Wells

**Re: Interpretation of Licensing Fee Requirement of Section 6(f) of the
Massachusetts Sports Wagering Act (the "Act")**

Dear Madame Chair, Commissioners and MGC Staff:

I had a conversation this afternoon with Executive Director Wells to follow up on the question that I had asked in my email to you dated August 19, 2022 (following the August 18, 2022 MGC Sports Wagering Roundtable Open Meeting at which I orally raised the question). My inquiry requested the Commission's interpretation of Section 6(f) of the Act, which states, in pertinent part:

Upon application by a qualified gaming entity that is not denied pursuant to subsection (e) and payment of a \$5,000,000 licensing fee, the commission shall grant an operator license to a qualified gaming entity that provides the right to conduct sports wagering; provided, that the qualified gaming entity shall meet the requirements for licensure under this chapter and the rules and regulations of the commission."

The specific question I had was whether there would be a single \$5,000,000 licensing fee payable with respect to the combined Category 2 and "tethered" Category 3 licenses to which Category 2 applicants are statutorily entitled, or if instead a Category 2 applicant that wished to conduct both retail and mobile sports wagering operations would be required to pay a \$10,000,000 licensing fee (*i.e.*, a separate \$5,000,000 fee for each of the retail and mobile operating licenses). I note that the statute provides that the licensing fee is payable by the "qualified gaming entity" that is granted the license. Based upon the literal language of the statute, if, hypothetically, Massasoit Greyhound Association, Inc. ("MGA") were able to apply for both the Category 2 and tethered Category 3 license without the participation of a third-party operating partner because it had all of the necessary operating experience and expertise "in house," then MGA would be a single "qualified gaming entity" that would presumably be required to pay a single \$5,000,000 licensing fee. If, on the other hand, the fact that MGA applied for the licenses with the participation of an "operating partner" (as it intends to do) would increase the licensing fee from \$5,000,000 to \$10,000,000, there is also the question of which entity would be the "holder" of the license and whether or not

there would in fact be more than one “qualified gaming entity” applying for the license. Furthermore, to the extent that the answer to this question turned on such distinctions, I would also suggest that the legal form of the arrangement between MGA and its operating partner could impact the result (*e.g.*, partnership, LLC, joint venture, sub-contractor, management agreement, etc.). I suggest that such legal and structural details should be dictated by business, legal, tax and accounting considerations rather than whether or not the legal structure of the applicant would significantly alter the licensing fee.

The continued uncertainty regarding the issue has created some difficulty in conducting our negotiations with potential operating partners. The operating partners with whom we have been speaking have generally assumed that there was a single \$5 million licensing fee that covered both the retail and mobile sports wagering activities. To the extent that the Commission considered the statutory language on this point to be ambiguous, and thus within the Commission’s authority to rule on its proper interpretation, we would be most grateful for the Commission’s expeditious resolution of the issue. Thank you in advance for your consideration.

Best regards,



Steven P. Eichel