



REVISED NOTICE OF MEETING AND AGENDA

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

Thursday | May 23, 2024 | 9:00 a.m.
VIA REMOTE ACCESS: 1-646-741-5292
MEETING ID/ PARTICIPANT CODE: 112 745 7609
All meetings are streamed live at www.massgaming.com.

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

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 - #518

1. Call to Order – Jordan Maynard, Interim Chair

2. Meeting Minutes
 - a. December 9, 2022 **VOTE**
 - b. December 12, 2023 – 10:00AM **VOTE**
 - c. December 12, 2023 – 1:30PM **VOTE**

3. Legislative Update – Commissioner Brad Hill

4. Investigations and Enforcement Bureau – Caitlin Monahan, Director of Investigations and Enforcement Bureau
 - a. Encore Boston Harbor's Request for Service Registration Exemptions – Kara O'Brien, Licensing Division Chief **VOTE**
 - b. Review of the IEB's Recommendation of Assessment of a Civil Administrative Penalty Pursuant to 205 CMR 232.02(2) regarding noncompliance with permissible sports wagering offerings by Fanatics Betting and Gaming. – Zachary Mercer, Enforcement Counsel; Kathleen



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Kramer, Interim Chief Enforcement Counsel; Caitlin Monahan, IEB Director **VOTE**

- c. Discussion regarding the IEB’s role in adjudicatory hearings related to alleged noncompliance with sports wagering statutes and regulations and determination regarding whether the IEB will proceed as a party or a witness in matters the Commission has decided to move to adjudicatory hearings – Justin Stempeck, Deputy General Counsel; Caitlin Monahan, IEB Director; Kathleen Kramer, Interim Chief Enforcement Counsel **VOTE**

- d. Discussion regarding the financial suitability investigation process for sports wagering operator and vendor licenses, including the use of outside entities to assist in said investigations -- Caitlin Monahan, IEB Director; Monica Chang, Financial Investigations Division Chief **VOTE**

I. Executive Session

The Commission is anticipated to meet in executive session in accordance with G.L. c.30A, §21(a)(7) and G.L. c. 4, §7(26)(f) to discuss investigatory materials related to the financial suitability investigation process for sports wagering operator and vendor licenses, necessarily compiled out of the public view by the IEB 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. **VOTE**

- e. Discussion regarding collective bargaining of the SEIU Local 888 Agreement – Dean Serpa, Executive Director; Caitlin Monahan, IEB Director; David Connelly, Esq., outside counsel to MGC **VOTE**

I. Executive Session

The Commission anticipates that it will meet in executive session in accordance with G.L. c.30A, §21(a)(3) to discuss strategy with respect to collective bargaining of the SEIU Local 888 Agreement, as discussion at an open meeting may have a detrimental effect on the bargaining position of the Commission. **VOTE**

5. Legal – Todd Grossman, General Counsel

- a. Review and Approval of Amendments to Mutual Online Access Agreement between Wynn Resorts, Limited and Caesars Interactive Entertainment, LLC in accordance with 205 CMR 230 **VOTE**

I. Executive Session

The Commission anticipates that it will meet in executive session in accordance with G.L. c. 30A, § 21(a)(7) and G.L. c. 23N, § 6(i) to consider information provided in the course of an application for an operator license that constitutes trade secrets or competitively-sensitive information and which, if disclosed publicly, would place the applicant at a competitive disadvantage. **VOTE**



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- b. 205 CMR 238.12: Reserve Requirement - Regulation and Amended Small Business Impact Statement for final review and possible adoption – Carrie Torrisi, Deputy General Counsel **VOTE**

- 6. Community Affairs Division – Joe Delaney, Chief of Community Affairs; Mary Thurlow, Senior Program Manager; Lily Wallace, Program Manager
 - a. Review of Impacted Live Entertainment Venue (ILEV) Process
 - b. Community Mitigation Fund Applications
 - I. Attleboro **VOTE**
 - II. Chicopee **VOTE**
 - III. Mansfield **VOTE**
 - IV. Medford **VOTE**
 - V. Melrose **VOTE**
 - VI. Revere (Amendment) **VOTE**
 - VII. Somerville **VOTE**
 - VIII. Wilbraham **VOTE**

- 7. Sports Wagering Division – Bruce Band, Director of Sports Wagering
 - a. Update regarding Operators’ status complying with 205 CMR 257: Data Privacy – Crystal Beauchemin, Sports Wagering Business Manager
 - b. **AccessIT Group, Inc. request for waiver from 205 CMR 243.01(1)(x)(2)(c) – Cristian Taveras, Gaming Technical Compliance Manager **VOTE****
 - c. Request for approval of AccessIT Group, Inc. as Qualified Independent Technical Expert in accordance with 205 CMR 243.01(1)(x) – Cristian Taveras, Gaming Technical Compliance Manager **VOTE**

- 8. Research and Responsible Gaming – Mark Vander Linden, Director of Research and Responsible Gaming
 - a. Presentation of report, “Assessment of Job Quality at Massachusetts Casinos, 2022” – Rachel Volberg, Research Professor at University of Massachusetts Amherst; Principal Investigator, Social and Economic Impacts of Gambling in Massachusetts (SEIGMA); Mark Melnik, Director, Economic and Public Policy Research, UMass Donahue Institute; Principal Investigator, SEIGMA; Thomas Peake, Senior Research Analyst, Economic and Public Policy Research, UMass Donahue Institute; SEIGMA

- 9. Commissioner Updates



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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: May 21, 2024 | 9:00 a.m. EST | REVISED: 5/21/24 @ 3:00 p.m.

May 21, 2024



Jordan M. Maynard, Interim Chair

If there are any questions pertaining to accessibility and/or further assistance is needed, please email Grace.Robinson@massgaming.gov.



Massachusetts Gaming Commission



Massachusetts Gaming Commission Meeting Minutes

Date/Time: December 9, 2022, 12:00 p.m.
Place: Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292
PARTICIPANT CODE: 112 671 3811

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

Commissioners Present:

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

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

Chair Judd-Stein called to order the 409th Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted, and all five commissioners were present for the meeting.

2. [Review of Meeting Minutes](#) (00:42)

a. September 15th, 2022

The *September 15, 2022, Public Meeting Minutes* were included in the Commissioner's Packet on pages 1 through 11.

Commissioner Hill moved that the Commission approve the minutes from the September 15, 2022, public meeting that are included in the Commissioner's Packet, subject to any necessary corrections for typographical errors or other non-material matters. The motion was seconded by Commissioner Skinner.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

3. [Administrative Update](#) (01:48)

a. On-site Casino Updates

Chair Judd-Stein introduced Gaming Agents Division Chief Bruce Band. Chief Band stated that MGM Springfield (“MGM”) was considering adding more tables on their casino floor for the highly popular game Pontoon 21. He stated that Plainridge Park Casino (“PPC”) had begun construction on their temporary sports wagering booth on the casino floor in slot zone D8. He stated that Encore Boston Harbor (“EBH”) had redone level B1 with a new paint job and other updates. Chief Band also confirmed that inspections on all three gaming establishments will be completed in the first week of January pending approval of the sports wagering licenses.

Commissioner Skinner asked Chief Band about how many tables MGM currently has for Pontoon 21 and Chief Band responded that there were six tables. Additionally, Commissioner Skinner asked whether MGM had completed their testing and Chief Band confirmed that testing was still ongoing.

b. [Vacation Time Roll-Over Update](#) (04:53)

Chief People and Diversity Officer David Muldrew stated that the prior practice for vacation rollover was two years and that the Commonwealth of Massachusetts’ Human Resources Division (“HRD”) as of right now and moving forward will allow four years of vacation rollover. Chief Muldrew is requesting that the Commission vote to continue following the HRD practice of allowing four years of vacation rollover.

Commissioner Hill moved that the Commission adopt the same adjustment to the vacation carryover policy that the Commonwealth’s Human Resources Division has implemented, as discussed here today. The motion was seconded by Commissioner O’Brien.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

4. [Racing Division](#) (07:40)

a. Plainridge Park Requests

i. Request for 2023 Premium Free Period

Director of the Racing Division and Chief Veterinarian Alexandra Lightbown introduced the Plainridge Park Casino's ("PPC") Director of Racing Steve O'Toole. Director Lightbown stated that in accordance with G.L. c. 128C, § 2(4), PPC had requested that the premium free period run from Sunday June 18, 2023, through Saturday September 9, 2023. She stated that the Racing Division recommended approving this request.

Commissioner Skinner sought clarification regarding the premium free period. Director Lightbown explained that in the original simulcast legislation, there was a statutory twelve-week period where the licensee would not have to pay premiums to other tracks for their signals.

Commissioner Skinner asked if there was an outstanding legal issue with respect to the approval of signals. Director Lightbown stated that the issue had been resolved. Commissioner Skinner asked the Commission should approve the import and export signals before approving the premium free period. General Counsel Todd Grossman stated that it would make sense to vote on approving the premium free period after the signals were approved.

ii. [Request for Approval of 2023 Simulcast Export Locations](#) (14:00)

PPC's List Of Simulcast Export Locations was included in the Commissioner's Packet on pages 19 through 36.

Director Lightbown stated that PPC had submitted a request for simulcast export locations as part of their application. She stated that PPC was using the same signals that had been approved for years. She noted that PPC did not have to take all of the approved signals. She stated that the request from PPC was in compliance with G.L. Chapter 128C, § 2.

Commissioner Skinner requested a recap regarding the legal issues related to simulcast signals. General Counsel Grossman stated that the first issue was ensuring that the simulcast signals complied with the parameters of G.L. Chapter 128C, § 2. He stated that the second issue was regarding the right to approve certain signals. He stated that the New England Horsemen's Benevolent and Protective Association (NEHBPA) was satisfied that they had the right to approve those signals.

Mr. O'Toole explained that the signal "exports" would mean that PPC's live races would be transmitted to other outlets; and that signal "imports" would equate to races at other tracks being brought to PPC's system for patrons to view and wager upon.

Commissioner O'Brien moved that the Commission approve PPC's request for approval of the simulcast export locations listed as Exhibit 28 in their Application For a License To Hold or Conduct a Racing Meeting in 2023 as included in the Commissioner's Packet and discussed here today. Commissioner Hill seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

iii. [Request for Approval of 2023 Simulcast Import Locations](#) (20:12)

PPC's List of Simulcast Import Locations was included in the Commissioner's Packet on pages 38 through 42.

Director Lightbown stated that some of PPC's simulcast signal imports were for greyhound racing. She explained that due to Chapter 128 of the Acts of 2022, greyhound racing was not permitted as of August 1, 2023. She stated that the Racing Division recommended that the Commission approve simulcast import signals for horseracing through the entire calendar year and approve import signals for greyhound racing through August 1, 2023. She stated that PPC was aware of the statute related to greyhound racing.

Commissioner O'Brien moved that the Commission approve PPC's request for approval of the simulcast import locations for horseracing listed in their application for a License To Hold Or Conduct A Racing Meeting in 2023, for calendar year 2023; and that the Commission also approve PPC's request for approval of simulcast import locations for greyhound dog racing listed in their Application For a License To Hold or Conduct a Racing Meeting in 2023 only until August 1, 2023, consistent with Chapter 128 of the Acts of 2022 as included in the Commissioner's Packet and discussed here today. Commissioner Maynard seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

Commissioner Hill moved that the Commission approve PPC’s request for 2023 premium free period as included in the Commissioner’s Packet and discussed here today. Commissioner O’Brien seconded the motion.

Roll call vote:

Commissioner O’Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

Chair Judd-Stein stated that the Commission would need to circle back at some point to address the references in the law regarding the Interstate Horseracing Act of 1978.

iv. [Request for Approval of 2023 Account Wagering Provider](#) (28:55)

Director Lightbown stated that PPC had listed in its application that its account wagering provider would continue to be Hollywood Races. She noted that Hollywood Races was originally approved in 2016 when PPC switched from an in-house account wagering company to Penn’s account wagering company.

Commissioner O’Brien moved that the Commission approve PPC’s request for approval of their account wagering through Penn ADW, LLC d/b/a Hollywood Races using the eBet technology platform listed as Exhibit 29 in their license to hold or conduct a racing meet in 2023; and specifically further that Penn ADW, LLC d/b/a Hollywood Races not accept wagering in Massachusetts on greyhound dog racing after July 31, 2023, consistent with Chapter 128 of the Acts of 2022. Commissioner Maynard seconded the motion.

Roll call vote:

Commissioner O’Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

b. [Suffolk Downs Requests](#) (32:20)

i. Request for Approval of 2023 Simulcast Import Locations

Director Lightbown noted that Suffolk Downs was not conducting live racing and would not have signal exports. *Suffolk Downs’ List of Simulcast Import Locations* was included in the Commissioner’s Packet on pages 51 through 52.

Commissioner O'Brien inquired whether the language of "until August 1, 2023" or "through July 31, 2023" would have different effects. Director Lightbown stated that the wording in the statute was "until August 1, 2023".

Suffolk Downs' Attorney Bruce Barnett explained that the statute inserted a new section into G.L. Chapter 128C, and that the section of the Special Act that updates the statute takes effect on August 1, 2023. He stated that his client understood this to mean that the approval was through August 1, 2023, and would end on 11:59PM, July 31, 2023. Commissioner O'Brien stated that "through July 31, 2023" and "until August 1, 2023" had the same meaning. Director Lightbown stated that the letters going to the racetracks regarding the approval of simulcasting would use statutory language.

Commissioner Hill stated that he saw a newscast that the current simulcast facility would no longer be in the same location in the near future. He asked where wagers would be placed once development started. Mr. Barnett stated that the licensee sold the real estate property to a development company in 2017 and was currently a leased tenant. He stated that Suffolk Downs' lease was currently through calendar year 2023. He stated that Suffolk Downs would inform the Commission before it moved anywhere. Commissioner Hill stated that the lease being through 2023 alleviated some of his concerns. Mr. Barnett noted that while the lease was through 2023, a move could possibly happen before then. General Counsel Grossman explained that there was a legal significance attached to where Suffolk Downs was authorized to simulcast under the sports wagering statute. Chair Judd-Stein respectfully noted that this topic was not on the agenda for discussion.

Commissioner O'Brien moved that the Commission approve Suffolk Downs' request for approval of the simulcast import locations for horseracing listed in their November 30, 2022, letter pertaining to calendar year 2023, and that the Commission also approve Suffolk Downs' request for approval of simulcast import locations for greyhound dog racing also listed in their November 30, 2022, letter only until August 1, 2023, consistent with Chapter 128 of the Acts of 2022, as included in the Commissioner's Packet and discussed here today. Commissioner Hill seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

ii. [Request for 2023 Premium Free Period](#) (42:04)

Director Lightbown stated that Suffolk Downs requested their premium free period to run from October 9, 2023, through December 31, 2023.

Commissioner Hill moved that the Commission approve Suffolk Downs' request for 2023 premium free period as included in the Commissioner's Packet and discussed here today. Commissioner Skinner seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

iii. [Request for Approval of 2023 Account Wagering Providers](#) (43:36)

Director Lightbown stated that all ADW providers requested by Suffolk Downs - with the exception of Caesars Racebook - had previously been approved by the Commission. She stated that the Racing Division recommended that the Commission approve this request. Director Lightbown stated that interest in racing had increased with the legalization of sports wagering. *Suffolk Downs' request for approval of their 2023 account wagering providers* was included in the Commissioner's Packet on pages 55 through 56.

Commissioner O'Brien noted that category three sports wagering applicant BetMGM was one of the requested account wagering providers. She stated that there was a distinction in the level of review in this context in comparison to the level of review in the sports wagering and gaming contexts. Director Lightbown agreed and stated that the Racing Division's recommendation was only for approval related to horseracing, and that it would not have any bearing on any other license application being submitted to the Commission. Chair Judd-Stein stated that the current level of review met the established standards for horseracing. She stated that it might be beneficial for the Commission to review the regulatory scheme related to horseracing.

Commissioner O'Brien moved that the Commission approve Suffolk Down's request for approval of XpressBet LLC, 1/ST Bet, TVG, Twin Spires, FanDuel Racing, NYRAbets, BetMGM and Caesars Racebook as their advanced deposit wagering vendors for parimutuel wagering purposes only, and that the above vendors may accept wagering in Massachusetts on greyhound dog racing only until August 1, 2023, consistent with Chapter 128 of the Acts of 2022 as included in the Commissioner's Packet and discussed here today.

Commissioner Skinner offered an amendment saying that Section 17 of the statute used the language "until July 31, 2023". Director Lightbown noted that Section 18 of the statutes stated that Section A(1) would take effect August 1, 2023. General Counsel Grossman suggested that the language could be through July 31, 2023, and ending on August 1, 2023. Commissioner Skinner stated that her offered amendment was to be consistent with Section 17.

Mr. Barnett stated that Section 18 was only the effective date for Section A (1) which inserted the new section into G.L. Chapter 128C. He stated that no provision of the Special Act stated, “until August 1, 2023”. He stated that the language in Section 17 related to the perennial reauthorization of Suffolk Downs authorization as a racing meeting licensee, and to conduct simulcasting. General Counsel Grossman stated that the dates were intended to be read together and take effect at the same time. Commissioner Skinner then withdrew her request for amendment. Commissioner Maynard seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

c. [Raynham Park](#) (58:30)

i. Request for Approval of 2023 Simulcast Import Locations

Raynham Park's list of requested 2023 simulcast import locations was included in the Commissioner's Packet on pages 64 through 66.

Commissioner O'Brien moved that the Commission approve the Massasoit Raynham's request for approval for simulcast import locations for horseracing listed in the December 1, 2022 letter for calendar year 2023 and that the Commission also approve the Massasoit Raynham's request for approval of simulcast import locations for greyhound dog racing also listed in their December 1, 2022, letter only until August 1, 2023, consistent with Chapter 128 of the Acts of 2022 as included in the Commissioner's Packet and discussed here today. Commissioner Hill seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

ii. [Request for Approval of 2023 Account Wagering Provider](#) (1:00:55)

Director Lightbown stated that Raynham Park was using an in-house account wagering provider called Dial2Bet and using US Off-Track LLC as their wagering phone service. She stated that

Raynham Park was using these services since account wagering entered the Commonwealth around 2001.

Commissioner O'Brien moved that the Commission approve Massasoit Raynham's request for approval of Dial2Bet and US Off-Track LLC for account wagering as listed in their December 1, 2022, letter; and further that Dial2Bet facilitated by US Off-Track LLC be directed not to accept wagering in Massachusetts on greyhound dog racing after July 31, 2023, consistent with Chapter 128 of the Acts of 2022, as referenced in the Commissioner's Packet and further discussed here today. Commissioner Maynard seconded the motion.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

5. [Research and Responsible Gaming Division](#) (1:03:40)

a. M.G.L. 23N Sports Wagering Studies Updates

Director of Research and Responsible Gaming, Mark Vander Linden stated that there were two research plans included in the 2022 Act to Regulate Sports Wagering. He stated that the first study examined the feasibility of the operation of sports wagering kiosks at retail locations in Massachusetts. He stated that the second study was an examination of the participation of minority-owned business enterprises ("MBE"), women-owned business enterprises ("WBE"), and veteran-owned business enterprises ("VBE") in the sports wagering industry in the Commonwealth.

Director Vander Linden stated that following Commissioners' feedback, the Research And Responsible Gaming Division would deliver these reports to the Joint Committee on Economic Development and Emerging Technologies by December 31, 2023, as required by statute.

i. [M.G.L. 23N Section 20: Research Study Examining The Feasibility Of Allowing Retail Locations In The Commonwealth To Operate Sports Wagering Kiosks](#) (1:05:42)

Director Vander Linden explained that this was a prospective study examining an overview of what was currently available in the United States. He stated that Arizona, Connecticut, Delaware, Kansas, Maryland, Louisiana, Montana, Ohio, and Washington D.C. allowed kiosks in non-gaming settings. He stated that a number of research questions were included in the report, and that one of note, was the impact sports wagering kiosks would have on the lottery. He stated that there were also concerns about how the kiosks would impact vulnerable populations. He stated

that there was also the question of whether kiosks in retail settings would take patrons away from the existing casinos and potential sports wagering operators. The *Proposed Research Plan For The Kiosk Study* was included in the Commissioner's Packet on pages 72 through 83.

Commissioner Hill asked if veterans' facilities and organizations were considered as part of the retail locations. Director Vander Linden stated that veterans' facilities were not captured in the initial report, but that he would include them. Chair Judd-Stein asked if the Commission had sent correspondence to the Legislature regarding kiosks at veterans' associations. Commissioner O'Brien stated that the letter the Commission sent was regarding slot machines in veterans' associations. Commissioner Hill stated that veterans' organizations expressed an interest in having sports wagering kiosks.

Commissioner Hill requested that the research include restauranters and restaurant associations as a data point. Director Vander Linden stated that the team would consider multiple sources of information including key informant interviews. Commissioner O'Brien noted that lottery machines were able to track sales frequency, and that sports kiosks could be moved, if they negatively impact keno or other lottery games. She stated that information received from category one licensees might be useful in discerning the impact on the lottery.

Commissioner O'Brien stated that there should be input from the Investigations and Enforcement Bureau ("IEB") regarding the oversight of kiosk integrity. She stated that public safety and crime related impacts should be considered alongside consumer protections. She stated that there may be safety concerns related to patrons carrying significant amounts of cash. Chair Judd-Stein echoed Commissioner O'Brien's request that the IEB provide guidance related to the integrity piece of the study.

Chair Judd-Stein stated that there are many opportunities for sports wagering to be an economic driver for businesses, but that there were challenges in implementation. She stated that the scoping document could be submitted to the Legislature. Director Vander Linden stated that he anticipated a competitive procurement process for this study to begin in January 2024.

Commissioner Skinner asked if there should be a question related to self-excluded individuals being able to access the kiosks. Chair Judd-Stein stated that this question would best fit in under question seven. Director Vander Linden stated that he would add a sub-question there related to self-excluded individuals.

Commissioner Maynard asked how broad the term "retail location" was. Director Vander Linden stated that the scoping included a piece on locations that do not serve alcohol, but that the full breadth of what "retail organizations" was not included. He stated that it would include veterans' organizations, fraternal organizations, retail locations that serve alcoholic beverages, convenience stores, and gas stations. Research Manager, Dr. Bonnie Andrews stated that the legislation referred broadly to retail locations without providing a definition. Director Vander

Linden stated that his team would make revisions before delivering the reports to the Joint Committee on Economic Development and Emerging Technologies by the deadline.

ii. [M.G.L. 23N Section 25: A Research Study On The Participation By Minority Business Enterprises, Women Business Enterprises, And Veteran Business Enterprises In The Sports Wagering Industry In The Commonwealth](#) (1:22:59)

Director Vander Linden stated that Dr. Andrews had examined diversity, equity, and inclusion (“DEI”) initiatives across throughout the gaming industry. He stated that the wording in the statute required this study to be launched after the sports wagering industry had been established in the Commonwealth. He stated that this study would likely be included in the fiscal year 2024 research agenda. The *Proposed Research Plan Related To Diversity, Equity, And Inclusion In The Sports Wagering Industry* was included in the Commissioner’s Packet on pages 84 through 88.

Director Vander Linden stated that there were three broad categories of research questions. He stated that the first category examined “the participation by MBE, WBE, and VBE in the Commonwealth in activities related to the regulation, licensing, and promotion of sports wagering”. He stated that the second category examined “the level of participation for these groups for the sports wagering licensees and employers”. He stated that the third category examined “the level of participation with businesses that contract or provide services to sports wagering licensees and employers.”

Dr Andrews stated that it was difficult to find information related specifically to sports wagering in her literature review. Director Vander Linden stated that the Commission worked with the All-In Diversity Project and stated that connection might be useful for scoping this study. Chair Judd-Stein asked why the last two bullets did not reference VBEs. Dr. Andrews stated that the legislation did not include veterans on those topics. Director Vander Linden stated that information related to VBEs could be added to those topics, however.

Chair Judd-Stein stated that sports wagering would be in place for six months at the time research would begin on this topic. Director Vander Linden stated that if this study launched at the beginning of FY24, retail sports wagering would have been available for six months, but mobile sports wagering would have been available for a shorter time. He stated that if procurement began in July of 2024, the study could launch by late Summer, and that the final report to the Commission would be toward the end of FY24.

6. [Commissioner Updates](#) (1:33:52)

a. Annual Report Update

Transcriber’s Note: Due to a technical error, the video recording of this meeting did not capture the discussion for agenda items 6a, and 7a and 7b.

Chief Administrative Officer to the Chair and Special Projects Manager Crystal Beauchemin presented an updated draft of the initial pages of the 2022 Annual report for the Commissioners' consideration. The *Updated Pages* were included in the Commissioner's Packet on pages 89 through 93.

7. Executive Session

a. Department of Labor Relations Proceedings

Chair Judd-Stein stated that the Commission anticipated that it would meet in executive session in accordance with G.L. c. 30A, § 21(a)(3), to discuss strategy with respect to collective bargaining and litigation associated with the proceedings presently before the Department of Labor Relations docketed as case no. WMAS-22-9563 as discussion at an open meeting may have a detrimental effect on the bargaining and/or litigating position of the Commission. She stated that the public session of the Commission meeting would not reconvene at the conclusion of the executive session.

Commissioner O'Brien moved to enter an Executive Session for the reasons articulated by the Chair. The motion was seconded by Commissioner Skinner.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously 5-0.

b. Executive Session Minutes

Chair Judd-Stein stated that the Commission anticipated that it would meet in executive session for purposes of reviewing and approving meeting minutes from previous executive sessions of the Commission as reviewing such materials in public would compromise the purpose for which the initial executive sessions were called. She stated that the public session of the Commission meeting would not reconvene at the conclusion of the executive session.

Commissioner O'Brien moved to enter an Executive Session. The motion was seconded by Commissioner Skinner.

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously 5-0.

Transcriber's Note: The Commission entered an executive session and did not reconvene the public meeting at the conclusion of the executive session.

List of Documents and Other Items Used

1. [Notice of Meeting and Agenda](#) dated December 6, 2022
2. [Commissioner's Packet](#) from the December 9, 2022, meeting (posted on massgaming.com)



Massachusetts Gaming Commission Meeting Minutes

Date/Time: December 12, 2022, 10:00 a.m.
Place: Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292
PARTICIPANT CODE: 111 188 9959

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

Commissioners Present:

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

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

Chair Judd-Stein called to order the Public Hearing and Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted, and all five commissioners were present for the meeting.

2. [Public Comment On Category 3 \("Tethered"\) Sports Wagering Applications](#) (00:45)

Chair Judd Stein stated that this meeting was an opportunity for the public to provide comment on any or all of the category three tethered sports wagering applications. She stated that the applications were submitted by American Wagering, Inc. ("Caesars"), BetMGM, LLC, FBG Enterprises Opco, LLC (d/b/a Fanatics), Penn Sports Interactive, and WSI US, LLC (d/b/a WynnBET). She stated that this meeting was intended to afford an opportunity to offer input and comment on any or all the applications to any member of the public, or entity, who is interested.

Chair Judd-Stein stated that the Commission is interested in any information or comments the public may wish to offer relative to any or all of the applications and stated that the comments will be helpful in decisions. She stated that the Commission would review and consider each

public comment and the written comments submitted. She stated that the Commission was continuing to accept written comments on rolling basis up until the licensing process.

Chair Judd-Stein stated the meeting was intended for input relative to the untethered category three sports wagering applicants, and that it was not the proper venue for comments about sports wagering in general, the way the Commission has gone about its work, or any entity that applied for a sports wagering license in another category.

Chair Judd-Stein noted that the meeting was open until 1:00 p.m. She requested that those who wished to participate to email mgccomments@massgaming.gov or call the phone number on the agenda. She requested that commentors state their name, where they are from, and who they are affiliated with. She noted that this was not an opportunity for members of the public to ask questions of applicants if they appear and asked that any questions be addressed to the Commission. Chair Judd-Stein asked if there were any participants who wanted to provide comments and received no response. She stated that the meeting would remain open until 1:00 pm.

Transcriber's Note: No member of the public appeared to offer comments and the Commission shared a screensaver keeping the hearing open until 1:00 p.m.

At 12:53 p.m. Chief Administrative Officer to the Chair and Special Projects Manager, Crystal Beauchemin indicated that no member of the public had requested to make a comment. At 12:55 p.m., Chief of the Communications Division, Thomas Mills stated that no comments were received at the mgccomments@massgaming.gov email address. No public comments were received during this hearing.

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

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

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

List of Documents and Other Items Used

1. [Notice of Meeting and Agenda](#) dated December 7, 2022



Massachusetts Gaming Commission Meeting Minutes

Date/Time: December 12, 2022, 1:30 p.m.
Place: Massachusetts Gaming Commission

VIA CONFERENCE CALL NUMBER: 1-646-741-5292
PARTICIPANT CODE: 112 172 7116

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

Commissioners Present:

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

1. [Call to Order](#) (00:05)

Chair Judd-Stein called to order the 410th Public Meeting of the Massachusetts Gaming Commission ("Commission"). Roll call attendance was conducted, and all five commissioners were present for the meeting.

2. [Investigations and Enforcement Bureau](#) (00:50)

a. Encore Boston Harbor Service Exemption Request

Chief of the Licensing Division, Karalyn O'Brien stated that Encore Boston Harbor ("EBH") had submitted three gaming service employee exemption requests. She then introduced Licensing Supervisor, David MacKay. Mr. MacKay stated that EBH had requested the Commission allow three new exemptions under a statutory provision enacted in 2017 that authorized the Commission to exempt certain job positions from the registration requirements found in General Law Chapter 23K. The *Exemption Requests* were included in the Commissioner's Packet on pages 3 through 16.

Mr. MacKay stated that the first position EBH sought an exemption for was the Lead Kitchen Stewards Porter, which monitored and maintained cleanliness and organization of the kitchen and was a promotional track for the existing Kitchen Stewards Porter position. He stated that the next two positions were for a full-time and part-time equivalent for a Car Detailer position responsible for cleaning vehicles to company standards or client-specific specifications and keeping records on the condition of the vehicle.

Mr. MacKay stated that for each position, EBH responded “no” to all criteria identified on the gaming licensee certifications, and that the positions would have no supervisory responsibilities. Chair Judd-Stein asked if the full-time and part-time car detailer positions would be separate positions. Mr. MacKay confirmed and stated that there were two distinct position numbers.

Commissioner Skinner moved that the Commission exempt the Lead Kitchen Stewards Porter, Car Detailer, and Car Detailer SE Part-Time positions at Encore Boston Harbor from the Commission’s Registration requirements, in accordance with 205 CMR 134.03(1)(b) for the reasons discussed today, and described in the Commissioner’s Packet. The motion was seconded by Commissioner Hill.

Roll call vote:

Commissioner O’Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

3. [Promo Play](#) (06:00)

a. Discussion Regarding Promo Play for Sports Wagering

Chair Judd-Stein stated that the computation of gross sports wagering receipts and whether promotional play was deducted was treated differently across jurisdictions. She explained that there were considerations of public revenues, operator’s business models, responsible gaming policies, and public health.

Regulatory Compliance Manager Sterl Carpenter presented on promotional play with topics including: the definition of promotional play; recently available promotional offers; states that allowed promotional bets to be deducted from the taxable win; and Colorado’s changes to its promotional play deductions. The *Promotional Play Presentation* was included in the Commissioner’s Packet on pages 17 through 32.

Chair Judd-Stein introduced outside counsel Annie Lee and Lon Povich from the law firm Anderson and Krieger. Ms. Lee stated that General Law Chapter 23N defined sports wagering operator’s adjusted gross sports wagering receipts as total gross receipts from sports wagering minus the total of all winnings paid to participants and all excise taxes paid pursuant to federal

law. She stated that there was an additional carveout that the total of all winnings shall not include the cash equivalent of any merchandise or thing of value awarded as a prize.

Ms. Lee stated that Chapter 23N was silent on the definition of gross sports wagering receipts, unlike G.L. Chapter 23K which defined gross gaming revenue in the gaming context as the total of all sums actually received by the licensee, provided further that issuance to or wagering by patrons of the gaming establishment of any promotional gaming credit shall not be taxable for the purposes of determining gross revenue.

Ms. Lee noted that the legislative history showed that the legislature contemplated excluding promotional play from gross sports wagering receipts but did not ultimately adopt that language. She stated that the house bill excluded promotional play from total gross receipts, but the act submitted to the Governor by the Senate did not exclude promotional play. She stated that the language in the Act was reconciled in the Legislature, and that promotional play credit was not an exemption to gross sports wagering receipts. She stated that this interpretation was not exclusive, but a better interpretation was that promotional play included in the operator's gross sports wagering receipts.

Chair Judd-Stein asked if there were any questions relative to the policy discussion. Commissioner O'Brien stated that she had policy considerations in terms of what guardrails and limitations the Commission could be implemented related to promotional play. Chair Judd-Stein asked if Commissioner O'Brien had concerns about the implications of the tax rate. Commissioner O'Brien expressed an interest in discussing policy questions such as further regulating promotional play and what could be offered. Chair Judd-Stein noted that the issue in question was whether the adjusted sports wagering receipts included promotional play in terms of taxation. Commissioner O'Brien stated that she was satisfied on that issue with promotional play not being deducted from gross sports wagering receipts.

Commissioner Hill stated that he wanted to hear from the Commission staff on this issue. Commissioner Skinner stated she was prepared to move onto policy discussion but would like to hear the staff's recommendations. Chair Judd-Stein stated that she was not sure if the staff was fully prepared for the policy discussion of limitations on promotional play. Commissioner O'Brien stated that she envisioned the Commission would have to circle back on that discussion at a later point. Commissioner Maynard noted his appreciation for Anderson and Krieger's presentation and stated that the Commission had received comments from its licensees expressing a different view. He noted that he would also like to hear the staff's opinions on the issue.

Chief Financial and Accounting Officer ("CFAO") Derek Lennon stated that the interpretation of not deducting promotional play would maximize tax revenue, but was not consistent with how G.L. 23K handled the tax application of promotional play. He stated that excluding promotional play from adjusted gross sports wagering receipts would maximize profits to the businesses, but also create incentive to minimize tax revenue.

CFAO Lennon noted that other states had chosen to do a partial deduction where the operators could only deduct a certain amount of promotional play from the adjusted gross sports wagering

receipts. Addressing Commissioner O'Brien's concerns. CFAO Lennon noted that the Sports Wagering Division could regulate the approval of promotional play, but that the staff team was more prepared to discuss taxation at this meeting.

CFAO Lennon resumed his presentation, with topics included promotional play scenarios, taxation formulas for the options available, and the operator's ability to carry over losses.

Chair Judd-Stein noted that promotional play was not deducted under the current law, and sought clarification if one of the scenarios presented would be if the Commission adopted a regulation that would allow a full deduction of promotional play. CFAO Lennon stated that the legal analysis left room for alternative interpretations on how to approach the issue. Chair Judd-Stein noted that the third option was to collect taxes on a percentage of promotional play.

CFAO Lennon explained that in general marketing, a five to ten times multiplier was expected in promotion. Chair Judd-Stein asked if this was in reference to the return on investment for operators. CFAO Lennon replied that it was. Chair Judd-Stein asked what the revenue would be in the sample if the Commission chose not to deduct promotional play from the adjusted gross sports wagering receipts. CFAO Lennon noted that operators often offer less promotional play if it is not deducted from taxation.

Chair Judd-Stein explained that promotional play had come up in the sports wagering whitepaper in the advertising and marketing context and asked Director of Research and Responsible Gaming Mark Vander Linden to comment. Director Vander Linden stated that pieces highlighted in the November 20, 2022, Risky Wagering series in the New York Times specifically addressed promotional play. He stated that promotional play is often targeted to young adults who are more susceptible to accepting free promotional play without the understanding of what promo play is. He noted that more information is laid out in the New York Times series.

Director Vander Linden stated that he had performed a quick literature review related to promotional play and cited a 2017 Journal of Gambling Study, titled *The Structural Features of Sports and Race Betting Inducements: Issues for Harm Minimization and Consumer Protection* by Hing et al. He stated that the study indicated that there were several structural features of sports wagering inducements that poorly align with harm minimization or informed player choice strategies.

Director Vander Linden stated that twelve features were mentioned in the study, but the four he found most relevant were that wagering inducements were likely to maintain or exacerbate harmful betting amongst problem gamblers; that terms and conditions of sports wagering inducements did not usually enable informed player choice due to terms and conditions being vague or not present; consumers were not likely to see responsible gaming messaging during sports wagering inducement offers; and that the study found younger adults were more likely to be routinely exposed to advertisements about sports wagering inducements.

Director Vander Linden stated that other research supported those findings. He noted that Virginia had moved from deducting promotional play to taxing it. He stated that it was important

to consider promotional play's effect on taxation in Massachusetts, and that it could fund different sources such as the Public Health Trust Fund.

Chair Judd-Stein stated that there were broad implications with respect to public protections. Commissioner Hill asked if other jurisdictions had initially allowed promotional play and discontinued it at a future point. Regulatory Compliance Manager Carpenter explained that Virginia had begun with a full deduction, which it was now eliminating, and that Colorado had tiered down the taxation of promotional play because they were not receiving the tax rate the state desired.

Chair Judd-Stein asked if it was the regulator or the legislature that had made the change in the two states mentioned. Regulatory Compliance Manager Carpenter stated that the state legislatures had passed the laws, but that the Virginia legislature had contacted the regulator regarding the taxation amount.

Commissioner Maynard inquired whether the regulators were required to make a decision in any other states. Mr. Povich stated that the legal analysis was regarding the legislative intent regarding Massachusetts General Law Chapter 23N and that the outside counsel team had not reviewed other states. Regulatory Compliance Manager Carpenter stated that while the legislatures had enacted the changes in Virginia and Colorado, the regulators in those states identified promotional play as this issue when working with the legislature.

Chair Judd-Stein requested information regarding whether any jurisdictions statutes affirmatively stated promotional play was taxable. She noted that in the jurisdictions she had looked at, the assumption was that promotional play was not deductible and that the deduction had to be affirmatively written. She reiterated that the team from Anderson and Krieger stated a better interpretation of the law was to include promotional play in the operator's gross sports wagering receipts.

Chair Judd-Stein stated that the Legislature knew how to treat promotional play as a deduction, as they had done that under casino law in General Law Chapter 23K. She stated that the House language was clear that promotional play was to be deducted, but that language was removed in the Senate bill that was signed into law. She stated that the lawmakers' intent was clear, and that the Legislature had weighed the relative factors and effects of promotional play on vulnerable populations. She expressed worry that should the Commission decide to interpret the law differently they would become a tax setting agency.

Commissioner O'Brien agreed with Chair Judd-Stein and noted that the operators had a chance to lobby and present these arguments to the legislature. Commissioner O'Brien stated that the Commission has a lot of discretion and authority but that she did not believe the Commission had the authority to effectively change the tax rate.

Commissioner Skinner agreed but stated that some of the information relied on could be used to support the opposite conclusion. She stated that if the Legislature did not intend to differ this question to the Commission, they could have affirmatively excluded the deduction of promotional play in their legislation. She asked if Commissioner Hill could provide insight due

to his former experience as a legislator, and inquired if it was generally acceptable for members of the Legislature to give public comment on agency regulations.

Commissioner Hill stated that when the bill passed the house two years prior, the language included the deduction of promotional play from the gross sports wagering income, as it was believed it would help the businesses. He noted that the Senate did not adopt the language, due to a lot of discussion during the last day before presenting the bill to the governor. He stated that he wanted to get the licensees up and running and for the state to get its due. He expressed concerns that the taxation of promotional play could be a negative for licensees. Commissioner Skinner thanked him for his feedback.

Commissioner Maynard stated that he was interested in seeing how other jurisdictions handled the issue, and that he was not prepared to make a decision. Chair Judd-Stein asked if the Commission had requests for information that would help to understand the legislative intent and what other jurisdictions do. She stated that she has not seen a statute that included an affirmative inclusion of promotional play in the definition of gross sports wagering receipts.

Chair Judd-Stein asked if any other legislatures gave discretion to the gaming regulator to alter the tax rate of promotional play independently. Mr. Povich stated that the discussion and debate by the Massachusetts legislature reinforces the legislative history cited by Anderson and Krieger, but a legal argument could be made in defense of that policy. He noted that a better reading of the law includes promotional play credits in adjusted sports wagering receipts and noted he would do additional research. Mr. Povich stated that it may be difficult to find information on the legislative history of other jurisdictions.

Commissioner O'Brien stated that she did not require any further information for her analysis, and that she did not need additional information to make a conclusion. Commissioner Skinner agreed and stated she did not need additional information from Legal. Commissioner Hill stated that the Commission staff would be able to provide any further information he needed. Commissioner Maynard stated that he did not want to waste any more resources digging into this question. He stated that he would have to think about the issue before voting.

Chair Judd-Stein asked if the reserved opportunity to vote would be tabled until a later meeting. Commissioner Hill requested that a vote wait until more information was available. Commissioner Maynard agreed. Chair Judd-Stein requested that any information in response to his requests be shared with the Commission, and that Director Vander Linden would also have an opportunity to supply additional information.

Commissioner Skinner asked if there was any other information available that would assist with the question of legislative intent. Mr. Povich stated that there was no recorded legislative history in Massachusetts and no congressional record. He stated that the Commission had an advantage as Commissioner Hill could provide details on the back-and-forth of the legislation and that the Commission's staff monitoring the bill was a great asset.

Commissioner Hill stated that he would like to reach out the legislators who wrote the bill and ask them to put something in writing regarding their intent, but was not sure if he was ethically

allowed to do so. General Counsel Todd Grossman stated that there was not a prohibition against asking legislators questions, but they should be informed that the information may be shared publicly.

Commissioner O'Brien stated that she was not sure the Commission would get a full picture of the discussion and intent through this method and stated that she did not think it was an appropriate way to handle this interpretation. Commissioner Maynard stated he was taught to not look at legislative history to be dispositive. He inquired whether, in the existing language in the bill that passed, regulators had the right to interpret the tax issue. He said that he was happy to make decisions where the Commission had authority, but this issue was a grey area, and he would have to think about it more.

Mr. Povich stated that the Commission could enact regulations consistent with the statute. He stated that not creating a deduction for promotional play credits was consistent, and that the better view of the interpretation was to act consistently with the statute, given the legislative history.

Chair Judd-Stein stated that the public comments from the operators proposed a regulation that rewrites the section defining adjusted sports wagering receipts. She stated that their recommendation was to include the exact language the Senate had removed, which would rewrite the law. She noted that she was open to other interpretations, but the solution provided would insert language that had been removed by the Legislature. She stated that she wanted the Commission's process to be consistent and that the vote would be tabled so the Commission could receive further guidance.

4. [Commissioner Updates](#) (1:35:00)

Commissioner Skinner noted that a public comment from Fanatics dated November 22, 2022, was not in the packet, and wanted to ensure the comment would be circulated to the entire Commission if it had not already done so. Deputy General Counsel Caitlin Monahan stated that all relevant comments should have been in the packet when the Commission discussed 205 CMR 240 previously, but that she would double check that all public comments were included.

5. [Other Business](#) (1:37:36)

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

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

Roll call vote:

Commissioner O'Brien: Aye.

Commissioner Hill: Aye.

Commissioner Skinner: Aye.

Commissioner Maynard: Aye.

Chair Judd-Stein: Aye.

The motion passed unanimously, 5-0.

List of Documents and Other Items Used

1. [Notice of Meeting and Agenda](#) dated December 6, 2022
2. [Commissioner's Packet](#) from the December 12, 2022, meeting (posted on massgaming.com)



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

FROM: David MacKay, Licensing Division Manager

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

DATE: May 23, 2024

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

OVERVIEW

This service employee exemption request for eight (8) new positions at Encore Boston Harbor is presented by the Licensing Division to the Commission for consideration and approval.

STANDARD

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

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

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

DISCUSSION

Encore Boston Harbor requests exemptions for eight new positions in conjunction with the opening of the new leased outlet restaurant, Giardino. This is the restaurant that will occupy the space that was formerly Garden Cafe.

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



Massachusetts Gaming Commission

The positions requested to be exempt are as follows:

- Dishwasher
- Server
- Busser
- Chef
- Cook
- Host
- Food Runner
- Prep Cook

Currently, Seamark has similar exempt positions. Additionally, when the space was formerly Garden Cafe, the Commission afforded Encore similar exempt positions.

ACTION REQUESTED

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

RECOMMENDATION

The Licensing Division recommends that the Commission support the exemption.



MASSACHUSETTS GAMING COMMISSION POSITION EXEMPTION FORM

This form shall be submitted to request an exemption from the registration requirement, or to amend or rescind an exemption. A copy of the job description and department organizational chart must be attached.

GAMING LICENSEE: Giardino

POSITION TITLE: Dishwasher

JOB CODE: G-09

THIS IS A REQUEST TO:

- Exempt a gaming service employee position from the registration requirement.
- Withdraw a position from exempt status and require a gaming service employee registration.

DOES THE POSITION:

YES (OR) NO

- | | | | |
|--|--------------------------|--|-------------------------------------|
| • Involve work performed on the gaming floor? | <input type="checkbox"/> | | <input checked="" type="checkbox"/> |
| • Manage other staff members? | <input type="checkbox"/> | | <input checked="" type="checkbox"/> |
| • Have supervisory responsibilities in Human Resources or Sales / Marketing? | <input type="checkbox"/> | | <input checked="" type="checkbox"/> |
| • Involve alcohol sales, distribution, service, and / or storage? | <input type="checkbox"/> | | <input checked="" type="checkbox"/> |
| • Have access to secure back-of-house areas (including executive offices) without security escort? | <input type="checkbox"/> | | <input checked="" type="checkbox"/> |
| • Have responsibility for accounting and / or finance relating to the gaming establishment? | <input type="checkbox"/> | | <input checked="" type="checkbox"/> |
| • Have "write" access to the gaming-related casino databases? | <input type="checkbox"/> | | <input checked="" type="checkbox"/> |
| • Have any authority to offer complimentary services, such as transportation, food, lodging, or entertainment? | <input type="checkbox"/> | | <input checked="" type="checkbox"/> |
| • Have responsibilities that potentially impact the integrity of gaming operations, including access to confidential or sensitive information? | <input type="checkbox"/> | | <input checked="" type="checkbox"/> |

The Commission considers the above non-exhaustive list of factors when determining whether a position is eligible for exemption.

EXPLANATION: (Provide details for any question marked "yes".)

OTHER: (Provide any other information related to the position or request.)

Job Description:

Dishwasher - collecting used dishes, plates, and utensils, loading washing machines and stacking washed items appropriately.

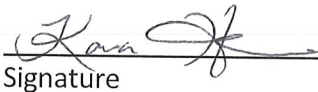
1 year kitchen experience

Please note:

Restaurant outlet is off of Casino floor and in Hotel resort side.

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

If requesting withdrawal of an exempt position, the representative also acknowledges individuals hired by the gaming licensee for this position must register in accordance with 205 CMR 134.09 prior to engaging in the provision of employment services if the withdrawal is approved.


Signature

/ Kara Henson
/ Printed Name

05/08/2024

Date



MASSACHUSETTS GAMING COMMISSION POSITION EXEMPTION FORM

This form shall be submitted to request an exemption from the registration requirement, or to amend or rescind an exemption. A copy of the job description and department organizational chart must be attached.

GAMING LICENSEE: Giardino

POSITION TITLE: Server

JOB CODE: G-06

THIS IS A REQUEST TO:

- Exempt a gaming service employee position from the registration requirement.
- Withdraw a position from exempt status and require a gaming service employee registration.

DOES THE POSITION:

	YES	(OR)	NO
• Involve work performed on the gaming floor?	<input type="checkbox"/>		<input checked="" type="checkbox"/>
• Manage other staff members?	<input type="checkbox"/>		<input checked="" type="checkbox"/>
• Have supervisory responsibilities in Human Resources or Sales / Marketing?	<input type="checkbox"/>		<input checked="" type="checkbox"/>
• Involve alcohol sales, distribution, service, and / or storage?	<input type="checkbox"/>		<input checked="" type="checkbox"/>
• Have access to secure back-of-house areas (including executive offices) without security escort?	<input type="checkbox"/>		<input checked="" type="checkbox"/>
• Have responsibility for accounting and / or finance relating to the gaming establishment?	<input type="checkbox"/>		<input checked="" type="checkbox"/>
• Have "write" access to the gaming-related casino databases?	<input type="checkbox"/>		<input checked="" type="checkbox"/>
• Have any authority to offer complimentary services, such as transportation, food, lodging, or entertainment?	<input type="checkbox"/>		<input checked="" type="checkbox"/>
• Have responsibilities that potentially impact the integrity of gaming operations, including access to confidential or sensitive information?	<input type="checkbox"/>		<input checked="" type="checkbox"/>

The Commission considers the above non-exhaustive list of factors when determining whether a position is eligible for exemption.

EXPLANATION: (Provide details for any question marked "yes".)

OTHER: (Provide any other information related to the position or request.)

Job Description:

Server - Take customer orders, Give customers a great experience, Make recommendations on what a customer should order, Deliver the food and drinks to a customer, Deal with any customer complaints, Take into account any customer allergies, Accept customer payment

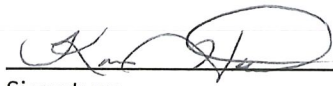
2-3 years experience

Please note:

Restaurant outlet is off of Casino floor and in Hotel resort side.

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

If requesting withdrawal of an exempt position, the representative also acknowledges individuals hired by the gaming licensee for this position must register in accordance with 205 CMR 134.09 prior to engaging in the provision of employment services if the withdrawal is approved.



Signature

/ Kara Henson

/ Printed Name

05/08/2024

Date



MASSACHUSETTS GAMING COMMISSION POSITION EXEMPTION FORM

This form shall be submitted to request an exemption from the registration requirement, or to amend or rescind an exemption. A copy of the job description and department organizational chart must be attached.

GAMING LICENSEE: Giardino

POSITION TITLE: Busser

JOB CODE: G-05

THIS IS A REQUEST TO:

- Exempt a gaming service employee position from the registration requirement.
- Withdraw a position from exempt status and require a gaming service employee registration.

DOES THE POSITION:

	YES	(OR)	NO
• Involve work performed on the gaming floor?	<input type="checkbox"/>		<input checked="" type="checkbox"/>
• Manage other staff members?	<input type="checkbox"/>		<input checked="" type="checkbox"/>
• Have supervisory responsibilities in Human Resources or Sales / Marketing?	<input type="checkbox"/>		<input checked="" type="checkbox"/>
• Involve alcohol sales, distribution, service, and / or storage?	<input type="checkbox"/>		<input checked="" type="checkbox"/>
• Have access to secure back-of-house areas (including executive offices) without security escort?	<input type="checkbox"/>		<input checked="" type="checkbox"/>
• Have responsibility for accounting and / or finance relating to the gaming establishment?	<input type="checkbox"/>		<input checked="" type="checkbox"/>
• Have "write" access to the gaming-related casino databases?	<input type="checkbox"/>		<input checked="" type="checkbox"/>
• Have any authority to offer complimentary services, such as transportation, food, lodging, or entertainment?	<input type="checkbox"/>		<input checked="" type="checkbox"/>
• Have responsibilities that potentially impact the integrity of gaming operations, including access to confidential or sensitive information?	<input type="checkbox"/>		<input checked="" type="checkbox"/>

The Commission considers the above non-exhaustive list of factors when determining whether a position is eligible for exemption.

EXPLANATION: (Provide details for any question marked "yes".)

OTHER: (Provide any other information related to the position or request.)

Job Description:

Busser- Clear tables of dishware and napkins after meals, and return them to the kitchen, Prepare coffee, tea, and ice water for customers, Keep floors and chairs near dining tables clean by sweeping and mopping, Maintain appropriate stock levels of glassware, silverware, and dishware, Clean, sanitize, and reset tables after meals, Refill salt, pepper, and other condiments at tables, Assist servers with food delivery, Keep designated service stations clean and well stocked
1-2 years experience

Please note:

Restaurant outlet is off of Casino floor and in Hotel resort side.

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

If requesting withdrawal of an exempt position, the representative also acknowledges individuals hired by the gaming licensee for this position must register in accordance with 205 CMR 134.09 prior to engaging in the provision of employment services if the withdrawal is approved.



Signature

/ Kara Henson

/ Printed Name

05/08/2024

Date



MASSACHUSETTS GAMING COMMISSION POSITION EXEMPTION FORM

This form shall be submitted to request an exemption from the registration requirement, or to amend or rescind an exemption. A copy of the job description and department organizational chart must be attached.

GAMING LICENSEE: Giardino

POSITION TITLE: Chef

JOB CODE: G-01

THIS IS A REQUEST TO:

Exempt a gaming service employee position from the registration requirement.

Withdraw a position from exempt status and require a gaming service employee registration.

DOES THE POSITION:	YES	(OR)	NO
• Involve work performed on the gaming floor?	<input type="checkbox"/>		<input checked="" type="checkbox"/>
• Manage other staff members?	<input checked="" type="checkbox"/>		<input type="checkbox"/>
• Have supervisory responsibilities in Human Resources or Sales / Marketing?	<input type="checkbox"/>		<input checked="" type="checkbox"/>
• Involve alcohol sales, distribution, service, and / or storage?	<input type="checkbox"/>		<input checked="" type="checkbox"/>
• Have access to secure back-of-house areas (including executive offices) without security escort?	<input type="checkbox"/>		<input checked="" type="checkbox"/>
• Have responsibility for accounting and / or finance relating to the gaming establishment?	<input type="checkbox"/>		<input checked="" type="checkbox"/>
• Have "write" access to the gaming-related casino databases?	<input type="checkbox"/>		<input checked="" type="checkbox"/>
• Have any authority to offer complimentary services, such as transportation, food, lodging, or entertainment?	<input type="checkbox"/>		<input checked="" type="checkbox"/>
• Have responsibilities that potentially impact the integrity of gaming operations, including access to confidential or sensitive information?	<input type="checkbox"/>		<input checked="" type="checkbox"/>

The Commission considers the above non-exhaustive list of factors when determining whether a position is eligible for exemption.

EXPLANATION: (Provide details for any question marked "yes".)

Manages kitchen to include cooks & dishwashers

OTHER: (Provide any other information related to the position or request.)

Job Description:

Chef - create appetizing dishes for diners to enjoy. Oversees kitchen staff, tasting dishes before going to customers and restocking food produce as needed.
2-3 years Kitchen management

Please note:

Restaurant outlet is off of Casino floor and in Hotel resort side.

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

If requesting withdrawal of an exempt position, the representative also acknowledges individuals hired by the gaming licensee for this position must register in accordance with 205 CMR 134.09 prior to engaging in the provision of employment services if the withdrawal is approved.



Signature

/ Kara Henson

/ Printed Name

05/08/2024

Date



MASSACHUSETTS GAMING COMMISSION POSITION EXEMPTION FORM

This form shall be submitted to request an exemption from the registration requirement, or to amend or rescind an exemption. A copy of the job description and department organizational chart must be attached.

GAMING LICENSEE: Giardino

POSITION TITLE: Cook

JOB CODE: G-03

THIS IS A REQUEST TO:

- Exempt a gaming service employee position from the registration requirement.
- Withdraw a position from exempt status and require a gaming service employee registration.

DOES THE POSITION:

	YES	(OR)	NO
• Involve work performed on the gaming floor?	<input type="checkbox"/>		<input checked="" type="checkbox"/>
• Manage other staff members?	<input type="checkbox"/>		<input checked="" type="checkbox"/>
• Have supervisory responsibilities in Human Resources or Sales / Marketing?	<input type="checkbox"/>		<input checked="" type="checkbox"/>
• Involve alcohol sales, distribution, service, and / or storage?	<input type="checkbox"/>		<input checked="" type="checkbox"/>
• Have access to secure back-of-house areas (including executive offices) without security escort?	<input type="checkbox"/>		<input checked="" type="checkbox"/>
• Have responsibility for accounting and / or finance relating to the gaming establishment?	<input type="checkbox"/>		<input checked="" type="checkbox"/>
• Have "write" access to the gaming-related casino databases?	<input type="checkbox"/>		<input checked="" type="checkbox"/>
• Have any authority to offer complimentary services, such as transportation, food, lodging, or entertainment?	<input type="checkbox"/>		<input checked="" type="checkbox"/>
• Have responsibilities that potentially impact the integrity of gaming operations, including access to confidential or sensitive information?	<input type="checkbox"/>		<input checked="" type="checkbox"/>

The Commission considers the above non-exhaustive list of factors when determining whether a position is eligible for exemption.

EXPLANATION: (Provide details for any question marked "yes".)

OTHER: (Provide any other information related to the position or request.)

Job Description:

Cook - Places and expedites orders. Prepares ingredients by following recipes; slicing, cutting, chopping, mincing, stirring, whipping, and mixing ingredients; adding seasonings; verifying taste; and plating meals.
1-2 years cooking experience

Please note:

Restaurant outlet is off of Casino floor and in Hotel resort side.

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

If requesting withdrawal of an exempt position, the representative also acknowledges individuals hired by the gaming licensee for this position must register in accordance with 205 CMR 134.09 prior to engaging in the provision of employment services if the withdrawal is approved.



Signature

/ Kara Henson

/ Printed Name

05/08/2024

Date



MASSACHUSETTS GAMING COMMISSION POSITION EXEMPTION FORM

This form shall be submitted to request an exemption from the registration requirement, or to amend or rescind an exemption. A copy of the job description and department organizational chart must be attached.

GAMING LICENSEE: Giardino

POSITION TITLE: Host

JOB CODE: G-07

THIS IS A REQUEST TO:

- Exempt a gaming service employee position from the registration requirement.
- Withdraw a position from exempt status and require a gaming service employee registration.

DOES THE POSITION:

YES (OR) NO

	YES	(OR)	NO
• Involve work performed on the gaming floor?	<input type="checkbox"/>		<input checked="" type="checkbox"/>
• Manage other staff members?	<input type="checkbox"/>		<input checked="" type="checkbox"/>
• Have supervisory responsibilities in Human Resources or Sales / Marketing?	<input type="checkbox"/>		<input checked="" type="checkbox"/>
• Involve alcohol sales, distribution, service, and / or storage?	<input type="checkbox"/>		<input checked="" type="checkbox"/>
• Have access to secure back-of-house areas (including executive offices) without security escort?	<input type="checkbox"/>		<input checked="" type="checkbox"/>
• Have responsibility for accounting and / or finance relating to the gaming establishment?	<input type="checkbox"/>		<input checked="" type="checkbox"/>
• Have "write" access to the gaming-related casino databases?	<input type="checkbox"/>		<input checked="" type="checkbox"/>
• Have any authority to offer complimentary services, such as transportation, food, lodging, or entertainment?	<input type="checkbox"/>		<input checked="" type="checkbox"/>
• Have responsibilities that potentially impact the integrity of gaming operations, including access to confidential or sensitive information?	<input type="checkbox"/>		<input checked="" type="checkbox"/>

The Commission considers the above non-exhaustive list of factors when determining whether a position is eligible for exemption.

EXPLANATION: (Provide details for any question marked "yes".)

OTHER: (Provide any other information related to the position or request.)

Job Description :

Greeting guests as they enter, and putting them on a waiting list as necessary.
Providing guests with menus and answering any initial questions.
Seating guests at tables or in waiting areas.
Assigning guests to tables they prefer, while keeping table rotation in mind so that servers receive the right number of customers.
Engaging with guests to ensure they're happy with food and service.
Responding to complaints and helping to resolve them.
Answering phone calls, taking reservations and answering questions.
A knowledge of the menu.
Helping out with other positions in the restaurant as needed.
Providing great customer service

Please note:

Restaurant outlet is off of Casino floor and in Hotel resort side.

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

If requesting withdrawal of an exempt position, the representative also acknowledges individuals hired by the gaming licensee for this position must register in accordance with 205 CMR 134.09 prior to engaging in the provision of employment services if the withdrawal is approved.



Signature

/ Kara Henson

/ Printed Name

05/08/2024

Date



MASSACHUSETTS GAMING COMMISSION POSITION EXEMPTION FORM

This form shall be submitted to request an exemption from the registration requirement, or to amend or rescind an exemption. A copy of the job description and department organizational chart must be attached.

GAMING LICENSEE: Giardino

POSITION TITLE: Food Runner

JOB CODE: G-04

THIS IS A REQUEST TO:

- Exempt a gaming service employee position from the registration requirement.
- Withdraw a position from exempt status and require a gaming service employee registration.

DOES THE POSITION:

YES (OR) NO

• Involve work performed on the gaming floor?	<input type="checkbox"/>		<input checked="" type="checkbox"/>
• Manage other staff members?	<input type="checkbox"/>		<input checked="" type="checkbox"/>
• Have supervisory responsibilities in Human Resources or Sales / Marketing?	<input type="checkbox"/>		<input checked="" type="checkbox"/>
• Involve alcohol sales, distribution, service, and / or storage?	<input type="checkbox"/>		<input checked="" type="checkbox"/>
• Have access to secure back-of-house areas (including executive offices) without security escort?	<input type="checkbox"/>		<input checked="" type="checkbox"/>
• Have responsibility for accounting and / or finance relating to the gaming establishment?	<input type="checkbox"/>		<input checked="" type="checkbox"/>
• Have "write" access to the gaming-related casino databases?	<input type="checkbox"/>		<input checked="" type="checkbox"/>
• Have any authority to offer complimentary services, such as transportation, food, lodging, or entertainment?	<input type="checkbox"/>		<input checked="" type="checkbox"/>
• Have responsibilities that potentially impact the integrity of gaming operations, including access to confidential or sensitive information?	<input type="checkbox"/>		<input checked="" type="checkbox"/>

The Commission considers the above non-exhaustive list of factors when determining whether a position is eligible for exemption.

EXPLANATION: (Provide details for any question marked "yes".)

OTHER: (Provide any other information related to the position or request.)

Job Description:

Food Runner- Deliver food orders from the kitchen to customers' tables rapidly and accurately, Act as the contact point between Front of the House and Back of the House staff, Communicate food orders to chefs, paying attention to priorities and special requests (e.g. food allergies), Assist the wait staff with table setting by fetching and placing appropriate tableware, eating utensils and napkins, Serve welcome drinks and hors d' oeuvres, upon guests' arrival, Ensure food is served in accordance with safety standards (e.g. proper temperature), Check in with customers and take additional orders or refill water, as needed, Remove dirty dishes and utensils, Answer guests' questions about ingredients and menu items

1-2 years experience

Please note:

Restaurant outlet is off of Casino floor and in Hotel resort side.

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

If requesting withdrawal of an exempt position, the representative also acknowledges individuals hired by the gaming licensee for this position must register in accordance with 205 CMR 134.09 prior to engaging in the provision of employment services if the withdrawal is approved.


Signature

/ Kara Henson
/ Printed Name

05/08/2024

Date



MASSACHUSETTS GAMING COMMISSION POSITION EXEMPTION FORM

This form shall be submitted to request an exemption from the registration requirement, or to amend or rescind an exemption. A copy of the job description and department organizational chart must be attached.

GAMING LICENSEE: Giardino

POSITION TITLE: Prep Cook

JOB CODE: G-10

THIS IS A REQUEST TO:

- Exempt a gaming service employee position from the registration requirement.
- Withdraw a position from exempt status and require a gaming service employee registration.

DOES THE POSITION:	YES	(OR)	NO
• Involve work performed on the gaming floor?	<input type="checkbox"/>		<input checked="" type="checkbox"/>
• Manage other staff members?	<input type="checkbox"/>		<input checked="" type="checkbox"/>
• Have supervisory responsibilities in Human Resources or Sales / Marketing?	<input type="checkbox"/>		<input checked="" type="checkbox"/>
• Involve alcohol sales, distribution, service, and / or storage?	<input type="checkbox"/>		<input checked="" type="checkbox"/>
• Have access to secure back-of-house areas (including executive offices) without security escort?	<input type="checkbox"/>		<input checked="" type="checkbox"/>
• Have responsibility for accounting and / or finance relating to the gaming establishment?	<input type="checkbox"/>		<input checked="" type="checkbox"/>
• Have "write" access to the gaming-related casino databases?	<input type="checkbox"/>		<input checked="" type="checkbox"/>
• Have any authority to offer complimentary services, such as transportation, food, lodging, or entertainment?	<input type="checkbox"/>		<input checked="" type="checkbox"/>
• Have responsibilities that potentially impact the integrity of gaming operations, including access to confidential or sensitive information?	<input type="checkbox"/>		<input checked="" type="checkbox"/>

The Commission considers the above non-exhaustive list of factors when determining whether a position is eligible for exemption.

EXPLANATION: (Provide details for any question marked "yes".)

OTHER: (Provide any other information related to the position or request.)

Job Description:

Prep Cook - Follow the prep list created by chefs to plan duties · Label and stock all ingredients on shelves.
1 year kitchen experience

Please note:

Restaurant outlet is off of Casino floor and in Hotel resort side.

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

If requesting withdrawal of an exempt position, the representative also acknowledges individuals hired by the gaming licensee for this position must register in accordance with 205 CMR 134.09 prior to engaging in the provision of employment services if the withdrawal is approved.



Signature

/ Kara Henson

/ Printed Name

05/08/2024

Date



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

FROM: Kathleen Kramer, Interim Chief Enforcement Counsel/Assistant Director/Senior Enforcement Counsel

CC: Caitlin Monahan, Director, IEB
Justin Stempeck, Deputy General Counsel

DATE: May 16, 2024

RE: Adjudicatory Process with Sports Wagering Noncompliance Matters

At the public meeting on April 11, 2024, the Commission discussed the IEB's possible participation as a party in adjudicatory proceedings resulting from alleged sports wagering noncompliance. The IEB and Legal submitted a memorandum in advance of the meeting outlining the law governing the IEB's potential role as a party, how the IEB's participation as a party could work, and the practical consequences of said participation. On April 11, 2024, the Commission requested further discussion with IEB and Legal regarding examples of proceedings in which the IEB could act as a witness and as a party. The IEB has provided additional information to the Commission.

At the May 23, 2024, Public Meeting, the IEB will be asking the Commission whether it wishes the IEB to act as a party or a witness in following three sports wagering noncompliance matters:

1. Crown MA Gaming LLC, d/b/a DraftKings, Temporary Category 3 Sports Wagering Operator, 2023-SWN-006: This matter relates to the question of whether the Operator allowed patrons to use credit cards to fund their accounts in contravention of G. L. c. 23N, § 13(d), 205 CMR 247.07, and 205 CMR 248.10(3).
2. BetMGM, Temporary Category 3 Sports Wagering Operator, 2023-SWN-013: This matter relates to the question of whether the Operator allowed patrons to bet on whether players would receive penalty cards during soccer events in contravention of G. L. c. 23N, § 3, and 205 CMR 247.01(2)(e).
3. BetMGM, Temporary Category 3 Sports Wagering Operator, 2023-SWN-012: This matter relates to the question of whether the Operator allowed patrons to



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place bets on the performance of individual athletes in collegiate football in contravention of G. L. c. 23N, § 3, and 205 CMR 247.01(2)(a)(1).

The Commission has previously determined these matters will proceed to adjudicatory hearings.



Legal Division

To: Interim Chair Jordan Maynard
Commissioner Eileen O'Brien
Commissioner Brad Hill
Commissioner Nakisha Skinner

From: Carrie Torrisi, Deputy General Counsel
Mina Makarious, Anderson & Kreiger

Re: 205 CMR 238.12 Amendment

Date: May 23, 2024

On March 14, 2024, the Commission voted to approve amendments to 205 CMR 238.12 and to begin the regulation promulgation process. A public hearing was held on May 7, 2024. We did not receive any verbal comments, nor have we received any written comments. We are now seeking approval to file the final regulation with the Secretary of the Commonwealth.

As a reminder, the amendments relate to sports wagering operators' letters of credit. Following the Commission's October 2023 amendments to 205 CMR 238.12 requiring Sports Wagering Operators to obtain a letter of credit to ensure adequate funds are available to compensate patrons in the event of the cessation of sports wagering operations, Commission staff reviewed whether a letter of credit is also beneficial to protecting patron deposits.

A letter of credit is a three-party instrument or document issued by a bank that guarantees the payment of a patron's draft up to a stated amount for an express period of time. The purpose is to substitute the issuing bank's credit for that of the Operator and eliminate risk to the Commission (and thereby the patron) that the Operator will not pay. Letters of credit are irrevocable unless expressly stated otherwise.

The proposed amendments would allow Operators to backup patron funds in Sports Wagering Accounts through a letter of credit, cash reserves, Segregated Account, or a combination thereof. The effect of the proposed amendment would be to allow an Operator to commingle funds and use such funds for operations where an Operator has secured patron funds through a letter of credit, but require an Operator to protect patron funds through a Segregated Account or cash reserves where an Operator does not utilize a letter of credit.



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205 CMR 238.00: ADDITIONAL UNIFORM STANDARDS OF ACCOUNTING PROCEDURES AND INTERNAL CONTROLS FOR SPORTS WAGERING

Section

238.12 Reserve Requirement

238.12: Reserve Requirement

(1) A system of Internal Controls submitted by a Sports Wagering Operator in accordance with 205 CMR 238.02 shall include a plan to maintain and protect sufficient cash and other supplies to conduct Sports Wagering at all times through a reserve in the amount necessary to ensure the security of funds held in Sports Wagering Accounts and the ability to cover the outstanding Sports Wagering liability, including the amounts accepted by the Sports Wagering Operator on Sports Wagers whose outcomes have not been determined and amounts owed but unpaid on winning Sports Wagering tickets or vouchers. The reserve may be in the form of Cash, Cash Equivalents, payment processor reserves, payment processor receivables, an irrevocable letter of credit, a bond, or a combination thereof; provided that the amount of the reserve intended to cover the Sports Wagering liability must be in the form of, or backed up by, an irrevocable letter of credit approved by the Commission and which may be drawn by the Commission in the event of cessation of Sports Wagering Operations in accordance with 205 CMR 258.00.

(2) A system of Internal Controls submitted by a Sports Wagering Operator in accordance with 205 CMR 238.02 shall ensure funds in Sports Wagering Accounts, including pending withdrawals, are either ~~held~~:

- (a) ~~In~~Held in trust for the patron in a Segregated Account managed in accordance with 205 CMR 248.00; ~~or~~
- (b) ~~In a special purpose Segregated Account that is maintained and controlled by a properly constituted corporate entity that is not the Sports Wagering Operator and whose governing board includes one or more corporate directors who are independent of the Sports Wagering Operator and any affiliated Gaming Licensee and of any corporation related to or controlled by either. Said corporate entity must require a unanimous vote of all corporate directors to file bankruptcy and must have articles of incorporation that prohibit the commingling of its funds with those of the Sports Wagering Operator except as necessary to reconcile the Sports Wagering Accounts. Said special purpose corporate entity must also be:~~Held in the form of cash reserves;
 - ~~1. Restricted from incurring debt other than to patrons~~
- (c) Backed up by an irrevocable letter of credit approved by the Commission;
or
- (d) A combination of the forms described in 205 CMR 238.12(2)(a)-(c).

The amount held pursuant to ~~the rules that govern the patrons'~~this section 205 CMR 238.12 shall be an amount equal to 110% of the total funds held in Sports Wagering Accounts;

- ~~2. Restricted from taking on obligations of the Sports Wagering Operator other than obligations to patrons pursuant to the rules that govern the patrons' Sports Wagering Accounts; and~~
- ~~3. Prohibited from dissolving, merging or consolidating with another company (other than a special purpose corporate entity established by another Sports Wagering Operator that meets the requirements of this section) while there~~

~~are unsatisfied obligations to patrons.~~ as estimated and reported the most recent quarter of the Fiscal Year.

- (3) A system of Internal Controls submitted by a Sports Wagering Operator in accordance with 205 CMR 238.02 shall implement procedures that are reasonably designed to:
 - (a) Ensure that the funds in the Segregated Account or cash held in reserve do not belong to the Sports Wagering Operator and are not available to creditors other than the patron whose funds are being held; and
 - (b) Prevent commingling of funds in the Segregated Account or cash held in reserve with other funds including, without limitation, funds of the Sports Wagering Operator.
 - (c) Ensure that letters of credit approved by the Commission pursuant to 205 CMR 238.12(2)(c) are not available to creditors of the Sports Wagering Operator, except than as set forth in such letters of credit.
- (4) A Sports Wagering Operator must have access to all Sports Wagering Accounts and Sports Wager data to ensure the amount of its reserve is sufficient. Unless otherwise directed by the Commission, a Sports Wagering Operator must file a monthly attestation with the Commission, in the form and manner prescribed by the Commission, that funds have been safeguarded in accordance with 205 CMR 238.12.
- (5) The Commission may audit a Sports Wagering Operator's reserve at any time and may direct a Sports Wagering Operator to take any action necessary to ensure the purposes of 205 CMR 238.12 are achieved, including but not limited to, requiring the Sports Wagering Operator to modify the form of its reserve or increase the amount of its reserve.



Legal Division

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 238.00: Uniform Standards of Accounting Procedures and Internal Controls, specifically, 205 CMR 238.12: Reserve Requirement**, for which a public hearing was held on **May 7, 2024, at 9:30am EST**.

This regulation was promulgated as part of the regulatory framework governing sports wagering in the Commonwealth; and is primarily governed by G.L. c. 23N, §4. This regulation is amended to allow Operators to backup patron funds in Sports Wagering Accounts through a letter of credit, cash reserves, Segregated Account, or a combination thereof. The effect of the amendment would allow an Operator to commingle funds for use in operations where an Operator has secured patron funds through a letter of credit. The regulation applies to Sports Wagering Operators and the Commission. Accordingly, this regulation is not anticipated 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 this amended regulation applies to sports wagering operators, the Commission does not anticipate the need to establish less stringent reporting requirements for small businesses.

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

As this regulation is not expected to impact small businesses, less stringent schedules, deadlines for compliance, and reporting requirements for small businesses have not been established.

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

While 205 CMR 238.12 does impose compliance reporting requirements upon sports wagering operators who have received licensure by the Commission, this regulation does not impose reporting requirements upon small businesses.



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

This regulation establishes performance-based standards for sports wagering operators who have been licensed by the Commission. Small businesses are not contemplated by this regulation.

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

As it pertains to sports wagering licensees, this amendment is not likely to deter or encourage the formation of new businesses within the Commonwealth.

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

It is the position of the Commission that the amendments made to 205 CMR 238.12 will not have an adverse impact on small businesses.

Massachusetts Gaming Commission
By:

/s/ Judith A. Young
Associate General Counsel
Legal Division

Dated: May 23,2024



Massachusetts Gaming Commission



TO: Interim Chair Jordan Maynard and Commissioners Eileen O’Brien, Bradford Hill, and Nakisha Skinner

FROM: Joseph E. Delaney, Chief of Community Affairs

CC: Todd Grossman, General Counsel, Dean Serpa, Executive Director

DATE: May 17, 2024

RE: Impacted Live Entertainment Venue Review Process

The Community Affairs Division was asked to look at the process for reviewing and evaluating compliance with Impacted Live Entertainment Venue (ILEV) agreements. In conjunction with the Legal Division, we have conducted an evaluation of G.L. c. 23K and its implementing regulations to identify the legal and regulatory framework associated with ILEVs and current Commission practices with respect to compliance with ILEV agreements.

Regulatory Background

It is important to begin this review by looking at the controlling statutes and regulations. First, G.L. c. 23K, §2 defines an ILEV as a “not-for-profit or municipally-owned performance venue designed in whole or in part for the presentation of live concerts, comedy or theatrical performances, which the commission determines experiences, or is likely to experience, a negative impact from the development or operation of a gaming establishment.”

General Law chapter 23K, section 5(a)(15) directs the Commission to promulgate regulations that “develop standards for monitoring and enforcing a gaming licensee's agreement with impacted live entertainment venues”

The Commission has promulgated three sets of regulations that address ILEVs as follows:

- (1) 205 CMR 126.01 (Determination of Impacted Live Entertainment Venues) established the process for which ILEV designations would be determined and the corresponding process for negotiating an ILEV Agreement, including the arbitration process. During the RFA-2 licensing process for each gaming establishment, the Commission determined which entities would be considered ILEVs and each gaming establishment negotiated ILEV agreements with the designated ILEVs. Nothing in these regulations discusses the Commission’s direct role in determining ongoing compliance with respect to the ILEV



Massachusetts Gaming Commission

agreements. In the future, these regulations would only be applicable to a potential Region C commercial gaming establishment.

- (2) 205 CMR 127.00 (Reopening Mitigation Agreements) established the process for re-opening and re-negotiating mitigation agreements, including the ILEV agreements, or parts thereof. Unless the agreement itself provides otherwise, the agreements can only be reopened for re-negotiation under certain circumstances and the regulations discuss the ‘triggering events’ for such reopening of a mitigation agreement. See 205 CMR 127.02. The only listed triggering event that is likely applicable to the current ILEVs would be “[a]n occurrence that is likely to cause a significant and material adverse impact.” See 205 CMR 127.02(3). If a triggering event occurs, 205 CMR 127.03 sets out the process that an ILEV would follow to reopen an agreement. First, it would “[r]equest that the other party voluntarily enter into discussions to supplement or amend the mitigation agreement.” If that is unsuccessful the ILEV could “[p]etition the commission to mandate the reopening of the mitigation agreement.” This may only be invoked if the ILEV has come to an impasse in negotiations with the licensee or the licensee has refused to engage in discussions to amend the agreement. If the Commission were to mandate the reopening of an ILEV agreement and the parties are unable to reach an amended agreement, the parties would then enter into a binding arbitration process. These regulations do not assign the Commission an affirmative role in ensuring ongoing compliance with the ILEV agreement. It leaves it to the respective parties to monitor the terms of their own agreement.
- (3) 205 CMR 139.00 (Continuing Disclosure And Reporting Obligations Of Gaming Licensees) is the section of the regulations that is designed to monitor compliance by the gaming licensees with the ILEV agreements. Specifically, 205 CMR 139.04(4) provides that “[p]ursuant to M.G.L. c. 23K, § 23(a) on an annual basis, and at other times as directed by the commission, a report explicitly stating the gaming licensee's progress on meeting each of the stated goals and stipulations put forth in its RFA-2 application, **including compliance with any executed impacted live entertainment venue agreements** [. . .]” (emphasis added).

In order to ensure regular monitoring of the ILEV status, on December 16, 2022, the Commission sent a memo to the gaming licensees requiring the following:

“Reporting on Impacted Live Entertainment Venue (ILEV) status.
The Commission has recently expressed interest in hearing about licensee’s compliance with their ILEVs. 205 CMR 139.04(4) requires at least annual reporting on “compliance with any executed impacted live entertainment venue agreements.” Therefore, the Commission is requesting licensees to provide an update on the compliance status of ILEV agreements with their 4th Quarter Report. This should include a discussion of any correspondence the licensee has had with the ILEV and the status of any commitments made in the ILEV agreement.”



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The licensees have reported on their compliance with the ILEV agreements for 2022 and 2023, with this being an annual expectation consistent with the regulation going forward.

Current ILEV Status

Each of the gaming licensees has an ILEV Agreement with the Massachusetts Performing Arts Coalition (MPAC), which represents several non-profit or municipally owned entertainment venues. The agreements vary somewhat in form and content, but generally follow the idea of cross-selling between the licensees and the ILEVs. These agreements allow the ILEV to petition the Commission to enforce the conditions of the agreement if a material breach of the agreement occurs. To date, there have been no known instances of an ILEV petitioning the Commission regarding a breach of any agreement.

The Commission consulted with MPAC during the re-licensing process of Plainridge Park Casino (PPC) in 2020 to ensure compliance with the ILEV agreement. Troy Siebels, President of MPAC presented testimony at the Public Hearing on September 16, 2020, attesting to PPC's compliance with the ILEV agreement.

The issue regarding ILEV agreement compliance status was raised during the initial review of the East of Broadway development being proposed by Encore Boston Harbor (EBH). The Commission became aware that the inclusion of an entertainment venue in the East of Broadway development could potentially have impacts on nearby ILEVs. The Commission held a public hearing on the East of Broadway Development and a number of written and oral comments were received, primarily associated with impacts on the Chevalier Theater in Medford (which was never designated as an ILEV). In its original form, the proposed entertainment venue would have included 1,800 seats, which would have violated the prohibition of entertainment venues between 1,000 and 3,500 seats. See G.L. c. 23K, §9(a)(11). EBH subsequently reduced the proposed size of the venue to 999 seats. As of their last quarterly report, EBH reported that it has entered discussions with the Lynn Auditorium (which is an MPAC member) to discuss concerns.

As mentioned above, starting with the 4th Quarter Report of 2022, Commission staff have required each of the gaming licensees to report on the status of the ILEV agreements. This is now an ongoing annual requirement. The reports by the gaming licensees have been fairly generic and have not gotten into much detail regarding specifics of the ILEV agreements. Additional guidance from the Commission as to what information should be provided by the licensees may be beneficial at this juncture.

Similarly, it may be useful to invite the ILEVs, via MPAC, to offer comment on or appear in front of the Commission as part of the annual review of the ILEV agreements to ensure that their perspective is being considered as part of the monitoring process.

Conclusion

Since the gaming establishments have opened, there have been no instances of ILEVs alleging that there have been breaches of the ILEV agreements. In the case that a “triggering” event



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occurs, the Commission has regulations that deal with reopening these agreements. The ILEVs are sophisticated parties capable of raising any concerns relative to compliance with their agreement with the licensees and the Commission has provided an infrastructure and opportunity to them to do so. With the aforementioned proposed adjustments, the Commission can ensure continued compliance with the ILEV agreements.



Massachusetts Gaming Commission

IMPACTED LIVE ENTERTAINMENT VENUE AGREEMENT

This Impacted Live Entertainment Venue Agreement (the "Agreement") is entered into as of the 30th day of September, 2013 (the "Effective Date"), by and between the Massachusetts Performing Arts Coalition, Inc., 2 Southbridge Street, Worcester, MA 01608 ("MPAC") and Springfield Gaming and Redevelopment, LLC (the "Casino") (MPAC and the Casino are hereinafter referred to from time to time each as a "Party" and collectively as the "Parties").

RECITALS

WHEREAS, Massachusetts General Laws chapter 23K (the "Gaming Statute") has been enacted in part to protect the cultural activities and institutions operated by municipally-owned and not-for-profit theatres from the adverse impacts of expanded gaming activities in the Commonwealth;

WHEREAS, MPAC represents the interests of certain non-profit and municipally-owned theatres in Massachusetts listed in Exhibit A attached hereto and made a part hereof, each of which may suffer a materially adverse impact from the development of gaming facilities in Massachusetts;

WHEREAS, the Casino is in the process of preparing and submitting a so-called "Phase 2 Application" with the Massachusetts Gaming Commission (the "Commission") for a Category 2 gaming license to operate the proposed facility at the Casino Site in Plainville, Massachusetts;

WHEREAS, the Casino's proposed facility does not now but could in the future include a live entertainment venue whose development and operation poses the potential for a materially adverse impact on MPAC's members and their sustainability as non-profit or municipally-owned live performance venues;

WHEREAS, the Parties acknowledge and agree that due to the nature of the live entertainment booking industry and the industry-accepted practice of imposing radius restrictions on touring performers or shows, each of the venues listed in Exhibit A (the "MPAC Venues") could be an "impacted live entertainment venue" as defined in section 2 of the Gaming Statute;

WHEREAS, the Parties wish to set forth certain terms and conditions governing the relationship between the Casino and MPAC should the Casino obtain a gaming license to operate a facility at the Casino Site;

NOW THEREFORE, in furtherance of the foregoing and in consideration of the agreements set forth below, and for ONE AND NO/100 DOLLARS (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

AGREEMENTS

1.0 Casino Site Capacity and Performances

1.1 The Casino agrees that it does not, other than a less than one hundred seat casino floor lounge, currently plan to build, restore, operate or manage an indoor or outdoor, entertainment venue on the Casino Site or elsewhere in the Commonwealth of Massachusetts.

1.2 The Casino agrees that in the event it decides to build, restore, operate, manage or present live entertainment events at a entertainment venue at the Casino Site or elsewhere as described in Section 1.1 hereof, it will, prior to taking substantial steps toward doing so, notify MPAC in writing describing its planned live entertainment venue and promptly engage in good-faith negotiations with MPAC and any MPAC member venue in MPAC's discretion, to modify this Agreement to comply with the Gaming Statute.

2.0 Collaborative Efforts by the Casino, MPAC and MPAC Venues.

The Casino and MPAC agree to collaborate in good faith, to pursue one or more of the following initiatives with respect to MPAC Venues. Any such collaboration will be at the discretion of the Casino and the individual MPAC Venue:

2.1 To the extent the Casino operates any type of "customer loyalty points" program, such points may be used at MPAC Venues and loyalty points redeemed at an MPAC Venue shall be reimbursed to the Venue by the Casino, terms of which will be at Casino's sole discretion.

2.2 The Casino and one or more MPAC Venues may collaborate on reasonable "show your ticket stub" promotions, mutual member or patron discounts or other collaborative efforts to encourage visitation by MPAC Venue customers to the Casino Site and visitation by Casino customers to the MPAC Venue.

2.3 Such other collaborative marketing and cross-promotional efforts as may be determined from time to time by and between the Casino and the MPAC Venue.

3.0 Enforcement.

3.1 The Parties agree that any material breach of this Agreement by the Casino shall be deemed to be a breach of a condition of the Casino's gaming establishment license issued by the Commission. MPAC may petition or otherwise communicate to the Commission its good-faith belief that such a material breach has occurred and seek enforcement by the Commission against the Casino under the provisions of the Gaming Statute, including but not limited to sections 23(b), 35 or 36 of the Gaming Statute.

3.2 The provisions of this Article 3 shall survive any termination or expiration of this Agreement.

4.0 Term and Termination.

The term of this Agreement shall commence on the Effective Date and shall continue until terminated by the mutual written agreement of all of the Parties.

5.0 Notices.

All notices or other communications required or permitted to be given under or by reason of this Agreement shall be in writing and shall be deemed to have been duly given on the date of personal delivery to or on the date of receipt at the addresses set forth in this Section 5.0 or at such other address that may be specified from time to time in writing the Party to whom notice is to be given. If mailed by first-class, postage prepaid, certified mail, return receipt requested, or if sent by a nationally recognized, overnight, express courier service providing evidence of receipt, such written notices shall be deemed to have been received (i) if sent by certified mail, as of the date set forth on the return receipt, (ii) if sent by overnight courier, as of the date of evidence of receipt. Notices, demands, and communications will, unless another address is specified in writing, be sent to the persons and at the addresses indicated below:

In the case of MPAC, to:

Massachusetts Performing Arts Coalition, Inc.
2 Southbridge Street
Worcester, MA 01608
Attn.: Troy Siebels, President

Copy to:

Peter J. Martin, Esq.
Bowditch & Dewey, LLP
311 Main Street
P. O. Box 15156
Worcester, MA 01615-0156

In the case of Casino, to:
Springfield Gaming and Redevelopment, LLC
825 Berkshire Boulevard
Wyomissing, PA 19610
c/o President

Copy to:
General Counsel's Office

6.0 Successors and Assigns.

This Agreement shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns as permitted hereunder.

7.0 Choice of Law.

This Agreement shall be governed by, and construed according to, the laws of the Commonwealth of Massachusetts, without regard to any choice of law provisions thereof which would require application of the laws of another jurisdiction.

8.0 Execution in Counterparts.

This Agreement may be signed upon any number of counterparts with the same effect as if the signatures on all counterparts are upon the same instrument.

9.0 Severability; Captions.

In the event that any clause or provision of this Agreement should be held to be void, voidable, illegal, or unenforceable, the remaining portions of this Agreement shall remain in full force and effect. Headings or captions in this Agreement are added as a matter of convenience only and in no way define, limit or otherwise affect the construction or interpretation of this Agreement.

10.0 Interpretation.

Whenever a provision of this Agreement uses the term "include" or "including", that term shall not be limiting but shall be construed as illustrative. This Agreement shall be given a fair and reasonable interpretation of the words contained in it without any weight being given to whether a provision was drafted by one party of its counsel.

11.0 Entire Agreement; Amendment.

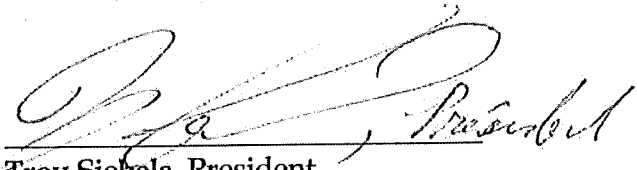
This Agreement contains all of the terms, promises, conditions and representations, made or entered into by and among the Parties, supersedes all prior discussions, agreements and memos, whether written or oral between and among the Parties, and constitutes the entire understanding of the Parties and shall be subject to modification or change only in writing and signed by all Parties. Notwithstanding the foregoing, in the event the Casino or any Affiliate of the Casino (as defined in the Gaming Statute) expands an existing Casino Site or adds another facility in the Commonwealth of Massachusetts, such expanded or additional site automatically and without further action by any Party shall be construed to be a Casino Site as defined herein and shall be subject to the terms of this Agreement.

12.0 Authority.

Each Party represents and warrants to the other Party that it has full power and authority to make this Agreement and to perform its obligations hereunder and that the person signing this Agreement on its behalf has the authority to sign and to bind that Party.

IN WITNESS WHEREOF, the Parties have executed this Agreement on the date first set forth above.

MASSACHUSETTS PERFORMING ARTS COALITION, INC.

By: 
Troy Siebels, President

SPRINGFIELD GAMING AND REDEVELOPMENT, LLC.

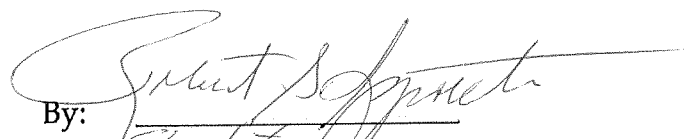
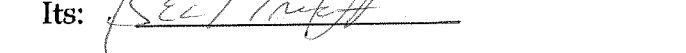
By: 
Its: 

EXHIBIT A

MPAC VENUES

South Shore Music Circus, Cohasset

Zeiterion Theatre, New Bedford

Symphony Hall, Springfield

The Hanover Theatre, Worcester

Lowell Memorial Auditorium

Cape Cod Melody Tent, Hyannis

Lynn Auditorium

LIVE ENTERTAINMENT COOPERATION AGREEMENT

This Live Entertainment Cooperation Agreement (the “Agreement”) is entered into as of the 22nd day of January, 2014 (the “Effective Date”), by and among the Massachusetts Performing Arts Coalition, Inc., 2 Southbridge Street, Worcester, MA 01608 (“MPAC”) and Blue Tarp reDevelopment, LLC (“MGM”). MPAC and MGM are hereinafter referred to from time to time each as a “Party” and collectively as the “Parties.”

RECITALS

WHEREAS, certain provisions of Massachusetts General Laws chapter 23K (the “Gaming Statute”) have been enacted, in part, to both encourage cooperation among and prevent competition between institutions operated by municipally-owned and not-for-profit theatres and casino operators in the Commonwealth;

WHEREAS, MPAC represents the collective interests of certain non-profit and municipally-owned theatres in Massachusetts, including the Springfield Performing Arts Development Corporation, One Columbus Avenue, Springfield, MA 01103, as operator/manager of Symphony Hall, 34 Court Street, Springfield, MA (the “Springfield Venue”) and The Hanover Theatre, 2 Southbridge Street, Worcester, MA 01608 (the “Worcester Venue”) (collectively, the “Supported Venues”);

WHEREAS, the Springfield Venue owns and/or operates a 2600-seat theatre located at 34 Court Street, Springfield, MA (the “Venue Site”) which is in close proximity to MGM’s proposed casino development in Springfield (the “Project”);

WHEREAS, pursuant to the Gaming Statute, MGM is prohibited from building a live entertainment venue that has between 1,000 and 3,500 seats at the Project;

WHEREAS, MGM has recognized the importance of maintaining and supporting municipally-owned and not-for-profit theatres and, thus, has chosen to utilize existing venues in Springfield, including the Springfield Venue, for live shows, concerts and other entertainment to be promoted in connection with the Project rather than construct any ticketed performance venue at the Project;

WHEREAS, MGM wishes to support rather than compete with municipally-owned and not-for-profit theatres in the Commonwealth; and

WHEREAS, MGM has prepared and submitted a so-called “Phase 2 Application” with the Massachusetts Gaming Commission (the “Commission”) for a gaming license to construct and operate the Project;

WHEREAS, MGM and MPAC desire to enter into the collaborative relationship described in Section 1 hereof;

NOW THEREFORE, in furtherance of the foregoing and in consideration of the agreements set forth below, and for ONE AND NO/100 DOLLARS (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

AGREEMENTS

1.0 Cross-Marketing and Promoting of the Supported Venues.

1.1 MGM agrees to work in good faith with MPAC to cross-market with and promote the Supported Venues as follows:

(a) MGM will promote the Supported Venues performances through on-property marketing placements and signage (determined in MGM's sole and absolute discretion) at the Project on a monthly basis during the term of this Agreement. MPAC shall designate which Supported Venues performances shall be promoted, and shall provide digital content and/or print ready graphics for this purpose.

(b) MGM will make tickets to performances at the Supported Venues, as designated by MPAC in accordance with Section 1.1(a), available for purchase online through the Project homepage and on-site at the Project.

(c) MGM will send targeted e-mails promoting the performances at the Supported Venues as designated by MPAC in accordance with Section 1.1(a) to M Life members in the Springfield and surrounding areas, the number and frequency of which shall be determined in MGM's sole and reasonable discretion.

(d) MGM will promote the Supported Venues performances designated in accordance with Section 1.1(a) through its various social media channels (including Facebook and Twitter), the number and frequency of such social media posts shall be determined in MGM's sole and reasonable discretion.

(e) Tickets to the Supported Venues performances designated in accordance with Section 1.1(a) will be sold to MGM employees through the M Life Insider Employee portal.

(f) MGM and MPAC will explore opportunities to block buy performances so that mutually desired performers could perform on consecutive nights at the Project and at one or more of the Supported Venues.

1.2 To ensure that the Parties are able to most effectively cross-market and promote one another on an ongoing basis, the Parties agree to participate in a marketing strategy meeting on at least an annual basis.

2.0 No Restrictions on Performances at Parties' Respective Venues.

2.1 MGM shall not enter into any agreement with any performer or show which, through a radius restriction or otherwise, precludes performances by that performer or show at any of the Supported Venues. MPAC shall require that the Supported Venues refrain from entering into any agreement with any performer or show which precludes performances by that performer or show at the Venue.

2.2 In the event MGM fails to include such radius restriction exemption in any contract, MGM shall grant a waiver to such visiting performer or show at the written request of MPAC. MPAC shall not be entitled to any other remedy for breach of Section 2.1.

3.0 Term and Termination.

The term of this Agreement shall commence on the Effective Date and shall continue until terminated by the mutual written agreement of all of the Parties.

4.0 Compliance Review.

MPAC acknowledges that MGM is subject to the rules, regulations, and jurisdiction of various gaming regulatory bodies and agencies, and as such, is required to perform certain background investigations in connection with material contractual relationships. MPAC agrees to cooperate with such background investigations, including the completion and execution of any standard MGM corporate background forms. MPAC acknowledges that MGM and others of the MGM Resorts Group (as defined below) are engaged in businesses that are or may be subject to and exist because of privileged licenses or other permits issued by governmental authorities or other sovereigns. MGM may terminate this Agreement, without penalty or prejudice and without further liability to MPAC, if any of the MGM Resorts Group: (i) is directed to cease doing business with MPAC by any such authority or sovereign; or (ii) determines, in its sole and exclusive judgment, that MPAC, MPAC's affiliates or any of its or their directors, officers, employees, agents or other representatives is, might be or is about to be engaged in or involved in any activity or relationship that could or does jeopardize any of the businesses or licenses of any of the MGM Resorts Group (including, without limitation, any denial, suspension or revocation, or the threat thereof). Further, MPAC: (a) acknowledges that it is illegal for an applicant to whom a license has been denied, a licensee whose license has been revoked, or a business organization under such a person's control ("Denied Entity"), to enter into, or attempt to enter into, a contract with any of the MGM Resorts Group without the prior approval of certain gaming commissions or licensing authorities; (b) represents and warrants that it is not a Denied Entity and is not under the control of a Denied Entity; and (c) agrees that any breach of the foregoing representation and warranty will allow MGM to immediately terminate this Agreement. "MGM Resorts Group" means MGM Resorts International and its subsidiaries, partnerships, joint ventures and other affiliates.

5.0 Successors and Assigns.

This Agreement shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns as permitted hereunder.

6.0 Prohibition on Advertising and Press Releases.

6.1 Except with the prior written consent of MGM, which may be withheld in its sole and absolute discretion, the MPAC acknowledges that it shall not advertise, publish or otherwise disclose in any press release or other form of distribution: (i) its association with MGM or the Project; or (ii) any aspects of this Agreement.

6.2 MPAC may not use the MGM name, marks and/or logos without the express written permission of MGM.

6.3 Except with the prior written consent of MPAC, which may be withheld in its sole and absolute discretion, and in connection with MGM's application with the Massachusetts Gaming Commission, MGM acknowledges that it shall not advertise, publish or otherwise disclose in any press release or other form of distribution: (i) its association with MPAC or the Project; or (ii) any aspects of this Agreement.

6.4 MGM may not use the MPAC name, marks and/or logos without the express written permission of MPAC.

7.0 Choice of Law.

This Agreement shall be governed by, and construed according to, the laws of the Commonwealth of Massachusetts, without regard to any choice of law provisions thereof which would require application of the laws of another jurisdiction.

8.0 Remedies.

In the event that either Party seeks the enforcement of the terms of this Agreement or seeks damages for a breach of any obligations hereunder, it is specifically understood and agreed that any and all such claims shall be submitted to final and binding arbitration to take place in Hampden County, Massachusetts, pursuant to the rules of the American Arbitration Association, and that the prevailing party shall recover its costs and reasonable attorney's fees incurred in such arbitration proceeding.

9.0 Governing Law.

The Parties shall perform all of their respective obligations under the Agreement in compliance with all applicable laws, ordinances, regulations, or codes. The Parties agree that all legal disputes hereunder shall be resolved applying Massachusetts law.

10.0 Severability; Captions.

In the event that any clause or provision of this Agreement should be held to be void, voidable, illegal, or unenforceable, the remaining portions of this Agreement shall remain in full force and effect. Headings or captions in this Agreement are added as a matter of convenience only and in no way define, limit or otherwise affect the construction or interpretation of this Agreement.

11.0 Interpretation.

This Agreement shall be given a fair and reasonable interpretation of the words contained in it without any weight being given to whether a provision was drafted by one Party or its counsel.

12.0 Entire Agreement; Amendment.

This Agreement contains all of the terms, promises, conditions and representations, made or entered into by and among the Parties, supersedes all prior discussions, agreements and memos, whether written or oral between and among the Parties, and constitutes the entire understanding of the Parties and shall be subject to modification or change only in writing and signed by all Parties. Notwithstanding the foregoing, to the extent this Agreement conflicts with the provisions of a certain Non-Exclusive Joint Marketing and Joint Cooperation Agreement dated December 12, 2012 between Springfield Performing Arts Development Corporation and Blue Tarp reDevelopment, LLC (the Joint Marketing Agreement) as to the Springfield Venue, the Joint Marketing Agreement shall control.

13.0 Execution in Counterparts

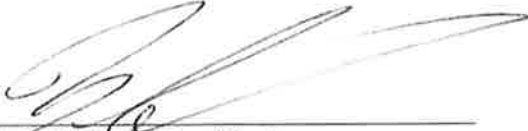
This Agreement may be signed upon any number of counterparts with the same effect as if the signatures on all counterparts are upon the same instrument.

14.0 Authority.

Each Party represents and warrants to the other Parties that it has full power and authority to make this Agreement and to perform its obligations hereunder and that the person signing this Agreement on its behalf has the authority to sign and to bind that Party.

IN WITNESS WHEREOF, the Parties have executed this Agreement on the date first set forth above.

MASSACHUSETTS PERFORMING ARTS COALITION, INC.

By: 
Troy Siebels, President

BLUE TARP REDEVELOPMENT, LLC

By: _____

Its: _____

IN WITNESS WHEREOF, the Parties have executed this Agreement on the date first set forth above.

MASSACHUSETTS PERFORMING ARTS COALITION, INC.

By: _____
Troy Siebels, President

BLUE TARP REDEVELOPMENT, LLC

By: Michael C. Math

Its: V.P. Global Gaming
Development

IMPACTED LIVE ENTERTAINMENT VENUE AGREEMENT

This Impacted Live Entertainment Venue Agreement (the "Agreement") is entered into as of the 30th day of January, 2013 (the "Effective Date"), by and between the Massachusetts Performing Arts Coalition, Inc., 2 Southbridge Street, Worcester, MA 01608 ("MPAC") and Wynn MA, LLC, 3131 Las Vegas Blvd., South, Las Vegas, NV 89109 ("Wynn"). (MPAC and Wynn are hereinafter referred to from time to time each as a "Party" and collectively as the "Parties.")

RECITALS

WHEREAS, Massachusetts General Laws chapter 23K (the "Gaming Statute") has been enacted in part to protect the cultural activities and institutions operated by municipally-owned and not-for-profit theatres from the adverse impacts of expanded gaming activities in the Commonwealth;

WHEREAS, MPAC represents the interests of certain non-profit and municipally-owned theatres in Massachusetts listed in Exhibit A attached hereto and made a part hereof, each of which may suffer a materially adverse impact from the development of gaming facilities in Massachusetts;

WHEREAS, Wynn has submitted a so-called "Phase 2 Application" with the Massachusetts Gaming Commission (the "Commission") for a gaming license to operate the proposed facility at a site in Everett, Massachusetts as identified in the Phase 2 Application (the "Casino Site");

WHEREAS, Wynn's proposed facility does not now but could in the future include a live entertainment venue whose development and operation may pose the potential for a materially adverse impact on MPAC's members and their sustainability as non-profit or municipally-owned live performance venue;

WHEREAS, the Parties wish to set forth certain terms and conditions governing the relationship between Wynn and MPAC should the Casino obtain a gaming license to operate a facility at the Casino Site;

NOW THEREFORE, in furtherance of the foregoing and in consideration of the agreements set forth below and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereby agree as follows:

AGREEMENTS

1.0 Casino Site Capacity and Performances

1.1 Wynn agrees that it does not currently plan to build, restore, operate or manage an indoor or outdoor, permanent or temporary live entertainment venue on or independent of the Casino Site in the Commonwealth of Massachusetts seating more than 1,000 persons, notwithstanding the fact that the Gaming Statute permits such venues seating more than 3,500 persons. The Parties acknowledge and agree that bars, lounges, common areas, hotel ballroom or other multi-use or meeting space within the gaming establishment or elsewhere at the Casino Site may be used for events, meetings or celebrations that include live entertainment.

1.2 In the event Wynn decides to build a live entertainment venue of the size or type described in 1.1 above at the Casino Site, it will, prior to taking substantial steps toward doing so, notify MPAC in writing describing its planned entertainment venue and promptly engage in good-faith discussions with MPAC and MPAC member venues to ensure compliance with the Gaming Statute.

2.0 Collaborative Efforts by Wynn, MPAC and MPAC Venues.

Wynn and MPAC agree to pursue some or all of the following initiatives with respect to MPAC Venues:

2.1 Wynn and one or more MPAC Venues may collaborate on reasonable "show your ticket stub" promotions, mutual member or patron discounts or other collaborative efforts to encourage visitation by MPAC Venue customers to the Casino Site and visitation by Wynn customers to the MPAC Venue.

2.2 Such other collaborative marketing and cross-promotional efforts as may be determined from time to time by and between Wynn and the MPAC Venue.

3.0 Enforcement.

3.1 The Parties agree that in the event of any uncured material breach of this Agreement by Wynn, MPAC may petition or otherwise communicate to the Commission its good-faith belief that such a material breach has occurred and seek enforcement by the Commission against Wynn under the provisions of the Gaming Statute, including but not limited to sections 23(b), 35 or 36 of the Gaming Statute.

3.2 The provisions of this Article 3 shall survive any termination or expiration of this Agreement.

4.0 Term and Termination.

The term of this Agreement shall commence on the Effective Date and shall continue until the earlier of (i) the mutual written agreement of all of the Parties or (ii) the date on which Wynn ceases gaming operations at the Casino Site.

5.0 Notices.

All notices or other communications required or permitted to be given under or by reason of this Agreement shall be in writing and shall be deemed to have been duly given on the date of personal delivery to or on the date of receipt at the addresses set forth in this Section 5.0 or at such other address that may be specified from time to time in writing the Party to whom notice is to be given. If mailed by first-class, postage prepaid, certified mail, return receipt requested, or if sent by a nationally recognized, overnight, express courier service providing evidence of receipt, such written notices shall be deemed to have been received (i) if sent by certified mail, as of the date set forth on the return receipt, (ii) if sent by overnight courier, as of the date of evidence of receipt. Notices, demands, and communications will, unless another address is specified in writing, be sent to the persons and at the addresses indicated below:

In the case of MPAC, to:

Massachusetts Performing Arts Coalition, Inc.
2 Southbridge Street
Worcester, MA 01608
Attn.: Troy Siebels, President

Copy to:

Peter J. Martin, Esq.
Bowditch & Dewey, LLP
311 Main Street
P. O. Box 15156
Worcester, MA 01615-0156

In the case of Wynn, to:

Wynn MA, LLC
c/o Wynn Resorts, Limited
3131 Las Vegas Blvd. South
Las Vegas, NV 89109

Attn: Kim Sinatra
Senior Vice President and General Counsel

6.0 Successors and Assigns.

This Agreement shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns as permitted hereunder.

7.0 Choice of Law.

This Agreement shall be governed by, and construed according to, the laws of the Commonwealth of Massachusetts, without regard to any choice of law provisions thereof which would require application of the laws of another jurisdiction.

8.0 Execution in Counterparts.

This Agreement may be signed upon any number of counterparts with the same effect as if the signatures on all counterparts are upon the same instrument.

9.0 Severability; Captions.

In the event that any clause or provision of this Agreement should be held to be void, voidable, illegal, or unenforceable, the remaining portions of this Agreement shall remain in full force and effect. Headings or captions in this Agreement are added as a matter of convenience only and in no way define, limit or otherwise affect the construction or interpretation of this Agreement.

10.0 Interpretation.

Whenever a provision of this Agreement uses the term "include" or "including", that term shall not be limiting but shall be construed as illustrative. This Agreement shall be given a fair and reasonable interpretation of the words contained in it without any weight being given to whether a provision was drafted by one party of its counsel.

11.0 Entire Agreement; Amendment.

This Agreement contains all of the terms, promises, conditions and representations, made or entered into by and among the Parties, supersedes all prior discussions, agreements and memos, whether written or oral between and among the Parties, and constitutes the entire understanding of the Parties and shall be subject to modification or change only in writing and signed by all

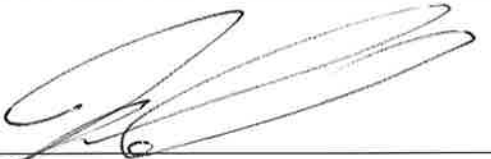
Parties. Notwithstanding the foregoing, in the event Wynn or any Affiliate of Wynn (as defined in the Gaming Statute) expands the existing Casino Site or adds another facility in the Commonwealth of Massachusetts, such expanded or additional site automatically and without further action by any Party shall be construed to be a Casino Site as defined herein and shall be subject to the terms of this Agreement.

13.0 Authority.

Each Party represents and warrants to the other Party that it has full power and authority to make this Agreement and to perform its obligations hereunder and that the person signing this Agreement on its behalf has the authority to sign and to bind that Party.

IN WITNESS WHEREOF, the Parties have executed this Agreement on the date first set forth above.

MASSACHUSETTS PERFORMING ARTS COALITION, INC.

By: 
Troy Siebels, President

WYNN MA, LLC

By: 
Its: SVP, Authorized Signer

EXHIBIT A
MPAC VENUES

Symphony Hall, Springfield

The Hanover Theatre, Worcester

Lowell Memorial Auditorium

Cape Cod Melody Tent, Hyannis

South Shore Music Circus, Cohasset

Lynn Auditorium

Zeiterion Theatre, New Bedford



TO: Interim Chair Jordan Maynard and Commissioners Eileen O'Brien, Bradford Hill and Nakisha Skinner

FROM: Joseph E. Delaney, Mary Thurlow and Lily Wallace

CC: Dean Serpa, Executive Director, Todd Grossman, General Counsel

DATE: May 21, 2024

RE: Community Mitigation Fund Evaluation Memo – 05/23/24 Commission Meeting

The FY 2025 Community Mitigation Fund (CMF) grant round created new mechanisms for the application and award of grants. The Municipal Block Grant Program established a formula for the distribution of funds to eligible municipalities and the Regional Agency Grant Program modified and expanded eligibility for regional entities to obtain funds from the CMF. The Commission voted proposed municipal grant amounts in the fall of 2023. Municipal applications may now include multiple projects across several project categories within a single grant application. All applicants were provided additional guidance through the development of identified impacts, acceptable projects and ineligible projects for each of the grant categories. These changes have resulted in record demand for funds, with grant requests totaling approximately \$22 million.

The Community Affairs Division recruited a Review Team consisting of seven staff members and two Commissioners covering four different MGC Divisions. Each application was submitted timely to the Commission, received an in-depth review by the Review Team and each applicant was afforded an opportunity to meet with the Review Team to provide any further clarification needed.

The following applications are presented in this memo for the Commission's review and action.

Municipal Block Grant Applications: Attleboro, Chicopee, Mansfield, Medford, Melrose, Revere (Amendment), Somerville, and Wilbraham.



Massachusetts Gaming Commission

MUNICIPAL BLOCK GRANT APPLICATIONS

Applicant Name: Attleboro	Region: A
MGC FY25 Allocation: \$60,700	Requested Amount: \$60,700
Recommended Grant Amount: \$0	
Waiver: N/A	
Bridge and Handicap Ramp Improvement - Balfour Riverwalk Park	
Recommendation: The Review Team Does Not Recommend Funding this Application	
Description: This project is for the reconstruction of an existing handicap ramp and stairway, and repairs to the pedestrian footbridge over the Ten Mile River.	
Impact: Attleboro cited the increase in traffic associated with the casino, which result in increases in bicycle/pedestrian conflicts and increased in air pollution due to congestion.	
Determination: The Review Team does not agree this application mitigates a casino related impact.	
Rationale: The site of the proposed project is approximately 6.5 miles south of Plainridge Park Casino. The existing bridge and ramp system described in the application pre-date the construction of the casino and provide access across the Ten Mile River to Balfour Riverwalk Park from Riverbank Road, which is located southwest of the project site. Other access points to the park are primarily on County Street to the south and Hayward Street to the north. Route 152 passes the project site to the northeast but does not directly abut the site. Route 152 was identified as carrying approximately 4% of the casino related traffic where Route 1 and Route 152 split about 6.2 miles north of the project site. The application cited increases in casino related traffic causing increases in bicycle/pedestrian conflicts and increases in air pollution. The application did not provide any information that identified how much casino traffic would be passing the project site on Route 152. In addition, the application did not identify how repairs to the ramp and stairs would reduce vehicular/pedestrian/bicycle conflicts or address air pollution. The basic requirement for funding under the CMF is that an applicant must identify a casino related impact and also identify how the project will address the identified impact. The Review Team does not agree that this project has adequately identified a casino related impact or made the connection between the cited impacts and the proposed project. While the Review Team fully understands that the ramp and bridge are in dire need of repair, the Team cannot recommend this project due to lack of a nexus to a casino related impact.	



Massachusetts Gaming Commission

Applicant Name: Chicopee	Region: B
MGC FY25 Allocation: \$341,100	Requested Amount: \$341,100
Recommended Grant Amount: \$341,100	
Waiver: N/A	
1. Public Safety - Chicopee Police Virtual Training Program - \$118,775	
Recommendation: Full Funding - \$118,775	
Description: This project is for the purchase of an Axon Virtual Reality (VR) Training System, with three (3) years of service. This will provide police training including de-escalation training, implicit bias training, use of force training as well as other training to help improve police/patron/employee interactions.	
Impact: The following impacts from the CMF Guidelines were cited in the application: increased visitation and employment due to the casino will likely increase the interaction between public safety personnel and casino patrons and employees; it is recognized by law enforcement and the casino industry that casinos and other hospitality related businesses may attract certain types of crime including but not limited to human trafficking, money laundering, and drug trafficking; other crimes that may be attributable to casinos include increased assaults, fraud, and property crimes; and the presence of casinos has been demonstrated to cause an increase in cases of operating under the influence.	
Determination: The Review Team agrees that the proposal addresses the identified impact.	
Rationale: The Review Team agrees that this would be an effective supplement to Chicopee's current training program. The Guidelines specifically outline training as an eligible project to address public safety related impacts. One of the unique aspects of the VR training is the community engagement training. It allows the trainee the ability to experience the viewpoint of a person in crisis or a mental illness/disorder and in turn to practice interacting with these subjects with a better understanding of what they might be going through. The equipment will also allow officers to train during times when instructors are unavailable and during any downtime that they might have on shift. After the three-year period they intend to keep the hardware and extend the software. For all these reasons, the Review Team recommends full funding of this portion of the grant.	
2. Transportation - Chicopee Center Streetscapes Phase 2 - \$182,325	
Recommendation: Full Funding \$182,325	
Description: This project is for the second phase of the Chicopee Center Streetscape Improvements that was begun with a 2021 Community Mitigation Fund Grant. This grant will advance the survey and design of Complete Streets and Vision Zero improvements primarily to the I-391/Center Street Interchange and other streets associated with the interchange.	
Impact: The following impacts from the CMR Guidelines were cited: increased traffic associated with the gaming establishment may cause increased congestion on the major routes leading to/from the gaming establishment; increased traffic associated with the gaming establishment may result in increased vehicular accidents on major routes leading to/from the gaming establishment; increased traffic associated with the gaming establishment may result in increased vehicular/bicycle/pedestrian conflicts; and increased visitation to the gaming establishment area may place a strain on public transit services.	
Determination: The Review Team agrees that this proposal addresses the identified impact.	
Rationale: Center Street is identified in the MGM Trip Distribution Map as carrying approximately 4% of the casino related traffic which was the rationale for the initial funding of the 2021 CMF Grant and continues to be the impetus for the Phase II project. The Phase 1 project is approximately 80% complete and the Review Team agrees that this funding would keep the momentum going to ensure proper design of the Complete Streets project. The application identifies increases in traffic causing increases in congestion, accidents and pedestrian/bicycle/vehicular conflicts due to the casino, which is identified in the Guidelines. The Review Team agrees that the applicant has demonstrated that the project will help address the identified impacts and therefore recommends full funding of this portion of the application.	



Massachusetts Gaming Commission

Transportation ValleyBike Bikeshare Relaunch- \$40,000

Recommendation: Full Funding - \$40,000

Description: This funding is for relaunching the ValleyBike system and reactivating Chicopee’s three (3) stations. This expenditure will cover Chicopee’s expenses to relaunch the system for one year.

Impact: The following impacts identified in the Guidelines were cited in the application: increased traffic associated with the gaming establishment may result in increased vehicular/bicycle/pedestrian conflicts and increased visitation to the gaming establishment area may place a strain on public transit services.

Determination: The Review Team agrees that this proposal addresses the identified impact.

Rationale: The Review Team agrees that the proximity of Chicopee to MGM Springfield make biking a feasible means of transportation for casino employees and patrons. Adding more transit options will help with expanding options for individuals trying to get to the casino. By adding more bicycle infrastructure to the area Chicopee residents will have a wider variety of travel alternatives that could lead to fewer single occupancy vehicles on the road. For these reasons, the Review Team recommends full funding of this portion of the application.



Massachusetts Gaming Commission

Applicant Name: Mansfield	Region: A
MGC FY25 Allocation: \$63,000	Requested Amount: \$54,113
Recommended Grant Amount: \$54,200 with Conditions	
Waiver: N/A	
1. Public Safety - Hotel Patrol Overtime	
Recommendation: The Review Team recommends full funding with conditions.	
Description: This grant is to fund supplemental police patrols at local hotels to address increased calls for service. This will involve placing officers at the hotel properties to deter illegal activities using the approach taken by the Problem-Oriented Policing Unit working collaboratively with hotel management to address issues that lead to repeat calls for service.	
Impact: The following impacts identified in the Guidelines were cited in the application: activity at Mansfield's hotels include domestic violence, drug overdoses, assault, mental health crisis, human trafficking and prostitution; there has been an increase in calls for service at the local hotels; and increased visitation due to the casino will likely increase the interaction between public safety personnel and casino patrons.	
Determination: The Review Team agrees that application has the potential to help address the identified impacts and recommends funding this application with conditions.	
Rationale: The Review Team agrees that there have been increases in calls for service at the local hotels for a variety of issues. The Review Team was initially concerned with this application due to the lack of detail on program structure and deliverables. However, after meeting with Town officials, the Review Team agrees this could be a beneficial program with some stated deliverables and status reporting. This program is a new initiative, and the Review Team wants to ensure that it meets its intended goals. Therefore, we recommend that this be established as a pilot program with regular check-ins with the Town to evaluate progress. The Review Team recommends that in its quarterly reports, the applicant report on the methodologies used for determining specific timeframes for enforcement and how successful the program has been in deterring criminal activity.	



Massachusetts Gaming Commission

Applicant Name: Medford	Region: A
MGC FY25 Allocation: \$1,048,400	Requested Amount: \$1,048,400
Recommended Grant Amount: \$1,027,300	
Waiver: N/A	
1. Community Planning - Medford Square Wayfinding Study (f/k/a Commercial Façade Improvement Program) - \$100,000	
Recommendation: Full Funding - \$100,000	
<p>Description: Medford initially sought funds for a Commercial Façade Improvement Program. The Review Team had concerns with respect to the Anti-Aid Amendment and Medford asked to replace that application with this Wayfinding Study.</p> <p>This project is for the development of a wayfinding system for commercial areas of Medford.</p>	
<p>Impact: The applicant cited the presence of the Casino negatively impacts Medford's business district by creating competition with theaters, restaurants and retail establishments.</p>	
<p>Determination: The Review Team agrees that this project addresses the identified impact.</p>	
<p>Rationale: The development of a wayfinding system will help local merchants by providing directional signage that will help guide customers to local businesses. The CMF has funded several wayfinding projects in the past and the Review Team recommends full funding of this portion of the application.</p>	
2. Community Planning - Wellington Transformation Study - \$80,000	
Recommendation: Full Funding - \$80,000	
<p>Description: In 2022 Medford was awarded \$100,000 for a study on redevelopment opportunities for the Wellington area and diversify its commercial base to industries that are not competing for casino dollars. However, Medford did not receive any bids for the project as the fee was considered too low by consultants. The scope of the project has been revised and this request is for additional funds to address this scope.</p>	
<p>Impact: The application identifies the reallocation of spending due to Encore as an impact on local retail, restaurant, and recreation spending.</p>	
<p>Determination: The Review Team agrees that the scope of the project addresses the identified impact.</p>	
<p>Rationale: Medford seeks to identify an approach to economic growth that positions the Wellington area to benefit from the long-term success of the gaming establishment, not be depleted by it. This project anticipates a revitalization plan that will take advantage of the casino's presence and provide a direction for Medford for future economic growth. The Review Team agrees that this project will help identify a new approach for economic development in the Wellington area and recommends full funding of this portion of the application.</p>	
3. Transportation - Salem Street Transportation Study - Phase 1 - \$123,100	
Recommendation: Full Funding - \$123,100	
<p>Description: This funding is to conduct a study of Salem Street including a Road Safety Audit and conceptual design of road improvements. The Phase 1 scope will include data collection which will assist in providing information for later components of the transportation study.</p>	
<p>Impact: Medford identified the increase in traffic associated with the casino as having a negative impact on the road. These impacts are wear and tear and increases to all modes of traffic incidents.</p>	
<p>Determination: The Review Team agrees that this project addresses the identified impact.</p>	



<p>Rationale: Road Safety audits and design are specifically identified in the Guidelines as eligible projects for funding. This would fund Phase 1 of a multi-year study. Salem Street was identified in the trip distribution map as carrying 4% of the employee traffic. The Review Team recommends full funding for this portion of the application.</p>
<p>4. Transportation - Salem Street Pedestrian Safety Improvements - \$122,800</p>
<p>Recommendation: Full Funding - \$122,800</p>
<p>Description: This project is for the construction of pedestrian safety improvements on Salem Street by using pedestrian crossing flashing signals, radar signs and physical elements to narrow the road and improve sightlines.</p>
<p>Impact: The application identified increased traffic associated with the casino is causing increases in pedestrian/vehicle conflicts. Medford states that due to increased traffic, crossing the streets have become challenging for pedestrians.</p>
<p>Determination: The Review Team agrees that this project addresses the identified impact.</p>
<p>Rationale: This project addresses the impacts by increasing awareness, shortening crossing distances, and increased visibility of pedestrians that must contend with crossing against more vehicle traffic associated with the gaming establishment. Salem Street was identified in the trip distribution map as carrying 4% of the Encore related employee traffic. The Review Team agrees that this project will help improve pedestrian safety and therefore recommends full funding of this portion of the application.</p>
<p>5. Public Safety - EV Safety Equipment Purchase and Training - \$69,699.79</p>
<p>Recommendation: Full Funding - \$69,700</p>
<p>Description: This funding is to assist the fire department in handling electric vehicle related fires through EV fire training, and the purchase of EV fire blankets and E-Plugs which de-power the vehicles in the event of fire.</p>
<p>Impact: The increase in traffic associated with the casino includes an increase in the presence of electric vehicles and the threat of EV fires.</p>
<p>Determination: The Review Team agrees that this project addresses the identified impact.</p>
<p>Rationale: The Review Team agrees that there is a nexus between increased EV usage in Medford and the Encore casino. A significant number of Encore employees park at Station Landing or Wellington Station, which provide EV charging locations. This project will help Medford respond to EV fires. The Review Team recommends full funding for this portion of the application.</p>
<p>6. Public Safety - De-escalation and Use of Force Training - \$55,607.44</p>
<p>Recommendation: Full Funding - \$55,600</p>
<p>Description: These funds are for Use of Force/De-escalation training for the entire police force (111 officers).</p>
<p>Impact: As identified in the Guidelines, increased visitation and employment due to the casino has increased the interactions between public safety personnel and casino patrons and employees.</p>
<p>Determination: The Review Team agrees that this project addresses the identified impact.</p>
<p>Rationale: These types of training are specifically identified in the Guidelines in response to increases in police contact with Encore patrons/employees. The Review Team agrees that this project will address the identified impact, therefore, recommends full funding for this portion of the application.</p>
<p>7. Public Safety - Implicit Bias Training - \$55,607.44</p>
<p>Recommendation: Full Funding - \$55,600</p>
<p>Description: These funds are for Implicit Bias training for its Police Officers.</p>
<p>Impact: As identified in the Guidelines, increased visitation and employment due to the casino has increased the interactions between public safety personnel and casino patrons and employees.</p>
<p>Determination: The Review Team agrees that this project addresses the impact.</p>



Rationale: This type of training is specifically identified in the Guidelines in response to increases in police contact with Encore patrons/employees. The Review Team agrees that this project will address the identified impact, therefore, recommends full funding for this portion of the application.

8. Public Safety - State Police Radio System - \$21,585.33

Recommendation: The Review Team does not recommend funding

Description: This project is for the purchase of a Massachusetts State Police radio console system to improve communications between the Medford Police Department and the Massachusetts State Police. This funding is to cover the cost of purchasing and installing the radio console.

Impact: The application cites increased traffic associated with the Encore casino as the primary impact.

Determination: The Review Team does not agree that this project addresses a casino related impact.

Rationale: The Review Team agrees that there is a benefit to the City of Medford in having the ability to communicate effectively with the State Police. This would be true regardless of the presence of a casino as there will always be jurisdictional associated with state Routes 16 and 28. However, the Team could not ascertain how this communication is addressing a casino related impact. The application did not cite any specific instances where the lack of communication hindered a casino related event or where there was an attempt to coordinate efforts regarding the casino that were made more difficult. The Review Team agrees that having communication with the State Police is appropriate, but does not address a casino related impact.

9. Gambling Harm Reduction - Impact Assessment Young Adult Study - \$70,450

Recommendation: Full Funding - \$70,450

Description: This funding is for a study on the potential social, economic, mental, and behavioral health impact of casino gaming on young adults. The focus of the study would be on the advertising of casino gambling and sports wagering.

Impact: The Guidelines states that "certain groups of people are disproportionately at risk of gambling related harm....These groups can be linked by race, ethnicity gender, age,..."

Determination: The Review Team agrees that this project addresses the identified impact.

Rationale: The Review Team agrees, after reviewing a revised scope of work, that the proposed focus groups and survey data could yield valuable data to help Medford develop implementable items to be pursued by the community.

10. Specific Impact - Chevalier Theatre Digital Signage - \$75,000

Recommendation: Full Funding - \$75,000

Description: This project is for the purchase of digital signage to increase the visibility of the Chevalier Theatre as an economic driver to local restaurants and businesses.

Impact: The Casino and Casino events are in direct competition with the theater by hosting similar artists and shows.

Determination: The Review Team agrees that this project will help address the identified impact.

Rationale: While the Chevalier Theater is located in downtown, there is little indication of its location to visitors. This lack of a visual clue prevents patrons from easily locating the building. The proposed signage would improve the visibility of the theater while also providing a mechanism for advertising shows. The Review Team agrees that this project would improve the competitiveness of the theater and recommends full funding of this portion of the application.

11. Specific Impact - Chevalier Theatre LED Ceiling Light Conversion - \$225,000

Recommendation: Full Funding - \$225,000

Description: These funds are for upgrading the lighting at the Chevalier Theatre to LED Lights to enable it to compete with Encore and other entertainment venues.



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Impact: As Gaming establishments attract patrons and employees to the area, it provides opportunities for local businesses to attract these patrons and employees to their community's businesses and venues.

Determination: The Review Team agrees that this project addresses the identified impact.

Rationale: This project entails the replacement of the current lighting with LED lighting which has many benefits for the theater. The new lighting will not only be brighter but will have electronic controls and meet the expectations of modern performers for lighting control. Additionally, it will be more energy efficient, reducing operating costs for the City of Medford. The Review Team agrees that improving the lighting in the theater would improve the customer experience as well as making the facility more desirable for traveling acts. These modifications would improve the competitiveness of the facility to attract acts and patrons. The Review Team recommends full funding for this portion of the application.



Massachusetts Gaming Commission

Applicant Name: Melrose	Region: A
MGC FY25 Allocation: \$200,000	Requested Amount: \$200,000
Recommended Grant Amount: \$65,500	
Waiver: N/A	
1. Community Planning - Memorial Hall Renovation - \$104,694	
Recommendation: The Review Team Does Not Recommend Funding	
Description: This project is for the repair of water damage to Memorial Hall. These improvements are to correct damage to the building which occurred when the building envelope was in disrepair. In 2022 the City invested \$3.8 in municipal funds to fix the building envelope issues.	
Impact: Competition from Encore has negative impact on Entertainment industries and Melrose would like to capitalize on the large number of visitors and employees attracted to the region by the casino.	
Determination: The Review Team does not agree that this project is in response to a casino related impact.	
Rationale: Memorial Hall consists of two main spaces - The Main Floor where the stage and seating is located, and the Grand Army of the Republic (GAR) Hall on the 2nd floor. According to the application, the GAR Hall hosts events such as birthday parties, baby and bridal showers and other large events. This project is to address water damage in the GAR Hall, which the applicant contends will make the space more attractive and competitive thereby allowing more use of this space. The application cites one example of losing business to the Encore Casino with Murphy's Boxing holding boxing matches at Encore. According to their web site, Murphy's Boxing has booked matches at a number of locations including Memorial Hall and Encore as well as many other area venues. However, Murphy's has not booked matches in the Greater Boston area since August of 2019. In looking at the City of Melrose website, Memorial Hall has been successful in booking other boxing and MMA matches to the facility since Murphy's stopped booking matches. Most of the events booked at Memorial Hall are local in nature. These include the Melrose Symphony Orchestra, regular meetings of the Rotary Club, and other local events such as dance recitals and school department performances. The Review Team was not convinced that this venue competes with Encore for acts to perform at Memorial Hall or to attract casino patrons to Melrose. Regardless of this, the proposed work is in the GAR Hall where much smaller events are held. The Review Team did not agree that the type of events held in the GAR Hall compete in any meaningful way with Encore. While the Review Team understands the desire for Melrose to improve the building, which will likely help improve the utilization of the facility, the lack of a nexus to a casino related impact resulted in the Review Team not recommending this project for funding.	
2. Community Planning - Economic Development: Pop Up in Melrose - \$20,000	
Recommendation: Full Funding - \$20,000	
Description: This program is for a downtown holiday "Pop-Up" shopping experience to allow smaller businesses without a traditional brick-and-mortar location to introduce their products to a wider audience during the peak holiday shopping season. Emerging brands, entrepreneurs, artists, and makers will take week-long turns popping up in a temporary mobile retail unit. This project includes hiring a consultant to manage the program as well as rental fees for the mobile unit, outreach and training to prospective businesses and program marketing.	
Impact: The impacts associated with the casino include: the presence of the casino may result in reallocated retail spending and that competition from the casino may have a negative impact on local businesses.	
Determination: The Review Team agrees that this project addresses a casino related impact.	
Rationale: This program is designed to expand economic development opportunities for local businesses which is identified in the Guidelines as eligible for funding. This program expands on a program started in 2021 in response to Covid. It proved to be very successful with it being reported that some participating businesses were able to leverage this opportunity into opening full brick-and-mortar stores. The Review Team agrees that a project like this will increase opportunities for local businesses and potentially to fill empty storefronts and therefore recommends full funding of this portion of the application.	



3. Public Safety - Automatic External Defibrillators (AED) purchase, installation and training - \$44,406
Recommendation: Partial Funding - \$14,600
Description: This project is for the purchase and installation of 7 portable AEDs and 15 permanently mounted AEDs. The application also requested funds for training staff on these devices.
Impact: The application cites that increased visitation to the casino will likely increase the calls for emergency services.
Determination: The Review Team recommends partially funding this application for the 7 portable AEDs.
Rationale: The Review Team agrees that the presence of the casino will result in increased interactions between public safety agencies and casino patrons/employees and that there will likely be some increased calls for service. This request asked for 7 AEDs to be placed in police vehicles with 15 AEDs to be installed in the City Hall and schools. The Review Team agrees that the placement of AEDs in police vehicles is appropriate as police on patrol are most likely to come in contact with casino patrons/employees. The Review Team was not convinced that the placement of AEDs in the City Hall and schools would have any discernable connection to casino patrons/employees. Police receive training on AEDs as part of their annual training, so the Review Team does not recommend the training portion of the request. In total, the Review Team recommends partial funding in the amount of \$14,600 for the purchase of 7 portable AEDs.
4. Gambling Harm Reduction - Youth and Adult Harm Reduction - \$28,500
Recommendation: Full Funding - \$28,500
Description: This funding is for a program to identify populations at risk for problem gambling. As part of the program, a survey will be developed and administered covering current habits and perceptions of Middle and High School Students. The program also proposes to have financial management education classes for youth and adults that will address gambling harm reduction.
Impact: Certain groups of people are disproportionately at risk of gambling-related harm by the presence of a casino. These groups can be linked by race, ethnicity, gender, age, people who have recently immigrated, veteran status, and/or socioeconomic status.
Determination: The Review Team agrees that this program addresses a casino related impact.
Rationale: This application seeks to further identifying populations at-risk for problem gambling, studying the impact of gambling on those populations, identifying solutions to help mitigate identified harms and begin to implement solutions. These are all eligible activities in the Guidelines and the Review Team agrees that these activities will help address the identified impact. Therefore, the Review Team recommends full funding of this program. As this is a new program, the Review Team recommends that Melrose work closely with MGC staff to ensure that the proposed scope of work and survey are designed to capture relevant data and adequately address the identified harms.
5. Specific Impact - Council on Aging Initiative - \$2,400
Recommendation: Full Funding - \$2,400
Description: This proposal is for the development of higher quality programming at the Senior Center to increase participation in activities and trips for older adults that do not encourage gambling. This could include contracting with local musical performers, theatre productions, and other entertainment options that the center would not typically be able to afford.
Impact: The Senior Center is seeing less participation from its seniors when trips are conducted to the casino. This competition from the gaming establishment for patrons is a negative impact noted in the Guidelines.
Determination: The Review Team agrees that this project addresses a casino related impact.



Rationale: This program seeks to offer alternative activities to gambling for seniors. This strategy would accomplish two goals. First, it would help support local arts and culture by hiring local entertainers, artists, and instructors to provide their talents to the Senior Center. Second, by offering a more diverse range of activities and programs, Senior Center participants would have greater access to affordable entertainment and may increase the number of participants who attend these types of events. The Review Team agrees that providing alternative activities will encourage increased use of the Senior Center and therefore, recommends full funding of this portion of the application.



Massachusetts Gaming Commission

Applicant Name: Revere	Region: A
MGC FY25 Allocation: \$662,100	Requested Amount: 862,100
Recommended Grant Amount: \$620,500	
<p>Waiver: The City of Revere is requesting a waiver for \$200,000, which is the amount that was assigned to the designated surrounding communities in Region A as part of the Block Grant formula. Revere is not a designated Surrounding Community as it never executed a Surrounding Community Agreement (SCA) with Encore. Revere had previously signed an agreement with the competing entity for the gaming license which prevented it from entering into an SCA with Encore. When the Block Grant formula was developed last fall, Revere asked that the Commission award it an additional \$200,000 to account for the fact that Revere directly borders Everett. The Commission did not award Revere the additional \$200,000 at that time to be consistent with the extensive work that had done in developing the FY2025 allotment formula. Had Revere participated in the Surrounding Community negotiations with Encore, they almost certainly would have been designated a Surrounding Community as every other community that borders a host community has been designated as such. The Commission could take that into account in the decision on the waiver. However, a significant amount of work was done to establish the Block Grant formula, which was reviewed and vetted by both the Region A and Region B LCMACs, the Subcommittee on Community Mitigation and the Commission itself. Considering that this is the first year of the Block Grant and the work that went into the development of the formula, the Review Team does not recommend this waiver. There are two projects that are either not being recommended or only partial funding is recommended. If the Commission accepts those recommendations, the total value of the grant will not exceed the FY2025 Allocation, so the waiver issue would be moot.</p>	
1. Community Planning - Revere History Museum Strategic Plan - \$64,500	
Recommendation: Full Funding - \$64,500	
<p>Description: This project would serve to complete a short and long-term strategic plan for attracting patrons to the Revere History Museum. Revere seeks to hire a consultant to assist the Revere Planning Department and Revere Society for Cultural and Historic Preservation to market this facility.</p>	
<p>Impact: This application takes advantage of the presence of Encore to attract patrons and employees to the area.</p>	
<p>Determination: The Review Team agrees that the marketing project could assist in the promotion of the Museum.</p>	
<p>Rationale: The development of a marketing plan is specifically identified in the Guidelines as an eligible Community Planning activity to attract patrons and employees of the casino to local businesses. Therefore, the Review Team recommends full funding of this portion of the application.</p>	
2. Community Planning - Broadway Small Business Planning Supports \$166,625	
Recommendation: The Review Team does not recommend funding for this project	
<p>Description: This application is for the Storefront and Signage Program to offer small businesses in-kind design services and construction funds to implement improvements to their building facades; and business consulting services to assist small businesses city-wide to advance their workforce products and services.</p>	
<p>Impact: The application cites that gaming establishments attract a large group of patrons and employees to their establishments that would not otherwise be present in the area, which provides opportunities for local communities and businesses to attract these patrons and employees to their communities and business establishments.</p>	
<p>Determination: While the Review Team agrees that the proposed projects would address casino related impacts, the Guidelines require that any funds going to a private party must be used for a “public purpose” and not the direct benefit or maintenance of a private party in accordance with the “Anti-Aid Amendment” of the Massachusetts Constitution.</p>	



Rationale: In reviewing this application, the Review Team determined that these funds would essentially pass through the City to private businesses for facade improvements and business consulting services. In order to comply with the Anti-Aid Amendment to the Massachusetts Constitution, grant funds must be used for a public purpose. While there could be some public benefit to having businesses improve their building facades, the primary beneficiaries are the private businesses. Therefore, the Review Team determined that the application does not meet criteria to avoid issues regarding the Anti-aid Amendment. As an example, in an article entitled "Municipal Expenditures: Proper Public Purposes by Mary Mitchell, Esq. - Municipal Law Bureau it explains the amendment clearly, "...cities and towns have the right to spend money for any purposes where the public good will be served but not where the expenditure of money is directly for private benefit of certain individuals."

3. Public Safety - EMT Training - \$53,920

Recommendation: Full Funding - \$53,920

Description: This funding is for an Emergency Medical Training program in partnership with Bunker Hill Community College. This program would offer a free EMT certification course to 12 Revere residents which may lead to positions with Cataldo Ambulance. The 12 program participants may apply for vacancies serving towns impacted by the Casino.

Impact: The application cited several impacts from the Guidelines: increase in cases of operating under the influence, increase in congestion, accidents and vehicular/bicycle/pedestrian conflicts and increase visitors resulting in increase in calls for service and local EMS. Local ambulance companies have had difficulty filling positions due to the lack of trained personnel.

Determination: The Review Team agrees that this program could address the identified impact by providing the training.

Rationale: Training of Public Safety personnel is identified in the Guidelines as being eligible for funding. While EMT training is not specifically identified, the Review Team understands the difficulties that private ambulance services have in finding qualified applicants. Therefore, the Review Team recommends full funding of this portion of the application.

4. Public Safety – Vehicular Extraction Equipment - \$52,000

Recommendation: Full Funding - \$52,000

Description: This project is for the purchase of vehicular extraction equipment including a complete set of Holmatro Extrication Equipment to include Cutters, Spreaders and Ram.

Impact: The application cites increases in traffic can cause increased congestion, accidents and vehicular/bicycle/pedestrian conflicts which is identified in the Guidelines.

Determination: The Review team agrees that this project addresses the identified impact.

Rationale: The influx of visitors to the area and increased calls for service puts pressure on local emergency services. Revere has 3 major roadways, Route 1, 1A and 16 which are heavily travelled routes to the casino. It is important that emergency responders have sufficient equipment to quickly address emergencies and get occupants suffering serious injuries to a trauma center. The Review Team agrees that this equipment will assist the community in responding to accidents and therefore recommends full funding of this portion of the application.

5. Transportation - Revere Beach Connector - \$325,055

Recommendation: Full Funding - \$325,055

Description: This project is for the 25% design of the Revere Beach Connector which will be a multi-use path connecting Revere Beach to the Northern Strand Community Path.

Impact: As identified in the Guidelines, increased traffic associated with the gaming establishment may result in increased vehicular/bicycle/pedestrian conflicts.

Determination: The Review Team agrees that this project will address the identified impact.



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Rationale: The Northern Strand Community Path is primarily a north/south route that runs from Lynn to Everett through the northwestern corner of Revere. There are no protected multi-use paths that go from east to west in Revere, thereby making access to the Northern Strand difficult for much of the City. The proposed project will study alternative alignments and advance the design of a preferred alternative to the 25% design level. The Review Team agrees that this project, when constructed, should help reduce the number of single occupancy vehicles using the roads and improve casino access for bicyclists and pedestrians. Therefore, the Review Team recommends full funding of this portion of the grant.

6. Gambling Harm Reduction - Holistic approach to reduce harmful effects of Problematic Gambling - \$165,000

Recommendation: The Review Team recommends partial funding of this program - \$90,000 with conditions

Description: Revere is proposing a new program in conjunction with the Hass Health & Wellness Center to reduce the effect of problematic gambling in Revere. This program will target population groups at specific risk and provide coping strategies and support structure to reduce the occurrence of problematic behaviors associated with gambling. The applicant cites data showing that many populations at elevated risk of gambling-related harm reside in Revere.

Impact: As stated in the Guidelines, certain groups are disproportionately at risk of gambling-related harm by the presence of a casino.

Determination: The Review Team agrees that this program would help address the identified impact and is recommending partial funding of this program with conditions.

Rationale: The Review Team was intrigued by this application, but was not convinced that all of the project should be funded. The application called for paying for a Substance Use and Homelessness Program Manager and Wellness Program Manager. These are existing positions within the City and consistent with our past practice and the CMF Guidelines, funding these positions would be considered supplanting existing funds. The total cost of those positions is \$75,000. Therefore, the Review Team does not recommend funding that portion of the grant.

The Gambling Harm Reduction category was introduced last year, and for many communities there is some uncertainty in the development of grant applications. Revere has experience dealing with substance abuse and homelessness issues, but less so with gambling harm reduction. Revere envisions this program as an expansion of their existing work. The Review Team met with representatives of Revere to discuss some of the particular issues that gambling harm applications need to address. The Review Team agrees that we would like to move forward with this application, but wants to ensure that gambling harm is being appropriately addressed in the City's outreach and programming. The Review Team recommends that the Commission fund \$90,000 of the proposed grant and that the applicant submit a report to the Commission by August 15, 2024 outlining the specific curriculum or programming they propose to implement, as well as how they will meaningfully engage sufficient numbers of people experiencing gambling-related issues to run this programming.

7. Specific Impact - Administration of Grant Programs - \$35,000

Recommendation: Full Funding - \$35,000

Description: Revere seeks to cover the program administration costs of the CMF Block Grant Program.

Impact: The cost of administering the Block Grant requires dedicated administrative capacity.

Determination: The Review Team agrees that this project addresses the identified impact.

Rationale: Grantees may use up to 7.5% for administrative purposes up to \$50,000. This amount totals less than 7.5% of the grant amount.



Massachusetts Gaming Commission

Applicant Name: Somerville	Region: A
MGC FY25 Allocation: \$1,110,000	Requested Amount: \$1,110,000
Recommended Grant Amount: \$846,900 (\$959,500 if waiver is granted)	
<p>Waiver: This application requests a waiver on the Middlesex Ave./Mystic Ave. construction project. The total project cost is estimated at \$972,983. Applying the subsidy calculation from the Guidelines results in a maximum grant of \$466,895. The applicant is asking for \$579,500. If approved, this would increase the project subsidy from 47% of the construction cost to 59% of the total cost. The applicant states that the waiver is due to the importance of the project. This intersection was estimated to carry approximately 15% of the outbound casino traffic which certainly is a significant amount of traffic. From the application, it appears that the City was using the waiver process to increase the total request to the FY 25 Allocation amount. Regardless of the waiver, the City will need to contribute a portion of the funds to complete the project. When asked what the City would do if it were not granted the waiver, the City indicated that they would still go ahead with the project using other local or grant funds. The reasoning behind MGC only providing a portion of the funds for a construction project is that there are significant benefits to the community over and above addressing a casino related impact. The new subsidy that was established for FY 25 is far more generous than the previous subsidy for project less than \$4 million in total cost. Under the previous Guidelines, this project would have been eligible for a subsidy of \$324,328. Based on these factors, the Review Team does not recommend granting this waiver. If it so chooses, the Commission could grant this waiver since the overall recommended grant amount is below the proposed FY 25 Allocation.</p>	
1. Community Planning - Transit Pass Pilot Program - \$215,000	
Recommendation: Full Funding with Conditions	
Description: These funds are for the provision MBTA passes to 200 employees of small hospitality businesses in East Somerville.	
Impact: The application references that competition from the gaming establishment can adversely impact other businesses in the hospitality and entertainment sector. Smaller hospitality businesses are challenged to compete for employees.	
Determination: The Review Team agrees that this project addresses an identified impact.	
Rationale: Finding and retaining talent in the hospitality industry is an ongoing challenge for small businesses. The provision of transportation provides an incentive for workers to remain with current employers or for employers to attract new employees to their businesses. The Commission has provided bus passes and transportation vouchers in the Workforce Development Grants to aid students in getting to classes and as an incentive to get people into the workforce development pipeline. The Review Team looks at this application as an expansion on that effort and recommends full funding of this program. To ensure that these passes only go to those in the impacted hospitality related businesses, the Review Team recommends that the Applicant provide documentation that they have provided the passes only to those affected employees.	
2. Community Planning - Outdoor Dining Fund - \$123,625	
Recommendation: The Review Team Does not Recommend Funding for this Project	
Description: This project is to create an Outdoor Dining Fund to assist East Somerville restaurants cover annual permit fees and winter storage costs related to outdoor dining.	
Impact: Somerville cites the negative impact of competition from the gaming establishment may have negative impacts on other businesses competing in the hospitality and entertainment industries.	
Determination: The Review Team agrees that this could partially address a casino related impact, however, there are anti-aid concerns with the application.	



Rationale: The funds to be used for this project would be distributed to Somerville, who would then pass these funds on to private businesses to pay the costs associated with outdoor dining. The applicant submitted an opinion that this would be considered a public purpose as the primary purpose of the expenditures is to benefit the public because the expenditures will promote economic activity and increase foot traffic to small businesses, helping to prevent these businesses from being displaced or having to shut down. While the Review Team agrees that there could be some public benefit to these funds, the primary beneficiary of the funds appears to be private businesses, which would run afoul of the anti-aid amendment. Therefore, the Review Team does not recommend funding for this portion of the application.

3. Community Planning - Hot Meal Voucher Program- \$26,875

Recommendation: The Review Team Does not Recommend Funding for this Project

Description: These funds are to establish a hot meal voucher program to help East Somerville restaurants. East Somerville Main Street would sign up participating restaurants and service organizations would distribute vouchers to residents who meet the program criteria. Redeemed vouchers would be reimbursed at East Somerville Main Street.

Impact: As identified in the CMF guidelines, the scope and scale of Encore Boston Harbor’s marketing efforts put local businesses at a competitive disadvantage. East Somerville restaurants need support in differentiating themselves to attract and retain customers.

Determination: The Review Team agrees that this could partially address a casino related impact, however, there are anti-aid concerns with the application.

Rationale: The funds to be used for this project would be distributed to Somerville, who would then issue vouchers to eligible recipients for dining at participating restaurants. The applicant submitted an opinion that this would be considered a public purpose as the primary purpose of the expenditures is to benefit the public because the expenditures will promote economic activity and increase foot traffic to small businesses, helping to prevent these businesses from being displaced or having to shut down. While the Review Team agrees that there could be some public benefit to these funds, the primary beneficiary of the funds appears to be private businesses, which would run afoul of the anti-aid amendment. Therefore, the Review Team does not recommend funding for this portion of the application.

4. Public Safety - Traffic Signal Pre-emption for Emergency Services - \$165,000

Recommendation: Full Funding - \$165,000

Description: This project is for the installation of GPS-based traffic signal pre-emption equipment on fire apparatus and traffic signal equipment. Equipment will be provided on 11 vehicles and 13 signalized intersections. The GPS-activated system will turn traffic lights green in the direction in which fire vehicles are traveling while turning other signals red.

Impact: Somerville identified the increase in traffic as having a negative impact on the eastern part of Somerville in response times by emergency services.

Determination: The Review Team agrees that this project addresses the identified impact.

Rationale: The Review Team agrees that East Somerville is impacted by traffic from the casino as approximately 15% of the outbound traffic from the casino uses local Somerville streets. Improvements to pre-emption equipment should reduce emergency response times which can be critical. The applicant presented information that showed 30 second longer response times in East Somerville versus city-wide. Updated pre-emption equipment could make a significant difference while also smoothing traffic flow. Therefore, the Review Team recommends full funding of this portion of the application.

5. Transportation - Middlesex Ave./Mystic Ave. Intersection Project - \$579,500

Recommendation: Partial Funding - \$466,900 (\$579,500 if waiver is granted)

Description: This project is for the reconstruction of the intersection of Middlesex Avenue and Mystic Avenue to reduce congestion and improve public safety. This project is to completely reconfigure and reconstruct the intersection for all users and incorporate new multimodal improvements. Safety upgrades such as pedestrian crosswalks, new crosswalks, and separated bicycle facilities are designed to provide a safer connection to Assembly Square streets.

Impact: The application cites increases in traffic congestion, traffic accidents, and the need to improve public safety.



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Determination: The Review Team agrees that this project addresses the identified impact.

Rationale: This intersection was estimated to carry approximately 15% of the outbound traffic from the casino. The proposed improvements are designed to reduce congestion and improve public safety. For these reasons, the Review Team recommends funding up to the amount allowed under the Guidelines. As described in the waiver section, the Commission could consider a waiver for these funds as Somerville's total grant is under their identified FY 25 Allocation.



Massachusetts Gaming Commission

Applicant Name: Wilbraham	Region: B
MGC FY25 Allocation: \$313,800	Requested Amount: \$313,800
Recommended Grant Amount: \$309,100	
Waiver: N/A	
1. Transportation - Springfield Street and Stony Road Intersection - \$176,854	
Recommendation: Full Funding - \$176,900	
Description: This project is for the design of the Springfield Street and Stony Road Intersection. The funding would cover consulting with PVPC and MassDOT, public meetings, surveys and traffic counts, preliminary design, final design, preparing land acquisition documents, and preparing bid documents.	
Impact: The applicant cited that the increased traffic associated with the gaming establishment causes increased congestion, vehicular accidents and close encounter accidents at the intersection.	
Determination: The Review Team agrees that this project addresses a casino related impact.	
Rationale: Springfield Street was identified in the MGM Trip Distribution Map as carrying about 1% of the casino related traffic, which is the minimum amount necessary to qualify for grant funds. The Review Team agrees that improvements to this intersection should reduce congestion, improve vehicular safety and provide better pedestrian access through this intersection. Therefore, the Review Team recommends full funding of this portion of the application.	
2. Public Safety - Police Equipment - \$136,946	
Recommendation: Partial Funding \$132,200	
Description: This application covers a variety of public safety equipment including highway message boards, license plate cameras, a multi lens CCTV Camera for Main Radio Transmitter Site, Video Server for System Upgrades, Video Software and Installation of Cameras.	
Impact: The Applicant cited the following impacts from the Guidelines: increases in traffic can cause increases in congestion, accidents, and vehicular/bicycle/pedestrian conflicts; and it is recognized by law enforcement and the casino industry that casinos and other hospitality related businesses may attract certain types of crime including but not limited to human trafficking, money laundering, and drug trafficking.	
Determination: The Review Team agrees that this project addresses a casino related impact.	
Rationale: The Review Team agrees that most of the requests merited funding. The message boards will be deployed mostly on main routes such as Boston Road and Springfield Street. Both streets are estimated to carry at least 1% of the casino related traffic. The Review Team also agrees that for increased traffic safety the License Plate Readers and the Software were also relevant to the mitigation of impacts. The Review Team did not agree that the CCTV addresses a casino related impact. The CCTV camera was to be placed on the police radio tower to monitor the site for vandalism. The Review Team was unable to discern a nexus to a casino related impact, therefore, it does not recommend the CCTV funding (\$4,778).	





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

FROM: Crystal Beauchemin, Sports Wagering Business Manager
Bruce Band, Director

DATE: May 3, 2024

RE: Update regarding Operators' status complying with 205 CMR 257: Data Privacy

BACKGROUND:

On August 8, 2023, the Commission voted to finalize the draft of 205 CMR 257: Sports Wagering Data Privacy, and to begin the formal regulation process. These regulations went into effect September 1, 2023. Several waivers were granted in relation to various components of the regulation due to technological impacts and process implementation on August 24, 2023. A majority of those waivers are in effect until June 30, 2024, although 205 CMR 257.03 (4) is under waiver through July 31, 2024. That waiver was granted during the March 14, 2024 commission meeting.

PROGRESS/ NEXT STEPS:

Most operators have expressed that they already are, or feel they will be, in compliance with all components of the data privacy regulations by the waiver's expiration. One operator indicated they may be submitting a request for a very brief extension of 1-2 months, based on the status of ongoing implementation.

Per the revised language for 205 CMR 257.03 which was adopted by the Commission on April 11, 2024 and is currently being promulgated, a couple of operators have indicated they will be seeking a variance in line with the allowance in the regulation.

205 CMR 257.03: Sports Wagering Operators shall encrypt or hash and protect, including through the use of multi-factor authentication, from incomplete transmission, misrouting, unauthorized message modification, disclosure, duplication or replay all Confidential Information and Personally Identifiable Information within their possession, custody or control. An Operator may request approval by the Commission to protect Confidential Information and Personally Identifiable Information in another manner that is equally protective of the information in question.

This (and all other revisions to 205 CMR 257 from that Commission meeting date) is anticipated to go into effect approximately June 21, 2024. As such, MGC staff have set a deadline to receive any waivers and variances by Wednesday, May 22. All requests are currently scheduled to be reviewed by the Commission during the public meeting on June 6, 2024.

In addition, the Sports Wagering team has started discussions with GLI as to a compliance review and/or re-certification process related to all 205 CMR 257 data privacy regulations.

SUPPORTING DOCUMENTS:

Due to confidentiality and documentation containing information regarding secure processes and data privacy, we have provided the Commission with the following, which are not included in the packet:

- A- Waiver details/deadlines overview
- B- Packet compiling the mid-term reporting from Operators related to progress made toward implementing data privacy regulations which was due March 4, 2024 (previously distributed)
- C- Packet of responses from operators related to whether waiver extensions or variances are anticipated.



TO: Interim Chair Maynard
Commissioner O'Brien
Commissioner Hill
Commissioner Skinner

FROM: Cristian Taveras, Gaming Technical Compliance Manager

CC: Dean Serpa, Executive Director
Katrina Jagroop-Gomes, Chief Information Officer
Bruce Band, Director of Sports Wagering

DATE: May 16, 2024

RE: Technical Security Expert – AccessIT Waiver Request

EXECUTIVE SUMMARY:

Pursuant to 205 CMR 243.01(x)(2) <https://www.mass.gov/doc/205-cmr-243-sports-wagering-equipment/download> an independent technical expert must meet certain requirements:

To qualify as an independent technical expert, the independent technical expert shall:

- a. Have relevant education background or in other ways provide relevant qualifications in assessing Event Wagering Systems;
- b. Obtain and maintain certifications sufficient to demonstrate proficiency and expertise as a network penetration tester by recognized certification boards, either nationally or internationally;
- c. Have at least five years' experience performing technical security control audits on Event Wagering Systems; and
- d. Meet any other qualifications as prescribed by the Commission or its designee.

On April 30, the Commission determined that AccessIT did not meet the five years' experience outlined under 243.01(x)(2)(c) and may request a waiver if desired.

SUPPORTING DOCUMENTS:

- MA-SW-Operator-Waiver-Request-Form - AccessIT Group

CONCLUDING STATEMENT:

The MGC ITS Division has reviewed the waiver request from AccessIT for completion. The AccessIT Group will be present at the public meeting scheduled for May 23, 2024, to answer any questions related to their waiver request.



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MASSACHUSETTS GAMING COMMISSION WAIVER/VARIANCE REQUEST FORM

In accordance with 205 CMR 202.03; 205 CMR 102.03(4)

Please fill out and address all areas of the form with blue section headers. If a specific line does not apply to the request, please place 'NA' in the response field. Each section will extend to accommodate large answers.

CONTACT INFORMATION

DATE: 5/8/2024

NAME OF LICENSEE / OPERATOR (REQUESTING ENTITY): AccessIT Group, Inc.

NAME OF INDIVIDUAL COMPILING REQUEST: Mark Spencer

TITLE OF INDIVIDUAL COMPILING REQUEST: Account Executive

CONTACT EMAIL ADDRESS: marks@accessitgroup.com

CONTACT PHONE NUMBER: 484-432-6629

EMAIL/PHONE NUMBER FOR PROVIDING DECISION (IF DIFFERENT FROM CONTACT):

REGULATION INFORMATION

SPECIFIC REGULATION (#) FOR WHICH WAIVER IS REQUESTED:

205 CMR 243.00: SPORTS WAGERING EQUIPMENT

REGULATION SECTION TITLE:

205 CMR 243.01(1)(x)(2)(c)

REGULATION LANGUAGE/TEXT:

To qualify as an independent technical expert, the independent technical expert shall:

c. Have at least five years' experience performing technical security control audits on Event Wagering Systems;

REASON FOR REQUEST OF WAIVER

DATE(S)/ TIMEFRAME WAIVER IS REQUESTED THROUGH: Current - 2026

Per 205 CMR 102.03(4)(b)

PLEASE EXPLAIN THE BASIS FOR THE PROPOSED WAIVER/VARIANCE SOUGHT:

AccessIT Group has been in business since 2001. As part of our Risk Management practice, we have been providing cybers security assessment services since 2010. We have been performing casino specific security



assessments since 2015 include vulnerability assessments against gaming system kiosks, and in the last two years, web application testing of online gaming platforms.

Within our Risk Management practice, we have two areas of concentration. The first is Vulnerability Assessments and the second is Governance, Risk, and Compliance. In the VA realm, we perform internal and external vulnerability assessments, penetration testing, wireless assessments, application testing, physical access assessments, and security policy generation and testing. Within our compliance practice we handle PCI and HIPPA readiness assessments, ISO certifications, gap analysis, and can assist with self-assessment (SAQ and ROC) filings. We are ASV and QSA certified and regularly do quarterly and one-time ASV scanning and attestations, including but not limited to, multiple casino clients.

In 2023 we performed over 100 vulnerability assessments across a wide range of industries ranging from banking to manufacturing, to health care, and multiple casino clients. We are performing sportsbook assessments for Caesars in over 30 states this year. We feel we are qualified to perform the same state required assessment for the state of Massachusetts.

Per 205 CMR 102.03 (4)(a)(4)

PLEASE INDICATE THE SUBSTANTIAL HARDSHIP/IMPACT YOUR ENTITY WOULD INCUR IF WAIVER/VARIANCE IS NOT APPROVED BY COMMISSION:

We have been contracted by Caesars to do their state regulated vulnerability assessments in 2024 for 32 states. If we are unable to do the assessment for Massachusetts, we would lose their assessment business and they would be forced to find a one off assessment vendor

ADDITIONAL JUSTIFICATION/EXPLANATION FOR REQUEST:

We are a SOC 2 certified company identifying AccessIT as adhering to the cybersecurity compliance framework developed by the American Institute of Certified Public Accountants (AICPA). The primary purpose of SOC 2 is to ensure that third-party service providers store and process client data in a secure manner.

DETERMINATION

Pursuant to 205 CMR 102.03(4)(a), and 205 CMR 202.03(2), the Commission may waive or grant a variance if the Commission finds that:

1. Granting the waiver or variance is consistent with the purposes of M.G.L. c. 23K and c. 23N;
2. Granting the waiver or variance will not interfere with the ability of the commission or the bureau to fulfill its duties;
3. Granting the waiver or variance will not adversely affect the public interest; and
4. Not granting the waiver or variance would cause a substantial hardship to the person requesting the waiver or variance.

Pursuant to 205 CMR 102.03 (4)(c), any waiver request not acted on by the Commission within 60 days of filing shall be deemed denied.





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

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

CC: Dean Serpa, Executive Director

DATE: May 23, 2024

RE: Assessment of Job Quality at Massachusetts Casinos, 2022

The Massachusetts Gaming Commission has an Interagency Service Agreement (ISA) with the University of Massachusetts, Amherst to carry out social and economic research as defined in [Chapter 23k Section 71](#). Since 2013, the team of researchers, collectively known as Social and Economic Impacts of Gambling in Massachusetts (SEIGMA), has produced a range of studies to inform the Commission and stakeholders about the impacts resulting from the introduction of casinos in the Commonwealth. A complete library of this research can be found on the MGC website: <https://massgaming.com/about/research-agenda/>.

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 SEIGMA study, of which the Economic and Public Policy Research unit at the University of Massachusetts Donahue Institute is a part, strives to understand the impact of the casinos on the people and economy of the Commonwealth.

The purpose of this report was to examine workforce conditions at the Commonwealth's three casinos, Encore Boston Harbor, MGM Springfield, and Plainridge Park Casino, analyze the extent to which Massachusetts casino jobs are benefiting the casino workforce, and otherwise assess the quality of casino jobs.

Attached are the final report, a research snapshot, and the presentation.



Massachusetts Gaming Commission

MGC Research Snapshot

Assessment of Job Quality at Massachusetts Casinos, 2022

May 2024

What you need to know

The purpose of this report was to examine workforce conditions at the Commonwealth's three casinos, analyze the extent to which Massachusetts casino jobs are benefiting the casino workforce, and assess the quality of casino jobs. Overall, casino operators in Massachusetts are committed to their goals of recruiting and hiring a diverse workforce. Casino jobs offer flexibility in scheduling, low barriers to entry, and career advancement for women and minority workers. Casino workers are well compensated in comparison to other jobs in the accommodation and food services industry and have far lower rates of turnover. The analysis suggests that hiring across job title hierarchy is intentionally geared toward gender equity, though equity across this hierarchy for people of color has yet to be achieved.

What is this research about?

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 purpose of this report was to examine workforce conditions at the Commonwealth's three casinos, Encore Boston Harbor (EBH), MGM Springfield (MGM), and Plainridge Park Casino (PPC), analyze the extent to which Massachusetts casino jobs are benefiting the casino workforce, and otherwise assess the quality of casino jobs.

What did the researchers do?

Researchers from the UMDI team first examined conditions of the regional workforce in and around Massachusetts, as well as within the Accommodations and Food Services sector, to provide context for their findings.

They then analyzed payroll data from each casino from January 2022 through December 2022 to assess patterns in hiring, compensation, mobility, and turnover. Using this data, they described characteristics and composition of the industry's workforce.

The final section of the report analyzed the quality of casino jobs, both across the industry and at individual casinos, by determining the extent to which they adhered to the principles of good jobs defined by the U.S. Department of Labor.

This assessment did not feature any data from the employees, such as interview or survey data, and only analyzed payroll data with information on hours, wages, and demographics. The researchers suggest that qualitative data representing the opinions of the operators and employees themselves would complement this analysis and should be considered in future iterations of this report.

What did the researchers find?

Findings include insights on the regional workforce context, composition of the Massachusetts casino workforce, and casino job quality.

Regional Workforce Context

- Each of the Commonwealth's three casinos are located in very different parts of the state, with different casino characteristics, population demographics, and different labor markets which shape their respective workforces.
- The compensation necessary to be considered a living wage in Massachusetts is one of the highest in the country.
- The Accommodations and Food Services industry has higher turnover rates when compared to industries overall (115% vs. 54%).



Casino Workforce

- The casino industry is made up mostly of workers who are people of color (52.3%), though white workers are the largest racial group (32.6%).
- Workers are mostly men (55.7%), full-time (67.6%), and hourly (87.1%), though there are major demographic nuances across the three casinos.
- The largest division by share of employees is Gaming and Recreation (37.9%), and most workers are at the junior staff level (45.5%).
- Of the 6,601 employed in the industry, 39.1 percent make a living wage or higher with the median hourly wage at \$28.31.
- Massachusetts casino workers live throughout New England and are heavily concentrated in the Boston and Springfield areas.

Casino Job Quality

- **Recruitment and Hiring:** Based on the employee population in 2022, casinos are meeting or exceeding their hiring goals for minority, veterans, and local workers, while hiring for women continues to fall short.
- **Wages:** The Accommodation and Food Services Industry typically pays the minimum wage or less, but with Massachusetts' historically high cost of living, minimum wage is insufficient for most households to afford basic needs. Thirty-nine percent of workers across the casinos make at or above the living wage for their respective cost of living, but there is a large difference across individual casinos (43.6%, 33.8%, and 18.0% at EBH, MGM, and PPC, respectively).
- **Job Security and Working Conditions:** Compared to the Accommodations and Food Services Industry as a whole, turnover rates at casinos are surprisingly low (28.6% vs 115%).
- **Career Advancement:** Very few workers were promoted in 2022 across the industry (2.0%).
- **Diversity, Equity, Inclusion, and Accessibility:** At the industry level, men make up the slight majority of workers across job levels, and the share of minority workers consistently becomes smaller as seniority increases.

Conclusions and Recommendations

Overall, casino operators in Massachusetts are committed to their local economies and to their goals of recruiting and hiring a diverse workforce. Casino jobs offer flexibility in scheduling, low barriers to entry, and career advancement for women and minority workers. Casino workers are well compensated in comparison to other jobs in the Accommodation and Food Services Industry and have far lower rates of turnover. The analysis suggests that hiring across job title hierarchy is intentionally geared toward gender equity, though equity across this hierarchy for people of color has yet to be achieved.

About the researchers

Kazmiera Breest, Ellen Aron, Rye McKenzie, Thomas Peake, Barbara Talagan, and Rebecca Loveland are with the Economic and Public Policy Research unit at the University of Massachusetts Donahue Institute. For more information about this report, please contact Kazmiera Breest at kbreest@donahue.umass.edu.

Further qualitative research could assist in developing a fuller picture of job quality in the Commonwealth's casino industry. Additional research questions could include:

- Presence and nature of benefits such as paid time off, retirement, parental leave and leave for family related responsibilities, and Employee Assistance Programs;
- Accommodation for people with disabilities or unique circumstances;
- Presence and adequacy of career pathways, including opportunities for on-the-job training and professional development;
- Transparency in performance management related to bonuses, raises, and promotions;
- Reasons employees decide to continue their employment, quit, or were terminated.

Citation

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<https://massgaming.com/about/research-agenda-search/?cat=economic-impact>

Key Words

Economic Impact; Casino Workforce

Acknowledgments

Financial support for this study comes from the Massachusetts Gaming Commission through the Public Health Trust Fund.

About this Snapshot

MGC Snapshots are intended to translate lengthy and sometimes technical reports into an easily understandable overview of the research. The findings and recommendations in the Snapshot are those of the researchers and do not necessarily reflect the position of the MGC.





UNIVERSITY OF MASSACHUSETTS SCHOOL OF PUBLIC HEALTH AND HEALTH SCIENCES

Assessment of Job Quality at Massachusetts Casinos, 2022

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

February 2024

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Acknowledgements

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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 purpose of this report is to examine workforce conditions at the Commonwealth's three casinos, Encore Boston Harbor (EBH), MGM Springfield (MGM), and Plainridge Park Casino (PPC), and analyze the extent to which Massachusetts casino jobs are benefiting the casino workforce, or otherwise assess the quality of casino jobs.

To do so, this analysis utilizes payroll data to analyze patterns in hiring, compensation, mobility, and turnover at the Commonwealth's casinos from January 2022 through December 2022. While some of these conditions will require deeper investigation and data collection, the detailed payroll data provided to the Massachusetts Gaming Commission by the casino operators provides insight into the current state of the Massachusetts casinos' workforce. Therefore, the goal of this analysis is to explore the conditions experienced by the casino workforce and identify questions for future research related to the quality of casino jobs in Massachusetts.

In this report, we first describe the three casinos and their regional workforce context followed by an overview of the composition of the workforce in Massachusetts as well as within the Accommodations and Food Services sector. With operator data from the casinos, we then describe the characteristics and composition of the industry's workforce, pertinent to the discussion of job quality. The final section examines the quality of casino jobs, both across the industry and at individual casinos, by analyzing selected indicators of good jobs in the categories of recruitment and hiring, wages, turnover, promotions, and diversity, equity and inclusion. It is important to note that this assessment does not feature any data from the employees, such as interview or survey data, and only analyzes payroll data with information on hours, wages, and demographics. As our conclusion will suggest, qualitative data representing the opinions of the operators and employees themselves would complement this analysis and should be considered in future job quality research.

What is the composition of the casino workforce?

The casino industry in Massachusetts employed up to 5,000 people at any given time, growing gradually throughout 2022.

- The casino industry is made up mostly of workers who are people of color (52.3%), though white workers are the largest racial group (32.6%).
- Workers are mostly men (55.7%), full-time (67.6%), and hourly (87.1%), though there are major demographic nuances across the three casinos.
- The largest division by share of employees is Gaming & Recreation (37.9%), and most workers are at the junior staff level (45.5%).
- Of the 6,601 employed in the industry, 39.1 percent make a living wage or higher with the median hourly wage at \$28.31.

Massachusetts casino workers live throughout New England and are heavily concentrated in the Boston and Springfield areas.

- There are large contingents of very local workers at MGM and EBH while PPC's workers are less concentrated around the casino.
- At all three casinos, there is a portion of workers who commute from lower-cost counties within and outside of Massachusetts.

How well do jobs at the casino adhere to principles of good jobs?

Recruitment and Hiring: Based on the employee population in 2022, casinos are meeting or exceeding their hiring goals for minority, veterans, and local workers, while hiring for women continues to fall short.

- With workforce targets set at 40 percent minority workers, 3 percent veterans, and 50 percent women, EBH exceeded its goal for hiring minority workers by 36.4 percentage points, was just 0.67 percentage points shy of its goal for hiring veterans, and 5.2 percentage points shy of its goal for hiring women.
- EBH surpassed its goal of hiring 75 percent of its workforce from a 30-mile radius with 89.5 percent of its employees coming from within this distance of the casino.
- With workforce targets at 50 percent minority workers, 2 percent veterans, and 50 percent women, MGM exceeded its goal for hiring minority workers by 7.3 percent, exceeded its goal for hiring veterans by 2.9 percentage points, and was 7.4 percentage points shy of its goal for hiring women.
- MGM met its goal of hiring 35 percent of its workforce from the City of Springfield, with 39.6 percent of its employees coming from Springfield.
- With workforce targets of 15 percent minority workers, 2 percent veterans, and 50 percent women, PPC exceeded its goal for hiring minority workers by 8.5 percentage points, exceeded its goal for hiring veterans by 2.8 percentage points, and was 8 percentage points shy of its goal for hiring women.
- PPC was just shy of its goal of hiring 35 percent of its workforce from host and surrounding communities with 31.2 percent coming from these communities.

Wages: Accommodation and food services industry typically pays the minimum wage or less, but with Massachusetts' historically high cost of living, minimum wage is insufficient for most households to afford basic needs. Thirty-nine percent of workers across the casinos make at or above the living wage for their respective cost of living, but there is a large difference across individual casinos (43.6%, 33.8%, and 18.0% at EBH, MGM, and PPC, respectively).

- In the top 20 percent of earners, people of color are represented in similar proportions to the hiring targets for minority workers (40%, 50% and 15% for EBH, MGM, and PPC respectively). In the bottom 20 percent of earners, however, people of color are overrepresented.
- Though the distribution of genders across wage quintiles is relatively evenly split between men and women, there are more men in the top earning categories – 100th and 80th percentiles – across the industry.
- Casinos tend to employ more full-time workers than part-time workers (67.6% vs 32.4%), and full-time workers make higher wages than part-time workers.

- Casinos tend to employ fewer salaried workers than hourly workers (12.9% vs 87.1%), and salaried workers make higher wages than hourly workers.

Job Security and Working Conditions: Compared to the Accommodations and Food Services industry as a whole, turnover rates at casinos are surprisingly low (28.6% vs 115%).

- Overall, turnover is lower among the higher wage quintiles, and higher among the lower wage quintiles.
- Turnover rates seem to be strongly influenced by wages, as turnover rates were much higher among workers making less than the living wage, hourly workers, and part-time workers.
- Across casino divisions, Gaming & Recreation workers tend to leave employment at the lowest rate overall, and also tend to make higher wages than any other division.
- When comparing turnover rates by race and ethnicity, Asian workers had the lowest turnover rates across all the casinos, followed by White workers, and all other race groups turned over at similar rates.
- Looking at all three casinos, most workers work within a range of full-time hours. Over half (57.7%) of casino employees are scheduled between 31 and 40 hours per week, which reflects the proportion of employees who are hired on full-time status (67.6%).
- Generally, there is stability in the average number of hours worked from paycheck to paycheck for all workers, though there is more variation for part-time workers.

Career Advancement: Promotions were not common across the industry in 2022.

- Promotions, defined in this report as an increase in average hourly wage in combination with job title changes, were awarded to only 2percent of workers across the industry.
- Of the small share of workers who did get promotions in 2022, there appear to be few discrepancies in promotion rates across race groups.

Diversity Equity Inclusion & Accessibility: At the industry level, men make up the slight majority of workers across job levels, and the share of minority workers consistently becomes smaller as seniority increases.

- Women are well represented at the executive level but are otherwise underrepresented in the director and manager levels. At the other end of the spectrum, gender patterns vary: most service workers at PPC are women (60%), at EBH there is a nearly even split with women at 49 percent, and at MGM most service workers are men (55%).
- Minority workers are well represented at the junior staff, senior staff, and manager levels; however, they are also generally overrepresented at the service worker level and underrepresented at the director and executive levels.

Introduction

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 Massachusetts Gaming Commission's (MGC) research agenda and mandates. The purpose of this report is to examine workforce conditions at the Commonwealth's three casinos, Encore Boston Harbor (EBH), MGM Springfield (MGM), and Plainridge Park Casino (PPC), and analyze the extent to which Massachusetts casino jobs are benefiting the casino workforce, or otherwise assess the quality of casino jobs.

Previous SEIGMA reports have reported on hiring and wage patterns at individual casinos, though these reports have been aimed at analyzing the casinos' economic impact on the Commonwealth and evaluating how closely hiring is aligned with commitments made during the application process. In the last few years, a number of economic and demographic shifts, including the impacts of the COVID-19 pandemic, have led to a more robust conversation around job quality. One of the reasons that expanding gaming in Massachusetts was so appealing was that the casinos would serve as a major source of new jobs and drive economic health. As large employers, casino operators can support economic health, but the extent to which they bolster economic conditions depends on how much the jobs created pay, how stable they are, and whether they empower workers to develop their careers and move into better paying jobs, either within or outside of the organization. Therefore, the goal of this report is to explore the conditions experienced by the casino workforce and identify questions for future research related to the quality of casino jobs in Massachusetts.¹

To explore workforce conditions, this report utilizes payroll data to analyze patterns in hiring, compensation, mobility, and turnover at the Commonwealth's casinos from January 2022 through December 2022. While some of these conditions will require deeper investigation and data collection, such as benefits, work environment, and professional development, the detailed payroll data provided to the MGC by the casino operators provides insight into the current state of the Massachusetts casinos' workforce.

It is uncommon for a research team to have access to payroll data for purposes of analyzing job quality. Much of the academic work on job quality or worker well-being relies on either secondary data reported by state and federal government agencies or survey data which captures a small sample of workers across the whole economy. Business literature, particularly around human resources, has some examples of analyses of detailed data, but those analyses are generally geared toward advancing the interests of the firm rather than educating a broader group of stakeholders.

A report titled *6 Job Quality Metrics Every Company Should Know* from the Brookings Institution suggested a list of metrics that a firm might measure to improve worker well-being. The Brookings report identified three main categories of worker well-being: job quality, economic mobility, and job equity. Job quality is characterized by the percentage of workers that earn a living wage and have healthcare and by the number of new, good jobs created each year at each wage quintile. Economic mobility is defined by access to steppingstone jobs, the percentage of workers that transition from earning low wages to high wages, and the percentage of workers that cross the one-year mark in the

¹ It is important to note, the analysis in this report does not aim to label any job at any of the casinos as meeting or failing to meet specific job quality criteria, but rather aims to be a first assessment and benchmarking of the range of job conditions at the casinos using selected indicators of quality jobs.

company. Job equity looks at workforce demographic gaps in the company's high-wage occupations and gaps in wage mobility across demographic groups. The Brookings Institution report suggests that measuring, tracking, and compiling metrics like these will allow firms to assess their baseline of workforce well-being, measure impact, and set goals accordingly.

To the same end, the U.S. Department of Labor has partnered with the Department of Commerce in the creation of *The Good Jobs Initiative*. In efforts to identify what comprises a good job, they have created a framework of eight principles for workers, businesses, researchers, advocates, and governments to define a shared vision of job quality. There are eight principles that define a good job. These are: **Recruitment and hiring**, the principle that qualified applicants are actively recruited, especially from underserved communities, and applicants are free from discrimination; **Benefits**, the principle that family-sustaining benefits that provide economic security and mobility are provided to full- and part-time staff; **Diversity, Equity, Inclusion, and Accessibility**, the principle that all workers have equal opportunity, are respected, empowered, and treated fairly, and that systemic barriers against individuals from underserved communities do not exist in the workplace; **Empowerment and Representation**, the principle that workers can form and join unions and that unions are protected from retaliation by employers; **Job Security and Working Conditions**, the principle that workers have a safe, healthy, and accessible workplace and that workers have job security without arbitrary or discriminatory discipline or dismissal as well as adequate hours and predictable schedules; **Organizational Culture**, the principle that all workers belong, are valued, contribute meaningfully to the organization, and are respected, especially by leadership; **Pay**, the principle that all workers are paid a stable and predictable living wage before overtime, tips, and commissions, and that wages increase with increased skills and experience; **Skills and Career Advancement**, the principle that workers have equitable opportunities and tools to progress to future good jobs within their organizations or outside of them, and that workers have transparent promotion or advancement opportunities.

Of these indicators, many can easily be measured using payroll data while others would require a more extensive qualitative data collection process which was out of the scope of the present study. This report explores the following selected indicators gleaned from both sources and based on data limitations:

- **Recruitment and Hiring:** Workforce diversity goals and assessment of hiring targets
- **Wages:** The degree to which casino jobs pay living wages; Wage distributions across demographic groups
- **Job Security and Working Conditions:** Turnover rate analysis; Hours and work schedules
- **Career Advancement:** Promotions
- **Diversity, Equity, and Inclusion:** Analysis of demographic distribution across occupation hierarchy

For a deeper explanation of indicators used and their sources, see Appendix B – Job Quality Measures.

In this report, we first describe the three casinos and their regional workforce context followed by an overview of the composition of the workforce in Massachusetts as well as within the Accommodations and Food Services sector. With operator data from the casinos, we then describe the characteristics and composition of the industry's workforce, pertinent to the discussion of job quality. The final section examines the quality of casino jobs, both across the industry and at individual casinos, by analyzing selected indicators of good jobs as bulleted above. It is important to note that this assessment does not include any qualitative data from the employees, such as interview or survey data, and only analyzes payroll data with information on hours, wages, and demographics. As our conclusion will suggest,

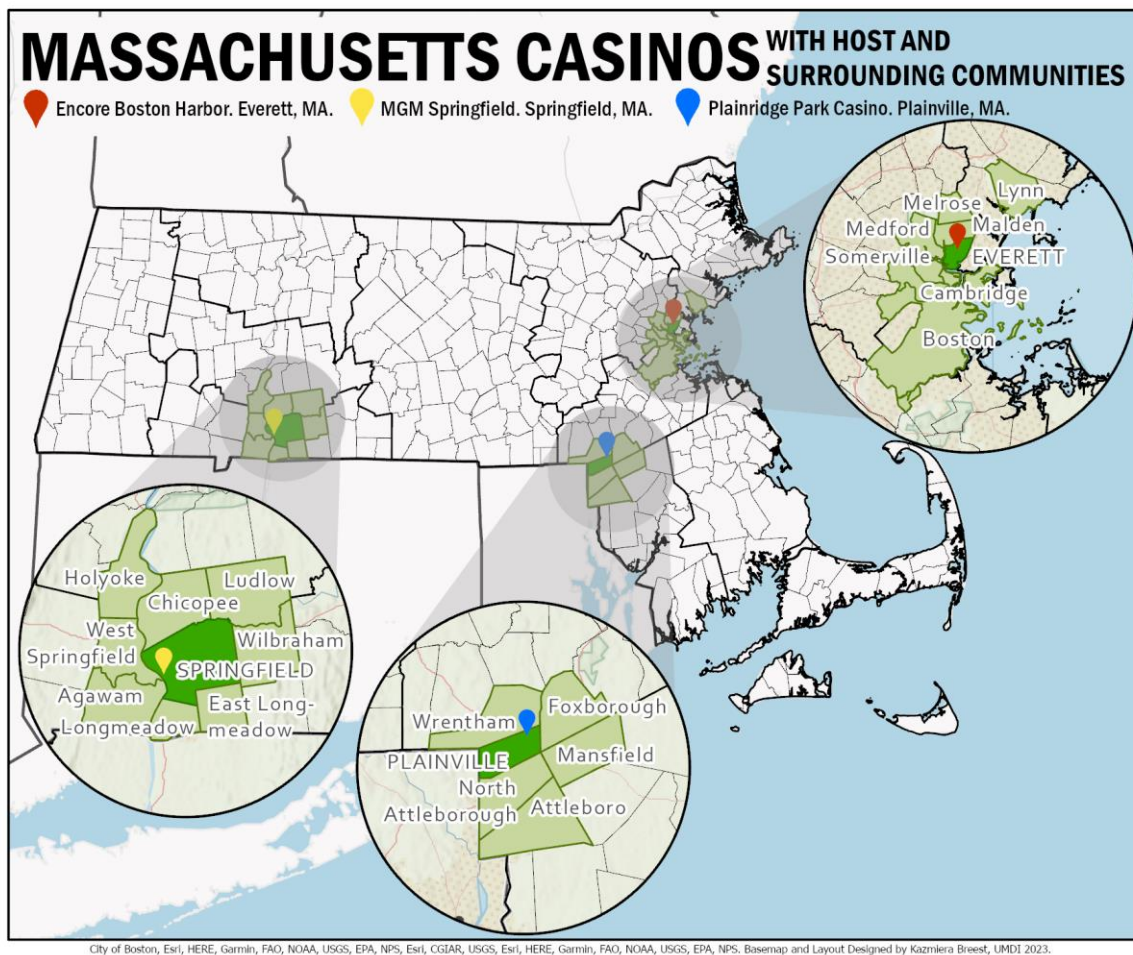
qualitative data representing the opinions of the operators and employees themselves would complement this analysis and should be considered in future iterations of this report.

Regional Workforce Context

Each of the Commonwealth's three casinos are located in very different parts of the state and each facility is comprised of different features, attractions, and magnitudes of operation (Figure 1). Similarly, the three casinos are located in very different labor markets which shape their respective workforces. In this section, we situate each casino within its host and surrounding communities, the local population, and describe the nature of their facilities and operations. A following section provides additional context regarding the composition of the broader labor force in Massachusetts, as well as the workforce composition within the Accommodation and Food Services industry.

The Massachusetts Casino Industry

Figure 1: Reference Map of The Massachusetts Casino Industry with Host and Surrounding Communities



Source: Massachusetts Gaming Commission, UMDI Analysis

The first casino to open in Massachusetts was Plainridge Park Casino, which opened to the public on June 24, 2015, in the town of Plainville, Massachusetts. Corporate owner Penn National Gaming was awarded the Commonwealth's first and only slots-parlor casino license in 2014. PPC is home to the only live harness racing track in Massachusetts as a part of its integrated racing and gaming facility. The gaming area features 1,250 slot machines, video poker, video blackjack, and other electronic gaming attractions. On-site entertainment includes a lounge bar with appearances from local and regional

bands, seasonal food and wine festivals, and simulated game shows. The facility is open 24 hours a day, every day including weekends and holidays. Parking is complimentary and built to serve 1,620 visitors.

The city of Plainville is located in Norfolk County on the border with Rhode Island. Bordering the city are municipalities with Surrounding Community designations from the MGC, namely Attleboro, Foxborough, Mansfield, North Attleborough, and Wrentham. The county population has a much higher level of educational attainment than the state as a whole, with 57 percent of the population 25 or older holding a bachelor's degree or higher. The local unemployment rate is 3.3 percent, slightly lower than the state overall. Regarding demographics, 51 percent of the population is female, and 49 percent male. The majority (72%) of the population is White, followed by Asian (12%), Black or African American (7%), American Indian or Alaskan Native (0.2%), and Native Hawaiian or Pacific Islander (0.02%); 3 percent of the population identifies with Some Other Race, and 6 percent identifies with two or more races. The Hispanic or Latino population, of any race, is 5 percent.

In the south-western part of the state, MGM Springfield opened its doors in the City of Springfield on August 24, 2018. MGM Springfield is one of many gaming establishments owned by MGM Resorts International, a global gaming entertainment company with 30 properties worldwide, and the first resort-style casino to open in the Commonwealth. The casino is normally open 24 hours a day and for all days during the week, including holidays and weekends. MGM Springfield features 2,500 slot machines, 93 gaming tables, and 23 poker tables. Located off East Columbus Avenue in the heart of Springfield's downtown, this facility offers non-gambling recreational activities and a variety of non-gambling services and amenities, including a 251-room hotel, spa, several restaurants, bars, and shops, convention space, movie theater, bowling alley, seasonal ice-skating rink, farmers market, and live entertainment. Valet parking and free self-parking is available at the casino's multi-level parking garage on MGM Way.

The city of Springfield is located in Hampden County, which is in the southern part of the Pioneer Valley in Western Massachusetts. Bordering the city are municipalities with Surrounding Community designations from the MGC, namely: Agawam, Chicopee, East Longmeadow, Holyoke, Longmeadow, Ludlow, West Springfield, Wilbraham. The county population has a much lower level of educational attainment compared to the state as a whole, with 31 percent of the population 25 or older holding a bachelor's degree or higher. The local unemployment rate is 4.8 percent, significantly higher than the state overall. Regarding demographics, 52 percent of the population is female, and 48 percent male. The majority (65%) of the population is White, followed by Black or African American (9%), Asian (3%), American Indian or Alaskan Native (0.5%), and Native Hawaiian or Pacific Islander (0.1%); 13 percent of the population identifies with Some Other Race, and 10 percent identifies with two or more races. The Hispanic or Latino population, of any race, is 26 percent.

Encore Boston Harbor opened for business on June 23, 2019, just north of Boston in Everett, Massachusetts. Located on 33 acres along the Mystic River, the Commonwealth's third resort-style casino is owned by Wynn Resorts. Encore Boston harbor is an integrated resort that includes a hotel, harbor walk, restaurants, casino, spa, retail outlets, and meeting and convention space. The harbor walk is accessible year-round and provides various public amenities including a picnic park, paths for bikers and pedestrians, viewing decks, waterfront dining and retail establishments, a performance lawn, floral displays, boat docks, and public art. Encore Boston Harbor offers nearly 2,500 slot machines, 203 table games, and 24 poker tables. The facility is open 24 hours a day, every day including weekends and holidays.

The city of Everett is located directly north of Boston in Middlesex County. Bordering the city are municipalities with Surrounding Community designations from the MGC, namely Boston, Cambridge,

Chelsea, Lynn, Malden, Medford, Melrose, and Somerville. The county population has a much higher level of educational attainment than the state as a whole, with 59 percent of the population 25 or older holding a bachelor's degree or higher. The local unemployment rate is 3 percent, slightly lower than the state overall. Regarding demographics, 51 percent of the population is female, and 49 percent male. The majority (68%) of the population is White, followed by Asian (13%), Black or African American (5%), American Indian or Alaskan Native (0.2%), and Native Hawaiian or Pacific Islander (0.03%); 5 percent of the population identifies with Some Other Race, and 8 percent identifies with two or more races. The Hispanic or Latino population, of any race, is 9 percent.

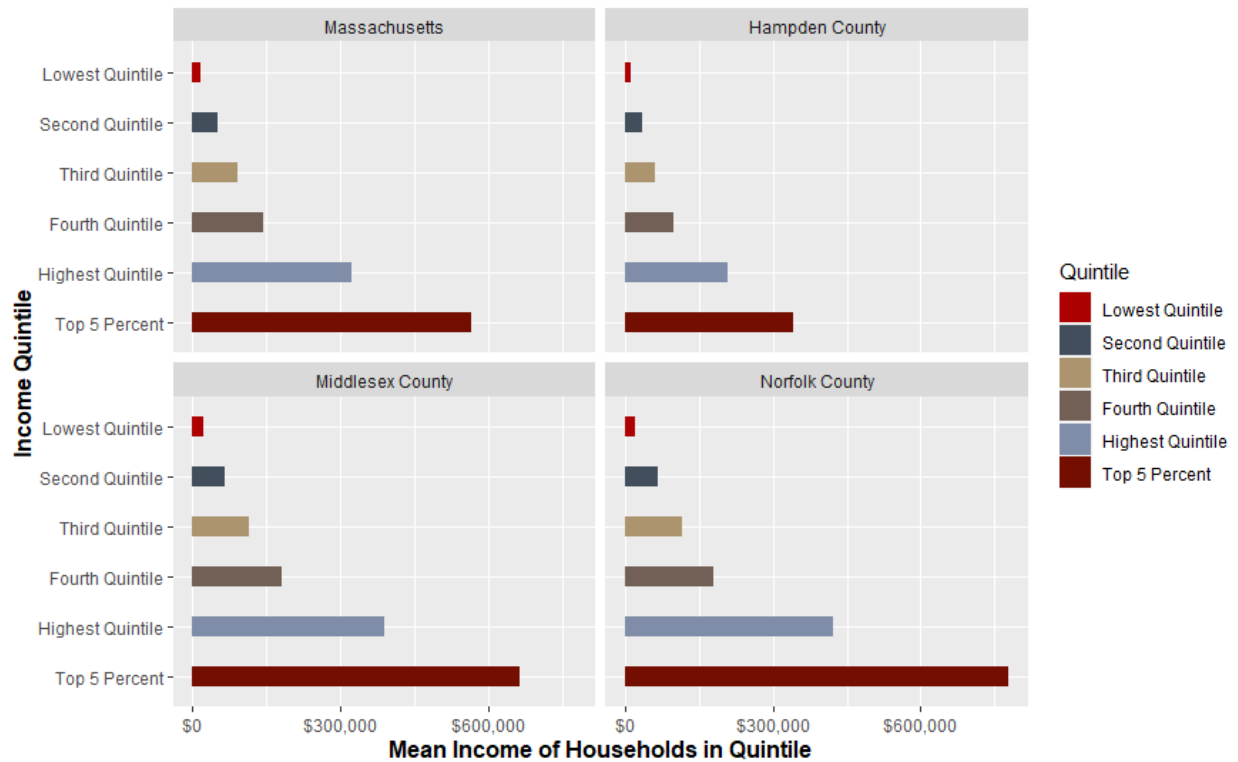
Composition of the Massachusetts Workforce

Massachusetts has the most highly educated workforce in the country, with 46.6 percent of the population over 25 holding a college degree. The state also enjoys a low unemployment rate of 3.5 percent, putting it in the top half of the country, and a relatively strong labor force participation rate of 64.5 percent, placing it 15th in the country. Regarding demographics, 51 percent of the population is female, and 49 percent male. The majority (70%) of the population is White, followed by Asian (7.2%), Black or African American (7.0%), American Indian or Alaskan Native (0.3%), and Native Hawaiian or Pacific Islander (0.03%). Nine percent of the population identifies as Two or More Races, and 7 percent as Some Other Race. The Hispanic or Latino population, of any race, is 13 percent.²

Massachusetts has the highest per capita income in the country, but ranks fifth highest in childcare costs, fifth in housing value, fourth in electricity costs, and third in natural gas costs. As a result, the living wage requirement for a family of four with two working parents is one of the highest in the country at \$32.46/hour per parent, or a total annual household income of over \$135,000.

² Data in this section are from the American Community Survey, 1-Year data, 2021, U.S. Census Bureau.

Figure 2: Mean Household Income by Wage Quintile for Massachusetts and Each County Other Than Dukes and Nantucket



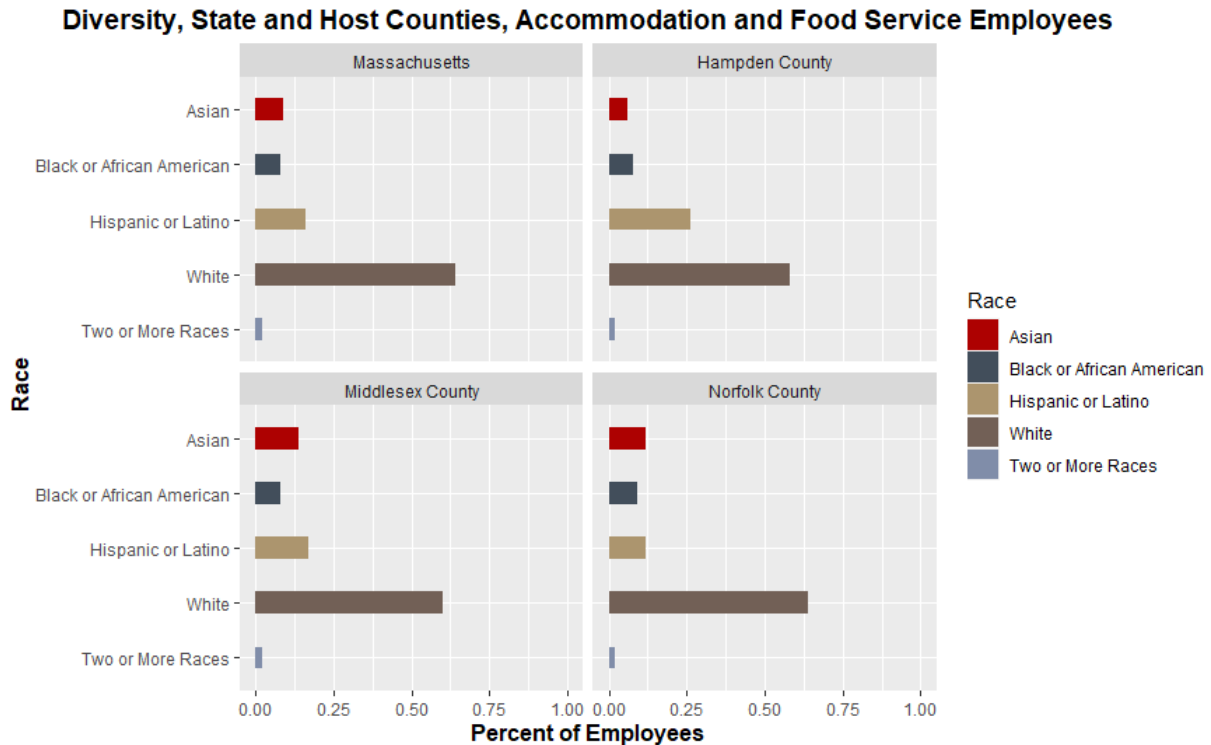
Source: US Census Bureau, ACS 1-Year 2021, UMDI Analysis

Norfolk and Middlesex Counties, home to PPC and EBH, respectively, are the two wealthiest counties in Massachusetts, while Hampden County, home to MGM, is below the state average. The living wage requirement in Hampden is slightly lower than the state average (\$27.91/hour per parent) for a family of four with two working parents, and higher in Norfolk (\$36.77/hour per parent) and Middlesex (\$33.36/hour per parent) counties.

Industry Trends for Accommodation and Food Services

This report also considers broader industry conditions in which the casino industry is a part. Rather than survey the Massachusetts workforce, we focused on the Accommodation and Food Services industry, specifically those businesses that fall under North American Industry Classification System (NAICS) code 72.³ Casinos and casino hotels fall under this classification, and we assume that the skills and experience of the larger industry workforce are largely transferrable to most casino positions.

Figure 3: Share of Workers by Ethnicity in Accommodation and Food Services for MA and Each County

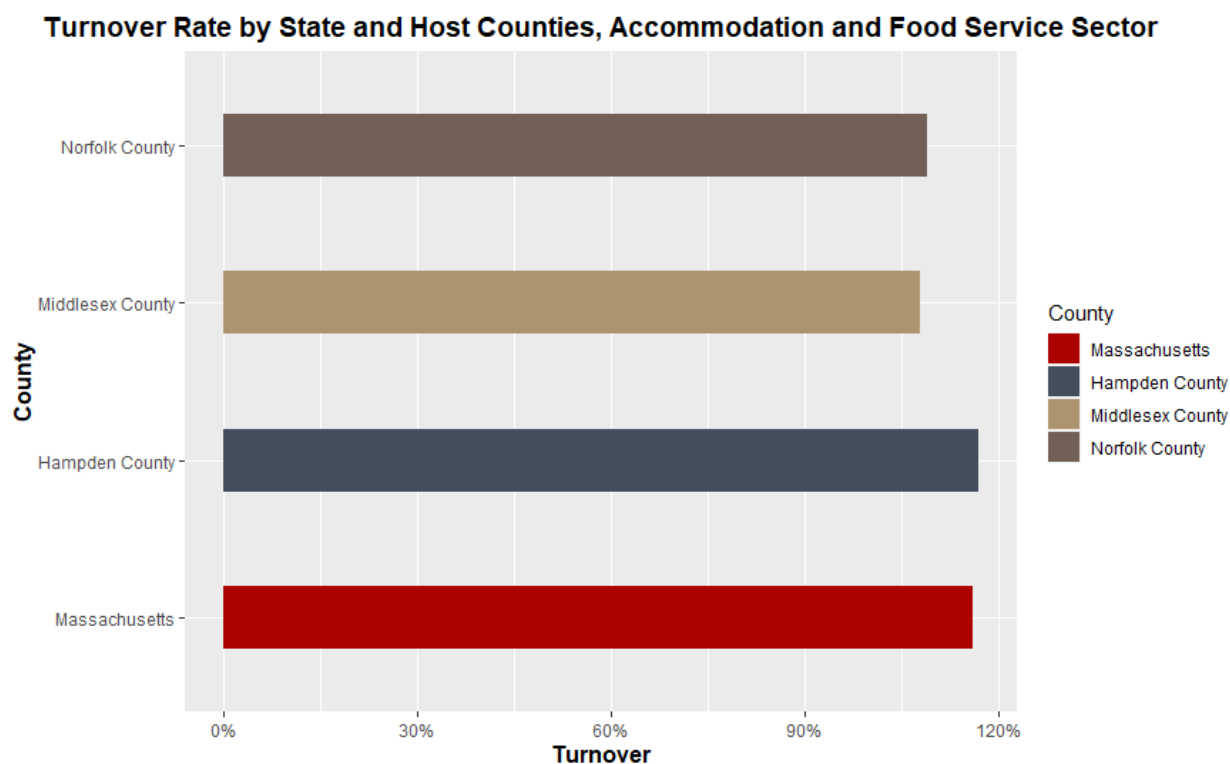


Source: Lightcast, UMDI Analysis

The racial diversity of Accommodation and Food Services workers in Norfolk, Middlesex, and Hampden counties is similar to or slightly greater than that of the state overall, with Middlesex and Hampden counties having a larger nonwhite population, at 40 percent and 42 percent respectively, and both Norfolk County and the state overall at 36 percent (Figure 3). Hampden has a significantly higher population of Hispanic or Latino Accommodation and Food Services employees than other geographies, at 26 percent compared to 16 percent in the state as a whole. Middlesex and Norfolk in turn have significantly higher percentages of Asian workers, at 14 percent and 12 percent compared to 9 percent in the state as a whole.

³ The Accommodation and Food Services sector comprises establishments providing customers with lodging and/or preparing meals, snacks, and beverages for immediate consumption. The sector includes both accommodation and food services establishments because the two activities are often combined at the same establishment. Excluded from this sector are civic and social organizations; amusement and recreation parks; theaters; and other recreation or entertainment facilities providing food and beverage services.

Figure 4: Turnover in the Accommodation and Food Services Industry Sector for MA and each County



Source: Lightcast, UMDI Analysis

Note: Due to their high concentration of seasonal workers, Barnstable, Dukes, and Nantucket counties were excluded.

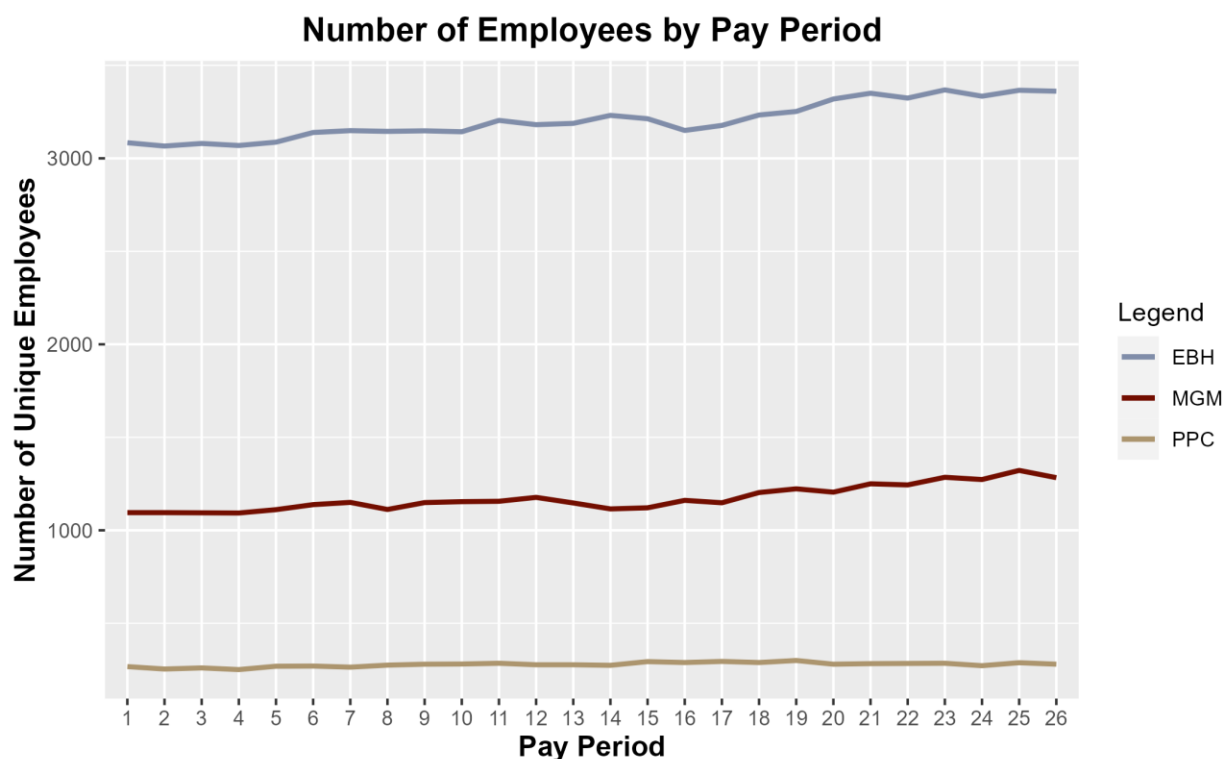
Turnover rates in the Accommodation and Food Services industry tend to be higher than turnover rates in the overall job market (115% vs. 54%) due to seasonal changes in patronage and hours of operation, employing many first-time, part-time, seasonal and student workers, and low barriers to entry with relative flexibility (Figure 4). Additionally, upward mobility is usually accomplished by finding a new position with a higher paying employer, rather than internal promotion. The turnover rate in the Accommodation and Food Services industry is above 100 percent in every county. Norfolk (109%) and Middlesex (108%) Counties have slightly lower turnover than the state as a whole (115%), while Hampden County (117%) is slightly higher. A turnover rate of over 100 percent indicates that the number of workers who left the industry sector in the past year exceeded the annual average number of employees in that sector. However, because new workers are constantly entering the sector, a turnover rate over 100 percent does not on its own indicate that the sector is shrinking.

Casino Workforce Composition and Characteristics

The purpose of this section is to inform the discussion of job quality by describing the characteristics and composition of the casino workforce using payroll data from casino operators. Looking at employment levels throughout the year, employee residences, as well as counts, median wages, and the share of populations making a living wage by demographic groups, we describe the kinds of workers employed across the industry and at each individual casino.

Figure 5 below shows employment levels on a bi-weekly basis throughout 2022. The casino industry in Massachusetts employed between 4,400 and 5,000 people at any given time in calendar year 2022, growing gradually throughout the year.⁴ The largest casino, EBH, employed between 3,100 and 3,400 people on average on any given day throughout the year, while MGM employed about 1,100 to 1,300 people on average (Figure 5). PPC, the smallest of the three, employed between 250 and 300 employees. These numbers reflect operations after all restrictions for COVID-19 were lifted from the casinos in May of 2021.⁵

Figure 5: Number of Employees by Pay Period by Casino in Calendar Year 2022



⁴ Employment totals in a given pay period, calculated on a bi-weekly basis, differ from the total annual headcounts in Table 1.

⁵ For more information about how the COVID-19 pandemic effected the gambling industry, please see our COVID Impacts report (https://www.umass.edu/seigma/sites/default/files/SEIGMA%20Covid%20Impacts%20Report_FINAL.pdf).

Table 1 shows employee totals, median wages, and shares above living wage for various groups of employees using a total headcount of employees who were employed at *any point* throughout 2022. Looking at all three casinos the largest groups in the casino industry are workers who are people of color (52.3%, though white workers are the largest racial group 32.6%)⁶, males (55.7%), full-time (67.6%), hourly (87.1%) workers, though there are major demographic nuances across the three casinos. The largest division of work by share of employees is Gaming & Recreation (37.9%), and most workers are at the junior staff level (45.5%). Of the 6,601 employees in the industry, 39.1 percent make a living wage or higher with the median hourly wage at \$28.31. A look at payroll shows that EBH generally pays the highest wages, but not all of its workers are making a living wage due to the high cost of living where most of its employees live.⁷

EBH is the most racially diverse casino with the largest race group being Asian workers (25.9%). Male (55.1%), full-time (69.3%), and hourly (87.8%) workers make up the majority of EBH's workforce. The largest division of work by share of employees is Gaming & Recreation (40.2%), and most workers are at the junior staff level (50.1%). Of the 4,256 employees at EBH, 43.6 percent make a living wage or more with the median hourly wage at \$30.89. Compared to the overall Accommodation and Food Services sector in Middlesex County, EBH is much more diverse (23.5% of workers are white compared to 60% of the overall sector) and pays much higher wages (\$30.89/hr vs. \$17.54/hr).

MGM is made up of mostly white workers (42.7%), males (56.5%), full-time (64.0%), and hourly (87.8%) workers. The largest division by share of employees is Food & Beverage (31.9%), and most workers are at the service worker level (45.2%). Of the 1,912 employees at MGM, 33.8% make a living wage or more with the median hourly wage at \$21.51. MGM's workforce is more diverse than the overall Accommodation and Food Services sector in Hampden County (42.7% of workers are white compared to 58% of the overall sector) and pays higher wages as the industry overall (\$21.51/hr vs. \$17.05/hr).

PPC is made up of mostly white workers (76.4%), males (58.0%), full-time (66.1%), and hourly (78.5%) workers. The largest division by share of employees is Gaming & Recreation (43.2%), and most workers are at the junior staff level (46.2%). Of the 433 employees, 18.0 percent make a living wage or more with the median hourly wage at \$18.21. PPC's workforce is less diverse than the overall Accommodation and Food Services sector in Norfolk County (76.4% of workers are white compared to 64% in the overall sector) and make slightly higher wages than the industry overall (\$18.21/hr vs. \$17.29/hr).

⁶ People of color are defined as non-white race groups, though Other/Declined Response is not included in calculations for either people of color or White workers. Percentages do not sum up to 100% due to a 15.1% share attributed to "Other/Declined Response".

⁷ Note: calculated living wages based on where the employees lives unless they lived outside of New England, in which case the living wage for the county that the casino is in was used. See Appendix A – Methodology.

Table 1: Casino Workforce Characteristics, 2022

Headcount, Median Hourly Wage, and Share of at/above Living Wage by Race, Division, Full/Part Time, and Hourly/Salary for Industry and each Casino.

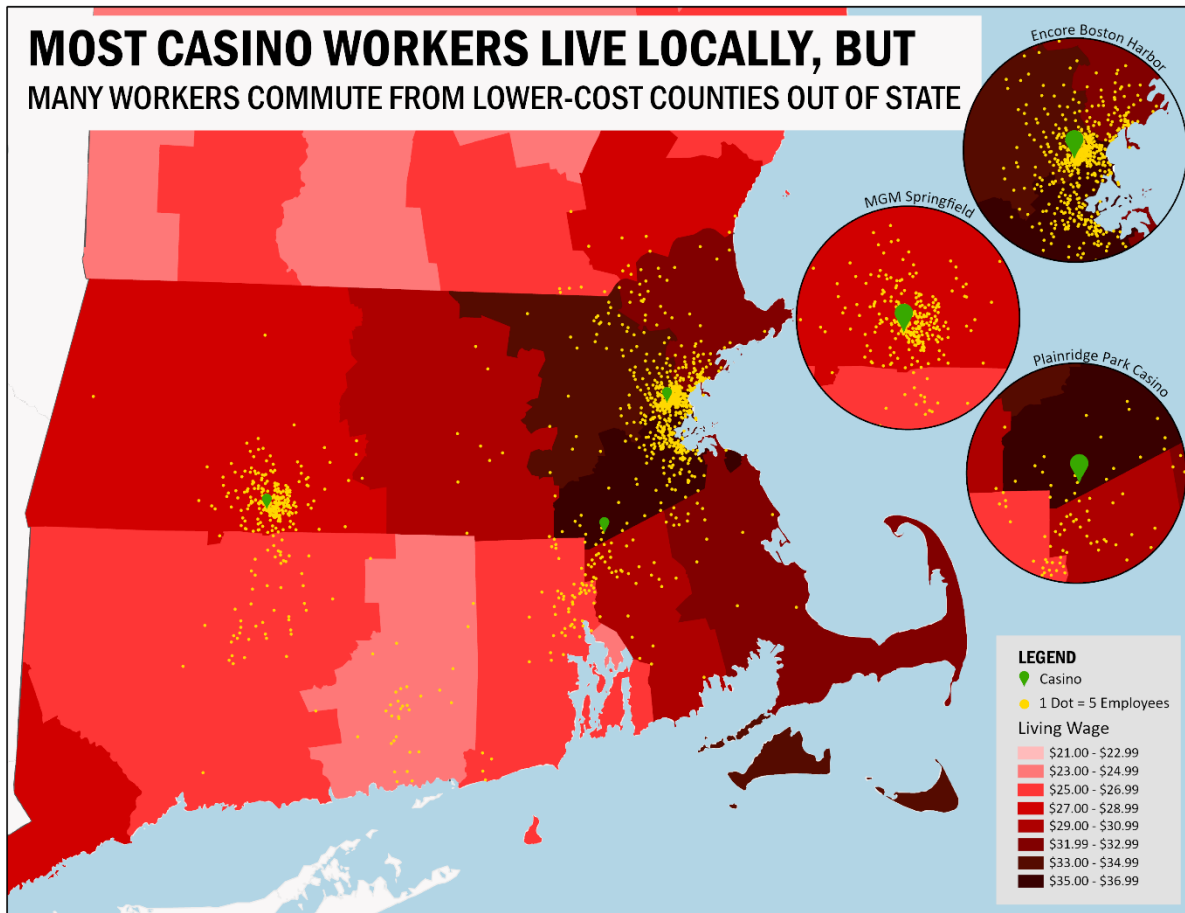
	All			Encore Boston Harbor			MGM Springfield			Plainridge Park Casino		
	Massachusetts Living Wage \$32.46			Middlesex Living Wage \$33.36			Hampden Living Wage \$27.91			Norfolk Living Wage \$36.77		
	Headcount	Median Hourly Wage	Share above Living Wage	Headcount	Median Hourly Wage	Share above Living Wage	Headcount	Median Hourly Wage	Share above Living Wage	Headcount	Median Hourly Wage	Share above Living Wage
Total	6,601	\$28.31	39.1%	4,256	\$30.89	43.6%	1,912	\$21.51	33.8%	433	\$18.21	18.0%
Share	100%	-	-	64.5%	-	-	29.0%	-	-	6.6%	-	-
Race/Ethnicity												
Asian	1,255 (19.0%)	\$37.13	58.5%	1,102 (25.9%)	\$37.31	58.2%	138 (7.2%)	\$36.56	65.9%	15 (3.5%)	\$16.79	13.3%
Black or African American	812 (12.3%)	\$25.77	23.2%	469 (11.0%)	\$28.03	25.2%	298 (15.6%)	\$19.28	20.8%	45 (10.4%)	\$17.70	17.8%
Hispanic or Latino	1,205 (18.3%)	\$25.87	23.3%	655 (15.4%)	\$28.05	26.0%	521 (27.2%)	\$19.59	20.9%	29 (6.7%)	\$17.24	6.9%
White	2,149 (32.6%)	\$28.64	45.6%	1,001 (23.5%)	\$36.53	57.0%	817 (42.7%)	\$24.34	42.1%	331 (76.4%)	\$18.53	19.6%
Two or more races	183 (2.8%)	\$27.92	41.5%	104 (2.4%)	\$34.74	51.9%	70 (3.7%)	\$20.98	30.0%	9 (2.1%)	\$19.61	11.1%
Other/Declined Response	997 (15.1%)	\$27.83	32.2%	925 (21.7%)	\$28.01	32.5%	68 (3.6%)	\$21.86	29.4%	< 5	\$16.39	0.0%
Gender												
Male	3,679 (55.7%)	\$28.86	42.8%	2,347 (55.1%)	\$32.26	47.3%	1,081 (56.5%)	\$22.22	38.3%	251 (58.0%)	\$18.51	20.7%
Female	2,905 (44.0%)	\$27.87	34.4%	1,909 (44.9%)	\$29.84	39.0%	814 (42.6%)	\$20.75	28.1%	182 (42.0%)	\$18.00	14.3%
Declined response	17 (0.3%)	\$20.23	23.5%	-	-	-	17 (0.9%)	\$20.23	23.5%	-	-	-
Division												
Gaming & Recreation	2,504 (37.9%)	\$37.63	66.2%	1,713 (40.2%)	\$38.15	73.4%	604 (31.6%)	\$32.50	60.3%	187 (43.2%)	\$17.77	19.3%
Food & Beverage	1,825 (27.6%)	\$25.28	19.4%	1,083 (25.4%)	\$27.93	22.3%	610 (31.9%)	\$19.83	16.2%	132 (30.5%)	\$16.07	9.8%
General & Administrative	1,275 (19.3%)	\$25.93	30.0%	851 (20.0%)	\$26.69	29.6%	339 (17.7%)	\$21.57	30.7%	85 (19.6%)	\$21.27	30.6%
Hotel	703 (10.6%)	\$27.74	15.2%	566 (13.3%)	\$28.09	17.0%	137 (7.2%)	\$16.33	8.0%	-	-	-
Retail	49 (0.7%)	\$21.22	14.3%	43 (1.0%)	\$21.86	16.3%	6 (0.3%)	\$15.91	0.0%	-	-	-
Entertainment	207 (3.1%)	\$16.93	33.3%	-	-	-	207 (10.8%)	\$16.93	33.3%	-	-	-
Other	38 (0.6%)	\$18.16	7.9%	-	-	-	9 (0.5%)	\$15.17	0.0%	29 (6.7%)	\$18.87	10.3%
Full/Part-Time Status												
Full-Time	4,460 (67.6%)	\$29.50	43.3%	2,951 (69.3%)	\$31.79	46.0%	1,223 (64.0%)	\$23.98	41.4%	286 (66.1%)	\$20.15	24.8%
Part-Time	2,141 (32.4%)	\$25.77	30.2%	1,305 (30.7%)	\$28.91	38.2%	689 (36.0%)	\$18.17	20.5%	147 (33.9%)	\$16.26	4.8%
Hourly/Salary Status												
Hourly	5,751 (87.1%)	\$27.41	34.3%	3,735 (87.8%)	\$29.35	39.6%	1,676 (87.7%)	\$20.36	28.1%	340 (78.5%)	\$17.35	5.9%
Salary	850 (12.9%)	\$36.06	71.6%	521 (12.2%)	\$40.08	72.0%	236 (12.3%)	\$31.98	74.6%	93 (21.5%)	\$30.04	62.4%
Hierarchy												
Executives	40 (0.6%)	\$110.81	95.0%	25 (0.6%)	\$131.87	92.0%	11 (0.6%)	\$69.41	100.0%	< 5	\$99.17	100.0%
Directors	106 (1.6%)	\$55.03	97.2%	47 (1.1%)	\$76.16	95.7%	51 (2.7%)	\$42.58	98.0%	8 (1.8%)	\$59.16	100.0%
Managers	345 (5.2%)	\$38.08	68.1%	234 (5.5%)	\$42.33	67.9%	91 (4.8%)	\$30.06	62.6%	20 (4.6%)	\$39.19	95.0%
Senior Staff	839 (12.7%)	\$32.10	51.8%	559 (13.1%)	\$35.85	58.0%	212 (11.1%)	\$26.27	45.3%	68 (15.7%)	\$21.83	22.1%
Junior Staff	3,015 (45.7%)	\$29.46	44.0%	2,133 (50.1%)	\$35.70	53.4%	682 (35.7%)	\$21.43	25.8%	200 (46.2%)	\$17.90	7.0%
Service Workers	2,255 (34.2%)	\$26.25	19.5%	1,258 (29.6%)	\$27.39	13.2%	864 (45.2%)	\$17.98	29.6%	133 (30.7%)	\$16.93	13.5%

Source: MGC, 2022 casino operator data; UMDI analysis.

Note: see Appendix A – Methodology for definition of job hierarchy categorization

Massachusetts casino workers live throughout New England and are heavily concentrated in the Boston and Springfield areas. As shown in the map below (Figure 6), there are large contingencies of very local workers at MGM and EBH, but at all three casinos, there is a portion of workers who commute from lower-cost counties within and outside of Massachusetts. Nearly all abutting counties to Massachusetts have lower costs of living. It is possible that EBH's higher wages allow workers to live closer to the casino despite the high cost of living.

Figure 6: Living Wage by County Map and distribution of Worker Residencies for Industry



Note: living wage calculations are for a household of four with two incomes. See Appendix A for full methodology.
 Source: MGC, 2022 casino operator data; MIT living wage calculator; UMDI analysis

Casino Job Quality

This section examines the quality of casino jobs by analyzing selected indicators of good jobs. First, we discuss recruitment and hiring, investigating the extent to which casinos recruit and hire employees from underserved communities such as minorities, women, veterans, and residents of host and surrounding communities. Second, we assess the quality of wages paid by casino jobs by measuring how well the casinos pay employees a stable, predictable, and equitable wage using the MIT living wage calculator (see Appendix A – Methodology). We also examine the distribution of workers across wage quintiles by different demographic groups. Following wages is a discussion of job security and working conditions, addressing how well the casinos provide adequate hours and predictable schedules and whether the rate at which employees are retained is equitable and expected for the industry. Then we analyze career advancement, examining how well casinos provide equitable opportunities for advancement, and the accessibility of advancement opportunities by different demographic groups. Finally, we examine diversity, equity, inclusion, and accessibility to assess how well the casino provides equal opportunities to all types of workers, and whether systemic barriers exist for workers from underserved communities.

Recruitment and Hiring

As major employers in their respective regions, Massachusetts casinos have the potential to support economic health in the regions in which they operate by creating new, high quality employment opportunities with low barriers to entry. To be sure that these benefits are accessible to all workers, the MGC monitors each casino’s adherence toward their stated hiring goals targeting underserved and local communities.⁸ The operators report hiring data regularly to the MGC, ensuring they are responsible for meeting certain quotas in their hiring demographics.⁹ This also incentivizes them to actively recruit qualified applicants from diverse backgrounds and therefore create quality jobs for people who might not otherwise find these opportunities. The nature of many casino jobs, which offer on-the-job training, minimizes unnecessary educational, credential, or experience requirements. Given that these goals are set by referencing demographic data from host and surrounding communities, we use these targets as a benchmark of the magnitude of new, good jobs created for underserved and local communities in which the casinos operate.

With workforce targets set at 40 percent minority workers, 3 percent veterans, and 50 percent women, EBH exceeded its goal for hiring minority workers by 36.4 percentage points, was just 0.6 percentage points shy of its goal for hiring veterans, and 5.2 percentage points shy of its goal for hiring women (Table 2). EBH has surpassed the goal of hiring 75 percent of its employees from a 30-mile radius around the casino, with 89.5 percent of its employees coming from within this distance. With hiring goals of 50 percent minority workers, 2 percent veterans, and 50 percent women, MGM exceeded its goal for hiring minority workers by 7.3 percentage points, exceeded its goal for hiring veterans by 2.9 percentage points, and was 7.4 percentage points shy of its goal for hiring women. MGM met its goal of hiring 35 percent of its workforce from the City of Springfield, with 39.6 percent of its employees coming from Springfield. With hiring goals of 15 percent minority workers, 2 percent veterans, and 50 percent women, PPC exceeded its goal for hiring minority workers by 8.5 percentage points, exceeded its goal for hiring veterans by 2.8 percentage points, and was 8 percentage points shy of its goal for hiring

⁸ <https://massgaming.com/wp-content/uploads/MGC-Annual-Report-2022.pdf>

⁹ For background on the diversity hiring initiatives in the casino industry, see Appendix A – Methodology

women. PPC was just shy of its goal of hiring 35 percent of its workforce from host and surrounding communities with 31.2 percent coming from these communities.

Table 2: Hiring Goals and Results

	EBH			MGM			PPC		
	Goal	Actual	✓	Goal	Actual	✓	Goal	Actual	✓
Minority Workers	40%	76.4%	✓	50%	57.3%	✓	15%	23.5%	✓
Veteran Workers	3%	2.4%		2%	4.9%	✓	2%	4.8%	✓
Women Workers	50%	44.8%		50%	42.6%		50%	42.0%	
Local Workers	75%*	89.5%	✓	35%**	39.6%	✓	35%***	31.2%	

*EBH is committed to hiring 75 percent of its workforce from a 30-mile radius around the facility

**MGM is committed to hiring 35 percent of its workforce from the Springfield workforce.

***PPC is committed to hiring 35 percent of its workforce from its Host and Surrounding Communities

Source: MGC Annual report 2022

Wages

The average wage in the Accommodation and Food Services industry is \$17.66/hour,¹⁰ slightly higher than the Massachusetts minimum wage of \$14.25¹¹. However, this average represents all levels of employment in the industry, and many employers in this sector are allowed to pay the minimum wage or less. Additionally, with Massachusetts’ historically high cost of living, minimum wage – though higher in Massachusetts than most other states – is insufficient for most households to afford basic needs.

An approach for measuring job quality, regardless of industry, is to compare wages to living wage standards. MIT’s living wage calculator considers a range of expenses from food and housing to childcare and transportation to estimate the local wage rate that a full-time worker requires to cover the costs of their family’s basic needs where they live.¹² Currently, the estimated hourly wage per individual required to cover the cost of living for two children and two adults (both working) is \$32.46 for Massachusetts as a whole, over twice the average wage in the Accommodation and Food Services industry. Living wage estimates are different across counties in New England, and for this report, an employee makes at or above the living wage if their average hourly wages are at or greater than the living wage for their home county.¹³

Living Wages

Some jobs at the casinos are tipped, and tips, bonuses, and gratuities are included in casino payroll data in addition to base wages when available.¹⁴ With this in mind, our analysis finds that less than half of workers across casinos make at or above the living wage for their home county’s cost of living, though the shares of those who make at or above a living wage are lower at MGM and PPC than at EBH (Figure 7). With 43.6 percent of its workers making a living wage, EBH is most likely to pay sustainable wages

¹⁰ Lightcast, see Appendix A – Methodology

¹¹ Note that \$14.25 was the minimum wage in Massachusetts for 2022, which increased to \$15.00 on January 1, 2023.

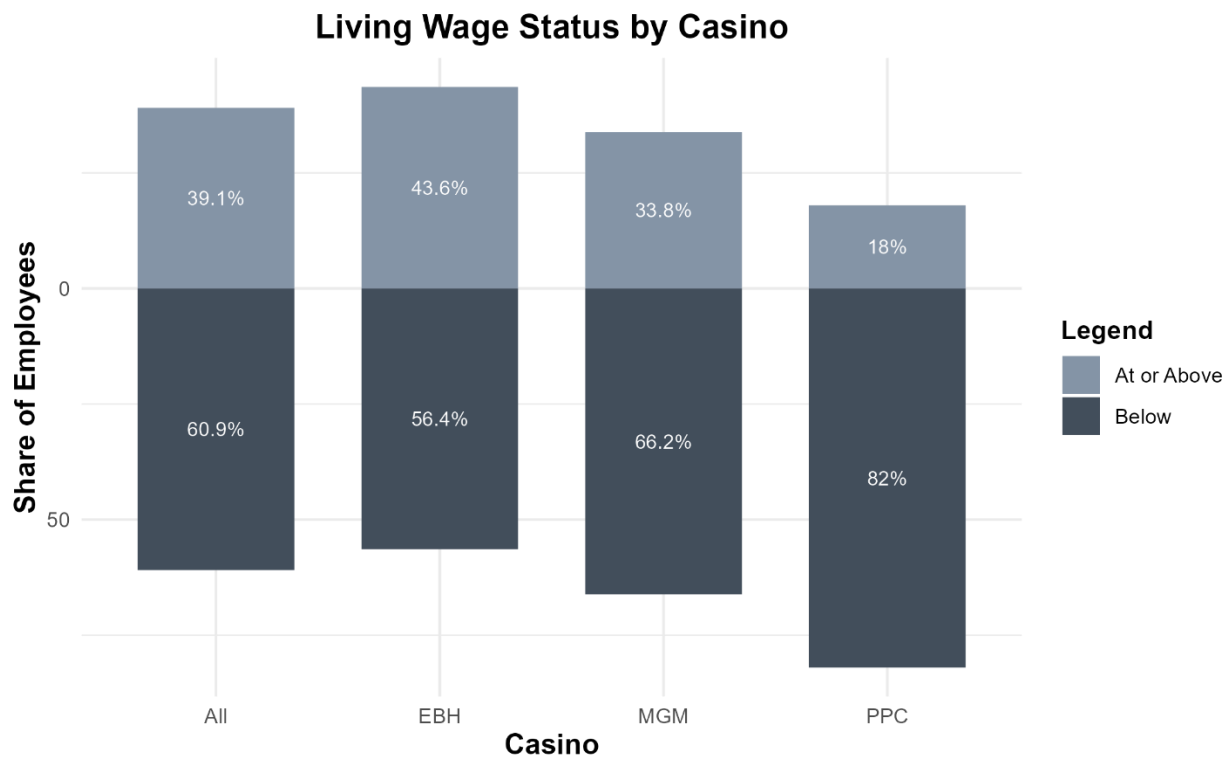
¹² MIT living wage calculator, see Appendix A – Methodology

¹³ An exception is if the employee lives outside of New England, where the determination is made by the living wage for the county in which the employing casino is located. For more information on living wage statistics, see Appendix A – Methodology

¹⁴ Wages are reported differently across casinos. PPC only included tips in payroll data if those tips were pooled among employees.

within the casino industry. Comparatively, about 34 percent of MGM workers and 18 percent of PPC workers make sustainable, living wages. Looking at the share of workers who make at or above a living wage by race, higher shares of Asian workers earn a living wage than any other race at both EBH and MGM, while higher shares of white workers earn a living wage at PPC (Table 1). Conversely, Hispanic or Latino workers at PPC earn a living wage at lower rates than any other race, while the Black or African American workers at EBH and MGM make a living wage at lower rates than any other race.

Figure 7: Share of Workers making at/above vs below County Living Wage by Casino



Wage distributions

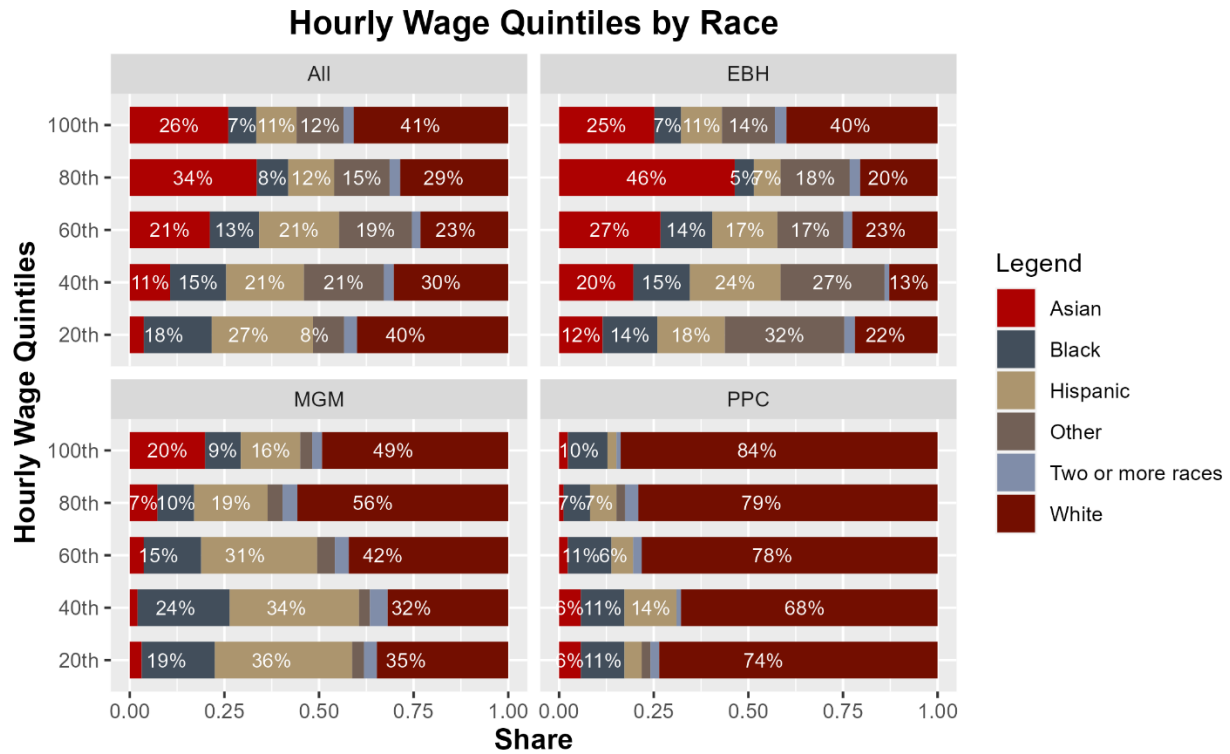
To get a sense of how much workers are being compensated relative to their coworkers, we constructed wage quintiles for each casino and the industry. Workers in the 100th percentile represent the top 20 percent of earners, while workers in the 20th percentile represent the bottom 20 percent of earners. For information on the dollar range for these quintiles across casinos, see Appendix A – Methodology.

Figure 8 shows the distribution of workers by race group across wage quintiles. In the top 20 percent of earners, people of color are represented in similar proportions to the hiring targets for minority workers (40%, 50% and 15% for EBH, MGM, and PPC respectively). While trends vary between casinos, workers of color tend to be more heavily represented in the lower wage quintiles than in the higher ones, with the exception of Asian workers.

At the industry level, people of color make up the majority of workers in all quintiles and comprise the majority of workers in the highest wage category at EBH and MGM. Overall, Black or African American and Hispanic workers are strongly represented in the 40th and 20th percentiles across casinos, corresponding to the lower 40 percent of earners. Asian workers tend to be heavily represented in the

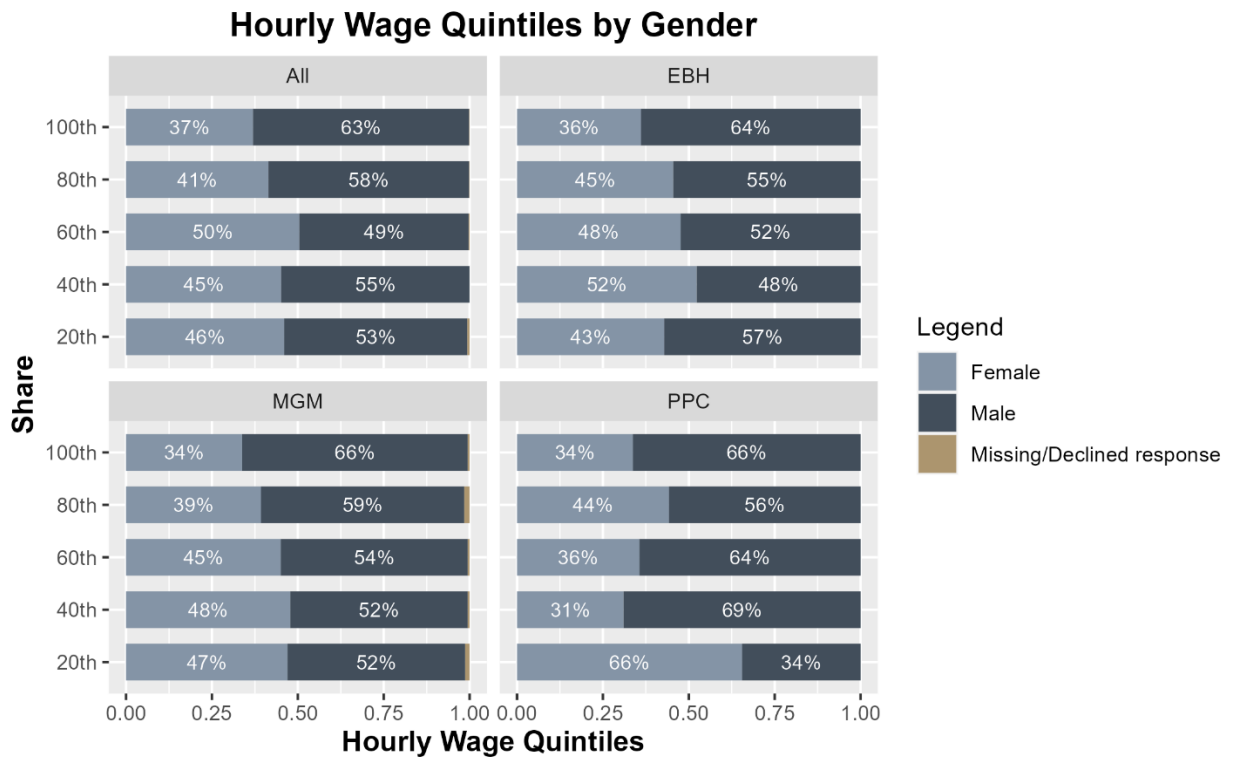
top 40 percent of earners (in the 80th and 100th percentiles), making up nearly half (46%) of the workers in the 80th percentile at EBH and between 20 and 25 percent of workers in the 100th percentile at MGM and EBH. However, they make up very small shares of higher wage quintiles at PPC and in all other quintiles at MGM.

Figure 8: Share of Workers by Wage Quintiles by Race for Industry and each Casino



Men are overrepresented in most wage quintiles, especially in the top earning categories – 100th and 80th percentiles – across the industry (Figure 9). Men are overrepresented in all wage quintiles at MGM. Women make up the slight majority of workers in the 40th percentile at EBH, and in the 20th percentile of earners at PPC.

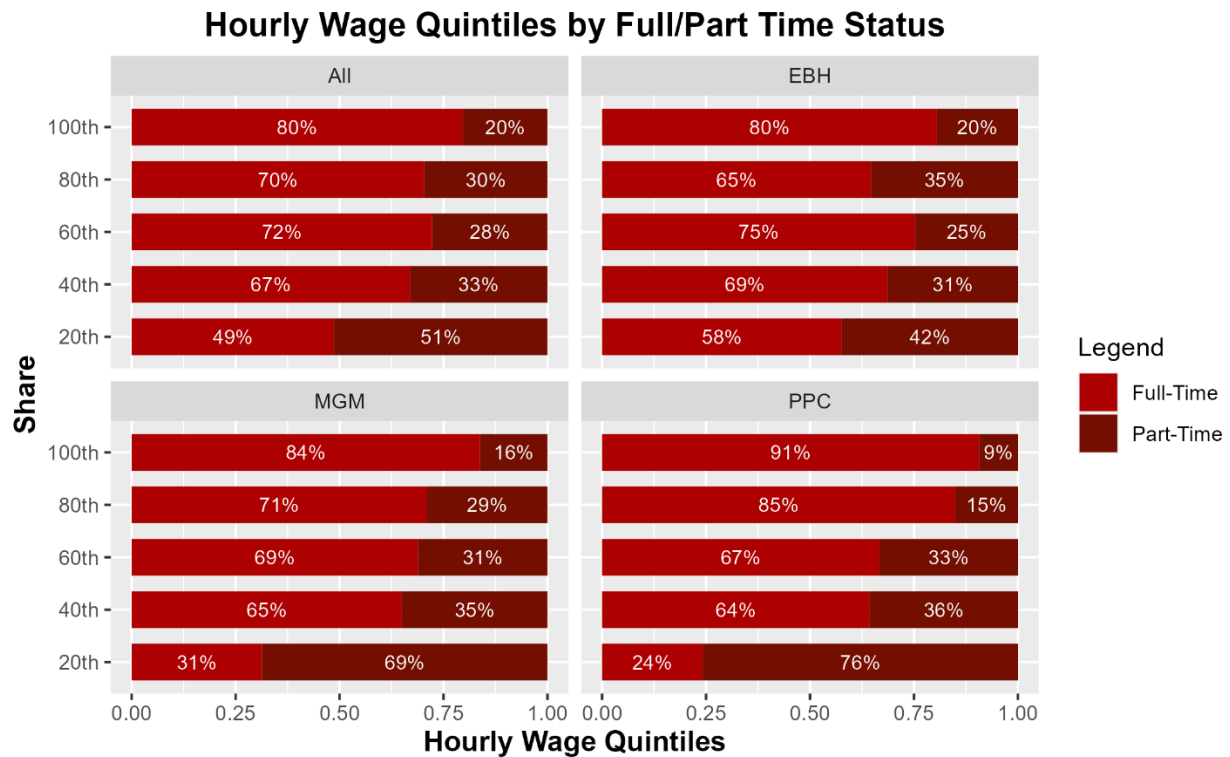
Figure 9: Share of Workers by Wage Quintiles by Gender for Industry and each Casino



Note: declined to respond was only offered at MGM

Casinos tend to employ full-time workers over part-time workers (67.6% vs 32.4% in Table 1), and full-time workers have higher incomes than part-time workers, both due to the number of hours they work and wages earned per hour.¹⁵ Across the Massachusetts casino industry, full-time employees at the casinos work an average of 35.5 hours per week and part-time workers an average of 25.5 hours per week (Figure 18). Full-time workers make up the majority of workers across wage percentiles, though they make up a smaller share of the bottom 40 percent of earners (in the lower 40th and 20th percentiles), and larger shares of the top 20 percent of earners (in the upper 80th and 100th percentiles).

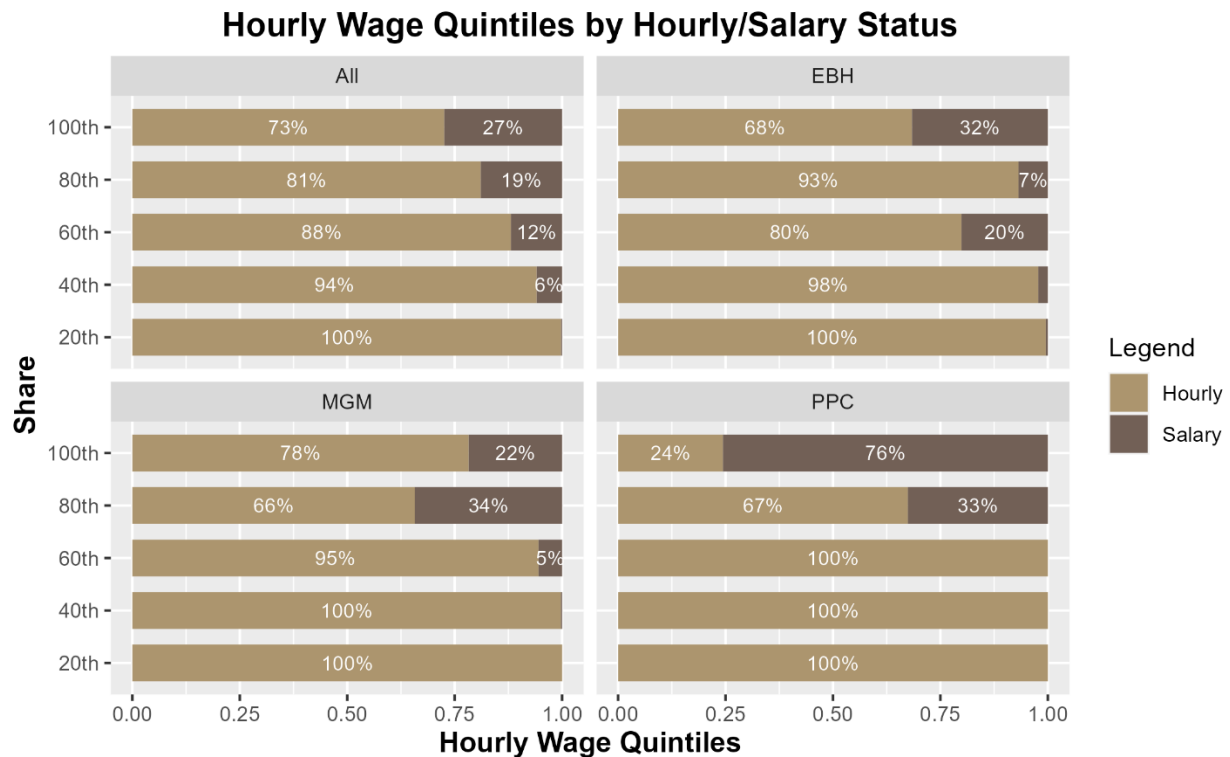
Figure 10: Share of Workers by Wage Quintiles by Full/Part Time for Industry and each Casino



¹⁵ Average hourly wages are calculated to allow full- and part-time workers to be compared.

Casinos tend to employ fewer salaried workers than hourly workers (12.9% vs 87.1% in Table 1), and salaried workers make higher wages than hourly workers (Figure 11). Unsurprisingly, most workers who are salaried earn wages in the highest wage percentiles. At the 20th percentile for all casinos and the industry overall, there are no salaried workers aside from a very small percentage at EBH. At PPC, the majority of workers (76%) in the 100th percentile are salaried.

Figure 11: Share of Workers by Wage Quintiles by Hourly or Salary for Industry and each Casino



Job Security and Working Conditions

An employee should be able to expect that they will continue to be employed so long as their job is in good standing and that they will be scheduled to work as often and consistently as they are able to. One indicator of job security is the rate at which employees turn over, or are separated, at a particular employer or in an industry. Turnover rates alone do not determine job quality, since some industries – including Accommodations and Food Services – are more likely to hire new employees without requiring a time commitment from the employee. This allows people who need flexible, seasonal or temporary employment to find quality jobs. However, low turnover rates reinforce job security since employees can expect their employment, and source of income, to remain constant. Predictable scheduling and adequate hours, such as consistency in the hours or days worked week to week, is an indicator of working conditions. Consistency in the timing of shifts is also an important indicator of job quality, though it is unable to be measured using payroll data. Most workers in part-time or even full-time positions are paid hourly, and so it is important that hours are offered consistently throughout the year so that an employee can expect a regular paycheck. It is common that the number of hours worked per week may differ for any given employee, but most stable jobs minimize the variation in hours worked and therefore wages.

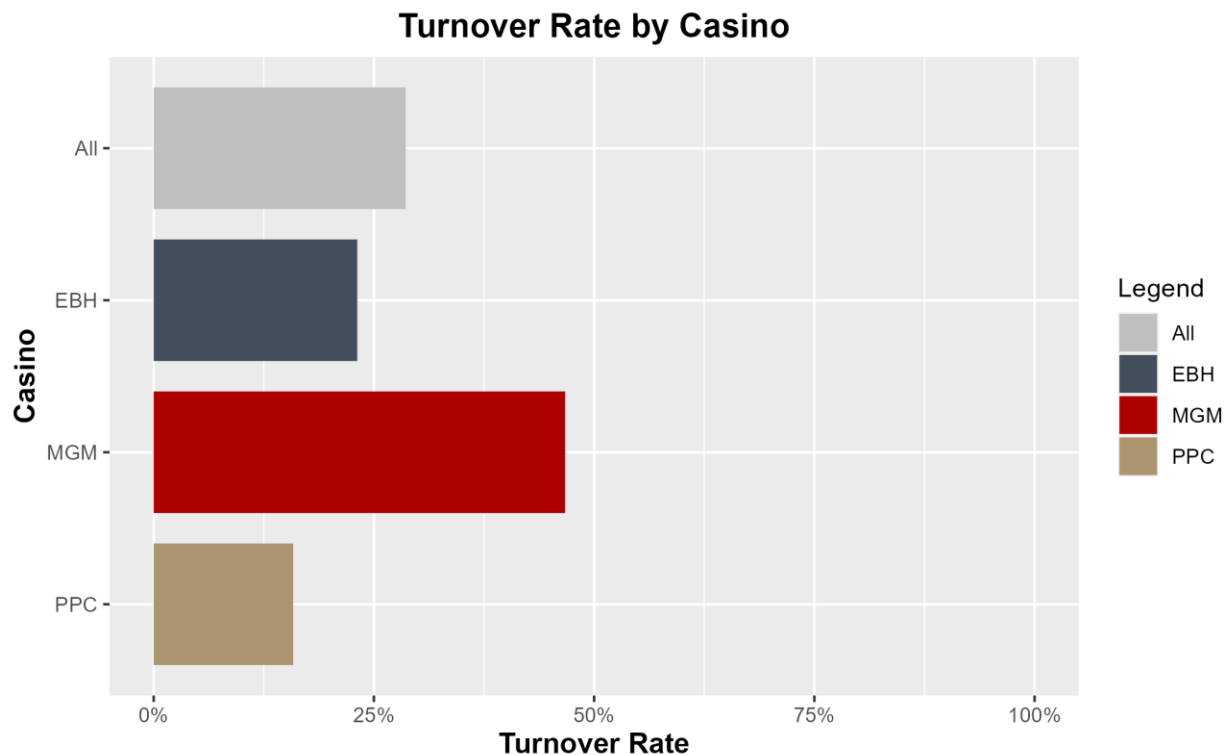
Turnover rates

As discussed in earlier sections, establishments in the Accommodation and Food Services industry tend to have higher turnover rates than average (115 percent vs. 54 percent in the overall job market) due to seasonal changes in patronage or hours of operation. This is also true in arts, entertainment, and recreation-based industries with a similar make up of service work to casinos, which have a turnover rate in Massachusetts of 104 percent¹⁶

The turnover rate compares the portion of workers who have termination dates within 2022 to the average number of workers employed in that same year, regardless of the reason for leaving employment. The analysis shows that 28.6 percent of employees in the casino industry in Massachusetts turned over during 2022 (Figure 12). The turnover rate was higher at MGM (46.7%), lower at EBH (23.1%), with PPC being the lowest (15.8%). For perspective, turnover rates at all three casinos are lower than those of the broader Accommodations and Food Services industry in their respective counties.

It is difficult to speculate on the causes of the differences between turnover rates. While data on compensation, hours worked, or opportunities for career advancement – all topics covered in this report – might play a role in the differences between casinos, regional labor markets and qualitative working conditions in the casinos may also play a part and may be opportunities for future research.

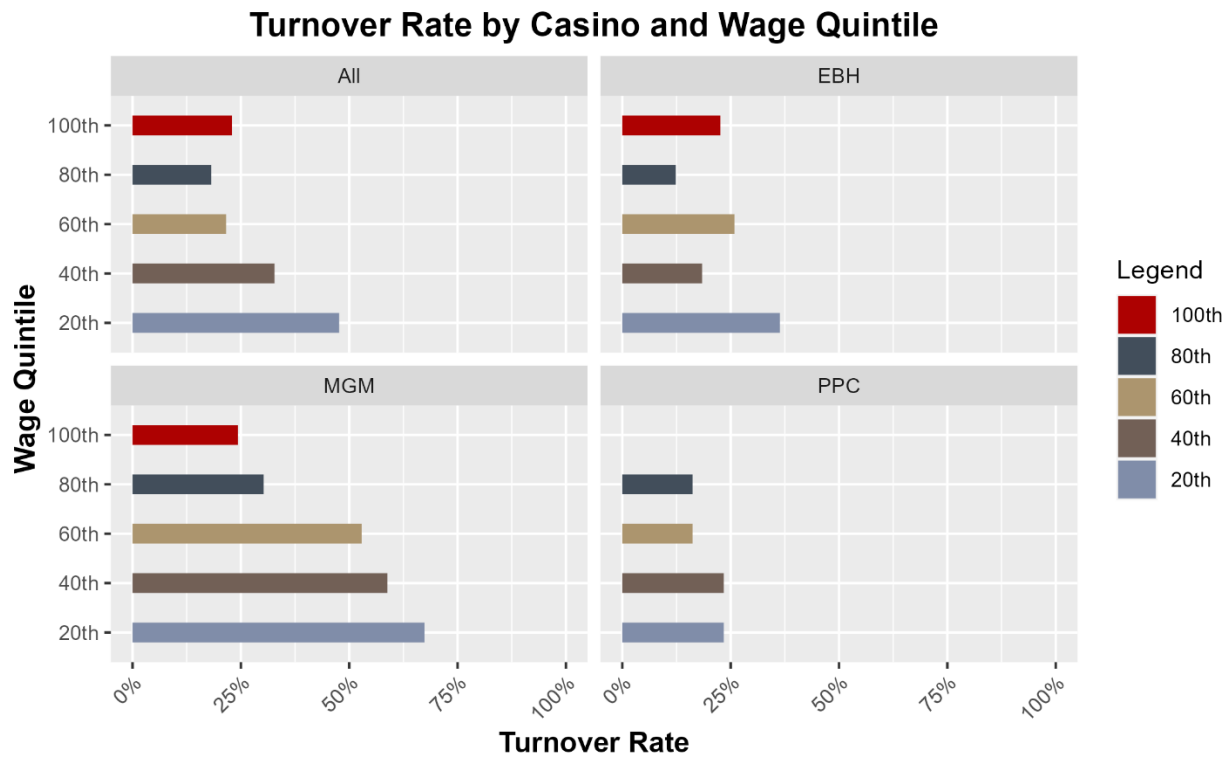
Figure 12: Turnover Rate by Casino



¹⁶ Lightcast, 2022.

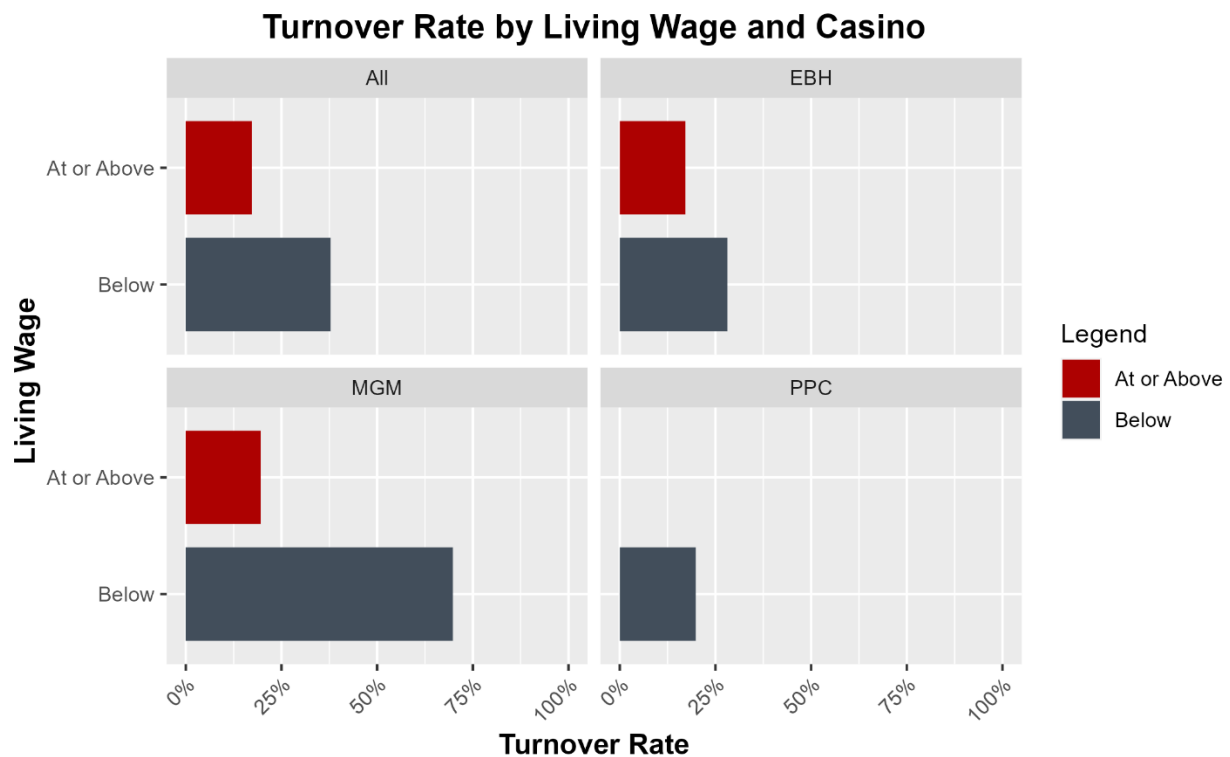
Figure 13 shows turnover rates for each wage quintile. Overall, turnover is lower among the higher wage quintiles, and higher among the lower wage quintiles. Presuming workers earning higher wages are less likely to leave their career, it makes sense that those at lower wage quintiles experience higher turnover rates. Also, these lower wage jobs are more likely to be service work jobs, which are particularly susceptible to fluctuations in patronage and seasonal operations or individual employment needs.

Figure 13: Turnover Rate by Wage Quintile for Industry and each Casino



Turnover rates seem to be strongly influenced by wages, as turnover rates were much higher among workers making less than the living wage (Figure 14), hourly workers, and part-time workers.¹⁷ Turnover among hourly workers was lower than turnover among salaried workers at EBH but higher everywhere else, which could be due to EBH’s higher wages. In contrast with previous years, more part-time workers were hired in 2022 than full-time workers, which could be due to higher turnover rates for part-time workers.¹⁸ Turnover rates at EBH were about 17.1 percent for those earning a living wage and higher for those earning below a living wage at 28.1 percent. MGM’s turnover rate for workers earning above a living wage was 19.5 percent and higher for those earning below a living wage at about 69.7 percent. At PPC, no workers who earned above a living wage had termination dates during 2022, and turnover for those making below a living wage was lower than MGM or EBH at 19.8 percent.

Figure 14: Turnover Rate by Living Wage for Industry and each Casino



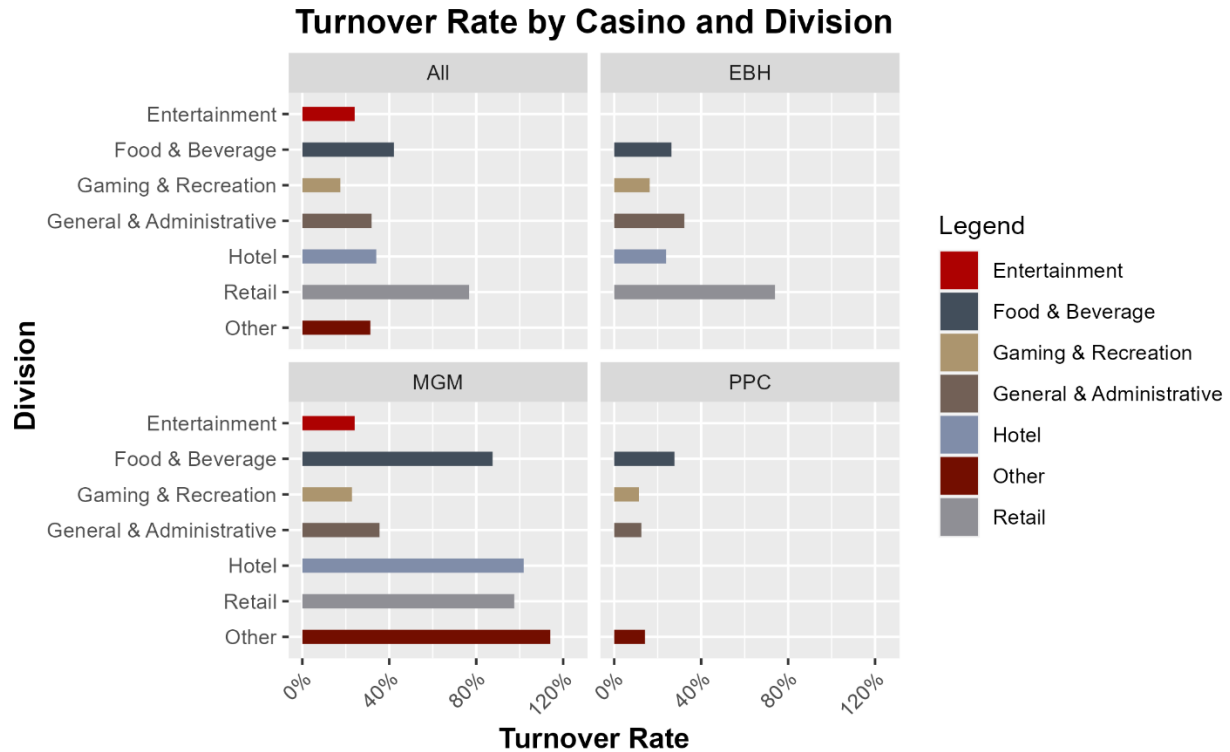
Note: This calculation includes only employees for whom living wage calculations were possible, which may be different from overall turnover rates.

¹⁷ See Appendix B – Job Quality Measures for turnover rates by hourly/salary status and full/part-time workers.

¹⁸ See Appendix B – Job Quality Measures for hiring by full/part-time workers from previous years compared to 2022.

Across casino divisions, Gaming & Recreation workers tend to turn over at the lowest rate overall, and also tend to make higher wages than any other division, reaffirming the relationship between wages and turnover rates (Figure 15). Food and Beverage workers tend to turn over at high rates, which is typical for other food and beverage jobs in the industry. Turnover was highest in the Retail division at EBH, while the Hotel, Food and Beverage, and Retail divisions were top at MGM aside from other divisions. Food and beverage workers turned over at higher rates at PPC. Otherwise, turnover rates by division varied by casino.

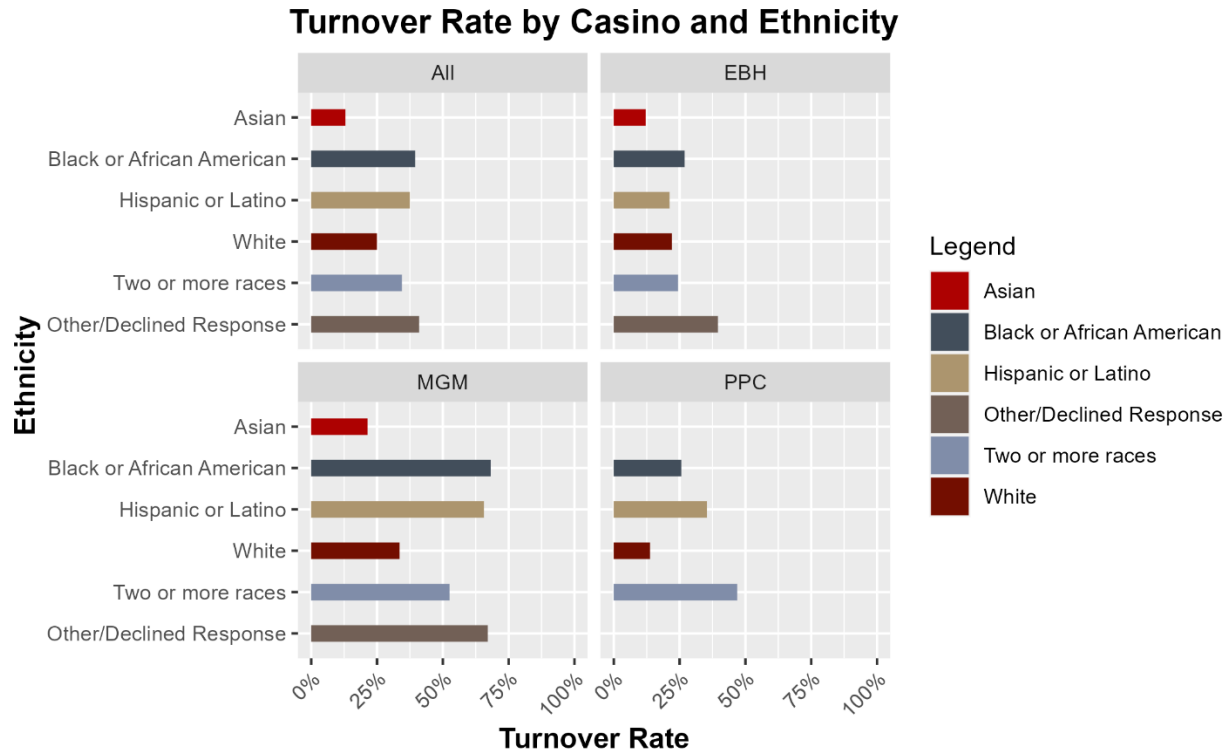
Figure 15: Turnover Rate by Division and Casino



Note: not every casino has employees in every division listed above, which is why some data are missing.

When comparing turnover rates by race and ethnicity, Asian workers had the lowest turnover rates across all the casinos followed by white workers, while all other race groups turned over at higher rates (Figure 16). Across the industry, turnover rates were higher for those who identify as Other races or who declined to give their race. White workers turned over at far lower rates than any other race at PPC, while rates across race groups did not vary as much at EBH. MGM experienced similar rates of turnover among Black and Hispanic workers, as well as workers who identified as being two or more races, some other race, or who declined to give their race.

Figure 16: Turnover Rate by Ethnicity and Casino

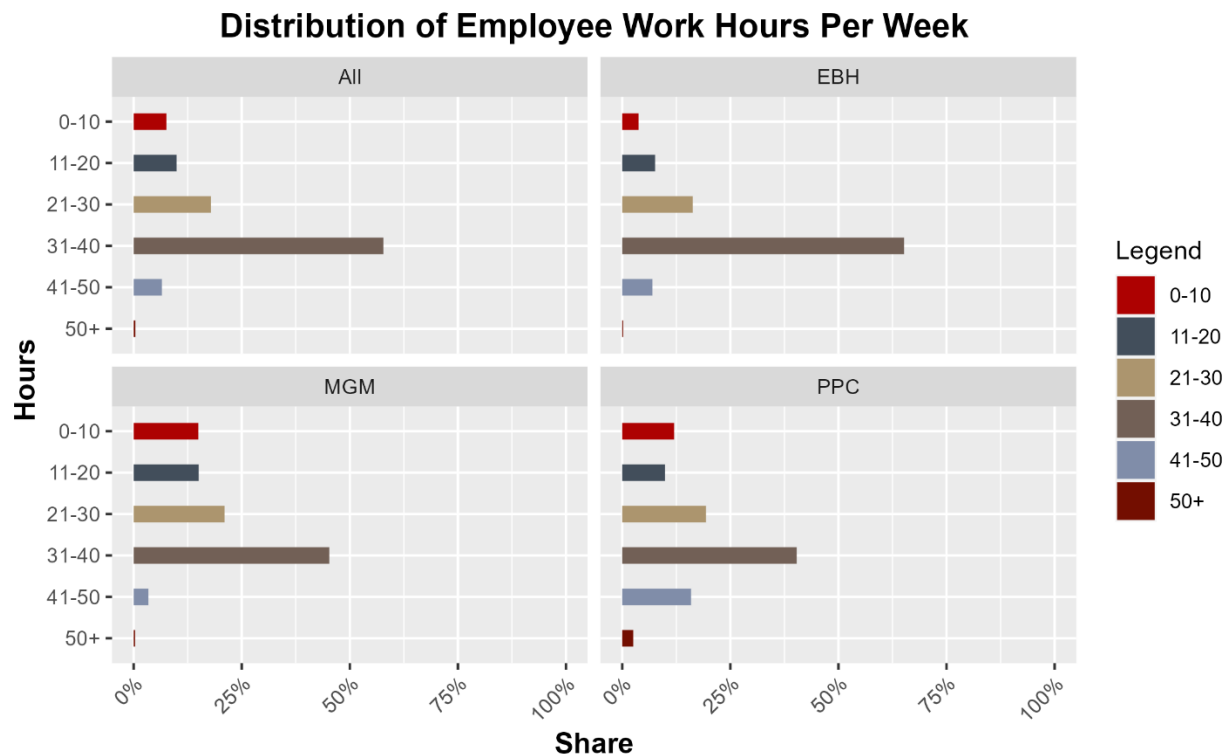


Note: If a bar is missing, the analysis showed no turnovers for that ethnicity group.

Distribution of hours

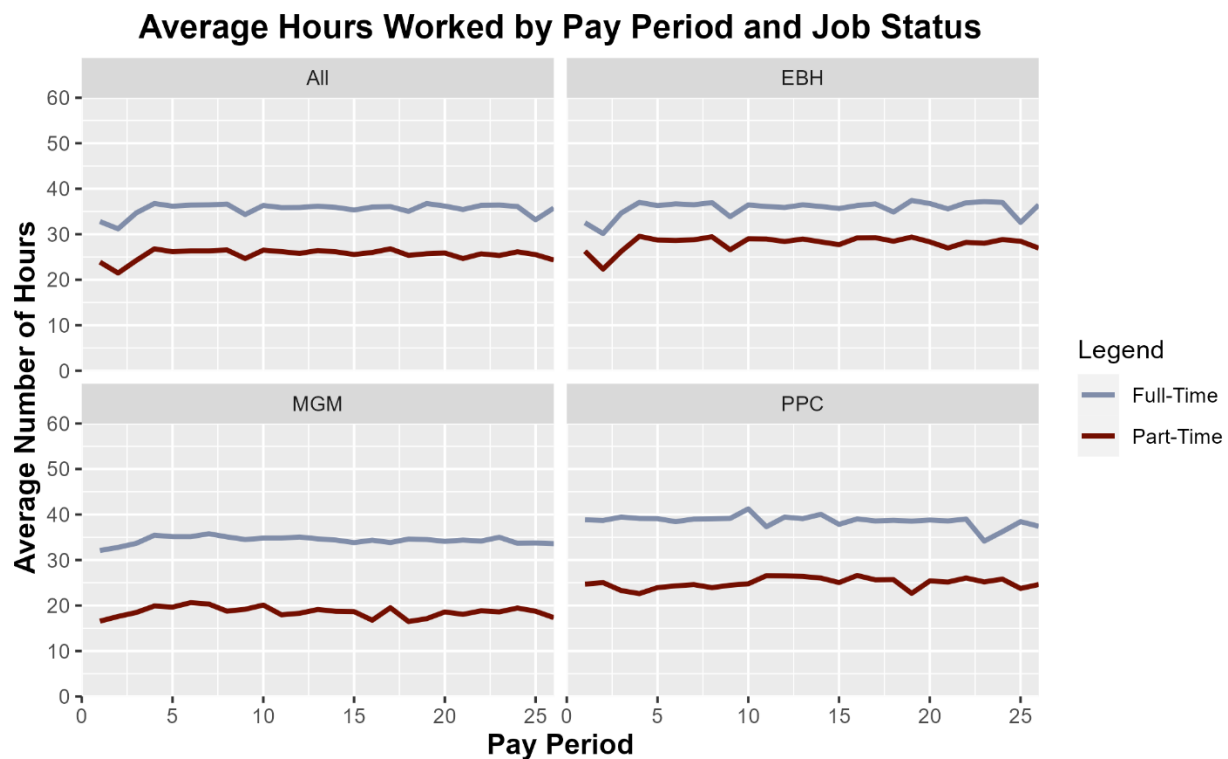
Looking at all three casinos, most workers work within a range of full-time hours (Figure 17). Just over half (57.7%) of casino employees are scheduled between 31 and 40 hours per week, which reflects the proportion of employees who are hired on full-time status (67.6%). The distribution of workers across categories of hours worked is much smaller in categories that are less or more than typical full-time work schedules. The proportion of workers who work between 0-10 hours per week is less than ten percent, and the proportion that work more than 40 is 7 percent. EBH has higher rates of workers who work between 31 and 40 hours and a smaller portion of workers who work less than 20 hours compared to the other casinos. PPC has fewer workers working between 31 and 40 hours, offset by higher shares in the 0-10 and 11-20 categories, though PPC also has a higher share of workers working 41-50 hours than any other casino (15.9% at PPC vs 6.9% at EBH and 3.4% at MGM). PPC is the only casino with a group of employees averaging more than 50 hours at 2.5 percent (EBH and MGM are at 0.1% and 0.3%, respectively), however, because of PPC's smaller number of overall employees, this still only amounts to 11 workers.

Figure 17: Work Hours Distribution: Share of Employees by Weekly Work Hours for Industry and each Casino



Since many of these workers work on an hourly basis, it is important to look at the consistency and predictability of work hours throughout the year. Generally, there is stability in the average number of hours worked from paycheck to paycheck for all workers (Figure 18). Full-time workers work on average around 35.5 hours per week from pay period to pay period, while part-time workers can expect to work around 25.5 hours per week on most pay periods. EBH tracks nearly identical to the overall industry numbers for both full- and part-time workers (35.7 and 28.0 hours respectively). Full-time workers at PPC average slightly more hours at 38.5 per week, while part-time workers average around 25 hours per week. MGM workers follow the industry average for full-time workers (34.3 hours), but part-time workers see slightly fewer hours, averaging 18.5 per week.

Figure 18: Average Hours Worked by Job Status for Industry and each Casino in 2022



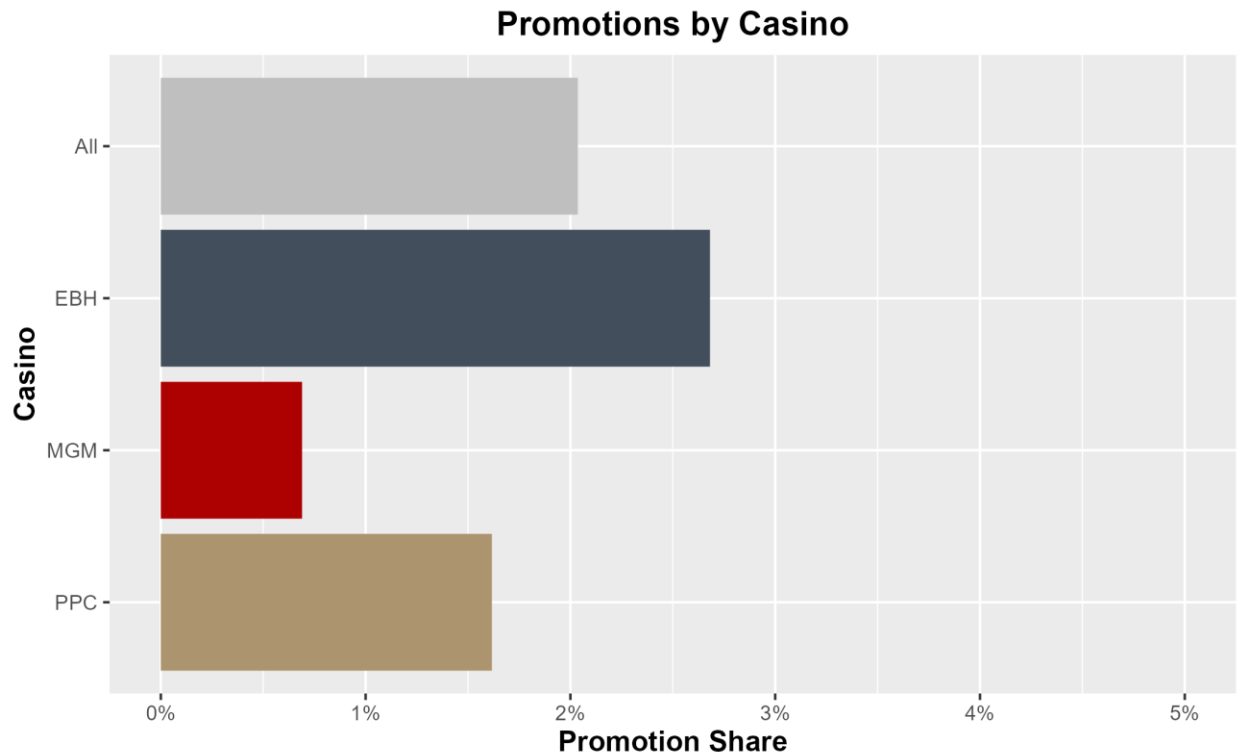
Career Advancement

Rates at which promotions are awarded provide a basis for analyzing career advancement. In particular, the rate at which promotions are awarded to different demographic groups can be an indicator of the casino's ability to provide accessible and equitable opportunities for advancement. Increases in average hourly wages are often a sign that a worker's contributions are valuable to the company, and many workers can expect a raise in increments. However, casino wage data may include base pay, tips, and/or bonuses, so it is impossible to differentiate raises from wage increases including tips or bonuses. Therefore, this analysis will focus on promotion rates. Though typically less frequent, promotions are typically awarded to workers who demonstrate the ability to take on duties at higher levels of volume and importance. Promotions ought to be awarded based on employee performance, and not by race or gender. Therefore, we would expect to see similar but perhaps not identical rates of promotions by demographic group at an equal opportunity employer.

Promotions

In this report, a positive increase in average hourly wage from one pay period to the next paired with a job title change (to a title further up in the hierarchy) is considered a promotion.¹⁹ Promotions were not common across the industry in 2022. With an overall promotion rate of 2percent across all three casinos, EBH had a higher rate of promotions (2.7%), while MGM and PPC workers had comparatively lower rates of promotions (0.7% and 1.6% respectively) (Figure 19).

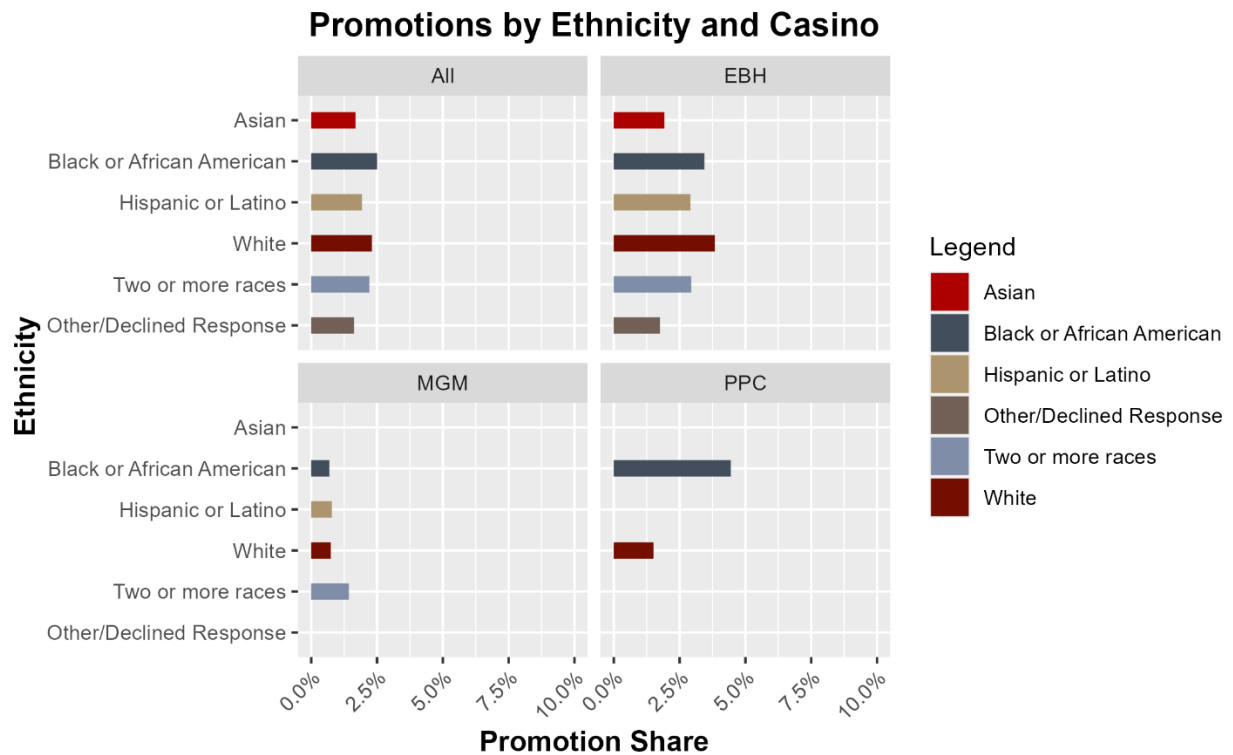
Figure 19: Share of Promotions for Industry and each Casino, 2022



¹⁹ For methodology notes about promotions, see Appendix A.

Of the small share of workers who did get promotions in 2022, there seem to be few differences in promotion rates across race and ethnicity groups, though the industry’s results are heavily influenced by promotions at EBH (Figure 20). For those who did obtain promotions, promotions at MGM were awarded evenly across employees of most race and ethnicity groups, though employees with two or more races appear to earn promotions at a slightly higher rate than other race groups. EBH demonstrated a broad distribution of promotions across various ethnicities, while PPC promotion rates for Black or African American workers were higher, though employee counts were low.

Figure 20: Share of Workers who got a Promotion by Ethnicity for Industry and each Casino



Note: If a bar is missing, the analysis showed no promotions for that ethnicity group.

Diversity, Equity, Inclusion, and Accessibility

Previous sections in this report have evaluated job quality indicators across gender and race and ethnicity groups and have concluded that individuals from underserved communities have opportunities for getting hired, getting promotions, and making living wages. What these indicators do not show, however, is the types of jobs that workers across groups are getting. All workers should have equal opportunities to earn not just a job, but career-advancing roles, including in senior positions and positions with the power to influence organizational culture.²⁰

To understand how accessible jobs at all levels of seniority are to all workers, we sorted job titles into hierarchical ranks of seniority. The main criteria for deciding into which level a job title fits were based on the rank of the employee’s direct supervisor and the number of superiors that exist above that job

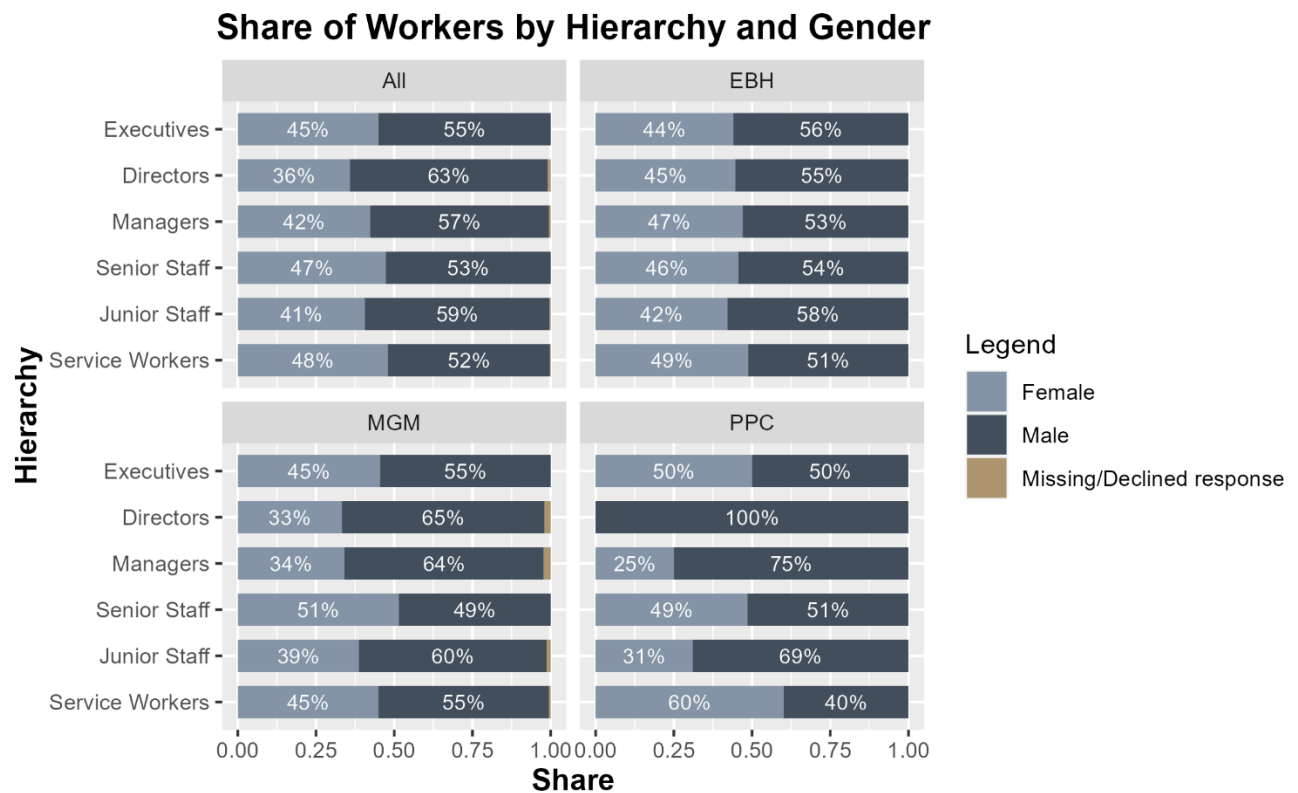
²⁰ <https://www.dol.gov/sites/dolgov/files/goodjobs/Good-Jobs-Summit-Principles-Factsheet.pdf>

title. Executives like CEOs and VPs are at the top of the hierarchy given that they oversee all departments and have no other positions above them. Below them are directors, who are typically heads of divisions or general managers and report to executives. The next level are managers, who are typically in charge of departments such as master or executive chefs and report to directors. Below managers are senior staff, who are experienced workers with some low-level leadership responsibilities such as supervisors or coordinators and report to managers. The next level are junior staff, typically entry level positions or those who are specialists in their respective departments and may take orders from senior staff. At the bottom of the hierarchy are service workers such as attendants, drivers, or servers who support all other levels of the hierarchy and for whom experience is seldom required.²¹

This section looks at how well women and people of color are represented across all levels of hierarchical structure to address the degree to which systemic barriers may exist within the casino workforce.

At the industry level, men make up the slight majority of workers across job levels, but across job levels at individual casinos the shares vary (Figure 21). Women make up a larger share of executive level workers than workers at the director and manager levels. At the other end of the spectrum, gender patterns vary: most service workers at PPC are women (60%), at EBH there is a nearly even split with women at 49 percent, and at MGM most service workers are men (55%).

Figure 21: Share of Workers by Gender by Rank for Industry and each Casino

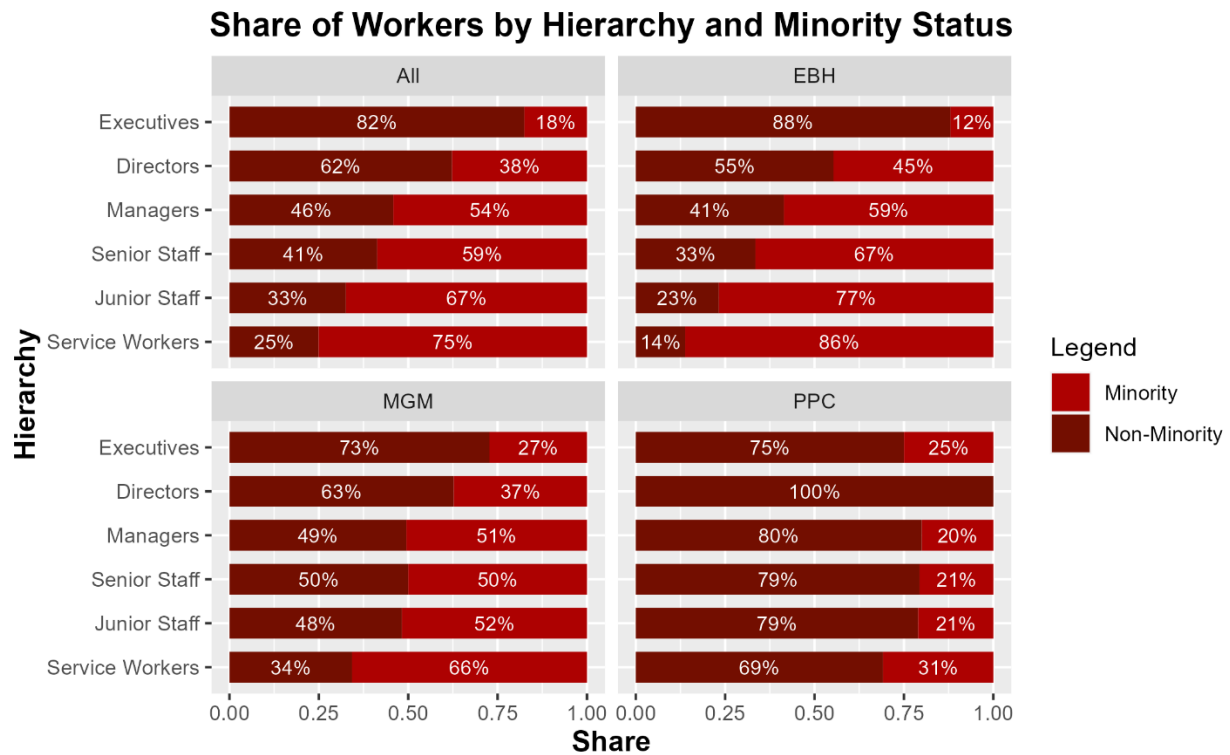


Note: declined to respond was only offered at MGM

²¹ For a detailed methodology on job title ranking across hierarchy, see Appendix A.

The pattern is more predictable when it comes to racial and ethnic diversity. At the industry level, the share of minority workers consistently becomes smaller as seniority increases (Figure 22). Minority workers are well represented at the junior staff, senior staff, and manager levels; however, they also are generally overrepresented at the service worker level and underrepresented at the director and executive levels. Minority workers are represented at the executive level at PPC, but directors are solely white. At MGM, workers of color are fairly equally represented at the manager, senior staff, and junior staff levels. At EBH, workers of color are overrepresented at the service worker, junior staff, senior staff, manager levels, and underrepresented at the director and executive levels.

Figure 22: Share of Workers by Minority Status by Rank for Industry and each Casino



Conclusion

Overall, casino operators in Massachusetts are committed to their local economies and to their goals of recruiting and hiring a diverse workforce, evidenced by planning, and ongoing monitoring, recruiting, and hiring efforts. Casino jobs offer flexibility in scheduling, low barriers to entry, and career advancement for women and minority workers. Casino workers are well compensated in comparison to other jobs in the accommodation and food services industry and have far lower rates of turnover. The analysis suggests that hiring across job title hierarchy is intentionally geared toward gender equity, though equity across this hierarchy for people of color has yet to be achieved.

Encore Boston Harbor well surpassed its hiring goals for minority and local workers, though it missed its targets for hiring women and veteran workers. Forty-four percent of its workforce was paid wages at or above a living wage, which is significant considering the high cost of living in the area. Turnover at EBH was relatively low, and rates were similar across race groups. There was a small percentage of workers who worked more than 40 hours, and full-time workers on average work about 36 hours each week. EBH had the highest promotion rate overall. There appears to be evidence of intentional hiring across job hierarchies with women making up close to 50 percent of each hierarchy, though the rates at which people of color found senior jobs was low.

MGM Springfield surpassed its goals for hiring minority, local and veteran workers, though it was shy of its goal for hiring women. Thirty-four percent of its workforce earned at or above a living wage, and women tended to earn less than men overall. MGM had the highest rate of turnover compared to any other casino, and people of color had higher turnover rates than white workers. Part-time workers tend to work around twenty hours per week. MGM promoted the smallest share of workers than any other casino; less than 1 percent of the workforce was promoted. Men were higher earners, but the casino provides an option for gender outside of the binary men and women, showing some evidence of attention to gender equality. Shares of minority workers were relatively high at the top of the job title hierarchy, and at the other levels, MGM showed a more even distribution of minority and non-minority workers than any other casino.

Plainridge Park Casino surpassed its goal for hiring minority and veteran workers, though it was shy of its goal for hiring women and local workers. Eighteen percent of workers earn at or above a living wage, and relatively few people of color are represented at the top wage quintiles for earners. Women make up the largest shares of the lowest wage earners. Turnover at PPC was the lowest across the industry. There is a larger share of employees who work more than 40 hours per week than any other casino. Otherwise, hours are steady and predictable for full- and part-time workers. Higher rates of workers got promoted at PPC than at MGM, though lower than EBH. PPC had the highest percentage of female executives among casinos. PPC has the largest percentage of non-minority employees at the service worker level and maintain relatively consistent proportions of minority and non-minority staff across job title hierarchy levels.

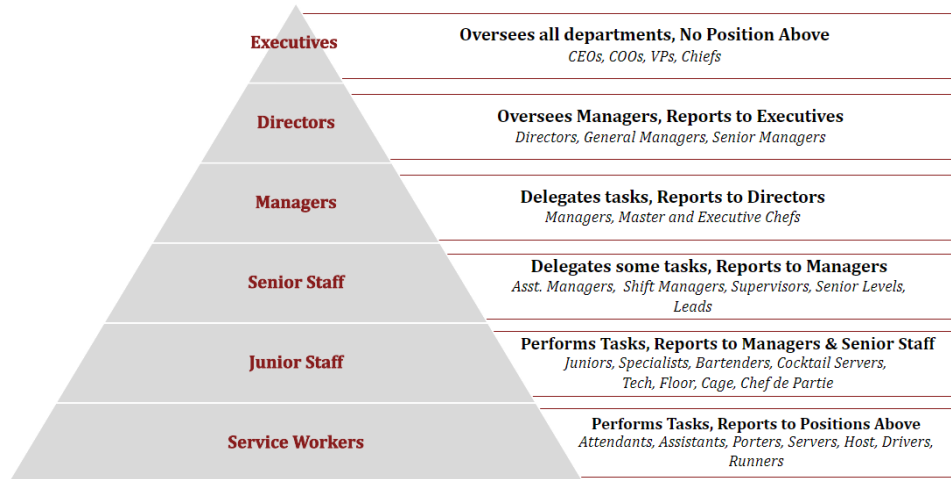
To thoroughly assess job quality at the casinos, there are several qualitative measures that could be addressed going forward. Additional job quality and equity metrics that would be interesting for future research include the presence and nature of benefits including paid time off (PTO), and other types of paid or unpaid leave, retirement, maternity or paternity leave and family related responsibilities or Employee Assistance Programs (EAP); accommodation for people with disabilities or unique circumstances; the presence and adequacy of career pathways, including opportunities for on-the-job training and professional development; transparency in performance management related to bonuses,

raises, and promotions; and the reasons that employees decide to continue their employment or why others quit or were terminated. Follow-up research using other sources of data could address these types of additional questions to develop a fuller picture of job quality in the Commonwealth's casino industry.

Appendix A – Methodology

Job Title Hierarchy

The six-level hierarchical structure was developed based on the job responsibilities associated with employee job titles and the reporting relationships within the division and department. An overview of the employee structure is outlined below:



The hierarchical pyramid was designed to mirror similar organizational structures found in the casino industry. The purpose of this exercise was to standardize hierarchy across the casino operators, so this hierarchy does not perfectly match individual organizational terminology but does accurately reflect occupational levels related to job titles. This was achieved by conducting external research into casino organizations, while also taking into consideration the specific job titles utilized by EBH, MGM, and PPC casinos. Once the structure was formulated, each job title was classified by hand into one of the six levels.

Wage Quintiles

Casino employees were divided into five equal groups based on the distribution of average hourly wages to calculate wage quintiles. This division was carried out independently for both the industry as a whole and each individual casino. Top earners at all three casinos made \$100+ per hour, though actual values for the top of the 100th percentile are suppressed to maintain anonymity. The minimum and maximum dollar amounts for each wage quintile are presented below:

Quintile	All	EBH	MGM	PPC
100th	\$39.45+	\$42.96+	\$31.18+	\$26.09+
80th	\$31.40 - \$39.45	\$37.74 - \$42.89	\$20.00 - \$31.14	\$19.79 - \$25.84
60th	\$26.17 - \$31.40	\$29.20 - \$37.74	\$14.54 - \$20.00	\$17.41 - \$19.78
40th	\$18.57 - \$26.16	\$25.93 - \$29.20	\$8.80 - \$14.54	\$16.00 - \$17.41
20th	\$3.83 - \$18.56	\$8.86 - \$25.93	\$3.83 - \$8.79	\$7.29 - \$16.00

Living Wage Calculations

The SEIGMA team collected data from the Massachusetts Institute of Technology's living wage calculator²² to assess the casino's ability to pay a living wage. The living wage calculator estimates typical expenses for a household based on prices for each county in the United States. With an estimate of expenses, the living wage shown is the hourly rate that an individual in a household must earn to support him- or herself and their family. The assumption is the sole provider is working full-time (2,080 hours per year).²³ In this report, living wage rates for a household of four with two working adults was used for analysis. The living wage for the county in which an employee resides was used to determine if their average hourly wage was either at, above or below the living wage. For cases in which employees live outside of New England, the living wage for the county in which the employing casino exists was used. A variable was calculated for each employee comparing their average hourly wage to their assigned living wage. If the difference between the average hourly wage and living wage was smaller than -0.5, the employee was marked as making below the living wage. If the difference between the average hourly wage and living wage was greater than 0.5, the employee was marked as making above the living wage. If the difference between the average hourly wage and living wage was between -0.5 and 0.5, the employee was marked as making at the living wage.

Turnover Rates

The SEIGMA team calculated turnover rate as the number of separations over the course of a year, divided by the average number of people employed by an establishment or industry. While there are other methods for calculating turnover, the SEIGMA team chose to emulate the method used by Lightcast²⁴ in their industry-level turnover rate estimates, as these estimates were used to provide a broader context to turnover trends in Massachusetts. The three casino operators provided the SEIGMA team with paycheck level data which includes hire and termination dates, so the SEIGMA team recorded a separation for each employee ID with an associated separation date in 2022. Average annual employment at the casinos was calculated by taking the number of employees who received paychecks in each pay period, and then taking the average across all of those pay periods. In order to produce turnover rate calculations at a higher level of detail, we simply filtered both the separations and the average employment by the relevant characteristics. For example, to calculate the turnover rate among hotel workers, we took the number of separations among hotel workers over the course of the year and divided it by the average number of hotel workers employed at the casino.

Promotions

A promotion is defined as an employee who has an increase in average hourly wage and moves up at least one level in the hierarchy from a previous pay period to a subsequent one. For a promotion to be recognized, it is essential that the employee's job title changes and that the new title reflects an increase in rank within the hierarchical structure.

Promotion shares are calculated by dividing the total number of employees who have received a promotion by the total number of employees in the casino, which has led to the shares to be exceedingly small (between 0% to 6%). Average hourly wage increases are determined by the means of all marginal differences between biweekly average hourly wages for each unique employee. Marginal

²² <https://livingwage.mit.edu/>

²³ <https://livingwage.mit.edu/states/25>

²⁴ More information about Lightcast and its labor market data products can be found here: <https://lightcast.io/about/data>

differences in pay refer to the difference between the average hourly wages of the current period and those of the preceding one. The average of these marginal differences for each unique employee is computed and determines if there was an increase during the year. If the average of the marginal differences is positive, it is considered an increase, while a value of 0 or negative is not considered an increase.

Industry Trends

This report uses Lightcast to obtain granular labor market data providing a range of information on business and industry, occupations, the workforce, and recent hiring. Lightcast is a proprietary data system formerly known as EMSI. The system includes major employment and wages data series including the Quarterly Census of Employment and Wages (QCEW), County Business Patterns, Current Employment Statistics, County Business Patterns, BEA State and Local Personal Income reports, National Industry-Occupation Employment Matrix (NIOEM), American Community Survey, Non-employer Statistics, and others.

Background on Diversity Hiring Initiatives

The MGC utilizes the 'All-In Diversity's All-Index', an internationally recognized benchmarking tool tailored for the gaming sector, to measure diversity initiatives against global industry standards. Their primary goal is achieving 25% diversity representation in their workforce, which they have accomplished successfully. However, they acknowledge a concerning downward trend in hiring women. The MGC actively participates in supplier diversification programs through the Commonwealth's Supplier Diversity Office and collaborates with stakeholders to promote inclusivity and diversity within the gaming industry. Under the 2011 Expanded Gaming Act, casino applicants must establish training programs for a diverse workforce and set hiring goals for racial minorities, women, and veterans. They must also include specific targets for engaging minority-, women-, and veteran-owned businesses as contractors in all phases of building and operating. The MGC diligently monitors compliance through required statistical reports from casinos, ensuring regular, detailed updates on their workforce and vendor network.

Casino proposals from MGM, PPC, and EBH give insight into how their diversity metrics of success were developed. MGM Springfield utilizes the Executive Office for Administration and Finance Administration Bulletin No. 14 as the basis for defining their metrics of success concerning diversity percentages. Proposals for PPC clarified that they would actively pursue a workforce diversity goal that reflects the demographics of the community around them. In contrast, EBH based their diversity goals on a thorough review of the demographics of the host and surrounding communities. This approach ensures that their hiring and recruitment strategies are well-aligned with the local population, fostering a workforce that is representative of the communities in which they operate.²⁵

²⁵ For more information: [MGM's Diversity & Affirmative Action Marketing Program](#); [PPC's Operations plan](#); [EBH's Workforce Development Plan](#); [Workforce Development Plan](#)

Appendix B – Job Quality Measures

Workforce Report	Department of Labor	The Brookings Institute
Casino Job Quality Analysis	Principles of Good Jobs ²⁶	Measures of Worker Well-Being ²⁷
Recruitment and Hiring	Recruitment and Hiring	Job Quality
Discussion of workforce diversity goals and assessment of targets	Qualified applicants are actively recruited – especially those from underserved communities – and are free from discrimination, including unequal treatment or application of selection criteria that are unrelated to job performance.	Number of new good jobs created each year
Wages	Pay	Job Quality
Living wage analysis	All workers are paid a stable and predictable living wage before overtime, tips, and commissions.	Percentage of workers that earn a living wage and have healthcare
Analysis of wage distributions across demographic groups		Job Equity Gaps in wage mobility across demographic groups
Job Security and Working Conditions	Job Security and Working Conditions	Economic Mobility
Turnover rate/retention analysis	Workers have a safe, healthy, and accessible workplace, built on input from workers and their representatives. Workers have job security without arbitrary or discriminatory discipline or dismissal. They have adequate hours and predictable schedules. The use of electronic monitoring, data, and algorithms is transparent, equitable, and carefully deployed with input from workers. Workers are free from harassment, discrimination, and retaliation at work. Workers are properly classified under applicable laws. Temporary or contractor labor solutions are minimized.	High rates of retention and both internal and external promotion
Distribution of hours and work schedule analysis		

²⁶ <https://www.dol.gov/general/good-jobs/principles>

²⁷ <https://www.brookings.edu/articles/6-job-quality-metrics-every-company-should-know/>

Career Advancement	Skills and Career Advancement	Economic Mobility
Promotion analysis	Workers have equitable opportunities and tools to progress to future good jobs within their organizations or outside them. Workers have transparent promotion or advancement opportunities.	Access to steppingstone jobs: percentage of workers that transition from earning low wages to high wages
Diversity, Equity, and Inclusion	Diversity, Equity, Inclusion and Accessibility	Job Equity
Analysis of demographic distribution across occupation hierarchy	All workers have equal opportunities. Workers are respected, empowered, and treated fairly. DEIA is a core value and practiced norm in the workplace. Individuals from underserved communities do not face systemic barriers in the workplace.	Racial and gender equity in job transitions and at the top of the ladder
		Workforce demographic gaps in the company's high-wage occupations
Not analyzed due to data limitations	Benefits	Job Quality
	Full-time and part-time workers are provided family-sustaining benefits that promote economic security and mobility.	Healthcare Benefits, Percentage of workers that have healthcare
	Empowerment and Representation	
	Workers can form and join unions. Workers can engage in protected, concerted activity without fear of retaliation.	
	Organizational Culture	
	All workers belong, are valued, contribute meaningfully to the organization, and are engaged and respected especially by leadership.	

Appendix C - Turnover & Hiring Rate Detail

Figure 23: Turnover Rate by Hourly/Salaried Status and Casino

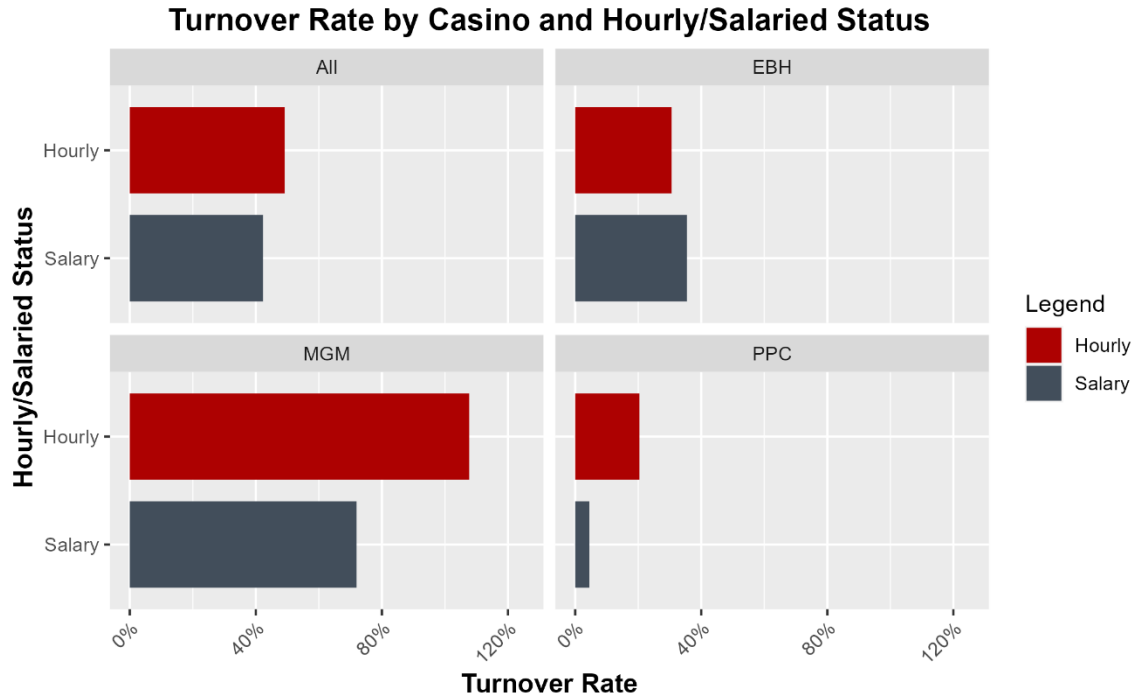


Figure 24: Turnover Rate by Full/Part Time Status and Casino

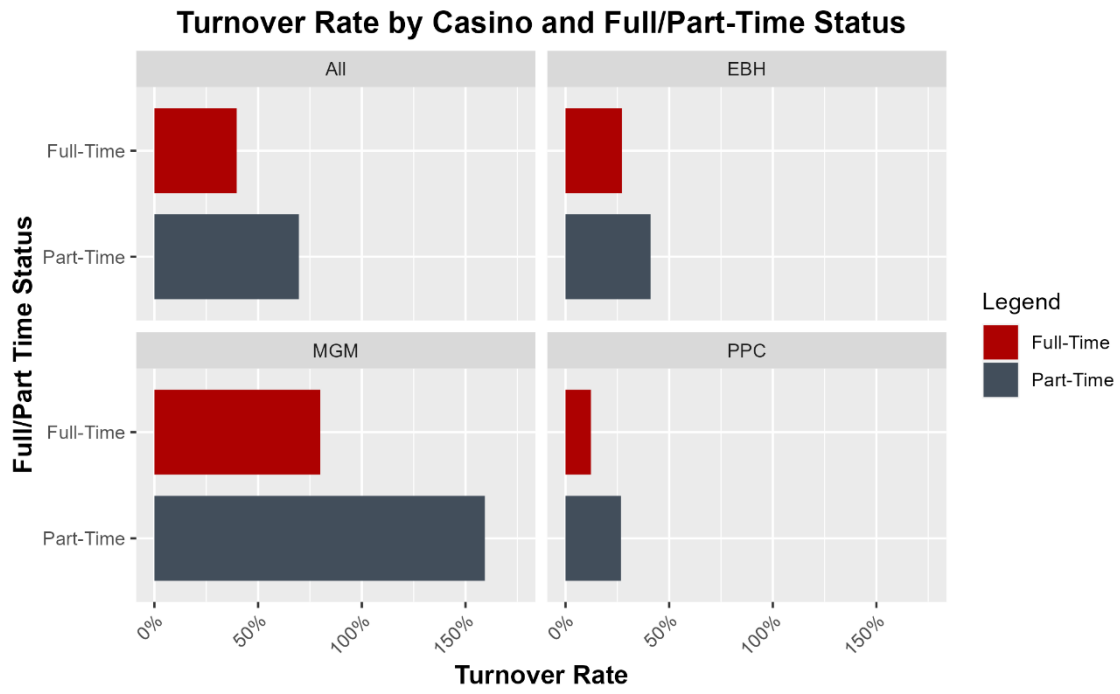
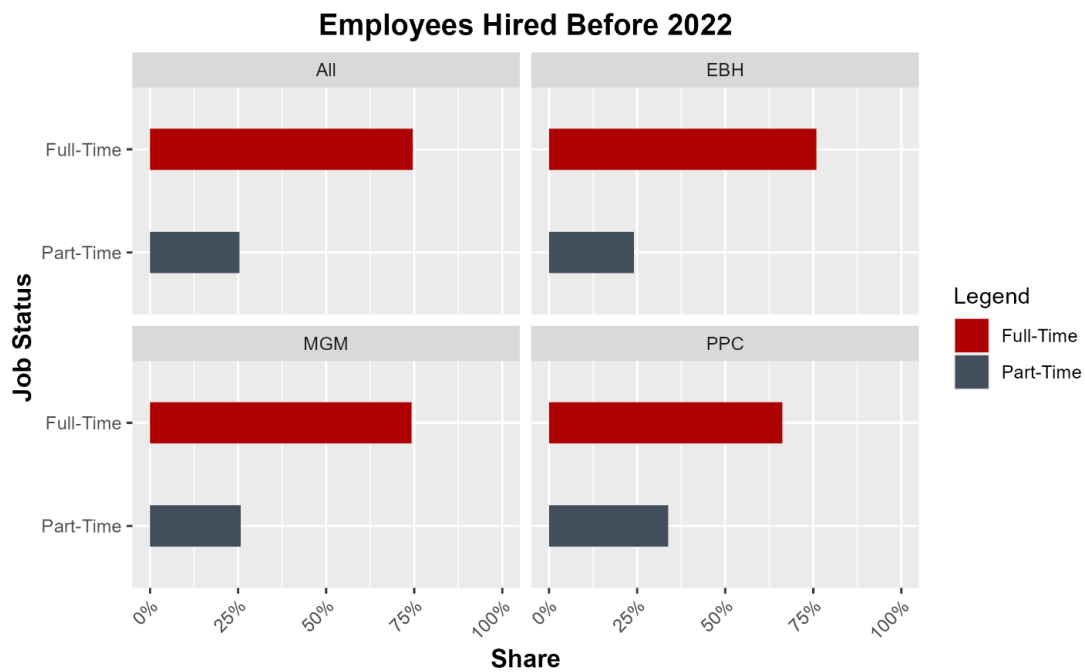
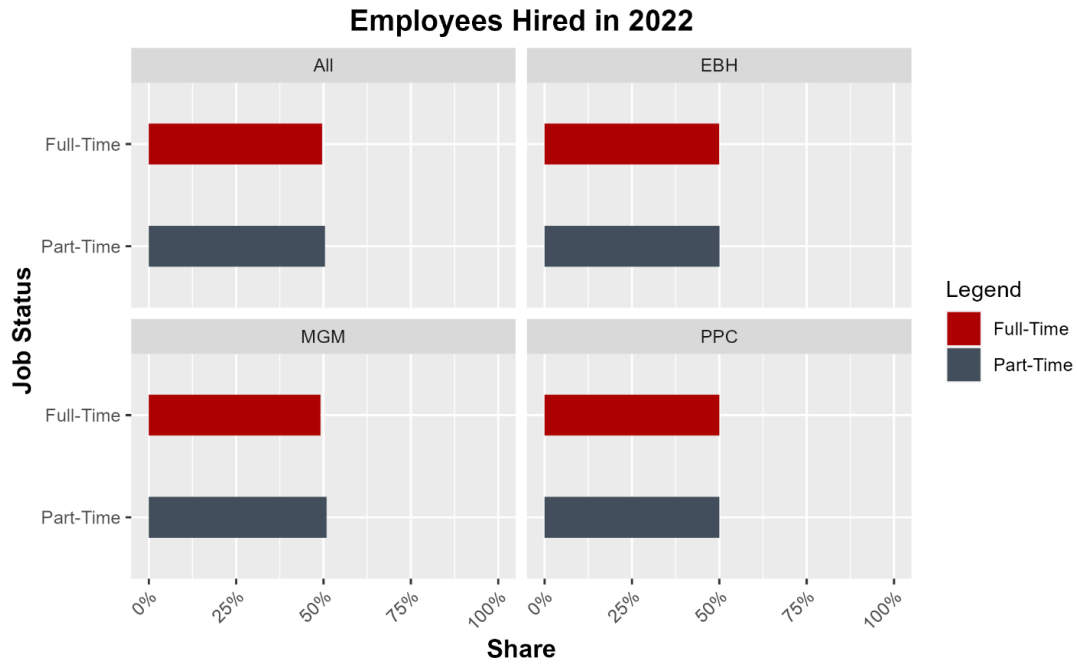


Figure 25: 2022 and Previous Hires by Full-Part Time

In 2022, both the industry and each casino experienced an increase in the hiring of part-time workers compared to their existing share of workforce’s job status.



SEIGMA: Economic and Fiscal Research

Mark Melnik, Ph.D.

Director of Economic & Public Policy Research

UMass Donahue Institute

UMDI's Mission and Vision

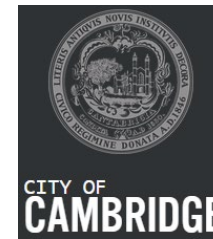
Organizational Mission:

- Our mission is to advance equity and social justice, foster healthy communities, and support inclusive economies that alleviate poverty and promote opportunity. In collaboration with partner organizations and clients, we carry out our mission through research, education and training, capacity building, and direct services to strengthen our collective impact.

Economic and Public Policy Research (EPPR)

- Signature unit at UMDI
- 23 professional researchers in the space of economics, public policy, sociology, planning, business, and related disciplines
- A leading provider of unbiased analyses of economic, demographic, and other public policy issues

EPPR's Major Clients



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

Assessment of Job Quality at Massachusetts Casinos, 2022

Thomas Peake, Senior Research Analyst
Rebecca Loveland, Sr. Research Manager
Economic and Public Policy Research
UMass Donahue Institute

Research Background: Job Quality at Massachusetts Casinos

- An appeal of expanded gambling in Massachusetts was that the casinos would serve as a major source of new jobs.
- Recent economic and demographic shifts, including the impacts of the COVID-19 pandemic, have led to a more robust conversation around job quality.
- The extent to which a major employer can serve as a driver of economic development depends on job quality: how much jobs pay, how stable they are, and whether they empower workers to develop their careers and move into better paying jobs, either within or outside of the organization.
- In this context, we leverage the rich payroll data provided by the casinos to study patterns in hiring, compensation, mobility, and turnover at the Commonwealth's casinos.

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 Casino Job Quality

- The purpose of this study is to understand casino jobs in terms of common work quality measures such as mobility, retention, and living wages.
- We used casino payroll data, which we had previously used to analyze the broader economic impacts of the casinos.
- Measures of job quality were selected from a broader list of job quality metrics from the Brookings Institution.
- Future studies of job quality could be supplemented by more qualitative data, including interviews with casino management, employees, and unions.

Summary of Findings

The research team analyzed payroll data across three broad areas:

- **Worker demographics:** The three casinos employed approximately 5,000 employees, the majority of which are people of color, men, full-time, and hourly.
- **Compensation:** Thirty-nine percent of workers across the casinos make at or above the living wage for their respective cost of living, but there is a large difference across individual casinos.
- **Retention and career prospects:** Compared to the Accommodations and Food Services Industry as a whole, turnover rates at casinos are surprisingly low (28.6% vs 115%). Very few workers were promoted in 2022 across the industry (2.0%).

Casino Workforce: Composition and Characteristics



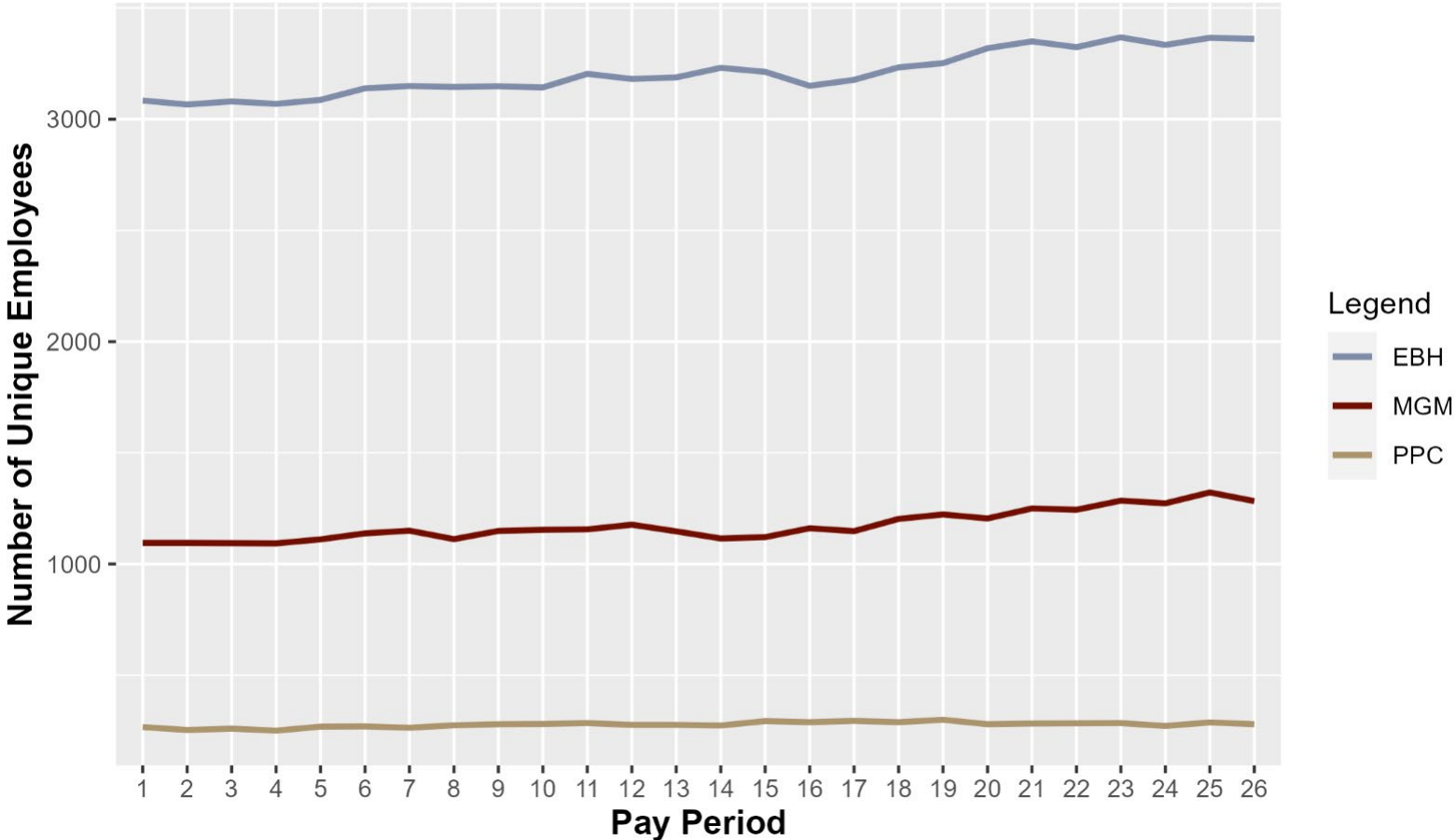
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Workforce composition

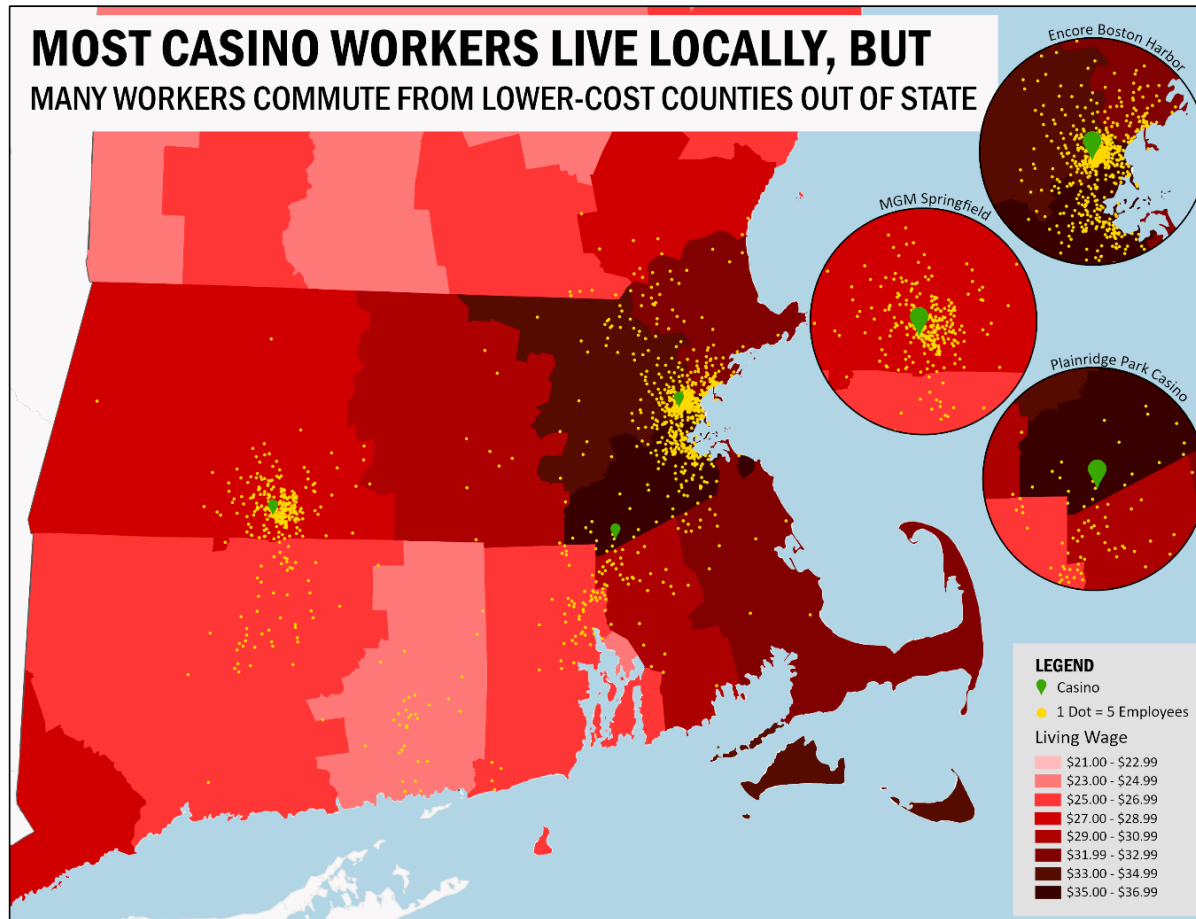
- The casino industry is made up mostly of workers who are people of color (52.3%), though white workers are the largest racial group (32.6%).
- Workers are mostly men (55.7%), full-time (67.6%), and hourly (87.1%), though there are major demographic nuances across the three casinos.
- The largest division by share of employees is Gaming & Recreation (37.9%), and most workers are at the junior staff level (45.5%).
- Of the 6,601 employed in the industry, 39.1 percent make a living wage or higher with the median hourly wage at \$28.31.

Casino workforce remained stable through 2022

Number of Employees by Pay Period



Where do casino employees live?



Esri, TomTom, Garmin, FAO, NOAA, USGS, EPA, NPS, USFWS. Basemap and Layout designed by Kazmiera Breest, 2023.

When calculating living wages, we used the employee's county of residence, where available. Where that data was missing or outdated, we used the county where the casino was located.

Recruitment and hiring

Casinos are meeting or exceeding their hiring goals for minorities, veterans, and local workers, while hiring for women continues to fall short.

	EBH			MGM			PPC		
	Goal	Actual	✓	Goal	Actual	✓	Goal	Actual	✓
Minority Workers	40%	76.4%	✓	50%	57.3%	✓	15%	23.5%	✓
Veteran Workers	3%	2.4%		2%	4.9%	✓	2%	4.8%	✓
Women Workers	50%	44.8%		50%	42.6%		50%	42.0%	
Local Workers	75%*	89.5%	✓	35%**	39.6%	✓	35%***	31.2%	

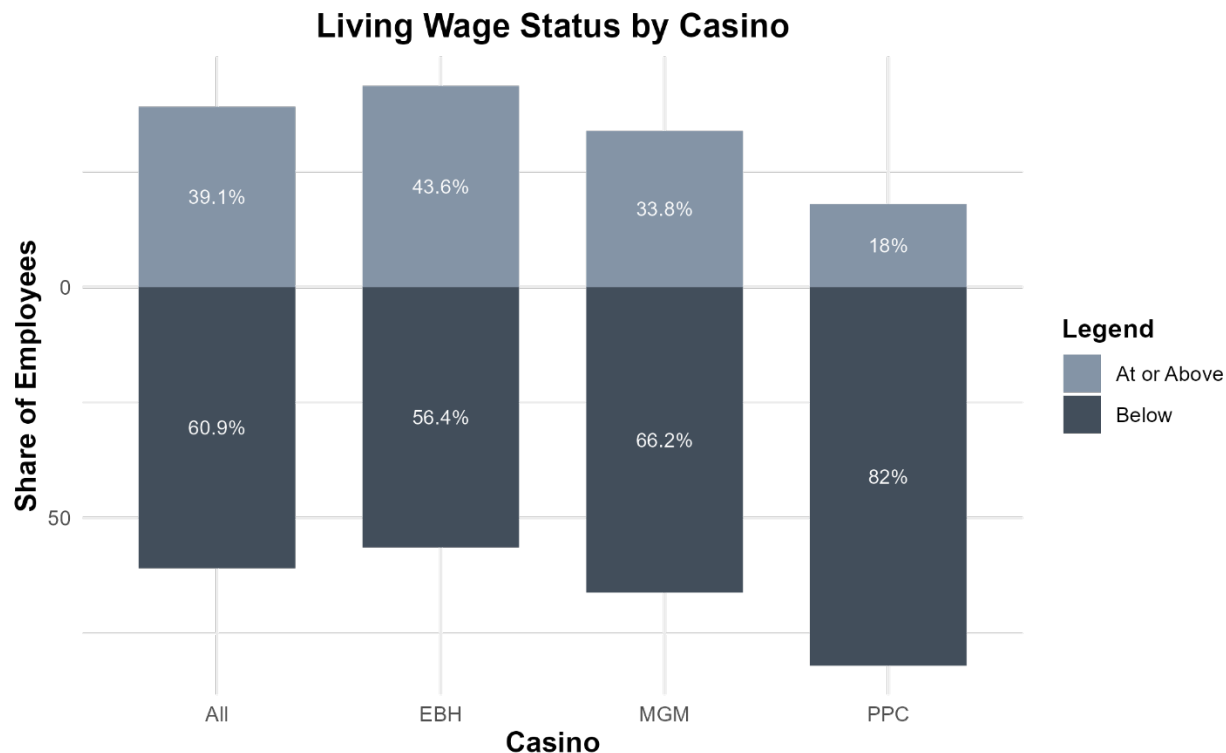
Casino Job Quality



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Most casino employees do not earn a living wage

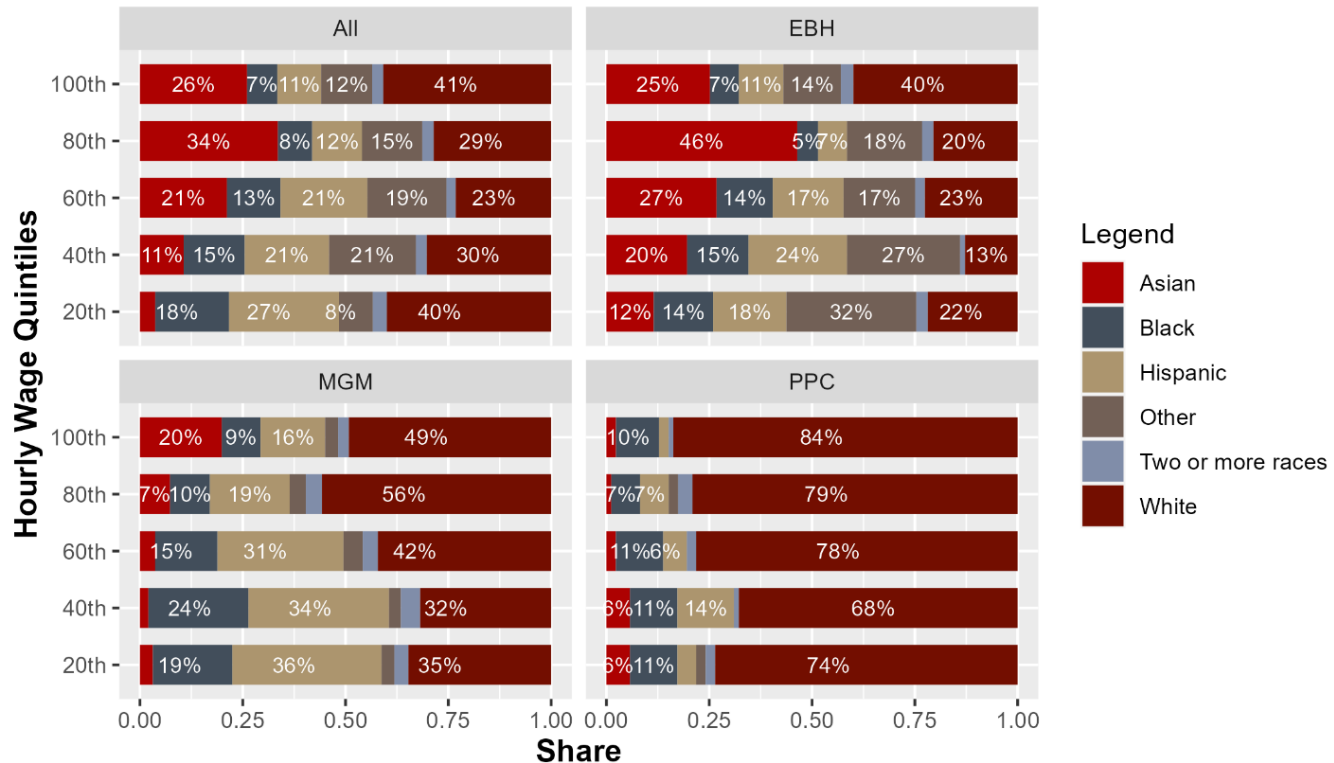
The average casino wages is \$28.31/hour, higher than most service industry jobs. Still, most casino employees earn less than a living wage in their county of residence, according to MIT's living wage calculator.



Racial disparities exist in casino worker earnings

While trends vary between casinos, workers of color tend to be more heavily represented in the lower wage quintiles than in the higher ones, with the exception of Asian workers.

Hourly Wage Quintiles by Race



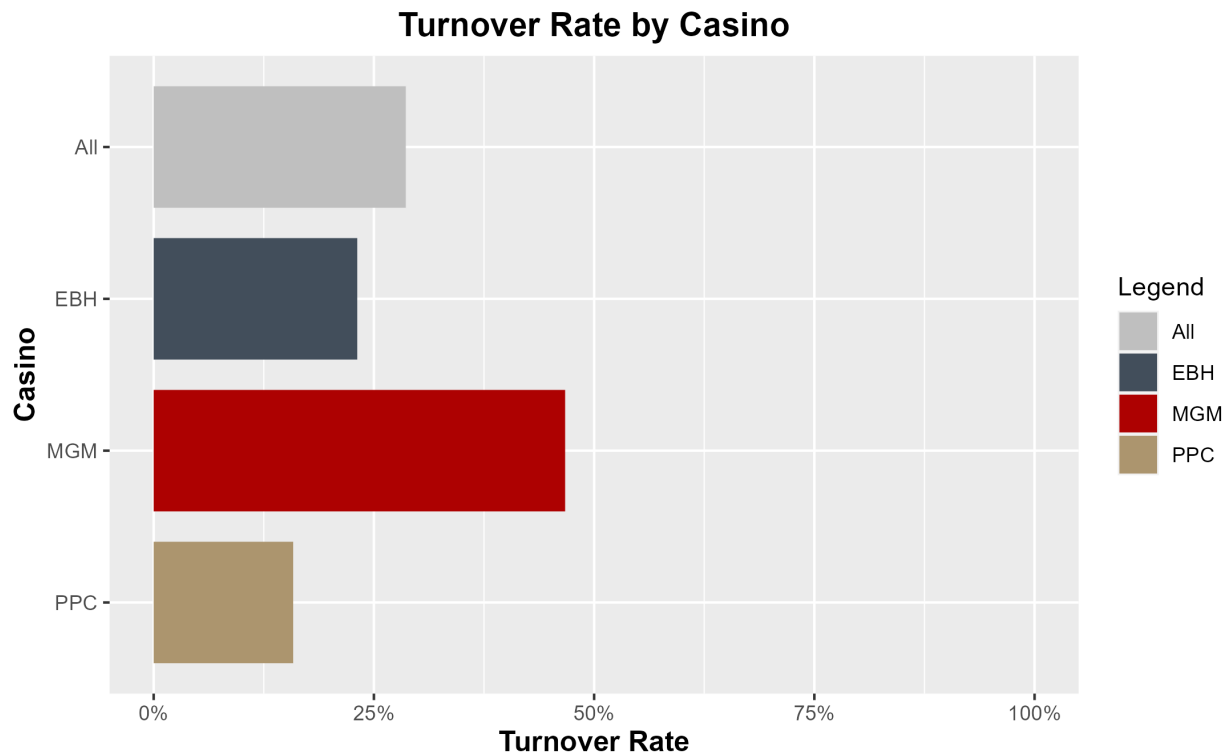
Retention and Career Prospects



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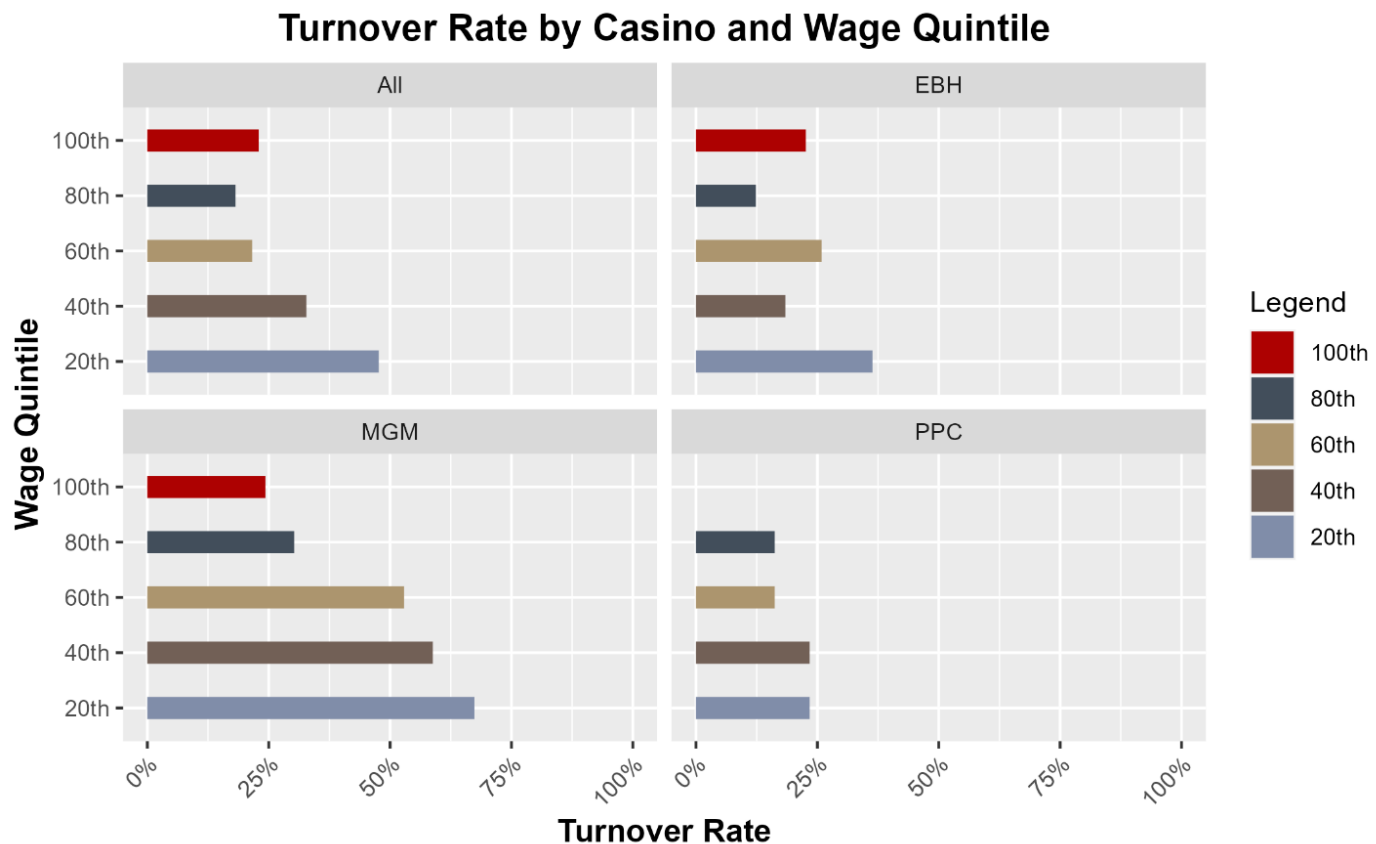
Casino turnover rates are lower than other service industry jobs

Establishments in the Accommodation and Food Services industry tend to have higher turnover rates than average (115 percent vs. 54 percent in the overall job market) due to seasonal changes in patronage or hours of operation.



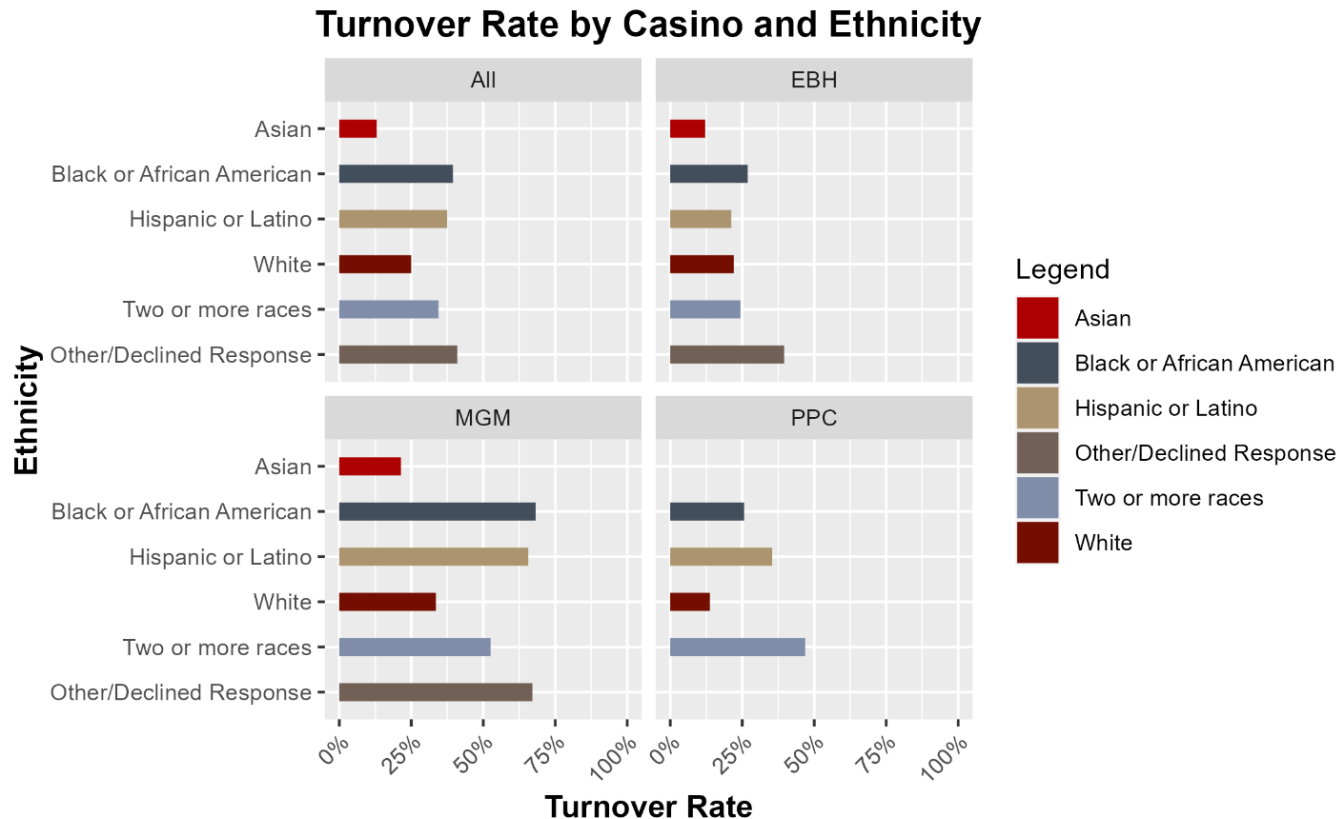
Turnover tends to be higher for lower-wage jobs within the casinos

The extent of this discrepancy varies between casinos



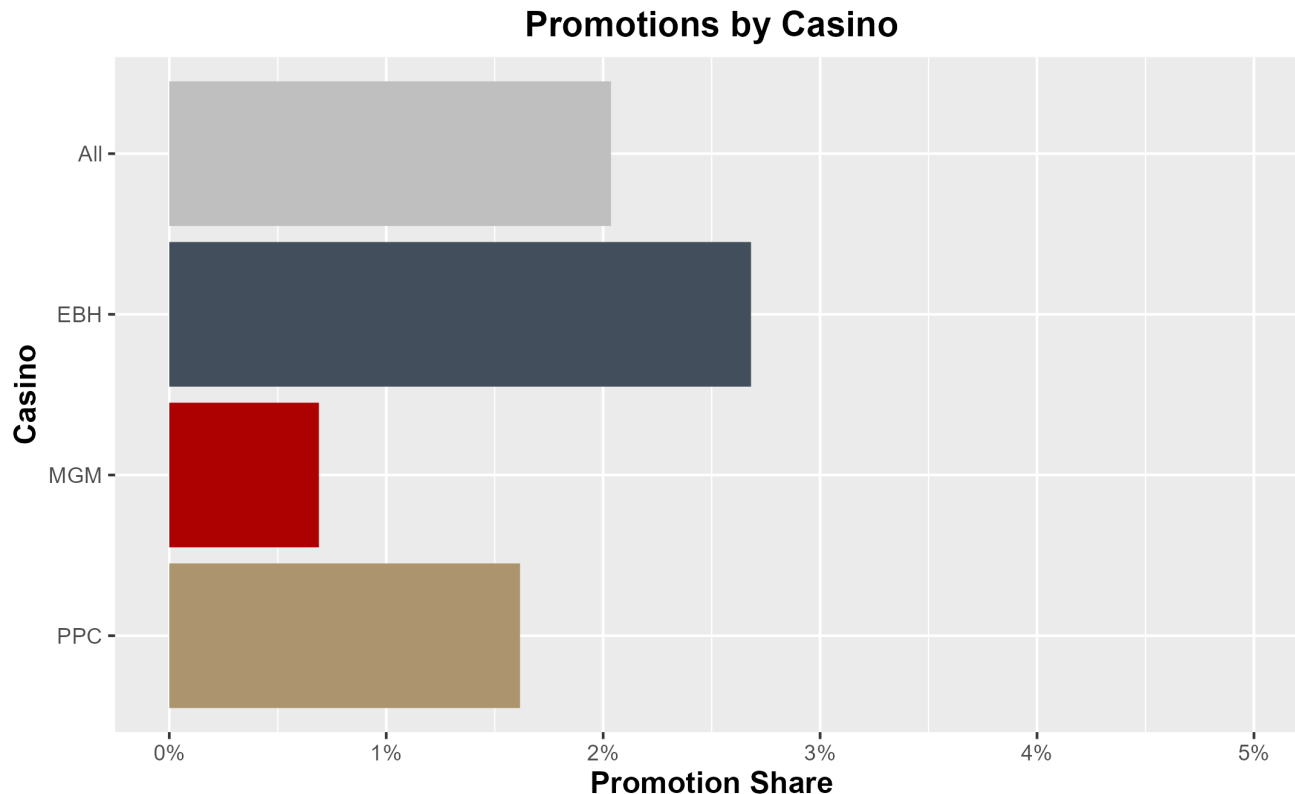
Turnover tends also vary by race and ethnicity

Some of this variation might be explained by racial differences in wages/types of work



Two percent of casino employees received a promotion in 2022

We calculated promotions by counting employees whose job title and wage changed over the course of the year



Conclusion



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Recap

- Casinos have largely met their goals in terms of hiring a diverse workforce.
- Casino jobs tend to pay better than similar service-industry jobs, but less than a living wage in the region
- Casino turnover rates are lower than similar turnover rates
- Racial and ethnic discrepancies are present in wages and turnover rates

Next Steps

- This sort of analysis could be replicated in future years
- Future work might benefit from more qualitative analysis, such as interviews with casino HR professionals, workers, former workers, labor representatives, etc.
- These data will continue to be used in other ways to deliver new analyses for the MGC

Thank You!
Questions?

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