



## 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 4, 2023 | 9:00 a.m.**  
**VIA REMOTE ACCESS: 1-646-741-5292**  
**MEETING ID/ PARTICIPANT CODE: 112 788 8293**  
**All meetings are streamed live at [www.massgaming.com](http://www.massgaming.com).**

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

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

### **PUBLIC MEETING - #450**

1. Call to Order – Cathy Judd-Stein, Chair
2. Minutes from Commission Meetings **VOTE**
  - a. November 17, 2022
3. Administrative Update – Karen Wells, Executive Director
  - a. Derby Day Update – Alex Lightbown, Director of Racing
4. Research and Responsible Gaming – Mark Vander Linden, Director of Research
  - a. Assessing the Influence of Gambling on Public Safety in Massachusetts Cities and Towns During the COVID-19 Pandemic: Analysis of the Influence of Encore Boston Harbor on its Surrounding Community – Dr. Noah Fritz, Justice Research Associates



Massachusetts Gaming Commission

5. Legal – Todd Grossman, General Counsel; Caitlin Monahan, Deputy General Counsel; Carrie Torrisi, Deputy General Counsel
  - a. **FBT Everett Realty, LLC v. Massachusetts Gaming Commission**
    - I. **Executive Session** **VOTE**  
 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 FBT Everett Realty, LLC v. Massachusetts Gaming Commission, as discussion at an open meeting may have a detrimental effect on the litigating position of the Commission.
  - b. **205 CMR 152.00: Individuals Excluded from Gaming and Sports Wagering** – Regulation and Amended Small Business Impact Statement for final review and possible adoption. **VOTE**
  - c. **205 CMR 222.00: Capital Investment and Monitoring of Project Construction** – Regulation and Small Business Impact Statement for review and approval to commence the promulgation process and/or adoption via emergency. **VOTE**
  - d. **205 CMR 234.00: Sports Wagering Vendors** - Regulation and Amended Small Business Impact Statement for final review and possible adoption. **VOTE**
  - e. **205 CMR 255.00: Play Management** - Regulation and Small Business Impact Statement for review and approval to commence the promulgation process and/or adoption via emergency. **VOTE**
  
6. Commissioner Updates
  - a. FY24 Commissioners Budget Review – Commissioner Nakisha Skinner, Derek Lennon, Chief Financial Officer, Grace Robinson, Chief Administrative Officer to the Chair **VOTE**
  
7. Community Affairs Division – Joe Delaney, Chief of Community Affairs
  - a. Community Mitigation Fund Workforce Development Grant Applications – Lily Wallace, Program Manager **VOTE**
  
8. Sports Wagering, Bruce Band, Director of Sports Wagering
  - a. NBA Draft Lottery Inquiry – Sterl Carpenter, Sports Wagering Operations Manager **VOTE**
  
9. Horse Racing, Alex Lightbown, Director of Racing
  - a. Review of Delegation of Authority Memorandum – Commissioner Brad Hill, Commissioner Jordan Maynard, Alex Lightbown, Director of Racing **VOTE**



Massachusetts Gaming Commission

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](http://www.massgaming.com) and emailed to [regs@sec.state.ma.us](mailto:regs@sec.state.ma.us). Posted to Website: May 2, 2023 | 9:00 a.m. EST

May 2, 2023

*Cathy Judd-Stein*

*Cathy Judd-Stein, Chair*

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



Massachusetts Gaming Commission



---

## Massachusetts Gaming Commission

### Meeting Minutes

---

**Date/Time:** November 17, 2022, 10:00 a.m.  
**Place:** Massachusetts Gaming Commission  
VIA CONFERENCE CALL NUMBER: 1-646-741-5292  
PARTICIPANT CODE: 111 318 9844

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 the 403<sup>rd</sup> Public Meeting of the Massachusetts Gaming Commission ("Commission") to order. Roll call attendance was conducted, and Chair Judd-Stein, Commissioner Hill, Commissioner Skinner, and Commissioner Maynard were present for the start of the meeting. Chair Judd-Stein noted that Commissioner O'Brien would be joining the meeting at 10:30 a.m.

#### 2. [Review of Meeting Minutes](#) (1:31) a. May 12, 2022

Commissioner Hill requested that the minutes be presented later in the meeting to allow Commissioner O'Brien to have the opportunity to review and vote on the minutes.

#### 3. [Legal Division: Regulations](#) (2:25)

Chair Judd-Stein noted that Commissioner O'Brien had expressed an interest in weighing in on sports wagering regulations for the protection of minors and underage youth, and requested the presentations be reordered to allow that.

a. [205 CMR 2.01](#) – Application for License to Conduct a Racing Meeting by a New Operator; and Amended Small Business Impact Statement (2:49)

General Counsel Todd Grossman introduced Associate General Counsel Judith Young. Associate General Counsel Young stated that 205 CMR 2.01 was related to the application for a license to conduct a racing meeting by a new operator. She stated that this regulation first appeared in front of the Commission on September 15, 2022, and that a hearing occurred on November 10, 2022. A vote for finalization was required for the regulation to be finalized and approved by the Commission.

Commissioner Skinner inquired whether all legal conditions precedent had to be satisfied prior to the October first deadline, or if that issue could be addressed by another regulation. Associate General Counsel Young stated that completeness was mentioned in the statute, and that the Commission had the discretion and authority to require that applicants provide more information prior to deeming the application complete.

Commissioner Skinner suggested waiting for Commissioner O'Brien to join the meeting to weigh in on this issue. Chair Judd-Stein stated that the regulation would give the Commission the flexibility to address applications submitted to the Commission in the future and reflect the statutory mandate.

Commissioner Maynard expressed that the interpretation of the deadline could be a significant issue but stated that he believed the regulation addressed that issue. He expressed an interest in a substantive discussion related to the October first deadline and the condition precedent that local approval be obtained. He questioned if the issue could be addressed as an amendment.

Commissioner Skinner asked how the Commission would notify the public of a change in the process relying on the language referenced. Associate General Counsel Young stated that the Commission has a large amount of discretion, and that the upcoming racing season would follow the same process as previous years, with notifications, hearings and public meetings regarding the racing application and any updates made by the Legal Division; allowing for a large amount of notice to the public about any changes. She stated that additional language or questions could be added to the application requesting information about the local approval process. She stated that between the application and regulations, the Commission would receive enough information prior to the submission from the applicants to determine whether or not to accept the application.

Deputy General Counsel Caitlin Monahan explained that racing regulations were required to go to the legislature prior to becoming final. She stated that the regulation could undergo revisions, but that the revisions should wait until after the regulation was finalized. She explained that another way to address the issue would be within a revised racing application.

Chair Judd-Stein asked if Commissioner O'Brien requested this regulation to be tabled in her absence. Commissioner Hill replied that Commissioner O'Brien did not make that request and stated that the regulation should move forward as it had been discussed at length. Commissioner

Skinner stated that she was satisfied that the Commission would have another opportunity to address the issue.

Associate General Counsel Young stated that the regulation would go to the clerk of the senate for approximately sixty days before being finalized and filed with the secretary of the state. She anticipated that the regulation would become final in January or February of 2023.

Commissioner Hill moved that the Commission approve the amended small business impact statement and the draft of 205 CMR 2.01 as included in the Commissioner’s Packet and discussed here today, and further that the staff be authorized to take the steps necessary to file the required documentation with the Secretary of the Commonwealth to finalize the regulation promulgation process. Commissioner Maynard seconded the motion.

*Roll call vote:*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Aye.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 4-0.*

Chair Judd-Stein requested that the Commission be apprised of the legislative review.

b. [Sports Wagering Regulations](#) (21:50)

Chair Judd-Stein noted that Commissioner O’Brien was not yet present, and asked which regulation could be reviewed without her present. Attorney Mina Makarious, outside counsel from the law firm Anderson and Krieger, stated that a vote was not expected for the definitions regulation, and the Commission could start with an overview of that regulation.

i. [Draft 205 CMR 202: Sports Wagering Authority and Definitions](#) (23:51)

Deputy General Counsel Monahan stated that the Commission had previously voted to promulgate the definitions section by emergency, and that a final vote would be held on December 1, 2022. She stated that the Legal Division wanted to adjust definitions and add additional definitions prior to the final vote while there was time for public comment. She requested that the Commission vote to post the revised definitions regulation on the Commission website for public comment.

Mr. Makarious then presented the changes to 205 CMR 202. The *draft 205 CMR 202* was included in the Commissioner’s Packet on pages 156 through 163. He stated that the previous version captured language required for the initial regulations, and that the revisions added remaining definitions. He noted that the legal team had worked with Gaming Laboratory International (“GLI”) in developing these definitions.

Deputy General Counsel Monahan stated that a change was made to the definition of ‘sports wagering vendor’ as GLI had explained the testing certification labs were not technically sports wagering vendors and should be certified separately. Chair Judd-Stein noted that sports wagering vendors were under the control of the operators as agents, and while third-party marketing was addressed, she wanted to ensure that vendors complied with the Commission expectations and regulations regarding advertising and social media.

Mr. Makarious stated that third party marketing entities were listed, and that they would need to be licensed and registered as a vendor if they met the criteria for regulation. He stated that the operators assumed contractual control of their messaging. Chair Judd-Stein asked if it falls on the operator whether their vendors comply with the regulations. Mr. Makarious stated that one of the next steps was developing marketing controls, and an adequate level of operator control over advertising.

Commissioner Hill asked if the language could be clarified. Commissioner Maynard expressed an interest in further clarifying language as well. Mr. Makarious stated that ‘third-party marketing entities’ were broad but could be clarified as advertising and marketing entities. He noted that the Communications Decency Act had to be considered in the regulation of third-party marketing and suggested keeping broader language.

*Transcriber’s note: Commissioner O’Brien joined the meeting.*

Commissioner Hill stated that he would like the term “advertising” to be included within the definitions. Commissioner O’Brien suggested that it be “advertising or marketing.” Commissioner Skinner stated that she was under the impression that the regulation was already posted on the website for public comment at the time it was drafted. Deputy General Counsel Monahan stated that the regulation had been posted, but due to the emergency process, the Legal Division wanted to seek Commission approval prior to releasing the revised version publicly before the final vote.

Commissioner Hill moved that the Commission approve to post for public comment the draft 205 CMR 202 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.*

ii. [Draft 205 CMR 250](#): Protection of Minors and Underage Youth and Small Business Impact Statement (48:44)

General Counsel Grossman explained that 205 CMR 250 had been presented to the Commission on November 10, 2022, and that the regulation was now being presented with further edits. He introduced attorneys David Mackey and Annie Lee from Anderson and Krieger. Ms. Lee stated that edits had been made to address sports wagering kiosks being placed in horseracing areas. She stated that provisions were added to require the sports wagering operator to submit specific policies, practices, and procedures designed to keep minors and underage youth from accessing sports wagering kiosks to the Commission for approval.

Ms. Lee explained that 205 CMR 250.05, which mirrored sanctions in sections 205 CMR 133 and 205 CMR 233 for violations with voluntary self-excluded patrons, had been removed to give the Investigation and Enforcement Bureau (“IEB”) discretion to enforce in the same manner as underage youths in the gaming context. She stated that removing this provision allowed the IEB to enforce the regulation based on the “totality of circumstances” standard.

Chair Judd-Stein noted that the sports wagering statute requires the Commission to impose sanctions. Mr. Mackey stated that the intent of the change was to allow the IEB’s authority with respect to underage sports wagering mirror its authority with respect to underage gaming in a gaming establishment. He stated that IEB Director Loretta Lillios had stated she was satisfied with the change.

Chair Judd-Stein noted that the sanction would be imposed under General Law Chapter 23N. Director Lillios confirmed, stating that the regulation established the standard for infractions for underage sports wagering. She stated that the previous version used the knowing and reckless standard, where the IEB had used the totality of circumstances standard requiring substantial evidence for underage gaming. She stated that the question of whether the enforcement mechanism under G.L. Chapter 23N could be delegated to the IEB was set to be reviewed with respect to the vendors. She clarified to the Commission that the draft regulation was to address the standard of review and not the larger question of delegation.

Chair Judd-Stein asked if sanctions for allowing minors would be a higher or lower standard than allowing someone on the voluntary self-exclusion list to place wagers. Director Lillios stated that the standard of proof for the IEB was lower for minors, as they do not have to prove the operator knowingly or recklessly allowed a minor into the gaming premises. Chair Judd-Stein stated that the Commission needed to be mindful to recognize the differences between G.L. Chapter 23K and G.L. Chapter 23N.

Commissioner O’Brien noted that language was also added to allow for a software tester under the age of twenty-one on premises, to solely assess software on applications or kiosks. She expressed an interest in ensuring there was no back door for any underage person betting on kiosks when accessing the system appropriately. She stated that the changes had sufficiently addressed her previous concerns.

Commissioner Maynard asked why 205 CMR 250.05 was removed, as he did not want to abrogate authority that the legislature had given to the Commission. Ms. Lee stated that the provision was included because 205 CMR 233 and 205 CMR 250 were drafted at the same time, and the legal team considered what would be appropriate to move from 233 to 250. She stated



that parallel sanctions made sense at the time, but were no longer necessary, as 233 had since been promulgated.

Mr. Mackey added that it was removed to allow the IEB's ability of finding underage violations to mirror its powers in 205 CMR 105. Chair Judd-Stein stated that the IEB would perform investigative work, but the Commission needed to discuss how administrative penalties were assigned and the administrative process, as G.L. Chapter 23N was silent. Mr. Mackey stated that the regulation does not address that issue, but addressed the standard applied for a violation of underage sports wagering.

Commissioner O'Brien moved that the Commission approve the small business impact statement and draft 205 CMR 250 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.*

Commissioner O'Brien moved that the staff be authorized to take the steps necessary to file the required documentation with the Secretary of the Commonwealth by emergency and thereafter to begin the regulation promulgation process and further that staff be authorized to modify chapter numbers, section numbers, and titles to file additional regulation sections as reserved or make any other administrative changes as necessary to execute the regulation promulgation process. 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. [Draft 205 CMR 235](#): Sports Wagering Occupational Licenses and Small Business Impact Statement (1:09:53)

Deputy General Counsel Monahan explained that 205 CMR 235 had been brought before the Commission in the previous week and had since been modified in the section of the regulation related to specific job titles with GLI's input.

Mr. Makarios presented the edits to 205 CMR 235. The *draft 205 CMR 235 and small business impact statement* was included in the Commissioner's Packet on pages 35 through 50. Chair

Judd-Stein asked if the position of Cage Manager should be included. Mr. Makarios explained that Cage Manager and Pit Boss were colloquialisms from the gaming industry that the sports wagering industry had not yet adopted, and that the position would be closer to a general manager or sportsbook manager.

Commissioner Hill moved that the Commission approve the small business impact statement and the draft 205 CMR 235 as included in the Commissioner's Packet and discussed 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 staff be authorized to take the steps necessary to file the required documentation with the Secretary of the Commonwealth by emergency and thereafter to begin the regulation promulgation process and further that staff be authorized to modify chapter numbers, section numbers, and titles to file additional regulation sections as reserved or make any other administrative changes as necessary to execute the regulation promulgation process. 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.*

Deputy General Counsel Monahan additionally requested a vote to make the forms referenced in the regulation go into effect as well. Director Lillios stated that the forms were based on the forms from the gaming side, and included the Key Gaming Employee form, the Massachusetts Supplemental form, and the Multi-Jurisdictional Personal History Disclosure forms. Deputy General Counsel Monahan noted that the forms were included in the Commissioner's Packet on pages 51 through 155.

Commissioner O'Brien moved that the Commission approve the forms referenced in 205 CMR 235.02 that are included in the Commissioner's Packet commencing at page 51, specifically, the Key Gaming Employee form, the Massachusetts Supplemental form, and the Multi-Jurisdictional Personal History Disclosure forms that were discussed today and included in the packet. 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.*

iv. [Draft 205 CMR 251](#): Sports Wagering Operation Certificate and Small Business Impact Statement (1:25:19)

General Counsel Grossman explained that 205 CMR 251 was related to the process for a sports wagering operator to obtain an operations certificate. He noted that when a license was awarded, the operator cannot commence operations until they have received an operations certificate. The *draft 205 CMR 251 and small business impact statement* was included in the Commissioner's Packet on pages 165 through 168.

Chair Judd-Stein sought clarification regarding the process. Mr. Makarious stated that prior to the go-live date for each operator, there was a test period, and that once the test period was completed, the certificate of operations would be issued.

Chair Judd-Stein explained that the Commission had the opportunity to designate someone to do testing in the physical locations. She explained that for the casinos, one Commissioner was designated by the Commission for each location, and that under statute, the Chair had the ability to make assignments. She stated a preference of assigning two Commissioners to each site, but questioned whether that would raise issues.

Commissioner O'Brien stated that she had previously been a tester at casinos, and was willing to defer her attendance, so that the other Commissioners would have the opportunity. General Counsel Grossman stated that groups of two Commissioners could be considered as sub-committee subject to the open meeting law. Mr. Makarious noted that site visits were permitted under the open meeting law, but that Commissioners would only be able to take information in, as deliberation on what they were seeing should occur in duly noticed public meetings.

Chair Judd-Stein stated that the assignment decision for which Commissioners would be assigned to which sites would occur in a future public meeting. She asked how online platform testing would occur. Compliance Manager Sterl Carpenter stated that based upon procedures in other states, the online testing could take place in Boston, and the IT would oversee all of the testing through web browser or mobile application.

Vice President of Government Relations & General Counsel from GLI, Kevin Mullaly explained that the platform would be evaluated to GLI 33 with tests including geolocation, network security, integration of local server. GLI's Director of Client Solutions, Joe Bunevith stated that the licensees would submit final software for the Massachusetts market once the technical regulations had been approved, and that the lab would verify it was the software that would be on the market.

Chief Information Officer (“CIO”) Katrina Jagroop-Gomes noted that a great deal of software and firmware was approved in other jurisdictions, and that whatever IT can evaluate in advance would be done. She stated that the IT Division was doing preparation work for when the technical regulations are approved.

Chair Judd-Stein inquired whether the regulation needed to address online testing with more specificity. Mr. Makarious stated that it was kept broad as the licensees had not yet been identified. Chair Judd-Stein noted that category three was not mentioned and asked if the regulation encompassed category three. Mr. Makarious stated that the term sports wagering operator captured all categories of operators licensed under Chapter 23N. Mr. Mullaly stated that if there were specific concerns, the Commission could impose conditions on the sports wagering license or conditions on a certificate of operations.

Chair Judd-Stein asked if the category three sports wagering operators would appear before the Commission in a public meeting and provide evidence of compliance and testing requirements. General Counsel Grossman explained that they would appear before the Commission and present what they submitted, and the test period results, at which point the Commission could vote to award an operations certificate.

Joe Carlton from GLI stated that the testing would start with an architecture review of the system identifying areas with critical regulatory relevance. He explained that GLI would review the source code for all steps of compilation and ensure those files are employed to the testing environment. He noted that the results would be listed on the certification report.

Mr. Carlton explained that the next step would be to break down the elements of player account management platform, the registration process, age verification, responsible gaming features, account controls, inactivity timers, geolocation, data logging. He stated that retail and mobile may require cross-validation for accounts or cross-validations between kiosks and points of sale. He stated that the identified areas with regulatory interest were player protection, state protection, and accurate accounting. He stated that testing normally takes one to three weeks, with a maximum time of six weeks for a client that has never worked with GLI.

Mr. Bunevith stated that every element was documented in the technical regulations based upon GLI 33. He stated that all of the elements listed above are logged and capable of being audited. Commissioner Skinner stated she read the regulations as requiring an IEB presence for testing. Chair Judd-Stein stated that the regulation was not as clear regarding what the Commission was required to do to issue the certificate of operations for online operators. Director Lillios stated that testing certifications and internal controls are going to mirror each other for retail and digital. She stated that for each of the category three operator GLI would come to the Commission for the approval of the operations certificate with the commissioner who was present for the conditional testing.

Commissioner Hill moved that the Commission approve the small business impact statement and draft 205 CMR 251 as included in the Commissioner’s Packet and discussed 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 staff be authorized to take the steps necessary to file the required documentation with the Secretary of the Commonwealth by emergency and thereafter to begin the regulation promulgation process and further that staff be authorized to modify chapter numbers, section numbers, and titles to file additional regulation sections as reserved or make any other administrative changes as necessary to execute the regulation promulgation process. 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.*

v. [Draft 205 CMR 243](#): Sports Wagering Equipment and Small Business Impact Statement (2:42:02)

General Counsel Grossman stated that the next three draft regulations were those governing: technology standards that sports wagering equipment would be required to meet; the process in which equipment becomes certified; and the process under which modifications can be made.

General Counsel Grossman stated that the proposed language adopts GLI 33 by reference as a baseline, and that the standards were amended to capture G.L. Chapter 23N. He noted that the Commission had previously adopted GLI 20 which applies to kiosks, and that the proposed change would update from the 2011 version of GLI -20, to the 2019 version which applies to sports wagering.

General Counsel Grossman introduced Mike Robbins, Technical Compliance Specialist from GLI. Mr. Robbins stated that the GLI 33 standard was developed to manage all forms of event wagering and had been adopted by thirty-three jurisdictions around the world. He illustrated how the edits reflect the requirements of G.L. Chapter 23N. The *draft 205 CMR 243 and small business impact statement* was included in the Commissioner's Packet on pages 169 through 174. Chair Judd-Stein noted that GLI 33 was included in the Commissioner's Packet on pages 175 through 247.

Mr. Robbins stated that GLI 20 allows for kiosks to retain functionality and support for previous uses, while still allowing expanded support for sports wagering use. Chair Judd-Stein asked if kiosks have been used for multiple purposes. Mr. Robbins stated that multi-purpose concepts have been considered and that the standard was written in a way not to hinder innovation and recent technology. He stated that he has encountered kiosks that have functionality for player account transactions, and handling sports wagering ticket issuance.

Mr. Mullaly stated that the sports wagering platforms were deployed globally, but regulated locally, and that the standards allow regulators in different jurisdictions to use the same terminology. Mr. Robbins stated that the Wire Act required servers used to accept sports wagers to be located in the relevant jurisdiction.

Chair Judd-Stein sought clarification regarding the segregation of guest Wi-Fi. CIO Jagroop-Gomes explained that it was normal industry practice to segregate guest access, so that they do not have access to domains and servers. She stated that the process ensures guest network use does not traverse the network with core systems. Mr. Robbins stated that it was to ensure Wi-Fi for guests does not interact with the private network utilized for kiosks and points of sale.

Commissioner O'Brien asked how the Commission could ensure credit cards are not used for payment if the credit card charge can be put on Venmo, PayPal, or other similar payment systems. Mr. Robbins stated that he was not a lawyer or test engineer, and that he would want someone with further understanding to explain this. He noted that Iowa and South Dakota also prohibited credit cards from being used to fund sports wagering accounts.

Commissioner Skinner stated that as the Commissioner assigned to IT and technical compliance regulations, she was comfortable moving forward with a vote. She requested that virtual event wagering should be considered for deletion as it was not relevant for Massachusetts. General Counsel Grossman stated that it was not removed as the definition of sporting event in G.L. Chapter 23N affords the Commission discretion in deciding which events should be allowed. He noted that the inclusion of virtual event wagering did not authorize the activity and only provided the standards if it was authorized.

Mr. Bunevith stated that the Commission has the approval process for types of events and types of wagers that can be offered by the operators. Mr. Mulally stated that another benefit was the defined parameters of how event wagering would be regulated if it was approved. CIO Jagroop-Gomes stated that the language was kept open in case technological needs changed, such as during covid where a virtual event could substitute for a physical event. Chair Judd-Stein stated that it would require a future discussion.

Mr. Mulally stated that each platform would be evaluated to verify the prohibition against credit cards was functioning, and that it would be revalidated during periodic audits. Commissioner O'Brien asked how vendors in other areas with similar laws accepted credit cards despite the checks and balances. She noted that Caesars Sportsbook was fined \$60,000 in Iowa for allowing credit cards to be used on their site. Commissioner Maynard noted that another sportsbook was fined in Iowa for accepting credit cards. Mr. Mulally stated he did not know the full details, but

the payments could have been outside the tested system. Commissioner O'Brien expressed an interest in a further update.

Mr. Robbins stated that account regulations include the allowable types of funding for the player account and that the prohibition of credit cards was reiterated in those provisions. He stated that while operators are prohibited from accepting credit cards it does not stop consumers from using credit to attain allowable funds. Commissioner O'Brien stated that Venmo and prepaid gift cards were too close to credit, and questioned where the Commission should draw the line.

Commissioner Skinner expressed she was comfortable voting on this regulation due to the attention to detail in the regulations and GLI standards. Commissioner O'Brien stated she wanted to hear the Legal Division's opinion. General Counsel Grossman stated that the GLI team has expertise in this area, but that he was comfortable with the draft. He stated that references to internal controls need to be reconciled with upcoming draft regulations.

vi. [Draft Amendment to 205 CMR 143](#): Kiosks and Small Business Impact Statement (4:00:19)

General Counsel Grossman stated that 205 CMR 243.02 references 205 CMR 143.07, specifically the section of the regulation where the kiosk standards from GLI 20 are adopted.

Mr. Robbins explained that the GLI 20 changes between 2011 and 2019 streamlined the layout and format of the standard to focus more on the front-end physical kiosk platform and the back-office platform server. He noted that GLI 20 only applies to proprietary developed hardware, proprietary developed software, and modified off-the-shelf products. He stated that the changes modernized GLI 20 for sports wagering and other activity use.

General Counsel Grossman stated that an amendment had been drafted for 205 CMR 143 where the standard was updated, and that 205 CMR 243.02 incorporated 205 CMR 143.07 by reference.

vii. [Draft 205 CMR 244](#): Approval of Sports Wagering Equipment and Testing Laboratories and Small Business Impact Statement (4:07:23)

General Counsel Grossman explained that 205 CMR 244 covered the administrative aspects of technology and the use of equipment including the certification process. He noted that 205 CMR 244.06 would be reviewed separately as the Commission had already adopted the language to allow independent test laboratories to be certified. The *draft 205 CMR 244* was included in the Commissioner's packet on pages 274 through 277.

Chair Judd-Stein asked if there was any reason not to adopt an annual recertification process for sports wagering equipment. Mr. Robbins explained that Indiana, Wyoming, Arkansas, Connecticut, and Iowa required annual recertification, and Illinois requires recertification twice a year, with Arizona requiring recertification every fifteen months.

General Counsel Grossman stated that the Legal Division reviewed the draft regulations with outside counsel, and that the drafts would be put out for public comment. Commissioner Skinner

stated she would make a motion to approve the regulations but was unsure about moving as an emergency. Chair Judd-Stein asked what the impact would be if they were not adopted by emergency. Deputy General Counsel Carrie Torrisi stated that if they were filed ordinarily, they would not go into effect until February 17, 2023.

Commissioner Hill moved that the Commission approve the small business impact statement and draft 205 CMR 243 as included in the Commissioner's Packet and discussed here today. Commissioner Skinner seconded the motion.

General Counsel Grossman suggested language be included that clarified that the motion includes 243.01 and 243.02. Commissioner Hill accepted the amendment to the motion.

Commissioner Hill moved that the Commission approve the small business impact statement and draft 205 CMR 243.01 and draft 205 CMR 243.02 as included in the Commissioner's Packet and discussed 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 staff be authorized to take the steps necessary to file the required documentation with the Secretary of the Commonwealth by emergency and thereafter to begin the regulation promulgation process and further that staff be authorized to modify chapter numbers, section numbers, and titles to file additional regulation sections as reserved or make any other administrative changes as necessary to execute the regulation promulgation process. 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 the small business impact statement and draft 205 CMR 143.07 as included in the Commissioner's Packet and discussed 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.*

Commissioner Hill moved that the staff be authorized to take the steps necessary to file the required documentation with the Secretary of the Commonwealth by emergency and thereafter to begin the regulation promulgation process and further that staff be authorized to modify chapter numbers, section numbers, and titles to file additional regulation sections as reserved or make any other administrative changes as necessary to execute the regulation promulgation process. 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 the small business impact statement and draft 205 CMR 244.01 through 205 CMR 244.05 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.*

Commissioner Hill moved that the staff be authorized to take the steps necessary to file the required documentation with the Secretary of the Commonwealth by emergency and thereafter to begin the regulation promulgation process and further that staff be authorized to modify chapter numbers, section numbers, and titles to file additional regulation sections as reserved or make any other administrative changes as necessary to execute the regulation promulgation process. 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.*

4. [Sports Wagering Process Update](#) (4:39:19)

Director Lillios reported that the application deadline for prospective operators was Monday, November 21, 2022. She stated that the IEB had met with the operators by category and answered their questions. She stated that the IEB was continuing to work on the regulations and other preparations.

5. [Commissioner Updates](#) - Meeting Minutes Approval (4:40:29)

Commissioner Hill noted that the minutes had been tabled until the end of the meeting so that Commissioner O'Brien could participate, and a vote was required to approve them.

Commissioner Hill moved that the Commission approve the minutes from the May 12, 2022, public meeting, included in the Commissioner's Packet, subject to any necessary corrections for typographical errors or other non-material matters. Commissioner Skinner seconded the motion.

*Roll call vote:*

*Commissioner O'Brien: Aye.*

*Commissioner Hill: Aye.*

*Commissioner Skinner: Aye.*

*Commissioner Maynard: Abstain.*

*Chair Judd-Stein: Aye.*

*The motion passed unanimously, 4-0, with one abstention.*

6. [Other Business](#) (4:42:29)

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

Commissioner Maynard moved to adjourn. 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.*

**List of Documents and Other Items Used**

1. Notice of Meeting and Agenda dated November 10, 2022
2. Public Meeting Minutes, May 12, 2022
2. [Commissioner's Packet](#) from the November 17, 2022, meeting (posted on massgaming.com)



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

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

Bonnie Andrews, Research Manager

DATE: May 4, 2023

RE: Public Safety Research Report--Assessing the Influence of Gambling on Public Safety in Massachusetts Cities and Towns During the COVID-19 Pandemic: Analysis of the Influence of Encore Boston Harbor on its Surrounding Community

---

Massachusetts General Laws Chapter 23K Section 71 directs the Gaming Commission to develop an annual research agenda in order to understand the social and economic impacts of expanded gaming in the Commonwealth. Included in this section is a requirement to assess the relationship between crime and the expansion of gaming in the Commonwealth.

As part of the FY23 research agenda, the Commission funded Justice Research Associates (JRA) and their principal researcher, Dr. Noah J. Fritz, to continue the examination between casinos and the public safety effects related to their operations. Christopher Bruce, who previously studied crime, calls for service, and collisions in casino host and surrounding communities at regular intervals following casino openings, has continued to provide technical assistance with data collection and analysis.

This report is an analysis of changes in activity in the communities surrounding Encore Boston Harbor (EBH) over five distinct timeframes before, during, and since COVID-19-related closure. Findings include that, overall, the area around EBH did not experience significant increases in crime when compared to other areas in the region.

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



Massachusetts Gaming Commission

# MGC Research Snapshot

Assessing the Influence of Gambling on Public Safety in Massachusetts Cities and Towns During the COVID-19 Pandemic: Analysis of the Influence of Encore Boston Harbor on its Surrounding Community

April 2023

## What you need to know

This report is an analysis of changes in activity in the communities surrounding Encore Boston Harbor (EBH) over five distinct timeframes before, during, and since COVID-19-related closure. Findings include that, overall, the area around EBH did not experience significant increases in crime when compared to other areas in the region.

## What is this research about?

Encore Boston Harbor (EBH) opened on 23 June 2019, drawing more than 3.5 million visitors during the first eight months of operation. This analysis encompassing the period pre-, during, and post-COVID-19 closure provides a temporal and spatial view and perspective of crime in and around EBH.

Important to note is that any study analyzing crime and disorder during this period is challenged by the effects of events such as the social stress of COVID-19, protests related to George Floyd, and political unrest surrounding the 2020 election. It is virtually impossible to control for these contributing factors; and as such, this report offers benchmarks for future research and a starting point for understanding the scope and nature of crime in the region.

## What did the researchers do?

Six cities (Chelsea, Everett, Malden, Melrose, Saugus, and Lynn), as well as the Massachusetts State Police, submitted data for analysis. 33 FBI crime offenses were grouped into six categories and tracked for patterns over the study period. Researchers used spatial analysis software to understand crime and place, particularly crime hotspots and micro-level analysis. They then conducted a spatial analysis of crime counts across the study area using hexagon polygons of equal size (approximately one-quarter-mile square areas) to compare high and low crime areas and describe the scope and nature of crime in them compared to the hexagon encompassing the casino and those hexagons immediately contiguous to it.

EBH was compared to three other crime hotspots identified in the region. Historical averages and spatial and temporal patterns for key crime categories were established for each agency and the region to be used as benchmarks for future analysis.

Tableau data visualization software was utilized to conduct analysis over five distinct periods: (1) Pre-casino opening (9/30/18-6/22/19), (2) Open (6/23/19-3/14/20), (3) Closed due to COVID-19 (3/15/20-7/11/20), (4) Restricted Reopening (7/12/20-5/29/21), and (5) Reopen (5/30/21-7/2/22). Weekly averages were calculated and graphed to illustrate the fluctuation of activity over the entire period and within each study period. Comparisons were made to ascertain the degree to which casino operations and general COVID-19 closures impacted crime and call levels. Any significant increases were analyzed in more detail with available quantitative data.

This report does not generally attempt to ascertain causality; it identifies the trends across focused periods of pre-opening, open, closed, restricted and reopened cycles and discusses contributing factors and geographic explanations for high and low activity. Future analysis will attempt to ascertain the causal factors and correlates related to crime in proximity to the casino.

## What did the researchers find?

The most significant finding was that crime started to rebound or increase before EBH reopened. This timing



suggests that the casino is not causing crime to go up, but other socioeconomic and/or psychological factors are playing a role. Since crime rose while the casino was still closed, it illustrates that factors other than the casino are at play in causing crime.

Additional findings:

- The literature review offers evidence that some crimes were more greatly impacted by COVID-19 than others. Theft from persons, shoplifting, robberies, and burglaries declined during the closures. Auto thefts and domestic violence exhibited increases over the same period. Vice and cybercrime increased over periods of closure.
- Vehicle crime skyrocketed when the casino initially opened and remained generally high since the closure and during restrictive reopening. Although Auto Crimes dipped at the early stage of reopening, it skyrocketed once again to a record high in 1/22 and remained extremely high from 10/21-6/22.
- Crime and calls for service reduced in frequency when establishments in the region were closed due to COVID-19, peaked before the closure ended, and returned to original casino opening levels.
- During the closures, crime dropped in all area communities, but rebounded substantially before closures were lifted.
- During the reopening period, some crimes rebounded, but most remained low.
- Overall, crime in the region has been steadily declining over the past 10 years until 2022, where an uptick occurred.
- The City of Lynn has been trending up over the past three years. Malden and Melrose each have experienced an upward trend while Everett, Chelsea, and Saugus have remained flat in the most recent years.
- The entire region shares crime-specific problems similar in nature. The top ten crimes within the region are consistent across jurisdiction. Vandalism, Simple Assault, Other Theft, Theft from Vehicle, Burglary, and Aggravated Assault were within the top-ten crime types in each city under study.
- Three distinct hotspots in the region were identified and compared to the Encore hexagon cluster.
- The immediate areas around the casino showed few increases in crime.
- Violent crime clearly clusters more heavily in Lynn and to a lesser degree in Chelsea.
- Burglaries were more evenly distributed over the entire region.
- Overall violent, property, and total crime followed a consistent pattern.

### Conclusion and Future Directions

Overall, the area around EBH did not experience significant increases in crime when compared to other areas in the region. Developing mitigation strategies and collaborative initiatives appears to be feasible, given the shared similarities in crime types and temporal patterns.

## About the researchers

This report was prepared by Justice Research Associates, LLC, crime analysis consultant to the Massachusetts Gaming Commission. For more information about this report, please contact Noah Fritz at [njfritz@gmail.com](mailto:njfritz@gmail.com).

Future studies will use Risk Terrain Modeling to better understand contributing factors to crime hotspots and compare them to the EBH cluster, as well as critical analysis of certain types of crime associated with the casino. Additional micro-analysis is needed to fully ascertain crime and place, and the Risk Terrain Model will be employed in future reports to study risk and to assist agencies in developing crime prevention and Problem-Oriented Policing (POP) projects to improve their effectiveness of practice.

Future research will also include an analysis of trends using full reports, including narratives, an analysis of changes in the EBH area compared to control areas and the rest of the state, a comparative analysis of traffic collisions in the Everett area versus control areas, and a comparison of EBH with other casinos, normalized by the number of annual visitors to each facility.

## Citation

Justice Research Associates (2023). Assessing the Influence of Gambling on Public Safety in Massachusetts Cities and Towns During the COVID-19 Pandemic: Analysis of the Influence of Encore Boston Harbor on its Surrounding Community.

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

## Key Words

Public Safety; Everett

## Acknowledgements

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.



# Assessing the Influence of Gambling on Public Safety in Massachusetts Cities and Towns During the COVID-19 Pandemic

*Analysis of the influence of Encore Boston Harbor on its surrounding community*

*Crime Comparison covering periods before COVID-19 (pre-post casino opening), during closure and restricted opening, and the period since reopening*

**2022**

**Justice Research Associates, LLC**

Crime Analysis Consultant to the Massachusetts Gaming Commission

March 2023

Vol. 2023.1

# Table of Contents

---

Executive summary.....	4
Project Overview .....	7
Background and Context .....	9
Previous Work and Outputs .....	10
Involved Agencies .....	11
Crime Definitions .....	12
Literature Review .....	15
Methodology .....	24
Data Collection .....	24
Analytical Techniques.....	25
Micro-Analysis: Hexagon Hotspots .....	31
Key Limitations .....	32
Findings / Introduction .....	33
Overall Crime Comparison for Region.....	36
All Agencies in the Region .....	37
Region Crime Breakdown .....	45
City by City Summaries.....	48
Everett .....	50
Chelsea.....	52
Lynn .....	54
Malden .....	56
Melrose .....	58
Saugus .....	60
Hexagon Hotspots .....	63
Detailed Hexagon Cluster Summaries.....	72
Encore and Surrounding Area .....	72
Chelsea.....	75
Downtown Lynn .....	77
Malden Square .....	79
Drunk driving analysis .....	81
Conclusions and future research direction.....	83
References (Section Specific) .....	87
Appendix: Abbreviation and definitions .....	92

---

# Tables

---

Table 1: Publicly issued and planned reports.....	10
Table 2: Capacity and Capability Impacts during COVID-19.....	21
Table 3: Percentile Impact on crime (Literature Review).....	22
Table 4: FBI Group A Incident Based Crime Reporting Categories.....	24
Table 5: All Selected Crime in Region- Weekly Average.....	45
Table 6: Percent Change - All Crime in Region.....	45
Table 7: Crimes among all reporting agencies: Weekly averages by major category.....	45
Table 8: Vehicle crimes among all reporting agencies Weekly averages by category.....	45
Table 9: Crime by Crime Breakdown over the Past 10 in Region.....	47
Table 10: Top Ranked Offenses across all Cities.....	48
Table 11.A-G: Crimes in each City: Weekly averages.....	51-61
Table 12: Top Ten Crimes in each City- Breakdown over the past 10 Years.....	62
Table 13.A-C: Hexagons Hotspot Comparison.....	64-65
Table 14.A-C: Encore Boston Harbor Hexagon Crime Comparison.....	72-74
Table 15.A-C: Chelsea Hexagon Crime Comparison.....	75-76
Table 16.A-C: Downtown Lynn Hexagon Crime Comparison.....	77-78
Table 17.A-C: Malden Hexagon Crime Comparison.....	79-80
Table 18.A-C: Drunk Driving Arrests, Collisions, and last drink location.....	81-82

## Figures

---

Figure 1: Agencies in the study area.....	11
Figure 2: Aerial photo - dense industrial area.....	15
Figure 3: COVID-19 Effects on Police Officers.....	20
Figure 4.A-I: Hexagon Overlay Configuration.....	26-29
Figure 5: Hexagon Cluster Hotspots.....	30
Figure 6: Violent and Property Crime in Full Region.....	33
Figure 7: All Crime Compared over the Entire Timeframe.....	36
Figure 8: Calls for Service over Timeframe.....	37
Figure 9: All Crime Compared over the Entire Timeframe.....	38
Figure 10: Violent Crime Compared over the Entire Timeframe.....	39
Figure 11: Vice Crime Compared over the Entire Timeframe.....	40
Figure 12: Fraud Crime Compared over the Entire Timeframe.....	41
Figure 13: Vehicle Crime Compared over the Entire Timeframe.....	42
Figure 14: Burglary Compared over the Entire Timeframe.....	43
Figure 15: Other Theft (i.e., Larceny) Compared over the Entire Timeframe.....	44
Figure 16: Theft from Vehicle within the Region.....	46
Figure 17: Motor Vehicle Theft within the Region.....	46
Figure 18.A-F: Violent and Property Crime in each City.....	50-60
Figure 19: Theft from Vehicle in Everett Hotspots.....	51
Figure 20: Theft from Vehicle in Chelsea Hotspots.....	53
Figure 21: Theft from Vehicle in Malden Hotspots.....	57
Figure 22: Theft from Vehicle in Melrose over past 10 years.....	59
Figure 23: Theft from Vehicle in Melrose Hotspots.....	59
Figure 24.A-I: Select Crime in Specific Hexagon Hotspots.....	65-71
Hexagon Cluster 1 - Encore Boston Harbor.....	72
Hexagon Cluster 2 - Chelsea.....	75
Hexagon Cluster 3 - Downtown Lynn.....	77
Hexagon Cluster 4 - Malden Square.....	79

---



# Executive Summary

---

Encore Boston Harbor opened on 23 June 2019, drawing more than 3.5 million visitors during the first eight months of operation. As such, the facility reported various crimes, disorder, and arrests commensurate with a facility of that size hosting that many visitors. In the surrounding areas, various crimes increased and decreased. This COVID-19 pre-during-post period analysis provides us with a temporal and spatial view and perspective of crime in and around the Encore Boston Harbor Casino (EBH). While the casino closure would normally provide an opportunity to conduct a pre-post closure assessment using time series analysis; so many other factors come into play during this chaotic period in America. Key factors include the fact that all restaurants, bars, entertainment venues, and schools were closed; and restrictions on health care facilities and hospitals reduced the number of social interactions in our communities, including the possibility for criminal interactions and traffic volume. The social stress of COVID-19, political protests because of George Floyd, and political unrest surrounding the 2020 election, all, contribute to varying levels of crime. Any study looking at crime and disorder, or other human behaviors is simply challenged by the reality that these events collectively affected our lives. It is virtually impossible to control for these contributing factors; and as such, this report offers benchmarks for future research and a starting point for understanding the scope and nature of crime in the region. Patterns of crime in the State, the region and within comparable hotspots will allow us to monitor crime going forward.

This initial report has three specific goals in mind:

1. Conduct an analysis of the increases and decreases in activity in the communities surrounding Encore Boston Harbor over four distinct timeframes before and after COVID-19.
2. Provide insights into the temporal and spatial patterns of crime in the jurisdictions surrounding Encore.
3. Provides the researchers the opportunity to explore a range of methods, software and other tools that have been developed to analyze large volumes of crime and call-for-service data and establish optimal methodology for future analyses.

While this initial report provides insights and lays the foundation for further analysis regarding crime in and around Casinos, it also provides researchers with the opportunity to gather and get familiar with the crime and calls-for-service data within the Encore region and to determine benchmarks and methodology for future analysis. This preliminary report will be a description of the temporal and spatial distribution of crime across five different periods of time: (1) pre-opening, (2) open during pre-covid, (3) closed during covid, (4) the restrictive opening during the covid recover, and (5) reopening post covid. Since these periods do not lend themselves to the same timeframe, weekly averages will be compared in each period to determine the level of crime during each phase. While this is a rudimentary metric at best and given the plethora of causal factors (discussed above), this analysis will not attempt to address whether the casino causes or creates an environment that produces higher levels of crime. Instead, it will simply lay the groundwork for future investigations of this nature. What this report will offer is a temporal analysis across these varying degree of "openness" as compared to three spatial dimensions: (1) the full region, (2) each city or jurisdiction, and (3) four distinct hotspots identified through analysis (described under the methodology section). This initial document can be used to negotiate best practices in spatial and statistical analysis of crime

and place, particularly as it pertains to gaming venues. As a work in progress the researchers look forward to your input and suggestions for improvements and for an endeavor of building a knowledge base for improving public safety in and around casinos and to help them develop problem solving strategies to prevent crime and disorder.

### Research Methods

The research methods used during this analysis included Geographic Information Systems (GIS) software called ArcGIS Pro, a spatial analysis tool for understanding crime and place, particularly crime hotspots and micro-level analysis. A technique we call Detailed Hexagon Clustering was used to identify and drill down on crime within these hotspots to better understand the scope and nature of crime within these areas. A technique called Risk Terrain Modeling is being assessed for future analysis to assess the risk and protective factors within communities as it relates to crime prevention and mitigation. A brief discussion of RTM can be found at the end of this report. Tableau data visualization software was utilized to evaluate the time series analysis over five distinct periods: (1) Pre-casino opening, (2) Open, (3) Closed due to COVID-19, (4) Restricted Reopening, and (5) Reopen. This report focused on the nature of crime and space, using these techniques to investigate various crime categories in the entire region, within each jurisdiction and, finally, at the micro-level of four crime hexagon hotspots. This deductive approach and its findings provide a step-by-step drill down into the data to look for trends and patterns in an historical, temporal, and spatial context. Here are the major findings of this effort.

### Key Findings

- An important finding is that there was a significant increase in crime before the Encore Boston Harbor Casino reopened after the mandated COVID-19 closure. Figure 7 (p.36) shows this chronological ordering, which suggests that the casino is not a primary cause of crime, but that other social, economic, or psychological factors are likely playing a role in changes in crime patterns. For example, it is possible the strain of COVID-19 created an environment where motivated offenders sought relief from stress and/or economic hardship that led them to criminality, but a closed casino cannot be a factor.
- Vehicle crime (illustrated in Figure 13 p.42), including Stolen Autos, Theft From Vehicles and Theft of Auto Part; skyrocketed when the casino initially opened; and remained generally high since the closure and during restrictive reopening. Although Auto Crimes dipped at the early stage of reopening, it skyrocketed once again to a record high of 49 in January'22; and remained extremely high from October'21 throughout June'22.
- The literature review offers evidence that some crimes were more greatly impacted by COVID-19 than others. Theft from persons, shoplifting, robberies, and burglaries declined during the covid closures. Auto thefts and domestic violence exhibited increases over the same period. Vice and cybercrime increased over periods of closure.
- Crime and Calls-for-Service clearly reduced in frequency when establishments in the Region were closed due to COVID-19. But is peaked before the closure ended and returned to original casino opening levels.
- During the covid closures, crime dropped in all area communities, but rebounded substantially before covid closures were lifted.
- During the reopening period, some crimes rebounded but most remained low.
- Overall crime in the region has been steadily declining over the past 10 years until 2022. Figure 6 (p.33) shows the uptick in crime.

- The City of Lynn has been trending up the past three years as illustrated by Figure 18.C (p.54). Malden and Melrose each have experienced an upward trend while Everett, Chelsea, and Saugus have remained flat in the most recent years.
- The entire region shares crime-specific problems similar in nature. The top ten crimes within the region are consistent across jurisdiction. Table 10 (p.48) shows that Vandalism, Simple Assault, Other Theft, Theft from Vehicle, Burglary, and Aggravated Assault were within the top-ten crime types in each city under study.
- Three distinct hotspots in the region were identified and compared to the Encore hexagon cluster, see page 72 for a detailed discussion.
- The immediate areas around the casino showed few increases in crime.
- Violent crime clearly clusters more heavily in Lynn and to a lesser degree in Chelsea.
- Burglaries were more evenly distributed over the entire region.
- This report offers extensive details about the scope and nature of crime and can be used as a benchmark and threshold analysis in future studies.
- Additional micro-analysis is needed to fully ascertain crime and place, and the Risk Terrain Model will be employed in future reports to study risk and to assist agencies in developing crime prevention and Problem-Oriented Policing (POP) projects to improve their effectiveness of practice.
- Overall violent, property, and total crime followed a consistent pattern. Albeit crime behaves, or should we say criminals behave, in routine and demonstratable patterns. Crime ebbs and flows with peaks and valleys over time but stays within a range that must be managed. This report should better help us understand this phenomenon.

## Conclusion

Overall crime around the Encore Boston Harbor Casino did not experience significant increases in crime, when compared to other areas in the region, thus concluding that the casino has limited impact on crime in the region.

Developing mitigation strategies and collaborative initiatives appears to be feasible, given the shared similarities in crime types and temporal patterns. It makes sense to collaborate and focus on specific crimes since evidence-based policing tells us the same prolific offenders operate and that crime clusters in distinct areas. Sharing timely intelligence and responding with effective and unified solutions represents a sound practice for the future. Putting officers in the right place at the right time is feasible when utilizing sound crime analysis.

Future research calls for critical thinking about certain crimes that are associated with the casino. Certainly as patrons visit the casino, cash related crimes like street jump robbery and theft from autos are more likely. Identity theft from thieves stealing documents from parked cars in structures and street parking have clear correlates. Large venues, like sporting events and conference championships draw wealthy clientele, and with-it certain types of crime and scams. Prostitution and human trafficking, as difficult as they are to discern and investigate, remain high priorities. Drunk driving merits ongoing attention given the strong relationship between adult entertainment and alcohol consumption. But as the data suggests, all the jurisdictions within the region, share common crime and disorder problems, and a collaborative and problem-solving approach merits strong consideration. It is very likely that each city is dealing with a similar pattern of a small number of prolific offenders, and hotspots with common contributing attributes.

# Project Overview

---

The primary purpose of this report is three-fold.

- Number 1 - Conduct an analysis of the increases and decreases in activity in the communities surrounding Encore Boston Harbor over five distinct timeframes:
  - prior to the casino opening (Pre-Open),
  - while it was open pre-covid (Open),
  - during the covid closure (Closed),
  - during restricted operations, and
  - time since returning to full operations (Reopen) on May 30 '22.

The goal here is to establish metrics for the new normal now that Encore is open again. This report, like previous ones, will alert participating agencies to trends (whether or not “caused” by Encore), and to identify patterns for future detailed analysis in later reports.

The period covered by this report compares 7-day cycles for the 38 weeks before Encore opened (as a pre-opening baseline) to the 38 weeks the casino was open from June 23, 2019 until it closed on March 14, 2020 due to COVID-19. It will then compare weekly averages for crime counts using these same cycles for the 17-week period the casino was closed from March 15, 2020 until July 11, 2020 when it reopened with capacity and distancing restrictions. Finally, this report will compare these rates of activity since fully reopening on May 30, 2021 and compare it to crime and calls for service rates across these periods. This report provides a time series analysis of these different periods standardized by 7-days.

	Pre-Open	Open	Closed.	Restricted.	Reopen
<b>Time Frame</b>	9/30/18	6/23/19	3/15/20	7/12/20	5/30/21
	6/22/19	3/14/20	7/11/20	5/29/21	7/2/22
	38 Weeks	38 Weeks	17 Weeks	46 Weeks	57 Weeks

- Number 2 - Provide insight into the temporal and spatial patterns of crime in jurisdictions surrounding Encore. It begins with a broad analysis, followed by a drill down into the data at a local level and compares across them. It is a process of deductive reasoning, if you will, that allows us to compare Everett-Encore Boston Harbor to the overall average changes and to each of the surrounding jurisdictions. The spatial micro-analysis uses hexagons to drill down further into quarter-mile sections throughout the region.
- Number 3 - Provides the researchers the opportunity to explore a range of methods, software and other tools that have been developed to analyze large volumes of crime and call-for-service data and establish optimal methodology for future analyses.

This report does not generally attempt to answer broad questions about whether Encore “caused” increases, or its closure caused decreases in the area. It simply identifies the trends across our focused periods of pre-opening, open, closed, restricted and reopened cycles and looks for contributing factors and geographic explanations for high and low activity. Future analysis will attempt to ascertain the causal factors and correlates related to crime in proximity to the casino.

In addition, this report will conduct a spatial analysis of crime counts across the study area using hexagon polygons<sup>1</sup> of equal size – approximately one-quarter-mile square areas. It will use these sectors to compare high and low crime areas and describe the scope and nature of crime in them as compared to the hexagon encompassing the casino and those hexagons immediately contiguous to it. It will compare Encore to three (3) other crime hotspots identified in the region. Historical averages and spatial and temporal patterns for key crime categories were established for each agency and the region. They will be used as benchmarks for future analysis. This report will also provide a follow-up report on drunk driving as reported by the Massachusetts State Police as a follow-up report to previous research done on impaired driving.

Encore Boston Harbor opened on 23 June 2019, drawing more than 3.5 million visitors during the first eight months of operation. As such, the facility reported various crimes, disorder, and arrests that appear to be consistent with a facility of that size and number of visitors. In the surrounding areas, various crimes increased and decreased. This COVID-19 pre-during-post period analysis provides us with a temporal and spatial view and perspective of crime in and around the Encore Boston Harbor Casino. While the casino closure would normally provide an opportunity to conduct a pre-post closure assessment using time series analysis: so many other factors come into play during this chaotic period in America. Key factors include the fact that all restaurants, bars, entertainment venues, and schools were closed; and restrictions on health care facilities and hospitals reduced the number of social interactions in our communities, including the possibility for criminal interactions and traffic volume. The social stress of COVID-19, political protests because of George Floyd, and political unrest surrounding the 2020 election, all, contribute to varying levels of crime. Any study looking at crime and disorder, or other human behaviors is simply challenged by the reality that these events collectively affected our lives. It is virtually impossible to control for these contributing factors; and as such, this report offers benchmarks for future research and a starting point for understanding the scope and nature of crime in the region. Patterns of crime in the State, the region and within comparable hotspots will allow us to monitor crime going forward.

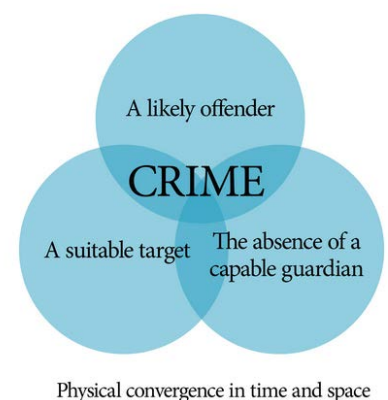
The following key concepts lay the foundation for our approach.

### Crime Triangle



Like the elements of a fire (i.e., oxygen, fuel, and a spark), all three of these crime factors (Victim, Offender, and the lack of a capable guardian at the same time and place) need to be present for a crime to occur (Cohen and Felson, 1979; Clarke and Eck, 2016). Sherman et al. (1989) is one of the first to apply Routine Activity Theory to hotspots, consistently showing how crime congregates in succinct places.

### ROUTINE ACTIVITY THEORY



<sup>1</sup> Documentation for why hexagons are considered best practice in spatial analysis can be found here: <https://pro.arcgis.com/en/pro-app/latest/tool-reference/spatial-statistics/h-whyhexagons.htm>

Best practice, according to the Problem Oriented Policing DOJ funded initiative, calls for solutions that are focused on distinct areas or hotspots and that are multifaceted in nature, which prove to be more successful. Future analysis will attempt to offer a more robust understanding of the scope and nature of crime in these hotspots so that local agencies can leverage their resources towards micro-solutions that can be measured and replicated (Scott & Kirby, 2012).

## Background

---

In 2014, the Massachusetts Gaming Commission, to better assess the impacts of new gaming facilities across the state, commissioned a series of efforts to study, assess, and prepare for the social and economic impacts of gambling. Primary work in this area is being done by the Social and Economic Impacts of Gambling in Massachusetts (SEIGMA) study at the University of Massachusetts Amherst School of Public Health & Health Sciences, drawing upon research and experiences in many other states. For public safety issues specifically, however, the MGC felt it best to contract with someone with direct experience analyzing the crime, call-for-service, and collision records collected daily by Commonwealth police agencies.

While many studies had attempted to study the effects of gambling on overall rates for serious crimes, aggregated annually, hardly any studies have attempted to analyze more specific and minute changes in public safety activity following the opening of casinos, including variations by hour, month, and season, changes in patterns and hot spots, and changes in non-crime activity such as traffic collisions and calls for service. The MGC was interested in the answers to these questions—in analyzing public safety at a level of detail that would help the police anticipate and respond to emerging problems.

In 2014, the MGC contracted with a career crime analyst, the author of several previous reports, to extract data from the agencies likely to be affected by the opening of Massachusetts's new casinos, and to design a process for assessing changes in those agencies' activity on a periodic basis. Work began in 2015 with baseline and first-quarter analyses of the Plainville area, where Plainridge Park opened in June. A new phase began in 2018, when MGM Springfield opened in August, and a third in 2019, in anticipation of the opening of Encore Boston Harbor. This effort produced three (3) reports on Encore prior to this report.

In 2022, MGC contracted with JRA to continue this line of inquiry. JRA is a research consulting firm that specializes in applied research focusing on spatial and temporal analysis of crime and calls-for-service. We look forward to constructive feedback and guiding questions for future analysis. Up to this date, the following reports are available online at [massgaming.com](https://massgaming.com). JRA hopes to continue the research effort laid out by our predecessor and his fine work.

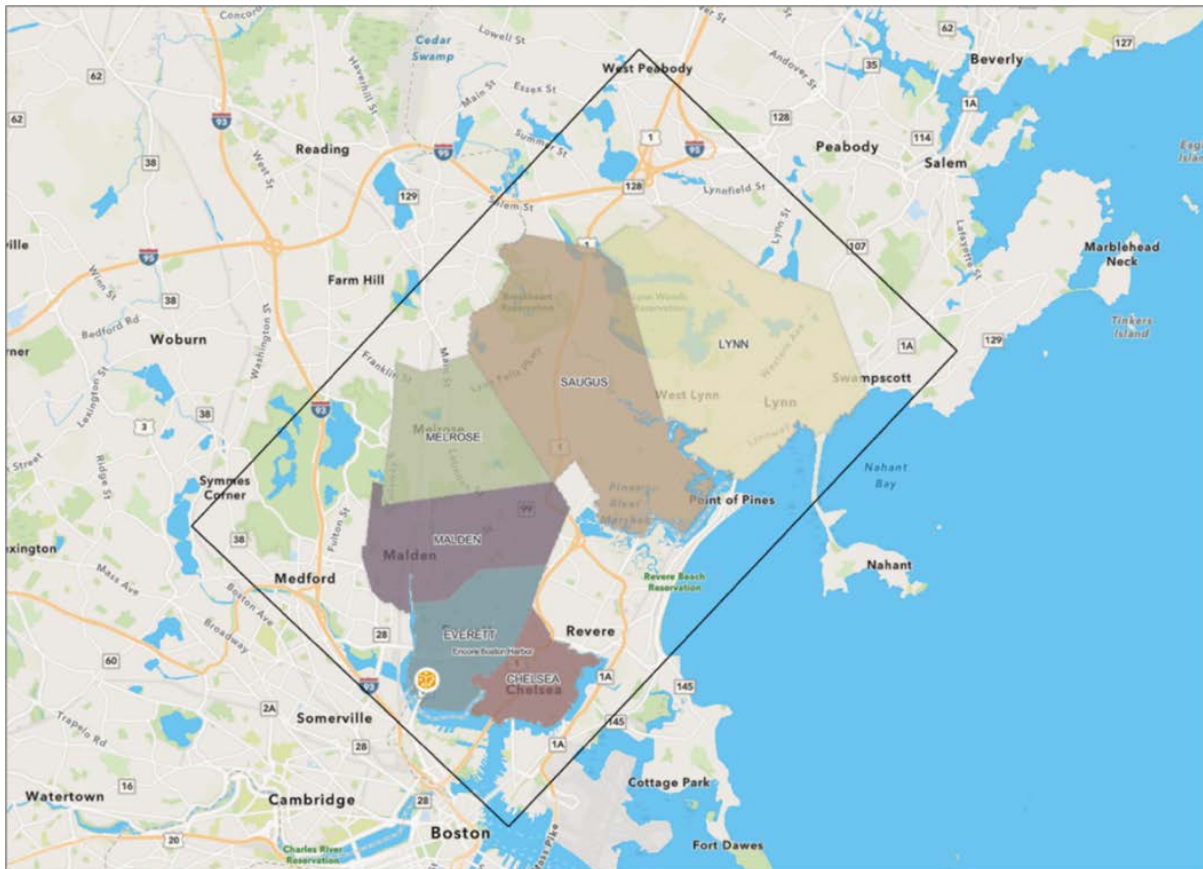
Table 1 below list all previous reports assessing changes in crime and police activity related to the three Massachusetts casinos, with this January 2023 report listed last.

**Table 1: Publicly issued and planned reports on changes in crime and police activity**

Issued	Report	Notes
August 2015	Report on baseline activity at Plainville area agencies	Established statistical measures for post-casino comparison
November 2015	Evaluation of change in police data after the first three months of Plainridge Park	Few changes discernible in the immediate 3 months.
April 2016	Analysis of changes in police data after the first six months of operation at Plainridge Park Casino	Identified traffic-related calls for service as likely related to PPC. Noted increases in fraud crimes.
December 2016	Analysis of changes in police data after the first year of operation at Plainridge Park Casino	Continued to note increases in traffic-related calls; established credit card fraud increases as “likely related.”
December 2017	Analysis of changes in police data after the first 2 years of operation at Plainridge Park Casino	Most comprehensive report so far. Included comparative analysis of control areas.
June 2018	Report on baseline activity in Springfield-area agencies	First report in preparation for MGM casino.
December 2018	Three-year analysis of Plainridge Park area.	Includes comprehensive traffic study
September 2019	Eight-month analysis of MGM Springfield	Showed increases in traffic collisions and complaints but few crimes increase.
September 2019	Baseline analysis of Encore Boston Harbor area	First report on this casino
October 2019	Four-year analysis of Plainridge Park	Final Plainridge Park reports shows few public safety issues attributable to the casino.
February 2020	One-year analysis of MGM Springfield	MGM is shown to be potentially related to some traffic issues and small patterns in specific communities.
March 2020	Six-month analysis of Encore Boston Harbor	Like MGM, Encore itself is busy, but has few detectable influences on surrounding area.
February 2021	18-month analysis of MGM Springfield	First report to cover COVID-era closings.
March 2021	1-year analysis of Encore Boston Harbor	Second report to cover COVID-era closings.
April–June 2021	Special reports on drunk driving, casino-based crime, and the MGM 2-year report	
January 2023	Assessing the Influence of Gambling on Public Safety in Massachusetts Cities and Towns During the COVID-19 Pandemic	Third report to cover COVID-era closings and the weekly time series analysis of pre-to-post Covid periods.

# Involved Agencies

Figure 1: Agencies participating in the study area



The initial study area was limited to those agencies that signed a “surrounding community” agreement with the Massachusetts Gaming Commission: Boston, Cambridge, Lynn, Malden, Medford, Melrose, and Somerville. Together, these cities represent a population of nearly 1.3 million, although limiting the analysis of Boston to Charlestown effectively reduces that number to just over 600,000. Six cities agreed to submit data for analysis for this report, Chelsea, Everett, Malden, Melrose, Saugus, and Lynn. The remaining agencies in the region will continue to be contacted to add their data and include their jurisdictions in future reports.

Of the invited communities, Cambridge declined to participate by supplying the data necessary for this analysis. Medford expressed an initial willingness to participate but never supplied any data. Malden participated in the first analyses (published in March 2020), did not participate in the second report, but rebounded to share data for this report. Saugus Police Department was left out of the initial two reports but has participated in the last two. The remaining agencies have consistently participated.

Although the Massachusetts State Police did contribute their data for this report, its format makes it inconsistent with the local agency submissions and is thus analyzed in a later section of this report rather than in the totals offered below.



# Crime Definitions

---

The following are definitions of the crime categories used in this report. These are mostly drawn without modification from the FBI's definitions for NIBRS (National Incident Based Reporting System) crime categories. In almost all cases, *attempts* to commit these crimes are counted equally with completed offenses. These crimes must, of course, be reported to the police to be included in this report.

Some crime types are grouped together based on common behaviors or themes. The FBI uses group categories for **Violent or Persons Crime** to include Murder, Rape, Robbery, and Aggravated Assault; and for **Property Crime** to include Burglary, Larceny and Motor Vehicle Theft (also called Stolen Vehicles). Others have combined crime groups to include **Vehicle Crimes** to include Motor Vehicle Theft, Larceny From Vehicles and Larceny of Auto Parts, Criminal Damage to Vehicles, and Tampering. **Vice Crimes** are grouped by specific crimes related to drugs, alcohol, gambling, pornography, and prostitution. These groupings will be utilized as part of this analysis and as categories throughout the report when appropriate.

**Aggravated Assault:** An attack by one person upon another for the purpose of inflicting severe bodily injury. Aggravated assault is either accompanied by the use of a deadly weapon (e.g., gun, knife, club) or some mechanism that would result in serious harm (e.g., pushing someone down a staircase), or by serious injury even with a weapon that isn't normally "deadly" (e.g., punching someone and breaking his jaw). If the incident involved neither a deadly weapon nor serious injury, it's coded as a simple assault instead.

**Arson:** Intentional burning of a structure, vehicle, or personal property.

**Auto theft:** Thefts of vehicles capable of operating under their own power, including automobiles, trucks, buses, motorcycles, and snowmobiles.

**Bad checks:** The issuance of checks on accounts with insufficient funds. This type of crime is typically only reported by police when an arrest is made, or an individual is charged.

**Burglary:** Unlawful entry of a structure, including residences, commercial buildings, and government buildings. The entry does not have to occur by force (e.g., a "break-in"). The usual motive for burglary is to steal something inside, but this isn't a necessary part of the definition.

**Counterfeiting/forgery:** Use or possession of an altered, copied, or imitated negotiable or non-negotiable instrument, including U.S. currency, checks, and money orders.

**Credit card fraud:** Use of a stolen credit card or credit card data to obtain goods or services.

**Disorderly:** Disorderly conduct that rises to the level of a criminal charge.

**Drug offenses:** Manufacturing, sale, trafficking, transporting, or possession of controlled substances. Typically, "incidents" of such crime are arrests, as the only way such incidents are reported is when they are discovered by the police.

**Drunk driving:** Operation of a motor vehicle while intoxicated; usually while above a state-designated legal blood alcohol level. As with many of the drug and alcohol categories, such incidents are only reported when discovered by the police, usually resulting in an arrest.

**Drunkenness:** Naturally, not all incidents of intoxication are a police matter. Police incidents that fall into this category are usually incidents of either public intoxication or individuals so dangerously intoxicated that they are placed into protective custody until sober.

**Employee theft:** Also, "embezzlement." Theft of an employer's property by an employee.

**Extortion:** Theft or attempted theft of money, goods, or services through non-violent coercion.

**Family offenses:** Unlawful, nonviolent acts by a family member that threaten the physical, mental, or economic well-being of another family member and are not classified under any other category. This category is only reported when someone is charged, and it almost always involves violations of restraining orders or child neglect.

**Forgery:** Forgery of personal checks, business checks, U.S. currency, or similar negotiable and nonnegotiable documents.

**Fraud.** Theft of property by lying in such a way that convinces a victim to surrender money or goods. It is theft through some kind of scheme, "con game," or ruse.

**Gambling offenses:** Crimes related to illegal gambling, promoting gambling, operating gambling machines, bookmaking, and sports tampering.

**Identity theft:** Representation of oneself as another (actual) person or use of another person's identifying information to obtain goods or services, housing, medical care, or status.

**Kidnapping:** The abduction of one person by another, whether through force or guile. Most incidents coded as such are "custodial" kidnappings involving a parent taking a child in violation of a custodial agreement.

**Liquor law violations:** Illegal manufacturing, sale, possession, or consumption of intoxicating drinks, often because the offender is below the legal age.

**Murder:** the killing of one person by another, including non-negligent homicides.

**Other thefts:** A general category that includes thefts of services (e.g., gas drive-offs), thefts from persons (e.g., pocket-picking), thefts from outdoor public areas. Essentially, any non-burglary, non-robbery theft that is not covered in one of the "theft" or "shoplifting" categories (below) is categorized here.

**Pornography:** Possession, sale, or manufacturing of illegal pornography. Since pornography is legal in Massachusetts, such incidents generally involve minors, either as the subjects or recipients of the pornography.

**Property crime:** An aggregate category that sums the totals of arson, burglary, thefts from persons, purse snatching, shoplifting, thefts from buildings, thefts from machines, thefts from vehicles, thefts of vehicle parts, other theft, auto theft, forgery, fraud, credit card fraud, identity theft, employee theft, extortion, stolen property, and vandalism.

**Prostitution:** Promotion or participation of sexual activities for profit. As with drug offenses, most "incidents" of prostitution are arrests, as the crime is rarely reported except when discovered by the police.

**Purse snatching:** A theft in which an offender grabs a purse off the arm of the victim. If any significant force, violence, or threats are employed, this crime becomes a robbery.

**Robbery:** Taking or attempting to take anything of value from another person by force or violence or threat of force or violence. "Muggings" and "hold-ups" are examples of robberies. A robbery requires a direct confrontation between the offender and victim; houses and buildings cannot be "robbed."

**Sexual assault:** Any sexual act directed against another person (of either sex), either by force or otherwise against the person's will, or non-forcibly but when the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity. This category combines rapes, indecent assaults, molestation, and sexual penetration with an object.

**Shoplifting:** Thefts of items offered for sale at retail establishments.

**Simple assault:** An assault that does not involve a dangerous weapon and does not result in significant injury.

**Statutory rape:** Nonforcible sexual activity with an individual who is unable to give legal consent because of age.

**Stolen property offenses:** Possession or sale of property previously stolen including motor vehicles and personal property. Often, the person possessing the property is the one who stole it in the first place, but this category is used when the actual thief cannot be determined.

**Thefts from buildings:** Thefts of items from commercial or government buildings open to the public, where such entry does not constitute burglary. This often takes the form of thefts of employees' property at businesses open to the public.

**Thefts from machines:** Thefts from coin-operated machines, either for the coins or for the products inside.

**Thefts from persons:** Thefts of personal property from the direct control of the owner. These often take the form of pocket-pickings or thefts of or from diners' purses at restaurants. If any force, violence, or threats are employed, this crime becomes a robbery.

**Thefts from vehicles:** Thefts of items from motor vehicles. The category includes breaking into vehicles (e.g., smashing a window), unlocked entry, and thefts of items from a vehicle's exterior, such as pickup truck beds. Note that thefts of vehicle parts are in a separate category.

**Thefts of vehicle parts:** Theft of parts or accessories from motor vehicles, including wheels, license plates, and engine parts.

**Threats:** Threats to commit physical violence by one person against another. If any weapon is displayed or employed, or if an assault is attempted, the crime is categorized as a simple or aggravated assault instead.

**Trespassing:** Illegal entry to a non-public part of a residence or business. Such entry is rarely to the *interior* of the property, or it would be coded as burglary instead. Most reportable incidents of trespassing are either after notice (e.g., a repeat shoplifter who is ordered not to return to a store) or at posted locations (e.g., construction sites, abandoned buildings).

**Vandalism:** Destruction or defacement of public property, buildings, vehicles, or personal property.

**Violent crime:** An aggregate category that sums totals for murder, sexual assault, kidnapping, robbery, aggravated assault, simple assault, and threats.

**Weapon offenses:** Possession, sale, or manufacturing of illegal weapons. This is often an additional offense discovered by police during arrests for other crimes.

# Literature Review

---

A small body of literature exists for criminological studies of gambling and crime. There has been no research to date to our knowledge that has studied crime around casinos during COVID-19. The previous methodology for inquiry ranges from entire cities being compared to control areas (Stitt et al., 2003; Barthe & Stitt, 2009; Ochrym. 1990). Ratcliffe & McCullagh (1999; 1998) has offered a technique referred to as Repeat Victimization and Geographical Analysis Machine (GAM) that offer promising results. These techniques will be reviewed and assessed for potential viability for future research. Given the plethora of social attributes in the recent past that could drive crime up or down accordingly, this report only seeks to lay the groundwork for future comparisons of correlation and possibilities for causation. Another promising technique under consideration will be to utilize the Risk Terrain Model (Kennedy, L. W. et al. 2016), which applies land use and the identification of different establishment or reference points that impact risk and protective factors that attempt to explain crime hotspots or the propensity for high volume crime areas. This technique will be assessed for future research as well.

The previous Encore Report (Bruce, 2021) concluded that

...few patterns and trends have shown any direct ties to the casino. COVID closures caused crime and crashes to plummet, and future analyses of the casino's impact will be difficult given how much COVID influenced society and economics.

**Figure 2: Aerial photo - dense industrial area**



This preliminary analysis offers the same conclusion: the casino has limited impact on crime in the region. Most of that appears to exist today because the casino is in an area with little commercial establishments. It is our understanding that economic development may be on the horizon and could change this dynamic of criminal activity. One could argue that drawing more people to a location raises the potential for suitable targets and, thus, an increase in crime. Others have argued that changing space into legitimate space with more activity lends itself to increased guardians (i.e., informal social control); therefore, the area is

extremely protected (e.g., strength in numbers). Clearly the casino offers place managers and digital surveillance that deters crime. This preliminary report will simply offer a description of crime and place during these difficult times and lay the groundwork for determining new benchmarks for crime and disorder over time and proximity. Future analysis (discussed at the end of this report) will attempt to monitor and assess certain impacts in the future.

Research on the effects of COVID-19 has been plentiful. Here are excerpts from recent research that offers a theoretical basis and the results on patterns of crime thus far. A full literature search was conducted using “crime and COVID” and keyword search criteria was utilized. Riddell et al (2022), following the lead of Cohen and Felson’s (1979) theory of routine activity and Agnew’s (1992) general strain theory [GST]; “proposes that a crime is more likely to happen when three necessary elements converge in time and place: the presence of a motivated offender, a suitable target, and the absence of a capable guardian; further arguing that if any one of these factors are absent, it reduces the likelihood that a crime will occur (Cohen & Felson, 1979). Riddell et al (2022) offer an eloquent description in their own terms, rather than paraphrase it, we offer their depiction verbatim:

It is particularly useful in how it explains that criminal offenses are related to the nature of everyday patterns of social interactions. Because of the focus on how characteristics, situations, and dynamics across space and time may generate crime conditions (Eck & Weisburd, 1995), it is possible that city wide shutdown mandates may have interrupted the required convergence of the three elements and as such we should expect a reduction of crime. In other words, the pandemic and the stay-at-home orders have disrupted the repetitive and often predictable nature of routine activities by increasing the number of citizens staying at home (providing capable guardians to protect property) and reducing day-to-day interactions in public spaces limiting the chances of potential victims encountering motivated offenders (Cohen & Felson, 1979; Kennedy & Forde, 1990).

... In short, GST [*i.e.*, *General Strain Theory*] would predict that the strains associated with the pandemic, including unemployment and the increasing costs and scarcity of household goods and groceries, as well as the perception of some that mask-mandates and stay-at-home orders are an unjust infringement on one’s rights, would heighten feelings of frustration and anger and, in turn, increase the risk of criminal coping.

Research exploring the impact of COVID-19 on the incidence and nature of crime and victimization will need to explore individual types of crime, disaggregated by location (Campedelli et al., 2020; Felson et al., 2020), and victim characteristics (Ashby, 2020) while also taking into account the differential response to the pandemic across states and cities. The incidence of some forms of property crimes during the pandemic is likely to be shaped by the timing and nature of COVID-19 restrictions and stay-at-home orders, and their financial consequences, including unemployment and economic hardships. Rates of home burglary should be largely insulated from increasing rates of victimization given that stay-at-home orders have created increased guardianship and control (Campedelli et al., 2020). Early research has found that in a number of cities, residential burglaries had declined, but that there has been little change in non-residential burglary (Ashby, 2020; Gerell et al., 2020). Ashby (2020) notes that while motor vehicle thefts have also declined, there have been diverging patterns of thefts from motor vehicles. He concludes that this

aligns with the routine activities approach, with stay-at-home orders and other movement restrictions leading to more residents and neighbors increasing guardianship of their property. Similarly, Boman and Gallupe (2020) note that there has been a reduction in these opportunistic crimes driven largely by decreases in minor offenses related to adolescent peer groups. Mohler et al. (2020) found similar results in two U.S. cities, Los Angeles, and Indianapolis, which exhibited a decrease in burglaries and robberies but an increase in auto thefts and domestic violence calls. Sutherland et al. (2021) corroborated the decrease in violence in Los Angeles, where shooting incidents dropped by 9.3% from 2019 and 10.3% from 2018. However, these results do not hold in other major U.S. cities; New York, Baltimore, and Chicago all saw increases in shooting incidents since the beginning of the COVID-19 pandemic...

...While property and economically motivated crimes have declined in the last several months, the same has not been found with respect to violent crime. Instead, violent crime has remained either relatively stable (Ashby, 2020) or has increased for specific forms of violence, including homicide and aggravated assaults (Rosenfeld et al., 2021), and intimate partner or domestic violence (Piquero, Jennings, et al., 2021; Roesch et al., 2020). For example, Boman and Gallupe (2020) report that violent crimes which are generally not committed with co-offenders (i.e., homicide and intimate partner violence) have either remained constant or increased (see also, Evans et al., 2021; Leslie & Wilson, 2020; Piquero et al., 2020). Roesch et al. (2020) found that high rates in income loss and general financial instability during lockdowns often places stress on relationships, resulting in crimes of intimate partner violence. Finally, in the most recent and authoritative review of crime during the pandemic inclusive of the year 2020, Rosenfeld et al.'s (2021) analysis of data from 34 cities found sharp increases in homicides, as well as smaller increases in aggravated assaults and gun assaults but decreases in most property and drug crime rates, while Piquero, et al.'s (2021) systematic review of studies exploring changes in domestic violence incidents before and after pandemic lockdowns revealed a sizable increase in studies using a range of measures for domestic violence and in different locations throughout the world.

Riddell et al. (2022) assessed property and violent crime indexes in relationship to COVID-19 stay-at-home regulations in Dallas, TX during the first half of 2020. These researchers tested for changes in violent and property crime over four key "intervention" periods. Two key findings: (1) both violent and property crime rose between the initial stay-at-home policy and the phase one re-opening; and (2) daily counts of property and violent crime were higher during the third phase of Dallas officially re-opening. Riddell et al. (2022) conclude that policy makers need to focus on allocation of all social services, not just law enforcement, particularly when "stay at home orders" are implemented.

Germane to Massachusetts's Gaming Commissions concerns regarding crime at and around casinos, Riddell et al. (2022) demonstrated that violent crime increased during times of general strain or stress, especially homicides, aggravated assaults, and domestic violence, while most

property crimes decreased due most likely to people staying at home (consistent with RAT), with non-residential burglary being an exception for obvious reasons. Riddell et al. (2022) offer possible explanations for violent crime increases due to Dallas PD operating at reduced capacity, fewer opportunities for offenders to commit other crime; however, the higher level of violent crime found during phase-3 could be indicative of accumulated strain.

Reid et al (2021) report on the consequences of COVID-19 on the psychological distress and antisocial behaviors of youth like aggression, frustration tolerance, school misconduct, substance abuse and suicide ideation and attempts. Balmori de la Miyra et al., (2021) and Lallie et al., (2021) report that evidence mounts that demonstrates the impact of COVID-19 on criminality and the criminal justice system's ability to respond to it. Reid et al. (2022) concludes that

Undoubtedly, the pandemic has altered crime rates, the operations of the criminal and juvenile justice systems, policing practices, and the availability of health and social resources (Abrams, 2021; Buchanan et al., 2020; Desai et al., 2021; Langton et al., 2021; Semukhina, 2021). COVID-19 mandates continue to create major disruptions in daily life of all persons involved in the criminal justice system from youth in detention to correctional officers. For example, diminished personal and community connections due to the pandemic has disrupted the lives of detained individuals and criminal justice professionals tasked with their supervision (Buchanan et al., 2020; Lockwood et al., 2021; Schwalbe & Koetzle, 2021). Concerns regarding the spread of COVID-19 in correctional facilities have resulted in changes in detention protocols and rates of early release (Abraham et al., 2020; Hamblett et al., 2022; Henry, 2020; Surprenant, 2020). Mandated responses to the COVID-19 pandemic have altered the frequency and types of interactions between criminal justice professionals and those involved in or impacted by crime (Lockwood et al., 2021; Schwalbe & Koetzle, 2021). Engagement in antisocial behavior and mental health deterioration are elevated due to the stressful and unstable conditions affecting every life domain (Best et al., 2021; Kira et al., 2021; O'Connor et al., 2021).

### **Changes in Crime Counts and Calls for Service**

In the first four articles of the *Crime & Delinquency* 2022, Vol. 68 special issue (Issue 8), researchers delve into crime and calls-for-service counts. Riddell et al. (2021) takes a closer look at changes in property and violent crime offenses in Dallas, TX during the first 6 months of 2020. They lay the foundation for a time series approach to crime and police activity during different phases of the government's response during COVID-19. They succinctly divide time frames into four separate COVID-19-related phases: (1) stay-at-home order, (2) phase I re-opening allowing 25% capacity for restaurants, movie theaters, museums, libraries, non-essential retail, and shopping malls, (3) phase II re-opening of gyms office workplaces and manufacturing facilities to 25% capacity, and (4) phase III re-opening of businesses to 50% capacity. This research follows their lead.

Employing both Poisson regression leveraging daily crime counts and trend analysis using the start dates of each of the four phases of re-opening, Riddell et al. (2021)

found initial stay-at-home orders led to a 6.8% decrease in daily violent crime counts and a 7% to 10% decrease in property crime; yet found an increasing trend for both violent and property crime between the initial stay-at-home order and the phase I re-opening, and that phase III (reopen all businesses to 50% capacity) was associated with higher daily counts of both violent and property crime (18.5% increase in violent crimes and 12%–15% increase in property crimes). This study advances our knowledge surrounding the pandemic and associated governmental restrictions' influence on different crime types, but, more importantly, is one of the first to examine the influence of both restrictions and the easing of such restrictions on crime.

Dai et al. (2022) analyzed temporal patterns of calls-for-service data before, during, and after the initial COVID-19 lockdown in Hubei Province, China. They found that "violent, property, and dispute case crimes declined during the lockdown, while public order, domestic violence, and "other" crimes increased, and traffic-related crimes nearly disappeared." A critical conclusion was the fact that the extent to which the rates returned to pre-lockdown levels differed by crime type. Belshaw et al. (in press) report on patterns of credit card skimming hits prior to and during COVID-19 lockdown. These researchers used time series analysis to show that skimming hits were significantly and positively related to the period when COVID-19 restrictions were lifted and when gas prices rose.

Yang et al. (2021) illustrated that the numbers of crime significantly decreased in Chicago as the COVID-19 pandemic impacted the daily lives of its citizens. They investigated the spatial and temporal patterns of crime in Chicago. The Seasonal-Trend decomposition procedure (STL-Loess) was used to identify the temporal trends of different crimes, detect crime events outliers, and examine variations of crime distributions over time. The results showed a certain phase pattern in the trend components of assault, battery, fraud, and theft. The largest outlier occurred for components of burglary, criminal damage, and robbery. The spatial point pattern test (SPPT) compared distribution patterns of crime in 2020 to those in 2019, 2018, 2017, and 2016, and analyzed the micro scale changes in crime. Significant findings showed that the distributions of crime changed in 2020 and that theft, battery, burglary, and fraud clustered in downtown Chicago. These researchers conclude that "spatial and temporal patterns of crime changed significantly" as a result of COVID-19 and offered several suggestions for how local police departments should allocate available resources in their response to crime.

Hardford et al. (2022) succinctly proclaims that "it is natural to presume that crimes that rely on the interaction of people, such as violent and sexual offences, or those that require the presence of a capable guardian to prevent, such as burglary, were likely to reduce as a result of conditions that significantly restrict mobility. In addition, certain crimes require access to allow an offender opportunity to commit them, shoplifting being the most obvious. As a result, laws closing much of the shopping industry were likely to have reduced these offences. These predictions held true when subjected to early research. This researcher goes on to claim that "despite widespread international research, there has only been a limited number of studies within the UK" that continued to investigate the impact of COVID-19 (Buil-Gil et al. 2020; CSEW 2021; Dixon et al. 2020; Langton et



al. 2020; Neanidis and Rana 2021; Nivette et al. 2021). Most studies focused on the demand for services experienced by the police by analyzing recorded crimes.

Hardford’s (2022) current study focused the impact of COVID-19 on police demand, capacity, and capability, and how it directly affected the police; and attempted to provide solutions for future preparedness as it pertained to core functions such as 999 [i.e., equivalent of the U.S. 911 system] responding, criminal investigation, and community policing. The impact of COVID-19 was acutely felt in departments that were low capacity and high capability. The effects of these findings related to the impact on the satisfaction, trust, and confidence of the police due to the reduced ability of the police to meet the demands placed upon them. Drops in satisfaction, trust, and confidence were attributed to victims of cyber-crime and anti-social behavior, both crimes that suffered increases during the pandemic.

**Figure 3: COVID-19 Effects on Police Officers**

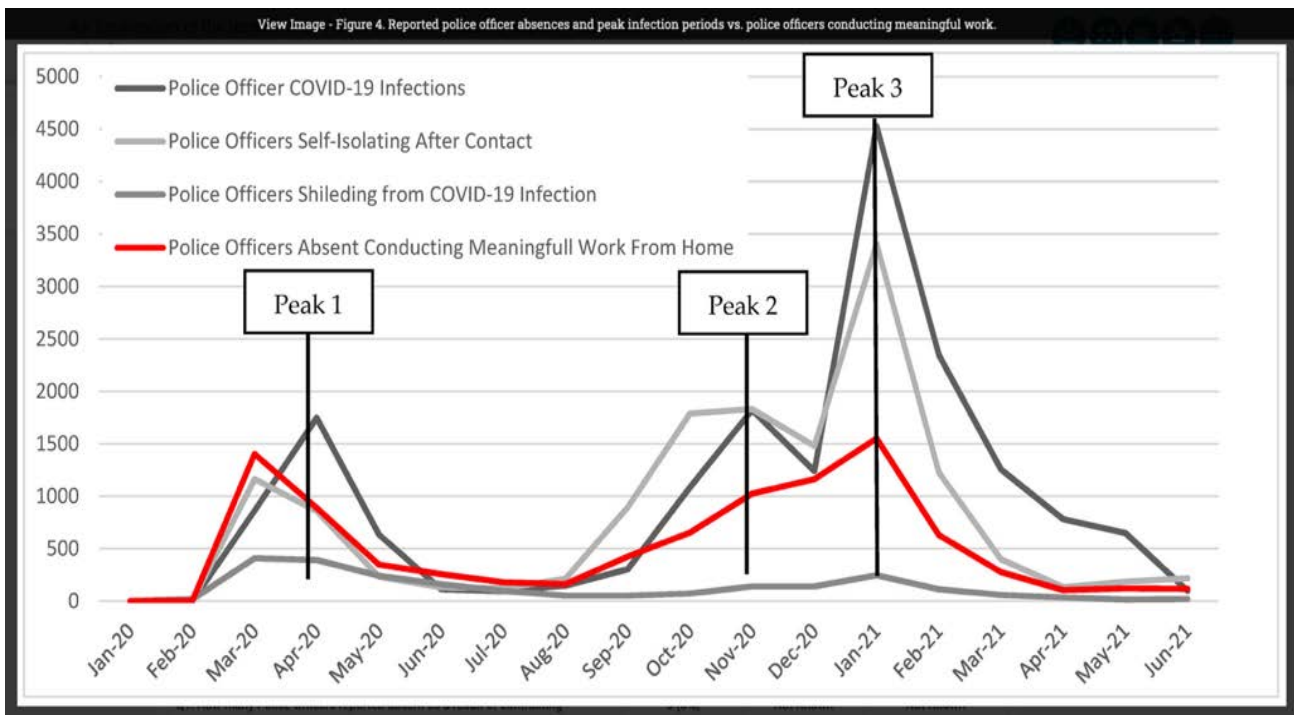


Figure 3 offered by Halford et al. (2022) depicts the direct impact on the policing ability to respond while many officers were absent after being infected by COVID-19, literally unable to address crime events; and investigate and charge offenders.

Table 2 below suggests that many police professionals shared the view that COVID-19 significantly reduced their ability to respond to crime both in terms of capacity and capability. These findings illustrate the perceived impact officers felt during COVID-19 limiting their capacity to respond.

**Table 2: Capacity and Capability Impacts during COVID-19**

Volume of survey respondents who believe access to available capacity or capability was significantly reduced due to COVID-19			
Capacity		Capability	
Policing Department	% of Respondents		Specialist Capability
999 Immediate Response	80.00%	60.38%	PIP 1 accredited investigators
Community Policing	43.64%	28.30%	Community Beat Managers
Force control room	38.18%	24.53	Taser trained officer (TTO)
Criminal Investigation and Public/Child Protection	30.91%	22.64%	PIP 2 and PIP 3 accredited investigators
Intelligence	16.36%	9.43%	Police Analysts
Firearms	14.55%	16.98%	Authorized firearms officer (AFO)
Management of Series or violent offenders	12.73%	N/A	N/A
Roads Policing	10.91%	18.87%	Advanced Drivers
Public Order	10.91%	20.75%	Public order trained staff (including command courses)
		9.43%	Specialist search
Other	10.91%	24.53%	Other
Back Office i.e., HR/Finances etc.	10.91%		
Dog Handling	7.27%	7.55%	Dog Handlers
Surveillance of other covert activities	7.27%	7.55%	Exhibits officers
Digital Investigation	7.27%	15.09%	Digital media investigators
		11.32%	Digital forensic examiners
Force major incident i.e., homicide or counter terrorism	3.64%	3.77%	Holmes Indexer or other MIR specialisms
Mounted	3.74%	N/A	N/A

The following table (Table 3) drawn from Halford et al. (2022: Table A.1) provides a detailed list of the impact of COVID-19 on different crimes categories across Great Britain. It provides a sound basis on which we can understand what to expect in the United States, including the Encore Boston Harbor region (EBH). In essence, it should be no surprise that most of the street crime decreased during the pandemic. We look to this documented trend to understand the trends and patterns witnessed in the EBH region.

**Table 3: Percentile Impact Identified from Studies on the Impact of COVID-19 on UK Police Reactive Demand (Recorded Crime and Disorder)**

<i>Crime Type</i>	<i>Geographic Area</i>	<i>Impact</i>	<i>Additional Information</i>	<i>Data/Lockdown Period Examined</i>	<i>Source</i>
Theft from the Person	England and Wales	Decreased by 79.2%	Only examined 1 month during lockdown	April 2020	(Dixon et al. 2020)
	England	Decreased by 77.6% Decreased by 44.4%	During national lockdown After national lockdown	March 2020-May 2021	(Neanidis and Rana 2021)
Shoplifting	England and Wales	Decreased by 36%	Crime Survey of England and Wales	March 2020-March 2021	(CSEW 2021)
	England and Wales	Decreased by 55.9%	Only examined 1 month during lockdown	April 2020	(Dixon et al. 2020)
	Lancashire	Decreased by 61.6%	Only examined 1 week after lockdown	23 <sup>rd</sup> March-29 <sup>th</sup> March 2020	(Hartford et al. 2020)
Robbery	United Kingdom	Decreased by 60%	Gradual increase over 6 months but remained significantly lower	March 2020-August 2020	(Langton et al. 2020)
	England and Wales	Decreased by 34%	Crime Survey of England and Wales	March 2020-March 2021	(CSEW 2021)
	England and Wales	Decreased by 57.6%	Only examined 1 month during lockdown	April 2020	(Dixon et al. 2020)
	England	Decreased by 52% Decreased by 32.6%	During national lockdown After national lockdown	March 2020-May 2021	(Neanidis and Rana 2021)
	London	Decreased by 54%	Reductions are on daily counts	1 January 2020-30 April 2020	(Nivette et al. 2021)
Domestic Abuse	England and Wales	Increased by 6%	Crime Survey of England and Wales	March 2020-March 2021	(CSEW 2021)
	Lancashire	Decreased by 44.7%	Reduced citizen mobility	23 March-29 March 2020	(Hartford et al. 2020)
Burglary	United Kingdom	Decreased by 20%	Gradual increase over 6 months but remained significantly lower by 10%	March 2020-August 2020	(Langton et al. 2020)
	England and Wales	Decreased by 37.1%	Only examined 1 month during lockdown	April 2020	(Dixon et al. 2020)
	England and Wales	Decreased by 30%	Crime Survey of England and Wales	March 2020-March 2021	(CSEW 2021)
	England	Decreased by 24.3% Decreased by 19%	During national lockdown After national lockdown	March 2020-May 2021	(Neanidis and Rana 2021)
	London	Decreased by 41.6%	Reductions are on daily counts	1 January 2020-30 April 2020	(Nivette et al. 2021)
	Lancashire	Non-dwelling decreased by 25.6% Dwelling reduced by 25.4%	Only examined 1 week after lockdown	23 March-29 March 2020	(Hartford et al. 2020)
Vehicle Theft	England and Wales	Decreased by 28%	Crime Survey of England and Wales	March 2020-March 2021	(CSEW 2021)
	England and Wales	Decreased by 41.2%	Only examined 1 month during lockdown	April 2020	(Dixon et al. 2020)
	England	Decreased by 36.8% Decreased by 30.9%	During national lockdown After national lockdown	March 2020-May 2021	(Neanidis and Rana 2021)
	London	Decreased by 30.7%	Reductions are on daily counts	1 January 2020-30 April 2020	(Nivette et al. 2021)
	Lancashire	Theft of increased by 1.1% Theft from decreased by 43.3%	Reduced citizen mobility	23 March-29 March 2020	(Hartford et al. 2020)
Assaults	England and Wales	Decreased by 28%	Crime Survey of England and Wales	March 2020-March 2021	(CSEW 2021)
	London	Decreased by 12.3%	Reductions are on daily counts	1 January 2020-30 April 2020	(Nivette et al. 2021)
	Lancashire UK	Decreased by 35.6%	Reduced citizen mobility	23 March-29 March 2020	(Hartford et al. 2020)

**Table 3. Cont.**

<b>Crime Type</b>	<b>Geographic Area</b>	<b>Impact</b>	<b>Additional Information</b>	<b>Data/Lockdown Period Examined</b>	<b>Source</b>
Other Theft	United Kingdom	Decreased by 80%	Gradual increase over 6 months but remained significantly lower	March 2020-August 2020	(Langton et al. 2020)
	England and Wales	Decreased by 32%	Crime Survey of England and Wales	March 2020-March 2021	(CSEW 2021)
	England	Decreased by 36% Decreased by 24.4%	During national lockdown After national lockdown	March 2020-May 2021	(Neanidis and Rana 2021)
	London	Decreased by 54.4%	Reductions are on daily counts	1 January 2020-30 April 2020	(Nivette et al. 2021)
	Lancashire	Decreased by 52.4%	Reduced citizen mobility	23 <sup>rd</sup> March-29 <sup>th</sup> March 2020	(Hartford et al. 2020)
Homicide	England and Wales	Decreased by 16%	Crime Survey of England and Wales	March 2020-March 2021	(CSEW 2021)
	London	Decreased by 25%	Reductions are on daily counts	1 January 2020-30 April 2020	(Nivette et al. 2021)
Public Order	United Kingdom	Increased by 20%	Quickly increases and within 2 months returns to pre-COVID levels	March 2020-August 2020	(Langton et al. 2020)
	England and Wales	Decreased by 17.3%	Only examined 1 week after lockdown	April 2020	(Dixon et al. 2020)
Sexual Violence	United Kingdom	Decreased by 24%	Gradual increased to pre-COVID levels over 6 months	March 2020-August 2020	(Langton et al. 2020)
	England	Decreased by 19% Decreased by 4.3%	During national lockdown After national lockdown	March 2020-May 2021	(Neanidis and Rana 2021)
Criminal Damage	United Kingdom	Decreased by 20%	Gradual increase over 6 months to pre-COVID levels	March 2020-August 2020	(Langton et al. 2020)
	England and Wales	Decreased by 30.1%	Only examined 1 week after lockdown	April 2020	(Dixon et al. 2020)
	England	Decreased by 20.3% Decreased by 6.8%	During national lockdown After national lockdown	March 2020-May 2021	(Neanidis and Rana 2021)
Possession of Offensive Weapons	England and Wales	Non-dwelling decreased by 8.8%	Only examined 1 week after lockdown	April 2020	(Dixon et al. 2020)
	England	Decreased by 10.5%	During national lockdown	March 2020-May 2021	(Neanidis and Rana 2021)
Organized Crime (Inc. Drug Trafficking / Possession)	United Kingdom	Increased by 30%	Rapid after 2 months to statistically reduced level of 10%	March 2020-August 2020	(Langton et al. 2020)
	England and Wales	Increased by 9.8%	Only examined 1 week after lockdown	April 2020	(Dixon et al. 2020)
	England	Increased by 28.5% Increased by 8.6%	During national lockdown After national lockdown	March 2020-May 2021	(Neanidis and Rana 2021)
Cyber Crime	United Kingdom	Increased by 43.24%	Only includes cyber dependent crime and online fraud	May 2020	(Buil-Gil et al. 2020)
	England and Wales	Increased by 28%	Crime Survey of England and Wales	March 2020-March 2021	(CSEW 2021)
ABS	United Kingdom	Increased by 100%	Rapid after 2 months to statistically reduced level of 10%	March 2020-August 2020	(Langton et al. 2020)
	England and Wales	Decreased by 108.9%	Only examined 1 month during lockdown	April 2020	(Dixon et al. 2020)
	England and Wales	Increased by 28%	Crime Survey of England and Wales	March 2020-March 2021	(CSEW 2021)
	England	Increased by 65.5% Increased by 22.9	During national lockdown After national lockdown	March 2020-May 2021	(Neanidis and Rana 2021)
Breaches of Coronavirus (COVID-19) Legislation	England and Wales	Comparison not possible	117,213 individuals fixed penalty fines issued by Police	March 2020-20 <sup>th</sup> June 2021	(NPCC 2021)

# Methodology

## Data Collection

Data was collected from the records management systems of the Everett, Chelsea, Lynn, Malden, Melrose, Saugus, and the Massachusetts State Police Departments, but was not available at the time of this study for previous police agencies of Boston, Cambridge, Revere, and Somerville. Ongoing efforts will reach out to these other agencies to help paint a more robust picture of crime and calls-for-service (CFS) in the region in subsequent reports.

Thirty-three FBI crime offenses were included in this analysis based on Group A-Incident Based Reporting definitions. They were used because they represent person and property crimes commonly experienced by victims and consistently captured by the Federal Bureau of Investigations for their annual Crime in the United States Report since 1922. The offenses incorporated into this study and placed into six (6) distinct categories are listed below. These offenses were aggregated and tracked for patterns over the study period.

**Table 4: FBI Group A Incident Based Crime Reporting Categories**

VIOLENCE	VICE	FRAUD	VEHICLE CRIME	BURGLARY	LARCENY THEFT
Aggravated Assault	Drug Equipment	Credit Card Fraud	Theft from Vehicle	Burglary	Theft from Building
Kidnapping	Drugs	Forgery	Theft of MV Parts		Extortion
Murder	Drunk Driving	Fraud	Auto Theft		Purse-Snatching
Robbery	Drunkenness	Identity Theft			Shoplifting
Sexual Assault	Gambling	Bad Checks			Theft from Machine
Simple Assault	Liquor Laws				Theft from Persons
Threats	Pornography				Other Theft
	Prostitution				Employee Theft
	Weapons				

Disorder offenses and 'All Other' offenses were excluded from this analysis given variances in reporting across agencies and time periods.

The data used in this report was collected from the contributing agencies. For Chelsea, Lynn, Malden, Melrose, Revere, Saugus, and Somerville, an Open Database Connectivity (ODBC) connection to each of these agencies' records management (RMS) and computer-aided dispatch (CAD) databases, connected to the databases via Microsoft Access, and used a series of "make table" queries to copy the data into Access data tables. Records were copied to an Access database, password-protecting them in the process, but leaving original datasets on the agencies' networks so they could be updated by designated agency members when necessary. No information specific enough to identify any person (offender or victim PII) was collected, and, at each agency's requests, particular data elements of concern to them were excluded. These requests did not affect the integrity and completeness of the overall dataset.

Everett uses a records management system (RMS) that is incompatible with ODBC - a standardized data collection protocol. The RMS vendor provided support to perform regular extracts from the system but were otherwise able to supply a full dataset. At the current juncture (post COVID-19), Boston, Revere, and Somerville Police Departments were unable to participate

in data contributions, but efforts will be made to include them in the future. Additional Cambridge and Medford agencies will be invited to participate in future analysis.

After receiving the data from each agency system, a “master” database was established. This required translating each dataset into a common set of codes. The uniformity imposed by the National Incident-Based Reporting System (NIBRS) made the translation easy for crime tables; but it is a bit more difficult for Computer Aided Dispatch (CAD or 911 emergency system) tables, which have no uniform coding standards across jurisdictions. These master tables formed the data pool for most of the statistics in this report, except where indicated. The following map (Figure 4-A) depicts the jurisdictions that agreed to participate and were able to send data at the time of this report; they include: Chelsea, Everett, Malden, Saugus, and Lynn.

Crime and Calls For Service records were collected, and dates of reported activity noted. Tableau visualization software was utilized to discern the five study periods (Pre-Open / Open / Closed / Restricted / Reopen) for which these activities occurred. Weekly averages were calculated and graphed to illustrate the fluctuation of activity over the entire period and within each study period. Comparisons were made to ascertain the degree to which casino operations and general COVID-19 closures impacted crime and call levels. The findings from this effort are reported in the pages that follow.

In addition, this report will conduct a spatial analysis of crime counts across the study area using hexagon polygons of equal size – approximately one-quarter-mile square areas. It will use these sectors to compare high and low crime areas and describe the scope and nature of crime in them as compared to the hexagon encompassing the casino and those hexagons immediately contiguous to it. It will compare Encore to three (3) other crime hotspots identified in the region.

- For each agency and the region, historical averages and spatial and temporal patterns for key crime categories were established. They will be used as benchmarks for future analysis.
- Any significant increases were analyzed in more detail with available quantitative data.

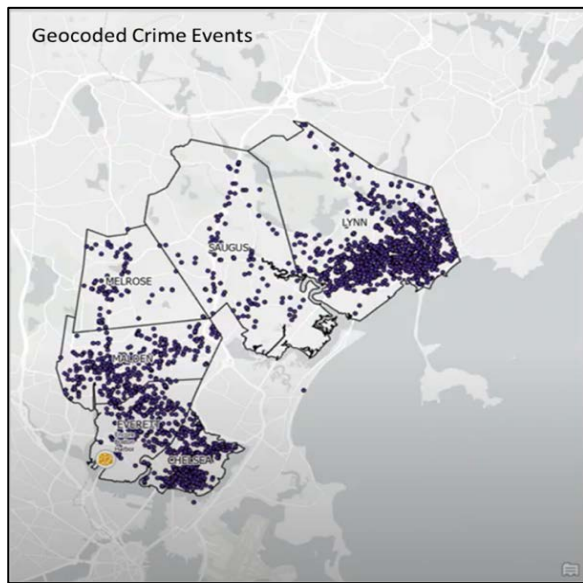
#### Analytical Techniques - Identification of Hexagon Hotspots

Crime incidents for 52 full weeks from July 1, 2021 through July 2, 2022 was used for this analysis. Crime data was geo-referenced to specific addresses throughout the region and a process called geocoding was used to place them on a map using a geographic information system (i.e., ESRI’s ArcGIS Pro). The first figure (4.A) displays the results of this geocoding process. This technique uses hexagons<sup>2</sup> of the same size to normalize and compare across spatial distributions and respective hotspots. Figures 4-A through 4-D demonstrate the logic and technique used to identify hotspots.

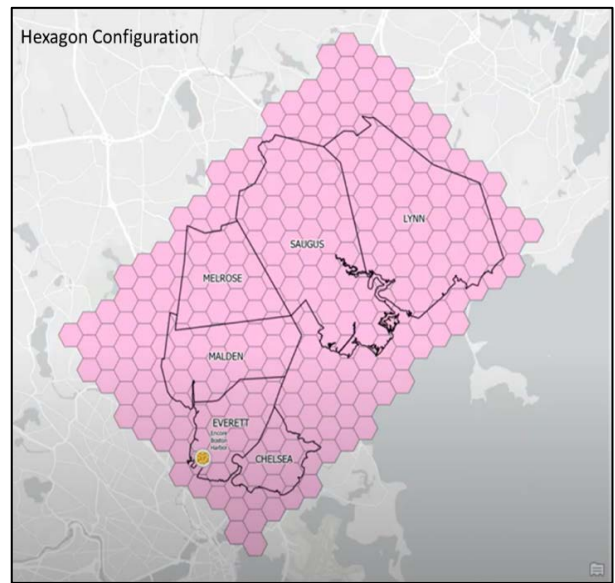
---

<sup>2</sup> <https://pro.arcgis.com/en/pro-app/latest/tool-reference/spatial-statistics/h-whyhexagons.htm>

**Figure 4-A: Hexagon Overlay Configuration**

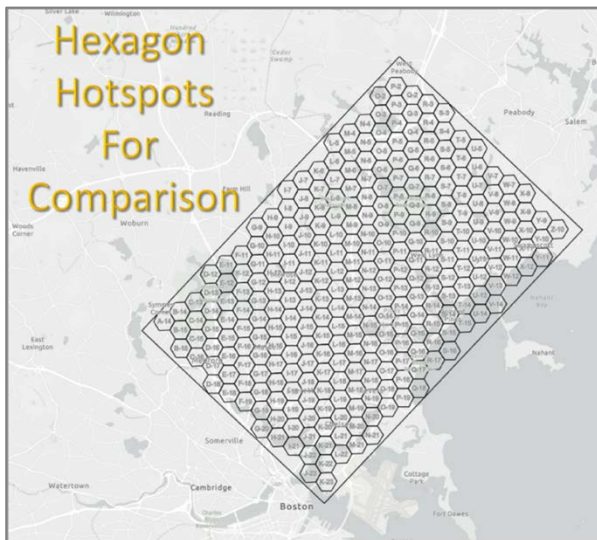


**Figure 4-B**



The next methodological step was to create a spatial overlay of hexagon polygons over the entire region of study. This approach offers a research technique that counts the number of incidents within each hexagon. These hexagons are labeled and used to identify hotspots or aggregate counts to discern high versus low volume. Five quantitative arrays are standards of practice used in Geographic Information Systems.

**Figure 4-C**



*Hexagons layers were created to provide crime and CFS counts of standard size (0.25 square miles). These hotspots were used to identify four hotspots (Encore area and three consistent hotspots of high-volume activity).*

The hexagons were overlaid onto the participating cities and crime and CFS counts were attributed to them.

**Figure 4-D**

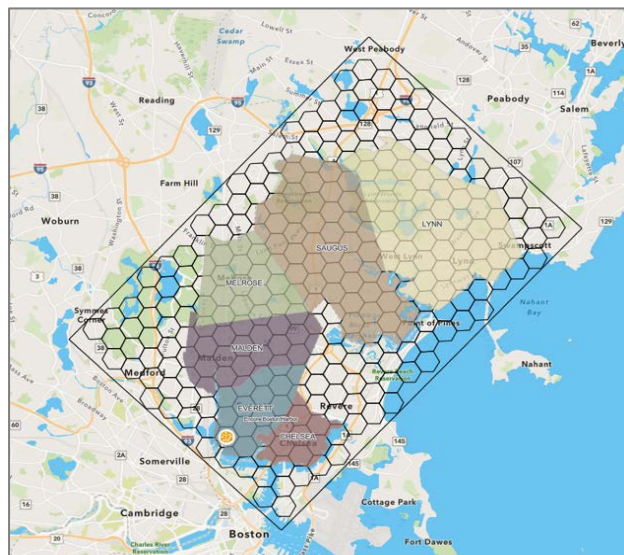
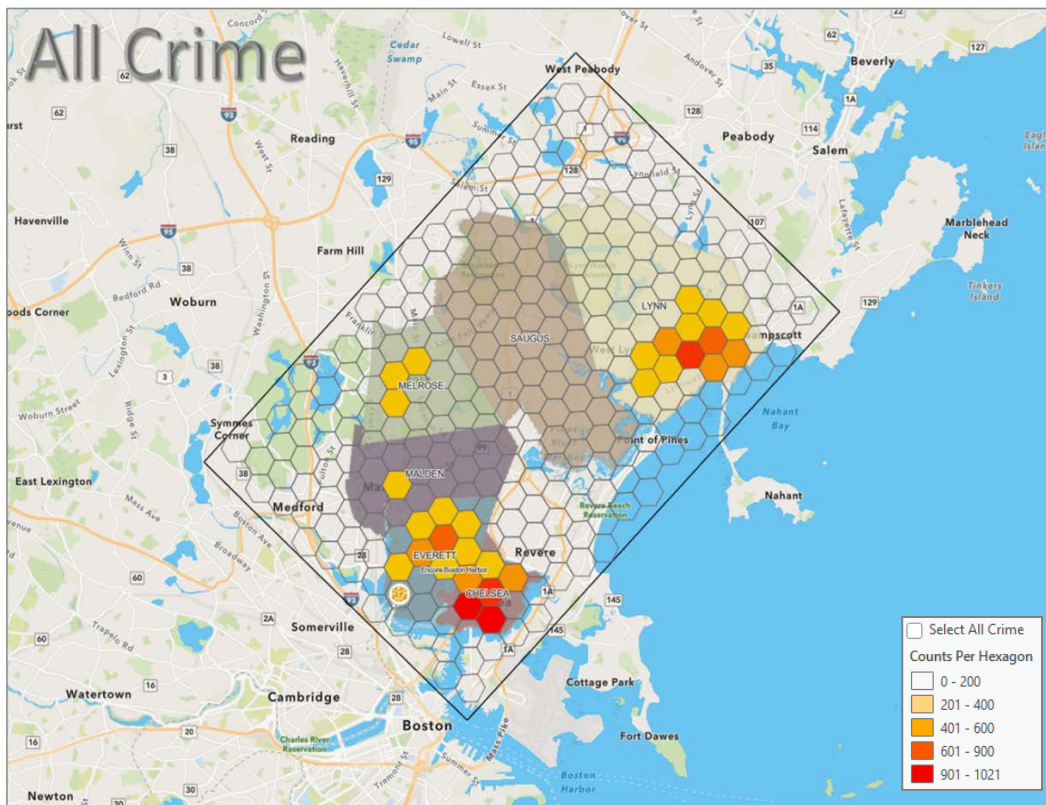
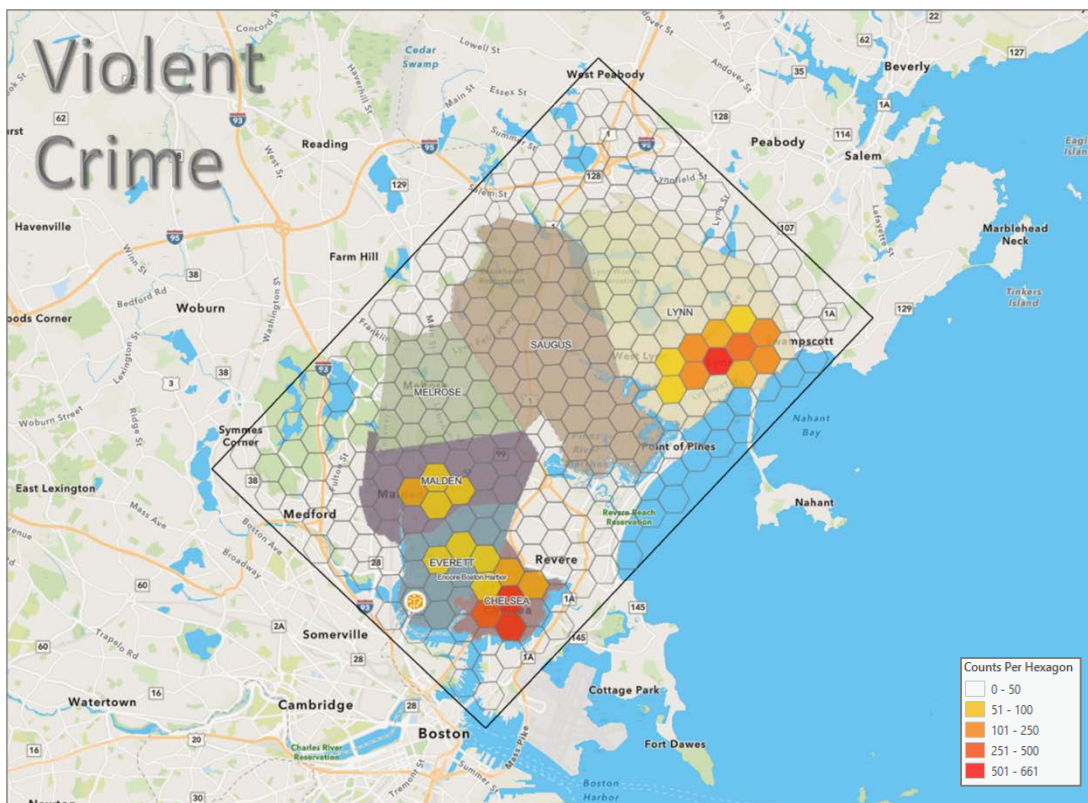


Figure 4-E: All Selected Crime



Beginning with an assessment of all selected crime, two or three distinct hotspots reveal themselves. An area in Lynn shows a relatively large volume area for crime. And another crime hotspot appears in Chelsea and a lower moderate area for crime occurs northeast of the casino in Everett.

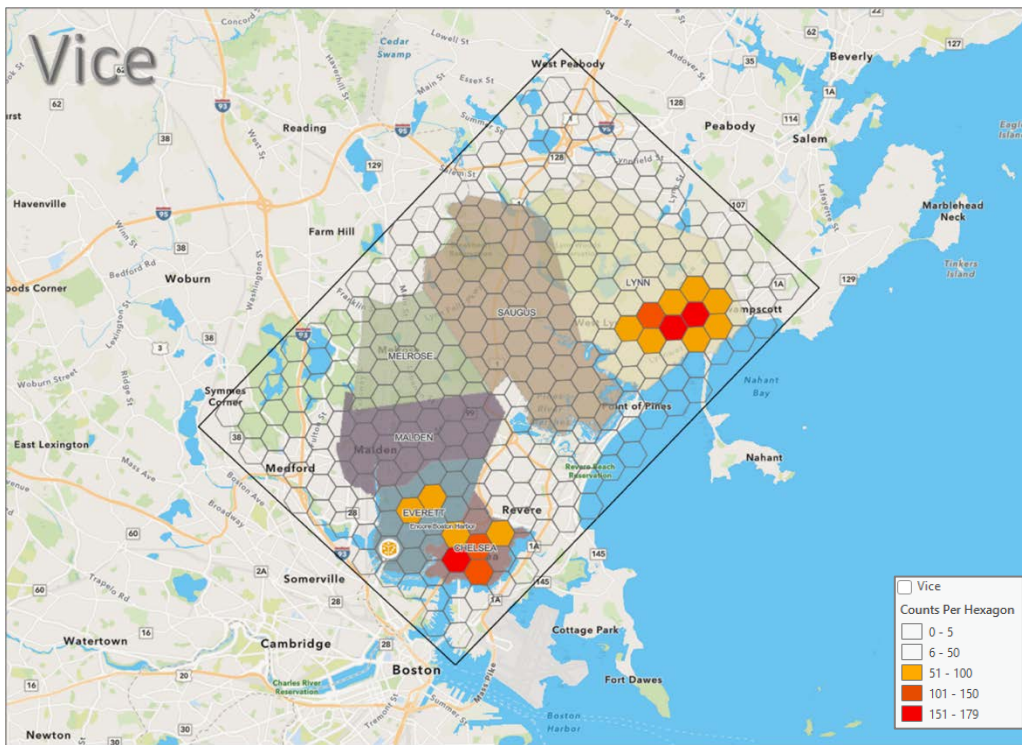
Figure 4-F: Violent crime



**Violent crime** appears to cluster in the same two or three locations in the region, particularly prevalent in Lynn and Chelsea, and a more moderate hotspot in Malden.

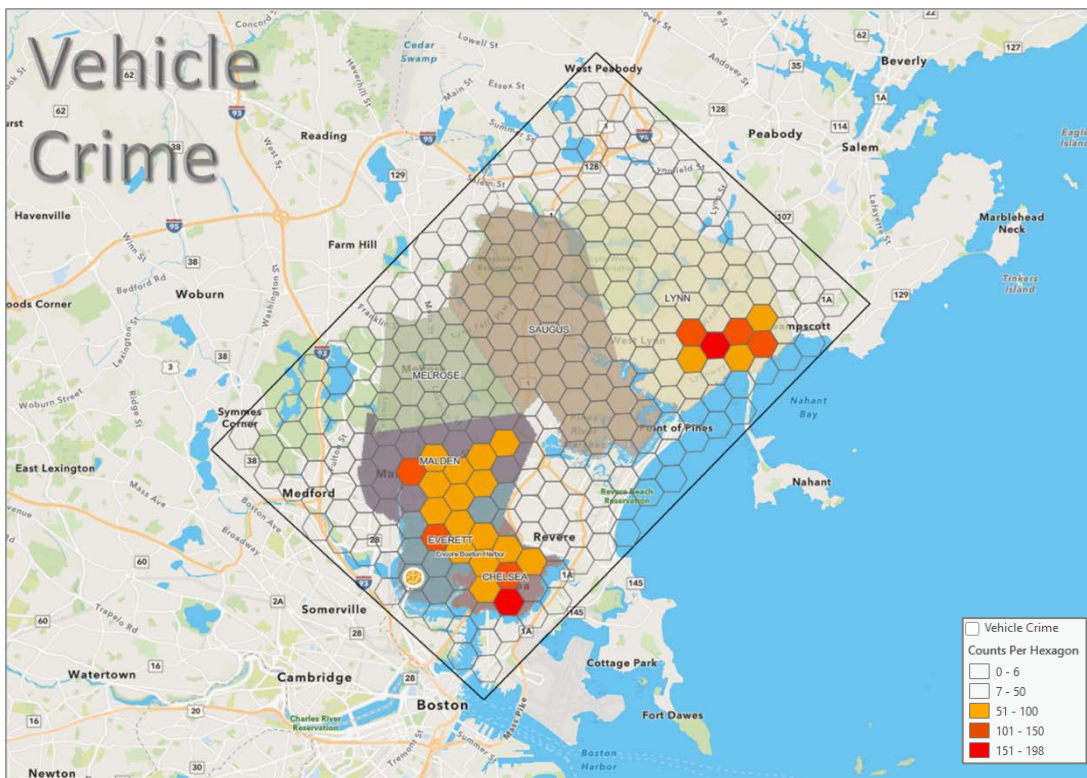


Figure 4-G: Vice



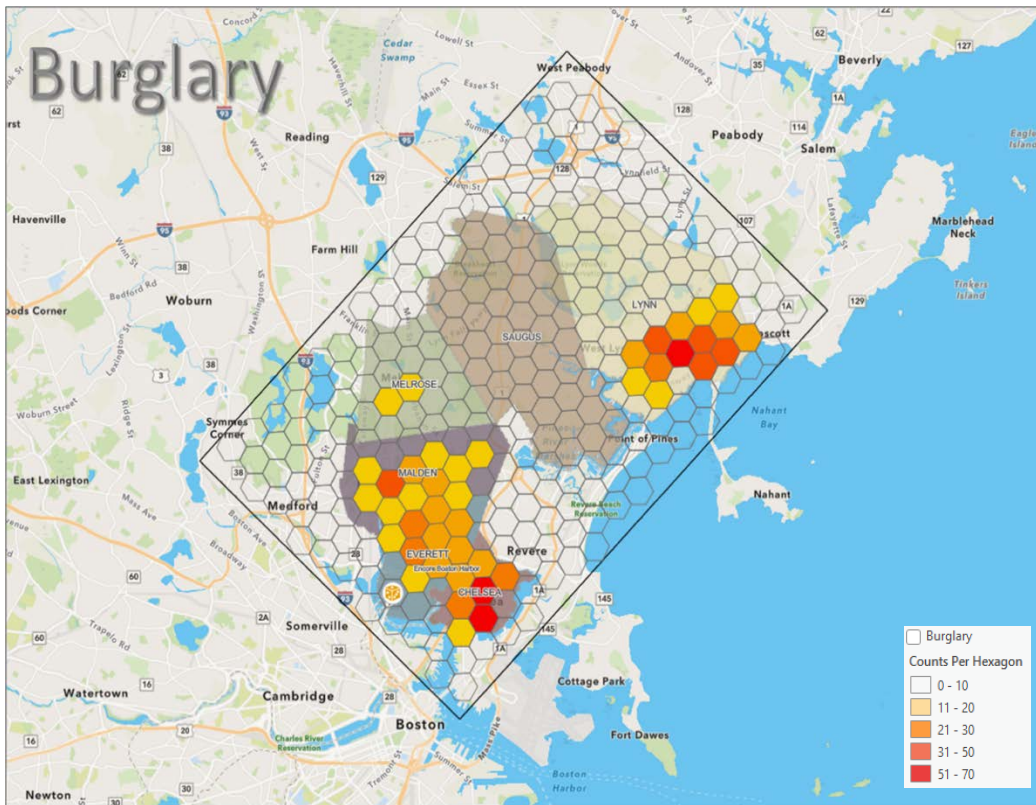
The crime of **Vice** was predominant in the Lynn and Chelsea hotspots, and relatively concentrated in a small set of hexagons. These hotspots did share spatial consistency with the other crime categories.

Figure 4-H: Vehicle Crime



**Vehicle crime** followed similar hotspot distributions but had a larger footprint in the Chelsea, Everett, and Malden area. Lynn appeared to be, once again, experiencing higher rates of this type of crime.

**Figure 4-I: Vehicle Crime**



**Burglary** in the region had a larger footprint with extensive hotspot covering a large region across Malden, Everett, and Chelsea. Lynn continues to experience a significant amount of crime in the same region of the City.

These four hexagon hotspots or clusters were selected for a micro-analysis (later in the report) based on the consistent high volume of crime in these locations. They will be used in subsequent reports to compare trends, patterns and unique contributing factors that attract crime at a greater rate than other areas within the region. Risk and protective factors of the respective areas will be assessed and used to perform the Risk-Terrain Modeling in subsequent reports.

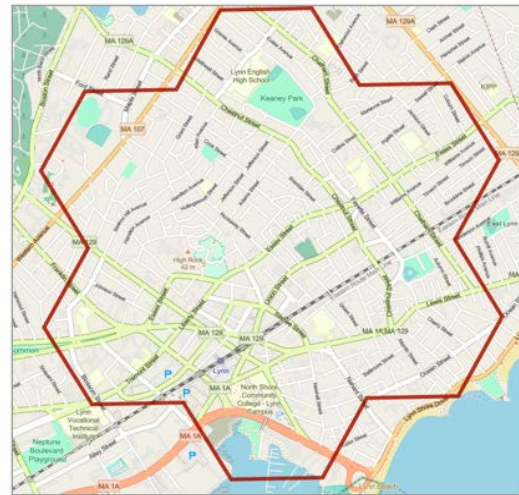
Cluster / Hexagons	Description
<b>Encore Cluster</b> Hexagons: G-19, G-20, H-19, <b>H-20</b> , H-21, I-19, I 20	The casino and the immediate adjacent areas, including Broadway, a mixed industrial/residential area to the east, the Gateway Center shopping center to the west, Revere Beach Parkway (Route 16) between Sweeter Circle and Santilli Circle, and immediately adjacent residential areas north of Route 16.
<b>Chelsea Cluster</b> Hexagons: K-19, K-20, L-19, <b>L-20</b> , L-21, M-19, M-20	Most of Chelsea, the smallest city in the state. The comparison is centered on Broadway at Crescent Avenue and includes almost all the city, except Admiral's Hill to the southwest and a portion of Prattville to the north.
<b>Lynn Cluster</b> Hexagons: U-10, U-11, V-10, <b>V-11</b> , V-12, W-10, W-11	Downtown Lynn. The hex is centered on Essex Street and includes much of the eastern part of the city, including Central Square, High Rock Park, the eastern part of Lynn Commons, and densely packed commercial and residential areas along Essex Street, Broad Street, Washington Street, and Chestnut Street.
<b>Malden Cluster</b> Hexagons: G-15, G-16, H-15, <b>H-16</b> , H-17, I-15, I-16	Western Malden. Centered on Route 60 at Malden Square, the comparison reaches almost to the northern, western, and southern border. It includes a dense cluster of restaurants and businesses around Malden Square and Center Street, and adjacent residential areas on the fringes.

Figure 5 shows the make-up of the four hexagon hotspots discussed in the Micro-Analysis section.

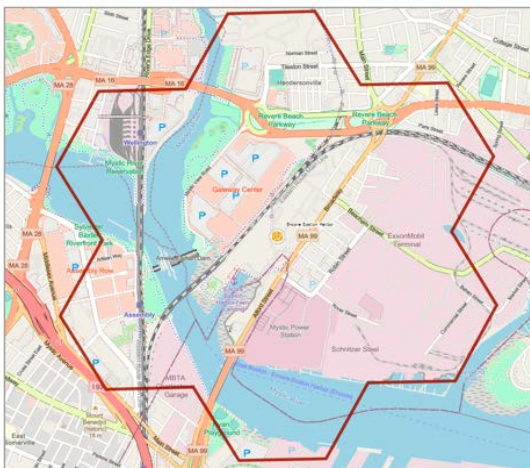
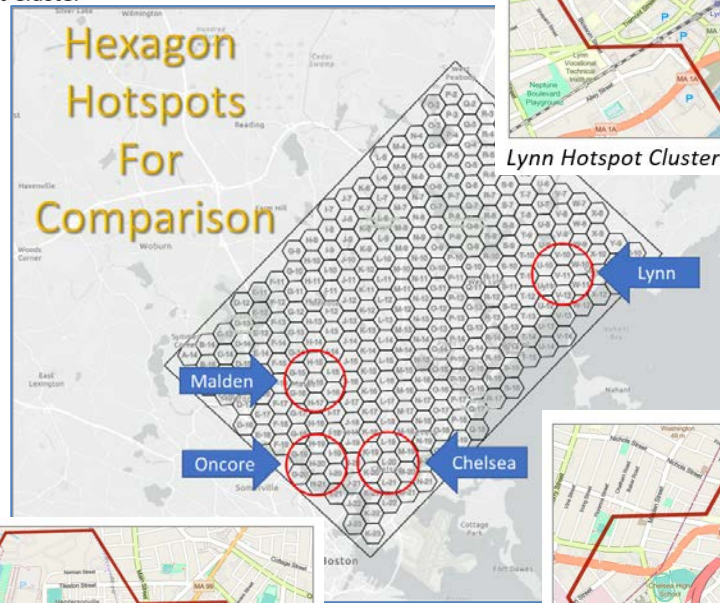
**Figure 5: Hexagon Cluster Hotspots**



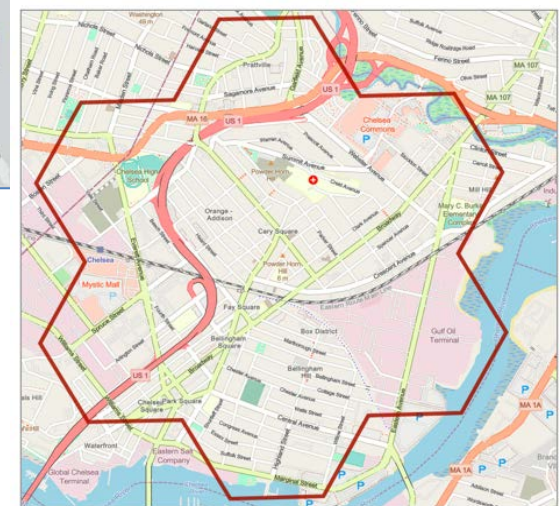
*Malden Hotspot Cluster*



*Lynn Hotspot Cluster*



*Encore Hotspot Cluster*



*Chelsea Hotspot Cluster*

## Micro-analysis using Hexagons – Hotspot Analysis of Crime

The map in the middle of Figure 5 (above) illustrates the hotspots for all selected crime and depicts significant amount of crime in three distinct clusters (i.e., a center hexagon and the six (6) encircling hexagons). This clustering of hexagons was used to select four hotspots in the region for comparison purposes. The intention is to track these clusters over time and use Risk Terrain Modeling (discussed in the Future Direction section) to better understand the contributing factors that make up a crime hotspot and compare them to the Encore cluster. At this stage of analysis, counts per polygon (i.e., hexagons) were used to provide areas that had significantly higher crime counts than its neighboring areas, and were chose on a common-sense approach. These four hexagons will be used in the future and new hexagon hotspots will be assessed and incorporated when necessary.

### Threats to validity

There are four different records management vendors represented among the eight contributing communities. Although three of the four coded crimes, according to the NIBRS standard, can create slight variances in their approaches and can make interpreting the data inconsistent between agencies. Some of the agencies switched records systems during the 8-year period represented by these statistics, and in each case, some immediate changes can be seen in crimes and calls for service, suggesting those changes have more to do with record-keeping than actual prevalence of social harms.

One records system, used by three of the contributing agencies, is notorious among local analysts for a data structure that makes it difficult to weed out duplications. The system also does not apply NIBRS standards correctly on the concept of “lesser included offenses<sup>3</sup>,” meaning that the agencies that use this system tend to over-report their crime totals.

### Discussions with agency representatives - Agency Collaboration

Throughout the life of this series of reports, the Massachusetts Gaming Commission has regularly convened meetings with the police executives in the Everett area to review the results of these analyses and receive their comments and feedback, prior to publication of the reports. Their feedback is incorporated into each report. General agreement with these findings has been widespread, and where there has been disagreement an alternative perspective has been provided, and it has been noted in this report.

As a reminder and for cross-referencing purposes, here are the timeframes for each period again:

	Pre-Open	Open	Closed.	Restricted.	Reopen
Time Frame	9/30/18	6/23/19	3/15/20	7/12/20	5/30/21
	6/22/19	3/14/20	7/11/20	5/29/21	7/2/22
	38 Weeks	38 Weeks	17 Weeks	46 Weeks	57 Weeks

<sup>3</sup> FBI historically called this the Hierarchy Rule and discussions can be found in the *Crime In The United States* annual report. In essence, the rule states that the most severe crime will be counted in incidents of multi-crimes events .

## Key Limitations<sup>4</sup>

First, our focus was on overall crime trends and as such did not examine other factors that could be influencing crime throughout the region. Second, our study period includes the time of George Floyd's death (May 25, 2020) and the subsequent racial and social justice protests that occurred throughout the United States. Although some reports indicated some instances of looting and aggravated assaults, our data do not permit us to consider this further. Finally, while we think that examining policy changes is important, the short period between the key-dates in this study necessitated a short-term evaluation approach of the effect of COVID-19 related regulations.

Future research should continue to monitor the re-opening over a longer period of time and consider historical crime patterns to better understand the effect of COVID-19 regulations on crime and continue to monitor such trends as well as crimes that are ancillary to COVID-19 related to masking even amid no apparent restrictions. It is possible that officials were unprepared for the toll such shelter in place orders would take or that would-be offenders saw new or different opportunities to commit crime. It was anticipated that re-opening efforts, especially from a RAT perspective, would lead to increases in the number of people leaving their homes and entering public spaces, creating potential opportunities for increases in crime. However, it may be the case that people remained somewhat sheltered because schools remained closed, businesses continued to encourage work from home policies, and people were still afraid of contracting the virus. Therefore, simply re-opening places did not mean that people would resume their pre-pandemic routines.

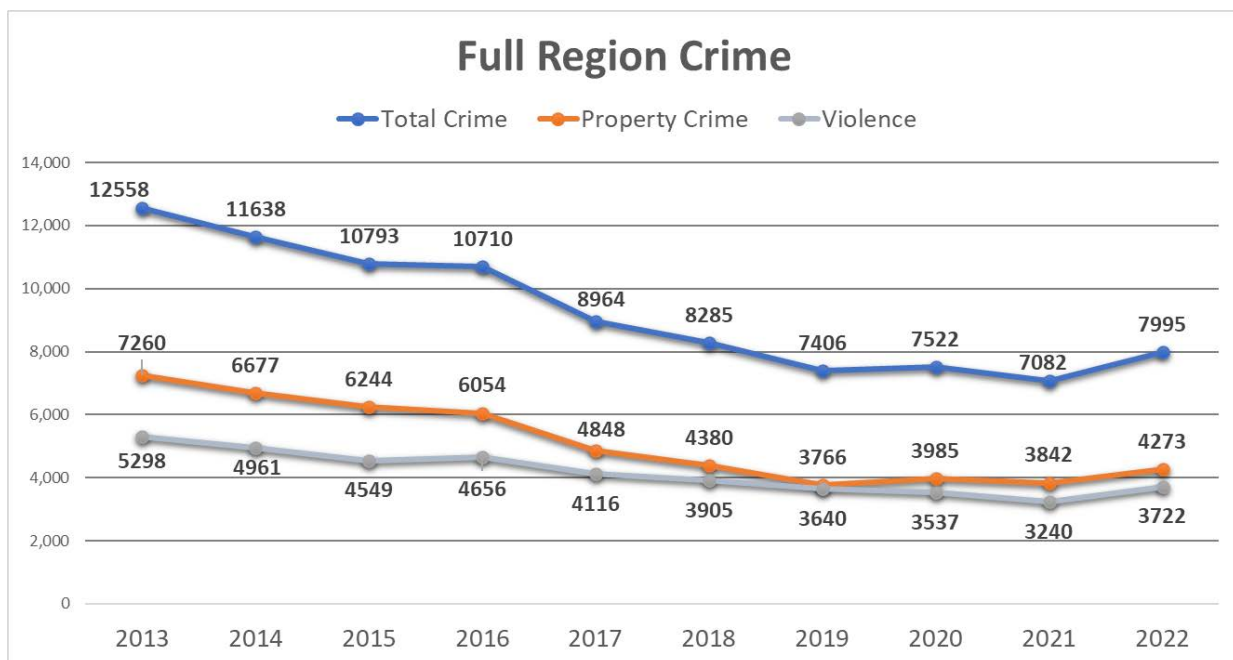
---

<sup>4</sup> These limitations are attributed to Riddell et al. (2022), and fully embraced as relevant for our ongoing research as well.

# Findings

The line graph<sup>5</sup> below (Figure 6) shows that overall crime in the region has declined year over year for a decade but had a significant upturn in 2022. Overall selected crime occurred at frequencies above 10,000 incidents from 2013 until 2016. Each year for the next four years, crime dropped to around 7,500 incidents and hit its low watermark of 7,082 in 2021 during COVID-19, only to rebound to nearly 8,000 incidents in 2022. Violent crime and property crime counts have converged over the years in the region nearly mirroring each other in 2019. Crime in this region saw steep decreases in the decade before Encore until the past few years. In 2022, Property and Violent Crime combined rose by over 900 incidents in 2022. Crime does appear to have leveled off in the past five years.

**Figure 6: Violent and Property Crime in Full Region**



The remainder of this report will begin by reviewing crime at the regional level, provide a City-by-City breakdown and comparison, and conclude with a Hexagon Hotspot micro-analysis.

## Major findings

- An important finding is that there was a significant increase in crime before the Encore Boston Harbor Casino reopened. Figure 7 illustrates this chronological ordering, which suggests that the casino is not causing crime to go up, but that other social, economic, or psychological factors are likely playing a role in changes in crime patterns. For example, it is possible the strain of COVID-19 created an environment where motivated

<sup>5</sup> This annual data is calculated on a fiscal year basis to reflect the general opening of Encore, and the history of reporting. Encore reports will continue to use FY timelines for comparison purposes. For comparison purposes here, property and violent crime line graphs are superimposed for reference and do not reflect the broader axis.

offenders sought relief from stress and/or economic hardship that led them to criminality. But if crime rises while the casino is still closed, it demonstrates that the casino did not cause crime to go up, illustrating that other factors are at play.

- Overall crime around the Encore Boston Harbor Casino did not experience significant increases in crime, when compared to other areas in the region, this suggests that the casino has limited impact on crime in the region area.
- Overall violent, property, and total crime has consistently declined year over year, with the exception of Lynn and other slight increases in 2022.
- During the covid closures, crime dropped in all area communities, but rebounded substantially before covid closures were lifted.
- During the reopening period, some crimes rebounded but most remained low.
- The immediate areas around the casino showed few increases in crime or calls for service.
- The line graphs on the next two pages fully illustrate the five (5) study periods and the dates of demarcation. The following observations are highlights for a broader historical context of the impact of COVID-19.
- Additional highlights forthcoming as we review the report...

The temporal line graph on the next page shows the level of crime before Encore opened, and a significant increase upon opening the doors of the casino. When it closed (along with every other food and liquor establishment, schools, and entertainment venues), crime significantly reduced. What is interesting is that before Encore reopened under restrictions, the level of crime had already climbed to the average level over the entire period and peaked at 173 crimes in the weeks leading up to the restrictive reopening. This finding alone suggests that the casino as a primary contributing factor to crime simply does not explain criminal activity. Other factors must be at play or criminals simply operate out of need for money, thrill, or confrontation as a human reaction to social conditions.

During the restricted opening of the casino, crime went down for a period of several weeks only to climb again for the next 14 weeks in-a-row to achieve a near high-water mark for crime in the region. Somewhere around the 21<sup>st</sup> or 22<sup>nd</sup> week of restricted operations, crime once again plummeted well below average rates for the region. Crime counts returned to record low numbers for a few weeks before the casino fully reopened again on May 30, 2022 and remained below average for nearly 10 weeks before rebounding to above average levels—where it hovered around average for the following weeks ending this fiscal year well below average compared to the initial open operations prior to COVID-19. Actual figures are reported below in subsequent sections of this report. They are offered here simply as a broad overview of crime and calls for service.

---

Figure-7 (below) shows a rapid decline in overall crime to a record low in the region two weeks into the full closure. Crime ebbed and flowed below the overall average for 11 consecutive weeks but hit 149 in Week 12 and peaked at 173 in week 15 before the Casino reopened-- representing the 5<sup>th</sup> highest spike since the Casino opened. In the 4-5 weeks that followed into the restricted reopening period, crime remained low, and steadily climbed week over week until week 15 of the restricted reopening period, peaking at 194 crimes-only three lower than the record high in Week 2 of the original Casino opening. After five consecutive high weeks in row, crime dropped well below average for 25 weeks except for two higher than average weeks. The 57 weeks since the Casino fully reopened, it appears to have returned to level and fluctuations very similar to the period when the Casino originally opened. It appears that crime has normalized throughout the region to pre-covid activity since reopening.

---



Figure 7: All Crime Compared over the Entire Timeframe

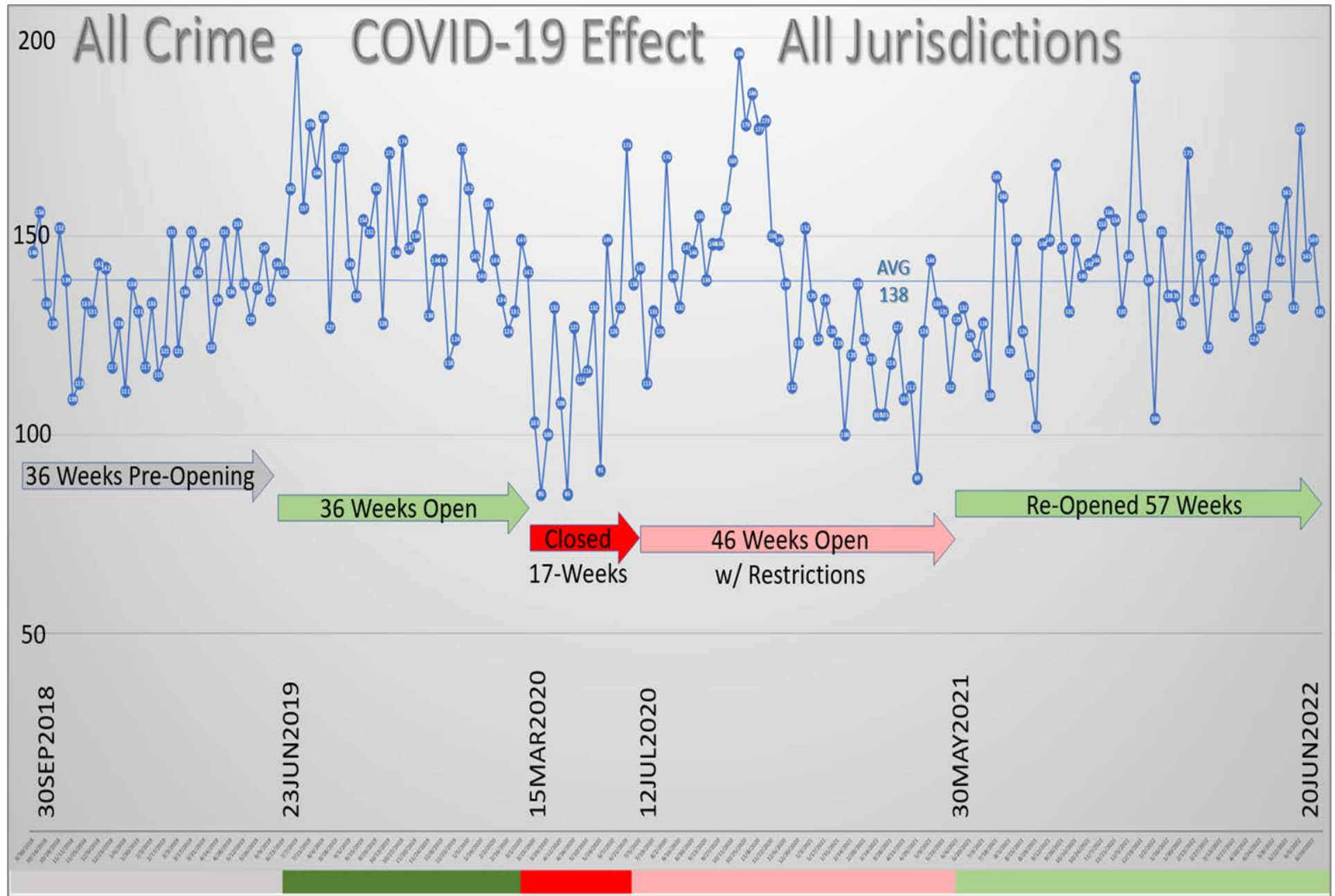
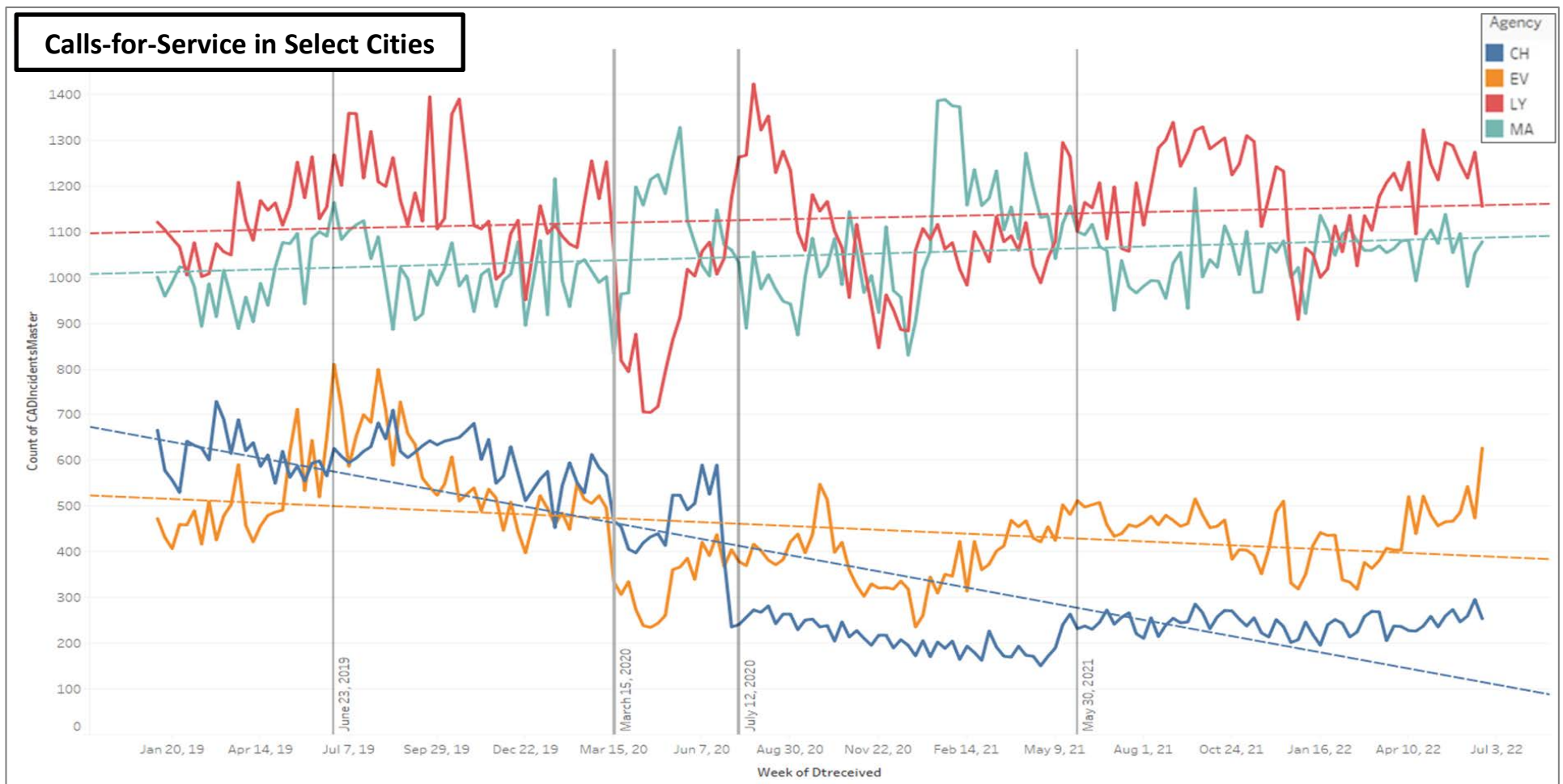


Figure 8 depicts a snapshot of calls-for-service (CFS) data for four jurisdictions we had preliminary data on over the full timeframe. A full comparison of CFS was not done for this report due to time constraints but will be investigated in future reports. It is simply offered here to illustrate the larger patterns of service requests over the full period of study that shows the extreme fluctuations in calls across the four agencies. All four agencies show a significant decrease during COVID-19, but a spike in activity before the casino reopened – thus, proof that the casino, while closed, could not have directly caused the ebb and flow. This offers limited evidence that the casino does not appear to be a causal factor in crime or calls-for-service. Other contributing factors must be at work. In three of the four cities reviewed, CFS initially went down but rebounded towards the end of the full closure period. Malden, for some unknown reason, spiked immediately after the casino closed only to dip for a significant number of weeks to follow. Lynn had a significant reduction in CFS followed by an extremely aggressive spike when the casino opened in a restricted manner.

**Figure 8: Calls for Service over Timeframe**



The line graph (Figure 9) above shows the average of 180.4 per week for all crimes under review and the number in the gray box reports the average for all crime in each distinct period. The following line graphs depict each crime category across the five (5) periods of study, demonstrating the ebb and flow of crime. Each category of crime has its own pattern distinct in its own way. Future analysis will drill down into each category and use these benchmarks as anchor points for determining if crime is within a normal range or is trending up or down accordingly. The orange line represents the average for the entire timeframe with the high and low watermarks shown as reference points—the peaks and valleys so to speak.

**Figure 9: All Crime Compared over the Entire Timeframe**

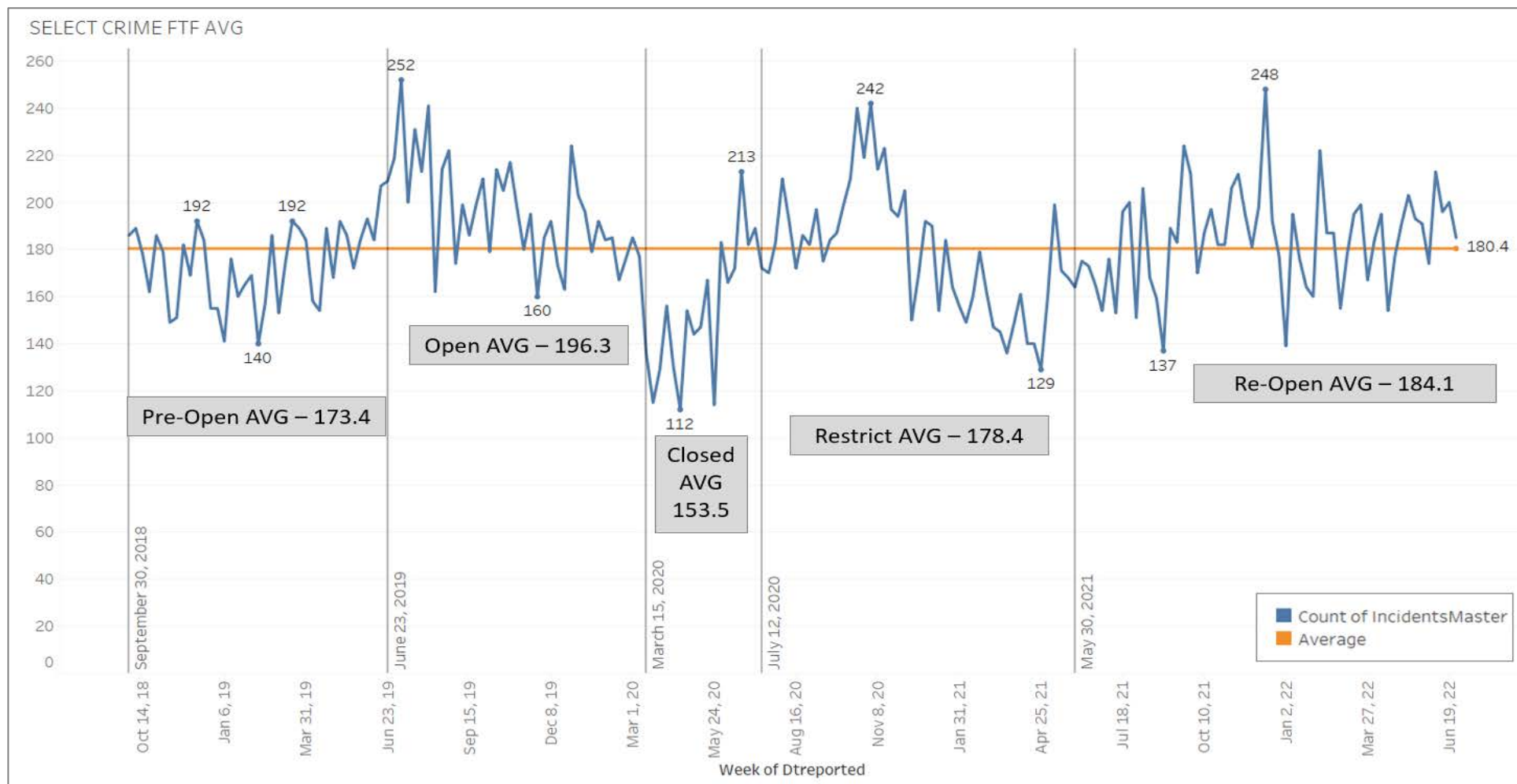
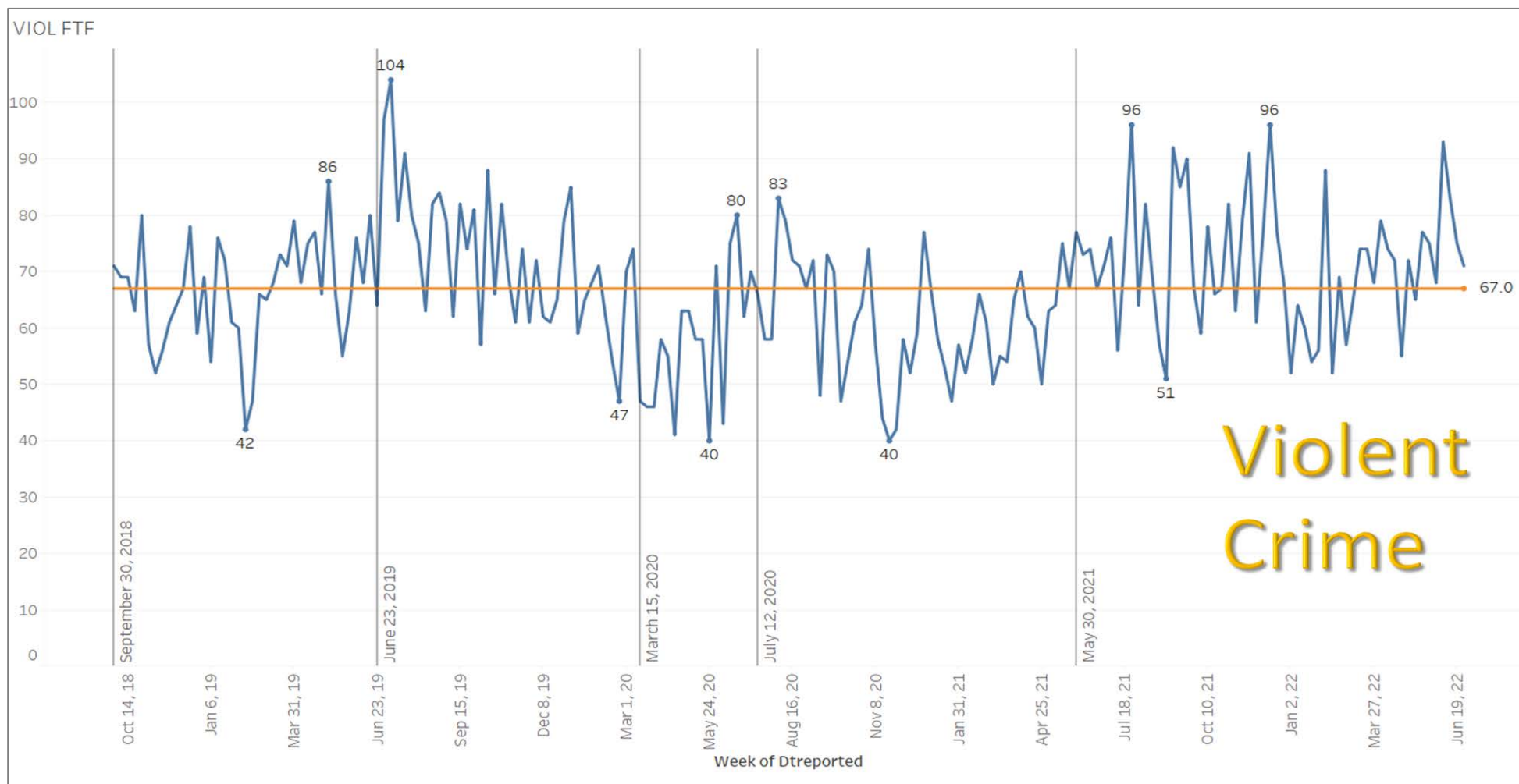


Figure 10 shows that violent crime occurred at higher rates while the casino initially opened and again when it reopened; and remained above the overall average consistently during both periods. And this graph illustrates that violent crime was below average consistently in the region when covid closures went into effect and remained low during the period when restrictions were being enforced. But to say that the closure and the restrictions demonstrate that the casino played some primary role by being closed is beyond our scope since violent crime rose to 80 and again to 83 at the end of the closure and at the beginning of the restricted use period. Something other than the covid closure and restricted use is at play here at least during this brief period in early summer, perhaps a seasonal effect and covid fatigue. As a reminder, bars and restaurants, stores and other venues were likewise closed and most likely had an impact of human interactions across the region.

**Figure 10: Violent Crime Compared over the Entire Timeframe**



Vice related crimes, depicted in Figure 11, rose significantly during the initial opening of the casino, and drastically dropped, as expected during the covid closure and restricted periods. Despite a highwater mark of 34 in the reopening period and three (3) additional peaks in this period, the remaining weeks remained at or below average since the casino and other establishments reopened on May 30, 2021. This crime category behaved as expected given the hypothesis that crime and disorder would diminish if people were interacting less frequently. Some crimes like domestic violence, and disorders like suicide and emotionally disturbances were anticipated to rise but general street crime, vehicle crime and theft was hypothesized to drop. See the following line graphs to visualize what in fact occurred in the region regarding Fraud, Vehicle Crime, Burglary and Other Theft, respectively.

**Figure 11: Vice Crime Compared over the Entire Timeframe**

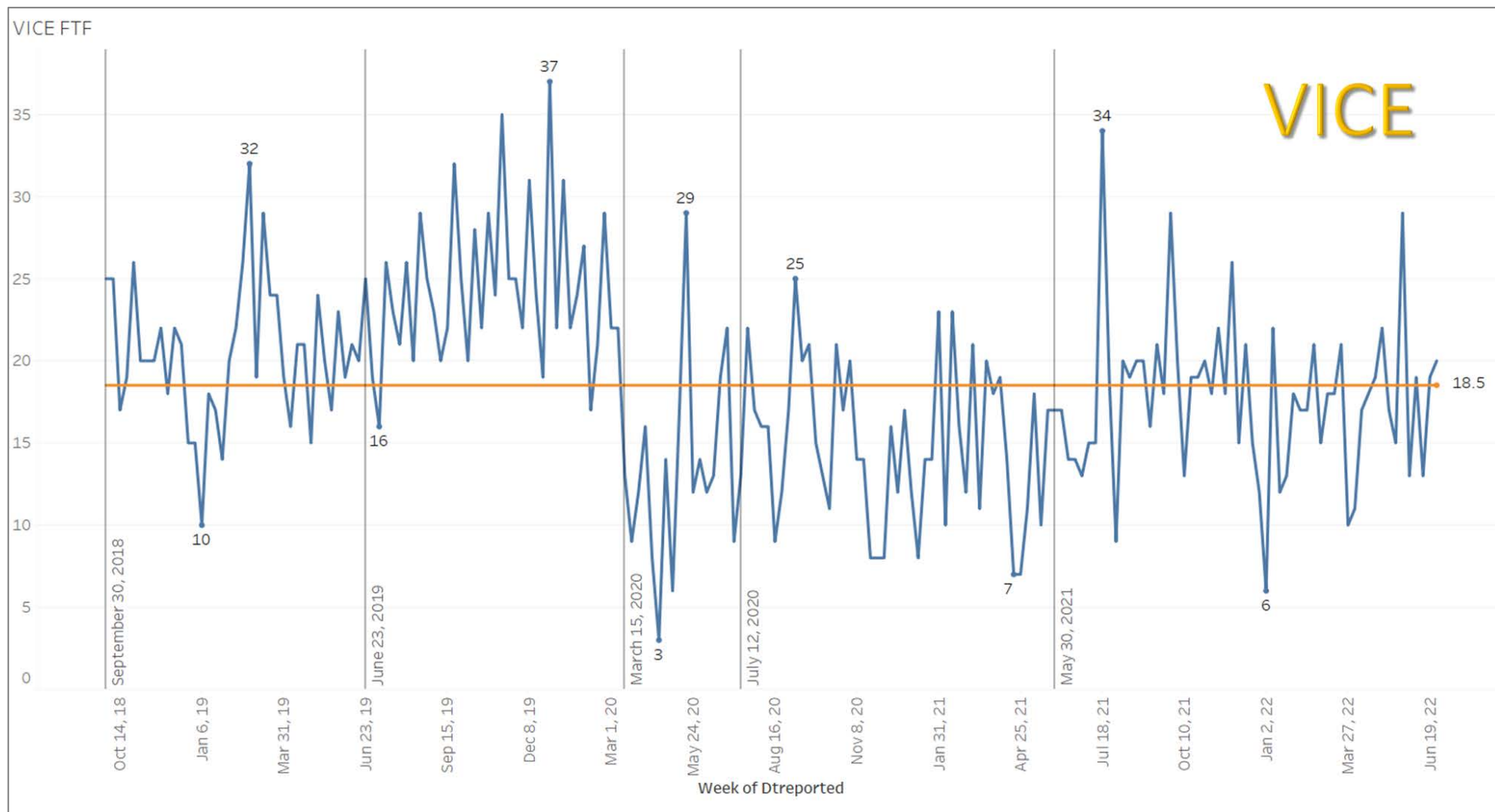
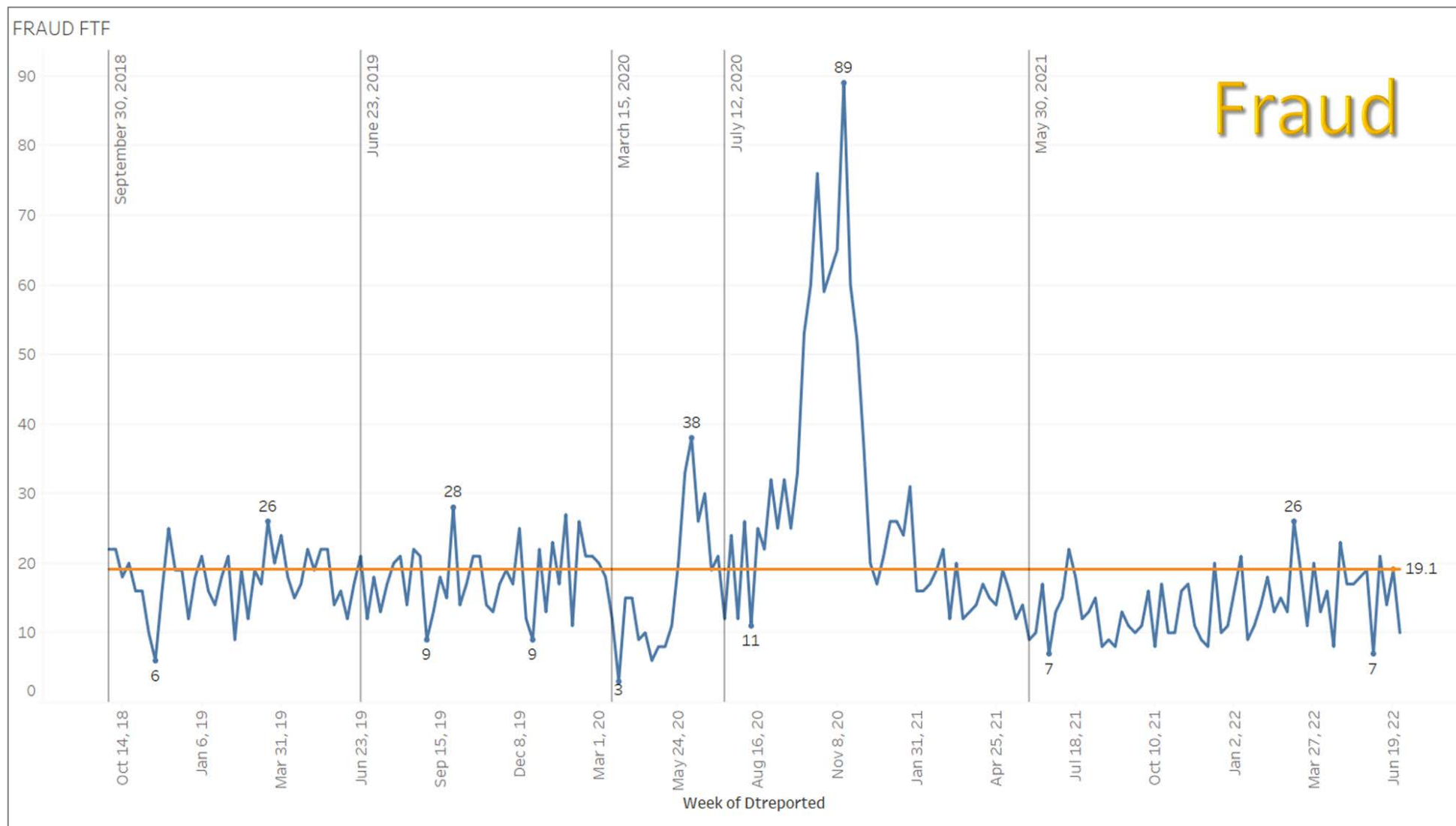


Figure 12 illustrates that fraud remained steady along or below the overall average with two distinct peaks in September and November. Further analysis is necessary to determine the root cause of this interesting phenomenon, and respective agencies are encouraged to look closer at these specific findings to gain some insight into the two extremely high spikes.

**Figure 12: Fraud Crime Compared over the Entire Timeframe**



Vehicle crime (illustrated in Figure 13), including Stolen Autos, Theft From Vehicles and Theft of Auto Part; skyrocketed when the casino initially opened; and remained generally high since the closure and during restrictive reopening. Although Auto Crimes dipped at the early stage of reopening, it skyrocketed once again to a record high of 49 in January'22; and remained extremely high from October'21 throughout June'22. This Auto Crime trend is a national pattern and particularly focuses on catalytic converter, air bags and rims-tires being stolen during night-time hours when people are sleeping. One theory is that as people drove less with their cars parked on the street and in parking structures for long periods of time and became vulnerable as owners were less attentive during times of teleworking. Lack of regular use and consistent guardians made vehicles easy targets for motivated offenders.

**Figure 13: Vehicle Crime Compared over the Entire Timeframe**

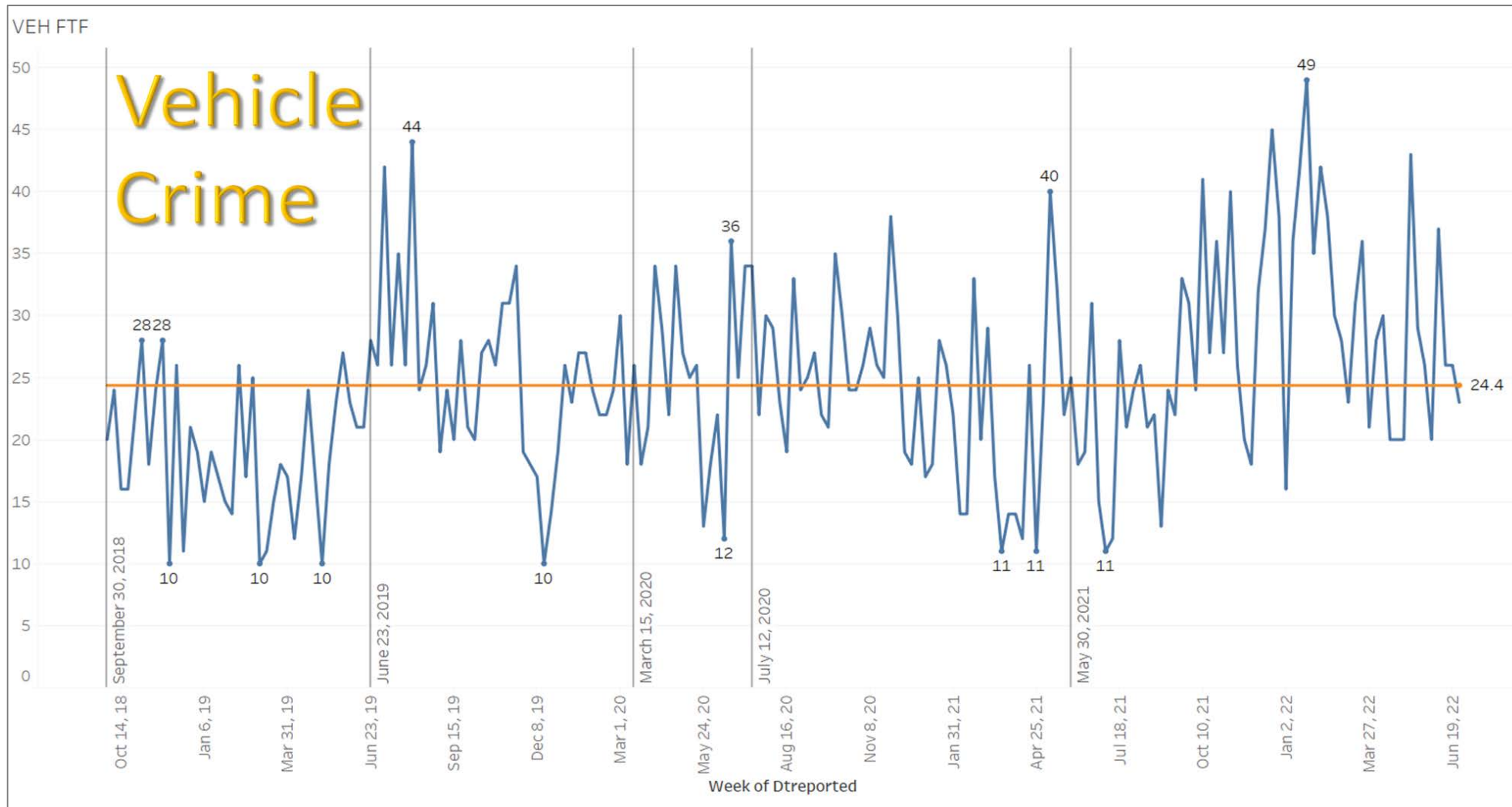
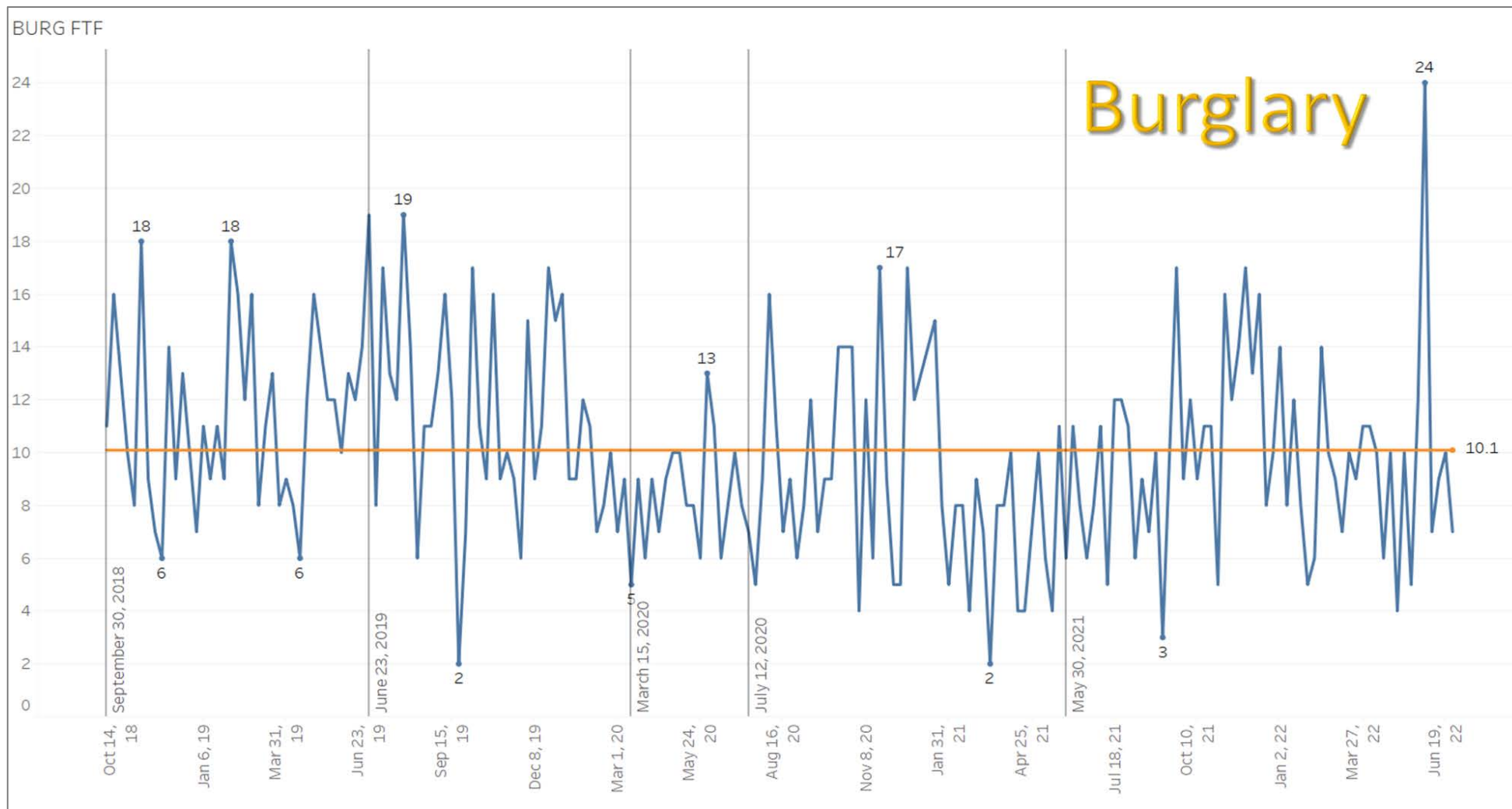


Figure 14 shows that burglary was high pre-opening and during the initial opening of the casino. And Burglary went down across the region and remained low for the better part of all three periods following the covid closure with a few periods of activity in the early weeks through the middle of the restricted period and again in the middle of the reopening period. It is speculated that when more people began working from home and remained home as employers allowed for extended periods of teleworking, homeowners and apartment dwellers alike acted as their own place managers or guardians, thus deterring burglars from targeting their residencies. There is a very distinct spike in burglaries over the winter months of 2021-2022 and again in July 2022 that needs explaining and future research into this spree or unique number of incidents by respective agencies is warranted.

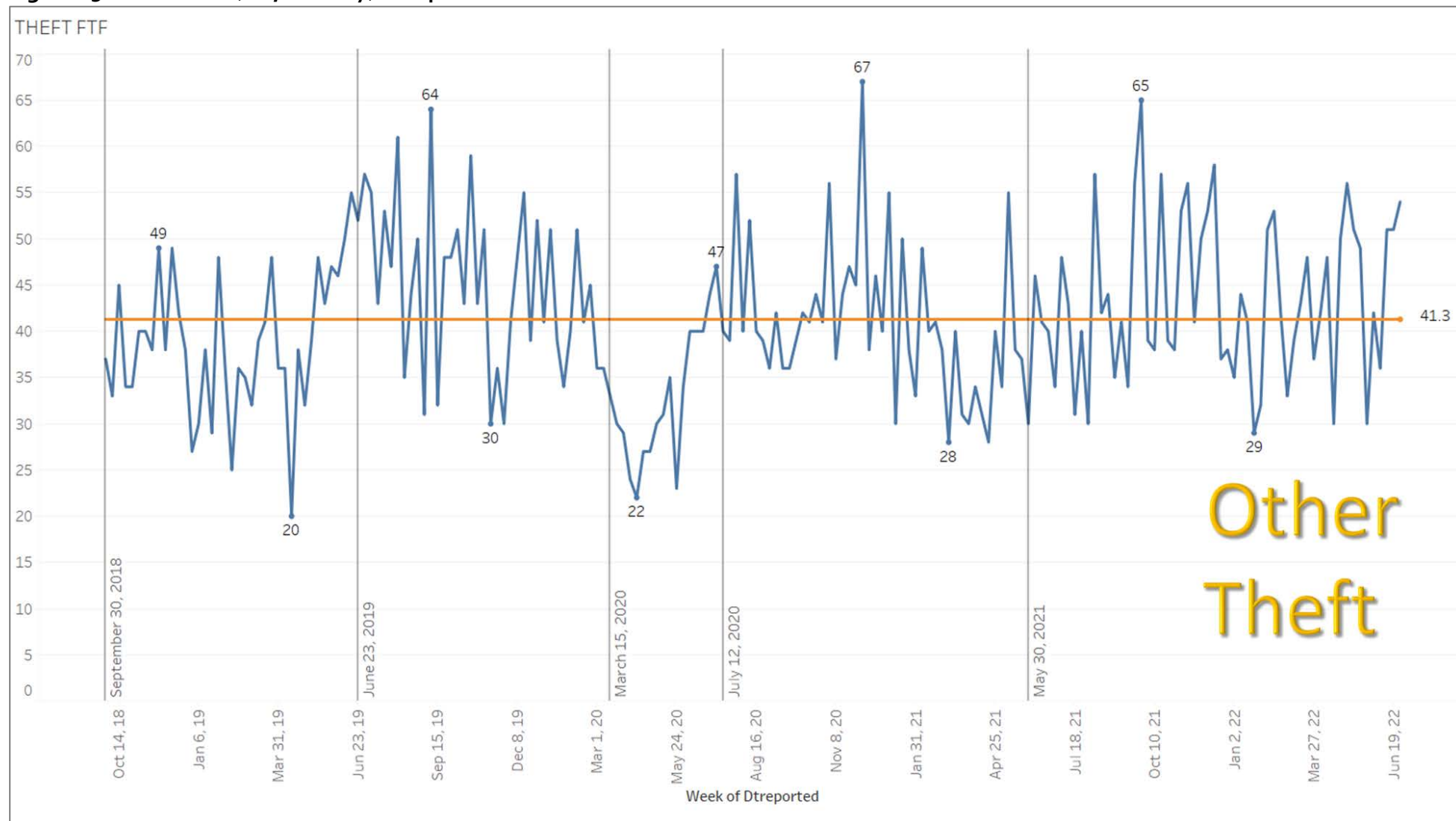
**Figure 14: Burglary Compared over the Entire Timeframe**





Other Theft, seen in Figure 15, remained high during periods when the casino was open, during restricted opening and generally high during the reopening. All three periods experienced highwater marks of 64 thefts or above and had a low of 20 incidents in the pre-opening period and a low mark of 22 during the covid closure. The average weekly occurrence of theft over the entire timeframe was 41.3 thefts. With business and malls closed due to COVID-19, shoplifting and general larceny theft opportunities were abated.

**Figure 15 Other Theft (i.e., Larceny) Compared over the Entire Timeframe**



# Region - Crime Breakdown

**Table 5: All Selected Crime - Weekly Average**

AVERAGE NUM OF CRIMES PER WEEK OVER STUDY PERIOD					
AVG	PRE	OPEN	CLOSED	RESTRICT	REOPEN
CHELSEA	36.3	37.2	28.1	24.6	28.7
EVERETT	17.6	22.1	15.6	18.7	18.1
LYNN	46.3	54.0	44.1	59.2	62.6
MALDEN	18.4	21.5	21.9	18.5	18.5
MELROSE	4.4	5.8	3.1	3.7	4.6
SAUGUS	11.7	10.6	8.1	12.7	8.2
ALL	134.7	151.3	120.8	137.4	140.7

Table 5 shows the average weekly number of crimes for the entire region. It clearly shows that crime dropped during the COVID-19 closure and rose again to pre-opening levels, by 30.5 fewer incidents than during the initial opening on average per week.

**Table 6: Percent Change - All Crime**

Table 6 shows the percent increases or decreases each period had on the preceding one in the first four columns. The last two columns offer the percent change from Open to Reopen and Pre-open to Reopen for comparison purposes.

AVG FULL PERIOD	PCT CHANGE Pre2open	PCT CHANGE Open2close	PCT CHANGE Close2Restr	PCT CHANGE Restr2reopen	PCT CHANGE Open2reopen	PCT CHANGE Pre2reopen	City
30.8	2.46%	-24.59%	-12.37%	16.59%	-22.96%	-21.06%	CHELSEA
18.7	26.09%	-29.57%	20.07%	-3.18%	-18.11%	3.25%	EVERETT
55.4	16.52%	-18.41%	34.36%	5.80%	15.98%	35.15%	LYNN
19.3	17.05%	1.78%	-15.46%	-0.24%	-14.16%	0.48%	MALDEN
4.5	31.36%	-46.63%	18.54%	24.85%	-21.02%	3.75%	MELROSE
10.4	-9.66%	-23.82%	58.08%	-35.41%	-22.22%	-29.74%	SAUGUS
139.1	12.27%	-20.16%	13.80%	2.39%	-6.97%	4.44%	ALL

**Table 7: Crimes among all reporting agencies: Weekly averages by major category**

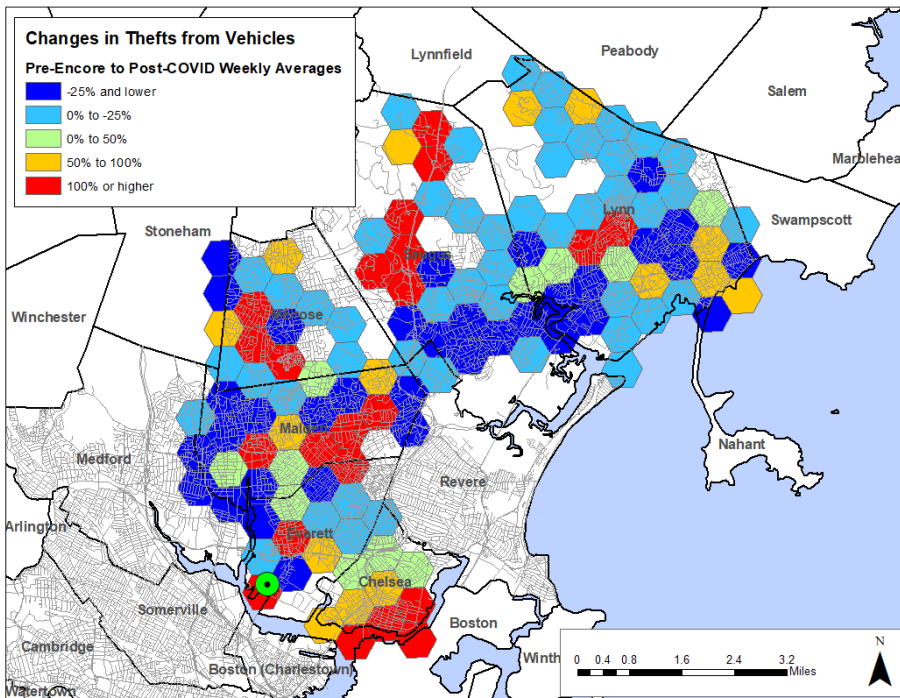
Category	Pre	Open	Closed	Restrict	Reopen	Pre to Open	Open to Close	Close to Restr.	Rest. to Reopen	Open to Reopen	Pre to Reopen
Burglary	11.46	11.37	8.41	8.85	9.88	-1%	-26%	5%	12%	-13%	-14%
Disorder	41.78	38.37	34.82	36.17	35.95	-8%	-9%	4%	-1%	-6%	-14%
Fraud	17.23	17.87	16.71	28.74	13.89	4%	-6%	72%	-52%	-22%	-19%
Theft	43.46	44.37	32.65	40.76	43.02	2%	-26%	25%	6%	-3%	-1%
Vehicle	23.07	25.11	24.82	23.83	27.68	9%	-1%	-4%	16%	10%	20%
Vice	22.94	24.13	13.41	14.76	17.52	5%	-44%	10%	19%	-27%	-24%
Violence	72.36	71.45	57.41	60.5	71.07	-1%	-20%	5%	17%	-1%	-2%

Table 7 statistics for the region in general suggest that the opening of Encore was barely felt, with all categories except vehicle crime either declining or showing increases of less than 5%. COVID-19 overwhelmed these small increases, with most categories dropping by double-digit percentages during the three months of full closure. Reopening, in both restricted and full form, caused a rebound, but not to the same level as before COVID-19, nor even to the same level as before Encore originally opened. Table 8 looks at Vehicle Crime.

**Table 8: Vehicle crimes among all reporting agencies: Weekly averages by major category**

Crime	Pre	Open	Closed	Restrict	Reopen	Pre to Open	Open to Close	Close to Restr.	Rest. to Reopen	Open to Reopen	Pre to Reopen
Auto Theft	9.34	9.03	8.94	8.96	10.14	-3%	-1%	0%	13%	12%	9%
Theft from	12.68	15.76	15.47	13.80	15.14	24%	-2%	-11%	10%	-4%	19%
Parts	1.05	0.32	0.41	1.07	2.39	-70%	28%	161%	123%	647%	128%

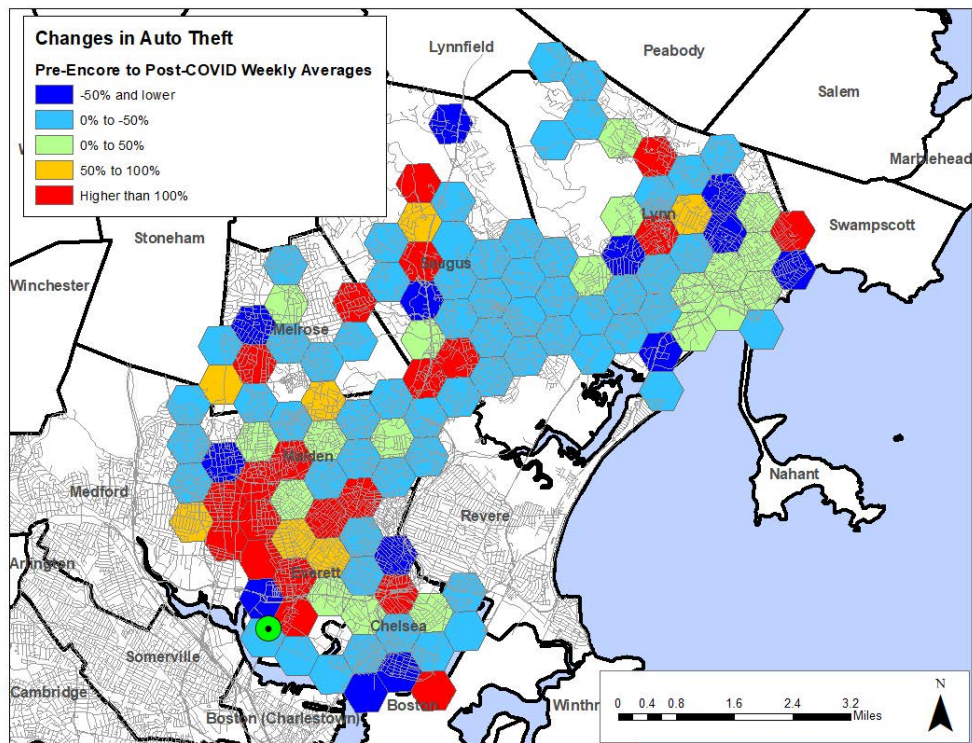
**Figure 16: Theft from Vehicle**



The increase in vehicle crimes throughout the region is seen in all three types of vehicle crime. Thefts from vehicles increased immediately as Encore opened. Auto thefts and thefts of vehicle parts did not, but both experienced significant increases during the period of full reopening. The auto theft increase affected all agencies except Chelsea and Saugus (and Lynn only slightly). Thefts from vehicles increased in all agencies except Lynn and Saugus. Thefts of vehicle parts were seen everywhere except Chelsea and Saugus. Figure-16 demonstrates the wide-spread effects of Theft from Vehicle crime.

**Figure 17: Motor Vehicle Theft**

Figure 17 shows that Auto Theft clustered in the Malden and Everett region, relatively close to the Encore Casino. Stolen cars are most likely clustered here because of the higher volume of cars left or parked in the area. Directed patrols are effective strategies for deterring Auto Theft but locking and being certain to take the keys serve as the most effective strategy.



Crime in this region has been on a downward decline for more than a decade—a decrease that continued despite Encore opening, with all three summary crime categories reaching historic lows in 2020. The following table, Table 9, offers the entire list of offenses for the entire region over the past decade.

**Table 9: Crime by Crime Breakdown over the Past 10 Years - Total Region**

<b>All Offense in the Region (except Other) for the Past Decade in Decending Order</b>											
<b>DECADE OF CRIME</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>Grand Total</b>
Vandalism	2907	2680	2387	2466	2131	1772	1560	1479	1540	1550	20472
Simple Assault	2487	2388	2239	2279	2002	1834	1802	1766	1598	1868	20263
Other Theft	2467	2312	2148	2038	1651	1557	1309	1396	1477	1413	17768
Aggravated Assault	1127	1027	971	1021	903	894	829	830	807	924	9333
Theft from Vehicle	1327	1097	950	1097	804	763	557	826	716	801	8938
Burglary	1542	1152	1047	929	725	622	584	542	458	523	8124
Threats	881	790	625	659	609	545	525	485	424	498	6041
Shoplifting	712	742	824	747	645	494	440	387	375	529	5895
Auto Theft	681	709	614	734	533	497	471	460	471	542	5712
Drugs	618	694	578	564	425	385	328	324	270	237	4423
Fraud	423	417	447	411	372	336	404	378	463	334	3985
Robbery	542	533	482	465	355	358	254	227	175	213	3604
Family Offenses	317	331	389	372	379	388	338	331	353	333	3531
Disorderly	445	424	432	392	312	274	270	292	197	182	3220
Theft from Building	326	416	420	292	290	291	253	260	196	245	2989
Drunk Driving	261	203	244	248	239	288	249	262	210	300	2504
Trespassing	234	242	295	290	262	264	207	196	182	234	2406
Identity Theft	230	180	198	200	161	136	147	170	603	176	2201
Drunkenness	323	286	306	277	254	259	205	163	9	10	2092
Weapons	201	194	228	265	229	178	184	186	157	202	2024
Credit Card Fraud	170	205	223	228	293	230	201	184	175	106	2015
Sexual Assault	220	183	185	187	190	224	184	183	186	174	1916
Forgery	200	200	170	176	124	136	82	104	62	87	1341
Liquor Laws	93	99	119	96	111	104	89	100	88	127	1026
Theft from Persons	109	91	103	82	78	75	66	68	62	66	800
Theft of MV Parts	54	84	83	99	82	52	57	18	60	129	718
Stolen Property	94	80	78	69	44	57	40	63	54	40	619
Prostitution	150	105	105	88	35	22	11	19	5	8	548
Kidnapping	32	32	38	37	39	40	39	34	41	33	365
Bad Checks	43	46	42	53	44	36	21	28	9	7	329
Statutory Rape	12	19	21	20	27	26	35	48	7	12	227
Drug Equipment	18	29	22	19	24	28	19	27	12	6	204
Pornography	13	17	14	21	13	14	25	24	24	29	194
Purse-Snatching	21	28	35	9	23	12	11	15	3	10	167
Arson	26	21	16	14	10	16	8	8	11	17	147
Extortion	10	28	11	20	11	7	8	13	19	11	138
Murder	9	8	9	8	18	10	7	12	9	12	102
Employee Theft	11	18	9	6	6	10	8		5	4	77
Runaway	10	10	24	13	8	9					74
Gambling	4	2	2	4	1	2	7	5	2	9	38
Peeping Tom	1	3	2	2	2	1	2		2		15
Incest	1		1	1	4	1	1		1	3	13
Curfew/Loitering/Vagrancy	5	1	1		1	1		1			10
Bribery	2	1	2			1				4	10
Theft from Machine				1			2				3
Animal Cruelty					1					1	2

# City by City Comparison

**Table 10 Top Ranked Offenses across all Cities in the Region**

RANK OF TOP TEN ACROSS CITIES	RANK						
	CH	EV	LY	MA	ME	SA	X OF 6
Vandalism	2	1	3	3	1	2	6
Simple Assault	1	6	1	1	3	4	6
Other Theft	7	2	2	2	2	1	6
Theft from Vehicle	6	3	6	4	4	5	6
Burglary	8	5	5	5	5	8	6
Aggravated Assault	4	8	4	6	9	9	6
Threats	3	9		9	7	10	5
Shoplifting		7		8		3	3
Auto Theft		10	8	7	10		4
Fraud				10	8	7	3

Table 10 shows the top ten specific crime classifications for each jurisdiction and how many times this crime was in the top ten. The predominant crime in the region was generally consistent across the different cities. Vandalism, Simple Assault, Other Theft, Theft from Vehicle, Burglary, and Aggravated Assault was within the top-ten crime types in each city under study. Threats, Shoplifting, Auto Theft, and Fraud rounded out the top-10 list of the most frequent crimes within the region. In the following pages a city-by-city offense breakdown will be offered and discussed. Apart from

assaultive behavior, the lion’s share of activity revolved around property crimes (occurring in all six cities) and fraudulent activity in three of the six cities as a top-10 offense.

The next section takes a closer look at crime in each distinct jurisdiction across the seven (7) crime categories: Burglary, Disorder, Fraud, Theft, Vehicle, Vice, and Violent crimes. The following analytical narrative focuses on those crime categories that demonstrated significant changes. Specific hexagon hotspots were created to demonstrate within each city, those areas most greatly impacted by certain crime categories. This information is offered for the sole purpose of providing actionable intelligence to each jurisdiction so they can begin to develop operational and crime prevention strategies to directly target these hotspots. Further analysis by their crime analysts is necessary to determine the time of day and day of week these areas are most impacted; and to look for specific prolific offenders and unique crime series. This portion of the report is offered to provide succinct temporal and spatial context as crime is continually monitored. The levels of crime that are the new normal or generally expected lay the benchmarks for future threshold analysis. Directing and redirecting limited police resources to the right place at right times is half the battle; establishing crime specific strategies that are effective, and assessing the outcomes in order to provide institutional knowledge for winning the ongoing fight against crime, represents the other half of the fight. For agencies that plan to conduct an in-depth problem-oriented policing project and design problem-specific solutions, Jerry Radcliffe (2022) offers evidence-based strategies and techniques for reducing crime in distinct locations. Area commanders are encouraged to read and contemplate the protocols that Dr. Ratcliffe proffers in his book, *Reducing Crime: A Companion for Police Leaders* and listen to his podcast on best practices.

The good news is that each jurisdiction has experienced significant reductions in crime since 2013. Figures 18.A-F, labeled Violent and Property Crime Compared over the Past 10 Years, demonstrate this consistent pattern of crime reduction. In most cases crime has leveled off the last two to five years, except for Lynn; the single jurisdiction that has climbed back to 3,441 overall crimes in the past four consecutive years, marking its highest point since 2016. Each city is covered in the subsequent pages and represents a systematic approach for better understanding the crime fight in the Encore region. Table 12 (p. 62) documents the Top-10 crime categories in each jurisdiction. The subsequent series of Table 11.A-G tables offer the weekly averages across the five periods for each City to provide historical context as we continue to study crime and place in the region. These figures provide us with solid benchmarks to assess future trends and patterns.

Figure 18.A-F shows the consistent decline in crime in each city from 2013 to 2019. Most jurisdictions experienced a flattening out period for crime between 2017-2020 except for Lynn which experienced an uptick in crime three consecutive years since 2019, and Malden which rebounded to 1,372-the highest level in the past five years. Much of these graphs and tables illustrate that crime has shared a similar trend across the cities of the region, most jurisdictions share the same crime threats and activities, and that crime has begun to turn upward in 2022. Agencies in region could pool their resources, collaborate on innovative problem-oriented policing solutions, and look to create regional taskforces to target the most prevalent crime and prolific offenders. Regional agencies should consider tapping into mitigation funds that the Massachusetts Gaming Commission offers specifically to address crime related to the casino, directly impacting the area at and around Encore.

Crime related to the casino would include street-jump robberies of patrons near the casino who carry cash, auto crimes in parking structures and on streets in the surrounding areas, including motor vehicle theft and from/theft of auto parts given the vulnerability of cars parked by patrons of Encore. Other possible crimes that should be further investigated and researched include ID theft based on the theft of personal records and documents stolen from cars; and potential vice like prostitution and human trafficking associated with high income venues. As sports betting opens across Massachusetts, additional attention should focus on various types of establishments given licenses to operate. Cash-based establishments demonstrate unique risks and crime opportunities and attract distinct clientele and specialized offenders.

The city-by-city comparisons that follow provide a starting point for each city to compare within and throughout the region for opportunities to partner and more fully understand the shared crime problems within the region. Further research needs to be conducted to appreciate the nuances and factors contributing more fully to crime, and who the prolific offenders might be and the way specific crime clusters in space and time. A regional crime analysis consortium should be considered that meets regularly to share intelligence, review patterns and trends, and collectively conducts problem-oriented policing (POP) projects. It is a concerted effort that will prove to be most effective, given that most crime is committed by the Chronic 6% and tends to cluster in consistent hotspots.

# Everett<sup>6</sup>

Encore Boston Harbor was built on the south border of a densely populated suburban community. The revitalization occasioned by the casino has transformed and is likely to continue transforming the waterfront on both sides of the river, both creating opportunities for crime and providing natural guardians against it.

The Everett Police Department's two crime analysts are vital partners in this project. The senior analyst has worked for the agency for more than 10 years. We will rely on their judgment to analyze many of the increases and determine the probability of a casino relationship. Future research is forthcoming.

The site chosen for Encore Boston Harbor lies on the banks of the Mystic River, at what was formerly an unsightly industrial area. The revitalization caused by the casino has transformed and is likely to continue transforming the waterfront on both sides of the river, both creating opportunities for crime and providing natural guardians against it.



**Population (est. 2018):** 47,195  
**Area:** 3.7 square miles  
**Police officers:** 123  
**City center distance to Encore:** 0.93 miles

Motto(s): "City of Pride, Progress, and Possibilities"<sup>[1]</sup>

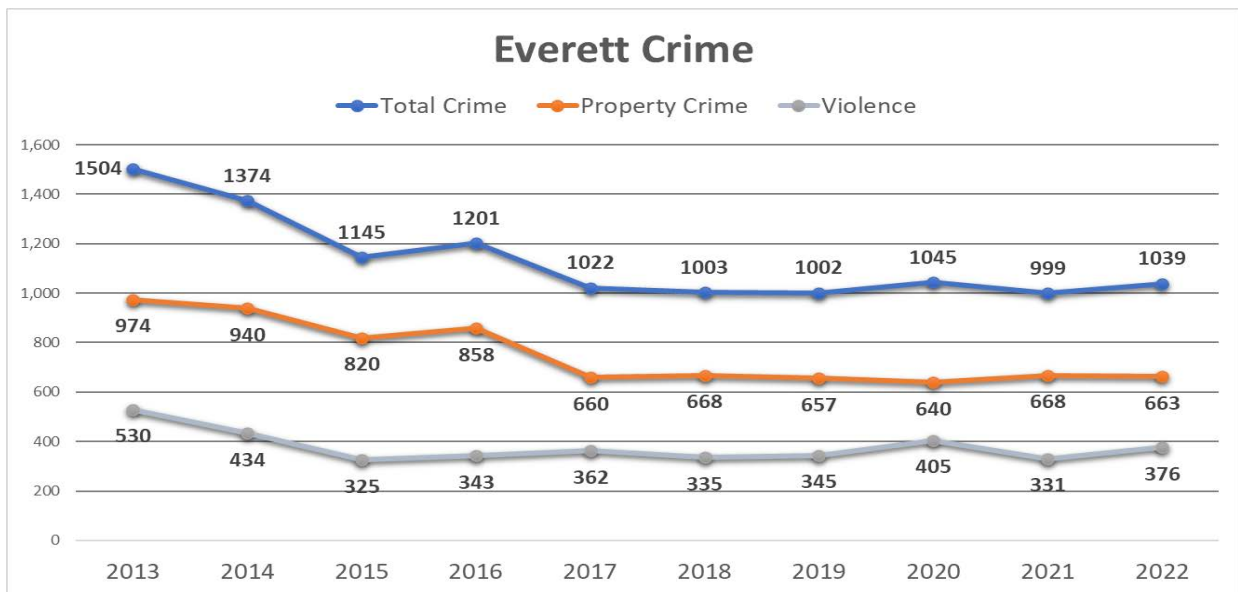
**Everett**

Location in Middlesex County in Massachusetts

Location in the United States  
 Coordinates: 42°24′30″N 71°03′15″W﻿ / ﻿42.40833°N 71.05417°W﻿ / 42.40833; -71.05417

Country	United States
State	Massachusetts
County	Middlesex
Settled	1630
Incorporated	1870
City	1892
Government	
• Type	Mayor-council city
• Mayor	Carlo DeMaria, Jr.
Area <sup>[2]</sup>	
• Total	3.66 sq mi (9.48 km <sup>2</sup> )
• Land	3.42 sq mi (8.85 km <sup>2</sup> )
• Water	0.25 sq mi (0.64 km <sup>2</sup> )
Elevation	10 ft (3 m)
Population (2020)	
• Total	49,075
• Density	14,366.22/sq mi (5,546.12/km <sup>2</sup> )
Time zone	UTC-5 (EST)
• Summer (DST)	UTC-4 (EST)
ZIP code	02149
Area code	617 / 857
FIPS code	25-21990
GNIS feature ID	0612739
Website	<a href="http://cityofeverett.com">cityofeverett.com</a>

Figure 18.A: Violent and Property Crime in Everett



<sup>6</sup> City profiles were taken from Wikipedia for general reference purposes only.

## Crimes in Everett

**Table 11.A: Crimes in Everett: Weekly averages by major category**

Category	Pre	Open	Closed	Restrict	Reopen	Pre to Open	Open to Close	Close to Restr.	Rest. to Reopen	Open to Reopen	Pre to Reopen
Burglary	2.22	1.87	1.12	1.52	1.57	-16%	-40%	36%	3%	-16%	-29%
Disorder	5.54	5.16	4.18	5.35	5.11	-7%	-19%	28%	-4%	-1%	-8%
Fraud	3.29	4.03	2.47	4.17	2.48	22%	-39%	69%	-41%	-38%	-25%
Theft	7.01	7.32	4.71	5.89	6.32	4%	-36%	25%	7%	-14%	-10%
Vehicle	3.37	3.95	3.82	4.85	4.66	17%	-3%	27%	-4%	18%	38%
Vice	2.81	3.11	2.65	1.67	1.91	11%	-15%	-37%	14%	-39%	-32%
Violence	6.47	7.84	5.53	5.83	6.88	21%	-29%	5%	18%	-12%	6%

Everett saw an immediate impact from the opening of Encore. These trends were covered in a previous report, but they include (within the eight-month initial opening period) almost 200 responses to the casino itself, including 15 aggravated assaults, 2 sexual assaults, 16 simple assaults, a robbery, 28 thefts of various sorts, 6 incidents of drunk driving, 4 drug offenses, and 20 incidents of disorderly conduct. These crimes helped elevate almost all crime categories in the city, although disorder and burglary remained low. COVID-19 immediately ended these trends. Restricted and full opening restored them, but not to pre-covid numbers. In the end, only vehicle crimes remained higher than pre-Encore levels.

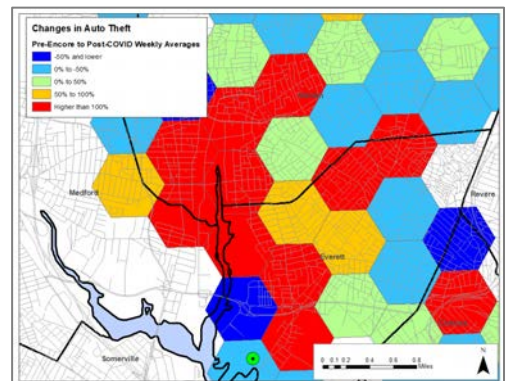
**Table 11.B: Vehicle crimes in Everett: Weekly averages by major category**

Category	Pre	Open	Closed	Restrict	Reopen	Pre to Open	Open to Close	Close to Restr.	Rest. to Reopen	Open to Reopen	Pre to Reopen
Auto Theft	1.29	1.37	1.71	1.46	1.84	6%	25%	-15%	26%	34%	43%
Theft From	2.01	2.47	2.12	3.13	2.04	23%	-14%	48%	-35%	-17%	1%
Parts	0.07	0.11	0.0	0.26	0.79	57%	-100%	N.C.	204%	618%	1029%

Within the category of vehicle crime, Everett is one of the few agencies to see not a sustained increase in thefts from vehicles (which peaked during the restricted re-opening period) but rather thefts of the entire car and thefts of car parts. The large increase in auto parts theft is tied to a nationwide problem of catalytic converter thefts that includes an August arrest of two men from Rhode Island.

Everett's increase in auto theft is seen in neighborhoods east and north of the casino. There are clusters along Broadway and Main Streets, continuing in the latter case up to Malden Center. Many of the hexes with auto theft increases are within destinations or on travel routes of free Encore shuttles, raising the possibility—yet untested by necessary data—that patrons arriving at Encore through other means may be stealing cars to return home. Peak times for the increase are 16–20:00 and 20–00:00. This hypothesis should be tested by monitoring where these vehicles are recovered and by whom.

**Figure 19: Theft from Vehicle**



Everett saw a large increase in residential telephone scams during Encore's initial opening period (they were not tied to Encore), but these did not persist after the covid closures. A slight sustained increase in violent crime can be attributed to incidents at Encore itself; the post-covid period has brought 26 incidents, including 11 aggravated assaults, a robbery, 9 simple assaults, and 3 sexual assaults.



# Chelsea

Chelsea<sup>7</sup> is a diverse working-class community. The smallest city in the Commonwealth, and the second densely populated, Chelsea is one of only three Massachusetts cities with a Hispanic-majority population. It has bounded back from crippling crime rates and near-bankruptcy in the 1990s and has enjoyed significant economic growth and gentrification in the past 15 years. The city's UCR Part 1 violent crime rate fell 59% between 2008 and 2018.

The city is physically close to Encore, and visitors coming from eastern Massachusetts or even Logan Airport might pass through the city's boundaries. Extra tourist traffic to Encore might bring extra visitors to its hotel and restaurant cluster off Everett Avenue.

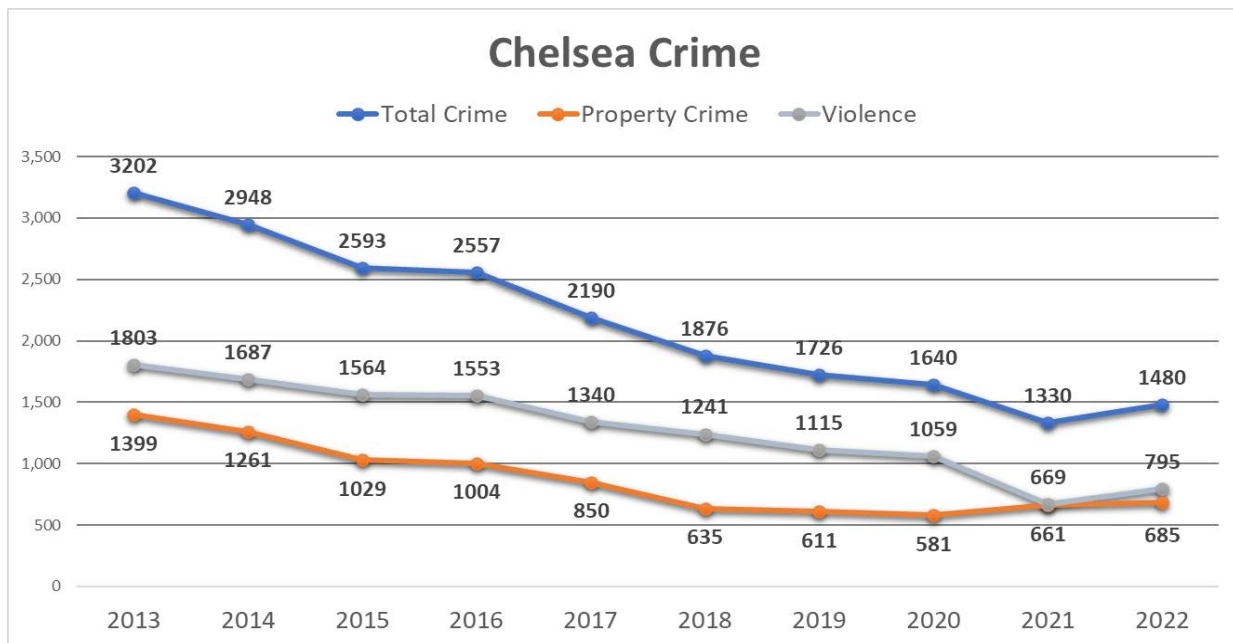
Chelsea has a full-time crime analyst who can assist with the analysis of new patterns and trends in the city.



Population (est. 2019): 40,496  
 Area: 2.5 square miles  
 Police officers: 107  
 City center distance to Encore: 1.83 miles

Country	United States
State	Massachusetts
County	Suffolk
Settled	1624
Incorporated (town)	1739
Incorporated (city)	1857
<b>Government</b>	
• Type	Council-manager government
• City Manager	Thomas G. Ambrosino
• Deputy City Manager	Ned Keefe
<b>Area<sup>[1]</sup></b>	
• Total	2.47 sq mi (6.39 km <sup>2</sup> )
• Land	2.22 sq mi (5.75 km <sup>2</sup> )
• Water	0.25 sq mi (0.64 km <sup>2</sup> )
Elevation	10 ft (3 m)
<b>Population (2020)</b>	
• Total	40,787
• Density	18,380.80/sq mi (7,097.87/km <sup>2</sup> )
<b>Time zone</b>	
• Summer (DST)	UTC-4 (Eastern)
ZIP Code	02150
Area code	617/857
FIPS code	25-13205
GNIS feature ID	0612723
Website	<a href="http://www.chelseama.gov">www.chelseama.gov</a>

Figure 18.B: Violent and Property Crime in Chelsea



<sup>7</sup> City profiles were taken from Wikipedia for general reference purposes only.

## Crimes in Chelsea

Crime statistics show that the city continued declining in most crime categories even as Encore opened in 2019. Those declines were of course accelerated by the initial covid closures, and although crime returned as the closures were lifted, the city still had double-digit decreases from pre-Encore averages in most categories.

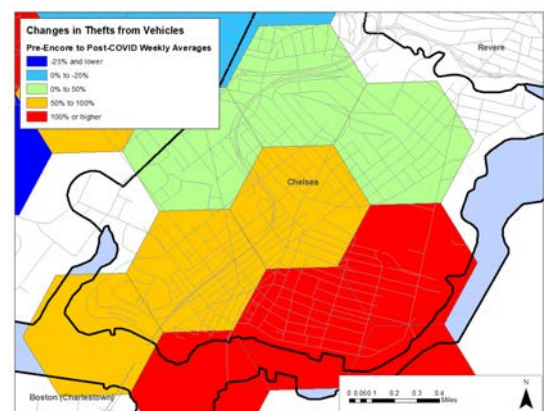
**Table 11.C: Crimes in Chelsea: Weekly averages by major category**

Category	Pre	Open	Closed	Restrict	Reopen	Pre to Open	Open to Close	Close to Restr.	Rest. to Reopen	Open to Reopen	Pre to Reopen
Burglary	1.79	1.66	2.29	1.61	1.54	-14%	38%	-30%	-4%	-7%	-14%
Disorder	8.52	7.87	7.71	8.26	7.75	-9%	-2%	7%	-6%	-2%	-9%
Fraud	3.27	2.55	2.06	3.09	2.84	-13%	-19%	50%	-8%	11%	-13%
Theft	5.9	5.87	5.06	5.89	6.14	4%	-14%	16%	4%	5%	4%
Vehicle	4.27	3.71	3.88	4.91	5.59	31%	5%	27%	14%	51%	31%
Vice	8.47	7.84	3.53	2.11	3.86	-54%	-55%	-40%	83%	-51%	-54%
Violence	22.73	21.45	16.29	12.85	14.93	-0.34	-24%	-21%	16%	-30%	-34%

The most significant exception is in vehicle crime, which increased during the COVID-19 restrictions and continued increasing afterwards. Of the various vehicle crimes, only thefts *from* vehicles account for this increase (auto thefts and thefts of vehicle parts both held steady or declined).

Spatial analysis shows the increase happening throughout the city, but highest in Chelsea Square and the residential neighborhoods to the east. The increase is seen at all times of day but is highest in the 04:00–08:00 and 08:00–12:00 blocks, and particularly on Mondays and Tuesdays. Most of the increase is conspicuously not in the area that one would expect to be patronized by Encore visitors.

**Figure 20: Theft from Vehicle**



Chelsea's crime total has dropped so much in the past 10 years that the 2021 figures for property crime and Violent crime converge. Total Property and Violent Crime combined increased by over 1,000 incidents between 2021 and 2022 (using fiscal year totals).

# Lynn

Lynn<sup>8</sup> has no travel routes to Encore excepting those that its own residents will use. A couple of bed-and-breakfasts make up its only lodging. It may see an increase in visitation from a small percentage of Encore visitors interested in the city's growing arts culture. So far, however, most activity has been low, and no changes are attributable to Encore.



**Population (est. 2019):** 94,449  
**Area:** 13.5 square miles  
**Police officers:** 168  
**City center distance to Encore:** 7.62 miles

Nicknames: City of Sin, City Of Firsts



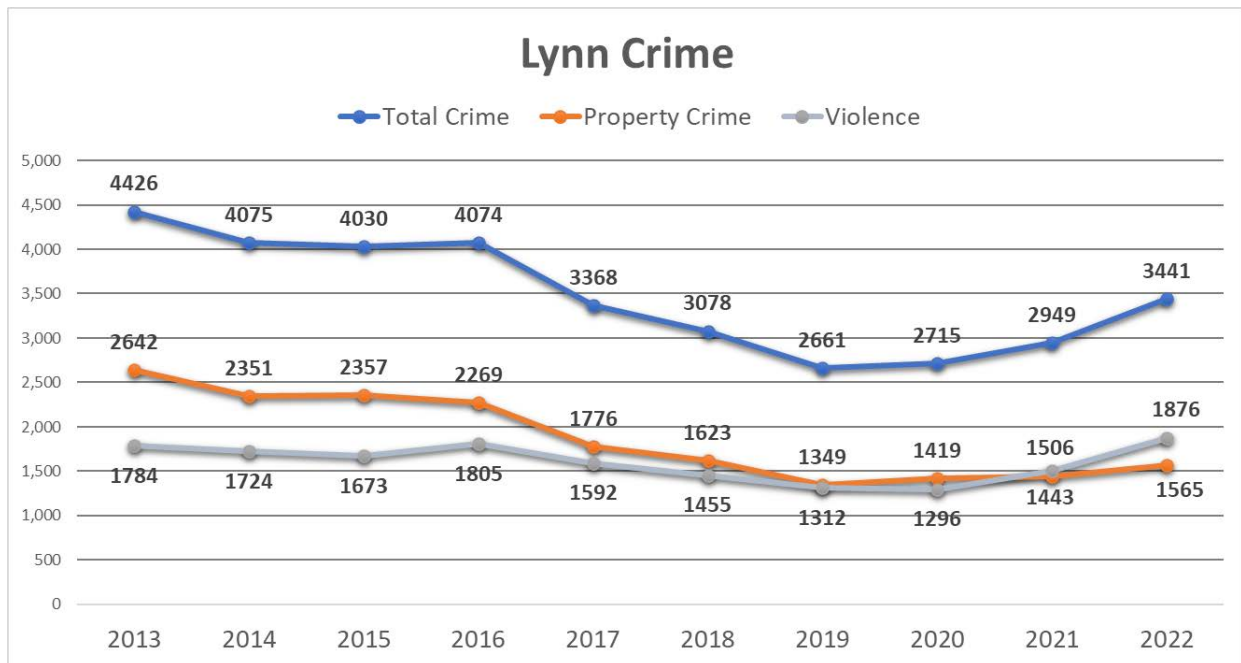


Location in the United States  
 Coordinates: 42°28'N 70°57'W

Country	United States
State	Massachusetts
County	Essex
Settled	1629
Incorporated (Town)	1629
Named	1637 <sup>[1]</sup>
Incorporated (City)	May 14, 1850 <sup>[2][3]</sup>
Named for	King's Lynn, Norfolk, England <sup>[1]</sup>
Government	
• Type	Mayor-council city

Area <sup>[7]</sup>	
• Total	13.52 sq mi (35.02 km <sup>2</sup> )
• Land	10.74 sq mi (27.81 km <sup>2</sup> )
• Water	2.78 sq mi (7.20 km <sup>2</sup> )
Elevation 30 ft (9 m)	
Population (2020)	
• Total	101,253
• Density	9,428.53/sq mi (3,640.41/km <sup>2</sup> )
Demonym Lynner	
Time zone UTC-5 (Eastern)	
• Summer (DST) UTC-4 (Eastern)	
ZIP Codes 01901-01905	
Area codes 339/781	
FIPS code 25-37490	
GNIS feature ID 0613376	
Website <a href="http://www.lynnma.gov">www.lynnma.gov</a>	

Figure 18.C: Violent and Property Crime in Lynn



<sup>8</sup> City profiles were taken from Wikipedia for general reference purposes only.

## Crimes in Lynn

Lynn was the only jurisdiction in this study to rebound from COVID-19 with significantly higher rates of vice and violence. The locations most affected by the latter (residences) and the specific crimes (aggravated and simple assaults) suggest an increase in domestic violence. A lack of comparable increases in other communities likely precludes a direct Encore influence in Lynn's trends.

**Table 11.D: Crimes in Lynn: Weekly averages by major category**

Category	Pre	Open	Closed	Restrict	Reopen	Pre to Open	Open to Close	Close to Restr.	Rest. to Reopen	Open to Reopen	Pre to Reopen
Burglary	4.39	4.42	2.88	3.11	3.59	1%	-35%	8%	15%	-19%	-18%
Disorder	16.00	14.95	13.82	13.35	13.75	-7%	-8%	-3%	3%	-8%	-14%
Fraud	4.98	5.74	5.82	12.80	4.55	15%	1%	120%	-64%	-21%	-9%
Theft	15.41	16.39	13.94	17.72	17	6%	-15%	27%	-4%	4%	10%
Vehicle	8.67	8.11	6.65	7.24	8.79	-6%	-18%	9%	21%	8%	1%
Vice	7.73	9.61	5.76	8.28	9.5	24%	-40%	44%	15%	-1%	23%
Violence	26.52	26.13	22.94	27.76	36.16	-1%	-12%	21%	30%	38%	36%

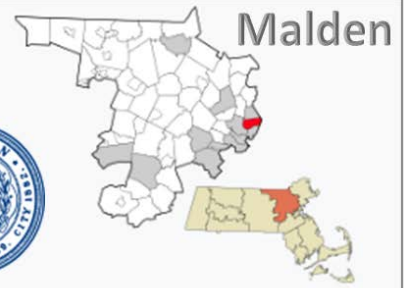
Lynn has experienced significant increases in Total Crime (combined Property and Violent incidents) since 2019. Most of the increase comes from Simple Assault, Aggravated Assault, and Theft from Vehicle/Theft of Vehicle Parts. And overall crime in Lynn has turned upward since 2019 and now has 3,441 incidents, the highest number in the past six years.

# Malden

Bordering Everett to the north, Malden<sup>9</sup> has one of the lower crime rates (for both violent crime and property crime) among the jurisdictions in this study. Except for a small part of U.S. Route 1 (a stretch mostly clear of businesses except a single liquor store), the city does not have many significant auto travel routes leading to Encore. However, the casino does operate a free shuttle out of Malden Center, which may increase foot and vehicle traffic to the businesses in the region. So far, most categories analyzed below show normal or decreased activity.



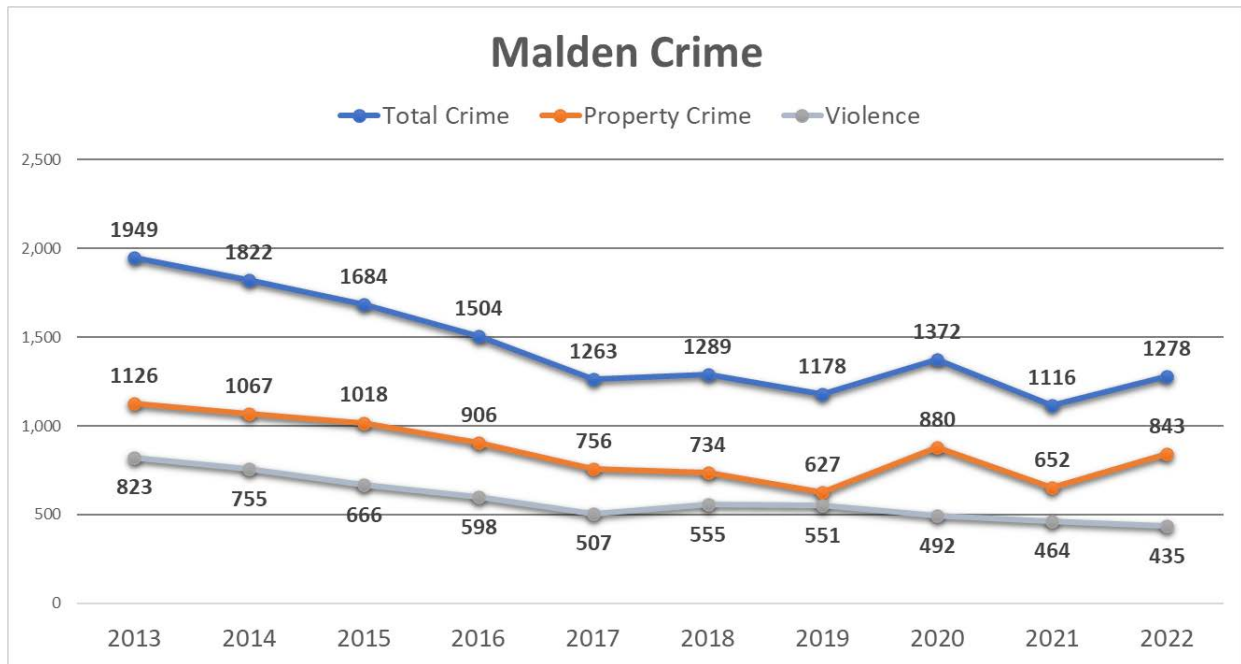
**Population (est. 2019):** 60,746  
**Area:** 5.1 square miles  
**Police officers:** 100  
**City center distance to Encore:** 2.28 miles



Location in Middlesex County in Massachusetts  
 Coordinates: 42°25'30"N 71°04'00"W

Country	United States
State	Massachusetts
County	Middlesex
Settled	1640
Incorporated	1649
City	1882
<b>Government</b>	
• Type	Mayor–council
• Mayor	Gary Christenson
<b>Area<sup>[1]</sup></b>	
• Total	5.08 sq mi (13.16 km <sup>2</sup> )
• Land	5.04 sq mi (13.06 km <sup>2</sup> )
• Water	0.04 sq mi (0.10 km <sup>2</sup> )
<b>Elevation</b>	13 ft (4 m)
<b>Population (2020)</b>	
• Total	66,263
• Density	13,136.99/sq mi (5,072.11/km <sup>2</sup> )
<b>Demonym</b>	Maldonian <sup>[2]</sup>
<b>Time zone</b>	UTC-5 (Eastern)
• Summer (DST)	UTC-4 (Eastern)
<b>ZIP Code</b>	02148
<b>Area code</b>	339/781
<b>FIPS code</b>	25-37875
<b>GNIS ID</b>	0612773
<b>Website</b>	<a href="http://cityofmalden.org">cityofmalden.org</a>

Figure 18.D: Violent and Property Crime in Malden



<sup>9</sup> City profiles were taken from Wikipedia for general reference purposes only.

## Crimes in Malden

Malden joins Everett in showing a significant increase in vehicle crime, including both thefts from vehicles and auto theft. The auto theft increase was analyzed in the Everett section. There, we raised the possibility that visitors to Encore were stealing cars for short-term transportation back home.

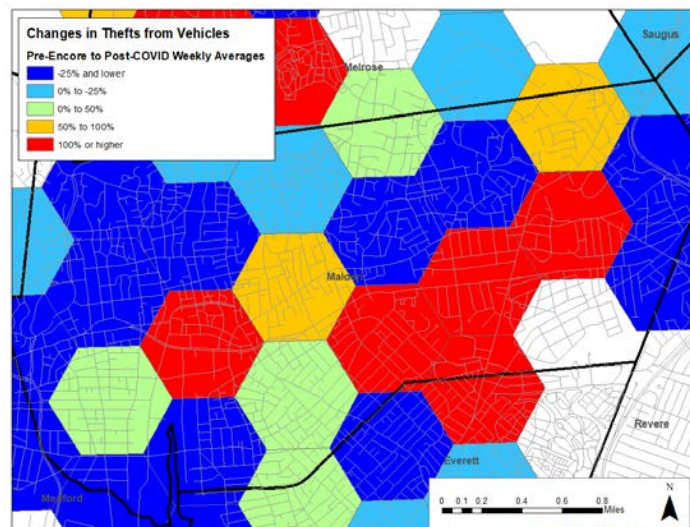
This hypothesis is based on the spatial pattern, which centers around bus and shuttle routes from Encore, but it will have to be tested by local authorities by monitoring where these vehicles are recovered and by whom.

**Table 11.E: Crimes in Malden: Weekly averages by major category**

Category	Pre	Open	Closed	Restrict	Reopen	Pre to Open	Open to Close	Close to Restr.	Rest. to Reopen	Open to Reopen	Pre to Reopen
Burglary	1.82	2.32	1.18	1.76	1.93	27%	-49%	49%	10%	-17%	6%
Disorder	6.37	6.08	5.00	5.33	5.11	-5%	-18%	7%	-4%	-16%	-20%
Fraud	1.91	1.74	3.24	2.41	1.36	-9%	86%	-26%	-44%	-22%	-29%
Theft	7.21	8.34	6.18	6.13	8.02	16%	-26%	-1%	31%	-4%	11%
Vehicle	3.98	6.5	8.47	4.61	5.96	63%	30%	-46%	29%	-8%	50%
Vice	1.45	1.13	0.53	0.91	0.77	-22%	-53%	72%	-15%	-32%	-47%
Violence	10.6	9.82	8.47	8.8	8.55	-7%	-14%	4%	-3%	-13%	-19%

Malden also had an increase in thefts from vehicles through the post-Encore period. Again, Malden Center stands out, but the group of hexes showing the highest coadjacent increase is further east, along Routes 99 and 60.

**Figure 21: Theft from Vehicle**



# Melrose

On the outskirts of our study, Melrose<sup>10</sup> is smaller and more suburban than most of the other communities analyzed here. It is avoided by highways and other major travel routes to Encore, it has no hotels, and it lacks most of the other attractions and amenities that a visitor to the area would seek out. Hence, it is unlikely to experience much impact from Encore unless this region experiences the type of wide-ranging crime patterns that have been rare in the other casino communities.



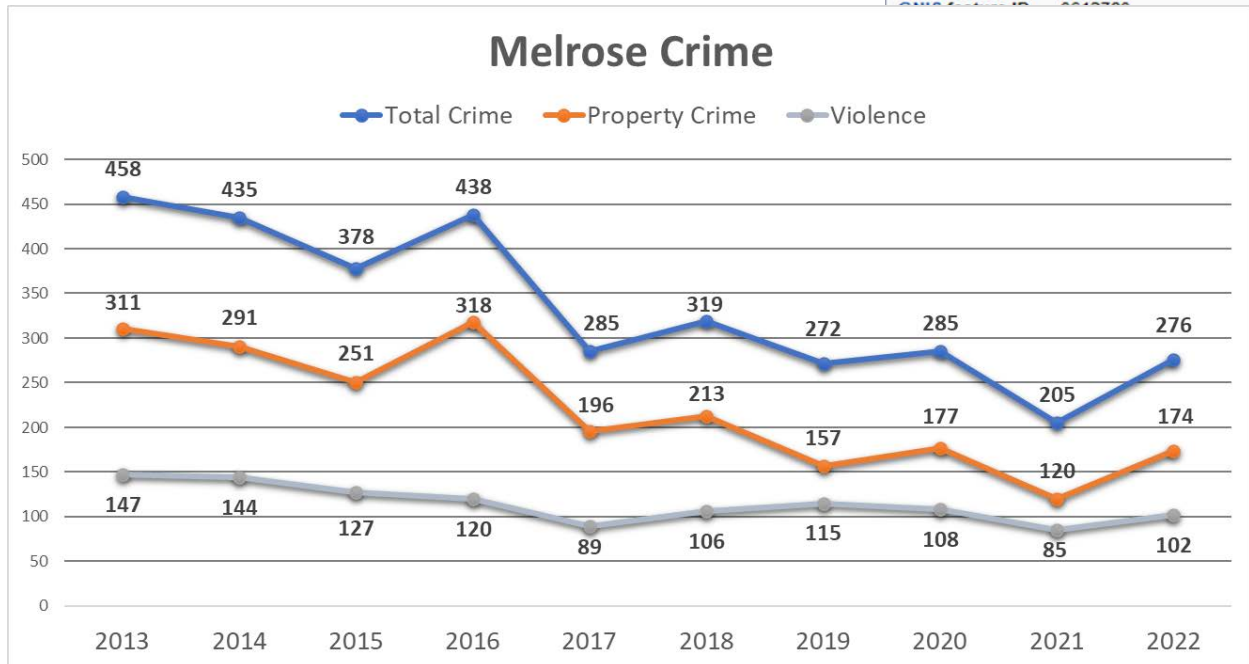
**Population (est. 2019):** 28,120  
**Area:** 4.8 square miles  
**Police officers:** 48  
**City center distance to Encore:** 4.16 miles

**Melrose**  
 Location in Middlesex County in Massachusetts

Location in the United States  
 Coordinates: 42°27'30"N 71°04'00"W

Country	United States
State	Massachusetts
County	Middlesex
Settled	1629
Incorporated	1850
City	1900
<b>Government</b>	
• Type	Mayor-council city
• Mayor	Paul A. Brodeur (D) <sup>[1]</sup>
<b>Area</b> <sup>[2]</sup>	
• Total	4.77 sq mi (12.35 km <sup>2</sup> )
• Land	4.68 sq mi (12.13 km <sup>2</sup> )
• Water	0.09 sq mi (0.22 km <sup>2</sup> )
Elevation	133 ft (41 m)
<b>Population (2020)</b>	
• Total	29,817
• Density	6,365.71/sq mi (2,458.07/km <sup>2</sup> )
<b>Time zone</b>	UTC-5 (Eastern)
• Summer (DST)	UTC-4 (Eastern)
ZIP Code	02176
Area code	339/781
FIPS code	25-40115

Figure 18.E: Violent and Property Crime in Melrose



<sup>10</sup> City profiles were taken from Wikipedia for general reference purposes only.

## Crimes in Melrose

One potential exception is in activity at Melrose-Wakefield Hospital, a possible destination for medical emergencies at Encore Boston Harbor. This facility did see an increase in crimes during this period, from a pre-Encore average of 55 to a post-Encore average of 93. However, incidents at the hospital had already been increasing when Encore arrived on the scene. A more definitive analysis will have to be made from the report narratives and associated offender data.

Figure 22: Theft from Vehicle 10-year trend

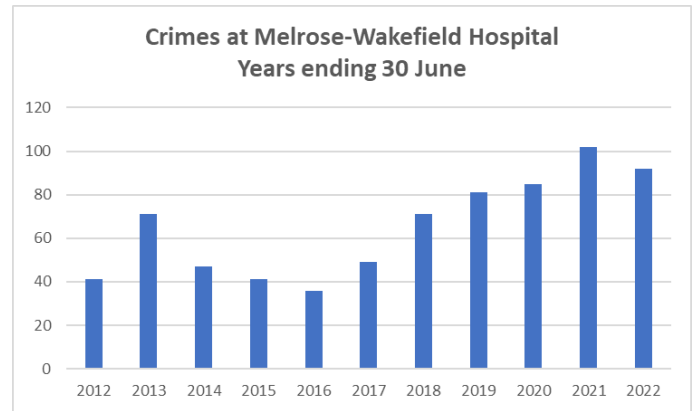
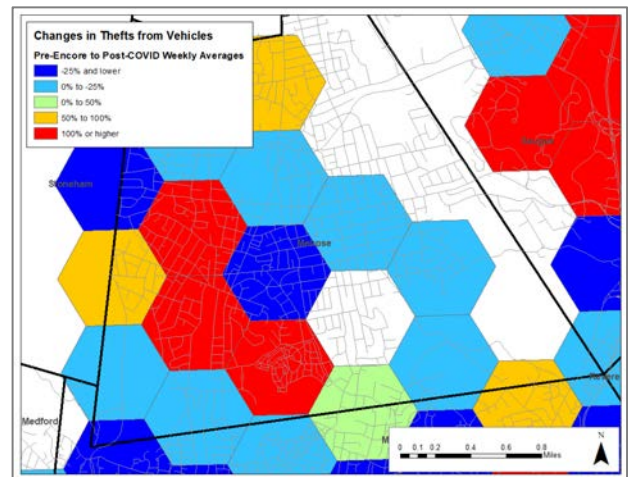


Table 11.F: Crimes in Melrose: Weekly averages by major category

Category	Pre	Open	Closed	Restrict	Reopen	Pre to Open	Open to Close	Close to Restr.	Rest. to Reopen	Open to Reopen	Pre to Reopen
Burglary	0.50	0.68	0.35	0.28	0.59	36%	-49%	-20%	111%	-13%	18%
Disorder	2.01	1.79	1.59	1.48	1.43	-11%	-11%	-7%	-3%	-20%	-29%
Fraud	0.69	0.84	0.35	0.39	0.30	22%	-58%	11%	-23%	-64%	-57%
Theft	2.08	1.87	1.53	1.07	1.36	-10%	-18%	-30%	27%	-27%	-35%
Vehicle	0.98	1.13	0.94	0.87	1.16	15%	-17%	-7%	33%	3%	18%
Vice	0.56	0.76	0.12	0.43	0.45	36%	-84%	258%	5%	-41%	-20%
Violence	2.11	2.42	1.35	1.65	1.93	15%	-44%	22%	17%	-20%	-9%

Burglaries and vehicle crimes are both concerning in Melrose. The burglary increase is found entirely in the residential category and is found in two neighborhoods, one centered at First Street and Sixth Street and the other centered at Pleasant Street and Francis Street. This second neighborhood is also the site of one of the increases in thefts from vehicles. Unlike burglaries, the three hexes that saw the largest increase in vehicle crimes are all contiguous, starting in the corridor between Pine Banks Park and Middlesex Fells Reservation, then proceeding north into the Wyoming neighborhood.

Figure 23: Theft from Vehicle Hotspots





# Saugus

Saugus<sup>11</sup> is a small residential city bisected by a massive commercial corridor. It is only shortly before its borders that Interstate 95 travelers headed to Boston (including Encore) exit the highway onto Route 1. The route this traffic takes through Saugus is some of the mostly densely packed commercial territory in the state, including a major shopping mall (Square One), a major shopping center, and dozens of department stores, restaurants, gas stations, and other retail and service outlets.

These establishments do not continue much beyond the city's southern border; in Malden, Route 1 becomes a controlled-access freeway. While Saugus was thus poised to see an increase in activity from travelers to and from Encore from northern points, such an increase has yet to materialize.

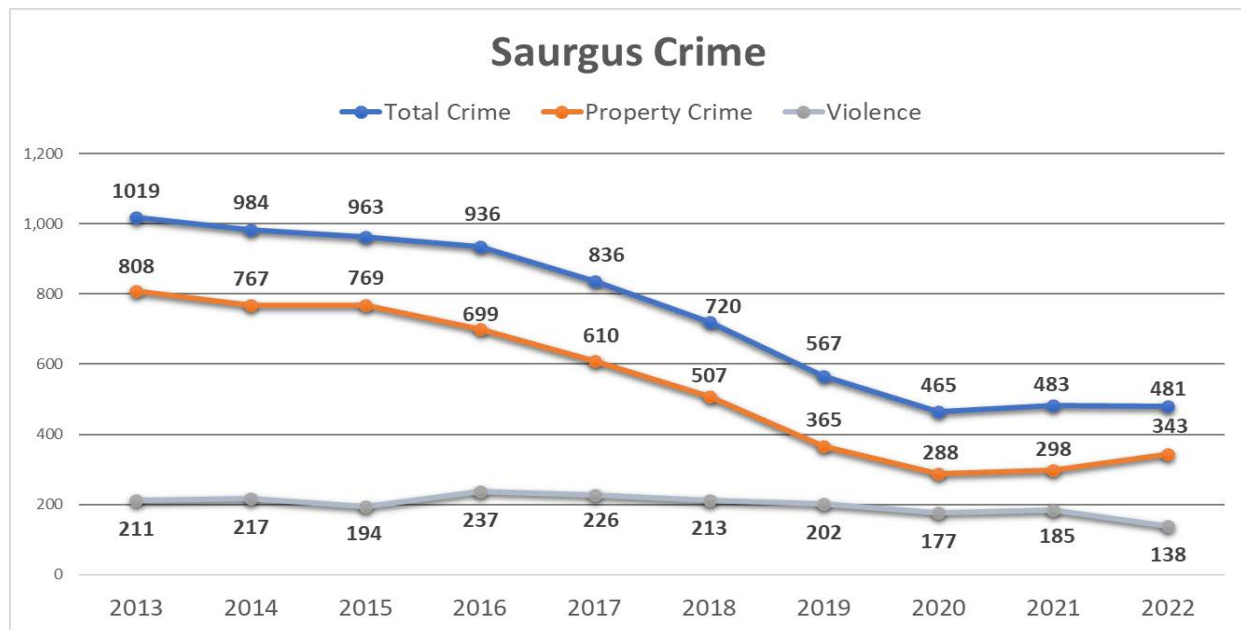


Population (est. 2019): 28,378  
 Area: 11.8 square miles  
 Police officers: 59  
 City center distance to Encore: 5.72 miles

**Saugus**  
 Location in Essex County and the state of Massachusetts.  
 Coordinates: 42°27'53"N 71°00'38"W

Country	United States
State	Massachusetts
County	Essex
Settled	1629
Incorporated	1815
<b>Government</b>	
• Type	Town Manager–Board of Selectmen/Representative town meeting
• Town Manager	Scott Crabtree
• Board of Selectmen	Anthony W. Cogliano, Sr. Corinne R. Riley Michael J. Serino Debra C. Panetta Jeffrey V. Cicolini
<b>Area</b>	
• Total	11.8 sq mi (30.6 km <sup>2</sup> )
• Land	10.8 sq mi (28.0 km <sup>2</sup> )
• Water	1.0 sq mi (2.6 km <sup>2</sup> )
<b>Elevation</b>	21 ft (6 m)
<b>Population (2020)</b>	
• Total	28,619
• Density	2,400/sq mi (940/km <sup>2</sup> )
<b>Time zone</b>	UTC-5 (Eastern)
• Summer (DST)	UTC-4 (Eastern)
<b>ZIP code</b>	01906
<b>Area code</b>	339 / 781
<b>FIPS code</b>	25-60015
<b>GNIS feature ID</b>	0619454
<b>Website</b>	Town of Saugus, Official Web Site <sup>2</sup>

Figure 18.F: Violent and Property Crime in Saugus



<sup>11</sup> City profiles were taken from Wikipedia for general reference purposes only.

## Crimes in Saugus

Saugus is the only agency to experience a full slate of decreases during the initial period of opening and the reopening. As so much of the city’s crime is dependent on commercial activity, it reacted more strongly to covid closures than other agencies, in a variety of ways. For instance, commercial burglaries increased during the period of full closure, but thefts (including shoplifting and thefts from vehicles) plummeted. In the end, the city enjoyed double-digit decreases from its pre-Encore average during the reopening period.

**Table 11.G: Crimes in Saugus: Weekly averages by major category**

Category	Pre	Open	Closed	Restrict	Reopen	Pre to Open	Open to Close	Close to Restr.	Rest. to Reopen	Open to Reopen	Pre to Reopen
Burglary	0.74	0.42	0.59	0.57	0.66	-43%	40%	-3%	16%	57%	-11%
Disorder	3.35	2.53	2.53	2.41	2.80	-24%	0%	-5%	16%	11%	-16%
Fraud	3.09	2.97	2.76	5.87	2.36	-4%	-7%	113%	-60%	-21%	-24%
Theft	5.85	4.58	1.24	4.07	4.18	-22%	-73%	228%	3%	-9%	-29%
Vehicle	1.8	1.71	1.06	1.35	1.52	-5%	-38%	27%	13%	-11%	-16%
Vice	1.92	1.68	0.82	1.35	1.04	-13%	-51%	65%	-23%	-38%	-46%
Violence	3.93	3.79	2.82	3.61	2.62	-4%	-26%	28%	-27%	-31%	-33%

Table 12 provides a detailed breakdown of the top ten crimes in each of the EBH communities over the past ten years. While Table 10 (p.48) offered the top ten rank for the most prolific crime categories, the table below offers the detail by which departments can begin to set priorities. The common themes could be cause for joint initiatives between agencies.

**Table 12: Top Ten Crimes - Breakdown over the past 10 Years**

<b>EVERETT TOP 10 CRIMES</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>Grand Total</b>
Vandalism	342	343	310	276	305	263	225	209	256	229	2758
Other Theft	242	276	254	262	231	221	223	214	219	206	2348
Theft from Vehicle	226	210	147	181	119	129	83	121	162	108	1486
Family Offenses	16	93	166	143	186	181	163	167	163	183	1461
Burglary	227	166	127	155	116	101	132	85	78	85	1272
Simple Assault	247	182	77	91	112	89	90	127	113	127	1255
Shoplifting	93	123	149	130	91	98	114	94	75	91	1058
Aggravated Assault	97	79	75	84	92	90	125	129	86	86	943
Threats	109	78	93	99	100	90	68	89	80	105	911
Auto Theft	120	101	83	89	70	74	62	73	80	99	851

<b>CHELSEA TOP 10 CRIMES</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>Grand Total</b>
Simple Assault	774	743	739	723	639	624	549	506	238	296	5831
Vandalism	778	732	581	595	465	351	308	327	368	329	4834
Threats	400	411	322	328	310	263	258	213	168	214	2887
Aggravated Assault	330	275	246	262	189	177	183	223	170	180	2235
Drunkenness	290	254	290	250	227	228	189	152		1	1881
Theft from Vehicle	238	248	148	199	166	112	103	126	173	200	1713
Other Theft	422	175	89	96	67	53	60	140	185	125	1412
Burglary	265	178	198	155	120	77	112	94	83	81	1363
Theft from Building	132	205	198	167	130	131	127	87	84	101	1362
Robbery	217	188	186	175	118	93	65	63	50	73	1228

<b>LYNN TOP 10 CRIMES</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>Grand Total</b>
Simple Assault	897	869	880	940	814	681	680	721	845	1073	8400
Other Theft	998	994	996	910	696	665	585	590	705	644	7783
Vandalism	1033	916	902	987	806	677	552	531	510	575	7489
Aggravated Assault	496	481	445	462	433	397	330	310	377	475	4206
Burglary	592	452	463	424	319	267	194	207	160	189	3267
Theft from Vehicle	494	329	300	330	282	260	197	233	165	239	2829
Drugs	331	348	292	297	246	200	156	166	170	142	2348
Auto Theft	267	270	246	344	211	228	201	163	192	202	2324
Disorderly	207	189	215	200	175	135	115	144	105	73	1558
Family Offenses	220	152	154	171	148	150	129	117	142	114	1497

<b>MALDEN TOP 10 CRIMES</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>Grand Total</b>
Simple Assault	396	408	378	343	278	285	338	280	279	258	3243
Other Theft	371	453	404	331	302	280	237	285	232	303	3198
Vandalism	337	317	299	282	251	229	230	218	216	217	2596
Theft from Vehicle	191	152	208	206	134	151	108	254	146	168	1718
Burglary	276	226	154	113	108	105	87	101	93	100	1363
Aggravated Assault	140	123	150	143	122	155	114	111	107	117	1282
Auto Theft	105	103	101	105	94	76	75	116	74	134	983
Shoplifting	149	88	94	114	86	73	71	73	56	71	875
Threats	193	150	52	36	42	43	37	34	26	13	626
Fraud	62	57	60	48	83	58	64	61	57	42	592

<b>MELROSE TOP 10 CRIMES</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>Grand Total</b>
Vandalism	143	129	90	120	88	88	98	77	67	62	962
Other Theft	89	83	99	105	89	86	76	75	52	53	807
Simple Assault	75	82	62	62	51	58	67	61	44	58	620
Theft from Vehicle	71	60	52	92	32	48	20	47	31	39	492
Burglary	79	58	34	33	13	29	26	29	15	33	349
Theft from Building	46	48	36	34	36	28	12	13	6	12	271
Threats	42	35	36	32	22	18	19	20	17	13	254
Fraud	21	27	25	25	16	23	22	21	15	10	205
Aggravated Assault	18	16	16	17	10	18	25	21	19	24	184
Auto Theft	14	15	19	36	16	17	13	11	12	20	173

<b>SAUGUS TOP 10 CRIMES</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>Grand Total</b>
Other Theft	345	331	306	334	266	252	128	92	84	82	2220
Vandalism	274	243	205	206	216	164	147	117	123	138	1833
Shoplifting	173	183	204	166	156	88	89	75	104	133	1371
Simple Assault	98	104	103	120	108	97	78	71	79	56	914
Theft from Vehicle	107	98	95	89	71	63	46	45	39	47	700
Identity Theft	63	30	47	52	56	39	55	51	215	45	653
Fraud	68	62	50	57	45	48	70	74	50	54	578
Burglary	103	72	71	49	49	43	33	26	29	35	510
Aggravated Assault	46	53	39	53	57	57	52	36	48	42	483

# Hexagon Hotspots - Spatial analysis

---

The statistics below do not include categories with fewer than 5 crimes on average unless the category was notably high in the associated region in the period ending February 2020.

The next section drills deeper into the hexagon hotspots discussed in the methodology section. Sherman et al., (1989) has demonstrated several times that crime aggregates and clusters in certain places, year over year. Their research has shown that three percent of crime hotspots in Minneapolis was responsible for nearly 100% of what he called predatory crime (i.e., UCR Part One Violent Crime) representing murder, rape, robbery, and aggravated assault. Lawrence Sherman refers to this phenomenon as spatial continuity, and our focus here is based upon his research.

If you recall, this hexagon hotspot approach was used to identify four (4) distinct high-volume areas for further analysis. The identified hotspots include the areas surrounding Encore, a Chelsea hotspot, a Lynn hotspot, and a Malden hotspot. The discussion below covers the crime activity over the five COVID-19 periods.

---

## **HEXAGON HOTSPOT ANALYSIS**

Table 13.A (below) shows the culmination of the four hotspots across each of the six crime categories. Lynn and Chelsea experience the greatest volume of violent, vice and fraudulent crime. Vehicle crime is relatively equally dispersed in the Lynn, Malden, and Chelsea hotspot. Burglary impacts the Lynn hotspot at twice the rate as Chelsea and Malden, and similarly for Other Theft. In each case, the data shows that the Encore hotspot is consistently lower, respectively.

**Table 13.A: All Hexagons Combined – COVID-19 Trend Crime Comparison**

HEX COUNTS OVER PERIODS							
Category	Grid Id (group)	Study Periods					Grand Total
		PRE-OPEN	OPEN	CLOSED	RESTRICTED	RE-OPEN	
Violence	Chelsea_HEX	306	331	114	262	367	1,380
	Encore_HEX	26	65	9	36	57	193
	Lynn_HEX	481	539	192	729	1,026	2,967
	Malden_HEX	194	185	73	189	261	902
	Total	1,007	1,120	388	1,216	1,711	5,442
Vice	Chelsea_HEX	141	144	21	59	102	467
	Encore_HEX	12	28	2	16	18	76
	Lynn_HEX	126	198	45	214	246	829
	Malden_HEX	25	20	4	15	15	79
	Total	304	390	72	304	381	1,451
Fraud/Forgery	Chelsea_HEX	69	79	17	81	79	325
	Encore_HEX	8	19	3	11	19	60
	Lynn_HEX	82	91	28	182	106	489
	Malden_HEX	41	38	19	49	40	187
	Total	200	227	67	323	244	1,061
Vehicle Crime	Chelsea_HEX	70	78	33	106	161	448
	Encore_HEX	14	21	7	27	43	112
	Lynn_HEX	125	157	63	162	276	783
	Malden_HEX	61	138	67	85	177	528
	Total	270	394	170	380	657	1,871
Burglary	Chelsea_HEX	47	31	18	28	43	167
	Encore_HEX	2	6	1	10	14	33
	Lynn_HEX	73	78	19	77	98	345
	Malden_HEX	33	43	7	32	52	167
	Total	155	158	45	147	207	712
Other Theft	Chelsea_HEX	126	138	52	158	191	665
	Encore_HEX	92	105	31	89	129	446
	Lynn_HEX	238	281	106	349	458	1,432
	Malden_HEX	148	189	59	133	247	776
	Total	604	713	248	729	1,025	3,319
Grand Total		2,540	3,002	990	3,099	4,225	13,856

Table 13.B shows that the Lynn Hexagon Hotspot nearly doubled from pre-opening and the reopening after COVID-19. No other hotspot experienced this degree of elevated crime. Something is clearly occurring in Lynn that suggests that the Casino is not the contributing factor. Lynn is the farthest hotspot from the casino, and most likely prone to its own factors.

**Table 13.B: Total number of Select Crimes within each Hexagon Hotspots during each period**

HEX CNTS OVER PERIODS						
Grid Id (gro..	Study Periods					Grand Total
	PRE-OPEN	OPEN	CLOSED	RESTRICTED	RE-OPEN	
Encore_HEX	154	244	53	189	280	920
Chelsea_HEX	759	801	255	694	943	3,452
Lynn_HEX	1,125	1,344	453	1,713	2,210	6,845
Malden_HEX	502	613	229	503	792	2,639
Grand Total	2,540	3,002	990	3,099	4,225	13,856

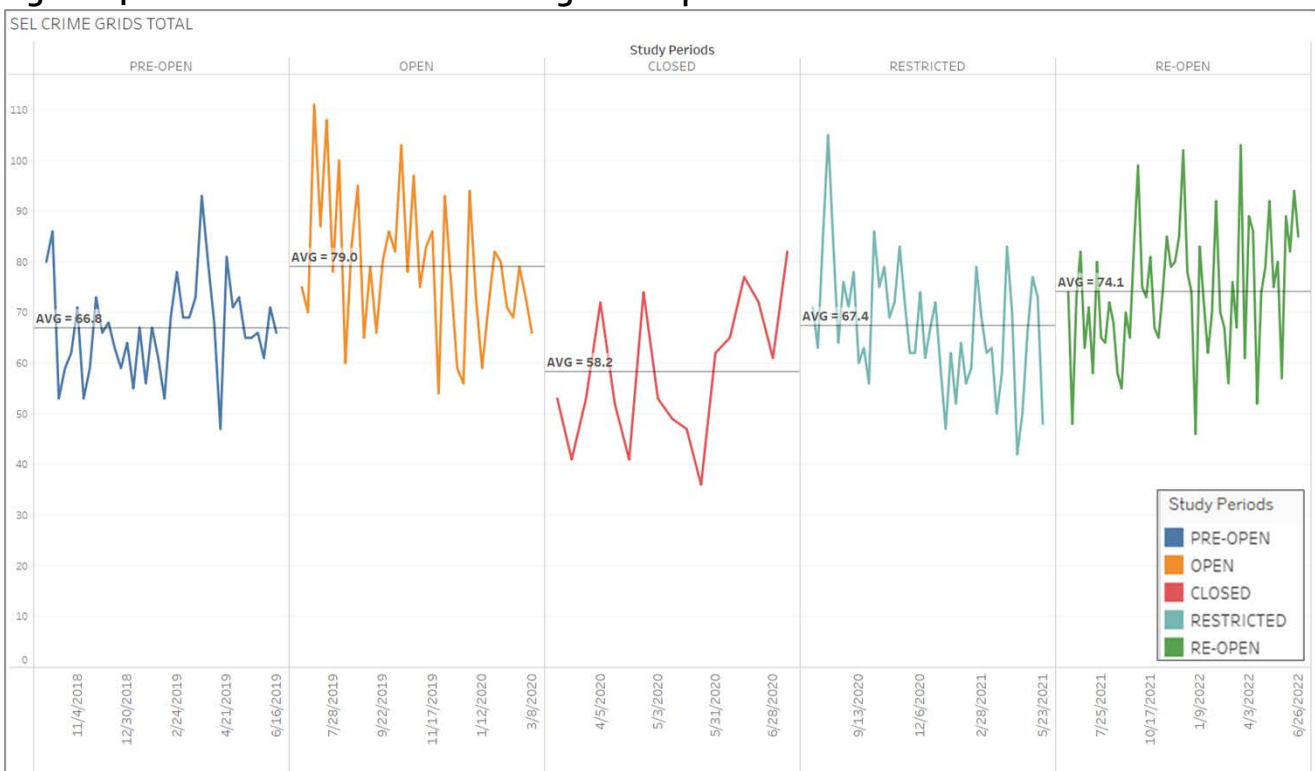
As you can see in Table 13.C below, Encore Hexagon jumps approximately 3% points when it opens and again when it reopens from the period preceding it – going from 6.6% during the pre-opening to 9.8% and from 6.2% during the closure to 9.3% during the reopening. This suggests that at least in the Everett area and as a part of the larger region, the casino contributes about 3% of the criminal activity. Note that the hexagon cluster around Encore tops out at 9-10% of the entire region or 1 out of 10 of these crimes.

**Table 13.C: Percentage of Select Crimes within each Hexagon Hotspots during each period**

HEX PCT OVER PERIODS					
Grid Id (gro..	Study Periods				
	PRE-OPEN	OPEN	CLOSED	RESTRICTED	RE-OPEN
Encore_HEX	6.6%	9.8%	6.2%	8.3%	9.3%
Chelsea_HEX	35.6%	31.7%	31.9%	23.9%	24.0%
Lynn_HEX	43.9%	44.5%	45.1%	54.6%	53.0%
Malden_HEX	13.9%	14.0%	16.9%	13.1%	13.7%
Grand Total	100.0%	100.0%	100.0%	100.0%	100.0%

Figure 24.A below, like the Region and City analysis, demonstrates a clear and consistent pattern of crime over the pre-during and post-covid periods. This micro analysis of hotspots shows the weekly counts and the periodic averages for crime that reflects what one would expect and hypothesize. When the casino opened in the region crime went up on average slightly, from 67 crimes to 79 crimes—a net gain of 11 crimes per week in the four hotspots. When establishments closed because of COVID-19, crime dropped to 58 crimes per week during the covid shutdown in Massachusetts.

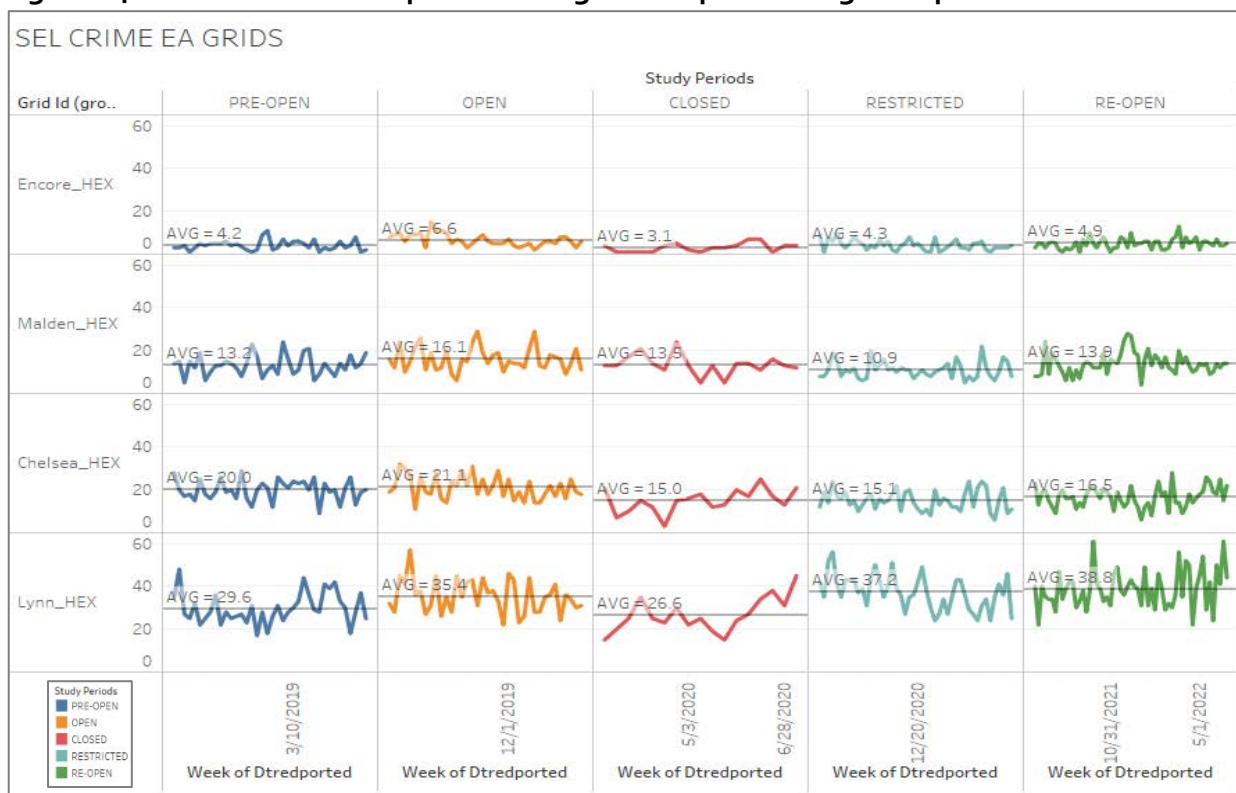
**Figure 24.A: All Select Crime in the Hexagon Hotspots**



Interesting is the fact that crimes began trending significantly downward well before the closure, suggesting that something other than COVID-19 was amiss. Likewise, during the closing, Figure 24.A shows that crime fluctuated up and down several times but trended up again above the previous period's average of 79 to 58 crimes; again, demonstrating that casino operations are not the primary contributing factor. Crime continues to climb during the restricted operations as one would expect only to drop below the period's average for most of the timeframe. Again, it vacillates up and down throughout the end of the restricted period and remains low through the first 16 weeks of reopening. Crime does level off at 74 crimes per week during the reopening but slightly lower than the 79-crime average of the initial casino open operations.

And like other periods of interest, crime ebbs and flows, peaking and dipping extensively 3 or 4 times. This suggests to us that something other than operating a casino in the region drives crime up and down. Further research needs to be conducted and other contributing factors identified. One contributing factor in need of investigating is seasonality and weather. Another would be to probe other correlations like special events at the casino (e.g., poker tournaments), and in the region, events like NBA Finals, MLB playoffs, and NFL games—and the subsequent weekends associated with them. When these events are combined with gambling opportunities or attractors, does crime subsequently spike? Do certain crimes associated with high rollers bring sex workers and human trafficking to the region? These questions may require a greater qualitative analysis or police surveillance to ascertain legitimate answers, but they are certainly worthy of our attention.

**Figure 24.B: Select Crime in Specific Hexagon Hotspots during each period**



Crime Category	Pre-Open	Open	Closed	Restricted	Reopen
<b>All -Total HS</b>	<b>66.8</b>	<b>79.0</b>	<b>58.2</b>	<b>67.4</b>	<b>74.1</b>
<b>Encore</b>	<b>4.2</b>	<b>6.6</b>	<b>3.1</b>	<b>4.3</b>	<b>4.9</b>
<b>Malden</b>	<b>13.2</b>	<b>16.1</b>	<b>13.5</b>	<b>10.9</b>	<b>13.9</b>
<b>Chelsea</b>	<b>20.0</b>	<b>21.1</b>	<b>15.0</b>	<b>15.1</b>	<b>16.2</b>
<b>Lynn</b>	<b>29.6</b>	<b>35.4</b>	<b>26.6</b>	<b>37.2</b>	<b>38.8</b>

Looking more closely at the four distinct hotspots in Figure 24.B above shines a little light on the crime trends. In the Encore cluster, weekly averages go from 4.2 crimes per week before the casino’s opening to 6.6 during the initial operations; and is cut in half when the casino and other establishments are required to close. Crime climbs by one from 3.1 during the closure to 4.3 during the restricted timeframe and climbs back to 4.9 on average per week but remains lower than the initial operations period; but not much higher than the 4.2 pre-opening period. This suggests to us that crime was certainly impacted by COVID-19, but not exclusively due to the casino per se. The Malden hotspot follows a similar pattern except during the restricted opening period. The Chelsea hotspot did not return to the pre-opening benchmark nor the average of crimes (21.1) during the initial casino opening. This suggests to us that the casino does not directly affect crime in the Chelsea hotspot.

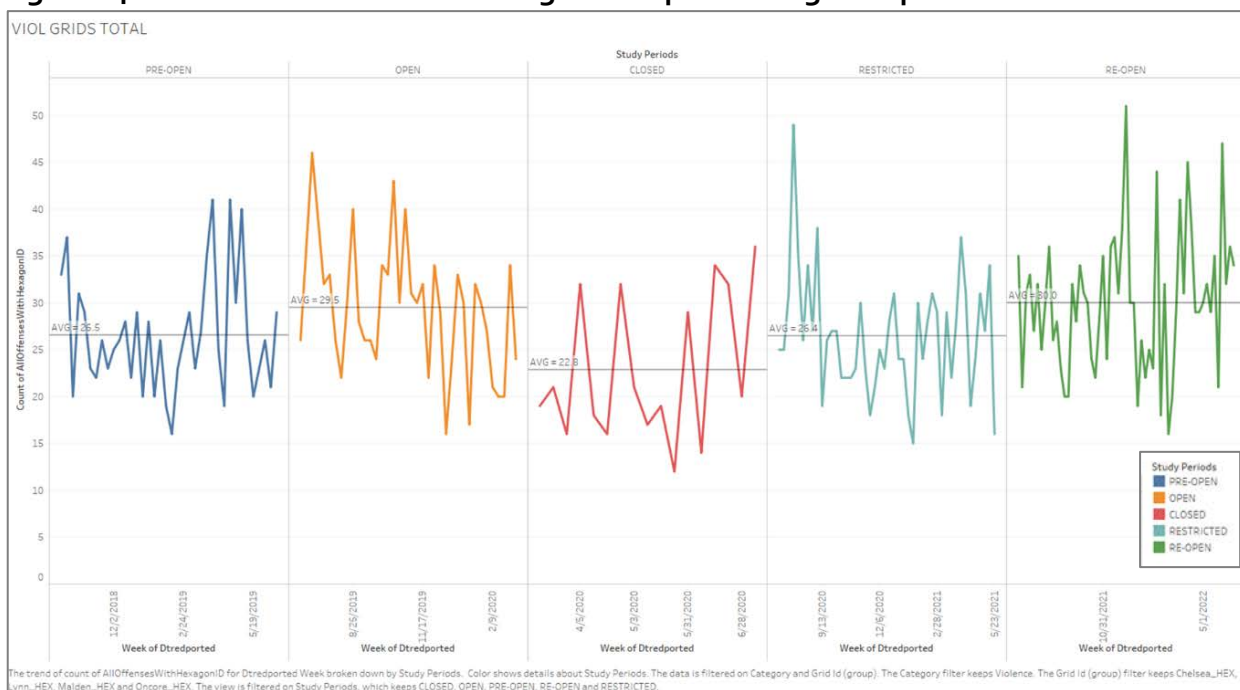
Finally, the Lynn hotspot seems to operate under a completely different set of influencers. Crime, on average, climbed by almost six (6) crimes once the casino opened, dropped nearly ten (10) crimes during the covid closure, only to rebound even higher than previous highwater marks to 37.2 and 38.8 crimes per weeks during the restricted and reopening periods, respectively. Lynn is a significant distance from the casino and does not have direct road networks to the casino, so it would seem unlikely that the post-covid climb in these numbers were directly linked to the casino, additional



evidence that something else is going on regarding crime contributors in the region, other than the direct effect of the casino.

One hypothesis we hold is Crime Pattern Theory (a focus for future research to investigate this premise) claims that activity space within places where offenders and victims live, work, and play drives opportunities for crime, and Lynn simply has a greater density of residents within its boundaries. Social disorganization theory suggests that poverty, single-female head of households and racial heterogeneity contribute to higher crime neighborhoods which might also help explain why crime volume is greater in Lynn than the other jurisdictions. Finally, while the casino may draw certain crime related opportunities, like vehicle crime, it does a relatively good job of providing capable guardians or place managers by using security guards and CCTV cameras that deter other crimes from occurring.

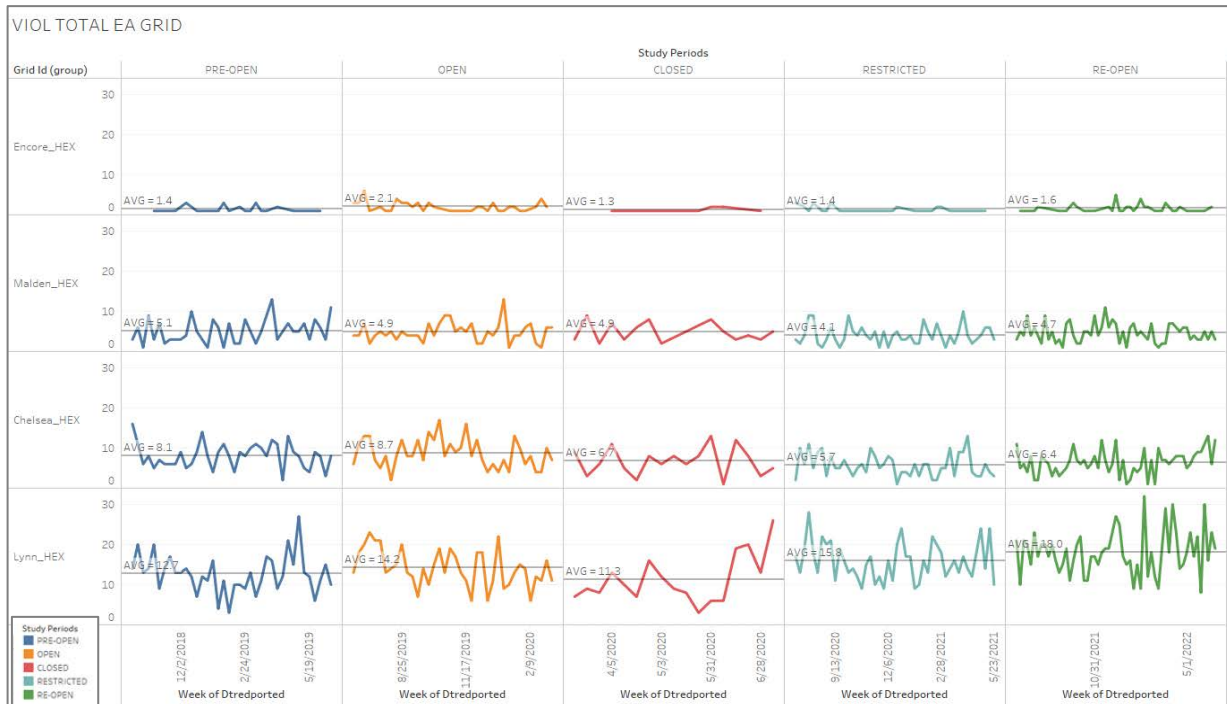
**Figure 24.C: Violent Crimes in the Hexagon Hotspots during each period**



Crime Category	Pre-Open	Open	Closed	Restricted	Reopen
<b>Violent -Total HS</b>	<b>26.5</b>	<b>29.5</b>	<b>22.8</b>	<b>26.4</b>	<b>30.0</b>
Encore	1.4	2.1	1.3	1.4	1.6
Malden	5.1	4.9	4.9	4.1	4.7
Chelsea	8.1	8.7	6.7	5.7	6.4
Lynn	12.7	14.2	11.3	15.8	18.0

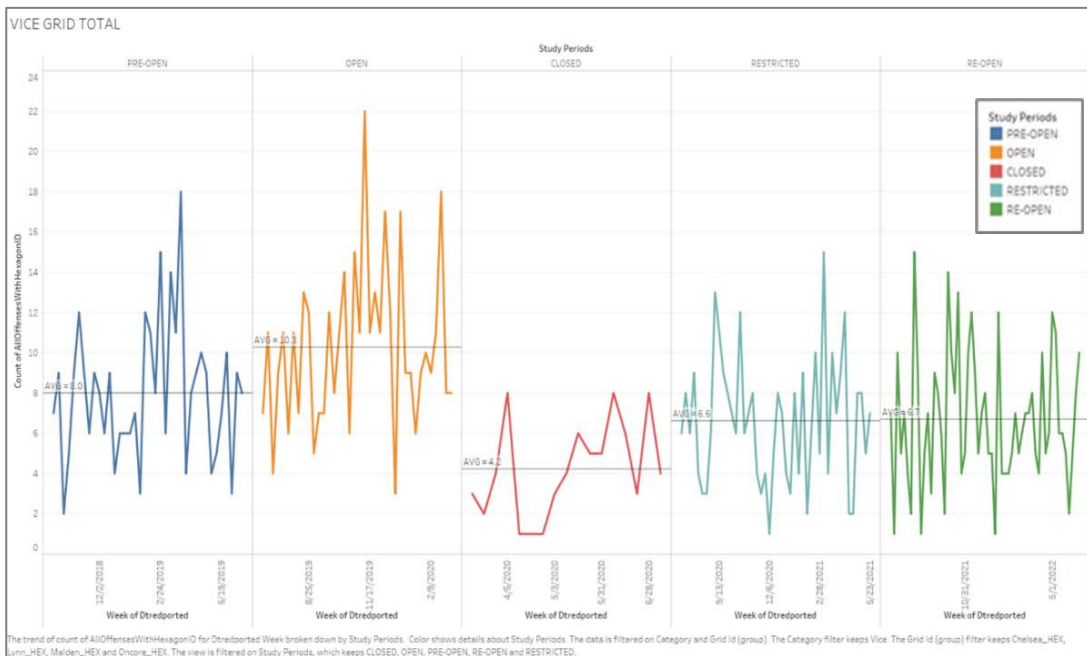
Figure 24.C illustrates that violent crime followed the same patterns as the overall selected crime with the Lynn hotspot contributing the most to the crime picture in the region. Violent crime does appear to return to the same level as when the casino opened as when it reopened, but with crime significantly rising at the end of the closure and into the restricted period and vacillating high and low during the reopening period. Figure 24.D shows how relatively flat violent crime remained across the five distinct periods.

**Figure 24.D: Violent Crime in the Hexagon Hotspots during each period**



The remaining crime categories graphs only show the combined trends as a graph and the Hexagon Hotspots as a visualization and subsequent table for comparison purposes.

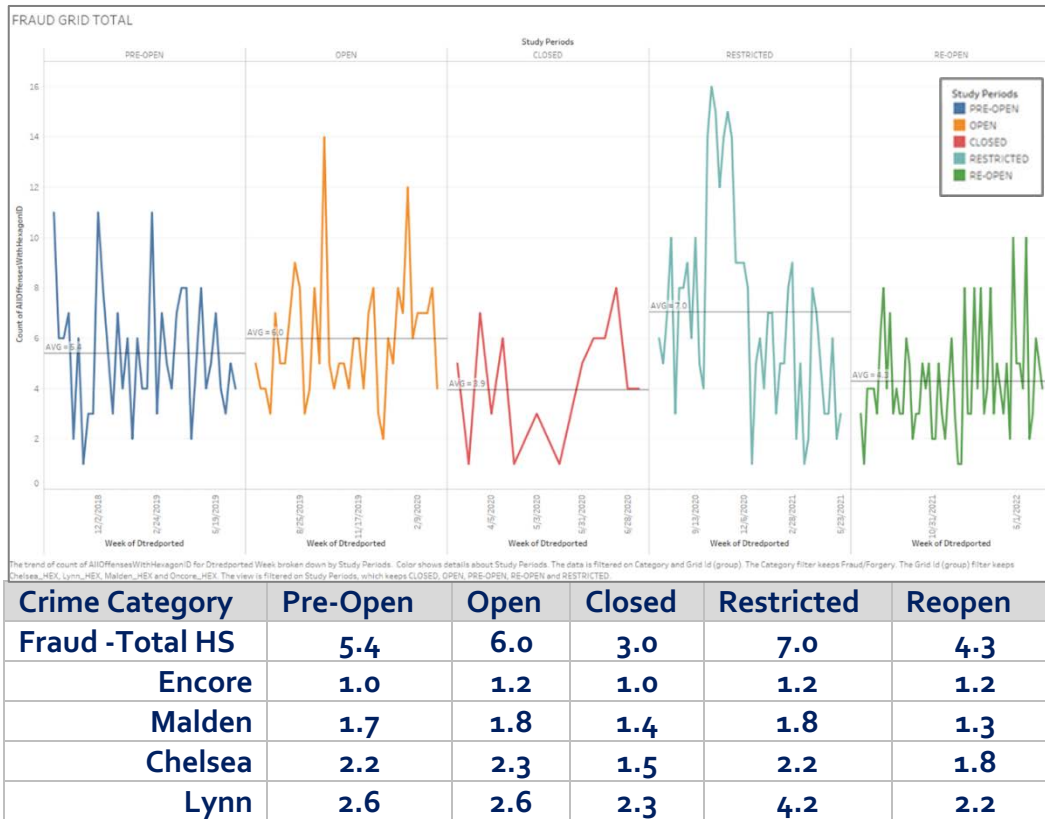
**Figure 24.E: Vice in the Hexagon Hotspots during each period**



**Vice** dropped significantly when covid closure went into effect & remained relatively low once it reopened. Lynn accounts for more than half of Vice offenses.

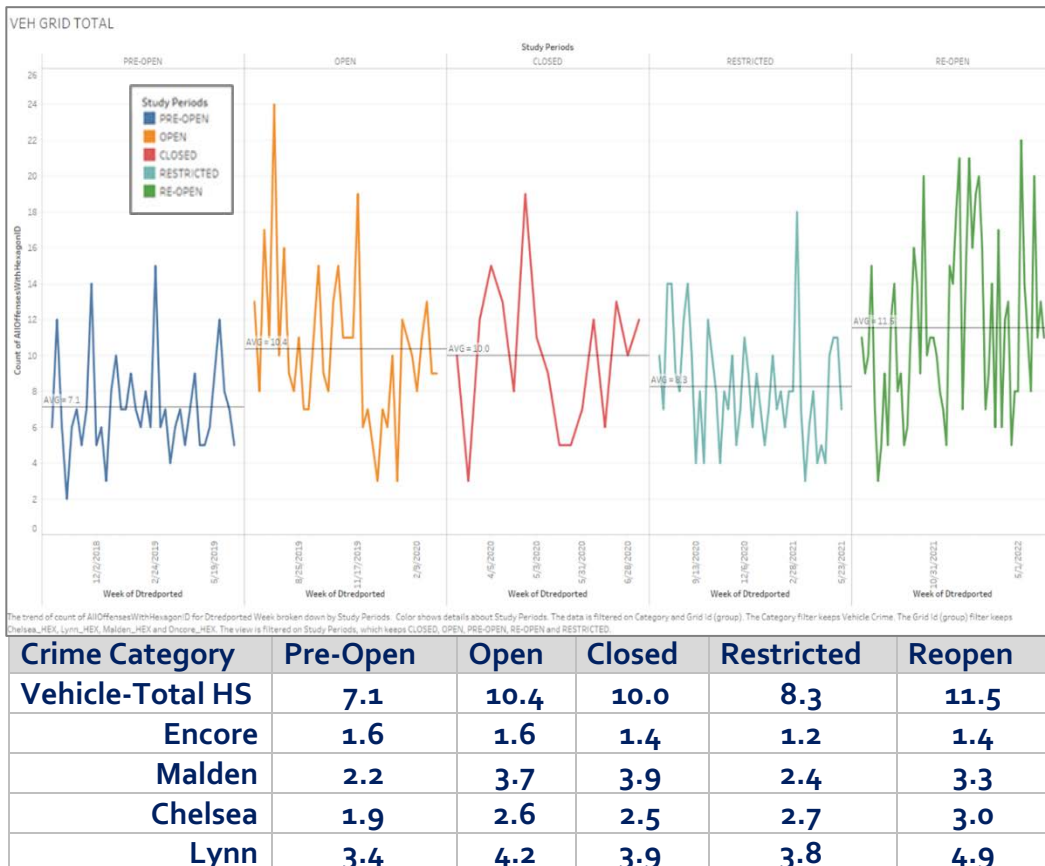
Crime Category	Pre-Open	Open	Closed	Restricted	Reopen
<b>Vice-Total HS</b>	<b>8.0</b>	<b>10.3</b>	<b>4.2</b>	<b>6.6</b>	<b>6.7</b>
Encore	1.5	1.5	1.0	1.6	1.2
Malden	1.4	1.7	1.3	1.2	1.3
Chelsea	4.1	3.9	1.8	2.0	2.4
Lynn	3.3	5.2	2.8	4.8	4.5

**Figure 24.F: Fraud Crime in the Hexagon Hotspots during each period**



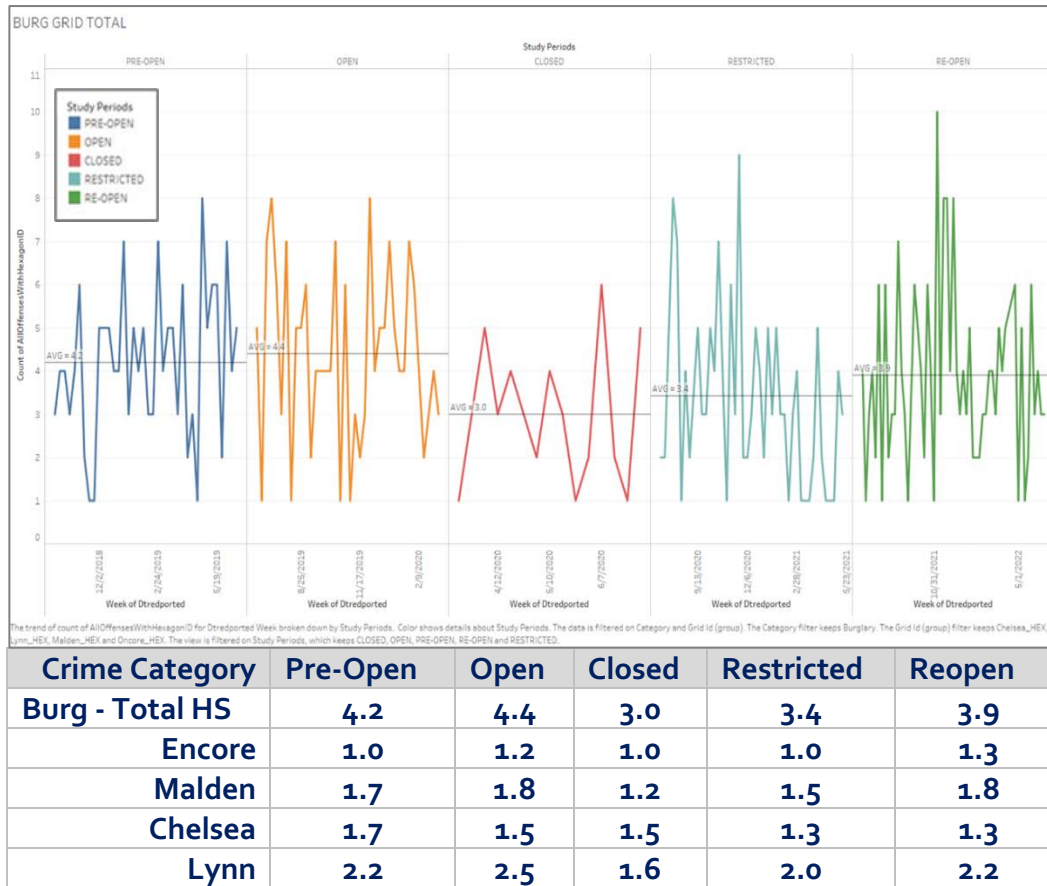
**Fraud** spiked throughout each period but stayed relatively low since reopening. Lynn’s fraud stayed low in the reopening period after doubling during the restricted period.

**Figure 24.G: Vehicle Crime in the Hexagon Hotspots during each period**



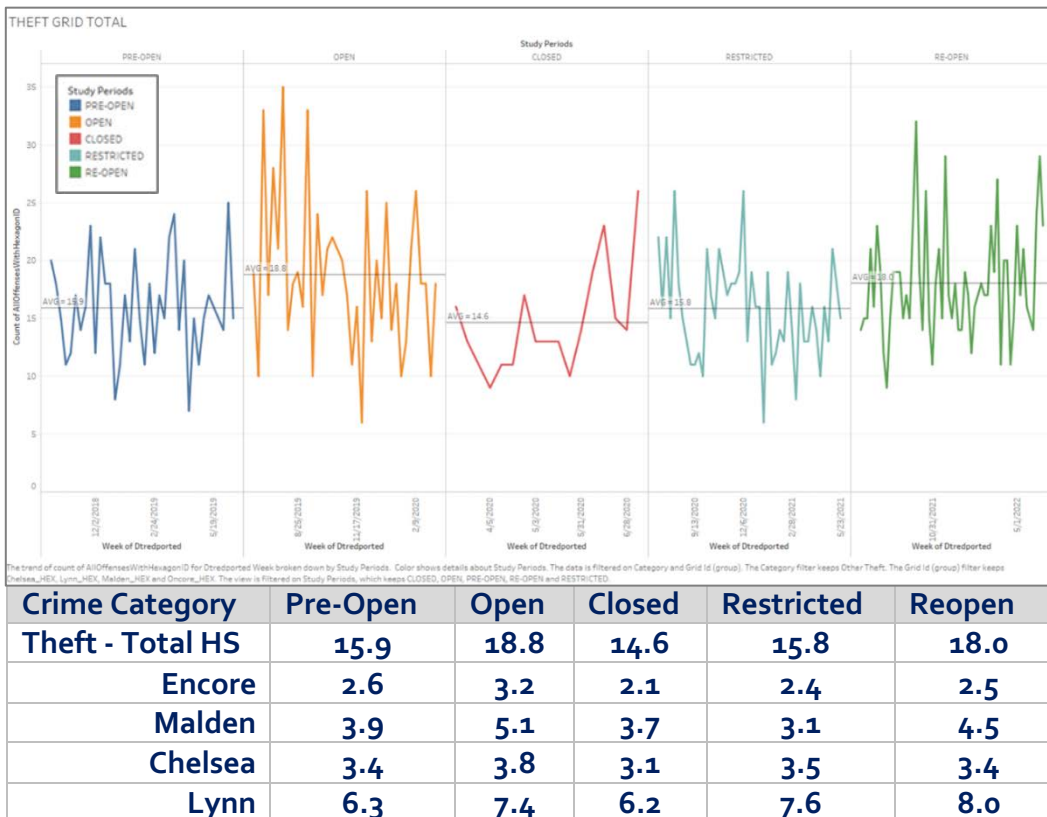
**Vehicle crime** in the hexagon hotspots was low in each of the areas, climbed during the initial opening and dropped slightly during closure. It remained relatively low during the restricted period but climbed high since reopening.

**Figure 24.H: Burglary in the Hexagon Hotspots during each period**



**Burglary** like in the entire region has periods of extreme peaks and valleys. Clearly, burglaries on average went down significantly during the closure and during the restricted operations. Burglaries have not bounced back to levels of pre-opening or open periods.

**Figure 24.I: Other Theft Crime in the Hexagon Hotspots during each period**

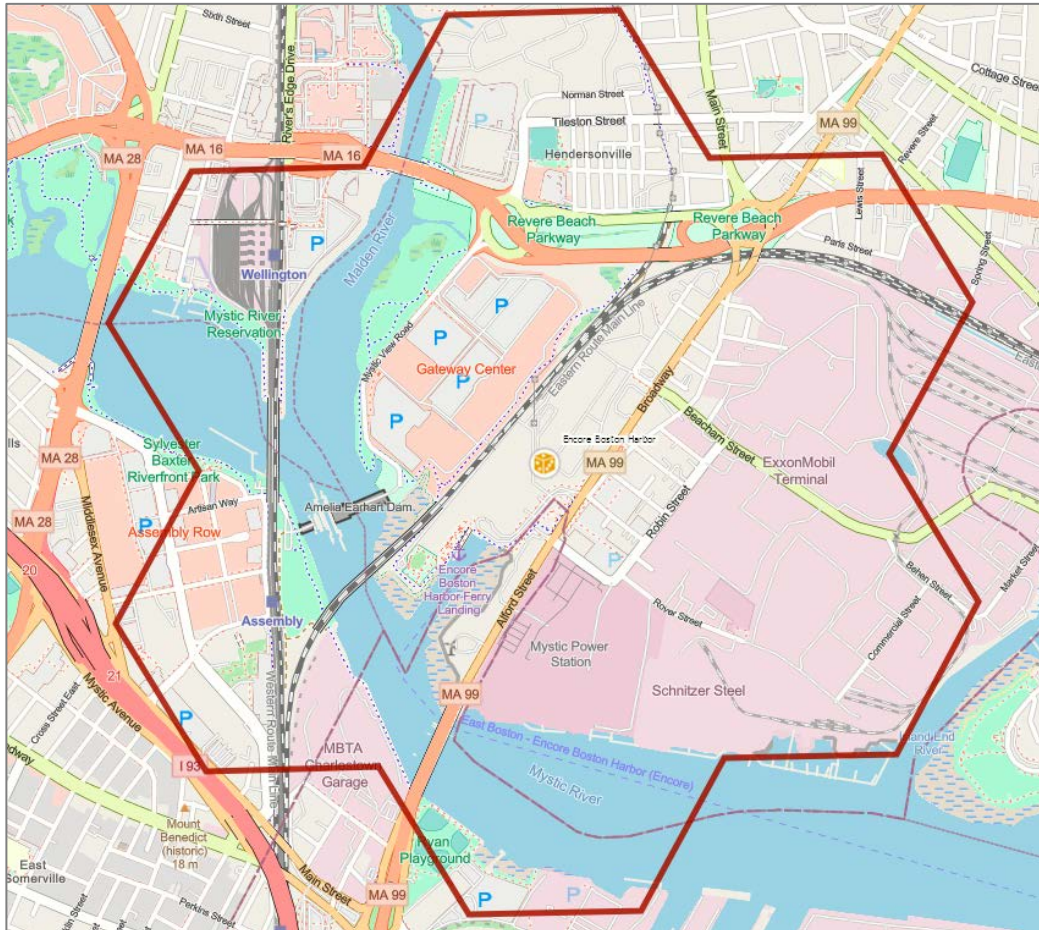


**Thefts** went up during periods when establishments are open, stayed relatively constant in Encore and Chelsea, & slightly up in Malden and Lynn.

## Detailed Hexagon Cluster Summaries

This section of the report compares the four equally sized geographic areas among the participating communities. We study the effects of both the casino opening and the COVID-19 related openings and closures.

### Hexagon Cluster-1: Encore Boston Harbor and Surrounding Neighborhoods



This Hexagon Cluster-1 includes the casino and the immediate adjacent areas: Broadway, a mixed industrial/residential area to the east, the Gateway Center shopping center to the west, Revere Beach Parkway (Route 16) between Sweetser Circle and Santilli Circle, and immediately adjacent residential areas north of Route 16. It was meant to include Assembly Square in Somerville as well, but we did not receive data from the Somerville PD in time for this report. Including Assembly Square in the immediate area will become more important after the pedestrian bridge across the Mystic River is completed; construction is currently slated to start in 2024.

**Table 14.A: Crimes in this Area: Weekly Averages by Major Category**

Category	Pre	Open	Closed	Restrict	Reopen	Pre to Open	Open to Close	Close to Restr.	Rest. to Reopen	Open to Reopen	Pre to Reopen
Burglary	0.15	0.16	0.06	0.17	0.23	7%	-63%	183%	35%	30%	53%
Disorder	0.76	0.53	0.41	0.74	0.66	-30%	-23%	80%	-11%	20%	-13%
Fraud	0.33	0.47	0.18	0.2	0.29	42%	-62%	11%	45%	-62%	-12%
Theft	4.66	5.29	3.06	4.02	4.27	14%	-42%	31%	6%	-24%	-8%
Vehicle	2.16	2.08	1.76	1.74	2.14	-4%	-15%	-1%	23%	3%	-1%
Vice	0.42	0.47	0.41	0.54	0.64	12%	-13%	32%	19%	27%	52%
Violence	0.38	0.39	0.12	0.17	0.23	3%	-69%	42%	35%	-70%	-39%

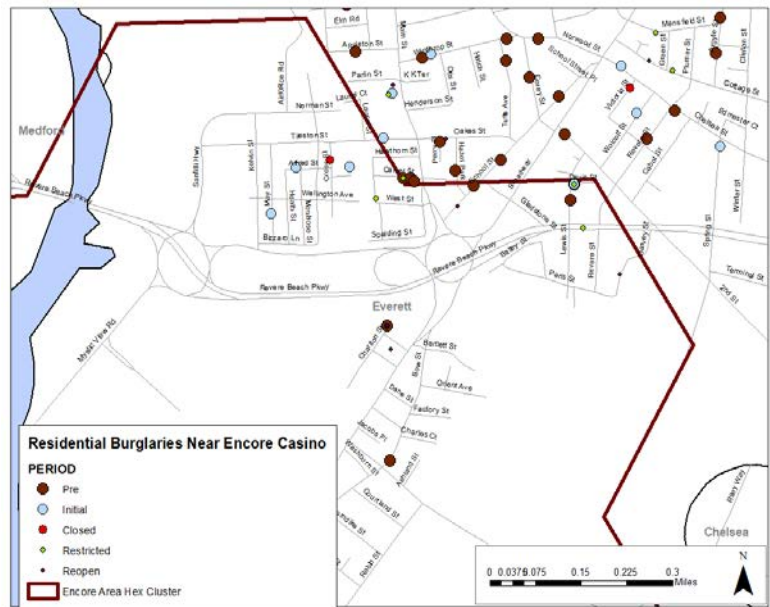
Table 14.A shows that most crime categories in this area share the same trend. During Encore's initial opening, they remained unchanged or showed a slight increase. They decreased extensively during the period of full closure, then rebounded during the restricted reopening and full reopening, but they generally did not rebound enough to exceed their original volumes. The exceptions to this trend are found in burglary and vice.

Overall **burglaries** increased significantly in this area during this period, particularly in the period after full covid closure. To understand this phenomenon, we break the crime down into commercial and residential burglaries:

**Table 14.B: Burglaries in this Area: Weekly Averages by Burglary Type**

Category	Pre	Open	Closed	Restrict	Reopen	Pre to Open	Open to Close	Close to Restr.	Rest. to Reopen	Open to Reopen	Pre to Reopen
Comm.	0.11	0.03	0	0.07	0.11	-73%	-100%	NC	57%	73%	0%
Resid.	0.05	0.13	0.06	0.09	0.12	160%	-54%	50%	33%	-8%	140%

Here, we see that the increase in this crime is predominantly in the residential category. During the period of initial Encore opening, a 160% increase in residential burglary was balanced by a 73% decrease in commercial burglary. Both fell during the period of closure (commercial burglaries disappearing entirely); both came back to life during the reopening periods, but commercial burglary never exceeded its original average while residential burglary ended the "reopening" at the same heightened level that it exhibited during the initial opening period.



The numbers in Table 14.B and 10.C are extremely small. Even the most voluminous period had only seven total burglaries. Nonetheless, spatial analysis shows a clear geographic cluster of incidents during the initial opening period in the neighborhood north of Revere Beach Parkway between the two circles (the pattern spills across the boundary of the hexagon cluster). This area had half a dozen residential burglaries in the eight months after the initial opening of the casino and, including a couple of incidents just south of Revere Beach Parkway, eleven incidents during the period of restricted and full reopening. (Some locations were victimized more than once, so the map may appear to show fewer overall crimes.) One apartment building on Charlton Street was hit four times during the post-covid closure period.

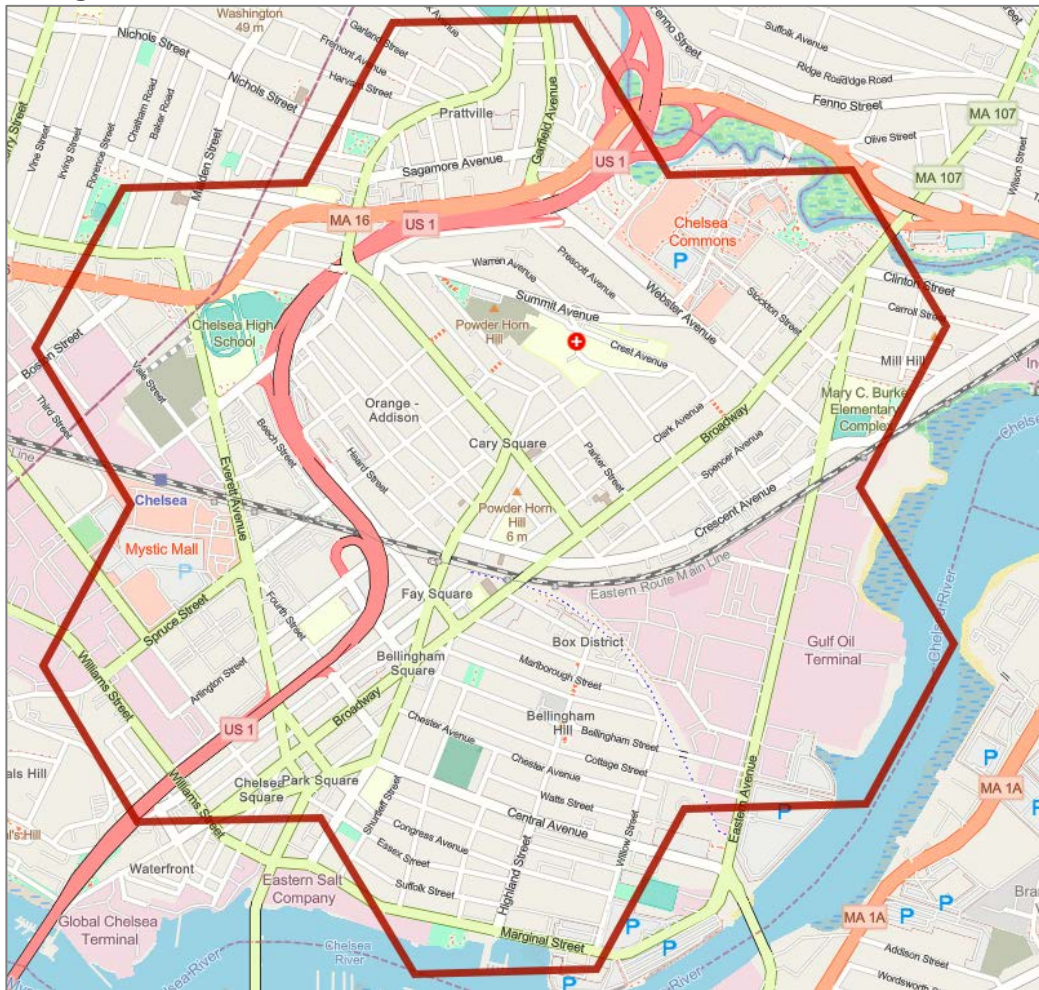
**Table 14.C: Vice in this Area: Weekly Averages by Crime Type**

Category	Pre	Open	Closed	Restrict	Reopen	Pre to Open	Open to Close	Close to Restr.	Rest. to Reopen	Open to Reopen	Pre to Reopen
Drugs	0.08	0.03	0	0.02	0.02	-63%	-100%	NC	0%	-50%	-75%
Drug Eq.	0.15	0.08	0	0.13	0.05	-47%	-100%	NC	-62%	-60%	-67%
OUI	0.09	0.24	0.06	0.02	0.11	167%	-75%	-67%	450%	-118%	22%
Porn.	0.01	0.03	0.06	0	0.02	200%	100%	-100%	NC	-50%	100%
Weapon	0.06	0.03	0	0	0.04	-50%	-100%	NC	NC	25%	-33%

The increase in the “vice” category is almost entirely in the sub-category of drunk driving (OUI). During the initial eight months after Encore’s opening, Everett saw an increase in OUI-related crashes on Broadway, and the State Police reported a similar increase on Route 16. Drunk driving is analyzed later in the report.

The pornography “increase” is a matter of small numbers driving large percentage changes. There was one incident in each of the five time periods. Data is insufficient to suggest any casino relationship.

## Hexagon Cluster-2: Chelsea



Hexagon Cluster-2 includes most of Chelsea, the smallest city in the state. The comparison area is centered on Broadway at Crescent Avenue and includes almost all the city, except Admiral's Hill to the southwest and a portion of Prattville to the north. It includes the Mystic Mall shopping center and the cluster of hotels off Everett Avenue that likely saw increased occupancy from the casino.

**Table 15.A: Crimes in the Chelsea Area: Weekly Averages by Major Category**

Category	Pre	Open	Closed	Restrict	Reopen	Pre to Open	Open to Close	Close to Restr.	Rest. to Reopen	Open to Reopen	Pre to Reopen
Burglary	2.69	2.58	3.47	2.09	2.23	-4%	34%	-40%	7%	-16%	-17%
Disorder	12.1	11.13	9.88	12.74	9.93	-8%	-11%	29%	-22%	-12%	-18%
Fraud	4.71	4.08	2.53	4.5	3.71	-13%	-38%	78%	-18%	-10%	-21%
Theft	9.82	8.32	6.65	8.2	8.02	-15%	-20%	23%	-2%	-4%	-18%
Vehicle	4.77	4.74	5.35	6.7	6.57	-1%	13%	25%	-2%	28%	38%
Vice	9.41	8.68	3.41	3.04	4.98	-8%	-61%	-11%	64%	-74%	-47%
Violence	43.14	40.55	29.24	23.13	26.82	-6%	-28%	-21%	16%	-51%	-38%

This area of Chelsea saw almost universal decreases across the entire period. The area barely seemed to respond to the initial opening of Encore. During the covid closure period, burglaries and vehicle crimes bucked the trends seen in other areas and increased. While burglaries subsequently decreased in the post-closure period, vehicle crimes have continued going up. By the end of June 2022, vehicle crimes were 38% higher than the pre-Encore period and 28% higher than Encore's initial eight months.



Burglary's odd behavior during the covid closure period is worth a closer look. The mystery deepens if we consider the type of burglary. COVID-19 caused more people to stay home during the day, which tended to reduce residential burglaries, but in the case of this area of Chelsea, all the burglary increase during the closure period can be attributed to residential burglaries. The increase was centered on the morning hours (08:00–12:00). Spatial analysis shows that the incidents occurred in the neighborhoods most prone to burglary pre-Encore, just at slightly higher volumes. In any event, the increase did not sustain into the restricted opening and full-reopening periods.

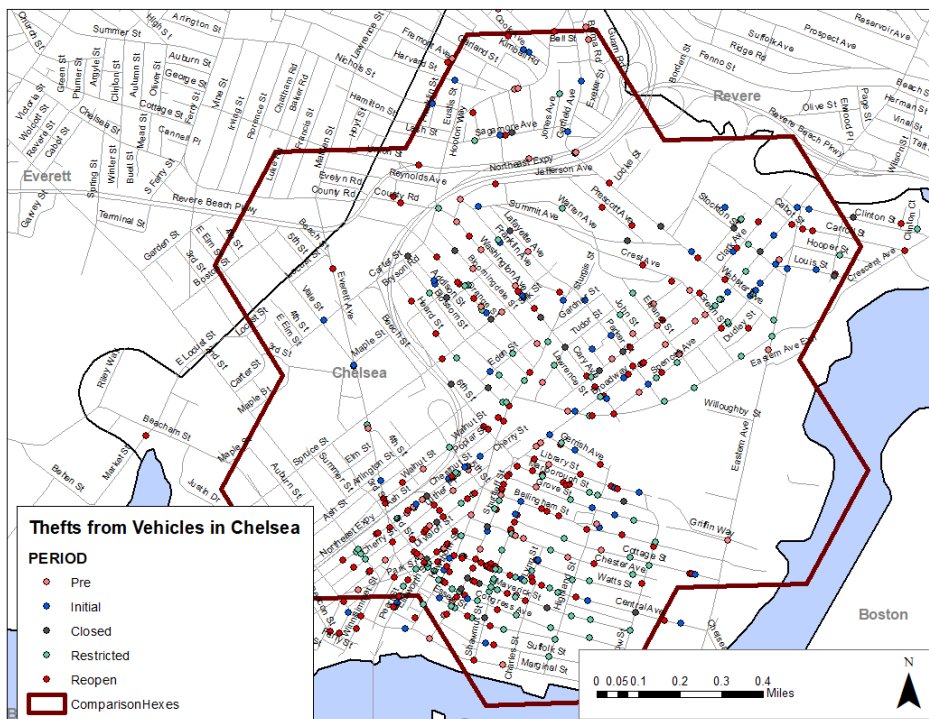
**Table 15.B: Burglaries in the Chelsea Area: Weekly Averages by Burglary Type**

Category	Pre	Open	Closed	Restrict	Reopen	Pre to Open	Open to Close	Close to Restr.	Rest. to Reopen	Open to Reopen	Pre to Reopen
Comm.	0.82	0.87	0.82	0.59	0.8	6%	-6%	-28%	36%	-9%	-2%
Resid.	1.88	1.71	2.59	1.5	1.43	-9%	51%	-42%	-5%	-20%	-24%

Vehicle crimes, on the other hand, saw relatively steady growth irrespective of COVID-19. Looking at the individual crimes that make up the category, it appears that auto theft increased during the period of total closure but decreased afterwards. Auto parts thefts had some wild swings but very low numbers. Thefts from vehicles had a slight drop during the closure period but otherwise increased throughout all the periods, finishing the period of reopening 86% higher than the pre-Encore period.

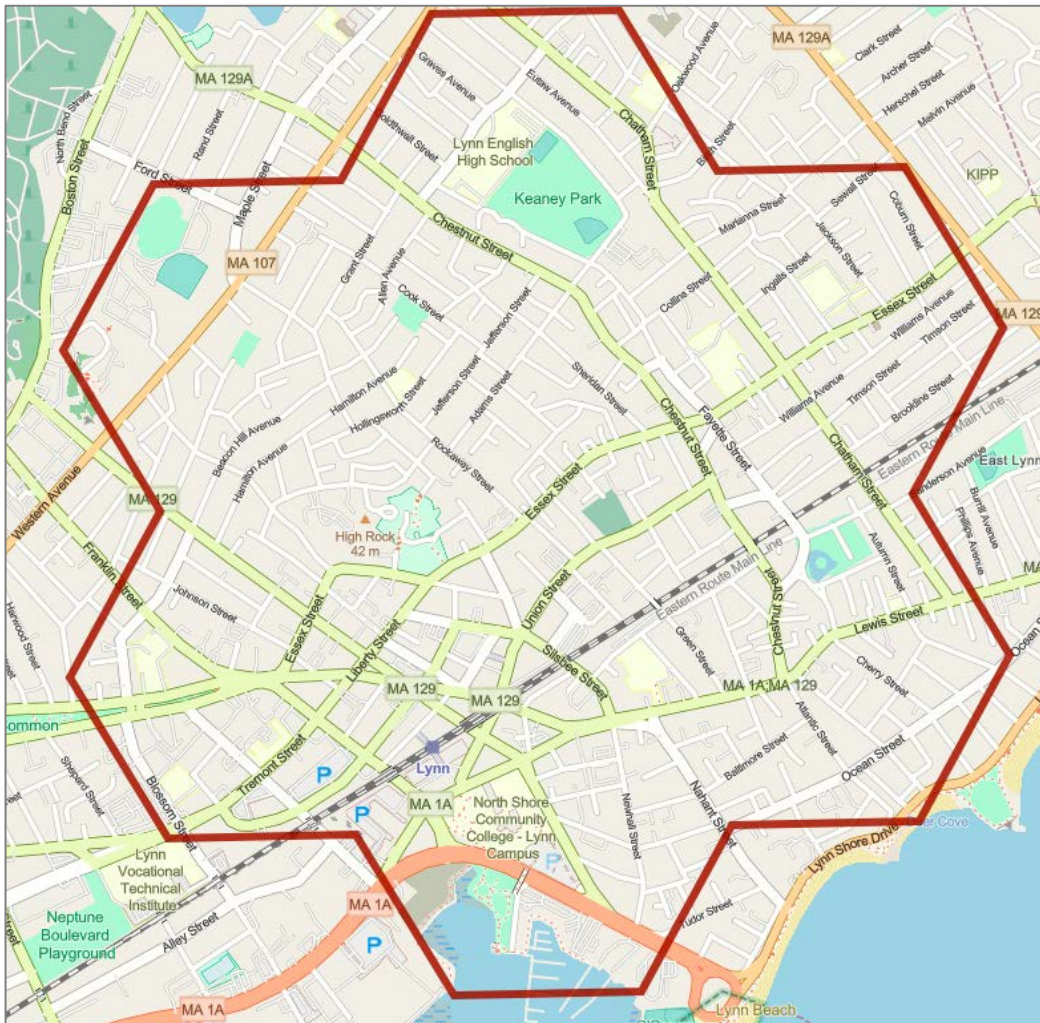
**Table 15.C: Vehicle Crimes in Chelsea Area: Weekly Averages by Crime Type**

Category	Pre	Open	Closed	Restrict	Reopen	Pre to Open	Open to Close	Close to Restr.	Rest. to Reopen	Open to Reopen	Pre to Reopen
Auto	1.82	1.47	2.47	2.24	1.48	-19%	68%	-9%	-34%	1%	-19%
From	2.38	3.21	2.88	4.37	4.43	35%	-10%	52%	1%	28%	86%
Parts	0.57	0.05	0	0.09	0.66	-91%	-100%	NC	633%	92%	16%



Chelsea's **Thefts from Vehicle** spatial analysis shows that the increase is happening within areas already affected by thefts from vehicles in the past, particularly Chelsea Square and points east.

## Hexagon Cluster-3: Downtown Lynn



The Hexagon Cluster-3 is centered on Essex Street and includes much of the eastern part of the city, including Central Square, High Rock Park, the eastern part of Lynn Commons, and densely packed commercial and residential areas along Essex Street, Broad Street, Washington Street, and Chestnut Street.

**Table 16.A: Selected Crimes in the Downtown Lynn Area: Weekly Averages by Major Category**

Category	Pre	Open	Closed	Restrict	Reopen	Pre to Open	Open to Close	Close to Restr.	Rest. to Reopen	Open to Reopen	Pre to Reopen
Burglary	4.05	4.05	2	3.63	3.75	0%	-51%	82%	3%	-8%	-7%
Disorder	13.97	14	10.41	11.85	11.93	0%	-26%	14%	1%	-17%	-15%
Fraud	3.23	3.79	2.12	4.46	2.89	17%	-44%	110%	-35%	-31%	-11%
Theft	11.52	12.21	7.24	10.37	12.52	6%	-41%	43%	21%	2%	9%
Vehicle	5.03	5.37	3.47	4.2	6.12	7%	-35%	21%	46%	12%	22%
Vice	5.65	7.47	5.18	6.74	5.8	32%	-31%	30%	-14%	-29%	3%
Violence	29.79	31.39	26.24	34.61	39.89	5%	-16%	32%	15%	21%	34%

During the eight months after the initial opening of Encore Boston Harbor, most of Lynn's crime categories remained on par with the norm. Burglary showed no reaction to Encore, was quashed by covid closures, and rebounded during reopening, but at levels consistent with the pre-Encore period. This narrative describes most other crime types as well, but with some variants:

- **Vehicle crime** remained a bit higher than usual during the post-covid rebound. The increase is found in all types (auto theft, thefts from vehicles, and theft of vehicle parts); timewise, the largest portion of the increase is seen from 04:00–08:00, particularly on Tuesdays and Wednesdays.
- The **vice** category showed a large initial increase (during the eight months post-Encore), driven primarily by prostitution and weapons violations, both analyzed in a previous report. The increase did not sustain in the reopening period.
- **Violent crime** showed a substantial increase in the full reopening period. The table below shows the largest increases in simple and aggravated assaults and threatening. The increase is confined to residences, which increased 72% between the pre-Encore period and the full reopening period, suggesting an increase in domestic violence.

**Table 16.B: Violent Crimes in Downtown Lynn Area: Weekly Averages by Crime Type**

Category	Pre	Open	Closed	Restrict	Reopen	Pre to Open	Open to Close	Close to Restr.	Rest. to Reopen	Open to Reopen	Pre to Reopen
Agg.	7.87	8.11	9.06	9.26	10	3%	12%	2%	8%	23%	27%
Kidnap.	0.33	0.18		0.54	0.32	-45%	-100%	NC	-41%	78%	-3%
Murder	0.23	0.26	0.47	0.13	0.07	13%	81%	-72%	-46%	-73%	-70%
Robbery	3.01	2.11	1	1.28	1.96	-30%	-53%	28%	53%	-7%	-35%
Sexual	1.81	1.45	0.82	1.72	2.18	-20%	-43%	110%	27%	50%	20%
Simple	14.39	17.16	13.29	19.2	22.64	19%	-23%	44%	18%	32%	57%
Threats	2.15	2.13	1.59	2.48	2.71	-1%	-25%	56%	9%	27%	26%

## Hexagon Cluster-4: Malden Square



Centered on Route 60 at Malden Square, the Hexagon Cluster-4 area reaches almost to the northern, western, and southern borders of the City of Malden. It includes a dense cluster of restaurants and businesses around Malden Square and Center Street, and adjacent residential areas on the fringes.

**Table 17.A: Crimes in Malden Area: Weekly Averages by Major Category**

Category	Pre	Open	Closed	Restrict	Reopen	Pre to Open	Open to Close	Close to Restr.	Rest. to Reopen	Open to Reopen	Pre to Reopen
Burglary	1.43	1.97	0.88	1.48	1.45	38%	-55%	68%	-2%	-36%	1%
Disorder	4.84	4.63	3.00	3.35	3.43	-4%	-35%	12%	2%	-35%	-29%
Fraud	1.59	1.26	1.29	1.52	0.98	-21%	2%	18%	-36%	-29%	-38%
Theft	5.62	7.42	5.24	3.7	5.71	32%	-29%	-29%	54%	-30%	2%
Vehicle	2.18	4.13	5.47	2.11	3.64	89%	32%	-61%	73%	-13%	67%
Vice	0.86	0.61	0.41	0.46	0.41	-29%	-33%	12%	-11%	-49%	-52%
Violence	10.73	9.63	8.35	8.13	9.05	-10%	-13%	-3%	11%	-6%	-16%

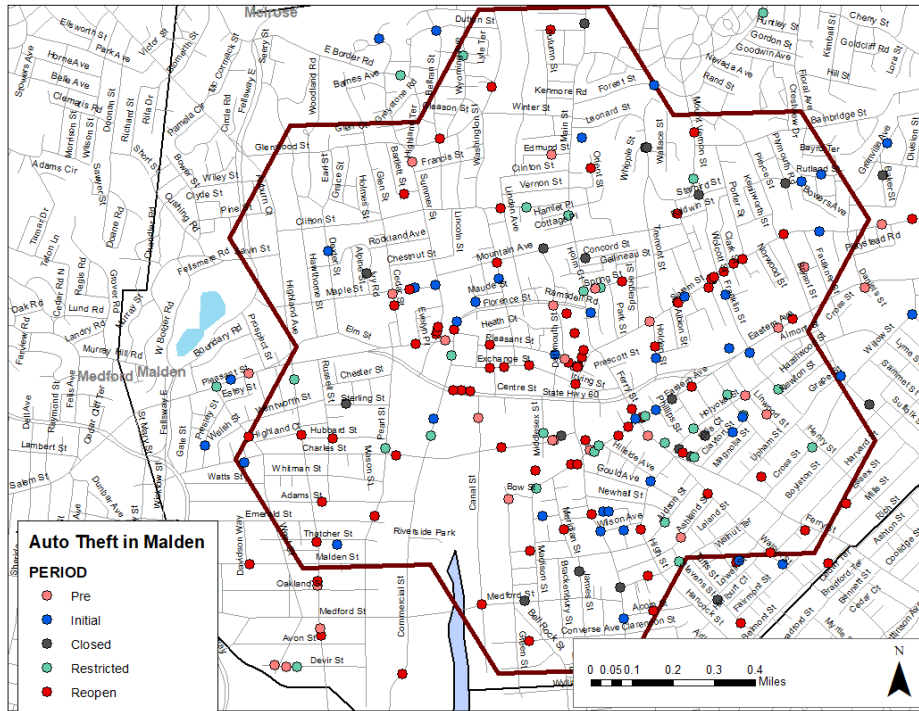
Burglaries, particularly residential burglaries, showed an increase during the initial eight months, but unlike their counterparts in Chelsea, they were quashed by the covid closures and ended the period roughly equal to their pre-Encore values.

The sustained increase in vehicle crime increase is seen in all types. Auto parts thefts started with very small numbers: the agency went from almost never reporting the crime to reporting 7 within the reopening period. Thefts from vehicles showed a large increase during Encore's first eight months

but leveled out after that. Auto theft, on the other hand, nearly doubled its weekly average between the pre-Encore period and the first eight months, continued to increase during the covid closure period, and increased even more during the reopening period, ending at nearly 1.5 times its pre-Encore total.

**Table 17.B: Vehicle Crimes in the Malden Area: Weekly Averages by Crime Type**

Category	Pre	Open	Closed	Restrict	Reopen	Pre to Open	Open to Close	Close to Restr.	Rest. to Reopen	Open to Reopen	Pre to Reopen
Auto	0.81	1.47	1.82	0.89	1.96	81%	24%	-51%	120%	33%	142%
From	1.37	2.63	3.59	1.13	1.55	92%	37%	-69%	37%	-41%	13%
Parts	0.01	0.03	0.06	0.09	0.12	200%	100%	50%	33%	300%	1100%



Spatial analysis shows clusters of new auto thefts along Salem Street, Eastern Avenue, Malden Center, Summer Street, Pleasant Street, and Route 60. Some of these clusters almost certainly represent patterns or series of theft, but without access to more data, it's hard to say exactly what's happening in the area. Auto theft patterns are often based around the need for short-term transportation. There is a potential logical connection with the casino here; for instance, patrons arriving

on a bus and deciding to take a more convenient route home. Encore provides free shuttle service to Malden Center. Data on recovery locations plus data from the Medford Police Department (where Wellington station is also serviced by a free Encore bus) would help illuminate this pattern further.

This hypothesis is based on previous spatial patterns and offender behavior known to the police but requires further inquiry into these specific incidents by local authorities by monitoring where these vehicles are recovered and by whom.

# Drunk driving analysis

Encore has several policies and practices in place to prevent patrons from becoming intoxicated and particularly from driving away while intoxicated. However, the size of the facility, the number of entrances and exits, and the difficulty in fully monitoring any individual’s drinking activity makes it difficult to prevent some intoxicated patrons from leaving and getting into a vehicle. This report examines the possible relationship of the casino with drunk driving in the region.

There are several available indicators that we can study to determine whether Encore has led to an increase in drunk driving in the region, some better than others. Each available dataset is reviewed below.

## Drunk driving arrests by jurisdiction

Everett, Chelsea, Lynn, and the region experienced a 24% increase in average weekly OUI arrests and summonses in the period immediately after Encore opened. Malden and Melrose, which were low in the first place, saw no increase. Saugus experienced a decrease.

During the closure period, all agencies except Chelsea experienced a sharp decline in OUI charges, as most outlets serving alcohol were closed. This was followed by an increase during the period of limited reopening, and a further increase during the period of full reopening. There were individual agency exceptions, but overall, the trend followed the pattern one would expect given the reductions in driving and alcohol sales during COVID-19.

**Table 18.A: Arrests and summonses for drunk driving, Weekly Averages**

City/ Town	Pre	Open	Closed	Restrict	Reopen	Pre to Open	Open to Close	Close to Restr.	Rest. to Reopen	Open to Reopen	Pre to Reopen
Everett	0.84	1.37	0.53	0.41	0.65	+63%	-61%	-23%	+59%	-53%	-23%
Chelsea	0.60	0.97	1.06	0.50	1.11	+62%	+9%	-53%	+122%	+14%	+85%
Lynn	2.02	2.58	1.06	2.28	3.17	+28%	-59%	+115%	+39%	+23%	+57%
Malden	0.21	0.21	0.06	0.13	0.13	0%	-71%	+117%	0%	-38%	-38%
Melrose	0.13	0.13	0	0.13	0.13	0%	-100%	NC	0%	0%	0%
Saugus	0.97	0.69	0.35	0.53	0.51	-29%	-49%	+51%	-4%	-26%	-47%
<b>All</b>	<b>4.79</b>	<b>5.95</b>	<b>3.06</b>	<b>3.98</b>	<b>5.69</b>	<b>+24%</b>	<b>-49%</b>	<b>+30%</b>	<b>+43%</b>	<b>-4%</b>	<b>+19%</b>

Overall, OUI arrests and summonses in the area increased from a pre-Encore average of 4.79 per week to an average of 5.95 per week during Encore’s first full opening and an average of 5.69 per week. These figures are consistent with the findings in previous reports of a modest increase in drunk driving in the state following the introduction of the casinos, or at least heightened police enforcement of drunk driving.

## Crashes that involve an arrest or summons for drunk driving

A better set of statistics involves merging the original call-for-service with the offense dataset to find offenses of drunk driving that originated as calls-for-service for traffic collisions. This should capture most of the relevant incidents, missing only cases where the determination of drunk driving happened well after the original call, or when the original call for some reason was not coded as a collision.

**Table 18.B: Traffic collision with a later offense for drunk driving, weekly averages**

City/ Town	Pre	Open	Closed	Restrict	Reopen	Pre to Open	Open to Close	Close to Restr.	Rest. to Reopen	Open to Reopen	Pre to Reopen
Everett	0.16	0.50	0.06	0.22	0.25	+213%	-88%	+267%	+14%	-50%	+56%
Chelsea	0.45	0.50	0.41	0.30	0.63	+11%	-18%	-27%	+110%	+26%	+40%
Lynn	1.16	1.16	0.65	1.22	1.43	0%	-44%	+88%	+17%	+23%	+23%
Malden	0.21	0.13	0.06	0.09	0.09	-38%	-54%	+50%	0%	-31%	-57%
Melrose	0.05	0.05	0.00	0.09	0.04	0%	-100%	NC	-56%	-20%	-20%
Saugus	0.34	0.24	0.00	0.26	0.20	-29%	-100%	NC	-23%	-17%	-41%
<b>All</b>	<b>2.37</b>	<b>2.58</b>	<b>1.18</b>	<b>2.17</b>	<b>2.65</b>	<b>+9%</b>	<b>-54%</b>	<b>+84%</b>	<b>+22%</b>	<b>+3%</b>	<b>+12%</b>

The increase in collisions caused by drug driving is smaller than the increase in drug driving arrests. Everett and Chelsea are the only agencies to show sustained increases during both periods in which the casino was fully open, and Chelsea’s initial increase was small.

In previous reports, we observed a spatial pattern on Broadway—the avenue that includes Encore Boston Harbor. In the year ending 30 June 2020, eight of the 18 drunk driving crashes reported in Everett occurred on Broadway. However, this trend disappeared in subsequent years, with only a single incident reported on Broadway in the years ending 2021 and 2022.

#### “Last Drink” Locations from adjudication

Massachusetts General Law Chapter 90, Section 24J requires courts to collect from individuals adjudicated guilty (whether by trial or plea) of OUI, “whether he was served alcohol prior to his violation of said section at an establishment licensed to serve alcohol on the premises and the name and location of said establishment.” Court clerks send such “last drink” reports to the Alcohol Beverage Control Commission (ABCC).

These reports have long been used to prioritize certain bars for additional training and enforcement. They provide direct evidence of at least some influence of certain facilities on drunk driving.

Upon request, the ABCC provided spreadsheets for “last drink” adjudications from January 2016 to June 2022. The data includes 9,551 adjudication records, but only about 7,960 offer an identifiable location, and of those, 1,243 list private residences, leaving around 6,717 identifiable licensed locations.

As last drink data is collected only from those who plead guilty or are found guilty at trial, the records represent only about 15-17% of the 50,000–60,000 people charged with OUI in Massachusetts during the coverage period. These, in turn, represent only a small percentage of the actual number of impaired drivers on the road during this period. All three casinos appear within the “Last Drink” data.

**Table 18.C: “Last Drink” reports from each casino, year ending 30 June<sup>12</sup>**

Casino	2016	2017	2018	2019	2020	2021	2022
Plainridge Park	1	7	6	3	4	1	2
MGM Springfield				11	10	4	2
Encore Boston Harbor					14	5	5

Overall, Encore was reported as the place of last drink for 24 drunk drivers since its opening in 2019. The initial year is so far the highest, with 14 drivers during a year that included four months of complete casino closure. Although 2021 and 2022 had lower numbers, it is likely that many cases with offense dates in those years have not yet been adjudicated.

<sup>12</sup> Based on date of offense

# Conclusions and Future Direction

---

The aim of this report was multifaceted. It provides researchers an opportunity to become familiar with the data and the geography. It provides a drill down on crime around Encore Boston Harbor beginning with an analysis of the entire region that included five (5) jurisdictions near EBH. The analysis examined crime over five distinct periods: (1) pre casino opening, (2) initial casino opening, (3) during covid full closure, (4) during restrictive reopening post closure, and (5) fully reopening the casino. The analysis drilled down into various areas, (1) region, (2) city-by-city and (3) in four spatially defined hexagon hotspots across the region.

This temporal analysis of crime before, during and after COVID-19 suggests that crime vacillates despite covid closures or the opening and reopening of establishments, including the casino. As such, the data demonstrates that other social, economic, or psychological factors are at play. The weekly time series analysis shows that crime went up and down at various times regardless of the casino being open, and regardless of the COVID-19 closures of all community venues. Motivated offenders appear to have found ways to offend despite COVID-19. Since crime climbed in the region across different geographical areas while establishments were closed due to COVID-19, it is evidence that something other than the casino is the contributing factor. Since crime went up while the casino was closed, its operation simply could not be the causal factor. It does appear, as a preliminary finding, that crime increased about 3% after both the initial opening and the reopening of the casino, but it also hit record highs and lows, and varied throughout different areas of the region, suggesting that crime varies temporally and spatially as offenders leverage different opportunities.

Lynn, as a community, at a relative distance from the casino and without direct transportation routes to it, has experienced substantive increase in crime over this timeframe. As other research has suggested, crime may be related to the stress of COVID-19, civil and political unrest and more recently, a poor economy or inflation.

The research team accomplished the objectives of this study and is now in a better position to study crime in and around the casino and use can use different spatial and temporal techniques to study crime and disorder in the future. While other research found that certain crime categories went down during COVID-19, our findings that it began to climb before reopening suggests that crime is a complex and complicated phenomenon. It does suggest to us that motivated offenders will find other means and targets when strain or opportunities present themselves. More research is needed that focuses on offending, victimology, and hotspots.

Benchmarks have been established for which to compare crime in the future using new and innovative research methods to study crime. They include learning and applying Poisson regression, Seasonal-Trend decomposition procedure based on Loess (STL), spatial point pattern test (SPPT), and other time series and trend analysis techniques in the future. Risk Terrain Modelling appears to be a promising technique to conduct micro-analysis of hexagon hotspots towards identifying crime drivers or contributors that will help agencies better understand risk and protective factors found within their communities. Future research goals remain the same:

- An expansive analysis of trends by working with the agencies to look at the full reports, including narratives.



- An analysis of changes in the Encore Boston Harbor area compared to control areas and the rest of the state. This will become possible when a full set of statewide NIBRS data is available.
- A comparative analysis of traffic collisions in the Everett area versus control areas. This probably will not be possible until a public statewide crash dataset is available.
- A comparison of Encore Boston Harbor with other casinos, normalized by the number of annual visitors each facility receives. We will commit to identifying casinos who will share their data so we can compare them on a national basis.

The Massachusetts Gaming Commission has received several questions from partners and stakeholders concerning the possible growth of human trafficking, particularly sex trafficking in the area. Police statistics are a poor measure of “hidden” crimes like human trafficking, and thus we must look to more creative ways to blend information and intelligence from a variety of sources. To this end, the MGC will be commissioning a meeting of experts to discuss the issue, and to hopefully create an analytical process that will allow us to report better on this potential phenomenon in future reports.

This research report lends itself to critically thinking about crime in its temporal and spatial context, which it turns provides actionable intelligence for agencies interested in developing robust solutions to their crime problems. Crime Prevention By Environmental Design (CPTED), Opportunity Theory and Focused Deterrence are just a few examples of best practice coming out of the contemporary police literature and from police organizations like the Police Foundation and the International Association of Chiefs of Police. The International Association of Crime Analysts are dedicated to improving crime analysis techniques and best practice.

As offenders continue to look for opportunities whenever and wherever they can, know that motivated offenders are resourceful offenders, they study victims and targets, and possess ingenuity, no different than other entrepreneurs. Police officers act as guardians and warriors, when necessary, to prevent and mitigate crime in our communities. The Massachusetts Gaming Commission (e.g., including reports they fund) and the applied researcher role is to equip them with the information they need to do so.

Utilizing the Crime Triangle, the police can choose to leverage enforcement and crime prevention strategies in their effort to provide public safety. Security guards, CCTV cameras, and crime prevention designs like lighting, alarms, locks, Uber drivers, and self-driving cars offer innovative approaches to preventing crime as well. These crime prevention tools help keep us safe and provide American citizens and our visitors the chance to pursue our right to life, liberty, and the pursuit of happiness. This report hopeful helps point us towards an ongoing commitment to problem solving (POP) and evidence-based practices (ILP) - contemporary models that local police can elect to pursue.

Today we have a little better understanding about how crime behaves; in fact, how criminals behave and how, leaning on the crime triangle, how victims behave. We have laid the groundwork for better understanding the third element of the crime triangle, time/place as we create a knowledge base around crime—casinos more specifically. Understanding crime in relationship to population density and the risks that urban living presents is our future goal.

Below is a brief discussion of the role daytime and event population, and a promising new approach to better understand crime within its geographic context. Risk Terrain Modeling offers the police and researchers, alike, a mechanism to put crime under the social microscope.

## Daytime population – Special Events Attendance

We also want to look at better methods of normalizing the data. Crime rates historically use residential population or census data, but urban areas and locations that have special events or larger employers (referred to as daytime population and special event populations) might be more robust or at least offer other proxies for understating crime and place. Other venues like bars, taverns, dance clubs, colleges, transportation hubs or subway or light rail stops, malls and shopping centers to name a few – draw people who are, and their cars that are, potential targets. Social disorganization theory ... underground economies for stolen goods, drugs, and prostitution proliferate in neighborhoods of poverty for economic reasons. Events like an NBA playoff or a Superbowl game draws larger crowds, many of them big spenders and gamblers, and it has been reported that these venues attract prostitution and human trafficking, all things that we should be on the lookout as we go forward. Future research will employ a relatively new research model called Risk Terrain Modeling (RTM). The authors and designers of RTM have been contacted to discuss a plan for using RTM to study crime and place in the future, particularly the threats and risks at and around casinos. If you are interested in learning more about this technique, see the articles or book listed below. Risk Terrain Modeling offers a robust method to compare and contrast crime hotspots in the future.



## Risk Terrain Modeling

Kennedy, L. W., Caplan, J. M., Piza, E. L. & Buccine Schraeder, H. (2016). Vulnerability and Exposure to Crime: Applying Risk Terrain Modeling to the Study of Assault in Chicago. *Applied Spatial Analysis and Policy*. 9(4), 529-54.

Kennedy, L. W., Caplan, J. M. (2019). OPERATION SAFE SURROUNDINGS (OPSS): THE EVIDENCE-BASED VIOLENCE PREVENTION STRATEGY. *Issues in Spatial Analysis Series*, Vol. 2 Edited by J. M. Caplan, and L. W. Kennedy.

Kennedy, L. W., Caplan, J. M. (2016). Risk Terrain Modeling: Crime Prediction and Risk Reduction. United States: University of California Press.

Risk Terrain Modeling is an approach to risk assessment in which separate map layers representing the influence and intensity of a crime risk factor at every place throughout a geography is created in a GIS. Then all map layers are combined to produce a composite "risk terrain" map with values that account for all risk factors at every place throughout the geography. RTM builds upon principles of hotspot mapping, environmental criminology, and problem-oriented policing to produce maps that show where conditions are ideal or conducive for crimes to occur in the future given existing environmental contexts. It offers a new and statistically valid way to articulate and communicate crime-prone areas at the micro level according to the special influence of criminogenic features.

By comparing both the frequency of crime and calls-for-service within high volume areas to crime contributors or contributing factors, what RTM refers to as risk and protective factors, social and geographic elements can be investigated to measure the risk of crime and demonstrate viable correlations between the types of establishment or venues within high crime areas. RTM can be used to assess high and low hexagon clusters to determine what correlates are found for higher risk as well as protective elements. By using RTM, insights can be offered to local law enforcement agencies and communities when considering crime reduction strategies. In this way, a broader understanding of crime and place may offer a more robust picture. To date, no research or theory has attempted this approach to study casinos.

---

# References

---

- Abraham, L. A., Brown, T. C., & Thomas, S. A. (2020). How COVID-19's disruption of the U.S. correctional system provides an opportunity for decarceration. *American Journal of Criminal Justice*, 45(4), 780–792. <https://doi.org/10.1007/s12103-020-09537-1>
- Abrams, D. S. (2021). COVID and crime: An early empirical look. *Journal of Public Economics*, 194, 104344. <https://doi.org/10.1016/j.jpubeco.2020.104344>
- Baglivio, M. T., Wolff, K. T., Reid, J. A., Jackson, S. L., & Piquero, A. R. (2022). Did juvenile domestic violence offending change during COVID-19? *Youth Violence and Juvenile Justice*, 20(1), 63–79.
- Balmori de la Miyar, J. R., Hoehn-Velasco, L., & Silverio-Murillo, A. (2021). Druglords don't stay at home: COVID-19 pandemic and crime patterns in Mexico City. *Criminal Justice Journal*, 72, 101745. <https://doi.org/10.1016/j.jcrimjus.2020.101745>
- Belshaw, S. H., Nodeland, B., Pratt, T., & Piquero, N. L. (in press). Skimmed at the pump: How COVID-19 lockdowns increased gas pump skimming. *Crime & Delinquency*.
- Barthe, E. & B. G. Stitt (2009) Temporal Distributions of Crime and Disorder in Casino and Non-Casino Zones. *J Journal of Gambling Studies*, 25:139–152.
- Best, L. A., Law, M. A., Roach, S., & Wilbiks, J. M. P. (2021). The psychological impact of COVID-19 in Canada: Effects of social isolation during the initial response. *Canadian Psychology/Psychologie canadienne*, 62(1), 143–154. <https://doi.org/10.1037/cap0000254>
- Buchanan, M., Castro, E. D., Kushner, M., & Krohn, M. D. (2020). It's F\*\*ing chaos: COVID-19's impact on juvenile delinquency and juvenile justice. *American Journal of Criminal Justice*, 45(4), 578–600. <https://doi.org/10.1007/s12103-020-09549-x>
- Buil-Gil, David; Miró-Llinares, Fernando; Moneva, Asier; Kemp, Steven; Díaz-Castaño, Nacho. Cybercrime and shifts in opportunities during COVID-19: A preliminary analysis in the UK. *European Societies*; 2020; 23, (Suppl. S1), pp. S47-S59. [DOI: <https://dx-doi-org.mutex.gmu.edu/10.1080/14616696.2020.1804973>]
- Bullinger, L. R., Carr, J. B., & Packham, A. (2021). COVID-19 and crime: Effects of stay-at-home orders on domestic violence. *American Journal of Health Economics*, 7(3), 249–280.
- Butler, H. D., Tasca, M., Zhang, Y., & Carpenter, C. (2019). A systematic and meta-analytic review of the literature on correctional officers: Identifying new avenues for research. *Criminal Justice Journal*, 60, 84–92. <https://doi.org/10.1016/j.jcrimjus.2018.12.002>
- Campbell, A. M. (2020). An increasing risk of family violence during the Covid-19 pandemic: Strengthening community collaborations to save lives. *Forensic Science International: Reports*, 2, 100089. <https://doi.org/10.1016/j.fsir.2020.100089>
- Clarke and Eck, 2016 ???
- Cohen, L.E. & Felson, M. (1979). Social change and crime rate trends: A routine activity approach. *American Sociological Review*, 44, 588-608.

- CSEW. (2021). *The Crime Survey of England and Wales: Crime in England and Wales: Year Ending March 2021; Crime in England and Wales*—Office for National Statistics: London, 2021; Available online: <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/crimeinenglandandwales/yearendingmarch2021>
- Dai, M., Xia, Y., & Han, R. (2022). Temporal variations in calls for police service during COVID-19: Evidence from China. *Crime and Delinquency*. Advanced online publication. <https://doi.org/10.1177/00111287221074942>
- Desai, A., Durham, K., Burke, S. C., NeMoyer, A., & Heilbrun, K. (2021). Releasing individuals from incarceration during COVID-19: Pandemic-related challenges and recommendations for promoting successful reentry. *Psychology Public Policy and Law*, 27(2), 242.
- Dixon, Anthony; Sheard, Emily; Farrell, Graham. *National Recorded Crime Trends: Statistical Bulletin on Crime and COVID-19*; University of Leeds: Leeds, 2020; [DOI: <https://dx-doi.org.mutex.gmu.edu/10.5518/100/25>]
- Ellis, A., Briggs, D., Lloyd, A., & Telford, L. (2021). A ticking time bomb of future harm: Lockdown, child abuse, and future violence. *Abuse: An International Impact Journal*, 2(1), 37–48. <https://doi.org/10.37576/abuse.2021.017>
- Halford, E. (2022). An Exploration of the Impact of COVID-19 on Police Demand, Capacity and Capability. *Social Sciences*, 11(7), 305. <https://doi-org.mutex.gmu.edu/10.3390/socsci11070305>
- Halford, Eric; Dixon, Anthony; Farrell, Graham; Malleson, Nick; Tilley, Nick. (2020). Crime and coronavirus: Social distancing, lockdown and the mobility elasticity of crime. *Crime Science* (9), 1-12. [DOI: <https://dx-doi-org.mutex.gmu.edu/10.1186/s40163-020-00121-w>]
- Hamblett, A., Cowell, M., LeMasters, K., & Brinkley-Rubinstein, L. (2022). *Best practices to assuage COVID-19 risk in jails and prisons*. In R. B. Greifinger (Ed.), *Public health behind bars* (pp. 141–149). Springer.
- Henry, B. F. (2020). Social distancing and incarceration: Policy and management strategies to reduce COVID-19 transmission and promote health equity through decarceration. *Health Education & Behavior*, 47(4), 536–539. <https://doi.org/10.1177/1090198120927318>
- Kennedy, L. W., Caplan, J. M. (2016). *Risk Terrain Modeling: Crime Prediction and Risk Reduction*. United States: University of California Press.
- Kennedy, L. W., Caplan, J. M., Piza, E. L. & Buccine Schraeder, H. (2016). Vulnerability and Exposure to Crime: Applying Risk Terrain Modeling to the Study of Assault in Chicago. *Applied Spatial Analysis & Policy*, 9(4), 529-54.
- Kira, I. A., Shuwiekh, H. A. M., Ashby, J. S., Elwakeel, S. A., Alhuwailah, A., Sous, M. S. F., Baali, S. B. A., Azdaou, C., Oliemat, E. M., & Jamil, H. J. (2021). The impact of COVID-19 traumatic stressors on Mental Health: Is COVID-19 a new trauma type. *International Journal of Mental Health and Addiction*. Advance online publication. <https://doi.org/10.1007/s11469-021-00577-0>
- Lallie, H. S., Shepherd, L. A., Nurse, J. R. C., Erola, A., Epiphaniou, G., Maple, C., & Bellekens, X. (2021). Cyber security in the age of COVID-19: A timeline and analysis of cyber-crime and cyber-attacks during the pandemic. *Computers & Security*, 105, 102248. <https://doi.org/10.1016/j.cose.2021.102248>
- Langton, S., Dixon, A., & Farrell, G. (2021). Six months in: Pandemic crime trends in England and Wales. *Crime Science*, 10(1), 6. <https://doi.org/10.1186/s40163-021-00142-z>

- Langton, Samuel; Farrell, Graham; Dixon, Anthony. (2020). Six months in: Pandemic crime trends in England and Wales. *Crime Science*, (10), 1-16. [DOI: <https://dx-doi-org.mutex.gmu.edu/10.1186/s40163-021-00142-z>]
- Lantz, B., & Wenger, M. R. (2021). Are Asian victims less likely to report hate crime victimization to the police? Implications for research and policy in the wake of the COVID-19 pandemic. *Crime and Delinquency*. Advanced online publication. <https://doi.org/10.1177/00111287211041521>
- Leal, W. E., Piquero, A. R., Kurland, J., Piquero, N. L., & Gloyd, E. L. (2021). A case study of family violence during COVID-19 in San Antonio. *Crime and Delinquency*. Advanced online publication. <https://doi.org/10.1177/00111287211064781>
- Lee, C. & Colautti, J. D. (in press). ISIS COVID-19 messaging: An analysis of tweet sentiment and emotions. *Crime & Delinquency*.
- Lockwood, A., Viglione, J., & Peck, J. H. (2021). COVID-19 and juvenile probation: A qualitative examination of emergent challenges and useful strategies. *Criminal Justice and Behavior*. Advanced online publication. <https://doi.org/10.1177/00938548211046977>
- Martin-Howard, S. (2022). COVID-19's Impact on Black, Female Correctional Officers and Justice-Involved Individuals at Rikers Island Jail. *Crime & Delinquency*. Advanced online publication. <https://doi.org/10.1177/00111287211073676>
- Moule, R. K., Burruss, G. W., Jaynes, C. M., Weaver, C., & Fairchild, R. (2022). Concern, Cynicism, and the Coronavirus: Assessing the Influence of Instrumental and Normative Factors on Individual Defiance of COVID-19 Mitigation Guidelines. *Crime & Delinquency*. Advanced online publication. <https://doi.org/10.1177/00111287221074962>
- Neanidis, Kyriakos; Rana, Maria. (2021). Crime in the era of COVID-19: Evidence from England. *SSRN Electronic Journal*. [DOI: <https://dx-doi-org.mutex.gmu.edu/10.2139/ssrn.3784821>]
- Nivette, Amy E.; Zahnow, Renee; Aguilar, Raul; Ahven, Andri; Amram, Shai; Ariel, Barak; Burbano, María José Arosemena; Astolfi, Roberta; Baier, Dirk; Bark, Hyung-Min et al. (2021). A Global Analysis of the Impact of COVID-19 Stay-at-Home Restrictions on Crime. *Nature News*.; 2021; Available online: <https://www-nature-com.mutex.gmu.edu/articles/s41562-021-01139-z>
- Ochrym, R.G., (1990). Street Crime, Tourism and Casinos: An Empirical Comparison. *Journal of Gambling Studies*, 6(2) 127-138.
- O'Connor, R. C., Wetherall, K., Cleare, S., McClelland, H., Melson, A. J., Niedzwiedz, C. L., & Robb, K. A. (2021). Mental health and well-being during the COVID-19 pandemic: longitudinal analyses of adults in the UK COVID-19 Mental Health & Wellbeing study. *The British Journal of Psychiatry*, 218(6), 326–333.
- Piquero, A. R., Jennings, W. G., Jemison, E., Kaukinen, C., & Knaul, F. M. (2021). Evidence from a systematic review and meta-analysis: Domestic violence during the COVID-19 pandemic. *Criminal Justice Journal*, 74, 101806. <https://doi.org/10.1016/j.jcrimjus.2021.101806>
- Piquero, A. R., Riddell, J. R., Bishopp, S. A., Narvey, C., Reid, J. A., & Piquero, N. L. (2020). Staying home and staying safe? A short-term analysis of COVID-19 on Dallas domestic violence. *American Journal of Criminal Justice*. Advanced online publication. <https://doi.org/10.1007/s12103-020-09531-7>

- Powell, K., Hyatt, J. M., & Link, N. W. (2022). Implementing Reforms in Community Corrections: Lessons Learned During the COVID-19 Pandemic. *Crime & Delinquency*. Advanced online publication. <https://doi.org/10.1177/00111287211061722>
- Priya, S. S., Cuce, E., & Sudhakar, K. (2021). A perspective of COVID 19 impact on global economy, energy and environment. *International Journal of Sustainable Engineering*, 14(6), 1290–1305. <https://doi.org/10.1080/19397038.2021.1964634>
- Reid JA, Baglivio MT. COVID-19's Impact on Crime and Delinquency. *Crime & Delinquency*. 2022;68(8):1127-1136. [doi:10.1177/00111287221084295](https://doi.org/10.1177/00111287221084295)
- Reid, J. A., Chenneville, T., Gardy, S. M., & Baglivio, M. T. (2021). An Exploratory Study of COVID-19's Impact on Psychological Distress and Antisocial Behavior Among Justice-Involved Youth. *Crime & Delinquency*. Advanced online publication. <https://doi.org/10.1177/00111287211054729>
- Ratcliff, J.H. & M.J. McCullagh (1998). IDENTIFYING REPEAT VICTIMIZATION WITH GIS. *British Journal of Criminology*, 38 (4), 651-662.
- (1999). Hotbeds of crime and the search for spatial accuracy. *Journal of Geographical Systems*, 1:385-398
- Riddell, J. R., Piquero, A. R., Kaukinen, C., Bishopp, S. A., Piquero, N. L., Narvey, C. S., & Iesue, L. (2021). Re-opening Dallas: A short-term evaluation of COVID- 19 regulations and crime. *Crime and Delinquency*. Advanced online publication. <https://doi.org/10.1177/00111287211054718>
- Riddell JR, Piquero AR, Kaukinen C, et al. (2022). Re-Opening Dallas: A Short-Term Evaluation of COVID-19 Regulations and Crime. *Crime & Delinquency*. 68(8):1137-1160. [doi:10.1177/00111287211054718](https://doi.org/10.1177/00111287211054718)
- Schwalbe, C. S. J., & Koetzle, D. (2021). What the COVID-19 pandemic teaches about the essential practices of community corrections and supervision. *Criminal Justice and Behavior*, 48(9), 1300–1316. <https://doi.org/10.1177/00938548211019073>
- Semukhina, O. B. (2021). Racial disparities in crime victimization during the COVID- 19 lockdown. *American Journal of Criminal Justice*. Advance online publication. <https://doi.org/10.1007/s12103-021-09662-5>
- Sherman, L.W., P. Gartin & M.E. Buerger (1989). Hot Spots of Predatory Crime: Routine Activities and the Criminology of Place. *Criminology* 27 (1): 27-55.
- Stitt, B.G., M. Nichols & D. Giacomassi, (2003). Does the Presence of Casinos Increase Crime? An Examination of Casino and Control Communities. *Crime & Delinquency*, 49 (2), 253-284.
- Surprenant, C. (2020, March 27). COVID-19 and pretrial detention. *Special Edition Policy Brief*. <https://doi.org/10.2139/ssrn.3570659>
- Yang M, Chen Z, Zhou M, et al. (2021). The Impact of COVID-19 on Crime: A Spatial Temporal Analysis in Chicago. *ISPRS International Journal of Geo-Information*. 10(3):152. [doi:10.3390/ijgi10030152](https://doi.org/10.3390/ijgi10030152)

### CRIME SPECIFIC REFERENCES - TABLE 3

Here is a reference list of citations found in the Table A-1 above should further review and understanding be desired.

- Buil-Gil, David; Miró-Llinares, Fernando; Moneva, Asier; Kemp, Steven; Díaz-Castaño, Nacho. (2020). Cybercrime and shifts in opportunities during COVID-19: A preliminary analysis in the UK. *European Societies*, 23, (Suppl. S1), pp. S47-S59. [DOI: <https://dx-doi-org.mutex.gmu.edu/10.1080/14616696.2020.1804973>]
- CSEW. (2021). The Crime Survey of England and Wales: Crime in England and Wales: Year Ending March 2021; Crime in England and Wales—Office for National Statistics: London. Available online: <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/crimeinenglandandwales/yearendingmarch2021> (accessed on 28 November 2021).
- Dixon, Anthony; Sheard, Emily; Farrell, Graham. (2020). *National Recorded Crime Trends: Statistical Bulletin on Crime and COVID-19*; University of Leeds: Leeds, DOI: <https://dx-doi-org.mutex.gmu.edu/10.5518/100/25>
- Halford, Eric; Dixon, Anthony; Farrell, Graham; Malleson, Nick; Tilley, Nick. (2020). Crime and coronavirus: Social distancing, lockdown and the mobility elasticity of crime. *Crime Science*, (9) 1-12. [DOI: <https://dx-doi-org.mutex.gmu.edu/10.1186/s40163-020-00121-w>]
- Langton, Samuel; Farrell, Graham; Dixon, Anthony. (2020). Six months in: Pandemic crime trends in England and Wales. *Crime Science*, (10) 1-16. [DOI: <https://dx-doi-org.mutex.gmu.edu/10.1186/s40163-021-00142-z>]
- Neanidis, Kyriakos; Rana, Maria. (2021). Crime in the era of COVID-19: Evidence from England. *SSRN Electronic Journal*. [DOI: <https://dx-doi-org.mutex.gmu.edu/10.2139/ssrn.3784821>]
- Nivette, Amy E.; Zahnow, Renee; Aguilar, Raul; Ahven, Andri; Amram, Shai; Ariel, Barak; Burbano, María José Arosemena; Astolfi, Roberta; Baier, Dirk; Bark, Hyung-Min et al. (2021). A Global Analysis of the Impact of COVID-19 Stay-at-Home Restrictions on Crime. *Nature News*.; 2021; Available online: <https://www-nature-com.mutex.gmu.edu/articles/s41562-021-01139-z>



# Appendix

---

## Acronyms and abbreviations

CAD	Computer-aided Dispatch (system)	A police database that holds information about police dispatches to calls for service, including incidents discovered by police officers. Some but not all the incidents reported in CAD are crimes and have longer records in the RMS.
CFS	Calls for Service	Typically, 911 calls for help and other non-emergency calls to the police for assistance.
IBR	Incident-based reporting	See NIBRS.
MGC	Massachusetts Gaming Commission	The commonwealth agency charged with overseeing and regulating gaming in Massachusetts
FBI	Federal Bureau of Investigation	National investigative agency, part of the U.S. Department of Justice, in charge of collecting national crime statistics.
IACA	International Association of Crime Analysts	A global nonprofit professional association that provides training, literature, and networking to individuals who analyze crime data.
MACA	Massachusetts Association of Crime Analysts	A nonprofit professional association that provides training, literature, and networking to individuals who analyze crime data in New England.
NIBRS	National Incident-based Reporting System	FBI program for data collection that supersedes UCR. Collects more specific data about a wider variety of crimes. With only a few exceptions, all Massachusetts agencies report to NIBRS and all Massachusetts RMS vendors have implemented NIBRS coding standards.
ODBC	Open Database Connectivity	A technology developed by Microsoft that allows any application that uses a database to connect to any database source. The primary mechanism by which we can extract data from police CAD and RMS databases.
RMS	Records Management System	A police data system that stores information about crimes and offenders. See also CAD.
SEIGMA	Social and Economic Impacts of Gaming in Massachusetts	A multi-year research project hosted by the University of Massachusetts Amherst School of Public and Health Sciences. The SEIGMA project has a broader mandate for its study than just crime.
UCR	Uniform Crime Reporting (program)	National program for the reporting of crime statistics to the FBI. Captures only summary data about a limited number of crime types. Contrast with NIBRS.

## Call for service definitions

*Calls for service* include both criminal and noncriminal police incidents and activities. In the case of criminal activities, such incidents receive a longer, more detailed report in the police records management system, and it so it makes more sense to analyze them using the crime categories above than in their original call-for-service form. Thus, the only incident types we have selected for analysis in this report are noncriminal. Definitions of those types appear below. Because the police officer does not usually write a full report for calls for service, the dataset available for analysis is more limited.

**Administrative:** A wide variety of call types that have to do with the administration of a police department, such as delivery of documents to businesses or other government facilities, attendance at meetings, vehicle maintenance, or even meal breaks. Agencies use their call-for-service systems to document such activities so that they can determine what a particular officer or unit was doing at a particular time, although the incidents are not truly “calls for service.” Practices differ significantly between police agencies as to what is reported under this category, and it is generally not useful for analysis.

**Alarm:** A burglar, panic, or medical alarm that required a response but (probably) turned out to be false or would have a different final code.

**Animal complaint:** Calls involving sick, dangerous, or wild animals, animals in danger (e.g., left in a hot or cold car), or loose or noisy pets.

**Assist other agency:** A call type that involves rendering aid to a neighboring police or other government agency for any number of purposes, including serious crimes, fire and medical issues, and traffic issues.

**Crime enforcement:** Any number of pro-active police activities meant to deter crime, generally taking the form of a “directed patrol” to a particular location during a peak time for criminal activity (based either on citizen complaints or internal analysis). Though not a technical “call for service,” such incidents are recorded in the CAD database to document the officer’s activity.

**Disabled vehicle:** A call for service for a vehicle suffering physical or mechanical trouble, usually broken down in an active roadway.

**Disturbance:** Any of a variety of types of disorderly conduct, disputes, fights, and excessive noise.

**Domestic dispute:** A dispute between family members, spouses, or intimate partners that has not risen to the level of physical violence.

**General service:** Minor calls for service that involve rendering aid to residents and visitors for a variety of issues such as giving directions, installing car seats, dealing with lockouts, and providing physical aid.

**Gunshots:** Reports of gunshots fired, whether phoned in by a resident or received from automatic detection services.

**Hunting:** Reports of hunters hunting off-season, in protected areas, with illegal gear, or in an unsafe manner.

**Lost property:** Calls for service involving lost personal property such as wallets and mobile phones. If there is any indication of theft, these incidents are typically reported under the appropriate crime category.

**Medical aid:** All calls for medical aids except unattended deaths and overdoses. Police responses only are included in the figures in this report.

**Missing person:** a runaway or other missing person.

**Prisoner transport:** documentation of a police agency transporting an arrested person from one facility to another.

**Psychological issue:** Calls for service involving individuals with mental health issues.

**Suspicious activity:** Any suspicious person, vehicle, or other activity, whether identified by an officer or citizen.

**Traffic collision:** A collision involving at least one motor vehicle.

**Traffic complaint:** Complaint about reckless driving, illegal or unsafe parking, or other traffic issues.

**Trespassing:** Trespassing on private or public property.

**Vehicle stop:** An officer pulls over a vehicle for a moving or equipment violation.

**Warrant service:** a call type that documents the service, or attempted service, of an arrest warrant or search warrant. The category is entirely police-directed.

**Youth disorder:** Disorderly incidents involving youths congregating, skateboarding, making noise, and so forth.

## Offense types by associated crime category

Offense	Category	Offense	Category
Aggravated Assault	Violent Crime	Liquor Law Violations	Drug/Alcohol Crime
All Other	Other Crime	Murder	Violent Crime
Arson	Property Crime	Other Thefts	Property Crime
Auto Theft	Property Crime	Peeping Tom	Other Crime
Bad Checks	Property Crime	Pornography	Societal Crime
Burglary	Property Crime	Prostitution	Societal Crime
Credit Card Fraud	Property Crime	Robbery	Violent Crime
Disorderly	Societal Crime	Runaway	Other Crime
Drug Equipment Offense	Drug/Alcohol Crime	Sexual Assault	Violent Crime
Drug Offense	Drug/Alcohol Crime	Shoplifting	Property Crime
Drunk Driving	Drug/Alcohol Crime	Simple Assault	Violent Crime
Drunkenness	Drug/Alcohol Crime	Statutory Rape	Other Crime
Employee Theft	Property Crime	Stolen Property Offense	Property Crime
Extortion	Property Crime	Thefts from Buildings	Property Crime
Family Offenses	Other Crime	Thefts from Vehicles	Property Crime
Forgery	Property Crime	Thefts of Vehicle Parts	Property Crime
Fraud/Con Games	Property Crime	Threats	Violent Crime
Gambling	Societal Crime	Trespassing	Other Crime
Identity Theft	Property Crime	Vandalism	Property Crime
Kidnapping	Violent Crime	Weapon Offenses	Societal Crime

# Assessing the Influence of Gambling on Public Safety in Massachusetts Cities and Towns During the COVID-19 Pandemic

*Analysis of the influence of Encore Boston Harbor on its surrounding community*

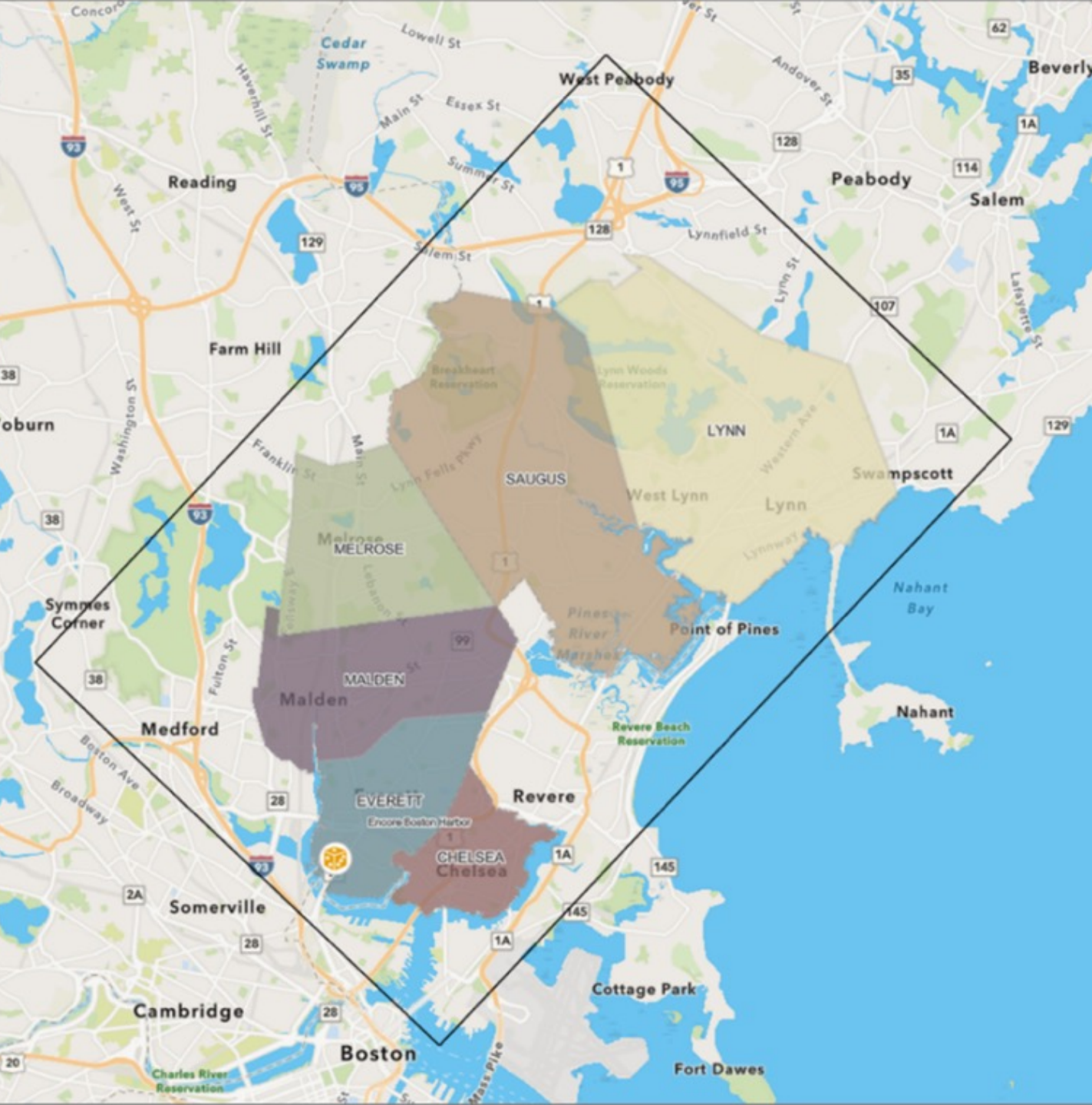
*Crime Comparison covering periods before COVID-19  
(pre-post casino opening),  
during closure and restricted opening,  
and the period since reopening*

**2022**



Research Funded by the Massachusetts Gaming Commission

*The views presented here today are those of the authors of this report alone,  
and do not represent the official point of view of Massachusetts Gaming Commission*



# Welcome

- *Justice Research Associates*
  - Christopher Bruce – Partnership
  - Steven Hick
  - Noah Fritz
- CMAP – U.S. DOJ TA Program
- IACA & MACA
- Arizona State University, University of Denver, & George Mason University
- Feedback today?

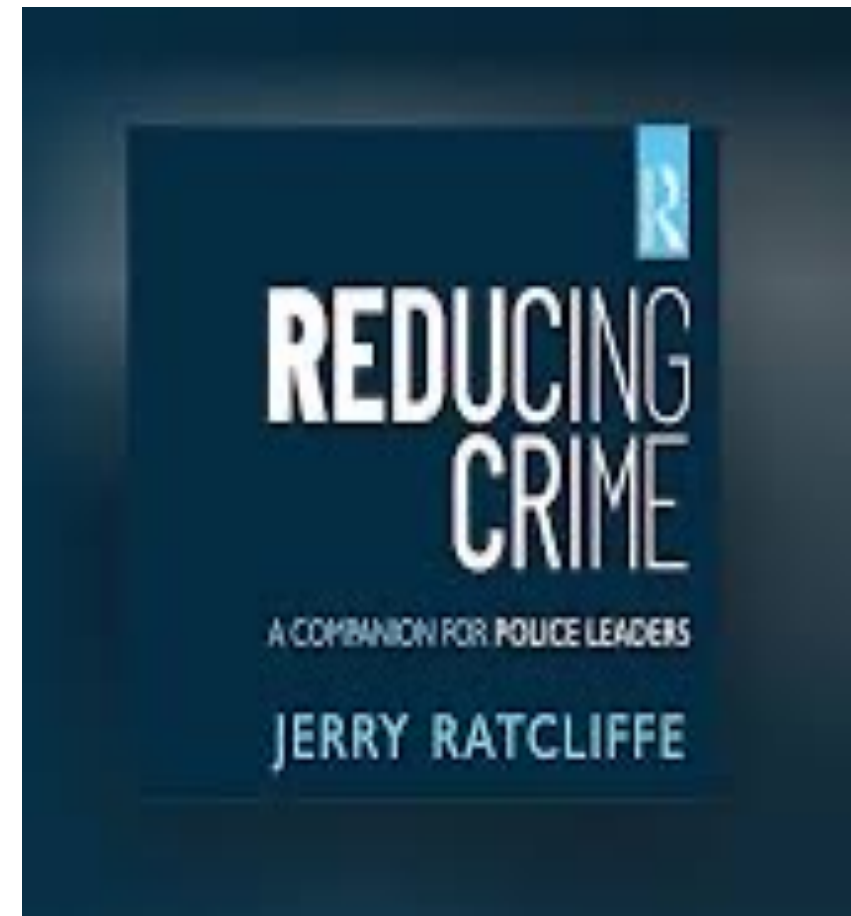
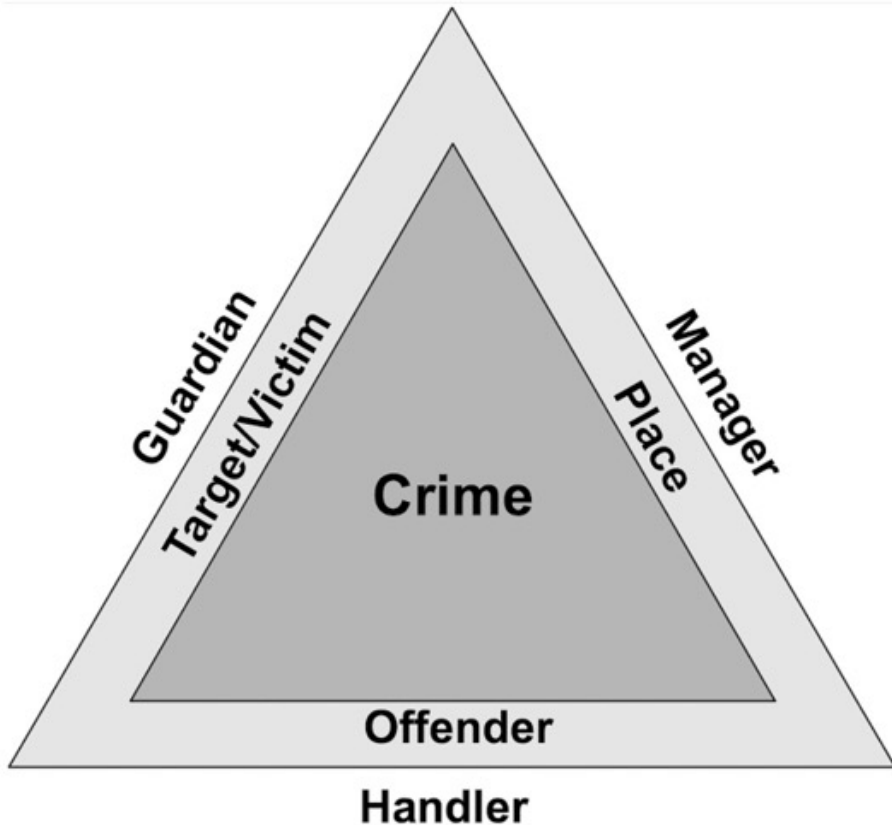
# MGC Reports

- Purpose – eye to future
  - Conduct an analysis of the increases and decreases in criminal activity
  - Provide insights into the temporal and spatial patterns during COVID-19
    - Benchmarks
  - Provides the researchers the opportunity to explore methods
- Build a partnership with each of you and the agencies in the region
  - Provide technical assistance and collaborate on crime analysis
  - Past Reports online – [www.massgaming.com](http://www.massgaming.com)
  - Build Knowledgebase



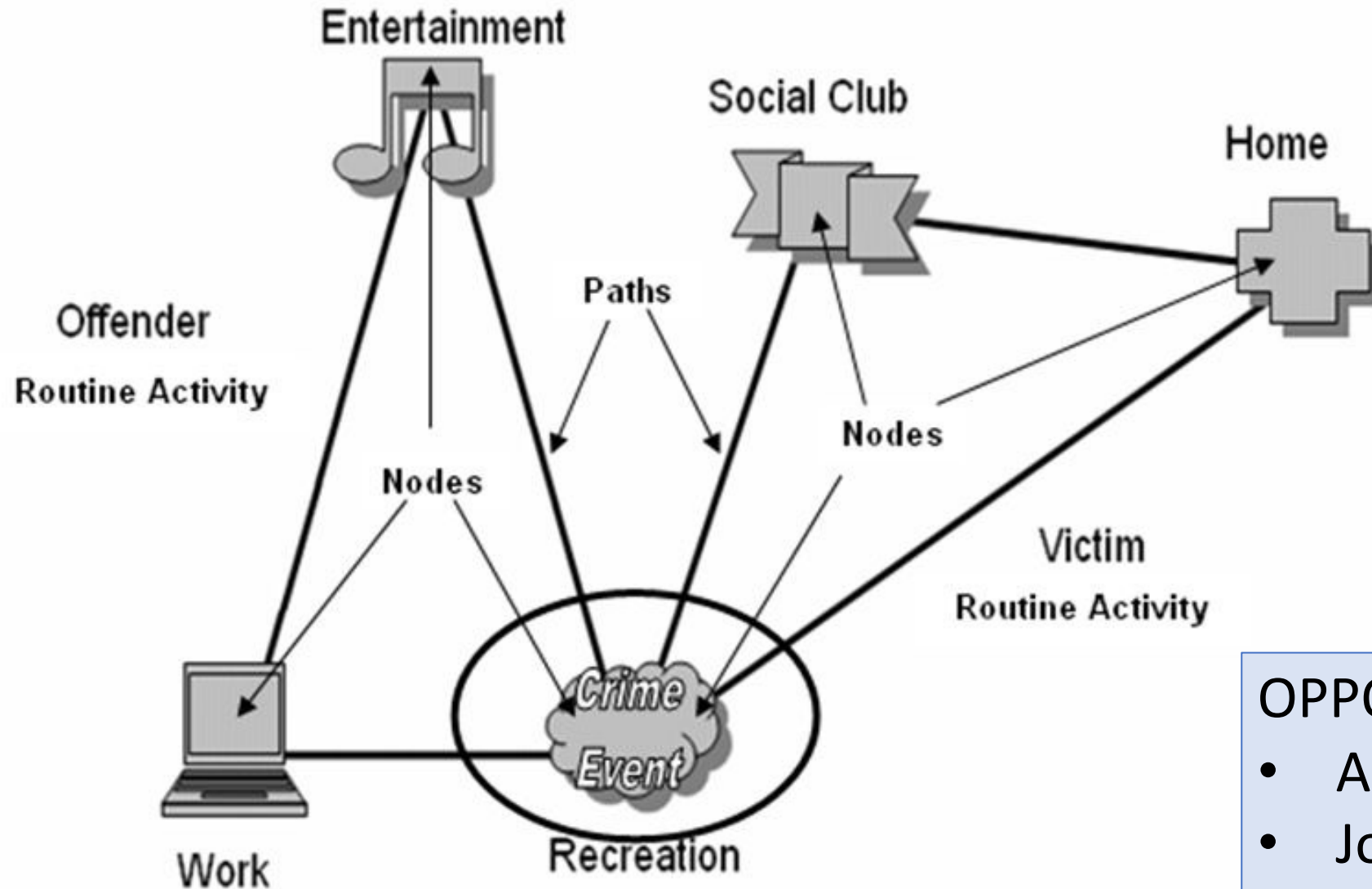
# Our First Report: A Benchmark for the Future

- Historical context
- Temporal context
- Spatial context



- Risk Terrain Model
- Crime Pattern Theory & Intelligence Led Policing
  - Reducing Crime – Area Commanders & Crime Analysis  
Jerry Ratcliffe
  - Prolific Offenders
  - Hotspots

# Crime Pattern Theory



## OPPORTUNITY FOR CRIME

- Activity Space
- Journey to Crime
- Hunting Grounds

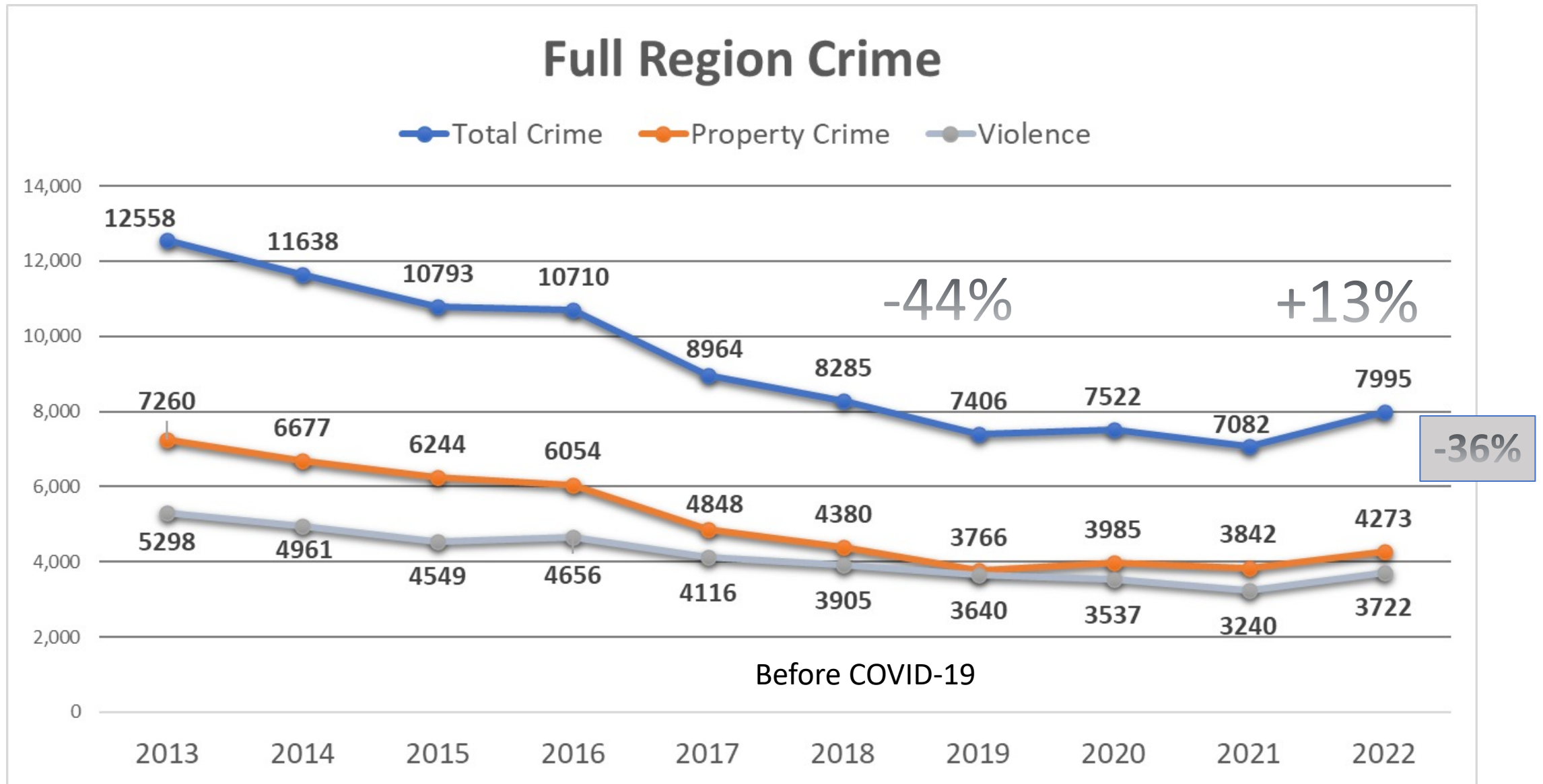


# Methods – Deductive Approach (drilldown)

- Data Collection – plethora of data
  - Crime Reports (RMS)
  - Computer Aided Dispatch (CFS)
  - Collision & OUI (i.e., drunk driving) Data – Massachusetts State Police
- Spatial Referencing – geocoding
  - Hotspot Policing
  - Hexagon Clusters
- Temporal Analysis
  - Tableau Data Visualization
  - Crime Cycles: 7-14-28 days (Used 7 days to compare COVID-19 Patterns)

	Pre-Open	Open	Closed	Restricted	Reopen
Time Frame	9/30/18	6/23/19	3/15/20	7/12/20	5/30/21
	6/22/19	3/14/20	7/11/20	5/29/21	7/2/22
	38 Weeks	38 Weeks	17 Weeks	46 Weeks	57 Weeks

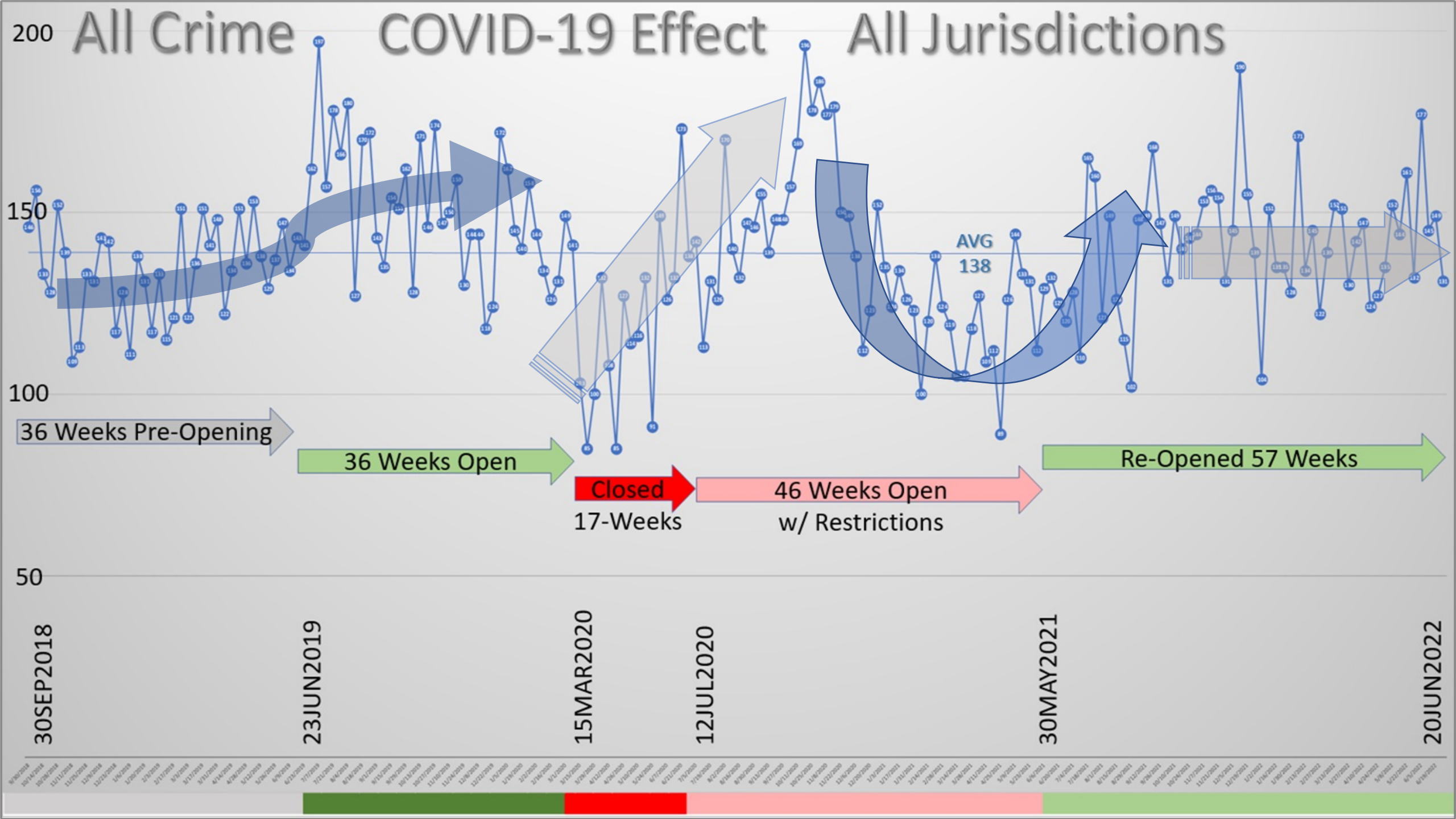
# 10,000 ft Crime View of Encore Boston Harbor Region



# Take a closer look: COVID-19 Drill Down

- Over time
- At Micro-Analysis Spatial Level
- COMPLEX PHENOMENON – Multi-faceted
- Further Analysis
- Greater Scrutiny and Assistance towards Public Safety Effort

# All Crime COVID-19 Effect All Jurisdictions



36 Weeks Pre-Opening

36 Weeks Open

Closed  
17-Weeks

46 Weeks Open  
w/ Restrictions

Re-Opened 57 Weeks

AVG  
138

30SEP2018

23JUN2019

15MAR2020

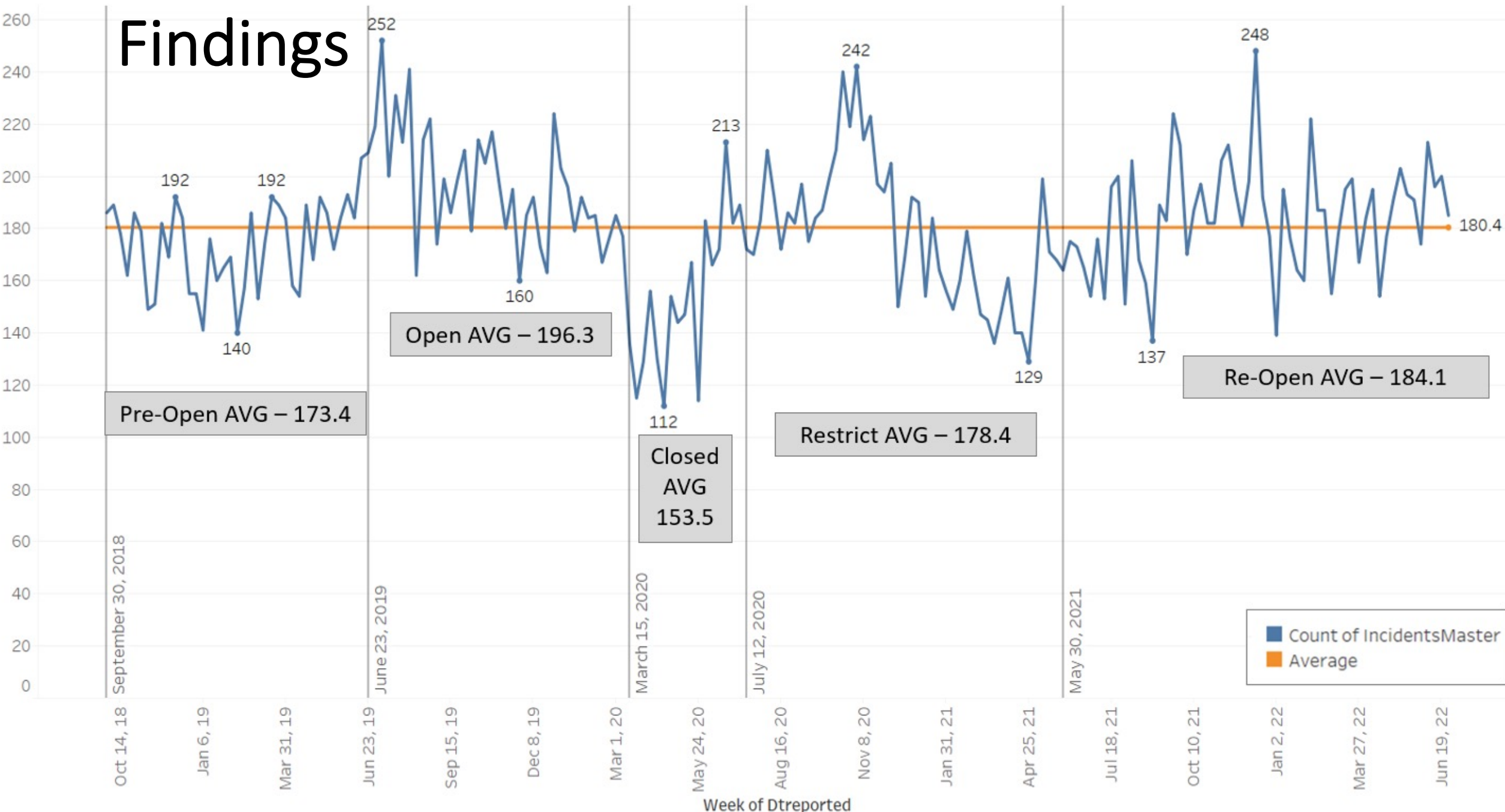
12JUL2020

30MAY2021

20JUN2022

30/09/2018 01/10/2018 15/10/2018 29/10/2018 12/11/2018 26/11/2018 10/12/2018 24/12/2018 07/01/2019 21/01/2019 04/02/2019 18/02/2019 03/03/2019 17/03/2019 31/03/2019 14/04/2019 28/04/2019 11/05/2019 25/05/2019 08/06/2019 22/06/2019 06/07/2019 20/07/2019 03/08/2019 17/08/2019 31/08/2019 14/09/2019 28/09/2019 12/10/2019 26/10/2019 09/11/2019 23/11/2019 07/12/2019 21/12/2019 04/01/2020 18/01/2020 31/01/2020 14/02/2020 28/02/2020 13/03/2020 27/03/2020 10/04/2020 24/04/2020 08/05/2020 22/05/2020 05/06/2020 19/06/2020 03/07/2020 17/07/2020 31/07/2020 14/08/2020 28/08/2020 11/09/2020 25/09/2020 09/10/2020 23/10/2020 07/11/2020 21/11/2020 05/12/2020 19/12/2020 02/01/2021 16/01/2021 30/01/2021 13/02/2021 27/02/2021 12/03/2021 26/03/2021 09/04/2021 23/04/2021 07/05/2021 21/05/2021 04/06/2021 18/06/2021 02/07/2021 16/07/2021 30/07/2021 13/08/2021 27/08/2021 10/09/2021 24/09/2021 08/10/2021 22/10/2021 06/11/2021 20/11/2021 04/12/2021 18/12/2021 01/01/2022 15/01/2022 29/01/2022 12/02/2022 26/02/2022 11/03/2022 25/03/2022 08/04/2022 22/04/2022 06/05/2022 20/05/2022 03/06/2022 17/06/2022 31/06/2022

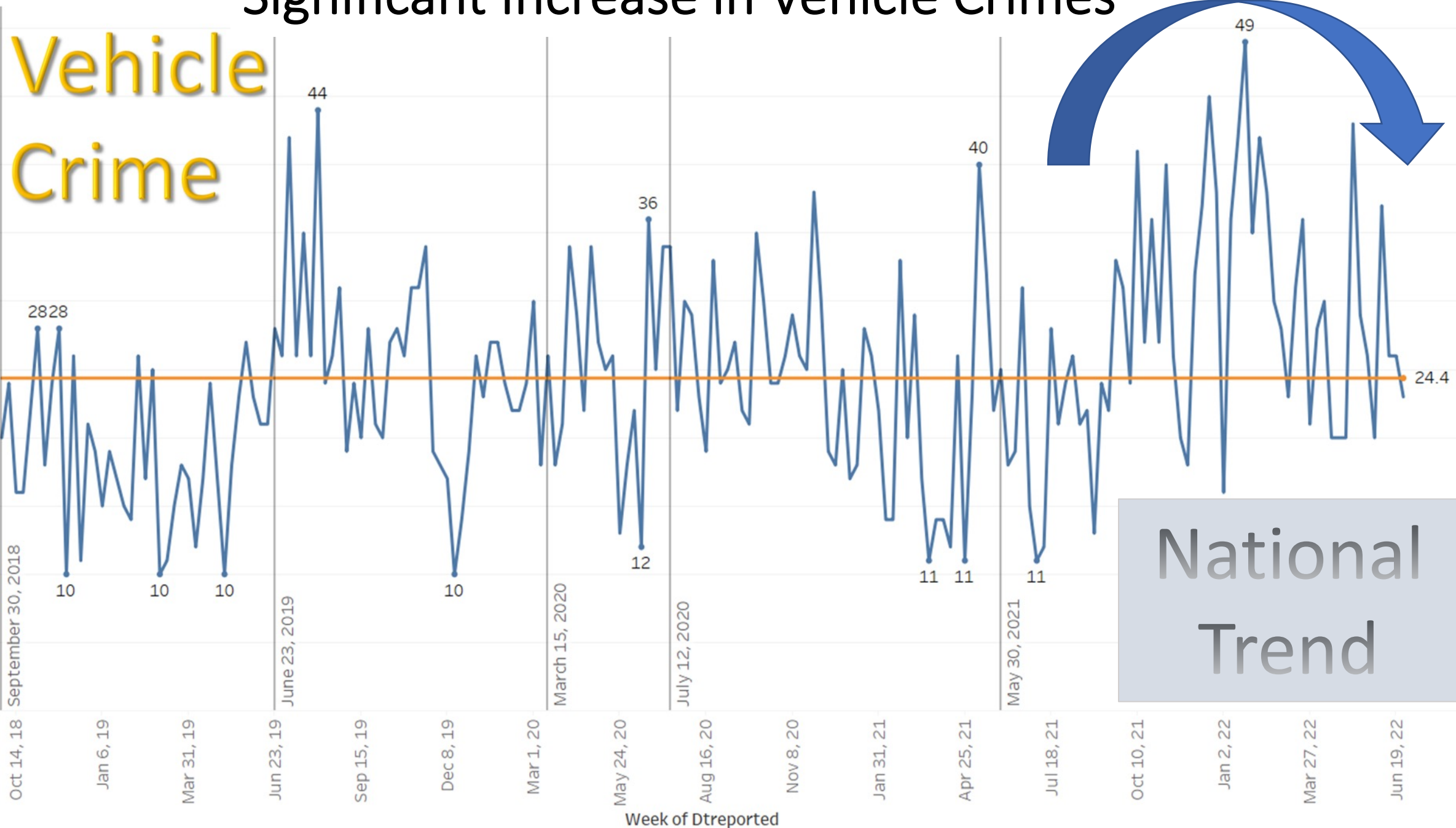
# Findings



VEH FTF

# Significant Increase in Vehicle Crimes

## Vehicle Crime



National Trend

# Jurisdiction Comparisons

## AVERAGE NUM OF CRIMES PER WEEK OVER STUDY PERIOD

AVG	PRE	OPEN	CLOSED	RESTRICT	REOPEN
CHELSEA	36.3	37.2	28.1	24.6	28.7
EVERETT	17.6	22.1	15.6	18.7	18.1
LYNN	46.3	54.0	44.1	59.2	62.6
MALDEN	18.4	21.5			
MELROSE	4.4	5.8			
SAUGUS	11.7	10.6			
ALL	134.7	151.3	1		

AVG FULL PERIOD	PCT CHANGE Pre2open	PCT CHANGE Open2close	PCT CHANGE Close2Restr	PCT CHANGE Restr2reopen	PCT CHANGE Open2reopen	PCT CHANGE Pre2reopen	City
30.8	2.46%	-24.59%	-12.37%	16.59%	-22.96%	-21.06%	CHELSEA
18.7	26.09%	-29.57%	20.07%	-3.18%	-18.11%	3.25%	EVERETT
55.4	16.52%	-18.41%	34.36%	5.80%	15.98%	35.15%	LYNN
19.3	17.05%	1.78%	-15.46%	-0.24%	-14.16%	0.48%	MALDEN
4.5	31.36%	-46.63%	18.54%	24.85%	-21.02%	3.75%	MELROSE
10.4	-9.66%	-23.82%	58.08%	-35.41%	-22.22%	-29.74%	SAUGUS
139.1	12.27%	-20.16%	13.80%	2.39%	-6.97%	4.44%	ALL

	RANK						
<b>RANK OF TOP TEN ACROSS CITIES</b>	CH	EV	LY	MA	ME	SA	X OF 6
Vandalism	2	1	3	3	1	2	6
Simple Assault	1	6	1	1	3	4	6
Other Theft	7	2	2	2	2	1	6
Theft from Vehicle	6	3	6	4	4	5	6
Burglary	8	5	5	5	5	8	6
Aggravated Assault	4	8	4	6	9	9	6
Threats	3	9		9	7	10	5
Shoplifting		7		8		3	3
Auto Theft		10	8	7	10		4
Fraud				10	8	7	3

Opportunity  
for  
Collaboration  
&  
Mitigation Funds

KEY FINDINGS



# Opportunity & Targets of Crime

- Auto Theft
- Theft From Auto
- Robbery
- Assaults – DV?
- Door Pushers?
- Tub Stealers?
- Journey to Crime (Routes)
- Hotspots
  - Shuttles
  - Parking Structures
- Opportunities to target?
  - Human Trafficking?
  - Vehicle Crime

"Horriying, yet enthralling" *NEW SCIENTIST*

# MAPPING MURDER

THE SECRETS OF GEOGRAPHICAL PROFILING

DAVID CANTER

## LAS VEGAS STYLE CRIME

- Doorpushers
- Tub Stealers

FOCUS ON CONCEPTUALIZATION  
OF CASINO RELATED OFFENSES

# Risk Terrain Modeling

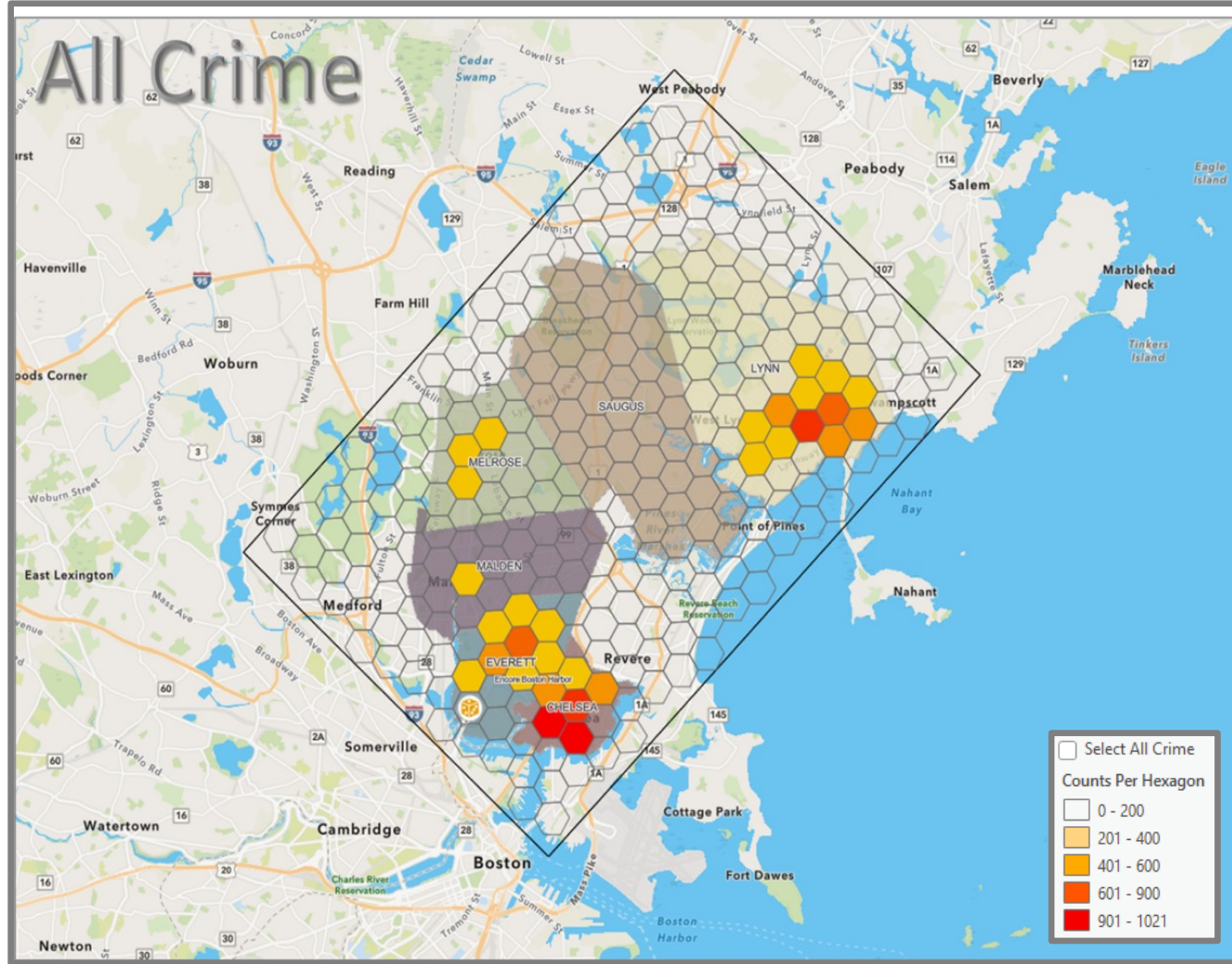
Kennedy, L. W., Caplan, J. M., Piza, E. L. & Buccine Schraeder, H. (2016). Vulnerability and Exposure to Crime: Applying Risk Terrain Modeling to the Study of Assault in Chicago. *Applied Spatial Analysis and Policy*. 9(4), 529-54.

Follow your Lead

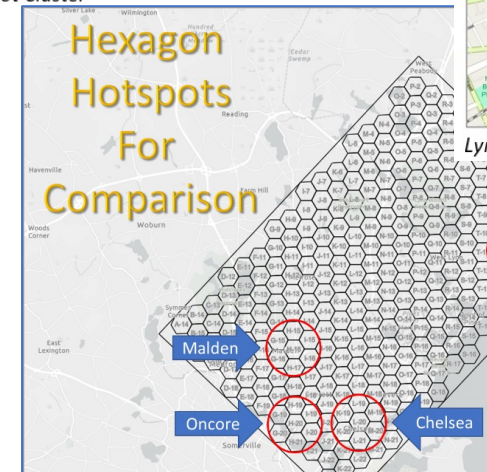


# Evidence Based Policing

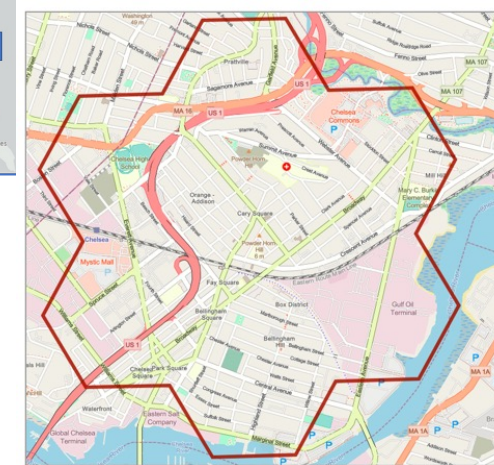
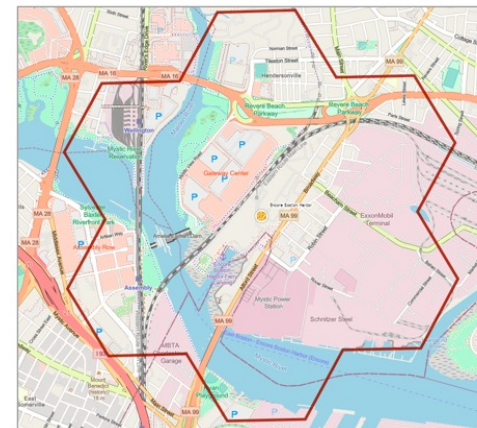
## Hotspot Policing



- ❖ R
- ❖ P
- ❖ R
- ❖ T



## Targeted Response



## Risk Terrain Model

Encore Hotspot Cluster

# Feedback?

## Collaborative Partnership

- Monthly or Quarterly Meetings
- Dashboards to Review & Discuss
- Provide Training & Technical Assistance
- MACA or Northeast Crime Analysis Association Conference

HOME | BOOK | CHAPTERS | BLOG | PODCAST | VIDEO | TRAINING | ABOUT

**REDUCING  
CRIME**

The Reducing Crime podcast

<https://www.reducingcrime.com/podcast>

# Translational Criminology

SPRING 2020

Promoting knowledge exchange to shape criminal justice research, practice, and policy

## Inside this issue...

From the Directors

Rethinking the Conclusion that Community Policing Does Not Reduce Crime: Experimental Evidence of Crime Reporting Inflation

The Anatomy of a Multiagency Research and Practice Partnership to Evaluate Juvenile Correctional Innovations

Countering Mass Shootings in the United States

The World of Emergency Calltakers and Dispatchers

Developing Methodology for Finding Ghosted Police Vehicle Pursuits

"Mobile" or "Assigned"? Pros and Cons of Two Different Models of Deploying SROs

Congratulations to Our Graduates

IN TRIBUTE: Herman Goldstein (1931–2020)

Hot Off the Press



**ANY QUESTIONS**

**Thank you**



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

FROM: Caitlin Monahan, Deputy General Counsel  
Paul Kominers, Esq., Anderson & Kreiger

CC: Loretta Lillios, Director of IEB

DATE: April 28, 2023

RE: 205 CMR 152: Individuals Excluded from Gaming and Sports Wagering

---

Enclosed for the Commission's review is a proposed final 205 CMR 152: Individuals Excluded from Gaming and Sports Wagering. The main changes are to 205 CMR 152.03, which governs the conduct for which someone may be involuntarily excluded. The proposed changes expand excludable misconduct to address concerns expressed by the Players' Association. The remaining changes are primarily technical tweaks.



Massachusetts Gaming Commission

## 205 CMR 152: INDIVIDUALS EXCLUDED FROM GAMING AND SPORTS WAGERING

### Section

- 152.01: Scope and Authority
- 152.02: Maintenance and Distribution of List
- 152.03: Criteria for Exclusion
- 152.04: Investigation and Initial Placement of Names on the List
- 152.05: Placement on the Exclusion List Pursuant to M.G.L. c. 23K, § 45(i)
- 152.06: Duty of Gaming or Sports Wagering Licensee
- 152.07: Petition to Remove Name from Exclusion List
- 152.08: Forfeiture of Winnings
- 152.09: Sanctions against a Gaming or Sports Wagering Licensee

#### 152.01: Scope and Authority

- (1) The provisions of 205 CMR 152.00 shall provide for the establishment and maintenance of a list, and associated protocols and procedures, for exclusion of individuals from gaming in accordance with M.G.L. c. 23K, §§ 45(a) through (e) and 45(j), and sports wagering in accordance with M.G.L. c. 23N, § 13(e)(1). Such list shall be maintained separately from those established and maintained in accordance with M.G.L. c. 23K, § 45(f) through (h) and M.G.L. c. 23N, § 13(e)(2).

#### 152.02: Maintenance and Distribution of List

- (1) The commission shall maintain the list of persons to be excluded from gaming and sports wagering as set forth in this 205 CMR 152.00. The name and year of birth of each person on the exclusion list shall be posted on the commission's website (<http://massgaming.com/>).
- (2) The Bureau shall promptly notify each gaming licensee, and Sports Wagering Operator of the placement of an individual on the exclusion list. The notifications shall include:
  - (a) The individual's full name and all aliases the individual is believed to have used;
  - (b) A description of the individual's physical appearance, including height, weight, type of build, color of hair and eyes, and any other physical characteristics which may assist in the identification of the individual;
  - (c) The individual's date of birth;
  - (d) The effective date of the order mandating the exclusion of the individual;
  - (e) A photograph, if obtainable, and the date thereof; and



- (f) Such other information deemed necessary by the commission for the enforcement of 205 CMR 152.00.

152.03: Criteria for Exclusion

- (1) In the commission's discretion, an individual may be placed on the exclusion list if the commission determines that the individual meets one or more of the following criteria:
  - (a) the individual has been convicted of a criminal offense under the laws of any state, tribe, or the United States that is punishable by more than six months in a state prison, a house of correction or any comparable incarceration, a crime of moral turpitude or a violation of the gaming or other wagering laws of any state, tribe, or the United States;
  - (b) the individual has violated or conspired to violate M.G.L. c. ~~23K, e. 23N, or any laws related to 23K or c. 23N; or violated or conspired to violate any other law, if the violation or conspiracy is in connection with~~ gaming or sports wagering;
  - (c) the individual has a notorious or unsavory reputation which would adversely affect public confidence and trust that the gaming or sports wagering industries are free from criminal or corruptive elements;
  - (d) the individual is an associate of an individual who falls into a category identified in 205 CMR 152.03(1)(a) through (c);
  - (e) the individual's presence in a gaming establishment, sports wagering area, sports wagering facility, or maintenance of a sports wagering account, presents the potential of injurious threat to the interests of the Commonwealth in a gaming establishment, sports wagering area, sports wagering facility, or sports wagering platform, or sports wagering.
- (2) In determining whether there exists the potential of injurious threat to the interests of the Commonwealth in accordance with 205 CMR 152.03(1)(e), the commission may consider, without limitation, the following:
  - (a) Whether the individual is a known cheat;
  - (b) Whether the individual has had a license or registration issued in accordance with 205 CMR 134.00, 234.00, 235.00, or a qualification determination made in accordance with 205 CMR 115.00, 116.00, or 215.00, or a like license or registration issued by another jurisdiction, suspended or revoked or has been otherwise subjected to adverse action;
  - (c) Whether the individual's egregious or repeated conduct poses a clear threat to the safety of the patrons, employees or others on or near the premises of a gaming establishment, sports wagering area, or sports wagering facility;

or the individual's egregious or repeated conduct relating to sports wagering poses a clear threat to the safety of others;

(d) Whether the individual has a documented history of conduct involving the undue disruption of gaming or sports wagering operations in any jurisdiction, including, without implied limitation, attempting to corrupt or corrupting a betting outcome of a sporting event; ~~and~~

(e) Whether the individual is subject to a no trespass order at any casino or gaming establishment, sports wagering area, or sports wagering facility in any jurisdiction-; and

(f) Whether, in connection with sports wagering, the individual has either:

1. willfully and maliciously engaged in a knowing pattern of conduct or series of acts over a period of time directed at a specific person, which seriously alarms that person and would cause a reasonable person to suffer substantial emotional distress; or

2. expressed an intent to injure the person or property of another, now or in the future; intended that the threat be conveyed to a particular person; the injury threatened, if carried out, would constitute a crime; and the threat was made under circumstances which could reasonably have caused the person to whom it was conveyed to fear that the defendant had both the intention and ability to carry it out.

(3) The commission shall not base a finding to place an individual on the exclusion list on an individual's race, color, religion, religious creed, national origin, ancestry, sexual orientation, gender identity or expression, age (other than minimum age requirements), marital status, veteran status, genetic information, disability or sex.

#### 152.04: Investigation and Initial Placement of Names on the List

(1) The Bureau shall investigate any individual who may meet one or more criterion for inclusion on the list in accordance with 205 CMR 152.03 upon referral by the commission, the Gaming Enforcement Division of the Office of the Attorney General, a gaming licensee, a sports wagering operator, a sports governing body, or a players association. The Bureau may investigate any individual on its own initiative.

(2) If, upon completion of an investigation, the Bureau determines to place an individual on the exclusion list, the Bureau shall prepare an order that identifies the individual and sets forth a factual basis as to why the individual meets one or more criterion for inclusion on the list in accordance with 205 CMR 152.03.

- (a) The Bureau shall serve the order prepared in accordance with 205 CMR 152.04(2) upon the named individual advising them that it intends to place the individual's name on the exclusion list. The order shall also notify the individual that placement of their name on the exclusion list will result in their prohibition from being present in a gaming establishment, sports wagering area, or sports wagering facility, and from maintaining a sports wagering account; and
  - (b) offer them an opportunity to request a hearing before a hearing officer to review the Bureau's order. The order shall be sent by registered or certified mail return receipt requested or by publication in a daily newspaper of general circulation for one week. The individual shall have 30 days from the date of the service of the order to request a hearing, except for notice provided by publication in a newspaper in which case the individual shall have 60 days from the last publication. Alternatively, the Bureau may provide an individual with in hand service of order in which case the individual shall have ten days from the date of service to request a hearing.
- (3) If a request for a hearing is received from the individual, a hearing shall be scheduled before a hearing officer in accordance with 205 CMR 101.00 and notice of such, including the date, time, and issue to be presented, shall be sent to the individual. The hearing shall be conducted in accordance with 205 CMR 101.02.
  - (4) If no request for a hearing is received within the applicable timeline provided in 205 CMR 152.04(3), the individual's name shall be placed on the exclusion list.
  - (5) In accordance with 205 CMR 101.00, a decision of the hearing officer may be appealed to the commission. A request for appeal to the commission shall not operate as a stay of the decision of the hearing officer.

152.05: Placement on the Exclusion List Pursuant to M.G.L. c. 23K, § 45(i)

Upon receipt of notice from a district court that an individual has been prohibited from gaming in gaming establishments in accordance with M.G.L. c. 23K, § 45(i), the commission shall place the name of an individual on the exclusion list.

152.06: Duty of Gaming or Sports Wagering Licensee

- (1) Each gaming or sports wagering licensee shall ensure that it accesses and reviews the exclusion list on a regular basis and that the exclusion list is made available to employees of the gaming or sports wagering licensee in a manner designed to assist them in identifying and inhibiting excluded individuals from entering the gaming establishment, sports wagering area, or sports wagering facility, or maintaining a sports wagering account.
- (2) Upon identifying any individual who has been placed on the exclusion list present in a gaming establishment, sports wagering area, or sports wagering facility, the gaming or sports wagering licensee shall immediately notify the Massachusetts

State Police Gaming Enforcement Unit, the Surveillance Department, and the Security Department. The Surveillance Department shall track the individual who has been placed on the list while that individual is present in the gaming establishment, sports wagering area, or sports wagering facility and the Security Department shall coordinate with the Massachusetts State Police Gaming Enforcement Unit regarding removing the individual from the gaming establishment, sports wagering area, or sports wagering establishment.

- (3) Upon determining that an individual who has been placed on the exclusion list maintains a sports wagering account or has engaged in prohibited sports wagering, a sports wagering licensee shall:
  - (a) Cancel any sports wagers placed by the individual and confiscate any resulting funds in accordance with 205 CMR 238.33(3);
  - (b) Suspend the sports wagering account used to engage in prohibited sports wagering in accordance with 205 CMR 248.17; and
  - (c) Notify the Director of Sports Wagering and the Bureau.
- (4) It shall be the continuing duty of a gaming or sports wagering licensee to refer to the Bureau, in writing, individuals whom it wishes to be placed on the exclusion list and to promptly notify the Bureau in writing of no trespass orders which it issues.
- (5) A gaming or sports wagering licensee shall submit a written policy for compliance with the exclusion list program for approval by the executive director. The executive director shall review the plan for compliance with 205 CMR 152.00. If approved, notice shall be provided to the commission and the plan shall be implemented and followed by the gaming or sports wagering licensee. The plan for compliance with the exclusion list program shall include, at a minimum, procedures to:
  - (a) Prevent an individual on the exclusion list from entering the gaming establishment, sports wagering area, or sports wagering facility, maintaining a sports wagering account; or engaging in prohibited sports wagering;
  - (b) Identify and coordinate with the Massachusetts State Police Gaming Enforcement Unit to eject individuals on the list from the gaming establishment, sports wagering area, or sports wagering facility if they are able to enter;
  - (c) Remove individuals on the exclusion list from marketing lists, and refrain from sending or transmitting to them any advertisement, promotion, or other direct marketing mailing pertaining to gaming or sports wagering more than 30 days after receiving notice from commission that the individual has been placed on the exclusion list;

- (d) Prevent an individual on the exclusion list from having access to credit, cashless wagering program access, or from receiving complimentary services, check-cashing services, junket participation and other benefits from the gaming establishment, sports wagering area, or sports wagering facility, or benefits from a sports wagering account; and
  - (e) Train employees relative to the exclusion list and the licensee's program.
- (6) The commission may revoke, limit, condition, suspend or fine a gaming or sports wagering licensee if it knowingly or recklessly fails to exclude, or identify, or coordinate with the Massachusetts State Police Gaming Enforcement Unit to eject from its gaming establishment or sports wagering facility, any individual placed by the commission on the exclusion list; or prevent an individual on the exclusion list from maintaining a sports wagering account or engaging in prohibited sports wagering.

152.07: Petition to Remove Name from Exclusion List

- (1) An individual who has been placed on the list in accordance with 205 CMR 152.00 may petition the Bureau in writing to request that their name be removed from the list. Except in extraordinary circumstances, such a petition may not be filed sooner than five years from the date an individual's name is initially placed on the list.
- (2) The individual shall state with particularity in the petition, the reason why the individual believes they no longer satisfy one or more criterion for inclusion on the list in accordance with 205 CMR 152.03. Following an investigation, the Bureau shall prepare a written determination whether to remove the individual from the list and setting forth a factual basis as to why the individual does or does not continue to satisfy one or more of the criterion for inclusion on the list.
- (3) The individual shall have 30 days from the date of service of the Bureau's determination to request a hearing before the hearing officer in accordance with 205 CMR 101.00. The commission shall schedule a hearing on any properly filed petitions and provide written notice to the petitioner identifying the time and place of the hearing. Such a hearing shall be conducted in accordance with 205 CMR 101.00.
- (4) In accordance with 205 CMR 101.00, a decision of a hearing officer may be appealed to the commission. Removal of an individual's name from the list shall not occur until all agency appeals have been exhausted or the time for such appeals has run.
- (5) An individual who was placed on the exclusion list by virtue of an order of the district court, in accordance with M.G.L. c. 23K, § 45(i), may not petition for removal in accordance with 205 CMR 152.07.

(6) The Bureau shall promptly notify each gaming licensee and Sports Wagering Operator of the removal of an individual from the exclusion list.

152.08: Forfeiture of Winnings

- (1) An individual who is on the exclusion list shall not collect any winnings or recover losses arising as a result of prohibited gaming or sports wagering, and such winnings shall be forfeited to the commission. To the extent that the winnings arise from gaming or a source which cannot be determined, they shall be deposited into the Gaming Revenue Fund pursuant to M.G.L. c. 23K, §§ 45(j) and 59. To the extent that the winnings arise from prohibited sports wagering, they shall be deposited into the Sports Wagering Fund established by M.G.L. c. 23N, § 17.
- (2) Upon verification that an individual:
  - (a) who is present in its gaming establishment, sports wagering area, or sports wagering facility is on the exclusion list, a gaming or sports wagering licensee shall take steps to:
    1. In accordance with 205 CMR 152.06(2) and 205 CMR 152.06(3), coordinate with the Massachusetts State Police Gaming Enforcement Unit to remove the individual from the gaming establishment, sports wagering area, or sports wagering facility; and
    2. Notify the Bureau who shall lawfully confiscate, or cause to be refused to pay, any winnings or things of value obtained from engaging in a gaming or prohibited sports wagering transaction including:
      - i. gaming chips, gaming plaques, slot machine tokens and vouchers, gaming vouchers, and sports wagering vouchers;
      - ii. any electronic gaming device or slot machine jackpot won by the individual; and
      - iii. any cashable credits remaining on an electronic gaming device or slot machine credit meter played by the individual.
    3. Deliver any winnings or things of value obtained from the individual to the cashiers' cage, and transmit the cash value to the commission for deposit in the Gaming Revenue Fund or Sports Wagering Fund in accordance with 205 CMR 152.08(1).
  - (b) maintains a sports wagering account or has engaged in prohibited sports wagering, a sports wagering licensee shall take steps to:

1. Cancel any wagers and confiscate resulting funds in accordance with 205 CMR 238.33(1)(3);
  2. Suspend the sports wagering account used to engage in prohibited sports wagering in accordance with 205 CMR 248.17; and
  3. Notify the Director of Sports Wagering and the Bureau.
- (3) If an individual wishes to contest the forfeiture of winnings or things of value, the individual may request a hearing in writing with the commission within 15 days of the date of the forfeiture. The request shall identify the reason why the winnings or things of value should not be forfeited. A hearing shall be conducted in accordance with 205 CMR 101.00 to determine whether the subject funds were properly forfeited in accordance with 205 CMR 152.08.

152.09: Sanctions against a Gaming or Sports Wagering Licensee

- (1) Grounds for Action. A gaming or sports wagering license may be conditioned, suspended, or revoked, and/or the gaming or sports wagering licensee assessed a civil administrative penalty ~~if the Bureau finds~~ based on a finding that a licensee has:
- (a) knowingly or recklessly (i) failed to exclude or eject from its premises any individual placed on the list of excluded persons, or (ii) permitted an individual placed on the list of excluded persons to maintain an account on a sports wagering platform or engage in prohibited sports wagering. Provided, it shall not be deemed a knowing or reckless failure if an individual on the exclusion list shielded their identity or otherwise attempted to avoid identification while present at a gaming establishment, sports wagering area, or sports wagering facility, or evaded the commercially reasonable standards for sports wagering identity verification required by 205 CMR 248.04(4).
  - (b) failed to abide by any provision of 205 CMR 152.00, M.G.L. c. 23K, § 45, M.G.L. c. 23N, § 11(e)(1), the gaming or sports wagering licensee's approved written policy for compliance with the exclusion list program pursuant to 205 CMR 152.06(5), or any law related to the exclusion of patrons in a gaming establishment or from sports wagering.
- (2) Finding and Decision. If the Bureau finds that a gaming licensee has violated a provision of 205 CMR 152.09(1), it may issue a written notice of decision recommending that the commission suspend, revoke, and or condition said gaming licensee. Either in conjunction with or in *lieu* of such a recommendation, the Bureau may issue a written notice assessing a civil administrative penalty upon said licensee. Such notices shall be provided in writing and contain a factual basis and the reasoning in support the decision including citation to the applicable statute(s) or regulation(s) that supports the decision.

- (3) Civil Administrative Penalties. The Bureau may assess a civil administrative penalty on a gaming licensee in accordance with M.G.L. c. 23K, § 36 for a violation of 205 CMR 152.09(1).
- (4) Review of Decision. A recommendation made by the Bureau to the commission that a gaming license be conditioned, suspended or revoked shall proceed directly to the commission for review in accordance with 205 CMR 101.01. If the gaming licensee is aggrieved by a decision made by the Bureau to assess a civil administrative penalty in accordance with 205 CMR 152.09(2) and (3), it may request review of said decision in accordance with 205 CMR 101.00.
- (5) Sports Wagering Operators. Discipline of a sports wagering operator for a violation of 205 CMR 152.09(1) shall follow the process set out in 205 CMR 232.00.

DRAFT





*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 adoption of **205 CMR 152.00: Individuals Excluded from a Gaming Establishment** for which a public hearing was held on April 25, 2023.

The proposed amendments to 205 CMR 152.00 were promulgated as part of the Commission's regulatory framework, governing the operation of Sports Wagering in the Commonwealth. This regulation is governed primarily by G.L. c. 23K, §§ 4(28), 4(37), and 45 and G.L. c. 23N, §§ 4, 13(e).

205 CMR 152.00 applies to potential sports wagering operators, gaming licensees, and the Commission. Accordingly, this regulation is unlikely to have a significant 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:

The Commission does not anticipate that small businesses will be negatively impacted by this amendment as it relates to Sports Wagering Operators and other gaming licensees under M.G.L. c. 23K. Accordingly, less stringent compliance or reporting requirements for small businesses have not been established.

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

There are no schedules or deadlines for compliance or reporting requirements within 205 CMR 152.00 that would chiefly pertain to small businesses.

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

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

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



Massachusetts Gaming Commission

The compliance requirements within the proposed regulation are akin to performance standards.

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

This regulation is unlikely to deter nor encourage the formation of new businesses in the Commonwealth, as it is limited in its impact on the businesses.

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

The provisions of 205 CMR 152.00 have been drafted to minimize adverse impact or hardships upon on small businesses.

Massachusetts Gaming Commission

By:

/s/ Judith A. Young

Judith A. Young

Associate General Counsel

Dated: May 4, 2023



Massachusetts Gaming Commission

**From:** [MGC Website](#)  
**To:** [Young, Judith](#)  
**Subject:** Regulations Public Comment Submission  
**Date:** Tuesday, April 25, 2023 9:44:41 AM

---

**Submitted By**

Operator (Applicant or Licensed)

**Business/Entity Name**

Caesars Digital/American Wagering Inc.

**Name**

Trevor Hayes

**Email**

[thayes@caesars.com](mailto:thayes@caesars.com)

**Regulation**

205 CMR 152

**Subsection**

205 CMR 152.06

**Comments**

205 CMR 152.06: Duty of Gaming or Sports Wagering Licensee.

Existing Language:

(1) Each gaming or sports wagering licensee shall ensure that it accesses and reviews the exclusion list on a regular basis and that the exclusion list is made available to employees of the gaming or sports wagering licensee in a manner designed to assist them in identifying and inhibiting excluded individuals from entering the gaming establishment, sports wagering area, or sports wagering facility, or maintaining a sports wagering account.

Proposed Language:

(1) Each gaming or sports wagering licensee shall ensure that it accesses and reviews the exclusion list at least once per week on a regular basis and that the exclusion list is made available to employees of the gaming or sports wagering licensee in a manner designed to assist them in identifying and inhibiting excluded individuals from entering the gaming establishment, sports wagering area, or sports wagering facility, or maintaining a sports wagering account.

Reasoning:

Caesars is committed to strong regulatory compliance and "Regular basis" is open to interpretation. To avoid misunderstanding and provide certainty, we suggest a specific timeframe to be compliant.

**From:** [MGC Website](#)  
**To:** [Monahan, Caitlin](#)  
**Subject:** Regulations Public Comment Submission  
**Date:** Tuesday, April 25, 2023 9:43:24 AM

---

#### Submitted By

Operator (Applicant or Licensed)

#### Business/Entity Name

BETMGM LLC

#### Name

Jess Panora

#### Email

[jess.panora@betmgm.com](mailto:jess.panora@betmgm.com)

#### Regulation

205 CMR 152: INDIVIDUALS EXCLUDED FROM GAMING AND SPORTS WAGERING

#### Subsection

152.02, 152.06, 152.09

#### Comments

152.02(1)

BetMGM Comment: Posting the list in a public forum would infringe self-excluded patrons' privacy/confidentiality. Accordingly, we propose adding this parenthetical to note there is an exception for self-excluded individuals:

"The name and year of birth of each person on the exclusion list (except those who have self-excluded) shall be posted on the commission's website (<http://massgaming.com/>)."

152.02(2)

BetMGM Comment: We propose adding this limitation to protect patrons' PII if, for example, a patron is removed from the exclusion list for any reason:

"(g) However, all such personal information obtained for this purpose must remain confidential and promptly be deleted and/or destroyed once it is no longer needed."

152.06(1)

BetMGM Comment: "Immediately" may not be reasonable in certain situations, such as while additional facts/investigation is being conducted.

Proposing to change to "notify the Massachusetts State Police Gaming Enforcement Unit as promptly as possible"

152.09(1)(a)

BetMGM Comment: We propose adding these numbers to indicate that the knowing/recklessness standard applies to both parts of this sentence:

(a) knowingly or recklessly (i) failed to exclude or eject from its premises any individual placed on the list of excluded persons, or (ii) permitted an individual placed on the list of excluded persons to maintain an account on a sports wagering platform or engage in prohibited sports wagering. Provided, it shall not be deemed a knowing or reckless failure if an individual on the exclusion list shielded their identity or otherwise attempted to avoid identification while present at a gaming establishment; or, sports wagering area, or sports wagering facility, or evaded the commercially reasonable standards for sports wagering identity verification required by 205 CMR 248.04(4).



**From:** [Erickson, Kris R.](#)  
**To:** [Monahan, Caitlin](#)  
**Cc:** [Hill, Bradford](#); [Eisenberg, James C.](#)  
**Subject:** Players Associations - Proposed Amendments to Regulations  
**Date:** Friday, April 21, 2023 5:55:07 PM  
**Attachments:** [205-CMR-152.00--Individuals-Excluded-from-Gaming-and-Sports-Wagering.pdf](#)  
[205-CMR-238.00-Additional-Uniform-Standards-of-Accounting-procedures-and-Internal-Controls-for-Sports-Wagering.pdf](#)  
[205-CMR-247.00--Uniform-Standards-of-Sports-Wagering.pdf](#)

---

Hi Caitlin-

Thanks again for taking the time to meet with us to discuss potential changes to the draft regulations to address some of the Players Associations (PA) remaining concerns. We have had the chance to meet with the various PA General Counsels to go over all the issues and would like to propose a few changes in the three sections we discussed:

#### 205 CMR 152: INDIVIDUALS EXCLUDED FROM GAMING AND SPORTS WAGERING

We discussed with the counsels the concerns the MGC has in regards to the potential lack of legislative authority to exclude certain spectators from sports venues and they understood. As we had discussed in our meeting with you, we did talk with them about some potential language tweaks that could at least include threats or other bad behavior towards athletes or their families that could be included on the exclude list outlined in section 152.

The counsels are proposing for the MGC's consideration the following amendment of section 152:03 (2) c by inserting after employees, "*athletes or their families*". The rationale is by including threatening behavior to athletes or their families in the definition, it would trigger the Investigative Unit to investigate the incident, and if proven accurate, that person would be put on the excluded better list that will be available to all teams, leagues, and sporting venues. At least those entities would have information available to them about potential problem betters.

We have attached an amended 152 showing this proposed change for the MGC's review and consideration.

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

In discussing this section with the PA counsels, we determined that the best fit to cover the collective bargaining issues we discussed with you would be to amend two sections of 238. The first amendment would insert the definition of "covered persons" after the definition of

Chief Sports Wagering Executive as follows:

*"Covered person" means athletes; umpires, referees, and officials; personnel associated with clubs, teams, leagues, and athletic associations; medical professionals and athletic trainers who provide services to athletes and players; and the immediate family members and associates of such persons."*

The second would create a new last section, 205 CMR 238.51: Deference to collectively bargained agreements

*"Unless otherwise described in law or regulation, on any charge involving the conduct of a professional athlete, the Commission shall consider and where possible, give deference to, rules collectively negotiated between a league and its Players Association governing player safety, misuse of personal biometric data, coordination with inquiries in other states, and the investigation and resolution of a gambling related charge involving a professional athlete."*

We are also attaching an amended 238 with these proposed amendments for the MGC's review and consideration.

#### 205 CMR 247: UNIFORM STANDARDS OF SPORTS WAGERING

In discussing the process by which the PA can petition the MGC to consider prohibiting certain types of wagers, overall they were very happy with it. There is one suggested amendment that they would like to have the MGC consider, and that is to add a new subsection (e) to 247:04 (1) that would read:

*"(e) May undermine player safety or the safety of their families."*

The idea behind this is to include specific language in the definition of "Prohibiting Wagers for Good Cause" directly related to player and player family safety. While we recognize the listing of entire categories of sports wagers that are prohibited by law in 247:01(2)e ("Any injuries, penalties, player discipline, or replay review;"), there is some concern the remaining categories by which the PA can petition the MGC remain mostly related to game integrity issues. There is a desire by the PAs to include specific language by which they can petition to prohibit certain bets that could create player safety and player family safety issues.

By way of example, please see the latest story of a losing better threatening and now suing the Washington Wizard's Bradley Beal: [https://www.espn.com/nba/story/\\_/id/36233249/fan-sues-wizards-bradley-beal-alleges-assault-bet-spat](https://www.espn.com/nba/story/_/id/36233249/fan-sues-wizards-bradley-beal-alleges-assault-bet-spat) These are the types of incidents that are of great concern to players and are respectfully requesting specific language related to threatening behavior to players be included in the MGC regulations.

We have attached an amended 247 with these changes for the MGC's review and

consideration.

As always, neither we nor the PA counsels are wed to any of this specific language and remain open to potential changes as long as it addresses the issues.

Thank you for your consideration of these changes and look forward to answering any questions you may have or providing additional information. Also, we are available if any of these proposed amendments require further discussion.

Thank you, and we hope you have a great weekend.

-Kris and Jim

**Kris R. Erickson**

Policy Advisor

617.226.3880 Tel

617.775.0128 Cell

kerickson@preti.com

[Bio](#) | [LinkedIn](#) | [pretistrategies.com](http://pretistrategies.com)

**PretiSTRATEGIES**

60 State Street

Suite 1100

Boston, MA 02109

---

This E-Mail may contain information that is privileged, confidential and / or exempt from discovery or disclosure under applicable law. Unintended transmission shall not constitute waiver of the attorney-client or any other privilege. If you are not the intended recipient of this communication, and have received it in error, please do not distribute it and notify me immediately by E-mail at kerickson@preti.com or via telephone at 617.226.3800 and delete the original message. Unless expressly stated in this e-mail, nothing in this message or any attachment should be construed as a digital or electronic signature or as a legal opinion.



## 205 CMR 152: INDIVIDUALS EXCLUDED FROM GAMING AND SPORTS WAGERING

### Section

- 152.01: Scope and Authority
- 152.02: Maintenance and Distribution of List
- 152.03: Criteria for Exclusion
- 152.04: Investigation and Initial Placement of Names on the List
- 152.05: Placement on the Exclusion List Pursuant to M.G.L. c. 23K, § 45(i)
- 152.06: Duty of Gaming or Sports Wagering Licensee
- 152.07: Petition to Remove Name from Exclusion List
- 152.08: Forfeiture of Winnings
- 152.09: Sanctions against a Gaming or Sports Wagering Licensee

#### 152.01: Scope and Authority

- (1) The provisions of 205 CMR 152.00 shall provide for the establishment and maintenance of a list, and associated protocols and procedures, for exclusion of individuals from gaming in accordance with M.G.L. c. 23K, §§ 45(a) through (e) and 45(j), and sports wagering in accordance with M.G.L. c. 23N, § 13(e)(1). Such list shall be maintained separately from those established and maintained in accordance with M.G.L. c. 23K, § 45(f) through (h) and M.G.L. c. 23N, § 13(e)(2).

#### 152.02: Maintenance and Distribution of List

- (1) The commission shall maintain the list of persons to be excluded from gaming and sports wagering as set forth in this 205 CMR 152.00. The name and year of birth of each person on the exclusion list shall be posted on the commission's website (<http://massgaming.com/>).
- (2) The Bureau shall promptly notify each gaming licensee, and Sports Wagering Operator of the placement of an individual on the exclusion list. The notifications shall include:
  - (a) The individual's full name and all aliases the individual is believed to have used;
  - (b) A description of the individual's physical appearance, including height, weight, type of build, color of hair and eyes, and any other physical characteristics which may assist in the identification of the individual;
  - (c) The individual's date of birth;
  - (d) The effective date of the order mandating the exclusion of the individual;
  - (e) A photograph, if obtainable, and the date thereof; and

- (f) Such other information deemed necessary by the commission for the enforcement of 205 CMR 152.00.

152.03: Criteria for Exclusion

- (1) In the commission's discretion, an individual may be placed on the exclusion list if the commission determines that the individual meets one or more of the following criteria:
  - (a) the individual has been convicted of a criminal offense under the laws of any state, tribe, or the United States that is punishable by more than six months in a state prison, a house of correction or any comparable incarceration, a crime of moral turpitude or a violation of the gaming or other wagering laws of any state, tribe, or the United States;
  - (b) the individual has violated or conspired to violate M.G.L. c. 23K, c. 23N, or any laws related to gaming or sports wagering;
  - (c) the individual has a notorious or unsavory reputation which would adversely affect public confidence and trust that the gaming or sports wagering industries are free from criminal or corruptive elements;
  - (d) the individual is an associate of an individual who falls into a category identified in 205 CMR 152.03(1)(a) through (c);
  - (e) the individual's presence in a gaming establishment, sports wagering area, sports wagering facility, or maintenance of a sports wagering account, presents the potential of injurious threat to the interests of the Commonwealth in a gaming establishment, sports wagering area, sports wagering facility, or sports wagering platform.
- (2) In determining whether there exists the potential of injurious threat to the interests of the Commonwealth in accordance with 205 CMR 152.03(1)(e), the commission may consider, without limitation, the following:
  - (a) Whether the individual is a known cheat;
  - (b) Whether the individual has had a license or registration issued in accordance with 205 CMR 134.00, 234.00, 235.00, or a qualification determination made in accordance with 205 CMR 115.00, 116.00, or 215.00, or a like license or registration issued by another jurisdiction, suspended or revoked or has been otherwise subjected to adverse action;
  - (c) Whether the individual's egregious or repeated conduct poses a clear threat to the safety of the patrons, employees or others on or near the premises of a gaming establishment, sports wagering area, or sports wagering facility;



- (d) Whether the individual has a documented history of conduct involving the undue disruption of gaming or sports wagering operations in any jurisdiction, including, without implied limitation, attempting to corrupt or corrupting a betting outcome of a sporting event; and
  - (e) Whether the individual is subject to a no trespass order at any casino or gaming establishment, sports wagering area, or sports wagering facility in any jurisdiction.
- (3) The commission shall not base a finding to place an individual on the exclusion list on an individual's race, color, religion, religious creed, national origin, ancestry, sexual orientation, gender identity or expression, age (other than minimum age requirements), marital status, veteran status, genetic information, disability or sex.

152.04: Investigation and Initial Placement of Names on the List

- (1) The Bureau shall investigate any individual who may meet one or more criterion for inclusion on the list in accordance with 205 CMR 152.03 upon referral by the commission, the Gaming Enforcement Division of the Office of the Attorney General, a gaming licensee, a sports wagering operator, a sports governing body, or a players association. The Bureau may investigate any individual on its own initiative.
- (2) If, upon completion of an investigation, the Bureau determines to place an individual on the exclusion list, the Bureau shall prepare an order that identifies the individual and sets forth a factual basis as to why the individual meets one or more criterion for inclusion on the list in accordance with 205 CMR 152.03.
  - (a) The Bureau shall serve the order prepared in accordance with 205 CMR 152.04(2) upon the named individual advising them that it intends to place the individual's name on the exclusion list. The order shall also notify the individual that placement of their name on the exclusion list will result in their prohibition from being present in a gaming establishment, sports wagering area, or sports wagering facility, and from maintaining a sports wagering account; and
  - (b) offer them an opportunity to request a hearing before a hearing officer to review the Bureau's order. The order shall be sent by registered or certified mail return receipt requested or by publication in a daily newspaper of general circulation for one week. The individual shall have 30 days from the date of the service of the order to request a hearing, except for notice provided by publication in a newspaper in which case the individual shall have 60 days from the last publication. Alternatively, the Bureau may provide an individual with in hand service of order in which case the individual shall have ten days from the date of service to request a hearing.
- (3) If a request for a hearing is received from the individual, a hearing shall be scheduled before a hearing officer in accordance with 205 CMR 101.00 and notice

of such, including the date, time, and issue to be presented, shall be sent to the individual. The hearing shall be conducted in accordance with 205 CMR 101.02.

- (4) If no request for a hearing is received within the applicable timeline provided in 205 CMR 152.04(3), the individual's name shall be placed on the exclusion list.
- (5) In accordance with 205 CMR 101.00, a decision of the hearing officer may be appealed to the commission. A request for appeal to the commission shall not operate as a stay of the decision of the hearing officer.

152.05: Placement on the Exclusion List Pursuant to M.G.L. c. 23K, § 45(i)

Upon receipt of notice from a district court that an individual has been prohibited from gaming in gaming establishments in accordance with M.G.L. c. 23K, § 45(i), the commission shall place the name of an individual on the exclusion list.

152.06: Duty of Gaming or Sports Wagering Licensee

- (1) Each gaming or sports wagering licensee shall ensure that it accesses and reviews the exclusion list on a regular basis and that the exclusion list is made available to employees of the gaming or sports wagering licensee in a manner designed to assist them in identifying and inhibiting excluded individuals from entering the gaming establishment, sports wagering area, or sports wagering facility, or maintaining a sports wagering account.
- (2) Upon identifying any individual who has been placed on the exclusion list present in a gaming establishment, sports wagering area, or sports wagering facility, the gaming or sports wagering licensee shall immediately notify the Massachusetts State Police Gaming Enforcement Unit, the Surveillance Department, and the Security Department. The Surveillance Department shall track the individual who has been placed on the list while that individual is present in the gaming establishment, sports wagering area, or sports wagering facility and the Security Department shall coordinate with the Massachusetts State Police Gaming Enforcement Unit regarding removing the individual from the gaming establishment, sports wagering area, or sports wagering establishment.
- (3) Upon determining that an individual who has been placed on the exclusion list maintains a sports wagering account or has engaged in prohibited sports wagering, a sports wagering licensee shall:
  - (a) Cancel any sports wagers placed by the individual and confiscate any resulting funds in accordance with 205 CMR 238.33(3);
  - (b) Suspend the sports wagering account used to engage in prohibited sports wagering in accordance with 205 CMR 248.17; and
  - (c) Notify the Director of Sports Wagering and the Bureau.

- (4) It shall be the continuing duty of a gaming or sports wagering licensee to refer to the Bureau, in writing, individuals whom it wishes to be placed on the exclusion list and to promptly notify the Bureau in writing of no trespass orders which it issues.
- (5) A gaming or sports wagering licensee shall submit a written policy for compliance with the exclusion list program for approval by the executive director. The executive director shall review the plan for compliance with 205 CMR 152.00. If approved, notice shall be provided to the commission and the plan shall be implemented and followed by the gaming or sports wagering licensee. The plan for compliance with the exclusion list program shall include, at a minimum, procedures to:
  - (a) Prevent an individual on the exclusion list from entering the gaming establishment, sports wagering area, or sports wagering facility, maintaining a sports wagering account; or engaging in prohibited sports wagering;
  - (b) Identify and coordinate with the Massachusetts State Police Gaming Enforcement Unit to eject individuals on the list from the gaming establishment, sports wagering area, or sports wagering facility if they are able to enter;
  - (c) Remove individuals on the exclusion list from marketing lists, and refrain from sending or transmitting to them any advertisement, promotion, or other direct marketing mailing pertaining to gaming or sports wagering more than 30 days after receiving notice from commission that the individual has been placed on the exclusion list;
  - (d) Prevent an individual on the exclusion list from having access to credit, cashless wagering program access, or from receiving complimentary services, check-cashing services, junket participation and other benefits from the gaming establishment, sports wagering area, or sports wagering facility, or benefits from a sports wagering account; and
  - (e) Train employees relative to the exclusion list and the licensee's program.
- (6) The commission may revoke, limit, condition, suspend or fine a gaming or sports wagering licensee if it knowingly or recklessly fails to exclude, or identify, or coordinate with the Massachusetts State Police Gaming Enforcement Unit to eject from its gaming establishment or sports wagering facility, any individual placed by the commission on the exclusion list; or prevent an individual on the exclusion list from maintaining a sports wagering account or engaging in prohibited sports wagering.

152.07: Petition to Remove Name from Exclusion List

- (1) An individual who has been placed on the list in accordance with 205 CMR 152.00 may petition the Bureau in writing to request that their name be removed from the list. Except in extraordinary circumstances, such a petition may not be filed sooner than five years from the date an individual's name is initially placed on the list.
- (2) The individual shall state with particularity in the petition, the reason why the individual believes they no longer satisfy one or more criterion for inclusion on the list in accordance with 205 CMR 152.03. Following an investigation, the Bureau shall prepare a written determination whether to remove the individual from the list and setting forth a factual basis as to why the individual does or does not continue to satisfy one or more of the criterion for inclusion on the list.
- (3) The individual shall have 30 days from the date of service of the Bureau's determination to request a hearing before the hearing officer in accordance with 205 CMR 101.00. The commission shall schedule a hearing on any properly filed petitions and provide written notice to the petitioner identifying the time and place of the hearing. Such a hearing shall be conducted in accordance with 205 CMR 101.00.
- (4) In accordance with 205 CMR 101.00, a decision of a hearing officer may be appealed to the commission. Removal of an individual's name from the list shall not occur until all agency appeals have been exhausted or the time for such appeals has run.
- (5) An individual who was placed on the exclusion list by virtue of an order of the district court, in accordance with M.G.L. c. 23K, § 45(i), may not petition for removal in accordance with 205 CMR 152.07.

152.08: Forfeiture of Winnings

- (1) An individual who is on the exclusion list shall not collect any winnings or recover losses arising as a result of prohibited gaming or sports wagering, and such winnings shall be forfeited to the commission. To the extent that the winnings arise from gaming or a source which cannot be determined, they shall be deposited into the Gaming Revenue Fund pursuant to M.G.L. c. 23K, §§ 45(j) and 59. To the extent that the winnings arise from prohibited sports wagering, they shall be deposited into the Sports Wagering Fund established by M.G.L. c. 23N, § 17.
- (2) Upon verification that an individual:
  - (a) who is present in its gaming establishment, sports wagering area, or sports wagering facility is on the exclusion list, a gaming or sports wagering licensee shall take steps to:
    1. In accordance with 205 CMR 152.06(2) and 205 CMR 152.06(3), coordinate with the Massachusetts State Police Gaming Enforcement Unit to remove the individual from

the gaming establishment, sports wagering area, or sports wagering facility; and

2. Notify the Bureau who shall lawfully confiscate, or cause to be refused to pay any winnings or things of value obtained from engaging in a gaming or prohibited sports wagering transaction including:
  - i. gaming chips, gaming plaques, slot machine tokens and vouchers, gaming vouchers, and sports wagering vouchers;
  - ii. any electronic gaming device or slot machine jackpot won by the individual; and
  - iii. any cashable credits remaining on an electronic gaming device or slot machine credit meter played by the individual.
3. Deliver any winnings or things of value obtained from the individual to the cashiers' cage, and transmit the cash value to the commission for deposit in the Gaming Revenue Fund or Sports Wagering Fund in accordance with 205 CMR 152.08(1).

(b) maintains a sports wagering account or has engaged in prohibited sports wagering, a sports wagering licensee shall take steps to:

1. Cancel any wagers and confiscate resulting funds in accordance with 205 CMR 238.33(1)(3);
2. Suspend the sports wagering account used to engage in prohibited sports wagering in accordance with 205 CMR 248.17; and
3. Notify the Director of Sports Wagering and the Bureau.

- (3) If an individual wishes to contest the forfeiture of winnings or things of value, the individual may request a hearing in writing with the commission within 15 days of the date of the forfeiture. The request shall identify the reason why the winnings or things of value should not be forfeited. A hearing shall be conducted in accordance with 205 CMR 101.00 to determine whether the subject funds were properly forfeited in accordance with 205 CMR 152.08.

152.09: Sanctions against a Gaming or Sports Wagering Licensee

- (1) Grounds for Action. A gaming or sports wagering license may be conditioned, suspended, or revoked, and/or the gaming licensee assessed a civil administrative penalty if the Bureau finds that a licensee has:
  - (a) knowingly or recklessly failed to exclude or eject from its premises any individual placed on the list of excluded persons, or permitted an individual placed on the list of excluded persons to maintain an account on a sports wagering platform or engage in prohibited sports wagering. Provided, it shall not be deemed a knowing or reckless failure if an individual on the exclusion list shielded their identity or otherwise attempted to avoid identification while present at a gaming establishment, sports wagering area, or sports wagering facility, or evaded the commercially reasonable standards for sports wagering identity verification required by 205 CMR 248.04(4).
  - (b) failed to abide by any provision of 205 CMR 152.00, M.G.L. c. 23K, § 45, M.G.L. c. 23N, § 11(e)(1), the gaming or sports wagering licensee's approved written policy for compliance with the exclusion list program pursuant to 205 CMR 152.06(5), or any law related to the exclusion of patrons in a gaming establishment or from sports wagering.
- (2) Finding and Decision. If the Bureau finds that a gaming licensee has violated a provision of 205 CMR 152.09(1), it may issue a written notice of decision recommending that the commission suspend, revoke, and or condition said gaming licensee. Either in conjunction with or in *lieu* of such a recommendation, the Bureau may issue a written notice assessing a civil administrative penalty upon said licensee. Such notices shall be provided in writing and contain a factual basis and the reasoning in support the decision including citation to the applicable statute(s) or regulation(s) that supports the decision.
- (3) Civil Administrative Penalties. The Bureau may assess a civil administrative penalty on a gaming licensee in accordance with M.G.L. c. 23K, § 36 for a violation of 205 CMR 152.09(1).
- (4) Review of Decision. A recommendation made by the Bureau to the commission that a gaming license be conditioned, suspended or revoked shall proceed directly to the commission for review in accordance with 205 CMR 101.01. If the gaming licensee is aggrieved by a decision made by the Bureau to assess a civil administrative penalty in accordance with 205 CMR 152.09(2) and (3), it may request review of said decision in accordance with 205 CMR 101.00.
- (5) Sports Wagering Operators. Discipline of a sports wagering operator for a violation of 205 CMR 152.09(1) shall follow the process set out in 205 CMR 232.00.





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

FROM: Caitlin Monahan, Deputy General Counsel  
Mina Makarious, Esq., Anderson & Kreiger

CC: Karen Wells, Executive Director

DATE: April 28, 2023

RE: 205 CMR 222

---

Enclosed for the Commission's review is a proposed 205 CMR 222, *Capital Investment and Monitoring of Project Construction*. This regulation sets out how the Commission will oversee the construction of retail Category 2 operations and monitors construction-related promises made by operators during the licensing phase. It also sets out how the Commission assesses whether Category 2 operators have made the full \$7.5M investment required by G.L. c. 23N, § 3.

This regulation was first presented to the Commission on April 13, 2023, but was not voted on. Since then, we have received feedback from both Joe Delaney and prospective Category 2 Operators. This revised regulation includes edits based on their feedback, and feedback received at the April 13 meeting.

Broadly, this regulation is designed to ensure that Category 2 Operators spend the required \$7.5M capital investment within the allotted time, and in a manner that benefits the Commonwealth; that they adhere to representations relating to the design and construction of the project made during the licensing phase; and that the Commission has the flexibility to address unforeseen or concerning circumstances relating to construction. At the same time, and as the prospective operators have pointed out, the scope of construction contemplated under c. 23N is roughly two orders of magnitude less than what was contemplated under c. 23K, and other licensing and permitting authorities will be able to supervise construction.

The mandatory requirements have mostly been loosened compared to the previous draft. Reporting is now every six months rather than quarterly; the reports are somewhat less detailed; and based on feedback from both Joe Delaney and the prospective Category 2 Operators, the bonding requirements have been removed. The requirement that the goals in the Operator's affirmative action program of equal opportunity be equal to or greater than those set out in EOAF Administrative Bulletin Number 14 has been removed, although the Commission could potentially still address that through the licensing process. Also, where possible, the regulation



Massachusetts Gaming Commission

has been simplified or streamlined. However, sections giving the Commission regulatory options to be deployed as appropriate – such as the right to weigh in on design review and the right to inspect – remain intact.



Massachusetts Gaming Commission

101 Federal Street, 12<sup>th</sup> Floor, Boston, Massachusetts 02110 | TEL 617.979.8400 | FAX 617.725.0258 | [www.massgaming.com](http://www.massgaming.com)

205 CMR 222: CAPITAL INVESTMENT AND MONITORING OF PROJECT CONSTRUCTION

Section

- 222.01: Definitions
- 222.02: Project Plans and Reporting
- 222.03: Design Review Process
- 222.04: Inspection of Construction and Related Records
- 222.05: Certification of Final Stage of Construction that Licensee Has Met Expenditure Requirement
- ~~222.06: Failure to Meet Expenditure Requirements or Adhere to Project Plan~~
- ~~222.06: Grounds for Discipline~~
- 222.07: Capital Investment
- ~~222.08: Deposit or Bonding of Funds~~

222.01: Definitions

Minority Business Enterprise (MBE). A minority owned business that has been certified by either the Massachusetts Supplier Diversity Office, the Greater New England Minority Supplier Development Council, or both.

Project. Construction of or on the Category 2 Sports Wagering Facility in order to meet the required capital investment, ~~as approved by the Commission and defined in the Sports Wagering License awarded by the Commission.~~ For purposes of 205 CMR 222.00, Project may also include construction of on or on-off-site infrastructure necessary required by a permitting or licensing authority (including the Commission) for the operation construction of the Sports Wagering Facility ~~as required by the Commission.~~

Small Business. An entity, including all of its affiliates combined that:

- (a) Has its principal place of business in Massachusetts;
- (b) Employs a combined total at all locations of 50 or fewer full-time employees;
- (c) Has been in business at least one year; and
- (d) Has gross revenues of ~~\$1540~~ million or less based on a three-year average, and meets all legal obligations for tax status and required registration in the Commonwealth.

Veteran's Business Enterprise (VBE). A Veteran Business Enterprise shall ~~have the same meaning be any entity certified as the term~~ "Veteran-owned small business concern" ~~as defined by 38 CFR 74.1, whose status can be verified by Vendor Information Pages only the U.S. Department of Veterans Affairs Office of Small & Disadvantaged Business Utilization website, or by the certified as such by the Massachusetts Supplier Diversity Office; provided, that vendors, registrants, or subcontractors verified by the~~ Licensing

~~Division of the Massachusetts Gaming Commission. Veteran's Business Enterprise is inclusive of the Service disabled veteran owned business will continue to be recognized as defined in 15 USC § 632. Additionally, the term VBE shall include any entity certified as a VBE, as defined by M.G.L. c. 7, § 58, by the supplier diversity office within the operational services division pursuant to regulations promulgated in accordance with M.G.L. c. 7, § 61(a). such until the end of their existing contract.~~

~~Notwithstanding the foregoing, for purposes of 205 CMR 239.03(1)(b), effective upon the issuance of an Operation Certificate to a Sports Wagering Licensee, the term VBE shall only include those entities certified as such by the supplier diversity office, or verified with the U.S. Department of Veterans Affairs. (Note: vendors, registrants, or subcontractors previously verified by the Licensing Division will continue to be recognized until the end of their existing contract.)~~

Women's Business Enterprise (WBE). A women-owned business that has been certified by either the Massachusetts Supplier Diversity Office, the Women's Business Enterprise National Council or both.

#### 222.02: Project Plans and Reporting

- (1) The Commission may create guidelines under 205 CMR 222.00 to aid the Commission in its review and monitoring of each project. ~~Such~~Any such guidelines will be shared with the Category 2 Sports Wagering Licensees and may be amended as necessary by the Commission.
- (2) The Commission shall approve for each Category 2 Sports Wagering Licensee; a project plan for the Licensee's capital investment in its Sports Wagering Facility and related infrastructure. The project plan shall include:
  - (a) ~~A detailed project schedule, consistent with any representations or commitments made to the Commission while the licensee was applying for a Sports Wagering License or in accordance with 205 CMR 222.03, which includes all major stages of design and construction; including all permitting and approvals, design deliverables, site preparation, foundation, structure, plumbing, electrical, mechanical, exterior finish and fenestration, long lead items, insulation, interior finish and furnishings and landscaping, building commissioning and commissioning of gaming equipment and information technology systems; and~~
  - (b) An affirmative action program of equal opportunity whereby the licensee establishes specific goals for the utilization of minorities, women and veterans on construction jobs and for contracting with minority, women or veteran owned businesses during either design or construction; provided, however that such goals shall be ~~equal to or greater than the goals contained in Executive Office of Administration and Finance Administrative Bulletin Number 14, and~~ consistent with or greater than

any representations made to the Commission while the licensee was applying for a Sports Wagering License; ~~and.~~

- (c) A narrative describing the project, ~~stipulating the basis for the design,~~ and including both a pictorial representation of the project design concept and a narrative description of the project.
  
- (3) If unforeseen or changed circumstances necessitate a change to ~~aan approved~~ project plan ~~approved pursuant to 205 CMR 222.02(2)~~ which will affect the ~~completion date or requires a major change in when the method~~ Sports Wagering Licensee expects to meet the minimum capital investment required by 205 CMR 222.07(1), or would make the project inconsistent with a representation or ~~progress of construction commitments made to the Commission during the licensing process or in accordance with 205 CMR 222.03,~~ the Sports Wagering Licensee may submit to the Commission for its approval a revised project plan, with a detailed statement of the unforeseen changed circumstances which justify the revised project plan. If the Commission approves such revised project plan, it shall substitute and supersede the previously approved project plan.
  
- (4) To ensure adherence to the ~~approved~~ project plan ~~approved pursuant to 205 CMR 222.02(2) or (4),~~ the Sports Wagering Licensee shall submit to the Commission in a media, format and level of detail acceptable to the Commission, ~~quarterly~~ biannually a status report including:
  - (a) ~~the total estimated cost of construction of the project and related infrastructure improvements, including~~ If the Commission has not yet ~~approved in accordance with 205 CMR 222.05(3)~~ a ~~sworn~~ certification that the licensee has met the minimum capital investment requirement:
    - 1. ~~a report regarding costs incurred pursuant to expenditures made in accordance with the approved project plan and 205 CMR 222.07 in the prior six months and the licensee's progress towards the minimum capital investment required by 205 CMR 222.07(1), and separately identifying detailed costs for design, land acquisition, site preparation); and construction and off-site improvements;~~
  
    - (b) ~~a sworn certification regarding the capitalization of the Sports Wagering Licensee, sufficient for the Commission to determine that the Sports Wagering Licensee has adequate funds to complete the required capital investment in its Sports Wagering Facility;~~
  
    - 2. a copy of all design and construction contracts executed within the prior ~~quarter by six months~~ that are to be included in the Sports Wagering Licensee with respect to the project; required capital investment.

- ~~(e)(b)~~ a status report reflecting the progress of construction ~~and certifying compliance with the approved project plan for major stages of construction.~~ In the event that the progress of construction does not comply with the approved project plan ~~approved pursuant to 205 CMR 222.02~~, the Licensee shall submit a detailed plan to bring the progress of construction into compliance with the approved project plan or submit a request for a revised project plan pursuant to 205 CMR 222.02(4); ~~and 3~~.
- ~~(d)(c)~~ a detailed statistical report on the number, gender and race, and veteran status of individuals by job classifications hired to perform labor as part of the construction of the ~~gaming establishment~~ Sports Wagering Facility and related infrastructure, and a comparison of this report with the goals established by the Sports Wagering Licensee and Commission pursuant to 205 CMR 222.02(b). In the event the hiring of the aforementioned persons does not comply with the goals established, the Licensee shall submit within 20 days of a request by the Commission a response as to why the goals have not been achieved, identify any good faith efforts that have been undertaken to achieve those goals, and provide a plan to bring the hiring into compliance with the goals.
- ~~(e)(d)~~ a report describing the number of contracts, total dollar amounts contracted with and actually paid to minority business enterprises, women business enterprises and veteran business enterprises for design and construction of the ~~gaming establishment~~ Sports Wagering Facility and related infrastructure, and the total number and value of all subcontracts awarded to a minority, women and veteran owned business, and a comparison of these reports with the goals established by the Sports Wagering Licensee and Commission pursuant to 205 CMR 222.02(b). In the event the Licensee's hiring of the aforementioned entities does not comply with the goals established the Licensee shall submit within 20 days of a request by the Commission a response as to why the goals have not been achieved, identify any good faith efforts that have been undertaken to achieve those goals, and provide a plan to bring the dollar amount contracted and spent into compliance with the goals.
- (5) The Licensee shall have a continuing obligation to timely provide to the Commission all documents and information listed in 205 CMR 120.01(1), as applicable, such that the Commission is continuously apprised of all material developments with respect to all permits and approvals required for the project. ~~Consistent with 205 CMR 120.01(1)(h), the Licensee shall provide to the Commission copies of any appeal within 20 days of filing, whether to a municipal or state entity or for judicial review, filed with respect to any permit of approval listed in 205 CMR 120.01(1), along with a copy of the docket sheet and each decision on any appeal.~~
- (6) In furtherance of specific goals for the utilization of minorities, women and veterans on construction jobs, the Licensee shall send and provide a copy to the

Commission, and to each labor union or representative of workers with which the Licensee has a collective bargaining agreement or other contract or understanding, a notice advising the labor union or workers' representative of the Licensee's commitments pursuant to its Sports Wagering License and 205 CMR 222.02(2)(b).

222.03: Design Review Process

- (1) The Commission or its representative may participate in any design review process for the design of the project. ~~This process may run in parallel to the local, state and federal review process and may include all elements of the project, including but not limited to the gaming establishment and any amenities approved by the Commission, whether constructed together or in phases, as well as any off-site improvements. The Commission or its representative may participate in the key milestones of the design review process~~ as follows:
  - (a) When the licensee has completed the schematic design phase, the Commission or its representative may request that the licensee submit the schematic design for review. Such schematic design may include descriptions of the external facade of any structures that are part of the project, all the major systems, a floor plan and any off site infrastructure improvements planned by licensee. ~~The Commission or its representative may request, where available, examples of materials to be used in the building facade.~~
  - (b) The Commission or its representative may request for review ~~and approval~~ the final site plan and architectural design package. Such final design package shall be in the form ready for ~~licensee's~~ licensee's use in creating construction bid packages. ~~Where available, the Commission or its representative may request examples of materials to be used on the exterior or in the interior of the project as well as examples of the furniture and fixtures to be used in the project.~~
  - (c) The Commission or its representative may request construction packages for review prior to putting such construction packages out for bid.

222.04: Inspection of Construction and Related Records

- (1) At all times the Commission or its representative may physically inspect the progress of construction, subject to reasonable construction site safety rules, to determine the Sports Wagering Licensee's compliance with the ~~approved design,~~ project plan, the terms and conditions of the license, M.G.L. c. 23N, or 205 CMR.
- (2) The Commission or its representative may request or have access to, at any time, plans, specifications, submittals, contracts, financing documents or other records concerning the construction of the project or related infrastructure. The licensee shall provide the requested materials to the Commission or its representative within ten days of the Commission's request for such documents.

- (3) Following an inspection of construction pursuant to 205 CMR 222.04(1) or review of records pursuant to 205 CMR 222.04(2), the Commission or its representative may notify the Sports Wagering Licensee of any non-compliance with the terms of the license, ~~including non-compliance with or with~~ an approved ~~design or project plan pursuant to 205 CMR 222.02(2) or (4).~~ Upon receipt of such notification, the Sports Wagering Licensee shall present a plan to the Commission to address such non-compliance to the satisfaction of the Commission.

222.05: Certification of Final Stage of Construction that Licensee Has Met Expenditure Requirement

- (1) The Sports Wagering Licensee shall certify to the Commission that it has ~~reached the final stage of construction as described~~ made a capital investment in ~~theits~~ project of at least \$7,500,000, and in accordance with an approved project ~~schedule or revised project schedule pursuant to 205 CMR 222.02(2) or (4).~~ plan.
- (2) Upon receipt of such certification, the Commission or its representative may inspect the construction pursuant to 205 CMR 222.04(1), and request relevant plans, contracts, financing documents or additional records pursuant to 205 CMR 222.04(2).
- (3) The Commission may either approve or disapprove the Sports Wagering Licensee's certification pursuant to 205 CMR 222.05(1) ~~that the Sports Wagering Licensee has reached the final stage of construction. If the Commission approves the Licensee's certification, it shall return to the gaming licensee the deposit bond described in 205 CMR 222.08, and permit the Sports Wagering Licensee to apply the deposit to the cost of the final stage of construction.~~ If the Commission disapproves the Licensee's certification, the Commission will notify the Licensee of the reasons for such disapproval, ~~and the Licensee shall proceed diligently to cure the reasons for the disapproval.~~

222.06: Failure to Meet Expenditure Requirements or Adhere to Project Plan

222.06: Grounds for Discipline

- (1) Pursuant to M.G.L. c. 23N, § 3, a Category 2 Sports Wagering Licensee who fails to make a capital investment in its project of at least \$7,500,000, and in accordance with ~~thean approved~~ project plan ~~approved pursuant to 205 CMR 222.02(2) or (4).~~, within three years after receiving a Sports Wagering License shall be subject to discipline in accordance with 205 CMR 232.00, unless the Licensee shows that its failure resulted from extraordinary circumstances. Disciplinary action in accordance with 205 CMR 222.06(1) shall be presumed to include the suspension or revocation of its Sports Wageringthe License by, but the Commission, as well as may impose other or lesser discipline in accordance with 205 CMR 232.00 as it deems appropriate.



- ~~(1) — The Commission or Bureau may discipline a Category 2 Sports Wagering Licensee in accordance with 205 CMR 232.00 for, without limitation:
  - ~~(a) — failing to comply with an approved design or construction project plan pursuant to 205 CMR 222.02(2) or (4);~~
  - ~~(b) — failing to submit an adequate quarterly report as required by 205 CMR 222.02(5);~~
  - ~~(c) — failing to make the minimum capital investment required by 205 CMR 222.07(1) within three years after receiving a Sports Wagering License; or~~~~
- (2) any other violationviolations of or failing with respect to this 205 CMR 222.05.

222.07: Capital Investment

- (1) Pursuant to M.G.L. c. 23N, § 3, the minimum capital investment for a Category 2 Sports Wagering ~~License~~Licensee to make on a project in accordance with an approved project plan ~~approved pursuant to 205 CMR 222.02(2) or (4)~~ shall be \$7,500,000. The capital investment shall be calculated in accordance with 205 CMR 222.07(2).
- (2) For purposes of calculating the capital investment for a Category 2 Sports Wagering License, ~~all costs that, if incurred for the development of a gaming establishment~~the following costs shall be included:
  - ~~(a) —~~Costs related to the actual construction of the Sports Wagering Facility and site including any amenities, and including overhead and indirect costs attributable to the construction activities.
  - Costs related to preparation of the site including, clearing, demolition and abatement.
  - Costs related to the design of the project, including building design, interior design, and exterior site design.
  - Costs associated with consulting and due-diligence necessary to fund studies and devise engineering solutions including traffic studies, environmental studies, and other associated mitigation studies.
  - Costs associated with minimizing the environmental impact of the project including upfront costs aimed at minimizing a carbon footprint or implementing sustainable elements and/or smart growth practices.
  - Costs associated with designing, improving or constructing the infrastructure inside the property boundaries of the site of the Sports Wagering Facility including those related to drainage, utility support, roadways, interchanges, fill and soil or groundwater or surface water

contamination issues, sewer, storm water, landscaping, and public transportation.

- (g) Costs associated with the pre-opening purchase of fixtures; equipment; Sports Wagering Equipment including self-service kiosks; information technology equipment; safety, surveillance, and security equipment; software; and personal property to be used within the Sports Wagering Facility and site including those within hotels, restaurants, retail and other service businesses associated with the establishment.
- (h) Costs associated with applying for federal, state, or municipal permits.
- (i) Professional and management fees including for engineers, architects, developers, contractors, or operators to the extent that they represent indirect and overhead costs related to the development of the project, and do not represent profits or payout as part of partnership agreements or “home office” overhead (i.e., out of state).
- (j) Costs associated with the safety, training, quality assurance, or testing incurred during the construction of the Sports Wagering Facility and site.

(3) For purposes of calculating the capital investment for a Category 2 Sports Wagering License, the following costs may not be included in the capital investment for a gaming license:

- (a) Any expenditures that a Sports Wagering Licensee makes before receiving its Sports Wagering License and applying for the approval of an initial project plan in accordance with 205 CMR 122.03(1)-(10), shall be included; and 222.02(2).
- (b) would be excluded from the capital investment for a gaming license in accordance with 205 CMR 122.04, shall be excluded.

#### 222.08: Deposit or Bonding of Funds

~~Within 30 days after the award of a Category 2 Sports Wagering License, the Licensee shall secure a deposit bond, in a form and from an institution acceptable to the Commission, insuring that \$750,000 shall be forfeited to the Commonwealth of Massachusetts if the applicant is unable to complete the project, as determined by the Commission.~~

- (b) Any expenditures that a Sports Wagering Licensee makes that are not consistent with an approved project plan.
- (c) Costs associated with the purchase or lease or optioning of land where the Sports Wagering Facility will be located including costs relative to

registering, appraising, transferring title, or obtaining title insurance for the land.

- (d) Carried interest costs and other associated financing costs.
- (e) Costs associated with mitigating impacts on nearby communities, whether directly attributable to a specific impact or not.
- (f) Costs associated with designing, improving or constructing the infrastructure outside the property boundaries of the site of the Sports Wagering Facility including those related to drainage, utility support, roadways, interchanges, fill and soil or groundwater or surface water contamination issues, sewer, storm water, landscaping, and public transportation whether or not such costs are required by any regulatory body or as part of the permitting process.
- (g) Any and all legal fees.
- (h) Fees and costs paid to the commission in accordance M.G.L. c. 23N, and/or 205 CMR 214.00 or 221.00, and other similar fees and costs paid to municipalities.
- (i) Licensing costs including any costs payable to the Commission to obtain pre-opening licensing of individuals or vendors.
- (j) Costs associated with marketing, advertising and promotions.
- (k) Upfront costs designed to implement workforce development plans.
- ~~(e)~~(l) Upfront costs designed to implement efforts to combat problem gambling and/or support the efforts of the commission's research agenda.



## **SMALL BUSINESS IMPACT STATEMENT**

The Massachusetts Gaming Commission (“Commission”) hereby files this Small Business Impact Statement in accordance with G.L. c. 30A, §2, relative to the proposed adoption of **205 CMR 222, CAPITAL INVESTMENT AND MONITORING OF PROJECT CONSTRUCTION**.

This regulation is being promulgated as part of the process of promulgating regulations governing sports wagering in the Commonwealth. It sets forth the required disclosure and reporting obligations for Category 2 sports wagering operators as they construct sports wagering facilities.

The proposed 205 CMR 222 applies to potential sports wagering operators and the Commission. Accordingly, this regulation is unlikely to have an impact on small businesses. Under G.L. c.30A, §2, the Commission offers the following responses to the statutory questions:

1. Estimate of the number of small businesses subject to the proposed regulation:

Small business are unlikely to be subject to this regulation.

2. State the projected reporting, recordkeeping, and other administrative costs required for compliance with the proposed regulation:

There are no projected reporting, recordkeeping, or other administrative costs required for small businesses to comply with this regulation. This regulation governs sports wagering operators and gaming licensees.

3. State the appropriateness of performance standards versus design standards:

The standards set forth are compliance requirements, akin to performance standards.

4. Identify regulations of the promulgating agency, or of another agency or department of the Commonwealth, which may duplicate or conflict with the proposed regulation:

There are no conflicting regulations in 205 CMR, and the Commission is unaware of any conflicting or duplicating regulations of any other agency or department of the Commonwealth.

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



Massachusetts Gaming Commission

This regulation, which gives the Commission oversight over and the chance to weigh in on how sports wagering operators are procuring design and construction services for capital projects, will support the formation of small businesses in the Commonwealth.

Massachusetts Gaming Commission

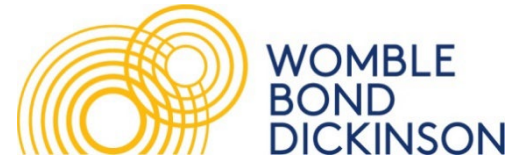
By:

/s/ Caitlin Monahan  
Caitlin Monahan, Deputy General Counsel

Dated: April 10, 2023



Massachusetts Gaming Commission



Womble Bond Dickinson (US) LLP

Independence Wharf  
470 Atlantic Avenue  
Boston, MA 02210

t: 857.287.3100  
f: 857.287.3101

Jed M. Nosal  
Partner  
Direct Dial: 857-287-3175  
Direct Fax: 857-302-6845  
E-mail: [Jed.Nosal@wbd-us.com](mailto:Jed.Nosal@wbd-us.com)

**April 25, 2023**

*Via Email*

Caitlin W. Monahan  
*Deputy General Counsel*  
Massachusetts Gaming Commission  
101 Federal Street, 12th Floor  
Boston, Massachusetts 02110

**Re: *Re: 205 CMR 222: Capital Investment and Monitoring of Project Construction***

Dear Attorney Monahan:

I write on behalf of Massasoit Greyhound Association, Inc. (“MGA”), an applicant for a Category 2 Sports Wagering License, regarding a proposed regulation, 205 CMR 222, *Capital Investment and Monitoring of Project Construction* (the “Draft Regulation”). MGA appreciates the opportunity to file supplemental comments on these proposed amendments. MGA requests that the Capital Investment and Monitoring of Project Construction be redrafted to reflect the distinct nature of a stand-alone sportsbook facility and focus on what is necessary for the implementation of retail sports wagering in Massachusetts. In addition to the comments below, please find a revised version of 205 CMR 222 consistent with these comments as well as a redline tracking the changes from the version of the regulation reviewed by the Commission on April 13, 2023.

### **General Policy Considerations**

#### *The Regulation of Stand-Alone Retail Sports Wagering in Massachusetts*

Stand-alone retail sports betting is a new phenomenon created by Chapter 23N. The stand-alone retail sportsbook can only be operated by a distinct group of statutorily designated licensees that includes entities involved in horse racing or simulcast horse racing or simulcast greyhound racing, the latter categories requiring being engaged in such simulcast activities as of December 31, 2020. G.L. c. 23K, § 3. In the case of the simulcast facilities, they do not have any other gaming activity on site. By the very definition of simulcast, Raynham Park’s facility and others similarly situated accept wagers on events that will occur elsewhere. The Legislature recognized this experience in limiting sports wagering licensing rights to simulcast facilities which have long conducted similar wagering on off-site events and have been long regulated by the

Commonwealth and the Commission specifically since the passage of the Gaming Act. The Legislature's decision to designate the existing simulcast facilities for a sports wagering license was deliberate and in recognition of this wagering experience. Sports wagering involves a similar if not the same transaction as wagering on simulcast horse or greyhound events. Rather than create a regulatory regime based on the Commission's regulation of gaming establishments that have on-site gaming and thousands of gaming devices and equipment, the Commission should look to what changes are necessary to its current oversight of simulcast facilities which more closely resemble a retail sportsbook than a casino.<sup>1</sup>

The Commission should consider the unique nature of a stand-alone retail sportsbooks in regulations applying to construction of such facilities. Unlike a casino, only a small percentage of a retail sportsbook's operations and space will be regulated by the Commission. This includes all areas covered by the internal control regulations such as the vault, counting room, back-of-house support functions, armored truck docks, surveillance design, wagering windows and self-service kiosks. The remaining and much larger portion of MGA's Raynham Park Sportsbook consists of a bar, restaurant, meeting and office space all regulated as any other bar or restaurant or meeting space would be.<sup>2</sup> Overseeing the plans and construction of the areas that are not directly related to sports wagering is not necessary to implementation of retail sports wagering in Massachusetts. The Commission's oversight of the design and construction of a sportsbook facility should start with this approach.

#### *Prospective Application of Any Construction and Monitoring*

Assuming that the Commission adopts the recommendation by staff that the capital requirement of \$7.5 million is calculated by including only expenditures made after licensure, the Commission's regulations should only apply prospectively as well.<sup>3</sup> As the Commission is aware, MGA's retail sportsbook facility is under construction.<sup>4</sup> Regardless of intent, the Proposed Regulation changes the rules over 9 months after the passage of the Sports Wagering Act, over 6 months after the promulgation of the Commission's application regulations and over 3 months after MGA submitted its application. Given these circumstances, MGA will do all that

---

<sup>1</sup> The Commission should not seek to adopt the construction and oversight regulations applicable to the construction of category 1 or category 2 gaming establishments. These regulations were meant to oversee the design and construction of projects that were voter approved, competitively selected based substantially on design and amenity offerings and had statutory penalties for non-compliance. The level of oversight in 205 CMR 122 was commensurate with these projects and in many cases statutorily required. MGA requests that the Commission tailor the Proposed Regulation to the development of stand-alone Sports Wagering Facilities and not seek to create parity with the significantly different oversight of the gaming establishments which collectively represented almost \$4 billion in development costs.

<sup>2</sup> Unlike a gaming establishment, on premise alcohol licensing will be governed exclusively by Chapter 138, not the Commission. *Cf.* G.L. c. 23K, § 26. No provision of Chapter 23N governs alcohol licensing.

<sup>3</sup> In putting forth this proposal for the oversight and monitoring of construction, MGA is not waiving any argument that the Legislature's requirement that a Category 2 licensee must make a capital investment of \$7.5 million "within 3 years *after* receiving a sports wagering license" is a deadline only, and nothing prevents the Commission from accepting documented, new, capital contributions prior to being licensed as contributing to the requirement.

<sup>4</sup> MGA has affirmatively notified the Commission that its facility is under construction in numerous correspondence to staff including specific questions pertaining to the interpretation of section 3's capital requirement and its application to a facility under construction. In addition, MGA included a full construction schedule in its application filed on January 17, 2023. See Application C 4(b).

is possible to catch up with any newly promulgated rules but recommends that the Commission implement these requirements prospectively and within reason.

Consistent with the Commission's position that it will only consider capital spending after a category 2 sports wagering operator is licensed, so too should any construction and monitoring of the project to ensure this capital commitment will be met. While MGA can provide information and records pertaining to its sportsbook facility's design and construction, submitting such plans for approval at this juncture is not practical. MGA has made best efforts to interact with Commission staff (including having on-site consultations) regarding its design and reasonably relied on the Commission's internal controls and other regulations to ensure the facility will be constructed to meet these standards. Retroactive approval of the construction and design of the facility will unduly prejudice MGA and penalize it for seeking to enter the sports wagering market as soon after licensing as possible – an opportunity for which Chapter 23N does not discriminate between licensees.<sup>5</sup>

#### *The Commission's Regulations Should Focus on Oversight of the \$7.5 Million Capital Requirement.*

The Sports Wagering Act provided the Commission with the responsibility to ensure that a Category 2 Sports Wagering Entity spends \$7.5 million in capital within three years from the date of licensure. Any requirements pertaining to the oversight or conditions imposed on construction should be limited to the statutorily required \$7.5 million capital requirement. This includes defining what capital is included in the calculation, reporting and documenting the capital contribution as well as any policy regarding the inclusion of minority business enterprises, women business enterprises, and veteran business enterprises (MBWVE) or other construction workforce requirements.

#### *Construction and Monitoring Regulations Should Not Apply to a Temporary Facility*

The Sports Wagering Act allows any qualified gaming entity to seek a temporary license. G.L. c. 23N, § 6. MGA is a qualified gaming entity. G.L. c. 23N, § 3. MGA plans to apply for a temporary license and operate out of a temporary sportsbook located within the building that currently houses the simulcast facility (dedicated, secure location, 21+ only) and has worked with Commission staff to retrofit this facility to meet the Commission's security and surveillance regulations as well as the IC regulations for the vault and money room among other requirements. MGA seeks to use the temporary space while its permanent sportsbook facility is completed similar to the temporary space that was allowed for Plainridge Park and Casino's Barstool Sportsbook. Requiring compliance with the Proposed Regulation for temporary space

---

<sup>5</sup> As a general rule, a regulatory change that affects substantive rights only applies prospectively. *Biogen IDEC MA, Inc. v. Treasurer and Receiver General*, 454 Mass. 174, 190 (2009). Where regulatory changes can apply retroactively, "(1) where legislative intent expressly or impliedly indicates retroactive application is desirable; (2) where the statute is ameliorative or curative in nature; or (3) where fulfillment of the parties' reasonable expectations may require the statute's retroactive application." 2 *N.J. Singer, Sutherland Statutory Construction* § 41:4, at 399 (6th ed. rev.2001). None of the *Sutherland* factors are present here.



will frustrate MGA's opportunity to obtain a temporary sports wagering license as authorized by the Legislature.<sup>6</sup>

## **Specific Amendments to 205 CMR 222**

### *220 CMR 222.01 Definitions*

- Amend definition of "Project"

The definition of project should be amended to eliminate commission approval of design or the ability for the Commission to require offsite infrastructure improvements where no such statutory requirement exists to mandate offsite infrastructure improvements which are governed by other state agencies including MEPA as well as local permitting processes. See attached redline for revised definition.

- Add new definitions:
  - "Sports Wagering Area" – the portion of the premises of a Sports Wagering Facility in which a sports wager is placed including but not limited to betting windows, self-service kiosks and designated back-of-house areas where sports wager revenue will be processed, stored or transported
  - "Sports Wagering Facility" – a location or portion of a location in which a sports wager is placed in person including but not limited to a self-service kiosk
  - "Temporary Sports Wagering Facility" - a location or portion of a location which is licensed for in-person placing of a sports wager including but not limited to self-service kiosks approved by the Commission for use prior to completion of construction of a new Sports Wagering Facility

### *220 CMR 222.02 Project Plans and Reporting*

- 222.02(1) Recommend to strike this provision. It is unclear what additional guidelines are necessary. The Commission should ensure all of the requirements pertaining to the construction of a Sports Wagering Facility are clear and transparent. The specter of additional, unknown guidelines creates uncertainty regarding future requirements which may have additional costs.
- 222.02 Recommend to amend this section to require submission of a plan but not approval. See attached Redline.
- 222.02(2)(a) Recommend to amend this section to provide a construction schedule and design documents. It is unnecessary for a Category 2 Licensee to submit "permitting and approvals, design deliverables, site preparation, foundation, structure, plumbing, electrical, mechanical, exterior finish and fenestration, long lead items, insulation, interior finish and furnishings and landscaping, building commissioning and

---

<sup>6</sup> While not prohibited, MGA will not seek to apply its significant capital costs associated with its temporarily licensed facility toward the \$7.5 million capital commitment.

commissioning of gaming equipment and information technology systems”. It is unclear what the Commission would do with such materials or how they are necessary to the implementation of sports wagering. See attached redline.

- 222.02(2)(b) MGA is committed to the diversity of its workforce and has outlined its plans for hiring at Raynham Park just as every other applicant for a Sports Wagering License and as clearly stated in the Commission’s application and application regulations. MGA is prepared to meet the diversity reporting requirements contained in 205 CMR 239 just as the other sports wagering licensees. While MGA hired a general contractor for its facility that has a diversity program, it did not include the goals contained in the Executive Office of Administration and Finance Administrative Bulletin 14 as this is a requirement for state contracts and is not statutorily imposed on Sports Wagering Facilities under chapter 23N. MGA will do what it can to comply with any diversity goals going forward.

To this end, section 222.02(2)(b) should be amended to require a program for the utilization of minorities, women and veterans on construction jobs and for contracting with minority, women or veteran-owned businesses during either design or construction. The goals for these programs should be tailored to the size of the development in consultation with the Category 2 licensee, applied prospectively and limited to the statutorily required \$7.5 million capital investment. See attached redline.

- 222.02(3) Recommend to amend this section to require reporting changes that impact the Sports Wagering Facility. See Attached redline.
- 222.02(4) Recommend to delete this section in its entirety. This requirement was designed to track gaming establishment projects that were constructed over a multi-year period. By comparison, MGA’s Sports Wagering Facility will be completed within the 3<sup>rd</sup> quarter of 2023. Quarterly reporting is not necessary to implement Sports Wagering. This section should be amended to require reporting on the utilization of minorities, women and veterans on construction jobs and for contracting with minority, women or veteran-owned businesses during either design or construction as well as documentation of the \$7.5 million capital contribution at the completion of construction. See attached redline.

#### *205CMR 222.03 Design Review Process*

- 222.03 Recommend to revise this section to limit the review to the design of the Sports Wagering Area to ensure compliance with sports wagering regulations including but not limited to the internal controls requirements. This section is largely taken from the design review and approval of the gaming establishments. As set forth above, a small percentage of a retail sportsbook’s operations and space will be regulated by the Commission. This includes all areas covered by the internal control regulations such as the vault, counting room, back-of-house support functions, surveillance, wagering windows and self-service kiosks. The remaining and much larger portion of a sportsbook

is a bar, restaurant, meeting and office space all regulated as any other bar or restaurant or meeting space would be. Overseeing the design of the areas that are not directly related to sports wagering is not necessary to implementation of retail sports wagering in Massachusetts.

*205 CMR 222.05 Certification of Final Stage of Construction*

- 222.05 Recommend to delete this section. The final stage of construction approval process is a function of a statutory requirement for the development of a gaming establishment under the Gaming Act. It was designed to allow for the release of a substantial construction bond or a deposit in escrow of 10% of the total capital investment to finish the project or if the project was not completed, forfeit the monies to the Commonwealth. Such a process is not necessary to implement Sports Wagering nor is it consistent with Chapter 23N which allows for the capital investment of a Category 2 Sports Wagering entity to occur up to 3 years after the issuance of a license. This may include an initial capital investment as well as capital expenditures or improvements over the 3-year period.

*205 CMR 222.07: Capital Investment*

- 222.07(2) The Commission should adopt the requirements applied to Region C for calculating the capital contribution of \$7.5 million.

*222.08: Deposit or Bonding of Funds*

- 222.08 This section should be deleted in its entirety for the reasons set forth above regarding the final state of construction provisions.

*New Section: 222.06 Temporary Sports Wagering Facility*

This section specifically excludes a Temporary Sports wagering Facility from the Construction Monitoring Regulations and excludes any costs associated with a Temporary facility from the calculation of the \$7,500,000 capital contribution.

The changes outlined above are incorporated into a redraft of 205 CMR 222 for the Commission's consideration.

Thank you for your attention to this matter.

Sincerely,

**Womble Bond Dickinson (US) LLP**

A handwritten signature in blue ink, appearing to read 'Jed M. Nosal', with a long horizontal line extending to the right.

Jed M. Nosal  
Partner

JMN/dlw

**205 CMR 222: CAPITAL INVESTMENT AND MONITORING OF PROJECT CONSTRUCTION**

Sections

222.01: Definitions<sup>1</sup>  
 222.02: Project Plans and Reporting<sup>2</sup>  
 222.03: Design [Review Process<sup>4</sup> of Sports Wagering Area](#)  
~~222.222.04:~~ Inspection of Construction and Related Records<sup>5</sup>  
~~222.05:~~ [Certification of Final Stage of Construction](#)..... 7  
~~222.06:~~ [Failure to Meet Expenditure Requirements or Adhere to Project Plan](#) **Error! Bookmark not defined.**  
~~222.07~~ ~~222.06:~~ Capital Investment<sup>6</sup>  
~~222.08:~~ [Deposit or Bonding of Funds](#)..... 10  
[222.07: Temporary Sports Wagering Facility](#)

222.01: Definitions

Minority Business Enterprise (MBE). A minority owned business that has been certified by either the Massachusetts Supplier Diversity Office, the Greater New England Minority Supplier Development Council, or both.

Project. Construction of or on the Category 2 Sports Wagering Facility in order to meet the required [\\$7,500,000](#) capital investment, as ~~approved by the Commission and~~ defined in ~~the Sports Wagering License awarded by the Commission~~ [Chapter 23N](#). For purposes of 205 CMR 222.00, Project may also include construction of or on off-site infrastructure ~~necessary~~ [required by a permitting authority](#) for the ~~operation~~ [construction](#) of the Sports Wagering Facility ~~as required by the Commission~~.

Small Business. An entity, including all of its affiliates combined that:

- (a) Has its principal place of business in Massachusetts;
- (b) Employs a combined total at all locations of 50 or fewer full-time employees;
- (c) Has been in business at least one year; and
- (d) Has gross revenues of \$15 million or less based on a three-year average, and meets all legal obligations for tax status and required registration in the Commonwealth.

Sports Wagering Area. [The portion of the premises of a Sports Wagering Facility in which a sports wager is placed including but not limited to the betting window, self-service kiosk and designated back-of-house areas where sports wager revenue will be processed, stored or transported.](#)

Sports Wagering Facility. [A location or portion of a location which is licensed for in-](#)

**Formatted:** Outline numbered + Level: 1 + Numbering Style: 01, 02, 03, ... + Start at: 1 + Alignment: Left + Aligned at: 0" + Indent at: 0.5"

**Formatted:** Outline numbered + Level: 2 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Indent at: 1.5"

person placing of a sports wager including but not limited to a self-service kiosk.

Temporary Sports Wagering Facility. A location or portion of a location which is licensed for in-person placing of a sports wager including but not limited to self-service kiosks approved by the Commission for use prior to completion of construction of a new Sports Wagering Facility.

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

Notwithstanding the foregoing, for purposes of 205 CMR 239.03(1)(b), effective upon the issuance of an Operation Certificate to a Sports Wagering Licensee, the term VBE shall only include those entities certified as such by the supplier diversity office, or verified with the U.S. Department of Veterans Affairs. (Note: vendors, registrants, or subcontractors previously verified by the Licensing Division will continue to be recognized until the end of their existing contract.)

Women’s Business Enterprise (WBE). A women-owned business that has been certified by either the Massachusetts Supplier Diversity Office, the Women’s Business Enterprise National Council or both.

222.02: Project Plans and Reporting

~~The Commission may create guidelines under 205 CMR 222.00 to aid the Commission in its review and monitoring of each project. Such guidelines will be shared with the Category 2 Sports Wagering Licensees and may be amended as necessary by the Commission.~~

~~The Commission shall approve for each Category 2 Sports Wagering Licensee, a project plan for the Licensee’s capital investment.~~ A Category 2 Sports Wagering Licensee shall submit a project plan documenting the Licensee’s capital investment of \$7,500,000 in its Sports Wagering Facility and related infrastructure. The project plan shall include:

- (a) A detailed project schedule which includes all major stages of design and construction; ~~including all permitting and approvals, design deliverables, site preparation, foundation, structure, plumbing, electrical, mechanical, exterior finish and fenestration, long lead items, insulation, interior finish and furnishings and landscaping, building commissioning and commissioning of gaming equipment and information technology systems and detailed floor plans for the Sports Wagering Area;~~

**Formatted:** Outline numbered + Level: 1 + Numbering Style: 01, 02, 03, ... + Start at: 1 + Alignment: Left + Aligned at: 0" + Indent at: 0.5"

**Formatted:** Outline numbered + Level: 2 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Indent at: 1.5"

- (b) An affirmative action program of equal opportunity whereby the licensee establishes specific goals for the utilization of minorities, women and veterans on construction jobs and for contracting with minority, women or veteran owned businesses during either design or construction; provided, ~~however~~ that such goals shall be ~~equal to or greater than the goals contained in Executive Office of Administration and Finance Administrative Bulletin Number 14, and consistent with or greater than any representations made to the Commission while the licensee was applying for a Sports Wagering License~~developed in consultation with the Commission and based on equivalent goals for similarly situated private construction projects; and
- (c) A narrative describing the project, ~~stipulating the basis for the design, and~~ including both a pictorial representation of the project design concept and a narrative description of the project.
- (d) If unforeseen or changed circumstances necessitate a change to ~~a project plan approved pursuant to 205 CMR 222.02(2) which will affect the completion date or requires a major change in the method or progress of construction~~the Sports Wagering Area, the Sports Wagering Licensee may submit to the Commission for its approval a revised ~~project plan for the Sports Wagering Area~~, with a detailed statement of the unforeseen changed circumstances which justify the revised ~~project plan~~. ~~If the Commission approves such revised project plan, it shall substitute and supersede the previously approved project plan.~~
- (e) To ensure adherence to the ~~project plan approved pursuant to 205 CMR 222.02(2) or (3)~~plan for the Sports Wagering Area and to document the capital investment of \$7,500,000, the Sports Wagering Licensee shall submit to the Commission in a media, format and level of detail acceptable to the Commission, ~~quarterly a status report including~~at the completion of construction:
- (a)(1) the total ~~estimated~~ cost of construction of the project and related infrastructure improvements, including a sworn certification regarding costs incurred ~~pursuant to 205 CMR 222.07(1)~~, and separately identifying detailed ~~costs for design, land acquisition, site preparation and construction and off site improvements~~capital costs that are to be included in the calculation of the \$7,500,000 capital contribution requirement;
- ~~(d)~~ ~~a sworn certification regarding the capitalization of the Sports Wagering Licensee, sufficient for the Commission to determine that the Sports Wagering Licensee has adequate funds to complete the required capital investment in its Sports Wagering Facility;~~

Formatted: Heading  
2

Formatted: Heading  
3, No bullets or  
numbering

~~(e)(2)~~ a copy of all design and construction contracts ~~executed within the prior quarter by the Sports Wagering Licensee with respect to the project;~~ that are to be considered are to be included in the calculation of the \$7,500,000 capital contribution requirement;

**Formatted:** Heading 3, No bullets or numbering

~~(f)~~ a status report reflecting the progress of construction and certifying compliance with the approved project plan for major stages of construction. In the event that the progress of construction does not comply with the project plan approved pursuant to 205 CMR 222.02, the Licensee shall submit a detailed plan to bring the progress of construction into compliance with the approved project plan or submit a request for a revised project plan pursuant to 205 CMR 222.02(4); and

~~(g)(3)~~ a detailed ~~a~~ statistical report on the number, job titles, benefits, race, gender and race, and veteran status of individuals by job classifications, and salaries of employees hired to perform labor as part of the construction of the ~~gaming establishment~~ Sports Wagering Facility and related infrastructure, ~~after licensure~~ and a comparison of this report with the goals established by the Sports Wagering Licensee and Commission pursuant to 205 CMR 222.02(b). ~~In the event the hiring of the aforementioned persons does not comply with the goals established, the Licensee shall submit within 20 days of a request by the Commission a response as to why the goals have not been achieved, identify any good faith efforts that have been undertaken to achieve those goals, and provide a plan to bring the hiring into compliance with the goals.~~

**Formatted:** Heading 3, No bullets or numbering

~~(h)(4)~~ a statistical report describing the number of contracts, total dollar amounts contracted with and actually paid to minority business enterprises, women business enterprises and veteran business enterprises for design and construction of the ~~gaming establishment~~ Sport Wagering Facility and related infrastructure, after licensure and the total number and value of all subcontracts awarded to a minority, women and veteran owned business, ~~after licensure~~ and a comparison of these reports with the goals established by the Sports Wagering Licensee and Commission pursuant to 205 CMR 222.02(b). ~~In the event the Licensee's hiring of the aforementioned entities does not comply with the goals established the Licensee shall submit within 20 days of a request by the Commission a response as to why the goals have not been achieved, identify any good faith efforts that have been undertaken to achieve those goals, and provide a plan to bring the dollar amount contracted and spent into compliance with the goals.~~

~~(i)(5)~~ The Licensee shall have a continuing obligation to timely provide to the Commission all documents and information listed in 205 CMR 120.01(1), as applicable, such that the Commission is



continuously apprised of all material developments with respect to all permits and approvals required for the project. ~~Consistent with 205 CMR 120.01(1)(h), the Licensee shall provide to the Commission copies of any appeal within 20 days of filing, whether to a municipal or state entity or for judicial review, filed with respect to any permit or approval listed in 205 CMR 120.01(1), along with a copy of the docket sheet and each decision on any appeal.~~

- ~~(j) In furtherance of specific goals for the utilization of minorities, women and veterans on construction jobs, the Licensee shall send and provide a copy to the Commission, and to each labor union or representative of workers with which the Licensee has a collective bargaining agreement or other contract or understanding, a notice advising the labor union or workers' representative of the Licensee's commitments pursuant to 205 CMR 222.02(b).~~

~~222.03: Design Review Process~~

- (f) If the Category 2 Sports Wagering Licensee proposes to meet a portion of the \$7,500,000 capital contribution requirement with continuing investment over and up to 3 years from the date of licensure, the Category 2 Sports Wagering Licensee shall submit a capital investment plan documenting the capital contribution plan. The continuing capital investment plan shall be submitted to the commission for approval within 120 days of commencing operations. A multi-year capital plan must, at a minimum, provide for the establishment of, and a minimum annual contribution to, a capital reserve account. Over the term of the plan, the total expenditures, including initial construction capital investment shall equal or exceed \$7,500,000.

222.03: Design of Sports Wagering Area

~~The Commission~~ The Director of Sports Wagering or its representative may participate in any design review process for the design of the project Sports Wagering Area. ~~This process may run in parallel to the local, state and federal review process and may include all elements of the project, including but not limited to the gaming establishment and any amenities approved by the Commission, whether constructed together or in phases, as well as any off-site improvements. The Commission~~ The Director of Sports Wagering or its representative may participate in the key milestones of the design review process of the Sports Wagering Area as follows:

- (a) When the licensee has completed the schematic design ~~phase, the Commission or its representative for the Sport Wagering Area, the Director of Sports Wagering or its Representative~~ may request that the licensee submit the schematic design for review. ~~Such schematic design may include descriptions of the external facade of any structures that are~~

**Formatted:** Outline numbered + Level: 2 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Indent at: 1.5"

~~part of the project, all the major systems, of the Sports Wagering Area for review including a floor plan and any off site infrastructure improvements planned by licensee. The Commission or its representative may request, where available, examples of materials to be used in the building facade.~~mechanical systems or construction materials necessary to meet a regulatory requirement including but not limited to a system of internal controls.

- (b) ~~The Commission~~The Director of Sports Wagering or its representative may request for review and approval the final ~~site~~Sports Wagering Area plan and architectural design package. ~~Such final design package shall be in the form ready for licensee's use in creating construction bid packages. Where available, the Commission or its representative may request examples of materials to be used on the exterior or in the interior of the project as well as examples of the furniture and fixtures to be used in the project.~~
- (c) ~~The Commission or its representative may request construction packages for review prior to putting such construction packages out for bid.~~

222.04:

#### Inspection of Construction and Related Records

- (a) At all times the Commission or its representative may physically inspect the progress of construction, subject to reasonable construction site safety rules, to determine the Sports Wagering Licensee's compliance with the approved design,~~project plan~~of the Sports Wagering Area and related regulatory requirements, the terms and conditions of the license, M.G.L. c. 23N, or 205 CMR.
- (b) The Commission or its representative may request or have access to, at any time, plans, specifications, submittals, contracts, financing documents or other records concerning the ~~construction of the project or related infrastructure~~calculation of the \$7,500,000 capital contribution requirement. The licensee shall provide the requested materials to the Commission or its representative within ten days of the Commission's request for such documents.
- (c) Following an inspection of construction pursuant to 205 CMR 222.04(1) or review of records pursuant to 205 CMR 222.04(2), the Commission, ~~the Director of Sports Wagering~~ or its representative may notify the Sports Wagering Licensee of any non-compliance with ~~the terms of the license, including non-compliance with an approved design or project plan pursuant to 205 CMR 222.02(2) or (4)~~and specifications for the Sports Wagering Area. Upon receipt of such notification, the Sports Wagering Licensee shall present a plan to the Commission to address such non-compliance to the satisfaction of the Commission.

**Formatted:** Outline numbered + Level: 1 + Numbering Style: 01, 02, 03, ... + Start at: 1 + Alignment: Left + Aligned at: 0" + Indent at: 0.5"

**Formatted:** Heading 2

~~222.05:~~ Certification of Final Stage of Construction

~~The Sports Wagering Licensee shall certify to the Commission that it has reached the final stage of construction as described in the approved project schedule or revised project schedule pursuant to 205 CMR 222.02(2) or (4).~~

~~Upon receipt of such certification, the Commission or its representative may inspect the construction pursuant to 205 CMR 222.04(1), and request relevant plans, contracts, financing documents or additional records pursuant to 205 CMR 222.04(2).~~

~~The Commission may either approve or disapprove the Sports Wagering Licensee's certification pursuant to 205 CMR 222.05(1) that the Sports Wagering Licensee has reached the final stage of construction. If the Commission approves the Licensee's certification, it shall return to the gaming licensee the deposit bond described in 205 CMR 222.08, and permit the Sports Wagering Licensee to apply the deposit to the cost of the final stage of construction. If the Commission disapproves the Licensee's certification, the Commission will notify the Licensee of the reasons for such disapproval, and the Licensee shall proceed diligently to cure the reasons for the disapproval.~~

~~222.06:~~ 222.05: Failure to Meet Capital Expenditure Requirements or Adhere to Project Plan

Pursuant to M.G.L. c. 23N, § 3, a Category 2 Sports Wagering Licensee who fails to make a capital investment in its project of at least \$7,500,000, ~~and in accordance with the project plan approved pursuant to 205 CMR 222.02(2) or (4),~~ within three years after receiving a Sports Wagering License shall be subject to suspension or revocation of its Sports Wagering License by the Commission, as well as other discipline in accordance with 205 CMR 232.00.

~~The Commission or Bureau may discipline a Category 2 Sports Wagering Licensee in accordance with 205 CMR 232.00 for, without limitation:~~

- ~~(a) failing to comply with an approved design or construction project plan pursuant to 205 CMR 222.02(2) or (4);~~
- ~~(b) failing to submit an adequate quarterly report as required by 205 CMR 222.02(5);~~
- ~~(c) failing to make the minimum capital investment required by 205 CMR 222.07(1) within three years after receiving a Sports Wagering License; or~~
- ~~(d) any other violation of or failing with respect to this 205 CMR 222.05.~~

~~222.07:~~ 222.06: Capital Investment

- (a) Pursuant to M.G.L. c. 23N, § 3, the minimum capital investment for a Category 2 Sports Wagering License to make on a project ~~in accordance~~

**Formatted:** Outline numbered + Level: 1 + Numbering Style: 01, 02, 03, ... + Start at: 1 + Alignment: Left + Aligned at: 0" + Indent at: 0.5", Keep with next

**Formatted:** Outline numbered + Level: 1 + Numbering Style: 01, 02, 03, ... + Start at: 1 + Alignment: Left + Aligned at: 0" + Indent at: 0.5"

**Formatted:** Heading 2

~~with a project plan approved pursuant to 205 CMR 222.02(2) or (3)~~ shall be \$7,500,000. The capital investment shall be calculated in accordance with 205 CMR ~~222.07(2)~~222.06(b).

(b) For purposes of calculating the capital investment for a Category 2 Sports Wagering License, ~~all costs that, if incurred for the development of a gaming establishment;~~the following costs shall be included:

- (1) Costs related to the actual construction of the Sports Wagering Facility and site including any hotels, Sports Wagering Areas, and other amenities, including overhead and indirect costs attributable to the construction activities.
- (2) Costs related to preparation of the site including, clearing, demolition and abatement.
- (3) Costs related to the design of the project, including building design, interior design, and exterior site design.
- (4) Costs associated with consulting and due-diligence necessary to fund studies and devise engineering solutions including traffic studies, environmental studies, and other associated mitigation studies.
- (5) Costs associated with minimizing the environmental impact of the project including upfront costs aimed at minimizing a carbon footprint or implementing sustainable elements and/or smart growth practices.
- (6) Costs associated with designing, improving or constructing the infrastructure inside the property boundaries of the site of the Sports Wagering Facility including those related to drainage, utility support, roadways, interchanges, fill and soil or groundwater or surface water contamination issues, sewer, storm water, landscaping, and public transportation
- (7) Costs associated with the pre-opening purchase of fixtures, equipment, sports wagering equipment including self-service kiosks, information technology equipment, safety, surveillance and security equipment and software and personal property to be used within the Sports Wagering Facility and site including those within hotels, restaurants, retail and other service businesses associated with the Sports Wagering Facility.
- (8) Costs associated with applying for federal, state, or municipal permits.

- (9) Professional and management fees including for engineers, architects, developers, contractors, or operators to the extent that they represent indirect and overhead costs related to the development of the project, and do not represent profits or payout as part of partnership agreements or "home office" overhead (i.e., out of state).
- (10) Costs associated with the safety, training, quality assurance, or testing incurred during the construction of the Sports Wagering Facility and site.
- (11) Capitalized interest.
- (12) Costs associated with designing, improving or constructing the infrastructure outside the property boundaries of the site of the Sports Wagering Facility including those related to drainage, utility support, roadways, interchanges, fill and soil or groundwater or surface water contamination issues, sewer, storm water, landscaping, and public transportation whether or not such costs are required by any regulatory body or as part of the permitting process.

~~(a)(c) could be included in~~ For purposes of calculating the capital investment for a gaming license in accordance with 205 CMR 122.03(1) (10), shall be included; and category 2 Sports Wagering License, the following costs may not be included:

- (1) Costs associated with the purchase or lease or optioning of land where the Sports Wagering Facility will be located including costs relative to registering, appraising, transferring title, or obtaining title insurance for the land.
- (2) Any and all legal fees.
- (3) Fees and costs paid to the Commission in accordance with M.G.L. c. 23N, §§ 6 and 7, and/or 205 CMR 214.00: Fees.
- (4) Licensing costs including any costs payable to the Commission to obtain pre-opening licensing of individuals or vendors.
- (5) Costs associated with marketing, advertising and promotions.
- (6) Upfront costs designed to implement workforce development plans.
- (7) Upfront costs designed to implement efforts to combat problem gambling and/or support the efforts of the Commission's research agenda.

**Formatted:** Outline numbered + Level: 2 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Indent at: 1.5"

~~(b)~~(8) Political contributions and community contributions under 205 CMR 108.00: Community and Political Contributions that would be excluded from the capital investment for a gaming license in accordance with 205 CMR 122.04, shall be excluded.

**Formatted:** Heading 3, No bullets or numbering

~~222.08: Deposit or Bonding of Funds~~

~~Within 30 days after the award of a Category 2 Sports Wagering License, the Licensee shall secure a deposit bond, in a form and from an institution acceptable to the Commission, insuring that \$750,000 shall be forfeited to the Commonwealth of Massachusetts if the applicant is unable to complete the project, as determined by the~~

222.07 Temporary Sports Wagering Facility

The provisions of 205 CMR 222 shall not apply to a Temporary Sports Wagering Facility; provided that such capital invested in a Temporary Sports Wagering Facility shall not be included in the calculation of the \$7,500,000 capital contribution requirement.



DLA Piper LLP (US)  
33 Arch Street, 26th Floor  
Boston, Massachusetts 02110-1447  
www.dlapiper.com

Bruce S. Barnett  
bruce.barnett@us.dlapiper.com  
T 617.406.6002  
F 617.406.6102

April 27, 2023

*BY ELECTRONIC MAIL*

Executive Director Karen Wells  
Massachusetts Gaming Commission  
101 Federal Street, 12th Floor  
Boston, MA 02110  
karen.wells@massgaming.gov

Dear Executive Director Wells:

I write to provide initial comments of Sterling Suffolk Racecourse, LLC (“SSR”), an applicant for a Category 2 sports wagering license, on draft regulation 205 CMR 222, entitled Capital Investment and Monitoring of Project Construction (the “Draft Regulation”).

SSR looks forward to presenting an application for in-person sports wagering to the Commission and to working with the Commission’s staff to ensure that all of the regulatory interests of the Commission under the Sports Wagering Act are met. We believe, however, that in implementing that statute, the Commission should bear in mind that the Legislature crafted General Laws Chapter 23N with significant differences from the Expanded Gaming Act, codified principally in General Laws Chapter 23K. Perhaps nowhere are these differences more stark than with respect to the development and construction of facilities for gaming under Chapter 23K and sports wagering under Chapter 23N. Whereas the Legislature included many detailed design and construction requirements for gaming establishments, it omitted almost all of them from the Sports Wagering Act. As lawmakers obviously had the model of the Expanded Gaming Act in mind when crafting the Sports Wagering Act, SSR believes that the omissions are significant and reflect a legislative determination that construction of Category 2 sports wagering facilities does not warrant the degree of regulation and oversight that was required for the gaming establishments under Chapter 23K.

As a result, SSR believes that the Commission should move forward with a regulation that contains provisions that are necessary to implement to Sports Wagering Act’s capital investment requirement but that does not create for licensees and the Commission’s staff detailed and time-consuming requirements with respect to oversight, approval and monitoring of every aspect of the concept, design, and construction that were required by statute for implementation of Chapter 23K but which are out of proportion to and unnecessary for the Category 2 sports wagering facilities.

Chapter 23K was adopted with the express intent, stated in the text of the statute, that the introduction of gaming would foster significant job creation and economic development, through both the construction and subsequent operation of destination resort casinos. See, e.g., Ch. 23K, § 1(5). To help accomplish those results, the Legislature required major capital commitments of at least \$500 million for the casinos and at least \$125 million for the slots facility. The Legislature also required that the casinos include substantial amenities in their projects, including at least one hotel.

Ch. 23K, § 10. The Expanded Gaming Act directed the Commission to consider the applicants' level of capital investment and economic impact (including the number of construction jobs and construction hours required to complete the project) as part of its selection of a winner in the competitive licensing process. Ch. 23K, § 5(3), § 9(a)(10). Chapter 23K mandated that casino applicants present a construction timetable as part of their applications, and directed the Commission to ensure compliance with the timeline, as a check on an applicant's temptation to over-promise in an effort to win the intense competition for the gaming licenses and to ensure timely delivery of the urgent economic development benefits envisioned by the statute. Ch. 23K, § 10(b). Moreover, the Legislature specifically called on the Commission to adopt regulations to "establish procedures and ensure compliance with the timelines for making the capital investments required under this chapter." Ch. 23K, § 5(16). The Expanded Gaming Act also required that the Commission ensure that the gaming facilities are "of a superior quality," Ch. 23K, § 10(c), and directed the Commission to include "an evaluation of architectural design and concept excellence" in its assessment of the competing proposals. Ch. 23K § 5(a)(3).

In contrast, the sum total of the Sports Wagering Act's text with respect to construction is that statement that "a category 2 licensee shall make a capital investment of not less than \$7,500,000 within 3 years after receiving a sports wagering license." Ch. 23N, § 3 (definition of "category 2 license").

The difference in the amount of the required capital investment for gaming establishments as compared to Category 2 sports wagering facilities is but one indicator of the fact that the build-outs of the sports books will be dramatically different undertakings from the years-long processes of conceptualizing, designing, and constructing the full-fledged destination resort casinos, hotels, and other amenities envisioned by and created under Chapter 23K. While there are certainly economic development benefits from the construction and operation of the sports books, the facilities will essentially be sports bars and restaurants where patrons can place wagers in person at windows or kiosks in addition to betting on their mobile devices. The presence of in-person wagering is, of course, significant and warrants Commission oversight of the areas and functions of the facility that directly implicate in-person wagering, including the locations where wagers are placed and other locations and systems that go to the integrity of wagering and the security of revenues. However, SSR believes that detailed review, approval, monitoring and enforcement of all aspects of the design and construction process is unnecessary. The absence from Chapter 23N of directives from the Legislature similar to those included in Chapter 23K reflects legislative intent to leave to the aspects of the design and construction process that do not implicate wagering to the usual state and local regulations, ordinances, and agencies that oversee construction projects generally.

The Commission's authority to promulgate regulations is derived from, and is limited by, General Laws Chapter 30A and the terms of the statute it is implementing. In this case, and as discussed at the April 13th meeting, the Sports Wagering Act provides that the Commission "shall regulate the conduct of sports wagering" and "shall promulgate rules and regulations necessary for the implementation, administration and enforcement of [Chapter 23N]." Ch. 23N, § 4(a), (b). Some examples of provisions in the Draft Regulation that SSR believes are not related to the conduct of sports wagering and are not necessary to the Commission's implementation of the capital investment requirement are identified in the following:



#### 205 CMR 222.02 – Project Plan

SSR believes that it is appropriate for the Commission to receive an overall description of the project, a project schedule, and an affirmative action plan to promote equal opportunity. However, the Commission should consider dropping the requirement that the schedule include “all permitting and approvals, design deliverables, site preparation, foundation, structure, plumbing, electrical, mechanical, exterior finish and fenestration, long lead items, insulation, interior finish and furnishings and landscaping, building commissioning and commissioning of gaming equipment and information technology systems.” The development of such a detailed plan, and the monitoring and enforcement of each aspect the schedule (as contemplated by the balance of the Draft Regulation), are not necessary to implement the capital investment requirement.

For clarify, SSR does not object to the contemplated inclusion in the project plan of the affirmative action program or to follow-up reporting on the extent to which the program’s goals are achieved.

#### 205 CMR 222.02(4) – Quarterly Reports

SSR does not believe that the detailed quarterly status reporting contemplated by the Draft Regulation is necessary for the Category 2 facilities. These projects will not be years-long undertakings like the casino developments were, the amount of capital investment is significantly lower, and Chapter 23K’s urgency of achieving the required capital investment as part of a major economic development program is absent.

#### 205 CMR 222.03 – Design Review

Consistent with ensuring that the Commission’s regulatory interests are met, SSR believes that the Commission’s involvement in design review should be limited to the wagering areas of the facility, including such areas as the cage, the surveillance and security systems, and places where funds are processed and held. However, where the Legislature has not charged the Commission with ensuring “architectural design and concept excellence,” SSR submits that it is not necessary for the Commission, as opposed to any applicable state and local development authorities, to oversee conceptual, schematic, architectural, and construction bid documents generally. Similarly, in the absence of a statutory mandate to ensure “superior quality,” it is not necessary for the Commission to review and approve interior and exterior construction materials or furniture and fixtures that are not gaming equipment or part of the surveillance and security systems and function.

#### 205 CMR 222.04 – Inspection of Construction and Related Records

In line with the scope of design review outlined above, SSR believes that the Commission’s rights of inspection of construction and related records can be appropriately and effectively limited to the areas of the facility that directly implicate wagering activity but need not include all plans, specifications, contracts, financing documents, and other documents for the overall project.

205 CMR 222.08 & 222.05 – Deposit or Bonding of Funds & Certification of Final Stage of Construction.

To achieve the goals of the Sports Wagering Act, SSR does not believe it is necessary to require the deposit of cash or a bond in the amount of 10% of the minimum capital investment, which was statutorily required by Chapter 23K. The Category 2 licensees will have sufficient incentive to complete the required capital investment on time knowing that their licenses are on the line if they do not do so.

As was recognized at the Commission's April 13th meeting, the portion of the Draft Regulation addressing certification of the final stage of construction is only relevant if there is a deposit or bond to be released at that point of construction. If the deposit/bond requirement is dropped, then 205 CMR 222.05 can be removed as well.

205 CMR 222.06 – Failure to Meet Expenditure Requirements or Adhere to Project Plan

As with the Draft Regulation overall, SSR believes that this disciplinary section should be limited to failures to make the \$7.5 million of capital investment within the required timeframe and to implement the aspects of the project that directly implicate wagering activity, as outlined above.

In particular, SSR does not believe it is necessary for the Commission to monitor and enforce compliance with the construction schedule for the Category 2 sports books. The product of sports wagering is already widely available throughout the Commonwealth and the Category 2 applicants, who are presumptively entitled to licenses under Chapter 23N, will not have obtained their licenses at the exclusion of competing projects. Moreover, the licensees will know that they will not be able to obtain an operations certificate for the sports wagering facility until the Commission is satisfied all required internal controls are in place, which will incentivize them to complete their projects.

SSR appreciates the opportunity to provide comments on the Draft Regulation and reserves the right to comment further as the promulgation process unfolds. Please do not hesitate to contact me if you have any questions.

Sincerely,



Bruce S. Barnett

cc: General Counsel Todd Grossman  
Deputy General Counsel Caitlin Monahan  
Director of Sports Wagering Bruce Band  
Mr. Michael Buckley, COO, Sterling Suffolk Racecourse, LLC



**April 12, 2023**

***Via Email***

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

***Re: 205 CMR 222: Capital Investment and Monitoring of Project Construction***

Womble Bond Dickinson (US) LLP

Independence Wharf  
470 Atlantic Avenue  
Boston, MA 02210

t: 857.287.3100  
f: 857.287.3101

Jed M. Nosal  
Partner  
Direct Dial: 857-287-3175  
Direct Fax: 857-302-6845  
E-mail: [Jed.Nosal@wbd-us.com](mailto:Jed.Nosal@wbd-us.com)

Dear Chair and Commissioners:

I write on behalf of Massasoit Greyhound Association, Inc. ("MGA"), an applicant for a Category 2 Sports Wagering License, regarding a proposed regulation, 205 CMR 222, *Capital Investment and Monitoring of Project Construction* (the "Draft Regulation") and request that it be withdrawn from the April 13, 2023 Public Meeting Agenda where it is scheduled for a vote for promulgation. As further set forth below, several of the Draft Regulation's provisions lack statutory authority under the Massachusetts Sports Wagering Act, Chapter 23N, but rather are imported from the Massachusetts Gaming Act, Chapter 23K, which does not apply to Category 2 Sports Wagering Applicants or Licensees. While MGA is committed to working with the Commission on a regulation pertaining to the accounting of its capital requirements under the statute as well as the policy goals set forth for employment in the Sports Wagering Application and its corresponding regulations, MGA should not be subject to construction oversight and reporting as applied to Chapter 23K Gaming Establishments.

According to the Staff Memorandum accompanying the Draft Regulation, the Draft Regulation is "is based on 205 CMR 122, *Capital Investment*, and 205 CMR 135, *Monitoring of Project Construction and Licensee Requirements*. More specifically, the Staff Memorandum States:

G.L. c. 23K and the 100 series contemplate three distinct sets of information to be reviewed and approved at different times: (1) specific MBWVE commitments made during the licensing phase and incorporated into the license conditions; then (2) a "project schedule" (205 CMR 135.02); then (3) a separate design review of a project conceptual design. *Under G.L. c. 23N, the operators have not been required to provide equally specific and separate MBWVE commitments or facility plans in their licensing applications.* To account for these differences, 205 CMR 222 rolls all three initial approvals into an approval process for a "project plan,"

205 CMR 222.02(2). (Emphasis added.)

The requirements for design and construction and for minority business enterprises, women business enterprises, and veteran business enterprises (MBWVE) commitments are derived from Chapter 23K's statutory provisions specifically setting forth such requirements, which are absent from Chapter 23N. The entire statutory and regulatory construction oversight paradigm that the Commission seeks to impose on Category 2 Sports Wagering Licensees was statutorily required for Gaming Licensees under Chapter 23K to ensure that the much larger development projects comprising the casino facilities were built and designed to generate tens of millions of dollars in tax revenue as well as host community payments and surrounding community benefits, opened on time, and were built as promised in the competitive license application process. The Gaming Act, unlike the Sports Wagering Act, had a dual purpose, licensing commercial gaming *and* economic development. *See* G.L. c. 23K, § 1(5). As such, the Gaming Act contained specific construction and employment requirements for Category 1 and Category 2 Gaming Establishments. The Sports Wagering Act contains no such policy objective nor the significant statutory requirements for review and approval of construction plans or employment mandates for a Sports Wagering facility.

There are specific statutory provisions under Chapter 23K that support 220 CMR 122 and 220 CMR 135, the regulations upon which the Draft Regulation is based, that are neither express nor implied in any of the Commission's statutory authority under Chapter 23N. These very specific statutory requirements should not be imported into the regulations governing Category 2 Sport Wagering facilities as the Staff Memorandum proposes. These include:

- G.L. c. 23K, § 1(5) (policy goals of 23K include new employment opportunities and new construction through capital investment)
- G.L. c. 23K, § 10 (establishes required amenities; establishes construction bond requirement of 10%; establishes required timeline for construction and opening; requires capital investment to be submitted as part of application, including stages of construction; requires commission approval that gaming area and ancillary entertainment services and non-gaming amenities are of superior quality prior to opening)
- G.L. c. 23K, § 15 (15) (required marketing program for utilization of: (i) MBWVE to participate as contractors in the design of the gaming establishment; (ii) to participate as contractors in the construction of the gaming establishment; . . .)
- G.L. c. 23K, § 15 (16) (required affirmative program of equal opportunity whereby the applicant establishes specific goals for the utilization of minorities, women and veterans on construction jobs equal to or greater than the goals contained in the executive office for administration and finance Administration Bulletin Number 14)<sup>1</sup>
- G.L. c. 23K, § 21(21) (required license condition for the utilization of MBWVE: (i) to participate as contractors in the design of the gaming establishment; (ii) to participate as contractors in the construction of the gaming establishment; . . .)

205 CMR 135 was promulgated to implement these statutory requirements and to oversee the construction of gaming establishments and plans that were approved as part of the discretionary

---

<sup>1</sup> It should be noted that 205 CMR 222.02(2)(b) copies a majority of G.L. c. 23K, § 15(16) almost verbatim.

license award process that required a minimum of \$500 million and \$125 million capital investment for Category 1 and Category 2 Gaming Establishments, respectively. The requirements in section 135 for MBWVE construction workforce goals, reporting and tracking also were statutory requirements for receiving a Category 1 or 2 Gaming License pursuant to Chapter 23K. Chapter 23N has no equivalent provisions. It states only that “a category 2 licensee shall make a capital investment of not less than \$7,500,00 within 3 years after receiving a sports wagering license.”

MGA supports the principle of inclusion of MBWVE businesses, as stated in MGA’s license application. However, “regardless of the merits of particular regulations, an administrative body has no inherent authority to issue regulations . . . or promulgate rules or regulations that conflict with the statutes or exceed the authority conferred by the statutes by which the agency was created.” *Massachusetts Hosp. Ass’n, Inc. v. Dep’t of Med. Sec.*, 412 Mass. 340, 342 (1992) (internal citation and quotation marks omitted). Here, the Commission is clearly charged with regulating the conduct of sports wagering operations and activities under chapter 23N and has authority to promulgate rules and regulations necessary for the implementation, administration, and enforcement of Chapter 23N. G.L. c. 23N, §§ 4(a) and (b). Although Section 4 of Chapter 23N enumerates specific matters related to the conduct of sports wagering for which the Commission is authorized or required to promulgate regulations, it does not enumerate authority to promulgate regulations to oversee the construction of a Category 2 Sports Wagering facility. Nor may the Commission rely upon its broad authority to “promulgate rules and regulations necessary for the implementation, administration and enforcement of *this chapter*,” because there are no provisions concerning the regulation of construction of a Category 2 Sports Wagering facility in Chapter 23N. G.L. c. 23N, § 4(b) (emphasis added).

At the time the Sports Wagering Act was passed, it must be assumed that the Legislature was aware of the construction and workforce requirements it mandated in the Gaming Act. “When the Legislature enacts legislation “[w]e assume ... that [it is] aware of existing statutes,” *Charland v. Muzi Motors, Inc.*, supra at 580, 582, 631 N.E.2d 555, quoting *Mathewson v. Contributory Retirement Board*, 335 Mass. 610, 614, 141 N.E.2d 522 (1957). If the Legislature wanted a Chapter 23N Category 2 Sports Wagering facility to be treated the same as a Category 1 or Category 2 Gaming Establishment as the Draft Regulation purports to do, it would have provided the Commission with such specific authority to require and enforce such conformity with Chapter 23K.

MGA is happy to work with Commission Staff on a regulation consistent with ensuring that a Category 2 Gaming Licensee has met its \$7.5 million capital contribution consistent with the authority conferred upon the Commission under Chapter 23N as well as the policy goals for Diversity Equity Inclusion included in the Sports Wagering Application and Evaluation Regulations. MGA urges Commission Staff to work with the Category 2 eligible licensees to help formulate a reasonable regulation rather than proceed with the current Draft Regulation.<sup>2</sup> In the

---

<sup>2</sup> In addition, the proposed regulations improperly define “Small Business” based on a uniform maximum gross revenue of \$15 million. What constitutes a “small business” under the Small Business Administration’s small business size regulation varies by economic activity as classified under the North American Industry Classification System (NAICS) code. 13 CFR Part 121. A business in “Other Gambling Industries” other than casinos is deemed to be a small business if it has maximum annual revenues of \$40 million. 13 CFR § 121.201 (NAICS code 713290).

case of MGA, this Regulation could cause it to incur major delay and economic harm in completing its permanent sports wagering facility due to the substantial investments in time, effort, and capital already made over the course of the past year in reliance upon the provisions of Chapter 23N, including the absence of such construction design, planning and management requirements, as well as the Commission's requirements for granting a Category 2 Sports Wagering License, internal control requirements, and requirements for obtaining an operations certificate. *See* 205 CMR 218, 205 CMR 239 and 205 CMR 251.

Best regards,

**Womble Bond Dickinson (US) LLP**



Jed M. Nosal  
Partner

JMN/dlw

---

MGA is a small business that will be harmed by the proposed regulations. The Small Business Impact Statement should be revisited and the factors analyzed as to the impact on MGA as set forth in G.L. c. 30A, § 5.



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

FROM: Caitlin Monahan, Deputy General Counsel  
Paul Kominers, Esq., Anderson & Kreiger

CC: Loretta Lillios, Director of the IEB  
Karalyne O'Brien, Chief of the Licensing Division

DATE: April 28, 2023

RE: Proposed Amendments to 205 CMR 234: Sports Wagering Vendors

---

Enclosed for the Commission's review is a proposed final 205 CMR 234, which governs the licensing and registration of sports wagering vendors. There are no proposed changes at this time.



Massachusetts Gaming Commission

## 205 CMR 234: SPORTS WAGERING VENDORS

- 234.01 Vendors
- 234.02 Forms; Fingerprinting
- 234.03 Submission by Applicants; Fees
- 234.04 Investigation, Determination, and Appeals for Sports Wagering Vendors
- 234.05 Affirmative License Standards for Sports Wagering Vendors
- 234.06 Affirmative Registration Standards for Sports Wagering Registrants
- 234.07 Temporary Licenses for Sports Wagering Vendors
- 234.08 Administrative Closure of Applications for Sports Wagering Vendor Licensure
- 234.09 Term of Sports Wagering Vendor License; Renewal
- 234.10 Duties of Applicants and Licensees
- 234.11 Disciplinary Action
- 234.12 Application following Denial or Revocation

### 234.01 Vendors

#### (1) Requirement for Licensure or Registration.

(a) Unless otherwise licensed as a gaming vendor pursuant to 205 CMR 134.00, no Person shall conduct business with a Sports Wagering Operator as a Sports Wagering Vendor unless such Person has been licensed as a Sports Wagering Vendor. A Person shall be considered to be conducting business upon commencement of performance of a contract or provision of a good or service.

~~(a)~~(b) Except as provided in 205 CMR 234.01(2), a Non-Sports Wagering Vendor shall not be required to obtain a Sports Wagering Vendor License or to register as a Sports Wagering Registrant under this 205 CMR 234. As part of its license application process, a prospective Operator shall be required to identify all of its known or anticipated vendors providing goods or services to whom the prospective Operator reasonably expects to pay an amount of \$10,000 or more within a 12-month period, including Non-Sports Wagering Vendors, and if licensed the Operator shall have a continuing duty to update the Bureau relative to the identification of any new vendors. The Bureau may, at its discretion, require the submission of additional information and documents from an Operator, prospective Operator, or a Non-Sports Wagering Vendor.

(c) Except as provided in 205 CMR 234.01(2) and in 205 CMR 234.01(e), a Sports Wagering Subcontractor shall not be required to obtain a Sports Wagering Vendor License or to register as a Sports Wagering Registrant under this 205 CMR 234. As part of its application process, a prospective Sports Wagering Vendor shall be required to identify all of its known or anticipated Sports Wagering Subcontractors providing goods or services to whom the vendor reasonably expects to pay an amount of \$10,000 or more within a 12-month period, and if licensed the vendor shall have a



continuing duty to update the Bureau relative to the identification of any new Subcontractors. The Bureau may, at its discretion, require the submission of additional information and documents from a Sports Wagering Subcontractor or a Sports Wagering Vendor or Applicant for a Sports Wagering Vendor License including, but not limited to, the Sports Wagering Subcontractor Information Form as provided in 205 CMR 234.02(3).

(d) Third-party marketing and advertising entities.

(i) For purposes of this 205 CMR 234.00, a “third-party marketing or advertising entity” is ~~any~~ Person:

(a) -who is not a Sports Wagering Subcontractor;

(b) who is not a revenue-sharing advertiser as defined in 205 CMR 234.01(1)(e)(i);

— who regularly promotes or directs patrons to sports wagering on mobile applications or other digital platforms, or ~~or~~

(c) who regularly hires or recruits persons to do the same, in exchange for a fee paid by the Operator;

(d) who does not otherwise provide goods, software, or services which directly relate to Sports Wagering operations; and

(e) who is not an entity described in 205 CMR 234.01(3)(a)(ii) as “television, radio, newspaper, internet or other similar media used for advertising purposes.”

(ii) Notwithstanding 205 CMR 234.01(1)(a) and 205 CMR 234.01(1)(c), no Person shall conduct business with a Sports Wagering Operator as a third-party marketing or advertising entity unless such Person has been registered as a Sports Wagering Registrant under this 205 CMR 234.00. A Person shall be considered to be conducting business upon commencement of performance of a contract or provision of a good or service.

(iii) Notwithstanding any other provision of this Section 205 CMR 234, the Division of Licensing may, after consultation with the Bureau, require a third-party marketing or advertising entity to be licensed as a Sports Wagering Vendor.

(iv) In making the determination whether to require a third-party marketing or advertising entity to be licensed as a Sports Wagering

Vendor, the Bureau may consider, without limitation, any factor listed in 205 CMR 231.01(2)(b)(i)-(x).

(v) If the Division of Licensing, after consultation with the Bureau, determines that the third-party marketing or advertising entity should instead be licensed as a Sports Wagering Vendor, it shall notify the entity of that decision and of the vendor's obligation to register. Within 45 days of service of the notice, the entity shall submit the applicable completed Registration Form-Sports Wagering Vendor as set forth in 205 CMR 234.02(1) for licensure or file a written request to the Division of Licensing for reconsideration from the determination requiring filing of an application for licensure. The Bureau may order any Person that fails to comply with such notice to cease conducting business with a Sports Wagering Vendor or an Operator immediately.

(b) Any other Person, by submission of a written petition, may request a determination from the Bureau that despite meeting the definition of a third-party marketing or advertising entity they need not be registered, on the grounds that they are not providing goods or services on a regular or continuing basis, that the goods or services they provide do not directly relate to Sports Wagering, or that they are otherwise licensed as a gaming vendor or non-gaming vendor.

(vi)

(e) Revenue-sharing advertisers.

(i) For purposes of this 205 CMR 234.00, a "revenue-sharing advertiser" is any Person who promotes or directs patrons to sports wagering on mobile applications or other digital platforms, or who hires or recruits persons to do the same, in exchange for a percentage of net sports wagering revenue earned from users that the entity directs to the Operator.

(ii) Notwithstanding 205 CMR 234.01(1)(a) and 205 CMR 234.01(1)(c), no Person shall regularly conduct business with a Sports Wagering Operator as a revenue-sharing advertiser unless such Person has been licensed as a Sports Wagering Vendor under this 205 CMR 234.00, or otherwise conduct business with a Sports Wagering Operator as a revenue-sharing advertiser unless such person has been registered as a Sports Wagering Registrant under this 205 CMR 234.00. A Person shall be considered to be conducting business upon commencement of performance of a contract or provision of a good or service.

(2) Designation for Registration.

- (a) Notwithstanding any other provision of this Section 205 CMR 234, the Division of Licensing may, after consultation with the Bureau, designate a Non-Sports Wagering Vendor or a Sports Wagering Subcontractor a Sports Wagering Registrant, regardless of the types of goods or services being provided by that vendor.
- (b) In making the determination whether to designate a vendor or a Subcontractor a Sports Wagering Registrant, the Bureau may consider the following factors, without limitation:
  - (i) whether the total dollar amount by which the vendor's or Subcontractor's business with an Operator exceeds \$250,000 in gross sales within a 12 month period, or \$100,000 in gross sales within a three month period; or
  - (ii) the relative value of the vendor or Subcontractor's business with the Operator compared to the Operator's overall disbursements to vendors;
  - (iii) whether the goods or services are limited to the pre-operating phase of the Operator's business in the Commonwealth;
  - (iv) the duration of the contract;
  - (v) whether the vendor will be providing goods or services at an on-site facility of the Operator;
  - (vi) the number of Sports Wagering Subcontractors involved in the performance of the vendor's contract with the Operator;
  - (vii) the number of employees employed by the vendor;
  - (viii) whether the vendor is licensed, registered or certified and regulated by another Governmental Authority;
  - (ix) the nature of the goods or services; and
  - (x) public safety considerations.
- (c) If the Division of Licensing, after consultation with the Bureau, determines that the Non-Sports Wagering vendor or subcontractor should instead be registered as a Sports Wagering Registrant, it shall notify the vendor of that decision and of the vendor's obligation to register. Within 45 days of service of the notice, the vendor shall submit the applicable completed Registration Form-Sports Wagering Vendor as set forth in 205 CMR 234.02(21) for registration or file a written request to the Division of Licensing for reconsideration from the determination requiring filing of an application for registration. The Bureau may order any Person that fails to

comply with such notice to cease conducting business with a Sports Wagering Vendor or an Operator immediately.

- (d) Nothing herein shall be construed to limit the Commission's or the Bureau's ability to require a Person designated as a Non-Sports Wagering Vendor or Subcontractor by an Operator to be licensed as a Sports Wagering Vendor.

(3) Exceptions.

- (a) For purposes of 205 CMR 234.01, Persons engaged in the following fields of commerce who provide goods or services to an Operator or an Applicant for a Sports Wagering Operator license and who are not otherwise required to be licensed or registered by the Commission as a Sports Wagering Vendor or Sports Wagering Registrant, shall not be required to obtain licensure or registration as a vendor:
  - (i) insurance companies and insurance agencies, other than Sports Wagering risk management vendors;
  - (ii) television, radio, newspaper, internet or other similar media used for advertising purposes, not including third-party marketing [or advertising](#) entities;
  - (iii) Governmental Authorities or other governmental entities;
  - (iv) legal, accounting, lobbying and financial services entities;
  - (v) labor organizations, unions, or Affiliates registered in accordance with 205 CMR 134.00;
  - (vi) utility companies;
  - (vii) telecommunications companies;
  - (viii) providers of training seminars, publications, subscriptions, conference registration or membership dues for professional associations intended to directly contribute to the work performance or professional development of an employee;
  - (ix) nonprofit charitable corporations or organizations, provided that no consideration is received for the contribution;
  - (x) court order or stipulation of settlement or for settlement of consumer losses or consumer refunds;
  - (xi) payments for freight charges to freight transporters selected by the vendor for delivering goods;

- (xii) professional entertainers and/or celebrity appearances;
  - (xiii) any Person that, by submission of a written petition, can demonstrate to the Division of Licensing after consultation with the Bureau that licensure as a Sports Wagering vendor is not necessary to protect the public interest;
  - (xiv) upon submission of a written certification by an Operator, any Person providing goods or services not directly related to Sports Wagering to whom the Operator reasonably expects to pay an amount less than \$10,000 within a 12-month period.
- (b) Any other Person, by submission of a written petition, may request a determination from the Bureau that despite meeting the definition of a Sports Wagering Vendor they need not be licensed or registered, or despite meeting the definition of a Sports Wagering Vendor should be a Sports Wagering Registrant and do not require a Sports Wagering License, on the grounds that they are not providing goods or services on a regular or continuing basis, that the goods or services they provide do not directly relate to Sports Wagering, or that they are otherwise licensed as a gaming vendor or non-gaming vendor.
- (4) Sports Wagering Vendor Qualifiers.
- (a) Persons designated as Sports Wagering vendor qualifiers must establish their qualifications in accordance with 205 CMR 234.05.
  - (b) ~~Sports Wagering Vendors~~. The following Persons shall be designated as Sports Wagering Vendor qualifiers:
    - (i) If the prospective Sports Wagering Vendor is a sole proprietor: The owner.
    - (ii) If the prospective Sports Wagering Vendor is a corporation:
      - (a) Each officer;
      - (b) Each inside director;
      - (c) Any Person owning more than 10% of the common stock of a company applying for licensure as a Sports Wagering Vendor, or a holding, intermediary or subsidiary company of such company and who has the ability to control the activities of the prospective vendor; and
      - (d) In the judgment of the Division of Licensing after consultation with the Bureau, any Person with significant and substantial responsibility for the Applicant's business

under the jurisdiction of the Commission or having the power to exercise significant influence over decisions concerning the prospective vendor's operations in the Commonwealth.

- (iii) If the prospective Sports Wagering Vendor is a limited liability corporation:
  - (a) Each Member;
  - (b) Each transferee of a Member's interest;
  - (c) Each Manager; and
  - (d) In the judgment of the Division of Licensing after consultation with the Bureau, any Person with significant and substantial responsibility for the Applicant's business under the jurisdiction of the Commission or having the power to exercise significant influence over decisions concerning the prospective vendor's operations in the Commonwealth.
- (iv) If the prospective Sports Wagering Vendor is a limited partnership:
  - (a) Each General Partner;
  - (b) Each Limited Partner; and
  - (c) In the judgment of the Division of Licensing after consultation with the Bureau, any Person with significant and substantial responsibility for the Applicant's business under the jurisdiction of the Commission or having the power to exercise significant influence over decisions concerning the prospective vendor's operations in the Commonwealth.
- (v) If the Sports Wagering Vendor is a partnership:
  - (a) Each Partner; and
  - (b) In the judgment of the Division of Licensing after consultation with the Bureau, any Person with significant and substantial responsibility for the Applicant's business under the jurisdiction of the Commission or having the power to exercise significant influence over decisions concerning the Sports Wagering Vendor's operations in the Commonwealth.

- (c) Other Qualifiers. The Division of Licensing, after consultation with the Bureau, may, at its discretion, require other Persons that have a business association of any kind with the Applicant for a Sports Wagering Vendor License to be subject to the qualification requirements as a qualifier. These Persons include, but are not limited to, an Affiliate or holding, intermediary or subsidiary company of the Applicant for a Sports Wagering Vendor License.
- (d) Internal Review of Determinations. An Applicant may ask for review of any determination made by the Bureau, in accordance with 205 CMR 234.01(4), to the Commission, by filing a petition on a form prescribed by the Commission. The Commission shall decide the question at a public meeting on the matter at which it may allow representatives of the petitioner and Bureau to testify.
- (5) Waiver. In addition to any other exception or exemption under 205 CMR 234.00, upon written petition, the Commission may waive the requirement to be qualified as a Sports Wagering Vendor qualifier for:
- (a) Institutional investors holding up to 15% of the stock of the Sports Wagering Vendor or Applicant for a Sports Wagering Vendor License, or holding, intermediary or subsidiary company thereof, upon a showing by the Person seeking the waiver that it purchased the securities for investment purposes only and does not have any intention to influence or affect the affairs or operations of the Sports Wagering Vendor or Applicant for a Sports Wagering Vendor License or a holding, intermediary or subsidiary company thereof; provided, however, any institutional investor granted a waiver which subsequently determines to influence or affect the affairs or operations of the Sports Wagering Vendor or Applicant for a Sports Wagering Vendor License, or a holding, intermediary or subsidiary company thereof shall provide not less than 30 days' notice to the Commission of such intent and shall file an application and may be subject to the licensing requirements of 205 CMR 234.00 before taking any action that may influence or affect the affairs of the Sports Wagering Vendor or Applicant for a Sports Wagering Vendor License or a holding, intermediary or subsidiary company. Any Person holding over 15% of a Sports Wagering Vendor or Applicant for a Sports Wagering Vendor License, or a holding, intermediary or subsidiary company thereof, shall be required to apply for a license before doing business in the Commonwealth; or
- (b) Any Person who, in the opinion of the Bureau or the Commission, cannot exercise control or provide direction to a Sports Wagering Vendor or Applicant for a Sports Wagering Vendor License or a holding, intermediary or subsidiary company thereof.
- (6) Qualification of New Qualifiers for Sports Wagering Vendors.

- (a) No Person requiring qualification pursuant to 205 CMR 234.01(4) may perform any duties or exercise any powers relating to the position that said qualifier is seeking to assume for a Sports Wagering Vendor unless the Person notifies the Bureau in writing within 30 days of appointment to the position. Such notification shall be accompanied by the applicable business entity or personal disclosure form specified by the Bureau. Following such notification and submission of the completed Form, the Person may continue to perform duties and exercise powers relating to the position pending qualification.
- (b) A Person with reason to believe that his or her new position with a Sports Wagering Vendor may require qualification pursuant to 205 CMR 234.01(4) shall notify the Bureau in writing within 30 days of appointment to the position. Such notification shall be accompanied by a summary of the responsibilities and/or features of the position. The Bureau shall determine whether the Person shall be designated a qualifier pursuant to 205 CMR 234.01(4)(b) and shall notify the Person of such designation in writing. Within 30 days of designation as a qualifier, the Person shall submit a completed personal disclosure form pursuant to 205 CMR 234.02(2). Following submission of the completed Form, the Person may continue to perform duties and exercise powers relating to the position pending qualification.
- (c) The Bureau shall review the forms submitted by the new qualifier, as well as such other information that the Bureau may request, and, upon completion of its investigation, shall make a determination and inform the Commission in accordance with 205 CMR 234.00 whether the new qualifier meets the standards for suitability.
- (d) Upon notification by the Bureau of a determination that reasonable cause exists to believe the qualifier may not ultimately be found suitable, a Sports Wagering Vendor shall promptly remove the qualifier from his or her position until such time as the Commission makes its final determination on suitability.
- (7) Internal Review of Determinations. An Applicant may ask for review of any determination made by the Bureau in accordance with 205 CMR 234.01(4)-(6) to the Commission, by filing a petition on a form prescribed by the Commission. The Commission shall decide the question at a public meeting on the matter at which it may allow representatives of the petitioner and Bureau to testify.

#### 234.02 Forms; Fingerprinting

- (1) Sports Wagering Vendor License Application Form. Every Person applying for a Sports Wagering Vendor License shall be obligated to complete and submit a Sports Wagering Vendor Business Entity Disclosure Form to the Division of



Licensing. Said forms shall be created by the Bureau, subject to the approval of the Commission. The Division of Licensing may make non-material changes to the forms. The license application forms for Sports Wagering vendors shall require, at a minimum, the following information:

- (a) The name of the Applicant;
  - (b) The post office address and, if a corporation, the name of the state under the laws of which it was incorporated, the location of its principal place of business and the names and addresses of its directors and stockholders;
  - (c) The Applicant's criminal and arrest record;
  - (d) Any civil judgments obtained against the Applicant pertaining to antitrust or security regulation;
  - (e) The identity of every Person having a direct or indirect interest in the business and the nature of such interest; provided, however, that if the disclosed entity is a trust, the application shall disclose the names and addresses of all beneficiaries; provided further, that if the disclosed entity is a partnership, the application shall disclose the names and addresses of all partners, both general and limited; and provided further, that if the disclosed entity is a limited liability company, the application shall disclose the names and addresses of all members;
  - (f) An independent audit report of all financial activities and interests including, but not limited to, the disclosure of all contributions, donations, loans, loan forgiveness, or any other financial transactions to or from a gaming entity or Operator in the past three years; and
  - (g) Clear and convincing evidence of financial stability including, but not limited to, bank references, business and personal income and disbursement schedules, tax returns and other reports filed by governmental agencies, and business and personal accounting check records and ledgers.
- (2) Sports Wagering Registration Form. Every person seeking to register as a Sports Wagering Registrant shall be obligated to complete and submit a registration form to the Division of Licensing. The registration form shall be created by the Bureau and shall request the disclosure of any information deemed necessary by the Bureau, subject to the approval of the Commission. The Division of Licensing may make non-material changes to the form.
  - (3) Qualifiers. Every Person designated as a qualifier for a Sports Wagering Vendor under 205 CMR 234.01(4) shall be obligated to complete and submit a personal disclosure form to the Division of Licensing. Said forms for Sports Wagering Vendor qualifiers shall be created by the Bureau, subject to the approval of the

Commission. The Division of Licensing may make non-material changes to the forms.

- (4) Non-Sports Wagering Vendor and Sports Wagering Subcontractor Information Forms. A Non-Sports Wagering Vendor form to be completed by the Operator, and a Sports Wagering Subcontractor information form to be completed by Sports Wagering Vendors shall be created by the Bureau requesting any information as deemed necessary by the Bureau and submitted to the Division of Licensing. The Division of Licensing may make non-material changes to the form.
- (5) Fingerprinting. Each Sports Wagering Vendor License qualifier shall be fingerprinted under the supervision of the Commission in accordance with the procedures in 205 CMR 134.13.

#### 234.03 Submission by Applicants; Fees

- (1) An application, disclosure form or registration for the initial issuance of a Sports Wagering Vendor License shall include all of the following:
  - (a) A completed Business Entity Disclosure Form-Sports Wagering Vendor, as applicable, as set forth in 205 CMR 234.02(1) and (2); and
  - (b) Proof of the vendor's business relationship with one or more Operators in the manner prescribed by the Division of Licensing.
- (2) A Sports Wagering Vendor, Sports Wagering Registrant or qualifier (individual) shall file all the applicable Sports Wagering Business Entity Disclosure Forms or Sports Wagering employee disclosure forms, or a Sports Wagering Registration Form.
- (3) A qualifier for a Sports Wagering Vendor License may, if authorized by the Bureau, instead file disclosure information including, but not limited to, for publicly traded companies, copies of securities filings and/or audited consolidated financial statements for a period as determined by the Bureau, in lieu of the form identified in 205 CMR 234.03(1)(a).
- (4) Except as otherwise provided for in 205 CMR 234.07, each Applicant shall file a complete application pursuant to 205 CMR 234.03(1) with the Division of Licensing in the manner prescribed by the Division of Licensing. The Division of Licensing shall not accept an incomplete application.
- (5) Fees.
  - (a) A non-refundable fee of \$15,000 for an initial application and \$5,000 for a renewal shall be paid at the time of application for licensure as a Sports Wagering Vendor.

- (b) A non-refundable fee of \$5,000 for an initial application and \$5,000 for a renewal shall be paid at the time of application for registration as a Sports Wagering Registrant.
- (c) Such fees shall be subject to the provisions of 205 CMR 134.15 regarding increases in application fees and manner of submittal of such fees.

234.04 Investigation, Determination, and Appeals for Sports Wagering Vendors and Sports Wagering Registrants

- (1) Upon receipt of an application for a Sports Wagering Vendor License or registration or a Sports Wagering vendor qualification, the Division of Licensing shall conduct a review of each for administrative completeness and then forward the application or submission to the Bureau which shall conduct an investigation of the Applicant. In the event an application or submission is deemed incomplete, the Division of Licensing may either request supplemental information from the Applicant or administratively close the application in accordance with 205 CMR 234.08. For individuals, the investigation shall include obtaining and reviewing criminal offender record information from the Department of Criminal Justice Information Services (DCJIS) and exchanging fingerprint data and criminal history with the Massachusetts Department of State Police and the United States Federal Bureau of Investigation. The investigation shall be conducted for purposes of determining whether the Applicant is suitable to be issued a license or registration in accordance with 205 CMR 234.05 and 205 CMR 234.06.
- (2) In determining the weight to be afforded any information bearing on suitability in accordance with 205 CMR 234.05 or 205 CMR 234.06, the Division of Licensing, Bureau, or Commission, as applicable, shall consider: the relevance of the information to doing business with a Sports Wagering Operator in general, whether there is a pattern evident in the information, and whether the Applicant is likely to be involved in Sports Wagering related activity. Further, the information will be considered in the light most favorable to the Applicant, unless the information cannot be so viewed pursuant to M.G.L. c. 23K or M.G.L. c. 23N, or the information obtained does not otherwise support such view. For purposes of 205 CMR 234.00, an adjudication of delinquency shall not be considered a conviction. Such a finding may, however, be considered for purposes of determining the suitability of an Applicant. Sealed or expunged records of criminal or delinquency appearances, dispositions, and/or any information concerning such acts shall not be considered for purposes of making a suitability determination in accordance with 205 CMR 234.00, and M.G.L. c. 23N.
- (3) Sports Wagering Vendor License Decisions. Upon completion of the investigation, conducted in accordance with 205 CMR 234.04(1), the Bureau shall either approve or deny the application for a Sports Wagering Vendor License. If the Bureau approves the application for a Sports Wagering Vendor,

the Bureau shall forward a written approval to the Division of Licensing which shall issue a license to the Applicant on behalf of the Commission. If the application is denied, the Bureau shall forward the determination of denial and reasons therefor to the Division of Licensing which shall issue a written decision to the Applicant explaining the reasons for the denial. The decision shall include an advisory to the Applicant that they may appeal the decision in accordance with 205 CMR 101.00. If the denial is based upon information contained in a Person's criminal record, the decision shall also include an advisory that the Person will be provided with a copy of their criminal record upon request and that they may challenge the accuracy of any relevant entry therein. The decision may be served *via* first class mail or email to the addresses provided by the Applicant on the application.

- (4) Sports Wagering Registration Decisions. The Division of Licensing shall issue a registration to the Applicant for Sports Wagering Registration on behalf of the Commission in accordance with 205 CMR 234.06. In the event that the Bureau determines, upon completion of the investigation conducted in accordance with 205 CMR 234.04(1), that the Applicant should be disqualified from holding a registration or is otherwise unsuitable in accordance with 205 CMR 234.06, it shall forward the results of the investigation to the Division of Licensing which shall issue a written notice to the Applicant denying or revoking the registration. The notice shall include an advisory to the Applicant that they shall immediately cease doing business with the gaming establishment and may request an appeal hearing in accordance with 205 CMR 101.00. If the denial is based upon the information contained in the person's criminal record, the decision shall also include an advisory that the person will be provided with a copy of their criminal record upon request and that they may challenge the accuracy of any relevant entry therein. The notice may be served *via* first class mail or *via* email to the addresses provided by the Applicant on the application.

#### 234.05 Affirmative License Standards for Sports Wagering Vendors

- (1) An Applicant for a Sports Wagering Vendor License and any Sports Wagering Vendor qualifier shall establish individual qualifications by clear and convincing evidence.
- (2) In determining whether an Applicant for licensure is suitable for purposes of being issued a Sports Wagering Vendor License, being qualified as a Sports Wagering Vendor qualifier or for having a Sports Wagering Vendor License or qualification renewed, the Bureau shall evaluate and consider the overall reputation of the Applicant and qualifiers, if any, including, without limitation:
  - (a) the integrity, honesty, good character and reputation of the Applicant and qualifiers;
  - (b) the financial stability, integrity, and background of the Applicant and qualifiers;

- (c) whether the Applicant and its qualifiers have a history of compliance with gaming and Sports Wagering licensing requirements in other jurisdictions;
  - (d) whether the Applicant or any qualifier, at the time of application, is a defendant in litigation;
  - (e) whether the Applicant is disqualified from receiving a license under 205 CMR 234.05(3);
  - (f) whether the Applicant or any qualifier has been convicted of a crime of moral turpitude;
  - (g) whether, and to what extent, the Applicant or any qualifier has associated with members of organized crime and other Persons of disreputable character;
  - (h) the extent to which the Applicant and qualifiers have cooperated with the Bureau in connection with the background investigation; and
  - (i) the integrity, honesty, and good character of any subcontractor.
- (3) The Bureau and Commission shall deny an application for a Sports Wagering Vendor License if the Applicant or a qualifier:
- (a) has been convicted of a felony or other crime involving embezzlement, theft, fraud or perjury; except that for such disqualifying convictions which occurred before the ten-year period immediately preceding submission of the application for licensure, the Bureau may, in its discretion, approve the issuance of a Sports Wagering Vendor License to an Applicant who affirmatively demonstrates rehabilitation in accordance with 205 CMR 234.05(4);
  - (b) submitted an application for a license under M.G.L. c. 23K, §§ 30, 31, 205 CMR 134.00, M.G.L. c. 23N or 205 CMR 234.00 that willfully, knowingly or intentionally contains materially false or misleading information;
  - (c) committed prior acts which have not been prosecuted or in which the Applicant was not convicted, but which form a pattern of misconduct that makes the Applicant unsuitable for a license; or
  - (d) has Affiliates or Close Associates that would not qualify for a license or whose relationship with the Applicant may pose an injurious threat to the interests of the Commonwealth.
- (4) Rehabilitation.

- (a) An Applicant may provide proof of rehabilitation from a criminal conviction as part of the application for licensure.
- (b) In considering the rehabilitation of an Applicant the following shall be considered:
  - (i) the nature and duties of the position of the Applicant;
  - (ii) the nature and seriousness of the offense or conduct;
  - (iii) the circumstances under which the offense or conduct occurred;
  - (iv) the date of the offense or conduct;
  - (v) the age of the Applicant when the offense or conduct was committed;
  - (vi) whether the offense or conduct was an isolated or repeated incident;
  - (vii) any social conditions which may have contributed to the offense or conduct; and
  - (viii) any evidence of rehabilitation, including recommendations and references of persons supervising the Applicant since the offense or conduct was committed.
- (c) A Sports Wagering Vendor License qualifier shall be at least 18 years of age at the time of application.

234.06 Affirmative Registration Standards for Sports Wagering Registrants

- (1) Upon submission of an administratively complete registration form as a Sports Wagering Registrant, the Division of Licensing shall issue the registration on behalf of the Commission. A registration may be denied or subsequently revoked if it is determined that the Applicant is disqualified in accordance with 205 CMR 234.06(2) or unsuitable for any criteria identified in 205 CMR 234.06(3).
- (2) The Bureau and Commission shall deny or revoke a registration if the person:
  - (a) has been convicted of a felony or other crime involving embezzlement, theft, fraud or perjury; except that for such disqualifying convictions which occurred before the ten-year period immediately preceding submission of the application for licensure, the Bureau may, in its discretion, approve the issuance of a registration to an Applicant who affirmatively demonstrates rehabilitation in accordance with 205 CMR 234.05(4);

- (b) submitted a registration form under M.G.L. c. 23K, §§ 30, 31, 205 CMR 134.00, M.G.L. c. 23N or 205 CMR 234.00 that willfully, knowingly or intentionally contains materially false or misleading information;
  - (c) committed prior acts which have not been prosecuted or in which the Applicant was not convicted, but which form a pattern of misconduct that makes the Applicant unsuitable for registration; or
  - (d) has affiliates or close associates that would not qualify for a license or whose relationship with the Applicant may pose an injurious threat to the interests of the Commonwealth in approving a registration.
- (3) In determining whether an Applicant is suitable for purposes of being issued a registration or having a registration renewed, the Bureau may evaluate and consider the overall reputation of the Applicant including, without limitation:
- (a) the integrity, honesty, good character and reputation of the Applicant;
  - (b) the financial stability, integrity, and background of the Applicant;
  - (c) whether the Applicant has a history of compliance with gaming licensing requirements in other jurisdictions;
  - (d) whether the Applicant, at the time of submission of the registration form, is a defendant in litigation;
  - (e) whether the Applicant is disqualified from receiving a registration under 205 CMR 234.06(2);
  - (f) whether the Applicant has been convicted of a crime of moral turpitude;
  - (g) whether, and to what extent, the Applicant has associated with members of organized crime and other persons of disreputable character;
  - (h) the extent to which the individual has cooperated with the Bureau in connection with the background investigation; and
  - (i) the integrity, honesty, and good character of any Subcontractor.

~~(4)~~ ~~(5)~~ An Applicant for a registration shall be 18 years of age or older at the time of application.

~~(5)~~ ~~(6)~~ The Bureau may deny an application for registration if it determines that the Applicant formed the Applicant entity for the sole purpose of circumventing the requirement to be licensed as a Sports Wagering Vendor.

234.07 Temporary Licenses for Sports Wagering Vendors

- (1) Notwithstanding any other provision of 205 CMR 234.00, upon petition to the Commission by an Operator, the Commission may issue a temporary Sports Wagering Vendor License to an Applicant for a Sports Wagering Vendor License if:
  - (a) the Applicant for a Sports Wagering Vendor License has filed a completed application with the Commission and has submitted all of the disclosure forms as required by the Division of Licensing. The Bureau may waive the requirement to submit application information for some or all of the Applicant's individual and entity qualifiers prior to issuance of a Temporary License;
  - (b) the Operator certifies, and the Commission finds, that the issuance of a temporary Sports Wagering Vendor License is necessary for the operation of Sports Wagering and is not designed to circumvent the normal licensing procedures; and
  - (c) the Operator certifies that, to the best of its reasonable knowledge and belief, the proposed temporary Sports Wagering Vendor meets the qualifications for licensure pursuant to 205 CMR 234.05 and that the Operator understands that it may be denied an Operator License if it has willfully, knowingly or intentionally provided false or misleading information regarding the proposed vendor.
- (2) An Applicant applying for a Sports Wagering Vendor License on or before August 31, 2023 shall demonstrate its suitability for temporary licensure upon certification by the Applicant under the pains and penalties of perjury that the Applicant entity:
  - (a) is not disqualified under one or more of the criteria listed in 205 CMR 234.05(3);
  - (b) is properly licensed or registered, and in good standing, to conduct the same operations in every other jurisdiction where it operates as a Sports Wagering Vendor or the equivalent; and
  - (c) has disclosed any other information not previously disclosed of which it is aware or reasonably should be aware which would negatively impact a determination on the Applicant's suitability for a sports wagering vendor license.
- (3) On or after September 1, 2023, a temporary Sports Wagering Vendor License shall issue, unless:



- (a) A preliminary review of the Applicant shows that the Applicant is disqualified under one or more of the criteria listed in 205 CMR 234.05(3); or
  - (b) A preliminary review of the Applicant shows that the Applicant will be unable to establish his or her qualifications for licensure under the standards set forth in 205 CMR 234.05(1).
- (4) If an Applicant for a temporary Sports Wagering Vendor License is licensed or registered in another jurisdiction within the United States with comparable license and registration requirements, as determined by the Bureau, and is in good standing in all jurisdictions in which it holds such a license or registration, the Commission may issue the vendor a temporary Sports Wagering Vendor License; provided, however, that the Commission shall reserve its rights to investigate the qualifications of an Applicant at any time.
  - (5) Unless otherwise stated by the Commission, a temporary Sports Wagering Vendor License issued under this 205 CMR 234.07 shall expire upon issuance of a full Sports Wagering Vendor License or upon suspension or revocation of the temporary Sports Wagering Vendor License, and in any event no later than the term of the license as set forth in 205 CMR 234.09(1).

234.08 Administrative Closure of Applications for Sports Wagering Vendor Licensure or Registration

- (1) All Applicants for a Sports Wagering Vendor License or registration shall promptly respond to any request for information from the Division of Licensing and/or the Bureau. This obligation is in addition to the continuing duty set forth in 205 CMR 234.10.
- (2) Failure of an Applicant for a Sports Wagering Vendor License or registration to respond to a request for information from the Division of Licensing and/or the Bureau within 21 days of the request may result in the administrative closure of the application for licensure or registration and the corresponding administrative revocation of a Sports Wagering Vendor license or registration, if applicable.
- (3) In the event that an application for licensure or a registration is administratively closed for failure to provide requested information or to comply with the obligations set forth in either 205 CMR 234.08(1) or 205 CMR 234.10, the Division of Licensing or the Bureau will notify the Applicant of the determination in writing and will identify the specific deficiencies in the application that served as the basis for the closure. Once an application for licensure or registration has been administratively closed, the Applicant is required to submit a new application in order to be considered for licensure or registration. In that event, the Applicant shall submit a complete application including all outstanding information as previously detailed by the Division of Licensing or the Bureau. The submission of outstanding information is not a

guarantee of licensure or registration, but is a prerequisite for the application to be deemed administratively complete.

#### 234.09 Term of Sports Wagering Vendor License or Registration; Renewal

- (1) Term. Sports Wagering Vendor licenses and registrations and Sports Wagering vendor qualifications shall be for an initial term of three years. The initial term of a Sports Wagering Vendor License or registration shall expire and be renewable on the last day of the month on the third anniversary of the issuance date.
- (2) Renewal.
  - (a) At a minimum of 150 days prior to expiration, each Sports Wagering Vendor shall submit a new and updated application or registration in accordance with 205 CMR 234.00.
  - (b) If a vendor or qualifier has made timely and sufficient application for a renewal, the Applicant's existing license or registration shall not expire and the Applicant shall remain in good standing until the Bureau has issued a decision on the application or registration. If a renewal application or registration is received after the renewal date and the license or registration expires before the Commission issues a new license or registration, the Person shall not conduct business with an Operator until a new license or registration is issued.
  - (c) It shall be the responsibility of the vendor to ensure that their license or registration is current.

#### 234.10 Duties of Applicants, Licensees, and Sports Wagering Registrants

All Sports Wagering Vendor Applicants, Sports Wagering Vendors, Sports Wagering Registrants and qualifiers, shall have the same duties and obligations required of gaming vendor Applicants, licensees, and registrants pursuant to 205 CMR 134.18.

#### 234.11 Disciplinary Action

~~(1) — Grounds for Disciplinary Action. Any Sports Wagering Vendor License or registration issued under 205 CMR 234.00 may be conditioned, suspended, or revoked, or a civil administrative penalty assessed, if the Commission finds that a vendor or qualifier has:~~

~~(a) — been charged with or convicted of a crime while employed by an Operator and failed to report the charges or the conviction to the Commission; or~~

~~(b) — failed to comply with any provision of M.G.L. c. 23N or 205 CMR pertaining to licensees or registrants, including failure to act in conformance with an applicable provision of the Operator's system of internal controls.~~

~~(2) — Finding and Decision. If the Commission finds that a Sports Wagering Vendor or Non-Sports Wagering Registrant has violated a provision of 205 CMR 234.11(1), it may issue a written notice of its intent to reprimand, suspend, or revoke said vendor's license or registration. Such notice shall be provided in writing and contain a factual basis and the reasoning in support of the decision, including citation to the applicable statute(s) or regulation(s) that supports the action. It shall further advise the vendor of their right to a hearing and their responsibility to request a hearing in accordance with 205 CMR 234.11(4), if they so choose, and that failure to do so may result in the decision automatically being imposed. Mailing of the notice to the address on record with the Commission, or emailing the notice to the address provided to the Commission by the licensee or registrant shall be deemed satisfactory service of the notice. The Commission may alternatively issue an order temporarily suspending a license or registration.~~

~~(3) — Civil Administrative Penalties. The Commission may assess a civil administrative penalty on a Person in accordance with M.G.L. c. 23N, § 21(a) for a violation of 205 CMR 234.11(1).~~

~~(4) Review of Decision. Any Person aggrieved by a decision made by the Commission, in accordance with 205 CMR 234.11(2) or (3), may request review of said decision in accordance with 205 CMR 101.00. Failure to request such review may result in the decision automatically being imposed. Sports Wagering Vendor Licensees and Sports Wagering Registrants may be disciplined in accordance with 205 CMR 232.00 or any other applicable provision of 205 CMR or G.L. c. 23N.~~

#### 234.12 Application Following Denial or Revocation

No individual who has been denied a license or registration or has had their license or registration revoked pursuant to 205 CMR 234.11, 205 CMR 232.00, or any other provision of 205 CMR or G.L. c. 23N may reapply for the same license or registration prior to two years from the date of denial or revocation. If an individual has appealed the denial or revocation of their license or registration, the two year period shall begin to run from the date that the denial or revocation is affirmed pursuant to 205 CMR 101.00 or otherwise pursuant to M.G.L. c. 30A.

#### REGULATORY AUTHORITY

G.L. c. 23K, § 4(42); c. 23N, §§ 4(a)-(b), 5



*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 234.00: Sports Wagering Vendors**, for which a public hearing was held on April 11, 2023.

This regulation was promulgated as part of the process of promulgating regulations governing sports wagering in the Commonwealth, and is primarily governed by G.L. c. 23N, §4.

205 CMR 234.00 applies to sports wagering vendors and the Commission. Accordingly, this regulation is unlikely to have a significant impact on small businesses.

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

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

As a general matter, it is not currently known how many small businesses will be subject to this regulation, as the Commission does not presently have information on how many vendors identify as small businesses. However, once an entity was licensed or registered as a vendor, they would not need to undertake any additional reporting requirements, aside from renewal, as discussed below.

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

There are no schedules or deadlines for compliance or reporting requirements established by this regulation, however, sports wagering vendors are bound to cooperate with the Commission and the Investigation and Enforcement Bureau, pursuant to 205 CMR 234.10.

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

This amendment does not impose any reporting requirements upon small businesses specifically but does provide a renewal requirement for sports wagering vendors and registrants.



Massachusetts Gaming Commission

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

The proposed regulation utilizes performance-based standards and forms to achieve the Commission's licensing requirements.

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

The proposed regulation is unlikely to either deter or encourage the formation of new businesses in the Commonwealth, as it is limited in its impact on the greater business community.

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

This regulation has been drafted to minimize any adverse impact or hardships that may be experienced by vendors who identify as small businesses.

Massachusetts Gaming Commission  
By:

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

Dated: May 3, 2023



Massachusetts Gaming Commission

**From:** [MGC Website](#)  
**To:** [Young, Judith](#)  
**Subject:** Regulations Public Comment Submission  
**Date:** Monday, April 10, 2023 4:08:08 PM

---

#### Submitted By

Operator (Applicant or Licensed)

#### Business/Entity Name

BetMGM LLC

#### Name

Jess Panora

#### Email

[jess.panora@betmgm.com](mailto:jess.panora@betmgm.com)

#### Regulation

205 CMR 234: SPORTS WAGERING VENDORS

#### Subsection

234.01, 234.02, 234.04

#### Comments

234.01(1)(b)

Proposing to remove “require the submission of” and add “request”

BetMGM Comment: The Bureau’s right to require operators to provide additional information should not be unfettered but the Bureau should have the right to at least request such information.

234.01(1)(c)

Proposing to remove “, at its discretion, require” and add “request”

BetMGM Comment: The Bureau’s right to require operators to provide additional information should not be unfettered but the Bureau should have the right to at least request such information.

234.01(2)(c)

Proposing to remove “immediately” and add “as expeditiously as possible”

BetMGM Comment: “Immediately” would be an unreasonable standard that these persons could not meet if they are already conducting business with a vendor or operator.

234.01(4)(d)

Proposing to add “In the event the matter is confidential or sensitive in nature, the Commission shall not reveal any confidential or sensitive information when the matter is heard in a public meeting or, alternatively, shall convene a private meeting for that determination.”

BetMGM Comment: Confidentiality and privacy considerations should be reflected in this regulation as well.

234.02(2)

Proposing to change the last sentence to “The Division of Licensing may make ministerial, non-material changes to the form, when necessary to accurately reflect the information of the applicant.”

BetMGM Comment: We propose this language to be added to make clear the limited purpose for which the Division would make changes to the application.

234.02(3)

Proposing to change the last sentence to “The Division of Licensing may make ministerial, non-material changes to the forms, when necessary to accurately reflect the information of the applicant.”

BetMGM Comment: We propose this language to be added to make clear the limited purpose for which the Division would make changes to the application.

234.02(4)

Proposing to change the last sentence to “The Division of Licensing may make ministerial, non-material changes to the form, when necessary to accurately reflect the information of the applicant.”

BetMGM Comment: We propose this language to be added to make clear the limited purpose for which the Division would make changes to the application.

234.04(1)

Proposing to change the second sentence to: In the event an application or submission is deemed incomplete, the Division of Licensing may either request supplemental information from the Applicant.”

Proposing to change third sentence to “If the Applicant fails to respond within a reasonable time, the Division may administratively close the application in accordance with 205 CMR 234.08.”

BetMGM Comment: An application should not be summarily closed unless or until an Applicant has failed to respond to the Division’s request.



*Legal Division*

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

FROM: Carrie Torrisi, Deputy General Counsel  
Annie Lee, Anderson & Krieger  
David Mackey, Anderson & Krieger

DATE: April 28, 2023

RE: 205 CMR 255: Play Management

---

Enclosed for the Commission's review is a proposed set of regulations requiring sports wagering operators to offer play management programs to patrons. This regulation first came to you on January 20, 2023, and the redline in your packet reflects changes made since that time, including removal of the section related to notifications of approaching limits.

The regulation provides the types of play management limitations that must be offered, outlines how patrons may enroll, and outlines the responsibilities of the sports wagering operator with respect to the play management system.



Massachusetts Gaming Commission

101 Federal Street, 12<sup>th</sup> Floor, Boston, Massachusetts 02110 | TEL 617.979.8400 | FAX 617.725.0258 | [www.massgaming.com](http://www.massgaming.com)



205 CMR 255: PLAY MANAGEMENT

Section

- 255.01: Scope and Purpose
- 255.02: Limitations
- 255.03: Enrollment
- 255.04: Notifications of Approaching Limit
- 255.05: Responsibilities of the Sports Wagering Operator
- 255.06: Collection of Debts

255.01: Scope and Purpose

Sports Wagering Operators operating Sports Wagering Platforms ~~and Sports Wagering Kiosks~~ shall maintain play management programs which allow individuals who maintain a Sports Wagering Account to designate themselves as subject to limitations regarding Sports Wagering. Sports Wagering Operators must offer, at a minimum, the limitations set forth in 205 CMR 255.02(1). 205 CMR 255.00 shall govern the procedures and protocols relative to these play management programs, which are intended to offer individuals a means to restrict gambling behavior and to increase informed player choice.

255.02: Limitations

(1) Individuals who designate themselves as subject to limitations regarding Sports Wagering shall select one or more of the following specific activities subject to the limitations:

- (a) placing a Wager over a specified dollar amount;
- (b) placing a Wager once an individual has, during a day, week or month, Wagered over a specified cumulative dollar amount; and
- ~~(c) placing a Wager once an individual has, during a day, week or month, incurred a net loss over a specified dollar amount;~~
- ~~(d) depositing an amount into the individual's Sports Wagering Account over a specified dollar amount;~~
- ~~(e) depositing an amount into the individual's Sports Wagering Account when the individual's Sports Wagering Account exceeds a specified balance; or~~
- ~~(f)~~ (c) depositing an amount into the individual's Sports Wagering Account once the individual has, during a day, week or month, deposited over a specified cumulative amount into the individual's Sports Wagering Account.

(2) If individuals choose to be subject to limitations regarding Sports Wagering, they must affirmatively designate themselves as such. No default limitations shall be imposed by Sports Wagering Operators.

(3) Individuals who designate themselves as subject to limitations regarding Sports Wagering shall not collect any winnings or recover any losses resulting from Sports Wagering in violation of the limitations.

255.03: Enrollment

(1) When an individual seeks to enroll onto a Sports Wagering Platform ~~or Sports Wagering Kiosk~~, a Sports Wagering Operator shall conspicuously display to the individual a message describing the available limitations for Sports Wagering, and offering the individual the opportunity to designate themselves as subject to one or more of those limitations. In the event the individual chooses to decline that opportunity, the individual shall be required to affirmatively state that choice to the Sports Wagering Operator.

(2) On a ~~monthly~~ quarterly basis as measured from the time of enrollment onto the Sports Wagering Platform ~~or Sports Wagering Kiosk~~, if an individual has not designated themselves as subject to limitations regarding Sports Wagering, the Sports Wagering Operator shall conspicuously display a message offering individuals the opportunity to designate themselves as subject to limitations regarding Sports Wagering. In the event the individual chooses to decline that opportunity, the individual shall be required to affirmatively state that choice to the Sports Wagering Operator.

(3) Sports Wagering Operators shall maintain at all times a link prominently placed on the Sports Wagering Platform ~~or Sports Wagering Kiosk~~ on which individuals may designate themselves as subject to limitations regarding Sports Wagering.

(4) Limitations shall become immediately effective upon designation.

(5) Individuals shall be permitted to modify or unenroll from their selected limitations regarding Sports Wagering. If individuals modify the limitations to be more restrictive, the limitations shall become immediately effective. If individuals modify the wager limitation described in 205 CMR 255.02(a) to be less restrictive or unenroll from the limitation, the new limitation or unenrollment shall not take effect until the next business day and the individual reaffirms the modification or unenrollment. If individuals modify the limitations described in 205 CMR 255.02(b)-(c) to be less restrictive or unenroll from the limitations, the new limitation or unenrollment shall not take effect until the next business day after the time period specified pursuant to 205 CMR 255.02(1)(b)-(c) ~~and (f) have~~ has expired and the individual reaffirms the modification or unenrollment.

~~255.04: Notifications of Approaching Limit~~

~~(1) Subject to 205 CMR 255.04(4), individuals who designate themselves as subject to limitations regarding Sports Wagering shall receive a notification of an approaching limit when:~~

~~(a) The individual has Wagered 75% of the cumulative dollar amount specified pursuant to 205 CMR 255.02(1)(b) during the period of time specified pursuant to 205 CMR 255.02(1)(b);~~

- ~~(b) — The individual has incurred 75% of the net loss dollar amount specified pursuant to 205 CMR 255.02(1)(c) during the period of time specified pursuant to 205 CMR 255.02(1)(e);~~
  - ~~(e) — The individual's Sports Wagering Account has reached 75% of the balance specified pursuant to 205 CMR 255.02(1)(e); and~~
  - ~~(d) — The individual has deposited 75% of the cumulative dollar amount specified pursuant to 205 CMR 255.02(1)(f) into the individual's Sports Wagering Account during the period of time specified pursuant to 205 CMR 255.02(1)(f).~~
- ~~(2) — These notifications of approaching limits shall appear only the first time the percentage level is reached during the period of time specified pursuant to 205 CMR 255.02(1)(b)-(e) and (f) even if the same percentage level is reached on multiple occasions due to the individual's wins and losses.~~
- ~~(3) — The Sports Wagering Operator shall not accept additional Wagers or permit additional deposits until the individual has acknowledged the notification of approaching limits.~~
- ~~(4) — An individual may, upon designating themselves as subject to one or more limitations, be given the opportunity to decline receiving notification of approaching limits under 205 CMR 255.04(1).~~

255.0504: Responsibilities of the Sports Wagering Operator

A Sports Wagering Operator shall have the same responsibilities relative to the play management program as gaming licensees and Sports Wagering Operators have relative to the administration of the voluntary self-exclusion list pursuant to 205 CMR 133.06(7)(b) and 205 CMR 233.06(4)-(8), respectively, including the obligation to submit a written policy for compliance with 205 CMR 255.00. Individuals who designate themselves to the Sports Wagering Operator as subject to limitations regarding Sports Wagering shall have the same rights as those provided under 205 CMR 133.06(7)(b).

A Sports Wagering Operator shall also have the following responsibilities relative to the administration of the play management program:

- (1) A Sports Wagering Operator shall not accept a Sports Wager over the dollar amount specified pursuant to 205 CMR 255.02(1)(a);
- (2) A Sports Wagering Operator shall not accept a Sports Wager once an individual has Wagered during the period of time specified pursuant to 205 CMR 255.02(1)(b) the cumulative dollar amount specified pursuant to 205 CMR 255.02(1)(b);
- ~~(3) — A Sports Operator shall not accept a Sports Wager once an individual has during the period of time specified pursuant to 205 CMR 255.02(1)(c) incurred a net loss over the dollar amount specified pursuant to 205 CMR 255.02(1)(c);~~

~~(4) — A Sports Wagering Operator shall not accept a deposit over the dollar amount specified pursuant to 205 CMR 255.02(1)(d);~~

~~(5) — A Sports Wagering Operator shall not accept a deposit when the individual's Sports Wagering Account exceeds the balance specified pursuant to 205 CMR 255.02(1)(e);~~

(63) A Sports Wagering Operator shall not accept a deposit once the individual has during the period of time specified pursuant to 205 CMR 255.02(1)(~~fc~~) deposited the cumulative amount specified pursuant to 205 CMR 255.02(1)(~~fc~~);

(74) A Sports Wagering Operator shall require an individual to acknowledge the following prior to being designated as subject to limitations regarding Sports Wagering:

(a) That the individual shall not collect any winnings or recover any losses resulting from Sports Wagering in violation of the limitation in accordance with 205 CMR 255.02(~~31~~); and

(b) That once the individual is designated as subject to limitations regarding Sports Wagering, an individual's attempted Sports Wager or deposit into the individual's Sports Wagering Account may be rejected or, if placed, may be voided or cancelled by the Sports Wagering Operator.

(85) A Sports Wagering Operator shall produce monthly reports containing data and other information regarding the play management program, as specified and requested by the Commission; and

(96) A Sports Wagering Operator shall maintain data regarding the play management program for a period of at least 24 months. A Sports Wagering Operator shall make such data available upon request to the Commission.

255.0605: Collection of Debts

Nothing in 205 CMR 255.00 shall be construed to prohibit a Sports Wagering Operator from seeking payment of a debt from an individual who is designated to the Sports Wagering Operator as subject to notifications or limitations regarding Sports Wagering, but who violates the terms of the limitation.

255.06: Additional Limitations

Nothing in 205 CMR 255.02 shall be construed to prevent a Sports Wagering Operator from offering additional limitations beyond those described in 205 CMR 255.02(1). If a Sports Wagering Operator wishes to offer a limitation not described in 205 CMR 255.02(1), the Sports Wagering Operator shall submit a written request to the Commission describing the additional limitation and the reasons supporting the additional limitation. The Sports Wagering Operator may also include in its request a description of any requirement set forth in 205 CMR 255.00 from which the Sports Wagering Operator seeks relief, and the reasons supporting relief. The Commission shall review the request, and if approved, the additional limitation shall be implemented and relief from the requirements of 205 CMR 255.02(1) granted, and the Sports

Wagering Operator shall record and preserve data sufficient to evaluate the effectiveness of the additional limitation.

DRAFT



## **SMALL BUSINESS IMPACT STATEMENT**

The Massachusetts Gaming Commission (“Commission”) hereby files this Small Business Impact Statement in accordance with G.L. c. 30A, §2, relative to the proposed promulgation of **205 CMR 255 PLAY MANAGEMENT**.

This regulation is being promulgated as part of the process of promulgating regulations governing sports wagering in the Commonwealth, and is primarily governed by G.L. c. 23N, § 4. It sets forth the requirement that sports wagering operators offer play management programs to patrons engaging in sports betting on mobile applications and digital platforms in the Commonwealth.

The proposed 205 CMR 255 applies to potential sports wagering operators and the Commission. Accordingly, this regulation is unlikely to have an impact on small businesses. Under G.L. c.30A, §2, the Commission offers the following responses to the statutory questions:

1. Estimate of the number of small businesses subject to the proposed regulation:

This regulation is unlikely to have an impact on small businesses.

2. State the projected reporting, recordkeeping, and other administrative costs required for compliance with the proposed regulation:

There are no projected reporting, recordkeeping, or other administrative costs required for small businesses to comply with this regulation.

3. State the appropriateness of performance standards versus design standards:

No standards applicable to small businesses are set forth.

4. Identify regulations of the promulgating agency, or of another agency or department of the Commonwealth, which may duplicate or conflict with the proposed regulation:

There are no conflicting regulations in 205 CMR, and the Commission is unaware of any conflicting or duplicating regulations of any other agency or department of the Commonwealth.

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



Massachusetts Gaming Commission

This amendment is unlikely to have any impact on the formation of new businesses in the Commonwealth.

Massachusetts Gaming Commission  
By:

/s/ Carrie Torrissi  
Carrie Torrissi, Deputy General Counsel

Dated: April 28, 2023

DRAFT



Massachusetts Gaming Commission



**TO:** Chair Judd-Stein  
Commissioner O'Brien  
Commissioner Hill  
Commissioner Skinner  
Commissioner Maynard

**FROM:** Grace Robinson, Chief Administrative Officer to the Chair; John Scully, Finance and Budget Office Manager; Derek Lennon, Chief Financial Officer

**CC:** Karen Wells, Executive Director

**DATE:** May 2, 2023

**RE:** FY24 Commissioners Budget

---

**EXECUTIVE SUMMARY:**

The Finance and Procurement team has begun the FY24 budget process, reviewing existing budgets with each division and receiving proposals for revisions. The Commissioners are participating in the same budgeting planning process during the public meeting in order to comply with open meeting laws and state ethics.

Each Commissioner has had the opportunity to meet with Grace Robinson, Derek Lennon and John Scully to review the proposed FY24 Commissioner's budget and suggest any changes or considerations. All Commissioner's have reviewed the proposed budget (attached), along with an overview of the allocations and previous year's spending levels. The proposed FY24 Commissioner's budget is largely level funded, with a few exceptions.

Any proposed expansions to the budget will require sufficient justification and detailed calculations to demonstrate the need of the item(s), and/or specific consequences if the item were reduced or eliminated.

The Commission will vote on the final budget for the entire agency at a public meeting in June.

Clarifying Details and Items for Consideration:

A. Budget Allocations

- a. With the addition of Sports Wagering, the budget will now be allocated across Gaming, Racing and Sports Wagering.
  - i. Gaming will carry 65% of the budget.
  - ii. Sports Wagering will carry 28.5% of the budget.
  - iii. Racing will carry 6.5% of the budget.



- B. Salaries (AA)
  - a. The salary line item includes Commissioner salaries (5), Executive Assistant salary (1), and CAO to the Chair salary (1).
- C. Parking and Meetings/Meeting Space (E22)
  - a. All five Commissioners have a parking space at 101 Federal Street. Two of those are included in the MGC Lease.
    - i. Parking for next year has slightly increased (\$18,720 to \$19,080).
    - ii. Parking will now be included under object code G01.
  - b. Funding is available for offsite meeting space. This could be used to host offsite public meetings and hearings, as has been done in the past, and would cover costs for space rentals, AV needs, catering, etc.
  - c. A new line item has been added for Commissioner sponsored team building.
- D. General Consulting (J33 to H23)
  - a. Funding for transcription services has been reallocated for general consulting purposes.
  - b. Legal has purchased a new transcription service so it is no longer needed under the Commissioners budget.
- E. Travel and Conferences (B01, E30, E41, EE2)
  - a. Due to the rollout of Sports Wagering, Commissioners travelled less than anticipated in FY23. However, several Commissioners have expressed an interest in greater travel to both conferences and licensee property/site visits in FY24.
  - b. Travel is currently level funded for FY24.
  - c. The total budgeted amount for travel assumes an average of just under \$3,000 per Commissioner, per conference (including conference registration, flights, hotel rooms and reimbursements) and an estimated three conferences per Commissioner. This would allow for \$8,500 per Commissioner for the year's travel for a total travel budget of \$42,500.
- F. Additional Items
  - a. Funding for printing/supplies (E02) and office furnishings (K07) have been level funded.
  - b. The Fringe Benefit Cost Recoupment has increased.
  - c. FY23 saw a line item for Application Consulting Review (EY) which will not be needed in FY24, resulting in a decrease in the total Commissioner's budget for FY24.

**SUPPORTING DOCUMENTS:**

- 1. Proposed FY24 Commissioners Budget

**CONCLUDING STATEMENT:**

All Commissioners have reviewed this budget. Additional adjustments based on conversations during the public meeting can be made.

**FY24 Proposed Commissioners Budget**

Appropriation	Object Code	object_name	New Description	Sum of FY23 Amount	Sum of FY24 Amount
10500001	A01	Salaries: Inclusive	Employee Compensation	\$815,872.68	\$595,397.04
<b>SUM AA</b>				<b>\$815,872.68</b>	<b>\$595,397.04</b>
	B01	Other Out Of State Travel - INCLUSIVE: AIRFARE, HOTEL, LODGI	Travel Reimbursements --In State (6 Commission Meetings a Year, Site Visits) --Out of Pocket Out of State Expenses	\$18,000.00	\$18,000.00
	B02	In-State Travel		\$0.00	\$0.00
	B05	Conference, Training, Registration and Membership Dues and Licenses		\$0.00	\$0.00
<b>SUM BB</b>				<b>\$18,000.00</b>	<b>\$18,000.00</b>
	D09	Fringe Benefit Cost Recoupment	Fringe rate of 43.36%	\$326,349.07	\$258,759.55
			Tax rate of 2.45%	\$15,419.99	\$14,587.23
<b>SUM DD</b>				<b>\$341,769.06</b>	<b>\$273,346.78</b>
	E02	Printing Expenses & Supplies	Lane Printing, etc.	\$200.00	\$200.00
	E12	Subscriptions, Memberships & Licensing Fees	Trade Journals	\$5,950.00	\$5,950.00
	E13	Advertising Expenses		\$0.00	\$0.00
	E22	Temp Use Space/Confer- Incidental Includes Reservation Fees	<b>Note see G01.</b> Parking 75-101--5 spaces. Two of the spaces are included in the lease. This item pays for 3 of the spaces.	\$18,720.00	\$0.00
			Temporary Space @ 6mtgs - \$2K meeting space 6 mtgs and \$5k to stream for 4 of the meetings	\$32,000.00	\$32,000.00
	E22	Temp Use Space/Confer- Incidental Includes Reservation Fees	Team building department conferences/meetings, meals, light refreshments, and incidentals	\$0.00	\$8,000.00
	E30	Credit Card Purchases	Allowable Credit Card Expenses	\$7,500.00	\$7,500.00
	E41	Out Of State Travel Expen on Behalf of State Employ	Travel	\$10,000.00	\$10,000.00

	EE2	Conference, Training and Registration Fees	Conference/Trainings	\$7,000.00	\$7,000.00
<b>SUM EE</b>				<b>\$81,370.00</b>	<b>\$70,650.00</b>
	G01	Space Rental	<b>Note See E22.</b> Parking 75-101--5 spaces. Two of the spaces are included in the lease. This item pays for 3 of the spaces.	\$0.00	\$19,080.00
<b>SUM GG</b>				<b>\$0.00</b>	<b>\$19,080.00</b>
	H23	Program Coordinators	General Consulting	\$0.00	\$10,000.00
			Independent Monitor bills paid in 2nd quarter of FY22	\$50,771.80	\$0.00
			Independent Monitor bills paid in first quarter of FY22	\$32,608.40	\$0.00
			NA	\$0.00	\$0.00
			Prior Year Adjustment	\$0.00	\$0.00
<b>SUM HH</b>				<b>\$83,380.20</b>	<b>\$10,000.00</b>
	J33	Photographic & Micrographic Services	Transcriptions services	\$10,000.00	\$0.00
<b>SUM JJ</b>				<b>\$10,000.00</b>	<b>\$0.00</b>
	K07	Office Furnishings	Office Furnishings	\$5,000.00	\$5,000.00
<b>SUM KK</b>				<b>\$5,000.00</b>	<b>\$5,000.00</b>
				<b>\$1,355,391.94</b>	<b>\$991,473.82</b>
10500003	A01	Salaries: Inclusive	Commissioners Employees Salaries	\$64,831.02	\$59,539.70
<b>SUM AA</b>				<b>\$64,831.02</b>	<b>\$59,539.70</b>
	D09	Fringe Benefit Cost Recoupment	Fringe rate of 43.36%	\$25,932.41	\$25,875.95
			Tax rate of 2.45%	\$1,225.31	\$1,458.72
<b>SUM DD</b>				<b>\$27,157.72</b>	<b>\$27,334.67</b>
				<b>\$91,988.74</b>	<b>\$86,874.37</b>
10501384	A01	Salaries: Inclusive	Commissioners Employees Salaries	\$0.00	\$261,058.70
<b>SUM AA</b>				<b>\$0.00</b>	<b>\$261,058.70</b>
	D09	Fringe Benefit Cost Recoupment	Fringe rate of 43.36%	\$0.00	\$113,456.11
			Tax rate of 2.45%	\$0.00	\$6,395.94
<b>SUM DD</b>				<b>\$0.00</b>	<b>\$119,852.05</b>
	HH1	Financial Services	Application Consulting Review (indexing of applications)	\$230,000.00	\$0.00
<b>SUM HH</b>				<b>\$230,000.00</b>	<b>\$0.00</b>
				<b>\$230,000.00</b>	<b>\$380,910.75</b>

Grand Total	\$1,677,380.68	\$1,459,258.94
-------------	----------------	----------------



# 23 | COMMUNITY MITIGATION FUND

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

FROM: Joseph Delaney, Mary Thurlow, and Lily Wallace

CC: Karen Wells, Executive Director, Todd Grossman, General Counsel

DATE: April 27, 2023

RE: **2023 Community Mitigation Fund Workforce Development Grant Applications**

This memorandum provides an analysis of the Workforce Development applications for funding under the 2023 Community Mitigation Fund. Copies of the applications can be found at <https://massgaming.com/about/community-mitigation-fund/>. The Community Mitigation Fund Review Team assessed the applications to ensure that they are compliant with the 2023 CMF Guidelines. As part of this review process copies of the applications were sent to the licensees for their review and comment. Requests for supplemental information were submitted to the applicants so they could provide further clarification on their application. Numerous meetings were held by the Review Team to ensure a thorough review of every application.

The following Workforce Grant Applications were received during the 2023 Grant round:

- **Work Ready 2023** – Holyoke Community College (HCC), Springfield Technical Community College (STCC) and the Springfield Public Schools (SPS); and
- **Metro Boston Regional Hospitality Consortium (MBRHC)** – MassHire Metro North Workforce Board and the City of Boston's Workforce Development.

### **Holyoke Community College - Work Ready 2023**

**Summary:** Work Ready 2023 is an enhancement of the collaborative effort of HCC, STCC, and SPS to provide a continuum of adult education, career readiness, and occupational training to connect un- and underemployed residents to education, training, and employment opportunities to meet the workforce needs of MGM Springfield and the region. They are requesting \$535,500 to cover programming costs including a waiver for the amount over \$500,000.

**Analysis:** These programs continue to successfully mitigate impacts felt by the region. They are designed to mitigate impacts in three primary areas: Lack of trained cooks for the culinary industry, lack of high school equivalency, and lack of sufficient digital literacy skills. MGM Springfield requires employees to have a high school equivalency and requires any interested job seekers to apply for a job online. 57% of adult job seekers in Hampden County lack a high school credential, and often lack even the basic digital literacy skills to seek for, apply for, obtain or retain a job. MGM has identified lack of interview/personal presentation skills, incomplete applications, lack of sufficient digital literacy skills to apply and interview online, little to no previous work experience, lack of high school credentials, and limited English proficiency as barriers to and retention. STCC is proposing to hire two bilingual ESOL co-instructors/tutors. In

the 2022-2023 academic year they implemented these positions and identified these roles as hugely impactful to student retention.

These programs help create an eligible workforce to help meet the needs of the region. The gaps in educational attainment and digital literacy of adult job seekers in Hampden County impact all industries but are a particular barrier for MGM Springfield in meeting its overall hiring goals, as well as its diversity goals since MGM requires a high school credential for all position.

Since the academic year 2019 they have had 137 individuals complete their line cook training, due to high demand HCC is planning on adding another cohort. MGM's "number one" workforce need continues to be cooks. In order to provide more stability to their line cook programming HCC is requesting a full-time employee to run the program in lieu of multiple part time employees. They identified inconsistent staffing as a huge threat to their programming. As they increase cohorts to meet demand this individual will provide consistency and serve as a valuable resource for students. HCC and MGM communicate and collaborate regularly to address this workforce need, and to design and implement strategies for outreach, training, and talent acquisition.

MGM Springfield Human Resources and Talent Acquisition staff have contributed their expertise to the design and delivery of the Work Readiness components of previously funded HCC-STCC-SPS Work Ready projects, as well as the current proposal. They have also participated in recruitment sessions, provided information sessions on career opportunities at MGM, and led workshops on online interviewing, giving trainees access to their online HireVue system for mock interview sessions, with individual job seeker feedback. For the coming year, HCC and MGM are taking this partnership to a new level: in Award Year 2023, MGM will work with HCC to provide a half-day job shadowing opportunity for every Line Cook trainee.

Scholarships for testing fees have been removed from the budget. As of September 12, 2022, the Massachusetts Department of Elementary and Secondary Education (MDESE), Adult and Community Learning Services began providing free General Education Development (GED) testing to all adult residents of Massachusetts, and as of February 6, 2023, MDESE began to offer free High School Equivalency Test (HiSET) testing to all adult MA residents. Consequently, the scholarship funding for HiSET/GED testing will no longer be needed in Award Year 2023 or in the future.

**Waiver Request:** This application originally came in with a request for \$500,000. After meeting with the applicant, the Review Team learned that in order to balance out HCC's increased need STCC and SPS were asked to cut some programming. The Review Team felt that the programming that was cut is valuable to the region and the efficacy of the workforce development. The additional funds would cover the 2 new ESOL (bilingual) co-instructors. Many individuals in Springfield do not have English as their first language which can limit their vocational outcomes. Based on those discussions a revised application was submitted that requested a waiver for \$35,500. The review team feels the waiver is appropriate in order to serve the most students in the region.

**Recommendation:** The Review Team recommends fully funding this application.

**Metro North Regional Employment Board- Metro Boston Regional Hospitality Consortium**

**Summary:** MBRHC is a regional project aimed at addressing the workforce needs of the hospitality sector impacted by the Encore Boston Harbor gaming facility and the COVID-19 induced economic downturn. A consortium of partners will provide contextualized English Speakers of Other Languages (ESOL) training, occupational skills training, job readiness training, digital literacy training, and career counseling. They are requesting \$500,000 to cover programming costs.

**Analysis:** These programs continue to successfully mitigate impacts felt by the region. The programming supports projects that will engage un- and underemployed skilled hospitality workers and provide them with a sequence of services including additional skills. The latest data shows that in 2022, there were 30,080 unique job postings in the hospitality industry posted in Metro North and Boston with an average annual salary of \$45,000. The occupations most in demand are Food Service Managers, Cooks, Hotel Desk Clerks, and Housekeepers. During the same timeframe, Encore posted 285 unique jobs with an average annual salary of \$55,000, increasing their job openings +50% compared to 2021. The occupations most in demand at Encore are Hotel Desk Clerks, Food Service Managers, Housekeeping, and Cooks. Encore job postings show a demand for skills in Customer Service, Guest Relations, and Culinary. This steady recovery and growth projection phase is expected to continue into 2024.

Community partners will provide services aimed at developing new work-related skills, improving English language proficiency, and searching for, securing, and retaining employment. Everyone will receive intake and assessment services to determine their starting point in the funnel strategy. Community partners will work closely to guarantee cross-referrals play an active role in the MBRHC ecosystem. These strategies will ensure equitable access to quality services that lead to quality hospitality jobs.

The MBRHC proposes to serve at least 1,500 residents in one or more of the following programs, ESOL training, job readiness, occupational skills, digital literacy, career counseling and support services. Partners for this year include Action for Equity, Boston Chinatown Neighborhood Center, Boston Education, Skills, and Training Corporation, La Colaborativa, Community Work Services, International Institute of New England, Somerville Community Corporation, New England Culinary Arts Training, and YMCA of Greater Boston.

Out of around 100 individuals who will enroll in an occupational skills training program they project at least 90% will complete the course, and at least 70% of students will be placed into employment with 30-day retention.

**Recommendation: The Review Team recommends fully funding this application.**



TO: Chair Cathy Judd-Stein  
Commissioner Bradford R. Hill  
Commissioner Jordan Maynard  
Commissioner Eileen M. O'Brien  
Commissioner Nakisha L. Skinner

FROM: Sterl Carpenter – Sports Wagering Operations Manager

CC: Karen Wells – Executive Director  
Bruce Band – Sports Wagering Division Director

DATE: April 28, 2023

RE: Question on whether the NBA Draft Lottery is covered under the event catalog

---

On Wednesday April 26, 2023, DraftKings asked the Sports Wagering Division if wagering on the NBA Draft Lottery was allowed in the Commonwealth. Upon receiving the request, the Sports Wagering Division reviewed the process of the lottery and asked for additional information from DraftKings.

The NBA lottery will take place on May 16, 2023. The teams eligible for the lottery are the 14 teams who missed the playoffs this year. These teams are then sorted into worst to first odds. Teams with the three worst regular-season records will each have a 14 percent chance of winning the lottery. After drawings are conducted for the first four picks of the NBA Draft, the other lottery teams will continue to pick in inverse order of their regular-season record. In essence the wagering on the NBA lottery will only involve the first four picks and can only be one of the 14 teams.

The NBA is currently an approved event and has a commissioner based governing body. The rules of the lottery are set as well as the structure. Select media, NBA officials, team reps and the accounting firm Ernst & Young are all in attendance for the drawing held in a separate room. Once the drawing is done, a rep from Ernst & Young seals the results in envelopes to be presented by the NBA Deputy Commissioner & COO for the live broadcast.

**Link for details of the event:**

<https://www.nba.com/news/nba-draft-lottery-explainer>

It is the Sports Wagering Department's opinion that the lottery is covered under the NBA basketball league approval. That said, we also feel that this particular event should be treated like the special events offerings. More specific, wagering should cease prior to the drawing of the four teams. Currently the following jurisdictions allow wagering on the NBA lottery AZ, IL, IN, LA, NH, NJ, OR, WV, WY, MD and Ontario, Canada.





*Division of Racing*

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

FROM: Alexandra Lightbown, Director of Racing

CC: Karen Wells, Executive Director  
Todd Grossman, General Counsel

DATE: May 4, 2023

RE: Request for Updated Approval of Delegation of Tack Matters to the Director of Racing

---

Dear Commissioners:

From time to time, matters ("track matters") arise at the licensee tracks which require Commission approval. These track matters are generally routine and ministerial, arise between regular Commission meetings and require a prompt response. It was the past practice of the former racing commission to delegate the authority to approve these track matters to the Director of Racing. The Massachusetts Gaming Commission approved the delegation of track matters to the Director of Racing at their June 13, 2013 meeting. This delegation allowed the licensee tracks to request and obtain approval for changes to better meet their business needs and to allow the Director of Racing to more efficiently oversee the regulation of the racing licensees.

Track matters consist of the following matters:

- sending notices and demand letters, in conjunction with the MGC Legal Division, to a licensee when a Racing licensee has failed to follow a Racing/Gaming statute or regulation pertaining to Racing, such as make any statutorily required payment to the Commission under M.G.L. c 128A and c. 128C
- approve change of post times as requested by a licensee



Massachusetts Gaming Commission

- approve cancellation of a race day, rescheduling of race days or addition of race days; provided, however, that any permanent change in the length of the racing schedule or amendment to the license granted to a licensee will come to the Commission for approval
- approval of racing officials pending background checks
- approval of additional simulcast outlets pending executed contracts and approval of appropriate horsemens' groups
- approval of special event simulcasting
- approval of other ministerial, routine, or administrative matters that require prompt attention in the judgement of the Director of Racing

For ease of comparison, the main text of the document from the June 13, 2013 meeting is provided, with changes in red. The major changes are:

- Inclusion of Legal Division in sending of notices and demand letters and extending the authority to violations other than just statutorily required payments
- Eliminating executing Show Cause orders
- Cleaning up language on change of post times
- Eliminating the approval of premium-free simulcast days
- Adding the last delegation point: approval of other ministerial, routine, or administrative matters that require prompt attention in the judgement of the Director of Racing

**Recommendation: That the Massachusetts Gaming Commission delegate to the Director of Racing the authority to approve track matters pertaining to racing licensees to ensure the efficient operation of the racing division and regulation of the racing licensees.**

**The Director of Racing will advise the Commission at their next available meeting of any actions taken under this delegation of authority.**



Massachusetts Gaming Commission

Text of June 13, 2013 Delegation of Authority to Director of Racing Memo with suggested changes

~~REQUEST: that the Massachusetts Gaming Commission ("Commission") delegate to the Director of Racing the authority to approve track matters pertaining to racing licensees to ensure the efficient operation of the racing division and regulation of the racing licensees.~~

~~DISCUSSION:~~ From time to time, matters ("track matters") arise at the licensee tracks which require Commission approval. These track matters are generally routine and ministerial, arise between regular Commission meetings and require a prompt response. It was the past practice of the former racing commission to delegate the authority to approve these track matters to the Director of Racing. ~~The Massachusetts Gaming Commission approved the delegation of track matters to the Director of Racing at their June 13, 2013 meeting.~~ This delegation allowed the licensee tracks to request and obtain approval for changes to better meet their business needs and to allow the Director of Racing to more efficiently oversee the regulation of the racing licensees.

Track matters consist of the following matters:

- sending notices and demand letters, ~~in conjunction with the MGC Legal Division, to a licensee when a Racing licensee has failed to follow a Racing/Gaming statute or regulation pertaining to Racing, such as~~ make any statutorily required payment to the Commission under M.G.L. c. 128A and c. 128C;
- ~~executing Show Cause orders;~~

Massachusetts Gaming Commission

84 State Street, 10th Floor, Boston, Massachusetts 02109

TF.I. 617.979.8400

FAX 617 725.0258

www.massgaming.c111n

- 
- approve change of post times ~~on special event days or on other days~~ as requested by a licensee;
  - approve cancellation of a race day~~(-)~~, rescheduling of race days or addition of race days; provided, however, that any permanent change in the length of the racing schedule or amendment to the license granted to a licensee will come to the Commission for approval;
  - approval of racing officials pending background checks;
  - approval of additional simulcast outlets pending executed contracts and approval of appropriate horsemen's groups;
  - approval of special event simulcasting;~~and~~
  - ~~approval of other ministerial, routine, or administrative matters that require prompt attention in the judgement of the Director of Racing~~
  - ~~approval of premium free simulcast days.~~

Recommendation:

That the Massachusetts Gaming Commission delegate to the Director of Racing the authority to approve track matters pertaining to racing licensees to ensure the efficient operation of the racing division and regulation of the racing licensees.

The Director of Racing will advise the Commission at their next available meeting of any actions taken under this delegation of authority.