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Notice of Hearing

November 10, 2022

Attorney Patrick Hanley
Butters Brazilian LLP
(VIA EMAIL: hanley@butterBrazilian.com)

RE: Application for License to Hold or Conduct a New Racing Meeting

The Massachusetts Gaming Commission (hereinafter, “Commission”) will convene an adjudicatory hearing relative to whether to grant the application of Commonwealth Equine and Agricultural Center LLC (“CEAC”) for a license to hold or conduct a new racing meeting in Hardwick, Massachusetts pursuant to the provisions of Chapter 128A of the General Laws of the Commonwealth of Massachusetts.

The hearing will take place on **Monday, November 14, 2022 at 1:00 p.m. and may continue to Tuesday, November 15, 2022, if necessary.** It will be conducted via remote collaboration technology. A link to the meeting will be provided to you in advance of the hearing. The hearing will be conducted in accordance with 205 CMR 101.01, G.L. c. 30A, §§10 and 11, and 801 CMR 1.02: *Informal/Fair Hearing Rules*.

CEAC submitted an Application for License to Hold or Conduct a New Racing Meeting in Hardwick, Massachusetts (“Application”). The applicant should be prepared to address all matters in the Application as well as the statutory requirements for granting a racing license set out in G.L. c. 128A. Further, the applicant should be prepared to address the following issues:

1. Whether CEAC has submitted an application that meets the requirements of G.L. c. 128A;
2. Whether CEAC has provided adequate answers to the questions set out by the Commission in the Application;
3. The financial ability of CEAC to operate a race track, per G.L. c. 128A, § 3(i);



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4. The impact of the Application on the maximization of state revenues, per G.L. c. 128A, § 3(i);
5. The suitability of racing facilities for operation at the time of the year for which dates are assigned, per G.L. c. 128A, § 3(i);
6. The circumstance that large groups of spectators require safe and convenient facilities, per G.L. c. 128A, § 3(i);
7. The interest of members of the public in racing competition honestly managed and of good quality, per G.L. c. 128A, § 3(i);
8. The necessity of having and maintaining proper physical facilities for racing meetings, per G.L. c. 128A, § 3(i);
9. The economic interest and investments of those who in good faith have provided and maintain such facilities, per G.L. c. 128A, § 3(i);
10. Whether the Applicant is financially responsible, able to meet obligations to the Commonwealth, has suitable and safe facilities for the service of patrons, and is likely to conduct racing in accordance with approved practices and in a manner consistent with the public safety, health, morals, and welfare, including the suitability of the Applicant and its leadership to hold or conduct a racing meeting.
11. The reputation for honest dealing and gaming history of the Applicant's ownership and leadership.

Additionally, CEAC shall ensure that the following individuals are present at the hearing and prepared to address the issues noted above and respond to any other matters raised in the Application:

- Scott M. Esterbrook
- Karen E. Davis
- Richard T. Fields
- Patrick Hanley
- Robin Kalaidjian
- Louis Raffetto
- Romita Shetty
- John A. Stefanini
- Representative(s) from David M. Schwarz Architects
- Representative(s) from VHB (engineering)
- Representative(s) from Walsh Brothers (construction)
- Representative(s) from Spectrum Gaming Group who can address questions related to their reports for Commonwealth Racing LLC dated February 2022 and May 2022.
- Additionally, the Commission may require any of the individuals identified in the Application to appear at the hearing to address any matters relating to the Application.



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The Commission may call the following witnesses:

- Dr. Alexandra Lightbown
- An expert who can address questions related to turf race tracks generally and the proposed race track specially
- An expert who can address the financial information provided by the Applicant
- Additionally, the Commission reserves the right to call any individuals who are able to address any matters relating to the Application.

The Applicant may be represented by an attorney and may present written and oral testimony as well as any other evidence relevant to the issues posed above. Further, the Applicant may present witnesses with relevant information in support of its case. The Commission may call witnesses to testify, including but not limited to expert witnesses. The Applicant will be afforded the opportunity to cross examine any witnesses called by the Commission. All documentary evidence anticipated to be introduced at the hearing, along with a list of all witnesses that may be called to testify at the hearing, shall be submitted to the Commission by **2 p.m. on Friday, November 11, 2022**. For ease of reference at the hearing, the Commission will pre-mark all exhibits for identification in advance of the hearing and circulate the list thereof.

A prehearing conference has been conducted in advance of the hearing to address the anticipated procedure for the hearing and to address any pre-hearing issues.

Thank you for your attention to this matter.



Massachusetts Gaming Commission