

J. Raymond Miyares
Thomas J. Harrington
Christopher H. Heep

Jennie M. Merrill
Marguerite D. Reynolds
Jonathan E. Simpson

March 1, 2013

Shawn A. Williams
Supervisor of Records
Office of the Secretary of the Commonwealth
McCormack Building, Room 1719
One Ashburton Place
Boston, MA 02108

Re: Public Records Request for Applications for Gaming License

Dear Mr. Williams:

Pursuant to 950 CMR 32.08(2), I am appealing the response of the Massachusetts Gaming Commission (MGC) to my Public Records Request. Specifically, the MGC has failed to provide access to public records in its custody without unreasonable delay. 950 CMR 32.05(2).

On January 29, 2013, I submitted a request on behalf of the Town of Hopkinton to the Massachusetts Gaming Commission pursuant to the *Public Records Law, M.G.L. c.66, §10*, to provide me with copies of the 11 Gaming License Phase I applications submitted to the Commission. According to *M.G.L. c.23K, §9(b)*, "Applications for licenses shall be public records under section 10 of chapter 66."

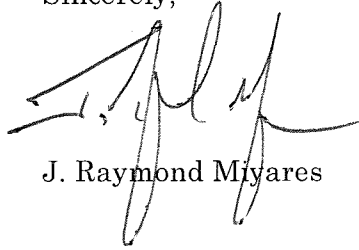
A copy of my written request is attached hereto as "Exhibit A." On February 1, 2013, I received an email from Todd Grossman, legal counsel for the Commission, stating that the requested information would be released but that "Details of the process will be discussed and reviewed by the Commission at its February 7 public meeting." A copy of this email is attached hereto as "Exhibit B."

The Commission has discussed the method of disseminating the materials that are the subject of my request at its February 7, February 21 and February 28 meetings. As yet, however, the documents have not been provided.

Shawn A. Williams
March 1, 2013
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I trust that your investigation in this matter will result in a prompt response from MGC. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Miyares", with a stylized flourish extending to the right.

J. Raymond Miyares

cc: S. Crosby
N. Khumalo
K. Spilka
C. Dykema

J. Raymond Miyares
Thomas J. Harrington
Christopher H. Hoop

Jeanne M. Merrill
Marguerite D. Reynolds
Jonathan E. Simpson

January 29, 2013

Stephen Crosby
Commission Chair
Massachusetts Gaming Commission
84 State Street, Suite 720
Boston, MA 02109

Re: Applications for Gaming License

Dear Mr. Crosby:

On behalf of the Town of Hopkinton and pursuant to the *Public Records Law*, M.G.L. c.66, §10, I request that the Massachusetts Gaming Commission provide me with copies of the following documents:

1. The Gaming License Phase 1 application submitted by MGM Springfield;
2. The Gaming License Phase 1 application submitted by Penn National Gaming, Inc.;
3. The Gaming License Phase 1 application submitted by Plainridge Racecourse;
4. The Gaming License Phase 1 application submitted by Hard Rock MA;
5. The Gaming License Phase 1 application submitted by Wynn, LLC;
6. The Gaming License Phase 1 application submitted by Mohegan Sun;
7. The Gaming License Phase 1 application submitted by Sterling Suffolk Racecourse;
8. The Gaming License Phase 1 application submitted by Raynham Park;
9. The Gaming License Phase 1 application submitted by Mass Gaming Entertainment, LLC;
10. The Gaming License Phase 1 application submitted by PPE Casino Resorts; and
11. The Gaming License Phase 1 application submitted by Crossroad Massachusetts, LLC.

Pursuant to section 10(b), you have ten days to comply with this request. Because the Town of Hopkinton is a political subdivision of the Commonwealth seeking to review

Miyares and Harrington LLP

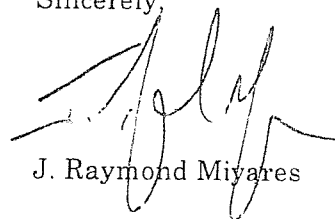
Stephen Crosby, Commission Chair
January 29, 2013
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the requested documents for the promotion of the public interest, I ask that any fees be waived as provided in 950 CMR 32.06(5).

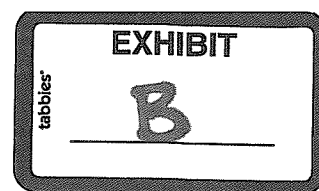
I will contact you next week to make the necessary arrangements to facilitate your response to this request. In the interim, if you have any questions, please do not hesitate to call me.

Thank you for your anticipated cooperation with this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Raymond Miyares', written in a cursive style.

J. Raymond Miyares



From: "J. Raymond Miyares" <ray@miyares-harrington.com>
Subject: **Fwd: Surrounding Communities**
Date: February 1, 2013 2:45:38 PM EST
To: Norman Khumalo <nkhumalo@hopkinton.org>
Cc: Marguerite Reynolds <mdreynolds@miyares-harrington.com>

Begin forwarded message:

From: "Grossman, Todd (MGC)" <todd.grossman@state.ma.us>
Subject: **FW: Surrounding Communities**
Date: February 1, 2013 2:41:56 PM EST
To: "ray@miyares-harrington.com" <ray@miyares-harrington.com>

Attorney Miyares,

This message will acknowledge receipt of and thank you for the request for public records attached to the email message below. Given the volume of the information you have requested, and its sensitive nature, great care must be afforded to the response. There is most certainly information contained in the requested materials that is public in nature and that will be provided to you. To that end, the Commission is in the process of gathering the redacted specimen forms, and any additional requests for confidentiality, from the applicants as described in 205 CMR 103.09 and 103.10. Once collected and reviewed, the information will be released in a uniform manner so that you, and others who have made similar inquiries, will have access to the public information. Details of the process will be discussed and reviewed by the Commission at its February 7 public meeting.

Thank you for your patience as we work to respond to your request.

Todd M. Grossman

Legal counsel
Massachusetts Gaming Commission
84 State Street, suite 720
Boston, MA 02109
(617) 979-8422

From: J. Raymond Miyares [<mailto:ray@miyares-harrington.com>]
Sent: Tuesday, January 29, 2013 3:36 PM
To: mgccomments (MGC)
Cc: Norman Khumalo; Marguerite Reynolds
Subject: Surrounding Communities