



June 7, 2013

J. Raymond Miyares, Esq.
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50 Leonard Street, Suite Three
Belmont, MA 02478

Re: Applicant Suitability/Notice Requirement under 205 CMR 116.06

Dear Mr. Miyares:

Your letters of May 16 and May 21, 2013 to Chairman Crosby regarding applicant suitability and the notice requirements under 205 CMR 116.06 have been referred to me for reply.

The Commission wants to assure you and your clients that it takes very seriously the process of investigating the suitability of all applicants and qualifiers seeking gaming licenses in the Commonwealth of Massachusetts. The process is rigorous and thorough. The standards set forth in M.G.L. c.23K §§ 12 and 16 are the starting point of the investigation, but much more information has been requested and reviewed in order to make an informed determination of suitability for each applicant and qualifier.

It is not uncommon, however, for applicants and qualifiers to be added or withdrawn from the various applications. The Commission's regulations anticipate that to be the case. 205 CMR 111.05 allows the withdrawal of an applicant or qualifier and specifies under what circumstances that can be done without Commission approval. 205 CMR 112 places a continuing obligation on an applicant or qualifier to cooperate with the Commission and provide updated information to the Commission in connection with the suitability investigation. Finally, as you correctly point out in your May 21 letter, 205 CMR 116.06 requires an applicant to notify the Commission as soon as the applicant becomes aware of any new persons that are required to be qualified. Persons can be added as qualifiers to an application based upon notice from the applicant, or upon the Commission's determination as it proceeds through the investigatory process. The Commission has the right to investigate the background of any person it believes has or will have a significant role in the applicant or application.

Your particular concern regards the Crossroads Massachusetts LLC ("Crossroads") application. Your May 16 letter raised a concern about a substitution in the applicant of that application. Your May 21 letter reiterated a request for documentation regarding notice received from Crossroads regarding any new entities or persons required to be qualified.

Massachusetts Gaming Commission

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Crossroads submitted its RFA 1 application and application fee as required before the January 15, 2013 deadline. As contemplated under the regulations, sometime in February 2013, Crossroads notified the Commission that it would be adding a qualifier to its list, FCX Massachusetts LLC ("FCX"). On March 15, 2013, Crossroads provided the Commission with a copy of its agreement with FCX. FCX has not been substituted as the applicant; it is an additional qualifier. That agreement is exempt from disclosure under c. 23K §9 (b) and the regulations the Commission issued pursuant thereto.

Since the addition of FCX as a qualifier, Crossroads has provided notice to the Commission that additional qualifiers should be added to its application. Those qualifiers are Alan Kronberg, Mashantucket Pequot Gaming Enterprise, Rodney Butler and Crystal Whipple.

The most recent qualifier list, dated June 5, 2013 is posted on the Commission's website. The list is updated monthly. The additional qualifiers in this letter have been added to that list. As your letters correctly point out, there have been no withdrawals from Crossroads' qualifier list since the application was filed.

I hope this information clarifies any questions surrounding the Crossroads RFA 1 applicant and qualifier list.

I understand that one of your colleagues contacted Mr. Grossman of my office to inquire about the release of the Multi-jurisdictional Personal History forms and the MA-Supplemental forms. The Commission has before it an appeal from a confidentiality decision by the IEB. Once the Commission has issued a decision on the appeal, those forms will be reviewed in accordance with that decision and released shortly thereafter.

Please feel free to contact me with any questions.

Very truly yours,



Catherine Blue
General Counsel

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