

Exhibit

A

Miyares and Harrington LLP

A private law firm in the public interest

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

Jennie 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

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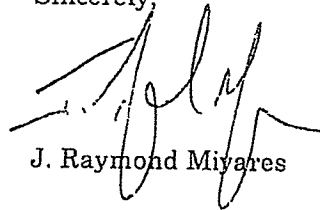
Stephen Crosby, Commission Chair
January 29, 2013
Page 2 of 2

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", is written over the typed name below it.

J. Raymond Miyares

Exhibit

B

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

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

Exhibit

C



April 8, 2013

VIA EMAIL (ray@miyares-harrington.com)

J. Raymond Miyares, Esq.
Miyares and Harrington LLP
50 Leonard Street, suite 3
Belmont, MA 02478

Dear Attorney Miyares,

I am writing with reference to your request for public records submitted to the Massachusetts Gaming Commission ("Commission") dated January 29, 2013 in which you requested the "Gaming License Phase 1 application" submitted by each of the 11 applicants for a gaming license in Massachusetts. As the Commission has recognized from the commencement of this process, the records you have requested are presumptively public records subject to necessary redactions of certain portions that meet an exemption to the public records law. At no time has the Commission denied your request for access to those records. However, given the voluminous nature of the records you have requested and the sensitivity of the information contained therein, the records must be methodically reviewed and processed prior to disclosure. This has proven to be a painstaking process; it remains, however, an essential one in order to ensure that the provisions of G.L. c.23K, §§9(b) and 21(a)(7) *vis-a-vis* G.L. c.66, and G.L. c.4, §7(26) are scrupulously applied while also safeguarding the public's ultimate right of access to the records.

When it promulgated the governing regulations, as provided in G.L. c. 23K and as a companion to the public records law, the Commission developed a process that allowed for the expeditious public release of the RFA-1 applications while also recognizing the sensitive nature of certain information contained therein. To that end, in accordance with the regulations the Commission issued a set of specimen forms along with the RFA-1 applications identifying those areas of the applications that it designated as exempt from disclosure under the public records law. See 205 CMR 103.09(2). The regulations provide that the applicants were to submit the specimen forms along with the unredacted applications. See 205 CMR 103.09(3) and 103.10(1). If properly submitted, the specimens were intended to essentially serve as the redacted public record. Unfortunately, as the Commission has publicly discussed at open meetings on a number of occasions, the Commission discovered after a comprehensive review of the specimens by members of its Investigations and Enforcement Bureau ("IEB") that the forms were largely not properly completed by the applicants. Instead, the IEB has been forced to use its limited resources to begin the daunting process of properly redacting the application

Massachusetts Gaming Commission

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forms. This is being performed by members of the Massachusetts State Police and staff in addition to the performance of their primary duties; that is, conducting the critical background investigations relative to each qualifier.

In addition to the redactions provided as part of the specimen forms, which recognize the clear exemptions allowed under the public records law, applicants made additional requests for confidential treatment of certain information contained in the application based largely on individual circumstances. See 205 CMR 103.05 et. seq. These comprehensive requests were submitted by 9 of the 11 applicants. The IEB reviewed and considered these requests and the director of the IEB issued decisions on the requests last week. The applicants were given 10 days to appeal the decisions to the Commission. Included within that appeal period was a 7 day period in which the applicant could request reconsideration of a decision made by the director. Once the appeal period has passed and/or any appeals are decided by the Commission, information for which a request was granted exempt status will be redacted from the subject application.

For purposes of gaining a complete understanding of the volume of the documents you have requested, it is important to outline the nature of the applicants and applications themselves. As you know, there are 7 applicants vying for the two available category 1 gaming licenses and 4 applicants vying for the one category 2 gaming license for a total of 11 applicants. Each person or entity that was designated as a qualifier with respect to one of the applications in accordance with 205 CMR 116.00 was required to submit the requisite RFA-1 application. Individual qualifiers were required to submit a completed Multi-jurisdictional Personal History Disclosure form (63 pages) and a Massachusetts Supplemental form to the Multi-jurisdictional Personal History Disclosure form (12 pages). Business entity qualifiers were required to submit a Business Entity Disclosure form (52 pages). These figures do not include the substantial attachments that were required to accompany the submissions. There are a total of 282 qualifiers: 183 individuals and 99 business entities. Accordingly, all told, there are approximately 48,167 pages of sensitive information that need to be processed.

It is worthy of note that the Commission has elected not to assess any fees to the requestors of these public records. Instead, the cost of preparing the documents for disclosure is being assessed to the applicants.

In balancing the interests between prompt disclosure and meticulous protection of exempt information the Commission has elected to release the records on an ongoing basis by category of information. That is, the Business Entity Disclosure forms will be publicly released first with the additional forms to follow thereafter. It is anticipated that the Business Entity Disclosure forms will be available for public release within

Massachusetts Gaming Commission

approximately 14 days and the remainder of the forms, subject to any appeals of the confidentiality determinations, within approximately 45 days.

Attached you will find a copy of the specimen forms that were released to the applicants along with the RFA-1 applications. These specimen forms are accompanied by a list of all qualifiers. These documents are being provided to you to ensure that you have a clear understanding of the type of information that the Commission has in its possession. With these documents and the aforementioned process in mind, you are welcome, if you chose, to narrow your request for information.

Thank you once again for your cooperation.

Very truly yours,



Todd M. Grossman
Staff attorney

Enclosure

cc: Shawn Williams, Esq.
Michael Pagones, Esq.

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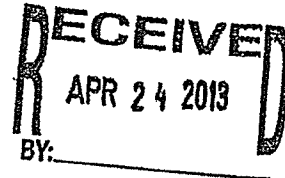
Exhibit

D



April 23, 2013

Raymond Miyares, Esq.
Miyares and Harrington, LLC
50 Leonard Street, Suite 3
Belmont, MA 02478



RE: Public Records Request RFA-1 Application Material

Dear Attorney Miyares:

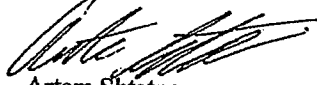
Enclosed, please find a CD containing the Massachusetts Gaming Commission's response to your public records request. The CD contains the redacted Business Entity Disclosure (BED) forms initially submitted by current entity qualifiers in response to the Commission's Phase 1 Request for Applications (RFA-1). The Investigations and Enforcement Bureau (IEB) has not yet completed redaction of the Personal History Disclosure (PHD) forms for individual qualifiers and will provide those materials upon completion. Please note that this response does not include any entity that has withdrawn its application under 205 CMR 111.05(1). Further, due to the ongoing nature of background investigations, the IEB is continuously in receipt of additional information that is not included in this response.

Certain information contained in the enclosed records has been redacted or withheld in accordance with the exemptions to the definition of "public records" in G.L. c. 4, § 7 including the following:

- the statutory exemption in G.L. c. 4, § 7(26)(a) exempting trade secrets, competitively-sensitive or other proprietary information under G.L. c. 23K, § 9(b);
- the exemption for unwarranted invasions of personal privacy under G.L. c. 4, § 7(26)(c);
- the investigatory materials exemption under G.L. c. 4, § 7(26)(f);
- the statutory exemption in G.L. c. 4, § 7(26)(a) exempting account and electronic fund transfers under G.L. c. 167B, § 16.

The Commission hereby reserves all of its rights under these exemptions and under all applicable laws.

Sincerely,


Artem Shtatnov
Attorney

Massachusetts Gaming Commission

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Exhibit

E

Exhibit E:

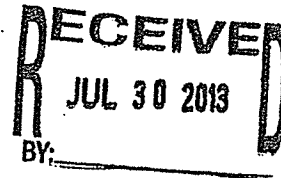
CD containing electronic copies of redacted BED forms
submitted by the 11 Applicants

Exhibit
F



July 29, 2013

Raymond Miyares, Esq.
Miyares and Harrington, LLP
50 Leonard Street, Suite 3
Belmont, MA 02478



RE: Public Records Request RFA-1 Application Material

Dear Attorney Miyares:

Enclosed, please find two CDs containing the Massachusetts Gaming Commission's response to your public records request. The first CD contains the redacted Business Entity Disclosure forms initially submitted by current entity qualifiers in response to the Commission's Phase 1 Request for Applications. The second CD contains the redacted Multijurisdictional Personal History Disclosure forms and the Massachusetts Supplemental forms initially submitted by current individual qualifiers in response to the Commission's Phase 1 Request for Applications. Please note that this response does not include information submitted by any entity or individual that has withdrawn its application under 205 CMR 111.05(1). Further, due to the ongoing nature of background investigations, the IEB is continuously in receipt of additional information that is not included in this response.

Certain information contained in the enclosed records has been redacted or withheld in accordance with the exemptions to the definition of "public records" in G.L. c. 4, § 7(26) including the following:

- the statutory exemption in G.L. c. 4, § 7(26)(a) exempting trade secrets, competitively-sensitive or other proprietary information under G.L. c. 23K, § 9(b);
- the exemption for unwarranted invasions of personal privacy under G.L. c. 4, § 7(26)(c);
- the investigatory materials exemption under G.L. c. 4, § 7(26)(f);
- the statutory exemption in G.L. c. 4, § 7(26)(a) exempting account and electronic fund transfers under G.L. c. 167B, § 16.

The Commission hereby reserves all of its rights under these exemptions and under all applicable laws.

Sincerely,

Artem Shtatnov
Attorney

Massachusetts Gaming Commission

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Exhibit

G

Exhibit G:

CD containing electronic copies of redacted PHD forms and Mass Supp forms
submitted by the 11 Applicants and their associated individual qualifiers

Exhibit

H

Exhibit H:

CD containing BED forms for FCX Massachusetts LLC ("FCX") and the
Mashantucket Pequot Gaming Enterprise ("MPGE")

Exhibit

I

May 3, 2013

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

Re: Redactions to Business Entity Disclosure Forms

Dear Mr. Crosby:

On April 23, in response to a public records request made by the Town of Hopkinton, Artem Shtatnov provided me with electronic copies of redacted Business Entity Disclosure (BED) forms submitted in connection with the Commission's Phase I application process. In accordance with your April 30 instructions, I am addressing the Town's concerns about the material provided directly to you.

As noted in Mr. Shtatnov's cover letter, exemptions to the definition of public records contained in *M.G.L. c.4, §7* include:

- (1) The statutory exemption set forth in *M.G.L. c.23K, §9(b)* for trade secrets, competitively sensitive or other proprietary information;
- (2) Privacy exemptions provided in *M.G.L. c.4, §7(26)(c)*; and
- (3) The investigatory material exemption set forth in *M.G.L. c.4, §7(26)(f)*.

The Town believes that some of the redactions made to the materials provided are overly broad and do not qualify for any of the listed exemptions.

Specifically, the Town objections to the redaction of the following items:

- Attachment 3: Description of business done and intended to be done;
- Item 12: Ownership description;
- Attachment 24A: Criminal history;
- Attachment 13: Voting owners;
- Attachment 14: Non-voting owners;
- Attachment 16: Holders of long-term debt; and
- Attachment 18: Holders of other indebtedness

While there may be certain portions of the materials that qualify for exemption, it is inconceivable that the entire content of these items can lawfully be redacted. I therefore request that you reconsider the redactions and release all portions of the BED forms that are public records.

The Town believes that there is an overriding public interest in having access to the information contained in the BED forms. Specifically, host and surrounding communities have a right to know fundamental information about applicants in order to be able to participate credibly in the Commission's processes. At a minimum, the public has a right to have access to information regarding applicants' ownership, control, financial obligations, criminal history, business history and plans.

Thank you for your attention to this matter.

Sincerely,

JRM

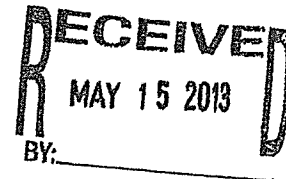
Exhibit

J



May 14, 2013

Raymond Miyares, Esq.
Miyares and Harrington, LLP
50 Leonard Street, Suite 3
Belmont, MA 02478



RE: Redaction to Business Entity Disclosure Forms

Dear Mr. Miyares:

Your May 3, 2013 letter to Chairman Crosby regarding the Town of Hopkinton's belief that the Commission's redactions to the Business Entity Disclosure ("BED") forms are overly broad has been referred to me for reply. I reviewed your letter and I also reviewed the specimen BED form along with the relevant sections of M.G.L. chapters 4 and 23K. I understand your concern to be that while certain portions of Items 3, 12, 13, 14, 16, 18 and 24A may be appropriate for redaction, not all of the information in those sections should be redacted and that communities need this information to participate in the licensing process.

Item 3 asks for a detailed description of the entity's business. There are 5 parts to Item 3. Parts A-D ask for information pertaining to competitive conditions in the industry, products and services produced by the entity as well as the markets and methods of distribution of those services, the raw materials essential to the business and the importance and duration of patents, trademarks, licenses, franchises and concessions held by the entity. All of the information requested consists of information that would be classified as "trade secrets, competitively sensitive or other proprietary information." under G.L. c. 23K, § 9(b) and is exempt from disclosure. Part E of Item 3 asks for information regarding bankruptcy, receivership or similar proceedings. This information was not redacted; we do not believe it is covered under chapter 4 or 23K § 9(b). The Commission believes that information requested in Part E regarding other material reorganization readjustment or succession of the entity or acquisitions or dispositions of material amounts of assets other than in the ordinary course of business is competitively sensitive or proprietary information under chapter 23K § 9 (b) and redacted that information.

Items 12, 13, 14, 16, and 18 require the applicant to disclose information regarding stock ownership in the entity (Item 12), voting owners (Item 13), non-voting owners (Item 14), holders of long term debt (Item 16) and holders of other debt (Item 18). Each Item asks for the name and home address, date of birth, class of voting or non-voting ownership, or type of debt instrument, the

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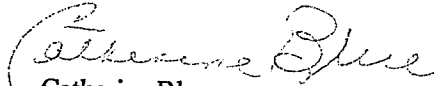
number of shares or of the interest held, the percent of the interest and in the case of debt, the dollar value of the debt held. The specifics of the entity's financial sources are competitively sensitive and fall under the exemption in chapter 23K §9 (b). In addition, some of this information concerns personal information and the personal finances of the individuals holding an interest in the entity. The disclosure of such information is exempt under chapter 4, § 7, cl. 26th.

Item 24A asks for information regarding criminal history and requests disclosure of charges and convictions relating to the entity and/or its officers, directors, and trustees. Disclosure of a compilation of charges and convictions violates the privacy rights of the individuals involved. *See U.S. Dept. of Justice v. Reporters Comm. For Freedom of Press*, 489 U.S. 749, 770-71 (1989). The public interest in obtaining this information does not substantially outweigh the seriousness of the invasion of privacy, therefore the information cannot be disclosed under chapter 4, § 7, cl. 26th. *Attorney General v. Collector of Lynn*, 377 Mass. 151, 156 (1979). The materials requested under Item 24A are further exempt under chapter 4, § 7, cl. 26th because disclosure would probably so prejudice the Investigations and Enforcement Bureau's ("IEB") efforts that such disclosure would not be in the public interest.

The Commonwealth, under chapter 4 § 7 cl. 26, has allowed exemptions from disclosure for reasons deemed to be in the public interest. Under §9 (b) of 23K, the legislature further balanced the need for public disclosure of information with the understanding that for the Commission to fully evaluate the suitability of an applicant, the applicant would be required to turn over to the Commission competitively sensitive information which, if disclosed, would put the applicant at a competitive disadvantage. The Commission believes that the redactions in Items 3, 12, 13, 14, 16, 18 and 24A balance compliance with chapters 4 and 23K, the Commission's need for information to evaluate suitability and protection of the applicant's competitively sensitive, and sometimes personal information.

The Commission welcomes your comments on the licensing process. Please call me if you have any questions or concerns.

Very truly yours,


Catherine Blue
General Counsel

Cc: S. Crosby
J. Ziemba

Massachusetts Gaming Commission

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