

205 CMR 108.00: COMMUNITY AND POLITICAL CONTRIBUTIONS

Section

108.01: Prohibited Political Contributions

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108.01: Prohibited Political Contributions

(1) As specified in M.G.L. c. 23K, § 46, no applicant for a gaming license, nor any holding, intermediary or subsidiary company thereof, nor any prohibited person, nor any person or agent on behalf of any such applicant, company or prohibited person, shall directly or indirectly, pay or contribute any money or thing of value to:

- (a) an individual who holds a municipal, county or state office;
- (b) any candidate for nomination or election to any public office in the Commonwealth of Massachusetts, including a municipal office; or
- (c) any group, committee or association organized in support of any such candidate; provided, however, that the provisions of 205 CMR 108.01 shall not prohibit an individual who is a candidate for public office from contributing to the candidate's own campaign.

(2) In determining whether a contribution or payment was made by a prohibited person or any entity described in 205 CMR 108.01(1), the commission shall consider all relevant facts and circumstances, including, but not limited to, the following:

- (a) Whether the person making the contribution or payment is a spouse or dependent person with regard to the prohibited person;
- (b) The nature and importance of any economic, business, personal, familial or other relationship between the person making the contribution or payment and the entity or prohibited person that currently exists, that existed at the time the contribution or payment was solicited and made, or that is reasonably anticipated to exist in the foreseeable future;
- (c) The timing and nature of any communications that may have occurred between the person making the contribution or payment and the entity or prohibited person regarding the prohibited person's desire to raise funds for the candidate or political organization that received the contribution or payment;
- (d) The ability or inability of the entity or prohibited person to control or affect the actions of the person making the contribution or payment, and any evidence that any such ability played a role in the decision to make the contribution or payment;
- (e) Any prior contributions or payments to or expressions of support for the candidate or political organization that was the recipient of the contribution or payment by the person making the contribution or payment, and the timing of any such prior contributions or payments or expressions in relation to the establishment of the relationship between the prohibited person and the person making the contribution or payment;
- (f) Whether the person making the contribution or payment is a resident of Massachusetts or has significant property or business interests in Massachusetts;
- (g) The timing and nature of any communications that may have occurred between the person making the contribution or payment and the recipient of the contribution or payment regarding the entity or prohibited person's solicitations on behalf of or expressions of support for the candidate or political organization;
- (h) Whether there is a pattern or regular course of conduct involving contributions or payments to one or more candidates or political organizations by the person making the contribution or payment;
- (i) Whether there is a pattern or regular course of conduct involving contributions or payments to one or more candidates or political organizations on the part of a spouse, employees, contractors or other dependent persons of a prohibited person or any affiliated person or entity thereof; and
- (j) Whether the entity or prohibited person has, directly or indirectly, reimbursed or offered to reimburse the person making the contribution or payment for all or any portion of the contribution.

108.02: Mandatory Disclosure of Political Contributions and Community Contributions

(1) An applicant or qualifier shall disclose to the commission in the Phase 1 application all political contributions and community contributions from November 22, 2011 through the date the Phase 1 application is filed and shall disclose in the Phase 2 application all political contributions and community contributions from January 15, 2013 through the date the Phase 2 application is filed. This duty of disclosure shall continue after the submission of the application and throughout the period of examination and investigation of the applicant and its qualifiers by the bureau and commission. The failure to make such disclosures shall constitute a violation of M.G.L. c. 23K, § 13 and 205 CMR 112.00: *Required Information and Applicant Cooperation*, and may subject the applicant licensee or qualifier to a negative determination of suitability or denial of its application for a gaming license or to a revocation of a gaming license or determination of suitability for licensure, and any other remedial actions by the commission.

(2) All political contributions or contributions in kind made by an applicant for a gaming license to a municipality or a municipal employee, as defined in M.G.L. c. 268A, § 1, of the host community of the applicant's proposed gaming establishment shall be disclosed by the applicant to the commission in accordance with 205 CMR 111.00: *Phase 1 Application Requirements* and contributions made from January 15, 2013 through the date the Phase 2 application is filed shall be disclosed in the Phase 2 application and to the city or town clerk of the host community. Applicants shall also fully and completely comply with 970 CMR 1.19: *Contributions from Gaming License Applicants and Persons Holding Such Licenses* (Office of Campaign and Political Finance) so as to enable timely and expeditious public reporting.

(3) The duty to disclose set forth in 205 CMR 108.02(1) and (2) shall not prohibit disbursements to host or surrounding municipalities pursuant to 205 CMR 114.03: *Community Disbursements*.

108.03: Mandatory Disclosure of Requests Any Thing of Value

(1) For purposes of 205 CMR 108.03, a request for any thing of substantial value means a request for compensation, contribution(s), services, gifts, request(s) to do or take or refrain from doing or taking any action with a face value or fair market value of \$1000 or more at the time it was requested. Examples of any thing of value include, but are not limited to, cash, food or drink, contributions to a charity or non-profit or tickets to entertainment, cultural or sporting events. To determine the value of attendance at an event, the calculation shall include, if such information is available, the admission fee or ticket price or per person cost to the sponsor or the actual cost of the event may be divided by the number of attendees.

(2) An applicant shall disclose to the commission in the RFA-2 application all requests, of which it is aware, or through due diligence should have been aware, for any thing of substantial value made to an agent or employee of the applicant or any qualifier by persons or persons listed in 205 CMR 108.01(1) from January 15, 2013 through the date the RFA-2 application is filed. This duty of disclosure shall continue after the submission of the application and throughout the period of examination and investigation of the applicant and its qualifiers by the bureau and commission. The failure to make such disclosures shall constitute a violation of M.G.L. c. 23K, § 13 and 205 CMR 112.00: *Required Information and Applicant Cooperation*, and may result in the denial of the application for a gaming license or to a revocation of a gaming license or any other remedial actions deemed reasonable by the commission.

(3) The disclosure shall include the name of the person making the request, the date the request was made and the nature of the request.

(4) The duty to disclose set forth in 205 CMR 108.03(1) and (2) shall not include requests for disbursements by municipalities pursuant to 205 CMR 114.03: *Community Disbursements* or requests for disbursements by municipalities made in accordance with an agreement between an applicant and the municipality to pay or reimburse expenses incurred in connection with the negotiation of a host or surrounding community agreement.

REGULATORY AUTHORITY

205 CMR 108.00: M.G.L. c. 23K, §§ 4(37), 5, 46 and 47.