

205 CMR: MASSACHUSETTS GAMING COMMISSION

205 CMR 129.00: REVIEW OF A PROPOSED TRANSFER OF INTERESTS

Section

129.01: Review of a Proposed Transfer of Interests

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(1) If a proposed transfer of interests subject to 205 CMR 116.08 through 116.10 will result in a change of control, the proposed transferee shall, as a condition of the transfer, unless otherwise allowed by the commission in accordance with 205 CMR 129.01(2), provide the commission with a written agreement to assume all obligations of the gaming licensee including, but not limited to, commitments made in the RFA-2 application, all terms and conditions contained in the gaming license, operation certificate, host community agreement, surrounding community agreements, impacted live entertainment venue agreements, and any other associated agreements, and all permits, licenses, and other approvals issued by any federal, state, and local governmental agencies concerning the construction and operation of the gaming establishment. Additionally, the written agreement shall include an attestation from the transferor and transferee, accompanied by relevant supporting documentation, that said transfer comports with all applicable terms and conditions of the aforementioned instruments including any pre-approval requirements contained in a governing host community agreement.

(2) Prior to submitting the written agreement referenced in 205 CMR 129.01(1), a proposed transferee may petition the commission to allow for the modification of any terms, conditions, or agreements applicable to the gaming license held by the transferor, provided that the modifications are not inconsistent with the provisions of 205 CMR 127.00: *Reopening Mitigation Agreements* or any other applicable provisions of M.G.L. c. 23K and 205 CMR.

(3) Notwithstanding 205 CMR 129.01(1), the commission may in its discretion require submission of any RFA-2 material as described in 205 CMR 119.00: *Phase 2 Application* to assist in its determination as to whether to allow a modification in accordance with 205 CMR 129.01(2) and/or approve a transfer of interests in accordance with 205 CMR 116.09: *Approval*.

REGULATORY AUTHORITY

205 CMR 129.00: M.G.L. c. 23K, §§ 2, 4(37), and 5.