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October 1, 2014

BY HAND

Karen L. Nober
Executive Director
State Ethics Commission
One Ashburton Place
Room 619
Boston, MA 02108

Dear Director Nober:

By this letter, I make a sworn complaint in accordance with General Laws Chapter 268B, Section 4(a) and ask that the State Ethics Commission take all necessary action to investigate and remedy the effects of actions taken in apparent violation of General Laws Chapter 268A in connection with an important state agency action, which constitutes an "official action" for purposes of Chapters 268A and 268B generally.

The Massachusetts Gaming Commission is charged with implementing the Massachusetts Gaming Act, codified principally in General Laws Chapter 23K. From January to September 2014, the Gaming Commission considered which of two applicants should be awarded the gaming license for the greater Boston area, which is referred to as Region A. Earlier this month, the Commission voted to award that license to Wynn Resorts, Ltd.

On May 8, 2014, Gaming Commission Chairman Stephen Crosby announced his recusal from "any of the issues concerning the licensing decision for Region A." Chairman Crosby's recusal came after much public criticism of his continuing involvement in Region A matters despite his biases, perhaps most prominently seen in a mid-April 2014 letter from the City of Boston calling on him to step aside from Region A issues. After his recusal, participants in the process relied on him staying true to his word and removing himself from the Commission's consideration and decision of matters related to the Region A license.

It has come to my attention that, despite the restriction resulting from his recusal, Chairman Crosby actively participated in Commission activities related to the award of the Region A license after claiming to have recused himself, and that his participation continued into September 2014.

As there is no apparent, non-corrupt reason for Chairman Crosby to continue to involve himself in Region A activities after his recusal, I believe his actions violate M.G.L. c. 268A, § 2(b)(2) and (3) and c. 268A, § 23(b)(3) and may result in the necessity of a rescission and/or cancellation of an agency action — the award of the Region A gaming license — in accordance with c. 268A, § 9.



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At your earliest opportunity, I am available to outline the information that substantiates the above conclusion.

Given the gravity of the matter, and to facilitate the coordination contemplated by c. 268B, § 4(a), I am copying relevant law enforcement officials on this complaint. I note that 930 CMR 3.01(3) contemplates that the Commission may ask that complainants keep their complaints confidential. Please know that I do not intend either to provide a copy of this letter to anyone other than the individuals indicated below or to make public the fact that I have sent it.

Signed under the penalties of perjury,

A handwritten signature in black ink, appearing to read 'Charles A. Baker, III', with a stylized flourish at the end.

Charles A. Baker, III

cc: Karen Wells, Director, MGC Investigations and Enforcement Bureau
Patrick Hanley, Chief, Gaming Enforcement Division, Office of the Attorney General

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