

Everett casino gets pushback from local theaters over its newly proposed entertainment venue

Written by Administrator

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A planned Encore casino [development project](#) from Wynn Resorts that proposes to build a 1,000-seat entertainment venue across the street from the Everett casino faces harsh criticism from nearby cities and towns, with local theater operators saying the venue will further cut into their bottom lines.

At a hearing Monday, the Massachusetts Gaming Commission heard public input on the proposal, which was revised from an earlier version that went before a public hearing on Feb. 10. Troy Siebels from the Massachusetts Performing Arts Coalition and president of the Hanover Theater in Worcester said Encore is already circumventing limits on theater seats in the state's casino law, which stipulates that casinos cannot build an entertainment venue where there are between 1,000 and 3,500 seats.

"Putting 2,000 chairs in a big ballroom and selling tickets might not be technically building a theater, but it's pretty clear it's not in the spirit of the legislation," Siebels said.

[Encore's proposed East of Broadway Development project](#) calls for 20,000 square feet for restaurants and retail stores, a 999-seat event room (revised from an earlier proposal for a 1,800 seat venue), a 2,300 space parking garage and a pedestrian bridge connecting the casino to the new project.

At the hearing, several speakers addressed what they felt were predatory practices by bigger nearby venues. The local theater operators said they'll be undercut, as Encore's casino profits enable them to subsidize lower ticket prices that the smaller venues can't match.

Attorney Dan Rabinovitz with Boston's Murphy & King law firm represents the city of Medford, which is home to the 1,850-seat Chevalier Theater. Rabinovitz said Encore already flouts the state casino statute by exceeding seating limits at public venues. "That's not a violation of the spirit of the law. That's a violation of the law," Rabinovitz said.

He asked the commission to fine the casino or issue a stern warning for past violations and said, if necessary, he may file an injunction on behalf of his client against Encore for violating the casino statute.

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The Mass. Gaming Commission has held a series of public hearings to determine whether the proposed development project across the street from the Encore casino is part of the gaming establishment and therefore falls under the jurisdiction and regulatory oversight of the commission.

Ken Krause, a member of the board of directors of the Friends of Chevalier Auditorium, criticized Encore officials for initially denying that the development project was an expansion of the casino. According to the East of Broadway Development Project proposal, Wynn, MA LLC has determined that the new structures — including the restaurants, parking garages, entertainment venue and pedestrian bridge — are "non-gaming" structures and should not be considered part of an expansion of the casino.

Krause said by designating the planned project as part of the gaming establishment it would prevent Encore from directly competing with smaller to medium venues and from adding 1,000 or more seats.

"So that's part of our concern is that if it's not really part of the gaming commission, there's nothing that would preclude them from raising [the number of seats] back up to any number they want," he said.

As an example, Krause points to a 2019 Encore Casino performance of the musical group the B-52s and how the Encore Casino was able to lure them to play for more money than other local venues could offer.

"The B-52s were all but signed to perform at the Chevalier theater in that year. Then the casino came along and offered the B-52's three times the amount that Chevalier theater was going to offer them to play," Krause said.

Casey Cormier of the Cabot Theater in Beverly echoed concerns about predatory booking practices and said that seating capacity at that venue is a real issue. The Cabot Theater is an important cultural and economic landmark that injects \$10 to \$12 million dollars into the city per year, she said.

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"We are the smallest theater of our cohort, we're at 850 seats. So, a venue of 999 seats or less would put us in direct competition," Cormier said.

Massachusetts Gaming Commissioner Bradford Hill pushed for additional examples, saying, "I was a little taken aback when you started talking about predatory practices and the fact that the B-52s were going to go to Medford and then ended up going to Encore."

Krause didn't offer more examples, but added that "they call it the 'casino play,'" a term used by venue operators to describe the practice of booking agents seeking to pit smaller venues against casinos in order to get the highest pay-out for performances or scheduled events.

Wynn representatives were not at the hearing. The Gaming Commission is continuing to review the proposal and expects to offer a decision at their Mar. 10 meeting.

Read more <https://www.wgbh.org/news/local-news/2022/03/01/everett-casino-gets-pushback-from-local-theaters-over-its-newly-proposed-entertainment-venue>