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THE COMMONWEALTH OF MASSACHUSETTS  
MASSACHUSETTS GAMING COMMISSION

OPEN MEETING

CHAIRMAN

Stephen P. Crosby (*not present*)

COMMISSIONERS

Gayle Cameron

James F. McHugh

Bruce W. Stebbins

Enrique Zuniga

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JULY 26, 2012, 1:00 p.m.

OFFICE OF THE DIVISION OF INSURANCE

First Floor, Hearing Room B

1000 Washington Street

Boston, Massachusetts

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JULY 26, 2012

PROCEEDINGS:

COMMISSIONER MCHUGH: It is 1:00. So, let's call the 18th meeting of the Massachusetts Gaming Commission to order in our new and more cozy quarters.

Welcome to all in attendance and welcome to all who are watching on the video streaming. The Chair is on vacation today. So, the four of us will proceed in his absence and he will be back for the next or perhaps the next after that meeting, in any event, by August 8.

The first order of business is the minutes of July 17 that have not yet been prepared. So, we will take those up at the next meeting.

And we will proceed directly to the third item on the agenda, which is the administration and the various subtopics under that.

The first of those is the Executive Director search update. Commissioner Stebbins perhaps you could bring us up-to-date on what's happening here.

COMMISSIONER STEBBINS: Absolutely. Our hired search firm, JuriStaff has kind of called an initial contact and outreach list of approximately 50 contacts that they have begun to reach out to to gauge individuals'

1 interest as well as collect additional names of folks they  
2 should talk to as they initiate this Executive Director  
3 search.

4                   No candidate or interested party  
5 information is being shared with the Commission at this  
6 time.

7                   We have had some initial follow-up  
8 discussions since our last meeting when we talked about  
9 -- Commissioner McHugh I think it was your point about  
10 creating kind of a selling package to as I guess as we  
11 approach the baseball trading deadline, we are both buyers  
12 and sellers. We are looking for candidates as well as  
13 trying to sell Massachusetts as a great place to live and  
14 work.

15                   We had talked about creating an ad for an  
16 industry publication. We got some initial quotes on  
17 that. I think in speaking with JuriStaff last night, we  
18 decided to back away from buying an ad in a publication.  
19 In talking with Elaine Driscoll, our Director of  
20 Communications, we think there is some free media we can  
21 generate out of the announcement of our search as opposed  
22 to buying an ad.

23                   The timing for the ad would have put us into  
24 -- for this publication would have put us into September,

1 which is a good month plus away. And we weren't sure we  
2 were going to get -- We kind of agreed upon the fact that  
3 there are enough people aware of our Commission, the  
4 posting in this position that we think the buzz is already  
5 out there that we really wouldn't benefit from having an  
6 ad in an industry publication.

7                   But we are going to some media around the  
8 job description, the announcement of the search,  
9 obviously the selection of JuriStaff.

10                   We have had additional conversations about  
11 online job sites. They recommended a handful of job sites  
12 that are specific to the casino industry. I had a chance  
13 to look at those sites. I didn't think they were  
14 appropriate just by the nature of the jobs that they were  
15 more inside industry, posting for a bartender in a casino  
16 in Mississippi. I decided that wasn't necessarily the  
17 route to go.

18                   But certainly to broader and more  
19 traditional names like Monster, CareerBuilder.com,  
20 posting the position up on those websites. We'll  
21 obviously be posting the Executive Director profile and  
22 job summary on the State website as well as our own  
23 website.

24                   Since we are bypassing kind of doing an ad,

1 we talked to them and Elaine Driscoll has been part of that  
2 conversation about creating a PowerPoint piece that a  
3 candidate or a prospect could go through, which would give  
4 them background on the Gaming Commission, on the  
5 Commissioners, on the roles and responsibilities as well  
6 as hopefully promote Massachusetts somewhat. So, we are  
7 going to focus our efforts away from the ad in creating that  
8 kind of piece that they can easily email out to a candidate  
9 to have them go through and look and gain some more  
10 information about the position.

11 In your package, you do have the Executive  
12 Director profile. We went through some changes on it  
13 yesterday. Most of it was kind of eliminating some  
14 duplicative language about responsibilities. Janice  
15 Reilly, our Chief of Staff, mentioned to me that some of  
16 the profile language wasn't clear because it didn't  
17 necessarily reflect where we are addressing reporting  
18 requirements to the Commission as an entity or the  
19 Commissioners as the five of us. So, we tried to make that  
20 distinction more clear.

21 When we referenced the Commission as the  
22 agency and as the body, we refer to that to the MGC where  
23 it talks about the reporting relationship with respect to  
24 the five of us. We identified those as the Commissioners.

1 So, we went through the whole body of the document and made  
2 those changes and some of those updates.

3 If there are any questions about it, we can  
4 talk about the position profile, but hopefully we can have  
5 some agreement on this as a final document, and JuriStaff  
6 can begin to share this document and we can get it posted.

7 COMMISSIONER MCHUGH: Do you think we need  
8 a vote on that or can we just do it by consensus? Has  
9 everybody had a chance to read it?

10 COMMISSIONER CAMERON: We have had a  
11 chance. I did bring up one issue to Commissioner Stebbins  
12 and that is whether or not we want to incorporate the  
13 racing related activities under the Gaming Executive  
14 Director or a separate Executive Director for racing.  
15 So, those are things that I think as we discuss or table  
16 of organization what makes the most sense we can make  
17 decisions.

18 I don't know that there is any need to make  
19 that decision today. I would like to do a little more work  
20 with regard to how other states handle that and the reasons  
21 for same. But I don't think this document needs to be  
22 changed in order to make that decision.

23 COMMISSIONER MCHUGH: If the Executive  
24 Director is going to be responsible for Racing, he/she

1 ought to know that as the search proceeds, right?

2                   COMMISSIONER CAMERON: I am not sure that  
3 that would make a difference in those applying for the  
4 position. I actually don't think there will be very many  
5 Executive Directors for gaming that have any racing  
6 experience, which is a reason for us to consider a separate  
7 Executive Director for the Racing Division.

8                   It is something that we discussed and I  
9 wanted to bring it up to all of the Commissioners as a point  
10 of interest. It's something we will have to take a look  
11 at the table of organization and make those decisions.

12                   The point in traveling to a racing event  
13 over the last couple of days, there are three other states  
14 that I'm aware of that have folded racing under gaming.  
15 And the two that were present, each had an Executive  
16 Director for gaming and an Executive Director for racing  
17 as part of the one Commission. But I did not have a chance  
18 to fully scope out the reasons and if that make sense for  
19 us to look at it from two different perspectives.

20                   COMMISSIONER STEBBINS: Just quickly, the  
21 reference -- where this is referenced is in the second  
22 paragraph of the scope. It says the MGC and therefore the  
23 Executive Director shall oversee and be the responsible  
24 regulatory authority for all casino and slot related

1 gaming activities as well as racing related gambling  
2 activities.

3 My own view point is that is somewhat  
4 general and somewhat broad. It does talk about the  
5 Commission being the responsible regulatory authority,  
6 which we will be. I certainly see a role for the  
7 Commission Executive Director to having some  
8 responsibility, maybe not direct oversight of the racing  
9 piece, but some responsibility within that reporting  
10 authority.

11 I think that sentence is broad enough that  
12 it does not necessarily define where a Director of Racing  
13 may fit into the org. chart, so to speak.

14 COMMISSIONER MCHUGH: I can see that. You  
15 are content to leave that there, Commissioner?

16 COMMISSIONER CAMERON: I don't think it  
17 will matter in the large scheme of things. I don't think  
18 we will have someone say apply or not apply based on that  
19 sentence. And I think that is the key here.

20 COMMISSIONER MCHUGH: Some of the  
21 qualities we are looking for may -- We are a long ways away  
22 from that, not a long ways, but we are a ways from that.  
23 The qualities we are looking for may depend on that. It  
24 is a conversation we need to have.



1                   COMMISSIONER CAMERON: I would agree.

2 That is the point that I made this morning.

3                   COMMISSIONER ZUNIGA: I would like to ask  
4 a question and make a point relative to at least according  
5 to one of the most recent work plans of our consultants,  
6 one of the tasks that are upcoming relative to the table  
7 of organization is very soon as per the work plan.

8                   So, I suspect and I don't know if this work  
9 plan has changed since I last printed it much, I suspect  
10 that we'll start to see very soon options of table of  
11 organization from our consultants where racing has to be  
12 an important component.

13                   And could we table this notion until those  
14 discussions of the table of organization, if that is a  
15 point that Commissioner Cameron is making?

16                   COMMISSIONER MCHUGH: Yes. That's what I  
17 understood it to be. I don't think we can decide that  
18 today. But I think that the job description, if we are  
19 going to circulate a job description, ought it to mention  
20 in the broad way that it does that there may be some racing  
21 responsibilities. That can always be pulled back.

22                   But it seems to me that as we go out there,  
23 it's easier to put it out there and pull it back than it  
24 is not to include it when we send out the initial job

1 description.

2                   COMMISSIONER CAMERON: I agree. That is  
3 why I was content to leave the language as is moving  
4 forward.

5                   COMMISSIONER MCHUGH: Is there consensus  
6 then? I am not sure we need a vote. There's a consensus  
7 that that is the job description that we'll use. So, we  
8 modify it if necessary later. That is the job description  
9 that we will use for the moment.

10                   COMMISSIONER CAMERON: Yes.

11                   COMMISSIONER STEBBINS: The other piece of  
12 this that Commissioner McHugh and I have been involved in  
13 is finalizing the interview and selection process,  
14 keeping in mind our interest as we begin to get further  
15 down the road in talking to candidates and the question  
16 will inevitably come up about the confidentiality of their  
17 resume, of their application in case they don't want their  
18 current employer to know.

19                   The Commissioner and I had a conversation  
20 with the Attorney General's office last week about what  
21 we saw -- what we are formulating as two strategies. One  
22 having one Commissioner involved, potentially with the  
23 outside assistance of others. The second was with two  
24 Commissioners being in a formal subcommittee process. If

1 you want to share your thoughts on each of these?

2                   COMMISSIONER MCHUGH: We both talked to the  
3 Attorney General, focused exclusively on the ability to  
4 keep confidential the names and materials of those who  
5 did not become finalists.

6                   Those who become finalists will be subject  
7 to a public interview and the like. And they have to be  
8 told that at the beginning, because that is the  
9 appropriate way of doing it.

10                   The question is whether having a  
11 subcommittee or having a single screener both of who would  
12 work with the search committee, the outside search  
13 committee, would provide greater assurances to those who  
14 did not become finalists that their identities and filing  
15 materials would be confidential. And based on those  
16 conversations, it's clear to me and I think to  
17 Commissioner Stebbins that both structures provide  
18 confidentiality.

19                   The subcommittee structure is a little bit  
20 more complicated but it can achieve the same result. So  
21 we, I don't think, should make a decision today on how that  
22 works, because I think it is important for the Chairman  
23 to be here for that as well.

24                   The decision insofar as confidentiality is

1 concerned that doesn't need to turn on the structure we  
2 choose, although it's a little bit more complicated with  
3 the subcommittee structure. That was the takeaway from  
4 the Attorney General, who spelled out the ways that we  
5 could do it, which were pretty much the ways that we  
6 envisioned. But between the public records law and the  
7 open meeting law, there's a way to do it.

8           That is important, not because we or  
9 anybody else engaged in this kind of a process is trying  
10 to keep things from public view for the sake of keeping  
11 them from public view. But in order to attract people who  
12 may be employed elsewhere, and this is common throughout  
13 all industries, attract the most qualified people who may  
14 be employed elsewhere and may not wish their current  
15 employer to know that they are looking elsewhere for a  
16 whole variety of sound reasons, want to have some  
17 assurance of confidentiality before they begin the  
18 process of applying.

19           It is important to try as we must to get the  
20 most qualified person to run this important institution  
21 and be the Executive Director as we start off. So, we need  
22 to devise a way that will make the most qualified, the most  
23 talented applicant feel comfortable taking the risk of  
24 applying to us to become our Executive Director. That is

1 the context for this. It's a familiar context and one we  
2 need to give some considerable attention to.

3 So, that in any event is a brief report.  
4 You can supplement it, Commissioner, if you'd like,  
5 because we both talked with the AG's folks. That's the  
6 essence of where we are and what we are trying to do.

7 COMMISSIONER STEBBINS: I concur with your  
8 comments. What I relayed to the folks at JuriStaff has  
9 been exactly that. So, that anybody who feels the need  
10 to send JuriStaff any of their information, they know at  
11 this point because they aren't designated a finalist that  
12 their information at this point can be kept confidential  
13 as part of our process.

14 I think it would go as no surprise to anybody  
15 who is going to be a finalist that their information at  
16 that point would have some restraints to it, but they  
17 definitely need to be interviewed by the full Commission  
18 in a public hearing anyway. So, I don't think that is  
19 necessarily a surprise especially if it's anybody who's  
20 been in the public sector already.

21 COMMISSIONER MCHUGH: Do either of the  
22 Commissioners want to have a discussion of that now?

23 I was thinking of the next step when the  
24 Chairman returns might be to draft up basically a little

1 memo describing the procedures under both based on what  
2 we already know and what we learned from our  
3 conversations, present it here and then have a discussion  
4 of the other considerations. This isn't the only  
5 consideration that decides which way we go, but at least  
6 it is an important ingredient in that discussion.

7                   COMMISSIONER ZUNIGA: I have a question and  
8 maybe this could really be addressed in the memo you  
9 discussed. Is there any assumption as to a finalist or  
10 finalists being a certain number, a minimum, either  
11 acceptable or assumed?

12                   COMMISSIONER STEBBINS: There is a minimum  
13 number of two. We have to at least have two according to  
14 our conversation with the Attorney General's office and  
15 I think that from the statutory sense it makes sense. And  
16 probably from a commonsense perspective, it makes sense  
17 to have at least have an option between two individuals  
18 if not more, as long as the finalists are all considered  
19 to be on kind of the same level of caliber and experience  
20 and professional history.

21                   COMMISSIONER ZUNIGA: Good.

22                   COMMISSIONER MCHUGH: We'll have a choice  
23 among at least two and perhaps more.

24                   COMMISSIONER CAMERON: No, my only comment

1 is that I think the sooner we make this decision the better  
2 so applicants can be clear and make decisions whether or  
3 not they want to proceed with the process.

4 COMMISSIONER MCHUGH: Let's tentatively  
5 plan to take this up again when the Chair is back and see  
6 if we can't finalize it at that time. Okay.

7 Turning from the Executive Director to  
8 additional hires, Commissioner Zuniga, anything you have  
9 to help us with that?

10 COMMISSIONER ZUNIGA: I drafted the job  
11 description and got good input relative to a staff  
12 attorney that we are contemplating. We have the need to  
13 have a lot of work be done in the area of supporting legal  
14 research, regulation writing and the like. That is  
15 drafted.

16 There is a couple of options that we are  
17 contemplating from a procurement standpoint. And one of  
18 them is to request three quotes from some of our  
19 prequalified firms or other firms who would do this type  
20 of search. I am in the process of that. I have not  
21 obtained the minimum of three quotes but I may have an  
22 update on that next meeting.

23 COMMISSIONER MCHUGH: Okay. We need to --  
24 From my personal standpoint, we need to make tracks in that

1 regard.

2 COMMISSIONER ZUNIGA: Yes.

3 COMMISSIONER MCHUGH: And I know  
4 you --

5 COMMISSIONER CAMERON: I concur,  
6 Commissioner.

7 COMMISSIONER MCHUGH: So, we look forward  
8 to the next report.

9 COMMISSIONER CAMERON: If I may, I have an  
10 additional hire to discuss, but I would prefer to hold  
11 until I report during my racing report.

12 COMMISSIONER MCHUGH: Sure. Let's turn  
13 then to internal policies. Commissioner, is there  
14 anything you want to say about that?

15 COMMISSIONER ZUNIGA: Yes, a little bit.  
16 As you know, I distributed for internal distribution of  
17 the draft six-chapter employee manual. I hope you have  
18 an opportunity to see them or review them.

19 We won't take them up for vote today. But  
20 it would be great to contemplate them in a subsequent  
21 meeting, if we can do that next meeting. And I know the  
22 Chair is on vacation this next week, so it will probably  
23 have to be postponed until after.

24 Director Glovsky is looking at them. She



1 has some good comments on a couple of chapters that she's  
2 reviewed. We are still in the process of fine-tuning a  
3 little bit of that with the understanding that these type  
4 of policies have an evolution even when they are adopted  
5 and they will never really be final, if you will. I am  
6 really looking forward to additional comments that Eileen  
7 may have.

8 COMMISSIONER MCHUGH: Will we expect  
9 another draft then, a redlined draft after we incorporate  
10 those comments?

11 COMMISSIONER ZUNIGA: Yes.

12 COMMISSIONER MCHUGH: Good. Where is  
13 Eileen? Oh, there she is. We mentioned at our last  
14 meeting, I think, we announced gladly that Eileen Glovsky  
15 had joined us as the Director of Administration. This is  
16 her first meeting. We are delighted that you are aboard,  
17 Eileen, and already making your presence felt. It's  
18 great to have you with us.

19 We'll look forward to a redraft of that with  
20 those additional comments. Still while we are focused on  
21 you, Commissioner, anything further on the project  
22 management consultant?

23 COMMISSIONER ZUNIGA: No, with the  
24 exception that we did execute a contract with PMA, the

1 terms and conditions in the Commonwealth contract form.  
2 They are currently trying to schedule a meeting with our  
3 own consultants. And to my knowledge that has not  
4 happened but is scheduled to happen this coming week.

5           They are in the process of reviewing some  
6 of the memos and information that we have received  
7 relative to timeline. For example, the advisory to  
8 communities relative to our tentative timeline, etc. and  
9 they are incorporating all of that information.

10           COMMISSIONER MCHUGH: I did get an email  
11 this morning briefly from Kristen Gooch saying that she  
12 had had some conversations with them. And I think she's  
13 optimistic about the ability to upload the materials in  
14 the project plan into their plan. So, that process has  
15 started. There wasn't a lot of details. So, that's  
16 good. Then we'll have an overall project plan.

17           Anything else in the area of administration  
18 then?

19           So, let's turn to Commissioner Cameron to  
20 you with the Racing Division update.

21           COMMISSIONER CAMERON: Thank you,  
22 Commissioner. I have prepared a memo just outlining our  
23 next steps with regard to our racing consultant's  
24 recommendations to the full Commission at our last

1 meeting.

2           In that memo, I just outlined -- First of  
3 all, I just summarized all of her recommendations, which  
4 include convening a stakeholder review of gaps between  
5 current status and regulations and the ARCI Model Rules  
6 of Racing. With legal counsel determine any statutory  
7 barriers to regulatory reform and develop plans to address  
8 said barriers. Develop an RFP to outsource equine  
9 testing. Develop plans for accreditation of judges and  
10 stewards. Work with MGC leadership and human resource  
11 professionals to develop organizational needs, job  
12 descriptions for 2013 racing regulatory staff and  
13 contract labor, and a transition plan moving all of the  
14 employees from the former State Racing Commission now they  
15 are housed at DPL over to our operation. Also, addressing  
16 the financial licensing and budgetary issues.

17           I feel there is some urgency in moving this  
18 process along, which is why I just wanted to put it down  
19 in an outline form here and just talk about some of the  
20 immediate steps.

21           We have a group of volunteers who seriously  
22 have offered to help us with this process. What I'm  
23 talking about here is a working group. Ms. Allman has  
24 agreed to facilitate that working group too for timeliness

1 sake and to really understand what needs to be done.

2 She is going to facilitate that working  
3 group, provide her leadership so that these best practices  
4 become a reality. When we talk about this working group,  
5 it is designed to enhance transparency, incorporate  
6 creative ideas and encourage buy-in from all of the  
7 stakeholders.

8 So, as of right now -- And this also will  
9 be a work in progress. Ms. Allman will facilitate. Dr.  
10 Alex Lightbown who is our chief veterinarian will  
11 participate. Mr. Doug O'Donnell who is the transition  
12 coordinator will participate. Mr. Chip Tuttle who is the  
13 chief operating officer at Suffolk wanted to personally  
14 participate in this working group. Mr. Steve O'Toole who  
15 is the general manager at Plainridge Racecourse will also  
16 be participating. And I failed to put down Janice  
17 Reilly's name, our Chief of Staff. She also has agreed  
18 to participate. That is from a standpoint of we will need  
19 to house staff and look at that transition. She is best  
20 suited from the Commission to address some of those  
21 issues.

22 Certainly, I will be getting reports. And  
23 Ms. Allman will be reporting to the full Commission when  
24 that's necessary. So, this is a group we are going to pull

1 together very quickly to start working on the best way to  
2 facilitate regulatory change.

3           In addition to the working group, I am at  
4 this time making a recommendation that we post for an  
5 Executive Director of Racing. Again, we'll have to have  
6 some discussions whether or not that is a Director or  
7 Executive Director. The term used nationally is  
8 Executive Director of Racing. Of course, when we are able  
9 to hire that person, that person would immediately be  
10 incorporated into the working group.

11           Also as we talked about, Commissioner  
12 McHugh, we talked about that staff attorney. This would  
13 be another area where I would need assistance from that  
14 person to look at those model rules and regulations and  
15 see how we incorporate them and make changes with the  
16 current. So, I will need some legal assistance there.

17           As you all know, I spent the last couple of  
18 days up in Saratoga with a Racing Commissioners  
19 International Group, established some very good contacts.  
20 Impressed with the professionalism, the knowledge. And  
21 at this point, I think because of those contacts -- This  
22 is a very small group of individuals. I don't think we  
23 would need to use our search firm to assist with this  
24 search.

1 All of those involved and there's several  
2 racing organizations that we could post and I think we  
3 could get the message out effectively what we are looking  
4 for without assistance of a search firm for this  
5 particular position.

6 I would be recommending to handle that as  
7 a single Commissioner with the assistance of someone from  
8 our staff to assist with some interviews and certainly,  
9 the last couple of finalists would come before the full  
10 Commission.

11 But I see this as an important piece to move  
12 on. When this plan as we received the results from our  
13 racing consultant and talked about the work that needs to  
14 be done, I see this as something that I am recommending  
15 we move on quickly. So at this point, I am just bringing  
16 that information forward. I am working on a job  
17 description for the individual. I've had conversations  
18 with other Executive Directors from around the country who  
19 have offered to assist me with that process.

20 That's the memo that is in your package.  
21 Secondly --

22 COMMISSIONER MCHUGH: Before we -- You are  
23 going to turn now to the specific -- Is that all you wanted  
24 to present, Commissioner, on that topic?

1                   COMMISSIONER CAMERON: Correct, just where  
2 we are moving forward. The one last piece, by the way,  
3 one of the recommendations was to have an audit performed.  
4 That has been requested by the State Auditor. And the  
5 initial process has begun. Preliminary meetings are  
6 being scheduled as we speak for that audit.

7                   COMMISSIONER MCHUGH: I wanted to just open  
8 that piece up for some discussion, because there's a lot  
9 packed in there. There's some things I think we might  
10 profitably talk about. Commissioner?

11                   COMMISSIONER ZUNIGA: Yes. I did have one  
12 point to make about our current contract with Ms. Allman.  
13 We did not originally anticipate facilitation of a working  
14 group even though the activities that she will be doing  
15 continue in the venue of this diagnostic phase that we  
16 asked her and contracted her to perform.

17                   So, I suggest and volunteer to provide a  
18 rationale memo to this Commission by next meeting by which  
19 we would be extending her contract. And I will be  
20 bringing that to this Commission for consideration. So  
21 that everybody understands that this is not really part  
22 of her original tasks that we are compensating her for.

23                   COMMISSIONER STEBBINS: Just one thought  
24 on the posting for the position. I would suggest even

1 sharing the job posting description for the Director of  
2 Racing with our friends at JuriStaff, not necessarily to  
3 have them go out and find us candidates but as they are  
4 going through the Executive Director search they may come  
5 across somebody whose qualifications might be more  
6 closely aligned with the Racing Director and keep in mind  
7 and hopefully find another potential candidate out of that  
8 mix.

9                   COMMISSIONER MCHUGH: I guess my comments  
10 and thoughts, and I haven't really had a chance to go  
11 through this memorandum in the detail that I want to, but  
12 I my global thoughts at the moment are two, I guess. I  
13 think this is terrific. I think we need to move. We know  
14 we need to make some changes by the end of the year. We  
15 know we need to make changes based on the report by the  
16 beginning of the next racing season.

17                   But I would like to have a little bit more  
18 of a feel for what this working group -- how it's going  
19 to interact with the Commission as it moves forward. Is  
20 it going to create, for example, a plan at a high level  
21 for the Commission to approve and say go forward and talk  
22 about things at say the 50,000 foot level before it gets  
23 down into the detail? Is it planning to work in some other  
24 fashion? I think that would be a helpful thing at least



1 for me to know and to try and get my arms around, because  
2 in the end of course it is all of us who are responsible  
3 for the decisions that are made.

4           And the second piece is I think it's really  
5 helpful to start out with a description of this Director  
6 of Racing and what's this person going to do. There's a  
7 real question that I have as to whether -- And I haven't  
8 heard your explanation and your rationale based on the  
9 meetings that you went to. A real question that I have  
10 is to whether there ought want to be two separate  
11 regulatory regimes within the Commission.

12           I think initially of the integration of  
13 Commission functions and the kind of organization that is  
14 not bifurcated but the value of having a single Commission  
15 and a single person in charge.

16           Secondly, there is in the scheme of things,  
17 depending on how the licenses are awarded, a close  
18 relationship between -- potentially at least between  
19 racing and gaming in some potential licensee. So, that  
20 the separation isn't all that -- conceivably may not be  
21 all that great.

22           I know you've had discussions with people  
23 about this. So, while it would be good to get a  
24 description, a job description for this person, I would

1 like to think more and hear you talk about more and have  
2 us all talk about more the structural integration of this  
3 person with the rest of the Commission functions.

4                   COMMISSIONER CAMERON: I agree that we need  
5 to start to pay attention to our table of organization and  
6 really make some decisions on what makes sense. I would  
7 agree with you, Commissioner, that I envision the  
8 licensing function having one system that can be used by  
9 the Racing Division as well as all of our gaming licensees.

10                   I don't envision having two stand-alone  
11 systems. It makes no sense from a technology standpoint  
12 and for a data collection standpoint. And I think from  
13 a cost standpoint one system that can be utilized makes  
14 a lot of sense.

15                   To answer some of your other questions, I  
16 think the working group will be -- We don't have all of  
17 those answers, to be honest with you. I think it will be  
18 a work in progress where they'll have a meeting and really  
19 talk about the best way to move forward. And then have  
20 an initial report to the Commission on the proposed way  
21 to do business.

22                   And then certainly I envision updates as the  
23 work unfolds over the next several months. And I think  
24 that the working group will make recommendations. All

1 decisions will be made by the Commission. They will be  
2 making recommendations as to what they think is the best  
3 way to move forward with the regulatory reform.

4 COMMISSIONER MCHUGH: And I have no doubt  
5 about that. And I wasn't suggesting otherwise,  
6 Commissioner. I was just thinking that for the working  
7 group's aid and for our aid, conversations at intervals  
8 at different levels of specificity would be helpful to  
9 prevent the group from taking a path and getting way down  
10 into the detail where the Commission might want to go in  
11 some different direction. Unlikely, but that could  
12 happen. But I think we are on the same wave length.

13 COMMISSIONER CAMERON: I do too. And I  
14 think that probably for everyone's clarity sake is when  
15 Ms. Allman has a chance to have a first meeting and they  
16 can really talk through those issues. They can give us  
17 an initial report to make sure we are all on the same page.

18 COMMISSIONER MCHUGH: So, I think we are  
19 all in agreement then. What, if anything, is needed today  
20 to kick this off? Simply a consensus that this a way to  
21 proceed? Or do you want a vote?

22 COMMISSIONER CAMERON: I think a consensus  
23 as a way to move forward would be sufficient at this time.  
24 And the next thing I will be working on will be that job

1 description. And then we will be able to take a look at  
2 that collectively also.

3 COMMISSIONER MCHUGH: Okay. Any other  
4 comments on that aspect of it, of the Racing Division  
5 report? All right.

6 COMMISSIONER CAMERON: Next under Racing  
7 are two tentative decisions that I am going to brief the  
8 Commission with regard to findings.

9 Last on July 22, I, on behalf of the  
10 Commission, held an adjudicatory proceeding. I was the  
11 presiding officer in a matter pursuant to an appeal by  
12 Ramon Antonio Acevedo Fuentes, the appellant, formerly a  
13 licensed groom.

14 The appellant was ejected from Suffolk  
15 Downs in 1995 due to a filing a false application as well  
16 as a lengthy criminal record. In 2010, this individual  
17 was issued a license, which was subsequently suspended for  
18 falsification. In other words, he used a fictitious name  
19 in obtaining that license in 2010.

20 He appealed that decision to suspend the  
21 license. Sergeant Michael Scanlon of the State Police  
22 was a witness in this matter as well as Chief Steward Susan  
23 Walsh. And the appellant, Mr. Fuentes, testified on his  
24 own behalf.

1 I am going to just give you a brief summary  
2 of the findings of fact in this matter. As just stated,  
3 the previous the State Racing Commission did issue a  
4 license to this appellant in 2010. It is a fact that in  
5 1983 he was licensed in New Jersey. Due to infractions,  
6 that license was suspended/revoked.

7 In 1995 he was licensed here in  
8 Massachusetts. The appellant failed to disclose his New  
9 Jersey discipline on his application. To date that  
10 ejection has not been lifted. On the application in 2010,  
11 he failed to list any of his past history. In September  
12 2010, the State Police and the Board of Stewards realized  
13 that Ramon Acevedo was in fact Ramon Fuentes. Was  
14 suspended on September 4, 2010. There were details  
15 provided about his criminal history. And based on  
16 findings of fact, the conduct did constitute a valid  
17 grounds for ejection and suspension.

18 I found on behalf of the Commission  
19 undisputed facts that are sufficient to uphold the  
20 ejection and the suspension. The appellant tried to  
21 argue that he was unaware of the discipline in New Jersey.  
22 He tried to argue that there were reasons he was using two  
23 separate names. I found his testimony to be less than  
24 credible.

1                   From listening to the facts, I think the  
2 evidence demonstrated that the reason he used a different  
3 name was to avoid the past criminal history and past  
4 falsification being revealed.

5                   It is my tentative decision that I am  
6 putting forth now that the 1995 ejection be upheld and the  
7 2010 suspension be upheld at this time. Again, this is  
8 a tentative decision and the appellant will be notified  
9 that he has 30 days to seek reconsideration of this  
10 tentative decision by filing a written objection. And  
11 where to file that all of that information will be  
12 provided.

13                   My tentative decision is that we uphold the  
14 ejection and the licensing. As is our procedure moving  
15 forward, the time for questions would be at the end of the  
16 30 days.

17                   COMMISSIONER MCHUGH: There is nothing for  
18 us to do today except to file that recommended action.

19                   COMMISSIONER CAMERON: Yes. The second  
20 filing I have is a tentative decision. Again, this was  
21 a formal adjudicatory proceeding hearing on June 19. I  
22 was the presiding officer for the Commission. This was  
23 a matter --

24                   COMMISSIONER ZUNIGA: July 19.

1                   COMMISSIONER CAMERON: I'm sorry, July 19,  
2 yes. Thank you, Commissioner. The matter was held  
3 pursuant to an appeal by Jacqueline A. Davis, a licensed  
4 jockey. The appellant was suspended for three calendar  
5 days and was disqualified from her second-place finish in  
6 a race that was held on of June 23, 2012 based on a Suffolk  
7 Downs Board of Stewards ruling that she crowded other  
8 horses during the race in violation of Commission  
9 regulations.

10                   The appellant was present during the  
11 hearing not represented by counsel. Also serving as a  
12 witness was Chief Steward Susan Walsh.

13                   With regard to a finding of fact, the  
14 Commission has issued the appellant a license to practice  
15 as a jockey in the Commonwealth. The appellant did  
16 participate in a first race taking place on Saturday, June  
17 23. The appellant's horse was in first place at the first  
18 turn in the race. As the appellant's horse made the turn,  
19 it altered course and came in toward the rail in order to  
20 shorten the distance around the track.

21                   With regard to application of law, the  
22 Commission does have the discretion to refuse to grant a  
23 license to any applicant or suspend or revoke the license.  
24 The stewards have the power to interpret and to decide all

1 questions not specifically covered by them. I'll skip  
2 some of this information. It's background information.

3           The law clearly states that the stewards had  
4 the power to disqualify in this case. The Commission has  
5 the jurisdiction to hear this disciplinary matter.

6           Based on the findings of fact, the  
7 respondent's conduct constitutes a violation. I found,  
8 on behalf of the Commission, that Steward Walsh, her  
9 testimony was credible, consistent with the evidence. I  
10 actually observed a videotape of the race. Able to see  
11 it at different speeds in order to see exactly what the  
12 steward was referring to when she talked about the  
13 violation.

14           The appellant provided testimony that one  
15 of the other jockeys could not understand English, making  
16 it difficult to understand what his side of the story was  
17 with regard to the infraction. Also that the other jockey  
18 did not make a claim against her, the appellant in this  
19 matter.

20           Again, on behalf of the Commission, I found  
21 the Steward's testimony to be extremely credible,  
22 knowledgeable of the incident, of the infraction, clear  
23 evidence of the infraction on video. And it's my  
24 recommendation in this tentative decision that we uphold



1 the decision of the Suffolk Downs Board of Stewards  
2 suspending the jockey's license for three calendar days.  
3 The days in which the suspension is to be served shall be  
4 determined by the stewards.

5 To the extent the appellant appeals the  
6 disqualification of her mount for the racing question, the  
7 Commission upholds the disqualification.

8 As in all cases, the appellant will be  
9 notified in writing of this tentative decision, notified  
10 of her rights to seek reconsideration of this tentative  
11 decision by filing written objections within 30 days and  
12 will be provided the address in which do to that.

13 Those are the two decisions that I am filing  
14 with the full Commission today.

15 COMMISSIONER MCHUGH: All right,  
16 Commissioner. Thank you. There is nothing further to do  
17 except to file those. They are filed. They are  
18 officially filed and the notices of filing will go forth.  
19 The appellants will have the appropriate time to file  
20 their objections. And we will see if they do and then take  
21 them up for a decision at a later date.

22 COMMISSIONER CAMERON: Yes. My last piece  
23 of the Racing Division report for this meeting is just a  
24 brief synopsis of the New Commissioner Training that I

1 attended in Saratoga on Monday and Tuesday of this week.

2           Again, I mentioned that this is the  
3 Association of Racing Commissioners International who  
4 hosted the training, a very knowledgeable, professional  
5 group. Fifteen commissioners, new commissioners in  
6 attendance at this course from around the country.

7           Comprehensive program on the  
8 responsibilities of Commissioners, what the organization  
9 does, how to use them as a resource. A number of topics  
10 were discussed, licensing procedures, legislative,  
11 executive and judicial responsibilities. The licensing  
12 rights versus privileges, judicial review and appeals,  
13 open public meeting laws were discussed.

14           I had a complete tour of Suffolk Downs.

15           COMMISSIONER MCHUGH: Saratoga?

16           COMMISSIONER CAMERON: I'm sorry, Saratoga  
17 -- Suffolk Downs. No, Saratoga, a beautiful old  
18 racetrack. I saw both the harness racetrack and the  
19 thoroughbred racetrack. Spoke to stewards, the racing  
20 secretary, paddock judges, clerks. Visited the jockey  
21 rooms, talked to the starters, the veterinarians. Very,  
22 very comprehensive program.

23           Learned an awful lot and really had an  
24 opportunity to ask a lot of questions who also have a great

1 deal of subject matter knowledge. So, I think that's very  
2 beneficial to our responsibilities moving forward. I  
3 just wanted to talk a little bit about that.

4 COMMISSIONER MCHUGH: Were there handout  
5 materials, Commissioner?

6 COMMISSIONER CAMERON: Yes. I will make  
7 copies of it all for the rest of the Commissioners. Many,  
8 many handout materials, so I will do that.

9 I spent an awful lot of time on hearings,  
10 which will help me in my responsibilities. The Model  
11 Rules, which we will be -- made recommendations that we  
12 will adopt. Spent an awful lot of time talking about  
13 those rules. A worthwhile trip on behalf of the  
14 Commission.

15 COMMISSIONER MCHUGH: Sounds like a great  
16 trip. It would be really helpful to us all I know to get  
17 the printed materials so we get a little bit of the  
18 knowledge that you got during that trip. It would be  
19 great. Any discussion about any of that before we move  
20 on?

21 COMMISSIONER ZUNIGA: I just have a  
22 technical question. The prior decisions, tentative  
23 decisions that were filed, they will be taken up 30 days  
24 after that filing. Is that -- my understanding correct?

1                   COMMISSIONER MCHUGH: Not necessarily.  
2 The appellants have 30 days to file materials with the  
3 Commission. And we distribute those materials to all of  
4 the Commissioners for review. And then we set a date for  
5 them to be resolved by us within a reasonable time. There  
6 isn't a time limit on when we do it. But we need to do  
7 it promptly as a matter of policy.

8                   So, the steps are filing. If there is no  
9 filing then the decision can come on the next week and we  
10 simply adopt the decision without objection. If there  
11 are filings, we review them, put them on the agenda,  
12 decide, let the appellants know that we are going to decide  
13 and then have a discussion and make a decision. That's  
14 the way we will follow that. All right. Anything  
15 further? Great.

16                   Let's then turn to item five on the agenda,  
17 which is the project work plans in its various  
18 manifestations. The first is the consultant status  
19 report. And the first item under that is schedule and  
20 scope.

21                   And Commissioner Zuniga, you had -- that  
22 really deals with the next phase of at least the gaming  
23 consultants' responsibilities. Perhaps you could just  
24 say something briefly about that? There is a parallel

1 course we have to follow with the legal consultants. But  
2 we started the process with your gaming consultants.

3 COMMISSIONER ZUNIGA: Yes. The way the  
4 RFR was written in which we procured these consultants,  
5 we have the ability to extend the contract for the same  
6 type of activities that were procured. Given the  
7 timeline and the work plan as we have been undergoing it  
8 or with it, I have asked the consultants to provide us with  
9 a plan for the months subsequent to September 30.

10 We think this fiscal year for practical  
11 purposes to budget those amounts. They will be providing  
12 more detail in that venue. And I will be reporting on that  
13 as we get that information.

14 COMMISSIONER MCHUGH: All right. They are  
15 currently continuing to work on the preparation of  
16 regulations and on the master plan, which is in part  
17 covered by this contract. So, this really deals with what  
18 the next phase will be.

19 COMMISSIONER ZUNIGA: Yes, what the next  
20 phase will be. Some of those tasks will include an  
21 implementation of certain -- especially RFA phase one  
22 activities that we decided early on to implement early,  
23 for lack of a better term. That's hopeful and looking  
24 forward to those detailed tasks.

1                   COMMISSIONER MCHUGH: All right. Any  
2 discussion on that? Any thoughts about that? They have  
3 done a terrific job. They have really been enormous help  
4 to all of us in what we are trying to do.

5                   COMMISSIONER ZUNIGA: Yes, they have.

6                   COMMISSIONER MCHUGH: The second item  
7 under that is mine. It is a discussion of policies with  
8 respect to the regulations. Let me put that into context  
9 if I might for everybody's understanding, I hope.

10                   We are presently working under a schedule  
11 that will allow us to have the phase one application out,  
12 posted ready for receipts by mid-October. In order to do  
13 that, we have to have in place the regulations that govern  
14 the application process.

15                   We also have to have in place regulations  
16 that deal with some Commission structural issues so that  
17 we can support the application process once it gets going.  
18 And we need to promulgate those regulations before we  
19 issue in RFA-1 application.

20                   Under the schedule that we have set out, we  
21 anticipate having those regulations in the hands of the  
22 Secretary of State for publication by the end of  
23 September. And they will be effective by the time -- have  
24 to be effective by the time we issue the RFA-1.

1           The consultants, legal and gaming, have  
2 been working on draft regulations. The draft is  
3 extensive. It's detailed. It is thorough. It is  
4 thoughtful. And we are working collaboratively with them  
5 on a draft to present to the Commission for approval  
6 shortly.

7           As part of that process, a number of policy  
8 issues have arisen should we take one direction or another  
9 in drafting regulations. It's appropriate at this time  
10 to put before the Commission for approval those policy  
11 questions that have arisen.

12           There are policy questions and policy  
13 questions. Some are at a level of detail and we'll get  
14 a chance to review those in the fashion I'll describe after  
15 we finish this general discussion. But some are of a  
16 higher level. Do we take one direction or another in  
17 drafting these regulations.

18           In this memorandum that I have distributed  
19 to all of you, I have attempted to capture the high-level  
20 policy issues that have arisen and that require some  
21 Commission decision. I have included my recommendation  
22 as to how we should decide those, but I vetted that  
23 recommendation with both the legal and the gaming  
24 consultants in a meeting that we had with them and can say

1 that this is a consensus document. It has their approval  
2 and their thought.

3           The next steps after we deal with these,  
4 assuming there is approval of these, assuming there are  
5 changes and convey the changes to them, is to have another  
6 working session with them next Wednesday and Thursday in  
7 which we take these recommendations and the drafts that  
8 they are busy working on and try and get down to the next  
9 level with the thought in mind that we will have a  
10 completed document ready for review by the Commission at  
11 the following meeting on August 8.

12           That may not be possible, quite frankly.  
13 This draft is extensive but at least we can begin that  
14 process. That is the target by the 8th. The current  
15 schedule calls for sending the regulations to the local  
16 government advisory committee by the end of next week.

17           Our initial thought was that we would send  
18 the entire set of regulations to them for their approval.  
19 We don't need to do that.

20           We need to advise them of those portions of  
21 the regulations that will have an impact on local  
22 government. We are confident that we can draft a document  
23 that summarizes those few provisions of these regulations  
24 that will have an impact on local government. Most of



1 these regulations will not.

2           The phase two regulations will have a lot  
3 more effect on local government and will have to have a  
4 much more extensive filing with them. But these will have  
5 very little impact on local government.

6           That's the schedule. It is a little loose,  
7 but we are getting close to the end. This is a significant  
8 step in getting us forward.

9           With that context and background in mind,  
10 you have the memorandum. I should also say that included  
11 in the memorandum in green type for those of us who have  
12 this (INAUDIBLE) are the policy issues that we decided at  
13 a public meeting with the gaming consultants two weeks  
14 ago. And I put those in there just so we would have a  
15 comprehensive list of what decisions we need to make and  
16 what decisions we have already made.

17           Now with that sort of windy prologue, I will  
18 entertain any way that would be most helpful to go through  
19 this memorandum. I can summarize each of these that  
20 remain undecided and see if there is any discussion about  
21 the recommendation. If you've had a chance to read it,  
22 I can simply take comments about things that jumped out  
23 to you. Which would be preferable?

24           COMMISSIONER CAMERON: I know I had a

1 chance to read it. And first of all, Commissioner McHugh,  
2 I want to thank you for the amount of work you put into  
3 this. It is really apparent how much thought was put into  
4 it.

5 I was impressed with the level of -- It is  
6 easy to understand and why you made the decisions or the  
7 recommendations. Particularly impressed with number 10,  
8 the role of the Bureau in making findings. I absolutely  
9 have knowledge that there will be many, many issues that  
10 will come up along these lines. And to have the  
11 forethought to realize that and not clutter the  
12 Commission's schedule, I think is a really important piece  
13 and made a lot of sense to me.

14 Also, adjudicatory proceedings, number 14,  
15 I think that makes so much sense also not to create a  
16 separate process. To keep it as close to existing  
17 proceedings here in the Commonwealth makes an awful lot  
18 of sense.

19 In reading all of them, I did not find one  
20 in which I disagreed or didn't understand. It was really  
21 easily comprehensible. And all of them made a lot of  
22 sense to me personally. So, I just thank you for the  
23 effort in doing all of this.

24 COMMISSIONER MCHUGH: Thank you,

1 Commissioner. It was a joint effort. This is another  
2 area where we really benefited from the help of all of our  
3 consultants. They've done a terrific job on this.

4 Commissioner Zuniga, do you --

5 COMMISSIONER ZUNIGA: I was actually going  
6 to mention that perhaps for the record and the audience,  
7 it might be helpful to summarize and either agree by  
8 consensus or vote, whatever that may be, each of the policy  
9 questions, granted the ones that we have not already  
10 decided on for the brevity purposes.

11 COMMISSIONER MCHUGH: We can easily do  
12 that. That would give both the audience here and the  
13 audience watching us an understanding perhaps of what we  
14 are dealing with. I can run through these quickly, I  
15 think. The document itself will be part -- is part of the  
16 meeting file and will be posted and available for  
17 everybody to see.

18 The first has to do with financial  
19 assistance to host or surrounding communities. The  
20 question is whether the regulation should provide a  
21 mechanism for early funding of those communities.

22 The recommendation is that it should, that  
23 the regulation should provide for that. And the  
24 mechanism for that is that, as we discussed before,

1 prospective developers who wish to be qualified and  
2 participate in the RFA-1 process will be given an  
3 opportunity to file -- pay the application fee of  
4 \$400,000, even if they wish, no requirement but if they  
5 wish, even before the application is available  
6 accompanied by a certificate saying they know that the  
7 application -- the regulations have not been posted.  
8 They will be governed by the regulations when they are  
9 issued.

10                   We take the fee. They become an applicant.  
11 Then portions of that fee in accordance with the statute  
12 are available to cities and towns who wish to use it for  
13 planning purposes. That would be the recommendation for  
14 that set of regulations.

15                   We need to have regulations that embody  
16 that. We will have an opportunity to talk about the  
17 specific regulations that implement that policy but that  
18 would be the policy that drives those regulations.  
19 That's the first one. Do you want to do one by one,  
20 Commissioner?

21                   COMMISSIONER ZUNIGA: I just want to  
22 clarify early funding to communities would then be  
23 contingent upon receipt by this Commission of the  
24 application fee?

1                   COMMISSIONER MCHUGH: Right, because the  
2 funding would come out of the application fee not out of  
3 the Commission's funds.

4                   COMMISSIONER ZUNIGA: Not out of  
5 Commission funds.

6                   COMMISSIONER MCHUGH: Yes. There may have  
7 to be some adjustments there as to how we actually  
8 allocate those fees and how much is available. That's  
9 what would happen.

10                  COMMISSIONER ZUNIGA: Yes.

11                  COMMISSIONER STEBBINS: I have a quick  
12 question or welcome some clarification in number one, the  
13 last full sentence at the bottom of page one: At that  
14 point cities and towns can negotiate with developers over  
15 upfront payment of study and negotiation costs.

16                         It is a little unclear in the second half:  
17 and when those negotiations have resulted in agreement,  
18 can apply to the Commission for approval of that  
19 agreement.

20                         The agreement not necessarily relative to  
21 the project but it's an agreement relative to how much  
22 money the developer is going to commit and extend to the  
23 town or the city for their expenses?

24                   COMMISSIONER MCHUGH: Right. This is a

1 recommendation and a set of regulations that arises from  
2 the fact that the RFA-1 process contemplates  
3 qualifications of potential developers not projects.

4           So, this focuses on the desire of cities and  
5 towns who may have been approached by a developer, who  
6 intends to seek to become qualified to begin planning and  
7 working with the potential developer, in contemplation of  
8 the phase two process.

9           That's what this is designed to do. And to  
10 capture that application fee money upfront, early and use  
11 some of it, not only to support the investigation of the  
12 RFA-1 application but also to begin as the statute  
13 contemplates, albeit somewhat later on to give the cities  
14 and towns a hand in funding their own efforts. So, that  
15 is what that is designed to do.

16           COMMISSIONER STEBBINS: Clarification on  
17 the end of this is or is this in addition: Cities and  
18 towns can apply to the Commission for some portion of  
19 \$50,000 that the statute states.

20           The language says no less than \$50,000 out  
21 of that \$400,000 application fee.

22           COMMISSIONER MCHUGH: That's right.

23           COMMISSIONER STEBBINS: Is that language  
24 to suggest they could come and get some of that no less

1 than \$50,000?

2                   COMMISSIONER MCHUGH: Yes. There's  
3 really two ways -- We will have to think about this as the  
4 regulations go forward and come back with something that  
5 gives us in more detail. There are two sections to the  
6 statute. One is section 47, I believe it is that talks  
7 about cities and towns and developers agreeing on a fee  
8 to be paid for planning and negotiation costs and then  
9 coming to the Commission for approval of that fee.

10                   Then the second is section 1511 that talks  
11 about the Commission taking no less than \$50,000 out of  
12 the application fee and giving it to cities and towns that  
13 apply. So, there are two routes that people can go under  
14 the contemplated regulations. Direct negotiation in  
15 which a number is arrived at and there is an agreement and  
16 that is blessed by the Commission. Or there is an  
17 application for a piece of the \$400,000 application fee.

18                   And that is not final. That's a policy.  
19 We have to think that through a little bit more. Will it  
20 really work? But that is the policy that we would ask  
21 everybody -- the consultants to draft a regulation to  
22 implement.

23                   It may be as is always the case that when  
24 you actually get down to the nitty-gritty of trying to

1 execute the policy in the form of the operational details,  
2 you find some flaws in the policy that have to be  
3 rethought. But this is where we are now.

4                   COMMISSIONER ZUNIGA: I would agree with  
5 your recommendation to provide for that early funding as  
6 stated in this summary and abstract, because that is  
7 clearly the intent of the statute and it clearly helps  
8 communities, which is the main point of that.

9                   COMMISSIONER MCHUGH: Which have been  
10 looking for help, so it will begin to help solve those  
11 questions.

12                   The second one is termed exhaustion. It  
13 really poses this question, once we get the Commission  
14 stood up and as we get the Bureau stood up too and as we  
15 get the various components of the Commission functioning,  
16 decisions are going to have to be made by the staff people  
17 with respect to a whole variety of things.

18                   The question is should they be empowered to  
19 make decisions and make basically final decisions? And  
20 if people are dissatisfied with those decisions, they can  
21 come to the Commission in a form that the regulations  
22 contemplate.

23                   Or should the staff decisions be simply  
24 recommendations to the Commission that have no



1 independent force and effect unless the Commission  
2 blesses them?

3           The recommendation is the former that the  
4 staff decides, unhappy people come here, because  
5 otherwise we're going to have long afternoons on many  
6 items. This is a way that we have to operate basically.  
7 At least that's the recommendation. Make sense?

8           COMMISSIONER CAMERON: It does make sense.

9           COMMISSIONER ZUNIGA: Agree.

10           COMMISSIONER MCHUGH: The third one is  
11 entitled variance. And this is basically a clause that  
12 is common in many regulatory schemes. It basically says  
13 that if the Commission for good cause shown decides to do  
14 so, or the Bureau for good cause shown decides to do so,  
15 it may relax, waive or permit deviation from Commission  
16 regulations.

17           You can't create a regulatory scheme that  
18 applies to 99 -- without having it apply to 99 percent of  
19 the cases and maybe even 99.5. There are going to be  
20 occasional cases where something just doesn't work. And  
21 you have to have some flexibility so that you can take  
22 account of those situations.

23           There are those who argue otherwise, but it  
24 seems to me that you have to have that for a workable kind

1 of thing. This is kind of the grease that lubricates the  
2 sound operation of the regulations. It says for those  
3 circumstances we can waive the rules and create something  
4 that is fair for the circumstances. Make sense?

5 COMMISSIONER CAMERON: Yes, it does.

6 COMMISSIONER ZUNIGA: Yes.

7 COMMISSIONER STEBBINS: Yes.

8 COMMISSIONER MCHUGH: Political  
9 contributions is one that stems from our obligation under  
10 Chapter 23K, sections 46 and 47. Section 46 prohibits  
11 applicants from making certain kinds of, we will call them  
12 political contributions. One really needs to read the  
13 text that is in the statute. That is the main thrust of  
14 it.

15 Section 47 requires them to report any such  
16 contributions plus other kinds of donations to cities and  
17 towns. And gives us the power -- and we have of course  
18 have the power to promulgate regulations to enforce that.

19 The recommendation here is that the  
20 Commission issue a regulation that defines -- And those  
21 regulations, I should say, apply to applicants. The  
22 Commission issue a regulation that says that the person  
23 becomes an applicant for purposes of those sections of the  
24 statute when the initial application fee is filed.

1                   And that insofar as reporting is concerned,  
2 the reporting obligation begins on November 22, 2011. We  
3 can't go back in time, but we want to know everything that  
4 has happened since November 22, 2011. The reason for that  
5 is to set a level playing field and ensure that we get the  
6 information applies not only going forward but from a  
7 constant starting gate so that somebody can't delay  
8 becoming an applicant for collateral purposes. So that  
9 we have an overview of everybody at the same baseline.

10                   The Office of Political and Campaign  
11 Financing is going to issue its own regulations. I've  
12 talked with their General Counsel. Their regulations are  
13 simply going to be looking forward and are going to say  
14 nothing more than the statute says, basically.

15                   But they are of the opinion that they don't  
16 occupy the field. That we will not be in conflict with  
17 them if we issue these kinds of regulations. And that  
18 they are likely to in their regulations use our definition  
19 of applicant as the trigger for theirs.

20                   So, this I think will create a congruent,  
21 harmonious theme for both areas and will serve the public  
22 interest by eliminating what's going on. Does it make  
23 sense?

24                   COMMISSIONER CAMERON: Yes, it does.

1                   COMMISSIONER ZUNIGA: I would agree.

2                   COMMISSIONER MCHUGH: Five is the code of  
3 ethics. We talked before that an enhanced code of ethics  
4 that the statute requires us to adopt applicable to us,  
5 to the State Police who work with us, the Alcoholic  
6 Beverage Control Commission that works with us and more  
7 loosely applicable to the Attorney General's folks that  
8 work with us. That will be a separate policy, not part  
9 of our regulatory scheme. We will publish. It will be  
10 available to everybody. It just won't be embodied in our  
11 regulations.

12                   The reason for that is that it applies to  
13 three independent agencies. And it's a little hard to get  
14 a set of regulations that we promulgate that is applicable  
15 to other agencies. It's much easier to work through a  
16 code, a common code that we all agree to.

17                   Six is qualifications of developers. We  
18 agreed that if during the course of the investigation of  
19 the qualifications, the Bureau comes across a  
20 disqualifying circumstance in its view, it should  
21 nevertheless proceed to the end of the investigation  
22 rather than stop and give us a snapshot that that person  
23 is disqualified. But that's the (INAUDIBLE).

24                   Number seven deals with graded

1 qualifications. There was a suggestion at one point that  
2 what the Bureau might do is do sort of a Moody's kind of  
3 qualification, A plus, plus, B, C, D, qualified but D.

4 The recommendation is not to do that. That  
5 is merely a judgment from underlying facts. We ought to  
6 get the facts. We can take those facts into account when  
7 evaluating competing proposals of substance. But there  
8 is no reason to give somebody a stigma at the outset that  
9 may ultimately not be worth anything and represents  
10 somebody else's judgment anyway.

11 COMMISSIONER ZUNIGA: In other words, the  
12 graded qualification will be reserved for phase two, not  
13 for the phase one qualifications?

14 COMMISSIONER MCHUGH: No, it's broader  
15 than that, Commissioner, really. That the graded  
16 qualification probably will never come into play. That  
17 we'll have a facts in the IEB's report. This entity has  
18 got sound this, got sound this, got sound this, but its  
19 financing is a little shaky in this area for these reasons.  
20 That's the kind of report contemplated.

21 And then when you get to this phase two,  
22 you'll have that information for that package. And  
23 you'll have similar information for the next package.  
24 And we'll have facts, not --

1 COMMISSIONER ZUNIGA: Not ratings.

2 COMMISSIONER MCHUGH: -- ratings that we  
3 can make judgments on. Ultimately, it is all a balance  
4 between a variety of competing factors. This seems like  
5 a better way just to work with the facts seems like a better  
6 way than the ratings.

7 Okay. The next is whether the Commission  
8 ought to be able to ask for supplemental information after  
9 the application is filed. If in the course of the  
10 Bureau's investigation questions arise, should the Bureau  
11 be able to go back to the applicants and say I need more  
12 information on topic A, B, C and D?

13 The recommendations is yes, they ought to  
14 have that power. It is inevitable that they are going to  
15 need more information no matter how completely and  
16 thoughtfully the applicant fills out the application,  
17 there are going to be questions. And the questions need  
18 answers.

19 COMMISSIONER STEBBINS: Is it feasible to  
20 think that a request for additional information would also  
21 have a timeline attached to it?

22 COMMISSIONER MCHUGH: Yes. The request  
23 for information would have a timeline attached to it.  
24 And the timeline would be enforceable by the Commission

1 through a regulation discussed later on that would allow  
2 the Commission to say this is the deadline. And if you  
3 don't meet the deadline for the supplemental information,  
4 we are either going to proceed without, we are going to  
5 dismiss your application, a whole range of remedies. So,  
6 there will be a deadline.

7           The next one is request that applicant  
8 provide supplemental information that is not relevant to  
9 their application. This is a tricky one. It was sparked  
10 basically by the Chairman's discussion at a meeting  
11 several meetings ago about the study or studies that we  
12 are proposing to do.

13           The applicants potentially may have a wide  
14 range of information that would be helpful to have as we  
15 are trying to figure out how to first of all craft and then  
16 populate the database that we use to get these studies  
17 done.

18           Some of that information may not strictly  
19 speaking be relevant to the phase one application. Much  
20 of that information would probably be available  
21 elsewhere, though the task of getting it would be more  
22 onerous from the secondary sources than it would be from  
23 the applicant.

24           The question is should we have a regulation

1 that allows us to ask the applicant for this kind of  
2 information? Helpful information to us, information  
3 that is not strictly speaking relevant to their  
4 application. This is a delicate kind of question.

5                   But my recommendation is yes that we should  
6 be able to ask them for that. But insure that they are  
7 free to say no. We don't want to give you that or we don't  
8 have time to give you it, it's too costly or whatever.  
9 Then try to negotiate with them or simply go elsewhere and  
10 accept their answer.

11                   At least we ought to be prepared and  
12 authorize ourselves to ask for it. And let them know by  
13 inclusion of a regulation to effect that we may be asking  
14 them for that. Also letting them know what the  
15 Commission's position on saying no is so that they  
16 understand what our alternatives are.

17                   COMMISSIONER ZUNIGA: So, the  
18 recommendation is to put it in regulation not being an  
19 obligatory response?

20                   COMMISSIONER MCHUGH: Right. That we  
21 would not in most cases -- We might find in further thought  
22 that it turned out to be relevant after all. But in cases  
23 where it wasn't relevant, and that will be most of them  
24 because we will think this through pretty well, we have



1 other -- We will talk to them through it, but we are not  
2 going to penalize them for saying no. That's the point.  
3 That takes the gorse of the bite out of it.

4 COMMISSIONER STEBBINS: I have a strong  
5 interest in this number nine, because I think as we go  
6 forward and try to anticipate challenges, I think as you  
7 pointed out there is information they may have available  
8 that will help us kind of look into the crystal ball as  
9 to the impact of gaming.

10 There is information that the Chairman has  
11 talked about in interest in the equal opportunity pieces  
12 in such a request for your hiring policy. Again,  
13 information we want to glean in advance.

14 I have a sincere interest and I have talked  
15 to our consultants about getting some inventory as to  
16 where the resort casino tends to contract for services and  
17 what those services are and how much money they might  
18 expend, because that information I think feeds into the  
19 impact that a gaming operator might have on the small  
20 businesses in the region.

21 I think it's helpful information to have or  
22 at least to ask for at this point. I think to your point  
23 doesn't necessarily penalize them if they don't want to  
24 provide that information.

1                   COMMISSIONER MCHUGH: That would be the  
2 thrust of this and any support and put that upfront.

3                   The next one is the role of the Bureau in  
4 making findings on violations of the statute or  
5 regulations. This is really a subset of a topic we  
6 discussed earlier. Should the Bureau have the right --  
7 the power, I should say to make final judgments on  
8 violations and have person against whom the finding runs  
9 be free to take an appeal to us? Or should the Bureau  
10 recommend to us that a violation be found because of a  
11 certain set of facts that the Bureau has found.

12                   And the recommendation is that in all cases  
13 save the RFA-1 and two decisions, the actual licensing  
14 decisions, the Bureau ought to have the power to make the  
15 final decisions and anybody can appeal to us. With  
16 respect to the RFA-1 or two, which are the big decisions  
17 we'll have to make, they make recommendations and we have  
18 the hearing and make the decision in the first instance  
19 ourselves.

20                   But otherwise, the same rationale for the  
21 staff discussion we had earlier. We are going to be  
22 overrun with things that the Bureau would otherwise decide  
23 and would never come to us. People will be happy to live  
24 with the results and go on. So, that's the way we would

1 set that up. All right?

2                   The finality of deadlines, this too is one  
3 we decided it's a subset of the variance kind of thing that  
4 we ought to have some flexibility in the deadlines for  
5 extraordinary circumstances. Somebody is ill, a freight  
6 train can't get here on time, whatever. And we ought to  
7 have that flexibility.

8                   Withdrawal of applications, we had a  
9 discussion about that last time. And the Chairman said  
10 we'd come to a tepid conclusion that we ought to allow,  
11 give ourselves some authority over when they could  
12 withdraw. So, we will draft a tepid regulation to fulfill  
13 that mandate.

14                   The filing fee question is whether the  
15 applicant ought to be required to pay the application fee  
16 upon receiving the application or on filing it.

17                   Really this ties into the first topic,  
18 neither. They ought to be permitted to pay the  
19 application fee any time they want after the date we  
20 announce and sign a certification that they understand the  
21 consequences of doing so.

22                   COMMISSIONER CAMERON: Up until the  
23 filing.

24                   COMMISSIONER MCHUGH: Up until the filing.

1 Yes, the filing has to be accompanied by the fee. Yes,  
2 up until the time of the filing.

3           Adjudicatory proceedings, the question and  
4 you adverted to this, Commissioner Cameron, should we  
5 create our own adjudicatory proceeding regulations or  
6 should we piggyback on those that already exist for many  
7 kinds of other organizations? You are already using  
8 those, the Racing hearings.

9           The recommendation here is to piggyback on  
10 existing regulations. The local administrative bars are  
11 familiar with them. The courts are familiar with them.  
12 The terminology is familiar to both sets. There is no  
13 reason really to go out and reinvent that wheel, which is  
14 a complex wheel with many spokes. So, the recommendation  
15 would be to pick on those.

16           The next is should the regulations provide  
17 for pre-application consultations. The recommendation  
18 is yes, but only for phase one and two applications at the  
19 outset, because otherwise when we are thinking about  
20 thousands of license applications for various things,  
21 again, we will be swamped.

22           There maybe categories that arise as we  
23 proceed where we do want to permit those kinds of  
24 consultations. Or we may create some kind of an ombudsman

1 structured a deal with all of them, anybody that wants  
2 help. At least initially, we ought to limit that to phase  
3 one and two and there will be opportunity for that and need  
4 for that. So, that's the recommendation there.

5                   Finally, I think finally, penultimately  
6 anyway -- No. There's one more page. Should the  
7 regulation provide for notice to the public of the  
8 identity of the applicants?

9                   The recommendation here is yes, it should.  
10 It should also provide for a structure of what is going  
11 to happen once the application is filed. The structure  
12 would be that the IEB, the Investigation and Enforcement  
13 Bureau, would investigate, that the IEB would write a  
14 report that it would file with the Commission. That the  
15 public portions of that report would be posted and people  
16 could comment on it. Then there would be a hearing on the  
17 qualifications. And we could take the comments and we  
18 could take the things that come up at the hearing and we'll  
19 make our decision.

20                   I say the public portions of the IEB report  
21 because the statute says that the application is a public  
22 document except for proprietary trade secrets and other  
23 sensitive information. That information is not part of  
24 the public application. The investigation of those parts

1 of the application will not be public. And that the IEB's  
2 report in all likelihood will not be public, unless it is  
3 general enough not to disclose the kinds of things that  
4 are protected by the statute. That's why that caveat  
5 about the public portion is there. That's what that is  
6 going to do.

7           The next one is more narrow. Should the  
8 Commission request an RFA-1 application at the same time  
9 it issues the application form? The answer is yes,  
10 provided that we have in place at least a structure that  
11 is capable of receiving and processing the responses.

12           So, that is another thing to focus into our  
13 overall plan of standing up the Commission. And we will  
14 have to incorporate that into the larger plan and the  
15 hiring plan so we have the structure in place by the time  
16 we get there.

17           Penultimately now, should the regulations  
18 specify that the application expires if the applicant  
19 fails to respond in a timely way? Commissioner Stebbins,  
20 this was your point. The recommendation is no. There  
21 should be no guillotine, in other words, that simply drops  
22 when the time expires. But the Commission should have the  
23 power to say enough is enough. We've waited. Unless you  
24 get it to us by X, we are not going to consider it or your

1 application is done or whatever.

2           Those are the regulations. There are some  
3 open items that we may have to come back and discuss policy  
4 on. I think not but they are investigation, subpoena  
5 powers and penalties. Declaratory judgments, we talked  
6 about that a little bit at the meeting with the gaming  
7 consultants. I think we found a way around that that  
8 changed the objective and doesn't really require a policy  
9 judgments.

10           And 23 and 24 deal with hearings. And I  
11 think our earlier discussion about hearings would take  
12 care of that.

13           We may also have to at some point consider  
14 another set of regulations to figure out in a phase one  
15 sense how we deal with the Tribal Gaming Commission,  
16 interact with them, if and when that compact is approved.  
17 But that's way down the line. And it's too early now to  
18 think about that. We need to do a number of preliminary  
19 steps to talk to them before we get there.

20           That's that report. I would welcome  
21 affirmation that this is a way to proceed and a way the  
22 consultants should continue to draft regulations. Okay.

23           Let's move then to the next item on the  
24 agenda, which is 5B, technical and other assistance to the

1 communities. The ombudsman search update. Is there  
2 anything more to report on that?

3 COMMISSIONER STEBBINS: The position has  
4 been posted. It's up on our website. I believe it's  
5 going out on the State CEO website as well. We have begun  
6 to receive some resumes.

7 Additionally, I forwarded the job  
8 description out to a couple of the regional planning  
9 agencies where we have had contact with as well as Mass.  
10 Development, which is one of the larger State quasi  
11 agencies that deals with real estate development and  
12 business financing.

13 My hope is to potentially solicit some help  
14 from both Mass. Development and one of the planning  
15 agencies to maybe help us in the initial interviews for  
16 the ombudsman position. I would say we allow another week  
17 or two for resumes to come in and then begin the process  
18 of narrowing down some finalists.

19 COMMISSIONER MCHUGH: All right. That  
20 ties into in a real way the next two items. We have talked  
21 about the protocol for interactions with state agencies  
22 and the community advisory. We have talked at several  
23 meetings about those. In fact, we finalized what they  
24 ought to say at the last meeting.



1                   This is what is before you today is the  
2 incorporation of those final discussions. Is there  
3 anything further to discuss about the text of either the  
4 protocol for interactions with state agencies or the  
5 community advisory?

6                   COMMISSIONER STEBBINS: I have two quick  
7 questions, I guess, or comments about the protocol.  
8 Obviously, the protocol was generated out of our interest  
9 to somewhat be mindful of the process as well as to support  
10 our colleagues who didn't want to be besieged by requests,  
11 calls for meetings, questions thrown at their staff.

12                   And I'm assuming that's kind of the feeling  
13 that two of those key agencies, Mass. DOT and EOEA,  
14 somewhat asked us to put this protocol together.  
15 Hopefully, they will be mindful of the protocol. I fully  
16 expect that there are potentially firms, agencies being  
17 hired by potential developers who may have long-standing  
18 relationships with folks within the permitting agencies.

19                   We hope they respect this protocol and go  
20 through the appropriate channels and certainly through  
21 our ombudsman when that person comes on.

22                   The other still point of interest or concern  
23 that I have is the post-license award. I am somewhat  
24 comfortable with the language that says without needing

1 to contact the ombudsman to pursue all of their regulatory  
2 frameworks, I still think at that stage there is a role  
3 for the ombudsman to play to be an advocate for the  
4 Commission, an advocate for the developer to see the  
5 regulatory and permitting process through.

6 To essentially help us finish the job and  
7 make sure that the project proceeds with the timeline that  
8 has been laid out, because we know that there are steps  
9 the Commission can begin to take if we don't see a project  
10 moving to the initiation of construction.

11 If we are mindful of -- I hate to say it.  
12 -- be mindful of election dates, 2014 is another  
13 gubernatorial election. How does this protocol  
14 potentially carry forward with new folks sitting in either  
15 regulatory positions or in those Secretariats. My hope  
16 is that our ombudsman will continue to play that role all  
17 of the way through to the finish line. Those are my two  
18 areas of concern.

19 COMMISSIONER MCHUGH: I think that once the  
20 protocol is put in place, I think it's up to the permitting  
21 agencies to follow it as it is for us. So, this is  
22 designed to help them. It's designed to help us. It's  
23 designed to make the path a smooth one, but that is a  
24 two-way street. So, I hope that the permitting agencies

1 will do that.

2                   And I think there is also a lot more work  
3 that has to be done in thinking through the post-license  
4 piece of how this is going to work and some structural work  
5 needs to be done, which we can facilitate, I think. And  
6 how permit applications are bundled under a 40D type  
7 process or something to move this stuff forward so that  
8 it doesn't have sequential kinds of permitting  
9 requirements that bump into each other. Because somebody  
10 doesn't have the preliminary permit, they can't get the  
11 secondary permit or whatever it is.

12                   So, I think we need to do more work and I  
13 fully agree with you with respect to that.

14                   COMMISSIONER STEBBINS: If we were  
15 entertaining a manufacturer that was coming here with 2000  
16 jobs and a half-billion dollar investment, we would want  
17 to make sure that their permitting process gets seen all  
18 of the way through to completion. And I wouldn't make an  
19 exception for the gaming outfit as well.

20                   COMMISSIONER MCHUGH: Right.

21                   COMMISSIONER ZUNIGA: I have a question as  
22 to the expectation relative to the pre-license award but  
23 after somebody has been qualified as an applicant, so that  
24 interim where there would be as many meetings as required

1 or needed. Is the expectation that somebody from the  
2 Commission or namely the ombudsman would be at those  
3 meetings, some of which may be taking place at the same  
4 time?

5 COMMISSIONER MCHUGH: No, not necessarily.  
6 It would be a facilitator. This is for -- Some people do  
7 know what doors to knock on and who to see, some don't.  
8 Some on the cities and towns side don't.

9 So, the ombudsman is going to play a field  
10 leveling, facilitating role not necessarily a substantive  
11 role. The ombudsman though could and probably would --  
12 This is another thing that has to be developed. -- probably  
13 would develop a relationship with the agencies so that he  
14 or she could get answers to frequently asked questions and  
15 the like and help people understand what the policies are.  
16 The idea is to facilitate it, not to be a substantive  
17 player.

18 So, is there any further discussion on  
19 either of those? Can we agree that those are the final  
20 policies? I think Director Driscoll that you've already  
21 made some or are prepared to make some public disclosure  
22 of their content; is that right?

23 MS. DRISCOLL: Yes.

24 COMMISSIONER MCHUGH: The one thing we have

1 to keep in mind is that we are trying to engage in a  
2 procedure where we are ready to take the application fees  
3 by early August. We may not have the ombudsman, but this  
4 role kicks in as soon as we take the fee.

5 Chairman Crosby has said he will play this  
6 role for the interim necessary to get the ombudsman. That  
7 puts a little energy behind our location of an ombudsman,  
8 because this is going to be, I think, a significant job  
9 if it's done right. And to work best, it's got to be  
10 really a full-time job. I know we are all conscious of  
11 that. Anything else in that category?

12 Charitable gaming is the next one. We are  
13 obliged to -- Let me put this in context briefly too. You  
14 have in your packet a draft memorandum with respect to  
15 charitable gaming, a report to the Legislature. The  
16 statute provided that we were to give a report to the  
17 Legislature by April 1 on charitable gaming in  
18 Massachusetts. We were only invented on March 21. So,  
19 we didn't have time to investigate and report.

20 We sent a letter to the leadership saying  
21 we couldn't do it. We would do it by July 31. As of July  
22 31, we are responsible for regulating bazaars, i.e., Monte  
23 Carlo and Casino nights, Las Vegas nights, that are run  
24 by charitable organizations whose bazaars are not

1 regulated by people who hold beano licenses.

2           So, we are responsible for regulating a  
3 piece of the bazaar operation by charitable gaming  
4 authorities -- by charitable gaming institutions. We  
5 also said that we would file this report with the  
6 Legislature by July 31. This is a draft of that report.  
7 Let me just summarize what is in there. This summary will  
8 be less extensive than the last.

9           There are four kinds of charitable gaming  
10 in Massachusetts. There's beano, otherwise known as  
11 bingo. There are charitable game tickets. There is the  
12 bazaars that I've just described. And there are raffles.  
13 Combined the beano and the charitable gaming tickets  
14 account for about 73 percent of the gross amount wagered  
15 in charitable gaming.

16           The total is \$75 million of which \$18  
17 million is retained by the charities. A bit chunk of the  
18 difference is given back to the wagerers in the form of  
19 prizes. The rest goes for expenses and taxes.

20           The Lottery historically has regulated  
21 beano and charitable game tickets. It began to regulate  
22 them in 1974, '73, '74. They've been doing it for 30  
23 years. They've got a staff that audits these games.  
24 They sell the tickets. They collect the taxes. They are

1 the whole show as far as beano and charitable gaming  
2 tickets are concerned, although the local communities  
3 have the right and must vote to allow a beano game to be  
4 held within their borders.

5           Insofar as bazaars are concerned, anybody  
6 who has a beano license can run a Monte Carlo night or a  
7 Las Vegas night. Anybody who has a beano license can also  
8 run a raffle. And the Lottery regulates those bazaars and  
9 those raffles. That is a minor part of their operation,  
10 but they regulate it.

11           The bazaars and the raffles that are not  
12 overseen by the Lottery are overseen by the Attorney  
13 General pursuant to her authority over charities, public  
14 charities.

15           Both entities have issued regulations  
16 dealing with bazaars and raffles. Those regulations are  
17 not consistent. They are different regulations. The  
18 statutory criteria for who can get a beano license and who  
19 can get a license to run a raffle or a bazaar are different.

20           And the question is whether all of this  
21 ought to be consolidated in one commission. I should say  
22 in connection with that question that in addition to the  
23 upfront regulation, there is for lotteries and bazaars a  
24 role for the town clerk to play and a role for the town

1 police chief to play. Then at the end of it all, everybody  
2 has to file a report to the Lottery and pay taxes to the  
3 Lottery on the amount that was wagered. Five percent of  
4 the gross amount wagered on all of these things except  
5 charitable pull tabs, tickets, is paid in taxes to the  
6 Lottery. And 10 percent of the charitable tickets is  
7 paid.

8           So, the Lottery has a central role in this  
9 on the front end and the back end. The question is whether  
10 this all ought to be consolidated in one entity. And this  
11 report recommends that it all be consolidated in the  
12 Lottery.

13           I have discussed this in a preliminary way  
14 and actually a little bit more than a preliminary way with  
15 the Attorney General and with Lottery folks. The  
16 consensus seems to be that given adequate resources, the  
17 Lottery is the appropriate destination for this kind of  
18 activity.

19           If the Commission agrees with that -- And  
20 today is not the day to agree. I will explain in a second  
21 what the plan is. -- then the protocol would be to file  
22 this report with the Legislature, to say in the report,  
23 as this report does, that we would propose to draft  
24 legislation to effect the consolidation. We propose to



1 draft regulations to support the consolidated  
2 legislation. We propose to have some kind of a campaign  
3 to educate town clerks and police chiefs as to the new  
4 scheme. And we propose to educate the public and have all  
5 of this ready to go into effect by the beginning of fiscal  
6 year 2014. So, that's a summary of what this report  
7 suggests.

8                   Now, this is a draft. What I thought might  
9 be helpful to do is to say that this is a draft that we  
10 accept in principle. Let the Attorney General and let the  
11 Lottery comment on it to see if there is any major flaws.  
12 I think there aren't any. And then at our next meeting  
13 approve the final and send it off to the Legislature. So,  
14 open for discussion.

15                   COMMISSIONER ZUNIGA: I have a question of  
16 clarification. Towards the end of page six and at the  
17 beginning of page seven of this report, there is mention  
18 as to the drafting of the legislation language that you  
19 mentioned and therefore later the regulations to support  
20 that.

21                   COMMISSIONER MCHUGH: Right.

22                   COMMISSIONER ZUNIGA: Is the assumption  
23 that this Commission would be the one drafting in both  
24 instances or would that be done in conjunction with the

1 other state offices? Or the Lottery would be drafting  
2 regulations? I just wanted to clarify that.

3 COMMISSIONER MCHUGH: The folks at the  
4 Lottery, folks of the Treasurer's office, folks at the  
5 Attorney General's office have been really very  
6 cooperative in discussing this topic. Us and those other  
7 three entities -- two entities really have really worked  
8 closely together to think this through at a high level.

9 It is my hope and expectation that we  
10 continue that collaboration as we move forward. In fact,  
11 it seems to me that because it is our obligation to make  
12 this report, we, if this approach is approved, would  
13 function as the gateway to the Legislature for these  
14 reforms.

15 But the entity that would wind up doing the  
16 regulations would have a major say in what the  
17 recommendations look like. In terms of needed resources,  
18 in terms of what the structure would look like, in terms  
19 of how it would work. So, that we would work with them  
20 to figure out who takes the laboring oar, but work  
21 collaboratively to get the job done.

22 COMMISSIONER ZUNIGA: To your earlier  
23 question, I think the recommendation is a sound one just  
24 for practical purposes, given the amount of monies that

1 flow through beano to the Lottery, etc. The other work  
2 that we have to do relative to licensing casinos, I'm happy  
3 to hear that there seems to be consensus with other  
4 agencies that this would be the recommendation that this  
5 would be placed with the Lottery. So, I would concur with  
6 that.

7 COMMISSIONER CAMERON: I would agree in  
8 principle also that housing this in one agency makes a lot  
9 of sense.

10 COMMISSIONER MCHUGH: Commissioner  
11 Stebbins?

12 COMMISSIONER STEBBINS: I would agree.

13 COMMISSIONER MCHUGH: Let's go forward.  
14 Let's correct the typographical error in the first word  
15 of the report and do other significant things and get  
16 comments from our partners in this. And then have this  
17 ready for approval as the next step.

18 Commissioner Zuniga, would there be  
19 anything to discuss about the policies if we had a meeting  
20 next week? I know we were not planning on having a meeting  
21 next week.

22 COMMISSIONER ZUNIGA: Right.

23 COMMISSIONER MCHUGH: I am only thinking  
24 about the fact that we said we would get this report to

1 the Legislature on July 31. I am sure that they  
2 understand if we send another letter saying we will be a  
3 couple of days late.

4 COMMISSIONER ZUNIGA: It's nothing that  
5 cannot wait for this week. We wanted to have a  
6 discussion, I suppose we could. More time allows us more  
7 time to review the rest would be better, yes.

8 COMMISSIONER MCHUGH: I think we'll take  
9 this up then at our meeting on -- this charitable gaming  
10 report to the Legislature up at our meeting on August 8  
11 and not have a special meeting to deal with it next week,  
12 unless there is disagreement about it.

13 COMMISSIONER STEBBINS: My only concern is  
14 maybe we could make our homework to review the first few  
15 chapters of the policy. I appreciate all of the work that  
16 has gone into the charitable gaming report. I would just  
17 hate to ask again for an extension not that it's a huge  
18 issue.

19 COMMISSIONER MCHUGH: We could easily do  
20 this. We could easily do this. We could have a meeting  
21 next Tuesday, the 31st, with a single item on the agenda,  
22 approval of this. It'd be a five-minute meeting and we  
23 would have the comments from the other groups by then.  
24 Have a single item on the agenda. We approve this. We

1 get it into them on time and that would be perfectly easy  
2 to do.

3 COMMISSIONER STEBBINS: I would feel good  
4 about that. We asked for one extension, which obviously  
5 as you pointed out was not anything we were ever going to  
6 be able to meet just by virtue of when we were all appointed  
7 and when the deadline was.

8 We met the deadline. We are taking on  
9 racing. I'd like to see us meet this deadline.

10 COMMISSIONER MCHUGH: I think there is  
11 something to that. So, let's have a meeting on Tuesday  
12 with this as the item unless there are some subsequent  
13 issues. Can we do that?

14 MS. REILLY: Yes. We will figure out how  
15 to get it done. They usually reserve the room across the  
16 hall from us for the entire day. So, we will figure out  
17 what time we want to do it.

18 COMMISSIONER MCHUGH: So, let's plan to do  
19 that then next Tuesday. This will be the single item on  
20 the agenda.

21 Finance and budget, Commissioner Zuniga?

22 COMMISSIONER ZUNIGA: Yes, thank you. The  
23 budget and finance update is brief. As you know, I have  
24 submitted a budget to this Commission a week ago, I

1 believe, more than a week ago, the previous meeting, which  
2 was on a Tuesday.

3           We are currently working on putting that  
4 budget into the object codes of MMARS, which is the  
5 accounts payable system that will help us track it as we  
6 incur in our operations, yet another one of the tasks that  
7 Director Glovsky is really helping us with as she is  
8 hitting the ground running here.

9           I am shooting for the meeting that we are  
10 contemplating, next full meeting, if you will, August 8  
11 to have a budget for approval with resolution of the  
12 questions relative to our numbers for our consultants,  
13 which are still being in a state of flux.

14           If anybody has comments about that budget  
15 either now or prior to that meeting, I would be happy to  
16 talk about them or proceed as planned.

17           COMMISSIONER MCHUGH: Any questions or any  
18 comments on that? The plan sounds like a sound one.  
19 The budget was comprehensive. There were a few things  
20 that we will put into place between now and then.

21           COMMISSIONER ZUNIGA: Yes and I will  
22 highlight those changes. They are really just  
23 fine-tuning some of the numbers. I reconcile with  
24 expenditures from the previous fiscal year to make sure

1 they were not considered there. It's minor updates as we  
2 have been contemplating them.

3 COMMISSIONER MCHUGH: The next item is  
4 eight, public education and information. The first item  
5 on that is A and is community outreach responses to  
6 requests for information.

7 Commissioner Stebbins, do you want to deal  
8 with that?

9 COMMISSIONER STEBBINS: Sure. As you  
10 remember from our last meeting, I talked about my bucket  
11 list. How we deal with different types of requests for  
12 meetings for the Commission, speaking requests.

13 And I at that time had categorized those  
14 into meetings that we might have a request from a host  
15 community or a surrounding community. I think somewhat  
16 similar to the request that Chairman Crosby had to go down  
17 and speak to the folks in the community surrounding  
18 Taunton.

19 The second set of requests that come from  
20 community or service organizations, Chambers of Commerce,  
21 rotary clubs that are interested in hearing about the  
22 Commission's work and our status and how that kind of folds  
23 into the speakers bureau that Director Driscoll has put  
24 together.

1           A fourth category I believe I made mention  
2 of my experience on the Springfield City Council and how  
3 we incorporated kind of a speak-out session prior to our  
4 periodic meetings of the City Council. And then how we  
5 invite folks to come and make presentations to us on a wide  
6 party of topics.

7           In front of you is a memo that kind of  
8 encapsulizes those four groups. I did not include what  
9 I would call statutory hearings or meetings that we're  
10 obliged to have that are called for in the legislation.  
11 Hearings that we have to go out and do in front of a host  
12 community, any hearings that we may choose to have  
13 together, commentary and testimony on hearings or  
14 regulations that are being proposed. So, those are  
15 excluded from this.

16           Quickly, the potential host or surrounding  
17 community organization request category meeting would  
18 include requests or invitations from any public body or  
19 community-based organization that is any potential host  
20 or surrounding community. We simply ask prior to the  
21 decision to go out and speak to that group that their  
22 request be as thoughtful, thorough and detailed as  
23 possible in terms of what topics and subjects they want  
24 to talk to us about.



1                   Then we would have the discretion to decide  
2 whether to attend such a meeting based on the appropriate  
3 nature of the request and kind of the status as to where  
4 we are in the potential licensing process, regulatory  
5 process.

6                   The community or service organization  
7 request -- By the way, my initial draft of this I shared  
8 with Director Driscoll and our Chief of Staff, Janice  
9 Reilly. I shared it with another Commissioner to get some  
10 feedback on it. So, their commentary is also  
11 incorporated in this report.

12                   The community or service organization  
13 request, again, the typical Qantas Club, professional  
14 association, Chamber of Commerce, Rotary club wants to  
15 have a Commissioner come and talk to them about activities  
16 of the Commission. Where we stand with respect to  
17 licensing, addressing other issues. This folds into the  
18 speakers bureau that I know Director Driscoll is going to  
19 be talking about next.

20                   I did incorporate some language that I might  
21 have a disagreement with. That was with some respect to  
22 a minimum number of attendees in order to have a speakers  
23 bureau request or this type of request from a community  
24 service organization whether we decide to accept that

1 invitation. And I'll come back to that in a minute.

2           The MGC public speak-out session, we have  
3 a mission of transparency. We talk about it at every one  
4 of our meetings. What I tried to create or craft here is  
5 similar to how the Springfield City Council we'll have  
6 these public speak-out sessions. We would set aside  
7 usually about a half hour before one of our regular  
8 meetings.

9           Any individuals interested in coming before  
10 the Commission to talk to us about an issue, we would ask  
11 that they register ahead of the meeting. Our  
12 receptionist could be able to take down their information,  
13 name, address, contact phone, email, as well as what is  
14 the topic you want to address. The day of the meeting,  
15 again 30 minutes in advance of when we would normally start  
16 our regular business meeting. The Chair would call upon  
17 those individuals in the order they were registered, come  
18 up, speak for three minutes about the topic they wish to  
19 address.

20           If they have additional written comments  
21 and want to share with us at that time, they are certainly  
22 welcome to do that. I did feel it was important to stress  
23 that we want the topics to be germane to the activities  
24 of the Commission. What we are currently considering.

1 Should we have gaming debate is somewhat over from our  
2 perspective. Now we are in the process of implementing  
3 the expanded gaming law. We really urge the speakers to  
4 address their comments to those issues.

5           Again, an individual would not necessarily  
6 expect that a discussion would then kind of ensue between  
7 the Commission or the Commissioners.

8           The fourth group is kind of the MGC our  
9 weekly meeting. Again, giving us the flexibility at our  
10 discretion to bring in officials, academics, experts to  
11 address any variety of topics that could impact our work  
12 at the time.

13           Just to go back to community service  
14 organization request with respect to what would probably  
15 fall under the speakers bureau discussion. We talked  
16 about having a minimum audience of 30 attendees in order  
17 to accept an invitation. I can tell you from my own  
18 experience in the Qantas club I used to -- I guess I still  
19 am a member, we would never have 30 attendees at a meeting.  
20 I just think if we get invites from these types of clubs  
21 in surrounding communities, wherever they may be, they may  
22 not be able to meet that attendance requirement.

23           I would rather give us some flexibility to  
24 accept that invitation but the group would have to

1 recognize that it would fit in with our schedule a little  
2 bit more than their schedule. I wouldn't want to rule out  
3 that group just for having a minimum attendance.

4 I put this up to you. Again, it's kind of  
5 the public speak-out piece is a piece that hopefully the  
6 Commission would agree to begin to organize at future  
7 meetings. But I think everything else is more a policy  
8 direction for the Commission to take this. We handle  
9 these types of invitations we know are going to keep coming  
10 in.

11 COMMISSIONER CAMERON: Question  
12 Commissioner on the public speak-out session, since you  
13 are familiar with this process, did Springfield City  
14 Council have any way of when you explain to an individual  
15 that they have three minutes, is there any way of holding  
16 them to a reasonable timeframe?

17 COMMISSIONER STEBBINS: The president of  
18 our City Council had a gavel. And he would gavel you off.

19 COMMISSIONER CAMERON: Oh, the gavel.

20 COMMISSIONER STEBBINS: We asked people to  
21 be mindful of what the rules are at the public speak-out  
22 and in this case, direct the Chair to cut that individual  
23 off.

24 COMMISSIONER ZUNIGA: I have a question on

1 the 30 attendee number. Please refresh my memory, this  
2 is from the Ethics Commission notion, from the Ethics Laws  
3 notion of undue privilege to small groups. Is that the  
4 idea behind a group of 30? Or where does the number come  
5 from?

6 COMMISSIONER STEBBINS: I am going to  
7 engage Director Driscoll on this question, because this  
8 folds into the creation of the speakers bureau.

9 DIRECTOR DRISCOLL: Basically, after just  
10 auditing a number of other speakers bureaus from various  
11 different types of agencies and then also speaking to  
12 other gaming control agencies that have speakers bureaus,  
13 the number 30 happened to be the most routine one.

14 In terms of Rotary clubs or Lions clubs that  
15 may be smaller, many of the speakers bureaus have language  
16 in there that they suggest that they actually join with  
17 the closest one.

18 So, if there is one that's -- that is the  
19 other thing I am finding is that Lions clubs and whatnot,  
20 there is many of them all in the same area. So, to the  
21 extent that -- They have connections.

22 So, to the extent they can join one another  
23 for a night to make that number. I think too we can  
24 address that as we go further. In other words, I would

1 like to see what the level of request is and what is  
2 manageable for us. And if we find that casting a larger  
3 net and not being as strict about number of requirements  
4 is feasible, then I think that that's fine. I think to  
5 start, until we have the sense of whether or not we are  
6 going to be inundated with requests, keeping it to 30 is  
7 a way to manage it right out of the gate.

8                   COMMISSIONER STEBBINS: Again, I  
9 appreciate that flexibility. And I think I shared with  
10 Director Driscoll, we may get a request that maybe doesn't  
11 meet that guideline, but all of us may collectively be out  
12 on the road at other meetings. And may be looking for --  
13 okay, we know we have a request in that general. We have  
14 a chance to stop by and talk to that Rotary to kind of fill  
15 a schedule.

16                   I like the idea of using as a starting point,  
17 but again continuing to give us flexibility. Those  
18 aren't routes that we want to leave out putting the onus  
19 back on them to say come together with a couple of your  
20 brother or sister organizations to make it work.

21                   COMMISSIONER MCHUGH: I think this is a  
22 good policy. I know you are going to talk a little about  
23 the speakers bureau in just a second.

24                   The host or surrounding community

1 organization request looks restrictive in an area where  
2 we are trying to reach out, but I think it's an important  
3 and thoughtful way of dealing with this, because we are  
4 going in a number of areas dealing with competing cities  
5 and towns conceivably. And we've got to be in a position  
6 to ensure that we are keeping to a level playing field.

7           So, we've got to know what it was are being  
8 asked to talk about before we go talk about them. In order  
9 to be effective, we've got to have some list of what the  
10 agenda is so we can think through what the questions are.  
11 We've got to be able to decide whether it's appropriate  
12 to take on that topic at that time with this town as we  
13 go forward.

14           So, I think this is a great balance between  
15 our desire to reach and we need to reach out and our need  
16 to maintain a control over the agendas and the topics that  
17 we discuss and when we discuss them and how we discuss  
18 them. I think that is a little bit of a context for that.  
19 And I think it's a great way of dealing with it.

20           The one area that isn't addressed is one  
21 that we actually did talk about a little bit. That is what  
22 do we do about people who are in some way affiliated with  
23 potential developers who want to come and talk to us? We  
24 have bumped into that issue before. Is that completely

1 separate from this? I guess I will put a question mark  
2 right there. Is that completely separate from this?

3 COMMISSIONER STEBBINS: It is separate  
4 from this. I decided not to address that quite yet only  
5 because I think the ombudsman has a piece of that kind of  
6 request or involvement in that type of request.

7 COMMISSIONER MCHUGH: Right. So, we get  
8 the ombudsman up and running and then try and filter those  
9 kinds of things through the ombudsman see if we can develop  
10 a policy on that. Yes, that's good.

11 COMMISSIONER ZUNIGA: Although and I am not  
12 disagreeing with that notion, it would seemingly be room  
13 in the public speak-out session for that opportunity if  
14 we are in a public meeting where the topic is previously  
15 -- somebody can register in advance because they want to  
16 speak or submit commentary to this Commission that would  
17 be a logical venue.

18 COMMISSIONER STEBBINS: Another avenue for  
19 them to use.

20 COMMISSIONER MCHUGH: Yes, their three  
21 minutes are equally valuable.

22 COMMISSIONER ZUNIGA: Equally valuable to  
23 everybody.

24 COMMISSIONER MCHUGH: Do we need some



1 action on this? Perhaps we ought to get Director  
2 Driscoll's report and then consider the two things  
3 together. They really interlock.

4 MS. DRISCOLL: Basically, a lot of  
5 information in the memo that I prepared is also in  
6 Commissioner Stebbins' memo. When putting together this  
7 sort of list of community engagement initiatives, it made  
8 sense, obviously, to include the speakers bureau portion  
9 in this.

10 Basically, like I said, after conducting an  
11 audit of numerous other speakers bureaus in various types  
12 of agencies, as well as speaking to other gaming  
13 regulatory agencies that have a successful speakers  
14 bureaus such as Pennsylvania has a very successful  
15 speakers bureau. The director of communications was very  
16 hopeful in providing me some feedback on how they do  
17 theirs.

18 Again, it all came down to at the end of the  
19 day these parameters are put in place largely just for  
20 management purposes of the program. So, a minimum of 30  
21 attendees, requests must be received 30 days in advance.  
22 We have already created on our website a request form  
23 essentially that is very specific. Again, taken it from  
24 various other organizations that have request forms on

1 their website that asks for all of the obvious information  
2 like name, name of organization, address, organization's  
3 website, agenda points.

4                   Asks them to get very specific about what  
5 the expectation should be. Do they provide equipment in  
6 case we wanted to put a PowerPoint presentation up and  
7 things like that.

8                   That has already been created. Brandon  
9 helped create that. So, all we have to do is push the  
10 publish button once we are ready to move forward. I have  
11 also with help of Commissioner Stebbins and Brandon pulled  
12 together an initial target list of Chambers that we want  
13 to target specifically just to send out an advisory that  
14 says that this is available if they are interested. And  
15 then we'll follow up with phone calls as well.

16                   Then I had just suggested what the community  
17 outreach to raise the visibility of this program should  
18 be. I have already put together a press release with  
19 today's point on it just announcing additional community  
20 engagement initiatives that we would be putting forward  
21 to provide the public opportunity to give us feedback.  
22 So, it would be in that.

23                   Then I would do for the speakers bureau  
24 another release and also an email blast to Chambers,

1 Rotary groups, Lions clubs, things like that. Again, we  
2 would just follow up with periodic email blasts letting  
3 civic associations know that this is available to them.  
4 I've gotten a lot of helpful feedback from the Boston  
5 Chamber of Commerce in terms of some groups that they are  
6 suggesting that we make sure we reach out to.

7           Again, just using our twitter account and  
8 facebook to make sure we are continually letting people  
9 know. And soon I am getting far along in the process with  
10 finding a company that will create the logo, website,  
11 brochure all that. We are getting much further in the  
12 process. I am hoping that by the end of next week we'll  
13 make a decision as to how we will narrow it down.

14           Maybe we need to put together a subcommittee  
15 to maybe choose the final three. Right now I have about  
16 five maybe ultimately six proposals in for logo  
17 development and website development. I'd like to narrow  
18 that down to three and maybe put a subcommittee together.  
19 So, however the Commissioners would like to see us do that.  
20 I would like them, whoever that company is, to start  
21 working the second week in August so that by September we  
22 have logo, brochures, at least a couple of pages of a new  
23 website, PowerPoint template so that when we go on a  
24 speakers bureau circuit, we have something to present

1 which will also include brochures. So, it has one look  
2 and feel and all of the information is in one place.

3 COMMISSIONER MCHUGH: That sounds  
4 terrific. Then you can order the T-shirts too.

5 Do we need to vote on anything here,  
6 Commissioner?

7 COMMISSIONER STEBBINS: My simple  
8 suggestion would be if agree to the meeting request  
9 criteria, the public speak-out criteria and Director  
10 Driscoll's plan for the speakers bureau, we just give it  
11 some type of endorsement.

12 COMMISSIONER MCHUGH: By consensus we move  
13 forward.

14 MS. DRISCOLL: I have a couple. For the  
15 speak-out, do you think we should be creating again on the  
16 website a place where not dissimilar from the speakers  
17 bureau, but names, addresses, email address? Just a  
18 place where if you are requesting your three minutes, be  
19 very specific about what the discussion will be and  
20 purpose.

21 COMMISSIONER STEBBINS: My initial thought  
22 was they would call our general number and our  
23 receptionist could take that information down just to kind  
24 of keep track. She can also monitor a place to do that

1 on the website. So, that's fine.

2 MS. DRISCOLL: My preference would be that  
3 there's some sort of paper trail, documented paper trail  
4 on it. This way it would put also less onus on our  
5 receptionist for vetting which could potentially get  
6 complex.

7 COMMISSIONER MCHUGH: A paper trail also  
8 helps to bring down the curtain on the three minutes if  
9 we start veering off the stated subject.

10 MS. DRISCOLL: Right. Then in terms of  
11 where it says expert visits to the meetings, what should  
12 the mechanism be for that?

13 COMMISSIONER STEBBINS: I leave at that as  
14 we get letters is of interest or run into folks who  
15 introduce themselves to us, I think that is really up to  
16 the discretion of the Commission if we invite somebody to  
17 provide that expert testimony. So, it's not anybody  
18 registering to offer expert testimony. It's us deciding  
19 we have somebody who's a good person, qualified enough to  
20 come in and talk to the whole body as opposed to one or  
21 two abonents exclusively to offer testimony with respect  
22 to where we are in the process or whatever our activities  
23 maybe.

24 MS. DRISCOLL: Great.

1                   COMMISSIONER MCHUGH: Okay. That all  
2 sounds great. Any further discussion on any of that?

3                   The Western Massachusetts forum now has  
4 taken really concrete shape, Commissioner Stebbins?

5                   COMMISSIONER STEBBINS: Sure. Just an  
6 update again. It's going to be August 8, which is a  
7 Wednesday. So, I think actually our next regular meeting  
8 with be August 7.

9                   COMMISSIONER MCHUGH: August 7 that's  
10 right.

11                  COMMISSIONER STEBBINS: We will be out at  
12 Western New England University. We are being co-hosted  
13 by an institute at the law school, the Institute for  
14 Legislative and Governmental Policy.

15                  We have two members of the State Senate that  
16 is going to be talking to us, Gale Candaras, who is chair  
17 of one of the committees that we actually report to as well  
18 as Senator Rosenberg who was an instrumental architect in  
19 a gaming bill.

20                  This forum is a little bit different because  
21 we will be addressing three topics as opposed to one like  
22 we've conducted in our past forums. We will be zeroing  
23 in a little bit more on then community mitigation  
24 discussion.



1 research agenda. Commissioner Stebbins, is there  
2 anything you want to alert us to?

3 COMMISSIONER STEBBINS: I am actually  
4 going to turn it over to Commissioner Zuniga.

5 COMMISSIONER ZUNIGA: I can give a brief  
6 update to that. We met with the Inspector General, not  
7 Greg Sullivan but some of his staff, to kick around this  
8 idea and get a little bit more educated on the notion  
9 entering into interagency service agreement with UMass  
10 for some of the research pieces that we have to do as per  
11 the legislation.

12 They suggested something that I think we  
13 should contemplate and we can implement in short order.  
14 That is to initiate an RFI process that we can post in our  
15 website and make it public with specific mentions,  
16 identifying specifically the sections in our legislation  
17 that describe the research agenda or the baseline study  
18 that we know. Those are sections 71 and 108 among others.

19 And invite the feedback relative to  
20 approach from anybody. And hope that UMass but also other  
21 public institutions may respond. That could really  
22 inform our approach. Very importantly, it could also  
23 inform the best value notion that is behind the  
24 regulations on entering into ISAs with sister



1 organizations.

2           That is an interim process of we envisioned  
3 perhaps, but one that could really help us in this notion  
4 of determining the best value and contracting with another  
5 agency or understanding other options that may be out  
6 there.

7           I will take it upon myself to start drafting  
8 some of that request for information language that again  
9 we can post and we can make available and we can start  
10 getting good responses from people.

11           COMMISSIONER STEBBINS: This is obviously  
12 -- It's so important to what is required of us in the  
13 statute. But because we have a requirement in that  
14 statute of creating an annual research agenda that I think  
15 what was unique about our conversation with the Inspector  
16 General is that may not be a one-year agreement to get the  
17 baseline research done but may actually be a relationship  
18 that continues for a few years to come as we go back and  
19 reconsider and reassess the baseline information. So,  
20 it's a little bit different than a short-term service  
21 contract with a definitive deadline.

22           COMMISSIONER MCHUGH: But we do have a  
23 deadline for the first one, right? Is that the end of  
24 2013?

1                   COMMISSIONER ZUNIGA:  Yes.  Section 108  
2 that says in our statute that two years after the signature  
3 of the Act, which was November of 2011, would be the first  
4 report to the committees and the legislation -- the  
5 Legislature really.  The intelligence is that in order to  
6 report on a baseline study at that time, that a lot of work  
7 needs to have been done.

8                   COMMISSIONER MCHUGH:  Right, right.  So,  
9 we have to keep that in mind as we try to get this ramped  
10 up quickly.

11                   COMMISSIONER ZUNIGA:  Yes.

12                   COMMISSIONER STEBBINS:  Right.

13                   COMMISSIONER MCHUGH:  Okay.  That sounds  
14 great.  Is there any other business that could not have  
15 been reasonably anticipated before we started?

16                   I think we are ready for the motion to  
17 adjourn.

18                   COMMISSIONER CAMERON:  I make a motion that  
19 we adjourn this meeting.

20                   COMMISSIONER MCHUGH:  Is that motion  
21 seconded?

22                   COMMISSIONER STEBBINS:  Second.

23                   COMMISSIONER MCHUGH:  All favor, aye.

24                   COMMISSIONER STEBBINS:  Aye.

1 COMMISSIONER CAMERON: Aye.

2 COMMISSIONER ZUNIGA: Aye.

3 COMMISSIONER MCHUGH: The meeting is  
4 adjourned. Thank you all very much.

5

6 (Meeting adjourned at 3:27 p.m.)

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1 ATTACHMENTS:

2

3 Attachment 1, Agenda

4 Attachment 2, Position Description: Executive Director

5 Attachment 3, July 26, 2012 Memorandum Regarding Racing

6 Division Workgroup

7 Attachment 4, Tentative Decision and Order of Suffolk

8 Steward Ruling No. 1011

9 Attachment 5, Tentative Decision and Order of State Police

10 Ejection and Suffolk Steward Ruling No. 1059

11 Attachment 6, Protocol For Prospective Gaming Developers'

12 Interactions with Massachusetts Agencies

13 Attachment 7, July 26, 2012 Memorandum Regarding Policy

14 Questions in Connection with the Draft Phase 1 Regulations

15 Attachment 8, Draft of Charitable Gaming Massachusetts

16 Gaming Commission Report to the Legislature

17 Attachment 9, July 18, 2012 Memorandum Regarding

18 Meeting/Speaking Request Policy, Public Speak-Out and

19 Expert Testimony

20 Attachment 10, July 25, 2012 Memorandum Regarding

21 Speakers Bureau

22 SPEAKERS:

23 Elaine Driscoll, Director Communications and Outreach

24

1 C E R T I F I C A T E

2 I, Laurie J. Jordan, an Approved Court Reporter, do hereby  
3 certify that the foregoing is a true and accurate  
4 transcript from the record of the proceedings.

5

6 I, Laurie J. Jordan, further certify that the foregoing  
7 is in compliance with the Administrative Office of the  
8 Trial Court Directive on Transcript Format.

9

10 I, Laurie J. Jordan, further certify I neither am counsel  
11 for, related to, nor employed by any of the parties to the  
12 action in which this hearing was taken and further that  
13 I am not financially nor otherwise interested in the  
14 outcome of this action.

15 Proceedings recorded by Verbatim means, and transcript  
16 produced from computer.

17

18 //Laurie J. Jordan// Date: July 27, 2012

19 Court Reporter for Office Solutions Plus, LLC

20 My commission expires: May 11, 2018

21

22 //Elizabeth Tice// Date: July 27, 2012

23 Elizabeth Tice, President, Office Solutions Plus, LLC

24 My commission expires: August 26, 2016