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THE COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS GAMING COMMISSION

PUBLIC MEETING #65

CHAIRMAN

Stephen P. Crosby

COMMISSIONERS

Bruce W. Stebbins

Enrique Zuniga

April 25, 2013, 1:00 p.m.

DIVISION OF INSURANCE
1000 Washington Street
First Floor, Meeting Room 1-E
Boston, Massachusetts

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P R O C E E D I N G S :

CHAIRMAN CROSBY: I think we are ready to go. I will call to order the 65th public meeting of the Mass. Gaming Commission on April 25, 2013.

I guess we could go ahead and approve minutes. I think we only have April 4. Has everybody had a chance to read them?

COMMISSIONER STEBBINS: Yes.

COMMISSIONER ZUNIGA: Yes, Mr. Chairman.

CHAIRMAN CROSBY: Do you want to move on their behalf?

COMMISSIONER ZUNIGA: Sure. I reviewed the minutes of April 4 and I find them in good order and move that this Commission approve them as presented.

COMMISSIONER STEBBINS: Second.

CHAIRMAN CROSBY: All in favor, aye.

COMMISSIONER STEBBINS: Aye.

COMMISSIONER ZUNIGA: Aye.

CHAIRMAN CROSBY: Commissioner

1 McHugh and Commissioner Cameron are away today.
2 But we do have a quorum of three. So, we will
3 go ahead. We're going to go straight to, I
4 think, Executive Director Day for his maiden
5 presentation.

6 MR. DAY: Yes, that would be the
7 case. Just a few things, if I might, Chairman
8 Crosby and members of the Commission. One
9 thing we have been doing a lot of discussing
10 about is transition. As we move to further
11 develop the organization, one of the important
12 things is that is we as staff and others are
13 clearly aware of the Commission's expectations
14 and planned interactions of staff. And of
15 course to me, what's important to that is the
16 initial step in the planning and organization.

17 With that, one thing I wanted to
18 check in with the Commissioners and the
19 Chairman is, of course, according to the
20 statute, the Chairman has the supervision and
21 control over the affairs of the Commission.
22 But I'd like to verify with Chairman Crosby and
23 fellow Commissioners that the Chairman
24 reaffirms the delegation to each of those

1 Commissioners that you have been following at
2 this point opponent for coordination -- to make
3 we have proper coordination with staff. That
4 was based on what I understood was the
5 following expertise and interest.

6 Commissioner McHugh, of course,
7 elected Secretary, legal matters, rule
8 promulgation and applicant evaluation.
9 Commissioner Zuniga elected Treasurer, budget
10 and accounting, administration and finance.
11 Commissioner Cameron law enforcement matters
12 and horse racing. Commissioner Stebbins
13 community workforce and supplier development,
14 general economic development, applicant
15 evaluation and hiring process. Chairman
16 Crosby, in addition to general operations,
17 communication, community outreach, research and
18 problem gambling. With this, I'll assume that
19 we are still on the right track.

20 CHAIRMAN CROSBY: Does that sound
21 right? Does that characterization sound right
22 to you?

23 COMMISSIONER ZUNIGA: Yes, I would
24 say so.

1 COMMISSIONER STEBBINS: The only
2 edit I would make is with respect to me will be
3 on hiring. Obviously, with your addition to
4 the staff and other key people, we will find
5 ourselves stepping back from doing a lot of the
6 hiring would be my guess.

7 CHAIRMAN CROSBY: Yes. But we are
8 all going to be sort of stepping back from
9 those areas. A little bit of your sense about
10 the interview process and so forth, and sort of
11 keeping an eye on that on behalf of the
12 Commission. It's not going to be a big deal, I
13 agree. Just that is that is one more piece of
14 our puzzle. There's going to be a lot of
15 hiring, a lot going on and a little bit of
16 oversight by you I think still makes some
17 sense.

18 COMMISSIONER STEBBINS: Sure.

19 MR. DAY: From my perspective, I'm
20 not in any hurry for you to move too far back.

21 And then to support the Commission's
22 work, we would plan to move with the
23 Commission's agreement to a system of staff
24 presentations and recommendations. And staff

1 reports will be written and provided to the
2 Commission in advance, and generally pose
3 questions and offer possible solutions for the
4 Commissioners' consideration.

5 The Commission, in addition, to
6 support this part of the process would plan two
7 prescheduled meetings per month and begin the
8 new schedule in May. Probably most likely as
9 we move forward, incorporate a regional
10 rotation of meetings. The meetings will
11 generally begin at about 9:30 through about
12 3:30 in the afternoon. Of course, the
13 Commission can add special meetings or change
14 that schedules as it would deem necessary.

15 CHAIRMAN CROSBY: Let me just put
16 some context on this for people that are
17 watching. As anybody who's been watching knows
18 the Commissioners have been doing an awful lot
19 of the staff work. And we've been bringing
20 recommendations to the Commission because we
21 had to assume staff roles before there were any
22 staff.

23 Now we've begun to fill out most of
24 our senior staff positions as well as the

1 Executive Director, and are going to switch out
2 of the staff role into more of just a
3 Commission decision-making policymaking role.
4 So, that'll change the nature of these meetings
5 a little bit.

6 So, we'll be relying much more
7 heavily on presentations from staff about the
8 issues that are teed up, rather than
9 presentations from Commissioners, which is what
10 you all have seen in the past.

11 The meeting frequency, we've
12 discussed this quite a bit. We felt at first
13 that we really needed a meeting every week
14 because we had decisions we had to make every
15 week. I think there are mixed feelings about
16 going to once every two weeks. But because we
17 can have another meeting on a 48-hour notice,
18 we thought it was worth as part this kind of
19 professionalizing the staff operations to have
20 the meetings be a little longer and less
21 frequent.

22 So again, for people who have been
23 involved, they will starting in May they will
24 be every other week. And they will start at

1 9:30 in the morning rather than at 1:30 in the
2 afternoon. And if we find that we need more
3 meetings, we can certainly schedule them in, as
4 you've said. This will obviously all be
5 posted. I know some of you set your clocks by
6 Thursday at 1:00. So, I didn't want to get
7 screwed up in May.

8 COMMISSIONER ZUNIGA: But they're
9 also anticipated to be done on Thursdays, to
10 take place on Thursdays; is that correct?

11 CHAIRMAN CROSBY: Still on
12 Thursdays?

13 MR. DAY: Correct. That would be
14 the recommended day. We will continue with
15 that. Thank you for that clarification,
16 Chairman.

17 As a matter of fact, we are hopeful
18 in the process to see if we can find as we move
19 forward, especially to the suitability
20 considerations when the Commission enters that
21 area, to being able to find a larger space that
22 accommodates staff and Commissioners and
23 probably a larger attendance at that time. Of
24 course, we have coming up is the public hearing

1 on Phase 2 regulations, which is May 3 for
2 those who might be watching.

3 CHAIRMAN CROSBY: Again, just for
4 clarification. Next week, we are combining our
5 public hearing on the regs. with our regular
6 meeting. And it will be Friday, May 3 at 9:30
7 in the morning.

8 MS. REILLY: 9:00.

9 CHAIRMAN CROSBY: 9:00, okay. So,
10 our Thursday meeting will not take place next
11 week. It will be Friday morning at 9:00
12 instead in conjunction with the hearings on the
13 regs.

14 MR. DAY: Thank you. We would
15 recommend then May 16 and May 30 to start the
16 rotation. And following through with that
17 absent of any additional change would end up
18 June 13 and June 27.

19 CHAIRMAN CROSBY: Great.

20 MR. DAY: The goal is to hopefully
21 plan the topics and have time to have staff
22 presentations to the extent that's possible.

23 CHAIRMAN CROSBY: Right.

24 MR. DAY: As I am today, I will

1 start being responsible for a staff report,
2 include any administrative matters and any
3 staff follow-up that I can handle briefly. I
4 have also, of course, had the opportunity to
5 discuss any possible changes with Chief of
6 Staff Reilly. And we've been able to work out
7 some schedules, which I think is going to be
8 helpful for both of us.

9 And then besides that that part of
10 the transition, there is one other question
11 that's come up. That topic is whether or not
12 the Commissioners would like to consider or
13 like to add back in a fixed period at the end
14 of the meetings for public comment. I just
15 kind of raise that for discussion and your
16 direction as to how you might want to do that
17 with the agendas as we move forward.

18 CHAIRMAN CROSBY: I think we ought
19 to wait on that one until the other
20 Commissioners are here. I think everybody will
21 want to weigh in on that.

22 Executive Director Day is
23 recommending that in some places there is sort
24 of a standard operating procedure that there's

1 an opportunity for public comment. I am kind
2 of mixed on that myself. I think we ought to
3 wait and talk about that with Jim and Gayle.

4 MR. DAY: It does have both positive
5 and potential negative consequences.

6 CHAIRMAN CROSBY: Right, right.

7 MR. DAYS: Besides those
8 administrative matters, there's an additional
9 items that's come up that I'd like to ask our
10 Communications Director to join me, if she
11 would be so kind.

12 We've had some discussion, and I'll
13 term it as the qualifiers list. What that is,
14 of course, based from the applicants we have
15 and those that are qualifiers and undergoing
16 investigations during the process.

17 So, in order to preserve the
18 appropriate privacy and confidentiality of
19 those records and the efficient management of
20 staff resources, improve our accuracy and make
21 sure we have an accurate list, what we've been
22 attempting to do is or decided to do is to
23 update that list every 30 days. And then have
24 it available upon request.

1 That will allow us to use staff a
2 little bit more efficiently too. We're not
3 constantly trying to work with that particular
4 list. Elaine has also mentioned here recently
5 that it might be a good idea to look at now
6 that that list is sort of an accepted item,
7 that maybe it would save some time and make it
8 more available and folks would know where to go
9 for the latest example if it were posted on our
10 website. So, we thought it best to have a
11 brief discussion with the Commissioners about
12 whether you think that would be the best route
13 or not.

14 MS. DRISCOLL: So, my concern is
15 because up until now we have been issuing the
16 list of qualifiers based on individual requests
17 to the Commission. Media outlets might be
18 asking for it from me. And then other general
19 public municipalities, etc., might be asking
20 for it for maybe either the legal department or
21 the Ombudsman.

22 And my concern with that is that if
23 we're going to be updating it every 30 days,
24 that what might end up happening is that there

1 are multiple versions of that list out in the
2 public. And my concern with that would be it
3 is very difficult once that list is updated to
4 then attempt to reissue it to all of the
5 different individuals that have asked for it
6 along the way over the last X-amount of months.

7 So that then means without any
8 official documentation of it and
9 disclaimer/caveat in an official place on our
10 website, that means that individuals may all
11 have different versions of it. It means, for
12 example, a media outlet recently received it
13 from a citizen in a community, which means too
14 that it might be being passed around to
15 different individuals without the disclaimer
16 and caveat that right now it needs.

17 So for me, I feel like it would be
18 best if we could post that on the site with a
19 clear disclaimer that this is subject to
20 change. And that we will do our best to update
21 it every 30 days. So, that there is one
22 central authoritative location to access this
23 list. That's what my thought was.

24 CHAIRMAN CROSBY: We haven't had any

1 pushback from -- John or Karen, we haven't had
2 any pushback from the applicants about having
3 that be completely public, have we?

4 MS. WELLS: The qualifier list
5 itself?

6 CHAIRMAN CROSBY: Yes.

7 MS. WELLS: No.

8 CHAIRMAN CROSBY: Right. So, I
9 can't see where there would be any issue with
10 that. It's critically important to have an
11 effective date on it that's really obvious.
12 And it's critically important to have that
13 disclaimer that says this changes. And I even
14 think I suggested the other day that if people
15 think they know something we don't know, they
16 can tell us. We invite people to say this is
17 effective as of such and such. It is subject
18 to change. And if you have any suggestions or
19 any amendments or something like that.

20 But the only thing I have a problem
21 with is the 30 days. I haven't raised it as
22 you've mentioned this possibility, but that
23 seems too long to me, because it changes pretty
24 frequently.

1 I think people misunderstand the
2 importance of this. I think people think of
3 this as sort of a proxy for the application.
4 And so, surrounding communities are getting hot
5 and bothered about it in a way that is not
6 particularly really appropriate, but they are
7 hot and bothered about it. And to wait for a
8 month in between updates seems like a long time
9 to me.

10 Does anybody else including John or
11 Karen have thoughts about that?

12 COMMISSIONER ZUNIGA: Well, I think
13 the recent two or three months may not be
14 representative of what may be to come.
15 Especially during the period of investigations
16 because a lot of things are being sorted out.
17 We began this process with the scope of
18 licensing to begin with where qualifiers
19 thought only certain people would qualify. And
20 after those meetings, the IEB made a number of
21 determinations.

22 So, I think the 30 days attempts to
23 balance the need, the administrative burden in
24 terms of updating and double-checking a

1 document that's now going to be public.

2 CHAIRMAN CROSBY: Is it onerous to
3 update it? If we updated it every two weeks as
4 opposed to every month is that a problem for
5 anybody?

6 MR. DAY: Chairman Crosby, I think
7 part of the idea in this perspective is to make
8 sure that the Commission has as the information
9 that's come in and given the IEB the
10 opportunity to determine that that's a
11 qualifier and that person needs to be posted.

12 So, that was just to make sure
13 there's enough space for people to do it in a
14 fairly reasonable fashion. Making sure we've
15 got the right documents and then going ahead
16 and making sure there's a consistent approval.
17 So, that was the idea is to make sure we have a
18 consistent date and within the time of
19 receiving information.

20 I think it wouldn't be the end of
21 the world if we tried to do it within two weeks
22 but --

23 CHAIRMAN CROSBY: Commissioner
24 Zuniga is suggesting that the frequency of

1 change is diminishing. Do we have reason to
2 think that's true? Karen, go ahead.

3 MR. WELLS: I think that it all is
4 dependent on the entities. There may be an
5 entity or there are some entities which are
6 really kind of closed shops, if you will, and
7 they don't expect a lot of change but others
8 may happen. And a lot of that is up to the
9 entity.

10 For example, there may be a
11 corporation with a significant number of Board
12 of Directors. And right now it's pretty
13 consistent. But they might change three over
14 the next three months and there would be an
15 issue there. So, it's a little hard to
16 predict.

17 CHAIRMAN CROSBY: Yes.

18 MS. WELLS: As the Commission is
19 aware, to the suitability piece it's ongoing.
20 So, we'll do our investigation and give the
21 Commission our report, but the IEB as an agent
22 of the Commission will still be looking into
23 these entities as time goes on. So, we will
24 still have this interaction with these

1 applicants that may or may not become licensees
2 and that we're still involved in the process.
3 It's not as if suitability itself ever really
4 ends. We're checking into it and always
5 keeping a watch on what's happening in
6 Massachusetts.

7 COMMISSIONER ZUNIGA: I would add to
8 that that I was suggesting that the period was
9 diminishing, but not in perpetuity. Let's not
10 forget once applicants obtain real hard
11 financing, that list may vary significantly
12 based on the sources of funds.

13 CHAIRMAN CROSBY: Right.

14 COMMISSIONER ZUNIGA: Or it may not.
15 We really don't know. Maybe it all depends as
16 Director Wells suggests.

17 I also want to emphasize that I
18 would agree with the notion of having some time
19 to allow the IEB to look in to first be
20 notified that somebody may be retiring or have
21 the necessity to add to the qualifier list, and
22 have the ability to corroborate that
23 information and get the appropriate information
24 and then update the list.

1 I would differentiate from just
2 having a running spreadsheet and then a matter
3 of posting it as perhaps over a different
4 process.

5 CHAIRMAN CROSBY: Maybe I'm
6 oversensitive. Ombudsman, do you have an
7 opinion? Is 30 day fine from your standpoint?

8 MR. ZIEMBA: I think what's
9 important is that we communicate to the outside
10 world that this is a process that is ongoing.
11 Part of the issue I think is that when people
12 look at it a date and time, it may not catch
13 the nuances of the fact that our IEB is in the
14 process of reviewing certain people that will
15 be put on the qualifier list at any one point
16 in time. So, even if you point out a specific
17 date, there still may be conversations that are
18 ongoing where that one particular person or
19 entity will be a qualifier.

20 So, the thought of updating it daily
21 provides me some pause because I don't know if
22 we have that sort of specificity that we can
23 know from a day-to-day basis when somebody is
24 going to be a qualifier.

1 If we have a set date, be it two
2 weeks or be it 30 days, at least staff can get
3 ready to say, hey we know that there's an
4 update. There are a couple of people that are
5 in process. Let's make sure that they're
6 actually the qualifiers that we've had the
7 conversations with the applicants so that we
8 can put them on the qualifier list, and we know
9 that that's correct.

10 So, I don't really have a specific
11 thought about 30 days or two weeks. I just
12 think if you do it too often, there is a level
13 of expectation of precision that is often not
14 possible.

15 CHAIRMAN CROSBY: Well, if nobody's
16 troubled by this other than me, then let's go
17 with 30 days.

18 MR. DAY: And on the Web?

19 CHAIRMAN CROSBY: I would say yes.

20 COMMISSIONER STEBBINS: Quick
21 question. How would you deal with the updates
22 whereby not necessarily a new name is being
23 added, but a name might have been removed? If
24 I'm looking at a list one month, and a month

1 later I go back and check the list and see a
2 name that wasn't there. Some note that people
3 are removed?

4 The focus about updating the list is
5 mostly centered around new names coming on and
6 the chance to kind of put them through some
7 type of IEB review to see if they are
8 a qualifier. But do you see any need to note why
9 a name maybe have been taken off?

10 MR. DAY: Commissioner Stebbins, I
11 do not. I think because it is a business
12 transaction and they may remove them for a
13 number of reasons.

14 COMMISSIONER STEBBINS: So, knowing
15 that if you see a name and it's not there the
16 following month --

17 MR. DAY: For the purpose of this
18 list, which is really those qualifiers that are
19 associated with the applicants.

20 CHAIRMAN CROSBY: The press can
21 always ask if they want to raise the question.
22 Okay.

23 COMMISSIONER ZUNIGA: I agree. Just
24 taking control of the information, the

1 disclaimer that this process is fluid and
2 that's the latest update would be to
3 everybody's benefit.

4 CHAIRMAN CROSBY: So, the first new
5 one would be when? Or what's the date of the
6 one that's out there now?

7 MS. DRISCOLL: Right now the date on
8 the document right now is April 5. So, maybe
9 what we can do is once the next document is
10 ready with the 30-day update, we can post that
11 one. That will be the first one that goes up
12 on the Web would be my suggestion.

13 CHAIRMAN CROSBY: Sometime between
14 not later than May 5?

15 MS. DRISCOLL: Yes.

16 MR. DAY: Thank you. If we are
17 ready to go to the master schedule?

18 CHAIRMAN CROSBY: Yes, great.

19 MR. DAY: Director Wells and
20 Ombudsman Ziemba. This is part of my effort to
21 make sure I can instantaneously defer any
22 questions.

23 What we'd like to do is the
24 Commission had asked that's it's time to

1 revisit the master schedule. So, we have been
2 doing a lot of review of the schedule and
3 trying to focus in on items that might be
4 coming forward. So, what I'd like to do to
5 just to help to initiate that discussion is
6 summarize several staff recommendations or
7 suggestions.

8 And if I can just run through those
9 all so you can kind of get a picture of what
10 they might be. And then I'm sure there will
11 discussion and questions. John and Karen will
12 be happy to answer any of those that come up.

13 I will start with the Category 2
14 licenses. Because we are in this particular
15 case, we are recommending that the date for
16 presentation of IEB suitability reports be
17 moved forward to June 13. Particularly as
18 these reports are the first IEB reports, they
19 should provide sufficient time to ensure that
20 those reports are properly developed.

21 So, we're really going to be dealing
22 with kind of an unknown here as we come forward
23 with these suitability reports. And we'd like
24 to make sure they're available and available in

1 advance to the Commissioners so we can also
2 follow the rest of our processes.

3 And as we have looked at the
4 schedule at this point though, we don't believe
5 that change will impact the Commission's
6 ultimate award date at this point of 12/2.

7 For Category 1 licenses, we are
8 recommending that the date for presentation of
9 IEB suitability reports be moved forward to a
10 period -- Both of these have been under
11 discussion. And I'm confident the
12 Commissioners are pretty aware of at least the
13 need compared to what's on the schedule now ---
14 to be move forward to a period beginning August
15 5 through August 30.

16 We suggest that probably a rolling
17 report plan based on report completion is
18 probably going to be the best, most practical
19 way to handle that and be able to get it done
20 in a reasonable time that isn't too
21 overwhelming.

22 CHAIRMAN CROSBY: What were the
23 dates?

24 MR. DAY: August 5 through August

1 30. And I have to acknowledge, and I'm
2 positive Karen will reemphasizes this that this
3 is going to be -- this period is somewhat of a
4 challenge. At least at this point and as we
5 have further discussions, we can continue to
6 flush it out, but we think it's doable at this
7 point.

8 Then for Category 1 licenses, we are
9 also suggesting that the Commissioners consider
10 moving the Phase 2 application due date to
11 December 1 from December 31. So, basically
12 we're suggesting that that date should be moved
13 30 days earlier than we had on the current
14 master schedule. There are pros and cons to
15 taking this step.

16 A couple of the pros is of course it
17 allows more time for surrounding communities.

18 CHAIRMAN CROSBY: Give me the date
19 again. I'm sorry. The date would be?

20 MR. DAY: 12/31 to December 2.

21 MR. ZIEMBA: Actually, when we did
22 the analysis, we were thinking about the
23 beginning of the month, which would be December
24 1. But taking a look at those dates, the first

1 of December is on a Sunday. So, we came up
2 with a couple of different options for that
3 week. December 3 or December 6, and I can go
4 over the time tables of when everything would
5 be due in a couple of minutes.

6 CHAIRMAN CROSBY: That's for
7 Category 1?

8 MR. DAY: Category 1.

9 MR. ZIEMBA: For Category 1, right.

10 MR. DAY: There are a number of pros
11 and cons. John will most likely have more
12 detail around that. But it would help with the
13 surrounding community process, allow 30 days
14 additional for the Commission to have that
15 before the present scheduled award date.

16 The con is, on the other hand, is
17 it's going to shorten the period for the
18 applicants who may very well be planning on
19 that additional 30 days for the proposals. And
20 also the host community agreement process, it
21 will move that process back a month as well.

22 Another item that we think would be
23 important for the Commissioners to consider is
24 not necessarily a direct time impact on the

1 schedule, but may provide more room for the
2 surrounding communities to be able to have an
3 opportunity to weigh in regarding impacts in
4 their communities. That would be to begin the
5 involuntary disbursement process 60 days before
6 an application is submitted. So, that may help
7 sort of as a default if there hasn't been any
8 progress before that.

9 CHAIRMAN CROSBY: So, that would be
10 the first week of October basically?

11 MR. DAY: We're kind of looking at
12 it would be depending on the application date
13 itself. But if everybody waited until the
14 December deadline then that would be the case.
15 There is at least quite a bit of discussion
16 that it's possible but highly unlikely that
17 applicants would actually submit applications
18 before the due date in any great time length
19 anyway.

20 Then in addition to these steps,
21 we've also definitely are preparing and we'll
22 have the application formats ready to be
23 released with the Phase 2 regulations when they
24 are final. We think it's important that that

1 be out and available to the applicant.

2 CHAIRMAN CROSBY: Which is June 6,7,
3 something like that?

4 MR. DAY: Right, first week in June.
5 Then finally, I have deliberately not discussed
6 a couple of other huge points. One of those is
7 the application evaluation period, because we
8 are just in the process of trying to work out a
9 process and the time lengths that it would
10 take. So, we need to take more steps before we
11 can actually predict that with any great
12 accuracy. So, that is something I think we'll
13 have to come back to the Commission and of
14 course interested in any guidance that you
15 might have here today as well.

16 Then we also have not talked at this
17 point about the actual award dates. We talked
18 a little bit about the Category 2, which we
19 don't see much change in. But we've got the
20 award date for Category 1 and have things that
21 will have to be considered including if there's
22 any negotiation before the final award and
23 other things that might actually impact that
24 end date on what we figure that'll be part of

1 the ongoing discussion here we'll have in the
2 next few weeks.

3 CHAIRMAN CROSBY: Right.

4 MR. DAY: That is the
5 recommendations where we're at for today. I
6 know John has some additional comment on the
7 schedule.

8 CHAIRMAN CROSBY: Let me ask you a
9 question. What is the thought process -- What
10 is the purpose of moving the application date
11 sooner, closer to us? What's the purpose of
12 taking that month off?

13 MR. ZIEMBA: So, if you take a look
14 at our current schedule with an anticipated
15 application deadline of December 31, what we
16 have not put into our draft timetable is the
17 amount of days that it will take to resolve
18 disputes between applicants and potential
19 surrounding communities or applicants and
20 potential live entertainment venues.

21 If you take a look at the number of
22 days that we have in our draft regulation to
23 accomplish that, it's an extremely tight
24 process. But even with that tight process

1 that's a good 85 days and that that is if it
2 goes according to plan.

3 So, if you add your 85 days on top
4 of December 31, you are well into March. And
5 it could proceed further into April if there's
6 any further slippage. And we note that the
7 Legislature and the Governor that they are
8 counting on the revenues from licensing fees.
9 To the extent that the licensing fees shall be
10 due and payable 30 days after we grant our
11 conditional license, we are getting into
12 periods that are close to the end of the fiscal
13 year.

14 And for certainty, for budgeting
15 certainty and if there's any sort of a revenue
16 down grade, that could really cause some
17 concerns with people on the Hill about our
18 ability to meet our deadlines.

19 In addition, the Commission has been
20 throughout the process mindful that we are
21 trying to get these licenses up and running as
22 quickly as possible in order to generate the
23 revenues and the jobs as quickly as possible.

24 So, to the extent that things that

1 are out of our control, these arbitration
2 procedures might have a way of lengthening our
3 schedule. We thought it would be a good idea
4 to take a look at whether or not there's any
5 flexibility on moving things a little bit back
6 so that we could resolve some of those disputes
7 ahead of time.

8 COMMISSIONER ZUNIGA: There's a lot
9 of topics to address, but on that note, if we
10 were to bring back the Category 1 deadline as
11 it's modeled there, this used to be over here
12 as 12/31 following the process for the
13 evaluation.

14 The only way to gain in the
15 schedule, in other words, to bring this back is
16 if we did work on, if nothing else, modeling
17 this host and surrounding community agreements
18 happening earlier than what is currently
19 projected here. This was perhaps when we
20 modeled it the latest date of a host community
21 agreement with a minimum 60 days because it
22 could be as long as 90 for the referendum to
23 take place assuming let's say the day before
24 the application is submitted.

1 This date would have to be pushed
2 back and modeled, I suspect, to varying degrees
3 depending on the community, because they all
4 have different assumptions as to when they are
5 going to do this. And we'd have to take that
6 into account to really gain in the schedule.

7 Because if this local process is not
8 -- happens as late as it's modeled there,
9 moving the application deadline doesn't do
10 anything.

11 CHAIRMAN CROSBY: Clearly, obviously
12 we'd have to move those other two.

13 I don't think the host community
14 agreement and the referendum is a problem.
15 There is nobody talking about not including the
16 host community agreement until November or
17 December. The surrounding community agreement
18 is something we need to talk about. But I
19 don't think the host community agreement and
20 the referendum is a problem. I think that's
21 fungible.

22 MR. WELLS: The only thing I would
23 comment on is that it's impossible for me to
24 tell at this point when we do a Category 1

1 report, if there is something that is contested
2 by the applicant and they want to take part in
3 a hearing and they request a hearing that that
4 period that Commissioner Zuniga is pointing
5 out, they'll need at least that time.

6 So, if we move the whole schedule
7 over a little bit because our target date for
8 the August 5 through August 31 for presenting
9 these is in that time period, I would just
10 caution folks that that suitability
11 determination may not be in that August
12 timeframe if there is a hearing.

13 So, if that takes place, then the
14 applicant and the Commissioners need to be
15 aware that they may need to schedule a
16 referendum potentially before the suitability
17 determination is made if that is the process.

18 So, just so as long as the community
19 out there is aware, that the Commission is
20 aware. We can work around that. We can make
21 that workable for both the applicants and the
22 Commission but they should be aware of that.

23 CHAIRMAN CROSBY: Yes, I agree with
24 that. I think it's important to say that we

1 have been under pressure to speed up from lots
2 of people for a long time. I will read you a
3 letter I got from the Chairman of the Board of
4 Selectmen of the Town of Hopkinton

5 However, my early impression is that
6 the Commission is doing too much too soon and
7 too fast.

8 So, the pressures are beginning to
9 swing as people are coming to grips with the
10 process. As we talked about for a couple weeks
11 now, there's pressures from bidders, host
12 communities and surrounding communities to slow
13 down now.

14 But having said that, I think it's
15 important for us to say what we've always said
16 which is we're not going to compromise the
17 integrity of the process for speed. And if we
18 can squeeze a month or two out of this, I'm
19 totally in favor of it for obvious reasons.

20 I think we have to say it straight
21 that if it turns out that we don't get this
22 done in time to get all of the license money
23 in, we'll be sorry, but that's life. And we'll
24 do everything we possibly can but we can't let

1 that be a club or something that we're anxious
2 about and cause us to do something that doesn't
3 really work for everybody.

4 And I'm not suggesting that you are
5 doing that. I don't think you are. But I want
6 to say it right now. If it ends up we happen
7 to miss that deadline, we miss that deadline.
8 Too bad. We don't want to, we will try not to.
9 But that won't affect our adherence to the best
10 possible process.

11 Now having said that, I'm totally in
12 favor of trying to squeeze this time out as we
13 can. And I think the most important issue,
14 which is what you were getting to is the
15 surrounding community process. So, let's walk
16 through how that works in context of this.

17 MR. ZIEMBA: So, Mr. Chairman, as
18 you know we've heard from a number --

19 CHAIRMAN CROSBY: John, just as sort
20 of a matter of principle, I just said something
21 that was really important. I want to make sure
22 that I'm not out in front of you guys.

23 COMMISSIONER ZUNIGA: I
24 wholeheartedly agree. I think the paramount

1 objective is to do this right and to do it
2 well. And to do it in a way that's fair to
3 everybody. So, we have to balance all of that.

4 CHAIRMAN CROSBY: Right.

5 COMMISSIONER STEBBINS: No
6 objection.

7 CHAIRMAN CROSBY: Okay good.

8 MR. ZIEMBA: So, Mr. Chairman, the
9 second part of the discussion is relative to
10 surrounding communities. As you know, we've
11 heard a number of concerns from communities,
12 potential surrounding committees that we're
13 moving too fast and that there might not be
14 enough time to get technical assistance in
15 order to evaluate proposals in advance of our
16 application deadline.

17 As we note, within 10 days after the
18 applications are filed by the applicants,
19 communities shall petition the Commission if
20 they have not been designated as a surrounding
21 community in an application to become a
22 surrounding community.

23 And communities need some store of
24 information in order to make those requests.

1 And if indeed those requests are granted, by
2 statute, once we make a determination that a
3 community is a surrounding community, you
4 immediately go to a negotiation of a mitigation
5 agreement.

6 So, what we've always been concerned
7 about is how our potential surrounding
8 communities going to be able to be in a
9 position to be able to have a negotiation and
10 to be able to understand the impacts when you
11 have such a tight time period after our
12 determination.

13 So, in crafting our draft
14 regulations, we put in process, put in our
15 draft that technical assistance funding could
16 be petitioned from the Commission. That there
17 could be what we're calling the involuntary
18 disbursements. So, if an applicant and a
19 potential surrounding community have not been
20 able to reach an agreement on the provision of
21 technical assistance, there's basically a
22 relief valve for potential surrounding
23 communities to come and petition the Commission
24 so that we can in essence order the applicant

1 to provide technical assistance funding to
2 those communities.

3 So, the current rule that we have,
4 the draft rule that's up for the hearing next
5 week is that 30 days after a host community
6 agreement is reached, potential surrounding
7 communities can make petitions to the
8 Commission for involuntary disbursements.

9 So, we would then hear the concerns
10 from the community, here what the applicant's
11 concerns would be, and then we would then make
12 a determination of whether or not it was likely
13 that that community would be designated as a
14 surrounding community after the application is
15 filed with us. Then we would make a
16 determination of what funding is necessary to
17 be provided to the community.

18 The issue with that that we've heard
19 -- In addition, I think generally there's a
20 concern that communities are going to need a
21 very long period of time to review impacts.
22 And that those impacts can only be studied if
23 the initial plans are available and the initial
24 studies are available, which we completely

1 understand.

2 From the very beginning, we've asked
3 applicants and we've reiterated to applicants
4 that you will be evaluated on how you do your
5 outreach to these communities. And we
6 encourage you to grant technical assistance
7 dollars where they're necessary to evaluate
8 impacts. In addition to that process, we have
9 established a very, very extensive process with
10 regional planning agencies so that technical
11 assistance funding could be available to those
12 communities that want to take advantage of it,
13 assuming that the applicant has utilized --
14 that the applicant has agreed to go ahead with
15 our RPA plan.

16 But this involuntary disbursements
17 process is basically the third leg, it's the
18 third protection. First, you have the
19 voluntary agreements with applicants and
20 communities. The second process is the
21 regional planning agencies technical assistance
22 process that I think is going to be a very good
23 one. And if for some reason neither of those
24 are in place, then the final protection is an

1 involuntary disbursements process.

2 But because the involuntary
3 disbursements deadline is tied to the host
4 community, there is a potential that any one
5 applicant could not be able to enter into their
6 host community agreement until very, very, very
7 late in the process. So, you could have a
8 situation where a community could be left with
9 30 days or less to petition the Commission and
10 get technical assistance funding before our
11 application date.

12 And I just don't think that it's
13 reasonable that communities would be able to
14 actually utilize technical assistance and get
15 things that are tremendously meaningful in that
16 30 days. I'll discuss in a couple of minutes
17 that there are some time periods after the
18 application date that those technical
19 assistance can continue on.

20 But at a minimum, we thought that
21 there should be at least 60 days available to
22 communities so that they could petition the
23 Commission for technical assistance and utilize
24 funding for those 60 days prior to the

1 application of the applicant.

2 And in the small subset of
3 situations, you could have an applicant that
4 just doesn't get their host community agreement
5 until the very last minute and you just have a
6 very shorter period of time for the utilization
7 of technical assistance.

8 So, our rule is that we are
9 proposing is that communities can petition us
10 for technical assistance basically no later
11 than 60 days prior to the application deadline.
12 That way we at least for that final escape
13 valve, we at least give communities some time
14 to utilize the technical assistance prior to
15 the application date.

16 I also note that there's the 10-day
17 window where they have to petition the
18 Commission to be designated as a surrounding
19 community. They can continue to utilize
20 technical assistance during that 10-day window.

21 There is a 10-day window after that
22 first petition period whereby applicants
23 respond to the petition of the surrounding
24 community. So, there is an additional 10 days.

1 So in total, there could be as much as 80 days
2 or actually even more. Because if you count
3 the time period the Commission needs to decide
4 on surrounding community status, be it five
5 days, six days, seven days, you could
6 potentially have 87 days, 86 days of technical
7 assistance before the negotiation that is
8 mandated by the statute kicks in.

9 COMMISSIONER ZUNIGA: I'm going to
10 attempt to summarize a lot of the thoughts --

11 MR. ZIEMBA: That was kind of
12 lengthy.

13 COMMISSIONER ZUNIGA: -- because
14 this is key. What we had modeled in the past
15 was a period of at least 60 days for the
16 surrounding communities by virtue of that's the
17 least amount of time that they can execute an
18 agreement and have a referendum. It could be
19 90.

20 CHAIRMAN CROSBY: The host
21 community.

22 COMMISSIONER ZUNIGA: The host
23 community. But because the surrounding
24 community process is tied to the host community

1 agreement being executed, we initially thought
2 that there would be at least 60 days for
3 surrounding communities. There could be more
4 if they execute the host community agreement
5 earlier or they do the referendum earlier than
6 the deadline for the application. But in the
7 worst-case scenario that could be as little as
8 60 days.

9 But because on the other hand our
10 other rule relative to petitioning involuntary
11 disbursements ties that to the host committee
12 agreement plus 30 days, they could be
13 effectively left with only 30 days, the balance
14 to the 60 days.

15 CHAIRMAN CROSBY: Between the time
16 they get money and the application?

17 COMMISSIONER ZUNIGA: Correct,
18 correct. So, what you're suggesting now is to
19 complement the original rule, host community
20 agreement plus 30 days, with a no less than 60
21 days on the other end tied to the application
22 deadline.

23 CHAIRMAN CROSBY: Right.

24 COMMISSIONER ZUNIGA: This could be

1 a lot lengthier by virtue of when they conduct
2 and execute their host community agreement and
3 referendum versus our deadline. But this would
4 ensure, if I am not mistaken, at least a
5 minimum of 60 days for surrounding communities
6 before the deadline.

7 MR. ZIEMBA: That's right.

8 COMMISSIONER ZUNIGA: A lot of what
9 you said afterwards comes after that deadline.
10 There are 10 days for petitioning, 10 days for
11 evaluation and then the arbitration process, if
12 they get to that. Is that a fair summary?

13 MR. ZIEMBA: That's exactly right.

14 CHAIRMAN CROSBY: So, what are the
15 components of the 85 days again?

16 MR. ZIEMBA: So, the 85 days is
17 during the first 10 days, there's 10 days for
18 the potential surrounding communities to
19 petition the Commission. Then there's 10 days
20 for the applicant to respond to the request,
21 10, 10. And then there's a period of days for
22 the Commission to decide. I think we were
23 thinking five days, seven days.

24 CHAIRMAN CROSBY: On top of the 60?

1 MR. ZIEMBA: No, I'm talking
2 specifically after the 85 days.

3 MR. ZIEMBA: So, I'll just start
4 from the beginning of application. First 10
5 days for the petition, 10 days for the response
6 by the applicant, five to seven days for the
7 Commission to decide on those two petitions.

8 And then you have a five-day period
9 for the determination of an arbitrator. Then
10 you have 20 days of arbitration. I'm sorry. I
11 skipped 30 days of negotiation. I'm sorry
12 about that. Thirty days of negotiation after
13 the Commission's decision. After the 30 days
14 of negotiation, you have a five-day period for
15 the pick of an arbitrator. After that five
16 days, you have 20 days for the arbitration
17 decision. And then five days after that for
18 the execution of the agreements and
19 modification of the agreements based on the
20 decision of the arbitrator.

21 COMMISSIONER ZUNIGA: And then 30
22 days for the Commission's review. Because we
23 cannot make a determination until --

24 CHAIRMAN CROSBY: But he's talking

1 about time for them to do their work.

2 MR. ZIEMBA: Yes.

3 CHAIRMAN CROSBY: And that 30 days
4 doesn't help them. I don't think that it
5 really makes sense to talk about the 30-day
6 window of which there are supposed to be
7 arbitration -- I mean negotiations as time when
8 they can be doing their work. They want to go
9 into that 30 days with their work done, their
10 analysis done.

11 MR. ZIEMBA: Correct, yes.

12 CHAIRMAN CROSBY: So, it seems to me
13 you really have 25 days from application.

14 MR. ZIEMBA: From application.

15 CHAIRMAN CROSBY: Plus you've got
16 the 60 days that you're guaranteeing.

17 MR. ZIEMBA: Correct, correct.

18 CHAIRMAN CROSBY: That's what I
19 thought you meant by the 85.

20 MR. ZIEMBA: Correct. They both
21 work out to 85.

22 CHAIRMAN CROSBY: That 85 I think it
23 real. So, you basically give people three
24 months.

1 But my question is what do you
2 envision the surrounding community mitigation
3 assessment, needs assessment to consist of?
4 What in general? I know it's going to vary.
5 But how are you envisioning this to work?

6 MR. ZIEMBA: I'm expecting and I'm
7 hoping for a lot of comments by next week on
8 our regulations. But if indeed there is a
9 significant store of information, if
10 independent studies have been done by the
11 applicant and independent studies have done by
12 a host community, for example, when the
13 Commission is making its decision on
14 involuntary disbursements, it could weigh
15 whether or not just peer review of those two
16 studies is necessary versus what may be
17 requested as an independent study in and of
18 itself.

19 And I think that would have to be
20 done on a case-by-case basis when it goes into
21 the petitions. Perhaps that might deserve some
22 more flushing out during the regulatory
23 process.

24 CHAIRMAN CROSBY: Because that's a

1 very big difference. If you're talking about
2 merely doing an effective peer review of pre-
3 existing studies, 85 days is fine.

4 MR. ZIEMBA: Yes.

5 CHAIRMAN CROSBY: But if you're
6 talking about a de novo research project where
7 you're looking at a whole range of issues,
8 traffic being the main one, but a lot of other
9 things as well, is 85 days --

10 MR. ZIEMBA: I've talked to some
11 experts, and it's pushing the margins. Between
12 30 and 60 days, it's doable if everything is
13 working exactly right. By working exactly
14 right, it's anticipated that communities when
15 they petition for involuntary disbursements
16 that they might have already been able to do
17 some of the legwork on the procurement before
18 they show up at the doorsteps.

19 So, that on the date that they
20 receive the award, potentially, they could
21 execute contracts with consultants that they've
22 chosen to start going on the reviews.
23 Commissioner Zuniga mentioned the idea of
24 potentially what we could do is we could in our

1 procurement of consultants, we could make our
2 procurement of consultants potentially
3 available to surrounding communities as well.

4 So, in essence we could shrink the
5 process by not having to go through the
6 extensive procurement process by having
7 available consultants at the ready.

8 CHAIRMAN CROSBY: Well, there's lots
9 of ways they can do that as we've talked about.
10 There's countless -- There's a variety of ways
11 they could do that. I think we should mandate
12 that practically. We're not going to stand for
13 them to do a 60- to 90-day procurement process
14 when they don't need to. That I agree with.

15 COMMISSIONER ZUNIGA: I think the
16 analysis is right on point at a first level
17 relative to whether there would be required a
18 new study. I find that unlikely, but we never
19 know.

20 There's the other piece of this, the
21 regional planning agencies, which I think it
22 would be hopefully a lot of people will take
23 advantage of that from the surrounding
24 community and the applicants would recognize

1 that. But they're not mandated, of course.
2 Nobody would be required.

3 I think that the important piece --
4 Let's not forget for many communities, for all
5 communities is relative to community engagement
6 and information. And that takes time. That
7 hopefully will minimize wrong perceptions, but
8 that process of meetings with the community,
9 with the developer, etc., I envision that would
10 be important. And may be less about the
11 technical analysis, even though that's
12 important, and more about communicating and
13 understanding community expectations. And
14 that's I think for us to remember because it
15 could really help the process.

16 CHAIRMAN CROSBY: Where did you get
17 the 60 days? You had 30 in effect before, and
18 you made it 60. Where did that come from as
19 opposed to 90, for example or 120?

20 MR. ZIEMBA: It could be 90 if the
21 Commission decided that. But taking a look at
22 the range of our applicants, it just works with
23 our current schedule.

24 With Category 2, if you have an

1 application deadline of October 4, the 60-day
2 requirement would kick in on or about August 4.
3 So, therefore, the 60-day requirement would
4 apply to all applicants that execute a host
5 community agreement after July 4.

6 But it's our understanding that most
7 of our Category 2's might be executed in
8 advance of July 4. And if they're executed
9 after July 4, for example July 7, it would just
10 be the period of days that would kick in
11 sooner. So basically, three days sooner than
12 it otherwise would with just the flat out 30
13 day after the host community agreement.

14 So, for our Category 2's it works --
15 A 90-day requirement would not work with our
16 Category 2's. But again Category 2's, the
17 impacts that should be felt by surrounding
18 communities are obviously much less for
19 Category 2 than a Category 1.

20 CHAIRMAN CROSBY: As a practical
21 matter, we're talking about Category 1 here.

22 MR. ZIEMBA: Right.

23 CHAIRMAN CROSBY: But I'm wondering
24 whether it might not be a better idea just to

1 make the same mandate but make it a 90-day
2 mandate. That gives them basically 120 days
3 real free time before they have to enter
4 negotiations. So, that would mean basically
5 September 1.

6 MR. ZIEMBA: For example, if the
7 application date was December 2, for example,
8 or December 3 --

9 COMMISSIONER ZUNIGA: Ninety days
10 prior.

11 CHAIRMAN CROSBY: Ninety days prior
12 to that.

13 MR. ZIEMBA: Sixty days prior would
14 be October 2. Therefore, the 60-day
15 requirement would apply to all applicants that
16 execute a host community agreement after
17 September 2.

18 CHAIRMAN CROSBY: Say that sentence
19 again.

20 MR. ZIEMBA: So, if we are using a
21 60-day requirement, then the 60-day requirement
22 would kick in on October 2. So therefore, the
23 60-day requirement would apply all to
24 applicants that execute a host community

1 agreement after September 2.

2 CHAIRMAN CROSBY: As opposed to the
3 30-day? So, if you did a host community
4 agreement before September 2 --

5 MR. ZIEMBA: It doesn't apply.

6 CHAIRMAN CROSBY: -- you'd be on the
7 30-day.

8 MR. ZIEMBA: You'd be on the 30-day.

9 CHAIRMAN CROSBY: So, what I'm
10 suggesting is pushing that back another 30
11 days. So, if the involuntary disbursement
12 process can begin 90 days before application,
13 that would be essentially September 2, which
14 would mean everybody that completes host
15 community agreements prior to August 2, right?

16 MR. ZIEMBA: Right.

17 CHAIRMAN CROSBY: There's going to
18 be one or two exceptions, but I think almost
19 everybody is aiming to get their elections now
20 in September.

21 MR. ZIEMBA: In September.

22 CHAIRMAN CROSBY: So, they've got to
23 have 60 days before that. So, that's July 2,
24 July 5 or something like that. So, the only

1 skin off the nose is the bidder is 90 days away
2 from application, but they almost all of them
3 will have their, virtually maybe literally all
4 of them will have their host community
5 agreements executed. They won't have had their
6 referendum, but they will have had the host
7 community agreement.

8 We will now be forcing them to
9 disburse some monies on behalf of the
10 surrounding community before they get their
11 referendum. But we've already broken that
12 principal. We've already said that's all
13 right. So, it seems to me cost free to pick up
14 an extra 30 days for surrounding communities.

15 MR. ZIEMBA: If you make a
16 difference between Category 2 and Category 1.
17 So, if Category 2 was 60 and Category 1 was 90.

18 COMMISSIONER ZUNIGA: Well, it's not
19 necessarily free. If we're suggesting that the
20 deadline should be 30 days earlier --

21 CHAIRMAN CROSBY: In other words, 90
22 days before applications are due.

23 COMMISSIONER ZUNIGA: No, no, the
24 deadline for applications.

1 CHAIRMAN CROSBY: Oh, okay.

2 COMMISSIONER ZUNIGA: We're saying
3 no longer 12/31. We may say 12/1. And then
4 from 12/1 we say no longer 60 but 90 days in
5 which you have to have your -

6 CHAIRMAN CROSBY: Where involuntary
7 disbursements may take effect.

8 COMMISSIONER ZUNIGA: Involuntary
9 disbursements may take effect, then all of that
10 is four months earlier than at least originally
11 anticipated.

12 CHAIRMAN CROSBY: Yes.

13 COMMISSIONER ZUNIGA: It's a process
14 that has to take place. It doesn't take much
15 away. It's really contingent on the host
16 community agreements and the referendum really,
17 maybe the host community agreement only. So, I
18 think it's doable, but it's just something that
19 at least some communities or applicants were
20 not necessarily anticipating.

21 CHAIRMAN CROSBY: Right.

22 MR. ZIEMBA: One of the purposes of
23 this conversation, obviously, is involuntary
24 disbursements is part of our hearing next week.

1 So, to the extent that whatever ideas we come
2 up with would be folded into that regulation,
3 it would be good to hear from people if that
4 works, if that doesn't work.

5 CHAIRMAN CROSBY: Yes. I think this
6 be something that I think would be good to post
7 tomorrow morning to request -- specifically to
8 request comments on this because this is a
9 fairly big issue.

10 But given the process that I
11 participated with you, even realizing that was
12 kind of an extreme group of surrounding
13 communities, I think adding 30 days is a good
14 idea. It's really not a big deal for anybody,
15 I don't think.

16 As you know we're hoping not to have
17 very many of these. We're hoping that the
18 bidders understand that it's in their interest
19 to cooperate with the surrounding communities.
20 And we are not going to side with surrounding
21 communities who are being unreasonable.
22 Hopefully, this will not matter. This won't
23 happen very much, but if it does, it does.

24 COMMISSIONER ZUNIGA: Would we apply

1 the 90 days also to Category 2?

2 CHAIRMAN CROSBY: No, we can't.

3 COMMISSIONER ZUNIGA: You just say
4 we couldn't.

5 CHAIRMAN CROSBY: The dates don't
6 work.

7 COMMISSIONER ZUNIGA: We are already
8 up against that.

9 MR. ZIEMBA: Yes.

10 CHAIRMAN CROSBY: But that's all
11 right. I think the Category 2 are a lesser
12 problem for again, as you said for all of the
13 reasons which are understandable.

14 COMMISSIONER ZUNIGA: It's arguably
15 lesser impacts.

16 CHAIRMAN CROSBY: It's much less of
17 an investment, smaller facilities, less
18 traffic, etc.

19 Does anybody agree or disagree on
20 the 90 days rather than 60?

21 MR. DAY: The only thing, Chairman,
22 that I recall in the whole discussion is after-
23 the-fact. But I remember the discussion a
24 little bit even about the original 30 days

1 waiting period was to allow, to make sure that
2 there was -- really the burden for that
3 interaction was on the applicants and the
4 communities at least to do that.

5 We did have some of that discussion
6 where we talked about 60 or 90 days. Important
7 to make sure that there is kind of a relief
8 valve if there's no progress, but on the other
9 hand not being -- switch the whole process over
10 too greatly to the Commission itself rather
11 than putting that pressure on the applicants
12 and their communities.

13 Then the other side of that too was
14 the concept that the applicants ultimately have
15 to face the music, so to speak, in the review
16 process because we do both -- we are going to
17 be doing both evaluation on outreach and
18 community impact, those kind of things. And if
19 they come into the Commission with a bunch of
20 communities that they haven't outreached to, of
21 course, that's obviously not going to be really
22 good on the applicant form.

23 CHAIRMAN CROSBY: I think it's going
24 to be as much a problem of surrounding

1 communities not being reasonable as the bidders
2 not be reasonable. There's going to be both.
3 And we're going to be stuck where I think
4 surrounding communities -- It really doesn't do
5 the bidders much to unduly resist negotiations,
6 unreasonably resist, because they're going to
7 lose that anyway. But the surrounding
8 communities that really hate the idea of
9 casinos are going to be doing everything in
10 their power to slow the process down and find
11 stumbling blocks and so forth.

12 And I think it's going to put us in
13 a position sometimes of standing up to
14 surrounding communities and saying you're being
15 unreasonable. I'm sorry. We're not going to
16 support your request for a \$750,000 study,
17 because that's not necessary.

18 So, I think we'll be looking out for
19 both sides of this. We are going to have to
20 try to be the balancing act for both sides.

21 MR. ZIEMBA: Mr. Chairman, one other
22 little nuance, not that there's not enough
23 nuance in that rule, is that in order to
24 calculate days back, you have to calculate days

1 back from a date. So, if December 3 is again
2 application date where everybody is going to
3 apply on that date, it's easy to calculate the
4 60 or 90 days back.

5 If people apply at different times,
6 we would have to create a mechanism in our
7 regulation so that you could do the count back.
8 So, if somebody plans to apply on November 2,
9 for whatever reason, the 90 days would apply to
10 November 2 rather than to our end date of
11 December 3 or December 6.

12 CHAIRMAN CROSBY: That might be a
13 little tough. Who's going to know? How are
14 you going to know when you're going to apply?
15 You're not going to know 90 days in advance.

16 MR. ZIEMBA: Well, what could happen
17 is, and a lot of my colleagues have said we are
18 way lost on this concept, but there is some
19 gamesmanship that could come into play where
20 you could actually apply early and cut off a
21 community's right to 60 or 90 days.

22 So, if indeed you said that the 90
23 days was to kick in on September 2, if you
24 applied on September 3 -- That's not a real

1 scenario, but I'm just using it for
2 illustration purposes. If you apply for
3 September 3, then you wouldn't be able to get
4 the technical assistance for the 90 days.

5 CHAIRMAN CROSBY: But, we're not
6 going to let that happen. I think we have
7 plenty of authority to not let people game the
8 system and eliminate the ability for a
9 surrounding community.

10 MR. ZIEMBA: I think in general we
11 have been concentrating on this rolling
12 application date, but I'm not sure that's
13 reality. And for our staff planning purposes,
14 if you think about it, at least some or
15 portions of this application are public record
16 when filed. There could be very competitive
17 disadvantages to filing early that your
18 competitors would be able to take a look at
19 your application and then make adjustments for
20 their filing. So, this may not be a real
21 issue.

22 COMMISSIONER ZUNIGA: I am on that
23 camp. I don't think there will anybody who
24 finds it in their best interest to submit an

1 application early just to skirt the surrounding
2 community process. And even if they did, their
3 arbitration process would ensue right away.

4 Because if an application is submitted early --

5 CHAIRMAN CROSBY: But the
6 surrounding community wouldn't have had any
7 time to get its work done. That's the point
8 he's making.

9 COMMISSIONER ZUNIGA: It won't be
10 subject to what we modeled as the minimum.
11 There would be all these days that they could
12 evaluate the host community agreement, which is
13 part of the application.

14 MR. ZIEMBA: We could maybe
15 entertain a waiver request to have the
16 technical assistance that would have otherwise
17 be due before the application to occur after
18 the application because if it's early, we're
19 not against the deadline. So, I think that
20 there's probably ways to deal with that.

21 CHAIRMAN CROSBY: I think that's
22 right.

23 COMMISSIONER ZUNIGA: Not only that,
24 if we went from 60 to 90 days, this is even

1 less likely, because then the 90 days kicks in
2 regardless of when they submit the application.

3 MR. ZIEMBA: So, we can try to write
4 this in a manner that is understandable to the
5 public and anyone else.

6 CHAIRMAN CROSBY: Our high-powered
7 legal staff taking copious notes I see.

8 MR. DAY: Chairman, there was one
9 other topic that actually we had discussed and
10 because it would require regulation change, we
11 probably should talk about that briefly. That
12 is it might very well -- We've had it as a
13 thought that it would actually be in the
14 application, but it might be beneficial to
15 incorporate in the rules that the applicant
16 upon filing of their application would also
17 provide to the surrounding communities that
18 have been determined surrounding communities a
19 list of all of their research and impact
20 studies that they've done to date.

21 So, what we had said is that
22 contemporaneous with filing their RFA-2
23 application, applicants for each community on
24 the surrounding community contact list with

1 written notice that it has filed an application
2 and a copy of the impact studies.

3 CHAIRMAN CROSBY: To the people that
4 have been notified as surrounding communities?

5 MR. DAY: Yes. So that the
6 applicant has to push that information out
7 rather than the surrounding communities having
8 to go look for it. We thought it might be
9 worthwhile just to incorporate that in the
10 Phase 2 rules to make sure it's clear at this
11 point.

12 CHAIRMAN CROSBY: Fine.

13 MR. ZIEMBA: In regard to the
14 application date, we can sort of model that for
15 the Commission at a future date, but the third
16 and the sixth just by the way that the days
17 work out and expirations of 30 days happening
18 on a Sunday versus a Saturday, both the third
19 and the sixth work out to almost about the same
20 time for earliest decision points. But I can
21 share that with the Commission.

22 CHAIRMAN CROSBY: Okay.

23 COMMISSIONER ZUNIGA: I have a
24 couple of points and comments and questions

1 about a few of these modifications and
2 suggestions. One thing, if we were to pull
3 back the deadline for Category 1 from December
4 31 to December 1, we would effectively be
5 shortening the duration that applicants have
6 for preparing and submitting those Phase 2
7 applications, unless we made the form of
8 application available sooner rather than later
9 or sooner than what's currently projected to be
10 when the regulations become effective on June 6
11 or thereabouts, June 8.

12 From 200 or so days that they had
13 shortening that 30 days it becomes 30 days
14 less. And I would like us to take steps to
15 finalize that form so that at least it could be
16 made in draft and applicants have an
17 opportunity to begin thinking about how to fill
18 out the form.

19 MR. DAY: Commissioner Zuniga, we
20 had discussed about the importance of getting
21 that out. The problem is when we started to
22 look at getting it out early and the date that
23 the rules go into effect, realistically we
24 thought it was going to end up being pretty

1 close to the same time, because at this point
2 we're going 30 days --

3 CHAIRMAN CROSBY: June 6 or seventh.

4 MR. DAY: We might be able to gain a
5 few days.

6 CHAIRMAN CROSBY: I think that's
7 going to be a pretty big project getting that
8 application form drafted up. Go ahead. Did
9 you have something else?

10 COMMISSIONER ZUNIGA: For which we
11 could use the help of some advisors, but more
12 on that later.

13 The other piece, just to emphasize,
14 we've updated the date of suitability reports
15 to the Commission up to June 12. But just
16 wanted to emphasize for the record that the
17 duration of the review and the hearings period
18 has been shortened to preserve the approval of
19 the applicants for Category 2 to be still
20 around the 25th of July, which is this date
21 over here.

22 CHAIRMAN CROSBY: Right.

23 COMMISSIONER ZUNIGA: We have not
24 taken that approach necessarily to the duration

1 of the Category 1 for the review of Category 1
2 and a hearings period that could follow
3 afterwards.

4 CHAIRMAN CROSBY: Meaning we've
5 still left that long period.

6 COMMISSIONER ZUNIGA: We still left
7 the same duration. We've changed this date.
8 We've updated it from early July or end of
9 June, we've moved it to August 5, as Director
10 Day said on a rolling basis, some of the
11 suitability reports may come in at different
12 times during this period. But there is still
13 the probability of a hearings period that could
14 take up to 60 days or thereabouts.

15 We've done that by shortening the
16 evaluation of early proposals, assuming that
17 this duration doesn't really factor in if there
18 are no early proposals submitted to the
19 Commission. The real evaluation would come in
20 after that over here. Or earlier if we are
21 able to push this earlier to the new date.

22 CHAIRMAN CROSBY: Right. So, we're
23 going to suggest -- We're going to tentatively
24 accept your suggestion that we move the

1 application deadline closer by a month. That
2 we give a 90-day window for applicant
3 involuntary disbursements 90 days prior to
4 application, not less than 90 days prior. And
5 if we can get that in a way somewhere up on our
6 request for comment site, Elaine, quickly
7 because that will be something I think we are
8 going to want to hear from people about.

9 I had a couple of things. This
10 sheet that you all prepared, MGC acts and
11 decisions needed to issue gaming licenses. Who
12 did this, Todd?

13 MS. BLUE: The legal department.

14 CHAIRMAN CROSBY: Is this going to
15 get discussed at some point? We got this a
16 week or two ago and I wasn't sure what happened
17 to it. Is it going to get talked about or
18 what?

19 MR. DAY: From my perspective, it is
20 going to get talked about as we move forward
21 here with the discussions.

22 CHAIRMAN CROSBY: Today?

23 MR. DAY: No, not today.

24 CHAIRMAN CROSBY: Like next week or

1 sometime soon, because this was a great helpful
2 document. And Elaine is interested in thinking
3 about getting it out on the Web in a certain
4 format. But there also are some questions
5 about it that I want to talk about. So, if you
6 can put it in your report sometime soon.

7 MR. DAY: Okay.

8 CHAIRMAN CROSBY: And let's see,
9 what else. May 3, next Friday you will be
10 prepared to give us a suggestion for the Region
11 C process, right?

12 MR. DAY: Not on Friday the third,
13 no.

14 CHAIRMAN CROSBY: Okay, when is
15 that?

16 MR. DAY: That would be May 19.

17 CHAIRMAN CROSBY: May 19?

18 MR. DAY: Right.

19 CHAIRMAN CROSBY: That's a month
20 after we made the decision.

21 MR. DAY: Yes, that's the next
22 regularly scheduled meeting date.

23 MR. DAY: The 16th, thank you.

24 CHAIRMAN CROSBY: Two days less than

1 a month.

2 MR. DAY: Yes, slightly less.

3 COMMISSIONER ZUNIGA: We could
4 follow a similar announcement like we did on
5 Region A and B that the form is open -- would
6 be the same, I suspect. It would be a matter
7 of posting on the Website that now it's been
8 opened, even though technically that has
9 already been reported. And allow for a similar
10 period unless we wanted that to be different
11 for responses from what we had --

12 CHAIRMAN CROSBY: That's what
13 they're thinking through, is the extent to
14 which it should be the same or not. But I
15 guess now that I'm thinking about it --

16 COMMISSIONER ZUNIGA: Under what
17 circumstances would it be less or more?

18 CHAIRMAN CROSBY: That's what
19 they're thinking about, are there any
20 circumstances under which it would be less or
21 more or would it be exactly the same? That's
22 what they're the thinking about.

23 MR. ZIEMBA: Part of it could be the
24 work. If you open up the Phase 1 at the same

1 time we are finishing up on evaluations of
2 Phase 2's or how does it work with our
3 consultants, with our teams, those types of
4 considerations.

5 COMMISSIONER ZUNIGA: Fair enough.

6 MR. DAY: Does it distract from that
7 effort to get those Category 1's that we have
8 now done?

9 COMMISSIONER STEBBINS: I'm assuming
10 whenever you do decide to open it, you'll
11 allow, hopefully allow for the same three-month
12 process that we had from the time whenever we
13 decide to open the bids to when we need the
14 Phase 1 application due.

15 MR. DAY: That's the idea of coming
16 back with a proposed process to the Commission
17 is to tie up all of those sides. That's kind
18 of why we were waiting. And we're also looking
19 at the decisions we are talking about here
20 today.

21 CHAIRMAN CROSBY: We know we are
22 going to give potential bidders some time to
23 get organized. In Regions A and B people knew
24 they were open. People had been working on

1 that for a long time. There are a lot of
2 people, maybe people, we don't know who would
3 be interested in Region C who haven't done any
4 work because they didn't know that they were
5 going to have an opportunity.

6 So, now that I'm thinking about
7 this, they now know that it's going to be open
8 for commercial applications. So, while we wait
9 to sort of button up our actual process, is
10 giving them time we were probably going to have
11 to give them anyway to start finding land, find
12 partners, so on and so forth. So, I think
13 that's fine. I take that back. I think May 16
14 is fine.

15 MR. DAY: Mr. Chairman, we would
16 have to have these rule changes we were talking
17 about ready for the third.

18 CHAIRMAN CROSBY: Right. We want
19 those up for comment ASAP. Also, on the third
20 I think Commissioner McHugh and Commissioner
21 Stebbins said on the third we will have a
22 proposal on the evaluation process and
23 weighting and consultants that we'll need and
24 so forth. So, that will be on Friday, right?

1 COMMISSIONER STEBBINS: It's my
2 hope. We sent a memo to Executive Director Day
3 yesterday in trying to coordinate schedules
4 when we have a chance to sit with him and talk
5 about that. I'm not sure we are going to be
6 able to do that by next Friday.

7 MR. DAY: Commissioner McHugh is out
8 next week.

9 CHAIRMAN CROSBY: Oh, he's out all
10 next week?

11 MR. DAY: Yes.

12 MS. REILLY: Until Thursday.

13 CHAIRMAN CROSBY: What was the date
14 of starting the procurement process? You came
15 up with a date?

16 COMMISSIONER ZUNIGA: Right there,
17 5/17 is the latest that we could start writing
18 an RFP or RFPs if it's more than one to be done
19 or ready for when we receive applications,
20 early applications. This is a hypothetical.
21 We really need to be ready for this time
22 period.

23 I think not modeled here,
24 consultants, certain consultants I suspect

1 could be very helpful in the form of response
2 that we still are in the process of finalizing
3 the application form.

4 CHAIRMAN CROSBY: Okay, yes.

5 COMMISSIONER STEBBINS: I would also
6 add, and I've had a chance to work with
7 Commissioner Zuniga on this. We begin to kind
8 of draft some RFPs for, at least in two
9 critical areas where we know we're going to
10 need assistance. One of those is financial.
11 The second, we've gotten some input for what
12 type of technical expertise we'll have on the
13 site development issues itself. So, those are
14 two of the bigger main categories.

15 I'm also continuing to go through
16 the evaluation criteria. We're having
17 recommendations sent to us by some people we've
18 outreached to with regard to modifications to
19 the evaluation criteria, not the broad
20 categories, but specific information we should
21 be looking for. And because of the direction
22 we might choose to take after meeting with
23 Executive Director Day, we may end up -- we may
24 consider having a program manager or a project

1 manager might be the first RFP we might issue
2 to kind of oversee the process, as well as help
3 us evaluate the expert teams we are considering
4 bringing it.

5 CHAIRMAN CROSBY: Okay. This one of
6 the places where we're still straddling the
7 Commission doing staff work and the staff doing
8 the staff work. Here we still got the
9 Commissioners doing some of the staff work.

10 But May 16 is one day before May 17.
11 And May 17 was the day we had set out as the
12 last day to get going on in RFPs for the help
13 we're going to need. If we aren't going to be
14 able to talk about -- It may be that the staff
15 is going to have to get this ball rolling. And
16 if you're already working on RFPs, then that's
17 great.

18 But it is getting a little bit time
19 sensitive. Yes, it would be nice if we had
20 them earlier, but that wasn't what we targeted.
21 And if we don't get that, we don't get that.
22 But we don't want to slip beyond this if we can
23 possibly avoid it. I think that was it for me.
24 Anything else on your agenda?

1 MR. DAY: No, Sir. That's it.

2 CHAIRMAN CROSBY: Great. I think
3 this is really responsive to the meeting that
4 we had. I'm answering letters from all of
5 those folks now. So, this will be helpful.
6 Thank you, very much.

7 The last big thing on the agenda is
8 the research -- I'm sorry?

9 MS. REILLY: Racing.

10 CHAIRMAN CROSBY: Oh, sorry. Right,
11 sorry. Welcome.

12 MS. HOLMES: The only reason we are
13 really here today is just for your approval to
14 send out the proposed regulations to the
15 Legislature for review, which is a statutory
16 requirement for Racing regulations.

17 They're the same ones that you saw
18 that you enacted by emergency. There's been no
19 changes made to them. We are just looking to
20 go the next step in the process.

21 CHAIRMAN CROSBY: Did the emergency
22 ones get sent to the Legislature too?

23 MS. HOLMES: No.

24 CHAIRMAN CROSBY: That didn't have

1 to. So, they haven't gone to the Legislature
2 yet?

3 MS. BLUE: That's correct. We're
4 also asking that you approve the extension of
5 the emergency regulations for an additional 30
6 days just so we cover the timeframe for the
7 Legislature to review it. But otherwise, they
8 are the same regulations you've seen. We had
9 our public hearing and there were no changes.

10 CHAIRMAN CROSBY: Right. Okay. I
11 think from my standpoint, it's fine. I think
12 we talked about this with Director Durenberger
13 about having her give a few people a call at
14 the staff level to make sure that the proper
15 committee chairs know they're coming. They
16 don't just get lost in the shuffle. This isn't
17 legislation though. This is just a heads-up on
18 the regs. I'm sorry.

19 It still would be a good thing to
20 do. It's good for her to have a little bit of
21 a relationship with the appropriate committee
22 staff. I wasn't thinking right. I was
23 thinking this was legislation. Okay. Do you
24 want to move?

1 COMMISSIONER ZUNIGA: Sure. Do you
2 have the exact CMR? I'm going to forget that.

3 MS. HOLMES: Yes.

4 COMMISSIONER ZUNIGA: Or maybe move
5 to act on your recommendation.

6 MS. HOLMES: It's CMR 4.00 and 6.00,
7 that's 205 CMR.

8 COMMISSIONER ZUNIGA: Right. Then
9 I'll move that this Commission approves the
10 recommendations by the Racing staff and Counsel
11 to forward the regulations adopted earlier on
12 an emergency basis CMR 205 4.00 and CMR 205
13 6.00, the Racing regulations, and forward them
14 to the Legislature.

15 CHAIRMAN CROSBY: And extend the
16 emergency --

17 COMMISSIONER ZUNIGA: And also
18 extend the emergency period promulgation for
19 another 30 days as noted.

20 COMMISSIONER STEBBINS: Second.

21 CHAIRMAN CROSBY: Any further
22 discussion? All in favor, aye.

23 COMMISSIONER STEBBINS: Aye.

24 COMMISSIONER ZUNIGA: Aye.

1 CHAIRMAN CROSBY: The ayes have it
2 unanimously.

3 MS. BLUE: Thank you.

4 CHAIRMAN CROSBY: I wanted to just,
5 Enrique and I spent the day -- Commissioner
6 Zuniga and I spent the day at the research
7 group. But maybe since we're missing half of
8 the team, two-thirds of the people who weren't
9 there, I think do you want to just wait and
10 report next week?

11 COMMISSIONER ZUNIGA: Sure. There
12 can be a brief summary for the benefit of the
13 agenda item, but I agree with you, Mr.
14 Chairman.

15 CHAIRMAN CROSBY: Actually, there is
16 one thing though that I can mention.
17 Basically, this was the meeting with the
18 research team that is headquartered at UMass
19 Amherst led by Rachel Volberg and Rob Williams
20 from Canada saying they put their whole
21 research team together. It must've been
22 probably 12 people or something like that. And
23 we spent the whole day with them going through
24 the research project, and then had dinner with

1 them. It was great.

2 It's a big, big, big project. The
3 legislation gave an expansive mandate. We have
4 interpreted that mandate as expansively as it
5 can be interpreted. And the research people
6 are completely with that program. So, it's
7 going to be a very big deal. Everybody's
8 really excited about it.

9 But there were some -- There are
10 some research parameters, Catherine, in
11 sections 97 and 91, which are the two research
12 sections where the licensees are required to
13 provide a bunch of information for us for the
14 research. And it's controversial. It's taking
15 a lot of their very, very proprietary
16 information and anonymizing it. And then using
17 it to do unusual research on problem gambling
18 in particular.

19 And I don't remember whether we have
20 that in our regs. at all or not. And if not,
21 whether it's this phase or the next phase, we
22 just need to make sure that we've paid
23 attention to that.

24 In addition to the specific mandate

1 in the legislation, we also need just sort of a
2 general reg. for them to cooperate on things
3 like parking lot surveys and customer intercept
4 surveys and things like that, which are not
5 mandated in the law but will be a part of our
6 research project.

7 COMMISSIONER ZUNIGA: More
8 specifically, the legislation is very clear
9 that the anonymizing data applies for the
10 period of operations. And that's sometime in
11 the future and that's great.

12 Part of what we should place in
13 regulation is the general cooperation to the
14 research effort prior to the operation and
15 opening of casinos because we really depend on
16 all of the sections of the legislation that
17 deal with the research agenda, it's clear that
18 this effort has to begin well in advance of the
19 opening of casinos and the cooperation of the
20 applicants, eventually the licensees we find is
21 going to be crucial to the research effort.

22 CHAIRMAN CROSBY: Even on the
23 anonymizing, even though it won't occur for two
24 to three years probably, it's important that

1 they have a heads-up on this.

2 It's kind of like when we can assess
3 license holders for our operating costs. It's
4 in the law, but we made a point of putting it
5 in our regs. so that everybody has a complete
6 clear heads-up on these issues.

7 We don't want somebody getting a
8 license and then coming back to us and saying
9 what do you mean we're going to give you all of
10 this information? So, that's just a heads-up
11 that I wanted to make sure we remembered to pay
12 attention to.

13 I think Commissioner Zuniga will
14 talk about this at more length next week. But
15 we have signed off on a 15-month budget, which
16 is a little over \$3 million to get the project
17 going.

18 It's very heavy on the front-end
19 because of all of this massive baseline survey
20 research that's being done. Commissioner
21 McHugh had asked for the cash flow. So,
22 Commissioner Zuniga is going to talk to him
23 about that. There's no point of talking about
24 that before he's here. Then we'll go over it

1 as a group next week.

2 But we have given them the go-ahead.
3 We have approved the budget. And we are
4 working on an interagency service agreement to
5 execute quickly.

6 We do, Catherine, also want to get
7 -- Are there any ethics rules that our research
8 team would need to adhere to that we would need
9 to get to them?

10 MS. BLUE: They are consultants.
11 Like our other consultants, yes, we should give
12 them the enhanced ethics code and remind them
13 of the ethics code in general, yes.

14 CHAIRMAN CROSBY: If somewhere along
15 the line, you or Todd or somebody can tell me
16 what exactly I should send to them and what the
17 right words are and stuff. Or I'll tell you
18 who to send it to. Rachel Volberg is the
19 primary contact.

20 COMMISSIONER ZUNIGA: We've taken,
21 as a matter of course, I am the one who
22 discloses at the Ethics Commission every time
23 we enter into a contract and designate them as
24 special State employees.

1 CHAIRMAN CROSBY: That's back when
2 you were doing staff work.

3 COMMISSIONER ZUNIGA: That's right.
4 Another thing to delegate to our capable staff.

5 CHAIRMAN CROSBY: We talked to them
6 about coordinating closely with DPH, the
7 Department of Public Health. Actually, there's
8 a phone call with DPH tomorrow afternoon just
9 so we can brief them on it so we can put them
10 in touch with our project. Because DPH does a
11 lot of research and does a lot of work on
12 problem gambling. And we want to make sure we
13 are not duplicating efforts.

14 COMMISSIONER ZUNIGA: And I will be
15 in the Mass. Council's daylong meeting tomorrow
16 in Beverly on problem gambling with an update
17 about all of these matters.

18 CHAIRMAN CROSBY: There were two
19 data points that were stunning. When we had
20 our very first educational forum, we had Frank
21 Fahrenkopf from Gaming Association AGA come and
22 speak as a keynote speaker. Then we had a
23 whole bunch of people that Commissioner Cameron
24 brought up from Pennsylvania and New Jersey.

1 So, when Fahrenkopf was speaking, I
2 asked him what percent of revenues in casino
3 operations came from problem gamblers. And he
4 said that two-and-a-half to three percent
5 typically are perceived as pathological or
6 problem gamblers. And he said there was no
7 data on that.

8 Well, it turns out there is some.
9 And Rachel Volberg who we are just getting to
10 know gave me some. But Rob Williams, who is in
11 charge of all of the problem gambling and
12 research for Canada has recently done a study
13 in Alberta and one in Ontario.

14 And Ontario 35 percent of revenues
15 came from problem gamblers. And in Alberta, 50
16 percent of gaming came from problem gamblers.
17 Now there's reasons why that's an idiosyncratic
18 situation. These are not destination resort
19 casinos. There are extenuating circumstances,
20 but it was just shocking, shocking numbers.

21 And we are going to find out what
22 our numbers are. And they are going to be what
23 they are. But it was just kind of a sobering
24 experience.

1 I think those were the highlights.
2 Did you have anything else you wanted to add?

3 COMMISSIONER ZUNIGA: No, I think
4 it's a great group, enthusiastic,
5 multidisciplinary. A lot of not just the
6 problem gambling side, but also the economic
7 impacts. And they're ready to get started.

8 CHAIRMAN CROSBY: Yes. It's great.
9 Okay. Anything else on anybody's agenda? Do
10 we have a motion to adjourn?

11 COMMISSIONER STEBBINS: So moved.

12 CHAIRMAN CROSBY: All in favor, aye.

13 COMMISSIONER ZUNIGA: Aye.

14 COMMISSIONER STEBBINS: Aye.

15 CHAIRMAN CROSBY: Thank you
16 everybody.

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20 (Meeting adjourned at 2:33 p.m.)

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ATTACHMENTS:

1. Massachusetts Gaming Commission April 25,
2013 Notice of Meeting and Agenda
2. Massachusetts Gaming Commission April 4,
2013 Meeting Minutes

SPEAKERS:

- Catherine Blue, General Counsel
Richard Day, Executive Director
Elaine Driscoll, Director Communications and Outreach
Danielle Holmes, Staff Attorney
Karen Wells, Director of Investigations and
Enforcement
John Ziemba, Ombudsman

C E R T I F I C A T E

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

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

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

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

WITNESS MY HAND this 26th day of April 2013



LAURIE J. JORDAN My Commission expires:
Notary Public May 11, 2018