

1 THE COMMONWEALTH OF MASSACHUSETTS
2 MASSACHUSETTS GAMING COMMISSION
3 PUBLIC HEARING
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7 REGULATION: 205 CMR 101, 205 CMR 136, 205 CMR 150
8 205 CMR 151, 205 CMR 152
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10 BEFORE: COMMISSISONER JAMES MCHUGH
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14 May 21, 2015, 10:00 a.m. - 10:30 a.m.
15 1 Ashburton Place, 2nd Floor
16 Room 211, Conference Room 1
17 Boston, Massachusetts
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P R O C E E D I N G S

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3 COMMISSIONER MCHUGH: Today is
4 Thursday, May 21, 2015. Good morning. This is
5 a public hearing before the Massachusetts Gaming
6 Commission. I'm James McHugh a Commissioner
7 with the Gaming Commission. This hearing is
8 being convened pursuant to General Laws Chapter
9 30A section 2 and Massachusetts General Laws
10 Chapter 23K section 5.

11 Before we begin, I would like to
12 thank you for being here today. You are our
13 audience or participants, our commentators
14 today. This is a public hearing. And it is
15 critically important that you and other members
16 of the public be part of it and part of our
17 rulemaking process to ensure the Commission
18 achieves the best results possible.

19 The purpose of this hearing is to
20 offer any interested person or group an
21 opportunity to comment on the Commission's
22 regulations at least those regulations that are
23 under review today. It's not a question-and-
24 answer period or a debate. Once we begin,

1 anybody who wishes to comment on the proposals
2 may raise his or her hand and be recognized by
3 the Commission, and then may proceed to offer
4 their comments.

5 There are five sets of regulations
6 on the agenda for today. And they are as
7 follows: 205 CMR 101 dealing with adjudicatory
8 proceedings. And those regulations will be new
9 regulations governing the adjudicatory
10 proceedings conducted by the Commission.

11 The next one is 205 CMR 136 dealing
12 with the sale and distribution of alcoholic
13 beverages at gaming establishments. These
14 regulations govern the sale and distribution of
15 alcoholic beverages in gaming establishments,
16 which is what the title suggests.

17 The next is 205 CMR 150 dealing with
18 minors and underage youth. These regulations
19 govern the protection of minors and underage
20 people at gaming establishments.

21 Next and next to last is 205 CMR
22 151, operations and conduct of gaming at a
23 gaming establishment. These are new regulations
24 governing the requirements a gaming

1 establishment has to satisfy before the
2 Commission issues an operating certificate.
3 Before a casino can open, the Commission has to
4 issue that kind of certificate.

5 And 205 CMR 152 dealing with
6 individuals excluded from gaming establishments.
7 These are new regulations governing the
8 requirements for the exclusion of individuals
9 from gaming establishments. In addition,
10 elected officials of host communities in which a
11 gaming establishment is located under the
12 existing draft would not be permitted to place a
13 wager in that gaming establishment. The
14 regulation as currently drafted does not bar an
15 elected official from being present in the
16 gaming establishment.

17 Of course, these are not final
18 provisions. The purpose of today's hearing is
19 to get comments before we make any of these
20 regulations final. And we'll take into account
21 that we hear today, the comments we received in
22 writing, the comments we received at public
23 hearings heretofore.

24 So, those are the proposals that

1 we'll now hear comments on. And I would ask
2 that those wishing to speak please identify
3 themselves prior to commenting. And please be
4 sure to keep your voice up so our stenographer
5 can take down accurately the thoughts that you
6 have to offer. With that we will now open the
7 floor for comment.

8 Do either of you wish to comment?

9 MR. FASOULAS: Not at this moment.

10 MR. BEAMAN: I merely have an
11 observation. Gregory Beaman, I'm representing
12 myself.

13 COMMISSIONER MCHUGH: Good morning,
14 Mr. Beaman.

15 MR. BEAMAN: You have the
16 stipulation here about the individuals excluded.

17 COMMISSIONER MCHUGH: Yes, Sir.

18 MR. BEAMAN: We have an individual
19 who is running for elected office but he's not
20 elected yet. Would he be classified excluded?

21 COMMISSIONER MCHUGH: I'm going to
22 ask Mr. Grossman who drafted these regulations
23 to help us with the answer to that question.

24 Mr. Grossman?

1 MR. GROSSMAN: Let me pull us that
2 section. This is the section 152.10 that you
3 asked about. It says that elected officials of
4 the host community in which a gaming
5 establishment is located shall not place a wager
6 in the gaming establishment.

7 So, I think the answer to the
8 question most likely is one would have to
9 actually be elected and not just running for
10 office.

11 MR. BEAMAN: So, once he is elected
12 he cannot place a wager.

13 COMMISSIONER MCHUGH: Under the
14 regulation as currently drafted. That is a
15 regulation that has received significant amount
16 of comment. And whether this is the regulation
17 that will emerge from this comment period or not
18 I can't predict.

19 MR. BEAMAN: Another question would
20 be how deep does this go? Is it family? Is it
21 relatives, children?

22 COMMISSIONER MCHUGH: It says simply
23 just elected officials.

24 MR. BEAMAN: Right, just that

1 person. So, his wife could wager. Thank you.

2 COMMISSIONER MCHUGH: What we're
3 going to do, it is now 10:05. There are only
4 two people here. One has already spoken. The
5 other doesn't wish to speak at the moment. I
6 think what we will do is stay here until 10:30.
7 We advertised the hearing for 10:00. We'll
8 leave it open until 10:30. You are welcome to
9 stay. If anybody else appears, we'll be happy
10 to hear them. If nobody else does appear, at
11 10:30 we'll simply bring the hearing to a close.

12 MR. BEAMAN: Now off the record.

13 COMMISSIONER MCHUGH: There is no
14 off the record. She is fearless in taking down
15 everything that is said in this room.

16 MR. BEAMAN: Okay, then let's put it
17 back on the record. The ballot initiative in
18 November, it approved gaming, correct?

19 COMMISSIONER MCHUGH: In November it
20 did. Yes. Sir.

21 MR. BEAMAN: So, that's a closed
22 issue now.

23 COMMISSIONER MCHUGH: Yes, Sir.

24 MR. FASOULAS: I've got a question.

1 I thought the ballot was coming up again in
2 November. There was a movement for that.
3 Whatever happened?

4 COMMISSIONER MCHUGH: I am unaware
5 of any such movement. We had one referendum.
6 And that was this last November 4. It was
7 sponsored by those who opposed expanded gaming
8 in Massachusetts. A yes vote meant that gaming
9 would be prohibited. A no vote meant it would
10 proceed. The no's had it 60 to 40.

11 MR. FASOULAS: It's a dead issue
12 now?

13 COMMISSIONER MCHUGH: Yes, Sir. The
14 Legislature could always change it, but there's
15 not going to be another referendum, at least
16 none scheduled. We are off the record.

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18 (A recess was taken)

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20 COMMISSIONER MCHUGH: Back on the
21 record. It is now 10:30. The two commentators
22 who were in attendance and wished to speak have
23 left. No others have appeared. And I now
24 declare the hearing to be closed. The

1 Commission will take under advisement the
2 comments received today as well as all of the
3 other comments it's received with respect to
4 these regulations, and have a final public
5 hearing at a date to be determined and
6 announced. That's it.

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8 (Hearing closed at 10:30 a.m.)
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C E R T I F I C A T E

I, Laurie J. Jordan, an Approved Court Reporter,
do hereby certify that the foregoing is a true
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I, Laurie J. Jordan, further certify that the
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I, Laurie J. Jordan, further certify I neither
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WITNESS MY HAND this 21st day of May,
2015.



LAURIE J. JORDAN
Notary Public

My Commission expires:
May 11, 2018