

**The Commonwealth of Massachusetts**  
**Massachusetts Gaming Commission**

**Meeting Minutes**

**Date:** January 31, 2013

**Time:** 1:00 p.m.

**Place:** Massachusetts Gaming Commission  
84 State Street, Suite 720  
Boston, Massachusetts

**Present:** Commissioner James F. McHugh  
Commissioner Bruce Stebbins  
Commissioner Enrique Zuniga

**Absent:** Commissioner Stephen P. Crosby, Chairman  
Commissioner Gayle Cameron

**Call to Order:**

Commissioner McHugh, chairing the meeting in Chairman Crosby's absence, opened the 50<sup>th</sup> public meeting.

**Approval of Minutes:**

See transcript page 2.

Commissioner McHugh stated that the first order of business on the agenda is approval of the January 17 minutes. However, he has not yet distributed the minutes to the full Commission so these minutes will be reviewed at the next Commission meeting.

**Racing Division:**

See transcript pages 2-10.

Director Durenberger addressed the Commission. She stated that before the Commission today are proposed changes to 205 CMR 3.00, which governs standardbred (harness) horseracing, and 205 CMR 4.00, which governs thoroughbred horseracing. She stated that she would like to schedule a public hearing for Monday, February 25 on these proposed changes. She stated that implementing these changes requires that the Commission file a small business impact statement and publish the proposed regulations in the Massachusetts Register.

Commissioner McHugh stated that the Commission is beginning the formal regulation promulgation process, which will include the formal public hearing, and also the public comment

period required by statute. He stated that these regulations will bring Massachusetts into the forefront of the veterinarian medication aspect of thoroughbred and standardbred racing.

Director Durenberger stated that during the drafting process her team held in person meetings and telephone conferences with stakeholders and invited email and written submissions. They received feedback from thoroughbred and standardbred stakeholders, such as representatives from the horsemen's groups, owners and breeders groups, track operators, and Commission staff. Commissioner Zuniga noted that the formal comment period is just beginning and all comments are welcome.

Commissioner Stebbins asked about the change in language relative to suspensions. The current suspension language refers to racing days and the new language refers to consecutive calendar days. He asked if the individual being suspended would feel the penalty or impact of the suspension if this change is implemented. Director Durenberger stated that there are two ways a judge or steward can write a ruling against an occupational licensee: based on racing days or based on calendar days. Because Massachusetts does not have racing every day, a suspension for three racing days causes confusion in other states that have a system of reciprocity if the individual wanted to race in that state. She stated that when the punishment is in the form of a seven calendar day suspension, the time period will capture three racing days in Massachusetts and extend that period of suspension into any state that chooses to honor the reciprocity. She stated that this change will make Massachusetts consistent with the majority of the industry which uses consecutive calendar days.

*Motion made by Commissioner McHugh that the Commission begin the administrative process, including the public comment period, for the proposed changes to 205 CMR 3.00 and 4.00 by sending these draft regulations and the other appropriate papers to the Secretary of State and posting the appropriate notices. Motion seconded by Commissioner Stebbins. The motion passed unanimously by a 3-0-0 vote.*

### **Research Update:**

See transcript pages 10-18.

Collins Center ISA Approval – Ombudsman Ziemba addressed the Commission. He stated that the agreement before the Commission is a culmination of discussions that the Commission has had with the Collins Center regarding assistance that the Collins Center can provide to host and surrounding communities.

Commissioner Stebbins stated that the Commission has expressed an overall concern about the impact of casino development on small communities. Communities with limited staffing are not prepared to deal with a development project of this size and scope. He stated that the Commission has considered ways to offer assistance to these communities and reached out to the Collins Center at U. Mass Boston, which is specifically focused on working with Massachusetts municipalities on a number of local government management issues. He stated that the Collins Center submitted a proposal and the Commission has engaged the Center to start work on two tracks: looking at development agreements and doing case studies on other jurisdictions with

large facilities. He stated that this assistance will provide valuable information to the host and surrounding communities and the Commission as well.

Mr. Ziemba stated that he is discussing with the regional planning agencies the types of services they can provide to host and surrounding communities and the Collins Center proposal will assist with that process. Commissioner McHugh stated that the Collins Center will be very helpful to the Commission in planning for the RFA-2 process. Commissioner Zuniga stated that working with the Collins Center is a good option which is both cost effective and timely.

*Motion made by Commissioner Stebbins that the Commission approve the Interagency Service Agreement (ISA) with the Edward J. Collins Center for Public Management at U. Mass Boston for \$40,000. Motion seconded by Commissioner Zuniga. The motion passed unanimously by a 3-0-0 vote.*

Commissioner McHugh stated that Chairman Crosby and Commissioner Cameron were not in attendance as they are each on a well-earned vacation.

*Motion made to adjourn, motion seconded and carried unanimously.*

#### **List of Documents and Other Items Used at the Meeting**

1. Massachusetts Gaming Commission January 31, 2013 Notice of Meeting and Agenda
2. Report to Massachusetts Gaming Commission Racing Division 205 CMR 3.00 and 4.00 Comments and Recommendations on New or Amended Rules and Regulations
3. January 28, 2013 Memorandum Regarding Interagency Service Agreement (ISA) with the Edward J. Collins Center for Public Management at UMass–Boston

/s/ James F. McHugh  
James F. McHugh  
Secretary