



The Commonwealth of Massachusetts

Massachusetts Gaming Commission

NOTICE OF MEETING and AGENDA

January 10, 2013 Meeting

Pursuant to the Massachusetts Open Meeting Law, G.L. c. 30A, §§ 18-25, notice is hereby given of a meeting of the Massachusetts Gaming Commission. The meeting will take place:

Thursday, January 10, 2013

1:00 p.m.

Division of Insurance

1000 Washington Street

1st Floor, Meeting Room 1-E

Boston, Massachusetts

PUBLIC MEETING - #45

1. Call to order
2. Approval of Minutes
 - a. January 3, 2013 Meeting
3. Public Education and Information
 - a. Report from Ombudsman
 - i. Information requests from developers, communities or others
 - ii. State/local permitting process – Dept. of Transportation and Energy and Environmental Affairs
 - b. Community disbursement
4. Administration
 - a. Master schedule
 - b. Employee Manual – Chapter 6 – VOTE
 - c. Public Records Request Policy discussion
 - d. Finance Update
5. IEB Report
 - a. Scope of licensing
 - b. Investigations status report
 - c. IEB Director search update
6. Racing Division Report
 - a. Transition update
 - b. Pari-mutuel and simulcast statute review and discussion
7. Regulation promulgation process
8. Key policy questions
 - a. Meetings – January 22 and 23
 - b. Comment period – January 17

9. Other business – reserved for matters the Chair did not reasonably anticipate at the time of posting

I certify that on this date, this Notice was posted as “Gaming Commission Meeting” at www.mass.gov/gaming/meetings, and emailed to: regs@sec.state.ma.us, melissa.andrade@state.ma.us, brian.gosselin@state.ma.us.

1/8/2013
(date)

Stephen P. Crosby /s
Stephen P. Crosby, Chairman

Date Posted to Website: January 8, 2013 at 10:00 a.m.

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The Commonwealth of Massachusetts
Massachusetts Gaming Commission

Meeting Minutes

Date: January 3, 2013

Time: 1:00 p.m.

Place: Division of Insurance
1000 Washington Street
1st Floor, Meeting Room 1-E
Boston, Massachusetts

Present: Commissioner Stephen P. Crosby, Chairman
Commissioner Gayle Cameron
Commissioner James F. McHugh
Commissioner Bruce Stebbins
Commissioner Enrique Zuniga

Absent: None

Call to Order:

Chairman Crosby opened the 44th public meeting.

Approval of Minutes:

See transcript pages 2-3.

Commissioner McHugh stated that all Commissioners have received the minutes for the December 18 meeting. Commissioner Stebbins noted one correction.

*Motion made by Commissioner McHugh to accept the minutes of December 4, 2012 as amended.
Motion seconded by Commissioner Cameron. The motion passed unanimously by a 5-0-0 vote.*

Administration:

See transcript pages 3-11.

Master Schedule – Chairman Crosby reviewed the Master Schedule. He stated that the IEB has received two or three license applications that are substantially complete and ready for background checks. Starting investigations on these applications early will put the background check process slightly ahead of schedule. He stated that all other critical application items are going well. Writing the regulations for Phase 2 is a major project that the Commission is currently working on. He stated that the Commission intends to move the slots process forward expeditiously, with a goal of having the background checks for slots completed by May 1, 2013.

Chairman Crosby stated that the Commission is performing background checks on the likely finalists for the Executive Director position, and once the background checks are completed, the Commission will bring in the finalists for public interviews.

Chairman Crosby stated that January 15 is the final due date for the substantially completed applications for a gaming license and the \$400,000 application fee.

Commissioner Stebbins recommended adding the community colleges casino careers process to the Master Schedule so that the Commission may follow its progress and success. Chairman Crosby agreed and recommended that Commissioner Stebbins discuss this task with Director Glovsky.

Employee Manual – Commissioner Zuniga recommended postponing a vote on Chapter 6 of the employee manual because Attorney Grossman has drafted a procedure pertaining to responding to public records requests that the Commission will incorporate into the employee manual. Commissioner Zuniga stated that he will distribute the updated Chapter 6 to the Commissioners and will bring it forward for a vote at the next Commission meeting. Chairman Crosby recommended including a reminder to employees that all emails are presumptively considered to be public records.

IEB Report:

See transcript pages 11-14.

Scope of Licensing – Commissioner Cameron stated that all scope of licensing determinations have been sent out. She stated that a potential applicant is speaking to the Commission consultants but has not progressed to the point of determining whether it will submit an application. The IEB is working with three applicants who would like to provide additional information regarding qualifiers.

Investigations Status Report – Commissioner Cameron stated that Plainridge Racecourse has submitted an application that the IEB has deemed sufficient, and the IEB turned over the application to investigators to begin the background check process in conjunction with the State Police. She stated that the IEB has received two submissions today, one from MGM and one from Penn National, and the IEB will begin reviewing the submissions immediately. She stated that all the applicants are aware of the January 15 deadline and she stressed the need for applicants to supply all requested documents in order to assist with a timely investigation process. She also asked that applicants consolidate their submissions onto as few CDs or USB drives as possible.

Key Policy Questions:

See transcript pages 14-15.

Future Questions – Chairman Crosby stated that the Commission has put in place a process to address the next set of policy questions. Chief of Staff Reilly indicated that she has scheduled meetings to discuss these questions for January 22 and 23, 2013.

Racing Division:

See transcript pages 15-20.

Report from Director of Racing Division – Director Durenberger stated that the Racing Division assumed operation of the racetracks on December 31, 2012. She stated that the Commission must still move some inventory and files from DPL to the Commission’s existing facility, and this process should be completed by January 9, 2013. She stated that she has supplied the Commission with a copy of the final transition audit from the Office of State Auditors. She reported that the Commission has processed the September 30 local aid payment on December 26, is processing the December 31 payment, and expects to pay the fourth quarter payment from FY 2012 soon. Commissioner McHugh stated that after receiving the state Auditor’s audit report, the Commission once again reviewed the legislation and concluded that the legislative intent was clear that these payments should be made. The cities and towns had budgeted for the payments and there were contingencies dependent upon the payments being made in a timely fashion.

Director Durenberger stated that the Section 104 legislative report is due at the end of January and she will be reporting on the four issues that the Racing Division has identified at the next Commission meeting. She stated that the Racing Division is on target with the recommended regulatory changes, which she will present at the January 17 Commission meeting. She stated that all the employees that the Racing Division brought on board are working. The Racing Division is currently undergoing the background check process on a couple of key hires, and she anticipates posting one additional position.

Public Education and Information:

See transcript pages 20-33.

Report from the Ombudsman – Chairman Crosby stated that Ombudsman Ziemba is not available today so he will be handling Ombudsman Ziemba’s report. He stated that the Governor’s office has notified the Commission that Brian Lang filled the labor seat on the Gaming Policy Advisory Committee. He stated that the Governor’s office still has to appoint a Chair of the Gaming Policy Advisory Committee and Ombudsman Ziemba is working to move that process along as quickly as possible.

Policy Question 12 – Chairman Crosby stated that Ombudsman Ziemba has done substantial work on Policy Question 12, which asks to what degree will an applicant be required to have progressed in federal, state, and local permitting, and other regulatory processes before submitting RFA-2 applications. He stated that representatives from the department of environmental Protection and the Department of Transportation will be present at the next Commission meeting for discussion of this issue. At that time, the Commission will fine tune a response and take a formal vote.

Chairman Crosby reviewed Ombudsman Ziemba’s recommendations and stated that the Commission will post these recommendations for public comment. He stated that the Commission has an interest in having the applicant progress through the federal, state, and local permitting and other regulatory processes as far as possible before filing a Phase 2 application in order to move the expanded gaming facilities to fruition as quickly as possible. If an applicant does not have all necessary permits in place before the Commission issues a license, then the Commission may grant a conditional license and revoke that license if the conditions are not met. Issuance of a conditional license, however, adds complexity to the process and may tend to slow it down. Ombudsman Ziemba recommended that the

Commission not specifically mandate completion of local and state permitting before filing an application, but instead require filing the environmental notification form (ENF) and encourage bidders to complete an expanded ENF. He also recommended that the Commission require proof of local zoning compliance.

Commissioner Zuniga stated that there are economic benefits to a facility opening as soon as practically possible, but the Commission should seriously consider risk mitigation. Commissioner McHugh stated that this subject is as important as any subject taken up thus far. He encouraged all who are interested to comment on this important issue so that the Commission will have the benefit of their insights as it proceeds to make judgments on what should be required in terms of the permitting process before the Phase 2 application is filed.

Charitable Gaming:

See transcript pages 33-51.

Commissioner McHugh stated that Section 4 of Chapter 23K gave the Commission some authority over charitable gaming effective July 31, 2012. The legislation also required the Commission to look at existing charitable gaming statutes, make recommendations as to changes, and file a report with the legislature. He stated that the Commission has completed these tasks and the report, which the Commission approved, recommended that all the charitable gaming regulation be transferred to the Lottery Commission, with continuing supervision over charities as a whole by the Attorney General's office. The Lottery Commission, the Treasury, and the Attorney General all agreed with the recommendation, with the understanding that the legislation would be filed by the year's end. He stated that the proposed legislation is now before the Commission for approval. This legislation seeks to repeal a portion of MGL Chapter 24K, Section 4, which gives the Commission authority over charitable gaming, as well as a segment of the legislation that gives beano licensees a particular route to running a lottery or a bazaar. He stated that the proposed legislation would modify MGL Chapter 271, Section 7A to clarify the statute, to clean up issues that have developed, and to consolidate in the Lottery and Attorney General's offices supervision of the functions a charitable gaming operator must perform. The proposed legislation will also increase penalties for running an unauthorized lottery or bazaar.

Commissioner McHugh recommended voting to adopt this legislation and to file it with a short letter to the legislative leadership seeking to have it introduced in the Legislature.

Commissioner Zuniga recommended defining the uses within the term "bazaar" to clarify the types of games allowed. He also raised a concern about poker nights, as some argue that poker is a game of skill and thus would not fall under the definition of gambling.

Commissioner McHugh stated that the Commission could postpone voting on this legislation until further research is conducted. Chairman Crosby recommended voting to accept the proposed legislation as written and then going back to the working group to ask the questions relative to the definition of bazaar and whether poker games are covered. The Commission could delegate judgment on the sufficiency of the language to the working group. Commissioners Zuniga and McHugh were in agreement with this approach. Commissioner Stebbins made note that the Commission should review the document to ensure that all the pronouns used are gender neutral.

Motion made by Commissioner McHugh that the Commission approve the language of the draft charitable gaming legislation that is before it, with the exception of the definition of bazaar in Section 7A pending further consideration by the Attorney General's office and the Lottery Commission, and pending alteration of the statutory language as necessary to ensure that all the pronouns are gender neutral, and that the legislation so approved be forwarded to the appropriate legislative leadership. Motion seconded by Commissioner Stebbins. The motion passed unanimously by a 5-0-0 vote.

Practice of Law by Out-of-State Attorneys:

See transcript pages 51-56.

Attorney Grossman stated that the Commission's regulations state that anyone who practices law before the Commission must be a member of the Massachusetts Bar, unless he or she petitions the Commission for leave to practice. In doing so, petitioners would have to demonstrate that they are members of a bar in good standing in all of the jurisdictions where they are admitted, there are no disciplinary proceedings pending against them in any of those jurisdictions, and they have read and are familiar with the governing laws in Chapter 23K and 205 CMR. Members of the Massachusetts Bar, who themselves are in good standing, would then have to present the petition to the Commission. The presenter would then assume a number of obligations, including representing the client concurrently with the out-of-state attorney, appearing on the record in the particular matter with the out-of-state attorney, taking responsibility for the conduct of the out-of-state attorney, and cosigning all documents submitted on behalf of the client to the Commission. If those conditions are all met, then the regulations provide that an out-of-state attorney can practice before the Commission.

Attorney Grossman stated that the Commission has received two petitions to date and he recommended that the legal staff of the Commission review these petitions, approving those that meet all requirements of the regulations, and issuing the accordant notice to the petitioners. He also recommended that the Commission delegate to the legal staff the responsibility for reviewing and acting on similar petitions in the future unless the staff determined that the Commission itself should act on a particular petition.

Motion made by Commissioner McHugh that the recommendation made by Counsel for admitting lawyers from other jurisdictions to practice before the Commission be adopted. Motion seconded by Commissioner Stebbins. The motion passed unanimously by a 5-0-0 vote.

Chairman Crosby issued a reminder that the Commission will now hold its regular weekly meetings on Thursdays.

Motion made to adjourn, motion seconded and carried unanimously.

List of Documents and Other Items Used at the Meeting

1. Massachusetts Gaming Commission January 3, 2013 Notice of Meeting Agenda
2. Massachusetts Gaming Commission December 18, 2012 Meeting Minutes
3. Commonwealth of Massachusetts Office of the State Auditor Official Audit Report – State Racing Commission
4. Key Policy Question 12 Analysis

5. Charitable Gaming Legislation
6. Memorandum January 3, 2013 Regarding Practice of Law Before the Commission

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



**MASSACHUSETTS
MUNICIPAL
ASSOCIATION**

ONE WINTHROP SQUARE, BOSTON, MA 02110

617-426-7272 • 800-882-1498 • fax 617-695-1314 • www.mma.org

January 9, 2013

Commissioner Stephen Crosby, Chair
Massachusetts Gaming Commission
84 State Street, Suite 720
Boston, Massachusetts 02109

RE: Comments on Analysis of Policy Question 12

Dear Chairman Crosby and Members of the Commission,

On behalf of cities and towns across the Commonwealth, the Massachusetts Municipal Association appreciates the opportunity to offer comment to the Massachusetts Gaming Commission to inform your consideration of local zoning and permitting processes as they pertain to the acceptance of an RFA-2 application or to the issuance of a conditional casino license.

Policy Question 12 asks, “To what degree will an applicant be required to have progressed in federal, state, and local permitting and other regulatory processes before submitting its RFA-2 application?” The analysis presented by the Office of the Ombudsman within the Gaming Commission also considers these issues in the context of the RFA-2 application review period and after the granting of a conditional license.

The Ombudsman’s analysis does not recommend RFA-2 regulations that specify deadlines for most local permits and approvals, and the MMA agrees with this assessment. However, his analysis suggests that the Commission consider requiring applicants to demonstrate consistency with local zoning prior to the award of a conditional license subsequent to the review of a filed RFA-2 application. The MMA does not support such a requirement because the process by which local zoning changes may be made varies across municipalities, and a one-size-fits-all requirement may have an unnecessary adverse impact on a development process that is in fact proceeding on an appropriate timeline.

A municipality that signs a host community agreement as required as part of the RFA-2 application process will be demonstrating a firm commitment to the success of the project, and clearly it will be in the interest of both the municipality and the developer to work closely to ensure that local approvals and permits are issued in a timely manner. Municipalities have experience with complex developments and are more than capable of issuing the necessary approvals and permits while ensuring the integrity of established local processes.

We believe it is unnecessary to issue a blanket one-size-fits-all regulation that would further pre-condition an already conditional license by requiring consistency with local zoning in advance of the Gaming Commission’s award of a conditional license.

As the Ombudsman's analysis notes, there are heavy monetary penalties in place if a developer fails to meet construction deadlines. This establishes a strong external incentive for the developer to do its due diligence at the local level to ensure its ability to meet project deadlines and benchmarks. All parties - the state, municipalities, and applicants - share a strong incentive to cooperatively facilitate each project.

Further, it is appropriate for the Commission's Office of the Ombudsman to work with all parties at an early stage to identify, mitigate and facilitate the removal of any potential obstacles that could slow development. This approach would allow the unique circumstances of each project to be considered in an appropriate context without impeding the progress of an otherwise viable development process. In short, we ask you to embrace maximum flexibility for cities and towns throughout the process, and ask you to not establish rules that would burden cities and towns by requiring accelerated or rushed zoning changes rather than using the normal process that citizens expect.

Thank you for the opportunity to comment on this matter. We appreciate the work that you have undertaken and the consideration that you give to the issues that impact municipalities. If you have any questions, please do not hesitate to contact John Robertson or Catherine Rollins at (617) 426-7272.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Beckwith". The signature is stylized and cursive.

Geoffrey C. Beckwith
Executive Director

MAPC RESPONSE TO POLICY QUESTION 12 ANALYSIS

Prepared for the Massachusetts Gaming Commission

January 9, 2013

MAPC original response to Question 12, dated December 12, read:

Question 12: *To what degree will an applicant be required to have progressed in federal, state and local permitting and other regulatory process before submitting its RFA-2 application?*

MAPC Response from 12/12/12: In addition to the economic, entertainment and tourism, transportation, housing, social and environmental studies listed in the response to Question 4, applicants should have the MEPA ENF (Environmental Notification Form) completed and certified by the Secretary of EOEEA prior to submitting the RFA-2 application. As the first phase of the MEPA process, the ENF lays out all potential categories of impacts that will be addressed in the full draft EIR (Environmental Impact Report). Although the ENF and the certificate issued in response to the ENF won't provide the final impact analysis, they will identify the potential significance of the various impacts and the issues to be studied in the draft EIR. This will allow the Commission to review each application with an understanding of all potential impacts – economic, transportation, environmental, etc. – that may affect the viability or likelihood of a permitable project. Additionally, because the ENF requires 21 days for public comment, it would also keep the process transparent, and provide added opportunities for public input.

In response to MGC's subsequent Question 12 Analysis, MAPC would like to provide the below comments:

Host and surrounding community mitigation agreements will be signed prior to issuance of licenses. We therefore agree that the Gaming Commission should have the power to make the license conditional. One condition should be that the MGC, Secretary of EOEEA, other State agencies involved in the permitting, and/or host or surrounding communities have the ability to reopen negotiation with licensees to amend host and/or surrounding community agreements to incorporate mitigation for any additional significant impacts that are identified through review of the final MEPA filing and other required RFA-2 materials submitted by the licensee.

Additionally, MAPC agrees with the MGC that filing an Expanded ENF for a single EIR should not be required. These facilities will be sizable, therefore a full EIR process, with opportunities for public comment at both the draft and final EIR stage, is necessary. However, applicants should be as expansive as possible in the information included in their ENF filing. Providing the equivalent level of information about the significance of all potential impacts that would be included in a formal Expanded ENF will allow all communities and their residents to make more informed decisions, both during the referendum process and when negotiating mitigation agreement items, thus reducing the likelihood for major revisions to mitigation agreements after the final EIR and studies are completed.



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DLA Piper LLP (US)
33 Arch Street, 26th Floor
Boston, Massachusetts 02110-1447
www.dlapiper.com

Charles A. Baker III
charles.baker@dlapiper.com
T 617.406.6018
F 617.406.6118

January 9, 2013

BY HAND

Stephen Crosby, Chairman
Massachusetts Gaming Commission
84 State Street, Suite 720
Boston, MA 02109

Re: Policy Question 12

Dear Chairman Crosby:

Sterling Suffolk Racecourse, LLC ("SSR") applauds the Commission's thoughtful approach to Policy Question 12: *To what degree will an applicant be required to have progressed in federal, state and local permitting and other regulatory process before submitting its RFA-2 application?*

In addition to our response to this question from November 27, 2012, we offer the following comments:

SSR supports Ombudsman Ziemba's recommendation that applicants begin the MEPA process while participating in the Commission's application process. The Commission should require applicants to file an Environmental Notification Form ("ENF") and receive a Certificate on the ENF from the Secretary of the Executive Office of Energy and Environmental Affairs. It is essential that applicants are as detailed as possible while participating in the Commission's RFA-2 process. A higher level of detail ensures that the Commission, municipalities, and state agencies will have the most information possible while evaluating gaming proposals.

SSR also agrees with Ombudsman Ziemba's recommendation that the Commission not establish timeframes for the completion of other local, state and federal approvals prior to construction/operation of a gaming facility.

Sincerely,

Charles A. Baker III

Enclosures
EAST54621675.2

Massachusetts Gaming Commission:
Framework for Addressing Policy Questions
Comments of Sterling Suffolk Racecourse LLC

create thousands of jobs within gaming establishments across the Commonwealth earlier than if full construction is required. Moreover staging allows the Commonwealth, host communities, and surrounding communities to begin to receive tax revenue from the gaming establishment earlier.

The Gaming Act contains serious penalties for licensees who do not complete the project according to their proposed schedule. Potential penalties include license suspension or revocation and a fine of up to \$50 million. M.G.L. c. § 23K, § 10(b). The licensee could also forfeit up to ten percent of its total investment in the project if the applicant does not complete the project. Id. § 10(a).

In conclusion, the Commission should consider this Question based on the capital investment plan described in a license application and in the context of the other related requirements established in the state (e.g., MEPA) and local permitting processes on a case-by-case basis and not in the context of general policy.

12. *To what degree will an applicant be required to have progressed in federal, state and local permitting and other regulatory process before submitting its RFA-2 application?*

15. *What degree of building design completion will be required before the licensing selection?*

The Gaming Act requires applicants to submit comprehensive capital plans, c. 23K, § 10(c), including detailed design plans and a construction timeline, id. § 9(a)(9), and to propose host and surrounding community mitigation, id. § 15(6-7). Further, the Gaming Act provides “no applicant shall be eligible to receive a gaming license unless the applicant ... compl(ies) with state and local building codes and local ordinances and bylaws.” Id. § 15(12). Furthermore, the Gaming Act provides significant penalties to an applicant that fails to complete the entire project on schedule, including a fine of up to \$50 million, the forfeiture of 10% of investment and a loss/suspension of its license to operate. Id. § 10(a-b)

SSR believes that any applicant intent on demonstrating that it has met the statutory requirements and evaluative criteria for the RFA-2 application will commence filing for such other required major permits contemporaneously with, if not before, commencing the parallel Chapter 23K process.

In assessing whether an applicant meets the criteria, the Commission has the ability to defer to state agencies with statutory authority and developed expertise on the various issues (for example, the Department of Transportation with respect to transportation, Department of Environmental Protection with respect to water and air quality, and MEPA with respect to environmental impacts).

SECTION 6. COMMUNICATIONS & OUTREACH

6.1 Communications**Communications with the Public**

All contacts with the public and media and all speeches or other oral or written public statements made on behalf of the Commission, or concerning its activities, applicants or licensees, must be cleared in advance by the Commission's Director of Communications. In speeches and statements not made on behalf of Commission, proper care should be taken to avoid any implication that the Commission endorses the views expressed. All disclosure requests under the Public Records Act or in the form of requests for discovery, subpoenas, court or administrative orders, or the like must also be referred to the General Counsel (and/or the secretary or the chair of the Commission) for appropriate handling.

Press Relations

The Director of Communications is the point person for all communications with the press (including inquiries from the press, press groups or any media outlet, as well as communications to the press like press releases, letters to the editor, and any clarification information to the press). Direct communication with the press is limited to the Director of Communications and the Commissioners. All inquiries from the press (even if received outside of the office, or outside of normal business hours) should be directed to the Director of Communications, and in her absence to the Chair of the Commission.

6.2 Information Technology Resources Policy

As part of the Commission's commitment to the utilization of current technologies, all of its employees shall have access to the internet. This policy governs the use of information technology resources ("ITRs"), including computers, PDA's, printers and other peripherals, programs, data, local and wide area networks, e-mail, and the Internet for employees and contractors ("users") of all divisions and departments under the direction of the Commission. The use of ITRs by any employee or contractor shall constitute acceptance of the terms of this policy. Accordingly, it is the responsibility of any person using Commission's ITRs to read, understand and follow this policy. The following rules require strict adherence.

Business Use: The internet and e-mail system is provided to facilitate the effective administration of the Commission's business. Users are permitted access to ITRs to assist in the performance of their jobs. The Commission reserves the right to modify this policy at any time.

Personal Use: Limited personal use of the internet and e-mail is allowed if (a) it is in compliance with this policy or any subsequent policy promulgated by the Commission (b) is reasonable in amount and (c) does not interfere with work performance or business needs. Internet use generates the possibility of breaches to the security of confidential information. It

also creates the possibility of contamination of our system via viruses or spyware. Spyware allows unauthorized people, outside of the Commission, potential access to passwords and other confidential information. Removing viruses or spyware from the Commission's network would require IT staff to invest time and attention better suited for the business of the Commission. For this reason, and to assure the appropriate use of work time, we ask all employees of the Commission to limit internet and personal e-mail use.

Ownership: All e-mail accounts, information, and messages that are created, sent, received, or stored in the Commission's e-mail system are the sole property of the Commission and are not the property of the employee or individual.

No Expectation of Privacy: The Commission's ITRs are the property of the Commonwealth of Massachusetts and are to be used in conformance with this policy. The Commission, in pursuit of legitimate needs for supervision, control and the efficient and proper operation of the workplace, will exercise the right to inspect any user's computer, any data contained in it, and any data sent or received by that computer. Users should be aware that the Commission's network administrators, in order to ensure proper network operations, will routinely monitor the volume of the Internet and network traffic together with the Internet sites visited. Use of the Commission's ITRs constitutes express consent for the Commission to monitor and/or inspect any data or messages created, sent, retrieved or received and any web sites accessed for any violations of law, breaches of the Commission's policies, communications that are harmful to the Commission, or for any other reason. Such monitoring may occur at any time, without notice, and without the user's permission.

Prohibited Acts: Provided below is a non-exclusive list of prohibited acts associated with the user's use of the Internet and Commission's e-mail system. Failure to observe this policy may subject individuals to disciplinary action, up to and including suspension of individual user accounts and/or termination of employment. Unless such use is reasonably related to the user's job, it is unacceptable for any reason to use Commission's ITR's:

- To use "Public" instant messaging (IM), including but not limited to, Internet Relay Chat (IRC), I Seek You (ICQ), and AOL Instant Messaging (AIM).
- For any illegal, fraudulent or commercial activities
- For any political purposes
- To send threatening or harassing messages, whether sexual or otherwise
- To access, download, transmit, or share sexually explicit, obscene, or pornographic materials
- To download, create or transmit words, images or references that could be viewed as libelous, offensive, harassing, illegal, impermissibly derogatory or impermissibly discriminatory on the basis of race, gender, national origin, ethnicity or sexual orientation.

- To infringe any intellectual property rights by copying or distributing unauthorized copyrighted materials
- To gain or attempt to gain unauthorized access to any computer or network
- For any use that causes interference with or disruption of network users and resources, including propagation of computer viruses or other harmful programs
- To access or intercept communications intended for other persons
- To misrepresent either the Commission or a person's role at the Commission
- To distribute chain letters
- To access online gambling sites or gaming sites unless accessing the site is necessary for the conduct of the Gaming Commission business
- To place confidential Commission materials (copyrighted software, internal correspondence, etc.) on any publicly accessible Internet computer without prior permission
- To access confidential data unless such access is required by the user's job or to disseminate rightfully accessed confidential information unless required by the user's job
- To use flash drives that have not previously been scanned for spyware (malware). Employees should ascertain from the IT department how best to ensure that previously used flash drives have been scanned to detect the presence of spyware.

User Responsibilities and Security Guidelines: Employees using the Commission's accounts are acting as representatives of the Commission. As such, employees should act responsibly and professionally so as to preserve the reputation of the Commission or the Commissioners. All communications should be written with the same level of care and professional judgment as paper memoranda or documents. In addition, users are expected to exercise reasonable judgment in interpreting this policy in making decisions about the use of the ITRs.

No employee may install software on his or her computer without approval of his or her Gaming Commission supervisor and an authorized representative of the Information Technology department. Any person with questions regarding the application or meaning of this policy should seek clarification from either the Information Technology department or the Human Resources department.

Computer Viruses: It is critically important that users take particular care to avoid compromising the security of the network. It is the employee's responsibility to ensure that their computer contains the appropriate malware and antivirus software before installing or updating any programs on their computers. Users should exercise reasonable precautions in

order to prevent the introduction of a computer virus into the local area or wide area networks. Virus scanning software should be used to check any software downloaded from the Internet or obtained from any questionable source. If an employee is not sure as to whether virus scanning software is active or running in their computer, the employee should verify with IT personnel prior to downloading or installing software. In addition, executable files (program files that end in “.exe”) should not be stored on or run from network drives. Finally, it is a good practice to scan portable media devices periodically to see if they have been infected.

Users should never share their passwords with anyone else, and should promptly notify IT personnel if they suspect their passwords have been compromised. In addition, users who will be leaving their PCs unattended for extended periods should log off of the network.

Use of Blackberries, Smartphones, Lap Tops or other Portable Devices: The Commission may in some instances approve the purchase of certain portable devices for the convenience of certain individuals if determined that it is in the interest of the Commission and for the purposes of conducting the business of the Commission after normal business hours or off site. This portability does not in any way limit this policy (i.e., business use, personal use, prohibited uses, etc.). In order for an individual to obtain a portable device, the business case for the use and need has to be approved by the employee’s supervisor. Access to a portable device does not supersede any other policies relative to time and attendance.

6.3 Social Media

The Commission recognizes that social media (networking sites) are a common form of communication and that some Commission employees maintain personal websites, weblogs, microblogs (e.g., Twitter) and/or contribute content to such sites. In general, the Commission views such activity positively, and respects the right of Commission employees to use them as avenues of self-expression and outreach, while expressing their views as private citizens on matters of public concern. When an employee publishes a statement on a matter that concerns or relates to Commission business, however, the Commission has an interest in ensuring that there is no adverse or disruptive impact on the Commission.

The Commission expects employees to observe the following important guidelines:

- Commission employees must take proper care not to purposefully or inadvertently disclose any information that is confidential, privileged, sensitive or proprietary to the Commission. Any questions about what constitutes confidential, privileged, sensitive or proprietary information should be directed to the Human Resources Division or the General Counsel’s Office.
- Since the personal site is a public space, the Commission expects its employees to be respectful to the Commission and its staff. Employees should not use the Internet to disparage the name or reputation of the Commission, its licensees, its staff, adversely impact the ability of Commission employees to do their jobs, disrupt Commission’s business, or threaten or intimidate other Commission employees, and may be subject to discipline for such conduct.

- As with other forms of communication, the employee should not engage in personal, racial, or sexual harassment, unfounded accusations, or remarks that would contribute to a hostile workplace.

In the event that an employee of the Commission misuses social media or another form of communication in a manner that is not in accordance with, or in direct violation of the guidelines in this chapter, the Commission may issue disciplinary action against the employee, ranging from a verbal warning up to and including termination.

Aside from incidental time, all time and effort that an employee spends on personal sites should be done on the employee's personal time, minimizing use of state resources such as an office computer, and without interfering with job duties or work commitments. Employees are prohibited from registering their work email addresses (Xx.Yy@state.ma.us) on personal social media sites.

In an effort to communicate more effectively and foster a participatory and transparent process, the Commission has undertaken steps to be active in social media sites (Twitter, Facebook). All content submitted to these sites on behalf of the Commission (as in section 6.1 of this handbook) shall be cleared in advance with the Director of Communications.

6.4 Speaking Engagements

As the Commission strives to ensure that its decision-making and regulatory systems engender the confidence of the public and participants, the Commission established a Speakers Bureau to provide an important face-to-face opportunity to communicate directly and facilitate a dialogue with MGC's vast constituency. The MGC Speakers Bureau also provides an opportunity to reach a specific target audience of key stakeholders such as civic and business organizations. It is incumbent upon the Commission to ensure that the public is well-informed on a number of critical issues associated with expanded gaming including but not limited to the licensing process, increased economic opportunities, community mitigation issues and the overall mission of MGC. The Speakers Bureau provides MGC with an opportunity to communicate its roles and responsibilities as well as the Commission's dedication to reducing to the maximum extent possible the potentially unintended consequences of expanded gaming. In order to create the most efficient process, requestors will be required to have a minimum audience of 30 attendees, make the request 30 days in advance and fill out a request form located on MGC's website.

It is the policy of the Commission to foster a transparent and participatory process. As such, the Commission and Commissioners are available to speak at events in organizations with a legitimate purpose and relevant topics for discussion that may relate to the business of the commission. All speaking engagements must be approved in advance by the Director of Communications.

Participation in any speaking engagement is assumed to be in an official capacity (as a Commissioner or staff of the Commission), unless expressly stipulated and clarified prior to the event.

The individual invited to participate in a speaking engagement should ascertain the following information prior to seeking approval from the Director of Communications:

- Sponsoring organization or individual (if any)
- Group(s) that can be reasonably expected to attend

The Director of Communications may make a determination that a speaking engagement does not meet the guidelines of this section or is not relevant to the mission and work of the Commission.

The individual presenting before the group is responsible for ascertaining whether a conflict of interest or the appearance of a conflict of interest may arise out of such speaking engagement. Individuals should seek the advice of the State Ethics Commission and/or the General Counsel when evaluating potential conflicts of interest.

6.5 MGC Mission of Transparency and a Participatory Process

6.5.1 Questions and Comments from the Public

As part of its participatory process, the Commission welcomes the comments and questions from the public but acknowledges that at times it may not be very efficient to respond to every question the Commission may receive. The Commission is committed to informing the public mainly through its website (www.mass.gov/gaming), but may also use other social media. The website includes a section to post written questions to the Commission. Where possible, the Commission will attempt to respond to individual questions.

The Commission main goal of a transparency includes the goal to provide reasonable accommodations for public attendance to and viewing of its public meetings. All meetings of the Commission are a public meeting and hence open to the public. The Commission makes available the full transcripts of its weekly public meetings, as well as the summary minutes to its meetings to the public via the website, and at times may stream live feed of its public meetings via the internet.

6.5.2 Quality Assurance of Information

The Commission has established a quality assurance process for the review of information that is to be posted to the website (including answers to Frequently Asked Questions, or presentations, minutes, transcripts and videos of public meetings). This process consists of at a minimum having an individual (not directly responsible for the original content) at the Commission perform a quality review prior to its posting. The objective of this review is to ensure that there are no typos, missing or unclear information.

The individual performing the quality review may be a Commissioner, the Executive Director, the General Counsel, the Director of Communications or the Director of Administration. In the case that any of those individuals is preparing the content for posting, a second individual is required to perform the quality review.

All employees of the Commission are expected and compelled to notify the Director of Communications if they find any information posted in the website, social media, or elsewhere that is believed to be in error or outdated.

PUBLIC RECORDS REQUEST POLICY

In accordance with G.L. c.66, §10 the Massachusetts Gaming Commission (“Commission”) is required to respond to all requests for access to public records as soon as practicable and within ten days of receipt of the request. A “public record” means all books, papers, maps, photographs, recorded tapes, financial statements, statistical tabulations, or other documentary materials or data, regardless of physical form or characteristics, made or received by any Commissioner or employee of the Commission. In order to ensure that all requests are processed in a uniform manner in accordance with the law the following policy shall apply to all Commissioners and employees.

1. Any Commissioner or employee who receives any request for any documentary type information shall refer the request to the legal department; even if they are unsure as to whether the information being requested qualifies as a “public record.”
2. Requests are not required to be in writing; oral requests can be accepted. However, in an effort to ensure the accuracy of the Commission’s response, requestors should be encouraged to submit their request in writing and identify the specific information they seek. Requests may be submitted via letter, email, or any other medium, and may be submitted in person.
3. Requestors are not required to disclose the reasons for which they seek a public record. Further, requestors are not required to prove their identity prior to obtaining copies of public records.
4. If an individual merely seeks to inspect or review a public record they should be referred to the legal department.
5. The Commissioner or employee who receives a request shall promptly mark it “received on (date)” reflecting the date the request was received by the Commission.
6. If the requestor is a member of the media, the legal department and Director of Communications shall coordinate a response.
7. Upon receipt by the legal department, the request shall be logged-in such that the name and address of the requestor, the name of the requestor’s firm or company (if any), and the date the request was received by the Commission are identified.
8. The legal department shall then set an Outlook task to respond with a compliance reminder for 10 days after the request was received.
9. If the request is received by a Commissioner or employee who is in possession of the public records that have been requested, they shall consult with the legal department and begin to gather the materials to be provided to the legal department.
10. All Commissioners and employees shall cooperate with the legal department in the gathering of public records.
11. Commissioners and employees shall not withhold any responsive information or documents from the legal department. In the event that a Commissioner or employee believes that certain information or documents being requested are exempt from

disclosure under the Public Records Law they shall provide the material to the legal department along with an advisory as to their opinion.

12. Recommendations to the appropriate keeper of the records as to whether any documentation or item is a public record or exempt from disclosure under the Public Records Law shall be made by the legal department. The keeper of the records shall then make a determination as provided in 205 CMR 103.04(2).
13. Within 10 days of the Commission's receipt of the request for public records, the legal department shall either fully respond to the request, send the requestor a good faith estimate for the costs of complying, or send written correspondence acknowledging receipt of the request and advising that a full response is being prepared.
14. All responses to public record requests, including the request itself, shall be scanned and indexed in the data storage system such that the name and address of the requestor, the name of the requestor's firm or company (if any), and the date the request was received by the Commission, and the date of the response are identified.
15. In the event that documents or other items are being withheld under an exemption to the Public Records Law, the documents or other items shall be marked "withheld" and scanned into the data storage system in a like manner to that in paragraph 14.

* For information about the Public Records Law, Commissioners and employees are encouraged to review [A Guide to the Massachusetts Public Records Law](#) published by the Secretary of the Commonwealth.

4. d

Massachusetts Gaming Commission
Approved Budget FY 2013
2nd Quarter Budget to Actual Expenditure Report

Item	Description	FY2013 Amount A	Prorated Budget B=A/2	Expenditures as of 2 Q C	Under / (Over) D=B-C	Percent Unspent E=D/B	Notes
1	Salaries and Fringe	\$ 2,735,896	\$ 1,367,948	\$ 640,192	\$ 727,756	53%	(1)
2	Consulting / Advisors / Service Providers	\$ 2,986,809	\$ 1,493,405	\$ 1,228,731	\$ 264,674	18%	
3	Rent / Office; chargebacks	\$ 685,460	\$ 342,730	\$ 482,162	\$ (139,432)	-41%	
4	Capitalized Costs	\$ 245,000	\$ 122,500	\$ -	\$ 122,500	100%	(2)
5	Events / Hearings / Travel	\$ 84,700	\$ 42,350	\$ 50,711	\$ (8,361)	-20%	
	Subtotal	\$ 6,737,865	\$ 3,368,933	\$ 2,401,796	\$ 967,137	29%	
	Statewide Allocation Percentage	\$ 673,787					
	Subtotal Approved Budget	\$ 7,411,652 (3)	\$ 3,705,826	\$ 2,401,796			

Notes

- (1) Certain salaries (ED, GC, IEB, etc.) were assumed at 50 - 70 % for the year. Prorated budget does not account for fact that none of these positions were vacant first and second quarter, but will begin to be filled in subsequent quarters
- (2) The buildout of additional space, and associated fitout and equipment expenses was budgeted but not yet incurred
- (3) Approved budget figure did not include (a) research agenda, (b) incremental costs for investigations (c) racing operations or (d) technical assistance to Cities and Towns

1/2/2013

budget_fiscal_year (All)
 fiscal_period (All)

Row Labels	Sum of posting_line_amo unt		Item 1	Item 2	Item 3	Item 4	Item 5
ADMINISTRATIVE EXPENSES	210,213	\$	210,213				
Bottled Water	116	\$	116		\$ 116		
Central Reprographic Chargeback	60	\$	60		\$ 60		
Conference, Training and Registration Fees	150	\$	150		\$ 150		
Credit Card Purchases	38,785	\$	38,785		\$ 38,785		
Indirect Cost Recoupment	132,125	\$	132,125		\$ 132,125		
Office & Administrative Supplies	9,263	\$	9,263		\$ 9,263		
Postage	617	\$	617		\$ 617		
Postage Chargeback	856	\$	856		\$ 856		
Reimbursement for Travel and Other Expenses for Board Member	6,789	\$	6,789				\$ 6,789
Subscriptions, Memberships & Licensing Fees	5,446	\$	5,446		\$ 5,446		
Temp Use Space/Confer-Incidental Includes Reservation Fees	16,005	\$	16,005				\$ 16,005
CONSULTANT SVCS (TO DEPTS)	1,228,731	\$	1,228,731	\$ 1,228,731			
Attorneys/Legal Services	585,256	\$	585,256				
Management Consultants	406,135	\$	406,135				
Media Design, Editorial and Communication	125,623	\$	125,623				
Personnel Placement Consultants (Recruiters)	75,000	\$	75,000				
Program Coordinators	34,137	\$	34,137				
Reim Trav/Exp For Consultant Services	2,580	\$	2,580				
ENERGY COSTS AND SPACE RENTAL	110,356	\$	110,356		\$ 110,356		
Electricity	3,737	\$	3,737				
Space Rental	106,618	\$	106,618				
EQUIPMENT LEASE-MAINTAIN/REPAR	1,834	\$	1,834		\$ 1,834		
Office Equipment Rental or Lease	957	\$	957				
Printing/Photocopy & Micrographics Equip Rent/Lease	876	\$	876				
FACILITY OPERATIONAL EXPENSES	826	\$	826		\$ 826		
Food, Beverages & Preservation	826	\$	826				
INFRASTRUCTURE:	49,019	\$	49,019		\$ 49,019		
Property Management	49,019	\$	49,019				
IT Non-Payroll Expenses	17,328	\$	17,328		\$ 17,328		
Information Technology Chargeback	9,978	\$	9,978				
Telecommunications Services - Voice	7,351	\$	7,351				
LOANS AND SPECIAL PAYMENTS	51,877	\$	51,877		\$ 51,877		
Operating Transfer	51,877	\$	51,877				
OPERATIONAL SERVICES	63,503	\$	63,503		\$ 63,503		
Auxiliary Services	200	\$	200				
Laboratory & Pharmaceutical Services	672	\$	672				
Legal Support Services	54,023	\$	54,023				
Photographic & Micrographic Services	5,066	\$	5,066				
Temporary Help Services	3,542	\$	3,542				
PENSION & INSURANCE RELATED EX	111,828	\$	111,828	\$ 111,828			
Fringe Benefit Cost Recoupment	111,828	\$	111,828				
REGULAR EMPLOYEE COMPENSATION	528,364	\$	528,364	\$ 528,364			
Overtime Pay	1,497	\$	1,497				
Salaries: Inclusive	526,867	\$	526,867				
REGULAR EMPLOYEE RELATED EXPEN	27,917	\$	27,917				\$ 27,917
Employer Refund of Non-Tax Benefits	9	\$	9				
Exigent Job Related Expenses	260	\$	260				
In-State Travel	11,145	\$	11,145				
Other Out Of State Travel	16,503	\$	16,503				
Grand Total	2,401,797	\$	2,401,797	\$ 640,192	\$ 1,228,731	\$ 482,162	\$ - \$ 50,711 \$ 2,401,796

Massachusetts Gaming Commission

MEMORANDUM

Date: January 10, 2012

To: Commissioners

From: Enrique Zuniga

Re: Recommendation to Execute Contract with FTG for expansion of Voice & Data Technology

Recommendation: That the Gaming Commission execute a contract with Future Technologies Group ("FTG") for \$25,000 to enhance the voice and data services to the Commission as it acquires and supports additional space.

Scope of Services

As the Commission continues to grow, fit out additional work stations, and support additional space, there is need for additional voice and data equipment, technology and associated services.

The Director of Administration and Chief of Staff have also concluded that the current system does not meet current needs or anticipated growth requirements. Furthermore, staff has encountered certain interruptions in the service (both voice and data), with the current service.

The option FTG has presented, and staff recommends, is a scalable option that will allow more flexibility with communications, higher quality of service, as well as additional features (i.e., call forwarding, receptionist features) that are anticipated to enhance productivity.

The new system will be implemented in conjunction with the acquisition of the new space in the building, and includes cost of equipment and licensing.

FTG is a state-approved vendor in the state vendor list.

STAFF UPDATE ON LEGISLATIVE REPORT REVIEW

1. Simulcasting under Gaming Act and under racing statutes:

- While the Gaming Act is silent on evaluation criteria for §7(b) simulcasting license applications, and any conditions of issuance, the Commission's regulatory powers are broad enough to authorize regulations regarding such criteria and conditions of issuance. However, a clarifying statutory amendment to §7(b) would materially assist with drafting those regulations, particularly regarding the scope of any limitations on entitlement, and its operational framework.
- Legislative action granting simulcasting rights to the former greyhound tracks (St. 2011 c. 194, §92), together with provisions of Gaming Act applicable to gaming licensees that are also racing licensees (§§7, 19, 20 and 24), show a legislative intent that all varieties of simulcasting be within the G.L. c. 128A and 128C regulatory framework.
- In that regard, we are looking at how to apply the obligation to carry local signal, and the fee associated with doing so (including whether to retain the current premium structure), in the context of simulcasting by gaming licensees that are not racing licensees. Equal treatment and a level playing field for all simulcasting licensees is the goal.

2. Rebating and Pari-mutuel Wagering on Credit:

- Neither rebating nor betting on credit is prohibited under the Gaming Act; but they are both expressly prohibited for pari-mutuel wagering.
- Our recommendation is that any difference in the nature of wager (cards/dice vs. horses) does not justify disparate treatment here, and that the prohibitions against rebating and wagering on credit in the Racing Statutes should be repealed. Typically, other states do not prohibit their use.

3. Capital Improvements and Promotional Trust Funds:

- The current system is costly to the tracks and cumbersome for the Commission to implement.
- We recommend replacement of the current funding system by (i) returning the "breaks" to the tracks, (ii) repealing any other funding earmarked in chapters 128A or 128C takeout provisions, and (iii) creating a new capital improvements fund targeting exclusively backside infrastructure improvements.

MEMORANDUM

TO: Massachusetts Gaming Commission

FROM: Todd Grossman, staff attorney

RE: regulation promulgation strategy

DATE: January 10, 2013

I. Introduction

In light of the recent policy discussions conducted by the Massachusetts Gaming Commission (“Commission”), the next step is to encapsulate the Commission’s decisions in the form of draft regulations. Further, with the RFA 1 application deadline set for January 15, 2013 and the corresponding investigations underway, it is critical that regulations be in place to govern the forthcoming proceedings. I have had preliminary discussions with Michael & Carroll and Spectrum Gaming (the “gaming consultants”) relative to the best way to proceed from here. The following is a general framework of a promulgation plan designed to ensure that the necessary regulations be timely put in place.

II. Outline

The first step is to develop a comprehensive outline of the subject headings and subheadings that will likely be included in the final set of gaming regulations. Where time is of the essence and drafting and promulgating the gaming regulations in their entirety is not a feasible option, regulations will have to be promulgated on a priority basis. This approach will allow the licensing process to timely move forward while ensuring that due consideration is given to each section.

Accordingly, the establishment of a comprehensive outline will provide a roadmap of sorts intended to afford the Commission an opportunity to contemplate how each regulation it will consider will fit into the overall regulatory scheme. If the Commission were to promulgate regulations on an as needed basis without the benefit of a designed regulatory structure, a patchwork of regulations may result. By having an outline in place the Commission will be able to simply insert priority regulations into place that will ultimately work in harmony with the others when the process is complete. The result should be a more easily navigable regulatory scheme.¹

The Strategic Plan put together by the gaming consultants sets out a general strategy for the promulgation of Phase 2 regulations beginning at page 59. The gaming consultants have agreed

¹ Per the decision of the Secretary of the Commonwealth, the Commission will be required to maintain its regulations in 205 CMR in the general fashion that they presently exist; i.e.- with the racing related regulations at the beginning. Requests to have a new title assigned to Commission were denied.

that it would be prudent at this point to take that information and enhance it with specifics. So, by next week they will work together to put together an outline of the likely comprehensive gaming regulations. The Commission will then be able to review the draft for approval at its January 17, 2013 meeting. The following is a rudimentary prototype depicting how the outline is generally likely to appear (existing regulations are highlighted):

- A. Racing (harness horse racing, horse racing, pari-mutuel rules, simulcasting, medication rules for horse racing, etc.)
- B. General provisions (adjudicatory proceedings, scope, definitions, variances, confidentiality of information, etc.)
- C. IEB (duties and responsibilities, coordination with AGO, MSP, and ABCC)
- D. Phase 1 process (application requirements, business disclosure form, fees, persons required to be qualified)
- E. Phase 2 process (application requirements, fee, scoring v. general criteria, hearings and appeals for determinations, HCAs, surrounding communities,)
- F. Rules of the Games (specific or general approval)
- G. Casino Internal and Accounting Controls
- H. Exclusion of Persons (municipal officials)
- I. Gaming Equipment (testing lab)
- J. Junket Enterprise Licensing
- K. Employee Licensing
- L. Vendor Licensing
- M. Alcoholic Beverage Control
- N. Equal Employment
- O. Criminal Law Enforcement Jurisdiction
- P. Gaming schools
- Q. Tribal
- R. Problem gaming
- S. Penalties and Remedies
- T. Internet Gaming (potential)
- U. Sports Betting (potential)

While regulations will ultimately be drafted in each of the suggested subject areas, not every topic shares the same urgency. For example, it is clear at this point that regulations governing the Phase 2 process and the operation of slot machines have been identified as having immediate priority. There are, however, a number of other chapters that will have to be prepared in order for those priority chapters to take effect, e.g.- internal control standards. The gaming consultants will suggest certain priority areas and identify them on the outline in color coding similar to the method employed on Commission's policy discussion chart.

Once an outline is drafted, and subjects classified according to their priority, it will be reviewed by the Commission's in-house legal counsel and brought before the Commission for

review, adjustment, and approval. At that time, any Commissioner may express an interest in either taking the lead or a primary consultation role in the drafting of the regulations in a particular subject area. Upon Commission approval, the drafting and review process will commence.

III. Assignment of responsibilities for the drafting and review process

The development and promulgation of the gaming regulations will involve intensive and integrated work by the consultants, in-house legal staff, Anderson & Kreiger, and the Commissioners. It is central to the ultimate success of the process that each party have an understanding of its role. The following are the recommended parameters relative to the assignment of responsibilities for the drafting and review of the gaming regulations:

1. Given the level of complexity implicit in a robust regulatory scheme it will be critical that the language of the regulations be prepared, in the first instance, by highly knowledgeable individuals with an expertise in gaming issues. In that regard, I recommend that the consultants take the lead in drafting the aforementioned outline and then the preparation of the substantive gaming industry specific language of the regulations.
2. Where the Massachusetts General Laws, primarily in chapter 23K, contain numerous specific requirements, it will be crucial that the Commission's in-house legal staff (in consultation with Anderson & Kreiger) review the gaming consultant's drafts to ensure consistency with Massachusetts law, and to ensure that it is in the proper format required by the Secretary of the Commonwealth.
3. The attorneys at Anderson & Kreiger have valuable expertise in Massachusetts municipal law, permitting, and Massachusetts regulatory proceedings. They should be consulted, in the first instance, in the preparation of regulations pertaining to such subjects as zoning and environmental review, and host and surrounding community issues. The Commission's counsel should review the outline with Anderson & Kreiger to determine specifically which subjects would be within their bailiwick and ask that they prepare draft regulations in those areas.
4. Where requested, the Commission's in-house legal staff will work with any Commissioner who expresses an interest in drafting specific provisions of the regulations.
5. The Commission's in-house legal staff will be the primary point of contact for the gaming consultants and Anderson & Kreiger for any questions, concerns, and updates.
6. The Commission's in-house legal staff should be responsible for general oversight of the drafting process, the coordination of efforts amongst the respective parties, and for updating the Commission as to the status of the process. At the conclusion of the initial drafting process, the in-house legal staff will review the draft with the gaming consultants and Anderson & Krieger in an effort to resolve any outstanding differences. The in-house legal staff, in conjunction with a Commissioner designated by the Commission, will resolve any significant difference between the gaming consultants and the legal

consultants. Where appropriate, any areas of disagreement will be identified for the Commission.

7. Upon completion of the initial drafting process, the Commission's in-house legal staff will circulate a copy of all draft regulatory language to the Commissioners for review prior to discussion at a public meeting. Individual Commissioners may then consult with counsel and recommend any proposed changes. Depending upon the nature of a proposed modification, counsel may then either immediately incorporate the change and recirculate the draft for discussion at a meeting or add the recommendation onto a list of compiled recommended changes by section. The list of compiled recommended changes will be circulated to the Commissioners by counsel prior to the public meeting to afford them an opportunity for proper review and consideration prior to discussion.
8. Where applicable, the Commission's in-house legal staff will ensure that any affected governmental entity (e.g.- ABCC, MSP, AGO) is provided an opportunity to review and comment on any regulations the enforcement of which they will be directly involved.
9. After a public meeting, the Commission's in-house legal staff will incorporate into the final draft any changes approved by the Commission. Once approved, the official draft will be subject to further review by the Commission and the public by way of the G.L. c.30A public hearing process.
10. The Commission's in-house legal staff should be responsible for all promulgation related obligations including: filing the regulations with the Secretary of the Commonwealth with the necessary notice of public hearing, filing the hearing notice as required in G.L. c.30A, §2, and preparing the required small business impact statement.

IV. Conclusion

This plan is intended to provide structure to a complex process so that use of all Commission resources is streamlined, and best use is made of available expertise. Though the plan is intended to be flexible, and not so rigid so as to frustrate the ultimate goal, the structure should be adhered to as closely as possible so that a well vetted, comprehensive, and practical set of regulations may be promulgated. Implicit in this plan, of course, is the understanding that the Commission will maintain full control over the entire process and the final version of the regulations.