



# The Commonwealth of Massachusetts

## Massachusetts Gaming Commission

### NOTICE OF MEETING and AGENDA

July 2, 2012 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:

Monday, July 2, 2012

1:00 p.m.

Division of Insurance

1000 Washington Street

1<sup>st</sup> Floor, Meeting Room E

Boston, Massachusetts

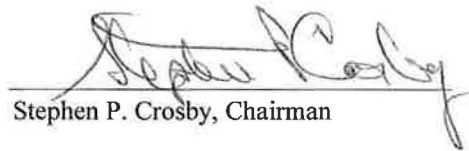
#### **PUBLIC MEETING - #14**

1. Call to order
2. Approval of minutes
  - a. June 18, 2012 Meeting
  - b. June 19, 2012 Meeting
  - c. June 26, 2012 Meeting
3. Administration
  - a. Executive search firm update
    - i. Possible vote
    - ii. Discussion of subcommittee structure
  - b. Additional Hires
  - c. Discussion of MGC Internal Policies
  - d. Project Management Consultant
    - i. Possible vote
4. Racing Division
  - a. Status Report
5. Project Work Plan
  - a. Notice of Proposed Rulemaking
    - i. Solicitation of comments
  - b. Consultant status report
    - i. Methodology for effective tax rate
    - ii. Review of consultant schedule and scope
  - c. Technical and other assistance to communities
    - i. Ombudsman job description and process
    - ii. Municipal process document
6. Charitable gaming
  - a. Status report

7. Finance / Budget
8. Public Education and Information
  - a. Community outreach/responses to requests for information
  - b. Report from Director of Communications and Outreach
  - c. Speaking engagements
    - i. Representative Keiko Orral
  - d. Discussion of Western Massachusetts Forum
9. Research Agenda
  - i. Possible vote on planning grant
10. 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](http://www.mass.gov/gaming/meetings), and emailed to: [regs@sec.state.ma.us](mailto:regs@sec.state.ma.us), [melissa.andrade@state.ma.us](mailto:melissa.andrade@state.ma.us), [brian.gosselin@state.ma.us](mailto:brian.gosselin@state.ma.us).

6/28/12  
(date)

  
Stephen P. Crosby, Chairman

**Date Posted to Website:** June 28, 2012 at 11:30 p.m.

The Commonwealth of Massachusetts  
Massachusetts Gaming Commission

**Meeting Minutes**

**Date:** June 18, 2012

**Time:** 12:00 p.m.

**Place:** Sheraton Framingham Hotel and Conference Center  
Grand North Ballroom  
1657 Worcester Road  
Framingham, 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 meeting.

He stated that this is a public meeting to discuss the material covered at the just-concluded Community Mitigation Public Education Forum.

**Discussion of Materials/Content from the Community Mitigation Forum**

See transcript pages 3-33.

Chairman Crosby stated that the forum underscored the importance of community outreach and support by the Commission as the planning process moves forward. The Commission has been wrestling for some time with the question of the kinds of support it can provide. He asked whether the Commission should consider issuing a statement to the communities so they do not have to rush decisions, stating that there is time for planning, and the Commission will help with resources in due course.

Commissioner McHugh stated that it would be extremely helpful to provide a broad timeline to the communities. He also recommended posting a process chart on the Commission website. He stated that the Commission could draw on the expertise of the regional planning groups to provide support to cities and towns. Commissioner Zuniga agreed with providing a timeline and he also stated that he would like to address technical support. He agreed that the regional planning groups would be a valuable resource because they have experience in dealing with regional matters and have already begun to consider some regional issues that will arise after casinos are constructed. He stated that the Commission should consider providing funding to assist cities and towns in the planning process. Chairman Crosby stated that the legislation does provide for funding through the developers, but the Commission may have to consider fronting

the money and being reimbursed. Commissioner McHugh stated that funding is a portion of the problem, but the Commission also should consider providing a gateway to expertise.

Commissioner Cameron stated that she liked the idea of providing a checklist so that the Commission is providing consistent information and there is a level playing field. Commissioner Stebbins stated that comments during the forum emphasized that when negotiating a host community agreement it is important to include mitigation issues. He stated that in providing outside assistance, the Commission should help communities understand the size and scope of the project and assist in mitigating the impact on local services such as the schools and fire departments. He agreed with the idea of creating a checklist to provide basic information to the communities. Commissioner Zuniga stated that he also likes the idea of an Owner's Project Manager, similar to the formula used by the Massachusetts School Building Authority, which would provide a third party who could ask the questions that need to be asked early on.

Chairman Crosby asked the audience members if the Commission's comments reflected community concerns correctly, and if providing a checklist would be helpful to the communities. From the audience, Vera Koliass stated that checklists and timelines would be important and the communities and regional planning agencies would benefit greatly from their existence. Tim Brennan, Pioneer Valley, stated that a Commission guidance document would be extremely helpful because many communities are afraid of being overwhelmed, even if they are in favor of a project. He stated that rather than have communities sit back, the sooner they start to deal with these issues the better. Another audience member stated that he agrees that guidance from the Commission is important. Brian Giovanoni, Middleborough School Committee, stated that a general timeline would be great, but a second timeline for Region C would be necessary if the tribal compact comes from the Governor's office soon, unless the Commission could ask the Governor's office to slow the process down.

Chairman Crosby clarified it is not the Commission's intent to slow the process down but to make the process more efficient. An audience member stated that the host communities should be encouraged to consider the surrounding communities and ensure they work cooperatively at this stage of the process so that they can pool resources and save money. Commissioner McHugh stated that this is an important point because the Commission will have to consider the regional impact of the development. City Counselor James Ferrera, from Springfield, thanked the Commission for having this forum, which has helped his community understand the legislation better. He recommended creating a flow chart, or roadmap of where the communities need to go and where to start the process. He also stated that such a roadmap would take the politics out of the process. A selectman from Berkley stated that he liked Chairman Crosby's statement that the Commission wants to get this process right. He recommended that the Commission seek legislative changes if it sees a provision in the existing legislation with which it disagrees. He stated that he agrees with Commissioner Cameron that there should be a level playing field, as the developers have financial resources that small communities do not have. He recommended that the surrounding communities get involved in the process now. An audience member from Monson stated that in the discussion of mitigation, she has not heard any mention of the two nuclear evacuation zones in Massachusetts. She stated that consideration should be given to whether casinos will serve as refuge in such an emergency, or will they have to be evacuated. Ruth Geoffroy, Planning Director for Middleborough, stated that communities need to

understand the potential demands on water supply, demands on sewer capacity and demands on public services, including emergency responses, when planning for a casino project. Consultants have to be hired to study all of these elements and there will be a need for outside counsel. Accordingly, the planning process is time consuming and expensive. She stated that, based on the experience she has had in Middleborough, the process will likely cost a community at least \$100,000.

Chairman Crosby asked if the Commission should consider a staff person or ombudsman to help with coordination of the planning process. Commissioner Zuniga stated that one position or the other would be important to consider. Commissioner Stebbins stated that the Commission will be forming a Policy Advisory Group, and some of these issues could be tackled by an informal taskforce. Commissioner Zuniga stated that perhaps the ombudsman or other staff person could assist community planners with the process at the local level. Commissioner McHugh stated that he looks forward to discussing these staffing issues at the Commission's weekly meeting tomorrow.

Chairman Crosby stated that it appears there is a consensus that the Commission should create a document with a timeline to help the communities and should consider moving forward with a staff person or ombudsman, as well as the Policy Advisory Committee.

*Meeting adjourned.*

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

The Commonwealth of Massachusetts  
Massachusetts Gaming Commission

Meeting Minutes  
DRAFT

**Date:** June 19, 2012

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

**Place:** Division of Insurance  
1000 Washington Street  
1<sup>st</sup> Floor, Meeting Room E  
Boston, Massachusetts

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

**Absent:** Commissioner Gayle Cameron

**Call to Order:**

Chairman Crosby opened the meeting.

He stated that Commissioner Cameron is attending a compulsive gambling presentation on which she will report next week. He announced today's meeting is being streamed live and he welcomed the online audience.

**Approval of Minutes:**

See transcript pages 2-3.

Chairman Crosby stated that the minutes for June 5 were not voted on last week and will be voted on today.

*Motion made by Commissioner Zuniga to adopt the June 5, 2012 minutes. Motion seconded by Commissioner Stebbins. The motion passed unanimously by a 4-0-0 vote.*

Commissioner McHugh stated that he has circulated the June 12 minutes and a vote can be taken if all the Commissioners have had an opportunity to read them.

*Motion made by Commissioner Zuniga to adopt the June 12, 2012 minutes. Motion seconded by Commissioner Stebbins. The motion passed unanimously by a 4-0-0 vote.*

**Administration:**

See transcript pages 3-10.

Executive Search Firm Update – Commissioner Zuniga stated that the solicitation period has come to a conclusion and four responses were received. Two of the four responses were from the firms that submitted responses to the original request. A Phase 1 review has been conducted to assure adherence to all the administrative requirements and all four firms have passed that review. He will be moving forward with reviewing the technical proposal in the next couple of days and will make a recommendation to the Commission on which proposal to adopt.

Additional Hires – Chairman Crosby stated that there are several people in the pipeline pending completion of background checks. Janice Reilly stated that two checks are underway and should be completed by the end of the week.

Discussion of MGC Internal Policies – Commissioner Zuniga stated that he is continuing to make progress drafting all chapters of the employee manual. He has forwarded several chapters to Commissioner McHugh for a second level of review. Commissioner McHugh stated that he has four chapters to review and will make it a priority to finish the review this week, with the goal of bringing the whole manual back for a vote next week.

Commissioner Zuniga stated that a project management software demonstration was held last week. He stated that the management tool demonstrated at the meeting would be helpful in an environment where multiple people are brainstorming, for it is very interactive and easy to use. Chairman Crosby asked about the status of hiring an individual or firm to handle the project management. Commissioner Zuniga stated for that the Commission may not be ready to bring in a full-time person to manage this tool. He stated that the best approach may be to issue an RFR to provide a firm to handle the project. Commissioner McHugh stated that the tool is very useful and would be needed for about eighteen months. Commissioner Zuniga stated that he will have a recommendation prepared for the next meeting.

**Racing Division:**

See transcript pages 10-12.

Status Report – Commissioner Zuniga stated that Commissioner Cameron has asked outside counsel to look at the language required to lift the statutory cap on the trust fund contained in G.L. c. 128A, §5(h)(2A). A meeting was held with representatives from the DPL relative to helping Commissioner Cameron understand the process of approval and type of expenditures that come before the Racing Commission as she will be responsible for these expenditures.

Field Trips – Chairman Crosby stated that a field trip to the Plainridge racetrack is scheduled for the afternoon of June 21, 2012.

**Project Work Plan:**

See transcript pages 12-62.

Notice of Proposed Rulemaking – Commissioner McHugh stated that a public notice of the Commission's intent to promulgate rules that would divide the RFA process into two phases has been posted on the Commission's website and circulated in a press release to industry newspapers. Chairman Crosby stated that this notice seeks advice on how the Commission should draft the rules for the Phase 1 RFA, as well as any other suggestions on how to expedite the RFA process.

Consultant Status Report – Kathleen O'Toole, on behalf of Spectrum Gaming and Michael and Carroll, who are the commission's gaming consultants, addressed the Commission. She stated that this week the deliverables provided to the Commission were a memo detailing the mandatory positions required under the statute, a memo detailing the Executive Director salaries, a memo and chart detailing the revenue sources that will eventually exist, and a memo on the proposed Phase 1 RFA timeline. The consultant team is reviewing the legislation with respect to the scope of minimum controls and requirements for games and gaming equipment. The team is also drafting MOU templates and will be meeting with the State Police, the Attorney General's office, and the ABCC to discuss the MOU's. The team is continuing to work on a number of other activities, including the ongoing review of the multijurisdictional background form and determining the specific adjustments that are required for Massachusetts. They are also in the process of drafting a Massachusetts Supplemental Application Form. They are continuing to assess the Phase 1 RFA Investigation and Enforcement Bureau staffing requirements and options. The team is reviewing and documenting anti-money laundering provisions that comply with applicable federal regulations. They are developing a table of organization to review and discuss with the Commission. Finally, working with Anderson & Krieger, they are drafting Phase 1 RFA regulations, which is a substantial task.

Chairman Crosby stated that, in reviewing the report on the near term hires, it appears that the consultants recommend hiring an Executive Director, General Counsel, and the Deputy Director for the Investigation and Enforcement Bureau (IEB) as soon as possible. Ms. O'Toole stated that the legislation provides for the IEB Deputy Director to report directly to the Commission Chair, not the Executive Director, and she is unsure if that reporting line was intentional or is an error. Commissioner McHugh stated that the Commission needs to come to a conclusion on this point. He stated that he would like to discuss the issue next week with the consultants. Commissioner McHugh recommended putting the job descriptions and hiring process in place for all three positions so that a quick decision can be made once the Executive Director comes on board. Commissioner Stebbins asked if the Director of IT position is envisioned to be a high level position. Ms. O'Toole stated that the person hired should be someone who has the vision of what needs to be done and can put a team to carry out that vision. Commissioner McHugh stated that the Commission has the power to hire a general counsel, but there is enough work for a lawyer right now and the Commission should consider hiring at least an intermediate level lawyer soon. Chairman Crosby stated that the Commission will have to look at hiring needs and staffing positions in light of the Commission's initial \$15 million budget, which ends June 30, 2013.



Technical Assistance to Communities – Chairman Crosby stated that the Commission had a very informative Community Mitigation Meeting with a very interesting panel, members of which discussed community mitigation needs and issues. This discussion created a heightened sense of awareness that the potential host and surrounding communities have a tremendous need for assistance, that little assistance is currently available and that there is a need to move quickly to help provide the assistance. The Commission will prepare and publish a document containing a schedule for the RFA process and a description of the issues communities ought to consider as the process moves forward. To the extent possible, the document will also describe the kinds of assistance the Commission may be able to provide. In that regard, the Commission has made a preliminary decision to hire an ombudsman for community relations, who may also serve as ombudsman for developers seeking to deal with state agencies. Commissioner McHugh stated that, following yesterday's forum, the Commission also discussed creation of an advisory board to help with community issues.

Workforce Development – William Messner, President of Holyoke Community College (HCC), addressed the Commission. Present with him were Jeff Hayden, the college Vice President for Community and Business Development, and Rob LePage, Director of Training at Springfield Technical Community College and Holyoke Community College. President Messner stated that HCC has prepared a brief presentation on workforce development. He stated that creation of badly needed jobs was one of the factors that led to legalization of casino gambling in Massachusetts. Studies, he said, projected that the casinos will generate 10,000 jobs throughout the state, with approximately 3,000 in the western part of the state where the HCC campus is located. The challenge is to ensure adequate training for that number of individuals while ensuring a net job gain for the Commonwealth. President Messner expressed a belief that the Commonwealth's community colleges were uniquely qualified to meet that challenge. They are already providing training in business, IT, security and hospitality, all of which are areas in which casinos will need trained employees. To meet the challenge, the Commonwealth's fifteen community colleges have begun crafting the Massachusetts Community College System Casino Careers Training Institute. In a memorandum of agreement signed by the president of each college, they have jointly established lead institutions in each of the three regions where casinos will be built. They also plan to use a training curriculum created by Atlantic Cape Community College in New Jersey. That college is a premier casino training institution and its curriculum is recognized and utilized throughout the world. Finally, the Massachusetts community colleges have jointly proposed a certification process they would like the Commission to consider as it thinks about meeting the workforce challenge.

Commissioner McHugh asked if any other jurisdiction uses an employability certification process. Mr. LePage stated that New Jersey and Pennsylvania have similar processes. Commissioner McHugh stated that such a process would require collaboration between the community colleges and the Commission to develop regulations and a path of entry into certification that would enable people to have jobs. Chairman Crosby stated that the community colleges on their own can decide to train personnel for the casino industry without Commission involvement. The issue of whether the Commission delegates or shares some sort of certification licensing process will have to be addressed over time. President Messner stated that the community colleges will need a degree of state support to put effective training programs in place. Commissioner Zuniga asked how long it would take to develop a curriculum and put a

training program in place. President Messner stated that approximately one year would be necessary to plan and deploy an effective training program. Commissioner Stebbins asked if they foresee having a training role if there is a tribal compact. President Messner said that they did, although there may be some differences between that program and the program developed for non-tribal facilities. Mr. LePage stated that the regulatory process likely will be very similar and the workforce requirements will likely be the same or very similar. Chairman Crosby asked if there is a process for coordination or collaboration with state universities. President Messner stated that in instances where a bachelor's degree is required, he does not envision any problem at all including those schools.

Commissioner Stebbins stated that the community college program is important because the Commission has an opportunity to write regulations related to licensing of employees, minimum training requirements, and certification of training schools. Commissioner McHugh recommended that the Commission meet with President Messner again in September to discuss the community college program further.

### **Charitable Gaming:**

See transcript page 62-63.

Status Report – Commissioner McHugh stated that he met this week with representatives from the Attorney General's office and is meeting Thursday with a representative of the Town Clerks Association. He is going to reach out to some charitable gaming users and hopes to have some information to share soon.

### **Finance/Budget Update:**

See transcript pages 63-65.

Commissioner Zuniga stated that Commissioner Cameron is planning a trip to Pennsylvania to visit and tour two racinos, which are casinos with racetracks, along with the consultant and members of the Pennsylvania Control Board. She has prepared a budget not to exceed \$2,000, which he submitted for commission approval. Chairman Crosby stated that an expenditure of that amount would constitute discretionary spending and does not need a vote of the Commission. Commissioners McHugh and Stebbins agreed.

### **Public Education and Information:**

See transcript pages 65-97.

Disclosure of Contributions – Commissioner McHugh stated that two disclosure proposals are in existence. One is from the Office of Campaign and Political Finance and would promulgate regulations to implement provisions of the gaming legislation dealing with contributions made by gaming license applicants to local officials and boards. There will be a public hearing held on these regulations in July. The second proposal is House 4049, a bill the Secretary of State has sponsored, stating that anyone who spends money favoring or opposing a question submitted to

the voters of a city or town concerning the issuance of license for a gaming establishment in that city or town must file reports that disclose the expenditures at certain periods before the vote actually takes place. Chairman Crosby stated that questions have been raised whether the Commission would support these two proposals. Commissioner McHugh stated that the regulations proposed by the Office of Campaign and Political Finance implement a statutory obligation. He stated that one question might be whether it is permissible for the regulations to have a reach back provision so that an applicant would be required to report contributions made for a set period of time before its application was filed. Chairman Crosby stated that he does not think the Commission needs to be proactively involved in either proposal as has enough to do implementing other phases of the legislation.

Compulsive Gambling Meeting, June 25, 2012 – Chairman Crosby stated that this forum will be held at North Shore Community College in Lynn, from 1:00-4:30 p.m. The forum is open to the public and will also be streamed live.

Report from Director of Communications and Outreach – Elaine Driscoll stated that she will be meeting with a number of state approved vendors to discuss capabilities for logo creation and support for various branding initiatives. She is meeting with the webmaster to discuss immediate ways to make some changes to the website and add some new features that will be more reader friendly. She stated that she is also working on promoting Monday's Compulsive Gambling Forum, which is receiving significant press coverage. She is working on placing notifications for upcoming racing hearings. She is still working on the press clipping service and will be getting back to Commissioner Zuniga with further information on costs. She is continuing outreach on social media and this has been going well. There has been more participation on both Twitter and Facebook and she is putting together a tutorial to ensure that the Commissioners and other Commission employees understand how to utilize both. In addition, she is focusing on the community mailbag, which contains questions received from community members, and creating an organized way to keep track of responses to those questions and how consistently some of the same questions are being asked. Finally, she is creating a plan for promulgating the mitigation checklist and community assistance guidelines once they have been created.

Chairman Crosby stated that he has spoken with Tim Brennan from Pioneer Valley regarding conducting a public forum in western Massachusetts. He stated that there is considerable interest in having a forum in the western part of the state and the Commission may be able to structure a meeting that brings together some of the components of the educational forums but also invites presentations from segments of the community who have not yet addressed the Commission. Commissioner McHugh stated that there has been considerable discussion about tourism and the amenities the casino should have to attract tourists, so part of a forum might concentrate on that subject. Commissioner Stebbins stated that there was considerable discussion at the economic forum about how to make the casinos unique, how to connect them to the small business community, and how to connect them to tourism, and this might be a helpful discussion to have at a forum. Commissioner Zuniga stated that he is not sure this is an immediate need, but something that should be considered prior to issuing the regulations. Chairman Crosby asked Commissioner Stebbins to take the lead on planning a western Massachusetts forum and he agreed to do so.

Chairman Crosby asked if the Commissioners thought that the Commission should plan some sessions at which members of the public could simply ask questions about various aspects of the legislation or its implementation. Commissioner Stebbins asked if those sessions could be held in conjunction with the feedback the Commission is seeking on rulemaking. Chairman Crosby suggested having three regional hearings on that topic. Commissioner McHugh stated that regional meetings could be held to receive kinds for comment on proposed regulations. There is, however, a tight timeline. He stated regional sessions could also be done on the subject of what the rest of the process should look like once the Phase 1 process is underway. Director Driscoll stated that if the regional sessions are to be productive, the topic should be defined relatively narrowly. She also stated that she has had requests from members of some communities for meetings at night, after work, or perhaps on a Saturday morning, in order to increase attendance for individuals who might be at work during the day.

Discussion of June 14 Economic Development Forum – Chairman Crosby stated that based on the discussion at the June 14 forum, there is no reason to rethink basic assumptions regarding job generation, revenue generation, or gross gaming revenue projections. He stated that it is critical for the casinos to be destination resorts and to have the type of amenities that will attract patrons from beyond areas that can be reached by driving one to one-and-half hours. He stated that some comments at the forum raised issues about the location of the single slots parlor the legislation authorizes. Commissioner McHugh stated that the discussion about Missouri’s most recent licensing experience provided invaluable guidelines for designing licensing applications criteria capable of meaningful comparison.

Speaking Engagements – Chairman Crosby stated that he spoke this morning at the Greater Taunton Area Chamber of Commerce. Commissioner Stebbins stated that he will be meeting next week with the Commonwealth’s Tourism Bureau.

**Research Agenda:**

See transcript page 97.

Chairman Crosby stated that a research proposal has been submitted by a research team from UMass Amherst, and they will be coming in to talk to the Commission about the proposal.

**Next Meeting:** The next meeting is scheduled for June 26, 2012 at 1:00 p.m.

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

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

1. Massachusetts Gaming Commission June 19, 2012 Notice of Meeting & Agenda
2. 6/7/2012 Spectrum Memorandum Regarding Near Term Hires
3. Presentation by William Messner, President Holyoke Community College
4. Memorandum of Agreement, Massachusetts Community College System Casino Careers Training Institute

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

# Massachusetts Gaming Commission

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## MEMORANDUM

Date: June 28, 2012  
To: Commissioners  
Cc: Procurement File  
From: Enrique Zuniga  
Re: Recommendation to Select and Contract Executive Search Firm

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Recommendation: That the Gaming Commission accept the proposal submitted by JuriStaff, and pursue contractual negotiations and detailed scoping for the services described in their response to the RFR # MGC-2012-003 dated June 13, 2012

Additional Recommendation: That the Gaming Commission pre-qualify an additional firm "The New Leadership Group, in the event that the Commission need additional support for the executive search tasks.

This memorandum describes the process undertaken in the procurement, evaluation and current recommendations to contract with an Executive Search Firm for the search of a permanent Executive Director for the Gaming Commission.

### *Description of the Procurement Process*

The Commission issued a Request for Responses for the services of an Executive Search Firm on May 25, 2012. The response deadline was June 13, 2012.

Four firms responded to this solicitation prior to the deadline. The four firms were:

1. Isaacson, Miller
2. Juristaff
3. New Leadership Group
4. SpencerStuart

Brandon Milby conducted a "Phase 1" review of all responses. The Phase 1 review was undertaken to ensure compliance with administrative provisions of the RFR, and verify the inclusion of mandatory forms and attachments. All firms complied with the administrative provisions and proceeded to the evaluation phase (Phase 2).

The evaluation criteria were put forth in advance (prior to the receipt of the proposals) as follows:

1. Expertise and experience with executive search and recruitment, including experience in the public and private sectors, and regulation (overall expertise and experience in general). The score for this criterion could be increased or decreased based on oral interviews ----- 40 points.
2. References (based on the oral feedback of the reference, not the quality/importance of the reference). This criterion **could not** be increased/decreased after oral interview. ---- 10 points.
3. Expertise and Experience with MA, other state, or federal law relating to gaming (specific industry experience). This may be increased/decreased after oral interview. ----- 15 points
4. Capacity to commit personnel and resources necessary to provide high quality services in a timely and responsive manner (this may be increased or decreased based on oral interview)---- 10 points
5. Proposed fee arrangement. This cannot be increased after oral interview, but may be increased if BAFO process is undertaken ---- 15 points.
6. Completion, presentation, and responsiveness of bidder's response. This may be increased/decreased after oral interview --- 10 points.
7. Small Business Purchasing Plan --- 3 points
8. Supplier Diversity (Minority/Women/Disadvantaged Business Enterprise)--- 3 points

### *Phase 2 – Evaluation of the Technical Proposal and Oral Presentations*

I conducted a desk evaluation of the written proposals (phase 2) and scored each firm according to the criteria described above. I made a determination to invite all four respondents to an oral presentation.

The Firms were invited to present for approximately 20 minutes and allow for another 25 minutes for a period of questions and answers. I invited Commissioner Gayle Cameron and Director Elaine Driscoll to observe the interviews/presentations. This enabled me to take notes, ask follow up questions and compare impressions about the capabilities of the firms.

The oral presentations took place in the period between June 22 and June 27, 2012. For convenience, and because one of their team members resides in Los Angeles, the presentation of one of the firms was conducted via teleconferencing.

Throughout the evaluation process, it became clear that some of the firms that responded to this solicitation may be very well suited to conduct future searches for the Commission if the Commission determined that it needed additional help. This is especially relevant as the Commission embarks on the process of searching for other key director-level positions, and the need to be as efficient as possible in such searches.

## *Recommendations*

After the phase 2 evaluation and oral presentations, **the firm that ranked highest was JuriStaff**. The scoring sheets with the final scores for all firms are attached. Throughout the written and oral presentation process, JuriStaff demonstrated a good combination of strong experience in the field, a detailed and methodical approach to the executive search process and confidence in their ability and strong desire to perform the work and commit resources to the search of an Executive Director.

Additionally, I **recommend that this Commission also consider pre-qualifying New Leadership Group**, for potential future personnel searches. This was the second highest ranked firm, and demonstrated strengths in the local and public sector fields. Furthermore, this small firm demonstrated relevant qualifications and a common sense approach and a number of public sector searches in fields that will be very relevant to this Commission.

Prequalification of another firm may be very valuable to this Commission, should this Commission decide that it needed executive search help in the near future. By pre-qualifying this firm now, this Commission will be able to tap into their expertise in an expedited way for a fee arrangement that is customary in the industry and is usually billed as a percent of the first year's salary of the individual.

Additionally, this commission may decide that it may also need help in the Human Resource arena (certainly until a director of Human Resources is hired, but possibly sometime after that) in developing and implementing hiring principles and procedures, job descriptions, salary ranges, and other important aspects of human resources like diversity & affirmative action strategies. Both firms demonstrated an ability to provide services in these arenas.



Massachusetts Gaming Commission  
Executive Search Firm Evaluation Score Sheet

Criteria	Points	Factor	New Leadership		Comments
			Rating (1 - 5)	Score	
1 Expertise and experience with executive search and recruitment, including experience in the public and private sectors, and regulation (overall expertise and experience in general). This may be increased or decreased based on oral interviews	40	8	4	32	Experience of the firm is relevant though not very large
2 References (based on the oral feedback of the reference, not the quality/importance of the reference). This <b>cannot</b> be increased/decreased after oral interview	10	2	4	8	Very good references
3 Expertise and Experience with MA, other state, or federal law relating to gaming (specific industry experience). This may be increased/decreased after oral interview	15	3	3	9	Experience in gaming or laws relating to gaming (Federal or other state) are not clear. Has experience with other board type searches
4 Capacity to commit personnel and resources necessary to provide high quality services in a timely and responsive manner (this may be increased or decreased based on oral interview)	10	2	3	6	One person firm with partial involvement of a subcontractor. Although small firm may be able to focus on search, ability to tap into networks may be limited
5 Proposed fee arrangement. This cannot be increased after oral interview, but may be increased if BAFO process is undertaken	15	3	4.5	13.5	30% contingent fee appears appropriate and commensurate with industry. At 30% this would slide within the stated salary range
6 Completion, presentation, and responsiveness of bidder's response. This may be increased/decreased after oral interview	10	2	4.5	9	Concise presentation and to the point
7 SBPPO	3	1 - 3	3	3	Small business, meets the criteria of the SBPPO
8 Supplier Diversity	3	1 - 3	2	2	Woman Owned business, though apparently not certified by any office
Total Points	106			82.5	

Massachusetts Gaming Commission  
Executive Search Firm Evaluation Score Sheet

Criteria	Points	Factor	Juristaff		Comments
			Rating (1 - 5)	Score	
1 Expertise and experience with executive search and recruitment, including experience in the public and private sectors, and regulation (overall expertise and experience in general). This may be increased or decreased based on oral interviews	40	8	4	32	A lot of experience at senior staff level (specifically in the private sector and legal industries)
2 References (based on the oral feedback of the reference, not the quality/importance of the reference). This <b>cannot</b> be increased/decreased after oral interview	10	2	4	8	Very good references
3 Expertise and Experience with MA, other state, or federal law relating to gaming (specific industry experience). This may be increased/decreased after oral interview	15	3	3	9	Experience in gaming is limited, but articulated relevant experience for similar boards and legal clients
4 Capacity to commit personnel and resources necessary to provide high quality services in a timely and responsive manner (this may be increased or decreased based on oral interview)	10	2	4.5	9	Team approach (three people who can commit to search, including a research team and senior search approach)
5 Proposed fee arrangement. This cannot be increased after oral interview, but may be increased if BAFO process is undertaken	15	3	5	15	This is the most cost effective proposal (flat fee)
6 Completion, presentation, and responsiveness of bidder's response. This may be increased/decreased after oral interview	10	2	4.5	9	Complete response. Approach is summarized well
7 SBPPO	3	1 - 3	0	0	Not submitted
8 Supplier Diversity	3	1 - 3	3	3	Certified nationally as WBE
Total Points	106			85	

Massachusetts Gaming Commission  
Executive Search Firm Evaluation Score Sheet

		Issacson Miller			
Criteria	Points	Factor	Rating (1 - 5)	Score	Comments
1 Expertise and experience with executive search and recruitment, including experience in the public and private sectors, and regulation (overall expertise and experience in general). This may be increased or decreased based on oral interviews	40	8	4.5	36	A lot of ED level experience in public sector and elsewhere
2 References (based on the oral feedback of the reference, not the quality/importance of the reference). This <b>cannot</b> be increased/decreased after oral interview	10	2	4	8	Very good references
3 Expertise and Experience with MA, other state, or federal law relating to gaming (specific industry experience). This may be increased/decreased after oral interview	15	3	3	9	Recent assignment for Governor/Treasurer/AG
4 Capacity to commit personnel and resources necessary to provide high quality services in a timely and responsive manner (this may be increased or decreased based on oral interview)	10	2	3.5	7	Team approach, but also apparently able to tap into network of other offices. Involvement of junior and senior staff at interview process was unclear
5 Proposed fee arrangement. This cannot be increased after oral interview, but may be increased if BAFO process is undertaken	15	3	4	12	Flat fee proposal would result in 30% of the high end of the salary range
6 Completion, presentation, and responsiveness of bidder's response. This may be increased/decreased after oral interview	10	2	4.5	9	Approach is clearly articulated, methodical and well summarized
7 SBPPO	3	1 - 3	0	0	Not submitted
8 Supplier Diversity	3	1 - 3	0	0	Not submitted
Total Points	106			81	

Massachusetts Gaming Commission  
Executive Search Firm Evaluation Score Sheet

Criteria	Points	Factor	Spencer Stuart		Comments
			Rating (1 - 5)	Score	
1 Expertise and experience with executive search and recruitment, including experience in the public and private sectors, and regulation (overall expertise and experience in general). This may be increased or decreased based on oral interviews	40	8	4	32	A lot of ED level expertise, but not necessarily in the regulatory arena
2 References (based on the oral feedback of the reference, not the quality/importance of the reference). This <b>cannot</b> be increased/decreased after oral interview	10	2	5	10	Excellent references
3 Expertise and Experience with MA, other state, or federal law relating to gaming (specific industry experience). This may be increased/decreased after oral interview	15	3	5	15	Experience in the gaming arena (but also in the hospitality and leisure industries)
4 Capacity to commit personnel and resources necessary to provide high quality services in a timely and responsive manner (this may be increased or decreased based on oral interview)	10	2	4	8	Team approach, but also apparently able to connect to large network of offices
5 Proposed fee arrangement. This cannot be increased after oral interview, but may be increased if BAFO process is undertaken	15	3	1	3	Least advantageous of all proposals
6 Completion, presentation, and responsiveness of bidder's response. This may be increased/decreased after oral interview	10	2	4	8	Ppt presentation is concise and to the point, but not in the format asked of in the RFR
7 SBPPO	3	1 - 3	0	0	Not submitted
8 Supplier Diversity	3	1 - 3	0	0	Not submitted
Total Points	106			76	

# Massachusetts Gaming Commission

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## MEMORANDUM

Date: June 28, 2012  
To: Commissioners; Procurement File  
From: Enrique Zuniga  
Re: Project Management and Scheduling Resource Procurement

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I requested quotes from potential project/program management firms. The procurement approach to this request assumed a total procurement cost between \$5,000 and \$150,000, and thus a “small procurement” as per the procurement regulations (801CMR21.00) adopted by this Commission. Under the small procurement procedures, I solicited three quotes from firms known to be qualified to do the work, with at least one of them being a certified MBE/WBE.

Below is a description of the three quotes for project management / scheduling services obtained.

### *Description of the Project*

This commission discussed the potential need to hire a firm or individual to help set up and manage a schedule (Gantt chart) in Microsoft Project (MS Project) or similar to identify critical tasks and milestones, and continuously manage the bid and award process.

I communicated the scope for this project as one having a potential duration of 18 months, with an initial planning or set up phase (with more intensity) and a subsequent maintenance phase with periodic updates.

As an alternative, I considered the option of hiring an individual on a contract basis, or utilizing the services of a staffing firm. Because this arrangement would be likely be on a full time basis (for whatever period of time), I deemed a full time position to be less advantageous to the Commission, given that we would need the on-going but partial involvement from someone (part time or less than 40 hrs./week). As such, I requested quotes from three project management and scheduling firms.

### Quotes Requested and Obtained

- 1) exPERTcon Inc. Small firm. Proposes to use Primavera P3 or P6 as the project management tool and complement that by supplying graphic summary level schedules. Certified MBE (minority business enterprise). Proposal assumes more time from a principal/executive, and support involvement by staff for graphics and summary schedule. Key aspects: expertise in complex / large schedules with key involvement from project executive.
- 2) PMA Consultants. Medium size national firm based in Boston with regional offices in other cities. Certified MBE (minority business enterprise). Proposes to use "net-point" an in-house graphic planning tool. Balanced involvement of principal time and scheduler/staff time. No need for graphics or summary because of tool. Easier to deal with changing/multiple scenarios. Interactive features are a plus.
- 3) Skanska. Large global project management firm, with offices in Boston. Would use Primavera or Microsoft Project. Is not an MBE or DBE. This firm submitted a quote which included time to do a thorough review of the expanded gaming legislation. However, even if their estimate of 280 hours for the initial phase could be brought down by virtue of providing summaries of the legislation from the commission's counsel, the hourly rates from this firm are higher than the other two.

A comparison matrix is below:

Item Description	exPERTcon	PMA	Skanska
Proposed Tool	P3, P6	Net-Point	P3, Project
Compatible with	Project/xls	Project/xls	Project/xls
MGC Tool Cost	minimal	\$ 4,000	minimal
Phase 1 Cost (set-up)	\$ 16,000	\$ 13,000	\$ 100,000
Phase 2 Cost (monitoring/maint)	\$ 88,720	\$ 54,000	\$ 80,000
Total Estimate	\$ 104,720	\$ 71,000	\$ 180,000
Hourly Fees			
Principal	\$ 140	\$ 200	\$ 250
Scheduler	\$ 120	\$ 130	\$ 175
Graphics/Technician/Engineer	\$ 110	\$ 105	\$ 100

Note: PMA tool cost of Net Point includes a multi-user software tool. The other two tool options are assumed to be installing Microsoft project in a small number of computers at the Commission

### *Recommendation*

I recommend that this commission consider PMA consultants. Although all three firms provided comparable hourly rates, PMA provided the most cost effective mix of principal and scheduler time, as well as an interactive and user-friendly tool for managing schedules at a summary level. This tool could also be very useful to the Commission to discuss and evaluate in real time the effect of changing major assumptions.

4a.

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

STATE GAMING COMMISSION  
RACING DIVISION

\_\_\_\_\_)  
In the Matter of                    )  
Judy Ray                                )  
Formerly Licensed Groom            )  
\_\_\_\_\_)

State Police Ejection

**FINAL DECISION AND ORDER**

**Procedural History**

The Massachusetts Gaming Commission (“Commission”) conducted formal adjudicatory proceedings on June 21, 2012 pursuant to M.G.L. c. 30A, s. 10, 11, and 801 CMR 1.01, et. seq. before Gayle Cameron, Presiding Officer for the Commission. This matter was held pursuant to an appeal by Judy Ray (“Appellant”), a formerly licensed groom. The Appellant was ejected by the State Police from Plainridge Racecourse on May 29, 2012. The Appellant was present and was not represented by counsel.

The following witnesses presented evidence at the hearing:

**A. Appellee:**

- 1. Joseph Sinkovich, Massachusetts State Police

**B. Appellant’s witnesses:**

- 1. Judy Ray

**C. The following evidence was entered on the record:**

- 1. Ejection Report
- 2. Appeal form



### 3. Notice of Hearing

#### **Findings of Fact**

The Commission finds as facts established by a preponderance of the evidence the following:

1. The Appellant was a former licensee at the Plainridge Racecourse, in which she, among other activities, engaged in the occupation of a groom.
2. The Appellant was not licensed during the 2012 racing meeting as of May 24, 2012.
3. On May 24, 2012, the State Police discovered the Appellant in an area of Plainridge Racecourse restricted to individuals licensed by the Commission.
4. As a result of her unauthorized presence, the State Police ejected the Appellant.
5. The Appellant does not dispute any of the above referenced findings, she admits that the ejection was justified, she made mistakes and wishes to rectify the situation she placed herself in.

#### **Applicable Law and Regulations**

1. “Any commissioner or representative of the commission... shall have the right to refuse admission to or eject from its premises any person whose presence on said premises is detrimental, in the sole judgment of the commissioner or representative of the commission or of said licensee, to the proper and orderly conduct of a racing meeting... Any person so excluded by any commissioner or representative of the commission or by a licensee shall have a right of appeal to

the commission. The commission shall hold a hearing within ten days<sup>1</sup> after any such person requests an appeal and may after such hearing by vote allow such person admission to such meeting.” MGL c. 128A, s. 10A.

### **Conclusions of Law**

1. Based on the Findings of Fact above, the Commission has jurisdiction to hear this disciplinary matter.
2. Based on Findings of Fact above, the Appellant’s conduct constitutes valid grounds for the discipline of the Appellant pursuant to G.L. c. 128A, s. 10A.

### **Discussion**

The Commission received evidence and testimony regarding the events of May 24, 2012. During the hearing, the Appellant did not dispute any evidence presented by the State Police, which was that she was in an unauthorized area of Plainridge. She testified credibly that she made mistakes and took full responsibility for what occurred.

### **Conclusion and Order**

In keeping with its duty to promote the best interests of racing as well as the health, welfare and safety, of those involved, and based on the Findings of Fact and Conclusions of Law set forth above, the Commission finds that Respondent is subject to discipline and appropriate sanctions.

The Commission therefore unanimously **ORDERS** the following:

- 1) To uphold the grounds for the ejection imposed on the Appellant; and
- 2) To lift the ejection immediately;

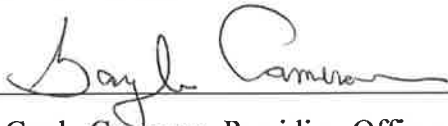
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<sup>1</sup> The Hearing was scheduled by mutual assent of the parties within the applicable time period. No objections have been raised in this regards.

**RIGHT TO APPEAL**

This is a final decision of the Commission pursuant to M.G.L. c. 30A, s. 11.<sup>2</sup> The Appellant is hereby notified of the right to appeal this Final Decision and Order by filing a written petition for judicial review within thirty (30) days after entry of this Order, pursuant to M.G.L. c. 30A § 14.

STATE GAMING COMMISSION  
RACING DIVISION

By:   
Gayle Cameron, Presiding Officer

Dated:

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<sup>2</sup> M.G.L. c. 30A, s. 11(7) states that “[i]f a majority of the officials of the agency who are to render the final decision have neither heard nor read the evidence, such decision, if adverse to any party other than the agency, shall be made only after [a tentative or proposed decision has been issued].” This decision adopts the requests of the Appellant wholesale and is thus deemed not adverse to her, as a result, this decision may be deemed a final decision.

## Protocol for Prospective Gaming Developers' Interactions with Massachusetts State Agencies

### Purpose.

It is the intention of the Executive Branch of the Commonwealth (Executive Branch) and the Massachusetts Gaming Commission (MGC) to create a prompt, efficient and transparent mechanism for prospective gaming developers to acquire the information that they need to advance their proposals. It is also the intention of the Executive Branch and the MGC to organize the inquiries from developers in such a way as to minimize the burden on the developers and the multiple state agencies that will necessarily be involved.

In order to implement this intention, the Executive Branch and MGC have agreed on the following protocol for servicing prospective developers. In understanding this protocol, it should be noted that the MGC has determined that a prospective developer will become an "applicant," as defined in its enabling legislation and in this protocol, once a developer has paid the \$400,000 license application fee called for in Chapter 194 MGL. This payment will be required when a developer chooses to complete the Request for Applications-Phase One (RFA-1) expected to be issued in October-November 2012. It should also be noted that the MGC intends to obtain the services of a point person ("ombudsman") to be the single point of contact for potential developers to coordinate their relationships with state agencies. Similarly, each affected agency will appoint a single key contact person for this protocol.

The protocol has three different stages of operation:

- **PRIOR TO BECOMING AN "APPLICANT"**  
Prospective gaming developers will have the opportunity to have one meeting organized by the ombudsman. This meeting may have representatives of all of the state agencies requested by the developer. In this phase of operation, the developer may also submit written inquiries to the ombudsman, who will pass the inquiries onto the relevant state agencies; each Secretariat in the Executive Branch will endeavor to provide responsive information to the Gaming Commission within two business days of each inquiry. The ombudsman shall keep a record of all inquiries.
- **POST-QUALIFICATION AS AN "APPLICANT" AND PRE-LICENSE AWARD**  
Once a developer has qualified as an applicant and paid the \$400,000 license application fee called for in Section \_\_\_\_, each developer may request as many meetings with state agencies as are reasonably necessary to complete its application to the MGC in the competition for license awards (Request for Application-Phase Two, or RFA-2). All such requests will be directed through the MGC ombudsman, and meetings will be coordinated by the ombudsman and the key contact person at each state agency. The ombudsman shall keep a record of all meetings.
- **POST-LICENSE AWARD**  
Once an applicant is selected to be the expanded gaming licensee in a region, licensees will work directly with administration officials and state agencies, without needing to contact the ombudsman, to pursue all regulatory parameters required to establish the gaming facility.

DRAFT

## Ombudsman Job Definition

The Massachusetts Gaming Commission wishes to obtain the services of a senior professional familiar with state government agencies, real estate development, and municipal government, to serve as the critical single point of contact at the Commission to coordinate the Commission's relationships with, and technical assistance to, critical constituencies. We refer to this position as Massachusetts Gaming Commission Ombudsman.

The first constituency is prospective developers of expanded gaming facilities. The Ombudsman will be responsible for implementing the "Protocol for Prospective Gaming Developer's Interactions with Massachusetts State Agencies," attached hereto. As described in the protocol, the Ombudsman will coordinate and facilitate all meetings between prospective gaming facility developers and various state agencies with related regulatory oversight. This role will continue up to the actual licensing of gaming facility developers, after which point such developers will interact directly with appropriate state agencies.

To serve this constituency well, the Ombudsman position requires general familiarity with the kinds of issues that real estate developers encounter with state and local government, experience dealing with senior private corporate and public officials, and a general familiarity with the key agencies of state government that will be involved in licensing and overseeing operations of expanded gaming facilities—including the Department of Transportation, the Executive Office of Housing and Economic Development, Executive Office of Energy and Environmental Affairs, and the Executive Office of Administration and Finance.

The second constituency is Massachusetts municipalities which may be considered as "host" or "surrounding" communities by a gaming facility developer and/or the Commission. The Ombudsman's responsibilities will be to proactively make contact with all such communities, and to respond to all inquiries from such communities. The Ombudsman will be familiar with the content of the legislation, the role of host and surrounding communities in the licensing process, the Commission's approximate schedule for licensing gaming facilities, and a variety of technical assistance resources that can help municipalities negotiate host and surrounding community agreements with prospective developers. The Ombudsman's role will be to assure that all concerned municipalities have a responsive and friendly contact at the Commission, and prompt, clear access to the necessary financial and consultative resources to fulfill their needs. The Ombudsman will not be in a direct service or advice delivery role to the municipalities.

The ombudsman will also play a key role in working with the Commission to develop and support the Statewide Advisory Task Force called for in the Commission's enabling legislation.

**Advisory to Massachusetts communities that may qualify as “host” or “surrounding” communities under Massachusetts General Law Chapter 23 in a proposal for a gaming license**

In order to support the many communities across Massachusetts that are being approached by private developers about the possibility of developing a gaming facility within or near their borders, the Massachusetts Gaming Commission is offering various kinds of general advice and technical support.

I. Licensing Schedule.

The schedule discussed in this section is highly tentative, and is published only for the purpose of giving potential host and surrounding communities a general sense of schedule, with which they can assess the urgency of their need to comply with developers’ requests. These schedules are subject to change, and should not be relied on for any formal or legal action. It should also be noted that this schedule applies only to license proposals in regions A and B (in other words, exclusive of region C, Southeastern Massachusetts) for which the Commission is now beginning to develop the application process. For now, the schedule and licensing process for gaming facility applications in region C will be under the control of a compact presently in negotiation between the Governor’s Office and tribal applicant(s) in region C.

The Massachusetts Gaming Commission is committed to a “fair, transparent, and participatory” process in awarding the gaming licenses across the Commonwealth. It is our intention to move this process forward as quickly as possible, in order to meet the aspirations of the Legislature and the Governor for economic development and new revenue. But we are equally committed to undertaking this process with a deliberateness that assures that we do it right.

As of the writing of this advisory, the Commission has established the following *approximate time frame* for the licensing process:

- Mid-October 2012 to mid-November 2012: release of Requests For Applications-Phase One (RFA-1), first stage in the application process which will prequalify bidders for their financial, corporate and personal integrity.
- January to May 2013: submission by applicants of completed RFA 1.
- April to November 2013: 3-6 month period for Commission to review completed responses to the RFA-1, and release Request for Applications-Phase Two (RFA-2) to successfully pre-qualified applicants. RFA-2 will be the final site-specific application that all applicants that pass the RFA-1 background check may submit.
- July 2013 to May 2014: a 3-6 month period during which applicants will complete and submit their full site specific license applications, RFA-2. No later than the end of this period, applicants must sign agreements with host and surrounding communities and have host agreements approved by referendum.
- October 2013 to November 2014: 3-6 month review of RFA-2 applications by the Commission, and final selection of licensees.

Accordingly, the range of time frames for the licensing process as presently envisioned by the Gaming Commission is as follows:

License Application Step	Earliest Likely Date	Latest Likely Date
Release of RFA-1	mid-October 2012	mid-November 2012
Applicants submission of completed RFA-1 (pre-qualifying phase, 3-6 months)	January 2013	May 2013
Commission review of completed RFA-1 and release of RFA-2 to qualified applicants (3-6 months)	April 2013	November 2013
Applicant submission of completed RFA-2; surrounding community agreements executed and host community agreements approved by referendum (3-6 months)	July 2013	May 2014
Commission review of completed RFA-2 and selection of licensee(s) (3-6 months)	October 2013	November 2014

At any time up to the final submission of a completed RFA-2, developers and prospective host and surrounding communities may meet, negotiate and, if they wish, begin to develop host and surrounding community agreements. Given that siting and licensing a gaming facility is a complicated process, it is reasonable for developers to want to undertake these discussions and negotiations as soon as possible. However, it is important for prospective host and surrounding communities to understand that regulations prescribing the content of site specific applications (RFA-2) have not yet been promulgated and, even when they are, the Commission will not act on a site specific application until the commission has concluded its examination of the RFA-1 application and has concluded that the developer is qualified. Certainly it is possible that developers may want to start negotiations prior to that approval, if they have confidence they will pass the financial, corporate and personal background checks. But the schedule the Commission contemplates is the schedule outlined above. Moreover, it is important for all those engaged in a negotiating process to remember that the Commission has not yet promulgated regulations regarding the RFA-2 process and is not likely to do so before the end of calendar year 2012.

II. Technical assistance for prospective host and surrounding communities.

It is the intention of the Massachusetts Gaming Commission (and its enabling legislation passed by the Legislature) to provide as much technical assistance as possible to prospective host and surrounding communities, as well as funding for their work, as they endeavor to negotiate appropriate terms and conditions of host and surrounding community agreements. Chapter 23K, Section 4(7), of the Massachusetts gaming law states that “the commission may receive and approve applications from a municipality to provide for reasonable costs related to legal, financial and other professional services required for the negotiation and execution of host and surrounding community agreements as provided in section 15, and to require that such costs be paid by the applicant for a gaming license.” The Commission will soon issue regulations that implement this mandate and provide guidance to cities, towns and developers regarding the process for fee applications.

The MGC has been working over the past few weeks with a variety of organizations, including Mass Municipal Association, several of the regional planning authorities (RPAs), the Collins Center at UMass Boston, and Mass Development to determine the best mechanism for providing this technical assistance. The Commission recognizes that it must provide or facilitate provision of assistance in a manner that is even handed across all communities and does not compromise either the objectivity or the appearance of objectivity of the MGC in its subsequent deliberations.

We expect that the MGC and its partners will soon have an organized resource of professionals with understanding of the expanded gaming law, and access to consultant, legal and other resources for the communities to utilize in their discussions and negotiations with the gaming facility developers. It is also the present intention of the MGC to appoint an “ombudsman” who will serve as a single point of contact at the Commission for municipalities interested in this technical support, and who will be responsible for proactively communicating with prospective hosts and surrounding communities about the resources that are available to them.

The Commission has already been asked and answered many inquiries from local officials across the Commonwealth. Many of these questions and answers, along with other background information about the gaming law and plan can be found at our website at [mass.gov/gaming](http://mass.gov/gaming). Also found at that site is a link to an email contact with the Commission, to which we will reply promptly.

We hope this is helpful to the many communities across the Commonwealth that are wrestling with the prospect of serving as a host or surrounding community for a gaming license.

The Massachusetts Gaming Commission



FOR DISCUSSION ONLY

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## Protocol for Prospective Gaming Developers' Interactions with Massachusetts State Agencies

### Purpose.

It is the intention of the executive branch of Massachusetts State Government (Executive Branch) and the Massachusetts Gaming Commission (MGC) to create a prompt, efficient and transparent mechanism for prospective gaming developers to acquire the information and regulatory implementation that they need to advance their proposals. It is also the intention of the Executive Branch and the Gaming Commission to organize the inquiries from developers in such a way as to minimize the burden on the developers and the multiple state agencies that will necessarily be involved.

In order to implement this intention, the administration and MGC have agreed on the following protocol for servicing prospective developers. In understanding this protocol, it should be noted that the MGC has determined that prospective developers will become an "applicant," as defined in its enabling legislation and in this protocol, once a developer has paid the \$400,000 license application fee called for in Section \_\_\_\_\_. This payment will be required when a developer chooses to complete the Request for Applications- Phase One (RFA-1) expected to be issued in October-November 2012. It should also be noted that the MGC intends to obtain the services of a point person ("ombudsman") to be the single point of contact for potential developers to coordinate their relationships with state agencies. Similarly, each affected agency will appoint a single key contact person for this protocol.

The protocol has three different stages of operation:

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- **POST-QUALIFICATION AS AN "APPLICANT" AND PRE-LICENSE AWARD**  
Once a developer has qualified as an applicant, each developer may request as many meetings with state agencies as are reasonably necessary to complete its application to the MGC in the competition for license awards (Request for Application-Phase Two, or RFA-2). All such requests will be directed through the MGC ombudsman, and meetings will be coordinated by the ombudsman and the key contact person at each state agency.
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Once an applicant is selected to be the expanded gaming licensee in a region, licensees will work directly with administration officials and state agencies, without needing to contact the ombudsman, to pursue all regulatory parameters required to establish the gaming facility.