



The Commonwealth of Massachusetts

Massachusetts Gaming Commission

NOTICE OF MEETING and AGENDA May 15, 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:

Tuesday, May 15, 2012
1:00 p.m.

****REVISED LOCATION****

Boston Convention & Exhibition Center
Meeting Room 101
415 Summer Street
Boston, Massachusetts

PUBLIC MEETING

1. Call to order
2. Approval of minutes
 - a. May 8, 2012 Meeting
3. Administration
 - a. Executive director update – vote on job profile
 - b. Other hiring needs
 - c. Outside counsel – status
4. Racing commission
 - a. Transition plan
 - b. Emergency Regulations
 - c. Required Votes
5. Gaming consultant
 - a. Work plan
6. Finance / Budget Update
7. Public Education and Information
 - a. Economic Development Forum
 - b. Discussion of other Forums
 - c. Responses to requests for information
8. 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 and copies were mailed, postage prepaid, to:

Secretary of State, Regulations Division
One Ashburton Place, Room 2A
Boston, MA 02108

Executive Office of Administration and Finance
The State House, Room 373
Boston, MA 02133

A handwritten signature in black ink, appearing to read "Stephen P. Crosby".

Stephen P. Crosby, Chairman

Date Posted to Website: May 11, 2012 at 1:00 p.m.
Revised location posted at 5:30 p.m.

DRAFT

Activity	Owner	Others Involved	May		June			July				August				September		
			WB 5/21	WB 5/28	WB 6/4	WB 6/11	WB 6/18	WB 6/25	WB 7/2	WB 7/9	WB 7/16	WB 7/23	WB 7/30	WB 8/6	WB 8/13	WB 8/20	WB 8/27	WB 9/3
Mission and Goals of the Commission																		
Strategic Plan																		
Table of Organization	Spectrum																	
Review statutory requirements for Commission organization to determine mandatory hires and other staffing requirements	Spectrum		█															
Obtain list of pay grades for government jobs	Spectrum		█															
Meet with variety of groups (e.g. IT, personnel, admin services, HR, legal, treasurer) to determine where gaming roles/pay grades fit in and what centralized resources are available to the Commission	Spectrum			█	█	█	█											
Meet with state police, attorney general's office and ABC to begin discussion about resources/relationships	Both			█	█	█												
Research organization structure/departments, staffing levels and phasing in of staff in several other jurisdictions	Spectrum		█	█	█													
Research role of bureau of investigations and enforcement in statute	Both		█	█	█													
Understand structure and role of investigations and enforcement groups in several other jurisdictions	Both		█	█	█													
Conduct preliminary discussions with Commission about org structure, staffing and role of bureau of investigations and enforcement	Spectrum, Michael & Carroll (enforcement)	MGC Personnel				█	█											
Feed preliminary organization structure and staffing data into budget process	Spectrum						█											
Iterate on budget and hone in on realistic organization and staffing options for the Commission to consider	Spectrum							█	█	█								
Develop options for setup, timing and operations of bureau of investigations and enforcement and benefits and drawbacks of each	Spectrum								█	█								
Develop options for organization structure, staffing and phasing in of staff, including benefits and drawbacks of each	Spectrum									█								
Team provides feedback on options	Michael & Carroll										█							
Conduct detailed discussions with Commission about org structure, staffing and bureau of investigations options	Spectrum	MGC Personnel										█	█	█				
Finalize Commission staffing, organization structure and bureau of investigations and enforcement decisions	Spectrum													█				
Write Table of Organization section of plan	Spectrum														█	█		
Team reviews written plan	Michael & Carroll															█	█	

Additional Commission Requests
Prepare RFQ document
Discuss RFQ process at public meeting
What commission doesn't know they need to know (note - I'm not sure this is phrased correctly)
For the strategic plan and budget, Spectrum needs expected revenue and believes the study they did 4 years ago needs to be updated
Public education forum

**Position: Executive Director
Massachusetts Gaming Commission**

Scope

The Executive Director shall be the executive and administrative head of the Commission and shall be responsible for administering and enforcing the provisions of law relative to the Commission and to each administrative unit thereof.

The Executive Director assumes leadership of the Commission staff and is responsible for staffing, establishing, maintaining, and changing administrative units as may be appropriate, subject to the approval of the Commission. The Executive Director plans, directs, executes, and coordinates all administrative activities and assists the Commission in developing the policy and procedures related to the regulation of gaming in Massachusetts.

General Duties and Responsibilities

Under the supervision of the Commission:

- a. Maintains efficient and effective day to day operations of the Commission, its employees and agents
- b. Manages and employs a diverse group of employees, consultants, agents and advisors, including legal counsel, accounting and audit staff and field agents
- c. Oversees the development of extensive legal and regulatory policy
- d. Appoints and employs, with the concurrence of the Commission, a chief financial and accounting officer and oversees the development of fiscal policy and procedures of the Commission, including responsibility for the gaming revenue fund
- e. Appoints and employs, with the concurrence of the Commission, a Chief Legal Counsel and subordinate legal staff as necessary and oversees and coordinates the development of an efficient system of review and referral of cases to the Massachusetts Attorney General's Office Division of Gaming Enforcement
- f. Prepares, maintains and executes, in an efficient manner, the Commission approved plan of organization including the creation of subordinate units so as to efficiently comply with the requirements of the Gaming Act as well as assisting in the development of all lines and definitions of internal interaction and relative authority among Commission sub-divisions and staff
- g. Prepares, maintains and oversees a coordinated system of application, applicant, and case review for consideration of the Commission, inclusive of assisting in the establishment of a coordinated and efficient appeal process as required by the Gaming Act
- h. Develops administrative procedures and internal controls for the Commission which assure the highest integrity and efficiency

- i. Establishes relationships and credibility with the Commissioners, with local, state and federal agencies and all other stakeholders in the gaming industry in the Commonwealth of Massachusetts
- j. Attends and participates in all Commission meetings, oversees correspondence and communication with gaming license applicants and licensees reflecting the official actions of the Commission and assists the Commissioners in all functions as needed
- k. Ensures proper training and competence of staff
- l. Oversees the development and preparation of the Commission's budget
- m. Reviews operations to assess performance against budget and legal requirements and implements corrective action as necessary

Minimum Qualifications

- a. At least ten years of experience in management, a bachelor's degree and a professional degree (J.D. or MBA preferred)
- b. Regulatory experience in a gaming regulatory agency or other regulatory compliance experience
- c. Candidate will be subjected to an extensive background investigation
- d. Must have excellent management and communication skills

Candidate Knowledge and Abilities

- a. Significant knowledge of gaming regulatory requirements
- b. Demonstrated competence in management of a large and varied staff
- c. Excellent track record of communication skills with elected officials, the press, private industry and public agencies including law enforcement, legal authorities and other diverse stakeholders
- d. Knowledge and experience of internal control standards and requirements over wide-ranging fiscal and administrative responsibilities
- e. Excellent judgment of the character and potential of employees and experience in recruiting, mentoring, promoting and retaining talented colleagues
- f. The highest level of good character, honesty and integrity
- g. Capable of handling many tasks that are time sensitive in pressure situations
- h. Demonstrated ability to work at a highly independent level

Massachusetts Gaming Commission

Motion re Adoption of Emergency Regulation for the Massachusetts Gaming Commission's Enforcement of Regulations of the Former State Racing Commission

Move that the Gaming Commission promulgate emergency regulations effective May 20, 2012, to provide for the orderly transition of the regulation of horse racing, harness horse racing, dog racing, pari-mutuel wagering, simulcasting, and the humane handling, care, treatment and transportation of racing greyhounds and related subject matters from the Massachusetts State Racing Commission to the Massachusetts Gaming Commission in substantially the form attached hereto and to authorize the Commission's Secretary to take all necessary actions including without limitation filing the emergency regulations with and making any edits and corrections as may be necessary to conform to the Gaming Act and the requirements of the Massachusetts Secretary of the Commonwealth for the proper promulgation of these regulations.

1 205 CMR: STATE RACING COMMISSION

2 205 CMR 13:00: MASSACHUSETTS GAMING COMMISSION ENFORCEMENT

3 13:01 Regulations and Licenses Continued

4
5 (1) *Definitions*

6 For the purposes of this section 205 CMR 13:01, the following words shall have the following
7 meanings:

8 “Commission” means the Massachusetts Gaming Commission established under M.G.L. c. 23K,
9 except where that word is used in the phrase “Massachusetts State Racing Commission.”

10 “Massachusetts State Racing Commission” means the state racing commission established under
11 M.G.L. c. 6, § 48.

12 (2) *Regulations and Licenses Continued*

13 The regulations at 205 CMR 3:00-12:00 promulgated by or on behalf of the Massachusetts State
14 Racing Commission and lawfully in effect on May 19, 2012 respecting the conduct of horse
15 racing, harness horse racing, dog racing, pari-mutuel wagering, and simulcasting, and to
16 disposition and injury reporting, the award of economic assistance, the distribution of funds to
17 purse accounts of licensees, and the humane handling, care, treatment, and transportation of
18 racing greyhounds shall remain in full force and effect on and after May 20, 2012, to the extent
19 consistent with Chapter 194 of the Acts of 2011.

20 All references in said 205 CMR 3:00-12:00 to the Massachusetts State Racing Commission shall,
21 on and after May 20, 2012, be deemed to refer to the Massachusetts Gaming Commission
22 established pursuant to section 3 of chapter 23K of the General Laws.

23 All licenses and permits, lawfully in effect on May 19, 2012, issued by the Massachusetts State
24 Racing Commission pursuant to chapter 128A or 128C of the General Laws, 205 CMR 3:00-
25 12:00, or other applicable law, rule or regulation shall remain in effect. Any such license or
26 permit shall be a revocable privilege and may be conditioned, suspended or revoked by the
27 Commission in accordance with Chapter 194 of the Acts of 2011, Chapters 128A and 128C of
28 the General Laws, 205 CMR 3:00-12:00, or other applicable law, rule or regulation.

29 Any investigation or enforcement action commenced, any cause for suspension or revocation of
30 any such license or permit existing, and any offense as to any matter within the jurisdiction of the
31 Massachusetts State Racing Commission committed, on or before May 19, 2012 shall not abate
32 but shall continue on and after May 20, 2012 and shall be subject to investigation and
33 enforcement by the Commission, the department of state police, the attorney general’s office, or
34 other governmental authority.

Massachusetts Gaming Commission

**Motion for Issuance of a Notice of Public Interest
Concerning Adoption of Emergency Regulations**

Move that the Gaming Commission issue a Notice of Public Interest substantially the form attached hereto explaining the background and reasons for the Commission's promulgation of emergency regulations effective May 20, 2012 concerning the former Massachusetts State Racing Commission, and to authorize the Commission's Secretary to take any actions he may deem appropriate to post or publish the notice on the Commission's website, in the Massachusetts Register of the Secretary of the Commonwealth, or otherwise.

The Commonwealth of Massachusetts

Massachusetts Gaming Commission

Notice of Public Interest

RE: Transition of Authority from Massachusetts State Racing Commission to the Massachusetts Gaming Commission

Effective May 20, 2012, the Massachusetts Gaming Commission is adopting emergency regulations, 205 CMR 13:00, under the authority of M.G.L. 23K, § 4(28) and (37), and § 5, M.G.L. c. 128A, § 9, and M.G.L. c. 128C, § 8, to provide for the orderly transition of the regulation of horse racing, harness horse racing, dog racing, pari-mutuel wagering, simulcasting, the humane handling, care, treatment and transportation of racing greyhounds, and related subject matters, from the Massachusetts State Racing Commission to the Massachusetts Gaming Commission (the “Commission”), as provided for under Chapter 194 of the Acts of 2011 (the “Gaming Act”).

The Commission finds that implementation of these emergency regulations is necessary for the preservation of the public health, safety and general welfare, and that observance of the requirements of notice and a public hearing as may be required by G.L. c. 30A would be contrary to the public interest. The reasons for the Commission’s finding are as follows.

The gaming commissioners were appointed on March 21, 2012. The Commission held its first meeting on April 10, 2012.

The Massachusetts State Racing Commission provided for in M.G.L. c. 6, § 48 was created by an act of the Legislature in 1934. Section 4 of the Gaming Act repealed said M.G.L. c. 6, § 48, effective under Section 110 of the Gaming Act on May 20, 2012 (180 days after the effective date of the Gaming Act).

Sections 37, 38, and 40 of the Gaming Act and M.G.L. c. 23K, § 7(a) substitute the Commission for the former Massachusetts State Racing Commission as the agency with the power to administer and enforce the provisions of M.G.L. c. 128A and M.G.L. c. 128C and any other general or special law related to pari-mutuel wagering or simulcasting effective May 20, 2012 (180 days after the effective date of the Gaming Act).

Effective May 20, 2012, under M.G.L. c. 128A, the Commission shall have the full power to prescribe rules, regulations and conditions under which all horse or dog races at horse or dog racing meetings shall be conducted in the Commonwealth. Effective May 20, 2012, under M.G.L. c. 128C, the Commission shall also have the full power to promulgate rules, regulations, and conditions under which all running horse, harness horse, or greyhound racing simulcasts and simulcast wagers shall be conducted in the commonwealth.

In addition, M.G.L. c. 23K, §§ 4(37) and 5 authorize the Commission to adopt, amend or repeal regulations for the implementation, administration and enforcement of said Chapter 23K; and M.G.L. c. 23K, §§ 4, provides that the Commission shall have all powers necessary or convenient to carry out and effectuate its purposes.

Pursuant to M.G.L. c. 128A and c. 128C, the Massachusetts State Racing Commission promulgated regulations governing horse and dog races, racing simulcasts and simulcast wagers as follows:

- 205 CMR 3 Harness Horse Racing
- 205 CMR 4 Rules of Horse Racing
- 205 CMR 5 Rules of Greyhound Racing
- 205 CMR 6 Pari-Mutuel Rules for Thoroughbred Racing, Harness Racing, and Greyhound Racing
- 205 CMR 7 Simulcasting Rules and Regulations for Horse Racing, Harness Racing and Dog Racing
- 205 CMR 8 Disposition Rules and Regulation for Greyhound Racing
- 205 CMR 9 Injury Reporting Rules and Regulations for Greyhound Racing
- 205 CMR 10 Rules and Regulations Governing the Award of Economic Assistance
- 205 CMR 11 Rules and Regulations Regarding the Distribution of Funds to Purse Accounts of Licensees
- 205 CMR 12 The Humane Handling, Care, Treatment, and Transportation of Racing Greyhounds

Effective July 31, 2014, Sections 39 and 41 of the Gaming Act repeal M.G.L. c. 128A and M.G.L. c. 128C, respectively. Prior to such repeal, the Commission is directed by Section 104 of the Gaming Act to analyze the pari-mutuel and simulcasting laws in effect on the effective date of the Gaming Act, including a review of the efficacy of those laws pursuant to the continuation of M.G.L. c. 128A and M.G.L. c. 128C, and to report its findings and recommendations to the clerks of the Senate and the House of Representatives and the House and Senate chairs of the Joint Committee on Economic Development and Emerging Technologies by January 1, 2013. During this transition period, the Legislature has provided that the licenses issued for the greyhound meetings in Bristol and Suffolk counties shall continue to be in effect (St. 2011, c. 194, § 92), and that the existing practices used and adopted by the Massachusetts State Racing Commission pertaining to simulcasting shall remain in full force and effect (St. 2006, c. 449, § 20 as amended by St. 2011, c. 194, § 85).

To avoid disruption in the conduct of horse and dog racing, and the pari-mutuel wagering and simulcasting related thereto, and to provide for the proper regulation and oversight thereof and of activities related thereto following the transition of authority from the Massachusetts State Racing Commission to the Commission on May 20, 2012, the Commission has determined that

the rules, regulations, licenses and permits duly promulgated or issued by the Massachusetts State Racing Commission and lawfully in effect immediately prior to the transition should be continued as set forth in 205 CMR 13.00 until expressly amended or repealed by the Commission.

The numbering of the emergency regulations, 205 CMR 13.00, and their placement at the end of 205 CMR (rather than as an introduction thereto), is necessary because of the pre-existing and reserved numbering system of 205 CMR created prior to the transition of duties to the Gaming Commission.

The Commission is providing this notice and is posting copies of this notice and the emergency regulations on its website, and may utilize additional publicity measures, in an effort to ensure that the public and interested parties are aware of 205 CMR 13:00.

Massachusetts Gaming Commission

Motion re MGC-DPL ISA Concerning SRC Transition

Move that the Gaming Commission authorize and direct Commissioner Cameron to negotiate, finalize, execute, enter into and administer on behalf of the Massachusetts Gaming Commission an Interdepartmental Service Agreement or Agreements, and any amendments thereto, with the Division of Professional Licensure, an agency of the Office of Consumer Affairs and Business Regulation, concerning matters formerly within the jurisdiction of the State Racing Commission and transferred to the jurisdiction of the Gaming Commission effective on May 20, 2012, pursuant to which DPL will perform for a transitional period or periods day-to-day activities with respect to horse racing, harness horse racing, pari-mutuel wagering, simulcasting, and related matters, including without limitation matters pertaining to routine track, simulcasting and laboratory operations; administrative, fiscal and human resources operations; enforcement and public safety activities; and legal oversight and assistance with respect to adjudicatory proceedings.

Massachusetts Gaming Commission

Motion re Referral to DALA of MGC-SRC Adjudicatory Hearings

Move that the Gaming Commission authorize Commissioner Cameron to negotiate, finalize, execute, enter into and administer on behalf of the Massachusetts Gaming Commission any necessary requests to and inter-agency agreements or other arrangements with the Division of Administrative Law Appeals pursuant to which DALA will conduct adjudicatory hearings concerning certain classes of administrative appeals formerly within the jurisdiction of the Massachusetts State Racing Commission and, effective on May 20, 2012, now within the jurisdiction of the Gaming Commission related to horse racing, harness horse racing, dog racing, pari-mutuel wagering, simulcasting, and related matters.