

### 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 <a href="www.mass.gov/gaming/meetings">www.mass.gov/gaming/meetings</a>, and emailed to: <a href="regs@sec.state.ma.us">regs@sec.state.ma.us</a>, <a href="melissa.andrade@state.ma.us">melissa.andrade@state.ma.us</a>, <a href="melissa.andrade@state.ma.us">brian.gosselin@state.ma.us</a> 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

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**

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Activity	Owner	Others Involved			W/B 6/4	WB 6/11 WB 6/18	WR 6/25	WB 7/2	W/B 7/9		W/B 7/23	W/B 7/30	W/B 8/6			WB 8/27	WB 9/3
sion and Goals of the Commission	Owner	Others involved	VVD 3/21	VVD 3/20	VVD 0/4	WB 0/11 WB 0/18	VVD 0/23	VVD 7/2	VVD 7/3	VVD 7/10	VVD 7/23	WD 7/30	W D 6/ 0	VVD 0/13	VV D 0/20	VVD 0/27	VVD 3/.
tegic Plan																	
Table of Organization	Spectrum							1									
Review statutory requirements for Commission organization																	
to determine mandatory hires and other staffing																	
requirements	Spectrum																
Obtain list of pay grades for government jobs	Spectrum																
	opeot. u																
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																
available to the commission	Spectrum																
Meet with state police, attorney general's office and ABC to																	
begin discussion about resources/relationships	Both																
begin discussion about resources/relationships	ВОП																
Research organization structure/departments, staffing																	
levels and phasing in of staff in several other jurisdictions	Spectrum																
Research role of bureau of investigations and enforcement	Spectrum																
	Dath																
in statute Understand structure and role of investigations and	Both																
	D. H.																
enforcement groups in several other jurisdictions	Both																
Conduct preliminary discussions with Commission about org																	
structure, staffing and role of bureau of investigations and	& Carroll																
enforcement	(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																	
Team provides feedback on options	Michael & Carroll								<u> </u>								
Conduct detailed discussions with Commission about org																	
structure, staffing and bureau of investigations options	Spectrum	MGC Personnel							<u> </u>								
																	ĺ
Finalize Commission staffing, organization structure and																	
bureau of investigations and enforcement decisions	Spectrum							1	ļ								<u> </u>
Write Table of Organization section of plan	Spectrum							<u> </u>									
Team reviews written plan	Michael & Carroll		<u></u>	1	L		<u> </u>	<u> </u>	<u> </u>	<u> </u>			<u> </u>				

				May			June				July					ıgust		Septemb
	Activity	Owner	Others Involved	WB 5/21 V	VB 5/28 W	/B 6/4	WB 6/11 WB 6/	18 WB 6/2	5 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/
Budget		Spectrum																
	Review act to understand revenue sources for Commission																	
	and milestone dates which must be met	Spectrum																
•		·																1
	Obtain updated revenue projections from Commission	Spectrum	MGC Personnel															
	Determine expected revenue (and therefore available	·																1
	budget for Commission)	Spectrum																
	Estimate key milestone dates impacting budget (i.e. casino	<u> </u>																
	opening)	Spectrum																
	Team provides feedback on milestones	Michael & Carroll																
	Review milestones with Commission	Spectrum	MGC Personnel															
	Calculate costs of various staffing and organization decisions	<u> </u>																1
	to assess feasibility of different options	Spectrum																
	Calculate budget and iterate taking various options into	- p - 30. d		1 1														<b>†</b>
	consideration	Spectrum																
	Team reviews budget	Michael & Carroll		+														+
	Review budget and levers with Commission as part of	WIICHAEL & CALLOII		+ +					+									+
	detailed organization and staffing discussions; iterate as																	
		C	MCC Davis and															
	decisions are made	Spectrum	MGC Personnel						_									+
	Finalize organization, staffing and bureau of investigations																	
	and enforcement decisions with Commission	Spectrum		<b>_</b>														
	Write Budget section of plan	Spectrum		<b>_</b>														
	Team reviews written plan	Michael & Carroll																
Regulat		Michael & Carroll																
	Develop list of regulations needed	Michael & Carroll																
	Team provides feedback on list	Spectrum																
	Review regulations list with Commission	Michael & Carroll	MGC Personnel															
	Outline options for degree of control and regulatory policy	Both																
	Team provides feedback on options	Both																
	Review options with Commission and gain consensus	Both	MGC Personnel															
•	Write Regulations section of plan	Michael & Carroll																
•	Team reviews written plan	Spectrum																
MOUs		Michael & Carroll																1
	Identify agencies requiring MOUs	Michael & Carroll																
	Define what is to be covered in the MOUs	Both																1
•																		
	Define negotiation strategy, approach and justification	Both																
	Decide on process and timing for negotiating MOUs	Michael & Carroll		1 1														1
	Team provides feedback on agencies, scope, strategy,			1 1														<b>†</b>
	process and timing	Spectrum																
	Review proposed plan with Commission	Both	MGC Personnel	+ +				+	1					<u> </u>			<b>†</b>	<del>1</del>
	Write MOU section of plan	Michael & Carroll	in GC i Ci Joinici	+ +		-			+	<b> </b>								<del>                                     </del>
	Team reviews written plan	Spectrum		+ +					+	<del> </del>	<del>                                     </del>						<del>                                     </del>	+
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Activity	Owner	Others Involved	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
Review act and determine entities, holding companies,																		
individual qualifiers required to file	Spectrum																	
	- 1																	
Identify interested applicants (via Notice to Interested		Anderson & Krieger,																
Parties)	Spectrum	MGC Personnel																
Select potential applicants to meet with	Spectrum	MGC Personnel																
Meet with potential applicants to determine which entities	Spectrum	MGC FEISOIIIEI																
and individuals need to file	Sportrum	MGC Personnel																
Develop recommendations of what scope of licensing	Spectrum	MGC Personner																
	Cnastrum																	
should be	Spectrum																	
Team provides feedback on recommendations	Michael & Carroll																	-
Review options with Commission and gain consensus	Spectrum	MGC Personnel																
Write Scope of Licensing section of plan	Spectrum																	
Team reviews written plan	Michael & Carroll																	
RFQ/RFP Process	Both																	
Talk to other jurisdictions to capture learnings about RFP																		
process, timeline and scope of questions	Both																	
Identify the unique aspects of the MA act and objectives																		
that impact process	Both																	
Brainstorm RFP process, topics, timeline and other key																		
points to get Commission feedback on	Both																	
Gather input from Commission	Both	MGC Personnel																
Draft proposed RFQ/RFP process, scope of questions and																		
timeline	Michael & Carroll																	
Team provides feedback on draft	Spectrum																	
Review with Commission and gather feedback	Both	MGC Personnel																
Write RFP Process section of plan	Michael & Carroll																	1
Team reviews written plan	Spectrum																	1
Qualification Process	Both																	<u> </u>
Review statute and planned emergency regulations to	20111																	
determine standards for evaluating RFQ	Michael & Carroll																	
determine standards for evaluating in Q	Wilchael & Carroll																	
Talk to other jurisdictions to capture learnings about																		
	Dath																	
qualification process resource and time requirements	Both																	-
Develop options for resourcing qualification process and	D. H.																	
implied timelines	Both							_						<b>_</b>				<u> </u>
	L .																	
Review options with Commission and gain consensus	Both	MGC Personnel												<u> </u>				
Finalize qualification plan/process	Both		ļ											ļ				<b>_</b>
Write RFP Process section of plan	Michael & Carroll																	
Team reviews written plan	Spectrum																	
Selection Process	Both																	
Talk to other jurisdictions to capture learnings about																		
scoring and selection process	Both														]		<u> </u>	
Identify the unique aspects of the MA act and objectives																		
that impact Selection Process	Both									1								

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Activity	Owner	Others Involved		WB 5/28	WB 6/4			WR 6/25	WR 7/2	W/R 7/9		W/R 7/23	W/R 7/30	WB 8/6			WB 8/27	WB 9/3
Activity	OWNER	Others involved	WB 3/21	WB 3/20	VVD 0/ 4	WBOJII	WB 0/10	VVD 0/23	WB 7/2	VVB 7/3	WB 7/10	VVD 7/23	VVD 7/30	VVD 0/0	WD 0/13	VVD 0/20	WD 0/27	WB 3/3
Brainstorm scoring and selection, relative weightings and																		ı
key points to get Commission feedback on	Both																	ı
	Both	MCC Darsannal																
Gather input from Commission	BOTH	MGC Personnel				-	-								-			
Draft proposed weightings and scoring and selection	6																	ı
process	Spectrum																	
Team provides feedback on draft	Michael & Carroll	11000																
Review with Commission and gather feedback	Both	MGC Personnel																
Write Selection Process section of plan	Spectrum																	
Team reviews written plan	Michael & Carroll																	
Hearing and Appeal	Michael & Carroll																	
Meet with Anderson & Krieger to understand how hearings																		ı
work in MA	Michael & Carroll																	<b></b>
Outline options for hearing process	Michael & Carroll																	<b></b>
Team provides feedback on options	Spectrum																	
																		ı
Review options with Commission and gain consensus	Michael & Carroll	MGC Personnel																
Write regulation (see Preliminary Regulations)	Michael & Carroll																	<u> </u>
Write Hearing and Appeal plan section	Michael & Carroll																	1
Team reviews written plan	Spectrum																	1
Ongoing Operations and Regulatory Enforcement	Spectrum																	1
Review act to understand scope of minimum controls and																		
requirements around rules of the game and gaming																		ı
equipment	Spectrum																	i
Research best practices from other jurisdictions	Spectrum																	
Outline options for minimum controls, rules of the game	<u>'</u>																	
and gaming equipment, accounting system and other																		ı
operational decisions	Spectrum																	ı
Team provides feedback on options	Michael & Carroll																	<u> </u>
	THE HELD CONTROL																	<u> </u>
Review options with Commission and gain consensus	Spectrum	MGC Personnel																ı
Discuss with Commission the pros and cons of maintaining a		IVIGET CISOTHICI																
separate parallel system to federal system for anti-money	` <b> </b>																	ı
laundering	Spectrum	MGC Personnel																ı
Get decision from Commission	Spectrum	IVIGET CISOTHICI																
det decision from commission	Spectrum																	
Research auditing best practices from other jurisdictions	Spectrum		I															i
Identify MA-specific auditing needs/requirements	Spectrum		1	<u> </u>					<del>                                     </del>						<del>                                     </del>			
Outline auditing options and recommendations	Spectrum		1															
Team provides feedback on options	Michael & Carroll		1	<u> </u>		<del>                                     </del>			<del>                                     </del>						<del>                                     </del>			
ream provides reedback on options	IVIICITAET & CATTOIL			1		-	-							-	-			
Pavious antions and recommendations with Corrections	Sportrum	MGC Borsonnol																i
Review options and recommendations with Commission	Spectrum	MGC Personnel	-								-							
Decouply regulatory best practices from attack the sale of the			I															i
Research regulatory best practices from other jurisdictions,			1															i
paying particular attention to the law and practices around																		i
the interplay between regulatory and criminal enforcement	Spectrum		1															
Discuss interplay between regulatory and criminal	L .																	i
enforcement with law enforcement	Spectrum								<u> </u>						<u> </u>			

				lay		June				July			Septemb				
Activity	Owner	Others Involved	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
Outline process for deciding regulatory vs. criminal as																	
situations arise	Spectrum																
Team provides feedback on process	Michael & Carroll																
Review options and recommendations with Commission	Spectrum	MGC Personnel															
Finalize process	Spectrum																
Write Ongoing Operations and Regulatory enforcement																	
section of plan	Spectrum																
Team reviews written plan	Michael & Carroll																
l'imeline	Spectrum																
Research timeline for build out of new facilities in New																	
England	Spectrum																
Estimate build out process timeline for casinos	Spectrum																
Review budget and plan sections to determine amount of																	
time required and sequencing for each area	Spectrum																
Adjust estimates based on experience	Spectrum																
Develop draft timeline	Spectrum																
Team provides feedback on timeline	Michael & Carroll																
Review with Commission and gather feedback	Spectrum	MGC Personnel															
Write timeline section of plan	Spectrum																
Team reviews written plan	Michael & Carroll																

			May		June				July				Δι	ıgust		September
Activity	Owner	Others Involved		WB 6/4	WB 6/11 WB 6/18	WB 6/25	WB 7/2 \	WB 7/9		WB 7/23	WB 7/30	WB 8/6			WB 8/27	WB 9/3
ort Term Activities						,		Ź	,	,	ĺ	,	,	,		
Consultant Comments on Statute	Michael & Carroll															
Review statue and add comments	Michael & Carroll															
Team contributes additional comments	Spectrum														<b>—</b>	<b>-</b>
Submit document to Chairman	Michael & Carroll															<del> </del>
Coordination with Anderson & Krieger	Both														$\vdash$	
Schedule initial meeting with Anderson & Krieger	TBD															<del> </del>
	Both														ļ	<del> </del>
Conduct initial meeting to answer initial questions																
Coordinate as necessary for each deliverable	Both															
RFQ Planning	Joint Ownership														<b> </b>	<b>├</b> ──
Present RFQ approach to Commission	Michael & Carroll														ļ!	<b></b>
Review generic multi-jurisdiction RFP/application and RFPs																ĺ
from other jurisdictions	Both														ļ!	<b></b>
Prepare business entity disclosure form and finalize MA																
supplement for qualifiers	Michael & Carroll														<u> </u>	<u> </u>
																ĺ
Identify unique aspects of MA statute and objectives	Both															<u> </u>
Meet to discuss adaptations to form for MA	Both															<u> </u>
Update the form and distribute to team for final review	Spectrum															
Send to Anderson & Krieger for review	Spectrum															
Get feedback from Commission	Both	MGC Personnel														
Finalize Form	Michael & Carroll															
Submit to Chairman	Both															
Commission Approves at Public Meeting	Chairman															
															<b> </b>	
Write Public Notice for Application for category 2 RFQ	Anderson & Krieger															
Title Cashe Hedde for Application for earlegely 2 in Q	/ macroon a mieger															
Write Public Notice for Application for category 1 RFQ	Anderson & Krieger															ĺ
write i dolle Notice for Application for category I'm Q	Anderson & Kneger														<b>—</b>	<b>-</b>
Commission Reviews Public Notice	Anderson & Krieger															
Send out public notices	Chairman															<del> </del>
																<del> </del>
Preliminary Regulations	Michael & Carroll														ļ	<del> </del>
Meet with Anderson & Krieger to discuss MA procedure for																ĺ
regulations	Both														ļ!	<del> </del>
Develop list of required regulations (specifically those																ĺ
needed in short-term)	Michael & Carroll														<b> </b>	<b>├</b> ──
Team provides feedback on list	Spectrum														ļ!	<b></b>
Gather input from Commission	Michael & Carroll	MGC Personnel													ļ!	<b></b>
Finalize list of preliminary regulations	Michael & Carroll														<u> </u>	<b></b>
Draft preliminary regulations	Michael & Carroll														ļ!	<b></b>
Team provides feedback on drafts	Spectrum														<u> </u>	<u> </u>
																1
Anderson & Krieger provides feedback on drafts	Anderson & Krieger															<u> </u>
Finalize regulations	Michael & Carroll															
Submit to Chairman	Michael & Carroll															
Approve at Public Meeting	Chairman															
Execute State regulation approval process	Chairman															

			M	lay		J	une			July				Au	gust		September
Activity	Owner	Others Involved	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
MOUs with Agencies	Michael & Carroll																
Introductory meeting with ABC, State Police and AG's office																	
(meeting driven by need from table of organization plan)	Michael & Carroll																
Research and develop MOU template for statutory agencies																	
(ABC, State Police, AG's office)	Michael & Carroll																
Team provides feedback on MOU for statutory agencies	Spectrum																
Research and develop MOU template for gaming																	
associations	Michael & Carroll																
Team provides feedback on MOU for gaming associations	Spectrum																
Research and develop MOU template for local law	·																
enforcement	Michael & Carroll																
Team provides feedback on MOU for local law enforcement																	
Review templates with Commission	Michael & Carroll	MGC Personnel															
Anderson & Krieger provides feedback on drafts	Anderson & Krieger																
Submit Final Templates to Chairman	Michael & Carroll																
Approve to present to agencies	Chairman																
Near-Term Hires	Spectrum																
Identify positions needed in short term	Spectrum																
identity positions needed in short term	Spectrum																
Develop recommendation for sequencing/timing for hires	Spectrum																
Team provides feedback on recommendations	Michael & Carroll																
Review recommendation with Commission	Spectrum	MGC Personnel															
Provide assistance in writing job descriptions	Both																
Provide assistance in identifying and interviewing																	
candidates	Both																
Make hiring recommendations as requested	Spectrum																
Assistance with Indian Gaming Related Issues	Joint Ownership																
Meet with Governor's office to advise on appropriate																	
jurisdictional divisions	Both					<u> </u>				<u> </u>							
Provide other support as requested	Both																

#### **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
- 1. 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

#### 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.

#### 205 CMR: STATE RACING COMMISSION

- 2 205 CMR 13:00: MASSACHUSETTS GAMING COMMISSION ENFORCEMENT
- 3 13:01 Regulations and Licenses Continued

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- 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
- Racing Commission and lawfully in effect on May 19, 2012 respecting the conduct of horse
- racing, harness horse racing, dog racing, pari-mutuel wagering, and simulcasting, and to
- disposition and injury reporting, the award of economic assistance, the distribution of funds to
- purse accounts of licensees, and the humane handling, care, treatment, and transportation of
- 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.
- 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
- established pursuant to section 3 of chapter 23K of the General Laws.
- All licenses and permits, lawfully in effect on May 19, 2012, issued by the Massachusetts State
- 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
- 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
- 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
- but shall continue on and after May 20, 2012 and shall be subject to investigation and
- enforcement by the Commission, the department of state police, the attorney general's office, or
- 34 other governmental authority.

# **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.

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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

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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.

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#### 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.

#### 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.