



Meeting Minutes

Date/Time: July 2, 2014 – 10:30 a.m.

Place: Bunker Hill Community College
250 Rutherford Avenue, Room A300
Charlestown, Massachusetts

Present: Commissioner Gayle Cameron
Commissioner James F. McHugh
Commissioner Bruce Stebbins
Commissioner Enrique Zuniga

Absent: Chairman Stephen P. Crosby (recused from Region A matters)

Call to Order

See transcript page 2-6.

10:30 a.m. Commissioner McHugh called to order the 127th public meeting and set the procedure for the meeting. The focus on the meeting is whether the Commission should grant the City of Boston's request to stay the Commission's proceedings regarding the Region A license decision until after the November vote on the ballot initiative.

City of Boston's Oral Presentation

See transcript pages 6-15.

10:39 a.m. Eugene L. O'Flaherty, Corporation Counsel for the City of Boston, presented for the city of Boston. The City of Boston moved for a stay of all regulatory decisions in region A in light of the pending referendum.

The City of Boston argued that the judicial requirements for obtaining a stay of the proceedings is the appropriate analysis to be used by the Commission, namely, assessing the likelihood of success on the merits, irreparable harm to the City, the balance of harm between the parties, and the public interest. The City of Boston argued that the need for a

stay of the Region A regulatory decisions satisfies the three part test and should be granted.

City of Everett's Oral Presentation

See transcript pages 16-25.

- 10:50 a.m. Mayor Carlo DeMaria Jr. presented for the city of Everett. His Honor contended that knowing where the eventual site of the Region A casino will give the voters more information and will likely influence the voters and affect the polls.
- 10:53 a.m. Jonathan Silverstein from the firm Kopelman and Paige, representing the City of Everett, presented for the city of Everett. Attorney Silverstein presented that the standard presented by the City of Boston for a stay is not the appropriate standard. The appropriate standard is the Commission's variance standard set forth in the regulations. Additionally, even if the proposed standard by the City of Boston is the correct standard, the motion should still be denied as the required factors are not satisfied by the City of Boston.

City of Revere's Oral Presentation

See transcript pages 26-32.

- 11:01 a.m. Brian R. Falk from Mirick, O'Connell, DeMallie & Lougee, LLP, special counsel to the city of Revere, presented for Revere. Attorney Falk presented that the City of Revere is in agreement with the written comments from Mohegan Sun, Wynn MA, and the City of Everett. Attorney Falk argued the Commission should not ignore its statutory duties and suspend its licensing process in the face of a referendum vote. Additionally, even upon applying the standard for a stay as proposed by the City of Boston, the motion should be denied as the City of Boston failed to satisfy the required factors. Furthermore, Revere believes the voters should be informed with the knowledge of the location of the casino prior to the November vote.

Mohegan Sun's Oral Presentation

See transcript pages 33-47.

- 11:07 a.m. Bruce S. Barnett, from the law firm DLA Piper, representing Mohegan Sun, presented for Mohegan Sun. Attorney Barnett presented that, under Article 48 of the amendments to the Massachusetts Constitution, there is no basis for suspending existing law or anticipatory enforcement of the proposed statute in the face of an initiative petition vs. a referendum. Additionally, the motion request

from the City of Boston is seeking a variance of the Commission's regulations, in changing the dates of the scheduled licensing, and the requirements of a variance are not met.

Attorney Barnett also argued that even under the standards for a stay proposed by the City of Boston, they have failed to satisfy the requirements and the motion should be denied.

Wynn MA, LLC's Oral Presentation

See transcript pages 47- 57

11:23 a.m. Tony Starr from the law firm Mintz, Levin, Cohn, Glovsky and Popeo P.C., representing Wynn MA, presented for Wynn MA. Attorney Starr stated that counsel presenting before him have all addressed why the standard proposed by the City of Boston is inappropriate. However, even if the Commission were to accept the standard as appropriate, in using that standard, the motion should still be denied as Boston has failed to satisfy the required factors.

City of Boston's Oral Presentation, continued

See transcript pages 58-62.

11:53 a.m. Tom Frongillo, from the firm Fish & Richardson, P.C. presented for the remainder of the City of Boston's unused time. Attorney Frongillo presented that the other parties involved want the license issued and proceedings to continue in order to influence the outcome of the vote in November. There is no harm in waiting 120 days to see the outcome of the vote, there is no creditable reimbursement available to the City, and there is no adequate remedy at law for the harm caused to the City.

Commission discussion and deliberation

See transcript pages 62-105

11:41 a.m. The Commissioners asked questions of the speakers and deliberated on the motion from the City of Boston.

The Commission discussed the notion of the voters having more information regarding the actual location of the casino versus having less information if the Commission granted the motion for a stay of the proceedings at this time. The Commission found that having more information on the Region A casino license would not adversely affect the voters.

The Commission also discussed the potential of harm to the City of Boston if the Commission did not stay its proceeding, specifically in

comparison to the other potential and actual surrounding communities that already went through the surrounding community negotiation process with a less than 30% chance of actually becoming a surrounding community, in contrast to Boston's nearly 100% chance of being a surrounding community to either applicant.

The Commission also discussed the constitutional overlay of the difference in an initiative petition and a referendum in regards to the issuance or requirement of a stay.

The Commission discussed their duties to all regions, and the effect the delay would have on Region C.

12:32 p.m. Motion made by *Commissioner Zuniga that the Commission deny the request by the City of Boston for a stay in the licensing process and continue with the process as stipulated in the regulations. Motion seconded by Commissioner Cameron. Motion passed unanimously.*

Arbitration

See transcript pages 105-114

12:34 p.m. Ombudsman Ziemba and General Counsel Blue discussed the arbitration schedule with the Commission.

12:42 p.m. Motion made by *Commissioner Zuniga that the Commission designate the following day as the starting date for the process described in 125.01(C)(3). Motion seconded by Commissioner Cameron. Motion passed unanimously.*

12:43 p.m. *Motion made by Commissioner Cameron to adjourn. Motion seconded by Commissioner Zuniga. Meeting adjourned.*

List of Documents and Other Items Used

1. Massachusetts Gaming Commission July 2, 2014 Notice of Meeting and Agenda

/s/ Catherine Blue
Catherine Blue
Assistant Secretary