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THE COMMONWEALTH OF MASSACHUSETTS  
GAMING POLICY ADVISORY COMMITTEE  
SECOND PUBLIC HEARING

CHAIRMAN:

Robert Hubbard

GAMING COMMISSION CHAIRMAN:

Stephen P. Crosby

MEMBERS:

- |                                      |                           |
|--------------------------------------|---------------------------|
| Ruth Ellen Fitch                     | Barbara Anthony           |
| Hilary Jacobs                        | Brian Lang                |
| Senator Richard Ross                 | Rachel A. Volberg, Ph.D.  |
| David Stein                          | William Messner           |
| John Ziemba                          | Senator Jennifer Flanagan |
| Representative Ann-Margaret Ferrante |                           |
| Representative Angelo D'Emilia       |                           |

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October 21, 2013, 10:06 a.m. to 11:58 p.m.  
Massachusetts State House  
24 Beacon Street, Room 222  
Boston, Massachusetts

1 PROCEEDINGS

2  
3 CHAIRMAN HUBBARD: Welcome everyone  
4 and thank you. It's important for everyone to  
5 attend. As you know, we need everybody in a  
6 hundred percent attendance in order to have a  
7 quorum. I really appreciate that we're able  
8 to get this meeting. This is the second  
9 meeting of the Policy Advisory Committee.

10 And because it's only the second  
11 meeting, maybe we should start by going around  
12 the room just introducing ourselves to make  
13 sure everyone knows. I'm Rob Hubbard,  
14 chairman of the committee.

15 CHAIRMAN CROSBY: And why don't you  
16 say where you came from, too.

17 CHAIRMAN HUBBARD: Okay. Last  
18 time, I said I was recently retired from the  
19 City of Gardner. So I'm still retired from  
20 the City of Gardener, but not as recently, and  
21 enjoying retirement and --

22 CHAIRMAN CROSBY: At the City of  
23 Gardener you were?

24 CHAIRMAN HUBBARD: I was the

1 director of community development and planning  
2 and director of the Gardner Redevelopment  
3 Authority. There you go.

4 CHAIRMAN CROSBY: I'm Steve Crosby.  
5 I'm the chair of the Gaming Commission.

6 SENATOR FLANAGAN: Senator  
7 Flanagan. I represent 11 cities counties in  
8 Northwestern, Massachusetts.

9 REPRESENTATIVE D'EMILIA:  
10 Representative Angelo D'Emilia, Eighth  
11 Plymouth District.

12 DR. VOLBERG: My name's Rachel  
13 Volberg. I'm the principal investigator on  
14 the impact study of the introduction of gaming  
15 in Massachusetts.

16 MR. STEIN: I'm David Stein,  
17 managing partner of Travelers Marketing, a  
18 marketing-based company in Wellesley.

19 MR. MESSNER: Bill Messner,  
20 president of Holyoke Community College.

21 DIRECTOR DAY: Rick Day, executive  
22 director of the Commission.

23 COMMISSIONER ZUNIGA: Enrique  
24 Zuniga, commissioner of the Massachusetts

1 Gaming Commission.

2 MR. VANDER LINDEN: Mark Vander  
3 Linden, director of research and problem  
4 gambling with the Commission.

5 MS. THURLOW: Mary Thurlow. I'm  
6 the ombudsman to the Commission.

7 MR. ZIEMBA: John Ziemba, ombudsman  
8 to the Commission.

9 MS. FITCH: Ruth Ellen Fitch. I'm  
10 retired from the community health center as  
11 president. And I'm also a lawyer.

12 MS. ANTHONY: Barbara Anthony, I'm  
13 undersecretary of consumer affairs and  
14 business regulations for the Commonwealth.

15 MS. JACOBS: Hilary Jacobs,  
16 Department of Public Health.

17 MR. LANG: I'm Brian Lang,  
18 president of Unite Here Local 26, a  
19 hospitality workers union.

20 REPRESENTATIVE FERRANTE:  
21 Ann-Margaret Ferrante, state representative  
22 for the Fifth Essex District.

23 SENATOR ROSS: I'm Richard Ross,  
24 state senator of the Norfolk, Bristol, and

1 Middlesex district, and probably the only  
2 Republican in the room, I think.

3 CHAIRMAN CROSBY: No.

4 REPRESENTATIVE D'EMILIA: Forgot  
5 about me already.

6 SENATOR ROSS: I did.

7 CHAIRMAN HUBBARD: In the back.

8 MS. PINCK: Jennifer Pinck, Pinck &  
9 Company.

10 MS. HOUPT: I'm Amanda Houpt,  
11 project manager for the impact study of the  
12 introduction of gambling in Massachusetts.

13 CHAIRMAN CROSBY: For what?

14 MS. HOUPT: The impact study of the  
15 introduction of gambling to Massachusetts with  
16 Rachel Volberg.

17 CHAIRMAN CROSBY: Oh. Okay.

18 DIRECTOR GRIFFIN: Jill Griffin,  
19 director of work force supplier and diversity  
20 development for the Commission.

21 O'NEIL: Kate O'Neil. I'm with  
22 Unite Here hospitality workers union.

23 MR. CONNOR: Kevin Connor. I'm an  
24 attorney in Boston, and I represent Mohegan

1 Sun.

2 MS. MOORE: Shannon Moore, with  
3 Senator Flanagan's office.

4 CHAIRMAN HUBBARD: Thank you.  
5 Again, thank you all for taking the time to  
6 come to the meeting.

7 The first order of business would  
8 be approval of the minutes from the July  
9 meeting. I think they were included in your  
10 packet.

11 SENATOR FLANAGAN: So moved.

12 CHAIRMAN HUBBARD: Moved. Is there  
13 a second.

14 MR. LANG: Second. I don't know  
15 the procedure, but I want to make an  
16 amendment.

17 CHAIRMAN HUBBARD: Fine. Let's  
18 hear it.

19 MR. LANG: I believe besides asking  
20 how long the next meeting is anticipated to  
21 go, I asked a question of clarification on the  
22 role of this Committee as being greater than  
23 focusing on the impacts study and that it  
24 would be a much broader charge, and I think

1 the answer was yes.

2 CHAIRMAN HUBBARD: Okay. So what  
3 we'll do -- Any other corrections or changes?  
4 What we'll do is we'll make those changes and  
5 redistribute the minutes, and we can approve  
6 them, the corrected minutes, at our next  
7 meeting.

8 We're going to slightly take things  
9 out of order and go to item number four, which  
10 is the update status of the applicants. I  
11 think, Steve, is that something you're going  
12 to do?

13 CHAIRMAN CROSBY: We had thought  
14 maybe because of all the stuff that was going  
15 on over the weekend that there might be more  
16 people from the public and the press. It  
17 turns out nobody cares. So maybe -- But even  
18 for the purposes of the people on the  
19 Committee, I wanted to -- I was going to speak  
20 to the issue of what has happened so far  
21 relative to the Suffolk Downs application, and  
22 then John's going to give an update about the  
23 rest of the status of all of the whole  
24 process.

1                   Just very simply, the papers have  
2 got most of the story, but so everybody knows  
3 exactly, our Investigations and Enforcement  
4 Bureau has done its background check of all of  
5 the relevant parties in the Suffolk Downs  
6 proposal. They completed that report. They  
7 gave it to the applicant, Suffolk Downs, on  
8 Friday, which is also when it came to the  
9 Commission. We had not seen the report prior  
10 to that.

11                   Their report did not find Caesars  
12 unsuitable. What their report concluded was  
13 that the applicant, in the personage of the  
14 one qualifier Caesars, had not met its burden  
15 of proof to deliver clear and convincing  
16 evidence of suitability. The IEB determined  
17 that there will had not been clear and  
18 convincing evidence of the suitability of  
19 Caesars.

20                   And at that point, the  
21 Investigations and Enforcement Bureau didn't  
22 know whether Caesars was going to be in or out  
23 because there was a lot of conversation back  
24 and forth between Suffolk and Caesars and the



1 city as to whether Caesars was going to  
2 continue to be involved. So the  
3 Investigations and Enforcement Bureau report  
4 went on to say if Caesars continues to be a  
5 qualifier, continues to be part of the team,  
6 their recommendation was -- is -- was, I  
7 guess, that the qualifier, Caesars, along with  
8 all the other members of the applicant, come  
9 before the Commission in a public meeting and  
10 attempt to prove to the Commission's  
11 satisfaction that there was clear and  
12 convincing evidence of suitability. It's our  
13 decision whether they are suitable or not,  
14 it's not the Investigation and Enforcement  
15 Bureau.

16 So Caesars and Suffolk decided to  
17 have Caesars withdraw. That's between them  
18 and has nothing to do with us. We didn't urge  
19 that they should withdraw. We didn't decide  
20 they should withdraw. We didn't require that  
21 they withdraw. The issue never came before  
22 the Commission.

23 There are a number of issues in the  
24 investigation report, which I won't speak to,

1 but they will be public on Wednesday. And  
2 there -- Obviously, there were reasons why the  
3 Investigations and Enforcement Bureau felt  
4 that the burden of proof of clear and  
5 convincing evidence of suitability had not  
6 been met, and those reasons will become public  
7 in our report as soon as we can get a redacted  
8 version out that respects the privacy of  
9 certain matters. But I just wanted to clarify  
10 that.

11 As to whether the election goes  
12 forward or not on the 5th, in the first  
13 instance, that's up to the city and the  
14 applicant. They were the ones who requested  
15 that the meeting be held on the 5th. We gave  
16 them permission to do that. If something  
17 comes before us about the timing of the  
18 election, we'll deal with it, but at the  
19 moment, there is nothing before us about the  
20 timing of the election, and at the moment,  
21 that is up to the applicant and the city to  
22 work out however they want to.

23 So I'm happy to take any -- Again,  
24 I'm not going to go into the details of the

1 thing, but the process was important for  
2 people to understand. And it is nuance. I  
3 mean, people don't -- neither the public or  
4 the press fully understands the distinction  
5 between our investigations bureau and the  
6 Commission or the difference between being  
7 found suitable or simply not having proved  
8 that you're suitable. It's a nuance  
9 difference, but it's very important.

10 This is the way the legislature set  
11 up the rules and that's all we're doing is  
12 applying the rules to the best of our ability.

13 If there's nothing else, go ahead,  
14 John.

15 MR. ZIEMBA: So in your packets,  
16 you have this blue status of gaming  
17 applicants. This is also available on our  
18 website. After the last Committee meeting, we  
19 decided to put this on our website. We gave  
20 an update to all of the members. That was a  
21 very good suggestion by the Committee. And we  
22 tried to update that as quickly as we can.  
23 And this was updated as of Friday morning. I  
24 think there's some further updates, as the

1 Chairman just mentioned, forthcoming in the  
2 next day or so.

3 The latest with our applicants is  
4 that we just had our October 4th application  
5 deadline for the Category 2 slots applicants.  
6 Just prior to the 4th, on which we received  
7 three applications on October 3rd, the  
8 Commission voted to extend the deadline for  
9 surrounding community petitions to October  
10 31st. And by granting that extension, it gave  
11 communities and applicants more time to  
12 potentially negotiate surrounding community  
13 agreements.

14 So on October 4th, we received  
15 three applications: one from PP Casino  
16 Resorts in Leominster, one from Penn National  
17 Gaming, Inc. in Plainville, and one from  
18 Raynham Park in Raynham.

19 On October 7th, we had  
20 presentations by the three Category 2  
21 applicants. On October 17th, each one of the  
22 applicants reappeared before the Commission  
23 and gave the Commission the benefit of their  
24 current status of their negotiations with

1 surrounding communities. Starting today  
2 through Wednesday, we have a series of public  
3 input meetings in a surrounding community or  
4 in a geographically adjacent community to get  
5 public input from citizens and communities  
6 regarding each one of the Category 2  
7 applications.

8 Following that, there will be  
9 presentations by applicants and questions of  
10 applicants at host community meetings. At  
11 those hearings, December 3rd through 5th,  
12 under our current estimate, in each one of the  
13 host communities, we will have host  
14 communities, applicants, surrounding  
15 communities, and other members who want to  
16 provide comment. We also solicit comment  
17 through our website through MGC comments and  
18 that has been ongoing since the creation of  
19 the Commission.

20 It is anticipated that after our  
21 reviews with -- Jennifer Pinck is here to give  
22 us a little bit about the evaluation criteria  
23 and how that'll go, but after our reviews, we  
24 hope that we'll be able to make award on the

1 Category 2 slots applications in January, but  
2 potentially, if surrounding community  
3 agreements extend the process, that could  
4 potentially go into February.

5 As for Category 1, the deadline for  
6 applications is still December 31st. We are  
7 now, as the Chairman mentioned, determining  
8 suitability for all our Category 1 applicants.  
9 To date, only one of our Category 1 applicants  
10 has been deemed suitable. That was Mohegan  
11 Sun.

12 So outstanding is Suffolk Downs,  
13 Wynn, Crossroads, and MGH. And it's  
14 anticipated that those suitability hearings  
15 will occur between now and the end of  
16 November. As of late Friday, we established  
17 October 29th as the date for the hearing for  
18 the Suffolk applicant.

19 And so right around the corner,  
20 there are a couple of notable elections.  
21 There is the Suffolk Downs election on  
22 November 5th, the Mohegan election on November  
23 5th, and then the Crossroads election on  
24 November 19th.

1                   CHAIRMAN CROSBY: John, just to --  
2           I think you said this, but particularly for  
3           the legislators involved, we get questions all  
4           the time on the surrounding community. We  
5           have extended -- Just to reiterate the  
6           process. If the surrounding community has not  
7           already reached an agreement with -- to  
8           slightly oversimplify it, if they haven't  
9           reached an agreement with the bidder, they  
10          have until the end of this month to send us a  
11          note saying that they think they should be  
12          considered a surrounding community. We  
13          extended that for two or three weeks to give  
14          them more time to get themselves organized to  
15          decide whether they should apply to be a  
16          surrounding community or not.

17                   We then have a very flexible amount  
18          of time in which we can determine whether or  
19          not they are, in our view, a surrounding  
20          community. That, we have an infinite amount  
21          of time. So that clock doesn't run. If we --  
22          So we will take however long it takes for us  
23          to determine to review the data on our own.  
24          We will bring in outside experts to decide if

1       there is really an objective basis. Is there  
2       a negative impact on these surrounding  
3       communities or on these communities or not.  
4       If there is a negative impact in our  
5       judgment, then we will deem them to be a  
6       surrounding community.

7               Then there is a 30-day window in  
8       which the applicant and the now designated  
9       surrounding community have to negotiate a deal  
10      between the two of them. If they don't  
11      successfully conclude a deal, then there's a  
12      second 30-day window that will be a binding  
13      arbitration process that we will set up, and  
14      it will be binding -- the outcome will be  
15      binding. I think there's -- I forget how the  
16      arbitrators are picked. Is it one and one and  
17      they pick one?

18              MR. ZIEMBA: They can select one,  
19      or if they can't select one, and then each  
20      chooses one arbitrator, and then those two  
21      arbitrators chooses a third arbitrator.

22              CHAIRMAN CROSBY: So there's been a  
23      lot of concern from a lot of the surrounding  
24      communities that there wasn't time to get



1 themselves organized and get the research  
2 done, how it impacts, but between the  
3 extensions that we've already granted and this  
4 incredibly long, flexible window that we have  
5 as we collect our own information about  
6 whether a community is a surrounding community  
7 or not, there is another, you know, minimally  
8 90 days from here and as long as it takes for  
9 them to get their information in.

10 So if you're a potential  
11 surrounding community who just hates casinos  
12 and you really want to kill the idea, it's not  
13 really about mitigating the impacts on you,  
14 it's about trying kill the idea, we can't  
15 accommodate that. But if your concern is good  
16 faith negotiations to identify the negative  
17 impacts and have them mitigated, there's  
18 plenty of time to do that.

19 REPRESENTATIVE D'EMILIA: What was  
20 the deadline, again, Chairman?

21 CHAIRMAN CROSBY: The end of  
22 October is when their notice has to come to us  
23 to claim their right to be recognized as a  
24 surrounding community if they haven't already

1       been recognized by the applicant.

2                   REPRESENTATIVE D'EMILIA: Thank  
3       you.

4                   CHAIRMAN CROSBY: That's that one  
5       deadline that's a firm one now, but that was  
6       an extension. It was back -- it would have  
7       been the 14th. We extended it from October  
8       14th to October 31st. Okay.

9                   CHAIRMAN HUBBARD: Any other  
10      questions on the status of the applicants?

11                   Well, thank you for that. And  
12      I've -- If you haven't checked, it really is  
13      every time I ask a question, the answer I  
14      generally get is, well, look on the website,  
15      because the website from the Gaming Commission  
16      is incredibly full of every possible  
17      information. Everything they touch goes on  
18      the website. So it's a great resource, and I  
19      think they're to be complimented for that.

20                   I don't think we need a vote on the  
21      status update, so we'll move back to item  
22      three, which is discussion of the annual  
23      research agenda. And I think Rachel was going  
24      to start that presentation.

1 DR. VOLBERG: Yes. Mark and I  
2 discussed sort of the two pieces that this  
3 Committee is sort of overseeing. One is the  
4 set of research activities that's already  
5 underway, and the other is the set of research  
6 activities or possible research activities  
7 that might be undertaken in Massachusetts.  
8 And I'm going to try and spend a very short  
9 time just giving you an update to the update  
10 that I gave you at our last meeting about our  
11 progress to date and then hopefully very  
12 quickly turn it over to Mark Vander Linden and  
13 to take up the second issue.

14 So I think I'll stick with the  
15 updates to when I was last here or when we  
16 last met. The big piece that we were most  
17 concerned about was getting our baseline  
18 survey into the field so that we could get  
19 back out in time to get a clean baseline  
20 measure before any of the licenses were issued  
21 or were announced.

22 So I'm happy to be able to tell you  
23 that fieldwork started on the baseline survey  
24 on September 11th. As of last night, we had

1 1,700 of our 10,000 interviews had been  
2 completed after just a little over five weeks  
3 in the field. So that's almost 20 percent of  
4 our completes. So far, everyone has completed  
5 online. We plan to move into a self-addressed  
6 or self-administered questionnaire modality  
7 quite soon, and then there'll be a telephone  
8 modality following that up.

9 We have our online panel survey is  
10 also very much ready to get into the field.  
11 We had some IRB issues with --

12 CHAIRMAN CROSBY: IRB.

13 DR. VOLBERG: I'm sorry.  
14 Institutional Review Board. So the ethics  
15 approval was delayed because they wanted some  
16 special language in the introduction to people  
17 who were taking the online survey for the  
18 panel.

19 CHAIRMAN CROSBY: And say what the  
20 online survey is for.

21 DR. VOLBERG: The online survey is  
22 intended as basically a way to capture more  
23 individuals who are likely to have gambling  
24 problems than you would get from the general

1 population.

2           So for the general population,  
3 we're going to be getting the same information  
4 from everybody that participates in that  
5 survey, but then we're going to be getting  
6 sort of an enriched sample, if you will, of  
7 people who are more likely to have problems so  
8 that we can get a more detailed picture of  
9 specific impacts.

10           You know, only a small proportion  
11 of the population scores as problem gamblers,  
12 and only a small proportion of problem  
13 gamblers, for example, experience a divorce  
14 due to their gambling or go through  
15 bankruptcy, and we want to be able to look in  
16 detail at some of those drill-down issues. So  
17 that's the reason for the online panel.

18           The online panel is -- because it's  
19 a different sampling frame, we're going to be  
20 able to get in and out of the field with that  
21 sample much more quickly than with the  
22 baseline.

23           We also have had some discussions  
24 about doing a targeting survey, but that is

1 sort of up in the air right now. So I'll  
2 leave that. The evaluation of --

3 MR. LANG: Can I ask a question?  
4 Is it okay?

5 CHAIRMAN CROSBY: Absolutely.

6 DR. VOLBERG: Yes.

7 MR. LANG: So you've got 1,700  
8 surveys done, right?

9 DR. VOLBERG: Yes.

10 MR. LANG: Who did them? I mean,  
11 how did you reach out to get people to do  
12 online surveys, and it's just --

13 DR. VOLBERG: So --

14 MR. LANG: And how do we get to the  
15 10,000 number?

16 CHAIRMAN CROSBY: Do the several  
17 steps of the sample before you -- You talked  
18 about modalities. Forget modalities. Just  
19 explain how the sample's being taken, the  
20 whole process.

21 DR. VOLBERG: Okay. So what we're  
22 trying to do is we're trying to collect  
23 information from a representative sample of  
24 Massachusetts residents age 18 and over about

1 their gambling behaviors. We're asking about  
2 their -- enough questions to get their problem  
3 gambling status. We're asking about comorbid,  
4 you know, other behaviors that they engage in,  
5 and demographics. So those are the basic  
6 types of information that we're getting from  
7 everyone.

8 The process of recruiting people  
9 into the sample is that we have used basically  
10 a data set that is every address where mail  
11 can be delivered in Massachusetts.

12 So it's something that can be  
13 purchased commercially from the United States  
14 Postal Service. We took a random sample of  
15 addresses from what's called the delivery  
16 sequence file. And we start by mailing out an  
17 advanced letter. It's called to our sample  
18 addresses telling people that -- it's not to a  
19 particular resident, but it's to a particular  
20 household or address.

21 So it's from the University of  
22 Massachusetts Amherst, School of Public  
23 Health, you've been selected or your household  
24 has been selected to participate in an

1 important survey, and here is a link to the  
2 website where you can complete the survey if  
3 you want to do it online as well as a personal  
4 identification number that you need to use to  
5 access the questionnaire.

6 So that's our sort of first  
7 approach to people. We send them --

8 CHAIRMAN CROSBY: That went out to  
9 how many?

10 DR. VOLBERG: We actually released  
11 a sample in three waves. So the first wave  
12 went out to 20 percent of our sample.

13 CHAIRMAN CROSBY: Total sample  
14 size?

15 DR. VOLBERG: The total sample is  
16 26,000.

17 CHAIRMAN CROSBY: So you're  
18 reaching out to 26,000 households in order to  
19 hope to get 10,000.

20 DR. VOLBERG: 10,000. So the  
21 sample went out to 20 percent of those 26,000  
22 on the first day. Then a week later, it went  
23 out to another 60 percent -- I'm sorry, two  
24 weeks later, it went out to another 60 percent



1 of the sample, and we just issued the last 20  
2 percent of sample late last week.

3 MR. LANG: What language is it sent  
4 out in?

5 DR. VOLBERG: In English and  
6 Spanish. So we have capability to complete in  
7 English, or if people prefer to complete in  
8 Spanish, they can switch to a Spanish language  
9 version online. There -- If they want to --

10 So we've got sample modalities.  
11 The first one to get to is to get people to  
12 complete online. After a couple of reminders  
13 if they haven't completed online, we send out  
14 a self-addressed or self-administered  
15 questionnaire, which goes out in both English  
16 and Spanish, and then several reminders after  
17 that if they haven't completed either the  
18 online or the questionnaire.

19 We actually are able to match  
20 addresses to phone numbers in about 40 percent  
21 of the cases, and then we start phoning people  
22 and trying to get them to complete by phone.

23 MR. LANG: Have you considered  
24 Chinese? The reason I ask is that my office

1 is in the middle of Chinatown. And it's a  
2 growing population in greater Boston area, and  
3 there seems to be quite a concern within the  
4 Chinese community that there -- To begin with,  
5 there's a high level of gambling addiction,  
6 and so there's concern about it there. I just  
7 want to throw that out. It may be difficult  
8 to do but something to consider.

9 DR. VOLBERG: It is absolutely  
10 something that we discussed and considered in  
11 planning the survey. The challenge is that  
12 when you're talking about Chinese language,  
13 you're talking about not just Mandarin, but  
14 you're talking about Mandarin, Cantonese, and  
15 sometimes, you know, other Asian languages as  
16 well.

17 MR. LANG: The written is the same.

18 DR. VOLBERG: The written is the  
19 same.

20 MR. LANG: Between Mandarin and  
21 Cantonese.

22 DR. VOLBERG: But because we have  
23 three different modalities that we have to  
24 plan for, we would have had to consider the

1 translation issue for all of the modalities.

2 The other challenge is that, you  
3 know, the Chinese community tends to be quite  
4 geographically clustered, and so we're looking  
5 at getting a representative sample of the  
6 entire State of Massachusetts. The Chinese  
7 population actually represents rather a small  
8 proportion of the population, and ultimately  
9 -- And I've done a number of surveys where  
10 we've had interviews in as many of the  
11 languages as possible to do. It's  
12 challenging.

13 And ultimately, our recommendation  
14 or view is that in order to drill down into  
15 that particular community, we need to think  
16 about some other survey research methods  
17 rather than an online self-administered or  
18 telephone.

19 So I think that's something that we  
20 certainly would want to consider going  
21 forward, but it's not something we can do in  
22 this baseline.

23 MS. ANTHONY: So is this anonymous?

24 DR. VOLBERG: Yes. Oh, yes. We

1 don't have -- We're not collecting anybody's  
2 name. We're not collecting -- We're actually  
3 not collecting anybody's address. We just  
4 have the address in the file that lets us send  
5 mail out to them.

6 MS. ANTHONY: I thought you said  
7 you did some follow-up phone calls, or I did  
8 mishear that.

9 DR. VOLBERG: No, we haven't done  
10 any follow-up phone calls yet.

11 MS. ANTHONY: But doesn't that --  
12 you know, doesn't that then destroy the  
13 anonymity of the...

14 DR. VOLBERG: It does not destroy  
15 the anonymity of the data that we're  
16 collecting because, actually, the contact  
17 information that we have -- I'm digging down  
18 into the weeds here.

19 CHAIRMAN CROSBY: That's okay.  
20 People are interested.

21 DR. VOLBERG: The contact  
22 information that we have for any survey sample  
23 is kept on a separate server from where you  
24 collect the data.

1                   So we're working with the NRC at  
2                   the University of Chicago is actually doing  
3                   our data collection. The procedures that  
4                   we're using to maintain confidentiality and  
5                   anonymity have been reviewed not just at the  
6                   University of Massachusetts by our  
7                   institutional review board, but also by NRC's  
8                   IRB. They meet all of the federal  
9                   requirements for protection of human subjects  
10                  research that are up to and including the  
11                  federal level.

12                  MS. ANTHONY: I'm sure they are.  
13                  It's just such a sensitive subject to elicit  
14                  information, even when it is anonymous, you  
15                  know, the findings will be anonymous and not  
16                  tracked.

17                  DR. VOLBERG: Yes. And I have to  
18                  say that I've been doing research on gambling  
19                  for almost 30 years now, and this is something  
20                  that people very often say is, you know, this  
21                  is such a sensitive subject, and isn't it  
22                  really difficult to get people to tell you the  
23                  truth. The fact of the matter is gamblers are  
24                  the easiest people to recruit into a study on

1 gambling. They love to talk about gambling,  
2 and they'll answer almost any question except  
3 the one when you say, you know, can you tell  
4 me your annual household income.

5 So it's actually -- it's not -- in  
6 terms of a topic area, it's actually not as  
7 sensitive as some people believe it to be. We  
8 get very good information on gambling  
9 participation. The sensitivity is around the  
10 questions about, you know, have you  
11 experienced a bankruptcy due to gambling or  
12 have you experienced a divorce due to  
13 gambling.

14 And frankly, by the time you're ten  
15 minutes into an interview with someone or ten  
16 minutes into an online interview, that  
17 question, you know, it's like a conversation  
18 with someone. You don't start out saying, you  
19 know, how is your divorce going. You start by  
20 saying how are things with --

21 MS. ANTHONY: It went very well,  
22 thank you.

23 DR. VOLBERG: So an interview is  
24 like a conversation, and you have to walk

1 people up to these sensitive subjects  
2 carefully.

3 CHAIRMAN HUBBARD: I know it's  
4 fairly early in the process, but are the  
5 returns -- are you pleased with the response  
6 you got from that first round?

7 DR. VOLBERG: We are not able to  
8 look in detail at the data. We get on a  
9 weekly basis what's called a key indicators  
10 report. So we -- The only thing that we've  
11 been tracking is a little bit about our  
12 response rate and whether we're getting the  
13 numbers that we expect from Western  
14 Massachusetts and from the eastern part of the  
15 state. I have to say --

16 CHAIRMAN CROSBY: How is that  
17 going?

18 DR. VOLBERG: We're right on track.

19 CHAIRMAN CROSBY: You are. For a  
20 while you were way ahead.

21 DR. VOLBERG: We expect that to  
22 slow down. What we did was we set up an  
23 incentivizing scheme where we sent out a one  
24 dollar bill with each of our advanced letters,

1       which, psychologically, the behavior,  
2       economists tells us, and it's been shown  
3       empirically, people are more likely to take a  
4       survey if a little bit of money comes along  
5       with the invitation. But we actually  
6       additionally incentivize people to go online  
7       and do it quickly by telling them that if they  
8       completed within a week of receiving the  
9       advance letter, they would get a \$10 gift  
10      card.

11                 So I think that's one of the  
12      reasons why we're a little bit ahead of  
13      projections, because we're getting these  
14      people to answer. As we -- as the five  
15      months, six months rolls over -- You know,  
16      we're going to be in the field for a long  
17      time. At the end is when you really have to  
18      start thinking strategically and imaginatively  
19      about how to get people to participate because  
20      those are the hardest people to get in.

21                 MS. FITCH: Can I make a comment.  
22      I would urge you to find ways to include other  
23      language speakers besides English and Spanish.  
24      And I think it is true that when you look at



1 the statewide populations, the Chinese  
2 population, the Haitian population, the Somali  
3 population are diffuse around the state; but  
4 when you look at particular areas of the state  
5 and neighborhoods, substantial neighborhoods  
6 in the state, you'll see that there are many  
7 people of color in those neighborhoods that  
8 have very strong opinions about this issue,  
9 and they really need a voice in this.

10 So I would encourage you, Haitian,  
11 Creole, Somali, Mandarin, to try to find ways  
12 to include their opinions and their responses  
13 for the data in this because I think it's an  
14 important representation that can get missed.

15 MR. STEIN: Just a variation on  
16 that same question. You describe this as a  
17 representative sample of the state. Do you  
18 have a sense of whether the representative  
19 sample of customer prospects or patron to  
20 these facilities match the state  
21 representative sample, or are they some kind  
22 of subset as a different set of  
23 characteristics?

24 DR. VOLBERG: Well, I would say

1 that we don't have any information for  
2 Massachusetts yet because we don't have  
3 casinos yet in Massachusetts. But in terms of  
4 the larger research literature across quite a  
5 number of jurisdictions, only about 20 to 25  
6 percent of the total population, total adult  
7 population, in a jurisdiction generally goes  
8 to a casino on a regular basis to gamble.

9 So we know that those casino  
10 gamblers tend to be somewhat higher  
11 socioeconomic status. They tend to be  
12 somewhat better educated than the general  
13 population in whatever jurisdiction that  
14 you're looking at.

15 We do plan, as part of our larger,  
16 full research multiyear research project, we  
17 do absolutely plan to do both patron surveys  
18 and employee surveys and also looking at sort  
19 of where the people are coming from to come to  
20 the casinos to gamble by looking, for example,  
21 at license plate surveys.

22 So we have a number of additional  
23 initiatives that we're going to be rolling out  
24 over a number of years to get a handle on who

1 are the casino gamblers in Massachusetts.

2 What we will have from the baseline  
3 is quite a lot of information about people  
4 residing in Massachusetts who gamble at  
5 casinos in other jurisdictions. So we'll  
6 know, for example, you know, people who have  
7 gambled in a casino in the past year, where  
8 exactly they've gone and how long they've  
9 spent and how much money we estimate they've  
10 spent on both gambling and non-gambling.

11 CHAIRMAN CROSBY: One point on this  
12 data. The mandate from the legislature was  
13 to -- among other things, was to do a study of  
14 the impacts on Massachusetts and on the  
15 regions involved. So we're doing a big  
16 enough -- So we're doing a big enough sample.  
17 This is a 10,000 person sample, which is the  
18 biggest sample I've ever heard of for anything  
19 ever.

20 But it's big enough that we can  
21 break it into almost any unit size. So we can  
22 take a look at the people who have a  
23 propensity for gambling. If it's 25 percent,  
24 we'll have a sample size of 2,500 who do have

1 a propensity for gambling.

2 So we can break out anything. But  
3 the mandate from the legislature wasn't what  
4 happens to people with a propensity for  
5 gambling, it was what happens to the  
6 Commonwealth of Massachusetts and all of this  
7 different aspects when we introduce this new  
8 phenomenon.

9 MR. MESSNER: What is the thinking  
10 relative to the use that this research is  
11 going to be put? Is it going to be focused  
12 largely on the Commission itself to translate  
13 and then make recommendations? Is it going  
14 directly to the legislature?

15 CHAIRMAN CROSBY: Well, again, it  
16 was a directive from the legislature. The  
17 legislature wanted the tools, a, to see what  
18 happens; and, b, to correct it if there are  
19 problems. So the reports will go to  
20 legislature for sure. And as you know, we  
21 have a follow up. We'll be doing annual or  
22 biannual or however frequent longitudinal  
23 follow-ups forever as long as we still have  
24 this. You know, the legislature gave us the

1 money to study what happens, and if we come up  
2 with remedial strategies, we'll know how those  
3 remedial strategies work.

4 So the data is directed to go to  
5 the legislature. We and the Commission, the  
6 Commission and its various advisory bodies are  
7 directed to come up with responses to the  
8 data. But also, we are directed to make the  
9 public -- to make the data available to the  
10 public for further research. It'll be an  
11 incredibly rich data set that academics and  
12 other gaming commissions and so forth across  
13 the country will have access to.

14 So it's everyone. And it's all --  
15 We're just simply -- On this score, we're  
16 simply doing what the legislature was wise  
17 enough to tell us to do.

18 CHAIRMAN HUBBARD: The legislation  
19 specifically says it goes to the House and  
20 Senate Ways and Means, Joint Committee on  
21 Economic Development, Joint Committee on  
22 Mental Health and Substance Abuse and Public  
23 Health. So the legislation specifically said  
24 where they wanted the reports to go.

1 MR. MESSNER: Okay. Thank you.

2 SENATOR FLANAGAN: Can I just ask  
3 one question. As your research goes forward,  
4 are you going to differentiate the slots  
5 facilities from the resort casino facilities?

6 DR. VOLBERG: Yes, we will.

7 MR. LANG: Just on that, you said  
8 that the data shows that people who go to  
9 casinos are higher economic status. Is that  
10 also true with slot parlors?

11 DR. VOLBERG: I'm speaking very  
12 generally here from a lot of research that's  
13 been done. Very little of it, frankly, has  
14 been done in the United States. So we're sort  
15 of talking about international trends here.  
16 But the research evidence is pretty clear that  
17 local slots only operations cater to a  
18 somewhat down-market demographic than a resort  
19 style casino would, which I think is part of  
20 the rationale for only have one slot parlor in  
21 the legislation.

22 MR. LANG: Down market meaning  
23 people who have less money?

24 DR. VOLBERG: People who have less

1 money, but also people who are more locally --  
2 who are geographically more local. So a slot  
3 parlor is going to be very -- much more like  
4 what the national gambling impact study  
5 commission called convenience style gambling  
6 where it's convenient, it's in the community,  
7 so you go --

8 MR. LANG: Like lottery tickets.

9 DR. VOLBERG: -- rather than  
10 something that you save up for and go to twice  
11 a year, three times a year.

12 SENATOR FLANAGAN: The mere  
13 facility of a slot, when you think about that,  
14 and you kind of compare it to the resort  
15 casino, there aren't the restaurants and the  
16 shops --

17 CHAIRMAN CROSBY: Shows.

18 SENATOR FLANAGAN: -- and the shows  
19 or the tables and the high buy-ins. You have  
20 your one cent machines, five cent machines. I  
21 think your high dollar room is like a dollar  
22 machine where that's the lower end. So it's a  
23 very different socioeconomic population that  
24 would most likely go to a slot.

1 MS. ANTHONY: Just on this subject,  
2 can I ask another question. In terms of the  
3 application process for casinos, do we -- does  
4 the Commission ask for the anticipated revenue  
5 breakdown with respect to slots and table  
6 revenues?

7 CHAIRMAN CROSBY: Barbara, we're  
8 going to get to the evaluation criteria. It's  
9 one of our topics. So why don't we bring in  
10 Jennifer. The answer to that is yes.

11 MS. ANTHONY: It's relevant to your  
12 research issues.

13 CHAIRMAN CROSBY: Yes.

14 MS. ANTHONY: Thank you.

15 MS. FITCH: Can I ask a question  
16 about the differentiation between the casinos  
17 and slots. Do you -- will the research  
18 demonstrate problems that users may have as  
19 between those two, or is it a general user  
20 that could go to either? Really what I'm  
21 focusing on is your comment about the slots  
22 being much more local and down market. And  
23 are there indicators that distinguish in the  
24 research that you'll do of problems,



1 indicators of problems, that differentiate  
2 between slots and casinos?

3 DR. VOLBERG: Well, we will be  
4 looking at people's gambling behavior, and as  
5 it's correlated with problem gambling, we'll  
6 certainly be reporting on problem gambling  
7 prevalence rates amongst, you know, casino  
8 players and casino players who prefer going to  
9 different jurisdictions regionally, for  
10 example. We won't have any data from  
11 Massachusetts until after everything is  
12 operational to be able to tease out, you know,  
13 the problems that are correlated with going  
14 mostly to a slot parlor versus problems that  
15 can be correlated going mostly to a casino.

16 MS. FITCH: Is there any general  
17 data? You had cited some international data.  
18 Is there any general data that does that  
19 distinction?

20 DR. VOLBERG: The challenge is --  
21 And I'm not trying to avoid the question, but  
22 I'm just trying to sort of -- and not take us  
23 too far down into the research weeds. But the  
24 challenge is that most people who have a

1 severe gambling problem are not limiting  
2 themselves to just one form of gambling. So  
3 they may start going to a resort casino. They  
4 may start with high-end gambling, but by the  
5 time they're far enough out to meet diagnosis,  
6 they may not have the resources to go beyond  
7 the local area to do the kind of gambling that  
8 they want.

9 They also would not be limiting  
10 themselves to casino gambling. They might be  
11 gambling online, even though it's a gray area  
12 and people are supposed to know it's a gray  
13 area, but they don't.

14 So it's a little more difficult to  
15 tease out than just, you know, looking at some  
16 kind of clean breakout.

17 MS. FITCH: I actually was thinking  
18 of going the other way starting with slots and  
19 graduating to casinos. Those are my words.

20 DR. VOLBERG: That does happen,  
21 too, in fact. You know, one of the reasons  
22 Las Vegas had its enormous extension in the  
23 early 2000s was primarily because there was so  
24 many more new feeder markets, you know, from

1 the state level casino legalization  
2 initiatives that then people got interested in  
3 going to Las Vegas to see the real place.

4 CHAIRMAN CROSBY: There is -- there  
5 will be a big enough sample size that we will  
6 be looking at people who only reside in the  
7 catchment area. So wherever the slots parlor  
8 is located, we'll have a big enough sample  
9 size that we'll be able to see the people who  
10 use that convenience facility, a; and, b, as  
11 Rachel said, there will be patron surveys. So  
12 we'll be doing surveys of the people who  
13 simply attend these.

14 Hilary, feel free to speak up here.  
15 Hilary is in charge of the bureau of substance  
16 abuse issues, essentially, at DPH and knows a  
17 lot about this stuff. So feel free to jump in  
18 any time you have additional comments.

19 MS. JACOBS: I'm good listening to  
20 the discussion. Thanks.

21 COMMISSIONER ZUNIGA: Should we  
22 mention the examples, that once a position is  
23 made as to where the casino or the slots  
24 parlor is going to go at this point?

1                   CHAIRMAN CROSBY: Well, no, because  
2                   it's being reconsidered.

3                   DR. VOLBERG: We're still trying to  
4                   pull the numbers together to figure out what  
5                   exactly we want to recommend on that front.

6                   CHAIRMAN CROSBY: Okay. Were you  
7                   done pretty much?

8                   DR. VOLBERG: You know what, I've  
9                   got another couple of pages, but let's let it  
10                  go there. I think the survey is really the  
11                  thing that people are most concerned about.

12                  CHAIRMAN CROSBY: Just to remind  
13                  everybody though, again, what we were asked to  
14                  do by the legislature is not just a survey of  
15                  individuals. We were also asked to do a  
16                  comprehensive survey of every other  
17                  socioeconomic impact that might --  
18                  socioeconomic variable that might be impacted.

19                  So we are also collecting a  
20                  database, Rachel and her team, of domestic  
21                  violence, the demand for public services,  
22                  traffic --

23                  DR. VOLBERG: Property values.

24                  CHAIRMAN CROSBY: -- property

1 values, property starts, bankruptcies, you  
2 name it, everything we can think of that might  
3 be affected, jobs, compensation packages,  
4 everything that might be affected by the  
5 introduction of expanded gaming. We'll have a  
6 baseline for crime rates. We'll have a  
7 baseline condition, and we'll be able to track  
8 all of those things.

9 So it's not just problem gambling;  
10 although, clearly that's the big one and  
11 that's going to be costing a lot of money. As  
12 I mentioned I think last time, the first  
13 15-month phase of this is a three-and-a-half  
14 million dollar project.

15 So this is a really serious  
16 research project. And the legislature  
17 mandated a research dimension to this which is  
18 totally unprecedented around the world. I  
19 mean, there's never been anything done like  
20 this.

21 CHAIRMAN HUBBARD: Mark, is --  
22 There's a memo in your packet from Mark, and I  
23 think he's going to speak to that point now.

24 MR. VANDER LINDEN: There's a memo

1 directed to Robert Hubbard, our chair. Thank  
2 you for letting me talk about the research  
3 agenda and moving forward and where it stands  
4 now.

5 CHAIRMAN CROSBY: Mark, if you  
6 could come up. And just to reiterate, Mark  
7 Vander Linden is our director of research and  
8 problem gambling who we recently hired from  
9 the State of Iowa where he did problem  
10 gambling for the Department of Public Health,  
11 and Mark is, I think, widely considered to one  
12 of the most distinguished leaders in the  
13 problem gambling world in the country. So we  
14 were lucky to get him.

15 MR. VANDER LINDEN: Thank you. If  
16 I could just speak real quick to some of the  
17 comments that were made. So I did oversee  
18 treatment services within the State of Iowa,  
19 and when we looked at people who came forward  
20 and requested treatment within the State of  
21 Iowa, by and large, if we look at what their  
22 gambling behavior was, it was multiple forms  
23 of gambling. We couldn't just say that it was  
24 a slots machine or that they were losing at

1 table games and lotteries. It was some type  
2 of mix thereof, especially the individuals, by  
3 the time they reach a point they were asking  
4 for help.

5 Iowa had 21 casinos. If you took a  
6 look at what was the primary way people were  
7 gambling, by and large, the primary way in  
8 which people were gambling who came to  
9 treatment, they indicated slot machines were  
10 their game. And that played off also the  
11 general populations for the State of Iowa.

12 And one other comment that I just  
13 wanted to make coming back to looking at  
14 special populations, I think that there is  
15 room within the ongoing research agenda to say  
16 are there special populations that we would  
17 like to do further research on to find out  
18 what is the impact of expanded gambling, what  
19 are the rates of the disorder. How do we want  
20 to take a look at this issue in order for us  
21 to get a better handle on it and know to  
22 respond. All great questions.

23 I just wanted to talk about the  
24 background real quick. So what is this group

1 charged with in terms of how we move forward  
2 with our research agenda.

3 So Section 71 of Chapter 23K of the  
4 Massachusetts General Laws directs the  
5 Commission with the advice of the Gaming  
6 Policy Advisory Committee to develop an annual  
7 research agenda in order to understand the  
8 social and economic effects of expanded gaming  
9 in the Commonwealth, to obtain scientific  
10 information relative to the neuroscience,  
11 psychology, sociology, epidemiology, and  
12 etiology of gambling.

13 Later on in Section 71, it states  
14 that the Commission shall annually and make  
15 scientifically based recommendations which  
16 reflect the results of this research to the  
17 House and Senate Committees on Ways and Means,  
18 the Joint Committee on Economic Development  
19 and Emerging Technologies, and the Joint  
20 Committee on Mental Health and Substance  
21 Abuse, and the Joint of Committee on Public  
22 Health.

23 CHAIRMAN CROSBY: Mark, since I've  
24 already embarrassed myself, I'm going to ask



1       you, on behalf of my brethren here, what is  
2       the etiology of gambling?

3                   MR. VANDER LINDEN: The etiology is  
4       really what's the cause of gambling, how does  
5       it progress? Where does it start, what is the  
6       progression of the disorder would be etiology.  
7       Okay.

8                   And that's actually a very relevant  
9       question when we talk about where are we  
10      hoping to go with our research agenda and  
11      priorities.

12                   So the current research agenda  
13      which is being led by Dr. Volberg and the  
14      University of Massachusetts does three things.  
15      It establishes a baseline of key social and  
16      economic variables before the casinos and slot  
17      parlors become operative. It lays out a  
18      prevalence of gambling and gambling behaviors  
19      and problem gambling. And then third, it does  
20      a review of existing treatment and prevention  
21      programs in Massachusetts. It kind of maps  
22      them out and tells us where they are and how  
23      do you create this framework of support and  
24      prevention services.

1                   So we anticipate that the final  
2 report, which Rachel was referencing, will be  
3 done in September of 2014.

4                   DR. VOLBERG: That's just the first  
5 report.

6                   MR. VANDER LINDEN: The first  
7 report, I'm sorry.

8                   DR. VOLBERG: Yes.

9                   MR. VANDER LINDEN: So that's kind  
10 of an overview of the three priorities of what  
11 our current research agenda are that Rachel  
12 has reference, both when she came in and spoke  
13 on July 15th, you kind of covered all three  
14 aspects of that; and then today, you were  
15 covering primarily what is the survey piece of  
16 it where we're trying to understand gambling  
17 behaviors and the prevalence of problem  
18 gambling within the Commonwealth.

19                   So then to move on, when we talk  
20 about expanding our research agenda. So the  
21 current methodology, the methodology of the  
22 current cross-sectional research agenda, it's  
23 great in most ways. I think when we were  
24 trying to select who is going to lead this

1 project, the proposal that was submitted by  
2 Dr. Volberg and the University of  
3 Massachusetts was the one that nailed it as  
4 close as we possibly could to fulfill what is  
5 the mandate that was laid out in the  
6 legislation.

7 But at the same time, the -- part  
8 of it, what we're getting from the  
9 population-based sample is a snapshot of a  
10 dynamic process of behavior that changes over  
11 time through gaming expansion. So in other  
12 words, it can give you detailed information at  
13 a very specific point in time, but can't  
14 necessarily tell you what the process is along  
15 the way.

16 So it will be like the example of a  
17 picture versus a movie. You can see what's  
18 happening in that one frame, but you can't  
19 necessarily get a picture of what's happening  
20 along the way.

21 And why is this important? The  
22 type of study that a cohort study can give you  
23 detailed etiological information about how  
24 gambling and gambling problems develop,

1 progress, and remit. So exactly, Chairman  
2 Crosby, what you were talking about.

3 So what is the etiology. We want  
4 to know what is the cause of it, what is the  
5 course of the disorder that so that we have  
6 better information, and it will inform both  
7 practice and policy to develop effective  
8 prevention, treatment, and recovery support  
9 services.

10 CHAIRMAN CROSBY: Mark, let me just  
11 elaborate on this as a total layman, because  
12 it took me a long time to get to the  
13 distinctions here. But the survey project  
14 that Rachel is talking about and that we think  
15 was the priority that was established by the  
16 legislature is what's called a cross-sectional  
17 longitudinal study.

18 So we're going to take a cross  
19 section of the entire Commonwealth time after  
20 time after time after time, and we'll be able  
21 to say what happens to the Commonwealth or  
22 various subsections. If the prevalence  
23 gambling -- the prevalence of problem gambling  
24 was 2.5 percent when we started, and then it

1       went to 3.5 percent and then it went 4  
2       percent, we will be able to track that. Or if  
3       domestic violence rates went from X to Y or Y  
4       to A, we'll be able to track that.

5               What we will not know is really the  
6       why of it or what was going on in people's  
7       bodies and brains. What we do not do in this  
8       study is track a set of people and see what  
9       happens to them as individuals.

10              So the second study that Mark is  
11       talking about will be a study that will not be  
12       a cross section random sample. We will find a  
13       group of people, and we will track the group  
14       of people to see what happens to them and what  
15       the impacts are on their lives, what evolves  
16       in their lives. Did they contract gaming  
17       problems, why they contracted gaming problems,  
18       and so forth.

19              So it's a very different window on  
20       what's going on and tells us a variety of  
21       different things. The legislature wanted us  
22       to do both. The priority was the cross  
23       sectional, but there's also -- this is where  
24       this reference to etiology comes from. They

1 clearly required that we also have the ability  
2 to track this internal dynamic of what happens  
3 to people over an extended period of time.

4 I know that's layman's language,  
5 but I think it's more or less right, Rachel,  
6 if I'm --

7 DR. VOLBERG: Yes. And the way  
8 that the gambling research and study field has  
9 evolved is there were many, many jurisdictions  
10 that did prevalence surveys. So they took  
11 snapshots at time one and time two and time  
12 three. But it's only sort of been in the  
13 last, I would say, five to seven years that  
14 jurisdictions have -- or different  
15 jurisdictions have sort of said, well, okay,  
16 we've been tracking this for a while, but  
17 what's really going on under the surface.  
18 Because that's what it turns out is important  
19 to understand risk and protective factors.  
20 You know, what are the things that cause  
21 people to move into a more problematic status.  
22 You need to have information about whether  
23 that thing, you know, whether it was an  
24 alcohol problem or depression or some other

1 event in their life happened before they  
2 transitioned into problem gambling or if it  
3 happened after.

4 So sort of trying to get a handle  
5 on what happens first and what happens next is  
6 impossible with a cross-sectional study, which  
7 is why a number of jurisdictions have gone  
8 with this cohort approach as well.

9 MR. VANDER LINDEN: And those  
10 things, it's such a big difference to know the  
11 why about that. When we think about what is  
12 effective policy to begin tackling that, you  
13 really do need to know where it's coming from  
14 so we can then develop effective policy and  
15 effective practice that will begin to try to  
16 take that on.

17 DR. VOLBERG: I mean, I think both  
18 are needed, but typically, the way it's  
19 happened is a prevalence survey is a lot less  
20 expensive in many ways, or, you know, it's  
21 less time intensive because you can do it and  
22 then get out; whereas a cohort study, you  
23 really have to make a commitment from the  
24 beginning that you're going to follow the same

1 group of people over an extended period of  
2 time.

3 MS. FITCH: Can I ask a question  
4 again. Is the ultimate aim of the research --  
5 And I -- Well, in the legislation, is it  
6 ultimately to identify an early intervention  
7 process or a way of identifying people who may  
8 be on, I'll call it, a downhill slide and  
9 catch them at some point, or is it just to --

10 DR. VOLBERG: I think the idea is  
11 to catch them as early as possible. If you  
12 can get them before they even start the slide  
13 and do what's called primary intervention,  
14 that would be ideal. But that's not going to  
15 work with everyone.

16 There's going to be people who are  
17 at different points in a trajectory, and what  
18 a cohort study ultimately will give us is, you  
19 know, sort of these are things that probably  
20 could work, you know, in terms of primary  
21 prevention, and there's secondary prevention  
22 in the people who are already at risk or  
23 already experiencing some problems, but  
24 they're subclinical. There's things that work



1 with them. And then, you know, there's the  
2 people who need treatment or need to have sort  
3 of resources to maintain recovery. There's a  
4 variety of different places we intervene.

5 MS. FITCH: Is that what you've  
6 just described in the legislation?

7 SENATOR FLANAGAN: No. I think the  
8 point of the piece of the legislation where we  
9 asked for a lot of research and data is, one  
10 -- and people can jump in -- we need to know  
11 where to put the resources.

12 Right now, if you're playing Keno  
13 and you see the gamblers anonyms number come  
14 up on the Keno screen every once in a while,  
15 it sort of just shows you that we know people  
16 have problems with gaming. It stems down from  
17 what we found is the simple raffles tickets  
18 that your kids sell for the PTO. Anything  
19 that has a chance of winning is gaming.

20 And so we want to be able, first of  
21 all, to know where to put the resources if we  
22 need to. Second of all, as we say, expanded  
23 gaming, because the lottery is here, we  
24 already are gaming in Massachusetts. We want

1 to know what the effect of having the slot  
2 parlor and the resort casinos have on the  
3 residents here.

4 We found already that a lot of the  
5 people we treat in Massachusetts for gaming  
6 actually participate in gaming in Connecticut  
7 and other places. It's not necessarily that  
8 they're doing it here.

9 So we're really trying to look at  
10 the variety of behavioral health resources or  
11 gaming resources that we may need going  
12 forward. Again, because this is so new to all  
13 of us, that's going to take a lot of numbers  
14 and a lot of data, a lot of what ifs, but we  
15 can also sort of input into that.

16 If you think of where I live up in  
17 Leominster, well, Twin River is 40 minutes  
18 south of me. You take 146 down there. And  
19 they're a brand new casino. They were just a  
20 slot parlor. How does that really play into  
21 the siting of these types of locations.

22 So a lot of it is so that we are  
23 very proactive in this. We don't want to end  
24 up being reactive and having families who are

1 going to deal with bankruptcies and divorces  
2 and kids not being able to get what they need  
3 because the parents are dealing with other  
4 issues.

5 And also, it's going to be funding.  
6 When you look at the fact that we still have a  
7 billion dollar deficit in our budget in this  
8 past year, how do we look at this going  
9 forward in putting the resources in. We don't  
10 want to just site some casinos and slot parlor  
11 and then say good luck. This is our way of  
12 just having that continuing conversation so if  
13 things do need to change, we have the ability  
14 to change policy. We have the ability to file  
15 legislation to go in and do whatever we need  
16 to do to protect the citizens of  
17 Massachusetts.

18 Again, the other piece of it, we  
19 don't know what they're doing online all the  
20 time because they're online, but we do know  
21 that there's an effect to that.

22 So the front-end data is really  
23 what we're trying to gauge because if we have  
24 that baseline, we know what we're dealing with

1 now, we're going to also be able to know later  
2 on how --

3 MS. FITCH: How to deal with it.

4 SENATOR FLANAGAN: -- how to deal  
5 with it and what we need to do to deal with  
6 it.

7 CHAIRMAN CROSBY: There's also the  
8 legislature created something called a public  
9 health trust fund which we'll have when it's  
10 fully mature, fully operational somewhere in  
11 the range of 15 to 20 million dollars a year,  
12 which, in collaboration with Health and Human  
13 Services and the Department of Public Health,  
14 will be expended mostly on problem gambling  
15 issues, which is an unheard of amount of money  
16 across the country.

17 So we need guidance. The research  
18 will give us the guidance on how to spend the  
19 money that we're going to be getting from the  
20 casino operator. That comes directly to us.  
21 That's not tax money, that comes from the  
22 casino operators.

23 SENATOR FLANAGAN: And I think our  
24 sincere effort is to manage as much as we can

1 gaming addiction. When we were talking about  
2 how much money is going into the fund, there  
3 was a talk of a certain number per year and  
4 that's it, and then there were those of us  
5 that said, well, let's do the percentage. I  
6 mean, if these casinos are doing better, we  
7 want more money from them to deal with  
8 addiction.

9 And I think any of us that have  
10 gone in to do our due diligence into the  
11 casinos and slot parlors has said to the  
12 facilities, what's your opt-out program? You  
13 can self-exempt from these places. If someone  
14 has an addiction, they can go and swipe every  
15 card they have, every debit card they have to  
16 the point that they can't even use anything on  
17 the facility. And then there's also the  
18 criminal piece of it that you can be charged  
19 with trespassing. If things have gotten so  
20 bad, you can't even step foot onto the  
21 grounds.

22 So we're trying to make sure that  
23 as much money is available as possible. We're  
24 trying to hold the applicants' feet to the

1 fire, so to speak, and so to say, you better  
2 have things in place.

3 But the truth of the matter is  
4 gaming companies don't want addicts in their  
5 facilities because that brings a lot -- some  
6 other social ills with it. So they want to  
7 help with that as much as possible, but it'll  
8 come down to the State.

9 MS. ANTHONY: Can I ask a follow-up  
10 question to Ruth's question. So where does  
11 the research that's being done and the  
12 follow-up research, the tracking and so on,  
13 where does -- That's the Gaming Commission's  
14 responsibility under the statute. So where  
15 does the addressing the issues -- And I think  
16 you're kind of hitting on it a little bit,  
17 Senator. But where's the end of the  
18 jurisdiction of the Gaming Commission, and who  
19 else is going to be -- who else is charged  
20 with addressing the problem issues that this  
21 research may uncover, or is it all -- right  
22 now, is it all the responsibility of the  
23 Gaming Commission, for example, as you said  
24 with respect to applicants, can somebody be

1 carded out, can be timed out? You know, but  
2 are there -- Obviously, this is so  
3 interdisciplinary, and other agencies must be  
4 involved. It that just unclear right now?

5 CHAIRMAN CROSBY: Let me say one  
6 thing, and I'll pass. When it comes to  
7 regulating the industry, that's ours. But the  
8 treatment and the prevention and so forth is  
9 done very much hand and glove with DPH and  
10 HHS.

11 MS. JACOBS: So the Department of  
12 Public Health, the Bureau of Substance Abuse  
13 Services specifically, is going to do exactly  
14 what everyone has already talked about, which  
15 is this data will be enormously helpful to  
16 focus our prevention, intervention, treatment,  
17 and recovery support efforts.

18 And so we're already looking at the  
19 regulatory structure for the treatment part of  
20 this. You know, we're looking at what are the  
21 evidence-based practices that we know are  
22 already out there, and how do we start to  
23 incorporate that in some of our both  
24 prevention and treatment. How do we expand

1 the current system, because I know that one of  
2 the things is to do the overview of what are  
3 the services that we have in place in this  
4 moment, but we would anticipate having to  
5 expand those.

6 We've spoken with Mark. There is  
7 some very interesting evidence-based things  
8 going on in Iowa where he's from related to  
9 recovery support services using online instead  
10 of just, you know, in-person kinds of  
11 treatment and supports. And so, you know,  
12 that's all being thought about right now, and  
13 we're just being further informed via the data  
14 that we get with this continuing stuff.

15 CHAIRMAN HUBBARD: Mark.

16 MR. VANDER LINDEN: Yes. I have to  
17 say, I'm really excited about the potential to  
18 kind of bring that together in a  
19 research-based sort of way that takes it from  
20 our research to an evidence-based practice  
21 that brings together DPH and HHS, that we can  
22 find that way to work together that creates  
23 something that truly is unique.

24 And my experience looking at what



1 has happened in Iowa and what has happened in  
2 a whole host of other states that I have  
3 consulted with, what's being proposed here is  
4 unique, and I think a spot-on plan as we're  
5 moving forward.

6 I just wanted to cover a couple of  
7 other things. One, I wanted to talk about the  
8 role of the Gaming Research Advisory Committee  
9 to give you a little bit more background about  
10 what is informing our methods along the way.

11 So to help guide the Commission and  
12 the Gaming Policy Advisory Committee on  
13 research matters, an informal gaming research  
14 advisory committee was convened at the  
15 direction of Chairman Crosby and myself. You  
16 should have a list of those who have attended,  
17 including Representative D'Emilia.

18 REPRESENTATIVE D'EMILIA: D'Emilia.

19 MR. VANDER LINDEN: I'm sorry. I'm  
20 going keep using that for at least another  
21 year.

22 Representative D'Emilia has been at  
23 both of our meetings and participated.

24 So the Gaming Research Advisory

1 Committee functions as a informal peer review  
2 for research efforts currently underway as  
3 well as make recommendations to advance our  
4 ongoing research agenda.

5 We met on August 1st, and then we  
6 met again on August 18, 2013. And with that,  
7 we do have a couple of recommendations for the  
8 annual research agenda. Do you want me to  
9 read that?

10 MR. ZIEMBA: Sure. And then we've  
11 boiled those down to draft motions for  
12 consideration by the Committee.

13 MR. VANDER LINDEN: Okay. So I'll  
14 just read the motions then. Is that correct,  
15 John?

16 MR. ZIEMBA: I think one of the  
17 members is going to have to read the motion.  
18 If you want to read your two recommendations,  
19 that would be great.

20 MR. VANDER LINDEN: Okay. Great.  
21 So my recommendations, recommendation number  
22 one, that the Commission, with the advise of  
23 Gaming Research Advisory Committee, recommends  
24 to the Gaming Policy Advisory Committee that

1 the scope of current research agenda continues  
2 through the next year, so continuing our  
3 current research agenda.

4 The second recommendation, the  
5 Commission, with the advice of the Gaming  
6 Research Advisory Committee, recommends to the  
7 Gaming Policy Advisory Committee that an a  
8 longitudinal cohort study be added to the  
9 research agenda. Further, in order to  
10 capitalize on the opportunity to collect  
11 prospective baseline information in advance of  
12 expanded gaming in the Commonwealth that the  
13 cohort study should be launched in the near  
14 future as well as in advance of the slot  
15 parlor operations.

16 CHAIRMAN HUBBARD: Thank you.  
17 Staff has actually put those two  
18 recommendations in the form of a motion which  
19 I have here. If someone from the Committee  
20 would read the motion for us, then we could  
21 move that forward.

22 CHAIRMAN CROSBY: The Senator's  
23 going to make a motion.

24 SENATOR ROSS: This is a motion for

1 the purpose of Mass. General Laws Chapter 23K,  
2 Section 71. I move that the Gaming Policy  
3 Advisory Committee advises the Massachusetts  
4 Gaming Commission to add a longitudinal cohort  
5 study to its research agenda, that a  
6 scientifically-based recommendation be  
7 conveyed by the Commission to the House and  
8 Senate Committees on Ways and Means, the Joint  
9 Committee on Economic Development and Emerging  
10 Technologies, the Joint Committee on Mental  
11 Health and Substance Abuse, and the Joint  
12 Committee on Public Health. I further move  
13 that the Gaming Policy Advisory Committee  
14 advises the Massachusetts Gaming Commission to  
15 continue the scope of its current research  
16 agenda into 2014 with the addition of a  
17 longitudinal cohort study.

18 CHAIRMAN HUBBARD: Is there a  
19 second?

20 SENATOR FLANAGAN: Second.

21 CHAIRMAN HUBBARD: Motion made and  
22 seconded. Any comments or questions about the  
23 motion?

24 I think this speaks directly to the

1 two recommendations that are in Mark's report  
2 to us. Hearing none, all those in favor say  
3 "aye."

4 (All respond "aye.")

5 CHAIRMAN HUBBARD: Opposed?

6 Approved unanimously. Thank you  
7 very much.

8 And I think, you know, there's  
9 several comments made about considering, you  
10 know, different language groups or special  
11 populations is certainly something that can be  
12 considered as you move forward in what you're  
13 doing now and in the future cohort studies.  
14 So thank you very much.

15 MR. VANDER LINDEN: Thank you.

16 CHAIRMAN HUBBARD: The next section  
17 would be review of selection criteria.  
18 Jennifer Pinck, if you would.

19 MS. PINCK: Good morning. I'm  
20 Jennifer Pinck, president and founder of Pinck  
21 & Company. We're a Boston based firm that  
22 serves primarily as owners' project managers  
23 for the nonprofit and public sector, people  
24 engaged in development projects. And we were

1 selected, I believe, in either late June or  
2 early August to both design the review process  
3 and coordinate the review of the applications  
4 for both the slot parlors.

5 CHAIRMAN CROSBY: Evaluation  
6 process.

7 MS. PINCK: The evaluation process.  
8 For both the slot parlor and the casino  
9 resorts. And so we -- The process has  
10 commenced. We did establish a review process  
11 working with the Commissioners to fairly,  
12 openly, and transparently provide the  
13 Commission with the information to award the  
14 slot parlor license.

15 Now, the official -- the reviews  
16 formally commenced just a week ago on October  
17 11th -- Was it the 11th? I believe it was the  
18 11th. They came in on the 7th. They had to  
19 go through an administrative completeness  
20 review. They were all judged to be  
21 administratively complete. And now they are  
22 all with the evaluation teams. Each  
23 commissioner is leading an evaluation team for  
24 each of the five categories. That's the

1 general overview, also known as the wow  
2 factor, which Chairman Crosby is leading with  
3 a group of eight or ten folks. There's  
4 finance. There's economic development, which  
5 is Commissioner Zuniga is leading. There's  
6 economic development -- I'm sorry, yes,  
7 economic development, which is Commissioner  
8 Stebbins. Building and site design,  
9 Commissioner McHugh. And mitigation, which is  
10 Commissioner Cameron.

11 Each of these teams has three to  
12 five evaluators on them, independent  
13 evaluators, as well as technical consultants,  
14 who are advising and recommending each  
15 commissioner on each team on a rating for each  
16 criteria and each question. And there are --  
17 In your packet, I think you've got this, which  
18 is a summary of the 197 questions that each of  
19 the applicants must respond to. And some of  
20 them are truly substantive, some of them are  
21 just tell us who you've talked to in your  
22 outreach efforts to get the referendum passed  
23 or to get approval in the host community.

24 Many of them are much more

1       substantiative, obviously, having to do with  
2       revenue. How you'll deal with problem gaming.  
3       What are your feelings with respect to the  
4       surrounding communities, host communities?  
5       What is the facility going to look like? How  
6       are you --

7                   CHAIRMAN CROSBY: Excuse me one  
8       second, Jennifer. Some people have to have --  
9       I have it in my folder. It's several pages,  
10      and the top of the first page says full  
11      overview. If you don't have them in your  
12      folder, raise your hand, and maybe we can  
13      borrow one.

14                  MS. PINCK: You can take mine.  
15      There's about 20 pages here.

16                  CHAIRMAN CROSBY: David, do you  
17      have it?

18                  MR. STEIN: I do not.

19                  CHAIRMAN CROSBY: Can you maybe  
20      look on Rachel's.

21                  MS. PINCK: So the review just  
22      commenced. And each team has access on a  
23      share point to the entire application. And  
24      there's a schedule of the work of each of



1 these teams to meet the schedule that Chairman  
2 Crosby referenced. And I'll just review that  
3 briefly for you.

4 The public input meetings, there's  
5 one tonight, tomorrow night, and Wednesday  
6 night.

7 CHAIRMAN CROSBY: Jennifer, excuse  
8 me just one second. This is so important what  
9 you're -- I think you need to give people just  
10 the chance to slightly flip through this.  
11 This is the five -- This has the five  
12 categories: overview, finance, mitigation,  
13 site and building design, and economic  
14 development, and then each of the individual  
15 criteria within each of those five categories,  
16 a total of around 200 criteria. It's an  
17 incredibly rigorous process. Those criteria  
18 were developed by us over the course of the  
19 last year. A lot of it came right out of the  
20 legislation, which the legislators will see,  
21 but the legislature told us to come up with  
22 other criteria as well, and we've added.

23 So every single applicant is  
24 filling out the answer to every single one of

1       these questions in a standardized format so we  
2       can compare them to one another. It's quite a  
3       process.

4               MS. PINCK: And I think in front of  
5       you is the RFA-2 application; is that right?  
6       That is available online for the blank. It is  
7       available on this website, as well as the  
8       applicant's response is available to the  
9       public.

10              If you look through it, each  
11       question states the question and gives the  
12       applicants an opportunity in a box to write a  
13       brief narrative, and then below it, to  
14       reference attachments, some of which they have  
15       the opportunity to identify as confidential.  
16       And in a way to get this quickly to the  
17       public, that whole RFA-2 application was made  
18       available on the website without the  
19       attachments. I think it was a total of 6 meg  
20       of data that was received on August 4th by  
21       the -- I'm sorry, October 4th by the three  
22       applicants. But as soon as we could, it was  
23       made available, this application, which,  
24       again, is 236 pages consisting of 197

1 questions.

2 DR. VOLBERG: Is the summary posted  
3 on the Commission's website as well?

4 MS. PINCK: Yes. The summary  
5 answer to.

6 DR. VOLBERG: I'm sorry, I meant  
7 the summary of the questions.

8 MS. PINCK: I'm not sure this form  
9 is. It may -- I'm not sure. I think the --  
10 We call it RFA-2, and that has -- As I say,  
11 each one of these questions has its on page  
12 with the box that the applicant fills in, and  
13 then the opportunity to list all the  
14 attachments and they want to provide to give  
15 further information on their response to the  
16 question, again, some of which is confidential  
17 information.

18 So this -- the process is underway,  
19 the review of these 197 questions by the five  
20 teams. And the teams will have access, again,  
21 to the summary response and all of the data to  
22 review it. The technical consultants, some of  
23 whom have extensive experience, particularly  
24 in studying financial models of casinos and

1 slot parlors throughout the United States are  
2 busy right now looking at the applicants'  
3 models and building their own models and  
4 making sure that the answers are credible.

5 And then, as I said, the teams will  
6 rate -- will advise the commissioners on a  
7 rating for each question. And you will also  
8 see on the Commission's website the -- the  
9 rating system, I would call it. The  
10 commissioners decided that -- not to do a  
11 numerical one, to try to come up with a way of  
12 evaluating each question and not to weight  
13 them.

14 I think the mathematical exercise  
15 would probably lead to not necessarily a  
16 better finding and also may lead to some  
17 significant challenges if you were to try to  
18 numerically weight the response to all these  
19 questions across all the applicants.

20 So there is the rating system. And  
21 I'll read you briefly, if you'd like, how each  
22 question will be evaluated.

23 CHAIRMAN HUBBARD: Yes, go ahead.

24 MS. PINCK: Okay. Number one is

1       insufficient where the response failed to  
2       present a clear plan to address the topic or  
3       failed to meet the minimal acceptable criteria  
4       of the Commission.

5               The next is sufficient where the  
6       response provided was comprehensible and met  
7       the minimum acceptable criteria of the  
8       Commission and/or provided the required or  
9       requested information. The latter part of  
10      that sentence, the required or requested  
11      information is where one of the questions may  
12      be give us a list of everyone you spoke to in  
13      town. And there's no way to rate it. We just  
14      -- It's just the Commission wanted to know.  
15      So that would be a sufficient. It wouldn't be  
16      comp -- we'd like it to be comprehensible, but  
17      that would rate as a sufficient.

18              Very good. The response was  
19      comprehensive, demonstrates credible  
20      experience and plans, and/or excels in some  
21      areas.

22              And the last is outstanding or  
23      excellent. The response was of uniformly high  
24      quality and demonstrates convincing

1 experience, creative thinking, innovative  
2 plans, and a substantially unique approach.

3 I would like to note that the --  
4 eventually, we may find in some of these  
5 responses all the applicants were outstanding  
6 or excellent or all of them were insufficient.  
7 And we will still -- the teams will still make  
8 a recommendation to the commissioners on each  
9 of the questions and each of the criteria.

10 Eventually, each team will prepare  
11 a report lead by the commissioners that will  
12 be submitted to the Commission with a  
13 statement of the findings. And then the  
14 commissioners are going to consider these  
15 reports -- that's currently scheduled for  
16 December 10th -- December 17th -- and then  
17 eventually award the license as the -- John  
18 Ziemba said and I think the Chair also said,  
19 the status of surrounding community agreements  
20 may alter that schedule somewhat, but we are  
21 currently scheduling to have these reports  
22 complete and submitted, each commissioner to  
23 submit to the Commission their reports, with  
24 the statement of the findings, having reviewed

1 all of the questions and rated each question  
2 and provided a basis for that rating. There's  
3 -- I think as I said, there's five teams --

4 CHAIRMAN CROSBY: So all of these  
5 197 questions will be -- have been rated by  
6 the evaluation teams, they'll be packets and  
7 reports to be given to the Commission, and  
8 then the Commission will sit there in a public  
9 meeting. The legislature, in its wisdom, had  
10 us do this public. And we're going to make  
11 sure the conference committees have to be in  
12 public in the future just to get back at you.

13 But no. It's entirely appropriate.  
14 It's exactly what you said. The five  
15 commissioners will sit there with these  
16 reports saying, okay, here's the proposal for  
17 Plainville. They got, you know, sufficient on  
18 this. And here's Raynham, they got  
19 insufficient on that. And what do you think?  
20 And like that building design, and I don't  
21 like that building design. I think they did a  
22 great job on diversity, and diversity should  
23 count more than the fact that there's a few  
24 extra jobs. And that's the conversation we'll

1 be sitting there having the public streaming  
2 live on the web. And ultimately, we will vote  
3 in public on which of the ones we go with and  
4 why. So it's a tremendously transparent  
5 process.

6 SENATOR ROSS: Mr. Chairman, I  
7 think that's exactly what the public demanded  
8 of us as a conference committee when we met.  
9 This is exactly what people around this  
10 particular type of industry want to see the  
11 legislature do, that we make decisions. It's  
12 a hands-on approach where you have a  
13 Commission that's all fair, it's honest, it's  
14 open. And I commend you for keeping that --

15 CHAIRMAN CROSBY: Well, in the  
16 legislature -- It's related to this. The  
17 legislature gave us tremendous independence.  
18 It was a very conscious decision on the part  
19 of the legislature. Not every legislature  
20 does this. Most don't. But they gave us  
21 tremendous independence and mandated  
22 tremendous transparency.

23 As I said to one of the other --  
24 the two senators when I was first talking



1 about this, you know, this legislation is the  
2 envy of the United States. Every other  
3 jurisdiction out there wishes that they had  
4 the tools that you gave us to do this job as  
5 well as can possibly be done.

6 MR. ROSS: Thank you.

7 MR. STEIN: Just so I'm clear, the  
8 197 questions, they're all thought to be equal  
9 in import. There's no weighting.

10 MS. PINCK: Correct.

11 MR. STEIN: Does that also mean  
12 that there's --

13 CHAIRMAN CROSBY: David, excuse me.  
14 They are not judged to be equal in import, but  
15 there is a weighting.

16 MS. PINCK: Yes. That's a better  
17 way to say it.

18 CHAIRMAN CROSBY: Weighting would  
19 be equal -- It's a subjective decision, which  
20 is the more important. If some were -- The  
21 commissioners are going to have to decide  
22 which ones do we think what matter the most.

23 MR. STEIN: So just to not put too  
24 fine a point on it, so that not only applies

1 to the questions, but it also applies to the  
2 categories.

3 CHAIRMAN CROSBY: Right.

4 MR. STEIN: So there's no category  
5 that's more important than another.

6 CHAIRMAN CROSBY: Not in any formal  
7 way. The commissioners will presumably have  
8 their own views of which that is, economic  
9 development is more important than finance or  
10 whatever, but there is no mandate, no  
11 structure, no set form. This is a matter of  
12 lengthy conversation, but we decided to let it  
13 be a subjective process. Because the process  
14 is going to be so visible, you're going to  
15 see, the public is going to see, us debating  
16 this, that with that protection of  
17 transparency, that letting it be subjective  
18 was the right way to go on something this  
19 nuance.

20 MR. STEIN: I see. Thank you.

21 MS. PINCK: And I would add, some  
22 of these are for more subjective than others.  
23 Design can be very subjective. Revenue, the  
24 numbers either support it and your model

1 agrees with it or it does not.

2 CHAIRMAN HUBBARD: Other questions?

3 MS. ANTHONY: Yes. Mr. Chairman,  
4 may I ask what might be a provocative  
5 question. But these criteria for both resort  
6 destination and also slots?

7 MS. PINCK: Correct.

8 MS. ANTHONY: For example, it says  
9 for Category 2, optional. So my question is  
10 this. And this has to do mostly with building  
11 and site design. My understanding is that  
12 there's been some degree of research -- maybe  
13 more so European research -- about the impact  
14 of the internal design of the facility on the  
15 propensity to wager a bet and so on. And so,  
16 you know, to cut to the chase here, my  
17 question is: To give the consumer a fair  
18 shake here, vis-a-vis the house, are we taking  
19 -- is the Commission taking into consideration  
20 any of the results of this kind of research  
21 with respect to its review of building and  
22 site design? For example windows, clocks, the  
23 bells that go off, you know, that sort of  
24 thing, has there been some research that

1 indicates similar to an ATM machine, only it's  
2 your money. But are we -- is the Commission  
3 taking that kind of -- those kinds of  
4 variables into effect in its evaluation of the  
5 building and site design? And again, I say,  
6 for example, the consumer who doesn't know  
7 about this research, doesn't understand it,  
8 giving that consumer a fair shake when they go  
9 into the facility.

10 MS. PINCK: I would say not that  
11 I'm aware of. I think there's intersections  
12 between, for example, problem gambling --  
13 which is in the mitigation category, and  
14 building and site design, which has to do with  
15 what does it look like. However, the data  
16 we're getting on what it looks like at this  
17 very preliminary stage may not also indicate  
18 whether they're going to leave that clock or  
19 do things that I think that speak to that. So  
20 I don't think we do.

21 MR. VANDER LINDEN: Yeah.

22 MS. PINCK: I'll have to defer to  
23 Mark because he knows a lot more about that  
24 than I do.

1                   MR. VANDER LINDEN: I think that is  
2 a great question. And part of it has to do  
3 with how do we make sure that there is that, I  
4 think you used the words, level playing field.  
5 When somebody comes in, they have the  
6 information that they need to gamble  
7 responsibly. And one of the things that I'm  
8 really interested and the Commission is really  
9 interested in is establishing a responsible  
10 gaming framework.

11                   So does that mean that we establish  
12 regulation? We have the broad authority to  
13 establish regulation and it wouldn't even  
14 necessarily show up in these applications.  
15 But do clocks? Or how do gaming machines  
16 operate, at what speed, what messages can come  
17 up? What are the opportunities for people to  
18 pre-commit to the amount of money or the  
19 amount of time that they spend at a casino or  
20 at a slot machine.

21                   But there is some. To some degree,  
22 we have that authority in order to establish  
23 those regulations despite that it could come  
24 up in the applications.

1                   CHAIRMAN CROSBY: And it's in the  
2                   evaluation criteria in two places. One of the  
3                   evaluation questions is about problem  
4                   gambling. What are you doing to minimize  
5                   those issues, those concerns, and it's  
6                   certainly in a number of places like windows  
7                   and stuff. You know, we talk a lot about the  
8                   facility being an outward-facing facility, and  
9                   how do you interact with the community and  
10                  give people opportunities to go to other  
11                  tourist attractions and so on and so forth.

12                  So in the evaluation criteria, it  
13                  is clearly there. We will note who is the  
14                  most progressive or aggressive about  
15                  treatment -- I mean about preventative  
16                  measures and interventions and so forth,  
17                  training of their people in the floors on the  
18                  casino floors. That will absolutely be a  
19                  criteria in the evaluation process.

20                  But then on an ongoing basis, we  
21                  have infinite capacity to regulate. And Mark  
22                  is leading our design of what rules and regs  
23                  we will impose on these folks independent of  
24                  the evaluation criteria. We have an all-day

1 conference coming up next week, right, Monday.

2 MR. VANDER LINDEN: A week from  
3 today.

4 CHAIRMAN CROSBY: A week from  
5 today. An all-day conference with many, many  
6 people coming who representative best  
7 practices across the country to give us advice  
8 on what our regulatory structure should be.  
9 What will the mandated be on the slot  
10 machines. What kinds of interventions should  
11 be electronic. What kinds are -- should be --  
12 require training on the floor and so forth.

13 So there's a lot of different ways  
14 that we'll be getting at that pretty  
15 comprehensively.

16 MR. VANDER LINDEN: There's several  
17 questions about problem gambling that are  
18 asked in the application. It's the very last  
19 page of this.

20 REPRESENTATIVE FERRANTE: Mr.  
21 Chairman, I'm just going through the list, and  
22 I didn't see anywhere there was questions for  
23 accommodations of the disabled. Where it  
24 talks about ADA.

1 MS. PINCK: That will be in the  
2 review of the building and site design,  
3 compliance with ADA and code.

4 REPRESENTATIVE FERRANTE: I just  
5 didn't know if there was any.

6 MS. PINCK: It will be in there.

7 REPRESENTATIVE FERRANTE: Okay.  
8 And just under where it was the site design  
9 for emergencies, I noticed there was a special  
10 section for a shooting plan or a terrorist  
11 attack. Will they also have one in the event  
12 of a power outage.

13 MS. PINCK: I believe so. I think  
14 that's the intent of it, because I believe  
15 somewhere else, there's something that has to  
16 do with weather emergencies and the extent to  
17 which the facility would be -- they would  
18 offer the facility to be available.

19 CHAIRMAN HUBBARD: Other questions?

20 MR. LANG: On the economic  
21 development section, I have several questions  
22 and possible suggestions. On 3.2, employees  
23 under job creation, this is all based on  
24 projections --



1 MS. PINCK: Yes.

2 MR. LANG: -- am I right? My  
3 understanding is that every applicant has  
4 facilities in other parts of the country, and  
5 I think in order for us in Massachusetts to  
6 get a sense of what to really expect as  
7 opposed to what some may say, it would be  
8 useful to ask for a list of job  
9 classifications in each of your other  
10 facilities; the number of employees in each  
11 classification; the number of employees  
12 working more than 30 hours a week, because  
13 starting January 1st, there'll be an employer  
14 mandate to provide health care; what are the  
15 rates of pay for each classification; what  
16 kind of health and dental benefits are  
17 provided, including what is the co-premium  
18 share, what deductibles exist, what kind of  
19 co-payment at the point of service; what kind  
20 of holidays, vacation, sick days; what kind of  
21 retirement plan.

22 So my recommendation would be to  
23 ask the applicants for that specific  
24 information because in my line of business, I

1 find often what is said may apply sort of, but  
2 when you dig a little bit below the surface,  
3 you may find otherwise.

4 And the reason why I think this is  
5 important is that the whole impetus for the  
6 legislation was to spur economic development,  
7 and I think there's two components to it. One  
8 is creating jobs that become family sustaining  
9 jobs, and the other one is to generate revenue  
10 where the Commonwealth gets a slice of the  
11 action. Am I right?

12 MS. PINCK: Yes. I think we  
13 fortunately -- the firm that's been engaged to  
14 -- the technical consultants on category two  
15 and three, finance and economic development,  
16 have studied or reviewed or been participants  
17 in awarding dozens, if not hundreds, of  
18 licenses around Canada and the United States.  
19 And they have worked primarily for  
20 governments, not for the casinos. So they  
21 bring a lot of insight into what the  
22 applicants may say here versus what they're  
23 actually doing, and we expect them to look at  
24 that information.

1 MR. LANG: Expect who to look at  
2 it?

3 MS. PINCK: The technical  
4 consultants, a firm called HLC, our technical  
5 reviewers who are --

6 CHAIRMAN CROSBY: Our evaluators.

7 MR. LANG: So how are they going to  
8 obtain the information?

9 MS. PINCK: Well, they have a lot  
10 of it already, because they have been engaged  
11 with it, and they have contacts, both in  
12 governments. They've worked for all the  
13 provinces in Canada to whom I'm sure licensees  
14 do report, and they also have relationships.

15 MR. LANG: Where?

16 MS. PINCK: Around the country and  
17 in Canada. So we'll be asking them to --

18 MR. LANG: So are all of these  
19 companies that are looking for a license here,  
20 do they all have operations in Canada?

21 MS. PINCK: I don't know that. I  
22 will find that out.

23 CHAIRMAN CROSBY: No.

24 MS. PINCK: I don't think with

1 slots.

2 CHAIRMAN CROSBY: And many of the  
3 questions where we ask are you going to do a  
4 good thing, we say, and if you claim you are,  
5 tell us what you are doing in other  
6 jurisdictions. You know, it was an explicit  
7 part of our evaluation process, and a lot of  
8 the questions, we ask that.

9 But we're absolutely clear, Brian,  
10 with you, that words aren't enough. The real  
11 test is, you know, if you've got a comparable  
12 facility in another community, and you say  
13 you're going to be a good doobie on your labor  
14 relations or you're going to be a good doobie  
15 on your promoting of tourism, and you're going  
16 to be a good doobie in terms of your cross  
17 marketing of other restaurants and other  
18 facilities, we actually are going to have  
19 field trips to those communities and talk to  
20 the people around them.

21 I think most of the specific data  
22 points including, I think, the ADA compliant  
23 question that you raised, are in the  
24 attachments that are being -- that these

1 people are putting in to prove what they're  
2 doing relative to labor harmony and job  
3 generation and so and so forth, you know,  
4 including a huge amount of data on job  
5 definitions, rate salaries, etcetera.

6 But your sensitivity to it is  
7 obviously higher than ours and that's helpful  
8 to have us, you know, know exactly what  
9 questions to ask as we're analyzing their  
10 proposals to get after those.

11 MR. LANG: I think it's as  
12 important as looking at the financing. And I  
13 would submit that when you look at the  
14 financing, you don't ask them, you look for  
15 documents. You look for -- You ask for real  
16 verification. In this area, if there isn't  
17 real verification, I think we're going to be  
18 missing the boat. I just do.

19 MS. PINCK: We don't think we can  
20 rely on just what they give us, otherwise, the  
21 person who did the best creative writing  
22 exercise would get a license and that would  
23 not necessarily serve the Commonwealth at all.

24 CHAIRMAN CROSBY: These -- The

1 slots parlors are going to be on -- Let's see,  
2 are the attachments up yet?

3 MS. PINCK: I don't think the  
4 attachments --

5 COMMISSIONER ZUNIGA: I don't think  
6 so.

7 MS. PINCK: I don't think so.  
8 There's a lot more work to be done.

9 CHAIRMAN CROSBY: But they will be  
10 soon. The slots parlors, which is our first  
11 bite at this apple, will have their answer to  
12 the questions and all of the attachments to  
13 the answers, which is where the bulk of the  
14 material is.

15 And you should look at those and  
16 tell us what you think about what's coming in.  
17 Is it BS and smoke and mirrors, or are we  
18 getting at the real stuff, because it'll all  
19 be there. You could look at that stuff better  
20 than we could and tell us whether you think it  
21 cuts muster or not.

22 MR. LANG: I'd be glad to. The  
23 other portion here that I think is important  
24 in terms of protecting the State's proprietary

1 interest is the labor harmony piece.

2 And I want to be clear, even though  
3 I'm the president of a union, I'm talking  
4 about this from the perspective of the  
5 interest of the State right now, and I think  
6 it's important that you understand that. I  
7 have opinions as the president of a union, but  
8 right now, I'm really talking about the State.

9 And my understanding about the  
10 importance of the labor harmony is to protect  
11 that 25 percent of revenue, right, that the  
12 State is due to get. And if there is a  
13 disruption of any type, that other part of the  
14 economic development, that 25 percent, goes  
15 down, inevitably. If there are picket lines,  
16 if there are strikes, if there were boycotts,  
17 if there is unrest and -- with the operation.  
18 I'm just talking about the operation now.

19 Now, a union cannot negotiate a --  
20 pre-negotiate a contract before there are  
21 employees. That's absolutely illegal. The  
22 only kind of contract that a union could enter  
23 into as it relates to the operation before the  
24 place opens is a contract that talks about

1 ground rules in case the employees want to  
2 engage in organizing. And I think that's an  
3 important distinction, and I think there's  
4 some confusion around that.

5 That's where a labor harmony  
6 agreement would be worked out. I think it's  
7 very important that the Commission be clear  
8 that when they read any of these labor harmony  
9 agreements, if there are any, that they're  
10 enforceable. I think to have some expertise  
11 to review any of these agreements, if they're  
12 entered into, to make sure they're  
13 enforcement, because if they're not  
14 enforceable, the State's interest is not going  
15 to be protected, and I think that's a very  
16 important issue there.

17 CHAIRMAN HUBBARD: Anything else?

18 REPRESENTATIVE FERRANTE:

19 Mr. Chairman, if I could just go back to that  
20 ADA compliance issue again, because I wasn't  
21 clear about this. The ADA compliance, there's  
22 exactly what they have to do in order to  
23 comply. And now we're finding that there are  
24 all these enhancements that we added for the



1 disabled.

2 So for example, if a deaf person is  
3 going to a performance, they have to be able  
4 to have someone that can sign the performance.  
5 If a blind person is going to a performance,  
6 they have the ability to attach into a headset  
7 that will narrate the performance, and they  
8 can see it.

9 So I think there has to be  
10 something just more than compliance, but what  
11 are the extra protocols that you're willing to  
12 have.

13 CHAIRMAN CROSBY: Those things that  
14 you're now referring to aren't necessarily  
15 legally mandated, but you're saying we should  
16 be encouraging and we should be looking for  
17 who is going to pay for the extra mile.

18 REPRESENTATIVE FERRANTE: Right.  
19 These are brand new facilities. They have the  
20 ability at a much lesser cost to add these  
21 extra benefits for those who are disabled to  
22 enjoy a performance.

23 MS. PINCK: And I think there is  
24 reference in one of the questions to that.

1 I'll check. It's not just code compliance,  
2 because obviously they have to be code  
3 compliant. But do they want to go beyond it  
4 in terms of accessibility or any other code.  
5 You know, energy code.

6 CHAIRMAN CROSBY: And we've said  
7 repeatedly to them, you know, where you get  
8 credit on the overview, the wow factor, is  
9 when you exceed what the law calls for by a  
10 lot. And this would be one area where they  
11 can distinguish themselves on the diversity  
12 initiatives, they can distinguish themselves  
13 on their labor guarantees, they can  
14 distinguish themselves on their  
15 accommodations.

16 So they -- I think they all know  
17 that that's what we're looking for is people  
18 who go way above and beyond. But we will,  
19 absolutely, on both of these points. You  
20 know, I get what you're saying, and we'll look  
21 into the criteria and make sure we're looking  
22 at it right.

23 SENATOR ROSS: Wow.

24 CHAIRMAN CROSBY: The wow factor.

1 MR. LANG: I have one other thing,  
2 and that's the issue of CORIs. And I know  
3 that -- I think I know that the Commission is  
4 still grappling with the different categories,  
5 key gaming and service, and how you're going  
6 to deal with that, and I respect that. I just  
7 want to throw out that on the gaming, the  
8 middle category.

9 CHAIRMAN CROSBY: Explain what you  
10 mean by those three levels, Brian.

11 MR. LANG: I'm not even sure I  
12 fully understand them, but I'll do the best I  
13 can. Key are the generally managerial  
14 positions; is that correct?

15 CHAIRMAN CROSBY: Managerial and  
16 most sensitive, like who handles money, the  
17 people who are in the money cage and --

18 SENATOR ROSS: Where the most risk  
19 is.

20 CHAIRMAN CROSBY: Where the most  
21 risk is.

22 MR. LANG: Yes. And gaming is like  
23 on the gaming floor, right?

24 CHAIRMAN CROSBY: Right.

1 MR. LANG: But they also have the  
2 dealers and stuff like that.

3 CHAIRMAN CROSBY: Yes. And  
4 waitresses and so forth on the floor.

5 MR. LANG: So it's on that level  
6 that I'd ask the Commission to be more liberal  
7 in this sense, that the -- There are  
8 communities in Boston and Springfield and  
9 other places where the levels of unemployment  
10 are much higher, where there's a higher  
11 incidence of people having CORIs who have made  
12 restitution, done their time, and are looking  
13 for an avenue for meaningful employment.

14 And just thinking of the gaming  
15 floor, so there's a cleaner that has to come  
16 in and clean the gaming floor. Is that person  
17 going to be excluded because they have a CORI,  
18 but they're not really handling the money. Or  
19 even a cocktail server comes in and out but  
20 spending most of their time, or a bar back who  
21 has to bring some champagne into a VIP room.  
22 Those types of --

23 CHAIRMAN CROSBY: Let me jump in,  
24 Brian, because we're short of time. But, no,

1 this is really important. Jill, I hope you're  
2 getting good notes here. Because we talked  
3 about this at our last meeting, you know, that  
4 we've had a problem in our own hiring. We've  
5 not been able to target communities that we  
6 wanted to hire from because of CORI, drug, and  
7 credit issues. And we know that if we -- that  
8 we need to try to figure out a balance to  
9 perspective that enables us to implement  
10 another legislative mandate, which is to  
11 address the particular communities of  
12 unemployment. But that runs counter.

13 So there's a conflict there. There  
14 are some policy decisions that we have to work  
15 out. We probably will be talking about it. I  
16 know we will be talking about it publicly  
17 because that's the only way we can set  
18 policies, and you and others are invited to  
19 talk. But I hear what you're saying. We have  
20 the exact same concern, and we will get to it  
21 as quickly as we can to try to figure out how  
22 to do that.

23 COMMISSIONER ZUNIGA: As I  
24 understand, there is a third layer, Brian,

1       that I want to mention. The registrants, who  
2       might just have to register with the  
3       Commission. And drawing the line between the  
4       second and the third is just what we are  
5       working on.

6                   MR. LANG: And the way to  
7       communicate to the applicants to try to draw  
8       them out. Because you can come up with a  
9       great policy, and then the applicants say,  
10      well, I'm just not going to hire anybody with  
11      a CORI at all. And we run into that in the  
12      hotel industry. People who would be great  
13      employees, but it's just a rigid policy that  
14      is locking people out.

15                   CHAIRMAN HUBBARD: Okay. Thank  
16      you.

17                   CHAIRMAN CROSBY: We should know  
18      how Unite Here does it in Las Vegas. I mean,  
19      it's not like this is new ground here. So we  
20      ought to know where they draw those lines in  
21      other jurisdictions.

22                   CHAIRMAN HUBBARD: Jennifer, thank  
23      you.

24                   MS. PINCK: Thank you.

1                   CHAIRMAN HUBBARD: We have two more  
2 items on the agenda, but I think we can handle  
3 them fairly quickly. The next one is the  
4 relationship of this committee to the  
5 subcommittees.

6                   There was a copy in your packet of  
7 section 68 which talks about the establishment  
8 of three subcommittees under the Gaming Policy  
9 Advisory Committee, and it outlines the  
10 members. There's a community mitigation  
11 subcommittee, addictive services subcommittee,  
12 and public safety subcommittee.

13                   Recently, the letters have gone out  
14 from me to the different appointing  
15 authorities asking them to nominate people on  
16 the subcommittees. I don't know, John. Some  
17 of them have gotten back, but not all of them;  
18 is that correct?

19                   MR. ZIEMBA: That's correct.

20                   CHAIRMAN HUBBARD: So we'll have to  
21 follow up with those people who have not  
22 responded to constitute the subcommittees.

23                   An interesting piece here is that  
24 the -- although the subcommittees are

1 established under this committee, in the  
2 reporting process, the subcommittees report  
3 directly back to the Gaming Commission.

4 So I would just ask -- and it's not  
5 part of the legislation, but I would just ask  
6 and I will ask as the subcommittees are  
7 formulated, when they make their  
8 recommendations back to the Commission, they  
9 send copies of those recommendations to this  
10 committee so we will be cognizant of what the  
11 subcommittees are suggesting.

12 John, do you have anything you want  
13 to add?

14 MR. ZIEMBA: No. I think there's  
15 enough flexibility in the statute to do  
16 exactly that, or even if that didn't happen,  
17 then the Commission could then turn to the  
18 Committee and ask for the Committee's opinion  
19 on various matters put forward by the  
20 subcommittees.

21 CHAIRMAN HUBBARD: Okay. So we'll  
22 keep you all posted on how the subcommittee  
23 formulation moves forward.

24 Lastly, Committee protocols and



1 procedures. You will have all noted that we  
2 have a stenographer doing transcriptions of  
3 the meetings. We didn't have that the first  
4 meeting. And we will continue to do that in  
5 the future.

6 We need to think about -- We had  
7 talked about having meetings on a quarterly  
8 basis, and in keeping that schedule, we would  
9 probably be looking, given the Commission's  
10 agenda and their schedule, perhaps doing  
11 something in February for our next meeting,  
12 either the 10th or the 24th. If people would  
13 get back to John, if there's, you know, a  
14 problem with one date or the other date. We  
15 won't finalize it here today. We'll give  
16 people a chance to look at their schedules and  
17 then try and nail it down as we get closer to  
18 that date.

19 And lastly, the issue of the state  
20 ethics commission. I'm told that if you have  
21 not done the online training -- I think most  
22 of you are currently employed by the state as  
23 state employees. And you probably already  
24 have done it, but if you haven't, you need to,

1 and I'm -- that includes me personally. I  
2 have to do that because the one I took for the  
3 municipality was slightly different than the  
4 one the state employs.

5 But my question would be is anyone  
6 interested in having a presentation at the  
7 next meeting from someone from the ethics  
8 commission to deal specifically with those  
9 issues and to ask questions, or are people  
10 comfortable just if you have questions, have a  
11 look. They have the summaries on the website  
12 from the state ethics commission. Most of you  
13 have been dealing with those issues fairly  
14 regularly. So I'm just asking if people feel  
15 comfortable, or they would like some special  
16 addressed to those issues.

17 SENATOR FLANAGAN: They also have  
18 the lawyer of the day that you can ask  
19 specific personal questions to if you need to.

20 CHAIRMAN HUBBARD: This is true.  
21 That's a good point. So I think everybody  
22 looks like they're reasonably comfortable, so  
23 we'll dispense with any particular agenda item  
24 at the next meeting, and if any of you are in

1 the same position that I'm in, we'll have to  
2 do the online training.

3 Other than that, does anybody have  
4 any other points? I'd accept a motion to  
5 adjourn.

6 SENATOR ROSS: So moved.

7 REPRESENTATIVE FERRANTE: Second.

8 CHAIRMAN HUBBARD: Seconded. All  
9 in favor?

10

11 (All respond "aye.")

12

13 CHAIRMAN HUBBARD: Thank you very  
14 much.

15

16 (Whereupon the meeting was adjourned at

17 11:58 a.m.)

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1 ATTACHMENTS:

2 1. Agenda

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5 SPEAKERS:

6 Mark Vander Linden, Director of Research and  
7 Problem Gambling

8 Jennifer B. Pinck, Pinck & Company

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C E R T I F I C A T E

I, Amie D. Rumbo, an Approved Court Reporter,  
do hereby certify that the foregoing is a true and  
accurate transcript from the record of the  
proceedings.

I, Amie D. Rumbo, further certify that the  
foregoing is in compliance with the Administrative  
Office of the Trial Court Directive on Transcript  
Format.

I, Amie D. Rumbo, further certify I neither am  
counsel for, related to, nor employed by any of  
the parties to the action in which this hearing  
was taken and further that I am not financially  
nor otherwise interested in the outcome of this  
action.

Proceedings recorded by verbatim Stenographic  
means, and transcript was produced from a  
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WITNESS MY HAND this 5th day of November,  
2013.

*Amie D. Rumbo*



Amie D. Rumbo, Notary Public

My Commission expires: 10/23/2020