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THE COMMONWEALTH OF MASSACHUSETTS

MASSACHUSETTS GAMING COMMISSION

OPEN MEETING

CHAIRMAN

Stephen P. Crosby

COMMISSIONERS

Gayle Cameron

James F. McHugh

Bruce W. Stebbins

Enrique Zuniga

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OCTOBER 9, 2012, 1:00 p.m.

OFFICE OF THE DIVISION OF INSURANCE

First Floor, Hearing Room E

1000 Washington Street

Boston, Massachusetts

1 PROCEEDINGS:

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3 CHAIRMAN CROSBY: It is my pleasure to  
4 call to order the 30th meeting of the Massachusetts  
5 Gaming Commission on October 9, 2012. The first item of  
6 business is minutes from September 25 meeting, which was  
7 I guess was two weeks ago. Commissioner McHugh, do you  
8 have anything to say about those?

9 COMMISSIONER MCHUGH: No, Mr. Chairman.  
10 They are self-explanatory, one would hope.

11 CHAIRMAN CROSBY: Does anyone have any  
12 comments? They looked fine to me too.

13 COMMISSIONER MCHUGH: I move then that  
14 the minutes of the September 25, 2012 meeting be accepted  
15 in the form in which they presently exist.

16 COMMISSIONER CAMERON: Second the  
17 motion.

18 CHAIRMAN CROSBY: All in favor? Aye.

19 COMMISSIONER ZUNIGA: Aye.

20 COMMISSIONER STEBBINS: Aye.

21 COMMISSIONER MCHUGH: Aye.

22 COMMISSIONER CAMERON: Aye.

23 CHAIRMAN CROSBY: Any opposed, any?

24 Aye's have it.

1                   Project work plan, consultant status  
2 report.

3                   MS. GOOCH: Do you want one?

4                   CHAIRMAN CROSBY: Yes, please.

5 Introduce yourself to the assembled thousands.

6                   MS. GOOCH: My name is Kristin Gooch. I  
7 am the project manager for the gaming consultants. I am  
8 here to provide an update on our progress over the last  
9 few weeks.

10                  Since last update, which I believe was two  
11 weeks ago, the consultants and the Gaming Commissioners  
12 attended the Global Gaming Exposition in Las Vegas. And  
13 the consultants had an opportunity to assist the  
14 Commissioners in developing initial contacts with  
15 regulators in several gaming jurisdictions and  
16 facilitate introductions to several gaming industry  
17 leaders. The event also provided the opportunity for  
18 introduction into gaming industry new products, new slot  
19 machine accountability system, new technology  
20 advancements in gaming and surveillance equipment and  
21 hopefully was helpful for you guys that attended.

22                  The consultants have also made  
23 significant progress on the evolution of the strategic  
24 plan. They work to insure that the plan address the

1 questions that the Commission posed during the meeting  
2 two weeks ago.

3               They are also working to make sure that the  
4 timelines that we have talked about are reflected and  
5 achievable in the strategic plan. The next draft of the  
6 plan we expect to be delivered at the end of this week  
7 or early next week.

8               Some areas that they have really been  
9 focusing attention on include the table of organization  
10 where they are expanding it to include individuals and  
11 groups mentioned in the statute as well as decisions that  
12 the Commission has made around staffing. They are also  
13 focusing on logistical planning to address the  
14 Commission duties and responsibilities regarding the  
15 pending Commonwealth/Tribal Compact with the Mashpee  
16 Tribe. They are incorporating areas where legislation  
17 re-examination or potential action should be considered.  
18 And Phase II regulations, they are prioritizing policy  
19 decisions and regulations that are necessary for  
20 category two.

21               CHAIRMAN CROSBY: Say that again.

22               MS. GOOCH: So, for the Phase II  
23 regulations that are incorporated into the plan, they are  
24 working on structuring that and prioritizing them in a

1 way that reflects the regulations needed for category II  
2 licenses as well as for the local community agreements  
3 and developer needs.

4 CHAIRMAN CROSBY: Was this the point  
5 about separating out those things that need to get done  
6 ASAP as opposed to the long-term regulations that won't  
7 really come into effect until they begin, the facilities  
8 begin?

9 MS. GOOCH: Exactly. As we talked about  
10 how to prioritize in a way so that we can actually speed  
11 up category II, exactly, and get information to the  
12 developers and local communities.

13 The team has also been reviewing and  
14 addressing comments and recommending actions for the  
15 Phase I application forms with Commissioner McHugh.  
16 They are continuing to move forward with activities that  
17 part of the next phase of consulting including developing  
18 a work plan for evaluating completed applications and for  
19 facilitating investigations phase, and also preparing  
20 for Phase II regulations with some research, and  
21 obviously the policy decisions and structuring of the  
22 order in which they are addressed.

23 CHAIRMAN CROSBY: Was that last point  
24 thinking about the resources necessary to review the

1 RFA-2? What was that point about?

2 MS. GOOCH: They are just on a work plan,  
3 what happens when applications start writing. What  
4 needs to be done to assess completeness?

5 CHAIRMAN CROSBY: RFA-1?.

6 MS. GOOCH: Yes, sorry. And then the  
7 Phase II regulations is just kind of the process we had  
8 talked about in terms of going through the policy  
9 decisions that need to be made. They are just starting  
10 to think about that and about the research that is needed  
11 around that, essentially planning for the next phase.

12 CHAIRMAN CROSBY: There was another issue  
13 that you might have mentioned, we talked about the  
14 scaling up of the staff and the potential -- and the  
15 related budget. Didn't really reflect when the various  
16 facilities would come onboard. We were waiting longer,  
17 if there were only three not two, if the slots comes  
18 first. I think they are aware of that but that was just  
19 something that wasn't addressed. All of the budget and  
20 staffing was aimed at full operation for four facilities,  
21 which we may or may not have at one time. We need to be  
22 able to figure out how to scale.

23 MS. GOOCH: Sure. There are a number of  
24 things that I think came out of the discussion that we

1 had that are all being addressed. But I will just  
2 double-check to make sure that the budgeting around the  
3 timing of the license awards is reflected.

4 CHAIRMAN CROSBY: Any other reactions or  
5 question or thoughts about that? I was going to change  
6 the subject a little bit.

7 COMMISSIONER MCHUGH: We didn't talk  
8 about this last time, but in terms of the sequencing of  
9 regulations and other activities that are going on, is  
10 this plan going to contain some outline for the staffing  
11 that we need at that time? Because the sequential build  
12 up of staffing, I think we've got it right, we have that  
13 list of critical hires. We also have some projections  
14 as to people who we'll ultimately need for a steady state  
15 operation. Maybe there is no difference. But if for  
16 example we did a slots parlor first, would we need  
17 X-number of people when --

18 CHAIRMAN CROSBY: That's what I was  
19 asking about.

20 COMMISSIONER MCHUGH: Oh, I'm sorry.

21 MS. GOOCH: We did talk a bit about the  
22 need to incorporate that that last time just around  
23 staffing and around the timing of different --

24 CHAIRMAN CROSBY: Because for one thing

1 whoever has the current licensees will be the only people  
2 we can assess for our costs. We don't want to have  
3 exaggerated costs. Any other thoughts or questions?

4 COMMISSIONER ZUNIGA: Just a very brief  
5 update. From the last meeting, I was delegated the task  
6 of negotiating and completing a contract for the  
7 extension with the consultants. That is not quite yet  
8 completed, but hopefully we will report next week with  
9 an update on that. We are in agreement on the terms. We  
10 just need to go ahead and execute the documentation.

11 CHAIRMAN CROSBY: Great. Just one  
12 thing. You talked about the conference in Las Vegas.  
13 The three of us who were there have done some submitting  
14 of reports. There was a wealth of stuff that we all came  
15 away with as you mentioned. But two that might be worth  
16 mentioning in the public environment were, one a much,  
17 I think, expanded understanding of the status of the land  
18 in trust issue. We came away with an appreciation that  
19 there is a big movement afoot for so-called Carcieri-fix,  
20 which would fix the Carcieri Supreme Court decision  
21 legislatively and enable the land in trust process to  
22 proceed for tribes like the Mashpee Wampanoags with less  
23 complications.

24 And there is also a severe amount of



1 conversation about one-offs that can solve one tribe  
2 problem legislatively if they can't get an overall fix.  
3 But for what it's worth, there was a fair amount of  
4 optimism that that could happen fairly soon, which is a  
5 little different than we had been kind of thinking  
6 ourselves, although we haven't really focused on this  
7 very much.

8                   They were very clear that the Obama  
9 administration has been very supportive. There have  
10 been a lot of land in trust decisions made even since  
11 Carcieri by the Department of the Interior. That was one  
12 thing that affected our thought process.

13                   The other one was just the imminence of the  
14 iGaming stuff. We all in Massachusetts -- I know the  
15 Treasurer has a task force that has been looking at this.  
16 And we have realized it is kind of in the offing. But  
17 when you are in an environment like that, you see that  
18 Internet gaming, whether it's sports betting or online  
19 poker or a whole array of online resources, is right on  
20 the top of the industry's plan.

21                   Nevada has already adopted regs. New  
22 Jersey is close. Again, there's a lot of talk about  
23 what's going to happen at the Federal level. There is  
24 a lot of pressure at the Federal level to come up with

1 a solution. I think, again, those of us who were there  
2 came back with a much-heightened sensitivity that we  
3 really need to be aware of what is going on here and begin  
4 to understand what the consequences will be for our  
5 licensees and be in collaboration ultimately with our  
6 licensees to maximize everybody's return and so on and  
7 so forth.

8 We are certainly also I think going to ramp  
9 up our involvement a little bit in the Treasurer's task  
10 force. I don't know what they are thinking. Is the task  
11 force aware of all of this? So, it is more we who were  
12 not really aware.

13 COMMISSIONER ZUNIGA: To a certain  
14 degree. One key take away for me relative to online  
15 product was that poker seems to be at the forefront,  
16 online poker, at the forefront of all of these products.

17 So, the Treasurer's office is quite aware  
18 of online in general, the online world. And they are  
19 treating everything as products, online products.  
20 Because poker could be followed by lottery, etc., etc.

21 From my perspective, I took away that  
22 there is a very strong market for online poker. That is  
23 of particular concern to this Commission especially as  
24 we have this very nascent industry here in Massachusetts.

1                   CHAIRMAN CROSBY: I certainly think that  
2 from my experience in talking to the Legislature that  
3 they are not very aware. Maybe the people on the task  
4 force are aware, but I don't think that other people that  
5 we've talked to have any particular sense that this is  
6 really coming quickly around us.

7                   Anyway, that was just really useful. So,  
8 there was a lot of stuff, a lot of learning that came out  
9 of that trip. Anything else for our consultant? Thank  
10 you, Kristin.

11                  COMMISSIONER CAMERON: Thank you,  
12 Kristin.

13                  COMMISSIONER ZUNIGA: Thank you,  
14 Kristin.

15                  CHAIRMAN CROSBY: 3B is this out of  
16 sequence policy decisions. We kind of talked about  
17 this. Actually, I should have mentioned this to you. I  
18 think we did mention this. The idea that there are a  
19 bunch of policy -- likely to be policy decisions about  
20 criteria, for example, that we will be considering  
21 seriously that the sooner we can get these kinds of  
22 discussions out on the table, it's a little bit different  
23 from the regs. We are also going to try to pull back  
24 regs. that need to be done earlier. But where there are

1 policy decisions like how much are we going to value  
2 sustainability and what does that mean or whatever are  
3 issues that we going to try to pull forward, come up with  
4 a list of stuff that we can deal with to expedite so that  
5 the bidders are aware of some of these major policy issues  
6 as early as possible in the process, even before the  
7 RFA-1, the background check process is completed.

8               So, that is something we want help from  
9 your team as well. Also, we need to think of some way  
10 to be a little bit systematic about this. I've got a list  
11 that I've kind of been keeping on the side. Maybe I'll  
12 circulate that at some point and we can all chip in. Do  
13 you have any other thoughts on that Commissioner McHugh?

14               COMMISSIONER MCHUGH: No, but I think  
15 it's an essential thing to do. We have talked about that  
16 before. And I am in the process of trying to go through  
17 the statute again to isolate some areas where I think that  
18 we need to make those decisions that the consultants have  
19 a list of them and I think we need to develop a list and  
20 prioritize and do just that.

21               CHAIRMAN CROSBY: We will probably do  
22 that in the next week. Phase I regulations,  
23 Commissioner McHugh.

24               COMMISSIONER MCHUGH: We have actual, as

1 you all know, a set -- Let me begin by saying that this  
2 Friday, this coming Friday our Phase I regulations will  
3 be published by the Secretary of State and will be  
4 effective on publication. That is on schedule as we  
5 planned back in June.

6 We also planned that in the middle of next  
7 week we would actually issue the RFA-1 applications.  
8 And begin therefore to allow folks to begin filling them  
9 out and returning them to us. We posted for public  
10 comment, although we were not required to do so, the forms  
11 for the application. And we received a number of  
12 comments on those forms.

13 And I sent the comments to all of you. You  
14 have them in the meeting packet today, all of the comments  
15 that we received are there. And I sent them to the  
16 consultants. I also reviewed them with an eye towards  
17 making some recommendations as to what to accept and what  
18 not to accept with respect to the comments.

19 There is really no easy way to do this  
20 except by going through them, to the extent that you'd  
21 like to talk about them, but we can talk about them  
22 globally.

23 In the main, the comments would require if  
24 accepted changes to the specimen form that we are going

1 to publish on the website that will indicate to all  
2 bidders that we presumptively are going to consider  
3 confidential and the things that we are not.

4 CHAIRMAN CROSBY: Is that the gist of this  
5 one too, the same basic gist?

6 COMMISSIONER MCHUGH: That's the gist of  
7 all three comments primarily focuses on that specimen  
8 form. There are some places where changes in the text  
9 of the form will be necessary, but the main thrust is what  
10 do we consider confidential and what do we not consider  
11 confidential? That will be reflected in the specimen  
12 form. The other forms will be on the website for people  
13 to download, fill out and return electronically.

14 With that as a prologue, let me begin with  
15 the instructions that will accompany the forms. The  
16 instructions we approved, the draft instructions that we  
17 posted. There are two areas we need to think about  
18 changing. Those are highlighted in yellow on the form  
19 that was distributed as part of the meeting packet.

20 The most important of those and perhaps  
21 the most important issue we have to decide today with  
22 respect to all of this is the deadline for the Phase 1  
23 applications.

24 This form in draft says November 30. The

1 plan that we received from the consultants talked about  
2 the end of the year, I believe. We need to decide what  
3 the deadline is going to be so that the instructions that  
4 we actually post next Wednesday will reflect that  
5 accurate date. That's the first thing I'd like to take  
6 up and as I say it is the most important of the things  
7 we have to decide today.

8 COMMISSIONER ZUNIGA: I have a question  
9 for clarification or for a better understanding. The  
10 idea originally was on December 31 was to allow enough  
11 time for the respondents to fill out these forms, which  
12 can be lengthy and whatnot. But is now the idea that  
13 given that these forms have been available publicly and  
14 there has been quite a bit of discussion relative to what  
15 will be and will not be confidential, etc., including the  
16 other forms that we are using the multijurisdictional  
17 form that we could bring that date back a little bit?

18 COMMISSIONER MCHUGH: Frankly,  
19 Commissioner, the November 30 date was put into these  
20 draft instructions as sort of a stalking horse as they  
21 were being prepared. It was not intended to be the final  
22 date. I don't think we gave it significant  
23 consideration when we put it in.

24 We had to have a date. We didn't have this

1 plan from the consultants. We didn't have the PMA  
2 project plan. We didn't have a lineup of things to go.  
3 And November 30 would only be six weeks after we published  
4 the application in its final form.

5                   Personally, I think that is too short a  
6 time. I think the project plan is much closer to the mark  
7 as to the deadline we should have, which would be the end  
8 of the year.

9                   CHAIRMAN CROSBY: As I have been talking  
10 about it around the State, I have been saying basically  
11 three months or 90 days, which I thought we had all kind  
12 of said at least kind of informally. That would make it  
13 -- if we release these -- What is Monday?

14                   COMMISSIONER MCHUGH: We are not going to  
15 release them Monday. It will be Wednesday the 15th.

16                   CHAIRMAN CROSBY: So, it would be  
17 basically the 15th of January.

18                   COMMISSIONER MCHUGH: January would be 90  
19 days.

20                   CHAIRMAN CROSBY: So, there's two  
21 issues to me. First of all, all of the bidders, many of  
22 who are in the room and watching are anxious to move the  
23 process along. Everybody knows that the sooner they get  
24 the forms in, the sooner we can start the investigations.





1 that one?

2 COMMISSIONER MCHUGH: We can talk about  
3 it in the same context.

4 CHAIRMAN CROSBY: As I said, I haven't  
5 really thought about this. It just seems to me we don't  
6 want to arbitrarily cut people off. We know this is  
7 complicated.

8 We know in Ohio there were extended  
9 debates about who was going to be a qualifier and who was  
10 not. So, I think it is in our interest to have some kind  
11 of a reasonable extension/waiver process. That's all.

12 COMMISSIONER ZUNIGA: In that context I  
13 would be in favor of the later date the December 31. Is  
14 it December 31?

15 CHAIRMAN CROSBY: I said January 15.

16 COMMISSIONER MCHUGH: January 15 would be  
17 90 days.

18 COMMISSIONER ZUNIGA: 90 days to allow  
19 the flexibility because there is the scope of licensing  
20 conversations that we have to talk about as to who may  
21 or may not be a qualifier is incorporated in that project  
22 plan originally.

23 MR. MCHUGH: Picking up, if we did that,  
24 picking up on the Chairman's point, if we did that and

1 said that waivers of not only our confidentiality rules  
2 but of deadlines and any other aspect of the proceedings  
3 would be governed by a general waiver provisions of the  
4 regulations, we would solve both issues.

5 The waiver regulation basically set out in  
6 detail the need to make a showing of cause as to why you  
7 should be given a waiver of the deadline. Somebody can't  
8 come in and say I want an extension --

9 CHAIRMAN CROSBY: Specifically, how  
10 would that work? If you just walk me through with how  
11 that would exactly work.

12 COMMISSIONER MCHUGH: Somebody wants to  
13 file an application. They have these discussions about  
14 qualifiers that we are going to provide for. They don't  
15 reach some conclusion as to who is going to be a qualifier  
16 and who isn't.

17 They then request a waiver of the deadline  
18 to the extent that it is necessary to say file a  
19 supplemental application with the additional  
20 qualifiers, if we conclude that certain people need to  
21 qualify and those people we've been talking about.

22 CHAIRMAN CROSBY: So, the regs. would say  
23 that they would have to submit a written something or  
24 other --

1                   COMMISSIONER MCHUGH:  -- written request  
2 for a --

3                   CHAIRMAN CROSBY:  -- to the Commission in  
4 time for us to get us on one of our public meetings.

5                   COMMISSIONER MCHUGH:  Right.  And we  
6 would allow or disallow the extension of the deadline.

7                   CHAIRMAN CROSBY:  And we could waive in  
8 whole or in part depending what their request was?

9                   COMMISSIONER MCHUGH:  Right.

10                  CHAIRMAN CROSBY:  Maybe they want to do  
11 some with it.  Maybe they want to do pieces of it.

12                  COMMISSIONER MCHUGH:  Right.  The range  
13 of reasons is almost infinite with people who are  
14 debating with us about who needs to be a qualifier.  For  
15 example, we can say file as everybody we agree so we can  
16 get started.  And we will give you a waiver as to others.  
17 And we'll continue to work with you to decide whether they  
18 have to be qualifiers as well.  And set some deadline for  
19 doing that.

20                  If somebody hypothetically said that they  
21 were having difficulties of some other kind, the computer  
22 system blew up and erased all of their data.  They needed  
23 a couple of extra weeks to put it all back together again.  
24 That's another reason.  This would take care of

1 everything.

2 COMMISSIONER ZUNIGA: Irrespective of  
3 the waiver provision, which I think is important and I  
4 think it is valuable to include not just for the  
5 confidentiality of certain information.

6 We have and will be receiving soon October  
7 12 responses from potential financial advisors. The  
8 genesis of that was this idea of talking or surveying,  
9 talking or surveying equity investors who may or may not  
10 be engaged or contemplating Massachusetts at this point.

11 CHAIRMAN CROSBY: That was one of the  
12 ideas.

13 COMMISSIONER ZUNIGA: That was one of the  
14 ideas. Because we have that parallel track, if you will,  
15 I would again advocate for a later date January 15 to  
16 allow for a potential survey that we conduct or whatever  
17 we may do to help us vet the notion that whoever is out  
18 there that wants to engage in Massachusetts is already  
19 engaged.

20 CHAIRMAN CROSBY: I don't think there is  
21 any resistance to the January 15 idea. So, the sooner  
22 they come in. That doesn't limit anybody.

23 COMMISSIONER CAMERON: I think it's the  
24 best practice in the industry. The consultants are

1 telling us 90 days is somewhat standard. That makes  
2 sense.

3 CHAIRMAN CROSBY: I am just not familiar.  
4 I'm totally comfortable with using that clause except  
5 that I am not familiar with what it says. If you are,  
6 which you are and it is a simple straightforward process  
7 as you just described then I think that would be fine as  
8 long as people know they have that.

9 COMMISSIONER MCHUGH: Right. So, we  
10 will put that in the instructions as well. Those  
11 regulations of course will all be posted and available  
12 as of Friday. And this will not be published until next  
13 Wednesday and everybody will know.

14 CHAIRMAN CROSBY: That would mean if you  
15 get an extension that would also extend the period, the  
16 date at which you would be required to submit your  
17 \$400,000, right? Your \$400,000 has to come in finally  
18 with your completed RFA-1?

19 COMMISSIONER MCHUGH: I am not sure. The  
20 \$400,000 has to be paid no later than the date you submit  
21 your application. Take again the example of the debate  
22 over who's going to be a qualifier. We might say in  
23 granting the application that your \$400,000 and so much  
24 of the application as we agree that you're going to need

1 to file is due on January 15. And the balance we will  
2 set another deadline for. We could do that and require  
3 the \$400,000 be submitted when the bulk of the  
4 application was submitted so that we can start the  
5 investigation as of that piece.

6 COMMISSIONER CAMERON: That's key.

7 COMMISSIONER MCHUGH: We might want to do  
8 that. Somebody who we said because the computer blew up  
9 and you have to reassemble the data, you don't have to  
10 file your application for another three weeks, we don't  
11 have any investigation to do. So, we might say in that  
12 one your \$400,000 is due at the end of the three weeks.

13 In other words, flexibility here is I  
14 think the key. We can do whatever is fair under the  
15 circumstances. There is no inexorable length between  
16 the waiver and the deadline for paying the money.

17 CHAIRMAN CROSBY: Let's say this debate  
18 about qualifiers, if somebody wants to get an extension,  
19 wants to get a waiver/extension, they would then say  
20 either we are going to submit our \$400,000 anyway because  
21 we will resolve this at some point. And we are going to  
22 go forward. Or they might say to us in their application  
23 to us, we want the application. If we can't resolve the  
24 qualifier, it could possibly be a deal breaker for us.

1 So, we don't want to put our \$400,000 down. And we would  
2 have the right to consider that and grant it if we thought  
3 it was reasonable.

4 COMMISSIONER MCHUGH: Or deny it.

5 CHAIRMAN CROSBY: Or deny it, right,  
6 either way.

7 COMMISSIONER MCHUGH: Yes. And I guess  
8 what I am stressing here is once we are in the area of  
9 waiver, we have the opportunity to shape the conditions  
10 of the waiver in any way that we want, having in mind that  
11 we will act in a way that we think is fair both to the  
12 public and to us and to the applicant.

13 CHAIRMAN CROSBY: Forgive me if this is  
14 obvious, just apropos of the point that Commissioner  
15 Zuniga was making, if somebody comes late to the game in  
16 January or February and somebody says I want to get into  
17 this game, and I've got a site and I want to do this. I  
18 want to fill out an RFA, do we have it within our  
19 reasonable discretion under the clause you are referring  
20 to do that?

21 COMMISSIONER MCHUGH: We have the right  
22 -- the power to waive any deadline for anything. We have  
23 the power to waive any provision of any regulation as long  
24 as the four criteria set out in that regulation are met.



1 Whether we would do that for those reasons, I would prefer  
2 not to speculate.

3 CHAIRMAN CROSBY: I understand that.

4 COMMISSIONER MCHUGH: We have the power  
5 to do --

6 CHAIRMAN CROSBY: We have the power. The  
7 four criteria are what?

8 COMMISSIONER MCHUGH: I can't tell you  
9 exactly, but they add up to a showing of good cause. This  
10 is more than I overslept Saturday.

11 CHAIRMAN CROSBY: Or the dog ate my  
12 homework.

13 COMMISSIONER MCHUGH: Right.

14 COMMISSIONER ZUNIGA: I will state an  
15 obvious point. We could find that we don't find  
16 reasonable the amount of proposals submitted, let's say.  
17 And we open it just like any other solicitation, we could  
18 reopen it, extend it, etc.

19 CHAIRMAN CROSBY: What I think we should  
20 try to make sure we are finding is something that  
21 expedites the process as much as possible, particularly  
22 for those who are interested in moving quickly. B-gives  
23 us the broadest flexibility possible to get the most  
24 competition and the best possible deal for the

1 Commonwealth. And C - that we are fair to the people who  
2 are bidding and the communities they're bidding with.  
3 So, those three things. It sounds like a pretty broad  
4 clause that we can accomplish -- we will have the tools  
5 to accomplish that balancing act with anybody who comes  
6 up to us.

7 COMMISSIONER MCHUGH: I am confident that  
8 we will, Mr. Chairman. The consultants have suggested  
9 that the main place where we may have to exercise these  
10 waiver provisions has to do with the identity of  
11 qualifiers and associated questions. So, there I think  
12 we just need to be prepared for that and deal with it in  
13 as expeditious a manner as we can.

14 CHAIRMAN CROSBY: Right. That sounds  
15 good to me as a solution. We would go January 15 as the  
16 formal deadline with the waiver process, extension  
17 process that we've discussed which would apply to this  
18 as well as everything else and which people will now see  
19 thoroughly discussed on our website and the  
20 transcription.

21 COMMISSIONER MCHUGH: Right.

22 CHAIRMAN CROSBY: Do you want to --

23 COMMISSIONER MCHUGH: Insofar as the  
24 three sets of requests for changes or alterations are

1 concerned, I suppose the best way is to go through these  
2 quickly and pause for any questions that we want to  
3 discuss, remembering that these are going to be changes  
4 we make largely to the specimen form and not to the actual  
5 application form.

6 I should say that I received this morning,  
7 and I'm very grateful for the quick turnaround that they  
8 made, recommendations from the consultants both the  
9 legal and the gaming consultants as to the changes  
10 suggested. And the thoughts that I had and my  
11 recommendations and theirs are in alignment with respect  
12 to all of this.

13 With that as a prologue, we will deal first  
14 of all with the Mohegan Resorts request for changes. The  
15 changes requested in the second paragraph, Mohegan,  
16 really are not consistent in our view with the statute,  
17 which presumptively makes every aspect of the  
18 application public with some exceptions. So, I think we  
19 have dealt with that and the presumption is the opposite  
20 way.

21 With respect to the changes recommended  
22 and requested in the fourth paragraph, we are all in  
23 agreement that those changes should be made. They're  
24 basically designed to make confidential an individual's

1 height, weight and marital status. Marital status is by  
2 statute a confidential piece of personal information at  
3 the moment. And height and weight fall in that category  
4 as well.

5                   There is a request to make the names and  
6 individuals who apply for firearms licenses  
7 confidential. And there is a statute that does that.  
8 So, we should do that as well.

9                   Insofar as personal information dealing  
10 with casino employees and other qualifiers, we think that  
11 the presumption should apply to them as well.

12                   CHAIRMAN CROSBY: Presumption of?

13                   COMMISSIONER MCHUGH: Confidentiality  
14 with respect to personal data affecting those people.  
15 So, we recommend that change be made as well. Again, all  
16 three of those changes simply require a change to the  
17 specimen form, no change to the application form itself.

18                   CHAIRMAN CROSBY: For the heck of it, did  
19 that include house of worship, fraternal organizations?

20                   COMMISSIONER MCHUGH: That is personal  
21 information, religious affiliation, that kind of thing.

22                   CHAIRMAN CROSBY: Great.

23                   COMMISSIONER MCHUGH: Then with respect  
24 to the MGM comments. They begin substantively on page

1 two with the first full paragraph on page two. The  
2 request there is that if the home address is the same as  
3 the mailing address, we should exempt the mailing address  
4 from publication. That makes sense. We have exempted  
5 the home address now but not the mailing address. But  
6 if both are the same, we should exempt that.

7           The next one deals with a matter that we  
8 have discussed several times and carefully thought  
9 through. And the recommendation is that we not accept  
10 that request for a change. That has to do with whether  
11 a tax return has ever been adjusted or audited or if the  
12 applicant has ever failed to file a tax return. We went  
13 through that in some detail on that matrix that you saw  
14 the last time, and concluded that that should be public.  
15 The results not necessarily so, but the fact of an auditor  
16 adjustment or failure to file should be. So, we  
17 recommend that that request not be taken -- not be acted  
18 on favorably.

19           Existing civil litigation,, the claim  
20 there is we now are requesting the status of any civil  
21 litigation to which an applicant is a party. The claim  
22 there is that that is hugely burdensome because there can  
23 be a claim for a refund on a hotel bill that led to  
24 litigation. There could be significant claims coming

1 out of some merger or acquisition. The latter can be in  
2 the hundreds of thousands.

3 The consultants -- And it is a huge burden  
4 without any significant yield. The consultants have  
5 recommended, and I tend to agree with them, that we ought  
6 to leave it the way it is and make that part of the  
7 discussion with the applicant. And leave it to the  
8 applicant to disclose to us or tell us why it is going  
9 to be a burden to do that.

10 CHAIRMAN CROSBY: Which would then in the  
11 same context give us the right to waive this.

12 COMMISSIONER MCHUGH: The right to waive  
13 it. There are two reasons for doing that. Number one,  
14 the gaming consultants in particular say that many of the  
15 corporations that are going to be the applicants have all  
16 of this data computerized anyway and can spit out a  
17 report.

18 Secondly, if an entity has thousands and  
19 thousands of consumer lawsuits and complaints that tells  
20 us something perhaps useful about the applicant, just the  
21 volume as compared to another applicant. So, it is a  
22 useful piece of information. Is it dispositive of  
23 anything, not necessarily. But it is a useful piece of  
24 information to have.

1                   So, the recommendation there is to leave  
2 it in in the present form but be prepared to discuss it  
3 in these initial discussions we are going to have, if  
4 somebody can show why it is both relevant and unduly  
5 burdensome. That's the recommendation on that one.

6                   The next one is the submission on behalf  
7 of Suffolk Downs. That is extensive. I am just going  
8 to go through with them quickly. The first is the  
9 business entity disclosure form. I hope everybody has  
10 had a chance to read these. The first paragraph, the  
11 recommendation is that we not make the requested change.  
12 As to the second item recommendation is that we should  
13 make the request to change, same is true of the third  
14 recommendation that we should make it.

15                   The fourth recommendation is that we make  
16 the requested change. The gaming consultants as to that  
17 one, that one has to do with correspondence between the  
18 business entity and its consultants -- its auditors  
19 related to or dealing with the annual reports or other  
20 filings. The claim there is that correspondence is  
21 correspondence and it may not yield anything of value.

22                   The consultants' position is that it may  
23 yield something of value and that we should leave it the  
24 way it is. Again, talk through with the applicant if the

1 information is unduly burdensome. So, that is the  
2 recommendation that they have made and that is the  
3 recommendation that I make as well. This would be a no.  
4 That would be a no, a no, but. Then the final one on that  
5 page would be a yes.

6 As to the next one, which is the  
7 Massachusetts personal history disclosure supplemental  
8 form, the recommendations are as follows: as to the  
9 first one, yes, as to the second and third, no. As to  
10 the fourth, yes, as to the fifth, the recommendation is  
11 no. As to the next one, the recommendation is no. And  
12 as to the last one, the recommendation is no.

13 CHAIRMAN CROSBY: The last one on page  
14 two?

15 COMMISSIONER MCHUGH: On page two, right.  
16 The last one and the one two lines above, page 11, item  
17 17 talk about repetition. The gaming consultants' view  
18 is that the repetition, because these things are going  
19 to be filled out necessarily is itself a valuable thing,  
20 so that we make sure we get the straight story. That is  
21 basically what the recommendation is. It's a small  
22 matter. It seems to me that the yield there is  
23 potentially valuable. And we ought to leave it the way  
24 it is.



1 CHAIRMAN CROSBY: License (INAUDIBLE).

2 COMMISSIONER MCHUGH: Right.

3 CHAIRMAN CROSBY: Page 10, item 15, I  
4 didn't hear what you said about it.

5 COMMISSIONER MCHUGH: The recommendation  
6 is that we make that change.

7 CHAIRMAN CROSBY: Yes, okay, on the motor  
8 vehicle.

9 COMMISSIONER MCHUGH: Right. Then the  
10 final page, page three the recommendation for the first  
11 one is yes and the recommendation for the rest is no.

12 CHAIRMAN CROSBY: Marital, did you say  
13 something earlier that it was confidential?

14 COMMISSIONER ZUNIGA: Yes, I was going to  
15 ask that question too.

16 COMMISSIONER MCHUGH: No. There is a  
17 difference. But I will go back and check. But this one  
18 has to do with information about the spouse's financial  
19 status as opposed purely to marital status. Let me go  
20 back to make it consistent. Marital status is exempt.  
21 We said that we are going to change that in response to  
22 the first one. Let me go back and check that. And if  
23 it is simply marital status, they need to be consistent.  
24 But I think this one deals with assets and investments

1 of the spouse rather than simply the existence of a  
2 spouse. One sort of requires the other, doesn't it?  
3 That's what I think the difference between the two is.

4 CHAIRMAN CROSBY: Okay. Thank you and to  
5 you and the consultants that is yeoman's work. That was  
6 a lot of work.

7 COMMISSIONER MCHUGH: Unfortunately,  
8 there is no easy way to talk about it. So, we will make  
9 those recommendations -- we will make those changes in  
10 the specimen form and in a few cases that are necessary  
11 in the forms itself.

12 So, I would move that I be empowered to  
13 work with Anderson and Kreiger who are doing the final  
14 preparation to embody the substance of the  
15 recommendations just described in the revised specimen  
16 form and application forms and publish on the 15th as  
17 scheduled, the resulting forms.

18 COMMISSIONER STEBBINS: Second.

19 CHAIRMAN CROSBY: Subject to that one  
20 clarification.

21 COMMISSIONER MCHUGH: Yes, subject to  
22 that one clarification.

23 CHAIRMAN CROSBY: Do you want to add into  
24 this the closing date and waiver?

1                   COMMISSIONER MCHUGH: Yes and that we  
2 publish with the forms the instructions pertaining to a  
3 January 15, 2013 deadline for filing applications and a  
4 provision that would allow waivers from that deadline  
5 under the terms and conditions set out in the regulations  
6 that will be published this Friday.

7                   CHAIRMAN CROSBY: That was seconded.

8                   COMMISSIONER STEBBINS: As a practical  
9 matter, do we already have the right to have waived that?  
10 Does the waiver clause that is referred here, 205CMR  
11 102.03, etc. does that already give us that right to waive  
12 anything we want?

13                  COMMISSIONER MCHUGH: The regulations  
14 in, I believe it is, 102.03 is the general waiver  
15 regulation.

16                  CHAIRMAN CROSBY: We already have that in  
17 a way.

18                  COMMISSIONER MCHUGH: Yes, but we  
19 incorporate that in here so that there is no mistake that  
20 those conditions have to be met in order for a waiver in  
21 the deadline here.

22                  CHAIRMAN CROSBY: Great.

23                  COMMISSIONER MCHUGH: So, that combined  
24 motion has been seconded and is ready for discussion.

1                   CHAIRMAN CROSBY: The motion covered --  
2 included any waivers including like if we want people to  
3 come in late, not just the July 30 date, but all of the  
4 other kinds of things we talked about, we would be  
5 empowered to do that under your motion?

6                   COMMISSIONER MCHUGH: I am not sure I  
7 understand that. The waiver of the deadline would be  
8 covered by 102.03.

9                   CHAIRMAN CROSBY: Also the waiver of like  
10 when the \$400,000 is due?

11                  COMMISSIONER MCHUGH: Yes, that would be  
12 covered by it. That regulation 102.03 deals with  
13 waivers of any provision of our regulations. The  
14 provision of the regulations cover all of these things.  
15 The form simply takes the regulation and puts it in a  
16 form. So, to waive any provision of regulations --

17                  CHAIRMAN CROSBY: Including the ones we  
18 just got through saying we would consider in a qualifier  
19 conversation, we are already authorized to waive those  
20 as we said we might?

21                  COMMISSIONER MCHUGH: Right.

22                  CHAIRMAN CROSBY: Any other discussion  
23 about this fascinating topic? All in favor? Aye.

24                  COMMISSIONER ZUNIGA: Aye.

1 COMMISSIONER STEBBINS: Aye.

2 COMMISSIONER MCHUGH: Aye.

3 COMMISSIONER CAMERON: Aye.

4 CHAIRMAN CROSBY: All opposed, nay? The  
5 aye's have it.

6 COMMISSIONER MCHUGH: There is one more  
7 aspect of this before I let you all go and that is this.  
8 The day before or two days before we filed the final  
9 regulations with the Secretary of State, we filed under  
10 your signature -- over your signature someplace your  
11 signature an amended small business impact statement.  
12 That is required as part of the regulation promulgation  
13 process. That was drafted and filed, Mr. Chairman, on  
14 September 25, I believe -- September 26, it was actually  
15 filed.

16 That is part of the meeting packet today  
17 with the date stamp on it. I would move that we ratify  
18 the Chair's filing of that statement on September 26 and  
19 ratify that that is the statement of the Commission.

20 COMMISSIONER CAMERON: I second the  
21 motion.

22 CHAIRMAN CROSBY: Discussion? All in  
23 favor? Aye.

24 COMMISSIONER ZUNIGA: Aye.

1 COMMISSIONER STEBBINS: Aye.

2 COMMISSIONER MCHUGH: Aye.

3 COMMISSIONER CAMERON: Aye.

4 CHAIRMAN CROSBY: All opposed? Aye's  
5 have it.

6 Thank you very much. It's great.

7 On the topic, we had talked about being ready to schedule  
8 meetings with people who want to take an RFA-1 ASAP from  
9 the moment the forms are available. And we haven't  
10 really set that process up yet.

11 I think it is a process that we expected  
12 to do in conjunction with the consultants, to have those  
13 meetings in conjunction with the consultants. I guess  
14 we have one more meeting. We have Tuesday. Just so  
15 bidders can start to plan, do we want to talk about how  
16 that process ought to work and when we would start that.

17 COMMISSIONER MCHUGH: I think we need to  
18 talk about both. But I think we need to determine  
19 promptly what we are going to do about investigation  
20 piece, unless those discussions are within the existing  
21 contract with the gaming consultants or some subset of  
22 the gaming consultant or the contract that can be  
23 extended.

24 In other words, we have two pieces at least

1 to the investigative process. We have the shaping  
2 piece, let's call it, where you have the discussions as  
3 to who is a qualifier and who isn't a qualifier, what  
4 documents and some of the things we just went through.  
5 And come to an agreement or disagreement as to what has  
6 to be done. Then we have the execution of the  
7 investigation within those parameters. I think those  
8 are divisible. Ideally, they are done by the same  
9 people, but they don't have to be. But we have to figure  
10 out who is going to do them. That's really the important  
11 part of the conversation, I think.

12 CHAIRMAN CROSBY: Let me just quick jump  
13 in, because I think this is something we have been very  
14 much conscious of. In a perfect world, we would have the  
15 investigations people on board and the qualifier  
16 discussions would be the same. That has never been  
17 feasible for us under any scenario.

18 So, we have put into the Phase II that we  
19 would be able to carry on the discussions about  
20 qualifiers, preparation of shaping as you're saying with  
21 our present consultants. Then pass the investigations  
22 on, as you say is a discrete piece, to whoever becomes  
23 the investigation people.

24 The driver on the investigations piece is

1 that within 30 days or so nobody expects we are going to  
2 get completed RFA-1's back before a month or so of the  
3 time we put them out. So, at worst on or about November  
4 15 we will have the investigations decision in place and  
5 ready to go. So, we are covered under the extension that  
6 we are presently negotiating with the contractors. Did  
7 I say that right?

8 COMMISSIONER ZUNIGA: I was going to just  
9 say everything to that effect. The bulk of the current  
10 extension of the contract, which we are about to execute  
11 is essentially two big pieces. One of which is the scope  
12 of licensing which we came to term. All of the initial  
13 prodding as to who may be a qualifier and who may not and  
14 what the regulation intended, etc., etc.

15 The other Phase II regulations, which  
16 again is something we know to start. It is anticipated  
17 that just what you mentioned the decoupling of the scope  
18 of licensing from the investigations.

19 COMMISSIONER MCHUGH: Really, it reduces  
20 itself to an administrative arrangement with the  
21 consultants as to the framework that the scoping  
22 discussions will take and posting a notice as to that once  
23 it is done. We don't have to have a regulation. We just  
24 have to have a notice. And then individual discussions



1 with that person we are going to have that discussion.

2 CHAIRMAN CROSBY: I suppose if we are  
3 going to release the RFAs on Wednesday the 15th, then can  
4 we aim starting Monday to schedule the qualifier --  
5 theoretically, we could start Wednesday. But maybe that  
6 doesn't make sense.

7 Shall we target Monday whatever that would  
8 be, the 20th or whatever it is to start the qualifier  
9 meetings?

10 COMMISSIONER MCHUGH: Surely, provided  
11 the consultants are ready to go.

12 CHAIRMAN CROSBY: Kristin that is  
13 something we need to talk. That will involve some of us  
14 as well. It would be just the consultants?

15 COMMISSIONER MCHUGH: Initially, I would  
16 think it would be the consultants but it may involve us  
17 as well. This is not, at least as we have outlined it,  
18 this is not a mandatory part of the process. If somebody  
19 simply wants to fill out the application and is happy to  
20 give all of the information that is requested, doesn't  
21 have to go through this. But somebody who does have  
22 concerns about it, needs to request it.

23 CHAIRMAN CROSBY: Ultimately -- we can  
24 talk more about the process, the extent to which we are

1 involved. We heard quite a bit about it. The people in  
2 the audience will be pleased to know that we were on a  
3 panel of Massachusetts and Ohio representatives.

4           The process here is expected to be much  
5 less easier than the process there, both with respect to  
6 the Ohio -- both with respect to confidentiality  
7 flexibility and the qualifier discussions. But we have  
8 now heard many, many times that the qualifier discussions  
9 are where these things get bogged down. And it went to  
10 months sometimes in Ohio, many months. And it will  
11 ultimately come to us and we need to think about whether  
12 we -- It would ordinarily be just our Bureau of  
13 Investigations and Enforcement. We don't have a Bureau  
14 of Investigation and Enforcement yet, bodies to do the  
15 work, which is fine.

16           We have agreed that that is not necessary.  
17 We don't want to ramp up a huge Bureau to do this and then  
18 lay them all off. So, I guess if our Bureau were doing  
19 this, we probably would not be involved unless there were  
20 an appeal to us. So, maybe you're right and I'm wrong  
21 in that instinct about how that works.

22           COMMISSIONER MCHUGH: It seems to me  
23 first of all, we have agreed we don't want to have these  
24 investigations done by the Bureau because they take a

1 massive amount of effort that is a one-off. We'll never  
2 have to do this again, unlikely we have to do it again.  
3 But the consultants certainly can have the initial  
4 conversations and then either include one of us or  
5 formulate problems that we as a Commission have to  
6 resolve after they have that.

7                   In any event, whether or not we are  
8 involved, the consultants are going to be the key members  
9 of the discussion from our side. So, we really need to  
10 work out our schedule -- work out the scheduling issues  
11 with them and then post a notice or be prepared to  
12 promulgate reservations and things in light of their  
13 schedule.

14                   CHAIRMAN CROSBY: To have those meetings,  
15 we don't have to do anything formal?

16                   COMMISSIONER MCHUGH: No, right.

17                   CHAIRMAN CROSBY: We just need to make  
18 sure -- It'll be on our website if there's any questions.  
19 Kristin we should talk soon like this week to talk about  
20 making sure that whoever their consultant team is going  
21 to be is available starting a week from Monday or other  
22 if that doesn't work. Okay. Great. Getting down to  
23 it. Anything else on Phase I regulations, etc., RFA-1?

24                   Administration, we do have some progress,

1 which we will hear about in a minute. The personnel  
2 searches, we hope to be able to announce our ombudsman  
3 next week and we are moving full more on everything else  
4 we are doing including the Executive Director. That is  
5 it. There is nothing is new to start, no searches to  
6 start I guess.

7 COMMISSIONER CAMERON: Not yet.

8 CHAIRMAN CROSBY: The Director of  
9 Administration, Director Eileen Glovsky is not here  
10 today, but Commissioner Zuniga had a couple of updates  
11 on her behalf.

12 COMMISSIONER ZUNIGA: Sure. Very  
13 briefly. I spoke about the final phase of execution of  
14 the extension of the current contract to our sets of  
15 consultants. We hope to have that ready within the next  
16 few days. We have all agreed that this would be to  
17 include some of the tasks that they have already done on  
18 our behalf in this transition, if you will. We will get  
19 that done and executed.

20 Also, we will be putting out an RFP for  
21 stenographic services. That will be forthcoming. We  
22 have a candor for that. And we will be issuing that in  
23 the next few days as well.

24 CHAIRMAN CROSBY: Okay. Do you know when

1 we are going to get another round for project-management  
2 chart from PMA? It has been two weeks since we had that  
3 last meeting. Do you happen to know?

4 COMMISSIONER ZUNIGA: I know we scheduled  
5 a conference call, Eileen and I, with them this Thursday.  
6 So, we are hoping to have an update. There were a couple  
7 of follow-ups, questions since our last meeting two weeks  
8 ago. One of them was resource loading certain of the  
9 activities. They have to do with when we need certain  
10 staff for certain activities and they are working on  
11 that.

12 CHAIRMAN CROSBY: We have also asked the  
13 consultants to figure that out.

14 COMMISSIONER ZUNIGA: That's right. But  
15 they need to reflect that and there's been some initial  
16 discussion as to just how to go about doing that  
17 efficiently. As well as the Tribal timeline, you had  
18 talked, Mr. Chairman, about potentially talking to the  
19 Tribe and having an introductory discussion perhaps  
20 yourself with them. If there is a timing component that  
21 is something we really would like to start understanding  
22 from a scheduling standpoint.

23 CHAIRMAN CROSBY: I should mention that  
24 we did meet the Chairman of the Tribe, Senator Cromwell

1 and two of the other members of the Tribe. And I met with  
2 the Acting Chair of the Tribal Gaming Commission and the  
3 Acting Executive Director of the Tribal Gaming  
4 Commission. And we are going to follow-up on all of  
5 those. We met them in Las Vegas. And it was a very  
6 positive meeting with the people from the Tribal Gaming  
7 Commission suggested we do that.

8 So, on first blush, that looks like a good  
9 working relationship. We can follow that up. I think  
10 we ought to try and see if we can have them on the agenda  
11 for next week because it must be awful close to having  
12 it being working document by now.

13 COMMISSIONER ZUNIGA: You mean PMA?

14 CHAIRMAN CROSBY: PMA, yes. There will  
15 always be changes. It's a living document. But I'd  
16 like to get it moving for us, get it working for us if  
17 we can.

18 COMMISSIONER ZUNIGA: There are two other  
19 aspects that they are also follow up on that end, we can  
20 certainly follow up next week, but that is the list of  
21 MOUs that the Commission needs to start working on that  
22 may have an impact again on our critical path, if you  
23 will.

24 As well as the Phase II discussion as to

1 whether we can or want to split into the slots parlor  
2 license versus all of them at the same time. So, they  
3 are creating that split analysis.

4 CHAIRMAN CROSBY: And there is other  
5 stuff that they are waiting on us. The research timeline  
6 they are waiting on us, I'm sure.

7 COMMISSIONER ZUNIGA: Yes.

8 CHAIRMAN CROSBY: For example, if they  
9 could come with a working document for everything that  
10 is pretty much complete, then they can put holes where  
11 we need to fill out still. We can get working or get  
12 using it on the main stuff. Anything else under  
13 administration?

14 Finance and budget, Commissioner Zuniga,  
15 did you have --

16 COMMISSIONER ZUNIGA: What I will do is  
17 give a very high-level summary of our results for the  
18 first quarter and we will follow up next week with a more  
19 detailed report. I meant to do that for this week, but  
20 a number of things got in the way of that.

21 You will remember that we approved the  
22 budget for \$7,411,000 at the beginning of this fiscal  
23 year. We have had expenditures for the first quarter of  
24 fiscal year 2013 for \$1,165,766. If we were to take the

1 budget that we approved, take out an indirect allocation  
2 that the State charges us and divide by four, just  
3 prorated if you will, that number would be \$1,684,000,  
4 which means that we are under spending, if you will --  
5 I'll get to the reasons why in a minute. -- just on a  
6 purely prorated basis. The reason for that was  
7 contemplated.

8                   We assume the number of positions coming  
9 into the salary line item is somewhere along the fiscal  
10 year, some of whom will be coming shortly. And we have  
11 had a lot of discussion as to the Executive Director first  
12 and foremost and a General Counsel as well as a Director  
13 of Investigations and Enforcement.

14                   I contemplated was those salaries would be  
15 at 70 percent or 50 percent because they ramp up somewhere  
16 in the year. It doesn't mean that we are meeting our  
17 target. It just means that the spending is going to  
18 catch up before the end of the year. But I'll have an  
19 analysis to that effect.

20                   CHAIRMAN CROSBY: When in your cash flow  
21 did you have the research monies being spent?

22                   COMMISSIONER ZUNIGA: That is not  
23 contemplated in the \$7 million figure.

24                   CHAIRMAN CROSBY: Because it is a wash.



1                   COMMISSIONER ZUNIGA: We contemplated  
2 that as below the line.

3                   CHAIRMAN CROSBY: Okay that's good news.

4                   COMMISSIONER ZUNIGA: The good news is we  
5 are not overspending. That's for sure.

6                   CHAIRMAN CROSBY: The status of the  
7 financial services RFI or RFP.

8                   COMMISSIONER ZUNIGA: RFP for financial  
9 services is due October 12. We have had a couple of  
10 questions. They were very administrative -- They were  
11 administrative in nature relative to the line or number  
12 of pages. So, we answered that and that is pretty  
13 straightforward and we will be getting responses on the  
14 12th.

15                  CHAIRMAN CROSBY: Which is this Friday?

16                  COMMISSIONER ZUNIGA: This week, yes.

17                  CHAIRMAN CROSBY: Great. Anything else  
18 on finance and budget? Okay, Commissioner Cameron, how  
19 would you like to introduce our new Director of Racing?

20                  COMMISSIONER CAMERON: I would love to do  
21 that, Mr. Chair. As you know, you assigned me the  
22 responsibility of conducting a search for a Racing  
23 Director. We did conduct a national search, advertised  
24 in all of the periodicals and websites that are pertinent

1 to racing.

2           It is my pleasure to introduce our final  
3 candidate for the Director of Racing. That is Dr.  
4 Jennifer Durenberger, who is a doctor of veterinary  
5 medicine as well as a juris doctorate. She has national  
6 and international experience as a racing regulator,  
7 unique skill set, regulatory veterinarian as well as an  
8 accredited steward.

9           Dr. Durenberger first became a regulator  
10 veterinarian in 2003, has worked New York Racing at  
11 Aqueduct, Belmont and Saratoga. She introduced many  
12 regulatory reforms while on staff including blood gas  
13 testing program, a race day security bond, among numerous  
14 other innovative initiatives.

15           Dr. Durenberger also was a veterinarian,  
16 regulatory veterinarian in California horseracing,  
17 Hollywood Park, Santa Anna, Fairplex Racetracks. She  
18 became an accredited steward in 2009. Also was tapped  
19 in 2009 to be one of three independent veterinarians to  
20 join the National Thoroughbred Racetrack Association  
21 Safety and Integrity Alliance.

22           And Dr. Durenberger has international  
23 experience as a regulatory veterinarian ,three Breeders '  
24 Cup, world championships in 2005, 2008 and 2009. And she

1 has also operated her own regulatory consulting business  
2 known as Racing Matters.

3 Dr. Durenberger would you like to please  
4 come aboard.

5 DR. DURENBERGER: Thank you,  
6 Commissioner.

7 COMMISSIONER CAMERON: You're welcome.  
8 Thank you.

9 DR. DURENBERGER: Chairman,  
10 Commissioners.

11 CHAIRMAN CROSBY: I guess phase one is to  
12 decide whether or not we indeed want to hire Dr.  
13 Durenberger, right?

14 COMMISSIONER CAMERON: I think that would  
15 be appropriate after some questions are asked. My read,  
16 Mr. Chair, is that the good Doctor is up to the challenge  
17 of answering those questions.

18 CHAIRMAN CROSBY: Does anybody got a  
19 starter? Let me start. I am just interested, you have  
20 done this in a lot of places. You have been involved in  
21 this business in a lot of places. What off the top of  
22 your head is your reactions to Massachusetts to what we  
23 are doing here, just sort of generally about the  
24 environment, what we are doing here, the reforms that

1 have been proposed? Just in general, what is your take  
2 on what we are doing here in Massachusetts?

3 DR. DURENBERGER: My take on it as an  
4 outside observer, and I will say I haven't had any direct  
5 experience with Suffolk or with Plainridge, but I do work  
6 on some national committees. My reaction is that  
7 Massachusetts is proposing some changes and some  
8 restructuring at a time that there is a nationwide  
9 movement towards uniformity.

10 I think this opportunity that is before  
11 you comes at a time that could not be anymore apropos.  
12 The momentum -- We have the momentum. We have some  
13 really good people. We have some really good model  
14 practices, some best practices, some accreditation  
15 programs that are out there.

16 So, to the extent the racing side of the  
17 Gaming Commission is a little bit different in that it  
18 has been in existence. It is an established program in  
19 Massachusetts as opposed to gaming, which you are  
20 standing up. So, we are going to be doing a little bit  
21 more realignment I would think than standing up the  
22 Commission.

23 We've got some good work to do ahead of us.  
24 And I am very excited to the opportunity because I think

1 the door is open to make some very positive changes and  
2 to contribute at a national level as well.

3 COMMISSIONER ZUNIGA: I do have a  
4 question. I have learned a lot about racing because I  
5 knew nothing about racing when I came to this position.  
6 Nationally but this is also true in Massachusetts, it  
7 appears that the racing has been in some decline. Other  
8 jurisdictions have had attempts to revive that industry  
9 with a number of different approaches, one of which is  
10 casinos.

11 Could you just tell us a little bit about  
12 that perspective or your opinion about an outlook of the  
13 industry, if you will, given its history and given your  
14 opinion about the future.

15 DR. DURENBERGER: There was a lot of  
16 questions in one.

17 My initial reaction is that yes, racing  
18 has been in decline. And I think we all recognize that.  
19 I think the Commissioners in all jurisdictions recognize  
20 that. I think that we have more momentum right now and  
21 more understanding. And we are working together  
22 collaboratively instead of just provincially or  
23 state-by-state to make improvements to the industry.

24 In terms of working with casinos that is

1 actually one of the reasons why I went to get my law  
2 degree. I continued to work as a regulatory  
3 veterinarian while I received that degree. But it  
4 became very apparent to me that racing and casinos were  
5 going to become more and more intertwined.

6           At the time when I went for it, I thought  
7 that this would be a very good area for me to learn and  
8 to gain some vocabulary and to understand some issues  
9 because it would be helpful down the road. I am not quite  
10 sure how I feel about it on a personal level, but I think  
11 that's where it is changing the industry. And there are  
12 intended consequences and there are unintended  
13 consequences. I think that looking at these things  
14 thoughtfully and ahead of time is the way to go.

15           CHAIRMAN CROSBY: It would be interesting  
16 to expand on just this sense of the slight discomfort you  
17 have, some of the unintended consequences. I was going  
18 to ask you something about that but maybe you were  
19 anticipating that. What are those? What were you  
20 thinking about.

21           DR. DURENBERGER: I think it is just  
22 venturing into the unknown. People that are in racing  
23 are typically second and third generation horsemen.  
24 They have worked in racing all of their lives. And it

1 is a very, very important industry to them. And they are  
2 very, very passionate about it.

3 And it is your entire world. When you  
4 work in racing, it is your entire world. Anytime you  
5 look at change in general, whether it is within the  
6 industry or bringing something outside of the industry  
7 in, it can be very intimidating. So, I think doing it  
8 thoughtfully increase your chances of success and  
9 increase your chances and your likelihood of not  
10 offending the stakeholders, all of the industry  
11 stakeholders because there are a lot of them, from the  
12 Commonwealth to the horsemen to the racetrack  
13 management.

14 CHAIRMAN CROSBY: Interesting.

15 COMMISSIONER MCHUGH: One of the things  
16 that has been a prominent feature of news report,  
17 particularly the New York Times news report over the last  
18 eight months has to do with the use of drugs and the health  
19 of horses. Could you just give us your take broadly on  
20 that? I know that there is many, many layers to that,  
21 but just broadly on the issue.

22 DR. DURENBERGER: There are many layers  
23 to that. Where we were as a racing industry, I would say  
24 10 years ago as compared to where we are now is

1   incredible.  It was actually, I believe, right around  
2   2001 when our professional organizations looked at  
3   creating some model medication rules and making them a  
4   uniform set, because each state was operating  
5   independently.

6                   At the time, basically the theory and the  
7   attitude was it will never happen.  There will never be  
8   uniformity.  And 10 years later, we are very, very close  
9   to being uniform.  We are not there entirely, but we have  
10  made such huge strides.

11                   I think that the New York Times articles  
12  have opened our eyes, maybe giving us a little bit more  
13  of an urge -- a sense of urgency to get to that point  
14  particularly with medication regulation, but there is  
15  other regulations that affect the safety and welfare of  
16  racing's participants.  Again, all of racing's  
17  participants from the bettor to the breeder to the jockey  
18  to the owner to the trainer and to the racetrack  
19  management, there's a lot of participants in racing that  
20  are affected by these regulations.

21                   CHAIRMAN CROSBY:  It appears that one of  
22  the potential unintended consequences out of the same set  
23  of reports is that the increased purses that has come from  
24  racinos and the various interlocking relationships have



1 created an incentive to win, which gives you an incentive  
2 to cheat and that has caused incidents of drugging to go  
3 up.

4 Is that one of the unintended  
5 consequences you were thinking about? Have you seen  
6 that? Is that something that can be managed?

7 DR. DURENBERGER: I don't have any  
8 personal experience with that. I actually had left  
9 prior to the opening of the casino at Aqueduct. I have  
10 read the report very closely. I think that the outcome,  
11 the conclusion of the report, and for those of you who  
12 don't know what I'm speaking about, the Governor of New  
13 York convened a task force to look into a rash of  
14 breakdowns at Aqueduct that happened this winter.

15 The conclusions of that report were  
16 basically that it is multifactorial. There isn't one  
17 thing that we can point to. And one of the factors that  
18 was cited was perhaps incentivization as you talked  
19 about, creating a financial incentive to put a horse in  
20 a race that maybe shouldn't be there.

21 To what extent, what percentage of weight  
22 you can attribute to that I don't know. But the  
23 conclusion was that there should be a cap on purse money  
24 available at the claiming races. And I think I'm

1 imagining the number was something like 1.6 times the  
2 value of the horse in that race.

3 That has also been the subject of a white  
4 paper that one of the professional organizations,  
5 American Association of Equine Practitioners, has come  
6 out with a similar number in one of their white papers.  
7 So, we're looking at it very closely. I certainly don't  
8 think it was the sole contributor nor do the people on  
9 the task force. But it's certainly something that is out  
10 there and needs to be looked at.

11 CHAIRMAN CROSBY: How did you get into  
12 this business?

13 DR. DURENBERGER: Honestly?

14 CHAIRMAN CROSBY: Yes. No, make it up.  
15 We are all making it up.

16 DR. DURENBERGER: Honestly, this is  
17 absolutely true. I was turning in a final paper when I  
18 was a graduate student at the University of Minnesota.  
19 I was turning in my final paper. And on the bulletin  
20 board outside of the professor's office was a flyer that  
21 said, like horses? Need a job? And I said yes and I said  
22 yes. And that job actually turned out to be a sample  
23 collector in the test barn, where I got to work very  
24 closely with the veterinarians that were with there.

1 And they encouraged me to go this route. And I am forever  
2 indebted to them for better or worse.

3 CHAIRMAN CROSBY: And if our audience  
4 doesn't know what a sample collector in a horse barn is,  
5 please speak to Commissioner Cameron. She will tell  
6 you.

7 COMMISSIONER ZUNIGA: I was just going to  
8 mention if you could just give us a little bit more on  
9 your take from a legal standpoint. You talk about your  
10 degree and then your involvement with best practices  
11 across the country. We have as part of our statute, a  
12 recommendation to look into any modifications that may  
13 be needed to some of the racing statute, if you will.

14 Is there anything you could tell us that  
15 you may know already about Massachusetts or that  
16 Massachusetts should look into that is going on in other  
17 jurisdictions?

18 DR. DURENBERGER: There is a set of model  
19 rules to regulate racing. It is not just medication, but  
20 it is all aspects of racing. It has been promulgated by  
21 the Association of Racing Commissioners International,  
22 which has stakeholders, various stakeholders.

23 And the rulemaking process has been a  
24 number of decades. And they all had input into those

1 model rules. Massachusetts is not a model rule state.  
2 But certainly some of the rules share a common  
3 background, a common root, if you will, so it's not  
4 divergent 100 percent. But there are some areas where  
5 it is different. Sometimes the unique facts and  
6 circumstances in a jurisdiction justify them being  
7 different, different variations of those rules.  
8 Certainly, that is something I would imagine the  
9 Commission wants to review.

10               There are accrediting bodies for racing  
11 officials. There are accrediting bodies for stewards,  
12 the Racing Officials accreditation program is a national  
13 organization. They actually have some international  
14 members. We are working on an accrediting body for  
15 veterinarians that is very similar. There is a very new  
16 program, a racing certificate program for racing  
17 officials such as patrol judges and paddock judges, horse  
18 identifiers. That is a two-day program.

19               There's a lot going on right now in terms  
20 of the best practices.

21               COMMISSIONER CAMERON: I have a question,  
22 Doctor. I have had the most opportunity to get to know  
23 you, interviewed you and actually took a course that you  
24 taught up at Saratoga. But I don't think I ever asked

1 you why you were interested in coming to Massachusetts  
2 and leading the racing industry?

3 DR. DURENBERGER: This is an opportunity  
4 for purely selfish reasons professional development for  
5 myself. It's an opportunity to be part of something that  
6 on the gaming side is being stood up and it is a new  
7 initiative and it is very exciting. I have to say, I have  
8 been through a lot of the meetings on the webcast. I have  
9 been through the public education forums, and like what  
10 I see. I really appreciate the thoughtfulness of this  
11 group, of the legislation itself. I am very mindful of  
12 process. And everything that I've seen in here is very,  
13 very encouraging. I look at it as an opportunity to do  
14 some good instead of maintaining the status quo and here  
15 I am.

16 CHAIRMAN CROSBY: Great, thank you.

17 COMMISSIONER CAMERON: Thank you.

18 CHAIRMAN CROSBY: We delegated to  
19 Commissioner Cameron to be the point person on the  
20 search. And said to her either bring back multiple  
21 candidates if she was undecided. Or if she was clear,  
22 to bring back a preferred candidate, which she has done.  
23 Unless there is further discussion, you might want to  
24 make a motion to formalize your judgment.

1                   COMMISSIONER CAMERON: Mr. Chair, I would  
2 like to make a motion that we vote on Dr. Durenberger  
3 becoming our Director of Racing.

4                   CHAIRMAN CROSBY: Second?

5                   COMMISSIONER MCHUGH: I enthusiastically  
6 second that motion, Mr. Chairman. I have listened to Dr.  
7 Durenberger. I had a chance to meet with her briefly  
8 before today's meeting. She is thoroughly competent and  
9 thoughtful and I think would be a great asset to this  
10 Commission.

11                  CHAIRMAN CROSBY: Any other discussion?  
12 I have the same reaction. I am delighted to have this  
13 happen and to get our Commissioner back, so she doesn't  
14 have to run the Racing Commission anymore. So, if there  
15 is no further discussion, I will ask for all in favor of  
16 the motion? Aye.

17                  COMMISSIONER ZUNIGA: Aye.

18                  COMMISSIONER STEBBINS: Aye.

19                  COMMISSIONER MCHUGH: Aye.

20                  COMMISSIONER CAMERON: Aye.

21                  CHAIRMAN CROSBY: All opposed? Welcome,  
22 you got it. It is great to have you here. Thank you.

23                  One question that you probably don't have  
24 the answer to. Do you know anything about the audit that

1 the auditors are doing, Auditor Bump is doing? Does  
2 anybody know what the status of that is?

3 COMMISSIONER CAMERON: Well, I know they  
4 completed their work. But we did not receive a final  
5 report yet. Sometimes it takes them a long time -- It  
6 takes some time to complete that report. There were no  
7 reported incidents during their conversations with the  
8 staff's remedial steps.

9 COMMISSIONER ZUNIGA: I would just  
10 characterize that as there were not reported findings.

11 COMMISSIONER CAMERON: Findings, okay.  
12 Thank you.

13 CHAIRMAN CROSBY: No reported findings  
14 meaning they didn't find any trouble spots?

15 COMMISSIONER ZUNIGA: When we met with  
16 them was in the kickoff meeting. The message was if  
17 there is any findings you will know as soon as we make  
18 those findings.

19 CHAIRMAN CROSBY: Findings meaning  
20 problems?

21 COMMISSIONER ZUNIGA: Yes, I am just  
22 using a term of the industry.

23 CHAIRMAN CROSBY: Good. Because that's  
24 one of the many baseline tools that our new Director may

1 want at her fingertip to sort of get this thing together.

2 Great, thank you.

3 COMMISSIONER CAMERON: In addition, Mr.  
4 Chair, I have some tentative decisions to report to the  
5 Commission. On September 20, on behalf of the  
6 Commission I held adjudicatory proceedings.

7 The first matter I'd like to report is the  
8 matter of Lucy Herkova, a licensed jockey at Suffolk.  
9 The Suffolk Downs board of stewards made a ruling and they  
10 suspended Ms. Herkova for 15 calendar days, disqualified  
11 her for a third-place finish in a race that was held  
12 September 1. I presided over this proceeding.

13 To get to the finding of fact, the  
14 Commission has issued the appellant a license to practice  
15 as a jockey. The appellant did participate in the fifth  
16 race taking place on Saturday, September 1. And the  
17 appellant's horse, Katie's Gift, entered the home  
18 stretch. After the second turn, it attempted to go  
19 around the outside number five horse. During this  
20 attempt to go around, the appellant's horse impacted the  
21 number six horse causing the horse and the rider to fall.

22 The appellant was in control of her horse  
23 and could have avoided the collision. Therefore, the  
24 collision was caused by recklessness. Discussion on



1 that matter, based on the findings of fact, I in  
2 representing the Commission heard the disciplinary  
3 matter and did in fact find the conduct constituted a  
4 violation.

5 Discussion about the matter, the evidence  
6 clearly demonstrated that the appellant's horse impacted  
7 another. The question here was really rather the  
8 collision was caused by the appellant's recklessness.  
9 And I concluded that it did on behalf of the Commission.  
10 I credited the testimony of Chief Steward Walsh in  
11 explaining and talking about the evidence as we watched  
12 the video.

13 The appellant did on her behalf talk about  
14 a couple of mitigating facts. One being that the horse  
15 was tired and it was not accustomed to a two-turn race.  
16 And that she as the jockey attempted to over correct.  
17 And that Thoroughbred horses can be temperamental.

18 I found Chief Steward Walsh's testimony to  
19 be convincing in this matter. And as a trained jockey,  
20 the appellant should have had control over the horse when  
21 the accident took place. This accident was preventable  
22 and it was careless in nature. The jockey was knocked  
23 unconscious, had to go in an ambulance to the hospital.

24 The other issue at stake here was the

1 amount of time. Again, I found Chief Steward Walsh's  
2 testimony that this was a reckless action. And that the  
3 15-day suspension is warranted. The appellant  
4 certainly has the right to reconsider to the full  
5 Commission on this matter.

6           The second matter is the tentative  
7 decision in the matter of Augusto Martin, another  
8 licensed jockey at Suffolk Downs. In this particular  
9 case, again September 20 the hearing was held. The  
10 appellant is a licensed jockey, did participate in a  
11 third race on Monday, September 10. The appellant's  
12 horse, the number two horse proceeded during the race to  
13 come in close contact with the number four horse and in  
14 fact clipped the heels of that horse. The appellant was  
15 in control of the horse and could've avoided the clipping  
16 of the heels.

17           We had jurisdiction to hear this matter.  
18 I found on behalf of the Commission that in fact a  
19 violation had occurred. Again, the testimony of the  
20 Chief Steward was convincing as was the video of the  
21 event.

22           The mitigating factor, the jockey  
23 testified that there was no intent to clip.  
24 Fortunately, there were no accidents in this matter.

1 But I did find on behalf of the Commission to uphold the  
2 Board of Stewards suspending the jockey for five calendar  
3 days. The suspension will be served -- be determined by  
4 the stewards as to when that will occur.

5 As in the last case, there is a right to  
6 reconsider my tentative decision in this matter.

7 The third on September 20 was the matter  
8 of William Beaton who is a licensed employee, a stable  
9 employee. Mr. Beaton appealed his suspension. This is  
10 a lengthy suspension as recommended by Board of Stewards.  
11 This is for a 72 days. This is for the entire end of the  
12 meet.

13 This was for a misappropriation of Suffolk  
14 Downs' property. And Chief Steward Walsh testified in  
15 this matter. The appellant was backside at Suffolk  
16 Downs on Friday, August 10. There was a rainstorm that  
17 caused minor flooding in the barn area. And without  
18 permission the appellant took a tractor, a front-end  
19 loader decided to take that piece of equipment on his own  
20 and attempted to prevent the barn from flooding.

21 CHAIRMAN CROSBY: To prevent his own barn  
22 or the track?

23 COMMISSIONER CAMERON: The barn is where  
24 his horses are and many others. Typically what happens

1 there is they will dig to try to dam off the area so that  
2 the water doesn't disturb the horses.

3 COMMISSIONER CAMERON: In this  
4 particular case, the appellant decided that he would  
5 commandeer a tractor to assist in that effort. It is my  
6 finding on behalf of the Commission that that is a  
7 violation. The facts aren't really in dispute. He  
8 admits to operating the heavy equipment without any legal  
9 right to do so. His mitigating testimony was that he was  
10 trying to stop the property and the horses from the water  
11 that was coming in.

12 Again, Chief Steward Walsh testified that  
13 yes, there was a problem with the flooding. It does  
14 happen occasionally when rain falls that hard. But  
15 taking that equipment without permission is certainly a  
16 problem, certainly a liability issue. And serious  
17 enough the fact that they recommend suspending for the  
18 entire end of the meet, which is October 29.

19 Again, I found her testimony as  
20 convincing, laid out the facts, laid out the violations.  
21 And it is my tentative decision on behalf of the  
22 Commission to uphold that suspension. Again, there is  
23 a right to reconsider before the entire Commission within  
24 30 days. Those are the three matters.

1                   CHAIRMAN CROSBY:   That last one sounds --  
2 I don't know enough about it obviously and you do.   But  
3 it sounds like -- was there somebody to call?   If it was  
4 flooding, somebody had to do something.   Was there no one  
5 around to do it?

6                   COMMISSIONER CAMERON:   There is no  
7 evidence that he called anyone that was brought into  
8 testimony.   He admitted he did not have the right to  
9 commandeer a tractor from the property.   It's a serious  
10 issue, a serious liability issue.   He has no operator's  
11 license or is not an employee -- He is a barn employee  
12 not in any way associated with heavy equipment.   Like I  
13 say, what the other folks do are take shovels and work  
14 on that issue.   He took matters into his own hands and  
15 he was suspended appropriately so in my opinion.

16                  CHAIRMAN CROSBY:   Okay.

17                  COMMISSIONER ZUNIGA:   Please remind me  
18 the procedure in which we find ourselves with these  
19 tentative decisions.

20                  COMMISSIONER MCHUGH:   Basically,  
21 Commission Cameron's decision is filed as of today.   It  
22 becomes official as of today.   The party then against  
23 whom the decision runs, in this Mr. Beaton will have 30  
24 days to file an appeal with whatever issues he wants the

1 full Commission to take up. The Commission staff  
2 responds to that with papers. At any time after we get  
3 the papers, we can consider the appeal. We consider not  
4 with new evidence, just on the papers and Commissioner  
5 Cameron's findings of fact.

6 CHAIRMAN CROSBY: Is it like in baseball  
7 if while you are appealing you still play? What are  
8 these people doing while this is going on? For example,  
9 the jockey was September 1. It was recommended --

10 COMMISSIONER CAMERON: What happens is  
11 because they had planned on appealing, they asked for a  
12 stay. If it is appropriate, the stay is granted on  
13 behalf of the Commission.

14 CHAIRMAN CROSBY: She's been racing up  
15 until now?

16 COMMISSIONER CAMERON: Yes.

17 CHAIRMAN CROSBY: All of these people are  
18 still operating up until?

19 COMMISSIONER CAMERON: Although, Mr.  
20 Beaton is not. It is not the same situation with an  
21 employee. So, he is not participating at this time.

22 CHAIRMAN CROSBY: If she appealed and it  
23 went to the end of the meet, she would get her seven days  
24 next year; is that right? If the process got elongated

1 to the end of the racing season, so there were no seven  
2 days to penalize her, it would start next year,  
3 presumably, the first seven days of next year?

4 COMMISSIONER CAMERON: There was no time  
5 left in this meet to serve that amount of time. One is  
6 a five-day versus a 15-day suspension.

7 CHAIRMAN CROSBY: This is just one of many  
8 things I never really thought about. But the issue if  
9 these are serious things, do they continue to operate?

10 COMMISSIONER CAMERON: Because we wait  
11 the 30 days -- In the past when there was a Racing  
12 Commission, the decisions would be final that day. But  
13 because of our system with one Commissioner that is not  
14 the case.

15 COMMISSIONER MCHUGH: They can as  
16 Commissioner Cameron says request a stay of execution of  
17 the penalty. She grants it. Then they continue to work  
18 while the appellate process is going forward. She  
19 denies it, they can appeal that denial to this Commission  
20 on an emergency basis and we can override it or stay it.

21 So, apparently you did not stay the Beaton  
22 suspension for whatever reason. He has the right to  
23 appeal that very quickly and come to us. And we have an  
24 opportunity to say something different.

1                   CHAIRMAN CROSBY: This seems like  
2 something that is worth thinking about, the processing  
3 of this from incident to your hearing to our hearing to  
4 the appeal. I just haven't really thought this through.  
5 But it seems like there is a more expedited way to do it  
6 or maybe there isn't. Maybe we should be self-conscious  
7 about who continues to be able to operate and who doesn't.  
8 Maybe there's some degree of what the offense is. If  
9 it's drugging a horse, if you are being accused of  
10 drugging a horse --

11                  COMMISSIONER CAMERON: And what we have  
12 done, we have been very careful about looking at past  
13 practice and being consistent.

14                  COMMISSIONER ZUNIGA: I don't know if  
15 this is what you were going to talk about, Commissioner,  
16 but we did talk about that process already, which is what  
17 we have been alluding to do to some regard. When we gave  
18 Commissioner Cameron the -- when we delegated that  
19 position that appeal process was envisioned and this is  
20 where we find ourselves.

21                  COMMISSIONER MCHUGH: Yes. That is  
22 exactly right. We are operating under and our  
23 regulations basically say that we are operating under a  
24 preset set of regulations dealing with these kinds of



1 issues. There is a formal process and an informal  
2 process. We are operating under the formal rules.

3           These are used by all administrative  
4 agencies for all kinds of things. So, there are a set  
5 variety of procedures for dealing with all of this.  
6 Delay is inherent in the process because you can't have  
7 all of the steps accomplished on the afternoon of the  
8 offense. And you need to be fair to people.

9           On the other hand, your suggestion that we  
10 look through this and see if there is a better way to do  
11 it is always an appropriate thing. And maybe there are  
12 some national best practices that we ought to be aware  
13 of and follow and modify the existing rules.

14           CHAIRMAN CROSBY: As I said, I hadn't  
15 thought about this before until we had this conversation.  
16 What I was particularly interested in was are there  
17 issues around the person continuing to do their job  
18 during this period or not? When I asked the question,  
19 I didn't even know whether they were able to. It turns  
20 out that in most cases they are.

21           COMMISSIONER CAMERON: Yes. There is a  
22 stay so they can continue. We are certainly allowing the  
23 due process to work its way out in an equitable manner  
24 where people can -- until there has been a hearing, they

1 have the ability to continue to work.

2 CHAIRMAN CROSBY: How would it work in the  
3 case of somebody who drugged a horse, who was accused of  
4 drugging a horse?

5 COMMISSIONER CAMERON: It is very hard to  
6 answer that question without the circumstances. And  
7 when you say drugged a horse, most of our positives are  
8 usage issues as opposed to illegal substance. It's a  
9 legal substance that a horse was given too much. So,  
10 those are very different. Can't answer your question  
11 with a simple answer, in other words. We have to look  
12 at all of the circumstances.

13 CHAIRMAN CROSBY: Okay. It's just  
14 interesting. It's something we can keep talking about.

15 COMMISSIONER STEBBINS: A quick question  
16 on the first two cases, one which was a 15-day suspension,  
17 the other one was a five-day suspension. It sounded like  
18 the second case - where those five days are taken is up  
19 to the stewards. Is that the case with the 15-day  
20 suspension?

21 COMMISSIONER CAMERON: Correct, after  
22 the hearing is held, yes. Many times after the hearing,  
23 what we have had happen on a couple of occasions is the  
24 appellant chooses to accept the results and they want to

1 serve their time. So, we have come up with a format where  
2 they have the ability to waive their right to object and  
3 sign a form stating and then the penalty takes place  
4 without waiting the 30 days.

5 COMMISSIONER STEBBINS: And are they  
6 racing days that they are suspended from or five business  
7 days?

8 COMMISSIONER CAMERON: Racing days that  
9 they are suspended from, yes.

10 COMMISSIONER ZUNIGA: I have a question  
11 about the third case and I could look through the packet.  
12 The suspension was 72 days?

13 COMMISSIONER CAMERON: The end of the  
14 meet, suspended from the time of the incident through the  
15 end of this year because of the significance of the  
16 violation.

17 CHAIRMAN CROSBY: Now that we have a  
18 Director, you are going to continue to be the  
19 Commissioner --

20 COMMISSIONER CAMERON: Yes, I have to  
21 represent the Commission, correct, yes.

22 CHAIRMAN CROSBY: It won't be like the  
23 hearing, like the IEB would be doing hearings and they  
24 would appeal to us?

1                   COMMISSIONER CAMERON: Well, when we have  
2 staff attorneys, we may want to consider having a staff  
3 attorney serve as a hearing officer for both gaming and  
4 racing. That is done in other jurisdictions, but we do  
5 not have staff to accommodate at this point.

6                   CHAIRMAN CROSBY: So, we get you partly  
7 back?

8                   COMMISSIONER CAMERON: Oh, yes. I do  
9 these once a month, yes.

10                  CHAIRMAN CROSBY: For the time being, we  
11 just continue with this.

12                  COMMISSIONER CAMERON: Correct.

13                  CHAIRMAN CROSBY: This has probably been  
14 discussed, but next week may be too soon but it would be  
15 interesting. We have got this task force that is coming  
16 on board to implement these series of reforms that have  
17 been proposed. We've got a bunch of personnel issues  
18 that are going to have to be made pretty soon. I think  
19 we would be interested in hearing sort of what your go  
20 forward plan is as soon as you are ready to talk about  
21 it. If that's next week, great, but sometime soon  
22 thereafter. Great. Any other racing matters?

23                  COMMISSIONER CAMERON: That concludes my  
24 report, Mr. Chair.

1                   CHAIRMAN CROSBY: Great Item seven  
2 public education and information. On item A - community  
3 and/or developer outreach responses. I did get a  
4 letter. I guess this is ombudsmen sort of but anyway,  
5 I did get a letter from the President of the Springfield  
6 City Council asking whether it was acceptable to us --  
7 This is my words, not his. -- basically whether it was  
8 acceptable to us to have there be a timeline in  
9 Springfield which would require someone to give their  
10 \$400,000 for the Springfield RFP process in advance of  
11 the time it was required to put in their \$400,000 to us.

12                   The question was does an arbitrary date  
13 established by one community preclude a company from  
14 competing for a state casino gaming license in that  
15 community when all other communities in said  
16 jurisdiction are complying with state requirements?

17                   I wasn't exactly sure what he was asking.  
18 But I wrote back if the issue was does Springfield have  
19 the ability to put out the dates with the requirements  
20 for people that wanted to negotiate with them as they have  
21 done, even though there is some sort of a disconnect with  
22 our rules, that the answer was yes. That we have decided  
23 that the cities and towns are given the authority to set  
24 the parameters of their negotiations subject to the stuff

1 we have already talked to them about.

2 Long story short, we just reaffirmed -- I  
3 just reaffirmed that yes, the deadlines in the  
4 Springfield RFP as we understood them were within the  
5 authority of Springfield as we understood it. Is that  
6 more or less right?

7 Chelsea, we'll skip that?

8 COMMISSIONER MCHUGH: Chelsea questions,  
9 we have one left. We have revised all of the answers,  
10 but we have one question left. And that has to do with  
11 apparently the orphan community development fund and  
12 whether the Comptroller has any knowledge of that. And  
13 Commissioner Zuniga is in the process of following up on  
14 that. I think we will be ready to answer all of those  
15 questions soon.

16 We also have the questions dealing with  
17 the fire and water districts and whether their  
18 interchanges with the developers should be part of the  
19 application or whether the developer has to negotiate  
20 separately. We will have answers to that next week as  
21 well. So, I think we will be able to wrap all of this  
22 up next week.

23 CHAIRMAN CROSBY: Great. Then that will  
24 be something we post.



1 And we'll talk about one of those coming up on the report  
2 from our meeting out at Holyoke Community College.

3                   We have a date set for a meeting with some  
4 statewide interested parties relative to the supplier  
5 diversity working group. Kind of get those folks  
6 together at kind of the brainstorming level and then see  
7 if it translates down into either a staff person that  
8 would be on our payroll or potentially staff resources  
9 from another agency partner agency that we could maybe  
10 support.

11                   Thinking about a staff position at this  
12 point, I just saw thought was premature until we get this  
13 statewide group together to begin to brainstorm about a  
14 program or policy going forward.

15                   CHAIRMAN CROSBY: Again, I didn't hear  
16 you. Is that in the pipeline that meeting that group?

17                   COMMISSIONER STEBBINS: Yes. It is  
18 going to be coming up I think the first week of November.  
19 I have to hear back from.

20                   CHAIRMAN CROSBY: I have also forgotten,  
21 what has happened to the host and surrounding community  
22 process for getting monies out? We talked about that  
23 last two weeks ago. Did we post that? I forgot where  
24 that stands.



1                   COMMISSIONER ZUNIGA: The final  
2 procedure for reimbursement?

3                   CHAIRMAN CROSBY: Right.

4                   COMMISSIONER ZUNIGA: I have not modified  
5 the procedure. I can get back to you on that next week.  
6 I don't have an update.

7                   CHAIRMAN CROSBY: That's something we  
8 want to get posted sometime pretty soon.

9                   COMMISSIONER ZUNIGA: Yes.

10                  CHAIRMAN CROSBY: Also in your packages I  
11 got a letter from the Pioneer Valley Convention and  
12 Visitor's Bureau, I guess, Greater Springfield  
13 Convention and Visitor's Bureau talking about an RFP that  
14 they were talking about putting out I think to their --  
15 This is in the packet. -- their RTC would like to do an  
16 RFP for bidders in Western Mass. that would put into  
17 writing the plans to stay in touch with the local tourism  
18 industry and so forth. And I think maybe Commissioner  
19 Stebbins you know a little bit more about this. They're  
20 looking for us to sort of approve this process.

21                  COMMISSIONER STEBBINS: Yes. This is  
22 the process that they shared with us at the meeting out  
23 at Western New England College -- Western New England  
24 University, sorry.

1                   This was their proposal to create  
2 relationships with some of the potential casino  
3 operators in their immediate jurisdiction which is kind  
4 of the three counties along the Connecticut River. And  
5 to kind of crystallize and formalize that relationship  
6 with an operator should they be a successful licensee.

7                   If you get down into the meat of the  
8 letter, it says we hope that the Commission will look  
9 favorably upon this RFP process and that they consider  
10 the strength of a relationship with the local RTC as part  
11 of your application or regulatory process.

12                  Obviously, I think that is something we  
13 will in all likelihood address in the Phase II  
14 regulations. I think it's a question we need to actually  
15 get our arms around of how do we formalize or give some  
16 teeth to MOUs that are created as part of a license  
17 applicant's package.

18                  Section 18 of our statute, which gives  
19 kind of the criteria by which we will judge a license  
20 application, obviously, talks about us analyzing  
21 partnerships with local hotels as well as maximizing  
22 regional tourism assets. So, my initial read is that the  
23 process is consistent with information that we are going  
24 to need to analyze at some point. Then I think putting

1 it in front of us at this time will weigh into our Phase  
2 II regulatory process going forward.

3 Commissioner Zuniga and I met with them  
4 early on. Again, they presented at the forum we had in  
5 Springfield. I think it is a valuable step. I think it  
6 is a thoughtful step. And I think it is proactive on  
7 their part to protect the tourism assets of their  
8 regional bureau.

9 CHAIRMAN CROSBY: I must admit that at one  
10 point I was confusing RTCs with RPAs. So, that sort of  
11 threw me there for a minute. Does it look to you as if  
12 the intention here is to look for an MOU -- yes, okay any  
13 and all proposers who present a proposal. The intention  
14 is to use the information provided by the proposer as a  
15 basis for entering into a nonexclusive MOU with any or  
16 all proposers who intend to present a proposal deemed  
17 favorable to the RTC, the Convention and Tourism Bureau.

18 So, they are looking to negotiate with all  
19 proposers to make sure that the RTC and its interests are  
20 very well represented and encouraging us to pay attention  
21 to that.

22 COMMISSIONER STEBBINS: Yes.

23 CHAIRMAN CROSBY: Okay. Got it.

24 COMMISSIONER ZUNIGA: When we met with

1    them, I had the fundamental question that I think is still  
2    valid as to how they believe that these MOUs will have  
3    teeth or will really be enforceable.  If they get very  
4    different MOUs, if you will, or proposals it is unclear  
5    how they'll implement one or more MOUs.

6                   In other words, they seem to be requesting  
7    a proposal and their approach would be to keep it until  
8    somebody is selected and then come back to them and to  
9    say this is what you proposed.  That's on the one hand.

10                   On another hand or from another  
11   perspective, I feel there ought to be some thought given  
12   to coordination.  We seem to have now three processes,  
13   if you will, coming to fruition in Western Mass.  If I  
14   am an operator in Western Mass. I am now a potential  
15   bidder, if you will, responding to three different  
16   timelines.  Some of those questions are being asked in  
17   same but in each of those three different RFP processes,  
18   if you will, with different flavors, the City of  
19   Springfield, now this Convention and of course the Gaming  
20   Commission.

21                   I would like to give some thought as to  
22   whether we from our position can have a coordinating role  
23   or whether we should think about what should go in the  
24   Phase II regulations that we can make the public -- not

1 that we don't do anything public -- Scratch that notion.

2 That we issue a policy statement, let's  
3 say, that helps these groups like the convention center  
4 -- the Convention Bureau in what they are trying to  
5 accomplish.

6 COMMISSIONER MCHUGH: I too would like to  
7 think about this a little bit more. I share some of  
8 Commissioner Zuniga's concerns.

9 The statute says that in the application  
10 there has to be agreements with the host community, the  
11 surrounding communities and the affected business  
12 entities. I forget the exact statutory term. Those  
13 agreements have to be in existence.

14 The statute also says that in determining,  
15 and this is the section 18 piece, in determining whether  
16 to issue a license we, the Commission, take a look at how  
17 each applicant proposes to advance promotion of local  
18 businesses in host and surrounding communities including  
19 developing cross marketing strategies with local  
20 restaurants, mall businesses, hotels, retail outlets and  
21 impacted live entertainment venues. We surely should do  
22 that. Some of these things at first blush that are  
23 contained in the RFP criteria are things that we  
24 certainly should take into account.

1                   This is only tentative. And I'd like to  
2 think about this some more. To put our weight behind a  
3 process for requiring prospective applicants to reach an  
4 agreement with a specific entity, however noble and good  
5 the purpose, it seems to me begins to open up a vast array  
6 -- a potential for a vast array of different entities with  
7 which prospective developers are going to have to  
8 negotiate and reach agreements. And therefore give veto  
9 power to entities that by statute don't have that power.

10                   So, I think we need to think carefully  
11 about the best way to achieve this objective with which  
12 we all agree. And think about whether putting our weight  
13 behind an RFP process is the right way to do it.

14                   COMMISSIONER CAMERON: I agree. I have  
15 real concerns. Again, it reminds me of the situation  
16 which we considered with Springfield. They want to pick  
17 a successful proposer will provide the following. So,  
18 it's almost like they want to limit it before we have had  
19 a chance to review. Frankly, we don't even have our --  
20 we haven't even fully formed what we will be looking at.  
21 I have concerns. I know that they are trying to do the  
22 right thing but asking us to look favorably upon this  
23 process I think is something that is difficult.

24                   CHAIRMAN CROSBY: I was feeling

1 uncomfortable with this, but I couldn't articulate why  
2 and you all have done it. So, thank you. I agree. I  
3 have that same feeling.

4                   There is nothing, if I'm not mistaken, in  
5 the law that makes the RTCs the arbiter of an applicant's  
6 response to section 18. It's clearly got to respond to  
7 section 18 and we will figure out whether it's adequate  
8 or not. You're right.

9                   I'm thinking out loud here too. I guess  
10 if an RTC wants to propose such a thing as this that's  
11 their business. They can do it if they want. A - we are  
12 contemplating not in any way endorsing that. Certainly,  
13 not making it a precondition of any kind.

14                   COMMISSIONER MCHUGH: But we would be  
15 prepared as we process regulations to take some of the  
16 criteria that they are to consider whether to include in  
17 our regulations as to what has to be shown, some of the  
18 substantive criteria that they propose their RFP,  
19 successful RFP respondents will comply with.

20                   CHAIRMAN CROSBY: Right. So, we would  
21 agree happily to take into consideration the criteria or  
22 many of the criteria.

23                   COMMISSIONER MCHUGH: We would happily  
24 consider them.

1                   CHAIRMAN CROSBY: Right. But we won't  
2 endorse either a specific process or RTCs as any  
3 particular formal player in the process; is that right?

4                   COMMISSIONER MCHUGH: That is my  
5 instinct. But as I said, I would like to think about this  
6 for a week and perhaps revisit it next week. That is my  
7 instinct -- my initial reaction, not my instinct.

8                   CHAIRMAN CROSBY: Right. I agree.  
9 Let's not do anything dispositive until next week.  
10 Maybe after we have to finish our conversation, I can try  
11 to draft the responses and see whether or not it captures  
12 where we are going.

13                   Would we want to take any proactive role  
14 on discouraging such a process rather than just saying  
15 hands-off, you can do whatever you want? We're looking  
16 with interest at your criteria, but we are not going to  
17 endorse a process or the RTCs? Do we want to consider  
18 to at least to be more proactive than that?

19                   COMMISSIONER MCHUGH: Again, this is my  
20 initial reaction is that to try to be more proactive is  
21 difficult because while my view is we don't endorse  
22 giving in effect veto power to another group out there,  
23 there is nothing to prevent -- there is nothing  
24 undesirable about groups talking to developers and



1 seeing what kind of an attitude the developer has toward  
2 the criteria the group would like.

3 That goes true of the problem gambling  
4 folks, the tourism folks, everybody. So that when a  
5 hearing on the license comes, they know what their  
6 position vis-a-vis the applicant will be. Any sort of  
7 proactive discouragement of these kinds of things has  
8 perhaps the unintended side effect of shutting down those  
9 conversations, which surely would not be healthy.

10 COMMISSIONER ZUNIGA: I'd like to mention  
11 for context. When Commissioner Stebbins and I had met  
12 with this group, the City had not articulated any of, at  
13 least not to the Commission, their plans for the process  
14 that they are now undertaking, in other words, their own  
15 RFQ for participants.

16 My question to them now is and this is  
17 perhaps what we should do in the course of next week, have  
18 they approached the Mayor of Springfield and the City of  
19 Springfield relative to how the City is going to be  
20 selecting, what criteria they are going to be using?

21 CHAIRMAN CROSBY: It's not just  
22 Springfield. It's Springfield, Palmer, whoever else.  
23 This has nothing to do with Springfield per se.

24 COMMISSIONER ZUNIGA: It's Greater

1 Springfield. I don't know if Palmer is considered  
2 Greater Springfield or not.

3 COMMISSIONER STEBBINS: It is part of the  
4 Hampden County.

5 CHAIRMAN CROSBY: Still the same point.  
6 I think I agree with your thought on this, Commissioner,  
7 that in fact a developer might decide that using an RTC  
8 is in fact a well-organized simple way to get their arms  
9 around the tourism industry, would like to use an RTC.  
10 That's up for a developer to decide. And if they like  
11 the idea, that's fine.

12 I agree with your thought that being  
13 proactive in a negative way is there is no point in that.  
14 You have been sort of the point person on this. Do you  
15 have any more suggestions or reactions?

16 COMMISSIONER STEBBINS: Having not  
17 reviewed the MOU, I would echo the concern of we don't  
18 want necessarily granting an authority or an entity to  
19 kind of self select out people or discourage the  
20 interaction with an RTC.

21 I guess I was looking at it kind of down  
22 the road at some when we look at a licensee's application  
23 in looking at all of the criteria by which we can evaluate  
24 somebody, I think having some type of plan that this RFP

1 process tries to get at is to me going to be more useful  
2 than a developer just checking the box and saying yes,  
3 I plan to work with the local RTC.

4 I think from that perspective this type of  
5 thoughtful planning I think would bolster an applicant's  
6 application. I'd be happy to work with Commissioner  
7 McHugh and let's go back through this and see where it  
8 might conflict with our process. And see if we can find  
9 a process that works for the RTC, works to alleviate some  
10 of the concerns that they have about the introduction to  
11 gaming in this case into Western Massachusetts.

12 See if we might be able to make some  
13 thoughtful suggestions about it might change the  
14 process. Again, they are looking for some level of  
15 confidence that gaming is not going to have a negative  
16 impact on their tourism.

17 CHAIRMAN CROSBY: I understand that. We  
18 agree with that. That is part of our mandate. The  
19 operative sentence in this letter is I have attached a  
20 copy of the RFP for your review and would respectfully  
21 ask that your Commission look favorably on this process  
22 and consider the strength of a relationship with the  
23 local RTC as part of your application and/or regulatory  
24 process for proposed Mass. gaming establishment

1 developers.

2 I think what I am taking away from this at  
3 the moment is we will definitely say we are committed to  
4 the objectives of section 18 of the enabling legislation  
5 which is to minimize the negatives and we certainly  
6 expanded that to be a positive proactive participant with  
7 tourism, the local tourism industry.

8 But apropos of their request, we will not  
9 take any position pro or con on their process. If they  
10 want to do it, that's fine. If they don't want to, it's  
11 fine. Nor will we take a position on having the RTCs be  
12 a formal part of the application at this stage for  
13 regulatory process. At this stage of the game, that is  
14 where we are coming down.

15 We can still work with it as we could  
16 continue to do to talk about how all -- If they want to  
17 do an RFP -- I am just stating where I think we come from,  
18 Commissioner, on this. I think what we have come to is  
19 that if they want to do an RFP process and they think it  
20 works for them, fine. That's their business. We are  
21 not going to take a position one way or the other on that.  
22 We will continue to work with them to think of ways that  
23 they can coordinate with the industry, the gaming  
24 industry to make sure that we implement the intentions

1 of our law. Does that sound right to you folks?

2 COMMISSIONER CAMERON: Yes.

3 COMMISSIONER ZUNIGA: Sounds good.

4 CHAIRMAN CROSBY: Does that work for you?

5 COMMISSIONER STEBBINS: Yes.

6 CHAIRMAN CROSBY: I will try to draft  
7 something. The letter was written to me. So, I will try  
8 to draft something and we can look at it next week and  
9 make sure that we come to a consensus on this.

10 The other thing was really just FYI. I  
11 distributed -- I got a copy of what is called the  
12 certificate of the Secretary of Energy and Environmental  
13 Affairs on the environmental notification form. The  
14 environmental notification form in this case was from the  
15 developer and the Tribe in Taunton about the fact that  
16 they need an economic impact analysis. I don't have the  
17 language here all completely straight.

18 When I first started reading this I  
19 thought this -- the developer submitted an ENF, an  
20 environmental notice form. Then as I vaguely understand  
21 it, and we are going to be briefed on MEPA sometime in  
22 the next week or two. But the Secretary for  
23 Environmental and Energy responds to the ENF saying  
24 here's what you have to do to have your environmental

1 study done properly.

2                   So, there is almost nothing that takes any  
3 kind of positions. They explain the extent to which the  
4 developer needs to consider all these various  
5 environmental issues. In some cases, says that their  
6 scope was too modest and they need to increase their scope  
7 and to consider other things.

8                   I thought this was beginning to be  
9 substantive statements. Here is what you can and can't  
10 do. But this was really just structuring their study.  
11 I also have understood now from this, which I didn't  
12 before, that there is a substantial difference between  
13 the MEPA, Massachusetts Environmental Protection  
14 constraints or process and NEPA, the national, which in  
15 the NEPA is broader. It is the NEPA, and I probably  
16 misrepresented this in the past when I talked to people,  
17 it is the Federal Environmental Protection review,  
18 analysis, whatever it is the process that has the broader  
19 scope that clearly gets to things like housing and some  
20 of the broader impacts.

21                   Still both -- any developer will have to  
22 do both processes, have to comply with both processes.  
23 It is not the MEPA process that gets the very broad view.  
24 This is much more formally environmental broad-brush.

1 Anyway, it's kind of interesting background reading.

2 Do you remember when we have the MEPA  
3 Commissioner coming in? Sometime within the next week  
4 or two I think.

5 MS. REILLY: I think it is two weeks from  
6 now.

7 CHAIRMAN CROSBY: Just make sure we  
8 understand what this process is, because among the  
9 central, if not the central mitigation part of our work.

10 There's also some discussion here about  
11 the use of the monies from our community mitigation fund,  
12 which is one of the sources that is funded by the tax and  
13 how that monies might be used to mitigate effects  
14 anticipated in this study. I know so little about this.  
15 It's hard for me to articulate this. But I am hoping that  
16 our community mitigation money can be to cover things  
17 that fell through the cracks.

18 If it is the bucket of first resort then  
19 there isn't going to be very much to go around. And if  
20 in the negotiations with the developer the local  
21 communities and we can get all the known problems  
22 mitigated appropriately, then all of the stuff that we  
23 didn't anticipate but which certainly there will be some,  
24 we can deal with out of that ongoing bucket of money. But

1 if our bucket of money is set aside as the first place  
2 to go, it is going to be gone pretty quick.

3 That is just something we have to think  
4 through pretty carefully. This will be another one to  
5 put on our ombudsman's desk so we can get it off ours  
6 sometime soon.

7 COMMISSIONER MCHUGH: On the ombudsman's  
8 desk but also on our own planning desk for what regs. for  
9 when we want this kind of a process to start. Because  
10 even at a very high level that demonstrates the  
11 complexity of the permitting process that is going to  
12 follow.

13 So, the notion that we have to think  
14 carefully about the relationship between when we issue  
15 the license and given these kinds of planning  
16 requirements, when shovels are actually going to go into  
17 the ground and try and figure out how to compress that  
18 time to the fullest extent that we can, perhaps by talking  
19 about what the application has to say about what they have  
20 done in this process.

21 Again, I am just thinking out loud here,  
22 because this is something we've been talking about since  
23 the very beginning. This illustrates how important it  
24 is to think about that just from a timeline basis.



1                   CHAIRMAN CROSBY: What you're just now  
2 saying really suggests this is one of those out of  
3 sequence policy issues that we need to look at early and  
4 hard.

5                   COMMISSIONER MCHUGH: Right.

6                   CHAIRMAN CROSBY: I agree with that.  
7 This might be a good thing to talk about with the MEPA  
8 commissioner.

9                   COMMISSIONER MCHUGH: Right.

10                  COMMISSIONER ZUNIGA: Especially because  
11 the statute speaks to very severe penalties if somebody  
12 is awarded a license and does not complete a project given  
13 some schedule. And permitting could be -- certain  
14 aspects of permitting could be very wild variable in  
15 completing -- very early stages of completing a very long  
16 schedule.

17                  CHAIRMAN CROSBY: Report from the  
18 Director of Communications and Outreach. We didn't mean  
19 to have you both here at the same time. But you look like  
20 you are ready. So, good. We were going to switch you  
21 and Eileen.

22                  MS. DRISCOLL: I have representatives  
23 here from Jackrabbit with me, actually. I have Cara Ogar  
24 here who is our project manager and Lynn Spooner who is

1 our art director.

2 Basically, today we are just going to go  
3 through a couple of logo concepts for everybody's review.  
4 Essentially, and I'll let Cara speak to this as well, but  
5 the goal today is to hopefully be able to identify a  
6 direction that everybody feels good about.

7 You will see four different concepts that  
8 are very different. However, they were conceived from  
9 the discussions that I had with each of you relative to  
10 adjectives and feelings that we were trying to get to and  
11 things along those lines. They can certainly be  
12 tweaked.

13 Do you want to have a seat? The only other  
14 thing that I want everybody to keep in mind is just  
15 remember that a logo is a part of a larger whole. So,  
16 at the end of the day this won't be the solo image that  
17 defines us. It will be part of a whole that is going to  
18 include websites, brochures, collateral. Granted,  
19 other designs will jump off of this, because this is a  
20 good starting point. But I just want you to keep in mind  
21 that ultimately it is part of a larger whole.

22 CHAIRMAN CROSBY: Elaine, could you just  
23 remind us and the audience of the scope of Jackrabbit's  
24 project?

1 MS. DRISCOLL: Sure. Basically, we did  
2 an RFP about a month ago that was calling for assistance  
3 with logo creation, website creation and from that all  
4 surrounding collateral such as brochure, HTML  
5 newsletter, a website that includes multiple elements  
6 from a blog to a community calendar to all of your basic  
7 type of information. Several infographics which will  
8 hopefully help to define timeline.

9 We are still sort of working on what those  
10 other things will be. Did I miss anything? I think  
11 that's about it. We have done really great with staying  
12 on schedule. Jackrabbit has been extremely responsive,  
13 keeping me on schedule for things that I need to be doing.

14 Although today you are seeing the logo,  
15 know that we have been concurrent with our efforts on the  
16 website. Of all the various aspects that we are working,  
17 everything is moving along the track. We are doing as  
18 much as we can on the website without having logo  
19 approval. So, hopefully we will be able to just keep  
20 this moving and stay on track.

21 Lynn and Cara will explain to you their  
22 thought process and artistic reasoning behind the logos.

23 Hopefully, I will be able to do this.  
24 Good. Here we go.

1 MS. OGAR: As Elaine mentioned, obviously  
2 today we are going to review the initial logo concepts  
3 that we've come up with. This is based on a lot of the  
4 information --

5 CHAIRMAN CROSBY: Is it Cara?

6 MS. OGAR: Yes.

7 CHAIRMAN CROSBY: Just make sure you use  
8 the microphone. That's for the webcast.

9 MS. OGAR: I'm sorry. So, prior to  
10 actually jumping in and looking at the creative, just to  
11 recap a little bit of what brought that about, we had done  
12 a creative brief that talked about some of the adjectives  
13 that should describe the new logo.

14 Some of the things that came up were  
15 authoritative with integrity, cooperative, forward  
16 thinking and the other ones that are up there. The most  
17 important things for the logo to get across were really  
18 expressing how the Commission is guiding the development  
19 of sophisticated world-class gaming facilities uniquely  
20 suited to Massachusetts.

21 Also to engender public confidence in the  
22 Commission and in the process. And to convey a sense of  
23 excitement relative to job creation, economic growth and  
24 just gaming overall and what that means for the State.

1                   Some of the core values of the Commission  
2 also went into the concepts that we will be showing. I  
3 am not going to read through these.

4                   COMMISSIONER MCHUGH: Those are the ones  
5 we adopted last week?

6                   MS. OGAR: Yes. Then just some  
7 additional information that we had a little bit more  
8 specific about what needed to come about in the creative  
9 concept. So, the need for an icon and really wanting  
10 that iconograph to be a powerful part of the logo.

11                   The fact that the logo needs to be able to  
12 kind of grow with the Commission. So, we needed to have  
13 the ability for a modifier. With the concepts that we  
14 show, we are using Division of Racing. That's kind of  
15 signifying the treatment of the modifier within the logo.  
16 For different divisions that would be swapped out  
17 accordingly.

18                   We talked about some of the preferred  
19 color choices that we should explore and expand upon. We  
20 also talked about how the naming should be within the  
21 logo. So, were we strictly required to use  
22 Massachusetts Gaming Commission? Could we try  
23 shortening that to Mass. Gaming or Mass. Gaming  
24 Commission. The concepts will show some different ideas

1 for that.

2 Obviously, the logo needs to be  
3 Massachusetts-based, which we all know. But making sure  
4 that we weren't specific to one region of Massachusetts.  
5 The other thing that we thought of or that is incorporated  
6 in the logos in some ways is the five Commissioners and  
7 how you guys make up the Mass. Gaming Commission and what  
8 that means.

9 Lynn will jump into the logo concepts and  
10 explain the creative behind that. Just kind of  
11 reiterate what Elaine had said, the logo is the  
12 foundation for the brand but there are so many other  
13 elements that go into it. That's just an important thing  
14 to keep in mind while we look at these.

15 MS. SPOONER: So, this is concept one.  
16 As you can see, we have incorporated the color palette  
17 that includes the gold and the navy blue. Below the name  
18 Massachusetts Gaming Commission, we are showing how we  
19 would incorporate the Division of Racing or the specific  
20 divisions that would be included.

21 This particular concept is interesting  
22 because it is inspired by a pattern called Guilloche. It  
23 is a French term. And you often see this pattern -- you  
24 can see it around the edge of the circle. It is often

1 seen in banknotes, securities, passports worldwide. It  
2 is something that ties into the whole gaming theme.

3 We also felt it was a really strong way to  
4 communicate the idea of economic growth in Massachusetts  
5 and how the Gaming Commission sort of supports that  
6 initiative. That's what inspired the symbol itself.

7 CHAIRMAN CROSBY: Those colors aren't  
8 very representative. You said navy blue and gold and  
9 that is almost brown and black.

10 MS. SPOONER: Right. The projector is  
11 distorting the color palette a little bit. So, if you  
12 keep in mind the gold, the way we print your logo, we could  
13 actually use metallic gold ink on different brochures.  
14 That could add that sort of professional and  
15 authoritative professional feeling that you are looking  
16 for.

17 The symbol itself we have incorporated the  
18 initials MGC. Because out of the creative brief you did  
19 mention that in the future you wanted to be able to use  
20 the icon as a symbol and maybe shorten or drop the  
21 Massachusetts Gaming Commission so that it could be more  
22 of an icon and really strong in representing the  
23 Commission.

24 CHAIRMAN CROSBY: Was there a reason for

1 the lines going above the M and the C?

2 COMMISSIONER STEBBINS: It's sort of a  
3 graphical treatment to highlight the initials. It sort  
4 of balances the whole symbol and adds some weight to the  
5 center part of the mark, some additional detail.

6 As you can see we have used the combination  
7 of sans serif and serif fonts. That is to communicate  
8 the diversity of the Commission. We are not strictly  
9 using a sans serif, which may be considered too informal.  
10 We are not strictly using all serif or something that is  
11 too formal. So, it has that nice balance of both sans  
12 serif and serif.

13 CHAIRMAN CROSBY: What do you mean sans  
14 serif and serif?

15 MS. SPOONER: Massachusetts is typeset in  
16 sans serif font and serifs are actually at the end of each  
17 letter there is a little -- in Gaming Commission you can  
18 see that the serif font that has these little end details  
19 at the end of each stroke. It adds sort of a detail to  
20 the typeface that allows your eye to move.

21 A lot of newspapers are typeset in a serif  
22 font because it allows your eye to read through it very  
23 easily. It leads you from one letter to the next. The  
24 sans serif typeface, which Massachusetts is typeset in



1 and also the Division of Racing is very good at  
2 typesetting smaller font sizes. It has more of the  
3 almost informal and friendly approach. So, the balance  
4 of the two sort of really work well together.

5 I just want to go through the key points  
6 of this logo. You can see in the top right corner that's  
7 the primary logo without the Division of Racing attached  
8 to it. That is what you would see when you come to the  
9 website. Some of the key characteristics of the symbol  
10 are seriousness, authoritative, professional. It  
11 suggests expanded economic growth and also the idea of  
12 transparency in the operations.

13 MS. OGAR: I think it is best if we go  
14 through the four concepts. Lynn can walk through them  
15 all and we can come back and discuss any questions or  
16 feedback that you guys have.

17 MS. SPOONER: This is logo concept two.  
18 This symbol is primarily inspired by the idea of taking  
19 the government seal or a government logo, similar to the  
20 Massachusetts State logo where it's a circle. And all  
21 of the text and iconography is contained within the seal.

22 As far as the way that is treated, we have  
23 Mass. Gaming that's the primary text that you see when  
24 you first look at it. We have also spelled out the entire

1 name, Massachusetts Gaming Commission along the outer  
2 edges.

3 The five stars at the bottom actually  
4 represent the five equal Commissioners that make up the  
5 Mass. Gaming Commission.

6 CHAIRMAN CROSBY: Can we put the middle  
7 one in black?

8 MS. SPOONER: The triangle symbols that  
9 you see above Mass. Gaming overlap and come together to  
10 create, if you look at it closely, it actually forms an  
11 M for Massachusetts in sort of a creative and memorable  
12 way. And the reason the triangles were used is because  
13 they are seen as the building blocks for many structures  
14 and they are used because of their strength and their  
15 ability to support large loads.

16 So, there is a lot of thinking and  
17 reasoning that went into creating this symbol and how it  
18 all ties back into the key characteristics that you want  
19 the Mass. Gaming Commission to represent.

20 Again, here are some of the key  
21 characteristics that I just talked about and the  
22 inspiration behind where the logo came from.

23 Here is the third concept. This is  
24 inspired by separate objects coming together to form

1 something different and dynamic. It is more of an  
2 abstract approach. As you can see, we are using the gold  
3 and the silver that are sort of coming together and  
4 overlapping in the center. So, that transparency in the  
5 artwork is sort of a representation of how transparency  
6 -- how the Commission operates in a transparency.

7               Again, we are using a combination of serif  
8 fonts and sans serif fonts. And Gaming is very prominent  
9 in the type treatment. The stacked version of this logo  
10 sort of emphasizes its strength and structure. It has  
11 a very powerful upward motion to it that suggests  
12 forward thinking and strength. And it has some energy  
13 to it with the overlapping pieces sort of interacting and  
14 interlocking.

15               Here are some of the key characteristics  
16 of this logo. It has sort of a dynamic layout the way  
17 the pieces are interacting and cooperating. It suggests  
18 innovation and forward thinking.

19               This is the fourth and final logo concept  
20 that we explored. This symbol is sort of more on the  
21 energetic and dynamic avenue. The way that the motion  
22 is sort of uplifting, it suggests innovative, forward  
23 thinking, responsiveness. It also suggests economic --  
24 expanded economic growth that is coming from the Gaming

1 Commission.

2           The transparency is the elements in the  
3 logo actually relates back to how the Commission  
4 operates. The symbol is actually inspired by the strong  
5 majestic wings of an eagle. So, although it is not a  
6 literal representation of the eagle, it does have a lot  
7 of the characteristics. You get that sort of flowing  
8 motion and forward thinking, the responses.

9           So, a few things, the typeface in this one  
10 is classic serif font. It is typeset in all caps and  
11 flanked by two stars, which is a combination that it is  
12 very authoritative, dignified and professional. The  
13 color palette includes again the navy blue and the gold,  
14 which is accented by a lighter, fresh vibrant blue.

15           MS. OGAR: That concludes the  
16 presentation of the four concepts. It would be great if  
17 we could circle back and get some initial feedback.

18           As Elaine said from the beginning, we are  
19 not expecting you guys to say we are going with concept  
20 X. But what we are expecting is to get your reaction,  
21 your thoughts, your likes and dislikes so that we can go  
22 back and hopefully we do have the solid direction from  
23 you guys and we can make any tweaks or so just talked  
24 through anything.

1                   COMMISSIONER CAMERON: Are those colors  
2 more realistic of the real colors?

3                   MS. OGAR: They are, yes.

4                   COMMISSIONER CAMERON: It's so hard to  
5 look at that.

6                   CHAIRMAN CROSBY: Do you have one with the  
7 four together so we can see the four at the same time?

8                   MS. OGAR: No.

9                   COMMISSIONER ZUNIGA: I have one quick  
10 reaction. They are great. One of them talks about  
11 Mass. Gaming unlike the other four. I associate that to  
12 have a little bit of a parallel to other State agencies  
13 like us Mass. Housing, Mass. Development, which may or  
14 may not be the direction that we want to go. I just  
15 wanted to kind of make that small point.

16                   COMMISSIONER CAMERON: Would you want  
17 this to be more like the other ones? Is that what you  
18 said?

19                   CHAIRMAN CROSBY: No, he was raising the  
20 question. There's Mass. Pike, Mass. Port, Mass.  
21 Housing, Mass. Gaming. Is that good or bad is what he  
22 is saying.

23                   COMMISSIONER ZUNIGA: Yes, is that good  
24 or bad? I think it helps people in the short form, but

1 we may or may not be something that we want to do.

2 CHAIRMAN CROSBY: I am terrible at this.  
3 I give you credit for the really distinctive different  
4 styles. They are quite strikingly different messages.

5 COMMISSIONER MCHUGH: I have a great  
6 affinity for the fourth one.

7 COMMISSIONER CAMERON: Me too.

8 COMMISSIONER MCHUGH: I think that the  
9 sort of energy that it contains. It gets out of Mass.  
10 to Massachusetts. It's got a lot of energy. It's got  
11 a lot of -- I didn't realize that was an eagle's wing that  
12 I was looking at. But it's got a dynamic quality to it.

13 COMMISSIONER CAMERON: It really does.  
14 I agree. I like this one a lot. I like the three colors.  
15 I like the Racing Division too.

16 COMMISSIONER MCHUGH: They are all good  
17 but that concept --

18 CHAIRMAN CROSBY: What do you think about  
19 the issue that Enrique raised? Do we like being --  
20 Eventually, we are going to be called something by  
21 people. Do we like establishing the idea of being Mass.  
22 Gaming as similar to so many other things? Or would we  
23 rather move towards something else? Does anybody have  
24 a thought about that?

1                   COMMISSIONER CAMERON: I think they will  
2 call us whatever, no matter what it says on the logo. I  
3 don't think it has to say Mass. logo for them to think  
4 of us as Mass. Gaming.

5                   MS. DRISCOLL: I don't know. I think if  
6 we were to refer to ourselves as Mass. Gaming, we would  
7 set a standard for that. It's definitely an interesting  
8 thought.

9                   CHAIRMAN CROSBY: I think if we were going  
10 hard with Massachusetts Gaming Commission or Mass.  
11 Gaming, it will have a big influence. It may not determine  
12 it totally. And if we did it Mass. Gaming, it would get  
13 picked up like that because it's so easy for everybody.

14                  COMMISSIONER CAMERON: I don't know if I  
15 like it though, Mass. Gaming.

16                  COMMISSIONER ZUNIGA: I kind of like it.  
17 Mass. Gaming as a shorthand it tells people something  
18 quickly.

19                  COMMISSIONER MCHUGH: There is something  
20 to that.

21                  CHAIRMAN CROSBY: Did you have a  
22 preference? Are there two Mass. Gaming?

23                  COMMISSIONER MCHUGH: Can they be  
24 decoupled?

1 MS. SPOONER: One thing to keep in mind  
2 was for instance the fourth logo, the symbol that you like  
3 that had that sort of forward thinking motion, we could  
4 easily change that typography to say Mass. Gaming. So,  
5 if it's something worth exploring, the combination of the  
6 two, that is something we could do too.

7 I don't want to eliminate that idea just  
8 because it doesn't say -- it doesn't spell Mass. Gaming,  
9 because we could explore that option.

10 CHAIRMAN CROSBY: I would kind of like to  
11 do a little focus group test and ask our audience.

12 Let's run through them one by one and just  
13 raise your hand if you prefer it. We'll start with one.  
14 No raised hands. Two? So, one interest, yes. Number  
15 three? Wow. And four?

16 COMMISSIONER STEBBINS: All friends of  
17 Commissioner McHugh.

18 MS. DRISCOLL: That's interesting.

19 MS. SPOONER: Very interesting.

20 MS. DRISCOLL: What about from the color  
21 perspective? I don't know if I am right on this or not,  
22 but the gold, I like the idea of having the ability  
23 particularly on a business card or something to do the  
24 gold metallic like you said. Because I do believe that



1 when that is done right, it looks great.

2 MS. OGAR: Yes, it could look really nice.

3 MS. DRISCOLL: I just would be interested  
4 in to be able to envision what that would actually look  
5 like for us. I do like the gold metallic a lot.

6 COMMISSIONER CAMERON: I do too, the gold  
7 standard.

8 MS. OGAR: I really like these colors.  
9 Lynn talked about it in presenting. But I think that the  
10 lighter more modern blue combined with the more  
11 conservative navy, I think it really makes an impact in  
12 this logo.

13 COMMISSIONER ZUNIGA: Was there any  
14 research done relative to any one of these colors or  
15 patterns or fonts already being in the possession of  
16 somebody in the gaming industry or some of our potential  
17 operators or anything like that? Did you go through any  
18 of that thought process?

19 CHAIRMAN CROSBY: You mean might it look  
20 too much like --

21 COMMISSIONER ZUNIGA: It might look too  
22 much like somebody else in the industry. I'm just  
23 curious.

24 MS. DRISCOLL: The colors were largely

1 chosen based on sort of individual discussions of what  
2 everybody's preference was. So, if I can answer for that  
3 that is how the colors were chosen anyway.

4 CHAIRMAN CROSBY: There is always the  
5 possibility, sometimes happens, do a logo and it looks  
6 just like one of the bidders' logos. We might have to  
7 rethink, but it sounds like that's not even thought about  
8 at this point.

9 MS. SPOONER: We did take a brief overlook  
10 at other gaming commissions just to see what everyone  
11 else was doing. That is something we always do when we  
12 start a logo. As far as an in-depth look and really  
13 seeing every gaming commission in the whole nation, we  
14 didn't look at it that in-depth.

15 CHAIRMAN CROSBY: It's not gaming  
16 commissions so much. We are more concerned about gaming  
17 companies, not gaming commissions.

18 MS. DRISCOLL: We can do that. We had not  
19 done that.

20 COMMISSIONER ZUNIGA: I am not suggesting  
21 that that should be the driver. I like that the driver  
22 is organic, shall we say as opposed to looking at others.  
23 But just curious.

24 MS. DRISCOLL: And another thing that we

1 thought was nice about a lot of these too is that they  
2 are a lot more contemporary than many of the other logos  
3 that are out there. So, that distinguishes us a bit.

4 MS. OGAR: We also felt like some of the  
5 other logos that were out there in looking at Nevada's  
6 Commission logo, which is more like a badge, we wanted  
7 to convey authority but we also wanted to show that  
8 friendliness and not pushing people back necessarily,  
9 but more of a dynamic design.

10 CHAIRMAN CROSBY: I think you got the  
11 general feedback that we are talking about. It sounded  
12 like maybe trying this as it is but also with Mass. Gaming  
13 is something that we are still sort of open-minded on.

14 MS. OGAR: Is there anything that -- You  
15 can certainly think about this and get back to us with  
16 additional feedback. But in exploring this option with  
17 Mass. Gaming, is there anything else about this option  
18 that you'd like us to explore in terms of tweaks and  
19 revisions?

20 CHAIRMAN CROSBY: It feels to me like this  
21 one, the Division of Gaming (SIC) add on fits least well  
22 it felt to me in this one. It kind of looks like it's  
23 hanging.

24 COMMISSIONER CAMERON: It doesn't look

1 good on a golf shirt?

2 CHAIRMAN CROSBY: I don't know if you  
3 could stack it. It just looks like it is kind of hanging  
4 out there. It doesn't quite look organic.

5 MS. SPOONER: Depending on the  
6 application of the logo, you won't have enough room to  
7 stack all of the elements vertically. So, you will have  
8 a more horizontal version of the logo that for instance  
9 could be used on the website and it is more easily  
10 readable in a banner, narrow banner.

11 Or you could have a preferred version  
12 where everything is stacked and it is always seen that  
13 way. It is on all of your business cards. It's always  
14 one element. A lot of companies have slightly different  
15 versions of the logo depending on the application that  
16 you are using.

17 So, we could show you the same logo with  
18 the Division of Racing integrated into the column of  
19 text. And that could be your primary logo.

20 MS. DRISCOLL: Once they move on a logo,  
21 we will set with that a style guide which will provide  
22 for us a variety of different ways that the logo can be  
23 used. So, it won't always look like this exactly, but  
24 it will give us the colors, the type. Like you said, what

1 it would look on a business card. What it would look like  
2 on letterhead. What it looks like when we are using it  
3 on a memo, at the bottom of an email signature, whatever  
4 the case may be. There will be a variety of approved uses  
5 and versions of it.

6 COMMISSIONER CAMERON: Keyword approved.

7 CHAIRMAN CROSBY: Like I said, I am  
8 terrible at this. So, let's go ahead.

9 MS. DRISCOLL: So, I think we have some  
10 direction.

11 MS. OGAR: I think we are all pretty  
12 confident that number four is a good option to move  
13 forward with. So, what I would like to propose is that  
14 we take what we heard today and come up with a second round  
15 that addresses the concerns we've talked and just gives  
16 you a little more options so you are looking at  
17 Massachusetts Gaming Commission side-by-side with Mass.  
18 Gaming and can make some decisions from there.

19 MS. DRISCOLL: Similar to what I did last  
20 time, I can go -- I think sometimes with these even  
21 myself, I think I saw them on Thursday or Friday and  
22 needed some time to think on them. You really do. You  
23 need some time to sort of digest them.

24 CHAIRMAN CROSBY: Can you send us this

1 presentation?

2 MS. DRISCOLL: Yes. And then this  
3 morning I had some questions about it after a couple of  
4 things came to mind last night. I would suggest even  
5 though we are on a tight timeline do take a minute, review  
6 them again, give it some thought and then I'll get to you  
7 individually. And you can individually provide me some  
8 feedback.

9 Then we will keep pushing this forward and  
10 hopefully come to some conclusion quickly so that we can  
11 then start designing everything else, which will take a  
12 little bit of time.

13 CHAIRMAN CROSBY: The thing that I'm  
14 slightly feeling is the stars and the swoop, it's almost  
15 like it ought to be the sailing division rather than the  
16 Gaming Division. Sort of a non-sequitur to gaming.  
17 There is no real relationship. It kind of doesn't fit.

18 It is an attractive swoop, which I think  
19 is what everybody responded to, a wing. It's kind of  
20 like what does that have to do with anything? The stars  
21 either makes you think of a flag or makes you think of  
22 sailing insignias and stuff.

23 So, while I think I like the design  
24 elements of it the most, whether it's actually right for

1 the Racing Commission or not is what I am sort of  
2 grappling with.

3 MS. DRISCOLL: Was there another one that  
4 stood out to you?

5 CHAIRMAN CROSBY: Not particularly.  
6 They were sort of neutral. If you know your thought  
7 process, you can see it. But nobody else would look at  
8 it or at least very few people would look at it and figure  
9 out what the transparency and stuff in the logos that you  
10 were talking about. They are just kind of neutral logos.  
11 They're a different thing.

12 This Guilloche sort of stuff might --  
13 people might be enough familiar with that to see dollars  
14 and financial instruments and so forth. I don't like the  
15 way the M and the G and the C is done, but I kind of like  
16 this treatment, this stuff. That relates to us. It  
17 looks like bonds and stocks and money.

18 So, I'm just kind of groping. This I  
19 think is kind of interesting. It kind of looks like a  
20 structure and balance. It's kind of interesting. It  
21 doesn't look like anything else. Whereas this sort of  
22 feels to me it looks like I said like it ought to be a  
23 sailing division or something or other. For whatever  
24 it's worth.

1 MS. OGAR: I think that definitely is a  
2 good point. What I also want everyone to keep in mind  
3 is people aren't looking at logos and analyzing the way  
4 you are in the process of coming up with one. And the  
5 other context and the other design that is used around  
6 things like the business cards, obviously the website is  
7 a huge one, so the logo being a piece of that. Don't  
8 forget there are other things that can happen with the  
9 overall design or the whole look and feel of the brand,  
10 opposed to what just the logo needs to do.

11 CHAIRMAN CROSBY: Did you guys have a  
12 preference?

13 MS. SPOONER: That's a good question. We  
14 also like the pattern on that first one, the circle and  
15 how it ties back into economic growth and gaming. And  
16 we like the energy that the fourth one offers. It is a  
17 little bit more abstract. With an abstract logo,  
18 everyone is going to look at it and see something  
19 different.

20 As you mentioned, you sort of see a sailing  
21 boat where somebody else could see something completely  
22 different. They could actually see an eagle or they  
23 could see the stripes on a flag.

24 So, the abstract approach, it sort of



1 leaves it open to interpretation a little bit more.  
2 Whereas the first one, there is no interpreting that you  
3 need to do. It's sort of a little bit more  
4 straightforward.

5 MS. OGAR: I think one and four were our  
6 top contenders.

7 MS. SPOONER: Yes.

8 CHAIRMAN CROSBY: Elaine, what did you  
9 think?

10 MS. DRISCOLL: I am going to confuse  
11 everybody right now. I liked two, the seal. I kind of  
12 like the Mass. Gaming. I like the seal. I like the five  
13 stars.

14 COMMISSIONER ZUNIGA: I like one as well  
15 for the seal nature.

16 CHAIRMAN CROSBY: You might play with  
17 this a little bit. There is sort of a second view that  
18 has some interest to people. Maybe sort of set up those  
19 two choices. One that is really representational or  
20 abstract, which is the wing and one that is a little bit  
21 more literal and maybe try to explore both of them.

22 MS. OGAR: And I think if we explore that  
23 first option, playing with how we handle that MGC in the  
24 center, it seems like that is important. It's not -- It

1 doesn't seem to be working just as it is here. So, it's  
2 exploring different ways that we can potentially treat  
3 that.

4 COMMISSIONER CAMERON: I think you could  
5 wear it on your shoulder.

6 CHAIRMAN CROSBY: Speaking as a colonel.

7 MS. DRISCOLL: I will send everybody  
8 that. And like I said, take some time and I will go to  
9 you individually and get feedback.

10 COMMISSIONER CAMERON: Great, thank you.

11 COMMISSIONER MCHUGH: Thank you. It was  
12 lot of fun.

13 CHAIRMAN CROSBY: Anything else from you  
14 to talk about?

15 MS. DRISCOLL: This is taking a lot of my  
16 time and the website, speaking opportunities and things  
17 like that. That's the main stuff.

18 CHAIRMAN CROSBY: Great. You started  
19 Commissioner Stebbins to talk about the workforce  
20 development discussion?

21 COMMISSIONER STEBBINS: Yes.  
22 Commissioner McHugh and I met out at Holyoke Community  
23 College last Tuesday where we shared an updated draft  
24 workforce development plan for the gaming industry. I

1 think it built more upon what we had received from our  
2 first meeting when President Messner addressed the  
3 Commission.

4                   This is an updated plan. I think it is a  
5 lot more thoughtful, has a lot more numbers to it. As  
6 well as what I was impressed with was talking about  
7 creating this funnel of potential folks to enter the  
8 workforce. And how they kind of came to a realization  
9 that 30,000 kind of entering the workforce pool is  
10 important, as well as understanding that after some  
11 preliminary assessments of an individual's experience as  
12 well as where they are in terms of their skill base, could  
13 be directed off to other available public resources.

14                   So, just somebody kind of comes into the  
15 funnel, interested in a gaming industry career, doesn't  
16 kind of match up to some of the basic skill requirements,  
17 they could be funneled into other existing public  
18 training programs.

19                   We've also included in your packet is the  
20 Community College System Casino Career Training  
21 Institute, kind of draft MOU with a potential developer.  
22 Again, these are all in draft form. Their hope is to come  
23 to us in a meeting in February and kind of present a  
24 finalized plan for us to consider.

1                   COMMISSIONER ZUNIGA: I have a question.  
2 Maybe this is contemplated here or is just flexible  
3 enough that it could be contemplated later. Are the  
4 community colleges thinking of different or varying  
5 degrees of certification programs or length of  
6 certification programs?

7                   COMMISSIONER STEBBINS: I don't know the  
8 answer to that question off the top of my head. I  
9 honestly have not had chance to read through the updated  
10 draft. I might suggest that if there is a way we can  
11 somehow compile everybody's comments and share that back  
12 to President Messner and his team before they come back  
13 and see us in November that would probably be helpful.

14                  CHAIRMAN CROSBY: Two things. I haven't  
15 read this through yet either. Just one important point  
16 is the other participants in the process and we talked  
17 about this many times. And I am sure that they are  
18 probably aware of it by now. But this whole idea of other  
19 players that bring other particular things to the table.

20                         One is the community action, what are they  
21 called ABCDE or whatever they are agencies. When we were  
22 in Las Vegas, we mentioned this briefly to you, but we  
23 went to this facility that UNITE HERE, this local union  
24 that basically has everybody in the casinos in it

1 sponsors with all but one of the strip casinos which is  
2 this training center.

3               Several things were impressive about it.  
4 One was that it was a collaboration between management  
5 and labor to work together to develop a well-trained  
6 workforce. It seemed to work remarkably well. It  
7 reminded how important it will be to involve the labor  
8 unions in these conversations.

9               It also reinforced the point that came at  
10 our diversity hearing about the need for other kinds of  
11 support than just the classroom experience.

12               COMMISSIONER CAMERON: The wraparound.

13               CHAIRMAN CROSBY: Right, what we have  
14 been referring to as the wraparound. This facility was  
15 just remarkable in its ability -- in its focus teaching  
16 people how to dress, teaching people how to shake hands,  
17 teaching people how to get up in the morning and plan  
18 their day. Providing second language skills. It was a  
19 really comprehensive thoughtful package of services.

20               One of the things they took pride in was  
21 the number of people that had moved from welfare to work.  
22 I think they said that this outfit was the most successful  
23 in moving welfare to work in the State of Arizona -- in  
24 Nevada, I mean.

1 I just think we should just take that.  
2 The combination of all of those considerations, the need  
3 for other services to target sometimes hard to place  
4 groups, the need to collaborate with other providers,  
5 particularly that was all just really powerful the data  
6 that came back into this.

7 COMMISSIONER STEBBINS: We did raise that  
8 question with them. And I think community colleges from  
9 my interaction being on the board in Springfield was  
10 community colleges, I think, over the years have gotten  
11 more aggressive in trying to address those wraparound  
12 services for single moms, transportation related  
13 challenges, etc.

14 To your point, Mr. Chair, about involving  
15 some of these other community groups, quickly on page  
16 five and six they do talk about -- they realize that  
17 community colleges are not up to this task by themselves.  
18 They lay out who their partners are. And some of those  
19 are identified as the community-based organizations,  
20 labor unions and other public and private vendors.

21 As these regional alliances begin to  
22 organize, I think we encourage the message to be let's  
23 have everybody at the table who can help us reach the  
24 populations of people that we want to make sure have

1 employment opportunities with the introduction this new  
2 industry.

3 CHAIRMAN CROSBY: There is another thing  
4 that came from Las Vegas was the understanding that at  
5 least in some environments, there can be real meaningful  
6 collaboration with the casino operators themselves.  
7 This I assume that's where this document is coming from.  
8 That was important.

9 Even here in Massachusetts, I have seen  
10 places where they are referring to their workforce  
11 training centers and so forth. So, they've got their own  
12 plans underway which we want to collaborate with as  
13 quickly as we can.

14 COMMISSIONER STEBBINS: Yes. The second  
15 half of our meeting --

16 COMMISSIONER MCHUGH: Before we leave  
17 that, can I just raise two questions -- two issues. The  
18 utilization of others is also laid out at page nine and  
19 13. They do have a really comprehensive -- The one thing  
20 it seems to me we need to help them and ourselves grapple  
21 with early on is their view that under this program they  
22 would be the exclusive certifying authority.

23 In other words, if people had to be  
24 licensed to perform a task at least on the gaming room

1 floors, the dealers, the other kinds of things that  
2 completion of their program would be an essential  
3 prerequisite. They view that as a mechanism for keeping  
4 at bay the kind of trade school consumer ripoffs, for want  
5 of a better word, that are likely to be proliferated  
6 without this. Because they anticipate, I think the  
7 President described this and correct me if I'm wrong, a  
8 large funnel in which you take in 35,000 people say to  
9 get 10,000 who can proceed through the system and get a  
10 gaming license. And with the other 25,000, you divert  
11 them into other kinds of things. If they have a criminal  
12 record or something they are not going to be able to get  
13 a license, so you go through this elaborate program, used  
14 these other facilities to help these people. And out the  
15 other end come people who really can get a license.

16 But that that's expensive and  
17 time-consuming and that in order to make it worthwhile  
18 and to make it work, they ought to be the exclusive agents  
19 for a program that will lead to a license. Or put the  
20 other way around that a license required in  
21 Massachusetts, completion of their program is a  
22 prerequisite.

23 I think that needs some thinking through  
24 at our level as a policy matter before too long. Because



1 that raises a whole host of questions, it seems to me,  
2 not the least of which is economics. Is this a viable  
3 approach? And they have a great program. It's laid out  
4 here in terrific detail. And the organizational efforts  
5 they have made to collaborate and then to go to New Jersey  
6 and get the curriculum from that school in New Jersey are  
7 terrific. I think the first time they've ever done  
8 something like this.

9 So, we really need to encourage that. On  
10 the other hand, the exclusivity piece is something we  
11 need to think through.

12 COMMISSIONER ZUNIGA: When they talk  
13 about exclusivity piece, are they thinking about every  
14 casino employee?

15 COMMISSIONER MCHUGH: No. They're  
16 thinking about the casino employees who would have to be  
17 licensed. Some of the casino employees, and I've  
18 forgotten exactly what the breakdown is, some of the  
19 casino employees have to be licensed and others only have  
20 to have certificates. I think the broad division is  
21 between the gaming room floor operators and hospitality.  
22 I may be wrong on that.

23 COMMISSIONER CAMERON: We haven't made  
24 those decisions yet, right?

1                   COMMISSIONER MCHUGH: The statute talks  
2 about some of that, but we haven't fine-tuned it. That's  
3 right. My recollection was --

4                   COMMISSIONER CAMERON: Registered versus  
5 licensed.

6                   COMMISSIONER MCHUGH: Right. For the  
7 license and it was for the license that their program  
8 would be exclusive.

9                   COMMISSIONER CAMERON: The problem with  
10 that is many of the casinos are now -- they teach on their  
11 own. So, I don't know that they could be exclusive.

12                  COMMISSIONER STEBBINS: Obviously, I  
13 think it gets to a point in the training process. We  
14 discussed this issue. At some point, that employee is  
15 going to need to go through the Ameristar way of doing  
16 things, the MGM way of doing things. Do we have a program  
17 that will bring people up to a base set of skills that  
18 the industry accepts before they kind of go off and again  
19 learn how to do it at that one operator's particular way.

20                  COMMISSIONER MCHUGH: The diversity  
21 program, building on that, the presenter, I have  
22 forgotten her name now, who was the former employee of  
23 the gaming facility made exactly that point. The  
24 interface between the casino operator and a program like

1 this is that a program like this brings people up to a  
2 base level and then the refinement occurs at the casino  
3 training program. That's one model.

4           There's obviously other models of doing  
5 it, another of which you saw in Las Vegas.

6           CHAIRMAN CROSBY: I agree with you. That  
7 is one of those out of sequence topics to I think. Let's  
8 join this again next week. We will get our comments back  
9 to Commissioner Stebbins, but maybe have thought about  
10 this a little bit more for next week and see whether we  
11 are ready to start thinking about -- This is a pretty  
12 significant issue.

13           COMMISSIONER MCHUGH: Right.

14           COMMISSIONER STEBBINS: The second  
15 portion of our meeting was with respect to the  
16 construction trades, the temporary jobs that will come  
17 with licensing of casinos. And it was appropriate to be  
18 in Western Mass. because we have been approached by a  
19 number of union leaders out there talking about their  
20 concern of because the casino in Western Mass. has the  
21 potential to be the largest construction project in  
22 Western Mass. history, beating out the most recent  
23 project by almost fourfold in terms of investment.

24           Their concern because there is not a

1 contractor in Western Mass. probably capable of doing a  
2 project this size, an operator would have to look outside  
3 of the region. A lot of those contractors already have  
4 their own teams. They come in and some of the spare  
5 remaining vacancies or opportunities are provided to the  
6 local unions.

7 I think you have Mr. Garand's testimony  
8 with the New England Regional Council of Carpenters. We  
9 also had a good overview of the topic from Frank Callahan  
10 from the Mass. Building Trades Council. He came out to  
11 Holyoke as well.

12 So, an informative session. Mr. Garand's  
13 testimony that he provided essentially poses the  
14 question to us at the end of his testimony saying would  
15 you seriously consider setting a minimum percentage of  
16 50 percent of local residents employees on a project in  
17 Western Massachusetts?

18 Certainly, an issue that warrants some  
19 discussion. Some of my initial thoughts are is this  
20 something that potentially a host community agreement  
21 gets to the point. Because I think it would in some  
22 respects create a discrepancy for the Commission,  
23 because we probably don't see that same issue raising its  
24 head in Eastern Massachusetts region. Would we want to

1 kind of change up our regulations as it just pertains to  
2 Western Massachusetts? I don't know the answer to that.  
3 That was the genesis of his question at the end of his  
4 testimony.

5 COMMISSIONER ZUNIGA: More to that point,  
6 some Eastern Massachusetts cities and towns do have  
7 ordinances for local residency requirements.

8 COMMISSIONER MCHUGH: For contractors?

9 COMMISSIONER ZUNIGA: Yes, for  
10 contractors, local hiring. Boston has one. Revere has  
11 one. Others have one.

12 CHAIRMAN CROSBY: Not only do I not see  
13 any problem with the local communities making that one  
14 of their negotiating points, but I think we -- I at least  
15 had mentioned that to them that there is no reason on  
16 earth, particularly in Western Mass. where that  
17 shouldn't be one of the terms that they try to negotiate  
18 into the deal. And I think I've said that to the unions  
19 as well. Don't just start with us. Start with the host  
20 communities.

21 COMMISSIONER MCHUGH: Their point was  
22 that there have been efforts before in terms of goals,  
23 but the goals tended to slide because they were  
24 aspirational not contractual requirements. That

1 somehow there had to be contractual requirements. The  
2 host community, the surrounding community agreements  
3 could have those pieces in them. But then we would have  
4 to probably somehow by adopting those agreements put our  
5 weight behind it.

6 CHAIRMAN CROSBY: Right. That's true.  
7 A lot of people say to us make sure to not only get these  
8 agreements upfront, but you have some kind of  
9 enforcements and claw backs and so forth.

10 COMMISSIONER MCHUGH: Right.

11 COMMISSIONER ZUNIGA: Just a minor point  
12 of clarification, those local resident requirements are  
13 for public works projects. So, it may or may not apply  
14 for a casino.

15 COMMISSIONER STEBBINS: We have kind of  
16 sworn in Springfield as for public projects. On this  
17 last subject, it was kind of an eye-opener was getting  
18 our introduction to the types of facilities that the  
19 unions operate around the Commonwealth to get  
20 apprentices, get young people into the trades.  
21 Obviously, if you are in the trades, your probably work  
22 career timeline is shortened somewhat if you are lugging  
23 80-pound bags around most of your life.

24 But my question to Mr. Garand is if this

1 is going to be -- as it pertains to Western Massachusetts,  
2 if this is going to be the biggest project in Western  
3 Mass., why wouldn't you be looking at this as kind of a  
4 great kind of recruiting opportunity as well as giving  
5 your apprentice program or apprentices a chance to work  
6 on a project of this size. It would just bolster your  
7 opportunity to recruit people as well give some great  
8 on-the-job training experience for their apprentices.

9 CHAIRMAN CROSBY: Did he agree with that?  
10 What was his response?

11 COMMISSIONER STEBBINS: He did agree with  
12 it. Again, they invited us to even come out and visit  
13 some of their training facilities, get a sense of what  
14 they put their apprentices through as well as Mr.  
15 Callahan gave a great overview of how long it takes for  
16 an individual to go through an apprentice program until  
17 they come out a journeyman on the other side.

18 CHAIRMAN CROSBY: Great. Thank you.  
19 The AIA presentation, I think that is scheduled. Oh,  
20 it's happening.

21 Introduce yourselves and you might want to  
22 remind everybody how this came about.

23 MR. NUNNARI: Let me start. Good  
24 afternoon. My name is John Nunnari and I am the

1 executive director of AIA Massachusetts, American  
2 Institute of Architects. We want to thank you for the  
3 opportunity to come before you to talk about the proposal  
4 that we put forward for an educational forum to start  
5 looking at the issues of physical planning and design of  
6 these casinos. Specifically design of casinos that will  
7 eventually be built in both suburban and urban  
8 environments and what they might look like.

9 I'd like to tell you a little bit about who  
10 AIA is and then introduce the three members I brought with  
11 me. AIA is a national trade organization that  
12 represents architects. It's based in Washington, DC.  
13 Every state has a chapter. Under the state chapters are  
14 the local chapters or the local components.

15 Here in Massachusetts we have three local  
16 components which break down into the regions of the  
17 state. Eastern, which is represented by the Boston  
18 Society of Architects. We have a Central Mass. chapter  
19 and a Western Mass. chapter.

20 I would like to introduce, given that  
21 context, Vernon Woodworth who is an architect and is the  
22 President of AIA Massachusetts. I will start with Laura  
23 first who is the President of the Boston Society of  
24 Architects, which again is our Eastern Mass. chapter.



1 And at last count I believe is still the largest local  
2 component in the country. And Mike Davis who is our  
3 President-elect.

4 With that, I would like to turn it over to  
5 Laura to start with. And she will kind of walk you  
6 through the beginnings and we will go from there.

7 MS. WERNICK: Thank you John and thank you  
8 for having us here. We have been reviewing the Enabling  
9 Act language and we think there are some areas where the  
10 architects of the Commonwealth might be of assistance,  
11 specifically in sections 5 and sections 18.

12 Under section 5, it talks about evaluation  
13 of architectural design and concept excellence,  
14 integration into surroundings and tourism appeal.  
15 Under section 18, it talks about utilizing sustainable  
16 design principles, meeting or exceeding stretch code,  
17 committing to advanced energy-efficiency, conserving  
18 water and managing storm water and procurement of a  
19 generation of renewable energy.

20 We think the architects of the  
21 Commonwealth are uniquely positioned to assist the  
22 Commission in developing the criteria around these  
23 issues. The memberships of the boards of Mass. AIA and  
24 the Boston Society of Architects have a draft position

1 paper, which we believe start to look at these criteria.  
2 So, we would like to talk to you about that and how we  
3 would -- our thoughts about how we might be able to  
4 assist.

5 MR. WOODWORTH. In particular regarding  
6 the sustainable design principles, this is something  
7 that we feel we have an expertise that we can share. In  
8 terms of public policy issues, top priority I would say  
9 of AIA Massachusetts. And I think with the  
10 proliferation of gaming in general, this is an  
11 opportunity for Massachusetts to distinguish ourselves  
12 in terms of the type of buildings that are built under  
13 this Commission.

14 Beyond the LEED program, which is  
15 mentioned in the criteria in the statute, we have many  
16 specific suggestions that we would love the opportunity  
17 to get into. We also are very interested in  
18 strengthening local communities with the development.  
19 Smart growth is another priority of our organization.  
20 And the opportunity to limit vehicle trips and to make  
21 for a community process that strengthens local  
22 organizations and businesses seems like a top priority.

23 As part of that, we would like to convene  
24 a discussion group, which I think Mike is going to talk

1 to you more about.

2 MR. DAVIS: Thank you Mr. Chairman,  
3 members of the Commission. We appreciate this time. I  
4 would like to quote Dr. Durenberger and say we too want  
5 to do good and contribute to the thoughtful process you  
6 have undertaken. We are the architects and we are here  
7 to help.

8 Here is the proposal. First, the white  
9 paper that we've submitted, the position paper that we  
10 have submitted is written largely by us. We are the  
11 leadership of the two chapters. And we would like to  
12 take it upon us, opening up this conversation up to the  
13 design community at large.

14 We propose to host an open forum, a  
15 half-day symposium for any architects interested in the  
16 design of casinos in the Commonwealth. We can invite our  
17 allied associations or organizations, the engineers,  
18 site and civil engineers, mechanical, electrical,  
19 plumbing engineers, life-safety experts. And put a  
20 forum together. The Commission would of course be  
21 welcome to attend if you'd like. It is probably longer  
22 than this meeting. So, I wouldn't recommend it. From  
23 that forum --

24 COMMISSIONER MCHUGH: Maybe more

1 interesting.

2 MR. DAVIS: -- we would distill specific  
3 recommendations to come back to you with. The  
4 recommendations you can think of them as two piles of  
5 recommendations. The qualitative recommendations,  
6 like what exactly do we mean when we say integrate design  
7 with the community? What exactly does it look like?  
8 What does design excellence look like? How do we measure  
9 it? I think we could give you some specific criteria for  
10 that.

11 We also may throw some of our own  
12 recommendations at you. Percent of site area devoted to  
13 open public space, for example. The presence of the  
14 public way in the development so they don't feel  
15 insulated and cut off from the rest of the community.

16 Then there are the qualitative criteria  
17 that we also are able to help you with. Things like  
18 Massachusetts LEED has its own LEED standards, Mass. LEED  
19 plus. When it was adopted, it was cutting-edge. Now  
20 it's a little out of date. So, we could revise the  
21 criteria for you. Revise Mass. LEED plus, integrate  
22 some of the more progressive building energy use  
23 standards that have arrived since then. Create metrics  
24 for building energy use that you could use. The energy

1 use intensity metrics that are used in evaluating  
2 high-performing building now.

3 We could say do we want to be a net zero  
4 energy building? How close to net zero do you think we  
5 can get? We can wrap all of these criteria after the  
6 results of this one large open forum into a packet of  
7 recommendations, come back to the Commission and say  
8 these are our suggestions for how you approach these  
9 design criteria coming from the architects of the  
10 Commonwealth. That's the pitch.

11 Please don't ask us to comment on the  
12 logos.

13 CHAIRMAN CROSBY: You already did, three  
14 eagle votes I think.

15 MS. WERNICK: Flags, they are flags.

16 MR. DAVIS: You are being a very mindful  
17 client. And as we had not received a brief for the design  
18 logos, we don't feel really qualified to comment on them.

19 COMMISSIONER ZUNIGA: I have a question  
20 on the last point that you made which is something that  
21 has been asked at least of me at one of the speaker  
22 engagements that we made and that's the design criteria.  
23 How are you at least thinking about this Commission could  
24 be in terms of level of prescriptive or prescription, if

1 that's the right word, relative to that design criteria,  
2 broad focus, specific in certain areas? Do you have some  
3 general thoughts? And of course the forum could address  
4 much of that.

5 MR. DAVIS: I would like to see us get as  
6 specific as we can and be as prescriptive as we can. Not  
7 to say here is what it should look like, but to say here  
8 are the design criteria that have for it.

9 Things like complexity, numbers of  
10 materials different selections of materials,  
11 relationship how to context in terms of scale and form  
12 or in terms of language. Maybe yes on this. Maybe no  
13 on this. Written in simple terms so that hopefully --  
14 We also would be happy to serve in a design advisory if  
15 required -- if requested by the Commission.

16 Hopefully, leave you with some criteria  
17 that is specific enough so that you can apply them but  
18 not prohibitively. For example, we would never say  
19 please only use brick. But we may say a presence of  
20 regional materials, materials that come from local  
21 manufacturer that relate somehow to the historic context  
22 or the contemporary context in an urban sense. I think  
23 that is the kind of language we would give you.

24 MS. WERNICK: I think we see this as an

1 opportunity to create a real model that the State of  
2 Massachusetts should be setting very high standards that  
3 other states would be following so that obviously in  
4 terms of energy efficiency, in terms of community context  
5 and in terms of the quality of the overall design of the  
6 building. So, we very much would like to be able to bring  
7 to you some thoughts on the nature of the design and the  
8 quality of the product that you should be getting.

9 MR. DAVIS: Exactly. We would like to  
10 think that if a proponent came forward with a proposal  
11 for a design that said I saw this Rocky Mountain lodge  
12 and that is why I wanted to make the building look like  
13 a Rocky Mountain lodge. We would give you enough  
14 material to say here is why it shouldn't look like a Rocky  
15 Mountain lodge because it doesn't meet these design  
16 criteria that we've got in place already.

17 COMMISSIONER MCHUGH: Have you seen  
18 design criteria of that type apply to other projects in  
19 other places? I.e. some kind of a licensing body or even  
20 a town having planning board regulations that  
21 incorporate the kinds of design criteria you are  
22 talking about for any building in the town?

23 MR. DAVIS: Municipalities can be very  
24 specific about what they want to see. The historical

1 character and materials, materials you can use,  
2 materials you can't use, signage approaches, lighting  
3 approaches, streetscape. They can be very, very  
4 specific. I think as the agencies get larger, broader,  
5 more public, they tend to be less specific.

6 I think we certainly wouldn't want to over  
7 step -- We wouldn't want you to over step you bounds, but  
8 I think it would be incumbent on us to make -- We would  
9 all like to see these look like they belong in  
10 Massachusetts and come from Massachusetts and were  
11 designed with our State in mind. However best we can  
12 help you ascertain that I think, we feel an obligation  
13 to help with.

14 MS. WERNICK: We are not trying to provide  
15 a specific look. I don't think that is anybody's intent.

16 COMMISSIONER MCHUGH: I understand that.  
17 There is the LEED's piece for example or the LEED's type  
18 piece pertains to something that is severable from  
19 whether you use local materials or build it like a Rocky  
20 Mountain lodge, right?

21 MR. DAVIS: Yes. The aesthetics are not  
22 part of -- the language of the architecture is not part  
23 of it.

24 COMMISSIONER MCHUGH: So, there are a



1 whole bunch of design criteria that are independent of  
2 look.

3 MR. DAVIS: Yes.

4 COMMISSIONER MCHUGH: And those would be  
5 included in this. They would be sustainable renewable.

6 MR. DAVIS: Performance criteria.

7 COMMISSIONER MCHUGH: Then there would be  
8 look base.

9 MR. DAVIS: Aesthetics.

10 MS. WERNICK: Again, I don't think we are  
11 trying to codify or to set up a specific aesthetics. But  
12 how do you make sure that the building is designed so that  
13 it fits in with the context? How do you make sure that  
14 we are not just allowing design of boxes where all of the  
15 activity is done in the dark and they are cut off from  
16 the community. They should be assets to their  
17 communities, obviously during the construction process  
18 but for years to come.

19 MR. WOODWORTH: And healthy buildings.

20 CHAIRMAN CROSBY: My sense is that we  
21 asked you to come here because we are very predisposed  
22 to having some such forum. The question is what format  
23 should that be?

24 You proposed something that I hadn't

1 anticipated and what all should be included in it. As  
2 Commissioner McHugh is saying, what they proposed was  
3 something different than what we have done in the past.  
4 We have had a forum that was an educational forum for us.  
5 Then we said through us let this go to the public as well.

6                   You're talking about having a process  
7 where you all would try to synthesize ultimately -- you  
8 have your own initial process and you would try to  
9 synthesize that into some kind of usable forum for us.

10                   MR. DAVIS: We would present that to you  
11 as an educational forum.

12                   MS. WERNICK: We would be open either way.

13                   CHAIRMAN CROSBY: I am just thinking  
14 which.

15                   MS. WERNICK: We are just trying to save  
16 you a little bit of effort.

17                   CHAIRMAN CROSBY: Certainly, whether we  
18 have it as a formal forum of the Commission or not, it  
19 wouldn't surprise me that one or more of us might want  
20 to go to some or all of that anyway. So, we can always  
21 do that. Does anybody have any strong feelings?

22                   COMMISSIONER ZUNIGA: I feel I should  
23 mention for reference an important context that I am  
24 familiar with the work of Laura, her colleagues, others

1 at the Boston Society of Architect. When the School  
2 Building Authority where I was a part of first got its  
3 start, not a similar process, but they got together,  
4 thought a lot about the new legislation and the fact that  
5 the Authority was going to be issuing regulations and  
6 provided a lot of very useful recommendations for that  
7 agency.

8 What I am hearing is a little bit like that  
9 but of course --

10 MS. WERNICK: A little bit more specific,  
11 a little more focused.

12 COMMISSIONER ZUNIGA: -- a little bit  
13 more specific. But in the context reaching out to the  
14 membership as to just brainstorm for good ideas, which  
15 I think would be a great asset for us.

16 MR. NUNNARI: I think it is also important  
17 to remember that this was the opening of a dialogue. We  
18 know you have questions.

19 We have proposed a forum that is slightly  
20 a little more internal looking in terms of getting our  
21 folks together. But this can be a public forum to  
22 address whatever you are thinking of, whatever questions  
23 you have that you are hoping to find some answers to.

24 So, I don't think any of us here are

1 actually set in stone as to what exactly this  
2 educational forum would be. We just think it is an  
3 educational forum on the issues of design and whatever  
4 it finally turns out to be is what it will turn out to  
5 be. It will be something that is agreed to by all of us.  
6 I think that's the important thing to remember here.

7 COMMISSIONER MCHUGH: This is really  
8 intriguing because a part of the statute as you know is  
9 that these building have to comply with local zoning  
10 codes and ordinances so that we don't just have a free  
11 hand to say you are going to do this or that.

12 But suppose we had a forum that was  
13 designed to alert the local authorities as well as us  
14 about the kinds of goals and aspirations we ought to have  
15 for these buildings. Not a discussion, although that  
16 would be fine too, not a discussion that was internal to  
17 the architectural community and engineering community,  
18 but an expression of criteria that communities could look  
19 at. Because they too are going to have a role in deciding  
20 what they require in their host community agreements and  
21 who they want to move forward for. They ought to have  
22 some of these ideas in mind as well.

23 That might be a hugely helpful program and  
24 one that made a lot of this accessible. And helped to

1 focus it and achieve buy-in to it in a way that ultimately  
2 we wouldn't have the authority to.

3 MR. NUNNARI: It might help you with one  
4 of the items that was on your agenda that you were  
5 discussing previously, which was the tourism councils.  
6 Not to say we have any particular thoughts on tourism  
7 councils, but it seemed the issue you were grappling with  
8 was they are envisioning a process that is somehow they  
9 are going out talking to these casino developers maybe  
10 even before you and trying to act as a clearinghouse.

11 And you are grappling with this idea of  
12 should they be there or should they not be there. What  
13 I think we are talking about is an overall design process.  
14 And there is a potential in this forum to maybe help you  
15 form a process that you can use with both the communities  
16 and the Gaming Commission for them to go through to say  
17 if you are a community that is looking at building a  
18 casino, we at least have a general framework to start from  
19 in terms of who you want to talk to. What a design  
20 process might be to help you determine is this really a  
21 responsive proposal to this community or not.

22 If you look at it from the larger context,  
23 granted we don't want to get too far up in our thoughts,  
24 but this forum could help you look at some of these

1 issues.

2 MS. WERNICK: Sort of helps establish  
3 some kind of model guidelines. And then you can share  
4 the model guidelines with the local communities as a  
5 format for them to build from, structure foundation for  
6 them to build from.

7 MR. DAVIS: Right. The broad side of  
8 objectives for the design, for a model review process.  
9 Yes, that would work.

10 COMMISSIONER ZUNIGA: Perhaps if we could  
11 speak a little bit about a couple of relevant examples  
12 to those guidelines and tell me if this would be one.  
13 Just a life of a building. If somebody designs a 30-year  
14 as opposed to a 50-year building, that is very different  
15 when it comes to actually, for example, quality. Is that  
16 one that you mean for example? Are there others that  
17 could help us sort of think through more about this?

18 MS. WERNICK: Yes. I think durability is  
19 one you should expect to see. There is a lot of things  
20 related to LEED or the foundation that LEED provides.  
21 Not only energy efficiency, but also things like light  
22 and views. Often casinos are closed off from the  
23 exterior world and we would provide suggestions on how  
24 you might provide more connection to the natural world

1 so we are not providing a closed off environment.

2           That also again has implications for the  
3 community around it. So, those are a couple of things.  
4 I think the energy related ones are a little bit more  
5 quantitative and easier in a sense to develop. You can  
6 very quickly get on the edge of more qualitative  
7 criteria. Those can be a little bit more sensitive. I  
8 think having a durable, having an appropriate  
9 relationship to the context, to the community that it's  
10 in, having the appropriate levels of transparency both  
11 conceptually and in reality. I think those are some  
12 things that I've been thinking about.

13           MR. NUNNARI: To pick up on something from  
14 your former employer, one of the things the MSPA did and  
15 I am not suggesting that we take on what I am about to  
16 suggest literally, but the MSPA put forward space  
17 standards that needed to be followed.

18           I am not suggesting that the Commission  
19 come up with space standards for casinos, but you might  
20 consider thinking about things like what you probably  
21 don't want is a casino coming in saying we are going to  
22 put our \$500 million of construction into one big gaming  
23 floor and that's it, because you didn't tell them to do  
24 anything other than that.

1                   So, space standards, we are establishing  
2 some type of standards that fine, we are not telling you  
3 how to build it, but maybe you don't want to see more than  
4 75 percent of the overall construction costs being spent  
5 on just the gaming floor, things like that. Things  
6 that your former agency thought about. Those are the  
7 things that I think we might be able to help you maybe  
8 not dotting the I's and crossing the T's but help you  
9 think of general guidelines around it.

10                   MR. DAVIS: I think it would be helpful  
11 for us to think about how far in the future you want the  
12 performance criteria to be projected for the facility.  
13 Is this a 10-year horizon, a 20-year horizon, a 30-year  
14 horizon. A life cycle cost analysis unfortunately these  
15 days is more often than not just a payback analysis. If  
16 I add this PVs, I generate this amount of power. It will  
17 pay for itself in five years.

18                   But I think if to say what do you project  
19 for us 30 years of operating expenses, including  
20 maintenance costs, including depreciation costs. So,  
21 we can see that this project is going to endure and be  
22 productive for 30 years, 40 years. I think that is  
23 something we could really think about including.

24                   COMMISSIONER STEBBINS: Something I am



1 just kind of getting my hands around is that it seems in  
2 other jurisdictions where you have these large scale  
3 developments go up, there is a constant reinvestment,  
4 probably more than the life of the building and the market  
5 would dictate of I've got to keep it fresh. I have got  
6 it keep it especially in looking in attracting a number  
7 of people.

8 I have a question relative to -- I don't  
9 know very much about the Green Communities Act or program  
10 in Massachusetts. From what I have read Springfield,  
11 Palmer, Boston have all adopted the Green Communities  
12 standards. Just basically what does that translate into  
13 when it comes to commercial development and certainly  
14 commercial development of this size?

15 MR. WOODWORTH: The one piece is the  
16 stretch code, which at the current time requires 20  
17 percent improvement over the base code in terms of energy  
18 efficiency. That is about to change.

19 We are adopting a new energy code within  
20 the next 12 months, which actually is identical to the  
21 stretch code. So, the question as to what the next  
22 stretch code will achieve remains open. That's the  
23 expected intent that it will continue to drive energy  
24 efficiency beyond the base code.

1                   There are four other criteria or five  
2 other criteria.

3                   MR. NUNNARI: But the stretch code is the  
4 only one that is actually impacts building.

5                   MR. DAVIS: It is expedited permitting  
6 for renewable energy, distribution sites, energy used,  
7 master plan for the community, that sort of thing, green  
8 power purchase agreement. But the one that really  
9 affects buildings is the stretch code.

10                  CHAIRMAN CROSBY: Let's try to hone in on  
11 the format. I like the format that we had in the sense  
12 of us hearing a whole range of stuff.

13                  The way we have done it in the past is we  
14 put together a panel which address various things. That  
15 certainly is not locked in stone as far as I'm concerned.  
16 You could have whatever. It could be an open process  
17 where people come and speak to a mic.

18                  But I think I sort of like the idea of  
19 having us be there. There are two things that could  
20 happen. You could do something before it if you wanted  
21 to do some vetting or organizing - A. And B - you could  
22 certainly -- We would like it if you would synthesize  
23 stuff later on and summarize it into some  
24 recommendations. The first part of it would be a little

1 more free-flowing. All of ours have been. Personally,  
2 I would rather have us be there at a fairly early stage.  
3 If you could take it from that and figure out what's an  
4 appropriate.

5 MR. DAVIS: What is a typical time  
6 investment for the Commission?

7 CHAIRMAN CROSBY: We have done everything  
8 from two days to half a day. I think this is an important  
9 one. There are three things that -- We mostly talked  
10 about the whole range of proposed regs. and standards and  
11 so forth that you could help us think about. That  
12 definitely would be a big piece of it.

13 But you heard us talking about what are  
14 policy decisions that we ought to be making soon so that  
15 the developers know earlier on than when our regs. are  
16 published in who knows how long from now. And you might  
17 be thinking that would be another topic that if you could  
18 help us think about things from your area that we really  
19 need to get out onto the table soon to be fair to the  
20 developers.

21 The third thing is we have only talked a  
22 little bit about what we are going to do for an evaluation  
23 process when these proposals are made. Many of the same  
24 kinds of standards -- same kinds of criteria you're

1 talking about, we may well want help in making those  
2 evaluations or assessments once the final proposals come  
3 in. So, speaking about the evaluation process too would  
4 be a third thing that I think we would like. That is not  
5 as time sensitive. We can do that later.

6 MR. DAVIS: How does this need for help  
7 fall within that 90-day period of the RFA issuance and  
8 the due date? Is this not related to that schedule?

9 CHAIRMAN CROSBY: No. The only thing  
10 it's related to is the developers are out there working  
11 now. They are talking with communities. At least two  
12 of them have already put the designs out on their own  
13 risk. They didn't have to do that, but the ball is moving  
14 quickly. And out of fairness to everybody we want to get  
15 any substantial parameters that they are going to need  
16 to operate within, we want to get to them as quickly as  
17 we can.

18 MR. DAVIS: Understood.

19 COMMISSIONER ZUNIGA: Let me just make a  
20 point of clarification that dovetails into the notion of  
21 evaluation as well. They have put out renderings and  
22 they may or may not have a full design behind their  
23 proposals. We don't know.

24 Part of that is, and this is something that

1 really needs to be fleshed out hopefully throughout this  
2 process but especially at the forum, is how to evaluate  
3 the evaluation against some criteria may have to happen,  
4 correct me if I'm wrong, a little bit later after our  
5 award of a license. Because people may come with not  
6 full designs, certainly not construction drawings for us  
7 to evaluate or for us to be advised and to evaluate a  
8 proposal. The devil is in the details once you really  
9 start choosing materials, fine tuning the schematic  
10 drawings. Am I not correct? Could you expand on that  
11 notion?

12 MR. DAVIS: I am actually -- In full  
13 disclosure, I am the Chair of the Boston Civic Design  
14 Commission for the BRA. We frequently see projects that  
15 come to us that look like they are done. And we have some  
16 objective design criteria that we think that the team  
17 should consider.

18 Low and behold, they are not actually  
19 done. They go back to the drawing board and they meet  
20 with the design team and they come back. And the design  
21 evolved in dialogue with the Commission. I would agree  
22 with Chairman Crosby, the sooner you can get criteria to  
23 the development community, the easier it will be for them  
24 to understand your intent and comply with what you think

1 the design should do.

2 But in the absence of that kind of timing,  
3 this entity has been designated. We want you to work  
4 with this criteria and see how close you can come to  
5 achieving the goals that we have set for you within  
6 reasonable parameters. Then it just becomes part of a  
7 conversation between the Commission and the proponents.

8 CHAIRMAN CROSBY: Let me pursue one  
9 thing. What is your relationship with the BRA? Say it  
10 again.

11 MR. DAVIS: I am the Chair of the Boston  
12 Civic Design Commission. I am an architect by practice.

13 CHAIRMAN CROSBY: Who are you appointed  
14 by?

15 MR. DAVIS: Appointed by the Mayor.

16 CHAIRMAN CROSBY: That is something we  
17 might need to think about. We don't want somebody  
18 advising us on criteria who is affiliated with the Mayor  
19 who has got a horse in the race, so to speak.

20 MR. DAVIS: I could recuse myself if it  
21 pleases the Commission.

22 CHAIRMAN CROSBY: I appreciate knowing  
23 about it. Those are the kinds of things -- Anybody else  
24 who is involved should have the same kind of

1 sensitivities in this. Both the reality of conflicts  
2 and the appearance of conflicts both are something we  
3 need to be real sensitive about. So, obviously, we will  
4 think that one through.

5 COMMISSIONER STEBBINS: It maybe a  
6 situation where you have different regional teams  
7 focused on projects in other regions.

8 As I was perusing the Global Gaming Expo  
9 agenda in Las Vegas earlier this month, there was a whole  
10 series on casino design, which I think because we  
11 attended we will have access to the videos of those  
12 panels, which we will try to find a way to share with you  
13 if at all possible.

14 MR. NUNNARI: That would be great.

15 CHAIRMAN CROSBY: I think we have a clear  
16 consensus that we would like to do this. It's sort of  
17 okay that we would like to be there fairly early in the  
18 process. Sort of the primary focus be something that  
19 would be a presentation to the Commissioners. The  
20 particulars of that and what precedes and follows it is  
21 for you guys to work out. Janice Reilly you can  
22 coordinate with on dates when you are ready to be thinking  
23 about --

24 MS. WERNICK: We will put together a

1 concept of how we would suggest it being done.

2 CHAIRMAN CROSBY: Yes. Send it to Janice  
3 and we will take a look at it. Very exciting. Thank  
4 you. We are pleased to have your willingness to help  
5 out.

6 COMMISSIONER MCHUGH: Thank you.

7 COMMISSIONER CAMERON: Thank you.

8 CHAIRMAN CROSBY: We are just about done.  
9 On the research agenda, a couple of things, sort of  
10 principle closing date for the request for information  
11 on the research plan was Monday, I guess. We got at least  
12 four maybe five RFAs which we are now looking at and will  
13 think about a process about how to follow-up as soon as  
14 we can. Anything else?

15 COMMISSIONER ZUNIGA: No. Five, we got  
16 five responses.

17 CHAIRMAN CROSBY: Very interesting  
18 stuff. It is a big interesting exciting project. And  
19 these are people who are responding who really know a lot  
20 about this stuff, about the methodology of research. It  
21 is really interesting.

22 The last thing I think is the proposed  
23 draft letter. This came up in our meeting held in  
24 Springfield. The Partners for a Healthier Community



1 asked us to be a partner with them in their application  
2 to the Pew Health Group to be a part of their application  
3 for health impact assessment.

4 We heard Mr. Robinson talk about it at the  
5 meeting. We said two things. One, we would like to talk  
6 to Pew about our research project, which by the way I have  
7 started. And they are very interested in what we are  
8 doing. And they are going to talk with their peers in  
9 this Pew group about whether or not they may want to  
10 collaborate with us in a big way.

11 We followed through on that. We also told  
12 them -- told Partners for a Healthier Community that  
13 independent of that, we would most surely be willing to  
14 be a partner which commits us to not very much.

15 The letter that you have here is proposed  
16 for our signature -- I guess for my signature but for our  
17 endorsement. I think it looks fine. Does anybody else  
18 have any?

19 COMMISSIONER MCHUGH: I thought it looked  
20 great. I think it's the direction to go in. I thought  
21 that letter was great.

22 CHAIRMAN CROSBY: So, I will just go ahead  
23 and move forward on this. Anything else on research.  
24 Anything else on other business? Anything else on

1 anything.

2 COMMISSIONER MCHUGH: How about a motion  
3 to adjourn?

4 CHAIRMAN CROSBY: Commissioner McHugh  
5 has been chomping at the bit here for quite a while.  
6 Okay, we are adjourned. Thank you very much.

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11 (Meeting adjourned at 4:44 p.m.)

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1 ATTACHMENTS:  
2  
3 Attachment 1, Agenda  
4 Attachment 2, September 25, 2012 Meeting Minutes of the  
5 Massachusetts Gaming Commission  
6 Attachment 3, September 21, 2012 letter regarding  
7 Application Form Comments, Mohegan Resorts Mass, LLC  
8 Attachment 4, September 21, 2012 Comments on  
9 Massachusetts Gaming Commission's Proposed Personal and  
10 Business Entity Disclosure Form  
11 Attachment 5, September 21, 2012 Phase 1 Forms Comments  
12 from MGM Resorts International  
13 Attachment 6, Instructions for Applicants for a Gaming  
14 License - RFA Phase I Application  
15 Attachment 7, September 25, 2012 letter regarding  
16 Amended Small Business Impact Statement  
17 Attachment 8, October 4, 2012 letter from Springfield  
18 City Council  
19 Attachment 9, October 1, 2012 Pioneer Valley Convention  
20 and Visitor's Bureau regarding RFP  
21 Attachment 10, Certificate of the Secretary of Energy and  
22 Environmental Affairs on the Environmental Notification  
23 Form  
24

1 Attachment 11, September 12, 2012 DRAFT - A Statewide  
2 Initiative Addressing the Workforce Needs of the Gaming  
3 Industry in Massachusetts

4 Attachment 12, Draft MOU for Western Massachusetts

5 Attachment 13, Testimony of Jason Garand, Business  
6 Manager for Carpenters Local 108

7 Attachment 14, October 2012 letter regarding Support for  
8 Partners for a Healthier Community's Health Impact  
9 Assessment for Western Massachusetts

10

11 SPEAKERS:

12 Kristin Gooch, gaming consultant

13 Jennifer Durenberger, Director Racing Division

14 Elaine Driscoll, Director of Communications and Outreach

15 Cara Ogar, Jackrabbit Design

16 Lynn Spooner, Jackrabbit Design

17 John Nunnari, AIA

18 Vernon Woodworth, AIA

19 Mike Davis, AIA

20 Laura Wernick, AIA

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## C E R T I F I C A T E

I, Laurie J. Jordan, an Approved Court Reporter, do hereby certify that the foregoing is a true and accurate transcript from the record of the proceedings.

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I, Laurie J. Jordan, 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 means, and transcript produced from computer.

//Laurie J. Jordan// Date: October 10, 2012

Court Reporter for OfficeSolutionsPlusLLC.com

My commission expires: May 11, 2018

//Elizabeth Tice// Date: October 10, 2012

Elizabeth Tice, President, OfficeSolutionsPlusLLC.com

My commission expires: August 26, 2016