

1 THE COMMONWEALTH OF MASSACHUSETTS

2 MASSACHUSETTS GAMING COMMISSION

3
4 PUBLIC MEETING #57

5
6 CHAIRMAN

7 Stephen P. Crosby

8
9 COMMISSIONERS

10 Gayle Cameron

11 James F. McHugh

12 Bruce W. Stebbins

13 Enrique Zuniga

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16
17 March 13, 2013, 1:00 p.m.

18 OFFICE OF THE DIVISION OF INSURANCE

19 First Floor, Hearing Room E

20 1000 Washington Street

21 Boston, Massachusetts

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1 P R O C E E D I N G S :

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4 CHAIRMAN CROSBY: I will call to order
5 the 57th public meeting of the Massachusetts
6 Gaming Commission on March 13, 2013.

7 Today we have one item of business,
8 which is to begin in considerable depth the
9 discussion of the evaluation criteria, which we
10 will be using fundamentally to make the analysis
11 and eventual decisions about which of the
12 applicants will win licenses.

13 Commissioner McHugh has been leading
14 this process. And I pass the ball to you.

15 COMMISSIONER MCHUGH: Okay, Mr.
16 Chairman. Thank you. I just want to before we
17 begin the discussion take a couple of minutes to
18 provide a little background so that we're all on
19 the same wavelength and a little bit of a vision
20 for where we might go from there. That too is for
21 discussion.

22 The matrix that's in front of us now,
23 the evaluation criteria matrix that's in front of
24 us now is about the fourth draft of this.

1 You'll recall that we started off with
2 a matrix that had criteria grouped in a variety of
3 topics. Then we had subcriteria, subcriteria.
4 And then the plan was to ultimately take when we
5 finished all of the criteria and subcriteria, take
6 all of those and provide for the kinds of
7 information we were looking for in the
8 applications.

9 After we finished the last cut at that
10 and after I got some comments, it seemed to me that
11 that was getting too busy. It was going to be too
12 detailed, too hard to follow. And that the real
13 object ought to be to set out the criteria that we
14 were going to use, focus on them. And then go
15 right into the kinds of evidence that we were
16 looking for to evaluate those criteria. So, that
17 is how this form came to be.

18 We have two columns on this form as
19 opposed to four. The left-hand column is the
20 criteria. The right-hand column is the evidence
21 or the information, if you will, that we will look
22 for to evaluate the criteria.

23 All of the criteria that were on the
24 previous matrices have been preserved in one form

1 or another on this. It's just been moved to a
2 different place. In many cases, the subcriteria
3 have turned into requests for information that
4 those subcriteria dealt with.

5 The required information is in the
6 left-hand column. That's still maintained with
7 the yellow code. Those are the minimum
8 requirements that have to be met in order to get
9 a license.

10 The source of the information that is
11 being requested in the right-hand column is the
12 previous matrices, the information that was on the
13 previous matrices. Other application forms used
14 in other jurisdictions around the country and
15 throughout the state to deal with similar issues,
16 many of the topics if not most of the topics in the
17 AIA White Paper that we heard, that was delivered
18 to us yesterday. We had an earlier draft, many
19 those of if not all of them are in one way or another
20 incorporated into this document.

21 Cambridge Health Alliance in response
22 to an earlier request for comments sent us a number
23 of very thoughtful recommendations for dealing
24 with problem gaming. Most of those are

1 incorporated here. And then there are some other
2 sources as well.

3 So, this attempts to be comprehensive
4 in terms of the sources of information that have
5 been provided to us and that have been used by
6 others, but that doesn't mean it's complete.

7 The plan as I see it, the vision would
8 be this. The criteria in the left-hand column,
9 the criteria that we're going to use to evaluate
10 the applications would, when settled on by us, go
11 into the regulations. Those would be firmed up
12 and put into the regulations. Those would be the
13 items, the criteria that we'd use to evaluate the
14 license applications that we got.

15 The information in the right-hand
16 column would go into the application form, but not
17 into the regulations. And there's really two
18 reasons for that. One is to give us flexibility
19 with respect to the information that we're
20 requesting. The criteria are not going to change
21 but the information may change.

22 And secondly, we may get some
23 information that we've requested but find that we
24 need more information, just as we have in the first

1 phase. And therefore, we don't want to limit
2 ourselves by saying we're only going to ask for
3 certain kinds of information in support of the
4 criteria that we've outlined. So, that is
5 basically the reason that I would propose that we
6 address these issues in that fashion.

7 It's important for purposes of the
8 regulations therefore that we tighten down the
9 criteria in the left-hand column. That is the
10 most important order of business. And that we do
11 that as soon as we conveniently can. We've talked
12 about that now and I'm sure we're going to talk
13 about it a lot more today.

14 And then we work on the right-hand
15 column, wordsmithing, combining things that maybe
16 -- I'm sure there are in fact. -- requests for
17 information that can be combined into a single
18 request. We've got two or three. There are some
19 that overlap and show up in different places. No
20 need for that.

21 But we can work through that some
22 today. It's not in my view critical that we
23 finalize all of that today or even in the next day
24 or so. But it is critical that we finalize the

1 criteria on which we are going rely, the left-hand
2 column in the next couple of days. So, that's the
3 background. That's how we got to where we are.

4 CHAIRMAN CROSBY: How does this get
5 translated into an application form? Is there
6 going to be an application form?

7 COMMISSIONER MCHUGH: Yes, yes. And
8 there are various forms in use. Basically, we
9 would have an application form that would set out
10 in addition to the request for information, we'd
11 set out a series of other -- we'd have a series of
12 instructions. We'd have the name of the
13 applicant, the location of the applicant. We'd
14 have a lot of the stuff that we got in the Phase-1
15 form. So, we could tie it back.

16 The criteria would appear and would say
17 provide a description of X. Include in the
18 description as appendix A such and such, appendix
19 B such and such, appendix C such and such, plans,
20 marketing studies, cross-marketing agreements,
21 all of the kinds of things we have here. We'd
22 actually ask for the documents. And that's how
23 these forms -- these applications get to be five,
24 six, 10 volumes of stuff that we get both ideally

1 electronically but if not electronically in
2 notebooks.

3 That way we would have, if you think
4 about it mechanically, at least the ability to
5 compare the contents of topic one appendix A with
6 everybody's topic one appendix A.

7 CHAIRMAN CROSBY: Right.

8 COMMISSIONER MCHUGH: And would
9 organize the applications in that fashion.

10 CHAIRMAN CROSBY: Right.

11 COMMISSIONER MCHUGH: So, that's what
12 we'd do and this largely a mechanical exercise.
13 And there are models, good models out there for
14 taking that step.

15 CHAIRMAN CROSBY: Right. Okay.
16 Anything else about the high-end, the total
17 vision, mission, strategy of this thing?

18 COMMISSIONER CAMERON: It makes
19 perfect sense. This form was to your credit, to
20 the Commissioners who worked on this, much easier
21 to follow with the two categories as opposed to
22 broken down into several. It's easy to read, very
23 easy to understand.

24 CHAIRMAN CROSBY: I agree.

1 COMMISSIONER MCHUGH: I should note
2 that I worked on part of this. Commissioner
3 Stebbins did the development piece. So, it's a
4 joint effort of the two of us.

5 COMMISSIONER CAMERON: Excellent work.

6 COMMISSIONER ZUNIGA: I have a number
7 of comments on what is perhaps the second topic
8 relative to the form. I agree. I think it's a
9 great summary. I think perhaps we could start the
10 discussion with the criteria, the left-hand
11 column. And I would limit my comments for the
12 latter part.

13 CHAIRMAN CROSBY: Okay. You want to
14 talk about the left-hand, yes.

15 COMMISSIONER MCHUGH: Let me begin
16 with the left-hand column. On the previous
17 matrices, we had five topics, five general topics.
18 We eliminated in this one --

19 CHAIRMAN CROSBY: I copied this
20 because I wanted to talk about this. This is the
21 old outline.

22 COMMISSIONER MCHUGH: Right. We
23 eliminated the fifth topic, but we preserved all
24 but one of the contents of that fifth topic in this

1 form. We simply changed them into requests for
2 information. If you look at page -- There's one
3 other notation I wanted to make. I'll get to that
4 in a second. If you look at page four, the last
5 item on page four under the topic build a gaming
6 establishment of high quality with quality
7 amenities in partnership with local facilities.

8 You will find in there that all but the
9 international marketing topic contained in topic
10 five are listed there in the right-hand column.

11 The two others -- I said all but one.
12 -- community support and community enhancements,
13 which were in that topic, the fifth topic now are
14 incorporated in topic two in this chart. So,
15 they're there. They're just in different places.

16 The reason for that was that those
17 other topics we felt fit easily into these other
18 areas and combined with them rather than simply --
19 were aspects of those other topics rather than
20 independent considerations. That's why we did
21 that. It can be put back, but that's why we did
22 that.

23 CHAIRMAN CROSBY: I wanted to talk
24 about that because as you know when I first looked

1 at it, I thought section five just hadn't been
2 completed. Because I didn't pick up -- As I read
3 through it all, I didn't pick up all of the units
4 that are there. Although as you pointed to them,
5 I see them.

6 This is something that's worth talking
7 about. I'm not really strong on this. But I sort
8 of feel like having a fifth category where we
9 combine all those issues, what we called it was
10 uniqueness, amenities and enhancements, but
11 whatever it's called, it raises the importance of
12 those. And you could argue that maybe it raises
13 it too high. And you've got financial, economic
14 development, design, mitigation clearly are the
15 big four. No question about it.

16 We've spent a lot of time talking about
17 this extra sauce, extra value. And none of us
18 knows whether this is going to be really marginal
19 or not.

20 But I think of it as a really critical
21 differentiator, not only for one bidder to
22 another, but for Massachusetts from other
23 jurisdictions. And I like singling it out as a
24 separate big heavyweight category. But I'm wide

1 open to discussion on the point.

2 COMMISSIONER ZUNIGA: Can I mention
3 something? That's true if we assume that each of
4 the categories are equal to each other by relative
5 weight. And that's a discussion we started to
6 have at some point. We could easily place them
7 anywhere and attach relative weight, numerical or
8 qualitative to address it.

9 So, to the extent that you want to
10 single them out because they are important enough
11 to stand on their own, and that means 20 percent
12 by virtue of being one of five categories, then
13 isn't that what we're really talking about, the
14 relative weight?

15 COMMISSIONER MCHUGH: That's a bigger
16 discussion. Let me say that insofar as the
17 weighing factor, I think that's a separate
18 discussion. I've reached out now to a number of
19 other entities Mass. DOT, Mass Port, other
20 entities to set up meetings to find how they
21 evaluate their comparable proposals.

22 And Commissioner Stebbins and I are
23 going to try and meet with these people. We've
24 already scheduled one meeting with Mass. DOT a week

1 from Friday. So, I'd like to gather that
2 information, the two of us and report back to you
3 about approaches to weighing rather than mix that
4 into this discussion.

5 CHAIRMAN CROSBY: But I think what he
6 was saying was -- I was saying we want to show that
7 this is really important. And one way to do that
8 is make it a separate category.

9 COMMISSIONER MCHUGH: Right.

10 CHAIRMAN CROSBY: He's saying also you
11 can do it by when we get to weighting, by weighting
12 it heavily.

13 COMMISSIONER MCHUGH: But if we don't
14 weight it, that's an option is not to weight it.

15 COMMISSIONER ZUNIGA: If we don't
16 weigh it but make it a separate category, in the
17 minds of at least some people maybe not us, it would
18 signal that it's such an important category that
19 it's a stand-alone category.

20 COMMISSIONER MCHUGH: I don't
21 disagree with that. Let me turn to substance
22 then. I just never understood, frankly, what five
23 was. It seems to me that we heard yesterday
24 something that I wonder if that isn't the five

1 we've been looking for.

2 In the discussions of what the brand
3 was that already is being used by the Tourism Board
4 and by the Convention Center and to some extent
5 Mass. Port to market Massachusetts. And that is
6 the kind of innovation, creativity and
7 forward-lookingness that is their brand. I
8 forgotten exactly what the slogan was. Somebody
9 said what happens in Massachusetts changes the
10 world.

11 And I wonder if some of these factors,
12 if we're going to have a topic five, to really
13 emphasize the it, if we couldn't fold the contents
14 of that around this brand, also to be -- to more
15 precisely identify what it is.

16 And secondly, to be consistent with
17 what really is a good idea, an energizing idea
18 about what we want this thing, these things to do
19 and the role we want them to play to advance in some
20 way, some fashion or at least be consistent with
21 a grand vision.

22 CHAIRMAN CROSBY: I do. Exactly how
23 you do it, I don't know. A lot of things they
24 talked about yesterday, I would say yes. It does

1 go into this area of sort of unique differentiation
2 for the Massachusetts destination resort casinos
3 or as Jim Rooney put it, casino resorts in a
4 destination.

5 COMMISSIONER MCHUGH: Right.

6 CHAIRMAN CROSBY: If I were now
7 editing five, I would combine it with some of that
8 stuff, exactly how, I don't know.

9 So, I like the idea of expanding five,
10 strengthening it, tying in some of that stuff, but
11 also leaving it as a discrete separate piece that
12 really says this is important. Do you have other
13 thoughts, Bruce or Gayle on whether it can be --

14 COMMISSIONER STEBBINS: When I
15 originally looked at the document, putting aside
16 how we will weigh things, grade things and analyze
17 things, but certainly saw a lot of what was in that
18 original category five as certainly being related
19 off the bigger umbrella of economic development.
20 But obviously just creating -- most of what starts
21 economic development are what are laid out in the
22 statute.

23 Adding that category in there and
24 really obviously putting a lot of it in green,

1 because it reflects Commission priorities, I
2 thought would achieve the same end as I think when
3 making it its own category would do. I'm not
4 predisposed to either one.

5 CHAIRMAN CROSBY: It's a slight
6 difference, but to me it's a difference with a
7 meaning in it. Sort of like what you measure
8 matters. It's a little bit like that. It's kind
9 of like the medium is the message. We are
10 reiterating the fact that we're looking for
11 something different and special.

12 COMMISSIONER MCHUGH: Right, right.
13 And it was the definition of what the it was that
14 was hard for me. But yesterday's thoughts gave
15 more umph to that.

16 So, maybe it would be worthwhile to
17 write down before we ask for what evidence we want,
18 to write down some criteria that can go back into
19 a new five with yesterday's discussions in mind.
20 And we don't have to do that now.

21 CHAIRMAN CROSBY: Sort of assume that
22 we're going to pull it back out again and rewrite
23 it and think about it a little bit and look at it
24 some more.

1 COMMISSIONER MCHUGH: Right.

2 COMMISSIONER CAMERON: It wasn't
3 clear to me either with five what we were looking
4 for because we were pretty vague about it, because
5 I don't we were sure. It did remind me of
6 Singapore, Mr. Chair, in that they were so clear
7 about the extra added value they wanted that
8 frankly wasn't happening anywhere else in the
9 world.

10 CHAIRMAN CROSBY: Right.

11 COMMISSIONER CAMERON: But they were
12 clear about -- They knew the vision that they
13 wanted and who could meet that the best.

14 CHAIRMAN CROSBY: Right. And they
15 were, as we discussed, they were much more
16 aggressive than we're being about it.

17 COMMISSIONER CAMERON: Yes.

18 CHAIRMAN CROSBY: But I think that
19 model still works to a certain extent for us.
20 Let's resume. We are going to leave five in but
21 we're going to rework it a little bit and see if
22 we can feel better about what it says. Go ahead.

23 COMMISSIONER ZUNIGA: I have a similar
24 note, I noticed that maximizing revenues to the

1 Commonwealth is now part of topic two --

2 CHAIRMAN CROSBY: That doesn't make
3 sense to me.

4 COMMISSIONER ZUNIGA: -- where it was
5 part of topic one. I understand -- I guess the way
6 I originally thought about it was in the financial
7 piece being more of a logical subgroup. But I
8 understand what's behind here in terms of revenues
9 being part of enhancing the economy.

10 I always thought of economic
11 development more having to do with jobs and
12 secondary effects of the capital investment.

13 COMMISSIONER MCHUGH: Yes. These are
14 all judgment calls. And if the judgment is to put
15 it back in the first section, we can easily do that.

16 CHAIRMAN CROSBY: I agree with you.
17 Everything is economic development. You can put
18 everything under that if you wanted to reasonably.
19 But to have revenue generation not be under
20 financial as opposed to economic development
21 doesn't make any sense to me.

22 COMMISSIONER ZUNIGA: I go back to my
23 original point, which is if we think it's important
24 enough to put it in two places, at least two

1 different places because of the weighing, but I
2 know that's part of a larger discussion.

3 COMMISSIONER STEBBINS: Creating
4 section one as being financial, financial about
5 the transaction and the license and the project
6 itself. And financial/revenues to the
7 Commonwealth, I think makes sense.

8 CHAIRMAN CROSBY: Let's do that then I
9 think.

10 COMMISSIONER MCHUGH: The consensus
11 is we put it back in one.

12 CHAIRMAN CROSBY: Right.

13 COMMISSIONER MCHUGH: We can just take
14 that bodily out there and put it back in one.

15 CHAIRMAN CROSBY: So, when you talk about it
16 being in the regs. would it be all of a subcategory
17 criteria too?

18 COMMISSIONER MCHUGH: No.

19 CHAIRMAN CROSBY: Just the four or the
20 five words.

21 COMMISSIONER MCHUGH: It'd be
22 everything in the left-hand column.

23 CHAIRMAN CROSBY: Okay.

24 COMMISSIONER MCHUGH: And we might

1 clean up the language to make it clearer what we're
2 doing, but those would be the criteria that we're
3 looking for that we're using to evaluate.

4 How does everybody approach these
5 criteria? Here's the information we want, but
6 these are the criteria we're going to use. So,
7 it's important to be comprehensive there.

8 CHAIRMAN CROSBY: The only other thing
9 that we talked a little bit about is I want to make
10 sure, I think, that we don't lock ourselves out of
11 some new criteria that we haven't thought about.
12 I can't think of one that wouldn't probably fit
13 under these five headings.

14 We talked about having language that
15 says the criteria will include but not necessarily
16 be limited to or something like that. Maybe with
17 this much breadth that doesn't really matter.

18 COMMISSIONER MCHUGH: Well, it might.
19 It depends on whether we're willing to -- There are
20 two ways that I can think of and our able legal team
21 can help with this as we get deeper into it. But
22 there's two ways we could do that.

23 One is to include in each of these
24 criteria other, but that really doesn't give

1 anybody any notice. And it's not fair I think.
2 Because that's what we're trying to do. We're
3 trying to give people notice of what we want, what
4 we're going to look for, what we're going to take
5 into consideration in issuing the license.

6 And without being overly specific,
7 without striving for precision in an area where by
8 nature there can't be any, we're trying to give
9 guidance on that.

10 The other way to do it is to write in
11 the regulations something to the effect that if the
12 Commission desires to include an additional
13 criterion, it will give notice to all of the
14 applicants and ask for their information as to how
15 they propose to approach.

16 We have to ensure that we allow
17 sufficient time for them to do it. If something
18 came completely out of left field, we'd probably
19 need more time. I think we could do it that way.

20 CHAIRMAN CROSBY: I like that. I
21 think it's pretty unlikely something is going to
22 happen, but that gives us a mechanism if something
23 does.

24 COMMISSIONER CAMERON: It's unlikely

1 that a major category has been missed, but
2 something minor that comes as we move forward.
3 And I think they'll be presentations where that
4 additional information could be.

5 COMMISSIONER MCHUGH: And what I'm
6 trying to avoid and we all have talked about it is
7 a like the situation in Pittsburgh where a
8 criterion was used that ultimately turned out to
9 be dispositive that had never been mentioned in the
10 list before. And left understandably a very bad
11 taste in everybody's mouth. And we don't want
12 that to happen here.

13 We could try that. If we do a little
14 research, make sure we can do that. And if we can
15 do it, we can do it that way.

16 COMMISSIONER ZUNIGA: Yes. I would
17 be in favor of tightening up the criteria upfront.
18 I think where it's helpful, just like Commissioner
19 McHugh has been saying, on the information and the
20 process, there's a lot of back-and-forth that can
21 go after. But if everybody knows that they're
22 going to be evaluated on the criteria a priority
23 that's important.

24 COMMISSIONER MCHUGH: Okay. Should

1 we go through these topic by topic? Let's just do
2 that and march through this.

3 The first category, of course, is
4 financial. The first five that are listed there
5 are requirements. They're minimum requirements.
6 They're the sort of go/no-go requirements that
7 have to be included in the application under
8 section 15, 23K, 15.

9 So, then we are looking for investment
10 and capital structure. We are seeking how the
11 statutory criterion of realizing maximum capital
12 investment exclusive of land and infrastructure
13 will be dealt with. The highest and best value for
14 creating a robust gaming market.

15 COMMISSIONER CAMERON: I had a
16 question there, Commissioner. The word
17 highest --

18 COMMISSIONER MCHUGH: Right.

19 COMMISSIONER CAMERON: -- we don't
20 want anyone to think that that means we're only
21 going to judge --

22 CHAIRMAN CROSBY: Tall buildings?

23 COMMISSIONER CAMERON: No, I was
24 thinking of it as the most money, the highest, the

1 value. I was thinking of it that way when we don't
2 want to give anyone the impression that if yours
3 is a million less than someone else's, your capital
4 investment that that's going to sway us one way or
5 the other. That was my only when I read that.

6 Best I like a lot, because best is all
7 inclusive of everything. The highest, was it just
8 me that that word kind of --

9 COMMISSIONER STEBBINS: It certainly
10 leaves room for interpretation. That's the
11 language in the statute.

12 COMMISSIONER ZUNIGA: The statute
13 right.

14 CHAIRMAN CROSBY: It's a term of art,
15 I think.

16 COMMISSIONER MCHUGH: It is a term of
17 art.

18 CHAIRMAN CROSBY: It has this meaning.
19 I think people know what it means.

20 COMMISSIONER MCHUGH: It's used in
21 eminent domain cases. It's the definition of
22 market value is the highest and best use of a
23 particular piece of property for eminent domain
24 purposes is the way the property is valued.

1 So, if you have a factory on it but the
2 highest and best use is for a university, you value
3 it at the university value not at the factory
4 value.

5 COMMISSIONER CAMERON: Okay. All
6 right.

7 COMMISSIONER ZUNIGA: I've always
8 seen them together.

9 COMMISSIONER CAMERON: Highest and
10 best?

11 COMMISSIONER ZUNIGA: Yes, as in the
12 most valuable may not necessarily be the absolute
13 highest number. You have to take them in the
14 context of the risk factors there may be, financial
15 for example.

16 COMMISSIONER CAMERON: Okay.

17 COMMISSIONER STEBBINS: Reflecting on
18 the first two categories, investment in capital
19 structure and the second one, which is realize
20 maximum capital investment, which gets, I think,
21 more to the language of the minimum investment
22 required. There seems to be some categories that
23 are a little bit duplicative.

24 Maybe retitling investment in capital

1 structure to just simply their capital or
2 financial structure. That's looking at the
3 entity itself, not necessarily the project itself.
4 But looking at their wherewithal to be able to
5 complete it. What's been their track record,
6 meeting their revenue protections, etc.?

7 I just thought some of the first two
8 categories having some language that's -- I know
9 we're not supposed to be talking about the broad
10 middle category, but showing construction costs
11 with breakdown in labor, I would look at that as
12 realizing the maximum capital investment under
13 that second criteria.

14 CHAIRMAN CROSBY: Did you get that
15 Commissioner?

16 COMMISSIONER MCHUGH: No. Could you
17 say it again?

18 COMMISSIONER STEBBINS: Making the
19 first evaluation criteria either financial and
20 capital structure but taking investment out of it
21 because it seems to fall more cleanly into the
22 second category.

23 CHAIRMAN CROSBY: Oh, I see.

24 COMMISSIONER STEBBINS: We're doing

1 suitability investigations but financial
2 wherewithal.

3 COMMISSIONER MCHUGH: I got it.

4 CHAIRMAN CROSBY: I would be
5 interested in knowing whether there was any
6 diversity in their capital structure too. Maybe
7 one of the items --

8 COMMISSIONER MCHUGH: Ethnic?

9 CHAIRMAN CROSBY: Yes.

10 COMMISSIONER MCHUGH: We got that in
11 another place, Mr. Chairman.

12 COMMISSIONER STEBBINS: That's in the
13 job creation piece.

14 CHAIRMAN CROSBY: But I'm talking
15 about in the capital structure.

16 COMMISSIONER MCHUGH: We got that
17 someplace. I know you mentioned that. Let me
18 make a note to either put it there or put it
19 someplace else. My recollection is we put it
20 someplace else focused on the hierarchy of the
21 developer.

22 CHAIRMAN CROSBY: Correct, finance
23 and operational hierarchy. Right.

24 COMMISSIONER MCHUGH: So, let me make

1 a note and I'll check. I do think it's in there
2 someplace else.

3 CHAIRMAN CROSBY: This is kind of a
4 detail but I guess we're at that level. Under
5 realize maximum capital investment, the last item
6 provide a construction plan schedule that really
7 seemed like a mitigation factor. I don't why it
8 would be under this one.

9 COMMISSIONER ZUNIGA: I would
10 disagree.

11 CHAIRMAN CROSBY: Okay, forget it.

12 COMMISSIONER MCHUGH: I'm with you.

13 COMMISSIONER ZUNIGA: I agree to put
14 it here. I believe there's going to be a
15 construction plan pro forma real estate
16 development projection that's all part of the
17 financing piece. There's mitigation elements
18 that are related to construction but I think that
19 there's --

20 CHAIRMAN CROSBY: Right. That's
21 fine. Just a generic thought, Commissioner, have
22 we run this by our consultants?

23 COMMISSIONER MCHUGH: We have sent it
24 to them and we've not received any feedback.

1 CHAIRMAN CROSBY: It might be worth
2 giving Kathy O'Toole a tick to have her -- they'd
3 have some interesting things to say.

4 COMMISSIONER MCHUGH: Right.

5 CHAIRMAN CROSBY: A couple of other
6 thoughts. I don't know where they go. I'll just
7 bring them up now. In talking to candidates for
8 licensing, I got one other criteria we might want
9 to put in here somewhere in the capacity -- where
10 are they on the innovation and implementation
11 scale of i-gaming? Are they ready for whatever is
12 going to come down the pike? Do they use social
13 media i-gaming within the walls of their own
14 facility, that kind of thing.

15 COMMISSIONER MCHUGH: Yes.

16 CHAIRMAN CROSBY: And the other one
17 that I don't know where it goes exactly, but the
18 Pittsburgh problem, is that in here somewhere?

19 COMMISSIONER MCHUGH: No. The
20 Pittsburgh problem was the problem of the stealth
21 criterion.

22 CHAIRMAN CROSBY: I meant the problem,
23 but the particular criteria problem was whether
24 you had a corporate related facility nearby.

1 COMMISSIONER MCHUGH: Right.

2 CHAIRMAN CROSBY: And we've agreed
3 that we're going to discuss that ourselves, so, we
4 give notice to bidders that do.

5 COMMISSIONER MCHUGH: It is part of
6 the --

7 COMMISSIONER CAMERON: What page are
8 we on?

9 COMMISSIONER MCHUGH: Page three,
10 maximize revenues to the Commonwealth. It's not
11 explicit in there and it probably should be, it
12 probably should be. The idea was compare how
13 you're going to maximize revenues, how the
14 applicants are going to maximize revenues to the
15 Commonwealth, particularly if they have a
16 competing place just across the state lines. But
17 let's make it more explicit.

18 CHAIRMAN CROSBY: We could broaden it
19 so it doesn't come across as prejudicial. Some
20 people are putting out as strengths that they have
21 other facilities in which they will market with,
22 international facilities. So, we might say
23 something about identifying and discussing the
24 impact and role of corporate related facilities

1 pro and con, something like that.

2 COMMISSIONER MCHUGH: Yes. Given the
3 international marketing criterion, which again
4 that is another one that is missing from here that
5 we have to put in. That can play positively into
6 that one.

7 CHAIRMAN CROSBY: And it may well be
8 that bidders that have nearby facilities will
9 position that as a strength. They may tell us why
10 they think that's an asset. So, we shouldn't
11 presume it's a negative.

12 COMMISSIONER MCHUGH: Right, right,
13 right.

14 COMMISSIONER ZUNIGA: And there's
15 other criteria that I think are related, like
16 recapturing gamers from Massachusetts as well as
17 enhancing the gaming market in Massachusetts.

18 COMMISSIONER MCHUGH: Right. That is
19 in here someplace.

20 COMMISSIONER CAMERON: That is.

21 COMMISSIONER ZUNIGA: That is a
22 statutory one. So, I know it's there.

23 COMMISSIONER CAMERON: Economic
24 development and it's in pink there.

1 CHAIRMAN CROSBY: At the end of
2 financial, there's one category where you don't
3 yet have the proof of your past performance, show
4 us the history of your performance.

5 COMMISSIONER MCHUGH: That's right.
6 That's missing.

7 CHAIRMAN CROSBY: How you have done on
8 these criteria in some other markets as a criteria.

9 COMMISSIONER ZUNIGA: We are still on
10 criteria, right?

11 CHAIRMAN CROSBY: No, we are now
12 expanding into --

13 COMMISSIONER ZUNIGA: Information and
14 evidence?

15 COMMISSIONER MCHUGH: Yes.

16 COMMISSIONER ZUNIGA: I wanted to make
17 a couple of comments on evidence on financial. I
18 think a couple of the questions that are here talk
19 to specific examples. And I'd like us to be
20 careful to make those questions broader enough to
21 invite creativity. And I'll speak to a couple of
22 examples, but that's the general sense.

23 In general, for the financing and
24 capital structure, I think we need to distinguish

1 the current entity which is likely going to be an
2 LLC that some farmers -- some partners came
3 together and formed with little history, frankly.
4 And there is an entity level that has a lot of track
5 record and many them a lot of information in terms
6 of financial past performance is already out in
7 public, etc.

8 So, to the extent that we can
9 distinguish the two would be very helpful.

10 COMMISSIONER MCHUGH: That's a good
11 point. That's a good point. So, we'd be looking
12 for the financial -- how about a little help?
13 Financial history of the partners?

14 COMMISSIONER ZUNIGA: When we're
15 looking at financial wherewithal, the strength of
16 balance sheet, the past performance. Over here,
17 it says whether there's been breaches of contracts
18 or things like that, we're talking about all
19 entities that are related because of course, the
20 recent LLC has very little history.

21 But when we're talking about pro formas
22 or about capital structure, how much this LLC has
23 capitalized or how it's been capitalized and
24 funded, we're really talking about the new entity.

1 So, there's questions that go at those different
2 levels. I think it's only a matter of working in
3 the form, but making that distinction so that we
4 don't get the question as to when we're asking
5 about this, do we mean everybody or just the
6 partnership.

7 COMMISSIONER MCHUGH: Sorry, go
8 ahead.

9 COMMISSIONER STEBBINS: If you took
10 that first summary question, provide applicants
11 audited financial statements for each of the last
12 five years, some LLC is not going to have that. Is
13 it just broadening applicant and partners?

14 COMMISSIONER ZUNIGA: Frankly, given
15 the landscape of our applicants, it applies
16 differently. Because some of our applicants have
17 already had some history in Massachusetts at that
18 entity level, the same one that may be the one in
19 charge of the project. Whereas, there may be
20 another LLC that was just recently formed.

21 COMMISSIONER MCHUGH: Suppose we said
22 provide for all applicants and investors of more
23 than five percent?

24 COMMISSIONER CAMERON: It's very

1 similar to the questions we're asking with the
2 background investigations.

3 COMMISSIONER MCHUGH: Tie it into the
4 qualifier and just do that throughout. So, we're
5 looking for not only the applicant information.
6 We can't just do that omnibus, but financial.

7 CHAIRMAN CROSBY: It's got to be
8 that's relevant to our tasks. It's got to be
9 somehow anything with anybody whose financial
10 record is proximate to our viability of this
11 project.

12 COMMISSIONER MCHUGH: Right.

13 CHAIRMAN CROSBY: It's not just any
14 old five years of everybody's financial histories.

15 COMMISSIONER MCHUGH: No, no. Five
16 years of five percent investor in this project.

17 COMMISSIONER ZUNIGA: I think we would
18 need to draw the parallel to the qualifier
19 conversation.

20 There was this whole scope of licensing
21 meetings frankly that were very helpful as I
22 understand it, because each entity is structured
23 differently. If we do blanket requests, we may
24 have to spend a lot of time trying to figure out

1 who responded at the entity level, at the
2 partnership level or both mixed. We just need to
3 spend some time making that differentiation.
4 That's my only point.

5 COMMISSIONER MCHUGH: We've got 300
6 qualifiers roughly, right?

7 COMMISSIONER ZUNIGA: Right.

8 COMMISSIONER MCHUGH: But only a small
9 percentage of those are investors, because the
10 qualifiers go to operating officers and key
11 employees and the like. So, we've got some small
12 percentage of those who are investors.

13 Do we want to get, for example, the
14 financial statements of all of the investors for
15 five years?

16 COMMISSIONER CAMERON: Well, we'll
17 have all of that information through the
18 investigations.

19 COMMISSIONER ZUNIGA: Right. We
20 already have all of their tax returns presumably
21 or the ones that matter.

22 COMMISSIONER MCHUGH: But we don't
23 have their financial statements.

24 COMMISSIONER ZUNIGA: We don't, we may

1 not.

2 COMMISSIONER MCHUGH: In terms of
3 corporate, the qualifiers are individuals. And
4 we've got one business entity disclosure form.
5 I'm not sure that that asks for all of the financial
6 statements of all of the investors.

7 I'm just putting that out to try to
8 figure out what it is we're going to be looking for.

9 CHAIRMAN CROSBY: I'm not sure that
10 we're going to know in advance. We can certainly
11 require people to give us evidence of their ability
12 to do this financial. And they can determine what
13 it is. They're going to set up a capital structure
14 and we don't know yet what it is. We don't know
15 who's really relevant to it or not.

16 COMMISSIONER MCHUGH: That's right.

17 CHAIRMAN CROSBY: So, I think maybe
18 sort of broad language that says you've got to
19 prove to us you've got the wherewithal to do this.
20 And have the cushion capacity and so forth that we
21 think is relevant. But we can't really get
22 specific until we see their capital structure.

23 COMMISSIONER ZUNIGA: I guess my point
24 was attempting to be broad yet make the distinction

1 that there is two levels here, at least two levels.
2 And I don't think we should try to overkill.

3 CHAIRMAN CROSBY: Maybe it's provided
4 applicants and relevant partners audited
5 financial statements. Let them determine what's
6 relevant and then we can get more if we need it.

7 COMMISSIONER MCHUGH: Okay. We could
8 say applicants and -- We could play with all of that
9 language. Okay.

10 COMMISSIONER ZUNIGA: In a similar
11 fashion, we have a couple of different places where
12 we talk about development budget and then
13 elsewhere as construction costs or budgets. I
14 think one is a subset of the other. And this is
15 really just formatting.

16 It would be useful to see all of the
17 budget, all of the pro forma in one place with all
18 of the detail. In the same spirit of making sure
19 that it's not in different places because people
20 interpret it differently.

21 CHAIRMAN CROSBY: Some of the research
22 you're doing at other entities for how they review
23 these packages, what data do they ask for? They
24 must ask for the same.

1 COMMISSIONER MCHUGH: We're going to
2 try and get that. One of them has already offered
3 to provide us with the RFPs that they're using.

4 CHAIRMAN CROSBY: It would be helpful.

5 COMMISSIONER MCHUGH: Right, helpful
6 with this as well.

7 COMMISSIONER ZUNIGA: Similarly,
8 sources and uses, we have that language here, but
9 to make the distinction of all of the sources of
10 financing on the one side all of the revenues and
11 then on the other all of the uses or the budget that
12 we're talking about. Making that we're not
13 mixing.

14 CHAIRMAN CROSBY: But that would be
15 under --

16 COMMISSIONER ZUNIGA: We talk about
17 here the sources of financing.

18 CHAIRMAN CROSBY: You're talking
19 about basically a pro forma, right?

20 COMMISSIONER ZUNIGA: Yes.

21 CHAIRMAN CROSBY: Provide -- No,
22 that's tax revenue. Is there an overall pro forma
23 somewhere?

24 COMMISSIONER MCHUGH: Yes, there is.

1 COMMISSIONER ZUNIGA: Second page.

2 CHAIRMAN CROSBY: Provide detailed
3 project plan including credit. So, it's under
4 investment in capital structure.

5 COMMISSIONER ZUNIGA: It's also under
6 13, financial price pro forma.

7 COMMISSIONER MCHUGH: Page two, first
8 line. You know what would be helpful,
9 Commissioners, if you just wrote down some of those
10 things that you just said.

11 COMMISSIONER ZUNIGA: I will do that.

12 COMMISSIONER MCHUGH: You said them.
13 I heard them and would welcome an opportunity to
14 read them and modify this accordingly.

15 COMMISSIONER ZUNIGA: I will do that.
16 I also wanted to make another point on this page.

17 CHAIRMAN CROSBY: Sure.

18 COMMISSIONER ZUNIGA: Where we talk
19 about assurances, guarantees and
20 indemnifications, I would want to make the
21 question more broad. Or not signal that that's
22 perhaps what we're after. And perhaps ask in the
23 form of what kind of financial commitments in
24 addition to what are already in place per the

1 statute would somebody be willing to put forward?

2 They could come in many forms. They
3 could certainly come in the form of some financial
4 guarantees. Somebody may decide to add to the
5 deposit that they have to make, the minimum per the
6 statute the 10 percent.

7 Somebody could be willing to replicate
8 what they may have done in another jurisdiction in
9 terms of signing a development agreement making
10 the Commission or the Commonwealth a beneficiary
11 of a trust.

12 In other words, rather than single out
13 what could be one form of guarantee, to ask broadly
14 what sort of financial commitments they will be
15 able to put forward to give this Commission and the
16 Commonwealth comfort of their financial
17 performance.

18 COMMISSIONER MCHUGH: I get the point.
19 And it's guarantees and identifications really is
20 the limiting term there. Assurances is so broad,
21 it could encompass all of those things.

22 COMMISSIONER ZUNIGA: That's right.

23 COMMISSIONER MCHUGH: Do we want to
24 limit it to financial? In other words, if we said

1 describe any assurances the applicant will provide
2 over and above, yada, yada, yada. That allows for
3 maximum creativity.

4 COMMISSIONER ZUNIGA: Absolutely,
5 absolutely.

6 COMMISSIONER MCHUGH: So, suppose we
7 do it that way.

8 COMMISSIONER ZUNIGA: We could
9 certainly. I would always put those in two
10 buckets. There are those that are financial
11 guarantees, but there are many others that can come
12 in the form of track record, brand, other
13 commitments that they have made in the past or they
14 are willing to make.

15 COMMISSIONER MCHUGH: Again, thinking
16 of the next step now. And I don't want to
17 wordsmith this. We'll be at this all day. But if
18 we said something along the lines of describe any
19 financial or nonfinancial assurances, will that do
20 it?

21 COMMISSIONER ZUNIGA: That will
22 probably do it.

23 CHAIRMAN CROSBY: Are you ready to go
24 to the next page?

1 COMMISSIONER ZUNIGA: Yes.

2 CHAIRMAN CROSBY: I guess
3 performance. So, we can go onto page three.

4 COMMISSIONER MCHUGH: On page three,
5 we are going to take out that first category and
6 move it up into the first section. But the plan
7 would be to just to take that whole section and move
8 it. So, if there's any comments about the green
9 or the pink on the right, it may be worthwhile.

10 COMMISSIONER STEBBINS: I'm not sure
11 under maximizing revenues to the Commonwealth,
12 pink number seven in the required information
13 doesn't belong somewhere else.

14 CHAIRMAN CROSBY: Are you talking
15 about recapturing out-of-state monies?

16 COMMISSIONER STEBBINS: Yes, okay.
17 Never mind.

18 CHAIRMAN CROSBY: A lot of these lines
19 are kind of fuzzy.

20 COMMISSIONER ZUNIGA: They overlap
21 rather.

22 CHAIRMAN CROSBY: Yes, they overlap.

23 COMMISSIONER MCHUGH: Yes.

24 COMMISSIONER CAMERON: When we're

1 asking them to provide projections for tax revenue
2 to the Commonwealth, isn't that just doing the math
3 from what the gross gaming revenue projections
4 are?

5 COMMISSIONER MCHUGH: It is, but --

6 COMMISSIONER CAMERON: You want them
7 to do the math.

8 COMMISSIONER MCHUGH: -- we want them
9 to do the math.

10 COMMISSIONER ZUNIGA: They could
11 include sales tax revenues, for example, by virtue
12 of their retail or --

13 COMMISSIONER STEBBINS: Hotel taxes.

14 COMMISSIONER ZUNIGA: -- occupancy
15 taxes.

16 COMMISSIONER CAMERON: All right.
17 That makes sense. I knew there'd be a logical
18 answer by the way. I just didn't know what it was.
19 It's just taking the numbers but there are added
20 taxes they could include.

21 COMMISSIONER ZUNIGA: Right.

22 CHAIRMAN CROSBY: Do we want to
23 specifically -- under job creation, do we want to
24 specifically put a reference to evidence of

1 coordination with the community college
2 consortium?

3 COMMISSIONER STEBBINS: I guess we
4 could add that specifically. I guess I was
5 suggesting or hoping that where we ask them to
6 provide a strategy as to how the applicant will
7 focus on areas and demographics of high
8 unemployment and under employment. I guess we
9 could make it specific. How do you plan to work
10 with --

11 CHAIRMAN CROSBY: Including how do
12 you. I think it's worth it. We've gone to a lot
13 of trouble to support that effort.

14 COMMISSIONER STEBBINS: Yes.

15 CHAIRMAN CROSBY: I don't know why
16 wouldn't want to be specific and say we want you
17 to talk to these folks and tell us how you're going
18 to organize and work with them.

19 COMMISSIONER MCHUGH: Are we going to
20 require that they work with them? We certainly
21 want to know what their plans are for working with
22 them. So, I think that is a legitimate topic, but
23 more open-ended. What if any plans do you have?

24 COMMISSIONER CAMERON: Isn't that

1 here though, the more open-ended is here. You're
2 right. I think that that lends itself to its
3 requirements. And there other training programs,
4 right? Identifies the establishment's workforce
5 training programs. That's the generic.

6 CHAIRMAN CROSBY: Yes. We could put
7 in including the community college consortium.

8 COMMISSIONER ZUNIGA: Or other.

9 CHAIRMAN CROSBY: Or other, yes.

10 COMMISSIONER STEBBINS: Again, using
11 provide strategies as to how applicant is going to
12 focus on areas and demographics of high
13 unemployment and underemployment. Kind of
14 baiting them to hopefully give us that
15 information. Again, in the game that they're not
16 going to be the exclusive provider of training.

17 COMMISSIONER CAMERON: Right. And
18 many of them like to provide all of their own
19 training. They think it's important. And they
20 take the time and the money. They'll spend the
21 money.

22 COMMISSIONER MCHUGH: But some are
23 already working on them.

24 CHAIRMAN CROSBY: The idea came in

1 part because of the Unite Here model in Las Vegas.
2 They seemed to be happy to have other people train
3 their people as long as they're doing a good job
4 of it.

5 Let's think about it. What are we
6 trying to accomplish here? We want that to be
7 successful. We want it to be a big deal. We want
8 it to go well. We want to raise the attention of
9 the bidders early in the game to planning for.
10 This is not just left to last minute you try to hire
11 locally. You have got to develop. So, we're
12 trying really to push the objective.

13 Does it help us or hurt us to put in the
14 Commonwealth consortium, the community college
15 consortium as a specific reference?

16 COMMISSIONER STEBBINS: If you just
17 extended that first required information, simply
18 use the language limited to but not excluding and
19 name a couple of our different partners.

20 CHAIRMAN CROSBY: Fine.

21 COMMISSIONER STEBBINS: Again, I was
22 hoping to bait them to some extent to see how
23 creative they could get. And then we want to
24 obviously look for where they were putting

1 information in that they should have known just by
2 virtue of watching how we proceed. But I think we
3 can define it. But keep the language as flexible
4 and as open as possible.

5 COMMISSIONER CAMERON: As not to
6 exclude other training opportunities.

7 CHAIRMAN CROSBY: Yes. I think
8 that's fine. I'd be fine with that.

9 COMMISSIONER MCHUGH: Excuse me.
10 Where are we going to put that?

11 COMMISSIONER STEBBINS: I was going to
12 amend that first required information. I think
13 that's where you're talking about it under job
14 creation. You're talking about required
15 information or talking about it in actually the
16 criteria? I was just going to build it in at the
17 top part of the required information under job
18 creation.

19 COMMISSIONER MCHUGH: That first
20 green.

21 COMMISSIONER STEBBINS: Yes.

22 CHAIRMAN CROSBY: And I think you do
23 have the history of performance, but one of the
24 measures of whether people will take the diversity

1 goals seriously is their track record of their own
2 hiring. And I think that would be a criteria that
3 I'd be interested in seeing. In your own
4 workforce, what is the makeup of your own
5 workforce? Are you doing this because you believe
6 in it? Or are you doing it because we're making
7 you?

8 COMMISSIONER MCHUGH: Yes. That gets
9 back to what somebody said the other day about
10 whether people look at this as a compliance
11 exercise or a core component of their job strategy
12 -- of their corporate operations.

13 CHAIRMAN CROSBY: Right. That's well
14 spoken. At the bottom of page three, number 18
15 from the General Law, have contracts with and
16 support from organized labor. Does the law call
17 for that?

18 COMMISSIONER ZUNIGA: Yes, it does.

19 CHAIRMAN CROSBY: Does that mean they
20 have to have union shops? Is it that explicit?

21 COMMISSIONER STEBBINS: They ask
22 whether they have signed what appears to be a
23 project labor agreement or other type of labor
24 piece agreements.

1 CHAIRMAN CROSBY: So, it's asking
2 whether they do?

3 COMMISSIONER ZUNIGA: Yes.

4 CHAIRMAN CROSBY: That's not what this
5 says. This says to demonstrate how applicants
6 will have contracts with.

7 COMMISSIONER MCHUGH: We have to make
8 a finding on whether they will.

9 CHAIRMAN CROSBY: That's not the way
10 the scans right now but that's fine.

11 COMMISSIONER ZUNIGA: Section 18 is
12 the applicants -- it's our findings whether the
13 applicant has a contract with organized labor.

14 CHAIRMAN CROSBY: But they're not told
15 that they have to.

16 COMMISSIONER MCHUGH: Right. So, we
17 have to rephrase that.

18 COMMISSIONER ZUNIGA: Which is why
19 it's in the evidence piece, I suspect.

20 CHAIRMAN CROSBY: Anything else on
21 this page?

22 COMMISSIONER ZUNIGA: There's also
23 track record questions, but relative to labor
24 harmony, pay grades. That could be in the

1 evidence.

2 CHAIRMAN CROSBY: Okay, page four.

3 The only thing I had was just at the top, the third
4 line down. It's in green. Provide plans and
5 detail collaboration with tourism and other
6 related industries seems sort of obvious to go down
7 below in the regional tourism.

8 COMMISSIONER STEBBINS: It's
9 duplicated down there.

10 CHAIRMAN CROSBY: All right. We're
11 going to edit how we are going to use this language
12 but making it parallel, eliminate the word
13 supporting in that category in the criteria.

14 COMMISSIONER MCHUGH: I'm sorry.
15 Where is that?

16 CHAIRMAN CROSBY: It now says
17 supporting external business.

18 COMMISSIONER MCHUGH: Yes.

19 CHAIRMAN CROSBY: External business
20 and job growth, it wouldn't have to word supporting
21 there.

22 COMMISSIONER MCHUGH: Right

23 COMMISSIONER STEBBINS: You want to
24 take out support?

1 CHAIRMAN CROSBY: If the structure is
2 going to be parallel, none of them have that kind
3 of a verb. Commissioner Stebbins, originally in
4 the earlier draft there was a category for
5 workforce development and then was a category for
6 supplier development and relations. And you
7 consolidated that took it out as sort of a separate
8 focus.

9 You made workforce development job
10 creation, which is fine. And then sort of merged
11 the supplier development and relations into other
12 places. And I was just wondering what were you
13 thinking about? Why did you do that?

14 COMMISSIONER STEBBINS: Why did I
15 segment out supplier development?

16 CHAIRMAN CROSBY: It had been broken
17 out. And we are hiring somebody whose title is
18 workforce supplier and diversity development. We
19 think of it as a unique, coherent, separate,
20 focused area, supplier development.

21 COMMISSIONER STEBBINS: Right.

22 CHAIRMAN CROSBY: But you just
23 restructured. I was just curious why you did
24 that. It sort of seemed to me there was a value

1 in pulling out. Just like there's a value in
2 pulling out workforce development, there is a
3 value in pulling out supplier development as sort
4 of a discrete?

5 COMMISSIONER STEBBINS: Maybe I
6 suggest the question of instead of supporting
7 external business and job growth as the leading
8 indicator of the criteria, just make it supplier
9 development and relations.

10 CHAIRMAN CROSBY: Is that all that?

11 COMMISSIONER STEBBINS: Yes.

12 CHAIRMAN CROSBY: Okay. So, it's all
13 the same item just with a different heading?

14 COMMISSIONER STEBBINS: Yes.

15 CHAIRMAN CROSBY: Okay. I didn't
16 understand that. I see, you've got it the
17 subheading.

18 COMMISSIONER STEBBINS: Yes, just
19 probably eliminating the grander vision topic, I
20 guess, I had above it.

21 CHAIRMAN CROSBY: It feels clearer to
22 me. Just supplier development and relations
23 seems pretty clear. So, I prefer that.

24 COMMISSIONER STEBBINS: The only

1 other change I made under that is in the required
2 information taking number 10 under section 18 and
3 -- I was also trying to look at a gradual evolution
4 of the information that we ask for in the
5 application. And all I did was take number 10,
6 which you see probably about midway down that block
7 and moving it up under number two.

8 Instead of when somebody is looking at
9 the application, kind of jumping around and things
10 somewhat taken out of sequence to try to give them
11 some sequence.

12 CHAIRMAN CROSBY: That's good. That
13 makes sense. Anything else on this page?

14 COMMISSIONER MCHUGH: A lot of that
15 came out of five, a lot of the green side came out
16 of five.

17 COMMISSIONER STEBBINS: Do we now want
18 to --

19 COMMISSIONER CAMERON: Moving it back
20 to five?

21 COMMISSIONER STEBBINS: -- moving it
22 back to five. But you also want to add an
23 international marketing piece. And you want to
24 add a piece about if they have multiple locations,

1 how they plan to market among -- market this new
2 property.

3 CHAIRMAN CROSBY: Jim was going to
4 figure out ways to deal with that.

5 COMMISSIONER MCHUGH: I thought it
6 belongs here. I thought your judgment to put it
7 here was right, these things here, unless you
8 disagree. And come up with a new five that focuses
9 on this theme that we heard in a number of ways
10 yesterday.

11 We can take that, take that bottom part
12 and put that back in five as well. But it seemed
13 to me that the capturing of the it, the elusive it
14 is really what we ought to concentrate on five.
15 And really spend some time thinking about that
16 rather than have something that was hard to define
17 in the it category.

18 CHAIRMAN CROSBY: Let's just leave
19 this open-ended. I've taken it as a task. I'll
20 try to rewrite five and let's look at it. I was
21 thinking about merging all what was before this new
22 concept. Let me try it and see what I can come up
23 with.

24 COMMISSIONER MCHUGH: All right. You

1 are going to include in five this, because I think
2 someplace it needs to be in here that sort of
3 innovation what happens in Massachusetts changes
4 the world.

5 CHAIRMAN CROSBY: Right.

6 COMMISSIONER CAMERON: It's a nice
7 slogan. It's just unfortunate that none of us had
8 ever heard it before.

9 COMMISSIONER MCHUGH: Well, we can't
10 say that anymore.

11 COMMISSIONER CAMERON: That's true.

12 COMMISSIONER MCHUGH: You're right,
13 you're right, you're right. But it's good. It
14 ties us into -- And that was put into perspective
15 in different ways by each one of the people who
16 talked to us yesterday. It's really pretty
17 powerful, if you think about it. That whole
18 innovation district down there is one example of
19 that. But the whole Western part of the state the
20 creativity of (INAUDIBLE) and Tanglewood and the
21 kinds of things that go on out there, they do affect
22 of the world.

23 CHAIRMAN CROSBY: And the whole
24 academic quarter. I'll order that.

1 COMMISSIONER MCHUGH: Okay. So, that
2 takes us to page six. The only overview I'll give
3 you on building and site design is that the
4 criteria were essentially I think those that we had
5 before they may have been amplified a bit.

6 And most of the required information to
7 the right either comes out of the statute or comes
8 from the contents of the AIA White Paper, either
9 as stated there or as consolidated from things that
10 are stated there or as derivatives of things that
11 are stated there. But the AIA White Paper was the
12 basic template used for creating those criteria.
13 I simply say that for information. It doesn't
14 mean they all are right or they shouldn't be
15 changed. But that's where they came from.

16 CHAIRMAN CROSBY: We got so much from
17 AIA. We have more detail. This is sort of a level
18 of detail that isn't in a way the other spec., any
19 other category, because we just got so much
20 expertise. I don't think there's anything wrong
21 with that.

22 But in the compatibility with
23 surroundings, it gets into practically minutia.
24 It's important minutia, but it's minutia. It

1 doesn't really anywhere say something about
2 demonstrate the designs, compatibility with the
3 region, with the architecture in the community as
4 a sort of a macro design consideration. There is
5 one that says similarity to other buildings or
6 something like that.

7 But anyway, it just seemed like there
8 ought to be one kind of broader architectural
9 historic compatibility, at least an understanding
10 of what the architect's thought process is. Why
11 did you come up with this in this particular
12 context?

13 COMMISSIONER ZUNIGA: I would pose
14 that that's a little bit under their number one
15 recommendation for design standards, the overall
16 design integration into surroundings and tourism
17 appeal.

18 CHAIRMAN CROSBY: Where are you
19 talking about?

20 COMMISSIONER ZUNIGA: Actually, I'm
21 looking at the White Paper. But taking all of the
22 elements that are under that heading and place them
23 in a couple of different places.

24 CHAIRMAN CROSBY: But we've lost the

1 heading.

2 COMMISSIONER ZUNIGA: But lost the
3 heading.

4 CHAIRMAN CROSBY: That's what I'm
5 saying. Something to just sort of capture that
6 broad view. You have it in design excellence. I
7 like creativity and design and overall concept
8 excellence. But something about the theory --

9 COMMISSIONER MCHUGH: Just let them
10 explain to us what the big picture is.

11 CHAIRMAN CROSBY: Why this building in
12 this town in this space in this region in this
13 history?

14 COMMISSIONER MCHUGH: Yes.

15 COMMISSIONER CAMERON: There are
16 couple of these that are not applicable to the
17 slots license, correct -- like hotels?

18 COMMISSIONER MCHUGH: That's right.

19 COMMISSIONER STEBBINS: So, we got to
20 break those down?

21 CHAIRMAN CROSBY: I guess probably
22 just have to go through each one and say Category
23 1 only. That's a good point.

24 COMMISSIONER MCHUGH: That's a good

1 point.

2 CHAIRMAN CROSBY: We should probably
3 run through the whole list and make sure. Good
4 point.

5 COMMISSIONER ZUNIGA: There's one
6 thing that I wanted to bring up relative to the AIA
7 and this section. They noted appropriately that
8 some communities but not all where proponents will
9 be already have the stretch code as a prerequisite.

10 And where the statute talks about
11 complying with state and local building codes, it
12 would apply to different people in different
13 jurisdictions. So, somebody in a community that
14 doesn't have the stretch code as a requirement
15 could be under that stretch code and still comply
16 with the prerequisites.

17 The question I believe for this
18 Commission would be whether we want to standardize
19 that by making the stretch code a prerequisite, for
20 example. Or leaving that in the context in which
21 it currently is.

22 COMMISSIONER STEBBINS: You have
23 several applicants that are going to fall within
24 green communities, which have to meet the stretch

1 code. And their recommendation was every project
2 should meet the stretch code. And it's really not
3 that heavy of a lift to get there.

4 COMMISSIONER ZUNIGA: Right.

5 COMMISSIONER MCHUGH: I forget.

6 Where is the stretch code here?

7 COMMISSIONER ZUNIGA: It's in the AIA.

8 COMMISSIONER MCHUGH: But isn't it --

9 COMMISSIONER STEBBINS: It's on page
10 seven under utilize sustainable development
11 principles. I guess there is a requirement out of
12 8(ii) which says describe plans to meet or exceed
13 stretch energy code requirements. So, that
14 sounds like that's implicitly attached to any
15 project.

16 COMMISSIONER ZUNIGA: Right. I guess
17 the question is whether we care if somebody
18 complies with local building codes that are not
19 like others.

20 COMMISSIONER MCHUGH: They have to
21 comply with the local building code under the
22 statute.

23 COMMISSIONER ZUNIGA: Yes.

24 COMMISSIONER MCHUGH: So, if the local

1 building code doesn't require the stretch, then
2 your concern is they won't comply with the stretch.

3 COMMISSIONER ZUNIGA: Correct.

4 COMMISSIONER MCHUGH: Okay. Should
5 we set that as a requirement as opposed to simply
6 asking them to describe their plans to do it?

7 COMMISSIONER ZUNIGA: That's my
8 question, correct.

9 CHAIRMAN CROSBY: Which is another
10 version the same kind of question that we've said
11 several times. Do we want to just invite them to
12 pitch us and compete with one another open-endedly
13 or do we want to lay out a minimum spec.?

14 COMMISSIONER STEBBINS: This gets to a
15 question of fairness.

16 COMMISSIONER CAMERON: Yes, I agree.

17 COMMISSIONER STEBBINS: As opposed to
18 instead of telling us how well you're going to do,
19 we have a certain segment of our applicants are
20 going to be bound to do that. I think it only kind
21 of levels the playing field if we require each
22 applicant.

23 We have our big end goal being these are
24 environmentally friendly sustainable

1 developments.

2 COMMISSIONER MCHUGH: If we start down
3 that path, then we're going to have to examine
4 every building code. We have the state building
5 code. But we're going to have to look at every
6 community in which one of these things is going go.
7 Find the least common denominator and then say
8 everybody has to comply with the least common
9 denominator.

10 CHAIRMAN CROSBY: Or the highest.

11 COMMISSIONER MCHUGH: I'm sorry, the
12 highest common denominator, right.

13 CHAIRMAN CROSBY: The highest
14 standard.

15 COMMISSIONER MCHUGH: Forget about
16 numerators and denominators.

17 CHAIRMAN CROSBY: Just the highest
18 standard.

19 COMMISSIONER MCHUGH: The highest
20 standard.

21 CHAIRMAN CROSBY: And make everybody
22 comply with that.

23 COMMISSIONER MCHUGH: Make everybody
24 comply with that.

1 CHAIRMAN CROSBY: There could be any
2 number of other places where such other kinds of
3 rules and regs. where certain communities are
4 progressive about --

5 COMMISSIONER MCHUGH: The zoning
6 codes are going to come into play.

7 COMMISSIONER STEBBINS: The stretch
8 code, it's uniform across the communities that try
9 to adopt it. Each community hasn't laid out their
10 own stretch code. They've adopted whatever the
11 state standard is to be designated a green
12 community.

13 I don't think you'll find -- You
14 wouldn't find variations of the stretch code per
15 green community.

16 COMMISSIONER MCHUGH: I guess my
17 question is why single out the stretch code? If
18 you're going go down the path of requiring it of
19 everybody because some communities require it in
20 an element to inject fairness into the process, why
21 isn't it also fair to require everybody to meet the
22 most onerous requirement of any specific local
23 code? Then that puts everybody on a logical
24 footing.

1 If there's some other reason -- I just
2 don't think the fairness across-the-board reason
3 -- I think the fairness across-the-board reason
4 gets us into a lot of trouble.

5 CHAIRMAN CROSBY: The same question
6 could be asked about other mitigation agreements.
7 It might be that community X demands some kind of
8 incredible payment to the school system or
9 something, which gives that bidder a competition.
10 The town forced them to make a commitment to the
11 school system. It gives them an advantage.

12 Should we require everybody to meet the
13 highest standard of commitment to the school
14 committee? It seems sort of like the same thing.

15 COMMISSIONER ZUNIGA: I see them very
16 different. And I know we are not requiring
17 everybody to meet the host and surrounding
18 community agreements of others.

19 My limited understanding of the
20 building code is that there's always this tension
21 between the state requirements and local
22 ordinances. And many others have a lot of time
23 that they spend resolving that. It particularly
24 applies to the stretch code in the context of this

1 energy efficiency mandate of the statute.

2 I don't think we will be in a situation
3 where we have to analyze nuances about local
4 ordinances. I think that really has to be left to
5 the locals.

6 COMMISSIONER MCHUGH: So, the stretch
7 code is unique?

8 COMMISSIONER ZUNIGA: The stretch
9 code is unique.

10 COMMISSIONER MCHUGH: Why?

11 COMMISSIONER ZUNIGA: I think in the
12 context of trying to be energy efficient because
13 of the mandates of energy efficiency of the
14 statute.

15 Could there be other aspects like this
16 out there? I don't think there is that many, but
17 I may be wrong.

18 CHAIRMAN CROSBY: Why is it different?
19 Boston has a very aggressive linkage program plan.
20 And they're bound to be putting the heat on Suffolk
21 Downs to do certain things that's consistent with
22 their corporate experience, their municipal
23 experience.

24 They've got a lot of experience in

1 negotiating mitigation agreements and development
2 projects. I'm just making this up. That's
3 going to force candidate X, bidder X to comply with
4 a very high standard of mitigation. This is not
5 a rhetorical question. This is a question. Why
6 is that different from a community enforcing a high
7 energy standard? What's the difference between
8 those two?

9 COMMISSIONER ZUNIGA: Well, it comes
10 to the attention of local control. I think that
11 we also to some degree talked about and struggled
12 as to what is the jurisdiction or the decision of
13 the community.

14 CHAIRMAN CROSBY: I'm speaking in
15 terms of Commissioner Stebbins' point that if a
16 community is forced to the stretch code standard
17 that is going to give them a competitive advantage.
18 And should we require everybody to go to the
19 stretch standard? I thought that was the topic of
20 conversation. I thought that you were agreeing
21 that that was a good point that we should do that.
22 Maybe I'm lost in the track here.

23 COMMISSIONER STEBBINS: Quickly, if
24 you jump over to seven, it says utilize -- Again,

1 this is required language in the statute. Utilize
2 sustainable development principles, 8(ii) said
3 describe plans to meet or exceed stretch energy
4 code requirements. So, maybe that's the
5 balancer.

6 COMMISSIONER ZUNIGA: Yes.

7 COMMISSIONER STEBBINS: Maybe that's
8 what positions those in the green communities --
9 they already have to meet the stretch energy code.
10 And now we're requiring it of any applicant
11 regardless of where they are.

12 CHAIRMAN CROSBY: Which page is that?
13 Where is that referenced?

14 COMMISSIONER STEBBINS: Seven, the
15 criteria is utilize sustainable development
16 principles. You go over to the required
17 information in what would be 8 (ii) describe plans
18 to meet or exceed the stretch energy code
19 requirements.

20 CHAIRMAN CROSBY: So, as a practical
21 matter, the law says they have to do it.

22 COMMISSIONER MCHUGH: No, it doesn't
23 say that. It says we have to make a finding on how,
24 among other things, the applicant intends to

1 advance the following objectives. And then this
2 category utilizing sustainable development
3 principles including but not limited to, and
4 here's the relevant one, meeting or exceeding the
5 stretch energy code requirements contained in
6 appendix A, yada, yada, yada, or equivalent
7 commitment to advanced energy efficiency as
8 determined by the Secretary of Energy and
9 Environmental Affairs.

10 Maybe we ought to just expand this one
11 to include that requirement. So, they have
12 alternatives and they've got an open-ended
13 opportunity to meet some objective, but they don't
14 have to follow the stretch energy code.

15 COMMISSIONER CAMERON: That makes
16 more sense. It's taken out of context.

17 COMMISSIONER MCHUGH: Yes.

18 CHAIRMAN CROSBY: Which is a good
19 point, when we publish this we have to have the
20 whole context.

21 COMMISSIONER MCHUGH: We have to go
22 back into this, that's right.

23 CHAIRMAN CROSBY: So, where did we end
24 up?

1 COMMISSIONER MCHUGH: So, we describe
2 plans for meeting the expanded standard that I've
3 just described.

4 COMMISSIONER ZUNIGA: Not a
5 prerequisite, in other words.

6 COMMISSIONER MCHUGH: It's not a
7 prerequisite, but you have to describe what your
8 plans for doing it are and you've got a couple of
9 options.

10 COMMISSIONER CAMERON: Using verbiage
11 from the law.

12 COMMISSIONER MCHUGH: From the
13 statute.

14 CHAIRMAN CROSBY: Is there any
15 appetite for requiring a higher LEED standard? We
16 have to require at least gold but we can require
17 higher if we want to.

18 COMMISSIONER STEBBINS: AIA
19 recommended yesterday LEED platinum. In our
20 conversations with them, they said LEED gold is
21 pretty much reachable. It probably isn't the high
22 standard that the Legislature may have been
23 thinking of when the statute was passed. I think
24 in their White Paper they recommend us requiring

1 LEED platinum level.

2 COMMISSIONER ZUNIGA: I would take
3 exception with the requirement piece. My read of
4 the recommendations when it comes to energy
5 efficiency is that we not make it a prerequisite
6 nor a requirement.

7 According to them it's these high
8 standards that are already available and many will
9 be able to meet them because they're required by
10 the green community that they're in. Or because
11 there's other standards, not just LEED but they
12 talked about international one and a couple of
13 others. I don't want to lock them in necessarily
14 to a requirement.

15 COMMISSIONER CAMERON: The way it's
16 written now, it's like a value-added. If you go
17 higher that's something we can consider.

18 COMMISSIONER ZUNIGA: We should.

19 COMMISSIONER MCHUGH: It seems to me
20 that the overall thrust that this section is
21 clearly emphasizes our interest in sustainable
22 energy. And it seems to me that most applicants
23 are going to read this in that context.

24 And in addition if the AIA presenters

1 are right for a building that's been erected now,
2 and presumably going to be held by the developer
3 and not resold, the increased cost of these things
4 is going to yield a return over time that is going
5 to justify the cost. So, that's a separate
6 incentive to do this, which supports your approach
7 to it.

8 COMMISSIONER ZUNIGA: One building
9 being net zero energy renewable, there's
10 multiple ladies. Requiring LEED only I think
11 misses that and those other pieces.

12 COMMISSIONER MCHUGH: I think I would
13 be in favor of leaving it the way it is and not
14 requiring LEED platinum or higher.

15 CHAIRMAN CROSBY: It's interesting.
16 We have a different meaning of whether -- You
17 thought AIA recommended that we require it, LEED
18 platinum. And you think they didn't say that. I
19 was leaning in favor of it based on what they had
20 recommended.

21 I don't feel strong about this one way
22 or the other. I don't really know enough about
23 what it means to be LEED platinum to know whether
24 I think it's fair to make it a precondition or

1 whether we should just leave it out there as an
2 aspiration and let people compete.

3 COMMISSIONER ZUNIGA: I'll remind
4 ourselves of a point they also made, which is being
5 LEED certifiable not being LEED certified.

6 COMMISSIONER MCHUGH: That's right.

7 COMMISSIONER ZUNIGA: Which goes
8 along meaning that being able to be certified and
9 achieving the energy goals is a preferable rather
10 than getting LEED to come in and give them a stamp.

11 CHAIRMAN CROSBY: I guess the
12 consensus is leave it.

13 COMMISSIONER MCHUGH: Right.

14 COMMISSIONER STEBBINS: Quick
15 question just for some clarification under
16 compatibility with surroundings, about midway
17 down in the required information we have describe
18 the relationship if any between proposed facility
19 and the history and culture of its immediate and
20 regional surroundings.

21 COMMISSIONER MCHUGH: That really
22 gets back to the question that the Chairman raised.
23 I thought something like that was in here. It's
24 buried too deeply out here I think.

1 CHAIRMAN CROSBY: I'd add
2 architecture, but that's the point I was getting
3 at. I just think it needs to be in a slightly
4 different language in a different location.

5 COMMISSIONER STEBBINS: Yes. I think
6 you look at compatibility with surroundings
7 anything going back to the previous page of
8 building a gaming establishment. There might be
9 some of the green required information that gets
10 pulled out into the revised number five.

11 CHAIRMAN CROSBY: Yes, right.

12 COMMISSIONER MCHUGH: I'm sorry. I
13 missed that point. What comes out and goes into
14 five?

15 COMMISSIONER STEBBINS: I just think
16 if we review going back to page six building a
17 gaming establishment of high-caliber and the
18 compatibly to the surroundings, I think, some of
19 the required information might or should be
20 extracted out into the kind of out-of-the-box
21 thinking category number five. There's a few of
22 them in there.

23 CHAIRMAN CROSBY: Describe the other
24 facilities or amenities, describe any public art.

1 COMMISSIONER STEBBINS: Proposed
2 facility, culture in its immediate and regional
3 surroundings.

4 COMMISSIONER MCHUGH: So, you're
5 going to do that one.

6 CHAIRMAN CROSBY: I'll do something.
7 Let's have a quick break.

8
9 (A recess was taken)

10
11 CHAIRMAN CROSBY: We will reconvene.
12 I guess we were still going back and forth on page
13 six and seven. Any other thoughts, page six and
14 seven, building and site design?

15 COMMISSIONER STEBBINS: Just again,
16 on page seven, number eight the statute requires
17 describing plans for ensuring that 10 percent of
18 power onsite from renewables. Right below that we
19 have describe plans, if any, for ensuring that 25
20 percent generated. I don't know if we should have
21 both of those or just settle on one and make the
22 other one kind of raise your score.

23 CHAIRMAN CROSBY: Where did the 25
24 percent one come from?

1 COMMISSIONER STEBBINS: I think that
2 was an AIA recommendation.

3 COMMISSIONER CAMERON: It was.

4 COMMISSIONER MCHUGH: It was. Ten
5 percent is in the statute and the 25 percent is in
6 the AIA. And that's why there is describe plans
7 if any is there for the 25 percent but not for the
8 10 percent.

9 CHAIRMAN CROSBY: Well, it can
10 certainly be added. Say describe plans for
11 ensuring the 10 percent and if any plans for
12 exceeding.

13 COMMISSIONER MCHUGH: That's right.

14 COMMISSIONER CAMERON: Combine them.

15 COMMISSIONER MCHUGH: It seems to me
16 that when we get finished with this, a lot of these
17 are going to be combined. Every line item here
18 would make this huge and unwieldy, but right. But
19 that's a good combination to make.

20 COMMISSIONER ZUNIGA: I have another
21 sort of macro comment relative to the AIA Paper.
22 I'm not sure that this is necessarily a criteria
23 but they did talk about and make the right
24 distinction about designing building but also

1 importantly their operation states.

2 All of the plans that are laid out here
3 have an element of design, construction and
4 operations. But if we wanted to single out the
5 operations component as part of the criteria or as
6 part of the evidence, I see that as a discrete
7 important piece. It cuts across many of this
8 evidence here.

9 CHAIRMAN CROSBY: I had the same
10 thought but it looks to me like the way this is
11 written does get both initial construction and
12 operations. And are you just saying you think it
13 would be better to pull the two apart and emphasize
14 them as separate areas of focus?

15 COMMISSIONER ZUNIGA: Yes.

16 CHAIRMAN CROSBY: Okay.

17 COMMISSIONER ZUNIGA: I guess they
18 could be within the same criteria but emphasize
19 that we're not just looking at drawings.

20 CHAIRMAN CROSBY: What if you just
21 said utilize sustainable development principles
22 in both construction and operation of gaming
23 establishment.

24 COMMISSIONER ZUNIGA: Or more broadly

1 during the whole project life-cycle.

2 CHAIRMAN CROSBY: Or during project
3 life-cycle, yes.

4 COMMISSIONER MCHUGH: Doesn't the
5 last one on page seven get at that?

6 COMMISSIONER CAMERON: Monitor, yes.

7 COMMISSIONER MCHUGH: Submeter and
8 monitor major energy consumers. That's just
9 energy consumers. That's not broad enough is your
10 point.

11 COMMISSIONER ZUNIGA: Right.

12 CHAIRMAN CROSBY: I think it's good in
13 terms of using the language to make the points
14 we're trying to make. I think expanding
15 sustainable development principles during all
16 facets and during the lifetime, all facets of and
17 during the lifetime of the establishment.

18 COMMISSIONER CAMERON: But there has
19 to be a way to monitor that. You can't just make
20 a statement. Could we include that in the last
21 sentence to make that -- So, in other words, every
22 year they have to demonstrate to us, give us a
23 report that they are (A) making improvements but
24 also just monitoring the data.

1 COMMISSIONER ZUNIGA: That's right.

2 COMMISSIONER MCHUGH: So, it would be
3 expanding the criterion, utilize sustainable
4 principles during construction and --

5 COMMISSIONER ZUNIGA: -- throughout
6 the lifecycle.

7 COMMISSIONER MCHUGH: -- throughout
8 the lifecycle.

9 CHAIRMAN CROSBY: A new required
10 information would be a plan of monitoring and
11 improving the performance of the following
12 criteria or something like that.

13 COMMISSIONER ZUNIGA: The
14 recommendations of commissioning fit right into
15 there, but ongoing commissioning out there in the
16 operations.

17 COMMISSIONER MCHUGH: Okay. All
18 right.

19 CHAIRMAN CROSBY: Anything else on six
20 or seven? Mitigation.

21 COMMISSIONER MCHUGH: Let me say
22 Ombudsman Ziemba reminded me that or pointed out
23 to me we've got evaluation criteria dealing with
24 the host communities, surrounding communities and

1 impacted live entertainment venues but there's not
2 regional impacts. And we need to put in some
3 material, similar material about regional
4 impacts. And require production of various
5 studies to show what they've done about the impact
6 on the region. So, we need to add that to this.

7 CHAIRMAN CROSBY: Is that because
8 we've said that or is that in the statute?

9 COMMISSIONER MCHUGH: That's part of
10 the statute.

11 CHAIRMAN CROSBY: That must be missing
12 from the prerequisites up above.

13 COMMISSIONER MCHUGH: Right.

14 CHAIRMAN CROSBY: So, there would be a
15 separate new category.

16 COMMISSIONER MCHUGH: Right.

17 CHAIRMAN CROSBY: Under -- I don't
18 know where this would be. We were going to have
19 the requirement for a thing of value disclosure in
20 here somewhere. Is that in the evaluation or is
21 that just in the application form somewhere? It's
22 not really an evaluation criteria.

23 COMMISSIONER ZUNIGA: Yes. I
24 wouldn't put it as an evaluation criteria. It

1 could be an appendix.

2 CHAIRMAN CROSBY: Do we want something
3 like 19? Under host community agreement we've got
4 detail public support for the casino project
5 within host communities, but we don't have the same
6 thing for surrounding communities. Would we want
7 a list of supporters within the communities, the
8 surrounding communities?

9 COMMISSIONER MCHUGH: I'm sorry. I
10 missed that.

11 CHAIRMAN CROSBY: Under host
12 community agreement on page nine, you have the pink
13 number 19, detail public support for the project.

14 COMMISSIONER MCHUGH: Right.

15 CHAIRMAN CROSBY: We don't have
16 anything like that within the surrounding
17 communities.

18 COMMISSIONER CAMERON: It's not
19 required.

20 CHAIRMAN CROSBY: No, it's not
21 required.

22 COMMISSIONER CAMERON: And it may be
23 difficult to get in some cases.

24 CHAIRMAN CROSBY: If you've got

1 enthusiastic surrounding communities as opposed
2 to unenthusiastic surrounding communities that
3 would probably matter to us.

4 COMMISSIONER MCHUGH: Yes. Why don't
5 we add that. I think it is. Surrounding
6 communities are those that have surrounding --
7 have to have surrounding community agreements.

8 CHAIRMAN CROSBY: Right.

9 COMMISSIONER MCHUGH: And they can be
10 reluctant.

11 CHAIRMAN CROSBY: They have to have
12 it. They can't block the deal.

13 COMMISSIONER MCHUGH: Right.

14 COMMISSIONER CAMERON: Right.

15 CHAIRMAN CROSBY: So, there will be
16 surrounding community agreements from everything
17 we consider a surrounding community. I'm sure
18 we're going to hear about it, but I would think that
19 that's nontrivial. If you've got every
20 surrounding community up in arms, that's something
21 we would care about.

22 COMMISSIONER MCHUGH: Every
23 surrounding community for example went to
24 arbitration with respect to one proposal and every

1 surrounding community was enthusiastic with
2 respect to another that may make a difference
3 maybe.

4 COMMISSIONER ZUNIGA: Does that speak
5 to the merits of the project?

6 COMMISSIONER CAMERON: Not
7 necessarily.

8 COMMISSIONER ZUNIGA: Or the
9 applicant?

10 COMMISSIONER MCHUGH: Well, it is
11 something we might want to consider because the
12 smooth operation of the facility may be affected
13 by the enthusiasm with which the facility is placed
14 in a given location.

15 COMMISSIONER ZUNIGA: Somebody could
16 have made that argument about Logan years and years
17 ago.

18 COMMISSIONER MCHUGH: And in fact the
19 smooth operations of Logan have gone on a roller
20 coaster. And as we heard the other day, they have
21 a very active and aggressive good neighbor policy
22 that they're pursuing over there now.

23 CHAIRMAN CROSBY: It does -- The
24 Legislature didn't give surrounding communities

1 the ability to block this. That's very important.

2 COMMISSIONER MCHUGH: Right.

3 CHAIRMAN CROSBY: But we do want the
4 operators to work as hard to mitigate
5 appropriately the impacts in surrounding
6 communities and to be good neighbors with the
7 surrounding communities as they can. That's
8 important.

9 And if we require them to show us
10 support from the surrounding communities, that is
11 just a little bit more incentive for them to work
12 hand in glove with the surrounding community.

13 COMMISSIONER ZUNIGA: Could we make
14 the distinction between efforts and outreach and
15 good faith from the applicants and the actual
16 results that they may or may not obtain out of those
17 good-faith efforts? Because what you seem to be
18 talking about is the results. And I think we
19 should evaluate an applicant on their efforts and
20 their good-faith, not necessarily on the outcome.

21 CHAIRMAN CROSBY: Well, would it
22 matter to you -- And this is a really an important
23 conversation. Would it matter to you whether
24 surrounding communities were for or against a

1 proposal?

2 COMMISSIONER CAMERON: It would
3 depend. It would depend on the circumstances.
4 If they're sour grapes because they also had an
5 application and didn't -- There could be so many
6 factors. Whether or not they were willing to
7 negotiate in good faith, the surrounding
8 community. I think that's not an easy question to
9 answer. You have to look at the circumstances and
10 the efforts. I think just judging on the results
11 may be --

12 CHAIRMAN CROSBY: Well, it wouldn't be
13 just judging on the results. It would be just
14 one --

15 COMMISSIONER CAMERON: One factor.

16 CHAIRMAN CROSBY: That's one more
17 factor. It seems to me like the degree of support
18 or lack of support -- the degree of support pro or
19 con of surrounding communities is a nontrivial
20 issue. Maybe we get at it some other way. As I
21 said, it's not like they're not going to tell us.
22 We're going to hear about this one way or the other.

23 COMMISSIONER CAMERON: We already
24 are.

1 CHAIRMAN CROSBY: Yes, right.

2 COMMISSIONER ZUNIGA: There's a
3 process that the statute outlines for a local
4 hearing and just general support. People may show
5 up from surrounding communities, from the host
6 community or anywhere. And I think that's a
7 process that we will do and we will listen to and
8 it's important.

9 But I believe that singling out the
10 results of the surrounding communities is a step
11 ahead of what I'm comfortable with.

12 CHAIRMAN CROSBY: Okay. That's fine.
13 We're you going to know. As we go through the
14 process, surrounding communities are going to have
15 an opportunity to make their opinions known to us.
16 It's not like we're not going to know. If you
17 don't like that that's fine with me.

18 COMMISSIONER STEBBINS: Under host
19 community agreement, I know it's required by
20 statute, number 19 describe in detail the public
21 support for the casino project the applicant has
22 obtained in actually there are the host and
23 surrounding communities in addition to that
24 reflected by the host community vote, including

1 the names and affiliations of all individuals,
2 organizations and groups that have given public
3 support to the project.

4 I just see a mountain of trees coming
5 in in letters of support from everybody who let's
6 face who's probably going have supported the vote,
7 have supported the project by vote or what have
8 you.

9 Where I would be interested in either
10 seeing additional information is more partnership
11 focused. I'm supporting this application because
12 XYZ applicant and my organization are going to
13 partner on A, B, C or D. Those to me would be the
14 stronger signals of support and cooperation than
15 just --

16 COMMISSIONER CAMERON: Letters.

17 COMMISSIONER STEBBINS: -- just
18 letters which --

19 CHAIRMAN CROSBY: Which is the names
20 is all that's required here.

21 COMMISSIONER STEBBINS: Again, it's
22 information we have to collect because the statute
23 says it. But in addition to that, a green category
24 would be those letters of support from

1 organizations that support you being here because
2 you're going to have a relationship at some
3 functional level going forward.

4 CHAIRMAN CROSBY: Maybe make that
5 other point. Provide evidence of all the
6 partnerships, marketing, purchasing whatever that
7 you have with local entities.

8 COMMISSIONER MCHUGH: Didn't we do
9 that in the business development section?

10 COMMISSIONER ZUNIGA: Yes, to some
11 degree we have.

12 CHAIRMAN CROSBY: That would be
13 business. Did that include nonprofits?

14 COMMISSIONER STEBBINS: My intention
15 is nonprofit or community-based organizations
16 that they're going to have a relationship with
17 hopefully going forward. Just looking at that
18 requirement as kind of a placeholder where they can
19 talk about those additional relationships that
20 they're going to have beyond here's list of every
21 time Tom, Harry, Dick and Sally that supports our
22 project. I don't know if we'd glean that much from
23 that.

24 CHAIRMAN CROSBY: I would add that.

1 COMMISSIONER MCHUGH: All right.

2 CHAIRMAN CROSBY: I think that's a
3 good addition.

4 COMMISSIONER CAMERON; I do too.

5 COMMISSIONER STEBBINS: And I know we
6 are also still debating from yesterday the
7 contributions and requests. I think Catherine is
8 doing some work for us on that.

9 But I would throw out the suggestion of
10 maybe starting a compilation of those requests
11 dating back to January 15 when they essentially
12 were an applicant. We know we banned them from
13 making campaign contributions continuing
14 beginning January 15 or whenever they gave us their
15 \$400,000 check.

16 But maybe looking at that as a starter
17 date as opposed to going all the way back to when
18 the legislation was passed. Just throw it out
19 there for Catherine to consider.

20 CHAIRMAN CROSBY: Okay. Anything
21 else on host community agreement, surrounding
22 community agreements we'll make that addition and
23 live entertainment venue agreements?

24 COMMISSIONER MCHUGH: We are adding

1 regional, something about regional things in there
2 too.

3 CHAIRMAN CROSBY: Good point, right.

4 COMMISSIONER STEBBINS: I would just
5 for clarification the top of page 10, this is under
6 live impacted entertainment venues, I'd say list
7 all communities or entities since we know --

8 COMMISSIONER MCHUGH: It should be
9 entities.

10 CHAIRMAN CROSBY: It should be
11 entities. I've got the same thing. The last one
12 there, provide a copy of all agreements or
13 contracts containing a geographical exclusivity
14 or limitation under which an entertainer appeared
15 by an applicant or affiliate during the last 10
16 years.

17 COMMISSIONER MCHUGH: That is
18 designed to see whether we really have a problem.
19 That may not be the best way to get at it. A live
20 entertainment, an impacted live entertainment
21 venue is in part going to be determined by whether
22 or not the applicant uses these geographical
23 exclusivity clauses. And we've asked in a lot of
24 places for your track record on performing.

1 So, if the applicant comes in and says
2 I'm not going to do any geographical exclusivity.
3 Therefore there are no impacted live entertainment
4 venues, we want to have some way of seeing whether
5 that is a promise that's consistent with their
6 history of performance. So, this was a mechanism
7 to get at that. I agree, this is pretty broad.

8 CHAIRMAN CROSBY: We could just say
9 provide copies of representative agreements or
10 something like that.

11 COMMISSIONER MCHUGH: Those are going
12 to be the ones that don't have any geographical
13 exclusivity clause.

14 CHAIRMAN CROSBY: Right.

15 COMMISSIONER STEBBINS: Or just
16 shorten the timeframe maybe to a-five year period.

17 CHAIRMAN CROSBY: It all depends. An
18 exclusivity agreement in Las Vegas is a whole lot
19 different than one in Macau, which is a whole lot
20 different than one in Springfield.

21 COMMISSIONER MCHUGH: But we're
22 looking for patterns. And if you require all of
23 the contracts, if you require all the contracts
24 that contained such a clause for some period of

1 time, you're going to see whether it was a lot or
2 a few. The other way to do it is ask for all and
3 see whether they have them. I'm struggling with
4 how you get --

5 CHAIRMAN CROSBY: What's the problem?
6 We're going to say to a bidder, if you are going
7 to use geographic exclusivity in your
8 entertainment agreements, we are going to consider
9 that in our determination about whether you have
10 to sign a live entertainment.

11 They're going to tell us what they're
12 going to do. Or if they don't, when they do start
13 using them, the live entertainment venue is going
14 to come to us and say, hey, they're cheating and
15 we'll deal with it.

16 Do we need evidence of what they've
17 done in other venues to get at the issue that we
18 need to get at here?

19 COMMISSIONER MCHUGH: Maybe that's
20 the answer. We ask them for their plans, put that
21 plan if it's not to use them as a condition of the
22 license. Then if the condition is violated, take
23 remedial action.

24 CHAIRMAN CROSBY: Right.

1 COMMISSIONER CAMERON: From what we
2 understand, this is common practice, correct?
3 They pay a lot more money so they can ask for that.

4 CHAIRMAN CROSBY: Yes.

5 COMMISSIONER CAMERON: So, I
6 understand that we wouldn't want them to do it
7 because we don't want the venues here to be
8 impacted.

9 CHAIRMAN CROSBY: It's not that we
10 don't want them to do it. It's if we do want them
11 to do it, if they do want to do it, then we need
12 to know which venues are going to lose possible
13 exhibitors. And they need to get compensated in
14 some way. That's what the statute says.

15 And it's been important to the live
16 entertainment venues because everybody thinks
17 that the problem is you're not going to get an
18 audience. It isn't the audience, it's the
19 performers that they're worried about.

20 COMMISSIONER CAMERON: Correct.

21 COMMISSIONER ZUNIGA: But I remember
22 from the conversations from the Consortium for
23 Nonprofit Theaters that the real question is that
24 they could enter into these agreements and they

1 will likely enter into an MOU.

2 The question becomes how to enforce
3 them going forward.

4 CHAIRMAN CROSBY: Well, as
5 Commissioner McHugh just said you make performance
6 of a variety of things host community agreements,
7 etc. a condition of your license.

8 COMMISSIONER MCHUGH: Right.

9 CHAIRMAN CROSBY: There's going to be
10 any number of things where people aren't going to
11 perform and we're going to have to get at them.

12 COMMISSIONER CAMERON: Compliance
13 issues.

14 CHAIRMAN CROSBY: Yes, right. So, I
15 guess we take this one out and frame it a little
16 differently.

17 COMMISSIONER MCHUGH: Reframe it,
18 tell us your plans, practices for use of geographic
19 exclusivity agreements.

20 CHAIRMAN CROSBY: We should probably
21 just do this. Under protect and enhance the
22 Lottery, I thought we might want to run this by the
23 Lottery. They might have some suggestions. Do you
24 want me to do that? Are you going to do it?

1 COMMISSIONER MCHUGH: I'll do it. We
2 worked with them on the charitable gaming. So,
3 I'll just go back to the same folks.

4 CHAIRMAN CROSBY: Okay. The same on
5 the problem gambling, we ought to run this section
6 by Marlene and her people.

7 COMMISSIONER MCHUGH: Sure, yes, we
8 should do that. I reiterate though that these
9 came from a different source than that. They
10 came from the Cambridge Health Alliance. So, we
11 ought to run these by them.

12 COMMISSIONER ZUNIGA: I had a minor
13 point on the traffic. Again, to make the
14 distinction that traffic mitigation and control
15 measures apply to both the construction period and
16 the operations period.

17 COMMISSIONER MCHUGH: Yes. This has
18 got to be cross-referenced against the site design
19 because there's a lot of traffic stuff in there,
20 but the point is well taken. And we'll do that.

21 I think there's a lot of operational
22 stuff in the site design, but we need to
23 cross-reference.

24 CHAIRMAN CROSBY: I think we should

1 read to the audience --

2 COMMISSIONER MCHUGH: Yes, as we come
3 to the end here, it's probably a good note on which
4 to close.

5 CHAIRMAN CROSBY: Under the other,
6 we've got traffic, we've got other. And this
7 draft talks about likely impact on housing stock.
8 And the next one says provide an assessment of the
9 likely impact on squirrel populations in the host
10 and surrounding communities.

11 And we looked at this and said squirrel
12 populations? What was Commissioner McHugh
13 thinking?

14 COMMISSIONER STEBBINS: Somebody from
15 Western Mass., it's obviously a clear issue.

16 CHAIRMAN CROSBY: Right. Some people
17 thought it was a real problem, Western Mass. has
18 a problem.

19 Our new General Counsel thought it
20 might be something like the spotted owl or some
21 squirrel problem. And then it turns out that
22 Commissioner McHugh was using a voice to text
23 dictation system, and said the likely impact on
24 schools. And the voice to text took schools and

1 made it squirrels.

2 COMMISSIONER MCHUGH: You have sort of
3 a built-in editor. They thought it was time for
4 a little something different.

5 CHAIRMAN CROSBY: Did you see it? You
6 were nodding and I think we posted it. We just
7 wanted to see if anybody ever commented on the
8 Gaming Commission looking out for the squirrel
9 population of Massachusetts.

10 COMMISSIONER CAMERON: It's not like
11 those automated messages where they ask you to
12 repeat?

13 COMMISSIONER MCHUGH: No, it isn't.
14 It doesn't have any built-in.

15 CHAIRMAN CROSBY: It doesn't have
16 logic built into it.

17 COMMISSIONER MCHUGH: What did you
18 just say? Anyway, everybody should change that
19 the school.

20 CHAIRMAN CROSBY: Right.

21 COMMISSIONER STEBBINS: I would like
22 to provide an assessment on squirrel population
23 and add that.

24 COMMISSIONER ZUNIGA: There's a

1 reason why I don't use those text to voice systems.

2 CHAIRMAN CROSBY: Where did the other
3 list come from?

4 COMMISSIONER MCHUGH: The former
5 five?

6 CHAIRMAN CROSBY: No. The squirrel
7 population list?

8 COMMISSIONER MCHUGH: It was just
9 things that I could not think we had included
10 elsewhere.

11 COMMISSIONER ZUNIGA: There's been
12 anecdotal stories, if you will, from Connecticut
13 and how when a casino came to that region many of
14 the impacts not anticipated were in the schools.

15 COMMISSIONER STEBBINS: I think you
16 could take some of these, and now that we've
17 created a new regional impact category and I think
18 we could maybe break some of these up. We've
19 certainly through the work of the Collins
20 Institute and some of the studies they've done,
21 picked up on some impacts that at least in some of
22 those case examples weren't necessarily
23 anticipated.

24 COMMISSIONER ZUNIGA: I would pose

1 that some of those are positive impacts, by the
2 way.

3 COMMISSIONER MCHUGH: They may be.
4 And maybe we change them from impacts to effects.

5 CHAIRMAN CROSBY: But you don't have
6 to mitigate those.

7 COMMISSIONER MCHUGH: No, but I
8 thought Commissioner Stebbins was saying that goes
9 someplace else perhaps.

10 COMMISSIONER STEBBINS: Since we've
11 added a regional impact category, I think instead
12 of just lining them all together, we could break
13 them up into some of the pre-existing categories
14 or criteria.

15 COMMISSIONER CAMERON: I thought
16 Commissioner McHugh did an excellent job of
17 including many of the recommendations from our
18 forums into a number of these categories.

19 COMMISSIONER MCHUGH: Yes. That's
20 where a number of these things came from was the
21 forums where we heard discussions about those sort
22 of broad impacts.

23 CHAIRMAN CROSBY: I wish I had gone
24 back and reviewed those notes. That's a really

1 good point. I didn't think about that.

2 I'm sure there's something missing
3 here. I can't think of all of the different
4 possible things that could come up.

5 COMMISSIONER MCHUGH: How do we deal
6 with that?

7 CHAIRMAN CROSBY: One is to clearly
8 put another in. How do we deal with ones I can't
9 identify?

10 COMMISSIONER STEBBINS: That falls
11 under other.

12 CHAIRMAN CROSBY: If you have some
13 historic something or other, we don't talk about
14 historic properties or we don't talk about
15 protected animals. There's a lot of other kinds
16 of things that they might have to mitigate that we
17 don't include here.

18 COMMISSIONER ZUNIGA: Much of which is
19 part of the MEPA process, all of the environmental
20 impacts.

21 CHAIRMAN CROSBY: That's what I mean.
22 But the MEPA process, the list is this long. And
23 this doesn't cover everything that's in the MEPA
24 process.

1 COMMISSIONER ZUNIGA: Which is a
2 prerequisite anyway.

3 CHAIRMAN CROSBY: So, how do we deal
4 with that? I think we care that there's a whole
5 bunch of other mitigation things that ought to be
6 covered somehow or another in here.

7 COMMISSIONER MCHUGH: Remember the
8 function of this is to say that we're setting out
9 the things that we're going to use as evaluation
10 criteria. There are some things that just have to
11 be complied with.

12 The whole MEPA process, we've got an
13 extensive set of regulations that deal with
14 reporting to us about the MEPA process. And there
15 are limitations on our ability to issue a license
16 at all until that process has been complied with.

17 So, compliance with the MEPA process is
18 not so much an evaluation criterion as it is a
19 gating factor.

20 CHAIRMAN CROSBY: Maybe it's a
21 prerequisite. Put MEPA in -- Compliance with MEPA
22 as a prerequisite.

23 COMMISSIONER MCHUGH: We could
24 certainly do that. And there may be other

1 prerequisites that we ought to put in here as well.
 2 And let me double-check that. But we could put
 3 compliance with the MEPA process as a
 4 prerequisite.

5 CHAIRMAN CROSBY: I guess it probably
 6 is a statutory prerequisite.

7 COMMISSIONER MCHUGH: Well, it's a
 8 statutory prerequisite under MEPA. And you can't
 9 issue a license, nobody can issue a license or a
 10 permit I guess unless you comply with MEPA. Is
 11 that right?

12 MS. BLUE: That's right.

13 COMMISSIONER MCHUGH: That's just a
 14 go/no-go thing. That's why our license in fact
 15 has to be conditional until that MEPA process is
 16 met. And that's what we're setting up in the regs.
 17 right?

18 MR. GROSSMAN: That's already
 19 included in the permitting section.

20 COMMISSIONER ZUNIGA: We're covered.

21 COMMISSIONER CAMERON: So, we don't
 22 have to include it again.

23 COMMISSIONER CAMERON: So, we don't
 24 have to include it there.

1 COMMISSIONER STEBBINS: Other than as
2 a condition of their application we ask them to
3 give us their ENF certificate.

4 COMMISSIONER MCHUGH: Yes. This is
5 not everything that's going to be in the
6 application. This is just the places where we
7 have the power to or the obligation to evaluate.
8 There are other things that have to be in here and
9 will be in here. And we'll add them. This is just
10 what we're going to use as the judgment.

11 COMMISSIONER STEBBINS: Looking at
12 that last category, the other category, describe
13 the steps and measures the applicant will take to
14 ensure that minors are excluded from the casino
15 premises.

16 Are there operational criteria that we
17 want to evaluate as to how they operate their
18 facilities? Track record information because
19 we've asked for it in other parts?

20 CHAIRMAN CROSBY: Yes. I actually
21 had a catchall, demonstrate best practices,
22 mitigation plans elsewhere. Demonstrate that you
23 practice what you're preaching here in other
24 jurisdictions, something like that. Is that what

1 you're getting at?

2 COMMISSIONER STEBBINS: Yes. Do they
3 consistently get robbed because they have lack
4 security? So, I'm just kind of picking up on the
5 minor's question.

6 CHAIRMAN CROSBY: That's actually a
7 different point that you're making.

8 COMMISSIONER STEBBINS: It's more of
9 an operational practice.

10 CHAIRMAN CROSBY: We haven't said
11 anything about inside the building. Do we care?

12 COMMISSIONER MCHUGH: We have in the
13 site design, we talked about security inside and
14 outside.

15 CHAIRMAN CROSBY: We haven't said
16 anything about what's going to be inside this
17 building. We might have said a little bit about
18 it, but this whole thing is about a casino. And
19 we haven't said anything about the casino.

20 COMMISSIONER MCHUGH: Yes, we have.
21 If we go back to build a gaming -- describe the
22 restaurants, retail spaces, bars, casinos located
23 within the boundaries of the casino, inside the
24 casino, describe the hotel, describe the other

1 facilities, describe any public art.

2 COMMISSIONER ZUNIGA: Describe their
3 business plan as well.

4 COMMISSIONER MCHUGH: Describe the
5 business plan. We've asked for a schematic as
6 defined and understood by the AIA, site plan,
7 number and location of parking spaces. We may
8 want to add more stuff.

9 CHAIRMAN CROSBY: I take that back.
10 Since there's already a lot about -- What about the
11 gambling floor, that's part of what you were
12 getting at.

13 COMMISSIONER CAMERON: A lot of that
14 will be those regulations that they will have to
15 comply with. So, you're asking about how well
16 they comply in other jurisdictions? Or what their
17 plan is? I'm not sure where you're going with
18 that.

19 COMMISSIONER STEBBINS: I don't know.
20 I saw that other category item. Again, what
21 efforts are they going to make ensure that minors
22 are excluded from casino premises. That's just
23 how they plan to advertise if you're under 21 you
24 can't be in here. That seemed to me to be more of

1 an operational question of the applicant.

2 COMMISSIONER CAMERON: It is.

3 COMMISSIONER STEBBINS: If they're
4 simply complying with the regs. and there is no
5 gray area and they don't need to demonstrate it,
6 then maybe it's not necessary to include it.

7 CHAIRMAN CROSBY: It seems like there
8 are a couple of different things. One is the
9 operating rules. We don't have anything in here
10 about your operating procedures, whether it's
11 checking for minors or the way you protect your
12 cash or security systems. We have little about
13 that.

14 COMMISSIONER ZUNIGA: In the draft
15 regs. from our consultant there's the index,
16 whether it's Phase-2B that there's a lot relative
17 to financial controls and operations.

18 CHAIRMAN CROSBY: But it's not in the
19 evaluation criteria.

20 COMMISSIONER MCHUGH: But those are
21 going to be regs. that are going to require -- that
22 they're going to have to follow when they get the
23 license.

24 We have two choices with those regs.

1 We can either say and in some cases will say tell
2 us what your operating plan is before you can open.
3 And we'll say whether it's adequate or not.

4 Or we will tell you what you're
5 operating plan has to be with certain
6 requirements. You'll have to have this in the
7 cash room. You'll have to have this on the floors.
8 You'll have to have this many eyes in the sky.
9 You'll have to have this kind of secure space for
10 the money.

11 So, these next set of regs. will go all
12 of the way through that. I don't think we need
13 that in this, because whoever gets it is going to
14 have to comply with these rags. And it's not
15 something to evaluate their suitability for a
16 license.

17 COMMISSIONER STEBBINS: I agree with
18 that. I'm wondering if there isn't an evaluation
19 criteria that we can look at their track record in
20 operating in other areas and maybe potential
21 operating violations? Do they have EPA or DEP
22 fines of dumping stuff out the backdoor? I don't
23 know.

24 CHAIRMAN CROSBY: Or regulatory --

1 gaming regulatory violations.

2 COMMISSIONER STEBBINS: Yes.

3 CHAIRMAN CROSBY: That would go to the
4 issue of like minors, security and stuff.

5 COMMISSIONER MCHUGH: We certainly
6 can do that. And we have on a number of occasions
7 in here asked for history of compliance. And we
8 certainly can ask for -- We've asked for breaches
9 of contract. We've asked for lawsuits. We've
10 asked for defaults in credit agreements.

11 We can ask for regulatory proceedings
12 that have been brought against them. We can ask
13 for -- And maybe that's the surest way to do it,
14 to get at that kind of thing. So, we can go through
15 this and ask for track records with respect to a
16 whole variety of these categories. Give us a
17 history of your operating I think is just way too
18 broad, I think.

19 COMMISSIONER STEBBINS: I like that
20 suggestion. Clearly understanding the regs. the
21 next phase of regs. are going to clearly define how
22 they're going to operate.

23 But in terms of us evaluating whether
24 there's somebody we want to give a license to

1 because we've asked for that track record in so
2 many other categories. Asking them where they've
3 been essentially hit by a gaming commission in
4 another jurisdiction I don't think is information
5 kind of outside the bounds asking for because I
6 think it's important to our consideration of their
7 license.

8 CHAIRMAN CROSBY: Is outside the
9 bounds or is not?

10 COMMISSIONER STEBBINS: Is not
11 outside.

12 CHAIRMAN CROSBY: I agree. Good.

13 COMMISSIONER MCHUGH: We really need
14 to go through this and look for ways to ask for
15 track records for comparable things elsewhere.

16 Some things they may not have been
17 required to do else when. Who knows? Ten percent
18 onsite power generation, they may never have been
19 -- but we could ask. We could find comparable
20 things, illuminating things to ask for about
21 operational history. I think there's no other way
22 to do it than to go through it and look for ways
23 to it. I'm getting punchy.

24 CHAIRMAN CROSBY: Looking for

1 evidence of their compliance with whatever sets of
2 standards we think we want. We've already done
3 it, as you say, on a number of things. We've done
4 it on affirmative action. We've done it on a whole
5 bunch of things.

6 COMMISSIONER MCHUGH: Even if there's
7 no regulatory compliance, what they have done
8 elsewhere -- take power generation. What they've
9 done elsewhere to get green power.

10 CHAIRMAN CROSBY: Yes. I was
11 suggesting under mitigation a kind of a catchall
12 that requires them to give us demonstration of
13 their using best practices in their other
14 jurisdictions for these host of mitigation
15 activities that we've already listed.

16 There was a category that I thought we
17 had not got at, which is the actual guts of the
18 operations of the facility. Yes, we will be
19 telling them what to do. That's not really an
20 evaluation criteria.

21 But we would like to know the extent to
22 which they have followed best practices in the guts
23 of their business. And if they are repeatedly in
24 violation of gaming regs. across other

1 jurisdictions, I think that is something we would
2 want to know.

3 COMMISSIONER MCHUGH: I agree. Can't
4 we ask more directly give us a history of your
5 regulatory compliance?

6 CHAIRMAN CROSBY: Yes. That was the
7 category that I thought was most missing.

8 COMMISSIONER MCHUGH: We should do
9 that.

10 COMMISSIONER ZUNIGA: You reminded me
11 of one, which applies to the financial piece, your
12 track record of meeting financial projections.

13 CHAIRMAN CROSBY: I think that's in
14 there. To take a devil's advocate, are we missing
15 something because none of us is a casino denizen?

16 Is there a range of evaluation criteria
17 about the kind of casino you run, the kinds of games
18 that you run? Whether you have an Asian wing.
19 The way you manage your rewards program. I think
20 I told you some woman called me and complained
21 about somebody had cut off her credit, her rewards
22 because she hadn't played. And to her, knowing
23 what the standards are for how they manage your
24 rewards program is a variable. Some people do it

1 well. Some people do it badly.

2 Is there some category of criteria
3 about the gaming businesses itself that we would
4 want to know to evaluate that doesn't come to the
5 top of our heads because none of us goes into these
6 places?

7 COMMISSIONER ZUNIGA: I think the
8 business plan is really the catchall when it comes
9 to demonstrate how do you plan to make this a robust
10 gaming endeavor. And then let them tell us
11 everything they do, whether it's how they manage
12 their loyalty programs, how they market
13 themselves, what kind of population they target or
14 not target.

15 CHAIRMAN CROSBY: If that's what you
16 mean by business plan, I think we should expand on
17 that then and make sure they understand that.

18 COMMISSIONER ZUNIGA: That's what I
19 think a business plan really means, the crux of
20 their gaming business plan.

21 COMMISSIONER MCHUGH: I think that is
22 important. And these are, a lot of these are
23 shorthand for something that a narrative of which
24 will be longer.

1 CHAIRMAN CROSBY: Right.

2 COMMISSIONER MCHUGH: So, the next
3 step will be to take these, once we're convinced
4 that we have essentially what we want and write out
5 the narrative and then take a look at that and have
6 other review it to make sure we've captured that
7 level of detail so that we get what we need.

8 CHAIRMAN CROSBY: It does seem to me
9 that these criteria are reflecting, among other
10 things, our set of values and our set of
11 experience.

12 COMMISSIONER MCHUGH: The criteria
13 are reflecting more than that.

14 CHAIRMAN CROSBY: I said among other
15 things.

16 COMMISSIONER MCHUGH: Yes.

17 CHAIRMAN CROSBY: We're bringing our
18 own experience and our own value structure to the
19 law and a whole lot of things, but including that.
20 But there's nobody sitting here who plays in
21 casinos. There's nowhere looking at this saying
22 hey, I want this to be the best casino floor in the
23 world. We don't know what one is.

24 COMMISSIONER CAMERON: Which is why

1 you're suggestion to have the consultants take a
2 look is a good idea. And I do know that many other
3 venues, we did look at what they did. So, I think
4 it is a compilation of best practices as well.

5 COMMISSIONER MCHUGH: We did look at
6 the Springfield application form. We looked at
7 the Louisiana application form, the Mississippi
8 application form, the Maryland statutory
9 criteria, the Pennsylvania statutory criteria.

10 CHAIRMAN CROSBY: Was there not
11 anything like what I'm talking about in those?

12 COMMISSIONER MCHUGH: It's in here.
13 I'm not exactly sure what it is that you're
14 grasping for. The description of the business
15 plan was in there. The description of the casino
16 facility, the gaming floor is in essentially the
17 form that's here.

18 CHAIRMAN CROSBY: Where is that?

19 COMMISSIONER MCHUGH: It's on page 6
20 (5) the first bullet, describe the proposed casino
21 including the square feet of gaming area, the
22 number and types of table games, the number of slot
23 machines it will contain. That's what's been used
24 elsewhere.

1 We can amplify on all of these things
2 and we can get some help from the consultants to
3 do it. Unless we feel we shouldn't.

4 CHAIRMAN CROSBY: I'm just playing
5 devil's advocate. Because of who we are, we have
6 not asked the question how do we make this the best
7 casino floor in the world? We haven't looked for
8 -- Except we just brought up the idea of i-gaming
9 and innovations.

10 But we've not talked about looking for
11 innovations on the casino floor. We've not talked
12 about being the best casino floor in the world.
13 And somewhere or other it seems to me - I think
14 asking the consultants to look at it from the
15 standpoint.

16 It might even be something just to
17 think about, Commissioner Stebbins, to have on our
18 list of outside resources. Because it is
19 interesting, we're spending a lot more time
20 talking about fit with the culture of the community
21 than we are talking about a great casino
22 experience. And I just think we need to think that
23 through.

24 COMMISSIONER MCHUGH: Right. I don't

1 disagree with that.

2 COMMISSIONER CAMERON: Would number
3 of internal complaints be relevant?

4 CHAIRMAN CROSBY: Yes. That would go
5 back to the other point about internal operations.
6 I think that is relevant.

7 COMMISSIONER ZUNIGA: I think again
8 track record relative to other jurisdictions will
9 speak volumes. The number of visitors, the number
10 of revenues, their place in the rankings. I
11 suspect they will tell us where they rank in every
12 jurisdiction that is feasible and what their
13 history has been.

14 And I would also take a little
15 exception to the notion that we don't know what a
16 good casino looks like. Because I think we've
17 been at it for a little while now. I know what you
18 mean.

19 CHAIRMAN CROSBY: I at least, don't
20 have any idea of what somebody who loves casinos
21 would consider critical variables in what makes a
22 great casino experience on the floor. I don't
23 know about that.

24 COMMISSIONER ZUNIGA: Because there's

1 a lot of people who like very different casinos.
2 There's a lot of flavors about everything. We all
3 know what restaurants we like and we could disagree
4 on that too.

5 I think their business acumen of plan
6 will -- I would like to think that some may propose
7 varying degrees of restaurants because they want
8 to target different segments or not because they
9 want to target one segment. And we'll have to let
10 them tell us what that plan is.

11 COMMISSIONER STEBBINS: I'll be
12 interested in looking at their information they
13 provide in terms of financial projections and how
14 that aligns with how the casino and the operations
15 of the facility lay out.

16 If you're projecting revenues of a
17 certain amount of money, well, that's got to be
18 based on a certain amount of return per table
19 games, a certain amount return for slot machines,
20 etc. So, I think you start to shrink that divide
21 between what is a good gaming floor.

22 We have a criteria of highest and best
23 value to create a secure and robust gaming market.
24 They're not going to be able to do that by not

1 having a pretty good strategy and business plan.

2 It's may be aligning the two more closely.

3 COMMISSIONER CAMERON: The
4 projections are hard to evaluate.

5 COMMISSIONER ZUNIGA: Which is why we
6 will require experts to help us.

7 COMMISSIONER CAMERON: Singapore
8 didn't do it, because they thought that they were
9 going to give you projections that would enhance
10 their --

11 CHAIRMAN CROSBY: Really?
12 Singapore, I didn't remember that.

13 COMMISSIONER CAMERON: They did not
14 use projected gaming revenue because they thought
15 they are giving us their own internal numbers and
16 we don't think that's relevant.

17 CHAIRMAN CROSBY: I don't remember
18 that.

19 COMMISSIONER STEBBINS: But there has
20 got to be some industry standards between return
21 on a slot machine and coming out the other end of
22 the door --

23 COMMISSIONER CAMERON: You're talking
24 about return on winnings.

1 CHAIRMAN CROSBY: No. The amount of
2 money that is gambled per machine. The
3 productivity per machine gives you the gross
4 revenues, basically. That's right. If they're
5 claiming they're going to have 80 percent
6 utilization as opposed to 65 percent utilization.
7 So, there's some pieces that people who know more
8 than we do can help us make judgments about that.

9 COMMISSIONER STEBBINS: I want to come
10 quickly back to this question we've had about
11 categories in which we're asking for potentially
12 10 years of experience or what is your track
13 record, etc.

14 I think we are going to find categories
15 or part of the application process where an
16 applicant is going to claim to I hire X amount of
17 people locally and that's been our track record.
18 Okay, hopefully you'll demonstrate that by
19 including that track record information.

20 Or we have a 95 percent retention
21 record. I think broadly maybe we can say if you're
22 going to make a claim based on your operations at
23 other facilities, please include that track
24 record, something to back up your claim. Don't

1 just give us the claim, back it up with
2 information.

3 It may be less about us picking and
4 choosing where we want that 10-year historical
5 data and telling them if they're going to make a
6 claim of your success record, then you show it to
7 us.

8 CHAIRMAN CROSBY: Yes. I agree with
9 that. I think in an awful lot of places that is
10 here. It says show us evidence that you've done
11 what you're claiming up above.

12 COMMISSIONER STEBBINS: Instead of us
13 going back and picking and choosing where we want
14 that historical data, putting the onus on the
15 applicant to say if you're going to make an
16 argument - whatever assertion you're going to
17 make, show us the evidence.

18 CHAIRMAN CROSBY: If that's it through
19 page 11, I had some notes from yesterday's meeting
20 that I just wanted to throw out. And I wish I had
21 done what you just referred to to go back through
22 all of our forums, but unfortunately I didn't.

23 Just running through this. Do we want
24 to have something about that would get at, and

1 maybe this is implicit, touching base with Mass.
2 Port? That anybody but particularly the Eastern
3 Mass. folks or maybe it's touching base with
4 regional transportation authorities because it
5 would not be just Mass. Port, it would be the
6 regional transit authority. So, maybe add that
7 in. It was a thought that really didn't come to
8 us until we heard. That was one.

9 COMMISSIONER MCHUGH: Tourism, I
10 think we've covered the tourism waterfront in
11 here. But that was certainly another one that we
12 talked about yesterday. I think that's there.
13 The regional transportation authorities are not.

14 CHAIRMAN CROSBY: Right. Jim Rooney
15 said, you asked him, I think it was Jim. No, you
16 asked Betsy Wall - No, it was Jim Rooney. What
17 would be your top criteria? And he said no
18 competition for tradeshow, etc. and exhibit
19 space. And we do ask for what their plans are with
20 respect to exhibit space. And looking for ways to
21 leverage success externally. I think we clearly
22 get at that, and we may more in number five.

23 The whole notion of an outward looking
24 structure, which was a theme that we've talked

1 about. And outward looking
2 structure/plan/strategy. We certainly get at
3 that on a piecemeal basis.

4 COMMISSIONER MCHUGH: I think we
5 pretty much covered the waterfront there, but
6 let's revisit that and make sure it's there in a
7 holistic sense.

8 CHAIRMAN CROSBY: In a holistic sense.

9 COMMISSIONER ZUNIGA: I think that's
10 with the community linkages recommendation from
11 the architects.

12 CHAIRMAN CROSBY: It's the same thing
13 we talk about. It's sort of the medium is the
14 message. If you say it in a big broad category
15 rather than just a little bullet point, you're kind
16 of emphasizing.

17 We talked about having MOTT on the
18 checklist, collaboration with MOTT, Mass. Office
19 of Travel and Tourism.

20 COMMISSIONER MCHUGH: Yes, I think
21 we've got that.

22 CHAIRMAN CROSBY: Okay. The tie to
23 the Mass. spirit of innovation.

24 COMMISSIONER MCHUGH: That's the new

1 five.

2 CHAIRMAN CROSBY: The new five issue,
3 right. Mention Massachusetts in the marketing
4 materials, the whole branding strategies. Jim
5 Rooney's restatement, he doesn't like destination
6 resort casinos. He likes resort casinos in a
7 destination.

8 COMMISSIONER MCHUGH: That ties in.
9 That's part of that whole outward looking
10 discussion. That's all part of that. It's sort
11 of dichotomy unless you change that phrase between
12 the desire for neighborhood integration and the
13 desire to have a destination resort, encloses
14 people and keeps them there. So, redefining what
15 that term means is an essential ingredient.

16 CHAIRMAN CROSBY: Right. There's
17 demonstrates sustainable innovation, something
18 they came up with AIA, we got that probably.

19 I have a little bit of a feeling like
20 this is the most important conversation we're ever
21 going to have. This is putting out on the e table
22 the criteria that we're going to use to evaluate
23 these proposals. That's what we're being paid to
24 do. I somehow feel like we're laboring mindedly.

1 Is this it? Do we feel good? Have we missed
2 anything?

3 COMMISSIONER MCHUGH: I think we need
4 to do another draft.

5 CHAIRMAN CROSBY: I agree with that.

6 COMMISSIONER MCHUGH: Clearly another
7 draft, and I think we have to have another
8 conversation like this. And I think the question
9 is one of timing. I think we need to have another
10 conversation about the left-hand column, and lock
11 the left-hand column down. And I think the new
12 five, some input from the consultants will help us
13 do that.

14 And then I think, as I said before, we
15 have more time and should take more time to refine
16 the right-hand column, because that's the evidence
17 that we're looking for. And then begin to design
18 from that the application form itself, which will
19 lead to other discussions.

20 But for purposes of the regulation
21 process, which is the most important process we
22 have right now, the most time sensitive, I should
23 say, process that we have right now, I think we need
24 to really figure out how to lock down the left-hand

1 column. I think we're pretty close there.

2 So, maybe we ought to -- I think by next
3 week, we ought to have another conversation like
4 this about the left-hand column informed by our
5 revisions to the right-hand column perhaps. But
6 one in which we lock that down.

7 Then as I say we can, I think, we'll
8 check and see whether we can create in the
9 regulations an escape clause for things that we
10 think about later on, provided we give notice and
11 opportunity to respond to everybody who might be
12 affected by it. But try to get it as close as we
13 can to the final. Does that make sense?

14 CHAIRMAN CROSBY: Yes.

15 COMMISSIONER ZUNIGA: That makes
16 sense. I would say that I think this is shorthand
17 for a very comprehensive application. There's a
18 lot of documents that I see behind each one of these
19 bullet points of evidence, when we talk about
20 financials and track record and etc. And I think
21 we placed in the appropriate buckets everything
22 that the statute directs us to evaluate, which I
23 think in and of itself is very comprehensive. So,
24 I feel pretty confident that we're very close.

1 COMMISSIONER CAMERON: And a lot of
2 added-value as well.

3 CHAIRMAN CROSBY: And what?

4 COMMISSIONER CAMERON: It's not just
5 the statute, there's a lot of added-value pieces
6 here.

7 CHAIRMAN CROSBY: Right. Do we want a
8 sort of rhetorical something or other? Do we want
9 to set this to music? Do we want to put something
10 that puts a paragraph about what we want, trying
11 to create an articulate, aspirational goal?

12 COMMISSIONER MCHUGH: Yes. I think
13 we do absolutely want to do that. I think
14 understanding that this is the sort of linear guts
15 of the application form rather than the entire
16 application form is helpful to keep in mind.

17 CHAIRMAN CROSBY: Right.

18 COMMISSIONER MCHUGH: Because the
19 vision for the application form is going to include
20 a bunch of stuff that isn't here. There's even
21 some statutory things that aren't here, but have
22 to be in application form although they're not
23 evaluation criteria. Like some studies that we
24 have to request and the like. That'll be in the

1 application form.

2 And the instructions in the
3 application form will contain what people are
4 supposed to do. And then there's things like the
5 overall goal, what we're looking for will be in the
6 form. And then during the course of the
7 presentations, we're going to be looking for what
8 people say and tell us.

9 So, this is one piece but it's almost
10 -- I don't want to say sort of like the furnace room
11 of the thing, but it's sort of the operational
12 driver.

13 CHAIRMAN CROSBY: Right. You end up
14 sort of feeling like we're in the weeds and lost
15 the big picture.

16 COMMISSIONER MCHUGH: We are. We are
17 in the weeds.

18 CHAIRMAN CROSBY: So, at some point
19 you might want to just resculp that big picture.

20 COMMISSIONER MCHUGH: Right. And it
21 seems to me that the elusive piece of this has been
22 this piece that caused topic five to disappear.
23 And if we can capture that elusive thing in five,
24 even though at a low level, we'll be able to elevate

1 our gaze and create sort of an overarching
2 statement of what we're looking for to flesh out
3 the concept of the best destination resort casino
4 that's achievable.

5 CHAIRMAN CROSBY: Right. Okay.

6 COMMISSIONER MCHUGH: So, the
7 question is, mechanically what is the next step?
8 I can certainly revise, take a crack at revision
9 based on my capturing of what we've said today plus
10 what you're going to give me to simply reduce to
11 writing the things that you've said publicly here
12 today, circulate that. And when we reconvene,
13 focus on the criteria as informed by the other
14 things. We might also be able to -- So, that's one
15 way to do it.

16 We also might figure out a way to get
17 the staff involved so that we can feed individually
18 comments before the next step without blowing it
19 all up and starting all over again. Let's think
20 about that. At least we, could take a crack at
21 redrafting this with the eye toward the criteria
22 and locking down the criteria.

23 CHAIRMAN CROSBY: And you're set out
24 next week as trying to nail the criteria.

1 COMMISSIONER MCHUGH: Yes. I would
2 really like to do that. Thinking as I say that
3 because our regulations now have a hole in them for
4 this, for the criteria, a placeholder. The draft
5 regs. have a placeholder for that. They have a
6 placeholder for the hearing process, which we'll
7 talk about as well. And they have a placeholder
8 for -- What's the third hole? -- the application
9 form. So, our goal is to get those regs. to the
10 Local Government Advisory Committee by the 29th,
11 which is two weeks from Friday.

12 CHAIRMAN CROSBY: Without any of those
13 holes?

14 COMMISSIONER MCHUGH: Without any of
15 those holes.

16 CHAIRMAN CROSBY: Including the draft
17 of the application?

18 COMMISSIONER MCHUGH: No, no, not the
19 draft of the application, but the evaluation
20 criteria need to be in the regs.

21 CHAIRMAN CROSBY: Okay.

22 COMMISSIONER CAMERON: Next week.

23 CHAIRMAN CROSBY: I thought a hole was
24 the application form.

1 COMMISSIONER MCHUGH: The form is not
2 going to be part of the regulations any more than
3 the form was a part of the Phase-1 regulations.

4 CHAIRMAN CROSBY: When do we need the
5 application form itself?

6 COMMISSIONER MCHUGH: I think we have
7 until the regs. are enacted, adopted in June.
8 We've got time to work on the form, I think.

9 CHAIRMAN CROSBY: So, the two gating
10 mechanisms for the form are when the regs. are
11 published and when we finish the background
12 checks, because that's when somebody will say
13 okay, give me the application form.

14 COMMISSIONER MCHUGH: Well, we have to
15 have the regs. published, that's right. It's the
16 later of those two.

17 CHAIRMAN CROSBY: It's the later of
18 those two, correct. Right. It's the later of
19 those two.

20 COMMISSIONER MCHUGH: We have to
21 target the application form being ready for
22 distribution at the time we issue the Phase-2 regs.
23 That's the way we did the Phase-1 regs. The two
24 were simultaneous. We need to be prepared by the

1 time we issue the Phase-2 regs. to distribute the
2 application.

3 CHAIRMAN CROSBY: Now we're talking
4 about issuing these regs. on, did you say, June 3?

5 COMMISSIONER MCHUGH: June 7 is the
6 target date, but we have to get the regulation
7 promulgation process begins on March 29.

8 CHAIRMAN CROSBY: I understand that.
9 So, by June 9 where are we likely going to be in
10 the background checks? Will we have --

11 COMMISSIONER CAMERON: Barring any
12 unforeseen -- Again, certainly slots will be done.
13 The others are scheduled to be completed.

14 CHAIRMAN CROSBY: Will they be
15 completed appreciably before that, probably not?

16 COMMISSIONER CAMERON: I would say
17 probably not considering all that's transpired.

18 CHAIRMAN CROSBY: Right. I hadn't
19 really thought about this. We don't want there to
20 be much of a window between the time we qualify
21 people and the time we give them the application
22 form.

23 COMMISSIONER CAMERON: But we need the
24 agreements in place as well, right?

1 COMMISSIONER ZUNIGA: Yes, host and
2 surrounding community agreements.

3 COMMISSIONER CAMERON: Which they
4 could have.

5 CHAIRMAN CROSBY: Not before we give
6 them the application form.

7 COMMISSIONER MCHUGH: We can't give
8 them the application form before we publish the
9 regs.

10 CHAIRMAN CROSBY: Right. So, we
11 really got until June 9 to finish from that
12 standpoint for suitability.

13 COMMISSIONER CAMERON: Yes, right.

14 CHAIRMAN CROSBY: There's a lot of
15 moving pieces.

16 COMMISSIONER MCHUGH: Right.

17 CHAIRMAN CROSBY: Okay. Anything
18 else that you need from us for this next round?

19 COMMISSIONER MCHUGH: No.

20 CHAIRMAN CROSBY: Anything else on
21 evaluation criteria?

22 COMMISSIONER MCHUGH: Assume we have
23 schedule them to figure out when and how we're
24 going to have the next meeting to discuss the next

1 round of this. We don't have to do that right now.
2 We might be able to do it.

3 CHAIRMAN CROSBY: We have our meeting
4 in Fall River next week. Do you want to do it as
5 part of that meeting?

6 COMMISSIONER MCHUGH: Well, I'm not
7 sure we want to do that. We can talk about it.

8 COMMISSIONER CAMERON: We have people
9 scheduled to speak.

10 COMMISSIONER MCHUGH: Right. We can
11 talk about that. I just don't think we have to
12 decide that right now.

13 CHAIRMAN CROSBY: All right.

14 COMMISSIONER CAMERON: Posting issues
15 we have to decide by the end of this week.

16 COMMISSIONER MCHUGH: Right.

17 CHAIRMAN CROSBY: Okay. Motion to
18 adjourn.

19 COMMISSIONER MCHUGH: So moved.

20 CHAIRMAN CROSBY: Second?

21 COMMISSIONER ZUNIGA: Second.

22 CHAIRMAN CROSBY: All in favor, aye.

23 COMMISSIONER STEBBINS: Aye.

24 COMMISSIONER ZUNIGA: Aye.

1 COMMISSIONER CAMERON: Aye.

2 COMMISSIONER MCHUGH: Aye.

3 CHAIRMAN CROSBY: Thank you
4 everybody.

5
6 (Meeting adjourned at 3:41 p.m.)

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ATTACHMENTS:

1. Massachusetts Gaming Commission March 13,
2013 Notice of Meeting and Agenda
2. Massachusetts Gaming Commission Draft
Evaluation Criteria

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.

I, Laurie J. Jordan, further certify that the foregoing is in compliance with the Administrative Office of the Trial Court Directive on Transcript Format.

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.

WITNESS MY HAND this 19th day of March 2013



A handwritten signature in black ink that reads "Laurie J. Jordan".

LAURIE J. JORDAN

My Commission expires:

Notary Public

May 11, 2018