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THE COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS GAMING COMMISSION

OPEN MEETING

CHAIRMAN

Stephen P. Crosby

COMMISSIONERS

Gayle Cameron

James F. McHugh

Bruce W. Stebbins

Enrique Zuniga

MAY 29, 2012, 1:00 p.m.

OFFICE OF THE DIVISION OF INSURANCE

First Floor, Hearing Room E

1000 Washington Street

Boston, Massachusetts

1 MAY 29, 2012

2 PROCEEDINGS:

3

4 CHAIRMAN CROSBY: Okay, 1:00. Let's call
5 the meeting to order. The meeting is being taped and will
6 be up on the website along with the transcript tomorrow.
7 It is still not being streamed yet.

8 Let's start out with approval of the
9 minutes. Commissioner McHugh?

10 COMMISSIONER MCHUGH: The minutes of the
11 May 22 meeting have been posted, are available for all to
12 read. I move that they be adopted.

13 COMMISSIONER CAMERON: Second.

14 CHAIRMAN CROSBY: I had a couple of
15 suggestions for one of the paragraphs, but what is the best
16 way? When you send these around is it best for us to just
17 to come to you if we have suggestions or do we want to do
18 it here in the meeting?

19 COMMISSIONER MCHUGH: We could do it in
20 advance or we could it now, whichever -- Since they were
21 just posted this morning, there really wasn't any time
22 today.

23 CHAIRMAN CROSBY: I just thought this
24 paragraph about the contracts with the consultants is a
25 little confusing because it is complicated. And to be

1 uninitiated, I'm not sure they can really follow what we
2 were doing. So, I could give you some suggestions now --

3 COMMISSIONER MCHUGH: Why don't you just
4 give me some suggestions and after we get back -- You have
5 them written out there and I could take them and make the
6 changes that are needed.

7 CHAIRMAN CROSBY: Okay. Very good. We
8 can adopt it as amended if you chose?

9 COMMISSIONER MCHUGH: Right.

10 CHAIRMAN CROSBY: All in favor of adopting
11 the minutes from May 22 subject whatever amendments
12 Commissioner McHugh might come up with say I. I.

13 COMMISSIONER ZUNIGA: I.

14 COMMISSIONER MCHUGH: I.

15 COMMISSIONER CAMERON: I.

16 COMMISSIONER STEBBINS: I.

17 CHAIRMAN CROSBY: All opposed? The I's
18 have it.

19 Topic three, administration, Elaine
20 Driscoll welcome. It's great to have you here. Karen
21 Schwartzman, thank you, welcome back. We will have a
22 little transition period from Karen to Elaine. This is
23 very exciting and we are glad to have you here.

24 The executive search, Enrique, do you want
25 to give us a quick status report? This is for the

1 executive director.

2 COMMISSIONER ZUNIGA: The executive search
3 firm. The two respondents to the first solicitation were
4 notified that that solicitation was canceled last week as
5 discussed.

6 We posted a new solicitation this last
7 Friday, May 26 (SIC). Responses are due on June 13. As
8 we discussed, we have enhanced procedures for advertising
9 and soliciting responses. We hope that we get more
10 responses this time around.

11 CHAIRMAN CROSBY: Okay. So, it is out?

12 COMMISSIONER ZUNIGA: It is out. It's
13 posted on our website. It's posted on Comm-Pass as
14 required. It's being distributed to a number of firms by
15 email with reference to the website and Comm-Pass, which
16 is a robust procedure. We will see how the responses are.

17 COMMISSIONER STEBBINS: What
18 communications did we have with the two bidders that
19 submitted the first time around? Are they encouraged to
20 rebid? I know we talked about that. Did we communicate
21 with them directly?

22 COMMISSIONER ZUNIGA: By email, which is in
23 writing essentially for records, advising them that the
24 solicitation was canceled not because of anything else
25 other than that we received only two responses. And that

1 staff had looked at their solicitations for compliance as
2 to the required forms and they had been in full compliance,
3 but that nobody had evaluated the proposals on their
4 merits.

5 With that language, I really hope that they
6 are encouraged -- and advised them that there would be an
7 upcoming solicitation. With all of those three factors,
8 I really hope that they feel encouraged to rebid.

9 CHAIRMAN CROSBY: And it was clear to them
10 that we had not reviewed their proposals and made any
11 judgments on it?

12 COMMISSIONER ZUNIGA: Yes. For whatever
13 it's worth, I didn't get any questions from either of them
14 after that, if that's a good indication.

15 CHAIRMAN CROSBY: Good. We'll keep our
16 fingers crossed. I am going to rearrange these, if it is
17 okay with everybody, and do 3D, which is a discussion of
18 internal policies before we get to additional hires
19 because some of the additional hire questions relate to
20 that.

21 We have a number, I think, of policies on the
22 agenda. Commissioner Zuniga, do you want to lead this or
23 at least the beginning of this?

24 COMMISSIONER ZUNIGA: Sure. I have
25 drafted two policies. I will speak to the technology

1 resources first.

2 We will be later recommending purchases of
3 mobile devices. We have been using computers and
4 networks, etc. I thought it was pertinent for us to
5 consider and adopt an information technology resources
6 policy.

7 This policy is modeled after the Treasurer's
8 policy. I happen to be familiar with that coming from that
9 department.

10 It essentially outlines that the business
11 use and gives guidelines for personal use of any kind of
12 devices. There is a clear no expectation of privacy
13 language there as a reminder to every user that there will
14 be a limited personal use allowance, if you will, that
15 nobody should ever expect to have any privacy on any
16 communication that goes through any of these devices, the
17 network, the PDAs or the computers and the obvious
18 prohibited acts in terms of visiting websites or usage.

19 The way this is written is meant to be
20 supplied to employees and have employees acknowledge
21 receipt of this policy, which is again what I submitted
22 for consideration.

23 CHAIRMAN CROSBY: Any comments, questions?

24 COMMISSIONER MCHUGH: It is a pretty
25 standard policy. It is a policy that has roots in the

1 policies used elsewhere in State government. And it seems
2 to me like a good and sound policy.

3 CHAIRMAN CROSBY: How does it deal with
4 accessing one's private email from one's office computer?

5 COMMISSIONER ZUNIGA: Right.

6 CHAIRMAN CROSBY: That is presumably exempt
7 from these? In other words, if you have a Gmail account
8 and you access your Gmail account for personal email, is
9 that exempt from this?

10 COMMISSIONER ZUNIGA: I would refer to this
11 notion of business use and personal use. This policy
12 covers -- It's an all encompassing policy in terms of
13 information technology resources. So, there is hardware
14 and software. There is network, programs but also
15 equipment and computers.

16 There's a reality out there for personal
17 use. Sometimes it's just easier to send an email that you
18 are going to pick up mail on your way back home. There
19 is a reality to that effect.

20 The other reality is that nothing should be
21 expected to be fully private if we are using any kind of
22 equipment, software or network. There is nothing wrong
23 with certain personal items eventually being available,
24 if you will. But this should be a consideration for every
25 individual for them to decide just what they use for

1 personal or whether they have separate device and network
2 altogether for their personal use.

3 COMMISSIONER MCHUGH: But it is also true,
4 isn't it, that this policy envisions limited use of the
5 office equipment and tools for personal use?

6 COMMISSIONER ZUNIGA: Right.

7 COMMISSIONER MCHUGH: So that the use of
8 personal email would fall within that general exception.
9 Not prohibited, there are times when you need to do it,
10 but it is occasional use.

11 CHAIRMAN CROSBY: I don't know whether this
12 really matters or not. I think this is probably an issue
13 that governments everywhere are trying to figure out how
14 to deal with. But this says that all email account
15 information, messages, etc. that are sent, received stored
16 in the Commission's email system are sole property of the
17 Commission and not property of the employee.

18 Does the personal exemption that you are
19 talking about -- You can use your State email occasionally
20 for incidental and personal stuff. I understand that.
21 If you do that you are subject to its being public, State
22 property. But if you use your State equipment to access
23 a private email account, does that also then bring that
24 private email account into the ownership of the public?

25 COMMISSIONER ZUNIGA: I have an example

1 that may be illustrative of just what we are trying to
2 figure out. There is software and equipment out there
3 that downloads itself to computers without you even
4 knowing. This happened to a colleague where I was. They
5 brought their personal cell phone and decided to charge
6 it to their State computer just to have it charged, to have
7 it powered.

8 There is a sync computer process that
9 resulted in all of the pictures that this person had in
10 their cell phone that was personal residing on the network,
11 the State network. Of course, this wasn't her intention.

12 Because of this technology, if you will,
13 those pictures and they were just pictures that anybody
14 takes, the intention was not to have those pictures in the
15 State network. And they were removed.

16 The point is usage of either network,
17 software or hardware when it comes to State property should
18 not be presumed to be personal or carved out. For that
19 example, I am of the opinion that for myself I would like
20 to have all of my pictures separately on my own device if
21 I choose to as opposed to in any other device.

22 COMMISSIONER MCHUGH: One can extract from
23 that, I think, two principles. One that the use of the
24 personal computer, which this policy embodies -- use of
25 the State computer for personal use ought to be minimized.

1 And that means accessing personal email accounts and the
2 like.

3 Secondly, that the State system may back up
4 messages or other kinds of things automatically whether
5 or not -- I don't know whether this is true. --
6 automatically when one is sending them whether on a
7 personal or a work email account. And if they are backed
8 up on the State email system, they are not private. I
9 think those are two principles that come out of this.

10 To minimize the use, it doesn't
11 automatically mean that your whole private email account
12 is now subject to the State system, but that if the State
13 system does automatically back stuff up, then the stuff
14 that is backed up is part of the State system and is in
15 the State domain.

16 CHAIRMAN CROSBY: If it isn't, you would say
17 -- If you just used it as a way to get out and I have no
18 idea -- This is funny because my wife suggested I set up
19 a separate new Gmail account in order to interface with
20 my family and a lot of my friends and so forth, because
21 she didn't think it would be a good idea to be using State
22 email for that sort of incidental stuff.

23 But I do check that during the day sometimes.
24 If we can find out if it gets backed up on the State system,
25 and if it is, we can make our own decision about how to

1 handle that. But if it does not get backed up on the State
2 system and you merely use the State system to get out into
3 a private account, again, maybe we should be explicit.

4 I think A, is it the intention of this that
5 it not be made public property and accessible to the
6 public. And B, if that is the case maybe we should be
7 explicit about that if we are trying to figure out how to
8 give people some opportunity. Particularly with all of
9 the scrutiny that we are going to be going through with
10 all of the public records requests and all sorts of stuff.
11 It seems like we need to figure out whether we can have
12 a way to access private electronic communications from our
13 office that is truly private.

14 COMMISSIONER MCHUGH: I think use of a
15 personal device would be the best way to do that, frankly,
16 if I were a planner. And that the minimization of State
17 equipment for private use ought to be a rule that we follow.
18 That would be my view of it. We can discuss that further.

19 It seems to me to try to write into a policy
20 for use of public equipment, a series of regulations for
21 using the public equipment for private purposes would be
22 both internally confusing and self-defeating. So, I
23 would recommend that we keep this policy at a minimization
24 of use of public equipment for private uses level and let
25 that be it. And use private devices for accessing private

1 stuff.

2 COMMISSIONER CAMERON: This is very
3 consistent with other policies I am familiar with and have
4 had to adhere to over the years. Very similar in
5 language, the message being that nothing used in the State
6 system is private. So, I would concur with Commissioner
7 McHugh that if you really have an issue with anyone looking
8 at anything that you have accessed, it is probably a good
9 idea to use your private Smartphone.

10 CHAIRMAN CROSBY: So, I am going to have to
11 get a Smartphone.

12 COMMISSIONER STEBBINS: I had one question.
13 Under the prohibited acts, you are talking access to online
14 gambling sites or gaming sites. Obviously, I'm not
15 sitting at my computer playing a gambling game, but when
16 you mean gaming sites do you mean the corporate gaming
17 sites of any of the interested potential casino license
18 outfits?

19 COMMISSIONER ZUNIGA: No. Actually, this
20 language really comes from the Treasurer's office where
21 it is assumed that somebody could go and gamble on a
22 gambling site.

23 There is language there relative to the
24 extent that it's used for business purposes, research,
25 clearly we should be in the business of finding other

1 jurisdictions, etc. And it's a very powerful tool to
2 visit websites, as long as it is related to the business
3 of the Commission, which clearly we are in the business
4 of gaming and gambling.

5 CHAIRMAN CROSBY: I had a couple of minor
6 word edits, which you do with as you see fit. Should we
7 adopt it formally? I guess we should.

8 COMMISSIONER ZUNIGA: That was my intention
9 in terms of submitting. It can be reflected that I make
10 a motion to adopt a policy relative to information
11 technology resources as presented.

12 COMMISSIONER STEBBINS: Second.

13 CHAIRMAN CROSBY: Any more discussion?
14 All in favor? I.

15 COMMISSIONER ZUNIGA: I.

16 COMMISSIONER MCHUGH: I.

17 COMMISSIONER CAMERON: I.

18 COMMISSIONER STEBBINS: I.

19 CHAIRMAN CROSBY: All opposed? The motion
20 passes. Next?

21 COMMISSIONER ZUNIGA: I also had a second
22 policy but really this brings up a question relative to
23 all policies or there is a number of policies. Let me talk
24 about a hiring policy, which we will soon face or we have
25 already been facing the need for additional hires.

1 I have drafted a hiring policy that
2 currently our counsel, our outside counsel has looked a
3 and they gave us documents, I think, late Friday, not with
4 enough time to present it for the packet for discussion.

5 But I will speak to it now. The gist of the
6 policy -- of the hiring policy is to have or designate a
7 hiring manager who will serve as the manager and can draft
8 or modify a job description for whatever the need that has
9 been identified is.

10 And have another role, a secondary role for
11 a human resource type who will conduct an initial
12 screening, the search, etc. be it the intake or resumes
13 or whatever may come as a result of that hiring and work
14 with the hiring manager to support him or her in the role
15 of hiring.

16 Those two roles are explicit in this policy,
17 which is a sound management process as well, because the
18 second party can have those conversations including up to
19 and negotiating salary, for example, separate from the
20 hiring manager who is ultimately making a decision on the
21 final candidates and interviewing and ranking them in the
22 end.

23 So, although it is not here in final draft
24 form, I think that the general thought of that is the idea
25 behind the hiring policy that we should discuss and

1 consider as we continue to hire.

2 COMMISSIONER CAMERON: Is this a policy
3 that some other agency uses?

4 COMMISSIONER ZUNIGA: Yes. This I also
5 took from the Treasurer's office. I am very familiar with
6 those policies. In addition to what I just outlined, this
7 policy deals explicitly with the reality of
8 recommendations.

9 For example, that there would be no oral
10 recommendations. All recommendations from anybody will
11 be in writing and will be part of the personnel file. It
12 also deals with procedures to entice and enhance a diverse
13 pool of applicants and communicate that. That's a big
14 reason behind having a human resource type be the person
15 who is not making decisions about the hire, but is the one
16 drumming up interest, doing the first screening, meeting
17 the basic qualifications to present to the hiring manager.

18 It is one that has been reviewed recently as
19 well by the Treasurer's office. I am sure there are other
20 models out there but the basic features are just what I
21 described.

22 COMMISSIONER CAMERON: It sounds like a
23 sound policy. I guess my only concern would be is I think
24 what you probably referred to is an executive director who
25 will then hire, do most of the hires for the Commission,

1 conduct most of the hires. I just don't know if there are
2 other models that are used in other gaming jurisdictions
3 that may make some sense.

4 I think that it is important that we have
5 procedures. I guess I am worried about codifying a policy
6 that may not be exactly what someone will need in the future
7 to hire appropriately.

8 COMMISSIONER ZUNIGA: Let me speak to this.
9 It is presumed -- which is why we would need to have that
10 in writing in front of us to really look and study it
11 perhaps. A hiring manager would be designated for a
12 position, perhaps, if the Commission determines that.
13 Someone else maybe designated for another position.

14 When an executive director comes in that
15 person may serve as a hiring manager for a number of
16 positions given the role that he or she will be in. In
17 other words, there will not necessarily be one hiring
18 manager that will be doing all of the hiring.

19 The idea of the policy is that for a
20 particular position or set of positions there will be a
21 person ultimately that is functioning in the role of the
22 hiring manager.

23 COMMISSIONER CAMERON: No, I like the
24 concept. I am a little concerned. For example, we have
25 an executive director and we are looking to hire someone

1 as chief investigator. Certainly, I would want to be part
2 of that process in some way. I don't know that this policy
3 allows for that to happen. That is my only concern is if
4 it has to be an HR person that assists.

5 COMMISSIONER ZUNIGA: No.

6 COMMISSIONER CAMERON: It could be someone
7 else?

8 COMMISSIONER ZUNIGA: Yes. It could be
9 determined at any point. And maybe the best way to do this
10 is to table the discussion until we have the written
11 policy.

12 The way at least I was trying to explain it
13 was that two roles will be -- presumably that there is two
14 distinct roles. But there could be two different people
15 in each role at any given point including a Commissioner
16 or anybody else in the future.

17 CHAIRMAN CROSBY: Which is what we've done
18 a couple of times. I was designated to close the deal with
19 Elaine and so forth.

20 COMMISSIONER ZUNIGA: Correct.

21 CHAIRMAN CROSBY: In general principles I
22 think this is fine. I agree, we need to see the document.

23 We are in such a weird situation now. We are
24 hiring people in onesies and twosies. We're doing it. At
25 some point, there will be an executive director who will

1 be hiring by the tens and dozens. It is going to be a whole
2 different process.

3 Jim and I, Commissioner McHugh and I have had
4 a lot of experience with talking about robust HR systems
5 and processes that will handle a substantial flow of paper
6 and people, which may be a little bit different from this.

7 We can certainly change as we go along.
8 Nothing we adopt is going to be cast in stone. If we think
9 we did something wrong, we can fix it or change it due to
10 circumstances or whatever. Commissioner?

11 COMMISSIONER MCHUGH: I think that is an
12 important thing to keep in mind. We can change these
13 things as we go forward. The policies we institute
14 initially are not necessarily or even in some cases
15 probably the policies we'll wind up with.

16 We really are faced now -- And this bleeds
17 a little bit into a broader discussion. We are faced with
18 the need to hire a number of people. We are interviewing.
19 Janice is interviewing some. There are some others being
20 interviewed. There are others that we are going to need
21 to get in the near-term.

22 And I wonder if it doesn't make sense to take
23 a look at the general policies, personnel policies that
24 some of the good agencies that have been in business in
25 the Commonwealth for a longtime have. And do a quick sort

1 of inventory and review of those policies and 85 to 95
2 percent of what they do is what we are going to be doing.

3 And there are places where we will need
4 enhanced energy, background checks, privacy, code of
5 ethics. And basically look at some of these other
6 agencies, look at their portfolio policies, think about
7 in a fairly short-term adopting those policies as our own
8 after review. And then concentrating on the areas where
9 we really need to concentrate some energy and focus those
10 as add-ons or fill-ins to the policies.

11 Get these things in place, get the people
12 that we need in place under those policies. And as we
13 proceed, make the modifications that we need and as
14 circumstances dictate as we go forward.

15 I think we could probably have a fully
16 fleshed out policy manual with leave policies and vacation
17 policies and everything else in place in two or three
18 weeks. In two is too quick probably, but in three weeks.

19 And then we move forward and get the people
20 that we need as we need without having to stop each time
21 we do that and say we've got a policy that covers what we
22 need to do for this person.

23 So, I throw that out as a possible approach
24 as to what we are doing here and how we move forward in
25 doing it. We don't have to vote on that today, but if we

1 could begin the process of mining the libraries of the good
2 agencies and departments around the Commonwealth, get some
3 good model sets, come up with a proposal and present a
4 package for us to think about. And then we would see how
5 they all interrelate to each other too, because some of
6 these policies will interrelate and they don't make sense
7 as standalones unless you know what else is with them.

8 COMMISSIONER ZUNIGA: I agree. I have
9 access and have copies of the Treasurer's policies.
10 Collectively, they are called the employee manual. I know
11 for example the Comptroller's office is huge on
12 documentation. They must have their own policies in place
13 as well. There is two right there that would be very
14 readily available for us.

15 There could be others that could be very
16 similar or equally accessible. I had the initial thought
17 if we are going to do hiring, let's do the hiring policy
18 but there are many that -- Really, it is just a matter of
19 reading through them.

20 CHAIRMAN CROSBY: And the hiring policy
21 would be a subset within that personnel manual.

22 COMMISSIONER ZUNIGA: Right. It is one of
23 the several policies.

24 COMMISSIONER MCHUGH: Because we have that
25 one is right on the horizon, we can take it. And given

1 the fact that we are so far down the path, we could do that
2 one in isolation so we could get people on board consistent
3 with the policy and the background checks and the like.

4 Then rather than do these things two a week,
5 just have the next round be sort of a robust policy manual.

6 CHAIRMAN CROSBY: So, you are not saying
7 that we should halt hiring until it's done?

8 COMMISSIONER MCHUGH: No, no, no.

9 CHAIRMAN CROSBY: Keep doing it?

10 COMMISSIONER MCHUGH: But do this other
11 piece as quickly as we can.

12 CHAIRMAN CROSBY: It raises another
13 question, and this is going to occur in a lot of different
14 areas, on one level we are not really ready for an HR
15 director. But we will be soon enough. You know it is
16 going to happen probably quicker than we think.

17 And it is true of general counsel and a lot
18 of different people we were trying to hold back a little
19 bit on making major hires until we at least begin to see
20 the shape of an organization chart and so forth. We can
21 only go so far on that. I wonder whether we ought to get
22 an HR professional in. And the first thing they would do
23 is put together the personnel manual.

24 COMMISSIONER MCHUGH: Well, we would have
25 to have something in place to hire the personnel manager.

1 And our consultants, our gaming consultant does have a
2 place in its plan for the immediate hires that we need to
3 do.

4 So, if we put in place the structures to
5 support those hires, hire the people they tell us we need.
6 Then ultimately when we get an HR person that person can
7 revise the policies in conjunction with the executive
8 director and fine-tune them. But at least we have a
9 structure in place that is a structure that is proven to
10 be reliable by its use in other departments and agencies.

11 And we move forward on safe and firm ground
12 without having to reinvent each of these policies as we
13 go forward. If we did that I think we would be on pretty
14 firm ground.

15 CHAIRMAN CROSBY: Commissioner Zuniga,
16 would you take the lead on trying to pull together the --

17 COMMISSIONER ZUNIGA: -- the employee
18 manual.

19 CHAIRMAN CROSBY: -- the best practice
20 manual stuff?

21 COMMISSIONER ZUNIGA: Yes.

22 CHAIRMAN CROSBY: And it sounds like you
23 have a hiring policy already, which we can see probably
24 next week?

25 COMMISSIONER ZUNIGA: Yes.

1 CHAIRMAN CROSBY: But then be moving as
2 quickly as we can down some kind of at least a basic
3 personnel manual. We will see. There's a lot of
4 questions about key hires and we don't have to deal with
5 that at the moment. It is going to come on us pretty soon.
6 But I agree with Commissioner McHugh that we get moving
7 on the personnel manual. I think that's a good idea.

8 There was a public records response
9 procedure that was circulated. I don't know who this came
10 from. Was that not meant to be one?

11 COMMISSIONER MCHUGH: Right. That is not
12 on for today.

13 CHAIRMAN CROSBY: Then the other one that we
14 wanted to talk about a little bit is the background checks.
15 We have already established the policy that we will do
16 background checks on all hires. And we have now added to
17 that that we will not announce anybody until those
18 background checks are done.

19 That process is working pretty well. The
20 State Police is doing it for us. We are paying for them.
21 Commissioner Cameron has been managing the process.

22 The question is raised whether we need the
23 full background check that we have been using until we get
24 our own policies in place and our own customized background
25 documentation as well as policies. We have been using the

1 standard background check form that the Governor uses for
2 critical positions for everybody.

3 But the question was raised as we go now
4 about to step off into hiring some new executive assistant
5 type people whether we need to go through all of that. I
6 asked Commissioner Cameron to look into that and to see
7 if she can make a recommendation on that while we are
8 waiting for the full plan.

9 COMMISSIONER CAMERON: Yes. Mr. Chair, I
10 am in the process of looking at that. In fact, I was
11 looking at it before being asked to.

12 Had several conversations with the State
13 Police. The group we are using from the State Police are
14 the troopers who actually conduct background
15 investigations for the Governor's office. Now we have
16 made a financial arrangement to use their time, some of
17 their time differently and we will be paying them for their
18 services.

19 We have modified a form that the Governor's
20 office uses. It is a comprehensive investigation. In
21 fact, Director Driscoll just went through that process.
22 So, she could adhere to the fact that it is pretty
23 comprehensive.

24 And we have been doing a corporate
25 investigation for our consultants. So, all of the

1 consultants we have hired to date that is four sets of
2 consultants have all gone through a corporate background
3 investigation.

4 One of the things I have spoken to the State
5 Police about is a modified version not as intense for the
6 various levels of employees. Now for example, I am aware
7 in New Jersey there are three levels of background
8 investigations depending on the background itself and the
9 level of responsibility for that employee.

10 Certainly, an executive assistant would
11 fall into that lower-level of background investigation.
12 It wouldn't be as extensive in some ways with the extensive
13 tax records, some of the levels of questions, family
14 members and their tax returns. There is some areas in
15 which it can be streamlined.

16 So, I am in the process right now of
17 discussing it with the State Police here and getting
18 formats from other gaming jurisdictions. I think within
19 a week, I should be able to provide an outline for levels
20 of investigations that are used in other jurisdictions
21 successfully that we can modify and use here.

22 It does make sense to use our resources
23 wisely and have a couple of levels of background
24 investigation.

25 CHAIRMAN CROSBY: We will be bringing on an

1 executive assistant probably soon.

2 COMMISSIONER CAMERON: We will have this
3 system in place for that hire. I know we are at least a
4 week away. I am waiting for a couple of jurisdictions to
5 talk through why they do things the way they do that and
6 make a recommendation that makes sense for us.

7 CHAIRMAN CROSBY: Okay. One thing I forgot
8 was have we decided on a title for Elaine Driscoll?

9 MS. DRISCOLL: Director of communications.

10 CHAIRMAN CROSBY: Good. I didn't know
11 that.

12 MS. SCHWARTZMAN: We had discussed, you
13 should consider, we had discussed the possibility of
14 calling the position director of communications and
15 outreach. It's just an option, which you can decide if
16 you like or you don't. I don't think I ever raised it with
17 you but that is what we had thought about. Someone had
18 suggested that some of us thought that was a good idea.

19 CHAIRMAN CROSBY: At the moment, we are sort
20 of thinking that outreach and strategy would be a part of
21 this. I think that is what we talked about also. So, as
22 far as I'm concerned, if that is something you're
23 comfortable with, it does encapsulate what we consider to
24 be part of the mandate, I think. It's fine with me, if
25 anybody else --

1 COMMISSIONER MCHUGH: Sounds great.

2 CHAIRMAN CROSBY: Good. So, I think we are
3 fine with background. For the Public to know, we continue
4 to do background checks for everybody. In the interim
5 until we get a really full, robust background system in
6 place, there will be some amount of tiering for more junior
7 people, most of the time we will be using the standard form.

8 One thing I thought about, reading the
9 Governor's form with a new eye, as I saw this there was
10 nothing about conflicts of interest relative to gaming
11 companies. Maybe that has already been adapted. But in
12 potential conflicts, and for obvious reasons the
13 Governor's form wouldn't necessarily say do you or any of
14 your family have any relationships with gaming companies
15 or something like that. If that isn't in our standard
16 form --

17 COMMISSIONER CAMERON: We did modify that
18 form slightly to include some questions along those lines.

19 CHAIRMAN CROSBY: So, that is covered?

20 COMMISSIONER CAMERON: Yes.

21 CHAIRMAN CROSBY: Great. Anything else on
22 policies or background checks or anything?

23 Let's then go to 3C, which is the additional
24 hires. We mentioned that Janice is working on some
25 administrative people, executive assistant type admin.

1 people. There will be a pipeline of some number ready
2 pretty soon.

3 The other one that we've been working and
4 I've been leading on this. But I've been working mostly
5 with Commissioner Zuniga and also Commissioner McHugh and
6 even Commissioner Stebbins earlier on. Originally, we
7 had the idea of the interim executive director. We've
8 decided not to pursue that title.

9 But we have agreed as a consensus sort of
10 that we ought to see if we can find some senior level
11 support that will do a lot of what was envisioned for the
12 interim executive director less a lot of the particular
13 gaming expertise.

14 From my standpoint -- We have said several
15 times we are not quite clear what this job is. I've said
16 that to the people we have interviewed. But as I am now
17 seeing it, it is beginning to make some sense to me,
18 particularly in the light of some of the people who we have
19 talked about.

20 I see it as having two dimensions. I think
21 I sent this around in writing, but it is probably even a
22 little full now. One is to pick up a lot of all of the
23 organizational, IT, HR, procurement, etc. stuff. Like
24 for example now, pursuing a personnel policy. We don't
25 want Commissioner Zuniga to spend a lot of time designing

1 a personnel policy.

2 Janice we want to free up to support this
3 sort of higher end of the Commission's job as we begin to
4 get into that and thinking about how do we make judgments
5 about casinos and so forth.

6 So, one would be to take the whole area of
7 responsibility and own it, take it away largely from
8 Commissioner Zuniga and from Janice.

9 Secondly would be to be the principal
10 interface with the consultant, particularly the gaming
11 consultants, with our Gantt chart we hope to build, that
12 we will build that will have the whole business that we
13 are doing. The guts of which is this work plan.

14 We are now at week 5/28 and somebody needs
15 to be saying, okay, here's all of the things that we are
16 supposed to do 5/28 and make sure that it is being done.
17 And keep this thing up-to-date and so forth and so on.

18 I think that could be a real valuable asset
19 for all of us. I think there are people out there who could
20 do that well.

21 What we have said presumptively to people
22 whom we've talked to and we've interviewed is that this
23 would be an interim position. But we have not been
24 didactic about that. If somebody says I can't do an
25 interim position either because where I am not won't let

1 me out or because I don't want to, we have said,
2 Commissioner Zuniga and I have talked about willing to be
3 flexible on that if we think we have found the right person.

4 Because it's pretty likely that if a person
5 is good in this job, we are going to want to keep them no
6 matter who comes on board.

7 So, from my standpoint I think we are ready
8 to adopt a more explicit, go forward strategy on this. And
9 if I am the right person, maybe make me the hiring person
10 for this and finalize subject to something or other the
11 approvals and the salaries and so forth with one or more
12 of the people we are talking with. That is where I stand
13 on this hiring at the moment

14 COMMISSIONER CAMERON: I think it would be
15 ideal if someone was willing to come in in an interim
16 position. Because again we are just starting to look at
17 the organizational chart and what we will need.

18 I guess my only hesitancy is bringing in
19 someone at a high level and as you pointed out in the
20 beginning, many of those responsibilities the executive
21 director would have direct responsibility for.

22 I think I see in my mind a little bit of a
23 conflict with someone at a very high-level if we had to
24 offer them a full-time position not knowing what that would
25 be. It would be hard for someone, I think, to maybe take

1 the job in a full-time capacity not knowing what the job
2 would be long-term.

3 CHAIRMAN CROSBY: I totally agree that the
4 ideal is interim. I just don't know if that's practical
5 with whoever we come up with. In that situation -- This
6 is really an important issue for all of us to think about.

7 We are increasingly focusing on vertical
8 categories of the work of this Commission. Commissioner
9 Zuniga is becoming the CAO, the Chief Administrative
10 Officer sort of. You're becoming the Deputy Director for
11 Law Enforcement and Licensing and so forth. Commissioner
12 Stebbins is doing community relations and economic
13 development. Commissioner McHugh is our General Counsel.
14 Relative to this, I could be the project manager. That
15 is a perfectly reasonable way to go if we wanted to for
16 the six months or so.

17 From my standpoint, that is not a good idea.
18 We don't want to get into bad habits. We need to start
19 figuring out how we think big thoughts about the gaming
20 industry, again, stuff we talked about. The research
21 agenda is really a big topic that we need to try to get
22 our arms around. The financial analysis of these
23 agencies, where we are going to put this -- That is what
24 we should begin to be thinking about.

25 If we all agree on that, then that's fine.

1 Maybe we disagree on how we should try to operate unless
2 and until we get staffed up. So, the net of it would be
3 -- If we could get that interim person, great. If we can't
4 get an interim person, the right person won't do it on that
5 basis, my inclination would be to try to figure out a way
6 that presumptively they would stay on.

7 Because I think it is so important that we
8 have that kind of a person in place. That's just my
9 thought. And I think we all need to chew on this.

10 COMMISSIONER MCHUGH: I agree with that.
11 And I think that the right kind of person in my view would
12 be a person who is really flexible in addition to being
13 talented. A person who can come into this environment now
14 and do some of the strong infrastructure things that we
15 need to get done.

16 We need -- And I keep harping on this,
17 because I look at it every day. We need a good document
18 management system and policy, for example. We need
19 support for Commissioner Cameron in the racing area. Not
20 necessarily hands-on support but identifying the kind of
21 support that we need there and getting it and overseeing
22 it.

23 So, we need somebody who is prepared to come
24 into a startup operation with some background in
25 administration and management, and be flexible and put

1 together the components that we need to operate going
2 forward. That kind of person, seems to me if we take him
3 or her on a full-time basis, can easily morph into one of
4 the other positions that we are going to want to have
5 occupied by somebody who is a self-starter, full of energy
6 once we get an executive director on board and get fully
7 stood up.

8 I guess that is a windy way of saying that
9 if we get the right person now that right person will fit
10 into the slot that will exist when we are further down the
11 road and have a more mature organization as well, if we
12 can't find someone on an interim basis.

13 COMMISSIONER STEBBINS: My thinking is this
14 is a balancing act that we are trying to find someone who
15 really has a base set of skills in State government,
16 organizational management, helping us get the
17 organization up and going. I would love to find someone
18 who could do it on an interim basis.

19 My worry is when we do hire an executive
20 director they by statute have the appointing authority to
21 hire, I believe, it's a Chief Administrative Financial
22 Officer as well as all of the other top hires.

23 I guess if I were a candidate on the interim
24 basis, I would be looking for some assurance of where am
25 I going to wind up. I don't know if we are in a position

1 to necessarily guarantee that.

2 We look at somebody on an interim basis.
3 They are, for lack of a better term, the top dog in the
4 agency in a management capacity for awhile. And then they
5 may fall down to a second or third ranking based on whoever
6 our executive director wants to bring in.

7 It's a cautious approach I think we need to
8 have, but I struggle with it. I struggle with how much
9 of the interrelationship they have with our gaming
10 consultant as opposed to doing a lot of the policy and
11 organization building for the agency.

12 COMMISSIONER ZUNIGA: There is an inherent
13 catch-22, if you will. That's what we are talking about.
14 I believe this is where job descriptions and titles really
15 do matter.

16 Perhaps what we need to do is to draft
17 something to that effect. Whether we call that person a
18 transition administrator because there's a natural
19 setting up period that we find ourselves in. And whatever
20 we decide maybe after that whether there is guarantees or
21 not, I think we should be talking about that or maybe
22 discussing in those terms.

23 To a great degree, we hired director of
24 communications because the need was evident and because
25 everybody recognized that hiring an executive director is

1 going to take time. And we have to do it carefully, etc.,
2 etc. The person is going to have to come in and interface
3 with at least one director and some of the other staff.

4 So, we have to reconcile the need that exists
5 for additional bodies whether they are at the senior level
6 or junior level with the reality that that person that
7 there is going to be an executive director who will have
8 a big say into the rest of the organization eventually.

9 COMMISSIONER CAMERON: After working with
10 our gaming consultants and listening to their thoughts on
11 the process of hiring an executive director, I think we
12 can do that in a timely fashion. I really believe that
13 this is not something that has to take six months to do.

14 I think once we have the search firm, we give
15 a clear direction. It is not a large pool of candidates.
16 I don't think we have to move that forever. I am thinking
17 along those lines as opposed to we are going to need someone
18 now for a long period of time until we can hire that person.

19 CHAIRMAN CROSBY: But even if it's three or
20 four months I think the argument is there. If we knew to
21 a certainty that this was going to be done in three to four
22 months, I think we would still need to have somebody.

23 I think that we all agree that ideal would
24 be interim. That may or may not be practical. If it isn't
25 practical, if we identify the right person and that person

1 will not do it on an interim basis, the person who we think
2 that person is then their long suit is going to be
3 Massachusetts State Government stuff. That is where we
4 need an awful lot of the help right now.

5 By definition, our executive director is not
6 going to know that because there is nobody in gaming that
7 is from Massachusetts. So, I think there will be a natural
8 fit. It's a high degree of probability that those people
9 would fit together.

10 I think we can say that if it doesn't work
11 out, then we will use them for a transition period. It
12 is not very likely that it wouldn't work out that there
13 wouldn't be a comfortable fit.

14 We will be explicit. You are not going to
15 be the executive director. You are not even going to be
16 a candidate because you don't know anything about gaming.
17 It will be up to the executive director and you to figure
18 out where you go when that person comes in.

19 I think it is a safe bet to have sort of a
20 presumption that we could find a place, a good place for
21 this person. Otherwise, we made a bad hire, in which we
22 are going to get rid of them anyway.

23 COMMISSIONER ZUNIGA: Are we talking about
24 a director of administration, operations coordinator,
25 transition manager? I'd like to press on the notion of

1 a job description and a title just to make sure that we
2 are reaching agreement, frankly.

3 COMMISSIONER STEBBINS: I do agree with
4 you, if one of the responsibilities on the administrative
5 side of it, I invite more discussion as to how they would
6 actually overlay their work with our gaming consultants
7 and actually monitoring and following the scope of work.

8 COMMISSIONER MCHUGH: If we call this
9 person, if we wanted a title that would truly depict what
10 the person does, we could call them the operations set up
11 administrator.

12 What we've talked about, I thought in terms
13 of the chart was somebody who is experienced in use of a
14 project management tool, not the person who is going to
15 make policy judgments. Not the person who is going to make
16 decisions as to the direction in which we go.

17 But the person who is going to take what the
18 gaming consultants and the lawyers were doing as
19 represented on this rather static diagram, comprehensive
20 but static, transferred onto a project management tool,
21 incorporate the other activities that we need to do that
22 are independent of what the gaming and legal consultants
23 are doing in the gaming area.

24 Then use it in a dynamic tool that will tell
25 us where the dependencies are and where we are going as

1 we move forward and get stood up.

2 So that that person was really a technician
3 rather than a policy person. That person could be
4 overseen by this set up administrator who would just make
5 sure that that person was doing it and was up to speed.

6 The person who was the operational set up
7 administrator could also be looking for a document
8 management policy and tool. They could be looking for the
9 various other administrative functions that we need to
10 have in place over the next four or five months.

11 So that we frankly can get relieved from the
12 kind of day-to-day nitty-gritty stuff that we're doing now
13 and concentrate more broadly on the policy things we need
14 to think about.

15 Then at the end of that four- or five-month
16 period can morph into whatever the executive director
17 wants him or her to go and acquire in the process a new
18 title. He or she will have overseen and set up some
19 rudimentary stuff that has got to be there and has to be
20 there now. But also can take on whatever position, if we
21 are required to hire a full-time person that the executive
22 director thinks would be most helpful on an ongoing basis.

23 So, it is that kind of person and with that
24 kind job description -- Maybe we can fill it out more fully.
25 -- that it seems to me we could use, even if we had to take

1 him or her on a full-time basis without encumbering the
2 executive director with a roadblock or an obstacle to
3 shaping the organization the way they may see it. Does
4 that make sense?

5 COMMISSIONER CAMERON: It does. I wonder
6 if we can get a person to come on with that kind of not
7 knowing where you'll end up. Not knowing what
8 position --

9 CHAIRMAN CROSBY: That is what we have been
10 saying. People we're talking to and there are a number
11 of them that are interested know that that is -- it is
12 either interim or it is that situation that Commissioner
13 McHugh just described. They're counting on them.

14 Again, they are counting on their own
15 talents. I think a good person is going to know that they
16 are going to be good. And they are going to settle into
17 a place that's reasonable.

18 I understand this is a little on the funky
19 side. But that is the business we're in at the moment in
20 this weird start-up mode. I think the need is so
21 overwhelming that even though it is a little imperfect and
22 a little fluid, I think it is the best way to go.

23 COMMISSIONER ZUNIGA: Perhaps in the spirit
24 of the hiring policy that again this job has not been
25 presented in writing. An aspect of that policy was to have

1 whomever would be serving as a hiring manager for any
2 position, we have one or a couple in the future, draft a
3 detailed job description of the hire that they were to do.

4 We may need to designate a hiring manager for
5 a position to have it named, to have it being flushed out,
6 distributed as opposed to this debate, if you will, in
7 future meetings.

8 CHAIRMAN CROSBY: For this one, I think we
9 do. It would probably make sense to have it be me because
10 I've been doing the lead on this. But I am happy to have
11 it be somebody else if you want to.

12 We can write out a more thorough job
13 description, but I think we know what we are talking about.
14 And it's not going to change the conversation a lot to have
15 a more detailed job description. It's not a bad idea to
16 do it, but it is not going to change this discussion. I
17 would like to have everybody be comfortable with it. And
18 I still see a little bit of reluctance on your face.

19 COMMISSIONER CAMERON: It's not
20 reluctance. It's just I have seen a lot of when roles are
21 ambiguous, it creates conflict. I have seen it in my
22 business an awful lot. That is my only concern is having
23 experienced that.

24 Just wanting to make sure we are -- I would
25 hate to have someone come in right now thinking their job

1 was going to be X, Y and Z. And then the executive director
2 come in and say, oh, no that is not your role. And just
3 to have conflict at that level would be unfortunate.

4 I do understand our need. And I know that
5 we cannot be perfect right now because we do have a need.
6 So, I am very cognizant of that. But I just am looking
7 down the road and would love to avoid any kind of conflict.

8 COMMISSIONER MCHUGH: Suppose we had a job
9 description that flushed out the things that we need right
10 now. And if we can find a person to do that on a temporary
11 basis then that is the end of it.

12 If we can't find somebody, the job
13 description would also stay that after an executive
14 director comes on board, the role thereafter will be as
15 the executive director determines.

16 So, the person comes into this position
17 seeing in writing that this is for now and later is for
18 later. It is something that we all agree to in terms of
19 the short-term performance. And it's fair and full
20 disclosure to the person coming in so that he/she does not
21 have any false expectations. And if it's the right kind
22 of person then that person will subscribe to that. Does
23 that makes sense?

24 COMMISSIONER CAMERON: It does make sense.
25 It does make sense.

1 CHAIRMAN CROSBY: I think that's a good
2 idea.

3 COMMISSIONER MCHUGH: Then should we have
4 to designate Chairman Crosby as the hiring manager for the
5 administrative position we have been discussing, subject
6 to promulgation of a job description that the Commission
7 approves at its next meeting? Do we want to move --

8 COMMISSIONER ZUNIGA: At a subsequent
9 meeting, yes. If that is a motion, I second that motion.

10 CHAIRMAN CROSBY: Any further discussion?
11 I can work with you. If we get a person, I can work with
12 you a little bit to make sure that everything is -- Any
13 further discussion on this? All in favor say I. I.

14 COMMISSIONER ZUNIGA: I.

15 COMMISSIONER MCHUGH: I.

16 COMMISSIONER CAMERON: I.

17 COMMISSIONER STEBBINS: I.

18 CHAIRMAN CROSBY: All opposed? Okay,
19 good.

20 Okay, 3E, Commissioner McHugh, 268A
21 disclosures?

22 COMMISSIONER MCHUGH: I have in your packet
23 for discussion only today a disclosure form that is
24 required by Chapter 268A, Section 6. That is basically
25 the State ethics law that prohibits an individual from

1 acting on a particular matter. That is a defined term.

2 It is basically a specific matter in which
3 they may have a personal or financial interest. If one
4 does that there are a variety of consequences unless one
5 does it with approval of the appointing authority.

6 So, we need to think about a couple of
7 things. This form is an example of the kind of thing that
8 we think about. We have a law firm now. They are special
9 State employees for purposes of the State ethic laws. So,
10 they are subject to these kinds of requirements as are all
11 special State employees. So, we need to think about them
12 in the context of this.

13 We need to think about ourselves in the
14 context of this statute. And we need to think about our
15 own internal employees who may have policymaking roles in
16 the context of the statute.

17 We are about to embark now on policies that
18 may affect all of us in one way or another. We are about
19 to work on and get going on an expanded and enhanced code
20 of ethics. We are about to embark on policies that will
21 set vacation time and sick-leave time and all of those
22 kinds of things. We will be affected by those policies.

23 So, we need to ensure that we have complied
24 with this before we get very far in to work on those
25 policies.

1 Next week, I would propose to have for us to
2 sign off on a disclosure form like the one you have as part
3 of your packet for each of the people on the Anderson and
4 Kreiger law firm team that is working for us as we were
5 the appointing authority of the Anderson and Kreiger team.

6 By next week I would hope to have, all of us
7 have submitted to our appointing authorities -- And I want
8 to talk about who we submit it to if we were appointed by
9 all three. Maybe we have to do it for all three. But
10 maybe we can figure it out and do it by one.

11 I would like to have us in a position where
12 we could submit those to our appointing authorities. And
13 finally that we could figure out if there is anybody else
14 who we have hired who would be in a decision-making role
15 with respect to any of those policies for whom we need to
16 approve one of these forms.

17 Today, it is just opening of discussion on
18 the topic. That's the kind of form we are going to have
19 that will be applicable to all of us. And that's the kind
20 of form we need to move through promptly so that we can
21 undertake the rest of our work.

22 That's really all I have for today. I
23 didn't need to vote. We don't need a vote for today. I
24 will proceed to put together the packages that we need for
25 next week and we will move forward.

1 CHAIRMAN CROSBY: So, Anderson and Kreiger
2 here is -- this is right exactly what you are talking about.
3 They are going to counsel us on putting together rules and
4 regulations that may affect them?

5 COMMISSIONER MCHUGH: Their specific
6 disclosure is that they will give us counsel and advise
7 on this enhanced code of ethics.

8 And enhanced code of ethics may say that
9 anybody who is a contractor for the Gaming Commission may
10 do X and may not do Y. Not doing Y may have some
11 theoretical but nonetheless existent financial impact on
12 them. Therefore, they need to have this kind of form
13 approved by us. And that we don't think it's going to
14 affect their ability to give us impartial advice. So,
15 it's that kind of thing that is on this area.

16 COMMISSIONER ZUNIGA: From my
17 understanding, and as a tie-back to the policies that we're
18 talking about, I'll be taking as one of the models
19 Treasurer's office policies on a number of things,
20 employment hours, vacation, etc.

21 The idea would be to have a disclosure to our
22 appointment authorities upon adoption of such a policy,
23 in anticipation?

24 COMMISSIONER MCHUGH: In anticipation
25 because this is going to recur and recur and recur. All

1 the regulations that we adopt may have some impact on us.
2 It is conceivable, as well as everybody else. All of the
3 variety of other policies that we create may have an impact
4 on us.

5 So, the idea would be to let our appointing
6 authorities know that we are about to embark on this. It
7 is common will all commissions that are in our position.
8 And make sure that they understand what we are doing and
9 have an opportunity to say if they have any reservations.
10 That's what this is about. And document the fact that we
11 have told them what we are doing and ask for their blessing.

12 CHAIRMAN CROSBY: It sounds good. I'm glad
13 you are watching us. Anything else under the
14 administration issues?

15 Commissioner Cameron on the racing
16 division, anything else on update?

17 COMMISSIONER CAMERON: Just a quick update
18 on last week. We hired our racing consultant, Ann Allman,
19 who accompanied me to a series of meetings last week over
20 at the offices of DPL.

21 We met with employees and staff having to do
22 with financial oversight, HR, IT, audits, the chief
23 veterinarian who serves in a management role now
24 overseeing employees.

25 We met with former Commissioners who gave us

1 an historical perspective on their State Racing
2 Commission, their responsibilities and oversight.

3 Went out to the two racetracks on Thursday.
4 Spent the morning out at Suffolk Downs, meeting with
5 employees, the president and directors of the New England
6 Horseman's Benevolent and Protective Association, owners,
7 trainers out at the track and the management team of
8 Suffolk Downs.

9 We met with them in the morning. Meet and
10 great, good for me to meet all of the individuals involved
11 as well as our racing consultant.

12 In the afternoon, we were out at Plainridge,
13 observed a live race with the racing officials, toured the
14 facilities. Met with the owners, management staff. Went
15 out to the barns, observed testing procedure and the staff
16 out there.

17 Very interesting two days of kind of an
18 immersion into racing. I think all of the meetings were
19 beneficial to everyone involved.

20 As of last Friday, we signed off on an
21 additional ISA allowing the Office of Consumer Affairs to
22 perform the administrative services necessary in order to
23 make those payments to the owners and lessees of the
24 greyhound. That is as per Chapter 194 of the Act of 2011.
25 Those payments will go out. We just had to operationally

1 make it possible for Consumers Affairs to take those
2 responsibilities back from the Gaming Commission. That
3 was all handled as of last Friday.

4 So, we are moving forward with the
5 transition in the best way we possibly can with this
6 bifurcated system of management for the Gaming, the
7 Commission and the day-to-day operations for the
8 Department of Professional Licensure. A lot of racing
9 last week and we will continue on with our transition.
10 That's all I have, Mr. Chair.

11 CHAIRMAN CROSBY: And you are expecting the
12 report from the consultant when?

13 COMMISSIONER CAMERON: Within four to six
14 weeks that consulting assignment will be complete. And
15 we will be able to at that time as a full Commission listen
16 to the results and the recommendations from our gaming
17 consultant -- I'm sorry, the racing consultant.

18 CHAIRMAN CROSBY: Right. We don't have a
19 Racing Commission anymore. So, I am referring to this as
20 the racing division, I guess.

21 COMMISSIONER CAMERON: The Gaming
22 Commission, I think that's appropriate. We probably do
23 need to distinguish the two. So, when we talk gaming, it
24 is a little bit different than racing. I am very
25 comfortable with that, Mr. Chair. It makes sense.

1 CHAIRMAN CROSBY: Anything else on racing?
2 Commissioner Zuniga.

3 COMMISSIONER ZUNIGA: Can I go back to
4 additional hires for a second?

5 CHAIRMAN CROSBY: Yes.

6 COMMISSIONER ZUNIGA: We have gotten a
7 couple of inquiries just worthy of discussion relative to
8 summer internships. I believe they are a cost-effective
9 way of having somebody come in and help for a discrete
10 defined amount of time. I just bring it up as something
11 to consider.

12 It is getting to be that time. I personally
13 happen to feel that to the extent that there is a discrete
14 project for someone or a recurring set of tasks that could
15 be helped on a recurring basis, maybe worthwhile. I just
16 wanted to kind of bring that up. As we are talking about
17 job descriptions, it may be worthwhile coming up with one
18 for a couple of -- one or two interns that could help on
19 a number of things.

20 COMMISSIONER STEBBINS: I have met with a
21 young college student who is very interested in interning
22 for us for the summer semester. And I wanted to give him
23 kind of a quick outline of what we would be expecting from
24 him. Some of it will be -- no other way to phrase it. --
25 but call it grunt work in terms of helping us get organized

1 for our weekly meetings.

2 Commissioner McHugh gave Janice a
3 responsibility of going through looking at the transcript,
4 matching it up with our tape in terms of assisting with
5 the preparation of minutes. So, I drafted out kind of some
6 basic responsibilities and passed it along to you and to
7 Janice. And also asked Commissioner Cameron for some
8 help, because I think as entry level as a position that
9 this is, there still should be the requirement of some
10 level of a background check for a young man or woman who
11 wants to intern with us.

12 I know that gets to our broader policy
13 discussion of the different stages and levels of
14 background. I think we might be able to do something
15 pretty rudimentary, pretty basic and still put them
16 through a quick background check.

17 I invite your feedback and share feedback
18 back through Janice about the responsibilities, at least
19 for this one individual based on where his interests were
20 but also I know in helping us meet some of the assistance
21 that we need around the rest of the Commission.

22 CHAIRMAN CROSBY: Is there any, other than
23 some kind of background, security issue, is there any
24 reason not to do this? On the face of it, this seems like
25 it makes a lot of sense. Good for us, good for them. And

1 I am sure you can handle the details of how to make it
2 happen. Is there any reason for us not to do this?

3 COMMISSIONER ZUNIGA: No. I think the
4 timing is favorable. Summer is reality -- some of these
5 people are already off of school year. It is the ultimate
6 interim position. As we are talking about a lot of need
7 out there on an interim basis, it is worthwhile.

8 The flipside is they require a lot more
9 supervision than a regular hire by its very nature. We
10 just have to weigh that. If we can start -- We have really
11 started, but consolidate the semblance of tasks as opposed
12 to a job description, however discrete they are or however
13 general. Maybe that's a good first step.

14 COMMISSIONER STEBBINS: I also had a
15 conversation with Janice in terms of access to the
16 building. The person will probably need a card to get by
17 the front desk. Then limitations we can put on the card
18 for the access to the office within certain hours and so
19 on and so forth. So, let's get that information back.

20 CHAIRMAN CROSBY: Can we do that?

21 MS. REILLY: I think we can.

22 CHAIRMAN CROSBY: That would be good. You
23 are comfortable with --

24 COMMISSIONER CAMERON: Yes. I actually
25 met this young man. He was in a couple of times. I like

1 his initiative. I think he can be helpful, yes. I think
2 it's a great idea.

3 CHAIRMAN CROSBY: Are you comfortable with
4 that?

5 COMMISSIONER MCHUGH: I am. I also think
6 that there are other co-op programs around town that we
7 might be able to, if this works out, think about other ways
8 to employ some of these really talented young people that
9 are around town in various colleges on an ongoing basis.

10 CHAIRMAN CROSBY: Not just summers you are
11 saying?

12 COMMISSIONER MCHUGH: Not just summers. I
13 am thinking on the legal front, you could get some second-
14 or third-year law student, for example, to work with the
15 lawyers to write some of the organizational work on an
16 ongoing basis. There's a lot of things. I think it's a
17 great resource that we ought to be thinking about.

18 CHAIRMAN CROSBY: Okay. Shall we have a
19 consensus that Commissioner Zuniga will go forward and
20 pull together --

21 COMMISSIONER ZUNIGA: -- act as a hiring
22 manager, if you will, for intern?

23 CHAIRMAN CROSBY: One or more interns, yes,
24 with the clear caveat figuring out some kind of
25 background --

1 COMMISSIONER CAMERON: Yes, I was working
2 on that today already.

3 CHAIRMAN CROSBY: Number five, project work
4 plan, I guess we have signed off on everything pretty much.
5 I think all of the gaming consultants have signed off. I
6 don't think we have the signed statements of work and
7 contracts back yet, but I think everything went forward
8 and fine with them.

9 We clearly have a consensus for putting
10 together a comprehensive project management chart, which
11 will fall under this more senior administrative person.
12 You thought you might have some ideas about people. We
13 haven't been able to find yet anybody who's really skilled
14 in Microsoft Project or one of the other systems who could
15 put this together quickly.

16 I keep fighting Commissioner Zuniga, who
17 offers to do it. You said you might have some ideas about
18 people who could do that. Did you have a chance to look
19 into that?

20 COMMISSIONER ZUNIGA: Yes. I have a call
21 into and will follow up with people I know at Wentworth.
22 The construction management program is very robust. They
23 may know of either recent graduates, or they have a number
24 of networks like CMAA, a chapter of construction
25 management association. I was going to follow up with

1 them to see if they know somebody who may be looking or
2 networks to tap into.

3 In addition too, I have also a call into
4 other people that I know from the scope and authority who
5 are project managers who may again know of people. They
6 themselves may be interested in providing services to the
7 Commission as a firm. But that's not necessarily the way
8 we are thinking about it.

9 CHAIRMAN CROSBY: Right. We don't want to
10 hire Price Waterhouse to -- but there are plenty of
11 individuals. There are some individuals, sort of single
12 private firms. I sent you the name of one of them. If
13 you just Google Microsoft Project they come up. So, we'll
14 keep moving on that.

15 As far as 5B status reports, Commissioner
16 McHugh, do you just want to speak quickly on the lawyers?

17 COMMISSIONER MCHUGH: I guess I want to just
18 talk more broadly about the status report and the mechanism
19 for getting those status reports. The lawyers and the
20 gaming consultants have a standard meeting, as I
21 understand it, every Friday morning to work through the
22 status of where they are. Kristin Gooch is driving that.
23 Then in some fashion, we are going to get the product of
24 that on a weekly basis.

25 I am meeting with the lawyers on a weekly

1 basis to go through the items on the project chart that
2 we have now in order to see where we are at the end of each
3 week to see the things that were supposed to have happened
4 during that week.

5 Then we have created a separate chart, not
6 in as quite as much detail for the things that are not on
7 that chart, but will be on the Gantt chart, to make sure
8 we can track those as well, things that are going along
9 in parallel with this.

10 I think that once we get the Gantt chart up
11 and have all of this integrated, then the reporting
12 mechanism and the contents of the report we are expecting
13 will be a lot clearer than they are now. For now, that
14 is the way it is being driven as I understand it.

15 We'll get weekly reports from the combined
16 efforts of the lawyers and the gaming consultants on the
17 combined project that they are doing.

18 They already have, as I understand it, a
19 revised Excel chart that shows where they are and some
20 additional things that they have parceled out. So, we
21 will be able to keep track beginning next week I hope in
22 that fashion by looking at week's end, what was supposed
23 to happen, what did happen and make it the necessary
24 adjustments.

25 CHAIRMAN CROSBY: Do you anticipate that

1 one or more of us would attend that Friday meeting?

2 COMMISSIONER MCHUGH: No. It's a
3 Wednesday meeting. What I understand is that out of that
4 will come a report to us. We need to cinch down the form
5 that result is going to take and what it is going to cover.

6 The first of those meetings is tomorrow.
7 They have a very full agenda that has been marked out by
8 Ms. Gooch.

9 CHAIRMAN CROSBY: I would think that the
10 senior operations person that we were talking about might
11 very well sit in on those meetings to keep them up to speed,
12 keep in touch with what's happening on our Gantt chart and
13 so forth.

14 COMMISSIONER MCHUGH: I would really like,
15 Mr. Chairman, to think about how best to get that report.
16 I think it is a critical report. I think we need to stay
17 on top of it. Whether one of us sits in on that meeting,
18 whether one of us gets the after action from that meeting.

19 Whether one of us does something else, I
20 think is something we ought to discuss after they have had
21 a chance to have this first meeting and hear back from them.
22 I think to make sure this stays on track and make sure it
23 takes account of the complexities of the mission, I think
24 hands-on involvement by one of us and a supervisory role
25 ought to be something we think about.

1 CHAIRMAN CROSBY: I agree. I think this
2 other person as well maybe.

3 Anything else on the work plan and statuses?
4 Item six, Commissioner Zuniga, did you have anything to
5 report.

6 COMMISSIONER ZUNIGA: Yes, there is a
7 couple of expenditures that I would like to talk about.

8 CHAIRMAN CROSBY: This form?

9 COMMISSIONER ZUNIGA: That is one of them.
10 As you may recall, I in my capacity as treasurer, the
11 cardholder for the procurement card that we had for
12 incidental, non-recurring purchases. The Comptroller's
13 procedures, which is a robust financial control stipulates
14 that the cardholder submit to the approver the
15 expenditures on an expenditure log on a monthly basis
16 because that is prior to the payment going to the card
17 company.

18 So, I have submitted this transaction log
19 for the last month. It incorporates some of the
20 expenditures that we had relative to our public event, our
21 first educational forum. And it also incorporates one
22 shipping cost for UPS, which we had. We were in the
23 process and we are now have an account with UPS, which is
24 all part of the State contract. So, this shipping cost
25 will no longer be done on the transaction of the

1 procurement card.

2 I will request a motion to approve the
3 expenditures as presented for the procurement card.

4 COMMISSIONER MCHUGH: So moved.

5 CHAIRMAN CROSBY: Do I have a second?

6 COMMISSIONER CAMERON: I second.

7 CHAIRMAN CROSBY: Any further discussion?

8 All in favor, I. I.

9 COMMISSIONER ZUNIGA: I.

10 COMMISSIONER MCHUGH: I.

11 COMMISSIONER CAMERON: I.

12 COMMISSIONER STEBBINS: I.

13 CHAIRMAN CROSBY: All opposed? The I's
14 have it.

15 COMMISSIONER ZUNIGA: Thank you. The
16 second piece of finance budget update is what I mentioned
17 relative to a request to purchase cell phones. I have
18 submitted a memorandum to that effect.

19 I would note that I should've used titles as
20 opposed to names in this memorandum because it is really
21 the position that would be assigning or granting a cell
22 phone for a remote communications device.

23 The business case is outlined here for
24 director of communication, for chief of staff and for
25 Commissioners who may wish to have a remote device.

1 The plan is all part of the State contract.
2 It is a very cost-effective plan. Having multiple devices
3 allows what is called shared pool of minutes usage. There
4 is a 400 minute allowance for each plan, but if somebody
5 goes over somebody while somebody else goes under that is
6 sort of averaged out, which is a positive.

7 And again the main reason is that we will be
8 conducting our business offsite like today. And
9 communication devices like that are really important for
10 some positions.

11 CHAIRMAN CROSBY: I don't think we will have
12 a lot of controversy on that issue.

13 COMMISSIONER ZUNIGA: No. The costs are
14 outlined here. So, I would again also request a motion
15 to approve the costs for the communication devices as
16 outlined in my memorandum.

17 COMMISSIONER MCHUGH: So moved.

18 CHAIRMAN CROSBY: Second?

19 COMMISSIONER CAMERON: Second.

20 CHAIRMAN CROSBY: All in favor? I.

21 COMMISSIONER ZUNIGA: I.

22 COMMISSIONER MCHUGH: I.

23 COMMISSIONER CAMERON: I.

24 COMMISSIONER STEBBINS: I.

25 CHAIRMAN CROSBY: All opposed? The I's

1 have it.

2 Do we need to vote on everything like this
3 every week?

4 COMMISSIONER ZUNIGA: While we have a
5 budget, and until we have one, I pose that we do. I am
6 in the process of figuring out a budget and encumbrances
7 that we are suppose to do until the end of the fiscal year.

8 The mechanism for us to do non-recurring
9 transactions was the procurement card, which I will
10 continue to use to the effect of being a onetime
11 non-recurring purchase.

12 I am working on -- I am getting a budget for
13 the end of the fiscal year. Every time we make a
14 commitment like some of the contracts that's a vote. So,
15 that takes care of that expenditure in whole. We will just
16 approve against that financial commitment. Then we need
17 to start working on a budget for the subsequent year as
18 well.

19 CHAIRMAN CROSBY: We will have arrived when
20 we are not approving \$50 UPS charges.

21 COMMISSIONER ZUNIGA: That is correct.

22 CHAIRMAN CROSBY: Number seven, public
23 education information, the economic development forum,
24 Commissioner Stebbins?

25 COMMISSIONER STEBBINS: We are still

1 looking good. Obviously, June 14 is our next education
2 forum out at Quinsigamond Community College taking off at
3 9:00.

4 We have two panels. As we have talked about
5 the first panel consists of the folks who authored a lot
6 of the key studies and reports that were the impetus for
7 the passage of the original bill as well as some ongoing
8 market studies.

9 Our second panel is some additional experts
10 from both the policy world and academia to talk about just
11 giving us some additional viewpoints that may not have been
12 factored into or involved in the studies leading up to the
13 promulgation of the bill.

14 So, 9:00 a.m., out by 12:00 p.m. I am
15 working with Janice to look at what costs we are going to
16 need to incur. The college is hosting us graciously and
17 is picking up some of the costs. We just need to figure
18 out what those are in detail. We are good to go.

19 CHAIRMAN CROSBY: Our new director of
20 communications and outreach can start to help with that
21 one too.

22 COMMISSIONER STEBBINS: Excellent.

23 CHAIRMAN CROSBY: You had the meeting with
24 the travel and tourism people last week?

25 COMMISSIONER STEBBINS: Actually, you know

1 it should have occurred to me to check back in when you
2 talked about meeting with travel and tourism folks the day
3 before the kickoff to the summer vacation. They had sent
4 me an errant email that had May 25 on the email. The
5 meeting is actually June 25. So, the end of next month
6 I will have something to tell you about.

7 CHAIRMAN CROSBY: Okay. Community
8 mitigation, nothing much more to report. MAPC is doing
9 this on June 18 in Framingham. I will be getting a draft
10 agenda from them to talk about shortly. You are going to
11 touch base -- Did you already?

12 MS. REILLY: I left a message and we missed
13 one another.

14 CHAIRMAN CROSBY: Just to make sure the
15 logistics -- They are going to handle most of the logistics
16 but Janice is going to double-check with them to make sure
17 we don't miss anything. That too we'll pass onto you.

18 The fourth, I guess, will be the compulsive
19 gambling forums. I sent around an email this morning from
20 Marlene Warner from Mass. Compulsive Gambling that says
21 they are 99 percent sure that they are going to handle this
22 for the \$5,000 flat fee that we had agreed also with MAPC
23 to do it.

24 There were a bunch of the issues that she had
25 raised. I just wanted to run through those.

1 I think I sent you this email. On June 19
2 there is a Mass. Partnership on Responsible Gambling
3 meeting. Her email says: These are folks from all
4 gambling industries, current and future in Massachusetts
5 or serving Massachusetts residents. We have had a number
6 of people RSVP, lottery, racetracks, extension casinos and
7 Connecticut casinos. I wanted to let you know for sake
8 of transparency that we will be asking them to commit to
9 high collective group standards for people with gambling
10 disorders now and in the future.

11 It's just sort of an FYI, but wondered
12 whether if anybody has a reaction as to one or more of us
13 ought to go to that? They didn't particularly invite us,
14 but I am sure that we would be invited. Does that seem
15 like something we ought to --

16 COMMISSIONER CAMERON: It does to me. It
17 seems like we should do.

18 CHAIRMAN CROSBY: It seems like a great
19 opportunity to learn. Maybe I will go back to her and say
20 -- I guess we are not going to be doing any deliberating.
21 It won't be a meeting. So, as many of us can go as we want.
22 So, I will get back to her.

23 Then she says: Similarly, we would like to
24 know how and when you'd like to hear more regarding what
25 we would like to see included on problem gambling in the

1 application and licensing process. We will be asking this
2 group on the 19th to commit to a number of items. We will
3 advocate for those.

4 But I think we are not ready to talk to them
5 about the application and licensing process yet.

6 Then she says: Upon request and in
7 preparation for the meeting, I believe you -- meaning me
8 requested. So, this must have been for our meeting. --
9 I have informed John Auerbach who is the head of public
10 health and Michael Botticelli -- I don't know who that is.
11 -- on the strengths and areas for further exploration,
12 rate, problem gambling and the statute.

13 Does that mean anything to you? Did we ask
14 them to come in and talk to us about?

15 COMMISSIONER STEBBINS: I don't recall us
16 inviting them back at this point. I certainly don't want
17 to hesitate to have them back in.

18 CHAIRMAN CROSBY: Then the last thing was
19 this meeting. I did send this out, but this looks like
20 at a minimum it might be something, since it's in Western
21 Mass. that we might want Commissioner Stebbins go to.

22 2012 Massachusetts Problem Gambling
23 Symposium, raising awareness and building a treatment
24 capacity in Western Massachusetts, this Friday. She did
25 invite us to this. She said it's short notice.

1 But it might be a good thing for you to go
2 to, Commissioner Stebbins if you were going to be out there
3 and/or somebody else if we can make it. Does that look
4 interesting?

5 COMMISSIONER STEBBINS: It does. I have
6 the flexibility to attend.

7 CHAIRMAN CROSBY: Does anybody else want to
8 go out there for that? I think we are going to have a lot
9 of compulsive gambling stuff here going on.

10 COMMISSIONER MCHUGH: It's important. We
11 all recognize it's important.

12 COMMISSIONER ZUNIGA: I will check my
13 calendar on that.

14 CHAIRMAN CROSBY: It gives the right
15 message, particularly if there's a couple of us or more.
16 Let me know whether you are interested in doing that.
17 Maybe we'll do that and I will get back to her. That is
18 it for that.

19 Those are both going well. That is
20 tentatively -- Our forum is now scheduled, still
21 tentatively, but almost beyond that for the 25th. She
22 says we are thinking of having our forum, our compulsive
23 gambling forum on the North Shore. They were thinking
24 Lynn or Salem, because nothing much has happened up there
25 yet or in Western Mass. The UMass Amherst is available.

1 Do we care either way?

2 Does anybody have an opinion on that? Those
3 are both regions that we haven't been to. Western Mass.
4 is a hotspot.

5 COMMISSIONER STEBBINS: Quick thought is if
6 one or more of us is going to be attending this event, which
7 obviously looks like a number of topics to discuss. It's
8 not officially a Gaming Commission event. But if we are
9 going to have a presence at it, I would follow through with
10 their suggestion that maybe go somewhere on the North
11 Shore.

12 CHAIRMAN CROSBY: Okay. Particularly, if
13 there is going to be at least two of us out there on Friday
14 that would be so we can say we've been out there. I will
15 say North Shore. That's it.

16 Community outreach responses, anything
17 Commissioner McHugh?

18 COMMISSIONER MCHUGH: No, not this week.
19 None this week that would require discussion here.

20 CHAIRMAN CROSBY: Next is new issues.
21 Commissioner Stebbins, the outdoor advertising
22 regulations. Do you want to tell us what that one was
23 about?

24 COMMISSIONER STEBBINS: Sure. I was just
25 sitting here trying to think about how this popped up on

1 my radar screen.

2 CHAIRMAN CROSBY: We were all wondering
3 that.

4 COMMISSIONER STEBBINS: I imagined. In
5 talking with some folks at Mass. DOT, they had made me aware
6 that the Outdoor Advertising Board is going through a
7 pretty extensive regulatory comment and review period,
8 which from my talking with them, they haven't gone through
9 in a while.

10 Why should we be interested in the Mass.
11 Outdoor Advertising Board under Mass DOT? I think as
12 anybody who travels around New England sees outdoor
13 advertising billboards, a majority of the time they are
14 advertising some of the casinos in Connecticut. My
15 expectation is when we license a casino, casinos here in
16 Massachusetts will also see a proliferation of advertising
17 for the casinos and rightly so. I am not saying we are
18 not supporting it.

19 I just thought it was helpful to reach out
20 to the folks of the Outdoor Advertising Board about some
21 of the regulations, some of the major changes.

22 I spoke with Ed Farley who is the director
23 of the Mass. Outdoor Advertising Board last week. This
24 agency is charged with the approval and permitting of all
25 off-premise billboard signs and other advertising devices

1 in the Commonwealth. He shared with me a lot about their
2 agency, what they are responsible for.

3 They have a great interactive map, which
4 outlines the roads that they have authority over as well
5 as where they have billboard locations.

6 Some of the regulatory changes of note is
7 that they are producing or hearing comments on regulations
8 on what we call electronic billboards. These are the
9 multiple message sometimes flashing or motion changing
10 signs that they have done some pilot studies on. They have
11 had pilot locations around the State.

12 Now they are formulating some regulations to
13 the operation of those as well as the provision which says
14 a new sign cannot be located on land that isn't zoned for
15 industrial or commercial use. He also walked through some
16 of the space requirements that they have.

17 I guess my overall goal for putting this on
18 the agenda is not necessarily that we need to comment or
19 look at the regulations and weigh in. But I think it is
20 interesting to note places where our responsibilities have
21 a serious overlap or connection with the activities and
22 actions of other agencies around the State government.

23 I fully expect we will see new billboards go
24 up. Obviously, local authorities have their own zoning
25 ordinances when it comes to on-premise signage. Again,

1 I just it was an interesting connection for us.

2 I mentioned to Mr. Farley, it might be
3 worthwhile at some point if we are all in agreement to have
4 him come in and talk about the role of his agency and how
5 they monitor and oversee billboards as well as some of
6 these new regulations.

7 Again, I just think it is one example of
8 where we will have an impact or have an overlap with some
9 of the responsibilities of another State agency.

10 CHAIRMAN CROSBY: I think actually it is
11 very interesting. We could regulate it too. This is one
12 of the many areas that if we cared to intercede in our
13 licensing process, we could say you will do no more than
14 such and such. Or you will do as many as such and such.

15 This is just one of thousands of issues that
16 where we have the authority -- never mind we want to
17 coordinate with whatever other public agencies are doing,
18 but we have the authority.

19 Like in our ethics rules, we have to write
20 ethics rules, which are more rigorous than the rules that
21 everybody else operates by. And I am not quite sure how
22 we get our arms around the whole host of issues like this.
23 I think as the months go by, they'll be surfacing.

24 This is there really -- It's almost a
25 philosophic question. Yes, we should be in touch and

1 coordinate and be aware of and keep them informed. But
2 how far do we want to put our regulatory tentacles? We
3 can put into the licensing process whatever we want to put
4 into the licensing process.

5 I just think it's kind of an interesting
6 question for us to begin to think about.

7 COMMISSIONER CAMERON: There was a major
8 investigation in New Jersey around billboards in Atlantic
9 City with elected and appointed officials who realizing
10 this would be a profitable business actually had ownership
11 in the billboards.

12 That became the question of you are an owner,
13 but you have some oversight as to who is approved. So,
14 it is an issue of concern at some level I suspect we'll
15 need to pay attention to.

16 COMMISSIONER ZUNIGA: I have a question. I
17 am just not familiar with the regulations. Is there
18 anything relative to, there must be, relative to the
19 subject matter of advertising? Is there a limit to what
20 they can stipulate relative to --

21 COMMISSIONER STEBBINS: I will go back and
22 look at the draft regs. I don't think there is much that
23 can fall under their authority relative to the nature of
24 what is on the sign.

25 Most of it had to do with updating a lot of

1 permits, fees, process for rescinding a license. But the
2 big major piece are these new electronic billboards and
3 kind of the changing the sign, which I dealt with a little
4 bit in Springfield when I was on the City Council. It is
5 certainly a more valuable sign for an advertising company
6 to have because then you can sell multiple add spots
7 without having to construct five or six different signs
8 around the city.

9 I will go back and look to see if their regs
10 or comments even address that. Just again, an issue, an
11 area that might have some overlap with us. The director
12 of the Mass. Outdoor Advertising Board has also a wide
13 range of authority to determine whether a sign is going
14 to have a safety impact. If it's going to impact on the
15 picturesque nature of wherever the sign is going. So,
16 they do have some pretty far authority under their own
17 regulations and scope of work.

18 CHAIRMAN CROSBY: Let's just keep them on
19 the list of folks that we are going to have come in and
20 talk to us, just like the Cultural Council, all of the
21 different ones we've talked about. That's a good idea.
22 Interesting. Thank you.

23 Eight-B, speaking engagements. This came
24 up because we are increasingly getting invitations to
25 speak. When we get them, promotional materials are going

1 out saying we are coming. We're being used. Both
2 Commissioner (McHugh) and I spoke just recently. And I've
3 got another one coming up. --- being used as headline
4 speakers to help attract an audience.

5 This tends to be annual meetings.
6 Sometimes they are for-profit companies. Sometimes they
7 are not-for-profit or government agencies like planning
8 councils most recently.

9 I have put copies of these in the packets for
10 the press because I wanted them as well as us to see the
11 kinds of issues we are talking about.

12 So, I went to the Ethics Commission to say
13 are there any issues here? What issues should we be aware
14 of if we are asked to be headline speakers or speakers?
15 I sent these two examples. One is something I'm doing at
16 the Mt. Washington Bank. Another is one that Commissioner
17 McHugh just did at the Southeast Regional Planning and
18 Economic Development Council.

19 I sent them over to the Ethics Commission and
20 said are there any issues here? We know we can't be doing
21 it if the sponsor is in business. That's for starters.
22 And we always ask that question. And we should make sure
23 we always ask that question.

24 Beyond that I said are there any other
25 concerns? Let me state that slightly differently. If it

1 is being sponsored by somebody in the business that's
2 probably something we can't do. If the program involves
3 people from the business, that is something we need to
4 think about very carefully.

5 How are we set up? There are going to be
6 people that want to do programs about gambling that's going
7 to be understandable. And they are going to want people
8 from the industry as well as regulators and so forth. But
9 that is something to be very careful about. There is not
10 a bar, but it is something to be very careful about.

11 We certainly cannot take any remuneration.
12 When I was invited to do this thing for the Mt. Washington
13 Bank they said, we can make a contribution in your honor
14 to your favorite charity. And I said, no. That would be
15 inappropriate. So, no kind of compensation.

16 But beyond that can we do that? Because I
17 was a little bit concerned that having our names emblazoned
18 as an attraction to come might be an issue. The bottom
19 line was that it was not.

20 They reviewed these two examples. I talked
21 at considerable length with Karen Nober who is the
22 director. I have asked her if she would come and speak
23 with us here so we could talk about this. They decided
24 that they wouldn't do that. They don't like to give advise
25 publicly. But she did write me an email, which she said

1 I can distribute and I also want to read it just for the
2 public record.

3 Steve, as discussed the members of the
4 Gaming Commission may speak in their official capacity
5 about gaming issues. They may be listed on the event
6 agendas with their titles since they are acting
7 officially.

8 If you and the other members are generally
9 accepting all such invitations, I don't any issues are
10 raised. Likewise, I don't think issues are raised as long
11 as you are treating similarly situated entities the same
12 way.

13 However, if you are providing access to the
14 Commission to some entities by speaking at their events
15 and not to others, you may wish to develop some objective
16 criteria for Commissioners to use as the basis for
17 accepting or declining speaking engagements.

18 As always, if you have concerns about a
19 specific event, please feel free to call. I would not be
20 comfortable giving advice on the conflict law during an
21 open meeting of the Commission.

22 I think it is pretty straightforward. I
23 think at the moment, our assumption is we are going to be
24 accepting as many of these as possible. It is part of our
25 job to get out there to be able to talk to people about

1 what is going on.

2 We have now developed a fairly standard
3 presentation, which will evolve as time evolves. Members
4 of the press who aren't here who regularly cover us, we
5 could send them to them, because I would like to have people
6 see this. Any questions about that?

7 COMMISSIONER MCHUGH: I was looking at,
8 been looking at various things that other gaming
9 commissions are doing. The Pennsylvania Gaming
10 Commission has a policy. I think it would be if it's out
11 there for everybody to take a look at, under what
12 conditions would we come? What kinds of audience do we
13 anticipate? Would we expect -- and lays out the
14 conditions. I think that if we work with Director
15 Driscoll and have her good advice as to how to develop such
16 a policy and put it up. And here we are.

17 CHAIRMAN CROSBY: She had seen that thing on
18 the Pennsylvania phenomenon also and suggest we want to
19 be out there. And we can be more proactive. We should
20 set up speakers bureau. We should have on the website what
21 the rules are and all of the places we are speaking. If
22 that's a good idea, I think she is already on that.
23 Anything else?

24 CHAIRMAN CROSBY: Number nine, a few odds
25 and ends that have come up or that I didn't remember to

1 put on here.

2 We got a memo, I guess, last week at this
3 time, upcoming and expired deadlines, which was great,
4 from the law firm pulling out of the legislation all of
5 the different deadlines we will need to adhere to.

6 I just in reading over this it just reminded
7 me. I guess you are very familiar with this. On July 31
8 that is the transition date of us taking over bazaars and
9 raffles apparently.

10 COMMISSIONER MCHUGH: Bazaars at least for
11 charitable gaming commences on that date. We have
12 committed to have a report to the Legislature before that
13 date, the report we were supposed to have by April 12, I
14 believe. So, we are working on that and we will have that.

15 And we will have a ground prepared for our
16 takeover of that supervision. Supervision cabined by the
17 responsibility of the Department of Public Charities in
18 the AG's office continues to have a role there. We will
19 have to work out what that role is. There are others.

20 The Treasurer has a continuing role over
21 Beano. So, exactly where we fit in there, how much we are
22 going to take on board is unclear at the moment. But it
23 doesn't look like a lot. In any event, we will have a plan
24 and protocol in place for the Commission to look at and
25 approve well before July 31.

1 CHAIRMAN CROSBY: So, our role will be
2 respond to something you are going to put together when
3 you are ready for a group discussion on this?

4 COMMISSIONER MCHUGH: Right.

5 CHAIRMAN CROSBY: Then on the second page of
6 this, July 15 reporting by municipalities to the Gaming
7 Commission of any political contributions.

8 COMMISSIONER MCHUGH: That's a misprint.
9 We went over that with the lawyers this morning. That is
10 not an accurate statement. There is a typo in there you
11 can say. That's not an accurate statement.

12 The reporting is by applicants to the cities
13 and towns. That's done after there is an applicant. We
14 have no applicants now. That is a preview of coming
15 attractions.

16 CHAIRMAN CROSBY: And zero relevance to
17 July 15.

18 COMMISSIONER MCHUGH: Zero relevance to
19 this July 15.

20 CHAIRMAN CROSBY: Thinking that there was
21 relevance to that, it reminded me of the municipal outreach
22 issue that we talked about. I was thinking this would be
23 something we had to tell them to do, tell the
24 municipalities to do. Apparently, it isn't. But
25 Commissioner Stebbins and I are going to get together with

1 the representative from the Collins Center.

2 COMMISSIONER STEBBINS: Yes. I am waiting
3 on some dates back from him. Hopefully, he is available
4 sometime next week.

5 CHAIRMAN CROSBY: To follow up on the idea
6 of coordinating outreach and support to the municipalities
7 who are wrestling with being a host or a surrounding
8 community.

9 COMMISSIONER STEBBINS: And as it relates
10 to the June 14 forum, the MMA distributed our meeting
11 announcement as well as we have also connected out with
12 the umbrella organization for the chambers of commerce
13 across Massachusetts also to extend our event and
14 information.

15 CHAIRMAN CROSBY: Great. We talked last
16 week about a research agenda. We did get a report from
17 the lawyers that talks about the research that is
18 referenced in the legislation. We now have a proposal.
19 We haven't really quite talked about how we are going to
20 get our arms around that.

21 COMMISSIONER STEBBINS: I would like to see
22 the law firm's document. And my hope was to pull together
23 a memo that kind of -- Again, there is some information
24 that is clearly outlined in the legislation. There is
25 some broader discussion topics, which I think we should

1 have a discussion about as well as we need to be mindful
2 of kind of the funding avenues for these surveys and kind
3 of bench line research the research gets done.

4 CHAIRMAN CROSBY: Did you not get that?
5 Did other people get the outline of the research? Maybe
6 it just came to me.

7 COMMISSIONER CAMERON: No.

8 CHAIRMAN CROSBY: Okay. I will send that
9 around. Somewhere, somehow we need to kind of figure out
10 how we kind of brainstorm up a research agenda. It is
11 probably going to be at a meeting like this in some fashion
12 or other but it is a big topic that needs to get moving
13 pretty soon. We have sort of bits and pieces.

14 There is a little bit of work that
15 Commissioner Stebbins has been doing. I've been doing a
16 little thinking about it. But I think we need a pretty
17 hefty process by which we just really shoot through all
18 of the things that are both required of us, and there are
19 things that we are going to want to do that is beyond what
20 is required.

21 COMMISSIONER STEBBINS: I sent out a little
22 note to our panelists for the June 14 forum asking them
23 specifically for their thoughts and feedback as to --
24 Again, this gets to the tools that we need to make decisions
25 on the license application, but also addressing the

1 provision where it talks about the bench line research and
2 their thoughts, information we should have. What should
3 we be measuring?

4 So, hopefully the 14th the speakers will be
5 able to give us some ideas and some suggestions as to what
6 we should be doing with that respect.

7 CHAIRMAN CROSBY: Great.

8 COMMISSIONER MCHUGH: There also is a great
9 deal -- The chart that the law firm sent has a number of
10 studies on it and put together some kind of an internal
11 discussion memo and listen to some external input at some
12 of these forums.

13 There are parts of the license application
14 that requires the applicants to present studies. We need
15 to have our own baseline for determining the validity of
16 those studies.

17 I think we could put together an approach and
18 an outline of components at least that would make for a
19 fruitful discussion here. I think we need to have that
20 kind of data in front of us, those kinds of considerations
21 in front of us. And then think about the kinds of studies
22 that we can tee off of those.

23 COMMISSIONER STEBBINS: I think it is
24 helpful in not only assessing those studies but as well
25 as if we decide to go out and do an RFR for services for

1 an outside entity to help us with evaluating the license
2 applicant's information coming in as well.

3 As Mr. Chairman you pointed out, we are
4 starting this new. There are some great opportunities for
5 us to kind of get the jump on doing that bench line
6 information as well as looking at study groups. We have
7 talked about a whole number of categories where we can
8 begin to follow some trends prior to the casinos opening.
9 And then after they've been in business at certain
10 intervals throughout the coming years.

11 CHAIRMAN CROSBY: It's a really, really
12 rare opportunity to do something really thorough. As you
13 look at that report that I sent around this morning,
14 there's just a dearth of quality research about what are
15 the socioeconomic impacts of any kind of gambling on a
16 community. It's amazing. But there is just very little
17 out there.

18 This would be an opportunity to do a study
19 that could be pretty extraordinary above and beyond
20 anything which is required in the legislation. So, we
21 will try to tee this up a little bit more. We will talk
22 a little bit more about how to tee this up.

23 COMMISSIONER MCHUGH: The other area that
24 is in there -- These are studies -- I don't know exactly
25 what. That is one thing we need to discuss. But that

1 whole concept it seems to me goes down to a pretty fine
2 level.

3 And I was thinking about when this all gets
4 up and running, there is going to be a fund among others
5 for community impact. Beginning to measure now before
6 there is anything what concerns the community is worried
7 about it seems to me is something we ought to think about
8 helping them think about.

9 For example, traffic is an obvious concern
10 these days and will be as the casinos are up and running.
11 Would it make sense for communities now to begin to do
12 traffic studies when there is nothing there so there is
13 a benchmark against which to measure the traffic that is
14 there when the casino is up?

15 Are there other things that can be measured
16 now to provide a baseline against which to measure the
17 impact with good data after the devices there in. Can we
18 identify those things and can we help towns who are asking
19 these questions to think about that and provide them with
20 some ideas as to things that they may want to investigate.
21 And then they provide a benchmark for us making decisions
22 down the road when we're called upon to do so.

23 COMMISSIONER STEBBINS: I think this
24 exercise of the mitigation forum being organized by MAPC
25 is helpful because we have the regional planning agencies

1 across the State should have a lot of this base level data
2 as well as information that we may find at Mass. Highways
3 or anywhere else.

4 There maybe information out there that's a
5 good benchmark that people have been collecting by rote.
6 They been doing it, but now we actually need to pull it
7 out and use it in an unofficial way.

8 CHAIRMAN CROSBY: Yes. We'll talk about
9 this a little bit more. I think we will probably go do
10 something publicly fairly soon on this, I think.

11 That was it. Anything else under other
12 business, any other missing pieces?

13 Anything else about anything else? Do I
14 have a motion to adjourn?

15 COMMISSIONER MCHUGH: So moved.

16 CHAIRMAN CROSBY: Second?

17 COMMISSIONER CAMERON: Second.

18 CHAIRMAN CROSBY: All in favor? I.

19 COMMISSIONER ZUNIGA: I.

20 COMMISSIONER MCHUGH: I.

21 COMMISSIONER CAMERON: I.

22 COMMISSIONER STEBBINS: I.

23 CHAIRMAN CROSBY: Thank you, folks.

24

25 (Meeting adjourned at 3:02 p.m.)

1 ATTACHMENTS :

2

3 Attachment 1, Agenda

4 Attachment 2, Massachusetts Gaming Commission Information

5 Technology Resources Policy

6 Attachment 3, 268A Disclosure form

7 Attachment 4, Massachusetts Gaming Commission Procurement

8 Transaction Log

9 Attachment 5, May 23, 2012 email from Karen Nober

10 Attachment 6, Southeastern Regional Planning and Economic

11 Development District 2012 Annual Meeting flyer

12 Attachment 7, Mt. Washington Bank 13th Annual Business

13 Breakfast flyer

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C E R T I F I C A T E

1

2

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

6

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

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11 I, Laurie J. Jordan, further certify I neither am counsel
12 for, related to, nor employed by any of the parties to the
13 action in which this hearing was taken and further that I
14 am not financially nor otherwise interested in the outcome
15 of this action.

16 Proceedings recorded by Verbatim means, and transcript
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19 //Laurie J. Jordan// Date: May 30, 2012

20 Court Reporter for Office Solutions Plus, LLC

21 My commission expires: May 11, 2018

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23 //Elizabeth Tice// Date: May 30, 2012

24 Elizabeth Tice, President, Office Solutions Plus, LLC

25 My commission expires: August 26, 2016