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THE COMMONWEALTH OF MASSACHUSETTS  
MASSACHUSETTS GAMING COMMISSION  
PUBLIC HEARING

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REGULATION: 205 CMR 102 and  
205 CMR 134

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BEFORE: COMMISSISONER GAYLE CAMERON

June 30, 2015, 10:00 a.m. - 10:30 a.m.

MASSACHUSETTS GAMING COMMISSION  
rd  
101 Federal Street, 23 Floor  
Boston, Massachusetts

## P R O C E E D I N G S

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3           COMMISSIONER CAMERON: Good morning.  
4 Today is Tuesday, June 30, 2015. This is a  
5 public hearing before the Massachusetts Gaming  
6 Commission. I am Gayle Cameron, a Commissioner  
7 with the Gaming Commission. This hearing is  
8 being convened pursuant to Massachusetts General  
9 Law Chapter 30A section 2 and Massachusetts  
10 General Law Chapter 23K section 5.

11           Before we begin, the Commission  
12 would like to thank you for being here today.  
13 This is a public hearing and it is critically  
14 important that you, the public, be part of our  
15 rulemaking process to ensure that the Commission  
16 achieve the best results possible.

17           The purpose of this public hearing  
18 is to offer any interested person or group an  
19 opportunity to comment on the Commission's  
20 regulations. This is not a question-and-answer  
21 period or a debate. Once we would begin, anyone  
22 who wishes to comment on the proposals may raise  
23 their hand and be recognized by the Commission.  
24 They may then proceed to offer their comment.

1           There are two sets of regulations on  
2 the agenda for today. And they are 205 CMR  
3 102.00, construction and application. The  
4 amendment deletes reference to 101.00 through  
5 131.00 in 205 CMR 102.03(04) and expands it to  
6 cover all of 205 CMR. This amended regulation  
7 allows the Commission to waive or grant a  
8 variance from any provision or requirement  
9 contained in 205 CMR.

10           205 CMR 134.00, licensing and  
11 registration of employees, vendors, junket  
12 enterprises and labor organizations. This  
13 amendment to 205 CMR 134.03 allows a gaming  
14 licensee to temporarily allow an individual to  
15 assist with gaming employee training and related  
16 purposes without having to become licensed or  
17 registered.

18           So, these are the two proposals that  
19 we will now hear comments on. The Commission  
20 requests that all speakers please identify  
21 themselves prior to commenting. Also, please be  
22 sure to keep your voices up as this is being  
23 recorded. With that we will now open up to the  
24 floor for comment. Is someone interested in

1 offering a comment on either of these two  
2 amended regulations? Could you please state  
3 your name for the record?

4 MS. HOLMES: It's Jeanne Holmes. I  
5 am particularly concerned about any time that  
6 there are waivers that don't seem to have a  
7 process that would be open to the public. So,  
8 both of these regulations and amendments do  
9 concern me.

10 Again, we start to go down a  
11 slippery slope when we start to have waivers  
12 that seem to not have an identifiable process  
13 where someone would be able to look in and see  
14 those. That's how I view these two regulations.  
15 I may have misread them.

16 I also am concerned in regards to  
17 individuals having waiver particularly with the  
18 licensee portion of it. I think you chance that  
19 there's going to be people that aren't properly  
20 vetted because of the waiver and they're able to  
21 get into the industry and they might not or  
22 should not perhaps be in the industry.

23 I personally do have grave concerns  
24 about the process that's being suggested here,

1 the amendment. I think the regulations were put  
2 into place as we view the regulations,  
3 particularly as to licensees is a clear vetting  
4 process. It's a long vetting process which is  
5 absolutely crucial if this industry is going to  
6 stay right to the Commonwealth.

7 COMMISSIONER CAMERON: Thank you for  
8 your comment. Do we have another comment?  
9 Please, could you state your name for the  
10 record?

11 MS. BEAUREGARD: Ann Beauregard.  
12 Where you were just discussing the part about an  
13 individual could be not quite going through the  
14 same vetting process. I just see the picture up  
15 there of the horses, you read later on about  
16 abuse let's say for animals or something like  
17 that.

18 My understanding is when you go  
19 through the proper channels you investigate to  
20 the full extent and granted sometimes you don't  
21 always get all of the information you need. But  
22 I use that one as an example. But those are  
23 concerns with myself and individuals that have  
24 had let's say less desirable paths that would be

1 working in the public or handling financing in  
2 some way.

3           And then with the variance in 205  
4 that you were talking about again, that's one  
5 that concerns me on several instances. But one  
6 that concerns me is the environment and how this  
7 plays out. Over the years, in my community  
8 there were questions on how people acquired  
9 variances in wetlands as something of that  
10 nature was waived.

11           That's one of the concerns that we  
12 need to look at because we all need to protect  
13 our environment but also the other situations  
14 that come with it.

15           For example, with this group that  
16 were allowed to have -- a couple of construction  
17 people -- a waiver, the people around them keep  
18 on getting, every time there's a lot of rain or  
19 something, flooding in their basements. And  
20 they've lived somewhere for 40 years, never had  
21 any flooding and suddenly because of these other  
22 homes they're getting flooding in their  
23 basements.

24           That's just health wise a quality-

1 of-life issue. I'm just citing that as an  
2 example because to me that's where the misuse of  
3 something.

4 COMMISSIONER CAMERON: Since we have  
5 a small group here today -- Lots of times we  
6 have hearings where there are a lot of people.  
7 Looking forward and we like to provide the  
8 opportunity -- Since we have a small group here,  
9 I'm going to speak -- which we don't always have  
10 a chance to do, but I'm going to speak in  
11 particular to the one variance we're looking at  
12 here. And I think Attorney Grossman could speak  
13 to the second one.

14 Just briefly. Again it's not a  
15 debate. So, I'm not looking for that. Just so  
16 you understand, when we talk about licensing and  
17 registration of employees, vendors, individuals  
18 from other jurisdictions -- And I can speak to  
19 this because I was just out there all of last  
20 week overseeing the opening of Plainridge Park  
21 Casino. These individuals will never work in  
22 our casinos.

23 These are vetted experienced  
24 employees from other jurisdictions. Penn

1 National has 28 facilities throughout the  
2 country. And one of our mandates was to hire  
3 local folks, right? That was part of the host  
4 community agreements, which is a terrific thing.  
5 We want Massachusetts people to have jobs. But  
6 they do not have casino experience.

7 So, what Penn National did, which we  
8 saw as a positive, was bring in experienced  
9 mentors to work with them for just a short  
10 period of time so that they gain the proper  
11 experience.

12 So, when we are talking not  
13 licensing someone in the casino or registering  
14 them, these are vetted experienced employees  
15 from other jurisdictions. Their sole purpose is  
16 to mentor and teach our Massachusetts residents  
17 best practices.

18 So, we have their name. We have all  
19 of their information. We know where they were  
20 vetted, where they are from, short period of  
21 time. And they are there for the sole purpose  
22 of teaching and mentoring our employees who are  
23 fully vetted.

24 So, if that clears it up at all for



1 you on those individuals that's all we are  
2 referring to here with folks in the casino that  
3 have not been licensed here in Massachusetts.

4 Short period just to teach and  
5 mentor. We have full control of who they are,  
6 where they are from what they are doing at all  
7 times and are totally overseeing that process on  
8 behalf of the Commonwealth.

9 So, I just wanted to give you that  
10 piece because I was down there last week. I saw  
11 these mentors in place, what they were doing,  
12 watched them teach, watched them mentor our  
13 employees so that they will be fully experienced  
14 and will be able to safeguard financials and  
15 everything else on behalf of the Commonwealth.

16 That's the one piece I wanted to  
17 add. The construction and application piece if  
18 you want to speak to that briefly.

19 MR. GROSSMAN: Sure. The variance  
20 provision I think the Commission shares some of  
21 the concerns you raise. I would just point out  
22 that the variance process always plays out in  
23 public. It takes place at a Commission meeting.  
24 It is not a behind closed doors type process.

1           This particular amendment is to an  
2 existing variance provision, which has been in  
3 effect for over two years at the moment. The  
4 Commission has granted a number of variances in  
5 public. There is a structure and a process in  
6 place. There are four considerations that the  
7 Commission has to look at.

8           The amendment that is being looked  
9 at here at this public meeting is just to  
10 broaden the provision to capture our entire body  
11 of regulations instead of just the first 31.

12 That was initially done because of  
13 administrative issue that comes up when you  
14 write regulations, we had to pinpoint what the  
15 various provision applied to.

16           Now we have upwards of 60 sections.  
17 So, we need to make sure the variance provision  
18 covers all of those sections and not just the  
19 first 30. That's all we're doing here. We're  
20 not creating a new variance provision.

21           As a general matter, I think  
22 variance provisions are a critical component to  
23 effective regulation. No set of regulations  
24 will cover every situation that will ever come

1 up in the governance of an industry. So, the  
2 regulatory body like the Gaming Commission or  
3 any other board or commission needs a variance  
4 provision to help ensure it has the flexibility  
5 necessary to achieve the results that everyone  
6 would hope to see.

7 That's all this provision does here.

8 COMMISSIONER CAMERON: Certainly,  
9 anytime we entertain a variance, we do it in  
10 public and we're very cautious about it. It's  
11 not something we undertake lightly. We are  
12 very, very conservative with the way we want to  
13 safeguard this industry on behalf of the  
14 citizens.

15 Like I say, typically we don't have  
16 time to have a conversation but where it's a  
17 smaller hearing today, I just thought that might  
18 be helpful to all of you who have taken the time  
19 to come and see us. And we do appreciate your  
20 taking the time, showing an interest in the work  
21 we do. Frankly, it is an important piece of  
22 what we do. Any other? Ma'am would you like to  
23 add anything?

24 MS. HUNYADI: Ann Hunyadi. My

1 concern is potential slippery slopes in terms of  
2 a variance whether it be a height variance that  
3 that variance be acquired by another industry  
4 that is not as respectful as this.

5 Also with bringing in the mentors,  
6 is there a timeframe on their length?

7 COMMISSIONER CAMERON: Yes. As of  
8 right now, they are here for 60 days. Then they  
9 will frankly go back to their place of  
10 employment in other states. So, they are kind  
11 of doing the company a favor to offer to come  
12 and teach and to mentor. So, we gave the  
13 opening license last week to Penn National and  
14 with that included this 60 days for the mentors  
15 to stay and complete their work.

16 COMMISSIONER CAMERON: Any other  
17 comments?

18 MS. BEAUREGARD: The next thing was  
19 when are you starting to post when the public  
20 hearings will be in the various communities?

21 COMMISSIONER CAMERON: That's  
22 correct. Are you talking about the next  
23 facilities? Is that what you're talking about?

24 MS. BEAUREGARD: Yes.

1           COMMISSIONER CAMERON: We're a  
2 little off topic here, but yes. We are starting  
3 to do that. Everything we do is up on our  
4 website. Every time there is a hearing, any  
5 kind of a public meeting. It's a pretty  
6 comprehensive website. So, any information you  
7 want will be there.

8           And you are always welcome to call  
9 if it's not clear enough. It's important to us  
10 that people have the information ahead of time  
11 and that they participate. So, everything we do  
12 moving forward with the remaining licenses will  
13 be posted on our website. That's updated every  
14 single week.

15          MS. HOLMES: Can I just mention, not  
16 to pick, but when I went onto your website for  
17 this meeting and I clicked get directions, it  
18 took me to Plainridge.

19          COMMISSIONER CAMERON: Oh, I'm sorry  
20 to hear that. Thank you for pointing that out.  
21 That's really important.

22          MS. HOLMES: And I thought it was a  
23 mistake the first time, so I tried it two more  
24 times and it led me there.

1           COMMISSIONER CAMERON: Obviously, we  
2 had some misinformation on the website. Thank  
3 you for clearing that up. And we'll do a better  
4 job making sure we pay attention to that. Thank  
5 you for pointing that out. I wouldn't have  
6 known that. That's important.

7           MS. HOLMES: Well, you know where  
8 you're going.

9           COMMISSIONER CAMERON: It's  
10 important that everyone knows where these  
11 hearings are. So, thank you for staying with us  
12 to get the right information. Obviously, it's a  
13 little late to fix that one, but we will make  
14 sure we pay attention to that. Thank you.

15          MS. BEAUREGARD: When I had gone on  
16 this weekend to make sure that I had the right  
17 directions to here and I looked at July 10 and  
18 then I couldn't see where the meeting was. So,  
19 I didn't know if you knew you were having a  
20 meeting and were trying to find a location.

21          COMMISSIONER CAMERON: That's really  
22 important, frankly. And we don't want those  
23 mistakes on our website. That's really  
24 important that you point that out to us. And

1 we'll pay more attention, and we'll get it  
2 right.

3 MS. HOLMES: And if not, I'll call.

4 COMMISSIONER CAMERON: Please do.

5 MS. BEAUREGARD: And I know this  
6 might be a little off topic, but I have a little  
7 trouble understanding, in Taunton, there was a  
8 group of Native Americans that wished to have --  
9 And I know there's a federal -- So, are they  
10 still "in the running"?

11 COMMISSIONER CAMERON: Why don't we  
12 do this. At this point if there were no more  
13 comments on this topic, I can suspend this  
14 hearing. And we'll wait an appropriate amount  
15 of time before we make sure no one else walks in  
16 for this hearing. And then I'd be happy to have  
17 a conversation with you off-line about any other  
18 questions you may have. Would that be helpful?

19 MS. BEAUREGARD: Yes, thank you.

20 COMMISSIONER CAMERON: With no other  
21 comments on the two proposed variances to  
22 regulations, I'm going to suspend this hearing.  
23 It's now 10:17. We will reconvene at 10:30 to  
24 see if there are any others interested in making

1 comments. We are now suspended.

2

3 (Hearing suspended at 10:17 a.m.)

4

5 COMMISSIONER CAMERON: It is now  
6 10:31. Hearing or seeing there are no more  
7 interested citizens to testify, we will  
8 officially close this hearing.

9

10 (Hearing closed at 10:31 a.m.)

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1 MEMBERS OF THE PUBLIC:

2 Ann Beauregard

3 Jeanne Holmes

4 Ann Hunyadi

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2015.



LAURIE J. JORDAN  
Notary Public

My Commission expires:  
May 11, 2018