

1 THE COMMONWEALTH OF MASSACHUSETTS

2 MASSACHUSETTS GAMING COMMISSION

3
4 PUBLIC MEETING #72

5
6 CHAIRMAN

7 Stephen P. Crosby

8
9 COMMISSIONERS

10 Gayle Cameron

11 James F. McHugh

12 Bruce W. Stebbins

13 Enrique Zuniga

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16
17 July 25, 2013, 9:30 a.m.

18 BOSTON CONVENTION AND EXHIBITION CENTER

19 415 Summer Street, Room 102-B

20 Boston, Massachusetts

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

CHAIRMAN CROSBY: Thank you all for coming. I am calling to order today July 25, 2013 the 72nd public meeting of the Massachusetts Gaming Commission. As you know, we will conduct our regular public meeting. We will then adjourn that meeting and we will then move to an adjudicatory hearing on suitability applications.

We will start with the approval of the minutes, Commissioner McHugh.

COMMISSIONER MCHUGH: The minutes have been distributed are in your packets. I move their adoption as circulated.

CHAIRMAN CROSBY: Does anybody have a second?

COMMISSIONER CAMERON: I second them.

CHAIRMAN CROSBY: Has everybody had a chance to read them?

COMMISSIONER ZUNIGA: Yes.

COMMISSIONER CAMERON: Yes.

CHAIRMAN CROSBY: They keep getting

1 better and better as far as I'm concerned, more
2 buttoned up each time. Any other discussion on
3 the motion? All in favor of accepting the
4 minutes as presented, aye.

5 COMMISSIONER MCHUGH: Aye.

6 COMMISSIONER CAMERON: Aye.

7 COMMISSIONER STEBBINS: Aye.

8 COMMISSIONER ZUNIGA: Aye.

9 CHAIRMAN CROSBY: Opposed? The ayes
10 have it unanimously. I think item number three,
11 an administrative catch-up from Executive
12 Director Day.

13 MR. DAY: Mr. Chairman,
14 Commissioners, good morning.

15 COMMISSIONER CAMERON: Good morning.

16 COMMISSIONER MCHUGH: Good morning.

17 MR. DAY: I think as I start I just
18 wanted to mention that our next meeting is on
19 August 9 just for those watching live stream and
20 in the audience today, as opposed to the eighth
21 meeting and it will be at 1000 Washington.

22 CHAIRMAN CROSBY: Our ordinary,
23 every two-week meeting would be on August 8. We
24 have changed that to August 9, Friday, August 9.

1 And it will be at 1000 Washington Street for
2 those of you who attend many of these meetings.
3 Thanks.

4 MR. DAY: Thank you. Chairman
5 Crosby, it is my pleasure this morning to start
6 out by introducing our first Director of
7 Licensing for the Massachusetts Gaming
8 Commission.

9 David Acosta is sitting next to me
10 here. David starts with the Commission on
11 Monday. We are eagerly looking forward to his
12 presence. And he comes to us from the Ohio
13 Casino Control Commission where he was the
14 Director of Licensing. In fact, David was
15 responsible for setting up Ohio's licensing
16 program.

17 Prior to Ohio, David was employed by
18 the New Jersey Casino Control Commission and
19 involved in casino employee licensing for 27
20 years.

21 I feel very fortunate that David is
22 bringing his knowledge and skills and experience
23 to Massachusetts. So, I would like you to join
24 me in welcoming David. And perhaps he has a

1 couple of words of wisdom to say to you before
2 you start this morning.

3 CHAIRMAN CROSBY: I hope he's got
4 more than a couple.

5 MR. ACOSTA: Commissioners,
6 Chairman, thank you very much. I am excited to
7 be part of this team and am looking forward to
8 working with Director Day and the rest of the
9 Commission staff. Like he said, I'll be here
10 Monday hopefully the first one and the last one
11 out getting my feet wet nice and early. I thank
12 you for the opportunity and look forward to
13 working with you each and every one of you.
14 Thank you.

15 CHAIRMAN CROSBY: Great. Great to
16 have you here. Any questions or comments from
17 any of the Commissioners?

18 COMMISSIONER CAMERON: I just want
19 to say, David, I think we're fortunate to bring
20 your talents to Massachusetts. I know from
21 folks I've spoken to in New Jersey, you have an
22 excellent reputation. You had a great working
23 relationship with the New Jersey State Police
24 and all of the other folks at gaming. So, I am

1 happy you're aboard and we look forward to right
2 away utilizing your expertise.

3 MR. ACOSTA: Thank you.

4 COMMISSIONER MCHUGH: I second that.
5 I have not had the pleasure of meeting you, but
6 I look forward to meeting you more informally.
7 But your arrival is very timely where this is
8 right on the edge of what one of our next big
9 steps is. And your background and your resume
10 surely indicate that you have the expertise that
11 we need to take advantage of in order to get it
12 done efficiently and well. So, welcome aboard.

13 MR. ACOSTA: Thank you.

14 CHAIRMAN CROSBY: Others?

15 COMMISSIONER ZUNIGA: Just to echo
16 the same comments, thank you for being here.
17 And we're very excited about the next step, one
18 that has a lot of work to be done. So, we're
19 happy to have you here.

20 COMMISSIONER STEBBINS: I'm very
21 happy to have you on board and pull on your
22 experience in helping the folks in Ohio get up
23 and running. And I'm sure Director Day, as he's
24 a transplant also has told you about the pledge

1 you need to make to support all Boston sports
2 teams --

3 COMMISSIONER CAMERON: Oh, sore
4 subject.

5 COMMISSIONER STEBBINS: -- as part
6 of your employment.

7 COMMISSIONER ZUNIGA: Is that a
8 condition of employment?

9 COMMISSIONER STEBBINS: He quickly
10 went silent. Welcome aboard, Dave. We are
11 happy to have you.

12 CHAIRMAN CROSBY: Has he signed his
13 agreement letter yet?

14 COMMISSIONER CAMERON: I think it's
15 the Eagles, right, David?

16 MR. ACOSTA: Well, the Flyers.

17 MR. DAY: There was a condition on
18 the second page in small print.

19 CHAIRMAN CROSBY: David, I just have
20 one question and Director Day knows this is
21 something we've been talking about and concerned
22 about, is sort of a rhetorical question, but it
23 sort of sets the stage.

24 We expect to award a slots license

1 by the end of this year, by the end of December.
2 And we are told by some of the bidders that they
3 could be up and running as soon as nine to 12
4 months after that. That means we'll be needing
5 to start your licensing process probably on
6 January 1 and be fully ready to go for
7 operations of the facility within nine to 12
8 months thereafter.

9 How does that timeframe feel
10 compared to what you did in Ohio, what you know
11 needs to be done? Where we have been a
12 tremendous amount work in licensing applicants,
13 we've done zero work in preparing to license
14 everybody else that has to be involved, the
15 individuals, the companies and so forth. How
16 does that schedule square with your experience?

17 MR. ACOSTA: I got to Ohio in
18 January. And the first casino opened in May.

19 CHAIRMAN CROSBY: Okay.

20 MR. ACOSTA: So, I was asked to put
21 a license division and all of this process of
22 investigation and license about 2000 people in
23 about five months period of time. So, that was
24 crunch time. Giving me more time than five

1 months would be a real pleasure.

2 CHAIRMAN CROSBY: That's a good
3 answer, thank you. Director Day has reassured
4 me that my concerns are exaggerated. And it
5 sounds like they are. So, that's good news.
6 Anybody else? Thank you very much, David.
7 Great to have you here. Welcome.

8 MR. ACOSTA: Thank you.

9 MR. DAY: Thanks again, David. And
10 it's great to have you here. And I know you've
11 got plans. So, we'd enjoy having you stay as
12 long as you can and then anticipate seeing you
13 Monday.

14 By the way, I'm sure the
15 Commissioners noticed, but David's resume is
16 included under 3A if you've had a chance to
17 glance at it.

18 Chairman Crosby, I will just go
19 ahead with the items listed if that's all right.

20 CHAIRMAN CROSBY: Yes.

21 MR. DAY: The next thing I'd like to
22 touch on is the project manager coordinator
23 recommendation. As I previously noted, we had
24 posted a procurement for the project manager

1 coordinator for Category 2 license application
2 evaluation process and by extension Category 1
3 when we get there. We received responses on
4 July 11.

5 We reviewed the responses and
6 cleared the evaluation process for completeness.
7 They were distributed to the procurement team,
8 which of course is Commissioners Stebbins,
9 Richard Henderson, which is helping us, thanks
10 to Bruce, and myself. The team met on July 18
11 to review the responses and score the proposals.

12 Two responses were selected for oral
13 presentation. And oral presentations took place
14 July 24, 2013. The procurement team finalized
15 the scores after the presentations and reviewed
16 cost for services.

17 And at this time, there is an
18 apparent successful bidder. We are closing in
19 on the end of the process here. After today's
20 Commission meeting, we will be reaching out to
21 the apparent successful bidder's references in
22 the next two days. And provided there are no
23 surprises during reference check process and in
24 order to make sure we have a coordinator

1 involved in the selection of our advisors, I'd
2 like to request the Commission granting me the
3 authority to make final approval for the
4 contractor, to delegate that approval to me, if
5 you would consider that.

6 Of course, we would as the
7 successful bidder to be available to meet with
8 the Commission at its August 9, 2013 meeting.
9 But in order to make sure we get the reference
10 checks done that'll be part of the process, and
11 then be able to move ahead and have this
12 individual or individuals on board as we begin
13 to select the rest of the advisors. It seems
14 important that we be able to continue to get
15 that decision done if the Commission would be
16 willing to do that.

17 I would like to -- I know Bruce has
18 informally -- excuse me, Commissioner Stebbins
19 has informally thanked Richard Henderson for
20 helping us with the selection process. He also
21 traveled to the Commission's office and sat in
22 with us during the first round of interviews.
23 It was great help with his expertise. Hopefully
24 you'll extend that to him for me.

1 COMMISSIONER STEBBINS: I will.

2 CHAIRMAN CROSBY: I don't think
3 there's any issue about delegating the decision-
4 making authority. I don't think we need to do
5 anything formal about that. We've already done
6 that in a number of other cases. And we're
7 totally fine with that. What about the
8 background check though, has that been done?

9 MR. DAY: The background check has
10 not been done but will be part of the
11 preliminary process as we start forward. As we
12 do in many cases, there will be a preliminary
13 and then approval based on completion of actual
14 background.

15 CHAIRMAN CROSBY: Okay. Great.
16 Thank you.

17 MR. DAY: I'd like to move to the
18 next item, which is the consultant contract
19 recommendation. I think the Commissioners
20 recall that we extended our Spectrum, Michael
21 and Carroll consultant contract through fiscal
22 year 2014.

23 The idea was to allow time to
24 discuss future arrangements, not to mention we

1 were at the end of the fiscal year and need to
2 make sure that we kept that contract active.

3 If it's acceptable to the
4 Commission, for the first quarter, after
5 discussions with the consultants and Kathy
6 O'Toole, for the first quarter of 2014, we
7 propose that the retainer be reduced by 25
8 percent. And then at the same time, the
9 consultants will report, track and report hours
10 worked and topics for the Gaming Commission.

11 The idea would be that that would be
12 reported to Kathy O'Toole who would continue to
13 coordinate work referred to the consultants.
14 Kathy will review the data that we then collect
15 with me in order to determine the most
16 appropriate level of a retainer in the future.

17 So, the short term is is that we'll
18 continue a retainer with a 25 percent reduction.
19 We'll collect the facts during that period, make
20 a judgment from there based on what the facts
21 tell us about the retainer and we go from there.

22 CHAIRMAN CROSBY: You've concluded
23 that there will be a retainer? It's not going
24 to be an hours upshot?

1 MR. DAY: Yes.

2 CHAIRMAN CROSBY: You're saying that
3 for the next three months. But are you saying
4 that for the future as well?

5 MR. DAY: No. What I'm saying is
6 that we'll take a look at the hours, actual
7 hours worked, look at it in comparison to the
8 retainer and then we'll make a decision based on
9 which is most beneficial to the Commission.

10 CHAIRMAN CROSBY: Okay. Go ahead.

11 COMMISSIONER ZUNIGA: One I'm
12 particular interested in as we do this that we
13 identify the efforts and hours and therefore the
14 compensation fee that is relative to evaluation.
15 They can be assessed to our investigations Phase
16 1 and investigations Phase 2 process, because we
17 have taken the approach that all of those monies
18 will be assessed across our applicants as
19 opposed to the general consulting and advice
20 costs that come out of our -- the money that we
21 have until we can assess our licensees.

22 So, I'm particularly interested in
23 learning that. I think it's a good approach
24 generally that what you describe. But if during

1 this period we need to cull out anything
2 relative to investigations Phase 1 or Phase 2,
3 I'd be very interested in that.

4 MR. DAY: No, that is a good point,
5 Commissioner Zuniga. And I haven't talked with
6 Kathy about that, but I think it's important to
7 be able to do that and focus on a method to do
8 that as we move forward. I think for the most
9 part, this proposal our own destiny is in our
10 own hands. Because obviously, the amount of
11 hours, the amount of work will have a lot to do
12 with which one is more advantageous to the
13 Commission as we move forward, whether it's an
14 hourly or a retainer.

15 CHAIRMAN CROSBY: Yes. This is
16 obvious, but I'll say it anyway. We've
17 expressed many times our great satisfaction with
18 our two consultants Michael and Carroll and
19 Spectrum. I think we've gotten -- the
20 Commonwealth has gotten its money's worth.

21 On the other hand, there's been a
22 lot of money that has exchanged hands here for a
23 lot of work. But we do need to make sure that
24 this analysis is rigorous just because it's a

1 lot of money. Okay.

2 MR. DAY: The next item would be the
3 procurement chart. And really, this is
4 essentially informational. The Commissioners,
5 Commissioner McHugh requested on our various
6 evaluations that we put that on one chart. It's
7 included in your packet as item D.

8 Essentially, what it does is it
9 lists five major procurements financial advisor,
10 project coordinator, building site design,
11 mitigation, economic develop and document
12 management. Those are the ones the Commission,
13 the large ones the Commission are currently
14 involved in.

15 The chart also lists key dates in
16 the procurement process. We plan to bring the
17 financial advisor for approval in late August,
18 the other two advisors in early September. The
19 idea is to be able to consult with our project
20 coordinator on these selections.

21 We also anticipate the document
22 management system in mid-September. The idea
23 was as we were moving that chart forward that it
24 also contains information where the

1 Commissioners know a little bit more about the
2 procurement and when those key steps are
3 scheduled and planned.

4 COMMISSIONER ZUNIGA: I would just
5 like to make a note that two dates here, as they
6 refer to the financial advisor -- I didn't have
7 enough time to bring this up prior to the packet
8 being out. The last two dates are not the 19th.
9 We did conduct the oral interviews -- the oral
10 presentations of the financial advisor on the
11 22nd. That's an actual. But the cost review
12 and the best and final offer, we have not yet
13 concluded. But the final recommendation
14 projection is correct here for August 22.

15 MR. DAY: Thank you, Commissioner.
16 Any other questions on the chart?

17 The master schedule if we could go
18 to that. I neglected to borrow a pointer before
19 this process if there happens to be one handy.
20 It takes a very steady hand anyway.

21 CHAIRMAN CROSBY: Just give it back.

22 MR. DAY: It would cause great
23 entertainment from the back. What I'd like to
24 do is we have with the master schedule, and you

1 all should have a version in the packet. What I
2 need to talk about in particular is the Category
3 2, which would be this right here, which is the
4 suitability determination process. Essentially,
5 the basic dates remain the same, which is the
6 August 29 date that we anticipate being
7 concluded with the suitability process for
8 Category 2.

9 The difference in this chart and
10 what I am recommending for how we reflect it on
11 the master schedule is instead of having this
12 period in here as you might have seen it before,
13 we tried to pick dates or have dates for
14 specific hearing dates. We found that that's a
15 very fluid processing. And there's different
16 kinds of hearings involved, whether it be a
17 public hearing or an adjudicatory hearing.

18 And each one of those have different
19 times associated with them. So, it makes it
20 almost impossible to actually predict when those
21 might occur within the process. So, what we've
22 done is just made that a group process to have
23 the project completed. We started 7/11 and we
24 anticipate being done by August 29. That is
still -- should be a very doable date to have

1 the process complete.

2 That change is also similar if you
3 look at Category 1. The difference with
4 Category 1 though is, and we've talked about
5 that a little bit before in this period in the
6 chart here. We had at one time we had the date
7 for starting that rolling or as-completed
8 presentation. We thought we'd be in there
9 pretty close but close to early August, August
10 5, I think.

11 Last time around, they talked that
12 those dates are probably not very realistic. I
13 think we're a lot closer to what we reflect here
14 right now. We're hoping to be able to start the
15 process on August 22. Again, what we did is
16 eliminated any specific dates in between and
17 just identified it as a process here that will
18 begin on August 22. We are very hopeful of that
19 date.

20 I have to say although that is
21 optimistic because it depends, as you know, on
22 the complexity and the type of reports that are
23 there. But we are still anticipating completing
24 the process -- the important thing again is that

1 the process will be completed by 11/30. And at
2 this point that seems to continue to be
3 realistic for this part of the schedule.

4 The other thing I just wanted to
5 check in with the Commissioners. Commissioners,
6 we have 12/31 as the date applications are due.
7 There was some discussion a little bit on the
8 last chart as there was some discussion about
9 whether or not the holiday there was going to --
10 should interfere with the schedule.

11 What ultimately it looked like to me
12 is that the Commission had reaffirmed it and
13 deliberately kept the date for the applications
14 to being due on December 31. That doesn't mean
15 though it won't be December 31 at two as opposed
16 to any later on that date. But we thought it
17 important to hold onto that date as we move
18 forward.

19 So, the date the applications are
20 due for Category 1 continues to be December 31
21 unless the Commission decides on some change.

22 The last item here that I think is
23 important to note is in the Region C Category 1
24 schedule. This is just sort of a forewarning is

1 August 15 we are projecting to be in the scope
2 of licensing -- excuse me scope of licensing
3 part of the process. This is for those who
4 anticipate submitting a Category 1 application
5 for Region C.

6 It provides the opportunity to meet
7 with staff and investigative assistance and
8 discuss what might be appropriate relative to
9 the qualifiers being submitted. So, that was
10 important here to at least mention that as we
11 get closer. It's really only about three weeks
12 away.

13 With that that's the updates. If
14 there's any concerns or questions about those
15 schedules, I'd be happy to address them. And if
16 I can't, then I can call on some help.

17 CHAIRMAN CROSBY: Anybody?

18 COMMISSIONER ZUNIGA: I would like
19 to emphasize something you talked about but that
20 is it's a milestone that will happen before our
21 next meeting, which is August 5 date here, which
22 is 60 days prior to our deadline by which a host
23 community -- for the Category 2, by which host
24 community agreement has to have been executed,

1 and then a referendum scheduled.

2 So, before our next meeting, we will
3 effectively know who has a scheduled referendum
4 and is essentially still in the mix, I guess.

5 CHAIRMAN CROSBY: This will probably
6 happen but maybe Ombudsman Ziemba on the 9th
7 could give us, we'll probably have it before
8 that but give us the final on who made it, who
9 didn't, what's coming for each of the five
10 bidders.

11 MR. DAY: We have an independent
12 schedule that combines all that. It'll probably
13 very handy method to provide that.

14 CHAIRMAN CROSBY: Right, which is
15 also now on our website. Director Driscoll has
16 put it up on the website too. That's great.
17 Anybody else?

18 So, looking at Category 2, the slots
19 license, which is the one that interests most
20 people in the room at the moment, if I'm reading
21 this right, what you're saying is that ideally
22 we would make the decision, the award in the
23 middle of December. But if there are extended
24 negotiations and arbitrations relative to

1 surrounding communities that could force it out
2 a month and a half later?

3 MR. DAY: That's correct.

4 CHAIRMAN CROSBY: We don't know yet
5 whether we'll have any debates, any arbitrations
6 on surrounding communities. If we don't, we'll
7 be able to make our deadline. But if the
8 bidders aren't able to negotiate deals with
9 surrounding communities, that could delay the
10 schedule?

11 MR. DAY: That's correct.

12 CHAIRMAN CROSBY: Great.

13 MR. DAY: The dates that I mentioned
14 in the suitability process that date, other than
15 having some impact obviously and most of the
16 applicants went forward with that early section
17 of being able to take advantage of the election
18 before the suitability determination. But that
19 is one thing about the changes I talked about,
20 none of those would change the actual final
21 dates for award of license.

22 CHAIRMAN CROSBY: Great.

23 MR. DAY: Unless the Commission has
24 something else for me that is the end of my

1 report. And I can turn this over to Director
2 Durenberger.

3 CHAIRMAN CROSBY: Okay, thank you.

4 COMMISSIONER CAMERON: Thank you.

5 COMMISSIONER MCHUGH: Let the record
6 reflect the pen was returned. Yes, thank you.

7 CHAIRMAN CROSBY: The magic pointer
8 was returned. Director Durenberger from our
9 Racing Division.

10 DR. DURENBERGER: Hello, Mr.
11 Chairman, Commissioners, how are you?

12 CHAIRMAN CROSBY: Very good, thank
13 you.

14 DR. DURENBERGER: Racing
15 administrative update for this morning. First,
16 I just wanted to update you on milestone in
17 racing. That has to do with our equine drug
18 testing.

19 CHAIRMAN CROSBY: Excuse me for one
20 second. Can everybody hear all right? In back,
21 raise your hand if you cannot hear. Okay.
22 Great.

23 DR. DURENBERGER: Thank you for
24 checking. So, in Massachusetts, two horses out

1 of every race are selected for post-race drug
2 testing, something that not everybody realizes.
3 And you, the Commission, approved an RFP, a
4 competitive RFP process over the winter. And a
5 new testing laboratory that is accredited to
6 industry standards was selected.

7 So, to date we have submitted just
8 over 1100 samples for testing. This week marks
9 the 1000th sample result received. So, I've
10 decided to give you a quick update. Our
11 industry now, and Massachusetts has adopted this
12 model through this Commission, we distinguish
13 between prohibited substances, which are those
14 substances that have no business being in a
15 horse on race day. And therapeutic substances,
16 which are acceptable but only when present below
17 a certain threshold level.

18 So, I'm happy to report so far we
19 have no findings of prohibited substances in any
20 of the horses selected for testing in
21 Massachusetts. We have 10 adjudicated findings
22 of therapeutic substances present in post-race
23 samples above the permissible concentrations.

24 And the take-home message there is

1 this incident is only just slightly higher than
2 what we see nationally. And I think that's
3 attributable to our horsemen and our
4 veterinarians given the enormity of the change
5 both in our regulations and in our testing
6 process for this year.

7 So, I think -- remember up until
8 this year it was still permissible in the
9 Commonwealth of Massachusetts to administer
10 anti-inflammatory medication on race day. And
11 we've backed that out to at least 24 hours out
12 now.

13 So, we've removed that important
14 asterisk, I think, from the industry's drug and
15 testing story that we have to tell. We did that
16 before the live racing season began. I think
17 that our program is a tribute to the success of
18 the stakeholders in compliance. I wanted to get
19 that out there.

20 COMMISSIONER MCHUGH: Could I ask
21 you a question?

22 DR. DURENBERGER: Yes.

23 COMMISSIONER MCHUGH: That's
24 terrific. What are the consequences, if any, of

1 finding a level of permitted substances above
2 the approved level?

3 DR. DURENBERGER: The current
4 regulation that Massachusetts has adopted, and
5 it is the model rule, divides those into two
6 categories of severity based on the
7 concentration. And the distinction we make is
8 between levels that are slightly over, so in
9 other words, those are usually attributable to
10 either individual metabolism problems with the
11 horse or bioaccumulations. Somebody has been
12 feeding it too much, too often. Somebody got a
13 little bit close, those kind of things.

14 Then the aggregated category, if you
15 will, is a level that would indicate somebody
16 tried to do something on race day. So, an
17 intentional administration or a mistake that
18 resulted in a double administration or whatever.
19 But the effects on that horse and on the race
20 itself are significant.

21 The two different categories, the
22 recommendation for a first time offence in the
23 first category is a written warning up to a
24 fine. The aggregated category does have some

1 more significant consequences including up to
2 loss of purse, which is that horse's share of
3 the purse monies. That affects the owner, and
4 an administrative fine for the trainer.

5 There are a number of enumerated
6 mitigating and aggravating factors that appear
7 in the regulation. Of course, the stewards and
8 judges are not bound to consider any of those,
9 but there are some that they must consider. And
10 then they adjust the fine or the penalty in
11 accordance.

12 COMMISSIONER MCHUGH: Have all of
13 our 10 been in the minor category?

14 DR. DURENBERGER: They have, yes.

15 COMMISSIONER MCHUGH: Thank you.

16 COMMISSIONER CAMERON: Thank you.

17 DR. DURENBERGER: A couple of other
18 administrative matters. I need to correct first
19 an error that I read into the record during the
20 71st public meeting. I did read into the record
21 a list of additional simulcast outlets approved
22 to receive the export signal from Suffolk Downs.

23 And in that list, we identified
24 Monarch Management as one of those outlets.

1 This name appeared in error and should be
2 replaced with Saddle Brook Jockey Club. Monarch
3 Management acts as an agent for that outlet.
4 So, I just wanted to correct that for the
5 record.

6 We received a request from Suffolk
7 to simulcast the Hambletonian Card from the
8 Netherlands on Saturday August 3. Pursuant to
9 the authority delegated to me by this
10 Commission, we did conditionally approve this
11 request. Our simulcast statute places a rather
12 complex set of restrictions and conditions on
13 the receipt of the various signals for simulcast
14 wagering. So, the applicable conditions for
15 this request were noted in that letter.

16 List of racing officials, so both of
17 our 128A live racing licensees submitted a list
18 of racing officials to be approved by the
19 Commission. The approval had been given as the
20 names have been submitted on a conditional basis
21 pending successful completion of a background
22 check. I am happy to report today that all of
23 those background checks have been completed on
24 all of the officials, both the initial list and

1 we've had some supplemental names come in as the
2 meets have continued. So, that process is
3 complete.

4 And I have a few upcoming events
5 just to notify the Commission about. One is
6 that the National Thoroughbred Racing
7 Association's Safety and Integrity Alliance will
8 be in town August 6 and 7. This would be for
9 the reaccreditation of Suffolk Downs.

10 The accreditation team inspects all
11 areas of operation from veterinary practices and
12 drug testing to wagering security, aftercare of
13 equine athletes, health and safety of jockeys,
14 access to substance abuse and other support
15 programs for back-stretch workers and other
16 occupational licensees.

17 Suffolk was first accredited in
18 2011. The accreditation lasts two years. It's
19 a two-day on-site team that comes. So, we look
20 forward to welcoming them to town. And I
21 don't want Suffolk to get all of the love today.
22 So, I've got some news for Plainridge.
23 Plainridge Racecourse is about to start its
24 annual series of community challenge. That's on

1 Saturdays in August.

2 Plainridge offers a series of races
3 where individuals from various community
4 organizations get to compete against each other
5 in a series of special exhibition races. Two
6 winners each Saturday compete in a semi-final,
7 and then a final event. And all of the proceeds
8 go to designated local charities.

9 We are meeting with stakeholders
10 over the next couple weeks to complete our
11 redlined version of the proposed changes to 205
12 CMR six and seven, which are the regs. governing
13 pari-mutuel and simulcast wagering. This is a
14 pretty dynamic area in the industry right now.
15 So, I'm also going to be meeting with some of my
16 cohorts from other jurisdictions in Saratoga
17 next week where the Commission will be
18 represented by at least one Commissioner and
19 some staff at the Racing Commissioners
20 International conference on Monday and Tuesday.

21 CHAIRMAN CROSBY: Great. How is the
22 woman jockey that was in the hospital?

23 DR. DURENBERGER: She is home and
24 she's rehabilitating.

1 CHAIRMAN CROSBY: And she'll be
2 riding again? There's no --

3 DR. DURENBERGER: Any time a rider
4 goes down, the first goal that they have is to
5 get back in the saddle.

6 CHAIRMAN CROSBY: Get back up, good.
7 There was a note in the minutes earlier today
8 about talking to DOR about the tax issue. And
9 you were going to see if you could get somebody
10 to come and speak to us.

11 DR. DURENBERGER: I believe that's
12 scheduled for the 29th.

13 CHAIRMAN CROSBY: It is, okay. The
14 29th.

15 DR. DURENBERGER: Monday.

16 MS. BLUE: The DOR folks, a couple
17 of their staff plus their General Counsel will
18 be coming to our office on the 29th to discuss
19 it with us first. Then we can determine what's
20 the best way to present it to the Commission as
21 a whole and when to do that.

22 CHAIRMAN CROSBY: Okay, great.
23 Anything else?

24 DR. DURENBERGER: That would

1 conclude the Racing report. Director Day seems
2 to have something? I think we're okay.

3 CHAIRMAN CROSBY: Anybody else
4 questions?

5 COMMISSIONER MCHUGH: I think this
6 is another good report. I think that we're
7 making great strides in the racing end of this.
8 It's exciting to watch as it is exciting to
9 watch all of the things that are unfolding.
10 Thank you.

11 CHAIRMAN CROSBY: I would call the
12 attention of our media friends who are here
13 watching that what's going on in the Racing
14 Division in Massachusetts is staggering. The
15 amount of change that has been made where we
16 have gone from being pretty much a laggard in
17 most standards to being a leader in most
18 standards is really remarkable.

19 It would be nice if somebody paid
20 some attention to it because you all have done a
21 great job. And the folks from Plainridge and
22 the folks from Suffolk Downs have really put
23 their shoulders to the wheel and collaborated
24 with us and totally changed the nature of our

1 racing industry in a very short time, which is
2 terrific.

3 So, congratulations to all of you.
4 Thank you. Great. We have nothing else
5 formally on the agenda for our regular public
6 meeting. Does anybody else have anything that
7 we hadn't anticipated coming up? Then I will
8 take a motion to adjourn this meeting. So
9 moved?

10 COMMISSIONER ZUNIGA: So moved.

11 CHAIRMAN CROSBY: Second?

12 COMMISSIONER STEBBINS: Second.

13 CHAIRMAN CROSBY: All in favor say
14 aye, aye.

15 COMMISSIONER MCHUGH: Aye.

16 COMMISSIONER CAMERON: Aye.

17 COMMISSIONER STEBBINS: Aye.

18 COMMISSIONER ZUNIGA: Aye.

19 CHAIRMAN CROSBY: Opposed? The ayes
20 have it unanimously. That meeting is adjourned.
21 We will take a few minutes break here while we
22 rejigger some of the logistics. Let's see if we
23 can start back at 10:15 in 10 minutes.

24 (Meeting adjourned at 10:06 a.m.)

1 ATTACHMENTS:

- 2
- 3 1. Massachusetts Gaming Commission July 25,
 - 4 2013 Notice of Meeting and Agenda
 - 5 2. Curriculum Vitae David Acosta
 - 6 3. Massachusetts Gaming Commission 7-29-2013
 - 7 Licensing Schedule Update
 - 8 4. Massachusetts Gaming Commission July 10,
 - 9 2013 Notice of Adjudicatory Proceeding
 - 10 5. Massachusetts Gaming Commission July 3,
 - 11 2013 IEB Memorandum Regarding Suitability
 - 12 Investigation For Ourway Realty, LLC,
 - 13 Applicant for a Category 2 Gaming License
 - 14 6. Ourway Realty, LLC Suitability
 - 15 Investigation Executive Summary
 - 16 7. Investigative Report for the Massachusetts
 - 17 Gaming Commission for Applicant Ourway
 - 18 Realty, LLC, Category 2 Gaming License

19

20 MASSACHUSETTS GAMING COMMISSION STAFF:

21 David Acosta, Director of Licensing

22 Richard Day, Executive Director

23 Dr. Jennifer Durenberger, Director of Racing

24

C E R T I F I C A T E

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

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

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

Proceedings recorded by Verbatim means, and transcript produced from computer.

WITNESS MY HAND this 30th day of July, 2013.



LAURIE J. JORDAN
Notary Public

My Commission expires:
May 11, 2018