



LOCAL COMMUNITY MITIGATION ADVISORY COMMITTEE (“LCMAC”) MEETING MINUTES

REGION A - MEETING #2

Date/Time: June 9, 2015

Place: Metropolitan Area Planning Council
60 Temple Place
Boston, MA
1:30 p.m. – 2:35 p.m.

Present:	<u>MGC:</u>	<u>LCMAC Members:</u>
	John Ziemba, Ombudsman	Fred Berman
	Todd Grossman, Deputy General Counsel	Richard Caraviello
	Mary Thurlow	Louis DePasquale
		John DePriest
		Ronald Hogan
		Tony Sousa
		Charles Ticotsky

Call to Order

Mr. Ziemba called the meeting to order. He then introduced Todd Grossman.

Attorney Grossman spoke on the topic of his discussions with the Ethic Commission. The two parts of his discussion were: (a) whether by virtue of service as a member of the LCMAC individuals would be prohibited under the state conflict of interest laws from being able to either prepare or present an application for funds on behalf of their municipality before the Gaming Commission and (b) “you may not directly or indirectly receive or request compensation from anyone other than the Commonwealth or a state agency in relation to any particular matter in which the Commonwealth or a state agency is a party or has a direct and substantial interest.”

Attorney Grossman indicated that the Ethics Commission considered a broad definition with respect to “particular matter” so that even if one is not looking at a specific application, by virtue of a discussion of that, it could be considered a particular matter which would then prohibit one from getting paid from the municipality to prepare such an application. A similar analysis would prohibit you from acting as an agent that is presenting the application to the Gaming Commission, however, does not prohibit anyone you work with from preparing an application or arguing for funds before the Commission.

Mr. Ziemba then suggested that a formal opinion from the ethics commission be requested and this issue be brought up at the Gaming Policy Advisory Committee meeting. He then suggested that no further actions be taken so that no local officials would in any way, shape or form be put in jeopardy.



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Mr. Hogan agreed and said that the more detail the better regarding this issue.

Mr. Ziemba then suggested a discussion of the ethics issues.

Mr. Depasquale mentioned that as his role of City Manager, many people will ask his opinion on financial matters. Although he may not do an application, he will know about that applications are being made.

Mr. Ziemba then suggested to members that specific questions be directed individually to the ethics commission by the person directly involved if it goes beyond the questions posed to the ethics commission by MGC.

Attorney Grossman asked for clarification on the specific roles of the LCMAC.

Mr. Ziemba explained that it was general policy making regarding the establishment of the funds. He also explained that this Committee will be in existence for the term of the license so that it would be difficult to know everything the LCMAC would be doing over that timeframe.

Attorney Grossman mentioned that it would be difficult to know the level of conflict without knowing exactly what the committee will be discussing.

Mr. Hogan mentioned that the conflict issue would be creating policy to evaluate requests for funds for communities that members represent.

Mr. Ziemba said that the ethics commission should take a look at these issues with what the purpose of the legislation is all about.

Mr. Hogan said that the challenge arises for communities that don't have a staff to choose from with the expertise needed to request for funding or develop policy around that without the input from LCMAC members.

Mr. Ziemba felt the intention of the legislation was for those persons with the most knowledge about the process to help advise the Commission.

Mr. Carviello said that if the theory from the Ethics Commission is used, it would eliminate many members.

Mr. Berman felt the question is whether when you're applying for money you're not applying for money to pay yourself, you're applying for money for specific other purposes. About whether the individual is benefitting

Mr. Depriest said that "if you remove yourself from the process of writing, you're probably supervising the person who is going to be writing it.

Mr. Ziemba thanked Attorney Grossman and outlined potential methods to assist in resolving these ethics issues with the Ethics Commission.

John Ziemba then suggested having Mark Vander Linden do his presentation and stop any further work.



Mr. Berman asked if the question about whether there is any conflict with members of LCMAC participating in challenges to a license.

Attorney Grossman said the question was not asked, however, Mr. Grossman mentioned that “you can’t act as an agent for the municipality on a particular matter which is subject to your authority at the LCMAC. Attorney Grossman reiterated that this is another question that would have to be asked of the Ethics Commission specifically.

Mr. Carviello mentioned that as a city employee you would have to advise whoever is going to write the application, to have a totally impartial person is going to be just about impossible.

Mr. Ziemba then said that further discussion of policy issues will postponed.

Mark Vander Linden then introduced himself and gave a presentation on the Social and Economic Impacts of Gambling in Massachusetts (SEIGMA) Study.

Meeting was then adjourned.

/s/ Mary S. Thurlow
Mary S. Thurlow, Secretary

Materials distributed at meeting:

1. Agenda and Notice of Meeting
2. Update on the Social and Economic Impacts of Gambling in Massachusetts (SEIGMA) Study
3. Summary of the conflict Interest Law for State Employees
4. Acknowledgment of Receipt



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