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THE COMMONWEALTH OF MASSACHUSETTS  
MASSACHUSETTS GAMING COMMISSION  
232 PUBLIC HEARING

CHAIRMAN

Stephen P. Crosby

COMMISSIONERS

Lloyd Macdonald

Bruce W. Stebbins

Enrique Zuniga

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January 10, 2018, 9:34 a.m. to 11:52 a.m.

Massachusetts Gaming Commission

101 Federal Street, 12th Floor

Boston, Massachusetts

## PROCEEDINGS

1  
2 CHAIRMAN CROSBY: Okay. Good  
3 morning. We are calling to order Public  
4 Meeting Number 232 on January 10th, 2018, at  
5 the Massachusetts Gaming Commission at  
6 9:30 a.m. First up is approval of the  
7 minutes.

8 COMMISSIONER MACDONALD:

9 Mr. Chairman, I move that we approve the  
10 minutes of the December 21st, 2017, public  
11 meeting subject to correction for  
12 typographical errors and other non-material  
13 matters.

14 COMMISSIONER STEBBINS: Second.

15 CHAIRMAN CROSBY: Any discussion?

16 I had two or three things. On page 5 in the  
17 middle paragraph, Shara, with the  
18 Commissioner, the paragraph that starts out  
19 "Commissioner Zuniga," it's just that first  
20 sentence doesn't scan. I think there's a  
21 word or two you've got to fix. On the next  
22 to the last paragraph that starts "Chairman  
23 Crosby," I think the main point that I was  
24 trying to make was I was basically in favor

1 of reading the list as a narrow list, but  
2 that I was agreeing that in the case of some  
3 really extreme thing or really egregious act,  
4 like maybe some versions of the kids in the  
5 car type thing, that I would be inclined to  
6 have it be broad enough to permit that. You  
7 might take a look at the video and see if you  
8 can characterize that a little bit better.

9 And I had one other one. Yeah.

10 I'm not sure where this fits, but on page 7  
11 and 8, the conversation about the junkets, I  
12 think one of the main things we talked about  
13 that might be in here is whether or not it  
14 was appropriate to get all the names and  
15 background information on the customers of  
16 the junkets. That was one of the main things  
17 we talked about I think.

18 So anybody else have anything?

19 COMMISSIONER STEBBINS: Yeah. Just  
20 looking back on the conversation we had about  
21 under IEB, I want to make sure, and it might  
22 have been under my comments, Shara, on page 5  
23 that we had. I had introduced the idea of  
24 discussion of thinking of not only kids left

1 in cars but seniors left in cars. I'm not  
2 sure whether that was under the portion where  
3 I spoke on page 5 or not, but if we can go  
4 back and look at that, too.

5 CHAIRMAN CROSBY: All right.  
6 Anything else? All in favor with those  
7 adjustments?

8 Aye.

9 COMMISSIONER MACDONALD: Aye.

10 COMMISSIONER ZUNIGA: Aye.

11 COMMISSIONER STEBBINS: Aye.

12 CHAIRMAN CROSBY: Opposed? The  
13 ayes have it unanimously. Commissioner  
14 Cameron is also not at this meeting. She's  
15 out ill.

16 Okay. So next up is the  
17 administrative update. Director Bedrosian.

18 MR. BEDROSIAN: Good morning,  
19 Commissioners.

20 CHAIRMAN CROSBY: Good morning.

21 COMMISSIONER MACDONALD: Good  
22 morning.

23 COMMISSIONER STEBBINS: Good  
24 morning.

1                   COMMISSIONER ZUNIGA: Good morning.

2                   MR. BEDROSIAN: Thank you for your  
3 flexibility. As you know, this is sort of a  
4 makeup meeting due to our snowstorm last  
5 week, and it's helpful because we don't want  
6 things to get too far behind, and we have an  
7 important presentation for to you today, so  
8 thank you for your flexibility.

9                   I have a couple of things, but I'm  
10 going to suggest that I do my general update,  
11 and then we go to Item Number 4 in the  
12 discussion about enhanced ethics I think we  
13 can put after we conclude Item Number 4  
14 because we are -- And I don't anticipate it  
15 will be a problem at all, but we are somewhat  
16 time constraint today given this room is  
17 needed for the Public Fund Health Trust Fund  
18 meeting in the afternoon.

19                  I would like to introduce a couple  
20 of new members of our staff first. Our new  
21 chief information officer has finally joined  
22 us, started right after the new year. She's  
23 here today, Katrina Jagroop-Ghomes. Most  
24 recently came to us from the Executive Office

1 of Energy and Environmental Affairs where she  
2 was the director of IT operations and  
3 technology. We are very, very happy to have  
4 her. I can tell you she's been here for a  
5 short week last week and already hit the  
6 ground running. So we welcome Katrina to our  
7 ranks.

8 CHAIRMAN CROSBY: Welcome.

9 COMMISSIONER MACDONALD: Welcome.

10 COMMISSIONER ZUNIGA: Welcome.

11 COMMISSIONER STEBBINS: Welcome

12 aboard.

13 MR. BEDROSIAN: And the next person  
14 we have to welcome is Crystal Howard, a  
15 program coordinator, who will be working with  
16 Director Griffin in workforce and diversity  
17 issues. Ms. Howard most recently comes to us  
18 as the alumni relations event coordinator for  
19 a small place called Bridgewater State  
20 University, so I'm sure she wasn't busy at  
21 all.

22 CHAIRMAN CROSBY: The alma mater of  
23 Commissioner Cameron.

24 MR. BEDROSIAN: All right. So

1 we're thrilled to have her working with  
2 Director Griffin. And as a matter of fact, I  
3 saw her as she was out yesterday at our  
4 access and opportunity meeting in  
5 Springfield, so she, too, is already hitting  
6 the ground running, so we welcome her also.

7 CHAIRMAN CROSBY: Welcome.

8 COMMISSIONER MACDONALD: Excellent.

9 COMMISSIONER STEBBINS: Welcome  
10 aboard.

11 COMMISSIONER ZUNIGA: Welcome.

12 MR. BEDROSIAN: Which leads me, as  
13 I've mentioned, I was out at the Access and  
14 Opportunity Commission meeting yesterday.  
15 Maybe I'll leave that official, that portion  
16 of the update, to Commissioner Stebbins who  
17 was there, later on commissioner updates, but  
18 as part of that, I went over to the gaming  
19 property with General Counsel Seth Stratton  
20 and got a tour of MGM's corporate office, MGM  
21 Springfield's corporate offices, which they  
22 are now in.

23 CHAIRMAN CROSBY: Oh, really.

24 MR. BEDROSIAN: They just moved in

1 last week, of course, during the storm. It's  
2 their corporate offices which is at 95 State  
3 Street, which is the building our offices are  
4 in. We're on the second floor. They're on I  
5 think 8 through 3. And you know, they're  
6 very industrial chic. They look like they're  
7 still in boxes, but it is another significant  
8 milestone that tells us this thing is  
9 happening and it's happening this year. In  
10 fact, we have a bunch of staff today who are  
11 out taking training for -- and I'll call it  
12 construction training -- training for being  
13 on property, you know, for our folks who will  
14 help monitor the setup of the gaming floor  
15 and other aspects of the property, if once  
16 they go through the training, they can with  
17 the appropriate safety gear and knowledge,  
18 they can walk around the site unescorted, so  
19 that's important.

20 And our office, too, I know  
21 Ms. Riley is working hard to get us all  
22 outfitted. Our offices look pretty ready,  
23 and I suspect we will get, you know, a  
24 minimum level of occupancy in there within



1 the next 30 days.

2 CHAIRMAN CROSBY: When is Tim going  
3 out there, Tim Babin?

4 MR. BEDROSIAN: That's a good  
5 question. I don't know the exact date.  
6 Soon. I think he'll start, Tim Babin, who is  
7 the lieutenant from the State Police, will be  
8 our commander for the Gaming Enforcement Unit  
9 out there.

10 CHAIRMAN CROSBY: Right.

11 MR. BEDROSIAN: I will check on  
12 that. But I think it's relative -- because  
13 we're getting gaming agents out there as the  
14 floor starts to get set up. We're getting  
15 those folks out there and working with their  
16 folks. And I met a lot of new folks from MGM  
17 Springfield that I hadn't seen before. So  
18 they're really starting to fill in the ranks  
19 below the executive team. So as I said, it's  
20 starting to be real.

21 CHAIRMAN CROSBY: Great.

22 MR. BEDROSIAN: So.

23 COMMISSIONER MACDONALD: Is Burke  
24 out there on a regular basis now?

1                   MR. BEDROSIAN: I think Burke is  
2 out there routinely. I think Bruce stops by.  
3 It depends upon Burke. But we've made a --  
4 we're starting to restructure the gaming  
5 agents so we'll have a person, you know, the  
6 new Burke, there'll be a Burke out in  
7 Springfield, and that will be after --

8                   CHAIRMAN CROSBY: I thought Burke  
9 was going to be out in Springfield.

10                  MR. BEDROSIAN: No. Burke will be  
11 overseeing the whole thing. Actually, Andrew  
12 Smith will be out in Springfield for us.

13                  CHAIRMAN CROSBY: Oh. Okay. Who's  
14 going to take over in PPC?

15                  MR. BEDROSIAN: Jay Lendros will  
16 take over at PPC. We're starting to move up  
17 people and feed underneath them, and as you  
18 know, we're going to have to hire a group of  
19 new agents sometime in the spring and have a  
20 training class. And what the public can't  
21 see is at the end of this room, we have some  
22 tables that are covered because we're a  
23 little space constrained, and when we're not  
24 doing public meetings in this room, we're

1 going to break it up and use it for training  
2 space. So we're trying to make as much smart  
3 use of the space as we can.

4 CHAIRMAN CROSBY: Great.

5 MR. BEDROSIAN: But there will be  
6 no gaming during public meetings.

7 COMMISSIONER ZUNIGA: There is no  
8 actual gaming that takes place here. It's  
9 only training.

10 MR. BEDROSIAN: Exactly. It's all  
11 training purposes.

12 COMMISSIONER ZUNIGA: No wagering.

13 MR. BEDROSIAN: Exactly.

14 CHAIRMAN CROSBY: We got that State  
15 House News service.

16 What about you doing, what is it  
17 called, jury or something or other  
18 presentation, or you were going to bring your  
19 critical path chart.

20 MR. BEDROSIAN: Yeah. I think  
21 that's the next meeting.

22 CHAIRMAN CROSBY: The 18th?

23 MR. BEDROSIAN: Yeah. That's the  
24 next meeting, the 18th.

1                   CHAIRMAN CROSBY: Okay. So that'll  
2 be in your presentation on the 18th.

3                   MR. BEDROSIAN: In the presentation  
4 on the 18th, yeah. Yep. Yep. Yep.

5                   So my suggestion is that we advance  
6 to Item 4, Director Vander Linden, and then  
7 we can circle back to the outstanding items,  
8 because I think that's the important one to  
9 get done today.

10                  CHAIRMAN CROSBY: Okay. So let me  
11 just make sure I know what I'm doing here.  
12 So we'll skip over the Enhanced Code of  
13 Ethics, come back to that?

14                  MR. BEDROSIAN: Correct.

15                  CHAIRMAN CROSBY: Okay. Director  
16 Vander Linden.

17                  MR. VANDER LINDEN: Good morning.

18                  COMMISSIONER MACDONALD: Good  
19 morning.

20                  CHAIRMAN CROSBY: Good morning.

21                  MR. VANDER LINDEN: I am joined by  
22 Dr. Rachel Volberg, who will be doing the  
23 bulk of the presentation this morning.

24                  I actually was trying to figure out

1           how best to key this important topic up, and  
2           what I thought I would do is refer back to a  
3           memo that I presented to the Gaming  
4           Commission in November of 2014. It was on  
5           that date that the Commission decided to go  
6           ahead and voted to launch the Massachusetts  
7           Gaming Impact Cohort Study. Interestingly,  
8           it was actually approved by the MGC in April  
9           of 2014, but we made the decision to wait  
10          until later in 2014 after the referendum  
11          didn't pass in order to launch this study.

12                        So the memo goes on to state that  
13          the purpose -- the proposed longitudinal  
14          cohort study of gambling behavior satisfies  
15          an objective in Section 71 of Chapter 23K  
16          which specifically calls for this study to  
17          understand the etiology of gambling and  
18          problem gambling. The study will follow a  
19          group of people with shared experience,  
20          exposure to expanded gaming, at intervals  
21          over time. This type of study can provide  
22          detailed etiological information about how  
23          gambling and problem gambling develops,  
24          progresses, and remits. The information

1 collected will have significant value as it  
2 will highlight risk and protective factors  
3 important in developing effective prevention,  
4 treatment, and recovery support services.

5 So a couple of notes on that. One  
6 is obviously we have limited expanded gaming  
7 in the Commonwealth right now, and the cohort  
8 to date really establishes a solid baseline  
9 through two waves of the cohort.

10 CHAIRMAN CROSBY: Was there no  
11 overlap or was there --

12 MR. VANDER LINDEN: There was very  
13 brief overlap --

14 CHAIRMAN CROSBY: Okay.

15 MR. VANDER LINDEN: -- which I  
16 believe Rachel will talk to you about. The  
17 second piece is as you will see as Rachel is  
18 talking to you about this, it is largely  
19 using the same information. It is largely  
20 meeting the objectives of the original --  
21 this proposal that I presented to you in  
22 November of 2014 set out to do. This is a  
23 longitudinal study, so Rachel will present to  
24 you the difference between wave one and wave

1 two, but our goal is that this is a cohort  
2 study that will extend well, well into the  
3 future and after we are fully implemented in  
4 terms of the number of casinos that will be  
5 operating.

6 So with that, I will turn it over  
7 to Dr. Volberg to talk to you about MAGIC.

8 DR. VOLBERG: Good morning,  
9 everyone.

10 CHAIRMAN CROSBY: Good morning.

11 COMMISSIONER MACDONALD: Good  
12 morning.

13 COMMISSIONER STEBBINS: Good  
14 morning.

15 COMMISSIONER ZUNIGA: Good morning.

16 DR. VOLBERG: I must say, it's a  
17 pleasure to be in Boston again, but because  
18 you started the meeting early today, I  
19 actually drove in last night, so I had a bit  
20 of fun walking around Faneuil Hall and the  
21 area downtown.

22 CHAIRMAN CROSBY: Where'd you stay?

23 DR. VOLBERG: Over at the  
24 Bostonian.

1                   CHAIRMAN CROSBY: Great.

2                   DR. VOLBERG: But I did bring my  
3 snow boots, and I was very glad I did because  
4 you guys have as much snow as we do out in  
5 Western Mass.

6                   At any rate, it is very exciting  
7 realizing that it's been three years since  
8 the start of this study. It's very exciting  
9 to finally be able to present some results to  
10 you.

11                  I just wanted to preference the  
12 presentation by saying that to my knowledge,  
13 this is the only jurisdiction, Massachusetts  
14 is the only government anywhere in the world  
15 that has made the decision to move ahead with  
16 this particular type of study before an  
17 expansion of gambling has actually occurred.  
18 And from an intellectual or an academic's  
19 perspective, that makes it, again, a  
20 tremendously groundbreaking opportunity for  
21 someone like myself who has been engaged with  
22 doing this kind of study always in other  
23 jurisdictions and always after gambling has  
24 expanded in multiple ways in those



1           jurisdictions. So it's a way to understand  
2           what's happening with problem gambling before  
3           you actually have that full expansion.

4                   CHAIRMAN CROSBY: It's the whole  
5           basic concept. I mean, the baseline piece of  
6           our agenda, right.

7                   DR. VOLBERG: Right.

8                   CHAIRMAN CROSBY: For the first  
9           time, we have a baseline for everything,  
10          whether it's an etiology or incidence or all  
11          the other things, too.

12                  DR. VOLBERG: And prevalence --

13                  CHAIRMAN CROSBY: Right.

14                  DR. VOLBERG: -- and all of the  
15          social and economic indicators that we were  
16          looking to receive as well.

17                  CHAIRMAN CROSBY: Right. Great.

18                  DR. VOLBERG: I just wanted to make  
19          that point because, again, just thinking back  
20          to the very first time I came before the  
21          Commission, it was like I can't believe I'm  
22          setting off on this wonderful project that  
23          you're letting me do. It's truly been  
24          something that has been such an opportunity,

1 and I thank you for that.

2 CHAIRMAN CROSBY: Great.

3 COMMISSIONER MACDONALD: Rachel,  
4 kind of on that point, is my understanding  
5 accurate that this data was collected in  
6 September of 2015?

7 DR. VOLBERG: The data was  
8 collected between March of 2015 and September  
9 of 2015, that's right.

10 COMMISSIONER MACDONALD: Because I  
11 found myself actually crossing out '15  
12 because I thought it was a typo.

13 DR. VOLBERG: You thought it was  
14 '16.

15 COMMISSIONER MACDONALD: I thought  
16 it was '16. But it is '15. So this really  
17 is before. It's only a couple of month's  
18 worth of PPC having been in operation, right?

19 DR. VOLBERG: Yeah. About five  
20 percent of the interviews we completed for  
21 MAGIC were completed after the opening of  
22 Plainridge Park. So 167 people and none of  
23 them had gambled at Plainridge.

24 MR. VANDER LINDEN: And Commission,

1           that was wave two. So that's the latest  
2           wave. Wave one was comprised of the original  
3           SEIGMA general population.

4                         COMMISSIONER MACDONALD: Right.  
5           No, I get that.

6                         DR. VOLBERG: Okay. So moving into  
7           the slides. Given that it's been a couple of  
8           years since I presented about the methodology  
9           that we were proposing to use, I thought it  
10          would be helpful to everybody to go back and  
11          revisit some of the key terms that we used in  
12          talking about cohort studies. I wanted to do  
13          a little bit of background on what other  
14          jurisdictions, excuse me, other jurisdictions  
15          where these kinds of studies have been done  
16          just to give you an overview of the  
17          characteristics of those studies. I want to  
18          then turn and talk about the specific goals  
19          that we have for MAGIC and our current  
20          status, and then hopefully fairly quickly get  
21          into the key findings and give you all a  
22          chance to ask some questions about what we  
23          think are the implications and then finish up  
24          with some future directions.

1                   So just to remind you, this is a  
2                   slide that we presented to you some time ago  
3                   talking about the differences in the design  
4                   of the two pieces of work that we're doing.  
5                   So SEIGMA, the Social and Economic Impacts of  
6                   Gambling in Massachusetts, is what's called a  
7                   repeat cross-sectional study, and what that  
8                   means is that in terms of secondary data, we  
9                   are, you know, keeping up to date with all of  
10                  those data as they're published. In terms of  
11                  primary data, particularly in terms of the  
12                  survey data, the repeat cross-sectional means  
13                  that we take -- we did a survey in 2013,  
14                  2014, and we're planning another large  
15                  population survey after all of the casinos  
16                  have become operational for a year, but those  
17                  are not the same people in each of those  
18                  samples.

19                  The cohort study is a different  
20                  beast. It's basically following the same  
21                  people and taking those snapshots but with  
22                  the same group of people who were exposed to  
23                  an event at a particular point in time. It  
24                  gives you a much sort of more fine-grained

1 picture of what's happening with people's  
2 behavior over time, and we think of it in  
3 research terms more as a moving picture  
4 because it's the same people. You have your  
5 characters moving through your movie, if you  
6 will.

7 When we presented to you the first  
8 time, we put together a different bathtub  
9 picture for you, and as I was thinking about  
10 this presentation, I realized that maybe we  
11 needed several different bathtubs because  
12 when I looked on Google and looked at images,  
13 none of them gave me all of the pieces of the  
14 puzzle.

15 So epidemiological folks think  
16 about prevalence as sort of the level of the  
17 water in a bathtub, and there's ways to make  
18 the level move up and there's ways to make  
19 the level move down. So if I want to make  
20 the level move up, you increase the  
21 incidence. I mean, actually you don't want  
22 to make the level move up. You want to  
23 always be trying to get it down from a  
24 disease management perspective. But

1 incidence is adding new cases to the  
2 population that's in the bathtub, so that's  
3 new cases adding to your prevalence. The way  
4 you sort of lower the level of the water is,  
5 unfortunately, through morality, and we know  
6 that problem gamblers have fairly high rates  
7 of suicidal ideation, attempts, so this is a  
8 factor in problem gambling prevalence, but  
9 also through remission. If you look at the  
10 less colorful bathtub, you can see the level  
11 of the water can change if a you get a lot of  
12 people recovering from the disorder.

13 And then back over to the more  
14 colorful bathtub, you can increase the level  
15 of the water if you have a lot of people who  
16 had a problem in the past and then  
17 experienced a problem again, and that's  
18 recurrence or relapse. And we know that that  
19 is a factor not just with other addictive  
20 disorders, but also particularly with  
21 gambling when there's a new form of gambling  
22 that's introduced, the people who are  
23 vulnerable in the population because they've  
24 had a problem in the past are more liable to

1 relapse.

2 COMMISSIONER ZUNIGA: But isn't  
3 that also -- doesn't that also imply some  
4 recovery?

5 DR. VOLBERG: Yes.

6 COMMISSIONER ZUNIGA: Somebody may  
7 have at least temporarily recovered. Whether  
8 that was real recovery or not, we can have a  
9 separate discussion, but relapse --

10 DR. VOLBERG: Well, it certainly  
11 would be recovery in the sense that they're  
12 not experiencing a problem at the time that  
13 we ask them about it at a particular point in  
14 time.

15 COMMISSIONER ZUNIGA: Right.

16 DR. VOLBERG: But someone who's had  
17 either a substance use problem or a gambling  
18 problem, a behavioral addiction, even if they  
19 recover and, you know, and many of them do on  
20 their own, they're still more vulnerable to  
21 developing a problem again in the future.  
22 And if you add to the risk factors by, you  
23 know, suddenly there's a great big new casino  
24 down the street and they happen to be a

1 casino gambler who has stopped gambling or  
2 cut back on their gambling because of  
3 concerns that they had, that is then, you  
4 know, sort of a risk factor for them that you  
5 want to be aware of.

6 So it's very helpful to know what  
7 the proportion of your prevalence rate is.  
8 Of people who have a gambling problem, it's  
9 important to know how many of them are sort  
10 of chronic and how many are sort of moving in  
11 and out because they require different kinds  
12 of services.

13 So here's another fun picture.  
14 Etiology, which is the long-term goal for the  
15 cohort study, is to understand the risk and  
16 protective factors that are associated with  
17 developing a gambling problem and then with  
18 helping people to get into remission and into  
19 recovery, and to establish in particular  
20 long-term recovery is something that's  
21 important to know protective factors for.

22 So following people over time,  
23 because you're following the same people, you  
24 can see sort of changes in their status and



1       you can begin to tease out what it is in time  
2       one that predicts change of status in time  
3       two. And that's the power of this kind of  
4       study design is that you can predict the  
5       changes, you can look at the predictors and  
6       start to sort out what the most powerful  
7       predictors are and how you can increase those  
8       changes in status over time.

9                So turning to talk about the  
10       background a little bit. There were quite a  
11       number of early small scale cohort studies.  
12       When I say early, probably starting in the  
13       early 1990s, certainly not before that, and  
14       all the way through to the mid 2000s.

15               All of them had fairly serious  
16       limitations. They were limited to maybe  
17       young people or to casino workers or they  
18       were -- they asked about gambling, but they  
19       didn't ask about problem gambling. Most of  
20       them only went for two or three waves, so you  
21       couldn't really say anything long term about  
22       the people in the study. And those  
23       limitations actually led starting in the  
24       mid-2000s to the launch of five very large

1 scale cohort studies in four different  
2 countries. And Rob Williams, who's our  
3 coprincipal investigator on both SEIGMA and  
4 MAGIC was either the PI or a co-PI on the two  
5 studies in Canada ELLLP and the QLS. And I  
6 actually have been fortunate enough to be on  
7 the research teams for the Swedish,  
8 Australian, and New Zealand studies. So  
9 these are all pieces that I've had  
10 involvement with.

11 CHAIRMAN CROSBY: I'm right,  
12 Rachel, that these five all were subject to  
13 the same limitations you had originally, so  
14 there's no baseline, right?

15 DR. VOLBERG: That's correct, yes.

16 CHAIRMAN CROSBY: These picked up  
17 in the middle of an operation of a new  
18 casino.

19 DR. VOLBERG: Yes. So all of these  
20 jurisdictions had had casinos, and in the  
21 case of Australia and New Zealand, widespread  
22 gaming machines for quite a number of years,  
23 at least 10 to 15 years before these studies  
24 were launched.

1                   So I'm not going to walk through  
2 all of the details of this. We certainly in  
3 the report, we talk about, you know, what  
4 each of these sort of rows deals with. I  
5 think the two things I want to highlight here  
6 are that the interval in each case was about  
7 12 months. The assessment length was quite  
8 variable. But the interval, except for the  
9 LLLP, was about one year between each of the  
10 assessments that people went through.

11                   The studies involve either  
12 somewhere between four and six assessments in  
13 each of these cases, and the problem gambling  
14 measure that was used, only the QLS used the  
15 PPGM, which is the measure we use in both  
16 SEIGMA and MAGIC. The others use the CPGI,  
17 the Canadian Problem Gambling Index, which we  
18 also use in our two studies, but the PPGM has  
19 some different performance characteristics.  
20 So we have sort of opted with that. But we  
21 do have comparability across all of these  
22 studies.

23                   COMMISSIONER ZUNIGA: Rachel, how  
24 many of these will continue besides in

1 addition to the five or so?

2 DR. VOLBERG: All of them are  
3 completed actually, except for the New  
4 Zealand. I believe New Zealand is planning  
5 at least one more wave. I should mention  
6 that the Swedish study is concluded, but only  
7 because the cohort had become small enough by  
8 2014 that the Swedish government decided to  
9 fund a new prevalence survey that is now  
10 going to be followed by a new cohort study.

11 So they've upped the ante on us a  
12 little bit in terms of deciding to just redo  
13 the whole design with a very large baseline  
14 prevalent survey and following the cohort  
15 over time. And I should mention, they're  
16 continuing -- there are discussions, I should  
17 say, about continuing to following their  
18 previous cohort, even though the numbers are  
19 smaller continuing to sort of -- because you  
20 can get -- the longer you can keep someone in  
21 a study like this, the richer your data  
22 become.

23 So the question comes down to why  
24 did we do MAGIC. I have to say back in 2013,

1 I had to pull my jaw off the ground when I  
2 was told that the Gaming Commission was  
3 thinking about doing a cohort study because  
4 that wasn't supposed to happen in my  
5 lifetime, but I'm certainly glad that I'm  
6 here to be able to participate.

7 So as I mentioned, there have been  
8 no major cohort studies of gambling and  
9 problem gambling in the U.S., certainly not  
10 with adults. There might be -- No. Not  
11 adolescents either. The other point to  
12 emphasize is that the change in gambling  
13 availability in Massachusetts during this  
14 cohort study is going to be more substantial  
15 than other cohort studies conducted  
16 internationally. We mentioned just a few  
17 minutes ago about the other jurisdictions.

18 I think what's exciting is that Rob  
19 Williams and I have been able to build on our  
20 experience in these cohort studies that we've  
21 been involved with. We've seen some of the  
22 mistakes that we've made and that our  
23 colleagues have made, but we've also sort of  
24 figured out what works. So it's been really

1 fun to sort of be able to build on that and,  
2 you know, build a better bridge given what we  
3 learned about the ones that had gone before.

4 And the other really exciting piece  
5 is that we had predicted that MAGIC would be  
6 very synergistic with SEIGMA producing  
7 results that would inform -- that each study  
8 would produce results that would inform the  
9 other, and I have to say that we have already  
10 found that to be the case.

11 In our report, we actually discuss  
12 some of the implications of the findings from  
13 MAGIC in terms of a service development, but  
14 we also point out to point to the deeper  
15 analyzes that we did from the BGPS data and  
16 fold those into the MAGIC report to sort of  
17 talk about, well, we can't say as much about  
18 this as we would like with MAGIC data, but  
19 here's this data from SEIGMA that informs  
20 what we have learned from MAGIC. So that,  
21 again, is an exciting development.

22 This is a rather ugly slide. I  
23 apologize for all of the verbage. But  
24 basically, this outlines the three major

1 goals that we have for MAGIC. The first is  
2 to examine incidence. Again, that's the  
3 proportion of new cases that are developing  
4 in Massachusetts over a period of time.

5 The second major goal is to examine  
6 stability and transitions associated with  
7 problem gambling to look at how people move  
8 into and out of problem gambling. And then  
9 finally, once we have a number of waves of  
10 data, to develop a full etiological model of  
11 problem gambling which will help us in  
12 guiding development of problem gambling  
13 services in Massachusetts and hopefully  
14 elsewhere in the U.S. and internationally.

15 Again, a lot of sort of tiny  
16 writing here. But just to remind you, that  
17 wave one of the study actually was our very  
18 large baseline general population survey.  
19 What we did is we drew a stratified sample  
20 from the BGPS. It was about half of our  
21 respondents, but I'll explain this in a  
22 minute. We picked them or we selected them  
23 based on behavior that they told us about in  
24 the baseline survey.

1                   We launched wave two, which was  
2                   actually the establishment of the cohort in  
3                   March of 2015. We finished it in September  
4                   of 2015, not 2016. And the cohort size is  
5                   3,139. As we were sort of working on  
6                   analyzing the wave two data, we also were  
7                   going out and getting ready and then fielding  
8                   wave three of the cohort study.

9                   Wave three was a quite expanded  
10                  questionnaire that we used to capture  
11                  etiological factors more comprehensively. We  
12                  have DSM screens for numerous psychiatric  
13                  disorders that we know are associated with  
14                  problem and pathological gambling, but we  
15                  also put in a number of measures that looked  
16                  at people's personality characteristics, so  
17                  there was quite a lot of additional  
18                  information.

19                 The size of the cohort went down a  
20                 little bit. Only 2,455 people participated  
21                 in wave three, but we still consider the  
22                 3,139 to be the cohort. And in wave four,  
23                 which we're preparing to launch in a couple  
24                 of months, we actually are going to go back



1 to all of our people in the cohort and try to  
2 get information from them. So even if  
3 someone is missing data in one wave, we still  
4 believe it's very valuable to try and keep  
5 them going and get information from as many  
6 people as possible.

7 COMMISSIONER ZUNIGA: So this --

8 CHAIRMAN CROSBY: Go ahead.

9 COMMISSIONER ZUNIGA: I'm sorry.

10 We may be asking the same question. Are you  
11 planning on reporting wave three and four  
12 together, or when can we expect wave three?  
13 Because you're reporting on wave two  
14 essentially, right?

15 DR. VOLBERG: I'm reporting on wave  
16 two. We're essentially a little bit delayed  
17 on wave two because of some of the review  
18 process that we ended up going through. Wave  
19 three, we actually have a small report  
20 planned on wave three in June of this year.  
21 It's one of our fiscal year '18 deliverables.  
22 I don't imagine that it will be a full report  
23 of all of the results because the results are  
24 quite complex and there's a lot of them. But

1 we'll probably -- you know, we'll certainly  
2 update on the methodology, and we'll update  
3 on some key findings. And then wave four,  
4 you'll recall, that we have a two-year gap  
5 between wave three and wave four for some  
6 budgetary reasons.

7 So we haven't really talked about  
8 what the reporting process is going to be,  
9 but I have discussed with Rob the fact that  
10 by the time we have wave four data in hand,  
11 it might be time to start thinking about are  
12 we going to be able to do some etiological  
13 analysis and start to look at filling in that  
14 risk and protective factors piece which I  
15 know is of real importance in the service  
16 development.

17 COMMISSIONER MACDONALD: But even  
18 wave four would be before the introduction of  
19 the --

20 DR. VOLBERG: The major casinos.

21 COMMISSIONER MACDONALD: -- Wynn  
22 and the main casinos.

23 DR. VOLBERG: Yeah. And the  
24 exciting piece about this is that we now are

1           going to have three measures of what we call  
2           natural incidence, which is basically  
3           incidence that we're looking at before the  
4           introduction of the big casinos. And that's  
5           something that we really didn't know whether,  
6           you know, a big introduction or a vast  
7           expansion changes incidence, but this is  
8           going to be a very important study in terms  
9           of being able to answer whether there's a  
10          change in incidence from pre to post.

11                        COMMISSIONER ZUNIGA: But there's  
12           going to be the slots parlor that would have  
13           been open during those last two waves because  
14           you're suggesting --

15                        DR. VOLBERG: And that's one of the  
16           things we're going to be looking at is how  
17           people's behavior changed with the  
18           introduction of the slots parlor, and if  
19           there's a change in incidence, are we going  
20           to be able to tie it to some particular type  
21           of behavior or is it going to be something  
22           much more general, is it going to be other  
23           kinds of vulnerability, say, with substance  
24           use or psychiatric disorders or, you know,

1           who knows.

2                           COMMISSIONER STEBBINS: Rachel, in  
3           wave four, as Commissioner Macdonald just  
4           pointed out, you're going back to the field  
5           prior to Wynn and MGM opening. Is there some  
6           value in the research of not only looking at  
7           people's behavior but also assessing what is  
8           your attitude, what is your -- you know, is  
9           there an excitement or expectation over  
10          opening those two facilities that you would  
11          go back and then in wave five, I guess, look  
12          at how those attitudes about gaming might  
13          have changed, not just behaviors, but  
14          attitudes.

15                          DR. VOLBERG: We actually have a  
16          number of questions in each of the waves  
17          about people's attitudes towards gambling.  
18          Not just gambling in general, but gambling in  
19          Massachusetts in particular and gambling in  
20          their communities. So it's the same  
21          questions that we had in the BGPS and in the  
22          targeted surveys. We can certainly talk with  
23          and/or see about adding some additional  
24          attitudinal questions, but we do have a suite

1 of questions.

2 COMMISSIONER STEBBINS: Okay.

3 CHAIRMAN CROSBY: How long can the  
4 cohort be useful as it degrades size wise?

5 DR. VOLBERG: Well, that is an  
6 excellent question to which I do not have a  
7 good answer. The decision in Sweden was  
8 based on two factors. One was the size of  
9 the cohort was getting quite small relative  
10 to the original baseline survey. So I think  
11 we were down to -- well, in Sweden, they like  
12 very large samples. So our initial cohort  
13 was actually 8,100 people. And I think we  
14 were down to about 3,000 when we agreed that  
15 it was getting too small.

16 But the other issue was the age of  
17 the cohort. So people age year by year, and  
18 so in the case of the baseline survey, you  
19 know, we interviewed people who were 18 and  
20 over. By the time we got out to wave two  
21 establishing our cohort, there wasn't going  
22 to be anyone 18 to 19. It was all going to  
23 be 19 and over. So as your cohort ages, you  
24 begin to have that gap in your cohort of

1       you're not able to represent anybody who's  
2       younger than the age of your cohort.

3               And I'm trying to think. We  
4       started in Sweden, we started in 2008, and by  
5       2014, we all agreed that we needed to sort of  
6       take a look at younger people again. But we  
7       were looking at people who were 16. So in  
8       Sweden, they limit surveys to people who are  
9       16 to 84. I don't know why 84 is the cutoff,  
10      but it is. So we were missing people who  
11      were sort of 16 to 20, 22, and the  
12      investigator didn't -- the lead investigators  
13      in Sweden decided they needed to go back out  
14      to a population survey to fill up that pot  
15      again.

16              CHAIRMAN CROSBY: So you can  
17      replenish the cohort without losing the  
18      integrity of the data? I don't know how that  
19      works.

20              DR. VOLBERG: Well, that's a series  
21      of discussions that we have had internally,  
22      and we are hoping to be able to share that  
23      with you and other folks who come out to our  
24      annual meeting in May, and then going

1 forward, obviously, the best opportunity we  
2 think to replenish the cohort is probably  
3 with the follow-up general population survey  
4 that we're planning for 2020.

5 CHAIRMAN CROSBY: Right.

6 DR. VOLBERG: But there may be some  
7 other things we can do. We're getting some  
8 expert advice from NORC. We want to get some  
9 feedback from the review, the research review  
10 committee, and from yourselves as well.

11 CHAIRMAN CROSBY: Great. Okay.

12 COMMISSIONER MACDONALD: But isn't  
13 this a problem that just adheres in any  
14 cohort study?

15 DR. VOLBERG: Yes, it is.

16 COMMISSIONER MACDONALD: By  
17 definition, correct?

18 DR. VOLBERG: By definition, it  
19 applies to any cohort study. The issue is, I  
20 think, how important do we feel that it is to  
21 have younger people in the cohort. I  
22 remember when we were getting ready to go out  
23 for the baseline survey, somebody, I forget  
24 who, said why are you bothering with people

1           who are 18 because the age to gamble at a  
2           casino is 21 in Massachusetts, and I had to  
3           point out that, in fact, you can buy a  
4           lottery ticket and you can go to the horse  
5           races and play bingo when you're 18 in  
6           Massachusetts. So people have access to some  
7           forms of gambling. It may not be to casino  
8           gambling, but you still want to have those  
9           younger people.

10                   COMMISSIONER ZUNIGA: You could  
11           actually also go to Rhode Island where it's  
12           legal to be 18.

13                   DR. VOLBERG: Right.

14                   COMMISSIONER ZUNIGA: What about  
15           people who move? And maybe you already  
16           answered this question earlier, but.

17                   DR. VOLBERG: Yeah. Mobility is  
18           another challenge to conducting cohort  
19           studies. Interestingly enough, Massachusetts  
20           has quite a low mobility rate compared to  
21           other states, even states close by. But we  
22           have worked with NORC in doing locating for  
23           our cohort members. So they have tools at  
24           hand to try and track people down. Just



1           because they leave Massachusetts for a little  
2           while doesn't mean they're not going to come  
3           back.

4                        COMMISSIONER MACDONALD: I don't  
5           know though, but after the last two weeks, I  
6           think you might find a considerable bump up.

7                        DR. VOLBERG: Yeah. All those  
8           snowbirds leaving.

9                        COMMISSIONER ZUNIGA: Well, I'm  
10          specifically thinking about students, too,  
11          who come here and go back and are part of the  
12          young population.

13                       DR. VOLBERG: We think about those  
14          things on a regular basis.

15                       COMMISSIONER ZUNIGA: Okay.

16                       DR. VOLBERG: Okay. I'm not going  
17          to go into weighting a great deal. This was  
18          the source of quite a lot of discussion and  
19          work, but basically, we did weight the cohort  
20          to adjust for a number of different things,  
21          most specifically, the stratified sample  
22          design, which I'll explain in a minute, but  
23          also for some of the differential response  
24          rates that we got by group.

1                   Initially, we weighted by gender,  
2                   age, race, ethnicity, and education. In the  
3                   second round of weighting, after consultation  
4                   with the research review committee, we  
5                   adjusted the weights to account for likely  
6                   participation bias. And I'll explain that in  
7                   a minute again. But basically the reason we  
8                   did the weighting was to allow us to more  
9                   confidently generalize the incidence rate to  
10                  the population of Massachusetts as a whole.

11                  COMMISSIONER MACDONALD: Could you  
12                  just pause for a moment and help me with the  
13                  concept of weighting, because this is the  
14                  part of your report that I found most  
15                  difficult to understand.

16                  DR. VOLBERG: Well, I will confess

17                  --

18                  CHAIRMAN CROSBY: I suggest you  
19                  should just accept it as a fact rather  
20                  than...

21                  COMMISSIONER MACDONALD: I just  
22                  don't completely understand the concept. I'm  
23                  not asking to go into the details of it.

24                  DR. VOLBERG: I'm going to try and

1 do this in plain English.

2 COMMISSIONER MACDONALD: All right.

3 DR. VOLBERG: But please understand  
4 that I am not a biostatistician. I actually  
5 have an emeritus professor on my team who  
6 does all this stuff for us and comes in and  
7 explains it to us, and we all go, well, are  
8 you sure, are you sure, are you sure, and we  
9 pick it apart, and then when we're  
10 satisfied --

11 COMMISSIONER MACDONALD: Well, then  
12 I don't feel so self-conscious.

13 CHAIRMAN CROSBY: I don't  
14 understand it.

15 DR. VOLBERG: -- and then we turn  
16 it over to the research committee, and they  
17 pick it apart, and then it comes back to us  
18 and we try and put it back together again.

19 COMMISSIONER MACDONALD: Okay.

20 DR. VOLBERG: So I'm going to do my  
21 best here. When you have a population and  
22 you take a sample, weighting is what you use  
23 to adjust your sample so that you can say  
24 something about the whole population, because

1 each person that you pull from the population  
2 represents a much larger group of people.

3 So I'm a 63-year-old white woman  
4 with a Ph.D. I represent quite a lot of  
5 white, middle-aged women with a Ph.D. living  
6 in Western Massachusetts, but if I were  
7 living in Eastern Massachusetts, I would be a  
8 much smaller part of the pool of the  
9 middle-aged white women with a Ph.D. than I  
10 am in Western Massachusetts. So because I'm  
11 in Western Massachusetts, the statistical  
12 weight that is assigned to me is different  
13 than if I were in Eastern Massachusetts,  
14 okay.

15 So what the weighting process does  
16 is it takes the characteristics of every  
17 individual in the sample, and it adjusts them  
18 up or down based on a number of preselected  
19 characteristics with the idea that ultimately  
20 you're trying to talk about the 5.1 or  
21 5.2 million adults in Massachusetts as a  
22 whole.

23 COMMISSIONER MACDONALD: Okay.

24 DR. VOLBERG: Okay. Does that

1 help?

2 COMMISSIONER MACDONALD: I get it.  
3 Yeah, that helps a lot actually.

4 COMMISSIONER ZUNIGA: It's their  
5 best guess, and they go through, you know, to  
6 get the representation of the actual  
7 population.

8 DR. VOLBERG: And you will hear Ed  
9 Stenic say on a regular basis, weighting is  
10 more art than science. There is certainly  
11 some science and a lot of statistics  
12 involved, and he geeks out on the science all  
13 time. But at the end of the day, there are  
14 assumptions built into any weighting scheme,  
15 and you can question those assumptions, and  
16 you have to go back and really, you know,  
17 have a good rationale for why you picked the  
18 variables that you picked to adjust the  
19 sample to the population.

20 COMMISSIONER MACDONALD: Great.  
21 Thank you.

22 DR. VOLBERG: Does that help? Oh  
23 good. Okay. My first biostatistics lecture,  
24 and I passed.

1                   This is a table rather than  
2                   verbage. Basically, what you have on the  
3                   left-hand side are the strata. These are the  
4                   characteristics of the people in the baseline  
5                   general population survey that we felt were  
6                   important to look at.

7                   So obviously, in the sample that we  
8                   drew from the BGPS, that first column, the  
9                   drawn sample, that 4,860, we had 133 problem  
10                  gamblers. That was a hundred percent of all  
11                  of the problem gamblers that we had in the  
12                  BGPS. We have 450 at-risk gamblers. We had  
13                  much larger numbers of people who spent \$100  
14                  a month or more on gambling or 1,200 a year.  
15                  We had a large group of people who gambled  
16                  weekly. We had a very small group, but a  
17                  very interesting group, of folks who had  
18                  served in the military after 9/11. And  
19                  you'll remember in the BGPS, that they had a  
20                  very, very high prevalence rate of problem  
21                  gambling, and so we wanted to make sure we  
22                  included them in the cohort study in case  
23                  there was something specific about military  
24                  service that we could tease out. And then we

1 had a random selection of everyone else in  
2 the BGPS.

3 I will say that the first five  
4 strata, from the problem gamblers to the  
5 military service, those strata were a hundred  
6 percent. We picked everybody that met that  
7 criterion and put them in our drawn sample,  
8 and then we took a third of the other BGPS  
9 respondents randomly.

10 The achieved sample is the sample  
11 that we now have as the established cohort,  
12 the 3,139. And then the last column in the  
13 table shows you the response rate by group.  
14 So we didn't -- you know, you never get one  
15 hundred percent of your sample when you go to  
16 do a survey. You get a response rate or, you  
17 know, some people choose to opt in, some  
18 people choose to not opt in.

19 Overall for the drawn sample, we  
20 achieved a response rate of 65 percent, but  
21 you'll see that it's a little bit different  
22 by the risk strata. So actually, problem  
23 gamblers were less likely to participate in  
24 the survey than some of the folks in the

1 other strata.

2 COMMISSIONER ZUNIGA: Rachel, I was  
3 just glancing over the averages here. Maybe  
4 this is due to the number of people, but not  
5 just the problem gamblers but military  
6 service has a higher than average. Do you  
7 think it might be attributable just to the  
8 number, to the low number in those groups,  
9 problem gamblers and military service?

10 DR. VOLBERG: So that's not --  
11 there's no overlap. So anybody who's in  
12 military service and had a gambling problem  
13 was going to be in the problem gambler group,  
14 and these were other people in the military  
15 who had had service since 9/11 who didn't  
16 have a gambling problem but were still in our  
17 drawn sample.

18 COMMISSIONER ZUNIGA: Yeah. I  
19 wasn't thinking of them collectively.

20 DR. VOLBERG: Oh. Okay.

21 COMMISSIONER ZUNIGA: I was looking  
22 at them, and they seem to be the two odd  
23 numbers on the averages altogether. I think  
24 everybody sort of coalesced otherwise around



1 a 65 percent --

2 DR. VOLBERG: Yeah. It could be --

3 COMMISSIONER ZUNIGA: -- response  
4 rate, except these two groups.

5 DR. VOLBERG: So on the very small  
6 group, on the military service, it could be  
7 that it's an anomaly that, you know --

8 COMMISSIONER ZUNIGA: Because it's  
9 very small people.

10 DR. VOLBERG: Because it's a very  
11 small group, they just might have a higher  
12 response rate for unknown reasons. It might  
13 be that they're more dedicated to public  
14 service so they're more likely to do a survey  
15 or to agree to participate in a long-term  
16 study. It's hard to say.

17 Problem gamblers, we know that they  
18 tend to have lower response rates to gambling  
19 studies. We think it probably has to do with  
20 some sort of self-perception of their own  
21 gambling problem that makes them reluctant to  
22 talk about their gambling.

23 CHAIRMAN CROSBY: Rachel, is  
24 another way of synthesizing this to just say

1 we lost 35 percent of the sample from the  
2 last wave?

3 DR. VOLBERG: No. Because this is  
4 establishing the cohort. We didn't lose  
5 anybody. We're going to follow all of these  
6 3,139 over time.

7 CHAIRMAN CROSBY: You don't  
8 consider the original 48 as the cohort.

9 DR. VOLBERG: No. That was the  
10 basis for the sample. That was just the  
11 basis for establishing the cohort.

12 COMMISSIONER ZUNIGA: They have to  
13 agree to participate first, right?

14 DR. VOLBERG: Yeah. So --

15 CHAIRMAN CROSBY: But you used the  
16 4,860 as your baseline data, right, that's  
17 how you calculated incidence.

18 DR. VOLBERG: No. We're not  
19 calculating incidence on 4,860.

20 CHAIRMAN CROSBY: Okay. We're only  
21 talking about the 3,139. Okay.

22 DR. VOLBERG: Yeah.

23 CHAIRMAN CROSBY: So you could  
24 almost call this wave one rather than wave

1 two. Okay. I get it.

2 DR. VOLBERG: Yeah. There was a  
3 lot -- We discussed, again, this was like --  
4 you guys are hitting on all the things that  
5 we sort of spent days and days talking about  
6 and came to a decision, and now I'm thinking,  
7 like, now why did we decide to call it wave  
8 two instead of wave one. I know we had a  
9 really good reason.

10 CHAIRMAN CROSBY: Right. Okay.

11 MR. VANDER LINDEN: One last point  
12 I wanted to make from this slide. This is a  
13 way in which it really is synergistic with  
14 the larger SEIGMA study that a low base rate  
15 disorder like problem gambling is really  
16 difficult to track in a cohort, but because  
17 we were able to identify these specific  
18 groups within the original SEIGMA population  
19 baseline study, it amplifies our ability to  
20 really use, gather information about gambling  
21 behavior from the group we're most interested  
22 in or groups we're most interested in.

23 CHAIRMAN CROSBY: Okay.

24 DR. VOLBERG: Okay. So this is

1 really just a nice map to show you the  
2 location of all of the addresses of the  
3 people that agreed to be in the cohort. We  
4 were really glad to see that it looked a lot  
5 like the population of Massachusetts, the  
6 distribution of the population of  
7 Massachusetts.

8 And now, finally for some key  
9 findings. Wait. Oh. Yeah. Okay. So one  
10 of the first things we looked at was between  
11 2013, 2014, and 2015 or so -- I'm going to  
12 shorten that and say between 2014 and 2015,  
13 we looked at changes in individual members of  
14 the cohort's gambling participation between  
15 those two waves, and what this shows you is  
16 that there was a small -- it was  
17 statistically significant increase in overall  
18 gambling.

19 The two main types of gambling that  
20 contributed to that increase were actually  
21 casino gambling and horse racing. There was  
22 also an increase in the mean number of types  
23 of gambling that people had done, but I just  
24 want to emphasize that while these were

1 statistically significant, all of these  
2 changes were quite small. And so the main  
3 reason that we felt that this was of interest  
4 is because in all of the other jurisdictions,  
5 gambling participation has generally reduced  
6 between waves. People tend to do less and  
7 less gambling over time, and so that was our  
8 first kind of little surprise about this  
9 study in particular was it seems to go in the  
10 opposite direction of the other studies that  
11 we have done.

12 COMMISSIONER ZUNIGA: But those  
13 other same studies were they started years  
14 sometimes the after the introduction of  
15 casinos, right?

16 DR. VOLBERG: Yeah. And we felt  
17 there might be some logical reasons why this  
18 would be the case, but because it's the first  
19 time that we've done a cohort where we've  
20 established a cohort in a jurisdiction that  
21 didn't yet have like all of the gambling that  
22 we knew was coming, we just were surprised to  
23 see it going in the opposite direction.  
24 Usually, you know, when you've got five

1 studies that are going one way and you get  
2 one that goes the other way, you're like, all  
3 right, let's stop and think what could be  
4 going on here.

5 COMMISSIONER ZUNIGA: Right.

6 COMMISSIONER STEBBINS: Rachel, do  
7 respondents, talking about sports betting,  
8 are they -- obviously, it's --

9 DR. VOLBERG: It does look like it  
10 edged up a bit. It was not statistically  
11 significant.

12 COMMISSIONER STEBBINS: Do they  
13 identify a difference between sports betting,  
14 sports betting and doing DFS, that type of  
15 activity as well?

16 DR. VOLBERG: I don't think that  
17 we -- because we were in the field or we were  
18 already in the -- I think we had already  
19 finalized the questionnaire when DFS, all of  
20 that stuff, blew up in I think it was in  
21 2015, September of 2015.

22 COMMISSIONER ZUNIGA: Um-hmm.

23 DR. VOLBERG: We would have already  
24 been out of the field. There was something

1 else going on than DFS right there.

2 COMMISSIONER STEBBINS: Okay.

3 DR. VOLBERG: What we did do was in  
4 wave three, we added some additional  
5 questions to get greater detail about sports  
6 betting because we knew that DFS had blown  
7 up. So we'll definitely be taking a look at  
8 that.

9 COMMISSIONER STEBBINS: Just trying  
10 to think of what the respondents attitude is,  
11 is what I'm engaging in sports betting or --

12 DR. VOLBERG: Yes.

13 COMMISSIONER STEBBINS: -- is it  
14 something else I'm doing?

15 DR. VOLBERG: Something else I'm  
16 doing.

17 COMMISSIONER STEBBINS: The Final  
18 Four and all the other.

19 DR. VOLBERG: Right. That's not  
20 betting. That's something else with my  
21 friends.

22 CHAIRMAN CROSBY: Why do you say  
23 that the increase is due to lottery and horse  
24 racing when, A, they all went up, and B, it

1 looks to me like the largest increase after  
2 horse racing was probably casino?

3 COMMISSIONER ZUNIGA: She said  
4 casino and horse racing.

5 DR. VOLBERG: I said casino and  
6 horse racing.

7 CHAIRMAN CROSBY: Oh. I thought  
8 you said lottery and horse racing.

9 DR. VOLBERG: No, sir. And it's  
10 all based on statistics. I'm sorry.

11 CHAIRMAN CROSBY: No. That makes  
12 sense. I misunderstood, I'm sorry.

13 DR. VOLBERG: Okay. Let's move on.  
14 From my perspective, this is the much more  
15 interesting stuff. I mean, gambling  
16 participation is good to know when you're  
17 talking about problem gambling, but this is  
18 really where the meat of our work has been  
19 over the last year or so.

20 Basically, I'm not going to go into  
21 a lot of detail about the care that we took  
22 to actually match people to make sure that  
23 they were the same person who participated in  
24 wave one and wave two, but we did a lot of



1 work to do that. And then we looked at  
2 problem gambling status in wave one and  
3 problem gambling status in wave two. And  
4 I'll draw your attention to the bottom of the  
5 table. You'll see there's a small number of  
6 respondents in our overall cohort who were  
7 either missing problem gambling status in  
8 wave one or were not a problem gambler in  
9 wave two and had known problem gambling  
10 status in wave two or we couldn't figure out  
11 in wave two what their problem gambling  
12 status was because they hadn't answered  
13 enough of the questions in the problem  
14 gambling section of the questionnaire. So we  
15 put all of them below the bar as far as being  
16 able to use their information to determine  
17 incidence and remission.

18 So the key groups are the people in  
19 wave one who were not a problem gambler in  
20 wave one and not a problem gambler in wave  
21 two. You can see it's a very large group.  
22 Then the incidence cases are actually the  
23 people who were not a problem gambler in wave  
24 one but were a problem gambler in wave two.

1 Those are your incidence cases. Those are  
2 the new problem gamblers in wave two.

3 Then you've got -- The next row is  
4 they were a problem gambler in wave one and  
5 not a problem gambler in wave two. Those are  
6 your remitted cases. So those are people who  
7 are in remission, but we know they had a  
8 problem in wave one, so we know they are  
9 vulnerable to having a problem in the future.  
10 And then you've got your ongoing cases, which  
11 are problem gambler in both waves of the  
12 study.

13 COMMISSIONER ZUNIGA: So ideally,  
14 or perhaps these other studies, the delta  
15 between 60 and 40 would be a negative, right,  
16 if people are adapting to the introduction in  
17 the long term.

18 DR. VOLBERG: The delta?

19 COMMISSIONER ZUNIGA: So the delta  
20 between 60 and 40 are --

21 DR. VOLBERG: 20.

22 COMMISSIONER ZUNIGA: -- the  
23 increase in incidence. Is that -- Am I  
24 oversimplifying it?

1                   CHAIRMAN CROSBY:  It's not a net  
2                   number.

3                   DR. VOLBERG:  Yeah.  I mean, you  
4                   have to look -- so basically, your incidence  
5                   cases, your incidence -- and I'm going to do  
6                   this next.  I'll wait to show this next  
7                   slide.  The incidence is only calculated on  
8                   the people who were not problem gamblers in  
9                   wave one.  So your incidence is 60 divided by  
10                  2943 plus 60.  Your remission is actually 40  
11                  divided by 40 plus 39.  So actually, it's  
12                  more like 50 percent remission.

13                  COMMISSIONER ZUNIGA:  Aha.  Yes.

14                  DR. VOLBERG:  Does that make sense?

15                  COMMISSIONER ZUNIGA:  Yep.

16                  DR. VOLBERG:  Because you've got  
17                  different denominators.

18                  COMMISSIONER ZUNIGA:  You do.

19                  DR. VOLBERG:  Because you're  
20                  looking at different things.  Okay.

21                  COMMISSIONER ZUNIGA:  Yes.

22                  DR. VOLBERG:  All right.  That was  
23                  the hardest part actually, thinking about how  
24                  I was going to explain that.

1                   So I have this red circle. When  
2                   you look at the whole sample, you've got  
3                   2.3 percent of people in the full cohort who  
4                   went from -- weighted cohort who went from  
5                   being not a problem gambler to being a  
6                   problem gambler, and then you've got the  
7                   1.1 percent of problem gamblers who remitted.

8                   There's a long discussion in the  
9                   report about this if you care to get into it,  
10                  but weighted prevalence is 2.4 percent, and  
11                  the unweighted prevalence, as the review  
12                  committee pointed out, is somewhat lower at  
13                  2.0 percent. The reason is because of the  
14                  characteristics of the people who developed  
15                  the gambling problem were more likely to have  
16                  high weights, they were young, they were  
17                  minority, and they had low education.

18                  And then last but not least, this  
19                  is what we call a transition table. And this  
20                  is basically to start to talk about the  
21                  second major goal that we have for MAGIC,  
22                  which is to examine transitions within the  
23                  cohort. I just want to emphasize that this  
24                  is unweighted data. So we're not trying to

1 talk about the population at this point.  
2 We're trying to talk about the individuals in  
3 the cohort.

4 The most stable group was  
5 recreational gamblers in wave one.  
6 Eighty percent of them remained recreational  
7 gamblers in wave two followed by non-gamblers  
8 about --

9 CHAIRMAN CROSBY: Where are you  
10 getting that number?

11 DR. VOLBERG: I'm sorry. If you --  
12 Do I have a pointer on here. I do, but it  
13 doesn't show. If you look at the table.  
14 I'll put on my glasses so I could see it as  
15 well. If you look at the column that at the  
16 top it says complete data wave two, and then  
17 you look down on recreational gamblers,  
18 you'll see a dark blue rectangle that has  
19 1,723 and 80.3 percent in it.

20 CHAIRMAN CROSBY: Right.

21 DR. VOLBERG: That means  
22 80.3 percent of the recreational gamblers in  
23 wave one, which is on the left-hand side,  
24 remained recreational gamblers in wave two.

1                   COMMISSIONER ZUNIGA: Oh, I think  
2 I'm just getting this chart. Because I had a  
3 question about this chart when I first read  
4 it.

5                   DR. VOLBERG: Let's start with  
6 non-gamblers. If you look up at that square  
7 that says 298 and 64.4, what that says is  
8 that there were 298 non-gamblers in wave one  
9 who were still non-gamblers in wave two, and  
10 they represent 64.4 percent of all of the  
11 non-gamblers in wave one.

12                  COMMISSIONER ZUNIGA: So can I do  
13 the following. Is the 177 recreational  
14 gambler on wave one?

15                  DR. VOLBERG: Who are non-gamblers  
16 in wave two.

17                  COMMISSIONER ZUNIGA: Exactly.

18                  DR. VOLBERG: Yes.

19                  COMMISSIONER ZUNIGA: How does that  
20 relate to the 158?

21                  DR. VOLBERG: The 158?

22                  COMMISSIONER ZUNIGA: Recreational  
23 gamblers.

24                  DR. VOLBERG: So that is

1 non-gamblers in wave one who became  
2 recreational gamblers in wave two.

3 COMMISSIONER ZUNIGA: Okay. So the  
4 column goes first?

5 DR. VOLBERG: The columns are wave  
6 two and the rows are wave one.

7 COMMISSIONER ZUNIGA: Wave one.

8 DR. VOLBERG: But the highlighted  
9 squares are what I was trying to talk to you  
10 about are the proportion of each of the  
11 groups in wave one who remained in that group  
12 in wave two. And you can see that  
13 recreational gamblers were the most stable  
14 and actually at-risk gamblers were the least  
15 stable.

16 COMMISSIONER ZUNIGA: Is there any  
17 number here between the waves that is --  
18 besides the one that goes exactly at  
19 45 degrees, I guess, that's important for us  
20 to understand?

21 DR. VOLBERG: Yes. So there's a  
22 couple of numbers that are important to  
23 understand. If you look along the row of  
24 non-gamblers, you can see that while

1           64 percent of them remained non-gamblers,  
2           actually a third of them transitioned into  
3           recreational gambling, and a very small  
4           percentage, but a very important percentage,  
5           went all the way over from being  
6           non-gamblers --

7                         COMMISSIONER ZUNIGA: To at risk.

8                         DR. VOLBERG: -- to being at-risk  
9                         gamblers.

10                        COMMISSIONER ZUNIGA: That's the  
11                        seven and the one and a half.

12                        DR. VOLBERG: The N equals 7. It's  
13                        1.5 percent of that group. Similarly, you  
14                        have movement for the recreational gamblers  
15                        in wave one. You have about ten percent who  
16                        transitioned into being at-risk gamblers, and  
17                        you have another one percent who actually  
18                        transitioned all the way to being problem and  
19                        pathological gamblers.

20                        COMMISSIONER ZUNIGA: Where are  
21                        those last two?

22                        DR. VOLBERG: The 22 on the  
23                        recreational gambler, but they're in problem  
24                        and pathological gambling on wave two.



1                   COMMISSIONER ZUNIGA: But then the  
2 other italicized number are these at-risk  
3 gamblers that became non-gamblers, right, the  
4 H and the 2?

5                   DR. VOLBERG: Yes. And the reason  
6 they're italicized is because the group is so  
7 small that the estimate is unstable. The  
8 statistical estimate is unstable. There's  
9 variation.

10                  COMMISSIONER ZUNIGA: Not  
11 statistically significant or is that a new  
12 term?

13                  DR. VOLBERG: No. We're not  
14 talking about statistical significance when  
15 we're talking about these data. I mean, we  
16 are. We're talking about the size of the  
17 group and because it's so small, there's a  
18 lot of noise around the estimate.

19                  COMMISSIONER ZUNIGA: Right. Just  
20 like there is in the seven, right?

21                  DR. VOLBERG: Yes. And that's why  
22 they're italicized. You can see they're the  
23 smallest groups.

24                  COMMISSIONER ZUNIGA: Right.

1 DR. VOLBERG: The other two or the  
2 other piece that I want to point out to you  
3 is this almost ten percent of at-risk  
4 gamblers who transitioned into being problem  
5 and pathological gamblers versus the just  
6 over half of the at-risk gamblers who  
7 transitioned into a less severe category into  
8 recreational gambling.

9 COMMISSIONER ZUNIGA: I'm sorry,  
10 say that one more time.

11 DR. VOLBERG: So if you look at the  
12 at-risk gamblers in wave one, you can see  
13 there's moment in both ways.

14 COMMISSIONER ZUNIGA: Yeah.

15 DR. VOLBERG: Some people went up,  
16 and a lot more people went down.

17 COMMISSIONER ZUNIGA: Yes. 201  
18 became recreational.

19 DR. VOLBERG: Yes. And then the  
20 problem gambling group which is actually a  
21 little bit more stable than the at-risk  
22 group, quite a number of people transitioned  
23 to either at risk about -- well, yeah, close  
24 to equal numbers transitioned down or way

1 down. This is sort of just --

2 COMMISSIONER MACDONALD: Rachel, do  
3 you have any -- I found this data to be the  
4 most striking of all the results of this  
5 study because here we're in an environment  
6 which is basically pre-introduction of casino  
7 gambling in the Commonwealth, and yet, you  
8 have all of this fluidity between these  
9 different categories.

10 DR. VOLBERG: Right.

11 COMMISSIONER MACDONALD: Do you  
12 have any thoughts preliminarily as to what  
13 could explain this?

14 DR. VOLBERG: I will say that these  
15 transitions are -- the fact of the  
16 transitions is not a surprise. We've seen  
17 that in all of the other studies, the cohort  
18 studies that I've been involved with or that  
19 Rob has been involved with. And it actually  
20 is extremely interesting because what we're  
21 learning from the cohort studies and from  
22 Massachusetts now as well about the fluidity  
23 of a person's problem gambling status at any  
24 given point in time somewhat contradicts the

1 view of pathological or disordered gambling  
2 that is enshrined in the DSM, which is that  
3 disordered or pathological gambling is a  
4 progressive and chronic and unremitting  
5 disorder and clearly, it's not.

6 COMMISSIONER MACDONALD: Right.

7 DR. VOLBERG: So Massachusetts is  
8 similar to other studies in other  
9 jurisdictions that have found these kinds of  
10 transitions. Where it's unusual and where we  
11 are not on solid ground is understanding that  
12 the rate of transitions in Massachusetts is  
13 actually much higher than the rate of  
14 transitions that we've seen in other  
15 jurisdictions.

16 So I have a calculation in the  
17 report that shows that about 14 percent of  
18 people in the cohort moved into a less severe  
19 group, and almost 15 percent moved into a  
20 more severe group. And the rates that we  
21 have from some of these other studies are in  
22 the four to five percent range. So there's  
23 clearly something going on in Massachusetts,  
24 or to my mind, there's something going on in

1           Massachusetts that's unusual, but what we  
2           don't know is if it just happens to be the  
3           particular period of time when we took these  
4           measures or if it's something about the  
5           population of Massachusetts that's a little  
6           bit unique or if there's hopefully something  
7           that we've measured that we just haven't  
8           analyzed yet that will help us figure out  
9           what's going on.

10                        COMMISSIONER ZUNIGA: Well, it  
11           occurs to me the nature of the gaming market  
12           in the region, because our -- the study is  
13           specifically for Massachusetts, but there's  
14           very nearby availability of casinos and has  
15           been for some time. In fact, when the Gaming  
16           Act was being proposed, the one of the states  
17           next to us responded by expanding their own  
18           gaming into table games. So it's just  
19           another...

20                        DR. VOLBERG: Yeah. I mean, that's  
21           one of the features of doing gambling  
22           research in the United States is, you know,  
23           it's different from New Zealand or even from  
24           some of the European countries that I've been

1           involved with in that states are very quick  
2           to sort of make competitive moves when they  
3           see something happening across their border  
4           much faster -- it's much more -- it happens  
5           much more quickly in the U.S. I think than in  
6           a lot of other jurisdictions where I've done  
7           this kind of work. And so I think that is an  
8           important thing to keep in mind is that we  
9           may see bigger and faster changes in our  
10          cohort in both directions based on what's  
11          happening with, you know, the competitive  
12          pressures in the region.

13                       MR. VANDER LINDEN: The value  
14           really comes over time in subsequent waves  
15           that while we may see remission, is it  
16           remission for a short period of time while  
17           the person recovers financially before their  
18           gambling begins to ramp up, or is it truly  
19           remission and somebody maintains their status  
20           as a recreational or non-gambler after being  
21           an at-risk and problem gambler. I think --  
22           and then throw the extra layer of opening  
23           casinos into the mix of that, the value will  
24           come over time in measuring wave four, five,

1 and six and beyond.

2 COMMISSIONER ZUNIGA: And  
3 throughout all these measures, we will be  
4 able to ascertain protective factors and risk  
5 factors, correct?

6 DR. VOLBERG: Yeah. We're hoping  
7 by wave four and five we're definitely going  
8 to be able to start that fill that picture  
9 in. But you know, there just is a lot to  
10 kind of get our heads around and we have a  
11 pretty interested review group, so the debate  
12 is long. But I think that, you know, at the  
13 end of the day, the product will -- the  
14 results will certainly stand the test of  
15 time. And you know, we only know what we  
16 know, and we'll try and figure out what we  
17 don't know going forward.

18 I just want to sort of quickly get  
19 to the end of this, because I know your time  
20 is valuable. But just to review, we found  
21 small but statistically significant increases  
22 in gambling participation. Problem gambling  
23 incidence prior to casinos in Massachusetts  
24 appears high, but as we point out in the

1 report, it is subject to some methodological  
2 limitations as well as to possibly some other  
3 things that are going on in the environment.  
4 We did have -- we did determine that we had  
5 some differential response rates which may  
6 have resulted in heavier gamblers, not  
7 problem gamblers, but heavier gamblers being  
8 more willing to participant in the cohort  
9 study, which we tried to adjust for, but we  
10 may not have been fully successful. As the  
11 reviewer pointed out, we have a longer  
12 interassessment interval than some of the  
13 other cohort studies that have been done, and  
14 there is a question of the reliability of  
15 problem gambling as it's impossible measured  
16 based on self-report.

17 CHAIRMAN CROSBY: Aren't the other  
18 ones done by self-reporting also?

19 DR. VOLBERG: Yes. They're all  
20 done by self-reporting also.

21 CHAIRMAN CROSBY: So that doesn't  
22 -- Why would that probably be a factor? I  
23 mean, the whole business might be unrealistic  
24 and inaccurate because of self-reporting.



1 DR. VOLBERG: Right.

2 CHAIRMAN CROSBY: But that's not  
3 something unique about this methodology.

4 DR. VOLBERG: No. But it was  
5 something that the reviewer pointed out  
6 pretty much on every occasion.

7 CHAIRMAN CROSBY: I just agree that  
8 it's an issue, but you're making a  
9 distinction between these rates and the rates  
10 of other studies and that I don't think the  
11 one of the variables here, but whatever.

12 DR. VOLBERG: Yeah. I'll rethink  
13 that bullet.

14 CHAIRMAN CROSBY: All right.

15 DR. VOLBERG: Okay. And then the  
16 last piece in terms of stability and change,  
17 the transition rates do appear to be higher,  
18 but again, it could be due to the longer  
19 window between the assessments and also  
20 possibly due to the fact we used the PPGM  
21 rather than the CPGI which was used in most  
22 of the other studies.

23 So I think this is my last slide,  
24 next to last slide.

1                   CHAIRMAN CROSBY: I'm sorry.

2                   DR. VOLBERG: Yep.

3                   CHAIRMAN CROSBY: Incidence appears  
4 higher than other studies by quite a bit, but  
5 stability and change seem similar. How can  
6 that be?

7                   DR. VOLBERG: Stability and change  
8 seems similar in the sense that it was  
9 happening. I did point out a little while  
10 ago that the rate of transitions does seem to  
11 be higher in Massachusetts.

12                  CHAIRMAN CROSBY: Yeah.

13                  DR. VOLBERG: And the incidence  
14 rate we also think is higher. But as we have  
15 discussed it with the review committee, there  
16 are some possible explanations. It's going  
17 to -- If I can just get on to this next  
18 slide.

19                  CHAIRMAN CROSBY: Okay. Fine.

20                  DR. VOLBERG: Oops. Going the  
21 wrong way. So in terms of if these findings  
22 are accurate and the question is whether they  
23 are -- I mean, they're accurate here, but you  
24 know, are they meaningful in the long term.

1 If the incidence rate is accurate and it is a  
2 good bit higher than incidence rates that we  
3 identified in these other studies, it's  
4 unclear why that would be the case because,  
5 again, as Lloyd has pointed out, there have  
6 not been many changes in the availability of  
7 legal gambling in Massachusetts between the  
8 two waves of this study.

9 So it's unclear why it would be  
10 higher, but if it is higher, then it suggests  
11 that prevention resources may well be needed  
12 ahead of the casinos opening to reduce that  
13 incidence rate going forward.

14 CHAIRMAN CROSBY: Let me make sure  
15 I understand this one. So what you're saying  
16 is assuming this data is representative of  
17 what's going on, we do have a significantly  
18 higher incidence rate than other places, it  
19 doesn't have anything to do with casinos, but  
20 just as a matter of public policy, it might  
21 be something people want to know about.

22 DR. VOLBERG: Right. And a matter  
23 of public health as well.

24 CHAIRMAN CROSBY: Yeah. I got it.

1 But the point is, and I'm thinking about, the  
2 next meeting we have coming up with this same  
3 conversation is going to take place.

4 DR. VOLBERG: Right.

5 CHAIRMAN CROSBY: The Public Health  
6 Trust Fund in Massachusetts is designed to  
7 deal with the impact of casino gambling.

8 DR. VOLBERG: Right.

9 CHAIRMAN CROSBY: Having this in  
10 here suggests that the Public Health Trust  
11 Fund better sit around, oh, my god. We  
12 better get moving here before the casinos  
13 open because the data is telling us we should  
14 deal with this problem. That's something  
15 that might go to the Department of Public  
16 Health but not to the Public Health Trust  
17 Fund, because we have enough trouble trying  
18 to get ready how to mitigate the implications  
19 and causes of casinos.

20 DR. VOLBERG: Right.

21 CHAIRMAN CROSBY: But to try to  
22 worry about whatever else is going on right  
23 now is not our problem, it's not our mandate.  
24 It's an issue and it's worth pointing out to

1           somebody, but to put that line in here is, I  
2           think, sets off alarm bells like, oh, my god,  
3           we better get moving and that's not what we  
4           want to have happen. And in fact, that's not  
5           the mandate of the Public Health Trust Fund.

6                     DR. VOLBERG: Okay.

7                     CHAIRMAN CROSBY: So if you could  
8           scratch that point, I think that would make  
9           sense.

10                    DR. VOLBERG: Okay.

11                    CHAIRMAN CROSBY: I mean, if you  
12           can say as an aside, you might say to the  
13           folks at DPH it appears that there are  
14           problems in the gambling culture here in  
15           Massachusetts. If we're right about this,  
16           and we might not be, but if we are, there are  
17           other issues going on here. We might -- Mike  
18           Sweeney, we might want to talk about the  
19           issues, you know, the --

20                    DR. VOLBERG: What the lottery  
21           could do, yeah.

22                    CHAIRMAN CROSBY: But for purposes  
23           of the Public Health Trust Fund, it's not a  
24           factor.

1 DR. VOLBERG: Right. Okay. Has  
2 the Public Health Trust Fund already gotten  
3 these slides?

4 CHAIRMAN CROSBY: Yeah. Well,  
5 yeah.

6 DR. VOLBERG: Okay.

7 CHAIRMAN CROSBY: Whatever. You  
8 can say ignore that one because it's really  
9 not relevant to the PHTF.

10 DR. VOLBERG: Right.

11 COMMISSIONER ZUNIGA: I know you  
12 don't like to, in this context, speculate,  
13 but if I may, could there be that there's  
14 some anticipation factor at work here?

15 DR. VOLBERG: Yeah.

16 COMMISSIONER ZUNIGA: As well as  
17 how the tight market in New England really  
18 operates because there has been some  
19 expansion around us.

20 DR. VOLBERG: And also some  
21 anticipatory competitive spending by  
22 operators in other states. I mean, there's a  
23 lot of things that could be driving this  
24 higher incidence rate, and you know, we can

1 speculate, but until we've done our due  
2 diligence with triangulating these results  
3 with other data that we have from SEIGMA in  
4 particular but also from some secondary data  
5 sources, you know, it's early days to be  
6 jumping the gun.

7 COMMISSIONER ZUNIGA: Right.

8 DR. VOLBERG: And so similarly, if  
9 the remission rate is also high, as it looks  
10 to be with 50 percent, it suggests that  
11 recovery -- that treatment and recovery  
12 support resources would also be well advised.

13 So just to wrap this up --

14 CHAIRMAN CROSBY: Because remission  
15 is a good thing, we ought to seize on it to  
16 make the most of it --

17 DR. VOLBERG: Try and make it  
18 happen more.

19 CHAIRMAN CROSBY: -- people are  
20 acceptable to remission, so let's act on it.

21 DR. VOLBERG: Yeah. Make it happen  
22 more and keep it in place. You know, help  
23 people to maintain it.

24 CHAIRMAN CROSBY: Right.

1                   MR. VANDER LINDEN: So what are the  
2 pathways to remission and how do we maximize  
3 those pathways.

4                   CHAIRMAN CROSBY: Right.

5                   COMMISSIONER MACDONALD: And that  
6 goes back to the point that you made earlier,  
7 as I understand it, that the fluidity, even  
8 amongst problem gamblers, at least challenges  
9 the proposition that once a problem gambler  
10 always a problem gambler. There really is  
11 flexibility in that.

12                  DR. VOLBERG: There is that  
13 proportion of people who are clearly just  
14 problem gamblers every time you take a look  
15 at them, but the more common picture is sort  
16 of movement in and out, and the question from  
17 a public health perspective and from a  
18 treatment perspective is how do you get  
19 people to move down the spectrum and how do  
20 you keep them down there, you know, and  
21 prevent them from moving to the more extreme  
22 more severe end of the spectrum.

23                  COMMISSIONER MACDONALD: Right.

24                  DR. VOLBERG: So in terms of due



1 diligence, we definitely are planning to look  
2 at a number of other data sources that we  
3 have to try to understand what we identified  
4 in this first wave or this first  
5 establishment of the cohort. We have the  
6 targeted baseline and follow-up surveys in  
7 Plainville that we already are beginning to  
8 look at not just for this purpose, but also  
9 for development of the impact study -- the  
10 impact report that we have coming up later  
11 this year. We actually have in the BGPS, the  
12 baseline population survey, we actually had a  
13 large enough sample of people from  
14 Springfield and surrounding communities that  
15 we were able to pull them out of the BGPS,  
16 and then we have a year later, no, two years  
17 later I think from 2015, a year later. Once  
18 the Gaming Commission had identified  
19 Springfield as the --

20 COMMISSIONER MACDONALD: The  
21 location.

22 DR. VOLBERG: -- as a licensee, we  
23 went in and did a targeted baseline survey in  
24 Springfield. So we actually have two

1 baseline samples from Springfield that we  
2 want to take a look and see if we see any  
3 changes in gambling behavior or problem  
4 gambling in Springfield and surrounding  
5 communities in the same period of time that  
6 we were doing the MAGIC work.

7 We want to take a look at incidence  
8 in wave three of MAGIC. We're beginning  
9 to -- Oh, I'm sorry. Reminding me to do  
10 something else. We actually want to take a  
11 look at wave three, and we're starting to do  
12 that analytic work right now. And then we're  
13 hoping that we can also triangulate further  
14 using some secondary data from DPH on  
15 treatment seeking as well as help line calls  
16 from the Massachusetts Council. And we know  
17 that there's a count that's kept on a month  
18 basis of GA meetings, so we think those might  
19 be some additional pieces of information that  
20 we could feed into a larger picture of what  
21 might have been going on during this period.

22 And then following up on this  
23 report, we actually have some deeper analyzes  
24 of this data that we're planning. We want to

1 look at differences in incidence and  
2 transitions by gender, because men and women  
3 are known to have different trajectories. We  
4 want to look at the role of involvement with  
5 specific types of gambling and see if we can  
6 figure out if there's difference in incidence  
7 in transition related to types of gambling,  
8 although we're a little bit limited with  
9 sample size there. And then we want to begin  
10 to focus some work on factors that predict  
11 change in people's status with a particular  
12 focus on people who develop a gambling  
13 problem and those who move into remission.  
14 So that's work for the future.

15 CHAIRMAN CROSBY: Great. We didn't  
16 want you to --

17 DR. VOLBERG: I think you've  
18 already asked your question.

19 CHAIRMAN CROSBY: We didn't want  
20 you to get bored.

21 DR. VOLBERG: I don't think it's  
22 possible. Not in this lifetime.

23 CHAIRMAN CROSBY: Anybody else,  
24 anything?

1 COMMISSIONER STEBBINS: Great work.

2 COMMISSIONER MACDONALD: I think  
3 it's fascinating and incredibility  
4 significant.

5 DR. VOLBERG: Thank you.

6 CHAIRMAN CROSBY: And remember,  
7 this is just the start. We're just the  
8 beginning.

9 COMMISSIONER MACDONALD: Just the  
10 beginning.

11 CHAIRMAN CROSBY: Correct. Let's  
12 take a very quick break, and then we'll come  
13 back and go back to the next item.

14 (Break taken.)

15 CHAIRMAN CROSBY: Okay. We are  
16 reconvening Public Meeting 232, and we are  
17 going to skip to item number five from legal  
18 division, General Counsel Blue, and or her  
19 deputy, Mr. Grossman.

20 MS. BLUE: Mr. Grossman.

21 MR. GROSSMAN: Good morning.

22 CHAIRMAN CROSBY: Good morning.

23 COMMISSIONER MACDONALD: Good  
24 morning.

1                   COMMISSIONER ZUNIGA: Good morning.

2                   COMMISSIONER STEBBINS: Good  
3 morning.

4                   MR. GROSSMAN: We have before you a  
5 draft, a nondisclosure agreement. This is  
6 based upon the conversation you had at your  
7 last meeting where we reviewed the request by  
8 MGM Springfield to protect certain  
9 information and categories of information.  
10 This is how we have commemorated the  
11 discussion. This is, at least in form, the  
12 exact same language we used in the case of  
13 Plainridge Park Casino's nondisclosure  
14 agreement. I think it's both satisfactory to  
15 both protect the information and clarify what  
16 the process will be. And with your approval,  
17 we would ask that Mr. Bedrosian and a  
18 representative from MGM Springfield sign it  
19 so that it's formally executed.

20                   CHAIRMAN CROSBY: Questions,  
21 comments?

22                   COMMISSIONER ZUNIGA: We already  
23 had the general discussion, right, last time,  
24 remind me.

1 MS. BLUE: That's correct, yes.

2 COMMISSIONER ZUNIGA: And there was  
3 a couple of petitions we disagreed with or  
4 one in particular. Remind me. Do you  
5 remember?

6 MR. GROSSMAN: There were a couple.  
7 I think they were all resolved. There were a  
8 couple that we discussed back and forth. I  
9 know there were -- I'm trying to remember.  
10 The incident reports, for example, where  
11 individual's names are mentioned, we  
12 suggested, and this reflects that it's  
13 discretionary on the part of the Commission  
14 as to whether we turn someone's name over.

15 COMMISSIONER ZUNIGA: Right.

16 MR. GROSSMAN: Or hold it under the  
17 privacy exemption.

18 COMMISSIONER ZUNIGA: Yes.

19 MR. GROSSMAN: So that was an  
20 issue, and couple of different areas. I  
21 think that was the big one.

22 COMMISSIONER ZUNIGA: That's was  
23 the big one, yeah.

24 MR. GROSSMAN: The other

1 complicated one are number 6 and 7 here.

2 CHAIRMAN CROSBY: Which was the  
3 number of the one you just mentioned?

4 MR. GROSSMAN: Let me see. 14. 14  
5 and 28 I think.

6 COMMISSIONER ZUNIGA: They were  
7 asking for something broader than what's  
8 reflected here, so it might not necessarily  
9 be --

10 CHAIRMAN CROSBY: Yeah. What we  
11 decided not to do is not reflected here.

12 COMMISSIONER ZUNIGA: Precisely.

13 MS. BLUE: Yeah. We talked a lot  
14 about the interaction between what they  
15 requested and the public records and how we  
16 would address it. Any public record issue  
17 would not be reflected in this, but that was  
18 the tenor of our discussion.

19 COMMISSIONER ZUNIGA: Yeah. No,  
20 but thank you for that clarification. I'm  
21 sorry to...

22 COMMISSIONER STEBBINS: Todd, is  
23 there -- is some of the information material  
24 that we capture, it would be interesting at

1           some point to see if there's -- and I talked  
2           about this with Catherine -- some type of  
3           template that we can create so that all of  
4           our licensees are somewhat submitting the  
5           same information in the same form and, you  
6           know, we're collecting certain.

7                         Looking at number one on annual  
8           business plan, that can be anything. You  
9           know, can we work in creating templates that,  
10          you know, kind of provide some efficiencies  
11          for our licensees, at least in capturing the  
12          information by creating a template that they  
13          can all use?

14                        MR. GROSSMAN: Absolutely. And I  
15          think we have started to discuss reporting  
16          formats and things of that nature. So that  
17          is a great idea and one that we'll certainly  
18          work to implement.

19                        COMMISSIONER STEBBINS: But kudos  
20          for getting this done in advance. I know we  
21          did PPC after they opened. So this is good  
22          work, and good work on behalf of MGM as well  
23          to get this wrapped up before they open.

24                        CHAIRMAN CROSBY: Anybody else?



1                   COMMISSIONER MACDONALD: Are there  
2                   outstanding, you know, objections from MGM?

3                   MR. GROSSMAN: I think I'm  
4                   confident in reporting that they're generally  
5                   comfortable with this. We would, with your  
6                   approval, just leave it open for possible  
7                   typographical and non-substantive minor  
8                   modifications prior to execution. But  
9                   otherwise, I think in form and substance,  
10                  this is an agreed upon generally.

11                  COMMISSIONER ZUNIGA: And we can  
12                  always come back and amend. I think we've  
13                  done that PPC, right?

14                  MS. BLUE: We have.

15                  COMMISSIONER ZUNIGA: They  
16                  requested an additional amendment --

17                  MS. BLUE: As we move forward and  
18                  there are other concerns that arise, we will  
19                  bring them back to you if we need to amend.  
20                  And we have, I think, two or three times with  
21                  PPC, so I suspect that will occur here as  
22                  well.

23                  COMMISSIONER MACDONALD: Is it fair  
24                  to say, Mr. Nosal, that I can state on the

1 record that you have been nodding your head  
2 in answer?

3 MR. NOSAL: Thank you. Jed Nosal  
4 on behalf of MGM. I had said to Deputy  
5 General Counsel Grossman earlier that one  
6 thing that didn't come across in our  
7 discussion the last time we were before you  
8 that this really represented months of work,  
9 and I think we were in agreement that  
10 95 percent of it, we discussed some of the  
11 policy issues that, you know, we had we  
12 thought were important to bring up to the  
13 Commission, but I believe this document sort  
14 of represents something that the company is  
15 willing to go forward with. And as I think  
16 General Counsel Blue has indicated, this also  
17 certainly can be changed if we run into any  
18 unanticipated issues or we -- and I imagine  
19 we will come to you from time to time to add  
20 to it.

21 CHAIRMAN CROSBY: Catherine,  
22 number 15, is that the same language that's  
23 in the PPC nondisclosure?

24 MS. BLUE: I believe so, yes, and

1           that's why it's covered by the nondisclosure.

2                         CHAIRMAN CROSBY:   Okay.   Well,  
3           because in this case, I'm wishing John were  
4           here, but remember the topic came up with the  
5           GPAC about whether or not we could ask them  
6           about salaries and benefits, and we said no  
7           thinking at that point that they had said  
8           that it was covered under a nondisclosure and  
9           that we couldn't break that.   But now I think  
10          the issue was specific jobs and specific  
11          positions, not categories of, what do you  
12          call it.

13                        COMMISSIONER ZUNIGA:   Ranges.

14                        CHAIRMAN CROSBY:   Ranges on job  
15          categories.   So if -- And I'm just not sure  
16          we're all exactly on the same page because  
17          John said he was talking to PPC and saying,  
18          no, we'd really like to have you be willing  
19          to give us ranges of salaries for categories  
20          of jobs, is that okay with you, as if it were  
21          up to them.   But if this is already in the  
22          agreement, then it's not up to them.   They've  
23          agreed.

24                        MS. BLUE:   They've already agreed

1           that it's covered by the NDA. So we would  
2           receive it. We can't release it. That was  
3           the response to the GPAC was that the  
4           information is covered under a nondisclosure  
5           agreement, thus, we cannot release it.

6                   CHAIRMAN CROSBY: No. But what's  
7           covered under the nondisclosure is specific  
8           jobs.

9                   MS. BLUE: Specific jobs, yes.

10                   CHAIRMAN CROSBY: The ranges of the  
11           job category, for example, housekeepers will  
12           be from 30,000 to 37,000 or whatever it is.  
13           Those we can release. That's not covered  
14           under the NDA plan.

15                   MS. BLUE: Well, it's not covered,  
16           but --

17                   COMMISSIONER ZUNIGA: Depends who  
18           we are talking about here.

19                   MS. BLUE: Well, to answer your  
20           question, though, as I think John sort of  
21           re-laid, we are in the midterm review of PPC's  
22           licensing conditions. I asked PPC to come  
23           back to us with some idea of what they would  
24           be comfortable releasing, that

1           notwithstanding that we have this language,  
2           we did receive a request. I want to  
3           understand what they thought they could  
4           release. And maybe they will come back with  
5           something about ranges. I don't know.

6                     CHAIRMAN CROSBY: Okay. So this --

7                     MS. BLUE: We are in discussions.

8                     CHAIRMAN CROSBY: So what you're  
9           saying here is, yes, so far that information  
10          has broad categories, job categories, with  
11          salary ranges is not covered under the NDA,  
12          but that's not the same thing as saying  
13          they'd be comfortable with us releasing that.

14                    MS. BLUE: And also, keep in mind  
15          we don't receive that information. So what's  
16          under the NDA is what we receive. We receive  
17          specific information.

18                    CHAIRMAN CROSBY: Right.

19                    MS. BLUE: We don't receive it, I  
20          don't believe, in the job category. But I  
21          have put a question to PPC as to what they  
22          would be willing to turn over, because we  
23          know we have a request, and I want to have  
24          that conversation with them. So they are

1 reviewing our request for what they would  
2 feel comfortable notwithstanding that there's  
3 an NDA on this information.

4 CHAIRMAN CROSBY: Right. Okay.

5 COMMISSIONER ZUNIGA: It's fair to  
6 say that when we did the NDA with PPC, this  
7 may not have read exactly how it reads now in  
8 MGM's NDA, correct?

9 MS. BLUE: We would have to look.

10 MR. GROSSMAN: I think that's  
11 right.

12 MS. BLUE: Yeah. We have to look  
13 at it.

14 MR. GROSSMAN: I think we added  
15 that parenthetical.

16 COMMISSIONER ZUNIGA: We did add  
17 the parenthetical, but --

18 CHAIRMAN CROSBY: But that's what I  
19 just asked. It is the same as PPC, and you  
20 said yes.

21 COMMISSIONER ZUNIGA: No. That was  
22 my point. It may not be because of the  
23 parenthetical that we talked about.

24 CHAIRMAN CROSBY: That was my whole

1 point. So it's not the same as PPC?

2 MS. BLUE: Yeah. It doesn't mean  
3 we get the information we want.

4 CHAIRMAN CROSBY: I understand  
5 that. I asked is it the same thing or not,  
6 and it's not.

7 COMMISSIONER ZUNIGA: Well, we have  
8 to check.

9 MS. BLUE: We have to check, yes.

10 CHAIRMAN CROSBY: Okay.

11 COMMISSIONER ZUNIGA: But the  
12 conversation I remember from last time on MGM  
13 was what gave way to this parenthetical that  
14 MGM only is, at least I remember that, are  
15 comfortable releasing -- for us releasing  
16 salary ranges.

17 CHAIRMAN CROSBY: Right.

18 COMMISSIONER ZUNIGA: They're just  
19 uncomfortable with the specification.

20 CHAIRMAN CROSBY: All right.

21 COMMISSIONER ZUNIGA: And we're all  
22 fine with that.

23 CHAIRMAN CROSBY: So now we just  
24 have to reconcile what we are thinking we

1 would like to be able to do and what --

2 COMMISSIONER ZUNIGA: And PPC.

3 CHAIRMAN CROSBY: -- PPC so far  
4 says they're willing to do.

5 Any other discussion about this?

6 Mr. Nosal, are you --

7 MR. NOSAL: No. Appreciate  
8 everybody's attention on this.

9 COMMISSIONER STEBBINS: Mr. Chair,  
10 I move that the Commission approve the  
11 nondisclosure agreement that's included in  
12 the packet between the Commission and MGM  
13 Springfield.

14 CHAIRMAN CROSBY: Second?

15 COMMISSIONER MACDONALD: Second.

16 COMMISSIONER STEBBINS: Or Blue  
17 Tarp.

18 CHAIRMAN CROSBY: Further  
19 discussion? All in favor?

20 Aye.

21 COMMISSIONER ZUNIGA: Aye.

22 COMMISSIONER STEBBINS: Aye.

23 COMMISSIONER MACDONALD: Aye.

24 CHAIRMAN CROSBY: Opposed? The



1 ayes have it unanimously.

2 MR. BEDROSIAN: Just for  
3 clarification purposes, I assume that gives  
4 me the authorization to sign on behalf of the  
5 Commission.

6 CHAIRMAN CROSBY: To sign what?

7 COMMISSIONER ZUNIGA: This.

8 MR. BEDROSIAN: On behalf of the  
9 Commission, sign it.

10 CHAIRMAN CROSBY: Yeah, go for it.

11 COMMISSIONER MACDONALD: So moved.

12 MR. GROSSMAN: And thanks to  
13 counsel, we were able to clarify, the PPC NDA  
14 does not include that parenthetical. We  
15 added that for this.

16 CHAIRMAN CROSBY: Okay.

17 COMMISSIONER ZUNIGA: All right.  
18 On the to-do list.

19 CHAIRMAN CROSBY: All right. Now  
20 we are back to item number four finally.

21 MR. BEDROSIAN: The good news is  
22 and we're still with Deputy General Counsel  
23 Grossman.

24 CHAIRMAN CROSBY: Sorry. We're

1 back to 3(a). Oh. Are we still with -- Do  
2 we have more?

3 MR. GROSSMAN: No. A different  
4 topic but still me.

5 CHAIRMAN CROSBY: Oh, still you.  
6 All right. Item 3(a), he's back, Deputy  
7 General Counsel Grossman.

8 MR. GROSSMAN: Okay.  
9 Interestingly, we're coming upon the  
10 five-year anniversary of the Commission's  
11 approval of the inaugural Enhanced Code of  
12 Ethics. This certainly seems like a good  
13 time to have a fresh look at it. It's always  
14 healthy to review some of the early policy  
15 determinations that were made. And of  
16 course, before you, you have prepared a  
17 version of the code that incorporates a  
18 number of proposed and hypothetical  
19 amendments to the enhanced code. And I'm  
20 happy to work through them one by one, or if  
21 we want to start by just addressing certain  
22 areas first, we can do that as well, whatever  
23 your preference would be.

24 CHAIRMAN CROSBY: I mean, we could

1           just go with an exception, have us raise  
2           where we have questions and save the general  
3           briefing. We're pretty familiar with this.  
4           Is that all right?

5                         COMMISSIONER MACDONALD: That's  
6           fine.

7                         CHAIRMAN CROSBY: Commissioner  
8           Stebbins, do you want to start, and do you  
9           have anything you want to raise?

10                        COMMISSIONER STEBBINS: No.

11                        CHAIRMAN CROSBY:  
12           Commissioner Zuniga.

13                        COMMISSIONER ZUNIGA: Sure.  
14           There's two sections that maybe work  
15           together, and I just want to clarify. The  
16           applicability now as we discussed --

17                        CHAIRMAN CROSBY: What page are you  
18           on?

19                        COMMISSIONER ZUNIGA: Page 1 --  
20           crosses out in general consultants and that's  
21           true for the whole code.

22                        MR. GROSSMAN: Right.

23                        COMMISSIONER ZUNIGA: But we left,  
24           and I just want to confirm that this is

1 intentional, on 14, on section 14.

2 CHAIRMAN CROSBY: Section 14?

3 COMMISSIONER ZUNIGA: Yeah. On the  
4 restriction about wagering, we leave  
5 consultants.

6 MR. GROSSMAN: That should come  
7 out, too. There might be one or two area  
8 areas that I missed.

9 COMMISSIONER ZUNIGA: Okay.

10 MR. GROSSMAN: That should --

11 COMMISSIONER ZUNIGA: At  
12 consultants.

13 MR. GROSSMAN: All the consultants  
14 should come out. Although, on that point,  
15 there is one area I think we need to leave a  
16 reference to consultant and that's the actual  
17 definition of the term consultant. It's  
18 important still, though the code would not de  
19 facto apply to consultants, it's important  
20 that we draw a distinction between  
21 consultants and employees for purposes of  
22 understanding who the code does apply to.

23 So I'm not proposing that we delete  
24 the definition of the term consultant because

1       it's still important to include here. But as  
2       you're referencing, essentially, if we were  
3       to delete the term consultant from those  
4       specific provisions, what would be left with  
5       that on a case-by-case basis when we  
6       negotiate contracts with consultants, we  
7       could make the code applicable to them or  
8       not, depending upon the nature of the work  
9       that they're doing, and specifically make it  
10      applicable to certain employees within their  
11      organization should they be larger than one  
12      or two people. And it's just a more precise  
13      way, I think, of addressing this issue.

14                COMMISSIONER ZUNIGA: Yes. And  
15      that's the conversation I remember Counsel  
16      Blue pointing out, that we have a lot more --  
17      it's a much better timing given the  
18      specifics. Many of those are case specifics  
19      to do with the contract we have with them and  
20      the agreement with them.

21                MR. BEDROSIAN: I also think it  
22      shows, as we've talked about in the past,  
23      sort of the maturation of the Commission  
24      staff.

1                   When you all drafted this,  
2                   consultants were doing a big chunk of your  
3                   substantive work here, including  
4                   investigation. So at the time, it seemed to  
5                   make sense to capture them as employees,  
6                   because quite frankly, they were in many  
7                   aspects acting as employees. Now we're a  
8                   much more mature organization where we are  
9                   hiring consultants in a true sort of  
10                  consultant capacity. Hopefully one offs, and  
11                  as Deputy General Counsel Grossman said, in  
12                  that case, we will still retain the  
13                  authority, if we think it's important, to  
14                  contract that the consultants be covered by  
15                  the Enhanced Code of Ethics. So we're not  
16                  just wholeheartedly giving that up.

17                  CHAIRMAN CROSBY: Great. That's a  
18                  good point. I hadn't quite remembered that,  
19                  so that's good.

20                  MR. GROSSMAN: Just to clarify even  
21                  further just so there's no confusion, certain  
22                  consultants, depending on the nature of the  
23                  work they do and how much of it they do are  
24                  still subject to the state conflict of

1 interest law of special state employees. So  
2 we are in no way relieving them of that  
3 obligation and the obligations under the  
4 conflict of interest laws. We're merely  
5 talking about the applicability of our  
6 Enhanced Code of Ethics to these folks.

7 CHAIRMAN CROSBY: All right. Good.  
8 Let me just restate that because I know a  
9 reporter who just walked in was interested  
10 about the issue of consultants, and I'll  
11 restate it and make sure I'm saying it right,  
12 Andy. What we've decided to do or what's  
13 proposed here that we're discussing and  
14 leaning towards doing is eliminating  
15 consultants from the blanket involvement in  
16 or blanket coverage from these multiple  
17 sections of the Enhanced Ethics Code feeling  
18 like that was too broad a brush, but we  
19 retain the case-by-case right as we contract  
20 with consultants to apply the enhanced ethics  
21 code either to their company or to  
22 individuals within their company as we see  
23 fit on a case-by-case basis. So what we're  
24 doing is eliminating the blanket coverage but

1 keeping open the option applying where we  
2 think it makes sense. Right?

3 MR. GROSSMAN: That's exactly  
4 right.

5 COMMISSIONER MACDONALD: And just  
6 to make a point that Todd just made, that  
7 again, even though the consultants from here  
8 on would not be obliged to comply with the  
9 Enhanced Code of Ethics, they remain obliged  
10 to comply with the --

11 CHAIRMAN CROSBY: The state.

12 COMMISSIONER MACDONALD: -- the  
13 state standards of ethical behavior.

14 CHAIRMAN CROSBY: Right.

15 MR. GROSSMAN: If they meet the  
16 requirement, but essentially, yes.

17 COMMISSIONER ZUNIGA: I had  
18 another --

19 CHAIRMAN CROSBY: Okay. Go ahead.

20 COMMISSIONER ZUNIGA: Question.

21 CHAIRMAN CROSBY: Go ahead.

22 COMMISSIONER ZUNIGA: I'm on  
23 page 5. Just one for clarification and this  
24 is probably just formatting. In the conflict



1 of interest sections sub (c), it talks about  
2 Commissioners must recusing themselves from  
3 licensing decisions given potential  
4 conflicts. There's additional language that  
5 goes on to say that one's impartiality --  
6 probably referring to Commissioners -- may  
7 not be reasonably questioned if such things  
8 happen, including the determination from the  
9 executive director finds that no conflict  
10 exists.

11 Is that to say that that such  
12 recusal may no longer be necessary, or is the  
13 intent to continue to be recused, let's  
14 just -- it's just a statement that your  
15 impartiality is no longer questionable?

16 MR. GROSSMAN: That's two parts to  
17 paragraph (c). The first is the first  
18 sentence, which says that Commissioners, and  
19 this only applies to Commissioners, must  
20 recuse themselves from a licensing decision  
21 in which a potential conflict of interest  
22 exists. That's in the statute and that's  
23 what it says. It applies only to  
24 Commissioners. So you cannot disclose that

1 and continue to participate. That's what the  
2 statute says.

3 The second part it's slightly  
4 different. It applies to Commissioners and  
5 all employees, and it says that -- To answer  
6 your question, you would be able to  
7 participate. If your impartiality can be  
8 reasonably questioned, you have to disqualify  
9 and recuse yourself. But what we're saying  
10 here is that similar to the way these types  
11 of conflicts are handled under the state  
12 conflict of interest law, if you -- if one  
13 discloses a potential conflict like this,  
14 then your -- and your superior finds that you  
15 can be fair and objective in whatever the  
16 decision is or whatever the incident is  
17 you're working on, then your impartiality can  
18 no longer be reasonably questioned.

19 So we're really just removing the  
20 question. It's important to remember this is  
21 different from a financial conflict of  
22 interest where there's an actual conflict  
23 there. Here, we're just talking about  
24 someone questioning a perception as to

1 whether you can really be fair and objective.

2 When there's money involved, it's  
3 different. The de novo assumption is you  
4 cannot be fair and objective. Here we're  
5 saying someone's really not sure. If you  
6 disclose it and your superior says, yes, I  
7 believe you can be fair and objective, then  
8 we're saying that no one can no longer  
9 reasonably question your objectivity there.  
10 And that's --

11 CHAIRMAN CROSBY: It's not just  
12 your superior, it's the executive director.

13 MR. GROSSMAN: The executive  
14 director.

15 CHAIRMAN CROSBY: Your executive  
16 director would have to approve each one of  
17 these judgments that disclosure relieved you  
18 of any possibility of a reasonable  
19 expectation of impartiality.

20 MR. GROSSMAN: That's right. To  
21 that end, I would suggest -- I was just  
22 reading through this again. The language you  
23 read there, Commissioner, at the end, that  
24 the executive director finds that no conflict

1 exists, I think it should actually be the  
2 executive director finds that the person can  
3 be fair and objective. That's really the  
4 finding, not the no conflict.

5 CHAIRMAN CROSBY: You're right.

6 COMMISSIONER ZUNIGA: That's a  
7 great point.

8 MR. BEDROSIAN: And Todd, just for  
9 my clarification, is the executive director,  
10 whether it's me or some subsequent executive  
11 director, finding that you can be fair and  
12 impartial for employees or employees and  
13 Commissioners, or do Commissioners go to the  
14 appointing authority?

15 MR. GROSSMAN: Well, it's a good  
16 question. I think we can do it either way.  
17 Here, it's set up so that the executive  
18 director would sign off on --

19 COMMISSIONER ZUNIGA:  
20 Commissioners.

21 MR. GROSSMAN: -- all of the  
22 Commissioners as well.

23 MR. BEDROSIAN: Okay.

24 MR. GROSSMAN: We could have it

1           that the Chair signs off on other  
2           Commissioners and that the director signs off  
3           on the Chair. There's a number of ways of  
4           doing it.

5                        MS. BLUE: Well, I think keep in  
6           mind, too, this is the Enhanced Ethics Code.

7                        MR. BEDROSIAN: Right. So it's not  
8           --

9                        MS. BLUE: So we enforce the  
10          Enhanced Ethics Code. There is a separate  
11          hierarchy for 268A where you go to your  
12          appointing authority. So for this particular  
13          issue, it would go to the executive director  
14          or the Chair.

15                       MR. BEDROSIAN: All right. I am  
16          comfortable if you're comfortable on the  
17          enhanced ethics having that authority.  
18          Obviously, I would need to report to someone.  
19          I assume it's the Chair.

20                       MR. GROSSMAN: To the Chair. The  
21          executive director would go to the Chair.  
22          Actually, that's not in here. We need to --

23                       MS. BLUE: Add that.

24                       CHAIRMAN CROSBY: Should the first

1 sentence be --

2 COMMISSIONER ZUNIGA: Stand alone.

3 CHAIRMAN CROSBY: -- a separate  
4 point? And because it is kind of hard to  
5 figure out what antecedents relate to what,  
6 and this ought to be maybe Section D would be  
7 from Commissioner and employees on down.

8 COMMISSIONER STEBBINS: Right.

9 MR. GROSSMAN: Yes.

10 MR. BEDROSIAN: We might want to  
11 take a shot at clarifying, even maybe do a  
12 bullet point chain of authority.

13 CHAIRMAN CROSBY: Right. Okay.  
14 Others?

15 COMMISSIONER ZUNIGA: That's all I  
16 had.

17 CHAIRMAN CROSBY: I had a couple.  
18 I had said that I was interested in what  
19 other jurisdictions do on whether  
20 Commissioners and employees can go and have  
21 dinner at a licensed. Did we get any of that  
22 information?

23 MR. GROSSMAN: We did.

24 CHAIRMAN CROSBY: And what's the --

1                   MR. GROSSMAN: So just to calibrate  
2                   the discussion, we're on number -- this is  
3                   paragraph 15 on page 7. Here it's asking  
4                   about essentially whether Commissioners,  
5                   employees may attend casinos and eat and  
6                   drink and things and go to shows, things of  
7                   that nature.

8                   CHAIRMAN CROSBY: Not gamble, but  
9                   social. Could other places, can you  
10                  socialize basically?

11                  MR. GROSSMAN: Exactly. So the  
12                  answer to your question is we checked with  
13                  Pennsylvania, New Jersey, and Nevada, and in  
14                  each location, employees are allowed to  
15                  attend the casinos provided that they pay  
16                  advertised posted prices. Essentially, that  
17                  they don't receive any unwarranted  
18                  privileges. In one or two instances, they  
19                  note that you have to watch out for  
20                  appearances of conflicts. But as a general  
21                  matter, those are certainly more mature  
22                  jurisdictions. They do allow their employees  
23                  to go that their casinos.

24                  CHAIRMAN CROSBY: Does that include

1           Commissioners?

2                       MR. GROSSMAN: I believe so.

3                       CHAIRMAN CROSBY: So let me just  
4 put this out, and this may be one we want to  
5 save for Gayle. I'm not sure where she might  
6 come down on this. But what I had originally  
7 said at the last meeting was personally that  
8 -- and I'm sort of 56/44 on this.  
9 Personally, it's always struck me as funny,  
10 as not particularly constructive that an  
11 employee particularly, but also a  
12 Commissioner, couldn't go to one of these  
13 facilities and sort of see how it's  
14 operating. One of the things I would kind of  
15 like to do would be to go to one of these, be  
16 a customer and see what it's like. But we  
17 have always eliminated that, so that was  
18 fine.

19                      I certainly understand a couple of  
20 things. Number one, you should not get  
21 anything of value. You should pay listed  
22 prices. I would add, you know, submit  
23 receipts of such events to the executive  
24 director just so there's a record of it. And



1 I think the thing about being cautious on  
2 appearances, too. But on a 56/44 basis in my  
3 judgment, I think that makes more sense, and  
4 I asked, I wanted to know what the other  
5 jurisdictions do because I think that's a  
6 reasonable guide. And I had no idea what  
7 they would say, but turns all three of them  
8 pretty much agree with my sense of that.

9 So I'm curious to know what you all  
10 think. If you disagree, then I'll drop it.  
11 If you think it's worth pursuing, then we'll  
12 pursue it.

13 COMMISSIONER STEBBINS: I  
14 personally just think we can avoid a lot of  
15 headaches and spread our wealth around if we  
16 dine off and eat off premises.

17 COMMISSIONER ZUNIGA: Yeah. I'm a  
18 56/44 in the other direction.

19 COMMISSIONER MACDONALD: I am, too.

20 CHAIRMAN CROSBY: All right. So  
21 that's three so forget it.

22 COMMISSIONER ZUNIGA: The  
23 appearances is such a question that --

24 CHAIRMAN CROSBY: That's fine.

1 That's over. My last one is so we're  
2 eliminating the issue about Commissioners  
3 can't solicit funds for non-profits?

4 COMMISSIONER ZUNIGA: Yes.

5 CHAIRMAN CROSBY: 15B.

6 MR. GROSSMAN: I struck that just  
7 so you would see what it looks like. I think  
8 it's an issue the Commission needs to  
9 address. The fact it's been struck through  
10 is no indication that it had been decided or  
11 anything like that.

12 CHAIRMAN CROSBY: Are you  
13 recommending it? I thought these other ones  
14 were things you were recommending based on --

15 MR. GROSSMAN: Oh. No. That one,  
16 I'm not necessarily recommending -- most of  
17 the stuff I think it's fair to say that, you  
18 know, we're recommending. This one, it seems  
19 like a -- it certainly was, at the time  
20 anyway, a sound policy to ensure that  
21 applicants for big gaming licenses don't  
22 intentionally try to support organizations  
23 the Commissioners are involved with  
24 financially in order to carry favor. Perhaps

1           that concern is lessened at the moment. I  
2           think it's -- I guess I'm fairly neutral on  
3           this particular issue at the moment. There  
4           is still conflict of interest laws that apply  
5           to outside activity.

6                        COMMISSIONER ZUNIGA: I like  
7           striking this through. I think -- I forget  
8           if this was a discussion I just had with you  
9           in the briefing or in a public meeting  
10          before, but --

11                      CHAIRMAN CROSBY: I'm glad you  
12          forget, too.

13                      COMMISSIONER ZUNIGA: I think  
14          initially that's an area that was important  
15          to consider in which we were prior to  
16          licensing. But I think there's a lot of  
17          personal involvement that is fruitful for the  
18          individual with charitable organizations for  
19          us to, you know, think differently now.

20                      CHAIRMAN CROSBY: Others, other  
21          thoughts?

22                      COMMISSIONER STEBBINS: Yeah. Just  
23          a question on a segment of this. Is the  
24          portion, Todd, that talks about be a speaker

1 or guest of honor at an organization's  
2 fundraising event, is that covered anywhere  
3 else in kind of the state's overall conflict  
4 of interest law?

5 MR. GROSSMAN: It is in that you  
6 cannot -- under the unwarranted privileges  
7 provisions of the law, you can't use your  
8 title, your state title, to raise money in a  
9 personal capacity. So you couldn't say, you  
10 know, Bruce Stebbins, a Commissioner, will  
11 be speaking at this event, please donate \$50.

12 COMMISSIONER STEBBINS: That's a  
13 bad example because nobody would show up.

14 MR. GROSSMAN: Please donate \$5  
15 dollars to hear him speak.

16 CHAIRMAN CROSBY: We'll pay you \$5.

17 COMMISSIONER STEBBINS: We'll pay  
18 you \$5 to show up.

19 MR. GROSSMAN: So you need to be  
20 very careful about things like that under the  
21 state conflict of interest laws anyway. Now,  
22 if just Bruce Stebbins, citizen, is coming to  
23 speak because he's going to say something  
24 interesting, you know, the state conflict of

1 interest law is probably not implicated in  
2 any way. The reason we put this in here  
3 though is everyone, of course, knows you're a  
4 Gaming Commissioner, and even now, we want to  
5 be careful that the gaming licensees don't,  
6 you know, support your causes just because,  
7 you know, they want to make sure that they  
8 stay on your good side.

9 So that's where the enhanced part  
10 of the code of ethics comes in. We recognize  
11 there's a lot covering that already, but we  
12 wanted to be super careful on that particular  
13 point.

14 COMMISSIONER MACDONALD: On the  
15 agenda, this appears to be up for a vote  
16 today; is that right?

17 MR. BEDROSIAN: It is. I might  
18 suggest just one -- given some of the issues  
19 you pointed out specifically on that one  
20 paragraph and, of course, I've lost it now,  
21 9C I think.

22 CHAIRMAN CROSBY: Yep.

23 MR. BEDROSIAN: Maybe we take one  
24 more quick shot at revising some of the

1 stuff, having Commissioner Cameron come back,  
2 and do a vote on a final product.

3 CHAIRMAN CROSBY: Well, I -- Go  
4 ahead.

5 COMMISSIONER MACDONALD: Can I just  
6 say on 15B, I would be in favor of  
7 maintaining the current language.

8 COMMISSIONER ZUNIGA: Oh, you  
9 would.

10 CHAIRMAN CROSBY: Why?

11 COMMISSIONER MACDONALD: Because  
12 we're still at a early point in the  
13 enterprise of introducing gaming in the  
14 Commonwealth. There is such a high level of  
15 concern about integrity and the maintenance  
16 of integrity Commonwealth wide and that this  
17 is, in my view, an appropriate kind of super  
18 standard that would distinguish us and our  
19 obligations as Commissioners.

20 CHAIRMAN CROSBY: And I stated my  
21 thought about this earlier. I think this is  
22 -- to me this is too broad. You know, it  
23 probably made sense when the stakes were so  
24 huge and there was -- you know, there was a

1 lot riding and there was an opportunity for  
2 people to try to reach us, but to have a  
3 blanket -- there is a blanket. We can  
4 petition the Commission for a waiver from it,  
5 and I've thought about doing it with this one  
6 case in point that's come up I've mentioned  
7 to a board I serve that I know somebody on a  
8 board of directors at a biotech company  
9 that's got zero to do with gaming, and right  
10 now I can't help this organization reach out  
11 to this organization to this potential donor.

12 If there were -- in order to  
13 protect, I certainly would say you can't  
14 solicit from licensees or applicants. You  
15 could even if you really were concerned about  
16 it, you could even think about putting  
17 something in that said you can't serve on a  
18 board that gets money from a Gaming  
19 Commission gaming licensee, because the  
20 overlap is going to be so little that's  
21 hardly a problem, but it would get to the  
22 concern that Lloyd is raising. But to have a  
23 blanket prohibition where nonprofits that we  
24 all serve on where we can't help raise money

1 in a way which is emphatically and clearly  
2 not a conflict does not seem appropriate to  
3 me anymore.

4 So, you know, if you want to try  
5 to, you know, beef up 9C or redraft B, that  
6 goes -- you know, that eliminates the blanket  
7 but tries to take away the sniff test issues  
8 as well as the actual possible issues that  
9 concern us all, particularly Lloyd, I'd go  
10 for that, and then we deal with it in the  
11 finality next week next session.

12 MR. BEDROSIAN: So I think we will  
13 -- Let me ask you this. Do we want to --  
14 before we just close this out, are there any  
15 other open discussion on this? Because if  
16 there aren't, we will assume that we need to  
17 clarify 9C in a way that's sort of  
18 understandable, the decision, and that we  
19 will give you some options on 9B, which may  
20 be keeping it.

21 CHAIRMAN CROSBY: 15B.

22 MR. BEDROSIAN: I'm sorry. Thank  
23 you. 15B. Which may range from keeping it  
24 to getting rid of it and something in between



1 and have Commissioner Cameron back for a  
2 final discussion.

3 CHAIRMAN CROSBY: Sounds good to  
4 me.

5 COMMISSIONER MACDONALD: I might  
6 say on the record that I'm 55/45 on this.

7 CHAIRMAN CROSBY: Okay.

8 COMMISSIONER STEBBINS: I think  
9 there are also, and I've talked about it  
10 before, I think on 15B, there's some  
11 clarification needed, and I don't know how we  
12 rustle with this, but be a speaker or guest  
13 of honor at an organization's fundraising  
14 event. When we go out and are invited to  
15 speak at, say, a chamber of commerce event,  
16 it doesn't necessarily fall into what you  
17 would see as a nonprofit fundraising event,  
18 but for that chamber of commerce --

19 CHAIRMAN CROSBY: It's a  
20 fundraiser.

21 COMMISSIONER STEBBINS: They're not  
22 just charging for the meal. So just kind of  
23 clarifying that a little bit more and maybe  
24 segmenting that out as well.

1                   CHAIRMAN CROSBY: I think that's a  
2 fair point, too. I could see not -- if I  
3 were -- unless we put in the thing that I  
4 said about you can't serve on the board of an  
5 organization that receives contributions from  
6 a licensed organization, that would take care  
7 of your problem. But unless we do that, then  
8 having us be a headliner at a fundraiser  
9 which anybody, including licensees can  
10 contribute to, that's a bridge too far. So  
11 I'm with you on that. One of those two ways,  
12 I could suggest getting at it.

13                   COMMISSIONER ZUNIGA: That speaks  
14 to the broadness of how it needs to be  
15 rewritten.

16                   CHAIRMAN CROSBY: Exactly. Right.

17                   MR. BEDROSIAN: Okay.

18                   CHAIRMAN CROSBY: That's it.  
19 Deputy General Counsel Grossman, do you got  
20 anything else your hat?

21                   MR. GROSSMAN: If you're all  
22 comfortable with other proposed changes as  
23 mentioned, we can put together a proposed  
24 final version and give it one more go.

1                   CHAIRMAN CROSBY: Great. So where  
2 are we? What's left only is?

3                   MR. BEDROSIAN: Six.

4                   CHAIRMAN CROSBY: Yeah.  
5 Commissioner updates. Do we have any?

6                   COMMISSIONER STEBBINS: I have two  
7 quick ones. As Executive Director Bedrosian  
8 mentioned earlier in his report, we had  
9 another great meeting at the Access and  
10 Opportunity Committee meeting out in  
11 Springfield. You know, our licensees  
12 continue to focus on meeting their diversity  
13 goals, but you know, the tenor of the meeting  
14 yesterday in Springfield was interesting  
15 because we finally now see a window of where  
16 the work with MGM is going to end. And you  
17 know --

18                  CHAIRMAN CROSBY: Construction work  
19 you're talking about?

20                  COMMISSIONER STEBBINS: The  
21 construction work or this part of the AOC's  
22 work of MGM during the construction phase.  
23 But there was several sentiments, and I hope  
24 I'm capturing this correctly, of a little bit

1 of remorsefulness amongst the crowd in terms  
2 of continuing, you know, the diversity work  
3 as it extends to other kind of construction  
4 projects out in that region. There isn't  
5 that pipeline of construction and crane work  
6 going on in Western Mass. as much as there is  
7 in Eastern Mass. But there was still some  
8 interesting level of willingness on behalf of  
9 the Susan Moir and Liz Skidmore and the  
10 building trades that are represented at these  
11 meetings, that there was this -- you know, we  
12 want somebody to kind of pick up the mantle  
13 of diversity in the construction workforce  
14 and kind of keep carrying it through a number  
15 of different strategies. But I think, you  
16 know, there's been this great partnership  
17 that's evolved in the AOC meetings in kind of  
18 thinking ahead that the work with MGM in a  
19 short amount of time is going to come to an  
20 end and how through all the great work that  
21 the stakeholders have done is there a way to  
22 carry it on.

23 But credit to our licensees, they  
24 still do corrective action meetings with the

1 building trades and subs and contractors to  
2 make sure that as we slide towards these  
3 final months of construction on both projects  
4 that nobody is letting up in terms of making  
5 sure that diversity goals are met. So that  
6 was encouraging.

7 I also had an opportunity to stop  
8 by a great announcement involving MGM --

9 CHAIRMAN CROSBY: Excuse me, just  
10 one second. I think it's a really  
11 interesting feeling to express and capture,  
12 and I'm thinking we might just think about  
13 whether it would be a way as we end, we roll  
14 to the end of the AOC meetings, not only MGM  
15 but also coming in Wynn, for us to do some  
16 kind of a recommendation, report, case study  
17 where we talk about how this came about, what  
18 it's accomplished, the metrics to demonstrate  
19 it's success and urge certainly other state  
20 agencies, but other building sites, you know,  
21 private and public, to learn from this  
22 experience and maybe to adopt this model.  
23 You know, it might be something that we could  
24 certainly blog it. You know, maybe

1 Commissioner Stebbins writes a blog and we  
2 send that out. We might maybe be able to  
3 publishing something in Banker and Tradesmen,  
4 whoever, whatever the right publication would  
5 be.

6 COMMISSIONER STEBBINS: I think  
7 that's a great idea.

8 CHAIRMAN CROSBY: It would be  
9 great, and we can work with Elaine to try to  
10 figure out the right medium, but it's a case  
11 study we should be proud of. You know, we  
12 really -- the suggestion came along, we leapt  
13 on it, and we played it out in spades, so to  
14 speak. And I think we should maybe try to  
15 push that lesson out there.

16 COMMISSIONER STEBBINS: I think  
17 it's a great idea. Part of the conversation  
18 and, again, going back to Susan and some of  
19 the building trades stakeholders, they're  
20 looking for other opportunities, you know,  
21 whether it's through local or responsible  
22 employer ordinances for construction projects  
23 in various municipalities, but they're  
24 certainly trying to find a way to say this

1 was a great best practice. There are other  
2 best practices attached to it. How can we --  
3 I think to your point, Mr. Chair -- keep the  
4 legacy of our success moving forward --

5 CHAIRMAN CROSBY: Right.

6 COMMISSIONER STEBBINS: -- through  
7 other capital projects.

8 CHAIRMAN CROSBY: That's great.  
9 Well, you could even tell them, share with  
10 them your idea of trying to formalize this in  
11 some way and pick their brains and have them  
12 contribute to what you might put together.

13 COMMISSIONER STEBBINS: I think  
14 that's a great idea.

15 CHAIRMAN CROSBY: Okay. Great.

16 COMMISSIONER STEBBINS: The second,  
17 the event I went to with MGM Springfield,  
18 they have engaged a number of other  
19 hospitalities stakeholders out in Western  
20 Mass. and have partnered up with Cambridge  
21 College, which has a site in Springfield, as  
22 well as the Department of Labor and Workforce  
23 Development apprenticeship program, to  
24 approve a kind of hospitality apprenticeship

1 program that has gotten Labor and Workforce  
2 Development signoff. So they had the kickoff  
3 yesterday that MGM was at. A number of  
4 stakeholders, they're actually going to have  
5 a class on kind of Springfield concierge so  
6 that everybody who's trained in hospitality  
7 has some awareness of the other cultural and  
8 tourism aspects around the valley. So when  
9 you ask a bartender, gee, you know, where's  
10 this, they will be kind of staffed with the  
11 information to be able to make that.

12 But as the story goes -- And I'm,  
13 interestingly enough, connected to Cambridge  
14 College because I was working with the city  
15 when we helped them relocate downtown. But  
16 Wanda Gispert from MGM and MGM's offices are  
17 right across the street. Looked out the  
18 window one day and saw Cambridge College and  
19 said who the heck are they and what do they  
20 do. And that quickly evolved into a great  
21 partnership. So it was a good event.

22 CHAIRMAN CROSBY: That's great.  
23 Terrific. Anybody else? All right. Do we  
24 have a motion to adjourn.



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COMMISSIONER MACDONALD: So moved.

COMMISSIONER ZUNIGA: Second.

CHAIRMAN CROSBY: All in favor?

Aye.

COMMISSIONER MACDONALD: Aye.

COMMISSIONER ZUNIGA: Aye.

COMMISSIONER STEBBINS: Aye.

CHAIRMAN CROSBY: Thank you. We  
are adjourned.

(Whereupon the hearing was adjourned at  
11:52 a.m.)

SPEAKERS

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SEIGMA :

Rachel Volberg, Principal Researcher

MASSACHUSETTS GAMING COMMISSION:

Ed Bedrosian, Executive Director

Catherine Blue, General Counsel

Todd Grossman, Deputy General Counsel

Mark Vander Linden, Director Research and  
Responsible Gaming

MGM SPRINGFIELD:

Jed Nosal

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C E R T I F I C A T E

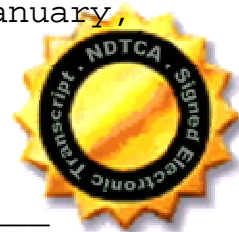
I, Amie D. Rumbo, an Shorthand Court Reporter,  
do hereby certify that the foregoing is a true and  
accurate transcript from the record of the  
proceedings.

I, Amie D. Rumbo, 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.

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WITNESS MY HAND this 18th day of January,  
2018.

*Amie D. Rumbo*



Amie D. Rumbo, Notary Public

My Commission expires: 10/23/2020