

MASSACHUSETTS GAMING COMMISSION
MEETING
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CONFIDENTIAL
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>> CHAIR JUDD-STEIN: Good morning, Austin. Thank you. Good morning, everyone. We are calling to order Commission meeting number 285 of the Massachusetts Gaming Commission on Thursday, January 9th, at 10:00 a.m. here at our offices at 101 Federal Street in Boston. We'll begin with item number 2, the approval of the minutes. Commissioner Stebbins.

>> COMMISSIONER STEBBINS: Good morning, Madam Chair. Included in your packet is the meeting minutes for the December 19th meeting. I would move their approval subject to correction for any typographical errors or any other nonmaterial matters.

>> COMMISSIONER ZUNIGA: Second.

>> CHAIR JUDD-STEIN: Any discussion, suggested edits?

>> COMMISSIONER CAMERON: I have one. On page 3, bottom of page 2, 10:43. It talks about the materials that we discussed at the last meeting, the IEB use of information. But I think we really came to a clear consensus and we gave direction not to use that information. I don't know that that's clear from those notes.

>> COMMISSIONER STEBBINS: Just the note at 10:43 or carrying over to the top?

>> COMMISSIONER CAMERON: Well, I mean, the whole -- it could be -- just the fact that there was a consensus that we not utilize that information at all. And when I read this, it just wasn't clear to me that that's what our discussion really --

>> COMMISSIONER ZUNIGA: You're correct. I agree with that, that point. And I think that was the consensus.

>> COMMISSIONER CAMERON: If maybe we could just add a mine.

>> COMMISSIONER O'BRIEN: What's not really reflected in here is my lack of comfort with taking that approach all the way up to the highest level in terms of the executives. I would like that reflected, that I actually would prefer there be an exemption when you come to the (Inaudible).

>> COMMISSIONER ZUNIGA: That's right. It was not a unanimous consensus.

>> COMMISSIONER O'BRIEN: Right.

>> MR. BEDROSIAN: So we'll go back, relook at that, put those two items on,

Commissioner O'Brien's concerns and the more granular where you guys came out.

>> COMMISSIONER STEBBINS: I would then suggest, because of obviously meatier content than just the typographical content or nonmaterial matters that we delay approving this.

>> CHAIR JUDD-STEIN: So we'll just table that motion and we'll look at the revised minutes at our next meeting. Thank you.

>> COMMISSIONER STEBBINS: Thank you.

>> CHAIR JUDD-STEIN: Moving on to item number 3, the administrative update. This would be Executive Director Bedrosian's last administrative update.

>> MR. BEDROSIAN: And I think there are cheers through the Commonwealth on that.

>> CHAIR JUDD-STEIN: I don't believe that's the case.

>> MR. BEDROSIAN: So let me do a couple things. I do have some comments I'd like to make. But first, one housekeeping item maybe for a little bit of discussion purposes. I think at some point last meeting you had suggested potentially going out to Springfield to do a meeting in February. I'm going to channel my inner Janice Reilly here just to say I think there are some legitimate purposes. I understand the substance behind it. The risk is with weather this time of year. We commit to a room, commit to streaming services, we pay for those, whether we use them or not. Having said that, I think there are some legitimate scheduling substantive issues. I just want you all to be aware. Before we committed to signing contracts. I think we were talking about the last week of February?

>> CHAIR JUDD-STEIN: John, I don't want to put you on the spot, but we were looking at the end of February for the Commission meeting that possibly would be held in Springfield?

>> MR. DELANEY: Yes.

>> CHAIR JUDD-STEIN: And there were reasons that we thought that made sense. Of course, what we're concerned about is in the event of a snow day, we might have difficulty getting there, and there is a somewhat significant cost associated with the -- you know, maintaining the venue and our streaming.

>> (Inaudible).

>> CHAIR JUDD-STEIN: And there's just a slight risk we might not be able to retain the space.

>> MR. BEDROSIAN: Exactly.

>> CHAIR JUDD-STEIN: Should we take that risk right now and not necessarily sign the contract?

>> COMMISSIONER STEBBINS: Yeah, I would just like to add, the local -- and John will help me fill in the right name if I get it wrong -- the local historic preservation trust of which has done some projects in Springfield with money provided by, I think, the community mitigation was interested in showing us around to some of their projects. That would be outdoors. Maybe walking around between the convention center. So I hope we would be able to add that to our schedule the next time we were in Springfield. But again, it's just one more thing to think about weather-wise and doing it in February.

>> CHAIR JUDD-STEIN: To be clear, we're all hearty New Englanders.

>> COMMISSIONER STEBBINS: We are. We are.

>> CHAIR JUDD-STEIN: But we do want to be smart about the commitment. What

if we took the risk of maybe losing the space ideally on that date and wait just a bit?
Does that make sense, Maryann?

>> (Inaudible).

>> CHAIR JUDD-STEIN: That was what we had planned on.

>> MR. BEDROSIAN: And we might be able to see what the options are, putting a temporary hold on it with a commitment by the first week of February, see if they will go for that or not.

>> COMMISSIONER O'BRIEN: I think Maryann just said you've never had a problem getting the room?

>> (Inaudible).

>> MR. BEDROSIAN: It doesn't mean it can't happen, though. So . . .

>> COMMISSIONER ZUNIGA: I'm okay waiting, especially if there is the potential for the matter to be resolved in early February. We could still try to schedule something at that time.

>> MR. BEDROSIAN: Sure.

>> COMMISSIONER ZUNIGA: So I'd say let's hold off for the time being.

>> MR. BEDROSIAN: All right. Thank you.

>> CHAIR JUDD-STEIN: Thank you for raising that.

>> MR. BEDROSIAN: So with that, I would like to comment on my last day. I started the Commission in January of 2016, almost exactly four years ago. My first public meeting was January 7th. That was public meeting 174. And as the Chair said today is public meeting 285. By the time I started, I had already accomplished an interesting goal, and that was to have a job interview with a subsequent discussion about my qualifications streamed live on the web. I recently rewatched that meeting, and thanks to our website, it will live on forever. I love my confidence at the time. Looking back on it now, I think it's a good thing I didn't know what I didn't know. But I appreciate the opportunity the Commissioners gave me as a novice to this industry. I know some of you inherited me, but you also supported me, so thank you very much.

I want to recognize former Commissioners McHugh and MacDonald who also were very supportive of me even when they weren't at the Commission. I also want to credit former Chairman Crosby. He had the courage to embrace transparency and push many of us to a point that was outside our comfort zone. For example, establishing agenda-setting meetings of which we've had 68. He also championed the request of the legislature to allow the Commission to exempt service -- certain service employees so that most of the people that could have an opportunity to be employed in this industry could be employed in this industry. Thanks, of course, to my family for supporting me during this adventure. My wife has pretty much supported every decision, pretty much supported every decision I have made, and I thank her for that. My kids never completely understood my job, especially when I could not give them any insight tips for casino nights at their schools.

I can't begin to say enough about staff here. I would love to list all the individuals, but time prohibits that, except for my own assistant, Maryann Dooley, sitting right behind me. She put up with me for four years. She gets a shout-out. What staff has done during my tenure is nothing short of incredible. Refining our regulations, opening two major casinos while ensuring diversity and opportunity in the construction and operations job, licensing and doing backgrounds for thousands of people entering

this new industry while studying the impacts of the introduction of casino gaming in Massachusetts, and offering mitigation grants, being literally a worldwide leader on responsible gaming, and conducting a major investigation under appropriate scrutiny, at the same time keeping racing going, revenue collection going, our own HR and technology staff keeping going was nothing short of incredible. And as a leader, my job was literally to stay out of their way.

Thanks to the men and women of the Gaming Enforcement Unit for helping with background checks and public safety at the casinos. Thank you to all our attorneys, both in-house and outside counsel. We've had our share of legal challenges, which have been handled both professionally and successfully. I want to thank other state agencies, DPH, the lottery, the Attorney General, and also our appointed authorities. There are many other regulators who are incredibly helpful to us. General us are with their time, allowing for staff visits, allowing for calls. I owe them a debt of thanks.

This Commission and staff work day to day under the appropriate public scrutiny. Our communications team is best, bar none. I also want to thank the press, those who attended our meetings in person and some who watched via the web. You, most of the time, appropriately held our feet to the fire. There were -- I'm sorry, I also want -- not least but last, I do want to thank our licensees.

While we are the regulators, our relationships have been professional, and for a newbie to the industry, they were often helpful and respectful at the same time. There were a number of challenging times. And maybe not the most obvious. I will remember the day in January of 2018 when I saw a tweet from the Wall Street Journal about an article involving Steve Wynn who literally followed up seconds later by a phone call from Jacqui Krum. But for me, I'll remember the day I got a call that one of our senior gaming agents who had spent the day helping us to open MGM Springfield had gone home and passed away. That was a tough time. But I am most impressed, through all the challenges, Commissioners and staff alike, have taken their jobs both incredibly seriously and with a good dose of humor. I have been privileged to serve as your Executive Director, and I can't thank you enough for the opportunity and support. I wish you all the best and good luck in your future endeavors. Thank you.

>> COMMISSIONER ZUNIGA: Thank you.

>> COMMISSIONER STEBBINS: Thank you.

>> MR. BEDROSIAN: So now --

>> CHAIR JUDD-STEIN: All of my fellow Commissioners do want to chime in right now, but I think we're going to respect the agenda. I can see Commissioner Cameron's emotions. And if you want to, you know, make our short comments now, then we'll move on to the next part.

>> COMMISSIONER CAMERON: It doesn't matter when we speak. But, yeah, that was touching. That was moving, and to mention an agent that we lost, yeah. That's emotional. So we'll hold off. That's fine with me.

>> MR. BEDROSIAN: Back to regularly scheduled program, exactly. Exactly. Bedrosian. All right. That's what I like.

So thank you. So we do have an ongoing issue, one, that will, I assume, exist beyond me. Our draft Region C RFI and request for public comments. As you know, we've had this -- we've kept the tempo on this to try and get this resolved. We've had this on the agenda for a couple meetings in December. The last meeting we talked

about a series of questions. Derek, Todd and I put those in a draft RFI. Elaine helped us put our format for draft public comment questions. I had circulated those individually to Commissioners and gone back for comments, and I did get some comments on some potentially follow-up questions that have also been included in the package. So I think what we would need is potentially some discussion about the draft RFI, whether we want to include any of the follow-up questions or not, and then Derek is here to answer any process questions about the RFI. We obviously would need to think about dates, about when you'd want it posted, how long it would be out there for, and also that same goes for the public comment aspect also.

>> COMMISSIONER O'BRIEN: If I can just start with the public comment part of it since it's probably shorter. Re-reading it and looking at the bullets, I feel like the third bullet down is a question of law that's really not appropriate for inviting public comment in this venue. I'm pleased with the others but I do think that the question about whether Section 91 of the compact impacts our authority, I just don't think is an appropriate question for public comment.

>> COMMISSIONER ZUNIGA: I agree with that.

>> COMMISSIONER CAMERON: Makes sense.

>> MR. BEDROSIAN: Okay. Is there the consensus we should take out the Section 91 question? I got three, four --

>> COMMISSIONER O'BRIEN: If you need a vote?

>> MR. BEDROSIAN: No. I'm counting the bobbing heads.

>> COMMISSIONER CAMERON: It makes sense to me as well.

>> COMMISSIONER ZUNIGA: No, you know, the immediate bullet gets to perhaps the point that we could hear from regarding the tribe, which is how those dynamics, you know, play and, you know, et cetera, some of which we've heard before as well, but it's good to have it again this time around. So I agree that we should just delete that third bullet.

>> COMMISSIONER CAMERON: And as we know, interested parties will let us know what's on their mind regardless of the question.

>> COMMISSIONER STEBBINS: Right. Yeah. I would -- you know, you have kind of an open-end piece to this down at the bottom, which is the deadline for comment submission. I would just recommend we keep it open. The folks certainly as Commissioner Cameron just alluded to, they always weigh in. They always come in through MGC comments or a hard letter into the members of the Commission. I would leave the date and time open. We might come back at some point and say we're going to close it. But --

>> MR. BEDROSIAN: So the only thought I would have on that is a deadline sometimes spurs input. So maybe we should have something like preferred deadline, you know, something that incentivizes people to respond.

>> COMMISSIONER STEBBINS: I hear you. And I understand that, you know, deadlines, you know, like April 15th for taxes always drives people to get stuff done. You know, maybe, again, only because this is a companion piece to the RFI and we're not quite sure where the RFI process is going to begin to take us, you know, I think a combination of, you know, our excellent communications staff kind of promoting that the questions are out there may drive a lot of immediate responses without necessarily shutting anybody off. Again, we've always been open. We've always been flexible to

have comments come in from the public. I just think with this, it's not really necessary to set a deadline.

>> MR. BEDROSIAN: Okay.

>> COMMISSIONER STEBBINS: Just (Inaudible).

>> CHAIR JUDD-STEIN: In terms of focus on the public comments. Can we just put them aside if we don't have further discussion now and then look at the RFI, and it may be that we go back to the public comments rather than say we're all set on them? Just in case our next discussion on the RFI informs something different?

>> COMMISSIONER STEBBINS: Sure.

>> CHAIR JUDD-STEIN: Okay. Looking at the RFI, we do have the additional questions that were offered. And we have the draft. The booklet did include the additional questions, correct?

>> COMMISSIONER ZUNIGA: It did.

>> MR. BEDROSIAN: It does, yes.

>> CHAIR JUDD-STEIN: Discussion? Commissioner Zuniga, do you want to go first?

>> COMMISSIONER ZUNIGA: Sure. I can maybe give a bit of an overview of the questions here labeled as additional questions. I contributed to them and maybe I can just summarize some of that as, in my opinion, there is not a foregone conclusion that this RFI will result in a market study. That's a clear possibility. I think there's a real business case for us to examine in one way or another the current state of the market but also go back and look at the assumptions that were made when the market studies of 2010 and 2012 were performed. So what I think we are trying to do here is to frame the discussion as one of important timeframe. Is it too early to see -- to tell what some of the dynamics were predicted at the time? Is it necessary for some of those assumptions to be revised? And how much of those -- of the factors that have ensued since then weigh in on what we are -- what we are observing? Whether it's additional expansion around us, the consumer preferences, online gaming, which may not include gambling options, either around us or available in the marketplace and so on.

So I would say that's sort of the theme of some of these questions. I didn't -- I don't know that it's relevant to get so specific as to some of the details of those market studies. So by necessity, they only address the totality of the market in New England and Massachusetts that was envisioned at the time. But I can -- we can talk in more detail about any one of them. I tried to also pull out what I think we are seeing, and that is specifically only slots revenues. There's -- I would like to have anybody who might be interested in responding offer insights as to whether there is a dynamic here that we are observing that is only temporary or whether there's a trend in a decline perhaps of slots revenues because those games are perhaps, you know, changing in terms of consumer preferences. So that was perhaps the idea or the themes in some of these questions.

>> CHAIR JUDD-STEIN: So there's certainly going to be some overlap between questions that have been presented in the RFI. So integrating these questions into the draft will take a little bit of some artwork. In terms of setting aside the additional questions, can we turn to the draft for any particular discussion right now on the draft? I do have some thoughts, but I want to defer first to you all.

>> COMMISSIONER ZUNIGA: Well, also for the draft, I included one point which is

at the back of the page of the additional questions labeled for background. Maybe that should have been labeled for the introduction. And that is perhaps an enhancement of what's already here where it describes appropriately that the Gaming Act allowed for or prescribed up to three licenses in three regions with a minimum capital investment of \$500 million and a slots parlor with a minimum capital investment of 125. And to update that reality to what we have seen effectively since then, which is really -- I should get that number right -- a total of -- approximately \$3.7 billion in capital investment or a premium, if I could term it that way, of \$2.1 billion over what was then the minimum capital investment. I think there are a couple of things that should be noted, which is, of course, that was a minimum. There was an expectation that there would be perhaps with competition, there would be an increase from that. But I think it's noting that there was a significant more than doubling of the capital investment, I think, perhaps frames what may be hopefully some of the insightful responses as to what we may be seeing relative to interest or the lack thereof as well as indirectly the profitability and the ability to recoup investment for private operators.

>> CHAIR JUDD-STEIN: Does that -- so you would ask for a little bit of strengthening on the background with respect to that point?

>> COMMISSIONER ZUNIGA: Yes. With respect to that. Which, again, I began to sort of note here, you know, it's essentially updating what that paragraph talks about.

>> CHAIR JUDD-STEIN: And I don't have to really expound on that, but I do think we could probably want to strengthen the background so that the reason for RFI is very clear, even including a little bit of a description of our current licensees. One thing that I'd like restored that we had in -- I think it's the memo dated December 16th. There was an outline. I'm not sure if it was completely comprehensive, but there was an outline of the relevant statutory provisions in that memo that we use as our roadmap. And if we could restore that in the background, that would be really helpful.

>> MR. BEDROSIAN: That was in the December memos?

>> CHAIR JUDD-STEIN: It was in the December 16th memo. We'd probably want to look to see if it's comprehensive, if we could add to it, that's helpful. If we could add context as to why they're relevant, that might be helpful.

>> MR. BEDROSIAN: So would you like us to include some of the suggestions from Commissioner Zuniga on the investment context and also the statutory references from the December memo?

>> CHAIR JUDD-STEIN: Right. And it might actually even warrant a little bit more history.

>> MR. BEDROSIAN: Okay.

>> CHAIR JUDD-STEIN: To the extent it's helpful just to set the stage. One -- just a question for Derek. Because this is a hard process, with an RFI, is it appropriate to have an answer -- a question and answer period? Because, I mean, we're asking for information, so I just wonder.

>> MR. LENNON: So we contemplated this the first draft that we had had question and answer, so we can put that back in. But --

>> CHAIR JUDD-STEIN: Do you want to explain that to make sure everybody understands?

>> MR. LENNON: Yeah. So during an RFR process, you would -- there are different options you can have. You can have questions and answer. You can have a

bidders conference. You can invite people in for interviews to get clarifications on points of view before you accept a final answer. But because this is just a request for information, we left those pieces out because we figure if we do an RFR based on information here or if we do open up a process or want further public comment, we can ask for that specific to the information that comes in. This is more of a fact-gathering time period or information-gathering time period, not an open for your response and then close the door based on that one time period of responses.

>> CHAIR JUDD-STEIN: Right. And there is, even our public comment page, they could request clarification, I suppose, with that even though it's relevant to the RFI. We always accept public input.

>> COMMISSIONER O'BRIEN: And given that this may or may not lead to a process later and we don't want to block anyone or create conflict anyone out, I do think it's probably safer to not do the Q&A and have any allegations that someone got a sit-down meeting in a Q&A that then put in a bid. I think it's probably cleaner to do the RFI without a Q&A.

>> COMMISSIONER STEBBINS: I would agree.

>> COMMISSIONER CAMERON: Makes sense.

>> CHAIR JUDD-STEIN: In terms of just a couple of clarifications on the questions just for discussion purposes. With respect to number 1, I think 1 and 3, there might actually be a little bit of a redundancy. So if we just ask what factors should, must be considered, if we were to engage in a new market study. One prompt might be what other jurisdictions offering casino and possibly sports betting should we be considering. I think that you allude to that, of course, in your new questions. And how far do we, you know, reach? It's not necessarily obvious. In terms of number 4, we're looking at the timeframe, and a prompt there would also be a follow-up question, what factors render a gaming market study stale and what factors render gaming market study potentially biased, because we do have -- you know, we've heard publicly that there are studies out there that have been conducted in the past, you know, 2010 versus other interested parties have conducted studies, but if we could gain some insight on that, that might be helpful. I don't know if we want to include it. Just a thought.

And then number 5, it would be what, if any, impact should be the potential introduction of sports betting here in Massachusetts because, of course, sports betting has been introduced around the country at this point. And we would presume that the sports betting of our neighbors would be included and looked at in number 1. I'm really interested in also just for clarity purposes how we'd integrate the questions that Commissioner Zuniga has given to make sure that we have a clear document. I personally have been pushing to keep this process going, but I think probably -- we could -- we could authorize staff to go ahead and do another review. I'm inclined to want to have another review. What do you think?

>> COMMISSIONER CAMERON: I would agree.

>> COMMISSIONER STEBBINS: I think what Commissioner Zuniga has offered, you know, again, looking at the RFI process, we're looking for kind of some free help at this point. And limiting anybody to having to answer all of the questions I think by adding more questions we might actually get more insight. So I think the addition of the questions is helpful to the process and may even generate more responses than originally anticipated. But I think there's -- I think, Madam Chair, to your point, there's

some wordsmithing that needs to be done to incorporate some things more in the background and kind of see where we can dovetail questions a little bit, you know, either subsections of taking your questions or subsections of the existing and broader questions. But I think there's a way to dovetail and make the document more meaty and, again, maybe generate more responses.

>> COMMISSIONER CAMERON: We don't have a full draft here right now, so I think it makes sense, when we incorporate new questions with existing and see if there's overlap, there were some suggestions that are certainly more than technical in nature. So I would concur that we take time to see a new draft and then vote for it.

>> CHAIR JUDD-STEIN: And we have been thinking for the next -- you know, the next Commission meeting, which is two weeks I think the Commissioners would probably want to review it with a few days as opposed to just a day or two. Does it make sense to still -- I would like to still see this be presented in two weeks.

>> COMMISSIONER CAMERON: Agree.

>> CHAIR JUDD-STEIN: If that -- for our Interim Executive Director --

>> COMMISSIONER CAMERON: That's her first assignment?

>> CHAIR JUDD-STEIN: I think -- I just want to --

>> MR. BEDROSIAN: I call her the presumed Interim Executive Director.

>> CHAIR JUDD-STEIN: Yeah.

>> COMMISSIONER ZUNIGA: Yeah. I think there's enough here that we could meet that, you know, that quick turnaround. It does need more than just a cut and paste. But some of the additional questions fit, you know, in a subsection, at least, at subquestions on a couple of the initial broad questions. I think we're able to come back next week -- next meeting, probably.

>> MR. BEDROSIAN: So I will -- I had been working with this with Derek and Todd, and now Karen will step in. You will want a little bit of a beefed-up overview of Region C with more -- a little bit more history, the statutory references, and some of the information that Commissioner Zuniga suggested and have that blend in obviously with what we have. And then on the questions --

>> COMMISSIONER O'BRIEN: Actually, before you move on, I think the Chair also asked for more information on current licensees to add texture to the market.

>> MR. BEDROSIAN: Okay.

>> CHAIR JUDD-STEIN: Thank you.

>> MR. BEDROSIAN: Yep. And the statutory references from the December memo. On the questions, we will try and harmonize 1 and 3 and also integrate what, yeah, Commissioner Zuniga's suggestions to give it a little bit more organic, make sure that the introduction of sports betting is clear about Massachusetts and insert a question about the factors rendering a gaming market study, either stale or bias. And then on the public comment, I think we had suggested potentially eliminating bullet point number 3.

>> CHAIR JUDD-STEIN: And I did have one suggestion. And forgive me because I had intended to, prior to today's meeting, to get a little bit more information on it. But prior to my arrival, there were extensive public comments that were posted. I think in January. And I came in in February. They're extensive. I don't know what -- whether we should just go back and look at those comments to see if there's any public comment that you still would want. You know, you issued this before. Is there

anything else you want to reissue from these public comments to add to the public comment list? So maybe that could be circulated. And then either Todd or Derek or Karen could go to each Commissioner and get any of those particular questions to be incorporated into the draft. I think that's appropriate within our Open Meeting Law. You need to give us a suggested, and then it would come back to us in any case. Just a suggestion, Elaine was kind enough to give them to me, and I didn't get a chance to go through each one. And it would be extensive today anyway.

>> COMMISSIONER ZUNIGA: You mean prior public comments to post them or prior Question comes on adoption of the amendments?

>> CHAIR JUDD-STEIN: Prior public comments.

>> COMMISSIONER ZUNIGA: Prior public --

>> CHAIR JUDD-STEIN: Yeah, the Commission -- I believe you must have decided on them. I don't know if staff did that. There are 12. And just given that we've already done that exercise and we're now reissuing a request just to make sure something shouldn't be in addition.

>> MR. BEDROSIAN: And I think my memory is that was in conjunction with the motion for reconsideration process.

>> CHAIR JUDD-STEIN: It might not be relevant.

>> MR. BEDROSIAN: It may be. We can go back -- we'll go back and find those.

>> CHAIR JUDD-STEIN: Okay.

>> MR. BEDROSIAN: So no vote. I got direction, no vote needed. Thank you.

>> CHAIR JUDD-STEIN: No vote needed today. Any further discussion on this?

>> COMMISSIONER CAMERON: No.

>> CHAIR JUDD-STEIN: Thank you. And thank you to the staff for your patience as we go through these iterations. And thanks.

Now moving on to item number 4. I know that, in fact, our acting counsel is out today. So thank you, Interim Executive Director, at least under an informal process, Karen Wells. Thank you.

>> MS. WELLS: We have our Chief Enforcement Counsel, Loretta Lillios, has worked with Interim General Counsel Mr. Grossman on a draft regulation for your consideration, so I'll turn that over to her just to explain what the process has been and the language in the proposed regulation.

>> MS. LILLIOS: Good morning, Commissioners. So before you this morning are some suggested amendments to 205 CMR 134.09, in particular the last sentence of that subsection. These amendments, as you know, came out of discussions at two of the prior Commission meetings where the IEB had asked for some guidance from the Commission related to sealed records in situations where the investigation revealed information related to a criminal matter that had been sealed, information that the investigator was lawfully in possession of, but the question being as a matter of policy, should the IEB consider that information as part of a suitability determination. Again, information related to a criminal incident that had been sealed.

You received input from stakeholders in the form of some letters that were submitted and are part of the prior public record, and a majority of the Commission previously directed the answer to the question being no, the IEB should not consider that information for suitability purposes. The amendment to the reg is designed to reflect that guidance, and the IEB is appreciative for the clear guidance that had been

request that there be a method for clear application of the guidance, and we're requesting that you review the language and commence the formal promulgation process on this regulation.

>> COMMISSIONER O'BRIEN: So if I could just, from an editing standpoint, I think the sentence would read cleaner if we got rid of the passive and started the sentence to say sealed or expunged records of criminal or delinquency appearances, dispositions, enter any information concerning such acts shall not be considered. I think the placement of the sealed or expunged is a little awkward there. And then the follow-up question that I have for you or for anyone else, too, is in the circumstance that an applicant wants to discuss sealed or expunged, are they in any way prohibited or barred from this language? And do we want to put a safety valve in that the applicant can bring up such facts if they feel like it's relevant to suitability but it's not something that IEB uses?

>> MS. LILLIOS: And in the hypotheticals that we gave you in the memo, that was one of the hypotheticals, or at least it was discussed in the memo that one of the sources might be the applicant itself, him or herself. So it's been my interpretation thus far that even in that instance, it's indicative of overall forthcomingness, but -- of an applicant, but it would not be indicative if the applicant is not forthcoming since they are under no obligation to reveal sealed records or incidents related to sealed records. But if you think that would be helpful to clarify here --

>> COMMISSIONER O'BRIEN: I guess what I'm hoping to clarify once we do this is just to make sure that to the extent that an applicant feels like the information is relevant to suitability, it doesn't bar the applicant -- or maybe we do want it to be a two-way street in terms of no one references it one way or the other. Or do we want to allow the applicant to be able to clarify some sort of conduct?

>> COMMISSIONER ZUNIGA: (Inaudible) sorry. I think nobody's barred from anything, and we could make that assumption. But I think the regulation here speaks to the consideration. That it should not be considered one way or another.

>> COMMISSIONER O'BRIEN: So one way or the other.

>> COMMISSIONER ZUNIGA: I mean, I think we couldn't have really have it both ways? I don't know if that's exactly --

>> COMMISSIONER O'BRIEN: Right.

>> COMMISSIONER ZUNIGA: -- what is happening here. I understand the scenario where it could be in favor of the applicant, but I think it creates more confusion, which was part of the intent was really to clarify.

>> MS. LILLIOS: Right.

>> COMMISSIONER ZUNIGA: I think if I may, we touched on this also last time, but are we comfortable about the distinction between information and records? Because there was also the notion of we could obtain information by media searches or what have you that may not be technically in the record and this is where it gets dicey. And I would like to offer that what we're really talking about here, you know, is the information included in the records, but it's really information.

>> MS. LILLIOS: The draft language is intended to cover information. Already the statutes on sealed records say we can't consider the sealed records themselves. So this new language says that we cannot consider any information.

>> COMMISSIONER ZUNIGA: Where is that?

>> COMMISSIONER STEBBINS: The last sentence.

>> COMMISSIONER CAMERON: The last sentence. Information concerning --

>> MS. LILLIOS: Acts that have been sealed.

>> COMMISSIONER CAMERON: Three lines up from the bottom.

>> CHAIR JUDD-STEIN: This is the part that we sought clarification on.

>> COMMISSIONER ZUNIGA: Ah, sorry. Yes.

>> CHAIR JUDD-STEIN: Because before it was really just with respect to the delinquency. So we were only --

>> COMMISSIONER ZUNIGA: Or any information. Great. That works. I'm sorry.

>> CHAIR JUDD-STEIN: However, I think if I heard correctly, Commissioner O'Brien, you're recommending a change. And if you could go over that more slowly, please.

>> COMMISSIONER O'BRIEN: Sure. Certainly. I don't like passive voice. I think it's cleaner if we don't use it. So it's eliminating both the placement of the passive. So the phrase that have been sealed or expunged, I would say we strike that and we start the sentence with simply "sealed or expunged records," criminal or delinquencies, and then it would finish as written.

>> CHAIR JUDD-STEIN: Okay. So if we could -- if you could indulge us and read the entire starting with "records."

>> COMMISSIONER O'BRIEN: Certainly. Sealed or expunged records of criminal or delinquency appearances, comma, dispositions, comma, and/or any information concerning such acts shall not be considered for purposes of making a suitability determination in accordance with 205 CMR 134 and MGL 23K.

>> COMMISSIONER ZUNIGA: That works.

>> CHAIR JUDD-STEIN: Counsellor, do you have any concerns about that?

>> MS. LILLIOS: I think that communicates what my understanding is of your direction and that such acts shall not be available as part of the suitability determination.

>> COMMISSIONER ZUNIGA: I'm good with that.

>> COMMISSIONER CAMERON: That's very clear.

>> CHAIR JUDD-STEIN: Very clear. I believe we need a motion. If we're satisfied unless there's further questions for Counsellor Lillios. If we start, of course, with the small business impact statement. Do you have any questions with respect to the small business impact statement? That's on -- we're looking at Section 4A first, and then we'll move to the actual clarification of the regulation.

>> COMMISSIONER STEBBINS: Madam Chair, I'd move the Commission approve the small business impact statement with the amendments to 205 CMR 134.09 as included in the Commissioners' packet.

>> COMMISSIONER CAMERON: Second.

>> CHAIR JUDD-STEIN: Any questions on that? Okay. All those in favor?

[Vote taken]

Opposed? 5-0.

>> MS. LILLIOS: Thank you.

>> CHAIR JUDD-STEIN: Thank you. Then moving on to the actual clarification.

>> COMMISSIONER STEBBINS: Madam Chair, I'd further move the Commission approve the version of the amendments to 205 CMR 134.09 as included in the Commissioners' packet and authorize the staff to take all steps necessary to begin the regulation promulgation process.

- >> COMMISSIONER ZUNIGA: With the clarification, right?
- >> COMMISSIONER O'BRIEN: Correct.
- >> COMMISSIONER STEBBINS: With -- yes. As amended.
- >> COMMISSIONER CAMERON: Second.
- >> CHAIR JUDD-STEIN: Those in favor?

[Vote taken]

Opposed? 5-0. Thank you. And thank you for the process of both Director Wells and Deputy Director in terms of your work on this. The entire process was very helpful. It was incrementally done. We got very helpful public input. So thank you. It's a critically important part of the investigators' work, and we're glad to provide clarification. Thanks.

>> COMMISSIONER ZUNIGA: Thank you.

>> CHAIR JUDD-STEIN: Moving on now to item number 4b, i through iii, we have Justin Stempeck and Dr. Lightbown today on racing. Thank you.

>> MR. STEMPECK: So these regulations were before you back in early November for their initial step in the promulgation process. They are now back before you for the final draft promulgation vote. The racing regulations themselves then after today's vote if approved will go to legislature 60 days to statute. The regulation concerning the hearing process which is our own regulation will then be included in the next bundle and sent up to the registrar's office. So we had our public meeting this morning with the public comment were taken with Commissioners Stebbins. So I think you wanted to raise a few issues that came up during that.

>> COMMISSIONER STEBBINS: Sure. Thank you, Justin. During the hearing process this morning, the public comment was provided by many of the stakeholders from the Harness Racing Association and membership. Some of those related to getting some clarification and definition which I think Justin will be able to walk through, and there was also some concern about reducing the time of an appeal from ten days down to seven days, which Justin addressed at the hearing, but I would also ask him to address it here and then questions around appeal rights as to certain decisions by judges and racing officials. So we appreciated the comment that came in from our partners in the harness racing community, and I would turn to Justin to maybe offer some clarification.

>> MR. STEMPECK: Sure. Let me start with the one that seemed to be the most significant as raised by the Harness Horsemen's Association that had to deal with what I believe was a misunderstanding that somehow the appeal time for the racing, appeals had been reduced to seven days. That is not the fact. What, in fact, happened pursuant to these regulation changes is we moved from the racing section into our own appeals section, the timing of when the appeals are filed, it remains ten days post the racing infraction that the appeal is due. That's the way it's always been. We haven't reduced it in any way, shape or form. It remains ten days. So that was, I think, the first issue.

There was a couple questions raised about the definitions of individuals contained in the change to the racing regulation that addresses racing judges' conflict of interest.

You may remember this from our November meeting. We had -- were implementing a procedure here whereby racing judges can be recused from judging over races in which

a family member or somebody of significant relationship to them is involved, so we've reduced any potential or actual conflict of interest. So there's some questions about the definitions in there. Those terms are not pulled out and defined specifically because they're based on both the ethics statute as well as our own ethics, enhanced ethics code. So we defer to those definitions. Furthermore, there's a catchall within that regulation change which encompasses not only your typical immediate family members or your spouse, domestic partner, that type of thing, but also for whom there's a significant relationship whereby your judgment could be questioned as to your ability to judge racing which they were a participant. So I think that as it stands, it's not going to be an actual concrete issue that's going to come up. Also, we only have three racing judges, so this is -- there's a built-in degree of discretion there on purpose so that we can -- so the racing director or whoever is viewing the situation can review it and say, well, is that actually a significant relationship, and immediate family, I would defer to the definition within the ethics statute as to what immediate family constitutes. So that's sort of our legal response to those issues raised at the public meeting with respect to definitions.

The last one that was raised came with respect to the ability to appeal infractions that occurred during a race. So this was something we removed the ability of individuals to appeal infractions that occurred during a standardbred race. This is the way it's always been in our thoroughbred regulations. Recently, as you may remember from last year's Kentucky Derby, this was a major issue in the Kentucky Derby race. Basically the genesis for this particular regulation change comes from the fact that we hire experienced judges who have an expertise. We have three of them at Plainridge. And we defer to their expertise. They are experts in the field. If an appeal were to take place of something, an infraction that took place during a race, often what I've seen happen and what has happened in the past is it goes up to a hearing officer, who lacks as much experience as those judges who are paying acute attention to what's taking place during the race. And sometimes it's a difficult thing to ascertain. And more often than not what happens is there's a deference to the judges' expertise already. So I don't know, Director Lightbown, you wanted to address that issue.

>> DR. LIGHTBOWN: That's correct. That's the main reason is your judges or your stewards in the program are the experts and they're kind of the ones who set the limits and all on those infractions. And we maybe get one appeal of something that happens during the race maybe every two or three years. And so even if we always have the same hearing officer, they're actually watching a race maybe, you know, every couple of years. Whereas our judges are seeing thousands of them throughout the meet every single year and, you know, depending on their years of experience, maybe they've been doing it for 15 or 20 years. So the experience level is considerable.

>> COMMISSIONER ZUNIGA: So can I take -- on that, so there has not been historically a regulation that prohibited an appeal on the harness race but there was on the thoroughbred side? And that's just, what, Legacy, maybe?

>> DR. LIGHTBOWN: Right.

>> COMMISSIONER ZUNIGA: You know, just the regulations have not been, you know, reconciled or unified or whatnot.

>> DR. LIGHTBOWN: Right.

>> COMMISSIONER ZUNIGA: Tell me more about the history of -- on the harness

side. You mentioned one or two a year. But can you go back --

>> DR. LIGHTBOWN: One or two every -- we don't have one every year.

>> COMMISSIONER ZUNIGA: Yeah. One or two every three or so years.

>> DR. LIGHTBOWN: I think in the last five years maybe we've had two or three.

>> COMMISSIONER ZUNIGA: And without a regulation, historically, what would happen?

>> DR. LIGHTBOWN: So with our regulation, the driver could appeal to a hearing officer. And then we would have a hearing, and they would show the film of the race, and the judge would describe what they saw and why they took the horse down, you know, imposed a fine or did a placing, whatever their decision was. And then the driver would discuss what they felt happened.

>> COMMISSIONER ZUNIGA: Yes.

>> DR. LIGHTBOWN: And why they shouldn't have been penalized.

>> COMMISSIONER ZUNIGA: And the point you made earlier, Justin, is that more often than not, the hearing officer has to defer to the judge who has -- or the three judges who had the expertise to begin with.

>> MR. STEMPECK: Right. I mean, the practicality of the matter is our hearing officer is a hearing officer. They're not necessarily an expert on racing, and in particular, they don't have the same level of expertise as a racing judge who, as Alex mentioned, may have 20 or 30 years of experience judging tens of thousands of races. So you have our hearing officer being asked to second-guess the opinion of three racing judges whose combined experience vastly exceeds their own and it puts them in an awkward position and frankly oftentimes it's difficult because this is a specialized skill to see some of these minute infractions or to note when a particular -- a wheel veers into the path of the other individual from a different angle. I've viewed some of these races myself. And certainly not as many as any of these judges and I have a hard time seeing it, so I defer oftentimes to what some of the judges are saying as well because I trust their expertise.

>> COMMISSIONER ZUNIGA: Now, I also know -- maybe this is a point you were going to make, Commissioner. I'm just guessing here. But the video technology since Pent came around was significantly enhanced and improved, which has had, I believe, a positive effect towards the questioning, if you will, of some of those rulings. Is that the case?

>> DR. LIGHTBOWN: Oftentimes that very day, even immediately after the race, if the driver has a question, they have the capabilities at Plainridge now where the judges can show the film that they're looking at right now to the judges -- the judge down in the paddock. So the driver in the paddock and the judges up in the stand are looking at the exact same video. And if the driver says gee I didn't think that happened, the judges can say, well, you know, look at this point right here. That's what we saw. And oftentimes that --

>> COMMISSIONER ZUNIGA: Gets resolved right there.

>> DR. LIGHTBOWN: The judges will also, if they need more time, because obviously this is during racing. So every 20 minutes or so, there's another race coming up. If they need more time, the judges are more than welcome to -- they'll have the drivers come up at a different time, you know, to -- up to the judges stand to watch the different angles.

>> COMMISSIONER ZUNIGA: And are there instances or is it at least conceivable that the judges in an instance where the driver says, you know, I just didn't do it or I feel you're being, you know, too punitive, whatever the case may be, is there a case in which they reconsider? They talk amongst themselves? They go back and look at the video again and say, well, yeah, maybe we're being too harsh? I don't know. Is that part of the process at all?

>> DR. LIGHTBOWN: They could. I mean, when they make that decision, they've already, you know --

>> COMMISSIONER ZUNIGA: They've already conferred.

>> DR. LIGHTBOWN: Several different angles and taken, you know, an amount of time that they felt they needed to make the right decision. But certainly they listen to the drivers when they come in and show what they think -- you know, show them what they felt happened.

>> COMMISSIONER CAMERON: I think this is a good change. I like the consistency of both breeds. The technology and one thing that wasn't mentioned is all of these judges and stewards have been through a rigorous accreditation process where they have been -- their skill has been tested in this area. So I think this makes perfect sense. And having seen how the judges operate, meaning collectively looking at that tape over and over again, I believe their experience as well as their process for making a decision is sound, and this is a good change.

>> COMMISSIONER STEBBINS: Justin, real quick, there were just a couple other clarifications and definitions. A question that director of racing, I'm assuming that refers to our director of racing. Licensed association.

>> DR. LIGHTBOWN: In racing regulations, whenever the word "association" is used, that refers to whoever has the racing license. So like in this case if you're talking on the harness side, it's Plainridge. And then if Suffolk was racing, it would have been Suffolk Downs. That would be association.

>> COMMISSIONER STEBBINS: And directors of association. That was another clarification. Okay.

>> COMMISSIONER O'BRIEN: So does that need to be clarified anywhere, or is that inherently understood and we don't clarify?

>> DR. LIGHTBOWN: That's understood in racing, that association means --

>> COMMISSIONER O'BRIEN: From a legal standpoint, do we need to define that?

>> MR. STEMPECK: No, I don't think so. I believe "association" is actually in the definitions earlier on. I mean, it's clear to the extent that it would ever be an issue, I can't imagine a situation where there would be a legal obstacle to the actual definition of the association. It's pretty clear in context as well, if it's not specifically set out in a definition, but I believe it is in the definition.

>> COMMISSIONER ZUNIGA: Can I go back to the significant relationship point? So it is really just the definition of significant relationship that gives rise to some of these questions or concerns. Is that the case?

>> MR. STEMPECK: The question that came up today at the public comments was not the significant relationship piece. It was the definition of immediate family, I think, life partner.

>> COMMISSIONER STEBBINS: It was immediate family and clarity on spouse, domestic or life partner.

>> MR. STEMPECK: And my response to that is that I believe immediate family is defined -- this all comes from our enhanced ethics code and the ethics code, in general, and I believe immediate family is defined therein. And even if you had to resort to the catchall, we have a catchall in our regulation change which also includes significant relationship. So if there's a question about whether somebody was a domestic partner or a life partner, you wouldn't have -- it would be almost irrelevant because you'd say well, there's a significant relationship. It's another adult living in the house, has been living in the house with this individual for X number of years. There's clearly a significant relationship there, whether you want to say they're a life partner, domestic partner or something else.

>> COMMISSIONER STEBBINS: Is there any need to make a reference around immediate family to our ethics code of conduct? If that's what we're pulling it from?

>> MR. STEMPECK: We -- if we were going to do that, I mean, we can -- we can certainly go back and define immediate family for clarity if you think that that's necessary, I'm happy to do that. It's a relatively minor change. We can come back before you on that particular reg and that particular issue. I honestly, given that this involves the three judges at Plainridge and their potential conflicts of interest, I don't see it as being a stumbling block in the future where someone's going to argue that this person is not a member of my immediate family because once again, if there was some sort of friction on that definition, you could say, well, in the opinion of the director of racing, there's a substantial relationship there. So even if there was some question as to, say, it was an in-law relationship which is not technically usually part of immediate family, you could say, well, from what we understand, you have a significant relationship with this individual, so it may not fall under the umbrella of immediate family. However, they fall under the third catchall of a significant relationship because of the nature of that particular relationship. So I'm happy to do that if that's the will of the Commission, we can do that. I don't see it as a major issue, but if you do, I'm happy to go back.

>> COMMISSIONER STEBBINS: No. You had just raised the point about what you were basing that definition on and again, it's reflected in the Commission itself's code of ethics, but I think you explained it kind of the overall viewpoint, significant relationship means tied to that.

>> COMMISSIONER O'BRIEN: Can I just ask, is there a perfect parallel between that? For some reason I feel like ours is -- yeah. I don't think they're a perfect match.

>> MR. STEMPECK: I think -- they may not be a perfect match. I know in our enhanced ethics code, I think we define immediate family. So this -- we were in certain ways, we're trying to mirror some of the expectations we have from conflicts of interest perspective into what we expect of our racing judges. So that's where that language had come from. So if everyone would be more comfortable with me defining immediate family or referencing back to our enhanced ethics code, I'm happy to do that and to tweak that aspect of that regulation in that respect, that's fine.

>> COMMISSIONER O'BRIEN: Because I think there's two. One is I think more inclusive than the other and so I do think we need to decide even with the catchall, I do think we need to decide which definition we want that to be.

>> COMMISSIONER ZUNIGA: We could easily write a regulation as defined or illustrated in our regs.

>> COMMISSIONER O'BRIEN: Either ours or 268A.

>> CHAIR JUDD-STEIN: In the event that we end up changing ours ever, it might be -- because it sounds as though the policy goal is to make it consistent with both the state law and our enhancement.

>> MR. STEMPECK: Sure. And I can -- I could even go make something even more specific as to level of blood relation or con sanguinity so it's clear without referencing a particular statute.

>> COMMISSIONER O'BRIEN: But is it -- I think it eliminates the need to further amend if we tie it to the reference to the enhanced code. Because then you don't have to keep going in and make sure you've done the mirror change and just say whatever it is in enhanced code is the definition.

>> MR. STEMPECK: I'm happy to refer back to that enhanced code, yeah.

>> COMMISSIONER ZUNIGA: And we would be effectively treating the judges the same way we would treat everybody for the gaming Commission.

>> COMMISSIONER O'BRIEN: Right.

>> COMMISSIONER ZUNIGA: As opposed to referencing it to 268.

>> COMMISSIONER O'BRIEN: Right.

>> COMMISSIONER ZUNIGA: I'm fine with that. I am just --

>> CHAIR JUDD-STEIN: We are subject to 268A, too.

>> MR. ZIEMBA: No, I know.

>> CHAIR JUDD-STEIN: Just the enhanced part. Where does that leave us in terms of today? Do we --

>> MR. STEMPECK: So what we would -- the next step would be -- would essentially be a vote on everything except for that particular regulation that we were just discussing. So we would hold that regulation for me to make the change we just discussed, and we would have the final vote which I believe there's a motion for on the 205 CMR 3.00 sections, excluding this particular section and a vote on the 205 CMR 4.00 section, but it similarly, that would exclude -- there was a mirroring provision under 205 CMR 4 for the stewards. It's a similar ethical conflict of interest, identical language. So we want to pull those two out, not vote on those today, and simply vote on the rest of the package under 205 CMR 3, 205 CMR 4, and 205 CMR 101.02. I can tell you those particular ones if you just want to crafted the motion to pull out those particular specific regs and hold those for amendment, that will be --

>> COMMISSIONER STEBBINS: So 3.12, 3.18 and then 4.3?

>> MR. STEMPECK: It's just -- it's 3.18, 205 CMR 3.18 we would hold for change. And 205 CMR 4.30 we would pull out for a change. So the others would all be for final vote today.

>> COMMISSIONER ZUNIGA: That's perfectly fine. I'm sure that works. As a suggestion to make things more expedient, could we just agree to modify 3.18 the way we talked about? This was the one only about referencing the enhanced code of ethics, right?

>> MR. STEMPECK: Right.

>> COMMISSIONER ZUNIGA: Is it something that we could amend currently and then vote on all of them? I'm just throwing out an option.

>> COMMISSIONER CAMERON: So authorizing staff to make the appropriate correction that we just talked about?

>> COMMISSIONER ZUNIGA: Make it.

>> COMMISSIONER CAMERON: The motion just says with the corrections we mentioned.

>> COMMISSIONER ZUNIGA: Yeah.

>> CHAIR JUDD-STEIN: Then move forward.

>> COMMISSIONER ZUNIGA: Let's move all of them.

>> CHAIR JUDD-STEIN: Then that doesn't disrupt -- it would still be a finalized vote.

>> MR. STEMPECK: Sure. That would be perfect.

>> CHAIR JUDD-STEIN: Because really it's not terribly material. It's just subject to language that we don't have to go back.

>> MR. STEMPECK: That's great.

>> CHAIR JUDD-STEIN: That --

>> COMMISSIONER CAMERON: I think that makes sense.

>> CHAIR JUDD-STEIN: -- would work best, right?

>> COMMISSIONER ZUNIGA: Saves a future agenda item.

>> CHAIR JUDD-STEIN: So do we have a motion, we'll take it step by step, but incorporating at least with respect to 134.09, right, substituting the enhanced code of an appropriate section. Do you want to just repeat for the record the exact subsections, Justin, for us?

>> MR. STEMPECK: So the subsections that would include the amendment reflecting a reference to the enhanced ethics code would be 205 CMR 3.18.

>> COMMISSIONER ZUNIGA: Yep.

>> CHAIR JUDD-STEIN: Yep.

>> MR. STEMPECK: And 205 CMR 4.30.

>> CHAIR JUDD-STEIN: Okay.

>> COMMISSIONER STEBBINS: We don't need to make those -- we don't need to reference that in the approval of the small business impact statement. We would need it referenced in a second motion which was the regulation part.

>> CHAIR JUDD-STEIN: I'm seeing Shara's head shaking, we do need that.

>> MR. STEMPECK: I'll defer to Shara.

>> CHAIR JUDD-STEIN: So we would want to do that. And those are the two.

>> MR. STEMPECK: Those are the only two, yes.

>> CHAIR JUDD-STEIN: Okay. Is there any further discussion on anything else for Justin and Dr. Lightbown before we move? Okay.

>> COMMISSIONER STEBBINS: Madam Chair, I move the Commission approve the amended small business impact statement for the amendments to 205 CMR 3.00, specifically sections 3.01, 3.03, 3.12, 3.18 as amended. 3.29 and 3.35 as included in the Commissioners' packet.

>> COMMISSIONER O'BRIEN: Second.

>> CHAIR JUDD-STEIN: Any further discussion? All those in favor?

[Vote taken]

Opposed? 5-0.

>> COMMISSIONER STEBBINS: I would further move, Madam Chair, that the Commission approve the final version of the amendments to the aforementioned sections of 205 CMR 3.00 as included in the Commissioners' packet and authorize the staff to take all steps necessary to finalize the regulation promulgation process.

>> COMMISSIONER O'BRIEN: Second.

- >> CHAIR JUDD-STEIN: All those in favor?
- >> COMMISSIONER ZUNIGA: As amended, right?
- >> COMMISSIONER STEBBINS: As amended.
- >> CHAIR JUDD-STEIN: All those if favor?

[Vote taken]

Opposed? 5-0. Moving on to 205 CMR 4.00. Before I reference the wrong reg. My apologies.

>> CHAIR JUDD-STEIN: Madam Chair, I move the Commission approve the amended small business impact statement for the amendments to 205 CMR 4.00, specifically sections 4.01, 4.03, and 4.30 as amended as included in the Commissioners' packet.

- >> COMMISSIONER CAMERON: Second.
- >> CHAIR JUDD-STEIN: Those in favor?

[Vote taken]

Opposed? 5-0.

>> COMMISSIONER STEBBINS: Madam Chair, I'd further move the Commission approve the final version of the amendments to the aforementioned sections of 205 CMR 4.00, including amendments to 4.30 as included in the Commissioners' packet and authorize the staff to take all steps necessary to finalize the regulation promulgation process.

- >> CHAIR JUDD-STEIN: Any further questions? All those in favor?
- >> COMMISSIONER CAMERON: Second.

>> CHAIR JUDD-STEIN: So sorry. Second. Commissioner Zuniga. And all those in favor?

[Vote taken]

Opposed? 5-0. And now looking at 205 CMR 101.02.

>> COMMISSIONER ZUNIGA: There was no comments on this regulation, right, Justin?

>> MR. STEMPECK: No.

>> COMMISSIONER ZUNIGA: So I'll move that the Commission approve the amended small business impact statement for the amendments to 205 CMR 101.02 as included in the Commissioners' packet.

- >> COMMISSIONER STEBBINS: Second.
- >> CHAIR JUDD-STEIN: Those in favor?

[Vote taken]

5-0.

>> COMMISSIONER ZUNIGA: And I further move, Madam Chair, that the Commission approve the final version of the amendments to 205 CMR 101.02 as included in the Commissioners' packet and authorize the staff to take all steps necessary to finalize the regulation promulgation process.

- >> COMMISSIONER O'BRIEN: Second.
- >> CHAIR JUDD-STEIN: Any further questions? All those in favor.

[Vote taken]

5-0. Thank you. Excellent job. Very comprehensive.

- >> MR. STEMPECK: Thank you.
- >> COMMISSIONER STEBBINS: Thank you.

>> CHAIR JUDD-STEIN: That brings us to item number 5. Ombudsman Ziemba and our guest from Encore. Thank you. And our Construction Oversight Manager, Joe Delaney, will be joining us in a bit. Good morning.

>> COMMISSIONER ZUNIGA: Good morning.

>> MR. DELANEY: Thank you very much, Chair and Commissioners. We have two items on the agenda. The first item is a follow-up from Encore Boston Harbor's quarterly report for the third quarter of 2019 ending on September 30th, 2019. Although Encore Boston Harbor presented the bulk of its third quarter report at the Commission meeting on November 21, there were a few items that were not yet ready by that date. Encore Boston Harbor's here today to present on those few items and answer a few questions that were asked at the November 21st Commission meeting. As the predominance of the follow-up items relate to operational spending and employment, Director Griffin is also here for any questions that the Commission may have. After the conclusion of the quarterly report follow-up, we will hear a status report on the documentation of a number of commitments that remained outstanding when the Commission issued the operations certificate for Encore Boston Harbor. At the time Commission staff anticipated that a majority of these commitments would be documented within the 90 days after the opening of the facility, Joe Delaney Construction Project Oversight Manager will provide the Commission with the status of these so-called 90-day commitments. Jacqui Krum, Encore Boston Harbor Senior Vice President and General Counsel, is here to assist on both of these items. Joining her today are Eric Kraus, Senior Vice President of Communications and Public Affairs and Richard Prior, Executive Director of Security and Investigations at Encore Boston Harbor. So with that as a general overview, I will turn it over to Jacqui.

>> MS. KRUM: Good morning and Happy New Year.

>> COMMISSIONER CAMERON: Good morning. Happy New Year.

>> MS. KRUM: So as John referenced, we're here to give you an update on what we did not have yet available when we presented last November. So our first slide is on the compliance aspect. So as you can see, the vast majorities of minors, 2500 or 25% were intercepted by our security team before they entered the casino floor. You had also requested a breakdown of where minors were intercepted. Slots versus tables, for example. We've included this information, but I'm not sure that there's sufficient data for us to make any inferences yet. So we'll continue to address the minors on the gaming floor at every level.

We have since opening implemented some changes to further prevent minors from coming onto the floor. And Richard's here to answer any questions or to give you any more feedback on that information.

>> MR. PRIOR: Good morning.

>> COMMISSIONER O'BRIEN: Do you have median times that they're on the floor before they're intercepted?

>> MS. KRUM: The amount of times? Yes. If you go to the next -- that page, as you can see, it varies widely. So the smallest one was two minutes. And the longest one for this period of time was 3 1/2 hours.

>> COMMISSIONER O'BRIEN: I guess if we can talk about that one.

>> MR. PRIOR: As a department, we've taken robust efforts to prevent minors from getting onto the floor. As you know, we had nine instances of the casinos. Our

security officers have been trained not only by our own staff on ID checking but the alcoholic beverage Commission has provided training for us. We have issued every officer hand-held Veridocs machines to check IDs as they come by. And we currently have a plan -- it should be in place in about 12 weeks to put Veridocs machines including passport and ID checkers hardwired into every instance of the casino.

>> MS. KRUM: And just to that, after opening, we didn't have stand-alones up. And we found that people were hiding behind other people pushing strollers that couldn't be viewed by our security officers. Since opening people are funneled and have to enter at most two at a time so it gives officers a lot more visibility.

>> MR. PRIOR: We've actually reduced the number of instances also.

>> COMMISSIONER O'BRIEN: And is the number trending down as you get towards September, or is that --

>> MR. PRIOR: It's taken a drastic turn down. Sometimes what happens, the very short ones are people coming through past our security officers, they get up to the nightclubs where they have the hardwired Veridocs machines where they're better equipped to check and then they're immediately taken off the floor so there's no gaming and no drinking. That's the vast majority. The number that actually game is very, very small.

>> MS. KRUM: And just to reiterate Richard's point, in our first week of operation, we had 29 minors enter the gaming floor, but only 10 of those minors were actually engaged in gambling or drinking.

>> CHAIR JUDD-STEIN: Could you say that again, please?

>> MS. KRUM: Sure. So in the first week of opening, we had 29 minors enter the gaming floor but only 10 of those were engaged in gambling or drinking.

>> COMMISSIONER O'BRIEN: So that's a subset.

>> COMMISSIONER CAMERON: Director Prior, do you feel like with this hardwired ID reader that that will enhance your ability to detect false IDs?

>> MR. PRIOR: It will do it drastically. The hand-held checkers that we use are not always that accurate. If there's a question as to an ID, we currently have to have a second security officer take the ID to a pit where there is a hardwired Veridocs machine to confirm or deny that it's acceptable. Sometimes that takes three to six minutes. With the new machine we have, it's actually -- they call it toaster. We just take the ID, stick it in the slot on top of the box and within seven seconds, it will tell you it's a valid ID. We have the equipment now. We're just waiting for the podium.

>> CHAIR JUDD-STEIN: Can you just describe to me where they're going to be stationed and how the crowd will flow through?

>> MR. PRIOR: The crowd isn't going to change, but before people get onto the casino floor, we're going to have these podiums. They're the same thing that are in the pits. If you ever see the single stanchions in the pits. We've added a new device that will take less than seven seconds, plus we'll keep the passport checkers.

>> CHAIR JUDD-STEIN: They will not be able to enter onto the gaming floor without passing through this device showing that they are not minors.

>> MR. PRIOR: Correct. We use an age to purchase app on these devices as well. Some of these IDs are very, very sophisticated. So the machine -- current machines we have at the doors are not as accurate as the Veridocs machines themselves. So we already purchased all the Veridocs machines. We just need to actually make a

large investment to put data at every -- we have power at every entrance, but we need data there to use the Veridocs machines. Within 12 weeks we'll be up and running. We've already showed them to Mr. Band and the rest of the group.

>> MS. KRUM: And in the interim, the GEU has been incredibly helpful in terms of helping us run down some of these fake IDs which, as Rich said, are very, very good fake IDs.

>> COMMISSIONER ZUNIGA: That's the power of technology. I mean, I think what you also -- it's also warranted with some of the larger crowds that you have at Encore.

>> MR. PRIOR: As you can imagine, the number of colleges in the area, under age, we reject at least 600 to 800 IDs a month.

[Audio/video glitch]

>> COMMISSIONER CAMERON: Do you have information as to most of these individuals who got onto the floor, that they did, in fact, have a false ID?

>> MR. PRIOR: Either fake or a family member's where they look alike.

>> COMMISSIONER CAMERON: Yes.

>> COMMISSIONER O'BRIEN: Can you talk more about when in circumstances of the 3 1/2-hour episode?

>> MR. PRIOR: A minor got onto the gaming floor. I don't know what day that particular one was. But they'll go to a table and the table games weren't being thorough as to check IDs when they sat down, although they have the Veridocs in the pits, they were secure in the knowledge that anybody that sat down had already been checked at the doors. We met with the table games Vice President and told them, don't be securing that. If anybody looks under 21 -- 30 is old -- before you deal them a card, make sure you check their IDs.

>> MS. KRUM: So we have changed our policies since opening because there was a presumption, once somebody was on the floor, that they had gone through security. We've now told people, you can't assume that. So double and triple check the IDs. Unfortunately this resulted in some customer complaints, too, because we have certain people who look young who are getting carded constantly. So what we've done to ameliorate that is we've offered them a place where they can go and get a stamp so that once they have that stamp, they won't be continuously carded.

>> MR. PRIOR: We're also going to install the Veridocs machine at every bar and restaurant that we own.

>> MS. KRUM: It has been a learning process and an iterative process and we'll continue to adapt it as we see the trends.

>> MR. PRIOR: But as my staff gets better also, ABC was great. They gave us some very, very thorough training, and we provided all the officers with flashlights, watermarks and so forth. So it is definitely trending down.

>> COMMISSIONER CAMERON: It sounds like you've taken appropriate measures to -- well, you took the issue seriously, and you're taking steps to really reduce these numbers, and we'd really like to see that happen.

>> MR. PRIOR: We're taking it very, very seriously.

>> MS. KRUM: Moving on to our operating spend. In terms of our spend, we had a total spend of about for -- I'm sorry, for women, minority and veteran owned business, we had a total amount spend of almost \$9 million. On each category, we were a

percent or two below our goals and we're continuing to work out how we can first identify and then develop relationships with minority women and veteran-owned businesses. Also now that we're six months in, we are focused on going back and looking at our procurement to determine whether any of the items that we previously sourced from Las Vegas contact or anything else, whether we can do that locally instead. As you can appreciate when we're opening, we wanted to make sure that we had the quality of goods and we weren't really in a position to start testing things. And I think now we're in a better position to look at some of the -- particularly the smaller procurement items and see if we can source those locally.

>> COMMISSIONER CAMERON: So you're just missing your marks, right, your goals.

>> MS. KRUM: Yes.

>> COMMISSIONER CAMERON: But you put in a couple of -- you've changed a few things that you think might help.

>> MS. KRUM: Yes. And we are also in the process of hiring a new procurement manager, and so that is a focus of that hiring effort as well. We are pleased to report that \$23.3 million of our total procurement for the fourth quarter -- sorry, for the third quarter, or 49.4% of our total spend did go to businesses in Massachusetts. We are also focused on our spend and our host and surrounding communities, and we'll report those figures in our next quarterly report.

>> COMMISSIONER STEBBINS: Jacqui, that seems like a very high number, the \$47 million, assuming one that's biddable spend but also certainly in light of how close that was to opening, that was kind of a rush of stuff that you needed and that we may not see that figure every -- I'd love to see that figure every quarter.

>> MS. KRUM: We hope we won't see that figure every quarter but yes, that was sort of getting the initial operating supplies and equipment into the building as well.

>> COMMISSIONER STEBBINS: Okay. Thank you.

>> CHAIR JUDD-STEIN: And John, could you remind me, in terms of the total amount, will we get a breakdown of where the rest is spent? Because I'm seeing 49.4% was in Massachusetts. Will we get a breakdown eventually as a regular part of our template to find if it went to, for instance, any spend went to New Hampshire or elsewhere in the country? I've seen that with our other licensees. Can we --

>> MR. DELANEY: Well, as you mentioned, we're taking a look at how we're going to synchronize those across all the licensees. We've referenced that we need to meet with the licensees to figure out, you know, what is the best way to do this to make sure that all their systems work. And we haven't finalized our meetings with Commissioners to see what their priorities are.

>> CHAIR JUDD-STEIN: And this is not to minimize -- that question isn't meant to minimize this isn't a great percentage, but I think that we are interested to learn particularly if we can encourage a supplier or vendor to recapture some business that could be in Massachusetts. It's really helpful. We understand that there's going to be some vendors that just don't exist in Massachusetts. So that's just a really helpful input.

>> COMMISSIONER STEBBINS: Yeah. And I think for you guys, it's more important because you have surrounding community agreements where, you know, it's

clear in the language that best efforts are going to be made to hit certain targets.

>> MS. KRUM: Right.

>> COMMISSIONER STEBBINS: Which might differ a little bit from our other licensees. I think to the Chair's point, that information would be helpful.

>> MS. KRUM: In fact, there was one instance just recently where we had a vendor who was from Nevada who was supplying both us and our locations in Las Vegas. And we've now located a vendor here that will be supplying both to Las Vegas and us. We've been changing that around.

>> CHAIR JUDD-STEIN: Yeah. Pretty soon Las Vegas will be asking for the information that I just asked for, so that's excellent. Good. Thank you. And also, just also a follow-up. As you're developing the template, I understand you're working with Director Griffin in terms of the diversity, correct?

>> MR. DELANEY: That's right.

>> CHAIR JUDD-STEIN: Great. This is really helpful. Thank you.

>> MS. KRUM: On the employment side, we previously reported these numbers as of November 12th. And we've continued to exceed all of our goals other than women, which is currently at 44% compared to our goal of 50%. We've also included a breakdown at the supervisor level, supervisors and above, which largely resembles that of our entire employee base. However, in an effort to improve these numbers, we've implemented additional training and leadership programs so that we can make sure that, one, we are recruiting more women and minorities, minority numbers, we're pretty pleased with where we are on that, but that we're also promoting them and making sure that they have the leadership and training to go into the higher-level roles.

>> COMMISSIONER O'BRIEN: Do you have this breakdown by department or by area?

>> MS. KRUM: We do.

>> COMMISSIONER O'BRIEN: And what is the breakdown in terms of women in a smaller number of departments or is it equal? I mean, are there efforts to make it more equally distributed?

>> MS. KRUM: Yeah. It's actually pretty even across the board. The one place we struggle a little bit, Rich, is in the security department.

>> COMMISSIONER O'BRIEN: Security.

>> MS. KRUM: And we are working on that. Rich has been a great ally in terms of trying to recruit women as well as promote them. And we have some wonderful leadership in the security department who I think is setting an example for other women.

In addition, we've also formed this last quarter, we've formed employee councils. These are councils that are comprised of employees and they're specific to diversity, women and LGBTQ plus employees. And the idea is that they will advise leadership of the company in these areas and hopefully design to further the interests of other employees that have interest in these groups.

>> COMMISSIONER CAMERON: That's a really important step. Is listening to your folks that are in that position, and they can help you identify barriers or concerns, and they become your best recruiters if they are -- if you listen to them and you value their input.

>> MS. KRUM: We do, and they've also been great in terms of identifying organizations outside of our organization that we can partner with, get sort of ideas from

them on how best to appeal to a very diverse workforce.

>> COMMISSIONER STEBBINS: Again, just thinking about the template for your use as we move ahead is, you know, specifically you have the 30-mile kind of guideline for where you wanted to focus your hiring so, you know, breaking those folks down by the towns and municipalities.

>> MS. KRUM: Yes.

>> COMMISSIONER STEBBINS: Not 30 minutes but 30 miles.

>> MS. KRUM: 30 miles. 30 minutes, 30 miles, right?

>> COMMISSIONER STEBBINS: Depending on time of day.

>> CHAIR JUDD-STEIN: That's been your experience, right, Jacqui?

>> MS. KRUM: I wanted to turn it over to Eric briefly to discuss a recent news article regarding changes that we're planning to implement to enhance our casino beverage service.

>> MR. KRAUS: Thank you, Jacqui. Good morning, Madam Chair and Commissioners. Good to see you again. First before that, the affinity groups that you mentioned, Commissioner Cameron, are incredible ambassadors. I couldn't agree more. And everywhere that I've worked including now Encore, they have served as really door openers for us as well as watch-out officers for if we are not in the right areas. And as Jacqui said, groups that (Inaudible) so we're going to grow on these. But the most recent news related to our communication to our bartending staff that we would like to install automated beverage dispensers in the back of the house. So this is not consumer-facing automated dispensers but in the back room. If you order a drink on the gambling floor, cocktail waitress or waiter would take your order and go in the back of the house. The bartender would be there. And the thought now is after approval from the gaming Commission, we would install and operate these devices. Last Friday we told our back of the house employees that we were going to look to operate these, and following that, a couple of the employees called the news outlets, and Saturday, and up until this morning, we've been fielding media inquiries.

Here are the facts that we have regarding that. Following the necessary approvals, we will begin to utilize these dispensers in the back of the house. What then -- and I think everybody here knows that the speed in which we can serve our guests increases and in this case more than four times what the current experience has been, and our guests and customers have told us straight out that they've waited a significantly long time to be served, whether it's an alcohol or nonalcoholic beverage when they're on the floor, and we listen to our guests and try to make modifications to that.

Unlike what has been reported, there have been zero layoffs associated. These machines aren't operational, nor have we told any specific back-of-the-house bartender he or she has lost their job. Any displaced employee, when these become operational, will be -- will work with our team to find other employment that they're qualified for within the company. That's something we do for every job. That if you're displaced because of a number of reasons, we will work feverishly hard to find you work if you're qualified for that. We told this employee group the exact same thing.

We this morning have no idea how many layoffs, if any, this action will take. However, news reports don't necessarily reflect what the current state of the state is. And as you know, when we hire someone at Encore Boston Harbor, they go through a

2 1/2, 3-day orientation process. We invest significantly in every employee regardless of job. And when someone leaves other than for cause, it's a real loss to us from a resource standpoint, a time investment standpoint, and we really do a good job in hiring the types of employees we want to keep. And in this case, we're going to work very hard for any displaced bartender to try to find other work. And as of today, we have nine openings on our website for bartenders right now. So if this were to go into effect this morning, nine of those people would be filling those jobs that are open. So right now I can't tell you how many people may or may not be laid off because of this. But I just didn't want the Commission to think that 70 jobs are going to be lost on something that isn't implemented.

>> COMMISSIONER CAMERON: But you made a decision to automate this. And you didn't have that information six months ago before those folks were hired that this technology, this automation, was available and was maybe more efficient?

>> MR. KRAUS: I mean, the technology has been in use at other casinos and entertainment venues for a long time. We opted to have employees back of the house do that. However, one of the biggest concerns from our guests was in this area. And we tried to expedite their service and their experience. And this is one way to do that.

>> MS. KRUM: I think this is the way that we previously had done it at other locations. And we thought this would be an efficient way of handling it. I don't think we were as prepared for the volume here as we've experienced elsewhere, and the location -- the distance that our servers had to traverse in order to get the drinks back. So I think when we looked at this, not only from a guest perspective, but also from an employee perspective, a lot of our servers were complaining it was taking too long for them to deliver drinks to guests, thereby impacting their tips as well. So I think we received input on both sides, and much like some of the other changes we're making, we're learning as we go.

>> CHAIR JUDD-STEIN: So one recommendation I would make in this instance, and as you can appreciate even from today's report how much we value, understanding the numbers of employees that our licensees, that when there is going to be this kind of a potential change, that we learn of it somewhat more so in advance rather than through a potential media inquiry.

>> MR. KRAUS: Yeah. We couldn't agree more. It was an oversight.

>> CHAIR JUDD-STEIN: Thank you. Particularly, we worry about all positions, but we know the legislature was terribly committed to making sure these entry-level positions are valued and given, you know, careful thought. So in this instance, we'll stay tuned. I respect Commissioner Cameron's inquiry. But we'll stay tuned because what I'm hearing is we don't know yet, and we're hopeful that these valuable employees can be repurposed appropriately and they'll be happy.

>> MR. KRAUS: Right. And we will post when we get more clarity on exactly the number of jobs that could be lost because of this.

>> CHAIR JUDD-STEIN: Commissioner, I'm sorry if I cut you off.

>> COMMISSIONER ZUNIGA: No, no. Thank you. Thank you for that update. I was just going to note that the system is existing at MGM. We know they implemented from the beginning, and, of course, that's the distinction here. But I know that's part of the experience in efficiencies that you are trying to reach as well.

>> MS. KRUM: And if I could just address one more item quickly.

>> CHAIR JUDD-STEIN: Okay.

>> MS. KRUM: With respect to the departure of Executive Director Bedrosian, as he mentioned, we've been through a lot. And it was not all easy. In fact, most of it was not easy. But we couldn't have opened on time without his leadership. He has been a calming and thoughtful force and a passionate advocate for the Commission as well as for the licensees. So on behalf of Encore Boston Harbor, I'd like to thank him for his patience and his support. I know I and we will miss him immensely, so thank you.

>> CHAIR JUDD-STEIN: Thank you.

>> COMMISSIONER ZUNIGA: Thank you.

>> CHAIR JUDD-STEIN: The record noting blushing Executive Director. Thank you.

>> MS. KRUM: Thank you.

>> CHAIR JUDD-STEIN: Are there any further questions for our Encore guests? Thank you. And again, Happy New Year.

>> COMMISSIONER CAMERON: Thank you.

>> COMMISSIONER STEBBINS: Thank you.

>> MR. ZIEMBA: So Commissioners, Joe Delaney will join us for the second part.

>> MR. DELANEY: Good morning, Commissioners. I'll be providing an update on the Encore so-called 90-day commitments. We initially presented these items at the June 27th, 2019, Commission meeting just at the time of opening. These were some of the items that were still outstanding as of opening that needed to be completed. We gave you an update at the October 10th, 2019, Commission meeting where many of those items have been closed out. And today you'll find in your packets a memo that outlines the remaining items to be completed at Encore.

So essentially -- and the vast majority of these items have been done. I would say we're really down to some very nitty gritty kind of items here. But essentially the items can be broken down into three main categories. And the first one is the environmental impact report compliance items. Just as a little background, when we wrote our Section 61 findings, we not only required compliance with the Section 61 findings themselves, but also with all of the underlying documents that were used to develop the findings. So these go -- these included all of the environmental impact reports, the final, the supplemental final, the second supplemental final -- right -- the notice of project change, all of the secretary's decisions, and all of the amended Section 61 findings, so there was -- as you know, all of these documents total many thousands of pages. And as I'm sure you can imagine, cross-referencing and documenting all of these items is a huge amount of work, and I think we really kind of underestimated how much work that really is. So what we're doing -- you know, we're -- you know, we're confident that all of the items that were required to be done were done because we were so heavily involved during the construction of the project and all of the documentation that was provided as part of the Section 61 findings and so on and so forth. So what we're doing is we're just working with Encore now to review these sections and to document any changes to the project and how those changes were approved. Essentially what we're trying to do is tell the story of how did some things change that might have been in an earlier document that may not number a later document. And let me just give you an example.

The City of Boston, at the time, all of the environmental documents were

completed, did not have a surrounding community agreement. So in our documents, we outlined a whole bunch of things that Encore had to do for the City of Boston, but it was without the City of Boston's concurrence. After everything was approved, the City of Boston negotiated a surrounding community agreement. And in doing so, they changed some of the provisions that were in the environmental impact reports. So essentially what we're doing now is going through these things saying, all right, this happened. This is why it happened. These are some of the changes that were made because of that happening. That's one example. And there are multiple things in here.

So, you know, the long and short of it is we're kind of chipping away at these things and trying to just slowly kind of churn through them. Again, not a huge high priority thing. I think this was a little bit of belt and suspenders approach when we wrote this thing. But we have every confidence that everything has been done, but we're just trying to close these things out as we can. So it's still going to take a little bit longer to do that. The second main item is the greenhouse gas self-certification. MEPA, the gaming Commission, MassDOT, we all required this greenhouse gas self-certification. Encore made a Commission to MEPA shortly after the project opened. But when we reviewed it, it appears that some of the required backup documentation may have not been submitted to MEPA with that certification.

Back in the fall, we had started working with Encore's facilities department on trying to close this issue out. But then there was some staff departures at facilities, which, you know, hindered the completion of this work. Now, please understand we're fully confident that Encore has complied with the greenhouse gas requirements for the project. This is just simply a documentation requirement. So we're going to continue to work, again, with Encore to ensure that all of the required documentation has been submitted to MEPA.

The third item is the DCR connector, as you probably remember the DCR connector provides pedestrian and bicycle connection from Encore over to the DCR park next door on the other side of the railroad tracks. And the work on that project is substantially complete, but there's some punchlist items that need to be completed before the required agencies can sign off. These primarily involve just some additional loaming and seeding in the spring. Now, with that said, you probably don't want to do loaming and seeding before the beginning of May. So once that's done, then some submissions made to the agencies -- it's still going to take a little while before that can be closed out. Again, we're not talking anything serious here. These are just -- these are just things that kind of happen on some of these construction projects where things extend out a little bit further than we expected.

And with that, I'll take any questions that you have.

>> MR. ZIEMBA: One point that I wanted to raise, we're mindful that the folks at Encore had to open a facility. They have a lot of day-to-day concerns that they have to attend to. There are a lot of changes that they have to put in place to make sure that the facility is generating the revenues, generating the employment that are necessary. So we're mindful of that. We know that they have a good understanding of why documentation where all of these commitments is important, but we're trying to find ways to work back and forth. So whatever efforts that we can put forward to help them in this documentation that will work out in the end. But I just want to commend them on

being mindful of why it is important to do the final documentation, but we do understand that there are some things that just have to take priority on a day-to-day basis, especially as you have organizations, you know, that necessarily change.

>> COMMISSIONER STEBBINS: Just a quick question on the DCR connector. So it's not usable? I mean, some of the things --

>> MR. DELANEY: Oh, no, it's totally usable.

>> COMMISSIONER STEBBINS: It's totally usable. It's just kind of the final sign-off regarding some other issues that don't relate to the actual path.

>> MR. DELANEY: No, you can use that. It's been used since opening day. It's just, you know, there's hay bales and other things that have to be in place until everything is fully stabilized and so on. You know, they did some work on it in the fall, but there's some still work left to be done in spring. Completely usable.

>> CHAIR JUDD-STEIN: Well, I have to thank you both for your vigilance on this. We understand that things do take a practical turn, but you have been very methodical in your expectations around compliance. Jacqui's going, yes.

>> MS. KRUM: Very, very methodical.

>> CHAIR JUDD-STEIN: And so that's why I defer to you on making these very important judgment calls. Can you just tell me on the Chapter 91 license, is that something -- are we waiting for other state action from other entities or --

>> MR. DELANEY: This Chapter 91 license is just -- a separate one was issued for the DCR connector. So until that work is done, they can't do the final sign-off on that piece.

>> CHAIR JUDD-STEIN: Okay. Thanks.

>> COMMISSIONER CAMERON: Thank you for that update.

>> MR. ZIEMBA: So unless there are further questions, that concludes our report.

>> COMMISSIONER ZUNIGA: Thank you.

>> MR. DELANEY: Thanks.

>> CHAIR JUDD-STEIN: Thank you. I think we'll go and have Director Griffin come forward now, and then we'll take maybe a 15-minute break before we move on to the last parts of our agenda for today. Thanks, John. Thank you, Jacqui.

>> COMMISSIONER CAMERON: Thank you.

>> CHAIR JUDD-STEIN: Good morning, Director.

>> COMMISSIONER STEBBINS: Just checking.

>> COMMISSIONER CAMERON: It's still morning, yeah.

>> MS. GRIFFIN: There we go. Thank you. Still morning by a few minutes. So for the second year in a row, last year, we actually introduced the casino industry impact report. And we sought to capture the annual impact of this industry, this new industry, on career and business opportunities specifically for residents of the Commonwealth with a focus on diverse populations. And so as we leave 2019, we're taking a look at 2018. And just for -- you know, I know you know this, but Plainridge Park had been operational for two years while two casinos were under construction during this year. MGM opened its doors in August of 2018, and Encore's construction continued.

So we found it, you know, as you're doing this work, sometimes you forget, you're surrounded by the job opportunities, the construction, and we found it really gratifying to look back and see what actually happened. And what were the opportunities to people who live here. So highlights. And we looked at both

construction and operational jobs. 73% of these opportunities went to Massachusetts residents in 2018. 12,000 individuals found work in 2018. As a result of casino construction and operations. And if you look back to a report in 2017, it was about 7,000. So we look forward to seeing how this continues.

Almost 9,000 Massachusetts residents were employed in 2018 compared with 473 Massachusetts residents in 2017. The casino industry paid more than \$385 million in wages and more than -- and Massachusetts residents in 2018 received a significant portion of those wages. If you look at the industry's economic impact on business, over \$1.2 billion was spent with Massachusetts businesses in 2018. And in construction alone, more than 72% of the contract dollars were awarded to Massachusetts businesses. And nearly 55% of operating dollars went to Massachusetts businesses.

And diverse-owned vendors, the ownership minority, veteran and women-owned companies also significantly benefited. You'll see those figures. So part of the work of the Commission was to ensure that these opportunities benefited local businesses and gave opportunities to residents of diverse ethnic and gender groups. And we saw that that happened. Part of how that happened was the programming support. The Commission gave over \$1 million in funding through grants and other sponsorships to focus on connecting individuals with these opportunities through the Community Mitigation Fund and other grants. So I think I will pause. I will say that -- I'd like to thank Crystal Howard on my staff who played a significant role on this project and really spearheaded the collection of the data. I'd also like to thank our licensees who were very busy opening casinos and other things during this time period.

With that, I'll turn it over to the Commission for any comments or questions.

>> COMMISSIONER CAMERON: Director Griffin, it appears to me in reading this report that these are good numbers. But you're more involved on a day-to-day basis. Do you feel like these are strong numbers? Do you see areas in which some of these numbers can improve? You're communicating that, I suspect, to the licensees?

>> MS. GRIFFIN: I think these numbers are very strong, very encouraging. There are always areas that we'd like to see do better, maybe in the operational procurement area. But I think overall looking at 2018, the numbers appeared very strong.

>> COMMISSIONER ZUNIGA: Yeah. It's also very nice to now see the comparison year to year.

>> MS. GRIFFIN: Yes.

>> COMMISSIONER ZUNIGA: I love the format. I'm reminded of the first report. This is now the second report, if I'm not mistaken.

>> MS. GRIFFIN: Yes.

>> COMMISSIONER ZUNIGA: So it will be good to see, you know, how this trends. I can clearly -- well, not so clearly -- but roughly get a sense of what was going on and clearly the difference between 2017 and '18 where there was only Plainridge is the entry in force of MGM.

>> MS. GRIFFIN: Right.

>> COMMISSIONER ZUNIGA: And I'm sure we'll see, you know, a similar impact, if you will, in the next one. Is there -- and I know that there's a lot of sources for the data. But are there opportunities to get the next impact report perhaps a little bit sooner? I know it's --

>> MS. GRIFFIN: I know.

>> COMMISSIONER ZUNIGA: -- it takes a lot of time collecting data and then combining it and making sure that it's both the right data and compiling it with a report.

>> MS. GRIFFIN: Right. Yeah. So Commissioner, I think it shouldn't take this much time. One of the efforts that we're working with Director Ziemba on is the reporting format, and we're hopeful that if we're collecting some of the right information, that we don't have to go back to the licensee for everything. So the licensees submitted independent data requests. We hope to make it a little bit easier for them.

>> COMMISSIONER ZUNIGA: That's a good point. That's a good point. And I look forward to it.

>> MS. GRIFFIN: And it may also help efforts for the Commission's annual report at some point if we can streamline the data request.

>> COMMISSIONER ZUNIGA: Absolutely. Yes.

>> MS. GRIFFIN: Good one, right?

>> COMMISSIONER ZUNIGA: Absolutely. And this is the part where I was empathizing on how long it takes. Sometimes it's not what we wish for, but it's the nature of the quality assurance, the data collection and the sources.

>> MS. GRIFFIN: But if I could just add this last -- we will likely need to go back to the licensees one more time for the next year, and I'll just thank them in advance for providing that data in a speedy manner. So we'll be going back sooner rather than later.

>> COMMISSIONER ZUNIGA: Right. And the caveat of all of that, if I may, is what I referred to as quality assurance, the last thing we would want are conflicting numbers in different reports. So it's important to make sure that we take the time to --

>> MS. GRIFFIN: Yes.

>> COMMISSIONER ZUNIGA: -- corroborate and to reconcile, where needed. It's just that there's a lot that also happened this year that just passed that is not, by definition, not included here, and that's the genesis of my question.

>> MS. GRIFFIN: Right.

>> COMMISSIONER ZUNIGA: But I love the format, and I think it's a great effort.

>> COMMISSIONER STEBBINS: I would echo that. I think, you know, it's great work. I think obviously looking at 2019, the construction piece is not going to be as profound.

>> MS. GRIFFIN: Right.

>> COMMISSIONER STEBBINS: And I think that everything you talked about in terms of the template you're working with Director Ziemba on is going to allow you to pull this information together a little bit quicker. I think the only suggestion I would -- it really didn't hit me until I was looking through the numbers -- is that there's also our licensees' individual goals that are attached to this. And I think that -- Commissioner Cameron asked the question, do you think those are good numbers? I think they're great numbers. And it would be interesting to kind of overlay that with how successful they are. And obviously, they still have some challenges and others with respect to their goals, but, you know, demonstrating that not only the financial numbers strong, but their reference to meet their established goals have been met with success. You should think of that going forward. Also thinking, you know, construction to a degree will be a piece of it because they do need to reinvest in their facilities and that, again, won't be big numbers like we see here, but it will be gradual numbers, you know, in the

years to come that will be reported on improvements that they make or changes they make to the facilities. But this is great work.

>> MS. GRIFFIN: Thank you.

>> COMMISSIONER O'BRIEN: It's great maybe going forward on the operational maybe thinking about year-over year chart comparisons would be helpful, too.

>> MS. GRIFFIN: That would be helpful. And I think moving forward, we can perhaps work with our research team on some of -- you know.

>> COMMISSIONER STEBBINS: I think some of what you're collecting they would benefit from.

>> CHAIR JUDD-STEIN: Yeah.

>> COMMISSIONER ZUNIGA: Yeah. And then, of course, the logical next step in the analysis, as we get into year over year, is trying to ascertain things like is a particular department lacking in terms of women? Are there some kind of reasons? Is there turnover, for example, that bends one way versus another or across licensees where maybe best practices can be shared or try to get to, you know, ways to enhance the goals. So really -- or rather or meet or exceed those goals. Not dissimilar to what, you know, you led with the access and opportunity committee where as we get data and we get to know these trends were relevant to inquire in more detail and a more timely manner.

>> MS. GRIFFIN: Understood. Thank you.

>> CHAIR JUDD-STEIN: And just, again, this is such critically important information. The timeliness matters. You mentioned one piece in response to Commissioner Cameron's inquiry where you'd like to perhaps see improvement in the operational numbers, of course, do jump out at us. I'm not sure if you -- because this is 2018, if we actually have those real numbers for 2019 because of our own work, your work. It might be interesting to see if we could at least get an update with respect to 2019 on the operational if we have that. If it's going to be a heavy lift for our licensees, I don't think we should do it. But if we have that, it would be interesting to see what 2019 reveals because that could inform you on some proactive steps to really start supporting expansion there, if it stayed static. If it's expanded, that would be great news. But I think my suspicions are that you're going to see that that's still a challenge. So it would just be a help to complete that push in the story if that is, in fact, an area that you identified as probably one area we could strengthen. And I say "we." Your work -- and we saw this with respect to the women and the format -- it's because of your work and continuing reporting and those nudging, the nudging that you do that keeps everyone accountable, and it produces results that the licensees are so proud of. So important.

>> MS. GRIFFIN: And our licensees really focus and do great work in this area. I do think that which is not measured, you know, the same. So I think reporting and measuring does help.

>> CHAIR JUDD-STEIN: Yeah. We want to help them get that great work out. It's through you.

>> MS. GRIFFIN: Thank you.

>> CHAIR JUDD-STEIN: Thank you, Director.

>> COMMISSIONER CAMERON: Thank you.

>> CHAIR JUDD-STEIN: Any further questions for Jill? All right. I think that I

would ask that we take a 15-minute break. It is now 12:06. So let's say 12:25.
12:25? 12:20?

>> COMMISSIONER ZUNIGA: Okay. That sounds fine. So we're not really doing lunch? I'm just confirming.

>> CHAIR JUDD-STEIN: How hangry are we going to get, Commissioner?

>> COMMISSIONER ZUNIGA: It's a very hard question to answer.

>> CHAIR JUDD-STEIN: No. Do we want more -- more of a lunch break?

>> COMMISSIONER ZUNIGA: Could we do 30 minutes?

>> CHAIR JUDD-STEIN: 30 minutes?

>> COMMISSIONER ZUNIGA: Instead? That's all I need.

>> CHAIR JUDD-STEIN: We are a bit ahead of our schedule, in any case. Could we negotiate? So it's 12:06. Return at 12:30, and that keeps us on our original schedule.

>> COMMISSIONER ZUNIGA: Sounds good.

>> CHAIR JUDD-STEIN: Okay? Excellent. Thank you so much.

>> COMMISSIONER CAMERON: Thank you.

>> CHAIR JUDD-STEIN: Good afternoon. We are reconvening our public meeting number 285. And we are turning now to item number 7 on our agenda. I'll start the discussion -- this subpart a is seeking ratification of action we took at our public meeting held last week at our agenda-setting meeting. As you know, Executive Director gave the Commission notice of his planned departure December 19th. And, of course, tomorrow is his last day. No, he gave notice to us December 19th of his intended resignation.

>> COMMISSIONER ZUNIGA: Yeah. Written notice.

>> CHAIR JUDD-STEIN: And so then we, you know, had a couple of weeks during the holidays to reflect on that, and it occurred, at least to me, that we needed to announce an intention to appoint an Interim Executive Director so that this last week, Ed would have a partner to work with. And with that said, we did say that we wanted it formally ratified and also subject to discussion at our formal meeting here today. So Director Wells has been working with Ed over the last week. And if we have any -- if you'd like to discuss the merits of the appointment, I welcome that now. And then we would look for a vote ultimately.

>> COMMISSIONER CAMERON: Well, I would just like to say, I think it's certainly fitting and appropriate for us to have Director Wells serve as the Interim Executive Director. She did it once before. She did a very good job. She's been the number two in the agency. And I appreciate her willingness to step forward and say yes, I'll do this again and still have my other job as well. So I do appreciate that, and I'm certainly supportive of this interim position.

>> COMMISSIONER O'BRIEN: I would echo that. I wasn't here on Wednesday, but I would echo those sentiments and just add that I also just think and be mindful of the fact that she will be doing two jobs. And to the extent anything needs to be moved around to support her in both, I think we just need to be aware of that.

>> COMMISSIONER STEBBINS: I would echo both those comments as well. She stepped in extremely admirably during the transition from our first Executive Director, and, again, just being mindful of the workload that her department has, but I know she's got a talented team underneath her that can help pick up the slack, so to speak.

>> COMMISSIONER ZUNIGA: Yeah. And those were the nature of the comments back in the agenda-setting meeting when this happened and you were not present, Commissioners. There was clearly a consensus of three that she's up to the task, and she will need the support of her staff, and I'm sure they'll bring it. But also where needed, the support of Commissioners where we have done that in the past early, early on, assumed some ad hoc responsibilities, again, where needed. This has always been a team effort, and that's what we'll continue to do.

>> CHAIR JUDD-STEIN: One -- I think what we would want to do now is move on ratification. I do want to follow up with a discussion around -- because I'm hearing a consensus, I assume there will be a ratification. I would like to follow up that we do need to address compensation because she is going to be stepping up to a new position. But we have done some preliminary work on looking at best practices and looking at whether there is any kind of potential rules around Interim Executive Directors. We also thought if, in fact, there is a ratification, it would be fitting to allow Ms. Wells to actually have a say in the compensation discussion. So if we could address just ratification today and then over the next two weeks perhaps Derek could work with Enrique to continue looking into, you know, what other agencies, what similar positions have done in the past just for guidance. And then we could be updated two weeks from now because I do think we have to set that in public. And you've gone through this before, correct?

>> COMMISSIONER CAMERON: Yes, we have.

>> CHAIR JUDD-STEIN: As difficult as it may be, it's a matter for public discussion and a vote. So the preliminary -- the first step today would be the ratification, but we didn't want -- I wanted to mention compensation so you knew that it was on our minds.

>> COMMISSIONER CAMERON: So Madam Chair, I move the Commission designate Karen Wells, Director of investigations And Enforcement Bureau, as the Interim Executive Director until a permanent Executive Director is selected by the Commission.

>> COMMISSIONER STEBBINS: Second.

>> COMMISSIONER O'BRIEN: Second.

>> CHAIR JUDD-STEIN: Any further discussion? All those in favor?

[Vote taken]

Opposed? 5-0. And we thank you for stepping up.

>> MS. WELLS: Thank you very much. I would like to say, you know, to echo some of the sentiments you said that we have an incredible staff, a very high-functioning staff. The reason I was able to be successful the last time as the Interim Executive Director was the staff really stepped up and the Commissioners, as Commissioner Zuniga mentioned, were also very helpful. So the expect that same thing this time around because we have some really good people that really do good work and we really get along with each other, and that's the kind of environment I'd like here at the Commission to continue. Thank you.

>> COMMISSIONER ZUNIGA: Thank you.

>> CHAIR JUDD-STEIN: Thank you. And I think, Executive Director Bedrosian feels comfortable with that.

>> MR. BEDROSIAN: I will be able to sleep tonight.

>> CHAIR JUDD-STEIN: So moving on now to item b. As I reported in our most

recent agenda-setting meeting, I have asked Commissioner Zuniga to assist me in the selection process for a new Executive Director. And when I say "select," that's just me. It's really handing over the process as an assignment. But I think that Enrique and I have had a few discussions after learning more about our obligations on the Open Meeting Law through our attorneys, our outside counsel. The Executive Director position of the Commission is a key one. We know that. One serving as the administrative head of the agency. And I believe you agree with me, Commissioner Zuniga, that we want this process to be as open and as inclusive of all of us here at the table as possible, consistent with the requirements of the Open Meeting Law. And so it is our goal that the Commission will remain informed of progress, and all of us will participate in key decision-making points throughout the process. You know, if we think about incremental decision points, we can be involved, and that way it will inform the process along the way.

There are three significant components that we've identified first, and that's determining whether we conduct the search internally or retain an executive search. The second would be preparing a job description and candidate profile that comprehensively and accurately reflects the needs of the Commission at this juncture. And this could be conducted using strictly internal resources through the retention or through the retention of an executive search firm or some combination of both. And then, of course, it's undertaking the search and conducting interviews and the final decision-making which we can go through at our next meeting in terms of that type of process, making sure that we are fully in compliance with our obligations with the Open Meeting Law.

At this time I'd like to turn over the discussion to Commissioner Zuniga.

>> COMMISSIONER ZUNIGA: Yeah, thank you. Thank you, Madam Chair. Relative to how we go about doing the search, whether retaining an outside firm or doing it purely with our internal resources, I'd like to point out a couple of things. In the past we've done it both ways for different reasons and in the time line that we were and with equally I would argue positive results. I would also note that even if we went with -- in the event that we decide to go and try to get a search firm to assist in any way of the process, there will be important resources internally that will, of course, work with any firm that came from the outside. Clearly our HR manager and Derek, you know, will have good insights and input into what we've done in the past and the processes that we undertake for everybody to comply with our own established processes.

One of the things that I would note as well is there's perhaps a little bit of pros and cons into how we go about doing this. It is conceivable that if we take on an executive search firm, this could take a little longer in terms of doing a procurement, and I'll be getting to that in a few minutes. Because we also looked at existing state contracts. But we would, of course, be the beneficiaries of an independent outside perspective. I think, as you were mentioning, Chair, there is -- we find ourselves in the life cycle of the agency that's slightly different. There's a lot to look forward in terms of more of a steady state operation and regulatory process. And that may signify us really thinking as to whether that changes or not the strengths that we would be looking for in an Executive Director, or the attributes, rather.

So I suppose the first -- the first decision would be to engage or to think about engaging an outside firm. I'll come back to the point I made -- I was beginning to make

earlier, which is Derek looked at the existing firms under the state contract for professional services, and you'll chime in where you think is needed here, Derek. But he went into the websites of 71 firms.

>> MR. LENNON: 73.

>> COMMISSIONER ZUNIGA: 73.

>> MR. LENNON: From contract PRF, consultants, program services which covers any area that would do either evaluation of managers, training of managers, or executive searching for managers.

>> COMMISSIONER ZUNIGA: Right. And I'll let you summarize or follow up on this, but the vast majority of those firms look to do a lot more of consulting, professional services, something that if we were interested in engaging somebody to help us on what I would term the front end of the search, getting some kind of input internally or some kind of research as to what we might need, helping us write a job description or whatnot and select targeted associations or publications, et cetera. You know, there's any number of firms within that contract that could help us do that.

Conversely, there are -- there is very few of those previously selected firms that could help in what is really the term of executive search or headhunting, as it's colloquially known. There are two firms that appear to do that, and the emphasis seem to be more on either public safety or IT, and I don't want to necessarily mix them up.

>> MR. LENNON: So there were three. One was solely public safety. The other one was -- another one had a background in health and human services. And the third was more along the IT-driven industries. It wasn't straight IT, but it was -- they looked at managers who were going to implement major IT reforms and vacancies in organizations. So those were the only three out of the 73.

>> COMMISSIONER ZUNIGA: Right.

>> MR. LENNON: That did anything regarding executive searches or hiring.

>> COMMISSIONER ZUNIGA: Now, to be fair, this has only been a website consultation. We have not spoken to any one of those firms at this juncture to ask or verify whether their emphasis is one or another or even ascertain whether they would be interested or have done this before elsewhere or in Massachusetts. Which could be done. Or could point us towards if we wanted to go with outside help of a firm for us to consider doing a solicitation. You know, RFP putting together, if that's what we wanted, putting together the scope of work that we would want to engage, and in the meantime, also be at a minimum, posting or drafting what we might think is the enhancements or revisions to the job description that we might need, et cetera.

>> CHAIR JUDD-STEIN: And just to interject right now on that process, we have received advice that if we decided to go with the outside firm, that would require a competitive bidding process, that that would be something that the parts could be done with all of the Commission which would be through a vote of an appointment of a procurement management team which could include one, Commissioner, and my recommendation would be for Enrique to be on that. And then choosing other members internally to support -- this is to develop the RFP which then we would vote on the RFP. So, for instance, Commissioner Cameron, you would see whether the specifications focus on what you particularly value for what the executive firm would do. So we would have input at even that juncture and vote on the RFP which would then issue. So there would be two steps where we would have a say. And then ultimately

the final two, the selection of the firm. They would come back. We've seen that with the recommendation. But what we haven't done in the past necessarily is actually vote on the RFP itself. It becomes a public record, so we would be seeing the reg before it comes up and voting and ratifying it. But we would have input at that juncture if that -- I just wanted to -- I'm just trying to remember those pieces where we would all have touches.

>> COMMISSIONER ZUNIGA: Right. Yeah, no. Multiple -- critical different times, you know, we could discuss at an open meeting, either revisions and edits to the job description or whatnot. So that clearly is in the realm of possibilities.

>> COMMISSIONER CAMERON: Are we just updating now, or are we discussing the merits of either way?

>> CHAIR JUDD-STEIN: Yeah.

>> COMMISSIONER ZUNIGA: Yeah I think we should discuss.

>> COMMISSIONER CAMERON: Yeah.

>> COMMISSIONER ZUNIGA: Merits of either way.

>> COMMISSIONER CAMERON: I think we've had limited -- limited or mixed results in the past when we've hired executive search firms. That's my recollection. I think what is really important is that we can't forget is all of the publications and organizations that are out there that are gaming related. I think that would be important to go with -- I think that's where most of the folks in this industry go to. There are professional organizations, IAGRA, IMGL, as well as some of the publications. And I actually think that's an important piece that could bring value to the process.

>> COMMISSIONER ZUNIGA: Absolutely.

>> COMMISSIONER STEBBINS: Yeah. I would just -- I would add to that, obviously it's been noted we've been through this twice before. The first time we used a search firm, I think it was helpful. I think at this stage of the agency's life, we might not have the bandwidth to necessarily undertake the search ourselves, just in terms of staffing and everything else that was piled on our to-do list. The second time around we used -- we did not use a search firm. We used, you know, the capabilities of our HR department. So as we think of this, I would also, you know, inquire to our HR staff to come up with a plan of what they would do to try to get us to this point, you know, the publications, using LinkedIn, a number of those things, just so we can, you know, compare both approaches and what a search firm would be able to bring to the table. Again, and I think the second -- you know, the first time around we had a great group of candidates. You know, the search firm added value because they really went out and kind of beat the bushes and maybe marketed candidates extremely effectively to people that may not have been touched by seeing the job posting. And conversely the second time around, you know, using our internal team, you know, I think the 10 or 12 candidates that we actually had one-on-one interviews all came from, you know, the gaming -- or some type of regulatory background. So I think both options have their benefits.

>> CHAIR JUDD-STEIN: So if I could add, I've given this some thought, and perhaps maybe Eileen being a newcomer so we're not really tied to the past. I have thought about the juncture at which we are at. And it is a different place and time than when we were looking for an Executive Director, which allows us an opportunity to pause. If we use strictly internal resources, we might be able to gain some efficiencies and

certainly cost savings. My hope will be, whatever -- whatever vehicle we choose, that when we are developing a job description and candidate profile, we have really done a thorough review internally all the way from Commissioners down through all levels of employment to say, what would you value? Is this the time for some culture shifts? Is this a time for mission reexamination? What strengths would you want in the Executive Director now? It may be status quo. So don't presume my inquiry to be anything to say affirmative we need to change. My concern about using strictly internal resources is that folks may be less candid if they are reporting to folks who they work with. And having -- even if we use a hybrid where we used a consultant or somebody with -- who has really the capacity to assess an organization's needs at a juncture for leadership, that they do that to help us make sure when we post that job description, we will get the candidates we want. And that includes internal candidates. And that's my second reason.

If we have any internal candidates, it will be extremely important to maintain confidentiality. And if we use internal resources strictly, we will not be able to necessarily keep that confidential. We also will lose the expertise we get from an outside perspective. When we -- and outside perspectives, you know, we're great as a group, but boy, another couple of brains can be really helpful. So I would advocate, at the very least, of a hybrid approach. I would prefer to use an expert in this. And I just happened to have come off from a very successful search for the -- I sit on the board of trustees, and the head of schools has shifted. We have more restraints because of the Open Meeting Law, but it was very much still an open process because school -- you know, schools have to, you know, ultimately interview publicly, et cetera. And I -- we had a very different experience with our executive search firm. So I guess I would just say in light of confidentiality issues around the opportunity to have somebody help us assess, I'd recommend some. And we also have a very small -- we don't have much bandwidth. Trudy is sitting here and Natasha is in Springfield. And so the bandwidth that's required to go for a position of this caliber, it's a big position. It is a big position. I think Executive Director Bedrosian knows that. It's a big position. And so I think we should make sure to treat it as such and also make sure that, of course, that we're careful around resources, too. In terms of time lines, I'm one for putting in a contract, deliverables and time lines and keeping them to that. And in many ways we can perhaps control that more than our own internal resources. Those are my pros and cons.

The pro of having it done, of course, internally would be that, you know, they have aware of our mission and our culture. I'm sure it would cost less. It might cost internally because we'd be stretching internal resources. And we would have perhaps more control over time line unless we have a series of vacations or something. Then it would be less control.

>> COMMISSIONER STEBBINS: Just real quick, I want to pick up on a great point that you made, which is where we find ourselves at the time of this search as compared to the previous two, and it's been referenced the good people we have and the good work that they do. You know, we've talked not only about it at this meeting but previous meetings in terms of the iteration of the life of this Commission. And you talked about you know, as we develop the latest version of the job description, it is to take an opportunity to sit down with our employees, informally as departments or as

groups to get their feedback. They have a different interaction with the Executive Director than we do. They also have a sense of kind of now that we've opened three casinos, what are some of the challenges that might lie ahead. And they might have suggestions as to what they might look for. In the past, you know, we brought in a candidate that had a chance to meet the team, but I think it would behoove us to get their input into the job description. You know, the basics are going to be there, but some nuances that, again, they might be able to offer as we look at where we are in a steady state of business. What skills do they think might be helpful to the overall organization? I think that feedback, to your point, Madam Chair, is helpful.

>> COMMISSIONER CAMERON: Yeah. I would agree with that, that input from staff is critical. And I think we have developed a culture here where people aren't afraid to speak up. I don't think folks will be afraid to share their opinions because it's opinions about what you think is important to the organization. So I don't have the sense that people would be hesitant to share that information. And the other piece is, I do believe our HR, you know, they're very capable of keeping matters confidential. So I do -- I'm not as concerned about those two aspects. And I do understand the value. I guess I just haven't had as positive an experience with a search firm. I just really -- you know, especially one that did not know the gaming world. It is pretty small, the group. And the other piece I think is important is we are well respected as regulators now around the world for many of the different things that we've done. And I think that is an attractive piece. It's very different when we were new and no one knew anything about us or what we were going to do.

>> COMMISSIONER ZUNIGA: Yeah. No, if I could -- if I could just continue on that -- the contrast, I guess, of where we are in the life cycle, I'm thinking of initially, because we were really new, and there was clearly a bandwidth concern, but there was also an element of we really needed gaming experience. There have been five new Commissioners with expertise in other areas except gaming. A lot of them very relevant with policy and investigations and whatnot. But there was this notion of really the gaming regulatory background that we valued at the time, and we knew that was going to be almost by definition out of state and hence, you know, it really sounded and turned out to be a nationwide type of approach. That was less -- those two elements were less of a concern when we came the second time around. We did by then had already acquired significant gaming experience in regulatory matters from New Jersey and other areas. And we had also -- we were also staffed with internal resources that really allowed us.

I do think that the point you make is the central one, Chair, and that is whether we think -- whether we value more -- whether we put a premium, let me put it that way, on somebody at this juncture to come in and offer an outside perspective. One that could have a facilitated type of approach towards garnering what are the priorities, let's say, to look for in an individual and how they reflect on the organization, you know, versus, you know, trying to look at ourselves in the mirror and try to do that. I think it's a judgment call, ultimately. And I think that's what the difference relies.

I -- I am particularly budget conscious, I should admit, when it comes to any of the decisions that we make. But I think that should not be the driver when it comes to this particular matter. I think, you know, having a limited time of professional service, a couple of people, one or however many end up dedicating to this may end up being,

you know, a bit of a wash when it comes to, you know, what we might gain. But ultimately, it's whether we really place a premium on having somebody from outside give us feedback is my opinion.

>> CHAIR JUDD-STEIN: What do you think, Commissioner O'Brien?

>> COMMISSIONER O'BRIEN: I think for me personally, that was helpful because one of my questions was why the decision not to use a search firm the second time around and does the same circumstance exist now. And then I just think personally individually I'll sit down with Trupti, I'd like you just to walk me through what happened last time. Because I think unless I have an understanding of the mechanism the last time, I'm not really going to have an opinion on it in terms of whether it's, to your point, I'm not like you, but I'm close second probably to thinking about the cost of it and the value add to it. I'm not as convinced of being as concerned about confidentiality. I feel like that that's something that can be addressed, and I don't think would dissuade anyone because even with using someone from the outside in terms of the possibility of just inside talk, et cetera, exists. I'm not so sure it obviates that. I think before I go any further in terms of what I'm thinking, I want to know what exactly was the last -- the last one and then also if I could just finish, I think did you -- were you the one, the point person, with the search firm the first time?

>> COMMISSIONER ZUNIGA: Yes.

>> COMMISSIONER O'BRIEN: Just talk to you about your experience one on one in terms of what you felt like your interactions were with the firm and how that works too. That probably is my jumping off point.

>> CHAIR JUDD-STEIN: And just to be clear, how Bruce did it the first time would be the structure that I'd be recommending if we do inclusive would ultimately be quite different because you didn't use the tool that's available through the executive session for preliminary screening committee, so you could at least have two Commissioners be part of the interviews first round. And I would recommend that, you know, I have asked Enrique to help on that front. I would ask another Commissioner, if you decided that was the way you would go, to see if, you know, somebody else would be willing to do the first-round interviews. Of course, we all know that the finalists would have to be interviewed in public, and typically in that kind of a preliminary screening committee, you do use you're executive search firm expertise. Those experts would be sitting there and helping you guide. I mean, I have had, you know, this would be -- I have been engaged in executive searches a few times throughout my career, and I have not ever just used internal resources. So it seems I'm quite in a different position than you because it's so important to make sure that internal candidates feel comfortable, outside candidates feel it's fair and objective, and so it is -- for such a big position, you know, it is a big decision. It's a well-compensated position, too.

>> COMMISSIONER O'BRIEN: I also do think we have a high profile in terms of the existence of the vacancy that some other entities may not have. So that kind of comes into my thinking too.

>> CHAIR JUDD-STEIN: In which way, though? Because of that, do you think that --

>> COMMISSIONER O'BRIEN: That the need for greater reachout may not exist as it may in some other industries.

>> CHAIR JUDD-STEIN: Yeah.

>> COMMISSIONER O'BRIEN: I don't know, but that's something --

>> COMMISSIONER ZUNIGA: One thing -- it sounds like, Commissioner, you would want to come back and try to make this decision at a later Commission meeting?

>> COMMISSIONER O'BRIEN: Yes.

>> COMMISSIONER ZUNIGA: Is that what I'm hearing?

>> COMMISSIONER O'BRIEN: Because I have not participated in a search at that level. And for me, it is really getting an understanding of how was it done the last time and should we do it differently and why.

>> COMMISSIONER ZUNIGA: So would you want to postpone this decision?

>> CHAIR JUDD-STEIN: I think we postpone and then we get some input -- I think it's great input to get because I've done a little bit of footwork just because of where I'm sitting and learned -- I still don't know all the details of what's happened in the past. I did say if in the event that we had reached a consensus, I was going to ask for an internal report time line and a work plan on how it would be conducted. And one thing I think that I would truly very much welcome would be to understand if you were going to do, like Commissioner Cameron suggest, if we did internally, how would you secure from our staff all the way through information that's really helpful. I would use a consultant to do focus groups in a way that everybody feels safe and sound to be able to express what they think is important. And again, the outcome could be just where we are now.

>> COMMISSIONER CAMERON: That's the hybrid model.

>> CHAIR JUDD-STEIN: Well, I mean, that would be -- the consultant would be executive search firm. If we don't want to do that for the end, we could consider, but I do think as much as the ultimate choice and the fact that we might have a high profile and we can get candidates, what's probably I'm suggesting is the chance that everybody pause, everybody get on board for our big change right now. With that said, you were at different junctures then, and so we need more input, and Derek and Trupti can explain what happened in the past. You can describe the time line that it took, the resources it took for you internally, what the executive search firm, how you found that. We can get some input. But if you could stick to having this for next big meeting. Derek.

>> MR. LENNON: Just one consideration to address a few things because I know Trupti will tell you it can get done no matter what. The low bandwidth in the HR department is a concern. We are understaffed. We didn't fill our backfill that left. We've had 33% turnover in the last year as far as filling vacant positions, and we will have the racing season opening up at the same time so there will be onboarding and offboarding at that point. So whatever decision we make, we just need to let everyone know what the priorities are. So if this is going to be the priority, then we have to let other people know about the backfill, the vacancies, hold off. Or if we go the other route, then Trupti will be there for process more like the last time around because Bruce and Janice did a lot of the focus groups, and then we did the back end. And that -- that's another resource that isn't there right now. Janice isn't here who handled a lot of the focus groups. Catherine was a big player on that part, too. (Inaudible) she is on a contract basis.

>> COMMISSIONER ZUNIGA: Yeah, no, if I can only perhaps clarify a little bit more, but I think it seems like it's understood, the notion of a hybrid model really is retaining

any firm, executive search, or purely management consultants, for example, to help in any part of the process. However, expansive or limited we would want to do it. It occurs to me that, you know, the time to do that would be, at a minimum, initially to do that, those focus groups, conversations that might be -- that benefit a lot more for that independent perspective. Where ultimately the decision-making really is where we all, at the tail end, become a lot more involved.

Another thing that I would also point out that is hopefully a given but really part of very much the way that the last one went about, and that is to at least attempt to have two finalists come and be interviewed by the full Commission, which I know can dissuade some candidates, but it's been done before. We did not benefit from that the very first time around. I understand there was a finalist that at the very end just withdrew his -- her consideration for that very reason. It's not easy to be in front of a camera with a transcript, you know, talking about yourself and whatnot. But I think that is an assumption that we should really strive to accomplish here.

And as you pointed out, Chair, we did not avail ourselves of that screening opportunity in the past, which may or may not add -- rather help in this finalist conversation or not. But that's yet another option that we could -- that's available.

>> CHAIR JUDD-STEIN: So we'll postpone this decision, get -- do some more due diligence, get further information. You can maybe circle back to folks, Commissioner O'Brien, for your specific questions, and the rest of us can get clarification where we need clarification to think about next steps and making sure that the process is a good one, and we appreciate everyone's patience as we go through this process. It is my hope always to be as efficient as we can to keep these processes moving along so that folks know what the program is and what they can expect, especially as we may have, you know, there will be challenges that we want to make sure we're stable and ready for. Thank you.

Moving on to the next item, then, Commissioner Cameron, do you want to just give a little update?

>> COMMISSIONER CAMERON: Thank you. I do. As we mentioned at a couple of meetings, we are hosting the International Gaming Regulators conference which this year will be a joint conference to include the International Masters of Gaming Law as well. We were recruited to host for IAGRA, and shortly after that, IMGL said Boston's a great location. Can we do a joint conference? Which was done about four years ago. So that has happened. This conference will be the week of September 20th through the 25th of 2020. So next fall, the end of September, we will be hosting. And that is the Boston Marriott Copley Place. There was a bid process, and that was the most attractive bid to the groups -- the two groups, combined groups, who are putting these two conferences together. Combined conference one day will be a joint day with all of the participants. The early end of the conference will focus with IAGRA. The later end -- the latter end, rather, will be more of the IMGL.

We are fortunate to have our Interim Executive Director Karen Wells, she was elected to the IAGRA Board at the last conference, and there are only two Americans serving on this board in this capacity, so it really is an honor for Director Wells as well as our Commission to have her selected to serve on the board in this capacity. And so both organizations will really strive to bring together, you know, the International Gaming Regulators from around the world, legal advisers, and key stakeholders. And

so it really is an opportunity through speakers, through discussion to talk about emerging issues, share information about regulatory policy. I find that so interesting to really learn how the rest of the world is regulating. And certainly the latest research which I think we'll have an ability to contribute in that field, and industry developments and trends. So both committees now are working on the substance of the conference. You know, there's still some decisions about dinners and whatnot where they'll be held. But for the most part, we have the site. We know we're hosting. And the group is working.

The name of this year's conference will be Disrupting the Regulator. And really what that means is it's a focus on disruption and sparking regulatory innovation. You know, efficiencies, effectiveness, global regulation, so that's kind of -- I think it's well used today, right, disruption, but that is really what the focus will be this year. As we speak, there is a call for speakers. This is a new -- fairly new piece to the conference. I think with many conferences we've all been involved with over the years, you're kind of oh, so and so would be great. So and so would be good on this panel. And this call for speakers was really, really effective. We had a high quality of speakers in Jamaica because others saw the opportunity and saw the -- that may not have been contacted, that may not have been on anyone's radar screen. So it was a different group and a really substantive group. So that piece is happening now. That's the piece I really wanted to talk about because I think people here, people in Massachusetts and others that we've worked with could really contribute. And so I've spoken to Director Driscoll about getting this up on our website so that people can easily find this call for speakers. And just to note, some of the topics of interest.

We just mentioned regulatory disruption, some case studies, some lessons, enhancing risk-based supervision, player protection, regulating emerging technologies, certainly responsible gaming innovation, some international standards and kind of mutual recognition, leading investigations and interviewing approaches. There's just so many topics. And the conference planners are always looking for new topics. These are just suggestions. And I think this is an opportunity that people should be aware of, which is why I wanted to mention it today.

You know, it's the ability to have an impact and really influence policymakers, regulatory leaders, stakeholders in the industry. It is an opportunity. So, again, that link will be up on our website, and there's a submission form with the topic and the kinds of things you'd like to talk about and whether or not you'd be interested in a panel discussion or a keynote presentation. There are a couple of different opportunities. But that is the piece that -- and I think that's the end of February, they would like those submissions. So I guess I'm asking all of you to think about your areas of expertise where we could add tremendous value to this group of speakers by some of the people we've worked with, some of our own people who have done tremendous work. So I just -- that will be up there, so please encourage people to take a look, and I've been doing it already. I know Director Wells will get more involved with this now that she -- in her spare time -- now that she is a board member. Do you have anything else to add to that, Director?

>> MS. WELLS: No, just I think that Boston as a venue for this conference is going to be fantastic. I know Janice is going to be working on some of the activities and an opportunity to do some real economic development for the area because it will be

bringing a lot of people in, and they'll be able to go to restaurants, go to events, and I think that's a good thing for Boston.

>> COMMISSIONER CAMERON: Very, very diverse group.

>> COMMISSIONER STEBBINS: How many folks do they usually get?

>> COMMISSIONER CAMERON: It's -- I'm giving September 20th through the 25th, and that -- those five days are both conferences. So there will be some people that will come for the first end and participate in the joint day. There will be others. But there are a lot of folks that belong to both organizations and who will come for the week.

>> COMMISSIONER ZUNIGA: If I could just mention, one of the -- there are a number of topics that you mentioned already and alluded to that if we were to relate them to Massachusetts, which would be a perfect occasion, there's a great story to tell there.

>> COMMISSIONER CAMERON: I agree.

>> COMMISSIONER ZUNIGA: Although I've never been to the IAGRA conference and look forward to going to this year. The conferences that I've attended that make use of panels with a bit of a multidiscipline background are, in my opinion, hugely effective and, you know, they generate quite a bit of interest. It occurs to me that, you know, a regulator, researcher, you know, advocate and even licensee around the topics of research, responsible gaming and economic development specifically to Massachusetts history or recent story would be very relevant, and I would hope that they would be very well considered to be --

>> COMMISSIONER CAMERON: Which is why I'm encouraging --

>> COMMISSIONER ZUNIGA: Absolutely.

>> COMMISSIONER CAMERON: -- all of us to think about, you know, how do we let people know, hey, this -- I think you'd be great. This is the -- this is the format. Go ahead and apply to be a speaker. And we will have input as to what the panels will look like and how to -- how we can add value.

>> COMMISSIONER ZUNIGA: Yeah. No, I can think of already a number of people in the public health trust fund.

>> COMMISSIONER CAMERON: Right.

>> COMMISSIONER ZUNIGA: Responsible gaming and GameSense, you know, world, really, that have presented before at some of these conferences that I alluded to that would be very happy to collaborate in something of this visibility. But it's a good occasion to mention. You mentioned it's the end of February that that --

>> COMMISSIONER CAMERON: Yes.

>> COMMISSIONER ZUNIGA: For the submission.

>> COMMISSIONER CAMERON: It seems a bit early for me, but I have a conference call tomorrow, and I'll ask that question, is a hard and fast deadline for speakers. But, yes, that's what they're advertising right now.

>> COMMISSIONER ZUNIGA: Yeah. Well, they need to plan as well.

>> COMMISSIONER CAMERON: Yeah. Right.

>> COMMISSIONER STEBBINS: You know, it might be an interesting opportunity for our three licensees to come forward and talk about the Massachusetts regulatory climate we have, companies that obviously operate many jurisdictions domestically and globally, give them a chance to talk about what their impact has been and why they chose to enter, you know, the fray to compete for a license in Massachusetts. They're

going to be here. A little focus on their success in the state.

>> COMMISSIONER CAMERON: Yeah. Lots of opportunities, right?

>> COMMISSIONER STEBBINS: Mm-hmm.

>> COMMISSIONER CAMERON: That's it, Madam Chair.

>> CHAIR JUDD-STEIN: If you'll just keep us updated along the way.

>> COMMISSIONER CAMERON: I will. Thank you for the opportunity.

>> CHAIR JUDD-STEIN: It's a really nice opportunity for us to spotlight the Commonwealth and the City of Boston as an exciting venue for these kinds of conferences.

It will be easy. It's a September date. Knock on wood. Boston in September can be spectacular.

>> COMMISSIONER CAMERON: Yeah.

>> CHAIR JUDD-STEIN: Great. And a really exciting topic, I think.

Before I move for any kind of a motion to adjourn, I want to -- I have two matters under other business that I didn't reasonably anticipate. Well, one is to thank Jacqueline and Maryann and Jamie and Shara and Austin because this is our first Commission meeting in this new year, and it went timely, and everyone has been able to do their job because of you. So thank you. Jacqueline, thank you. And second, I didn't reasonably anticipate this -- this next bit of business because who can reasonably anticipate the departure of an Executive Director who has been here for four years shepherding all of you, this wonderful staff, and shepherding the successful launching of two massive resort destination casinos. So this is the time we would like to do that and recognize Executive Director Bedrosian. We deferred earlier. Thank you for your patience. All righty. Who would like to begin?

>> COMMISSIONER CAMERON: I'll start. So it's been terrific for me for the last four years, for the Commission, I believe we had strong leadership. We had compassionate leadership. We really cared about employees, and that's -- that's something you don't always see in a leadership position, and that was something I took note of. And even before Executive Director Bedrosian was -- there was no position available, we just were starting this Commission, and Ed was over at the Attorney General's office as the first assistant, and he couldn't have been more helpful to us. And I'll always remember that because we were scrambling, right? We had to hire lots of people. We had to make sure our regulations were, you know, what we thought they should be. There was just so many issues right out of the box, and Ed was really terrific in helping. He sat in and did interviews with us. He'd give us a heads-up. Watched your meeting today. Got to be careful about this or that. I mean, making sure we had a strong relationship with the Attorney General's office and all of our appointing authorities which was important to all of us. So the front end was really important, and then to watch this organization grow over the last four years under Ed's leadership I think is something noteworthy, and I want to thank you and certainly we will miss you.

>> MR. BEDROSIAN: Thank you.

>> COMMISSIONER ZUNIGA: Yeah, no, same feeling. I think looking back at your tenure, the way you started to outline it earlier in the meeting today, it's really bookended by very important milestones. It includes significant developments for this agency, very important decisions that we had to make and rely on your leadership to

help us pursue that.

I remember as well when -- perhaps the first -- the interview that we did publicly that you mentioned you saw yourself as a traffic cop, which is key because this is a very unique structure that we have here, reporting to five people, but having to manage in between meetings a number of things, not just with those five people but critically with the rest of the agency, and that's a really -- it occurred to me that it's a traffic cop in one of those Boston intersections that are going all over the place, you know. What's the one in Somerville?

>> MR. BEDROSIAN: That no one listens to?

>> COMMISSIONER ZUNIGA: And -- but as Commissioner Cameron was saying, important to recognize that you've got to give leeway to people and to directors and others to do their job, stay out of the way where you need to, and then come in and try to implement, you know, oftentimes competing directives of five people that you report to in a way that is balanced and ultimately which is a successful outcome. So I think it's a challenge that we will continue to live with regardless who is in that position. It's perhaps easy to say, well, I would do some things slightly different of what he's doing. But I think what is often missed is all the things that nobody sees that are either avoided or addressed timely or somehow eventually successfully addressed and keeping us on time that people don't always see that are really important and valuable, and for that we will miss you.

>> MR. BEDROSIAN: Thank you.

>> COMMISSIONER STEBBINS: I wasn't going to use the word "traffic cop." I was thinking more herder of cats. But now you can use traffic cop. I'm thinking of the iconic cop who danced while he was directing traffic. No. I want to thank Ed for his last few years at the helm and his leadership. And Commissioner Cameron pointed something out. When you're working with a team, you're working some long nights prior to opening, that you're there with everybody. And I think that was critically important. You've been great to work with. You have kept all of us informed. You've made time for all five of your bosses, keeping us in the loop, stepping in when you needed to. I'm actually wearing colorful socks in your honor, but I won't flash those on television.

I think the thing that has really impressed me is that even though we are a regulator, our regulatees have never been reluctant to pick up the phone and reach out to you personally, and it has helped bring a lot of problems to our awareness, helped solve a lot of problems. But the comfort level that they establish with you to understand what your role was but at the same time know that, you know, they had a very capable listener on the other end of the phone, I think, has really made a number of -- what could have been explosions just turn out to be some minor bumps in the road. And I think that's a credit to how you approach the job in your own personality. So I wish you good luck. Certainly I've enjoyed working with you and know you still might become a familiar face to us.

>> MR. BEDROSIAN: Thank you.

>> COMMISSIONER O'BRIEN: So this is the third time I've been at a going-away party where we've not been together. It's usually me leaving. So this is the first time that I'm saying good-bye to you in this capacity. But you were one of the first people that I spoke to after I got appointed. One of the few people that I knew already when I

got here. And was consistent with what everyone said about how you treat people, et cetera, I've always found you to be very respectful and open and candid, and it was very helpful to me to know that that relationship was the same and continued and that you could be very honest with me and I could be honest with you. I found you to be accessible on everything, honest about everything, up to date on everything. I'll save any other war stories for after, probably more appropriate. But I also have a feeling, given how often we've crossed paths, that this is not the last time that we will be sitting in this dynamic. So I'm not actually going to say good-bye to you so much as just say I will see you soon because I'm sure that I will, not only in the job that you're taking but probably in years to come at other state agencies or beyond. So I wish you well, and I'm sure that we will see you soon.

>> MR. BEDROSIAN: Thank you.

>> CHAIR JUDD-STEIN: So it's funny, when I was thinking, my first time I would have encountered Ed was here, and that is true in person. However, we did try to meet each other in our former positions and to have coffee. He was first assistant at the Attorney General's office. I was General Counsel at the Treasury. There was work that we really had to do together on debt management, as you well know, and it just made sense that we meet. We would go back and forth, and we would not connect. And I finally said to Ed, look. I think we're getting on the elevator together, and I don't know who you are. So we never met on the elevator or for coffee because he left too soon from the A.G.'s office. So I knew that I would be now not having to worry about getting to know him on the elevator. So my path didn't actually cross. We escaped meeting.

Ed, of course, has an impeccable reputation with all the external folks, our licensees admire all that he has brought to them in terms of coming here and setting up their businesses here. They have all been in touch with me to let me know. I reached out, of course, to let them know of your resignation and, of course, the interim appointment of Director Wells and not surprising to a person that they got back with such complimentary words.

And I've had the benefit of sending out messages to folks here, so you know how I feel, you know, Ed is -- his strength is to, with few words, few questions, keep things rolling. But what I have observed, and I have said it now several times, is what I admire most as a leadership quality of Ed is that he has such unwavering confidence in all of you and the staff, and he's a smart man because he knows his success has been because of the team. But we're also smart up here, and we know that it takes a great leader to get the very best. We thank you for that, Ed, and I know that we'll probably be saying, what would Ed do over the next few weeks. And Karen, I suspect you have his phone number handy. So with that, I would -- unless we have some more words -- I would like to awkwardly welcome Ed to the front because we want to make sure we capture -- Austin will capture us somehow. This is where I like being Chair because I get to make these presentations. I could delegate it away, but I'm not going to. This is the fun part of the job. Come on over, Ed. I think he's going to have a fancy new office to hang this in, and we're going to come check it out. Better be in a prominent stop.

>> COMMISSIONER ZUNIGA: For the basement.

[Laughter]

>> CHAIR JUDD-STEIN: I'm hoping I can read this okay. It says, "On this 9th day of January, 2020, the Massachusetts Gaming Commission proudly presents this distinguished service award to Edward R. Bedrosian Jr. in grateful appreciation of his distinguished service to the Massachusetts Gaming Commission and the Commonwealth of Massachusetts. Ed's leadership over the past four years as Executive Director has been instrumental in guiding complex regulatory preparations to assure the successful opening of the MGM Springfield and Encore Boston Harbor. The Commission appreciates all he has done for Commissioners, MGC staff, and MGC's many stakeholders. The MGC would like to thank Ed for consistently encouraging staff to meet and exceed demanding professional responsibilities and extends its sincere gratitude for his leadership, professionalism, and his many years of dedicated service to the Commonwealth." We wish you luck.

[Applause]

Ed, there's a microphone here.

>> MR. BEDROSIAN: So I would like to start by formally adopting the comments I made in the morning for the record. I'm not going to say much beyond them. They will exist in perpetuity. But again, I look out over all of you, and thank you. That's all I can really say. It's been a privilege and an honor, but it wasn't -- it was my privilege to work with you, but it was my privilege to watch you work. You know, the folks here, we had some interesting trying times that no one ever could have predicted, and yet you all stayed the course, and the Commission stayed the course also. I mean, there was a lot of reason, especially early on, when there was not necessarily a divide between but there was a lot of work happening at staff that the Commission just had to trust was being done for particular reasons, whether it was a licensing reason or not, and they gave staff that confidence. And that's a big ask. And I appreciate that. And you all stepped up and deserved it. And so I really appreciate that. And no matter I think what I do in life and I hope to have other successes, I will look back on this particular time and think of all of you and be very proud. So thank you.

[Applause]

>> CHAIR JUDD-STEIN: So there will be cake. Do I have a motion to adjourn this meeting?

>> COMMISSIONER ZUNIGA: So moved.

>> COMMISSIONER CAMERON: Second.

>> CHAIR JUDD-STEIN: All those in favor?

[Vote taken]

Those opposed? Would that be an opposition from anyone? Okay. Thank you, everyone. 5-0.

[The meeting concluded at 1:48 P.M.]