

MASSACHUSETTS GAMING COMMISSION  
MEETING  
OCTOBER 24, 2019  
10:00 A.M.

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P R O C E E D I N G S

>> CHAIR JUDD-STEIN: Good morning. My apologies for a little bit of a delay this morning. We're calling to order Commission meeting number 280 of the Massachusetts Gaming Commission on Thursday, October 24th, 2019, at 10:00 a.m. here at our offices at 101 Federal Street in Boston. We will start with agenda item number 2 regarding our minutes. Commissioner Stebbins.

>> COMMISSIONER STEBBINS: Thank you, Madam Chair. Commissioners, you have in your packet the meetings minutes from the October 10th, 2019, meeting. I would move their approval, again, subject, as always, to any typographical errors or any other nonmaterial matters.

>> CHAIR JUDD-STEIN: Are there any comments or edits?

>> COMMISSIONER CAMERON: Second.

>> CHAIR JUDD-STEIN: Commissioner O'Brien, do you have -- I do have a couple questions and appreciate Commissioner Cameron's second, but I did want the record to reflect, if you wouldn't mind, Shara, on page 6, to reflect that we acknowledged Commissioner Cameron's service as chairing the public safety committee. So that would be on page 6. And the only other question I had is -- and it may be exactly right, but that's why I turn to you, Commissioner O'Brien -- on page 5, does the next to the last paragraph, does that seem to you to be in proper order?

>> COMMISSIONER O'BRIEN: Yes.

>> CHAIR JUDD-STEIN: Okay. Good. All right. Then I'm all set. Thank you.

>> COMMISSIONER STEBBINS: Okay. We can make that addition to reflect your notes, Madam Chair.

>> CHAIR JUDD-STEIN: Okay. So your motion would be reflecting just that amendment. Any further discussion? All those in favor?

[ Vote taken ]

Opposed? 5-0. Thank you.

And next on the agenda, we had anticipated our presentation on the Research and Responsible Gaming under Director Vander Linden, but I believe it's just a delay on

our presenters. So we will, in the interest of time, continue with the administrative update from Executive Director Bedrosian. Thank you.

>> MR. BEDROSIAN: Sure. Good morning, Commissioners. I feel like I should open War and Peace and start reading and keep going. But having said that. I have a short administrative update, and I think you all are aware of this, that for Encore licensee, Mr. DeSalvio, has moved on. From staff's position, we would like to thank Mr. DeSalvio formally for his work on behalf of Wynn/Encore. We found Mr. DeSalvio to be a person who stood by the commitments that were important, helped enforce the commitments, but was a fair advocate for his organization, and I would say that he and I had a number of spirited conversations, but they were fair, and he was always fair to deal with. So we understand that he will move on to the next phase of his life and just on staff level, we thank him for all the contributions.

Having said that, we do look forward to working with Mr. Gullbrants in the future. So I just wanted to acknowledge that for our record, and that's really the extent of the administrative update. Thank you.

>> COMMISSIONER ZUNIGA: If I could just add to that, I was just recently reading an article on Encore on the Global Gaming Business Journal that we get, and there was a really good wrap-up view of the development park of the project which included a feature on Mr. DeSalvio at the leadership of that effort. And I think that really captures, in addition to what you said, Ed, captures all the efforts that he undertook and were not -- were very large, and it's really hard to develop a property of this side and bring it on time. So I think, as you say, he was a great leader, and we look forward to working with Mr. Gullbrants. The company has a deep bench, and we expect they will continue with the same approach.

>> CHAIR JUDD-STEIN: Thank you. Anything further?

>> MR. BEDROSIAN: That's all. Thank you.

>> CHAIR JUDD-STEIN: The only thing that we would add is there has been a change just on the agenda. We will not move forward on number 7 today.

>> MR. BEDROSIAN: So the only thing -- and I was just reminded, Chair, on this -- is that Mr. O'Toole may come. Mr. O'Toole from Penn if -- if he does, and if it is helpful, to get more of an oral explanation from him, we can do that. If not, we are also anticipating -- and thank you, this is a good segue -- we anticipate our next meeting may actually be down in Plainville in dealing, not primarily, but with a number of horse racing matters, so it would be appropriate to have this, I think, ultimately decided down in Plainville at our next meeting, which we expect would be two weeks from today.

>> CHAIR JUDD-STEIN: Right. So the actual vote, we're happy to hear from Mr. O'Toole, but we will not vote on it today.

>> MR. BEDROSIAN: That's right. Thank you.

>> CHAIR JUDD-STEIN: Thank you. Okay. We are proceeding now with, then, item number 5. Good morning, Mr. Ziemba and team.

>> MR. ZIEMBA: Good morning.

>> COMMISSIONER CAMERON: Good morning.

>> MR. ZIEMBA: Thank you, Commissioners. Today we're continuing our review of the 2020 Mitigation Fund, guidelines for our next funding round which begins February 1 of 2020. I'm joined here by Construction Project Oversight Manager Joe Delaney, director of workforce development, Jill Griffin, and soon Mary Thurlow, our Community

Mitigation Fund program manager. So we are continuing our review in an effort to publish our guidelines for the 2020 Mitigation Fund Program by the first week of December. The Commission, as you know, met a couple of weeks ago to review a list of questions to consider in reviewing the fund. We've met with the local community mitigation Advisory Committee in Region A once and the subcommittee on community mitigation. Unfortunately, although other meetings have been scheduled with Region B, we've been unable to meet due to quorum issues. We have meetings scheduled in November for Regions A and B and the subcommittee, and we're working on finalizing the schedule for the Gaming Policy Advisory Committee meeting. I'd like to thank all the members of the Local Community Mitigation Advisory Committees that have provided advice in the format of -- that helped us develop this discussion draft, and they will be very involved when we finalize the guidelines.

So what we're trying to do today is to get some consensus just on the discussion draft of the guidelines. That doesn't mean that we're making any final determinations regarding what will be in the guidelines, but it is really a draft to solicit more discussion of items that are outstanding. This is very similar to what we did last year. Last year we sent the draft out to the public to get comments, and then we reconvened to consider all those comments before we issued the guidelines. So if we can get approval for the discussion draft today, I'd recommend that the Commission put forward this draft for a comment period to end on Monday, November 25th.

The goal would be to come back to the Commission on December 5th. That Commission meeting, so the communities would have roughly two months to put together their applications before the statutory February 1st application deadline. So what we have today in the packet will most likely not be the final guidelines. We'll probably do some wordsmithing even without comments. What the draft is meant to do is provide you significant detail regarding all the concepts that we are annotating for the 2020 fund. So the first item that I'll give you a brief summary about is whether or not there should be an overall limit for the 2020 fund. While we recommend an overall limit, we think further dialogue is necessary before we finalize a dollar figure for next year. We have determined a target budget as of now of \$11.5 million based on the revenues that have been put into the fund this year by Encore Boston Harbor and MGM Springfield and funds that were unallocated last year. But we note that we only have data through September. By the time that we revisit the guidelines in December, we'll have more information.

As the Commission is aware, we stopped the clock at December 31st for counting revenues that can be used in the following year. Finally, by the time that we review applications in February, we will definitely know how much we have available because we do stop that clock as of December 31st of the prior year. Last year in the guidelines, the Commission expressed its intent to allocate funds by region in relation to the monies that are put into the fund from each category 1 casino. We recommend that we continue that practice in the upcoming year. This year out of the proposed \$11.5 million target spending amount, we recommend \$6 million for spending in Region A, \$5 million in Region B, and not more than \$500,000 for category 2 impacts. Again, all of these can be waivable, and the Commission does retain the authority to adjust those targets as we begin our reviews.

As of now, we recommend that the Commission continue with several program

types from last year and of the same dollar amounts. Specific impact grants that have been around for a number of years, we recommend the same \$500,000 per community. But again, that is waiveable and indeed I think almost every year we've received a waiver request from at least one of the communities. But now that the -- all the category 1 casinos that have received a license as of this date are operational, the guidelines will allow for grants for operations related impacts. I'll provide a little bit of an explanation regarding public safety issues in a minute. But let me just get into some of the other types.

So workforce pilot programs. We recommend an increase in workforce pilot funding from \$600,000 to \$700,000 with a \$50,000 bonus for regional applications. This was a recommendation that was made to the team by the Commission at its last meeting that we tried to incentivize greater regional cooperation in all of the workforce grants. We did include a draft limit on administrative funding at a cap of 7.5%. Director Griffin's research indicated caps of 5% to 10% in the other workforce programs. We do hope to get some comments on the reasonableness of this cap, and hopefully we can come back with more specific information by the time the Commission reviews this in December.

Transportation planning. We don't recommend any changes in this regard. It is the same \$200,000 grant for transportation planning with a regional bonus just like we had last year. But we do recommend, unlike last year, that last year for transportation planning and this year in transportation planning, we will only have planning and design and permitting costs, but we have a new category of funding transportation construction.

Tribal impact grants. We recommend no changes here. This is the same program from last year whereby if, indeed, the tribal facility moves forward, we would have \$200,000 available for technical assistance to be administered by the southeast regional planning and economic development district. Nontransportation planning, we recommend an increase here from \$50,000 to \$100,000. This was a very -- it has been a very popular program, and we think that we can get a lot of mileage out of these very small grants, but \$50,000 perhaps was a little bit too small, and therefore we're recommending a little bit of an increase.

So this year we are recommending that we now move forward with transportation construction projects. As you know, this has been an item that's been up for consideration by the Commission and in the regions for a number of different years. Although we're recommending moving forward with transportation construction, we are recommending only one year's worth of grants and that the Commission, at least as of the date of this discussion draft, that we not move forward for multiyear grants. We believe that there's some more work to do in understanding the range of projects. Indeed, we have included new mechanisms so that we can understand projects in the guidelines which is a statement of interest that we would solicit from all parties wanting to do multiyear grants, and that statement of interest, they wouldn't be a binding manner, but we would try to understand the universe of projects that would be seeking multiyear grants so that when we develop the guidelines for next year, we'd be better informed.

In regard to public safety issues, the guidelines do recognize that there are multiple sources for public safety through host community agreements and also through funds through the Commission. But we know that public safety is -- will likely

be -- continue to be a priority, but we've included some measures to try to see if we can recognize that there are existing funding resources for public safety.

And lastly, I will just mention that we recommend continuing reserves for all those communities that received those in prior years and that those are automatically preserved.

>> COMMISSIONER ZUNIGA: Just a couple of points. Just roughly how many nontransportation planning grants did we get last year, requests, and/or approvals? Just order of magnitude.

>> MR. ZIEMBA: Okay. So last year, 2019, we granted one, two, three, four, five grants for a total of \$1.45 million, transportation planning grants.

>> COMMISSIONER ZUNIGA: I meant nontransportation planning grants.

>> MR. ZIEMBA: Oh, nontransportation planning grants. Let me flip the page. I think it was 4, if I'm correct.

>> COMMISSIONER ZUNIGA: For region or all together?

>> MR. ZIEMBA: All together.

>> CHAIR JUDD-STEIN: Could you give an example of one, John, please?

>> MR. ZIEMBA: So one of the innovative transportation -- and Mary, can you double-check my figures while I'm looking? You have 5? Okay, so 5 instead of 4. One of the best examples that we received was a request from three communities down in the category 2 region, Foxboro, Wrentham and Plainville for all of the communities to start working together to promote themselves as a region in relation to the casino. And we thought that that was a pretty innovative approach and it utilized just a very small amount of funding. And that's the type of activities. We've also had grants for Revere and Saugus so they could put together videos to promote their communities as Greater Tourism goes to the Encore casino. The goal is to try to promote the whole region and to capture some of those visitors to the region to our surrounding communities. So we think that these were rather innovative approaches.

>> CHAIR JUDD-STEIN: Thank you for reminding us. And those would receive the \$50,000 incentive if they are regionalized?

>> MR. ZIEMBA: So what we are recommending is that we go from a \$50,000 grant to \$100,000, and that there's a regional bonus of \$10,000.

>> CHAIR JUDD-STEIN: Sorry. It's \$10,000.

>> MR. ZIEMBA: Yep.

>> CHAIR JUDD-STEIN: Thank you. But those are good examples of regional.

>> COMMISSIONER STEBBINS: Yeah. I would just add to that, John, because you raised the Foxboro application is that they were also pretty clear that part of their effort is also to support the casino and the jobs and the revenue that we're deriving from it. So it's not only how can we maximize their presence, but at the same time how can we make sure that they remain in a competitive position to, again, offer the employment that they do and hopefully secure the revenues that they provide not only to Plainville but to the Commonwealth.

>> MR. ZIEMBA: And one other effort from the Commission in that regard -- in regard to economic development is that we continue to take a look at the gaming economic development fund as a potential resource to the community so that they can do exactly that, to promote economic development within the regions which would benefit both the casinos but then, in turn, hopefully benefit all of the regional

communities because revenues would then come back into the communities through the allocations of the gaming taxes. And you know, we published a white paper a couple years ago and continue to take a look at the economic development fund as a potential major driver for economic development. But we felt comfortable that we could also have some funds in the mitigation fund to promote that agenda.

>> COMMISSIONER ZUNIGA: Well, I like the general framework in terms of, you know, the rough numbers that you outlined in the guidelines. The one thing that came to mind is economic development -- or the workforce development, rather, guidelines that you have just in terms of relative size, Region A, you know, has roughly twice as many people -- as many, you know, employment available as Region B. Again, just in relative size. And if we assume that there will be the same percentage of, you know, rotation or turnover, those efforts may end up being greater in Region A. Of course, within the guidelines, we have the waiveable and, you know, and we, in the past, funded two of the obligations that we received in Region A because that was a manifested necessity. But I think as we move forward, when we do guidelines, we need to take into account at least the relative size of some of these efforts.

>> MR. ZIEMBA: I think that's a very good point. I just discussed that with Director Griffin. We do have different employment levels at both facilities, and so the employment levels, they have sort of a twofold impact. You have both the employees that are working at the facility and then the employees that come from other employers within the communities. And so we may want to take a closer look at -- that maybe the two regions don't have to be exactly balanced, given the different sizes for the final guidelines. One thing I'd also mention is that I think as you just mentioned, Commissioner, last year, even though we're recommending \$700,000 this year compared to \$600,000 that were in the guidelines last year, our overall spending for workforce development was approximately \$815,000 because we did double up in grants in the Region A region. And so we may want to consider what do we do with the overall funding amount? Perhaps it would go up to the 800 level. Perhaps it would be a statewide total where we don't have to balance between the two regions and that we try to make applications within the overall limit. So I think that we really should do some hard thinking about that over the next month and a half before we bring the final guidelines to you.

>> COMMISSIONER ZUNIGA: I think it could be very well that because the efforts are different --

>> MR. ZIEMBA: Right.

>> COMMISSIONER ZUNIGA: -- because as you suggest, unemployment level is relatively different or, you know, the efforts -- the other efforts that we don't fund, the community colleges, whatever, they may have different needs altogether.

>> MR. ZIEMBA: Right.

>> COMMISSIONER ZUNIGA: It's just a point. I wanted to also just add -- talk a little bit about the statement of interest idea.

>> MR. ZIEMBA: Yes.

>> COMMISSIONER ZUNIGA: I think I like it very much. I think it's great to get a sense as to what is that potential out there to then help us better think of the next guidelines.

>> MR. ZIEMBA: Right.

>> COMMISSIONER ZUNIGA: I would not necessarily limit them to multiyear projects. If -- as I think you suggested, it's good especially to know what multiyear needs might be out there, but it's also good to know, in my opinion, what may be out there that might be just one year. Just to better help us, you know, determine and plan, where possible, you know, the amounts that we might be able to make available for a subsequent year.

>> MR. ZIEMBA: I think that's a good point. I didn't go into too much detail about what is the difference between single year and multiyear. And the reason why we're looking -- making a differentiation between both of those is we realize that some projects are just going to be so big that there's no way that we could ever fund a sizeable proportion of those costs in any one year. So we may have to commit -- or even if we can't commit, we may want to signal that we could provide funding over multiple years. But if we provide funding for multiple years, you're making a decision in the current year for something that will have lasting impacts for many, many years down the road. And so that's why we're trying to be careful in how we evaluate what exists out there for multiyear programs. But your point is that transportation projects, in and of themselves, can be large, even if you don't need 15 years' worth of funding, you probably still should take a look at some of the projects even if it is \$1 million or a comparable project.

>> COMMISSIONER ZUNIGA: And this is where the other guideline is particularly successful -- critical, rather, and that is, you know, either matching or not to exceed a certain amount because, you know, some of these transportation projects could be quite expensive.

>> CHAIR JUDD-STEIN: Correct. I think that this got mentioned at the last meeting. You used the term "percentage," and I think that you had suggested, Commissioner O'Brien, that it be maybe either a not-to-exceed number or a dollar amount rather than a percentage, given the variable and size of these projects.

>> MR. ZIEMBA: Yeah. That's a good point. In the guidelines themselves, we did include a recommendation that staff would have the ability to allocate funding changes for any one grant, but consistent with Commissioner O'Brien's recommendation that we would cap that total dollar figure of no more than \$10,000. So we would have the ability to authorize changes of up to 10% or \$10,000, whichever is less in that percentage basis. And we do get changes unfortunately rather consistently. I think even since our last meeting, we just got one yesterday, which was unusual. So we'll have to take a look at that. In regard to percentages in general, there is a gap that we'll be seeking comments on on what should be the cap, the percentage cap that we would invest in for our transportation construction project? Should we invest no more than 50% or 75% or 25% in the overall costs? Our language says that we want to make sure that we leverage other state, federal, private resources, but we were -- as of now, we still don't have a figure on how much our participation should be, and that's one thing that we'll explore over the next few weeks.

>> CHAIR JUDD-STEIN: And it could be maybe flexible. If we want to have a policy or depending on the nature of the project.

>> MR. ZIEMBA: Yeah.

>> CHAIR JUDD-STEIN: But the cap is -- as long as there's a cap in place always.

>> MR. ZIEMBA: Well, there's a cap in place. But again, these are guidelines. So

with the whole thing of our guidelines is we're trying to send a signal to all of the applicants of what we expect that we would fund, but we do always provide the flexibility to the Commission, if it so chooses, to move within a range outside of those guidelines. And so that's a little bit of a chore because we don't know all of the projects that will find their way to us, and the goal of the statute is that we mitigate those impacts. But we're trying to figure out a way to manage the funds reasonably every year. And that's why we've come up with these target spending amounts.

>> CHAIR JUDD-STEIN: That's why, to Commissioner Zuniga's point, you do say it may issue a statement of interest. I would echo that it's a great idea so that for planning purposes, you'll get a sense of what the projects are.

>> MR. ZIEMBA: That's good.

>> COMMISSIONER ZUNIGA: And by the way, it could turn out, you know, after that process -- after a process like that, that we decide, for example, that for transportation projects, we might be better off coming up with a stepped percentage. We could have a larger percentage for smaller projects because, of course, we could afford them easy --

>> MR. ZIEMBA: Right.

>> COMMISSIONER ZUNIGA: -- easier. And as the project costs increases, this is where other resources are critical, state and even in some cases federal funding or bonding, et cetera. And that could be another way to plan for the future.

>> MR. ZIEMBA: There's one detail -- one further detail in the guidelines themselves. I'm going to turn to Joe to help explain further. We've had a lot of conversation within our subcommittees about transportation funding. How do we deal with matching funding? How do we deal with time lines? How do we deal with bonding where our funds may not be able to be pledged because there are differences each year in the amount of revenues that we're going to get. So there are some things that are out there that have been considered by the committees. But one thing that we did spend a good amount of time on is the regional allocation of funding. And we mentioned that we have some prior unallocated funds specifically from the western region. In the memo, I think it's on page 4 of the memo where we outlined the differences between the two regions. But we have some funds that were not allocated last year. And under the Commission's rule last year, funds can remain unallocated for a period of three years. And then when they -- after that three years, the funds go back into the Community Mitigation Fund, in general, which can then be reallocated between the regions. And when I say "between the regions," if funds go back into the Community Mitigation Fund, in general, but if there's a use out in that same region, it could be reallocated right back to that region. But because we didn't want funds sitting for years upon years upon years in one region when there are needs that are immediate in another region, we try to set that cap. But there is some nuances in it on how should we treat rolled-over money in terms of the three-year cap on how long it can sit out there? So I'm going to let Joe get into that a little bit.

>> MR. DELANEY: Yeah, I don't want to get too far into the weeds on this issue. The question is do we spend old money first or new money first? And when you do this calculation, what winds up happening is if you spend the old money first, generally a smaller amount of money would build up in the fund for that region -- or excuse me, a larger amount of money will build up in that region. If you spend the new money first,



it's a smaller amount. So it's really a policy decision for the Commission. You know, allowing more money to build up in a region, you know, the pro of that is that you now have sort of a pot of money if a large project comes along that needs a larger amount of money to do that. Sort of the down side of that is if another region has a lot of needs that can't be met by their allocation, allowing money to build up in the other region might not allow some projects in the other region to go ahead that might be worthy projects. So, you know, I think we want a decision one way or the other. But I don't think there's a real answer to it, but it's just purely a policy decision on how much money you want to allow. And this is all a potential, you know. If the regions spend the money that's allocated to them, this issue never comes to light.

>> CHAIR JUDD-STEIN: But it is -- stems from the three-year policy.

>> MR. ZIEMBA: Correct.

>> MR. DELANEY: Yes.

>> CHAIR JUDD-STEIN: Have you done any math to know if the length of that time helps on this issue? And then I turn it over to Commissioner Cameron. My apologies.

>> MR. DELANEY: I did sort of a fictional scenario where a region is allocated and they spend \$4 million every year which we obviously know that's not going to be the case. What ends up happening is if you spend the old money first, that pot of money would build up to about \$8 million and then would sort of stabilize at that level. In the other way, it builds up to about \$4 million and stabilizes at that level. You spend the new money first. So that's sort of the order of magnitude.

>> CHAIR JUDD-STEIN: So the policy was determined to be three years at chance by some point because it seemed right. If it were two years, the problem would be alleviated somewhat, so the shortening of the year. But what would the implications of shortening --

>> MR. DELANEY: Well, I think there was definite agreement among both east and the west that three years was a reasonable amount of time. Because some of these projects -- again, the bigger projects, they take a while to develop. And having some security in the knowledge of how much money is available for that was important to both of the regions. So I think it's just -- really it's a matter of what do you feel comfortable with a higher level of money in the region or a lower level of money in the region. And it probably doesn't matter much for the first year. I mean, you could say today that we want to spend the old money first and see how it goes. And then and see sort of where the balances wind up in the next year. And you can always change the policy, you know, as you go along.

>> COMMISSIONER CAMERON: I think it makes sense to use the old money. It's similar to what we've done in the past with reserves. You have to use those. And I think -- I just remember initially there was such strong feelings, in particular from Western Mass that their monies are allocated to the west, you know, so I just think we're sending that message that, look, that money's there for your region. And then, you know, if we see something else a couple of years from now, whatever, maybe that will change. But for right now, it just seems to me it's kind of what we've done, you know, allocating -- keep it out there. Use the old money first. That was a good analogy, though. That makes the point, \$4 million versus \$8 million. It just seems to me for now, I don't see a reason to change it.

>> MR. DELANEY: The other thing is that there's now more money going into the

Community Mitigation Fund than has been previously and I think we're probably going to be in a little bit of a ramp-up period to get to the point where we're spending all of the money that's being allocated just because the cities and towns will get used to this. You know, going from a smaller amount to a larger amount of money would take somewhat of a ramp-up.

>> COMMISSIONER ZUNIGA: I agree that the old money first seems more prudent, you know, because we come from an original fund that was supposed to be together. So bringing it back to then be reallocated is, in my mind, you know, fair to both regions. The one thing -- and I know you're working on this -- managing this is going to get, you know, more and more difficult.

>> MR. ZIEMBA: Right.

>> COMMISSIONER ZUNIGA: Because there will be many instances, just like the scenario that you point out, where they spend partially or where the project slips, you know, from 2 1/2 years to 3 1/2, and all of those things we're going to have to then account for in some way to be able to be fair to everybody, regardless of whether we're using old or first money first. It's that reversion that is going to be, you know, important to keep track of.

>> MR. ZIEMBA: I would just throw some kudos out to Mary Thurlow who for the last forever, I think, has been trying to take a look at -- because we've developed some intricate rules here.

>> COMMISSIONER ZUNIGA: Yes.

>> MR. ZIEMBA: We like our rules. But they're difficult to try to keep track of. And one of the big rules is that, hey, we granted these reserves many, many eons ago and we wanted to make sure that the reserves didn't sit out there. So the rule was you have to spend your reserves before you spend your grant. But people apply for a certain grant value, and then we say we've given you \$350,000 award. But in reality, it's not a \$350,000 award. It's \$350,000 minus the reserve that you got many years ago. And accounting for that in each individual year, it becomes quite a chore. And especially when we start looking at regional difficulties, how the spend was, how to applies to who has what. The accounting gets difficult.

>> CHAIR JUDD-STEIN: Any further questions for --

>> COMMISSIONER O'BRIEN: No, just for comment, when this came up yesterday when you were briefing me, my first instinct was first in, first out which I think makes the most sense. It seems to echo what everyone else is saying, but that seems to be the way to go.

>> MR. ZIEMBA: So in the draft, it's on page 5, there's two words that are highlighted in yellow. First/last. And so what we can do is express the views of the Commission, as you have stated today, but we could still brief all of our committee members that it remains an issue. And they will know what first/last means. And so by the time we come back here in December, we can finalize that.

>> COMMISSIONER STEBBINS: I would just -- I agree with, you know, we'll see what kind of feedback we get, but I do like the first in, first out approach. I would suggest that workforce development is not really a pilot anymore because we've been doing it coming up on four years. You know, let's keep in mind as we talk to the local communities about some things that I know we saw in the past. We saw contributions from communities in terms of matching funds. I'd like to see if we could get back to a

place where this issue was of critical need by the communities so we could see how they would step up and maybe think about a reward for a match as opposed to just the regional cooperation. So more of a question to put out to the folks that we talk to.

>> MR. ZIEMBA: I also want to mention something that we did get some pretty extensive comments from at least one of our members on workforce grants, and I think we're running through a lot of those recommendations now, and we will in terms of how does this fit within the overall workforce world. How do we prioritize their funding? I know Director Griffin, maybe you want to mention a couple points of how we're hoping some of these funds are targeted into next year.

>> MS. GRIFFIN: So we have included in the guidelines an interest in focusing on areas like hospitality, vocational-based ESOL, areas that are highly aligned with the casinos' need and also the potential to impact area businesses. So that's -- we've included language in the guidelines.

>> CHAIR JUDD-STEIN: Any further questions for John and his team? A special shout-out to Mary because we do know that behind John's notebook, a great deal of your work. So thank you, Mary.

>> COMMISSIONER ZUNIGA: Thank you.

>> CHAIR JUDD-STEIN: For everything. Now, John, I believe you have a next item?

>> MR. ZIEMBA: Great.

>> CHAIR JUDD-STEIN: Regarding your local Community Mitigation Fund Advisory Committee and another appointment.

>> MR. ZIEMBA: Yeah. So Commissioners, thank you. Next on the agenda we respectfully request the approval by the Commission of a new member to the local community mitigation Advisory Committee for Region B to fill the Chamber of Commerce position. We'd like to thank Kate Cane for all of her work for the committee for all of these past several years. Indeed, she hung on for a good number of years beyond which she had hoped to move off of the committee, and that was greatly appreciated because it is such a challenge to get a quorum. And she always had such great contributions. We really thank her for everything that she had recommended to us and for her stick-to-it-iveness. The new member weighed like to recommend is Allison Ebner. I'm going to turn this over to Commissioner Stebbins who can provide you a little more detail on Ms. Ebner.

>> COMMISSIONER STEBBINS: Sure. Thanks, John. I made a promise to John when I joined the Community Mitigation Fund that I would do everything I could to help recruit members so he could have a quorum. I was encouraged to see Ms. Ebner's name put forward by the Springfield Regional Chamber. I actually grew up in the same town with Ms. Ebner. We attended school together. But I think she is going to be a valuable voice to the work of the Region B local community mitigation Advisory Committee. We know that impacts on workforce will continue to be a priority topic for the Community Mitigation Fund and the work that they do, the work that John and his team does. Her breadth of experience, I think working with employers, serving on the chamber's legislative steering committee, her work at Associated Industries of Massachusetts, I think, gives her a unique perspective and ultimately us a unique perspective on the employment and labor landscape in Western Mass. She's got certainly a direct pipeline to a lot of the employers potentially being impacted. I know at

one point she also worked for a local temporary employment company in Springfield. So she also has the opportunity to interact with job seekers as well, so I think she'll be a good addition, and I would move that we approve her appointment as the chamber representative to the Region B.

>> CHAIR JUDD-STEIN: And do I have a second?

>> COMMISSIONER ZUNIGA: I second that.

>> CHAIR JUDD-STEIN: Any discussion? Thank you for bringing forth a great candidate. Those in favor?

[ Vote taken ]

Opposed? 5-0.

>> COMMISSIONER CAMERON: It's always impressive when someone's a busy person is willing to volunteer like there, so we do appreciate your recruiting efforts and for people like Ms. Ebner for stepping up.

>> COMMISSIONER STEBBINS: Yeah. I was pleased to see her name put forward by the chamber, so appreciate their help in recruiting as well.

>> CHAIR JUDD-STEIN: So John and team, this is incredibly important work. Can you just remind the people how many we gave out in terms of monetary value last -- for last year?

>> MR. ZIEMBA: So we had a total of \$4.1 million in grants. But for new funding, it was approximately \$3.9 million. The technical assistance tribal grant continues. We paid for that several years ago. But that 4.1 -- so in comparison to the 11.5 that we're recommending for this upcoming year is a significant compress, but we do have some funds left in reserve despite that increase.

>> CHAIR JUDD-STEIN: Thank you.

>> MR. ZIEMBA: Thank you.

>> COMMISSIONER CAMERON: Thank you.

>> COMMISSIONER ZUNIGA: Do we need a break to get our guests set up? Mark, do you need to set up?

>> CHAIR JUDD-STEIN: It's 10 of 11:00 now, so why don't we convene at 11:00, and we're going to move backwards on our agenda to item number 3 and our presentation on the pilot program in Chinatown, so thank you.

>> CHAIR JUDD-STEIN: Good morning again. We are reconvening meeting number 280. We did go out of order on our agenda today, and we are now looking at item number 3, and Director Vander Linden, if you could make an introduction.

>> MR. VANDER LINDEN: Sure. I don't think we have audio here.

>> CHAIR JUDD-STEIN: Yeah.

>> MR. VANDER LINDEN: All right. Good afternoon -- good morning, Chair Judd-Stein and Commissioners. I am joined by Dr. Carolyn Wong. Dr. Wong is a Professor at UMass Boston in their Institute for Asian American Studies. I'm also joined by Giles Li. He's the Executive Director of the Boston Chinatown Neighborhood Association -- or Center. Center, sorry, BCNC. Today we're going to talk to you about a study that they had done that was funded from -- out of the research agenda funding. The title of it actually has been updated. It's talking about casino gambling community voices for Boston Chinatown. And before -- I wanted to do a couple things before I turn it over to them. One is I want to acknowledge that we have some guests today. We have several students from Tufts University in their MPH, Massachusetts Public Health,

program. And Dr. Carolyn Rubin is their professor. She's back there as well. I think it's great that we have some students here, and it's exciting to see that we can provide an opportunity to see policy in action. So welcome.

I also -- I just wanted to give you a little bit of background on how we got to this specific study and where we're taking this. So by now you're all very familiar with the general population baseline survey that was fielded in 2014 and released in 2015. That type of broad-based population survey does a good job of providing an overall prevalence rate of problem gambling and risk gambling as well as broad population-based understanding of gambling behavior and other issues. It can do -- it can provide insight into specific populations and subgroups. And then there are specific populations that because of the methodology, because of the size of the study and the size of the population of Massachusetts, it really can't touch it. And it was at that point, once we had that study in hand, we realized we needed to do a better job of trying to understand some of the groups who may be at greater risk of gambling-related harm.

And so in 2018, we released an RFR. And the focus of it was a study of gambling behavior among special populations in Massachusetts. The objective of this arm of the research agenda is to advance knowledge regarding the introduction of casinos on population subgroups not reached by the initial general population baseline survey. Asians or Asian-Americans were one of the groups that, interestingly, the data that we had from the general population baseline study didn't indicate that they were at greater risk of developing gambling-related harm, but there is a body of research that would point us in that direction, saying that this is a group that we really need to pay attention to as we introduce casinos in Massachusetts.

A group that did rise to the surface out of the baseline general population survey were recent immigrants, which obviously there can be -- not necessarily -- but there can be an overlap in these two groups. And this group specifically was identified at greater risk. They're coming -- individuals coming to the United States where gambling availability, specifically casino gambling, may be completely different and outside of the realm of what they understood from their country where they were moving from.

We received several proposals, and we provided funding to UMass Boston, to Dr. Carolyn Wong, to lead this specific -- to lead this specific study. We also, at the same time, provided funding for a study of understanding gambling behavior among black males and a study of veterans -- veteran and gambling behavior to the Bedford V.A. After -- we -- after this initial round of studies, we went back and we tweaked it a little bit. We still offer funding that would target specific groups, but we changed it to a community engaged research. Rather than us saying what the issue is or who we want to target, we let the communities tell us what the issue is and what problem or what question they have. And I'm also very excited about that. In fact, I hope that we can talk about kind of the extension of the current study led to a proposal that was submitted by BCNC and we funded, so Giles, I hope you can tell us a little bit more about that after we end. So with that introduction, rather long, I apologize, I'm going to turn it over to Dr. Wong.

>> MS. WONG: We want to thank the Commissioners for supporting this project and the Gaming Research Advisory Committee, especially Mark Vander Linden, who has supported this from its inception. We've had many conversations also with Enrique

Zuniga. We're very grateful for your consultations and lots of engaging discussions. We had a very lively, fairly large multilingual and intergenerational research team, and I will -- their names are there.

The research was a collaborative project, a community collaboration between the Institute for Asian American Studies where I am and the Boston Chinatown Neighborhood Center. Giles Li is the Executive Director there. And we also partnered with the Massachusetts Council on Compulsive Gambling, and so I just want to acknowledge that this was a very fruitful partnership. There were also organizations in Chinatown that helped us recruit participants, gave us advice, and I won't go into all of their names right now, but I just want to say that the opening of the Encore casino or its prospective opening, when we began this project, aroused a lot of concern about the possibility and likelihood that there would be heightened risk because it is so close to Chinatown. And not only heightened risk to residents and workers in Chinatown but other Chinese Asian-American enclaves that are practically at its door. There is one in Malden, Chinese community, immigrant community, there with similar demographics as Chinatown. There is a concentration of Chinese in Charlestown. And all are easily -- you know, they can get to the casino very easily on public transportation or through the shuttle, and then there's the public transportation from Quincy.

But when we started, we -- the casino had not opened. So we wanted to find people in Chinatown whom we could interview who were casino patrons. And the popular place to go a couple years ago was the Connecticut casinos, Foxwood and Mohegan Sun. And so we found people in the community who had been to one of those casinos or perhaps Twin Rivers in the past 60 days, and we interviewed 23 people.

The focus was to find low-wage workers, low-wage service workers. And because we knew they were not included in the SEIGMA study, and we knew that because the SEIGMA study was not conducted in any Asian languages and had a broad population sampling method that would not have reached this population in Chinatown. Also because the literature, the scientific literature, makes clear that people who are low-income, immigrant, who are under stress from difficult jobs, and the Chinese service workers in Chinatown work very long hours. Some of them six days a week. The only day that they get off, some of them may go to the casino. These people are at high risk for gambling problems. And SEIGMA pointed out some of those factors but did not look at Chinatown in particular.

So for the residents or workers in Chinatown who go to the Connecticut casinos, they make up a very large proportion of the customer base. And I have here some figures that in 2006, for example, one of their marketing senior executives said that Asian-Americans make up 20% of its business. It is our most robust segment of growth. It's easy to spend capital on a fast-growing market. Now, Encore Casino is not, it seems, targeting the low-wage immigrant sector as its main people they're trying to draw to the casino. For Asian-Americans, the style of the casino is more appealing, I think intended to be more appealing, for people like tourists, more wealthy.

On the other hand, it's very close. And if you take a walk through the casino, which I've done a few times, you will find a large proportion of Asian-Americans there, just visually. I don't have any data. But, you know, playing table games as in any of the other casinos which markets around the country targeted ethnic marketing for

Asians. And we just checked the number of bus lines. I don't know if you are familiar with the casino buses that go to Chinatown and other Asian enclaves, and with low-cost rides, bring them to the casinos, give incentives like, you know, free meal tickets or free credit to do some gambling. It's a market that the American international casino industry has very sophisticated methods to target and draw them to the casino.

The population of Asians in Boston or in Massachusetts is from, what, 7% maybe in the state, a little bit more in Boston. But the proportion of Asian customers in the casinos is much greater. Now, there is a literature about how residents of Chinatown's low-wage, low-income communities, Asian communities, are more at risk than others. And what is very important, I think, for us to understand at the outset of this project and the project that's going to follow is that there are virtually literally no culturally appropriate services for this population. None that take into account their cultural background, their concepts of mental health.

In one of the major clinics, South Cove in Chinatown, you need to be diagnosed as having a gambling disorder in order to get insurance to pay for your treatment.

>> CHAIR JUDD-STEIN: May I interrupt?

>> MS. WONG: Yes.

>> CHAIR JUDD-STEIN: That fact caught my attention.

>> MS. WONG: Yes.

>> CHAIR JUDD-STEIN: Could you just elaborate? This is the clinic -- there's one major health clinic in Chinatown. And you reference it as DSM-5 criteria that doesn't allow access to those services.

>> MS. WONG: Well, you have to qualify by meeting those -- one of those criterias for gambling -- problem gambling disorder. But a lot of Chinese will not want to go in the first place for this sort of evaluation of their mental health. And there are state-funded -- places where the state reimburses treatment, but none of those are accessible to this community.

>> CHAIR JUDD-STEIN: They're physically not accessible, but do they have the same criteria problem? That's what I'm really getting at in terms of that you have to --

>> MS. WONG: No, I don't think -- they don't have that higher standard.

>> CHAIR JUDD-STEIN: And so this is particular to the health clinic in Chinatown?

>> MS. WONG: So, I think it's a general problem. The strategic plan that the public health trust fund adopted which was written by the public health department pointed that problem out, that there are not enough clinics or treatment centers that are supported by state -- you know, where you can get state reimbursement. Those clinicians or those institutions can get reimbursement from the state for treatment. They're very few, and they're definitely few -- not any that will provide bilingual and culturally appropriate service.

>> COMMISSIONER ZUNIGA: Yeah. If I could just expound on that, the barrier is that a lot of people don't feel the need or want to go get screened. There's a larger problem, and this is a lot of what we talked with our partners at DPH, that there's not enough screening altogether. Our own SEIGMA project identified, there's, you know, admittedly around 100,000 people with, you know, with problems at one time or another, and there's very little really, you know, a dozen people accessing services paid for by the state because of screening.

>> CHAIR JUDD-STEIN: So I understand that, too. I guess I'm trying to understand

a potential solution. So there is, at this particular -- because this is the one that folks would access most easily. But is it -- I'm hearing from my fellow Commissioners it's an insurance issue that is causing that criteria, or is it an institutional issue that's causing that criteria? Is it a public health practice that's causing that criteria? And are there other entities that wouldn't -- that don't have those barriers so that folks can go and get help and don't require screening? Because that seems to be a big piece of the problem here.

>> MS. WONG: Part of the problem, right.

>> MR. VANDER LINDEN: Yeah. Well, so insurance coverage of a gambling disorder is very difficult. And in some states it's really nonexistent. DPH has a blanket which allows, if an insurance -- if insurance doesn't cover it, that an individual can access -- or a practitioner can access the blanket as long as there, as I understand it, bureau of substance abuse services provider. I think that maybe what Carolyn is saying is that where there is insurance coverage, it's really -- it's either people aren't getting screened or the threshold at which you would be eligible for those services, meeting the criteria of the DSM, to be diagnosed with a gambling disorder is very high.

>> CHAIR JUDD-STEIN: Too high.

>> MR. VANDER LINDEN: Yeah.

>> MS. WONG: Too high.

>> MR. VANDER LINDEN: And the BSAS, the blanket, it would provide coverage where there isn't --

>> CHAIR JUDD-STEIN: A lower threshold.

>> MR. VANDER LINDEN: Yeah. That there aren't providers in that area that are either aren't accessing it or don't know how to access it. But the bottom line is that there are not culturally appropriate services in that -- in the Boston Chinatown neighborhood.

>> CHAIR JUDD-STEIN: Right. I understand the cultural problem. I'm just struggling with this barrier of the criteria in the fact that it requires this high threshold of the problem gaming diagnosis.

>> MS. WONG: Because for MassHealth or if you have private insurance, you have to meet these criteria.

That's the problem.

>> CHAIR JUDD-STEIN: Thank you.

>> MS. WONG: Sorry.

>> CHAIR JUDD-STEIN: Very helpful. Very helpful. Thank you.

>> MS. WONG: I think we're a little short on time, so I'm going to skip through some of these slides. These are just examples of some of the advertising, the marketing, that Mohegan Sun and Foxwoods from Connecticut do in Chinatown. One of the findings is that the community does not have a homogeneous view on or practice or norm about gambling. Some people like to gamble. Some people disapprove of gambling. Now, there is a kind of conventional wisdom that gambling is popular among Chinese. You might hear people say casually, Chinese love to gamble. Or some people might even say it's in their genes. It's in their blood. We want to challenge that sweeping generalization as being inaccurate and actually misdirecting, I think, people's focus on what is the problem.

I'd like to skip here because we're running short on time. Is that it's the material



life conditions and the social and linguistic isolation of people living in Chinatown that places them most at risk. Now, it's true that some kinds of social games have long been popular among Chinese populations around the world. But these games and these Chinese style of gambling or gaming have been intensely commercialized by the casino industry. And when people go to the casinos, the style that they're playing at a table game, Pai gow poker or baccarat. It's where they've grown up playing mahjong or playing poker in the home on Chinese New Year or you have seen in the parks, we have a small park in Chinatown, or you might see some older men playing some kinds of dice or tile games. The notion that Chinese just love to gamble and that's why they're in such a -- in the casinos in such large numbers and at risk, I think, is tremendously oversimplified, and it underestimates the problem or the potential which people around, you know, observers and community advocates and practitioners have pointed out that there are, in some places, practices aggressively targeted ethnic marketing towards Asian-Americans.

Now, whether or not this is going to happen in the new casinos being introduced in Massachusetts is an open question. It's too early to say. But we just want to raise a red flag or raise a flag that this is practiced in other states and other cities and around the world, and I think there needs to be careful monitoring and review about whether or not there are, for example, inflated claims in advertising about how you can get rich or saturating a communication market, you know, TV or posters, not giving adequate warning of the risk. These are the standards of ethical advertising that the gaming industry has talked about, and we think that they should be applied among vulnerable populations, not just Asians, but other vulnerable populations.

I'm going to turn this over, because of the time limitation, to Giles Li to continue to talk about some of the themes in our interviews and what the implications are. We have to skip, I think.

>> CHAIR JUDD-STEIN: I think you should -- I don't know what time restraints you've imposed, but we're always mindful of time, but your content is rich, and please.

>> MS. WONG: All right. Okay. Just go fast. All right. So I spoke about difficult low-wage jobs. So here our aim was to identify risk factors. And I talked about how we don't think the cultural propensity to gamble is a good explanation for why there are a lot of folks at risk in Chinatown. The difficult low-wage jobs that people work in, and I mentioned that already, the community is socially isolated and linguistically isolated. Some of our interviewees pointed out that there are no recreational activities that are -- that are meaningful for them. There used to be Chinese movie theaters. There's no Chinese sort of shopping center that people can go and walk through and just enjoy. There's no green space. In fact, the only playground -- so-called play ground in Chinatown is just a couple square -- it's, like, a small area of cement right by the highway, and children or adults playing there are at risk for health problems because of the traffic pollution.

And so if you're working a difficult job, long hours and you want to relax, and there's nothing else to do. This is what people told us. And actually, what was interesting was that in contrast, several of our interviewees said in China, there were more things they could do that were healthy recreation, that there were adult communities centers where they could go play volleyball or basketball or watch movies. Here, you know, we have those kind of programs for youth but not for adults.

And one respondent who I quote -- we quoted said, you know, when my son started to have a problem with gambling, we shipped him back to China because there isn't an opportunity to gamble in casinos in China because it's illegal. But this is just to disabuse, again, the notion that there's somehow some kind of cultural reason that people gamble from Chinatown or may lose control and have gambling problems because if it's not in their homeland experience in China, it became a problem once they came here to the United States and had come under stress with these difficult work conditions, lack of recreational opportunities and social and linguistic isolation. So these are some of the examples. I won't read them, of what people said to illustrate this point.

There's no recreation. Immigrants don't know English, you know. What kind of entertainment is there? There was no entertainment when we came here. Now, we found that there seemed to be a pattern, and this would have to be validated through larger study, that the younger, new immigrants were -- some of them who had not lived this difficult life as long as the older immigrants like who are 50 or 60. It seemed that many of them were more recreational gamblers, that they went to the casino for shopping or to have a night out with the friends or coworkers and go have a meal. And that they had not -- they did not feel that they were at risk for addiction. They were just enjoying themselves.

But a larger number of people that we talked to, low-wage workers in the service industry, did report risky behavior and concern about their own difficulty controlling gambling if they were older and had been living this difficult life over a longer period of time. And I think that the -- one of the ways people think about problem gambling is that it's a psychological, it's an individual problem. And we want to say that people interact with their environment. They interact with their community environment, their job environment and the casino advertising and the casino practices. And it's -- you have to look at the interplay of all of these things and not just say, well, some people are prone to problem gambling. And this interviewee pointed out that when she went to the casino with her husband at first, there was nothing else to do. There was no place for her to sit. This was in Mohegan Sun or sit in front of the slot machine. And so she went to sort of monitor her husband and then ended up gambling because there was nothing else to do and then fell into the problem.

This one said it's the ambience inside that makes you go crazy. There's something about it that just makes you go crazy. And, you know, of course, there's intense lights. I mean, we know that the environment in the casino is intense and draws people into this feeling of wanting to gamble and stay. There may be free drinks, right? No place to sit. This just points to the need for us to think about preventive -- prevention, preventive education and youth -- for youth and adults. Think about how we should monitor the ethical -- the ethics of marketing and practices, marketing and advertising practices, and most importantly, provide culturally appropriate services which are not available at this time. And I want to turn this over now to Giles.

>> MR. LI: Hi. So I'm Giles Li. I'm with the Boston Chinatown neighborhood center, BCNC. We are a social services organization headquartered in Chinatown. Let me just kind of build off of what Dr. Wong has been saying. I think all of the information that she's presented today, you know, kind of illustrates that we don't really have one reason as to why Chinese or Asian communities seem to be particularly at

risk for gambling addiction, but we do know that casinos have identified Asians as an important segment of their market and their customer base. This seems to be an observable fact. And I don't want to speculate why Asians seem to be particularly susceptible to compulsive gaming or to the advertising, but that appears to be the case.

So let me introduce my organization and also explain why it's important to me, this issue. My organization is the Boston Chinatown Neighborhood Center. We're a community-based social services organizations founded in 1969. We're headquartered in Chinatown. We have three locations in Boston and one in the city of Quincy. We reach more than 8,000 people a year. And we are among the largest immigrant social service providers in New England.

In 2000 I think '7 or maybe '8, we had a collaboration with Mass Council on Compulsive Gaming. I don't think Marlene is here. Oh, hey. Hi. But in which we did public education and needs assessment around gambling behaviors in Chinatown among the Chinese population. I think that project surfaced a lot of issues in the community that were there. A lot of, I guess, just wives of gamblers, of people that exhibited compulsive behaviors around gaming came to us saying that, you know, they are suffering financial issues or they were having a lot of arguments or their family wasn't functioning well, and they felt it was related to their spouse's compulsive behaviors.

We were not, at the time, even though we're a social service organization, set up to respond to any of this. We didn't have treatment. We didn't have services kind of set up to respond to this information that we were learning. So this experience, along with some other ones, helped us redefine a little bit of the frame and the approach that we took to service provision. As I said, we were founded in 1969. And over the decades, we had developed different programs to respond to different community needs. But this was something -- and there were other kind of issues in the Chinatown community that we just were not set up to handle.

I guess I'll fast forward to now. We now have four licensed clinicians on staff, and we do case management for families that are going through particularly hard challenges. So the relationship between Chinatown and gambling in my organization and gambling is actually pretty intertwined with this more recent development and this kind of take on the way that we approach families. So one of the things that we know -- I mean, we have -- so one of our largest programs is our child-care program. It's about half of our organization, and we work with children starting at 3 months old all the way up through high school.

To make sure that families are helpful and healthy places for children and youth to grow up in, we have wanted to make sure that not only are youth getting supports that they need or children getting supports that they need in our programs and in our classrooms, but that their parents and that their families are also getting supports to make sure that their home is a good place for them. And so that's why our clinicians -- we have one licensed mental health clinician and three social workers engage in entire families in case management more than -- more often than one single individual.

So as you can see, one of the things or one of the reasons why, you know, that people brought up as a reason -- as a way that they managed to stop gambling or to not go to the casino is because they want to make sure that their kids don't suffer because

of their behavior, and that's something that we've seen. Also, it impacts -- you can see the slide is hiding gambling from family members. There are people -- and this is not unique to the Chinese community -- but people who exhibit compulsive behaviors hide it from family members, and that can also cause a lot of problems. I'm looking for the -- okay. Right.

And then so one of the other things that is an ongoing kind of conversation in our community is that even though we -- there is a general awareness that casinos can be hard for communities like Chinatown, there is also an awareness that there are a lot of jobs that come with a casino. And people sometimes feel conflicted about the fact that there's a good and also a harm that they associate with each other, you know, just kind of have to understand that.

So for BCNC and through this research project, I think that we wanted to -- it reconfirmed the way that we think about doing work in families. It's understanding and respecting that families have intertwined relationships with each other and that leveraging those for treatment, for prevention is vital, and also that we conceptualize gambling not as an individual issue, as our society often does, but really as a family issue. Because for the well-being of the entire household, we want to make sure that people are not exhibiting addictive behaviors.

This slide is around civic engagement. And I think this is -- we put this here intentionally because if you look at this quote, you people -- I'll read the quote. You people with power have to do something, not like us who have no money, no power. You elect someone, they should do something. You educated people should do something. Get people's kids to help. They are the real victims. This is not four quotes. This is one person's quote. And what I read in this quote is that they don't have any idea who is supposed to help. What the recourse is, who's supposed to support the community as things are -- as they get complicated. And I take this responsibility -- I take this charge quite seriously because as the largest social service provider in that neighborhood, it is important for us to help, which is why I tried to be involved in projects like this, why we are committed to making sure that this information gets out to the community and why this is not something that's kind of a fly by night for us but that we really want to make sure there's conversation in Chinatown and other Asian-American communities.

So I'm going to go into the recommendations portion of the slide. But before I get into those, are there any, I guess, questions from the Commission, you know, clarification about any of the content so far?

>> COMMISSIONER O'BRIEN: The only question I had, following up on that there are can be a lesser standard to get access versus needing to qualify under the DSM-5. Are any of your licensed clinicians also qualified as addictions specialists that could address that need? No? Okay.

>> COMMISSIONER ZUNIGA: I was going to make a point after the recommendations on that. Since you mentioned it, one of the things that Mark and Marlene Warner from the Mass Council have been talking about and we've been talking to the DPH is to have more designated agents to do self-exclusion. My question -- and we can come back to that idea because that's one of the things that dovetails into some of the recommendations. I did have a question. And in your -- in the report and your appendix on the questions that you asked some of the interviewees, you have a

question that is in general about knowledge of programs. And I know it's probably intended to be broad. But do you have a sense, not just with interviewees, but some of the other people that you also talked to, whether there's any knowledge of the self-exclusion program in particular? People can self-exclude from the casino?

>> MR. LI: I don't think so. Not widespread, probably. But I don't know. This is kind of my guess.

>> MS. WONG: Yeah.

>> MR. VANDER LINDEN: We have two designated agents, the Mass Council trained two dedicated agents to enroll individuals into the voluntary self-exclusion program from the Asian-American Service Association. You know, and so we -- there are things that we do, I think, that are good and proactive and I think there is a long ways that we need to go. You know, we require that in order to enroll in the voluntary self-exclusion program, that you need to do so with a designated agent. And the purpose behind that is so that, you know, one, they know the administrative sort of routine, but also that they're sensitive to the issues that the person is bringing before them and can respond.

So having two individuals is okay. We could do a lot better and would like to recruit more designated agents to do this process. And find other ways that perhaps we can be more responsive.

>> MR. LI: So if there's no other clarifying questions, I'll talk about the recommendations that we kind of came to through this process. We've tried to categorize them. These are kind of just paying attention to the culturally appropriate prevention and services for Asian-Americans. One is public health campaigns. I know that public health communications, campaigns can have an impact on the way that the community looks at certain public health issues and can change attitudes and behavior over time. Oh, and I should mention -- I mean, all of these recommendations that we're laying out, I don't think that we have an expectation that we will put this out and somebody else picks it up and does it. Of course, we're putting these out as things that we would like to be involved in. We would want to be held accountable to if we were involved in, that we hope a number of players including Mass. Gaming Commission but not exclusively would come together around and help us strategize for. So this is the beginning of a conversation, definitely, and not a set of recommendations that we expect to have nothing to do with after today.

So the second one is treatment services. As Dr. Wong mentioned, more treatment services and culturally appropriate wellness programs. Three, preventative education and services for casino workers of Asian descent and of immigrant background. I believe that there are some things in place. But maybe just more engagement with the community around what is possible. Four, provision of state-supported reimbursement for services. And then five, training of professional addiction counselors in community settings. As I think Dr. Wong had mentioned when she was talking about it, sometimes mental health settings can be a barrier that people don't want to enter them. But people are quite comfortable coming to places like our organization or other organizations that they go to for any number of other reasons.

Also, participatory deliberation in regulatory process. So many syllables. So few words. So six, engagement of community-based organizations and professionals knowledgeable about our communities in goal setting for reducing

negative impact of the casino gaming in the low-income Asian populations. I think this would be interesting in the nonprofit sector, we do always set goals. We do not always hit them. But they are something that we kind of measure our success with, and I would be interested in seeing if there was some way to get -- convene thought leaders and other leaders of the community to think about what are the goals that we're trying to hit, and if we hit them, to celebrate. And if we don't, figure out how else we can go about planning activities.

Also, community engagement at the grassroots level in public policy deliberations. I think public meetings like this and others are good starts for that. And eight, formation of a regulatory Advisory Committee to review the ethics of targeted ethnic marketing practices toward vulnerable populations. Yes. That's clear, right?

And then for expanded scope of collaboration and services. Nine, a co-learning and mutual support coalition of community-based organizations that provide family support and wellness programs for immigrant and refugee communities in the region. This is something that I've been interested in from the beginning is reaching out to other Asian-American organizations to kind of learn from each other's practices and see if there's some way we can leverage each other's resources or expertise for the betterment of more people. And also community-based efforts to provide healthy and culturally appropriate recreational alternatives to casino gaming in local neighborhoods.

And then the last set of recommendations is about research. So looking ahead for future research. One, an increased understanding of social-economic impacts of legalized casino gaming in ethnically diverse Asian-American communities. 12, culturally appropriate health communication approaches for research dissemination and implementation in Asian-American communities. We were having a conversation about this literally in the hallway. This report is being released. We'd like to figure out how we can disseminate it into the Chinatown community as well. Do we need to translate the entire report? Do we just translate the summary? Do we need to translate the slide deck? We don't actually know yet. I think we need to talk to somebody who's experienced in health communications to make sure that the information reaches all the people that it needs to reach.

13, the methods to obtain representative samples for hard-to-reach populations. I know Dr. Wong really stretched her team pretty thin because a lot of people don't like to talk about this issue. And so we can -- if we can build up an awareness of the importance of talking about this issue, we may be able to also make it easier to research the population. And the last point here is the expansion of research on Asian-Americans, in general. Prioritizing a next steps study around issues, prevention, treatment in communities, and we've named specific communities that are kind of peer communities to Chinatown, Vietnamese and Cambodian communities and geographically that's Dorchester, Quincy, locally, Malden and Worcester. We actually do -- we did submit a proposal to Mass. Gaming in the last round of RFPs with this concept, which was funded. And so we appreciate Mass. Gaming Commission's kind of commitment to this issue and continued learning around in issue for our community. Thank you, Mark, for helping to steward that and talking to us about how we can make sure that that works.

So we are really still in the beginning stages of learning. As I think Dr. Wong had mentioned -- maybe it's in the report. I don't remember if it's in the slide deck, but

there's actually not that much research about the Asian-American community and gambling addiction even though it is a community that is widely known to be at risk. Some of it is people not wanting to do research, and some of it is people not knowing methods of being -- really effective methods of getting participation. So, you know, we appreciate the opportunity to be among the few research studies that is going out to the public to kind of inform the public conversation around these issues in our community.

>> MR. VANDER LINDEN: I was just going to say, as evidenced by the difficulties in doing this study, that that is also a barrier, that it takes a lot of time and resources in order to do a study -- to do this type of study. So that presents a lot of challenges for researchers.

>> MR. LI: So I think this ends our presentation, right? So I guess if there are any questions about this, we'd be happy to try to answer them.

>> CHAIR JUDD-STEIN: Questions, Commissioners? Bruce?

>> COMMISSIONER STEBBINS: Yeah. Thank you. First of all, compliments to you and the team and everybody who participated in the research project. Dr. Wong, I think as you alluded to and Director Li, there was a lot of what I would characterize as eye-opening information and compelling information that at least for me was new and informative. Two comments. First of all, you know, Mark, as you go about doing your work, I think this would be a great ongoing agenda topic for us to keep considering. I know from our conversation yesterday, you were already thinking of some different ideas and our partnership with the Mass Council as to how we might be able to get to some of these recommendations.

But secondly -- and we've had this conversation before with what additional stakeholders can take advantage of the research that we're doing. I happened to be at a workforce summit meeting, statewide workforce summit meeting yesterday with Director Griffin. And I had gone through the executive summary part of the report and understood that there were many references to the availability of jobs with good-paying wages and just the few people that I talked about, that component of the report with we're very interested in getting a copy of the report. So I want to take, you know, the report and share it with some of the workforce partners that, you know, again, providing people with a good livable wage job or a job with, you know, more consistent hours I think would be something that would be helpful to the workforce community that is focused on the greater Boston area and specifically in Chinatown. More of a comment, I guess, than a question. But thank you both for your good work and to all the folks that participated in the research project.

>> MR. LI: Thank you so much.

>> COMMISSIONER ZUNIGA: I -- so I have now the benefit of having seen your presentation twice because I'm also part of the Gaming Research Advisory Committee where you have presented. And I remember -- you only alluded to it today, but I remember in that presentation, mentioning just how difficult it was to recruit people to get to talk to you, which has both a cultural component. And I remember you mentioning the word "stigma" quite associated with, you know, how difficult it is for people, in general, but perhaps also for the group that you studied to talk about, you know, somebody experiencing harm, financial and otherwise.

So you also -- do you want to mention a little bit more to that? Because on the recommendation that you -- here's the point that I wanted to make. One of your

recommendations is to try to figure out how to reach this population, which we struggle with in the baseline population survey. We knew that we had to do more, and we are doing that with your help. So if you are finding it hard to reach that population, the question is really for all of us including, you know, others who might not be here or listening. How do we do that? How do we go about furthering this effort of reaching for both, not just researching, for understanding of programs and services, to making them available and so on?

>> MS. WONG: We have -- we have a plan -- a short-term plan, and this is just a first step, to hold -- the first problem is just to open up the conversation gradually in the community, to make it acceptable for people to talk about this outside of their immediate families, which is where the conversation takes place. As Giles mentioned, we want to bring on board some health communication experts. I have some experience in this -- in other public health areas. And part of the solution may be to have age and generation-specific education and outreach, that is youth -- they may have -- think about this quite differently from their parents or their grandparents because many of them are going to U.S. schools. You know, they're not so constrained about talking about it. But when they get in the family setting, they may not feel that they can challenge or, you know, their parents if they think their parents have a gambling problem.

And they also -- there is a lot of pressure. There is a lot of -- there is a long-standing norm in Chinese families that you don't talk about problems like this outside of the family because it would dishonor the family. So if you have age-specific education where the youth are sort of more eager to talk about it, and the parents are less eager or quite reluctant to talk about it, you have to be very sensitive about how we unfold an educational campaign. So we don't want to disrupt family solidity. On the other hand, we want to bring people along in an intergenerational way. And so we're going to hold some workshops about this report. But as Giles says, we have not gotten -- we need sort of another phase of funding for this, actually. But we want to have workshops that can explore how to take the message, multimedia, small workshop conversations in the community agency settings and also outside of those settings where it may be in a residence, apartment, you know, gathering place or in a school, something like that.

>> MR. LI: I'd add this concept of face is very powerful in Chinese and other Asian communities is that you don't talk about your troubles to anybody outside of your family, sometimes not in your family either. And I think if I had a solution, I would definitely share it, but I don't think we know quite yet how to make sure that we can kind of break down this stigma and make it acceptable for people to talk about this and also to seek help around it. There was a study done about 15 years ago that determined that of all race groups in this country, Chinese immigrants were the least likely to seek help for personal problems. And the second least likely were Chinese Americans -- or American-born Chinese. So it's not a value in our community to seek help for problems as it is in some other communities.

One other thing that I would say is that the reason why an organization like ours can sometimes be effective in doing this is because they have a relationship with us, which is sometimes I'm a parent in child care. My child goes here or I go here for special events. I come here for art classes. You know, I come here for yoga classes. You know, many different things are available here. And in addition, I also know that



they have support for these kind of more serious challenges. That was one way that we started to -- were able to bring families into us for issues around domestic violence or child abuse and neglect, was by developing a relationship with them as a service provider in other ways first. But even so, these are difficult topics, and many people still will not disclose them until they're really under pressure. So I think we hope to be able to break some similar headway on this issue, but, you know, we hope that --

>> COMMISSIONER ZUNIGA: I think therein lies the hope. You know, the one thing you mentioned in terms of protective factors is itself the family ties and the social networks. And so to the effect that we could collectively and, again, with others, specifically I'm thinking of the Department of Public Health, collaborate on this topic, try to leverage those social networks, where possible, and try to work together, you know, again, taking advantage of that protective factor.

On that ground, another thing that we have been considering that we need to get cranking is something else Marlene Warner has mentioned, that is the notion of a third-party exclusion process. What is your general feeling for how that might be helpful in your community or not? The idea being that somebody can go to court and petition a family member to be excluded from the casino where all of the jackpots would be confiscated if they ever were --

>> MS. WONG: This is just my opinion. We haven't done research on this. I think that in an extreme case of family, financial or marital disaster, that might be helpful. But one factor -- one thing about immigrant communities, Chinese communities, there's -- because of homeland experiences and perhaps the perception of politics in government, there's a little reluctance to government agencies or government authorities, especially the courts to solve these sorts of problems. A little distrust of government.

>> COMMISSIONER ZUNIGA: Understood. Yep.

>> MS. WONG: And that's why, you know, it would not be the first avenue, I don't think. I think the kinds of approaches that Giles has talked about, going to a trusted community organization or trusted social networks, churches, teachers that you trust, that is, I think, more promising than -- you know, I'm not against -- I'm not saying this is a bad proposal. I'm just not sure how it will resonate and be used in this community.

>> COMMISSIONER CAMERON: I really like your recommendations because they are community-based. You know, what really will help I think is important. Also, I think it's critical for us to -- I mean, the marketing you showed is out of state. So I think our casinos are so new, that it's too soon to tell, right, what the effect will be. But it's critical to watch that and research those things. But I think already putting in place some of the -- you know, where you see the gaps or where you see how to be more effective in the community. I think that's -- those are critical pieces.

>> COMMISSIONER ZUNIGA: Yeah. You know, just as certain groups are targeted, certain prevention efforts can also be targeted. And that is where we, I believe, can play a very important role. We have -- just back on the point of something you mentioned relative to your recommendations, we are perhaps that body that you suggest should look at the advertising practices at least when it comes to Massachusetts casinos. We do have, in our responsible gaming framework, quite a bit of language and strategies relative to looking at responsible practices, responsible advertising practices. And we would be, I would submit, we would be the first ones to

want to know if you or others believe that any one of the licensees that we license are beginning to engage in deceptive advertising practices. Targeted is one thing. And, again, my response to that is let's target prevention efforts, equally or more. Advertising practices do begin to, you know, border on not responsible at some point. And we would want to, again, hear from members like you if you begin to notice that.

>> MR. LI: That's great to know.

>> CHAIR JUDD-STEIN: Commissioner O'Brien, do you have a question? I have a question for Director Vander Linden. GameSense advisers, they are multilingual at Encore and at Springfield. Do they -- what Asian languages do we cover?

>> COMMISSIONER ZUNIGA: I know they cover Vietnamese, at least.

>> MR. VANDER LINDEN: Mandarin, Cantonese, Vietnamese. We have GameSense brochures translated into traditional and simple Chinese and Vietnamese.

>> CHAIR JUDD-STEIN: So we can continue to monitor whether that provides sufficient accessibility to those kinds of interventions in terms of the -- it sounds as though we have quite a bit of the language covered. Maybe not the same coverage that you provided in your research.

>> MR. VANDER LINDEN: I think there's room for us to grow in this specific area, too. Yeah. I think is there a specific campaign that we could direct towards the Asian community? Are there specific types of messaging that would be more effective than other types of messaging that would communicate kind of the GameSense principles and ideas? It's something -- you know, we adopt GameSense from the British Columbia Lottery Corporation, and I believe they actually have a specific campaign for this. And so I'd be interested in trying to tap into that but also try to understand that Massachusetts may have some very specific needs.

>> CHAIR JUDD-STEIN: I should also note I don't know -- in terms of Play My Way, we're more restricted on language accessibility or --

>> MR. VANDER LINDEN: I would need to take a look at that.

>> CHAIR JUDD-STEIN: Yeah. So that's another -- another way we should make sure it's accessible.

>> MR. VANDER LINDEN: Yeah.

>> CHAIR JUDD-STEIN: But there might be a technical challenge to that.

>> MR. VANDER LINDEN: Yeah. Yeah. As we -- especially as we develop it for MGM and Encore. We can take a look at that. I do --

>> CHAIR JUDD-STEIN: Go ahead.

>> MR. VANDER LINDEN: Before I forget. Especially before Encore opened, the GameSense team did a good job of reaching out to different community organizations specifically targeting the Asian-American communities. I asked for a list of all of those agencies that they reached out to, and it was -- it wasn't unsubstantial. I mean, they've done some really good work. And they have a GameSense adviser who I believe has come before us, Lynn Ho, who's done a fantastic job in that area.

GameSense has a specific area in which I think that we can be really helpful. And I think that we should do whatever is within our power to do that. Our responsible gaming framework has a specific -- I think can be specifically helpful. You know, demystifying gambling, addressing specific superstitions, encouraging people to take a break, looking at other activities besides gambling as forms of recreation. There needs to be other forms of recreation available. But there are very specific GameSense

principles that I think are incredibly relevant, our framework is relevant, but how do we tailor it and make it specific? And I think that there's -- you know, that's an opportunity for a partnership with these people.

>> CHAIR JUDD-STEIN: To conclude today -- but I'm looking at your revised title -- talking about casino gambling and community voices from Boston Chinatown. I think that probably we all share this is the beginning of a conversation, and this is just a very well-done piece of work that will keep us vigilant and really begin to listen to the community voices and also make sure that we continue this conversation. We're lucky to have Mark as our director here to guide us on that, but it is, as you've pointed out, it really is the beginning of a conversation for us. And the recommendations, as Commissioner Cameron indicated, are community-oriented, and we are part of the community that we really hope to support your efforts and we work as partners.

>> MR. VANDER LINDEN: Can I just say one last thing? This is exactly what the research agenda is supposed to do.

>> CHAIR JUDD-STEIN: That's exactly right.

>> MR. VANDER LINDEN: It's supposed to look at hard issues and turn to -- and turn to the communities that are being affected and ask what -- where are the potential paths for to make a difference here? And when it can be illuminated by the research, that's exactly what we want to see.

>> CHAIR JUDD-STEIN: I agree. And this is a good time to remind the public, you know, we are very thankful for the legislature's wisdom when it drafted 23K to really ensure that robust research agenda, it's at work here, and really producing great outcomes. And we thank the folks from Tufts, too, for your continuing work that you're going to do in your program, the Master's of Public Health, it's all important, so thank you.

>> MS. WONG: Thank you very much.

>> CHAIR JUDD-STEIN: Oh, I'm sorry. We'll take a five-minute break just as we start up our next. Thank you.

>> COMMISSIONER CAMERON: Thank you.

>> CHAIR JUDD-STEIN: We're reconvening, again, public meeting number 280. And we are now turning to item number 6, Commission matters. The Region C follow-up. Our Executive Director will begin the conversation for us on Region C. So thank you, Ed.

>> MR. BEDROSIAN: Good afternoon. Thank you. So in your packet, you will see a short memo that General Counsel and I -- Blue put together. It's broken up into two sections, background and possible next steps. So just by way of setting the stage, background is what I think you remember happened most recently, the Commission decided to deny a motion for reconsideration by the previous applicant in Region C. And subsequent to that, that applicant sent a letter also in the packet on September 20th asking for a reopening, basically, of Region C, a new RFA process in Region C.

So I have -- and with General Counsel Blue -- outlined a number of potential next steps that the Commission could consider. And I do want to be -- I want to clarify one thing. The goal today hopefully is get some direction from the Commission if they need any assistance from staff, getting more information on the next steps. I also want to be clear what I didn't put in the memo but might be implicit is the timing on all of this is purely within the discretion of the Commission. None of this is necessarily mandatory

in terms of even acting on Region C. However, having said that, the Commission may decide that even on the timing issue as opposed to anything more substantive, you may want either more public input, more expert input, or you may decide you have enough information. But, again, I didn't put that necessarily in here, so I didn't want to imply that you are bound to make some type of decision.

As I said, the goal of this is to hopefully get some direction. And I will outline very briefly what potential options there are. As I said, there is a request to reopen Region C right away. That is, in fact, an option within the power of the Commission. You have received numerous public comments over the years. The latest of which we have included in the packet. In the past, the Commission has sought some expert opinions or expert consultants. And before you could do that, there is a process called an RFI, request for information, helps define what that ultimate expert solicitation may look at. So that is another option.

The fourth option which the Commission has always considered when evaluating region-specific impacts are to go to the region itself and get some live feedback from individuals. And I also say in the memo aside from the request to reopen Region C, the rest of the options are not unique or specific. You could do multiple, one, two or a variation of them.

So it really is, as I said today, to try and get some feedback, some sense of where the Commission is. I will also note present today in the audience, Senator Marc Pacheco, Senator from the first Plymouth and Bristol region which is in Region C and specifically has both Taunton and Wareham in that region, is present. So that is by way of introduction. I don't know if you have any questions.

>> CHAIR JUDD-STEIN: So before we begin discussions, this is, of course -- and we appreciate the memo -- it does help us with our conversation. It gives us a bit of a roadmap to think about how we should think about Region C. With that said, this doesn't limit us. And I know that it says that. It does conclude -- you'll see in the memo -- that the Commission staff, our legal department, has been following the status of the federal legislation and litigation that relates particularly to the complicated tribal matter. I know that in the past I've asked for that update, and I think probably -- it's a good time to actually update us more formally through a memorandum. It's very complicated.

>> MR. BEDROSIAN: It is not uncomplicated.

>> CHAIR JUDD-STEIN: And you know, that's one of my favorite phrases. I don't know if you'll want to get outside assistance to complement ours or if we can do it internally, but I do think probably that needs to be formalized because it's an important part of the overall Region C evaluation and discussion. Do you agree? Does the timing seem right on that piece?

>> COMMISSIONER CAMERON: I agree. I think -- I think we need -- I think, in general, we need more information, and specifically that's a critical piece of information.

>> CHAIR JUDD-STEIN: So that's kind of just one piece that's pretty concrete before we got into the more -- the bigger discussion.

>> COMMISSIONER CAMERON: Yes.

>> MR. BEDROSIAN: Absolutely.

>> CHAIR JUDD-STEIN: Can we include that on the checklist? That would be great.

>> COMMISSIONER CAMERON: We've done it in the past. We did have an expert, someone on tribal gaming, right? They came in and at least testified.

>> MR. BEDROSIAN: I think you're right. Let me take a first stab at it and get something neutral as opposed to an advocacy piece.

>> COMMISSIONER CAMERON: That's what we're looking for.

>> CHAIR JUDD-STEIN: That's what we're looking for, really to digest a very complicated legal -- and I guess there are through the legislative piece, that make it less definitive, but we should at least understand that there's that part of the puzzle as well.

>> COMMISSIONER CAMERON: Right. And I think with two new Commissioners, they haven't really had the benefit of those previous discussions. And so we wouldn't be looking for necessarily testimony -- well, let me say this. To get -- if we're going to get somebody to take a look at, you know, says the tribal gaming, it wouldn't necessarily be from our tribe, our local tribe, right? We're talking about someone that has a good working knowledge overall of tribal gaming?

>> MR. BEDROSIAN: So I think there are two pieces. There's two, as I understand it, there are two pieces of litigation. One in the First Circuit and one in district court in D.C. At a minimum, a report on those -- you know, an understandable report for lawyers and sort of nonlawyers about the implications of both those pieces of litigation and how they relate or not I think would be important.

>> COMMISSIONER CAMERON: Yes.

>> MR. BEDROSIAN: There will be people who will want to speculate on the impacts of those. We'll have to see about whether that's helpful or not.

>> COMMISSIONER CAMERON: Was it -- was it I think Michael and Carol that may have presented a memo many years ago on --

>> COMMISSIONER ZUNIGA: There was -- yeah, there were a couple of memos. I'm recalling a hearing that we went to in Mashpee where we actually got the benefit of the four -- of the competing views on the predictions and assessment. The assessment and prediction of the legal matter at the time of the tribe. I don't know that we will have necessarily the benefit of those two sides, for lack of a better word, this time. I think what I hear you all suggesting is we need just an update on where things currently stand.

>> CHAIR JUDD-STEIN: Yes, exactly.

>> COMMISSIONER ZUNIGA: Different from before.

>> CHAIR JUDD-STEIN: Exactly.

Just the update mainly around the legal.

>> COMMISSIONER ZUNIGA: Right.

>> CHAIR JUDD-STEIN: The legalities.

>> COMMISSIONER ZUNIGA: Just the current status, where those two paths are.

>> CHAIR JUDD-STEIN: Both legislative and the legal front.

>> COMMISSIONER ZUNIGA: Well, I would add one to this, and maybe there's a bit of a theme emerging here that is around the notion of gathering more information. And there's quite a bit of reports that, you know, were done. And a couple of those have been updated that are available to us. Some include our own, but some around us. I think we would benefit from a summary of those reports, what they have -- the key findings or the key aspects and the variables and how they have been updated.

>> COMMISSIONER CAMERON: Are you talking about market analysis?

>> COMMISSIONER ZUNIGA: Yes.

>> CHAIR JUDD-STEIN: I'm sorry, I missed that?

>> COMMISSIONER CAMERON: Market analysis you're talking about, you're referring to.

>> COMMISSIONER ZUNIGA: But I'm referring to existing reports.

>> COMMISSIONER CAMERON: Yeah.

>> COMMISSIONER ZUNIGA: And some that have been updated recently.

>> COMMISSIONER CAMERON: Yeah. I'm just concerned that with our history of reviewing so many different market analysis from applicants, they are -- they are useful, but they are written for a particular client. And I just think for us to understand this market as it exists today, Region C, I think it would be important to conduct our own analysis in order to -- that's not -- that's not looking at one project or another but the entire region, how it's changed over the years to include what's happened around us. So what does that mean for Region C now? I just think looking at someone else's is useful, but if we were to really be serious about having the information we need to make a good decision about Region C, the update on the tribal status as well as what is happening in the region now are two important pieces of information.

>> CHAIR JUDD-STEIN: Commissioner Stebbins? I'm sorry, Commissioner Zuniga, I just want to make sure that we hear from him.

>> COMMISSIONER STEBBINS: Yeah, no. I agree with the point that Commissioner Cameron just made, and I know you've talked about this in terms of not only the market can bear but beyond that -- and I think Director Bedrosian talks about it is looking at what the other -- not only what the market can bear but also what the potential, for our benefit, understanding what the potential impacts are to existing revenue streams as well as the existing jobs. But I agree with Commissioner Cameron's point. Good reports have been produced. It's not to disparage or cast any doubt on the providers of those reports. But to Commissioner Cameron's point, they've been conducted and issued primarily on behalf of a specific client. So having a neutral party may be assessed and look at those and maybe go one step beyond that and assess what Director Bedrosian has put down as item C, I think, would be --

>> CHAIR JUDD-STEIN: Item C or 3?

>> COMMISSIONER STEBBINS: C under 3.

>> CHAIR JUDD-STEIN: So under 3, one of the options includes, rather than immediately going out and doing an RFP for a market study, would include doing something called, you know, the request for information. And that would be where we could learn what should we be doing. Is this the right time to be taking a step to get that market analysis done? Other factors we should weigh go into play? What questions should we be asking? That is a tool that could be used. And then I think what Ed did is he did list, under A, B, C, D the kinds of things that would be possibly raised in the RFI. I don't know how folks feel about an RFI or if they're familiar with that. And, of course, we haven't skipped 1 and 2, but 3 does present an opportunity if we're looking for information. And I only started, right, with the last paragraph because it had already been requested. So it's been out there for a couple months now. What do you think about the idea of request for information to learn about what we should do rather than immediately doing an RFP perhaps for a costly study that they could come back and say, you know, given all Commonwealth influences, this might be early, or

come back and say, you know, let's go for it. I mean, I just wonder if that's a tool we should consider.

>> COMMISSIONER ZUNIGA: Well, between the two, I'd be more in favor of an RFI. But let me mention perhaps what is going -- has not been said but I think we should, that is, you know, all the original market studies including the applicant's own market studies, and predicted levels of revenue that we have not yet seen in the current licenses. Now, a couple of important caveats. The normalized year of operations on those market studies for the category 1s was year 3. The normalized year of operations for category 2 was year 2, and now we are in year 4. So we're beginning to see a lot more of that realtime data that we can compare to those studies. Now, importantly, there's been a number of things that have happened in, you know, since those studies. But there's also information available. There's been updated to those studies that I think is part of what I was trying to articulate before. And there's been responses around us --

>> CHAIR JUDD-STEIN: Can you just clarify which studies you're saying --

>> COMMISSIONER ZUNIGA: Yeah. Let me just make a running list. Spectrum did two studies for the Massachusetts Legislature in 2010 and updated in 2012. Does that sound about right? That generated really the notion of three destination resorts, three regions. Ultimately, the legislature drew the regions different from the first study. And the second study was a bit of an update because of that redraw.

The state of Rhode Island did two studies when Massachusetts passed -- expanded gaming. They asked their consultant to do an impact assessment based on what they were expecting to see. And that was -- they updated their own -- that study years later, this March, March of 2019. I could go into details, but the gist of that is that because of the first study, they responded in one way, they actually expanded their one license between two tables. They moved one license from Newport into Tiverton, and they have expanded sports betting.

So the second study then updates and looks back and says, because of all those changes, you are now in a position to not be as impacted as we had predicted years before. Every applicant made their own studies when we opened all the regions. Every applicant, not just every ultimately licensee.

>> CHAIR JUDD-STEIN: And those have not been updated?

>> COMMISSIONER ZUNIGA: Those -- well, the Brockton one has been updated.

>> CHAIR JUDD-STEIN: Right.

>> COMMISSIONER ZUNIGA: Because we had the benefit of at least including in the packet. We did not talk about it with Mr. Bloom and his team in the request for reconsideration. Another small parentheses. A few of those applicants who ultimately lost the license predicted larger revenues than the people who won. What we did -- what our consultants did was create a framework of, you know, those revenues, a market assessment, that was going to allow us to test the reasonability of the applicant's projections.

And there's been, you know, a couple of studies done in New York. They are currently conducting their own assessment, market assessment, because they have different dynamics over there but not dissimilar to us. They had three licenses awarded at around the same time that we awarded Region B and are looking to whether they should expand or wait for regions -- for licenses closer to Manhattan. They are

currently going through a market assessment solicitation.

It is that -- it is a little bit of that that I wanted -- that's a very rough summary. You know, the findings within those might be a benefit to bring for further discussion. But let me go back to the point I think I made that I wanted to conclude this with, and that is that everybody overestimated those projections. By the way, when we awarded the licenses, that was -- revenues was only one aspect. I will remind everybody, the public, the jobs, the host community payments, et cetera, you know, that has been that hasn't happened --

>> CHAIR JUDD-STEIN: The capital investments.

>> COMMISSIONER ZUNIGA: The capital investments was triplicated or duplicated. When I'm talking about exclusively revenues. But they are an important piece of the business model. And I currently feel no sense of urgency in terms of -- and this is where the timing conversation really comes. If we have not seen, you know, the levels that the applicants themselves predicted, because they did predict certain revenues from year 1, and they're not currently seeing those revenues. I would rather, frankly, see how it goes, do more analysis of their own, you know, understand better how they're competing in the market. It's early, in my opinion. I think fundamentally, the theme that I glean is that everybody may have overestimated how easy it was going to transfer -- get a new player. There's players that stick around to the places that they like. And there's a key piece of evidence that actually we can see on the other side. When Plainridge predicted -- they did their own projections, they predicted themselves that the revenues were going to decrease more than what they actually have decreased when the new casinos in Massachusetts came into line.

>> COMMISSIONER CAMERON: But they were talking about Region C as well. So that would make sense, why it didn't decrease as much.

>> COMMISSIONER ZUNIGA: Precisely.

>> COMMISSIONER CAMERON: But, I mean, it's so that is still out there, right? That one license is still -- so I guess we're just trying to decide. I hear what you're saying about let's wait, but I just have a concern that is that being fair to Region C? And I think --

>> CHAIR JUDD-STEIN: Commissioner Cameron, I think this is going to be the continue -- and I'm not -- we need to continue this conversation in depth, but Senator Pacheco would love to give remarks and has a timetable. Can you finish your thought and then we'll note it and have him return? Because I think you're saying exactly that's a good segue. He's here.

>> COMMISSIONER CAMERON: Sure. I can -- would we like the Senator to speak now and then I'll continue after?

>> CHAIR JUDD-STEIN: Yeah, because right what you just said is, you know, fair to Region C, and that might be exactly a good segue for him to make his comments, and then we'll continue. And can you look at your notes?

>> COMMISSIONER CAMERON: Yes. I know exactly what I want to say.

>> CHAIR JUDD-STEIN: I figured you would.

>> COMMISSIONER CAMERON: Sure.

>> CHAIR JUDD-STEIN: Thank you again. My apologies to my fellow Commissioner, but also we wanted to give you that opportunity.

>> COMMISSIONER CAMERON: No worries.



>> SENATOR PACHECO: Well, first of all, let me just thank you, Madam Chair, and members of the Commission for allowing me to come before you today and just give you a couple of thoughts as you continue your deliberations as you go forward. I'd like to just begin by saying that how proud I have been of the work that we did in the legislation in terms of crafting comprehensive gaming legislation for Massachusetts. A big piece of that was the establishment of the Gaming Commission. And the way the Gaming Commission has thoughtfully moved forward throughout the process and ensured that integrity and, you know, those issues that many of us, you know, cared about were protected in all the decisions that have been made. And so I just want you to know at the outset of my comments that I have largely supported everything that I've seen the Commission do, you know, relative to all of the, you know, very sometimes difficult decisions that you have to make in particular with applications that come in and so and so forth.

But because there were some new members of the Commission and because of some of the activity that's going on across the way over in Beacon Hill these days, I did want to come here personally and give you a little perspective from Region C. As I stated, the legislature thought very hard about what we should be doing. When we looked at this back in 2010, 2011, you know, by the way, the unemployment rate in Massachusetts back then was around 7.4%, 7.5%, something like that. Today it's 2.9%. I think the market's much better today as opposed to where it was, you know, back then.

But we were looking for job creators, ways in which, you know, people in Massachusetts, if they were going to participate in gaming, that they could do so here, so we could capture some of the revenues that were going to be spent anyway. And yes, we have a percentage of problems with gambling issues, in terms of compulsive gambling, but up to that point in time, we bore all the cost related to compulsive gambling, but we received none of the revenue in terms of casino gaming. That is starting to change, obviously. Not to the extent that we would like to see, but it is quite significant. And Encore, you know, over \$2 billion, you know, close to \$3 billion facility, you know, 4,800 jobs, the casino in Springfield maybe had a little bit to do with that unemployment rate as well, you know, heading down to the level that it's at today.

So what prompts me here today is because of legislation I'm seeing filed. And some of these developers that have behind the filing of some of these pieces of legislation, you know, don't mind, as they go around the state house saying, well, and I don't think the Gaming Commission would have any problem with that at all. And so on and so forth, you know. Now, I know it's not coming from here, says but I just want to let you know that that is part and parcel of what happens in terms of lobbying for new legislation.

We crafted the legislation in a way that we would only have three destination-based casinos in the Commonwealth of Massachusetts, period. One slot parlor which happens to be now at Plainridge and, of course, we have some simulcasting going on in Raynham, have the lottery, et cetera. I don't have to explain to you all the different aspects of gaming that we have in Massachusetts.

As somebody who has represented Region C for 31 years now in the Massachusetts legislature, four years in the House, and the remainder of those years in the Senate, we want to be treated the same as the other two regions as the legislature

said we would. Now, the difference in Region C, as opposed to the other regions, was the Native American, you know, gaming. So the Wampanoag tribe, the uniqueness of the Aquino on the islands, you know, those pieces, you know, have a lot to do with what happens at the federal level. And so I think it's absolutely quite appropriate that the Gaming Commission get updated, you know, legal analysis relative to what's happening at the federal level.

I made a call before I came over to try to figure out what was happening at the federal level, and my sources tell me that we probably won't know too much until the end of the year. And while we may know something definitively by the end of the year, you know, when January 20th turns around of 2020, it is no longer definitive if there's a change in the White House. Because the Department Of Interior opinions that at this point in time are coming from the top down -- and I mean way up the top down, not the other way around -- may change significantly between now and then.

So I'm here to ask the Commission to continue with your thoughtful deliberation about everything that is going on and to not make a decision, even though it may be in our best interest because it's within your jurisdiction under existing law, to go out for a commercial casino if the Commission chooses to. And if I know that there's absolutely no way that a Native American casino can come to be in Region C, I'd be one of the first people here to urge you to do so. But if that's still -- if that uncertainty still looms out there at any level, it will have a significant effect on those that even bid because any of these entities that are going to commit to the level of spending that they need to have for a Class 1 license, you know, don't want to risk having a Native American casino opening up next door under federal statute, that you'd actually have nothing to do with in terms of being able to stop it if the land and trust issues were to go forward. So that's my concern.

Now, as far as the market analysis is concerned, you can take all the market analysis studies that have been done, you know, sort of like those in my generation, remember Johnny Carson with the envelope to his head, you can do all of that stuff, and I just want to say this. The only way you really know what's going to happen in a region is when you put it out to bid. I've got a feeling that Genting didn't spend \$500 million of their money to try to, you know, be a partner with the Wampanoag tribe, to figure they wouldn't be getting that money back. You know, what we would be doing, in Region C, when there is a casino in Region C -- and I hope very much that there will be a casino in Region C -- is we will be taking some of our money back from Rhode Island, coming back into Massachusetts. We'll be taking some of our money back from Connecticut and bringing it back to Massachusetts, and we'll have an excellent location, wherever that is, to market destination-based travel very close to Cape Cod for all the parts of the year except for maybe one season.

So there's a tremendous opportunity for travel and tourism and economic development in southeastern Massachusetts, and I just want to conclude by saying we, in southeastern Massachusetts, deserve the same level of commitment that the other two regions received. So I would urge, if there's any interest in people coming over here to get the Gaming Commission to change the existing law, I would urge you to say no way. Not now. Not till we know what's happening in the future. Because there's bills that are filed in my own district -- it's not that I'm against having additional gaming. I'm not one of these people that's antigaming. You know, we can have -- we can have

more gaming, but let us implement the vision that we passed first. Let's get that done, up and running, and then assess what's happening. The legislature may be coming back later on this year with -- or the beginning of next year with sports betting. That's a whole other issue that you're talking about that doesn't necessarily impact the casinos, you know, directly, but it's an indirect, you know, impact. So that's what I'm here for. I was just very frustrated with the amount of new legislation that's filed generated by people who have a very clear self-interest in seeing their own proposals adopted, with their own market analysis -- and Commissioner, I agree with you, that usually it's tainted towards what the developer that's proposing the development wants to see, because they certainly wouldn't be coming forward to the legislature or anyone else if it didn't agree with what they wanted, you know. Again, the only way you're going to know what the market is in Region C, at the end of the day, is when you put something out to bid and to find out who's going to bid on it. And if they're not going to make as much money as they may have thought but they're still making a profit and we still have the jobs and we still have the building and we have the economic development, so be it. That's competition. We shouldn't be, you know, trying to predetermine what that competition will bring, and I just know one thing. I represent Taunton. I represent Wareham, I represent all the communities in between down the 495 belt. I have thousands and thousands of my constituents every day that just head in a slightly different direction, and they are in Rhode Island casinos, in Connecticut casinos, going to see the shows, going to -- there for entertainment purpose, not just gaming, thousands and thousands of people every day. We want to bring those people back to Massachusetts. So thank you very much.

>> COMMISSIONER CAMERON: Thank you, Senator.

>> COMMISSIONER ZUNIGA: Thank you, Senator.

>> COMMISSIONER STEBBINS: Thank you, Senator.

>> COMMISSIONER CAMERON: If I may just say, Senator, we are very respectful of the role of the legislature, and that is not our role, and we do not ever -- I've been -- you know, 7 1/2 years, we have never once presumed to say this project's better than the other. We really do respect the role of the legislature, and anyone that comes to us, and they do, with a project, we listen and say, you know, thank you for letting us know, but certainly that's the responsibility of the legislature to make decisions on any kind of a change in the law or whatnot. So I think we're just trying to figure out, as a Commission, where -- what we want to do when we're asked about Region C, what is the best course of action right now at the time, so we don't presume anything. So thank you for coming, though. It's important information.

>> COMMISSIONER STEBBINS: Senator, I would just add, if I could, first of all, thank you for taking the time to come down here. I was at a workforce summit meeting yesterday, and I understand from the Senate President that you have a lot of other topics on the agenda this week and ahead. And as one Commissioner and I think my colleagues would agree, just to reflect on your point about the original gaming statute being very well thought out, we hear that from other jurisdictions. We certainly are pleased to know that you gave us a pretty good -- a great roadmap to follow in terms of what you envision the process to be, and we've all followed that to the best of our ability.

You did bring up the issue of sports betting. Obviously, our licensees have been very vocal about their interest in seeing sports betting. As we've talked about, a

potential market study for our benefit. Would it be helpful, do you think, in your opinion, to have us assess the market for sports betting as it might pertain to revenues generated for the Commonwealth, if that would be helpful to you and your colleagues?

>> SENATOR PACHECO: It certainly wouldn't hurt. The more information that the legislature receives on all these issues, the better it is. But I think we all can conclude, based upon what we're seeing happen with other jurisdictions, that we will see some significant revenue generated. You know, how much would determine -- look at some of the, you know, analysis that's being done, and certainly we would welcome. I mean, at least I would welcome. I can't speak for the whole legislature. When individual legislator would certainly welcome any of the additional information that you can provide.

>> CHAIR JUDD-STEIN: And we're very careful, Senator, that we understand there are just proposals that are pending with respect to sports betting, and we understand that the role, if there were to be legalized sports betting, if there is a regulator, it's not decided as well. But should we move forward on some kind of analysis where the implications of sports betting for the future would be helpful, then we would be glad to do -- again, to echo Commissioner Cameron, we never make any presumptions.

>> COMMISSIONER ZUNIGA: Thank you, Senator, for your remarks. I think you summarize as well a lot of the arc, and I think it bears -- if I may also go back a little bit to, you know, from our perspective what we've wrestled with that you alluded to. I also think the legislature was really well thought through and crafted, and I think, you know, a lot of it we have been fortunate enough to see in realtime. And when it came to Region C, it did provide these at least temporary advantage for the tribe in terms of timing, which is how we found ourselves, of course, bidding the way we did. It was in some ways prescribed. We had to go with category 2 first and then the other regions. I remember at the time -- and you have testified before us as well, you know, in hearings that we've conducted in the region -- that as you allude, the Specter of the tribe was a big factor in the response or similarly lack of interest that we received in that region at the time. In that case it was only the Brockton proposal.

And even at that time when we did have, you know, that market study, you know, the one that they proposed and the one from our old consultants, there was quite a bit of judgment call, if you will, because the dynamics of the market, you know, are hard to predict. Who knows how much is one place going to take away from another, and that changes the dynamic quite a bit.

The point of me just saying this is that just looking back, it's easier to do the first decision that was sort of -- in terms of timing. It's, needless to say, a lot harder to make the fourth decision. And that is where we find ourselves with this region, for all reasons that were not necessarily the fault of anybody here. And I will also add my comments relative to, you know, we don't endorse any kind of bills that come -- that make their way. It's not surprising that people might want to say implicit that we have or not. I see ourselves perhaps in a better position to provide the information as we see it, even though a lot of it ultimately relies on, you know, the projections of some and, you know, they're going to come with their own, you know, with their own background.

So I think that, like you, everybody here wants to see the best -- not with any other region differently. I think more than anything else, it's that the particular dynamics to this region steal the possibility of the Mashpee, as you correctly point out, perhaps

with different updates than the last time we looked at this, but also because of the timing that we find ourselves now with the ability or not to decide on the timing on whether to, you know, approve a commercial license or bid a commercial license.

I agree with you, by the way, that ultimate I will the best indicator is whether there is a bidder or not on any of this, ultimately. And we do seem to have one -- one that wanted reconsideration recently, which we, as you know, we decided -- we declined on. What I think we find ourselves in is trying to have these competing interests relative to those benefits for Region C and the inherent impact that that would bring, not only because of a potential still with the tribe but what may be of the existing licenses that we now have.

>> SENATOR PACHECO: Well, I thank you very much. I've got to run over because session's going to start any moment now, but I do want to, you know, really, Madam Chair, thank you, and I want to thank all of you for giving me the courtesy to come in and talk to you about this. It just -- for me representing the region and then seeing proposals coming in in the region and assertions being made publicly that the market doesn't work any longer in Region C for a destination-based casino, from somebody that's looking to get, you know, their own deal done, it just frustrated me enough to make sure that the folks that are in charge of Region C, you know, in terms of all of you would hear from somebody in Region C. I wouldn't have any problem if you decided to go out for commercial, but not to ask the legislature, you know, to change the law, to downsize the type of model that we'd be looking for in Region C. It should be the same as A and B. Not anything less. We don't want anything less than that in southeastern Massachusetts. And some of the bids that you had received, I think the Commission correctly came down on the side that, you know, they weren't, you know, significant enough for what you needed to have to be a true, you know, destination-based casino model for Region C because that is the type of proposal, when you have those, that actually brings in patrons from out of state, from out of the country, a destination-based casino. And we will take back a lot of the revenue from Rhode Island and Connecticut when that happens. And I say "when it happens," not if it happens. I think it will happen in the future, that you'll eventually get to a day when you have all the information, and then a decision, you know, gets made. I'm just not sure that day is today, you know, because we don't know what's happening with litigation. And quite frankly, I think federal -- the federal view on a lot of the regulatory provisions, you know, may change significantly across the entire government, not just the Department of Interior if there is a change in the White House on the 20th of January. So we'll see. But thank you.

>> COMMISSIONER CAMERON: Thank you.

>> COMMISSIONER STEBBINS: Thank you.

>> CHAIR JUDD-STEIN: And now, Commissioner Cameron, I am sorry for the interruption.

>> COMMISSIONER CAMERON: It's fine. It's important to let the Senator speak.

>> CHAIR JUDD-STEIN: Thank you very much.

>> COMMISSIONER CAMERON: So, no, the point I was making was, you know, information is critical to us. I would not be comfortable moving forward saying, let's open Region C because we have a request to do so without more information. So we have one suggestion, which I think is a very good one, to have an update on the tribe's

progress here or just everyone's best professional idea of where they are now and what the challenges are and what the timeframe is. So that's an important update. We haven't had one in several years.

The other piece is, you know, I mentioned the market analysis. But request for information is really good, too. Frankly, we don't have all the answers, says right? And listening to others is a critical piece. And I think that informs us as to whether or not the market analysis is an effective next step, I'm very happy to go along with that. I think those pieces would be important before we did any hearings because people like to be informed as well. So before they opine on what's best for their region. So I think this information is really important to us but really important to the public as well.

>> COMMISSIONER ZUNIGA: Well, I have a couple of questions that I could include in the RFI, but I think, you know, I think it's important that we think of them broadly and not necessarily off the cuff today. You know, I think ultimately it's a good, you know, step to take to continue to assess the situation. It's not really at odds with what I was perhaps advocating earlier a little bit, saying, you know, we need to wait and see some of this information will come from additional market studies that our own licensees either conduct or the Commission or some of the results begin to change one way or another. So I think if we, you know, aggregated some of the information that's already available, started to ask questions before, let's say, a market assessment, that would be a good way to continue.

>> CHAIR JUDD-STEIN: Yeah. I'm imagining that the Executive Director to say that they would be assisting in the process if we went the direction -- you are looking for general direction today.

>> MR. BEDROSIAN: I think I've gotten some. So I would suggest, Chair, that the next steps would be that we come back with a definitive litigation update and federal legislation update, and we also come back with a potential draft RFI, which would include some of the questions the Commissioners have concerns about, so you could do two things. A, you could be informed on the legislative/litigation update. And then in the next meeting, we could maybe formalize what an RFI looks like. Or maybe you see it and it's not what you expected, but it's easier to look at something I think on paper.

>> CHAIR JUDD-STEIN: Before we move to an exact direction, I want to just check in. I liked what Commissioner Cameron said, that the public would benefit from that information as well. But we do have, of course, the option of doing even a first step of soliciting public comments either in person or by paper, email, or do, as I think you suggested, maybe holding on that. Commissioner O'Brien.

>> COMMISSIONER O'BRIEN: I don't think -- you could also get comments, public comment, on the RFI in terms of what people think is relevant. And I think if you do an overview of the legislative status, you potentially also do an overview of the other studies out there not necessarily limited to the Commonwealth. That may guide not only our conversation but an opportunity for public comment on an RFI. And not to belabor the point but to make clear where I stand on it I said this repeatedly the last time we talked about Region C in terms of market analysis. I think it's critical we did our own. I don't want to rely on someone else's. But I am in alignment with Commissioner Zuniga. I do think with the changes in what's been opened in the last 18 months in the Commonwealth, I'm not convinced now is the time. So I'm comfortable with the

compilation of the legislative status as well as looking at the drafting of an RFI, and that's about as far as I'm comfortable with right now.

>> COMMISSIONER STEBBINS: I would just want to add to that, you know, and again, maybe this gets into the dirty details of the RFI, but my hope would be that that RFI would be written in such a way that somebody who responds to it isn't necessarily eliminated from doing future work.

>> MR. BEDROSIAN: Yeah.

>> COMMISSIONER STEBBINS: I understand there are procurement guidelines around that, but I would like some answer to that.

>> MR. BEDROSIAN: Yeah. Really good point. Admittedly, I'll need some legal help on that. I want to make sure we don't stumble into that potential.

>> CHAIR JUDD-STEIN: And if it is a barrier, we need to be very, very clear on that.

>> MR. BEDROSIAN: That will be a condition for us.

>> CHAIR JUDD-STEIN: Exactly, exactly.

>> COMMISSIONER STEBBINS: And the other point I want to make is in getting a legal analysis of the law cases surrounding the tribe and the Department of Interior's decisions, I assume we are giving him the Executive Director the ability to use some funds if we need to go out and get technical assistance.

>> CHAIR JUDD-STEIN: Yes.

>> MR. BEDROSIAN: Thank you. I appreciate -- let me take it one step at a time. We will get, like, the facts and then see in terms, I think, interpretations and opinions and outcomes, boy, these are tricky.

>> CHAIR JUDD-STEIN: No, I think we're really asking for a real legal analysis.

>> MR. BEDROSIAN: Okay.

>> CHAIR JUDD-STEIN: Of where we are right now because it's been dynamic. I think we can all admit.

>> MR. BEDROSIAN: Yeah.

>> CHAIR JUDD-STEIN: But because of the complexities of the legal analysis, you and the legal department may say, we think we've got it, but we want to do a double-check.

>> MR. BEDROSIAN: Yeah, the tribal.

>> CHAIR JUDD-STEIN: And there's no problem with saying let's get, you know, another set of eyes. I think that you don't need affirmative authorization on that.

>> MR. BEDROSIAN: No. Thank you. That's guidance. That's helpful. Thank you.

>> CHAIR JUDD-STEIN: And again, I think because there's been federal legislation, just to include that update.

>> MR. BEDROSIAN: We will.

>> CHAIR JUDD-STEIN: That would be separate and apart to court proceedings. So -- and do we have a consensus that at this time, no public hearings, and we'll just right now ask for a federal update on the tribal issue and a draft RFI, which we understand it will be a draft. I wouldn't be surprised if we've got to do quite a bit of work on it, because it is a different approach.

>> MR. BEDROSIAN: With the understanding that a respondent would not be precluded from a potential RFR/RFP.

>> CHAIR JUDD-STEIN: I think -- yeah, to the extent that that's permissible.

>> COMMISSIONER STEBBINS: If we can allow it.

>> MR. BEDROSIAN: Thank you.

>> CHAIR JUDD-STEIN: Anything further that we want to give guidance on this matter?

>> COMMISSIONER STEBBINS: If I can just add one more thing. You know, in our packet -- and I know all of us saw this -- not only did we have a letter from Goodwin, the representatives from MG&E in regard to this issue, but we also had what -- I know we were given samples, but over 300 messages, I counted, from folks who were opposed to the proposal down in Brockton as part of our packet. I know we've also seen a passionate letter from the Mayor. We've also heard testimony from the state Senator. You know, I don't want it to go unnoticed. I don't think it has. That Brockton is a gateway city, and it is a city that has continued to be anxious to find economic development opportunities to turn around their pride city and offer new employment opportunities for their residents. And I think you've heard that from both opponents and proponents of gaming, as we've listened to the folks in Brockton. I've lived and worked in the gateway city. I understand that drive and ambition. Somewhere on the back burner, I think it would be great if we remained open somehow to a possible role we might play with that challenge before the City of Brockton. I don't know what shape it takes, but I would just like us to be mindful of that, of that situation for the City.

>> CHAIR JUDD-STEIN: And as a reminder, at the proceeding at which Mr. Bloom and his lawyers presented their motion for reconsideration, we didn't include those comments because we viewed they were outside of the scope of that proceeding. However, at that proceeding, the Mayor, again, as an elected official, was able to offer his insights on exactly those challenges that you recognize, Commissioner Stebbins. Today we did include them to really provide a little glimpse of balance as to both the Goodwin Procter letter and their request and the fact that we have, in fact, received significant public comment which might suggest less support than what they were advocating for. So, again, it doesn't sound like we're going to solicit further public comment at this juncture or public hearing because more information would not only be helpful for us but for the public. Is that fair?

>> COMMISSIONER CAMERON: Yes.

>> COMMISSIONER STEBBINS: Very well.

>> CHAIR JUDD-STEIN: All right. So that concludes your report under Commission matters. Item 6, Ed. And we do have our placeholder for Commissioner updates. If we could hold off on those in the interest of time and provide them at our next meeting, which will be in Plainridge -- Plainville, I'm sorry. That's right. It won't be at the casino. It will be at the Plainville Public Safety facility. Then we'll move on to items number 8, 9 and 10 because we have moved item number 7 to another session, most likely our next immediate session. And with that, items 8, 9 and 10 are executive sessions. They are contemplated for executive sessions. If we so vote for item 8, the Commission will go into executive session pursuant to mass General Laws Chapter 30A, Section 21A, subsection 3 for the purpose of discussing strategy with respect to collective bargaining as discussion at an open meeting may have a detrimental effect on the bargaining position of the Commission. Do I have a motion to go into executive session for that purpose?

>> COMMISSIONER CAMERON: So moved.



>> COMMISSIONER ZUNIGA: And I second that motion.

>> CHAIR JUDD-STEIN: Second, thank you. And as you understand, an executive session requires a roll call vote. Commissioner Stebbins, how do you vote?

>> COMMISSIONER STEBBINS: Aye.

>> CHAIR JUDD-STEIN: Commissioner Zuniga?

>> COMMISSIONER ZUNIGA: Aye.

>> CHAIR JUDD-STEIN: Commissioner O'Brien?

>> COMMISSIONER O'BRIEN: Eye.

>> CHAIR JUDD-STEIN: Commissioner Cameron?

>> COMMISSIONER CAMERON: Aye.

>> CHAIR JUDD-STEIN: And the Chair votes yes. Moving on to item number 9. If you so vote, the Commission will go into executive session in accordance with Mass General Laws Chapter 30A, Section 21A, subsection 3 for the purpose of discussing strategy with respect to the ongoing Region A litigation as discussion at an open meeting may have a detrimental effect on the litigation position of the Commission. Do I have a motion to go into executive session?

>> COMMISSIONER O'BRIEN: So moved.

>> CHAIR JUDD-STEIN: Do I have a second?

>> COMMISSIONER STEBBINS: Second.

>> COMMISSIONER CAMERON: Second.

>> CHAIR JUDD-STEIN: Okay. Moved and seconded. This item, as you know, requires a roll call vote. Commissioner Stebbins.

>> COMMISSIONER STEBBINS: Aye.

>> CHAIR JUDD-STEIN: Commissioner Zuniga.

>> COMMISSIONER ZUNIGA: Aye.

>> CHAIR JUDD-STEIN: Commissioner O'Brien?

>> COMMISSIONER O'BRIEN: Aye.

>> CHAIR JUDD-STEIN: And Commissioner Cameron.

>> COMMISSIONER CAMERON: Aye.

>> CHAIR JUDD-STEIN: And the Chair votes yes. As to item 10, consistent with my past recusal, I will be recusing myself from this particular executive session. And I have asked Commissioner Cameron to chair that session.

>> COMMISSIONER CAMERON: If -- in accordance with Chapter 30A, this executive section, Section 21A3 for the purpose of discussing strategy with respect to ongoing Region A litigation, and this is a discussion at an open meeting may have a detrimental effect on litigating -- the litigating position of the Commission. Do I have a motion to go into executive session?

>> COMMISSIONER ZUNIGA: So moved.

>> COMMISSIONER CAMERON: A second?

>> COMMISSIONER STEBBINS: Second.

>> COMMISSIONER CAMERON: Again, this requires a roll call vote.

Commissioner Stebbins?

>> COMMISSIONER STEBBINS: Aye.

>> COMMISSIONER CAMERON: Commissioner Zuniga?

>> COMMISSIONER ZUNIGA: Aye.

>> COMMISSIONER CAMERON: Commissioner O'Brien?

>> COMMISSIONER O'BRIEN: Aye.

>> COMMISSIONER CAMERON: And I, Commissioner Cameron, vote aye as well.

>> CHAIR JUDD-STEIN: And my recusal.

>> COMMISSIONER CAMERON: And the Chair has just mentioned that she's recusing from this item, and I'll make note of that.

>> CHAIR JUDD-STEIN: Great. Before we go into executive session, item 11 does ask if there's any business not reasonably anticipated at the time of posting. I think we're all set. So the Commission will be now in executive session. The public session of the Commission meeting will not reconvene at the conclusion of the executive sessions. All members of the public and any staff members not involved in the matter to be discussed must leave the room, and the doors to the room will be closed. We thank all for your attention.

>> COMMISSIONER ZUNIGA: Thank you.

>> CHAIR JUDD-STEIN: Thank you.

[ Concluded at 1:19 P.M. ]