

MASSACHUSETTS GAMING COMMISSION
MEETING
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>> CHAIR JUDD-STEIN: Good morning. We are calling to order Commission meeting number 284 of the Massachusetts Gaming Commission on Thursday, December 19th, 2019, at 10:00 a.m. at our offices here at 101 Federal Street here in Boston. Before we get started, I want to explain that for those who need the service, our closed captioning technology is not working right now. We are going to try to establish that service. We are still streaming live, and we are, of course, taking our minutes. We will, as I said, continue to try to get that service going.

Item number 2 on our agenda, our minutes. Commissioner Stebbins, please.

>> COMMISSIONER STEBBINS: Thank you, Madam Chair. In the packet you have the minutes from our December 5th, 2019, Commission meeting. I would move their approval subject to correction for typographical errors and other nonmaterial matters. I would also like to suggest striking the last sentence in the first paragraph under the 10:59 a.m. portion of the meeting on page 3. We'll go back and see if we can reword that. But for the time being, we should strike that last sentence in the first paragraph.

>> COMMISSIONER CAMERON: Second.

>> CHAIR JUDD-STEIN: Any further discussion?

>> COMMISSIONER ZUNIGA: I will abstain, Madam Chair, as I was not present at the meeting.

>> CHAIR JUDD-STEIN: That's right. Thank you, Commissioner. All those in favor.

[Vote taken]

>> CHAIR JUDD-STEIN: Opposed? Four in favor, one abstention. Thank you. Just as an alert on today's agenda, we have several matters. And we do have external guests arriving who have some very strict time lines. I'll monitor the time carefully today. There might be some slight shifting in agenda items. Moving on to our administrative update. Director Bedrosian.

>> MR. BEDROSIAN: Good morning, Commissioners. A couple of items. First, I think you're aware that there is a posting for a General Counsel position that is out there publicly that we put out right before the holidays, and we did get a bunch of qualified responders. Having said that, I'm going to recommend -- I think I'm going to pull the

posting right now and repost after the beginning of the year in order to engage in a process that's more coordinated, I think. I also want to be up not during the holidays to see what we might attract in terms of applicants. And then in a process where we could go potentially right into interviews. In fairness to the people who have applied, we will send them a letter letting them know that and letting them know that they will automatically, if they meet the minimum requirements, be considered in the new posting when it comes up. They might have moved up. They might not. But we'll obviously do that in fairness to those folks. So I'd like to -- I'm just letting you know I'm going to do that.

>> COMMISSIONER ZUNIGA: Perhaps we should mention that Mr. Todd Grossman has been functioning as the interim counsel. Is that --

>> MR. BEDROSIAN: He has. As an Interim General Counsel, and the other thing I would say is we are being served very well right now. The Commission and not only Todd but the associate General Counsels are serving the Commission very well. So I feel like the Commission's legal needs are being met more than appropriately.

>> COMMISSIONER ZUNIGA: We agree with that.

>> CHAIR JUDD-STEIN: And we appreciate everyone stepping up to the plate. Thank you to the legal team and to Todd's leadership.

>> MR. BEDROSIAN: Great. So the next thing is I'm going to combine -- we did have a staff meeting last week. It was a good time for the Commission and employees to gather together to celebrate the holidays, talk about the events that happened in the past year. And two things of note. One was the all-important Yankee Swap. The gifts this year were very interesting including -- I've got to get my socks.

>> CHAIR JUDD-STEIN: Well done. Well done, yes.

>> MR. BEDROSIAN: So if you want to know what they missed, it was a great pair of socks. More importantly, though, it was also a celebration of a longtime employee who is leaving us today who I can see with my eyes in the back of my head is cringing in the back of the room right now. She does not like to be the center of attention. She is always somewhat existed in the background for us. And, of course, you know I'm talking about Janice Reilly who is retiring today. Janice has many titles here. First she was Chief of Staff to the Commission. Next she was chief administrative officer. She also holds title employee number one for the Commission. But most importantly, Janice literally was the backbone of the Commission, both in the time I was here and I know from stories and talking to you all and also interacting with the Commission when I was at the A.G.'s office that quite frankly, the Commission probably wouldn't be where it is today without Janice's early expertise in securing office space and just knowing people and getting things done. She has done this in a way that I think was reflected very well in the Commission's decision to give her the McHugh Award at our staff meeting. And just as you all know, but to remind the public, the McHugh Award is an award that is given to an employee each year honoring a Commission employee whose public service best represents the values of former Commissioner Jim McHugh. Those values are wisdom, intellectual integrity, Fidelity to law, human decency, and humor. And I couldn't think of a more apt person to have gotten that award this year than Ms. Reilly. She will be missed not only because she literally knows everything, but she will be missed because she does her job with a sense of purpose and humor and sort of I would say scope and keeping us all in our place that has been invaluable for us. And

she just knows things and has peripheral vision and anticipates things that many of us, including myself, would never have thought of. So -- and she just does it with a sense of decency not only as we do our jobs internally but both what the public is viewing, how the public is viewing us, and how we should treat people and how people should treat us also. So she will be missed. Her retirement is well deserved. And from my tenure, she has been an invaluable partner in helping, I think, staff be successful. So I know Commissioners, you may want to say something at the appropriate time, but all I can say is Janice, thank you very much.

[Applause]

>> COMMISSIONER ZUNIGA: I just want to emphasize a little bit of what you already said. There were many job descriptions, many activities that Janice undertook, but not in any one of those job descriptions was really the task of troubleshooting and problem solving and stepping up to the plate when the situation merited it, and that is a really important quality that we are going to miss, Janice, and value all of your contributions.

>> CHAIR JUDD-STEIN: And if you don't mind, because of our agenda, we will reserve our comments until a little bit later in the meeting because of our guests because I think we don't want to have to shortcut any of our comments for Ms. Reilly, so thank you. But most importantly, Ed, so well said. And my only regret is that somehow Austin wasn't able to pan over to Janice's expression somehow. So Janice, because --

>> MR. BEDROSIAN: That actually might be a good thing.

>> CHAIR JUDD-STEIN: Janice is our timekeeper expert and has already started to shift that role. I'm going to do what Janice has told me to do and stick to our agenda. So Ed, do you have any further --

>> MR. BEDROSIAN: I do not. Thank you.

>> CHAIR JUDD-STEIN: Okay, excellent. Thank you.

>> COMMISSIONER ZUNIGA: Madam Chair, we now have -- appear to have the closed caption.

>> CHAIR JUDD-STEIN: Oh, it has come on. Thank you, Commissioner Zuniga. And thank you, Austin, and the team who has been able to accomplish that. Great. We have our closed caption services going on.

Moving on to item number 4. This is Director Wells, please, and our Chief Enforcement Counsel, Loretta Lillios. And I see that Director Griffin has joined the table. Thank you very much.

>> MS. WELLS: Yes. Good morning, Madam Chair, members of the Commission. On the agenda today is a follow-up from an agenda item we had two meetings ago, approximately four weeks ago, on just the IEB seeking some clarification of regulation 205 CMR 134.09. This is just to frame the issue again is the Commission had promulgated a regulation about what the investigations and enforcement bureau should do regarding the records that have been sealed as part of a proceeding in court. And we're looking for clarification on whether that is limited to the actual records themselves in the court or all information about that incident. The reg itself is somewhat ambiguous for that, and we would like some clarification from the Commission on the intent. It may be that we want to, as a result of this conversation or other conversations follow up and clarify the reg, I think that would be my recommendation.

So we've already had somewhat of a substantive conversation on what the issue is. Part of the reason for the agenda item today was the Commission had asked for feedback from community groups, community members, on some insight they may have so we can be further informed of, A," the potential impact of this, and, B, just how the community reacts to the record -- pardon me, the sealing of the records issue. So I believe Director Griffin is going to go over some responses we got from Unite Here, Action For Equity, and the Greater Boston Legal Services. In addition, there was also a request from Commissioner O'Brien. I think the Commission agreed on that, just to have some further explanation on the difference between expunged records and sealed records and the law on that. So Chief Enforcement Counsel, my deputy, Loretta Lillios, is prepared to speak on that. So I'll defer to the chair on the order, but I would suggest we probably have Director Griffin go forward with the comments from the community groups, and then we can go into the law which Deputy Director Lillios can further explain.

>> CHAIR JUDD-STEIN: Good morning.

>> MS. GRIFFIN: Good morning, Commissioners. As Director Wells mentioned, we received three letters regarding this matter. Brian Lang, President of Unite Here Local 26 wrote -- we asked that the Massachusetts Gaming Commission do everything in its power to enact a policy to ensure that there is no use of information under any circumstance that led to a criminal case which was later sealed in determining suitability of job applicants at the Massachusetts Gaming facilities, and I'm reading excerpts because you have the full letter in your folder. He further writes a policy banning the use of such information should be enacted by the Massachusetts Gaming Commission to confirm the spirit and intention of both 205 CMR 134 and Mass General Law 23K and put a stop to any interpretation which would be harmful to the Massachusetts workforce.

Pauline Quirion, director of the CORI and reentry project at the Greater Boston Legal Services apologized. She is actually in court right now. Otherwise she would have been here. But she indicated that the Gaming Commission should comply with the spirit and letter of the law that bars the use of sealed records in hiring determinations, permitting investigators to search for and report on facts underlying a sealed record would eviscerate the benefits of sealing the record in the shorter sealing waiting periods as enacted by the legislature. The shorter waiting periods are consistent with studies showing that as time passes, the risk of reoffending for people with a criminal history approaches the same risk as that of people without records committing a crime. She makes the point that opening a back door to sealed CORI will have a racially disparate impact on applicants of color for casino and gaming positions.

And the next letter that we received was from the Job Action Network, also the Action For Regional Equity. They stand firmly opposed to using open-source information related to a sealed record as a basis for disqualifying anyone from being licensed by the Massachusetts Gaming Commission. Sealing records processes already require an evaluation of the seriousness and risk. The most egregious crimes are not eligible for sealing. They further make a point that using records of any sort related to a sealed record is a way around a legal procedure. And that open-source records have not been evaluated for accuracy. This letter is signed by La Comunidad, Chelsea Collaborative, New England United for Justice, Action for Regional Equity, the Roxbury Good Job Standards and Community Stabilization. So those letters are

included in your packet in full.

>> MS. WELLS: Are there any questions for Director Griffin on letters or any further clarification required by the Commission?

>> CHAIR JUDD-STEIN: I just want to thank those who did supply those comments to us. Very, very helpful, important input for us. So we very much appreciate that stakeholders do participate in this process. We are public by mandate, and that can sometimes be difficult. But when we get this kind of input, I truly appreciate the fact that we are appearing, at least biweekly, in a public forum and that we have that kind of input, so thank you.

>> MS. WELLS: If there are no other questions, I'll turn it over to Ms. Lillios just to give an overview of the difference between expungement and sealed records.

>> MS. LILLIOS: Good morning, Commissioners.

>> COMMISSIONER CAMERON: Good morning.

>> MS. LILLIOS: So I know we touched on this matter between sealing and expungement a little bit at the last meeting, and there is a very brief note in the October 3rd memo in your packet. But I'm prepared to give a little bit more background and delve into the distinctions in the provisions now. As you know and as is touched on in the memo in the packet, the Commission previously in connection with a racing case determined that the purpose of expungement indicated that the matter should be treated by the Commission as if the incident never occurred. So that this is, I think, some of the background that -- why you're looking at this matter.

So by way of review when we met -- when you met last time, we talked about the two types of sealing avenues that individuals can take to have their criminal records sealed. And there's administrative sealing, and then there is court-ordered sealing. The administrative sealing applies to criminal convictions only. And it's an administrative matter. It never goes to a court. And that provision, which is 276, Section 100A, says that a person -- if the person satisfies the time lines in the statute, so a misdemeanor conviction would have had to have been wrapped up three years prior to a request. Felony conviction wrapped up seven years prior to a request. No intervening issues with arrests and, of course, some -- some crimes excluded and not eligible for this. But if you meet those time line provisions, you're entitled to the sealing. Sealing does not destroy a record. Those records continue to exist, and they are used by courts for sentencing purposes if the individual is convicted of a subsequent crime. And they are available as well to law enforcement agencies.

Court-ordered sealing, the result is the same. The records are not destroyed. They apply only to the court and probation records. It does not extend to records in the public realm. And people go to court for sealing of records in nonconviction matters that may have resulted in dismissals, findings of not guilty, no bills from grand juries or when the grand jury determines not to indict. A petition is made to the court. It's ex parte in the sense that the district attorney is not entitled to notification and is not notified. The court makes specific findings, and the result is the same as the sealing of convicted records.

Expungement stands on different footing. By statutory definition, expungement is the permanent erasure or destruction of a record so the record is no longer accessible to or maintained by the court. There are, again, eligibility requirements, some exclusions for certain crimes. The process is very different than for the sealing of

records. An individual must make a petition to the Commissioner of probation. If the Commissioner determines that the crime is eligible for expungement, the Commissioner notifies the district attorney. The district attorney has the opportunity to file a written objection. And if the district attorney objects, the matter is scheduled for a hearing, and both sides have the opportunity to be heard. The court then has the discretion whether to grant or deny based on the interests of justice and the individual has the burden of showing by clear and convincing evidence any number of items listed in that statute. And that list is comprised of things like it was a matter of false identification. There was a fraud perpetrated upon the court. There was gross police misconduct or gross misconduct by the court.

So one of the aspects of expungement is that the integrity of the criminal charge or conviction itself is called into question. That is not the case with sealed records. Sealed records, there's no assault on the integrity of the charge or conviction. But many of the factors allowing somebody to have an expunged record go to the core of the integrity of the actual charge. If expunged, the expungement order goes to the court and to probation. All of those records maintained, also goes to the public-facing records for police departments like their public-facing police logs.

So our Commission is not responsible, obviously, for carrying out the sealing or expungement requests or orders. Those are handled by a court or other agency. In a nutshell, those are the distinctions that I thought would be most useful to you in this process.

>> COMMISSIONER ZUNIGA: I have a question, Loretta. In the case of expungement, does it matter if there has been a conviction or not?

>> MS. LILLIOS: It can apply --

>> COMMISSIONER ZUNIGA: It applies to both?

>> MS. LILLIOS: -- to nonconvictions as well.

>> COMMISSIONER ZUNIGA: And in the case of court-ordered sealing of the records, that applies to nonconvictions only, correct?

>> MS. LILLIOS: Correct.

>> COMMISSIONER ZUNIGA: What is the eligibility?

>> MS. LILLIOS: I'm sorry? The court-ordered sealing is nonconvictions.

>> COMMISSIONER ZUNIGA: Correct.

>> MS. LILLIOS: Convictions may be sealed as an administrative matter outside of the court.

>> COMMISSIONER ZUNIGA: Yes. So I'm talking about court-ordered sealing of records. Those are only on nonconvictions. What's the eligibility, if any? What's the eligibility for -- is everybody eligible because they were never convicted?

>> MS. LILLIOS: Certain crimes are excluded. Certain firearm offenses, certain sexual assault offenses. I think there may be some offenses -- we talked about the three-year/seven-year breakdown. I think there may be some that are 15-year lookback window.

>> COMMISSIONER ZUNIGA: But they don't necessarily parallel the administrative sealing?

>> MS. LILLIOS: I believe they do parallel the administrative sealing. Now, again, I did not peel back every layer of the eligibility requirements because we don't --

>> COMMISSIONER ZUNIGA: We're don't administer.

>> MS. LILLIOS: We don't administer those.

>> COMMISSIONER ZUNIGA: Right. Thank you.

>> COMMISSIONER O'BRIEN: So one of the things that I think we would all benefit from, too, is going through sort of the actual process in terms of how open-source materials and information on a potentially sealed record comes into the hands of the investigators. Some of the filings almost imply that there was almost a deliberative effort to seek some of this information and I think there needs to be clarity that the way this happens is you're conducting your due diligence on suitability, information comes through open sources, and then there's a question where you cross-reference because you do have access to the seal as a law enforcement agency.

>> MS. LILLIOS: Correct.

>> COMMISSIONER O'BRIEN: So then determine we need to silo this off. And I think there needs to be a discussion on how that works and then how anything that open source is then connected to a sealed document is then segregated and retained because I think that will probably inform some of the things that I want to talk about in terms of how we address this question.

>> MS. WELLS: Right. So in terms of the process, it is not as if the investigator sees, oh, there's a sealed record. I'm going to go find out all I can about that. That's not the direction that the IEB has given to investigators. However, when investigators -- they have a series of steps that they can do in an investigation. One is an open-source search. They can also look at different law enforcement databases. So if they're doing these things in parallel, and the investigator may get information. So hypothetically, you've got someone that was convicted of being in the nighttime and that record was sealed because it's more than seven years old. But an open-source search might reveal information about many breaks in that neighborhood during a time period and all that and the name might be right out there. So the investigator knows it. The process we're going to have to talk about is if the Commission goes to the interpretation that these -- the information that's found, whether through a database or open source or sometimes we have individuals that just are talking to the investigator and disclose. And I would parallel that to a situation where you have a criminal prosecution where certain evidence is suppressed. So we would, in that case, if we had information about a sealed record, when that individual hypothetically is considered whether or not -- there may be some other information, we consider whether or not that registration should be revoked or the license should be denied. What we would have to do as part of the process is segregate that information, and that cannot be considered as part of the record for making a determination on suitability. It would be as if a prosecutor is evaluating a case and information was suppressed. So say a confession was suppressed or drugs in a search warrant were suppressed. And then you look at the rest of the evidence, and then we make a determination. If we go through this process, do we have sufficient evidence, based on the standards that the Commission has set, and the two important ones are, one, the burden's on the applicant to show by clear and convincing evidence that there's suitability, but also we would have to look at evidence in the most favorable light to the applicant. So in doing that evaluation, we're also looking at with the lens, this person appeals. Everyone who has had their license -- their -- pardon me, their registration revoked or their license denied has the right to an appeal to a hearing officer and a right to an appeal to the Commission. So

we're thinking in terms of if you're putting that case together, we cannot use that evidence in the presentation that we would make to the hearing officer and then ultimately that information would go up to the Commission. So we would still have it in the file, you know, because we run all the stuff and keep the records because we're required to keep things as part of the process. But we would not be able to use that against the applicant.

>> CHAIR JUDD-STEIN: Director Wells, is that the current practice?

>> MS. WELLS: Generally, yes. We really haven't had -- I mean, this question came up more in the theoretical. We have not been using information from sealed records in order to deny licenses and revoke registrations. We are bringing this forward not to ask for it, but we noted that this may come up, and this is something we'd rather know on the front end, what the Commission's policy directive is rather than go through the process and have someone be a test case because that's a human being and that's, you know, their job. So we'd rather know on the front end how this is going to work should it go through the process of an appeal.

>> COMMISSIONER O'BRIEN: The reason that I asked is that -- and in the briefings and how we talked about it the last time is there is a tension between the intent and the purpose of the sealing statute and the statutory mandate that this agency has as a law enforcement agency to vet the suitability. And so there has to be some sort of equilibrium between the tensions of those two statutes. And my inclination is there are gradations of job responsibilities and access, too, in terms of the gaming establishments. There's already been a section of jobs, a number of jobs that have been removed from the licensing requirement where that assessment was made and even the process itself was deemed immaterial.

>> MS. WELLS: Right.

>> COMMISSIONER O'BRIEN: I want to have a conversation about -- and I realize Ms. Lillios and I have had this conversation where there might be nuances to how this would be effectuated. But when you get up to the top-tier candidates, I don't want this Commission to be in a situation where they don't have all the information available to them. And so I want to talk about whether there is a process whereby, you know, the entry-level licensing requirements is treated with you're not going to look at that. We're giving opportunities to people to go into the workforce. You're complying with the sort of spirit of the sealing record. Versus when you go up the chain and maybe now your responsibilities have changed. And now you're in a position where you have a lot more access to financial information, financial documents, things that are more sensitive. And is there a way to tier it so that the more sensitive positions are treated in a way with any information lawfully available to the Commission as a law enforcement agency compared to sort of the intent of the sealing statute and the Gaming Act of getting people in employment opportunities?

>> MS. LILLIOS: So I have a few comments that may be helpful. So first of all, I think it's important to keep in mind how rare this is, even across the board, which doesn't mean we don't need your direction because, you know, even if it's one person and the exposure that we have is that we must be consistent and we must have a procedure and must have a protocol. So it's rare across the board. It will be even rarer as you reach the highest levels because those are individuals that have, especially at the key executive level, have often been licensed in other jurisdictions before. So

we get even less frequent as you go up.

The types of things we'd have to think about if we tiered, and the top tier are the keys, and they are two levels within the key. It's a key standard and a key executive. We are already under the mandate by regulation to evaluate the data that we have according to the job responsibilities of the position at hand. The positions are not consistent across the three casinos. So we would need -- and they change. The job responsibilities for the positions change. So we would need to really stay on top of that.

And another factor that we'd need to consider is if there are promotions from one level where you may suggest that we not utilize this outside information into a position, a key position where, you know, we -- you will allow us to look at it, we'd need to have a way of going back in and assessing in light of the higher-level position whether it's now something relevant. So those are some of the -- some of the areas. I don't know if you want to add to that.

>> MS. WELLS: No, I think that just a matter of practice, that key executive level, I would be shocked if we had this situation occur at that level. Key standard, extremely unlikely. And then as you go down, you know, down the chain of the license levels, potentially more likely. But certainly not likely at the key executive level. The question would be that key standard level, particularly as Ms. Lillios pointed out, the casino industry we've seen there's lots of opportunity for promotion. So someone could start out in the -- at one of the casinos as a licensed GEL. However, do a really good job and then move up to that key standard position. So, for example, they might be a security guard, which needs to be licensed as a gaming employee. That person might do very well, and they might want to promote that person to a supervisor. We're, then, in a little bit of a tricky situation, if that's the cutoff, key versus nonkey, all of a sudden we're doing another evaluation, and that person may have worked there for a while, and now we're potentially looking at information surrounding a sealed record. So it's tricky at what point could you make that cutoff. That would -- that potentially could be operationally somewhat of a challenge, but, you know, it would depend on, you know, the intent of the Commission's, you know, directive on the level of licensure and where it matters.

>> COMMISSIONER CAMERON: Just jump in here. First of all, I think it's a very positive sign that IEB has come to us looking for direction because they want to get it right. They are looking for clarification and don't want to be in a situation where there they may be performing an investigative function that they don't know how we feel about that. So I think that's a real positive step.

Secondly, I have seen no evidence that IEB has misused information or has treated people differently. You know, the investigations that I've seen, and we've seen a number of them, have been done very professionally and using information in an appropriate way. Having said that, I was -- I found the letters compelling. I found the intent of the law here and what really -- we're talking about employment. We are not talking about a court proceeding in which those sealed records are appropriate use for those sealed records would be a court proceeding in which another violation is alleged, another crime is alleged.

For employment purposes, I believe the intent of this law is to keep that material out. And I believe it's been vetted. Whether it be administratively or in a court process

and the timeframes are appropriate. I do not want this Commission to be in a situation where it appears we're looking for an end run. And I don't think that's what the intent was here at all. The intent is clarification. I agree with Director Wells that our reg needs clarification, and I'm really -- again, I think it's a real positive when investigators come back and say, hey, we don't want to make a mistake. How should we be utilizing this information?

Also, the issue of despaired treatment. I mean, that's one of the reasons these records were sealed in the first place. And, you know, the accuracy of open-source information. I found all of that compelling, and I certainly am leaning toward keeping all that information out for these employment purposes. I was persuaded also by the very little risk of the higher-level position, using that information there, and also, you know, the information about people getting promoted, that's actually a really good thing. So they've maybe made a mistake early in their life. They started at a lower level. They earned respect and trust and now they're getting promoted. To me that's a really positive thing, and I don't look at it as a risk to us to move forward in that direction because they've demonstrated that they're trustworthy and, you know, they're capable and willing and want that promotion. So I don't -- and your comments about what is -- what is risk. That's how we would like to regulate, right? We are just assessing risk. I, for one, am looking at keeping this information out which I do believe is the intent.

>> COMMISSIONER O'BRIEN: I just want to make clear I don't think that on its face, should we choose to use it, we are in violation of the statute. I actually disagree. That's why I wanted the distinction between expungement and sealing. If the decision is to use it, I respectfully disagree. We're not violating the statute. Now, in spirit, maybe. But in terms of the letter of the law, I don't think it is. Now, having said that, I do think that there is a way to balance the risk. I'm not 100% convinced that when you get to the top there might not be that unusual case. And I don't necessarily want to hamstring us. Different question in terms of potential of risk or the severity of that risk. But I'm not convinced it doesn't exist at all when you get up to that level.

>> COMMISSIONER ZUNIGA: Well, I agree with you, Commissioner Cameron. You know, for all those reasons, I was actually initially thinking that the regulation pointed us already in the direction of not considering them, but I recognize the need to clarify it, however little we may come up with this in the future. And I think the organizations that took the time to respond made the points that I wanted to make a lot more elegant and clear in my opinion than I would have. The backdoor notion that this proportion effect that this would effectively have on certain populations especially minorities is reality that we have to also balance. And the spirit of the statute, there's enough -- the statute in the case of the sealing of the records, I think there is enough parallels with our own statute, the ability of prove rehabilitation after some period of time. Okay, they don't necessarily align in exact years. But I think that's a principle that we must recognize. I think we have -- it's true that we are a law enforcement agency, but when it comes to occupational licenses, dealing cards or being a security officer, a security person in the casino emulates, in my mind, a lot more of what the statute intended for the sealing of the records and other occupational licenses, being a nurse or health worker. So I think -- I think also that it's important to point out that we have access to a lot more information than any other employer, and that -- including

access to the sealing of records themselves. And that carries with itself a responsibility, I think, to use it judiciously.

We have a number of other instances. The whole principle of the forms that are required hinge on the notion of over and self-disclosure. And with that in mind, I submit that we have a lot of access compared to other employers even though we're not employers necessarily in this instance have for making employment or licensure determinations. So I would be in favor of clarifying the regulation that is currently written the way it is to clarify that it is any information or information related to the incident around or however many incidents are sealed, however we obtain it, and consider any other information like we have that is not related to the sealed incidents.

>> CHAIR JUDD-STEIN: Commissioner?

>> COMMISSIONER STEBBINS: Yeah, I would echo some of the comments that Commissioner Cameron made and Commissioner Zuniga just made. I think where I find myself from the last time we had this discussion did a little deeper dive into the actual sealing process, and even though as you pointed out, that isn't up to us. I got more comfortable with the process and the process that somebody goes through to have their record sealed. I do know Commissioner O'Brien's note about it would be great if the sealing for a felony kind of nicely aligned with, you know, our ten-year kind of prohibition, but it doesn't. And obviously the chances of going back and getting the change to make it aligned is probably not going to happen. You know, again, the intent of sealing records is to give an individual a second chance. They certainly can't get it sealed if they've had other intervening events happen in that seven-year window or that three-year window. So I also agree that, you know, the open-source information, again, if it's tied to the sealed case, should not be considered.

Kind of going forward, the things that I'd like for us to think about -- and this gets to, again, how do we communicate this message out to individuals considering employment or taking the step of getting their record sealed. I know we've talked about the application. I think the application is much more clear on this question but something we should remain attentive to as people, you know, question what it says. I think we've done a good job at that. At one point we had a fact sheet. I don't know if you've updated that recently. The original one we rolled out a while back probably still had the restrictions against some of the gaming service employee information on it. If it hasn't, we should update that because I think that would be a great tool for some of our partners to use in talking about this with folks in the community.

And I want to be sure that if we agree this is our policy, that it continues to be our policy and that it doesn't fluctuate. I'm not suggesting anything, but one or two -- both of you are no longer at the IEB, we do want to have some consistency in the policy and how it's enforced. And let's set a time to kind of come back and report back to us. You know, I think we're mindful of where this might apply to a promotional case. And I think we've speculated that we may not see a huge number of cases related to that, but coming back at some intervening time period to just let us know what -- if we're bumping up against some of those questions or some of those challenges.

>> CHAIR JUDD-STEIN: Well, I think that our discussion today does demonstrate what I started with, was how important it was to get information from key stakeholders in this discussion. And I encourage others to continue to provide that information. I would echo, truly, the comments made by Commissioner Cameron and by

Commissioner Zuniga. I am a believer in second chances, and our law has evolved in a way that supports that. But we know, as regulators, that our humanity can't always dictate our actions. That sometimes we have to make tough choices. But Commissioner Zuniga said it very well. We have access to information that our employers, our licensees, don't have. And we have to use that information judiciously. I would support really a practice that is reflected probably not artfully or clearly enough in our current regulation and not use information that pertains to a sealed record in these employment matters.

With that said, I'm not sure if we have a 100% consensus, so I'm looking to you, Director Wells, as to how you would like to proceed. We did reserve an opportunity for a vote today. If you would like to come back with options on language for the regulation to clarify so that we could have a more formal vote, I welcome that.

>> MS. WELLS: Yeah. That's what I'm thinking as I'm listening to all of this is maybe for either the next meeting or the meeting thereafter, we can work with the legal department and draft sort of both options that have been put on the table. It sounds as if no one on the Commission is looking for this information -- potential information to be used at the service level or GEL level. So that gives us direction, even just because there's a public discussion about that. So we can use that going forward, that no one on the Commission is saying we want information from a sealed record underlying conduct to be available for those lower-level employees. So we're good on that. So it seems as if the only point of further discussion would be on either the key standard or the key executive level. And what I think we could do is work with the legal department, maybe draft language which would keep it out entirely, draft language that would have it be prohibited at those lower levels, and then the Commission could vote at that time, and we'd move forward through the promulgation process to deal with that issue. Does that seem feasible?

>> COMMISSIONER ZUNIGA: Well, to be clear, I am of the opinion that it not be considered for anybody.

>> MS. WELLS: Right, right.

>> CHAIR JUDD-STEIN: And I am as well.

>> MS. WELLS: Yeah.

>> CHAIR JUDD-STEIN: And I think so we have at least three of the five of us who are suggesting that there is --

>> MS. WELLS: So it's up to you whether you want just one, keep it out --

>> COMMISSIONER ZUNIGA: I have a suggestion, to modify whether we vote on it or not, but I think the regulation, the way it's currently written, could be -- at least the way I intend it, which is to be changing the any information that appears at the -- closer to the acts of delinquency and putting that at the beginning to ensure that it covers records and delinquency, you know, shall not be considered. Do you know what I mean by my edit?

>> COMMISSIONER O'BRIEN: I think it needs to be altered more than that, though, because records in that context is more a term of art that would still restrict you to the court file and probation file. I think what you expressed is an intent to block open source use as well. So I actually think it needs to be reworded beyond that to actually capture what you're hoping to do.

>> COMMISSIONER ZUNIGA: That's fair enough. I mean, I was -- in my

suggestion, I was saying any information would apply to however it's obtained. But I think it's important enough to make sure --

>> COMMISSIONER O'BRIEN: I think it merits maybe talking with the IEB, counsel having conversation to make sure they're actually capturing what you're talking about.

>> MS. WELLS: Right. But I don't want the Commission to be concerned. In the interim we're going to go do something. We get the message and we'll work accordingly with the Commission's clear policy directive here. But I do think clarifying the reg is important so that we have some consistency down the road and that there's no confusion on that. I mean, I'm comfortable -- I don't think we need a particular vote on any kind of language. I'm comfortable that we understand what the Commission is saying, and then we can work on legal and just bring that up at the next meeting if that works for you.

>> COMMISSIONER ZUNIGA: That works, I think.

>> MS. WELLS: Okay.

>> CHAIR JUDD-STEIN: I think that that makes sense rather than a vote today. Are you comfortable? Good. Very helpful and again, thank you to all.

>> MS. WELLS: Thank you.

>> COMMISSIONER O'BRIEN: Thank you.

>> COMMISSIONER CAMERON: Thank you.

>> CHAIR JUDD-STEIN: Perhaps we're two minutes ahead. We need to take a two-minute break. We are two minutes ahead, but I am respectful of all needs of my fellow Commissioners. Thank you.

[A break was taken at 10:59 a.m.]

>> CHAIR JUDD-STEIN: We're reconvening meeting -- what's our number today -- 284. And we are now turning to item number 5 on our busy agenda. That would be back to Executive Director Bedrosian.

>> MR. BEDROSIAN: Good morning, Commissioners.

>> CHAIR JUDD-STEIN: Good morning.

>> MR. BEDROSIAN: This is a follow-up agenda item from our last meeting. I hope you will remember -- I think during the last meeting when we discussed the best vehicles, if the Commission wanted further input on Region C items, that there seem to be two different vehicles. One was a traditional public comment, and another was an RFI. And just for clarification, you have in the packet today a number of items including the materials from our previous meeting, an updated memo from staff and a recent letter we just got in from the current Mayor of Brockton. And in the memo from staff, we want to clarify, you know, for some folks who aren't used to what an RFI is, at least how OSD, Operational Services Division, thinks about an RFI. We pull from the best value procurement, a handbook, which was updated this last August, about how they think of an RFI. And to be clear, they think -- they say RFIs traditionally are used to identify industry standards, best practices, potential performance measures, and price structures. So with that guidance, what staff did is suggest sort of two buckets of questions that could help inform the Commission about how it thinks about the Region C.

The public comment questions start very broadly, as you will see. Something

that says should the Commission consider opening Region C, that obviously isn't an incredibly broad question, and you can imagine the type of public response. It would be a broad public response. Then we get down a little more -- we get a little more organic as we go down the list about specific items. I think we think of public comment questions as being more policy based. So -- and then the request for RFI questions, with the guidance from the OSD division, we hope were more metric based and performance or market based in terms of the request would be for the professionals out there to give some guidance to the best way to engage potentially a market study. When would it be? What are the factors? Those types of things before -- and again, this is in the memo, and I've said it before, an RFI presupposes but does not require an eventual RFP or an RFR. But the questions were geared towards getting responses that would help inform the best way to subsequently do that if the Commission so decided.

So the other thing is, I did ask that this be listed for a vote. I don't think it necessarily needs to be a vote. But if the Commission felt compelled, there is certainly that option. Having said that -- oh, and, of course, as I said, there are the attachments, which is the recent letter from the current Mayor of Brockton and the previous materials. So I don't know if you have any questions of me or acting General Counsel.

>> COMMISSIONER STEBBINS: Just real quickly, the letter from the acting Mayor of Brockton, when did we get it? There's no date on it.

>> MR. BEDROSIAN: Oh, I a -- two days ago. I can tell you for sure. Give me one second. I can tell you for sure. I received it in an email -- I am pretty sure it was two days ago. Yeah, I'm sorry. It was -- it was Monday afternoon.

>> COMMISSIONER O'BRIEN: 12:16?

>> MR. BEDROSIAN: Yes.

>> CHAIR JUDD-STEIN: And that's the receipt date.

>> MR. BEDROSIAN: That is the receipt date to me on an email, yes.

>> COMMISSIONER CAMERON: I think it's important to listen to everyone including the present Mayor, but I think it's also important to point out that there will be a new Mayor in January. And we have no idea how that new Mayor will feel about this topic. I suspect we'll know in short order. We did have an applicant that the administration changed, and the new team coming in was not in favor of that applicant. So that -- that has already occurred within this Commission, so I think it's important to note that that would be important information moving forward that there will be a new administration next month.

>> COMMISSIONER ZUNIGA: With that, I have a couple of comments.

>> MR. BEDROSIAN: Sure.

>> COMMISSIONER ZUNIGA: I realize maybe some of what I will point out could have been made when I was absent last time around. But I want to at least state for the record a couple of things. I think the memo is very helpful. I have one -- one of the bullet points here, the one about whether to engage in a gaming market study strikes me that it would be better suited for the RFI process. I don't think it hurts to ask the public or anybody in the public about that. Mostly because I have some ideas to make around conducting a new market study in more detail that I want to talk about that might go well under an RFI process. Which I can just summarize now and then, you know, I'm happy to give you more detail in between, you know, now and the next

meeting --

>> MR. BEDROSIAN: Sure.

>> COMMISSIONER ZUNIGA: -- that we address this. But in general, I'd like to just recognize some of what we have done in the past relative to this region. And that is -- or especially the market study. And that is there has been varying degrees -- to some degree -- of a number of market studies done around us for applicants that we have seen in Connecticut and Rhode Island, for example. That I think we should acknowledge. There's two studies. One recently updated for Rhode Island. Rhode Island did initially a study after the Gaming Act, trying to predict the impact of the Massachusetts casinos. Those -- that study was later updated, as recently as last year, I believe.

And one of the things that's in my mind, a question for us, again, to ask is first the size and scope of the market that we're dealing with. There is some mention -- there's initial recognition that it's the New England market with some outside, you know, travelers, you know, a percentage of that. There's other studies that begin to incorporate upstate New York to some degree. But there's, again, varying degrees of how the different people that analyze this take that into account.

There is something that's alluded to here, and in the past, in my mind, changing preferences. What may have been a suite of products in 2012 when we first looked at this may be different. And now if we were making projections for the future, and that includes sports betting and how Millennials are behaving and how slots are forming a part of the casino market or not, I think it's important to kind of think about that suite of gaming products. Again, I can give you details on these pieces. The response -- the size and scope, the response that has happened since the projections were first made for Massachusetts I think is also a very important piece. Rhode Island responded by -- to the Gaming Act by expanding tables in one of the two licensees and moving a license from Newport to Tiverton. That's something that not all markets necessarily have considered. And then there's a very uncertain moving pieces around us as well, not just in the sports betting arena but Connecticut with a third or fourth casino. The Specter of the Mashpee must add some uncertainty to the whole gaming market as well.

I also wanted to point out something for the benefit of the discussion here, the public and our newer Commissioners. And that is this is a region that we have spoken a lot about from the beginning because of the Mashpee and the threat of that imbalance between the tax rate and the compact and a second casino in that region. And again, I should remind us for the record that we had the initial discretion of setting the minimum investment, the minimum capital investment, of including certain costs or not in that 500 million minimum capital investment. We excluded, like the statute allowed us, the land, the cost of land, but excluded a number of other costs as well from the Regions A and B, notably carried interest, which can be a significant cost if there's a long development project. And when it came to the third region, Region C, because there was not a lot of interest, seemingly, we came back and excluded -- rather included back some of those costs to the minimum capital investment, effectively lowering the minimum capital investment that we had already reasoned, by the way, for this region only. And so that was all done in the spirit of trying to elicit more competition. There was at the time another developer trying to put a deal together and could not. And I think, again, just

so that we have a recollection of all the factors that have factored in here, I also want to just state for the record that we should not be -- or the public should not be under the impression that any one of these responses individually or collectively to these questions are going to point conclusively in any one direction. I may be stating the obvious here, but I think ultimately opening or not this region is going to be a judgment call. We might get a new study or a new series of studies or a reconciliation of a study or really good insightful questions -- answers, rather -- to some of the questions that we are posing here. And it's ultimately going to be very much a judgment call for the reasons that I already alluded to.

One is it's much easier to make the first decision, licensing decision, than it is to make the fourth one. Of course, now we should be very aware of the performance, like one of the questions here says, of the performance of the current existing licensees, the responses of the states around us. It is obviously a lot more relevant than when we first made the first decision. And so I think it's, again, a region that we have struggled with to elicit a lot of competition. By the way, I think the clearest sign that there might be a market here is a developer willing to put up money to do it. There's no amount of studies that will, you know, conclude in any way whether there is a market or not. If there's somebody with the expertise of operating in other competitive areas that thinks they can make money here, that's about as good indication as we're going to have.

Again, we need to think about a number of other things. What it does to the rest of the licensees, in what context they are beginning to come in and operate, but I just wanted to mention for the record that ultimately it will be a perhaps quite difficult judgment call, not anything that's going to be answered to some of the questions that we are posing.

>> COMMISSIONER CAMERON: Although I do think more information is a good thing.

>> COMMISSIONER ZUNIGA: Absolutely.

>> COMMISSIONER CAMERON: It helps us tremendously. And independent studies as opposed to one, as we've seen in the past, as to one produced for a particular applicant, they can differ. And we've seen that in the past. I think that's what you were trying to put -- point out, correct? And the only -- and I think you alluded to this as well, which is because there's one developer that is interested in building, I do think we have an obligation to the region. I think Commissioner O'Brien has pointed this out in the past. But we do to the Commonwealth as well. And if a potential applicant is going to cannibalize from our own in-state casinos, that is something to consider. I think you were pointing that out.

>> COMMISSIONER ZUNIGA: Yeah. Yeah.

>> COMMISSIONER CAMERON: It's nice that the developer says yes, I'd like to build, but it's incumbent upon us to look at every factor before making a decision here.

>> COMMISSIONER ZUNIGA: Actually, you reminded me of something that is critical as well in these different studies that have been made. Because we have a different tax rate between category 1s and category 2s, depending on how some of these studies assume, there will be an effect -- an additional category 1 casino, have an effect on Plainridge. You have to assume that Plainridge, with a third casino, Plainridge is going to lose some play and retain some play. But every new dollar that we gain -- and I'm only talking about revenues -- any new dollar that we gain on an

additional category 1 comes at 25% versus 49% that we lose. So just on that differential, there are different outcomes in terms of revenues to the Commonwealth.

Now, I also should point out that that's only one measure, the revenues. There's many others that Mr. Bloom has pointed out before that are critical in making our decisions. Some of them directly related to the municipality. You know, if we have the context of jobs, region, a city or town, that's a very different calculation to the overall Commonwealth view that, as you point out, Commissioner, we also have to take into consideration. But revenues is only one measure. I think it's very important for us to now really consider, and that question is really here, the profitability of the current licensees because that has some stability to the future of those licenses. It's going to be -- it all goes back to as well ultimately a judgment call, how much do we think the gaming market might change because of consumer preferences, because of other products that are later approved or not, within Massachusetts or around us. So . . .

>> COMMISSIONER STEBBINS: Thank you, Madam Chair. I certainly think, first of all, with respect to the letter -- excuse me -- with respect to the letter from the Mayor, we should be thinking about formulating an appropriate response. He took the time to write us and raise several points and to the degree we can respond to some of those in a response, I think, is appropriate. I'd probably respectfully disagree with some of the comments that are included in the letter, but that's the benefit of having some appropriate give and take.

Just to echo Commissioner Zuniga, I agree with him on one of the questions that was down for public comment could be moved or considered and issuing an RFI, I would like to see us proceed with an RFI. I don't think it is a very long process. Again, we're just -- we're not asking people to supply a certain proposal but to answer some basic questions that we have. I think Commissioner Zuniga's comments about the market, some of the market changes that we've seen just since we opened our first licensee, the need for us -- and I think we're all aware of this -- to consider the impacts on the overall Massachusetts market and the current revenue and employment that is created by our three licensees is important to consider.

And one of my colleagues might correct me if I'm wrong, but I do remember some of the early market studies we did or that were presented to us talked a lot about obviously recapturing revenue that was going out. But it also highlighted the potential to create new players. And I think, again, I'm kind of just throwing this suggestion out, that maybe we haven't seen that develop as much as might have been anticipated in some of the early market studies, that the presence of a casino was going to generate new players, and I don't think some of those goals or projections have necessarily met the mark. I think for right now, the immediate step we can take, we always put -- it's great to put public comment out there. People can even comment to us on things or topics that aren't necessarily included in the questions. I think it's important to note that most of the time in our recent history that we have put some comments out for public -- or questions out for public comment. The bulk of the response has come from folks who are living in Brockton, and for the most part, many of those have not been in favor of opening Region C. But I would like to encourage staff to move ahead and kind of refine some of these questions and move ahead with an RFI process. Again, I don't think it will take that long to get some qualified answers back. We're not asking them to respond to a full-blown proposal. I think we can do this in a pretty timely manner if

that's the direction we choose to take.

>> COMMISSIONER ZUNIGA: You bring up a good point, among others, Commissioner, that about new players. And I think one of the things that I was trying to articulate is relative to consumer preferences or some -- the suite of products that people engage with. I have looked at some of the trends around us on purely slots play because that is -- that is actually information that's readily available for anybody around us. And the slot play level of 2007, 2008, just in New England, is not -- that was prior to the financial recession -- has not come back yet, even, you know, in recent years with now, you know, two more casinos, and I'm talking MGM and Plainridge. There's not enough information yet on Encore that can now be ascertains on a yearly basis. Although it soon will.

So that, to me, begins to speak about, you know, we have had a very long financial business cycle in the upswing that I think has recovered a lot of the downturn of the -- prior to the financial -- or right after the financial crisis. But I believe there may be something going on with purely slot play. There may be, you know, people, younger players maybe engaging in a different way. And that is the point about, you know, how much more revenue, aggregate revenue, is coming in. I suspect it may be around some of the different products. I don't know to what degree any one of these people that now engage online a lot more, whether they are -- they will continue to engage in slot play, for example. I don't know if there's a generational thing operating here. But those are some of the questions that I think we should at least attempt to articulate on a broad level. If we get to granular, then it might start to resemble an RFI or an RFR. But those are things that I think are operating in our -- what I think will be ultimately, again, a judgment and probably difficult decision.

>> COMMISSIONER CAMERON: Well, I was just going to say it sounds like Commissioner Stebbins, anyway, you're talking about both, an RFI and public comment, right?

>> COMMISSIONER ZUNIGA: Yes.

>> COMMISSIONER CAMERON: And I would agree with that. All the information we can gather is important. Hearing from the public as well as a little more formal process with an RFI is really important to help us decide a direction to move or not. And I think information is critical to help us with that decision.

>> COMMISSIONER O'BRIEN: I do. I would echo the comments that have already been made. I do think these would be helpful, particularly the RFI in terms of the market study I think, would be helpful. Another question I think is more an internal question is we do have a potential applicant who has had a host community vote. The motion to reconsider that application, we did not entertain that. So if and when C is opened and this applicant comes forward again, I think there's still an open question of law whether another host community vote is needed or not. That's not relevant to the public comment and the RFI. But I just throw that out as something internally that maybe the group can be thinking about to the extent that we are in a posture where that same applicant comes back before us.

>> MR. BEDROSIAN: I think it's a very valid question. I mean, you know, we could do a superficial analysis and say the process is all new again. You know, next process will be all new, so it starts from ground zero, and one of the tenants of the Expanded Gaming Act appears to be that no community will get a casino unless it wants one.

And I don't think the law says currently, but I think that's a fair -- a fair issue. We can start to look at in the background. I understand we're not there yet. But it's fair, I think, to consider that.

>> CHAIR JUDD-STEIN: And if we are speaking about the one that we did look at, there was actually a different proposal.

>> COMMISSIONER O'BRIEN: Right.

>> CHAIR JUDD-STEIN: So one would think that the host community might -- the vote that was taken before would be stale because they were voting on something very different.

>> MR. BEDROSIAN: Sure.

>> CHAIR JUDD-STEIN: So that's just something to consider. What I'm hearing Commissioner O'Brien saying is that perhaps for legal to address that at least at some level. Right now it would probably be helpful because we would want all folks to understand that would be an expectation, if that's -- if that's where we come out. I don't think that any of our comments today suggest that we actually know the answer to that question. So thank you.

On my thoughts, I agree, again, with many of the points made. I think that the efforts that we are trying to achieve here is to do some good due diligence. It is a big issue. Our law gives us direction. But it does require judgment. So I think Commissioner Zuniga is spot on. And I think that the RFI will be an excellent tool to get exactly what the concept is, to get information that will allow us, if we decide to go forward, with a request for proposals on a market study because I think we all agree an independent market study would be reflective of past practice that served its purpose then and would serve a purpose now. If we are going to issue one, we would want it to be as efficient and as precise as we could possibly make it. RFQs -- I'm sorry, RFPs are not easy to get right. And we've seen in other jurisdictions where they have to do a reissuance. And so the RFI is a tool to sort of help us really understand what the issues are, how we would craft a precise and helpful request for a market study. With that said, I think we learned from Derek last -- at our last meeting, it could be a few months to issue an RFI. I would echo, I think, Commissioner Stebbins, that it doesn't have to be a long process. So I would -- I would -- today -- I'm not sure if we need a vote -- and I don't want to speak for everyone, but we have a memo that outlines very good questions for an RFI and some very good points for public comment. We could always extend that, as we see maybe public comments coming in, we could decide whether there should be additional requests for public comment. But it seems to me it would be too bad to go another round without maybe getting the RFI process going unless there's an objection.

>> COMMISSIONER CAMERON: None.

>> COMMISSIONER ZUNIGA: No, I think that's fair. Perhaps after this discussion, we can come back with, you know, what would hopefully be a draft --

>> MR. BEDROSIAN: Sure.

>> COMMISSIONER ZUNIGA: -- but close to final language around an RFI. And, you know --

>> CHAIR JUDD-STEIN: And get it going.

>> COMMISSIONER ZUNIGA: -- and get going.

>> CHAIR JUDD-STEIN: I think I'm hearing now -- could you hear me talking about

you, Derek? I agree with that. And this is Derek who can actually maybe go over some of the steps. We have to post a notice of intent first, and could we take that initial -- that initial step without a draft, or how does it work?

>> MR. LENNON: So we don't actually have to post a notice of intent because -- I have it on -- we don't actually have to post a notice of intent because we don't have a dollar value for the procurement. You only have to do notice of intent unless it's going to be 40 days and your procurement won't be up for 40 days and that's going to exceed what's required by the World Trade Organization.

>> CHAIR JUDD-STEIN: I see.

>> MR. LENNON: So we could -- last time when I went over the time line, I said a couple weeks to develop the questions, which I think we've kind of done now, put it out for about a month, and then some time to review it before you come back here. That's where the two-month time period came in.

>> CHAIR JUDD-STEIN: And you generously did say you would be willing to expedite it.

>> MR. LENNON: Always willing to cut back and streamline, but you know, that's where the two-month time line came in, just to be safe.

>> CHAIR JUDD-STEIN: But we could get a draft under way.

>> MR. LENNON: Yeah.

>> CHAIR JUDD-STEIN: And I guess our next meeting is, Maryann, January 9th?

>> MR. BEDROSIAN: 9th. So I am -- the one thing I'm going to just want some clarity on, it sounds like the third bullet under public comment questions about should the Commission engage in a new market study, you might want to shift over, maybe be the first brought question for the RFI.

>> COMMISSIONER ZUNIGA: That's my session. I think, you know, although there's many members of the public that are usually very informed, I think this is really --

>> MR. BEDROSIAN: And, quite frankly, I think the introductory question and public comment will capture everything.

>> COMMISSIONER ZUNIGA: Yes.

>> MR. BEDROSIAN: So I think you're totally fine doing that.

>> COMMISSIONER CAMERON: Yep.

>> CHAIR JUDD-STEIN: And in terms of posting the public comments, we could get that under way. We could be working with Communications Director Driscoll.

>> MR. BEDROSIAN: Sure. We could get that.

>> CHAIR JUDD-STEIN: The process typically is that we actually get those comments along the way, or I'd suggest that because if we get extensive comments, it will be hard for us to get up to speed for the meeting, and that might actually help inform our review of the draft RFI. So if we get anything in between, between now and then.

>> MR. BEDROSIAN: I would suggest initially probably putting them out for 30 days from the day we --

>> CHAIR JUDD-STEIN: Oh, I see. We do have to have a deadline.

>> MR. BEDROSIAN: Some kind of time line.

>> CHAIR JUDD-STEIN: As opposed to rolling in.

>> MR. BEDROSIAN: It's up to you. I mean, I've seen where we get a bulk up front or we get some people who wait to a deadline to spur action. So if you wanted to do something in between. It is the holidays.

>> CHAIR JUDD-STEIN: Yes, it is.

>> COMMISSIONER STEBBINS: I think it's fair to launch it when we issue the RFI and try to keep the timeframes consistent.

>> CHAIR JUDD-STEIN: Okay. And not have them at all to inform. That's fine.

>> MR. BEDROSIAN: Okay.

>> CHAIR JUDD-STEIN: Are you okay with that, Commissioner Zuniga?

>> COMMISSIONER ZUNIGA: Yes.

>> MR. BEDROSIAN: So on the 9th we would come back with a draft RFI with the questions, obviously hopefully correct, but as close as possible, and then a draft request for public comment with the same.

>> CHAIR JUDD-STEIN: Yep. That sounds good.

>> MR. BEDROSIAN: Okay.

>> CHAIR JUDD-STEIN: Thank you so much. Any further questions?

>> COMMISSIONER CAMERON: Thank you.

>> COMMISSIONER STEBBINS: Thanks, Derek, for sprinting over.

>> CHAIR JUDD-STEIN: Amazing timing. Thank you so much. And we're all set?

>> COMMISSIONER CAMERON: Yes.

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

>> MR. BEDROSIAN: You're welcome.

>> CHAIR JUDD-STEIN: We're moving on now to item number 5 -- I'm sorry, item number 6 on our Research and Responsible Gaming, RFP, and Director Vander Linden. And I do know that we have a team coming forward. Dr. Volberg has a flight to catch. And we also know that she made some arrangements, rescheduling her travel plans to be here, so thank you very much. Good morning.

>> MR. VANDER LINDEN: Good morning.

>> COMMISSIONER STEBBINS: Good morning.

>> COMMISSIONER CAMERON: Good morning.

>> MR. VANDER LINDEN: Good morning, Chair and Commissioners. It's been a long journey over the past several months to get to a point where we're making this recommendation today. I'm joined by Dr. Rachel Volberg, who is the Principal Investigator of the SEIGMA study as well as Professor at the UMass Amherst School of Public Health and Health Sciences. I also have Mark Melnik who is the Director of -- sorry, Dr. Mark Melnik --

>> MR. MELNIK: I wasn't going to correct you.

>> MR. VANDER LINDEN: I'll correct myself. Director of economic and policy research at the UMass Donahue Institute. And finally, Martha Zorn, who is Data Manager Extraordinaire with the SEIGMA team and out of the School of Public Health and Health Sciences. So thank you for coming today.

Chapter 23K, Section 71, we all know very well. It directs the Massachusetts Gaming Commission to develop an annual research agenda in order to understand the social and economic effects of expanded gaming in the Commonwealth as well as to obtain scientific information relative to the neuroscience, psychology, epidemiology, and etiology of gambling. Since 2014, efforts to fulfill this mandate have resulted in a comprehensive baseline understanding of conditions prior to casino introduction as well as numerous follow-up studies that give stakeholders a greater understanding of the true effects of casino gambling in Massachusetts on residents, towns and communities.

The original procurement for the study was drafted in 2013, executed in 2014, and expired at the end of fiscal year 2019. The MGC released an RFR to solicit bids for a multiyear, multimethod, multidisciplinary, multiphase comprehensive research project on the economic and social impacts of the introduction of casino gambling in Massachusetts. The RFR presented the MGC an opportunity to build upon the existing research conditions, but it also allowed us an opportunity to turn to a new chapter of our research agenda, which was -- is largely guided by a research strategic plan that the Commission adopted in 2018.

There was a wide release of the RFR to a number of different stakeholders. However, we had only one respondent to that, which is our current contractor, UMass Amherst. That did not stop our review team from thoroughly reviewing and diving deep into that proposal and providing comments and feedback. Our procurement team included several from the MGC, our legal, our financial division, myself. It also included four of our research review committee Doctors Tom Land, Tony Roman, Bruce Cullen and David Auerbach. They represented a wealth of information and diverse background in both the areas of social and economic research.

Since the SEIGMA team delivered their initial proposal in August, we went through four rounds of comments and feedback. The SEIGMA team patiently, diligently responded to each round of feedback and revised their proposal or responded to questions that the team had. At the end of it, though, the procurement team unanimously endorsed the proposed scope and budget that was presented by the SEIGMA team which is represented here today.

The thoughtful proposal produced by the SEIGMA team strives to provide a comprehensive understand of key measures of interest to the MGC as well as our stakeholders. It incorporates priorities of the Gaming Commission such as community engagement, knowledge translation, as well as the flexibility to respond to new and emerging issues that are identified by the Commission and our stakeholders. In fact, there was a plan for two of four of those studies each year.

The average annual budget spanning 5 1/2 years is \$1 million per year with the exception of next year when it's necessary that the team do a follow-up general population survey that builds upon the baseline general population survey that was fielded in 2014 prior to the introduction of Plainridge -- opening of Plainridge Park Casino.

The strength of their proposal rests on a number of overarching features. It includes, as represented by the three individuals here today, a highly skilled and experienced team who, over the past six years, have produced 29 reports and academic publications. Continuity with the existing research which would build on a multifaceted, multiyear economic impact of the studies conducted to date. Comprehensive -- or collaborative orientation whereby major stakeholders including you as the gaming Commission, the department of public health, other stakeholders around the state are able to provide comment and help guide their research.

We talked early on about a state-of-the-art analytical framework which was developed by Dr. Volberg and her co-PI, Dr. Rob Williams, even prior to the first RFP being released. I think it was in 2012. Okay. 2011. It focuses on a comprehensive analysis establishing the impacts of casino gambling over both time and at a state and regional level. It focuses on policy-relevant findings so that it can inform

practice. It can inform regulation. It can inform policy. And an ongoing evaluation which produces a comprehensive report every two to three years as opposed to a simple pre versus post-study, which was described in the original scope.

Over the next 18 months, I provided for you in your memo a list of the reports that are planned. This does not include the ad hoc reports which we can help design and drive the focus of those reports in the near future. That's the proposal in a nutshell. I think before I move to make a recommendation that the Commission initiate a contract with the team, I wanted to provide an opportunity for Dr. Volberg to provide some statements, but, obviously, also comments from the Commission.

>> CHAIR JUDD-STEIN: Questions, Commissioner O'Brien? Do you have any questions at this point? Commissioner Cameron?

>> COMMISSIONER CAMERON: I do not.

>> CHAIR JUDD-STEIN: Commissioner Stebbins?

>> COMMISSIONER STEBBINS: Nope.

>> CHAIR JUDD-STEIN: Commissioner Zuniga?

>> COMMISSIONER ZUNIGA: You know, I will -- you know, perhaps we should hear from Dr. Volberg. I would like to make a couple of points later relative to the context for funding. But this is more directed to ourselves.

>> CHAIR JUDD-STEIN: Can I ask just -- I may have not heard correctly. The document says that the average annual budget spanning 5 1/2 years. The contract is for -- would be for how many years?

>> MR. VANDER LINDEN: So there was a six-month extension on the original procurement that expires on December 31st. And then there are five additional contract years planned after that. There's -- yes.

>> CHAIR JUDD-STEIN: As opposed three options, it's five years.

>> MR. VANDER LINDEN: It would be three options, but the budget that was presented that we reviewed spanned five years.

>> CHAIR JUDD-STEIN: But the contract is three, you would have to come back to the Commission --

>> MR. VANDER LINDEN: Correct.

>> CHAIR JUDD-STEIN: -- for the extension of three individual one-year options.

>> MR. VANDER LINDEN: Right. So the initial contract that I'm proposing would be 18 months. So it would extend through the rest of this fiscal year and fiscal year '21.

>> CHAIR JUDD-STEIN: And that's reflected in the chart?

>> MR. VANDER LINDEN: Correct. And it would be renewed -- budget, obviously everything beyond that in terms of the budget and the scope of those works and reviewed on an annual basis, too.

>> CHAIR JUDD-STEIN: Okay. And in terms of your enumerated list 1 through 8 of the proposal on your overarching features, I think you suggested there was some differences from what had been done in the past. Can you point out what are new? And that will just help frame our discussion.

>> MR. VANDER LINDEN: Sure. Sure. And I'll invite Rachel to join in. But there's a much greater attention to the measures that matter. So at this point, how many years we're into this, we begin to understand what are the measures that are likely to change, and we will have a greater focus on those measures. But we can still stay attuned to other measures that perhaps kind of sit in the background. There's a

greater attention to engaging the community, recognizing that the translation of this research is as important as -- as important as the research itself and making --

>> CHAIR JUDD-STEIN: Can you just explain that so that everybody hears what you mean by translation of the research, please?

>> MR. VANDER LINDEN: Sure. Yeah. We want to make sure that the research means something, that it really does do what we say we want it to do. We want it to inform practice. We want it to inform policy and regulation. But a lot of times research doesn't make -- bridge that gap between the research being done and the regulation that's being promulgated or the policy that's being done. So we want to focus on that, that space between, so that that translation can happen to truly impact policy regulation and practice as we intend it to do.

We have a great obligation to do that. And I think that the longer this research program or agenda continues, the more data that we have, it can go in two different directions. It can be so much research that we kind of lose focus, or it can be -- and not be relevant, or it can be so much research that ends up being a gold mine of information that really does have this impact on our decision-making, on key stakeholders' decision-making. And that's where we need to go, I believe, in the next -- in the next iteration of this contract. That's where we need to go as a Commission with the research program, in general. Not just with the SEIGMA team, but whether it's that or public safety or the individual studies that we have with communities around the state that are just going to continue to grow. What -- did you want to add to that?

>> MS. VOLBERG: The pre/post versus the --

>> MR. VANDER LINDEN: Sure. Do you want to talk about that?

>> MS. VOLBERG: Sure. So the original proposal that we submitted back in 2012, actually, was for a pre/post design. So essentially what that meant in terms of assessing social impacts was doing a very large population survey before any of the licenses had been announced. And then waiting until everything had become operational and then doing a second, very large replication of the first survey to identify changes that might have occurred in gambling attitudes, gambling behavior, problem gambling prevalence, and a host of other related measures. What I think no one anticipated, least of all the research team, was the amount of time that it was going to take for the licensing process to happen, and in particular, for the two very large resort-style casinos to be built. So we anticipated, over a six-year period, that we would field the baseline survey very early on, which we did in 2013, and that then we anticipated that by now we would actually be done with the study or at least with that proposed study which would have measured gambling behavior after all of the casinos had opened. That's not going to obviously happen in the life of the existing study since, you know, we had to wait a year after all of the casinos had opened in order to be able to capture changes in behavior that reflected the operations of all of the casinos in Massachusetts. So while we waited to figure out the right timing for that survey, we've actually done a lot of work to build systems and data collection mechanisms and data analysis mechanisms such that we've been monitoring baseline conditions and then conditions in the wake of the construction of the casinos, but we're still sort of just about to begin the operational phase of the study, which would include that very large population survey to look at what the changes have been in behavior. So

it's -- because of the extent of time that it took to roll out the casinos, I think, we've been talking certainly internally in the team for quite a long time about this really isn't going to be a pre/post study anymore. It's going to be more of a rolling evaluation of looking at, you know, every few years, what's going on with the social and economic impacts that we're looking at.

>> And if I may, I think that's actually a more accurate and appropriate way to do assess impacts anyway as we're looking at the kinds of things that influence industry impacts. There's all these external mitigating circumstances that are separate and above from just a linear way of thinking about pre and post, right? There's going to be new marketplaces that emerge. You know, when this whole thing started, legalized sports gambling wasn't on anybody's radar. Now it is. These kinds of things will obviously introduce themselves over time. So I think this periodic assessment is much more appropriate anyway.

>> COMMISSIONER O'BRIEN: I just had a question to follow up. You said you had to wait a year to do the survey to gather the impact study. Is that a paradigm research study that governs that? There is.

>> MS. VOLBERG: Yeah. And just to preface this by seizing from my prepared remarks, I've been a full-time gambling researcher since 1985. So this is, like, all I've done for my entire professional career. And there is very good, very solid evidence from multiple jurisdictions that typically what happens with the introduction of a new form of gambling is about between -- within about a year to two years of that introduction, you see a bump in the prevalence of problem gambling. So an increase in the number of people who would be classified as having a gambling problem. And then over time, so, you know, four years, six years later, that bump disappears. But it does not -- it does not eliminate the fact that that increase in prevalence following the major introduction increases the proportion of the population that is vulnerable to developing a gambling problem in the future. So it's a very important sort of window of measurement, if you will, to be able to see what the effect is because it disappears after a while. And if you don't take that measure in a timely way, if you don't put that survey in the field in a timely way, you'll miss it, and you won't know what the actual impacts were further out.

>> COMMISSIONER O'BRIEN: Does that extend to other impacts or are we focusing that one-year exclusively on problem gambling?

>> MS. VOLBERG: The research evidence is specific to problem gambling.

>> COMMISSIONER O'BRIEN: Problem gambling, okay.

>> MS. VOLBERG: We don't know about the other impacts.

>> COMMISSIONER O'BRIEN: Okay.

>> CHAIR JUDD-STEIN: Did you have more formal remarks?

>> MS. VOLBERG: I did. I prepared five minutes and I timed myself several times. So if you will indulge me.

>> CHAIR JUDD-STEIN: Happy holidays, Dr. Volberg.

>> MS. VOLBERG: Thank you. My family is in New Orleans, hoping that I will be joining them soon.

>> CHAIR JUDD-STEIN: Great.

>> MS. VOLBERG: My first appearance at an open meeting of this Commission was on March 28th, 2013. When I was invited to discuss the launch of a unique, first of its

kind, research project to study the social and economic impacts of casinos in Massachusetts. Before beginning my prepared remarks that day, I somewhat breathlessly mentioned that I had been working towards a project like this for many years, and to be kicking it off in my home state of Massachusetts made this the most exciting day of my professional career.

When Commissioner McHugh understandably stopped me and asked me to elaborate, I explained that I had been involved full time in gambling research since 1985. So at this point, that's over 30 years. And in all of that time, only one jurisdiction anywhere in the world had established an ongoing research program to examine the impacts of new forms of gambling as these evolve over time. That jurisdiction is New Zealand. I'm proud of the fact that very early on I played a role in ensuring that our state legislature was aware of the very best research on gambling being done internationally. I was happily surprised when I saw that the Expanded Gaming Act included not only a specific research component but also a mechanism for ensuring that the research was funded. And today I'm pleased to be able to once again say that this is a most exciting day in my professional career.

Researchers have speculated that there would be a very significant positive impact early in the introduction of a new form of gambling related to tax revenues, economic development, and employment. But over time, these positive impacts might be balanced out and perhaps eventually outweighed by some of the negative social impacts, most specifically problem gambling but also crime, population health, and environmental impacts.

Before I go any further on that, I want to just say a heartfelt thank you to all of the members of the SEIGMA team. Almost all of them have been with the project since its inception, and it has been a true privilege to learn from them how to be an effective leader. Every member of the SEIGMA team has a distinct area of expertise. But over the years, we have evolved into a cohesive and cooperative group that in my humble opinion offers the Gaming Commission and the Commonwealth an unparalleled depth of experience and expertise as you seek to understand and address the impacts of gambling in Massachusetts.

Since the study that we discussed that very first day in front of Commissioner McHugh has launched, we have comprehensively documented baseline, social and economic conditions and analyzed the economic impacts of the construction of two of the three casinos in Massachusetts. We are delighted now to be gearing up for a new and exciting phase of the project, namely an evaluation of the social and economic impacts of the operations of Massachusetts casinos as these roll out over the next several years. It has taken longer than I think anyone anticipated, but we are very much looking it forward to being able to deliver on the major goals of the study that we originally proposed.

Some of you will recall our surprise a year ago at the lack of social impacts identified in Plainville after the opening of Plainridge Park Casino. While there were clearly positive economic impacts, we did not find any increase in the rate of problem gambling or in any of the disorders-related indices. We cautioned at the time that the impacts associated with MGM Springfield and Encore Boston Harbor were likely to be quite different than the impacts of Plainridge Park. Most importantly, the two resort-style casinos are much larger than Plainridge Park and have more diverse

amenities but also are located in more diverse and economically challenged communities.

Looking ahead, we are particularly interested to see if there are differences in the impacts specific to the type of casino and/or to the communities where they are located. Understanding such differences will be important in crafting effective and efficient responses to minimize and mitigate any negative impacts and ensure that the introduction of casino gambling provides the greatest possible benefits to the citizens of the Commonwealth. I look forward to answering your questions.

>> CHAIR JUDD-STEIN: Commissioner Cameron?

>> COMMISSIONER CAMERON: I don't know that I have questions. Just comment. First of all, I think -- and I've said this before -- traveling to conferences throughout the world, people are very, very impressed with our research. And I would say envious, frankly. Because I think funding is an issue when it comes to this. So I just want to commend the team for really putting forth a product that is -- that is top-notch, and I love the piece Mark talked about which was using it effectively. You know, not just having the research stand alone out here but actually making decisions based on the information that comes to us. I just wanted to thank you all for that. It makes me proud to travel and listen around the world to people comment about the research and really find it useful to them. And I know how hard the team worked to come up with a plan for the next five years that makes sense. So, you know, I'm certainly supportive of this proposal.

>> COMMISSIONER ZUNIGA: You know, I did want to make a couple of comments, one of which was already mentioned by Dr. Volberg but I think I would like to clarify -- to expound a little bit on. And that is the initial -- the initial time line. The reason -- a big reason for what effectively now looking back at six years ago, what effectively caused us to shift in terms of time some of this analyses and move into other areas was referendum. There was -- you know, we started -- this was prior to a referendum that would have effectively -- could have effectively eliminated the Gaming Act altogether. And we, at the time, could not make a commitment like we had initially planned on when it came to this particular contract. If we were all going to go home, potentially. That was the reality. You know, when we talk back about how long it took, that was factor number one.

Later -- I'm just going to try to summarize -- both very difficult development projects and a number of lawsuits added into that time line. So we find ourselves where we did. We reacted very swiftly, I think, in nimble ways, and Dr. Melnik and Volberg were very instrumental in helping us do that. Which leads me to my second point that I did want to make as well here. It was alluded to, but let me just also mention. The initial response from the SEIGMA team was richer in what they were proposing, that what we thought was -- what we wanted to do here going forward. And that was what really originated the four rounds of questions and responses. And that is in the context of the funding that I, again, wanted to mention here. We initially had all the discretion for funding just with the Gaming Commission, for what was a very significant commitment.

There was a question always as to how we could assess -- fund this research. There is a public health trust fund that -- it wasn't clear that it was going to be operational until after the licenses were operational, but there was a clear mandate

for -- and a need for a baseline study. So we used our ability to assess licensees to fund all of that initial research. And, again, I think we struck the balance that needed to happen.

The funding going forward now is really intended to come from the public health trust fund, which is now operational. It's mostly funded by the activities of the licensees, the taxes. There's 5% on gross gaming revenue that funds the trust fund. And a \$5 million assessment that we make. We have been working with the DPH who are the other members of the public health trust fund under an MOU that does dictate that a minimum of 75% of those funds will be for activities that DPH has, unless it's otherwise agreed by the co-chairs of the public health trust fund.

And the in that context that we have now really had the need to really look at what is most likely to be changing and measure accordingly. They have their own priorities to now try to build capacity for treatment of problem gambling and at-risk gambling. We have our own directive as well and priorities, in this case research but also some of the other responsible gaming measures -- rather initiatives. And that has been a very important context into those discussions that I think ultimately strike an important balance. It's still a significant commitment for us, but it comes with a re-evaluation by the SEIGMA team in what it means to have the resources that they've had towards analyzing those impacts.

I will also say that there is -- Mark only spoke to this generally, but there is a carve-out, if you will, that is not part of the \$1 million a year commitment for the follow-up general population survey that I -- that the research team has been very careful in making sure that any planning that's needed for that follow-up is at least accounted currently in the current contract, but that we would come back -- correct me if I'm wrong, Mark -- to seek approval to the Commission for when we get that -- whenever we get that --

>> MR. VANDER LINDEN: The follow-up general population study is planned for fiscal year '22. And so this initial contract period takes us through fiscal year '21. When we get to fiscal year '22, this gives us kind of the foundation that we're working from and some assumptions of what to expect. The follow-up general population survey, it's a significant investment, but it provides incredibly valuable information.

>> COMMISSIONER O'BRIEN: So is the request today for the 4.4 for the three-year and the 1.4 for that or --

>> COMMISSIONER ZUNIGA: Not the 1.4.

>> COMMISSIONER O'BRIEN: Not the 1.4. So the memo was just a heads-up.

>> MR. VANDER LINDEN: Yeah. The request today was to initiate a contract for this initial 18-month period.

>> COMMISSIONER O'BRIEN: Okay.

>> CHAIR JUDD-STEIN: I'd like to add that the -- having just joined the Commission earlier this year, I was aware of the work that you have been doing over the course of time after the Expanded Gaming Act was enacted because I was lucky enough to be part of early meetings involving research. We are very fortunate that the legislature envisioned how important this research would be given that we were a blank slate and how it could inform not only Massachusetts policy but policy really around the world. So you are on the forefront of important policy-making.

I would add that I think a challenge for the team is that there is a lot to do. And

as Mark has pointed out, it's so important to make this research relevant through the translation of knowledge. I'm trying to adopt the correct language. And so that also requires important timeframes and meeting certain time expectations, which is a challenge for all of us, as I think about how late I was up last night, completing my work. So that will be something that I'll be looking for mainly because we will be wanting to keep your research as relevant as possible to the policy-making that will be going forward. And again, as Commissioner Cameron said, it is -- it is the envy of the world. So we're very fortunate to have your expertise, long-standing expertise, and we are very fortunate to know that assuming the contract is all -- contractual issues are all resolved, that you understand -- you're coming from a place of understanding, having this long history with this Commission, never mind your overall experience. So I think that -- I love the fact that you are prioritizing that practical connection, and I also know that the timeframe will be a challenge, but it will just be an expectation and one that we can work in partnership with this incredible team because it will just make our work and your work easier. So that's without presuming we do have to have some kind of a vote today, I think. Or at least a consensus.

>> MR. MELNIK: If I could comment on the timing element too. I think what's important to underscore here with the Commission is your potential partnership for us and with us to -- to help us procure the kind of data that we need in order to do the analysis in a timely manner. So there's so many different things that go into our process, whether it's the review of research, but there's also our reliance on the licensees who are great partners and allowing us to do our work, but they are a critical element of that. So the degree to which we recognize that while we do the research, there are many parts in that chain that are critical, whether it be the review committees or the licensees that allow -- that if all those pieces are working well together, being able to get timely policy-relevant research out quickly is obviously of the utmost importance. But there are several steps to that process.

>> CHAIR JUDD-STEIN: That's why I mentioned it and mentioned it as a partnership because I think part of the challenge is that is actually coming up with a timetable so that all of the pieces that you need are -- that the timetable is set forth. And so that licensees, for instance, would know your expectations, and then we will know your expectations. And I know that Director Vander Linden will be working on that piece because we don't want you to be scrambling for the data. And if it needs more time, then everybody's expectations should just be adjusted so that we understand --

>> COMMISSIONER ZUNIGA: That's a critical point that, you know, we could have mentioned earlier, but I'm glad you mentioned it, Mark. Let me also just mention that one of the things that we are now contemplating is to have more of a standard of reports coming back from licensees. They initially happened the way they did, they were presented and some of them stuck around. And this is one reason. There's others. That we think more streamlined template for how licensees report to us, certain things that the statute and the regulations require, but also how they interact with and send data that is also critical to the SEIGMA team will be part of that process.

>> CHAIR JUDD-STEIN: And that's a great example of --

>> COMMISSIONER ZUNIGA: Of that collaboration.

>> CHAIR JUDD-STEIN: -- part of a solution to help you.

>> COMMISSIONER ZUNIGA: Right.

>> CHAIR JUDD-STEIN: Only because it will just keep everything relevant. So there's a lot of moving pieces to get the data.

>> COMMISSIONER ZUNIGA: Yes. There's also another -- one other thing that I will mention along those lines, and that is we have had the great help of a research review committee that takes and gives feedback on initial drafts. That has unfortunately, in the past, extended the timeframe for some of these reports, more than we all wanted. So there's a real effort, I would submit, by everybody here that we are hoping to achieve. And that is to be more -- to be quicker in the feedback and response and streamline that process going forward. The good news is that, you know, there is now a real understanding of how we all work and what are the usual questions that sometimes we have. So there is a real hope that that process will be improved. There is the strategic plan calls for another position to help Mark Vander Linden that he's already posted for. That will also hopefully help us do that, and that is an important part of what we think is the process here.

>> CHAIR JUDD-STEIN: And my point was that you're in the driver's seat. So -- Dr. Volberg. You are. You're in the driver's seat in terms of the product and all the pieces that you need. And so setting up a timeframe and really establishing expectations and understanding that there's going to be the component of our review process so that we can -- we can support that timeframe. And, of course, things happen. But that is part of making sure that when the -- when your research comes out, and not that there's been a big problem before, but as we're going forward, it's only going to become more important to keep it super relevant.

>> COMMISSIONER STEBBINS: I just want to echo those comments. I just want to add -- it's kind of an interesting milestone that we're at. But to say once again that what we've done here, what -- you know, what the legislature and Governor Patrick at the time saw to have the foresight to understand that this research puts us on the map internationally as well as Commissioner Cameron noted, you know, we're kind of the envy of some of our counterparts. And I like a lot of the things that are new -- you know, that Mark outlines in his memo are not only continuing the research that we've already done, but as I look through what's planned for the next 18 months, new employee survey, patron and license plates survey, just to reiterate the fact that we know that we have a broader group of stakeholders now that are interested in the research that we're doing and that communicating that out, sharing that with those stakeholders, whether they're tourism bureaus, whether they're workforce agencies I think is going to really, again, just compel the impact or enhance the impact that the research is having as well as for our internal team as we now look at community mitigation, as we now look at workforce development and diversity. A lot of the research is going to help our internal team as well. So as the Chair pointed out, that's kind of data translation I think is going to have a lot more avenues as this new contract moves forward. So I thank you for kind of keeping that in mind as you put this proposal together.

Madam Chair, I guess with that, I would move the Commission approve the request to execute a contract with UMass SEIGMA based on the procurement team's recommendation as outlined in the Commissioners' packet and as discussed here today.

>> COMMISSIONER ZUNIGA: I second that.

>> CHAIR JUDD-STEIN: Any further questions for Dr. Volberg and her team? Or for Director Vander Linden? All right. All those in favor?

[Vote taken]

Opposed? 5-0. Thank you and good luck with the next steps on the contracting. Thank you.

>> COMMISSIONER ZUNIGA: We need a second.

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

>> COMMISSIONER ZUNIGA: Yes. I will further -- I will move that Director Mark Vander Linden be designated as the contract manager and be authorized to execute the contract on behalf of the Commission after consultation with the Office of the General Counsel.

>> COMMISSIONER O'BRIEN: Second.

>> COMMISSIONER STEBBINS: Second.

>> CHAIR JUDD-STEIN: Those in favor?

[Vote taken]

Opposed? 5-0. Safe travels and thank you again for making your rearranging your holiday and to all of you, happy holidays.

>> COMMISSIONER STEBBINS: Thank you.

>> COMMISSIONER CAMERON: Congratulations. We look forward to your continued good work.

>> MS. VOLBERG: Oh, yeah. We'll be back.

>> CHAIR JUDD-STEIN: We are really doing amazing on time. Item number 7. Dr. Lightbown. We have a special guest today.

>> (Away from mic).

>> COMMISSIONER ZUNIGA: It's too cold.

>> CHAIR JUDD-STEIN: Good morning, Dr. Lightbown.

>> DR. LIGHTBOWN: Good morning, Commissioners.

>> COMMISSIONER STEBBINS: Good morning.

>> COMMISSIONER CAMERON: Good afternoon.

>> DR. LIGHTBOWN: Today I have a really exciting thing that I get to do. One of our Chief Stewards is getting a wonderful national award. So I have Susan Walsh who is the Chief Steward at Suffolk Downs with me today. The Pete Pedersen outstanding steward award is a national award given out by the racing officials accreditation program every year to an outstanding steward. It's named after Pete Pedersen who they want all the stewards around the country to aspire to be like. Integrity, outstanding knowledge of the rules of racing and things like that are important. This award's usually given out at the University of Arizona racetrack symposium, their global symposium on racing and gaming at their awards luncheon. And Susan was unable to attend, so we're going to give it to her today.

There's a special selection committee for this award. Their members are Rick Baedeker who is the California Racing Board's Executive Director, Hall of Fame jockey Pat Day, Wendy Davis, University of Arizona racetrack industry program director. The former jockey club steward and NYRA track veterinarian Dr. Ted Hill, Dan Metzger, president, and Scott Wells, president of Remington and Lone Star Park and then former leader trainer and ROAP accredited steward Hal Wiggins, so it's an outstanding group that makes the ultimate decision on who is awarded this nice award.

There's an extensive process to -- you have to be recommended. You have to have a recommendation from somebody from a racing Commission, somebody from the track management, and a fellow steward. And so we started working on this. I want to thank John Morrissey who has worked with Susan for years who helped me spread the word that we were doing this and get recommendations. You can also have other people put in letters of support, trainers, people from your licensing staff. We had everybody that we asked was -- or told that we were doing this was very enthusiastic. They said it couldn't be for a nicer person, and they all wanted to do it. We could have gotten hundreds of people to send in letters of recommendation.

Susan has a very interesting resume. She got her bachelor's degree from Wellesley College. She got her master's degree from Harvard University. She taught Latin and Greek at Shady Hills School in Cambridge for years. Also she started her interest at the racetrack. And she began at the bottom so she could learn everything. She was a hot walker. She was a groom. Then she moved on to be an owner, a breeder, and an assistant to the track veterinarians, and I think I'm missing something.

>> MS. WALSH: Trainer.

>> DR. LIGHTBOWN: Trainer. And she was a trainer as well. So she's done everything at the track. She was a founding member of the Massachusetts Thoroughbred Breeders Association which you all are familiar with. They come in on a regular basis. She was the Chair for years. And she had success. She had the 3-year-old champion one year, Sunny Stand.

>> MS. WALSH: That's right.

>> DR. LIGHTBOWN: She's written two books about her farm and the different horses there. And she's written several articles about horse racing and different horse items. She began as an association steward for the State Racing Commission in 2001. And in 2006, she was elevated to the level of Chief Steward. With Susan, the safety of the horses and the jockeys has always been paramount. She's worked on a number of initiatives to make sure that everything at the track is as safe as it can be. She doesn't miss any details from the flowers in the paddock area to, you know, different conditions with the jockeys, the trainers, the whole thing.

One of her also interests has been after-care, thoroughbred after-care, which has gotten a lot of interest in the industry over the last several years. She was one of the early people years ago whether she had her own horses. When they retired, she made sure that either she kept them herself or that she found a place where they could be ridden or taken care of, always with the understanding that if the person needed to find another home for the horse, that they would return it to her.

Her interest in after-care continued when she went to continuing ed for the position of steward. They held it in Kentucky near Old Friends Retirement Farm for thoroughbreds she made sure to make a visit there. And I'm sure for Susan that was the highlight of her trip. The different things that Susan has done are almost too numerous to mention, but I'll just mention a few of them. A trainer needed a replacement for his handicap van. And so she was instrumental in helping raise funds for that. He still calls her his angel. One of the things that Susan did other than just her duties as a steward was she taught English as a second language to backstretch people at Suffolk Downs on her own time. 20 years later, one of them came through our office in licensing and mentioned he basically said she saved my life. She taught

me English.

Let's see. One of her -- oh, I've heard from several trainers that she's the only steward they've known, raced all over the country, and she's the only one they know that can give a trainer bad news about a fine or a suspension and the trainer can leave the office happy.

[Laughter]

She's well respected by fellow stewards. As a matter of fact, one of them gave her the name plaque for her desk, Susan Walsh, Chief Steward, and it had the date when she began. And on the dash to when it would end, he put "forever."

>> COMMISSIONER CAMERON: Wow!

>> DR. LIGHTBOWN: As you know from an earlier meeting -- and I won't read it again because I could barely make it through then -- but her -- she understands that racing is so much more than just who has won a race and what the statistics are and that it's the memories and all that you build at the racetracks. So it's with great pleasure that I present this award to Susan. The Pete Pedersen Outstanding Award is presented to Susan K. Walsh for meritorious service to the North American horse racing industry as a racing steward since 2001. Susan K. Walsh continually demonstrates a conscientious commitment to a judicious and impartial decision-making process through common sense and a comprehensive understanding of the rules of racing, treating everybody with respect and integrity. Congratulations, Susan.

>> MS. WALSH: Oh, wow. Thank you very much.

[Applause]

Thank you very much. Thank you very much.

>> MR. BEDROSIAN: Madam Chair, if I could take Executive Director's privilege. One of the real treats of going to Suffolk Downs and going up to the steward's box with Susan was not only did she oversee the race, but she would give you the history of everyone down on the track, the horses, the people, their family members, how she knew them, and you could just feel the richness of the history of Suffolk Downs if you got an opportunity to visit and see all the, you know, the family connections. And so it was a real treat, a real pleasure, and I can't imagine a more deserving person.

>> COMMISSIONER CAMERON: I'd like to add to that. First of all, how lucky are we to have one of the few women in the country as a Chief Steward? And I believe you're only the second woman ever to receive this award. So that's outstanding in itself. But I just would like to add that, you know, we took racing early on -- remember, it was, like, okay, we're expanding the racing Commission and gaming Commission, it's all yours. When we would not have been successful as regulators, Susan, without you, frankly, to help us with that. I learned so much from you, and your passion is infectious. How much you care about -- it's been said, it's the horses. It's the people. It's every aspect of the wonderful sport that it is that your knowledge. Dr. Lightbown mentioned one of the criterion was knowledge. I would put you up against anyone in the world with your knowledge about racing and how it should be done the right way. Just sitting in the booth with you listening, as our executive director just pointed out, your knowledge and your passion is amazing. The respect that you have from your male colleagues is apparent as well. And as we just heard, you know, you're so well trusted and admired that even a penalty or a fine is taken graciously because they know how much you understand the sport and that you're looking out for the best interest of

the sport at all times. So I just -- it's been such a pleasure to get to know you, to understand and learn from you, and I know how lucky we've been to have you here, and I'm so glad you've been recognized for your accomplishments. They are amazing. Thank you.

>> MS. WALSH: Thank you. I would like to thank Dr. Lightbown for generating all the background for this award because I thought you just wrote somebody's name and put it in a hat, and it was much more complicated. And she did all that background. However, she never told me she was going to make a speech about this. So I wasn't prepared. But I wish -- I don't know where to begin. When I was training horses, the horse that we had at the track at the time was retired. And we didn't have anybody coming up. So I had to stop training. And in the summer of 2000, I was working at Rockingham. I called it the fake vet. Anyway. And my husband -- but that was -- that job was going to end in September. And I got home one day and my husband said, oh, you won't believe this. In the racing form is an ad, they want a steward at Suffolk Downs. He said, you've got to apply. I said, I'm not going to apply for that. Those are just old guys. I just never had thought of that as being a career choice. And when I was a trainer, a steward was somebody you avoided at all costs. You just didn't want to know about the stewards. So just to humor my husband, I applied, and amazingly, I got the job. And I must say, every morning for the next 19 years when I was waking up in the morning and I thought, what day is it? Oh, I have to go to work. That was a good thing. I never, ever didn't try to get to work to start the day because you never knew what was going to come in that door when you got to your office. It was an amazing, amazing thing.

And people that I've known at the racetrack, I've been to Harvard, and I can tell you honestly that some of the smartest people I know I know from the racetrack. It's a wonderful, wonderful place. And my only regret is, I'm going to go down in history as the last steward. But other than that, it's been -- it's been wonderful. Thank you very much. Thank you, Dr. Lightbown.

>> COMMISSIONER CAMERON: Thank you.

>> MS. WALSH: Embarrassingly.

>> COMMISSIONER CAMERON: Most deserving. Most deserving. Thank you.

>> COMMISSIONER ZUNIGA: Congratulations. I did have a question. How did you first get involved in racing? You mentioned when you first were a steward.

>> MS. WALSH: When I was a little kid, I didn't want a pony for Christmas. I wanted a racehorse. Because when I was a kid, we got a television, which our first television, and I got to watch the Kentucky Derby in 1955. And I chose to root for this one beautiful horse, and he won. And from then on, I was obsessed with horse racing. I used to grab my father's copy of Sports Illustrated and tear out the part about racing, and I kept it. I've always loved horse racing. And my first horse, when I finally got out of my education and I had a job and I could afford a horse, it was a horse from the track. And that's been it for me. They're wonderful, wonderful animals. And everyone that works at the track is only there because of how wonderful those animals are. They'd rather be there than anyplace else. It's a great place.

>> COMMISSIONER ZUNIGA: Thank you.

>> CHAIR JUDD-STEIN: Well, we congratulate you, and we're so proud that you are part of Massachusetts history and that you've received this award. Dr. Lightbown, I've

only known you a short time, but I do note your emotion in your storytelling and your reporting. And she was a little choked up today because she recognizes all that you've done. And I did get a little bit of a glimpse of the history that you provided when I went to the second to last race at Suffolk.

>> MS. WALSH: That's right.

>> CHAIR JUDD-STEIN: And I was lucky enough to see you at work. I feel privileged for that personal glimpse, but more importantly, you know, Dr. Lightbown has recognized the contribution you've made to this industry and to all the people who are so much part of that industry that you both love so much. So thank you and congratulations.

>> MS. WALSH: Thank you very much.

>> COMMISSIONER STEBBINS: Congratulations.

>> COMMISSIONER CAMERON: Congrats.

[Applause]

>> MS. WALSH: Wow.

>> COMMISSIONER CAMERON: Thank you.

>> MS. WALSH: Excellent.

>> CHAIR JUDD-STEIN: Well, I have to say that our next item on the agenda is lunch. But because I think I'm allowed to address matters that I didn't reasonably anticipate, I think I have three gentlemen in the back who I'd like to welcome and have them come forward. And I'd love to have Janice Reilly come forward, too, please. So joining us today is Chair Crosby, who's accessing a chair right now with the help of a crutch. He had a significant operation but seems to be navigating well, breathing through it. And we have Commissioner MacDonald and Commissioner McHugh who have come here because we've been noting this date over the course of several meetings that today would be Janice's last date. And when you are employee number one, you get some special recognition. So before I turn to my immediate colleagues, can we turn to your former colleagues? Mr. Chair, will you like to -- would you like to go first? I think he wants to go first.

>> FORMER CHAIR CROSBY: I would be privileged. There's only one Chair, and that would be you, Chair Judd-Stein. But as the former Chair, I'm pleased to do this, as you can tell, I just had hip replacement surgery ten days ago. This is the first time I've been outside my house. But nothing could have kept me from being here on this particular day. And since Janice and I go way back, I'm just going to take a minute to tell a little bit about that. We first met 40 years ago, actually almost literally 40 years ago in 1979 when I was Kevin White's campaign manager and she was executive assistant to his chief of staff, Micho Spring. We got to be friends 40 years ago. That was nice.

She then first came to work with me in 1983 with my publishing company, the Crosby Vandenburg Group. That was a big year. It was the year of my first marriage and the year of Janice's last marriage. Congratulations.

>> MS. REILLY: It was my first marriage, too.

>> FORMER CHAIR CROSBY: Congratulations, Steve Kavanaugh. You did it. We worked quite a long time together with the Crosby Vandenburg Group. Then Janice worked with me a second time in the year 2000 when Governor Cellucci asked me. I said I had no -- except for the fact that I know nothing about state administration

and finance, I'd be happy to take the job. So as you have heard, I joined Cathy Judd-Stein who was there at the time. The first phone call I made was to Janice to see whether she would join me, and she became my Chief of Staff at the ANF.

We had a lot of notable experiences there, as we have had over many years. Probably the most notable was we were there on 9/11 together. When the Governor, Lieutenant Governor, chief of staff, the state house was empty, the Governor and the staff went to the civil defense bunker because nobody knew what was going on, if you remember that morning. And Janice and I and two or three others were supposed to hold the fort for the Governor's office and the state house. As we were sitting there with screens, we heard fighter jets going overhead. We thought oh, my God, could they be coming for the state house too? As it turned out, it was the National Guard F-16s, but it was a scary and memorable moment, as it was for everybody.

Then in the fall of 2001, I got this utterly unexpected and utterly bizarre phone call from Governor Patrick, asking, 2011, the fall of 2011, asking if I would become the founding Chair of the Mass. Gaming Commission. I said yes. Some of you have heard the story of the Governor's chief of staff's reaction to that which I won't recount now. But when I was accepted, my first call was to Janice Reilly. And I said to Janice, I'm going to go do this crazy job. Do you have one more in you? And Janice said, "yes." So Janice was the first employee, as Chairman Judd-Stein said, first employee of the Gaming Commission. She sat in a spare office in the comptroller's office, trying to figure out how the hell do you build a gaming Commission and a gaming industry. Meanwhile Jamie and I who were employees 2 and 3 were still at UMass Boston happily working away.

But from that moment on, Janice was at the center of building this agency and of building a culture at this agency that we could be proud of. Almost from the beginning, all five Commissioners who are now here, the original five Commissioners, committed to a casino licensing and regulatory process that we characterized as must-be participatory transparent and fair. That was our central commitment to our work, and nothing has been more central to our work since that moment.

Janice, obviously in close collaboration with Elaine Driscoll, come hell or high water, was the guarantor of that commitment to participation and to transparency. No matter how obscure the venue, no matter how insecure the gymnasium, no matter how small the town, no matter how angry the neighbors, no matter how fragile the I.T., no matter how funky the audience, even when they worried about bamboo growing all over the place, no matter how complicated the logistics for every public meeting was, every public meeting was streamed, every public meeting had mics, every public meeting had chairs, every public meeting had a stenographer, every public meeting was properly noticed, and for every public meeting, every Commissioner was properly prepared. This was, I think we would all agree, a virtually flawless and vital logistical performance that made participatory and transparent possible.

And oh, by the way, did I mention that Janice orchestrated our moves into three new offices, three new different offices in our first few years seamlessly? That was another virtually flawless and vital logistical performance that made our work possible. And that's just the half of it. Janice provided a discrete shoulder to lean on in times of stress, wise counsel to us as Commissioners and to the staff as we tried to meet the challenge of building the plane as we were also flying it. And on a personal note,

Janice provided strong and honest and thoughtful advice and sometimes admonitions to the Commission Chair -- that was me -- who sometimes saw standards as more onerous than they really were, or sometimes saw rules as silly when they really weren't. Thank you for saving my ass.

[Laughter]

>> MS. REILLY: Here we go.

>> FORMER CHAIR CROSBY: I asked her in 2011 whether she had one more big job in her. The answer to that question has been clear. Hell, yes. Thank you, Janice, for your friendship, your integrity, your relentless can-do spirit, and your infinite patient professionalism. I love you.

[Applause]

>> CHAIR JUDD-STEIN: Commissioner MacDonald?

>> COMMISSIONER ZUNIGA: Who wants to follow that?

>> CHAIR JUDD-STEIN: Commissioner MacDonald can handle it. I mean Commissioner McHugh, I think, can handle it.

>> FORMER COMMISSIONER MCHUGH: I can't compete --

>> CHAIR JUDD-STEIN: Yeah, you can.

>> FORMER COMMISSIONER MCHUGH: I can't compete with that and I'm not going to try. Oh, technology. Janice, how do I do this?

[Laughter]

>> FORMER CHAIR CROSBY: Call Janice.

>> FORMER COMMISSIONER MCHUGH: I just asked for her help. I don't have that long history with Janice. None of us did. But the history I have had with her was enormously valuable. You know, I can remember the day we walked into the building, that first building we had on whatever street it was. I'm getting old. 84 State. There you are. That's why you're so helpful.

[Laughter]

>> FORMER CHAIR CROSBY: Call Janice.

>> FORMER COMMISSIONER MCHUGH: And we walked into a building -- into a room, a huge room. There were six of us -- six or seven of us walked into that room. There was nothing there. And that's how I felt that day. I was excited. I was eager. I hadn't a clue as to how to get started. And looking around this big, empty room, one of our grandchildren visited later and said we could go bowling here. I thought that was a good idea. We never brought it up. We never followed it up. But slowly and with increasing speed, Janice engineered putting together the physical space at the same time she was putting together the relationship and helping to put together the relationship between the Commissioners. We were all strangers to each other. We had had some time to get together after we were acquainted, but we didn't know each other well, and she helped enormously with that and she continued to do that, and she did all the things that Steve so ably mentioned here and was the valuable piece of all of that.

But for me, the major thing that I take away is that in every organization, you'll find people with titles. You'll find people with -- on the organization chart. You'll find people with responsibilities that are defined, but you'll always need, in order for an effective organization to really hum, somebody who is the go-to person, somebody who, when things get tough, you can go to for advice. Somebody who's not afraid to and

knows how to say to somebody with a title, you made a bad call there, or somebody is wounded because of something you said or something isn't quite right here, and let's help you fix it. And that's an essential ingredient of a high-performance organization. And we became a high-performance organization. We had a few bumps in the road, but we became a high-performance organization. And we did it because we were dedicated to it, but because, as I look back on this, Janice was there to perform that function, and she performed it time and time again for all of us. She was the glue that kept the organization together in tough times. She was there with advice. She was calm. She was gentle in her upbraiding but firm. She was indispensable ingredient of the success that we achieved. And as Steve said, of the culture that was created, one in which everybody truly believes and can recite their belief in the notion that the Commissioners to be participatory, transparent and fair. So I thank -- and I know on a personal level that there were a number of times when I benefited enormously from those talents, that gentleness, that firmness and that fearlessness in addressing the problems that were occurring. So thank you, Janice, for what you did to me, for me personally. Thank you for what you did to build this Commission into the organization that it is today, and thank you for doing all of that for the Commonwealth.

[Applause]

>> FORMER COMMISSIONER MacDONALD: Madam Chairman and Commissioners, I came to the Commission with undoubtedly the greatest challenge that anybody has come to work at the Commission had, and that was to be the successor to the gentleman on my left, because I was appointed by the Attorney General to fill the unexpired term of Judge McHugh. It became apparent to me very quickly how close Janice was to Jim. And I remember in particular a photograph in her office in which she was in an ice house restaurant, literally an ice house restaurant with Jim and his wife and Janice and her husband and one of the troopers. Was it Dean? Dean. And I never did get an invitation.

>> CHAIR JUDD-STEIN: Still there.

>> FORMER COMMISSIONER MacDONALD: From Janice to join her at that restaurant. Surprise. It melted.

>> COMMISSIONER CAMERON: It melted.

>> FORMER COMMISSIONER MacDONALD: But on a serious note, from the first day that I came and throughout my 2 1/2-year tenure on the Commission, Janice made me feel as if I was, in fact, a worthy successor to Jim McHugh. And for that I will always, always be very, very grateful. And so I was pleased to get the call to be able to participate with Steve and Jim in honoring you today.

[Applause]

>> CHAIR JUDD-STEIN: Shall I start at my right? Commissioner?

>> COMMISSIONER CAMERON: Thank you. Janice. I'll try. Commissioner MacDonald, you described that a restaurant as an ice house. I think it was a vodka bar.

[Laughter]

And that actually is part of the beauty of Janice Reilly, frankly. You know, I grew up here in Massachusetts, graduated from college, but then I left for 29 years. So coming back, I did not know anything about state government, rarely, not much about Boston, had never worked here. So Janice quickly became my go-to person. I'm in Florida

waiting to start. I had been appointed. And I'm calling Janice. Steve said call Janice. So, of course, I did that. And she, from day one, there was never a question that I asked that she didn't find an answer for if she didn't know it. Anything to do with Boston or state government, Janice was invaluable to me in teaching in a way that was irreverent, which I love, by the way. You know, just everything we needed to do. And now that I think about how seamless it all was, my God. Frankly, you're irreplaceable, Janice. We really are. So we're lucky to get you back two days a week. We're going to continue to use all these skills, seriously. But to think about all we've been through in, God, almost eight years, Janice, be employee number one, you just made it work. You kept the trains running. You are the glue. And in a way that for all of us is just, you know, it's helpful but yet it's -- but yet it's real, right? It's Jesus, we have to do it this way. Or just telling us -- giving your opinion on how things should go and what the intelligence was, what the room was like, who was there. Who's this person over there? They looked angry. She goes, oh, you don't know? So you were just invaluable to us and really the trains have run really, really well. And, you know, you may be irreverent, but you care so much about our mission and getting it right, Janice, you know, any time of day and night, you're always there to kind of problem solve for us. So I can't -- I can't even think about what this job would have been like without you there to really assist and some of the things we've been through. I know we've talked about it a lot, but it's just thank you so much. We'll still be friends, by the way. But --

>> FORMER CHAIR CROSBY: Vodka bar.

>> COMMISSIONER CAMERON: Yeah. We were being kind there, but that's what it was. It was a vodka bar. Thank you, Janice. I've loved working with you. We'll miss working with you, although we still have a lot of good work to do, so I can't thank you enough, frankly. All right.

>> CHAIR JUDD-STEIN: Commissioner Zuniga. Oh, I was going to go --

>> COMMISSIONER ZUNIGA: Do you want to go --

>> CHAIR JUDD-STEIN: I'm thinking --

>> COMMISSIONER CAMERON: Old to new?

>> CHAIR JUDD-STEIN: Well, I don't want to say old, but I want to say appointment, am I right? Am I right on the appointment or is it Commissioner Stebbins would be next? I think Commissioner Zuniga, yeah. I got it right.

>> COMMISSIONER ZUNIGA: I was appointed third.

>> (Away from mic).

>> COMMISSIONER ZUNIGA: I had the pleasure of knowing Janice six days before I voted in the meeting for your hiring, which I think turned out really well, really well for us. I don't know that I have much to add that hasn't been said except that emphasizing some of the points that are critical, helping us get through those very bumpy roads at times and coming out of it much better is critical, helping in the culture that helps this organization to this day and I think will continue to do that when some of us are no longer here was also critical. And your very benign way of coming to speak truth to power and trying to be persuasive when we needed to be persuaded is also something that we're going to be very thankful for, that I am very thankful for. So thank you.

>> CHAIR JUDD-STEIN: Commissioner Stebbins.

>> COMMISSIONER STEBBINS: Thank you, Madam Chair. I'm mindful I got to say a few things last week when there was no live transcript running that I won't repeat. I

also got to take note that maybe because we're so close to the holidays, I can make the analogy we're being visited by three wise men.

[Laughter]

Who unfortunately have not shown up with frankincense, myrrh and gold. My colleagues and I all walked into an office space with really Janice and Jamie being part of the team that was going to help us navigate those early days. I think it's important to point out those hearings that Steve talked about, we were all up on stage. We all had state police around us. It was Janice who was in the back of the room in the line of fire that took a lot of those shots. It's been a pleasure to work with Janice. I consider her a friend, certainly a fellow Red Sox fan. You know, she -- she comes to us every meeting or before every meeting and says, hey, do you have everything? And you missed that this morning, and I'm kind of glad you did. I'm not sure I could have held it together. But thank you so much.

[Applause]

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

>> COMMISSIONER O'BRIEN: So unlike the other three up here that have spoken, I am like judge MacDonald where I jumped into the slipstream of a Commission already fully in motion, and it can be tough to jump in as it's moving. And I have to say from that perspective, you were no less essential to me than you were to the people when it was starting out. And you were the person who, as I said last week, when everyone else was off and doing their job and you're the one who remembered that maybe I might need to know, you know, where to park and where to go and what time to get on a boat, which was very helpful. I do also -- I had the very candid personal conversations with you, you know, that I will miss. The one thing I think that I will miss the most about your presence and your influence is that you don't even need to speak to let me know exactly what you thought of what just came out of my mouth. And so to think of January 9th, to look in the back of the room, to not see that, to gauge how I'm doing and to not see the touchstone that for me lets me know what's going on is going to be very different, and I'm sure we will survive as an organization, but we will be that much less in that regard until we find someone who can help us keep going. So I will miss you. And I thank you very much. And I wish you fun and wine and enjoyment in your retirement.

>> COMMISSIONER CAMERON: Good job.

[Applause]

>> CHAIR JUDD-STEIN: So it's not lost on any of us that many of your colleagues have come in, as much as they wanted to see the former Commissioners and Chair, they're here to honor you. We were really lucky last week in the public meeting to present the McHugh Award to Janice, as described, and we did have a chance to make comments and embarrass Janice. But I thought it would be really nice to do this while we're streaming. Fairly, transparently and with great participation. So I guess that I would comment that I did have the privilege of knowing Janice when she worked for then Secretary Crosby, and I was in the Governor's legal office. Janice was the person that many people kind of said, oh, I'm a little bit afraid.

[Laughter]

You go ask. But immediately -- immediately I knew that that was sort of that Charlestown smart, and I could handle my Vermont naivety, and we could communicate

well. I missed Janice. We missed her presence, but I was lucky enough to occasionally bump into her. And then after Steve left UMass and came here, I commented the other day how I bumped into you at a very fortuitous time. Chair Crosby had already told me, oh, everything has to be done in public meeting, and we can't choose the carpet without talking about it publicly. But Janice supplied more detail and said to me, Cathy, I have to monitor the Commissioners' restroom stops, to make sure that there's not three of them in the bathroom violating the Open Meeting Law. And I said, good luck with that, Janice.

But Janice, for me here -- and that's the critical piece, because I'm saying good-bye to you as the number one employee, and I think we think the number -- the first employee to retire from the Commission, we think. We believe that to be the case. In any case, lots of number ones all around, like Eileen, I came on at a time when things were quite complicated. And I had the benefit of you having your judgment and your insight and your care to work with me to be however successful I could be at that time when it was complicated. And I was so lucky to know I could rely on that. And that was a gift. And all three of the former Commissioners had told me that I would have that, but I already knew that your being there would make all the difference to me. You do have those smarts, eyes in the back of your head, that make us all really, really acutely aware. But it's not just sensitive issues. It's all those issues of being a good colleague and being there for each other. And you've been all of that for me in this short time. So on a personal note, I'm going to miss you very, very much.

But on a professional note -- and Judge McHugh and I share the same sentiment -- you're a very, very good friend, and you've been a great friend to Steve. I think she might have been the reason for your success throughout your career, it sounds like.

[Laughter]

I mean, just saying. But, you know, as we said, you're personally so good to everyone. But you have really served the Commonwealth and the public, and for that we are eternally grateful. So thank you. And I wish you well in your retirement, and if you happen to do a little bit more public service, we'll welcome it. But try to get on that sailboat with that husband of yours and enjoy, and we know that we will see you as a friend and in whatever form you want to continue serving the public. Good luck.

[Applause]

So we are still in our official meeting. Oh, I'm going to allow Janice to speak. I just wanted to let everybody know we are still in our official meeting. We will be concluding after Janice's remarks for lunch. I wanted to just -- this is a logistic note that -- no, Janice would tell me that. And after Janice's remarks, it will be -- we'll be returning a little bit later than our plan. Probably closer to 1:45 to 2:00 for our second half of our meeting.

And now, before Janice makes her remarks, could you come up, Janice, to this awkward place, please? You want me here, right? The mic is on. And that's Elaine Driscoll.

[Laughter]

So this is actually as much of a presentation from the Commission, it's really a presentation, too, from your colleagues. I'll read it into the microphone. Janice Reilly, it's on the 19th day of December 2019, the Massachusetts Gaming Commission proudly

presents to you this distinguished service award, in grateful appreciation of her distinguished service to the Massachusetts Gaming Commission and the Commonwealth of Massachusetts. Janice's efforts as Chief Administration Officer have been instrumental in the Commission's ability to successfully build a new public agency while simultaneously implementing a new and complex expanded gaming law. The Commission thanks her for all she has done for Commissioners, MGC staff, and MGC's many stakeholders. Upon her retirement from the Commonwealth, the MGC extends its heartfelt gratitude for her measurable -- immeasurable contribution, consummate professionalism, and admirable dedication to public service.

>> Hear, hear.

[Applause]

>> CHAIR JUDD-STEIN: It may be your rightful place all along.

>> MS. REILLY: Oh, no. We all know where I like to sit, at the back of the room. Again, I am humbled by all of your words. When Steve called to say, do you have one more in you, I had no idea what it was going to involve, thank God, because I probably would not have said yes. But it has been a privilege, an honor and a pleasure to work with all of my colleagues who are here. We've been -- we've come a long way since 2012 when we started this journey at 84 State Street, and I'm very proud of all we've accomplished and walk away kind of bittersweet about it but happy and proud of all we've done, and I couldn't have done it without all of you.

I was so fortunate when we first started to get five Commissioners who did not know one another at all but who were willing to just roll up their sleeves and dig in, and none of us really knew anything about the industry, but we all kind of learned together. And it's been the journey of a lifetime, I can say that honestly and, again, proud of all that we've accomplished and grateful for the colleagues and people that I've worked with over the years. None of it -- again, I said this the other day -- would have been possible without all of your efforts. You've been incredible any time I asked for help or needed to have assistance with anything, there were many, many hands that were put out to help me, and I will be grateful for that forever. I'm not going to say good-bye. I'm going to say see you soon, and thank you all. And thank you all, to all the Commissioners, all the Commissioners.

[Applause]

>> CHAIR JUDD-STEIN: Thank you. And we'll convene at -- we'll convene at 1:45. Thank you.

[A lunch break was taken at 1:11 P.M.]

>> CHAIR JUDD-STEIN: We're reconvening Commission meeting number 284. And we are now turning to, happily, item number 8, and happily because we have a wonderful group of guests here today. Mark?

>> MR. VANDER LINDEN: Great. Good afternoon. Commissioners and Chair. I'm going to just go down the line and introduce the guests in our first row and then Teresa will come up for part two, and she will introduce our guests in the second row. So I am joined by Marlene Warner, Executive Director of the Mass Council on Compulsive Gambling, Ray Fluette, who is the senior GameSense adviser at Encore Boston Harbor. Josh Molyneaux. I think I got that right. Who is a GSA, GameSense adviser, at Encore Boston Harbor, and David Tang, who is also a GameSense adviser at Encore Boston Harbor.

>> CHAIR JUDD-STEIN: Welcome.

>> MR. VANDER LINDEN: So Teresa did a very good job of scripting this presentation, and she's given me two minutes.

[Laughter]

To talk.

>> Ready? Go.

>> COMMISSIONER STEBBINS: You're already a minute in.

>> MR. VANDER LINDEN: No, it starts right now, Commissioner.

>> COMMISSIONER CAMERON: Mark, the clock is on.

>> MR. VANDER LINDEN: I can say a lot about GameSense, but there are a few points that I think I really want to make. This Commission introduced GameSense four years ago. At the time I considered a solution for the piece of the statute that called for an on-site space. What we have created since that time is a program that means something, that it provides information to patrons at probably one of the most important times where they could be making these decisions, provides them with information so they can make an informed choice about their gambling decisions. We are growing a body of evidence that supports the idea that the patrons at our Massachusetts casinos, our patrons at our Massachusetts casinos are taking in information and using that information, and it's informing their play. And it's informing their play to keep their gambling safe. Our GameSense advisers are providing information to persons who are also considered at risk, whether their gambling behavior is risky or they are experiencing a degree of harm as a result of their gambling, and they are there at that pivotal time of their life and providing them with information and resources to get help. That's much more than just a solution to something. That is something that means something.

We won't stop doing that core function, but we have an incredibly talented team that is dedicated to improving the service as well. How can we do a better job of providing that information at that point in time so that the patrons can stay in a zone of playing safe? This is -- this is something that's moving from where ten years ago, the solution for responsible gaming was making sure that brochures were available, to one where we're talking about different segments of players. We're talking about providing information to different players based upon their needs and their level of play. We're moving from something that was a brochure to something that is science. And that is incredibly important work, and the individuals that are here today represent some of the best of that work. That was two minutes. I'm excited to turn it over to Marlene Warner who from day one of developing the GameSense program has contributed to developing this program.

>> MS. WARNER: Good afternoon, Commissioners.

>> COMMISSIONER STEBBINS: Good afternoon.

>> MS. WARNER: I am really pleased to be here and to talk a little bit about what has been happening over the last six months. Obviously a very large piece happened which is we opened a new GameSense information center, within a casino opening and that was obviously at Encore Boston Harbor. This is our largest team. Across the three properties, we currently have ten staff members there. We opened with 12, and one of the things we talked to you about when we came just -- was it just two weeks ago, four weeks ago, whenever we were here, was about being adept and changing

with what we saw was happening. And one of the things we realized was that we didn't need some of our part-time staff. And we're going to -- Ray will talk a little more about kind of the day-to-day operations at Encore Boston Harbor.

But I'm so pleased that we have some of the folks here. So let me talk to you a little bit about how we developed that team. We have learned a lot. When we opened at Plainridge Park Casino, we not unlike probably everyone, and Lisa can probably speak to this, we're kind of just figuring it out as we're going. As I think someone alluded to this morning, trying to figure things out as the ship was moving. We were doing the same thing. So we've learned tremendously about what our staff need, what they need in terms of infrastructure, what they need in terms of things as simple as our way we are dressed today. This is the official uniform of Encore Boston Harbor. And GameSense center. And really how we best train them and support them in that initial orientation but also in that ongoing lead into a casino opening.

So there are four weeks of training, and that's often shocking to people to know that we spend that much time, but we think it's vital. The staff have been recruited almost exclusively from the casino industry. So we have staff -- and you'll hear a little bit about some of the background from some of the folks we have here today, but from our regional casinos both here in Massachusetts and in Connecticut and Rhode Island. And they come with -- again, you heard me say this a few weeks ago -- come with an immense amount of skill when it comes to assessing what's going on around them, being able to connect with all kinds of patrons, knowing games inside and out. But they all come with the understanding of how to lead someone to gamble, and not necessarily how to explain the games, how to engage someone in a conversation about odds that would then lead someone to reflect on their own gambling behavior. And so that is something that really needed to be taught and needed to be practiced. So we spent four weeks with our team, most of which was actually at the Envision Hotel in Everett. And that was an opportunity for them to learn things like motivational interviewing. How do you spend time with someone and start to lead them towards a conversation about, again, reflecting on their own behavior and making a decision to change a problematic behavior for them.

We led them through conversations around, you know, we may have somebody who's -- someone who's an expert in slots but doesn't know much about Roulette, making sure they know those games inside and out. And some of that is teaching across the individuals. We have a lot of experts in a lot of things, but also bringing in a lot of information. I think one of the things that was really key -- and Mark touched on this -- is making sure they understand what the data that has been collected. And so this is kind of a perfect segue from your earlier presentation from Dr. Volberg and her team, is what do we know already, and how can we apply that to the work of GameSense in and so that has been one of the things that we have learned, right? What do we know about players in Massachusetts, their behaviors? What do we know about average spend? What do we know about their casino play versus their lottery play? All those things have been expressed to the GameSense advisers and kind of broken down so we can figure out what does this mean about the day-to-day interactions. Again, those are things that are happening in those four weeks.

In addition, a lot of time was spent on making sure that they know how to have a positive experience with every person they encounter no matter what that person

presents with. So that could look like someone who's concerned and troubled when they come into a voluntary self-exclusion program. That could look like somebody who is engaging as a family member in the casino. That could look like, you know, we've spent a lot of time training them to learn how to do community and engagement outreach out in the host and surrounding communities to the casino. So the Encore team, I think, benefited, and we actually brought some of our team members from some of the other GameSense information centers in because I think we finally have gotten it right. I think we know the sweet spot in terms of where they need to spend the most time and where they need the most practice and then what are some of those booster shots that we need to continue to provide moving forward, and we continue to do that and hone in on that.

As I said, we have our team from across the gaming industry, and yet -- I often think they all could go back and have a second career as clinicians. They are really sympathetic. They are open to hearing different approaches and practice them. So I am going to turn it over to Ray who can really give you a better sense as to what did the Encore opening look like, but now you know a little bit about the background of our team members.

>> MR. FLUETTE: Good afternoon, Commissioners.

>> Good afternoon.

>> MR. FLUETTE: My focus really when we first started opening Encore and going there was the team members that Encore has, the staff that they have there to try to make sure that they are really in tune with the GameSense program. Because as you can see from my bio, my history is from table games. And in the many, many years that I've been in the industry, I didn't -- never heard anything about responsible gaming. Never went to any kind of training for it. We just really thought that the casino didn't care, you know. That's the way it was. And it's probably still like that in plenty of places other than Massachusetts here. But, yeah. So when I went there, I didn't want these casinos -- the casino workers that they're hiring to still have that feeling, that they can't talk to our guests. They can't say it's time to take a break. They can't say, well, you know what? There is a voluntary self-exclusion program. So between training these guys, at the same time, we were trying to engage with the new hires that Encore is bringing in. So we were part of their orientation process.

And for the first three weeks prior to opening, Lynn Hull, my senior GameSense adviser and myself, were able to engage with 3,500 of their employees. And with that, we go through the training, and I'm hearing from these employees how it's okay. I'm not going to get in trouble if I tell somebody that you know what? You might need to take a break today. You know, it's okay that I could send them over to the GameSense center. You know, there is a voluntary self-exclusion program. I know where the center is located. It was really good to hear that from them because your employees are people, too. They're not machines. They're not a slot machine. They have the feelings. I mean, I could tell you many stories from my own personal experience of how I felt my hands were tied with a person that is really -- you can tell they're distraught, and they're spending their last dime here and neglecting family. And to come to a program like this is really, I mean, full turnaround for me. And I wanted to share that with the staff.

And another reason why I really wanted to do it is because Encore's going to

have hundreds of thousands of guests coming in there. And I have a staff of ten. How do I engage with these guests, you know? How can I make it work where I can get my staff of ten to get out there and try to be the front line? And it sometimes doesn't work that way. You get the employees to be the front line, you know, they are the ones -- the dealer is hearing the story from the player. The slot attendant is seeing the same person every day, and they're building the relationships with these people. And they're getting us in tuned to it and knowing that you know what? You might want to come over and talk to this person, you know, so it's really, really a good thing.

Since opening, it became more difficult with trainings to engage with the people that have already started prior to us getting involved. And so we went from four trainings a month to over 20 a month. And those, because they're working in a 24-hour industry, our trainings had to range from, like, 7:00 in the morning to midnight, you know. So I had to call upon my staff that just got hired to you know what? I need help. You know. So these guys really stepped up. Our training that we did, as Marlene told you earlier, the four weeks, we also went into how to do presentations.

And then Encore really did a real special thing where they held a train the trainer class strictly for GameSense. And I jumped at that opportunity. Yes, you want to do that, you know, we're all over it. And I was able to even invite GameSense advisers from the other properties to actually come and do the training, and it helped them immensely. So now when they're getting in front of 50 to 100 people at a time and talking about the program, something they're very passionate about, they can feel comfortable talking to all these people.

And on a daily basis, we get -- I want to say we did 110 voluntary self-exclusions so far since the casino has opened. And about half of them stem from an Encore employee sending the person to us. Whether it's a security guard escorting him over to the center or a slot attendant or a dealer suggesting the program or even Red Card. You know, on a daily basis, Red Card sends people over to us that are just signing up for a new card. And they're saying you know what? Why don't you go over and see the GameSense center. You know, they really have something special. They have a program to show you. And they can also give you something. You're not going to walk away empty-handed, you know. Not everybody gets those GameSense socks, you know, that we have. But, yeah. It's a really good thing.

And every small interaction with a person, whether it's just giving them a little piece of swag or something, all of a sudden they say, what is GameSense? And that's where we're able to go into our full spiel. And we don't lead them with your we're about responsible gambling. That's not our first focus. We say you know what? We're all about keeping gambling fun, you know. And that's what we're at, you know. And if I use the word responsible gambling, problem gambling, a lot of times they're going to put their hand up and walk away. You know, they don't want to hear it. It's not for me. But if we're keeping gambling fun, you know, and exciting and using your entertainment budget, and I can go further into it, we'll actually talk about the games and the house edge with you, you know. We can tell you where the house edge is built into every game and show you how a slot machine works and how random it is and what you've just done on this particular spin on a Roulette wheel doesn't necessarily mean that's going to change what happens in the next one. And explaining this stuff to people, and their eyes just open up, you know. So it all starts off with a little hi, how you doing?

And it works into a full GameSense presentation. We can do this in just a few minutes, too. So it's very exciting.

Encore, it's a great property to work in. I'm very happy. I've worked at all three of them, you know. I hope it's the last one. I can't continue to move again. I mean, it is fun. And I have a great staff that is really, really engaged in the program. One -- like Marlene said, our focus was to pick up people with gaming knowledge and gaming background. But really it, to me, was about customer service. You know, how to be able to talk to people and let them feel that you know what? You're not trying to sell them something, but you're really servicing them and making them feel good about themselves, and you can spread our message in that way.

So I did bring a couple of shining stars with me here today. You know, I have David Tang and Josh Molyneaux, and they're here to talk about themselves. Go ahead, Josh.

>> MR. MOLYNEAUX: Good afternoon. When I first heard about GameSense, it was actually during my orientation to be an assistant food court manager at Plainridge Park Casino. And when I heard about it, I thought, this is a cool idea, but how could you actually incorporate this? Like, how could I actually use this in my daily life? So while I was working there, I'd have regulars coming up every day that I would always have a good time talking to, and it was nice to see them, but in the back of my mind, I was always kind of sad because that generally means, says so you're at this casino for hours every day, and you're telling me about how you're losing money. And I wasn't really in a comfortable enough space to feel like I could talk to them about it. And then I heard that GameSense was hiring. And I actually started to talk to Ray and Ronny who works at pain ridge more to hear more about the mission and exactly what GameSense does. And so I applied, got the job, and then I started working at Encore Boston Harbor, which I found very interesting because ironically when I was there, I started talking to other employees at the casino, and they would all go, I mean, what do you guys do? Just ban people? Just help people who have gambling problems? And I went okay, I can understand because that's exactly what I thought. So it's been very interesting to watch how this program's grown with knowledge of the different members that work at the casino because there was one instance, for example, where someone came to the casino after five years, they had stopped gambling. They had almost lost their home. They had to borrow money from their grandmother just to keep going and staying stable in life. And they wanted to just celebrate and check out the casino because it had just opened. They thought it would be cool.

I get a call from security, which I never imagined would happen because they were always scoffing at the idea, saying, can you come over to this location and speak to this person? It sounds like they need to talk about their gambling habits. So I brought her over to the GameSense center. And as we were talking, we were just talking about the different things that happened with her, what she had lost, what she was afraid of losing and how she had rebuilt her life after these five years and was scared that she was going to throw it all away. As the conversation goes on, she continues to reveal that she was that day supposed to go to GA to give a speech about not gambling for five years and how it had saved her life and made it so much better. And showed how much appreciation she had for GameSense for being there to help her exclude herself so she wouldn't have to go through that process again. And it made

me think back to when I originally started at Plainridge about kind of scoffing at the idea and realized how cool it was that this was really a multilevel sort of deal. Instead of being a place that people go to just when they have a gambling issue or they have to continue going, it was a place that you can go when you start going to casinos, and we can teach you how to avoid that and how to understand how the games work. If you felt like you were getting to a level where it was getting out of your control, we could help you exclude yourself, and we could help you make sure you don't get into that area. And then for the people who actually had gone through the issues before and realized that the pattern was about to repeat, we could help them as well. So it really came home to me how great of a program it is because of just the multilevel layer in which we can help people overcome these different issues and almost as a preventative measure before it even starts.

And it's also just fun because you go to the casino now, and all the people that originally kind of laughed at the idea, they're joking around with talking about how great of a program this is and all the different actions they've seen and showing why GameSense is so important. So that's been my experience so far. I just think it's an excellent program. It's my favorite job I've ever had, and I'd love to keep this whole thing going.

>> COMMISSIONER STEBBINS: That's great.

>> COMMISSIONER ZUNIGA: Thank you.

>> MR. TANG: Good afternoon, Commissioners.

>> Good afternoon.

>> MR. TANG: Thank you, Josh. It's going to be tough to follow that. My name is David Tang.

>> CHAIR JUDD-STEIN: You may be able to move it.

>> MR. TANG: Like this? Better?

>> MR. MOLYNEAUX: Just follow the instructions.

>> COMMISSIONER CAMERON: Ooh.

>> MS. WARNER: Do not pull the microphone towards you.

>> COMMISSIONER O'BRIEN: We don't have that.

>> CHAIR JUDD-STEIN: No, but ours says something else which I occasionally remember to read. You're better at it. Sorry. Thank you.

>> MR. TANG: So my first experience with gambling was when my -- well, both my parents have had issues with problem gambling in the past. And my first encounter with gambling over at the casino industry was probably at the age of 13, right. And my mom had been a casino table games dealer for quite a while. So I've seen both the good and bad sides of the casino industry and the gaming industry. She continued to have an ongoing problem and, you know, when I heard about GameSense, I had been working at MGM Springfield. And it just -- it seemed like a call to action for me because, you know, there's no such program in Connecticut, right? At best, they have a 1-800 number, maybe a little card. I don't think it's even a brochure that says if you need help, call this number. Right? It's also -- GameSense is unique in that it's neutral in gambling.

It's not adversarial in that way. I feel like a gamblers are afraid to reach out because they're afraid to be judged on morals, to be judged on a lack of will power, you know, to be judged as a person. So they shy away from any antigambling programs or

strategies.

So the fact that GameSense is more about understanding and compassion, more about education, more about health and prevention, you know, I think that makes such a huge difference. Just recently we had a lady who was a local, a patron, that was coming to the casino basically every week, multiple times a week. She was from the next town over in Chelsea. And she had gotten to know every single GameSense adviser at the Encore property by name. Right? And so she obviously enjoyed gambling. She enjoyed talking to the GameSense advisers. And she started encountering a little bit of a problem with her gambling habits where she was spending more money than she was comfortable with.

She had to cut back on her food budget, you know. It's a relatively common story. But this story had a happy ending because after going through this for weeks on end, finally it just clicked, you know. Somebody said something to her. And all the pieces of the puzzle fit together. And she understood and said, I have to leave at some point, you know? It's all well and good that I'm having fun, but I have to set a budget. I have to set a time limit for myself.

And she completely transitioned into healthier gambling habits, into more sustainable gambling habits. So she didn't stop altogether. And part of the research shows, and I'm so grateful that we have all this training to help us understand this because I personally learned a lot even though I've been around gambling and gaming since age 13, I learned a lot when I joined GameSense. That a lot of problem gamblers don't stop gambling, right? They continue gambling throughout their lifetime, but sometimes they transition to a more sustainable, healthier version where they're not spending their, you know, daily, you know, bread, food, water, rent, all that stuff, and they're not spending their entire paychecks every single time they engage in any of these activities. So she came over to us. She was telling us how happy she was, you know, and that she was leaving exactly even. It can be a challenge sometimes, right? But hearing that, seeing that happen live, you know, it gives me a lot of hope for the gaming industry because I know that over time there's only going to be more and more casinos opening up. There's going to be more states, more areas that are going to be legalizing gambling. So unless we find a healthy way to incorporate into society, it can do a lot of harm, right?

So another case in point is that we work really, really well with a lot of the employees at Encore, right? When they first started, they weren't really sure what GameSense was about. But now we're having day-to-day conversations with some of the security officers because some of them gamble and they talk to us about their gambling habits and some of them about their gambling problems, right? So the fact that they feel comfortable enough to have that conversation I think speaks volumes. It's tremendous, you know. Where in the past it might have been taboo, it's not something you want to admit and people feel a lot of shame and embarrassment over. Now it's seen as the responsible thing to do, right? At least that's the culture we're trying to foster. So, you know, I'm really -- I'm really happy to be part of the GameSense team. And for every little bit that I can contribute, I'm really excited to see where this program is going to go in the future.

>> COMMISSIONER STEBBINS: That's great.

>> MR. VANDER LINDEN: I have just one other anecdotal story. These guys have

dozens. But two weeks ago I got a call on the voluntary self-exclusion line from a man at Encore Boston Harbor. It originally went to voice mail. I called him back about an hour later. And I could hear the slot machines in the background. He said, you know, I'm 75, and I'm worried that I'm going to lose all my money. He was inquiring about what to do. I talked to him for a little bit. I tried to describe where the GameSense information center was. I said, you can talk to staff. I tried to encourage him to make his way over there. I hung up. I wasn't convinced that he was going to try to -- he was going to figure that out. So I called Julie Heinz who is The Director of Responsible Gaming. I explained, I said, could you just pass along -- look out for this guy if he comes to the GameSense Information Center. He reached out to me, and it would be great if he could get some help.

You know, so I got -- I spoke to Julie last week, and I found out that Ray had actually gone out onto the gaming floor, walked the floor and found this person and brought him back to the GameSense Information Center. That -- there was a lot of concern about, this is a huge gaming floor. GameSense is just kind of a drop in the bucket. How are we going to be effective at doing this? But the idea that we have, you know, thank you so much, Ray, for taking the steps to go out there and actually look around, find this person, and really make that difference. It was just a great story of the great work that they do to go that extra mile.

>> COMMISSIONER ZUNIGA: Was that in part because of the referral, the general characteristics, a 75-year-old man?

>> MR. VANDER LINDEN: Yeah, yeah.

>> COMMISSIONER ZUNIGA: Or something like that?

>> MR. VANDER LINDEN: I'm sure there's several out there, but, you know, I think -- I mean, I would venture to say Ray kind of knows what to look for.

>> COMMISSIONER ZUNIGA: Right.

>> MR. VANDER LINDEN: He knows not only age but signs of distress. And he went out and found him.

>> MR. FLUETTE: Really, that was it. He -- he wasn't gambling when I saw him. You know, I was walking around, and he did say 75 years old. We're not Plainridge Park here. So we do have a younger demographic there. So it was kind of easy to walk around and pick him out of a crowd. He was walking around. He had all papers. He had everything in front of him about our program, you know. And it did make it very easy for me to find him. He was very happy to do it. And he actually found out about our program and everything from Plainridge Park, after talking to him. He frequents there often and he got to know Terrence, one of our advisers there, very well, and he told me to tell Terrence that he finally did it, excluded.

>> COMMISSIONER CAMERON: Great story. Me? You?

>> COMMISSIONER ZUNIGA: Yeah, you go ahead.

>> COMMISSIONER CAMERON: Okay.

>> CHAIR JUDD-STEIN: Commissioner Cameron.

>> COMMISSIONER CAMERON: First of all, I love the uniforms. You all look so professional and sharp. I really do. They look great.

>> MR. VANDER LINDEN: We know you haven't always felt that way about the uniforms.

>> COMMISSIONER CAMERON: Well, I know that. I know that. This is a different

uniform, and it looks terrific. It really does. A couple things I heard that I think are so impressive. First is 50% of the referrals are from Encore Boston Harbor employees. That's amazing. And that's to your point that it wasn't always that way. So I think that's terrific, and we have Lisa sitting with the team. I mean, I think it's a partnership, right? You wouldn't be as successful without the licensees embracing the concept. And, you know, working with us to make it successful. So I just love hearing those stories. And your personalities are engaging, infectious. I can see why you're all so successful. I think we're so lucky to have all of you. Marlene, great job recruiting. Really impressive team. So I really appreciate you coming and spending the time with us just to explain and to talk about the work you're doing and how important it is. And it really is important. So -- and Ray, I'm sorry, that wasn't that easy to do. The size of that casino, to go find one gentleman, wow! That means you care, really. That's what it tells me. And I'm sure you made a difference in his life. So thank you.

>> MR. FLUETTE: You're welcome.

>> COMMISSIONER ZUNIGA: Thank you. Thank you for those updates. We have had a number of -- as part of the procurement, you know, in their response, the Mass Council had, you know, very well-articulated principles that now the GameSense advisers begin articulating real-life anecdotes and experience which is really, really good. That's the crux of what you're all trying to do there. You know, we have fancier words. But, you know, like step care approach, trying to talk to different people and try to meet them where they are, but you clearly know how to engage that way and do it effectively. The talk-down of responsible gaming, instead to focus on positive play is something that is beginning to really be implemented as I hear you talk about how you're engaging with people, which is critical. It's really, in my opinion, one of the cornerstones of the success of this program.

And I did want to mention something about the prior evaluation, something that I think that we are gearing towards doing. In the first evaluation that we did on this program, which I, now looking back, would appear to be a little earlier than ideal. Maybe we did it a little too soon. There was a real principle at the time to try to, you know, do it -- we're doing a pilot program, and it's something new, and let's try to evaluate it. But as we now look forward to the next evaluation, one of the things that came from that first evaluation was that intuitively, the number of interactions seemed to be a metric, which I believe still is a metric. It's not the only metric. I believe the quality of interactions and the timing like the ones you say, at critical times, are really key. You need many interactions. You need many hellos and good mornings and so on to be able to reach those critical times. And that's something that I look forward how we try to begin to measure and quantify those critical both quality and the critical timing of certain interactions.

And I should also mention something that I think you put really well, Ray, which is how we leverage those interactions. When you talk about how you are through the dealers that you also know, that you also interact quite a bit with, other employees in the hospitality piece, parts of the casino, because you know them, because they're former colleagues or because they are doing work that you've done before, this notion of ultimate referrals is something that's a theme in the program that I think we really need to look forward to. Internal referrals, just like you one you described well, Mark, which is a powerful anecdote, by the way. But between employees and GameSense

advisers. But then also to external resources, which is also a big part of what I think the program needs to accomplish. How we make warm handoffs to existing resources outside of the casino. There's critical resources there including the voluntary self-exclusion piece. But I think it's really the future of the program, and it's something that I know you have put a lot of thought in. It comes full circle, as I've heard you say in your response to the RFP, that a big focus was going to be your interactions with employees. That's what you really wanted to increase as a real measurable goal. I think it's something that's exciting about the program that is a focus, and it's very good to hear in your own words what you're confronting on the front lines that are all those concepts that I speak about.

>> COMMISSIONER STEBBINS: I would just --

>> COMMISSIONER ZUNIGA: Did you want to -- I'm sorry. Maybe she wanted to respond a little bit?

>> MS. WARNER: I just want to say thank you for that. I think one of the things that we failed to talk about was how important it has been for us to really look through our senior GSAs and the staff at the physical environment and what are the -- where are the best places for us to have interactions, where are the best places for us to talk with employees, how do we set ourselves up? You know, these folks were talking I think it was just last week that maybe we should be focused on making sure we always have, you know, staff changeovers being in back of the house, always having someone kind of strategically stationed there. I think these are the things that we're trying to figure out is not just the number of interactions but where are the best interactions happening and what are the conversation pieces that are happening there and what do we need to equip ourselves with. Is it best for us to be standing in that strategic place with an iPad, with a brochure, with swag? What is going to make -- and I think those are the things we're really honing in on right now. And so that, to me, is that GameSense 2.0 next level.

And I will say that it's been invaluable to have the senior GSAs working together. Julie Heinz, Our Director of Responsible Gambling, has done a nice job of building that senior team up. They are really exchanging ideas and thoughts across those properties. So while there's a lot of consistency, we also are making sure we're capturing what's unique about each property and each GameSense Information Center and really going with what works in those places. And you're going to hear a little bit more about that when we talk about Responsible Gambling Education Week which happened in early August. But I think that that -- you know, when the RFR was put out, you know, there was a question about whether it made sense to have one program run one center versus another program running another center. We have found that it has been invaluable for us to have that consistency in branding, in programming, but to also think about how do we do something very specific for the patrons, for the staff for where we are. We're located in three really different spots in the three casinos, right? We have signage in really different ways in the three casinos. Our staff are really good at trying to maneuver around those different environments and figuring out how to make that work best.

>> COMMISSIONER ZUNIGA: And I should mention something else that the review committee talked about when we talked about number of interactions versus equality. There's a clear recognition that we do not want to simply drive interactions because

that's one measure. You need to be able to ascertain who is ready to have any kind of interaction. You don't want to turn people off. Otherwise at least it could theoretically backfire. And if you are perceived to be pushy just to get interactions.

>> MS. WARNER: Right.

>> COMMISSIONER ZUNIGA: And that's the whole side of, you know, looking at the quality but also, you know, the benefit of having all of you guys mostly come from the hospitality and gaming industry where you both know, you know, the players, the psyche, the signs and so on.

>> MS. WARNER: Thank you.

>> CHAIR JUDD-STEIN: Commissioner Stebbins?

>> COMMISSIONER STEBBINS: Yeah. I want to go back to a point Mark made, when you think about what the statute originally said. I think a lot of us had -- I had personally two kind of perceptions in mind. An operation like intended by the legislature was going to be back of house. It was going to be someplace you went and picked up a phone and maybe somebody came out and met you. And we weren't sure how it would work to actually have someone on the gaming floor. But as you guys -- you know, Mark, Marlene and Teresa, as you rolled this out and our team at GameSense, the fact that you took something that could be public-facing right next to the gaming floor and to an extension of that, it's not only outward-facing facility, it's the outward-facing people. I mean, the fact that you're, you know, it's not just stand behind the counter and hope somebody comes to you. It's going out, it's finding the gentleman on the floor who might be in distress. It's kind of developing these relationships that you see with frequent customers. I mean, that's really what has made -- that's really what has made the program start -- or work and be successful. And the fact that you're not also willing to go off site and do some things. Marlene, you and I have talked about this as you're rolling out some new engagement strategies, what's the additional awareness you can bring to GameSense in our host and surrounding communities? So and to our licensees, we've kind of done this without their cooperation and help as well. So congrats to all of you because you're the face of GameSense, and you're making it a success.

>> MR. VANDER LINDEN: Yeah. If I could just clarify my initial statement about the statute. It kind of scared me when I first read it.

I didn't know how to kind of conceptualize it in my head. And I think in the end, it was -- it was broad, and that really worked to our advantage. And I have to believe that it was probably made broad like that so that we could kind of grow into it the way that we have. So, yeah. It was good.

>> CHAIR JUDD-STEIN: Groundbreaking to require on-site services.

>> MR. VANDER LINDEN: Yeah.

>> CHAIR JUDD-STEIN: I have -- do you have a question, Commissioner? I have, first off a comment. Tremendous to have you, Josh and David, here, Ray. We're more familiar with you.

>> MR. FLUETTE: Yep.

>> CHAIR JUDD-STEIN: Of course, happy to have you here as well. How lucky we are to have the two of you here providing really good information for us and doing the service and work that you do. And it is an important profession that you're engaging in. So thank you. I have a couple questions. I know that your team, overall, have

multilanguage skills. And do either of you speak another language?

>> MR. MOLYNEAUX: David?

>> MR. TANG: So it's a bit embarrassing to say, but right now I can only speak English fluently, but I grew up speaking Mandarin Chinese, and I also grew up outside of Amsterdam in the Netherlands, so I used to speak Dutch as well. It's my goal in 2020 to polish up on my Mandarin at least and make that skill going forward.

>> CHAIR JUDD-STEIN: And you, Josh? Your English is excellent.

>> MR. MOLYNEAUX: Yes, I'm quite good at English. That's my specialty.

>> CHAIR JUDD-STEIN: I mean, it's excellent.

>> MR. MOLYNEAUX: I do not speak any other languages at the moment, but I'd love to learn another.

>> CHAIR JUDD-STEIN: So I just wondered if you encountered that, that there's sufficient resources for you in terms of encountering people on the casino floor. Or when do you -- if you encounter language barriers, how do you address them?

>> MR. FLUETTE: Well, we do on our staff. We have a lot of different languages spoken. I just had a VSE that was done for a Chinese-speaking person, speaks Cantonese. And I have Chris Wong on my staff who is fluent in Cantonese. And he was on vacation at the time. And I had to make a phone call to him to help me communicate, you know. And it worked out very well. We also had the resources with the casino where this gentleman, before we figured out what was going on, what they were looking for, we actually had to go through a casino host. So we know how to find somebody that speaks the language. So we went to Asian marketing and they helped us out. I also have Ed Gatto who speaks fluent Spanish. We do hit a lot of -- several languages on my team, and we're able to communicate. Ed Gatto helped me immensely with a Spanish-speaking person. His mom was forcing him to try to exclude. We're trying to tell her that we don't do third party. You can't make him do it. And he was trying to help me communicate with them. We were on a three-party conference call to do that, you know. And it worked great. But, yes, like I said, in the casino industry, there are a number of languages spoken there. It's very diverse. And the staff themselves actually can help us. We have great relationships with the managers, and we can call them and see if somebody can help us in a language that we don't speak amongst my team.

>> CHAIR JUDD-STEIN: So what I'm hearing is it's not you haven't encountered barriers yet, which is --

>> MR. FLUETTE: Not that we've seen. We haven't seen a barrier. You know, it's like we've been able to overcome something.

>> CHAIR JUDD-STEIN: And good luck on that 2020 goal.

>> MR. TANG: Thank you.

>> MR. MOLYNEAUX: We appreciate you. Thank you.

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

>> MR. VANDER LINDEN: So we're going to swap rows right now. Especially Lisa and Daniel come up, compliance managers at Plainridge Park and MGM. Our relationship with our operators is instrumental in the success of the program, and we really couldn't do it without them.

>> MS. FIORE: Good afternoon, Commissioners.

>> COMMISSIONER ZUNIGA: Good afternoon.

>> COMMISSIONER STEBBINS: Good afternoon.

>> MS. FIORE: Tough act to follow. We are going to be focusing a bit on our experience this year with Responsible Gaming Education Week. But first I will introduce my team today. So to my right is Charlie Ordille who is the senior GSA at Plainridge Park Casino. Daniel Miller, Compliance MGM, Lisa McKinney, compliance Plainridge Park Casino and David Tang who you just heard from.

So this will be -- this will be our fourth year of participating in Responsible Gaming Education Week, which is a national advocacy week. Advocacy and awareness week. It was actually held this year for the first time in September. It ran from September 16th through 20th. And the themes, which we gave it this year, was have a game plan and watch your time with GameSense. Both of which are meant to encourage personal control and limit player transition from low risk to higher levels of gambling-related harm which you heard a bit about that skill today, so that's a nice segue.

I'm going to jump around my page a little bit and talk about some of the outward-facing awareness that we did in communication. So in addition to our own GameSense social media campaign, Plainridge Park Casino used their Facebook to post a daily responsible gaming education message. Encore Boston Harbor displayed messages on their table game monitors when those table games weren't in use, so it was really cool to see that throughout the floor. And MGM actually asking GameSense to host a back-of-house table game event which through our metrics we recorded reached 235 casino staff. So we were really happy with that extra bump in collaboration.

We also engaged in paid digital advertising that week, which led to an increase of GameSense MA website visits. Interestingly, about half of those visitors were 60-plus. So a vulnerable population, so we were really happy to see that level of engagement. In addition to the regular messages that we were putting out, we also launched -- we're calling them GameSense adviser sports cards. They're meant to look like baseball cards. And it introduces the GameSense adviser by name, where they work, and a bit about them. So more to come from those. But that was the first week which we launched them. And you can see some examples on your screen and on the paper.

And I thought it was something cool to include, even though it wasn't launched specifically for Responsible Gaming Education Week, we still had taxi top ads throughout the Boston area, promoting responsible gaming. And they were still in market during the week. And you can see -- this is actually my favorite one, if I can read it, gambling with a budget is like wearing a seat belt. It draws the reader to GameSense and then to visit GameSenseMA.com.

Of course, the most important part of this week was the engagement had with casino staff and also guests, metrics and data collection is really, really important to us. And so these numbers highlight this week, but it's just a drop in the hat of all of the engagements that our advisers have. So that week alone threw some incredible educational activities. The GameSense advisers across all three properties reached over 6,000 patrons. And that would be considered an intensive interaction. So it's a two-way interaction which focuses on responsible or problem gambling. So it speaks a bit, Enrique -- sorry, Commissioner Zuniga -- to the quality interactions.

Here to highlight one of our newest educational activities is David. And I will say

that this activity was created by Amy Gabrila who is Senior GSA at MGM who unfortunately couldn't be here today. But David will do a fantastic job in her place, showing it off for you. So I'll turn it over to him.

>> MR. TANG: All right. Thank you very much, Teresa. So it's to my understanding that, Commissioners, that you each have a piece of paper showing what's displayed on that easel over there, which is a basic overview of the game, which is meant to be a slot simulator. We have --

>> CHAIR JUDD-STEIN: Can you get it on the screen? Can -- should we move that or so that -- no? Oh, they have it. They have it. Good. Got it. Thank you.

>> MR. TANG: So on one of the panels we have the slot machine simulators, rules how to play, the technology behind it. You know, the basic premise of the game is to simulate a simple slot machine so that players can get a better understanding of -- *gesundheit* -- of chance, the probabilities, and even a little bit about payback percentage, all right?

So quite simply put, we have three 60-sided dice. Don't ask me where we got them. Amy found them, all right? So they're all different colors to make it easy to distinguish. And for every number on the die, it's associated with a symbol just like it would be on a slot machine. So we'd have a patron roll a die and say the first die roll -- that was a terrible roll. Say the first one rolls and it comes out to be number 40. So we would turn to the second page. We would find the number 40. And half the fun is trying to find where it is on the page. So it comes out as a wild, right?

>> COMMISSIONER ZUNIGA: As a wild, yeah.

>> MR. TANG: Many slot machines have wild symbols which can substitute for any other symbol. If they get three wild symbols, they can pick any two prizes. So in return for the participation, there's a little bit of education and information, we give them some free GameSense swag, you know?

So the patron then gets to roll the next die and comes out as 28. And if you look at the dollar signs, 28 is the symbol for tumbler, right? Then we'll roll another one. And the last final die, the final roll comes out as 48. And 48, unfortunately, comes out as a bell. So that's not a winning combination, in which case the patron has to roll again.

Just to make a long story short, and to highlight how this translates into educating guests, with three 60-sided device, there are over -- there are 216,000 combinations, exactly 216,000, all right? With the wild symbols, all right, there are a little over 22,000 winning combinations. And those are realistic numbers for a slot machine. The only difference with the slot machines, they're working with a far larger pool. But the hit probabilities, hit chances is almost the same. You know, most slot machines operate with a range of, you know, 9 to 25%. Obviously it does vary, you know.

So we would have our patrons roll again. And let's just see how long it takes. They roll again. This time they get a number 4. 4 on the chart is a dollar sign. So that's a tumbler. The next one, 37. It comes out to be a wild. And the final one, number 5. It's a cherry. So they might go like this back and forth a few times. And we tell them, hey. You know, can you imagine how much money you would have spent by now if this was an actual slot machine, you know? So after the third time if they don't get it, tell them feel free to pick a prize. Thank you for your participation. And if

you ever have any other questions, you want to learn more about slots, feel free to visit GameSense. So any questions?

>> COMMISSIONER ZUNIGA: David, are there some slot machines with 60 potential -- just like the dice that you have?

>> MR. TANG: Uh-huh.

>> COMMISSIONER ZUNIGA: 60 potential in each of the three reels, or are there more reels?

>> MR. TANG: So my understanding is that every slot machine's a little different and that each reel operates on a random number generator, or the range for that random number generator is set by the company that creates these games. But my understanding is that range is far larger and that the total number of combinations, total possible combinations goes into the millions.

>> COMMISSIONER ZUNIGA: What's your experience in -- as you engage with slot players on a demonstration like this --

>> MR. TANG: Yes.

>> COMMISSIONER ZUNIGA: -- what other comments, in general -- how do they react to, you know, large numbers like, you know, you have to multiply 60 times 59 times 58 in order to get to whatever?

>> MR. TANG: 316,000, yeah. It's interesting because you get to see people from various backgrounds. A very small portion are -- you know, they understand the math, and they're really drawn to that. A lot of people are -- I guess they're more intuitive players, and they say oh, you know, this is just like playing a slot machine. Haven't hit, haven't hit. But it's a different environment where they aren't risking any money. I think that most people, when they come -- when they approach our center and they approach a game like this, they come in usually with an open mindset. They have no idea what to expect. You know, some of them come ready to pay money in order to play this game. And we tell them hey, no, it's free. It's just for education.

>> COMMISSIONER ZUNIGA: Do they grasp the concept that every spin is independent of one another, which is a common misconception among slot players?

>> MR. TANG: You know what? That is probably one of the most pervasive myths surrounding the casino industry and surrounding the casino environment. And a lot of people that we talk to, you know, whether we're doing this game or not, whenever we're talking about slots, one of the things that we bring up, and a lot of times it sparks that aha moment where people understand, oh, you know, it doesn't matter how long I've been playing.

It doesn't matter if I play on the same machine or a different machine. You know, it doesn't matter how much money I've already put into it. I think that's one of the best ways dispelling myths like that, that we can encourage responsible and healthy play.

>> COMMISSIONER ZUNIGA: It's a great simulation.

>> MS. FIORE: Thank you, David. One thing which I would just like to add which really strikes me as David was going through this activity is the speed in which you can play an actual slot machine now. It took us a really long time to go through just three rolls. We had to do all the thinking and processing. Now, it's, you know, fun. You can go really fast with it. So thank you. Representing Plainridge Park Casino, I'm going to pass it over to Charlie Ordille.

>> MR. ORDILLE: Good afternoon, Commissioners.

>> COMMISSIONER CAMERON: Good afternoon.

>> COMMISSIONER STEBBINS: Good afternoon, Charlie.

>> MR.ORDILLE: Charlie Ordille, GameSense adviser at Plainridge Park. I'm going to talk a little about RGEW, the success it was at Plainridge Park. Lisa allowed us to have an outstanding location when you get off the garage elevator right in front of security booth. It's the first thing you see was our GameSense information table. We had signage, you know, keep gambling fun, take a break with GameSense. We did our demos at the table. We also had the GameSense brochures out for everybody, the VSE, the Play My Way, where to get support, anything that the guest would need. We had a raffle basket out there for the week which we got 775 raffle entries for that five days. Again, with Plainridge Park, they gave us 500 co-branded watches that we gave out to the first 100 guests that came to the demo table, which was very popular. They were waiting for us to open.

>> COMMISSIONER CAMERON: Were they?

>> MR.ORDILLE: It was advertised on the digital. It was advertised in the monthly planner. It was awesome. The cooperation that we got from Plainridge Park was great.

We also had Play it Smaht buttons that we gave to guests and any team members that wanted them. But we did -- we kept it fun. We didn't preach to the guest about problem gambling or responsible gambling. But what we did was, we did 1650 demos for that week, for those five days, and it came out to about 780 guests that we interacted with. And each of those interactions were probably three to five minutes and very popular. The 60-sided dice game was one of them. The GameSense Plinko. We did some quizzes, the high/low game. Those games, what it was, we discussed randomness, the RNG, you know, house advantage, different things.

We also had -- gave out four pounds of miniature Kit Kat bars, "Take a Break with Kit Kats." We had our GameSense stickers on them, and we gave them out to the guests that were playing our slot machines, gave them to employees. It was a fun time. But we also had GameSense advisers, including myself, that were out there for the people that seen the demonstrations but really wanted more, wanted to talk to us about, you know, their gambling, you know. About responsible gambling, problem gambling, or really just wanted to talk. And we had quite a few of those interactions as well.

I know Plainridge Park also had a table set up in the EDR for their employees. They had quizzes and different things. But we, like I said, the employees, they were involved. They had the Kit Kats, the buttons, and guests would ask, what's going on over there? And they would bring them to us for the demonstration so we could have that conversation. It was a very successful week. It was very good. I was very proud.

>> COMMISSIONER CAMERON: Great. That's impressive. Thank you.

>> MR.ORDILLE: Thank you.

>> MS. FIORE: And so from compliance at MGM Springfield and, of course, from Plainridge Park Casino, I will pass it over to Daniel.

>> MR. MILLER: Thank you, Teresa. Good afternoon, Commissioners, Lady Chair.

>> COMMISSIONER STEBBINS: Good afternoon.

>> MR. MILLER: I consider myself a bit of a latecomer to the party that's responsible

gaming education week because I've only been in my position two weeks when it was due to start. And so that week had kind of almost passed by the time they had come to me about all the stories of my counterparts at other MGM properties because you may or may not know that we've actually partnered with GameSense across all of our domestic MGM properties, that they were hosting similar events. So I immediately got on the phone to Amy Gabrila, you know, the creator of this game that David has just demonstrated for us, and said is there a chance that you and I and maybe a couple of your other GameSense advisers could do something the following week? And she said of course. And I said right. We'll rebrand it. It's going to be responsible gaming education week 2.0. So the following week we set aside two four-hour sessions on the Friday and Saturday. We did set up a table in our EDR session, our employee dining room, and I was there with them and we played this game. The main thing that I drew away from it that amazed me more than anything was one, the enthusiasm of the employees or the game itself and understanding it, and two, was the learning that was going on because we touched so many different employees from different parts of the property. Those that are slot tech, those that are gaming oriented kind of had an idea. But those that are working as our housekeepers, custodial facilities, didn't. They got to feel like they were part of that fun too. Because they're still out there on the floor, I think they're better armed to see or notice someone and maybe help out, too.

What I will be doing with our on-site GameSense going forward is setting up more frequent participation and responsible gaming events back of house.

>> MS. McKINNEY: Good afternoon, Commissioners, Lady Chair.

>> COMMISSIONER STEBBINS: Good afternoon.

>> MS. McKINNEY: For our responsible gaming education week at Plainridge Park Casino, we focused -- I focused internally on our employees. And so we sent out daily communications through email. And I'll let you know we did separate topics each day based on responsible gaming. The first day we did advertise Penn National's Dale a commitment to responsible gaming and responsible gaming programs. And day two, we had the topic of three types of gamblers, recreational, problem, and compulsive. Day three topic was underage persons and unattended minors. Day four topic was responsible alcohol service. And day five was self-exclusion voluntary self-exclusion.

So we had posters on a back-of-house communication board where everybody could see it. We had a responsible gaming board for the week. So the posters advertised the topics for each day. All the topics were preshifted on every shift each day, and employees, as I believe Charlie mentioned, we did daily quizzes based off of these topics. Each day we pulled the team members who answered correctly were entered into drawings, and we issued three winners per day, received \$25 gift cards to Dunkin' Donuts. And then in addition to all of the communication throughout the week, we launched our required annual responsible gaming training for our team members. And for those who successfully completed their training during the week were entered into a drawing to win gift cards. So we had a lot of participation from our team members, and the week went off pretty well, actually. And this was a good Responsible Gaming Education Week for us this year.

>> COMMISSIONER CAMERON: Great. Wow.

>> COMMISSIONER STEBBINS: Thank you.

>> COMMISSIONER CAMERON: Yeah.

>> COMMISSIONER ZUNIGA: It's good to hear.

>> COMMISSIONER CAMERON: Thank you all. Really impressive work. And I do like the partnerships. Really, that just makes it so much stronger.

>> MS. MCKINNEY: Yeah, it makes it easier for us when we can split and have GameSense focus on our guests, and then we can focus internally. And then our marketing team also had social media every day, so our employees could see it as well as our guests. So it was very nice to have that.

>> MR. MILLER: The other thing that worries me, though, is they've kind of set the bar that much higher so next year I've got to try and exceed that.

>> COMMISSIONER CAMERON: Healthy competition.

>> CHAIR JUDD-STEIN: And that's why Commissioner Cameron likes it. She likes that competition. It feeds -- and I think that she was a recipient of one of my handwritten notes. Am I right, Teresa?

>> MS. FIORE: Yes, she was.

>> CHAIR JUDD-STEIN: So why don't you explain what the quarterly GameSense -- GameSense Excellence Award.

>> MS. FIORE: Yes. Sure. So on a quarterly basis, we have the GameSense advisers choose three casino staff members who exemplify or incorporate responsible gaming into their daily role. And those individuals are typically identified in some sort of internal communication. They're also presented with a handwritten thank you note from the Chair as well as a small gift card just to show our appreciation because they really do impact the work that we do on the floor.

>> CHAIR JUDD-STEIN: And what I love about that program is that it's the GameSense advisers who recognize how important the partnership is, and they look for the positive attributes that they need for their success through you. So congratulations again in person.

>> MS. FIORE: Thank you.

>> COMMISSIONER CAMERON: Thank you all.

>> CHAIR JUDD-STEIN: Thank you and happy holidays.

>> COMMISSIONER STEBBINS: Happy holidays.

>> CHAIR JUDD-STEIN: We are very excited to have you as part of our -- right before the holiday meeting. Such positive news. Thanks.

So we're on item number 9. Ombudsman Ziemba and we've got -- is Mary here? We've got Joe Delaney and Jill Griffin and maybe Mary will join? No?

>> MR. ZIEMBA: I think Mary's upstairs. I don't think she's joining us today.

>> MR. BEDROSIAN: (Away from mic).

>> CHAIR JUDD-STEIN: I know.

>> COMMISSIONER STEBBINS: Ooh. Ooh.

>> CHAIR JUDD-STEIN: Josh, thanks again. Nobody noticed you.

>> MR. ZIEMBA: Off repeated. Thank you very much, chair and Commissioners. Up for consideration are two amendments to Community Mitigation Fund awards that were made earlier this year. I'm first going to turn to Joe Delaney for a very brief description of one minor amendment to the Revere nontransportation planning award, and then after the Commission considers that award amendment, we will then turn to Director Griffin for a description of the requested amendment to an award to the Massachusetts Casino Career Team Institute. I think I missed that one word.

Training. Thank you. My writing's not very legible.

The Commission approved a very similar amendment earlier this year, so hopefully some of the concepts of this amendment are familiar. But let me turn it over briefly to Joe.

>> MR. DELANEY: Okay. Thank you, Commissioners. In 2019, the City of Revere received a \$50,000 grant from the Community Mitigation Fund, and its purpose was to develop a video that would promote the City of Revere as a tourist destination, and that also included money for promoting that, getting it in the local hotels and other things of that nature.

As it turns out, the City spent -- they were supposed to spend about \$40,000 on the video, \$10,000 on promotion. They spent about \$35,000 on developing the video. Apparently they had a number of festivals and fairs and other things where they were able to just get footage that they could use for that rather than having to hire someone to go out and get it. And so what they are hoping to do is take that \$5,000 they saved there and put it towards the promotion budget. Apparently there's about 900 hotel rooms in the development pipeline in Revere that they would like to coordinate with. Some of those are coming online sooner than they expected. So we reviewed the application, and it certainly seems reasonable for this transfer, and we recommend that that be done.

>> CHAIR JUDD-STEIN: Any questions?

>> COMMISSIONER CAMERON: No questions.

>> COMMISSIONER STEBBINS: Madam Chair, I'd move the Commission approve the request to modify the 2019 City of Revere nontransportation planning grant and reduce the production costs to \$35,000 with a commensurate increase in the marketing and distribution budget to \$15,000 as discussed today.

>> COMMISSIONER CAMERON: Second.

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

[Vote taken]

5-0.

>> COMMISSIONER CAMERON: Thank you.

>> MR. DELANEY: Thank you.

>> MR. ZIEMBA: So without further delay, let me turn to Director Griffin for the second item.

>> MS. GRIFFIN: Good afternoon again. In the Commission's 2019 grant to Holyoke Community College, \$50,000 of that grant was dedicated to scholarships for the gaming school. Holyoke Community College has requested an amendment for some of those funds for the Mass Casino Careers Training Institute which will allow them to cover the cost of gaming instructors and recruitment coordinators for two courses that they plan to offer in January. Day and evening course.

In the case that those two courses are low enrolled, it would allow them to offer the courses, if they have less than ten employees. We have spoken with both the grantee and our licensee. MGM supports this amendment as the running of these classes will help to enhance their pool of qualified entrants. And anything else? I think that's it.

>> COMMISSIONER ZUNIGA: Pretty straightforward.

>> CHAIR JUDD-STEIN: Do we have any questions? I think at some point I would

love to revisit just this program. I understand the request is before us, but it's just so vital to the underlying goals for the workforce development. So we can turn to that broader issue later.

>> MS. GRIFFIN: I can add that part of our discussion with the licensee involves a meeting regarding recruitment, and we're all interested in making sure that this is a successful program. And we can certainly update you following our discussion and those meetings.

>> CHAIR JUDD-STEIN: I would appreciate that. Thank you. Motion?

>> COMMISSIONER CAMERON: Madam Chair, I move the Commission authorize staff to approve the request to reallocate \$15,000 from the Massachusetts Casino Career Training Institute scholarship budget to cover the cost of gaming instructors and recruitment coordinators for two courses in January of 2020, allowing for more flexible enrollment.

>> COMMISSIONER O'BRIEN: Second.

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

[Vote taken]

Opposed? 5-0. Thank you.

>> MS. GRIFFIN: Thank you, Commissioners.

>> COMMISSIONER ZUNIGA: I'd like to make a small point. Maybe I've made it before. I really appreciate these updates. They don't take too much of the agenda. And it's really good to keep tabs of how serious the program is taken by not just you but especially the people that we grant these grants to. But I would like us to think about perhaps a de minimis threshold under which some of these requests might not need to come to us, could be approved at the staff level. I don't know what that threshold might be, but it just feels -- sorry -- it just feels like under some amount, especially if it's moving money between one line item and another, that's already been considered, should really be done perhaps more efficiently and timely by the staff and then come back and report to the Commission when necessary.

>> COMMISSIONER ZUNIGA: So Commissioner, that's a great suggestion. One thing I'll bring to the Commission is in the 2020 guidelines, we included a threshold which provided staff approval for items. We worked that out between various Commissioners that different threshold, then we meshed them all together. We didn't seek the vote for the current year but we could do it for next year.

>> COMMISSIONER ZUNIGA: That's great.

>> MR. ZIEMBA: So we could bring that up at the next meeting.

>> COMMISSIONER ZUNIGA: If we're addressing it through the guidelines. I was thinking more in the longer term. We're already doing it through the guidelines, I'm satisfied.

>> MR. ZIEMBA: Thank you.

>> COMMISSIONER ZUNIGA: Thank you.

>> MR. ZIEMBA: All right. Commissioners, my next item is an appointment -- earlier this year the Commission voted to approve Director Vander Linden, if he could join me, to the subcommittee of addiction services under the Gaming Policy Advisory Committee. We've been working very hard to activate this subcommittee. As you're aware, Commissioner Zuniga and Mark Vander Linden have been very involved in the subject matter of this subcommittee. Commissioner Zuniga,

given his role and his historic work on the subject matter, Mark and I both recommend that the Commission appoint Commissioner Zuniga as this appointee replacing Mark. Both Mark and I would continue to staff this subcommittee. And Mark's going to give you a little bit of detail about what we're trying to do to get the remaining members of the subcommittee up and running so that we can begin the hard work of this subcommittee.

>> MR. VANDER LINDEN: Hello again. So we -- as Ombudsman Ziemba said, we are working hard to activate the subcommittee. It's our goal to have our first meeting as soon as possible. We have made some progress in determining the individuals that will sit on this important committee. As it states in the Section 68 of 23K, the committee shall be five members, one of whom shall be from the Department of Public Health's Bureau of Substance Abuse Services. For that role they have appointed Deirdre Calvert. And just real quick, a couple notes about Deirdre. She's a licensed clinical social worker with an MSW from Boston University. She has more than 25 years' experience in substance addiction treatment and co-occurring illnesses. She's currently the Director of Bureau of Substance Abuse Services so she's quite qualified.

Another individual, as stated in Section 68, shall be from a representative from the Mass Council on Compulsive Gambling for that role, Marlene Warner is going to fill. Marlene has been with the Council since 2001 and as Executive Director since 2011. During this entire tenure, she's advocated for policies and provisions to keep gambling safe, healthy and to provide services for those negatively impacted by gambling disorder. She builds connections to treatment facilities, recovery-directed policies and uses evidence-based research to lobby for increased supports and funding for responsible and problem gambling, research and programs.

There are two members who would be identified by the Governor's office. We are working with the Governor's office to identify those individuals. That is also a process, and we're actively and willingly engaged in that. So as Ombudsman Ziemba said, I respectfully request that we change the Commission appointment from myself to Commissioner Zuniga.

>> COMMISSIONER ZUNIGA: And perhaps I should mention, you know, something you mentioned quickly, John, and that is there is a staffing that is required or needed as part of these kinds of committees. And in that capacity, Mark, can be perhaps a little bit more focused on that piece.

>> CHAIR JUDD-STEIN: And this committee will report to GPAC, correct, John? That's the structure under the statute?

>> MR. ZIEMBA: Yes, it's one of the subcommittees of the GPAC.

>> CHAIR JUDD-STEIN: Yeah. It just has never been activated, and at this point in time it's really important for it to be activated in order to get more and more expertise to the stakeholders. So I think that this -- I would recommend this change. I think it's important for the overall makeup of this committee. We are lucky that we have two very good choices. And I think this probably optimizes those -- the expertise that we can deliver through your staffing and your membership.

>> COMMISSIONER ZUNIGA: Thank you.

>> CHAIR JUDD-STEIN: So do I have a motion on --

>> COMMISSIONER O'BRIEN: Madam Chair, I move the Commission appoint Commissioner Enrique Zuniga to the subcommittee on addiction services of the Gaming Policy Advisory Committee, GPAC, transferring the appointment formerly given from

Mark Vander Linden.

>> COMMISSIONER CAMERON: Second.

>> COMMISSIONER STEBBINS: Second.

>> CHAIR JUDD-STEIN: Bruce, it's yours. All those in favor?

[Vote taken]

>> COMMISSIONER ZUNIGA: I'll abstain, and thank you for your vote of confidence.

>> COMMISSIONER STEBBINS: It's a 20-year appointment?

>> CHAIR JUDD-STEIN: 4-1. Thank you. Thank you. And thank you, Enrique, Commissioner Zuniga, for agreeing to do that.

>> COMMISSIONER ZUNIGA: Thank you.

>> CHAIR JUDD-STEIN: Now we are moving on to item 11. I want to point out that we do have a matter under item 13 that we will want to address today as well. So Commissioner items, I guess we'll turn to the annual report. Commissioner Zuniga.

>> COMMISSIONER ZUNIGA: Thank you, Madam Chair. This is a brief update only to report that the latest draft of the annual report was included in the packet the meeting before, two weeks ago. It is drafted for review and final input from the members of the Commission. It's already gone into editing mode with the careful leadership of our Communications Director, Elaine, and our vendor, Jackrabbit, to try to put together the graphics that are fresher and et cetera. We did not include it in the packet again, but I'm happy to answer any questions if there is any or just report that we're working towards finalizing it so that we can distribute it early in the new year.

>> COMMISSIONER CAMERON: So once again, I just -- I really want to thank Commissioner Zuniga for taking the lead on this. It's not an easy thing to do every year. It takes a lot of work. It takes a lot of prodding to get all the information you need to complete the report. It's always very professionally done. It's really an excellent work product, so I want to thank you for that.

>> COMMISSIONER ZUNIGA: Thank you. It's a little later than we wished for, but we are complying with getting it done, and that's the main reason of the update.

>> CHAIR JUDD-STEIN: All set? Thank you for that. Commissioner Cameron, do you want to update us on your matter?

>> COMMISSIONER CAMERON: I mentioned it at a meeting -- I think it was a couple of meetings ago that I really wanted to take a look at the GEU overtime and just if there was a way I could be helpful because I've had experience with these matters and just have a full understanding of the issues. So if I can report to my fellow Commissioners that I did meet with IEB leadership in order to have a better understanding. And what I learned was there really are four different pots for overtime. And the first one are details for Memoir. And these are paid for directly by the club, and they are put out as all state police overtime details are, and they are not -- they are filled by the appropriate policies and procedures followed by the state police. And again, there is no impact to the Gaming Enforcement Unit's budget on that matter.

Secondly, there are special events. And for an example would be Murphy's Boxing. And this is very similar. It is filled by nongaming enforcement members from Everett PD as well as MSP. And it's paid for separately by Encore Boston Harbor. And again, there is no impact on the GEU budget. The third pot or bucket is the overtime for uniform security. There are certain times that EBH has requested uniform coverage. Some of their busier times. They have requested that coverage. This is

filled by our GEU members. They have the experience. They know the operation. They're the best ones to work for, this detail, and that is paid for directly by Encore Boston Harbor. And, again, no -- there is no impact to the Gaming Enforcement Unit budget.

And the fourth category is MGC-authorized overtime. And that is for all three casinos. And what we're talking about there are minimum staffing levels, investigations, arrests, court time. But the majority is really shift staffing levels. And I needed to -- or wanted to understand better what they -- how they were making those decisions. I actually was very satisfied to learn that they really are looking at data and risk analysis to judge that staffing. And it continues, right? As we learn what -- at each three casinos, what the issues have been and where the risk is, they are staffing accordingly. And it's managed and tracked appropriately. Actually, it's been a long time since I've spoken to public safety personnel that take this matter very seriously and are really managing, tracking, and making sure those costs are appropriate. So from my review, I believe that we are managing this issue, and it's appropriately staffed.

>> CHAIR JUDD-STEIN: Thank you for getting back to us on that. It was important work to go over, and we appreciate your input, too, Derek, on that. Any questions for Commissioner Cameron?

>> COMMISSIONER ZUNIGA: Thank you. No, that's a very good summary. I -- just a question. The first -- it appears the first three instances, the special events, Memoir and special requests. Does that -- is that actually current members of the unit that have an opportunity for overtime, or is it other members outside of the unit that come in on an ad hoc basis?

>> COMMISSIONER CAMERON: Yes. There's the appropriate procedures in place with both Everett PD and MSP for overtime details. They're put out, and everyone has a chance to bid. So those procedures are being utilized. And typically these positions are filled by outside members of those two -- those agencies.

>> COMMISSIONER ZUNIGA: Right. Great.

>> CHAIR JUDD-STEIN: Any further questions for Commissioner Cameron?

>> COMMISSIONER O'BRIEN: The only question I had is I participated in at least one of the conversations on this. There was some question in terms of the numbers that we had gotten from Derek in terms of whether this was accurately reflected or not. I just wanted to make sure everything is --

>> CHAIR JUDD-STEIN: We did update that.

>> COMMISSIONER O'BRIEN: Did we update it? Okay.

>> MR. LENNON: Yeah. So in the last meeting that of the four items Commissioner Cameron talked about, items 1 and 2 are not included in that. Items 3 and 4 are.

>> COMMISSIONER O'BRIEN: Okay.

>> MR. LENNON: But we made a decision at that meeting that we would bill directly for item number 3. We just sent out the bill earlier this week for \$108,000 to Encore Boston Harbor to reimburse us for that amount. But item 4 continues to be the largest of the things that we have control over.

>> COMMISSIONER CAMERON: Correct.

>> MR. LENNON: Which, as Commissioner Cameron has detailed, she's done a very thorough dive into it, has worked very hard with the Gaming Enforcement Unit to figure out what we can do to kind of manage that going forward. But through the

conversations, staffing numbers are appropriate. So we are probably going to need some extra money in that throughout the year. They're trying to contain it so it doesn't continue to grow at the rate it is. But it's going to be hard to, you know, if we're four months into the year and close to 50% spent, it's going to be hard to come in on that first number.

>> COMMISSIONER CAMERON: The piece I wanted to mention with regard to that is this is overtime, but there are personnel who have left. So those salaries are not coming to us. In other words, when you're a full-time member of the unit, that salary is paid for by the Gaming Commission. So although the overtime may be higher, the salary --

>> COMMISSIONER ZUNIGA: There's some offsets?

>> COMMISSIONER CAMERON: Yes. Good word. There are offsets there. And that has to be tracked, too, though. Because lots of times the overtime will be exceed -- it's more effective to just put another full-time person in rather than overtime. So we're really closely looking at that. Sometimes there's a delay in -- state police have -- all of the PDs have staffing issues. So we may not always be able to get an additional person when we think it's appropriate. So thus, some overtime.

>> CHAIR JUDD-STEIN: But the bottom line is that Commissioner Cameron was very pleased with Detective Lieutenant Connors' analysis and how he is analyzing the staffing needs.

>> COMMISSIONER CAMERON: Correct. Yes.

>> CHAIR JUDD-STEIN: And stay tuned in terms of whether or not he continues with the overtime versus fulfilling the other -- at least maybe one, if not the two.

>> COMMISSIONER CAMERON: Mm-hmm.

>> CHAIR JUDD-STEIN: Thank you.

>> COMMISSIONER ZUNIGA: I'm very pleased that you're looking into that. I'm also very encouraged that you mention that it's something that we should look at periodically or, you know, continuously only because there is at least another -- historically, in other agencies around the country has been, you know, the incentives for some overtime to become a baseline and grow from there. And it requires, I believe, you know, the good analysis and watchful eye on a periodic basis to think critically and make those adjustments if necessary or continue, you know, because they're appropriate.

>> COMMISSIONER CAMERON: I agree.

>> CHAIR JUDD-STEIN: Thank you. Okay. Moving on to number 12. Derek and Todd and Commissioner O'Brien, I asked for you to review a request that was made regarding Commissioner Cameron's pay. I will be recusing myself.

>> COMMISSIONER CAMERON: Madam Chair, I will recuse and I'll actually step out of the room as well since this item does -- does refer to something the Commissioners will talk about that concerns me. So recusal and I'll step out. Thank you.

>> CHAIR JUDD-STEIN: And we'll invite you back for item 13.

>> COMMISSIONER CAMERON: Okay. Thank you.

>> CHAIR JUDD-STEIN: Commissioner O'Brien, I'll have you lead.

>> COMMISSIONER O'BRIEN: I'll just wait till the door actually closes.

>> COMMISSIONER STEBBINS: Do you want your tea, Gayle?

>> COMMISSIONER O'BRIEN: This item is on the agenda at the request of Commissioner Cameron, I think to some extent Executive Director Bedrosian in terms of just finishing a vote essentially, an extension of a vote that the three of us took at the time when Chair Crosby resigned back in September of '18 where the Commission was left needing to determine who would be Chair and who would serve in that function. And that was unanimity amongst us at the time that Commissioner Cameron be that person. I can speak for myself, not for you, obviously, that at the time I anticipated and hoped she would take the responsibility, authority and any benefits that went with. And it seems to me she did the former and not the latter, apparently, and then there was one portion of the benefits that we need to address. The question was whether there was any legal impediment or process, et cetera, that would be necessary. And I will defer briefly to Attorney Grossman in terms of an analogous case he's located that I think addresses what we're asking.

>> MR. GROSSMAN: Thank you, Commissioner O'Brien. It is my opinion that Commissioner Cameron can be compensated for her service as Interim Chair as a matter of law and as a matter of equity, of course. There is legal authority that supports the proposition that an interim appointment by an authorized individual or entity is legally valid even if the process that was used to obtain that appointment would not necessarily pass muster had the appointment been intended as a permanent one. The authority for that proposition stems from a 1986 SJC case that is captioned Appley vs. Lock. The citation is 396 Mass 540. That was a case that involved the interim appointment of the chair and CEO of the MBTA as it was constituted at the time. By statute, that appointment was made by the Governor but had to be approved by an advisory board.

In the case there, the gentleman was appointed on an interim basis by the Governor but was never signed off by that advisory board as the statute required. But the case arose because that interim CEO went on to terminate the employment of two MBTA employees who then challenged his authority to take that particular action. The SJC ultimately heard the case and held that the CEO in that matter did, in fact, have legal authority to act in that situation. The court relied on the fact that the appointment was of an interim nature and that nobody was claiming otherwise. And that importantly, it was clear that the MBTA, in that situation, could not function for any significant period of time. On a day-to-day basis without the leadership of a person in that particular position. Therefore, the court held specifically that it's reasonable to conclude that the interim designation of such a person by the Governor carried out the intent of the legislature under their enabling laws.

Therefore, the interim CEO in that particular case was deemed to have the legal authority to exercise the powers of the office. That particular case parallels our particular -- our situation here where Commissioner Cameron was appointed by the Commission to serve in an interim capacity as the Chair. The appointment was clearly on an interim basis. There was never any question about that. Though there certainly in a provision of Chapter 23K that requires the Chair to be designated by the Governor on a full-time basis. So certainly the Commission, as it knew at the time, could not designate a full-time Chair, and it did not do that.

The appointment was made, however, by the body, the Gaming Commission, that has clear statutory oversight over the organization. Chapter 23K is clear on that

point that the Commission shall have all powers necessary or convenient to carry out and effectuate its purposes, and that's what it did in this particular case. It was determined ultimately that there was a need to ensure that someone sat in that Chair position while a permanent Chair was being appointed by the Governor. Therefore, it's my opinion that the interim appointment of Commissioner Cameron in this case was lawful and that Commissioner Cameron had the authority to exercise the powers of that office.

It follows, then, in my opinion, that she should be entitled to the statutory compensation that is assigned to the position. So that's my position on this matter. I'm happy to take any questions or discuss.

>> COMMISSIONER ZUNIGA: Thank you for that analysis, like you well articulated initially, Commissioner O'Brien, I remember that time, and I thought it was assumed that with the additional responsibilities or the uniqueness of that role came the benefits, and in this case compensation differential that the statute also highlights between the Commissioners and the Chair. At the time we did not make that explicit, and perhaps that's the main reason we now find ourselves, you know, discussing here. But it's good for that to be better late than never.

I also would point out that even though it's fundamental -- it's a little different, in our practice, we have done something similar on other administrative positions. When we have had an Interim Executive Director, when we have had a CIO that has left and somebody else taken his responsibilities, and in the case of -- it should be done on other interim positions with additional responsibilities, it's only fair, in my opinion as well, that those compensation differentials be considered, at least for that interim period.

So, again, even though those other instances technically fall under the Executive Director's discretion, we have had it for the Executive Director role in which we also agreed and conducted that practice. So it only stands to reason that we would be also consistent in that -- in this case.

>> COMMISSIONER STEBBINS: I thank the team for the due diligence they did. Again, I join my colleagues in reflecting on the fact that the appointment was interim but inherent, and that was, I think, how we mirrored our overall HR policy when somebody has been named in an interim position. It was certainly a unique situation we found ourselves in. And I think it required us to maybe take some steps that we hadn't anticipated but hopefully we don't find ourselves in that position again. But I do join with my colleagues and kind of supporting the overall notion that I think we all had at the time of the interim appointment.

>> COMMISSIONER O'BRIEN: Just to --

>> MR. LENNON: I want to add a few things. We did this with the racing director, senior counsel and senior revenue accountant as well in addition to the positions that Enrique said. And I do apologize for the uncomfortableness of this discussion because it was my mistake not to actually increase her pay at that time period. So if I had just done that at the time, it wasn't until about a month after that we realized it hadn't happened. And at that point we just said why don't we wait until a new Chair, and then we'll do a lump sum. So I do apologize for not instructing Trupti to do this, and we actually have to have this conversation.

>> COMMISSIONER O'BRIEN: It's informative. Attorney Grossman and I talked about the case. I reviewed the case and on a fundamental level in terms of what the

expectation was when I voted in addition to the review of the case. I will I would agree that it fits not only within, you know, the law but also the intent of the vote that she have all the benefits and responsibilities.

>> COMMISSIONER ZUNIGA: Sounds like a consensus. Do we need a vote?

>> COMMISSIONER O'BRIEN: I think we need a vote.

>> COMMISSIONER STEBBINS: I'd move that the Commission approve retroactive pay in the amount of \$15,531.15 for Commissioner Gayle Cameron as compensation for her performance as Interim Chair for pay periods from September 30th, 2018, through January 19th, of 2019.

>> COMMISSIONER O'BRIEN: Second.

>> COMMISSIONER ZUNIGA: All in favor?

[Vote taken]

>> MR. GROSSMAN: Looks like it's 3-0.

>> COMMISSIONER O'BRIEN: And one.

>> COMMISSIONER ZUNIGA: Motion carries, 3-0.

>> COMMISSIONER STEBBINS: Thanks.

>> CHAIR JUDD-STEIN: Moving on to item number 13. Commissioner Cameron has rejoined us. And Mr. Grossman has brought to my attention an issue that relates to regulations that we recently approved, and I'll have Todd go through the regulations, but apparently there was just an inadvertent oversight around the posting on the Massachusetts register that's required. I can assure you that on our end, all of our work was complete, and these things just simply happen. It's a lot -- a lot of postings that have to take place. But our work was complete. That means that the regulations which we approved are not legally valid. Todd has recommended -- and I'm prepared to support this, barring some argument that I haven't thought about -- that we adopt by emergency the changes that we've already approved, and then it will allow them to go into effect immediately, and then it does mean we'll have to move through the promulgation process once again, which will include a public hearing. Bruce, you did the public hearing last time. There are no comments that were received at the first round. We're going to do -- we would do an extra-special round, but the timing of the effectiveness would basically have been the same. Do you want to go through which regulations they are?

>> MR. GROSSMAN: Absolutely. Thank you. And thank you, Madam Chair.

>> CHAIR JUDD-STEIN: And actually just clarify, this is under number 13. I couldn't have reasonably anticipated this. This matter came to light. You as a team worked on a solution and came to me late yesterday.

>> MR. GROSSMAN: That's right. And I would just reiterate what the Chair already said. You have already reviewed these regulations. They went through a public hearing, presided over by Commissioner Stebbins. You voted to adopt them in a public hearing two or four weeks ago, I can't remember which. They've been fully vetted. It was only after the fact that we learned there had been an administrative issue with them. So it was recommended actually by the secretary's office, and I support that, that we adopt them by emergency now. They would have been in effect probably by now anyway. So they'll go into effect. And then we'll just go through the public process again even though we've already gone through it, the law requires that the initial hearing notice be published in the Massachusetts Register, which it wasn't, which

somewhat taints the whole rest of the process. So this is the cleanest way just to make sure there isn't any issue with these regulations which, again, we're noncontroversial. We didn't receive any -- they're important, but we didn't receive any public comment or anything like that.

And just to recap, to refresh your recollections as to what we're talking about, the first was an amendment to 205 CMR 133.05. That pertained to the voluntary self-exclusion list and maintenance and distribution of the list. That particular amendment would have permitted or would permit licensees to provide an aggregated no-marketing list to junket operators that will include individuals on the voluntary self-exclusion list but will not identify those people as being on the list. So this was part of our suite of changes involving junket operators and what have you. We needed to match it up with our VSE regulation. So there was a tweak that we made in there to ensure essentially that those people aren't marketed to once they are on the VSE list, the junket operators wouldn't send them marketing materials.

The second set of amendments were all to Section 134. Those are of course, the employee vendor and junket regulations. These amendments do a wide variety of things. I'll run through really quickly what they do just, again, to refresh -- attempt to refresh your recollections. These, amongst other things, define the process and standards that govern gaming employee licensing procedure, updated elements of the appeal process, added a requirement for the fingerprinting procedure, clarified the procedure for administrative closure of an application, required independently operating junket representatives to be licensed as key gaming employee standards, and codified licensing or reporting requirement and restrictions for the junket operators themselves.

In addition to adding the waiting period to reapply for a gaming license in the event that an individual was denied at some point. So those are -- it's 133.05, 133.04, 306, 07, 09, 10, 11, 13, 14 and 20. Those are the section numbers that accompany the provisions I just mentioned. So as the Chair mentioned, there was a public hearing on November 21st that preceded your public meeting at which you voted to approve. And again, they've gone through the entire process. They've been published in the newspaper. You had a public hearing. You voted on these in public. But now we're just recommending they be adopted by emergency, and then we'll bring them back through the process again.

>> COMMISSIONER ZUNIGA: Todd, if memory serves me well, these are the only set of recent regulations that we have -- that have gone through the whole promulgation process, is that correct?

>> MR. GROSSMAN: I think this is the most recent.

>> COMMISSIONER ZUNIGA: The most recent set?

>> MR. GROSSMAN: Yes. Right.

>> COMMISSIONER ZUNIGA: Yep.

>> CHAIR JUDD-STEIN: So the immediate fix would be to allow Mr. Grossman to proceed with the emergency regulation process.

>> MR. GROSSMAN: That's right. So basically, with your approval, we would file these regulations by emergency. So once you vote on them, they would become effective. We'd file them with the secretary's office today, tomorrow or Monday. And then we would begin by filing a notice of a public hearing and at some point in the future, probably two months out, and have another public hearing and that whole thing.

>> COMMISSIONER STEBBINS: And that's a similar process whenever we adopt anything with the regulation.

>> MR. GROSSMAN: That's right. The only difference here --

>> COMMISSIONER STEBBINS: Remind me the timeframe for an emergency. It's got a shelf life of --

>> MR. GROSSMAN: 90 days.

>> COMMISSIONER STEBBINS: 90 days.

>> MR. GROSSMAN: You have to go through the process within 90 days, which we can easily do here.

>> COMMISSIONER STEBBINS: Okay.

>> CHAIR JUDD-STEIN: Do I have a motion? I'm sorry. Did you have a --

>> COMMISSIONER CAMERON: No. It sounds appropriate.

>> CHAIR JUDD-STEIN: It's a housekeeping.

>> COMMISSIONER ZUNIGA: An administrative matter, yeah.

>> CHAIR JUDD-STEIN: These things happen and we've got a remedy here in this case without compromising really process. Just redundancy, right?

>> MR. GROSSMAN: That's right.

>> COMMISSIONER ZUNIGA: Did anybody catch all the numbers?

>> CHAIR JUDD-STEIN: Yeah. Here. If you want to refer to them all, they're right here. You could reference them.

>> COMMISSIONER STEBBINS: Oh. Thanks. Madam Chair, I move the Commission adopt the following regulations on an emergency basis: 205 CMR 133.05, 134.01, .06, .07, .09, .10, .11, .13, .14, and .20, with the official regulation promulgation process to be commenced.

>> COMMISSIONER ZUNIGA: Second.

>> CHAIR JUDD-STEIN: Any further questions? Thank you, Todd, for bringing that to my attention. All those in favor.

[Vote taken]

Opposed? 5-0.

>> MR. GROSSMAN: Thank you.

>> CHAIR JUDD-STEIN: Thank you. Well, Maryann, we did so well. Conclusion of the meeting was timed out, first time for Maryann, 3:55, and we are concluding at 3:48. So thank you. You've learned from the best. Do I have a motion?

>> COMMISSIONER ZUNIGA: I move to adjourn.

>> COMMISSIONER CAMERON: Second.

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

[Vote taken]

Opposed? 5-0. Happy holidays. Thank you.

>> COMMISSIONER ZUNIGA: Thank you.

[The meeting concluded at 3:49 P.M.]