

MEMORANDUM

TO: Massachusetts Gaming Commission
FROM: Commissioner Stephen P. Crosby, Chair
DATE: May 14, 2012
SUBJECT: MGC Adjudicatory Hearings on Former State Racing Commission Matters

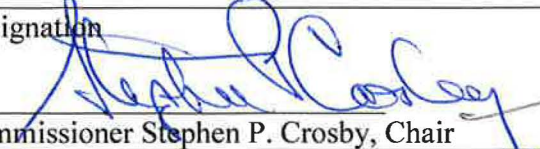
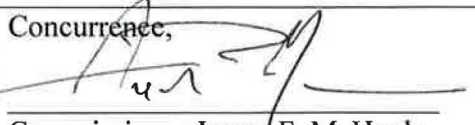
Background

Effective May 20, 2012, the Expanded Gaming Act (the "Act"), M.G.L. c. 23K, §§ 7(a), 37, 38, and 40, substitutes the Massachusetts Gaming Commission ("MGC") for the former Massachusetts State Racing Commission ("SRC") as the agency with the power to administer and enforce the provisions of M.G.L. c. 128A and M.G.L. c. 128C and any other general or special law related to horse racing, harness racing, pari-mutuel wagering, simulcasting and related matters. Among the responsibilities being transferred is the authority to conduct adjudicatory hearings concerning matters formerly within the jurisdiction of the SRC and, effective on May 20, 2012, now within the jurisdiction of the MGC ("MGC-SRC Adjudicatory Hearings").

The Act, M.G.L. c. 23K, § 3(g), provides that the MGC's chair "shall have and exercise supervision and control over all the affairs of the commission;" "shall preside at all hearings at which the chair is present and shall designate a commissioner to act as chair in the chair's absence;" and "shall, from time to time, make such division or re-division of the work of the commission among the commissioners as the chair deems expedient." The Act, M.G.L. c. 23K, § 3(h), establishes various options for the chair to determine how the MGC will conduct hearings and provides that any matter before the commission "may be heard, examined and investigated by an employee of the commission designated and assigned by the chair, with the concurrence of 1 other commissioner." The designated person "shall make a report in writing relative to the hearing, examination and investigation of every such matter to the commission for its decision." The commonwealth's Standard Rules of Adjudicatory Practice and Procedure, 801 CMR 1.00, allow a Presiding Officer, other than the agency, to preside over formal or informal adjudicatory proceedings and perform the functions designated by the rules.

Designation

Pursuant to M.G.L. c. 23K, §§ 3(g) and 3(h), effective May 20, 2012, the Chair of the MGC designates and assigns Commissioner Gayle Cameron to hear, examine and investigate and preside at MGC-SRC Adjudicatory Hearings and to act as Presiding Officer pursuant to the Standard Rules of Adjudicatory Practice and Procedure concerning MGC-SRC Adjudicatory Hearings. This designation does not displace the administrative process by which Stewards and Judges resolve administrative matters at the track level, nor does it require Commissioner Cameron to be involved in that administrative process or prevent her from delegating, remanding or otherwise requiring that matters be resolved in the first instance at the track level.

Designation  Commissioner Stephen P. Crosby, Chair	Concurrence,  Commissioner James F. McHugh
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