

Commonwealth of Massachusetts



CANNABIS CONTROL COMMISSION

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STEVEN J. HOFFMAN

CHAIRMAN

CANNABIS CONTROL COMMISSION PUBLIC MEETING MINUTES

February 13, 2018 10:30 a.m.

Massachusetts Gaming Commission
Public Meeting Space
101 Federal Street, 12th Floor
Boston, MA

COMMISSION MEMBERS IN ATTENDANCE

Chairman Steven Hoffman
Commissioner Kay Doyle
Commissioner Jen Flanagan
Commissioner Britte McBride
Commissioner Shaleen Title

COMMISSIONER MEMBERS ABSENT: None

LIST OF DOCUMENTS:

1. Meeting Minutes 12/5/2018: <https://mass-cannabis-control.com/document/minutes-12-5-2017-cannabis-control-commission-cannabis-advisory-board/>
2. Job Description: Constituent Services Director: <https://mass-cannabis-control.com/document/job-description-constituent-services-director-2/>
3. Job Description: Director of Community Outreach: <https://mass-cannabis-control.com/document/job-description-director-community-outreach/>

Chairman Hoffman called the meeting to order at 10:35 a.m. He described the agenda as relatively brief, with two sets of meeting minutes to approve and two additional job descriptions for discussion and approval. Executive Director Shawn Collins will also update the Commission on the technology contracts. Commissioner McBride will discuss the Request for Responses (RFR) for Investigative Services.

The Chairman said the Commission is almost done with statewide public hearings. There is a public hearing in Roxbury at 6 p.m. today and a rescheduled public hearing in Danvers at 2 p.m. tomorrow. That will be the end of the public hearings conducted around the state. This Thursday,

February 15, is the conclusion of the public comment period. He said the Commission has received a lot of comments in terms of submissions via regular mail and email as well. They have logged them all, begun the process of reading them, and he thanked people for taking the time and the thought behind the comments. They are thoughtful, provocative, cause them to think carefully about the points raised, and the one thing they can promise is they will seriously consider every comment they have received. He encouraged anybody who has not already done so to submit comments before the end of the day on Thursday.

The Commission will convene in public. There are three days scheduled for public commission meetings during which they will weigh the comments and discuss whether changes or modifications to the draft regulations are appropriate. The discussions and votes on them will be done publicly, just like in December in terms of preparing the draft regulations. On March 6 and 7, the Commission will review and vote on final regulations based on the decisions made the previous week. The promulgation of the final regulations will happen by March 15.

The Chairman moved on to meeting minutes. He recognized Commissioner Doyle and Program Manager Maryalice Gill who has become the meeting-note preparer. Commissioner Doyle also recognized Ms. Gill for her work on the minutes. The first set of minutes are from December 5, 2017. She asked for edits or corrections from the Commission. There were none. Chairman Hoffman asked for a motion to approve. Commissioner Flanagan made the motion, seconded by Commissioner Doyle. The Commission unanimously approve the December 5, 2017 minutes.

Commissioner Doyle said the second set of minutes was January 9, 2017. She suggests tabling those until next week so the Commission has more time to review those. Chairman Hoffman agreed. He will put it in the agenda for next Tuesday. The next item is two additional job descriptions.

Executive Director Collins said the first job description is a Constituent Services Director. This role will primarily serve as a liaison to the public and to constituents on any number of issues that may come up and work collaboratively across the Commission at a staff level to try to triage where possible but also gather some of the incoming that is inevitably going to increase; the Commission has a high call volume now, so he wants to make sure the Commission manages that appropriately and is responsive with one central point of contact. His expectation is that once approved, it will be posted sometime this week. Chairman Hoffman asked if this is in the budget and the organizational chart. He also wanted to know who the Constituent Services Director reports to. Executive Director Collins said the position reports to the Chief of Staff. If there is no Chief of Staff, for the time-being, the position reports to him. Commissioner McBride said she had suggested additions under Education and Experience. She suggested two additional bullets: first, knowledge of municipal structures, functions and governments; the second would be knowledge of prevalent cannabis public health and public safety issues to round out the description of what we're hoping to achieve in terms of attracting candidates. Chairman Hoffman asked for other comments there were none. He asked Executive Director Collins to read back the suggestions. Executive Director Collins read, under Education and Experience two bullets: "knowledge of municipal structures, functions and governments" and the second bullet, "knowledge of prevalent cannabis public health and public safety issues." Chairman Hoffman asked if the salary ranges were included in the job description. Executive Director Collins

agreed and said Commissioner Title was extremely helpful with the job descriptions. Commissioner Flanagan asked to add, under Essential Functions, where it says “Act as a liaison to state and local agencies for the Commission and constituents in order to resolve constituent issues,” can the Commission add “and work with the Director of Government Affairs, when necessary.” She thinks it will be necessary for them to overlap from time to time.

Executive Director Collins agreed. He added, within the second tier there, at the end of the second to last bullet, “Act as a liaison to state and local agencies for the Commission and constituents in order to resolve constituent issues in cooperation with the Director of Government Affairs.”

Chairman Hoffman asked for a motion to approve the description as amended. Commissioner Doyle made the motion, seconded by Commissioner Flanagan. The Commission unanimously approved the job description.

Executive Director Collins said the second job description is the Director of Community Outreach. Again, Commissioner Title was valuable in helping to develop this. At its core, this role is responsible for helping the Commission develop a Social Equity Program, as well as any other outreach programs, to work in cooperation with community partners and serve as a liaison to the Commission for community groups. This is an important role to help the Commission focus on those efforts, and also ensure those groups do have a liaison to the Commission not unlike the Director of Constituent Service role for a broader constituency, this is a bit more focused, will work with any number of folks within the agency to make sure at a Commission level we are focused on, aware of, and committed to maintaining that program structure. Similar to the other job descriptions, the salary range is included, and he would ask for the Commission’s approval. Chairman Hoffman again asked if the position is within the budget and who it will report to. Executive Director Collins answered that it would be the same reporting structure, this position reports to the Chief of Staff or to him in the absence of a Chief of Staff.

Chairman Hoffman asked for questions, comments and additions. There were none. Commissioner Doyle made the motion to approve the job description, seconded by Commissioner Title. The Commission unanimously approved the job description.

Chairman Hoffman said at an earlier meeting, they delegated hiring responsibilities to the Executive Director. It was the right move but put a tremendous burden on him, given the number of positions they need to fill. He recognized Mr. Collin’s hard work and the impressive progress they have made. He also recognized each of the Commissioners for partnering with him on each of these, helping him with screening and the final decision, although the decision is his. Executive Director Collins added there are two current openings for legal assistant and director of licensing. They close on Friday.

The Chairman said the next agenda item is an update on the procurement process for two technology projects. Executive Director Collins said they are still negotiating contracts with JD Software and Metrc/Franwell. Those conversations are ongoing and progressing nicely. He mentioned they have deliverables based on those contracts and projects and they are continuing to work toward those objectives as well, so work is getting done almost in parallel, but until they get to an agreement, work is not being done together. He is optimistic they will continue

progressing throughout this week and hopefully get to a final resolution as soon as humanly possible in order to get the Commission's fingerprints on those and get a decision on those contracts underway in cooperation with those two vendors. In the meantime, they are continuing to work and preparing for that approval.

Chairman Hoffman thanked Executive Director Collins, General Counsel Christine Baily and Technology Program Manager Luella Wong for their work on this. He asked if any unexpected issues have arisen and if the Commission will get what it asked for. Mr. Collins did not identify any issues and agreed the Commission will get what it asked for. Chairman Hoffman said it is mission-critical to get these done as quickly as possible, but they have to get it done right.

The next agenda item is an RFR for Investigative Services that Commission should discuss, approve and release. Commissioner McBride said the purpose of the RFR is to identify a partner to help perform the necessary background checks of applicants as part of the determination of suitability for licensure and employment at marijuana establishments. As the Commission is onboarding staff who are going to be performing the functions of doing the licensing, they are unlikely to be fully staffed by the time they need to get this rolled out. As other agencies have done in the past, where they have been in a similar situation, this is an RFR to identify a service who can help provide us with the Investigative Services component and as the Commission brings on staff, the amount the Commission uses the service would diminish. The anticipated contract term would be two years, with the intent as the need for services curtail, they will draw that down. The timetable for this, as everything else is, is very expedited. They are hoping to announce the successful bidder on April 3 of this year, just two days after the priority applicant process opens and a couple months before the first licensees may issue. That still ensures an adequate timeframe to perform this portion, if the Commission does decide to move forward with the packet system, but it is still adequate time for the background check for this to be borne, so there's no concern there.

Commissioner McBride said the RFR contains information about what the Commission is requiring and requesting a company be able to do, but the nutshell version is that they have a high capacity for referrals, as the Commission is not sure how many applications they are going to have; be able to conduct a worldwide internet, media and other searches on applicants; be able to examine public records to identify current, past or imminent civil litigation, judgments, liens, or other records that may call into question the suitability of the applicant, again, fairly standard practice; confer with law enforcement and other jurisdictions where an applicants may be licensed; and the ability to review the financial viability of applicants is in here.

Commissioner McBride said bidders have to provide investigative strategy overview, telling the Commission about how they are going to perform the work. Bidders will be able to differentiate themselves by providing evidence that the bidder understands the cannabis industry and the issues relevant to the cannabis industry. The project manager or contract manager for this RFR, and any contract that results from it, will be the Chief of Investigations and Enforcement, and they will be managing it again with the Executive Director. The hope is that the Commission will review the RFR and approve it; if not, that Commissioner should work with the General Counsel and Executive Director to make amendments to the RFR, and then be able to have the Executive Director and the General Counsel move forward with the RFR in a timely way. Chairman

Hoffman asked about the decision-making process, in terms of reviewing and deciding who to go with.

Commissioner McBride said the timeline is as follows: in the ideal scenario, the Commission would be able to issue this on Thursday, February 15, have written inquiries from interested bidders due on February 22; that they would have responses from the Commission to inquiries on this posted on COMMBuys, which is the state's procurement website, by March 1; bidders would have responses due on March 8; and an evaluation committee, which the Executive Director would appoint, who review the selections and select finalists by March 15; and then interviews of the finalist entities would be March 22-23 and the anticipated announcement, as she said, on April 3. Commissioner Title thanked Commissioner McBride for her thoughtful work on this and she would be ready to move forward. Commissioners Flanagan and Doyle agreed. Commissioner Doyle added that she was aware that there is some certification for investigative firms but she doesn't know if there were many firms who have achieved that certification in Massachusetts, so she's afraid if it's in a required section, the Commission might limit themselves and asked if it could be included as preferred. Commissioner McBride said they can definitely ask for something as a preference. Commissioner Doyle said she would obtain the information and asked if everybody else was OK with voting it, subject to if that certification is appropriate.

Executive Director Collins said he would suggest if the Commission is comfortable with proceeding with the procurement overall, that they authorize the procurement, and give time for he and the General Counsel to prepare it for release. If there's anything that would be a substantive change, they would bring it back. But if it's cleaning up, or not substantive, to authorize it, just so they can prepare it. Chairman Hoffman agreed. He asked for a motion to approve as discussed. Commissioner Doyle made the motion, seconded by Commissioner Flanagan. The Commission unanimously approved the process to release the RFR. He added his thanks to Commissioner McBride for moving this forward in an expedited timeframe.

The Chairman said he is not aware of any other business. The next meeting will be a week from today, Tuesday, February 20 at 10:30 a.m., in the Massachusetts Gaming Commission offices. He thanked the Gaming Commission again for allowing the Cannabis Control Commission to use their space. Chairman Hoffman adjourned the meeting at 11:00 a.m.