

# Commonwealth of Massachusetts



## CANNABIS CONTROL COMMISSION

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STEVEN J. HOFFMAN

CHAIRMAN

## CANNABIS CONTROL COMMISSION PUBLIC MEETING MINUTES

*January 30, 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. Presentation: <http://cannabismass.wpengine.com/document/presentation-1-30-18-commission-meeting/>
2. Meeting Minutes 1/23/18: <http://cannabismass.wpengine.com/document/meeting-minutes-1-23-2018-cannabis-control-commission/>
3. Meeting Minutes 1/17/18: <http://cannabismass.wpengine.com/document/meeting-minutes-1-17-18-cannabis-control-commission/>
4. Meeting Minutes 12/14/17: <http://cannabismass.wpengine.com/document/meeting-minutes-12-14-17-cannabis-control-commission/>
5. Meeting Minutes 12/13/17: <http://cannabismass.wpengine.com/document/meeting-minutes-12-13-17-cannabis-control-commission/>
6. Meeting Minutes 12/12/17: <http://cannabismass.wpengine.com/document/meeting-minutes-12-12-2017-cannabis-control-commission/>
7. Job Description: Director of Licensing: <https://mass-cannabis-control.com/document/job-description-director-licensing/>

8. Job Description: Legal Assistant: <https://mass-cannabis-control.com/document/job-description-legal-assistant/>

The Chairman called the meeting to order at 10:34 a.m. The Chairman summarized the agenda as an update on the public hearing schedule, review of previous meeting minutes, two new job descriptions for the Commission to review, discuss, vote on and approve, a deadline for the nominations for the Citizen Review Committee, and discussion of issues relating to possible locations for their permanent office.

The Chairman discussed the schedule for the public hearings. They are available on the Commission website and a notice has been placed in the *Boston Herald*. There are 10 hearings altogether and he identified the different locations and dates for each one. He explained that there will be one or two Commissioners at each of the meetings, so they can cover the Commonwealth. Executive Director Shawn Collins and General Counsel Christine Baily will be attending some hearings as well. Chairman Hoffman said the Commission would not be having a regular public meeting during next week.

The Chairman said the Commission has five sets of minutes to review and approve, starting with December 12, 2017, the second day of their policy discussions. The minutes have been circulated to everybody on the Commission. He asked for any comments or questions on the minutes for December 12, 2017. There were none. He asked for a motion to approve. Commissioner Flanagan made the motion to approve; Commissioner McBride seconded the motion. The minutes were approved unanimously by the Commission.

The Chairman introduced the minutes for December 13, 2017. There were no questions or comments from the Commission. Commissioner Flanagan made the motion to approve the minutes; Commissioner Doyle seconded the motion. The minutes were approved unanimously by the Commission.

The Chairman introduced the minutes for December 14, 2017. There were no questions or comments from the Commission. Commissioner McBride made the motion to approve the minutes; Commissioner Doyle seconded the motion. The minutes were approved unanimously by the Commission.

The Chairman introduced the minutes for January 17, 2018. There were no questions or comments from the Commission. Executive Director Collins noted the date needed be changed on the header from 2017 to 2018. The Chairman agreed. Commissioner Doyle made the motion to approve the minutes; Commissioner Title seconded the motion. The minutes were approved unanimously by the Commission.

The Chairman introduced the minutes for January 23, 2018. There were no questions or comments from the Commission. Executive Director Collins noted the same edit with the date change. Commissioner Flanagan made the motion to approve the minutes; Commissioner Doyle seconded the motion. The minutes were approved unanimously by the Commission.

Commissioner Title commented that those that were not able to attend the meetings in December and had questions should review the minutes, as they showed the discussion. Chairman Hoffman thanked Commissioner Title and asked Executive Director Collins to share the job descriptions.

Mr. Collins said he has two job descriptions for Director of Licensing, which was circulated. It reports to the yet-to-be-identified Chief of Investigations and Enforcement. He explained why the position was being posted before the Chief of Investigations and Enforcement was being hired in anticipation of the licensing deadline expectation of April 1. The Director would lead the review and the workflow as far as licensing applications as they come through the door. He asked for any questions. Commissioner Title said she wanted to reiterate her suggestion to include the salaries in the job description. Executive Director Collins agreed. Commissioner Title said she wanted to review the license types listed because she didn't see labs included. Executive Director Collins said that was not intentional and will certainly add it. He added that he took her feedback last time, and the positions posted contained the salary range. He will include it in the job description as well. Lastly, she said she had requests for addition to the description; one under Experience and one under Knowledge and Skills, but they go together. Under Job Functions she wanted to add "minimizing bias in the licensing process." Under Knowledge and Skills, she wanted to add "experience building cultural competence among a team." Chairman Hoffman asked her to explain "cultural competence." Commissioner Title said the idea of having that experience of cultural competence is a way to make sure the person is prepared to minimize bias in the application process and that just goes to the phenomenon when reviewing applications for jobs, licenses or anywhere else, if people haven't had certain cultural competence training, they may tend to favor things worded in a certain way that are not necessarily related to the quality but are in fact related to culture. Commissioner Flanagan commented that the Commission should be "minimizing bias" any way. Commissioner Title agreed and stated that the Director of Licensing should have some ownership over minimizing bias in the licensing process specifically.

Chairman Hoffman asked for any other questions. There were none. He asked Executive Director Collins to read back the job descriptions. Mr. Collins said the job descriptions remain intact with some additions under the Essential Functions and Responsibilities, including a bullet relative to minimizing bias in the application process, and under the Knowledge and Skills section, he would be adding a bullet that reads, "experience building cultural competence among a team." Chairman Hoffman asked for a motion to approve. Commissioner Doyle made the motion to approve, seconded by Commissioner Title. The job description was approved unanimously by the Commission.

Executive Director Collins said the next position is a paralegal or legal assistant to assist the new General Counsel build out a legal team, with an eye toward maintaining responsiveness to things like public records requests and minutes, and make sure the General Counsel has adequate support. Chairman Hoffman added, as he said with previous job descriptions, all of the job descriptions are in the budget that drives fiscal year 2018.

Executive Director Collins added that with the Commission's approval today, he is seeking permission to post them at some point this week. He reminded the audience the Commission has two openings now for Research Director and Director of Government Affairs, which will close

on February 9. Chairman Hoffman asked for any questions or comments. Executive Director Collins said he would add the salaries to the job description. Commissioner Title said she had an additional comment. She said this probably does not need to be addressed in the job description, but she is thinking about how they have received a lot of applications previously from attorneys for positions that were not attorney positions. It may be worth addressing, if you'd be willing to consider attorneys as a legal assistant. Executive Director Collins said they have all of the applications that have come into the Commission, they can certainly look through those and identify and prospective candidates. He said they could follow up with them and see if they would be interested in applying for this position. Chairman Hoffman asked for a motion to approve. Commissioner Flanagan made the motion to approve, seconded by Commissioner Doyle. The job description was approved unanimously by the Commission for paralegal or legal assistant. Chairman Hoffman noted there are a lot of staff to build, and not a lot of time to do it, and the burden has fallen on Executive Director Collins' shoulders. He thanked him for pushing this forward.

The Chairman said the next agenda item is the nominations for the Citizen Review Committee. This was discussed in their policy meetings the week of December 11 and incorporated into their regulations, and approved the following week. The process is each of the Commissioners will make a nomination, but it is Mr. Collins' decision to finalize the appointments to the committee by the end of January. He said the Commission needs to get the nominations to Mr. Collins today so he can finalize them relatively quickly to meet that deadline. He asked each Commissioner to give Mr. Collins their nomination and a few points of background on the nomination. It is a nine-person committee and each Commissioner has two recommendations, but the Chairman will recommend one to get to nine.

Commissioner McBride said her first nomination is Marcus Johnson Smith. He is a West Cambridge, Massachusetts native, an entrepreneur and author with deep Boston roots. He is a graduate of Northeastern University, a principal at Clearwater Branding and co-founder of Kush Groove lifestyle brand. Marcus came to her by way of Jessica Taubner, former Chief of Staff to Boston City Councilor Ayanna Pressley, who recommended him. She said she has had a couple of conversations with Marcus and is really happy to be making this nomination. She thinks he will bring a great perspective to the committee. Commissioner McBride identified her second nomination as Attorney Stephanie Everett. She was born and raised in Boston, where she still lives with her husband and children. She operates a solo law firm, with an emphasize on criminal law, business contracts and real estate matters. Prior to practicing law, she devoted her professional career to public service and ensuring equal access to state and local resources, advocating for women's rights. She has served in a number of leadership roles, including to the Department of Transitional Assistance; she has served as Executive Director on multiple boards with the Massachusetts Department of Public Health; she's an adjunct professor at Roxbury Community College and has been really active in youth violence prevention efforts and safety initiatives. She was recognized over a number of years as a Super Lawyer and Rising Star in Boston, and as a Top Woman of Law by Lawyer's Weekly and in 2013 was named a Woman of Color Changing Our Community by the Eastern Stars of Prince Hall. She said she is very happy to be nominating Stephanie and thinks she is going to bring a fantastic perspective.

Commissioner Doyle nominated Lisa Wong to the Citizen Review Committee. She is currently serving as Deputy Director of the Asian American Civic Association. She is also the President of Soto Home Care, a home health agency, and she has also served as an adjunct professor. She has also served the City of Fitchburg for eight years as mayor, so has municipal experience as well as diversity experience. Commissioner Doyle also nominated Jeff Bean, who is currently working for the US Conference of Mayors as Managing Director. He also served as a Councilor-at-Large and Mayor for the City of Fitchburg. He understands economic development and municipal issues.

Commissioner Flanagan said she had nominated Eladia Romero, the Regional Manager for U.S. Congressman Jim McGovern, out in Western Massachusetts. Eladia is also on the board for the Montachusett Opportunity Council, has worked and been part of various committees throughout central Mass. with regards to helping people navigate through government. She has been working on immigration issues with the federal government, as well as fuel assistance, and other issues. Commissioner Flanagan also nominated Leona Early, the Vice President of Community Programs at Montachusett Opportunity Council (MOC) in Fitchburg, Massachusetts. Leona has sat on a number of committees throughout the community such as the search for a police chief, she has sat on boards for DCF, she is a Fitchburg Community Connections Coalition Steering Committee member, and Commissioner Flanagan thinks she will be a great addition to the board.

Commissioner Title nominated Andrea James and Judge Leslie Harris. Andrea James is based in Roxbury. She is the founder of Families for Justice as Healing; author of *Upper Bunkies Unite: And Other Thoughts On the Politics of Mass Incarceration*. She is a 2015 Soros Justice Fellow; and recipient of the 2016 Robert F. Kennedy Human Rights Award. Andrea worked within the criminal justice system more than 25 years, from her days as a youth worker, to her work as a criminal defense attorney. In 2009 she was sentenced to serve a 24-month federal prison sentence. After a lifetime of work seeking justice on behalf of disenfranchised people, she was stunned at what she encountered upon entering the prison system as an incarcerated person. Andrea uses her experience to raise awareness of the effect of incarceration on women, their children and communities, and the need to shift from a criminal legal system to a system focused on human justice.

Commissioner Title said Judge Leslie Harris is based in Boston. He is a former associate justice for the Suffolk Juvenile Court. He was appointed to the bench in 1994. He has taught also at Roxbury Community College, as well as Metropathways Program, Highland Park Free School, New School for Children, and Salem State College. Previously, Judge Harris served as a program consultant to the Museum of Afro-American History in Boston. He was also the director of the Melrose METCO Program, where he established and has administered a busing program. He is an expert on restorative justice. He was honored by the Robert F. Kennedy Children's Action Corps for his advocacy on behalf of minors who are charged with crimes. His Detention Diversion Advocacy Project lets minors avoid incarceration and stay in school.

Chairman Hoffman said he wanted to go last because he wanted to make sure the Commission maintains balance here. He thanked Commissioner Title for her help. He thinks it is great there are people from Central Mass. To balance the suggestions he received, he said he would like to nominate somebody from Springfield. He said he is nominating Zaida Govan, who received her

MSW degree from Springfield College. She began her career as an outpatient substance abuse supervisor with Catholic Charities Institute for the Hispanic Family. She went on to work as a Clinical Director at Martin Luther King, Jr. Family Services.

Chairman Hoffman said the process now belongs to the Executive Director. Mr. Collins said he will take the recommendations under strong advisement and move forward. Chairman Hoffman thanked the Commissioners for the thoughtful job they did coming up with nominations.

The Chairman said the last formal agenda item is talking about the geography for a permanent office. This was discussed briefly at the last meeting, and there were several suggestions, that have been added to the parameters for consideration, including proximity to other state agencies, include Worcester as a potential area, and a definition about proximity to public transportation. The Chairman stated that he and Mr. Collins worked with DCAMM to get their expertise and input into the rating system that he would show the Commission. The objective is to give guidance to DCAMM as they work to develop an RFP. The Chairman added that it makes sense to have a conversation about a satellite office, somewhere in the western part of the state, because the Commission is a statewide agency and a significant percentage of staff will be inspection and enforcement personnel who will be on the road to licensees around the state. It makes the decision about the core headquarters easier if they agree there will be a satellite office in the western part of the state.

Commissioner Doyle said it might be worth checking to see if there are any state agencies with surplus space that might enter into an agreement. Chairman Hoffman said DCAMM is looking into existing state agencies for not only the satellite, but permanent office space, so that is a great suggestion. Commissioner McBride asked the Chairman to define what is meant by the western part of the state. The five Commissioners probably have a general idea but as a Massachusetts native, someone with family roots in the actual western part of the state, she is curious as to how they are defining that and what the search area for a satellite office would be. Chairman Hoffman said he thinks it is Springfield or west. That is how he would define it in his mind. Commissioner Title said she supports the idea and defers to Massachusetts natives. Commissioner McBride said she is looking for a balance and there is an argument to be made for Springfield and an argument to be made for Worcester or between Worcester and Springfield, having a licensing division and having inspectors diffused to all different areas. She encouraged the Commission to think about it broadly, maybe from Worcester going west and weigh those same factors that play into an Eastern Massachusetts office. Chairman Hoffman agreed. Commissioner Flanagan said the Commissioner should be careful about that criteria and she did not think the Commission should be a Boston-based agency. The Commission needs to go statewide and look at people they are seeking to hire. Unless they are looking to hire from the Boston-area only, they need to think about where people are coming from. One of the criteria is being along the commuter rail, but it stops in Fitchburg. There is no public transportation west of that. There is not enough money for regional transportation. If the Commission is going to be talking about the satellite office like the headquarters, transportation has to come off the table because it will not be there in the west. She suggested looking at where people have access to highways. The Commission also needs to think about the staff coming in from the medical program. She recommended a holistic approach and thinking about what the satellite office would look like. Chairman Hoffman said he appreciates what Commissioner Flanagan said, but

he did not plan to talk specifically today about where a satellite would go, and what it might look like. If they agree today conceptually they will have a satellite office some place given that criterion, that would make their discussion about focused geography easier for a main office. If the Commission agrees to do something in Eastern Massachusetts, as an example, it does not close out the rest of the state because the Commission has agreed conceptually it would have a satellite office. The Commission has to go through a process, just as Commissioner Flanagan articulated, to get to much more specificity on that. That is not something they are prepared to do today because they haven't done the work with DCAMM on that. He just wanted to get some conceptual agreement that they would have a satellite office, then go back into the discussion about the main office, with the commitment that they would have this conversation very quickly with the criteria she articulated. Commissioner Flanagan agreed. Chairman Hoffman said they will work on that and come back.

Chairman Hoffman he introduced a chart identifying possible locations. There are columns for what was discussed last week, with the addition of Worcester. It includes Downtown Boston, other parts of Boston (e.g. Roxbury), the Northern Suburbs (as examples Malden and Somerville), Southern Suburbs (as examples Quincy or Braintree), the 128-belt (as examples Waltham and Burlington), the 495-belt/Metrowest (as examples Framingham or Westborough) and Worcester. The rows are criteria discussed last week and changes made based on people's comments. They have cost, availability, accessibility, and consistency with mission. He noted that locating the office in a disproportionately harmed community is something that would make sense and be an important thing to do if it helps those communities participate fully in the industry. After overviewing the categories, the Chairman said he took a first pass at this methodology and then he and Executive Director Collins spent time on the phone with DCAMM and made modifications. The color coding is green is positive, yellow means it is neutral, and red means the criterion is not met. Commissioner Flanagan had a question about how transportation is being considered. In an asterisk on the slide it says MBTA Rapid Transit Station, that is not commuter rail. Chairman Hoffman agreed they need to broaden that. He added that the 1/4-mile radius needs to be broadened. Commissioner Doyle said one location is surprising her in terms of its color coding as it relates to public transportation. Chairman Hoffman said DCAMM probably has MTA, which is more flexible, but he does not think it should be something that should be ruled out. Commissioner Flanagan said she has another question: when it says other state agencies, she's surprised Worcester is red in color. They not only have the hospital, they have DCF, DMH, there is a ton of properties out that way that she's had to travel to for 10 years to meetings. She would ask DCAMM what the rationale is for that as she has heard from multiple people that there is space available in other agency buildings. Chairman Hoffman agreed. He asked for other questions. Commissioner Doyle said she had the same feeling as Commissioner Flanagan on the 495 belt, because she knows there are commuter rail trains that go to that area from the Boston area, so she's not sure how they got to red because it is something similar to the Northern Suburbs, the Southern Suburbs, the 128-belt. Chairman Hoffman said they should stick to their criterion, if it is a quarter-mile, that is the solution. If it is a quarter-mile, it works, if it is not, it does not work.

Chairman Hoffman commented that it he does not believe this is an easy decision. From a cost standpoint, and mission standpoint, downtown Boston is probably something they do not want to do. Inside of Boston, for communities like Roxbury and Dorchester, the issue at least according

to DCAMM, is an issue of availability and space, in terms of parking. It does not satisfy the criteria of being a statewide agency. Chairman Hoffman said he was looking at the northern suburbs and southern suburbs, and perhaps as far out as 128, preferably a disproportionately impacted community. He would like other thoughts on that. Using that criteria, the Commission can give DCAMM a more narrow set of options to look at. Commissioner Doyle said the next slide has a reminder of what the communities of disproportionate impact are. Chairman Hoffman said he highlighted near north and near south communities in red.

Commissioner Flanagan asked how the Commission is helping the community just by having an office there. Commissioner Title agreed. She said if it was being used as a tiebreaker, that would be important. She said it should be a factor. The Commission should probably look at the full list of 50 that they had to see if the communities are on there. In general, unless they are picturing the office to be a place where people from those communities walk in – which she does not think they are picturing, it is more outreach programs – it is one factor, and it is not important as others such as parking. Commissioner Flanagan added she thought they mentioned early on that they were going to go across the state and host meetings in different places into all the communities, or as many as we can. Commissioner Doyle agreed.

Commissioner McBride said to Commissioner Title's point, that ties into the licensing process and what they're setting up. One of the things they talked about before the discussion is whether they're going to make this so it is e-forms, the focus is going to be able to fulfill that process from a remote location and not have something where you have to walk in with a paper form, that makes a tremendous amount of difference, just generally, on a whole range of issues. She does think it goes to Commissioner Title's point, that the focus does need to be less about the community where the Commission is licensing, because they will be out in that community, doing outreach to those communities. They are going to be going around the state and posting meetings. It does need to go towards workforce development and the ability to attract the best talent to make it accessible and provide a platform for building the Commission as an agency and enabling the ability to attract the people that are then going to do the best job, and going out to the community that they are serving. Chairman Hoffman said he thinks there is value from a symbolic standpoint, and an office in one of these communities, the Commission would park there, eat there – he does not want to overstate the benefit, but there is clear benefit. He's happy to go with that as a tiebreaker. He said they can go back to DCAMM and revise the criterion so instead of making judgment calls about transportation, they say any place within a quarter-mile of a public transportation solution, whether it is the MBTA or regional trains, that works. The question is how far out are they willing to consider going. Should they give DCAMM guidance to go as far as the Metrowest area, or stay within 128, with the good faith commitment that they will have a satellite office?

Commissioner McBride said he answered what she was going to say. Those two things need to work together. That is why they need to be thinking of a satellite office and main office at the same time, because of the coverage, and it will determine what the radius is of where they need to be or want to be. Commissioner Flanagan asked if the Commission would get an analysis slide of the satellite office, or will DCAMM use that same criteria and go from there. Executive Director Collins said ultimately what they to work on with DCAMM, the biggest question mark, is the search area, and what criteria they are going to use to evaluate any responses. The concern

at this point is the Commission is casting the widest-possible net. For instance, if it is limited it to one-quarter mile of any public transportation that includes commuter rail, the Commission is responsible for publishing notice of the RFP once done, and then evaluating each and every response that they get. If they get 300 responses, that will take some time to go through and evaluate. If the Commission is able to narrow that down more directly, it will facilitate fewer responses, and they'll know with more certainty where it might be located. The same process with any satellite office, the other criteria they look for is anticipated headcount, which was already mentioned, and the type of employee that is going to be there. If it is the Commissioners and the legal team, that will give some swing space. He has asked DCAMM to see if there is any flexibility or freedom there to allow for 10 spaces for someone to pop in, plug in a computer and operate from there. The Commission can explore that more directly with DCAMM as far as if they want to entertain the idea of a satellite office, what other criteria they might need. The conversation needs to include budget concerns regarding maintaining two offices, employing that number of people, if there are any vehicles that are necessary, and with a satellite office he cautions to say they should think about where the concentration of licensees are going to be. If there are many licensees in Western Massachusetts, the Commission will need to be there more often. If there are not as many licensees there, the Commission may not have to visit as frequently.

Commissioner Flanagan said her recommendation for DCAMM would be if the Commission is not going to include the access to transit for a regional office or satellite office, as there really is no transit, look at access to the highways. She asked if that is one of the criteria DCAMM uses. Executive Director Collins said that may be criteria used to evaluate those responses, but may not be criteria used to rule a response out from evaluation. Chairman Hoffman summarized that the Commission should go back, work with DCAMM on criteria for a satellite office so it can have a conversation about both simultaneously, and make modifications that came up with the ratings, and talk proximity to public transit. It does not sound like the Commission is prepared to give DCAMM guidance without coming back and having a conversation with respect to a satellite office and agree on criteria, and possible locations of a satellite office so they can make those decisions simultaneously. Commissioner Flanagan asked if DCAMM can give an estimate of what it costs per square foot in the areas the Commission is looking, a general answer to that, or is it specific to the building. Executive Director Collins said sometimes it is specific to the building and the amenities it provides, but he can ask. Most of their answers come from their experience in looking at other state agencies to say this agency is located in this region and they pay "X" per square foot. They could develop a range of sorts.

Commissioner Flanagan said her concern is about the budget the Governor provided. Chairman Hoffman clarified this won't kick in until the FY 2020 budget, because it will only be 1 or 2 months in FY 2019 if they get in in May. It is a factor, but it is not as relevant, given it is just 1 or 2 months, but getting a cost estimate makes sense. Commissioner Title said she was thinking about the public transit question and it seems to her that if the Commission has a satellite office, and is not considering public transportation because people are probably driving, depending on how west the office is, for the main office then, the public transportation requirements are intuitive as the subway is more accessible than the commuter rail.

Commissioner Flanagan said that is why she asked, as the subway for Central Massachusetts ends in Cambridge. Commissioner Title agreed, commenting that is why the commission would have a satellite office that is not considering public transportation. Commissioner McBride added Worcester in the last several years redeveloped that beautiful train station downtown so there are good public transportation options, albeit the commuter rail is less convenient, but it is centrally located, has less expensive office space, has ample parking, and someone can take a train right into downtown Worcester.

Chairman Hoffman asked if Executive Director Collins has enough information to take back to DCAMM on the main office and satellite office. Mr. Collins said he does, next as far as timing, they need to get to a granular level with the search area in particular. Chairman Hoffman agreed. If they don't narrow the criteria, it will still get done, but they'll have a lot of proposals to work their way through. If possible, it is worth taking one more shot to see if the Commission can't give DCAMM some guidance to narrow the area a little bit. He did not think that they were ready to do that today.

The Chairman said the Commission does not have a public Commission meeting next week due to the public hearings on the regulations. He hopes they can schedule a meeting the following week of February 12, 2018. There were no objections from the Commission. The Chairman said he is not aware of any other agenda items. He adjourned the meeting at 11:34 a.m.