



CANNABIS CONTROL COMMISSION

PUBLIC MEETING MINUTES

April 27, 2018 11:00 a.m.

Health Policy Commission

50 Milk Street, 8th Floor

Boston, MA

COMMISSION MEMBERS IN ATTENDANCE:

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

COMMISSION MEMBERS ABSENT: None

LIST OF DOCUMENTS

1. [Presentation](#)
2. [EEA Denials](#)
3. [EEA Approvals](#)

Chairman Hoffman called the Cannabis Control Commission meeting to order at 11am on April 27, 2018. The Chairman stated that this meeting was being recorded. The Chairman reviewed the meeting's agenda, to discuss the investigative services contract. Chairman Hoffman also wanted to take advantage of meeting in public and have the Commission vote on priority status applications.

Executive Director Shawn Collins discussed Batch 1 Economic Empowerment applicants that the staff have recommended for approval. Commissioner Doyle made a motion to approve, seconded by Commissioner Flanagan. The motion was approved unanimously by the Commission.

Next, Mr. Collins discussed Batch 2. Chairman Hoffman asked if there were any questions or comments and noted Commissioner Title has a conflict. Commissioner Doyle made the motion to approve, seconded by Commissioner McBride.

Commissioner Doyle- Aye
Chairman Hoffman- Aye
Commissioner McBride- Aye
Commissioner Flanagan- Aye
Commissioner Title- Abstain

The motion was approved by the Commission: 4 in favor, 1 abstention.

Mr. Collins discussed Batch 3, consisting of applications which have been submitted late. The staff recommendation was to reject these applications. Commissioner Title asked if we specified a time zone when submitting, and maybe applicants up to 3am eastern time should be allowed. Mr. Collins stated the Commission did not specify a time zone. Commissioner McBride stated that when filing with the court, it is presumed the time zone where the court sits. Commissioner Doyle stated that if someone wants to do business here, they should operate in this time zone.

Mr. Collins looked to see if there were any west coast addresses, but less than a handful. Chairman Hoffman asked the General Counsel if the Commission needed to vote on this. The General Counsel stated that would not be necessary because there was no motion.

Commissioner Doyle made the motion to approve to deny the applications in Batch 3, seconded by Commissioner Flanagan. The Commission unanimously denied the applications.

Mr. Collins discussed a late applicant, on which the staff recommended a denial. There is a self-identified conflict. Commissioner Doyle made the motion to approve the staff recommendation, seconded by Commissioner McBride.

Commissioner Doyle- Aye
Chairman Hoffman- Aye
Commissioner McBride- Aye
Commissioner Flanagan- Aye
Commissioner Title- Abstain

The motion is approved by the Commission: 4 in favor, 1 abstention

Mr. Collins noted that this information will be uploaded to the website as soon as possible. Chairman Hoffman thanked the staff for all their hard work.

Next, Chairman Hoffman turned to the CSI contract. Mr. Collins discussed the RFP process. CSI is a Massachusetts-based company and a vendor for the Dept. of Public Health. Mr. Collins stated that the recommendation is for approval. Commissioner McBride made a motion to approve the contract, seconded by Commissioner Doyle. Commissioner Title said that she had concerns with the social media search and she spoke with the vendor.

Commissioner Title explained that she had spoken with Yaw Gyebi, the Chief of Investigations and Enforcement, said she would take his recommendation for a social media search. However, Commissioner Title would like to limit the scope of the search. Commissioner Title proposed alternate language for the contract for the media search. Commissioner Title would like to focus

on criminal activity and disqualifying offenses, and exclude from the search the applicants' opinions, private life, or social life. Commissioner Title is concerned about the manpower of the investigation team.

Commissioner Flanagan asked if this will be part of the contract, or a suggested policy, as the contract expires in 3 years. Chairman Hoffman said it has been discussed both ways. Commissioner Flanagan stated that if it is contract language, then it is going into this contract, if it is a policy discussion, we would need to reopen the regulations. Commissioner Title stated it is not necessary to reopen the regulations, because they do not mention social media searches.

Commissioner Flanagan noted that it will expire in three years, and we will have this conversation again in three years, which will not be fair to those applicants. Chairman Hoffman agreed that he would prefer not to put it in the contract but agreed with the spirit of what Commissioner Title said. Chairman Hoffman thought this was a statement of policy, which does not require rewriting the regulations.

Commissioner Flanagan is concerned with continuity since commissioners have 3-year terms, things will change with new commissioners. Commissioner Flanagan does not agree with the proposal, whatever is public is public. Chairman Hoffman asked how to address that concern. Commissioner Flanagan stated that it said contract language.

Commissioner McBride thought we should separate the conversation and would like to take a vote on the contract, and then continue the conversation on the policy piece. Chairman Hoffman agreed they are separate and is happy with it not being in the contract if it is a policy. Commissioner Doyle stated there is a motion on the table that needs to be acted on. If the Commission wanted to change the motion, there needed to be a motion to amend. The Commission would then vote on the motion to amend the new language. Following these procedures prevents the confusion sometimes caused by spontaneous amendments.

Commissioner Title requested Commissioner McBride to withdraw the motion, because a policy change would affect how she voted on the contract. Commissioner McBride would like to move forward on the motion, this language is a policy conversation, but a contract with a third-party vendor does not impact how the Commission uses the information. The Commission is the policy-making body. These are tools, so that the people the Commission hires can do their job. Commissioner McBride asked Mr. Gyebi if he viewed the social media search as a tool. Mr. Gyebi said based on his experience, that he does consider it a tool. Mr. Gyebi does not believe this is outside industry norms.

Commissioner McBride returned to the motion on the table to adopt the contract, having a conversation about the use of tools is relevant but not appropriate to the contract. Commissioner Doyle stated this would be part of a larger policy on suitability, not just about social media but about the policy.

Commissioner Title said she was aware of the difference between the contract and an internal policy. This is related to our contract with CSI, in terms of the information we are asking them

to gather for us and pay for as a service. Social Media and Media searches were not included in our regulations; therefore, she suggests that the Commission place limits on the information that CSI gathers and delivers to the Commission. That is different than how the Commission internally uses the information that it gets.

Chairman Hoffman asked Commissioner McBride to restate the motion to approve the contract. Commissioner McBride made the motion to approve, seconded by Commissioner Doyle.

Commissioner Doyle- Aye

Chairman Hoffman- Nay

Commissioner McBride- Aye

Commissioner Flanagan- Aye

Commissioner Title- Nay

The motion is approved by the Commission: 3 in favor, 2 opposed.

Chairman Hoffman stated he believed there was no further business before the Commission, the meeting is adjourned at 11:30am on the 27th of April. The next meeting will be Tuesday, May 1st.