



## CANNABIS CONTROL COMMISSION

**March 15, 2023**

### **In-Person with Remote Participation via Microsoft Teams**

#### **EXECUTIVE SESSION MEETING MINUTES**

##### **Documents:**

- Discussion Items for Executive Session 13
- 20230228 Draft Charter V10
- February 28, 2023, Draft Charter: Press, Media and External Engagement Section
- May 2020 Employee Handbook, Pages 18 and 19
- Draft Fiscal Year 2021 Media Calendar

##### **In Attendance:**

- Chair Shannon O'Brien
- Commissioner Nurys Camargo
- Commissioner Ava Callender Concepcion
- Commissioner Kimberly Roy
- Commissioner Bruce Stebbins
- Executive Director Shawn Collins
- Paralegal Sabiel Rodriguez
- Mediator Susan Podziba

##### **Minutes:**

- I. Call to Order
  - The Chair called the meeting to order and deferred to Mediator Susan Podziba (Mediator Podziba) to conduct the Mediation Executive Session.
- II. Discussion – Mediation Regarding Commission Governance, G.L. c. 233, § 23C, and public records not subject to disclosure under G.L. c. 4, § 7 (26)
  - Mediator Podziba gave an overview of the discussion items and noted the work that had been completed since the last Executive Session and the goals for executive session.
  - Mediator Podziba moved to review the section on Interactions Between and Among Commissioners and Executive Director, and Staff, and asked for feedback on Nos. 1 – 3. The Chair asked who defined “occasional” in No. 2 and requested that it be stricken as it



could cause staff to deny Commissioner's requests. Executive Director Shawn Collins (ED) responded that it was more of issue of implementation, but he did not object to striking it. Mediator Podziba stated that this concern may be addressed in No. 5 and asked for feedback on Nos. 4 – 8. Mediator Podziba suggested moving No. 3 after No. 8. The Chair stated that the biggest issue was determining priorities and that the lack of clarity put the onus on the ED. Mediator Podziba stated that this section had initially been included to address the issue of Commissioners approaching staff and requesting resources, who would then typically drop everything to execute the request. The Chair stated that she experienced insubordination by staff. Commissioner Camargo asked how to address that at a high-level in the Charter. Commissioner Roy suggested an edit to include that edicts to and from staff should come through the ED. Mediator Podziba asked the ED how he would resolve these types of day-to-day issues and he responded that they needed to be addressed as they arose. Commissioner Roy suggested adding a paragraph that stated staff would respect Commissioners. The ED agreed and stated it should include that staff would respect the ED as well. Mediator Podziba proposed language to include the requested edits. The ED and Commissioners Concepcion, Stebbins and Roy continued to discuss how to address the issue of staff refusing directives in the Charter. Mediator Podziba stated that she would work on language during lunch to incorporate the discussion. Commissioner Roy asked Mediator Podziba to include that the staff would respect procedures implemented by the ED and policy voted on by the Commission.

- Mediator Podziba asked for comments on Nos. 4 – 8. The Chair asked who determined the priorities in No. 4 and Mediator Podziba reiterated her comment that the initial intent had been to limit Commissioners ability to directly request resources from staff. Commissioner Roy requested that “Commission” be added to No. 4 in addition to “Staff priorities.” Commissioner Stebbins asked for the old No. 3 to be combined with No. 6. Commissioner Camargo noted the need for Commissioners to respect staff and stated that should be indicated throughout the Charter.
- Mediator Podziba asked for feedback on No. 9. Commissioner Roy asked who determined whether a project charter was necessary to create a Standard Operating Procedure (SOP). The Chair asked if Commissioners could veto an SOP and the ED did not believe that they could. He asked if Commissioners became responsible for approving SOPs, then would all existing SOPs become void. The Chair noted that Commissioners determined policy and the Charter should serve as the legal safety valve. Mediator Podziba suggested removing that sentence. Commissioner Roy stated that Commissioners should have the ability to amend SOPs which limits their ability to carry out their job. Commissioner Stebbins expressed that the ability to create project charters would allow the board to address this topic. Commissioner Roy asked if the Charter stated that the ED would approve SOPs and Mediator Podziba confirmed. The ED noted the Charter was meant to delineate authority. He noted that in his view SOPs were administrative in nature and Commissioners should not vote on them. Mediator Podziba asked her if she was in agreement with No. 9 and Commissioner Roy confirmed.
- Mediator Podziba asked for feedback on No. 10 which had incorporated staff feedback. The ED stated that his preference was to not strike “circumstances” from No. 10(a).



Regarding No. 10(b), the Chair noted her concern about the less-than-optimal communication regarding investigations. She stated that she may want to share complaints regarding an investigation with the ED. Commissioner Roy suggested including “and/or” to the sentence and discussed the Dynamics software. Commissioner Roy and the Chair stated that they did not use Dynamics and had not been trained on it. Commissioner Concepcion reiterated the suggestion to strike it as the current language would not give Commissioners any discretion as to what was logged. Commissioner Camargo stated she had trained herself and wanted to keep it in as it was a staff recommendation. The ED noted that there would be circumstances where Commissioner’s emails would be helpful to staff and explained how it could be used in the matter of an investigation. Commissioner Concepcion noted that she understood, but wanted discretion as to what was logged. The ED provided some examples of how the software could be helpful. Commissioner Roy stated that she understood this was important and requested a training. The ED proposed language to give Commissioners discretion as to what was logged. Commissioner Camargo clarified her previous comments and stated that she did not have a complete understanding of the software. Mediator Podziba took requests for edits from Commissioners.

The Commission took a short recess.

- Commissioner Roy suggested an edit to include the ED in No. 10(c) of the section on Interactions Between and Among Commissioners and Executive Director, and Staff. The Chair asked a question related to No. 10(e) and how to speak to attorneys on policy matters while avoiding ex parte communications. Commissioner Stebbins explained his approach of not discussing specific matters with anyone. Mediator Podziba suggested an edit to address Commissioner’s concerns of inadvertent ex parte communications and the ED discussed how the parties of an adjudicatory hearing would be identified. Regarding No. 10(f), the Chair requested an edit to remove “In accordance with the Facility Tour Standard Operating Procedure, available in the CCC’s SOP Library” and list the ED as a party who would be informed of a visit to a Licensee. Commissioner Stebbins requested a minor edit to No. 12 to make the paragraph more consistent.
- Mediator Podziba moved to review the Structural Mechanisms for Joint Commissioner and Staff Work (Project Work Groups) section and asked Commissioners to review. The ED asked if the Chair agreed with her role in the section. The Chair requested that this section reflect her role in allocating resources and determining priorities along with the ED. Mediator Podziba suggested swapping the order of sentences in No. 6, and the Chair stated that addressed her concerns. Commissioner Roy voiced a concern regarding No. 8 and how the Project Charters were tracked. Mediator Podziba stated that was an issue of implementation. The ED discussed how changes to project charters could occur and how they should be tracked. Mediator Podziba stated she would draft changes to reflect the process offline. Commissioner Stebbins proposed language change to No. 3(d).
- Mediator Podziba moved to review the Legislative and Executive Branch Outreach section and asked for feedback. Commissioner Concepcion asked for clarification on No. 7(b) and stated that it was a break from current practice. Commissioners discussed their



responsibility to provide Government Affairs with advanced notification when meeting with their appointing authorities. Mediator Podziba clarified that No. 6 was intended to relate to Commission supported outreach efforts and No. 7 was intended to relate to outreach outside of the Commission's stated outreach efforts. Commissioner Stebbins and the Chair suggested edits to No. 7(a). Commissioners and the ED discussed how the process had worked in the past. Mediator Podziba asked when Commissioners should provide advance notification of legislative outreach. Commissioner Concepcion stated that it should go to the ED and Director of Government Affairs, but not other Commissioners. The Chair suggested striking No. 7(a) and Commissioner Concepcion agreed. Commissioners discussed edits to No. 7 to give themselves appropriate freedom to speak with legislators and members of the executive branch while notifying relevant parties when necessary.

The Commission took a short recess.

- Commissioner Stebbins suggested language for a new paragraph in the Legislative and Executive Branch Outreach section indicating that Commissioners may share any relevant information from interactions with legislators or executive branch officials with the ED. The other Commissioners indicated that this addressed their concerns.
- Mediator Podziba moved to review the External Communications/Press and Media Engagement section and asked for feedback. The Chair suggested that her role should be listed in the first paragraph, which she discussed with the ED. Commissioner Stebbins suggested moving No. 4 to No. 2 to make the Chair's role clearer. Commissioners and the ED discussed how the Chair and Commissioners participation in the media scrum following Public Meetings had evolved over time. Commissioner Concepcion stated she was hesitant that the Chair's requested edit to No. 1 may give the Chair authority over other Commissioner's press engagements. The Chair and Commissioners discussed perceived disparities in media engagement opportunities. Commissioner Stebbins stated that the Charter could work to address these issues. Commissioner Roy suggested that Communications provide a regular report on Commissioner's participation in media events. Regarding her suggested edit to No. 1, the Chair stated that she wanted the Charter to reflect the statute. Commissioner Camargo noted that this had been discussed previously and discussed a prior media inquiry. The Chair and Commissioner Camargo quarreled about media coverage and building relationships within the communications space. Commissioner Stebbins noted how individual personal experiences were collectively brought into the Charter. Commissioner Roy asked about how to determine "fair, equitable, and transparent" in No. 2 and reiterated her suggestion to include a regular report from Communications detailing Commissioner's press engagements. Commissioners discussed the utility of such a report and whether it would be helpful. Mediator Podziba volunteered to draft a paragraph to include the report on press engagement. The Chair and ED were tasked with drafting an edit to the Charter. The ED noted that some press inquiries were mundane and did not require as much input as others. Mediator Podziba confirmed that Commissioners agreed on Nos. 3 and 4. Commissioner Stebbins suggested striking the last sentence of No. 5. The Commissioners



and ED discussed whether it was necessary to include a sentence at the end of No. 7 which stated that staff resources would not be dedicated to supporting an opposing Commissioner's opinion on a matter which the Commission voted against. They decided not to include the provision. On, No. 10, the ED explained that he would work with the Chair offline to clarify that the ED was not the sole authority in determining Commission priorities.

- Mediator Podziba moved back to review the Budgeting and Budgeting Process section and asked for feedback because much of the section had changed to rely on SOPs. The ED requested that Nos. 1 and 3 be condensed into one bullet and requested an edit to state that the ED would work "in collaboration with Commissioners" on the budget. The Commissioners agreed to the edit.

The Commission took a short recess.

- Mediator Podziba moved to review the Accountability, Checks and Balances section and asked for feedback. Commissioners discussed the Enhanced Code of Ethics. The Chair asked for it to be filed with the Ethics Commission and Commissioner Stebbins asked to review it before filing. Commissioner Stebbins suggested removing No. 3 and including the provision that the Secretary would serve as Chair in the Chair's absence under Roles and Responsibilities. Commissioners discussed No. 5 in this section and the ED's role in notifying Commissioners of complaints, allegations, and investigations. Commissioner Roy suggested an edit to No. 5(d) to include the ED in determining progressive disciplinary measures and the Commissioners discussed whether this language addressed the issue. Commissioners discussed the definition of "complaint" in this section and the ED provided examples of different types of complaints which may give rise to an investigation. Commissioner Stebbins suggested an edit to the first paragraph of No. 5 to clarify what types of complaints this section included.
- Mediator Podziba stated that the next meetings would be March 27, 2023, and April 24, 2023. She reviewed Commissioners' assignments before the next meeting.

### III. Adjournment

- Commissioner Concepcion moved to adjourn executive session.
- Commissioner Stebbins seconded the motion.
- The Chair took a roll call vote:
  - Commissioner Camargo – Yes
  - Commissioner Concepcion – Yes
  - Commissioner Roy – Yes
  - Commissioner Stebbins – Yes
  - Chair O'Brien – Yes
- The Commission unanimously approved the motion.

