

CANNABIS CONTROL COMMISSION

August 14, 2024  
10:00 AM

In-Person with Remote Access via [Microsoft Teams Live\\*](#)

PUBLIC MEETING MINUTES

**Documents:**

- [Meeting Packet](#)

**In Attendance:**

- Commissioner Nurys Z. Camargo
- Commissioner Kimberly Roy
- Commissioner Bruce Stebbins

**Minutes:**

1) Call to Order

- Commissioner Roy recognized a quorum and called the meeting to order.
- Commissioner Roy gave notice that the meeting is being recorded.
- Commissioner Roy explained that they would be taking the agenda out of order and would start with new business not anticipated at the time of posting as Acting Chair (AC) Concepcion was not present.

2) New Business Not Anticipated at the Time of Posting – 00:00:35

- Commissioner Roy asked Acting General Counsel and Chief of Staff Andrew Carter (Chief Carter) for a legal opinion on how to move forward and he confirmed that three votes were necessary to elect a new AC. Commissioner Roy asked for a motion to designate a Commissioner as AC. Commissioner Stebbins asked Commissioner Camargo if she was open to serving as AC and she responded that she was not. She asked Commissioner Stebbins the same and he responded that he open to serving as AC.
- Commissioner Camargo moved to nominate Commissioner Stebbins to serve as AC until further notice that AC Concepcion returns.
- Commissioner Stebbins seconded the motion.
- The AC took a roll call vote:
  - Commissioner Camargo – Yes
  - Commissioner Stebbins – Yes



- Commissioner Roy – No
- The Commission denied the motion by a vote of two in favor and one opposed.
- Commissioner Camargo asked Commissioner Stebbins if he had an opinion on how to proceed. Commissioner Stebbins asked Chief Carter for counsel, in light of the fact that the Governance Charter which they could approve today indicated that the Secretary would serve as AC in the Chair's absence. Chief Carter counseled that the Governance Charter was not yet in effect. Commissioner Camargo reiterated that she was not interested in serving as AC and Commissioner Roy explained that she would not vote in favor of Commissioner Stebbins.
- Commissioner Stebbins moved to nominate Commissioner Roy as AC until AC Concepcion's return.
- Commissioner Roy seconded the motion.
- The AC took a roll call vote:
  - Commissioner Camargo – No
  - Commissioner Stebbins – Yes
  - Commissioner Roy – Yes
- The Commission denied the motion by a vote of two in favor and one opposed.
- Commissioners agreed to take a short recess. (Returned at 00:21:22.)
- Commissioner Roy summarized the previous votes.
- Commissioner Camargo moved to nominate Commissioner Roy as AC for the day's meeting.
- Commissioner Stebbins seconded the motion and commented that he was reluctant to revisit this issue.
- The AC took a roll call vote:
  - Commissioner Camargo – Yes
  - Commissioner Stebbins – No
  - Commissioner Roy – Yes
- The Commission denied the motion by a vote of two in favor and one opposed.
- Commissioner Stebbins asked Commissioner Camargo if she would reconsider her declination in light of the Governance Charter.
- Commissioner Camargo moved to nominate Commissioner Roy as AC for the purpose of the next two meetings.
- Commissioner Roy seconded the motion
- Commissioner Roy took a roll call vote:
  - Commissioner Camargo – Yes
  - Commissioner Stebbins – No
  - Commissioner Roy – Yes
- The Commission denied the motion by a vote of two in favor and one opposed.
- Commissioner Camargo asked Chief Carter for advice on how to proceed and he responded that this was a matter for the Commissioners. He further clarified that if they could not find consensus on who should serve as AC, they should adjourn the



meeting as any decisions which they made could be challenged and the cleanest way to proceed would be to appoint an AC. Commissioner Camargo noted that this matter would need to be resolved before the public hearing in Great Barrington. Commissioner Camargo asked Chief Carter if they could enter Executive Session and he explained that the purpose of the noticed Executive Session was to discuss minutes.

- Commissioners agreed to take a short recess. (Returned at 00:42:36.)
- Commissioner Roy summarized the previous votes and expressed that the Commission recognized the need to appoint an AC. Commissioner Stebbins indicated that he would like to reconsider Commissioner Camargo's last motion.
- Commissioner Camargo moved to nominate Commissioner Roy to serve as Acting Chair for the day's meeting and for the purpose of next Thursday's meeting in Great Barrington.
- Commissioner Stebbins seconded the motion.
- The AC took a roll call vote:
  - Commissioner Camargo – Yes
  - Commissioner Stebbins – Yes
  - Commissioner Roy – Yes
- The Commission unanimously approved the motion.
- AC Roy gave an overview of the agenda.

### 3) Commissioners' Comments & Updates – 00:45:44

- Commissioner Stebbins stated that he was looking forward to the Public Hearing in Great Barrington.

### 4) Commission Discussion and Votes – 00:46:52

#### 1. Governance Discussion and Vote

- The AC explained how they would review the Charter and reach consensus on each section. She began by reading the Purpose and Background sections and confirmed that Commissioners had no proposed edits. The AC began to read the Roles and Responsibilities section and asked if No. 1(a)(iv) should include that Commissioners would receive annual training on Open Meeting Law (OML). Chief Carter responded that it may be helpful and the AC proposed language to include this point. Commissioner Camargo remarked that there was likely a leak in the Commission based on news coverage and suggested that confidentiality of personnel matters be included in the Charter. Commissioner Stebbins responded that this section may not be the place to address confidentiality but was not opposed to including it. Acting Executive Director Debra Hilton-Creek (AED Hilton-Creek) explained that the employee handbook was being updated and Human Resources was considering addressing confidentiality issues through updating the onboarding process and through trainings. The AC resumed reading the Roles and Responsibilities section of



the Charter. She suggested that No. 1(b)(ii) include that Commissioners may “undelegate” statutory responsibilities from the Executive Director (ED) and Chief Carter volunteered to work on language to address this. The AC requested an edit to include that the ED may not serve as an adjudicator and continued reading the Roles and Responsibilities section. Regarding No. 1(e)(v), she asked the other Commissioners if they would prefer to perform the ED performance review in a Public Meeting and Commissioners Stebbins and Camargo responded they were comfortable with the current process. Commissioners and AED Hilton-Creek discussed shifting the ED’s performance evaluation to the fiscal year and decided to leave it out of the Charter but to make it a goal for the next ED. The AC proposed language to include in No. 1(e)(v) that two Commissioners would be included in interview panels for Chiefs, Directors, and C Suite positions. Commissioner Stebbins suggested including only Chiefs and Directors and Commissioner Camargo suggested that this responsibility be optional. The AC proposed language to incorporate the other Commissioner’s suggestions in a new No. 1(e)(vii) and Commissioner Camargo asked why Directors needed to be included. AED Hilton-Creek added that including Directors could blur reporting. The AC proposed new language for a new No. 1(e)(vii). Commissioner Camargo asked for clarification on the word “significantly” in No. 1(e)(vi) relating to changes in job descriptions that would be brought before the Commission and AED Hilton-Creek explained that scenario was unlikely and would likely take the form of a new job description. Commissioners discussed how a job description may be significantly revised but not come before them for a vote and Commissioner Stebbins requested that they circle back to this point. The AC continued reading the Roles and Responsibilities section and stated that No. 1(g) needed to be clarified but Commissioners Stebbins and Camargo indicated that was not necessary.

- The AC moved to No. 2(a) in the Roles and Responsibilities section. Commissioners discussed whether “Commissioner” was a typo and meant to include the whole Commission. Chief Carter provided an overview of how to interpret statutes.
- Commissioners agreed to take a short recess. (Returned at 02:42:04.)
- The AC explained that a full review of the Charter would not be possible and another meeting would be noticed to finish. She continued discussing No. 2(a) under Roles and Responsibilities. Commissioner Stebbins suggested replacing “Commissioners” with “Commission” and to keep the footnote’s reference to G. L. c. 10, § 76 (h) and (i). Commissioner Camargo requested that they table the topic until they had a chance to review the Executive Session minutes. The AC continued to read No. 2 under Roles and Responsibilities and requested to add “the” before Executive Director in No. 2(d). The AC said that she was not comfortable with No. 2(f) as she read it as going beyond the statute. She discussed this with Commissioners and Chief Carter suggested potentially including a Vice-Chair which could be voted on at the same time as Secretary and Treasurer. The AC indicated that they would circle back to this section and continued. Regarding No. 2(i), she asked when Cannabis Advisory Board assignments occurred. Commissioners discussed and the AC indicated that they would circle back.



- The AC began reading No. 3 in the Roles and Responsibilities section of the Charter. Regarding No. 3(a), Commissioners discussed the one-year terms for the Treasurer and Chief Carter suggested including “or until a successor is appointed” in No. 3(a) and for the Secretary in No. 4(a). Regarding No. 3(c)(ii), the AC asked if “timely manner” should be better defined. Commissioner Camargo indicated that she was fine with the language as-is. The AC suggested including “consistent with reporting requirements” and there were no objections. She asked if an absence of the Treasurer or Secretary should be addressed in the Charter and suggested including “or their delegee.” Regarding No. 3(c)(iii), the AC asked if staff were identified correctly and Chief Carter suggested specifying “fiscal staff” and striking “appropriate staff.” The AC read the remainder of No. 3 under Roles and Responsibilities without any additional edits.
- The AC began to read No. 4 under Roles and Responsibilities and reiterated the earlier edit to include “or until a successor is appointed” under No. 4(a). Regarding No. 4(b)(i), the AC asked if “timely manner” should be better defined as she thought it was open for interpretation. Commissioner Stebbins advocated for leaving the language as-is. Commissioners discussed how to address the AC’s concern and she suggested including a footnote which referenced OML. Commissioners further discussed and agreed to circle back to this point. The AC moved to No. 4(b)(iii) and asked for clarification on what “Keeper of the Records” meant in practice. Chief Carter explained that this was a statutory responsibility of the Secretary mostly related to litigation and that, in practice, it was often best handled by the General Counsel. The AC stated that this delegation should be documented and asked for how that should be reflected in the Charter. Chief Carter suggested including “in writing” and Commissioner Stebbins suggested moving footnote twelve to follow “Keeper of the Records.” The AC read No. 4(b)(iv) and asked if the bi-annual updates on public records requests had occurred before. Commissioner Camargo and the AC discussed their experiences as Secretary and how the responsibilities discussed in this section had not occurred during their tenures. Commissioner Stebbins suggested breaking No. 4(b)(iv) into two romanettes with the second to include a footnote citing Massachusetts records retention schedule. The AC asked if the responsibility of the Treasurer to track promulgation timelines described in No. 4(b)(v) was statutory and Chief Carter responded that it was not and was likely intended to include Commissioners in the promulgation process. Commissioners discussed what this responsibility would look like in practice and Chief Carter suggested striking “Review Commission-approved draft and final regulatory changes and.” The AC read No. 4(b)(vi) and asked Chief Carter if he had thoughts on how to better coordinate trainings. Commissioner Camargo responded that this section may not be the correct place and suggested that trainings may be better addressed during Commissioner’s onboarding. Commissioners agreed to circle back to this section. The AC read No. 4(c) and suggested replacing “Communications Staff” with “appropriate staff,” and there were no objections. Commissioners agreed to circle back to No. 4(d).
- Commissioners agreed to take a short recess. (Returned at 04:19:42.)



- The AC acknowledged time constraints and stated that the meeting would adjourn at 4:00 PM. She asked that they circle back to No. 2 under Roles and Responsibilities and asked if it was the Chair's place to hold weekly meetings with Chiefs or if that interfered with the work of the ED. Commissioners discussed this point and asked AED Hilton-Creek for her thoughts. AED Hilton-Creek explained that she would prefer to have that conversation offline.
- The AC began to read No. 5 under Roles and Responsibilities. Regarding No. 5(j)(i), the AC noted that AED Hilton-Creek had indicated that the employee handbook was being revised and renamed, so its reference here may not be appropriate. Chief Carter suggested simply including "personnel policies" rather than naming specific documents and no Commissioners objected. The AC continued reading and suggested that the Treasurer should be included in No. 5(n). Commissioners discussed and Commissioner Stebbins expressed that No. 5(n-q) seemed redundant and suggested working offline to consolidate this section. He volunteered to work with the Legal team to revise and Chief Carter suggested including Finance staff in that process. The AC continued and Commissioner Stebbins suggested striking No. 2(i) and combine it with No. 5(u). The AC continued reading and said that No. 5(x) did not make sense to her Commissioners discussed and Chief Carter explained that the responsibilities described in that section were important and should be discussed further. The AC stated that they would circle back and read the remainder of the section.
- The AC expressed concern regarding No. 5 as it related to the motion language delegating AED Hilton-Creek's responsibilities on June 13, 2024. She stated that vote would be in conflict with the Charter once it was ratified. Chief Carter explained that the Charter was a forward-looking document and would supersede the previous vote. He suggested that he would draft motion language offline. Commissioner Camargo cautioned that this was a delicate topic and they should be careful. The AC read from the enabling statute. Commissioner Stebbins noted that the word "stripped" was not used in the motion, and that motion was an example of the Commissioners exercising their statutory power to direct the AED. Commissioners discussed the June 13, 2024, vote and whether it conflicted with the Charter. Commissioner Camargo asked what language Legal had been tasked with drafting and Chief Carter explained that he would prepare language to clarify how the Charter may affect previous delegations.

5) New Business Not Anticipated at the Time of Posting – 05:21:17

- Commissioner Camargo stated that she would like to discuss expired Provisional Approvals in a Public Meeting and that she would like to offer extensions. The AC suggested a conducting a forensic audit of the Commission to guide policy decisions.

6) Adjournment – 05:29:56

- Commissioner Camargo moved to adjourn.
- Commissioner Stebbins seconded the motion.
- The AC took a roll call vote:
  - Commissioner Camargo – Yes
  - Commissioner Stebbins – Yes



- AC Roy – Yes
- The Commission unanimously approved the motion to adjourn.

