



Cannabis Control Commission Public Meeting

In Person and Remote via Teams



Meeting Book - Cannabis Control Commission Public Meeting

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Next Meeting Date & Adjournment



August 12, 2024

In accordance with Sections 18-25 of Chapter 30A of the Massachusetts General Laws and Chapter 107 of the Acts of 2022, notice is hereby given of a meeting of the Cannabis Control Commission. The meeting will take place as noted below.

CANNABIS CONTROL COMMISSION

**August 14, 2024
10:00 AM**

In-Person and Remote via [Microsoft Teams Live*](#)

PUBLIC MEETING AGENDA

- I. Call to Order
- II. Commissioners' Comments & Updates
- III. Commission Discussion and Votes
 1. Governance Discussion and Vote *Acting Chair Ava Callender Concepcion*
 2. Executive Session Minutes – Vote *Acting General Counsel Andrew Carter*
- IV. New Business Not Anticipated at the Time of Posting
- V. Next Meeting Date
- VI. Adjournment

Notice of Executive Session:

The Commission may enter closed executive session to review executive session meeting minutes pursuant to G.L. c. 30A, § 21(a)(9) which allows the Commission to participate in mediation for the purpose of establishing a durable and effective governance structure and/or G.L. c. 30A, § 21(a)(3), which allows the Commission to discuss litigation strategy if the Chair declares that an open meeting will have a detrimental effect in obtaining qualified applicants.

*Closed captioning available

If you need reasonable accommodations in order to participate in the meeting, contact the ADA Coordinator Debra Hilton-Creek in advance of the meeting. While the Commission will do its best



to accommodate you, certain accommodations may not be available if requested immediately before the meeting.





CANNABIS CONTROL COMMISSION

October 7, 2022

In-Person

EXECUTIVE SESSION MEETING MINUTES

Documents:

- 2022103 Draft Charter V4
- Cannabis Control Commission Proposed Schedule and Project Milestones
- Draft Cannabis Control Commission Outreach and Consultations Strategy
- July 28, 2021, Legislative and Executive Branch Outreach Memorandum

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 Susan Podziba (Mediator Podziba) reviewed the work that had been completed since the last executive session, noting the draft Outreach and Consultations Strategy and Proposed Schedule and Project Milestones documents she had prepared.
- Mediator Podziba began with the No. 5 in the Roles and Responsibilities section of the Charter. Executive Director Shawn Collins (ED) asked to review No. 5(b) as the Commissioners set the goals. The Chair noted that section might be spiritual and asked if the ED saw the bullet as duplicative. The ED suggested merging No. 2(a-b), with a



review of the Commission's performance evaluation process. Commissioner Concepcion noted that the Commission's performance evaluation process was not clear when she first started and urged keeping the (b) bullet. The ED gave a historical overview of how the process worked and noted the current process. Commissioner Roy explained her understanding of the performance review process and asked if Commissioners had a chance to provide feedback prior to the presentation of goals. The ED received feedback from Commissioners in an informal and formal manner, and discussed his preference that the performance evaluation process was handled in a formal manner. Mediator Podziba discussed the need for clarity and proposed language to accommodate. The ED noted that the formal opportunity to suggest goals was during the performance review. Mediator Podziba asked if her proposed language provided relief to the sentiments. Commissioner Camargo noted that Commissioner's Roy comment was in terms of timing and explained that both the ED's and the Commissioner's priorities need to be accommodated. In response to Commissioner Roy's query regarding the timing of the goals, the ED stated that he has not begun work on this, but typically did so November or December each year. Commissioner Roy asked if they should include "in the third quarter". Commissioner Camargo suggested to not be too specific and making a bullet regarding operation, process, and timeline. The ED discussed clarifying that this process was tied to the calendar-year and not fiscal year and how that would be helpful for the process. He mentioned that the timeline aligns with the staff goal setting process. Mediator Podziba proposed language related to timing. Commissioner Camargo proposed language related to advising the ED in the 4th quarter. The ED wanted to formalize the role of the Commissioners and to clarify that Commissioners set the goals. Commissioner Roy asked for clarification regarding how the process worked and the Chair noted the need to work with the ED to set the goals. The ED noted that even if he disagreed that it would not change the Commissioner's right to have those goals. Mediator Podziba noted that not everything that a Commissioner wanted to accomplish needed to be set into the ED goals. The ED mentioned the need to be nimble. Mediator Podziba believed that number five accomplished that need. Commissioner Stebbins proposed language to ED goal No. 1 and noted that he was struggling with No. 2. The Chair echoed the ED's previous comments. The ED noted that there needed to be coordination to set ED goals. Commissioner Roy provided a historical overview of how Commissioners set the ED's goals. The ED provided further background on how the process had worked. The Chair believed that the process didn't work because there was a lack of alignment. The ED agreed. The Chair noted some current goals and asked how the ED preferred his goals to be formatted. The ED preferred that his goals be aligned given the historical tension.

- The Chair asked a follow-up question related to the metrics of how the goals should be measured. The ED provided an example of how it was measured in the past. The Chair asked how the ED painted a picture when the ED's goals were broad. Commissioner Roy provided an example of how the goals were structured but that she also preferred more metric-oriented goals. The ED noted the process of taking the high-level goals and going



to each department to ask what those goals mean to them. Commissioner Roy opined that this was too broad and lofty. The Chair felt that the goal of creating a world class agency seemed like a mission statement as opposed to a goal. The ED noted how the goal of creating a world-class agency was implemented. Mediator Podziba confirmed the ED needed the final approved goals before he could go to staff. The ED wanted the Commissioners to have insight and input and explained the implementation process.

- Mediator Podziba noted that the ED’s goals were voted on in a public session. Commissioner Stebbins discussed the mid-year review meeting and the usefulness of check-ins. The Chair wanted to establish goals that were measurable, as opposed to arguable or lofty in nature. The ED responded that some goals were multi-year and provided example on how lofty goals could still be measured by metrics. Commissioner Roy urged that Commissioners have a voice in developing the goals. The Chair cited the need to justify the budget requests, with an example of potentially limiting outreach to different states. Mediator Podziba recited her understanding of the conversation and proposed language. The Chair urged balance between box checking as well as setting broader goals. She added she thought it was part of the communication and process that they go through and noted everyone could have different definitions. Mediator Podziba asked if box checking should be goals or be a part of the execution plan. The Chair mentioned limitations imposed by the Open Meeting Law (OML) in this process. She also noted the need to meditate. The ED noted his openness to discuss progress and projects and bringing that to a public discussion. Commissioner Camargo noted this tied into the agenda-setting process. Commissioner Roy suggested substituting “broad based” in the first goal, for “strategic”. The ED noted that strategic seemed fair and noted the role of the staff. The Chair echoed her comments related to definitions of measures of success. The ED added that being a world class agency as it pertained to a state agency, might be a different definition than best in the nation. He added that the proof was in their success, that they can do both. Commissioner Roy noted the legislative mandate of being cost neutral. The ED gave further clarity on the budgetary process and noted the Commission’s revenue forecasting project. Commissioner Stebbins proposed some language changes to goal No. 2 and asked if it was fair to call them ED goals instead of Commission Goals when they are voted on.

The Commission took a short recess.

- Mediator Podziba summarized from the last discussion that she would digest the proposed changes from ED to Commissioner goals and would circle back.
- Mediator Podziba moved to the Interactions Between and Among Commissioners and Executive Director, Leadership Teams, and Staff section of the Charter. Commissioner Stebbins provided further information on this section’s development. Mediator Podziba noted that the subject tied into the previous topic of boundaries. Commissioner Concepcion asked a question related to number three and the need to go through the ED to interact with staff. Commissioner Roy mentioned the difference between a check-in and needing staff support. Mediator Podziba noted there were a lot of clauses in the bullet and then explained how the bullet was formatted. The Chair clarified some feedback on



her understanding of the bullet. The ED noted how the tension had been felt in the past and that he would prefer to be involved in the process as it related to the devotion of staff resources. Commissioner Camargo mentioned things that she has done to engage others and felt that the Commission might be moving away from historic tension. The ED noted that he agreed with that approach and that his comment was more related to staff resources and projects. The ED explained his hesitation to reach out to staff below the department head (DH) level. Commissioner Concepcion said that she didn't see that as the same. The ED discussed the importance of the organizational chart.

- Commissioner Roy related the implications of reaching out to staff during the public meeting week. The ED provided further information related to how a public meeting week worked and discussed the role of the legal department. Commissioner Roy provided a situation where she reached out to the licensing department and asked how she should have handled a previous situation related to a condition. The ED explained to her what they could have done differently. Mediator Podziba asked if questions about licensing conditions went to the Legal Department or would they go to the ED. The ED noted that it spoke to the chaos of the public meetings and the attendant burden. Mediator Podziba expressed that the Commissioners have direct access to the ED and DH, but not to other staff.
- The Chair remarked about staff interaction and engaging staff and observed that it might be problematic. Commissioner Camargo provided insight about how the process had worked and she wanted to reengage staff on the issue. Commissioner Camargo provided reasons she had reached out to a DH. The ED asked Commissioner Camargo how she would have handled a DH denying her request to participate in a staff meeting. Commissioner Camargo responded that she had previously received a denial from a DH, and it did not bother her. The ED illustrated how staff and Commissioner interaction could be problematic. The Chair expressed that she understood the importance of building rapport with staff and also desired to get an opportunity to talk with the people on the front lines but to not interfere with the ED's ability to do his job. Commissioner Camargo related to what she had done for staff outreach and thought that staff might want these interactions.
- Mediator Podziba noted that the Commissioner's role was isolating and asked where Commissioner Camargo would draw the line. Commissioner Camargo noted that she would not speak to staff unless she talked to their bosses and mentioned that she had reached out to the ED to attend staff meetings. Commissioner Concepcion noted the difference between social interactions that are non-work related, and staff meetings. Commissioner Stebbins felt that the culture needed to shift and discussed that he already had DH check-ins and would regularly check-in with ED as well. The Chair wanted to ensure that the Commissioners were being respectful, and all Commissioners were being fair and getting equal access. Commissioner Roy asked about chain of command implications. Commissioner Concepcion noted that Commissioner Camargo's approach made sense and noted how it would work if all Commissioners would take the same approach. Commissioner Camargo wanted to reengage staff and suggested that all Commissioners take the same approach. The Chair noted that she thought it was a good idea. Mediator Podziba asked how often the Coffee with Commissioners event should



happen. The Commissioners stated every quarter and noted the previous structure of the meetings. Commissioner Stebbins suggested focusing the discussion around how the Commissioners want to interact with staff. Mediator Podziba relayed staff concerns relative to tensions surrounding Commissioners engagement. Commissioner Roy noted that she overcompensated the other way where she does not reach out to staff unless necessary, and inquired about why staff does not reach out. The Chair asked how they would make sure that the Commission was engaging and getting to know the frontline people and having those opportunities to listen. The ED noted the utility of possibly adding a mission statement at the beginning of the Charter. He compared the Commissioners to five members of a board, and then considered how staff might take the interaction with a “board member”. He believed he was most effective when he simply conversed with staff. Commissioner Camargo mentioned that there was no Commissioner handbook to learn how to conduct oneself. The Chair wanted to figure out corporate governance and ways to conduct business like a board. The Chair added the need to understand the conflict-of-interest law, their adjudicatory role, and how Commissioners set policy. Commissioner Concepcion explained that she received outreach from external sources frequently but wanted to get internal feedback regarding how Commissioners were performing their work. Commissioner Concepcion asked a clarifying question regarding staff support and The Chair clarified. Commissioner Roy noted that she had previously requested to visit public labs. The ED noted that they must be careful when visiting cannabis businesses because they are fraternizing with someone whose business will end up before the board. The Chair inquired about fraternization and ethics training. The ED stated he was referencing fraternization in an enforcement and administrative procedure context. He related past circumstance and examples to illustrate his concerns. Commissioner Concepcion asked about bias or the need for recusal on a license and how that would operate. The ED drew an organizational chart for reference and how the processes would work and expressed that bias must be avoided. Commissioner Camargo raised the possibility of conducting a 30A training refresher course. Commissioner Stebbins asked if No. 6 protected them and suggested they fold No. 9 into No. 6. Mediator Podziba proposed language for No. 9.

The Commission took a short recess.

- Mediator Podziba requested looping her into the conversation when the Commissioners sought support or information from staff over the upcoming weeks.
- Mediator Podziba moved to the Structural Mechanisms for Joint Commissioner and Staff Work and provided background on the topic. The ED provided further background into the topic and related the number of working groups, the number of contracts, and the next steps they should take. The ED provided the example of an informal working group of one which addressed advertising. Mediator Podziba explained how she laid out the formal process. Commissioner Roy asked who the keeper of the records of Charter was and who would help drafting. The ED noted that it lived on the intranet, and that everyone had access to it. The Chair explained the importance of ensuring they were not



taking the staff away from their goals. The ED discussed the need for resources and the role of human resources.

- The ED explained that the regulatory process informed the working group model and mentioned the ministerial nature of some topics. Mediator Podziba commented that external working groups were discussed in a later section. Commissioner Roy asked which staff determined the Commissioners in a working group. She expressed the need for transparency on which working groups existed and how a Commissioner would apply to be on one. The ED noted that some working groups do not need a Commissioner on it and that he would use his best judgment to choose the Commissioner who would serve. Commissioner Roy proposed new language. The ED mentioned the secret shopper working group and explained how Commissioner Concepcion became a part of the working group. He also noted the implications of discussing the working group in a public manner and that working groups were formed to complete a task. Mediator Podziba noted that it sounded like working groups were (1) a way to internally manage resources of staff and budget and (2) a way for Commissioners to express something they wanted to work on and access staff resources; a possible way to address the issue is to try to Charter a working group.
- Mediator Podziba requested that the Commission hold off on the conversation about external working groups until a later section. Commissioner Camargo believed that external work groups were related to internal work groups in terms of how they functioned, and the permission required beforehand for the Commissioners to participate. Mediator Podziba asked the ED if the external and internal work groups were related. The ED noted he thought they were two different things regarding staff resources being devoted to it and the executed Charter.
- Commissioner Stebbins requested edits to No. 1 regarding a word change and No. 5 to allow for staff to move forward without the ED approval. Commissioner Camargo reiterated that she wanted to discuss external working groups. Mediator Podziba noted the discussion was for another section and she would make sure they reviewed. Commissioner Concepcion and the Chair noted that it was related to the current discussion. Commissioner Camargo recommended adding a section for external work groups. The ED stated if they are going to be devoting any staff resources to any project then they need to put structure to the project. He believed then no one in the future could claim they did not receive notice. Mediator Podziba proposed changes to the language related to internal and external members of a working group. The ED mentioned that he was comfortable with the edits, as the Commission manages Commission resources, but opined it would be beneficial to note all participants in the process. Commissioner Concepcion explained it would also benefit Commissioners to have an understanding and awareness on external working groups. The ED gave examples of using external resources.
- Mediator Podziba moved to the Legislative and Executive Branch Outreach section and asked if it should also incorporate ideas for all governments including, municipal, and federal. Commissioner Stebbins mentioned local control in the statute and Commissioner Concepcion noted legislation. Commissioner Stebbins added it was not only legislative, but it also involved the executive branch. Mediator Podziba explained that it sounded like



it should be incorporated, but that it didn't necessarily need to be spelled out. Commissioner Stebbins discussed the Department of Government Affairs and Policy (DGAP) role as it related to No. 6. Commissioner Camargo thought that it should be spelled out. The ED proposed a change to No. 1. Commissioner Concepcion noted No. 7(c) and the possible need to refine further. She discussed how the process had worked as an individual Commissioner. The ED mentioned the support mechanism, which helped coordination with other Commissioners. Mediator Podziba asked if (c) should be deleted. Commissioner Stebbins opined that he would be comfortable with deleting letter (c) and he would be comfortable adding the ED to (a). Commissioner Concepcion stated how she made clear when she was not speaking in her official role. Mediator Podziba noted that (c) would be deleted and that DGAP should be folded into the provision. Commissioner Stebbins thought the ED role should be folded into the process. The ED wanted to not overstate his role and was mindful of occupying the right space. Commissioner Concepcion proposed an idea for the ED to be folded into No. 7. Mediator Podziba described how she planned to rewrite the language.

- Mediator Podziba moved to the External Communications section of the Charter and Commissioner Stebbins asked why No. 4 was there and commented that it seemed out of place. Mediator Podziba provided clarity that she included the item in the draft because it was raised at a previous meeting. The Chair approved of it being incorporated.
- The Chair noted her disagreement with No. 5 especially as it related to not being able to speak if you decide not to go first and noted scrum. She felt uncomfortable saying that someone could not speak. Commissioner Concepcion and Commissioner Camargo explained why they approved of the current scrum order and procedures. Commissioner Roy gave an instance of where they would be able help one another out and noted they do not have the ability to do that under the current process. The ED explained the reasonings for adopting the approach. Commissioner Stebbins noted that the Commissioners could choose not to participate in the scrum. The ED opined that the process should be developed in a standard operating procedure and not worked into the Charter. The Chair noted an example of where one of her statements did not go out and that there should be a determination of who gets to decide what is personal to a Commissioner and what is important to the Commission. The ED stated he already addressed this with her and he agreed if a story is personal to a Commissioner, then the Communications team should be available to support each of them. He added there were going to be instances where the Commission's interests align or do not align with an individual Commissioner's statements and he stressed that the Communications team should be involved. Mediator Podziba noted that there may be times where a personal statement needed to be made, and asked whether the Charter should incorporate that fact. The ED noted that there might be a time where a personal statement could be a benefit and it could be detrimental. He noted that sometimes the Commission's interest and a Commissioner's interest might not align with each other. The ED explained that they needed to find a way to bake in some discretion and strategy which is a collaborative effort. Commissioner Stebbins proposed an edit to No. 9 regarding the Commission's Communications team. Commissioner Concepcion suggested that the language should not be so rigid in relation to the Communications teams.



- Commissioner Concepcion noted that there needed to be a notification process brought into the discussion. She expressed frustration around not being notified ahead of time when the Communications team was aware of a situation. The Chair noted the tragic situation that had happened in Holyoke. Commissioner Concepcion mentioned information leaking from the Commission. The ED noted past experiences and that he did not want to create paranoia where it did not need to exist. He also explained that he did not want to provide inaccurate or incomplete information to Commissioners. The Chair mentioned crisis management. The ED reflected that he would not be aware of every situation when an emergency dispatch was called and referenced procedures that delved into an emergency process. The ED urged a proactive approach to external communications in future sessions.

III. Adjournment

- Commissioner Stebbins moved to adjourn the executive session.
- Commissioner Roy 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.



CANNABIS CONTROL COMMISSION

November 7, 2022

In-Person

EXECUTIVE SESSION MEETING MINUTES

Documents:

- 20221106 Draft Charter V6
- Discussion Items for Executive Session 7

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 the work that had been completed since the last executive session.
- Mediator Podziba began review of the Budgeting and Budgeting Process section of the Charter and asked for feedback. Executive Director Shawn Collins (ED) proposed an amendment to No. 3(h) and pointed out the reference to the Governor and the budget in No. 3(i), suggesting a language change there too. The Chair asked a question about No. 3(j) regarding how they agreed on a legislative outreach strategy. Mediator Podziba referenced No. 3(e) and noted that the approval process was discussed in No. 3(g). Commissioner Concepcion was concerned with the timing of getting the Governor the



Commission's request. The ED explained how the budget proposal was developed previously at the Commission. The Chair wanted to draft language related to (1) the Chair's role in the process, and (2) the ED and the Chair directing the process. Mediator Podziba queried about where to insert the proposed language. After discussions concluded on this issue, Mediator Podziba read aloud the proposed language.

Commissioner Roy noted that Commissioners had historically been lobbied by staff and asked the ED if they were trying to avoid that dynamic. The ED did not know if he could prevent lobbying from staff but opined that the Charter helped identify the formal budgeting process and mentioned intricacies in the process.

- The Chair asked how the Commissioners could help manage the process. The ED hoped that Commissioners would communicate with him in that regard. He explained how the process would work if all requests from Department Heads (DH) were satisfied and stressed the importance of a reasonable year to year budget. He mentioned what was possible from the legislature and expressed he was working with staff on the subject. The ED emphasized why workforce planning would be useful. Mediator Podziba echoed her understanding of the discussion. The ED mentioned that he agreed with Commissioner Concepcion's comment regarding the timeline and the time crunch. Commissioner Concepcion expressed that they might want to consider putting language into November in terms of timing of the Governor's budget. The Chair did not know if a legislative strategy for the budget would help. The Commissioner Roy and Commissioner Camargo described their understanding of legislative strategy. The Department of Government Affairs and Policy roles in the process were cited.
- Mediator Podziba noted that No. 3(e – h) all listed December dates and asked which subsection they proposed to move to November. Commissioner Concepcion noted No. 3(g) was her biggest concern regarding the Public Meeting and requested it be moved to November going forward. Commissioner Roy did not want the Commission to be the last agency to lobby. Mediator Podziba asked for the ED's feedback, and the ED described the intricacies of the budget process.
- The Chair asked if there was a possibility of having a public meeting between mid-November and mid-December. The ED reviewed potential times to review the budget in a Public Meeting in 2023. Mediator Podziba suggested that for No. 3(e – g) the language read November/December for flexibility. Commissioner Concepcion suggested No. 3(j) read as December as well. Mediator Podziba asked if the process described in No. 3(f) was always done at a Public Meeting. The ED noted the importance of Department Head (DH) feedback. Commissioner Stebbins stated that No. 3(d) allowed for staff feedback. Mediator Podziba asked if No. 3(f) was still needed. The ED stated if they maintained the edit for No. 3(d), then No. 3(f) would not be needed. Commissioner Concepcion wanted to integrate some of the language in No. 3(f) into No. 3(d). Commissioner Stebbins mentioned balancing Commissioner and staff feedback and noted that No. 3(d) could be used as a preparation meeting. The ED opined about potential problems if the process described in No. 3(f) were to happen in December. The ED mentioned the staff's preference to get the ED's feedback first. Mediator Podziba confirmed the process happened in (d) and (f). Commissioner Concepcion mentioned it also happened in (b).



The ED proposed an edit to (p). Commissioners and the ED discussed whether a process for amending the budget should be addressed in the Charter and the ED suggested adding “that anticipates the budgetary lifecycle” to No. 3(e) to allow for flexibility in strategy when requesting an amendment.

- Mediator Podziba moved to review the Accountability, Checks and Balances section of the Charter and noted that it had been reviewed by the Chief People Officer (CPO). She asked if No. 3 should be removed. The Chair noted that it was covered by the enhanced code of ethics training and expressed the need for Commissioners to fully understand their ethical obligations. She also suggested that an annual refresher would be helpful. Mediator Podziba asked for feedback on No. 6(f) regarding and whether the Chair and the ED needed to be unified in notifying Commissioner’s appointing authorities. Mediator Podziba noted why the CPO took this disciplinary section out. The Chair observed the role of the CPO in mediation and expressed the need to have an escalation process. Mediator Podziba saw that the Charter referenced the employee handbook. The ED explained how the process would play out at the staff level. Mediator Podziba asked how the process would work at the Commissioner level. The ED noted differences due to the statute and Commissioner Roy discussed the appointing authority’s role. Commissioner Camargo mentioned how the process would play out in a Commissioner/staff disagreement. The ED sought to understand his role in the process, his need to insulate the Commissioners from the ED role, and their ability to contact the appointing authority. He endorsed establishing a paper trail before the ED went to the appointing authority. Mediator Podziba noted No. 6(b) and asked whether Commissioners should receive notice at the outset or at the conclusion of an investigation. The ED discussed mechanics regarding complaints. The ED explained that in the example of a criminal allegation like bribery, he would not notify that Commissioner. Mediator Podziba stated that she would get feedback from the CPO and proposed language regarding notifications. Commissioner Concepcion added the way the language was written did not necessarily align with the reality of investigations. Mediator Podziba mentioned the possibility of a new No. 6(a) for notification and No. 6(b) for the conclusion; she asked what happens at the end of the investigation. The ED urged integrating language regarding the need to notify other Commissioners. Mediator Podziba noted the role of the ED, the Chair, and General Counsel in terms of notification. Commissioner Roy and Mediator Podziba proposed language to amend No. 6(b).
- The ED also noted the need to include language related to the complainant, the need to insulate that person, and inform them of the result of the investigation. The ED noted intricacies in determining what actions taken at the Commissioner level and how that differed at the staff level. Mediator Podziba felt the CPO determined if the investigated Commissioner should be subject to disciplinary action. The ED answered that the CPO had authority to work with Commissioners to investigate in that circumstance. Commissioner Concepcion urged for the workforce to be protected, separate and aside from what the appointing authority has authority over. The Chair opined that mediation would help here.
- Commissioner Camargo did not believe that mediation would be fully helpful when for instance, staff had complaints regarding Commissioners. The ED noted the limits on him



in terms of enforceability and also similar limits on the human resources director. The Chair felt that there was a need to communicate with the appointing authority. The ED related his conversations with the Attorney General's office and outside counsel. Commissioner Roy noted the role of a tribunal. The ED mentioned the multiple appointing authorities, and also the potential of a future Commissioner acting like they were untouchable. Mediator Podziba returned to what the ED could do to protect staff from Commissioners and in creating those boundaries. The ED noted a previous instance of how the process worked and how the implementation proved detrimental. Commissioner Roy noted the usefulness of annual training for Commissioners and suggested potentially keeping a mediator on retainer. Mediator Podziba noted the option of establishing an Ombuds office.

- Mediator Podziba went on to review No. 6(f). Commissioner Roy noted that one person should not have all the authority. The Chair noted the role of a Secretary. Commissioner Roy added the need for a tie breaker if two people could not agree. The ED expressed hesitancy with giving two Commissioners the potential to override an administrative decision. The Chair noted observations with other entities and the role that outside counsel played in the process. The ED stated that the Commission had used outside counsel, and he relayed their involvement in previous investigations.

The Commission took a short recess.

- Mediator Podziba asked for further feedback on the Accountability, Checks and Balances section. Commissioner Roy asked Mediator Podziba about No. 6(f) and Mediator Podziba clarified that the Chair and Executive Director would notify appointing authorities of complaints and would defer to outside counsel if they disagreed. Commissioner Concepcion asked whether there should be limitations on a Commissioner's access to staff resources who was not removed but had been reported. Mediator Podziba language to indicate that the ED and Chair could reallocate staff to be protective of them and other Commissioners.
- The discussion moved to No. 6(h) and whether it should be stricken. Mediator Podziba noted that the CPO had requested the proposed edit. Commissioner Concepcion mentioned a lack of language concerning when they would be notified about removal and Mediator Podziba stated she would clarify that point.
- Mediator Podziba moved to the Professional Development section of the Charter and requested feedback. The Chair mentioned the difference between recusals or filing disclosures. Commissioner Roy stated that this section was not clear as to how the ethics training was conducted. Mediator Podziba proposed an edit to indicate that the Commission would provide the ethics training and no Commissioners objected.
- Mediator Podziba moved to the Charter Adoption and Review section of the Charter and asked for feedback. The ED proposed an edit to No. 1 changing it from all Commissioners to three Commissioners because, when the section was previously discussed, the proposal was to be ratified by all Commissioners. The ED mentioned that he should not get a vote. Mediator Podziba asked if No. 1 should be ratified by a consensus of the Commissioners. Commissioner Stebbins asked if No. 1 should be



developed further. Mediator Podziba asked if everyone was in consensus and the Commissioners agreed.

- Mediator Podziba provided further clarity on the proposed Charter adoption and review process. Mediator Podziba read aloud the proposed language. Mediator Podziba stated they would need to get emergency review on a public meeting agenda and vote on it. The ED mentioned Roberts's Rules of Order (RROO) and opined about the process of forming subcommittees to review policies. The ED stated it could go in No. 3 or it could also build off No. 5 and proposed language. Mediator Podziba proposed language related to appointing of a sub-committee. The Chair she did not want to create a false expectation in staff that this is an open process.

The Commission took a short recess.

- Mediator Podziba started by reviewing all the sections of the Charter and went on to discuss the Purpose section. The Chair thought that the section was good and in the right place.
- Mediator Podziba then discussed the Background section. The ED proposed a language change and noted that No. 1 was the Commission's mission statement. Commissioner Roy mentioned the statutory mandate to develop public awareness campaigns. Mediator Podziba noted that Commissioner Roy's edits would be found in another section. The ED noted a language change on No. 7 regarding G. L. c. 94I.
- Mediator Podziba went on to discuss Roles and Responsibilities, the work that had been done on this section, and then asked for feedback. The ED opined that No. 1(g) referenced Commissioner Roy's suggestion regarding the statutory mandate to develop public awareness campaigns. The ED also mentioned No. 1(d) and felt that the Commission did not consider changes of location. Commissioner Concepcion noted that this authority was delegated to the ED. Mediator Podziba proposed language, and the ED modified this language. Mediator Podziba noted the ED comments, mentioned proposed language, and observed consensus between the Commissioners. Mediator Podziba raised the language in No. 1(d) and asked for any suggestions. The ED discussed No. 1(e) and explained the reasoning behind his proposed changes. Commissioner Concepcion wanted to include language about taking goals into consideration when approving the budget. The ED noted he would tie in Commission's strategic priorities to the budget. The Chair proposed changes to No. 1(e)(v) and distinguished between the budget and the ED's goals. Commissioner Concepcion stated that she agreed with the ED's proposed language, which the ED then reiterated. Commissioner Roy asked a question related to the ED Goals and how he was evaluated. Mediator Podziba noted the two changes and asked for any other changes.
- Mediator Podziba went on to review No. 2 regarding the Commission Chair, noting the edits thereto and solicited feedback. Commissioner Concepcion asked a question related to (d) and Commissioner Stebbins believed that another Commissioner could call for a vote; he then asked who records it and proposed a language change related to ascertain the vote. Commissioner Stebbins also proposed a change to No. 2(f) to include "ascertain." Mediator Podziba noted her reasoning behind adding the word



“Commissioner” in No. 2(f) and Commissioner Concepcion noted that “Commission” would be more appropriate in No. 2(f). The Chair proposed a change to No. 2(j) to include the ED, to which the ED agreed. Commissioner Concepcion added that it should mirror what was included in the budget section. Commissioner Roy mentioned No. 2(k) and the ED agreed that the provision should include internal communications.

- The Chair asked about the effective date of the regulations being on November 9th and the ED stated that it would be discussed at an upcoming public meeting.
- Commissioner Roy asked for edification around work and project assignments. She further asked how it would function if several Commissioners wanted to be a part of a working group. Commissioner Stebbins noted that he did not think of working groups as it related to No. 2(k). The ED opined that No. 2(h) would change the role of the Chair of the Cannabis Advisory Board (CAB). Mediator Podziba asked if everyone was comfortable with the edits to No. 2(k). The ED asked how they would find ways to preserve the Chair’s authority to manage assignments. Commissioner Concepcion noted that the edit codified the process. The ED mentioned consultation with Commissioner’s vote and added there was no formal liaising to the CAB. He added that the CAB was its own independent entity to advise the Commission and there was no statutory mandate for the Commission to oversee the CAB. Mediator Podziba asked if No. 2(h) accommodated for the CAB, and a further discussion about the CAB ensued. Mediator Podziba asked how Commissioners came to serve on subcommittees. Commissioner Concepcion noted the way No. 2(f) was constructed and asked if the structure worked for No. 2(h). The Chair noted the possibility of noninterest and the need to fill the role. Mediator Podziba proposed language for No. 2(h). Commissioner Stebbins mentioned that the conversation could happen at a public meeting. The Chair was concerned about structure. Mediator Podziba proposed language.
- Mediator Podziba went on to review No. 3, and there were no requested edits.
- Mediator Podziba went forward to review No. 4, The Commission Secretary section. Mediator Podziba noted a question related to No. 4(c) regarding the legal department. Commissioner Stebbins stated his reasoning behind adding the section. The Chair noted that she initially saw this section as the Chair, but she understood why it was under the Secretary role. The ED stated that the Secretary was responsible for ensuring the Commissioners were involved in the trainings. Mediator Podziba asked if “required” or “requested” was a better word for the section. Mediator Podziba proposed some changes to the language and added that it should be in conjunction with the legal department. Mediator Podziba suggested “convene” would be preferable to “facilitate.” She explained why No. 4(g) was included.
- Mediator Podziba discussed No. 5, The Executive Director section. Commissioner Stebbins proposed a language change for No. 5(b), and Mediator Podziba agreed. The ED proposed a change to No. 5(h) and noted his reasoning behind the proposed edits. Commissioner Roy noted that the ED represented the Commission at a national level and asked if that should be incorporated in the section. Commissioner Roy asked how the ED would function if cannabis became rescheduled. Commissioner Stebbins discussed external stakeholders. The ED mentioned language included in the Communications



section and Commissioner Camargo discussed the ED evaluation. The ED provided an example of when Maine requested that he testify regarding their medical program and noted that his approach might not have been the approach that a future ED would take. Mediator Podziba asked if the ED wanted to include language to that aspect. The ED noted that the Charter made the role of Commissioner seem very bureaucratic and commented that there was more to the role. Mediator Podziba mentioned the role of the job description. The ED stated most of the description was pulled out of the statute and mentioned he thought discussion on policy development and advice was missing. He also proposed changes to No. 5(c) and (d). Mediator Podziba proposed language.

- Commissioner Concepcion asked if the new No. 5(c) could be folded into the national conferences. Commissioner Stebbins added that in that aspect the ED served as the subject matter expert. Commissioner Roy asked how they would keep it in line with the goals of the Commission. Mediator Podziba noted that when hiring the next person would need to be a subject matter expert. The ED suggested if they did not, then they would not represent the Commission. Mediator Podziba proposed language and also asked if the will of the Commission would suffice. The Commissioners confirmed.
- Mediator Podziba moved to review the Public Meeting Agenda Setting section and asked if there needed to be any edits to the section. Commissioners discussed possibility of the new business section of public meetings being built into the process in No. 2(f) was discussed. Commissioner Camargo noted they had not voted on the process. Commissioner Stebbins wanted to revisit the topic before it was discussed in Governance, noting that there was a possibility of including it into a new section. The ED identified the source of the topic and observed how the process had helped in the past; he also proposed some language. Commissioner Stebbins mentioned he believed it could be baked into No. 2(f). Commissioner Stebbins noted the opportunities to ask about an item, or for it to be included on future agendas and expressed that the agenda should not be used as a weapon. Mediator Podziba proposed language to No. 2(f), to which Commissioner Concepcion and Commissioner Stebbins agreed.

The Commission took a short recess.

- Mediator Podziba went on to discuss the Executive Director Goals section and the Commission did not request any changes.
- Mediator Podziba went on to review the Interactions Between and Among Commissioners and Executive Director, Leadership Teams and Staff section. After a brief review of sections, Mediator Podziba started with number four, asking if the Commissioners approved the edits. Commissioner Concepcion asked if DH and direct reports (DR) were different; the ED noted that the CPO was also a DR and that the Chief Financial Accounting Officer was not a DR. Commissioner Roy asked if (1) the status of DR changed and (2) the list of DR changed, would that limit the ED's ability to change DR. Mediator Podziba proposed language. The ED noted that the Director of Research (DOR) reports to the Chief Operating Officer (COO). The Chair asked about potentially adding the DOR as a DR; the ED noted the rub with that amendment. The ED replied to the Chair asking how Commissioners should communicate with the DOR and whether



they should work with the COO directly. Commissioner Concepcion noted Commissioner Roy's comments related to the changes in structure and title. The ED noted he had only restructured once.

- Mediator Podziba asked how to funnel requests for staff resources. The role of the Executive Assistant was discussed, particularly after a Commissioner asked for resources. The ED noted how requests for staff resources had worked in the past and mentioned some of the issues. Commissioner Concepcion expressed how she had handled asking DR for resources and asked whether that was the best approach. The ED thought that it was and explained why. The ED stated that Commissioners requests may come back to him but sometimes not as intended. Commissioner Roy asked to who IT reported. The ED answered that they report to the COO. The ED mentioned the helpdesk for immediate feedback regarding technological support.
- Commissioner Camargo inquired about receiving the list of staff-identified topics. The ED felt that the problem in that instance was not at the Commissioner level but at the staff level. Commissioner Camargo noted No. 4 and how staff could interpret that bullet point. Commissioner Stebbins mentioned they may need to talk to someone about an agenda item, and he hoped the ED would be comfortable with that outreach. The Chair noted that the tension when trying to get quick answers to questions.
- Mediator Podziba discussed the Commissioner's desire for quicker answers to easy questions. The ED perceived the request as more complex than the Commissioner realized when asking the question and he reminded Commissioners of the importance of staff providing the right answer. The ED noted that Commissioners could go directly to a DH such as the Director of Government Affairs. Commissioner Roy suggested that they be mindful of real-world exceptions. Mediator Podziba proposed some language changes to No. 4. The Chair stressed that people need to return phone calls and fix the culture. Mediator Podziba discussed intricacies in the proposed change to No. 4, and also reviewed exceptions to No. 4. The ED suggested that DH need to be informed when a communication was requested from their staff. The ED observed that direct communications with staff potentially involves circumventing that staff member's superiors.
- Commissioner Roy noted the Diversity, Equity, and Inclusion Access and Equity Groups presentation, asking if this was a preferred method. The ED said the presentation was handled in this way in response to a historical issue. The discussion then centered around when and why Commissioner's requests for information were denied. A hypothetical was posed regarding needing information that only the staff had, but which Commissioners could not otherwise obtain; and how this situation was actually handled. Mediator Podziba discussed situations when a Commissioner could not go to a DH.
- Commissioner Roy introduced the topic of conducting tours to licensees. The Chair mentioned difficulty in being both in an adjudicatory and policy role. Commissioner Concepcion voiced that they were trying to work in accordance with the team. Commissioner Stebbins mentioned how he had handled tours in the past. The ED cautioned that wherever they toured a facility, that licensee's and their issues would inevitably end up on an agenda and reminded them of their need to remain impartial.



- Mediator Podziba asked for feedback in terms of No. 5. Commissioner Camargo asked Mediator Podziba to review No. 4. Mediator Podziba reviewed No. 4 and asked if No. 5 and No. 6 were still necessary. In reference to No. 4, the ED mentioned that he did not know what “staff support” meant.
- Mediator Podziba asked if Commissioners were comfortable with No. 6. Commissioner Concepcion mentioned that she did not know what “long term engagement” meant. Mediator Podziba explained why No. 6 was originally included, and again asked if No. 5 and No. 6 could be eliminated. The ED noted a situation where No. 5 could be useful. Commissioner Camargo mentioned an example of a meeting request. Commissioner Stebbins noted culture and explained that staff should feel free to push back.
- Mediator Podziba asked for feedback on Nos. 5 and 6. Commissioners and the ED discussed the how to best request staff resources. The ED observed how one meeting could often result in multiple meetings. Mediator Podziba understood that not everything would be a one-time engagement. The Commission agreed to eliminate No. 6.
- Mediator Podziba asked if in No. 8 the language should read (1) working group or (2) project charters or (3) working groups. The ED explained the internal regulatory context for working groups, and that every project received a project charter. Mediator Podziba and the ED agreed for the purpose of the Charter, the term used would be “project charters.”
- Mediator Podziba discussed the next steps, the role of a virtual meeting and outreach and consultation. The Commissioners discussed the upcoming meetings and processes. Mediator Podziba discussed job descriptions for the Commissioners and the ED. She proposed she would take what was in the roles and responsibilities section to produce job descriptions and would send those out for their feedback.

III. Adjournment

- Commissioner Stebbins moved to adjourn executive session.
- Commissioner Roy 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 to adjourn.





CANNABIS CONTROL COMMISSION

June 23, 2022

11:30 AM

In-Person with Remote Participation via Microsoft Teams

EXECUTIVE SESSION MEETING MINUTES

Documents:

- June 23, 2022, Cannabis Control Commission Mediation Session Agenda.
- June 23, 2022, Cannabis Control Commission Draft Scope of Issues.
- June 23, 2022, Mediator Podziba Cannabis Control Commission PowerPoint.
- Massachusetts Pension Reserves Investment Management Board Charter

In Attendance:

- Chair Sarah Kim
- Commissioner Nurys Camargo
- Commissioner Ava Callender Concepcion
- Commissioner Kimberly Roy
- Commissioner Bruce Stebbins
- Executive Director Shawn Collins
- Legal Assistant 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 asked all parties involved to review wants and expectations, and the Commissioners and Executive Director Shawn Collins (ED) expressed their gratitude that the process was taking place and their expectations that an enduring positive process would be realized through their efforts. Mediator Podziba presented context and background regarding public policy mediation, what to expect in the process, and next steps.



- Mediator Podziba asked what the parties understood about the Charter. The ED noted that a Charter is a governing document that sets expectations of an agreement, and that a Charter sets an expectation of how to tackle unexpected situations. He also stated that it allows all parties to be on the same page as it sets rules and expectations. The Chair mentioned that a Charter would help Commissioners understand their responsibilities and set a job description for the Secretary and a Treasurer. She commented that a Charter would allow for better accountability. Commissioner Concepcion noted that a Charter would also allow for the Commission to operate when something unexpected happens. Commissioner Camargo explained that a Charter would help Commissioners when conflict arose and stated the positive impact on culture that a Charter would bring. Commissioner Stebbins agreed with the need for a Charter and mentioned that the Charter also had benefits for staff. Commissioner Roy explained that it would be helpful to review organizational charts. Mediator Podziba noted a possible new position as a Commissioner Liaison. She also explained that the written goal would be to produce a Charter and a job description for Commissioners. She provided background and historical aspects of what constituted complimentary goals. Further, she expressed general agreement of the need for a Charter and for job descriptions. Mediator Podziba provided further context into what encompassed a complimentary goal. Commissioner Concepcion commented that Commissioners are seen as a floating body that is not connected to the staff and discussed the residual effects of the previous culture. The ED noted the historical aspects which had affected interactions between staff. Mediator Podziba suggested that staff feedback on the Charter would help model interactions between staff and Commissioners. Commissioner Roy commented that she interacted with the same handful of staff daily and wanted thoughts on if that was the most productive practice. Mediator Podziba noted that further clarity on roles would help. The ED mentioned that the Commission staff were energized, and staff involvement would help the Charter. Commissioner Concepcion discussed challenges that the ED faced and expressed a need for the Charter to empower the ED. Commissioner Camargo noted the challenges met by the previous cohorts of Commissioners and discussed the residual effects of culture. Mediator Podziba noted that a system was previously created and the challenges due to the previous system. Commissioner Camargo mentioned that many of the people who work at the Commission came from state government and Commissioner Roy noted the challenges of a virtual environment. The ED provided a historical aspect of how the previous cohort of Commissioners created culture. Mediator Podziba discussed the process for establishing the scope of issues and noted that the Chair shared a job description and a Charter that could be used as a reference. The Chair commented that the job description and Charter that she provided to Mediator Podziba are public records.
- Mediator Podziba asked all parties to comment about who should be a participant in these discussions in addition to the principals. Commissioner Stebbins noted the Commissions structure and the need to talk to department heads and staff. The ED mentioned his work as it related to his direct reports and how he would handle the assignment of directing culture. Commissioner Roy commented that Commissioners



are insulated from information around culture. Commissioner Camargo asked a clarifying question and Mediator Podziba clarified that her question is related to how the Commission should engage staff as they work to develop a job description and Charter. Commissioners and the ED noted the need to engage staff and solicit their feedback during this governance process. Mediator Podziba asked how often the Commission should meet and Commissioner Camargo noted her desire to hold full, day-long meetings. Commissioner Roy asked how long Mediator Podziba expected the process would take. Mediator Podziba noted that timing depends on the scope of the Charter. Commissioner Camargo mentioned the major transition that could happen as there is not a permanent Chair, and that bills are currently making their way through the statehouse. She also stated her desire to focus on this process for the next few months. The Chair noted that she agreed with Commissioner Camargo on timing. Commissioner Stebbins suggested that the Commission could benefit from the Chair's expertise. Commissioner Roy mentioned that once the HCA process was in the purview of the agency that the Commission's review of the contracts would be a heavy burden. Commissioner Camargo agreed and suggested the timeline should be discussed. Mediator Podziba asked how long the Chair expected to be in the seat, and the Chair answered that she is unclear but expected to be in the seat until July 3, 2022.

- Mediator Podziba asked thoughts on possible different schedules. The Chair mentioned that there were items that could be done before the new Chair joined the Commission. Mediator Podziba noted there were aspects of the Charter that could be accomplished prior to onboarding the new Chair. Commissioner Camargo gave an overview of the schedule and noted that the 4th week of July would work.
- Mediator Podziba asked what the Commission would prefer in terms of scheduling. Commissioner Camargo reiterated her preference to have multiple full-day meetings, which was agreed upon by the ED, Commissioner Stebbins and Commissioner Concepcion.

The Commission took a short recess.

- Mediator Podziba requested that the Commission define the scope of Issues, Roles, and Responsibilities. Mediator Podziba suggested topics like interaction with the advisory board, decision making, and emergency actions.
- Commissioner Roy asked why department heads were not included in the Charter and mentioned an interaction she had with a department head's rules and responsibilities.
- Commissioner Concepcion noted that the ED should have the purview of the department heads. Commissioner Stebbins mentioned that staff are not governed by statutory authority. Commissioner Concepcion noted the ED's job descriptions. The ED discussed the historical aspect of hiring and how it was informally delegated to him. He noted that he hoped they can manage staff interactions and responsiveness in a positive way. Commissioner Roy asked if department heads had the power to allow when Commissioners can meet with staff. The ED noted this is not a policy in any written way and unfortunately it would likely be a case-by-case basis. Mediator



Podziba asked that when the Commission was working to define the scope of rules and responsibilities of the ED that this process would be built into that section. The Chair asked for clarity on the issues listed on draft and if those topics are going into a Charter and/or job descriptions and Mediator Podziba noted that these issues will be discussed.

- Commissioner Camargo asked about the role of the appointing authorities as they governed the Commissioners and asked if it could be added to the Charter, and Mediator Podziba stated it can be put on the list and through discussion it can be determined if it is needed on the Charter. The Chair noted that appointing authorities are governed by statute. Commissioner Concepcion noted that Commissioners should build flexibility into the plan.
- Mediator Podziba called the Commissioners attention to revisions and said that she noted required revisions. Commissioner Concepcion asked a question regarding the need to have a regulatory system be resolved in the governance process. Mediator Podziba noted that it was included in the draft scope of issues. The ED explained the historical aspect of the tension that previously existed as it related to the promulgation of regulations. Commissioner Roy asked a clarifying question regarding the historical aspects and the ED provided further historical context. Commissioner Concepcion asked a clarifying question related to the need for the topic. The Chair recommended referencing regulatory review in the Charter for clarification, while the ED noted that the Commission did not yet have a process in place as it related to the regulatory review process.
- Mediator Podziba stated that there is a need to define the scope for regulatory change but maybe not for this project. Commissioner Concepcion agreed with the need. Mediator Podziba noted that they will need to work to define roles and responsibility as it related to the regulatory process.
- Mediator Podziba discussed next steps and deliverables.

III. Adjournment

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





CANNABIS CONTROL COMMISSION

July 28, 2022
10:00 AM

In-Person with Remote Participation via Microsoft Teams

EXECUTIVE SESSION MEETING MINUTES

Documents:

- July 28, 2022, Cannabis Control Commission Mediation Session Two Agenda.
- CCC Ground Rules.
- CCC Process Design Work Plan.
- CCC Draft Scope of Issues.
- CCC Dynamics by Theme Assessment.

In Attendance:

- Chair Sarah Kim
- Commissioner Nurys Camargo
- Commissioner Ava Callender Concepcion
- Commissioner Kimberly Roy
- Commissioner Bruce Stebbins
- Executive Director Shawn Collins
- Legal Assistant 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 agenda and asked all parties involved to go over their goals and expectations. She noted the current confirmed calendared dates.
 - Mediator Podziba moved to review and revise ground rules. After a brief discussion, she identified December 2022, as the target date for governance work to conclude. Mediator



Podziba asked if the Commissioners preferred to work by consensus as opposed to by a vote and discussed considerations relative to the Open Meeting Law (OML). Mediator Podziba noted that the Commission could work by consensus, but she explained the Commissioners must vote in public session to finalize the document.

- Mediator Podziba provided an overview of the agenda-setting process. Commissioners discussed the definition of “Commission” and Executive Director Shawn Collins (ED) suggested that the Massachusetts Gaming Commission (MGC) might provide the best guidance in this area. Commissioner Stebbins noted that at the MGC, the Commission referred to the agency. The Chair stated her agreement with that approach and suggested that they could be referred to as Commissioners and the Commission as the agency. The ED noted the tension between the Chair and the Commission. Mediator Podziba offered the possible usage of capital “C” and lowercase “c” to differentiate between the Commission as an agency and the Commissioners.
- Mediator Podziba noted the process of disclosing the Executive Session minutes. The ED stated that at any time someone can challenge the withholding of such minutes and provided background on the process. The Chair mentioned the implications of interim agreements between the Commissioners and the need to bring that into public session. Mediator Podziba noted that the Commission can come into tentative agreements before a public vote. Commissioner Roy noted the need to define terms on ground rules. Commissioner Concepcion asked a question relating to OML and Public Records Laws and the implications of the need to vote in public. Mediator Podziba noted that the General Council provided the language for the documents and explained the process used for Public Meetings.
- Mediator Podziba asked a question related to the agenda for the mediation process and the implications on the OML. Commissioner Roy asked if she could send notes to an Executive Assistant or the ED and inquired about the implications of serial communications. The ED noted that that type of communication was not allowed as it constituted a serial communication and the Chair disagreed with that conclusion. Mediator Podziba asked if, at an open meeting, a topic could be discussed to set the agenda. Commissioner Stebbins noted that it might be in compliance with the OML but that he would be hesitant to taking such an approach. The ED stated that the agenda was not published. The Chair asked if the agenda was broad and discussed the need for benefits that can be more defined. Mediator Podziba noted that she could modify the agenda for upcoming Executive Sessions to make it less broad. The ED voiced that the Commissioners might be defining the agenda too narrowly and commented on the ability to discuss topics more broadly. Mediator Podziba explained that the agenda would be in the Executive Session discussion items and the ED cautioned against Commissioners discussing the Charter outside of Executive Session. Mediator Podziba encouraged Commissioners to contact her with any concerns related to conversations that occur in mediation and that she may caucus with one or two Commissioners to address issues that they have a particular interest in. After a discussion, the Chair noted the need to keep conversations confidential. The ED stated the need to keep serial communication to a minimum. Mediator Podziba asked if she needed to let everyone know when



communicating with the General Counsel and the ED noted that its fine as long as it was kept confidential.

- The ED focused on the word “seat” in the mission statement. He discussed the cultural shift in the definition of the word “seat,” including the need to tie it into the culture of the Commission and the need to further define what the word meant. Commissioner Roy asked whether there was a need to define the capacity of Commissioners and noted the need for a separate Chair document regarding roles.
- Mediator Podziba reviewed and revised the draft process design work plan and asked if there was an agreement that the Commissioners have a full plate of responsibilities. Commissioner Stebbins stated the Commissioners have shared responsibilities. Commissioner Camargo added they were hired due to their expertise, and all need to use their respective lenses. Mediator Podziba noted that the Commissioner job description can have generic language. The ED stated that they could clearly lay out the roles and assigned tasks in the job description. Commissioner Camargo noted the implications of race and stated that it was not just her, but all Commissioners were interested in furthering social equity. Commissioner Roy asked if statutory language could be included in the job description. The ED expressed a desire to revisit the conversation and make an explicit decision. Mediator Podziba stated that she would modify the last sentence of the Ground Rules.

The Commission took a short recess.

- Mediator Podziba asked to review the Process Design Work Plan and asked if there were questions. She mentioned that she would revise the product portion of the process design work plan to remove “Chair” and add “Corporate Governance”. She discussed the possibility of revising the job descriptions of the ED, Chair, Secretary, and Treasurer were explored. Commissioner Camargo asked if Mediator Podziba was going to remove the word Chair from the product and it remained after a discussion with Commissioner Concepcion objecting to the removal. Mediator Podziba stated that she had never personally done graphics or organizational charts but could do so in this governance mediation; she then discussed the ability to review the product portion of the process design work plan. Mediator Podziba agreed to modify the paragraph pertaining to outreach and consultation.
- Commissioner Roy asked the ED if the MGC governance document was public; the Gaming Commission had not drafted a formal governance document and Commissioner Stebbins noted the informal nature of the governance structure.
- Commissioner Concepcion asked a question related to the Trusted Information paragraph. Mediator Podziba noted that she was trying to find other examples of governance, and that if people find useful examples or information, that they should share it with the group. The Chair noted Boston’s city Charter. Commissioner Stebbins suggested the school committee Charter was another good example to consider. Commissioner Concepcion asked for a change in the Trusted Information paragraph. Commissioner Roy asked a clarifying question regarding the Prior Activities paragraph. Mediator Podziba mentioned that the information was synthesized in the Charter and the



assessment dynamics. Commissioner Roy requested that this paragraph be modified, and Mediator Podziba made this modification. Mediator Podziba asked if Commissioners would be willing to modify the timeline to finalize governance documents to December. Ultimately, the Governance structure would be posted, and the ED stated that it will be a public document on the website, intranet, and potentially in onboarding packets. Mediator Podziba noted she would revise the documents to incorporate the Commission's requested comments.

- Mediator Podziba explained that Dynamics by Theme was what was contributing to the functionality of how things ran. Commissioner Roy requested a change to the language in the first theme, while Commissioner Concepcion requested a change to the language in the second theme. Mediator Podziba confirmed that the themes incorporated the sentiments of staff and other Commissioners.
- Commissioner Roy asked clarifying questions regarding the fifth goal, productive organizational interactions and asked if the Commissioners could have less firewalls of staff. The ED opined that he is the formal firewall, providing further clarity on how this would work, with reference to the 30A quasi-judicial administrative process policy. The Chair mentioned the Alcoholic Beverages Control Commission Chair for comparison purposes and discussed interactions and the implications of the OML. The ED mentioned the Order to Show Cause and noted the implications of prejudicing the Commission. Commissioner Camargo requested adding another theme related to a gray area, and the need for Commissioners to review the themes and bring back suggestions. Commissioner Roy asked a question regarding the ability to vote on licenses, and if the ED could remove a licensee from the agenda prior to a vote at a public meeting. The ED answered in "yes and no" fashion, because he does not see his role to limit the Commissioner's ability to deliberate, but he noted on occasion that he needed to act as a firewall.
- Mediator Podziba commented that she sees this as an issue of onboarding.
- Commissioner Camargo noted the implication of onboarding and noted the need for a theme of onboarding while Commissioner Concepcion mentioned that the incorporation of ongoing education would be beneficial. Commissioner Roy agreed with this suggestion.
- Commissioner Roy asked a clarifying question regarding the seventh goal and the use of goal setting, with Mediator Podziba responding that this was something the Charter needed to address. The ensuing discussion addressed the Commissioners' goals, and that the resources needed to achieve those goals brought a conflict between what is available and what could be accomplished. This conflict exemplified the tension they were trying to address, while adding the need to address how they could help the ED's goals.
- Commissioner Camargo added the Commissioners did not have clear goals besides their day-to-day job descriptions.
- Commissioner Concepcion added determining how resources were given, or what the requests were that receive priority. She noted the impacts on leadership and staff. Commissioner Roy agreed. The ED observed how the Commission's goals could be formulated. Commissioner Roy mentioned Commissioners/Department Heads and ask questions regarding political affiliation. Mediator Podziba clarified issues surrounding the Commission's legislation theme.



The Commission took a short recess.

- Mediator Podziba proceeded to review and revise the draft scope of Issues/Charter Outline. The Chair asked where the Commissioner and Staff leadership interaction topic would reside if removed from the Charter; Mediator Podziba answered that the topic would be located in a business term the “parking lot” and noted when she did the assessment after reflecting on the issues she heard when speaking to people. Mediator Podziba asked if the setting of priorities should be in the Charter, and Commissioner Stebbins noted that priorities should be in the Charter and the goal-setting process.
- The ED asked if working groups should be in the Charter and the need to perhaps move away from the working group structure. Mediator Podziba asked for a broader term than “working groups”, noting that there needed to be something in the Charter on how issues were addressed by Commissioners and staff. The Chair opined that the Charter would give the Commission the authority to create groups as appropriate. The ED mentioned his concern that people were conflating the working group with a subcommittee. Commissioner Stebbins stated they have a standard operating procedure for creating a working group, while Commissioner Concepcion noted the fluidity of the term. Mediator Podziba stated that they would revisit the topics and she would keep the item in the draft.
- Commissioner Stebbins voiced the need to meet about structure while Commissioner Roy emphasized the need for transparency. Commissioner Stebbins commented that he did not think that Constituent Services should be in the Charter and Commissioner Camargo agreed.
- The ED noted the outreach from licensees to Commissioners as related to an investigation. Mediator Podziba stated that this is addressed in the Commissioners, Staff, and Team interactions. She also explained that constituent services will not be in the Charter, and communication with licensees was in the firewall sections. Commissioner Roy asked if the ED could advise the Commissioners on outreach and Commissioner Concepcion noted the ED’s prior recommendation that concept remain in the Charter. Commissioner Stebbins recommended that the development of an agreed agenda should remain in the section, but other pieces should be removed. Commissioner Roy agreed. The ED commented about the need for flexibility in the press scrum and voiced the need to bring a structure regarding who speaks on behalf of the Commission. The Chair agreed. Commissioners Stebbins noted that every Commissioner should have the ability to be involved in outside communication. Mediator Podziba explained the scope of the process was to build a Charter and job description. The Chair agreed. Commissioner Concepcion stressed that every Commissioner needed to have the opportunity to participate, particularly with topics like their priorities and community engagement. The ED commented upon stakeholder engagements. Commissioner Concepcion stated her preference was to not include external public communications in the Charter but wanted to include the press scrums after public meetings. Commissioner Camargo noted internal engagement and provided a hypothetical on how these engagements could get murky. Commissioner Stebbins mentioned the ED’s responsibility as it related to addressing Commissioner’s concerns. The Chair commented that this could be discussed at the



agenda-setting portion of the meeting. Commissioner Concepcion voiced that she would not want to discuss that in a public meeting.

- The ED discussed his role and the Commissioner's expectations from the ED. Mediator Podziba kept Communications in the document and opined that the OML section did not need to stay in the Charter. Commissioner Concepcion voiced that Human Resources should not be in the Charter, and Mediator Podziba removed the section.
- Commissioner Camargo voiced the need for Commissioner onboarding and for the topic to be included in the Charter. She discussed continuing education, training and professional development. Commissioner Stebbins suggested this topic be located in the accountability section and commented about Commissioners participating in conferences and personal development events.
- Commissioner Stebbins voiced the need to keep the public meeting agenda setting in the Charter. The ED agreed and noted that it could be built into the job description. Commissioner Concepcion stated the need to include language in shared responsibility in the agenda-setting authority in the agenda-setting process. Commissioner Stebbins suggested that the operations budget should be in the Charter, and the Chair asked mentioned dispute resolution procedures, Mediator Podziba articulated a process for handling disputes.
- Mediator Podziba suggested that the removal of the Chair could be addressed in another section. Commissioner Concepcion discussed the loss of a Chair and the possibility of losing a quorum. Commissioner Roy requested clarity regarding an administrative order versus the Commissioner's vote. The Chair voiced that some things being discussed are driven by personality and less about role. Mediator Podziba stated that people will bring their personal experience into play, and she will account for that. The ED voiced that the goal is to negate personality traits. Mediator Podziba stated the desire to create a document that is beyond just the people sitting there at mediation. Mediator Podziba noted the need to start a Charter review file, Mediator Podziba stated that she will integrate the Commissioner's feedback and get back to the Commissioners. Commissioner Concepcion voiced the need to retain regulatory review in the Charter.
- Mediator Podziba pointed out that regulatory review was removed in a previous meeting and advised that they revisit this topic. The ED noted that the Commission had opened the regulations four times and discussed the fact that it was different from other agencies; for example, the Retirement board and MGC utilize different processes. The Chair stated that the statute gave the Commission authority to open regulations and her instinct was to leave it out of the Charter; Commissioner Camargo disagreed. The ED observed that regulations were opened as a whole in the past and cited the checks and balances built into the process. The Chair noted the use of aspirational language and noted the need to build in flexibility in the process. Commissioner Stebbins voiced the need for the ED to weigh in during public meetings. Mediator Podziba sensed there was an agreement to include the regulatory process in the Charter.

The Commission took a short recess.



- Mediator Podziba started the conversation regarding roles and responsibilities. The ED referred the Commissioners to the introduction paragraph. Mediator Podziba believed that the language made sense and asked how the Commissioners saw their roles. Commissioner Concepcion and Commissioner Camargo voiced that they saw them as acting in the best interest of the agency. Commissioner Camargo also stated that Commissioners had a responsibility to their appointing authorities, their constituents, and to other Commissioners. Commissioner Concepcion thought that the appointing authority should not be included; Commissioner Camargo noted their removal authority. Commissioner Roy mentioned their responsibility for ensuring an equitable and accessible industry. Commissioner Stebbins and Commissioner Camargo debated if the Commissioners were considered advocates for the Commission and she noted the board's role advocating to the legislature. Commissioner Roy stated her understanding of what a "Commissioner" meant. Mediator Podziba asked if the Commissioners saw themselves as having a special responsibility regarding their seat, or in their expertise. The ED explained that the definition of a "seat" might be overly limiting and mentioned that some issues could fit into multiple areas of expertise. Commissioner Concepcion and Commissioner Camargo noted examples to support the ED's point. The Chair mentioned concern that new issues would arise in the future that would not be covered. Commissioner Camargo commented that the OML made it difficult to implement strategic plans individually.
- Commissioner Stebbins discussed expectations from the public. Commissioner Camargo asked the ED if listening tours across the state were helpful when the Commission first started; he replied that he felt like it was a necessity. Commissioner Concepcion suggested the Charter spell out any misconceptions around responsibilities falling on one Commissioner and stated the need to lay out responsibilities in the Charter to clarify the roles. Mediator Podziba recommended language to accomplish this task. Commissioner Stebbins suggested broader language on responsibility. Mediator Podziba hoped that the Charter would specify what all the Commissioner's responsibilities. Mediator Podziba stated she would draft something about OML for their review. Mediator Podziba asked for opinions relative to the budget and resources. Commissioner Stebbins suggested the Commission vote on and approve a final budget request at public meeting and the ED agreed with this approach. The Chair explained that they do not have the specialized knowledge to do that. Commissioner Camargo explained her role as Treasurer and Commissioner, and that more clarification was needed regarding the responsibilities of the Treasurer. The ED mentioned that he was conflicted. Commissioner Stebbins noted he is more focused on the responsibilities versus the language. Commissioner Camargo argued that the key to answering the question is what legal authority was given to the role.
- Mediator Podziba asked to review and revise the draft of the issues and Charter outline and noted the next steps and deliverables.

III. Adjournment

- Commissioner Roy moved to adjourn the Executive Session.
- Commissioner Concepcion seconded the motion.



- The Chair took a roll call vote:
 - Commissioner Camargo – Yes
 - Commissioner Concepcion – Yes
 - Commissioner Roy – Yes
 - Commissioner Stebbins – Yes
 - Chair Kim – Yes
- The Commission unanimously approved the motion to adjourn.



CANNABIS CONTROL COMMISSION

August 5, 2022
10:00AM

In-Person with Remote Participation via Microsoft Teams

EXECUTIVE SESSION MEETING MINUTES

Documents:

- July 30, 2022 Cannabis Control Commission (CCC) Ground Rules
- August 5, 2022 CCC Mediation Session List of Items
- July 30, 2022 CCC Process Design Work Plan
- July 30, 2022 Draft Scope of Issues
- July 30, 2022 Dynamics by Theme
- Commissioner Roy's Milford Senior Center PowerPoint
- Massachusetts Department of Elementary and Secondary Education's Advisory on School Governance
- July 28, 2021, Legislative and Executive Branch Outreach Memorandum
- Chief People Officer Erika White's December 20, 2021, Executive Director Performance Evaluation email
- Pension Reserves and Management board charter
- August 11, 2022, Cannabis Control Commission Public Meeting Agenda

In Attendance:

- Chair Sarah Kim
- 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 stated that the focus of the meeting was to finalize the scope of issues.
- She asked for feedback on what should be included in the “Background” section. Commissioners and Executive Director Shawn Collins (ED) suggested detailing the Commission’s responsibilities, its structure, vision and a citation to the enabling statute. Commissioner Concepcion agreed to draft the “Background” section. Mediator Podziba asked how the term “Commission” should be used in the Charter. The ED noted ambiguity in the statute as to roles of the Chair and the ED; he hoped that the governance mediation could fix this. The ED stated that he saw himself as the operational head of the agency and that he could not direct the Commissioner’s work. The Chair noted she saw the role of the Chair as setting the public meeting agenda. Mediator Podziba asked what would be most functional to define/interpret the Chair’s role. The Commissioners and ED discussed how to distinguish the roles and Commissioner Stebbins explained the differences between the positions at the Massachusetts Gaming Commission. Mediator Podziba summarized that the Charter should delineate appointing authorities, state that Commissioners and the ED would work collaboratively, and explain that the Chair had authority over Commissioners while the ED had authority over administration of the Commission. The ED described an instance where Commissioners had directed him to take an administrative action early on in the Commission’s existence, which he stated had a negative effect on staff’s morale. Commissioners and the ED discussed the Chair’s agenda setting authority. Mediator Podziba stated that she would draft a section which reflected the Chair and ED’s roles as defined by statute and would speak to a desire to improve the culture.

The Commission took a short recess.

- Mediator Podziba went forward to review and revise the “Role of a Commissioner” slide from the “Milford Senior Center” PowerPoint. Mediator Podziba asked if the Commissioners would like to incorporate that language into the Charter in the section of roles and responsibilities. Commissioners discussed how to edit it so that it applied to all Commissioners and Commissioner Stebbins read from the Department of Elementary and Secondary Education. Commissioners and the ED discussed whether the word “constituency” should stay and who that constituency included. Commissioner Concepcion noted that Commissioners work with the ED and staff on all responsibilities outlined in the slide. Mediator Podziba noted that she would draft the “Role and Responsibilities” section and circulate it. The ED explained the need to define adjudicatory work in this section.



- Mediator Podziba went on to review the “Public Meeting Agenda Setting” section in the Scope of Issues document. The ED clarified the agenda-setting process, particularly in adding a topic that is not already addressed on the agenda. Mediator Podziba stated that she would revise and circulate the agenda-setting process including the scope of the issues, the Chair, and the ED. Commissioners and the ED discussed the agenda setting process and which parts should be included in the Charter. Mediator Podziba said she can add suggested proposals regarding circulating agendas in advance of meeting. The ED noted that they could also incorporate Standard Operating Procedures by reference.
- Mediator Podziba asked for feedback on the “Goal Setting” section of the Scope of Issues document. Commissioner Stebbins stated that he would like to allow for Commissioners to align their own goals with those of the ED. Mediator Podziba asked if the Commissioners can support the ED’s goal-setting efforts and the mechanics of doing so. The ED advocated that Commissioners should be able to combine their goals with his own, adding that he wanted to avoid competition for staff resources. The ED described how his goals had changed to become more high-level with the current Commissioners. He said this change allowed him to direct staff to achieve the new goals. Commissioners and the ED discussed the ED’s goals setting process and the way that Commissioners can influence goals and get their priorities implemented. Mediator Podziba observed that if the ED and Commission are inheriting goals from a previous round of Commissioners, that this might create tension and suggested that a more inclusive process would enable an understanding of limited resources. She noted that future Commissioners may be insistent on a particular goal and asked how they wanted to approach this issue. Commissioner Roy noted two documents had been circulated by the CPO to evaluate the ED’s performance and requested a third form to allow for goal setting in writing and the ED agreed with that process. Mediator Podziba asked if they could think of circumstances that would require a review and revision of goals. The Chair voiced that she could not see that happening, and Commissioner Stebbins noted that Public Meetings were a good forum to revisit the goals. Mediator Podziba asked: (1) if billboards fit into a specific ED goal, (2) the process of readjusting the ED goals, and (3) about possible concerns that individual Commissioners might advocate for a priority previously not in the year’s goals. Commissioner Stebbins stated that getting Licensees into compliance would fall under the goal of running a first-class agency and noted the ED goal setting process and the mid-year review process which Commissioners already had the ability to adjust. The ED cited the mid-year review process and the ability to shift goals, and how fiscal years and calendar years influence the process. Mediator Podziba discussed Commission culture, while Commissioner Stebbins suggested raising the transparency level. The Chair suggested creating a process based on what they anticipate in January, giving them the ability to adjust and the ED set forth the advantages regarding everyone being on the same cycle.

The Commission took a brief recess.



- Mediator Podziba began reviewing the “Commissioners/Staff, ED, and Leadership Team Interaction” section in the Scope of Issues document. Commissioner Stebbins wanted to ensure efficiency and that Commissioners keep the ED in the loop without adding to the ED’s workload. Commissioner Roy asked the ED if there is an issue when the Commissioners go around Direct Reports to their staff; the ED answered affirmatively. The Chair noted that her primary contact is the ED and stated that she did not know that Commissioners were meeting with Direct Reports regularly. Commissioner Stebbins said that he did but noted that he kept the ED in the loop. The ED noted that he thought that meetings with direct reports are mostly productive but cited potential tensions that meetings with staff can cause. Mediator Podziba asked if there was a preferred structure. The ED stated there was not but noted that he did not want to field every question. Commissioners and the ED discussed how interactions with staff currently worked and how to address potential tension in the Charter. Mediator Podziba summarized the issues of Commissioners selectively contacting staff to build support for a particular initiative and requests for review of conditions. The Chair asked if other aspects existed outside of conditions in terms of preparation for a public meeting. Commissioner Roy answered that she does have other issues outside of conditions and provided examples. Commissioner Camargo stated that her impression was that communications with staff in preparation for a Public Meeting was not an issue. The ED confirmed but noted that he was left out of some conversations regarding conditions. Commissioner Stebbins encouraged the Commissioners to think of a code of conduct for their behavior which could include that the ED should see all of their conditions. Commissioner Stebbins described his experience at the Massachusetts Gaming Commission and reiterated the suggestion for a code of conduct. Commissioners and the ED discussed direct interactions with staff and what might warrant the ED’s involvement, and the ED noted that what might seem like a quick task may use limited resources. Mediator Podziba asked Commissioner Stebbins what could be included in the code of conduct. He responded that it could restrict behaviors like going around the ED to find support among staff, but it would most importantly be followed to be everyone. Commissioner Camargo noted that they had found consensus on the legislative agenda, which also governed Commissioner’s behavior. Commissioners continued to discuss the proposed code of conduct and Commissioner Stebbins agreed to draft one for their review.
- Mediator Podziba asked about the interactions the Commissioners should avoid. Commissioner Roy stated that they cannot ask about an ongoing investigation and Commissioner Concepcion added they cannot mandate staff to attend an event in person due to Covid-19 precautions. Mediator Podziba asked the group about licensing. The Chair, Commissioner Stebbins and Commissioner Concepcion explained their approaches to licensing issues. Commissioner Concepcion noted that the authority for mandating masks, as resting with the ED; the ED noted that these types of questions had been a tension point. He explained that Commissioners were also restricted from speaking about threatened and actual litigation in which the Commission is a party. Mediator Podziba asked how the Commissioners



communicated with each other. The ED stated that all communications were governed by Open Meeting Law and noted the risk of serial communication.

- Mediator Podziba went on to review and revise the “Structural Mechanism for Joint Commissioner and Staff Work” section of the Scope of Issues document. The ED provided a historical perspective of working groups and noted the importance of the documented Charter. Commissioner Stebbins thought that the working group model worked and that tension existed as it related to creating a working group Charter. Commissioner Concepcion noted that she thought that the structure is helpful as the direction is clear, but she had experienced tension as well. Mediator Podziba asked a question about the structure of a working group. The ED explained that typically the sponsor was the person who started the working group and the lead worked on the day-to-day operations. He explained that he approved the formation of a working group but did not recruit the members. Mediator Podziba asked how Commissioners knew when working groups were formed, and the ED mentioned that they sometimes do not. Commissioner Stebbins suggested the ED use his part of the agenda to update everyone on that information. The ED clarified for Commissioner Camargo that he believed six Commissioner-level working groups existed at that time but was in the process of reviewing all working groups. Commissioners discussed whether working groups should be announced at Public Meetings and the ED cautioned that may not be the proper venue in light of procurement matters. He suggested posting working groups on the Commission’s Intranet. Commissioners discussed external working groups. Commissioner Roy asked if a Commissioner could apply to work on a working group. The ED described how members of working groups were assigned and noted that some working groups had an application process; Commissioners can come to him and ask for support, but he may also approach Commissioners. Commissioner Concepcion asked about who determined the structure of a working group. The ED noted how it had been handled in the past, and that nothing was final until his signature.
- Mediator Podziba reviewed the “Legislation: Developing an Agreed Agenda” section of the Scope of Issues document. Commissioner Stebbins believed the policy structure they put in place last fall worked well. The Chair asked if the working groups saw value in creating a report that covered what was accomplished in working groups. Commissioners and the ED discussed how different working group’s work had been reported in Public Meetings. Mediator Podziba asked if there was a way to determine the working group had completed their work. The ED stated that the best course was periodic check-in meetings but provided an example of sunseting a working group. He noted that the working group audit would be helpful in this respect. Mediator Podziba requested that the Executive and Legislative Outreach Strategy memorandum be provided to her. The ED brought up a lack of clarity about the role in staff in legislative outreach and provided a hypothetical in which staff’s beliefs were at odds in a legislative matter. Commissioner Stebbins asked if staff felt comfortable bringing concerns to Commissioners at a Public Meeting. The ED replied that he felt more comfortable now than he had in the past and that he occasionally objected to an item being put on the agenda. Commissioner Concepcion stated that



she did not think it was staff or the ED's role to dictate policy and suggested giving staff a chance to voice their opinion on a topic when it is presented to the Commission. Commissioner Stebbins asked the ED if he felt he had a voice in public meeting. The ED responded that he had influence in Public Meetings but noted that policy is ultimately determined by the Commissioners. Commissioner Concepcion asked if they need to develop a mechanism to prevent Commissioners from breaching agreed upon policy. The ED stated that he does not have veto authority, but he had the opportunity to opine during the agenda setting process. Commissioners and the ED discussed how the latter may weigh in on policy matters.

- Mediator Podziba finished by noting next steps and deliverables.

III. Adjournment

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



CANNABIS CONTROL COMMISSION

September 13, 2022

In-Person with Remote Participation via Microsoft Teams

EXECUTIVE SESSION MEETING MINUTES

Documents:

- 20220908 Scope of Issues
- 20220912 Draft Charter V2
- Discussion Items for Executive Session

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
- Mediation Vendor 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 reviewed the agenda, summarized the completed work since the last executive session and described next steps.
 - Mediator Podziba requested feedback on the “Communications” section of the Scope of Issues document. Commissioner Stebbins noted the importance of the Commission speaking with one voice and for the Chair to serve as a spokesperson. Commissioners Concepcion, Roy, and Camargo discussed the legislative outreach strategies which had



been implemented to better serve the Commission and allow Commissioners to speak to issues as individuals. Mediator Podziba noted that there was a separate Legislative and Executive Branch Outreach section and asked for an explanation of media scrums following public meetings. Executive Director Shawn Collins (ED) gave a historical overview of Communication outreach and why the Commission adopted its current strategy. The ED noted the historical difficulty in finding consensus on responses to press inquiries and stated that one of the purposes of conducting mediation was to determine a better process. Mediator Podziba asked for suggestions on how to determine the order of who spoke. Commissioners Camargo and Concepcion stated that they thought the current process for determining order worked and was fair. Commissioner Roy noted that if a Commissioner chose to speak in a different order then they were not given the opportunity to speak at all. Commissioners and the ED continued to discuss and reached consensus that the current policy worked as they could not provide for every circumstance and still had the option to speak to the media outside of the scrum. Commissioner Camargo suggested the next scrum would likely be about the Chair and the Chair explained that she would not participate. Mediator Podziba asked if the Commissioners were relying on the current process. Commissioner Stebbins affirmed and noted the need for flexibility in the process. The Chair expressed that she was not comfortable with delegating the process to the Communications team and preferred to delegate the process to the ED. The ED explained the approach overall and who decided strategy, commenting that in the past that staff would typically consult with Commissioners prior to creating strategy. Mediator Podziba asked how this should be reflected within the Charter. Commissioner Camargo cautioned that horse-trading could occur during the process. The Chair noted that she believed there are separate staff issues and Commissioner's issues. She stated that her desire was for the language to allow for staff to manage the approach while leaving authority with the Commissioners. Mediator Podziba asked if the current process was a written policy and the ED noted that it was, but it may not be in the form of a finalized Standard Operating Procedure (SOP). Mediator Podziba asked if the Commissioners would be comfortable with adding language to the Charter which noted that the process was fair and balanced. Commissioner Concepcion asked about whether Commissioner's authority in the process would be included. The ED noted that if they removed staff from the process then the Commissions would no longer be relying on them as strategic advisors. He stated that the Commissioners could ask the ED to develop an SOP while retaining the Communications team's ability to advise the Commissioners. The Chair asked if the ED agreed with the Commissioners delegating the process to him and he affirmed. Mediator Podziba noted consensus and explained that she would draft language for this section. Mediator Podziba asked to move to review the subject of external communications. The ED read disclaimer language for Commissioners to use when speaking in their own capacity and explained how the language may be helpful. The Commissioners agreed with implementing the suggested language into the Charter.

- Mediator Podziba asked if there were any other topics the Commissioners wanted to raise regarding Communications and Commissioner Roy asked if social media should be addressed. The Commissioners discussed the type of accounts which were considered



official, what was open to the public but not official, and what constituted a public forum. The ED provided a historical overview of how previous Commissioners had handled social media and the first amendment implications of blocking individuals from official accounts. Commissioners discussed including disclaimer language in their social media posts and how it should be included as well as decorum on social media. The ED suggested incorporating the employee handbook by reference.

The Commission took short recess.

- Mediator Podziba asked for feedback on what should be included in the “Budgeting and Budgeting Process” section in the Scope of Issues document. The ED stated the statutory responsibilities of the Treasurer and Commission’s requirement to abide by the Commonwealth’s fiscal process should be included. The ED described how he worked with Commissioner Camargo to better define the role of the Treasurer and Mediator Podziba recommended tabling that topic and focusing on establishing fiscal priorities. The ED discussed the budgeting process, which was in development, and noted that he was seeking budget requests for the next two fiscal years to make department heads more forward-thinking. He provided an overview of the process, how Commissioners would be involved and stated that, while there may be disagreements, he thought it was a good process. Mediator Podziba asked how this process should be reflected in the Charter. The ED stated that the process could be developed into an SOP for budgeting and that he could leverage the legislative outreach process which Commissioners had developed. Commissioners and the ED discussed how to allow for Commissioner input in the budget process while keeping in mind the needs of competing departments. Commissioner Camargo noted that drafting the Charter had been a learning experience and suggested including timelines for the budget process in the document. Commissioner Camargo asked the ED if the goals should be set to a Fiscal Year timeline. The ED explained his preference would be to keep it aligned with the calendar year. He noted that prior goals were task oriented whereas more recent goals centered around five-year planning initiatives. Commissioner Concepcion asked whether the ED evaluated the goals of the department when making budget recommendations. The ED confirmed and explained his analysis. Commissioner Concepcion noted that it was not clear when the performance goals were discussed that it related to the budget. Commissioner Roy asked if Commissioners should vote on the ED’s budget recommendation. The ED confirmed and noted the role of the Chief Financial and Accounting Officer (CFAO) and Director of Government Affairs and Policy in presenting the budget information to the Commissioners. He suggested a process where he could solicit Commissioner’s input at the beginning of the budget development process and then circle back to them after speaking with staff before a Public Meeting. Mediator Podziba asked whether voting on Executive and Legislative Outreach Strategy and budget simultaneously was necessary. The ED confirmed and noted the timing of the budget. He made a recommendation to revisit the Commission’s budget request after the legislature voted on the items to explain the cuts and shifts in fiscal priorities. Commissioners and the ED discussed how to include the CFAO in the budget process and to further define the role of the Treasurer.



Commissioner Concepcion advocated for an additional conversation with Commissioners before the final budget was produced in order to give Commissioners enough time to pivot if their budget request is not allocated by the legislature. The ED suggested a mid-year check-in related to the budget in a public meeting. Commissioner Concepcion noted her desire to build the mid-year check-in into the budget process. Commissioner Camargo and Commissioner Stebbins agreed. Commissioner Concepcion asked whether the ED would know the amount likely allocated by that point. The ED confirmed that he would know generally but explained the difficulties of projecting the overall budget. Commissioner Concepcion asked the ED whether the contracts would be completed by the mid-year check-in. The ED discussed how he worked with the Legal department to push contracts through with vendors and the process of reallocation of funds.

- Mediator Podziba moved to review the “Accountability/Checks and Balances” section in the Scope of Issues document and asked Commissioners what they would like to be included. The ED noted his preference to reference the employee handbook to indicate that Commissioners were bound to same document as staff. Commissioner Roy asked if it was necessary to have a policy of how to run a Public Meeting in the event of a vacancy. Mediator Podziba read the statutory language regarding the Chair’s absence and cited the gap in the statutory language. Commissioner Stebbins noted his experience at the Massachusetts Gaming Commission where it was an informal appointment. The Chair suggested that the Secretary could act as Chair in the Chair’s absence if no informal appointment occurred which could be formalized with an SOP. Commissioners discussed the legal implications and the need to have a plan in the event of the Chair’s absence. Commissioner Roy suggested adding this responsibility to the section defining the Secretary’s role. Mediator Podziba summarized that if no Commissioner was designated by the Chair that the Secretary would be become the Acting Chair. Commissioner Camargo noted she was not fully on-board at this time.

The Commission took short recess.

- Mediator Podziba requested the Commissioners discuss accountability checks and balances. She reiterated the conversation and asked if there was consensus. Commissioner Camargo asked why the Secretary would serve as Acting Chair role as opposed to the Treasurer. Commissioner Stebbins suggested the possibility of a Vice Chair. The Chair noted that it should be the Chair’s prerogative on whether there should be a Vice Chair. Commissioner Concepcion noted that the responsibilities of an Acting Chair aligned more with the Secretary because they documented the Public Meetings. The Chair suggested that she could appoint a Commissioner to act as Chair in her absence at the beginning of the year. Commissioners and the ED discussed the benefits of formalizing this process. Mediator Podziba asked if the “Removal of a Commissioner” subsection was necessary. The Chair noted that the power remained with the appointment authority and that it should not be included in the Charter. Mediator Podziba asked what the process was to remove a Commissioner and who would turn to an appointing authority to enact a removal. The ED stated that he wanted to discuss the severity of a situation which warranted reporting to a Commissioner’s appointing authority. The Chair



stated that they needed to decide what behavior would constitute a dereliction of statutorily mandated duties and the ED noted that he wanted Commissioner to be notified of any reporting or investigations of behavior which could lead to reporting. Commissioners and the ED discussed the current ambiguity in what behavior warranted reporting to appointing authorities. The ED advocated for developing a process which the ED could not abuse and to refine the notice process to Commissioners. Mediator Podziba asked if the notification process was always triggered by a complaint. The ED responded that the notice would be issued depending on the situation. The ED discussed ways that he handled different types of conflicts among staff and Commissioner Concepcion noted that any investigation should be independent. Commissioner Concepcion asked how it was determined that something rose to the level of an independent investigation. Commissioner Stebbins noted the statutory language used the term guilty which indicated to him that an investigation occurred. Mediator Podziba asked whether an independent investigation is triggered upon every complaint or whether an in-house analysis could be done first to verify the complaint's merit. The Chair asked if there could be a self-assessment involved and noted her worry about delegating the responsibility to the staff. Commissioner Concepcion asked if executive session may be a forum to discuss these issues. The ED noted the potential conflicts of resolving issues involving the Chair through Executive Session, which the Chair could refuse to put on the agenda. Commissioners and the ED discussed who should be noticed of complaints and allegations regarding Commissioners. The ED stated that he wanted his role in the process to covered so that the Charter protected the process. Mediator Podziba asked to table the discussion and for Commissioner Stebbins and the Chair create a draft version of this section. Commissioner Roy asked a clarifying question regarding the absence of a Chair during the regulatory review. The ED provided an overview of the process of public hearing sessions that occurred during the last few regulatory rounds. He noted that this policy could be outside of the Charter. Commissioner Roy asked what the rules were during these public hearing sessions. The ED explained that they were the same as a Public Meeting but it a vote would be unlikely.

- Mediator Podziba moved to the “Professional Development” subsection under “Accountability/Checks and Balances” in the Scope of Work Document and asked for feedback. She explained the reason for its inclusion was that Commissioners felt that training should be ongoing. Commissioners and the ED noted that they would be attending conferences to continue their professional development. The ED asked if there should be any limits on Commissioner’s travel and expressed that he did not want to be the arbiter of what was and was not in the interest of Commissioner’s professional development. Commissioners and the ED discussed reasonable bounds for professional development and Mediator Podziba stated that she would draft this section.
- Mediator Podziba moved to the “Dispute Resolution Procedures Regarding the Charter” in the Scope of Issues document and asked Commissioners if this section was necessary. Commissioner Stebbins suggested moving the topic into the next section, and Mediator Podziba agreed. Mediator Podziba asked how the Charter would be adopted. Commissioner Stebbins stated that it should be voted on in a Public Meeting and the ED stated he should sign it as well to bind staff. Mediator Podziba asked how often the



Charter should be reviewed, and the Chair suggested every two years. The ED concurred. Commissioner Roy suggested including the option for an emergency review. The ED and Commissioners discussed how the Charter would serve as a legacy document and provide clarity on issues where the statute was silent. Mediator Podziba asked if Commissioners would like a regular review after the initial review in two years. Commissioners discussed and the Chair suggested that the review occur every three years after an initial review. Mediator Podziba asked about the process for revising the Charter. Commissioner Stebbins suggested periodic review with staff input, an ED authorization, and a final vote by the Commissioners. Mediator Podziba offered an alternative suggestion where periodically Commissioners could propose changes to the Charter. Commissioner Concepcion suggested making the periodic review optional, but the Chair noted that a periodic formal review was good for the Commission. Mediator Podziba summarized that a review occur three years after the Charter was signed after the initial review and confirmed an emergency clause existed. Mediator Podziba commented that she would draft language based off the discussion.

The Commission took short recess.

- Mediator Podziba moved to the “Background” section of the Charter. The ED asked that the Commission’s full mission statement be included. Mediator Podziba asked if No. 3 was necessary and Commissioners agreed it could be removed and Commissioner Stebbins suggested that the last sentence of No. 4 should be its own paragraph. Mediator Podziba stated she would apply the requested edits.
- Mediator Podziba moved to the “Definition of the Cannabis Control Commission” section and asked for feedback. Commissioner Roy asked if No. 2 purposely left out some of the Commissioner’s roles. Mediator Podziba stated that this section was more high-level, and roles and responsibilities were described in another section. Commissioner Roy asked a question relative to the definition of the Commission and that it omitted the ED and Staff. Mediator Podziba explained the differences between the definitions. Commissioner Stebbins suggested removing this section and incorporating it into “Background” and “Roles and Responsibilities.” Commissioner Stebbins suggested moving No. 1 in this section to be No. 1 in “Background” and stated that Nos. 2 - 5 could be moved to “Roles and Responsibilities”. The Chair requested that the first sentence of No. 3 be included under “Roles and Responsibilities.” Mediator Podziba asked how the Treasurer and Secretary were elected. Commissioners discussed how it had worked in the past and agreed that there was ambiguity in the process. The Chair stated she was not entirely comfortable with those positions rotating and stated that the ED and Chair should be involved in the process. Commissioners discussed the nomination process for the Secretary and Treasurer roles and how to formalize it in the way to best served the Commission. Mediator Podziba suggested a term limit of two consecutive terms and asked if Commissioners knew who would be nominated before the meeting in which they voted. Commissioner Stebbins noted the Open Meeting Law implications of prior notice. Commissioner Concepcion suggested that the Chair could solicit volunteers to be nominated in order to understand who was interested in running. The ED noted that there



may be a benefit to a Commissioner serving as Treasurer or Secretary beyond the suggested two consecutive years and clarified that the Chair could be appointed to one of the positions. The ED confirmed that he could probe the process to an extent, but he could not give notice to Commissioners in violation of Open Meeting Law. Mediator Podziba summarized that at the meeting prior to the January meeting, the Chair would ask and Commissioners would volunteer if they were interested. The Chair petitioned the ED for his perspective on term limits, and he questioned the utility of setting a maximum limit when the Commission is ultimately self-policing. Commissioner Concepcion noted that she requested term limits to limit the loss of institutional knowledge as new Commissioners were onboarded. Commissioner Camargo suggested creating SOPs to retain institutional knowledge as the roles changed. Mediator Podziba clarified that the positions would still be voted on each year even with longer terms. The Chair proposed that they revisit this when they review the Charter in two years and raised the possibility of the third year as a transition year between the roles. The ED noted the Open Meeting Law implications of having two Commissioners meet with staff. Mediator Podziba confirmed that for this draft the Charter will be silent on max terms limits and the Commission will reevaluate in the future. Commissioner Camargo explained that if the Commissioner was interested in a role that they could ask the Commissioner currently in the role about their experience.

- Mediator Podziba moved to the “Roles and Responsibilities” section of the Charter and asked what delegating administration responsibilities to the ED meant and what was the process. The ED commented that the Executive Director was the Administrative Head of the Commission and that the Commission did not have the statutory authority to remove his position’s administrative responsibilities. He suggested striking the word “administrative” and adding “at the Commissioner’s discretion” in No. 1(b)(ii). Commissioner Camargo noted the need to add language related to equity in No.1 (a) and stated that she wanted equity to be referenced throughout the document to remind future Commissioners about the mandate. Mediator Podziba offered language for a new No. 1(a)(iii). Commissioner Stebbins suggested moving No. 1(c)(iii) to No. 1(d) and the ED suggested merging No. 1(c)(i-ii) and inserting the word “promulgate.” Regarding No. 1(d)(i), the ED clarified that the Commissioners did not need to hold public hearings on suitability. Regarding No. 1(c)(iii), Commissioners agreed to replace “appeals” with “proceedings.” Commissioner Roy suggested adding “deny” to No. 1(d)(ii). Commissioners and the ED discussed whether formal administrative hearings should be provided for in the Charter. Commissioner Camargo requested training on this function. The ED suggested moving No. 1(e)(vi) to No. 1(d). Commissioner Concepcion asked whether Commissioners established and recommend the ED’s goals. Mediator Podziba proposed language to incorporate. Commissioners and the ED discussed whether “approve” in No. 1(e)(iii) indicated a Commission vote and Mediator Podziba suggested “vote to approve.” Commissioner Concepcion explained that the ED’s goals and Commission goals were not necessarily the same and Mediator Podziba stated that the process needed to be reworked and that she would redraft the language. The ED suggested adding “and related outreach” to the end of No. 1(e)(iii). Commissioner Concepcion stated that No. 1(f)(ii) did not fall in line with current CAB assignments. The



Chair explained that in her interpretation the Commissioners did not necessarily have to stay in their appointed lane Commissioners and the ED discussed their preference to not limit Commissioners to their topic-specific expertise and how to address this in the Charter. Mediator Podziba suggested removing No. 1(f) and including a provision in the “Background” section which specific Commissioners’ areas of expertise but did not relegate them to those topics. Mediator Podziba asked about changes to No. 1(g). The ED suggested adding to the Commissioner’s role in the adjudicatory process.

- Mediator Podziba asked the Commissioners to bring ideas to the next meeting on outreach. She explained that she would revise the language based on the conversations at this session and then summarized the next steps and deliverables.

III. Adjournment

- Commissioner Concepcion moved to adjourn the executive session.
- Commissioner Roy 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 to adjourn.



CANNABIS CONTROL COMMISSION

September 22, 2022

In-Person with Remote Participation via Microsoft Teams

EXECUTIVE SESSION MEETING MINUTES

Documents:

- 20220916 Draft Charter V9
- Draft CCC Secretary Responsibilities
- Draft CCC Treasurer Role
- CCC Executive Director Job Description
- ABCC Co-Chair Job Description
- ABCC Chairman Job Description
- Budget Calendar for CCC Charter

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 executive session to order.
- Commissioner Roy moved to open the 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 to open the 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 Susan Podziba (Mediator Podziba) reviewed the agenda and work completed since the last executive session. She discussed the revised draft Charter language for all issues and asked whether any changes needed to be made to the “Background” section. The Chair cited when the Roberts Rules of Order (RROO) appeared in a Charter section. Executive Director Shawn Collins (ED) explained that certain COVID measures were extended to March. He and Mediator Podziba noted that three Commissioners constituted a quorum. The Chair considered adding language. The ED opined that quorum rules were expressly written into the statute. The ED offered a citation and Mediator Podziba summarized the changes discussed.
- Mediator Podziba asked whether changes were required under the “Roles and Responsibilities” section, noting that Roles and Responsibilities No. 2(a) was added, and she also asked if language should be added to No. 2(g). The Chair noted that No. 2(g) incorporated community outreach and proposed language. The need for articulation of boundaries was discussed, particularly when for example, a Commissioner engaged in outreach, then was called to rule on a licensing matter for someone they had engaged. Mediator Podziba noted that this topic was raised at the last meeting and explained the reasoning for the draft.
- Commissioner Stebbins discussed No. 4(d) and Commissioner’s responsibilities in that section. The Chair noted the tension in the section and Commissioner Roy, Commissioner Concepcion, and Mediator Podziba offered draft language. The Chair explained that she believed the Commission’s independence did not mean they could do whatever they wanted, and in response, Commissioner Camargo clarified her prior comment and discussed the necessity of understanding boundaries. The Chair asked about the role of quorum in the process and the conflicts that could arise if three Commissioners were at an event together. Mediator Podziba recalled that she had a discussion with the Chief of Investigations and Enforcement about this type of issue.
- As discussions proceeded, the importance of conducting the meetings with stakeholders properly was emphasized, and also that constituent requests were made via emails, or a speaker request form. Commissioner Roy provided examples of safeguards they could put into place to protect themselves and the process. She emphasized that if whoever she was meeting with had a business currently in front of the Commission, she would not talk about it. She added she also asks if they met with any other Commissioners and only talks about the industry as a whole and not about residency. Commissioner Concepcion added she had a similar way of operating when it came to talking about individual licenses and only talking about issues or policy concerns. She added when someone is requesting a meeting, and they are a licensee or potential licensee then she would flag it with the enforcement team. She mentioned that she will also bring in some of the staff to run interference. Commissioner Stebbins added the helpfulness to have another Commission staffer on the call to make sure they hear what he hears. He added that when



he goes on a site where he's been asked to go on a site visit, he wouldn't do anything until investigations gave him a clear. Mediator Podziba relayed the next mediation steps and discussed bringing staff into the conversation and the benefits of staff attending these meetings was observed.

- The Chair noted the importance of the regulatory work and her concern with perceived bias. Commissioner Concepcion requested guidance on when Commissioner should recuse themselves. The Chair noted her past experiences interacting with the Ethics Commission and her desire for further guidance for regulatory agencies. Commissioner Concepcion recommended creating a standard for recusals. Mediator Podziba agreed and proposed reviewing laws and procedures. The ED explained a financial or a perceived conflict was the standard for analyzing recusals. The Chair commented that they would want to file a disclosure if there was an appearance of a conflict of interest. The Chair requested that engagement should be included, and that the topic was a secondary priority compared to regulating the industry. Commissioner Roy explained that engagement helped to form policy. Commissioner Stebbins noted the difference between engagement and outreach. Commissioner Concepcion mentioned the public comment period and the work that went in the DIA report. Commissioner Stebbins described the role that enforcement staff should play in the process. Mediator Podziba tabled the issue and proposed that they needed to obtain advice from the staff.
- Mediator Podziba asked for feedback on the topic of the Chair as the Commission's spokesperson. Commissioner Stebbins considered moving the topic to another section. The Chair discussed adding a Vice Chair or appointing the Secretary as the interim chair to sit in the Chair's absence; she also cited the statute and how she viewed the Chair's role. The ensuing discussion involved considerations of when the ED or a staff member should speak, in lieu of the Chair, particularly in emergency situations and Mediator Podziba gave hypotheticals. Commissioner Camargo mentioned past instances where the Chair was not the appropriate person to speak on behalf of the Commission. The Chair mentioned the importance of adding clarity. Commissioner Roy suggested the Chair being the spokesperson but only with official language from the Commission. The ED added that any Commissioner should be bound by Commission policy. He also provided insight into the division of policy versus administration when Commissioners or the ED should speak on a matter. Commissioner Concepcion also mentioned the concern of the Chair offering an opinion that was not the consensus among the Commission. In terms of where this issue should be set forth in the Charter, Mediator Podziba suggested the "External Communications" section. Mediator Podziba asked if, for example, the ED appropriately would serve as the spokesperson if they expected to investigate a matter thoroughly. The Chair added the ED would not be in an adjudicatory role. Mediator Podziba asked if there were scenario where the Chair needed to be the official spokesperson. The Chair felt that the Commission should speak with one voice and noted the unusual nature of the Commission's structure. Commissioner Stebbins agreed with that approach and reiterated his point of what needs to be in the Charter versus what needs to be a communication strategy. Commissioner Roy suggested including language related to not communicating with a licensee under investigation. The Chair asked how the Commission handled policy disagreements and how to communicate policy



disagreements, particularly in the case of a split vote. Commissioner Concepcion stated that a policy is final once it is voted on and approved at a public meeting.

- Mediator Podziba stopped the conversation and requested they circle back to the agenda. She asked if it should be explicit in the Charter that the Chair have some role as a spokesperson on behalf of the Commissioners. Commissioner Stebbins noted that he believed it should be baked into the “Communications” section. Commissioner Roy explained how she handled speaking in the scrum when the majority voted against her position. Mediator Podziba asked if they wanted the statutory language listed as subsection No. 2(a) to be reflected in the Charter. The Commissioners agreed.
- Commissioner Stebbins mentioned No. 2(g) and noted the potential confrontation they are trying to avoid. The ED suggested that No. 2(a) should be kept the same as it was statutory language and noted possibly adding augmenting language. The Chair noted the need to work around the issues of statutory construction even. Mediator Podziba asked if No. 2(g) should be deleted. The ED spoke about his personal style of handling conflicts and added he would not always be in the ED role. He added the Chair had authority over how the Commission conducted business as a public body. In response, Mediator Podziba proposed new language. The ED stated what he wished to retain his list of responsibilities. Mediator Podziba explained that she wanted to differentiate between the five Commissioners and the Commission as a whole. Mediator Podziba noted that the Charter could help alleviate some of the rub and she mentioned adapting the statute to the needs of the Commission. The Chair expressed that she initially saw the Cannabis Control Commission functioning as a board and not being administrative in nature; more focused on policy and adjudication and less on the day-to-day operations of the executive administration.
- Commissioner Roy noted that they should be planning for worst-case scenarios. Mediator Podziba said that for conversation’s sake they should focus on a Chair functioning in a healthy way and then they could look into necessary protections. Commissioner Stebbins commented on the statute regarding division of work and added that the ED should have the responsibility for the administrative functions of the Commission. Commissioner Roy noted Open Meeting Law (OML) implications of having the ED function as a traffic cop. The Chair mentioned her previous experience and opined about the Commission’s unique structure and how it functioned. She asked how they could have a little bit more of a traffic cop approach, while allowing people to do what they want to do and where their passions are. Mediator Podziba added it would prevent a Chair from punishing people by not allowing them to work on what they want.
- The Chair proposed some added language. The ED noted the role of the Cannabis Advisory Board (CAB) and why he recommended that Commissioners be a liaison to subcommittees. He added that the Commission is unlike other boards because they were full-time paid employees. Mediator Podziba asked if the Commission would be comfortable with the Chair delegating roles on a subcommittee of the CAB. Mediator Podziba asked if the Charter should address the Chair’s soliciting interest in liaising to subcommittees of the CAB. Mediator Podziba asked what the determination was for Commissioners to be invited into a working group, and if the Chair or the ED had a role.



- The ED explained that he was working to develop a list of working groups. The group then considered whether the Chair should determine what working groups Commissioners are a part of, or not; and was it advisable/inadvisable that advisory boards should be dictated by the Chair. Commissioner Camargo mentioned she would like to know the list of what the working groups are first before determining. She also added she did not believe it was up to the Chair's role and they independently all decide what working groups they want to be a part of. She added she did not see the advisory board was the Chair's role either. Commissioner Concepcion related her previous experience with a Chair dictating working groups and noted the need to get to a better place. Commissioner Camargo expressed her thoughts about division of work as an independent Commissioner, while still trying to be part of one voice at the Commission. She also discussed the differences between working groups and subcommittees.
- Commissioner Stebbins asked if the Chair should be mandated to assign work to Commissioners in a public meeting. The Chair asked if there was a way to abide by the OML and still collaborate. Mediator Podziba felt that it was a question for the General Counsel (GC) and noted the OML was very unusual for mediation. The Chair noted they were somewhat boxed in but wanted to expand the box to gain trust and expand communication. Commissioner Camargo explained that this was only the fifth meeting and that it was a long process. She opined that the Chair could form a working group to figure out how to expand the box to gain trust and communication.
- Mediator Podziba stated that she heard two proposals: (1) that the Chair determined, after consultation with others, who would serve on which working group, and (2) that the Chair determined who was on which working group that related to operations, but the Commissioners determine or propose working groups based on their own interests (apart from the Chair). Commissioner Roy suggested that there should be a delineation between internal and external working groups. The Chair questioned if multiple Commissioners working on the same thing could potentially invoke a quorum issue. Commissioner Stebbins noted OML considerations in this process. Mediator Podziba raised the issue of how the Chair should act in the situations where multiple Commissioners want to work on the same issue. Commissioner Camargo asked how such an approach would be related to regulations.
- The ED noted his anxiety around the creation of working groups and how broad or general they were going to be because of expectations. He added that if there was going to be public discussions about working groups, there could be a possibility of mundane things that they need to get done with the ED's discretion and noted the need to find that Roy asked if the Commissioners could go into executive session at any time during public meetings for sensitive topics. The ED explained that they could within the appropriate circumstances and notice requirements.
- Commissioner Concepcion asked how the working group would function in a public meeting setting. Mediator Podziba provided a hypothetical on how the process would work with agenda items on subjects like billboards for example, and then perhaps going into executive session for further discussions if needed.
- Mediator Podziba provided further clarification on working group related issues, and that she wished to table the discussion. She explained that she would write up suggested



language on this topic because this appeared to be a core issue. The implications of having those types of discussions in public was discussed. Mediator Podziba noted Commissioner Stebbins' proposal to have working group discussions in a public meeting. Commissioner Stebbins noted their individual responsibility to understand what should not be public. He added that they should allow the Chair the discretion to set the agenda and the other Commissioners, and the ED could weigh in on the agenda.

The Commission took a short recess.

- Commissioner Stebbins gave an overview of the role of the Commission Secretary and noted the reasoning behind his draft of the job description. Commissioner Camargo said that she appreciated the level of detail in the Charter.
- In reference to tax rates, Commissioner Stebbins stated that in the statute there was a review of the tax rate and implications and if they have questions or concerns about it, they can submit a report with the legislature. The ED mentioned they were not obligated to submit one, but they have the ability to evaluate and explained the process. Mediator Podziba proposed language for tax rates and tax implications.
- The ED mentioned public records request (PRR) implications and the volume of PRRs received by the Commission. Commissioner Stebbins noted statutory requirements and timelines. Mediator Podziba and Commissioner Stebbins proposed language. Commissioner Roy proposed language for both the Treasurer and the Secretary around reporting to the Commission.
- Commissioner Roy asked a question related to the minutes of the CAB meetings. The ED stated that they are governed by the OML. He explained that while minutes are taken by CAB members, he cannot speak on the accuracy of minutes because the Commission did not have oversight of the meetings. The ED stated that it was the CAB Chair's responsibility for taking minutes at those meetings. The ED clarified that the Commissioners do not get to vote on the minutes if they were misquoted and they would not have the ability to change or rectify them.
- Commissioner Camargo gave an overview of the role of the Commission Treasurer and noted the reasoning behind her draft of the job description. Commissioner Stebbins asked a clarifying question related to the fourth bullet and how it related to the recent legislative changes. Commissioner Camargo noted that the role should serve as extra eyes on the regulatory process and the role of the Chief Financial Accounting Officer (CFAO). The ED noted that budget discussions were discussed in the department head meetings. Commissioner Stebbins noted the difference between budget development and the cost assessment of the Commission's operations. Mediator Podziba proposed language. Commissioner Camargo noted the regulatory process was going to have an impact internally and on the industry. Commissioner Concepcion noted that she saw it as two different analyses and processes. Commissioner Stebbins noted his preference would be to focus on the operational cost for the Commission for these regulatory changes. He also noted the small business impact statement was supposed to anticipate and added that was more of the formal part of the promulgation of regulations. The ED noted his previous



comments related to how the process had worked in the past and noted the benefit of considering fiscal implications of regulatory change. Commissioner Roy noted the massive undertaking of doing fiscal impact assessments of all regulatory changes. Commissioner Camargo stated she envisioned it as the Treasurer having the responsibility to figure it out with the CFAO and the ED.

- Commissioner Roy raised the issue of whether the Treasurer should be involved in the procurement management team (PMT); the ED did not think that the Treasurer should be involved. The Chair noted her worry of putting too much detail in the role, i.e., the Treasurer is not the CFAO of the Commission. The ED saw the Treasurer's role as a check on the finance staff. Commissioner Camargo explained the reasoning behind adding the level of detail on the process. The ED noted a change to the second bullet. Commissioner Concepcion asked a clarifying question related to the third bullet regarding a budget director. Commissioner Roy commented that the fifth bullet sounded redundant. The ED mentioned reallocating resources and working with the Treasurer to come back to the Commission. Commissioner Camargo and Mediator Podziba provided proposed language regarding the fifth bullet. Mediator Podziba suggested adding that if changes are proposed to the ED's goals, then provide the Commission with information on excepted related costs. Commissioner Camargo noted that it was in the job function of the CFAO to provide that and the Treasurer could provide oversight. Mediator Podziba provided further proposed process regarding developing information, or just conveying information and the Treasurer operating in a "stop and think" role. Commissioner Camargo noted that she had full confidence in the current CFAO but that in the future someone else might be filling the role. Proposed language should emphasize working in conjunction with the CFAO. The ED noted that someone at the Commission level should be responsible for the financial aspect.
- The EVALI emergency was discussed in terms of its cost and how it came into being.
- Mediator Podziba went on to the next bullet and Commissioner Camargo noted the context behind the bullet. The ED stated that historically the Chair and the ED would testify before Ways and Means. The Chair suggested the Treasurer should prepare the Chair in advance of any testimony. Commissioner Camargo added that collaboration should occur with the CFAO and Government Affairs. Commissioner Concepcion stated that three of the bullets were mostly the same. Commissioner Camargo gave more explanation for the bullets and Mediator Podziba proposed language in this area. The option for producing a Treasurer's report at a public meeting was discussed. Commissioner Camargo suggested more transparency on their budget, and that the process could result in quarterly basis reviews, through the CFAO reports. Commissioner Stebbins discussed an end of year close-out, and midyear progress report. The ED recommended that the last and first bullet could be merged.
- Commissioner Roy asked about the (1) three-line items and the operational budget, (2) the medical side and (3) public awareness, and whether they needed to speak to this due to different strategies. Commissioner Concepcion stated she felt there might need to be more of a conversation at the Commission level for some of that when talking about their



outreach strategy. She thought that was not relegated to just the Treasurer and it was more a Commission conversation, and Commissioner Camargo agreed. Commissioner Camargo said that she took the language from the Charter and explained her reasoning behind the language provided. In reference to the last bullet, the relation between the sponsor and the sponsoring process was discussed.

- Commissioner Concepcion opined that the Treasurer should be involved the budgetary process, but the ED disagreed. Commissioner Camargo noted the Commissioners had not been involved in the budget process. Commissioner Concepcion noted that the budget did not just stop there and referenced other legislative procedures where funding may be dispersed to agencies. Commissioner Camargo proposed that the conversation needed to be tabled and discussed further. Mediator Podziba noted it could be revised based on the discussion, and know it is not final due to being linked to issues that will be brought up with the budget. She then raised what the Treasurer's role and the other Commissioner's roles were in that legislative outreach on the budget. Commissioner Camargo and Commissioner Concepcion stated it was broader than just legislative outreach. Commissioner Concepcion added she understood advocating for something that was not in the budget could be conflicting. The Chair explained her role as an alternative spokesperson. Commissioner Roy noted that "strategy" could have different meanings.
- Mediator Podziba mentioned her prior understanding, regarding the creation of a budget and (aligned with that and concurrent with that) the creation of a budget legislative strategy; both of those would be voted on together by the Commission, then acted on. Commissioner Concepcion noted that there was some cause of concern for using the legislative outreach policy for budgetary items and felt that the Treasurer should be more involved in the budgetary process. Commissioner Camargo cited the public awareness campaign and the necessity to figure out the budgetary process. Commissioner Concepcion noted that she believed that that could aligned with the regulated cycle and the way they operate. Commissioner Stebbins opined about the current budgetary process being aligned with the current budgeting outreach strategy. Mediator Podziba said that she will work on the budgetary process and proposed edits, then circle back.

The Commission took a short recess.

- Mediator Podziba gave an overview of the role of the ED and explained the reasoning behind her draft of the job description. The ED noted that Commissioners vote to adopt all job descriptions and that the ED's authority to hire staff was granted by statute. The ED introduced the possibility of creating new job positions. The ED mentioned that language was included to account for votes on responsible vendor training renewals.
- Commissioner Stebbins asked if they should include language related to the role of the Chair of the CAB. Commissioner Concepcion thought it should be referenced. Commissioner Stebbins noted that he would like to unpack (j). The Chair provided an example as to why she did not want to have to coordinate with the ED on all instances. The ED noted instances where questions are innocent and simple where someone would not need to coordinate with the ED and instances where its more complex and they do not



coordinate with the ED on Commissioner requests for information and staff support. The Chair noted that there needed to be a way for Commissioners to get a quick answer. She noted the need to create a process where the ED can be involved but where he may not slow down the process. The Chair asked if some of the work could be deputized to someone, who could alleviate some of the pressure of his job. Commissioner Concepcion noted a previous experience with the platform Slack. The ED noted the OML and PRR implications of such an approach.

- Mediator Podziba stated the question on the table was if the ED always coordinated staff responses to Commission requests for information and staff support, and if there are any other alternatives.
- Issues regarding obtaining quick answers to questions was addressed, particularly in being sensitive to not overburdening the ED as a funnel for such requests. The ED said he often had to become involved in the process when determining whom the request should be directed to, for instance.
- The ED explained that his goal was to give the Commissioners equal access to the same information. The Chair recommended that the ED come up with a structure that respected their need to get a faster than 48-hour response to a query. The ED spoke to why there was no set process, particularly given the relative complexity/lack of complexity in a query. Commissioner Camargo noted how hard the ED role was, and queried whether a Chief of Staff could alleviate this rub. Commissioner Concepcion asked if ego was playing a role. The ED agreed to some extent and provided an example of the risk of Commissioners getting upset with him for providing information to other Commissioners first. The ED noted that although there were instances where the current process worked, he admitted that it did not always work and elaborated that sharing information or being perceived as providing information too late was an issue. Commissioner Camargo observed that it was part of the culture that had been embedded at the Commission. Commissioner Concepcion noted that it was detrimental to the culture for the ED and Commissioners to be limited with information they are allowed to share. The Chair noted the OML and PRR implications of the process. She also reiterated that there needed to be a process for getting responses, and not necessarily answers, within a timely fashion. Commissioner Concepcion noted the implication that if she was having a conversation with a senior staff person, they would not be able to have a full conversation with her. The ED stated he would expect the senior staff member to give him a heads up when things come up. He added he needed the space to make decisions and recommendations to Commissioners. The Chair mentioned she wanted the ED to avoid “going around” each other. The ED stated he saw the value in staff having the ability to lean on Commissioners, in developing ideas, and being collaborative. Commissioner Concepcion asked a question related to the regulatory Commission identification process, and when Commissioners will receive information. The ED stated individual departments are identifying when it will be a discussion with Commissioners.
- Mediator Podziba stated that the discussion was very insightful and noted that the Chair had posed a question for the ED regarding what could make his and everyone’s life easier, while limiting the incentives to “go around” each other. She urged everyone to



take time and think about some nuances and ideas about certain scenarios. Commissioner Roy proposed an idea of presenting all the questions to the ED every Friday.

Commissioner Concepcion noted she was really concerned about this and that it spoke to the culture, as staff should feel free to speak with Commissioners freely. The ED added that staff have also sought protection from Commissioners. Commissioner Stebbins proposed determining what is a fact-finding communication, and what constitutes a policy communication. The ED stated he did not have a policy concerning check-ins for Commissioners with department heads.

- Commissioner Stebbins referenced No. 2(b), the OML, and added that he never went directly to the Chair to ask for an agenda item. The Chair stated that she does not have a preferred process or policy for adding an agenda item. Commissioner Roy proposed a policy for proposing topics and mentioned past policy regarding weekly check-ins with the Chair. The Chair wanted to set up individual meetings with Commissioners. Commissioner Camargo and Commissioner Stebbins mentioned why they developed the new process and described the policy. The ED mentioned they should all reach an agreement as a group before consulting with staff. Mediator Podziba stated they would figure that out in a later section. Commissioner Stebbins noted that he was comfortable with (b) but there needed to be review for OML implications. The ED noted he believed there was an allowance for agenda setting because the agenda is public information. Commissioner Stebbins stated the desire to protect against setting one's own rules. The Chair noted the statutory implications of the process and recommended they consult the GC. Commissioner Roy stated the last process did work overall. The ED noted there had been instances where the agenda was used as a weapon and a tug of war for authority.
- The Chair asked a question regarding whether No. 2(c) undermined the Chair's ability to set an agenda. Commissioner Camargo remarked about the built-in culture and how the CCC is unlike any Commission in the Commonwealth. The ED opined that (c) was a RROO reference. Mediator Podziba and Commissioner Stebbins proposed some language based on RROO. Commissioner Stebbins spoke about items being brought up, but not being able to vote on them. The Chair felt like this constituted getting around the public posting. The effect of 48-hour advance notice was raised, particularly in when votes may be taken or not taken. The ED added the Chair controlled discussion and debate and explained the process of suggesting if a Commissioner wanted to raise business, then they should wait a month. He added that they can ask that new business be put to a vote in a certain situation. Commissioner Stebbins suggested taking No.2(c) out, and maybe it was better referenced in "Agenda Setting". Commissioner Camargo touched on RROO and stated it was key to have it somewhere in the Charter. Mediator Podziba confirmed the new language with Commissioner Stebbins and where language should be moved. The Chair asked if items were automatically up for a vote during the next meeting. Commissioner Stebbins stated it was still the Chair who set the agenda for the next meeting. Commissioner Camargo asked Commissioner Stebbins if this was from RROO, and he stated this followed the Secretary of State's guidelines. The ED added it was governed by OML and RROO, and the Charter could not change those terms.



Commissioner Camargo asked if they should be taking language from the OML or the Secretary of the State. The ED stated he did not think the OML would be explicit about including an agenda item for new business. The ED stated that if an item was voted on to be included, then it would stay on the agenda.

- Mediator Podziba stated they had identified two items at this meeting that they need support on: (1) referencing OML and whether Commissioners can make proposals to the Chair for agenda items, and (2) regarding articulation of boundaries with respect to engagement with staff and the need to make sure there were bright lines with the potential of being an adjudicatory body. Commissioner Stebbins and the ED agreed to work on the first question and the ED agreed to work on the second question.
- Mediator Podziba went on to discuss outreach and consultation on the Charter by the staff. She asked if they had any opinions on which staff should look at the document to get input and feedback and if they wanted to show staff prior to finalizing to get feedback and to educate them. Commissioner Camargo emphasized the need to educate staff on the Charter. Mediator Podziba mentioned improving the culture by engaging staff on the critical document. The ED noted that he engaged staff by making them aware of the existence of a project. The ED commented that knew the mediation process has been going on for a while and their expectations. The Chair felt that the Charter was not fully baked and ready for staff review. She added she received good and concrete answers from the GC around the dichotomy between the Commissioners and employees. Mediator Podziba stated they would not implement anything now regarding staff interaction, but they would come up with a plan about who is involved and receive their feedback. She added the GC would need to go through the document for legal questions. The ED raised the possibility of bringing up the project during the upcoming all-staff meeting. Commissioner Concepcion noted the importance of circulating a preliminary Charter draft with staff. Commissioner Stebbins cautioned when talking with staff to not lose the confidential protection they had during executive session. The ED mentioned that culture had been a major topic with staff, and he wanted to reassure them that addressing Commission culture had not been abandoned. Commissioner Camargo emphasized how much work they had done to break barriers with staff.

III. Adjournment

- Commissioner Stebbins moved to adjourn the executive session.
- Commissioner Camargo 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.



CANNABIS CONTROL COMMISSION

November 22, 2022

Remote Participation via Microsoft Teams

EXECUTIVE SESSION MEETING MINUTES

Documents:

- List of Discussion Items for Executive Session 8
- 20221117 Draft Governance Charter V2
- Draft Executive Director Job Posting
- Draft Cannabis Control Commission Commissioner Job Description

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 began with discussing the Structural Mechanisms for Joint Commissioner and Staff Work section and asked for feedback on No. 1. Commissioners confirmed that they were agreeable with the redline edits. The Chair asked if No. 3 broke from current practices and Mediator Podziba stated it had been added to reflect feedback from a memorandum. There was a discussion about what No. 3 should contain, but ultimately there was an agreement to keep No. 3 in the Charter. Commissioners and the ED discussed whether No. 3 sufficiently described how to initiate a project charter and Commissioner Roy suggested adding language to provide the ED with advance notice.



The ED stated that he did not want to formalize or limit the process too much, but he did not want to be surprised either. He articulated the peril attendant to not receiving notice until very late in the process, with a project charter. Mediator Podziba proposed language to address the ED's concerns and requested comments from the group. Commissioners agreed to strike No. 4 as it was redundant and agreed to the redline edits to Nos. 5 and 6. The Chair suggested that "Executive Assistant" in No. 11 be made plural. Commissioner Roy suggested an edit to No. 7 to include the Chair in the process of working towards alternative strategies in the event a project charter is not approved, and the ED suggested adding that this work would be done in accordance with Open Meeting Law. Commissioners discussed No. 11 and agreed that the ED should notify Commissioners of newly formed project charters rather than an executive assistant. Commissioners agreed to the remainder of this section.

- Mediator Podziba moved to the Legislative and Executive Branch Outreach section and Commissioners agreed to the redline edit to No. 2. Commissioners and the ED discussed No. 7(b) and whether adding a timeframe was necessary to the advanced notice of legislative and/or executive branch outreach language. Commissioner Roy suggested that there would be as much advanced notification as possible. Commissioner Concepcion expressed that she preferred the current language because she felt it was less ambiguous. Mediator Podziba noted that Direct Reports would have an opportunity to review. Commissioners discussed what communications this provision would apply to and how it may have affected recent outreach efforts. They ultimately decided not to include a timeframe.

The Commission took a short recess.

- Mediator Podziba moved to the External Communication section and confirmed that Commissioners were in consensus with the redlined edits to Nos. 2. and 5. The Chair stated that she was hesitant to restrict a Commissioner's ability to speak. She gave an example of muzzling where the Communications team set the order when a Commissioner can speak at scrum. In that example she explained that if the Commissioners did not speak during their turn then they would lose their ability to speak thereafter. The Commissioners discussed how to address the Chair's concerns and Mediator Podziba suggested removing the clause indicating that the strategy would be formalized in an SOP. Commissioners and the ED discussed the current policy regarding Commissioner participation in press scrums following Public Meetings and how they arrived at the current policy. There was a discussion about Commissioners communicating with the Communications team regarding how they would like scrum procedures to be modified. The ED set forth why the scrum procedures developed: for example, what happened in an instance when two Commissioners insisted on speaking last at a scrum. Commissioner Roy noted the process was unfair because of an example she used where two Commissioners could agree to switch places. Mediator Podziba suggested moving on and circling back. Commissioners agreed to the redline edit to No. 7 and to list additional departments in No. 8 besides the Communications team. Mediator



Podziba discussed the redline edits to No. 9, and Commissioners and the ED discussed what “non-Commission related issues” meant and who determined those issues. The Chair mentioned political issues, a hypothetical criminal issue regarding a commissioner, and one’s personal life where he noted that overlap could occur. She elaborated that at times what a Commissioner did in their personal life affected the Commission. They agreed to strike the last clause of No. 9 as it was covered by No. 10 and include the word “work” before “interests.” Mediator Podziba confirmed consensus on redline edits to Nos. 11 and 13. Regarding the latter, the Chair suggested that they direct staff to provide a training on best practices regarding social media. Mediator Podziba returned to No. 5 and asked for feedback. Commissioner Concepcion stated her preference to keep “in consultation with the Commissioners” and the Chair requested striking the reference to SOPs. The Chair repeated her concern that Commissioners are not “muzzled,” due to how scrums were organized. The ED noted that any policy in determining participation in press scrums would still have to be documented, which the Commissioners discussed. They decided to retain the reference to an SOP which would formalize a strategy developed by the Communications team in consultation with Commissioners and approved by the ED. Commissioner Roy asked for clarification on the Commissioner’s role in the process and the ED stated that they would still have an important role. Mediator Podziba summarized conversations on the topic and confirmed that Commissioners were comfortable sharing the draft Charter with Direct Reports.

- Mediator Podziba stated that the next meeting would be held on December 5, 2022. Commissioners and the ED discussed scheduling and availability. Commissioners and the ED discussed which staff members should be involved in the meeting and decided to include only Direct Reports. Mediator Podziba suggested that Direct Reports come to the meeting before speaking with their staff and the meeting would be a learning opportunity for Commissioners and staff. Commissioner Stebbins stated that the “Interactions Between and Among Commissioners and Executive Director, Leadership Teams and Staff” through the “Accountability, Checks and Balances” sections should be the priority. Commissioners and the ED discussed how to best present the Charter to staff. Mediator Podziba suggested that she would share the Charter with Direct Reports after a staff meeting on November 30, 2022, and then meet one-on-one with them to get feedback before the meeting on December 5, 2022. She stated that at the outreach and consultation meeting, she would guide conversation based on feedback from Direct Reports. Commissioner Camargo suggested that there be time at the outreach and consultation meeting to meet with staff because they had not met in person yet due to COVID restrictions. Mediator Podziba confirmed that the meeting would be held from 9:15 a.m. through 4:00 p.m.

III. Adjournment

- Commissioner Roy 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.



CANNABIS CONTROL COMMISSION

December 5, 2022

In-Person

EXECUTIVE SESSION MEETING MINUTES

Documents:

- Discussion Items for Executive Session 9
- 20221123 Draft Charter V8 with DR feedback.

In Attendance:

- Chair Shannon O'Brien
- Commissioner Nurys Camargo
- Commissioner Ava Callender Concepcion
- Commissioner Kimberly Roy
- Commissioner Bruce Stebbins
- Executive Director Shawn Collins
- General Counsel Christine Baily
- Chief of Enforcement and Investigation Yaw Gyebi
- Chief Operations Officer Alisa Stack
- Chief Communications Officer Cedric Sinclair
- 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 the work that had been completed since the last Executive Session. She asked Direct Reports (DR) to share initial feedback. The Chief Communications Officer Cedric Sinclair (CCO Sinclair),



General Counsel Christine Bailey (GC Bailey), Chief Operations Officer Alisa Stack (COO Stack), Chief of Investigations and Enforcement Yaw Gyebi (CIE Gyebi), Executive Director Shawn Collins (ED) and the Chair made introductory remarks regarding the Charter.

- Mediator Podziba commenced a review of the Interactions Between and Among Commissioners, and the Executive Director, Leadership Teams, and Staff section of the Charter and requested feedback on a requested edit to No. 1. CIE Gyebi noted the confusion when Commissioners went out of the project management structure. The Chair stated that she hoped the Charter would develop a better rapport between staff and Commissioners and formalize the process for requesting resources. CCO Sinclair pointed out that sometimes a Commissioner's interest conflicted with those of the Commission. Mediator Podziba emphasized the need for mutual respect. COO Stack noted that conflict resolution was not addressed in the Charter, and in response, Commissioner Camargo replied that accountability was addressed. CIE Gyebi noted that conflicts on policy were addressed in the Commission's deliberations which his department relied on in administrative actions. GC Bailey discussed the different role of Legal from other departments due to the attorney-client relationship. Mediator Podziba noted the need to "normalize" conflict for the Commission. COO Stack noted that she liked how lines of communication were addressed in the Charter, especially as it related to Open Meeting Law. The Chair suggested using Executive Sessions to discuss difficult situations and noted her desire for the Commission to enter these discussions yearly. Commissioners Concepcion and Camargo concurred. Commissioner Roy agreed with COO Stack's statement related to conflict resolution and asked for her input on process. COO Stack deferred to Commissioners to discuss a conflict resolution piece to put into the Charter that worked for them and what they thought was sustainable for their successors. GC Bailey echoed the comments from CIE Gyebi relative to having difficult conversations in a public meeting. Commissioners, the ED, and DRs discussed how conflict on policy matters had been resolved in Public Meetings. Mediator Podziba noted that there should be a section in the Charter related to conflict resolution. Commissioner Camargo suggested that it would be helpful for the DR to come back with recommendations. GC Bailey asked for clarification on the types of conflicts they were trying to resolve and whether they were seeking to address conflict between Commissioners or conflict between Commissioners and staff. Mediator Podziba explained that it was both and it was her intent to make the conflict resolution productive. Commissioner Stebbins asked if the conflict section should differentiate between solving for policy questions and for priorities. CIE Gyebi referenced the hectic nature of the Commission's work environment the need to slow the pace down. Commissioner Camargo noted that Commissioners were having the conversation with the ED, in his role as the traffic cop. COO Stack noted the need to think about the staff especially as it related to the remote environment and the need for them to think about a workforce with diverse needs and preferences. The Chair acknowledged her point but noted a difficulty in connecting with the staff. Commissioner



Roy described her process for requesting staff resources. CIE Gyebi appreciated Commissioner Roy's process and how it helped keep his staff better resourced.

- Mediator Podziba reviewed questions related to No. 9(b) relative to personnel actions. GC Bailey noted the legal implications surrounding certain discussions of personnel issues. COO Stack discussed her edits to Nos. 11 and 12. Commissioner Roy related the Commissioner's rights and authority to stop by any dispensary related to No. 11. Commissioner Concepcion noted that the edits to No. 11 were more related to formal invitations and discussed the 30A implications. COO Stack needed to understand when Commissioners need staff. Mediator Podziba agreed to break down No. 11 further. CIE Gyebi discussed the role of standard operating procedures (SOP) in developing processes and discussed 30A concerns. He also noted that Commissioners had a right to visit dispensaries, but cautioned Commissioners to be careful. The Chair discussed the tragedy in Holyoke as it related to No. 9 and stressed the need to know what was going on in the industry, and in investigations. Commissioner Camargo concurred and discussed the incident further. Commissioner Concepcion agreed with the Chair and wanted to understand issues before a public meeting. Commissioner Roy expressed that Commissioners needed to know when public safety and health was in jeopardy. The ED responded that this topic was discussed in the External Communications section as No. 11. Mediator Podziba mentioned the role of an SOP and whether No. 9 conflicted with page 13, External Communications, No. 11. Mediator Podziba and Commissioner Concepcion noted that No. 11 on page 13, under External Communications, might not fit all situations. GC Bailey pointed to No. 9 in relation to 30A and noted that Commissioners should be aware of publicly available information, but Commissioner should stay away from discussing and drawing legal conclusions on a matter. CIE Gyebi provided proposed language and noted the need to use caution. Commissioner Concepcion offered further edits and recommendations for the language. Commissioner Stebbins agreed with No. 11 on page 13, and that they could have conversations as long as Commissioners were not acting with bias. Commissioner Concepcion explained the role of Commissioners acting as judges and the requirement to maintain impartiality. Mediator Podziba provided further edits. The Chair noted that ultimately Commissioners needed to preserve impartiality as they are the ultimate arbiters as regulators. CIE Gyebi discussed potential conflicts and reiterated that the Commissioners were the decision makers. He provided examples of how he has handled investigations and discussed the posting of investigative materials. Mediator Podziba asked CCO Sinclair and GC Bailey to share their opinion. CCO Sinclair noted that the language that CIE Gyebi proposed was too descriptive and offered further language to No. 9. He added that staff reputations were also on the line and noted an example. He emphasized the need to create a safe space where Commissioners and staff were both protected. GC Bailey noted that the Commissioners had different roles, but their ultimate role was adjudicator. She also noted that staff should feel comfortable with sharing information in confidence. She discussed the role of CIE Gyebi and the fact that some investigations could be conducted in private.



COO Stack noted that an SOP had been developed to protect sensitive information and that it could be shared and reviewed. CIE Gyebi explained his edits and that the perspective of GC Bailey and CCO Sinclair were not mutually exclusive.

The Commission took a short recess.

- Mediator Podziba revisited the conversation on No. 9 in the Interactions Between and Among Commissioners, and the Executive Director, Leadership Teams, and Staff section. Commissioner Roy explained that Commissioners could not be completely in the dark on certain matters and asked how the Commission balanced the adjudicatory role with understanding the situation. Commissioner Stebbins asked for No. 9 to be broken down to respect their roles and their need to know. CIE Gyebi opined that the Charter should be aspirational in nature and again noted 30A. He spoke about the role of fire walls and that he was trying to protect the Commission. Mediator Podziba observed that consensus had been reached and there was a need to wordsmith the language. GC Bailey asked Commissioners to detail the tension that they face. Commissioner Concepcion mentioned a need to stay informed. The Chair also noted that the timeline of investigations was a source of tension and noted the burden on licensees and the public. She explained the infrastructure created by the legislation created an overly “criminal” nature, and the need to understand (1) what regulation were, (2) why the Commission was regulating something and (3) who the Commission was serving. She expressed the desire to understand investigations in order to communicate about them. Commissioner Concepcion noted that she does not feel the pressure from outside entities and that people and entities do not understand 30A and the role of Commissioners. The Chair agreed but wanted to ensure that Commissioners communicated with licensees. Commissioner Roy discussed how she has handled questions on investigations and asked for talking points from staff.
- Mediator Podziba moved to the Structural Mechanisms for Joint Commissioner and Staff Work section of the Charter. Mediator Podziba, and COO Stack noted that it read like an SOP. Mediator Podziba explained that there was a desire to have a one stop shop where Commissioners could understand the process. The Chair noted that even with the SOPs, Commissioners were still confused about the process. Mediator Podziba asked if the Charter should reference the SOP instead of having it integrated into the Charter. COO Stack recommended that the SOP be referenced. Commissioner Camargo commented that the Charter was meant to be a handbook for Commissioners. The Executive Director warned that the conversation might culminate in creating a two-tiered Charter. CIE Gyebi noted that he liked the SOP process as it allowed his staff to detail their work. COO Stack said that the Commission could copy and paste the SOPs into the Charter. Mediator Podziba preferred to look at the Charter instead of copy and pasting it. COO Stack noted that there could be an issue if the agency updated the SOP but the text of an old SOP remained in the Charter. COO Stack stated that that SOPs were updated at least annually.



- Mediator Podziba moved to review Legislative and Executive Branch Outreach section. GC Bailey noted that Legal often received questions from other agencies and asked (1) what the Commission was reviewing, (2) what kind of interactions they were looking to review and (3) how policy reviews should be completed. She provided further examples of how the process worked in terms of subpoenas. She agreed with the language in this section if it was only related to policy. The ED noted that it was related to policy and provided further clarification into the process. Mediator Podziba said that the section was not clear to GC Bailey and asked how the section could be clearer. GC Bailey requested language in the Charter to incorporate limiting language related to the role of the Legal Department. She mentioned her role to let Commissioners know when they are in compliance, and she distinguished compliance from policy. GC Bailey noted the new equity legislation and the role of municipalities as an example. She added that the Department of Government Affairs and Policy (DGAP) perspectives might not be in alignment with the Legal Department's. Mediator Podziba asked GC Bailey to provide draft additional draft language. CCO Sinclair felt that there was some utility in getting staff feedback. Commissioner Camargo provided a hypothetical on how the process would work if a Commissioner was abiding by the policy, but not communicating her priority to other Commissioners. GC Bailey explained the utility to reaching out to the Legal department in the process. Commissioner Stebbins noted that it could be built into No. 7. The Chair commented that the ED was the traffic cop, punching bag and bottle neck. She echoed Commissioner Camargo's hypothetical and cited some intricacies in the process. The Chair also raised previous comments related to the addition of a Chief of Staff and noted that Commissioners needed to know what subjects other Commissioners were already leading. COO Stack noted that utility of an SOP in the process. She explained the role of the Executive Director in outreach and opined that the Charter was silent on that point. She also discussed that there might be technological fixes related to the sharing of information. GC Bailey related the open meeting law implications when a public document shared an opinion. Commissioner Stebbins noted the responsibility of Commissioners to bring topics to Public Meeting in order for other Commissioners to understand the work that was being done individually. He explained that bringing those topics forward at public meeting allowed for conversations to take place about those projects. Mediator Podziba said that the reporting mechanisms were outlined in the Charter. She entertained clarifying questions from Commissioner Concepcion and CCO Sinclair. The proposed agenda item section was discussed, as well as potential utility in having the conversation at a public meeting. Commissioner Camargo mentioned the need to not being afraid of communicating and pushing back on each other at a public meeting. The Chair recommended this approach and added that flexibility should be built into this process. She explained that staff should never be embarrassed at a public meeting. Commissioner Concepcion noted that she used opening comments to communicate her priorities and ongoing projects. Mediator Podziba provided some language edits to No. 1, relative to the role of the ED. The ED explained that his role could be expanded further in



No. 5. COO Stack noted that there was an opportunity to expand the role of ED to an earlier section. The ED echoed COO Stack's comments related to the roles of responsibilities. Commissioner Roy asked a question related to CANNRA and wanted to get involved. She asked whether the section was related to the state entities. CCO Sinclair noted that the conversation was relevant to more than CANNRA. GC Bailey raised the issue of the role of appointing authorities and the level of communication between Commissioners and the appointing authority. The ED expressed that it depended on the posture of the conversation and whether it implicated policy. CIE Gyebi saw utility in adding language related to communication with the appointing authorities.

The Commission took a short recess.

- Mediator Podziba moved to review the External Communications section. She provided background and mentioned previous conversations on the topic. CCO Sinclair noted that logistically there could be challenges related to implementing the proposed changes to No. 2 and provided feedback. Mediator Podziba asked how press engagements were handled. CCO Sinclair detailed how press engagements were currently handled.

The Commission took a short recess.

- Mediator Podziba moved to review the External Communication section of the Charter. The Chair felt that the Chair's statutory language should be included and emphasized the need to respect the Communications Department's responsibilities. CCO Sinclair noted that the statute did not designate the Chair as the spokesperson. The Chair believed that certain sections of the statute assigned certain roles to the Chair. CCO Sinclair related the history of the Commission and noted that the previous Chair did not act as a spokesperson for the Commission. The Chair stated her preference for the staff to facilitate press engagements but to not dictate the process. CIE Gyebi opined that there were five Commissioners, and he thinks of them as "the Commission." He then opined about the ED's role and the role of the Staff. The Chair noted her preference that Commissioners retain the ultimate power related to the press engagement. The Chair opined that, in some sections, the ED would be the appropriate spokesperson. CIE Gyebi felt that the legislation was ambiguous related to how the Commission communicated. Commissioner Camargo advocated balance and some shared contribution to communications. The Chair noted dissatisfaction with how the scrum process currently worked and expressed that staff should not be able to tell the Commissioners whether they can speak or not. She also noted that there was a happy medium and the Chair should have a say on reaching that medium. Commissioner Camargo pointed out that the Chair was describing two separate issues: the (1) scrum and (2) the role of the Chair related to acting as the spokesperson. The Chair wished to discuss the role of the Chair



further in regard to communications. COO Stack noted that she found the section confusing and spoke about how staff could be external communicators. She asked about the intent of the section. Commissioner Concepcion provided further clarity related to the section and why it was developed. Commissioner Roy asked a clarifying question and asked CCO Sinclair to detail how a previous press engagement worked. CCO Sinclair noted how the previous press inquiries were handled. He articulated intricacies in the process and the difficulty related to incorporating the Chair in the process. The Chair opined that notifications would be helpful. Mediator Podziba asked how many press inquiries were typically received on a daily basis. CCO Sinclair relayed how some of the process was handled, and CIE Gyebi noted that an additional step has an impact on staff. He discussed resources and the need to make the Charter broad so that it may work for Commissioners. COO Stack reiterated that she found this section confusing and discussed the role of SOP and Policy. In response, Commissioner Roy and COO Stack debated three possible options for the Communications Department. GC Bailey mentioned the public records request implications of the communicating with different Commissioners. The board discussed the mechanics guiding how the press scrum worked. In response, the Chair noted her understanding of the process and her preference not to have the Staff tell the Commissioners how to speak. Mediator Podziba explained that there was agreement and noted that there needed to be a review of SOPs. Commissioner Camargo asked Mediator Podziba to summarize the conversation and discuss next steps. Mediator Podziba replied that there were too many proposed edits currently, and so she would review the SOPs and redraft the section. The Chair discussed COO Stack's concern related to not muzzling communications. COO Stack found No. 6 specifically confusing, and asked a question related to how the section applies to already approved processes. COO Stack noted that they should think about their successors when considering this section. GC Bailey explained that there were situations where the Commission has dual jurisdiction on a subject matter and recommended changes to No. 13(c). She also advised that Commissioners should not use personal social media accounts for official business. She explained that there have been materials developed to guide Commissioners and noted a previous situation. Commissioner Concepcion raised the issue of the need to determine when one's opinion was their personal statement and not an opinion on behalf of the entire Commission. The Chair noted that there needed to be an ethics training and Mediator Podziba noted that there also needed to be a social media training. CCO Sinclair cited No. 5 and the impact on staff and Commissioners. The Chair noted that she was not a part of the development and that her preference was not to have Commissioners muzzled. CCO Sinclair noted that they have discussed various approaches to the issue. Commissioner Roy commented that there could be a situation where Commissioners could work together to swap positions. CCO Sinclair opined about how other Commissioners were affected. Commissioner Concepcion noted that she did not have a problem with the current process. Mediator Podziba then provided an overview and set forth next steps.



- Mediator Podziba moved to review the Roles and Responsibilities section and discussed how it was developed. Commissioner Roy mentioned that (b) potentially limited the ED’s authority and emphasized his role to direct, manage and coordinate staff. Mediator Podziba proposed some language alterations. COO Stack offered a standard clause of “by and through Staff.” Mediator Podziba began a discussion regarding (i). GC Bailey proposed the language changes to (i) to ensure that the ED had hiring and firing authority. Commissioner Roy asked if the section should address negotiating with unions. GC Bailey proposed language changes to (i) and noted she would work with Mediator Podziba to draft language. Mediator Podziba discussed the EDs short and long-term goals. GC Bailey noted the role of the ED in litigation, and that litigation is an external communication. Mediator Podziba solicited any proposed changes. The ED proposed language and commented about the importance of knowing what he can testify to and what he should avoid testifying about, particularly when decisions had not been made on issues. Commissioner Roy noted the adjudicatory function and that there was not language included on the subject. CIE Gyebi mentioned that the 30A process needed to evolve. GC Bailey noted that the Suitability Review Committee process was not a formal hearing process and the role of the hearing officer in conducting formal hearings. She discussed the ED’s role in approving or disapproving recommendations and emphasized that the regulatory process was an implementation process. Commissioner Concepcion raised delegation of authority and noted the implications. The ED explained that he did not make suitability determinations but he instead made recommendations. GC Bailey offered to work on drafting language on this issue. CIE Gyebi agreed that powers cannot be taken away from the ED to follow and enforce the laws of the Commonwealth, because of the statute and opined that suitability was an authority that the Commission had not relinquished. GC Bailey observed that in a traditional licensing agency the ED would have the ultimate authority to make the call. GC Bailey noted on 30A at the Commission, the process was governed by statute and case law and there was not a need to discuss it in the Charter. CIE Gyebi noted his preference to keep the language broad in order to not box in the process.
- Mediator Podziba moved to review the Executive Director section. COO Stack recommended striking “strategic” out of the first goal and stated her reasoning behind striking that word. The Chair noted her preference to table the discussion as this is part of a larger discussion. Mediator Podziba noted the reasoning behind employing the word “strategic” in lieu of a previous word i.e., “broad based,” that was used. GC Bailey proposed language about advancing the legislature’s mandate and the mission of the Commission.
- Mediator Podziba moved to next steps and confirmed the Commissioners were comfortable with sharing the next version of Charter with the Department Heads and requested that GC Bailey conduct a legal review. Mediator Podziba stated the necessity for an additional two meetings, and given the diversity of opinion, she would put together a plan. She discussed how prior mediation meetings differed from current sessions.



III. Adjournment

- Commissioner Stebbins moved to adjourn executive session.
- Commissioner Camargo 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.



CANNABIS CONTROL COMMISSION

February 15, 2023

Remote Participation via Zoom

EXECUTIVE SESSION MEETING MINUTES

Documents:

- 20220212 Draft Charter V9
- List of Discussion Items for Executive Session 10

In Attendance:

- Chair Shannon O'Brien
- Commissioner Nurys Camargo
- Commissioner Ava Callender Concepcion
- Commissioner Kimberly Roy
- Commissioner Bruce Stebbins
- Executive Director Shawn Collins
- Associate General Counsel Michael Baker
- 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

- Mediator Podziba gave an overview of the discussion items and the work that had been completed since the last executive session.
- Mediator Podziba moved to the section on Interactions Between and Among Commissioners and Executive Director, Leadership Teams, and Staff, and confirmed there was no disagreement with the requested edit to No. 1. Mediator Podziba read the requested edit from staff to No. 9 and asked for feedback. The Chair Shannon O'Brien (Chair) stated that this section, as drafted, may be too stringent. She asked where someone should go when a legitimate complaint existed about an ongoing investigation. Commissioner Roy responded that No. 9 allowed Commissioners to request information on an investigation and Executive Director Shawn Collins (ED) confirmed. Commissioner Roy suggesting adding that Commissioners would be entitled to information regarding an investigation, as well as being able to request it. Mediator Podziba clarified for Commissioner Camargo that leadership included the ED, Direct Reports, and Department heads, which was specified earlier in the document.



Commissioners and the ED discussed when and how they should be alerted to issues that could become public. Mediator Podziba summarized that under this agreement the ED would be the person who conveyed this type of emergency information. Regarding No. 9, Commissioner Stebbins requested removing the word “prosecutorial” and noted that this section was not clear on what Commissioners should do once they receive information from leadership regarding an investigation or who was the judge of “special treatment” under No. 9(a). Mediator Podziba asked to table No. 9 until the General Counsel (GC) and Chief of Investigations and Enforcement (CIE) were available. The Chair noted frustration regarding the timeline and transparency of investigations. Mediator Podziba moved No. 10 and asked for feedback. The Chair suggested including “in consultation with the ED” and the ED noted that visits to businesses was covered elsewhere and suggested removing “legislatures.” Commissioners and the ED discussed and agreed to revise No. 10 to read: “Commissioners will inform the Executive Director and/or appropriate Department Heads, as needed, of invitations to participate in conferences.” Mediator Podziba moved on to No. 11 and asked for feedback. The Chair requested striking this section as it was covered by the Enhanced Code of Ethics of which Commissioners are bound. Commissioners Stebbins and Concepcion concurred. Mediator Podziba confirmed that there was consensus on No. 12. The Chair stated that she felt No. 13 was overly restrictive as Commissioners could be helpful in personnel matters. Commissioner Roy noted the way the language was written, it would require the Commissioners to coordinate with both the ED and Chief People Officer (CPO). The ED noted that if a personnel matter was raised with a Commissioner, it needed to be reported. The Chair noted the need for a culture shift so that staff and Commissioners could freely communicate and properly request resources. Commissioner Camargo concurred. Commissioner Roy stated that access to exit interviews may be helpful for addressing culture. Mediator Podziba suggested tabling Nos. 13 and 14 until the GC, CIE and Chief People Officer (CPO) opined.

- Mediator Podziba moved to the Press and Media Engagement section and asked for feedback. Commissioner Stebbins advocated including “External Communications” in the title which had been stricken. The Chair raised the language “in collaboration with Commissioners” in No. 1 and stated that she wanted it to be clearer that Commissioners would direct press and media management. Commissioners discussed how to address the Chair’s concern and Commissioner Stebbins suggested striking No. 1 and starting with No. 2. Mediator Podziba summarized that Commissioners had previously discussed how to rely on the Communications team as strategic advisors while not delegating authority. The Chair observed that there had been disagreements from Communications on messaging which is the prerogative of Commissioners. She opined the Chair had the statutory authority to develop strategy when there was no consensus. The Chair cited the example of driver’s education and staff pushback. Commissioner Roy agreed and noted that it had taken three weeks for a tweet to be posted regarding agreed upon policy. The ED agreed that that was an unacceptable delay but that no contrary information was released. He added that the delay had not been purposeful. Mediator Podziba offered alternative language to No. 1, requiring that Communications staff would strategize and work under the ED’s direction, in collaboration with the Commissioners. Commissioner



Camargo noted that Commissioners were free to conduct their own messaging, but warned that messaging could become messy. The Chair clarified that her concern was the primacy of the Commissioners' role in messaging. Commissioner Roy reiterated concern with the delay of messaging on driver's education. Mediator Podziba suggested including a provision in the Charter regarding the timeliness of media outreach following affirmative votes of the Commission. Commissioners Camargo and Concepcion were in favor of this idea and the Chair reiterated that Commissioners determined messaging. The ED noted another instance of media outreach being delayed following a public meeting.

The Commission took a short recess.

- Mediator Podziba read proposed language for No. 4 that she drafted to indicate that after an affirmative vote of the Commission, “Commissioners may direct the Communications Team to prioritize that item.” Commissioner Stebbins noted that planning outreach before the vote may be helpful. He clarified that it may be too granular for the Charter, but asked his fellow Commissioners if they thought pre-planning prioritized media outreach following a vote was necessary. Commissioner Camargo asked the ED about the operational implications of prioritized media outreach and he stated that was difficult to generalize as there was a wide range of topics in which the Commissioners may deliberate. Commissioner Stebbins suggested that the priority be deliberated in the Public Meeting to provide direction to Communications. Mediator Podziba requested that they table the topic until staff were able to review and provide input on the process. She moved back and confirmed consensus on No. 2 and asked for feedback on No. 3. The ED asked who would judge the “best interests” of the Commission. Mediator Podziba proposed language that indicated the ED would determine Commission priorities. The Chair noted her position’s statutory responsibility for administering the Commission and stated that this was an area that she wished to work with the ED. Commissioners discussed how to balance their personal interests and coordinate outreach with staff. Commissioner Stebbins suggested an edit that indicated individual Commissioners may initiate work with Communications and the Chair noted that would leave the ED out of the process. Commissioner Camargo explained the distinction between individual Commissioner’s personal priorities and those which were voted on in Public Meetings. Commissioner Concepcion stated that the conversation may have gotten too granular and Mediator Podziba stated she would revise No. 3 offline and bring a new draft at the next meeting.
- Mediator Podziba moved to No. 5(c) in the Accountability and Checks and Balances section and noted the GC’s request that results of an investigation prompted by a complaint or allegation not be communicated in writing. Commissioners agreed to table this topic until the GC is present at a future session.
- Mediator Podziba moved to the Professional Development section. She noted the proposed edits included adding “and Ethics Training Obligations” in the title and to strike No. 3. Commissioner Stebbins rejected the edit to the title and no Commissioners objected. Regarding No. 3, Commissioner Stebbins stated that he did not see a purpose to strike it. The ED stated that all professional development fell under a Human Resources



allotment and Commissioner Stebbins suggested an edit so that No. 3 would read: “The annual Commission budget will include allocations for professional development to be accessed by Commissioners, Executive Director, Leadership and all Staff.” No Commissioners objected to the edit.

- Mediator Podziba moved to No. 4 under the Roles and Responsibilities section. Commissioner Stebbins noted that Executive Session minutes were now reviewed on a triannual basis pursuant to the Office of the Attorney General’s recommendation and Mediator Podziba proposed a footnote to indicate that change in policy. Commissioner Roy noted that, due to the upcoming promulgation process, she did not want to set unreasonable expectations. Mediator Podziba proposed edits to No. 4(b)(iii-v) and No. 4(c) and there appeared to be consensus.
- Mediator Podziba discussed next steps. She stated that she would apply Commissioner’s requested edit to the Charter and distribute it to Direct Reports before a mediation session with them, Commissioners, and the ED, on February 23, 2023. Commissioner Camargo noted the need to be mindful of how the Charter was presented to staff. Commissioners discussed how they hoped that the Charter would help address cultural issues.

III. Adjournment

- Commissioner Roy moved to adjourn executive session.
- Commissioner Camargo 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 to adjourn.



CANNABIS CONTROL COMMISSION

February 23, 2023

In-Person with Remote Participation via Microsoft Teams

EXECUTIVE SESSION MEETING MINUTES

Documents:

- Discussion Items for Executive Session 11
- 20230222 Draft Charter V9
- Budget Process SOP

In Attendance:

- Chair Shannon O'Brien
- Commissioner Nurys Camargo
- Commissioner Ava Callender Concepcion
- Commissioner Kimberly Roy
- Commissioner Bruce Stebbins
- Executive Director Shawn Collins
- General Counsel Christine Baily
- Chief of Investigation and Enforcement Yaw Gyebi
- Chief Operations Officer Alisa Stack
- Director of Human Resources Justin Shrader
- Mediator Susan Podziba
- Chief Communications Officer Cedric Sinclair
- Paralegal Sabiel Rodriguez

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 stated that the goal for executive session was to understand the reasoning behind suggested edits to the Charter.
- In the Draft Charter Section: Background, Mediator Podziba facilitated discussion on redundancies in Nos. 2, 4, 6, and 7 related to appointing authorities' power to remove, accountability, elected commission roles, and background information, respectively.
- Mediator Podziba moved to review the Draft Charter Section: Roles and Responsibilities. She noted that she and Executive Director Shawn Collins (ED) would work offline to clarify the distinction between Direct Reports and Department Heads. Mediator Podziba asked for feedback on the broadness of No. 1(b)(i). Chief Operations Officer Alisa Stack (COO Stack) noted that she did not believe that the language was too broad and noted her understanding of the topic. GC Baily proposed language to bring it in line with statute. Commissioner Roy proposed additional changes. Mediator Podziba stated that they would circle back. Chief of Investigation and Enforcement Yaw Gyebi (CIE Gyebi) asked a question related to the word “deliberate” in No. 1(b)(i) and requested for further clarity. GC Baily suggested including a footnote with a link to Open Meeting Law educational materials to clarify that it was a term of art. Mediator Podziba noted a suggested edit to No. 1(d)(ii) and asked for the rationale for a suggested edit. GC Baily stated that she wanted to include the word “prosecutorial” and described the adjudicatory and prosecutorial functions of the Commission. Mediator Podziba noted a suggested edit No. 2(c) and asked why it was made. GC Baily clarified her feedback regarding the requirements to call a Public Meeting and chairing meetings when the Chair was absent. Mediator Podziba moved to the section defining the role of the Treasurer, which was held by Commissioner Camargo. GC Baily noted her role in the financial reporting process. COO Stack shared feedback and noted objections to No. 3(b) and No. 3(c)(iii). CIE Gyebi noted his concurrence with COO Stack and stated that the current language put the ED on the same level as the Direct Reports (DR). Mediator Podziba moved to No. 4 and discussed the role with regards to public records requests with input from Commissioner Roy and GC Baily. GC Baily and Chief Communications Officer Cedric Sinclair (CCO Sinclair) delineated differences between public records requests and press inquiries. COO Stack noted that there was a difference in language between reviewed and approved language in the Secretary and Treasurer roles. The Chair noted that the Secretary position, which was held by Commissioner Roy, had a review function and that was not necessarily true for the Treasurer’s role. The ED noted his understanding of the reasoning behind the language differences. COO Stack noted that she wanted to ensure that the discrepancy was a conscious one. Commissioner Stebbins described his understanding of the roles and language. GC Baily noted statutory differences between the roles. Mediator Podziba moved to section No. 4(b)(v) and COO Stack stated her preference for the language regarding state training to be broadened as those trainings were evolving. GC Baily concurred. Commissioner Stebbins agreed with the proposed changes to the language and suggested that trainings should be coordinated with the ED, GC, and human resources.

The Commission took a short recess.



- Mediator Podziba moved to No. 5: The Executive Director. She asked if there were questions regarding changes to No. 5(b) and No. 5(e), and the Commissioners did not object to the language. She moved to Section I and Commissioner Concepcion noted that the language was clunky. Mediator Podziba explained that the language might be modified later on in the process. She moved to review No. 5(j) and CIE Gyebi noted that he had concerns about the GC's role. COO Stack concurred and stated that she did not want this item to be overly specific. GC Baily explained her reasoning behind the edit and noted that she saw it as protective of the ED. COO Stack proposed some language and noted that she liked the broader language. Commissioner Concepcion asked the ED his opinion and if it gave him enough authority to manage staff. He agreed with the language. Commissioner Roy asked if the language precluded the ED from seeking Commissioners' counsel and the ED stated it did not. Mediator Podziba moved to section No. 5(r), relating to how the ED would coordinate with the Office of the Attorney General as to litigation. GC Baily noted her reasoning behind adding this section and how she was given latitude to handle litigation.
- Mediator Podziba moved to review the Draft Charter Section: Public Meeting Agenda Setting, No. 4. She stated that there had been discussion regarding who would serve as the presiding officer of a Public Meeting which was not called by the Chair. The Chair asked if she would be precluded from presiding over a meeting which she did not call. The ED stated that it is his understating that all Commissioners have the right to attend all Commission meetings. The Chair stated that did not address her question and asked GC Baily to look into this matter. Mediator Podziba stated this may be answered in statute or Robert's Rules and asked the GC to look into the matter. The GC confirmed she would review the question.
- Mediator Podziba moved to review the Draft Charter Section: ED Goals and there were no questions regarding an edit which suggested that goals should be approved prior to the end of the calendar year.
- Mediator Podziba moved to review the Draft Charter Section: Interactions Between And Among Commissioners And Executive Director, Leadership Teams, And Staff. Mediator Podziba moved to review Nos. 4 and 5, relating to how Commissioners may request staff resources. CCO Sinclair explained that Commissioners were not aware of all of the staff's priorities and leaving Direct Reports and Department Heads out of communications could create operational challenges. COO Stack noted the opportunity cost of not including Direct Reports and how leaving them out may not include the appropriate staff. Commissioner Roy stated that the drafted language limited the Commissioners' ability to directly access staff. The ED explained that there was a subjective understanding of staff resources and expectations of staff support. The Chair noted her role to manage Commissioners and determine staff resources. She also noted the role of culture and how Commissioners should address issues as they arise in coordination with the Chair and the ED. CIE Gyebi expressed his agreement with the ED and stated that Commissioners should be able to freely talk to staff noting that the language before them related to resources. Commissioner Concepcion suggested having staff only take direction from a superior in their department and coordinate requests from Commissioners through that superior. The Chair noted that the Commissioners should



have the ability to reassign work. Mediator Podziba stated that informal communications were fine, but when resources were implicated a sign off by the staff's direct supervisor was required. Commissioner Roy requested that this be included in the Charter. Commissioner Camargo stated that this would also need to be communicated to staff. CIE Gyebi noted that he would not like to preclude the Commissioners from speaking with his staff and expressed the need to be mindful of the competing interests of staff. COO Stack cited the regulatory working groups as a positive example of collaboration between Commissioners and staff. She explained that departments' internal reporting structures would also address this issue. GC Baily noted historical situations where staff had been pulled in a lot of different directions. The ED suggested that he review the Charter as the language could be read as harsh. Mediator Podziba stated that it would be helpful if the ED and two Commissioners could form a drafting group. Commissioner Camargo noted that the Commissioners need be committed to the language if they put it into the Charter. Mediator Podziba moved to review No. 9 and asked for feedback. COO Stack asked a question related to No. 9(a), noting the role Dynamics case management played and asked if that should be reflected in the Charter. CIE Gyebi noted frustration among his staff due to complaints being frequently filed after sending out a Notice of Deficiency (NOD). Commissioner Roy asked how the Commissioners could help staff, leadership, and licensees with that issue. CIE Gyebi suggested creating SOPs on how to respond to complaints. Commissioner Concepcion asked how to address this issue in the Charter. The ED explained that the Licensee's recourse to an NOD would be a Plan of Correction. The Chair noted that every month of delay in the licensing process was effectively a penalty for Licensees who had to pay rent while they may not have commenced operations. Commissioner Concepcion noted the importance of separating the Charter and the regulations. GC Baily explained that she had drafted item No. 9 and the intent had been to separate Commissioners from ongoing investigations. She explained that her perspective differed from CIE Gyebi and that in her opinion information about investigations could be shared with Commissioners while remaining compliant with Open Meeting Law through proper oversight. CIE Gyebi responded that a complaint goes directly to a Commissioner, or the ED following an NOD, which was effectively an ex parte communication. He explained that he understood Licensee's frustration with delays in licensing but disagreed with GC Baily's comments. He emphasized that his department's tasks were time consuming and broad. The Chair stated that the Commission needed to figure out how to streamline the process and take some of the burden off the Licensee's while ensuring public health, safety, and equity. Mediator Podziba noted that she would work to revise the section. Commissioner Concepcion noted that the language was clunky and recommended that the section be restructured to be the compliance section. Mediator Podziba asked Commissioner Concepcion to join her for edits. CIE Gyebi requested that staff be involved in that process. GC Baily also noted that the any discussion on the prosecutorial function should include legal.

The Commission took a short recess.

- Mediator Podziba moved to review the Draft Charter Section: Budgeting and Budgeting Process. She stated that COO Stack's team had informed her that there were many errors



in the draft Charter and proposed three approaches to correct the section: incorporate the budget SOP by reference, copy and paste parts of the SOP into the Charter, or go through and edit the Charter to accurately reflect the SOP. She observed that the SOP did not speak to the Treasurer or Commissioner's roles. COO Stack explained that the Finance and Communications departments were the only ones which were identified in the Charter and some staff felt micromanaged. She also noted that the Commission had not had a standard budget year since FY19 and FY20. She emphasized the need to update the SOPs related to finance. The Chair noted her preference to be involved in the budget process, and that the previous budget process had not been very transparent. COO Stack stated her preference was to go with the first option provided by Mediator Podziba. The GC noted her concurrence related to the COO's comments specially as it related to staff sentiment.

The Commission took a short recess.

- COO Stack reiterated her preference that the Charter referenced the budget SOP rather than spell out the process because her team felt singled-out. CCO Sinclair agreed and reiterated that Communications team felt the same way. Mediator Podziba asked the group how they felt about simply referencing the budget SOP for this section. Commissioner Stebbins stated that he wanted to include the advocacy process in the budget section. Commissioner Camargo explained how this had been a part of a learning process for most Commissioners and that was how the section ended up being drafted in this way. COO Stack stated she agreed with Commissioner Stebbins' suggestion to explain how Commissioners were involved in the process. GC Baily noted that processes which require flexibility should not be included in the Charter. The Chair asked for further clarity as to why Finance felt singled-out. COO Stack explained that her staff felt micromanaged and suggested changing the Commissioner's initial orientation on the topic so that they had a better understanding. Commissioner Roy noted that the Secretary role was specifically laid out and asked if the COO Stack was uncomfortable with that. COO Stack expressed that the Charter was an agreement between the ED and the Commissioners and her job description described her role. Mediator Podziba asked if anyone was hesitant to simply reference the SOP in the section and no Commissioners objected. Commissioner Roy asked for confirmation that the SOP would be built out to fully explain the Treasurer's role.
- Mediator Podziba moved to the Draft Charter Section: Press, Media and External Engagement and asked CCO Sinclair to provide feedback related to the Section. He stated that his understanding was that the Charter was intended to help the Commissioners and ED best serve the Commonwealth but noted issues in the language. He explained that the document skimmed over very broad topics while being too granular in others and suggested that staff be more involved in drafting the Charter. Mediator Podziba asked how CCO Sinclair would describe a healthy Communications department. CCO Sinclair stated that communications strategies would be worked out between Commissioners and staff while the specific methods were left for staff. He stated that Commissioners would have input in terms of direction but would not micromanage the



process. COO Stack stated that this section read as if it was written in response to negative press and suggested working from a positive example. CIE Gyebi emphasized the need to make the Charter amendable and not a document that is stuck in time. He noted that the advantage of leaning on SOPs so that they could speak to the current Commissioners and explained how hard staff worked to collaborate and do their jobs. Mediator Podziba asked for additional feedback. The ED noted that he appreciated the comments related to SOPs and asked for clarity in how staff ensured that proper feedback was received from Commissioners on SOPs. Commissioner Roy stated that she understood the CCO's sentiment but noted that she did not want to be micromanaged either. She noted a suggested edit that indicated that Communications would be given 7.5 business hours' notice of their decision to participate in a press event. She recounted a recent experience where she was given 20 minutes to participate in an interview and asked CCO Sinclair if his staff would have been able to assist in that instance. CCO Sinclair said he could not guarantee that and noted the need for protection of the staff. He preferred to keep the language at a high level. Commissioner Roy felt that the 7.5 business hours referenced in No. 4 micromanaged Commissioners. Mediator Podziba noted her understanding of the issue and asked everyone to try and build from positive experiences. Commissioner Camargo echoed COO Stack's comments related to the looking at the positives and recommended that a small subcommittee be formed to rewrite the section in order to nail down the process. COO Stack explained the role of SOPs in the process and proposed an annual review of relevant SOPs by the Chair and the Commission Secretary. Commissioner Concepcion indicated her agreement with the proposal but noted that the proposal negated the ability of others to review the SOPs. Director of Human Resources Justin Shrader (DHR Shrader) expressed the section's effect on the culture. The ED noted the role of Public Meetings as it related to talking about administrative functions and the ability for the Commission to talk about these items at a public meeting. CIE Gyebi asked if the Commission could develop subcommittees to discuss such matters and discussed how it would improve transparency with staff and the public. Mediator Podziba asked if the Commissioners were in agreement with removing the language and making the section broader. Commissioner Concepcion concurred and noted that it was helpful to hear from staff on how the Charter would affect them. CCO Sinclair noted the need to delineate from approach on process and the available capacity of staff. Mediator Podziba noted her understanding of CCO Sinclair's comments and the need for setting expectations. Commissioner Roy echoed her comments from last meeting and acknowledged the need for flexibility.

The Commissioners took a short recess.

- Mediator Podziba moved to review the Draft Charter Section: Accountability, Checks and Balances and asked for feedback on item No. 5 relating to how complaints against employees were filed. The Chair asked the GC for feedback on the role of the appointing authority and how disciplinary measures were determined. GC Baily stated that not every issue would be handled by the appointing authority, and in some instances the Commissioners would be bound by the same employee handbook as staff. The Chair



clarified that she was trying to understand the progressive disciplinary measures. The GC described how the handbook was developed but stated that she was not in the position to discuss specific progressive disciplinary measures at that time. The Chair requested that GC Baily get back to her on that topic. DHR Shrader noted that progressive disciplinary action could mean many things from mandatory training to termination. The Chair noted that termination could be complicated due to the appointing authorities. Mediator Podziba moved to review edits to No. 5(c) and noted that GC Baily had requested that notice of the results of a complaint be shared with the Chief People Officer, the Chair, the ED, and the GC. GC Baily further described advice received by outside counsel on investigations. DHR Shrader noted the importance of confidentiality in terms of investigations and suggested that Commissioners not be notified if they were not involved with the complaint. The ED suggested preparing an SOP to spell out the process. Commissioner Concepcion stated that in its current form, the Charter indicated that any complaint against a Commissioner would cause an investigation. DHR Shrader asked if there was any guidance in the employee handbook or state law which could guide them on how to determine if an allegation merited an investigation. GC Baily explained the process. She noted that the Chair would not be replaced until after the violation had been determined. Commissioner Concepcion expressed some confusion as she thought this was solely related to notice. Mediator Podziba explained that GC Baily was talking about point No. 5(c) and Commissioner Concepcion restated her full understanding that it related to notice only. The ED clarified that, pursuant to No. 5(c), the Chair would be notified at the conclusion of an investigation of a Commissioner. He asked who would be notified if it was the Chair that was under investigation. Mediator Podziba indicated that it would be the Secretary. Commissioner Concepcion asked if there was a statutory requirement to notify the Chair. The ED stated that his recollection was that it had been an internal decision to involve a member of the Commission so that he would not be the only person aware. CCO Sinclair expressed concern about creating a conflict of interest if the same two Commissioners were always involved with investigations. COO Stack suggested that an SOP would be helpful and that, as it stood in the draft, this was a closed system of controls. Mediator Podziba noted the involvement of outside counsel. The Chair stated that the input had been helpful, and they could make further edits offline. DHR Shrader suggested creating a personnel committee. Mediator Podziba noted that No. 5(c)(i) explained how appointing authorities would be notified and GC Baily added that it would be in coordination with outside counsel. Commissioner Concepcion stated that if a Commissioner was being reported to their appointing authority, then they should receive notice in writing. GC Baily explained that Commissioners would be notified at the same time as the appointing authority. Commissioner Concepcion asked what the notice process was for staff and CCO Sinclair stated that they were not notified. DHR Shrader concurred that staff were not notified until the end of the investigation and were not given the investigative report. The ED explained the statutory requirement for Commissioners to be provided with the basis for their removal and given a chance to be heard on the matter. Mediator Podziba asked if the process for what to do in the event that the ED is the subject of an allegation or complaint should be included. The ED stated that made sense as he had an appointing authority. Commissioner Concepcion asked if



Commissioners would have access to the same information which was given to the appointing authority. The ED suggested including a provision that Commissioners be notified simultaneously and in the same manner as their appointing authority. CIE Gyebe agreed with GC Baily on investigative procedure.

- Mediator Podziba moved to review the Draft Charter Section: Structural Mechanisms For Joint Commissioner and Commission Staff Work (Project Work Groups). Regarding No. 1, Mediator Podziba asked whether staff should be able to directly propose a project or if it should be vetted through a supervisor or Commissioner. The ED stated that it should not be in the Charter language as it did not involve Commissioners and suggested changing the section heading. The Chair asked for clarification on why this section was included. Mediator Podziba noted that it was intended to make it clear how Commissioners could access staff resources. The ED stated that was an important topic, but in his opinion this section might be too granular. Commissioner Concepcion stated that there was some utility for Commissioners to understand the staff's role in the Commission. COO Stack suggested keeping Nos. 1 and 2 and removing the rest as it was covered by SOPs. The ED stated that No. 7 was important. CIE Gyebe noted that this section could be helpful to future Commissioners. The Chair stated that it was the Chair's responsibility to advocate for Commissioners and wanted the Charter to reflect that.
- Mediator Podziba moved to review the Draft Charter Section: Legislative and Executive Branch Outreach and noted that an edit to No. 1 was a clarification. She moved to review No. 6 and asked for GC Baily's feedback on her edits. GC Baily stated that the intent of her edit was to avoid a situation where there was outreach which had an impact on how the Commission was governed or implemented its laws. CCO Stack noted how the legislative outreach policy had worked in the past through Director of Government Affairs and Policy, with input from GC Baily. Commissioner Concepcion stated that No. 6 reads as a lack of faith in the Commissioners performing outreach. GC Baily described that she had not always been kept in the loop during outreach regarding Chapter 180. CCO Sinclair stated the way to manage that was through himself. Commissioner Concepcion asked for clarification on what issue specifically GC Baily was concerned. GC Baily stated that there were instances where she had been kept out of the loop, which had been improved by Direct Reports meetings, but it was still an issue. She stated that she wanted to have legal involved with anything which could affect the Commission's governing laws.
- Mediator Podziba moved to review the Draft Charter Section: Conflict Resolution. She noted that this section was new and she had received feedback that item No. 1 was overly complicated. Commissioner Roy asked when should it be raised with the ED if there is a violation of the Charter or an ambiguous term. Commissioner Camargo asked how a new ED would be trained on the Charter process. The Chair stated that this was not so much related to conflict resolution, but that Charter conflicts should be reported to the ED. The ED stated that the Chair should be brought in and if there was a tie it should go to the full Commission. The GC asked if there would be a built-in review date for the Charter and Mediator Podziba stated it would be every two years after it was finalized.
- CCO Sinclair stated that it may be helpful to refer to SOPs in the Legislative and Executive Branch Outreach section.



- CIE Gyebi suggested that Commissioners plan a press strategy for when the Charter was released and COO Stack noted that parts that were cut out should be retained to direct staff.
- DHR Shrader discussed exit interviews and how they had provided useful feedback.
- The ED asked about how to introduce the document to staff. Commissioner Concepcion suggested an all-staff meeting in which Commissioners listened to feedback but did not speak. Commissioner Roy suggested renaming the document to something more positive.

III. Adjournment

- Commissioner Roy 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.





CANNABIS CONTROL COMMISSION

March 1, 2023

In-Person

EXECUTIVE SESSION MEETING MINUTES

Documents:

- Discussion Items for Executive Session 12
- 20230228 Draft Charter V10
- Policy Template
- Process Template
- May 2020 Employee Handbook, Pages 18 and 19
- Draft Fiscal Year 2021 Media Calendar
- Draft Messaging Matrix
- Office of the Comptroller – Key State Finance Law Compliance Roles and Responsibilities

In Attendance:

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

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)



- Governance Mediation Vendor Susan Podziba (Mediator Podziba) gave an overview of the discussion items and noted the work that had been completed since the last Executive Session.
- Mediator Podziba moved to review the Draft Charter’s new title, “The Massachusetts Cannabis Control Commission Charter, a Document to Promote a Positive Workplace and Good Governance.” Commissioner Camargo suggested removing “a Positive Workplace and” as it indicated that the workplace was currently negative. The Chair stated that the Charter could not address cultural issues and that she agreed with Commissioner Camargo. Executive Director Shawn Collins (ED) agreed with deleting the phrase but noted that he intended to address workplace issues. Commissioner Stebbins also stated that he planned to work with Human Resources to work towards a more positive workplace.
- Mediator Podziba moved to review the Draft Charter: Purpose section. The Chair suggested including the word “positive” in addition to “productive”. Commissioner Roy requested including the word “cooperative” as well. Commissioners reached a tentative agreement on the section. Commissioner Concepcion noted that the abbreviation “Commission” should be defined here rather than in the “Background” section.
- Mediator Podziba moved to the Draft Charter Section: Background and noted a recent edit expressing that the Commission was an independent state agency. The Chair stated that she did not like the statement as it seems to insulate the Commission from taxpayers and the Commissioners from their respective appointing authorities. The Commissioners and ED discussed whether this language should be included. Commissioner Roy proposed that the language be flipped to include the statute first before stating that the Commission is an independent agency. Mediator Podziba asked for the Commissioners to read the rest of the section. The ED asked if Commissioners were comfortable with No. 6 and if it allowed for them to take up issues outside of their specific area of interest. The Commissioners indicated that they thought this section addressed that issue. Mediator Podziba asked if there was a tentative agreement as to the “Background” section and Commissioners confirmed.
- Mediator Podziba moved to review the Draft Charter Section: Roles and Responsibilities and asked for feedback on No. 1(a)(iii). The ED noted his preference to replace “leadership” with “staff.” He stated that leadership roles would be specified in other living documents, and it was not necessary here. The Chair stated that one of the purposes of the Charter was to delineate the primacy of the ED’s role. The ED stated that the Commissioners should have the ability to work with staff without having to go through the ED. Commissioner Stebbins proposed language to indicate that the Commissioners would work through the ED, who could then give them a green light to work with staff directly. The Chair stated her preference was to have an unfettered access to communicate with staff and noted that the ED should be involved when requesting resources. Mediator Podziba cautioned Commissioners against including language that may preclude them from working with the ED. Commissioner Stebbins suggested breaking down the two concepts further. The Chair noted that this is accomplished in a later section. Commissioner Roy confirmed that there was agreement to remove Direct



Reports and leadership in No. 1(a)(iii). The ED suggested adding a romanette under No. 1(a) which stated the Commissioner's obligations to the Commonwealth, taxpayers and stakeholders. Mediator Podziba summarized the changes to No.1(a). Commissioners and the ED discussed when to use "Cannabis" versus "Marijuana." Mediator Podziba summarized the preference of the Commissioners to use the word Cannabis unless in reference to statutes which use the word "Marijuana." Mediator Podziba moved to review No. 1(d)(i) relating to suitability issues. Commissioner Roy stated that she would like the Charter to state that Commissioners were encouraged to visit Licensees but noted that it might not be in this section. Mediator Podziba moved to the edit to No. 1(d)(ii) regarding the adjudicatory and prosecutorial responsibilities which had been suggested by General Counsel Christine Baily (GC Baily) at the last meeting. Commissioner Roy suggested an edit so that the section would read that Commissioners would "understand" their prosecutorial and adjudicatory roles, instead of "maintain separation between" them. Commissioners and the ED discussed the distinction between their adjudicatory and prosecutorial roles. The Chair stated that she did not want staff to refuse directives based on their understanding of the Chair's ethical mandates. The ED noted that staff should be able to refuse to speak to Commissioners on matters on which they are recused. Mediator Podziba moved the conversation back to the Charter and asked that they table No. 1(d)(ii) and move on to No. 1(e - g). The Chair suggested including "but not limited to" in No. 1(f), so that Commissioners would be free to speak to issues outside of their topic-specific expertise. Commissioner Roy reiterated her comment related to visiting licensees and the ED stated that point should be No. 1(g)(i). Mediator Podziba proposed language to include Commissioner Roy's comments. Commissioner Roy asked if a future Standard Operating Procedure (SOP) could prevent them from visiting Licensees and the ED noted that they had considered bringing SOPs before the full Commission.

The Commission took a short recess.

- Mediator Podziba moved to review the Draft Charter Section: Interactions between and among Commissioners and Executive Director, Leadership, and Staff, and asked for feedback on No. 10. Commissioner Stebbins suggested replacing the word "issues" with "functions." The ED indicated that he was hesitant about subjectivity in determining which SOP was a priority. The Commissioners and ED discussed how to include that the Chair would work with individual Commissioners to determine their priority SOPs while remaining compliant with Open Meeting Law. Mediator Podziba reviewed the proposed language to include that the Chair would work with individual Commissioners to determine their priority SOPs and, while the ED would ultimately approve them, Commissioners would provide input. Mediator Podziba noted that this topic came up when discussing the Roles and Responsibilities section and moved back to see if they could come to a tentative agreement on that section.
- Mediator Podziba reviewed the Draft Charter Section: Roles and Responsibilities and asked if there was a tentative agreement on No. 1(a-c, e-g) with the proposed changes, and the Commissioners agreed. Mediator Podziba moved to No. 2(c) and discussed an



edit which had substituted “regular” for “normal.” She confirmed Commissioners were in agreement. She then moved to No. 3 and the Chair asked for clarification on the practical implications of an edit which indicated that the Treasurer was responsible for developing an understanding of state finance law compliance. Commissioner Camargo requested that they table the topic which she would discuss with GC Baily offline. Commissioner Roy asked for clarification on the practical implications of No. 3(d), which stated that the Treasurer would prepare the Chair to speak on the Commission’s budget to the Joint Ways and Means Committee. The Chair stated that, in her opinion, the ED should lead that process in conjunction with Government Affairs and the Chair. Commissioner Stebbins suggested striking this section as these responsibilities were described elsewhere. The Chair stated that she preferred the way this responsibility was described in the Budget section and suggested striking No. 3(e – f) in this section. Mediator Podziba asked if Commissioners would prefer to strike No. 3(d) and 3(f) or to copy over the language from the Budget section. The Chair emphasized that she wanted to make sure that Commissioners and the ED could strategize legislative outreach appropriately. Mediator Podziba read No. 5 from the “Budgeting and Budgeting Process” section to be incorporated in “Roles and Responsibilities.” Commissioner Roy suggested a further edit to make clear that the Treasurer would support the ED and Chair in legislative outreach strategy and the ED and Chair would lead that process. The Chair suggested including all Commissioners and the ED suggested adding the CFAO. Commissioner Roy requested replacing the word “ensure” with “promote” in No. 4(b)(v) to be more in line with the responsibilities of other roles and Mediator Podziba confirmed that the other Commissioners agreed with the change. Mediator Podziba moved to No. 5(j) and an edit from staff that the ED would act “in accordance with the law.” The Chair moved to strike this edit as that responsibility was self-evident and there were no objections. Mediator Podziba moved to No. 5(j)(v) which indicated that the ED would be responsible for hiring outside counsel. The Chair noted that outside counsel was more than a vendor for regular supplies and services as they could potentially impact Commission policy. She stated that she was not objecting but wanted to hear the ED’s opinion. He acknowledged that outside counsel could have more impact than a typical vendor and listed some ways that they were used. Commissioner Roy asked the ED if this section would have given him the latitude to address the EVALI crisis and public health crises going forward. The Chair asked that he review the Charter offline to determine if it gave him the power that he may need in emergency situations. The ED suggested removing “leadership” from No. 5(a) and No. 5(i). Mediator Podziba moved to No. 5(r), regarding the ED’s responsibility to address litigation in coordination with GC and the AGO. Commissioners and the ED discussed the significance of threatened litigation which would prompt notice to the Commissioners. Commissioner Roy suggested an edit to include that Commissioners would be notified of threatened litigation when appropriate.

The Commission took a short recess.



- Mediator Podziba asked if there was consensus on No. 5(r) under Roles and Responsibilities. Commissioner Roy requested adding that the ED would inform Commissioners of threatened litigation when appropriate.
- Mediator Podziba moved to review Draft Charter Section: Public Meeting Agenda. She noted consensus on No. 1 and then moved to No. 4 regarding who would preside over Public Meetings which were called by three Commissioners rather than the Chair. She reviewed a memorandum prepared by GC Baily which indicated that, at that meeting, the first order of business would be to determine who would serve as Chair. Mediator Podziba confirmed that there was consensus on this edit.
- Mediator Podziba moved to review the Draft Charter Section: Interactions between and Among Commissioners and Executive Director, Leadership and Staff. She noted that the title of this section needed to be changed as the Commissioners had decided not to use the term “Leadership.” The ED suggested striking “leadership,” and Commissioners agreed. Mediator Podziba reviewed the opening paragraph and asked that they circle back after reviewing the rest of the section. She noted that the edit to No. 1 was her edit in response to direction given at the last meeting and that it should be less contentious. Mediator Podziba confirmed consensus on this point and moved to No. 5 as its addition was the rationale for further edits. The Commissioners agreed to No. 5. Commissioner Roy asked for clarification on No. 1. The Chair discussed the supervisory chain of command and explained that Commissioners were free to talk with staff, but if resources were involved, then that request needed to come through their supervisor. Commissioner Concepcion asked if that was clear to staff and the ED responded that supervisors would discuss this with their staff. Mediator Podziba confirmed consensus on No. 2 and moved to No. 4. The ED stated that he thought the way that staff were identified in this section was appropriate. The Chair asked if No. 4 conflicted with No. 5 and if No. 4 was necessary in light of No. 6. She asked the ED for his thoughts, and he indicated that they could be merged. Mediator Podziba suggested an edit to indicate that information and staff resources should be requested through supervisors. Mediator Podziba summarized her suggestion to strike No. 4 and include a section similar to No. 6 which applies to requests for information from staff. Commissioner Concepcion stated she thought that did not capture the communications which Commissioners have with the ED. Mediator Podziba suggested editing No. 4 to indicate that Commissioners may directly contact the ED and Direct Reports and Department Heads with notification to the ED. The ED suggested including that this related to official business. Mediator Podziba stated that they would come back to determine if this paragraph was necessary. Mediator Podziba asked for confirmation on whether No. 8 could be stricken and no one objected. She then moved to No. 10 and proposed language to indicate how priority SOPs would be identified. Regarding No. 11(a), the ED expressed concern regarding holding staff to an estimated timeline. The Chair stated that this was a concern for Licensees who were frustrated by a lack of communication regarding investigations. Commissioner Concepcion explained that this may fall in the scope of Investigations and Enforcement, and not with the Commissioners. She suggested eliminating “estimated timelines” from 11(a) and including the phrase “including but not limited to,” so that timelines could still be requested, but without the same burden on staff. The Chair stated that she wanted to



make sure that Licensees could get information on investigations. The ED stated that there was some tension, but that No. 11(c) covered this topic. Commissioner Roy suggested including “if available” to the estimated timeline item and Commissioner Concepcion confirmed she was agreeable with that edit. Mediator Podziba found consensus on No. 11 (b - d). On No. 11(e), the ED suggested changing “investigation” to “pending matter.” On No. 11(f), Commissioner Roy expressed concern that it could prevent Commissioners from going to a Marijuana Establishment or Marijuana Treatment Center outside of their official capacity. Commissioners and the ED discussed best practices for visiting Marijuana Establishments and Medical Marijuana Treatment Centers outside of their official capacity. Mediator Podziba proposed language to include the phrases “official capacity” and “planned.” Mediator Podziba found consensus on No. 11(g) and asked for confirmation that Commissioners were in consensus to send this section to Enforcement staff for review. She noted that No. 12 had been moved to a different section. Mediator Podziba noted that No. 11 had been stricken and asked Commissioners for feedback. Commissioner Concepcion suggested keeping it and including that Commissioners would only be notified of threatened litigation if it was significant. Commissioner Roy suggested including the words “sufficiently significant.” Mediator Podziba asked for feedback on No. 13 and the ED suggested striking the word “serious.”

The Commission took a short recess.

- Mediator Podziba moved to review the section on Legislative and Executive Branch Outreach and noted consensus.
- Mediator Podziba moved to review the section Press, Media and External Engagement. She noted that Chief Communications Officer Cedric Sinclair (CCO Sinclair) had provided internal Communications documents which would be updated to reflect the Charter and reiterated the staff’s request to rely on SOPs from the last meeting. She noted that the appendix titled “strategic messages” related the most to Commissioners and asked them to review it before editing this section of the Charter. Moving to Nos. 1 and 2, she reviewed the edits and asked for feedback. She reiterated CCO Sinclair’s request to rely on SOPs and only include Nos. 1 and 2. The Chair noted concerns. Commissioners and the ED discussed how to address the Chair’s concerns. Mediator Podziba summarized Commissioner’s comments that there was not an issue with relying on SOPs, but that there were internal issues that needed to be addressed. Commissioner Stebbins suggested including that the Chair was the spokesperson for the Commission, but also that the ED’s role should be clarified. The ED stated that he would speak to administrative topics. Commissioners and the ED discussed how to better involve Commissioners in responses to press inquiries while allowing Communications to remain nimble. Mediator Podziba asked for feedback on how to change this section to incorporate this discussion. The Chair stated that, while remaining compliant with Open Meeting Law, press responses should be coordinated between Communications, the ED, and herself. Commissioner Concepcion noted that Public Meetings could serve as a



forum for the Chair to address the public. Commissioner Camargo suggested that the Chair work with the ED offline and come back at the next meeting with concrete steps on how to address this issue. Mediator Podziba stated she would draft something based on what she heard and would send it to Commissioners for their feedback. The Chair stated that she was comfortable with eliminating most of the section and relying on SOPs. Mediator Podziba confirmed that Nos. 3 – 6 could be eliminated and instead rely on SOPs and Nos. 7 and 8 should remain in the Charter. Commissioner Stebbins asked if Commissioners could voice their opposition to matters which were approved by the Commission, but which they did not vote in favor of under No. 8. The ED stated that Commissioners were able to speak their minds. Mediator Podziba moved to discuss the ED's responsibility to determine where the interests of the Commission and the interests of the Commission and a Commissioner may diverge. The ED stated that this was a critical point and should remain in the Charter. The Chair noted that there must be clarity on No. 10 and cited a recent experience where she submitted a statement to Communications which was not shared with the press. The Chair preferred that No. 11 be stricken and to instead rely on an SOP. She also mentioned that No. 12 should remain in the Charter. Mediator Podziba then confirmed that they were in consensus to remove No. 13, and instead rely on an SOP.

- Mediator Podziba reviewed next steps and stated she would incorporate edits before the next meeting.

III. Adjournment

- Commissioner Roy 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.





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.



CANNABIS CONTROL COMMISSION

March 27, 2023

In-Person with Remote Participation via Microsoft Teams

EXECUTIVE SESSION MEETING MINUTES

Documents:

- Discussion Items for the Executive Charter
- 20230323 Draft Charter V12
- Budget Process Standard Operating Procedure (SOP)

In Attendance:

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

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 directed the Commissioners to the Legislative and Executive Branch Outreach section of the Charter. The Chair raised concerns regarding the decision-making process within the Department of Government Affairs and Policy (DGAP). She highlighted that issues arose at the budget hearing which lead to confusion and a need for clarity. The Chair asserted that she and the Executive Director (ED) planned to lead the budget hearing testimony and were the designated spokespersons for the Commission's



priorities. She emphasized the need for consistency in decision-making and adherence to agreed-upon protocols, especially in relation to budgetary matters. Mediator Podziba directed the Board's attention to the Budget section on page 15, item No. 4, and clarified the Chair's concerns. Commissioner Camargo highlighted the importance of ensuring consistency between the written content of the Charter document and the actual implementation by staff, given that the document was still in development.

Commissioner Roy emphasized the importance of clarity in advocacy efforts and the need to notify fellow Commissioners about initiatives that could influence statutes as well as sharing that information with the ED. The ED emphasized that relevant information to the agency was already communicated as was the practice. He underscored that sharing such information was crucial, especially if it impacted the Commission before becoming law. Mediator Podziba directed the Board to item No. 8. Commissioner Concepcion suggested expanding No. 8 to include a step in which the ED may share information with other Commissioners after receiving it from legislators, executive branch officials or staff. Mediator Podziba proposed the new language and consensus was found among the Commissioners.

- Mediator Podziba directed the Commissioners' attention to No. 1, No. 2, and No. 3 of the Press, Media and External Engagement section of the Charter. Following the Commissioners' review, she inquired whether the Board had any questions or concerns regarding these three items and they did not. The Mediator guided the Board to item No. 4 and inquired if there were any questions. Commissioner Stebbins recommended rephrasing the item to indicate that a monthly summary would be included as part of the public meeting Commissioner briefing materials. Commissioner Camargo questioned whether the media outreach and government affairs work summary should be included in the monthly public meeting package and acknowledged that the content might be more suitable for internal use than public dissemination. The Chair echoed similar sentiments to Commissioner Camargo and acknowledged that such content would be best kept within the Commission rather than in the public briefing book. After consideration, the Board agreed to include a monthly summary as part of the Public Meeting Commissioner Briefing Book for internal reference. The Chair emphasized that the decision aimed to strike a balance between transparency and internal communications needs, ensuring that relevant information was shared appropriately within the Commission.
- Mediator Podziba moved to review Items No. 5, No. 6, and No. 7. Commissioner Concepcion raised a concern on item No. 7, and interpreted it to mean that Commissioners would not be able to proactively offer an opinion if the Commissioners opinions did not align. Mediator Podziba clarified that the intent behind item No. 7 was to provide communications support to Commissioners expressing opposing views in response to media inquiries, but not for proactive, unsolicited communications. Commissioner Concepcion highlighted potential ambiguities in the wording and suggested rephrasing for clarity. No. 7 was reworded, and consensus was met among the Board.
- Mediator Podziba asked Commissioners to review No. 8. The Chair looked to understand how No. 8 differed from No. 7, because there appeared to be ambiguity or overlap in how these two items were being implemented in practice. Mediator Podziba explained that



No. 7 was specific to a Commissioner's vote or policy while No. 8 covered any other situation that was not vote-related. The ED suggested that the Chair or another Commissioner were involved in determining divergences between personal matters and agency policies to avoid conflicts and ensure appropriate management of staff resources. Commissioner Camargo highlighted the ED's role in navigating contentious situations and ensuring a unified approach. The ED suggested that personal statements from a Commissioner should be clearly delineated and not presented as the official Commission position and that the Commission's response should be limited to factual, professional statements. He added that each situation would be unique and required a tailored approach. He emphasized that the goal was to maintain the integrity and credibility of the Commission while respecting individual Commissioners' rights to express their personal views. Commissioner Stebbins proposed language for No. 8 and consensus was met among the Board that the ED would collaborate with the Chair or appropriate Commissioner to assess when the interests of the Commission and a Commissioner had diverged. He elaborated that when such divergences were identified by the ED, the Commissioner would be informed in a timely manner. Mediator Podziba directed the Board to No. 9 and No. 10. Commissioner Camargo questioned the language on No. 10. The Chair emphasized that the logo was not chosen by the Commissioners but rather it was selected as an identifier and functioned as a name tag. The ED explained that the purpose of No. 10 was to extend the Commission's endorsement through the application of its logo. He added that the logo could also be used in promotion, advertising or identifying the presence of a Commissioner or Commission. Consensus was reached among the Board to add the following language to No. 10: "It is understood that external parties may display the Commission logo to identify participation of particular Commissioners and/or staff."

The Commission took a short recess.

- Mediator Podziba directed the Commissioners to the Budgeting and Budgeting Process section on page 15 of the Charter. Consensus was reached by the Board for the Mediator Podziba to include a No. 5 in the section stating that "the Chief Financial Accounting Officer (CFAO) will provide the monthly budget summary as part of the public meeting Commissioner briefing book."
- Mediator Podziba asked Commissioners to review the Accountability, Checks and Balances section. The Chair proposed additional language for No. 4 and consensus was met among the Board. Mediator Podziba moved to review items No. 1, 2 and 3 on page 15 of the Charter. Mediator Podziba indicated that consensus was met to remove a, b, c and all romanettes under No. 4 and transfer them into a Standard Operating Procedure (SOP). Additionally, she noted that Commissioners decided to introduce a new No. 5, stating that an SOP would be established in consultation with Commissioners and appointing authorities for investigations and referrals to appointing authorities. Next, Mediator Podziba asked Commissioners if they had any questions or concerns relative to No. 5 and No. 6 on pages 17 and 18. The Commissioners expressed no concerns and were in alignment with the language provided. Mediator Podziba directed the Board's



attention to No. 1 on page 15. Following extensive discussion, she proposed tabling the matter for further consideration.

The Commission took a short recess.

- Mediator Podziba moved to review Draft Charter Section: Professional Development and asked Commissioners to review No. 1 through No. 8 in the section. Commissioner Camargo inquired about further professional development training that could be incorporated into the Charter. Mediator Podziba pointed the Commissioners to (v.) on page 6 and asked Commissioner Camargo if she agreed with the existing language, to which she responded affirmatively. Following this, she confirmed with Commissioner Concepcion to include only Open Meeting Law training on No. 2. Commissioner Stebbins proposed adding the word “trainings” after “relevant” in No. 1.
- Mediator Podziba directed the Commissioners to the Conflict Resolution section, item No. 1(a) on page 18, and asked Commissioners if they had any comments. Commissioner Stebbins questioned the ED if he was comfortable with all staff approaching him about potential Charter violations. The ED responded in the affirmative.
- Mediator Podziba instructed the Commissioners to revisit all sections of the Charter to verify previously implemented modifications.
- Following this, she directed them to the Roles and Responsibilities section to refine the language for No. 1(a) (iii), where the ED proposed additional language. Commissioner Roy proposed adding the word “impartiality to (d)(ii).
- Mediator Podziba asked Commissioner Camargo if she wanted to discuss (b) under The Commission Treasurer, and Commissioner Camargo asked to table it for the time being.
- Mediator Podziba directed the Board’s attention to page 5, item (d) and the ED suggested that the language should mirror the language on the Budgeting and Budgeting Process section.
- Mediator Podziba instructed the Commissioners to review item (s) on page 7 and proposed adding “and if practical” before “in collaboration with the Chair.”
- Mediator Podziba asked the Commissioners to review No. 3 on page 9. She noted consensus on the language.

III. Adjournment

- Commissioner Stebbins moved to adjourn executive session.
- Commissioner Roy 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 to adjourn.







CANNABIS CONTROL COMMISSION

April 24, 2023

In-Person with Remote Participation via Microsoft Teams

EXECUTIVE SESSION MEETING MINUTES

Documents:

- 20230420 Draft Charter V13
- CCC Draft Charter Legislative and Executive Branch Outreach 4.20.23 - Gov Affairs and Legislative Outreach feedback
- CCC Draft Charter Press Media Engagement Section 3.28.23-Comms Feedback
- Canna Statute

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 stated they would review feedback from the Communications team on the legislative and executive branch outreach section following with the communication section and then review the entire Charter.



- Mediator Podziba moved to the Legislative and Executive Branch Outreach section and began the discussion with No. 4. She recommended changing the word “legislative” to “policy”. She mentioned Communication’s rationale behind the suggestion, then solicited input on the proposal. Commissioner Roy thought they always called it Executive and Legislative Outreach and suggested keeping that designation. Commissioner Concepcion understood the reason for the proposed change because they made policy decisions and endorsements, not legislative actions. Commissioner Stebbins also endorsed the policy objective language as he could not foresee them doing federal outreach. The group agreed to language after the discussion concluded.
- Mediator Podziba proceeded to No. 5 and read a sentence of the text aloud, then suggested that they add “relevant departments” to the sentence. She also gave the rationale behind the suggestion and opened the floor for discussion. The Chair and Commissioner Concepcion opposed adding the additional language. The Commission agreed to strike the suggestion.
- Mediator Podziba went on to No. 6 and provided her rationale for adding a new sentence. The Chair expressed her concerns on the proposed language’s effect on the power of the Chair. She argued that it delegated too much authority to Government Affairs, Communications, and the direct reports. The Chair read the statute and felt that the proposed language in the Charter did not align. She provided instances of defiance from staff that she had witnessed. She provided examples of things that she felt needed to be changed. She offered the back to the office policy as one possible solution. She expressed her reluctance to sign on to the Charter. Commissioner Roy opined that she had never seen a government agency function and operate like the Commission. The Chair said that she wanted Commissioners to exercise their power in a collegial way and while supporting one another. She recalled that she wanted to suspend the Charter process when she on-boarded, due to her being new to her role. Commissioner Camargo responded to Commissioner Roy and the Chair’s comments and felt that the discussion about staff should not be brought at public meeting.
- In response to the Chair’s claim that she did not want to undermine the statute, the ED asked how she “squares the affairs of the Commission” with the statute stating that the ED shall be the executive and administrative head of the Commission. She reiterated that she supported the ED and wanted to work with him. The ED stated he had worked under three Chairs whom all had different interpretations of what the statute meant. He addressed Commissioner Roy’s point regarding the agency dynamics being so different than other agencies and pointed out that it was because there was usually one principal making determinations instead of the dispersed power under the statute. He added that being judged for his performance while the Commissioners were not reflecting on how they were contributing to the culture was frustrating for him. The Chair stated that since the last Chair left, the ED had been negotiating and directing individual Commissioners. She claimed the ED did not engage her when he should have, pursuant to statute, because the Chair was responsible for the delegation of work of the Commissioners in her opinion. She claimed he failed to ask her what subcommittee she wanted to work on and the ED disagreed. He claimed that he provided her multiple opportunities to be assigned to a certain group.



- While Commissioner Stebbins mentioned the uniqueness of the Commission, he stressed the desirability to agree on the Charter and mentioned that they all end up being “the complaint box.” After opining about the inverted hierarchy of the Commission, Commissioner Roy advocated that they stop democratizing everything and that the ED or the Commissioners should sign off on every standard operating procedure (SOP).
- Commissioner Concepcion noted the external focus on the Commission and stated she did not think they have course-corrected on the culture. She feared the message they would convey upon the Charter’s release. The Chair did not believe that the Charter made them better, but Commissioner Camargo believed that it would provide clarity for staff.
- Commissioner Camargo was disappointed with the testimony at the Ways and Means hearing. She stated that the Chair did not allow the ED to speak. The Chair claimed that staff had overruled a decision when they added Commissioner Camargo to testify before the legislature, without telling the ED or the Chair. The Chair interpreted the statute to indicate that she delegated the work of the individual Commissioners.
- Commissioner Stebbins explained that this process was a learning process and that it was worthwhile to get senior staff’s feedback and their viewpoints. Commissioner Concepcion added that the Charter needed to speak on its face. Commissioner Roy opined that culture was set from the top and to be mindful of how the press will analyze the Charter. The Chair commented that Senator Moore filed a bill out of a lack of faith that the agency could make the Commission function. The Chair opined that the Charter obliterated her ability to designate staff to do certain things and felt she was undermined by staff.
- The ED stated that there was tension and conflict within the statute, noting that each Commissioner had a different perspective on what the role should, could, or ought to be. He added the purpose of a Governance Charter was to set a precedent and standard for future Commissioners about the role. He believed a new Chair should not come in and have to spend months figuring out their power and authority. When the statute was not clear, the ED observed that the Charter can be a safety net. He mentioned his best intentions but that he had observed confusion and lack of clarity at the Commission. He did not like the Charter was “micromanaging” him. The ED appreciated that everyone’s experiences contributed to the Charter, and appreciated their efforts to clarify what should happen in the future. Mediator Podziba suggested the group take a break, and upon return, focus on the roles of the Chair, Secretary, Treasurer and ED.

The Commission took a short recess.

- Mediator Podziba moved to No. 2 in the Roles and Responsibilities section. The group read No. 2 and the G. L. c. 10, § 76 (h) footnote. The Chair suggested to move (k) up the list to (b) and Commissioner Camargo asked if it was for visual purposes. The Chair stated she thought having it higher up on the list would send a message that it is in the collaboration with the ED.



- Commissioner Stebbins suggested striking (g) as it was covered in the new (b) and the old (k). The Commissioners agreed to strike (g). The Chair suggested adding (i) to the footnote. The ED and the Chair discussed their differing interpretations of the statute. In response to Mediator Podziba inquiring about the effect of implementing this clause, the Chair responded that she and other Commissioner could direct staff to take action.
- The ED clarified that he took “hearing” as an event and explained formal and informal hearings. The Chair mentioned her experience after she requested organizational charts. The ED explained why it was handled in that manner, and cited privacy concerns in the request. The ED interpreted the section in question. Commissioner Roy asked the ED how he reconciled the last half of the sentence and read it aloud. Commissioner Roy asked what it meant by “other than those of a formal or administrative character;” He opined it involved non-licensing or non-enforcement matters. Commissioner Concepcion agreed with the ED’s interpretation of (i). Commissioner Stebbins added he thought “formal or administrative” encompassed things like voting to approve minutes or to elect an officer and provided an example. Mediator Podziba confirmed the proposed changes to the section.
- The Chair stated that rotating seats was her main priority and that establishing a collaborative working relationship between the Administrator and the Chair was the main goal if the Charter process. The ED asked the Chair if (k) became the new (b) was the language inclusive enough, given the myriad of things requiring collaboration, and also asked if “including but not limited to” policy matters should be added. The Chair agreed and Mediator read the proposed movement of sections and changes in language.
- Commissioner Concepcion brought their attention back to the Chair section and offered language to amend (j). A question arose if (j) should apply to all Commissioners. Discussion ensued about Commissioners testifying before legislative and regulatory committees about official Commission business. Language was suggested for testifying before the Ways and Means Committee.
- Mediator Podziba moved to No. 3 in the Roles and Responsibilities section and asked Commissioners to review it. After some discussion, the Chair asked if the Treasurer should restrict language to a Treasurer serving more as a “signatory,” not a financial expert. The ED stated the more language they could apply directly from the statute, the better. Commissioner Stebbins voiced that they were missing language regarding transfers, observing “approval” was there. Mediator Podziba reviewed the two changes to the section.
- Commissioner Camargo made a suggestion regarding adding a third person to the budget process. The Chair felt it was appropriate that the Chair could designate the work. The group revisited (j) for Chair’s Responsibilities, adding a designee for testimony before Ways and Means. Commissioner Concepcion noted the necessity of having a collaborative effort between the ED and the Chair.
- The Chair felt they lacked a granular enough understanding of how money was spent, and that the Treasurer should make sure they all understand how this occurred. Commissioner Camargo mentioned they had talked about this being a Chief Financial Accounting Officer (CFAO) position. The Chair voiced the importance of the Treasurer having a greater depth of knowledge on the budget. Commissioner Concepcion agreed with the



Chair's position of providing the Treasurer with a more active role, adding the necessity of having more information about the budget on an ongoing basis. Commissioner Stebbins advocated for building in more measurements of accountability regarding the expenditure of public funds.

- Commissioner Camargo emphasized that the ED must collaborate with the Treasurer throughout the budget process. Mediator Podziba directed them to (c)(i) and read Commissioner Stebbins' proposal. Commissioner Roy added it would help the Treasurer answer questions from the Commissioners. The ED proposed changes, while recognizing the budget was both technical and policy-related, and that the technical aspect should fall to the CFAO and budget director. He stated he liked "assist" versus "informs" language as it implied cooperation and collaboration. He added he would like to see the Treasurer play a meaningful role in evaluating the department requests and helping to explain how decisions were made.
- In response to Commissioner Roy's queries about unspent funds, Mediator Podziba explained the process whereby unspent funds ultimately had been removed from the Charter, to become instead the subject of a SOP. The ED mentioned SOPs should be documents guide and that they are auditable. Mediator Podziba proposed language based on the Commissioner's concerns, then acknowledged no dissent from the tentative agreement.
- Mediator Podziba asked if there were any questions, comments, concerns, or proposals on No. 4 in the Roles and Responsibilities section. Commissioner Roy brought up trainings and minutes and mentioned that the Legal Department was short staffed. She proposed that Commissioners review their own sections in minutes for accuracy, to assist the Secretary with providing accuracy. Paralegal Rodriguez stated it was possible to use color coding to make it easier for Commissioners to review minutes, and that it could just for the draft form, prior to posting on the Commission's website. Mediator Podziba noted no dissent from achieving a tentative agreement on the section.
- Mediator Podziba moved to No. 5 in the Roles and Responsibilities section. Language was proposed which suggested that the ED would work collaboratively with the Secretary and Treasurer to fulfill their roles. Language was proposed, to ensure clarity that the ED executed and implemented authorities delegated to the ED by the Commissioners, regarding areas of policy and administrative decisions. A distinction was made between the Commission abiding by and enforcing state law, as it related to municipalities.
- The ED explained that he considered and approved all SOPs. He suggested that "staff designated by ED" be substituted for "Government Affairs". He stated that votes should generally be noticed, but there might be minor issues which do not need prior notice.
- The discussion moved to better aligning goal setting with the budgetary process, and the influence of calendar years and fiscal years as they might affect the process.
- Eliminating "legislative outreach" or moving its language to another section in the Charter, was discussed. Mediator Podziba then moved to a discussion of next steps.

III. Adjournment

- Commissioner Stebbins moved to adjourn executive session.
- Commissioner Camargo 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.



CANNABIS CONTROL COMMISSION

November 30, 2023
10:00AM

In-Person with Remote Participation via Microsoft Teams

EXECUTIVE SESSION MEETING MINUTES

Documents:

- 20231129 Drafter Charter
- CCC Draft Charter Press Media Engagement Section 3.28.23-Comms Feedback

In Attendance:

- Acting Chair Ava Callender Concepcion
- Commissioner Nurys Z. Camargo
- Commissioner Bruce Stebbins
- Acting Executive Director Debra Hilton-Creek
- Associate General Counsel Michael Baker
- Mediator Susan Podziba

Minutes:

- I. Call to Order
 - The Acting Chair Ava Callender Concepcion (AC) called the Executive Session 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).
 - The AC discussed the agenda for the day. She noted the absence of Chair O'Brien ("Chair") and Commissioner Roy. She mentioned that their absence would make obtaining consensus to finalize the Charter difficult. Mediator Podziba commented on the updated Charter document and noted the goal for the day was to get as close to a final document as possible. The Acting Executive Director (AED) noted her prior experience working on similar documents. Mediator Podziba explained the changes in the document and mentioned who had been involved in past sessions. Commissioner Stebbins noted the importance of completing this document in order to attract talented applicants for the new Executive Director (ED) role.



- Commission Camargo noted the challenges from the statute pertaining to the roles of the Chair and Executive Director. She mentioned the past rub between Chair and the ED. She stressed the importance of drafting adequately to accommodate new Commissioners. Commissioner Stebbins noted the value of the mediation process. Commissioner Camargo opined that Shawn Collins was helpful when he imparted his institutional knowledge of the agency.
- Mediator Podziba moved to the Background section of the Charter. Commissioners reviewed and had no requested edits on this section.
- Mediator Podziba moved to the Roles and Responsibilities section and noted that Commissioner Roy had expressed concern that No. 1(e) granted too much control over the administrative agency to the ED. Commissioner Camargo explained the delegated powers to the ED, in response to a query by the AED. Mediator Podziba noted that authority could be delegated to the ED by the Commissioners. She explained the difference between the sections, and the current section pertained to the responsibilities of the Commissioners, and suggested language to obtain consensus.
- Commissioner Camargo asked if the AED could spot issues with the current drafted wording. The AED noted that with the implementation of Chapter 180 and how the language could be confusing. Commissioner Camargo explained that some policies could be delegated, and that this language may possibly be moved to the administrative section. After a discussion about language refinements, Mediator Podziba suggested language to clarify delegation of work from the Commissioners to the ED, as it pertained to statutory responsibilities. In response to Commissioner Stebbins, Mediator Podziba clarified that the language would fall under (b). Commissioner Stebbins discussed the policy making role and that the role of the ED would be implied to have policy delegated to them. He noted the statute and its intersection with these responsibilities. Agreement was reached regarding delegation language and where it should be placed under No. 2(e). Mediator Podziba asked whether there was consensus on the Roles and Responsibilities section. Associate General Counsel Michael Baker (AGC Baker) explained that certain sections of Chapter 55 of the Acts of 2017 became Section 76 of the Massachusetts General Laws. Commissioner Camargo asked if Commissioner Roy’s question was addressed regarding if Commissioners should have administrative roles. The AED explained checks and balances; the ED exercised administrative roles, such as hiring and firing personnel, but that the Commissioners were to hold the ED accountable over staff of the Commission. “Hiring, disciplining and terminating” were discussed in terms of language to be inserted as part of the ED’s role.
- Mediator Podziba moved the conversation to the No. 2 in the Roles and Responsibilities section. Commissioner Camargo mentioned her issue with the language in (c). She noted that she was not clear what the language meant regarding the Chair’s responsibilities to “coordinate Commission work;” Mediator Podziba provided clarification. The AC recalled a past conversation on the topic of the Chair’s responsibility, and in light of statutory language. Mediator Podziba explained her understanding that the Chair could assign work to Commissioner. The AC explained that the Chair cannot force a Commissioner to do certain tasks. Commissioner Stebbins explained that the Chair should be aware generally about what the Commissioners are working on, and that the



language ought to be altered to reflect the reality. Mediator Podziba noted the potential for abuse existed with the Chair's role to assign work. The AED explained that the current language may give a supervisory role to the Chair; language that reflects a more collaborative approach may be better suited. Mediator Podziba offered new language to reflect the Chair coordinating work with Commissioners. Consensus was reached on this language.

- Mediator Podziba moved to No. 2(f) in the Charter and read it aloud. The AC explained her interpretation of the statute and language regarding the Chair designating to act in their stead, when absent. Commissioner Stebbins suggested including executive sessions in this section; ultimately it was agreed that executive sessions were included in the definition of public meetings. Commissioner Camargo discussed the second sentence in No. 2(f) and argued that there were two scenarios at play. Mediator Podziba explained the difference between the two scenarios; one, where the Chair was temporarily absent, and the second scenario, where the Chair was not present on a long-term basis. Commissioner Stebbins explained his perspective on the language and offered an alternative to second sentence. Commissioner Camargo disagreed, preferring to not have a role allocated into the Acting Chair's position. The AED explained that the roles will switch by January, and that a designated role might not be the best way to choose the next Chair. Mediator Podziba explained the differences between the two situations; (1) immediate absence, such as when a Chair is hit by a bus, but is returning relatively soon, as opposed to (2) a long-term absence. She reiterated the need to have both scenarios taken into account. The AED mentioned she did not see a difference in short term and long term. Commissioner Camargo explained that the language read like a will on who will take over for the Chair in the Chair's absence. Mediator Podziba suggested a language change around designating a default Chair. Commissioner Stebbins explained two hypotheticals that concerned him regarding the Chair's absence; the first being long-term and the second being an emergency. The AED described her past experiences in the military and related it to the Chair's absence. She offered ranking by tenure could be used in the Chair's absence. Commissioner Camargo noted Commissioner Stebbins' past comments and noted the need to address the emergency situation to avoid an issue with voting. Mediator Podziba asked for preferences under an emergency situation. Commissioner Camargo explained that by tenure would not work because she and Commissioner Stebbins started on the same day. She explained that it makes more sense to elect either the Treasurer or Secretary to serve in the Chair's absence. Mediator Podziba noted that the Chair had the statutory authority to appoint an interim Chair in their absence. Commissioner Stebbins reiterated his two hypotheticals mentioned before and explained the hypothetical where the Secretary is also unavailable. He addressed the consideration of when the Chair is absent on a long-term basis. The AC believed that the third option here could be put into a different section. She explained her understanding of the statute. Commissioner Camargo affirmed. Mediator Podziba raised the scenario when the Chair was suspended or terminated. The appointing authority's role was discussed, particularly when a Chair stepped down, as opposed to being suspended. Commissioner Stebbins commented that the Treasurer appointed the Chair. Mediator Podziba explained that the second sentence



would be removed to the role of the Secretary and that the third sentence would be amended.

- Mediator Podziba moved the conversation to subsection (j), and she read aloud the drafted language. The interplay between the ED and the Chair regarding the budget was discussed, as well as including the option to allow additional persons to testify at the State House. The AC clarified that the ED and the Chair should be the people who made the determination regarding who would testify. The AED mentioned the potential for a Commission expert to assist in testifying at a budget hearing.

The Commission took a short recess.

- Mediator Podziba moved to the Press, Media and External Engagement section and opened up the conversation for discussion. Commissioner Stebbins opined that generally the listing of the order of items dictated their relative priority. Mediator Podziba asked about the role of the Chair relative to being a primary spokesperson, and what is the role of the other Commissioners being spokespersons. The language was adopted regarding the role of the individual Commissioners being spokespersons, and that the Chair could be the de facto spokesperson. The ED could be the spokesperson on administrative matters. Commissioner Stebbins explained that this language was put into the Charter because of unexpected situations or tragedies and to give guidance to staff during those emergencies. Particularly in unexpected situations, the de facto spokesperson-ship of the Chair would be very important, given the need to have one person to give voice for the Commission in an emergency. Mediator Podziba summarized the conversation thus far changing No. 3, which has now become No. 2. Commissioner Camargo raised the topic of the tragedy in Holyoke and the need to have real-time responses. She suggested the Chair must have the authority to be the spokesperson in urgent situations. Mediator Podziba suggested language acknowledging that the Chair was the leader of the Commission and is the de facto spokesperson on urgent and general matters. She commented that the ED was the acknowledged de facto spokesperson on Commission administrative matters and that all Commissioners are spokespersons on vetted and approved matters. She reiterated that no Commissioner shall speak on behalf of the Commission regarding a policy that has not been fully vetted and approved by an affirmatively vote by three Commissioners. There was discussion regarding how proposed language in No. 4 possibly contradicted No. 11. Mediator Podziba restated the language, and the AC noted the consensus on the language. Commissioner Stebbins raised the possibility of consolidating the language between six and seven. Commissioner Camargo explained why she wanted to leave the language in this section. Mediator Podziba offered alternative language to capture both Commissioner Camargo and Commissioner Stebbins' concerns. Mediator Podziba noted the consensus on removing number 8.

The Commission took a short recess.



- Mediator Podziba revisited the discussion where it left off. Commissioner Stebbins explained an instance where he was singled-out to speak at an event and offered amended language. Commissioner Camargo noted that this document singled-out the department and not all of the departments. The AC agreed and explained that the language could apply to all departments. Mediator Podziba summarized the changes discussed. Mediator Podziba offered further amended language and, then after a brief discussion, noted consensus on the amendment.
- Mediator Podziba moved to the next paragraph labeled as number 9 and she noted consensus.
- Mediator Podziba moved to the next paragraph labeled as number 10. Commissioner Stebbins noted the draft language would allow for the ED to have an ability to push back on a Commissioner who was seeking staff resources for a policy that was not voted on by the Commission. Commissioner Stebbins gave an example of a situation where this paragraph would come into effect. The AC gave an alternative example that showed a need for protections pertaining to staff interactions with Commissioners. Commissioner Stebbins mentioned an alternative scenario relative for the need to distinguish between Commission business verses personal business. Mediator Podziba noted consensus.
- Mediator Podziba moved to number 11 and noted consensus.
- Mediator Podziba moved to number 12. Commissioner Stebbins offered amended language and Mediator Podziba noted consensus. Mediator Podziba asked to take a break to print up the new draft.

The Commission took a short recess.

- Mediator Podziba reviewed the new draft and noted consensus.
- Mediator Podziba moved to Charter Adoption and Review section. Mediator Podziba read the amended language and noted consensus on the topic. Commissioner Stebbins raised an example of one situation, and whether the Commissioners should have been notified about the situation when it arose. He asked whether the CIE should have the ability to approach Commissioners with these types of incidents. Mediator Podziba commented upon the language whereby the ED would be required to notify the Commissioners of such matters. Commissioner Stebbins discussed the ED's goals and whether they should be on a fiscal verses calendar year. Mediator Podziba offered language. Commissioner Stebbins explained that both fiscal and calendar year should be used to offer flexibility to the Commission. AGC Baker suggested that the AC confer with the General Counsel regarding next steps and a legal review of the document. Mediator Podziba congratulated the Commissioners on their hard work.

III. Adjournment

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



- Acting Chair Concepcion – Yes
- The Commission unanimously approved the motion.



**THE MASSACHUSETTS CANNABIS CONTROL COMMISSION CHARTER:
A DOCUMENT TO PROMOTE GOOD GOVERNANCE**

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THE MASSACHUSETTS CANNABIS CONTROL COMMISSION CHARTER: A DOCUMENT TO PROMOTE GOOD GOVERNANCE

PURPOSE

To foster a positive, productive, and cooperative work environment based on mutual respect and to provide further guidance concerning the Cannabis Control Commission's (Commission) duties, Commissioners and the Executive Director, in collaboration with Staff, have established this charter.¹

BACKGROUND

1. The general roles and responsibilities of the Commission are set out in its governing laws, G. L. c. 10, § 76, G. L. c. 94G, § 4, and G. L. c. 94I, § 7. The Commission is an independent agency that was established by Chapter 55 of the Acts of 2017 in July of 2017.
2. The mission of the Commission is to honor the will of the voters of Massachusetts by safely, equitably, and effectively implementing and administering the laws enabling access to medical and adult-use marijuana in the Commonwealth.

The Commission will foster the creation of a safely regulated industry that will create entrepreneurial and employment opportunities and incremental tax revenues in and to communities across the state and which will be a best practice model for other states. The industry will be characterized by participation by small and larger participants and with full and robust participation by minorities, women and veterans. We will develop policies and procedures to encourage and enable full participation in the marijuana industry by people from communities that have previously been disproportionately harmed by marijuana prohibition and enforcement and positively impact those communities.

3. The Commission is comprised of both the group of five appointed Commissioners and the administrative agency.
4. Pursuant to Massachusetts General Laws G. L. c. 10, § 76 (a), the Commission is composed of five Commissioners; one with a background in public health, mental health, substance use or toxicology, who is appointed by the governor; one with a background in public safety, who is appointed by the attorney general; one with experience in corporate

¹ Nothing in this document shall contradict or be interpreted to limit or contradict the authorities and obligations of the Commission by the Massachusetts General Laws.

management, finance or securities, who is appointed by the treasurer and receiver-general; one with professional experience in oversight or industry management, including commodities, production or distribution in a regulated industry; and one with a background in legal, policy or social justice issues related to a regulated industry. The latter two Commissioners are appointed by a majority vote of the governor, attorney general and treasurer and receiver-general. The treasurer and receiver-general designates the Chair of the Commission.

5. Pursuant to G. L. c. 10, § 76 (e), three Commissioners constitute a quorum, and Commission decisions and approvals are made by an affirmative vote of 3 Commissioners.
6. The combined expertise, knowledge, and lived experience of the five Commissioners provides the Commonwealth with the capacities needed to achieve the mission of the Commission.

ROLES AND RESPONSIBILITIES

1. The Commissioners, including the Chair:
 - a. As stewards of the Commission and in working to achieve the Commission's statutory mandates and mission, the Commissioners:
 - i. Act in the best interests of the Commission and on behalf of the public;
 - ii. Act to ensure a safe, equitable, and effective medical and adult-use cannabis industry;
 - iii. Work with the Executive Director and Commission Staff (Staff) to fulfill Commissioner roles and responsibilities with respect for their obligations, as public officials, to Commonwealth citizens, taxpayers, residents, and stakeholders in the cannabis industry, including but not limited to patients, consumers, and other industry participants; and
 - iv. Work with fellow Commissioners, in compliance with Massachusetts Open Meeting Laws.
 - b. As policymakers, the Commissioners:
 - i. Deliberate on² and make policy decisions on the overall direction of the Commission and the medical and adult-use cannabis industry in Massachusetts; and
 - ii. May delegate statutory responsibilities of the Commissioners to the Executive Director.
 - c. As regulators, the Commissioners promulgate regulations for medical and adult-use marijuana.³

² <https://www.mass.gov/service-details/open-meeting-law-educational-materials>

³ G. L. c. 94G, §§ 4 (a) (xxiv) and (g) and G. L. c. 94I, § 7

- d. As licensors, the Commissioners:
 - i. Consider and take any relevant action on applications for licensure and licenses, including deciding on the suitability of applicants and enforcement actions, including but not limited to the revocation and suspension of licenses;
 - ii. Maintain separation and impartiality between their adjudicatory and administrative functions, as detailed in paragraph 11 of the Section on Interactions Between and Among Commissioners, Executive Director, and Staff; and
 - iii. Accredit education providers to operate Responsible Vendor Training programs.
- e. In relation to the administrative agency, the Commissioners:
 - i. Hire, discipline, and terminate the Executive Director;⁴
 - ii. In consultation with the Executive Director, establish and vote to approve the annual goals of the Executive Director and may participate in activities that support those goals;
 - iii. Consider and approve the Commission's proposed fiscal year budget request that reflects the Commission's strategic priorities;
 - iv. Review spending and remaining resources at the midpoint of each fiscal year;
 - v. Conduct assessments and performance reviews for the Executive Director in relation to the Executive Director annual goals; and
 - vi. Approve job descriptions for new and significantly revised positions proposed by the Executive Director.
- f. The Commissioners contribute, but are not limited to, their topic-specific expertise and lived experience to address all Commission matters.
- g. The Commissioners serve as official agency spokespersons.
- h. As public officials, and notwithstanding their role as adjudicators, the Commissioners:
 - i. Share expertise, updates, and insight on the development of the industry and engage stakeholders to learn and understand all aspects of the cannabis industry, in accordance with Commission approved policy;
 - ii. Contribute to public awareness and engagement with the Commission on issues affecting the cannabis industry, medical and adult-use consumers, and the public; and
 - iii. May advocate for policies and testify before Legislative and Regulatory Committees in support of official Commission business.

2. The Commission Chair:

- a. Has and exercises supervision and control over all affairs of the Commissioners;⁵

⁴ G. L. c. 10, § 76 (j)

⁵ G. L. c. 10, § 76 (h) and (i)

- b. Works cooperatively with the Executive Director on, including but not limited to, policy matters, outreach, internal and external communications, Commissioner meeting preparation, agenda setting, work and project assignments of Commissioners, and accountability;
 - c. Coordinates Commission work and project assignments with Commissioners;
 - d. Sets the agenda for public meetings⁶ that occur in the normal course of Commission activities, after obtaining input from the other Commissioners and in consultation with Executive Director;
 - e. Presides over public meetings and hearings and manages discussions and ascertains the votes of the Commissioners in accordance with Robert's Rules of Order;
 - f. Designates a Commissioner to act as Chair for hearings and public meetings in the Chair's absence.⁷ The Secretary may serve as Chair if the Chair is absent and has not previously designated another Commissioner to act as Chair for a public meeting. If a Chair is removed or suspended by the appointing authority, the remaining Commissioners will elect an Acting Chair until the appointing authority designates the Chair;⁸
 - g. Solicits interest among the Commissioners for the positions of Treasurer and Secretary at the Commission public meeting held prior to the January public meeting and takes nominations and presides over votes for those positions during the January public meeting;
 - h. Monitor and track the work of the Treasurer and Secretary;
 - i. Serves as liaison to the Cannabis Advisory Board (CAB) and at a public meeting, solicits interest from Commissioners and based on their interests, appoints Commissioner liaisons to CAB subcommittees;
 - j. Supports productive functioning of the Commissioners as a working board; and
 - k. Testifies in support of the annual General Appropriations Act with the Executive Director and may designate additional participants in consultation with the Executive Director.
3. The Commission Treasurer:
- a. Is elected by the Commissioners⁹ at the January public meeting to serve a one-year term;
 - b. Participates in finance compliance and transparency, and develops an understanding of the financial reporting, structures, and procedures, of the Commission;¹⁰
 - c. In close collaboration with the Chief Financial and Accounting Officer (CFAO):

⁶ G. L. c. 10, § 76 (e)

⁷ G. L. c. 10, § 76 (d) and (h)

⁸ G. L. c. 94G, § 4 (a)

⁹ G. L. c. 10, § 76 (g) and (j)

¹⁰ G. L. c. 10, § 76 (j)

- i. Participates in budget planning meetings with the Budget Director and Executive Director to develop the annual budget and assists with presenting the budget proposal to the Commissioners;
 - ii. Serves as signatory for monthly expenditures authorized by the CFAO in a timely manner;
 - iii. Conducts regular review meetings, including with the Executive Director, CFAO, Chief Operating Officer, Budget Director, and appropriate staff, to discuss budget execution, revenues, and fiscal issues, such as rate of spending or any unplanned costs;
 - iv. Reviews department resource requests in collaboration with the Executive Director; and
 - v. Monitors the status of the Commission's budget request in the state budget process, as reported by the Director of Government Affairs and Policy;
 - d. In support of their testimony for the annual General Appropriations Act, the Chair and the Executive Director will work with the Treasurer, CFAO, and the Department of Government Affairs and Policy; and
 - e. May opt to provide a Treasurer's report to the Commissioners, if placed on the agenda for a public meeting.
4. The Commission Secretary:
 - a. Is elected by the Commissioners¹¹ at the January public meeting to serve a one-year term;
 - b. Coordinates with the General Counsel and Legal Staff to:
 - i. Prepare the public session minutes, in a timely manner, for approval at a public meeting of the Commissioners;
 - ii. Review on a bi-annual basis, the minutes from executive sessions and determine if they may remain protected or may be presented for approval at a public meeting of the Commissioners;
 - iii. Serve as Keeper of the Records or delegate to the General Counsel;¹²
 - iv. Review bi-annual updates on public records requests received by the Records Access Officer (RAO), including the Commission's annual report to be filed with the Secretary of State's (SOS) Supervisor of Public Records and consult with the RAO regarding procedures to destroy records in accordance with the State's records retention schedule;
 - v. Review Commission-approved draft and final regulatory changes and track promulgation timelines established by the SOS's Regulations and Publications Division during policy and regulatory review processes; and

¹¹ G. L. c. 10, § 76 (g)

¹² G. L. c. 10, § 76 (g)

- vi. In consultation with the Executive Director, Chair, General Counsel, and Chief People Officer, promotes compliance with all required Commissioner trainings;
 - c. Works with the Executive Director, Legal Department, and Communications Staff to ensure that any legislatively required reports (annual activities report and tax rate) are submitted to the appropriate branches of government;
 - d. Is designated by the Chair to serve as Chair for a public meeting if the Chair is absent and has not previously designated another Commissioner to act as Chair for a public meeting; and
 - e. May opt to provide a Secretary's report to the Commissioners, if placed on an agenda for a public meeting.
5. The Executive Director:
- a. Is the executive and administrative head of the Commission;¹³
 - b. Directs, manages, and coordinates all work with Staff;
 - c. Is hired by and serves at the will of the Commissioners;¹⁴
 - d. Advises and counsels Commissioners on policy development;
 - e. Works cooperatively with the Commissioners, in consultation with appropriate Staff, to carry out the Commission's statutory mandates and mission;
 - f. Alerts Commissioners of urgent public health, safety, and welfare incidents in a timely manner;
 - g. Serves and represents the Commission as a subject matter expert on a broad range of regional, national, and global platforms;
 - h. Executes and implements Commission-delegated authorities to fulfill Commissioner administrative and policy decisions;
 - i. Administers and enforces Commission regulations and policies and applicable state and federal laws by, with, and through Department Heads and appropriate Staff;
 - j. Either directly or through a designee:
 - i. Hires, disciplines, and terminates employees in consultation with the Chief People Officer and General Counsel or Legal department designee in accordance with the Employee Handbook and applicable laws;
 - ii. Negotiates contracts with union and non-union employees in consultation with the Chief People Officer and General Counsel or Legal department designee;
 - iii. Hires employee contractors in consultation with the Chief People Officer;
 - iv. Enters into and executes contracts with suppliers and vendors in accordance with Standard Operating Procedure limits; and
 - v. Hires outside counsel, in consultation with the General Counsel, as needed;
 - k. Coordinates with the Commission Chair on the public meeting agenda;

¹³ G. L. c. 10, § 76 (j)

¹⁴ Id.

- l. Attends public meetings of the Commission and provides monthly updates;
- m. Proposes annual goals for Commissioners' consideration and approval;
- n. Coordinates with Commissioners, CFAO, Department Heads, and other relevant Staff to prepare an annual budget;
- o. Works with the CFAO and Budget Director to brief Commissioners on the proposed budget and solicits Commissioner input and priorities;
- p. Briefs Commissioners on the budget proposal;
- q. Works with the Budget Director and CFAO to develop the annual budget and assists with presenting the budget proposal to the Commissioners;
- r. Provides fiscal impact analysis information during the regulatory promulgation process to ensure Commissioners understand the costs and benefits of proposed regulations and regulatory changes;
- s. Provides information to Commissioners on potential fiscal impacts of amending the Executive Director's annual goals;
- t. Testifies before Legislative and Regulatory Committees in support of the Commission;
- u. Serves as Chair of the Cannabis Advisory Board;
- v. Coordinates responses to Commissioner requests for information and Staff support;
- w. As appropriate, informs, coordinates, and/or consults with the Commissioners and General Counsel on working with the Office of the Attorney General to seek representation and manage litigation strategy involving the Commission;
- x. Exercises emergency administrative powers to ensure Staff and/or public health and safety, if practicable, in collaboration with the Chair;
- y. Works cooperatively with the Chair on, including but not limited to, policy matters, outreach, internal and external communications, Commissioner meeting preparation, agenda setting, work and project assignments of Commissioners, and accountability;
- z. Works cooperatively with the Treasurer and the Secretary to fulfill their required roles; and
- aa. Works with each Department to create relevant Commission Standard Operating Procedures (SOPs), consults with Commissioners for input and feedback, and approves all SOPs.

PUBLIC MEETING AGENDA SETTING

1. For public meetings that occur in the normal course of Commission activities, the Commission Chair is responsible for setting the final public meeting agenda.¹⁵
2. The public meeting agenda is set cooperatively within the Commission:

¹⁵ G. L. c. 10, § 76

- a. Leadership and Staff suggest topics to the Executive Director;
 - b. Commissioners suggest topics to the Chair;
 - c. In the weeks prior to the public meeting, Staff designated by the Executive Director circulate a draft agenda, including topic sponsors, to the Chair and the other four Commissioners;
 - d. One week before the public meeting, Staff designated by the Executive Director circulate a draft final version of the agenda to the Commissioners for feedback;
 - e. The Chair, in consultation with the Executive Director and General Counsel, determines the final agenda; and
 - f. During a public meeting, Commissioners may request that an item be vetted for inclusion on the agenda of a future public meeting.
3. New Business: The public meeting agenda includes a “New Business” item for items that had not been anticipated prior to public posting of the agenda. New business items may be discussed, but votes should not be taken on items not publicly noticed until the next public meeting.
 4. A public meeting called by the Chair or 3 Commissioners under G. L. c. 10, § 76 (e), must be conducted in accordance with the Open Meeting and Public Record Laws. If the Chair is not one of the 3 Commissioners calling the public meeting, those calling the meeting shall designate one of the 3 Commissioners to serve as the presiding officer for that meeting.

EXECUTIVE DIRECTOR GOALS

1. The Executive Director will annually develop goals that further the statutory mandates and mission of the Commission, in collaboration with the Commissioners, Department Heads, and staff, during the 4th quarter of the calendar or fiscal year.
2. Every effort will be made to align agency and Commissioners’ priorities, Executive Director goals, and information derived from the Executive Director performance evaluation.
3. The Executive Director goals are approved by an affirmative vote of **3** Commissioners prior to the end of the calendar or fiscal year.
4. The approved Executive Director goals inform Commission budget and staff resource allocations.
5. Commissioners will seek out opportunities through their work to support the progress and achievement of the Executive Director goals and seek updates during regular check-in meetings with the Executive Director.

6. Executive Director goals are subject to mid-year review, end-of-year updates, and possible revisions based on changing conditions and opportunities, such as new legislation or emergencies.
7. The Executive Director's performance review is based on progress and/or achievement of the established Executive Director goals and performance assessments.

INTERACTIONS BETWEEN AND AMONG COMMISSIONERS, EXECUTIVE DIRECTOR, AND STAFF

The Commissioners, Executive Director, and Staff function as a collaborative unit to accomplish the mission of the Commission. To that end, the following code of practice for interactions among them is established:

1. The Commissioners respect the position of the Executive Director in managing the Commission's staff and will follow the supervisory chain of accountability.
2. The Executive Director respects the Commissioners' need for staff resources and information and will work with the Chair to identify appropriate staff resources and information.
3. The Staff respects the roles of the Executive Director and the Commissioners in their co-governance of the Commission, including their priorities, procedures implemented by the Executive Director, and policies approved by the Commissioners.
4. Commissioners and Staff are encouraged to mutually engage with each other in accordance with the Open Meeting Law and with respect for Staff and Commission work priorities.
5. Commissioner requests for staff resources will be made to and approved by appropriate Department Heads, in coordination with the Executive Director, to ensure proper triage of requests.
6. Commissioner requests for information will be made to and provided by appropriate Department Heads in coordination with the Executive Director.
7. Commissioners may contact a topic sponsor of a public meeting agenda item in preparation for a Commission public meeting. If the sponsor is a Commissioner, the Open Meeting Law applies.
8. Urgent Commissioner policy or operational questions will be directed to the Executive Director.

9. A project charter, which must be reviewed and approved by the Executive Director, allows for Commissioner and staff interactions based on its project scope and staff resource allocations. Not all projects initiated with project charters include Commissioner participation.
10. Commission SOPs delineate Commission processes on each administrative unit and are ultimately approved by the Executive Director. The Chair consults with each Commissioner annually to ascertain their priority SOPs. The Chair and the Executive Director determine the priority SOPs annually. Commissioners will provide input to and feedback on priority SOPs. A project charter may be used for SOP creation or revision.
11. Commissioners support the Investigations and Enforcement team as it works to implement Commission regulations and preserve Commissioner ability to adjudicate a matter fairly and objectively. As such:
 - a. Commissioners may request from the Executive Director and/or the Chief of Investigations and Enforcement, information on an investigation or licensing matter, including, but not limited to, allegations and circumstances leading to the investigation, current status, and an estimated timeline for completing the investigation or licensing recommendation, if available.
 - b. A Commissioner, who is informed of a complaint about an existing investigation or licensing matter, will share that concern or complaint with the Executive Director and/or the Chief of Investigations and Enforcement, who will follow up on that concern and report back to the Commissioner and if appropriate, provide a plan to triage that complaint. Commissioners are encouraged to log communications to relevant Dynamics records.
 - c. With guidance from the Executive Director, the Chief of Investigations and Enforcement, and the General Counsel, subject to applicable laws regarding disclosure of confidential or privileged information, Commissioners will be careful and cautious about public disclosure of information to protect the integrity of investigations.
 - d. Commissioners will familiarize themselves with investigation and enforcement SOPs.
 - e. Commissioners will be informed in writing when an adjudicatory hearing subject to G. L. c. 30A is requested and will refrain from ex parte communications with any parties, or those identified as representing such parties in official or unofficial capacities, to that pending matter.
 - f. Commissioners will inform the Executive Director and/or the Chief of Investigations and Enforcement of any invitation or plan to visit a licensee in their official capacity, prior to acceptance of such an invitation.

5. A Commissioner initiating a project will submit a draft project charter to the Executive Director for approval after consultation with participating Departments.
6. Approval of a project charter that includes Commissioner participation is approved by the Executive Director in consultation with the Chair. A project charter is approved by the Executive Director.
7. If the Executive Director does not approve a project charter, the Executive Director, in consultation with the Chair and in accordance with the Open Meeting Law, will work with the project lead to develop alternative strategies for addressing the topic.
8. A project charter may be amended, for example, to change membership, by sending the Executive Director a tracked changes version of the original project charter. The Executive Director will review proposed changes to a project charter in consultation with the sponsor and project lead. The revised project charter may not be acted upon until it is approved by the Executive Director.
9. The project charter template is available to all Commissioners and staff.
10. Project charters are posted to a central repository, such as the Commission intranet.
11. Commissioners are informed of newly approved project charters by the Executive Director in a timely manner.

LEGISLATIVE AND EXECUTIVE BRANCH OUTREACH

1. Commissioners and the Executive Director are considered cannabis subject matter experts by Legislative and Executive Branches of government and may engage with municipal, tribal, state, federal, and international government entities.
2. Commissioners may discuss and approve, by an affirmative vote of 3 Commissioners, specific topics and positions for legislative outreach on behalf of the Commission.
3. Topics for Commission-supported legislative outreach are limited to:
 - a. Topics within Commission jurisdiction;
 - b. Legislative or Executive action required to enable the Commission to meet its legislative mandates and imperatives; and
 - c. Annual operating budget.

4. Commission-supported positions are limited to the endorsement of policy objectives, not specific legislation.
5. The Government Affairs and Policy Team will work with the Commissioners, the Executive Director, and General Counsel to coordinate all necessary processes for identifying legislative outreach topics and developing and implementing a formal outreach plan.
6. The Government Affairs and Policy Team will track all Commissioner and Executive Director contacts with the Legislative and Executive Branches of government, inform the Commissioners and Executive Director of planned meetings related to Commission-supported outreach plans, and prepare a monthly summary of contacts as part of the public meeting Commissioner briefing books.
7. Individual Commissioners and the Executive Director may engage in Legislative and/or Executive Branch outreach unrelated to a formal Commission-supported outreach plan, and when so doing will:
 - a. Provide advance notification to the Executive Director through the Director of Government Affairs and Policy;
 - b. Clarify to legislators and their staffs and Executive Branch officials that they are speaking on their own behalf and not on the behalf of the Commission as a whole; and
 - c. Acknowledge that the Executive Director has discretion to determine the use of agency resources.
8. The Commissioners may share any relevant information from interactions with legislators and executive branch officials with the Executive Director, who may share that information with the other Commissioners. The Executive Director may share any relevant information from interactions with legislators and executive branch officials with the Commissioners.

PRESS, MEDIA AND EXTERNAL ENGAGEMENT

1. In an effort to speak with one Commission voice, the Communications Department serves as strategic advisors for the Commissioners and strategizes and manages press and media engagements on behalf of the Commission, under the direction of the Executive Director and in collaboration with the Chair and the other Commissioners.
2. All Commissioners serve as official agency spokespersons, who may speak on behalf of the Commission on items that have been fully vetted and approved by an affirmative vote of 3 Commissioners. Upon approval of an item by Commissioners, the Executive Director may direct the Communications Department to support Commissioners and prioritize that item.

3. The Chair is the acknowledged de facto spokesperson for long term strategic planning initiatives, urgent and exigent circumstances, and general administrative matters. The Executive Director is the de facto spokesperson on administrative matters.
4. If a Commissioner opposes a Commission decision that was approved by an affirmative vote of 3 Commissioners, they may share their reasons for doing so. In response to media inquiries, Commissioners will be supported by the Communications Department.
5. In consideration of the totality of circumstances, and for the purposes of support from the Communications Department, the Executive Director will work with the Chair or appropriate Commissioner to determine when the interests of the Commission and use of Commission resources and the interests of a Commissioner have diverged. When the Executive Director determines that such divergence exists, the Commissioner will be informed in a timely manner and may provide a personal statement with support from the Communications Department. The Executive Director will determine if the Commissioner will release the personal statement on their own or if it will be distributed by the Commission. The Communications Department may provide information to media outlets that represents the Commission position.
6. When Commissioners are discussing an issue for which there is no approved Commission policy or communicating in their individual capacity or in a capacity other than as a Commissioner, and there is a reasonable likelihood that their audience may assume or perceive that they are speaking on behalf of the Commission, Commissioners will preface their written or verbal communications with the following disclaimer (modified as appropriate under the circumstances and to reflect verbal versus written communications):
I am speaking/writing today in my individual capacity and not on behalf of the Commission. All opinions expressed [herein or in my presentation] are strictly my own and do not necessarily reflect the official positions or views of the Commission.
7. Use of the Commission branding is reserved for initiatives that are deemed an agency priority by the Executive Director, in consultation with the Chair and in collaboration with the Commission Communications Team, or approved by an affirmative vote of 3 Commissioners. It is understood that external parties may display the logo to identify participation of particular Commissioners and/or Staff.

BUDGETING AND BUDGETING PROCESS

1. In accordance with the Commission Budget Process SOP, the Executive Director, with input from Staff and in collaboration with the Commissioners, will prepare a proposed budget that reflects the approved Executive Director goals.

2. The fiscal year is July 1 – June 30.
3. The Commissioners shall approve the budget at a public meeting. If a budget is approved by an affirmative vote of 3 Commissioners, all Commissioners may advocate for the budget in accordance with the legislative outreach strategy.
4. In support of their testimony for the annual General Appropriations Act, the Chair and the Executive Director will work with the Treasurer, CFAO, and the Department of Government Affairs and Policy. The Chair, Executive Director, and Director of Government Affairs will make a strategic determination regarding testimony by another Commissioner or Staff person.
5. The CFAO will provide the monthly budget summary as part of the public meeting Commissioner briefing book.

ACCOUNTABILITY, CHECKS AND BALANCES

1. As employees of the Commission, Commissioners are bound by federal and state employment and labor laws, the Commission's governing laws, Commission-approved policies, including the respectful Work Environment and other elements outlined in the Employee Handbook, and state ethics laws and its Enhanced Code of Ethics.¹⁷
2. Commissioners acknowledge that the Executive Director, as administrative head of the Commission, has obligations to ensure that the Commission is complying with federal and state law and Commission governing laws and approved policies regarding conditions of employment.
3. By state law, Commissioners are required to file disclosures with their respective appointing authorities. Commissioners may be removed by their appointing authority(ies) if a Commissioner: (1) is guilty of malfeasance in office; (2) substantially neglects the duties of a commissioner; (3) is unable to discharge the powers and duties of the commissioner's office; (4) commits gross misconduct; or (5) is convicted of a felony.¹⁸
4. If a complaint or allegation is made against a Commissioner and there is a concern that a Commissioner's conduct may be in violation of federal or state law, Commission governing laws, or Commission-approved policies, the Executive Director, General Counsel, and Chief People Officer will investigate that complaint or allegation to determine an appropriate

¹⁷ G. L. c. 10, § 76 (k)

¹⁸ G. L. c. 10, § 76 (d)

response, including a decision on notification of the appointing authority(ies), and will notify the Commissioner whose conduct is at issue.

5. If a complaint or allegation is made against the Executive Director, or there is a concern that an Executive Director's conduct may be in violation of federal or state law, Commission governing laws, or Commission-approved policies, that matter will be referred to the Chief People Officer. The Chief People Officer and General Counsel will conduct an evaluation in consultation with the Chair, and if necessary, will conduct an investigation and determine an appropriate course of action in accordance with the Employee Handbook.
6. If a complaint or allegation is made by or about a member of the Commission Staff or there is a concern that conduct may be in violation of federal or state law, Commission governing laws, or Commission-approved policies, that matter will be referred to the Chief People Officer. The Chief People Officer will conduct an evaluation in consultation with the Executive Director and General Counsel, and if necessary, will conduct an investigation and determine an appropriate course of action in accordance with the Employee Handbook.

PROFESSIONAL DEVELOPMENT

1. Commissioners and the Executive Director are committed to continuous learning and will avail themselves of opportunities for public speaking and to attend relevant trainings, conferences, and seminars.
2. In consultation with the General Counsel, and with support from the Secretary, the Commissioners will participate annually in an Open Meeting Law training and an in-house required ethics training, which may address its Enhanced Code of Ethics and provide guidance on disclosures, abstentions and recusals.
3. The annual Commission budget will include allocations for professional development to be accessed by Commissioners, the Executive Director, and all Staff.
4. Preapproval and reimbursement for such requests will be provided consistent with Commission standard operating procedures.

CONFLICT RESOLUTION

Conflicts may arise concerning the interpretation and implementation of this Charter.

1. When there is a lack of clarity in interpreting the Charter or a perceived violation of its terms that are raised by:

- a. Staff, they will discuss that issue(s) with the Executive Director. The Executive Director may choose to discuss the issue with the Chair and/or with other Commissioners to clarify and/or resolve the issue(s);
 - b. a Commissioner, then one or two Commissioners may speak with the Executive Director in an effort to clarify the issue(s) and seek resolution; or
 - c. the Executive Director, that issue will be brought to the Chair and/or another Commissioner, to clarify the issue(s) and seek resolution.
2. If additional effort is needed to clarify a Charter element or address a perceived Charter violation, Commissioners and the Executive Director may choose to discuss the issue in a public meeting to reach a shared interpretation of the issue and seek resolution. After deliberations, the Commissioners may put a proposed resolution to a vote.
3. Charter issues addressed through this conflict resolution section of this Charter will be placed on a list of agenda topics to be discussed during the next Charter review.

CHARTER ADOPTION AND REVIEW

1. This Charter will be approved by the Commissioners.
2. The Executive Director has indicated affirmative consent to this charter through signature on behalf of the administrative Staff.
3. The Charter will be reviewed for necessary revisions two years after the ratification date, and will then be reviewed for necessary revisions every three years thereafter. Revisions to the charter will be approved by an affirmative vote of 3 Commissioners.
4. An emergency review of the charter may be initiated by an affirmative vote of 3 Commissioners.
5. Prior to each review, the Chair will obtain input on agenda topics from the Commissioners and the Executive Director will solicit input from Leadership and Staff.