



**AMENDED ARIZONA RACING COMMISSION
MONDAY, APRIL 19, 2021
686th REGULAR MEETING AGENDA**

Pursuant to Arizona Revised Statutes (A.R.S.) § 38-431.03(A)(3), the Arizona Racing Commission (Commission) may vote to go into Executive Session for the purpose of obtaining legal advice from its attorney(s) on any matter listed on the Agenda. Any such Executive Session will not be open to the public.

A. Call to Order of the 686th Regular Arizona Racing Commission Meeting of April 19, 2021 at 10:03 AM.

Commissioners present via Google Meet are:

**Chuck Coolidge, Chairman
Rory Goreé, Vice Chairman
Holly Hover, Commissioner
Tracy Olson, Commissioner**

Also present:

**Ted Vogt, Gaming Director
Rudy Casillas, Racing Director
Kelly Wagner, Assistant Attorney General
Juan Estrada, Interim Racing Program Manager
Sheri Koss, Records Administrator
Cassie Goodwin, Commission Secretary
Camila Alarcon, Esq. (Agenda Items B.1 only)**

B. Executive Session

The following item is for Executive Session purposes only:

Commissioner Coolidge moved the Executive Session Items to the end of the meeting.

1. *Simms v. Simms, et al.*, Case No. 1 CA-CV 18-0546, and *Simms v. Arizona Racing Commission, et al.*, Case No. LC2016-000505, regarding a Racing License for Ronald A. Simms, Case No. 14A-020-RAC. The Commission may vote to go into Executive Session under A.R.S. § 38-431.03(A)(3) or (4) in order to discuss with and instruct its attorney(s) on this matter.

Commissioner Coolidge moved to go into Executive Session. Commissioner Olson second. Motion carried. (Ayes: Coolidge, Hover, Olson)

**Open session recessed at 1:53 PM
Open session reconvened at 2:11 PM**

Commissioner Coolidge moved to instruct counsel to proceed as discussed in the Executive Session. Commissioner Olson second. Motion carried. (Ayes: Coolidge, Hover, Olson)

2. *Arizona Downs LLC v. Arizona Racing Commission et al.*, LC2021-000012-001 DT; In re the Appeal of Turf Racing, LLLP dba Turf Paradise 21A-002-RAC; In re the Appeal of Arizona Downs, 21A-003-RAC. Appeals in the Superior Court and the Office of Administrative Hearings by Arizona Downs contesting the Commission's December 2020 decision to deny the rehearing/review of the Commission's November 2020 decision to approve the Turf Paradise and Monarch Content Management simulcast contract pursuant to A.R.S. § 5-112(u). Appeal in the Office of Administrative Hearings by Turf Paradise contesting the Commission's December 2020 decision to deny IHA 3004 consent for wagering on signals imported from racetracks associated with the Monarch Content Management contract previously approved. The Commission may vote to go into Executive Session under A.R.S. § 38-431.03(A)(3) or (4) in order to discuss with and instructs its attorney(s) on this matter.

Commissioner Coolidge moved to go into Executive Session. Commissioner Olson second. Motion carried. (Ayes: Coolidge, Olson)

**Open session recessed at 2:13 PM
Open session reconvened at 2:18 PM**

Commissioner Coolidge moved to instruct counsel to proceed as discussed in the Executive Session. Commissioner Olson second. Motion carried. (Ayes: Coolidge, Hover, Olson)

C. Action Items: Review, discussion and possible action on:

1. Race Horse Adoption Grants.

Juan Estrada addressed the Commission.

Commissioner Coolidge moved to award Desert Oasis \$6,894.96 for the Retired Racehorse Adoption Grant. Commissioner Goreé second. Motion carried. (Ayes: Coolidge, Goreé, Hover, Olson)

2. Request from Santa Cruz County Fair & Rodeo Association to Cancel its 2021 Live Race Season due to COVID-19 Restrictions.

Commissioner Coolidge moved to grant Santa Cruz County Fair & Rodeo Association's request to cancel its 2021 Live Race Season due to COVID-19. Commissioner Goreé second. Motion carried. (Ayes: Coolidge, Goreé, Hover, Olson)

3. Arizona Downs Request for Race Dates for 2021 Race Meet. The Commission may vote to go into Executive Session under A.R.S. § 38-431.03(A)(3) in order to discuss with its attorney(s) on this matter.

**Tom Auther addressed the Commission.
Mike Weiss addressed the Commission.**

Commissioner Olson moved to go into Executive Session. Commissioner Coolidge second. Motion carried. (Ayes: Coolidge, Goreé, Hover, Olson)

**Open session recessed at 10:10 AM
Open session reconvened at 10:30 AM**

Commissioner Goreé moved to approve race dates for June 6 through June 30, 2021 of Arizona Downs' request for 2021 Race meet. Commissioner Coolidge second. Motion carried. (Ayes: Coolidge, Goreé, Hover, Olson)

Arizona Downs was instructed to submit its new 3-Year Permit Application by the end of April 2021, to be considered for a new race permit for the remainder of the calendar year.

4. Request from Sportech, Inc. for Temporary Continuation of Existing 2021 Tote License Due to Acquisition by BetMakers US. The Commission may vote to go into Executive Session under A.R.S. § 38-431.03(A)(3) in order to discuss with its attorney(s) on this matter.

Commissioner Coolidge moved to go into Executive Session. Commissioner Olson second. Motion carried. (Ayes: Coolidge, Goreé, Hover, Olson)

**Open session recessed at 10:37 AM
Open session reconvened at 10:48 AM**

**Richard Pringle addressed the Commission.
Director Casillas addressed the Commission.**

Commissioner Coolidge moved to conditionally approve BetMakers US a temporary continuation of the existing 2021 Sportech, Inc. tote license while BetMakers moves forward with its license process. Commissioner Goreé Motion carried. (Ayes: Coolidge, Goreé, Hover, Olson)

5. Request from Arizona Downs, LLC, for Approval of Michael Weiss as General Manager.

**Tom Auther addressed the Commission.
Mike Weiss addressed the Commission.**

Commissioner Goreé moved to approve Mike Weiss as the General Manager of Arizona Downs. Commissioner Coolidge second. Motion carried. (Ayes: Coolidge, Goreé, Hover, Olson)

6. Turf Paradise's Request for the Commission to Revisit the Procedure Concerning Off-Track Betting Facilities and the 60 Mile Radius Issue Pursuant to IHA Section 3004(b)(1) Approved at the September 2018 Commission Meeting and Continued from the March 11, 2021 Meeting. The Commission may vote to go into Executive Session under A.R.S. § 38-431.03(A)(3) in order to discuss with its attorney(s) on this matter.

**Vincent Francia addressed the Commission.
Scott Claus addressed the Commission.
Kory Langhofer addressed the Commission.
Doug McSwain addressed the Commission.**

Commissioner Coolidge moved to go into Executive Session. Commissioner Goreé second. Motion carried. (Ayes: Coolidge, Goreé, Hover, Olson)

**Open session recessed at 11:01 AM
Open session reconvened at 11:43 AM**

Commissioner Goreé left the meet as of the end of the Executive Session due to a prior commitment.

Commissioner Coolidge moved to deny Turf Paradise's request to revisit the procedures relating to off-track betting facilities and 60-mile radius and maintain the previous/current position. Commissioner Hover second. Motion carried. (Ayes: Coolidge, Hover; Nays: Olson)

7. Simulcast Agreements Pursuant to A.R.S. § 5-112(U)
- A. Arizona Downs
 - 1. Churchill Downs Incorporated
 - 2. PNK (Ohio), LLC dba Beltera Park Cincinnati
 - 3. NYRA Content Management Solutions, LLC
 - 4. Omaha Exposition & Racing, Inc. d/b/a Horsemen's Park
 - 5. Prairie Meadows Racetrack & Casino, Inc.
 - 6. SunRay Gaming of New Mexico, LLC

**Tom Auther addressed the Commission.
Tom Varela addressed the Commission.
Jerry Simms addressed the Commission.**

Commissioner Coolidge moved to approve the above Simulcast Agreement as listed for Arizona Downs. Commissioner Olson second. Motion carried. (Ayes: Coolidge, Hover, Olson)

- B. Turf Paradise
 - 1. Churchill Downs Incorporated
 - 2. PNK (Ohio), LLC dba Beltera Park Cincinnati
 - 3. NYRA Content Management Solutions, LLC
 - 4. SunRay Gaming of New Mexico, LLC

Jerry Simms addressed the Commission.

Commissioner Coolidge moved to approve the Simulcast Agreements as listed as numbers 2, 3, and 4 for Turf Paradise. Commissioner Olson second. Motion carried. (Ayes: Coolidge, Hover, Olson)

Commissioner Coolidge moved to conditionally approve the Churchill Downs, Inc. Simulcast Agreement listed as number 1 for Turf Paradise pending receipt of proof of amendment to the existing contract. Commissioner Olson second. Motion carried. (Ayes: Coolidge, Hover, Olson)

8. Simulcast Horse Racing Import Signal Content Pursuant to IHA Section 3004(a)(3)

- A. Arizona Downs
 - 1. Arlington Park (anticipated dates 04/30/2022 – 09/25/2021)
 - 2. Assiniboia (anticipated dates 05/17/2021 – 09/08/2021)
 - 3. Belmont Park (anticipated dates 04/22/2021 – 07/11/2021)
 - 4. Belterra (anticipated dates 04/29/2021 – 10/08/2021)
 - 5. Canterbury Park (anticipated dates 05/18/2021 – 09/16/2021)
 - 6. Churchill Downs (anticipated dates 04/24/2021 – 06/26/2021)
 - 7. Colonial Downs (anticipated dates 07/19/2021 – 09/01/2021)
 - 8. Delaware Park (anticipated dates 05/26/2021 – 10/16/2021)
 - 9. Ellis Park (anticipated dates 06/27/2021 – 09/04/2021)
 - 10. Emerald Downs (anticipated dates 5/19/2021 – 09/23/2021)
 - 11. Evangeline Downs (anticipated dates 04/28/2021 – 09/18/2021)
 - 12. Fairmount Park (anticipated dates 04/27/2021 – 09/06/2021)
 - 13. Grants Pass (anticipated dates 05/10/2021 – 07/13/2021)
 - 14. Indiana Grand (anticipated dates 04/13/2021 – 11/08/2021)
 - 15. Louisiana Downs (anticipated dates 05/01/2021 – 09/22/2021)
 - 16. Mountaineer Park (anticipated dates 04/25/2021 – 12/01/2021)
 - 17. Prairie Meadows (anticipated dates 04/30/2021 – 09/25/2021)
 - 18. Sam Houston (anticipated dates 04/23/2021 – 06/12/2021)
 - 19. Sunray Park (anticipated dates 04/23/2021 – 5/30/2021)
 - 20. Thistledown (anticipated dates 04/26/2021 – 10/14/2021)
 - 21. Woodbine (anticipated dates 05/07/2021 – 12/05/2021)

Commissioner Coolidge moved to approve the simulcast signals listed as numbers 1, 2, 3, 4, 6, 11, 12, 13, 14, 16, 17, 18, 19, 20, and 21 for Arizona Downs. Commissioner Olson second. Motion carried. (Ayes: Coolidge, Hover, Olson)

Commissioner Coolidge moved to conditionally approve the simulcast signals listed as numbers 5, 7, 8, 9, 10, and 15 for Arizona Downs pending approvals from out of state horsemen's associations by the Department. Commissioner Olson second. Motion carried. (Ayes: Coolidge, Hover, Olson)

- B. Turf Paradise
 - 1. Arlington Park (anticipated dates 04/30/2022 – 09/25/2021)
 - 2. Assiniboia (anticipated dates 05/17/2021 – 09/08/2021)
 - 3. Belmont Park (anticipated dates 04/22/2021 – 07/11/2021)
 - 4. Belterra (anticipated dates 04/29/2021 – 10/08/2021)
 - 5. Canterbury Park (anticipated dates 05/18/2021 – 09/16/2021)
 - 6. Churchill Downs (anticipated dates 04/24/2021 – 06/26/2021)
 - 7. Colonial Downs (anticipated dates 07/19/2021 – 09/01/2021)
 - 8. Delaware Park (anticipated dates 05/26/2021 – 10/16/2021)
 - 9. Ellis Park (anticipated dates 06/27/2021 – 09/04/2021)
 - 10. Emerald Downs (anticipated dates 5/19/2021 – 09/23/2021)
 - 11. Evangeline Downs (anticipated dates 04/28/2021 – 09/18/2021)
 - 12. Fairmount Park (anticipated dates 04/27/2021 – 09/06/2021)
 - 13. Grants Pass (anticipated dates 05/10/2021 – 07/13/2021)

- ~~14.~~ 14. Hastings Park (anticipated dates 05/01/2021 – 10/23/2021)
- ~~15.~~ 15. Indiana Grand (anticipated dates 04/13/2021 – 11/08/2021)
- ~~15.~~ 16. Louisiana Downs (anticipated dates 05/01/2021 – 09/22/2021)
- ~~16.~~ 17. Mountaineer Park (anticipated dates 04/25/2021 – 12/01/2021)
- ~~17.~~ 18. Prairie Meadows (anticipated dates 04/30/2021 – 09/25/2021)
- ~~18.~~ 19. Sam Houston (anticipated dates 04/23/2021 – 06/12/2021)
- ~~19.~~ 20. Sunray Park (anticipated dates 04/23/2021 – 5/30/2021)
- ~~20.~~ 21. Thistledown (anticipated dates 04/26/2021 – 10/14/2021)
- ~~21.~~ 22. Woodbine (anticipated dates 05/07/2021 – 12/05/2021)

Commissioner Coolidge moved to approve simulcast signals 2, 3, 4, 5, 7, 9, 10, 14, 16, 17, 18, 19, and 20 for Turf Paradise. Commissioner Hover second. Motion carried. (Ayes: Coolidge, Hover, Olson)

Commissioner Coolidge moved to conditionally approve simulcast signals 1, 6, 8, 11, 12, 13, 15, and 21 for Turf Paradise pending receipt of required horsemen’s approvals by the Department. Commissioner Hover second. Motion carried. (Ayes: Coolidge, Hover, Olson)

- 9. Training Presented by Assistant Attorney General Kelly Wagner. The Commission may vote to go into Executive Session under A.R.S. § 38-431.03(A)(3) in order to discuss with its attorney(s) on this matter.
 - A. Review of Statutes and Regulations
 - B. Open Meeting Law Review
 - C. Robert’s Rules of Order Review

Assistant Attorney General Kelly Wagner presented training to the Commissioners.

- 10. Arizona Downs Request for Off-Track Facility:
 - Dirty Birdies, 2285 E. Butler Ave., Flagstaff, AZ 86004

Commissioner Coolidge moved to approve the Dirty Birdies as an Arizona Downs Off-Track Betting facility. Commissioner Hover second. Motion carried. (Ayes: Coolidge, Hover, Olson)

D. Information Reports

- 1. Track Safety Report(s) – **Juan Estrada addressed the Commission.**
- 2. Jockey Concussion Protocols (Darrell Haire, Jockey’s Guild) – **No report. Mr. Haire asked to be placed on the next meeting Agenda.**
- 3. Budget Report (Director Casillas/Jason La Forest) – **No Report.**
- 4. Permittee Reports – **Not to exceed 3 minutes**
 - a. American Greyhound Racing
 - b. Arizona Downs– **Tom Auther and Mike Weiss addressed the Commission.**
 - c. County Fairs – **No Report.**
 - d. Rillito Park – **No Report.**
 - e. Tucson Greyhound Park – **No Report.**
 - f. Turf Paradise – **Jerry Simms and Vincent Francia addressed the Commission.**
- 5. Optional Industry Stakeholder Association Updates (limited to officers or officially designated spokesperson) – **Not to exceed 3 minutes**
 - a. Arizona Counties Racing Association – **No Report.**
 - b. Arizona Quarter Horse Racing Association – **Lloyd Yother addressed the Commission.**
 - c. Arizona Thoroughbred Breeders Association– **Debi Zimmerman addressed the Commission.**
 - d. Horsemen’s Benevolent & Protective Association – **No Report.**
 - e. Jockey’s Guild – **No Report.**

E. Commission Reports

- 1. Summary of Current Events Affecting the Arizona Racing Commission. A.R.S. § 38-431.02(K) – Only Commission Members or the Director may report. No discussion or action may be taken on matters reported unless properly noticed for legal action or discussion.
Nothing t this time.

2. Identification of matters to be placed on future Agendas.

**Veterinarians in attendance to pre-race evaluations
Necropsy Reports
Fatalities at Turf Paradise**

F. Call to the Public

Those members of the public wishing to address the Commission should please notify Commission Secretary, Cassie Goodwin, via EMAIL at cgoodwin@azgaming.gov, by 9 a.m. April 19, 2021 with your name and the portion of the Agenda for which you wish to address the Commission. If any person wishes to address the Commission after the meeting has commenced, those persons may TEXT Commission Secretary, Cassie Goodwin, at 480-276-5005, giving their name and the portion of the Agenda for which they wish to address the Commission, and the information will be provided to the Chair of the Racing Commission during the meeting. They may also submit a request via the "chat" feature in Google Meet. The Chair will recognize the request and, time permitting, each presentation will be given approximately three (3) minutes to speak. Those requesting to speak should be prepared to use a phone to call into the meeting at 541-626-6148 PIN 398 809 873# or the microphone on their device as soon as the Chair recognizes them to speak. Action taken as a result of public comment will be limited to directing staff to study the matter or ask that the matter be placed on a future Agenda, pursuant to A.R.S. § 38-431.01(H).

**Jana Propheeter addressed the Commission.
Ryan Bratcher addressed the Commission.**

G. Announcements

The next regularly scheduled Commission meeting will be at **10:00 AM on Thursday, May 13, 2021** at **1110 W. Washington St., Phoenix, Arizona** or via **Google Meet**, and is subject to change based on a quorum. For current information about the Arizona Racing Commission meeting schedule, please visit the Arizona Department of Gaming-Racing Division website (<https://racing.az.gov/racing-commission/commission-calendar-schedule>) or call Cassie Goodwin at 602-771-4263.

H. Adjournment

Commissioner Olson moved to adjourn the meeting. Commissioner Coolidge second. Motion carried. (Ayes: Coolidge, Hover, Olson) Meeting adjourned at 2:25 PM.

I. Materials

A copy of the Agenda and background material and Commission packets (excluding materials exempt from public inspection) will be available at least 24 hours in advance of the meeting, at the Department of Gaming, located at 1110 W Washington St., Ste. 450, Phoenix, AZ 85007