



**ARIZONA RACING COMMISSION
THURSDAY, NOVEMBER 18, 2021
693rd 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 on any matter listed on the Agenda. Any such Executive Session will not be open to the public.

A. Call to Order of the 693rd Regular Arizona Racing Commission Meeting of November 18, 2021 at 10:01 AM.

Commissioners present via Google Meet are:

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

Also present:

**Ted Vogt, Gaming Director
Rudy Casillas, Racing Director
Lena Kalkbrenner, Assistant Attorney General
Caitlin Caputo, Agency Counsel
Brian Duncan, Racing Program Manager
Juan Estrada, Interim Racing Program Manager
Sheri Koss, Records Administrator
Cassie Goodwin, Commission Secretary
Camila Alarcon, Esq. (Agenda Item B.3. only)**

B. Executive Session

The following item is for Executive Session purposes only:

1. *Richard Troy Smith v. State of Arizona Racing Commission, through Charles Coolidge, Chairman, and Rory S. Goreé, Tracy Olson members*, regarding an appeal of the Commission's decision to deny Mr. Smith's appeal and affirm the Director's Order of May 19, 2021 upholding the Stewards' decision to deny his license. 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 attorneys on this matter.

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

**Open session recessed at 10:02 AM
Open session reconvened at 10:06 AM**

Commissioner Olson moved to instruct the Assistant Attorney General to proceed as directed in Executive Session. Commissioner Goreé second. Motion carried. (Ayes: Coolidge, Goreé, Olson)

2. *In re the Appeal of Turf Racing, LLLP dba Turf Paradise 21A-002-RAC-RES*; *In re the Appeal of Arizona Downs, 21A-003-RAC-RES*. Appeals in 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 instruct its attorney on this matter.

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

**Open session recessed at 10:10 AM
Open session reconvened at 10:15 AM**

Commissioner Goreé moved to instruct the Assistant Attorney General to proceed as directed in Executive Session. Commissioner Coolidge second. Motion carried. (Ayes: Coolidge, Goreé, Olson)

3. *Simms v. Simms, et al.*, Case Nos. CV-21-0073-PR, 1 CA-CV 18-0546, and LC2016-000505, regarding a Racing License for Ronald A. Simms. 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 attorneys on this matter.

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

**Open session recessed at 10:17 AM
Open session reconvened at 10:35 AM**

Commissioner Olson moved to instruct its attorney (Camila Alarcon) to proceed as directed in Executive Session. Commissioner Goreé second. Motion carried. (Ayes: Coolidge, Goreé, Olson)

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

1. Approval of 2022 Arizona Racing Commission Meeting Dates. The Commission may vote to go into Executive Session under A.R.S. § 38-431.03(A)(3) in order to discuss with its attorneys on this matter.

Commissioner Coolidge moved to approve the 2022 Arizona Racing Commission meeting dates as submitted (continue with the second Thursday of the month). Commissioner Goreé second. Motion carried. (Ayes: Coolidge, Goreé, Olson)

2. Approval of Race Officials for the 2021-2022 Turf Paradise 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 attorneys on this matter.

Commissioner Goreé moved to approve the Racing Officials for the Turf Paradise meeting, Jeff Williams and Jason Hart. Commissioner Olson second. Motion carried. (Ayes: Coolidge, Goreé, Olson)

3. Request from Arizona Downs for Off-Track Betting Facility Luke-Greenway American Legion Post #1, 364 North 7th Avenue, Phoenix, AZ 85007. The Commission may vote to go into Executive Session under A.R.S. § 38-431.03(A)(3) in order to discuss with its attorneys on this matter.

**Tom Auther addressed the Commission.
Kelsey Lundy addressed the Commission.
Brian Duncan addressed the Commission.**

Commissioner Coolidge moved to Table this matter. Commissioner Goreé second. Motion carried. (Ayes: Coolidge, Goreé, Olson)

4. Simulcast Agreements Pursuant to A.R.S. § 5-112(U)
 - A. Arizona Downs
 1. Churchill Downs, Inc. a Kentucky Corporation (Fair Grounds, Oaklawn Park, and Turfway Park)
 2. NYRA Content Management Solutions, LLC (Aqueduct, Mahoning Valley, Mountaineer Park, and Tampa Bay Downs)

Brian Duncan addressed the Commission.

Commissioner Coolidge moved to approve Arizona Downs Simulcast Contracts as listed above numbers 1 and 2. Commissioner Goreé second. Motion carried. (Ayes: Coolidge, Goreé, Olson)

- B. Turf Paradise
 1. Churchill Downs, Inc. a Kentucky Corporation (Fair Grounds, Oaklawn Park, and Turfway Park)
 2. NYRA Content Management Solutions, LLC (Aqueduct and Tampa Bay Downs)

Brian Duncan addressed the Commission.

Commissioner Coolidge moved to approve Turf Paradise Simulcast Contracts as listed above numbers 1 and 2. Commissioner Goreé second. Motion carried. (Ayes: Coolidge, Goreé, Olson)

5. Simulcast Horse Racing Import Signals Pursuant to IHA Section 3004(a)(3)
 - A. Arizona Downs
 1. Aqueduct (anticipated dates 11/18/2021 – 12/31/2021)
 2. Mountaineer Park (anticipated dates 12/01/2021 – 12/31/2021)
 3. Mahoning Valley (anticipated dates 11/18/2021 – 12/31/2021)
 4. Tampa Bay Downs, (anticipated dates 11/24/2021 – 12/31/2021)
 5. Turfway Park (anticipated dates 12/02/2021 – 12/31/2021)
 6. Fair Grounds (anticipated dates 11/25/2021 – 12/31/2021)
 7. Oaklawn Park (anticipated dates 12/03/2021 – 12/31/2021)

Brian Duncan addressed the Commission.

Commissioner Olson moved to approve Arizona Downs Simulcast Signal as listed above numbers 1, 2, 3, and 4. Commissioner Coolidge second. Motion carried. (Ayes: Coolidge, Goreé, Olson)

Commissioner Olson moved to conditionally approve Arizona Downs Simulcast Signals as listed above numbers 5, 6, and 7 pending receipt by the Department of all out of state horsemen's approvals. Commissioner Goreé second. Motion carried. (Ayes: Coolidge, Goreé, Olson)

- B. Turf Paradise
 1. Aqueduct (anticipated dates 11/18/2021 – 12/31/2021)
 2. Tampa Bay Downs (anticipated dates 12/24/2021 – 12/31/2021)
 3. Fair Grounds (anticipated dates 11/25/2021 – 12/31/2021)
 4. Oaklawn Park (anticipated dates 12/03/2021 – 12/31/2021)
 5. Turfway Park (anticipated dates 12/02/2021 – 12/31/2021)

Brian Duncan addressed the Commission.

Commissioner Olson moved to approve Turf Paradise Simulcast Signal as listed above number 1. Commissioner Coolidge second. Motion carried. (Ayes: Coolidge, Goreé, Olson)

Commissioner Olson moved to conditionally approve Turf Paradise Simulcast Signals as listed above numbers 2, 3, 4, and 5 pending receipt by the Department of all out of state horsemen's approvals. Commissioner Goreé second. Motion carried. (Ayes: Coolidge, Goreé, Olson)

6. Authorization for Assistant Attorney General to decide procedural matters in current litigation without further consultation with Commission.

Assistant Attorney general Lena Kalkbrenner addressed the Commission.

Commissioner Olson moved to authorize the Assistant Attorney General to decide procedural matters in current litigation without further consultation with the Commission. Commissioner Goreé second. Motion carried. (Ayes: Coolidge, Goreé, Olson)

D. Information Reports

1. Track Safety Report(s) (Dr. Susan Gale) – **Dr. Susan Gale addressed the Commission.**
2. Budget Report (Director Casillas/Jason La Forest) – **Director Casillas addressed the Commission.**
3. Report on International Horseracing Integrity Act (Wm. Leroy Gessmann, HBPA) – **Leroy Gessmann addressed the Commission.**
4. Permittee Reports – **Not to exceed 3 minutes**
 - a. American Greyhound Racing – **No report.**
 - b. Arizona Downs – **Tom Auther addressed the Commission.**
 - c. County Fairs – **No report.**
 - d. Rillito Park – **Michael Sandulli addressed the Commission.**
 - 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 Racing & Breeders, LLC – **Lloyd Yother and Juan Estrada addressed the Commission.**
 - c. Arizona Thoroughbred Breeders Association – **Wende Macumber addressed the Commission.**
 - d. Horsemen’s Benevolent & Protective Association – **Leroy Gessmann and Lloyd Yother addressed the Commission.**
 - 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.
2. Identification of Matters to be placed on future Agendas.

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. November 18, 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 once 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 478-845-1127 PIN 882 780 379# 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).

Steven Nolan addressed the Commission.
Cassie Goodwin addressed the Commission.

G. Announcements

The next regularly scheduled Commission meeting will be at **10:00 AM on Thursday, December 9, 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 Goreé moved to adjourn the meeting. Commissioner Olson second. Motion carried. (Ayes: Coolidge, Goreé, Olson) Meeting adjourned at 11:31 AM.

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