



AGENDA

Pursuant to A.R.S. § 38-431.03(A)(3), the 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 675th Regular Arizona Racing Commission Meeting of November 14, 2019 at 10:00 AM.

Commissioners Present:

Chair Rory Goreé
Vice Chair Thomas Lawless (Telephone)
Commissioner Jay McClintock
Commission Chuck Coolidge (Telephone)

Also present:

Rudy Casillas, Racing Division Director
Kelly Wagner, Assistant Attorney General
Kristian Fasching, Gaming General Counsel
Greg Stiles, Racing Program Manager
Cassie Goodwin, Commission Secretary

B. Executive Session

The following item is for Executive Session purposes only:

- *Monarch Content Management LLC, et al. v. Arizona Department of Gaming, et al.*, Case No. CV-19-04928-PHX-JJT, regarding HB2547. 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.

No action taken on this matter.

C. Hearing Before the Commission

- Appeal of Director's Order – Appellant Robert Lucas, Case No. 19A-020-DOR

Chair Goreé held this matter until the end of the Action items as Mr. Lucas was not present at 10:00 AM.

At 10:23 AM, the Commission proceeded with the hearing in this matter. Assistant Attorney General Kelly M. Wagner was present; however, Appellant, Robert Lucas, did not appear.

Chair Goreé requested Commission Secretary poll the Commissioners to verify they had all received and read the administrative record under appeal. (Ayes: Coolidge, Goreé, Lawless, McClintock).

Ms. Wagner presented the State's response to Mr. Lucas's appeal.

Chair Goreé moved to uphold the Director's Order. Appellant Kevin Eikleberry's horse, "John Arnold", is transferred to Appellant Robert Lucas pursuant to the claiming race of April 23, 2019, held at Turf Paradise Race Course. Commissioner McClintock second. Motion carried. (Ayes, Coolidge, Goreé, Lawless, McClintock).

**Lloyd Yother requested to address the Commission. He is the owner of the horse, "John Arnold".
Director Casillas responded to Mr. Yother's comments.**

This hearing concluded at 10:32 AM and the Commission moved to Item E.

D. Action Items

1. Approval of 2020 Arizona Racing Commission Meeting Dates

Commissioner McClintock moved to approve the 2020 Arizona Racing Commission meeting dates for the second Thursday of each month. Commissioner Coolidge second. Motion carried. (Ayes: Coolidge, Goreé, Lawless, McClintock.)

2. Approval of Simulcast Horse Racing Import Signals
 - A. Turf Paradise
 1. Aqueduct (NYRA) Winter 19-20 Simulcast

**Greg Stiles addressed the Commission.
Leroy Gessmann, HBPA, addressed the Commission.**

The Commission took no action on this matter as the contract date is prior to August 27, 2019 and considered valid until November 30, 2019. Turf will need to provide updated contract information to continue the signal as of December 1, 2019.

2. Fairgrounds Winter Meet Simulcast

**Greg Stiles addressed the Commission.
Dave Johnson, Turf Paradise, addressed the Commission.**

No action taken on this matter.

3. Submittals to the Arizona Racing Commission

Chair Goreé advised he requested this matter on the Agenda to provide procedures and timelines for review of contracts submitted to the Commission.

Assistant Attorney General Wagner advised the Commission could ask the Department to create or craft something for a review as far as procedures and timelines.

**Dave Johnson, Turf Paradise, addressed the Commission.
Dave Auther, Arizona Downs, addressed the Commission.**

Director Casillas addressed the Commission. From this point forward, the Department will ask the Permittees to submit, at least two weeks prior to a commission meeting all contracts that they expect approvals. If they are not in, or they are incomplete, they will not be put on the agenda. If we have to call for a special meeting to get approval, we will do that.

The time is 10:23 AM and the Commission moved back to Item C for the hearing.

E. Discussion Item

- Arizona Downs November 8, 2019 Letter re Bob Hutton October 25, 2019 Letter

The time is 10:32 AM and the Commission came back to Item E after the hearing in Item C.

**Dave Auther, Arizona Downs, addressed the Commission.
Gerald "Buzz" Alston, Esq., Turf Paradise, addressed the Commission.
Bob Hutton, HBPA, addressed the Commission.**

Commissioner Coolidge moved to go into executive session for legal advice. Chair Goreé second. Motion carried (Ayes: Coolidge, Goreé, Lawless, McClintock.)

**Open Session recessed at 10:45 AM.
Open Session Reconvened at 11:03 AM.**

Gerald "Buzz" Alson, attorney for Turf Paradise, addressed the Commission.

F. Information Reports

1. Safety Report(s) (Greg Stiles) – **Greg Stiles, Program Manager, addressed the Commission. Vincent Francia, Turf Paradise, addressed the Commission. Jerry Simms, Turf Paradise, addressed the Commission. Lloyd Yother, AZ HBPA, addressed the Commission. Jerry Simms, Turf Paradise, addressed the Commission. Lloyd Yother, AZ HBPA, Addressed the Commission.**
2. Budget Report – **Rudy Casillas, Director, addressed the Commission.**
3. 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 – **No report.**
 - e. Tucson Greyhound Park – **No report.**
 - f. Turf Paradise – **Jerry Simms addressed the Commission.**

Chair Goreé announced that he has purchased Integrity Challenge Coins that he will present during the Commission meetings. He presented the first one to Rudy Casillas and asked Mr. Casillas to present one to a member of the Division. Mr. Casillas awarded a coin to Kristian Fasching, General Counsel to the Department of Gaming.

4. 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 Greyhound Association – **No report.**
 - c. Arizona Quarter Horse Racing Association – **No report.**
 - d. Arizona Thoroughbred Breeders Association – **No report.**
 - e. Horsemen's Benevolent & Protective Association – **No report.**
 - f. Jockey's Guild – **No report.**

G. 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.

None indicated at this time.

2. Identification of Matters for future agendas

Commissioner Lawless requested a retroactive issue on the next regular meeting agenda so the Commission can determine if a post-August 26, 2019 amendment to a prior existing contract constitutes a new contract.

H. Call to the Public

Those members of the public wishing to address the Commission must sign the signup sheet and be recognized by the Chair. Time permitting; each presentation will be given approximately two minutes. Action taken as a result of public comment will be limited to directing staff to study the matter or re-schedule the matter for further consideration at a later date.

Steven Nolan addressed the Commission.

I. Announcements

The next regular Arizona Racing Commission meeting tentatively is scheduled for **10:00 AM on Thursday, December 12, 2019**, at 1110 West Washington St., Building Conference Room 250, 2nd Floor, Phoenix, Arizona, 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.

J. Adjournment

Commissioner Lawless moved to adjourn the meeting. Chair Goreé second. Motion Carried. (Ayes: Coolidge, Goreé, Lawless, McClintock.) Meeting adjourned at 11:59 AM.