



ARIZONA RACING COMMISSION
THURSDAY, OCTOBER 8, 2020
AMENDED 680TH 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 at 10:03 AM via Google Meet.

Commissioners Present:

Chairman Rory Goreé
Commissioner Holly Hover
Commissioner Jana Propherter

Also present:

Ted Vogt, Gaming Director
Rudy Casillas, Racing Division Director
Kelly Wagner, Assistant Attorney General
Kristian Fasching, Agency Counsel
Cassie Goodwin, Commission Secretary
Patrick Irvine, Esq. (Item B.2. only)

B. Executive Session

The following items are for Executive Session purposes only:

1. *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.

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

Open Session Recessed at 10:03 AM.
Open Session Reconvened at 10:50 AM.

No action taken on this matter.

2. *Monarch Content Management LLC v. Arizona Department of Gaming et al.*, Case No. CV2020-005333, regarding a complaint for special action relief and for declaratory relief. 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.

No action taken on this matter.

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

1. Santa Cruz County Fair & Rodeo Association Respectfully Requests Approval of a 3-Year Race Permit for the following dates:
April 24th, 25, May 1st and 2nd, 2021
April 30th, May 1st, 7th, and 8th, 2022
April 29th, 30th, May 6th and 7th, 2023

Greg Stiles addressed the Commission.

Chairman Goreé moved to approve the Santa Cruz County Fair & Rodeo Association three-year race permit for April 24, 25, May 1 & 2, 2021, April 30, May 1, 7, & 8, 2022, and April 29, 30 May 6 & 7, 2023. Commissioner Hover second. Motion carried. (Ayes: Goreé, Hover, Propheter.)

2. Live Racing and the Continued Operation of OTBs. The Commission may vote to go into Executive Session under A.R.S. § 38-431.03(A)(3) in order to discuss with and instruct its attorneys on this matter.

**Dave Auther addressed the Commission.
Tom Auther addressed the Commission.
Paul Johnson addressed the Commission.
Kelsey Lundy addressed the Commission.
Director Casillas addressed the Commission.
Vincent Francia addressed the Commission.
Scot Claus addressed the Commission.
Representative David Cook addressed the Commission.
No action taken on this matter.**

3. Simulcast Agreements Pursuant to A.R.S. § 5-112(U)

Chairman Goreé moved to table Items C.3.A.1. and C.3.B.1. until the next meeting. The parties must provide written briefs to the Commission in support of their position a week before the meeting. The Commission would like Monarch to provide information as well. Commissioner Propheter second. Motion carried. (Ayes: Goreé, Hover, Propheter.)

Chairman Goreé moved to table Items C.3.A.2. and C.3.B.2. until a special meeting can be scheduled at the end of the month and all required documentation is received. Commissioner Propheter second. Motion carried. (Ayes: Goreé, Hover, Propheter.)

A. Arizona Downs

1. Monarch Content Management, LLC. The Commission may vote to go into Executive Session under A.R.S. § 38-431.03(A)(3) in order to discuss with and instruct its attorneys on this matter.
No action taken.
2. Breeders Cup LTD
No action taken.

B. Turf Paradise

1. Monarch Content Management, LLC. The Commission may vote to go into Executive Session under A.R.S. § 38-431.03(A)(3) in order to discuss with and instruct its attorneys on this matter.
No action taken.
2. Breeders Cup LTD
No action taken.

4. Simulcast Horse Racing Import Signals Pursuant to IHA Section 3004(a)(3)

A. Arizona Downs

1. Aqueduct (11/06/2020 – 12/6/2020)
2. Breeders Cup (11/06/2020 – 11/07/2020)
3. Mahoning Valley (10/23/2020 – 12/30/2020)
4. Churchill Downs (10/25/2020 – 11/29/2020)
5. Del Mar (10/31/2020 – 11/29/2020)
6. Golden Gate (10/01/2020 – 10/18/2020)
7. Gulf Stream Park West (10/03/2020 – 11/28/2020)
8. Los Alamitos QH (10/01/2020 – 12/31/2020)

9. Monmouth (10/3/2020 – 10/24/2020)
10. Santa Anita (09/26/2020 – 10/25/2020)
11. Laurel Park (10/08/2020 – 12/31/2020)

Chairman Goreé moved to approve Items C.4.A.1, 3, 4, and 8. Commissioner Hover second. Motion carried. (Ayes: Goreé, Hover, Prophet.)
No action taken on Items C.4.A. 5, 6, 7, 8, 9, 10, and 11 as these are Monarch signals.

B. Turf Paradise

1. Aqueduct (11/06/2020 – 12/06/2020)
2. Breeders Cup (11/06/2020 – 11/07/2020)
3. Mahoning Valley (10/23/2020 – 12/30/2020)
4. Churchill Downs (10/25/2020 – 11/29/2020)
5. Del Mar (10/31/2020 – 11/29/2020)
6. Golden Gate (10/01/2020 – 10/18/2020)
7. Gulf Stream Park West (10/03/2020 – 11/28/2020)
8. Los Alamitos QH (10/01/2020 – 12/31/2020)
9. Monmouth (10/03/2020 – 10/24/2020)
10. Santa Anita (09/25/2020 – 10/25/2020)
11. Laurel Park (10/08/2020 – 12/31/2020)

Chairman Goreé moved to approve Items C.4.B. 1, 3, 4, and 8. Commissioner Hover second. Motion carried. (Ayes: Goreé, Hover, Prophet.)
No action taken on Items C.4.B. 5, 6, 7, 8, 9, 10, and 11 as these are Monarch signals.

5. Turf Paradise Race Course Respectfully Requests Approval to Amend Live and Dark Race Dates for 2020-2021 Race Meet
No action taken.

D. Discussion Item(s)

1. Duration of Horsemen's Approvals for Simulcast Signals in accordance with the IHA. 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
Paul Johnson addressed the Commission.
Dave Auther addressed the Commission.

Chairman Goreé moved to take a 10 minute break. Commissioner Hover second. Motion carried. (Ayes: Goreé, Hover, Prophet)

Open Session Recessed at 11:59 AM
Open Session reconvened at 12:10 PM

Chairman Goreé asked to move this Item to the next meeting Agenda as an Action Item.

E. Information Reports

1. National Legislation, Horse Racing Integrity Act, Federal Oversight of Horse Racing (Aiden Fleming) – **Aiden Fleming and Leroy Gessmann addressed the Commission.**
2. Budget Report (Director Rudy Casillas/Jason La Forest) – **Rudy Casillas addressed the Commission.**
3. Permittee Reports – **Not to exceed 3 minutes**
 - a. American Greyhound Racing – **Aaron Feinberg addressed the Commission.**
 - b. Arizona Downs – **No report.**
 - c. County Fairs – **No report.**
 - d. Rillito Park – **No report.**
 - e. Tucson Greyhound Park – **No report.**
 - f. Turf Paradise – **Vincent Francia addressed the Commission.**
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 Quarter Horse Racing Association – **Loretta Brashear addressed the Commission.**
 - c. Arizona Thoroughbred Breeders Association – **No report.**
 - d. Horsemen's Benevolent & Protective Association – **Leroy Gessmann addressed the Commission.**
 - e. Jockey's Guild – **Scott Steven addressed the Commission.**

F. 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 to report.

2. Identification of Matters to be placed on future agendas

Chairman Goreé asked for Item D.1. to be moved to the next Agenda as an action Item and staff assist by drafting letters to Senators for opposition to the National Legislation in response to Item E.1.

J. 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

G. 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. September 10, 2020 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 meetings. 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).

**Thomas Ondra addressed the Commission.
Jerry Simms addressed the Commission.**

H. Announcements

The next regularly scheduled Commission meeting will be at **10:00 AM on Thursday, November 12, 2020** at **1110 W. Washington St., 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.

I. Adjournment

Commissioner Hover moved to adjourn the meeting. Chairman Goreé second. Motion carried. (Ayes: Goreé, Hover, Propheter) Meeting adjourned at 12:56 PM.

J. Materials

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