



ARIZONA RACING COMMISSION
THURSDAY, SEPTEMBER 10, 2020
679TH 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 Chuck Coolidge
Commissioner Holly Hover
Commissioner Jana Propheter

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 item is for Executive Session purposes only:

Chairman Goreé moved this matter to the end of the meeting, after Item G.

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 Propheter second. Motion carried. (Ayes: Coolidge, Goreé, Propheter.) (Commissioner Hover had technical difficulties and was not able to vote. She is moving into the Executive Session.)

Open Session Recessed at 11:41 AM.
Open Session Reconvened at 11:58 AM.

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

1. Dark Day Assessment Calculations and Issues Presented Because of COVID-19 Pandemic. 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.

**Aaron Feinberg addressed the Commission.
Dave Auther addressed the Commission.**

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

**Open Session Recessed at 10:08 AM.
Open Session Reconvened at 10:20 AM.**

**Chairman Goreé asked the Department to look into this and see what, if anything can be done for each of the Permittees as this is not something the Commission has authority over.
Commissioner Hover agrees.**

Chairman Goreé moved to direct the Department to work with each Permittee to review the dark day assessments and see what adjustments can be made, if any. Commission Coolidge second. Motion carried. (Ayes: Coolidge, Goreé, Hover, Propheter.)

1. American Greyhound Racing Request for Approval of Off-Track Betting Facility:
 - Copperstill Moonshine Grill, 7450 W Chandler Blvd, Chandler, AZ 85226

Aaron Feinberg addressed the Commission.

Chairman Goreé moved to approve the American Greyhound request and approve the Copperstill Moonshine Grill facility as an OTB. Commissioner Hover second. Motion carried. (Ayes: Coolidge, Goreé, Hover, Propheter.)

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

**Magdelano Perez addressed the Commission.
Dave Auther addressed the Commission.
Leroy Gessmann addressed the Commission.**

- A. Arizona Downs
 1. Delta Downs Racetrack Casino & Hotel/Evangeline Downs Racetrack Casino & Hotel

Chairman Goreé moved to approve the Delta Downs Racetrack Casino & Hotel/Evangeline Downs Racetrack Casino & Hotel contract. Commissioner Hover second. Motion carried. (Ayes: Coolidge, Goreé, Hover, Propheter.)

2. Hawthorne

**Leroy Gessmann addressed the Commission.
Dave Auther addressed the Commission.**

Chairman Goreé moved to conditionally approve the Hawthorne contract pursuant to A.R.S. § 5-112(U) as needing the AZ HBPA Approval Letter and out of state regulatory agency approvals. Commissioner Hover second. Motion carried. (Ayes: Coolidge, Goreé, Hover, Propheter.)

- B. Turf Paradise
 1. Hawthorne

Chairman Goreé moved to conditionally approve the Hawthorne contract pursuant to A.R.S. § 5-112(U) as needing the AZ HBPA Approval Letter and out of state regulatory agency approvals. Commissioner Hover second. Motion carried. (Ayes: Coolidge, Goreé, Hover, Propheter.)

2. Keeneland Association, Inc.

Chairman Goreé moved to conditionally approve the Keeneland Association, Inc. contract pursuant to A.R.S. § 5-112(U). Commissioner Hover second. Motion carried. (Ayes: Coolidge, Goreé, Hover, Propheter.)

3. NYRA obo Aqueduct Racetrack, Belmont Park, & Saratoga Race Course

Chairman Goreé moved to conditionally approve the NYRA obo Aqueduct Racetrack, Belmont Park, & Saratoga Race Course contract pursuant to A.R.S. § 5-112(U). Commissioner Hover second. Motion carried. (Ayes: Coolidge, Goreé, Hover, Prophet.)

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

**Magdelano Perez addressed the Commission
Leroy Gessmann addressed the Commission.**

A. Arizona Downs

1. Belmont (Fall Meet begins 09/18/2020)
Chairman Goreé moved to approve the Belmont Fall meet beginning on 09/18/2020. Commissioner Hover second. Motion carried. (Ayes: Coolidge, Goreé, Hover, Prophet.)
2. Hawthorne (Fall meet begins 10/02/2020)
Chairman Goreé moved to approve the Hawthorne meet beginning on 10/02/2020. Commissioner Hover second. Motion carried. (Ayes: Coolidge, Goreé, Hover, Prophet.)
3. Delta Downs (Fall meet begins 10/06/2020)
Chairman Goreé moved to conditionally approve the Delta Downs Fall meet beginning on 10/06/2020 to 12/31/2020. Commissioner Hover second. Motion carried. (Ayes: Coolidge, Goreé, Hover, Prophet.)
4. Evangeline (Fall meet begins 09/17/2020)
Chairman Goreé moved to conditionally approve the Evangeline Fall meet beginning on 09/17/2020. Commissioner Hover second. Motion carried. (Ayes: Coolidge, Goreé, Hover, Prophet.)
5. Grants Pass (Fall Meet begins 09/14/2020)
Chairman Goreé moved to approve the Grants Pass Fall meet beginning on 09/14/2020. Commissioner Hover second. Motion carried. (Ayes: Coolidge, Goreé, Hover, Prophet.)
6. Keeneland (Fall Meet begins 10/2/2020)
Chairman Goreé moved to approve the Keeneland Fall meet beginning on 10/02/2020. Commissioner Coolidge second. Motion carried. (Ayes: Coolidge, Goreé, Hover, Prophet.)
7. Will Rogers Downs (Fall Meet begins 09/12/2020)
Chairman Goreé moved to approve the Will Rogers Downs Fall meet beginning on 09/12/2020. Commissioner Coolidge second. Motion carried. (Ayes: Coolidge, Goreé, Hover, Prophet.)

B. Turf Paradise

1. Belmont (Fall meet begins 09/18/2020)
Chairman Goreé moved to approve the Belmont Fall meet beginning on 09/18/2020. Commissioner Coolidge second. Motion carried. (Ayes: Coolidge, Goreé, Hover, Prophet.)
2. Delta Downs (Fall meet begins 10/16/2020)
Chairman Goreé moved to conditionally approve the Delta Downs Fall meet beginning on 10/16/2020 to 12/31/2020. Commissioner Coolidge second. Motion carried. (Ayes: Coolidge, Goreé, Hover, Prophet.)
3. Evangeline (Fall meet begins 09/17/2020)
Chairman Goreé moved to conditionally approve the Evangeline Fall meet beginning on 09/17/2020 to 12/31/2020. Commissioner Coolidge second. Motion carried. (Ayes: Coolidge, Goreé, Hover, Prophet.)
4. Grants Pass (Fall meet begins 09/14/2020)
Chairman Goreé moved to approve the Grants Pass Fall meet beginning on 09/14/2020. Commissioner Coolidge second. Motion carried. (Ayes: Coolidge, Goreé, Hover, Prophet.)
5. Hawthorne (Fall meet begins 10/02/2020)
Chairman Goreé moved to approve the Hawthorne Fall meet beginning on 10/02/2020. Commissioner Coolidge second. Motion carried. (Ayes: Coolidge, Goreé, Hover, Prophet.)
6. Keeneland (Fall meet begins 10/02/2020)
Chairman Goreé moved to approve the Keeneland Fall meet beginning on 10/02/2020. Commissioner Prophet second. Motion carried. (Ayes: Coolidge, Goreé, Hover, Prophet.)
7. Will Rogers Downs (Fall meet begins 09/12/2020)
Chairman Goreé moved to approve the Will Rogers Downs Fall meet beginning on 09/12/2020. Commissioner Coolidge second. Motion carried. (Ayes: Coolidge, Goreé, Hover, Prophet.)

D. Information Reports

1. Permittee Reports – **Not to exceed 3 minutes**
 - a. American Greyhound Racing – **Aaron Feinberg addressed the Commission.**
 - 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 – **No report.**
2. 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 – **No report.**
 - c. Arizona Thoroughbred Breeders Association – **Kevin Owens addressed the Commission.**
 - d. Horsemen’s Benevolent & Protective Association – **Bob Hutton 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

None at this time.

2. Identification of Matters to be placed on future agendas

Look at OTB operations and live racing situations in Arizona even with the COVID restrictions.

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. 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).

Debi Ferguson addressed the Commission.

Freddy Alvarez addressed the Commission.

Kristin Boice addressed the Commission.

Cynthia George addressed the Commission.

Stacy Campo addressed the Commission.

Barb Swanson addressed the Commission via email read into the record.

Mohamad Kahn addressed the Commission.

Leroy Gessmann addressed the Commission.

Jerry Simms addressed the Commission.

Terri Ferguson addressed the Commission.

Lloyd Yother addressed the Commission.

G. Announcements

The next regularly scheduled Commission meeting will be at **10:00 AM on Thursday, October 8, 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.

Went back to Agenda Item B.1.

H. Adjournment

**Commissioner Goreé moved to adjourn the meeting. Commissioner Coolidge second. Motion carried.
(Ayes: Coolidge, Goreé, Hover, Prophet) Meeting adjourned at 12:01 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