

**ARIZONA RACING COMMISSION  
THURSDAY, AUGUST 12, 2021  
690<sup>th</sup> 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 690<sup>th</sup> Regular Arizona Racing Commission Meeting of August 12, 2021 at 10:00 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**  
**Kelly Wagner, Assistant Attorney General**  
**Brian Duncan, Racing Program Manager**  
**Juan Estrada, Interim Racing Program Manager**  
**Sheri Koss, Records Administrator**  
**Cassie Goodwin, Commission Secretary**  
**Monique Coady, Assistant Attorney General (Agenda Item E.1. only)**

**B. Introduction of New Staff**

1. Caitlin Caputo, Agency Counsel
2. Brian Duncan, Racing Division Program Manager
3. Lena Kalkbrenner, Assistant Attorney general

**Director Casillas addressed the Commission.**

**C. Executive Session**

The following item is for Executive Session purposes only:

1. 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 instructs its attorney(s) on this matter.

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

**Open session recessed at 10:09 AM  
Open session reconvened at 10:15 AM**

**No action taken on this item.**

**D. Action Items: Review, discussion and possible action on:**

1. Pursuant to HB2772, the Division is Requesting Commission Approval to Proceed with a Rule Change to Allow for Mobile and Internet Wagering on Live, Simulcast and Teletrack Horse Racing in Arizona. 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.

**Director Vogt addressed the Commission.**

**Commissioner Coolidge moved to approve Department request to proceed with rule changes to allow for mobile and internet wagering and live, simulcast and teltrack horseracing in Arizona. Commissioner Goreé second. Motion carried. (Ayes: Coolidge, Goreé, Olson)**

2. Turf Paradise Race Dates and Discussion with the AZHBPA. 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.

**Jerry Simms addressed the Commission.  
Scott Claus addressed the Commission.  
Dave Johnson addressed the Commission.  
Darryll Haire addressed the Commission.  
Kevin Eikleberry addressed the Commission.  
Marv Fleming addressed the Commission.**

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

**Open session recessed at 10:39 AM  
Open session reconvened at 10:54 AM**

**No action taken on this item.**

3. Simulcast Agreements Pursuant to A.R.S. § 5-112(U)
  - A. Arizona Downs
    1. Mile High USA, Inc. dba Arapahoe Park
    2. Global Gaming RP, LLC dba Remington Park
    3. The Downs at Albuquerque, Inc.

**Juan Estrada addressed the Commission.**

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

- B. Turf Paradise
  1. Mile High USA, Inc. dba Arapahoe Park
  2. Global Gaming RP, LLC dba Remington Park
  3. The Downs at Albuquerque, Inc.

**Juan Estrada addressed the Commission.  
Mike Napier addressed the Commission.  
Scott Claus addressed the Commission.**

**Commissioner Coolidge moved to approve Turf Paradise Simulcast Contract Agreement as listed in numbers 1, 2, and 3 above. Commissioner Goreé second. Motion carried. (Ayes: Coolidge, Goreé, Olson)**

4. Simulcast Horse Racing Import Signals Pursuant to IHA Section 3004(a)(3)
  - A. Arizona Downs
    1. Arapahoe Park (anticipated dates 08/11/2021 – 10/15/2021)
    2. The Downs at Albuquerque (anticipated dates 08/14/2021 – 09/19/2021 and 10/23/2021)
    3. Remington Park (anticipated dates 08/20/2021 – 12/19/2021)

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

**Commissioner Coolidge moved to conditionally approve Arizona Downs Simulcast Signals as listed in number 2 above pending receipt by the Department of all out of state horse men's approvals. Commissioner Olson second. Motion carried. (Ayes: Coolidge, Goreé, Olson)**

- B. Turf Paradise
1. Arapahoe Park (anticipated dates 08/11/2021 – 10/15/2021)
  2. The Downs at Albuquerque (anticipated dates 08/14/2021 – 09/19/2021 and 10/23/2021)
  3. Remington Park (anticipated dates 08/20/2021 – 12/19/2021)

**Scott Claus addressed the Commission.  
Mike Napier addressed the Commission.  
Dave Auther addressed the Commission.  
Bob Hutton addressed the Commission.**

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

**Open session recessed at 11:35 AM  
Open session reconvened at 11:50 AM**

**Commissioner Coolidge moved to conditionally approve Turf Paradise Simulcast Signals as listed in numbers 1, 2, and 3 above until September 23, 2021 unless an agreement is reached with AZ HBPA then the approval is extended to the end of the meets. Commissioner Goreé second. Motion carried. (Ayes: Coolidge, Goreé, Olson)**

5. Simulcast Horse Racing Import Signals Pursuant to IHA Section 3004(a)(3)
- A. Turf Paradise-Monarch and Monarch Affiliated
1. Gulfstream Park (anticipated dates 07/08/2021 – 09/30/2021)
  2. Lone Star Park (anticipated dates 06/11/2021 – 12/18/2021)
  3. Monmouth Park (anticipated dates 07/08/2021 – 09/26/2021)
  4. Latin American Racing (anticipated dates 12/08/2021 – 12/31/2021)
  5. Laurel Park (anticipated dates 07/08/2021 – 12/31/2021)
  6. Pimlico (anticipated dates 07/08/2021 – 12/31/2021)
  7. Melbourne Racing Australia (anticipated dates 07/08/2021 – 12/31/2021)
  8. Timonium (anticipated dates 08/27/2021 – 09/06/2021)
  9. Del Mar (anticipated dates 07/16/2021 – 11/30/2021)
  10. Golden Gate (anticipated dates 07/23/2021 – 12/31/2021)
  11. Los Alamitos (anticipated dates 12/01/2021 – 12/14/2021)
  12. Los Alamitos – LA County Fair (anticipated dates 09/08/2021 – 09/28/2021)
  13. Santa Anita (anticipated dates 09/29/2021 – 12/31/2021)
  14. Sonoma County Fair Santa Rosa (anticipated dates 08/04/2021 – 08/17/2021)

**Dave Auther addressed the Commission.  
Scott Claus addressed the Commission.  
Mike Napier addressed the Commission.  
Tom Auther addressed the Commission.  
Kelsey Lundy addressed the Commission.**

**No Action taken on this Item.**

## **E. Hearings Before the Commission**

1. Appeal of Director's Order – Appellant Richard Troy Smith, Case No. 21A-007-DOR. 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.

**The appeal hearing convened at 12:32 PM.**

**Kathleen Carey addressed the Commission.**

**Kelly Wagner addressed the Commission.**

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

**Open session recessed at 12:47 PM  
Open session reconvened at 12:59 PM**

**Commissioner Coolidge moved to deny Mr. Smith's appeal and affirm the Director's Order of May 19, 2021, denying Mr. Smith's license. Commissioner Goreé second. Motion carried. (Ayes: Coolidge, Goreé, Olson)**

**Hearing adjourned at 12:59 PM.**

2. Permit Renewal Hearing for TP Racing, LLLC – Consideration of 3-year Permit for 2021, 2022, and 2023 pursuant to A.R.S. § 5-108.01. 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.

**Juan Estrada addressed the Commission.**

**Commissioner Goreé moved to approve TP Racing, LLLP 3-Year Permit for 2021, 2022, and 2023. Commissioner Coolidge second. Motion carried. (Ayes: Coolidge, Goreé, Olson)**

## **F. Information Reports**

1. Track Safety Report(s) (Gary Baze) – **Gary Baze and Leroy Gessmann addressed the Commission.**
2. Budget Report (Director Casillas/Jason La Forest) – **Jason La Forest Addressed the Commission.**
3. Track Maintenance (Commissioner Goreé/Michael Peterson) – **Michael Peterson addressed the Commission.**
4. COVID-19 Protocols (Director Casillas) – **Director Casillas addressed the Commission.**
5. Permittee Reports – **Not to exceed 3 minutes**
  - a. American Greyhound Racing – **No Report.**
  - b. Arizona Downs – **Mike Weiss addressed the Commission.**
  - c. County Fairs– **No Report.**
  - d. Rillito Park – **Mike Weiss addressed the Commission.**
  - e. Tucson Greyhound Park– **No Report.**
  - f. Turf Paradise – **Vincent Francia addressed the Commission.**
6. 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– **No Report.**
  - d. Horsemen's Benevolent & Protective Association – **Bob Hutton addressed the Commission.**
  - e. Jockey's Guild– **Darryll Haire addressed the Commission.**

## **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.

**Nothing to report.**

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

**Commissioner Goreé asked that we look into changing statute regarding claiming a horse.**

## **H. 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](mailto:cgoodwin@azgaming.gov) by 9 a.m. August 12, 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).

#### **I. Announcements**

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

#### **J. Adjournment**

**Commissioner Goreé moved to adjourn the meeting. Commissioner Coolidge second. Motion carried. (Ayes: Coolidge, Goreé, Olson) Meeting adjourned at 1:33 PM.**

#### **K. 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