



ARIZONA RACING COMMISSION
THURSDAY, NOVEMBER 12, 2020
681ST 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
Vice Chairman Chuck Coolidge
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. (Items B.1., B.2., C.3.A.1. and C.3.B.1. only)
Charles Markel, Esq. (Items B.1., B.2., C.3.A.1. and C.3.B.1. only)

B. EXECUTIVE SESSION

The following item is 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.
No action taken.
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.

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

1. Approval of 2021 Arizona Racing Commission Meeting Dates
Commissioner Coolidge moved to approve the 2021 Regular Arizona Racing Commission meeting dates and continue holding the meetings on the second Thursday of the month with the exception of November 18, 2021. Chair Goreé second. Motion carried. (Ayes: Coolidge, Goreé, Propheter)

2. Monarch Content Management, LLC Proposed Simulcast Agreements with Arizona Downs, Turf Paradise and Rillito. 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.

**Dave Auther addressed the Commission.
Tom Auther addressed the Commission.
Scott Claus addressed the Commission.
Paul Johnson addressed the Commission.
Bob Hutton addressed the Commission.
Vincent Francis addressed the Commission.**

**11:19 AM – Lost Quorum as Commission Propheeter dropped form the meeting.
11:23 AM – Commission Propheeter rejoined the meeting.**

**Open session recessed at 12:11 AM
Open session reconvened at 12:54 PM**

**Leroy Gessmann addressed the Commission.
Director Casillas addressed the Commission.**

**Commissioner Propheeter moved to go into Executive Session. Chairman Goreé second. Motion carried 2-1.
(Ayes: Goreé, Propheeter Nays: Coolidge)**

**Open session recessed at 1:16 PM
Open session reconvened at 1:26 PM**

Director Casillas addressed the Commission.

Commissioner Coolidge moved to approve the contract between TP Racing LLLP and Monarch Management LLLC pursuant to A.R.S. § 5-112(U). Chairman Goreé second. Motion carried 2-1. (Ayes: Coolidge, Goreé; Nay: Propheeter)

3. Continuing Discussion on OTB Operation and What Constitutes an Emergency under A.R.S. § 5-112(E). 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.
**Kelly Wagner addressed the Commission.
No action taken on this matter.**
4. Letters to Senators and Representatives Regarding Horse Racing Integrity Act and Federal Oversight of Horse Racing
**Director Casillas indicated he would follow up on the requested letters.
No action taken on this matter.**
5. Turf Paradise Race Course Request to Amend Live and Dark Race Dates for 2020-2021 Race Meet
Chairman Goreé moved to approve the Turf Paradise Amended the May 2018 requested Live and Dark Day Race Dates for the 2021-2021 Race Meet. Commissioner Coolidge second. Motion carried. (Ayes: Coolidge, Goreé, Propheeter)
6. Simulcast Agreements Pursuant to A.R.S. § 5-112(U)
 - A. Arizona Downs
 1. NYRA – Tampa Bay Downs
**Chairman Goreé moved to approve the NYRA – Tampa Bay Downs contract for Arizona Downs.
Commissioner Coolidge second. Motion carried. (Ayes: Coolidge, Goreé, Propheeter)**
 - B. Turf Paradise
 1. NYRA – Tampa Bay Downs
**Chairman Goreé moved to approve the NYRA – Tampa Bay Downs contract for Turf Paradise.
Commissioner Coolidge second. Motion carried. (Ayes: Coolidge, Goreé, Propheeter)**

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

A. Arizona Downs

1. Fairgrounds – CDI (anticipated dates 11/28/2020-03/29/2021)

Chairman Goreé moved to conditionally approve the Fairgrounds signal for 11/28/2020 – 12/31/2020 for Arizona Downs contingent upon the proper approvals being received by the Department. Commissioner Coolidge second. Motion carried. (Ayes: Coolidge, Goreé, Propheter)

2. Tampa Bay Downs – NYRA (anticipated dates 11/25/2020-06/30/2021)

Chairman Goreé moved to conditionally approve the Tampa Bay Downs signal for 11/25/2020 – 12/31/2020 for Arizona Downs contingent upon the proper approvals being received by the Department. Commissioner Coolidge second. Motion carried. (Ayes: Coolidge, Goreé, Propheter)

3. Turfway Park – CDI (anticipated dates 12/02/2020-12/31/2020)

Chairman Goreé moved to conditionally approve the Turfway Park signal for Arizona Downs contingent upon the proper approvals being received by the Department. Commissioner Coolidge second. Motion carried. (Ayes: Coolidge, Goreé, Propheter)

B. Turf Paradise

1. Fairgrounds – CDI (anticipated dates 11/28/2020-03/29/2021)

Chairman Goreé moved to conditionally approve the Fairgrounds signal for Turf Paradise contingent upon the proper approvals being received by the Department. Commissioner Propheter second. Motion carried. (Ayes: Coolidge, Goreé, Propheter)

2. Tampa Bay Downs – NYRA (anticipated dates 11/25/2020-06/30/2021)

Chairman Goreé moved to conditionally approve the Tampa Bay Downs signal for Turf Paradise contingent upon the proper approvals being received by the Department. Commissioner Coolidge second. Motion carried. (Ayes: Coolidge, Goreé, Propheter)

3. Turfway Park – CDI (anticipated dates 12/02/2020-12/31/2020)

Chairman Goreé moved to conditionally approve the Turfway Park signal for Turf Paradise contingent upon the proper approvals being received by the Department. Commissioner Coolidge second. Motion carried. (Ayes: Coolidge, Goreé, Propheter)

8. American Greyhound Dog Racing Simulcast Import SIS A.R.S. § 5-112(U)

- Sports Information Services

Greg Stiles addressed the Commission.

Director Casillas addressed the Commission.

Aaron Feinberg addressed the Commission.

Chairman Goreé moved to conditionally approve the signal for American Greyhound Racing pending verification that the tracks are under appropriate regulatory bodies. Commissioner Coolidge second. Motion carried. (Ayes: Coolidge, Goreé, Propheter)

Chairman Goreé asked that the Department look into rule changes to allow international race signals.

9. Turf Paradise Request for Approval of Off-Track Betting Facility:

- Craft Republic Brewery, 7625 N La Cholla Blvd, Tucson, AZ 85741

Greg Stiles addressed the Commission.

Chairman Goreé moved to approve Craft Republic Brewery as a Turf Paradise Off-track Better facility. Commissioner Coolidge second. Motion carried. (Ayes: Coolidge, Goreé, Propheter)

D. Information Reports

1. Track Safety Report(s) (Greg Stiles) – **Greg Stiles addressed the Commission.**
2. National Legislation, Horse Racing Integrity Act, Federal Oversight of Horse Racing (Aiden Fleming) – **Aiden Fleming addressed the Commission.**
3. Budget Report (Director Casillas/Jason La Forest) – **Director Casillas addressed the Commission.**
4. 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 – **Alicia Heiserer Federico addressed the Commission.**
 - f. Turf Paradise – **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 Horse Racing Association – **No report.**
 - c. Arizona Thoroughbred Breeders Association – **Wende Maccumber addressed the Commission.**
 - d. Horsemen’s Benevolent & Protective Association– **Leroy Gessmann addressed the Commission.**
 - e. Jockey’s Guild– **Darryll Haire addressed the Commission.**

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

Nothing at this time.

2. Identification of Matters to be placed on future agendas

Nothing at this time.

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).

Thomas Ondra addressed the Commission.

G. Announcements

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

H. Adjournment

Commissioner Propheter moved to adjourn the meeting. Commissioner Coolidge second. Motion carried. (Ayes: Coolidge, Goreé, Propheter) Meeting adjourned at 2:40 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