



**ARIZONA RACING COMMISSION
THURSDAY, MARCH 11, 2021
685th 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 685th Regular Arizona Racing Commission Meeting of March 11, 2021 at 10:01 AM.

Commissioners present via Google Meet are:

**Chuck Coolidge, Chairman
Rory Goreé, Vice Chairman
Holly Hover, Commissioner
Jana Propheter, Commissioner**

Also present:

**Ted Vogt, Gaming Director
Rudy Casillas, Racing Director
Kelly Wagner, Assistant Attorney General
Kristian Fasching, Agency Counsel
Greg Stiles, Racing Program Manager
Sheri Koss, Records Administrator
Cassie Goodwin, Commission Secretary
Camila Alarcon, Esq. (Agenda Item B.1 only)**

B. Executive Session

The following items are for Executive Session purposes only:

Chairman Coolidge moved this Item to the end of the meeting, after Item F.

1. *Simms v. Simms, et al.*, Case No. 1 CA-CV 18-0546, and *Simms v. Arizona Racing Commission, et al.*, Case No. LC2016-000505, regarding a Racing License for Ronald A. Simms, Case No. 14A-020-RAC. 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.

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

**Open session recessed at 12:15 PM
Open session reconvened at 12:28 PM**

Commissioner Coolidge moved to instruct counsel to proceed as discussed in Executive Session. Commissioner Propheter second. Motion carried. (Ayes: Coolidge, Hover, Propheter)

2. *Arizona Downs LLC v. Arizona Racing Commission et al.*, LC2021-000012-001 DT; In re the Appeal of Turf Racing, LLLP dba Turf Paradise 21A-002-RAC; In re the Appeal of Arizona Downs, 21A-003-RAC. Appeals in the Superior Court and 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 the 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 contact 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 instruct its attorney on this matter.

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

**Open session recessed at 12:28 PM
Open session reconvened at 12:41 PM**

No action taken on this Item.

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

1. TP Racing, L.L.L.P. Request for Approval of 2021 Charity Race Dates.
 - a. Friday, March 12, 2021
 - b. Friday, April 23, 2021
 - c. Saturday, May 1, 2021

Commissioner Goreé moved to approve TP Racing, LLLP request for 2021 Charity Race Dates as March 12, April 23 and May 1, 2021. Commissioner Propheter second. Motion carried. (Ayes: Coolidge, Goreé, Hover, Propheter)

2. Turf Paradise's Request for the Commission to Revisit the Procedure Concerning Off-Track Betting Facilities and the 60 Mile Radius Issue Pursuant to IHA Section 3004(b)(1) Approved at the September 2018 Commission Meeting. 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.

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

**Open session recessed at 10:22 AM
Open session reconvened at 10:57 AM**

**Vincent Francia addressed the Commission.
Scott Claus addressed the Commission.
Kory Langhofer addressed the Commission.
Dave Auther addressed the Commission.
TomAuther addressed the Commission.
Jerry Simms addressed the Commission.
Leroy Gessmann addressed the Commission.**

Commissioner Goreé moved to have the Attorney General research the 60 mile rule and report findings to the Commission and have the parties submit written summaries of their position (limited to maximum of 20 pages) for discussion on the April 8th Commission meeting. Commissioner Coolidge second. Motion carried. (Ayes: Coolidge, Goreé, Hover, Propheter) Briefs are due no later than April 1, 2021.

3. Turf Paradise's Request for Review of the Commission's December 2020 Decision Regarding the IHA Wagering Consents Pursuant to Section 3004(a)(3) on the Monarch Affiliated Racetracks. 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.

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

**Open session recessed at 11:15 AM
Open session reconvened at 11:31 AM**

**Scott Claus addressed the Commission.
Kory Langhofer addressed the Commission.
Leroy Gessmann addressed the Commission.**

Commissioner Goreé moved to deny Turf Paradise's request for review of the Commission's December 2020 decision regarding the IHA wagering consents. Commissioner Hover second. Motion carried. (Ayes: Coolidge, Goreé, Hover, Propheter)

4. Simulcast Agreement Pursuant to A.R.S. § 5-112(U)

A. Arizona Downs

1. RMG Operations (Dubai Carnival)

Commissioner Coolidge moved to approve RMG Operations (Dubai Carnival) contract. Commissioner Propheter second. Motion carried. (Ayes: Coolidge, Goreé, Hover, Propheter)

2. Hawthorne Race Track

Commissioner Coolidge moved to deny Hawthorne Race Track contract. Commissioner Propheter second. Motion carried. (Ayes: Coolidge, Goreé, Hover, Propheter) For future Agendas, Staff instructed to avoid placing contract Items on the Agenda if a complete contract is not submitted by the deadline.

3. Keeneland

Commissioner Coolidge moved to approve Keeneland contract. Commissioner Propheter second. Motion carried. (Ayes: Coolidge, Goreé, Hover, Propheter)

4. Remington Park

Commissioner Coolidge moved to approve Remington Park contract. Commissioner Propheter second. Motion carried. (Ayes: Coolidge, Goreé, Hover, Propheter)

5. Will Rogers Downs

Commissioner Coolidge moved to approve Will Rogers Downs contract. Commissioner Propheter second. Motion carried. (Ayes: Coolidge, Goreé, Hover, Propheter)

B. Turf Paradise

1. RMG Operations (Dubai Carnival)

Commissioner Coolidge moved to approve RMG Operations (Dubai Carnival) contract. Commissioner Goreé second. Motion carried. (Ayes: Coolidge, Goreé, Hover, Propheter)

2. Hawthorne Race Track

Commissioner Coolidge moved to approve Hawthorne Race Track contract. Commissioner Goreé second. Motion carried. (Ayes: Coolidge, Goreé, Hover, Propheter)

3. Keeneland

Commissioner Coolidge moved to approve Keeneland contract. Commissioner Goreé second. Motion carried. (Ayes: Coolidge, Goreé, Hover, Propheter)

4. Remington Park

Commissioner Coolidge moved to approve Remington Park contract. Commissioner Goreé second. Motion carried. (Ayes: Coolidge, Goreé, Hover, Propheter)

5. Will Rogers Downs

Commissioner Coolidge moved to approve Will Rogers Downs contract. Commissioner Goreé second. Motion carried. (Ayes: Coolidge, Goreé, Hover, Propheter)

VICE CHAIRMAN GOREÉ LEFT THE MEETING AT 11:55 AM.

5. Wagering Consents on Simulcast Horse Racing Import Signals Pursuant to IHA Section 3004(a)(3)

Greg Stiles addressed the Commission
Leroy Gessmann addressed the Commission.
Dave Auther addressed the Commission.

A. Arizona Downs

1. Aqueduct Spring Meet (anticipated dates 04/01/2021 – 04/18/2021)
2. Dubai World Cup Carnival (anticipated date 03/28/2021)
3. Hawthorne Race Track (anticipated dates 03/06/2021 – 04/25/2021)
4. Keeneland (anticipated dates 04/02/2021 – 04/23/2021)
5. Remington Park (anticipated dates 03/04/2021 – 05/29/2021)
6. Will Rogers Downs (anticipated dates 03/22/2021 – 05/26/2021)

Commissioner Coolidge moved to approve numbers 1, 2, 4, 5, and 6. Commissioner Prophter second. Motion carried. (Ayes: Coolidge, Hover, Prophter) No action taken on Item 3.

B. Turf Paradise

1. Aqueduct Spring Meet (anticipated dates 04/01/2021 – 04/18/2021)
2. Dubai World Cup Carnival (anticipated date 03/28/2021)
3. Hawthorne Race Track (anticipated dates 03/06/2021 – 04/25/2021)
4. Keeneland (anticipated dates 04/02/2021 – 04/23/2021)
5. Remington Park (anticipated dates 03/04/2021 – 05/29/2021)
6. Will Rogers Downs (anticipated dates 03/22/2021 – 05/26/2021)

Greg Stiles addressed the Commission.

Commissioner Coolidge moved to approve numbers 1, 2, 3, 4, 5, and 6. Commissioner Hover second. Motion carried. (Ayes: Coolidge, Hover, Prophter)

D. Information Reports

1. Track Safety Report(s) (Greg Stiles) – **Greg Stiles and Vincent Francia addressed the Commission.**
2. Budget Report (Director Casillas/Jason La Forest) – **Jason La Forest 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 – **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 – **No report.**
 - c. Arizona Thoroughbred Breeders Association – **No report.**
 - d. Horsemen’s Benevolent & Protective Association – **Leroy Gessmann 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

The may be a possible quorum of the Racing Commissioners at the upcoming Phoenix Greyhound Park auction on March 13, 2021.

2. Identification of Matters to be placed on future agendas

Turf Paradise's Request for the Commission to Revisit the Procedure Concerning Off-Track Betting Facilities and the 60 Mile Radius Issue Pursuant to IHA Section 3004(b)(1) Approved at the September 2018 Commission Meeting.

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. March 11, 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 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).

JD Foxx addressed the Commission.

The Commission moved back to Items B.1. and B.2.

G. Announcements

The next regularly scheduled Commission meeting will be at **10:00 AM on Thursday, April 8, 2021** at **1110 W. Washington St., Phoenix, Arizona** or via **Google Meetings**, 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 Propheeter moved to adjourn the meeting. Commissioner Hover second. Motion carried. (Ayes: Coolidge, Hover, Propheeter) Meeting adjourned at 12:42 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