



ARIZONA RACING COMMISSION
THURSDAY, AUGUST 13, 2020
AMENDED 678th 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 10:01 AM via Google Meet.

Commissioners Present:

Chairman Rory Goreé
Commissioner Chuck Coolidge
Commissioner Holly Hover
Commissioner Jana Propheter (came into the meeting at 10:04 AM)

Also present:

Ted Vogt, Gaming Director
Rudy Casillas, Racing Division Director
Kelly Wagner, Assistant Attorney General
Kristian Fasching, Agency Counsel
Greg Stiles, Racing Program Manager
Cassie Goodwin, Commission Secretary
Patrick Irvine, Esq. (Item B.2. only)
Camila Alarcon, Esq. (Items B.1. and C.5. only)

B. Executive Session

The following item is for Executive Session purposes only:

Chairman Goreé indicated the Executive Session Items would be heard at the end of the meeting.

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.

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

Open Session Recessed at 1:47 PM.
Open Session Reconvened at 1:57 PM.

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

2. *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.

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

**Open Session Recessed at 1:59 PM.
Open Session Reconvened at 2:16 PM.**

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

3. *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.

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

**Open Session Recessed at 2:17 PM.
Open Session Reconvened at 2:19 PM.**

Chair Goreé moved to instruct counsel to use its discretion on the Commission's behalf keep it informed as necessary. Commissioner Hover second. Motion Carried. (Ayes: Goreé, Coolidge, Hover, Propheter.)

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

1. Election of Racing Commission Officers for 2020

Chair Goreé moved to elect himself as Chairman of the Racing Commission. Commissioner Hover second. Motion Carried. (Ayes: Goreé, Coolidge, Hover, Propheter.)

Chair Goreé moved to elect Commission Coolidge as Vice Chairman of the Racing Commission. Commissioner Coolidge second. Motion Carried. (Ayes: Goreé, Coolidge, Hover, Propheter.)

2. Turf Paradise Request for Live and Dark Day Date Changes for 2020-2021 Season

**Greg Stiles addressed the Commission.
Michael Napier, Esq. addressed the Commission.
Vincent Francia addressed the Commission.
Jerry Simms addressed the Commission.**

**Carolyn Fales addressed the Commission.
Molly Pearson addressed the Commission.
Terri Ferguson addressed the Commission.
Kathleen Carmona-Daigel addressed the Commission.**

This matter was Tabled.

3. Industrial Laboratories Testing Reports

No action taken.

4. Greyhound Live Bait Training

**Chairman Goreé read a statement into the record.
Carey Theil addressed the Commission.
Aaron Feinberg addressed the Commission.
No action taken.**

5. *Notice of Appeal to Arizona Racing Commission of Director's June 29, 2019 2020 Ruling Deeming Ronald A. Simms's License Application to be Incomplete*, filed on July 23, 2020, by Ronald A. Simms. On July 27, 2020, the parties filed a *Joint Stipulation to Stay Consideration of Ronald A. Simms's Notice of Appeal to the Arizona Racing Commission of Director's June 29, 2020 Decision Deeming Ronald A. Simms's License Application to be Incomplete*, requesting the Commission to stay this matter until at least up through and including the resolution of the Court of Appeals Proceedings (1 CA-CV 18-0546), and, if applicable, any subsequent proceedings arising therefrom from the Arizona Supreme Court. The Commission may vote to go into Executive Session under A.R.S. § 38-431.03(A)(3) in order to discuss or consult for legal advice with its attorneys.

Nathan Novak, Esq. addressed the Commission.

Chair Goreé moved to grant the requested stay in this matter. Commissioner Coolidge second. Motion Carried. (Ayes: Goreé, Coolidge, Hover, Prophet.)

Open Session is recessed at 10:53 AM

Open Session is reconvened at 11:04 AM

6. Simulcast Agreements Pursuant to A.R.S. § 5-112(U)
- A. Arizona Downs
1. Racing Associates of Colorado Ltd., d/b/a Arapahoe Park
 2. PNK (OHIO) LLC d/b/a Belterra Park Cincinnati
 3. Churchill Downs Inc. o/b/o Arlington Park, Canterbury Park, Churchill Downs, Fairgrounds, Louisiana Downs, Indiana Grand Racing & Casino, Oaklawn Park, Presque Isle Downs, Turfway Park
 4. NYRA on behalf of Delaware Park, Colonial Downs, Ellis Park Race Course, Emerald Downs LLC, Fairmount Park Inc., TMB Racing LLC d/b/a Grants Pass, Kentucky Downs LLC, Global Gaming LSP LLC d/b/a Lone Star Park, Jack Thistledown Racino LLC
 5. Delta Downs Racetrack Casino & Hotel/Evangeline Downs Racetrack Casino & Hotel
 6. Fair Meadows
 7. Fonner Park
 8. Keeneland Association, Inc.
 9. All American Ruidoso Downs
 10. Will Rogers Downs, LLC
 11. Finger Lakes Racing Association
 12. Hastings Entertainment Inc. o/b/o Hastings Park
 13. Woodbine Entertainment Group o/b/o Woodbine, Ft. Erie

Chair Goreé moved to approval all of the listed contracts in 6.A.1-13 for AZ Downs pursuant to A.R.S. § 5-112(U). Commissioner Coolidge second. Motion Carried. (Ayes: Goreé, Coolidge, Hover, Prophet.)

- B. Turf Paradise
1. Racing Associates of Colorado Ltd, d/b/a Arapahoe Park
 2. NYRA o/b/o Aqueduct Racetrack, Belmont Park, Saratoga Race Course
 3. PNK (OHIO) LLC d/b/a Belterra Park Cincinnati
 4. NYRA o/b/o Delaware Park Racing, Colonial Downs, Delta Downs, Ellis Park, Emerald Downs, Evangeline Downs, Fairmount Park, Thistledown, Kentucky Downs, Grants Pass
 5. Fair Meadows
 6. Fonner Park
 7. Woodbine Entertainment Group o/b/o Woodbine, Ft. Erie
 8. NYRA Global Gaming LSP LLC d/b/a Lone Star Park
 9. Harrah's Bossier City Investment Co LLC d/b/a Harrah's Louisiana Downs
 10. Mountaineer Park, Inc.
 11. Prairie Meadows
 12. Remington Park
 13. All American Ruidoso Downs
 14. Will Rogers Downs, LLC
 15. Finger Lakes Racing Association
 16. Hastings Entertainment Inc. o/b/o Hastings Park
 17. Churchill Downs Inc. o/b/o Presque Isle Downs

Chair Goreé moved to approval all of the listed contracts in 6.B.1-17 for Turf Paradise pursuant to A.R.S. § 5-112(U). Commissioner Coolidge second. Motion Carried. (Ayes: Goreé, Coolidge, Hover, Prophet.)

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

A. Arizona Downs

1. Arapahoe Downs: 06/08/2020 – 08/26/2020
2. Belmont Park: 06/03/2020 – 07/12/2020
3. Belterra Park: 06/04/2020 – 10/09/2020
4. Canterbury Park: 06/10/2020 – 09/16/2020
5. Delaware Park: 06/17/2020 10/17/2020
6. Ellis Park: 07/02/2020 – 08/30/2020
7. Emerald Downs: 07/01/2020 – 10/TBD/2020
8. Evangeline Downs: 06/05/2020 – 08/29/2020
9. Fair Meadows: 06/04/2020 – 07/25/2020
10. Fairmount Park: 06/09/2020 – 09/07/2020
11. Fonner Park: 02/21/2020 – 05/27/2020
12. Ft. Erie: 06/02/2020 10/13/2020
13. Grants Pass: 06/16/2020 – 07/12/2020
14. Lone Star Park: 05/22/2020 – 08/12/2020
15. Louisiana Downs: 06/06/2020 – 09/23/2020
16. Indiana Grand: 06/15/2020 – 11/18/2020
17. Retama Park: 07/03/2020 – 08/29/2020
18. Ruidoso: 05/22/2020 – 09/07/2020
19. Thistledowns: 06/19/2020 – 10/21/2020
20. Woodbine: 06/06/2020 – 12/13/2020
21. Arlington Park: 07/30/2020 – 09/26/2020
22. Colonial Downs: 08/02/2020 – 09/01/2020
23. Finger Lakes Racing Association: 07/20/2020 – 11/26/2020
24. Hastings Park: 07/20/2020 – 09/27/2020
25. Presque Isle Downs: 07/27/2020 – 10/22/2020
26. Saratoga: 07/15/2020 – 10/07/2020
27. Remington Park: 08/21/2020 – 12/20/2020
28. Churchill Downs: 09/01/2020 – 09/27/2020
29. Kentucky Downs: 09/07/2020 – 09/16/2020
30. Will Rogers Downs: 09/12/2020 – 11/14/2020
31. Delta Downs 06/10/2020 – 10/17/2020
32. Mountaineer Park 05/31/2020 –12/02/2020
33. Prairie Meadows 06/19/2020 – 10/10/2020
34. Downs at Albuquerque 08/08/2020 – 10/24/2020
35. Assiniboia Downs 05/25/2020 – 09/15/2020

Michael Napier, Esq. addressed the Commission.

Dave Johnson addressed the Commission.

Jerry Simms addressed the Commission.

Tom Auther addressed the Commission.

Bob Hutton addressed the Commission.

Director Rudy Casillas addressed the Commission.

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

Open Session Recessed at 11:54 AM.

Open Session Reconvened at 12:24 PM.

Chair Goreé moved to approve Items C.7.A.1-26 and 29-35. Commissioner Coolidge second. Motion Carried. (Ayes: Goreé, Coolidge, Hover, Propheter.)

Chair Goreé moved to conditionally approve Items C.7.A.27 and 28 until the Department receives the proper paperwork. Commissioner Coolidge second. Motion Carried. (Ayes: Goreé, Coolidge, Hover, Propheter.)

- B. Turf Paradise
1. Arapahoe Downs: 06/08/2020 – 08/26/2020
 2. Belmont Park: 06/03/2020 – 07/12/2020
 3. Belterra Park: 06/04/2020 – 10/09/2020
 4. Canterbury Park: 06/10/2020 – 09/16/2020
 5. Delaware Park: 06/17/2020 – 10/17/2020
 6. Delta Downs: 06/10/2020 – 08/22/2020
 7. Emerald Downs: 07/01/2020 – 10/TBD/2020
 8. Evangeline Downs: 06/05/2020 – 08/29/2020
 9. Fair Meadows: 06/04/2020 – 07/25/2020
 10. Fonner Park: 02/21/2020 – 05/27/2020
 11. Ft. Erie: 06/02/2020 – 10/13/2020
 12. Lone Star Park: 05/22/2020 – 08/12/2020
 13. Louisiana Downs: 06/06/2020 – 09/23/2020
 14. Mountaineer Park: 05/31/2020 – 12/02/2020
 15. Prairie Meadows: 06/19/2020 – 10/10/2020
 16. Remington Park: 07/03/2020 – 08/29/2020
 17. Ruidoso: 05/22/2020 – 09/07/2020
 18. Thistledowns: 06/19/2020 – 10/21/2020
 19. Will Rogers Downs: 03/16/2020 – 05/23/2020
 20. Woodbine: 06/06/2020 – 12/13/2020
 21. Arlington Park: 07/30/2020 – 09/26/2020
 22. Colonial Downs: 08/02/2020 – 09/01/2020
 23. Finger Lakes: 07/20/2020 – 11/26/2020
 24. Hastings Park: 07/20/2020 – 09/27/2020
 25. Presque Isle Downs: 07/27/2020 – 10/22/2020
 26. Saratoga: 07/15/2020 – 10/07/2020
 27. Remington Park: 09/21/2020 – 12/20/2020
 28. Churchill Downs: 09/01/2020 – 09/27/2020
 29. Kentucky Downs: 09/07/2020 – 09/16/2020
 30. Will Rogers Downs: 09/12/2020 – 11/14/2020
 31. Fingerlakes Racing Association: 07/20/2020 – 11/26/2020
 32. Downs at Albuquerque: 08/08/2020 – 10/24/2020
 33. Assiniboia Downs: 05/25/2020 – 9/15/2020
 34. Ellis Park: 07/02/2020 – 08/30/2020
 35. Grants Pass: 06/16/2020 – 07/12/2020
 36. Fairmount Park: 06/09/2020 – 09/07/2020

Michael Napier, Esq. addressed the Commission.

Dave Johnson addressed the Commission.

Jerry Simms addressed the Commission.

Tom Auther addressed the Commission.

Bob Hutton addressed the Commission.

Director Rudy Casillas addressed the Commission.

Chair Goreé moved to approve Items C.7.B.1-26 and 29-36. Commissioner Coolidge second. Motion Carried. (Ayes: Goreé, Coolidge, Hover, Prophet.)

Chair Goreé moved to conditionally approve Items C.7.B.27 and 28 until the Department receives the proper paperwork. Commissioner Coolidge second. Motion Carried. (Ayes: Goreé, Coolidge, Hover, Prophet.)

D. Information Reports

1. Safety Report(s) (Greg Stiles) – **Greg Stiles addressed the Commission.**
2. Budget Report (Director Casillas/Jason La Forest) – **Jason La Forest addressed the Commission.**
3. Legislative Update (Aiden Fleming) – **Aiden Fleming 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 – **Mike Weiss addressed the Commission.**
 - 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 – **Greg Stiles addressed the Commission.**
 - b. Arizona Quarter Horse Racing Association – **Loretta Brashear addressed the Commission.**
 - c. Arizona Thoroughbred Breeders Association – **No report.**
 - d. Horsemen’s Benevolent & Protective Association – **Michael Napier 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

Director Casillas addressed the Commission on COVID protocols.

- 2. Identification of Matters to be placed on future agendas
Dark Day Issues.

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. August 13, 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. The Chair will recognize the request and, time permitting, each presentation will be given approximately three (3) minutes 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.
Vicki Burnham addressed the Commission.

G. Announcements

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

Chair Goreé moved to adjourn the meeting. Commissioner Hover second. Motion Carried. (Ayes: Goreé, Coolidge, Hover, Prophet.) Meeting adjourned at 2:38 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