

ARIZONA RACING COMMISSION
THURSDAY, March 11, 2021
685th REGULAR MEETING AGENDA

Actions taken denoted in red

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 – (10:02AM) All Commissioners in Attendance. Commissioner Goreé leaves meeting early at 11:55AM.

B. Executive Session

The following item is for Executive Session purposes only: **Items moved to end of 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. **Motion for attorneys to proceed as directed approved (3-0; 1 absent) (Recess at 12:28PM; Reconvene at 12:41PM)**
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. **Motion for Commission accept the amended language as discussed in Executive session (3-0; 1 absent) (Recess at 12:28PM; Reconvene at 12:41PM)**

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

1. TP Racing, L.L.L.P. Request for Approval of 2021 Charity Race Dates. **Motion approved (4-0)**
 - a. Friday, March 12, 2021
 - b. Friday, April 23, 2021
 - c. Saturday, May 1, 2021

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. **After robust discussion by Representatives of Turf Paradise and Arizona Downs, Commissioners Goreé & Chairman Coolidge inquired on why Turf Paradise would like to revisit this issue when there was a previous agreement. Representatives from Turf Paradise express there disagreement and opinion that the current procedure does not comply with the IHA. Mr. Gessmann (HBPA) disagrees, and believes this issue only applies between states (interstate), not within a single state (intrastate). Commission moves into executive session (4-0) to discuss (Recess at 10:22AM; Reconvene at 10:56am). Commission requests Permittees to submit written briefs, maximum 20-pages, due April 1, 2021, for the April 8, 2021 meeting, explaining why the 60-mile radius should be put in place, why the Commission is out of compliance with law, what has changed in the past 2 years and why revert to 60-mile radius. Motion approved (4-0).**

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. **Representative from Arizona Downs indicates that it was in the Commission's rights to make the decision regarding the IHA wagering consents on Monarch Affiliated Racetracks and requests that the Commission denies this request for review. Representatives from Turf Paradise disagree and claim the Commission made its previous decision unlawfully. Commission moves into executive session (4-0) to discuss (Recess at 11:15AM, Reconvene at 11:31AM). Commissioner Goreé asks parties why we should rehear this if it is waiting to be heard at Office of Administrative Hearings (OAH). Representatives from Arizona Downs believe there shouldn't be a rehearing as it will be factually the same and it is set to be heard by OAH. Representatives from Turf Paradise indicate that the Commission can rehear this regardless of upcoming OAH hearing. Commission votes to deny request for review of Commission's December 2020 Decision regarding the IHA Wagering Consents (4-0).**

4. Simulcast Agreements Pursuant to A.R.S. § 5-112(U)
 - A. Arizona Downs
 1. RMG Operations (Dubai Carnival) **Motion Approved (4-0)**
 2. Hawthorne Race Track **The Commission did not take action on this item due to no contract submitted to review.**
 3. Keeneland **Motion Approved (4-0)**
 4. Remington Park **Motion Approved (4-0)**
 5. Will Rodgers Downs **Motion Approved (4-0)**

 - B. Turf Paradise
 1. RMG Operations (Dubai Carnival) **Motion Approved (4-0)**
 2. Hawthorne Race Track **Motion Approved (4-0)**
 3. Keeneland **Motion Approved (4-0)**
 4. Remington Park **Motion Approved (4-0)**
 5. Will Rodgers Downs **Motion Approved (4-0)**

- (11:55AM Vice Chair Goreé leaves meeting)

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

- A. Arizona Downs
 - 1. Aqueduct Spring Meet (anticipated dates 04/01/2021 – 04/18/2021) **Motion Approved (3-0; 1 absent)**
 - 2. Dubai World Cup Carnival (anticipated date 03/28/2021) **Motion Approved (3-0; 1 absent)**
 - 3. Hawthorne Race Track (anticipated dates 03/06/2021 – 04/25/2021) **Conditionally Approved if all required approvals are submitted to Division (3-0; 1 absent)**
 - 4. Keeneland (anticipated dates 04/02/2021 – 04/23/2021) **Motion Approved (3-0; 1 absent)**
 - 5. Remington Park (anticipated dates 03/04/2021 – 05/29/2021) **Motion Approved (3-0; 1 absent)**
 - 6. Will Rogers Downs (anticipated dates 03/22/2021 – 05/26/2021) **Motion Approved (3-0; 1 absent)**
- B. Turf Paradise
 - 1. Aqueduct Spring Meet (anticipated dates 04/01/2021 – 04/18/2021) **Motion Approved (3-0; 1 absent)**
 - 2. Dubai World Cup Carnival (anticipated date 03/28/2021) **Motion Approved (3-0; 1 absent)**
 - 3. Hawthorne Race Track (anticipated dates 03/06/2021 – 04/25/2021) **Motion Approved (3-0; 1 absent)**
 - 4. Keeneland (anticipated dates 04/02/2021 – 04/23/2021) **Motion Approved (3-0; 1 absent)**
 - 5. Remington Park (anticipated dates 03/04/2021 – 05/29/2021) **Motion Approved (3-0; 1 absent)**
 - 6. Will Rogers Downs (anticipated dates 03/22/2021 – 05/26/2021) **Motion Approved (3-0; 1 absent)**

D. Information Reports

- 1. Track Safety Report(s) (Greg Stiles) **In February, Turf Paradise lost four (4) racing days due to COVID-19 positive tests. Division met with Turf Paradise and more safety efforts were implemented. There have been continued sanitary and security complaints and the Division urges Turf Paradise to address. Turf Paradise emphasizes importance of their COVID-19 testing plan.**
- 2. Budget Report (Director Casillas/Jason La Forest) **No major change since last meeting. No concern with the budget for this fiscal year.**
- 3. Permittee Reports – **Not to exceed 3 minutes**
 - A. American Greyhound Racing
 - B. Arizona Downs **Made a deal with outside group that will run the meet. Meeting with horsemen next week, working on permit renewal and proposed racing dates from June through September.**
 - C. County Fairs
 - D. Rillito Park
 - E. Tucson Greyhound Park
 - F. Turf Paradise **Mutuel Handle is up 10 million out-of-state, ADW is up 119%. Purses are also up this year.**
- 4. Optional Industry Stakeholder Association Updates (limited to officers or officially designated spokesperson) – **Not to exceed 3 minutes**
 - A. Arizona Counties Racing Association
 - B. Arizona Quarter Horse Racing Association
 - C. Arizona Thoroughbred Breeders Association
 - D. Horsemen’s Benevolent & Protective Association **The Horsemen have come to an agreement with Arizona Downs. The HBPA has concerns with stewards making decisions without hearings.**

E. Jockey's Guild

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. **Notice of possible quorum at the Phoenix Greyhound Race Track with an auction to benefit the Greyhound Adoption Fund. No Commission business will take place at this event.**
2. Identification of Matters to be placed on future agendas.

F. Call to the Public

Member from the public expressed concerns with conditional approvals regarding some simulcast signals and asked for clarity from the Commission.

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. February 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).

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 (12:42pm)

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

