



ARIZONA RACING COMMISSION
THURSDAY, February 11, 2021
SECOND AMENDED 684th 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 684th Regular Arizona Racing Commission Meeting of February 11, 2021 at 10:00 AM.

Commissioners present via Google Meet are:

Chuck Coolidge, Vice Chairman
Rory Goreé, 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
Patrick Irvine, Esq. (Agenda Items B.1, B.2., and B.3. only)
Charles Markle, Esq. (Agenda Items B.1, B.2., and B.3. only)

B. Executive Session

The following item is for Executive Session purposes only:

Chairman Goreé moved these items to the end of the meeting, after Item D.

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.

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

Open session recessed at 11:42 AM
Open session reconvened at 11:47 AM

No action taken on this Item.

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 on this Item.

3. *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 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 instruct its attorney on this matter.

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

**Open session recessed at 11:22 AM
Open session reconvened at 11:38 AM**

Commissioner Coolidge moved to authorize Assistant Attorney General to proceed as discussed in Executive Session. Commissioner Hover second. Motion carried. (Ayes: Coolidge, Goreé, Hover, Propheter)

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

1. Election of Racing Commission Officers for 2021. 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 Goreé moved to elect Commissioner Coolidge as the new Chairman. Commissioner Propheter second. Motion carried. (Ayes: Coolidge, Goreé, Hover, Propheter)

Commissioner Coolidge moved to elect Commissioner Goreé as Vice Chairman. Commissioner Hover second. Motion carried. (Ayes: Coolidge, Goreé, Hover, Propheter)

2. Request from American Greyhound Racing for Three-Year Permit Renewal for Calendar Years 2020, 2021, and 2022. 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.

**Aaron Feinberg addressed the Commission.
Greg Stiles addressed the Commission.**

Commissioner Coolidge moved to approve American Greyhound Racing Three-year permit for calendar years 2020, 2021 and 2022. Commissioner Goreé second. Motion carried. (Ayes: Coolidge, Goreé, Hover, Propheter)

3. Simulcast Agreements Pursuant to A.R.S. § 5-112(U)
 - A. Arizona Downs

Greg Stiles addressed the Commission.

1. Fonner Park
Commissioner Goreé moved to approve the Fonner Park contract. Commissioner Propheter second. Motion carried. (Ayes: Coolidge, Goreé, Hover, Propheter)
2. Hawthorne Race Track
Having no contract for review, this matter tabled until the March 11, 2021 meeting.
3. Remington Park
Having no contract for review, this matter tabled until the March 11, 2021 meeting.

B. Turf Paradise

1. Fonner Park
Commissioner Goreé moved to approve the Fonner Park contract. Commissioner Hover second. Motion carried. (Ayes: Coolidge, Goreé, Hover, Propheter)
2. Hawthorne Race Track
Having no contract for review, this matter tabled until the March 11, 2021 meeting.

3. Remington Park

Having no contract for review, this matter tabled until the March 11, 2021 meeting.

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

A. Arizona Downs

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

Open session recessed at 10:14 AM

Open session reconvened at 10:22 AM

Greg Stiles addressed the Commission.

1. Fonner Park (anticipated dates 02/19/2021 – 05/01/2021)

Commissioner Coolidge moved to approve the Fonner Park signal. Commissioner Goreé second. Motion carried. (Ayes: Coolidge, Goreé, Hover, Propheter)

2. Hawthorne (anticipated dates 03/06/2021 – 04/25/2021)

No action taken on this Item.

3. Remington (anticipated dates 03/04/2021 – 05/29/2021)

No action taken on this Item.

B. Turf Paradise

1. Fonner Park (anticipated dates 02/19/2021 – 05/01/2021)

Commissioner Coolidge moved to approve the Fonner Park signal. Commissioner Goreé second. Motion carried. (Ayes: Coolidge, Goreé, Hover, Propheter)

2. Hawthorne (anticipated dates 03/06/2021 – 04/25/2021)

No action taken on this Item.

3. Remington (anticipated dates 03/04/2021 – 05/29/2021)

No action taken on this Item.

5. American Greyhound Racing Simulcast Import Arena Leisure Limited A.R.S. § 5-112(U). 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.

- Arena Leisure Limited

Commissioner Goreé moved to approve the Arena Leisure Limited signal. Commissioner Hover second. Motion carried. (Ayes: Coolidge, Goreé, Hover, Propheter)

6. Turf Paradise Teletrack Signal to Arizona Downs Per A.R.S. § 5-112(T)

Dave Auther addressed the Commission.

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

Open session recessed at 10:34 AM

Open session reconvened at 10:49 AM

Commissioner Coolidge moved to go approve the simulcast agreement between Turf Paradise and Arizona Downs. Commissioner Goreé second. Motion carried. (Ayes: Coolidge, Goreé, Hover, Propheter)

7. Notice of Hearing on Arizona Downs Permit Application, pursuant to A.R.S. § 5-108.01

No action taken on this Item.

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. Adoption Grants (Greg Stiles) – **Greg Stiles addressed the Commission.**

4. Interim Report with the Investigative Team Concerning Arizona Downs Permit Application and Discussion of Plan to

Comply with Requirements of A.R.S. §§ 5-108, 5-108.01 (Juan Estrada and Christopher Linscott, CPA) – Christopher Linscott addressed the Commission.

5. Permittee Reports – **Not to exceed 3 minutes**
 - a. American Greyhound Racing – **No Report.**
 - b. Arizona Downs – **Dave Auther addressed the Commission.**
 - c. County Fairs – **No Report.**
 - d. Rillito Park – **Claudia addressed the Commission.**
 - e. Tucson Greyhound Park – **Alicia Heiserer Federico addressed the Commission.**
 - 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 – **Leroy Gessmann.**
 - 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

Nothing to report.

2. Identification of Matters to be placed on future agendas
Nothing

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. 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).

Report.JD Foxx addressed the Commission.

G. Announcements

The next regularly scheduled Commission meeting will be at **10:00 AM on Thursday, March 11, 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 Goreé moved to adjourn the meeting. Commissioner Propheter second. Motion carried. (Ayes: Coolidge, Goreé, Hover, Propheter) Meeting adjourned at 11:48 AM.

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