

ARIZONA RACING COMMISSION
THURSDAY, February 11, 2021
SECOND AMENDED 684th 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 684th Regular Arizona Racing Commission Meeting of February 11, 2021 – All members are present. (10:00 am)

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. **(Executive session started at 11:42 am) (Reconvened at 11:47 am)**
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. **Tabled to next meeting**
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 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. **(Executive session at 11:22 am) (Reconvened at 11:40 am) Directed the attorney general's office to proceed with a motion to dismiss. Motion carried (4-0).**

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.
Chuck Coolidge – Chairmen (4-0)
Rory Goreé- Vice Chair (4-0)
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. Motion carries (4-0). Mr. Styles said reason for delay in permit renewal was due to COVID-19.
3. Simulcast Agreements Pursuant to A.R.S. § 5-112(U)
 - A. Arizona Downs
 1. Fonner Park – Motion carries (4-0).
 2. Hawthorne Race Track – Tabled to next meeting due to lack of out-of-state approvals
 3. Remington Park – Tabled to next meeting due to lack of out-of-state approvals
 - B. Turf Paradise
 1. Fonner Park – Motion carries (4-0).
 2. Hawthorne Race Track – Tabled to next meeting due to lack of out-of-state approvals
 3. Remington Park – Tabled to next meeting due to lack of out-of-state approvals
4. Simulcast Horse Racing Import Signals Pursuant to IHA Section 3004(a)(3)
 - A. Arizona Downs –Ms. Wagner indicated that the commission did not received Hawthorne and Remington Agreements. Commission voted to go into Executive session. (10:14 am) (10:22 resumes)
 1. Fonner Park (anticipated dates 02/19/2021 – 05/01/2021) Conditionally approved once Department receives all required approvals. Motion carries (4-0).
 2. Hawthorne (anticipated dates 03/06/2021 – 04/25/2021) – Tabled to next meeting due to lack of out-of-state approvals
 3. Remington (anticipated dates 03/04/2021 – 05/29/2021) – Tabled to next meeting due to lack of out-of-state approvals
 - B. Turf Paradise
 1. Fonner Park (anticipated dates 02/19/2021 – 05/01/2021) – Conditionally approved once Department receives all required approvals. Motion carries (4-0).
 2. Hawthorne (anticipated dates 03/06/2021 – 04/25/2021) – Tabled to next meeting due to lack of out-of-state approvals.
 3. Remington (anticipated dates 03/04/2021 – 05/29/2021) – Tabled to next meeting due to lack of out-of-state approvals.
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. Commission approves Arena Leisure Limited signal (4-0).
6. Turf Paradise Teletrack Signal to Arizona Downs Per A.R.S. § 5-112(T). Mr. Auther asked to take this off the agenda because they worked out an agreement. Ms. Wagner advised to review this in Executive Session (10:34 am) Resumes (10:49 am). The Commission voiced displeasure regarding the last minute submission of required paperwork the night before the commission meeting. The motion was approved

(4-0).

7. Notice of Hearing on Arizona Downs Permit Application, pursuant to A.R.S. § 5-18.01. Racing Division Director, Rudy Casillas, explains they contacted an outside financial consultant and they will have a full report at the next Commission meeting.

D. Information Reports

1. Track Safety Report(s) (Greg Stiles) – Indicated that that the current Turf Paradise racing meet is going well. There are ongoing work orders for bathrooms, street sweeping, and other facility matters at the track. Additionally, Mr. Stiles indicated that the Equine Safety Committee is meeting tomorrow to continue its work in mitigating horse-related fatalities. Commissioner Goreé requested an update on horse adoption programs. Mr. Stiles responds indicating that the Division of Racing has recently implemented an adoption program and will give updates at future meetings.
2. Budget Report (Director Casillas/Jason La Forest) Mr. LaForest indicates that due to COVID-19, the Division has less costs and are on budget, but has seen a sharp decline in revenue. This may impact future spending but the Division is currently meeting the budget.
3. Adoption Grants (Greg Stiles) – Mr. Stiles asked for all aftercare organizations to submit grant applications for horse adoptions.
4. Interim Report with 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) Mr. Auther has not viewed the report, but once they receive it they will be prepared to discuss at the next meeting. Financial consultant, Chris Linscott, mentioned the report will be ready by next meeting.
5. Permittee Reports – **Not to exceed 3 minutes**
 - A. American Greyhound Racing
 - B. Arizona Downs Indicated they are close to a deal with horsemen for a live racing meet.
 - C. County Fairs
 - D. Rillito Park Indicated they are not running to COVID-19, but may look to apply for later dates this fall.
 - E. Tucson Greyhound Park Indicated that their Greyhound permit renewal is on the horizon.
 - F. Turf Paradise Current live meet has been a success. Total handle is up 8%, out-of-state handle up 13%, ADW wagering is up 117%.
6. 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 – Mr. Gessmann indicated the horsemen are excited about the possible meeting at Arizona Downs and the Turf Paradise meet is going well so far.
 - 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.
2. Identification of Matters to be placed on future agendas.

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).

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 (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