



**AMENDED ARIZONA RACING COMMISSION  
MONDAY, APRIL 19, 2021  
686<sup>th</sup> REGULAR MEETING AGENDA**

**Action Taken Denoted In Red**

**The summary written below are notes compiled by ADG staff and are based on their observation of the live meeting. For the official record, please refer to the meeting minutes.**

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(s) on any matter listed on the Agenda. Any such Executive Session will not be open to the public.

- A. **Call to Order of the 686<sup>th</sup> Regular Arizona Racing Commission Meeting of April 19, 2021 at 10:03 AM**
- B. **Executive Session** These items were move to the end of the meeting. Vice Chair Goreé not present for these Items.

The following item is for Executive Session purposes only:

- 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 attorney(s) on this matter. **Open Session is recessed for Executive Session 1:53 pm and reconvened at 2:11 pm. Directed attorneys to proceed as discussed in Executive Session. (Motion carried 3-0).**
- 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 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 instructs its attorney(s) on this matter. **Open Session is recessed for Executive Session at 2:13 pm and reconvened at 2:22 pm. Directed attorney to proceed as discussed in Executive Session. (Motion carried 3-0).**

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

- 1. Race Horse Adoption Grants. **Juan Estrada, Interim Enforcement Manager, advised the Commission that all documents are in order and he recommends approval to award \$6,894.96 to Desert Oasis Rescue. Moved to approve to racehorse adoption grants. (Motion carried 3-0) Vice Chair Goreé not present.**
- 2. Request from Santa Cruz County Fair & Rodeo Association to Cancel its 2021 Live Race Season due to COVID-19 Restrictions. **No discussion. (Motion carried 3-0). Commissioner Hover not present.**
- 3. Arizona Downs Request for Race Dates for 2021 Race Meet. The Commission may vote to go into Executive Session under A.R.S. § 38-431.03(A)(3) in order to discuss with its attorney(s) on this matter. **Open Session is recessed for Executive Session at 10:10 am and reconvened at 10:30 am. Commissioner Hover in attendance. Motion carries to only approve dates for June 1<sup>st</sup> 2<sup>nd</sup>, 8<sup>th</sup>, 9<sup>th</sup>, 15<sup>th</sup>, 16<sup>th</sup>, 22<sup>nd</sup>, 23<sup>rd</sup>, 29<sup>th</sup>, and 30<sup>th</sup>. Commission notes that this action gives**

Arizona Downs time to submit its renewal permit application and receive approval before the start of the next fiscal year, which begins July 1, 2021. **(Motion carried 4-0).**

4. Request from Sportech, Inc. for Temporary Continuation of Existing 2021 Tote License Due to Acquisition by BetMakers US. The Commission may vote to go into Executive Session under A.R.S. § 38-431.03(A)(3) in order to discuss with its attorney(s) on this matter. Director Casillas indicated that Sportech has been purchased by BetMakers and recommended conditional approval until a complete application is received. Rich Pingle, attorney for BetMakers, requested approval from the Commission and indicated their application will be submitted shortly. Commission votes to go into Executive Session at 10:37 am and reconvened at 10:49 am. Motion carries to conditionally approve Sportech continued operation while moving forward with BetMakers acquisition and Department licensing. **(Motion carried 4-0).**
5. Request from Arizona Downs, LLC, for Approval of Michael Weiss as General Manager. Department indicates that Michael Weiss is in good standing and recommends approval. Commission votes to approve Michael Weiss as General Manager at Arizona Downs. **(Motion carried 4-0).**
6. 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 and Continued from the March 11, 2021 Meeting. The Commission may vote to go into Executive Session under A.R.S. § 38431.03(A)(3) in order to discuss with its attorney(s) on this matter. Open Session is recessed for Executive Session at 11:05 am and reconvened at 11:43 am. **Vice Chair Goreé has left the meeting and will try to return if he is able.** After robust discussion by representatives from Monarch Content Management and Arizona HBPA, the Commission voted to deny revisiting the procedure concerning off-track betting facilities and the 60 mile radius rule. **(Motion carried 2-1)** Commissioner Olsen voting NO.
7. Simulcast Agreements Pursuant to A.R.S. § 5-112(U) **Vice Chair Goreé not present for these Items.**
  - A. Arizona Downs
    1. Churchill Downs Incorporated **Approved. (Motion carried 3-0).**
    2. PNK (Ohio), LLC dba Beltera Park Cincinnati **Approved. (Motion carried 3-0).**
    3. NYRA Content Management Solutions, LLC **Approved. (Motion carried 3-0).**
    4. Omaha Exposition & Racing, Inc. d/b/a Horsemen's Park **Approved. (Motion carried 3-0).**
    5. Prairie Meadows Racetrack & Casino, Inc. **Approved. (Motion carried 3-0).**
    6. SunRay Gaming of New Mexico, LLC **Approved. (Motion carried 3-0).**
  - B. Turf Paradise
    1. Churchill Downs Incorporated Department indicated that certain documents are missing and requested the submittal of 1 page addendum regarding the Churchill Downs Incorporated/Turf Paradise, L.L.L.P. contract. Commission conditionally approves pending submittal of 1 page addendum. **(Motion carried 3-0).**
    2. PNK (Ohio), LLC dba Beltera Park Cincinnati **Approved. (Motion carried 3-0).**
    3. NYRA Content Management Solutions, LLC **Approved. (Motion carried 3-0).**
    4. SunRay Gaming of New Mexico, LLC **Approved. (Motion carried 3-0).**
8. Simulcast Horse Racing Import Signal Content Pursuant to IHA Section 3004(a)(3) **Vice Chair Goreé not present for these Items.**
  - A. Arizona Downs
    1. Arlington Park (anticipated dates 04/30/2022 – 09/25/2021) **Approved. (Motion carried 3-0).**
    2. Assiniboia (anticipated dates 05/17/2021 – 09/08/2021) **Approved. (Motion carried 3-0).**
    3. Belmont Park (anticipated dates 04/22/2021 – 07/11/2021) **Approved. (Motion carried 3-0).**
    4. Belterra (anticipated dates 04/29/2021 – 10/08/2021) **Approved. (Motion carried 3-0).**
    5. Canterbury Park (anticipated dates 05/18/2021 – 09/16/2021) **Conditionally approved, pending AZHBPA approval. (Motion carried 3-0).**
    6. Churchill Downs (anticipated dates 04/24/2021 – 06/26/2021) **Approved. (Motion carried 3-0).**
    7. Colonial Downs (anticipated dates 07/19/2021 – 09/01/2021) **Conditionally approved, pending AZHBPA approval. (Motion carried 3-0).**
    8. Delaware Park (anticipated dates 05/26/2021 – 10/16/2021) **Conditionally approved, pending AZHBPA approval. (Motion carried 3-0).**

9. Ellis Park (anticipated dates 06/27/2021 – 09/04/2021) Conditionally approved, pending AZHBPA approval. **(Motion carried 3-0).**
10. Emerald Downs (anticipated dates 5/19/2021 – 09/23/2021) Conditionally approved, pending AZHBPA approval. **(Motion carried 3-0).**
11. Evangeline Downs (anticipated dates 04/28/2021 – 09/18/2021) Approved. **(Motion carried 3-0).**
12. Fairmount Park (anticipated dates 04/27/2021 – 09/06/2021) Approved. **(Motion carried 3-0).**
13. Grants Pass (anticipated dates 05/10/2021 – 07/13/2021) Approved. **(Motion carried 3-0).**
14. Indiana Grand (anticipated dates 04/13/2021 – 11/08/2021) Approved. **(Motion carried 3-0).**
15. Louisiana Downs (anticipated dates 05/01/2021 – 09/22/2021) Conditionally approved, pending AZHBPA approval. **(Motion Carried 3-0).**
16. Mountaineer Park (anticipated dates 04/25/2021 – 12/01/2021) Approved. **(Motion carried 3-0).**
17. Prairie Meadows (anticipated dates 04/30/2021 – 09/25/2021) Approved. **(Motion carried 3-0).**
18. Sam Houston (anticipated dates 04/23/2021 – 06/12/2021) Approved. **(Motion carried 3-0).**
19. Sunray Park (anticipated dates 04/23/2021 – 5/30/2021) Approved. **(Motion carried 3-0).**
20. Thistledown (anticipated dates 04/26/2021 – 10/14/2021) Approved. **(Motion carried 3-0).**
21. Woodbine (anticipated dates 05/07/2021 – 12/05/2021) Approved. **(Motion carried 3-0).**

B. Turf Paradise

1. Arlington Park (anticipated dates 04/30/2022 – 09/25/2021) Conditionally approved, pending submittal of necessary documents. **(Motion carried 3-0).**
2. Assiniboia (anticipated dates 05/17/2021 – 09/08/2021) Approved. **(Motion carried 3-0).**
3. Belmont Park (anticipated dates 04/22/2021 – 07/11/2021) Approved. **(Motion carried 3-0).**
4. Belterra (anticipated dates 04/29/2021 – 10/08/2021) Approved. **(Motion carried 3-0).**
5. Canterbury Park (anticipated dates 05/18/2021 – 09/16/2021) Approved. **(Motion carried 3-0).**
6. Churchill Downs (anticipated dates 04/24/2021 – 06/26/2021) Conditionally approved, pending submittal of necessary documents. **(Motion carried 3-0).**
7. Colonial Downs (anticipated dates 07/19/2021 – 09/01/2021) Approved. **(Motion carried 3-0).**
8. Delaware Park (anticipated dates 05/26/2021 – 10/16/2021) Conditionally approved, pending submittal of necessary documents. **(Motion carried 3-0).**
9. Ellis Park (anticipated dates 06/27/2021 – 09/04/2021) Approved. **(Motion carried 3-0)**
10. Emerald Downs (anticipated dates 5/19/2021 – 09/23/2021) Approved. **(Motion carried 3-0).**
11. Evangeline Downs (anticipated dates 04/28/2021 – 09/18/2021) Conditionally approved, pending submittal of necessary documents. **(Motion carried 3-0).**
12. Fairmount Park (anticipated dates 04/27/2021 – 09/06/2021) Conditionally approved, pending submittal of necessary documents. **(Motion carried 3-0).**
13. Grants Pass (anticipated dates 05/10/2021 – 07/13/2021) Conditionally approved, pending submittal of necessary documents. **(Motion carried 3-0).**
14. Hastings Park (anticipated dates 05/01/2021 – 10/23/02021) Approved. **(Motion carried 3-0).**
15. Indiana Grand (anticipated dates 04/13/2021 – 11/08/2021) Conditionally approved, pending submittal of necessary documents. **(Motion carried 3-0).**
16. Louisiana Downs (anticipated dates 05/01/2021 – 09/22/2021) Approved. **(Motion carried 3-0).**
17. Mountaineer Park (anticipated dates 04/25/2021 – 12/01/2021) Approved. **(Motion carried 3-0).**
18. Prairie Meadows (anticipated dates 04/30/2021 – 09/25/2021) Approved. **(Motion carried 3-0).**
19. Sam Houston (anticipated dates 04/23/2021 – 06/12/2021) Approved. **(Motion carried 3-0).**
20. Sunray Park (anticipated dates 04/23/2021 – 5/30/2021) Approved. **(Motion carried 3-0).**
21. Thistledown (anticipated dates 04/26/2021 – 10/14/2021) Conditionally approved, pending submittal of necessary documents. **(Motion carried 3-0).**
22. Woodbine (anticipated dates 05/07/2021 – 12/05/2021) Approved. **(Motion carried 3-0).**

9. Training Presented by Assistant Attorney General Kelly Wagner. The Commission may vote to go into Executive Session under A.R.S. § 38-431.03(A)(3) in order to discuss with its attorney(s) on this matter. Vice Chair Goreé not present for these Items. Assistant Attorney General Kelly Wagner gives a presentation over open meeting law and other statutes and regulations. No action was taken.
  - A. Review of Statutes and Regulations
  - B. Open Meeting Law Review
  - C. Robert's Rules of Order Review

10. Arizona Downs Request for Off-Track Facility: Vice Chair Goreé not present for this Item.

- A. Dirty Birdies, 2285 E. Butler Ave., Flagstaff, AZ 86004 Dirty Birdies approved as an off-track betting facility pending inspection. **(Motion carried 3-0).**

**D. Information Reports** Vice Chair Goreé not present for these Items.

1. Track Safety Report(s) Juan Estrada, Interim Enforcement Manager, addressed the Commission.
2. Jockey Concussion Protocols (Darrell Haire, Jockey's Guild) Tabled until next meeting.
3. Budget Report (Director Casillas/Jason La Forest) Director Casillas addressed the Commission.
4. Permittee Reports – **Not to exceed 3 minutes**
  - a. American Greyhound Racing No report.
  - b. Arizona Downs Michael Weiss, General Manager, addressed the Commission.
  - c. County Fairs No Report.
  - d. Rillito Park Michael Weiss, General Manager, addressed the Commission.
  - e. Tucson Greyhound Park No report.
  - f. Turf Paradise Vincent Francia, General Manager, 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 No Report
  - b. Arizona Quarter Horse Racing Association Lloyd Yother, President, addressed the Commission.
  - c. Arizona Thoroughbred Breeders Association Debbie Zimmerman, Executive Director, addressed the Commission.
  - d. Horsemen's Benevolent & Protective Association Leroy Gessmann, President, addressed the Commission.
  - 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.
  - Necropsy Reports
  - Jockey Concussion Protocols
  - Horse Fatalities at Turf Paradise

**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](mailto:cgoodwin@azgaming.gov), by 9 a.m. April 19, 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 after 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 Meet. 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 541-626-6148 PIN 398 809 873# 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).

Former Commissioner Jana Propheter thanked the Commission for her time of service and indicated her continued commitment to horse racing.

Ryan Bratcher, Owner/Trainer, addressed the Commission regarding concerns related to the safety of the dirt and turf tracks at Turf Paradise. He also expressed concerns about the number of horse fatality incidents.

## **G. Announcements**

The next regularly scheduled Commission meeting will be at **10:00 AM on Thursday, May 13, 2021** at **1110 W. Washington St., Phoenix, Arizona or via Google Meet**, 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 at 2:25 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