

AMENDED AGENDA**A. Call to Order 11:00 AM**

Chair Jay McClintock
Vice Chair Rory Goreé (Telephonically)
Commissioner Thomas Lawless
Commissioner Bill Feldmeier (Telephonically)
Commissioner David Heiple (Telephonically)

Commissioner McClintock recognized Bill Rice. Mr. Rice stated that Dan Luciano was retiring and thanked him for his 23 years of service. He stated that Ed Braunger would be filling his position. Commissioner Goreé and Chair McClintock also thanked Dan for his many years of service.

B. Consent Agenda

Any matter on the Consent Agenda will be removed from the Consent Agenda and discussed as a regular agenda item upon the request of any member of the Commission.

Commissioner Feldmeier moved to pull Items 1 and 2 from the Consent Agenda for discussion. Commissioner Lawless second. Motion Carried. (Ayes: McClintock, Goreé, Lawless, Feldmeier, Heiple)

1. Approval to continue the Commission Hearing of the matter of: Jeremy E. Simms' Appeal to the Arizona Racing Commission of Director's Ruling to Grant a Racing License to Ronald A. Simms, Case No. 14A-020-RAC, currently set for January 11, 2016, until March 3, 2016.
2. Approval of revised briefing schedule for the parties in Jeremy E. Simms' Appeal to the Arizona Racing Commission of Director's Ruling to Grant a Racing License to Ronald A. Simms, Case No. 14A-020-RAC. Briefing schedule: January 28, 2016 – Opening Brief; February 11, 2016 – Response Brief; and February 18, 2016 – Reply Brief.
Commissioner Lawless moved to approve the continuance of the January 11, 2016 Hearing to 9:00 a.m., March 10, 2016, with the same briefing schedule January 28, 2016 - Opening Brief; February 11, 2016 – Response Brief; and February 18, 2016 – Reply Brief. Commissioner Heiple second. Motion Carried. (Ayes: McClintock, Goreé, Lawless, Feldmeier, Heiple)

11:39 AM Commissioners attending telephonically lost connection. Recessed to reestablish connection. 11:40 AM Connection reestablished, meeting resumed.

C. Executive Session

The following items are for Executive Session purposes only and possible action by the Commission.

Commissioner Lawless moved to go into Executive Session for Item C1. Commissioner Goreé, second. Motion Carried. (Ayes: McClintock, Goreé, Lawless, Feldmeier, Heiple)

Open Session Recessed 11:45 AM

12:00 PM Commissioner Heiple excused himself from the remainder of the meeting.

Open Session Reconvened 12:01 PM

Commissioner Lawless moved to instruct Camila to act as instructed during Executive Session. Vice Chair Goreé second. Motion Carried. (Ayes: McClintock, Goreé, Lawless, Feldmeier) (Heiple excused)

1. Jeremy E. Simms' Appeal to the Arizona Racing Commission of Director's Ruling to Grant a Racing License to 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)(4) in order to discuss or consult the attorneys of the Commission in order to receive legal advice, consider its position, and instruct its attorneys regarding the Commission's position.

Commissioner Lawless moved to go into Executive Session to discuss Agenda Item C2. Vice Chair Goreé second. (Ayes: McClintock, Goreé, Lawless, Feldmeier) (Heiple excused)

Open Session Recessed 12:10 PM

2. *Simms v. McClintock et al.*, Case No. LC2015-000466, Maricopa County Superior Court. The Commission may vote to go into Executive Session under A.R.S. § 38-431.03(A)(4) in order to discuss or consult the attorneys of the Commission in order to receive legal advice, consider its position, and instruct its attorneys regarding the Commission's position.

12:17 PM Commissioner Feldmeier excused himself from the remainder of the meeting.

Open Session Reconvened 12:20 PM

Recording device not turned back on. Everyone returned to their seats, the court reporter got herself reestablished then the Commission voted to return to Executive Session for Item C3.

Commissioner Lawless moved to go into Executive Session to discuss Agenda Item C3. Vice Chair Goreé second. (Ayes: McClintock, Goreé, Lawless) (Feldmeier and Heiple excused)

Open Session Recessed 12:23 PM

3. Motion to Compel Production of Documents Responsive to Subpoenas Duces Tecum to Arizona Department of Gaming and Arizona Racing Commission dated October 15, 2015, and Subpoenas Duces Tecum to members of the Arizona Racing Commission dated November 25, 2015, in *TP Racing L.L.P. v. Simms, et al.*, Case No. CV2010-022308, Maricopa County Superior Court. The Commission may vote to go into Executive Session under A.R.S. § 38-431.03(A)(3) and (4) in order to receive legal advice, consider its position, and instruct its attorneys regarding the Commission's position.

Open Session Reconvened 12:27 PM

No action was taken on this Agenda Item.

D. Informational Report

1. Regulatory Wagering Assessment Report

Informational Report presented by Lori Anderson, Comptroller, Department of Gaming, Division of Racing.

Announcements

The next regular Arizona Racing Commission meeting will be held on **Friday January 8, 2016, at 10:00 a.m.** in the Building Conference Room 250, 2nd Floor, located at 1110 West Washington St., Phoenix, Arizona.

Commissioner Lawless moved to adjourn. Vice Chair Goreé second. Motion Carried. (Ayes: McClintock, Goreé, Lawless) (Feldmeier and Heiple excused)

Adjournment **12:28 PM**