



Arizona Department of Gaming

TRIBAL GAMING • RACING • BOXING & MIXED MARTIAL ARTS

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AMENDED AGENDA

Pursuant to A.R.S. § 38-431.03(A)(3), the 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 655th Regular Arizona Racing Commission Meeting of September 14, 2017 at 10:01 AM.

Commissioners Present:

Chair Thomas Lawless
Vice Chair Jay McClintock
Commissioner David Heiple
Commissioner Rory Goreé

Also present:

Rudy Casillas, Racing Division Director
Deanie Reh, Assistant Attorney General
Greg Stiles, Division of Racing
Cassie Goodwin, Commission Secretary
Camila Alarcon, Esq. (Agenda Items B and C only)

B. Executive Session

The following items are for Executive Session purposes only:

Chair Lawless advised the Commission would be going into Executive Session after Agenda Items C through G are completed.

1. *Simms v. Arizona Racing Commission, et al.*, Case No. LC2016-000505, Ronald A. Simms' Appeal to the Maricopa County Superior Court of the Arizona Racing Commission's Order to Reject the Gaming 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)(3) in order to discuss or consult for legal advice with its attorneys.

Commissioner Goreé moved to go into Executive Session for legal advice. Commissioner Heiple second. Motion carried. (Ayes: Goreé, Lawless, Heiple, McClintock.)

Open Session recessed at 11:01 AM.

Open Session reconvened at 11:11 AM.

2. Public Records Request dated August 14, 2017. The Commission may vote to go into Executive Session under A.R.S. § 38-431.03(A)(3) in order to discuss or consult for legal advice with its attorneys.

Commissioner Goreé moved to go into Executive Session for legal advice. Commissioner Heiple second. Motion carried. (Ayes: Goreé, Lawless, Heiple, McClintock.)

Open Session recessed at 11:12 AM.

Open Session reconvened at 11:23 AM.

3. Public Records Request dated August 28, 2017. The Commission may vote to go into Executive Session under A.R.S. § 38-431.03(A)(3) in order to discuss or consult for legal advice with its attorneys.

No action was taken on this item.

C. Notice of Appeals filed before the Commission

The following items are for review, discussion, and possible action by the Commission:

1. *Notice of Appeal to Arizona Racing Commission of Director's Interpretation and Decision Regarding Conditional Temporary License of Ronald A. Simms, and Supporting Memorandum* filed on June 12, 2017, by TP Racing, L.L.P., Bell Racing, LLC, and Jerry Simms. On August 30, 2017, the moving parties withdrew this notice. The Commission may vote to go into Executive Session under A.R.S. § 38-431.03(A)(3) in order to discuss or consult for legal advice with its attorneys.

Commissioner Goreé moved to dismiss the Notice of Appeal since the submitting party withdrew the notice. Vice Chair McClintock second. Motion carried. (Ayes: Goreé, Lawless, Heiple, McClintock)

2. *Notice of Appeal of Department's July 19, 2017 Decision Deeming Ronald A. Simms's License Application to be Incomplete* (Docket No. 18A-002-DOR assigned) filed on August 1, 2017, by Ronald A. Simms. The Commission may vote to go into Executive Session under A.R.S. § 38-431.03(A)(3) in order to discuss or consult for legal advice with its attorneys.

**Stacy Harrison, Esq. addressed the Commission.
Michael Manning, Esq. addressed the Commission.
Joseph Kanefield, Esq. addressed the Commission.**

Commissioner Goreé moved to conduct a hearing on this matter at the regularly scheduled meeting on November 9, 2017. The parties shall adhere to a maximum of 20 pages for each

brief with the following submittal schedule: Opening Brief due no later than September 25, 2017, Response Brief due no later than October 6, 2017, and Reply Brief due no later than November 9, 2017. All briefs shall be filed electronically to Camila Alarcon, Esq. and the Racing Commission Secretary; no paper copies are necessary. Vice Chair McClintock second. Motion carried. (Ayes: Goreé, Lawless, Heiple, McClintock)

D. New Business

The following New Business items are for a status report, presentation, discussion, and possible action for the Commission.

1. TP Racing, L.L.L.P. Request to Amend 2017-2018 Race Dates at Turf Paradise

Greg Stiles addressed the Commission.

Commissioner Heiple moved to approve Turf's request to amend the approved race schedule for the 2017-2018 race met as follows: Change from Live Race Dates to Dark Day Simulcasting Days October 17 and 23, 2017 and May 1, 2018; and Change from Dark Day Simulcasting Day to Live Race Day May 6, 2018. Commissioner Goreé second. Motion carried. (Ayes: Goreé, Lawless, Heiple, McClintock)

2. Turf Paradise Request for New Off-Track Betting Facility:
Porky's Pub Sports Bar and Lounge located at 2285 E. Butler Ave., Flagstaff, Arizona

Greg Stiles addressed the Commission.

Vice Chair McClintock moved to approve Porky's Pub Sports Bar and Lounge located at 2285 E. Butler Ave., Flagstaff, Arizona as an Off-Track Betting Facility. Commissioner Heiple second. Motion carried. (Ayes: Goreé, Lawless, Heiple, McClintock)

E. Information Reports

1. Turf Safety Report (Greg Stiles) – **Greg Stiles addressed the Commission regarding the Horse Fatality Breakthrough Project Report, Countermeasure Recommendations and the Turf Paradise Race Course Safety Report. Vince Francia, General Manager of Turf Paradise also addressed the Commission.**
2. Budget Update (Director Casillas) – **At Director Casillas's request, Lori Anderson, Financial Services Supervisor, addressed the Commission on the budget.**
3. Yavapai Downs Business Plan Review – **Tom Author addressed the Commission.**
4. Permittee Reports – **Not to exceed 3 minutes**
 - a. American Greyhound Racing – **Brad Bryant, General Manager, addressed the Commission.**
 - b. County Fairs – **No report.**
 - c. Rillito – **No report.**
 - d. Turf Paradise – **Vince Francia, General Manager, addressed the Commission.**
 - e. Tucson Greyhound Park – **No report.**
5. Optional Industry Stakeholder Association Updates (limited to officers or officially designated spokesman) – **Not to exceed 3 minutes**
 - a. Arizona Counties Racing Association – **No report.**
 - b. Arizona Greyhound Association – **No report.**

- c. Arizona Quarter Horse Racing Association – **No report.**
- d. Arizona Thoroughbred Breeders Association – **No report.**
- e. Horsemen’s Benevolent & Protective Association – **No report.**
- f. JACOR Update on Yavapai Downs – **Tom Author addressed the Commission.**
- g. Jockey’s Guild – **No report.**

F. 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. – **No report.**
- 2. Identification of Matters to be placed on future agendas. – **None at this time.**

G. Call to the Public

Those members of the public wishing to address the Commission must sign the signup sheet and be recognized by the Chair. Time permitting; each presentation will be given approximately two minutes. Action taken as a result of public comment will be limited to directing staff to study the matter or re-schedule the matter for further consideration at a later date.

Stacy Harrison, Esq. addressed the Commission.
Michael Manning, Esq. addressed the Commission.
Verlin D. Jones, DVM addressed the Commission.

Announcements

The next regular Arizona Racing Commission meeting is tentatively scheduled to be held on **Thursday, October 12, 2017, at 10:00 a.m.** in the Building Conference Room 250, 2nd Floor, located at 1110 West Washington St., Phoenix, Arizona. This is subject to change. Please remember to check the Racing Division’s website at www.gaming.az.gov or contact Cassie Goodwin at 602-771-4263 for confirmation.

Adjournment at 11:28 AM.