



Rudy J. Casillas
Racing Division Director

SECOND 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 665th Regular Arizona Racing Commission Meeting held November 8, 2018 at 10:00 AM

Commissioners Present:

Chair Jay McClintock
Commissioner David Heiple (Telephonically)
Commissioner Thomas Lawless

Also present:

Rudy Casillas, Racing Director
Deanie Reh, Assistant Attorney General
Greg Stiles, Division of Racing
Cassie Goodwin, Commission Secretary

B. Action Items

1. Consideration of a removal of the 140-Day Race Day Requirement for Rillito Race Track (A.R.S. § 5-112(C), (D) and (E))

In the October 11, 2018 Commission meeting, the Commission had a public discussion on this matter; however the posted October 2018 agenda utilized an incorrect statutory reference (A.R.S. § 5-111 (D) and (E) vs. A.R.S. § 5-112 (C) (D) and (E)), which constituents have urged was an improper posting of the agenda item, possibly making the Commission's decision void.

On October, 13, 2018, possible discussions on the Commissioners' previous October 11, 2018 action may have taken place at a properly noticed meeting at Turf Paradise, during which no official Commission business was to take place. Commission members have individually provided statements of the day's discussions to the Division of Racing.

Any member of the public wishing to obtain the written description of the Commission's deliberations, consultations, and decisions that preceded and related to its October 13, 2018 discussion may request a copy from Racing Secretary, Cassie Goodwin.

The written detailed description will also be included in the minutes of this meeting and made available on the Division of Racing's website at <https://racing.az.gov/racing-commission/previous-meetings-minutes>.

Jaye Wells, Rillito Park Foundation, addressed the Commission.
Kevin DeMenna, Lobbyist for Rillito Park Foundation, addressed the Commission.
Gerald "Buzz" Alston, Esq., TP Racing, LLLC, addressed the Commission.
Leroy Gessmann, AZ HBPA, addressed the Commission.
Tom Auther, Arizona Downs, addressed the Commission.
Lloyd Yother, AZ HBPA, addressed the Commission.
Jerry Simms, TP Racing, LLLC, addressed the Commission.

Vincent Francia, General Manager, TP Racing, LLLC, addressed the Commission.

Commissioner Lawless moved to go into Executive Session. Chair McClintock second. Motion carried. (Ayes: Lawless, Heiple, McClintock.)

**Open Session recessed at 10:52 AM.
Open Session reconvened at 11:16 AM.**

**Jaye Wells, Rillito Park Foundation, addressed the Commission.
Kelsey Lundy, Lobbyist for TP Racing, LLLC, addressed the Commission.
Jerry Simms, Owner, TP Racing, LLLC, addressed the Commission.
Leroy Gessmann, AZ HBPA, addressed the Commission.**

Commissioner Lawless moved to table this matter and have a Special Meeting of the Arizona Racing Commission on December 13, 2018. Chair McClintock second. Motion carried. (Ayes: Lawless, Heiple, McClintock.)

2. Approval of 2019 Arizona Racing Commission Meeting Dates

Commissioner Lawless moved to approve the 2019 Arizona Racing Commission meeting dates. Chair McClintock second. Motion carried. (Ayes: Lawless, Heiple, McClintock.)

3. Turf Paradise Race Course, LLLP Off-Track Betting Facilities
 - a. Farley's Pub, LLC, 230 N Broad St, Globe, AZ 85501

Commissioner Lawless moved to approve Farley's Pub, LLC as a Turf Paradise OTB location. Chair McClintock second. Motion carried. (Ayes: Lawless, Heiple, McClintock.)

- b. Legends Sports Club, 8378 W Thunderbird Rd, Peoria, AZ 85381

Commissioner Lawless moved to approve Legends Sports Club as a Turf Paradise OTB location. Chair McClintock second. Motion carried. (Ayes: Lawless, Heiple, McClintock.)

4. Santa Cruz County Fair & Rodeo Association Request to Correct Its 2019 Race Dates and Approval of 2020 Race Dates:
 - a. 2019: ~~April 30 & 31, 2019 and May 6 & 7, 2019~~ April 27 & 28, 2019 and May 4 & 5, 2019 and 2020: April 25 & 26, 2020 and May 2 & 3, 2020

Commissioner Lawless moved to approve Santa Cruz County Fair & Rodeo Association's request to correct its 2019 race dates from April 30 & 31, 2019 and May 6 & 7, 2019 to April 27 & 28 and May 4 & 5, 2019 and approve the 2020 race dates of April 25 & 26 and May 2 & 3, 2020. Commissioner Heiple second. Motion carried. (Ayes: Lawless, Heiple, McClintock.)

C. Information Reports

1. Interaction of the Three (3) Arizona Permittees (Presentation by Permittees Regarding Transmission of Signals Between Racetracks)

**David Auther, Arizona Downs, addressed the Commission.
Dave Johnson, TP Racing, LLLC, addressed the Commission.
Jerry Simms, Owner, TP Racing, LLLC, addressed the Commission.
Leroy Gessmann, AZ HBPA, addressed the Commission.
Director Casillas addressed the Commission.**

Commissioner Lawless moved to place this matter on the December 13, 2018 Special Meeting Agenda as an action item. Chair McClintock second. Motion carried. (Ayes: Lawless, Heiple, McClintock.)

2. Safety Report(s) (Greg Stiles) – **Greg Stiles addressed the Commission.**
3. Budget Report (Director Casillas) – **Director Casillas addressed the Commission.**

4. Permittee Reports – **Not to exceed 3 minutes**
 - a. American Greyhound Racing – **Alicia Heiserer, General Manager, Tucson Greyhound Park, addressed the Commission.**
 - b. Arizona Downs – **No report.**
 - c. County Fairs – **No report.**
 - d. Rillito Park – **No report.**
 - e. Tucson Greyhound Park – **No report.**
 - f. Turf Paradise – **No report.**
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 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. 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 – **None.**
2. Identification of Matters to be placed on future agendas
Commissioner Lawless requested the following matters be placed on the Special Meeting Agenda:
 - 1. Consideration of Removal of the 140-Day Race Requirement for Rillito Race Track (A.R.S. § 512(C), (D), and (E))**
 - 2. Transmission of Signals Between Arizona Race Tracks**
 - 3. Proposed Changes to A.A.C. R19-2-419 – Simulcast Wagering**

F. 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.

G. Announcements

The next regular Arizona Racing Commission meeting tentatively is scheduled for **10:00 AM on Thursday, January 10, 2019,** at 1110 West Washington St., Building Conference Room 250, 2nd Floor, Phoenix, Arizona, 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

Commission Lawless moved to adjourn this meeting. Chair McClintock second. Motion Carried. (Ayes: Lawless, Heiple, McClintock.) Meeting adjourned at 12:34 PM.

From: [Rory Goree](#)
To: [Cassie Goodwin](#)
Subject: Re: Ratification of 140-Day Race Requirement
Date: Wednesday, October 31, 2018 11:49:17 AM

Arrived track around 8am, toured track with HBPA. Ran into Vince and shared with him my findings and concerns. Vince took me into his office, Jerry showed up and they talked about the rescission of 140, they did not believe we could do it, Jerry even mentioned Gov would be upset we circumvented the legislative process. My feeling was Jerry would be challenging it and it would eventually be on agenda at some point. My feeling is if we were incorrect all arguments for or against would be held at that time.

Spent time with stewards, met with Jockeys and then went up to meet the Gov. All commissioners present in the room but no more than two with each other. I left and went down stairs to paddock and watched races, even rode in the chase vehicle a few times.

Prior to leaving went back upstairs to say good bye, Hipple was already gone. Do not recall any discussion with members about adding this back to agenda.

My belief was it would be back on at some point in time as I had a feeling one party would challenge it.

While thinking about this process, I wonder if we should have had 2 motions, one declaring an emergency then next to rescind, but not expert on that.

I would prefer that if this is on the agenda again, it be during a meeting I would be able to attend and that it be placed on agenda by a permittee that is challenging the motion and vote. This would allow all parties to prepare case for or against.

My belief is when legislative took action that impacted the dome, they knew they needed to make changes, but legislative body has yet to take action to fix the issues created by repealing the dome.

On Wednesday, October 31, 2018, 10:26:06 AM MST, Cassie Goodwin <CGoodwin@azgaming.gov> wrote:

To ensure compliance with Open Meeting Law, recipients of this message should not forward it to other members of the public body. Members of the public body may reply to the sender of this message but should not send a copy of the reply to other members. Thank you.

Greetings,

I have received a request to put agenda Item C.1.b (Rescission of 140-Day Race Requirement) from the October 11, 2018 Commission meeting on the November 8, 2018 Commission meeting agenda for reconsideration. Based on information I received when the request was made, I need to have you prepare a detailed and thorough written description of your involvement in the events that took place on or about October 13, 2018 regarding the rescission of 140-day race requirements. This written summary needs to include any conversations (listing all parties involved), deliberations, consultations and decisions you, as a Commission member, made in determining this item required reconsideration.

This written summary needs to be submitted to me no later than 4:00 PM today.

Thank you,

[Arizona Department of Gaming]<<http://gaming.az.gov/>>
[<https://i.imgur.com/ul6Vb8t.gif>]
Cassie Goodwin
Administrative Coordinator
cgoodwin@azgaming.gov<mailto:cgoodwin@azgaming.gov>

gaming.az.gov<<http://gaming.az.gov/>>
[<https://i.imgur.com/ul6Vb8t.gif>]
Tel 602.255.3876
Fax 602.255.3883
[<https://i.imgur.com/ul6Vb8t.gif>]
[Facebook]<<https://www.facebook.com/GamingArizona/>> [Twitter] <<https://twitter.com/AzGaming>>
[<https://i.imgur.com/ul6Vb8t.gif>]
1110 W. Washington St., Suite 450
Phoenix, AZ 85007

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From: [David Heiple](#)
To: [Cassie Goodwin](#)
Subject: Re: Ratification of 140-Day Race Requirement
Date: Wednesday, October 31, 2018 11:35:50 AM

Cassie,

As a follow-up to our conversation this morning, below is my best recollection of my involvement at Turf Paradise on October 13 (opening day at Turf).

My grandson and I came by for lunch and stayed for an approximately an hour. After my grandson had his picture taken with Governor Ducey, I remember Commissioner McLintock asking me if I understood exactly what we voted on on Thursday as it related to opening up off track facilities for Rillito. He indicated it would probably be put back on next month's agenda. I do not believe anyone else was around during that conversation other than possibly my 14 year old grandson who was standing next to me but not listening to the conversation. After that, Jerry Simms and his girlfriend, Commissioner Lawless, Commissioner Goree, Commissioner McLintock and my grandson and I, all sat down for lunch. Commissioner Goree and I discussed his tour of the backside of the track earlier that day. Other than that, to the best of my knowledge no other discussions regarding racing was discussed at that time.

As you know I'm in California this week and not looking at my emails regularly. If you need anything further please call me on my cell phone - that will be the quickest way to get a hold of me.

Also, I dictated this quickly and did not carefully proof read this so I apologize for any typos or auto corrects.

All the best,

David C. Heiple
Heiple Travers Realty
7400 E. McDonald Drive, # 121
Scottsdale, AZ 85250
Office: 602-943-0640

www.heipletravers.com

THE TENANTS ADVISOR SINCE 1979

On Oct 31, 2018, at 10:25 AM, Cassie Goodwin <CGoodwin@azgaming.gov> wrote:

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This written summary needs to be submitted to me no later than 4:00 PM today.

Thank you,

[<image010.png>](#)

[<image011.png>](#)

Cassie Goodwin
Administrative Coordinator
cgoodwin@azgaming.gov

gaming.az.gov

[<image011.png>](#)

Tel 602.255.3876

Fax 602.255.3883

[<image012.png>](#)

[<image013.png>](#) [<image014.png>](#)

[<image012.png>](#)

1110 W. Washington St., Suite 450
Phoenix, AZ 85007

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From: [Rachel M. Nieto](#)
To: [Cassie Goodwin](#)
Cc: [Tom Lawless](#)
Subject: Email from Tom Lawless
Date: Wednesday, October 31, 2018 12:49:24 PM

This email is sent on behalf of Tom Lawless:

Cassie,

You have asked me to describe any discussions that we had surrounding the 140 Day Rule on or about the time of the meeting and/or at Turf Paradise Opening Day. I vaguely remember talking to Chairman McClintock on the way home from the commission meeting just saying that I felt blindsided with a required vote at the last meeting. I don't believe our discussion involved any substantive issues regarding the Rule.

With respect to Turf Paradise's Opening Day, I have a brief recollection that Chairman McClintock asked me if I understood what we had voted upon and I responded "no". My recollection is that was the extent of the conversation.

If I happen to remember anything else, I will let you know.

Tom

Rachel M. Nieto

Legal Assistant



5050 North 40th Street, Suite 200
Phoenix, Arizona 85018
Direct 602-792-3507 | Fax 602-792-3525
rachel@milliganlawless.com
MilliganLawless.com

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From: [Jay McClintock](#)
To: [Cassie Goodwin](#)
Subject: Re: Ratification of 140-Day Race Requirement
Date: Wednesday, October 31, 2018 11:15:59 AM
Attachments: [image010.png](#)
[image011.png](#)
[image012.png](#)
[image013.png](#)
[image014.png](#)

To whom it may concern,
When I voted to rescind the 140 rule, I was not informed that Turf Paradise was exempt. If I had known that I would have voted differently. On opening day at Turf, I asked commissioners Heiple and Lawless if they were aware that Turf Paradise was exempt. They said no, and that prompted me to ask for it to be put back on the agenda for the next meeting.
Jay McClintock

Sent from my iPhone

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This written summary needs to be submitted to me no later than 4:00 PM today.

Thank you,

<[image010.png](#)>

<[image011.png](#)>

Cassie Goodwin
Administrative Coordinator
cgoodwin@azgaming.gov

gaming.az.gov

<image011.png>

Tel 602.255.3876

Fax 602.255.3883

<image012.png>

[<image013.png>](#) [<image014.png>](#)

<image012.png>

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