



## **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 666<sup>th</sup> Regular Arizona Racing Commission Meeting of January 10, 2019 at 10:00 AM**

#### **Commissioners Present:**

**Chair Jay McClintock**  
**Vice Chair Rory Goreé**  
**Commissioner Thomas Lawless**

#### **Also present:**

**James Ashley, Interim Director**  
**Rudy Casillas, Racing Director**  
**Deanie Reh, Assistant Attorney General**  
**Greg Stiles, Division of Racing**  
**Kristian Fasching, Agency Counsel**  
**Cassie Goodwin, Commission Secretary**  
**Sheri Koss, ECU Supervisor/Hearing Supervisor**  
**Camila Alarcon, Esq., Commission Attorney (Item B.1. only)**

**At the start of the meeting, Vice Chair Goreé requested Item B.1 to be heard later in the meeting and Item C.1 be moved to the end of the meeting. Chair McClintock agreed and there was no opposition to this request.**

### **B. Executive Session**

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 attorneys on this matter.

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

**Open Session recessed at 11:14 AM**  
**Open Session reconvened at 11:28 AM.**

**Vice Chair Goreé moved to instruct Ms. Alarcon to proceed as directed in Executive Session. Commissioner Lawless second. Motion carried. (Ayes: Goreé, Lawless, McClintock.)**

### **C. Action Items**

1. TP Racing, L.L.P. Consideration of Final Three-Year Commercial Permit Renewal (FY 2019, 2020 & 2021)  
**(This Item was moved to the last Item on the Agenda)**  
**Greg Stiles addressed the Commission.**

**Commissioner Lawless moved to approve the three-year commercial permit.**

**Vice Chair Goreé abruptly left the meeting room and building.**

**Commissioner Lawless' motion failed for lack of a second.**

**No action is taken on this item due to a lack of quorum.**

***(Due to the lack of a quorum, the meeting adjourned.)***

2. OTB Agreement Between TP Racing, L.L.L.P. and AZ Downs

**Greg Stiles addressed the Commission.**

**Vice Chair Goreé moved to approve the OTB Agreement between Turf Paradise, LLLP and Arizona Downs. Commissioner Lawless second. Motion carried. (Ayes: Goreé, Lawless, McClintock.)**

3. OTB Agreement Between AZ Downs and TP Racing, L.L.L.P.

**Greg Stiles addressed the Commission.**

**Dave Auther, Arizona Downs, addressed the Commission, expressing concerns with the "Termination" clause in the agreement but that Arizona Downs is trusting Turf Paradise will not cancel the Agreement when it is Arizona Down's time to conduct live races.**

**Kevin Eikleberry, Owner/Trainer/Breeder, addressed the Commission, expressing concerns with the "Termination" clause in the Agreement, indicating he is against the Agreement with this language.**

**Jerry Simms, Turf Paradise, addressed the Commission, providing assurances that this clause will not be used and Turf will honor the Agreement and not cancel when its meet ends in May.**

**Commissioner Lawless asked if the Clause could be removed from the Agreement. Mr. Simms said it could not and that Turf is committed not to cancel the Agreement.**

**Tom Auther, Arizona Downs, addressed the Commission.**

**Leroy Gessmann, AZ HBPA, addressed the Commission, expressing concerns about the clause and that the horsemen are against the agreement.**

**Tim Kelly, Pima County Horse Racing Commission, addressed the Commission.**

**Ronnie Reyna, Chairman of Pima County Fair Horse Racing Commission, addressed the Commission.**

**Vice Chair Goreé moved to approve the OTB Agreement between Arizona Downs and Turf Paradise, LLLP. Commissioner Lawless second. Motion carried. (Ayes: Goreé, Lawless, McClintock.)**

#### **D. Information Reports**

1. Safety Report(s) (Greg Stiles) – **Greg Stiles addressed the Commission. Vice Chair Goreé commented on his inspection. Vincent Francia, General Manager of Turf Paradise, addressed the Commission.**
2. Budget Report (Director Casillas) – **Director Casillas addressed the Commission.**
3. Permittee Reports – **Not to exceed 3 minutes**
  - a. American Greyhound Racing – **No report.**
  - b. Arizona Downs – **Ann McGovern, General Manager Arizona Downs, addressed the Commission and went over the handout she provided regarding the facility upgrades progress. Dave Author addressed the Commission. Steve Nolan addressed the Commission.**
  - c. County Fairs – **Ronnie Reyna, Chairman of Pima County Fair Horse Racing Commission addressed the Commission.**
  - d. Rillito Park – **Zachary Taylor, Acting Assistant General Manager, addressed the Commission.**

- e. Tucson Greyhound Park – **No report.**
  - f. Turf Paradise – **Vincent Francia, General Manager Turf Paradise, addressed the Commission.**
4. 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. (Commissioner Lawless requested this item be removed from future agendas.)**
  - c. Arizona Quarter Horse Racing Association – **No report.**
  - d. Arizona Thoroughbred Breeders Association – **No report.**
  - e. Horsemen’s Benevolent & Protective Association – **Leroy Gessmann addressed the Commission.**
  - f. Jockey’s Guild – **No report.**

**Vice Chair Goreé moved to take a five-minute break. Commissioner Lawless second. Motion carried. (Ayes: Goreé, Lawless, McClintock.)**

**Meeting Recessed at 11:07 AM  
Meeting Reconvened at 11:13 AM**

**EF. 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.

**FG. Announcements**

The next regular Arizona Racing Commission meeting tentatively is scheduled for **10:00 AM on Thursday, February 14, 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.

**GH. Adjournment Meeting adjourned at 11:32 AM due to a lack of quorum.**