



## **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 670<sup>th</sup> Regular Arizona Racing Commission Meeting of June 13, 2019, at 10:01 AM.**

#### **Commissioners Present:**

**Chair Rory Goreé**  
**Vice Chair Thomas Lawless (Telephone)**  
**Commissioner Jay McClintock**

#### **Also present:**

**Rudy Casillas, Racing Division Director**  
**Kristian Fasching, Gaming General Counsel**  
**Patrick Irvine, Commission Attorney**  
**Camila Alarcon, Esq. (Items B.1. and C.1. only)**  
**Greg Stiles, Racing Program Manager**  
**Sheri Koss, Acting Commission Secretary**

**At the start of the meeting, Chair Goreé announced Items B.1. and C.1. were to be heard at the end of the meeting.**

### **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.

***(This Item moved to the end of the meeting.)***

**At 10:22 AM the Commission came back to this Item and C.1.**

**Chair Goreé asked for a motion to go into Executive Session. Commission McClintock moved to go into Executive Session for Item B.1. Chair Goreé second. Motion carried. (Ayes: Goreé, Lawless, McClintock.)**

**Open Session recessed at 10:23 AM.**  
**Open Session reconvened at 10:32 AM.**

**No action taken on this matter.**

### C. Hearing before the Commission (Continued from March 8, 2018)

1. Ronald A. Simms's Notice of Appeal to Arizona Racing Commission of Department of Gaming Director's July 19, 2017 Letter and August 16, 2017 Order. The parties have briefed this matter, and the Commission last continued it on March 8, 2018 to no less than 60 days after the resolution of the judicial review action, filed under Case No. LC2016-000505, *Simms v Arizona Racing Commission*, and currently on appeal with the Court of Appeals, Division One, under Case No. 1 C-CV 18-0546. On May 10, 2019, the parties filed a Joint Stipulation requesting a further stay of the proceedings to at least up through and including the resolution of the judicial review action at the Court of Appeals, and possibly the Arizona Supreme Court. 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.

**Nathan Novak addressed the Commission. He is one of Ron Simms's attorneys. He asked the Commission to vote on the Stipulation and to approve it.**

**Director Casillas addressed the Commission.**

**Chair Goreé called for a motion to grant the stay requested. Commissioner McClintock moved to grant the stay as requested in the Joint Stipulation. Chair Goreé second. Motion carried. (Ayes: Goreé, Lawless, McClintock.)**

### D. Action Items

1. Annual Award of Race Horse Adoption Grant
  - Equine Encore Foundation

**Greg Stiles addressed the Commission.**

**Commissioner McClintock moved to award the Annual Race Horse Adoption Grant in the amount of \$1,380.50 to Equine Encore Foundation. Chair Goreé second. Motion carried. (Ayes: Goreé, Lawless, McClintock.)**

2. AZ Downs Requests Approval of the Following Off-Track Betting facility:
  - Parkview Taphouse Bar & Grill, 16828 E Parkview Ave, Fountain Hills, AZ 85268

**Greg Stiles addressed the Commission.**

**Commissioner McClintock moved to approve the Parkview Taphouse Bar & Grill as an Arizona Downs OTB. Commissioner Lawless second. Motion carried. (Ayes: Goreé, Lawless, McClintock.)**

### E. Information Reports

1. Safety Report(s) (Greg Stiles) – **Greg Stiles addressed the Commission.**
2. Budget Report (Director Casillas) – **Jason LaForest, Gaming CFO, addressed the Commission.**
3. Legislative Update (Maxwell Hartgraves and/or Aiden Fleming) – **Maxwell Hartgraves, Gaming Legislative Assistant, addressed the Commission.**
4. Permittee Reports – **Not to exceed 3 minutes**
  - a. American Greyhound Racing – **No report.**
  - b. Arizona Downs – **Ann McGovern, General Manager, addressed the Commission.**
  - 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 – **Leroy Gessmann, AZ HBPA, addressed the Commission.**
  - f. 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. **Director Casillas indicated there are no concerns to report.**
2. Identification of Matters to be placed on future agendas – **Chair Goreé asked if the Commission meetings could be scheduled for Friday afternoons during the Arizona Downs meet as Thursday is entry day and this presents a problem for its representatives to attend the meeting. Director Casillas stated that the room is reserved and other agencies use the conference room, so it can be difficult to make the change. He will get with Commission Secretary to discuss options.**

**Chair Goreé state that, while at AZ Downs, he saw the gate people wearing vests and helmets. A horse came out of the gate and ran into an attendant. Since the attendant was wearing the vest and helmet, he wasn't injured. Is there a way to explore making it a requirement that all track gate attendants are wearing a vest and helmet?**

## 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.

**No addressed the Commission.**

## H. Announcements

The next regular Arizona Racing Commission meeting tentatively is scheduled for **10:00 AM on Thursday, July 11, 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.

## I. Adjournment

**Commissioner McClintock moved to adjourn the meeting. Chair Goreé second. Motion Carried. (Ayes: Goreé Lawless, McClintock.) Meeting adjourned at 10:42 AM.**