



# Arizona Department of Gaming

TRIBAL GAMING • RACING • BOXING & MIXED MARTIAL ARTS

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## 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 660<sup>th</sup> Regular Arizona Racing Commission Meeting of March 8, 2018 at 10:00 AM.**

#### **Commissioners Present:**

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

#### **Also present:**

**Rudy Casillas, Racing Director**  
**Deanie Reh, Assistant Attorney General (arrived at 10:11 AM and missed NB Items 1 & 2)**  
**Greg Stiles, Division of Racing**  
**Cassie Goodwin, Commission Secretary**  
**Camila Alarcon, Esq. (Agenda Items B.1 and C.1 only)**

### **B. Executive Session**

The following item is for Executive Session purposes only:

1. *Simms v. Arizona Racing Commission, et al.*, Case No. LC2016-000505, Ronald A. Simms's 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.

**No action was taken on this matter.**

### **C. Hearing Before the Commission (Continued from January 11, 2018)**

The following item is for review, discussion, and possible action by the Commission:

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, and the briefs filed by the parties. This matter was continued from November 9, 2017 to January 11, 2018 to March 8, 2018. The parties have requested an additional continuance until no less than sixty (60) days after resolution of *Simms v. Arizona Racing Commission, et al.*, Case No. LC2016-000505. 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 Lawless moved to continue this hearing until no less than 60-days after resolution of *Simms v. AZ Racing Commission, et al.*, Case No. LC2016-000505. Commissioner Heiple 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 by the Commission.

1. Request from Greenlee County Fair & Racing Association for Approval of Fiscal Year 2018 Race Dates as: April 14, 15, 21, and 22, 2018 and Fiscal Year 2019 as: April 13, 14, 20, and 21, 2019.

**Greg Stiles addressed the Commission.**

**Commissioner Lawless moved to grant Greenlee County Fair's races dates of April 14, 15, 21, and 22, 2018 at Turf Paradise Race Course. Vice Chair Goreé second. Motion carried. (Ayes: Goreé, Lawless, Heiple, McClintock.)**

**Commissioner Lawless moved to grant Greenlee County Fair's races dates of April 13, 14, 20, and 21, 2019 at Turf Paradise Race Course. Vice Chair Goreé second. Motion carried. (Ayes: Goreé, Lawless, Heiple, McClintock.)**

2. Turf Request for New Off-Track Betting Facility  
Moose and Bear Bar & Grill, 118 E. McKellips Rd., #115, Mesa, AZ 85201

**Greg Stiles addressed the Commission.**

**Commissioner Lawless moved to approve Turf Paradise's request for a new Off-Track Betting Facility at the Moose and Bear Bar & Grill located at 118 E. McKellips Rd., #115, Mesa, Arizona, providing the establishment comply with the licensing requirements of A.A.C. R19-2-415(E). Vice Chair Goreé second. Motion carried. (Ayes: Goreé, Lawless, Heiple, McClintock.)**

3. Advance Deposit Wagering Agreement between Rillito Park and TwinSpires  
**Greg Stiles addressed the Commission.**  
**Vincent Francia, General Manager, Turf Paradise, addressed the Commission.**  
**Dave Johnson, Assistant General Manager, Turf Paradise, addressed the Commission.**  
**Jaye Wells, Rillito Park Foundation, addressed the Commission.**  
**Mark Weiss, Rillito Park Foundation, addressed the Commission.**  
**Jerry Simms, Owner, Turf Paradise, addressed the Commission.**  
**Leroy Gessmann, AZ HBPA, addressed the Commission.**  
**Frank De Fazio, Director Rillito Park Foundation, addressed the Commission.**

**Commissioner Lawless moved to go into executive session for legal advice. Vice Chair Goreé second. Motion carried. (Ayes: Goreé, Lawless, Heiple, McClintock.)**

**Open Session recessed at 11:13 AM.**

**Open Session reconvened at 11:36 AM.**

**Commissioner Lawless moved to approve TwinSpires contract with Rillito. Vice Chair Goreé second. Motion carried. (Ayes: Goreé, Lawless, Heiple, McClintock.)**

**Commissioner Heiple excused himself from the meeting after this vote at 11:40 AM.**

### **C. Information Reports**

1. Turf & Rillito Safety Reports (Greg Stiles) – **Greg Stiles addressed the Commission and gave a safety report on both Turf Paradise and Rillito Park.**
2. Budget Report (Director Casillas) – **Director Casillas addressed the Commission.**
3. Legislative Update (Aiden Fleming) – **Aiden Fleming addressed the Commission and provided an overview of House Bill H2589 and how it affects the Department of Gaming Racing Division.**
4. Permittee Reports – **Not to exceed 3 minutes**
  - a. American Greyhound Racing – **No report.**
  - b. County Fairs – **No report.**
  - c. Rillito – **Scott Little addressed the Commission.**
  - d. Turf Paradise – **Vincent 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 – **Leroy Gessmann addressed the Commission.**
  - f. JACOR Update on Yavapai Downs – **Dave Author, Partner, addressed the Commission.**
  - g. Jockey’s Guild – **No report.**

#### **D. 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.**

#### **E. 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.

**Steve Nolan addressed the Commission.**  
**Vincent Francia addressed the Commission.**

#### **Announcements**

The next regular Arizona Racing Commission meeting is tentatively scheduled to be held on **Thursday, April 12, 2018, at 10:00 a.m.** in the Building Conference Room 250, 2<sup>nd</sup> Floor, located at 1110 West Washington St., Phoenix, Arizona. This is subject to change based on a quorum. Please remember to check the Racing Division's website or contact Cassie Goodwin at 602-771-4263 for confirmation.

**Commissioner Lawless moved to adjourn the meeting. Chair McClintock second. Motion carried. (Ayes: Goreé, Lawless, McClintock.)**

**Adjournment at 12:04 PM.**