

**IOWA RACING AND GAMING COMMISSION
MINUTES
FEBRUARY 10, 2025**

The Iowa Racing and Gaming Commission (IRGC) met virtually/telephonically on Monday, February 10, 2025. Commission members present virtually were Daryl Olsen, Chair; Mark Campbell, Vice Chair; and members Julie Andres, Amy Burkhart and Alan Ostergren.

APPROVE AGENDA: Chair Olsen called the meeting to order at 2:30 PM and requested a motion to approve the agenda. Commissioner Campbell so moved. Commissioner Andres seconded the motion, which carried unanimously.

DISCUSSION AND RESOLUTION OF MOTIONS FOR STAY (DECLARATORY ORDER) CASE NO. CVE007371 AND MOTION FOR STAY (LICENSE CHALLENGE) CASE NO. CVEQ007370: Chair Olsen announced the Commission had two motions before them. The first motion is a resolution of a motion for stay on the declaratory order, case number CVE007371. He opened it up for discussion.

Commissioner Ostergren clarified that the case number Chair Olsen read was for an Iowa Court case for a petition for judicial review challenging the resolution of the petition for declaratory order. Commissioner Ostergren said the Commission is being asked to stay their disposition of that and he believes that motion should be denied. He said although he was on the other side of the 4-1 vote on the underlying question, the Commission chose to not act, so he doesn't believe they can stay this action. He said you can really only stay action that the Commission takes, so in this case there is really nothing to stay. Commissioner Ostergren moved to deny the motion for stay of the Commission's disposition of the petition for declaratory order that they did on January 23, 2025.

Chair Olsen confirmed that Commissioner Ostergren was making a motion. Commissioner Ostergren confirmed, he moved to deny the request for stay. Commissioner Burkhart seconded the motion.

Chair Olsen said he agreed that it didn't make sense since they issued a license. Commissioner Ostergren said just to be clear he is only talking about the petition for declaratory order as they will address each item separately. Chair Olsen confirmed and stated from his point of view there is no option here. Commissioner Ostergren agreed and said since they chose not to answer the petition on a 4-1 count, there is no action that can be stayed.

Motion carried unanimously.

Chair Olsen said they have a second motion for stay on the license challenge. Commissioner Ostergren said there is an action the Commission took last Thursday to grant a license, so this is something that is capable of being stayed. He said his view is the motion for stay should be denied because there is very little court authority. He said there is very little case law on this question but he did mention one case he found that could be similar.

Commissioner Ostergren said any administrative agency should consider a stay if the stay is requested on some agency action where granting a stay would not endanger the public and the failure to issue a stay would deprive a party from seeking judicial review. He doesn't feel that the challengers to the license, Riverside and Washington County Qualified Sponsoring Organization (QSO), are deprived of their ability to go to court for judicial review if the Commission denies a stay. He said it could be that the judicial review will take longer, and in that case the court itself can issue a stay. He said although he disagreed with the granting of the license, he doesn't believe the challengers are going to be prevented their day in court if the Commission doesn't issue a stay today.

Hearing no further comments or questions, Chair Olsen requested a motion. Commissioner Ostergren moved to deny the motion for stay of the licensing decision made by the Commission on February 6, 2025. Commissioner Andres seconded the motion, which carried unanimously.

Chair Olsen directed staff to prepare a written ruling on today's decision. Ms. Eick agreed.

LITIGATION UPDATE (COMMISSION MAY GO INTO EXECUTIVE SESSION PURSUANT TO IOWA CODE § 21.5(1)(c) TO DISCUSS MATTERS THAT ARE CURRENTLY IN LITIGATION): Ms. Eick announced there is one other item on the agenda, number three, but it's at the Commissions discretion whether or not the Commission feels the need to discuss further.

Chair Olsen said he doesn't see a reason to go into executive session unless someone feels like they need to. All Commissioners agreed there was no need.

ADJOURN: Chair Olsen requested a motion to adjourn. Commissioner Burkhart so moved. Commissioner Campbell seconded the motion, which carried unanimously.

MINUTES TAKEN BY:


CHANTELLE ARMINTROUT