



**MEDIA: PLEASE CONTACT THE MEETING FACILITY DIRECTLY TO MAKE THE NECESSARY ARRANGEMENTS FOR ANY EQUIPMENT YOU MAY NEED.**

## **MEETING ANNOUNCEMENT**

**DATE: SEPTEMBER 24, 2015**  
**TIME: 8:30 AM**  
**LOCATION: CABARET**  
**MYSTIQUE CASINO**  
**1855 GREYHOUND PARK DRIVE**  
**DUBUQUE, IA 52001**  
**PHONE: 563-582-3647**

## **PROPOSED AGENDA**

- 1. APPROVE AGENDA**
- 2. WELCOME** – Rusty Knight, Chairman, Dubuque Racing Association; Wendy Runde, General Manager, Diamond Jo; Mayor Pro Tem Lynn Sutton
- 3. APPROVE MINUTES** – From August 20, 2015
- 4. ANNOUNCEMENTS**
  - A. October 2015 – No Meeting
  - B. November 19, 2015 – Prairie Meadows Racetrack & Casino, Altoona, IA (Submissions due by November 4, 2015)
  - C. December 2015 – No Meeting
  - D. January 14, 2016 – Prairie Meadows Racetrack & Casino, Altoona, IA (Submissions due by December 30, 2015)
  - E. February 2016 – No Meeting
- 5. RULES** – Final Adopt - Attached

6. **GAME PLAY NETWORK, INC.** – Application for Advanced Deposit Wagering License

7. **CONTRACT APPROVALS** (RP = Related Party)

A. Isle of Capri Bettendorf, L.C. d/b/a Isle of Capri Bettendorf – Build to Suit – Building Contractor for Administrative Office Remodel

B. SCE Partners, LLC d/b/a Hard Rock Hotel & Casino Sioux City – Creative Artists Agency – Talent Agent

C. Diamond Jo Worth, LLC d/b/a Diamond Jo Worth – King Food Service – Seafood and Other Grocery Items for Casino Restaurants

D. Wild Rose Clinton, L.L.C. d/b/a Wild Rose Clinton – Empower Retirement – Record Keeping & Website Coordinator for Northwest, 401K Plan Administrator

E. Wild Rose Emmetsburg, L.L.C. d/b/a Wild Rose Emmetsburg

1. Agilysys – Facility Point of Sale System

2. Mail Services, LLC – Mail Service

3. Roger Cox – Chairs for Casino Floor

4. Empower Retirement – Record Keeping & Website Coordinator for Northwest, 401K Plan Administrator

F. Wild Rose Jefferson, LLC d/b/a Wild Rose Jefferson

1. SteriSafe – Regulated Medical Waste Services

2. Empower Retirement – Record Keeping & Website Coordinator for Northwest, 401K Plan Administrator

G. HGI-Lakeside, LLC d/b/a Lakeside Hotel Casino

1. Baker Electric – Run Wiring for New Aristocrat Upgrade

2. DYNTEK – Servers and Hardware for Aristocrat Gaming System Upgrade

H. Rhythm City Casino, LLC d/b/a Rhythm City Casino

1. Evergreen Landscaping Associates – Construction – Landscaping

2. Prime Construction Services – Construction – Framing, Drywall, Insulation – Casino/BOH

I. Isle of Capri Marquette, Inc. d/b/a Lady Luck Casino

1. Casper Plumbing & Heating – Boiler Replacement

2. Search Optics – Marketing and Advertising Agency

8. **IOWA WEST RACING ASSOCIATION d/b/a HORSESHOE CASINO-BLUFFS RUN GREYHOUND PARK** - Application for a Pari-Mutuel License and Racetrack Enclosure Gambling License for January 1, 2016 through December 31, 2016; No Live Dates or Simulcasting Requested.

**9. IOWA GREYHOUND ASSOCIATION** – Application for a Pari-Mutuel License for 2016. Racing will be held May 14, 2016 through October 22, 2016. Matinee performances and post times requested are Saturday and Sunday at 1:00 PM. Evening performances and post times requested are Wednesday and Friday at 6:30 PM. Additional requested performances are May 30th; July 4th and September 5th, at 1:00 PM. IGA has requested the following simulcasting schedule:

- January 1 – May 15, 2016 - Friday, Saturday and Sunday;
- May 18 – October 23, 2016 - Wednesday, Thursday, Friday, Saturday and Sunday;
- October 28 – December 31, 2016 – Friday, Saturday and Sunday
- Additional Simulcast Dates: May 30<sup>th</sup>; July 4<sup>th</sup>; and September 5<sup>th</sup>.
- No simulcasting will occur on March 26<sup>th</sup>; December 24<sup>th</sup>; and December 25<sup>th</sup>.

**10. PRAIRIE MEADOWS RACETRACK AND CASINO, INC. d/b/a PRAIRIE MEADOWS RACETRACK AND CASINO** – Application for Pari-Mutuel License and Granting of Racing Dates and Racetrack Enclosure Gambling License

A. The thoroughbred meet will commence on April 28, 2016 and end on August 13, 2016. Evening performances and post times requested are Wednesday, Thursday and Friday at 5:30 PM. Matinee performances have been requested for Saturday and Sunday at 1:00 PM. Holiday performances and post times are Monday, May 30 at 1:00 PM and Monday, July 4 at 1:00 PM. There will be a total of 603 performances. PMR&C has requested the continuation of year-round simulcasting.

B. The quarter horse meet will commence on August 20, 2016 and run through October 15, 2016. Evening performances and post times requested are Thursday and Friday at 5:30 PM. Matinee performances and post times requested are Saturday and Sunday at 1:00 PM. No additional performances have been requested. There will be a total of 208 performances, including trial races. PMR&C has requested the continuation of year-round simulcasting.

C. Contract Approvals:

1. Adventureland – Ticket Sales and Lodging Expenses
2. American Teletimer Corp. – Conversion of Television Department to High Definition Capability
3. Competitive Edge – Promotional and Advertising Items
4. Perficut Lawn and Landscape, Inc. – Lawn Care Services
5. Summit Fire Protection Company – Fire Protection System Contractor

**11. HEARING** – Riverside Casino & Golf Resort, LLC d/b/a Riverside Casino & Golf Resort - For a violation of Iowa Code § 99F.9(5) (Minor)

**12. PUBLIC COMMENT**

**13. ADMINISTRATIVE BUSINESS**

**14. ADJOURN**

## **MEETING ANNOUNCEMENT**

The Iowa Racing and Gaming Commission and staff will meet for a tour of the Iowa Greyhound Park at 5:30 PM on Wednesday, September 23<sup>rd</sup>. Following the tour, Commission members and staff will have dinner at Champagne located on property at Mystique Casino at 6:30 PM. Racing and gaming matters may be discussed, but no official action will be taken.

## **PUBLIC PARTICIPATION**

Persons wishing to make a statement at a commission meeting may sign a sheet at the entrance to the meeting room and will appear during the agenda item titled “Public Comment”. This segment is intended for an individual to make a brief statement to the Commissioners supported by fact, on current issues, which are within the jurisdiction of the Iowa Racing & Gaming Commission. It is not intended to be a debatable item.

Anyone who wishes to appear and/or distribute material should submit a written request to the Commission office not later than ten business days before the scheduled meeting in accordance with rule 491-1.2(3). Information or material submitted must be in completed form. This policy is intended to provide the Commissioners and staff adequate time to study the submitted material and appropriately prepare for presentations.

**ARC 2045C**

## **RACING AND GAMING COMMISSION[491]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code sections 99D.7 and 99F.4, the Racing and Gaming Commission hereby proposes to amend Chapter 7, “Greyhound Racing,” Iowa Administrative Code.

Notice of Intended Action was published in the June 24, 2015, Iowa Administrative Bulletin as **ARC 2045C**. On July 29, 2015, at 8:30 am, a public hearing was held at Prairie Meadows Racetrack and Casino. There were several attendees and eleven individuals who made verbal comments. In addition, eleven individuals submitted written comments. The verbal and written comments to the proposed rules asked for changes to be considered such as: the majority of the money in the fund should not be allocated to greyhound owners based on their dogs’ past racing performances; breeders should receive a higher percentage of the distributions, in part because they did not receive any money for racing performances of the dogs they raised; distributions should only go to greyhounds whelped and raised in Iowa, not other states; not allowing any greyhound owners who are still racing greyhounds in Dubuque, thereby continuing to make a living racing greyhounds, to receive any distributions from the fund, essentially advocating for no “double dipping”; increasing the amount of money allowed for in the “hardship” portion of the rules; implementing a cap of at least \$1 million to ensure no individual could receive more than that from the fund; concerns with regard to locating and/or obtaining documentation required for providing the proof for the submission of a claim or

receiving the appropriate distribution; and the length of time proposed is too long until the first disbursement is made.

As a result of the public hearing and comments received, several changes were made to the rules as noticed and the new rule package was added to the Commission's August 20 meeting agenda published on August 14, 2015. Additional verbal and written comments were received to the changes incorporated. The majority of the comments were from individuals who were opposed to the Commission implementing any type of cap on the amount of money any one individual could receive and were specifically opposed to the Commission using a cap of \$1 million per person. As a result of the additional feedback, the Commission deferred the decision to adopt the rule package at their August 20 meeting.

The Commission reviewed, discussed and considered all comments received over the course of the past several months. Based on the review and comments, several changes have been made to the rule published under Notice of Intended Action. In 7.15(3), 7.15(3)"a", 7.15(3)"b" and 7.15(3)"c" the application process and other similar requirements for documentation from industry participants was removed. In 7.15(2)"f", the cap on the amount allowed for a hardship case was increased to \$100,000. In 7.15(3)"a", the percentage of the fund that shall be distributed based on past racing performances was changed to 70 percent. In 7.15(3)"b", the percentage of the fund that shall be distributed to qualifying greyhound industry participants without regard to purse winnings was changed to 30 percent. In 7.15(3)"b"(1)2 distributions go to breeders who whelped and raised for the first six months of the greyhound's life in Iowa as recorded. In 7.15(2)"d", a clarification was made with regard to trainer eligibility. New subparagraph 7.15(3)"d" was inserted to specify that individual fund recipients, identified by independent tax identification numbers, shall be limited to receiving no more than \$3 million. In addition, a sentence was added to note a situation where the \$3 million cap could be reconsidered.

After analysis and review of this rule making, no impact on jobs has been found.

This rule will become effective November 18, 2015.

This rule is intended to implement 2014 Iowa Acts, Senate File 2362 [Iowa Code section 99D.9B], with regard to the Iowa greyhound pari-mutuel racing fund. Iowa Code chapters 99D and 99F.

The following rule is adopted.

**491—7.15(99D) Iowa greyhound pari-mutuel racing fund.** Pursuant to Iowa Code section 99D.9B, an Iowa greyhound pari-mutuel racing fund (fund) is created in the state treasury and under the control of the commission. The fund will be distributed on an annual basis pursuant to this rule.

**7.15(1) Iowa greyhound association.**

- a. Fifty percent of the money in the fund shall be distributed to the Iowa greyhound association.
- b. An annual audit concerning the operation of the escrow account shall be submitted to the commission 90 days after the end of the Iowa greyhound association's fiscal year.
- c. In the event that the Iowa greyhound association fails to conduct live dog racing during any calendar year, the Iowa greyhound association shall transfer any unused moneys in the escrow fund to the commission and shall receive no further distributions from the fund.

**7.15(2) One-time payments.**

a. *Administrative expenses.* All expenses incurred by the commission to administer the fund will be deducted before an amount is determined for distribution during each calendar year.

b. *Greyhound adoption agency (agency).* An agency will be reimbursed a dollar amount based upon original receipts and itemized expenses up to \$1,700 per greyhound. All documentation for reimbursement must be submitted to the commission office for consideration on a form prescribed by the commission. Distribution of reimbursement for qualifying requests will occur upon approval by the commission. The commission has sole discretion in determining the eligibility of receipts submitted. No requests for reimbursement will be accepted by the commission after October 31, 2016. For an agency to be eligible for reimbursement, the agency must prove to the commission that:

- (1) The agency physically handled the greyhound to facilitate the adoption;
- (2) The agency has a no-kill policy;
- (3) The greyhound raced in Iowa; and
- (4) The greyhound was placed into adoption due to the cessation of racing.

c. *Greyhound kennel owners.* Greyhound kennel owners are eligible to recover costs up to \$5,000 associated with the removal of equipment from the kennels at the pari-mutuel dog racetrack located in Pottawattamie County. For a greyhound kennel owner to be eligible for reimbursement, the owner must prove to the commission that the expenses were incurred as a result of the removal of property, excluding the transporting of the greyhounds. Greyhound kennel owners shall submit original receipts and itemize the expenses to the commission to verify expenditures. All documentation for reimbursement must be submitted to the commission office for consideration on a form prescribed by the commission. The commission has sole discretion in determining the eligibility of the receipts and expenses submitted. Distribution of reimbursement for qualifying requests will occur upon approval by the commission. No requests for reimbursement will be accepted by the commission after October 31, 2016.

d. *Trainers.* The trainer of record for the kennel employed at the pari-mutuel dog racetrack located in Pottawattamie County upon the closing of the racetrack in December 2015 shall receive \$8,000 for each year of service during the five-year period from 2011 through 2015. Proof of employment for each year for which payment is requested must be sent to the commission. The commission has sole discretion in determining the eligibility of the proof of employment submitted. Distribution for qualifying requests will occur upon approval by the commission. No requests for reimbursement under this paragraph will be accepted by the commission after June 30, 2016.

e. *Assistant trainers.* Assistant trainers employed, present and handling the day-to-day affairs at the pari-mutuel dog racetrack located in Pottawattamie County at the closing of the racetrack in December 2015 shall receive \$4,000 for each year of service during the five-year period from 2011 through 2015. Proof of employment for each year for which payment is requested must be sent to the commission. Distribution for qualifying requests will occur upon approval by the commission. Any assistant trainer who is not employed through the closing of the racetrack in December 2015 shall be eligible for payments only if the kennel owner certifies in writing the assistant trainer's services are not needed. No requests for reimbursement under this paragraph will be accepted by the commission after June 30, 2016.

f. *Financial hardship.* Industry participants are eligible to receive up to \$100,000 from the commission if they can demonstrate a need to be compensated due to hardships caused by the closing of the pari-mutuel dog racetrack located in Pottawattamie County. The burden of demonstrating hardship is on the applicant. The applicant shall submit in writing the request and basis for compensation including original receipts, if applicable, and itemized expenses. The commission has sole discretion in determining the eligibility of the applicant and the authentication of information to demonstrate hardship. Distribution for qualifying requests will occur upon approval by the commission. No requests for reimbursement under this paragraph will be accepted by the commission after June 30, 2016.

g. *Live greyhound racing in Dubuque County.* Should live racing cease in Dubuque County in or after calendar year 2015 but prior to 2022, the commission will establish an application process for one-time payments related to the cessation of racing in Dubuque County. The commission has sole discretion in establishing this process.

**7.15(3) Annual payments.** After all one-time payments have been paid from the fund, the remainder of the fund will be distributed to industry participants. The remainder of the fund shall be distributed as follows:

a. Seventy percent of the fund shall be paid as past-performance distributions based on the percentage of purse winnings and the department of agriculture and land stewardship awards the industry participant received from 2010 through 2014. Information pertaining to purse winnings and breeders awards will be obtained from the greyhound racetracks in Pottawattamie and Dubuque counties and from the department of agriculture and land stewardship.

b. Thirty percent of the fund shall be paid to qualifying greyhound industry participants without regard to purse winnings.

(1) Points will be awarded to the following recipients:

1. Greyhound farm owners shall receive 1,060 points for each year of operation from 2010 through 2014, provided the farm was licensed by the department of agriculture and land stewardship from 2010 through 2014.

2. Greyhound breeders shall receive 32 points for each greyhound the breeder whelped and raised for the

first six months of the greyhound's life in Iowa as recorded with the department of agriculture and land stewardship from 2010 through 2014.

(2) The applicant's pro rata share of the overall points awarded will be converted to the pro rata basis of the money distributed to qualifying greyhound industry participants without regard to purse winnings.

c. Information pertaining to registered greyhound farms or greyhounds individually registered at whelping will be obtained from the department of agriculture and land stewardship.

d. Fund recipients, identified by independent tax identification numbers, shall be limited to \$3 million over the life of the fund. In the event live racing in Dubuque County ends and, as a result, there are remaining monies to be deposited into the fund to be distributed to qualifying greyhound participants, the Commission shall establish a new limit for fund recipients to be received over the life of the fund.

e. The commission has the sole discretion in determining the eligibility of the documentation submitted as it relates to claims under this rule.

f. The first of the annual payments will be distributed no later than April 2017 with payment each year following in April. The last payment will be distributed April 2022.