

NEBRASKA RACING & GAMING COMMISSION  
MINUTES OF MEETING

DATE: April 14, 2023

TIME: 1:30 PM

LOCATION: Platte County Agriculture Park  
Upstairs Club Room  
822 15<sup>th</sup> St.  
Columbus NE 68601

PRESENT COMMISSIONERS:

Dennis P Lee Chairman  
Shane Greckel Vice Chairperson  
Janell Beveridge Commissioner  
Jeffrey Galyen Commissioner  
Shelby Bakenhus Commissioner  
Tony Fulton Commissioner  
Trent Loos Commissioner

ABSENT:

Chm. Lee convened the meeting at 1:38 pm in compliance with the provision of Neb. Rev. Stat. 84-1411. Notice of the meeting was published in the Lincoln Journal Star on April 1, 2023. In addition, copies of such notice were sent to those on the Racing and Gaming Commission agenda mailing list. Notification was given to the public of the open meetings law and notification to its location for public view.

Prior to the commencement of the meeting, representatives of Fonner Park and Grand Island Casino and Resort, made a verbal request to the chairman to move the two agenda items involving Fonner Park and Grand Island Casino and Resort to the start of the meeting. This request was made to allow the representatives to return to Grand Island prior to the 3 pm post time of the live races at Fonner Park on April 14, 2023. After the open meeting law disclosure, the chairman noted on the record that the two items involving Fonner Park and Grand Island Casino Resort would be move to the start of the meeting.

HALL COUNTY LIVESTOCK IMPROVEMENT ASSOCIATION (dba FONNER PARK)

Chris Kotulak, Sharon Haselhoff, Vince Fiala was present. Galyen moved, seconded by Beveridge to approve the request to remodel additional space in the concourse level of the grandstand for additional gaming pursuant to Administrative Title 294 Rule 3.001.14 subject to conditions that the expansion of casino operations and expanded floor area be approved by the commission before operations begin. Voting aye: Lee, Greckel, Beveridge, Galyen, Bakenhus, Fulton, Loos. Motion carried.

GRAND ISLAND CASINO AND RESORT

The Commission voted to have this request come back before the Commission when additional games are installed and before the games are operational. Reference Administrative Title 296

Rule 5.002.01. Voting aye: Lee, Greckel, Beveridge, Galyen, Bakenhus, Fulton, Loos. Motion carried.

#### APPROVAL OF MEETING MINUTES AND FINANCIAL REPORTS

It was moved by Loos, seconded by Greckel to approve the minutes from February 10, 2023.

Voting aye: Lee, Greckel, Beveridge, Galyen, Bakenhus, Fulton, Loos. Motion carried.

It was moved by Lee, seconded by Beveridge to approve the February and March 2023 financial reports. Voting aye: Lee, Greckel, Beveridge, Galyen, Bakenhus, Fulton, Loos. Motion carried.

#### NHBPA (dba LEGACY DOWNS) REQUEST TO MODIFY LIVE RACE DAYS AND FONNER PARK REQUEST TO ADD AN ADDITIONAL 5 LIVE RACE DAYS

Horsemen's Park would like to run October 30, 2023, and Legacy Down's would like to run October 31, 2023. Hall County Livestock Improvement Association dba Fonner Park requested to amend its racing license application to include an additional five live race dates in May of 2023. This amendment is the result of a request from the Nebraska HBPA and Legacy Downs racetrack. The additional days are Week 14: May 12 (Friday), May 13 (Saturday) and May 14 (Sunday). Week 15: May 19 (Friday) and May 20 (Preakness Saturday). Galyen moved, seconded by Greckel to approve the request of Legacy Downs and Horsemen's Park to modify their racing dates to October 30<sup>th</sup> and October 31<sup>st</sup> as presented and to approve the application for a new race meet for Fonner Park for the race dates as presented. Voting aye: Lee, Greckel, Beveridge, Galyen, Bakenhus, Fulton. Voting nay: Loos. Motion carried.

#### FONNER PARK REQUEST FOR TAKEOUT RATE FOR ADDITIONAL DAYS, APPROVAL OF RACING OFFICIALS

Chm. Lee moved, seconded by Greckel to approve the takeout rate for additional days and to approve the racing officials for additional days as presented. Voting aye: Lee, Greckel, Beveridge, Galyen, Bakenhus, Fulton, Loos. Motion carried.

#### FONNER PARK REQUEST TO CHANGE TO JACKPOT PICK 5 MANDATORY PAYOUT

Chm. Lee moved, seconded by Greckel to approve Fonner Park's request to change the mandatory payout to May 6<sup>th</sup> thereafter through and including May 20, 2023, that there be a daily pick 5 with no rollover and that the commission ratify the decision of the Executive Director cancelling the mandatory payout on March 18, 2023. Voting aye: Lee, Greckel, Beveridge, Galyen, Bakenhus, Fulton, Loos. Motion carried.

#### APPROVAL OF SIMULCAST APPLICATIONS RECEIVED SINCE JANUARY 13, 2023

Loos moved, seconded by Chm. Lee to approve all the simulcast applications received since January 13, 2023, and to ratify the decisions of the staff on the previous proposal. Voting aye: Lee, Greckel, Beveridge, Galyen, Bakenhus, Fulton, Loos. Motion carried.

#### HARRAH'S NEBRASKA & COLUMBUS EXPOSITION AND RACING

Tom Jackson, CER, Mr. Morris, Caesars, , Mary Vaggalis, Bruning Law Group, Don Ostert, Harrah's Columbus. An update was given on the construction at Ag Park with a temporary facility opening in mid-June. A request was made to approve boundaries of the licensed racetrack enclosure for Ag Park. It was moved by Greckel and seconded to approve the

boundaries. Voting aye: Lee, Greckel, Beveridge, Galyen, Bakenhus, Fulton, Loos. An update was given on the new Columbus Facility.

An update on the construction of the temporary casino location at the Agriculture Park location and the construction of the racetrack and casino at the permanent facility.

#### HARRAH'S NEBRASKA, LLC CASINO – AUTHORIZED GAMING OPERATORS APPLICATION PUBLIC HEARING

The Commission received the application and reviewed it. Staff recommends a public hearing. The public had an opportunity to speak. One individual spoke in a neutral portion and two individuals provided information to the Commission on some prior rental agreements with the Ag Society.

Galyen commented on the summary that was received and how it was the best one they received yet. Galyen moved, seconded by Greckel to table this until the next meeting. Some discussion took place regarding getting this approved with conditions. Galyen mentioned that he had not had the opportunity to review the application until very recently and he has some questions. This is the reason for tabling. Harrah's requested a copy of the questions from Commissioner Galyen. Mr. Lee mentioned that they are not issuing the license they are approving a license subject to the same criteria as the other applications. Greckel mentioned that he had some questions. The motion is to continue this until next meeting. Voting aye: Galyen, Greckel, Bakenhus. Voting nay: Lee, Beveridge, Fulton, Loos. Motion Failed.

The Commission went into recess – reconvening at 3:45 pm.

After the recess Harrah's Nebraska is willing to delay consideration of item 7b until the meeting in May. Harrah's is requesting the Commissioners submit questions to Harrah's in a timeframe that will allow Harrah's to provide answers in writing to those questions within three days prior to the Commission Meeting in May. Motion to continue this matter was moved by Galyen and seconded by Greckel. Voting aye: Lee, Greckel, Beveridge, Galyen, Bakenhus, Fulton, Loos. Motion carried.

#### HASTINGS EXPOSITION AND RACING (dba FAIRPLAY PARK)

Greckel moved, seconded by Bakenhus to approve the additional racing officials as submitted and the board member and officer change. Voting aye: Lee, Greckel, Beveridge, Galyen, Bakenhus, Fulton, Loos. Motion carried.

#### DEVIN STORTZUM – APPEAL OF STEWARDS RULING 2023-FON-5

Devin Stortzum appeared. Exhibits were accepted. Chm. Lee moved, seconded by Greckel to uphold the stewards ruling 2023-Fon-5 and a fine of \$100.00. Voting Aye: Lee, Greckel, Beveridge, Galyen, Bakenhus, Fulton, Loos. Motion carried.

#### NHBPA (dba LEGACY DOWNS) REQUESTS TO REMODEL RACETRACK ENCLOSURE

Lynn McNally identified the property and answered questions. Greckel moved, seconded by Beveridge to approve the request to remodel racetrack enclosure pursuant to Administrative Title

294 Rule 3.001.14 – add additional parking. Voting Aye: Lee, Greckel, Beveridge, Galyen, Bakenhus, Fulton, Loos. Motion carried.

#### WARHORSE GAMING LINCOLN LLC

Lynn McNally requests the Commission to modify the casino facility pursuant to Administrative Title 296 Rule 5.002.01 for sports wagering and approve the designated sports wagering area. This would include ten sports wagering kiosk. A window would be added to allow for two live tellers. Ms. McNally withdraws without prejudice the part of the requested for an outdoor window. Greckel moved, seconded by Fulton to approve items 15a and 15b except for the “drive up” window. Voting Aye: Lee, Greckel, Beveridge, Galyen, Bakenhus, Fulton, Loos.

#### NHBPA (dba HORSEMEN’S PARK) REQUESTS TO MODIFY THEIR LIVE RACE DAY

Lynn McNally requests that Horsemen’s Park are approved to modify their live race day to Monday, October 30, 2023, with the time to be determined. It was moved and seconded to approve. Voting Aye: Lee, Greckel, Beveridge, Galyen, Bakenhus, Fulton, Loos. Motion carried.

#### COMMISSION COMMITTEES

Mr. Greckel recommended and moved, seconded by Chm. Lee to move the construction committee and the strategic planning committee into a new executive committee and to have a human trafficking and problem gambling committee. The executive committee would be the Chair, the Vice Chair, Commissioner Fulton, and the Executive Director and would begin on July 1, 2023. Voting Aye: Lee, Greckel, Beveridge, Galyen, Bakenhus, Fulton, Loos. Motion carried.

Greckel had a comment on Item 17 on the agenda. No action is needed but wanted to challenge the construction committee to complete the tasks at hand and would like to create a road map with where the agency is going in the next 3 – 5 years.

#### SOUTH SIOUX CITY RACING AND EVENT CENTER

Lynn McNally appeared for South Sioux City. Greckel moved, seconded by Fulton to approve the live race date of June 3, 4, 2023, with a time to be determined. Voting Aye: Lee, Greckel, Beveridge, Galyen, Bakenhus, Fulton, Loos. Motion carried.

#### MEETINGS WITH ASSOCIATIONS

Nebraska Thoroughbred Breeders’ Association – Julie Larmon, secretary/treasurer mentioned some activities going on in 2023 and an update on the breeder’s funds.

Nebraska Horsemen’s Benevolent and Protective Association - McNally wanted to mention that the HBPA paid 1.2 million to Fonner Park.

Nebraska Quarter Horse Racing Association - Ed Zimba no report but wanted to mention that he appreciated all the discussion regarding quarter horse racing today.

Nebraska Quarter Horse Breeders Association – Brian Becker mentioned that they were separate from thoroughbred and will continue to be separate.

### PUBLIC COMMENTS

Jackie, Attorney, that is here for herself and mentioned she was disappointed in how the Commission handles the dog ruling.

### DIRECTOR'S UPDATE

Sage was brief. GLI had training for the staff and commented that it was very eye opening and a very good training. He also mentioned staff traveling to Vegas to meet with vendors on regulatory compliance on sports wagering. April 28<sup>th</sup> Tom will be speaking at a "Learn more about Horseracing" session. And update was given on our new corporate office.

### EXECUTIVE SESSION

The Commission went into executive session to discuss pending investigations and no decisions were made.

### ADJOURNMENT

Chm. Lee adjourned the meeting at 5:31 pm.