

**STATE OF ILLINOIS
ILLINOIS RACING BOARD**

**IN THE MATTER OF THE ISSUANCE OF ORGANIZATION LICENSES
AND THE ALLOTMENT OF THOROUGHBRED AND STANDARD BRED RACING
DATES FOR CALENDAR YEAR 2020**

ORDER

This matter came to be heard at the request of Board staff following previous Board Orders granting the request of Arlington Park Racecourse, LLC (“Arlington”) for the suspension of the opening of its 2020 race meet and the assigning of dark host status.

During the application period for 2020 dates, each applicant submitted a written waiver of the contested case provisions of the Illinois Administrative Procedure Act (5 ILCS 100/1, *et seq.*) with its submitted application and elected to present evidence to the Illinois Racing Board (“Board”) at an open meeting conducted on September 17, 2019 (“2020 Dates Hearing”) at the James R. Thompson Center and concluded on September 24, 2019. The Board heard testimony from witnesses for each of the applicants and considered the applications and exhibits submitted by each of them. In addition, the Board heard public comments from representatives of the Illinois Thoroughbred Horsemen’s Association (“ITHA”) and the Illinois Thoroughbred Breeders and Owners Foundation (“ITBOF”). At the 2020 Dates Hearing, the Board voted on the applications for organization licenses and race dates for 2020. At the next monthly scheduled Board meeting held on October 15, 2019, the Board voted to amend the motion passed at the 2020 Dates Hearing and executed the 2020 Dates Order.

It is the public policy of this State to: (a) support and enhance Illinois’ horse racing industry, which is a significant component within the agribusiness industry; (b) ensure Illinois’ horse racing industry remains competitive with neighboring states; (c) stimulate growth within

Illinois' horse racing industry, thereby encouraging new investment and development to produce additional tax revenues and to create additional jobs; (d) promote the further growth of tourism; (e) encourage the breeding of thoroughbred and standardbred horses in Illinois, and (f) ensure that public confidence and trust in the credibility and integrity of Illinois horse racing operations and the regulatory process is maintained. (230 ILCS 5/1.2).

On March 9, 2020 Governor Pritzker issued a Gubernatorial Disaster Proclamation declaring that all counties in the state are a disaster area due to the potential impact of COVID19. On March 20, 2020 Governor Pritzker issued Executive Order 2020-8 prohibited gatherings of more than ten people. On April 23, 2020 Governor Pritzker announced his intent to extend the Gubernatorial Disaster Proclamation and related executive orders until May 30, 2020.

After receiving testimony at its April 24, 2020 meeting, the Board granted Arlington's request for the suspension of the start of its 2020 race meet due to the interruption of its business operations caused by the COVID-19 pandemic conditions and its economic consequences, the delay in completing the inspections required by paragraph 38 of the 2020 Dates Order, and the lack of an agreement and consent from the horsemen's organization. The Board also awarded dark host status to Arlington from April 27 through May 22 pursuant to section 3.075(e) of the Illinois Horse Racing Act of 1975.

At a meeting held on May 22, 2020, the Board heard testimony on the status of Arlington's meet and the need to assign dark host days beginning on May 23, 2020. The Board considered testimony from Shawn Wood and Tony Petrillo on behalf of Arlington, Jim Miller on behalf of Hawthorne Race Course, and David McCaffrey on behalf of the Illinois Thoroughbred Horsemen's Association. After considering the testimony, the Board awarded dark host status to Arlington from May 23 through June 18, 2020.

The Board heard testimony on the status of Arlington's meet and the need to assign dark host days beginning on June 19, 2020 at its meeting held on June 18, 2020, June 19, 2020, and June 22, 2020. The Board considered testimony from Tony Petrillo and John Matter on behalf of Arlington and David McCaffrey, Mike Campbell, and Kerry Lavelle on behalf of the Illinois Thoroughbred Horsemen's Association. After considering the testimony, the Board approved the request by Arlington Park to resume their live racing meet on Thursday, July 23, 2020.

The result of the various amendments to the 2020 Dates Order resulted in unassigned dark host time from June 19, 2020 through July 22, 2020. The Board heard testimony on June 22, 2020 with concern to unassigned dark host time. The Board considered testimony from John Walsh and Mike Murray on behalf of Hawthorne Race Course, and Tony Petrillo, John Matter and Shawn Wood on behalf of Arlington Park,

IT IS HEREBY ORDERED:

- 1) Paragraph 25 of the 2020 Dates Order executed on October 15, 2019 as amended by the Dates Orders executed on April 24, 2020, May 22, 2020, and June 22, 2020 is further amended to award dark host status to Arlington from June 19, 2020 through July 22, 2020.
- 2) All other provisions of the 2020 Dates Order and amended Orders which are not in conflict with this Order shall remain in full force and effect.
- 3) The Board's Commissioners unanimously approved the 2020 racing schedule by a vote of 9 to 0. (9/24/19 Tr. 56-57.) The Board's Commissioners unanimously approved amending the 2020 racing schedule by a vote of 6 to 0 on April 24, 2020. (4/24/20 Tr. 52-53). The Board's Commissioners unanimously approved further amending the 2020 racing schedule by a vote of 6 to 0 on May 22, 2020. (5/22/20 Tr. 91-92). The Board's

Commissioners unanimously approved further amending the 2020 racing schedule by a vote of 6 to 0 on June 22, 2020 (6/22/20 Tr. 9-10). The Board's Commissioners unanimously approved further amending the 2020 racing schedule by awarding dark host time by a vote of 5 to 1 on June 22, 2020 (6/22/20 Tr. 58-59).

- 4) This is a final administrative decision subject to the Administrative Review Law. (230 ILCS 5/46). This decision may be challenged by the filing of an action for administrative review within thirty-five (35) days of deposit in the U.S. mail. (735 ILCS 5/3-103).
- 5) This document may be executed in one or more counterparts, each of which shall be deemed an original and all of which together shall constitute one document. Signatures may be transmitted by e-mail, facsimile, or hard copy.

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**BOARD ORDER SIGNATURES
RACING DATES FOR 2020**


Daniel Beiser, Chairman

RECEIVED

JUL 22 2020

**ILLINOIS
RACING BOARD**

Leslie Breuer

Marcus Davis

Charles MacKelvie

Thomas McCauley

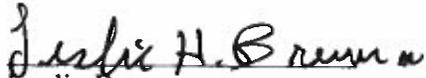
Arlene Mulder

Benjamin Reyes

Action taken by the Board at its

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June 22, 2020 meeting

Domenic DiCera, Executive Director

Date Executed

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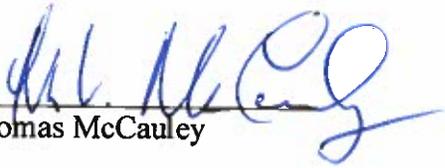
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