

Colorado Racing Commission  
January 10, 2024  
Meeting Minutes

Call to Order

The regular scheduled meeting of the Colorado Racing Commission (“Commission”) was held on Wednesday, January 10, 2024 via video conference provided by Zoom. The meeting was called to order at 9:32 AM.

Members Present

Tina Estes, Chair  
Tameka Sampson, Vice Chair  
Dr. David “Lynn” Hoffman, Member  
Sandra Bowen , Member

Members Absent

Kjersten Davis, Member

Racing Staff Present

Donia Amick, Director of the Division of Racing Events  
Janina Rivera, Executive Assistant to Division Director  
Sarah Killeen, Assistant Attorney General  
Sue Kim, Adjudicatory Counsel

1. Approval of December 13, 2023 Minutes

Minutes approved for 12/13/2023

**DISCUSSION ITEMS**

2. Fixed Odds Wagering - Donia Amick - Director of Racing, Chris Shroder, Director -Division of Gaming

Director Amick introduced Chris Shroder, Director of Gaming.

Director Shroder gave a brief overview of Sports Betting rule 1 CCR 207-2 section 5.4 which allows for fixed odds wagering on horse racing events for a period of twenty four (24) months, effective January 14, 2024.

Chair Estes commented that the Racing Events Commission has not received anything in writing regarding this issue and until they do she cannot proceed with any agreement.

Michele Fischer, representative of SIS (Sports Information Services) who currently is the global provider for horse racing content to sports books, stated that an agreement has been reached between Bally's Arapahoe Park and the Colorado Horseracing Association (CHA). She said the agreement includes a return of the revenue portion derived from any content sold to a sports book to them.

Chair Estes commented that she was aware of this agreement but still has not seen any formulas pertaining to the revenue.

Motion made by Commissioner Hoffman to give global consent under the new rule to pursue Fixed Odds Wagering with a second made by Commissioner Sampson.

Commissioner Bowen abstained from voting

Chair Estes still had concerns and wanted something in writing. She said the Commission had not been sufficiently briefed and therefore voted no.

Motion passed, two for (Commissioners Sampson and Hoffman), one abstained (Commissioner Bowen) and one against (Chair Estes).

#### **DECISION ITEMS:**

3. Additional information regarding the request by Bally's Arapahoe Park for modification of rule 1 CCR 208-1 CRC 6.114 - Donia Amick, Director, Division of Racing Events

Director Amick stated that this is in regards to the Jockey's Insurance payment request from 2023. Director Amick mentioned the amount is several thousand dollars less than the original request and that the Division had not received the requested documentation regarding the original amount requested. The Director received sufficient documentation for this amount. Director Amick asked for the Commission's approval on the modified amount after receiving sufficient documentation.

Motion made by Commissioner Hoffman to modify rule CRC 6.114 to allow for the payment of jockey insurance for the use of source market funds and for Chair Estes to sign on behalf of the Commissioners. A second was made by both Commissioners Bowen and Sampson.

Motion passed unanimously.

4. Division of Racing Events Petition for Declaratory Order to Terminate Controversy and Remove Uncertainties, dated April 26, 2023, CRC 6.500 -- AG Adjudicatory Counsel Sue Kim

Commissioner Hoffman presented a powerpoint regarding his opinion on the history and facts on the controversy.

Motion made by Commissioner Hoffman to enter into executive session. Second motion made by Commissioner Sampson.

Motion passed unanimously, Commission entered into Executive Session.

**ENTERED INTO EXECUTIVE SESSION AT 10:57 AM LEFT EXECUTIVE SESSION AT 12:13 PM OPEN SESSION AT 12:23 PM**

Commissioner Sampson commented that she believed there are two separate calculations and when those calculations apply was the issue. She said she believed the controversy was due to the way the statute was written. Her recommendation was to have the statute reviewed and rewritten.

Motion made by Commissioner Hoffman to reject the Division's entire proposal and move that the Commission rule historical interpretation should prevail until legislation can review and amend the statute.

Commissioner Sampson asked for further clarification on the rejection of Commissioner Hoffman's motion as she did not understand.

Commissioner Hoffman restated his motion is to reject the Division's entire proposal and move that the Commission rule the historical interpretation be used. A second was made by Commissioner Sampson.

Chair Estes stated she did not agree with the form of Commissioner Hoffman's motion and proceeded with asking for a vote.

Commissioner Hoffman voted yes  
Commissioner Bowen voted yes  
Commissioner Sampson voted yes  
Chair Estes voted no

Motion passed

Sarah Killeen, AAG requested further clarification on the motion. She asked if a procedure would be available before a motion for reconsideration if an appeal is taken to the court of appeals.

Chair Estes stated that the motion was made and approved as the interpretation of the controversy of the purse formulas to follow would be the historical formula used by Arapahoe Park, although there are still two different purse formulas. One formula was for live and one formula for simulcast.

Upon repolling, each Commissioner affirmed his or her vote on the motion.

Chair Estes also stated that there is no specific procedure for a reconsideration.  
Motion made by Commissioner Hoffman to designate Chair Estes to sign the written order on before of the Racing Commission. Second made by Commissioner Bowen.

Motion to have Commissioner Estes sign the order passed unanimously.

Commissioner Sampson excused herself from the remainder of the meeting.

**OTHER:**

8. Director's Report

Director Amick mentioned that the Division has hired Kelly Haralson as the Agent in Charge. She also mentioned that the Division has the following open positions:

- Policy analyst
- Executive assistant
- Temporary positions during the season

9. Public Comment

Bruce Seymore stated that he is commenting as a member of the public and is no longer the Executive Director of Bally's Arapahoe Park. Mr. Seymour mentioned that he sent a letter in November stating he wanted to discuss the state of racing as a member of the public and not the Executive Director of Bally's Arapahoe Park.

Mr. Seymore stated that racing is in trouble and that if he remained in his previous position as Executive Director- of Bally's Arapahoe Park he would have backed out of HISA because it is creating too many issues. He claimed that spoke to the current Racing Events director for help and she did nothing. . He continued to comment negatively about the current Racing Events Director at which point Chair Estes interrupted him and asked him to only comment on the current state of racing and not on his personal opinion of the Director of Racing. Mr. Seymore said he would follow up with a letter on a letter regarding his complaints about the Director of Racing.

Adjournment

The January 10, 2024 meeting of the Colorado Racing Commission was adjourned at 1:11 p.m.

Minutes Approved by the Commission

  
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Janina Rivera, Executive Assistant to the Director

I certify these minutes were approved by the Commission on the 14th day of February 2024.