

Colorado Racing Commission  
November 9, 2021  
Meeting Minutes

Call to Order

The regularly scheduled meeting of the Colorado Racing Commission (“Commission”) was held on Tuesday, November 9, 2021 via video conference provided by Zoom. The meeting was called to order at 9:30 AM.

Members Present

David Lynn Hoffman, Chair  
Tina Estes, Vice Chair  
Sandra Bowen, Member  
Lori Scott DVM, Member  
Tameka Sampson, Member

Staff Present

Donia Amick, Director of the Division of Racing Events  
Ed Kulp, Agent in Charge  
Zach Ceriani, Legal Assistant  
Sarah Killeen, Assistant Attorney General  
Suzanne Karrer, Communications Manager for Enforcement Division

1. Approval of Minutes for August 10, 2021

Minutes approved for August 10, 2021

**DISCUSSION ITEM**

Director Amick recommended that the meeting move to Decision Items next due to Commissioner Bowen’s time restrictions

**DECISION ITEMS**

- 7 Consideration of applications for release of monies from the Greyhound Welfare and Adoption Fund - Debbie Allen, Business Analyst

Ms. Allen presented the two applications received which were from the Colorado Greyhound Adoption and Greyhound Connection. Out of the \$38,254.34 in the fund and \$25,000 will be distributed.

Motion made from Commissioner Estes to release the monies from the Colorado Greyhound Welfare and Adoption and the Greyhound Connection applicants with a second from Commissioner Bowen.

Motion passed unanimously.

8 Approval of Settlement Agreement and Stipulation in the Matter of Licensee Jim Baumgardner - Zach Ceriani, Policy Advisor.

Mr. Ceriani presented the case which resulted in a positive blood sample for a horse that finished 1st place in the 3rd race. The Division and Licensee both agreed to the following penalties for the violation:

- Pursuant to CRCR 5.441, CRCR 5.610 and CRCR 5.612, based upon the positive sample confirmed by ILC, ZOE'S PAPA CEE shall be on the Veterinarian's list for 90 DAYS, starting from the date ILC confirmed the sample (September 4, 2020) and ending on December 4, 2020. ZOE'S PAPA CEE shall be required to pass a Commission-approved examination prior to being eligible for entry.
- Disqualification of ZOE'S PAPA CEE from the 3rd race on August 19, 2020 at Arapahoe Park. The horse shall be declared disqualified and unplaced for every purpose except for the purpose of pari-mutuel wagering.
- Loss of purse.

Motion made from Commissioner Bowen to approve the Settlement Agreement and Stipulation in the Matter of Licensee Jim Baumgardner with a second from Commissioner Estes.

Motion passed unanimously.

9 Presentation and Adoption of Commission Ruling in the Matter of Licensee Jim Baumgardner - Zach Ceriani, Policy Advisor.

Mr. Ceriani presented the Commission Ruling which states the following:

- Pursuant to CRCR 5.441, CRCR 5.610 and CRCR 5.612, based upon the positive sample confirmed by ILC, ZOE'S PAPA CEE was placed on the Veterinarian's list for 90 DAYS, starting from the date ILC confirmed the sample (September 4, 2020) and ending on December 4, 2020. If not already completed, ZOE'S PAPA CEE is required to pass a Commission-approved examination prior to being eligible for entry.
- Disqualification of ZOE'S PAPA CEE from the 3rd race on August 19, 2020 at Arapahoe Park. The horse shall be declared disqualified and unplaced for every purpose except for the purpose of pari-mutuel wagering.
- Loss of purse. The purse will be redistributed according to the new order of finish:

1st – Smokin B	4th - Call Me Mr. Te	DQ = Masterpiece Day
2nd – Full Sun	5th - Talk Big Money	
3rd – Johnnie B	6th - Law Breaker	

Motion made from Commissioner Sampson to approve the Ruling in the Matter of Licensee Jim Baumgardner with a second from Commissioner Estes.

Motion passed unanimously.

**DISCUSSION ITEM**

- 2 Bally's at Arapahoe Park House Rule regarding reversion of monies in horsemen accounts to Purse Fund on December 31 of every year- Donia Amick, Director

Director Amick discussed an account the Horseman have that would allow Arapahoe Park to automatically transfer money to the purse fund. At a prior Commision meeting it was decided this would be handled per Arapahoe Park house rule instead of through the Commission. Several complaints have been made which leads the Division to request a reversion of this process.

Bruce Seymore, Executive Director Bally's Arapahoe Park stated he cannot release the money without the proper documentation required by Federal and State reporting purposes.

Jim Mulvihill, Interim Director of the Colorado Horseman Association (CHA) mentioned the difficulty is trying to figure out the people that have had this money taken out and returning it to them. A request was made for a list of all the people that have had this money taken out but was informed that Arapahoe Park does not have the system software to do this.

Director Amick said the investigation was complete and Mr. Mulvihill could request a copy through CORA regarding the findings.

- 3 End of Meet Report - Arapahoe Park's Live Race 2021 - Ed Kulp, AIC

Ed Kulp, Division of Racing Events AIC, presented the end of meet report for 2021. The season started on August 11, 2021 and ended on October 16, 2021. The season consisted of 30 live racing days with 220 live races with a total of 12,626 spectators. The total handle for 2021 was \$9,498,776.41 with a difference of -\$2,899,949.61 from 2020. The average live daily handles were as follows:

- On Track - \$12,420.85
- In-State - \$14,108.23
- Out-of-State - \$143,787.20

2021 Average daily handle - \$157,895.43

Total disbursements of purses by breed were as follows:

<b>Breed</b>	<b># of Races</b>	<b># of Starts</b>	<b>% of Races</b>	<b>Total Purses Paid</b>
Thoroughbred	167	1,222	76	\$2,145,309.00
Quarter Horse	44	338	20	\$678,050.00

Arabian	9	53	4	\$111,600.00
Totals	220	1,613	100	\$2,934,959.00

Division Veterinarian Staff consisted of the following:

<b>State Veterinarians</b>	Verlin Jones (DVM)	Joni Smith (DVM)	Autumn Sorensen (DVM)
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<b>Veterinary Assistants</b>	Cora Johnson	Jessica Oscroft	Reilly Medema	Nicolette Kemble	Amber Lefor
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Total Injuries to horses (Racing & Training Related) consisted of the following:

<b>Total Starts 2021</b>	1,613
<b>Total Injuries</b>	49
<b>Career Ending injuries</b>	1
<b>Catastrophic</b>	5
<b>Live Racing</b>	1
<b>Training</b>	0
<b>Died of euthanized due to sickness or accident (non-racing related)</b>	4

Pre-Racing Exams consisted of the following:

1,768 exams	15 horses were scratched
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Testing consisted of the following:

<b>Post-race blood samples</b>	386
<b>Post-race urine samples</b>	322
<b>Out of competition samples</b>	59
<b>Hair samples</b>	1

Medication Violations consisted of the following:

(Industrial Laboratories, the Division's contract testing lab)

<b>Total Positive Test</b>	1
<b>NSAID Overages</b>	0
<b>Unauthorized Medications</b>	1

Test Barn area consisted of the following:

<b>Veterinarian's List</b>	31 total horses placed
<b>Pre-race issues</b>	15
<b>Injuries</b>	16

- Security bars were installed on windows and doors.
- New surveillance system installed with an intrusion alarm
- Two new security freezers and refrigerators were purchased

Recommendations consisted of the following:

- Walking surfaces need to have dirt and ground rubber added
- Dirt added to the testing stalls
- Wash rack area needs to be resurfaces
- Misting system needs maintenance

Board of Stewards consisted of the following:

<b>State Steward</b>	Jeffrey Williams	Joseph Ortiz
<b>Association Steward</b>	Hank Demoney	Greg Hosch

Covid-19 Adjustments consisted of the following;

- Patrons restricted to lower level and apron area of the grandstands

Administrative Violations consisted of the following:

<b>Administrative Hearings Held</b>	0
<b>Administrative Rulings related to human drug testing and jockey discipline</b>	4

Total amount assessed from ruling and citations was \$4,700

Division Random Draw - Human Drug and Alcohol Testing consisted of the following:

- Trainers, Assist Trainer, Owner/Trainer (79)
- Jockeys/Agents (30)
- Exercise Rider, Pony Person, and Misc. (28)
- Grooms (54)
- Racing Officials (38)

Twenty-four (24) random alcohol/drug tests were conducted, resulting in one (1) refusal and one (1) positive for methamphetamine. There were a total of six (6) days that random drug tests were not conducted due to the licensees not being available.

2021 Licensing Statistics consisted of the following:

<b>Major Business Applications</b>	16	\$2,160.00
<b>Key Occupational Applications</b>	5	\$1,125.00
<b>3 Year Support Applications</b>	270	\$17,825.00
<b>1 Year Registration Applications</b>	142	\$2,130.00
<b>Yearly Validations</b>	125	0

**Total Licensing Application - 563**

**Total Revenue - \$23,740.00**

Stable Inspections consisted of forty-seven (47) with the following recommendations:

- Conduct preventative maintenance on electrical outlets and overhead light fixtures in all barns.
- Fix broken locks on tack rooms throughout the backside.
- Clean and provide maintenance in all barn area restrooms throughout the 2022 race season.
- Ensure hot water is available in Barns 15 and 25 if stalls are used for horses.
- Use additional dirt to level out the ground in the stalls.

Maintenance at the racetrack was completed. Horseman and patrons were pleased with the new tote board. No water well issues. The Clerk of Scales, David Vobach, ensured all first place and randomly selected horses by the Board of Stewards and/or Division Veterinarian were tagged properly to report to the Division's test barn for testing.

The Division offers its condolences and sympathies to the Demoney family. Mr. Hank Demoney passed away during the 2021 season.

The Association cleaned the racing offices and Arapahoe Park continued to use Incompass Software. Gary Riggs was in charge of security for the apron area and grandstands. Jim

Weimer was in charge of security for the stable area. In addition, an off-duty Arapahoe County Sheriff was hired to patrol the grandstands, apron area, parking lots, and backside.

Recommendations are:

- Arapahoe Park management needs to purchase software and scanner for the stable gate.
- The gates to the backside continue to close at 10:00 P.M.
- Arapahoe Park needs to provide more efficient and tighter gate security to the backside, and include entry and exit logs.
- All entry and exit logs must be maintained in a secure manner.
- Continue to have the Arapahoe Sheriff's Office and security conduct random patrols of the backside during evenings/nights.
- Enhance building security at stable gate houses to prevent unauthorized entry at all times.

Director Amick thanked AIC Kulp for his work and having a successful year at the track. Chair Hoffman also thanked AIC Kulp the horseman and the track for working together this year.

Jim Mulvihill, Interim Director of the Colorado Horseman's Association (CHA), commented that CHA was not satisfied with the race meet in terms of the handle, grandstands being closed, lack of horses and all of the concessions CHA made due to the pandemic.

#### 4 2021-2022 Rulemaking - Donia Amick, Director

Director Amick commented that the Division does not have any rules to review at this time due to pending HISA legislation and rulemaking. If anyone has any rules they would like to present they can be discussed at the stakeholder workshop in late November or early December.

**EXECUTIVE SESSION ENTERED AT 10:20 A.M.**

**RETURNED FROM EXECUTIVE SESSION AT 10:30 A.M.**

**OPEN SESSION**

#### 5 Consideration of 2022 Commission Dates - Donia Amick, Director

Director Amick discussed the next scheduled commission meeting will be in February or March. After which they will resume on the 2nd Tuesday of the month.

#### 6 Presentation of recent media - Donia Amick, Director

Director Amick discussed the podcast and Paulick report on last year's test barn burglary. She mentioned since then security measures have been improved and additional measures are being taken such as new doors, bars on all the windows, new freezers and refrigerators and a new security system.

**OTHER ITEMS:**

#### 10 Director's Report

Director Amick discussed the licensing issue which includes people not submitting applications prior to the season starting but rather one or two days prior to the season starting. She mentioned this year applications will be submitted by appointment only with a limited number of walk-in applicants. All applications can be submitted online.

She mentioned the Division received a complaint regarding daily double betting manipulation and that the Division is currently conducting an investigation.

Director Amick also mentioned that the draft HISA rules are out and that she will send them out to the stakeholders per Chair Hoffman's request.

Lastly, Director Amick mentioned per the Governors guidance all future commission meetings are to stay remote.

#### 11 Public comments

Bruce Seymore, Executive Director of Bally's Arapahoe Park asked if CHA will be having an upcoming election and if members Pena and Kemper are voting members and how many members will be replaced?

Jim Mulvihill, Interim Director of the Colorado Horseman's Association (CHA) responded that Pena and Kemper will be voting and they have four members to replace.

Director Amick mentioned one additional item regarding the unclaimed purse monies are as follows:

2017 - \$75,000	2018 - \$70,000
2019 - \$10,000	2020 - \$32,000

Jim Mulvihill, Interim Director of the Colorado Horseman's Association (CHA) expressed his concerns as to why the withdrawn money can not just be returned to the accounts it was withdrawn from.

Commission Chair Hoffman asked Director Amick to meet with Mr. Seymour and Mr. Mulvihill to discuss the horsemen's account and find a resolution.

#### Adjournment

The November 9, 2021 meeting of the Colorado Racing Commission was adjourned at 11:50 a.m.

Minutes Approved by the Commission

Janina Rivera  
Janina Rivera, Executive Assistant to the Director



I certify these minutes were approved by the Commission on the 2nd day of February,  
2022