

COMMISSION MINUTES

2017

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RECORD OF PROCEEDINGS

The regularly scheduled meeting of the Colorado Racing Commission was held on Tuesday, February 14, 2017 in Conference Room 110 (Enforcement Conference Room) at 1881 Pierce Street, Lakewood, Colorado. Chairman Beirne called the meeting to order at 9:30 a.m.

Members Present

Sean Beirne, Chairman
Pam Inmann, Vice-Chairwoman
Lori Scott, DVM, Member
D. Lynn Hoffman, Member
Tina Estes, Member

Staff Present

Dan Hartman, Director, Division of Racing Events
Mark Brown, Agent-in-Charge
Ashley Leary, Division Investigator
Kathleen Apodaca, Licensing Supervisor
Brendon Reese, Assistant Attorney General for the Commission and the Division of Racing Events
Sherry Gunnell, Assistant to the Director

Also Present

An attendance sheet is attached hereto and made a part of these minutes.

Approval of Minutes of October 11, 2016

A motion was made by Commissioner Inmann, seconded by Commissioner Estes and unanimously carried to approve the minutes of October 11, 2016 as submitted.

Recess of Regular Business Meeting

At 9:35 a.m., Chairman Beirne called to a motion to recess the regular business meeting for the purpose of convening the scheduled Rule-Making Hearing. A motion was thereupon made by Commissioner Inmann, seconded by Commissioner Estes and unanimously carried to recess the regular meeting and commence the formal Rule-Making Hearing.

Convening of Scheduled Rule-Making Hearing

Pursuant to the published Notice of Rule-Making Hearing, Chairman Beirne convened the scheduled Rule-Making Hearing at 9:35 a.m. It was established that a quorum was in attendance. Mr. Brendon Reese, Assistant Attorney General serving on behalf of the Colorado Racing Commission and the Division of Racing Events, and Mr. Dan Hartman, Director of the Division of Racing Events, provided guidance and advice to the Commission during the Rule-Making Hearing.

Mr. Dan Hartman, Director of the Division of Racing Events, explained that, in accordance with Governor Hickenlooper's directive to all State agencies, the Division had reviewed its rules and processes in order to determine whether certain rules had become outdated and/or no longer conformed to existing practice. He noted that, pursuant to Executive Order #2, each State agency was charged by the Governor with the responsibility for evaluating twenty percent (20%) of its rules on an annual basis for the aforementioned purpose. Further, he informed the Commission and attendees that the Division of Racing Events had complied with all preliminary rule-filing requirements, including submission of all rule proposals to the Office of the Secretary of State and the Department of Regulatory Agencies and publication of the Notice of Rule-Making Hearing in the Colorado Registry, whereupon he presented the packet of rules for

Commission review. Mr. Hartman apprised attendees that copies of the rules had been made available both in written form and electronically on the Division's website. He stated that a rule review workshop open to all interested parties had been conducted to allow industry participation in the initial phase of the rule consideration process and that rule proposals and recommendations had been solicited and accepted from industry representatives for presentation during this Hearing. Additionally, Mr. Hartman stated that certain rule proposals endorsed by the Association of Racing Commissioners International Model Rules Committee had been included for consideration at this time.

At this time, acknowledgment was made by both the Commission and the Division that an annual review of its entire rulebook is undertaken in order to: 1) ensure that its existing rules meet all statutory requirements; 2) determine whether the rules presently in effect accord with current industry practices; 3) correct any errors or deficiencies in the rules; and 4) consider new rule proposals and proposals to amend or repeal certain rules. Mr. Hartman explained that any published rule proposal brought forward for consideration may be modified during this Rule-Making Hearing.

During the course of this Rule-Making Hearing, the Commission entertained views and opinions from industry representatives and other interested parties. All attendees were afforded an opportunity to present arguments for and against adoption of each rule under consideration.

Commission Chairman Beirne inquired whether the Commission desired to combine its review of the rules in question or address them separately. The Commission elected to consider each rule proposal separately and to accept testimony, views and opinions and make any modifications to the rules as deemed necessary. Further, he commented that, in some instances, it would be reasonable for the Commission to combine its review of certain rules. Further, Mr. Hartman advised that, for each rule adoption, the Commission should include in its formal action the incorporation of the Statement of Statutory Authority, Basis, Purpose and Fiscal Impact.

At the outset of the Rule-Making Hearing, Mr. Hartman called the Commission's attention to the following rules to be removed from consideration at the present time and brought back for review during the Autumn 2017 Rule Review Workshop: Rule 3.624; Rule 3.642 and Rule 5.244. A motion was thereupon made by Commissioner Inmann, seconded by Commissioner Hoffman and unanimously carried to remove the aforementioned rules from consideration, retain them in their present form and to take no action on them at this time.

Thereupon, Mr. Hartman presented the each of the following rules for individual consideration:

- Consideration of Proposed Modification of Rule 3.302: Mr. Hartman advised that the purpose for modifying the subject rule was to clarify that the Division may, pursuant to statute, impose a suspension upon a licensee of the same duration as has been imposed in another jurisdiction. No comments were made and no objections were raised to proposed modification of Rule 3.302. A motion was made by Commissioner Inmann, seconded by Commissioner Hoffman and unanimously carried to approve proposed modified Rule 3.302 of the Colorado Racing Commission Rules as presented and, as part of the motion to adopt, to incorporate the Statement of Statutory Authority, Basis, Purpose and Fiscal Impact of Amendment of Regulation.
- Consideration of Proposed Addition of New Rule 3.435: Mr. Hartman explained that the purpose for proposing to relocate certain aspects of rules that were included as part of the Human Drug Testing program was that it would be more appropriate for them to be separated from the rule and included as their own rule. Mr. Hartman drew the Commission's attention to certain typographical errors in the text of the rule and recommended its adoption as corrected. No comments were made and no objections were raised to adoption of the proposed addition of Rule 3.435. A motion was made by Commissioner Wells, seconded by Commissioner Scott and unanimously carried to approve proposed added Rule

3.435 of the Colorado Racing Commission Rules as corrected and, as part of the motion to adopt, to incorporate the Statement of Statutory Authority, Basis, Purpose and Fiscal Impact of Amendment of Regulation.

- Consideration of Proposed Modification of Rule 3.437: Mr. Hartman advised that the purpose for modifying the subject rule was to revise the Human Drug Testing rules and penalties in order to clarify general procedure and provide further guidance to licensees and Division staff in the compliance with and enforcement of the rule. Additionally, the proposed rule modification expressly enumerates the Division's ability, through its licensing powers delegated by the Commission, to require certain assurances of an applicant through the process of placing conditions upon approval of licensure. Prior to recommending adoption of the rule, Mr. Hartman proposed an additional modification to the text of it. No comments were made and no objections were raised to adoption of the proposed modification to Rule 3.437. A motion was thereupon made by Commissioner Inmann, seconded by Commissioner Hoffman and unanimously carried to accept proposed modified Rule 3.437 of the Colorado Racing Commission Rules as presented and, as part of the motion to adopt, to incorporate the Statement of Statutory Authority, Basis, Purpose and Fiscal Impact of Amendment of Regulation.
- Consideration of Proposed New Rule 3.521: Mr. Hartman recommended adoption of proposed new Rule 3.521. He explained that the purpose for enacting this rule is to combat the issue of "program trainers" in the horse racing industry. Discussion ensued during which the Commission inquired about the frequency with which issues have arisen concerning "program trainers". Mr. Hartman and Mr. Robert "Duke" Mann, Senior State Steward, advised that the Division had found that it did not have sufficient regulatory authority to address this serious problem and penalize a violator. Therefore, it had been determined that enactment of a rule was necessary to prevent a licensed trainer from engaging in the practice of program training. After reviewing the text of the subject rule and ascertaining that there were no comments relating to it or objections to its adoption, a motion was made by Commissioner Hoffman, seconded by Commissioner Scott and unanimously carried to adopt proposed new Rule 3.521 of the Colorado Racing Commission Rules as presented and, as part of the motion to adopt, to incorporate the Statement of Statutory, Basis, Purpose and Fiscal Impact of Amendment of Regulation.
- Consideration of Proposed Modified Rule 3.606: Mr. Hartman explained that the purpose for modifying Rule 3.606 was to incorporate the language of the newly adopted Association of Racing Commissioners' International ("ARCI") Model Rule. He observed that the subject rule had been brought forward by the Jockey's Guild and, after reflection, he had approved of the change. Discussion ensued during which Commissioner Beirne voiced his opinion that the language as adopted was vague and should be revised by the ARCI Model Rules Committee. After noting that there were no additional comments and no objections to adoption of proposed modified Rule 3.606, a motion was made by Commissioner Inmann, seconded by Commissioner Estes and unanimously carried to accept proposed modified Rule 3.606 of the Colorado Racing Commission Rules as presented and, as part of the motion to adopt, to incorporate the Statement of Statutory Authority, Basis, Purpose and Fiscal Impact of Amendment of Regulation.
- Consideration of Proposed Modification of Rule 3.626: Mr. Hartman advised that the purpose for modifying the subject rule was to loosen restrictions upon a jockey's use of an agent in order to accommodate the low number of jockey agents and the agent's breed specializations. Further, Mr. Hartman explained that the rule would expand the allowable number of jockey agents to include one per breed. No comments were offered and no objections were raised to adoption of proposed modified Rule 3.626. A motion was thereupon made by Commissioner Hoffman, seconded by Commissioner Scott and unanimously carried to approve proposed modified Rule 3.626 of the Colorado Racing Commission Rules as

presented and, as part of the motion to adopt, to incorporate the Statement of Statutory Authority, Basis, Purpose and Fiscal Impact of Amendment of Regulation.

- Consideration of Proposed Modification of Rule 4.104: Mr. Hartman advised that the purpose for revising the subject rule was to empower expressly the Division Director to demand that a licensee-official or licensee-employee be replaced. No comments were offered and no objections were raised to adoption of proposed modified Rule 4.104. A motion was thereupon made by Commissioner Inmann, seconded by Commissioner Estes and unanimously carried to approve proposed modified Rule 4.104 of the Colorado Racing Commission Rules as presented and, as part of the motion to adopt, to incorporate the Statement of Statutory Authority, Basis, Purpose and Fiscal Impact of Amendment of Regulation.
- Consideration of Proposed New Rule 5.246: Mr. Hartman explained that the purpose for proposing new Rule 5.246 was to include a rule that prohibits a horse that has been entered into a race from leaving the grounds until the race or race series in which it has been entered has concluded or when the horse has been eliminated from further competition. Mr. Hartman recommended the incorporation of amended language into the rule proposal. Mr. Bruce Seymore, Executive Director of Colorado Operations for Mile High Racing and Entertainment, confirmed that the only restriction mandated by the racetrack is that a horse must be on the grounds twenty-four hours prior to the race in which it is entered to run. No further comments were offered and no objections were raised to adoption of proposed new Rule 5.246. A motion was thereupon made by Commissioner Inmann, seconded by Commissioner Hoffman and unanimously carried to approve proposed new Rule 5.246 of the Colorado Racing Commission Rules as presented and, as part of the motion to adopt, to incorporate the Statement of Statutory Authority, Basis, Purpose and Fiscal Impact of Amendment of Regulation.
- Consideration of Proposed Modified Rule 5.441: Mr. Hartman commented that the purpose for proposing to modify the subject rule was to reflect recent changes in the Association of Racing Commissioners International (ARCI) Model Rules for Multiple Medication Violations, as well as to update versions within the current rule with the current ARCI Model Rule. The basis and purpose for this modification is to include "Clenbuterol" as a prohibited substance in the State of Colorado and reflect that change in the penalty schedule. Discussion ensued during Commissioner Beirne expressed his disapproval of the changes made to this rule by the ARCI Model Rules Committee and requested that Mr. Hartman ascertain what is being done in other racing jurisdictions and, possibly, bring this rule back for reconsideration. After ascertaining that there were no further comments to be offered and no objections raised to adoption of the proposed modifications to Rule 5.441, a motion was made by Commissioner Inmann, seconded by Commissioner Estes and unanimously carried to approve proposed modified Rule 5.441 as presented and, as part of the motion to adopt, to incorporate the Statement of Statutory Authority, Basis, Purpose and Fiscal Impact of Amendment of Regulation.
- Consideration of Proposed Modified Rule 5.611: Mr. Hartman explained that the purpose for proposing to modify Rule 5.611 was to change how certain parties may take certain horses of the veterinarian's list, noting that the modification is intended to improve communication between veterinarians at the racetrack. No comments were offered and no objections were voiced to adoption of the proposed modification to Rule 5.611. A motion was made by Commissioner Scott, seconded by Commissioner Hoffman and unanimously carried to accept proposed modified Rule 5.611 as presented and, as part of the motion to adopt, to incorporate the Statement of Statutory Authority, Basis, Purpose and Fiscal Impact of Amendment of Regulation.
- Consideration of Proposed Modified Rule 6.612: Mr. Hartman advised that the purpose for proposing to modify Rule 6.612 was to clarify and clearly state the

procedure for referral hearings. No comments were made and no objections were voiced to adoption of the proposed modification to Rule 6.612. A motion was made by Commissioner Hoffman, seconded by Commissioner Inmann and unanimously carried to accept proposed modified Rule 6.612 as presented and, as part of the motion to adopt, to incorporate the Statement of Statutory Authority, Basis, Purpose and Fiscal Impact of Amendment of Regulation.

- Consideration of Proposed Modified Rules 6.704 and 6.706: Mr. Hartman recommended that the Commission consider simultaneously proposed modified rules 6.704 and 6.706. He explained that the purpose for modifying these rules was to clarify each rule and to modify certain actions that may or may not be taken when an owner (in the case of Rule 6.704) and a trainer (in the case of Rule 6.706) has been suspended or has had her/her license revoked. Discussion ensued during which questions were raised and opinions against adopting the proposed modified rules were presented. Additional changes were made to the text of proposed modified Rule 6.704. Mr. Hartman responded to a query made by Commissioner Estes by stating that owners are duly and properly notified of summary suspensions and are made aware of a trainer's status in order to take appropriate advance action. Following discussion, a motion was made by Commissioner Hoffman, seconded by Commissioner Estes and unanimously carried to adopt proposed modified Rules 6.704 and 6.706 with the additional modifications made to Rule 6.704 of the Colorado Racing Commission Rules as presented and, as part of the motion to adopt, to incorporate the Statement of Statutory Authority, Basis, Purpose and Fiscal Impact of Amendment of Regulation.
- Consideration of Proposed Repeal/Deletion of Rule 6.712: Mr. Hartman recommended that the Commission consider simultaneously repealing and deleting current Rule 6.712. He explained that the purpose for proposing repeal and deletion of Rule 6.712 in its entirety was because the rule has become obsolete due to the enactment of other Colorado Racing Commission Rules. No comments were made and no objections were raised to repeal/deletion of Rule 6.712 in its entirety. A motion was made by Commissioner Inmann, seconded by Commissioner Estes and unanimously carried to accept proposed repeal/deletion in its entirety of Rule 6.712 as presented and, as part of the motion to adopt, to incorporate the Statement of Statutory Authority, Basis, Purpose and Fiscal Impact of Amendment of Regulation.
- Consideration of Proposed Modified Rule 7.104: Mr. Hartman advised that the purpose for proposing adoption of modified Rule 7.104 was to correct existing typographical errors in the text. A motion was made by Commissioner Estes, seconded by Commissioner Scott and unanimously carried to accept proposed modified Rule 7.104 as presented and, as part of the motion to adopt, to incorporate the Statement of Statutory Authority, Basis, Purpose and Fiscal Impact of Amendment of Regulation.
- Consideration of Proposed Modified Rule 7.110: Mr. Hartman stated that the purpose for proposing to modify current Rule 7.110 was to bring the rule into conformity with current industry practice. After ascertaining that there were no comments or objections to acceptance of proposed modified Rule 7.110 as presented, a motion was made by Commissioner Inmann, seconded by Commissioner Estes and unanimously carried to adopt proposed modified Rule 7.110 as presented and, as part of the motion to adopt, to incorporate the Statement of Statutory Authority, Basis, Purpose and Fiscal Impact of Amendment of Regulation.
- Consideration of Proposed Modified Rule 7.200 and Proposed Repeal/Deletion of Rule 7.206: Mr. Hartman advised that the purpose for recommending adoption of proposed modified Rule 7.200 was to correct a typographical error in the text as well as to incorporate language which would harmonize with other rules appearing in the same section that are marked for revision or deletion. Further, he stated that the purpose for proposing repeal/deletion of Rule 7.206 was to address

contradictions with other rules. Discussion ensued regarding whether the term “fit to race” used in proposed modified Rule 7.200 was sufficiently specific to avoid confusion. It was ascertained that the proposed modification was acceptable in its existing form. After ascertaining that there were no further comments to be made or objections to adoption of proposed modified Rule 7.200 as presented, a motion was made by Commissioner Inmann, seconded by Commissioner Scott and unanimously carried to accept proposed modified Rule 7.200 as presented and, as part of the motion to adopt, to incorporate the Statement of Statutory Authority, Basis, Purpose and Fiscal Impact of Amendment of Regulation.

After confirming that there were no objections to repeal/deletion of Rule 7.206 in its entirety, a motion was made by Commissioner Inmann, seconded by Commissioner Hoffman and unanimously carried to accept proposed repeal/deletion in its entirety of Rule 7.206 and, as part of the motion to adopt, to incorporate the Statement of Statutory Authority, Basis, Purpose and Fiscal Impact of Amendment of Regulation.

- Consideration of Proposed Modified Rule 7.202: Mr. Hartman stated that the purpose for proposing to modify current Rule 7.202 was to bring the rule into conformity with current industry practice. After ascertaining that there were no comments or objections to acceptance of proposed modified Rule 7.202 as presented, a motion was made by Commissioner Hoffman, seconded by Commissioner Scott and unanimously carried to adopt proposed modified Rule 7.202 as presented and, as part of the motion to adopt, to incorporate the Statement of Statutory Authority, Basis, Purpose and Fiscal Impact of Amendment of Regulation.
- Consideration of Proposed New Rule 7.207: Mr. Hartman requested that Mr. Robert “Duke” Mann, Senior State Steward for the Division of Racing Events, explain the purpose for recommending adoption of proposed new Rule 7.207. Mr. Mann advised the Commission that the subject rule would provide for disciplinary measures to be taken against an authorized person if he/she were to enter a horse into a race for a specific reason, such as filling a field to ensure that a race could be run, with no intention of having the horse actually participate in the race. In response to Commissioner Hoffman’s query, Mr. Mann stated that this has been an issue at Arapahoe Park and, therefore, he would endorse adoption of the rule as presented. After ascertaining that there were no further comments or objections to adoption of proposed new Rule 7.207, a motion was made by Commissioner Inmann, seconded by Commissioner Hoffman and unanimously carried to adopt proposed new Rule 7.207 as presented and, as part of the motion to repeal/delete, to incorporate the Statement of Statutory Authority, Basis, Purpose and Fiscal Impact of Amendment of Regulation.
- Consideration of Proposed Modified Rule 7.220: Mr. Hartman advised that the purpose for proposing to modify current Rule 7.220 was to bring the rule into conformity with current industry practice. Discussion ensued during which Mr. Robert “Duke” Mann, Senior State Steward for the Division of Racing Events, explained that the modified version of Rule 7.220 would enable a horse to be entered in two races on a single day, but only participate in one. Following discussion and after ascertaining that there were no further comments to be made or no objections to acceptance of proposed modified Rule 7.220 as presented, a motion was made by Commissioner Estes, seconded by Commissioner Inmann and unanimously carried to adopt proposed modified Rule 7.220 as presented and, as part of the motion to adopt, to incorporate the Statement of Statutory Authority, Basis, Purpose and Fiscal Impact of Amendment of Regulation.
- Consideration of Proposed Modified Rule 7.416: Mr. Hartman stated that the purpose for proposing to modify current Rule 7.416 was to clarify the authority and procedure by which a veterinarian declares (scratches) a horse from a race and to incorporate language that specifies that, when this occurs, the Board of Stewards is to be immediately notified of the declaration (scratch). No comments

were made and no objections were raised to proposed modification of Rule 7.416. A motion was made by Commissioner Inmann, seconded by Commissioner Scott and unanimously carried to accept proposed modified Rule 7.416 of the Colorado Racing Commission Rules as presented and, as part of the motion to adopt, to incorporate the Statement of Statutory Authority, Basis, Purpose and Fiscal Impact of Amendment of Regulation.

- Consideration of Proposed Modified Rule 7.620: Mr. Hartman advised that the purpose for proposing adoption of modified Rule 7.620 was to revise current rules regarding numbers and colors and their location on jockeys' apparel in order to conform to current industry and racetrack practice. No comments were made and no objections were raised to proposed modification of Rule 7.620. A motion was made by Commissioner Inmann, seconded by Commissioner Scott and unanimously carried to accept proposed modified Rule 7.620 of the Colorado Racing Commission Rules as presented and, as part of the motion to adopt, to incorporate the Statement of Statutory Authority, Basis, Purpose and Fiscal Impact of Amendment of Regulation.
- Consideration of Proposed Repeal/Deletion of Rule 7.642: Mr. Hartman explained that the purpose for proposing repeal and deletion of Rule 7.642 in its entirety was to remove redundant language that appears more expansively in current Rule 3.402 than in the subject rule. No comments were made and no objections were raised to repeal/deletion of Rule 7.642 in its entirety. A motion was made by Commissioner Estes, seconded by Commissioner Inmann and unanimously carried to accept proposed repeal/deletion in its entirety of Rule 7.642 as presented and, as part of the motion to adopt, to incorporate the Statement of Statutory Authority, Basis, Purpose and Fiscal Impact of Amendment of Regulation.
- Consideration of Proposed Modified Rule 8.109: Mr. Hartman advised that the purpose for proposing to modify Rule 8.109 was to clarify the payment process for both owners and trainers claiming horses and for Association and Division personnel designated to execute the claim. Discussion ensued during which Mr. Bruce Seymore, Executive Director of Mile High Racing and Entertainment, objected to adoption of the modified rule. He commented that the rule would increase the workload for the Horsemen's Bookkeeper and that it should be the responsibility of the Division of Racing Events to handle fiscal matters, such as issuance of insufficient fund checks. The Commission observed that horse owners who intend to claim a horse or horses need to be responsible for ensuring that funds for this purpose are on deposit in their accounts. Following discussion, a motion was made by Commissioner Estes, seconded by Commissioner Inmann and unanimously carried to approve adoption of proposed modified Rule 8.109 of the Colorado Racing Commission Rules as presented and, as part of the motion to adopt, to incorporate the Statement of Statutory Authority, Basis, Purpose and Fiscal Impact of Amendment of Regulation.
- Consideration of Proposed Modified Rule 8.404: Mr. Hartman queried Mr. Robert "Duke" Mann, Senior State Steward for the Division of Racing Events, regarding the purpose for recommending adoption of proposed modified Rule 8.404. Mr. Mann advised the Commission that the subject modification would provide additional assistance in eliminating hidden ownerships of horses. After ascertaining that there were no further comments or objections to adoption of proposed modified Rule 8.404, a motion was made by Commissioner Inmann, seconded by Commissioner Estes and unanimously carried to adopt proposed modified Rule 8.404 as presented and, as part of the motion to repeal/delete, to incorporate the Statement of Statutory Authority, Basis, Purpose and Fiscal Impact of Amendment of Regulation.
- Consideration of Proposed Modified Rule 8.408: Mr. Hartman stated that the purpose for proposing adoption of modified Rule 8.408 was to clarify that ownership may not be transferred after a successful claim, but trainership could still be transferred. No comments were offered and no objections were raised to

adoption of proposed modified Rule 8.408 as presented. A motion was made by Commissioner Hoffman, seconded by Commissioner Inmann and unanimously carried to approve adoption of proposed modified Rule 8.408 of the Colorado Racing Commission Rules as presented and, as part of the motion to adopt, to incorporate the Statement of Statutory Authority, Basis, Purpose and Fiscal Impact of Amendment of Regulation.

- Consideration of Proposed New Rule 11.101: Mr. Hartman stated that the purpose for proposing adoption of new Rule 11.101 was to enact a rule that expressly grants any Association, Racetrack or Off-Track Wagering Facility the right to impose its own rules at the expense of the enacting entity enforcing their own rules without the involvement of the Division of Racing Events. Further, Mr. Hartman explained that such "house rules" are posted at the applicable facility/location for patrons' and the public's knowledge. No comments were offered and no objections were raised to adoption of proposed new Rule 11.101 as presented. A motion was made by Commissioner Inmann, seconded by Commissioner Scott and unanimously carried to approve adoption of proposed new Rule 11.101 of the Colorado Racing Commission Rules as presented and, as part of the motion to adopt, to incorporate the Statement of Statutory Authority, Basis, Purpose and Fiscal Impact of Amendment of Regulation.

There being no further rules to consider, at 11:15 a.m., a motion was made by Commissioner Inmann, seconded by Commissioner Scott and unanimously carried to adjourn the Rule-Making Hearing. A copy of the rules as adopted is attached hereto and made a part of these Minutes.

The formal Rule-Making Hearing was stenographically recorded by Ms. Karen Hathcock, Court Reporter. A recording of the proceeding is on file in the Division's Lakewood office.

Re-opening of Regular Commission Meeting

At 11:15 a.m., Chairman Beirne reconvened the regular Commission meeting.

Presentation Regarding Distribution of Owners/Breeders Awards and Supplemental Purse Fund Monies for Calendar Year 2016 -- Pamela Kilgore

In the absence of the Division's Auditor, Ms. Pamela Kilgore, Mr. Dan Hartman, Director of the Division of Racing Events, presented a final accounting of the Owners/Breeders Awards and Supplemental Purse Fund monies for distribution to the various breed organizations for calendar year 2016. Mr. Hartman apprised the Commission that, pursuant to the Racing Statute, no breed organization may receive more than eighty percent (80%) of the total accrual of fund monies.

Mr. Hartman advised that the Owners and Breeders Awards and Supplemental Purse Fund accruals are calculated in the following manner: 1) by using the current year's percentages from wagering on live races applied to the funds accumulated from all wagering on live and simulcast races during the year (specified in rule #9.316); 2) by using the prior year's percentages from wagering on all live and simulcast races during that year applied to the uncashed simulcast ticket proceeds from that same prior year (specified in rule #9.318) (for calendar year 2016, these uncashed tickets in the total amount of \$298,250.67 are from the 2015 live and simulcast meet held at Arapahoe Park); and 3) by using the applicable live and simulcast wagering percentages for any association's uncashed ticket proceeds from the prior year's live racing meet (specified in rule #9.318) (for calendar year 2015, these uncashed tickets in the amount of \$270,906.27 are from the 2015 live race meet held at Arapahoe Park and the uncashed tickets in the amount of \$27,344.40 are from the 2015 Arapahoe Park live meet. He noted that, in the event that a three-year period elapses during which no distribution is made to a given breed, that breed's fund accrual may be applied to purses by the racing association.

Mr. Hartman reported that: 1) the total earnings from wagering in 2016 amounted to \$1,068,704.97; 2) that the total earned from 2015 uncashed tickets on both live and

simulcast races was \$298,250.67; 3) that the interest earned in 2016 was \$7.41 and, after subtracting the bank fee of \$3,850.00, the total Owners'/Breeders' Awards and Supplemental Purse Fund accrual for 2016 was \$1,363,113.05.

Mr. Hartman observed that the difference between the total amount of the accrual and the total amount to be distributed/retained in escrow (\$1,201,113.05) reflects the \$162,000 advance that was approved by the Commission in May 2016 for release to the Colorado Thoroughbred Breeders Association in July 2016.

Mr. Hartman read into the record the following individual totals to be disbursed to each breed organization:

Colorado Thoroughbred Breeder's Association	\$928,490.44
Rocky Mountain Quarter Horse Association	231,149.80
Colorado Owners and Breeders of Racing Arabians	14,761.35
Rocky Mountain Paint Racing Club	378.52
Colorado Appaloosa Racing Association	58.49
Mule Award	44.81

The Commission took notice that a balance of \$26,229.64 remains from the escrowed harness purse monies. Notice was taken that in 2008, 2009, 2010, 2014, 2015 and 2016, but not in 2011, 2012 or 2013, Arapahoe Park accepted Mule races from California. In 2008, an escrow account was established for that breed until such time as a Mule Breed organization in Colorado is recognized by the Commission to receive those funds. Such recognition would also be subject to notification that such an organization has by-laws in effect for the purpose of distributing funds.

Mr. Hartman recommended that the Commission accept the subject report and authorize the Division to distribute to each specified breed organization their reported fund accruals. After considering Ms. Kilgore's final accounting of the Owners/Breeders Awards and Supplemental Purse Fund monies for distribution to the various breed organizations for calendar year 2016 as presented by Mr. Hartman, a motion was made by Commissioner Hoffman, seconded by Commissioner Inmann and unanimously carried to adopt the recommendations made by Mr. Hartman and to grant approval to the Division to release the fund monies specified in today's agenda packet and request issuance of State warrants for disbursement of the reported fund accruals pursuant to statute.

Status Report – Mile High Racing and Entertainment's Conduct of Fantasy Contests

In response to the Commission's request for updated information relating to the conduct of Fantasy Contests at facilities operated by Mile High Racing and Entertainment, Mr. Dan Hartman, Director of the Division of Racing Events, reported that there appears to be steady growth in popularity of Fantasy Sports wagering and that it is currently available at most off-track wagering facilities in Colorado. He noted that this form of wagering is not regulated by the Division of Racing Events, but will be overseen by an agency within the Department of Regulatory Agencies ("DORA"). He commented that, in July 2017, licenses would begin to be issued by DORA. He stated that the Division of Racing Events would continue to monitor activity relating to Fantasy Contests and report on it to the Commission.

Mr. Bruce Seymore, Executive Director of Mile High Racing and Entertainment, advised the Commission that certain technical difficulties had occurred and he had been addressing various issues on a daily basis. He commented that wagering on NASCAR events will be offered. Mr. Seymore agreed to provide statistical data concerning Fantasy Sports activity at the next Commission meeting.

Introduction of and Welcome to Newly Appointed Assistant Attorney General Brendon Reese

The Commission welcomed Mr. Brendon Reese, who was recently appointed to serve as Assistant Attorney General for the Commission and the Division.

Request by Mr. Tom Bradbury to Address the Commission

Mr. Tom Bradbury, a duly licensed Quarter Horse owner, appeared before the Commission accompanied by his Attorney, Mr. James Kreutz, and Mr. John Hammes, a licensed owner/trainer of Quarter Horse racehorses and a member of the Colorado Horse-Racing Association and the Rocky Mountain Quarter Horse Association.

Mr. Kreutz presented some background information relating to Mr. Bradbury's request to address the Commission. However, subsequent to permitting Mr. Bradbury to offer his initial comments, the Commission ascertained that Mr. Bradbury is involved in pending litigation with the Arapahoe Park Racing Association which would preclude the Commission from entertaining any presentation and/or discussion of Mr. Bradbury's circumstances at this time. Therefore, the Commission declined Mr. Bradbury's request to speak at this time. The Commission, by and through its legal counsel, Mr. Reece, advised that the Division of Racing Events would conduct an investigation into this matter and determine future procedures to be applied to it. Further, the Commission apprised that it would take into consideration Mr. Bradbury's assertions and would interview him as part of this process. No further action was taken at this time.

Request to Discuss Matters Relating to Quarter Horse Racing at Arapahoe Park – Representatives of the Rocky Mountain Quarter Horse Association

As preliminary matters, Commission Chairman Sean Beirne stated for the record that the Commission was in receipt of two letters pertaining to subjects to be discussed at this time, one signed by Ms. Janet VanBieber of the American Quarter Horse Association, and one signed by representatives of the Rocky Mountain Quarter Horse Association. Thereupon, Chairman Beirne advised that all attendees wishing to address the Commission concerning matters between Arapahoe Park and the Rocky Mountain Quarter Horse Association would be given the opportunity to speak. He requested that all questions be directed to the Commission.

Discussion ensued during which the Commission afforded all representatives of the Rocky Mountain Quarter Horse Association wishing to address the Commission an opportunity to do so. During the course of the discussion, comments and/or presentations were made by the following parties:

Speaking on behalf of the Rocky Mountain Quarter Horse Association:

- Dr. Jill Cook;
- Mr. John Hammes;
- Mr. Kent Bamford;
- Mr. Jake Dahl;
- Mr. Vaughn Cook;
- Mr. Leslie Boward; and
- Ms. Jodie Witt

Speaking on behalf of the Arapahoe Park Racing Association:

- Mr. Bruce Seymore; and
- Mr. Hank Demoney

The Commission entertained the views, opinions and arguments voiced by all of the aforementioned persons. Following these presentations, Division Director Hartman advised the Commission that the Division of Racing Events had previously been informed of Mr. Seymore's decision to modify Arapahoe Park's 2017 racing schedule and forego conducting trial races in accordance with the Rocky Mountain Quarter Horse Association's established stakes racing program. Mr. Hartman expressed his desire for the opposing organizations to achieve a compromise arrangement acceptable to both groups. The Commission explained to the participants that it could not render a decision in this matter, but would encourage each contingent to work together and attempt to achieve an amicable resolution. No action was taken at this time.

February 14, 2017

COLORADO RACING COMMISSION MEETING
ATTENDANCE ROSTER

Please sign and pass on. Thank you.

Donk Demorey	Mile Hi Racing
Meloni Burns	?
Margo Schares	R.M.Q.H.A.
Greg Herman	R.M.Q.H.A.
Matt Herman	RMQHA/CHA
Kelley Simonsin	RMQHA Pres.
SUSAN SEELY	RMQHA
Willard Nordick	RMQHA Past Pres.
Lestie Lindauer	RMQHA
Mark Hillman	CHA
Kent Bamford	CHA
Kim Seymore	Guest
Billy BYENS	ARAPAHOE
Gil Russo	Arapahoe
Will Eaton	Arapahoe
Howie Chavers	RMQHA
Roberto Gomez	RMQHA
Jim Lynn	RMQHA
Cimmaron Gerke	Trainer
Byron Gerke	owner
Ryan Amen	Guest
Kathy Stoker Hill	RMQHA
ASHLEY LEARN	DORE
Kathleen Cepolacci	DORE

Phil Hommes	ADHA / RMOHA
Wodie Witt	RMOHA
TERRY YODDY	RMOHA
JAKE DAHL	RMOHA
C D Shusser	RMOHA
Jill Cook	RMOHA
Vaughn Cook	RMOHA
Gail Meisner	Trainer
Dan Francisco	Trainer
JEAN Smith	Trainer/owner
Vern Miller	owner
Lisa Deery	
Tom Bradley	
Mark Dwyer	RMOHA
Leslie Boward	

COLORADO RACING COMMISSION



Tuesday February 14, 2014
TIME

Public Comment Sign-in

Colorado Racing Commission

If you wish to address the Commission during Public Comment segment please print legibly for all categories.

Individuals and Individuals speaking for a group will have 3 minutes to address the Commission.

PLEASE DO NOT SIGN IN IF YOU WISH ONLY TO OBSERVE

Name (print)	Title	Organization - City/State	Topic You Are Addressing
KB Seymore	Ex Director	M HRE - Ann Arbor - MI	
Jill CokkVM	board rep	RMQHA	QH racing program
Kent Bamford	pres CHA	CHA	QH racing
JOHN HAMMES	RMQHA DIRECTOR AQHA PARTNER	RMQHA + BRADDOCK	QH RACING
JACE DAHL	RMQHA DIRECTOR OWNER WESTERN EQUINE COLLEGE	RMQHA	AFFECT OF RACING TO MY BUSINESS

RECORD OF PROCEEDINGS

The regularly scheduled meeting of the Colorado Racing Commission was held on Tuesday, April 11, 2017 in Conference Room 110 (Enforcement Conference Room) at 1881 Pierce Street, Lakewood, Colorado. The meeting was called to order by Chairman Beirne at 9:40 a.m.

Members Present

Sean Beirne, Chairman
Pam Inmann, Vice-Chairwoman
Lori Scott, DVM, Member
D. Lynn Hoffman, Member
Tina Estes, Member

Staff Present

Dan Hartman, Director, Division of Racing Events
Mark Brown, Agent-in-Charge
Greg Lamb, Division Auditor
Ashley Leary, Division Investigator
Brendon Reese, Assistant Attorney General for the Commission/the Division of Racing Events
Brad Jones, Assistant Attorney General
Sherry Gunnell, Assistant to the Director

Also Present

An attendance sheet is attached hereto and made a part of these minutes.

Confirmation of the Presence of a Quorum

As a preliminary matter, it was established that a quorum of Commission members was in attendance.

Approval of Minutes of February 14, 2017

A motion was made by Commissioner Inmann, seconded by Commissioner Hoffman and unanimously carried to approve the minutes of February 14, 2017 as submitted.

Announcement Regarding of Recent Appointment of Division Auditor Greg Lamb – Dan Hartman

Mr. Dan Hartman, Director of the Division of Racing Events, introduced Mr. Greg Lamb, who was recently appointed to serve as the Division's Auditor. Mr. Hartman advised that Ms. Pam Kilgore, who had ably served in this position since 2010, had retired from State service. Additionally, Mr. Hartman advised that Mr. Lamb served previously in his current capacity before accepting a similar position with the Kentucky Horse Racing Board in 2009. Mr. Hartman observed that he is pleased that Mr. Lamb was able and willing to resume his former position. The Commission welcomed Mr. Lamb and congratulated him on his appointment. The Commission requested that Mr. Hartman extend its thanks and appreciation to Ms. Kilgore for her many years of outstanding service to the Division, Commission and citizens of Colorado.

Consideration of Request for Early Distribution of Portion of Owners/Breeders Awards Funds and Supplemental Purse Fund Monies – Colorado Thoroughbred Breeders' Association

Mr. Dan Hartman, Division Director, informed the Commission that, in accordance with and as permitted by statute, the Colorado Thoroughbred Breeders' Association had submitted a formal written request for early release of \$163,000, a portion of their Owners/Breeders Awards and Supplemental Purse Fund accrual for the purpose of supplementing their Colorado Bred Stakes schedule at Arapahoe Park in 2017.

Mr. Hartman explained that, by Rule, no breed organization may request more than 80% (eighty percent) of its total accrual. Mr. Greg Lamb advised that, prior to her departure, Ms. Pam Kilgore, former Auditor for the Division of Racing Events, had itemized the amounts accrued by the Colorado Thoroughbred Breeders' Association during the period from January through March 2017 and had expressed her confidence that sufficient funds would be available for the requested amount of \$163,000 to be distributed to the Colorado Thoroughbred Breeders' Association. The Commission took notice that an additional audit of the purse fund monies would be performed in order to confirm that the requested amount would be available for distribution as soon after July 1, 2017 as possible.

Based upon Mr. Lamb's and Mr. Hartman's recommendations for approval, a motion was made by Commissioner Inmann, seconded by Commissioner Estes and unanimously carried to authorize early distribution of \$163,000 to the Colorado Thoroughbred Breeder's Association after July 1, 2017 contingent upon the performance by Division staff of a second audit to confirm the availability of funds.

Scheduling of 2018 Race Dates Hearing – Dan Hartman

Mr. Dan Hartman, Director of the Division of Racing Events, recommended that the Commission continue its practice of conducting the annual Race Dates Hearing at its July meeting. He noted that, at that time, the Commission would not be specifying actual race dates, but would be reviewing and accepting envelopes (ranges) of dates.

A motion was thereupon made by Commissioner Inmann, seconded by Commissioner Hoffman and unanimously carried to schedule the 2018 Race Dates Hearing on Tuesday, July 11, 2017 in conjunction with the Commission's regular July meeting. The probable location of both of these sessions will be Arapahoe Park, 26000 East Quincy Avenue, Aurora, Colorado.

Consideration of Approval of Arapahoe Park's Proposed 2017/18 Simulcast Schedule – Mark Brown

Mr. Mark Brown, Agent-in-Charge for the Division of Racing Events, presented his report concerning Arapahoe Park's proposed 2017/2018 simulcast schedule. Mr. Bruce Seymore, Executive Director of Colorado Operations for Mile High Racing and Entertainment, appeared on behalf of the Racing Association.

Mr. Brown advised the Commission that, on March 29, 2017, the Colorado Division of Racing Events had received a letter from Mr. Bill Powers, Director of Racing at Arapahoe Park on behalf of Racing Associates of Colorado, Ltd. doing business as Arapahoe Park, requesting approval for the sending/receiving of interstate wagers and simulcasts on horses and greyhounds for 2017 and 2018. The letter requested permission to commence simulcast wagering on April 21, 2017 and concluding it on April 20, 2018. Mr. Brown observed that Arapahoe Park's request for approval of its simulcast schedule included an open letter asking for blanket approval to send and receive interstate wagers and simulcasts from the following sources subject to contract and Division approval, excluding specific listing of racecourses and simulcast dates:

- All racetracks representing the United States and Canada;
- All racetracks in the International Jurisdiction;
- All affiliated off-track wagering venues; and
- Nevada pari-mutuel books

Mr. Brown assured the Commission that the Division would require that Arapahoe Park submit all agreements and contracts with the specific state horsemen's associations and racetracks before being allowed to receive any out-of-state simulcasts. He noted that all agreements and contracts would be subject to review before simulcasting would be approved and that final approval for simulcasting from any racecourse would not be given unless the Division had received both a racing schedule and a simulcast contract.

Additionally, Mr. Brown stated that, on March 1, 2017, the Colorado Division of Racing Events received a renewal application from Racing Associates of Colorado, Ltd. doing business as Arapahoe Park to commence live racing on Friday, May 19, 2017 through Sunday, August 13, 2017 for a total of thirty-nine (39) race days. He observed that Arapahoe Park intends to conduct live racing as well as greyhound and horse simulcasting throughout the entire year; and, in

in conjunction with its live meet, Arapahoe Park will provide horse simulcasting on its non-live days. The Commission took notice that unforeseen circumstances might necessitate that modifications be made to prospective simulcast dates and/or racing schedules and, therefore, the Division Director or his designee has been delegated authority to approve such changes.

Attached to the request for approval were the following required documents:

- Permission letters from the Colorado Horse-Racing Association, the organization representing a majority of the horse-racing community at Arapahoe Park, signed on July 26, 2015 by Kent Bamford, President, supporting the simulcast calendar and schedule for the period of **April 21, 2016 through April 20, 2019**, including the simulcasting of Arapahoe Park's live signal during the 2017 race meet.

Mr. Brown commented that he had reviewed the attached documents for approval of simulcasting and had determined that all required documentation had been submitted. Therefore, he stated that the Division of Racing Events would recommend acceptance of Arapahoe Park's simulcast wagering schedule as requested.

Following its review and after acknowledging that the Division of Racing Events recommended acceptance of Arapahoe Park's 2017/2018 proposed simulcast wagering schedule as presented, a motion was made by Commissioner Inmann, seconded by Commissioner Scott and unanimously carried to approve Arapahoe Park's request to commence simulcast wagering on April 21, 2017 and to continue simulcast wagering through April 20, 2018 subject to the following terms and conditions:

- 1) That Arapahoe Park will submit its proposed Simulcast Calendar reflecting the simulcast race days, including the live racing days, to the Division of Racing Events as soon as possible;
- 2) That Arapahoe Park will inform the Division at least ten (10) days prior to adding a new track to its schedule. This will be followed by all required contracts;
- 3) That fully executed signed contracts and agreements for each racetrack from which broadcasts are to be received are provided to the Division no later than forty-eight (48) hours prior to the commencement of simulcasting from that site;
- 4) That adequate advance notice of the actual dates and simulcasting schedules for any and all venues be made part of Arapahoe Park's 2017/2018 roster be provided to the Division of Racing Events prior to the start of racing from that site;
- 5) That the Division of Racing Events may, in its discretion, 1) require any totalisator link that has not been tested to be tested prior to the date of operation; and 2) approve the telephone lines to be used;
- 6) That Arapahoe Park comply with all terms and conditions contained in the Interstate Horse Racing Act with regard to receipt of simulcast signals, presentation of approved simulcasts and broadcasting of its races to out-of-state venues; and
- 7) That the Commission delegate authority to the Director or his designee to approve schedules for pre-approved tracks when a specified envelope is determined and to approve any adjustments or amendments to the simulcast schedules as needed.

The Commission directed that the Division monitor compliance with these requirements and ensure receipt of all necessary contracts prior to commencement of simulcasting from any racetrack. (Subsequently, an Order with Conditions signed by Director Hartman was issued to Arapahoe Park reflecting the Commission's action.)

Consideration of Implementation of New Guidelines and Required Testing for Equine Piroplasmiasis in Racing Quarter Horses – Dan Hartman, Shannon Rushton and Terry Vondy

Mr. Shannon Rushton, Executive Director of the Colorado Horse-Racing Association, and Mr. Terry Vondy, Vice-President of Racing for the Rocky Mountain Quarter Horse

COLORADO RACING COMMISSION MEETING
APRIL 11, 2017

Please sign and pass on. Thanks you.

Ashley LEARY

DORE

Greg Lamb

Shepard Rushton

CHA

W. Jones

MTRÉ

TERRY VANDY

Brad Jones. Attorney General's office

RECORD OF PROCEEDINGS

The regularly scheduled meeting of the Colorado Racing Commission was held on Tuesday, May 9, 2017 at 1881 Pierce Street in Conference Room 110, Lakewood, Colorado. Chairman Sean Beirne called the meeting to order at 9:45 a.m.

Members Present

Sean Beirne, Chairman
Pam Inmann, Vice-Chairwoman
Lori Scott, DVM, Member
D. Lynn Hoffman, Member
Tina Estes, Member

Staff Present

Dan Hartman, Director, Division of Racing Events
Mark Brown, Agent-in-Charge
Greg Lamb, Division Auditor
Bradford Jones, Assistant Attorney General for the Commission/the Division of Racing Events
Randall Cherry, Assistant Attorney General
Sherry Gunnell, Assistant to the Division Director

Also Present

An attendance sheet is attached hereto and made a part of these minutes.

Approval of Minutes of April 11, 2017

After establishing that a quorum of Commission members was present, a motion was made by Commissioner Inmann, seconded by Commissioner Estes and unanimously carried to approve the minutes of April 11, 2017 as submitted.

Observations Regarding 2017 Association of Racing Commissioners International Spring Convention

Commission Vice-Chairwoman Ms. Pam Inmann, Commission Member D. Lynn Hoffman and Mr. Dan Hartman, Director of the Division of Racing Events, shared their thoughts and opinions regarding the 2017 Annual Association of Racing Commissioners International ("ARCI") Spring Convention and Conference on Racing and Wagering Integrity held from April 17-21, 2017 in Charleston, South Carolina. Each attendee spoke very favorably of the presentations, workshops and discussion sessions that were offered. Commissioners Inmann and Hoffman observed that both of them had found the presentations concerning crops/whips especially informative as well as the updated reports on drug detection. Both Commissioners advised that they had always been impressed by the quality and diversity of subject matter addressed at these gatherings and were appreciative of the opportunity to attend and participate in any ARCI Convention. The Commission commended Mr. Hartman on his reappointment to the ARCI Board of Directors and his continued service as a member of the Model Rules Committee.

Consideration of Applications for Release of Monies from the Greyhound Welfare and Adoption Fund – Greg Lamb

Mr. Greg Lamb, Auditor for the Division of Racing Events, reported that the Division received four applications for the release of money from the Greyhound Welfare and Adoption Fund. He observed that the requesting organizations were: 1) Colorado Greyhound Adoption; 2) Friends of Retired Greyhounds; 3) Greyhound Connection; and 4) Rocky Mountain Greyhound Adoption, Inc. Mr. Lamb advised that, prior to her retirement, former Division Auditor Ms. Pam Kilgore and he had reviewed each of the subject applications. He apprised the Commission that, currently, there is approximately \$30,000 in the Fund.

Mr. Lamb explained that, based upon the distribution methodology discussed and adopted by the Commission in May 2013, each organization is reimbursed based upon the number of greyhounds that it has placed during the six-month application period divided into the available amount of fund money. Mr. Lamb stated that, during the subject six-month period, a total of 269 greyhounds were placed by the applicants. This would mean that the organizations would receive \$111.52 per placed greyhound ($\$30,000/269=\111.52).

Mr. Lamb advised that, before distribution of funds would be made, the Division would again review the paperwork from the requesting organizations to ensure that accurate numbers had been reported and used in all calculations. Further, Mr. Hartman stated that, since the Division is no longer requiring the requesting organizations to submit receipts as part of their application documentation, Division investigators have been granted authorization to conduct on-site inspections and verifications of each organization's adoption reports and records.

The Commission took notice of Mr. Lamb's confirmation that all of the subject applications meet the criteria set forth in the Commission's rule(s). In the applications, Colorado Greyhound Adoption had requested \$20,000 and Rocky Mountain Greyhound Adoption, Inc. requested \$5,820, but Friends of Retired Greyhounds and the Greyhound Connection did not request specific amounts. Notice was taken that, all of the requesting organizations had previously received Fund money. Further, notice was taken by the Commission that each of the organizations is currently licensed by the Division of Racing Events.

Mr. Lamb stated that the Division of Racing Events would recommend that the Commission approve the following disbursements totaling \$30,000 from the Greyhound Welfare and Adoption Fund:

• To Colorado Greyhound Adoption:	\$ 7,584.00
• To Friends of Retired Greyhounds:	\$ 6,691.00
• To Greyhound Connection:	\$13,494.00
• To Rocky Mountain Greyhound Adoption, Inc.:	\$ 2,230.00
	\$30,000.00
TOTAL	

In accordance with existing protocols, the Commission emphasized that all fund recipients would be required to submit the following information/documentation to the offices of the Division of Racing Events for subsequent Commission review: 1) a preliminary report specifying how the organization intends to utilize the subject funds; and 2) subsequent to expending the funds, a follow-up accounting that reflects how the money allotted to the organization was used.

After ascertaining that there were no further comments to be made, a motion was made by Commissioner Hoffman, seconded by Commissioner Scott and unanimously carried to release \$7,584.00 to Colorado Greyhound Adoption; \$6,691.00 to Friends of Retired Greyhounds; \$13,494.00 to Greyhound Connection; and \$2,230.00 to Rocky Mountain Greyhound Adoption, Inc., which totals approximately \$30,000.00, with the proviso that each organization is to provide preliminary and follow-up reports relating to the use of the subject funds and, further, that, for the purpose of verifying the accuracy of its reported adoption totals, each organization is required to undergo an inspection of its adoption reports/records by Division investigators prior to the release of funds from the Greyhound Welfare and Adoption Fund.

The Commission and Director Hartman commended the greyhound welfare and adoption organizations and acknowledged that they deserve to receive compensation for their outstanding work and service. No further action was taken at this time.

Consideration of 2017 Renewal Application – Arapahoe Park's Live Race Meet

Mr. Mark Brown, Agent-in-Charge for the Division of Racing Events, presented the report regarding Arapahoe Park's 2017 renewal application. Mr. Bruce Seymore, Executive Director of Colorado Operations for Mile High Racing and Entertainment, appeared on behalf of the Racing Association.

Mr. Brown stated that, on March 1, 2017, the Division of Racing Events had received a Class B Horse Racing renewal license application for the 2017 live race meet at Arapahoe Park signed by the Director of Racing Operations-Colorado, Bruce Seymore, representing Racing Associates of Colorado, Ltd., doing business as Arapahoe Park. Mr. Brown reported that he had reviewed the application and had found that the required information and exhibits requested in the application had either been received by the Division or would be submitted as mandated. Further, Mr. Brown stated that any inspections required by regulation or statute have already been conducted or are in the process of being scheduled.

Mr. Brown advised that Arapahoe Park intends to conduct a thirty-nine (39) day live race meet beginning on Friday, May 19, 2017 and concluding on Sunday, August 13, 2017, with live performances to be offered on Friday, Saturday and Sunday throughout the meet with a special program scheduled on Monday, May 29, 2017 (Memorial Day observance). Additionally, the Commission noted that Arapahoe Park intends to offer at least nine races per day with a 1:00 p.m. post time on all live race days as well as full simulcast race cards from numerous venues throughout the season. Mr. Brown stated that Arapahoe Park proposes to offer varied racing programs composed of Thoroughbred and Quarterhorse races.

The Commission took notice that Arapahoe Park would be sending its live signal to the eleven (11) in-state simulcast facilities, including one new facility, Mile High at Ristras/Bubba Steakhouse Off-Track Betting Facility aka Black Jacks Saloon in Trinidad, as well as to numerous out-of-state venues. (Notice was taken that the renewal application indicates that Red & Jerry's was one of the active off-track wagering venues. However, it ceased operations on March 5, 2017.) The Commission took notice that Division representatives had inspected and approved each of the in-state simulcast facilities listed on the renewal application. Additionally, notice was taken that some contracts with out-of-state associations and simulcast providers are still in the process of being negotiated. It was acknowledged by the Commission that Arapahoe Park would need to notify the Division and seek approval of any future export contracts and agreements with out-of-state associations and simulcast providers forty-eight (48) hours prior to sending/receiving a simulcast signal. Further, the Commission noted that the Division had received a copy of the agreement from the Colorado Horse Racing Association endorsing Arapahoe Park's request to send its signal out-of-state. Notice was taken that Arapahoe Park intends to simulcast out-of-state horse races into Colorado seven (7) days a week on both its live and non-live race days. Notice was also taken that a copy of the agreement between the Colorado Horse Racing Association and Arapahoe Park giving approval for and support of Arapahoe Park's intention to send its signal to out-of-state locations was provided to the Division.

Mr. Brown reviewed the list of racing officials, most of whom had previously served in the positions that they would be holding this season. Notice was taken that persons who had not previously served in their positions include: Mr. Glen Murphy, who will be serving as the Association Steward; Dr. Verlin Jones, who will be serving as the Association Veterinarian; Mr. Russell Scott and Ms. Jane Schvaneveldt, who will be serving as Outriders; Mr. John Everly, who has served as the Paddock Judge/Identifier will also serve as the Assistant Racing Secretary; Mr. Mark Flanders, who has not previously served as a Clocker, will serve with Ms. Brandi Flanders, who has held this position in the past; Ms. Kristen Quiroz will hold the position of Horsemen's Bookkeeper. Additionally, the position of Money Room Manager has yet to be announced. Further notice was taken that City Wide Ambulance Service, along with the Arapahoe County Sheriff, will ensure the presence of certified Emergency Medical Technicians and will provide first aid assistance. Mr. Brown also observed that Mr. Jeff Williams would be serving as a State Steward this season. He recommended approval of the listed racing officials for the upcoming live meet.

The Commission took notice that the consolidated financial statements for Mile High USA, Inc., doing business as Racing Associates of Colorado Ltd. had been submitted to the Division of Racing Events with Arapahoe Park's 2017 renewal license application and that Division Auditor Greg Lamb, along with Commissioners Pam Inmann and D. Lynn Hoffman had reviewed the subject documents and had found them to be complete, in order and prepared in accordance with generally accepted accounting principles. Both Commissioners Inmann and Hoffman commented that, although Arapahoe Park's financial condition did not appear to have appreciably changed in recent years, the racetrack has continued to operate at a deficit and its liability and cash flow are areas of concern. Notice was taken that Twin Rivers Management Group, which owns 100% of

Mile High USA, Inc. would be overseeing the Racing Association's financial matters. Mr. Seymore observed that the parent company was solidly behind its Colorado operations. Additionally, Mr. Seymore commented that he anticipates that interest in and backing of Fantasy Contests would substantially increase with the beginning of football season, noting that, at the present time, five major racetracks and twenty other venues wish to participate in it. Mr. Seymore advised that he has had conversations with representatives of the Department of Regulatory Agencies ("DORA") and has begun the licensing process with DORA. He commented that, at this time, it is unclear how Fantasy Contests will be overseen and regulated.

Notice was taken by the Commission that the following required exhibits had either been submitted with the renewal application or would be provided in a timely manner:

- An insurance binder for on-track accident coverage for the jockeys has been submitted;
- A copy of the current proof of adequate public liability insurance coverage to protect the public was also provided. However, since the expiration date on the Certificate of Insurance is August 1, 2017, a copy of the renewal contract must be submitted upon issuance;
- A current fire inspection report was submitted and no major issues were reported. Any subsequent fire inspection reports must be provided to the Division when issued;
- Current certified health/sanitation inspection reports for Arapahoe Park and each of its in-state simulcast facilities have been received by the Division. Any changes to these reports for Arapahoe Park and all affiliated in-state off-track wagering facilities must be submitted to the Division;
- Copies of the most recent contracts between the Association and its service providers for video patrol, photo finish and totalisator services, products and materials have been provided for the upcoming race meet; and
- A copy of the Horsemen's Contract between the Colorado Horse Racing Association and Arapahoe Park, effective through April 20, 2019, was submitted with the application. (This contract went into effect on April 21, 2016 and shall remain in effect through and including April 20, 2019.)

The Commission took notice that the proposed purse structure, wagering format and takeout rates would remain unchanged from last year.

A surety bond to cover the Horsemen's Bookkeeper will not be required for the 2017 race meet. Mr. Brown advised that the Division would release purse funds from the Escrow Trust Account as requested by the Association throughout the race meet to satisfy purse money owed. Further, he observed that, in the event that any derogatory actions are subsequently brought against the Horsemen's Bookkeeper, the Commission would have the ability to reinstate the bond requirement on the Horsemen's Bookkeeper Account.

Mr. Brown informed the Commission that Arapahoe Park had complied with all recommendations and conditions for relicensure included in the 2016 Arapahoe Park End of Meet Report.

Notice was taken that the following requirements would remain in effect during the 2017 live race meet:

REQUIREMENTS REGARDING THE RACETRACK SURFACE:

- That the Track Superintendent position will be the only racing official position held by the licensee.
- Notice was taken that Waypoint Analytical performed a favorable soil analysis in August 2016. The racing surface must be consistently prepared and maintained throughout the meet.

REQUIREMENTS FOR THE RACING OFFICE:

- That the Racing Office will ensure that only authorized persons be allowed behind the counter during entries. All access(es) to the Racing Office's restricted areas will have locking device(s) in place during entries. The Racing Secretary will ensure that all visitors to his office be escorted.

- That the Racing Office will maintain and post to the licensees the written schooling lists for the Starter, Paddock, Stewards and Veterinarian.
- That the Racing Secretary will continue to train and supervise Racing Office staff in the proofing of the entries, especially entries made by Jockey Agents.

REQUIREMENTS CONCERNING THE SECURITY DEPARTMENT:

- That Arapahoe Park's Security Director, Michael Watkins, will be responsible for supervising and managing the security staff of the stable gate, the stable/barn area backside, the Division's test barn and the grandstand. The Security Director will instruct all security staff to attend training from the Division enforcement personnel and other sources that management deems necessary to enforce Colorado Racing Commission Rules and policies for the admittance of horses into the Stable Area and to provide a safe environment for the licensees and patrons.
- That the Division of Racing will provide a Compliance Investigator to assist with the intake of horses, the preparation of associated paperwork and the facilitation of access to the restricted stable area;
- That Arapahoe Park will continue to employ an off-duty sheriff's deputy on live race days; and
- That Arapahoe Park will provide a radio for the Stewards' office during training hours in order to help them monitor the training activities on the racetrack that include workouts, removal of horses from the Stewards' list and the qualifying of licensees for exercising and ponying horses.

Mr. Brown stated that the application of Racing Associates of Colorado, Ltd. (Arapahoe Park) 2017 Live Race Meet Renewal Application appears to comply with the Colorado Revised Statutes and the Colorado Racing Commission Rules and therefore, the Colorado Division of Racing Events would recommend approval of a Class B license for Arapahoe Park subject to the following additional conditions:

1. Successful completion and compliance with a comprehensive pre-meet facility inspection by the Division of Racing Events;
2. That, in the event that a vacancy occurs among the Racing Officials for longer than one racing day, the Association shall fill the vacancy with an official approved by the Division and shall notify the Division in writing of the substitution prior to making the change;
3. That Arapahoe Park will continue to ensure that its public liability insurance policy is in effect and will provide a copy of the renewed Certificate of Insurance to the Division on or before its August 1, 2017 expiration date;
4. That Arapahoe Park will submit copies of all intrastate simulcast contracts and/or agreements entered into by the applicant to the Division no later than five days prior to receipt of the simulcast signal;
5. That any additional certified health/sanitation inspection reports received for Arapahoe Park and its In-State Facilities will be provided to the Division when completed;
6. That the Association shall provide copies of all new service contracts, which are not presently on file with the Division, no later than five days prior to the commencement of the meet; and
7. That the Commission may determine, in its discretion, that additional conditions need to be imposed at this time or at any time during the live meet.

Following review and discussion, a motion was made by Commissioner Inmann, seconded by Commissioner Scott and unanimously carried to approve Arapahoe Park's 2017 renewal application to operate as a Class B racetrack during the period specified in the application; to approve the retention and hiring of all Racing Officials noted in the renewal license application; to approve the take-out rates as specified in Arapahoe Park's renewal application; and to make this approval contingent upon satisfaction of the conditions set forth in this report and included in the following Notice of Issuance of Meet License with Conditions.

Subsequent to the meeting, the Notice of Issuance of Meet License with Conditions was issued and provided to Arapahoe Park's management in accordance with the Commission's motion:

BEFORE THE COLORADO RACING COMMISSION

STATE OF COLORADO

NOTICE OF ISSUANCE OF MEET LICENSE WITH CONDITIONS

IN THE MATTER OF THE ISSUANCE OF A MEET LICENSE FOR:
RACING ASSOCIATES OF COLORADO, LTD. DBA ARAPAHOE PARK
26000 EAST QUINCY AVENUE
AURORA, COLORADO 80016

Pursuant to Colorado Revised Statute 12-60-505, the Colorado Racing Commission has reviewed and conducted a public meeting concerning the application for a race meet license.

The Colorado Racing Commission finds the application to be acceptable and orders said meet license to be issued to:

Racing Associates of Colorado, Ltd. d.b.a. Arapahoe Park
26000 East Quincy Avenue
Aurora, Colorado 80016

with the following conditions:

1. This approval is granted from the opening day of the live race meet, which is May 19, 2017 through the closing day of the meet, which is August 13, 2017, for an envelope of thirty-nine days. The following racing schedule was requested by the Association and approved by the Commission: Friday, Saturday and Sunday: at least nine (9)-race matinee performances per day. Additionally, nine (9)-race matinee programs will be conducted on Monday, May 29, 2017 (Memorial Day observance). The meet shall be a mixed meet consisting of Thoroughbreds and Quarterhorses. This approval is granted subject to successful completion of and compliance with a Division pre-meet inspection of the facility.

That, prior to any modification being made to Arapahoe Park's approved nine-race program schedule, a request must be submitted in writing to the Director of the Division of Racing Events or his designee for his consideration.

2. The Association shall keep in force at all times a public liability insurance policy. Although a copy of the current proof of adequate public liability insurance was included with the renewal application, the expiration date of the Certificate of Insurance is August 1, 2017. A copy of the renewal contract must be submitted to the Division as soon as it is re-issued.
3. The Association shall keep in force adequate insurance coverage for the protection of the Jockeys. A copy of the insurance binder for on-track accident coverage for the Jockeys was submitted with the application. (NOTE: It is essential that the Association provide appropriate notice to all Exercise Riders and Pony Persons, because they are considered independent contractors, that they must obtain their own insurance coverage.)
4. All employees shall be properly licensed prior to conducting any activities. In addition, all Association Racing Officials, including replacement officials, must be approved by the Division of Racing Events prior to conducting any activities. Their names are to be submitted for approval no less than three (3) days before the commencement of the race meet. Any currently vacant racing official positions shall be filled no later than five (5)

days prior to the commencement of the meet. (If a vacancy occurs among the Racing Officials for a period of longer than one racing day, the Association shall fill the vacancy with an official approved by the Division and shall notify the Division in writing of the substitution prior to the change.) Additionally, the Division, Arapahoe Park management and the Board of Stewards will be working with the Racing Officials to ensure that their duties are performed in a professional and safe manner. The Division will monitor the performance of employees new to their positions throughout the 2017 live race meet.

The Track Superintendent position will be the only racing official position held by the licensee.

Arapahoe Park will provide a radio for the Stewards' office during training hours in order to assist them in monitoring the training activities on the racetrack, including workouts, removal of horses from the Stewards' List and the qualifying of licensees for exercising and ponying horses.

5. A list of all Association employees not listed as Racing Officials shall be submitted to the Division no later than ten (10) days after the opening of the meet.

A list of all security staff, including copies of their qualifications and firearm certificates, shall be kept on file in the Division of Racing office at Arapahoe Park.

6. All monies derived from live race monies due for horse purses shall be deposited by the licensee directly into the horsemen's purse account. All horsemen's nominations and sustaining fees shall be handled through the Horsemen's Bookkeeper account.

All monies due from simulcast races due for horse purses shall be deposited by the licensee in a "Colorado Racing Association Escrow" trust account in a commercial bank located in Colorado until such date as the purse funds are paid to the horse owners or to the host track for payment to the horse owners. The moneys deposited in any such trust account shall be invested in a fund that invests in obligations of the United States Government with maturities of less than one year or that is account insured in full by an agency of the Federal Government. All trust accounts shall be interest-bearing accounts with the interest payable as horse purses.

The Association shall make a full accounting to the Department of Revenue through the Division each week of all amounts due purse funds from simulcast and live races and paid out from the purse funds as specified by Statute and contracts.

The Association shall also make a full accounting to the Department of Revenue through the Division each week of all amounts due to the Greyhound Welfare and Adoption Fund.

7. All funds due Colorado State University for allocation to its School of Veterinary Medicine shall be paid weekly with a full accounting to the Colorado Racing Commission yearly.
8. The facility shall meet the "Totalisator Standards" as adopted by the Commission.
9. All required facility improvements deemed necessary for the protection, health and safety of the public, the Division of Racing Events' employees and the race participants shall be completed prior to opening. Successful completion and compliance with a Division pre-meet inspection of the facility is required.

10. The Association shall have a fully operational totalisator system (tested and approved at least three (3) days prior to start of wagering on live races) capable of:
 - a. Handling pari-mutuel wagers on horse races;
 - b. Producing CRC reports on a timely basis; and
 - c. Common pool wagering on both an intrastate and interstate level.

Approved take-outs for Arapahoe Park are as follows:

Win, Place, Show – 19%
Daily Double, Exacta, Quinella – 24%
Trifecta, Superfecta and Pick 3 – 25%

11. Any change from the approved simulcast schedule for each in-state and out-of-state simulcast facility, which the Association proposes to simulcast from or to, including its live races, shall be approved by the Division of Racing Events prior to any simulcasting activity at such simulcast facility. All simulcast contracts must specify how purse percentages are to be calculated. The Commission delegates to the Director or his designee the ability to approve schedules for pre-approved tracks when a specified envelope is determined.

Copies of all intrastate simulcast contracts and/or agreements entered into by the applicant will be submitted no later than five (5) days prior to the beginning of the simulcast signal.

12. Current certified fire and health/sanitation inspection reports for Arapahoe Park and all in-state simulcast facilities that have not already been received by the Division must be submitted to it no later than five (5) days prior to the commencement of Arapahoe Park's live meet. (In the event that additional wagering facilities are to be opened during Arapahoe Park's upcoming race meet, they are subject to this requirement no later than five ((5)) days prior to opening.) Any additional health and sanitation reports received for Arapahoe Park and its in-state facilities will be provided to the Division when completed.
13. It is acknowledged that approval of the renewal application and simulcast race programs shall be subject to the continuation of an appropriation by the Colorado Legislature for the Commission to have funding and spending authority for its fiscal year 2017/2018 and subsequent budget years.
14. To permit the Division to coordinate staffing for simulcast programs, the applicant shall provide the Commission with all modifications to its simulcast program as approved by the Commission one week prior to the proposed modifications.
15. That copies of all new service contracts that are not presently on file with the Division shall be submitted no later than five (5) days prior to the opening of the meet.
16. That Arapahoe Park and its facilities comply with the Division of Racing Events' Video Surveillance Policy throughout the 2017 Arapahoe Park race meet.
17. That the Stable Superintendent shall make every effort to ensure that all horses entering the grounds at Arapahoe Park shall have a current health certificate signed by a Veterinarian.
18. The Racing Secretary shall require that all horses entering the grounds at Arapahoe Park, whether from within or outside of Colorado, have a current Coggins Test (within the previous twelve ((12)) months).

The Racing Secretary will continue to train and supervise racing office personnel in the proofreading of the entries.

Racing office personnel will maintain and post to the licensees the written schooling lists for the Starter, Paddock, Stewards and Veterinarian.

19. The Association will oversee and ensure that the mandated times of closure of the Stable Gate entrance to vehicle traffic are maintained. However, certain limited exceptions, such as an emergency call by a veterinarian, will be allowed. Exceptions will only be permitted on a case-by-case basis.
20. The Racing Secretary and/or Stable Superintendent shall be responsible for the arrival and departure of all horses from the premises and maintain records for the Division's inspection.
21. Arapahoe Park will make arrangements to satisfy the Colorado Racing Commission and the Division in providing an adequate water supply to the racetrack, stable area and grandstands at all times.
22. That the walking surface must be completed with the installation of new dirt and ground rubber to repair ruts and soften the walking surface for the horses and their handlers. Further, as part of its required test barn maintenance, Arapahoe Park is to continue to monitor the performance of the Misting System to ensure that it is effective in cooling the testing stalls and continue to maintain proper water drainage behind the wash rack areas.
23. That, when entries are being taken, only authorized persons are allowed to be behind the counter of the Racing Office. Further, all accesses to the Racing Office's restricted areas are to have locking devices in place during the taking of entries. The Racing Secretary is to ensure that all visitors to his office are escorted.
24. Notice was taken by the Commission that Waypoint Analytical performed a favorable soil analysis in August 2016.
25. It has been ordered by the Director of the Division of Racing Events that all Quarterhorses entering the grounds of Arapahoe Park or leaving and returning to Arapahoe Park must be tested for and obtain a negative test result for Equine Piroplasmiasis within thirty days of entry onto the racetrack grounds. Said test results are to be attached to the horse's health certificate along with other required paperwork, the Coggins test, et.al.
26. The Commission, in its discretion, may determine that additional conditions need to be imposed at this time or at any time during the live meet.

Failure to comply with the applicable conditions prior to or during the 2017 meet may result in a fine, suspension or revocation of the meet license for Racing Associates of Colorado, Ltd. D.b.a. Arapahoe Park.

DATED this 9th day of May 2017.

BY ORDER OF THE COLORADO RACING COMMISSION

s/ _____

Dan Hartman, Director, Division of Racing Events

Consideration of Proposed "Colorado Division of Racing Events Estimated Therapeutic Medication Withdrawal Times" and Association of Racing Commissioners International Endogenous, Dietary, or Environmental Substances Schedule – Dan Hartman

Mr. Dan Hartman, Director of the Division of Racing Events, presented to the Commission for its review and discussion the proposed Estimated Therapeutic Medication

Withdrawal Times and the Association of Racing Commissioners International Endogenous, Dietary, or Environmental Substances Schedule for Arapahoe Park's 2017 live racing season. He advised that certain modifications have been made to the subject document in accordance with changes made by the Racing Medication and Testing Consortium ("RMTC") and the Association of Racing Commissioners International at its April 2017 Model Rules Committee Meeting. Additionally, Mr. Hartman advised that, pursuant to a recent modification made to Colorado Racing Commission Rule 5.441 and in accordance with the request of the American Quarter Horse Association, he would ask the Commission to approve the removal of the medication, Clenbuterol, from the subject list. Thereupon, he recommended adoption of the "Colorado Division of Racing Events Estimated Therapeutic Medication Withdrawal Times" and Association of Racing Commissioners International Environmental Endogenous, Dietary, or Substances Schedule for the 2017 live racing season.

The Commission inquired whether practicing veterinarians at Arapahoe Park had been afforded the opportunity to review and comment on the subject document. Mr. Hartman stated that he had discussed the schedules with Ms. Petra Hartman, the Official Racing Chemist from Industrial Laboratories, and some veterinarians who would be practicing at Arapahoe Park this season, noting the subject rosters would be made part of the Horse Information Packet provided to all licensees, including practicing veterinarians, at the racetrack. Further, the Commission asked Mr. Shannon Rushton, Executive Director of the Colorado Horse-Racing Association (CHA), whether the CHA had approved the subject rosters and he confirmed that the CHA membership has accepted the subject document.

The Commission emphasized that the amounts and withdrawal time frames reflected on the subject rosters are only meant to serve as recommendations, not threshold levels. A motion was made by Commissioner Inmann, seconded by Commissioner Scott and unanimously carried to approve the proposed Estimated Therapeutic Medication Withdrawal Times for 2017 and the ARCI Environmental, Endogenous, Dietary, or Substances Schedule and to direct that this document be distributed to all racing participants at Arapahoe Park.

Review of Contents of 2017 Horsemen's Information Packet – Dan Hartman

Mr. Dan Hartman, Director of the Division of Racing Events, presented and identified each of the documents contained in the "Horsemen's Information Packet". He commented that he had discussed the contents of the subject document with Official Racing Chemist, Petra Hartmann, and other practicing veterinarians. Mr. Hartman stated that, not only is the packet a reference tool, but it serves as a study guide for new trainers who must take and pass their trainer's tests. He stated that, upon Commission acceptance, the subject packet would be published and made available in the Arapahoe Park Division office and, also, would be given to all trainers and other interested parties participating in the upcoming Arapahoe Park race meet when they arrive to obtain or validate their racing licenses. Additionally, the "Horsemen's Information Packet" will be available in the Arapahoe Park Racing Office and, also, will be placed on the Division's website for access by all interested owners.

Thereupon, the Commission reviewed the contents of the "Horsemen's Information Packet". He commented that the documents contained in the packet are similar to those in previous editions, noting the inclusion of the rules adopted by the Commission at its February 2017 meeting that will become effective on May 15, 2017. Mr. Hartman observed that there were no other changes to the 2017 edition of the Horsemen's Information Packet.

After completing its review and discussion of the contents of the packet and accepting Mr. Hartman's recommendation that it be approved as presented, a motion was made by Commissioner Inmann, seconded by Commissioner Hoffman and unanimously carried to accept all of the documents, rules and pertinent supplementary material contained in the "2017 Horsemen's Information Packet" as presented by Mr. Hartman and to direct that the subject packet be made available for distribution as soon as possible.

Observations Regarding the Kentucky Derby

Mr. Bruce Seymore, Executive Director of Colorado Operations for Mile High Racing and Entertainment, commented that the race had been simulcast at Arapahoe Park and at most other simulcast facilities in Colorado. He advised that, at Southern Colorado Gaming & Event

RECORD OF PROCEEDINGS

The regularly scheduled meeting of the Colorado Racing Commission was held on Tuesday, June 13, 2017 at 1881 Pierce Street in Conference Room 110, Lakewood, Colorado. Chairman Sean Beirne called the meeting to order at 9:00 a.m.

Due to the fact that Commissioners Beirne, Inmann and Estes were present via teleconference calls, a roll call was taken and each Commission member in attendance identified him/herself for the record. It was established that a quorum was present. Notice was taken that Commissioner Hoffman was present in person.

Members Present

Sean Beirne, Chairman
Pam Inmann, Vice-Chairwoman
Tina Estes, Member
D. Lynn Hoffman, Member

Commission Member Lori Scott, DVM, was excused from the meeting.

Staff Present

Dan Hartman, Director, Division of Racing Events
Zach Ceriani, Division's Legal Assistant
Bradford Jones, Assistant Attorney General for the Commission/the Division of Racing Events
Randall Cherry, Assistant Attorney General
Sherry Gunnell, Assistant to the Division Director

Also Present Via Teleconference Call

Bruce Seymore, Executive Director of Colorado Operations, Mile High Racing and Entertainment
Bill Powers, Director of Racing at Arapahoe Park Racetrack

Approval of Minutes of May 9, 2017

A motion was made by Commissioner Inmann, seconded by Commissioner Hoffman and unanimously carried to approve the minutes of May 9, 2017 as submitted.

Consideration of Temporary Modification of Rule 12.210:3 of the Colorado Racing Commission Rules During Arapahoe Park's 2017 Racing Season – Dan Hartman

Mr. Dan Hartman, Director of the Division of Racing Events, advised the Commission that he had received a request from Mr. Bruce Seymore, Executive Director of Colorado Operations for Mile High Racing and Entertainment, on behalf of Arapahoe Park Racetrack, to modify temporarily Rule 12.210:3 of the Colorado Racing Commission Rules in order to permit Trifecta and Superfecta wagering when five rather than six betting interests leave the paddock for the post. Mr. Hartman commented that he would favor granting approval of this modification for the duration of the 2017 racing season. However, notice was taken that the Assistant Attorney General for the Commission and the Division had recommended that this modification be granted for an abbreviated period of time during which its effect could be observed and a determination could subsequently be made about whether to allow its continuation for the entire 2017 season. Mr. Hartman stated that this recommendation had been made to avoid any appearance of infringement upon the rule-making process. Thereupon, Mr. Hartman suggested that the Commission approve the modification through Sunday, July 16, 2017, the weekend following the next Racing Commission meeting, and place this matter on the Commission's July 11, 2017 meeting agenda for review and consideration of granting an extension of it for the remainder of the current racing season. Mr. Hartman requested that, if at any time during this period, any inconsistencies or irregularities in wagering patterns are detected, the Commission delegate authority to him to rescind the subject modification.

Discussion ensued during which the Commission inquired about the rationale for requesting the proposed modification. Mr. Bill Powers, Director of Racing, explained that it had been difficult for the new Racing Secretary, Mr. Hank Demoney, to fill races and the Association is seeking ways to resolve this problem. Additionally, there were fewer races for Quarter-horses this season and increased reliance on the entry of Thoroughbreds.

Following discussion and after receiving guidance from its Assistant Attorney General and accepting testimony from representatives of the Racing Association and Division Director Hartman, a motion was made by Commissioner Hoffman, seconded by Commissioner Estes and unanimously carried to approve the temporary modification of Rule 12.210:3 of the Colorado Racing Commission Rules by replacing “six (6) betting interests” with “five (5) betting interests” until Sunday, July 16, 2017, or to allow Division Director Dan Hartman the discretion to restore the rule to its original form should any inconsistencies or irregularities in betting patterns be observed; and, further, to find that this immediate action by the Commission has been deemed to be in the best interests of the wagering public, the citizens of the State of Colorado and the sport of racing.

Adjournment

At 9:20 a.m., it was determined by the Commission that there was no further business to consider. Thereupon, a motion was made by Commissioner Inmann, seconded by Commissioner Estes and unanimously carried to adjourn the June 13, 2017 meeting of the Colorado Racing Commission.

Next Regularly Scheduled Meeting

The Commission’s **Tuesday, July 11, 2017** meeting will be conducted at Arapahoe Park, 26000 East Quincy Avenue, Aurora, Colorado.

The undersigned hereby approve the foregoing Minutes.

SEAN BEIRNE, CHAIRMAN

PAM INMANN, VICE-CHAIRWOMAN

(EXCUSED)

LORI SCOTT, DVM, MEMBER

D. LYNN HOFFMAN, MEMBER

TINA ESTES, MEMBER

JUN 13, 2017

COLORADO RACING COMMISSION MEETING

present :

D. Lynn Hoffman.

Dan Hartman

Brad Jones, Attorney General. DRE. CRC

Zach Meriani

Randall Cherry, Attorney General

→ Sean Burns, via telecon

present

Pam Inmann

via teleconference

via telecon

Tina Estes

" "



Bill Powers

Bruce Seymour

RECORD OF PROCEEDINGS

The regularly scheduled meeting of the Colorado Racing Commission was held on Tuesday, July 11, 2017 in the Directors' Room at Arapahoe Park, 26000 East Quincy Avenue, Aurora, Colorado. Since Chairman Sean Beirne was present via teleconference call, Vice-Chairwoman Pam Inmann convened the meeting at approximately 9:35 a.m.

Members Present

Pam Inmann, Vice-Chairwoman
Lori Scott, DVM, Member
D. Lynn Hoffman, Member

Commissioner Sean Beirne was present via teleconference call for a portion of the meeting. Commissioner Tina Estes was present via teleconference call for the entire meeting.

Staff Present

Dan Hartman, Director, Division of Racing Events
Mark Brown, Agent-in-Charge/Enforcement Supervisor
Greg Lamb, Division Auditor
Zach Ceriani, Legal Assistant
Bradford Jones, Assistant Attorney General representing the Division of Racing Events
Sherry Gunnell, Assistant to the Division Director

Also Present

An attendance sheet is attached hereto and made a part of these minutes.

Election of Officers

A motion was made by Commissioner Beirne and seconded by Commissioner Scott to nominate Commissioner Inmann to serve as the Commission Chair and a motion was made by Commissioner Inmann and seconded by Commissioner Hoffman to nominate Commissioner Estes to serve as Vice-Chair of the Commission. Both motions were unanimously carried. These appointments will remain in effect through June 2018.

(Following the election of officers, Commissioner Beirne requested and was allowed to be excused from the remainder of the meeting.)

Approval of Minutes of June 13, 2017

A motion was made by Commissioner Scott, seconded by Commissioner Estes and unanimously carried to approve the minutes of June 13, 2017 as submitted.

Report Regarding Effect on Racing/Wagering of Temporary Modification of Rule 12.210:3 of the Colorado Racing Commission Rules – Dan Hartman

Mr. Dan Hartman, Director of the Division of Racing Events, reported that, since the implementation of the temporary modification of Rule 12.210:3 of the Colorado Racing Commission Rules at its June 13, 2017 meeting, no unusual racing or wagering patterns had been detected. He observed that it had been approved to continue through Sunday, July 16, 2017 and he would recommend that the Commission allow the subject interpretation to continue to be in effect for the duration of the 2017 live racing season.

Mr. Bruce Seymore, Executive Director of Colorado Operations for Mile High Racing and Entertainment, commented that the modified interpretation, which permits certain wagers to be offered on five rather than six betting interests, had proved to be beneficial in increasing the number of entries per race and in filling races and, based upon its positive impact, he would request that the Commission approve its continuation for the remainder of the current race meet.

A motion was thereupon made by Commissioner Hoffman, seconded by Commissioner Scott and unanimously carried to accept Mr. Hartman's recommendation and retain the current interpretation of Colorado Racing Commission Rule 12.210:3 for the duration of Arapahoe Park's 2017 live race meet and to find that this action is deemed to be in the best interests of the citizens of the State of Colorado, the wagering public and the sport of racing. The motion contains the proviso that, should he deem it necessary to do so, Division Director Hartman may at his discretion exercise his authority to restore the original interpretation of the subject rule.

Status Report – Arapahoe Park's 2017 Live Race Meet – Mark Brown

Mr. Mark Brown, Agent-in-Charge for the Division of Racing Events, presented his report regarding the current live Arapahoe Park race meet to the Commission. Mr. Bruce Seymore, Executive Director of Colorado Racing Operations for Mile High Racing and Entertainment, appeared on behalf of the Racing Association. Mr. Shannon Rushton, Executive Director of the Colorado Horse-Racing Association, appeared to represent the horse-racing community at the racetrack.

Mr. Brown commented that Arapahoe Park's meet is progressing well, although there have been some significant challenges. He observed that, at the outset of the meet, the Division's licensing staff had experienced issues with staff retention and computer functions. However, these appear to have been satisfactorily addressed. He advised that the Division has conducted regular inspections of simulcast and off-track wagering facilities and that all required stable inspections have been performed. He commented that there have been a few issues detected on the backside by Division investigators. Also, he reported that there has been a recent increase in the number of trainers requesting pre-race sample testing. Mr. Brown advised that out-of-competition testing has been going well. Further, Mr. Brown noted that the four audits of the statistics provided by the greyhound welfare and adoption groups have been completed and the payments to these organizations would be or have been made.

Notice was taken that the problem with filling fields has improved since the re-interpretation of the Colorado Racing Commission Rule 12.210:3. The Commission noted that Arapahoe Park was granted approval to reduce the number of races per performance to nine beginning on June 30, 2017 and continuing for the remainder of the meet.

Mr. Seymore advised the Commission that, to date, Arapahoe Park has completed twenty-four of the thirty-nine days of live racing with 163 Thoroughbred races, 42 Quarterhorse races and 9 Mixed races. However, he observed that Arapahoe Park's handle is \$337,000 lower than at this time last year. The Commission expressed its concern about the substantial decline in revenue.

Chairwoman Inmann requested that Mr. Brown elaborate on the subject of out-of-competition testing. He explained the selection process and certain aspects of the testing protocols, noting that confidentiality is of paramount importance and scrupulously maintained. Mr. Hartman informed the Commission that the protocols for out-of-competition testing have changed and it is now being conducted every week during the meet. He reported that the results from the collection of hair, blood and urine samples have been received within the week following the performance of these tests. He noted that, to date, there have not been any positive tests. Mr. Hartman advised that, despite his understanding that members of the horse-racing community wish to have information about the results of out-of-competition testing, it is contrary to maintaining the confidentiality of the Division's testing program to divulge specific test results. Commissioner Inmann observed that this is a controversial subject that should receive additional attention when the Commission considers new regulations subsequent to the conclusion of the race meet. She recommended that, at that time, the Commission and industry members participate in discussions with Mr. Hartman to develop an approach acceptable to the horse-racing community. Mr. Hartman advised that it is the normal course of business for the Division to conduct meetings, including discussions of issues that arose during the race meet and to entertain proposals for rule changes or rule

adoptions, once a live meet has concluded. He stated that, if it is determined that modifications to rules and/or procedures are needed, they can be considered at that time. Mr. Rushton endorsed this approach.

The Commission entertained views, opinions and comments from representatives of the horse racing colony at Arapahoe Park. Members of the horse-racing community, specifically Mr. Jack Rumsey and Ms. Sandy Miller, voiced their concerns about the timely receipt and notification of laboratory test sample results. Ms. Miller stated that she was speaking on behalf of members of the horse-racing community, who were unable to attend this meeting and wished to have their opinions presented to the Commission and the Division. She reported that concerns have been raised among the horsepersons regarding the Division's unwillingness to give information about test results as well as the chain of command for receipt of test sample results. The Commission endorsed reviewing these subjects at the post-race meet discussion of matters for future reference.

The Commission accepted Mr. Brown's report and thanked him for his informative presentation.

Recessing of Regular Meeting

At 10:15 a.m., a motion was made by Commissioner Hoffman, seconded by Commissioner Scott and unanimously carried to recess the Commission's regular meeting in order to conduct its 2018 Race Dates Hearing. A motion was then made by Commissioner Hoffman, seconded by Commissioner Scott and unanimously carried to convene the 2018 Race Dates Hearing.

Convening of 2018 Race Dates Hearing

Chairwoman Inmann convened the 2018 Race Dates Hearing at approximately 10:15 a.m.

Mr. Dan Hartman, Director of the Division of Racing Events, advised the Commission that only Arapahoe Park had submitted a request for dates. Mr. Hartman stated that Arapahoe Park had tendered its request for a 2018 race date envelope consisting of 39 days of live horse racing to be conducted on unspecified dates over a 13-week period from May through August 2018. He noted that, by allowing Arapahoe Park's scheduling to be left open-ended until submission of its renewal application, the Commission would be affording Arapahoe Park's management the opportunity to compare the dates of other racetracks and determine what the best available dates would be upon which to conduct the 2018 meet.

In order for the Division to be able to plan for Calendar Year 2018, Fiscal Year 2018 and Fiscal Year 2019, to develop an appropriate staffing plan for the proposed meet and to have a clear idea about what its budgetary needs would be, Mr. Hartman recommended that the Commission approve Arapahoe Park's race date request as submitted. He declared that it is very important for the Division and the Commission to be able to prepare for the continuation and perpetuation of live racing in Colorado. Additionally, he recommended that approval of the proposed envelope be conditioned upon available resources, sufficient staff and budget.

Based upon Mr. Hartman's recommendation, the Commission proceeded to consider the proposed race date request for Arapahoe Park for 2018. A motion was thereupon made by Commissioner Hoffman, seconded by Commissioner Scott and unanimously carried to accept Arapahoe Park's 2018 requested race dates envelope on a contingency basis subject to submission of actual race dates as well as availability of Division funding and staffing. (Notice was taken that Arapahoe Park may request the ability to conduct live racing on any days that it desires between May 1, 2018 and August 31, 2018, with the proviso that the conditions set forth above apply to any specific dates of racing.):

Jul 11, 2017

COLORADO RACING COMMISSION MEETING

Please sign and pass on. Thank you.

Bruce Seymour

Aspen Park

Katie Wagnon

DOR - Budget

Kenny Brown

TRAINER/OWNER

Melinda Brenner

Interested Party

Bill Powers

Aspen Park

Shannon Rushfor

CHA

Kim Diver

CHA

Juan Chavez

Horseman

Red King

Horseman

Zach Cerrant

DRE

Jack Rumsey

Horseman

Sindy Miller

CHA

RECORD OF PROCEEDINGS

The regularly scheduled meeting of the Colorado Racing Commission was held on Tuesday, October 10, 2017 in Red Rocks Park Conference Room-Suite 300 at 1707 Cole Boulevard, Lakewood, Colorado. Chairwoman Pam Inmann called the meeting to order at 9:35 a.m.

Members Present

Pam Inmann, Chairwoman
Tina Estes, Vice-Chairwoman
Lori Scott, DVM, Member
David Lynn Hoffman, Member
Sean Beirne, Member

Staff Present

Dan Hartman, Director, Division of Racing Events
Mark Brown, Agent-in-Charge
Greg Lamb, Division Auditor
Zach Ceriani, Legal Assistant
Robert "Duke" Mann, Senior State Steward/Program Manager
Ashley Leary, Division Investigator
Kathleen Apodaca, Licensing Supervisor
Bradford Jones, Assistant Attorney General representing the Division of Racing Events
Skip Spear, Conflicts Counsel from the Office of the Attorney General
Sherry Gunnell, Assistant to the Division Director

Also Present

An attendance sheet is attached hereto and made a part of these minutes.

Approval of Minutes of July 11, 2017 Meeting

A motion was made by Commissioner Estes, seconded by Commissioner Hoffman and carried by a majority vote to approve the minutes of July 11, 2017 as submitted. Commissioner Beirne abstained from voting.

Consideration of Report and Recommendation of the Race Review Committee – In the Matter of the Disqualification of the Horse "Silver Citizen"

The Commission commenced its consideration of the Race Review Committee report/recommendation at 9:40 a.m.

As a preliminary matter, Assistant Attorney General Bradford Jones recused himself from participation in and presentation of this matter. In his stead, Conflicts Counsel, Mr. Skip Spear appeared on behalf of the Division of Racing Events.

Mr. Miguel Pena, who was appealing the decision of the Arapahoe Park Board of Stewards and recommendation of the Race Review Committee, was present.

Division Director Dan Hartman provided a brief history concerning the establishment of the "Race Review Committee". He advised that, approximately nine years ago, the Commission had adopted a rule that declared that the decisions of the Board of Stewards with respect to race-related matters were final and could not be appealed to the Commission. The purpose for the adoption of the rule was to relieve the Commission of the burden of having to review races and make decisions regarding them after the Board had already ruled on them. However, the rule created dissent and controversy among members of the horse racing community and, therefore, in order to preserve the rights of anyone who wished to object to a Board decision regarding the running or outcome of a race, the Commission instituted the "Race Review Committee", a three-member body composed of a representative of the Arapahoe Park Racing Association, a representative of the racing industry's Colorado Horse-Racing Association and a representative of the Division of Racing Events. The "Race Review Committee", acting exclusively in an

advisory capacity, was assigned the responsibility for reviewing videotapes of the race in question and rendering a decision either in support of or in opposition to the finding of the Board of Stewards. The party who objected to the Board's decision was then allowed to appeal the decision of the "Race Review Committee" and to be heard by the Commission, if he/she desired. However, in the event that no further objection was made, the report and recommendation of the Race Review Committee was brought before the Commission for final agency action. Mr. Hartman stated that each "Race Review Committee" has been attentive to and deliberate in the performance of its duties and the Commission has been very pleased with how well the "Race Review Committee" concept has been implemented.

Further, Mr. Hartman explained that, for consideration of the appeal by Trainer Miguel Pena of the decision of the Arapahoe Park Board of Stewards to disqualify the horse, "Silver Citizen", from first place to sixth place in the ninth race on July 22, 2017, a Race Review Committee was formed composed of Mr. Mark Brown, Agent-in-Charge for the Division of Racing Events, Mr. Bruce Seymore, Executive Director of Colorado Racing Operations for Mile High Racing and Entertainment for Arapahoe Park Racetrack, and Mr. Kent Bamford, a representative of the horse-racing community at the racetrack. Notice was taken that two members of the subject Committee were present at this meeting.

Mr. Spear apprised the Commission that the Division of Racing Events had received a request from Mr. Daniel Marquez, Attorney-at-Law, acting on behalf of his client, Owner-Trainer Miguel Pena, to postpone the presentation of the subject report with recommendation until such time as he would be able to appear and offer an oral argument regarding this matter to the Commission. As part of his request, Mr. Marquez asked to offer his presentation outside of the regular meeting timeframe since he was unable to attend today's meeting. Mr. Hartman advised the Commission that it has the ability to postpone its consideration until the next regular Commission meeting to be held in February 2018, but he would be unwilling to schedule a special meeting solely for the purpose of granting Mr. Marquez's request. Discussion ensued during which the Commission considered whether to grant or deny Mr. Marquez's request.

The Commission inquired whether Mr. Miguel Pena wished to address the Commission. However, he declined to do so. After the Commission determined that granting Mr. Marquez's request would significantly delay the purse distributions from the subject race, a motion was made by Commissioner Beirne, seconded by Commissioner Hoffman and carried by a majority vote to deny Mr. Marquez' request to postpone the Commission's decision until such time as he would be able to appear and present evidence and an oral argument in this matter. Commissioner Scott voted against the motion. She commented that, in light of Mr. Marquez's request to appear and address the Commission, it would have been fair to have afforded him that opportunity.

Mr. Spear recommended that, prior to accepting or rejecting the report of the Race Review Committee, the Commission determine whether it believed that the Committee had limited the scope of its review to the issues raised in Mr. Pena's appeal of the Board of Stewards' decision. After further discussion, a motion was made by Commissioner Hoffman, seconded by Commissioner Estes and unanimously carried to find that the Race Review Committee had acted within the jurisdictional limitations imposed upon it.

In accordance with Section III(J)(I) of the Race Review Committee Policy and Procedural Directive, the Commission is required "to take final agency action on any Objection that has progressed through the Committee process to Commission review. . .". Thereupon, in accordance with Mr. Spear's request and Mr. Hartman's endorsement, a motion was made by Commissioner Estes, seconded by Commissioner Beirne and unanimously carried to discharge the Race Review Committee and issue an order in the name of Trainer Miguel Pena adopting the Committee's report and recommendation to uphold the decision of the Arapahoe Park Board of Stewards. [All relevant documents pertaining to this matter were provided to the Commission in its October 10, 2017 packet of Agenda material.]

The expressed Recommendation of the Race Review Committee in this matter was as follows:

It was the unanimous conclusion and decision of the Race Review Committee that the Objection by Trainer Miguel Pena did not prevail in setting forth the meritorious claim that the

Board of Stewards erred in disqualifying “Silver Citizen” [and placing him] in the sixth (6th) place. Therefore, the Race Review Committee recommends that the Colorado Racing Commission uphold the Board’s decision and maintain the current order of finish.

Therefore, the official order of finish for the ninth (9th) race on July 22, 2017 is as follows:

First Place:	FIGHTER GONE WILD	(#9)
Second:	IM BEAU BROWN	(#4)
Third:	BURST OF DASH	(#8)
Fourth:	IBA JP	(#10)
Fifth:	SHINER BLOND	(#6)
Sixth:	SILVER CITIZEN	(#5)
Seventh:	SWINGIT LIKA MAN	(#1)
Eighth:	MY BIG CHIEF	(#2)
Ninth:	JZ ZOOMIN WOOTAN	(#3)
Tenth:	STEL SURPRISE	(#7)

Consideration of this matter concluded at approximately 9:45 a.m.

Scheduled Settlement Stipulation Review Hearing – In the Matter of Licensee RAFAEL BARRAZA

The scheduled hearing was called to order by Chairwoman Inmann at approximately 9:45 a.m. Mr. Barraza was not present. Mr. Bradford Jones, Assistant Attorney General, entered his appearance as legal counsel on behalf of the Division of Racing Events. Mr. Skip Spear, Conflicts Counsel from the Office of the Colorado Attorney General, was also present to advise the Commission independently.

Commission Chairwoman Inmann confirmed that all members of the Commission (Pam Inmann, Lori Scott, DVM, David Lynn Hoffman, Tina Estes and Sean Beirne) were present. Further, the Commission took notice that Mr. Barraza had been duly and properly notified by the Division of Racing Events of today’s Settlement Stipulation review hearing.

The Commission acknowledged that Mr. Rafael Barraza and the Colorado Division of Racing Events had had the opportunity to consult with their respective legal counsels and knowingly and voluntarily submitted to and agreed to the terms and conditions set forth in the subject Settlement Stipulation. Additionally, the Commission took notice that the penalties reflected in the Settlement Stipulation were comparable to those that had previously been levied against other parties for similar violations. The terms and conditions of the subject Settlement Stipulation reached between the parties in question were thereupon placed on the record by Mr. Jones.

A motion was thereupon made by Commissioner Scott, seconded by Commissioner Hoffman and unanimously carried to ratify acceptance and prior approval by the Arapahoe Park Board of Stewards of the following Settlement Stipulation and Agreement in the matter of Case Number 17-0563 as presented by the Division of Racing Events that was adopted as a Final Agency Order. Notice was taken by the Commission that the fine in the amount of \$1,000 assessed Mr. Barraza had been paid to the Division of Racing Events on August 13, 2017. Additionally, the Commission took notice that Division Director Dan Hartman had issued Director’s Order 17-08 on September 13, 2017 which declared that the horse in question, OPEN ENROLLMENT, had been disqualified from the second race (2nd) race on July 30, 2017 at Arapahoe Park and that the purse from the subject race had been ordered to be redistributed in accordance with the modified order of placement.

The hearing concluded at approximately 9:49 a.m.

This proceeding was stenographically recorded by Ms. Kristi Andersen, Certified Shorthand Reporter. A tape recording of the proceeding is on file in the Division’s Cole Boulevard office.

The following Ruling was disseminated:

**BEFORE THE COLORADO RACING COMMISSION
COLORADO DIVISION OF RACING EVENTS**

Case Number: 17-0563

COMMISSION RULING 17-02

IN THE MATTER OF:

RAFAEL BARRAZA, Licensee
License Type: Owner / Trainer
License Number: 201601108

HEARING

RAFAEL BARRAZA ("Licensee") was duly notified of a hearing to be held in this case before the Colorado Racing Commission, 1707 Cole Blvd., Lakewood 80401 on October 10, 2017 at 9:30 am.

The Notice of Hearing was issued in regards to a medication violation that was alleged to have occurred on July 30, 2017. A horse under Licensee's care and custody tested positive for methylprednisolone, a Class 4C drug pursuant to the Association of Racing Commissioners International (ARCI) Uniform Classification Guidelines for Foreign Substances.

Licensee agreed to a Settlement Stipulation and Agreement prior to the hearing and promptly paid the fine assessed of One Thousand Dollars (\$1,000.00). The violation was one which mandates the loss of the purse earned in the race. On September 13, 2017, the purse was ordered to be redistributed according to the new order of finish by Director's Order 17-08.

On October 10, 2017, the Colorado Racing Commission reviewed the matter. The terms and conditions of the stipulation reached between the parties were placed on the record by Bradford Jones, Assistant Attorney General, Revenue & Utilities Section, on behalf of the Division. The written Settlement Stipulation and Agreement was incorporated into the record and approved by the Colorado Racing Commission.

DECISION AND ORDER

The **COMMISSION ACCEPTED AND APPROVED** the Settlement Stipulation and Agreement and issued the recommended penalty pursuant to CRCR 5.441, as indicated in the Notice of Hearing. Accordingly, it is hereby **ORDERED** as follows:

1. Licensee **RAFAEL BARRAZA** shall be fined the amount of **ONE THOUSAND DOLLARS (\$1,000.00)**, the minimum allowable for a first offense not requiring a loss a purse per the sentencing guidelines contained in CRCR 5.441.
2. The ARCI Multiple Medication Violation penalty for a Class C substance is **ONE-HALF POINT** for a Controlled Therapeutic Substance. **ONE-HALF POINT** for this Class C Controlled Therapeutic Substance will be assessed on the record of the Trainer licensee and reported to ARCI. Class C violation points will stay on the ARCI record of such Trainer for 1 year. The ARCI points can be combined over time to cause a suspension in all ARCI member jurisdictions. This ARCI suspension policy runs consecutively (in addition to) any penalties and/or suspension in the jurisdiction of Colorado for subsequent violations.
3. Licensee has paid the required fine and the matter is considered **CLOSED**.

ORDERED this 10th day of October, 2017.

BY ORDER OF THE COLORADO RACING COMMISSION

s/ _____

Pam Inmann, Chairwoman

Scheduled Settlement Stipulation Review Hearing – In the Matter of Licensee STETSON MITCHELL

The scheduled hearing was called to order by Chairwoman Inmann at approximately 9:50 a.m. Mr. Stetson Mitchell was not present. Mr. Bradford Jones, Assistant Attorney General, entered his appearance as legal counsel on behalf of the Division of Racing Events. Mr. Skip Spear, Conflicts Counsel from the Office of the Colorado Attorney General, was also present to advise the Commission independently.

Commission Chairwoman Inmann confirmed that all members of the Commission (Pam Inmann, Lori Scott, DVM, David Lynn Hoffman, Tina Estes and Sean Beirne) were present. Further, the Commission took notice that Mr. Mitchell had been duly and properly notified by the Division of Racing Events of today's Settlement Stipulation review hearing.

The Commission acknowledged that Mr. Stetson Mitchell and the Colorado Division of Racing Events had had the opportunity to consult with their respective legal counsels and knowingly and voluntarily submitted to and agreed to the terms and conditions set forth in the subject Settlement Stipulation. Additionally, the Commission took notice that the penalties reflected in the Settlement Stipulation were comparable to those that had previously been levied against other parties for similar violations. The terms and conditions of the subject Settlement Stipulation reached between the parties in question were thereupon placed on the record by Mr. Jones.

A motion was thereupon made by Commissioner Scott, seconded by Commissioner Estes and unanimously carried to ratify acceptance and prior approval by the Arapahoe Park Board of Stewards of the following Settlement Stipulation and Agreement in the matter of Case Number 17-0557 as presented by the Division of Racing Events that was adopted as a Final Agency Order. Notice was taken by the Commission that the fine in the amount of \$250 assessed Mr. Mitchell had been paid to the Division of Racing Events on August 29, 2017.

The hearing concluded at approximately 9:55 a.m.

This proceeding was stenographically recorded by Ms. Kristi Andersen, Certified Shorthand Reporter. A tape recording of the proceeding is on file in the Division's Cole Boulevard office.

The following Ruling was disseminated:

**BEFORE THE COLORADO RACING COMMISSION
COLORADO DIVISION OF RACING EVENTS**

Case Number: 17-0557

COMMISSION RULING 17-03

IN THE MATTER OF:

STETSON MITCHELL, Licensee
License Type: Owner / Trainer
License Number: 201601078

HEARING

STETSON MITCHELL ("Licensee") was duly notified of a hearing to be held in this case before the Board of Stewards of Arapahoe Park at Arapahoe Park, 26000 E. Quincy Avenue, Aurora, Colorado 80016 on August 10, 2017 at 9:00 am.

The Notice of Hearing was issued in regards to a medication violation that was alleged to have occurred on July 30, 2017. A horse under Licensee's care and custody tested positive for a high phenylbutazone, a Class 4C drug pursuant to the Association of Racing Commissioners International (ARCI) Uniform Classification Guidelines for Foreign Substances. The violation was one which does not mandate the loss of the purse for the race.

Licensee agreed to a Settlement Stipulation and Agreement prior to the hearing. The hearing was postponed due to circumstances beyond Licensees control. One member of the Board of Stewards was able to approve the Settlement Stipulation and Agreement, so the matter was set before the Colorado Racing Commission for final approval. Licensee immediately paid the fine agreed to.

On October 10, 2017, the Colorado Racing Commission reviewed the matter. The terms and conditions of the stipulation reached between the parties were placed on the record by Bradford Jones, Assistant Attorney General, Revenue & Utilities Section, on behalf of the Division. The written Settlement Stipulation and Agreement was incorporated into the record and approved by the Colorado Racing Commission.

DECISION AND ORDER

The **COMMISSION ACCEPTED AND APPROVED** the Settlement Stipulation and Agreement and issued the recommended penalty pursuant to CRCR 5.441, as indicated in the Notice of Hearing. Accordingly, it is hereby **ORDERED** as follows:

1. Licensee **STETSON MITCHELL** shall be fined the amount of **TWO HUNDRED FIFTY DOLLARS (\$250.00)**, the minimum allowable for a first offense not requiring a loss a purse per the sentencing guidelines contained in CRCR 5.441.
2. The ARCI Multiple Medication Violation penalty for a Class C substance is **ONE-HALF POINT** for a Controlled Therapeutic Substance. **ONE-HALF POINT** for this Class C Controlled Therapeutic Substance will be assessed on the record of the Trainer licensee and reported to ARCI. Class C violation points will stay on the ARCI record of such Trainer for 1 year. The ARCI points can be combined over time to cause a suspension in all ARCI member jurisdictions. This ARCI suspension policy runs consecutively (in addition to) any penalties and/or suspension in the jurisdiction of Colorado for subsequent violations.
3. Licensee has paid the required fine and the matter is considered **CLOSED**.

ORDERED this 10th day of October, 2017.

BY ORDER OF THE COLORADO RACING COMMISSION

s/ _____

Pam Inmann, Chairwoman

Scheduled Settlement Stipulation Review Hearing – In the Matter of Licensee ROBERTO GOMEZ

The scheduled hearing was called to order by Chairwoman Inmann at approximately 9:55 a.m. Mr. Roberto Gomez was not present. Mr. Bradford Jones, Assistant Attorney General, entered his appearance as legal counsel on behalf of the Division of Racing Events. Mr. Skip Spear, Conflicts Counsel from the Office of the Colorado Attorney General, was also present to advise the Commission independently.

Commission Chairwoman Inmann confirmed that all members of the Commission (Pam Inmann, Lori Scott, DVM, David Lynn Hoffman, Tina Estes and Sean Beirne) were present.

Further, the Commission took notice that Mr. Gomez had been duly and properly notified by the Division of Racing Events of today's Settlement Stipulation review hearing.

The Commission acknowledged that Mr. Roberto Gomez and the Colorado Division of Racing Events had had the opportunity to consult with their respective legal counsels and knowingly and voluntarily submitted to and agreed to the terms and conditions set forth in the subject Settlement Stipulation. Additionally, the Commission took notice that the penalties reflected in the Settlement Stipulation were comparable to those that had previously been levied against other parties for similar violations. The terms and conditions of the subject Settlement Stipulation reached between the parties in question were thereupon placed on the record by Mr. Jones.

A motion was thereupon made by Commissioner Scott, seconded by Commissioner Hoffman and unanimously carried to ratify acceptance and prior approval by the Arapahoe Park Board of Stewards of the following Settlement Stipulation and Agreement in the matter of Case Number 17-0572 as presented by the Division of Racing Events that was adopted as a Final Agency Order. Notice was taken by the Commission that the fine in the amount of \$250 assessed Mr. Gomez had been paid to the Division of Racing Events on August 29, 2017.

The hearing concluded at approximately 10:00 a.m.

This proceeding was stenographically recorded by Ms. Kristi Andersen, Certified Shorthand Reporter. A tape recording of the proceeding is on file in the Division's Cole Boulevard office.

The following Ruling was disseminated:

**BEFORE THE COLORADO RACING COMMISSION
COLORADO DIVISION OF RACING EVENTS**

Case Number: 17-0572

COMMISSION RULING 17-04

IN THE MATTER OF:

ROBERTO GOMEZ, Licensee
License Type: Owner / Trainer
License Number: 201310357

HEARING

ROBERTO GOMEZ ("Licensee") was duly notified of a hearing to be held in this case before the Colorado Racing Commission, 1707 Cole Blvd., Lakewood 80401 on October 10, 2017 at 9:30 am.

The Notice of Hearing was issued in regards to a medication violation that was alleged to have occurred on July 29, 2017. A horse under Licensee's care and custody tested positive for a high ketoprofen, a Class 4C drug pursuant to the Association of Racing Commissioners International (ARCI) Uniform Classification Guidelines for Foreign Substances. The violation was one which does not mandate the loss of the purse for the race.

Licensee agreed to a Settlement Stipulation and Agreement prior to the hearing and promptly paid the fine assessed of Two Hundred Fifty Dollars (\$250.00).

On October 10, 2017, the Colorado Racing Commission reviewed the matter. The terms and conditions of the stipulation reached between the parties were placed on the record by Bradford Jones, Assistant Attorney General, Revenue & Utilities Section, on behalf of the Division. The written Settlement Stipulation and Agreement was incorporated into the record and approved by the Colorado Racing Commission.

DECISION AND ORDER

The **COMMISSION ACCEPTED AND APPROVED** the Settlement Stipulation and Agreement and issued the recommended penalty pursuant to CRCR 5.441, as indicated in the Notice of Hearing. Accordingly, it is hereby **ORDERED** as follows:

1. Licensee **ROBERTO GOMEZ** shall be fined the amount of **TWO HUNDRED FIFTY DOLLARS (\$250.00)**, the minimum allowable for a first offense not requiring a loss a purse per the sentencing guidelines contained in CRCR 5.441.
2. The ARCI Multiple Medication Violation penalty for a Class C substance is **ONE-HALF POINT** for a Controlled Therapeutic Substance. **ONE-HALF POINT** for this Class C Controlled Therapeutic Substance will be assessed on the record of the Trainer licensee and reported to ARCI. Class C violation points will stay on the ARCI record of such Trainer for 1 year. The ARCI points can be combined over time to cause a suspension in all ARCI member jurisdictions. This ARCI suspension policy runs consecutively (in addition to) any penalties and/or suspension in the jurisdiction of Colorado for subsequent violations.
3. Licensee has paid the required fine and the matter is considered **CLOSED**.

ORDERED this 10th day of October, 2017.

BY ORDER OF THE COLORADO RACING COMMISSION

s/ _____

Pam Inmann, Chairwoman

Scheduled Hearing (with Proposed Stipulation) – In the Matter of Licensee MIGUEL PENA

The scheduled hearing was called to order by Chairwoman Inmann at approximately 10:00 a.m. Mr. Miguel Pena, who had been duly and properly notified of today's hearing, was present. He appeared without legal representation. Mr. Bradford Jones, Assistant Attorney General, entered his appearance as legal counsel on behalf of the Division of Racing Events. Mr. Skip Spear, Conflicts Counsel from the Office of the Colorado Attorney General, was also present to advise the Commission independently.

Commission Chairwoman Inmann confirmed that all members of the Commission (Pam Inmann, Lori Scott, DVM, David Lynn Hoffman, Tina Estes and Sean Beirne) were present.

The Commission reviewed the content of the Notice of Hearing relating to Case Number 17-0576 wherein Mr. Miguel Pena, Trainer of record of the Horse, HEARTS ONA HERO, which finished in third place in the seventh (7th) race on August 13, 2017 at Arapahoe Park Racetrack, tested positive for an overage of the allowable medication, Flunixin. As the absolute insurer of the condition of the subject horse, Mr. Pena was cited for failure to protect the horse and was assessed a fine in the amount of \$250, which fine was paid in full. Further, the Commission took notice that Mr. Pena and the Colorado Division of Racing Events had had the opportunity to consult with their respective legal counsels and had agreed knowingly and voluntarily to consent to the terms and conditions to be set forth in a Settlement Stipulation to be issued pursuant to the Commission's decision.

Additionally, the Commission took notice that the penalties presented in the Notice of Hearing and to be cited in the projected Settlement Stipulation would be comparable to those that had previously been levied against other parties for similar violations. The terms and conditions for inclusion in the Settlement Stipulation reached between the parties in question were thereupon placed on the record by Mr. Jones.

A motion was thereupon made by Commissioner Scott, seconded by Commissioner Estes and unanimously carried to uphold the findings set forth in the subject Notice of Hearing with the understanding that the penalties reflected in this document will be included in the final Settlement Stipulation and Agreement in the matter of Case Number 17-0576 as presented by the Division of Racing Events and to make this a Final Agency Order.

The hearing concluded at approximately 10:00 a.m.

This proceeding was stenographically recorded by Ms. Kristi Andersen, Certified Shorthand Reporter. A tape recording of the proceeding is on file in the Division's Cole Boulevard office.

The following Ruling was disseminated:

**BEFORE THE COLORADO RACING COMMISSION
COLORADO DIVISION OF RACING EVENTS**

Case Number: 17-0576

COMMISSION RULING 17-05

IN THE MATTER OF:

MIGUEL PENA, Licensee
License Type: Owner / Trainer
License Number: 201601424

HEARING

MIGUEL PENA ("Licensee") was duly notified of a hearing to be held in this case before the Colorado Racing Commission, 1707 Cole Blvd., Lakewood 80401 on October 10, 2017 at 9:30 am.

The Notice of Hearing was issued in regards to a medication violation that was alleged to have occurred on July 29, 2017. A horse under Licensee's care and custody tested positive for a high ketoprofen, a Class 4C drug pursuant to the Association of Racing Commissioners International (ARCI) Uniform Classification Guidelines for Foreign Substances. The violation was one which does not mandate the loss of the purse for the race.

On October 10, 2017, the Colorado Racing Commission held a hearing in the matter. At the commencement of the hearing, the Commission was advised that Licensee and the Division of Racing Events had come to terms on a Settlement Stipulation and Agreement. The terms and conditions of the stipulation reached between the parties were placed on the record by Bradford Jones, Assistant Attorney General, Revenue & Utilities Section, on behalf of the Division. The written Settlement Stipulation and Agreement was incorporated into the record and approved by the Colorado Racing Commission.

DECISION AND ORDER

The **COMMISSION ACCEPTED AND APPROVED** the Settlement Stipulation and Agreement and issued the recommended penalty pursuant to CRCR 5.441, as indicated in the Notice of Hearing. Accordingly, it is hereby **ORDERED** as follows:

1. Licensee **MIGUEL PENA** shall be fined the amount of **TWO HUNDRED FIFTY DOLLARS (\$250.00)**, the minimum allowable for a first offense not requiring a loss a purse per the sentencing guidelines contained in CRCR 5.441. The fine is due **TWENTY (20) DAYS** from the date of service of this ruling.

2. The ARCI Multiple Medication Violation penalty for a Class C substance is **ONE-HALF POINT** for a Controlled Therapeutic Substance. **ONE-HALF POINT** for this Class C Controlled Therapeutic Substance will be assessed on the record of the Trainer licensee and reported to ARCI. Class C violation points will stay on the ARCI record of such Trainer for 1 year. The ARCI points can be combined over time to cause a suspension in all ARCI member jurisdictions. This ARCI suspension policy runs consecutively (in addition to) any penalties and/or suspension in the jurisdiction of Colorado for subsequent violations.

IT IS FURTHER ORDERED that if the total fine is not paid in a timely manner:

- A. Pursuant to Colorado Racing Commission Rule #6.700, a penalty fine equal to the amount of the total fine, in this case, Two Hundred Fifty Dollars (\$250.00) shall be imposed automatically, which total fine and penalty shall be immediately due and payable, and;
- B. The license of the Licensee shall be automatically suspended for one-hundred eighty (180) days, or until the fine and penalty amount are paid, whichever is less; and,
- C. The matter will automatically be referred to the Colorado Racing Commission for such further sanction as it may deem appropriate, at which time the Licensee will be notified of the Licensee's opportunity to appear before the Commission to show cause why the Licensee should not be sanctioned further. However, should the Licensee pay the fine and penalty amount prior to the Hearing date, the matter will be considered closed and no Hearing will take place.

ORDERED this 10th day of October, 2017.

BY ORDER OF THE COLORADO RACING COMMISSION

Pam Inmann, Chairwoman

End of Meet Report – Arapahoe Park's 2017 Live Race Meet – Mark Brown

Mr. Mark Brown, Division Coordinator, presented his end of meet report for Arapahoe Park's 2017 live race meet. Mr. Bruce Seymore, Executive Director of Colorado Racing Operations for Mile High Racing and Entertainment, and Mr. Bill Powers, Facility Manager at Arapahoe Park, appeared on behalf of the Racing Association. Additionally, Mr. Shannon Rushton, Executive Director of the Colorado Horse-Racing Association, participated on behalf of the Arapahoe Park horse racing community.

In his report, Mr. Brown advised the thirty nine (39) day live meet at Arapahoe Park began May 19, 2017 and concluded on August 13, 2017. Eighty-six (86) days of out-of-state pari-mutuel horse and greyhound racing were offered during the live meet. Following are various audited statistics for the 2017 live meet including out-of-state horse racing simulcasting with comparisons to the 2016 live and simulcast race meet.

TOTAL NUMBER OF HORSE RACES OFFERED
(Includes out of state simulcast races)

	<u>2016</u>	<u>2017</u>
Live race days	39	39
Live races	354	337
Avg. live races/day	9.1	8.6
Simulcast horse races	15,059	16,779

TOTAL HANDLE

	<u>2016 (39 Days)</u>	<u>2017 (39 Days)</u>
On AP live	\$ 5,266,510	\$ 4,789,093
- In-State Live	- \$ 2,348,449	- \$ 2,058,486
- Out of State Live	- \$ 2,918,061	- \$ 2,730,607
On Track Live	\$ 1,998,613	\$ 1,871,453
Horse Simulcast	\$ 11,929,980	\$ 9,445,454
TOTAL HANDLE	\$19,195,103	\$16,106,000

A. AVERAGE LIVE HANDLE BY DAY

	<u>2016 (39 Days)</u>	<u>2017 (39 Days)</u>
Total ON TRACK Handle:	\$ 52,595	\$ 47,986
In STATE Handle:	\$ 61,801	\$ 53,269
Out of STATE Handle:	\$ 76,791	\$ 69,528
Total STATE Handle:	\$191,187	\$170,783

TOTAL DISBURSEMENT OF PURSES BY BREED

	<u>Races</u>	<u>Purses Paid with Fees Added</u>
Thoroughbred	258 (77%)	\$ 2,760,503
Quarter Horse	79 (23%)	\$ 798,135
Totals	337	\$ 3,558,638

ANIMAL WELFARE & TEST BARN STATISTICS

Division Staff

Division Veterinarian	Mark Anderson (DVM)
Vet Assistant	Kelsey Martin
Vet Assistant	Stacy Babi
Vet Assistant	Sarah Jones
Vet Assistant	Katherine Stals

A. TOTAL INJURIES TO HORSES (Racing & Training Related)

	2016	2017
<i>Total starts</i>	2787	2633
Total injuries	22	41
Career ending injuries*	3	4
Catastrophic*	7	6
Died or was euthanized due to sickness or accident (Non-Racing Related)	1	3

(*Catastrophic means the horse died as a result of an injuring from racing and training. Career ending means a severe injury so the horse can no longer race, but was not euthanized)

B. TESTING

For the 2017 race meet, the vet staff took **550** blood and **464** urine samples equal **1014** total samples from all 1st place winning horses and randomly selected horses from the racetrack. (The veterinary staff took **58** blood and hair samples for the out-of-competition testing.)

C. MEDICATION VIOLATIONS

Industrial Laboratories, the Division’s contract testing lab, reported:

	2016	2017
Total Positive Test	10	9
- NSAID Overages	2	3
-Unauthorized Medications	8	6

The unauthorized medication in violation of CRCR Rule #5.301 –

2016	2017
Phenylbutazone	Phenyibutazone
Dexamethasone	Dexamethasone
Boldenone	Pyrilamine
Mepivacaine	Methylpredisolone
Stenozolol	Ketoprofen
Clenbuterol	

D. TEST BARN POLICIES

1. LASIX ADMINISTRATION WITNESSING

Pursuant to CRC Rule #5.320, Division veterinary assistants would witness the furosemide treatments given by the practicing veterinarians. The trainer or his authorized representative, were required to present the correct horse for identification and sign the appropriate form. The ARP Lasix Witness Form had the date, horse’s name, tattoo number, amount of furosemide given, and the witnesses’ signatures, “In Today” sign number which was attached to the stall, the administering veterinarian’s signature and the veterinary assistant’s initials or signature. The information from this form was then entered into a database.

Once the races were over, the syringes from the horses that were tested were kept until testing results were received from Industrial Labs. (This was the third year of this witnessing program and it seems to have worked well.)

2. PRE-DRUG SCREEN TESTING BEFORE ENTRY

An updated list giving therapeutic drug withdrawal times was generated and provided to the practicing veterinarians and trainers. A licensed trainer and/or owner were allowed, at their own expense, to have their horse tested for unauthorized medications on Wednesdays; a Division staff member transported the sample(s), provided a sample card and maintained the chain of custody to the Division’s primary testing lab for testing purposes. Payment for this testing was provided to the testing lab by the owner or trainer at the time of testing and the results were forwarded to the Division. The Division’s Veterinarian provided the results to the trainer’s or owner’s practicing veterinarian. A total of **13 pre-tests** were performed and provided to Industrial Laboratories for testing. In addition to the pre-tests, **3 “re-tests”** were conducted for horses to get off the vet’s list. Therefore “pre-tests and re-tests” totaled **16**.

	2016	2017
One Drug Check	8	5
Full Screens	10	8
Get off the Vet’s List	3	3
Total	21	16

3. VETERINARIAN’S LIST

Pursuant to CRC Rule #5.608, #5.610, #5.611 and #5.612, the Division prepared a new form that insures the following:

- #5.608 - The designation of a horse to the Division of Racing Events Veterinarian’s List,
- #5.611 - The delegation of authority pursuant to CRC Rule #5.611 by the Division’s Veterinarian, and
- #5.612 - The policy/procedure of the Colorado Racing Commission regarding the Commission approved examinations for eligibility for entry into a race.

4. TEST BARN

The Division and the Association continued to work together on all maintenance issues that occurred during the 2017 meet. The track superintendent and management continue to ensure a safe and secure environment for the horses, trainers and their employees and division personnel.

RECOMMENDATION: Continue to perform maintenance on misters to the back stalls.

DIVISION OF RACING EVENTS

A. BOARD OF STEWARDS

Presiding Steward	Greg Hosch
State Steward	Jeff Williams
Association Steward	Glen Murphy

1. ADMINISTRATIVE VIOLATIONS

- The Board issued Twenty-Five (25) administrative rulings.
- There were Four (4) Administrative Citations issued.

Total amount of fines assessed to date from these rulings and Citations was **\$11,550**

2. DIVISION RANDOM DRAW – HUMAN DRUG AND ALCOHOL TESTING

The Division of Racing Events performed random drug testing pursuant to CRC Rule #3.437 during Arapahoe Park's 2017 race meet. The policy was the same as last year where a representative from the Colorado Horse-Racing Association or Arapahoe Park was witness to the drawing of the names. Five (5) lists were generated from the license validation files. From these five lists, one was drawn for each of the five days, Wednesday through Sunday, for the Five (5) different job categories and the total number eligible for testing.

- Trainers, Assist Trainers, Owner/Trainer (79)
- Jockeys (33)
- Exercise Rider, Pony Person, and Misc. (21)
- Grooms (45)
- Racing Officials (47)

There were a total of sixty-one (61) random drug tests conducted resulting in six (6) positive tests for Marijuana, two (2) positive for Methamphetamine and one (1) positive for Cocaine. There were a total of ten (10) days upon which no random drug tests were conducted due to the licensees drawn not being available or Commission office being closed.

3. LICENSING

License applications through the end of the meet and fees collected:

• 5	Minor Business Application	\$675.00
• 320	Support (3 year) Application	\$8,000.00
• 130	Registration (1 year) Application	\$1,950.00
• 25	Duplicate Badge	\$250.00
Total 480		\$10,875.00

4. STABLE INSPECTIONS

Pursuant to CRS 12-60-501 (a) & (b) the Division conducted **114 Barn/Trainer** inspections which included the pre-meet inspection. All physical problems found during these inspections were reported to the maintenance manager by memo. Work orders were also made available to Trainers who had specific issues with their stable area that need to be addressed.

RECOMMENDATIONS:

1. Conduct preventative maintenance on electrical outlets and overhead light fixtures in all barns.
2. Check and repair the Intercom system in all barns.
3. Provide maintenance in barn area restrooms.

The track should maintain a full time maintenance person to address all of these issues during the off-season.

ARAPAHOE PARK ASSOCIATION

A. RACETRACK

The Track Superintendent and his staff continue to do a good job of maintaining a safe racetrack. No major complaints about the surface were reported to Arapahoe Park Management, the Track Superintendent or the Division.

B. RACING OFFICIALS

The Clerk of Scales randomly tagged selected horses coming off the racetrack to be tested. No significant problems were reported. The Clerk of Scales, David Vobach, continued to ensure that all 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.

RECOMMENDATION:

The Division recommends that a jockey weight scale be installed and positioned next to the track in public view. **(Mr. Hartman recommended and the Commission concurred that this should be made a condition for relicensure in 2018.)**

C. DIVISION OF RACING EVENTS OFFICES

The Association continued to do a good job maintaining the Division's office during the meet.

D. RACING OFFICE

Arapahoe Park continued to use the Incompass Software for the acceptance of entries and the preparation of race-day programs. Michelle Sandoval did a good job in providing the Division with timely initial proofs of the entries and jockeys via e-mail, in order to ensure compliance with the Board of Stewards' review and our licensing policies.

E. ARAPAHOE PARK SECURITY

Mike Watkins was the Security Director for Arapahoe Park 2017 race meet. Mr. Watkins hired several part-time employees to handle the Grandstand, Stable Gate/Backside incidents and staffing needs. An off-duty Arapahoe County Sheriff was hired to assist in crowd control and routine patrol of the parking lot and backside. The Division's Enforcement Section and the Association provided training. No major issues were reported.

Division Investigators performed random checks of the barn area for unlicensed individuals and violations of the aforementioned policies. Some parties were escorted from the area for violating Arapahoe Park's and the Division's Rules and Policies. Overall, no major incidents were reported to the Division Enforcement staff or to the Board of Stewards.

Discussion ensued during which Mr. Seymore offered some observations concerning the 2017 racing season. He commented that Arapahoe Park had overpaid purses by approximately \$521,000 this season, but that this money had not been generated in purses, but had come from Arapahoe Park's revenue. Mr. Seymore stated that, nationally, only three other racetracks have shown such increases in purse payments. Further, he advised that Arapahoe Park has offered various types of activities other than racing, such as concerts and a "pumpkin chuckin' competition that had established a world record.

Mr. Seymore acknowledged that he had mistakenly decided to forego conducting Quarterhorse Futurity and Derby Trials this season, but, subject to approval by the Colorado Horse-Racing Association membership, he would again be offering Quarterhorse Futurity and Derby Trials and Finals in 2018. Additionally, he explained that Arapahoe Park would be adding money to the purse funds during the upcoming race meet. He stated that he would be amenable to offering some challenge races next season. Mr. Shannon Rushton, Executive Director of the Colorado-Horse Racing Association, expressed his support for Mr. Seymore's plans to offer trial races once again.

Other changes that Mr. Seymore would propose to make for the 2018 live racing season, subject to approval by the Colorado Horse-Racing Association, include conducting live racing for twelve instead of thirteen weeks and discontinuing Friday matinee racing in favor of racing on Mondays. Mr. Seymore stated that he believes that this schedule change would enable Arapahoe Park to increase its out-of-state handle because of less live racing on Mondays.

Mr. Seymore advised that he had requested that an internal audit be performed to clarify how purse payments are being made. He stated that, in the future, before purses are paid out, the owner and/or his authorized agent will be required to sign a 1099 form. Further, in the event that purse money is not claimed by December 31st, the money will be put into the purse fund.

Mr. Seymore and the Commission discussed the significant decline in the total 2017 mutuel handle, noting that this appears to be a trend affecting the racing industry on a nationwide basis. The Commission inquired whether Mr. Seymore would consider reducing the number of days that Arapahoe Park would race, but he explained that this would be not desirable. He commented that he would be making some changes in the handling of matters in the Racing Office and would require that there be at least six horses entered in a race or it would be canceled. As in previous years, the Commission observed that the reduction in handle could, to some extent, be attributable to the volume and variety of other forms of gambling that are now available.

Mr. Dan Hartman, Director of the Division of Racing Events, stated that random drug testing has proved to be quite successful.

The Commission endorsed the continued use of pre-race testing, although it observed that, this past season, the number of pre-race tests being requested had decreased. Commissioner Beirne commented that the utilization of pre-race testing might have prevented violations for overages.

Mr. Brown expressed his appreciation to Mr. Bill Powers and Mr. Bruce Seymore for their cooperation and assistance throughout the meet. He thanked all of the Arapahoe Park and Division staff members and the members of the Arapahoe Park horse-racing community for their support and cooperation during Arapahoe Park's 2017 live race meet. Mr. Brown stated that Arapahoe Park's 2017 season had been challenging, but extremely successful thanks to all concerned. The Commission commended everyone associated with and involved in conducting and regulating the 2017 Arapahoe Park meet.

Additionally, Mr. Seymore thanked Mr. Brown, Division Director Dan Hartman, Division staff members assigned to Arapahoe Park and the Commission for their assistance and support throughout this and each live racing season.

After taking notice that Mr. Seymore and Mr. Powers had been apprised by Mr. Brown of the recommendations for improvements contained in his End of Meet Report and had agreed to address them during the off-season, a motion was made by Commissioner Estes, seconded by Commissioner Scott and unanimously carried to approve Mr. Brown's recommendations and to include as a condition for relicensure, that the jockey scale be installed and positioned in full view of the public and, thereupon, to accept his End of Meet Report for Arapahoe Park's 2017 live racing season as presented. The Commission thanked Mr. Brown for his comprehensive report.

Consideration of Applications for Release of Monies from the Greyhound Welfare and Adoption Fund – Greg Lamb

Mr. Greg Lamb, Auditor for the Division of Racing Events, reported that the Division had received four applications for the release of money from the Greyhound Welfare and Adoption Fund. He advised that the requesting organizations are: 1) Colorado Greyhound Adoption; 2) Friends of Retired Greyhounds; 3) Greyhound Connection; and 4) Rocky Mountain Greyhound Adoption, Inc. Mr. Lamb apprised the Commission that, as of October 1, 2017, there was approximately \$30,000 in the Fund.

Mr. Hartman explained that the Division is using the distribution methodology discussed and adopted at the Commission's February 2013 meeting. The methodology reimburses

organizations based on the number of greyhounds placed in the six-month application period divided into the available amount of fund money. Contained within the report packet was additional data regarding the specific numeric placement of greyhounds for each requesting organization. Notice was taken that, during the subject six-month period, there were 328 greyhounds placed by the applicants, which would allow the organizations to receive \$91.46 per placed greyhound ($\$30,000/328=\91.46). Before distribution of money from the fund, the Division would again review the paperwork from the requesting organizations to ensure that accurate numbers have been reported and used in all calculations. Additionally, prior to release of funds, Division investigators will be conducting on-site inspections and verifications of each organization's adoption reports and records.

Mr. Hartman informed the Commission that all of the applications meet the criteria set forth in the Commission's rules. The following applications included requests for specific dollar amounts: Colorado Greyhound Adoption has requested \$20,000 and Rocky Mountain Greyhound Adoption, Inc. has requested \$4,180. Both Friends of Retired Greyhounds and Greyhound Connection requested unspecified dollar amounts commensurate with the number of greyhounds cared for and placed by the organizations. Each of the aforementioned organizations has previously received Fund money.

The Commission commended the dedication and commitment of each of the referenced greyhound welfare and adoption organizations for ensuring that many greyhounds that might otherwise be abandoned or mistreated receive ongoing proper care, treatment and affection.

In accordance with the recommendation of the Division of Racing Events to the Commission for disbursement of approximately \$30,000 from the Greyhound Welfare and Adoption Fund, a motion was made by Commissioner Beirne, seconded by Commissioner Scott and unanimously carried to accept the report presented by Mr. Lamb and to approve the release of the following amounts from the subject Fund:

• To Colorado Greyhound Adoption:	\$ 7,500.00
• To Friends of Retired Greyhounds:	\$ 6,129.00
• To Greyhound Connection:	\$ 14,360.00
• To Rocky Mountain Greyhound Adoption, Inc.	\$ 2,012.00
	\$30,000.00

Mr. Hartman explained that the dollar value that subsidizes the Fund is derived exclusively from wagering on greyhound simulcasts and the funds that are provided to Colorado State University's Equine Research Program are derived from horse racing and simulcasting.

Approval of 2018 Commission Meeting Dates

Following review of the list of proposed 2018 Commission meeting dates and after taking notice that the Commission is only statutorily mandated to conduct meetings on a quarterly basis, a motion was made by Commissioner Estes, seconded by Commissioner Hoffman and unanimously carried to continue to hold the Commission's meetings on the second Tuesday of any given month with the proviso that, if unexpected circumstances should necessitate a change of meeting date, the Commission would modify its regular schedule. It was agreed that meetings would continue to be conducted in February, April, May, July and October 2018. (The 2018 prospective meeting dates would be February 13th, April 10th, May 8th, July 10th and October 9th.)

Discussion of Rule Review Process and Scheduling of Rule Review Workshop – Dan Hartman

Mr. Dan Hartman, Director of the Division of Racing Events, announced that, in anticipation of commencing the annual rule-making process and conducting its formal Rule-Making Hearing at the February 2018 Commission meeting and in accordance with standard procedure, the Division is in the process of preparing a document containing rules that the staff and industry of the Association of Racing Commissioners International have or wish to have adopted. He stated that the first rule review workshop would be conducted in the near future and timely notification would be given to all interested representatives of the racing industry. He invited anyone wishing to participate in the rule review process to attend upcoming discussion session(s). He requested that those persons wishing to discuss proposals for new rules, proposed

amendments to existing rules or proposals for rules to be repealed bring their recommendations to the workshop.

Additionally, Mr. Hartman stated that, pursuant to current legislation, every State agency is required to undertake a thorough review of its rules to determine what revisions may need to be made to its existing rules. He observed that the Division of Racing Events performs periodically a comprehensive review of its entire set of rules. He commented that Division personnel are in the process of reviewing Chapters 8, 9 and 10, which would constitute approximately 20% of the existing rules in compliance with the Governor's directive. Mr. Hartman emphasized that the Division desires to streamline its rules and eliminate any redundancies in the rule texts.

Mr. Hartman informed the Commission that Rule 6.706 adopted in 2016, which authorizes the conduct of human drug testing, had been challenged by the Office of Legislative Legal Services ("OLLS") and, therefore, would need to undergo review and enactment by the 2018 Legislature before such testing could resume. He explained that, due to the fact that the rule had not previously been incorporated into the Racing Statute, the Office of Legislative Legal Services had determined that there might be a constitutional issue relating to its conduct. Mr. Hartman stated that this situation should not present any problems or concerns for the Division since no human drug testing would be conducted until the commencement of the 2018 live racing season in May.

Request to Develop Protocols for Out-of-Competition Testing

Commissioner Inmann expressed her desire for the Division to develop protocols for out-of-competition testing. Mr. Hartman advised that the Division had held discussions regarding this subject and was amenable to improving its conduct of out-of-competition testing in the future.

The Commission emphasized its desire for the Division and Arapahoe Park management to develop strategies and enhancements to encourage horsepersons to participate in the upcoming race meet.

Next Regularly Scheduled Meeting

The next regularly scheduled meeting of the Colorado Racing Commission will be held on **Tuesday, February 13, 2018** in the Red Rocks Conference Room in Suite 300 at 1707 Cole Boulevard, Lakewood, Colorado.

Adjournment

There being no further business to consider, a motion was made by Commissioner Hoffman, seconded by Commissioner Estes and unanimously carried to adjourn the regular meeting of the Colorado Racing Commission at 10:55 a.m.

The undersigned hereby approve the foregoing Minutes.

PAM INMANN, CHAIRWOMAN

TINA ESTES, VICE-CHAIRWOMAN

SEAN BEIRNE, MEMBER

LORI SCOTT, DVM, MEMBER

D. LYNN HOFFMAN, MEMBER

OCTOBER 10, 2017

COLORADO RACING COMMISSION MEETING
Please sign and pass on. Thank you.

Duke Mann	DORE
ASHLEY LEARY	DORE
KATHLEEN ADAMCA	DORE
SANDY MILLER	CHA
TERRY VONSY	RMQHA
Wendy Spaulding	ENF
Jim Lynn	RMQHA
Kathy Stokes Hill	RMQHA
Doug Larson	DORE
Megan Alce	Trainer
Mark Brown	DORE
BILL POWERS	MHR
KB Seymour	MHR&E
Skip Spear	CDOL
Shannon Rushton	
ORLEA SCOT	COMMISSIONER
Lynn Hoffman	Commissioner
Tina Estes	Commission