

COMMISSION MINUTES

2018

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RECORD OF PROCEEDINGS

The regularly scheduled meeting of the Colorado Racing Commission was held on **Tuesday, February 13, 2018 in the Red Rocks Park Conference Room in Suite 300** at 1707 Cole Boulevard, Lakewood, Colorado. Chairwoman Inmann called the meeting to order at 9:40 a.m.

Members Present

Pam Inmann, Chairwoman
Tina Estes, Vice-Chairwoman
Sean Beirne, Member
Lori Scott, DVM, Member
David Lynn Hoffman, 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 October 10, 2017

A motion was made by Commissioner Beirne, seconded by Commissioner Hoffman and unanimously carried to approve the minutes of October 10, 2017 as submitted.

Presentation Regarding Distribution of Owners/Breeders Awards and Supplemental Purse Fund Monies for Calendar Year 2017 – Greg Lamb

Mr. Greg Lamb, Auditor for 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 2017. Mr. Lamb 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. Lamb advised the Commission that, since the Thoroughbred accrual exceeded the 80% allowable distribution limit, it had been necessary to modify the percentage to be distributed to the Thoroughbred organization to comply with the statutory mandate. Additionally, Mr. Lamb stated that no funds had been accrued in 2017 for distribution to the Appaloosa or Paint Horse breed organizations and, further, that there is no active Harness racing organization in Colorado for receipt of funds or any existing organization to which funds derived from Mule racing could be disbursed.

Mr. Lamb 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 \$290,701.54 are from the 2016 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 2016, these uncashed tickets in the amount of \$263,550.84 are from the 2016 simulcast race meet held at Arapahoe Park and the uncashed tickets in the amount of \$27,150.70 are from the 2016 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. Lamb reported that: 1) the total earnings from wagering in 2017 amounted to \$934,939.00; 2) that the total earned from 2016 uncashed tickets on both live and simulcast races was \$290,701.54; 3) that the interest earned in 2017 was \$1,846.83 after subtracting the bank fee of \$3,850.00, resulting in the total Owners'/Breeders' Awards and Supplemental Purse Fund accrual for 2017 of \$1,223,637.37.

Mr. Lamb observed that the difference between the total amount of the accrual and the total amount to be distributed/retained in escrow (\$1,063,637.37) reflects the \$160,000 advance that was approved by the Commission in May 2017 for release to the Colorado Thoroughbred Breeders Association in July 2017.

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

Colorado Thoroughbred Breeders Association	\$978,910.19
Rocky Mountain Quarter Horse Association	209,660.38
Colorado Owners and Breeders of Racing Arabians	1,678.54
Rocky Mountain Paint Racing Club	98.84
Colorado Appaloosa Racing Association	14.54
Mule Award	2.90

The Commission took notice that a balance of \$33,271.98 remains from the escrowed harness purse monies. Notice was taken that, in 2009, a distribution of \$172,000 was made by Arapahoe Park pursuant to 12-60-704(5) of the Colorado Revised Statutes relating to the escrowed harness purse funds. Notice was also taken that in 2008, 2009, 2010, 2014, 2015 and 2016, but not in 2011, 2012, 2013 or 2017, 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. Lamb 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 Mr. Lamb's final accounting of the Owners/Breeders Awards and Supplemental Purse Fund monies for distribution to the various breed organizations for calendar year 2017, a motion was made by Commissioner Hoffman, seconded by Commissioner Beirne and unanimously carried to adopt the recommendations made by Mr. Lamb 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.

Presentation Relating to Laboratory Testing of Hair Samples – Petra Hartmann (Industrial Laboratories)

Ms. Petra Hartmann, Director of Drug Testing Services for Industrial Laboratories, the official testing laboratory for the Colorado Division of Racing Events and the Colorado Racing Commission, presented a report to the Commission concerning testing of human and equine hair for drugs and toxins. She provided written material and a slide presentation documenting the history of such testing and the conclusions that may be drawn from analysis of the test results. Ms. Hartmann observed that hair testing offers numerous advantages over blood and urine testing, including the following: 1) significantly longer detection times; 2) ease of collection and storage; 3) detection of parent compounds; and 4) the ability to determine synthetic steroid esters to differentiate

naturally occurring steroids from those administered to an animal. However, she advised that there are a number of concerns associated with this type of testing as well, including a) the general inability to detect a single dose; b) a lag time window before an administered drug is detectable in hair; c) no possibility of determining pharmacological effect; d) no correlation between dose and hair concentration; and e) potentially significant differences in the detectability of basic drugs due to melanin-binding rates.

Discussion ensued during which views and opinions regarding the efficacy of hair sample testing were raised. Interested parties were afforded the opportunity to address the Commission regarding the subject of hair sample testing and concerns were expressed regarding the possible cost to members of the horse racing population for such testing, the variations in breeds/coloring and the effects that these variations would have on test results as well as the reliability of the test results that could be obtained from hair sampling. Opinions in opposition to the imposition of mandated hair sample testing were given by Dr. Thomas Tobin as well as some representatives of the Colorado horse-racing community. Notice was taken that this subject would be given additional consideration during the upcoming Rule-Making Hearing.

The Commission thanked Ms. Hartmann for her informative presentation.

Recognition of Mr. Mark Brown, Agent-in-Charge for the Division of Racing Events

The Commission announced that Mr. Mark Brown, who has served as the Agent-in-Charge for the Division of Racing Events since 2014 and had previously held the position of Criminal Investigator with both the Division of Racing Events and other enforcement divisions within the Department of Revenue, would be retiring on March 31, 2018 after thirty years of State service. The Commission and audience afforded Mr. Brown a standing ovation and congratulated him on his outstanding services to the citizens of Colorado, the Colorado racing industry, the Colorado Racing Commission and the Division of Racing Events. Commission Chairwoman Inmann gave detailed information regarding Mr. Brown's career in State government service. Numerous tributes and dedicatory reflections were offered by Commission members, his Division colleagues and industry associates on behalf of Mr. Brown. He was commended by all meeting attendees and extended best wishes in his retirement.

Recess of Regular Business Meeting

At 10:55 a.m., Chairwoman Inmann called for 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 Beirne, seconded by Commissioner Hoffman 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 issued on and dated January 10, 2018, Chairwoman Inmann convened the scheduled Rule-Making Hearing at 10:55 a.m. It was established that a quorum was in attendance. Mr. Bradford Jones, 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.

As a preliminary matter, Commissioner Inmann provided instructions relating to the conduct of the Rule-Making Hearing based upon guidance from Assistant Attorney General Bradford Jones. Commissioner Inmann advised that, in order to streamline the Rule-Making Hearing process, the Commission could address each rule separately and, if it desired to adopt the rule either as proposed or with additional amendments, it could collect it in an "adoption group" and move its intention to adopt the rule after consideration had been given to all rule proposals. Notice was taken that, in the event that action on any rule(s) was/were held in abeyance and the Rule-Making Hearing was

continued until the Commission's next meeting, the Commission could defer taking final action to adopt the rules until that time.

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 Chairwoman Inmann 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, she commented that, in some instances, it would be reasonable for the Commission to combine its review of certain rules. Further, Mr. Hartman advised that, in the event that the Commission adopted the rule proposals at this meeting, the Commission should include in its formal action the incorporation of the Statement of Statutory Authority, Basis and Purpose.

At the outset of the Rule-Making Hearing, Mr. Hartman called the Commission's attention to Rule 3.402 and requested that it be removed from consideration at the present time and brought back for review during the Autumn 2018 Rule Review Workshop. A motion was thereupon made by Commissioner Hoffman, seconded by Commissioner Beirne and unanimously carried to remove the aforementioned rule from consideration, retain it in its present form and to take no action on it at this time.

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

Consideration of Proposed Modification of Rule 3.602: Mr. Hartman advised that the purpose for proposing to modify the subject rule was to improve the conduct of racing in Colorado and he recommends its adoption. No comments were made and no objections were raised to proposed modification of Rule 3.602. A motion was made by Commissioner Beirne, seconded by Commissioner Scott and unanimously carried to approve the intention to adopt proposed modified Rule

3.602 of the Colorado Racing Commission Rules as presented and to move it into the adoption group. No formal action was taken at this time.

- Consideration of Proposed Modification of Rule 5.248 and Proposed New Rule 5.510: Mr. Hartman explained that the purpose for proposing to modify the subject rule was to clarify that prescription medications may be administered by a trainer on track grounds as long as the treatment is prescribed by a veterinarian and the treatment is documented under new treatment record provisions adopted by the Association of Racing Commissioners International and proposed by the Division of Racing Events. Mr. Hartman commented that he would recommend adoption of this proposed modified rule. Additionally, Mr. Hartman requested that the Commission consider adopting proposed new Rule 5.510, which reflects the adoption of a substantially identical rule in the National Model Rules requiring trainers to keep and provide, upon demand, specific data when treating equine athletes under supervision of a licensed veterinarian. Following discussion and after obtaining clarification regarding documentation requirements, a motion was made by Commissioner Estes, seconded by Commissioner Hoffman and unanimously carried to approve the intention to adopt proposed modified Rule 5.248 as presented and to move it into the adoption group. A motion was made by Commissioner Beirne, seconded by Commissioner Hoffman and unanimously carried to approve the intention to adopt proposed new Rule 5.510 as presented and to move it into the adoption group.
- Consideration of Proposed Modification of Rule 5.402: Mr. Hartman explained that the purpose for proposing to modify the subject rule was to empower expressly the Board and/or Division veterinarian to take hair samples for the purpose of drug testing. No comments were made and no objections were raised to proposed modification of Rule 5.402. A motion was thereupon made by Commissioner Hoffman, seconded by Commissioner Beirne and unanimously carried to approve the intention to adopt proposed modified Rule 5.402 of the Colorado Racing Commission Rules as presented and to move it into the adoption group.
- Consideration of Proposed New Rule 5.403 and Proposed Modified Rule 5.412: Mr. Hartman advised that the purpose for proposing to adopt new Rule 5.403 and proposed modified Rule 5.412 was to expand the current protocols to allow for hair samples to be taken as a condition of entry, for the purposes of establishing a baseline to detect whether an unauthorized medication or prohibited substances had been administered to a horse and to further expand out of competition testing rules for the testing of hair. Discussion ensued during which interested parties were afforded the opportunity to express views and opinions for and against adoption of these rules. Numerous objections were raised by representatives of the horse-racing community to implementation of these proposed rules at the upcoming Arapahoe Park live race meet.

Mr. Hartman suggested that the Commission could adopt the subject rules with a view toward specifying a future implementation date and schedule for commencing hair sample testing. The Commission discussed potential approaches to take to the subject rules, including but not limited to, postponement of further consideration until 2019. After ascertaining that, at the present time, further consideration of these rules would be necessary before formal action could be taken to move them into an adoption group, a motion was made by Commissioner Hoffman to continue the Rule-Making Hearing until March 13, 2018 for the purpose of affording the Division an opportunity to meet with Mr. Bruce Seymore, Executive Director of Colorado Racing Operations for Mile High Racing & Entertainment, and Mr. Shannon Rushton, Executive Director of the Colorado Horse-Racing Association, to consider similar rule proposals with different implementation schedules. Mr. Rushton observed that, prior to the March 13, 2018 meeting, stall applications and payments to Arapahoe Park would be required and action on the subject rules might affect what decisions owners and trainers might make to bring their horses there. Mr. Hartman proposed that implementation of the subject rules and associated protocols be held in abeyance

until the 2019 live racing season. Based upon this discussion, a motion was made by Commissioner Beirne, which was then amended by Commissioner Hoffman, to continue the Rule-Making Hearing until March 13, 2018 at which time the Commission would address all rules moved into the adoption group and all tabled rules; the motion was amended to reflect that the Commission would table further consideration of proposed new Rule 5.403 and proposed modified Rule 5.412 until that time, but would consider the remaining rules covered by the Notice of Rule-Making Hearing at the present time. The amended motion was unanimously carried.

- Consideration of Proposed Modified Rule 5.441: Mr. Hartman recommended adoption of proposed modified Rule 5.441. He explained that the purpose for proposing to modify this rule was to ensure that the Penalty Schedule as adopted by the Colorado Racing Commission continues to be current in its references to the Model Rules and all associated guidelines as well as to update changes to the Division of Racing Events' physical address. Mr. Bradford Jones of the Office of the Attorney General proposed changes regarding the specific "incorporation by reference" language. Director Hartman also proposed an addition to correct certain errors in the body of the Penalty Schedule. After reviewing the text of the subject rule and ascertaining that there were no additional comments or objections to its being moved into the adoption group, a motion was made by Commissioner Beirne, seconded by Commissioner Hoffman and unanimously carried to approve the intention to adopt proposed modified Rule 5.441 of the Colorado Racing Commission Rules as modified and to move it into the adoption group.
- Consideration of Proposed Modified Rule 6.401: Mr. Hartman explained that the purpose for proposing to modify Rule 6.401 was to remove the Race Review Committee process and make all decisions regarding the disqualification or placement of a horse during the running of a race a final agency action. After reviewing the text of the subject rule and ascertaining that there were no comments relating to it or objections to its being moved into the adoption group, a motion was made by Commissioner Hoffman, seconded by Commissioner Beirne and unanimously carried to approve the intention to adopt proposed modified Rule 6.401 of the Colorado Racing Commission Rules as presented and to move it into the adoption group.
- Consideration of Proposed Modified Rule 7.604: Mr. Hartman advised that the purpose for proposing to modify the subject rule was to update terminology to accurately reflect terms as they are used in horse racing as well as to include national Association of Racing Commissioners International Model Rule standards for the composition of the "standard" riding crop. No comments were offered and no objections were raised to allowing the subject rule to be moved into the adoption group. A motion was thereupon made by Commissioner Beirne, seconded by Commissioner Hoffman and unanimously carried to approve the intention to adopt proposed modified Rule 7.604 of the Colorado Racing Commission Rules as presented and to move it into the adoption group.
- Consideration of Proposed New Rule 7.724: Mr. Hartman advised that the purpose for proposing New Rule 7.724 was to include a rule which expressly gives the Board of Stewards authority to hold film reviews to discipline jockeys for events that occur during the running of a race. No comments were offered and no objections were raised to allowing the subject rule to be moved into the adoption group. A motion was thereupon made by Commissioner Hoffman, seconded by Commissioner Beirne and unanimously carried to approve the intention to adopt proposed new Rule 7.724 of the Colorado Racing Commission Rules as presented and to move it into the adoption group.
- Consideration of Proposed Modified Rule 7.740: Mr. Hartman explained that the purpose for proposing to modify the subject rule was to update terminology to reflect accurately terms as they are used in horse racing. No comments were offered and no objections were raised to allowing the subject rule to be moved into the adoption group. A motion was thereupon made by Commissioner

Hoffman, seconded by Commissioner Scott and unanimously carried to approve the intention to adopt proposed modified Rule 7.740 of the Colorado Racing Commission Rules as presented and to move it into the adoption group.

- Consideration of Proposed Modified Rule 7.742: Mr. Hartman explained that the purpose for proposing to modify the subject rule was to update terminology to reflect accurately terms as they are used in horse racing. No comments were offered and no objections were raised to allowing the subject rule to be moved into the adoption group. A motion was thereupon made by Commissioner Hoffman, seconded by Commissioner Beirne and unanimously carried to approve the intention to adopt proposed modified Rule 7.742 of the Colorado Racing Commission Rules as presented and to move it into the adoption group.
- Consideration of Proposed New Rule 7.744: Mr. Hartman explained that the purpose for proposing New Rule 7.744 was to implement a rule that provides guidance to jockeys for the appropriate use of the riding crop and clarifies industry terms as they appear in the national Model Rules. No comments were offered and no objections were raised to allowing the subject rule to be moved into the adoption group. A motion was thereupon made by Commissioner Hoffman, seconded by Commissioner Beirne and unanimously carried to approve the intention to adopt proposed new Rule 7.744 of the Colorado Racing Commission Rules as presented and to move it into the adoption group.
- Consideration of Proposed Modified Rule 12.210: Mr. Hartman explained that the subject rule had been adopted on an emergency basis by the Commission during Arapahoe Park's 2017 live racing season and that it had afforded the Association the ability to reduce the number of starters in a race in order to retain certain types of wagers. He requested that the Commission move this rule into the adoption group with the intention of adopting it on a permanent basis. No comments were offered and no objections were raised to allowing the subject rule to be moved into the adoption group. A motion was thereupon made by Commissioner Beirne, seconded by Commissioner Hoffman and unanimously carried to approve the intention to adopt proposed modified Rule 12.210 of the Colorado Racing Commission Rules as presented and to move it into the adoption group.

There being no further rules to consider, a motion was made by Commissioner Beirne, seconded by Commissioner Hoffman and unanimously carried to continue the Rule-Making Hearing until the March 13, 2018 meeting of the Colorado Racing Commission at which time the Commission will consider and discuss tabled Rules 5.403 and 5.412; and, further, will be afforded the opportunity to discuss and take formal action to adopt the following rules designated for inclusion in the Adoption Group: #3.602; #5.248; #5.402; #5.441; #5.510; #6.401; #7.604; #7.724; #7.740; #7.742; #7.744 and #12.210. A copy of the rules will be attached to and made a part of the March 13, 2018 Minutes. The Rule-Making Hearing was continued at 1:35 p.m.

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

Re-opening of Regular Commission Meeting

At 1:35 a.m., Chairwoman Inmann reconvened the regular Commission meeting.

Acknowledgment of Presence of Former Commissioner Mary Sharon Wells

The Commission and meeting attendees acknowledged the presence of Ms. Mary Sharon Wells, who had served two full four-year terms as a Commission member and had been appointed and re-appointed to serve as the Chairwoman of the Commission.

Announcement Regarding Availability of Live Race Meet Calendar and Stall Application for Arapahoe Park's 2018 Racing Season – Dan Hartman

Division Director Dan Hartman advised that Mr. Bill Powers, Plant Manager/Director of Racing, had provided copies of Arapahoe Park's 2018 live race meet calendar and stall applications for dissemination to any interested meeting attendees.

Adjournment

There being no further business to consider, a motion was made by Commissioner Scott, seconded by Commissioner Beirne and unanimously carried to adjourn the regularly scheduled meeting of the Colorado Racing Commission at 1:40 p.m.

Next Regularly Scheduled Meeting

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

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

RECORD OF PROCEEDINGS

The regularly scheduled meeting of the Colorado Racing Commission was held on

02.13.18

COLORADO RACING COMMISSION MEETING

Please sign and pass on. Thank-you.

KB Symon	MHR #E
Shirley Ruskoff	CHA
Mark McGeer	CHA
Sandra Miller	CHA
Howie Chavers	RMCHA
Kathy Stoker-Hill	RMCHA
GREG LAMB	RAC
Katherine Podara	RAC
ASHLEY LEARY	RAC
Mike Mann	RAC
Mark Brown	RAC
MARK ANDERSON	RAC
Gil Rouens	ARP
BILL POWERS	ARP
MARK HILLMAN	CHA/CTA
Jim Dysart DVM	

Recess of Regular Business Meeting

At 10:55 a.m., Chairwoman Inmann called for 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 Beirne, seconded by Commissioner Hoffman and unanimously carried to recess the regular meeting and commence the formal Rule-Making Hearing.

Convening of Continued Rule-Making Hearing

Pursuant to the published Notice of Rule-Making Hearing issued on and dated January 10, 2018, Chairwoman Inmann convened the scheduled Rule-Making Hearing at 10:55 a.m. It was established that a quorum was in attendance. Mr. Bradford Jones, 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 continued Rule-Making Hearing.

Commissioner Inmann explained that no further discussion or consideration of rules that were previously designated to the Adoption Group would occur. She advised that the Commission would be reconvening this Rule-Making Hearing only for the purposes of considering and discussing those rules continued to this date, Rules 5.403 and 5.412, and to adopt formally all rules designated to the Adoption Group.

As an initial matter, Mr. Hartman advised that, at the Commission's direction, the Division had consulted with members of the Colorado Horse-Racing Association and Association representatives in an effort to achieve a compromise relating to hair testing protocols. He explained that, after discussion of this subject, it was determined that proposed Rule #5.403 and the portions of proposed modified Rule 5.412 relating to hair sampling should be withdrawn from further consideration until such time as the Association of Racing Commissioners' International has proceeded with its presentation of and formal deliberation concerning a rule proposal relating to equine hair sample testing.

The Commission proceeded with consideration of proposed modified Rule 5.412. Mr. Hartman explained that, for the past two years, out-of-competition of horses had been conducted. Discussion ensued during which views and opinions were voiced relating to this subject. Concerns were voiced by members of the horse-racing community regarding such matters as the imposition of penalties for the finding of the presence of certain substances, such as Clenbuterol, which may be allowable in other racing jurisdictions; possible environmental contamination; and testing processes and procedures.

The Commission acknowledged that proposed new Rule 5.403 had been withdrawn from further consideration at this time. Notice was taken that, prior to this session, the text of Rule 5.412 as originally presented to the Commission, had been modified to remove references to hair sample testing and had also been amended today, a motion was made by Commissioner Beirne, seconded by Commissioner Hoffman and unanimously carried to move modified Rule 5.412 to the Adoption Group with the caveat that the abbreviation "FDA" would be spelled out as "Federal Drug Administration". A motion was made by Commissioner Scott, seconded by Commissioner Beirne and unanimously carried to reject proposed new Rule 5.403 and not adopt it until such time as further information had been made available and not to include it as part of the Adoption Group.

The Commission commended Mr. Hartman and Mr. Rushton for their efforts in seeking a compromise concerning proposed new Rule 5.403.

Thereupon, a motion was made by Commissioner Hoffman, seconded by Commissioner Beirne and unanimously carried to adopt on a formal basis all rules designated for inclusion in the Adoption Group adopt the following rules designated for

inclusion in the Adoption Group, which are as follows: #3.602; #5.248; #5.402; #5.403; #5.441; #5.510; #6.401; #7.604; #7.724; #7.740; #7.742; #7.744 and 12.210.

There being no further rules to consider, a motion was made by Commissioner Beirne, seconded by Commissioner Scott and unanimously carried to adjourn the Rule-Making Hearing of the Colorado Racing Commission at 11:40 a.m. A copy of the rules as adopted will be attached hereto and made a part of the March 13, 2018 Minutes.

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

Re-opening of Regular Commission Meeting

At 11:40 a.m., Chairwoman Inmann reconvened the regular Commission meeting.

Adjournment

There being no further business to consider, a motion was made by Commissioner Beirne, seconded by Commissioner Hoffman and unanimously carried to adjourn the regularly scheduled meeting of the Colorado Racing Commission at 11:40 a.m.

Next Regularly Scheduled Meeting

The next regularly scheduled meeting of the Colorado Racing Commission will be held on **Tuesday, April 10, 2018** in the Red Rocks Conference Room, 1707 Cole Boulevard, Suite 300, Lakewood, Colorado.

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

03.12.18

COLORADO RACING COMMISSION MEETING

PLEASE SIGN AND PASS ON.

Thank you

SANDY MILLER CHA

Kathy Stoker Hill - RMOHA

Howie Gravers RMOHA

Jim Lynn "

Godie Martin RMOHA

Mavis Jutt Visitor

Garrett Agreston

~~Bob Jones~~ DOPE

~~Ray Lamb~~ DOPE

~~John Mc~~ DOPE

TERRY VONDY RMOHA

~~John Mc~~

Sharon Kustan - CHA

Maggie McKeon - CHA

Bob Leonard CHA

Billy Byars ARP

BILL POWERS ARP

G.I. Romero ARP

COLORADO RACING COMMISSION



Tuesday 03.13, 2018
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
Shannon Fushion			
Mark McCreary			
Cathy Stegels			
Terry Vondy			
Sandy Melan			

Dept. of Revenue Enforcement Division – Division of Racing Events Announcement

Notice of Public Hearing

The Colorado Racing Commission will hold a formal, public hearing regarding the consideration and permanent adoption of proposed rules 2017-2018 rule making session. This public hearing is a continuance from the February 13, 2018 rulemaking hearing where the following actions were taken:

- Discussion and designation to the Adoption Group of the following rules as noticed in the Colorado Register Volume 41 Number 1, January 10, 2018, unless otherwise indicated:
 - o 3.602: Jockey Licensing Requirements
 - o 5.248: Administration of Medication
 - o 5.402: Animal Testing Specimens
 - o 5.441: Penalty Schedule (with proposed modifications)
 - o 5.510: Trainer Treatment Records
 - o 6.401: Disqualification or Placement of a Horse During the Running of a Race
 - o 7.604: Riding Crops
 - o 7.724: Jockey Film Review
 - o 7.740: Misuse of Riding Crop Prohibited
 - o 7.742: No Riding Crop Used
 - o 7.744: Misuse Standards
 - o 12.210: Pari-mutuel Pool -- Starters Required

- Continuance of discussion and consideration of the following rules:
 - o Rule 5.403 – Hair Testing in Equine Athletes
 - o Rule 5.412 – Out of competition Testing

No further discussion or consideration will occur for those rules designated to the Adoption Group. The Commission will convene this rulemaking hearing **only** for the purposes of considering and discussing those rules continued to the hearing date listed below and formally adopting all rules designated to the Adoption Group.

Any member of the public may testify at the hearing and all testimony will be considered part of the formal record.

This public rulemaking hearing may be held in conjunction with a scheduled meeting of the Colorado Racing Commission.

Hearing Schedule: Arapahoe Park Racetrack
26000 East Quincy Avenue
Aurora, CO 80016
Tuesday, March 13, 2018, 10:00 AM



STATE OF COLORADO

Gunnell - DOR, Sherry <sherry.gunnell@state.co.us>

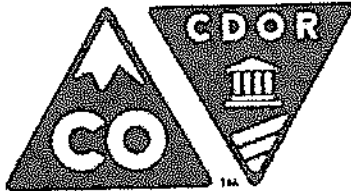
Fwd: March Rulemaking Hearing

1 message

Thu, Feb 22, 2018 at 9:53 AM

Ceriani - DOR, Zach <zach.ceriani@state.co.us>
To: Sherry Gunnell - DOR <sherry.gunnell@state.co.us>

----- Forwarded message -----
From: **Division of Racing** <dor_racing@state.co.us>
Date: Wed, Feb 14, 2018 at 4:37 PM
Subject: March Rulemaking Hearing
To: zach.ceriani@state.co.us



COLORADO
Department of Revenue
Enforcement Division - Racing

The Colorado Racing Commission will hold a formal, public hearing regarding the consideration and permanent adoption of proposed rules 2017-2018 rule making session.

Please see the attached announcement.

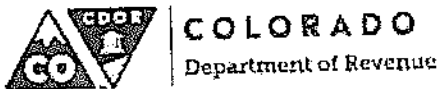
Colorado Division of Racing Events, 1707 Cole Blvd. #350, Lakewood, CO, CO 80401, United States

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Powered by:



Zach Ceriani
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**Colorado Racing Commission
Rules Hearing Rule Packet**

March 13, 2018

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Adoption Group

As of February 12, 2018*

* Text appearing in [rule language](#) indicates rule language brought before and approved by the Commission during the February 12, 2018 Rulemaking Hearing.

Rule #3.602

An applicant for a jockey or apprentice jockey license shall show competence by prior licensing whereby the applicant shall demonstrate their riding ability, which may include participation in up to five races witnessed by the Stewards and a Division Representative, with the consideration of the recommendations from the starter, the head outrider, and the designated representatives of the jockeys and the horsemen at the track.

The demonstration of riding ability is defined at a minimum of:

- (a) Breaking a horse in company from the starting gate;
- (b) Working a horse in company around the turn and down the stretch;
- (c) Switching the riding whip CROP from one hand to the other while maintaining control of the horse; and
- (d) Aiding a horse to switch leads.

Rule #5.248

(Modified Effective date May 15, 2015 2018) No person other than a Veterinarian licensed to practice veterinary medicine in this jurisdiction and licensed by the Commission may administer a prescription or controlled medication, drug, chemical or other substance (including any medication, drug, chemical or other substance by injection, or another method) to a horse at any location under the jurisdiction of the Commission. **A TRAINER OR A TRAINER'S EMPLOYEE MAY ADMINISTER A PRESCRIPTION MEDICATION TO A HORSE UNDER THE TRAINER'S CARE AND CUSTODY, SO LONG AS ALL REQUIREMENTS REGARDING TREATMENT RECORDS UNDER RULE 5.510 ARE MET.** Non-Veterinarians found in possession or control of any syringe, tubing, or other apparatus that may be used to deliver unauthorized treatments to a horse may be subject to Summary Suspension and other administrative action.

Rule #5.402

The Board and/or Division veterinarian, at their discretion, may take or cause to have taken any or all of the following specimens from a designated animal: **HAIR**, saliva, urine, blood or other body fluid. In addition, biopsy or necropsy samples may be taken from a designated animal.

Rule #5.441

- (1) In issuing penalties against individuals found guilty of medication and drug violations, a regulatory distinction shall be made between the detection of therapeutic medications used routinely to treat racehorses and those drugs that have no reason to be found at any concentration in the test sample on race day.
- (2) The Stewards, Hearing Officers, or the Commission shall use the *Penalty Guideline Listing* as a starting place in the penalty stage of the deliberations for a rule violation for any drug listed in the *Association of Racing Commissioners International Uniform Classification Guidelines for Foreign Substances*, available at ~~1881 Pierce Street, Room 108, Lakewood Colorado 80214-1494~~ **1707 COLE BOULEVARD, SUITE 350, LAKEWOOD, COLORADO, 80401.**
- (3) If a licensed Veterinarian is administering or prescribing a drug not listed in the RCI *Uniform Classification Guide lines for Foreign Substance* or shown in the *Penalty Guideline Listing* (provided below), the identity of the drug shall be forwarded to the official Veterinarian to be forwarded to the Racing Medication and Testing Consortium for classification.
- (4) Any drug or metabolite thereof found to be presenting a pre- or post-race sample which is not classified in the most current RCI *Uniform Classification Guidelines for Foreign Substances* shall be assumed to be a RCI Class 1 Drug and the trainer and owner shall be subject to those penalties as set forth in schedule "A" unless satisfactorily demonstrated otherwise by the Racing Medication and Testing Consortium, with a penalty category assigned.
- (5) The penalty categories and their related schedules, if applicable, shall be on the following criteria:
 - (a) Whether the drug is approved by the U.S. Food and Drug Administration for use in the horse;
 - (b) Whether the drug is approved by the U.S. Food and Drug Administration for use in any species;
 - (c) Whether the drug has any legitimate therapeutic application in the equine athlete;
 - (d) Whether the drug was identified as "necessary" by the RMTC Veterinary Advisory Committee;
 - (e) Whether legitimate, recognized therapeutic alternatives exist,
 - (f) The current RCI Classification of the drug, and;

(g) Whether there are Multiple Medication Violations in accordance with the ARCI-011-0020 Medications and Prohibited Substances Penalties for Multiple Medication Violations (MMV), from the Association of Racing Commissioners International (provided below).

PENALTY GUIDELINE LISTING

The penalty categories "A", "B" and "C" and their related schedules for Trainers and Owners are shown in the following tables.

The following are recommended penalties for violations due to the presence of a drug carrying a Category "A" penalty and for violations of ARCI-011-015: Prohibited Practices:

LICENSED TRAINER:		
1st offense	2nd LIFETIME offense in any jurisdiction	3rd LIFETIME offense in any jurisdiction
<ul style="list-style-type: none"> ◦ Minimum one-year suspension absent mitigating Circumstances. The presence of aggravating factors could be used to impose a maximum of a three-year suspension. <p align="center">AND</p> <ul style="list-style-type: none"> ◦ Minimum fine of \$10,000 or 10% of total purse (greater of the two) absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$25,000 or 25% of purse (greater of the two). <p align="center">AND</p> <ul style="list-style-type: none"> ◦ May be referred to the Commission for any further action deemed necessary by the Commission. 	<ul style="list-style-type: none"> ◦ Minimum three-year suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of license revocation with no reapplication for a three-year period. <p align="center">AND</p> <ul style="list-style-type: none"> ◦ Minimum fine of \$25,000 or 25% of total purse (greater of the two) absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$50,000 or 50% of purse (greater of the two). <p align="center">AND</p> <ul style="list-style-type: none"> ◦ May be referred to the Commission for any further action deemed necessary by the Commission. 	<ul style="list-style-type: none"> ◦ Minimum five-year suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of license revocation with no reapplication for a five-year period. <p align="center">AND</p> <ul style="list-style-type: none"> ◦ Minimum fine of \$50,000 or 50% of total purse (greater of the two) absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$100,000 or 100% of purse (greater of the two). <p align="center">AND</p> <ul style="list-style-type: none"> ◦ May be referred to the Commission for any further action deemed necessary by the Commission.
LICENSED OWNER:		

1 st offense	2 nd LIFETIME offense in owner's stable in any jurisdiction	3 rd LIFETIME offense in owner's stable in any jurisdiction
◦ Loss of purse.	◦ Loss of purse.	◦ Loss of purse and \$50,000 fine. AND ◦ Referral to the Commission with a recommendation of a suspension for a minimum of 90 days.
Horse		
1 st offense	2 nd LIFETIME offense in owner's stable in any jurisdiction	3 rd LIFETIME offense in owner's stable in any jurisdiction
◦ Disqualification. AND ◦ In accordance with CRCR 5.612, Horse shall be placed on the Veterinarian's list for 90 days and must pass a Commission-approved examination before becoming eligible to be entered.	◦ Disqualification. AND ◦ In accordance with CRCR 5.612, Horse shall be placed on the Veterinarian's list for 120 days and must pass a Commission-approved examination before becoming eligible to be entered.	◦ Disqualification. AND ◦ In accordance with CRCR 5.612, Horse shall be placed on the Veterinarian's list for 180 days and must pass a Commission-approved examination before becoming eligible to be entered.

PENALTY GUIDELINE LISTING

The following are recommended penalties for violations due to the presence of a drug carrying Category "B" penalty, for the presence of more than one NSAID in a plasma/serum sample, subject to the provisions set forth in ARCI-011-020 E.(1)(c) and for violations of the established levels for total carbon dioxide.

Except for those violations specified in 5.441(2)(a):*

LICENSED TRAINER:		
1 st offense	2 nd offense (365-day period) in any jurisdiction	3 rd offense (365-day period) in any jurisdiction
<ul style="list-style-type: none"> Minimum 15-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 60-day suspension. <p align="center">AND</p> <ul style="list-style-type: none"> Minimum fine of \$500 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$1,000. <p>Minimum fine of \$2,500 and a minimum 180 day suspension absent mitigating circumstances if the presence of a nerve blocking drug or Clenbuterol is detected.</p>	<ul style="list-style-type: none"> Minimum 30-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a 180-day suspension. <p align="center">AND</p> <ul style="list-style-type: none"> Minimum fine of \$1,000 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$2,500. <p>Minimum fine of \$2,500 and a minimum 180 day suspension absent mitigating circumstances if the presence of a nerve blocking drug or Clenbuterol is detected.</p>	<ul style="list-style-type: none"> Minimum 60-day suspension absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of a one-year suspension. <p align="center">AND</p> <ul style="list-style-type: none"> Minimum fine of \$2,500 absent mitigating circumstances. The presence of aggravating factors could be used to impose a maximum of \$5,000 or 5% of purse (greater of the two). <p>Minimum fine of \$2,500 and a minimum 180 day suspension absent mitigating circumstances if the presence of a nerve blocking drug or Clenbuterol is detected.</p> <ul style="list-style-type: none"> May be referred to the Commission for any further action deemed necessary by the Commission.
LICENSED OWNER:		
1 st offense	2 nd offense in stable (365-day period) in any jurisdiction	3 rd offense in stable (365-day period) in any jurisdiction
<ul style="list-style-type: none"> Loss of purse. 	<ul style="list-style-type: none"> Loss of purse. 	<ul style="list-style-type: none"> Loss of purse, and in the absence of mitigating circumstances a \$5,000 fine.
HORSE:		
1 st offense	2 nd offense in stable (365-day period) in any jurisdiction	3 rd offense in stable (365-day period) in any jurisdiction

<p>◦ Disqualification.</p> <p style="text-align: center;">AND</p> <p>◦ In accordance with CRCR 5.612, Horse shall be placed on the Veterinarian's list for 45 days and must pass a Commission-approved examination before becoming eligible to be entered.</p> <p>*Prohibited use of Nerve blocking drugs or Clenbuterol, will require a horse to be placed on the Veterinarian's list for 180 days and must pass a Commission approved examination before becoming eligible to be entered.</p>	<p>◦ Disqualification.</p> <p style="text-align: center;">AND</p> <p>◦ In accordance with CRCR 5.612, Horse shall be placed on the Veterinarian's list for 60 days and must pass a Commission-approved examination before becoming eligible to be entered.</p> <p>*Prohibited use of Nerve blocking drugs or Clenbuterol, will require a horse to be placed on the Veterinarian's list for 180 days and must pass a Commission approved examination before becoming eligible to be entered.</p>	<p>◦ Disqualification.</p> <p style="text-align: center;">AND</p> <p>◦ In accordance with CRCR 5.612, Horse shall be placed on the Veterinarian's list for 90 days and must pass a Commission-approved examination before becoming eligible to be entered.</p> <p>*Prohibited use of Nerve blocking drugs or Clenbuterol, will require a horse to be placed on the Veterinarian's list for 180 days and must pass a Commission approved examination before becoming eligible to be entered.</p>
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CATEGORY C CHART

The following are recommended penalties for violations due to the presence of a drug carrying a Category "C" penalty and overages for permitted NSAIDs and furosemide: (All concentrations are for measurements in serum or plasma.)

LICENSED TRAINER	Phenylbutazone (2.0- 5.0 mcg/ml) Flunixin (21-99 ng/ml) Ketoprofen (2.00- 50.0 ng/ml) Furosemide (>100 ng/ml) and no furosemide when identified as administered*	Phenylbutazone (>5.0 mcg/ml) Flunixin (>100 ng/ml) Ketoprofen (>50 ng/ml) and CLASS C Violations
1 st Offense (365-day period) in any jurisdiction	Minimum fine of \$250 absent mitigating circumstances.	Minimum fine of \$1000 absent mitigating circumstances.
2 nd Offense (365-day period) in any jurisdiction	Minimum fine of \$500 absent mitigating circumstances.	Minimum fine of \$1,500 and 15-day suspension absent mitigating circumstances.
3 rd Offense (365-day period) in any jurisdiction	Minimum fine of \$1,000 and 15-day suspension absent mitigating circumstances.	Minimum fine of \$2,500 and 30-day suspension absent mitigating circumstances.
LICENSED OWNER	Phenylbutazone (2.0- 5.0 mcg/ml) Flunixin (21-99 ng/ml) Ketoprofen (2.00- 50.0 ng/ml) Furosemide (>100 ng/ml) and no furosemide when identified as administered*	Phenylbutazone (>5.0 mcg/ml) Flunixin (>100 ng/ml) Ketoprofen (>50 ng/ml) and CLASS C Violations
1 st Offense (365-day period) in any jurisdiction	Horse must pass commission-approved examination before being eligible to run.	Loss of purse. Horse must pass Commission-approved examination before being eligible to run.
2 nd Offense (365-day period) in any jurisdiction	Loss of purse. If same horse, placed on Veterinarian's list for 45 days, and then must pass Commission-approved examination before being eligible to run.	Loss of purse. If same horse, placed on Veterinarian's list for 45 days, must pass Commission-approved examination before being eligible to run.
3 rd Offense (365-day period) in any jurisdiction	Loss of purse. Minimum \$5,000 fine. If same horse, placed on Veterinarian's list for 60 days, and then must pass Commission-approved examination before being eligible to run.	Loss of purse. Minimum \$5,000 fine. If same horse, placed on Veterinarian's list for 60 days, must pass Commission-approved examination before being eligible to run.
HORSE	Phenylbutazone (2.0- 5.0 mcg/ml) Flunixin (21-99 ng/ml) Ketoprofen (2.00- 50.0 ng/ml) Furosemide (>100 ng/ml) and	Phenylbutazone (>5.0 mcg/ml) Flunixin (>100 ng/ml) Ketoprofen (>50 ng/ml) and

	no furosemide when identified as administered*	CLASS C Violations
1st Offense (365-day period) in any jurisdiction	In accordance with CRCR 5.612, horse required to pass Commission-approved examination before being eligible to run.	Disqualification. AND In accordance with CRCR 5.612, horse will be placed on Veterinarian's list for 30 days, and then must pass Commission-approved examination before being eligible to run.
2nd Offense (365-day period) in any jurisdiction	Disqualification. AND In accordance with CRCR 5.612, If same horse, placed on Veterinarian's list for 45 days, must pass Commission-approved examination before being eligible to run.	Disqualification. AND In accordance with CRCR 5.612, If same horse, placed on Veterinarian's list for 45 days, must pass Commission-approved examination before being eligible to run.
3rd Offense (365-day period) in any jurisdiction	Disqualification. AND In accordance with CRCR 5.612, If same horse, placed on Veterinarian's list for 60 days, must pass Commission-approved examination before being eligible to run.	Disqualification. AND In accordance with CRCR 5.612, If same horse, placed on Veterinarian's list for 60 days, must pass Commission-approved examination before being eligible to run.

*If the trainer has not had more than one violation within the previous two years, the Stewards/ Judges are encouraged to issue a warning in lieu of a fine provided the reported level is below 3.0 mcg/ml, absent of aggravating factors.

After a two year period, if the licensee has had no further violations, any penalty due to an overage in the 2.0 – 5.0 category will be expunged from the licensee's record for penalty purposes.

Penalties

Multiple Medication Violations (MMV)

(a) A trainer who receives a penalty for a medication violation based upon a horse testing positive for a Class 1-5 medication with Penalty Class A-D, as provided in the ARCI Uniform Classification for Foreign Substances shall be assigned points based upon the medication’s penalty guideline as follows:

Penalty Class	Points If Controlled Therapeutic Substance	Points If Non-Controlled Substance
Class A	N/A	6
Class B	2	4
Class C	½ for first violation with an additional ½ point for each additional violation within 365 days ¹	1 for first violation with an additional ½ point for each additional violation within 365 days
Class D	0	0

¹ Points for NSAID violations only apply when the primary threshold of the NSAID is exceeded. Points are not to be separately assigned for a stacking violation.

If the Board or the Commission rules that the violation is due to environmental contamination, they may assign lesser or no points against the trainer based upon the specific facts of the case.

- (b) The points assigned to a medication violation shall be included in the Stewards’ or Commission Ruling. Such Ruling shall be included in the ARCI official database and the ARCI shall assign points consistent with section (a) for advisory purposes for medication violations where points have not been assigned by regulatory action. Points assigned by such regulatory ruling or by the ARCI shall reflect, in the case of multiple positive tests as described in paragraph (d), whether they shall thereafter constitute a single violation. Points will be assessed after a ruling is rendered, and penalty enhancement shall be applied to future violations. The Stewards’ or Commission Ruling shall be posted on the official website of the Commission and within the official database of the Association of Racing Commissioners International. If an appeal is pending, that fact shall be noted in such Ruling. No points shall be applied until a final adjudication of the enforcement of any such violation.
- (c) A trainer’s cumulative points for violations in all racing jurisdictions shall be maintained and certified by the Association of Racing Commissioners International. Once all appeals are waived or exhausted, the points shall immediately become part of the trainer’s official ARCI record and shall be considered by the Commission in its determination to subject the trainer to the mandatory enhanced penalties by the Stewards or Commission as provided in this regulation.
- (d) Multiple positive tests for the same medication incurred by a trainer prior to delivery of official notice by the commission may be treated as a single violation.
- (e) The official ARCI record shall constitute prima facie evidence of a trainer’s past record of violations and cumulative points. Nothing in this administrative regulation shall be construed to confer upon a

- (6) The recommended penalty for a violation involving a drug that carries a Category "D" penalty is a written warning to the trainer and owner. Multiple violations may result in fines and/or suspensions.
- (7) On Multiple Medication Violation (MMV) offenses, the Division, Board of Stewards, and Hearing Officer shall consider points given in all other States, regardless of whether they have formally adopted the ARCI-001-020 Medications and Prohibited Substances Penalty Chart for Multiple Medication Violations (MMV). The Division shall consider all cumulative points, and such enhanced penalty shall run consecutive to the Colorado penalty assessment.
- (8) Any licensee of the Commission, including veterinarians, found to be responsible for the improper or intentional administration of any drug resulting in a positive test may, after proper notice and hearing, be subject to the same penalties set forth for the licensed trainer.
- (9) The licensed owner, veterinarian or any other licensed party involved in a positive laboratory finding shall be notified in writing of the hearing and any resulting action. In addition their presence may be required at any and all hearings relative to the case.
- (10) Any veterinarian found to be involved in the administration of any drug carrying the penalty category of "A" shall be referred to the State Licensing Board of Veterinary Medicine for consideration of further disciplinary action and/or license revocation. This is in addition to any penalties issued by the Stewards or the Commission.
- (11) Any person who the Stewards or the Commission believe may have committed acts in violation of criminal statutes may be referred to the appropriate law enforcement agency. Administrative action taken by the Stewards or the Commission in no way prohibits a prosecution for criminal acts committed.
- (12) A licensed trainer shall not benefit financially during the period for which the individual has been suspended. This includes, but is not limited to, ensuring that horses are not transferred to licensed family members.

The Commission hereby ~~rites~~ **INCORPORATES AS PART OF RULE 5.441 OF THE COLORADO RACING COMMISSION RULES THE FOLLOWING GUIDELINE BY REFERENCE** sources:

- (1) Version ~~13.00 January 1, 2017~~ ~~13.3 JULY 29, 2017~~ **13.4 JANUARY 9, 2018** of the ~~Association of Racing Commissioners International~~ **Association of Racing Commissioners International** Uniform Classification Guidelines for Foreign Substances **AND RECOMMENDED PENALTIES MODEL RULE ISSUED** by the Association of Racing Commissioners International, 1510 Newtown Pike, Suite 210, Lexington, Kentucky, USA 40511. This rule does not include any later Amendments or Editions of the *ARCI Uniform Classification Guidelines for Foreign Substances*.

Certified copies of the complete text of the referenced materials are maintained at the Colorado Department of Revenue Division of Racing Events, ~~1881 Pierce Street, Room 108, Lakewood Colorado 80214-1494~~ **1707 COLE BOULEVARD, SUITE 350, LAKEWOOD, COLORADO, 80401**, and may be inspected at that address during normal business hours. **COPIES ARE AVAILABLE FROM DIVISION OF RACING EVENTS AT A REASONABLE CHARGE. COPIES ARE ALSO AVAILABLE ONLINE AT: [HTTP://WWW.ARCI.COM/](http://www.arci.com/).** Certified copies shall be provided at requestors cost.

Rule #7.604

Only the ~~ordinary whip~~ STANDARD RIDING CROP approved by the stewards may be applied to a horse at any time during the running of a race or in workouts or training. ALL RIDING CROPS ARE SUBJECT TO INSPECTION AND APPROVAL BY THE STEWARDS AND THE CLERK OF SCALES.

(1) RIDING CROPS SHALL HAVE A SHAFT AND A FLAP AND WILL BE ALLOWED ONLY AS FOLLOWS:

- a. MAXIMUM WEIGHT OF EIGHT OUNCES;**
- b. MAXIMUM LENGTH, INCLUDING FLAP, OF 30 INCHES;**
- c. MINIMUM DIAMETER OF THE SHAFT OF THREE-EIGHTHS INCH; AND**
- d. SHAFT CONTACT AREA MUST BE SMOOTH, WITH NO PROTRUSIONS OR RAISED SURFACE, AND COVERED BY SHOCK ABSORBING MATERIAL THAT GIVES A COMPRESSION FACTOR OF AT LEAST ONE-MILLIMETER THROUGHOUT ITS CIRCUMFERENCE.**

(2) THE FLAP IS THE ONLY ALLOWABLE ATTACHMENT TO THE SHAFT AND MUST MEET THESE SPECIFICATIONS:

- a. LENGTH BEYOND THE END OF THE SHAFT A MAXIMUM OF ONE INCH;**
- b. WIDTH A MINIMUM OF 0.8 INCH AND A MAXIMUM OF 1.6 INCHES;**
- c. NO REINFORCEMENTS OR ADDITIONS BEYOND THE END OF THE HAFT;**
- d. NO BINDING WITHIN SEVEN INCHES OF THE END OF THE SHAFT; AND**
- e. SHOCK ABSORBING CHARACTERISTICS SIMILAR TO THOSE OF THE CONTACT AREA OF THE SHAFT.**

Rule #7.724

WHEN THE BOARD DETERMINES THAT A FOUL HAS OCCURRED DURING THE RUNNING OF A RACE THAT MAY REQUIRE THAT A FILM REVIEW BE HELD WITH ANY JOCKEYS INVOLVED IN THE RACE, THE BOARD, OR THE BOARD'S REPRESENTATIVE, SHALL VERBALLY NOTIFY THOSE LICENSEES OF THE FILM REVIEW IMMEDIATELY FOLLOWING THE DETERMINATION BY THE BOARD THAT A FOUL OCCURRED.

A FILM REVIEW IS NOT RECORDED AND THE BOARD HAS FULL AUTHORITY TO ASSESS PENALTIES TO ANYONE FOUND TO HAVE BEEN RESPONSIBLE FOR A FOUL OR VIOLATION INCLUDING SUSPENSION AND FINES. THE SCOPE OF THE REVIEW IS LIMITED TO FOULS OR VIOLATIONS THAT OCCURRED DURING THE RUNNING OF THE RACE, BUT THE BOARD MAY CONSIDER PREVIOUS RIDING INFRACTIONS AND/OR WARNINGS ISSUED TO THE JOCKEY IN ITS PENALTY DETERMINATION.

Rule #7.740

~~A whip~~ THE RIDING CROP shall not be applied by anyone in an abusive manner at any time.

Rule #7.742

If a horse races without the use of a ~~whip~~ RIDING CROP it shall be announced over the public address system.

Rule #7.744

ALL RIDERS SHOULD COMPLY WITH THE FOLLOWING WHEN USING A RIDING CROP:

(1) SHOWING THE HORSE THE RIDING CROP AND GIVING IT TIME TO RESPOND BEFORE HITTING IT;

(2) HAVING USED THE RIDING CROP, GIVING THE HORSE A CHANCE TO RESPOND BEFORE USING IT AGAIN;

(A) A JOCKEY GIVES A HORSE THE "CHANCE TO RESPOND" WHEN THE JOCKEY:

(I) PAUSES THE USE OF THE RIDING CROP ON THE HORSE BEFORE RESUMING USE;

OR,

(II) PUSHES ON THE HORSE WITH A REIN IN EACH HAND, KEEPING THE RIDING CROP IN THE UP OR DOWN POSITION; OR,

(III) SHOWS THE HORSE THE RIDING CROP WITHOUT MAKING CONTACT; OR

(IV) MOVES THE RIDING CROP FROM ONE HAND TO THE OTHER.

(3) USING THE RIDING CROP IN RHYTHM WITH THE HORSE'S STRIDE.

Tabled Rules

Rule #5.403

PROPOSED RULE

ALL HORSES ENTERING RACETRACK GROUNDS MAY BE REQUIRED TO SUBMIT TO HAIR SAMPLING REQUIREMENTS AS ESTABLISHED IN RULE 5.412(II). THE DIRECTOR SHALL HAVE FULL DISCRETION TO REQUIRE WITHOUT NOTICE THAT ANY HORSES UNDER THE JURISDICTION OF THE COMMISSION SUBMIT TO HAIR TESTING AS A CONDITION OF ELIGIBILITY AT A COLORADO RACE TRACK OR AS AN ADDITIONAL REQUIREMENT FOR ELIGIBILITY INTO A TRIAL, FUTURITY, STAKES OR ANY OTHER RACE AS THE DIRECTOR SHALL REQUIRE.

Rule #5.412

CURRENT RULE

Random or extra testing may be required by the Division designee, Stewards, or the Commission at any time on any horse entered or eligible to race in Colorado. Such extra testing may include, but is not limited to, the following:

Out of Competition Testing for Blood and/or Gene Doping Agents

- (1) Any horse on the grounds at a racetrack or training center, or under the care or control of trainer or owner licensed by the Commission is subject to testing for blood and/or gene doping agents without advance notice, whether located in Colorado or in another ARCI jurisdiction. This rule does not apply to therapeutic medications approved by the FDA for use in the horse.
- (2) The Commission Veterinarian, or any licensed veterinarian authorized by the Commission, may at any time, take a urine, blood, saliva, and/or hair samples from a horse for this purpose.
- (3) Prohibited substances, practices and procedures are defined as:
 - (a) Blood doping agents including, but not limited to Erythropoietin (EPO), Darbopoetin, Oxyglobin, Hempure, Aranesp or any substance that abnormally enhances the oxygenation of body tissues;
 - (b) Gene doping agents or the non-therapeutic use of genes, genetic elements and/or cells that have the capacity to enhance athletic performance or produce analgesia;
 - (c) Growth hormones, Insulin-Like Growth factor, Endorphin/Enkephalins, the non-therapeutic administration of whole blood or packed red blood cells.
 - (d) Naturally produced venoms, synthetic analogues of venoms, derivatives of venoms, or synthetic analogues of derivatives of venoms;
 - (e) Substances capable of producing a repartitioning effect that are not FDA approved for use in horses, including, but not limited to, Ractopamine, Zilpaterol, or any similar agent;
 - (f) AAS (androgenic-anabolic steroids) other than Stanozolol, Nandrolone, Boldenone, Testosterone, and metabolites thereof;
 - (g) The presence in a horse of any substance that the Colorado Division of Racing Events defines as prohibited; and
 - (h) The presence in a horse of any substance or biomarker indicative of a prohibited practice as defined by the Racing Medication and Testing Consortium (RMTC) or the World Anti-Doping Agency (WADA).
- (4) An owner, trainer, or any authorized designee shall fully cooperate with the Division Veterinarian, or his/ her designee by:
 - (a) Locating and identifying any horse designated for out of competition testing;
 - (b) Making the horse available for the collection of the specimen at an agreed upon stall or other safe location; and
 - (c) Observing the collection of the specimen.
- (5) The collection shall occur no later than six (6) hours after notice of intent to collect a specimen from a horse is received. If the collection does not occur within the time provided, then any horse that is designated for testing may be barred from racing in Colorado and placed on the Veterinarian's list and the Steward's

List for a period of 180 days and the owner and trainer of the horse may be subject to the penalties for medication violations of prohibited substances.

(6) The owner and/or trainer of the horses may be subject to any other sanctions allowed by Colorado Law and regulations, including fine or suspension of license. The executive director, Stewards, or hearing officer may summarily suspend and or penalize any trainer and/ or authorized representative or designee who does not fully cooperate with a Commission employee or Division Representative in assisting and identifying an eligible horse or providing a safe stall to collect samples in a timely fashion.

(7) A horse that is barred from racing in Colorado and placed on the Veterinarians list for 180 days shall remain barred from racing:

- (a) Upon sale or transfer of the horse to another owner or trainer until the expiration of the 180 days; and
- (b) Until the horse is determined by the Commission to test negative for any substance described in Section 4 of this Administrative Regulation, and is approved for Racing by the Division Veterinarian and the Chief State Steward.

(8) The Commission shall approve the laboratories for screening, confirmation, and split sample testing. Out of competition samples will be sent to the official laboratory of the Commission, or other laboratory as designated by the Commission with reports made in accordance with the provisions of these medication rules and the penalty provisions thereof. (See CRCR 5.423)

(9) In the absence of extraordinary mitigating circumstances, a minimum penalty of ten (10) year suspension will be assessed for a violation of this rule, with additional penalties for any drug not FDA approved for use in horses.

PROPOSED AMENDMENT

Random or extra testing may be required by the Division designee, Stewards, or the Commission at any time on any horse entered or eligible to race in Colorado. Such extra testing may include, but is not limited to, the following:

I. Out of Competition Testing for Blood and/or Gene Doping Agents

(1) Any horse on the grounds at a racetrack or training center, or under the care or control of trainer or owner licensed by the Commission is subject to testing for blood and/or gene doping agents without advance notice, whether located in Colorado or in another ARCI jurisdiction. This rule does not apply to therapeutic medications approved by the FDA for use in the horse.

(2) The Commission Veterinarian, or any licensed veterinarian authorized by the Commission, may at any time, take a urine, blood, saliva, and/or hair samples from a horse for this purpose.

(3) Prohibited substances, practices and procedures are defined as:

- (a) Blood doping agents including, but not limited to Erythropoietin (EPO), Darbopoetin, Oxyglobin, Hempure, Aranesp or any substance that abnormally enhances the oxygenation of body tissues;
- (b) Gene doping agents or the non-therapeutic use of genes, genetic elements and/or cells that have the capacity to enhance athletic performance or produce analgesia;

- (c) Growth hormones, Insulin-Like Growth factor, Endorphin/Enkephalins, the non-therapeutic administration of whole blood or packed red blood cells.
- (d) Naturally produced venoms, synthetic analogues of venoms, derivatives of venoms, or synthetic analogues of derivatives of venoms;
- (e) Substances capable of producing a repartitioning effect that are not FDA approved for use in horses, including, but not limited to, Ractopamine, Zilpaterol, or any similar agent;
- (f) AAS (androgenic-anabolic steroids) other than Stanozolol, Nandrolone, Boldenone, Testosterone, and metabolites thereof;
- (g) The presence in a horse of any substance that the Colorado Division of Racing Events defines as prohibited; and
- (h) The presence in a horse of any substance or biomarker indicative of a prohibited practice as defined by the Racing Medication and Testing Consortium (RMTC) or the World Anti-Doping Agency (WADA).

(4) An owner, trainer, or any authorized designee shall fully cooperate with the Division Veterinarian, or his/ her designee by:

- (a) Locating and identifying any horse designated for out of competition testing;
- (b) Making the horse available for the collection of the specimen at an agreed upon stall or other safe location; and
- (c) Observing the collection of the specimen.

(5) The collection shall occur no later than six (6) hours after notice of intent to collect a specimen from a horse is received. If the collection does not occur within the time provided, then any horse that is designated for testing may be barred from racing in Colorado and placed on the Veterinarian's list and the Steward's List for a period of 180 days and the owner and trainer of the horse may be subject to the penalties for medication violations of prohibited substances.

(6) The owner and/or trainer of the horses may be subject to any other sanctions allowed by Colorado Law and regulations, including fine or suspension of license. The executive director, Stewards, or hearing officer may summarily suspend and or penalize any trainer and/ or authorized representative or designee who does not fully cooperate with a Commission employee or Division Representative in assisting and identifying an eligible horse or providing a safe stall to collect samples in a timely fashion.

(7) A horse that is barred from racing in Colorado and placed on the Veterinarians list for 180 days shall remain barred from racing:

- (a) Upon sale or transfer of the horse to another owner or trainer until the expiration of the 180 days; and
- (b) Until the horse is determined by the Commission to test negative for any substance described in Section 4 of this Administrative Regulation, and is approved for Racing by the Division Veterinarian and the Chief State Steward.

(8) The Commission shall approve the laboratories for screening, confirmation, and split sample testing. Out of competition samples will be sent to the official laboratory of the Commission, or other laboratory as designated by the Commission with reports made in accordance with the provisions of these medication rules and the penalty provisions thereof. (See CRCR 5.423)

(9) In the absence of extraordinary mitigating circumstances, a minimum penalty of ten (10) year suspension will be assessed for a violation of this rule, with additional penalties for any drug not FDA approved for use in horses.

II. HAIR SAMPLING FOR ENTRY INTO RACETRACK GROUNDS

(1) ANY HORSES ENTERING RACETRACK GROUNDS FOR THE PURPOSE OF COMPETITION IN A RACE MAY BE REQUIRED TO SUBMIT TO HAIR SAMPLING UPON ARRIVAL. IN SPECIAL CIRCUMSTANCES, SUBMITTAL OF HAIR SAMPLES MAY BE AUTHORIZED BY THE DIVISION VETERINARIAN IN ADVANCE OF ARRIVAL TO A COLORADO RACETRACK. NO HORSE SHALL BE ELIGIBLE FOR ENTRY UNTIL SUCH A SAMPLE HAS BEEN COLLECTED FOR TESTING AND THE RESULTS ARE KNOWN TO THE DIVISION.

(2) HAIR SAMPLES SHALL BE COLLECTED BY THE DIVISION VETERINARIAN OR THEIR DESIGNEE WHO SHALL MAKE EVERY REASONABLE EFFORT TO COLLECT THESE SAMPLES IN AS EXPEDITIOUS MANNER AS POSSIBLE. THE OWNER AND/OR TRAINER OF THE HORSE SHALL BE PROVIDED WITH A FULL REPORT OF ALL SUBSTANCES THAT WERE FOUND IN THE HAIR SAMPLE. ALL RESULTS WILL BE KEPT ON FILE WITH THE DIVISION.

(3) HORSES WITH A TEST RESULT INDICATING THAT A NON-THERAPEUTIC SUBSTANCE IS PRESENT IN THE HAIR SAMPLE SHALL BE INELIGIBLE TO BE ENTERED INTO A RACE UNTIL SUCH TIME THAT THE HORSE TESTS NEGATIVE FOR THE IDENTIFIED NON-THERAPEUTIC SUBSTANCE. "NON-THERAPEUTIC" FOR THE PURPOSES OF THIS PART (II) SHALL MEAN ANY SUBSTANCE NOT CURRENTLY AUTHORIZED AND LISTED IN THE *ESTIMATED THERAPEUTIC MEDIATIONS WITHDRAWAL TIMES*, AS WELL AS CLENBUTEROL.

(4) THE OWNER OR TRAINER OF A HORSE WITH A POSITIVE HAIR SAMPLE MAY BE FINED UP TO FIVE THOUSAND DOLLARS (\$5,000.00) IF A SUBSEQUENT HAIR TEST PERFORMED DURING THE SAME RACE MEET INDICATES THE PRESENCE OF ANY NON-THERAPEUTIC SUBSTANCE NOT PREVIOUSLY INDICATED IN A TEST RESULT, EXCEPT WHEN USE OF THE SUBSTANCE HAS BEEN DISCLOSED TO AND APPROVED BY THE DIVISION VETERINARIAN PRIOR TO ADMINISTRATION.

(5) ALL OTHER PROVISIONS OF OUT OF COMPETITION TESTING FOR BLOOD AND/OR GENE DOPING AGENTS SHALL APPLY FOR ANY HAIR SAMPLE TAKEN UNDER THAT SECTION (I).

Proposed Amendments

Rule #5.403

RULE AS ORIGINALLY PRESENTED TO COMMISSION

ALL HORSES ENTERING RACETRACK GROUNDS MAY BE REQUIRED TO SUBMIT TO HAIR SAMPLING REQUIREMENTS AS ESTABLISHED IN RULE 5.412(II). THE DIRECTOR SHALL HAVE FULL DISCRETION TO REQUIRE WITHOUT NOTICE THAT ANY HORSES UNDER THE JURISDICTION OF THE COMMISSION SUBMIT TO HAIR TESTING AS A CONDITION OF ELIGIBILITY AT A COLORADO RACE TRACK OR AS AN ADDITIONAL REQUIREMENT FOR ELIGIBILITY INTO A TRIAL, FUTURITY, STAKES OR ANY OTHER RACE AS THE DIRECTOR SHALL REQUIRE.

PROPOSED CHANGE (WITHDRAWN)

~~ALL HORSES ENTERING RACETRACK GROUNDS MAY BE REQUIRED TO SUBMIT TO HAIR SAMPLING REQUIREMENTS AS ESTABLISHED IN RULE 5.412(II). THE DIRECTOR SHALL HAVE FULL DISCRETION TO REQUIRE WITHOUT NOTICE THAT ANY HORSES UNDER THE JURISDICTION OF THE COMMISSION SUBMIT TO HAIR TESTING AS A CONDITION OF ELIGIBILITY AT A COLORADO RACE TRACK OR AS AN ADDITIONAL REQUIREMENT FOR ELIGIBILITY INTO A TRIAL, FUTURITY, STAKES OR ANY OTHER RACE AS THE DIRECTOR SHALL REQUIRE.~~

Rule #5.412

RULE ORIGINALLY PRESENTED TO COMMISSION

Random or extra testing may be required by the Division designee, Stewards, or the Commission at any time on any horse entered or eligible to race in Colorado. Such extra testing may include, but is not limited to, the following:

I. Out of Competition Testing for Blood and/or Gene Doping Agents

- (1) Any horse on the grounds at a racetrack or training center, or under the care or control of trainer or owner licensed by the Commission is subject to testing for blood and/or gene doping agents without advance notice, whether located in Colorado or in another ARCI jurisdiction. This rule does not apply to therapeutic medications approved by the FDA for use in the horse.
- (2) The Commission Veterinarian, or any licensed veterinarian authorized by the Commission, may at any time, take a urine, blood, saliva, and/or hair samples from a horse for this purpose.
- (3) Prohibited substances, practices and procedures are defined as:
 - (a) Blood doping agents including, but not limited to Erythropoietin (EPO), Darbopoetin, Oxyglobin, Hempure, Aranesp or any substance that abnormally enhances the oxygenation of body tissues;
 - (b) Gene doping agents or the non-therapeutic use of genes, genetic elements and/or cells that have the capacity to enhance athletic performance or produce analgesia;
 - (c) Growth hormones, Insulin-Like Growth factor, Endorphin/Enkephalins, the non-therapeutic administration of whole blood or packed red blood cells.
 - (d) Naturally produced venoms, synthetic analogues of venoms, derivatives of venoms, or synthetic analogues of derivatives of venoms;
 - (e) Substances capable of producing a repartitioning effect that are not FDA approved for use in horses, including, but not limited to, Ractopamine, Zilpaterol, or any similar agent;
 - (f) AAS (androgenic-anabolic steroids) other than Stanozolol, Nandrolone, Boldenone, Testosterone, and metabolites thereof;
 - (g) The presence in a horse of any substance that the Colorado Division of Racing Events defines as prohibited; and
 - (h) The presence in a horse of any substance or biomarker indicative of a prohibited practice as defined by the Racing Medication and Testing Consortium (RMTC) or the World Anti-Doping Agency (WADA).
- (4) An owner, trainer, or any authorized designee shall fully cooperate with the Division Veterinarian, or his/ her designee by:
 - (a) Locating and identifying any horse designated for out of competition testing;
 - (b) Making the horse available for the collection of the specimen at an agreed upon stall or other safe location; and
 - (c) Observing the collection of the specimen.
- (5) The collection shall occur no later than six (6) hours after notice of intent to collect a specimen from a horse is received. If the collection does not occur within the time provided, then any horse that is designated

for testing may be barred from racing in Colorado and placed on the Veterinarian's list and the Steward's List for a period of 180 days and the owner and trainer of the horse may be subject to the penalties for medication violations of prohibited substances.

(6) The owner and/or trainer of the horses may be subject to any other sanctions allowed by Colorado Law and regulations, including fine or suspension of license. The executive director, Stewards, or hearing officer may summarily suspend and or penalize any trainer and/ or authorized representative or designee who does not fully cooperate with a Commission employee or Division Representative in assisting and identifying an eligible horse or providing a safe stall to collect samples in a timely fashion.

(7) A horse that is barred from racing in Colorado and placed on the Veterinarians list for 180 days shall remain barred from racing:

- (a) Upon sale or transfer of the horse to another owner or trainer until the expiration of the 180 days; and
- (b) Until the horse is determined by the Commission to test negative for any substance described in Section 4 of this Administrative Regulation, and is approved for Racing by the Division Veterinarian and the Chief State Steward.

(8) The Commission shall approve the laboratories for screening, confirmation, and split sample testing. Out of competition samples will be sent to the official laboratory of the Commission, or other laboratory as designated by the Commission with reports made in accordance with the provisions of these medication rules and the penalty provisions thereof. (See CRCR 5.423)

(9) In the absence of extraordinary mitigating circumstances, a minimum penalty of ten (10) year suspension will be assessed for a violation of this rule, with additional penalties for any drug not FDA approved for use in horses.

II. HAIR SAMPLING FOR ENTRY INTO RACETRACK GROUNDS

(1) ANY HORSES ENTERING RACETRACK GROUNDS FOR THE PURPOSE OF COMPETITION IN A RACE MAY BE REQUIRED TO SUBMIT TO HAIR SAMPLING UPON ARRIVAL. IN SPECIAL CIRCUMSTANCES, SUBMITTAL OF HAIR SAMPLES MAY BE AUTHORIZED BY THE DIVISION VETERINARIAN IN ADVANCE OF ARRIVAL TO A COLORADO RACETRACK. NO HORSE SHALL BE ELIGIBLE FOR ENTRY UNTIL SUCH A SAMPLE HAS BEEN COLLECTED FOR TESTING AND THE RESULTS ARE KNOWN TO THE DIVISION.

(2) HAIR SAMPLES SHALL BE COLLECTED BY THE DIVISION VETERINARIAN OR THEIR DESIGNEE WHO SHALL MAKE EVERY REASONABLE EFFORT TO COLLECT THESE SAMPLES IN AS EXPEDITIOUS MANNER AS POSSIBLE. THE OWNER AND/OR TRAINER OF THE HORSE SHALL BE PROVIDED WITH A FULL REPORT OF ALL SUBSTANCES THAT WERE FOUND IN THE HAIR SAMPLE. ALL RESULTS WILL BE KEPT ON FILE WITH THE DIVISION.

(3) HORSES WITH A TEST RESULT INDICATING THAT A NON-THERAPEUTIC SUBSTANCE IS PRESENT IN THE HAIR SAMPLE SHALL BE INELIGIBLE TO BE ENTERED INTO A RACE UNTIL SUCH TIME THAT THE HORSE TESTS NEGATIVE FOR THE IDENTIFIED NON-THERAPEUTIC SUBSTANCE. "NON-THERAPEUTIC" FOR THE PURPOSES OF THIS PART (II) SHALL MEAN ANY SUBSTANCE NOT CURRENTLY AUTHORIZED AND LISTED IN THE *ESTIMATED THERAPEUTIC MEDIATIONS WITHDRAWAL TIMES*, AS WELL AS CLENBUTEROL.

(4) THE OWNER OR TRAINER OF A HORSE WITH A POSITIVE HAIR SAMPLE MAY BE FINED UP TO FIVE THOUSAND DOLLARS (\$5,000.00) IF A SUBSEQUENT HAIR TEST PERFORMED DURING THE SAME RACE MEET INDICATES THE PRESENCE OF ANY NON-THERAPEUTIC SUBSTANCE NOT PREVIOUSLY INDICATED IN A TEST RESULT, EXCEPT WHEN USE OF THE SUBSTANCE HAS BEEN DISCLOSED TO AND APPROVED BY THE DIVISION VETERINARIAN PRIOR TO ADMINISTRATION.

(5) ALL OTHER PROVISIONS OF OUT OF COMPETITION TESTING FOR BLOOD AND/OR GENE DOPING AGENTS SHALL APPLY FOR ANY HAIR SAMPLE TAKEN UNDER THAT SECTION (I).

PROPOSED MODIFICATION OF RULE PRESENTED TO COMMISSION

Random or extra testing may be required by the Division designee, Stewards, or the Commission at any time on any horse entered or eligible to race in Colorado. Such extra testing may include, but is not limited to, the following:

I. Out of Competition Testing for Blood and/or Gene Doping Agents

(1) NO PERSON SHALL ADMINISTER OR APPLY OR CAUSE TO ADMINISTER OR APPLY TO ANY HORSE ENTERED OR ELIGIBLE TO RACE IN COLORADO ANY PROHIBITED SUBSTANCES OR ENGAGE IN PROHIBITED PRACTICES OR PROCEDURES. THE TRAINER IS THE ABSOLUTE INSURER OF THE CONDITION OF THE HORSE. IF THE RESULTS OF ANY OUT OF COMPETITION TEST INDICATE THAT ANY PROHIBITED SUBSTANCE HAS BEEN ADMINISTERED TO THE HORSE OR THAT THE HORSE HAS BEEN INVOLVED IN A PROHIBITED PRACTICE OR PROCEDURE, THERE SHALL BE A REBUTTABLE PRESUMPTION THAT THE TRAINER WAS RESPONSIBLE FOR THE ADMINISTRATION OF THE PROHIBITED SUBSTANCE OR PRACTICE. PENALTIES SHALL BE DETERMINED AS A MEDICATION OR PROHIBITED SUBSTANCE OR PRACTICE VIOLATION PURSUANT TO THE PROVISIONS OF RULES 5.440 AND 5.441. NO PURSE SHALL BE LOST OR PAST RACE RESULTS MODIFIED AS A RESULT OF A VIOLATION OF THIS RULE. HORSES SHALL BE SUBJECT TO THE PROVISIONS OF RULE 5.612 WITH THE ADDITIONAL REQUIREMENT THAT THE HORSE SHALL BE REQUIRED TO RETEST AND PROVIDE A NEGATIVE SAMPLE FOR THE ORIGINALLY DETECTED PROHIBITED SUBSTANCE.

(2) FOR THE PURPOSE OF DETERMINING RESPONSIBILITY UNDER THIS RULE, IF THE TRAINER OF RECORD IS DETERMINED NOT TO BE RESPONSIBLE FOR THE HORSE THAT TESTED POSITIVE AT THE TIME THE SAMPLE WAS TAKEN, ANY PERSON OR PERSONS SHOWN TO HAVE CARE AND CUSTODY OF THE HORSE DURING THE RELEVANT TIME PERIOD FOR WHICH THE PROHIBITED SUBSTANCE COULD HAVE BEEN ADMINISTERED, OR THE PROHIBITED PRACTICE OR PROCEDURE COULD HAVE BEEN PERFORMED, SHALL BE CONSIDERED THE TRAINER.

(3) Any horse on the grounds at a racetrack or training center, or under the care or control of trainer or owner licensed by the Commission is subject to testing for ~~blood and/or gene doping agents~~ PROHIBITED SUBSTANCES AND/OR PROHIBITED PRACTICES OR PROCEDURES without advance notice, whether located in Colorado or in another ARCI jurisdiction. This rule does not apply to therapeutic medications approved by the FDA for use in the horse PROVIDED THAT ALL CONDITIONS FOR TREATMENT RECORDS REQUIRED BY RULES 5.236 AND 5.510 ARE MET OR AS SPECIFICALLY PROHIBITED BY SECTION (5).

* federal drug administration
(4) The Commission Veterinarian, or any licensed veterinarian authorized by the Commission, may at any time, take a urine, blood, saliva, and/or hair samples from a horse for this purpose. SPLIT SAMPLES SHALL BE TAKEN PURSUANT TO THE PROVISIONS OF RULES 5.420 THROUGH 5.427. SOME OUT OF COMPETITION TESTS (E.G., BLOOD FOR TCO2 TESTING) MAY REQUIRE THAT A TRAINER OR THE TRAINER'S REPRESENTATIVE ELECT TO HAVE A SPLIT SAMPLE TAKEN AND/OR SPLIT SAMPLE TEST PERFORMED AT THE TIME THE PRIMARY SAMPLE IS TAKEN.

(5) Prohibited substances, practices and procedures are defined as:
(a) Blood doping agents including, but not limited to Erythropoietin (EPO), Darbopoetin, Oxyglobin, Hempure, Aranesp or any substance that abnormally enhances the oxygenation of body tissues;

- (b) Gene doping agents or the non-therapeutic use of genes, genetic elements and/or cells that have the capacity to enhance athletic performance or produce analgesia;
- (c) Growth hormones, Insulin-Like Growth factor, Endorphin/Enkephalins, the non-therapeutic administration of whole blood or packed red blood cells.
- (d) Naturally produced venoms, synthetic analogues of venoms, derivatives of venoms, or synthetic analogues of derivatives of venoms;
- (e) Substances capable of producing a repartitioning effect that are not FDA approved for use in horses, including, but not limited to, Ractopamine, Zilpaterol, or any similar agent;
- (f) AAS (androgenic-anabolic steroids) other than Stanozolol, Nandrolone, Boldenone, Testosterone **WHEN ADMINISTERED BY A LICENSED VETERINARIAN FOR A VALID MEDICAL PURPOSE OR DETECTED AT NATURALLY OCCURRING LEVELS**, and metabolites thereof;
- (g) The presence in a horse of any substance that the Colorado Division of Racing Events defines as prohibited, **INCLUDING CLENBUTEROL**; and
- (h) The presence in a horse of any substance or biomarker indicative of a prohibited practice as defined by the Racing Medication and Testing Consortium (RMTC) or the World Anti-Doping Agency (WADA).

(4) (5) An owner, trainer, or any authorized designee shall fully cooperate with the Division Veterinarian, or his/ her designee by:

- (a) Locating and identifying any horse designated for out of competition testing;
- (b) Making the horse available for the collection of the specimen at an agreed upon stall or other safe location; and
- (c) Observing the collection of the specimen.

(5) (6) The collection shall occur no later than six (6) hours after notice of intent to collect a specimen from a horse is received. If the collection does not occur within the time provided, then any horse that is designated for testing may be barred from racing in Colorado and placed on the Veterinarian's list and the Steward's List for a period of 180 days and the owner and trainer of the horse may be subject to the penalties for medication violations of prohibited substances.

(6) (7) The owner and/or trainer of the horses may be subject to any other sanctions allowed by Colorado Law and regulations, including fine or suspension of license. The executive dDirector, Stewards, or hearing officer may summarily suspend and or penalize any trainer and/ or authorized representative or designee who does not fully cooperate with a Commission employee or Division Representative in assisting and identifying an eligible horse or providing a safe stall to collect samples in a timely fashion.

~~(7) A horse that is barred from racing in Colorado and placed on the Veterinarian's list for 180 days shall remain barred from racing:~~

- ~~(a) Upon sale or transfer of the horse to another owner or trainer until the expiration of the 180 days; and~~
- ~~(b) Until the horse is determined by the Commission to test negative for any substance described in this Administrative Regulation and is approved for Racing by the Division Veterinarian and the Chief State Steward.~~

(8) The Commission shall approve the laboratories for screening, confirmation, and split sample testing. Out of competition samples will be sent to the official laboratory of the Commission, or other laboratory as designated by the Commission with reports made in accordance with the provisions of these medication rules and the penalty provisions thereof. (See CRCR 5.423)

(9) In the absence of extraordinary mitigating circumstances, a minimum penalty of ten (10) year suspension will be assessed for a violation of this rule, with additional penalties for any drug not FDA approved for use in horses.

~~III. HAIR SAMPLING FOR ENTRY INTO RACETRACK GROUNDS~~

~~(1) ANY HORSES ENTERING RACETRACK GROUNDS FOR THE PURPOSE OF COMPETITION IN A RACE, AFTER JANUARY 1, 2019, MAY BE REQUIRED TO SUBMIT TO HAIR SAMPLING UPON ARRIVAL. IN SPECIAL CIRCUMSTANCES, SUBMITTAL OF HAIR SAMPLES MAY BE AUTHORIZED BY THE DIVISION VETERINARIAN IN ADVANCE OF ARRIVAL TO A COLORADO RACETRACK. NO HORSE SHALL BE ELIGIBLE FOR ENTRY UNTIL SUCH A SAMPLE HAS BEEN COLLECTED FOR TESTING AND THE RESULTS ARE KNOWN TO THE DIVISION.~~

~~(2) HAIR SAMPLES SHALL BE COLLECTED BY THE DIVISION VETERINARIAN OR THEIR DESIGNEE WHO SHALL MAKE EVERY REASONABLE EFFORT TO COLLECT THESE SAMPLES IN AS EXPEDITIOUS MANNER AS POSSIBLE. THE OWNER AND/OR TRAINER OF THE HORSE SHALL BE PROVIDED WITH A FULL REPORT OF ALL SUBSTANCES THAT WERE FOUND IN THE HAIR SAMPLE. ALL RESULTS WILL BE KEPT ON FILE WITH THE DIVISION.~~

~~(3) HORSES WITH A TEST RESULT INDICATING THAT A NON-THERAPEUTIC SUBSTANCE IS PRESENT IN THE HAIR SAMPLE SHALL BE INELIGIBLE TO BE ENTERED INTO A RACE UNTIL SUCH TIME THAT THE HORSE TESTS NEGATIVE FOR THE IDENTIFIED NON-THERAPEUTIC SUBSTANCE. "NON-THERAPEUTIC" FOR THE PURPOSES OF THIS PART (II) SHALL MEAN ANY SUBSTANCE NOT CURRENTLY AUTHORIZED AND LISTED IN THE *ESTIMATED THERAPEUTIC MEDICATIONS WITHDRAWAL TIMES*, AS WELL AS CLENBUTEROL.~~

~~(4) THE OWNER OR TRAINER OF A HORSE WITH A POSITIVE HAIR SAMPLE MAY BE FINED UP TO FIVE THOUSAND DOLLARS (\$5,000.00) IF A SUBSEQUENT HAIR TEST PERFORMED DURING THE SAME RACE MEET INDICATES THE PRESENCE OF ANY NON-THERAPEUTIC SUBSTANCE NOT PREVIOUSLY INDICATED IN A TEST RESULT, EXCEPT WHEN USE OF THE SUBSTANCE HAS BEEN DISCLOSED TO AND APPROVED BY THE DIVISION VETERINARIAN PRIOR TO ADMINISTRATION.~~

~~(5) ALL OTHER PROVISIONS OF OUT OF COMPETITION TESTING FOR BLOOD AND/OR GENE DOPING AGENTS SHALL APPLY FOR ANY HAIR SAMPLE TAKEN UNDER PART (I).~~

after July 1, 2018 contingent upon the performance by Division staff of a second audit to confirm the availability of funds.

Announcement Regarding of Recent Appointment of Division Agent-in-Charge Ed Kulp – Dan Hartman

Mr. Dan Hartman, Director of the Division of Racing Events, introduced Mr. Ed Kulp, who was recently appointed to serve as the Division's Agent-in-Charge. Mr. Hartman observed that Mr. Kulp is now serving in the position formerly held by Mr. Mark Brown, who retired from State service at the end of March 2018. Mr. Hartman advised that Mr. Kulp had served in a similar capacity for several years with the Liquor and Tobacco Enforcement Division and that, with his twenty years of law enforcement experience, he was ably qualified to undertake this position. The Commission welcomed Mr. Kulp and congratulated him on his appointment.

Introduction of Cory Amend, Deputy Director of the Enforcement Line of Business – Dan Hartman

Mr. Dan Hartman, Director of the Division of Racing Events, introduced Mr. Cory Amend, who holds the position of Deputy Director of the Enforcement Line of Business. The Commission welcomed Mr. Amend and thanked him for attending today's meeting.

Consideration of Approval of Arapahoe Park's Proposed 2018/19 Simulcast Schedule – Dan Hartman

Mr. Dan Hartman, Director of the Division of Racing Events, presented his report concerning Arapahoe Park's proposed 2018/2019 simulcast schedule. Mr. Bruce Seymore, Executive Director of Colorado Operations for Mile High Racing and Entertainment and Mr. Bill Powers, Director of Racing, appeared on behalf of the Racing Association.

Mr. Hartman advised the Commission that, on March 27, 2018, the 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 2018 and 2019. The letter requested permission to commence simulcast wagering on April 21, 2018 and concluding it on April 20, 2019. Mr. Hartman 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. Hartman assured the Commission that the Division, through its Auditor, Mr. Greg Lamb, would require that Arapahoe Park submit all required agreements and contracts with the specific state horsemen's associations and racetracks before they would be 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. Hartman stated that the Colorado Division of Racing Events had received a signed and notarized renewal application from Racing Associates of Colorado, Ltd. doing business as Arapahoe Park to commence live racing on Saturday, May 26, 2018 through Sunday, August 12, 2018 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 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. Further, the Commission noted that, during the upcoming meet, live racing would

be offered on Saturday, Sunday and Monday instead of on Friday, Saturday and Sunday as in previous years.

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 2018 race meet.

Mr. Hartman 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 2018/2019 proposed simulcast wagering schedule as presented, a motion was made by Commissioner Beirne, seconded by Commissioner Scott and unanimously carried to approve Arapahoe Park's request to commence simulcast wagering on April 21, 2018 and to continue simulcast wagering through April 20, 2019 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 2018/2019 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.)

Observations Regarding 2018 Association of Racing Commissioners International Spring Convention

Commission Chairwoman Ms. Pam Inmann and Mr. Dan Hartman, Director of the Division of Racing Events, shared their thoughts and opinions regarding the 2018 Annual Association of Racing Commissioners International ("ARCI") Spring Convention and Conference on Racing and Wagering Integrity held from April 3-6, 2018 in Hot Springs,

Arkansas. Each attendee spoke very favorably of the presentations, workshops and discussion sessions that were offered. Commissioner Inmann observed that she had found presentations relating to the usage and detection of new drugs, the proposed compact with other racing jurisdictions concerning dosage limits on medications and, also, a report pertaining to proposed federal legislation to regulate therapeutic and medicinal drug usage especially informative. Mr. Hartman commented that the proposal to establish an interstate compact had previously been raised and that some racing jurisdictions, especially those in the mid-Atlantic region, favored the enactment of uniform rules to govern the racing industry and believed that this would be a solution to what the federal government is trying to do. Mr. Hartman advised that Colorado could join such an interstate compact and he would endorse looking into this as a possible avenue to take in the future. Both Commissioner Inmann and Mr. Hartman advised that they had always been impressed by the quality and diversity of subject matter addressed at these gatherings. Commissioner Inmann stated that she was appreciative of the opportunity to attend and participate in any ARCI Convention and urged other Commissioners to attend upcoming ARCI Conventions. 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.

Report Regarding Pending Legislation – Dan Hartman

Mr. Dan Hartman, Director of the Division of Racing Events, apprised the Commission that two legislative initiatives were currently undergoing legislative consideration. He advised that Senate Bill 18-172 addresses the incorporation of language giving specific legislative authorization to the Division of Racing Events to conduct random and “for cause” human drug testing and that Senate Bill 18-182 allows the Division of Racing Events to redirect a portion of the source market fees that it collects into the horse racing purse fund. Mr. Hartman observed that both measures have successfully passed out of the House of Representatives and the Senate and are now proceeding to the Governor for his signature and enactment. Mr. Hartman stated that he would update the Commission on actions taken on these bills.

Presentations Regarding Colorado State University Equine Research Fund – Drs. Kawcak, Goodrich and Storey

Dr. Chris Kawcak, Professor in the Department of Clinical Sciences at the Colorado State University (hereinafter known as “C.S.U.”) College of Veterinary Medicine and Biomedical Sciences, introduced himself and his colleagues, Dr. Laurie Goodrich, Professor of Orthopedics and a Racing Commission Grant Recipient; and Dr. Melinda Story, Assistant Professor of Equine Sports Medicine and Rehabilitation, who is also a Racing Commission Grant Recipient, to the Commission. He noted that Dr. Sue Vandewoude, Associate Dean for Research and Professor of Comparative Medicine at the C.S.U. College of Veterinary Medicine and Biomedical Sciences, who has previously presented overviews of equine research projects to the Commission, was currently attending a scientific conference in China and that he would be providing introductory remarks in her stead.

Dr. Kawcak explained that the funding provided by the Commission has been extremely beneficial to the University and is essential for the continued growth of the equine research programs there. He informed the Commission that its annual financial contribution is leveraged approximately thirty-fold, and, along with the approximate \$1,300,000 in research funds generated by equine researchers and annual donations to equine research programs totaling approximately \$1,500,000 to \$2,000,000, it forms the basis for obtaining grant funding for various research projects. He observed that the Commission’s financial contributions in 2016 and 2017 racing receipts of approximately \$100,000 per year has been applied to fund the post-mortem surveillance project with the balance being used to fund “pilot” research projects in horses at Colorado State University. Dr. Kawcak explained that the Commission’s funding is especially important because it affords researchers at C.S.U. the opportunity to work on projects that larger funding agencies would not accept without prior data to support such efforts. The preliminary data generated are then used to demonstrate to funding agencies that a research plan is realistic and, thus, this data forms the foundation for larger grants for continuation of a research project. He commented that, in order to select the research proposals to be funded, a committee of researchers in the College of Veterinary Medicine and Biomedical Sciences, after receiving input from breed association veterinarians, evaluates the large quantity of research proposals that are submitted for consideration and ranks them in order of merit with funds being distributed to proposals in consideration of rankings and the best use of the available revenue. He

noted that this is an extremely competitive process with far more proposals being tendered than can be subsidized. Dr. Kawcak stated that, for 2016 funds, along with the postmortem project, ten additional proposals were received requesting a total of \$240,000 and, for 2017 funds, along with the postmortem project, twelve additional proposals were received requesting \$307,000. He commented that, in 2016, the University was able to offer four awards totaling \$89,169 and, in 2017, it was able to offer five awards totaling \$105,370 in funding via the competitive proposal process using Commission funds.

Dr. Kawcak reported that the following equine research projects were funded for 2016: 1) Colorado Racehorse Postmortem Project – Dr. Chris Kawcak; 2) Safety evaluation of the intra-articular application of allogeneic freeze-dried platelet-rich plasma or conditioned serum in equine normal joints – Dr. David Frisbie; 3) Effect of IL-1 Beta in a Cervical Articular Facet Joint in horses – Dr. Wayne McIlwraith; 4) Assessment of mitochondrial lipid composition and bioenergetics in oocytes and follicular cells from young and old mares – Dr. Elaine Carnevale; and 5) Evaluation of modern acupuncture for symptom modification in a rodent model of human osteoarthritis – Dr. Melinda Story. He reported that the following equine research projects were funded in 2017: 1) Colorado Racehorse Postmortem Project – Dr. Chris Kawcak; 2) Oocyte activating proteins on equine sperm: Localization and quantification – Dr. Elaine Carnevale; 3) The development of a mechanically induced ex-vivo injury model in equine SDFTs using a custom loading device – Dr. David Frisbie; 3) Dual-Purpose Wound Dressing for Detection and Treatment of Equine Wound Infections – Dr. Claudia Gentry-Weeks; and 4) Does extracorporeal shockwave cause enhanced osteogenesis of equine bone marrow derived mesenchymal stem cells? – Dr. Laurie Goodrich.

Dr. Kawcak expressed his appreciation to the Commission for its ongoing support of and contribution to equine research at Colorado State University. He advised that the following are anticipated activities, either to be continued or initiated) in 2018-19: 1) that C.S.U. will continue to offer racetrack visitations/exhibits that were begun in 2011; 2) that the postmortem program management will continue to be funded “up front”; 3) that the reporting mechanism will continue to be standardized; and 4) that additional input on research topics relevant to the Colorado Racing Commission will continue to be provided.

The following presentations were offered for Commission consideration:

Dr. Chris Kawcak presented a status report on the Colorado Racehorse Post-mortem Surveillance Program. He offered a slide presentation illustrating the nature and focus of the research and the materials and methods used in this study. He explained that every horse that died or was euthanized on the racetrack was submitted for post-mortem analysis and that a full necropsy, along with detailed analysis of the horse’s limbs, was performed. Dr. Kawcak stated that, if requested, by the Division of Racing Events, further testing was also undertaken. He advised that the preliminary results were relayed by him to the referring veterinarian to ascertain whether there were issues pertaining to potentially contagious diseases. He observed that a detailed necropsy report was submitted after the completion of the histologic examination, noting that it could take several weeks before an official medical record might be received.

Dr. Kawcak presented the following statistics concerning the genders, ages and causes of death determined by means of post-mortem examinations conducted in 2017:

- Number and breed of horses: 6 Thoroughbreds; 3 Quarter Horses;
Gender: 7 Geldings; 2 Mares; 0 Stallions;
Ages: 3 two-year-olds; 2 three-year-olds; 1 four-year-old; 1 five-year-old; 1 seven-year-old; and 1 ten-year-old
Causes of death as follows:
- Catastrophic:
 - 5 Musculoskeletal injuries;
 - 1 Head trauma;
 - 2 Gastrointestinal;
 - 1 Cardiac

Detailed Description of causes of death:

- Musculoskeletal:
 - Thoroughbred – RF SDF tendon overextension;
 - Quarter Horse – L6 vertebral fracture + L5 vertebral stress remodeling;
 - Thoroughbred – LF open lateral condylar fracture;
 - Thoroughbred – LF open luxation of fetlock joint; and
 - Quarter Horse – LF carpal & RF proximal metacarpal open fractures
- Head Trauma:
 - Thoroughbred – Comminuted fractures of atlas and skull bones
 - Intracranial hemorrhage
- Gastrointestinal:
 - Quarterhorse – Large colon torsion
 - volvulus and displacement of large colon
 - gastric ulcers
 - Thoroughbred – Omental rent (hole) & small intestinal adhesions
 - Peritonitis
 - Displacement of large colon
- Cardiac:
 - Thoroughbred – collapsed after winning race
 - Hemorrhagic (bloody) fluid in pericardial sac
 - Arrhythmia (suspected)

Dr. Kawcak offered slides depicting preludes to certain catastrophic injuries. Dr. Kawcak advised that new developments are available at C.S.U for imaging horses's legs, such as current cone beam devices. By means of slides, Dr. Kawcak displayed design options that Epica Medical offers for such imaging. He advised that, with the acquisition of a low-cost CAT-scan machine, there could be an approximate 70% reduction in the volume of catastrophic injuries to racehorses. The Commission thanked Dr. Kawcak for his excellent report.

Dr. Melinda Story presented her report entitled “Effect of IL-1 beta in a Cervical Articular Facet Joint of Horses”. She explained that her clinical interest in sport horses has led to her research focus on spinal pain and dysfunction and the relationship that they have to a horse's performance. She accompanied her report with a slide presentation depicting each aspect of her research and its ultimate findings.

Dr. Story advised that, in equine practice, the cervical facet joints are implicated as a significant source of pain and subsequent dysfunction. She noted that it is very difficult to identify a lesion and very difficult in equine medicine due to the size of the patient. She observed that, to date, there have not been any studies to evaluate known cervical facet joint inflammation and, given the current difficulties in localizing neck pain, it is important to develop a technique to simulate the clinical problem and, then, work to find improved ways to evaluate it. Dr. Story stated that the objective of this study was to develop a model using IL-1 beta to induce a transient synovitis in a cervical facet joint of horses.

Further, Dr. Story described the research methods that she had utilized:

- Non-terminal study to induce inflammation at cervical joint 5-6 in twelve (12) horses
 - One joint is the study joint, the opposite is the control joint
- Clinical findings
 - Subjective pain assessment, acupuncture and chiropractic exam
- Gait outcomes
 - Subjective and objective lameness exam, kinetic and kinematic analysis
- Imaging findings
 - Ultrasound evaluation

Dr. Story reported on the outcomes and the next steps to be undertaken:

The study demonstrated the following:

- That inflammation can be successfully induced in the cervical facet joint of horses;
- That such inflammation is recognizable with ultrasound by increased fluid in the joint;
- Clinical change to palpation occurs resulting in reactive and avoidance behavior, decreased mobility and increased lameness

The next steps are:

- The study is complete;
 - Data analysis;
 - Manuscript submission – better understanding for the equine practitioner of cervical joint inflammation;
 - Improved understanding of clinical presentation; and
 - Improved treatment of horses with cervical pain
- Manuscript submission will also help fill Dr. Story's PhD requirements.

Dr. Story expressed her appreciation to the Racing Commission for supporting the subject study. She commented that the study has provided evidence that it is possible to induce transient synovitis and that as a result of the findings, potential future funding may be applied to the evaluation of synovitis in multiple sites, bilateral disease, cranial vs. caudal presentation and this may also expand into developing a chronic model. The Commission thanked Dr. Story for her informative report.

Dr. Laurie Goodrich presented her report entitled "Does extracorporeal shockwave increase the osteogenic capacity of equine bone marrow-derived mesenchymal stem cells?" She accompanied her report with a slide presentation. As background information, Dr. Goodrich observed that equine long bone fractures are difficult to heal and present a variety of problems, including implant strength, inability to restrict weight-bearing; minimal soft-tissue in the distal limb (decreased blood supply) and laminitis. She commented that equine fracture repair involves such currently used tools as bone grafts/bone marrow-derived stem cells, growth factors and extracorporeal shockwave therapy. Dr. Goodrich expressed her belief that, in the future, a desirable treatment regime could utilize a potential combination therapy with both 1) mesenchymal stem cells for the production of multiple growth factors, including bone morphogenic protein-2, and for the promotion of the body's own healing mechanisms through attraction of resident cells; and 2) extracorporeal shockwave therapy that is capable of enhancing osteogenesis by human mesenchymal stem cells. Her hypothesis relating to the use of the aforementioned combination therapy is that extracorporeal shockwave therapy of equine bone marrow-derived mesenchymal stem cells (BMDMSCs) will result in enhanced osteogenesis *in vitro*. In order to test the validity of her hypothesis, Dr. Goodrich enumerated the following steps:

- #1 – Determine the effect of shockwave on the morphology and proliferative ability of BMDMSCs;
- #2 – Determine the effect of shockwave on gene expression of osteogenic genes including Alkaline Phosphatase Collagen type 3, Osteocalcin, Osteonectin, and RUN02; and
- #3 – Determine the effect of shockwave on the production of osteogenic mediators including TGF8, PGE2, Alkaline Phosphatase, BMP2 and BMP7 measured using commercially available ELISA kits.

Dr. Goodrich summarized the conclusions that have thus far been observed:

- Shockwave effects the ability of BMDMSCs to initially proliferate;
- Shockwave causes BMDMSCs to increase alkaline phosphatase expression at 24 hours and 1 week; and
- Shockwave effects the expression of osteogenic genes by BMDMSCs.

The Commission thanked Dr. Goodrich for her compelling report.

Drs. Kawcak, Story and Goodrich thanked the Commission for the opportunity to appear and report on a sampling of equine research projects being performed at Colorado State University. The Commission expressed its appreciation to each of them for their insights and informative presentations and commended the excellence of the world-renowned faculty and veterinary programs at Colorado State University.

Adjournment

There being no further business to consider, a motion was made by Commissioner Beirne, seconded by Commissioner Hoffman and unanimously carried to adjourn the regularly scheduled meeting of the Colorado Racing Commission at 10:50 a.m.

Next Regularly Scheduled Meeting

The next regularly scheduled meeting of the Colorado Racing Commission will be held on **Tuesday, May 8, 2018** in the Red Rocks Park Conference Room inside of Suite 300 at 1707 Cole Boulevard, Lakewood, Colorado.

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

RECORD OF PROCEEDINGS

The regularly scheduled meeting of the Colorado Racing Commission was held on Tuesday, May 8, 2018 in the Red Rocks Park Conference Room in Suite 300, 1707 Cole Boulevard, Lakewood, Colorado. Chairwoman Pam Inmann called the meeting to order at 9:30 a.m.

Members Present

April 10, 2018

VM.

COLORADO RACING COMMISSION MEETING

Please sign and pass on. Thank you.

Bill Powers	MARE
KA Seymour	MARE
Chad	DORE
Ed Lamb	DORE
Coy A. Amund	EBG
Flu Out Flavin Quarters	EBG
Ashley Leary	DORE
Ed Huip	DORE
Kaene Goodrich	CSU
Chris Kawcak	CSU
Shu DTA	CHA
SA DTA	CHA

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 \$35,000 from the Greyhound Welfare and Adoption Fund:

- To Colorado Greyhound Adoption: \$ 8,235.00
- To Friends of Retired Greyhounds: \$ 6,827.00
- To Greyhound Connection: \$16,796.00
- To Rocky Mountain Greyhound Adoption, Inc.: \$ 3,142.00

TOTAL \$35,000.00

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.

In response to Chairwoman Inmann's query, Mr. Hartman explained that the subject organizations provide adoption and foster care services for greyhounds bred in-state and those that are brought in from other states across the country. He noted that, despite the prohibition on greyhound racing in Colorado, greyhounds are commonly bred in Colorado and sent to race elsewhere and brought back into the state after their racing careers have ended. Additionally, Mr. Hartman commented that, because of the popularity of the breed, it is readily adoptable. Further, he stated that the Division of Racing Events collaborates with the Department of Agriculture to ensure that proper oversight of the care and handling of greyhounds, either in-state or being brought into the state, is maintained.

After ascertaining that there were no further comments to be made, a motion was made by Commissioner Beirne, seconded by Commissioner Scott and unanimously carried to release \$8,235.00 to Colorado Greyhound Adoption; \$6,827.00 to Friends of Retired Greyhounds; \$16,796.00 to Greyhound Connection; and \$3,142.00 to Rocky Mountain Greyhound Adoption, Inc., which totals approximately \$35,000.00, 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.

Acknowledgment of Presence of Former Commission Member Charles Vail, DVM

Commission Chairwoman Inmann recognized the presence of former Commission Member Charles Vail, DVM.

Consideration of 2018 Renewal Application – Arapahoe Park's Live Race Meet

Mr. Ed Kulp, Agent-in-Charge for the Division of Racing Events, presented the report regarding Arapahoe Park's 2018 renewal application. Mr. Bruce Seymore, Executive Director of Colorado Operations for Mile High Racing and Entertainment, and Mr. Bill Powers, serving in the capacities of Plant Manager, Director of Racing and Racing Secretary, appeared on behalf of the Racing Association.

Mr. Kulp stated that, on March 30, 2018, the Division of Racing Events received a Class B Horse Racing renewal license application for the 2018 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. Kulp reported that he and former Agent-in-Charge Mark Brown 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. Kulp stated that any inspections required by regulation or statute have already been conducted or are in the process of being scheduled.

Mr. Kulp advised that Arapahoe Park intends to conduct a thirty-nine (39) day live race meet beginning on Saturday, May 26, 2018 and concluding on Sunday, August 12, 2018, with live performances to be offered on Saturday, Sunday and Monday throughout the season with racing to be included on four (4) Fridays during the meet. 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. Kulp observed that Arapahoe Park is proposing 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 ten (10) in-state simulcast facilities, including one new facility, the Mirage Sports Bar located in the suburban metropolitan Denver area, as well as to numerous out-of-state venues. Additionally, the Commission took notice that Division representatives had inspected and approved each of the in-state simulcast facilities listed on the renewal application. It was noted that certain 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. 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 and 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 had been provided to the Division.

Mr. Kulp 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 Ms. Katie Scott would serve as the Placing Judge and Mr. Gary Riggs, the Director of Security, would also hold the position of Stable Superintendent. Additionally, Mr. George Chittivej will once again hold the position of Money Room Manager. Further notice was taken that Rural Metro Ambulance Service, along with the Arapahoe County Sheriff, will ensure the presence of certified Emergency Medical Technicians and will provide first aid assistance whenever needed. Mr. Kulp also observed that Mr. Hank Demoney 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 2018 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.

Mr. Seymore and Mr. Powers attested to their confidence in the success of the upcoming meet. Mr. Powers apprised the Commission that a substantial number of horses are already stabled on the grounds and that a large volume of stall applications have been received.

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 July 1, 2018, 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 2018 race meet. Mr. Kulp 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. Kulp informed the Commission that Arapahoe Park had complied with all recommendations and conditions for relicensure included in the 2017 Arapahoe Park End of Meet Report.

Mr. Seymore reported that, during the off-season, a substantial investment had been made to making numerous upgrades and repairs at Arapahoe Park as well as to the purchase of equipment to be used there. He reiterated that Twin Rivers, Arapahoe Park's parent company, is very supportive of continuing Arapahoe Park's live operations.

Notice was taken that the following requirements would remain in effect during the 2018 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 on January 4, 2018. The racing surface must be consistently prepared and maintained throughout the meet.
- The track scale was recalibrated and certified. It will be placed outside.

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, Gary Riggs, 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. Kulp stated that the application of Racing Associates of Colorado, Ltd. (Arapahoe Park) 2018 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 July 1, 2018 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 Beirne, seconded by Commissioner Scott and unanimously carried to approve Arapahoe Park's 2018 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 26, 2018 through the closing day of the meet, which is August 12, 2018, for an envelope of thirty-nine days. The following racing schedule was requested by the Association and approved by the Commission: Saturday, Sunday and Monday (including the Memorial Day observance on May 28, 2018) with Four (4) Fridays and at least nine (9)-race matinee performances per day. 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 July 1, 2018. 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 days (5) 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 2018 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 2018/2019 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 2018 Arapahoe Park race meet.
17. That the Stable Superintendent shall make every effort to ensure that all horses entering the grounds at Arapahoe Park 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 January 4, 2018.
25. Notice was also taken that the track scale has been recalibrated, certified and will be placed outside.
26. In accordance with the Commission's directive, a telephone was installed next to the track to assist with communication to the office of the Board of Stewards regarding complaints or disputes.
27. 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 2018 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 2018.

BY ORDER OF THE COLORADO RACING COMMISSION

s/_____

Dan Hartman, Director, Division of Racing Events

Comments by Mr. Bruce Seymore Regarding the Status of the Horse Racing Industry

Mr. Bruce Seymore, Executive Director of Colorado Operations for Mile High Racing and Entertainment, observed that a research study completed by the American Horse Council in 2017 had determined that there was much about which to be optimistic regarding the current economic condition of and prospects for survival of the horse racing industry. The Commission thanked Mr. Seymore for his comments.

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 2018 live racing season. He advised that only slight modifications to certain estimated withdrawal time frames had 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 2018 Model Rules Committee Meeting. Mr. Hartman recommended that the Commission

adopt 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 2018 live racing season at Arapahoe Park.

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 Beirne, seconded by Commissioner Scott and unanimously carried to approve the proposed Estimated Therapeutic Medication Withdrawal Times for 2018 and the ARCI Environmental, Endogenous, Dietary, or Substances Schedule and to direct that this document be distributed to all racing participants at Arapahoe Park.

Announcement Regarding Dr. Charles Vail’s Assistance with Development of Penalty Scale for Medication Usage Violations – Dan Hartman

Mr. Dan Hartman, Director of the Division of Racing Events, apprised the Commission and attendees that Dr. Charles Vail, DVM, renowned veterinarian and former Racing Commission member, had agreed to assist him with the development of a penalty scale for medication usage violations to be implemented by the Association of Racing Commissioners International (ARCI). Mr. Hartman expressed his appreciation to Dr. Vail for his willingness to undertake this project.

Review of Contents of 2018 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 March 2018 meeting that will become effective on May 15, 2018. Mr. Hartman observed that, other than modifications made to the Colorado Racing Commission Rules, there were no significant changes to the 2018 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 Beirne, seconded by Commissioner Scott and unanimously carried to accept all of the documents, rules and pertinent supplementary material contained in the “2018 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.

Update on 2018 Legislation – Dan Hartman

Mr. Dan Hartman, Director of the Division of Racing Events, reported that two pieces of legislation affecting the Division and the Racing Commission had been adopted and signed into Law by Governor Hickenlooper. One initiative, Senate Bill 18-0172, upheld the ability of the Division of Racing Events to continue to conduct random human drug testing. The second measure, Senate Bill 18-0182, relates to the collection of source market fees and allows the Division Director to assign a percentage of the monthly payment to the Horse Purse Fund.

Adjournment

After determining that there was no further business to consider, the meeting of the Colorado Racing Commission was adjourned at 10:11 a.m.

Next Regularly Scheduled Meeting

The next regularly scheduled meeting of the Colorado Racing Commission will be held on **Tuesday, July 10 (or 17), 2018** at Arapahoe Park Racetrack, 26000 East Quincy Avenue, Aurora, Colorado.

Recognition of Outgoing Commissioner Sean Beirne and Staff Member Sherry Gunnell

Subsequent to adjournment of the regular meeting, Mr. Hartman, fellow Commissioners and meeting attendees acknowledged both Commissioner Sean Beirne and Commission Assistant Sherry Gunnell and thanked them for their efforts.

The undersigned hereby approve the foregoing Minutes.

PAM INMANN, CHAIRWOMAN

(EXCUSED)

TINA ESTES, VICE-CHAIRWOMAN

SEAN BEIRNE, MEMBER

LORI SCOTT, DVM, MEMBER

(EXCUSED)

D. LYNN HOFFMAN, MEMBER

RECORD OF PROCEEDINGS

The regularly scheduled meeting of the Colorado Racing Commission was held on **Tuesday, April 10, 2018 in the Red Rocks Park Conference Room in Suite 300 at 1707 Cole Boulevard, Lakewood, Colorado.** Chairwoman Inmann called the meeting to order at 9:45 a.m.

Members Present

Don Inmann, Chairman

, Mr
VM

COLORADO RACING COMMISSION MEETING - May 8, 2018

Please sign and pass on. Thank you.

Billy Byrnes	ARP
G.L. Bauer	ARP
Bill Powers	ARP
Shannon Rushton	CHA
Tuki Mann	DORE
GREG LAMB	DORE
Jim Dyson	DUM
Robert Monk	DUM
ZACH CERIANI	DRE
ASHLEY LEARY	DORE
Bruce Symore	
Charles Vall, DVM	