

Colorado Racing Commission

February 11, 2020

Meeting Minutes

Call to Order

The regularly scheduled meeting of the Colorado Racing Commission ("Commission") was held on Tuesday, February 11, 2020, in the Red Rocks Conference Room at 1707 Cole Blvd., Suite 300, Lakewood, CO 80401. The meeting was called to order at 9:45 AM.

Members Present

Pam Inmann, Chair
Tina Estes, Vice-Chair (by phone)
Sandra Bowen, Member
Dr. Lynn Hoffman, Member
Lori Scott DVM, Member

Staff Present

Donia Amick, Director of the Division of Racing Events
Ed Kulp, Agent in Charge
Zach Ceriani, Legal Assistant
Bradford Jones, Senior Assistant Attorney General representing the Division of Racing Events
Suzanne Karrer, Communications Manager for Enforcement Division
Janina Rivera, Assistant to Division Director

Also Present

An attendance sheet is attached hereto and incorporated by reference to these minutes.

I. Approval of Minutes of October 8, 2019

Minutes of the October 8, 2019, Colorado Racing Commission meeting were approved.

II. Approval of Minutes of November 6, 2019

Minutes of the November 6, 2019, Colorado Racing Commission meeting were approved.

RULEMAKING HEARING

III. Colorado Racing Commission Rules, CCR 208-1

Mr. Ceriani, presented definition 1 CCR 208-1 regarding "Digital Tattoo". Dr. Scott, asked as to where this "Digital Tattoo" should be placed on the animal. Mr. Ceriani, Legal Assistant, clarified in the rule definition "under the skin of the animal" as defined by TRPB.

No public questions. Dr. Hoffman, Member motioned to approve rule with a second made. Rule passed unanimously.

Mr. Ceriani, presented rule #3.419 regarding "all motor vehicles entering the restricted area at the racetrack must be registered with the Division and must display the Division-issued proof of registration in the upper left corner of the vehicle's windshield".

No public questions. Dr. Hoffman, motioned to approve rule with a second made. Rule passed unanimously.

Mr. Ceriani, presented rule #3.656 regarding "A jockey agent shall not be named by another as a person authorized to enter a horse into a race". Horseman Association executive director Shannon commented this rule will keep the trainers more engaged in their business and that is they are truly the one that is the sole proprietor of the horses' wellbeing and should be his or her responsibility as a trainer to enter that horse and not the jockeys agent.

No public questions. Dr. Hoffman, motioned to approve rule with a second made. Rule passed unanimously.

Mr. Ceriani, presented rule #4.622 regarding "A horse will not be allowed to start unless the horse is identified from its original or duplicate foal certificate and either lip tattooed or digitally tattooed by an official tattooer for the appropriate breed registry.

No public questions. Dr. Hoffman, motioned to approve rule with a second made. Rule passed unanimously.

Mr. Ceriani, presented rule #5.246 regarding "A horse competing in time trials that has posted one of the fifteen (15) fastest times may not be removed from the stable area without written permission from the Board and the Racing Secretary, obtained at least thirty (30) minutes prior to the horse's recorded departure time". If the horse is removed without permission or is removed with permission but without the Board granting continued eligibility, it shall become ineligible, barred from further participation in that races series and any fee paid for entry and/or participation in the time trials and/or races series shall be forfeit. The Board and the Racing Secretary may

decline to grant permission for any reason and may set a date whereby permission shall not be granted, so long as at least fifteen (15) days of notice have been given to the horsemen.

Dr. Scott, had a question regarding in the second sentence “forfeited” should it be “forfeited”. Discussion and agreement to amend the rule language to add “ed” on the third sentence from the bottom, “shall be forfeited” for consistency.

Question by Mr. Seymore with Arapahoe Park asking for clarification on whether the rule specified the number of placing horses to which the rule applied was 14 or 15 horses. Mr. Ceriani clarified that the rule applied to 15.

Dr. Hoffman, motioned to approve rule as amended with a second made. Rule, as amended, passed unanimously.

Mr. Ceriani, presented rule #9.202 regarding “The Colorado Thoroughbred Breeders Association will act as the official registry for Colorado bred thoroughbred horses. The Rocky Mountain Quarter Horse Association will act as the official registry for Colorado bred Quarter horses. The Colorado Appaloosa Racing Association will act as the official registry for Colorado bred appaloosa horses. The Rocky Mountain Paint Racing Club will act as the official registry for Colorado bred paint horse. The Colorado Arabian Breeders Alliance will act as the official registry for Colorado bred Arabian horses.

No public questions. Dr. Hoffman, motioned to approve rule with a second made. Rule passed unanimously.

Bradford Jones, Senior Assistant Attorney (SAAG) representing the Division of Racing Events recommended the Commission formally adopt the six rules that were moved to the adoption group one of which was amended being specially rule# 5.246. Dr. Scott, motioned to approve all six rules with a second made by Ms. Bowen. All Rules passed unanimously.

Conclusion of rulemaking hearing.

IV. Consideration and Approval of Release of Owner/Breeders Awards Funds

Deborah Allen, Business Analyst for the Division of Racing Events, presented the report outlining funds to be distributed to the various breed organizations for calendar year 2019. Dr. Hoffman, questioned why the bank fees were so high. Ms. Allen, responded that’s what they were last year. Dr. Hoffman, asked about Owners’ and Breeders’ Award Fund money that accumulates for breeds that do not have an active Owners’/Breeders’ organization, like Harness and Mule. Mr. Seymore with Arapahoe Park answered by stating that the track may request that Owners’/Breeders’ money for those inactive breeds be released to the track to supplement track purses. However, only funds that have been unclaimed for more than three years are eligible for disbursement.

The following accounting of the Owners'/Breeders' Awards and Supplemental Purse Fund money to be distributed to the various breed organizations is summarized for the calendar year 2019 as follows:

Earned from wagering in 2019	\$885,547.70
Earned from 2018 uncashed tickets	\$236,806.32
Interest in 2019	\$12,539.28
Less: Bank Fees	<u>\$(4,235.00)</u>
TOTAL OWNERS'/BREEDERS' FUNDS	\$1,130,658.30

The proposed distribution values submitted for Commission approval for calendar year 2019 are:

Thoroughbred	\$769,526.64
Quarterhorses	\$162,193.82
Arabian	\$33,430.06
Paint	\$00.00
Appaloosa	\$00.00
Harness	\$30,507.77
Mule	\$00.00
TOTAL	<u>\$995,658.30</u>

The difference between the Total Owner's/Breeders' Awards and the proposed total breed distributions is the result of a \$135,000 advance granted to the Thoroughbred organization to supplement 2019 live race meet purses.

No public questions. Motion to approve the Approval of Release of Owner/Breeders Awards Funds for 2019 made with a second. Release of Owner/Breeders Awards Funds for 2019 passed unanimously.

V. Consideration and Approval of Return of Certain Funds to the Greyhound Adoption Fund

Donia Amick, Director of the Division of Racing Events, presented a memorandum regarding Rocky Mountain Greyhound Adoption ("RMGA") Return of Funds Letter. On August 6, 2019, the division received an application from RMGA for the disbursement of funds from the Colorado Greyhound Welfare and Adoption Fund (the "Fund"). On October 8, 2019, the Commission approved the release of Six Thousand Two Hundred and Fifty Dollars (\$6,250) from the Fund to RMGA.

RMGA was dissolved and is no longer eligible to receive money from the Fund. The money was returned to the Fund and it will be distributed to other greyhound adoption agencies in the future. RMGA is no longer a business entity and no longer has records for the required audit to receive funds as all records and assets were transferred to Friends of Retired Greyhounds.

Motion to approve the Approval of Return of Certain Funds to the Greyhound Adoption Fund made with a second. Approval of Return of Certain Funds to the Greyhound Adoption Fund passed unanimously.

IV. Presentation and Consideration of Commission Ruling 20-01 In the Matter of Licensee Manuel Almanza

AAG Jones, recused himself from this matter as he represented the Division in the matter.

Mr. Ceriani, presented Commission Ruling 20-01 in the matter of Manuel Almanza. He explained that the Ruling is the Commission's official written Final Agency Order.

The Commission voted unanimously to approve Commission Ruling 20-01 in the matter of licensee Manuel Almanza.

OTHER BUSINESS

V. Director's Report

Director Amick, provided staffing changes. Breanne Rodlin moved to the Division of Gaming and will be Dan Hartman's executive assistant. Janina Rivera will be taking over for Breanne. Daisy Franco is our new licensing specialist taking over for Kathleen Apodaca, who retired at the end of December, and will be working with AIC Ed Kulp.

AIC Kulp has started the process for hiring some of the temps over the summer. AIC Kulp and Ms. Franco have worked on Online Validations. This will allow people to register online and to have their validation ready quicker. Notebook computers will be available at the track this season to allow applicants fill out applications online.

The Commission received a letter from the Friends of Retired Grey Hounds thanking the Commission for the \$11,250.00 disbursed to them through the Greyhound Welfare and Adoption Fund program.

As part of the stakeholder outreach efforts, the division Public Information Officer forwarded a survey response submitted by a participant in the rulemaking process commending the division on the rule making process

Adjournment

The February 11, 2020 meeting of the Colorado Racing Commission was adjourned at 11:30 AM.

Minutes Approved by the Commission

Janina Rivera

Janina Rivera, Executive Assistant to the Director

I certify these minutes were approved by the Commission on the 10th day of March, 2020

Colorado Racing Commission

March 10, 2020

Meeting Minutes

Call to Order

The regularly scheduled meeting of the Colorado Racing Commission (“Commission”) was held on Tuesday, March 10, 2020, in the Red Rocks Conference Room at 1707 Cole Blvd., Suite 300, Lakewood, CO 80401. The meeting was called to order at 9:30 AM.

Members Present

Pam Inmann, Chair
Tina Estes, Vice-Chair (byphone) Sandra
Bowen, Member
Dr. David Lynn Hoffman, Member
Lori Scott DVM, Member

Staff Present

Donia Amick, Director of the Division of Racing Events
Ed Kulp, Agent in Charge
Zach Ceriani, Legal Assistant
Bradford Jones, Senior Assistant Attorney General representing the Division of Racing Events
Suzanne Karrer, Communications Manager for Enforcement Division
Janina Rivera, Assistant to Division Director
Keenan Lorenz, Conflicts Counsel Senior Assistant Attorney General

Also Present

An attendance sheet is attached hereto and incorporated by reference to these minutes.

I. Approval of Minutes of February 11, 2020

Minutes of the February 11, 2020, Colorado Racing Commission meeting were approved.

Decision Items

II. Arapahoe Park Updates

Bruce Seymour, Director of Mile High Racing & Entertainment presented the updates which include:

- Well repair complete
- New roof
- Indoor ceiling tiles replaced
- Door repair closure
- Removed feed shed
- New tote board
- 2 new round pens
- New PA system
- New gate
- New tractor
- Horse I.D.
- New sign going in Quincy & Powhaton
- New CHA retired horse program
- Races from the 7 furlong
- Barn tours
- Children's hospital visit 2020
- Blacktop work

No public questions.

III. FastBet

Donia Amick, Director of the Division of Racing Events presented a request to approve FastBet Mobile, a mobile simulcast wagering platform, for use at OTBs. She explained that patrons no longer have to use the stationary kiosks and that the system is geo-fenced meaning as soon as the device leaves the facility it no longer can be used for wagering.

Dr. Hoffman, Member, asked for details regarding mobile betting including where it began and the historical success of the platform.

Sarah Miller, Western Region General Manager for United Tote commented that she did not know where account wagering or FastBet mobile first started, but United Tote has been using this wagering platform for many years and many other jurisdictions use it. She explained that the system is geo-fenced in the sense that a patron must be at the facility and connected to the facility's internal Wi-Fi network to use it. Patrons then may access a website through the network to place their wagers.

No public comments. Sandra Bowen, Member motioned to approve FastBet Mobile as a permitted wagering method with a second made. The motion to approve passed unanimously.

Other Business

V. Director's Report

Director Amick, Director of the Division of Racing Events presented. She expressed her sympathy to the family of John Wayne, Executive Director for the Delaware Racing Commission, who passed away the week prior at a conference in Albuquerque, NM

Director Amick noted that the Federal doping indictment released the day prior has no known Colorado connection. Director Amick noted that the Division will continue to follow the case and make sure there are no Colorado connections.

Shannon Rushton, Colorado Horseracing Association Executive Director, commented there are some high profile trainer names as well as vets, grooms and vet assistants associated with the Federal doping indictment. He noted that the horsemen applaud what has happened because they want cheaters out of the industry. He noted the case is still in the preliminary stages and hopefully they'll catch more.

Dr. Hoffman, Member, asked which tracks were involved. Mr. Rushton responded it was several tracks on the east coast.

Director Amick noted that the Division will be moving to a new location with a new mailing address in the near future.

Director Amick also noted that Get Response is a way for the public to receive emails from the Division on current and future events. She requested if members of the public have an email address, they go to the Division website and signup to receive the mailing.

Director Amick requested that validations be done early this year, via the website, and that vehicle registrations could also be completed online.

IV. Decision Items

Division of Racing Events Petition for Declaratory Order to Terminate Controversy

Keenan Lorenz, Senior Assistant Attorney General Conflicts Counsel for the Colorado Racing Commission, requested that AAG Jones or Director Amick give a brief overview of the petition and explanation and then opened to the floor for public comments. Mr. Lorenz noted that the Commission has the privilege to go into executive session to ask him legal questions related to the petition and encouraged the commission to do so, but after everyone had a chance to speak. He further noted that while in executive session, everybody would have to leave the room, but that no action may be taken until the commission was back in public session.

Bradford Jones, Senior Assistant Attorney General representing the Division of Racing Events presented for the Division.

Mr. Jones (Division counsel) explained that the Petition for Declaratory Order to Terminate Controversy filed by the Division of Racing Events is not intended as a formal hearing but rather as a decision item. He explained that the division is bringing this declaratory action to address an application submitted by Mr. Shannon Rushton who is currently the executive director of the Colorado Horseracing Association (“CHA”) which raised concerns over potential and actual conflicts of interest. The question is whether a dual role as a racing secretary conflicts with his current position as the executive director of the CHA. On behalf of the Division, Mr. Jones requested that the commission consider whether this is a conflict of interest; and, if so, to determine whether it is reconcilable and how it is reconcilable to address and make sure that the best interest of the racing industry is being met.

Director Amick added that the division has received emails, phone calls and also spoken to people in-person who are opposed to Mr. Rushton holding both roles. Director Amick explained many of those people, if not all of them, wish to remain anonymous.

No comments from commissioners.

Mr. Lorenz (conflicts counsel), asked Mr. Jones how the CHA component plays into the issues? Is it the division’s belief that there is a potential conflict when any racing secretary is also licensed as a horseman’s representative or is it the fact that this particular horseman’s representative also works for CHA or is the executive director at CHA?

Mr. Jones responded that there are a lot of different relations that raise concerns.

Mr. Lorenz (conflicts counsel) asked how broad or narrow this can get? Is the division arguing that any horseman’s representative cannot be a racing official?

Mr. Jones responded yes.

No other questions.

Bruce Seymour, Director of Mile High Racing & Entertainment, presented Arapahoe Park’s position on this matter. Specifically, Mr. Seymore responded to some of the issues presented by the division. Mr. Seymore explained that the purpose of the CHA is to represent all people racing at Arapahoe Park and to stabilize certain aspects of the racing industry. As an exclusive

representative at the racetrack, the CHA have 500 members and they appointed people on the CHA board by an election. He noted the CHA is also a HPPA affiliate, similar to other racetracks in America. Mr. Seymore advocated that Mr. Rushton is the most knowledgeable and in-touch person in matters pertaining to the backside of Arapahoe Park. He stated the experience would make Mr. Rushton the best person for the Racing Secretary position at Arapahoe Park.

Mr. Seymore indicated he had brought several prominent horsemen to the meeting to speak in favor of Mr. Rushton acting as Racing Secretary, including F.A. "Hecky" Heckendorf, president of the Colorado Thoroughbred Association; Kent Bamford, CHA president; Matt Herrman, president of the Rocky Mountain Quarter Horseracing Association; Reed Jenkins, Senior horseman at the track; Kerry Kemper, Chairman of the Condition Book committee. Mr. Seymore asked that they indicate whether they are in favor of Mr. Rushton acting as Racing Secretary to which all raised their hands in favor.

Pam Inmann, Chair, called for questions from the Commission.

No questions.

Shannon Rushton, Colorado Horseracing Association Executive Director commented that Mr. Seymour approached the CHA regarding the possibility of Mr. Rushton serving in the Racing Secretary position at Arapahoe Park. Mr. Rushton said they discussed it amongst the CHA board and the CHA Board members voted unanimously for him to fulfill this position.

Pam Inmann, Commission Chair, asked whether Arabians would run this year. Shannon Ruston commented yes. Mr. Inmann asked if there any Arabian representative on your committee? Mr. Rushton answered no, because they do not know who was going to show up at the meet.

Pam Inmann, Chair asked if the CHA Condition Book Committee is going to be meeting at a consistent time throughout the scheduled race meet at Arapahoe Park? Kerry Kemper, CHA member and Horseman's chairman for the CHA's Condition Book Committee, answered yes they are going to meet regularly.

Kent Bamford, President of Colorado Horseracing Association, spoke in favor of Mr. Rushton as the racing secretary.

Tina Estes, Member, asked if the new software was purchased by the CHA. Kent Bamford, President of Colorado Horseracing Association, responded yes.

Reed Jenkins, Colorado Horseracing Association member, spoke in favor of Shannon Rushton as the racing secretary.

Matt Herman, Vice president of Rocky Mountain Quarter Horse Association and CHA board member, spoke in favor of Shannon Rushton as the racing secretary.

F.A. "Hecky" Heckendorf, President of the Colorado Thoroughbred Breeders Association, spoke

in favor of Shannon Rushton as the racing secretary.

Howie Chavers, Board member of the Rocky Mountain Quarter Horse Association, spoke in opposition to Mr. Rushton as the racing secretary.

Terry Vondy, President of Rocky Mountain Quarter Horse Association, asked who was going to write the late extra. , referring to a race that is written ad hoc for replacing or adding a race to the daily race card. Mr. Rushton answered that he will call the CHA Condition Book Committee.

Tina Estes, Member, asked Mr. Vondy if he ran any horses last year or the year before? Mr. Vondy said he did not.

Jim Weimer, Colorado Horseracing Association member, spoke about the duties of explained his duties.

BREAK

MEETING BACK TO ORDER

Dr. Hoffmann, Member, motioned to enter into executive session with a second made.

Motion passed unanimously and the commission moved into executive session.

ENTERED INTO EXECUTIVE SESSION 11:50 am

OUT OF EXECUTIVE SESSION 3:21 pm

Pam Inmann, Chair, commented that the Commission had many concerns but came to a decision and presented a Declaratory Order

Dr. Hoffman, Member, motioned to approve the Declaratory Order

Mr. Jones (Division counsel) noted that the Order should be subject to Mr. Rushton passing the division's standard background investigation process.

Pam Inmann, Chairman, accepted Mr. Jones' comment and called a vote to approve, with the addition presented by Mr. Jones.

Order passed unanimously

Dr. Scott, Member, explained some details of the Order. She noted that the commission would like a job description to detail Mr. Rushton's duties, division monitoring of every Conditions Book Committee meeting, an update from the track made at the Racing Commission's July meeting and a request that an attempt be made to query all CHA members about their opinion on Mr. Rushton as racing secretary.

Kent Bamford noted that contact of members was by address only and asked if there was a way for him to receive a list of all email addresses from the Division.

Director Amick noted that the Division requests licensee email addresses on all applications and will look into whether the division may provide them to the CHA.

Mr. Rushton asked who the division oversight representative will be with respect to the Conditions Book Committee, to which Director Amick responded either she or AIC Kulp would be available.

Pam Inmann, Chairman Motion to adjourn

Motion made by Dr. Hoffmann, second made.

Adjourned

Adjournment

The March 10, 2020 meeting of the Colorado Racing Commission was adjourned at 4:30pm.

Minutes Approved by the Commission

Janina Rivera

Janina Rivera, Executive Assistant to the Director

I certify these minutes were approved by the Commission on the 14th day of April, 2020

Colorado Racing Commission

April 14, 2020
Meeting Minutes

Call to Order

The regularly scheduled meeting of the Colorado Racing Commission (“Commission”) was held on Tuesday, April 14, 2020 via video conference provided by Cisco Webex. The meeting was called to order at 9:35 AM.

Members Present

Pam Inmann, Chairwoman
Tina Estes, Vice-Chairwoman (by phone)
Sandra Bowen, Member
David Lynn Hoffman, Member
Lori Scott, DVM, Member

Staff Present

Donia Amick, Director of the Division of Racing Events
Ed Kulp, Agent in Charge
Zach Ceriani, Legal Assistant
Debbie Allen, Business Analyst for the Division of Racing Events
Bradford Jones, Senior Assistant Attorney General representing the Division of Racing Events
Suzanne Karrer, Communications Manager for Enforcement Division
Janina Rivera, Executive Assistant to Division Director

Also Present

An attendance sheet is attached hereto and incorporated by reference to these minutes.

I. Approval of Minutes of March 10, 2020

Minutes of the March 10, 2020, Colorado Racing Commission meeting were approved.

Decision Items

II. Consideration of request for early distribution of portion of Owners/Breeders Awards Funds and Supplemental Purse Fund Monies

Debbie Allen, Business Analyst for the Division of Racing Events, presented the request for early distribution of a portion of Owners/Breeders Awards Funds and Supplemental Purse Fund Monies in the amount of \$135,000.00 from the Colorado Thoroughbred Breeders Association to supplement the Colorado–Bred stakes program at the 2020 Arapahoe Park Race meet.

No public comments. Dr. Hoffman, Member, motioned to approve the request for early distribution of portion of Owners/Breeders Awards Funds and Supplemental Purse Fund Monies, with a second made by Sandra Bowen, Member. Approval passed unanimously.

III. Consideration of application for release of monies from the Greyhound Adoption Fund

Debbie Allen, Business Analyst for the Division of Racing Events, presented the three following requests and amounts:

<u>Agency</u>	<u># of Dogs Placed</u>	<u>Award</u>
Colorado Greyhound Adoption	79	\$ 16,929.00
Friends of Retired Greyhounds	40	8,571.00
Greyhound Connection	21	4,500.00
TOTAL	140	\$30,000.00

Award Amount for the period = Approx. \$214.28 / greyhound placed

No public comments. Sandra Bowen, Member, motioned to approve the application for release of monies from the Greyhound Adoption Fund, with a second made by Dr. Hoffman. Approval passed unanimously.

IV. Consideration of approval of 2020/21 simulcast schedule for Arapahoe Park

Donia Amick, Director of the Division of Racing Events, presented the request received from Gil Romero, Director of Mutuels, OTB's & Simulcast Coordinator, with Mile High Racing & Entertainment Arapahoe Park for approval of the 2020/21 simulcast schedule for Arapahoe Park. This includes sending/receiving of interstate wagers and simulcast signals from:

- All racetracks representing the US and Canada
- All racetracks in the International Jurisdiction
- All affiliated OTB's
- Nevada pari-mutual books

No public comments. Tina Estes, Member, motioned to approve of the proposed 2021/21 simulcast schedule for Arapahoe Park, with a second made by Dr. Hoffman. Approval passed unanimously.

Discussion Item

V. Director's Report

Donia Amick, Director of the Division of Racing Events discussed this virtual meeting and all future commission meetings, requested a poll regarding full name and organization affiliated with, and mentioned the Governor's "stay at home order" lasting until April 26th. If the Governor extends this order it will affect the track. A statute requires 30 live races which, if order is extended may prove difficult. 100% of Division staff is working from home. Any licensing applications can still be dropped off at the division office. Validations and registrations are being completed online. All applications can be downloaded and submitted online. Division only receiving mail two days a week.

Pam Inman, Chairwoman asked if there was any legislation to be discussed. Donia Amick, Director of Racing Events responded we do not have any pending legislation and the legislature is currently on break.

Pam Imann, Chairwoman asked if the division planned on submitting anything when the legislature resumes its session.

Ms. Amick responded the division will be working with the legislative liaison, Executive Director's office and Governor's office to see if anything should be submitted to help the Division of Racing Events and/or the track.

No public comments.

Pam Inmann, Chairman called to end meeting.

Adjourned.

Adjournment

The April 14, 2020 meeting of the Colorado Racing Commission was adjourned at 10:07 a.m.

Minutes Approved by the Commission

Janina Rivera

Janina Rivera, Executive Assistant to the Director

I certify these minutes were approved by the Commission on the 12th day of May, 2020

Colorado Racing Commission
May 12, 2020
Meeting Minutes

Call to Order

The regularly scheduled meeting of the Colorado Racing Commission (“Commission”) was held on Tuesday, May 12, 2020, via video conference provided by Cisco WebEx. The meeting was called to order at approximately 9:30am

Members Present

Pam Inmann, Chair
Tina Estes, Vice-Chair
Sandra Bowen, Member
David Lynn Hoffman, Member
Lori Scott DVM, Member

Staff Present

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

I. Approval of Minutes

The April minutes were discussed with one item change, Page 2 middle of the paragraph changed “30 live races” to “30 days of live races.” Commissioner Bowen moved to approve, Commissioner Hoffman seconded the motion, and the motion passed unanimously.

II. Consideration of 2020 renewal application

The renewal application for Arapahoe Park was considered. Race days will be on Monday, Tuesday and Wednesday. Commissioner Hoffman moved to approve, Commissioner Bowen seconded the motion, and the motion passed unanimously.

III. Consideration of Contents of Horsemen’s Information Packet

The horsemen’s information packet was considered and discussed, Commissioner Scott moved to approve except for the page containing vaccination information. Director Amick will follow up with the Department of Agriculture for further information. Once clarified, the vaccination information will be disseminated., Commissioner Bowen seconded the motion to approve the horsemen’s information packet as amended, and the motion passed unanimously.

IV. Envelope of Dates 2020 Racing Season

The envelope of dates, originally approved to start May 23, 2020 was modified and to June 6, 2020 due to the complications caused by the COVID-19 pandemic. Commissioner Hoffman moved to approve the envelope of dates for the CO 2020 Racing Season from June 6th to September 6th, Commissioner Scott seconded, and the motion passed unanimously.

The May 12, 2020 meeting of the Colorado Racing Commission was adjourned at approximately 10:00 am.

Minutes Approved by the Commission

Janina Rivera

Janina Rivera, Executive Assistant to the Director

I certify these minutes were approved by the Commission on the 10th day of November, 2020

Colorado Racing Commission
June 4, 2020
Emergency Meeting Minutes

Call to Order

The emergency meeting of the Colorado Racing Commission (“Commission”) was held on Thursday, June 4, 2020 via video conference provided by Webex. The meeting was called to order at 9:40 AM.

Members Present

Pam Inmann, Chairwoman
Tina Estes, Vice-Chairwoman
Sandra Bowen, Member
David Lynn Hoffman, Member

Staff Present

Donia Amick, Director of the Division of Racing Events
Zach Ceriani, Legal Assistant
Bradford Jones, Senior Assistant Attorney General representing the Division of Racing Events
Suzanne Karrer, Communications Manager for Enforcement Division

Decision Items:

1. Consideration of citation schedule for 2020 racing season

Pam Inmann, Chairwoman, call for motion to open the hearing to consider the proposed new emergency rules under 1 CCR 208-1. Motion made by Dr. Lynn Hoffman, member, with a second from Sandra Bowen, member. Motion passed unanimously.

Donia Amick, Director for the Colorado Racing Events, presented the reason for this meeting is to follow executive orders and public health orders. Rules will be in effect for 120 days if and after they are passed.

Bradford Jones, (AAG), advised members regarding section 24-4-103 (6)(a), C.R.S. regarding emergency rules

Donia Amick, Director for the Colorado Racing Events presented rules:

2020-1 – Facial covers by all division of racing staff and Mile high racing

No comments from members.

2020-2 - All persons on racetrack grounds shall maintain a distance of six (6) feet from any other person at all times.

This rule shall not apply to:

- Veterinarians, veterinary staff and licensees while directly engaged in race-day medication administration, biological sample collection, routine veterinary care and race-day examinations;
- Jockeys, trainers, poniers and other licensees directly engaged in reporting to the paddock, saddling, mounting and parade.
- Starting gate crew and other licensees directly engaged in loading and managing the starting gate prior to the start of the race;
- Stewards and race officials directly engaged in official duties during a race performance;
- Persons directly engaged in business transactions where breaching the six-foot buffer is unavoidable to complete the transaction, such as exchanging documents or taking physical control of a horse, but not for actions that are avoidable, such as shaking hands.
- Two or more persons who live in the same household.

No questions from members.

2020-3 – Gatherings of more than 10 people are prohibited.

No questions from members.

2020-4 – No person is permitted to remain overnight in any restricted area.

Pam Inmann, Chairwoman questioned Donia Amick, Director for the Colorado Racing Events, if a sick horse is present is this ok?

Donia Amick, Director for the Colorado Racing Events, responded yes this is ok. The rule states “anyone that has a nonmedical emergency”. Anyone with an emergency will be able to stay overnight.

No further questions from members.

2020-5 – All persons must leave the backside area within a reasonable time after work, training or care duties have been completed.

No questions from members.

2020-6 – No guests, other than those directly engaged in business activities, are permitted on the backside.

Pam Inmann, Chairwoman questioned if tours would still take place on the backside

Donia Amick, Director for the Colorado Racing Events responded no, because there will be no guests and no patrons at the track

Dr. Lynn Hoffman, member, asked if a marketing individual would be able to access the backside of the track.

Donia Amick, Director for the Colorado Racing Events, responded as long as its business related that is ok.

Dr. Lynn Hoffman, member, asked if commissioners can go out and watch.

Donia Amick, Director for the Colorado Racing Events, responded yes, commissioners are allowed at the track due to your position on the commission.

Dr. Lynn Hoffman, member, asked if groups of people can attend the track

Donia Amick, Director for the Colorado Racing Events, responded no, this will not be allowed this year.

No further questions from members.

2020-7 – Only one Trainer or Trainer’s representative may accompany a horse inside the test barn.

No questions from members.

Pam Inmann, Chairwoman, asked if any public comments or concerns regarding the 7 rules presented.

No questions or concerns from public

Pam Inmann, Chairwoman, called for motion to close the public comment phase of the hearing to consider proposed new emergency rules under 1 CCR 208-1. Tina Estes, member, made the motion to close the public comment phase of the hearing, second made by Sandra Bowen, member. Motion passed unanimously.

Pam Inmann, Chairwoman, stated will now be in the deliberation phase of this emergency meeting and asked from commissions if they had any comments before deliberation begins.

No comments from members.

Pam Inmann, Chairwoman, call for motion of emergency racing commission rule ER 2020-1. Dr. Lynn Hoffman motioned with a second from Sandra Bowen, member. Motion passed unanimously.

Pam Inmann, Chairwoman, call for motion of emergency racing commission rule ER 2020-2. Dr. Lynn Hoffman motioned with a second from Tina Estes, member. Motion passed unanimously.

Pam Inmann, Chairwoman, call for motion of emergency racing commission rule ER 2020-3. Dr. Lynn Hoffman motioned with a second from Tina Estes, member. Motion passed unanimously.

Pam Inmann, Chairwoman, call for motion of emergency racing commission rule ER 2020-4. Dr. Lynn Hoffman motioned with a second from Tina Estes, member. Motion passed unanimously.

Pam Inmann, Chairwoman, call for motion of emergency racing commission rule ER 2020-5. Sandra Bowen motioned with a second from Dr. Lynn Hoffman, member. Motion passed unanimously.

Pam Inmann, Chairwoman, call for motion of emergency racing commission rule ER 2020-6. Sandra Bowen motioned with a second from Dr. Lynn Hoffman, member. Motion passed unanimously.

Pam Inmann, Chairwoman, call for motion of emergency racing commission rule ER 2020-7. Sandra Bowen motioned with a second from Dr. Lynn Hoffman, member. Motion passed unanimously.

Pam Inmann, Chairwoman, call for motion to authorize her, Chairwoman Inmann, to sign the statement of emergency justification and adoption concerning the 7 emergency Racing Commission rules with the typo fixed.

Bradford Jones (AAG), stated the typo is to add “Adopts” on the third page.

Pam Inmann, Chairwoman, asked commissioners and public if they had a comments or questions.

No comments or questions.

Pam Inmann, Chairwoman, called for a motion to adopt the state of emergency justification and adoption. Dr. Lynn Hoffman, member, motioned with a second from Sandra Bowen, member.

Motion passed unanimously.

Pam Inmann, Chairwoman, called for a motion to close hearing. Tina Estes, member, motioned with a second from Dr. Lynn Hoffman, member.

Motion passed unanimously.

Pam Inmann, Chairman, announced the hearing was closed

Donia Amick, Director for the Colorado Racing Events presented the citation schedule that pertains to the rules. No addition changes other than the 7 new rules just adopted. Citation schedule is as follows:

Failure to wear face covering or wearing unapproved face covering	ER 2020-1	\$100	\$200	\$400
Failure to maintain social distancing requirements	ER 2020-2	\$100	\$200	\$400
Gathering of more than 10 people	ER 2020-3	\$100	\$200	\$400
Failure to leave backside within reasonable time	ER 2020-5	\$100	\$200	\$400
Guest on backside not directly engaged in business activity	ER 2020-6	\$100	\$200	\$400

Pam Inmann, Chairman, asked if masks are going to be available and or distributed to the backside people.

Donia Amick, Director for the Colorado Racing Events, responded, yes, Bruce Seymore, executive director of Mile High Racing & Entertainment has purchased masks.

Dr. Lynn Hoffman, member motioned to accept citation schedule to the emergency rules with a second from Tina Estes, member.

Motion passed unanimously.

Pam Inmann, Chairman adjourned meeting

Adjourned

Adjournment

The June 4, 2020 meeting of the Colorado Racing Commission was adjourned at 10:30 a.m.

Minutes Approved by the Commission

Janina Rivera

Janina Rivera, Executive Assistant to the Director

I certify these minutes were approved by the Commission on the 13th day of October, 2020

Colorado Racing Commission
August 11, 2020
Meeting Minutes

Call to Order

The regularly scheduled meeting of the Colorado Racing Commission (“Commission”) was held on Tuesday, August 11, 2020, via video conference provided by Zoom. The meeting was called to order at 9:32 AM.

Members Present

Pam Inmann, Chair
Tina Estes, Vice-Chair
Sandra Bowen, Member
David Lynn Hoffman, Member
Lori Scott DVM, Member

Staff Present

Donia Amick, Director of the Division of Racing Events
Ed Kulp, Agent in Charge
Zach Ceriani, Legal Assistant
Bradford Jones, Senior Assistant Attorney General representing the Division of Racing Events
Suzanne Karrer, Communications Manager for Enforcement Division
Janina Rivera, Executive Assistant to Division Director

I. Approval of Minutes of May 12, 2020

Pam Inmann, Chair requested a motion be made to move the approval of the May 12, 2020 minutes to our next commission meeting.

Tina Estes, member motioned to move the approval of the May 12, 2020 minutes to our next commission meeting. Dr. Lori Scott, member seconded the motion. The motion passed unanimous.

Discussion Item

II. Election of Officers

Bradford Jones (AAG) requested nominations for Chair and Vice Chair for the fiscal years 2020 and 2021. Dr. Lynn Hoffman, member, nominated Pam Inmann for Chair. Pam Inmann, Chair, nominated Dr. Hoffman for Vice-Chair.

There were no questions or concerns from other members. Bradford Jones (AAG) called for a vote to approve Pam Inmann as Chair and Dr. Lynn Hoffman as Vice-Chair for fiscal years 2020 and 2021. Approval passed unanimously.

III. Status Report – Arapahoe Park’s 2029 live race meet

Ed Kulp, Division of Racing Events AIC, discussed the racing season after 31 days of racing. He noted the following: Citations have been issued for violations regarding emergency rules. The Division hired a second compliance investigator, Kelly Haralson. Ashley Leary has given her resignation, and her last day with the Division will be on 8/19/20. Donia Amick, Director of Racing Events, mentioned that the Division was successful in handling COVID-19 issues and dealing with masks, social distancing. She focused on how quickly the meet started and the lessons learned.

Dr. Lynn Hoffman, member, asked about horse injuries.

Ed Kulp, Division of Racing Events AIC, discussed seven (7) horse breakdowns, six (6) on track or training and one (1) horse colic in the back, noting the numbers were comparable to last year. Mr. Kulp also mentioned the number of horses running this year is higher than last year.

Dr. Lynn Hoffman, member, asked about the occurrence of significant violations.

Ed Kulp, Division of Racing Events AIC, said there were violations for not wearing a mask and did not note any other significant violations.

There were no other questions or comments from members.

IV. Status Report and Updates on Racing Secretary

Bruce Seymore, Director of Mile High Racing & Entertainment, gave the following handle information in comparison to 2019:

- the handle window on-site was down \$900,059
- in-state handle was down over a million dollars
- out-of-state handle was up three million dollars
- Average handle from 2020 vs. 2019 is up \$200,173,113.48
- The track only gets 3% of the TVG agreement.

Mr. Seymore detailed the following: 227 races, 2,427 entries, 1,800 started, nine(9) Arabian races, 52 Quarter horse races, 166 Thoroughbred races, averaging eight horses per start, which is a significant increase from last year.

Mr. Seymore also noted he has 1,056 horse papers in the racing office, of which:

- 69 are Arabians
- 283 are quarter horse

Arapahoe Park has secured enough purse money to cover the rest of the season but they have payables of \$200,000,000.

Two OTBs will open on September 1, 2020, for the Kentucky Derby.

Mr. Kulp has been to the conditions book committee meetings and Shannon Rushton, Racing Secretary, did not write any races.

Adjustments had to be made on purses resulting in seven(7) races a day, making a 10% cut across the board, and eliminating money in stake races to help the overnight racers.

Mr. Seymore anticipates going back to eight (8) races the last week of the meet.

The horsemen have been incredibly cooperative with the protocols set up.

Pam Inmann, Chair, asked if any horseman were available to talk. Donia Amick, Director of Racing Events, answered none are available at the meeting, and she will reach out to Colorado Horsemen's Association to ensure members would be available at the next meeting.

Pam Inmann, Chair, asked if there were any other questions or concerns. There were no comments or questions from members.

V. Director's Report

Donia Amick, Director of Racing Events, discussed the 2021 Race Dates. The Division received a memo from Arapahoe Park requesting 39 race days, expanding to a 13 week period, with nine(9) races per card, taking place May 2021 through August 2021. Arapahoe Park will submit race dates at a later time.

Dr. Lynn Hoffmann, member, made a motion made to approve 2021 race days. A second made Sandy Bowman, member, seconded and the motion passed unanimously.

Pam Inmann, Chair called an to end meeting.

The meeting was adjourned at 10:01AM.

Adjournment

The August 11, 2020 meeting of the Colorado Racing Commission was adjourned at 10:01 AM.

Minutes Approved by the Commission

Janina Rivera

Janina Rivera, Executive Assistant to the Director

I certify these minutes were approved by the Commission on the 10th day of November, 2020

Colorado Racing Commission
October 13, 2020
Meeting Minutes

Call to Order

The regularly scheduled meeting of the Colorado Racing Commission (“Commission”) was held on Tuesday, October 13, 2020 via video conference provided by Zoom. The meeting was called to order at 9:32 AM.

Members Present

Pam Inmann, Chair
Dr. David Lynn Hoffman, Vice-Chair
Sandra Bowen, Member
Tina Estes, Member
Lori Scott DVM, Member

Staff Present

Donia Amick, Director of the Division of Racing Events
Ed Kulp, Agent in Charge
Zach Ceriani, Legal Assistant
Bradford Jones, Senior Assistant Attorney General representing the Division of Racing Events
Suzanne Karrer, Communications Manager for Enforcement Division
Janina Rivera, Executive Assistant to Division Director

I. Comments on Minutes for May 12, 2020

Director Amick noted the May minutes will be presented at the next Commission meeting.

II. Approval of Minutes for June 2020

Minutes for the June 4, 2020, Colorado Racing Commission meeting were approved.

III. Approval of Minutes for August 2020

Several corrections were requested for the August minutes thus they will be tabled until the next Commission meeting.

DISCUSSION ITEMS

IV. Racing Secretary Report

Bruce Seymore, Director of Mile High Racing & Entertainment, provided the Racing Secretary Report to the Racing Commission, starting with the numbers of entries for the 2020 season.

Quarter Horses were 552, Thoroughbreds were 1,691 and Arabian's were 11. There were a total of 2,000 horses entered in 227 races. There were 2,427 entries and 227 races. There were 36 racing days and three races with no statistics. One race was canceled due to a well going down and another was canceled due to a power outage. One day Quarter Horses ran off the card. The track had eight plus starters per race this year compared to seven in 2019. The track had 8.15 starters per race this year which was one of the highest in the nation.

The average handle for 2020 per race for Quarter Horses was \$16,000, Thoroughbreds was \$34,000, Arabian's was \$16,000 and Mixed races was \$19,000.

On the business side, accounts payable totaled approximately \$1.8 million, purses totaled approximately \$500,000, and animal welfare fund totaled approximately \$143,000.

A survey was conducted on Shannon Ruston as the racing secretary by the Colorado Horsemen Association. 78 trainers took the survey asking if they were satisfied with the job Shannon Ruston is currently doing. Out of the 78, only three said no they were not satisfied with the job he was doing.

V. End of Meet Report

Ed Kulp, Division of Racing Events AIC, presented the end of the meet report for 2020, with a few comments made by Director Donia Amick. He commented about Shannon Ruston as the Racing Secretary, stating he had done a good job. The COVID-19 pandemic had a significant impact on horse racing in Colorado, and throughout the nation. The Division worked with Governor Polis's office, Tri County Health and the Arapahoe County Sheriff's Department, Captain McKlem specifically and Bruce Seymour, to ensure this meet happen. We developed safety plans for operations and emergency rules put in place prior to the track opening. The investigators gave one warning to each person before a citation was issued. No COVID-19 outbreaks were reported at Arapahoe Park. No spectators were allowed this year due to COVID-19 restrictions. In 2020, there were 286 live races. Bruce Seymour and others at Arapahoe Park requested an "Early Bird" pavilion teller window on the side of the main grandstands to allow bets, however, no one was allowed to stay as patrons for the day. Patrons that made bets, had their temperatures taken, maintained six feet of distance. All the activity was monitored by a security guard. The teller station was also sanitized after every single transaction.

The horse simulcast handle was down about half from approximately \$8,620,000 to approximately \$4,127,000. Approximately \$2,732,518 from 2019. The early bird window allowed for an in state handle of \$4,732. Average live daily handle from last year was \$166,929. In 2020 the approximate live daily handle was \$217,000.

The number of races for Thoroughbred was 210, purses paid was \$1,833,648, Quarter Horse the number of races was 64, purses paid was \$761,090 and the number races for Arabian was 12, purses paid was \$68,300. There were a total number of 286 races in 2020 and the total amount of purses paid totaled \$2,663,038.

AIC Kulp stated Joni Smith was hired for animal welfare and test barn staff. Two state track veterinarians, Verlin Jones and Lauren Christianson, and six veterinarian assistants from CSU from the vet school were also hired. There were 2,274 total starts last year and 2,213 in 2020. The total injuries were 57 for 2019 and 58 for 2020. There were three career ending injuries last year and one this year.

There were six catastrophic injuries this year. All horses that ran this year were tested, or examined prior to racing. In 2020, all first place horses were tested. The state veterinarians took 463 blood samples and 311 urine samples. There were eleven medication violations with positive tests this year. There were three NSAID overages this year. There were eight, unauthorized medication violations. During the 2020 race meet, there were a total of 94 horses that were placed on the veterinarians list. The test barn area was expanded this year to allow additional space for safer working conditions for the veterinarians, veterinarian staff and the horsemen.

This year the test barn was burglarized; the burglary happened sometime between August 26, 2020 and August 31, 2020. Many of the split samples were stolen and/or destroyed. The Arapahoe County Sheriff's Department came out, and took a report. The sheriff department's case is still open pending additional leads.

Director Amick indicated that she will have recommendations for the test barn security next season, such as asking for steel doors and bars on the test barn windows.

AIC Kulp also recommended increased security, better locks, cameras, upgrades on the water misters throughout the test barn areas and additional dirt work in the stalls.

The board of stewards this year included Tyra Barnett, Larry Fontenot and Hank Demoney. The Division issued 10 citations for failing to wear face masks and 10 citations for failure to leave the backside within a reasonable amount of time after the meet was over. The board of stewards held two administrative hearings, both pertaining to medication violations and five field review hearings. The board issued a total of 12 administrative rulings. Overall, the investigators issued 34 administrative citations. The total amount of fines assessed was \$29,400.

Human drug, and alcohol testing stayed the same this year. There were five lists that were generated from license validation files. From the five lists one name is drawn each day for the five days. The lists included trainers, assistant trainers, owner and trainer, jockeys, exercise rider, pony person and miscellaneous grooms and racing officials. There were 26 random drug tests conducted and one refusal. There was a for-cause test reported and tested. The test was positive.

This year an online validation process for licensees was created. The licensees were encouraged to submit all validations online prior to the meet. There is one full time licensing specialist, Daisy Franco. The other specialists are summer temporary staff.

This year, there were 11 business applications that were received during the meet generating a total of \$1,345. There were two key occupational licenses generating a total of \$450. There were 321 three-year support applications generating a total of \$19,335. There were 142 registration, which are the one year applications for a total of \$2,130, one duplicate badge and 218 yearly validation. 695 people were licensed this year during the meet and the division collected a total of \$23,310.

There were 102 stable inspections this year. AIC Kulp recommended repairs on the electrical outlets and overhead light fixtures. One of the big issues this year was the intercom system throughout the backside. The horsemen had a tough time hearing some of the races that were being called. The tote board needs to be repaired. And the water well needs to be repaired.

The clerk of scales, David Vobach, returned this year. Safety protocols were put in place for the jockey's room. The association maintained the racing offices well this year. Prior to the meet, glass barriers were

installed in the licensing area. Temperatures were taken and noted for all individuals and licensees entering the racing office.

Arapahoe Park security was Gary Riggs with the assistance of Jimmy Weimer. Due to COVID-19, anyone who entered the backside had their temperatures taken and they received a wristband which changed on a daily basis. A barrier gate arm was installed, which helped control entry to the backside. Arapahoe Park had an off duty, Arapahoe County Sheriff's deputy that patrolled the backside. The investigators performed random checks on the backside. Investigators stayed over a few nights and wrote citations for failure to leave the backside within a reasonable amount of time.

The Division required vehicle registrations to enter the backside this year. Vehicles on the backside were required to have a registration. It is recommended Arapahoe Park security continue to close the backside at 10:00 pm, have tighter security gates including entry and exit logs, and logs that are maintained in a secure manner and locked up on a daily basis.

Director Amick, thanked staff for a successful meet.

VI. **Office location/remote working**

Director Amick, discussed the Department of Revenues goal to have 70% of its employees working from home. The work location has been moved from suite 350. The Division is unsure of where our future location will be. It is recommended that our licensees make appointments and/or call ahead to make sure someone is available to help.

VII. **Horse Racing and Safety Integrity Act**

Director Amick, discussed the Executive summary, from ARCI and the HISA bill. She stated the Division cannot give a position on this particular bill and any position will come from the Governor's office. The seven members of the nominating committee are as follows:

- Len Coleman (co-chair) is the former president of the National League of Professional Baseball Clubs. Coleman joined Major League Baseball in 1992 as the executive director of market development. Previously, Coleman was a municipal finance banker for Kidder, Peabody & Company and served as commissioner of both the New Jersey Department of Community Affairs and Department of Energy.
- Nancy Cox (co-chair) is the vice president for land-grant engagement and the dean of the College of Agriculture, Food and Environment at the University of Kentucky. Prior to that, she served as associate dean for research and director of the Experiment Station at the university. Cox championed the formation of the UK Equine Initiative (now UK Ag Equine Programs), recognizing the importance of the horse industry and its significance to Kentucky.
- Katrina Adams is the immediate past president of the United States Tennis Association (USTA), following two consecutive terms as the USTA's chairman and president. A successful professional tennis player, Adams was elected vice president of the International Tennis Federation in 2015 and was appointed as chairman of the Fed Cup Committee in 2016.
- Dr. Jerry Black is a visiting professor at Texas Tech School of Veterinary Medicine and is an emeritus professor and Wagonhound Land and Livestock Chair in Equine Sciences at Colorado State University. He is the former president of the American Association of Equine Practitioners and former chair of the board of trustees of the American Horse Council.
- Gen. Joseph Dunford is the former chairman of the Joint Chiefs of Staff, the nation's

highest-ranking military officer, and was the principal military advisor to the president, secretary of defense, and National Security Council from Oct. 1, 2015, through Sept. 30, 2019. Prior to becoming chairman, Dunford served as the 36th commandant of the Marine Corps.

- Frank Keating is the former governor of Oklahoma. Prior to that role, his career in law enforcement and public service included time as a Federal Bureau of Investigation agent, U.S. attorney and state prosecutor, and Oklahoma House and Senate member. He served as assistant secretary of the U.S. Treasury, associate U.S. attorney general, and general counsel for the U.S. Department of Housing and Urban Development.
- Ken Schanzer served as president of NBC Sports from June 1998 until his retirement in September 2011. He also served as chief operating officer. During Schanzer's tenure, he secured the television rights to the Triple Crown races and Breeders' Cup for NBC. Before joining NBC Sports, he served as senior vice president of government relations for the National Association of Broadcasters.

Commission asked to write a letter opposing the bill and are concerned about the economics and the bill's effect on the division's budget.

Presentation and approval of Commission Ruling 20-05 Licensee Frankie Martinez

This case was listed in error and was not discussed.

VIII. Consideration of 2020-2021 Rulemaking Stakeholder Workshop Date

The stakeholder meeting will be held the week after Thanksgiving.

IX. Presentation and approval of Commission Ruling 20-05 Licensee Frankie Martinez

The case was settled with the licensee but the Commission needs to approve the redistribution of the purse and assessing the penalty.

Corrections were requested case number 20-0117 licensee number 20121035A. The issues will be tabled until the next Colorado Racing Commission meeting

X. Presentation and approval of settlement stipulation and Commission Ruling 20-02 Licensee Ramiro Barraza-Sosa

Bradford Jones, (AAG), stated there was a settlement and ruling between Division and licensee. He requested the Commission approve the settlement.

Tina Estes, member, motioned to approve the settlement and ruling. A second was made by Dr. Lori Scott, member. The motion passed unanimously.

XI. Presentation and approval of settlement stipulation and Commission Ruling 20-03 Licensee John Muckey

Zach Ceriani, Legal Assistant for the Division of Racing Events recommended tabling the 20-03 Licensee John Muckey matter

XII. Presentation and approval of settlement stipulation and Commission Ruling 20-04

Licensee Jim Bumgardner

Zach Ceriani, Legal Assistant for the Division of Racing Events recommended tabling the 20-04 Licensee Jim Bumgardner matter.

XIII. **Distribution of Greyhound Welfare Adoption Fund**

Debbie Allen, Business Analyst for the Division of Racing Events, presented the three applications received from three entities listed below:

- Friends of Retired Greyhounds = \$4,210.53
- Colorado Greyhound Adoption = \$8,333.33
- Greyhound Connection = \$7,456.14

Sandy Bowen, member, motioned to approve release of money according to the distribution recommended by the Division with a second by Tina Estes. The motion passed unanimously.

XIV. **Consideration of 2020-2021 Commission Meeting Dates**

Director Amick outlined the dates on which Commission meetings will be held - every second Tuesday of the month.

Dr. Lynn Hoffman, member, motioned to adjourn meeting. The meeting was adjourned at 11:50 AM.

Adjournment

The October 13, 2020 meeting of the Colorado Racing Commission was adjourned at 11:50 a.m.

Minutes Approved by the Commission

Janina Rivera

Janina Rivera, Executive Assistant to the Director

I certify these minutes were approved by the Commission on the 9th day of February, 2021

Colorado Racing Commission
November 10, 2020
Meeting Minutes

Call to Order

The regularly scheduled meeting of the Colorado Racing Commission (“Commission”) was held on Tuesday, November 10, 2020 via video conference provided by Zoom. The meeting was called to order at 9:33 AM.

Members Present

Pam Inmann, Chairwoman
David Lynn Hoffman, Vice Chair
Tina Estes, Member
Sandra Bowen, Member
Lori Scott DVM, Member

Staff Present

Donia Amick, Director of the Division of Racing Events
Ed Kulp, Agent in Charge
Zach Ceriani, Legal Assistant
Bradford Jones, Senior Assistant Attorney General representing the Division of Racing Events
Keenan Lorenz, Senior Assistant Attorney General representing the Division of Racing Events
Sue Kim, Senior Assistant Attorney General representing the Division of Racing Events
Suzanne Karrer, Communications Manager for Enforcement Division
Janina Rivera, Executive Assistant to Division Director

1. Approval of Minutes of May, 2020

Minutes approved for May 12, 2020.

2. Approval of Minutes of August, 2020

Minutes approved for August 11, 2020.

3. Approval of Minutes of October, 2020

Minutes requested to be tabled until the next Commission meeting.

HEARINGS

4. Appeal Hearing in the Matter of David Palafox –Meza

The Commission held an appeal hearing in the matter of David Palafox-Meza, Licensee, case no. 19-0633, in accordance with CRCR 6.40 and 6.530 to review Ruling 20-11 that was previously issued by the Board of Stewards at Arapahoe Park on August 17, 2020. Johnny Mac Hayes appeared for Licensee, David Palafox-Meza, and Bradford Jones, Senior AAG, appeared for the Division. The Commission was represented by conflicts counsel, Keenan Lorenz, Senior AAG, from the Colorado Attorney General's Office. Commissioner Hoffman made a motion to adopt the findings of Facts and conclusions of law in Ruling 20-11, to which Johnny Mac Hayes objected. The motion was subsequently withdrawn. Although neither party requested oral arguments, the parties presented arguments to the Commission in accordance with CRCR 6.632.").

Motion made by Commissioner Estes with a second made by Commissioner Hoffman to enter into Executive session.

Motion to enter into executive session passed unanimously.

EXECUTIVE SESSION ENTERED AT 10:44 A.M.

RETURNED FROM EXECUTIVE SESSION AT 12:24 P.M.

OPEN SESSION

The Commission accepted and adopted the Stewards ruling 20-11 which recommended sanction totaling a 2 year and 180-day suspension plus \$20,500 fine.

The Commission rescinded Director's Order 20-13, stating "(Licensee") was fined TWENTY THOUSAND AND FIVE HUNDRED DOLLARS (\$20,500.00) for being found in violation of Out-of-Competition Testing rules and in violation of a Penalty Class C Medication Violation by Stewards' Ruling 20-11, dated August 17, 2020 (the "Ruling") "and replaced it with a new order suspending Licensee for failure to timely pay his \$20,500 penalty as ordered in Steward's Ruling 20-11. Pursuant to this new order, Licensee is hereby suspended until such time as he pays his fine. The execution of the 2 years and 180 days suspension for being found in violation of out-of-competition Testing in Steward's Ruling 20-11 is stayed until Licensee complies with this Order and pays his fine. Once Licensee has paid his fine and otherwise complied with this Order, his 2 years and 180 days suspension for being found in violation of out-of-competition Testing shall commence. Licensee shall be afforded an additional 20 days from the date of this order to pay his \$20,500 fine, at which time the fine shall double pursuant to rule 6.700.

DECISION ITEMS

5. Presentation and approval of Commission Ruling 20-03 Licensee Frankie Martinez

Motion made by Commissioner Hoffman with a second made by Commissioner Bowen to approve Commission Ruling 20-03.

Motion passed unanimously.

The Commission approved ruling in 20-03 Licensee Frankie Martinez stating the following:

1. Licensee FRANKIE HAROLD MARTINEZ shall be fined the amount of ONE THOUSAND DOLLARS (\$1,000.00).
2. Licensee's Colorado Racing license is suspended for 77 days, beginning from the date the Summary Suspension was served upon Licensee (July 9, 2020) ending September 25, 2020.
3. THREE POINTS for this Class A substance will be assessed on the record of the Trainer licensee and reported to ARCI.
4. The horse CURL is declared disqualified and unplaced from the 3rd Race on June 9, 2020 for every purpose, except for pari-mutuel wagering. The new order of finish is as follows:

1st - #12 Charming Angel
2nd - #8 Elizabeth's Music
3rd - #9 Aly J
4th - #5 D Witches of O Two
5th - #3 Itybityquikasakity
6th - #4 Whata Gem
7th - #10 On the Wingsofadove
8th - #2 Kool Queen
9th - #7 Fried Onions
10th - #1 Justice Jean
11th - #11 Doctor Lisa
DQ - #6 CURL
5. Loss of purse for the race. The purse is also ordered to be redistributed according to the new order of finish listed above.
6. CURL was placed on the Veterinarian's list for a period of NINETY (90) DAYS, starting from the date of the ILC report (July 2, 2020), ending on October 1, 2020.

Discussion Item

6. 2020-2021 Rulemaking Stakeholder Workshop Date

Donia Amick, Director of Racing Events stated December 3, 2020 from 9:30 am – 12:30 pm will be the date for the stakeholder workshop date.

7. Director's Report

Donia Amick, Director of Racing Events noted that everyone was working remotely following the Governor's orders.

8. Public Comment

None

Pam Inmann, Chairwoman, called to end the meeting.

Adjourned

Adjournment

The November 10, 2020 meeting of the Colorado Racing Commission was adjourned at 1:30 p.m.

Minutes Approved by the Commission

Janina Rivera

Janina Rivera, Executive Assistant to the Director

I certify these minutes were approved by the Commission on the 9th day of February, 2021

Colorado Racing Commission
November 18, 2020
Meeting Minutes

Call to Order

The special scheduled meeting of the Colorado Racing Commission (“Commission”) was held on Wednesday, November 18, 2020 via video conference provided by Zoom. The meeting was called to order at 10:30 AM.

Members Present

Pam Inmann, Chairwoman
Tina Estes, Member
Sandra Bowen, Member

Staff Present

Donia Amick, Director of the Division of Racing Events
Ed Kulp, Agent in Charge
Zach Ceriani, Legal Assistant
Bradford Jones, Senior Assistant Attorney General representing the Division of Racing Events
Suzanne Karrer, Communications Manager for Enforcement Division
Janina Rivera, Executive Assistant to Division Director

I. Governor’s COVID-19 slide deck presentation

Cory Amend, Senior Director of the Specialized Business Group, presented the Governor’s COVID-19 slide deck.

II. Commissioner Training

Donia Amick, Director, Bradford Jones, Senior Assistant Attorney General and Zach Ceriani Legal Assistant presented the annual Commissioner training.

Adjourned

Adjournment

The November 18, 2020 meeting of the Colorado Racing Commission was adjourned at 11:30 a.m.

Minutes Approved by the Commission

Janina Rivera

Janina Rivera, Executive Assistant to the Director

I certify these minutes were approved by the Commission on the 9th day of February, 2021