

Colorado Racing Commission  
April 13, 2021  
Meeting Minutes

Call to Order

The regularly scheduled meeting of the Colorado Racing Commission (“Commission”) was held on Tuesday, March 9, 2021 via video conference provided by Zoom. The meeting was called to order at 9:35 AM.

Members Present

Pam Inmann, Chair  
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 and the Commission as General Counsel  
Sarah Killeen, Assistant Attorney General  
Janina Rivera, Executive Assistant to Division Director

1. Approval of Minutes for February 9, 2021

Minutes approved for February 9, 2021

2. Approval of Minutes for March 9, 2021

Minutes requested to be tabled until the next Commission meeting held on May 11, 2021.

**DECISION ITEMS**

3. Consideration of 2021 renewal application for Arapahoe Park

Ed Kulp, AIC discussed the renewal application which included the following:

- Barn area to open on July 27<sup>th</sup> 2021
- Racing will commence racing on August 11<sup>th</sup> 2021 and ending October 2<sup>nd</sup> 2021
- Arapahoe Park will be sending its live signal to ten in-state facilities

- The out of state live signal contracts are being negotiated at this time.
- Out of state Simulcast will be seven (7) days a week during both live and non-live race days
- Proposed Wagering Format includes win, place, show, exacta, quinella, trifecta, superfecta, and daily double wagers.
  - The proposed takeout rate for WPS is as follows with a \$2.00 minimum on all wagers: 2021 - 19% WPS
  - The proposed takeout rates are as follows with a \$1.00 minimum on all wagers:
  - 2021 - 24% Daily Double, Exacta, Quinella, 25% Trifecta, Superfecta and 25% Pick 3, 4, and 5.
- Corporate structure
  - Mile High USA, Inc. was organized as a corporation under the laws of the State of Delaware. The company is a wholly owned subsidiary of Bally's Corporation.

Mile High USA, Inc. owns 100% of Racing Associates of Colorado, d.b.a. Arapahoe Park Racetrack in Aurora, Colorado. Racing Associates of Colorado was organized as a limited partnership under the laws of the state of Colorado on March 8, 1991.

- 2021 Racing Officials

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Executive Director of Racing Operations CO	Bruce Seymore*	Key	Submitted application 04/07/2021
Plant Superintendent	Billy Byers*	Registration	Currently Expired need to apply
Racing Secretary	Shannon Rushton*	Key	Needs to Validate
Asst. Racing Secretary	Kathy Passy*		Needs to Apply has no license
Mutuel Manager	Gil Romero*	Support	Needs to Validate
Association Steward	Hank Demoney*	Key	Needs to Validate
Placing Judge	Brandie Flanders*	Support	Needs to Validate
Security	Jim Weimer*	Support	Needs to Validate
Paddock Judge/Identifier	Paula Rodgers*	Support	Needs to Renew
Starter	Shawn Demoney*	Support	Needs to Validate
Clerk of Scales	David Vobach*	Support	Needs to Validate

Outrider	Jane Schvaneveldt*	Support	Needs to Validate
Horsemen's Bookkeeper	Kristen Quiroz*	Support	Needs to Validate
Photographer	Mark Flanders*	Support	Needs to Renew
Announcer	Jonathan Horowitz*	Registration	Currently Expired need to apply
Money Room Manager	George Chittivej*	Support	Needs to Renew

- Financial Statements
  - The Division has received the consolidated financial statements for Mile High USA, Inc., d.b.a. Racing Associates of Colorado Ltd. for Arapahoe Park's 2021 renewal license application.
- Other Required Exhibits
  - An insurance binder for the on-track accident coverage for jockeys has been submitted.
  - A current copy of proof of adequate public liability insurance to protect the public was provided with the application packet.
  - A current certified fire inspection report for Arapahoe Park was submitted. No significant issues were reported. Any subsequent fire inspection reports must be submitted to the Division when issued.
  - A current certified health and sanitation report for Arapahoe Park and all in-state simulcast facilities has been received, and any changes shall be submitted as requested.
  - The Division will release purse funds from the Escrow Account, as requested by the MHRE and approved by the Colorado Horsemen's Association, throughout the race meet to satisfy purse money owed.
  - Copies of the most recent contracts between the Association and their service providers of the video patrol, photo finish and totalisator services, products, and materials have been provided for the conducting of its 2021 race meet.
  - A copy of the Horsemen's Contract with the Colorado Horse Racing Association and Arapahoe Park was provided with the application. The contract is effective as of April 21, 2019, and shall remain effective through and including April 20, 2025.
- Follow up on the CRC End of Meet Recommendations from 2020 Race meet
  - Stables
    - Conduct preventative maintenance on electrical outlets and overhead light fixtures in all barns.
    - Repair the intercom system throughout the backside.
    - Provide maintenance in barn area restrooms.

- The track should engage a maintenance person to address all maintenance issues during the offseason.
- Racetrack
  - The tote board should be repaired.
  - The water well needs to be repaired before the 2021 meet.
- Test Barn
  - Upgrade the water misters throughout the test barn area.
  - Additional dirt work is needed in some stalls.
  - Increase security of test barn windows, doors and cameras
- The Racing Office
  - The Racing Office will ensure that only authorized persons are allowed behind the counter during entries. All access to the racing office restricted areas will be equipped with locking 5 devices during entries. The Racing Secretary will ensure that all visitors to the office will be escorted.
  - The Racing Secretary will continue to train and supervise the racing office staff in the proofing of the entries. The application lists Shannon Rushton as a Racing Facilitator, however, he will be responsible for all duties as a Racing Secretary and licensed as such.
- The Security Department
  - Continue to close the gates to the backside at 10:00 P.M. Provide more efficient and tighter gate security to the backside, including entry and exit logs.
  - Ensure logs are maintained in a secure manner.
  - Continue to have the Arapahoe Sheriff's Office and security conduct random patrols of the backside during evenings/nights.
  - Increased test barn security (also mentioned above).

Motion made by Commissioner Hoffman to renew the business application for Arapahoe Park with a second made by Commissioner Estes.

The motion passed unanimously.

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

Debbie Allen, discussed the request for an early distribution of a portion of the Owners/Breeders Awards Fund and Supplemental Purse Fund Monies to the Colorado Thoroughbred Breeders Association in the amount of \$60,000.00 to be released.

Motion made by Commissioner Estes with a second made by Commissioner Hoffman to approve the early distribution of \$60,000.00 from the fund to the Colorado Thoroughbred Breeders Association.

Motion passed unanimously.

5. Consideration of approval of 2021/2021 simulcast schedule for Arapahoe Park

Director Amick, asked for approval of the simulcast schedule which include the dates of April 21, 2021 through April 20, 2022.

Motion made by Commissioner Hoffman with a second made by Commissioner Bowen to approve the 2021/2022 simulcast schedule for Arapahoe Park.

Motion passed unanimously.

6. Approval of Commission Order Granting Arapahoe Park Request to Delay 2021 Race Meet to 2022

In accordance with the Commission's directive during the March 9, 2021, meeting that counsel for the Commission prepare a written order memorializing its verbal order regarding MHRE's request to postpone the 2021 live racing season at Arapahoe Park, Bradford Jones, AAG, presented drafted written orders for the Commission's consideration. Based on the Commission's approval of MHRE's Class B meet license renewal application earlier in the meeting and Arapahoe Park's indication it will hold a fall race meet, Mr. Jones recommended that the Commission enter into executive session to seek legal advice from counsel on the draft orders.

Motion made by Commissioner Scott with a second made by Commissioner Hoffman to enter into executive session.

Motion to enter into executive session passed unanimously.

**EXECUTIVE SESSION ENTERED AT 10:14 A.M.**

**RETURNED FROM EXECUTIVE SESSION AT 10:38 A.M.**

**OPEN SESSION**

Commissioner Scott expressed her concerns toward Bruce Seymore, Director of Mile High Entertainment, regarding a fall meet and the safety issues on the track based on his previous statements during the Commission's March 2021 public meeting. She asked what efforts Mr. Seymore had done to ensure safety issues would be addressed.

Bruce Seymore, Director of Mile High Entertainment, responded that all of the horses should be running somewhere else before getting to Arapahoe Park and should have a performance record that he can review to see how they have done.

Chair Inmann, expressed the commission's frustration with Mr. Seymore regarding not having a fall meet and, in the end, deciding to have one.

Bruce Seymore, apologized to the commission for the time they spent on deciding whether to postpone the 2021 live racing season.

Jodi Witt, (RMQHA) clarified on behalf of the Quarter Horse Association that it would help cover some costs such as a pass through on a per horse fee or head fee. The trainers expressed an interest in being able to help absorb some costs to help the track, not the association.

A motion was made by Commissioner Hoffman with a second made by Commissioner Estes to rescind its previous verbal order issued during its March 9, 2021, meeting regarding MHRE's request to postpone the 2021 live racing season at Arapahoe Park and to approve the drafted Order 21-01. In support of his motion, Commissioner Hoffman referenced multiple findings, as detailed in Commission Order 21-01, including the finding that the Commission's previous verbal order issued during its March 9, 2021 meeting regarding MHRE's request to postpone the 2021 live racing season at Arapahoe Park was moot based on the Commission's approval of MHRE's Class B meet license renewal application.

The Motion rescind the Commission's previous verbal order issued during its March 9, 2021, meeting regarding MHRE's request to postpone the 2021 live racing season at Arapahoe Park and to approve the Order 21-01 passed unanimously.

## **DISCUSSION ITEMS**

### 7. Director's Report

Director Amick discussed that the Greyhound Welfare funds will be presented at next month's commission meeting on May 11, 2021. The staff is still remote and looking to return to the office after July. Director Amick mentioned the Division's move towards digital and on-line applications. She also talked about the new customer surveys and asked all customers and licensees to complete them when possible.

### 8. Public Comment

Kent Bamford, President of Colorado Horsemen Association (CHA) thanked the commission for their time and decision on the upcoming race season.

Adjourned

**Adjournment**

The April 13, 2021 meeting of the Colorado Racing Commission was adjourned at 11:01 a.m.

Minutes Approved by the Commission

*Janina Rivera*

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Janina Rivera, Executive Assistant to the Director

I certify these minutes were approved by the Commission on the 11th day of May, 2021