

Colorado Racing Commission  
April 19, 2022  
Meeting Minutes

Call to Order

The regularly scheduled meeting of the Colorado Racing Commission ("Commission") was held on Tuesday, April 19, 2022 via video conference provided by Zoom and in person at the RED ROCKS conference room. The meeting was called to order at 9:50 AM.

Members Present

David Lynn Hoffman, Chair (Remote)  
Tina Estes, Vice Chair (Remote)  
Sandra Bowen, Member (In-person)  
Lori Scott DVM, Member (In-person)  
Tameka Sampson, Member (Remote)

Staff Present

Donia Amick, Director of the Division of Racing Events  
Ed Kulp, Agent in Charge  
Zach Ceriani, Policy Analyst  
Suzanne Karrer, Communications Supervisor for the Specialized Business Group  
Sarah Killeen, Assistant Attorney General  
Janina Rivera, Executive Assistant to Division Director

1. Approval of Minutes for March 8, 2022

Minutes approved for March 8, 2022.

**DECISION ITEMS**

2. Consideration of approval of 2022/2023 simulcast schedule for Arapahoe Park

Motion to table item 2 Consideration of approval of 2022/2023 simulcast schedule for Arapahoe Park to first consider item 3 Consideration of approval of 2022 meet application for Arapahoe Park made by Commissioner Scott with a second by Commissioner Bowen.

Motion passed unanimously.

3. Consideration of approval of 2022 meet application for Arapahoe Park

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

- Barn area to open on June 3rd, 2022

- Racing will commence racing on July 3rd, 2022 and ending October 4th, 2022
- Arapahoe Park will be sending its live signal to twelve 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:

	Minimum	Commission %
WPS	\$2.00	19%
Qu, Ex, Tri	\$2.00 straight, \$1.00 box/wheel	24%
DD	\$2.00 straight, \$1.00 wheel	24%
Super	\$1.00 straight, \$0.10 box/wheel	25%
Pick 3, Pick 4	\$2.00 straight, \$1.00 wheel	25%
Jackpot Pick 5	\$2.00 straight, \$1.00 wheel	25%

- 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.

- 2022 Racing Officials (\* Indicates returning Racing Official)

Executive Director of Racing Operations CO	Bruce Seymore*
Plant Superintendent	William Byers*
Director of Racing/Asst. GM	Shannon Rushton*
Asst. Racing Secretary	TBD
Mutuel Manager	Gil Romero*
Association Steward	Jeff Williams
Placing Judge	TBD
Security	Jim Weimer – Stable area*
	Gil Romero – Public area*
Paddock Judge/Identifier	Paula Rodgers*
Starter	Shawn Demoney*
Clerk of Scales	David Vobach*
Outrider	Shawna Whiteside*
Track Superintendent	William Byers*

Horsemen's Bookkeeper  
Handicapper

Kathy Passey\*  
David Vobach\*

Clockers

Brandie Flanders\*

Mark Flanders\*

Announcer

Jonathan Horowitz\*

Dir. of Simulcast Operations

Gil Romero\*

Money Room Manager

George Chittivej\*

Cert. EMT/First Aid

Stadium Ambulance Service /  
Arapahoe County Sheriff

- 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 2022 renewal license application.

- Other Required Exhibits

- An insurance binder for the on-track accident coverage for jockeys will need to be submitted.
- Waypoint Analytical performed a soil analysis on January 6, 2022.
- A current copy of proof of adequate public liability insurance to protect the public was provided with the application packet but will need to be verified by the division.
- 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 Arapahoe Park at Ballys and approved by the Colorado Horsemen's Association, throughout the race meet to satisfy purse money owed. The division will be auditing all funds to ensure all funds used for the 2022 season or returned to the purse trust account.
- 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 2022 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 2021 Race meet

**REQUIREMENTS AND CHANGES REGARDING THE RACETRACK, BACKSIDE AND GRANDSTANDS:**

- Keep bathrooms clean and stocked on the backside.
- Conduct preventative maintenance on electrical outlets and overhead light fixtures in all barns.
- Fix broken locks on tack rooms throughout the backside.
- Ensure hot water is available in all barns.
- Provide more efficient and tighter gate security to the backside, and secure entry and exit logs.

**REQUIREMENTS FOR THE TEST BARN:**

- The walking surface should continue to have dirt and ground rubber added at the beginning and throughout the race season.
- Dirt needs to be added to the inside of the testing stalls to fill in existing holes.
- The wash rack area needs to be resurfaced.

**REQUIREMENTS FOR THE RACING OFFICE:**

- The Racing Office will ensure that only authorized persons are allowed behind the counter during entries. All access points to the racing office restricted areas will be equipped with locking devices during entries. The Racing Secretary will ensure that all visitors to the office will be escorted.
- The Racing Facilitator will continue to train and supervise the racing office staff in the proofing of the entries.

**REQUIREMENTS CONCERNING THE SECURITY DEPARTMENT:**

- Arapahoe Park's security will be responsible for managing the security of the stable gate, the stable/barn area backside, the Division's test barn, and the grandstand areas.
- Arapahoe Park's Security will attend training from the Division enforcement personnel and other sources that management deems necessary to enforce CRC Rules and policies for the admittance of horses into the Stable Area and to provide a safe environment for the

licensees and patrons.

- Arapahoe Park will continue to employ an off-duty Sheriff's Deputy during live race days.
- The Arapahoe Sheriff's Office will conduct random patrols of the backside during evenings/nights.
- Arapahoe Park will provide a radio for the Stewards' office during training hours to help them monitor 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.
- Arapahoe Park's Security will provide the Division's Agent in Charge with copies of all reports taken during the 2022 meet. Security will secure the gates to the backside at 8:00 P.M. daily and the entry and exit logs will be secured in a locked area.

Motion made by Commissioner Scott to approve the 2022 race meet application for Arapahoe Park with a second made by Commissioner Estes.

Motion passed unanimously.

2. Consideration of approval of 2022/2023 simulcast schedule for Arapahoe Park

Director Amick discussed the simulcast request starting April 21, 2022 through April 22, 2023.

Motion made by Commissioner Bowen to approve the 2022/2023 simulcast schedule for Arapahoe Park with a second made by Commissioner Scott.

Motion passed unanimously.

4. Consideration of approval for distribution of Greyhound and Welfare adoption fund

Director Amick discussed the request for approval which included three applications and amounts from the following:

● Friends of Retired Greyhounds	56 dogs	\$7,777.78
● Colorado Greyhound Adoption	70 dogs	\$9,722.22
● Greyhound Connection	18 dogs	\$2,500.00

Totals:	144 dogs	\$20,000.00/\$138.89 - per dog
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Motion made by Commissioner Estes with a second made by Commissioner Bowen to approve the distribution of Greyhound and Welfare adoption funds in the amounts provided above.

Motion passed unanimously.

## **RULEMAKING HEARING**

### **5. Scheduled Rulemaking Hearing – In the matter of various proposed new, amended rules for the Colorado Racing Commission Rules, 1 CCR 208-1**

Zach Ceriani, Policy Analyst discussed the proposed new, amended rule as listed below:

- **3.306** - A person required to be licensed in Colorado must have the license validated for the current meet before being granted the privileges of the racetrack or simulcast facility. To obtain validation the person must have an animal at the racetrack or show proof of gainful employment at the racetrack or simulcast facility and must complete a validation form. *The Commission may require that validation forms for certain license types are accompanied by additional documentation.* Falsification of the validation form shall constitute grounds for discipline.

Motion made by Commissioner Estes with a second made by Commissioner Scott to move 3.306 to the adoption group.

Zach Ceriani, Policy Analyst discussed the next proposed new, amended rule as listed below:

- **5.423** – Split samples obtained in accordance with rule #5.420 above shall be secured and made available for further testing in accordance with the following procedures:
- 1. A split sample shall be secured in the test barn under the same manner as the portion of the specimen acquired for shipment to a primary laboratory until such time as specimens are packed and secured for shipment to the primary laboratory. Split samples shall then be transferred to a freezer or refrigerator at a secure location approved by the Commission.
- 2. A freezer *or refrigerator* for storage of split samples shall be equipped with two hasps or other devices to provide for use of two independent locks. One lock shall be the property of the Commission and one lock shall be the property of a representative of the group representing a majority of the horsemen at a race meeting. The locks shall be closed and locked so as to prevent access to the freezer *or refrigerator* at all times except as specifically provided by these rules.
  - a. The locks may be opened and remain open up to two (2) hours before and up to two (2) hours after a live racing performance, provided that the Division veterinarian or other Division staff is present in the room the freezer or refrigerator is located or the door to that room is locked.*
- 3. A freezer *or refrigerator* for storage of split samples shall be opened only for depositing or removing split samples, for inventory, or for checking the condition of samples.
- 4. When a freezer *or refrigerator* used for storage of split samples is opened, it shall be attended by both a representative of the Commission and the owner, trainer or designee. A log shall be maintained that shall be used each time a split sample freezer *or refrigerator* is opened to specify each person in attendance, the purpose for opening the freezer *or refrigerator*, identification of split samples deposited or removed, the date and time the freezer *or*

*refrigerator* was opened, and the time the freezer *or refrigerator* was closed and to verify that both locks were secured prior to and after opening of the freezer *or refrigerator*.

- 5. Any evidence of a malfunction of a split sample freezer *or refrigerator* or samples *stored in a freezer* that are not in a frozen condition during storage shall be documented in the log and immediately reported to the Division veterinarian or a designated Commission representative.

Motion made by Commissioner Scott with a second made by Commissioner Bowen to move 5.423 to the adoption group.

Motion made to approve all the rules in the adoption group made by Commissioner Sampson with a second by Commissioner Estes.

Motion passed unanimously.

### **DISCUSSION ITEMS:**

#### **6. Update on consensus for 2022 meet and purse**

Director Amick discussed the report received by the Thoroughbred Racing Protective Bureau (TRPB). Executive Summary will be presented by Sarah Killeen, AAG. She added that the Division, Bally's Arapahoe Park Racetrack and Colorado Horseman Association (CHA) met on Friday and all have agreed to go forward with the past methodology the track used from the 2021 season for the 2022 racing season.

Director Amick mentioned that the Division will hold stakeholder meetings starting after July 1, 2022 to discuss and change the statutes and methodologies going forward.

Sarah Killeen, AAG discussed the report and how difficult it is to read. She also mentioned that the report is incomplete. She said the current statute is hard to follow nor has it been amended to follow the industry standards. She said that the statutes equations have not been followed throughout the years. She also said that Bally's Arapahoe Park Petition for Declaratory Order Regarding Colorado Division of Racing's Re-Interpretation of C.R.S. § 44-32-702 has been withdrawn. And lastly, the racing bill title Definition of Gross Receipts that is currently pending within the finance committee will be pulled by Arapahoe Park.

### **OTHER:**

#### **7. Director's Report**

Director Amick mentioned the letter that was sent to the Commission from Rocky Mountain Quarterhorse Association (RMQHA).

She said required licensing appointments will be required

She asked everyone to get validated and all have vehicles registered before the 2022 racing season starts. She said all these tasks can be done online at the Division of Racings website.

Zach Ceriani, Policy Analyst mentioned that the Horseracing Integrity and Safety Act is now live and has all material online. The Division will be asking for the HISA federal registration number as well. The applicable Division of Racing applications will require the number and have the link on the forms.

Shannon Ruston, Director of Racing at Bally's Arapahoe Park had a question as to how many other jurisdictions have signed a voluntary implementation agreement with the Horseracing Integrity and Safety Authority (HISA). Director Amick mentioned that she did talk with HISA last week and this number is unknown at this time.

Shannon Ruston, Director of Racing at Bally's Arapahoe Park expressed a concern that the Division was intending to agree to the voluntary implementation agreement right away. Chair Hoffman raised a question as to whether the Division or Commission would be the party to sign the agreement. Director Amick said the Division is currently doing an analysis on these questions and having discussions with HISA to make the determination.

#### 8. Public Comment

No public comments.

Adjournment

The April 19, 2022 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 14th day of June, 2022