

Colorado Racing Commission
May 1, 2024
SPECIAL Meeting Minutes

Call to Order

The SPECIAL scheduled meeting of the Colorado Racing Commission (“Commission”) was held on Wednesday, May 1, 2024, via video conference provided by Zoom. The meeting was called to order at 9:35 AM.

Members Present

Tina Estes, Chair
Tameka Sampson, Vice Chair
Dr. David “Lynn” Hoffman, Member
Jeffrey Ruebel, Member
Kjersten Davis, Member

Members Absent

None

Racing Staff Present

Donia Amick, Director of the Division of Racing Events
Janina Rivera, Executive Assistant to Division Director
Sarah Killeen, Assistant Attorney General

DECISION ITEMS

1. Consideration of Amended 2024 Conditional Meet License and new envelope of dates for the 2024 Racing Season (if provided). Donia Amick, Director, Division of Racing Events.

Director Amick opened the Commission meeting with an invitation to Bally’s at Arapahoe Park to request a new set of dates for the 2024 race meet. There were several documents previously requested of Bally’s at Arapahoe Park that have not been received, including a timeline on when Arapahoe park wanted to open the backside, which right now is scheduled for 8/2/2024. If the backside of Arapahoe Park is going to open on 8/2/2024, the Division needs to know so that it can start the hiring processes and have all other resources set up. Director Amick stated that if Bally’s at Arapahoe Park intends to open the backside on 8/2/2024, the Division needs to know by 6/15/2024.

The floor was turned over to Shannon Rushton to provide an update.

Shannon Rushton, Executive Director of Operations/Director of Racing & General Manager at Bally’s Arapahoe Park, stated that they wanted to start live racing on Monday, 9/2/2024 and ending on Monday, 11/4/2024. These dates would provide a total of 30 days over 10 weeks and only run Monday and

Tuesday of the first week and run 4 days, Friday, Saturday, Sunday and Monday of the last weekend to meet the regulatory requirements per statute. Based on these dates, they want to open the backside by 8/2/2024.

Shannon Rushton, Executive Director of Operations/Director of Racing & General Manager at Bally's Arapahoe Park stated he has hired a project design manager by the name of Paul Sirduchiy. Mr. Sirduchiy is currently in the process of providing documentation regarding rewiring of the backside. Once Mr. Rushton receives this information, he will follow up with Arapahoe County and also send the information to the Commission.

Chair Estes asked Mr. Rushton about the other issues, other than the electrical issues, that were on the end of meet report.

Mr. Rushton said that everything else, outside the electrical -related items, on the end of meet report have been completed.

Director Amick outlined the missing items that have not been completed in the end of meet report from 2023. Which include:

- Certification from Arapahoe County that all requirements regarding code and permits have been met.
- Timeline regarding opening dates and inspections completed.
- Copies of health and sanitation for Arapahoe Park and any other state facilities.
- South Metro fire inspection.
- Repairs to the test barn, specifically the drainage.

Chair Estes asked Mr. Rushton if the missing items Director Amick just mentioned are correct. Shannon Rushton, Executive Director of Operations/Director of Racing & General Manager at Bally's Arapahoe Park responded Yes, that is correct.

Chair Estes asked Mr. Rushton when the Commission can expect a timeline from Mr. Rushton. Mr. Rushton said he would get a timeline to the Commission once he gets plans back from the design professional and input from Arapahoe County. Mr. Rushton did not give a specific date but indicated it would be "any day."

Director Amick advised the Commission that James McClain and Mitch Maulik were in the meeting if the Commissioners had any questions for them.

Chair Estes asked them if there are any new developments in the last week since the April Commission meeting or if they have any comments.

James McClain, Arapahoe County, commented that their building department team did go out to the track to provide Mr. Rushton some assistance which they normally do not do without an active permit. The Arapahoe County team did go over everything that needed to be done at the Track. Since that visit, Arapahoe County has not received a building permit application or any documents from a design professional.

Mitch Maulik, Arapahoe County plans examiner manager and deputy building official, commented that he agrees with what Mr. McClain just commented. Mr. Maulik confirmed that Arapahoe County can not do anything until there is a permit application. Currently, the time frame for first round plan review with comments is 12-16 weeks.

Commissioner Ruebel asked if Arapahoe County could give a summary of the permit and certificate of occupancy history at Arapahoe Park. He is interested as to how this situation ended up happening. Mr. Maulik stated that they do not have a lot of historical records. There is a certificate of occupancy for some of the buildings. However, the condition seen by the Arapahoe County inspectors (a certain kind of cabling) has never been approved under any code. The wiring on site was never approved at any time to be used in that manner. Commissioner Ruebel expressed his concerns with Arapahoe County and their inspection process. Mr. McClain disclosed that during the two prior meetings at the Arapahoe Park property, he was informed that there was an electrician on site that had been performing electrical installation at the property for many years without inspections.

Commissioner Hoffman expressed his appreciation to Arapahoe County to try and help with the process. Commissioner Hoffman asked what were the life safety issues that Arapahoe County saw at Arapahoe Park during their inspection. Mr. Maulik said the electrical wiring is not permitted in that location. Commissioner Hoffman also expressed his concerns regarding Arapahoe County's inspection timeline and the dates that Arapahoe Park wants to open.

James McClain, Arapahoe County, stated that they are waiting on Arapahoe Park to submit their application and documents from a design professional. Once Arapahoe Park obtains a permit from the County, the County can have their inspectors go out the next day after the inspection is requested to inspect the work.

Shannon Rushton, Executive Director of Operations/Director of Racing & General Manager at Bally's Arapahoe Park, stated that he is currently in the process of getting everything but before he submits anything he has to run it by corporate and get their approval first and foremost. Mr. Rushton also expressed his concerns regarding why since 1984, all of the live racing seasons have been approved by the Division but this year there seems to be an issue.

Commissioner Davis said she appreciated Mr. Rushton's comments and understands Bally's at Arapahoe Park is waiting on the design professional's plans. Commissioner Davis asked when the plans were expected. Mr. Rushton hopes to have them any day in order to submit to Bally's corporation. After approval from corporate, the design professional plans will be submitted to Arapahoe County.

Director Amick stated that the Division does not recommend a meet for 2024.

Commissioner Hoffman mentioned to amend the conditional meet application for 2024 to approve the new envelope of dates provided by Shannon Ruston which are live start date 9/2/2024 through 11/4/2024 and to open the backside 8/2/2024. A second was made by Commissioner Ruebel.

Chair Estes stated that she would like a set date in the motion on if the meet is going to proceed or not.

Commissioner Hoffman amended his original motion to now include the date of 6/15/2024 for all previous documents to be presented to the Commission. Commissioner Ruebel seconded the added amendment.

Motion passed unanimously.

Public Comment

Jodie Witt, Executive director of the Rocky Mountain Quarter Horse Association (RMQHA) expressed her concerns regarding the current issue and requested that because the current situation is out of the control of the horsemen, the Division pay the 15% administration fee that helps cover operating expenses back to Rocky Mountain Quarter Horse Association (RMQHA).

Commissioner Davis thanked Ms. Witt for her comment and owning show horses herself she understands Ms. Witts frustrations with the current schedule getting pushed back to the fall and that the Commission is doing everything they can to get a 2024 meet held.

Ms. Kemper raised questions regarding the barns and if the track can only use a few barns, not all.

James McClain, responded that Arapahoe County did give Mr. Rushton a few options that would allow them to still operator and they are:

- Call the utility company and request that all power be shut off to the backside.
- Request permits for individual buildings.
- Take out/down all the current residential wiring.

Adjournment

The May 1, 2024, meeting of the Colorado Racing Commission was adjourned at 10:53 a.m.

Minutes Approved by the Commission



Janina Rivera, Executive Assistant to the Director

I certify these minutes were approved by the Commission on the 12th day of June 2024.