

Colorado Racing Commission
June 14, 2022
Meeting Minutes

Call to Order

The regularly scheduled meeting of the Colorado Racing Commission ("Commission") was held on Tuesday, June 14, 2022 via video conference provided by Zoom. The meeting was called to order at 9:30 AM.

Members Present

David Lynn Hoffman, Chair
Tina Estes, Vice Chair
Sandra Bowen, Member
Lori Scott DVM, Member
Tameka Sampson, Member

Staff Present

Ed Kulp, Agent in Charge
Zach Ceriani, Policy and Regulatory Analyst
Sarah Killeen, Assistant Attorney General
Suzanne Karrer, Communications Manager for Enforcement Division
Janina Rivera, Executive Assistant to Division Director

1. Approval of Minutes for April 19, 2022

Minutes approved for April 19, 2022

DECISION ITEMS

2. Consideration for approval of Early Release Request of Breeders Fund - CO. Thoroughbred Breeders Association

Chair Hoffman presented the request made by The Colorado Thoroughbred Breeders Association in the amount of ninety thousand dollars (\$90,000.00).

A motion made by Commissioner Estes to approve the Early Release of Breeders Fund - CO. Thoroughbred Breeders Association. A second motion made by Commissioner Scott.

Motion passed unanimously.

3. Update on Two Pending Civil Actions on Appeal: (1) *Kemper v. Colorado Racing Commission*, COA 21CA1182, and (2) *Pena v. Colorado Racing Commission*, COA 21CA1184

EXECUTIVE SESSION ENTERED AT 9:40 A.M.

RETURNED FROM EXECUTIVE SESSION AT 9:52 A.M.

OPEN SESSION

4. Sports Betting and Fixed Odds

Director of Gaming Dan Hartman discussed the four stakeholders meetings regarding Fixed Odds Racing and that this would reside with the Division of Gaming under Sports Betting. This would not be by statute but by regulation. Rule 5.4 includes consensus by Racing Commissions, the host and receiving track, and the host and receiving horsemen's group. This rule 5.4 will expire eighteen (18) months from the approval date. Consensus can be withdrawn anytime by all or one of the groups. Director Hartman is asking for the Racing Commissions consent to move forward with Fixed Odds Racing. Currently working on getting consent from the horsemen, racetrack as well other out of state Commissions, horsemen associations and horse tracks.

Commissioner Estes asked if any of the profits will go to the purse funds?

Director Hartman responded yes; he believes it will drive purse money up.

Commissioner Scott asked if it is legal to do fixed odds on your phone and in person betting?

Director Hartman responded yes; in Colorado they can do both.

Jim Mulvilhill, Interim Director of the Colorado Horseracing Association (CHA) asked if the Division concerns have been addressed based on Director Amick's concerns noting that she nor her supervisor is on the call?

Ed Kulp, AIC responded that the Division sees no issues or concerns once all involved parties come to a mutual agreement.

A motion made by Chair Hoffman to approve Sports Betting and Fixed Odds Racing and to have AAG Sarah Killeen draft a letter of the Commission's consent to Director Hartman, Division of Gaming. Also, with periodic updates from Director Hartman. A second motion made by Commissioner Sampson.

Motion passed unanimously.

5. ADW Funds Jockey's Insurance

Bruce Seymore, Executive Director of Mile High Racing & Entertainment requested to use half of one hundred sixty-three thousand eight hundred dollars (\$163,800) from ADW funds to pay for the Jockey's insurance for the 2022 live meet.

Sarah Killeen, AAG mentioned rule 6.114 states the Director can release funds for limited purposes.

Zach Ceriani, Policy Advisor mentioned by statute the Director can redirect ADW funds to the purse fund once the Division budget is full. The Commission can pass rules that dictate the use of the funds. Mr. Ceriani presented two options. One being, the Commission can interpret continuity of care as jockey insurance or the Commission can change a rule that's in the best interest in the racing industry.

Sarah Killeen, AAG mentioned rule 6.102 which allows the commission in its discretion to waive or set aside or modify any rule contained if such modification is in the best interest of the state and in the sport of racing. The Commission can also set a time frame of the modification.

Commission Estes wanted to know if the Jockey's requested the increase and why are they not helping to pay for this?

Shannon Rushton, CHA Member, responded that it was due to a jockey by the name of Anne Von Rosen who was injured at Turf Paradise 3 years ago. At that time the Jockeys' Guild requested the insurance be five hundred thousand dollars (\$500,000) per occurrence. When the injured jockey's bills surpassed the five hundred thousand dollars (\$500,000) they started requesting insurance be one million dollars (\$1,000,000.00) per occurrence. Currently only three companies are willing to cover these riders and this was the cheapest quote they received.

Commissioner Sampson asked if we don't use the ADW money what happens to it?

Bruce Seymore, Executive Director of Mile High Racing & Entertainment responded it goes back to the purse fund.

Jim Mulvilhill, Interim Director of the Colorado Horseracing Association (CHA) commented that the board approved this request already.

A motion made by Chair Hoffman to modify under rule 6.102 to include Jockey's Insurance to be paid using ADW funds for Racing season 2022. A second motion made by Commissioner Estes.

Motion passed unanimously.

OTHER

6. Horseracing Integrity and Safety Authority (HISA) Update/Public Comment

Shannon Rushton, Colorado Horseman Association Executive Director (CHA), provided an update on Horseracing Integrity and Safety Authority (HISA). They have a booklet with all the requirements that are being provided to the riders. Informing all trainers that horses need to be registered with HISA. Mr. Rushton mentioned that there have been 3 court filings against HISA and 2 have already lost. He presented that Commission with a question on what their thoughts are on a horse is a horse? He believes any horse that races at Bally's is a horse regardless of breed.

Howie Chavers, Vice President of Rocky Mountain Quarter Horse Association spoke to the HISA's directors and how they do not have any rules or regulations for other breeds besides Thoroughbreds and they would like to implement all breeds in about 3 years. Mr. Chavers expressed his concerns regarding HISA's shoeing rule specifically prohibiting traction devices and how detrimental this will be to the industry.

Tami Dotter mentioned according to HISA that the local law enforcement is going to enforce the rules and regulations and if the local authorities are aware of this?

Zach Ceriani, Policy Advisor responded that "we" are the authorities and have investigators to follow the new rules and regulations.

Ed Kulp, AIC and staff are currently helping licensees register for HISA.

Bruce Seymore, Executive Director of Mile High Racing & Entertainment talked about the emergency rules from 2020 regarding COVID and if the Commission is going to try to enforce these rules currently?

Zach Ceriani, Policy Advisor informed Mr. Seymore that all emergency rules expire after 120 days and those rules are no longer applicable.

Adjournment

The June 14, 2022 meeting of the Colorado Racing Commission was adjourned at 11:20 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 17th day of August,
2022