

Colorado Racing Commission
August 30, 2024
Special Meeting Minutes

Call to Order

The special scheduled meeting of the Colorado Racing Commission (“Commission”) was held on Friday, August 30, 2024, via video conference provided by Zoom. The meeting was called to order at 9:01 AM.

Members Present

Tameka Sampson, Chair
Kjersten Davis, Vice Chair
Jeff Ruebel, Member
Jonathan Horowitz, Member
John Hammes, Member

Members Absent

Donia Amick, Division of Racing Events Director
Sarah Killeen, Assistant Attorney General for Division of Racing Events

Racing Staff Present

Michael Phibbs, Interim Director of the Division of Racing Events
Janina Rivera, Business Analyst Division of Racing
Robert Dodd, First Assistant Attorney General
Kelly Haralson, Agent in Charge Division of Racing
Emily Maurer, Criminal Investigator Division of Racing
Brian L. Miller, Veterinarian Division of Racing
Sanela Simic, Auditor Division of Racing
Emmalie Baxter, Compliance Inter Division of Racing
Dania Cobos-Bejarano, Administrative Assistant Division of Racing

DECISION ITEMS:

1. Receive and discuss information regarding Commission Order 240614. Decide whether information and documentation are sufficient for the 2024 Racing Season to begin as scheduled on 9/6/24 - Mike Phibbs, Interim Director, Colorado Division of Racing and Shannon Rushton, Bally’s Arapahoe Park

Interim Director Mike Phibbs mentioned that Bally’s Arapahoe Park has met the conditions from Arapahoe County on some of the barns except barn nine (9) which is the test barn.

Shannon Rushton, Executive Director of Operations/Director of Racing & General Manager at Bally’s

Arapahoe Park stated that they have submitted the paperwork and should hear back from the county soon.

Interim Director Phibbs, asked how many horses Mr. Rushton expects to be arriving?

Shannon Rushton, Executive Director of Operations/Director of Racing & General Manager at Bally's Arapahoe Park responded that they are expecting around seventy (70) horses this afternoon.

Interim Director Phibbs asked the Commission for direction on if the county does not approve more barns and especially barn nine (9) the test barn.

Shannon Rushton, Executive Director of Operations/Director of Racing & General Manager at Bally's Arapahoe Park responded that he just received an email from the County that barn nine (9) was not in the already approved barns listed because it already had a certificate of occupancy (CO).

Interim Director Phibbs mentioned that he did receive that email and that it does lift the restriction on staff being in that building.

Motion made by Commission Ruebel to table decision item number 1 until after the Commission hears decision item number 3. A second was made by Vice Chair Davis.

Motion passed unanimously.

Interim Director Phibbs addressed the difficulty the Division has seen with hiring a steward that has accreditation with the Racing Official Accreditation Program (ROAP) and is asking the Commission to approve a non-accredited steward for this year's live race meet only.

Commissioner Hammes made a motion to approve the Divisions request to hire a steward that does not have accreditation with the Racing Official Accreditation Program (ROAP) for this racing season only. A second was made by Commissioner Ruebel.

Motion passed unanimously.

Shannon Rushton, Executive Director of Operations/Director of Racing & General Manager at Bally's Arapahoe Park requested decision item number 1 be addressed before the Commission proceeds to decision item number 2.

Commissioner Horowitz made a motion that Bally's Arapahoe Park and the Division has met the satisfaction of the Commission to be granted the license to run a live meet in 2024. A second was made by Commissioner Ruebel.

Motion passed unanimously.

Shannon Rushton, Executive Director of Operations/Director of Racing & General Manager at Bally's Arapahoe Park requests the removal of agenda item number 2. Bally's Arapahoe Park requests to waive the 30 (thirty) day race requirement per Section 44-32-603 C.R.S.

Vice Chair Davis made a motion to remove agenda item number 2. Bally's Arapahoe Park requests to waive the 30 (thirty) day race requirement per Section 44-32-603 C.R.S. from the agenda. A second was made by Commissioner Ruebel.

Motion passed unanimously.

OTHER:

2. Public Comment

Chair Sampson read an email received from former Racing Commissioner Chair Tina Estes stating a few concerns regarding the current Commission's approval of Bally's Arapahoe Park 2024 live meet application. Which was that Bally's Arapahoe Park did not meet any of the requirements for a complete racing application, track management requested multiple times at various Commission meetings more time to complete the necessary requirements, and the track did not provide a timetable that was requested by the Commission. Ms. Estes mentions the simulcast statute and the already approved reduced racing days provided to the track as well as the approval of the non-accreditation of a steward. Which Ms. Estes expressed will open up the Division and Commission to the possibility of appeals from individuals on the steward's decision. Ms. Estes stated with the current Commission's approval of this year's live race meet regardless of numerous rule infractions and overruling state statute, how will they justify which rules and regulations need to be followed or disregarded in upcoming hearings.


Kerry Kemper asked about the barn inspections and if the Division will conduct the inspections once the horses are moved in.

Interim Director Phibbs responded that the Division will do barn inspections when a barn is empty; that way if anything is found afterwards it will be tied to the current owner/trainer that has occupied that barn.

Adjournment

The August 30, 2024, meeting of the Colorado Racing Commission was adjourned at 9:46 am.

Minutes Approved by the Commission



Janina Rivera, Business Analyst for the Division of Racing

I certify these minutes were approved by the Commission on the 31st day of October 2024.