

Colorado Racing Commission
February 8, 2023
Meeting Minutes

Call to Order

The scheduled meeting of the Colorado Racing Commission (“Commission”) was held on Wednesday, February 8, 2023 via video conference provided by Zoom. The meeting was called to order at 9:33 AM.

Members Present

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

Staff Present

Donia Amick, Director of the Division of Racing Events
Janina Rivera, Executive Assistant to Division Director
Sarah Killeen, Assistant Attorney General
Debbie Allen, Business Analyst
Suzanne Karrer, Communications Supervisor for the Specialized Business Group

1. Approval of 11.8.2022 Minutes

Minutes approved for November 8, 2022.

DECISION ITEMS:

2. Consideration and approval of breed distributions and release of Owners/Breeders Awards Funds

Motion made by Commissioner Hoffman with a second by Commissioner Scott to consider and approve the breed distributions and release of Owners/Breeders Awards Funds based on the information below presented by Business Analyst, Debbie Allen:

Earned from wagering in 2022	\$643,472.30
Earned from 2021 uncashed tickets	\$188,207.57
Interest in 2022	\$9,941.73
Less: Bank Fees 2022	(\$4,660.00)

Motion passed unanimously.

DISCUSSION ITEM:

3. Advisement of Racing dates for 2023 season pending application and approval

Director Amick discussed the email received from Bruce Seymore, Executive Director of Colorado at Bally's Arapahoe Park that stated the live dates for the 2023 race meeting will be June 17, 2023 through September 11, 2023. Saturday and Sunday post time at 1pm and Monday post time at 4pm. This will be a 13 week meet with 39 live days.

Director Amick mentioned the new meet application that the Division was working on has been stalled and asked Mr. Seymour and Mr. Rushton to use the old memorandum application that they have used in the past for the 2023 Racing application. The application is due 60 days before the first live meet day.

Jim Mulvihill, Interim Director of Colorado Horseracing Association (CHA) commented that the horsemen are frustrated with the process of determining live race dates. CHA would like a new process for meet date submissions.

Director Amick responded that in the past years a hearing was held in July with Bally's Arapahoe Park to determine these dates and that she will work with them this year to reinstate that process.

Shannon Rushton, Executive Director of Operations/Director of Racing & General Manager at Bally's Arapahoe Park said the above dates have been posted in Equibase.

OTHER:

4. Director's Report

Director Amick mentioned that Sanela Simic has been promoted to an Auditor within the Division. The Division has posted a job for a licensing position. Criminal Investigator Anthony Milne has resigned and we will be posting his job position soon.

Director Amick introduced the new Senior Director Michael Phibbs.

Director Amick mentioned that the Division will be holding a Rulemaking stakeholder meeting on February 21, 2023. She also mentioned an update regarding the licensing procedure which includes taking out costs of fingerprinting from the license fee. Anyone working on the backside will need a Support license.

Lastly, Director Amick mentioned that the Division had a Sunset hearing in early February which determined that the Division will be continued for nine more years.

The next Commission meeting will be held on March 8, 2023.

Shannon Rushton mentioned the legislative bill that will ban simulcasting of Greyhounds starting October 1, 2024. rector Amick said the Division's position is neutral on the legislation..

Jim Mulvihill, Interim Executive Director of Colorado Horseracing Association (CHA) commented that the horsemen's position is also neutral on this issue because they have the support of co-sponsors of the bill to work with them on securing available funds.

5. Public Comment

Adjournment

The February 8, 2023 meeting of the Colorado Racing Commission was adjourned at 10:03 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 8th day of March, 2023

Colorado Racing Commission
March 8, 2023
Meeting Minutes

Call to Order

The scheduled meeting of the Colorado Racing Commission (“Commission”) was held on Wednesday, March 8, 2023 via video conference provided by Zoom. The meeting was called to order at 9:33 AM.

Members Present

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

Staff Present

Donia Amick, Director of the Division of Racing Events
Janina Rivera, Executive Assistant to Division Director
Sarah Killeen, Assistant Attorney General
Suzanne Karrer, Communications Supervisor for the Specialized Business Group

1. Approval of 2.8.2023 Minutes

Minutes approved for February 8, 2023.

DISCUSSION ITEM:

2. Rulemaking Hearing Information

Zach Ceriani, Policy Advisor explained the rulemaking process.

3. Meet application for Arapahoe Park

Director Amick mentioned that the division has not yet received a meet application from Bally’s Arapahoe Park.

Shannon Rushton, Executive Director of Operations/Director of Racing & General Manager at Bally’s Arapahoe Park mentioned that they are working on the meet application and should be submitting it soon.

4. CHA request and proposal for transparency

Zach Ceriani, Policy Advisor discussed the draft policy related to the regular disclosure of wagering data and

fund accruals.

5. Colorado State University Presentation

Dr. Lauren Smanik and Aimee Oke, Research Program Manager presented CSU's Equine Health Facilities, Services and Research. As well as Colorado Racehorse Postmortem Evaluation Project.

6. Clarification on licensing fees

Director Amick mentioned the new fees and fingerprinting requirements pertaining to some of the Registration licenses. Certain Registration licenses will now need to apply for a Support license with fingerprints.

7. Policy/Procedure on the transparency proposal

This agenda item was previously discussed under item 4 by Zach Ceriani, Policy Advisor.

OTHER:

8. Director's Report

Director Amick welcomed back Ed Kulp and mentioned that the division has filled the licensing position. The division will be posting a Criminal Investigator II position, Criminal Investigator I position, Veterinarian and a Steward position.

9. Public Comment

No public comment

Adjournment

The March 8, 2023 meeting of the Colorado Racing Commission was adjourned at 10:27 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 12th day of April, 2023

Colorado Racing Commission
April 12, 2023
Meeting Minutes

Call to Order

The scheduled meeting of the Colorado Racing Commission (“Commission”) was held on Wednesday, April 12, 2023 via video conference provided by Zoom. The meeting was called to order at 9:33 AM.

Members Present

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

Staff Present

Donia Amick, Director of the Division of Racing Events
Janina Rivera, Executive Assistant to Division Director
Sarah Killeen, Assistant Attorney General
Suzanne Karrer, Communications Supervisor for the Specialized Business Group

1. Approval of 3.8.2023 Minutes

Minutes approved for March 8, 2023.

DISCUSSION ITEM:

2. Memorandum of Understanding dated 5/19/22 and potential agreement between Colorado Horse Racing Association and Bally’s at Arapahoe Park regarding purses

Director Amick mentioned that there have been ongoing decisions between and amongst all parties for over a year regarding this issue.

Sarah Killeen, AAG provided background on the MOU, which includes the following:

- During a meeting in April, 2022, the parties agreed that purses would be calculated as they have been in past for one year and for racing season 2022, to give all parties time to develop and/or propose revisions to the Racing Act statute;
- Memorandum of Understanding (MOU) was signed by all parties;
- As of April 12, 2023, there has been no joint legislation proposed collaboratively regarding the statutory purse statute;
- Colorado Horse Racing Association (CHA) and Bally’s Arapahoe Park have been in discussions

regarding revisions to the statute but no agreement has been reached as of this date.

DECISION ITEM:

3. Consideration of approval of 2023/2024 simulcast schedule for Arapahoe Park

Director Amick stated that the Division received an incomplete simulcast request. Once the Division receives a signed agreement from Colorado Horse Racing Association (CHA), an emergency meeting will be held for the Commission to review and approve the complete application.

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

Debbie Allen, Business Analyst, discussed the two applications received for distribution of these funds are from the following:

Friends of Retired Greyhounds	39 dogs	\$10,833.33
Colorado Greyhound Adoption	33 dogs	\$9,166.67
	72 Total dogs	

Total distribution \$20,000.00/\$277.78 per dog

A motion was made by Commissioner Hoffman to release these funds to Friends of Retired Greyhounds and Colorado Greyhound Adoption with a second made by Commissioner Bowen.

Motion passed unanimously.

5. Presentation and approval of Commission Ruling Case No. 20R002 in the matter of Kerry Lee Kemper

Sarah Killeen, AAG, provided a brief background of the case which included an initial decision where the hearing officer recommended a certain fine and sanctions. The initial decision included a fine of \$2500 dollars. The Commission gave a final order which included the recommended sanctions but to increase the fine from \$2500 dollars to \$5000 dollars. She went on to mention that Mr. Kemper filed an appeal with the Colorado Supreme Court and that the Colorado Supreme Court affirmed with both the hearings officer and the Commission's order. According to C.R.S. 44-32-507 if a fine is not paid a penalty is then assessed which is the same amount as the fine. The total fine with penalty in this matter is then \$10,000 dollars.

Kerry Kemper, Licensee wanted to present his case to the Commission and stated his case never went to the Supreme Court only the Court of Appeals. He mentions having his name associated with the words "a detriment to racing" is just not him. He states he would never block a horse for performance. He states he still wants to race in Colorado. He was hoping to get a reduction to his fine. He then thanked the Commission for their time.

Commissioner Hoffman stated he was fine with reducing the fine from \$10,000 to \$5,000.

Commissioner Sampson also agreed she was ok with reducing the fine as well from \$10,000 to \$5,000.

Chair Estes asked if the Commission has the authority to override the penalty assessed?

Motion made by Commissioner Hoffman to move to executive session to receive legal advice on this matter. A second motion was made by Commissioner Scott.

Motion passed unanimously.

EXECUTIVE SESSION ENTERED 9:55 AM

OUT OF EXECUTIVE SESSION AND BACK TO OPEN SESSION 10:26 AM

Chair Estes asked Mr. Kemper why he waited so long to notify the Commission of his appeal actions? Which ultimately led to the penalty that was assessed.

Mr. Kemper stated he doesn't know how to answer that question.

Chair Estes stated that according to the statutes, the Division needed to be notified within 120 days after the final order was set which was 7/29/2021 that you were going to appeal that decision. She stated that the Commission was never notified by himself or his attorney of the appeal process.

Mr. Kemper responded he had no idea he had to do so until he received a letter in the mail that stated whether he appealed or not the fine would be doubled.

Commissioner Hoffman stated he changed his opinion and that per statute Mr. Kemper will have to pay the total amount of \$10,000 dollars.

Commissioner Sampson also concurred with Commissioner Hoffman that the Commission has no control of the statutes and agreed with the \$10,000 dollar fine as well.

Commissioner Scott also stated they cannot change the statute.

Mr. Kemper asked since the Commission doubled the \$2500 dollars to make the total fine \$5000 dollars if they can reverse that decision and drop the fine back down to \$2500?

Chair Estes mentioned the only suggestion they can offer is that the Division come up with a payment plan for the \$10,000 dollars.

Motion made by Commissioner Hoffman to deny Mr. Kemper's request to reduce the fine from \$5000 to \$2500 with a second made by Commissioner Sampson.

Motion passed unanimously.

Motion made by Commissioner Scott to move to executive session to receive legal advice on this matter. A second motion was made by Commissioner Hoffman.

Motion passed unanimously.

EXECUTIVE SESSION ENTERED 10:45 AM
OUT OF EXECUTIVE SESSION AND BACK TO OPEN SESSION 10:57 AM

OTHER:

6. Director's Report

Director Amick advised that a rulemaking hearing is scheduled for next week Friday, April 21, 2023.

The Division is going through a hiring process. Which include the following:

- Agent in Charge/Criminal Investigator III
- Criminal Investigator II
- Criminal Investigator I
- Veterinarian
- Steward
- Auditor - Filled

7. Public Comment

Bruce Seymore, Executive Director of Colorado at Bally's Arapahoe Park, mentioned that the track's application is on file and that they are going forward with a live racing season.

Chair Estes asked Mr. Seymore for clarification on what application he was referring to.

Bruce Seymore, Executive Director of Colorado at Bally's Arapahoe Park responded with the racing application.

Adjournment

The April 12, 2023, meeting of the Colorado Racing Commission was adjourned at 11:23 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 11th day of May, 2023

Colorado Racing Commission
April 19, 2023
EMERGENCY Meeting Minutes

Call to Order

The EMERGENCY meeting of the Colorado Racing Commission (“Commission”) was held on Wednesday, April 19, 2023 via video conference provided by Zoom. The meeting was called to order at 9:01 AM.

Members Present

Tina Estes, Chair

Sandra Bowen, Member

David “Lynn” Hoffman, Member

Staff Present

Donia Amick, Director of the Division of Racing Events

Janina Rivera, Executive Assistant to Division Director

Sarah Killeen, Assistant Attorney General

DECISION ITEM:

1. Approval of simulcast calendar schedule for the period of April 21, 2023 through April 20, 2024

Director Amick discussed the signed agreement from Kim Oliver, President of Colorado Horse Racing Association (CHA). Director Amick advised the Commission that the Division has not approved the meet license yet and would ask the Commission that if the track does not run a meet or the race days fall below 30 days in this calendar year, the simulcast be revoked.

Chair Estes asked if CHA has a current contract with the track. Director Amick responded that yes, they currently have a contract with the track which expires in 2024. The live and simulcast agreement expires in April 2023.

Shannon Rushton, Director of Racing at Bally’s Arapahoe Park, stated that when he was with Colorado Horse Racing Association (CHA) they extended the contract with the track to April, 2024, and doesn’t know why the simulcast contract wasn’t included.

Commissioner Hoffman made a motion to approve the simulcast schedule with the understanding that Bally’s Arapahoe Park has to do a race meet in 2023 with at least 30 days of live racing with a second motion made by Commissioner Bowen.

Motion passed unanimously.

Adjournment

The April 19, 2023, meeting of the Colorado Racing Commission was adjourned at 9:10 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 11th day of May, 2023

Colorado Racing Commission
May 10, 2023
Meeting Minutes

Call to Order

The regular scheduled meeting of the Colorado Racing Commission (“Commission”) was held on Wednesday, May 10, 2023 via video conference provided by Zoom. The meeting was called to order at 9:35 AM.

Members Present

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

Staff Present

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

1. Approval of April 12, 2023 Minutes

Minutes approved for April 12, 2023.

2. Approval of April 19, 2023 Minutes

Minutes approved for April 19, 2023.

DECISION ITEM:

1. Approval of simulcast calendar schedule for the period of April 21, 2023 through April 20, 2024

Director Amick discussed the live simulcast schedule will be renewed from 5/10/2023 to 5/9/2024.

Motion was made from Commissioner Hoffman to approve the live simulcast schedule from Bally’s at Arapahoe Park starting 5/10/23 through 5/9/2024 with a second made by Commissioner Scott.

Monition passed unanimously.

2. Consideration of approval of meet application for Arapahoe park 2023 season

Director Amick presented the meet application that was received on 3/22/2023. She stated most requirements had been received. The meet application contained the following information:

- Barn area open 5/10/2023
- Training 5/17/2023
- Live racing to begin 6/17/2023 through 9/11/2023
- Including 39 racing days
- Racing days to be held Sat, Sun and Mon
- Post time 1:00 pm
- Will be a mixed meet with Thoroughbreds and Quarter horses

An insurance binder has not been received for the Jockey's for on track accidents. Direct Amick states that the Division of Racing concludes that the Racing Associates of Colorado has not met all the requirements set forth and recommends the Commission to determine whether the items excluded still meet the class B application be conditionally approved if the following are received:

- Successful premeet inspection including racing office maintenance
- HISA requirements
- Public liability insurance
- All ADW will not be disturbed until all simulcast live and additional money has been depleted

Motion made by Commissioner Hoffman to accept the race meet application with the following concerns:

- Bally's 10k financial situation and short term cash flow
- In the last year they have increased their deficit
- Current assets total approximately \$522,713,000
- Current debit is \$755,000,000
- Current ratio is .69
- Will not be able to bail out Arapahoe Park if Arapahoe Park gets into trouble
- Include the Jockey's insurance binder

A second was made by Commissioner Sampson to approve the application with Commissioner Hoffman's concerns.

Shannon Ruston, Executive Director of Operations/Director of Racing & General Manager at Bally's Arapahoe Park commented that the Jockey's insurance binder has been completed and sent. As well as a request for two Arabian races has been requested.

Bruce Seymore, Executive Director of Colorado at Bally's Arapahoe Park commented that Bally's is behind Arapahoe Park and that Arapahoe Park is considered a cash cow based on Commissioner Hoffman's 10k financial concerns.

Commissioner Hoffman amended his previous motion to include the Arabian horse races a second was made by Commission Sampson.

Motion passed unanimously.

3. Consideration of approval for Request for Exemption from 15 USC § 3055(d) Limitations on use of furosemide

Director Amick requested approval to submit a furosemide exemption on behalf of the Commission to HISA/HIWU for the upcoming meet.

Motion made by Commission Scott to approve the exemption with a second made by Commissioner Hoffman.

Motion passed unanimously.

OTHER:

4. Information Concerning Petition of Declaratory Order CRC 6.500

Sue Kim, AAG discussed the two documents presented to the Commission. One being the Petition for Declaratory order and the second is the Petition for Leave to Intervene.

A motion was made by Commission Hoffman to enter into executive session to seek legal advice regarding the received petition. A second was made by Commissioner Scott.

Motion passed unanimously.

EXECUTIVE SESSION OPENED APPROXIMATELY 10:15 AM

EXECUTIVE SESSION CLOSED REENTERED INTO OPEN SESSION 11:07 AM

Chair Estes commented she would like to leave this matter within the Commission.

Motion made by Commissioner Hoffman to table this discussion, to grant Arapahoe's Park request to intervene, invite a request to intervene by the Colorado Horseman Association, allow the Division to file a reply, allow a full brief to allow the motion to dismiss, request information on the tax protest from the Division and Arapahoe Park and to allow Chair Estes to sign all related documents. A second was made by Commissioner Scott.

Motion passed unanimously.

5. Director Report

Director Amick noted that the Division is hiring for the upcoming season. She also said the Division is working to obtain a fingerprint machine.

Adjournment

The May 10, 2023 meeting of the Colorado Racing Commission was adjourned at 11:20 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, 2023

Colorado Racing Commission
May 19, 2023
SPECIAL Meeting Minutes

Call to Order

The SPECIAL meeting of the Colorado Racing Commission (“Commission”) was held on Wednesday, May 19, 2023 via video conference provided by Zoom. The meeting was called to order at 9:02 AM.

Members Present

Tina Estes, Chair
Lori Scott DVM, Vice Chair
Sandra Bowen, Member

Staff Present

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

DECISION ITEM:

1. Notices of Appeal including Request for Stay of Execution, Request for Oral Argument, In the Matter of Stetson Mitchell, Owner/Trainer License Number 201601078, Hearings Division Case Number 22R001

Sue Kim, AAG discussed the Mitchell case and whether the Commission will grant or deny the licensees request for a Stay of Execution pending the determination on the appeal and to grant oral arguments from both parties.

A motion was made by Commissioner Bowen to grant oral arguments for both sides on the appeal. A second was made by Commissioner Scott.

Motion passed unanimously.

A motion was made by Commissioner Scott to agree to a Stay of Execution on the fine and payment until 20 days after the Commission hears oral arguments. The Commission determined they would not grant a stay with regards to the license revocation, on allowing the horses to come off the veterinarian’s list, the disqualification and purse distribution. A second was made by Commissioner Bowen.

Motion passed unanimously.

Adjournment

The May 19, 2023 meeting of the Colorado Racing Commission was adjourned at 9:18 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, 2023

Colorado Racing Commission
June 14, 2023
Meeting Minutes

Call to Order

The regular scheduled meeting of the Colorado Racing Commission (“Commission”) was held on Wednesday, June 14, 2023 via video conference provided by Zoom. The meeting was called to order at 9:33 AM.

Members Present

Lori Scott DVM, Vice Chair
Sandra Bowen, Member
Tameka Sampson, Member
David “Lynn” Hoffman, Member

Staff Present

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

1. Approval of May 10, 2023 Minutes

Commissioner Hoffman noted a grammar error of the word “there” on the second page under risk factors. Correction of their not there. Besides that Commissioner Hoffman made a motion to approve the minutes. A second was made by Commissioner Bowen.

Minutes approved for May 10, 2023.

2. Approval of May 19, 2023 Minutes

Minutes approved for May 19, 2023.

DECISION ITEM:

3. Consideration of approval of Early Release Request of Breeders Fund - Colorado Thoroughbred Breeders Association

Sanela Simic, Auditor, presented the request received by the Division from the Colorado Thoroughbred Breeders Association, requesting an early release of breeders money in the amount of \$90,000.00 with a requested release date by July 10, 2023.

Motion made by Commissioner Sampson to approve the early release in the amount of \$90,000.00 with a release date by July 10, 2023, with a second made by Commissioner Bowen.

Motion passed unanimously.

4. Request for consideration of fine and suspension: *Palafox v. Colorado Racing Commission*, COA 21CA000665

Vice Chair Scott requested that Mr. Palafox present himself via online with no response received. Director Amick mentioned that she did not see his name on the participant list. Director Amick also mentioned that the Division did reach out to Mr. Palafox the morning of the Commission meeting to remind him of the meeting. Director Amick requested that the Commission move forward with the next agenda item and will reach out to Mr. Palafox to see if he will be available for the July Commission meeting.

DISCUSSION ITEM:

5. Update on conditional items of meet application for Arapahoe Park 2023 season

Director Amick mentioned that the Division has received all the conditional items except for some of the repairs and cleaning items. The Jockey's insurance will renew in July 2023 and Director Amick has requested to see this document. Director Amick mentioned that the windows in the Racing licensing office do not lock and has requested the track to fix this issue due to security concerns with data and equipment.

6. HISA/HIWU update

Director Amick mentioned that the Division has HIWU training tomorrow 6/15/2023 for all of the test barn staff. Which include the Veterinarians and Veterinary Technicians. Director Amick mentioned that the HIWU investigators training will be held on Friday 6/16/2023.

OTHER:

7. Special thank you to Dr. Lori Scott for her service to the Commission

Director Amick wanted to thank Vice Chair Dr. Lori Scott for her eight years of service as this is her last meeting.

Commissioner Hoffman also thanked Vice Chair Dr. Scott for her service.

Shannon Rushton, thanked Vice Chair Dr. Scott for her services as well.

8. Director Report

Director Amick stated that the Division has hired Emily Maurer as a Criminal Investigator, Carlos Partida, Linda Salinas as Stewards. The Association hired Jeff Williams as a Steward. Dr. Laura Austgen was hired as the state Veterinarian. Dr. Mark Anderson, Dr. Joni Smith and Dr. Brianna Jackson will all work as

temporary Veterinarians. Director Amick also welcomed back Dania Cobos Bejarano and Emmalie Baxter as licensing staff.

9. Public Comment

Shannon Rushton, Executive Director of Operations/Director of Racing & General Manager at Bally's Arapahoe Park, commented that last year the track had 500 horses and this year they have 750 but expecting 800.

Adjournment

The June 14, 2023 meeting of the Colorado Racing Commission was adjourned at 9:50 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 12th day of July, 2023

Colorado Racing Commission
July 12, 2023
Meeting Minutes

Call to Order

The regular scheduled meeting of the Colorado Racing Commission (“Commission”) was held on Wednesday, July 12, 2023 via video conference provided by Zoom. The meeting was called to order at 9:30 AM.

Members Present

Tina Estes, Chair
Sandra Bowen, Member
Tameka Sampson, Member
Kjersten Davis, DVM, Member

Staff Present

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

1. Approval of 6.14.2023 Minutes

Minutes approved for 6.14.2023.

DECISION ITEMS

2. Election of Officers

Sarah Killeen, Assistant Attorney General, conducted the elections for chair and vice chair of the Colorado Racing Commission for fiscal year 2023 - 2024

Commissioner Bowen nominated Commissioner Estes as chair.

Motion made by Commissioner Sampson to close nominations for chair with a second made by Commissioner Bowen.

Motion passed unanimously

Vote called to nominate Tina Estes as chair for fiscal year 2023 - 2024.

Vote passed unanimously. Tina Estes presented as the duly elected chair for the Colorado Racing Commission for fiscal year 2023-2024.

Commissioner Estes nominated Commissioner Bowen as vice chair.

Commissioner Bowen declined nomination for vice chair and nominated Commissioner Sampson as vice chair. Commissioner Estes withdrew her nomination for Commissioner Bowen as vice chair.

Motion made by Commissioner Estes to close nominations for vice chair with a second made by Commissioner Davis.

Motion passed unanimously

Vote called to nominate Tameka Sampson as vice chair for fiscal year 2023-2024.

Vote passed unanimously. Tameka Sampson presented as the duly elected vice chair for the Colorado Racing Commission for fiscal year 2023-2024.

3. Appeal hearing, In the Matter of Stetson Mitchell, Owner/Trainer License Number 201601078

Chair Estes explained the oral arguments procedure with Counsel and that each side has a 10 minute time limit.

Daniel Marquez, legal counsel for the licensee as well as Chris Matz.
Sarah Killeen for the Division of Racing Events.

Sarah Killeen, AAG began oral arguments on the Divisions appeal on the hearings officer final decision regarding only the penalties. AAG Killeen explained that two of the hearing officers' mitigating factors should not be. First being penalties in Nebraska and the second being insufficient evidence to conclude that alcohol was not an enhanced performing substance.

AAG Killeen stated the hearings officer did not apply the penalty guidelines correctly regarding the chart in rule 5.441. This rule has three penalty categories A, B and C. With each violating factor per category the fine and penalty increases. The hearings officer did not increase the penalty or fines with each violation found.

AAG Killeen closed her argument with a request that the Division reassess the penalties and that the nine alcohol violations under category A be assessed per the chart. Violations four through nine have the third lifetime minimum and maximum penalties applied.

The 10 minute time limit was reached at this point.

Counsel Daniel Marquez began oral arguments that the Division of Racing Events is simply unsatisfied with the hearings officer's decision. He states that the Division's appeal for this reason is forbidden and something that cannot be done.

Mr. Marquez stated that the hearings officer requested written closing arguments and set a deadline for this after a three day hearing. Mr. Marquez stated that the respondent submitted closing arguments and

the Division of Racing Events did not. Mr. Marquez stated that the hearings officer had questions regarding penalties and guidance on penalties. The hearings officer also requested the Division of Racing Events provide a testimony from someone that would provide this guidance. A Mr. Zach Ceriani from the Division of Racing Events was called to provide this information.

Mr. Marquez states that the Commission rules that also adopts the ARCI guidelines for penalty schedules clearly says that these penalties and increases in penalties for subsequent violations are absent in mitigating circumstances and that these are simply guidelines and not requirements.

Mr. Marquez states in the issue of the alcohol violation the evidence found was unreliable and Dr. Mooney's testimony is hearsay.

The 10 minute time limit was reached at this point.

Divisions rebuttable by Ms. Killeen is that the Division did provide a written closing argument. Ms. Killeen went on to address the alcohol violations. In which she states that the violations happened during the entire racing season and not at a single time.

Licensees rebuttable by Mr. Marquez stated that he did receive the Divisions written closing argument by email this morning. He went on to say that it was sent to the incorrect email address.

Mr. Marquez stated that the Division's own witness, Mr. Zach Ceriani, confirmed that if the hearings officer wanted to consider multiple positive tests as a single violation the hearings officer has the authority to do so.

Mr. Marquez mentioned that in Dr. Mooney's testimony she does not have the personal knowledge regarding the urine sample and or collection of such.

**ENTERED INTO EXECUTIVE SESSION AT 10:18 AM
OPEN SESSION AT 11:18 AM**

Chair Estes requested a motion from the Commission to accept all of the findings and facts in the hearing officer's ruling.

Motion made by Vice Chair Sampson with a second made by Commissioner Bowen to adopt the findings and facts in the hearing officer's ruling.

Motion passed unanimously.

Chair Estes requested a motion from the Commission to accept all of the conclusions of law in the hearing officer's ruling.

Motion made by Vice Chair Sampson with a second made by Commissioner Davis to adopt in entirety the conclusions of law in the hearings officer's ruling.

Motion passed unanimously.

Chair Estes requested a motion to adopt, modify or reject the penalties imposed by the hearing officer for the Albuterol violation.

Motion made by Vice Chair Sampson to modify the hearing officer's ruling and instead to order a twenty five hundred dollar fine with a suspension of one hundred and eighty days with credit for suspension time served, ARCI two points for two years, loss of purse, disqualification of the horse, vet's list for one hundred and eighty days and an examination before eligibility. A second made by Commissioner Bowen.

Commissioner Davis stated that based on the seventy two horses of licensee Mitchell that were tested for Albuterol with only one positive test this shows no pattern of usage.

Motion passed unanimously.

Chair Estes requested a motion to adopt, modify or reject the penalties imposed by the hearing officer for Alcohol violations

Motion made by Vice Chair Sampson to adopt the hearing officer's ruling of ninety thousand dollar fine, the nine year suspension and with no reapplication for five years and with credit for suspension time served, ARCI six points for three years, loss of purse, disqualification of each horse, vet's list for ninety days and an examination before eligibility. A second was made by Commission Bowen.

Commissioner Davis questioned if the nine year suspension is appropriate. Asked the Division if there are any comparables to go off of?

Chair Estes mentioned that the two positives in one horse are concerning to her and she sees that as a pattern or consistent process within this barn. And feels that the nine years is validated.

Director Amick stated for the past four years that she has been the Division director there are none. Chair Estes commented the same.

Motion passed unanimously.

Chair Estes requested a motion to adopt, modify or reject the penalty imposed by the hearing officer for Prohibited Items.

Motion made by Vice Chair Sampson to adopt the hearing officer's ruling of the five hundred dollar fine. A second was made by Commission Bowen.

Motion passed unanimously.

Chair Estes requested a motion to allow a single Commissioner to sign and review the procedural documents.

Motion made by Commission Bowen to allow Chair Estes to sign and review the procedural documents regarding this case. A second was made by Commissioner Davis.

Motion passed unanimously.

4. Petition for Declaratory Order to Terminate Controversy and Remove Uncertainties, CRC 6.500

Sue Kim, Adjudicatory Counsel requested a five minute break.

Chair Estes agreed.

BREAK AT 11:50 AM

BACK FROM BREAK 11:55 AM

Sue Kim, Adjudicatory Counsel stated three questions need to be addressed regarding this matter.

- Whether to grant or deny Colorado Horseman's Association (CHA) motion to intervene
- Whether to grant or deny the Motion to dismiss
- Whether to entertain and rule on the Petition for Declaratory Order with briefing

Motion made by Commission Sampson to grant Colorado Horseman's Association (CHA) motion to intervene. A second was made by Commissioner Davis.

Motion passed unanimously.

Motion made by Commission Sampson to deny the motion to dismiss the matter. A second was made by Commissioner Bowen.

Motion passed unanimously.

Motion made by Commission Sampson for all parties to file briefs on the Petition for Declaratory Order and with authorization of Chair Estes to sign and to direct staff to bring it back to the Commission after all briefings have been filed. A second was made by Commissioner Davis.

Motion passed unanimously.

Motion made by Commission Sampson to defer the decision whether a hearing is necessary to determine the Petition. A second was made by Commissioner Davis.

Motion passed unanimously.

5. Presentation by Rocky Mountain Quarter Horse Association (RMQHA) on breed organization hair testing rules for 2023 season at Bally's at Arapahoe Park

Howie Chavers, President of Rocky Mountain Quarter Horse Association (RMQHA) stated that one hundred and thirty five tests have been completed. Twelve have come back positive.

Commissioner Davis commended RMQHA on initiating and implementing the new rule.

Mr. Chavers said he and RMQHA organization feels that this rule should be taken over at the state level.

Commissioner Davis did respond and stated that she felt it would go over much smoother with the general horse population coming from RMQHA then the Racing Commission.

OTHER:

6. Director's Report

Director Amick said that Arapahoe Park did have an accreditation meeting with HISA which the Division did not participate in. She said the Division has been working successfully with HISA and HIWU.

Director Amick welcomed Dr. Davis to the Commission.

7. Public Comment

Shannon Ruston, Executive Director of Operations/Director of Racing & General Manager at Bally's Arapahoe Park said there was a delay in payments of winners because of HISA. Mr. Ruston did mention that the first weekend of testing resulted in no positives. Mr. Ruston mentioned the meeting with HISA went very well and he has received positive feedback from the horseman and jockeys.

Commissioner Davis asked about the amount of horses from last year which was roughly 500 to this year which is 700 or even 800.

Shannon Ruston, Executive Director of Operations/Director of Racing & General Manager at Bally's Arapahoe Park, responded that right now the track has about 825 horses in part because Arizona Downs closed this year.

Adjournment

The July 12, 2023 meeting of the Colorado Racing Commission was adjourned at 12:30 p.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 11th day of October 2023

Colorado Racing Commission
August 23, 2023
Emergency Meeting Minutes

Call to Order

The Emergency scheduled meeting of the Colorado Racing Commission (“Commission”) was held on Wednesday, August 23, 2023, via video conference provided by Zoom. The meeting was called to order at 9:30 AM.

Members Present

Tina Estes, Chair

Tameka Sampson, Vice Chair

Sandra Bowen, Member

David “Lynn” Hoffman, Member

Kjersten Davis, DVM, Member

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. Emergency request by Bally’s Arapahoe Park to amend Rule 12.210 for the remainder of the live race season to account for race fields of six or less.

Director Amick stated that Bally’s Arapahoe Racetrack reached out to her to cancel a show wager. Director Amick responded to Bally’s informing them that she was not comfortable doing this and to ask the Commission for reconsideration of rule 12.210.

Chair Estes commented that this rule was changed in 2018 mid-meet. She also mentioned that this rule may decrease the money that is available to the purse fund. Chair Estes questioned why the track is waiting until now to request this rule change.

Bruce Seymore stated that this rule is dealing with minus pools and in 2018 it was changed from four to five horse field races with the hope that it would increase handle and purse amounts. He stated that it is doing the opposite. Mr. Seymour explained that out-of-state people who are betting by simulcast wagering notice the significant favorite that is going to place third in a four-horse field and they will bet high on it. Mr. Seymour is asking the Commission to change this rule to six horse field races not just to help the track out this year but to also help them in the future.

Commissioner Hoffman made a motion to allow the association to cancel show wagering when less than six entries leave the paddock and may or may not at its own discretion cancel or run place wagering with less than five entries leaving the paddock. Second motion also made by Commissioner Hoffman that the first motion only applies to the end of 2023 race meet. A third motion made by Commissioner Hoffman that the association and the Division put this into its next scheduled formal rulemaking.

A second was made by Vice Chair Sampson on all three of Commissioner Hoffman's motions.

Motion passed unanimously.

Vice Chair Sampson made a motion to have Chair Estes review and sign an order on behalf of the entire Colorado Racing Commission detailing the verbal motion that passed unanimously to amend Colorado Racing Commission Rule 12.210, pursuant to Rule 6.120.

A second motion was made by Commissioner Davis.

Motion passed unanimously.

Adjournment

The August 23, 2023, meeting of the Colorado Racing Commission was adjourned at 10:13 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 11th day of October 2023

Colorado Racing Commission
October 11, 2023
Meeting Minutes

Call to Order

The regular scheduled meeting of the Colorado Racing Commission (“Commission”) was held on Wednesday, October 11, 2023 via video conference provided by Zoom. The meeting was called to order at 9:30 AM.

Members Present

Tina Estes, Chair
Tameka Sampson, Vice Chair
Kjersten Davis, DVM, Member
Dr. David “Lynn” Hoffman, Member
Sandra Bowen , Member

Staff Present

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

Commissioner Hoffman recommended moving agenda item #6 - Division of Racing Events Petition for Declaratory Order to Terminate Controversy and Remove Uncertainties, dated April 26, 2023, CRC 6.500 to the first order or business due to other Commissioner times restrains.

Motion made by Commissioner Hoffman to move agenda item #6 - Division of Racing Events Petition for Declaratory Order to Terminate Controversy and Remove Uncertainties, dated April 26, 2023, CRC 6.500 to the first order or business. A second motion was made by Commissioner Davis.

The motion passed unanimously.

1. Approval of July 12, 2023 Minutes

Minutes approved for 7/12/2023.

2. Approval of August 23, 2023 Emergency Minutes

Minutes approved for 8/23/2023.

DECISION ITEMS

6. Division of Racing Events Petition for Declaratory Order to Terminate Controversy and Remove Uncertainties, dated April 26, 2023, CRC 6.500

Chair Estes provided an overview of the decision item.

Motion made by Commissioner Hoffman to enter into executive session. Second motion made by Commissioner Davis.

Motion passed unanimously.

ENTERED INTO EXECUTIVE SESSION AT 9:41 AM OPEN SESSION AT 10:22 AM

Commissioner Hoffman commented that the Commission declines to intervene or make any comments or decisions on the MOU. Commissioner Hoffman requested that the Commission receive a brief on each revenue stream. A second motion was made by Commissioner Sampson.

Motion passed unanimously.

Commissioner Sampson excused herself from the meeting.

Commissioner Bowen made a motion to move agenda item #3 Fixed Odds or Price on Horse Wagering Division of Gaming Sports Betting Regulation 1 CCR 207-2 DOG SB Rule 5.1 after all other decisions items have been discussed. A second motion was made by Commissioner Davis.

Motion passed unanimously.

5. Consideration of request by David Palafox-Meza concerning Palafox-Meza v Colorado Racing Commission Case number 19-0633

Mr. Palafox-Meza requested that his wife Lubia Sandoval interpret for him.

Ms. Sandoval, asked what her husband Mr. Palafox-Meza have to do in order to get his license back? Director Amick responded that Mr. Palafox-Meza needs to pay his fine and serve his suspension. Sarah Killen, Assistant Attorney General, stated according to the final order dated March 22, 2021 the fine amount was \$41,000 and the suspension period is until the fine is paid.

Ms. Sandoval asked if it was possible to decrease the fine so he could train again? Chair Estes commented that according to the final order nothing can be done until the fine is paid.

4. Consideration of request by Bally's Arapahoe Park for modification of rule 1 CCR 208-1 CRC 6.114

Shannon Ruston, Executive Director of Operations/Director of Racing & General Manager at Bally's Arapahoe Park stated a request was made last year for the 2022 season to pay for half of the jockey's insurance. The Commission approved to pay half of the jockey's insurance per CRC rule #6.114 from the ADW funds. They would like to make the same request for the 2023 season in the amount of \$92,210. The total amount is \$184,420. The accountant requested \$73,000 for this year which was not half.

Commission Hoffman asked Mr. Ruston is this only for the past 2023 season or all future seasons as well?

Shannon Ruston, Executive Director of Operations/Director of Racing & General Manager at Bally's Arapahoe Park responded he would like to request for all future seasons as well.

Director Amick, commented that the Colorado Horsemen Association (CHA) still has to approve this request prior to any funds being released.

Motion made by Commissioner Hoffman to approve the request made by Bally's at Arapahoe Park to use the purse fund to pay half of the jockey's insurance premium for 2023 only in the amount of approximately \$92,000. With the approval from CHA. A second motion was made by Commission Davis.

Director Amick asked Bally's to also include all of the proper documentation of the premium and payments prior to release, to which the Commission agreed.

Motion passed unanimously.

DISCUSSION ITEM:

3. Fixed Odds or Price on Horse Wagering Division of Gaming Sports Betting Regulation 1 CCR 207-2 DOG SB Rule 5.1

Director Amick mentioned that the Gaming Commission decided to modify the temporary rule for Fixed Odds Wagering and has asked Division of Gaming Director, Chris Schroder and Senior Director, Mike Phibbs to provide more information.

Senior Director Mike Phibbs mentioned that the Gaming Commission will have a rulemaking hearing in November and that Director Schroder will go over the details as to the old rule versus the new rule.

Director Schroder mentioned some of the specifics to the rule are:

- Removing the work "Greyhound"
- Adding association that represents
- Adding Director's Designee
- Changing from 18 months to 24 months

Chair Estes mentioned that when this passed previously the Racing Commission was to receive a report on how this had impacted the horse racing industry and had not received anything from the Gaming Director.

Senior Director Phibbs responded that it had no impact on the horse racing industry as no one took advantage to establish a Fixed Odds Wagering System for horse racing under the rules during the prior 18 months.

OTHER:

8. Director's Report

Director Amick mentioned that the Division has received a few letters regarding the 2023 season. She said this year the Division had a strict adherence to rules and regulations that may not have been happening the past couple of years. Some people were happy and others were not.

Commissioner Davis commented that she was a little distressed regarding the housing situation and agreed that it is an industry wide problem but would like to know what we could do to make the housing situation better?

Director Amick mentioned that to receive a race meet license Bally's at Arapahoe Park needs to be in compliance with all local, state and federal regulations, which includes Arapahoe County and South Metro Fire regarding living conditions. South Metro was unaware of how many people were living on the backside of the track and did issue a cease and desist order. Director Amick said South Metro Fire has been asked to join the next Commission meeting, however, they have no obligation to attend and have not confirmed. She said the Division cannot do anything regarding dormitory or the housing situation at Arapahoe Park, Bally's at Arapahoe Park is responsible for their business decisions on dormitories.

Chair Estes commented that the bathrooms not having hot and cold or any running water at all was a significant issue that should have been taken care of immediately and continuously.

Shannon Ruston, Executive Director of Operations/Director of Racing & General Manager at Bally's Arapahoe Park responded that they do have a cleaning crew that cleans on a weekly basis. And that the problem is with the Hispanic faction of grooms who he was told by the Chaplaincy program of America are used to throwing toilet paper in the trash cans instead of in the toilet due to the sewage issue in Mexico. Shannon signs in Spanish are posted and that he does not believe it is a lack of effort on their part. Shannon said they have also replaced some hot water heaters. Shannon said that Remington Park is a premiere racetrack and when he recently visited he would not use the bathrooms on the backside. He states they are aware of the issue and are trying to stay on top of it.

9. Public Comment

No public comment

7. Commissioner Annual Training

Sarah Killeen, Assistant Attorney General proceeded with the Commissioner's annual training presentation.

Adjournment

The October 11, 2023 meeting of the Colorado Racing Commission was adjourned at 11:32 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 13th day of December, 2023

Colorado Racing Commission
December 13, 2023
Meeting Minutes

Call to Order

The regular scheduled meeting of the Colorado Racing Commission (“Commission”) was held on Wednesday, December 13, 2023 via video conference provided by Zoom. The meeting was called to order at 9:30 AM.

Members Present

Tina Estes, Chair
Tameka Sampson, Vice Chair
Kjersten Davis, DVM, Member
Dr. David “Lynn” Hoffman, Member
Sandra Bowen , Member

Staff Present

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

1. Approval of October 11, 2023 Minutes

Minutes approved for 10/11/2023

DECISION ITEMS

2. Release of Greyhound welfare and adoption funds- Sanela Simic, Auditor

Sanela Simic, Division Auditor presented the two applications received from Friends of Retired Greyhounds and Colorado Greyhound Adoption for a total of \$20, 000. Friends of Retired Greyhounds requested \$8,235.29 and Colorado Greyhound Adoption requested \$11,764.71.

Motion made by Commissioner Bowen to release the funds with a second made by Commissioner Davis.

Motion passed unanimously.

Chair Estes moved to agenda item number 6. HISA Update - Donia Amick, Director

6 HISA Update - Donia Amick, Director

Director Amick mentioned that the Division is ready to sign another voluntary agreement with HISA. Director Amick also mentioned that the Division received approximately \$180,000 in reimbursement from last year and is expecting the same for this year. The new approximate HISA assessment will be \$360,000. Director Amick requested that if the Commission disagrees with the Division signing the agreement to please let her know as soon as possible.

3. Oral Argument. Division of Racing Events Petition for Declaratory Order to Terminate Controversy and Remove Uncertainties, dated April 26, 2023, CRC 6.500 -- AG Adjudicatory Counsel Sue Kim

Chair Estes went over the oral argument proceedings. Requested that each representative introduce themselves as such. They are as follows:

- Attorney for Division/Petitioner/Sarah Killeen/Office of the Attorney General
- Attorney for Colorado Horse Racing Association/Intervenor/Margrit Lent Parker/Lent Parker Law LLC
- Attorney for Bally's Arapahoe Park/Intervenor/Lidiana Rios & Tom Downey/Ireland Stapleton

Sarah Killeen, AAG started with the Division is looking for two things: first, an order from the Commission confirming that there are two separate purse calculations in the racing act. Second, the Division is seeking guidance from the Commission through its order on the actual framework on these two calculations.

Margrit Lent Parker, Attorney for Colorado Horse Racing Association stated the association would also like an order from the Commission confirming the statutory calculations of the purse fund. As well as a standardized spreadsheet with the formulas that can be used by all parties and that the Commission order the Division and Bally's Arapahoe Park to provide CHA with the data necessary to independently verify future purse fund calculations.

Lidiana Rios, Attorney for Bally's Arapahoe Park stated that for over two years Arapahoe Park the Division and other stakeholders have disagreed on the formulas and racing statute for live racing, simulcasting and single export. Ms. Rios continues to state that the statute is missing key definitions and is poorly organized and the solution given by Bally's Arapahoe Park is that legislation must way in and redraft the statute to set forth a clear distinct well defined formula. Mr. Rios mentioned that Bally's Arapahoe Park indeed agrees that there are two formulas but there are three types of economic activity that happen in racing in Colorado today that only warrants legislative interference and revisions.

Commissioner Hoffman stated that this case has two separate domains. One being legal and the other is financial. Commissioner Hoffman states that the key issue is the definition of gross because that is the starting figure.

Motion made by Commissioner Hoffman to enter into executive session. Second motion made by Commissioner Davis.

Motion passed unanimously.

ENTERED INTO EXECUTIVE SESSION AT 11:35 AM OPEN SESSION AT 1:10 PM

Motion made by Commissioner Hoffman to table this topic and give more time for the Commission to deliberate which would be at the next regular Commission meeting on 1.10.2024. Second was made by Commissioner Sampson.

Motion passed unanimously.

Motion made by Commissioner Hoffman stating that the Commission will not intervene or make any comments or decisions on the MOU. A second motion was made by Commissioner Sampson.

Motion passed unanimously.

4. End of Meet Report regarding 2023 season at Bally's at Arapahoe Park - Donia Amick, Director

Director Amick presented the 2023 End of Meet Report that included the following information:

- The thirty-nine (39) day live meet at Arapahoe Park began on 06/17/2023 and ended on 09/11/2023.

TOTAL NUMBER OF HORSE RACES OFFERED:

2022	2023
Live race days: 42	39
Live race days: 335	315

ATTENDANCE

2022 (42 day)	2023 (39 days)
74,150	39,788

TOTAL HANDLES

In-State Live (Track)	\$1,137,072.70
In-State Live (OTB)	\$90,788.80
Out-of-State Live	\$6,065,418.56
Total Handle	\$7,293,280.06
*Change from 2022	-\$14,146.30

TOTAL DISBURSEMENT OF PURSES BY BREED

Breed	# of Races	# of Starts	Purses Paid
Thoroughbred	232	1480	\$2,265,188.00
Quarter Horse	77	554	\$956,565.00
Arabian	2	13	\$44,100.00
Mixed	4	28	\$33,600.00
TOTALS	315	2075	\$3,299,453.00

PURSES PAID

Total Purses	\$3,299,453
Total Assoc	\$2,736,100
Horsemen's \$/Nom.	\$563,353

PAYOUT/PAY TO PUBLIC(39)

In-State Live (Track)	\$815,952.43
Out-of-State Live	\$4,405,875.52

TOTAL INJURIES

ARP EQUINE MORBIDITY & MORTALITY (racing & training and non-racing related)

	2021	2022	2023
Total starts	1,613	2360	2082
Total injuries	49	33	24
Catastrophic Injuries: Live racing & Race-Associated	5 1	11 5	3-TB 2-QH 1-Grade
Died or euthanized due	4	3	1-TB

to sickness or accident (non-racing related)			
Training Injuries	0	3	2-TB 1-QH

Live Racing Fatalities Per 1000 Starts Bally’s Arapahoe Park 2023

Thoroughbreds	1.33
Quarter Horses and Arabians	3.94
TOTAL – Combined breeds	1.92

ANIMAL WELFARE & TEST BARN STATISTICS

Veterinarian Staff

- CRC State Veterinarian Laura Austgen, DVM
- CRC State Veterinarian Joni Smith, DVM, Seasonal
- CRC State Veterinarian Mark Anderson, DVM, Seasonal
- Association/ CRC State Veterinarian Autumn Sorensen, DVM, Seasonal
- CRC State Veterinarian Annie Lin, DVM, Seasonal
- CRC State Veterinarian Brianna Jackson, DVM, Seasonal
- Certified Veterinary Technician Gillian Stott, Seasonal
- Veterinary Assistant Cora Johnson, Seasonal
- Veterinary Assistant Sarah Liepold, Seasonal
- Veterinary Assistant Aspen Taylor, Seasonal
- Veterinary Assistant Kaylee Oekten, Seasonal
- Veterinary Assistant Abby Barnhardt, Seasonal
- Veterinary Assistant Melanie Partida (limited responsibilities) , Seasonal
- Association Veterinarian Verlin Jones, DVM (only worked two weekends)

VETERINARIAN PRE-RACE EXAMINATIONS

Pre-race horse examinations (approximate)	2152
Horses scratched from Veterinarian examinations	42

Horses placed on Veterinarian list in 2023	132
Race day scratched horses (pre-race & late vet scratches)	70
Total number of starts	2082

TESTING

Horses tested post-race (all breeds)	562
Post-race blood collected	562 (99.7%)
Post -race urine collected	522 (92.7%)
QH Out of Competition blood tests	85
TB Out of competition (blood) + TCO2 + Vet's List testing	104
QH Hair samples (approximate)	218
QH Hair samples for other jurisdictions	5

MEDICATION VIOLATIONS

Industrial Laboratories, the Division's contract testing lab, reported:

	2022	2023	
		State	HIWU
Total Positive Test	13	4	1
NSAID Overages	1	0	1
Unauthorized Medications	2	3	
Prohibited Substances	10	1	

The unauthorized medications and prohibited substances detected:

- Flunixin meglumine

- Dexamethasone
- Nikethamide

INSPECTIONS/INVESTIGATIONS

Investigations staff

- Criminal Investigator - Emily Maurer
- Compliance - Kelly Haralson, Seasonal
- Compliance - Ashley Leary, Seasonal

Category	Number of licensees
Trainers/Owner Trainers	119
Jockeys/Agents	44
ExerciseRider/Pony Person/Plater	37
Grooms	70
Racing Officials	38
TOTAL HDT	26

STABLE INSPECTIONS

- Pursuant to § 44-32-501(1), C.R.S., the Division conducted seventy (70) barn/trainer inspections, including pre-meet inspections. All physical problems found during these inspections were reported via memo to the Director of Racing, Bruce Seymore and Maintenance Manager, Billy Byers.

INVESTIGATIONS - WARNINGS/CITATIONS ISSUED

Incidents	30
Citations	23
Warnings	6
HISA Investigations	10

ADMINISTRATIVE VIOLATIONS

Board of Stewards

- State Steward, Linda Salinas, Seasonal
- State Steward, Carlos Partida, Permanent
- Association Steward, Jeff Williams

The Board of Stewards at Arapahoe Park issued rulings for the following violations.

Violation	Rulings Issued
Stewards rulings	21 (5 HISA)
Jockey Discipline	13 (5 HISA)
Medication violation	3

The following fines were assessed

State Rulings	\$2,100/\$500 unpaid
Citations	\$2,700 /\$200 unpaid
HISA Rulings	\$1,500

LICENSING

Licensing Staff

- Licensing specialists lead - Dania Cobo-Bejarano
- Licensing specialist - Emmalie Baxter, Seasonal

Total license applications through the end of the meet and other fees collected

Type	Total	Payment Total (\$)
Support	349	\$21,909
Support Renewals	93	\$3,153
Registration	13	\$154
Key	6	\$224
Key Renewals	6	\$263
Major	0	\$0
Major Renewals	1	\$60
Minor	6	\$543

Minor Renewals	0	\$0
Wagering Facility	0	\$0
Validations	262	\$0
Race Meet Fines	29	\$5,376/\$550 unpaid
Misc.	-	\$37
Internal Fingerprints	341	\$0 included in license fee totals
Total	1,106	\$31,243

2022 vs 2023
Applications

2022 Application Total	2023 Application Total
717	736
2022 Total Fees Collected	2023 Total Fees Collected
\$24,780	\$31,243

- Total license applications through the end of the meet by submission type

License Type	In Person	Online/Email	Via Mail
New/Renewals	369	65	40
Validations	212	50	0
Total	581	115	40

RECOMMENDATIONS

- Repair and secure Division of Racing office windows. Repair the Division of Racing office central air and heat. Hire an exterminator for the Division of Racing office. The division was dealing with mice, snakes, and a variety of insects.
- Promote DORE online license services to licensees on all appropriate Racing websites prior to future meets which will help avoid delays.
- Hire additional staff to maintain, clean, and pick up trash throughout the

structures and grounds. Supply additional trash receptacles.

- Hire backgrounded cleaning staff for a pre-clean of the licensing office prior to the 2024 meet. The office is unused during off-season and requires additional attention upon the Division's return.
- Increase security staff for the backside to assist with complaints of dogs, alcohol consumption and fire hazards.
- Provide grading/ dirt work for the test barn walkways, stalls, and east yard. The test barn will need additional dirt, breeze, sand and/or wood chips added at the beginning of the season and potentially throughout the race season especially when it rains heavily. Proper drainage is a CRC rule. Replace leaking components of underground water system in test barn – repaired after 2023 race meet
- Install and/or repair gutters on test barn to facilitate improved drainage
- Replace and level (for safety) test barn asphalt removed to address water pipes
- Electrical and maintenance work throughout the backside and in the test barn. The mandatory additional electronic devices are straining the current set up and causing significant fluctuations in the power. Maintenance reports were provided weekly to Bally's Executive staff by Division staff.
- Along with electrical work, ensure adequate night lighting on the backside and throughout the test barn enclosure in preparation for the possibility of a twilight meet. 4:00 pm post time will necessitate work in the test barn until 10:00-10:30 pm, well after full darkness.
- Turn on power and internet earlier/prior to licensing staff's arrival to allow adequate preparation time and thus avoid delays once applicants begin to arrive. This should include the test barn.
- Purchase computer software and a scanner for the stable gate in order to scan, upload and forward required horse paperwork to the Division and horsemen's bookkeeper to ensure more accurate record keeping. Additionally include a complete record of guest information (printed full name) and their licensed escorts (name/license #)
- Work with South Metro Fire to ensure compliance with fire code.
- Work with Arapahoe County zoning, code enforcement and building enforcement to ensure compliance with local ordinances.
- Work with CDPHE to ensure compliance with water and septic systems and state regulations.
- Clean and repair bathrooms on the backside which includes replacing toilets and sinks. Ensure continued cleanliness by hiring adequate staff.
- Ensure fire alarms in all tack rooms are in operating order.
- The Division strongly recommends that no one should be living on the backside.

Director Amick presented a [slide show](#) of photos as well.

Shannon Ruston, Executive Director of Operations/Director of Racing & General Manager at Bally's Arapahoe Park stated that they have started to work on the recommendations list and will continue to do so after the winter months.

DISCUSSION ITEMS:

5. Additional information regarding the request by Bally's Arapahoe Park for modification of rule 1 CCR 208-1 CRC 6.114 - Donia Amick, Director, Division of Racing Events

Director Amick discussed the reimbursement that the track has requested and is waiting for additional documentation from the track.

OTHER:

8. Director's Report

Director Amick did not have additional comments..

9. Public Comment

No public comment

Adjournment

The December 13, 2023 meeting of the Colorado Racing Commission was adjourned at 2:07 p.m.

Minutes Approved by the Commission



Janina Rivera, Executive Assistant to the Director

I certify these minutes were approved by the Commission on the 10th day of January 2024