

Colorado Racing Commission
January 10, 2024
Meeting Minutes

Call to Order

The regular scheduled meeting of the Colorado Racing Commission (“Commission”) was held on Wednesday, January 10, 2024 via video conference provided by Zoom. The meeting was called to order at 9:32 AM.

Members Present

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

Members Absent

Kjersten Davis, Member

Racing 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 December 13, 2023 Minutes

Minutes approved for 12/13/2023

DISCUSSION ITEMS

2. Fixed Odds Wagering - Donia Amick - Director of Racing, Chris Shroder, Director -Division of Gaming

Director Amick introduced Chris Shroder, Director of Gaming.

Director Shroder gave a brief overview of Sports Betting rule 1 CCR 207-2 section 5.4 which allows for fixed odds wagering on horse racing events for a period of twenty four (24) months, effective January 14, 2024.

Chair Estes commented that the Racing Events Commission has not received anything in writing regarding this issue and until they do she cannot proceed with any agreement.

Michele Fischer, representative of SIS (Sports Information Services) who currently is the global provider for horse racing content to sports books, stated that an agreement has been reached between Bally's Arapahoe Park and the Colorado Horseracing Association (CHA). She said the agreement includes a return of the revenue portion derived from any content sold to a sports book to them.

Chair Estes commented that she was aware of this agreement but still has not seen any formulas pertaining to the revenue.

Motion made by Commissioner Hoffman to give global consent under the new rule to pursue Fixed Odds Wagering with a second made by Commissioner Sampson.

Commissioner Bowen abstained from voting

Chair Estes still had concerns and wanted something in writing. She said the Commission had not been sufficiently briefed and therefore voted no.

Motion passed, two for (Commissioners Sampson and Hoffman), one abstained (Commissioner Bowen) and one against (Chair Estes).

DECISION ITEMS:

3. 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 stated that this is in regards to the Jockey's Insurance payment request from 2023. Director Amick mentioned the amount is several thousand dollars less than the original request and that the Division had not received the requested documentation regarding the original amount requested. The Director received sufficient documentation for this amount. Director Amick asked for the Commission's approval on the modified amount after receiving sufficient documentation.

Motion made by Commissioner Hoffman to modify rule CRC 6.114 to allow for the payment of jockey insurance for the use of source market funds and for Chair Estes to sign on behalf of the Commissioners. A second was made by both Commissioners Bowen and Sampson.

Motion passed unanimously.

4. 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

Commissioner Hoffman presented a powerpoint regarding his opinion on the history and facts on the controversy.

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

Motion passed unanimously, Commission entered into Executive Session.

ENTERED INTO EXECUTIVE SESSION AT 10:57 AM LEFT EXECUTIVE SESSION AT 12:13 PM OPEN SESSION AT 12:23 PM

Commissioner Sampson commented that she believed there are two separate calculations and when those calculations apply was the issue. She said she believed the controversy was due to the way the statute was written. Her recommendation was to have the statute reviewed and rewritten.

Motion made by Commissioner Hoffman to reject the Division's entire proposal and move that the Commission rule historical interpretation should prevail until legislation can review and amend the statute.

Commissioner Sampson asked for further clarification on the rejection of Commissioner Hoffman's motion as she did not understand.

Commissioner Hoffman restated his motion is to reject the Division's entire proposal and move that the Commission rule the historical interpretation be used. A second was made by Commissioner Sampson.

Chair Estes stated she did not agree with the form of Commissioner Hoffman's motion and proceeded with asking for a vote.

Commissioner Hoffman voted yes
Commissioner Bowen voted yes
Commissioner Sampson voted yes
Chair Estes voted no

Motion passed

Sarah Killeen, AAG requested further clarification on the motion. She asked if a procedure would be available before a motion for reconsideration if an appeal is taken to the court of appeals.

Chair Estes stated that the motion was made and approved as the interpretation of the controversy of the purse formulas to follow would be the historical formula used by Arapahoe Park, although there are still two different purse formulas. One formula was for live and one formula for simulcast.

Upon repolling, each Commissioner affirmed his or her vote on the motion.

Chair Estes also stated that there is no specific procedure for a reconsideration.

Motion made by Commissioner Hoffman to designate Chair Estes to sign the written order on before of the Racing Commission. Second made by Commissioner Bowen.

Motion to have Commissioner Estes sign the order passed unanimously.

Commissioner Sampson excused herself from the remainder of the meeting.

OTHER:

8. Director's Report

Director Amick mentioned that the Division has hired Kelly Haralson as the Agent in Charge. She also mentioned that the Division has the following open positions:

- Policy analyst
- Executive assistant
- Temporary positions during the season

9. Public Comment

Bruce Seymore stated that he is commenting as a member of the public and is no longer the Executive Director of Bally's Arapahoe Park. Mr. Seymour mentioned that he sent a letter in November stating he wanted to discuss the state of racing as a member of the public and not the Executive Director of Bally's Arapahoe Park.

Mr. Seymore stated that racing is in trouble and that if he remained in his previous position as Executive Director- of Bally's Arapahoe Park he would have backed out of HISA because it is creating too many issues. He claimed that spoke to the current Racing Events director for help and she did nothing. . He continued to comment negatively about the current Racing Events Director at which point Chair Estes interrupted him and asked him to only comment on the current state of racing and not on his personal opinion of the Director of Racing. Mr. Seymore said he would follow up with a letter on a letter regarding his complaints about the Director of Racing.

Adjournment

The January 10, 2024 meeting of the Colorado Racing Commission was adjourned at 1:11 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 14th day of February 2024.

Colorado Racing Commission
February 14, 2024
Meeting Minutes

Call to Order

The regular scheduled meeting of the Colorado Racing Commission (“Commission”) was held on Wednesday, January 10, 2024 via video conference provided by Zoom. The meeting was called to order at 9:32 AM.

Members Present

Tina Estes, Chair

Tameka Sampson, Vice Chair

Dr. David “Lynn” Hoffman, Member

Sandra Bowen , Member

Kjersten Davis, Member

Members Absent

Sandra Bowen , Member

Racing 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 January 10, 2024 Minutes

Minutes approved for 1/10/2024

DISCUSSION ITEMS

2. HISA update - Donia Amick, Director

Director Amick stated the Division is currently reviewing the voluntary agreement and should be signing the agreement towards the end of the month. She also noted the HISA payment will be approximately \$360k this year. The Division is also assisting the track with their HISA accreditation exceptions.

DECISION ITEMS:

3. Consideration of request for additional suspension regarding Director’s Order 23-03 for Catherine Schiel-Leodoro - Kelly Haralson, Agent in Charge

AIC Haralson gave a brief overview of the Director's Order 23-03 state Ms Schiel-Leodoro was issued a citation for failure to move a trailer and then failed to pay the fine. She asked the Commission to approve the additional suspension until the fine amount has been paid in full.

Motion made by Commissioner Hoffman to approve the additional suspension and fine amount. A second was made by Commissioner Davis.

Motion passes unanimously.

4. Consideration of request for additional suspension regarding Director's Order 23-04 for Jose Arriola-Serrano - Kelly Haralson, Agent in Charge

AIC Haralson requested that this item be removed from the agenda as the licensee paid the fine.

Item removed from the agenda.

5. Consideration and approval of breed distributions and release of Owners/Breeders Awards Funds - Sanela Simic, Auditor

Sanela Simic, Division Auditor presented the Owners/Breeders Awards Fund for CY 2023. And request that the Commission approve the distribution amount of:

- \$840,625.17

With the following breakdown of each breed:

- Thoroughbred \$672,500.14
- Quarter Horse \$138,366.90
- Arabian \$5,295.94
- Paint \$336.25
- Appaloosa \$0.00
- Harness \$24,125.94
- Mule \$0.00

Motion made by Commissioner Sampson to approve the distribution amount for the Owner/Breeders Awards Fund for CY 2023. A second was made by Commissioner Davis.

Motion passed unanimously.

6. 2024 request by Bally's Arapahoe Park for modification of rule 1 CCR 208-1 CRC 6.114 - Donia Amick, Director

Director Amick stated that the Division received three out of four payment receipts last year for jockey's insurance. The Commission approved the modification of the rule for 2023 allowing half of the jockey's insurance to be paid from the purse trust account. Director Amick requested the Commission approve the modification of the rule again for 2024 thus allowing a fourth and final payment in the amount of \$18,442.12 for the 2023 jockey's insurance request.

Motion made by Commissioner Hoffman to approve the modification of the rule which would allow for payment in the amount of \$18,442.12 for the 2023 jockey's insurance. A second was made by Commissioner Davis.

Motion passed unanimously

OTHER:

8. Director's Report

Director Amick mentioned that the Division has the following open positions:

- Policy analyst
- Temporary positions during the season
- Stewards
- Criminal Investigator

Director Amick stated the Division did receive the order on the purse distribution and it will require more information and transparency from Bally's Arapahoe Park regarding how they are currently calculating their purse payment and what definitions they are using for a starting point. .

9. Public Comment

Shannon Ruston, Executive Director of Operations/Director of Racing & General Manager at Bally's Arapahoe Park mentioned that as of January 1, 2024 he has officially taken over as Executive Director of Operations/Director of Racing & General Manager at Bally's Arapahoe Park replacing Bruce Seymore.

Adjournment

The February 14, 2024 meeting of the Colorado Racing Commission was adjourned at 9:58 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 _10th_ day of _April_ 2024.

Colorado Racing Commission
April 10, 2024
Meeting Minutes

Call to Order

The regular scheduled meeting of the Colorado Racing Commission (“Commission”) was held on Wednesday, April 10, 2024 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
Dr. David “Lynn” Hoffman, Member
Jeffrey Ruebel , Member

Members Absent

Kjersten Davis, Member

Racing Staff Present

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

Director Amick introduced Jeffrey Ruebel as the new Commissioner. Replacing Sandy Bowen

1. Approval of February 14, 2024 Minutes

The minutes for the 2/14/2024 Commission meeting were approved unanimously with one correction. The word “replacing,” in paragraph 9, was misspelled.

DISCUSSION ITEMS

2. Update on greyhound wagering in Colorado, House Bill 23-1041 - Donia Amick, Director

Director Amick reminded the Commission that House Bill 23-1041 goes into effect on October 1, 2024. After that date, Arapahoe Park will no longer be able to accept the simulcast signal for any greyhound racing.

3. Update on FOW wagering in Colorado - Donia Amick, Director and Sanela Simic, Auditor

Director Amick reported that the Division is looking at the fixed odds wagering (FOW) data versus the simulcast wagering data to find out if there are any effects from FOW on the Pari Mutuel wagering. The

Division asked the current operator bet365 and content provider SIS for a list of information which was provided to the Commissioners in the meeting packet.

4. Update on HISA/HIWU - Donia Amick, Director

Director Amick updated the Commission that the Division has reached out to both HISA and HIWU regarding the Division's efforts to hire a full time veterinarian as well as a seasonal veterinarian. HISA and HIWU were very cooperative and willing to help **with providing veterinarian services if needed**. The Division reached out to HIWU and HISA about contracting with those agencies to use their veterinarian services if the Division cannot find either full-time or part-time veterinarians to directly hire. If the Division were to contract with HISA and HIWU for veterinarian services, it will likely result in an increased expense. They may also contract with the State to complete testing for quarter horses as well. The Division also provided a letter from HISA on the significant reduction in assessments in the Commission packet.

5. Use of track facilities outside of racing season notification - Donia Amick, Director

Director Amick stated that the track has requested that the grandstands open on May 1, 2024, for an event as well as start training.

Shannon Rushton, Executive Director of Operations/Director of Racing & General Manager at Bally's Arapahoe Park mentioned the correct date is May 4, 2024 which is Kentucky Derby Day and stated he wanted to open for training and to allow patrons to visit the track to observe the Derby.

6. Consideration of approval of RMOHA guidelines regarding hair testing for 2024 season - Kelly Haralson - Agent in Charge

AIC Haralson explained to the Commission that the draft guidelines provided by RMOHA for quarter horse hair testing is 50 days along with retesting and fees associated. The guidelines were given to the Commission in full in the Commission packet.

DECISION ITEMS:

7. Consideration of distribution of monies to Greyhound adoption agencies - Sanela Simic, Auditor

Auditor Simic presented two applications the Division received. The applications were from Friends of Retired Greyhounds and Colorado Greyhound Adoption. Currently, there is approximately \$25,522.03 in the greyhound adoption fund and \$25,000.00 will be distributed to the two applicants. Applications are as follows:

Organization	# of Dogs	Amount
Friends of Retired Greyhounds	32	\$10,000.00
Colorado Greyhound Adoption	48	\$15,000.00

\$312.50/per dog	80	\$25,000.00
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Motion made by Commissioner Hoffman to approve the release of funds for the Greyhound adoption agencies. A second was made by Commissioner Sampson.

Motion passes unanimously.

8. Consideration of dispose of evidence from Case #18-0331 - Kelly Haralson, Agent in Charge

AIC Haralson requested the approval of the disposal of evidence gathered from the investigation of a medication violation that occurred in June of 2018.

Motion made by Commissioner Sampson to approve the request of disposal of evidence regarding Case #18-0331. A second was made by Commissioner Hoffman.

Motion passed unanimously.

9. Consideration of 2024 meet application for Bally’s Arapahoe Park - Donia Amick, Director

Director Amick thanked Shannon Ruston for all the work he has currently done at the track and for the cooperation and responsiveness he has shown.

Director Amick read a memo addressed to the Commission dated April 1, 2024, summarizing the Class B Meet License Renewal Application Racing Associates of Colorado, Ltd. Arapahoe Park 2024 Live Race Meet. Director Amick mentioned that the Division has received some of the required documents, some will still need to be submitted and some are scheduled for inspection and therefore incomplete.

Shannon Rushton, Executive Director of Operations/Director of Racing & General Manager at Bally’s Arapahoe Park responded that he has made significant improvements to the track and plans to make more. He states he has also made numerous staffing changes to improve the facility. He stated the past lawsuits against the Division and CHA have both been dropped. He said he is currently working with the Off Track Betting locations to improve their situation as well. Shannon said he met with Arapahoe County in February regarding the tack rooms and grooms living in them. Mr. Rushton said he had a memorandum from Paul L. Zertuche P.E. who is a Colorado licensed professional engineer regarding a walkthrough of the facility on April 6, 2024. Shannon read from the memorandum which said, “It is my opinion the existing structures are stable for future use and will only require maintenance to remain so”. Mr. Ruston also read a second letter from Top Rank Plumbing LLC that listed the repairs needed of the barn area restrooms. Mr. Rushton stated he has not received a report back from South Metro Fire Department on any pending issues. Mr. Ruston said they are continuing improvements that will be scheduled closer to opening day.

Commissioner Hoffman asked Mr. Ruston in his opinion, “Is the backside safe?”

Shannon Rushton responded, “If it wasn’t safe I wouldn’t allow my family to go back there.”

Chair Estes asked Mr. Rushton if any permits have been issued regarding the plumbing and electrical updates?

Shannon Rushton responded that per the plumber he stated he did not need a permit to replace toilet seats. Regarding the electrical wires Mr. Rushton stated that any low hanging wires have been zip tied secured. Mr. Rushton also stated that he did not need a permit for this type of work.

Kim Oliver, President of the Colorado Horseman Association (CHA) commented that time is important and everyone needs to know the dates today. She mentioned that she is currently in Arizona at Turf Paradise and everyone is starting to apply for future stall applications.

Heidi Humphreys, Executive Director of the Department of Revenue commented that the main issue is employee safety of the Division employees and staff. She stated that without clearance from Arapahoe County Division staff cannot be allowed to work at the track facility and will not do so until the proper permits, work and inspections have occurred.

James McClain, Arapahoe County inspector commented that on 9/15/2023 they went out to the track and found numerous "life safety" code violations. All violations were provided to Shannon Rushton and/or staff of Bally's at Arapahoe Park. Mr. McClain said as of today, 4/10/24, no permits have been applied for by Bally's at Arapahoe Park

Michael Phibbs, Senior Director, Specialist Business Group stated that with the current do not occupy order he cannot allow the staff to occupy or operate on the backside of the track.

Motion made by Commissioner Hoffman to grant conditional approval of the 2024 meet application for Bally's Arapahoe Park. A second was made by Commissioner Sampson.

Chair Estes opposed the motion.

Motion passed.

10. Consideration of approval to changes in the stewards' guidelines for 2024 – Kelly Haralson, Agent in Charge

Kelly Haralson, Agent in charge presented the changes to the guidelines which include:

GENERAL RULES, REGULATIONS and GUIDELINES

CRC Rule #11.541 – The Division shall adopt policies and guidelines for the conduct of licensees while in restricted and secure areas of the racetrack, simulcast facilities, and stable areas. These policies and guidelines governing conduct of licensees should include but are not limited to smoking, drinking, eating, and use of cell phone and pagers while in certain areas of the paddock, test barn, sample collection areas, lock out kennels and on the track surface during post parades.

1. The use of cell phones is not permitted and **SHALL BE TURNED OFF** before entering the saddling paddock **and while working on the racetrack** during the races.
2. The use of cell phones is not permitted and **SHALL BE TURNED OFF** before entering the Test Barn during sample collection on race days.

3. No person will be allowed behind the gates “to tail a horse,” unless assigned by the Starter.
4. Only licensed persons **PARTICIPATING IN THE RACE** will be allowed in the saddling paddock (except for their invited guests). The licensee participating in the race will escort and supervise **their** invited guests while in the saddling paddock.
5. **CRC Rule 3.420** states: “All visitors must obtain a **visitor identification badge** from a Division or Association representative prior to entering a restricted or secure area of the racetrack...” In addition, the Division authorizes owners, trainers, and racing officials to sign for visitors in a restricted or secure area, who shall be escorted at all times.
6. **NO LIVING IN THE TACKROOMS IN THE RESTRICTED OR SECURED STABLE AREA.**
7. The use of **ALCOHOL AND/OR MARIJUANA** is **not** permitted in any restricted area of the racetrack grounds. Detection of either in a random or for cause drug test pursuant to the rules is a violation.

CRC Rule #3.435– No licensee while on grounds under the jurisdiction of the Colorado Racing Commission shall:

- a) Engage in the illegal sale or distribution of alcohol or a controlled substance.
- b) Possess, without a valid prescription, a controlled substance, or the means of introducing said substance into the body; or,
- c) Possess or consume any alcoholic beverages in a secured or restricted area.

Licensees found in violation of this rule shall be subject to administrative action including fines and suspension.

8. Information Regarding the Use of **MARIJUANA**

- **CRC Rule #3.435** provides that there is zero tolerance for any licensee in a restricted or secured area, (1) having possession of a controlled substance or the means of introducing said substance into the body without a valid prescription or (2) having any controlled substance present in their body.

Restricted or secured areas shall include, but not be limited to: paddock, track area, totalizator room, mutuels area, money room, stewards’ stand and roof, stable area, jockeys’ room, and test barn. As a condition of licensure, all licensees are subject to the random testing provisions of Rule #3.437.

- Colorado law defines a “controlled substance” as “a drug, substance, or immediate precursor . . . including cocaine, marijuana, marijuana concentrate...” *See* 18-18-102(5), C.R.S. Additionally, marijuana remains a Schedule I controlled substance under applicable federal statute. *See* 21 U.S.C. § 812(c).
- While Colorado Racing Commission Rules #3.435 and 3.437 makes some allowance for possession by a licensee in a restricted or secured area of a controlled substance or the means of introducing said substance into the body if they have a valid prescription, medical use of marijuana by a person holding a registry card under amendment XVIII, section 14 of the Colorado Constitution **is not** pursuant to a prescription. *See* Colo. Const. art. XVIII, § 14(2)(c)(II); *Beinor v. Industrial Claim Appeals Office, et al.*, 262 P.3d 970, 973 (Colo.Ct.App. 2011) (“a physician’s inability to prescribe marijuana under Colorado law is reflected in the very

physician certification which specifies that “[t]his assessment is not a prescription for the use of marijuana”).

- The personal safety of participants in the industry of horse racing to include particularly, but not exclusively, the licensees who feed, water, ride and provide all kinds of other services for the care and well-being of the horses they work with which bring them into direct, close and continued contact with the horses, is a concern. Racehorses are generally of significant stature and weight, and licensees have to be careful and alert when working around them to be safe and remain out of harm’s way. Slower reflexes and any impairment to the level of care and alertness necessary for a person to remain safe in such an environment which may be caused by the use of drugs increases the concern for the personal safety of licensees.
- A physician’s certification or recommendation for the use of medical marijuana by a licensee who holds a patient registry card pursuant to amendment XVIII, section 14 of the Colorado Constitution does not constitute a valid prescription under Rule #3.435. Accordingly, any licensee who tests positive for marijuana in their system or has marijuana or marijuana paraphernalia in their possession while in a restricted or secured area regardless of whether they hold a valid medical marijuana patient registry card will be deemed in violation of Rule #3.437 and subject to the penalties and restrictions set forth in the rule.

SAFETY

CRC Rule #3.601 – All jockeys who intend to ride at a recognized race meet shall be required to show written documentation of a complete **physical examination** by a licensed physician affirming fitness to participate as a jockey and must include a baseline **concussion test**. This examination must have taken place within a **thirty (30) day** period prior to the start of the meet at which the rider intends to participate. The board may waive the thirty (30) day requirement for riders that can provide written proof of a physical and baseline concussion test within one year that meets the requirements of this rule.

CRC Rule #3.402 – **Any person mounted on a horse or stable pony on association grounds, must wear a properly secured safety helmet.** Additionally, all members of the starting gate crew and Association Valets must adhere to this regulation at all times while performing their duties or handling a horse. For the purpose of this regulation, a member of the starting gate crew means any person licensed as an assistant starter or any person who handles a horse at the starting gate.

Any person mounted on a horse or stable pony on the association grounds must wear a safety vest at all times. Additionally, all members of the starting gate crew and Association Valets must also adhere to this regulation at all times while performing their duties or handling a horse. For the purpose of this regulation, a member of the starting gate crew means any person licensed as an assistant starter or any person who handles a horse at the starting gate.

All jockeys shall wear a safety vest of the type approved by the Commission, when they are performing their duties on a horse racetrack.

ADDITIONAL GUIDELINES

1. Each licensee shall report fires, accidents, or other emergencies to the Stable Superintendent and/or security.
2. Electric hot walker wiring must meet or exceed OSHA standards.

3. Galloping the wrong way or on the rail is not permitted. The rail is reserved for working horses only. The Outriders have been given the authority to control traffic on the racetrack and enforce the rules thereon.

Outriders will document all infractions and notify the Division/Board of Stewards

4. **No dogs are allowed in the stable area at any time.**
5. Children in the stable area who are under the age of fourteen (14) years must be under the supervision of an adult **AT ALL TIMES**.
6. Unlicensed persons are not permitted to ride a horse on racetrack premises.

FIRE PREVENTION

1. Smoking is prohibited in horse stalls, feed rooms, and under shed rows.
2. Stalls occupied by horses and all unassigned tack rooms shall not be locked.
3. No open fires will be allowed anywhere in the stable area.
4. No oil or gas-burning lanterns, lamps or candles will be allowed in the stable area.
5. No flammable materials, such as cleaning fluid or solvents, will be used or stored in the stable area.
6. No cooking appliances (i.e., Hot Plates, Crock Pots, Skillets, Gas or Charcoal Grills, etc...) will be allowed in the stable area.
7. All electrical appliances used in the stable area must be in a safe working condition, shall not be left unattended, and, when in use, shall be kept at a safe distance from walls, beds, and other furnishings. Heating elements must not be left unattended or used in flammable containers.
8. No electrical or building alterations by horsemen will be permitted unless approved by the Stable Superintendent. Non-code or frayed cords will not be used.
9. Only extension cords approved by the Stable Superintendent will be permitted in the stable area. These cords must be OSHA-approved, 3-prong, 12-gauge, one outlet and shall not be over 25 feet in length.
10. Heaters, whenever in use, must be plugged directly into a permanent outlet.
11. Fans may be used with an approved extension cord.
12. Shedrows, tack rooms, feed rooms and runways are to be kept clean and free of debris. Shedrows are to be kept open at all times to allow access in case of fire.
13. Fire hoses and fire extinguishers shall not be removed from their racks except in case of fire.
14. All horses that are located in stalls must be haltered or there must be a halter for each horse hanging on or near the stall door.

TRAFFIC

1. Entrance to the Stable Gate will be closed to vehicle traffic:

- **Everyday 00:00 PM through 0:00 AM**

2. Vehicles and golf carts in the stable area must be in a safe working condition and shall not be driven in a careless or reckless manner and **shall give the right of way to horses at all times.**
3. Vehicle speed limit in the stable area shall be **ten (10) miles per hour.**
4. Vehicles shall not park in the posted "No Parking" or restricted areas and shall not block fire lanes, access lanes or driveways.
5. Horse trailers will be parked in designated areas only. The Stable Superintendent will assign exact locations.
6. The use of campers or trailers as living accommodations in the stable area is permitted only with prior approval by the Stable Superintendent. Such vehicles may be towed away at the owner’s expense.
7. Motorcycles are not permitted in the stable area.

Motion made by Commissioner Sampson to approve the changes to the stewards’ guidelines for 2024. A second was made by Commissioner Hoffman.

Motion passed unanimously.

11. Consideration of approval to changes in citation schedule for 2024– Kelly Haralson, Agent in Charge

Kelly Haralson, Agent in charge requested the approval of changes in citation schedule for 2024 which include a revision to a rule that was mistyped as well as updating the fine schedule. The following fines will be increased:

AUTHORIZED CITATION SCHEDULE	LAW	1ST	2ND	3RD
Working without a license	CRCR 3.102 or 3.418	100 \$200	200 \$400	Hearing
Failure to have license validated/current	CRCR 3.306	50 \$100	100 \$200	200 \$400
Using abusive language towards a Commission, Division or Race Official	CRCR 3.430	100 \$200	200 \$400	Hearing
Failure to have proper workouts	CRCR 7.120 7.124	\$200	\$400	Hearing

Failure to follow proper scratch procedure	CRCR 7.414	100 \$200	200 \$400	Hearing
Failure of horse to participate in the race for which it was entered	CRCR 7.207	\$200	\$400	Hearing

Motion was made by Commissioner Ruebel to approve the changes in the citation schedule for 2024. A second was made by Commissioner Hoffman.

Motion passed unanimously.

12. Consideration of approval for simulcast schedule for Ballys at Arapahoe Park 2023-2024 - Donia Amick, Director

Director Amick mentioned that the request is for the 2024-2025 simulcast schedule. Director Amick stated that the Division did receive a request from Bally's at Arapahoe Park that included the dates of April 21, 2024 through April 20, 2025. Director Amick mentioned that Bally's has to start a meet by September 11, 2024 or the simulcast cannot continue per statute.

Shannon Rushton, Executive Director of Operations/Director of Racing & General Manager at Bally's Arapahoe Park asked if the date of September 11, 2024 includes training or racing?

Director Amick responded that it includes racing.

Motion made by Commissioner Hoffman to approve the simulcast schedule for Bally's at Arapahoe Park. A second was made by Commissioner Ruebel.

Motion passed unanimously.

13. Consideration of request for modification of rule 12.210 - Shannon Rushton, Bally's Arapahoe Park

Shannon Rushton, Executive Director of Operations/Director of Racing & General Manager at Bally's Arapahoe Park requested to temporarily amend the rule for the live race season. The amendment would remove the show wagering in fields of five or less.

Motion made by Commissioner Ruebel to approve the modification of the rule and to have Commissioner Hoffman sign the order on behalf of the Commission. A second was made by Commissioner Sampson.

Motion passed unanimously.

PRESENTATION:

14. Colorado State University Presentation – Dr. Lauren Smanik, Dr. Christopher Kawcak and Aimee Oke, Associate Director for Research

Dr. Lauren Smanik and Aimee Oke, Associate Director of Research Programs presented CSU's Equine Health Facilities, Services and Research. As well as the Colorado Racehorse Postmortem Evaluation Project.

OTHER:

8. Director's Report

Director Amick mentioned that the Division is still posting an opening for the Veterinarian position. Director Amick mentioned the Division's online application process.

9. Public Comment

Shannon Ruston, Executive Director of Operations/Director of Racing & General Manager at Bally's Arapahoe Park raised a concern regarding the prior Kentucky Derby approval. Mr. Ruston stated that a tote test is needed and asked if the Division would be able to perform this onsite visit?

Director Amick responded that because it is in the grandstands and not the backside the Division and track should be able to work something out and requested Mr. Ruston and Director Amick discuss this offline.

Mark McGregor, commented about Shannon's abilities. Mr. McGregor stated that all the requirements that are needed are very daunting and he is very concerned that racing will go away within the next two years due to the lack of horses. Mr. McGregor everyone needs to be willing to work together to resolve these issues.

Chair Estes thanked Mr. McGregor for his comments and mentioned that she is disappointed that the track didn't resolve these issues back in the fall of 2023, when they first learned of them.

Adjournment

The April 10, 2024, meeting of the Colorado Racing Commission was adjourned at 12:59 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 _12th_ day of _June_ 2024.

Colorado Racing Commission
April 22, 2024
SPECIAL Meeting Minutes

Call to Order

The SPECIAL scheduled meeting of the Colorado Racing Commission (“Commission”) was held on Monday, April 22, 2024, via video conference provided by Zoom. The meeting was called to order at 9:32 AM.

Members Present

Tina Estes, Chair
Tameka Sampson, Vice Chair
Dr. David “Lynn” Hoffman, Member
Jefrey 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

DISCUSSION ITEMS

1. Follow up on 2024 Conditional meet license for Bally's at Arapahoe Park to provide to the Commission an outline and timeline of the efforts to comply with Arapahoe County and the Division recommendations and provide and additional information, Donia Amick, Director, Division of Racing Events and Shannon Rushton, Executive Director of Operations/Director of Racing & General Manager at Bally's Arapahoe Park

Director Amick stated that this meeting was to discuss updates with Shannon Rushton, Executive Director of Operations/Director of Racing & General Manager at Bally's Arapahoe Park, regarding this season's guidelines and dates to ensure the Division has ample amount of time to perform their regulatory duties.

Shannon Rushton, Executive Director of Operations/Director of Racing & General Manager at Bally's Arapahoe Park, stated that after the last Commission meeting he reached out to Arapahoe County asking them to come out for an informational walkthrough. Mr. Ruston stated that they had a time scheduled for Friday, at 8:00 a.m. but they showed up at 7:00 a.m. instead.

Mr. Rushton stated that he asked Arapahoe County about the findings and that Arapahoe Park stated that they needed to do some research. Mr. Ruston presented a document found by Bally's at Arapahoe Park legal team that contained an executed certificate of occupancy from 1984. Mr. Ruston stated that each barn had a 1984 certificate signed by state inspectors. Mr. Ruston stated that the following Monday he met with Arapahoe County to discuss the 1984 documents. Mr. Ruston stated that Arapahoe County's response was that the documents "meant nothing to them."

Mr. Rushton said that in 1992, Arapahoe County came out to the track and did a walkthrough of the entire facility and said everything was completed and approved, therefore showing the facility was safe. Mr. Rushton said that HISA claimed the facility was also safe. Mr. Rushton asked the Commission to reapprove the conditional approval so the track can continue to work with Arapahoe County to get all the violations corrected. Mr. Rushton stated that this meet would not start in June of 2024 and would get pushed back to the fall of 2024.

Shawn Demoney, Director of Racing/Plant superintendent for Bally's at Arapahoe Park, stated that he has been in contact with FAS, which is the track's fire alarm system vendor. He said FAS has completed their inspection for the year. He said South Metro Fire has completed their inspection and he has received the report. Mr. Demoney mentioned that all of the requirements from the report will be completed this week. Mr. Demoney said the well water issue was corrected and the order was lifted on April 12, 2024.

Chair Estes asked Mr. Rushton if Bally's at Arapahoe Park has applied for any permits through Arapahoe County.

Mr. Rushton responded that they have not applied for permits. Mr. Ruston stated that he was hoping the documents found by the track's legal team would be adequate to allow the track to be "Grandfathered in."

Chair Estes asked Mr. Rushton for a timeline establishing when the necessary requirements will be met as the Commission had not received anything pertaining to a timeline.

Director Amick requested a timeline as well from Mr. Rushton to ensure proper staffing.

Mr. Rushton stated that it was unlikely the track would open before September 1, 2024.

Chair Estes set a Commission meeting date to review all timelines and documentation from Bally's Arapahoe Park for Wednesday, May 1, 2024 at 9:30 a.m.

Commissioner Ruebel requested that the Commission receive something in writing from Arapahoe County regarding their code enforcement. Commissioner Ruebel stated that he has some concerns about Arapahoe County and their requirements..

2. Public Comment

Mark McGregor, commented that he doesn't understand why Arapahoe County is not applying the "Grandfathered" access to Bally's Arapahoe Park. Mr. McGregor stated that it seems Arapahoe County would like the track to close so they can use the land for housing opportunities.

Dr. Jim Dysart, Veterinarian thanked the Commissioners for volunteering their time to sit on the Racing Commission. Dr. Dysart stated, "Racing is in trouble." He continued that he has been in the barns since Arapahoe Park opened and has had no issues with the wiring or is in fear something bad is going to happen to him.

Tami Dotter, commented regarding temporary housing for this season such as wood, metal frames and tie downs with concrete barns.

Chair Estes appreciated Ms. Dotter's comment but did not agree.

Kerry Kemper said the barns are not unsafe and this is a personal agenda against the track.

Commissioner Hoffman thanked Mr. Rushton for everything he is doing to get the track up and running this year.

Adjournment

The April 22, 2024, meeting of the Colorado Racing Commission was adjourned at 10:45 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.

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.

Colorado Racing Commission
June 12, 2024
Meeting Minutes

Call to Order

The regular scheduled meeting of the Colorado Racing Commission (“Commission”) was held on Wednesday, June 12, 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
Jeff 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

Approval of April 10, 2024, April 22, 2024 and May 1, 2024 minutes

Minutes approved for 4/10/2024
Minutes approved for 4/22/2024
Minutes approved for 5/1/2024

DECISION ITEMS

1. Consideration of acceptance of withdrawal of 2024 envelope of dates from Bally’s Arapahoe Park -- Donia Amick, Director of Racing Events, Shannon Rushton, Executive Director, Ballys at Arapahoe Park

Shannon Rushton, Executive Director of Operations/Director of Racing & General Manager at Bally’s Arapahoe Park requested that the Commission accept his withdrawal of 2024 envelope dates of 9/2/2024 through 11/4/2024.

Chair Estes stated that the Commission has accepted Mr. Rushton’s withdrawal of 2024 dates.

Sarah Killeen, Assistant Attorney General stated no motion is necessary and the Commission can accept his request.

DECISION ITEMS:

2. Consideration of amended 2024 Conditional Meet application and new envelope of dates for the 2024 Racing Season — Director Donia Amick and Shannon Rushton, Executive Director, Ballys at Arapahoe Park

Shannon Rushton requested that the Commission accept his new 2024 envelope dates of 8/31/2024 through 11/3/2024. Running Saturday, Sunday and Monday of the opening weekend only and ending 11/3/2024 running Fridays, Saturdays and Sundays for the following nine weekends. For a total of 30 days over a course of 10 weeks.

Chair Estes asked Mr. Rushton what improvements have been made based on the conditional order the Commissioner granted previously.

Tom Downey, Attorney for Bally's Arapahoe Park stated that they reached out to the county attorney and a meeting was scheduled. Mr. Downey stated that an agreement was reached between Bally's Arapahoe Park and Arapahoe county to operate a safe environment for racing this year. Mr. Downey stated the agreement included the following:

- Turn the power off to the barns
- Generators to run the needed equipment
- Confirm that this is ok with South Metro Fire Department
- Structural engineer review that states the barns are safe

Shannon Rushton commented that the structural engineer from IMEG did a complete walk through of the backside on 6/11/2024.

Commissioner Davis expressed her concern with no power on the backside.

Chair Estes asked about the test barn issues if the power is turned off.

Shannon Rushton stated that the test barn would only be used as a collection site.

Kim Oliver, President of the Colorado Horseman's Association commented that they are committed to helping Mr. Rushton get through this meet. Ms. Oliver stated that if this meet doesn't happen it is the death of Colorado racing and if they don't move forward it is the end.

Heather Freyer, Off Track Betting operator stated that if the track doesn't run a meet by 9/11/2024 her facility will close as well as all the others in the state. Ms. Freyer stated that the facilities are all supporting the track as the track is fully supporting them.

Commissioner Davis asked Mr. Rushton what are Bally's plans for assuring a better meet next year. Shannon Rushton stated that the plan is to repair three to five barns a year to keep the cost at a minimum.

Chair Estes asked what other conditions have been met of the conditional order that was previously granted. Besides the county approval. Chair Estes asked for documentation from South Metro Fire Department or the structural engineer.

Shannon Rushton stated that some reports have been provided to the Division.

Commissioner Davis asked if South Metro has approved the use of the generators.

Shannon Rushton stated that he has not yet spoken to them about generators.

Chair Estes asked about the health and sanitation report.

Shannon Rushton stated that Arapahoe county has come out and looked at the grandstands and wants to come back out when the track is open and running.

Dr. Joni Smith, veterinarian stated that it will be tricky with no power but it can possibly be done.

Director Amick stated that the Division still has concerns regarding the 2024 live race meet at Bally's Arapahoe Park. They include the following:

- * 1. Provide certification from Arapahoe County that all requirements of Arapahoe County code requirements and permit applications are satisfied; The Division is aware of electrical and structural issues in the backside at all the barns including the test barn. The licensing office near the grandstands will also require inspection and proper permitting before Division staff will move into the facility. If Bally's at Arapahoe Park has additional requirements not disclosed to the Division the Division requires disclosure prior to opening.
- 2. Provide to the Commission an outline and timeline of the efforts to comply with Arapahoe County and the Division recommendations; and
- 3. Comply with the following recommendations outlined by the Division of Racing Events in its Memorandum dated April 1, 2024, on pages 11-12, summarized below:
 - a. A licensed veterinarian be present any time racing is conducted (this is in addition to the Regulatory Veterinarian);
 - b. Any conflicts with racing official positions be resolved;
 - c. Complete pre-meet inspection of facility with Division staff and fulfillment of any outstanding recommendations in the 2023 End of Meet Report;
 - d. Notify the Division of any changes among Racing Officials in writing;
 - e. Ensure the association veterinarian is licensed;
 - f. Maintain public liability insurance and provide copies of the renewal notices to the Division;
 - g. Provide copies of all intrastate simulcast contracts to the Division within five days prior to the beginning of the simulcast signal;
 - h. Provide copies of health and sanitation reports for Arapahoe Park and any other in-state facilities by April 19, 2024;
 - i. Provide copies of any new service contracts to the Division; and

j. Provide updated fire inspection reports by April 19, 2024.

An official license to operate the racing season will be approved and issued once official documentation is provided verifying all conditions have been met. This license must be issued prior to commencing with any operations at the track. The conditional approval is for the May 1st start date indicated on the application. Any changes to that time frame will necessitate a new application with a start date which must be approved by the Commission.

ORDERED this 15th day of April, 2024. BY ORDER OF THE COLORADO RACING COMMISSION

During recent communications with Arapahoe Park staff, the Division has been informed the Association, Bally's Arapahoe Park, intends to move forward with the 2024 live race meet by having the electricity on the backside of the track turned off by the utilities company. This is an effort to forgo the rewiring of the barns on the backside. The electricity will not be able to be turned back on until Arapahoe County has permitted and inspected the corrections to the current wiring and allows the utility company to turn the electricity on. This means that once the electricity is turned off by the utility company, it cannot be turned on by the business. It has also been disclosed that Arapahoe County is requiring an inspection of the structures on the backside. This must be completed by a certified building engineer and the information must be provided to Arapahoe County. During a meeting with Arapahoe Park staff on June 5, 2024, Mr. Rushton stated he has hired a structural engineer, but the engineer had not been to the track yet. Mr. Rushton expected the inspection to be completed and submitted to the county before June 12, 2024. Although the county may receive the building engineer's inspection as well as allow the business to operate the backside without electricity, Colorado Revised Statute and Colorado Racing Commission Rules both require electricity on the backside in order to operate legally.

The lack of electricity on the backside creates numerous safety and operational problems which include, but are not limited to, unsafe conditions for both horses and humans, inability to operate the test barn, inability to collect and store samples, inability to properly inspect barns, insufficient fire alarms systems, inability to illuminate stalls, tack rooms and shed rows, inability to light bathrooms, failure to provide hot water, inability to light walkways and barn areas, failure of the public announcement system to operate in emergency weather conditions or other emergency situations, and unacceptable working conditions for employees, owners, trainers, grooms, and other staff.

Below are Colorado Revised Statutes and Code of Colorado regulations for horse racing applicable to the failure to provide electricity and the other missing requirements in the Commission's notice listed above:

General:

Section 44-32-1011 C.R.S.

Legislative declaration. (1) The general assembly finds, determines, and declares that:

(a) The provisions of this article 32 are enacted through the exercise of the police powers of this state for the protection of the health, peace, safety, and general welfare of the people of this state;

1 Bold added throughout statute and rule citations for emphasis only by Division staff.

(c) The purposes of this article 32 include:

...(IV) Protecting the health and safety of all participants, human and animal, involved in racing events both on and off the racetrack; and 44-32-501. Regulation of race meets and racing-related businesses - additional facilities - rules. (1) (a) The commission shall license and regulate all race meets with parimutuel wagering held in this state at which horses participate, and shall cause the places where the race meets are held to be visited and inspected at least once a year by its members or employees, and shall require all places to be constructed, maintained, and operated in accordance with the laws of this state and the rules of the commission. b) The commission shall license and regulate all kennels and stables housing racing animals both in connection with a race meet and to protect the general health and welfare of horses. The commission shall cause the stables to be visited and inspected at least once a year by its members or employees and shall require all such places to be constructed, maintained, and operated in accordance with the laws of this state and the rules of the commission.

44-32-503. Rules of commission - licensing - record check. (1) (a) The commission shall make reasonable rules for licensees to ensure:

(III) The health, safety, and welfare of persons and horses involved in a racing meet;

44-32-512. Eligibility to operate race meets - renewal or revocation. (1) (a) No person shall be eligible to operate a race meet under a license issued under the provisions of this article 32 unless the person is the owner or controls the possession of a properly constructed racetrack suitable for the conduct of racing and improved with safe and suitable grandstands; equipped with reasonably sanitary accommodations and also such accommodations, including track conditions, as the commission may require for the care and control of the animals racing at the meet; and also, such other improvements as, in the opinion of the commission, may be required for the protection of the public, human and animal participants, and others likely to be present at the race meet. Without electricity on the backside/barn area of the track, it is impossible to protect the health, peace, safety and general welfare of the people in this state as well as the participants, human and animal, involved in racing events both on and off the racetrack. The Division will be unable to run and maintain an adequate facility for testing urine and blood samples. The Division has received ideas from the Association regarding how they would like to work around the concerns, however, the Division has received no concrete plans or solutions from the Association.

CCR Colorado Racing Commission

11.100 - Associations shall comply with all federal, state and municipal laws and cooperate with law enforcement agencies in order to ensure the integrity of racing and in order to maintain all areas of racetracks and simulcast facilities in a safe and clean manner.

11.102 - As a condition of licensing, associations are expected to enforce these Rules.

11.400 - (Modified Effective date May 15, 2015) Associations shall provide adequate office space and accommodations at all live tracks and simulcast facilities so as to enable Division personnel to perform their duties.

11.542 - Associations shall take all due precaution to prevent accidents and fires, especially in the stable area and kennel compound. Associations shall appoint an employee who shall be responsible for enforcing all safety and fire rules and regulations.

11.544 - The Division shall conduct inspections of racing stables including tack rooms where racing horses are housed to ensure the proper maintenance and operation of such facility. The Division shall ensure the facility provides proper housing, adequate sanitation, fire safety, and controls for the secure and proper racing operations for the human and animal participants. The Commission by policy will establish standards of maintenance and operations and specify those areas of the racing stables to be inspected including but not limited to, tack rooms, shed rows and their immediate surrounding areas. Any failure to comply with the requirements to maintain and operate the facility will be referred to the Board of Stewards, a hearing officer, or the Commission.

:1 - All stable facilities under the jurisdiction of the Division and Commission will be subjected to pre-meet inspection to ensure that they meet the facility standards adopted by the Commission.

:2 - An owner/trainer must ensure that stable facilities, which house their horses under their care, meet the stable standards adopted by the commission. Stables requiring repairs during a race meet must complete a maintenance request form provided by the association. The association will have ten (10) days to complete the request depending on the situation.

:3 - The stable that an owner/trainer houses his/ her horses in must meet the facility standards adopted by the commission. An owner/trainer will not be issued or allowed to retain a meet validation if the facilities in which they house his/her horses fail to meet these standards.

:4 - An owner/ trainer who continues to house their horses in stable facilities that fail to meet the Commission's standards may have his/ her licenses suspended or revoked.

:5 - All stable facilities under the jurisdiction of the Division and Commission shall be subjected to inspections by representatives of the Division/ Commission. Failure to permit inspection may result in administrative license sanctions including fines, license suspension or revocation.

11.544 STABLE STANDARDS

:3 - The association must provide stable housing facilities: at a minimum the facilities must include the following, unless otherwise approved in advance by the commission:

a) Locks to protect against illegal entry into tack rooms including those for medicine cabinets and grain storage areas.

b) Lighting to adequately illuminate all areas of the inside of the stable building and shed rows to

permit routine inspection and cleaning of the facilities.

1. Electrical outlets with cover plates, electrical wiring and lights shall be recessed into the walls or surrounding structures or otherwise to protect against damage by or to the horses.

2. Electrical devices in use shall be connected directly to an electrical outlet and/ or one device connected to an extension cord placed in a safe location. Based on the above Colorado Revised Statutes, the safety requirements necessary for the protection of the public, participants, and animals will not be met.

Test Barn

Commission Meeting Minutes January 8, 1991: "...the association must provide adequate office space and accommodations to ensure the Commission personnel will be able to perform their duties, including adequate facilities in the Stewards' Stand. There shall also be mandatory renovations to the test barn, to include an office for the State Veterinarian, hot and cold running water, electricity and a security fence surrounding the testing area." This quote is given to the Commission as to demonstrate this is not a new requirement and certain standards are and have always been required at Colorado race tracks. As mentioned in the general section above, 11.400 - (Modified Effective date May 15, 2015) Associations shall provide adequate office space and accommodations at all live tracks and simulcast facilities so as to enable Division personnel to perform their duties. Again, the Division has received several ideas from the track as to where the Division personnel might be able to work, however, Bally's at Arapahoe Park has no firm plans for the facilities.

11.430 - Associations shall provide for a receiving area with sufficient facilities to enable urine or other samples to be collected from animals designated to be tested.

The additional requirements are listed below:

11.544 Stable Standards:

e) All stable buildings must have adequate stall space with available solid doors.

1. Minimum stall dimensions shall be ten (10) feet by ten (10) feet and five (5) feet by nine (9) feet respectively.

2. Stall door dimensions should be approximately four (4) feet wide.

3. Each stall shall have solid walls a minimum of five (5) feet high with open guard rails spaced at least four (4) inches apart to aid in ventilation.

4. Minimum ceiling height should be at least ten (10) feet high.

5. Hayracks should be at least four (4) feet above the stall floor.

6. Each stable building must have at least two (2) fire extinguishers or one for every ten (10) stalls, which are in working order.

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. The test barn is a requirement of any live horse racing meet. The failure to provide electricity will make it impossible to facilitate the test barn. Not only the basic requirements of a test barn are lost, but also computers, Wi-Fi, centrifuge, printers, etc. There is a LARGE amount of record keeping, data collection and data entry that is necessary throughout the day at the test barn. It must be entered as collected in order to maintain appropriate local and industry wide records.

PA System

4.718 - After the entry box has closed, the racing secretary shall examine the entries for completeness, accuracy and eligibility, shall make preparations for the draw and shall make a public announcement of the draw in order that interested persons may be present. After the draw is conducted, the racing secretary shall post on a bulletin board in the racing office the names of all entries and their final disposition.

11.465 – The association shall develop a hazardous weather and lightning protocol to be approved by the Commission which shall include the use of an early warning detection system. The association shall designate a person responsible for monitoring the system who shall notify the Stewards if conditions exist that warrant delay and/or cancellation of a performance and/or the notification to the public of such threatening weather conditions. The Stewards shall commence a race delay and/or cancellation when lightning is detected within an 8 mile radius of the racetrack which shall remain in effect until a minimum of 30 minutes has passed since the last strike is observed within an 8 mile radius. The failure to provide electricity will result in the lack of a public announcement system on the backside. This is required by rule for notifications throughout the day to horsemen, but most importantly would be used to notify staff, participants, guests and the public when an emergency exists and to provide specific safety instructions for that specific emergency situation. The Division understands that the current PA system is in poor working condition and, as a result, many of the horsemen use their cell phones, however the public safety announcements would not be broadcast on a cell phone.

Pre-meet Inspection

As listed in the general section of this memorandum, a pre-meet inspection conducted by the Division is required by both CRS 44-32-501(1)(a) and 44-32-501(1)(b) and CCR:11.544(1). This statutory and rule requirement cannot be completed satisfactorily without the availability of electricity. The result of such inspection, even if it was conducted without electricity, would result in a violation of the statutes and rules regulating Colorado Horse Racing.

Race Official Conflict Resolution Incomplete

4.116 - No racing official shall serve in more than one official capacity simultaneously during a race meet

unless prior approval from the Commission or the Director has been obtained. In no event shall a racing official serve in more than one official capacity where there is a potential conflict of interest.

The Association currently has several employees that serve in more than one official capacity simultaneously during the upcoming race meet. These positions have a high potential for conflict of interest, based on the matrix used by the Division of Racing since at least 2015.

Ensure Licensing of Association Veterinarian

As of June 12, 2024, the Association has failed to ensure the licensing of the Association Veterinarian, which was listed in the Commission's requirements dated April 15, 2024. The Division understands the meet was delayed, however, the licensing is required at least 48 hours prior to the opening of the meet.

Copies of health and sanitation reports for Arapahoe Park and any other in-state facilities 44-32-501. Regulation of race meets and racing-related businesses - additional facilities - rules.

(3) The commission shall license and regulate all in-state simulcast facilities conducting pari-mutuel wagering and shall require all such in-state simulcast facilities to be maintained and operated in accordance with the laws of this state and rules of the commission.

OTB/ARP health and fire that have not been submitted (or are expired)

- Bally's Arapahoe Park Health Inspection will need to be updated once violations are fixed
- Bally's Arapahoe Park Fire Inspection will need to be completed and submitted
- In the Zone: Fire Inspection documents are dated 4/26/23 (over 1 year)
- Havana Park: Fire Inspection documents are dated 3/20/23 (over 1 year)
- Bally's North: Health Inspection documents are dated 4/12/23 (over 1 year)
- Celtic: No Health Inspection documents submitted
- Odds On: No Health Inspection documents submitted (let it be noted there is email communication stating Odds On has been in contact with their county authority to schedule a health inspection)
- Finish Line: Health Inspection document. A receipt was submitted; however, the actual inspection document is still outstanding. No Fire Inspection documents submitted.

Updated Fire Inspection Report/Fire Alarm System

As listed in other sections of this memorandum CRS 44-32-101, CCR 11.542, CCR 11.544 apply to the fire safety issues that must be clarified via an inspection completed by South Metro Fire.

The Association has not yet submitted an updated Fire Inspection Report from South Metro Fire. The fire alarm inspection completed in April of 2024 by Fire Alarm Systems Inc. provided a list of deficiencies to the Association. The Association reported in our meeting on June 5, 2024, that South Metro Fire will require the deficiencies to be corrected prior to conducting a fire safety inspection. The deficiencies listed by Fire Alarm Systems Inc. include:

Fire Alarm Inspection

1. The following Fire alarm pull stations do not report to the main fire panel, needs to be Investigated:

-Barn #1 South

-Track kitchen building rear exit by 201

2. The panel batteries located in the maintenance shop failed load testing due to age and/or low amp hour readings (2)12V 7AH (unknown)

Fire Extinguisher Inspection:

1. There are (7) extinguishers that are due for 6-year maintenance, refer to the inspection report for exact locations (1 2.5lb ABC, 4 5lb ABC, 2 10 lb. ABC).

2. There are six (6) extinguishers that are due for a 12-year hydro test, refer to the inspection report for exact locations (4 10lb ABC, 2 6-liter K-CLASS).

3. The extinguisher located on the 2nd level outside general offices on column needs to be recharged (1 10 lb. ABC).

The Association has indicated they have a fire suppression and alarm system that does not require electricity on the backside. The Association reported the system is wired to the grandstand area where the main panel for the fire alarm system is located. The Division has not received confirmation of these statements and will require written notice from South Metro Fire.

The Division will require an updated Fire Inspection Report from South Metro Fire 48 hours prior to the 2024 Meet opening.

The Division must ensure the entire track facility, located at 26000 E. Quincy Ave. Aurora, CO, is safe for the public, employees, staff, and animals to occupy during a live race meet. Based on the above information, the Division does NOT recommend the approval of the 2024 Meet application submitted by the Association, Bally's Arapahoe Park, because it does not meet the safety standards required by State Statute or Regulatory rule. The Division is concerned the approval of a meet application will violate statute and rule as well as life and safety of the participants and equine athletes.

Commissioner Hoffman made a motion to accept and approve Bally's Arapahoe Park. He submitted the following note to the Commission Secretary " ... June 6, 2024 letter from Mr. Shannon Rushton, Executive Director of Operations and Racing requesting an amended application to hold a race meet on its course at 26000 E. Quincy Blvd Aurora Colorado starting on Saturday the 31st of August 2024 and ending on November 3, 2024. The Colorado Racing Commission approves this amended application outlined in this June 6, 2024 letter for a live race meet without any further conditional requirements to be placed on Bally's Arapahoe Park. The only exceptions are that Arapahoe Park receive approval and guidance from S. Metro Fire on the use of generators, the Division and Arapahoe Park receive notification that the association's veterinarian is properly licensed, that Arapaho fulfill all the terms of its agreement with Arapahoe county including providing the IMEG report, and the test barn and

collection processing, sample storage, security, and chain of custody are adequate. The plan for the test barn must be completed before July 22, 2024 and the approval from S. Metro before July 22, 2024. None of the Division's lists meet the need for a conditional approval. These are issues that do not rise to the level requiring a conditional approval. In my second 8 year term there are always after the meet and pre meet issues. The meet will go forward as outlined in the June 6 letter and the Division and Arapahoe Park will need to work on these if possible. If the Divisions' list is not resolved the meet will still occur as outlined in the June 6, 2024 letter."

Chair Estes stated that the motion is left open ended and strikes the Divisions concerns which is a mistake and there are still conditions that have not been met by Bally's Arapahoe Park.

Commissioner Hoffman stated that in his eight year term the Division and Bally's Arapahoe Park have always had issues and will need to work them out.

Director Amick commented that as the Divisions representative none of the Division's lists meet the requirements for a conditional approval.

Commissioner Hoffman stated that he disagreed with Director Amick.

Chair Estes asked the Commissioners if legal advice is needed.

Commissioner Sampson stated she was fine with going into executive session for legal advice on the motion made by Commissioner Hoffman. A second was made by Commissioner Davis.

Tom Downey, Attorney for Arapahoe Park commented that this does not meet the reasoning to enter into executive session and why this legal advice would need to be done in private.

Chair Estes asked Commissioner Sampson to recall her motion to enter into executive session.

Commissioner Sampon stated that she did not motion to enter into executive session but rather she was fine with it.

Commissioner Davis stated that she also did not second a motion to enter into executive session but instead to second Commissioner Hoffman's motion.

Chair Estes stated that there is a motion and a second on the floor for the motion that Commissioner Hoffman has written.

Chair Estes asked for calls with the following ayes from Commissioner Davis, Commissioner Sampson, Commissioner Hoffman and Commissioner Ruebel.

Motion passed.

OTHER:

3. Thank you and appreciation to Commission Chair Tina Estes and Commissioner Lynn Hoffman for eight years of service to the Colorado Racing Commission.

Director Amick thanked Chair Estes and Commissioner Hoffman for their time and work serving on the Racing Commission for the past 8 years.

4. Director's Report

Director Amick stated that the Division has looked into the ADW funding which she will go over at the July's meeting. And that they have been able to return \$270,000 to the ADW's to put into the purse fund.

Shannon Rushton thanked Chair Estes and Commissioner Hoffman.

Adjournment

The June 12, 2024 meeting of the Colorado Racing Commission was adjourned at 11:34 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 14th day of August,
2024.

Colorado Racing Commission
July 10, 2024
Meeting Minutes

Call to Order

The regular scheduled meeting of the Colorado Racing Commission (“Commission”) was held on Wednesday, July 10, 2024 via video conference provided by Zoom. The meeting was not called to order due to new elections of officers.

Members Present

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

1. New Commissioner Introduction

This did not occur and was addressed by Director Amick later in the meeting.

2. Annual Commissioner Training

AAG Sarah Killeen provided training to the Commissioners Sampson, Davis, Ruebel and Hammes. Commissioner Davis joined the meeting around 10:00 am and did not receive the training..

Director Amick welcomed and introduced the two new Commissioners. Jonathan Horowitz and John Hammes.

DECISION ITEM

Election of Officers - AAG Sarah Killeen

Sarah Killeen, Assistant Attorney General, conducted the elections for chair and vice chair of the Colorado Racing Commission for fiscal year 2024 - 2025.

Commissioner Davis nominated Commissioner Sampson as chair.

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

Motion passed unanimously

Vote called to nominate Tameka Sampson as chair for fiscal year 2024 - 2025.

Vote passed unanimously. Tameka Sampson presented as the duly elected chair for the Colorado Racing Commission for fiscal year 2024-2025.

Commissioner Ruebel nominated Commissioner Davis as vice chair.

Vote called to nominate Dr. Kjersten Davis as vice chair for fiscal year 2024-2025.

Vote passed unanimously. Dr. Kjersten Davis presented as the duly elected vice chair for the Colorado Racing Commission for fiscal year 2024-2025.

DISCUSSION ITEM:

3. Updates concerning the 2024 Racing Season - Director Donia Amick and Shannon Rushton

Director Amick mentioned that she, Commissioner Ruebel and AIC Haralson went to the track on 7/9/2024. Director Amick mentioned that Arapahoe county has posted a do not occupy for barns 1 - 33. Shannon Rushton does have a copy of this as well. Director Amick also mentioned that the county has also posted a stop work order on the Division of Racing Licensing office dated 6/18/2024 and South Metro Fire Department was to do an inspection of the facility mid July. Director Amick also mentioned that several of these items are not due until 7/22/2024 so the Division will schedule a meeting at the end of July.

Shannon Rushton, Executive Director of Operations/Director of Racing & General Manager at Bally's Arapahoe Park welcomed Commission Hammes and Commissioner Horowitz and thanked Chair Sampson for her newly appointed role as Chair. Mr. Rushton also thanked Commissioner Davis for her newly appointed role as vice chair. Mr. Rushton had the following updates:
The IMEG report was handed to Commissioner Ruebel at his track visit as well as to Director Amick and the county was sent a copy.
He is currently working on getting a permit for the licensing office and they currently have a design professional drawing up the plans.
They have also ordered new fire extinguishers.

Matt Fout a service technician with Pye + Barker was out and did verify that the pull station (fire suppression) would work without electricity because the fire alarm system is wired through the grandstands.

The association veterinarian has submitted her application for a validation card.

The Arapahoe County health and safety inspectors want to come out for a follow up inspection once the concession stands are open during the live meet to test things such as proper heat and cooling.

He has contacted generator source which is a company they will be working with to lease generators for the horse walkers.

Randy Hill has been contacted and owns a solar power company they may use.

He asked Commissioner Ruebel to discuss his track visit.

Commissioner Ruebel stated that things are moving forward and the deferred maintenance that should have been done in the past decade is getting done now. Commissioner Ruebel stated that after reviewing the IMEG report he felt encouraged.

Chair Sampson asked Mr. Rushton if South Metro Fire Department had been out and approved the use of the generators?

Shannon Rushton said no, they have not been out but once they have the generators onsite South Metro will come out to inspect them.

Director Amick requested that Mr. Rushton provide a plan for the test barn and testing samples.

Heidi Humphreys Executive Director of the Department of Revenue commented that she has been monitoring the situation to see if and when the Division employees can go onsite. The stop work and danger signs that are posted are still a concern to the department.

OTHER:

8. Director's Report

Director Amick mentioned that temporary staff is currently getting conditional offer letters. The Division did get back the ADW numbers and were able to refund \$270,000 back to the purse fund.

Shannon Rushton wanted to add an additional item and said he met with Kim Oliver, President of the Colorado Horseman Association and informed her she can decide how to distribute the \$3,000,000,000 that is currently in the purse fund.

Public Comment

Bkemper (user name) asked if everything works out is the date of 8/12/2024 still the anticipated move in date for the horsemen?

Shannon Rushton responded that yes, 8/12/2024 will be the first day for training.

Adjournment

The July 10, 2024 meeting of the Colorado Racing Commission was adjourned at 12:24 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 14th day of August,
2024.

Colorado Racing Commission
July 24, 2024
SPECIAL Meeting Minutes

Call to Order

The SPECIAL scheduled meeting of the Colorado Racing Commission (“Commission”) was held on Wednesday, July 24, 2024 via video conference provided by Zoom. The meeting was called to order at 9:30 AM.

Members Present

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

Members Absent

None

Racing Staff Present

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

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 8/31/24 - Donia Amick, Director, Colorado Division of Racing and Shannon Rushton, Bally’s Arapahoe Park

Director Amick stated that the Division did receive a brief plan regarding the test barn from Bally’s Arapahoe Park on Tuesday, 7/23/2024 at about 4:30 p.m. and that the Division also licensed the Veterinarian.

Shannon Rushton, Executive Director of Operations/Director of Racing & General Manager at Bally’s Arapahoe Park stated that there is no way he can make the plan that was outlined by Senior Assistant Attorney for Arapahoe County, Robert J. Hill work by 8/31/2024. Mr. Rushton said several of the items listed on the outlined document were not discussed at the 5/22/2024 meeting between Bally’s Arapahoe Park and Arapahoe County. Mr. Rushton said the 5/22/2024 meeting was a verbal agreement between Bally’s Arapahoe Park and James McClain with Arapahoe County. He said the building inspectors agreed to allow them to turn the power off to the backside and once all permits were obtained then all power could be turned back on.

Mr. Rushton recommended that the Divisions staff could be moved to the racing office, and he would move the racing office staff to the grandstands because the racing office has not been red tagged by the county.

Chair Sampson commented that she was unclear of the miscommunication from May to mid-July. Chair Sampson stated that there were four things that needed to be addressed:

- Veterinarian getting licensed
- Plan for the test barn
- Consultation with South Metro Fire Department
- Agreement between Arapahoe County and Bally's Arapahoe Park on the backside issues

Shannon Rushton responded that the items outlined in the document received were not discussed at the 5/22/2024 meeting. Mr. Rushton stated again that the issue of the power getting turned off to the backside was agreed on in the meeting. Mr. Rushton also stated that he will not be proceeding with any use of generators.

Commissioner Horowitz commented that the Commission granted Bally's Arapahoe Park a license at the 6/12/2024 meeting with four requirements that Bally's Arapahoe Park had to comply with. Those requirements are as follows:

- a. Bally's shall receive approval and guidance from South Metro Fire on the use of generators on the backside / barns and other areas where electricity is permanently turned off by July 22, 2024;
- b. the Division and Bally's shall receive notification that the association's veterinarian is properly licensed;
- c. Bally's shall fulfill all the terms of its agreement with Arapahoe County Building Department, including providing the IMEG report; and
- d. Bally's shall provide an adequate plan to the Division, for the test barn and collection processing, sample storage, security, and chain of custody by July 22, 2024.

Commissioner Horowitz asked Mr. Rushton if letter a. of the order been fulfilled?

Shannon Rushton, responded with no because they have decided not to proceed with the use of generators due to fire issues.

Commissioner Horowitz asked Mr. Rushton if b has been fulfilled?

Shannon Rushton responded with yes.

Commissioner Horowitz stated that letter c. he believes is where the breakdown is and that the Commission was led to believe that there was an agreement but now Arapahoe County is stating differently.

Shannon Rushton said Arapahoe County said it was a misunderstanding.

Commissioner Horowitz asked Mr. Rushton if letter d. has it been fulfilled?

Shannon Rushton responded with yes.

Division Director Donia Amick mentioned that the requirement states an adequate plan, and the Division has not determined yet if it is adequate or not.

Commissioner Horowitz stated that he is concerned with receiving things at the very last minute and that he did not appreciate that Arapahoe County was not in attendance at this meeting.

Commissioner Ruebel expressed his concerns with Arapahoe County code enforcement making misrepresentations and also experienced them making demands that are of excess authority.

Vice Chair Davis commented that she agrees with Commissioner Ruebel but also extends the responsibility to Bally's Arapahoe Park as well.

Chair Sampson expressed her concerns as well and suggested the Commission go into executive session to seek legal advice.

Tom Downey, Attorney for Bally's Arapahoe Park commented that executive session would not be warranted just to receive legal advice. That can be done out in the open. Mr. Downey addressed the meeting between Bally's Arapahoe Park and Arapahoe County on 5/22/2024 and stated that the facility is "Grandfathered" in because of the certificate of occupancy in 1984. Mr. Downey continued to state that all work has been done coming out of the electrical box and not from the electrical box back. Therefore, no permits were needed according to code. According to Mr. Downey, Arapahoe County disagreed with his interpretation and stated that the facility needs to comply with the current code and not the code from 1984. Mr. Downey went on to state that they would comply with the recommendations made by Mr. McClain during the 5/1/2024 Commission meeting to turn off all power to the backside and to get a structural engineer report.

Chair Sampson asked AAG, Dodd for legal advice regarding discussion on item one.

AAG, Dodd recommended tabling item number one and moving on to agenda item number two.

Commissioner Horowitz made a motion to table agenda item number one. With a second motion made by Commissioner Davis.

Motion passed unanimously.

2. Bally's Arapahoe Park requests to waive the 30 (thirty) day race requirement per Section 44-32-603 C.R.S.--Bally's Arapahoe Park Staff

Shannon Rushton asked the Commission to consider the request to waive the 30 (thirty) day race requirement per Section 44-32-603 C.R.S. to be able to keep the off-track betting facilities (OTB) operating. Mr. Rushton stated that the dates would be 9/11/2024 through 9/11/2025 and in 2025 Bally's Arapahoe Park would run a race meet.

Chair Sampson asked Mr. Rushton, what dates have been confirmed for races in 2025?

Shannon Rushton responded that the dates would be in August, September and October of 2025.

AAG, Dodd recommended that a new race meet application would need to be done for 2025. AAG Dodd asked the Commission to review the statute which states a finding of an act of God and to determine if this is such in allowing a waiver for Bally's.

Chair Sampson stated that she finds the unforeseen circumstances as such when the misunderstanding took place between Arapahoe County and Bally's Arapahoe Park.

Vice Chair Davis asked Mr. Rushton to clarify his request and asked if the track will have zero (0) race days or one (1) or a couple race days.

Shannon Rushton responded that with the email received from Arapahoe County he can't make anything help for one (1) day.

Commissioner Horowitz stated that he feels there has to be a live meet for the horsemen and that the focus now needs to be on the statute C.R.S. Section 44-32-603 (3) that reads:

- (3) In order to promote live racing of horses throughout the state of Colorado, the commission, when determining the number and kind of race meets held and the dates and times of races held at race meets, may take into consideration the interests of the racing industry as a whole throughout the state but shall give particular consideration to the racing dates and times requested by or assigned to the following:
 - (a) In the case of class A tracks, other class A tracks; and
 - (b) In the case of class B tracks, other class B tracks.
- (4) The commission shall determine, consistent with all other provisions of this article 32, the total number of races conducted, and performances held during a race meet.

Commissioner Horowitz stated that the Commission needs to come up with something that promotes live racing in Colorado.

Chair Sampson suggested that the Commission draft correspondence to Arapahoe County encouraging them to participate in these meetings and to also keep them up to date on what is happening and what is needed.

Commissioner Horowitz asked, is there any framework to have live racing before 2025?

Shannon Rushton responded that his fear is not being able to use the test barn which is red tagged as of now.

Commissioner Horowitz asked if there was any mobile veterinarian unit?

Director Amick responded that there are about nine (9) rules that deal with the collection and some of those rules would need to be modified.

Senior Director Michael Phibbs stated the only way to lift the order on the test barn is to get a building permit which takes between 12 and 16 weeks to be received, reviewed and issued.

Kim Oliver, President of Colorado Horsemen Association (CHA) commented that this has been very frustrating for the horsemen. Ms. Oliver stated that the horsemen are the ones that will get hurt in all of the discussions.

Chair Sampson thanked Ms. Oliver for her comments.

Vice Chair Davis commented that she would like to see some sort of live racing associated with simulcast.

Commissioner Hammes stated that running a one (1), two (2) or three (3) day meet would not be good for the state of Colorado.

Mark McGregor, public member, commented that if there is not a thirty (30) day meet there probably won't be racing in Colorado again. Mr. McGregor also stated that it would not be beneficial to run a one (1) or two (2) day race. He went on to discuss the intentions of Bally's Arapahoe Park and whether they intend to sue over the "Grandfather" issue or to make the improvements for next year.

Commissioner Horowitz commented that he would like to know what the Division of Racing can do to promote live racing this year?

Director Amick suggested that the Division can create some working groups and stakeholder sessions.

Commissioner Sampson suggested tabling the decision regarding the change to the thirty (30) day requirements pending the following items:

1. Stakeholder meetings
2. Certified communication from the Commission to Arapahoe County emphasizing the impact of horse racing in the state
3. Monthly updates from Arapahoe park on a go forward plan for racing
4. Plans to support the equine industry and live racing in Colorado from all stakeholders participating in the meetings
5. Withdraw the current application and request a new live race meet application from Bally's Arapahoe Park

A second was made by Commissioner Davis on the motion.

Motion passed unanimously.

Senior Director Michael Phibbs asked if any of the Commissioners plan on attending the upcoming meetings and if so the Division will need to provide public notice of such?

Commissioner Howitz asked for AG Dodd's guidance.

Robert Dodd, AAG stated that if the Commissioners do plan on participating in the meetings that requirements do need to be met by the Division and notice needs to be given.

Chair Sampson stated that the Commissioners can attend but not speak at the meetings.

Commissioner Howitz asked if she said to not speak?

Senior Director Michael Phibbs asked the group to clarify that the focus was now on the stakeholder meetings and not on live racing?

Chair Sampson responded yes; the focus now is not on live racing it is on the stakeholder meetings.

Motion made by Vice Chair Davis to adjourn the meeting with a second made by Commissioner Ruebel.

Motion passed unanimously.

Adjournment

The July 24, 2024, SPECIAL meeting of the Colorado Racing Commission was adjourned at 12:03 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 4th day of September 2024.

Colorado Racing Commission
August 14, 2024
Meeting Minutes

Call to Order

The regular scheduled meeting of the Colorado Racing Commission (“Commission”) was held on Wednesday, July 24, 2024, via video conference provided by Zoom. The meeting was called to order at 9:03 AM.

Members Present

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

1. Approval of 6.12.2024 meeting minutes

Minutes approved for the 6.12.2021 meeting minutes.

2. Approval of 7.10.2024 meeting minutes

Minutes approved for the 7.10.2024 meeting minutes.

DECISION ITEMS:

3. 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 8/31/24 - Donia Amick, Director, Colorado Division of Racing and Shannon Rushton, Bally’s Arapahoe Park

Director Amick stated that Shannon Rushton, Executive Director of Operations/Director of Racing & General Manager at Bally’s Arapahoe Park has submitted permits to Arapahoe County via email/online.

The Division is currently waiting for Arapahoe County to review and approve the permits that were submitted. Director Amick mentioned that the test barn and other structures are still currently red tagged with a condemned notice. Director Amick stated that the Division and Bally's Arapahoe Park have worked on a test barn plan and that the Division cannot move into the test barn until the condemned notices come down.

Shannon Rushton, Executive Director of Operations/Director of Racing & General Manager at Bally's Arapahoe Park stated that they have submitted thirty-two (32) structural engineer documents to Arapahoe County as well as to Division Director Amick to forward them to the Commissioners.

Shannon Rushton, Executive Director of Operations/Director of Racing & General Manager at Bally's Arapahoe Park stated that they have submitted a demo permit for barn six (6) in an attempt to have Arapahoe County approve one (1) and then Bally's Arapahoe Park would submit the rest of the thirty-two (32) permits the exact same way.

Chair Sampson stated that it was her understanding from the last Commissioners meeting that the focus was on dates and a live racing meet for 2025 not 2024.

Shannon Rushton, Executive Director of Operations/Director of Racing & General Manager at Bally's Arapahoe Park responded that due to the Commission tabling this agenda item at the last Commission meeting he did not want to rest on not having a live race meet in 2024 and felt that he needed to continue to resolve the situation. Mr. Rushton stated that communication happened between Arapahoe County Commissioners and Arapahoe County staff that resulted in them wanting a 2024 live race meet, wanting the track to open and presenting info on how the track can make this happen.

Chair Sampson stated in order to have a 2024 live race meet there were four things that needed to be addressed. Which were:

- Veterinarian getting licensed
- Plan for the test barn
- Consultation with South Metro Fire Department
- Agreement between Arapahoe County and Bally's Arapahoe Park on the backside issues

Chair Sampson addressed the issue with the current status of the test barn and what is the go forward plan with Arapahoe County.

Shannon Rushton, Executive Director of Operations/Director of Racing & General Manager at Bally's Arapahoe Park responded that they have to resubmit the documents via a county portal.

Director Amick read verbatim the email received from Mitch Maulik, Deputy Building Official, M.E. Plans Examiner Manager with Arapahoe County. That read:

Shannon and Tom,

As we have discussed on numerous occasions, a permit for each building must be applied for separately before we will begin any reviews. This has been stated to Arapahoe Park staff multiple times since August of 2023. All documents for each barn must be submitted through the permit portal for each barn.

All documents are legal documents and we cannot accept any documents through email. We require every applicant to upload all documents to their permit portal and for permanent legal record. Our staff does not upload documents to permit portals on behalf of applicants.

We had previously requested that permits be submitted as the documents became available so that we did not suddenly have all the permits applied for at the same time and overload our staff. We explained that we will do our best to work the permits in as soon as possible, once everything is submitted properly, and are typically addressed in the order in which they are received.

Currently plans examiners each have at least 150 permits in their task queue. As a consequence, and as previously communicated, time is of the essence with regard to the responsibility of any applicant to apply for permit(s) when ready.

I hope this again makes our position clear.

As of 8:19 AM today, only one permit, a demo permit for barn #6, is the only permit that has been applied for.

Best regards,

Commissioner Horwitz stated that the Division might be best to interpret the email received from Arapahoe County.

Director Amick stated that the communication is between Arapahoe County and Bally's Arapahoe Park and the Division will not interpret the email. Director Amick read verbatim from the email again.

Shannon Rushton, Executive Director of Operations/Director of Racing & General Manager at Bally's Arapahoe Park commented that they have currently submitted each permit with documents for the thirty-two (32) barns.

Director Amick stated that per Arapahoe County the permits that Bally's Arapahoe Park have submitted will be placed in the que that has about 150 permits waiting.

Shannon Rushton, Executive Director of Operations/Director of Racing & General Manager at Bally's Arapahoe Park stated that according to Arapahoe County Commissioners once all permits have been received these will receive priority. Mr. Rushton stated that he received this information from Commissioner Carrie Warren and Commissioner Jeff Baker.

Commissioner Horowitz stated that the Commission can approve the license knowing that there are areas that still need to be worked out between the track and Arapahoe County and the track with the Division.

Vice Chair Davis commented that she does not want the Commission to be the obstacle for not having a meet in 2024.

Chair Sampson stated that she agrees with Vice Chair Davis's comment and had a concern regarding the 8/31/2024 live race date submitted by Bally's Arapahoe Park. Chair Sampson asked how flexible this date is and how difficult would it be to change it.

Director Amick stated that the Division does not want to be block in this matter. However, there are things that the Division has to do to get the meet going. Some are being able to enter the barns for a preliminary inspection, the test barn in order to use as a collection site and get staff on board.

Director Amick stated that the Division was out at the track on Tuesday, 8.13.2024 and is willing to do whatever they can but the Division has to follow the statute and rules as well as regulations. Director Amick stated which are for safety purposes, to protect the betting public and to make sure it's a good product for everybody involved and in this highly regulated industry that the Division is following those regulations.

Commissioner Horowitz made a motion to approve the license.

Chair Sampson asked if the motion on the floor is to approve the race meet, does it include a deadline and does it include any conditions.

Sarah Killeen, AAG stated that there is currently already an approved conditional meet license with four (4) conditions which at the last Commission meeting whether to decide if the conditions have been met or not were tabled.

Shannon Rushton, Executive Director of Operations/Director of Racing & General Manager at Bally's Arapahoe Park commented that the hard stop date is 9.11.2024.

Vice Chair Davis commented that she does not want the Commission to be an obstacle in the meet going forward and would be in favor of granting a conditional license that addresses the life safety issues.

Commissioner Horowitz made a motion to continue with order 20240614, approve it and amend the 7.22.2024 date.

Sarah Killeen, AAG asked if the Commission wants to add a deadline in lieu of the July date and if any language to be added regarding the red tagged currently in place.

Commissioner Horowitz asked the Division how long does the Division need to have everything it needs to prepare for the live meet.

Director Amick responded that the Division is currently working on getting people hired and working with OIT for access but without a date the Division can't hire someone. Director Amick mentioned that the Division does have hiring restrictions that need to be followed.

Commissioner Horowitz made a motion to continue with order 20240614 - Second Amended Notice of Insurance of Meet License with Conditions for 2024 to Racing Associates of Colorado, LTD D/B/A Bally's Arapahoe Park with the amendment to remove the 7.22.2024 date.

Michael Phibbs, Senior Director of the Specialist Business Group stated that the mentioned date of 8.31.2024 which is an unrealistic expectation. Mr. Phibbs stated by laws, hiring rules, OIT protocol is

completely impractical. He goes on to say even if the red tags were removed today the Division still could not meet the 8.31.2024 date.

Chair Sampson asked if the red tags were removed today how long would the Division need.

Michael Phibbs, Senior Director of the Specialist Business Group responded with the help of other state departments three (3) weeks realistically five (5) weeks.

Commissioner Horowitz raised the question why did the Division decide that there was not going to be a live race meet in 2024 when there has been live racing since 1992.

Michael Phibbs, Senior Director of the Specialist Business Group responded that the Division has been prepared for every order the Commission granted. The Division has advertised the jobs, started the selection process, hired a veterinarian, been out to the track, working with track management and to say the Division is not doing its part when in fact the Division has gone as far as it possibly can. Senior Director Phibbs stated that normally there is a ninety (90) day window for the Division to know when the races are going to be, to review the application and to prepare for the race season.

Michael Phibbs, Senior Director of the Specialist Business Group stated that at the last Commission meeting he asked for clarity regarding whether the focus is on the 2024 live race meet or is it on the stakeholder meetings and helping the horsemen. Senior Director Phibbs stated that the Commission's response was to focus on the stakeholder meetings, helping the horsemen and 2025 race meet.

Commissioner Horowitz made a motion to approve the conditional application and amend the date to one (1) week prior to the start of horse racing. A second was made by Commissioner Ruebel.

Motion passed unanimously

Tom Downey, Attorney for Bally's Arapahoe Park commented that he would like to note in the minutes that he was denied access to this Commission meeting and when he attempted to use the chat function Division Director Amick denied it. Mr. Downey asked the Commission to grant him full access to all Commission meetings.

Chair Sampson responded that the chat function in the meetings was disabled a few meetings ago due to inappropriate comments being made. Chair Sampson noted that Director Amick did notify the Commission that Mr. Downey was attempting to join the meeting.

4. Bally's Arapahoe Park requests to waive the 30 (thirty) day race requirement per Section 44-32-603 C.R.S.--Bally's Arapahoe Park Staff

Shannon Rushton, Executive Director of Operations/Director of Racing & General Manager at Bally's Arapahoe Park recommended that the Commission keep this item tabled in case the 2024 race meet does not happen.

Commissioner Hammes commented that zero (0) racing is zero (0) simulcasting.

Vice Chair Davis commented that she would like to table it and does not feel comfortable withdrawing it.

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

Commission Hammes voted opposed to the motion.

Motion passed.

5. Receive and review updated staffing plan from Bally's Arapahoe Park to allow for approval of those holding multiple positions during the racing season

Director Amick stated that the Division received a notice of staffing changes at Bally's Arapahoe Park and recommends the Commission go through the positions and approve anyone that has multiple positions.

Commissioner Hammes commented regarding Shannon Rushton positions as:

- Executive Director of Operation & Racing
- Racing Secretary

And if the horsemen are ok with this.

Commissioner Horowitz commented that he would like an explanation regarding Shawn Demoney positions as:

- Plant Superintendent
- Starter

Shannon Rushton, Executive Director of Operations/Director of Racing & General Manager at Bally's Arapahoe Park responded that he did not want the Racing Secretary job. They interviewed seven (7) people who declined to take the position. Mr. Rushton stated that because of the current situation the track is in and not knowing how many horses will be racing a day he has decided to take this role upon himself.

Shannon Rushton, Executive Director of Operations/Director of Racing & General Manager at Bally's Arapahoe Park responded that Shawn does have an assistant that works for him who is Shawn Von Hemel. Mr. Rushton stated that if Mr. Demoney did get called away from his position as a starter, Mr. Von Hemel would take his place as such.

Kim Oliver, President for the Colorado Horsemen Association (CHA) stated that their main concern this year is to have a live meet. Ms. Oliver stated that regarding Mr. Rushton's dual role and Race Secretary, Mr. Rushton has been very collaborative with the horseman since taking over in January. Ms. Oliver stated that she does not foresee any problems with him having the dual roles.

Director Amick stated that the Division still needs to receive and review the conditions book and schedule a horsemen's meeting.

Commissioner Horowitz motioned to approve the complete list of employees listed as having multiple positions at Bally’s Arapahoe Park for 2024 live racing. A second was made by Vice Chair Davis.

Motion passed unanimously.

6. Review and accept envelope of 2025 seasonal dates from Bally’s Arapahoe Park

Director Amick stated that the Division has received an envelope of dates for next year for May through November.

Vice Chair Davis made a motion to approve the envelope of dates received for next year. A second was made by Commissioner Ruebel.

Motion passed unanimously.

DISCUSSION ITEM:

7. Presentation from Commissioner Horowitz on letter, track visit and other live racing ideas

Commissioner Horowitz stated that he visited the track on 8.2.2024 and was blown away by the improvements that were done.

8. Presentation from the Stakeholder meeting on August 7, 2024

Director Amick stated that the meeting held on 8.7.2024 resulted in a majority of stakeholders wanting live racing to continue in Colorado and live racing in 2024.

9. Presentation on ADW funding FY 2023-2024

Sanela Simic, Division Auditor presented the ADW funding stating the following:

Deposit Location	Total Deposits
Horse Purse Trust Account (US Bank)	\$1,365,0333.35

Deposit Location	Total Deposits
CO State (Cash Fund)	\$1,677,841.82

10. Letter to HISA withdrawing from HISA for 2024 season

Director Amick stated that the Division received a letter from Bally’s Arapahoe Park addressed to HISA stating that they are withdrawing from HISA for the 2024 season.

Shannon Rushton, Executive Director of Operations/Director of Racing & General Manager at Bally's Arapahoe Park stated that Bally's Arapahoe Park cannot meet the HISA requirements with power being shut off to the backside.

11. Bally's press release on merger with Standard General

Director Amick stated that the Division received a letter from Bally's Arapahoe Park counsel that there was a merger taking place and effective in January. Director Amick stated she wanted to make sure the Commission was aware of this.

OTHER:

12. Director's Report

Director Amick recommended that the Commission review the public comments the Division received that are in the Commissioners folder.

13. Public Comment

Jorge Martinez commented that he is a trainer and currently in Wyoming and wanted to know when would the horsemen be allowed to move into the backside at Bally's Arapahoe Park.

Shannon Rushton, Executive Director of Operations/Director of Racing & General Manager at Bally's Arapahoe Park responded that all the documentation has been submitted to Arapahoe County and once they review it and inform Bally's Arapahoe Park when the red tags will be removed. Mr. Ruston stated that he could not provide a specific date.

DBarron, asked what website the recordings can be found at.

Director Amick responded that it can be found on the Division of Racing Website.

Jodie Witt asked if the state can work with temporary agencies to hire the people that are needed and to expedite the three (3) week timeline needed by the Division to hire someone.

Director Amick responded that the state does use temporary agencies and that the process is about two (2) weeks to get them through the background process.

Les Lindauer, commented that he's had experience with hiring staff and disagrees with the two (2) week timeline. Mr. Lindauer also commented that he feels the roadblock is with the Division.

Adjournment

The August 14, 2024, meeting of the Colorado Racing Commission was adjourned at 11:30 am.

Minutes Approved by the Commission



Janina Rivera, Executive Assistant to the Director

I certify these minutes were approved by the Commission on the 4th day of September 2024.

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.

Colorado Racing Commission
September 4, 2024
Meeting Minutes

Call to Order

The regular scheduled meeting of the Colorado Racing Commission (“Commission”) was held on Friday, September 4, 2024, via video conference provided by Zoom. The meeting was called to order at 9:31 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

Racing Staff Present

Michael Phibbs, Interim Director of the Division of Racing Events
Janina Rivera, Business Analyst Division of Racing
Sarah Killeen, Assistant Attorney General for Division of Racing Events
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

1. Approval of meeting minutes 7.24.2024

Meeting minutes approved for 7.24.2024

2. Approval of meeting minutes for 8.14.2024

Meeting minutes approved for 8.14.2024

DECISION ITEMS:

3. Early Release of Thoroughbred Breeders funds - Mike Phibbs, Interim Director, Colorado Division of Racing

Sanela Simic, Division Auditor stated that the Division received a request from the Colorado Thoroughbred Breeders Association requesting early release of one hundred thousand dollars \$100,000.00 and requested the Commission's approval to release the funds.

Motion made by Vice Chair Davis to approve the request from the Colorado Thoroughbred Breeders Association for the early release of funds in the amount of one hundred thousand dollars (\$100,000.00). A second was made by Commissioner Ruebel.

Motion passed unanimously.

4. Bally's Arapahoe Park Simulcast Request dates for 2024-2025 - Shannon Rushton, Bally's Arapahoe Park

Shannon Rushton, Executive Director of Operations/Director of Racing & General Manager at Bally's Arapahoe Park presented the simulcast dates for greyhounds up until September 30, 2024, and for horses starting September 11, 2024, through April 20, 2025, for the in-state off track betting facility only. Due to Bally's Arapahoe Park not participating in HISA this year.

Motion made by Commissioner Hammes to approve Bally's Arapahoe Park Simulcast dates for 2024-2025 for greyhounds only through September 30, 2024, and for horses from September 11, 2024, through April 20, 2025. A second was made by Vice Chair Davis.

Motion passed unanimously.

5. Consideration of request by Miguel Pena concerning Miguel Pena v Colorado Racing Commission Case number 20-0224

Shannon Rushton, Executive Director of Operations/Director of Racing & General Manager at Bally's Arapahoe Park stated that Mr. Pena would like Mr. Rushton to speak on his behalf regarding this request. Mr. Rushton read a letter written by Mr. Pena requested a reduction to his fine from ten thousand dollars (\$10,000.00) to the original fine of twenty-five hundred dollars (\$2,500.00).

Mike Phibbs, Interim Division Director mentioned that the ruling documents submitted to the Commission state there was due process issued. The original ruling was in 2020, and the appeal process went into 2021. After which there were aggravating circumstances that doubled his fine from twenty-five hundred dollars (\$2,500.00) to five thousand dollars (\$5,000.00). Interim Director Phibbs stated by statute the licensee is required to pay the fine within twenty (20) days or make a payment arrangement. Mr. Pena did neither, therefore this action doubled his fine from five thousand dollars (\$5,000.00) to ten thousand dollars (\$10,000.00). Interim Director Phibbs also stated that Mr. Pena is not permitted to be in any licensed area of the track until he pays the fine and the Divisions recommendations is to withhold the current ruling.

Motion made by Commissioner Ruebel to table this matter until the Commission receives additional documents of the case. A second was made by Vice Chair Davis.

Motion passed unanimously.

DISCUSSION ITEM:

6. Location of October Meeting - Mike Phibbs, Interim Director, Colorado Division of Racing

Mike Phibbs, Interim Division Director requested that the October meeting be an in-person meeting hosted by Bally's Arapahoe Park.

Commissioners set Thursday, October 31, 2024, for this meeting at Bally's Arapahoe Park in the Centennial conference room.

OTHER:

7. Interim Director's Report

Mike Phibbs, Interim Division Director stated that the racing licensing office is almost set up and the test barn is up and running. Steward should be arriving this week.

8. Public Comment

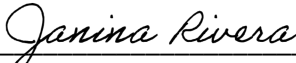
Mark Hillman, Treasurer of the Colorado Thoroughbred Breeders Association (CTBA) commented on the approved condition book that was developed by Bally's Arapahoe Park and the Colorado Horseman Association (CHA).

Shannon Rushton, Executive Director of Operations/Director of Racing & General Manager at Bally's Arapahoe Park responded that the book was reviewed by the Colorado Horsemen Association (CHA) for their input, but it is solely the track's responsibility to approve the book to make it fair for everyone.

Adjournment

The September 4, 2024, meeting of the Colorado Racing Commission was adjourned at 11:29 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.

Colorado Racing Commission
October 31, 2024
Meeting Minutes

Call to Order

The regular scheduled meeting of the Colorado Racing Commission (“Commission”) was held on Thursday, October 31, 2024, via video conference provided by Zoom. The meeting was called to order at 11:05 AM.

Members Present

Tameka Sampson, Chair

Jeff Ruebel, Member

Jonathan Horowitz, Member

John Hammes, Member

Members Absent

Donia Amick, Director of the Division of Racing Events

Janina Rivera, Business Analyst Division of Racing

Michael Phibbs, Interim Director of the Division of Racing Events

Kjersten Davis, Vice Chair

Racing Staff Present

Sarah Killeen, Assistant Attorney General for Division of Racing Events

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

1. Approval of August 30, 2024, Minutes

Minutes approved for 8/30/2024

2. Approval of September 4, 2024, Minutes

Minutes approved for 9/4/2024

DECISION ITEMS:

3. Greyhound Welfare and Adoption Fund Distribution - Division Auditor, Sanela Simic

Sanela Simic, Auditor, stated that the Division received two applications. One from Friends for Retired Greyhounds and one from Colorado Greyhound Adoption. Currently, there is approximately \$17,291.42 in the fund and \$15,000.00 will be distributed as follows:

- Friends of Retired Greyhounds, 41 dogs, \$6,988.64
- Colorado Greyhound Adoption, 47 dogs, \$8,011.36
 - \$170.45 /Per dog

Motion made by Commissioner Ruebel to approve the distribution of the Greyhound Welfare and Adoption funds. A second was made by Commissioner Horowitz.

Motion passed unanimously.

4. Reconsideration of request by Miguel Pena concerning Miguel Pena v Colorado Racing Commission Case number 20-0224 - Kelly Haralson, Agent in Charge

AIC Haralson gave a brief overview of the case.

Commissioner Horowitz asked if there is any new information regarding this case.

Sarah Killeen, AAG responded no information has been provided or received by the Division regarding this case.

Motion made by Commissioner Horowitz to deny Miguel Pena request for reconsideration of case number 20-0224. A second was made by Commissioner Hammes.

Motion passed unanimously

OTHER:

8. AIC Report

Kelly Haralson, AIC mentioned that the entry requirements have been updated regarding Coggins testing and the Division has processed over seven hundred applications.

9. Public Comment

Shannon Ruston, Executive Director of Operations/Director of Racing & General Manager at Bally's Arapahoe Park thanked the Racing staff, AIC Haralson and Interim Director Phibbs. He mentioned they will continue to run in the fall.

Adjournment

The October 31, 2024, meeting of the Colorado Racing Commission was adjourned at 11:42 a.m.

Minutes Approved by the Commission



Janina Rivera, Business Analyst Division of Racing

I certify these minutes were approved by the Commission on the 2/12 day of 2025
2025.