

CHAPTER 6
--- PRACTICE AND PROCEDURES ---

100's --- AUTHORITY

COMMISSION

6.100 - When the Commission determines, in compliance with the provisions of these Rules that a violation of these Rules or of the Law has occurred, the Commission may issue a letter of admonition to a licensee, and/or deny, suspend, or revoke a license, and/or impose a fine on a licensee, and/or exclude a licensee, or any person from any licensed racetrack or simulcast facility. The Commission shall have the power to alter, amend or modify any disciplinary action imposed by the Board or a hearing officer, and shall further have the power to reinstate any person without fine or suspension. This rule shall also apply to any person aiding, abetting or conspiring in the commission of any violation.

6.102 - The Commission or the Board in its discretion may waive, set aside, or modify any rule contained herein when a waiver, setting aside, or modifying of a rule shall be in the best interest of the State and the sport of racing.

DIRECTOR

6.110 - The Commission delegates to the Director the authority to summarily exclude any person who willfully violates any of these rules or the law, until the next Commission meeting.

6.112 – The Director or the director’s designees may issue citations according to the Citation Violation List and Schedule of Penalties, whenever a citation is called for. The director shall have the authority to rescind any citation and cancel its associated penalty, with or without prejudice, in the event that the citation has not been issued according to the provisions of the Citation Violation List and Schedule of Penalties, or has, otherwise, been inappropriately issued.

THE BOARD/HEARING OFFICERS

6.120 – When the Board or a Hearing Officer determines, in compliance with the provisions of these Rules, that a violation of these Rules or of the law has occurred, it has the authority to suspend a license for a period not to exceed one hundred and eighty (180) days, or to impose a fine not in excess of Five Hundred Dollars (\$500), or both except as described in Rule 3.437, or except as restricted in the enforcement of citations by Rule 6.124. Licensees so suspended shall be denied all licenses and shall not be in good standing until the terms of the Board’s order have been satisfied. In addition, if the Board or a Hearing Officer believes a more severe penalty should be imposed, it may refer the case to the Commission for further action. A fine or suspension may not be rescinded by the Board or a Hearing Officer except with approval of the Commission.

6.122 - The Board or a hearing officer has authority to summarily suspend a licensee for fourteen (14) days or less without holding a hearing, where the Board or hearing officer has reasonable

cause to believe and makes a finding that the licensee has been guilty of a deliberate or willful violation or that the public health, safety or welfare imperatively requires the emergency action, incorporates the findings in their order, and promptly institutes disciplinary proceedings.

6.124 - When a licensee appeals a citation to the Board or to a Hearing Officer for a hearing, the director shall review the citation under the provisions of Rule 6.112. For any citation that the director determines should be heard on appeal, the director shall assign the appeal according to the provisions of Rule 6.300. The division shall provide notice to the licensee according to the provisions of rule 6.310, and shall conduct the hearing pursuant to the provisions of rule 6.330.

Provided the licensee appears for the hearing, the hearing shall be on the merits to determine whether the charged violation did occur. If it did occur, then the ruling from the hearing shall uphold the citation in full, shall not increase the penalty, shall require the fine(s) to be paid pursuant to rule 6.700, and shall reset the payment date based upon the date of the Ruling. If the charged violation(s) did not occur, then the ruling from the hearing shall dismiss the citation with prejudice and cancel the associated penalty. If the licensee fails to appear for the hearing and no continuance has been granted, the board or hearing officer shall call the case and make a record of the proceedings, the licensee's request for an appeal hearing shall be deemed to be abandoned, the licensee shall have waived any right to a hearing forever, the original citation shall be upheld without change, and the citation's fines ordered to be paid pursuant to Rule 6.700, with the payment date reset based upon the date of the ruling.

200's --- PROCEEDINGS BY THE BOARD/HEARING OFFICERS

PROTEST AND OBJECTIONS TO THE BOARD

6.200 - Protests to a greyhound, horse or jockey engaged in a race must be made to one of the Board members. Protests may be made only by a racing official or by an owner, trainer or jockey of some other animal engaged in the race.

6.202 - All protests must be filed not later than one (1) hour before post time. Protests must be made to the Board in writing and signed by the complainant. The written protest must include the grounds of the protest. However, the Board may scratch an ineligible greyhound, horse or remove a jockey at any time.

6.204 - A protest cannot be withdrawn without the permission of the Board.

6.206 - Objections shall be filed with the Board in writing within forty-eight (48) hours after the running of that race except that in horse racing, objections relating to interference during the running of a race shall be filed verbally with the Board prior to the race being made official.

:1 - If an objection is declared valid against a horse or jockey which has finished in a position entitling it to a portion of the purse in a race, that horse may be disqualified.

:2 - In greyhound racing, if an objection is declared valid against a greyhound which has finished in a position entitling it to a portion of the purse in a race, that greyhound will be

disqualified for reason of purse only and the other greyhounds in the race will be entitled to place in the order in which they finished.

:3 - An objection to any decision of the clerk of scales shall be made before the greyhounds leave the paddock for the start of the race.

6.208 - The Board's decision regarding an objection will in no way affect the outcome of pari-mutuel wagering after the race has been declared official.

6.210 - In all cases of fraud or willful deception no time limitations shall apply provided the Board is satisfied that the allegations are *bona fide*.

6.212 - The Board shall require the payment of fifty (\$50) dollars if the protest or objection should prove to be unreasonable or frivolous.

6.214 - Any prize which may have been won or may be won in a race by an animal against which a protest or objection has been lodged shall be withheld until the protest or objection is determined by the Board.

6.216 - The Board must decide every protest or objection pertaining to a race.

6.218 - If the protest or objection is lodged at a time or in a manner as to require immediate determination, one or more members of the Board may make the determination.

6.220 - Persons aggrieved by any initial decision of an individual Board member concerning an objection or protest shall have the right to request a reconsideration of that decision by the Board and shall have the right to a hearing concerning the reconsideration before the Board.

APPEALS TO THE BOARD OR HEARING OFFICER

6.230 - Except in the case of exclusions as provided by Section 6.900, parties aggrieved by any action of a racing official other than the Board, shall have the right to appeal the action to the Board or a hearing officer, and shall have the right to an appeal hearing before the Board or a hearing officer. With regard to a request for an appeal of a citation, the provisions of Rule 6.124 shall apply.

6.232 - Except as provided by Section 6.900, *et seq.*, all requests made to the Board or a hearing officer pursuant to Section 6.230 for an appeal hearing by any party aggrieved by any action, including all requests for an appeal of a citation, of a racing official other than the Board, must be made in writing within twenty (20) days of the action appealed from unless otherwise provided by these Rules. The request shall include the grounds for the appeal. If no written appeal is made within twenty (20) days, the aggrieved person shall be deemed to have waived any right to any appeal from the action.

HEARINGS BEFORE THE BOARD OR HEARING OFFICER

6.240 - The Board or a hearing officer may hold hearings to determine whether violations of these Rules or of the Law have occurred; and to determine whether disciplinary action should be taken by the Board or a hearing officer against any person. With regard to a request for an appeal of a citation, the provisions of Rule 6.124 shall apply.

6.242 - The Board or a hearing officer may, in addition, hold hearings for any reason consistent with the purposes and objectives of these Rules and the Law.

300's --- HEARING PROCEDURES BEFORE THE BOARD OR HEARING OFFICER

GENERAL

6.300 – Hearings shall be held before the Board, a hearing officer, or the Commission, at the discretion of the Director. In the event that the tenure of a Board has ended at the close of a meet or that the Board has otherwise become temporarily unavailable to conduct a hearing, another sitting Board shall, at the discretion of the Director, be assigned to conduct a hearing.

6.302 - At any time prior to issuing a final ruling on the matter, a Board may request the Director reassign all of a case before it to a hearing officer for good cause, and upon receipt of such a request, the Director may reassign all or part of the matter to a hearing officer, and the hearing officer shall resolve the issues assigned to it *de novo*.

6.304 - No person shall have standing to request assignment of a case to either a Board or a hearing officer, except by the filing in good faith of a timely and sufficient affidavit of personal bias of a member of a Board or a hearing officer with the Board or hearing officer, who shall forthwith rule upon the allegations in such affidavit as part of the record in the case, and thereafter request the reassignment of all or part of the matter as provided in Section 6.302.

NOTICE

6.310 - After receiving a written request for a hearing, the Board or a hearing officer or their authorized representative shall notify the party requesting the hearing of the date, place and time of the requested hearing. Notice of the date, place and time of the hearing shall either be sent to the respondent in writing by first-class mail to the last address furnished by the respondent to the Division or actual notice shall be given to the respondent.

6.312 - The Board or a hearing officer, or their authorized representative shall give written notice to the respondent of the date, time and place of any disciplinary hearing. The notice shall include a description of any violation alleged to have occurred, as well as the approximate date, time, and place of the alleged violation. Notice of the hearing and charges, as described herein, shall either be sent to the respondent in writing by first-class mail to the last address furnished by the respondent to the Division or actual notice shall be given to the respondent.

6.314 - Prior to conducting any hearing pursuant to Section 6.242, the Board or a hearing officer shall serve notice by first-class mail, actual notice or by conspicuously posting notice to all interested parties of the date, time and place of the hearing and the matters to be considered.

SCHEDULING OF HEARINGS

6.320 - Hearings before the Board or a hearing officer held pursuant to Section 6.242 shall be scheduled and held promptly and in as expeditious a manner as possible. There shall be no minimum timetable for scheduling or holding these hearings. Continuances may be granted for good cause.

CONDUCT

6.330 - The Board or a hearing officer shall conduct all hearings and administer oaths. The Board or a hearing officer may issue subpoenas for persons or documents and order the production of other evidence.

In all proceedings before the Board or a hearing officer, the respondent shall have the right to be present and represented by counsel, and shall also have the right to cross-examine witnesses, present evidence and arguments, and have the Commission, the Board, or a hearing officer issue subpoenas for witnesses or documents.

All hearings shall be recorded either stenographically or by tape recorder unless the recording is waived by the respondent. An appeal is not possible from the decision of the Board or a hearing officer if the recording is waived and the respondent shall be so advised. After considering all the evidence, the Board by a majority vote or a decision of the hearing officer shall determine whether any violation of these Rules or of the Law has occurred, and shall issue a written ruling accordingly, a copy of which shall be mailed by first-class mail to the respondent, addressed to the last known address furnished by the respondent to the Commission, or the ruling may be hand delivered to the respondent.

FAILURE TO APPEAR

6.340 - Hearings before the Board or a hearing officer where no continuance has been granted and the respondent fails to appear may proceed in a normal manner in the respondent's absence. Furthermore, the Board or a hearing officer may take disciplinary action against the respondent for failure to obey an order of the Board or a hearing officer.

6.342 - In a case involving a hearing before the Board or a hearing officer which was requested by a party where no continuance has been granted and the respondent fails to appear, the request for the hearing shall be deemed to be abandoned and the respondent shall have waived any right to a hearing forever.

WAIVER OF HEARING

6.350 - Except as set forth in 5.434, any respondent or interested person may waive their right to a hearing before the Board or a hearing officer by signing a written waiver. Persons who waive their

right to a hearing before the Board or a hearing officer also waive all their rights to appeal from the Board's or hearing officer's decision concerning the matter in question.

***400's --- APPEALS/STAYS OF DECISION OF THE BOARD/HEARING OFFICERS TO
THE COMMISSION***

6.400 - Appeal hearings may be held when any party who is aggrieved by a final order or ruling of the Board or a hearing officer properly files an appeal with the Commission in accordance with these Rules.

6.401—A decision by the stewards or judges regarding a disqualification, placement or derogatory comment of an animal during the running of the race is final and may not be appealed to the Commission, except as provided below.

1: A decision by the stewards or judges regarding a disqualification, placement or derogatory comment of an animal during the running of the race may be appealed to the race review committee.

2: If a timely objection by a trainer concerning the disqualification, placement or derogatory comment of an animal during the running of the race is filed in accordance with the rules, the Division executive director may refer the objection to the race review committee. The Division shall issue and send, or deliver, to the objecting party a notice of hearing stating the date, time and place at which the race review committee will hear the appeal. The notice of hearing shall also be sent, or delivered, to any trainer or owner the placement of whose animal may be affected by the outcome of the appeal. The race review committee shall review the official tape or tapes of the race. Affected parties shall be given the opportunity to state their positions to the committee.

3: The objection shall be filed in writing and must clearly state the reason for disagreement and/or where the objection is lodged during the running of the race.

4: A non-refundable fee of one hundred dollars (\$100.00) for a horse race and fifty dollars (\$50.00) for a greyhound race will be submitted to the Division with the written objection.

5: The committee shall state its conclusions as to the merits of the objection and shall make a recommendation to the executive director as to whether to uphold the stewards' or judges' determination, or to revise the derogatory comment, or to revise the disqualification or placement to the order of finish. The Commission shall then make the final determination as to the order of finish. The race review committee and the Commission may only address the issues raised in the appeal filed.

6.402 - The filing of an appeal with the Commission does not automatically stay the appealed decision. However, any aggrieved party may petition the Commission in writing in accordance with the provisions of Section 6.520 for a stay of execution pending action on the appeal to the Commission.

6.404 - Any party who is entitled to appeal a decision of the Board or a hearing officer to the Commission and who wishes to appeal the decision must file written notice of appeal with the Commission within ten (10) days of the announcement of the Board's or hearing officer's order or ruling. The notice of appeal shall include a statement giving the basis and grounds for the appeal and a statement indicating whether the aggrieved party wishes to present to the Commission any evidentiary matters in addition to those presented at the Board's or hearing officer's hearing. Any party who fails to properly file a notice of appeal within the time provided in these Rules shall be deemed to have waived forever the right to an appeal.

6.406 - Any party filing a notice of appeal with the Commission must, at their own expense, provide the Commission with a transcript of the Board's or the hearing officer's hearing to which the appeal is related, whether or not evidentiary questions are raised on appeal. The aggrieved party must furnish the transcript to the Director of the Commission at least seven (7) days prior to the appeal hearing date, or by another date as determined by the Commission.

500's --- PROCEEDINGS BY THE COMMISSION

DECLARATORY ORDERS

6.500 - Any person may petition the Commission for a declaratory order to terminate controversies or to remove uncertainties as to the applicability to the petitioner of any statutory provision or of any Rule or Order of the Commission.

6.502 - The Commission will determine, in its discretion and without notice to petitioner, whether to rule upon any petition. If the Commission determines that it will not rule upon a petition, it shall promptly notify the petitioner of its action and state the reasons for the action.

6.504 - In determining whether to rule upon a petition, the Commission will consider the following matters, among others:

:1 - Whether a ruling on the petition will terminate a controversy or remove uncertainties as to the applicability to petitioner of any statutory provision or Rule or Order of the Commission.

:2 - Whether the petition involves any subject, question or issue which is the subject of a formal or informal matter or investigation currently pending before the Commission or a court involving one or more of the petitioners.

:3 - Whether the petition involves any subject question or issue which is the subject of a formal or informal matter or investigation currently pending before the Commission or a court but not involving any petitioner.

:4 - Whether the petition seeks a ruling on a moot or hypothetical question or will result in an advisory ruling or opinion.

:5 - Whether the petition has some other adequate legal remedy, other than an action for declaratory relief pursuant to the law which will terminate the controversy or remove any uncertainty as to the applicability to the petitioner of the Law, Rule, or Order in question.

6.506 - Any filed petition shall set forth the following:

:1 - The name and address of the petitioner and whether the petitioner is properly licensed by the Commission.

:2 - The Law, Rule, or Order to which the petition relates.

:3 - A concise statement of all of the facts necessary to show the nature of the controversy or uncertainty and the manner in which the Law, Rule, or Order in question applies or potentially applies to the petitioner.

6.508 - The Commission may rule upon the petition based solely upon the facts presented in the petition. In such a case:

:1 - Any ruling of the Commission will apply only to the extent of the facts presented in the petition and any amendment to the petition.

:2 - The Commission may order the petitioner to file a written brief, memorandum or statement of position.

:3 - The Commission may set the petition, upon due notice to petitioner, for a non-evidentiary hearing.

:4 - The Commission may dispose of the petition on the sole basis of the matters set forth in the petition.

:5 - The Commission may request the petitioner to submit additional facts, in writing, which will be considered as an amendment to the petition.

:6 - The Commission may take administrative notice of facts pursuant to the Law and may utilize its experience, technical competence, and specialized knowledge in the disposition of the petition.

:7 - If the Commission rules upon the petition without a hearing, it shall promptly notify the petitioner of its decision.

6.510 - The Commission may, in its discretion, set the petition for hearing, upon due notice to petitioner, for the purpose of obtaining additional facts or information or to determine the truth of any facts set forth in the petition or to hear oral argument on the petition. The notice to the petitioner setting a hearing shall set forth, to the extent known, the factual or other matters into which the Commission intends to inquire. For the purpose of a hearing, to the extent necessary, the petitioner shall have the burden of proving all of the facts stated in the petition, all of the facts

necessary to show the nature of the controversy or uncertainty and the manner in which the Law, Rule or Order in question applies or potentially applies to the petitioner and any other facts the petitioner desires the Commission to consider.

6.512 - The parties to any proceeding pursuant to this Rule shall be the Commission and the petitioner. Any other person may seek leave of the Commission to intervene in the proceeding, and leave to intervene will be granted at the sole discretion of the Commission. A petition to intervene shall set forth the same matters as required by this Rule. Any reference to a “petitioner” in this Rule also refers to any person who has been granted leave to intervene by the Commission.

6.514 - Any declaratory order or other order disposing of a petition pursuant to this Rule shall constitute agency action subject to judicial review pursuant to the Law.

APPEAL OF DECISION OF THE BOARD/HEARING OFFICERS

6.520 - The filing with the Commission of an appeal from a Boards’ or hearing officer’s ruling or order does not automatically stay the Board’s or hearing officer’s decision. However, any aggrieved party may file in conjunction with, or subsequent to, the filing of a notice of appeal, a request for a stay of execution pending the Commission’s determination of the appeal. The request for a stay shall be filed in writing with the Director of the Commission, describing in detail the reasons why the stay should be granted.

Upon receipt of a request for a stay, each member of the Commission shall be polled for a majority determination as to whether the stay should be granted. In the event a majority determination cannot be made due to the unavailability of one or more of the Commissioners, the remaining available Commissioners or the Director shall make the determination.

In determining whether or not irreparable injury will be suffered by any party or entity and whether the requested stay should be granted, the Commission shall consider the following factors: a) the probable effect the granting of a stay would have on the betting public and upon racing in Colorado; and b) the probable effect the failure to grant a stay would have upon the person requesting the stay.

REFERRAL BY THE BOARD/HEARING OFFICERS

6.530 - Hearings may be held before the Commission whenever the Board or a hearing officer refers a matter to the Commission for review with the recommendation that the Commission impose a more severe penalty than the Board or hearing officer has authority to impose or when the Board or a hearing officer refers a matter to the Commission for any other reason.

BY ORDER OF THE COMMISSION

6.540 - Adjudicatory hearings may also be held before the Commission whenever the Commission orders that a hearing be held.

APPEAL OF LICENSE DENIAL

6.550 - Procedures to be followed when a license is denied. An applicant who has been denied a license may seek a hearing before the Board or the Commission. The aggrieved party must make a request for a hearing in writing within sixty (60) days after notice of the denial.

SURETY BONDS

6.560 - Whenever the Commission, based upon information and belief, has reason to believe that a surety bond or its alternative is subject to forfeiture, the Commission shall notify the licensee and all of its sureties, guarantors and warrantors and shall afford the licensee and all financial warrantors, sureties and guarantors the right to appear before the Commission at a hearing held in accordance with the Law with not less than thirty (30) days' notice to the parties.

6.562 - Upon a finding that the licensee has failed to meet its obligations as set forth in the Law, the Commission shall request the Attorney General's Office or the district attorney of the county wherein the licensee's meet is held to take whatever actions it deems necessary to protect the interests of the State and to resolve any matters concerning debts owed by the licensee, its guarantors, warrantors or sureties. These actions may include a hearing in accordance with the Law, the appointment of a master or receiver in accordance with the Law and any other action the Attorney General's Office deems necessary and appropriate.

6.564 - Any costs of any action to recover monies due the State taken by the Attorney General's Office on behalf of the Commission shall be paid out of the bond or its alternative.

600's --- PROCEDURES FOR HEARINGS BEFORE THE COMMISSION

GENERAL

6.600 - Unless referred by the Commission to a hearing officer, the Commission shall conduct all hearings. In addition, the Commission or its representatives may issue subpoenas for persons or documents, order the production of other evidence, administer oaths and question and cross-examine witnesses, and present evidence.

NOTICE OF HEARING

6.610 - On receipt of a timely notice of appeal, the Commission shall schedule an appeal hearing, and shall send notice of the date, time and place of the hearing, along with a copy of the Board's or the hearing officer's ruling, to the aggrieved party at least thirty (30) days prior to the hearing date, by mailing the notice by first-class mail to the aggrieved party's last address furnished by the respondent to the Commission.

6.612 - Whenever a matter is referred to the Commission from the Board or a hearing officer for a more severe penalty or other reason, the Commission shall schedule a hearing concerning the referral, and shall send notice of the date, time and place of the hearing, along with a copy of the Board's or hearing officer's ruling to the respondent at least thirty (30) days prior to the hearing date, by mailing the notice by first-class mail to the respondent's last known address.

6.614 - Whenever the Commission orders that an adjudicatory hearing shall be held in the first instance before the Commission, the Commission shall send notice of the date, time and place of the hearing to the respondent at least thirty (30) days prior to the hearing date, by mailing the notice by first-class mail to the last address furnished by the respondent to the Commission. The notice shall include a description of any violation alleged to have occurred, as well as the approximate date, time and place of the alleged violation.

SCHEDULING OF HEARING

6.620 - Continuances may be granted for good cause.

6.622 - Adjudicatory hearings held before the Commission shall be held at the time and place as the Commission orders.

CONDUCT OF HEARING

6.630 - Within the limits specified by Section 6.610 and Section 6.634, the respondent shall have the right to be present and represented by counsel, and shall also have the right to cross-examine witnesses, present evidence and arguments, and have the Commission issue subpoenas for witnesses or documents.

All hearings shall be recorded either stenographically or by tape recorder. After considering all the evidence, the Commission shall, by majority vote, determine whether any violation of these Rules or of the Law has occurred, and/or what penalty, if any, is appropriate, and shall issue a ruling accordingly. The ruling shall be reduced to writing and a copy mailed by first-class mail to the respondent's last known address furnished by the respondent to the Commission, or the written ruling may be hand delivered to the respondent.

6.632 - At an appeal hearing, the transcript of the proceedings before the Board or a hearing officer may be made part of the record and considered in full by the Commission. The Commission, if it chooses, may rest upon the transcript, reserving the right to put on additional evidence in rebuttal after the aggrieved party's case has been presented. The respondent shall be permitted at the hearing to present any evidentiary matters not presented at the Board's or hearing officer's hearing.

Where no evidence in addition to the record before the Board or a hearing officer is sought to be presented by either the respondent or by the Commission, or at the conclusion of a hearing where evidence was presented, the Commission may hear oral arguments and/or may require the submission of written briefs.

Any party appealing a decision of the Board or a hearing officer to the Commission shall file with the Commission a pre-hearing statement no later than fifteen (15) days prior to the scheduled appeal hearing. The pre-hearing statement shall contain a designation of the record, the name(s), address(es) and telephone number(s) of witnesses and copies of exhibits, and shall identify any additional evidence and arguments that the party desires to raise that were not raised at the hearing before the Board. Failure to file such a pre-hearing statement shall preclude use of witnesses and exhibits. The Division may file its own pre-hearing statement no later than ten (10)

days from the scheduled appeal hearing. Such pre-hearing statement file by the Division may respond to the pre-hearing statement of the appellant, and may identify any additional evidence and arguments that were not raised at the hearing before the Board.

6.634 - For the purpose of determining an appropriate penalty in a penalty referral hearing or otherwise, the Commission may consider all statements, evidence and arguments, whether or not hearsay, in aggravation or mitigation. However, where no appeal from the underlying Board's or hearing officer's ruling or order has been timely filed with the Commission, no evidence, arguments or statements shall be presented on the question of whether or not the violation found by the Board or hearing officer in fact occurred.

6.636 - Adjudicatory hearings held before the Commission shall be held in accordance with 24-4-104, C.R.S., *et seq.*, as amended, including, but not limited to, the procedures set out in Section 6.630.

FAILURE TO APPEAR

6.640 - In disciplinary hearings before the Commission where a continuance has not been granted and the respondent fails to appear, the Commission may proceed with the disciplinary hearing in a normal manner. Furthermore, the Commission may take disciplinary action against the respondent for failing to obey an order issued by the Commission.

6.642 - In a case involving an appeal hearing before the Commission where no continuance has been granted and the respondent fails to appear, the respondent shall be deemed to have abandoned the appeal and waived any right to a hearing on the matter forever.

6.644 - The Commission may fine or discipline an appellant if it determines that his/her appeal was frivolous.

WAIVER OF HEARING

6.650 - Any respondent or interested person may waive their right to a hearing before the Commission by signing a written waiver. Persons who waive their right to a hearing before the Commission also waive all their rights to appeal from the Commission's decision concerning the matter in question.

700's --- PENALTIES

6.700 - All fines must be paid within twenty (20) days of the date of mailing or personal service of the fine unless an extension of time to pay has been requested and granted before the fine is due. A fine will be deemed paid if the postmark on the envelope submitted to the Division reflects a date within twenty (20) days of the date of mailing or personal service of the fine to the licensee. Checks which are postdated or checks returned to the Division unpaid shall not be deemed timely. Any licensee who fails to pay a fine in a timely manner shall pay, in addition to the fine due, a penalty amount equal to the fine. Further disciplinary action, including denial, suspension or revocation of a license, and/or exclusion of a licensee may be taken against any person who fails to pay a fine

and/or a penalty within the time required. The Division shall be responsible for the collection of fines and penalties and may delegate said collection responsibility to a Division representative.

6.702 - Disciplinary action taken by the Board, a hearing officer or the Commission at one racetrack or simulcast facility shall be effective on all racetracks or simulcast facilities under the jurisdiction of the Commission.

6.704 - Whenever the license of an owner is revoked or suspended, every animal owned in whole or in part by the owner shall be ineligible to be entered or to start in any race while the disciplinary action is in effect, unless the ownership of the animal has been transferred through a *bona fide* sale to a licensed owner in good standing, who is not an associated person as defined or has provided satisfactory proof to the stewards that no association exists.

6.706 - Whenever the license of a trainer is suspended or revoked, every animal which is under the trainer's care shall be ineligible to be entered or to start in any race while the disciplinary action is in effect, unless care of the animal has been transferred to a licensed trainer in good standing, who is not an associated person as defined or has provided satisfactory proof to the stewards that no association exists.

6.708 - Whenever the license of any person is suspended or revoked, the person shall not be qualified, whether acting as agent or otherwise, to enter or run any animal in any race either in the person's own name or in the name of any other person during the period the disciplinary action is in effect.

6.709 - Any licensee who has had their license denied or revoked may not reapply for licensure for one (1) year from the date of denial or revocation unless permitted by the commission or director. Any person denied, suspended or revoked in accordance with the law or these rules are denied access to restricted areas of the racetrack simulcast facility, any licensed kennel and any other licensed greyhound or horse facility.

6.710 - Whenever a licensee is found by the Board, a hearing officer or the Commission to have violated any of these Rules or the Law the licensee may be required by the Board, a hearing officer or the Commission to return all money or prizes which the licensee has acquired by means of the practices which led to the violations.

6.712 - In determining an appropriate sanction in a medication violation, the Board, a hearing officer or the Commission may consider the following:

- :1 - Whether the unauthorized medication was a stimulant, depressant, anesthetic or narcotic;
- :2 - Whether the unauthorized medication could have altered the performance of the animal;
- :3 - Any previous medication violations by the licensee;
- :4 - Whether the licensee wagered on that race;

:5 - The place of finish of the animal and whether the wagering public was or could have been misled.

6.714 - Pursuant to 12-60-507(2) and 24-30-202(25), C.R.S., any licensee which tenders a check or a draft to the Commission which is not honored by the financial institution upon which it is drawn, shall pay, in addition to the fine or fee due, a penalty amount equal to the fine or fee and an additional penalty as established in the State Fiscal Rules.

800's --- COMPLAINTS BY PATRONS, LICENSEES AND OTHERS

6.800 - Complaints made at the racetrack and simulcast facilities shall immediately be referred to an appropriate association representative or to the office of the Division of Racing Events.

6.802 - When a patron makes a complaint to an association regarding a racing or wagering matter, the association shall immediately provide a complaint form including:

:1 - The name, address, and phone number of the complainant;

:2 - The nature of the complaint;

:3 - The name of the person(s), if any, against whom the complaint was made;

:4 - The date of the complaint; and

:5 - The action taken or proposed to be taken, if any, by the association.

6.806 - When a patron makes a complaint to a representative of the Division regarding a racing or wagering matter, the representative shall immediately provide a Division complaint form.

900's --- EJECTION/EXCLUSION

6.900 - The Division through the proper personnel may summarily eject from a racetrack or simulcast facility any licensed or unlicensed person whose conduct while on the racetrack or simulcast facility interferes with the orderly and proper conduct of a live or simulcast race meet. Conduct considered to interfere with the conduct of a live or simulcast race meet includes, but is not limited to: bookmaking or acting as a runner for a bookmaker, touting, pickpocketing, altering pari-mutuel tickets, offering to cash altered pari-mutuel tickets, entering or attempting to enter that portion of a racetrack or simulcast facility open only to licensees or racing officials, entering or attempting to enter a racetrack or simulcast facility without first purchasing a ticket to enter, being intoxicated by the use of alcohol or drugs, and possession of a narcotic or drug which violates state or federal laws. In addition, persons will be ejected from the racetrack or simulcast facility for acting in a disorderly manner. Such conduct includes, but is not limited to: using abusive language towards another, making unreasonable noises, fighting, striking or threatening to strike another person, discharging a firearm, and displaying a firearm. A licensee who engages in the above conduct will be subject to disciplinary action in addition to summary ejection.

6.902 - A summary ejection from a racetrack or simulcast facility results in a person being immediately ejected from the racetrack or simulcast facility for a period of up to twenty-four (24) hours from the time of the ejection.

6.906 - The effect of an exclusion is to prohibit licensing or entry to any racetrack or simulcast facility in any capacity to any person excluded, for a period to be determined by the Commission or Division.

6.908 - Any person who is excluded shall be denied admission to and ejected from all racetracks or simulcast facility in Colorado until permission for entering has been obtained from the Commission or Division.

6.910 - Any person who is subject to ejection pursuant to Section 6.900 may be excluded.

6.912 - If a person is excluded without a hearing, a hearing will be held if the aggrieved party files a written notice with the Division requesting a hearing within ten (10) days of the exclusion.