RECORD OF PROCEEDINGS

The regularly scheduled meeting of the Colorado Racing Commission was held on Tuesday, May 14, 2019 in the Red Rocks Conference Room Suite 300 at 1707 Cole Blvd Lakewood, Colorado 80401. Chairwoman Inmann called the meeting to order at 9:39 AM.

Members Present
Pam Inmann, Chairwoman
Tina Estes, Vice-Chairwoman
Sandra Bowen, Member
David Lynn Hoffman, Member
Lori Scott DVM, Member

Staff Present
Cory Amend, Senior Director of Enforcement Division
Dan Hartman, Director of the Division of Racing Events
Ed Kulp, Agent in Charge
Zach Ceriani, Legal Assistant
Bradford Jones, Assistant Attorney General representing the Division of Racing Events
Gregory Lamb, Racing Division Auditor
Suzanne Karrer, Communications Manager for Enforcement Division
Breanne Rodlin, Assistant to Division Director

Also Present
An attendance sheet is attached hereto and made apart of these minutes.

Approval of Minutes of April 9, 2019

After establishing that a quorum of Commission members was present, a motion was made by Commissioner Estes, Seconded by Commissioner Scott and unanimously carried to approve the minutes of April 9, 2019.

Consideration of 2019-2020 Renewal Application at Arapahoe Park—Ed Kulp

Mr. Ed Kulp, Agent-In-Charge for the Division of Racing Events, presented the report regarding Arapahoe Park's 2019-2020 renewal application. Mr. Bruce Seymore, Executive Director of Colorado Operations for Mile High Entertainment, and Mr. Bill Powers, serving in the capacities of Plant Manager, Director of Racing and Racing Secretary, appeared on behalf of the Racing Association.

Mr. Kulp stated that, in March 30, 2019, the Division of Racing Events received a Class B Horse Racing renewal license application for the 2019 live race meet at Arapahoe Park signed by the Director of Racing Operations—Colorado, Bruce Seymore, representing Racing-Associates of Colorado, Ltd., doing business as Arapahoe Park. Mr. Kulp reported that he had reviewed the application and had found that the required information and

exhibits requested in the application had either been received by the Division or would be submitted as mandated. Further, Mr. Kulp stated that any inspections required by regulation or statute have already been conducted or are in the process of being scheduled.

Mr. Kulp indicated that Arapahoe Park intends to conduct a thirty-nine (39) day live race meet beginning on Saturday, May 25, 2019, and concluding on Sunday, August 11, 2019, with live performances to be offered on Saturday, Sunday, and Monday throughout the season with racing to be conducted on four (4) Fridays during the meet. Additionally, the Commission noted that Arapahoe Park intends to offer at least eight races per day with a 1:00 p.m. post time on all race live race days as well as full simulcast race cards from numerous venues throughout the season. Mr. Kulp observed that Arapahoe Park is proposing to offer varied racing programs composed of Thoroughbred, Quarterhorse, and Arabian races.

The Commission took notice that Arapahoe Park would be sending its live signal to the eleven (11) in-state simulcast facilities, including one new facility, the Mirage Sports Bar located in Littleton, a suburban metropolitan Denver Area, as well as numerous out of state venues. Additionally, the Commission took notice that Division representatives had inspected and approved each of the in-state simulcast facilities listed on the renewal application. Mr. Kulp added that the simulcast facility, Pick Six at Fox and Hound, was scheduled to finish its inspection on May 15th. It was noted that certain contracts with out of state associations and simulcast providers are still in the process of being negotiated. It was acknowledged by the Commission that Arapahoe Park would need to notify the Division and seek approval of any future export contracts and agreements with out of state associations and simulcast providers forty-eight (48) hours prior to sending/receiving simulcast signal. Notice was taken that Arapahoe Park intends to simulcast out of state horse races in Colorado seven (7) days a week on both its live and non-live race days and that a copy of the agreement between the Colorado Horse Racing Association and Arapahoe Park giving approval of and support of Arapahoe Park's intention to send its signal to out of sate locations had been provided to the Division.

Mr. Kulp reviewed the list of racing officials, most of whom had previously served in the positions that they be holding this season. Notice was taken that Ms. Kathy Passey would serve as the placing judge and Shania Ehret would be serving as an Outrider. Mr. Kulp also noted that the positions of Handicapper and Announcer were still being interviewed for.

Mr. Kulp also mentioned that for the 2019 race meet, there would be continued maintenance and training of security staff; involving signature and incident reporting to Division Investigators. He also stated that Gary Riggs would be returning as the Head of Security. He informed the Commission that there will be an off-duty sheriff employed to conduct patrolling during the evening hours on the backside following races on race days. He also stated that the gates to the backside would again be closing at 10:00 p.m. every day during the meet.

The Commission took notice that the consolidated financial statements for Mile High USA, Inc, doing business as Racing Associated of Colorado Ltd., had been submitted to the Division of Racing Events with Arapahoe Park's 2019 renewal license application and that Division Auditor Greg Lamb, along with Commissioners Pam Inmann and D. Lynn Hoffman had reviewed the subject documents and had found them to be complete, in order, and prepared in accordance with generally accepted accounting principles.

Notice was taken by the Commission that the following required exhibits had either been submitted with the renewal application or would be provided in a timely manner:

- An insurance binder for on-track accident coverage for the jockeys has been submitted;
- A copy of the current proof of adequate public liability insurance coverage to protect the public was also provided;
- A current fire inspection report was submitted and no major issues were reported. It was indicated by Mr. Kulp that the fire department servicing Arapahoe Park had changed. Any subsequent fire inspection reports must be provided to the Division when issued;
- Current certified health/sanitation inspection reports for Arapahoe Park and each of its in-state simulcast facilities have been received by the Division. Any changes to these reports for Arapahoe Park and all affiliated in-state off-track wagering facilities must be submitted to the Division;
- Copies of the most recent contracts between the Association and its service providers for video patrol, photo finish and totalisator services, products, and materials have been provided for the upcoming race meet; and
- A copy of the Horsmen's Contract between the Colorado Horse Racing Association and Arapahoe Park, effective through April 20, 2021, was submitted with the application. (This contract went into effect on April 21, 2019 and shall remain in effect through and including April 20, 2021.

The Commission took notice that the proposed purse structure, wagering format, and takeout rates would remain unchanged from last year.

A surety bond to cover the Horsemen's Bookkeeper will not be required for the 2019 race meet. Mr. Kulp advised that the Division would release purse funds from the Escrow Trust Account, as requested by the Association, throughout the race meet to satisfy purse money owed. Further, he stated that in the event that any derogatory actions are subsequently brought against the Horsemen's Bookkeeper, the Commission would have the ability to reinstate the bond requirement on the Horsemen's Bookkeeper Account.

Mr. Kulp informed the Commission that Arapahoe Park had complied with all recommendations and conditions for relicensure included in the 2018 Arapahoe Park End of Meet Report.

Mr. Seymore reported that, during the off-season, the Association had made investments in order to improve the facilities at Arapahoe Park. He informed the

Commission that the Test Barn had been lengthened and a hot-walker was added to improve the safety and increase the space available to cool horses down before drug testing.

Notice was taken that the following requirements would remain in effect during the 2019 live race meet:

REQUIREMENTS REGARDING THE RACTRACK SURFACE:

- That the Track Superintendent position would be the only racing official position held by the licensee.
- Notice was taken that Waypoint Analytical performed a favorable soil analysis on January 14, 2019. It was mentioned that the track surface was well maintained during the 2018 live race meet.
- The track scale was recalibrated and certified. It will be placed outside.

Chairwoman Inmann inquired why the track soil analysis was performed during January and not during the live race meet. Mr. Dan Hartman, Director of the Division of Racing Events, responded that the soil testing is performed early enough in the year to ensure if additional materials needed to be added to the track surface, there would be adequate time before racing begins to allow the dirt and soil to settle.

REQUIREMENTS FOR THE RACING OFFICE:

- That the Racing Office will ensure that only authorized persons be allowed behind the counter during entries. All access(es) to the Racing Office's restricted areas will have locking device(s) in place during entries. The Racing Secretary will ensure that all visitors to his or her office be escorted.
- That the Racing Office will maintain and post to the licensees the written schooling lists for the Starter, Paddock, Stewards, and Veterinarian.
- That the Racing Secretary will continue to train and supervise Racing Office staff in the proofing of the entries, especially entries made by Jockey Agents.

REQUIREMENTS CONCERNING THE SECURITY DEPARTMENT:

- That Arapahoe Park's Security Director, Gary Riggs, will be responsible for supervising and managing the security staff of the stable gate, the stable/barn area backside, the Division's test barn, and the Grandstand. The Security Director will instruct all security staff to attend training from the Division enforcement personnel and other sources hat management deems necessary to enforce Colorado Racing Commission Rules and policies for the admittance of horses into the Stable area and to provide a safe environment for the licensees and patrons.
- That the Division of Racing will provide a Compliance Investigator to assist with the intake of horses, the preparation of associated paperwork and the facilitation of access to the restricted stable area;

- That Arapahoe Park will continue to employ an off-duty sheriff's deputy on live race days; and
- That Arapahoe Park will provide a radio for the Stewards' office during training hours in order to help them monitor the training activities on the racetrack that include workouts, removal of horses from the Stewards' list, and the qualifying of licensees for exercising and ponying horses.

Mr. Kulp stated that the application of Racing Associates of Colorado, Ltd. (Arapahoe Park) 2019 Live Race Meet Renewal Application appears to comply with the Colorado Revised Statutes and the Colorado Racing Commission Rules and; therefore, the Colorado Division of Racing Events would recommend approval of a Class B license for Arapahoe Park subject to the following additional conditions:

1. Successful completion and compliance with a comprehensive pre-meet facility inspection by the Division of Racing Events;
2. That in the event that a vacancy occurs among the Racing Officials for longer than one racing day, the Association shall fill the vacancy with an official approved by the Division and shall notify the Division in writing of the substitution prior to making the change;
3. That Arapahoe Park will continue to ensure that its public liability insurance policy is in effect and will provide a copy of the renewed Certificate of Insurance to the Division on or before its expiration date;
4. That Arapahoe Park will submit copies of all intrastate simulcast contracts and/or agreements entered into by the applicant to the Division no later than five (5) days prior to receipt of the simulcast signal;
5. That any additional certified health/sanitation reports received for Arapahoe Park and its in-state simulcasting facilities will be provided to the Division when completed;
6. That the Association shall provide copies of all new service contracts, which are not presently on file with the Division, no later than five (5) days prior to the commencement of the meet; and
7. That the Commission may determine, in its discretion, that additional conditions need to be imposed at this time or at any time during the live meet.

Following review and discussion, a motion was made by Commissioner Bowen, seconded by Commissioner Estes and unanimously carried to approve Arapahoe Park's 2019 renewal application to operate as a Class B racetrack during the period specified on the application; to approve the retention and hiring of all race officials noted in the renewal license application; to approve the take-out rates as specified in Arapahoe Park's renewal application; and to make this approval contingent upon satisfaction of the conditions set forth in this report and included in the following Notice of Issuance of Meet License with Conditions.

Subsequent to the meeting, the Notice of Issuance of Meet License with Conditions was issued and provided to Arapahoe Park's management in accordance with the Commission's motion:

STATE OF COLORADO

NOTICE OF ISSUANCE OF MEET LICENSE WITH CONDITIONS

IN THE MATTER OF THE ISSUANCE OF A MEET LICENSE FOR:

RACING ASSOCIATES OF COLORADO, LTD. DBA ARAPAHOE PARK

26000 EAST QUINCY AVENUE

AURORA, COLORADO 80016

Pursuant to Colorado Revised Statute 12-60-505, the Colorado Racing Commission has reviewed and conducted a public meeting concerning the application for a race meet license.

The Colorado Racing Commission finds the application to be acceptable and orders said meet license to be issued to:

Racing Associates of Colorado, Ltd. d.b.a. Arapahoe Park

26000 East Quincy Avenue

Aurora, Colorado 80016

with the following conditions:

1. This approval is granted from the opening day of the live race meet, which is May 25, 2019 through the closing day of the meet, which is August 11, 2019 for an envelope of thirty-nine days. The following racing schedule was requested by the Association and approved by the Commission: Saturday, Sunday and Monday (including the Memorial Day observance on May 27, 2019): with four (4) Fridays and at least eight (8)-race matinee performances per day. The meet shall be a mixed meet consisting of Thoroughbreds, Quarterhorses, and Arabians. This approval is granted subject to successful completion of and compliance with a Division pre-meet inspection of the facility.

   That, prior to any modification being made to Arapahoe Park's approved eight-race program schedule a request must be submitted in writing to the Director of the Division of Racing Events or his designee for his consideration.

2. The Association shall keep in force a public liability insurance policy. Further, the Association shall provide copies of all required insurance and bond document exhibits to the Division no later than five (5) days prior to the opening of the meet.

3. The Association shall keep in force adequate insurance coverage for the protection of Jockeys. A copy of the insurance binder for on-track accident coverage for the jockeys was submitted with the application. (NOTE: it is essential that the Association provide appropriate notice to all Exercise Riders and Pony Persons, because they are considered independent contractors, that they must obtain their own insurance coverage).

4. All employees shall be properly licensed prior to conducting any activities. In addition, all Association Racing Officials, including replacement officials, must be approved by the Division of Racing Events prior to conducting any activities. Their names are to be submitted for approval no less than three (3) days before the commencement of the race submitted meet. Any currently vacant racing official positions shall be filled no later than five (5) days prior to the commencement of the meet. (If a vacancy occurs among the Racing Officials for a period of longer than one racing day, the Association shall fill the vacancy with an official approved by the Division and shall notify the Division, in writing, of the substitution prior to the change). Additionally, the Division, Arapahoe Park management, and the Board of Stewards will be working with the Racing Officials to ensure that their duties are performed in a professional and safe manner. The Division will monitor the performance of employees new to their positions throughout the 2019 live race meet.

5. A list of all Association employees not listed as Racing Officials shall be submitted to the Division no later than ten (10) days after the opening of the meet. A list of all security staff, including copies of their qualifications and firearm certificates, shall be kept on file in the Division of Racing Events office at Arapahoe Park.

6. All monies derived from live race monies due for horse purses shall be deposited by the licensee directly into the horsemen's purse account. All horsemen's nominations and sustaining fees shall be handled through the Horsemen's Bookkeeper account.

   All monies due from simulcast races due for horse purses shall be deposited by the licensee in a "Colorado Racing Association Escrow" trust account in a commercial bank located in Colorado until such date as the purse funds are paid to the horse owners or to the host track for payment to the horse owners. The moneys deposited in any such trust account shall be invested in a fund that invests in obligations of the United States Government with maturities of less than one year or that is account insured in full by an agency of the Federal Government. All trust accounts shall be interest-bearing accounts with the interest payable as horse purses.

   The Association shall make a full accounting to the Department of Revenue through the Division each week of all amounts due purse funds from simulcast and live races and paid out from the purse funds as specified by Statute and contracts.

   The Association shall also make a full accounting to the Department of Revenue through the Division each week of all amounts due purse to the Greyhound Welfare and Adoption Fund.

7. All funds due Colorado State University for allocation to its School of Veterinary Medicine shall be paid weekly with a full accounting to the Colorado Racing Commission yearly.

8. The facility shall meet the "Totalisator Standards" as adopted by the Commission.

9. All required facility improvements deemed necessary for the protection, health and safety of the public, the Division of Racing Events' employees and the race participants shall be completed prior to opening. Successful completion and compliance with a Division pre-meet inspection of the facility is required.

10. The Association shall have a fully operational totalisator system (tested and approved at least three (3) days prior to start of wagering on live races) capable of:

    a. Handling pari-mutuel wagers on horse races;

    b. Producing CRC reports on a timely basis; and
    c. Common pool wagering on both an intrastate and interstate level.

Approved take-outs for Arapahoe Park are as follows:

Win, place, show—19%

Daily Double, Exacta, Quinella—24%

Trifecta, Superfecta, and Pick 3—25%

11. Any change from the approved simulcast schedule for each in-state and out-of-state simulcast facility, which the Association proposes to simulcast from or to, including its live races, shall be approved by the Division of Racing Events prior to any simulcasting activity at such simulcast facility. All simulcast contracts must specify how purse percentages are to be calculated. The Commission delegates to the Director or his designee to approve schedules for pre-approved tracks when a specified envelope is determined.

    Copies of all intrastate simulcast contracts and/or agreements entered into by the applicant will be submitted no later than five (5) days prior to the beginning of the simulcast signal.

12. Current certified fire and health/sanitation inspection reports for Arapahoe park and all in-state simulcast facilities that have not already been received by the Division must be submitted to it no later than five (5) days prior to the commencement of Arapahoe Park's live meet. (In the event that additional wagering facilities are to be opened during Arapahoe Park's upcoming race meet, they are subject to this requirement no later than five ((5)) days prior to opening). Any additional health and sanitation reports received for Arapahoe Park and its in-state facilities will be provided to the Division when completed.

13. It is acknowledged that approval of the renewal application and simulcast race programs, even if the above conditions are met, shall be subject to the Colorado Legislature granting an appropriation for funding and spending authority to the Commission for its fiscal year 2006/2007 and subsequent budget years.

14. A list of all Association employees not listed as Racing Officials shall be submitted to the Division no later than ten (10) days after the opening of the meet.

    A list of all security staff, including copies of their qualifications and firearm certificates, shall be kept on file in the Division of Racing office at Arapahoe Park.

15. To permit the Division to coordinate its staffing for simulcast programs, the applicant shall provide the Commission with all modifications to its simulcast program as approved by the Commission one week prior to the proposed modifications.

16. All racing official positions shall be filled no later than five days (5) prior to the commencement of the meet.

17. That copies of all service contracts that are not presently on file with the Division be submitted no later than five (5) days prior to the opening of the meet.

18. That Arapahoe Park and its facilities comply with the Division of Racing Events' Video Surveillance Policy throughout the 2019 Arapahoe Park race meet.

19. That the Stable Superintendent shall make every effort to ensure that all horses entering the grounds at Arapahoe Park shall have a current health certificate signed by an accredited Veterinarian.

20. The Racing Secretary shall require that all horses entering the grounds at Arapahoe Park, whether from within or outside of Colorado, have a current Coggins Test (within the previous twelve (12) months).

    The racing Secretary will continue to train and supervise racing office personnel in the proofreading of the entries.

    Racing Office personnel will maintain and post to the licensees the written schooling lists for the Starter, Paddock, Stewards, and Veterinarian.

21. The Association will oversee and ensure that the mandated times of closure of the Stable Gate entrance to vehicle traffic are maintained. However, certain limited exceptions, such as emergency call by veterinarian, will be allowed. Exceptions will only be permitted on a case-by-case basis.

22. The Racing Secretary and/or Stable Superintendent shall be responsible for the arrival and departure of all horses from the premises and maintain records for the Division's inspection.

23. Arapahoe Park will make arrangements to satisfy the Colorado Racing Commission and the Division in providing an adequate water supply to the racetrack, stable area, and grandstands at all times.

24. That the walking surface must be completed with the installation of new dirt and ground rubber to repair ruts and soften the walking surface for the horses and their handlers. Further, as part of its required test barn maintenance, Arapahoe Park is to continue to monitor the performance of the misting system to ensure that it is effective in cooling the testing stalls and to continue to maintain proper water drainage behind the wash rack areas.

25. That when entries are being taken, only authorized persons are allowed to be behind the counter of the Racing Office. Further, all access to the Racing Office's restricted areas are to have locking devices in place during the taking of entries. The Racing Secretary is to ensure that all visitors to his/her office are escorted.

26. Notice was taken by the Commission that Waypoint Analytical performed a favorable soil analysis on January 14, 2019.

27. Notice was also taken that the track scale has been recalibrated, certified, and will be placed outside.

28. In accordance with the Commission's directive, a telephone was installed next to the track to assist with communication to the office of the Board of Stewards regarding complaints or disputes.

29. The Commission, in its discretion, may determine that additional conditions need to be imposed at this time or at any time during the live race meet.

    Failure to comply with the application conditions prior to or during the 2019 meet may result in a fine, suspension, or revocation of the meet license for Racing Associates of Colorado, Ltd., d.b.a. Arapahoe Park.

DATED this 14th day of May 2019.
BY ORDER OF THE COLORADO RACING COMMISSION
s/_____
Dan Hartman, Director,
Division of Racing Events

Consideration of proposed human drug testing procedures—Dan Hartman and Zach Ceriani

Dan Hartman deferred the topic of Human Drug Testing Procedures to Zach Ceriani, Legal Assistant for the Division of Racing Events. Mr. Ceriani began and explained that a hearing from the 2018 race meet prompted drafting of a new Human Drug Testing (HDT) procedure which he mentioned could be found in the Horsemen's Information packet and would be integrated into CRC policy. Mr. Ceriani stated that per, the rules in the CRC rulebook, human drug testing may be conducted allowing for cause and random categories were assigned based on the work and hazard of each job as it pertains to work on the race track.

Mr. Ceriani detailed that HDT procedures would be remodeled based on two subjects: 1) define categories in the new policy detailing the structure of each job and how those jobs may be subject, weekly, to random testing; 2) a more detailed explanation of the protocol involved in HDT and how it will be better randomized to improve and expedite the procedure, while also maintaining blind testing. He went on to describe the proposed new procedure.

Mr. Ceriani explained that to improve the testing procedure, the Division would employ the use of a computerized random number generator. He noted that other jurisdictions in the United States used random number generators and that this allowed for

the removal of the "human element" during the subject selection. He stated that a division employee (most likely an investigator) would compile a list of all licensees at Arapahoe Park and categorize them based on license and job type. The list would be constantly updated to include new licensees throughout the season. Once the Division employee finished compiling the licensee list, they would then take the list to an Arapahoe Park employee who would use the random number generator to select individuals from the aforementioned licensee list.

Chairwoman Inmann asked who would observe the process. Mr. Ceriani responded that the first check would be the random list compiled by the Division Employee, the second check would be the conduction of a random number generator selection by an Arapahoe Park employee, and that the third check would be by horsemen who may observe the procedure. Chairwoman Inmann then asked what chemicals or drugs the testing targeted. Mr. Ceriani replied that there are eight (8) groups including barbiturates and amphetamines among other drugs. Chairwoman Inmann inquired the time period of the results. Mr. Dan Hartman reported that the results were almost instantly, happening on-site, and visible immediately on the sample cup used.

Commissioner Hoffman asked why the method would be designated explicitly in the Horsemen's Packet. Mr. Ceriani replied that although, the Division is not required to display testing methods, it would increase transparency and decrease the challenge of seeming bias during testing. Mr. Hartman also noted that last year's concerns from the Commission addressing lack of transparency and detail, prompted the Division to display all possible elements of testing that may be brought into question.

Chairwoman Inmann requested to know what happens after a positive test is confirmed. Mr. Hartman responded that the licensee would go into an immediate fourteen (14) day suspension. He noted that the licensee may go in front of the Board of Stewards to contest but if they choose not to, their suspension would not be lifted until a negative test is obtained. The first offense would be taken as a warning (with the suspension) encouraging the licensee to test negative until they may return to the racetrack as an effort to alleviate any addiction or personal issues. If a licensee obtains a second positive drug test offense, they are automatically suspended for thirty (30) days and required to undergo addiction classes and obtain a negative test sample before the suspension is lifted. The third offense would be an automatic sixty (60) day suspension with the requirement of completing an addiction treatment program and producing a negative drug test before the suspension is lifted. Mr. Hartman explained that the system employed by the Division is designed to help licensees break addiction and return to work.

Chairwoman Inmann asked whether the licensee would know their results immediately. Mr. Hartman responded that the individual being tested may not leave the testing facility until their test results have been confirmed. Chairwoman Inmann also asked if the contact numbers for the investigators would be posted or available to individuals called to complete random drug testing. Mr. Hartman replied that the phone numbers will be provided to the licensee and that the numbers will be posted in the contact section of the Horsemen's Packet.

Commissioner Hoffman asked Mr. Ceriani to clarify the final paragraph in the proposed Human Drug Testing procedure. This paragraph referred to the protocol that would take place on a drawing day for HDT. Mr. Ceriani explained that a list of all licensees, categorized by each license type, would be constructed at the beginning of the week. Then, on the drawing day, three (3) individuals would be called/contacted and they are only required to test if they are scheduled to work that day and if they are on grounds, per the CRC rulebook. If the first person, of three, is not available to test that day because they are not scheduled to work that day and is off grounds, then the next person drawn from the list is contacted. In the instance that all three (3) individuals are unavailable, the drug testing would not be conducted for that week. Mr. Dan Hartman reiterated that the individual called must report to the racing license office for testing and they may not simply avoid testing. He stated that if the individual is on premise and scheduled to work that day, they must report for testing to avoid any fines or citations.

Commissioner Hoffman requested that there be clarification on Human Drug Testing that may be conducted other than random testing. Mr. Ceriani replied that in addition to random testing, investigators may perform "for cause" testing if they suspect that a licensee is inebriated or under the influence of alcohol or drugs. Mr. Hartman that random testing may also be defined as "suspicious-less testing." Chairwoman Inmann inquired whether there would be an increase in out of competition testing conducted on horses. Mr. Hartman replied that there would be an increase of out of competition equine testing. Chairwoman Inmann asked if humans would also receive an increase in the amount of testing done during the meet to which Mr. Hartman responded that the testing amount would not increase, only the information and clarity provided for HDT would increase.

Mr. Shannon Rushton, representative of the Colorado Horseracing Association, inquired whether or not a random number generator may be used when selecting horses for random drug testing. Mr. Ceriani replied that the method could be easily transferrable to horses and Mr. Hartman responded that because a random number generator was okayed for HDT, it could also be used to select horses at random from each race to be drug tested. Chairwoman Inmann opened the floor to the public and Commission members for further questions. Seeing that there were none, a motion was made by Commissioner Hoffman, Seconded by Commissioner Bowen, and unanimously carried to approve of the inclusion of a new Human Drug Testing procedure in the Horsemen's Information Packet to be instituted during the 2019 live race meet.

Introduction of new Racing Stewards for the Division of Racing—Ed Kulp

Agent-In-Charge Mr. Ed Kulp introduced Tyra Barnett and Michael McMullen as the new Racing Stewards for the Division. Commissioner Hoffman asked the stewards to introduce themselves. Ms. Barnett noted that she had 25 years of experience in the racing industry and that she had worked as a Steward at Lonestar, Hawthorne, and the Wyoming Downs. She explained that she hoped her position as Steward would aid in the improvement of the racing industry in Colorado. Mr. McMullen described his array of experiences in the racing industry as a jockey, trainer, and owner over the last 45 years. He identified that as a steward, his experiences could bring new perspectives to the role.

Consideration of approval of the proposed citation schedule—Ed Kulp

Mr. Ed Kulp began discussion of the proposed citation schedule by explaining its purpose. He stated that the citation schedule would allow investigators to streamline small infractions that do not need to be heard by the Commission or Board of Stewards by allowing investigators to simply write a designated citation with its fee to resolve minor issues. He stated that the citation schedule included small, common infractions that may be appealed. Commissioner Inmann asked for clarification of small violations. Mr. Hartman, Director of the Division of Racing, stated that the citation schedule has existed for many years and it allows for due process without writing of case files, allowing for investigator time to be spent more diligently on larger, more involved cases. He noted that the only changes would involve language. Mr. Ceriani, Legal Assistant to the Division, added that the changes included changing the statute numbers, as the Division of Racing is a title 44 entity, as opposed to a title 12. He also stated that included with the language changes, is one new citation. The new citation involved a fine for failing to receive approval for an equipment change before a race.

Chairwoman Inmann opened the floor for questions. Since no questions were asked, a motion was made by Commissioner Estes, Seconded by Commissioner Scott, and unanimously carried to approve of and initiate use of the proposed citation schedule for the 2019 live race meet.

Consideration of Contents of Horsemen's Information Packet—Dan Hartman

Director of the Division of Racing Events, Dan Hartman, explained that every year the Horsemen's Information packet is provided to horsemen at Arapahoe Park as a medium to disburse all of the most accurate and up to date procedures, rules, and requirements for the race meet. He stated that the changes to the 2019 Horsemen's Packed included the addition of the Concussion Protocol, addition of new rules from the February rule-making hearing, and the inclusion of a sample medication chart to be used by trainers and veterinarians. He also noted that there would need to be a separate approval of page forty-nine (49), which included an updated estimated therapeutic drug withdrawal times schedule changing Albuterol and Clenbuterol to Class 1 and A drugs, as well as the inclusion of the absolute abolition of anabolic steroids. He noted the withdrawal times on the schedule were modeled after the ARCI withdrawals.

Commissioner Hoffman inquired whether the Horsemen had seen and approved of the estimated withdrawal schedule. Mr. Shannon Rushton, Colorado Horseracing Association (CHA) representative, responded that the schedule was both seen and approved by the CHA board. Commissioner Scott offered an edit to the withdrawal schedule by correcting spelling of Dormosedan. Chairwoman Inmann stated that at this time, since no more questions were asked, there would be a separate motion to approve of page 49 of the Horsemen's Packet. A motion was thereupon made by Commissioner Hoffman, Seconded by Commissioner Scott, and unanimously carried to approve page 49 of

the Horsemen's Packet. Chairwoman Inmann then opened the floor for general questions regarding contents of the Horsemen's Information Packet.

Commissioner Scott asked if there was a delay caused by Colorado State University on Piroplasmosis and Equine Infectious Anemia testing, as the CSU lab did not increase the number of days per week that samples would be accepted/tested. Mr. Rushton responded that the horsemen had not noticed any delays or encountered any issues.

Chairwoman Inmann asked for an average turnaround time regarding out of competition equine testing. Mr. Dan Hartman replied that the average number of days before a test result is received, falls anywhere between eight (8) and ten (10) days. He stated that once the test result is received by the Division, the trainer is immediately notified. If the out of competition test comes back negative, the trainer will not be notified and they are to know that a positive test was not received. Mr. Shannon Rushton clarified that this process is the same for in competition, or race day testing. If a test comes back negative, the trainer will collect purse money upon no receipt of a positive test notification. If a test comes back positive, the trainer is immediately notified. He mentioned that this procedure will be discussed at the upcoming CHA meeting.

Since no further questions were made, nor comments were asked, a motion was thereupon made by Commissioner Estes, Seconded by Commissioner Scott, and unanimously carried to approve of the contents of the Horsemen's Information Packet for the 2019 race meet.

Consideration of proposed racetrack and horsemen rules/conditions—Bruce Seymore '

Bruce Seymore, Executive Director of Mile High Racing and Entertainment, presented the proposed racetrack and horsemen rules as written by Arapahoe Park. He explained that in a letter written to Mr. Dan Hartman and per an agreement with the Colorado Horseracing Association, the proposed racetrack and horsemen rules for the 2019 race meet would be brought to and discussed by the Colorado Racing Commission. He detailed that some proposed rules were taken from the annual ARCI conference held in April 2019 and that regardless of where the rules were taken from, they must all be voted on and unanimously passed by the CHA.

The first condition Mr. Seymore discussed was Arapahoe Park's social media presence. He stated that for the 2019 race meet, it was proposed that the total number of equine and human drug tests be posted to Arapahoe Park's Facebook page. He ensured these numbers would be totals, not compliance numbers. He also explained that advertisements for backside tours on Saturday mornings after training would be posted in addition to daily track reports to include depth and surface data. Mr. Seymore explained that all of these efforts were being made in order to increase the transparency of Colorado Horse Racing to the public.

Other proposed rules/conditions laid out by Mr. Seymore included Arapahoe Park's goal of having fifty percent (50%) of horses undergo a pre-race examination by a Division Veterinarian, constructing a more humane area to euthanize and hold horses, and extensions of track services. He also explained that for the 2019 race meet, workout times would be first thing in the morning and right after training breaks. Additionally, he said galloping on the rail would be watched and monitored by an outrider. Mr. Seymore noted that the use of bisphosphonates is absolutely banned and prohibited at Arapahoe Park. He also explained that the placement of the starting gate would be at the half mile (1/2 mile) pole for young horses and instituting a new crop rule that would require only newly designed crops with foam-filled leather poppers to be used. A new first-time starter medication rule was also mentioned by Mr. Seymore. This rule stated that first-time starters are only allowed 2.5cc of Lasix for their first outing and if the horse bleeds through the 2.5cc limit, it must then by scoped by a veterinarian, and then Lasix usage may increase to 5cc. Mr. Seymore stated that due to the new concussion protocols put in place by the Commission, Mr. Dan Hartman would be bringing out EMTs to teach classes identifying symptoms, diagnosis, and treatment of concussions, pending approval from the CHA.

Commissioner Hoffman commented that three areas of concern posed by the Wall Street Journal about horse racing—injuries, drugs, and track conditions—were all addressed. However, he asked Mr. Seymore how the addressing of these issues would be conveyed to the public. Mr. Seymore stated that the best way to convey messages of proactivity and welfare to the public is to address them by informing the public about horses while answering questions they may have. Commissioners Inmann and Hoffman inquired whether any of the information mentioned by Mr. Seymore would be posted in the grandstands. Mr. Seymore responded that all of the information would be made public via social media.

Mr. Dan Hartman, Director of the Division of Racing Events, stated that in the past, a rule was put into place allowing house rules to be made outside of the Commission for racing and track specific rulings. He explained that this year, the Commission and Division are trying to take similar actions to Arapahoe Park in order to ensure the welfare and transparency of racing by hiring two (2) full-time veterinarians to perform test barn duties and conduct pre-race examinations, as well as hiring new Stewards who are well embedded within the industry. He also mentioned that the Division is committed to providing numbers and statistics for testing and veterinary exams to Arapahoe Park for posting. He also noted that emergency services staff would hopefully be available to give demonstrations to jockeys and staff regarding concussion protocol. Mr. Hartman reiterated the coalition of the Division and Arapahoe Park staff working together to help the industry make positive changes.

Chairwoman Inmann asked if any of the testing data could be posted on the Division website, to which Mr. Hartman replied he would have to discuss the option with the Division's Communication's Manager. Chairwoman Inmann asked Mr. Shannon Rushton asked if there were any concerns for the CHA regarding the proposed track rules and conditions. Mr. Rushton responded that the only concern of the CHA was the handling of Lasix regulations and the future of the drug's usage in race horses.

Mr. Shannon Rushton commented that any information horsemen can translate to the public to provide transparency of horse racing operations and procedures may improve public perception of the industry. He stated that the CHA has a goal to educate the public on the different breeds used in racing, the processes of racing and training operations for these different horses, and how they are treated. He explained that the CHA has a Facebook page in which they will post stories about specific horses and trainers to shed light on the care, passion, and welfare involved in raising and training race horses.

Ms. Sandy Miller, a trainer at Arapahoe Park and member of the CHA, asked how the commission is handling the banning of bisphosphonates. Mr. Dan Hartman responded that bisphosphonates are already prohibited, Class I drugs. He stated that not only are they banned but if a horse tests positive for bisphosphonates, under any circumstance, that horse will be ejected and prohibited from ever racing at Arapahoe Park and the trainer will receive prosecution as designated in the CRC drug penalty schedule.

Commissioner Hoffman thanked the CHA, Arapahoe Park, and the Division for their efforts towards taking an initiative to show positivity towards horse racing. Mr. Shannon Rushton replied that taking a look at the inner workings of the system and associations involved will keep positive change moving forward in the future. Chairwoman Inmann commented that she was anxious to see the improvements made to the test barn.

Consideration of new concussion protocol guidelines—Dan Hartman

Mr. Dan Hartman, Director of the Division, explained that Colorado is attempting to be at the forefront of the Industry when it comes to new and improved concussion protocol guidelines. He detailed that a representative from the Jockey's guild would be coming to Arapahoe Park to conduct classes on concussion protocol and treatment. He also noted that the new concussion rules in the CRC rulebook apply to any persons involved in handling or riding horses, not just Jockey's. Mr. Hartman stated that the new ambulance contract with Falck EMS would give Arapahoe Park access to EMTs who are extremely capable of concussion diagnosis and testing. He addressed that the Division is hopeful a concussion protocol would be set into motion for the 2019 racing season. He explained that the protocol involves many education pieces and follows a strict "see something, say something" policy. Mr. Hartman stated that the concussion protocol is a long overdue rule and it puts every participant "on notice" to follow-up after a fall, or head injury. He expressed that handouts and posters would be created to address the proposed protocol, pending its approval. The documentation, forms, and posters being created to address, identify, and treat concussions would be based on the Delaware jurisdiction's protocol and tailored to fit the Colorado Racing Commission's protocol.

Commissioner Hoffman asked that if this concussion protocol were to be passed, if it would have to go through a rule-making process again. Mr. Hartman responded that there is already a concussion diagnosis and treatment rule in place for the 2019 season (CRC Rule 3.601); however, this motion would be implementing the actual protocol required by

rule 3.601. Chairwoman Inmann inquired whether there were any further questions and seeing there were none, a motion was thereupon made by Commissioner Bowen, Seconded by Commissioner Estes, and unanimously carried to approve of the implementation of new concussion protocol guidelines for the 2019 live race meet.

Consideration of recognition of Colorado Arabian Breeder's Alliance as a new breed registration and association—Dan Hartman

Mr. Dan Hartman explained that the Colorado Racing Commission Rulebook recognizes registration associations for each breed and currently, the breed association recognized for Arabian horses is COBRA. However, since COBRA has been dissolved, Mr. Hartman stated that a newly formed breed registration—Colorado Arabian Breeders Alliance (CABA)—has absorbed all of the racing Arabians that belonged to COBRA. He stated that the Division recommended that the Commission recognize CABA as the registrant for Colorado bred Arabians. He explained that this recognition of CABA as the registrant for Arabians would allow Colorado-bred Arabian race horses access to Colorado-bred race purses instead of the money from the purses being differed into escrow. He also mentioned that in the fall of 2019, it should be put into the rule-making process and hearings that CABA is to be recognized as the breed registrant for Colorado-bred Arabians. Mr. Bradford Jones, Assistant Attorney General representing the Division of Racing, recognized that per CRC rule 6.114, it should be recommended to make a determination that recognizing CABA as an official breed association would be in the best interest of the state and the racing industry.

Commissioner Hoffman requested that the process of recognizing CABA be explained. Mr. Zach Ceriani, Legal Assistant for the Division of Racing, stated that the proposal go into regular rule-making in the fall, to be voted on February 2020, modifying the recognition of CABA instead of COBRA. Chairwoman Inmann asked what the projected number of Arabian races would be. Mr. Bill Powers, Director of Racing for Arapahoe Park, stated that there would be 24 total Arabian races. Mr. Hartman stated that there would have to be a two-part motion, as the breed has been inactive and the Colorado bred program is scattered. Mr. Ceriani stated that CABA representatives requested that the definition of "Colorado Bred" be lenient, as COBRA had not been tracking the state in which broodmares and their foals were born in towards the end of the association's reign. He explained that, this consideration would be giving CABA a one (1) year exemption from the official "Colorado-bred" definition in order to allow Colorado born and owned Arabians to be put within the registry. He further detailed that Arabians foaled after 2011 would be allowed to be registered as Colorado-bred in order to fulfill Colorado-bred standards. He stated that the two-part motion Mr. Hartman had mentioned would be: 1) recognize CABA as the Colorado-bred Arabian association; 2) one (1) year exemption of the Colorado-bred definition to allow horses foaled after 2011 to be identified as Colorado-bred horses to meet policy standards.

Chairwoman Inmann asked if there were any questions or comments from the public or Commission. Ms. Valerie Danyluk, representative of CABA, stated that the association is requesting the 1 year exemption from the Colorado-bred definition, as Arabian breeders in Colorado asked for COBRA to recognize them while but COBRA responded saying the association no longer tracked foaling state information. She stated that this exemption would allow breeders to reintroduce and regain momentum for entries into the Arabian Colorado-bred racing program. Commissioner Scott asked Mr. Rushton how the horsemen and the CHA representing other breeds felt about allowing the exemption for Arabians. Mr. Rushton responded that as long as the purse money and percentages remained untouched and exactly the same, the other horsemen would most likely be okay with the exemption. Mr. Howie Chavers, representative for the Rocky Mountain Quarter Horse Association (RMQHA), asked if the exemption would be based on an honor system and how the Arabian owners would prove that their horses were in fact bred and foaled in Colorado. Ms. Danyluk replied that CABA would reinstate validations of registration papers and that Colorado-bred horses would only be recognized if their papers indicated the horses were born in Colorado.

Following questions and comments, Commissioner Inmann turned the motion and floor over to Mr. Bradford Jones. Mr. Jones explained that the motion would be two parts. He recommended that the first motion be in pursuant to Commission rule 6.102; the Commission believes it is in best interest of the State of Colorado and the sport of racing Colorado Horse Racing Industry to modify Colorado Racing Commission rule 9.202, which lists Colorado Owners of Breeding and Racing Arabians (COBRA) as the entity which overrules Colorado-bred Racing Arabians and replace it with the entity known as the Colorado Arabian Breeders Alliance (CABA). This motion was made with the understanding that it be formally submitted into the rule-making hearings held in the fall of 2019 and spring of 2020. A motion was thereupon made by Commissioner Hoffman, Seconded by Commissioner Estes, and unanimously carried to recognize CABA as the entity to rule Colorado-bred Arabian racing for the 2019 live race season.

The second motion regarding Colorado-bred Arabians was recommended by Mr. Zach Ceriani. He stated that this motion was regarding the one year exemption period to modify the Colorado-bred definition. Mr. Bruce Seymore, Executive Director of Mile High Racing and Entertainment, asked what the period of the one year exemption would be. Mr. Dan Hartman responded that the year period would be from January 1, 2019 to December 31, 2019. Following this discussion, Mr. Ceriani recommended a motion be made to grant CABA a one (1) year exemption from January 1, 2019- December 31, 2019, to modify the Colorado-bred definition of Arabians to recognize Arabian horses foaled in Colorado after 2011. A motion was thereupon made by Commissioner Estes, Seconded by Commissioner Hoffman, and Unanimously carried to grant CABA a one year exemption from January 1, 2019- December 31, 2019, to modify the Colorado-bred definition of racing Arabians to allow recognition of Arabians foaled in Colorado after 2011.

Mr. Bradford Jones reiterated that pursuant to Commission Rule 6.102, the Commission has the absolute right to modify CRC rule 9.202. Commissioner Tina Estes noted that CABA is not comparable to other associations like the Jockey Club, or the

American Quarter Horse Association, as neither of these organizations had a void of registration or recognition in their background.

Consideration of transfer of Harness Racing Funds to Horsemen's Bookkeeper account to be used for purse money—Greg Lamb

Mr. Greg Lamb, Auditor for the Division of Racing Events, stated that the Division had received a letter from Arapahoe Park requesting that the $27,305.88 of Harness Racing funds be transferred from the Racing Associates of Colorado banking account and into the Horsemen's Bookkeeper account. He informed the Commission that this letter stated the funds from Harness Racing would be used as purse money for the 2019 live race meet once transferred to the Horsemen's Bookkeeper. Chairwoman Inmann opened the floor for questions. Since no questions were asked, a motion was thereupon made by Commissioner Estes, Seconded by Commissioner Scott, and unanimously carried to approve the transfer of Harness Racing Funds into the Horsemen's Bookkeeper account.

Adjournment

There being no further business to consider, a motion was made by Commissioner Scott, seconded by Commissioner Hoffman, and unanimously carried to adjourn the regularly scheduled meeting of the Colorado Racing Commission at 11:23 AM.

Next Regularly Scheduled Meeting

The next regularly meeting of the Colorado Racing Commission will be held on **Tuesday, July 9, 2019,** at 9:30 AM at Arapahoe Park 26000 E. Quincy Ave, Aurora, CO 80016.

PAM INMANN, CHAIRWOMAN

TINA ESTES, VICE-CHAIRWOMAN

D. LYNN HOFFMAN, MEMBER

LORI SCOTT, DVM, MEMBER

SANDRA BOWEN, MEMBER