



**COLORADO**

**Department of  
Regulatory Agencies**

Colorado Office of Policy, Research &  
Regulatory Reform

# 2022 Sunset Review

Division of Racing Events and Colorado Racing  
Commission



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October 14, 2022



**COLORADO**

**Department of  
Regulatory Agencies**

Executive Director's Office

October 14, 2022

Members of the Colorado General Assembly  
c/o the Office of Legislative Legal Services  
State Capitol Building  
Denver, Colorado 80203

Dear Members of the General Assembly:

The Colorado General Assembly established the sunset review process in 1976 as a way to analyze and evaluate regulatory programs and determine the least restrictive regulation consistent with the public interest. Pursuant to section 24-34-104(5)(a), Colorado Revised Statutes (C.R.S.), the Colorado Office of Policy, Research and Regulatory Reform (COPRRR) at the Department of Regulatory Agencies (DORA) undertakes a robust review process culminating in the release of multiple reports each year on October 15.

A national leader in regulatory reform, COPRRR takes the vision of their office, DORA and more broadly of our state government seriously. Specifically, COPRRR contributes to the strong economic landscape in Colorado by ensuring that we have thoughtful, efficient and inclusive regulations that reduce barriers to entry into various professions and that open doors of opportunity for all Coloradans.

As part of this year's review, COPRRR has completed an evaluation of the Division of Racing Events (Division) and the Colorado Racing Commission (Commission). I am pleased to submit this written report, which will be the basis for COPRRR's oral testimony before the 2023 legislative committee of reference.

The report discusses the question of whether there is a need for the regulation provided under Article 32 of Title 44, C.R.S. The report also discusses the effectiveness of the Director of the Division, Division staff and the Commission in carrying out the intent of the statutes and makes recommendations for statutory changes for the review and discussion of the General Assembly.

To learn more about the sunset review process, among COPRRR's other functions, visit [coprrr.colorado.gov](http://coprrr.colorado.gov).

Sincerely,

Patty Salazar  
Executive Director



## Sunset Review: Division of Racing Events and Colorado Racing Commission

### Background

#### *What is regulated?*

Colorado's lone horse racing track as well as in-state simulcast facilities that conduct pari-mutuel betting on horse and greyhound races must secure a license from the Department of Revenue's Colorado Racing Commission prior to offering services. Live greyhound racing is not permitted in Colorado, but bettors may place wagers on greyhound races in other states at in-state simulcast facilities. There are also a variety of licenses issued for both live horse racing and simulcast racing. For example, in-state simulcast facilities, the track, jockeys and trainers must secure a license.

#### *Why is it regulated?*

Racing is regulated in Colorado to ensure the integrity of live horse racing and simulcast racing, as well as to protect the welfare of the race participants and race horses.

#### *Who is regulated?*

In 2021, the Commission issued one license for live horse racing, which held 30 days of live races, and there were 353 active business and occupational licenses and registrations.

#### *How is it regulated?*

The Commission regulates live horse and simulcast horse and greyhound racing in which pari-mutuel wagering is being conducted. The Commission's primary duties are to license race meets and simulcast facilities. The Division of Racing Events, among other things, is responsible for conducting inspections of horse stables as well as in-state simulcast facilities to ensure compliance with the statute and rules.

The Commission, Stewards and hearing officers are authorized to impose discipline for violations of the statute or applicable rules.

#### *What does it cost?*

In calendar year 2021, the total cost of regulatory oversight was \$1,448,127, and there were 7.7 full-time equivalent employees associated with the program.

#### *What disciplinary activity is there?*

In calendar year 2021, the Commission, Stewards and hearing officers imposed 29 disciplinary actions including suspensions and fines.

### Key Recommendations

- Continue the Division of Racing Events and the Colorado Racing Commission for nine years, until 2032.
- Repeal the limitation on the number of additional in-state simulcast facilities and authorize local jurisdictions to opt out.
- Repeal duplicative inspection requirements on greyhound kennels.

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## Background

### Sunset Criteria

Enacted in 1976, Colorado's sunset law was the first of its kind in the United States. A sunset provision repeals all or part of a law after a specific date, unless the legislature affirmatively acts to extend it. During the sunset review process, the Colorado Office of Policy, Research and Regulatory Reform (COPRRR) within the Department of Regulatory Agencies (DORA) conducts a thorough evaluation of such programs based upon specific statutory criteria<sup>1</sup> and solicits diverse input from a broad spectrum of stakeholders including consumers, government agencies, public advocacy groups, and professional associations.

Sunset reviews are guided by statutory criteria and sunset reports are organized so that a reader may consider these criteria while reading. While not all criteria are applicable to all sunset reviews, the various sections of a sunset report generally call attention to the relevant criteria. For example,

- In order to address the first criterion and determine whether a particular regulatory program is necessary to protect the public, it is necessary to understand the details of the profession or industry at issue. The Profile section of a sunset report typically describes the profession or industry at issue and addresses the current environment, which may include economic data, to aid in this analysis.
- To ascertain a second aspect of the first sunset criterion--whether conditions that led to initial regulation have changed--the History of Regulation section of a sunset report explores any relevant changes that have occurred over time in the regulatory environment. The remainder of the Legal Framework section addresses the third sunset criterion by summarizing the organic statute and rules of the program, as well as relevant federal, state and local laws to aid in the exploration of whether the program's operations are impeded or enhanced by existing statutes or rules.
- The Program Description section of a sunset report addresses several of the sunset criteria, including those inquiring whether the agency operates in the public interest and whether its operations are impeded or enhanced by existing statutes, rules, procedures and practices; whether the agency performs efficiently and effectively and whether the board, if applicable, represents the public interest.
- The Analysis and Recommendations section of a sunset report, while generally applying multiple criteria, is specifically designed in response to the tenth criterion, which asks whether administrative or statutory changes are necessary to improve agency operations to enhance the public interest.

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<sup>1</sup> Criteria may be found at § 24-34-104, C.R.S.

These are but a few examples of how the various sections of a sunset report provide the information and, where appropriate, analysis required by the sunset criteria. Just as not all criteria are applicable to every sunset review, not all criteria are specifically highlighted as they are applied throughout a sunset review. While not necessarily exhaustive, the table below indicates where these criteria are applied in this sunset report.

**Table 1**  
**Application of Sunset Criteria**

Sunset Criteria	Where Applied
(I) Whether regulation by the agency is necessary to protect the public health, safety, and welfare; whether the conditions that led to the initial regulation have changed; and whether other conditions have arisen that would warrant more, less, or the same degree of regulation;	<ul style="list-style-type: none"> <li>• Profile</li> <li>• Legal Framework</li> <li>• Recommendations 1 and 3</li> </ul>
(II) If regulation is necessary, whether the existing statutes and regulations establish the least restrictive form of regulation consistent with the public interest, considering other available regulatory mechanisms, and whether agency rules enhance the public interest and are within the scope of legislative intent;	<ul style="list-style-type: none"> <li>• Legal Framework</li> <li>• Recommendation 2</li> </ul>
(III) Whether the agency operates in the public interest and whether its operation is impeded or enhanced by existing statutes, rules, procedures, and practices and any other circumstances, including budgetary, resource, and personnel matters;	<ul style="list-style-type: none"> <li>• Legal Framework</li> <li>• Program Description and Administration</li> </ul>
(IV) Whether an analysis of agency operations indicates that the agency performs its statutory duties efficiently and effectively;	<ul style="list-style-type: none"> <li>• Program Description and Administration</li> </ul>
(V) Whether the composition of the agency's board or commission adequately represents the public interest and whether the agency encourages public participation in its decisions rather than participation only by the people it regulates;	<ul style="list-style-type: none"> <li>• Legal Framework</li> <li>• Program Description and Administration</li> </ul>
(VI) The economic impact of regulation and, if national economic information is not available, whether the agency stimulates or restricts competition;	<ul style="list-style-type: none"> <li>• Profile</li> </ul>
(VII) Whether complaint, investigation, and disciplinary procedures adequately protect the public and whether final dispositions of complaints are in the public interest or self-serving to the profession;	<ul style="list-style-type: none"> <li>• Program Description and Administration</li> </ul>
(VIII) Whether the scope of practice of the regulated occupation contributes to the optimum use of personnel and whether entry requirements encourage affirmative action;	<ul style="list-style-type: none"> <li>• Program Description and Administration</li> </ul>



Sunset Criteria	Where Applied
(IX) Whether the agency through its licensing or certification process imposes any sanctions or disqualifications on applicants based on past criminal history and, if so, whether the sanctions or disqualifications serve public safety or commercial or consumer protection interests. To assist in considering this factor, the analysis prepared pursuant to subsection (5)(a) of this section must include data on the number of licenses or certifications that the agency denied based on the applicant's criminal history, the number of conditional licenses or certifications issued based upon the applicant's criminal history, and the number of licenses or certifications revoked or suspended based on an individual's criminal conduct. For each set of data, the analysis must include the criminal offenses that led to the sanction or disqualification.	<ul style="list-style-type: none"> <li>• Program Description and Administration</li> </ul>
(X) Whether administrative and statutory changes are necessary to improve agency operations to enhance the public interest.	<ul style="list-style-type: none"> <li>• Recommendations 1 - 3</li> </ul>

## Sunset Process

Regulatory programs scheduled for sunset review receive a comprehensive analysis. The review includes a thorough dialogue with agency officials, representatives of the regulated profession and other stakeholders. Anyone can submit input on any upcoming sunrise or sunset review on COPRRR's website at [coprrr.colorado.gov](http://coprrr.colorado.gov).

The functions of the Division of Racing Events (Division) and the Colorado Racing Commission (Commission), as enumerated in Article 32 of Title 44, Colorado Revised Statutes (C.R.S.), relating to the regulation of the racing industry shall terminate on September 1, 2023, unless continued by the General Assembly. During the year prior to this date, it is the duty of COPRRR to conduct an analysis and evaluation of the Director and the Commission pursuant to section 24-34-104, C.R.S.

The purpose of this review is to determine whether the currently prescribed regulation of the racing industry should be continued and to evaluate the performance of the Director and the Commission. During this review, the Division and Commission must demonstrate that the program serves the public interest. COPRRR's findings and recommendations are submitted via this report to the Office of Legislative Legal Services.

## Methodology

As part of this review, COPRRR staff attended Commission meetings; interviewed Division staff, practitioners, and officials with state and national professional associations; and reviewed complaint file summaries, Colorado statutes and rules, and the laws of other states.

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The major contacts made during this review include, but are not limited to:

- Bally's Arapahoe Park Horse Track
- Colorado Gaming Association
- Colorado Horseracing Association
- Colorado Municipal League
- Colorado Racing Commission Members
- Colorado Veterinary Medical Association
- Department of Agriculture
- Department of Revenue
- Dumb Friends League
- Mirage Sports Bar

In the spring of 2022, Colorado Office of Policy, Research and Regulatory Reform staff conducted a survey of all licensees and registrants in the racing industry who are regulated by the Commission. The survey was sent to 1,685 licensees and registrants, and 319 emails were returned as undeliverable. The survey received 49 responses, which is a 3.6 percent response rate. Survey results may be found in Appendix A.

## Profile of the Industry

In a sunset review, COPRRR is guided by the sunset criteria located in section 24-34-104(6)(b), C.R.S. The first criterion asks whether regulation by the agency is necessary to protect the public health, safety, and welfare; whether the conditions which led to the initial regulation have changed; and whether other conditions have arisen which would warrant more, less or the same degree of regulation.

In order to understand the need for regulation, it is first necessary to understand what the racing industry does and how it works.

Horse racing has been around for a long time:

Although it is extraordinarily difficult to pinpoint exactly when and where horse racing was established, some of the earliest recorded accounts can be traced back to the Greek Olympic Games in 700 to 40 B.C.<sup>2</sup>

In Colorado, there is currently one racetrack offering live horse racing. Statutorily, the horse track is required to have a minimum of 30 race days per year.<sup>3</sup> During racing events, Colorado's track typically has mixed meets, which means that thoroughbred horses, quarter horses and Arabian horses race. Thoroughbreds usually participate in

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<sup>2</sup> America's Best Racing. *A Brief History of Horse Racing*. Retrieved June 13, 2022, from <https://www.americasbestracing.net/the-sport/2021-brief-history-horse-racing#:~:text=Although%20there%20is%20no%20universal,and%20the%20Derby%20in%201780.>

<sup>3</sup> §44-32-102(3), C.R.S.



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racers that are between one-half to three-quarters of a mile in distance. Quarter horse races are typically a quarter of a mile. Arabian horses race for longer distances than thoroughbreds and quarter horses, usually more than one mile.

Most commonly, horse racing events in Colorado contain nine individual races.

Horse tracks utilize the pari-mutuel system of wagering. Within the pari-mutuel system, a fixed percentage of the total amount wagered on a race is taken out for racing purses, track operating costs and state and local taxes. The remaining sum of money wagered is divided by the number of individual correct wagers to determine the payoff on each bet.<sup>4</sup>

There are several types of wagers that players may place. For example, players may wager on a horse to win (finish first), place (finish first or second) or show (finish first, second or third).<sup>5</sup> There are also other types of wagers that players may place, including, but not limited to:<sup>6</sup>

- The daily double (picking the winner of two consecutive races),
- Exactas (picking the first and second horses in order), or
- Quinellas (picking the first and second horses in either order).

In addition to live horse racing, players in Colorado may place wagers on either horse races or greyhound races in other states (and Colorado live horse racing) at a simulcast facility.

It is important to note that although Colorado players may place wagers on greyhound races at simulcast facilities, the practice of live greyhound racing was discontinued by the General Assembly in 2014.

Horse racing has continued to decline in popularity for many years. The reasons for the decline are numerous, and include issues related to scandals within the industry of improperly drugging horses.<sup>7</sup>

The sixth sunset criterion requires COPRRR to evaluate the economic impact of regulation.

Although the decline in horse racing has occurred, the Triple Crown (for three-year-old thoroughbreds), which includes the Kentucky Derby, the Preakness Stakes and Belmont

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<sup>4</sup> Winningponies.com *Horse Racing History*. Retrieved June 22, 2022, from <https://www.winningponies.com/horse-racing-history.html>

<sup>5</sup> Winningponies.com *Horse Racing History*. Retrieved June 22, 2022, from <https://www.winningponies.com/horse-racing-history.html>

<sup>6</sup> Winningponies.com *Horse Racing History*. Retrieved June 22, 2022, from <https://www.winningponies.com/horse-racing-history.html>

<sup>7</sup> Medium.com. *The Decline of America's First Past Time: Horse Racing's Descent into Irrelevance*. Retrieved June 23, 2022, from <https://medium.com/@tpbesq/the-decline-of-americas-first-pastime-horse-racing-s-descent-into-irrelevance-bdd6866f3e24>

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Stakes, remains popular. For example, in 2022, \$179 million was wagered on the Kentucky Derby.<sup>8</sup> The \$179 million wagered was an eight percent increase from the previous record, which was set in 2019.<sup>9</sup>

Jockeys on average earn approximately \$52,700 per year. Generally, their salary is based on how many races they compete in and what place they take in a race.<sup>10</sup>

In calendar year 2021, the total pari-mutuel handle for horse and greyhound simulcast racing and live horse racing in Colorado was \$53,006,965.

Also in 2021, the total pari-mutuel taxes collected for horse and greyhound simulcast racing and live horse racing in Colorado was \$397,552.

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<sup>8</sup> CBS Sports. *2022 Kentucky Derby Sets Betting Record with \$179 Million Wagered on Race*. Retrieved June 23, 2022, from <https://www.cbssports.com/general/news/2022-kentucky-derby-sets-betting-record-with-179m-wagered-on-race/#:~:text=The%202022%20Kentucky%20Derby%20took,over%20the%20track's%202021%20returns.>

<sup>9</sup> CBS Sports. *2022 Kentucky Derby Sets Betting Record with \$179 Million Wagered on Race*. Retrieved June 23, 2022, from <https://www.cbssports.com/general/news/2022-kentucky-derby-sets-betting-record-with-179m-wagered-on-race/#:~:text=The%202022%20Kentucky%20Derby%20took,over%20the%20track's%202021%20returns.>

<sup>10</sup> Horsey Hooves. *How Much Do Horse Racing Jockeys Make? (Average Yearly Salary)*. Retrieved August 1, 2022, from <https://horseyhooves.com/jockey-salary/>

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## Legal Framework

### History of Regulation

In a sunset review, the Colorado Office of Policy, Research and Regulatory Reform (COPRRR) is guided by the sunset criteria located in section 24-34-104(6)(b), Colorado Revised Statutes (C.R.S.). The first sunset criterion questions whether regulation by the agency is necessary to protect the public health, safety, and welfare; whether the conditions which led to the initial regulation have changed; and whether other conditions have arisen that would warrant more, less or the same degree of regulation.

One way that COPRRR addresses this is by examining why the program was established and how it has evolved over time.

Horse and greyhound racing became legal in Colorado in 1948 by way of a General Assembly referred measure. The referendum created the Colorado Racing Commission (Commission) and authorized the Commission to regulate horse and greyhound racing. Live horse and greyhound racing began in 1949. Since that time, numerous changes have been made to the racing statute. The most significant of these changes are highlighted below.

As part of the Administrative Reorganization Act of 1968, the Commission was transferred to the Department of Regulatory Agencies (DORA) as a Type 1 agency. In 1983, the General Assembly created the Division of Racing Events (Division) and transferred most of the day-to-day regulatory matters to the Division. In 1993, following a sunset review, the General Assembly moved the Commission and the Division to the Colorado Department of Revenue (Department).

In 1996, the General Assembly passed legislation to allow simulcast horse racing, and three years later, it authorized simulcast greyhound racing.

The General Assembly, in 2003, required the racing industry to fully cover the cost of regulation in a direct manner by imposing license fees on race meets without reducing the tax that licensees already paid on the total amount of money wagered in any pari-mutuel pool.

COPRRR conducted a sunset review in 2006, and the General Assembly later adopted some of the recommendations. Most importantly, the bill resulting from that sunset report repealed the requirement for the Commission to approve the Division's budget. It also authorized the Commission to meet quarterly rather than monthly.

In 2014, the General Assembly prohibited live greyhound racing in Colorado. However, wagering on simulcast greyhound races broadcast from other states continues to be permitted.

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In 2015, COPRRR completed another sunset review. Salient recommendations included:

- Sunset the Division and transfer its duties to the Division of Gaming.
- Clarify that a conviction of a gambling related offense or theft by deception is also grounds for discipline.
- Amend the provision that requires the Director to promulgate rules and instead allow the Commission to promulgate rules.

All of the aforementioned recommendations were adopted by the General Assembly except sunseting the Division and transferring its duties to the Division of Gaming.

## Legal Summary

The second, third and fifth sunset criteria question

Whether the existing statutes and regulations establish the least restrictive form of regulation consistent with the public interest, considering other available regulatory mechanisms, and whether agency rules enhance the public interest and are within the scope of legislative intent; and

Whether the agency operates in the public interest and whether its operation is impeded or enhanced by existing statutes, rules, procedures and practices and any other circumstances, including budgetary, resource and personnel matters.

Whether the composition of the agency's board or commission adequately represents the public interest and whether the agency encourages public participation in its decisions rather than participation only by the people it regulates.

A summary of the current statutes and rules is necessary to understand whether regulation is set at the appropriate level and whether the current laws are impeding or enhancing the agency's ability to operate in the public interest.

### Federal Law

The Horseracing Integrity and Safety Act (HISA) was created through federal legislation in 2020. The purpose of HISA is to create a uniform national standard for thoroughbred racing because of tragedies on the track, medication scandals and an inconsistent patchwork of regulations.<sup>11</sup>

Also, the Interstate Horseracing Act, among other things, permits wagering on simulcast racing and allows interstate, off-track betting.<sup>12</sup>

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<sup>11</sup> Albany Law School. *Understanding the Horseracing Integrity and Safety Act and a New Era of Racing Regulation*. Retrieved June 24, 2022, from <https://www.albanylaw.edu/government-law-center/news/understanding-the-horseracing-integrity-and-safety-act-and-new-era>

<sup>12</sup> 15 U.S.C. § 3004(a)

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## State Law

Section 44-32-101, *et seq.*, C.R.S., (Act) provides regulatory oversight of live horse racing and simulcast racing of horses and greyhounds in Colorado. The Act creates the Commission, which, among other things, has rulemaking authority.<sup>13</sup> The Commission consists of five members, and all members are appointed by the Governor with approval of the Senate.<sup>14</sup> Commission members must not have been convicted of a felony or gambling-related offense.<sup>15</sup> The Commission must be comprised of the following:<sup>16</sup>

- Two members who were previously engaged in the racing industry for at least five years;
- One member who is a licensed and practicing veterinarian, and has been licensed for at least five years;
- One member who has been engaged in a business in a management-level capacity for at least five years; and
- One member who is registered to vote in Colorado and is not a veterinarian or employed or engaged in the racing industry.

No more than two members of the Commission can be from the same Congressional district, and one member is required to be from west of the Continental Divide. Members are appointed to four-year terms and cannot serve more than two consecutive terms.<sup>17</sup>

All members of the Commission are required to file a financial disclosure statement with the Secretary of State prior to confirmation, then each year during the member's term as a member of the Commission.<sup>18</sup>

Also, no one appointed to the Commission or employed by the Division (including the Director of the Division), or their immediate family members, can:<sup>19</sup>

- Hold any pecuniary interest in any racetrack operating in Colorado, nor any stable, compound or farm that houses animals licensed or registered to race in Colorado;
- Wager any money or any other chattel of value on the result of any race or meet or sweepstakes conducted within Colorado or conducted outside of Colorado and simulcasted into the state;
- Hold any pecuniary interest in any out-of-state host track or derive benefit from the racing of any animal at the track;
- Hold more than five percent interest in any entity conducting business with a track; or

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<sup>13</sup> § 44-32-201, C.R.S.

<sup>14</sup> § 44-32-301(1), C.R.S.

<sup>15</sup> § 44-32-301(1), C.R.S.

<sup>16</sup> § 44-32-301(1)(a), C.R.S.

<sup>17</sup> § 44-32-301(1)(b), C.R.S.

<sup>18</sup> § 44-301(1)(g), C.R.S.

<sup>19</sup> § 44-32-401(1), C.R.S.

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- Have any interest in a license issued pursuant to the Act, nor have any interest, direct or indirect, including employment, in any licensee, licensed premises, establishment or business involved in pari-mutuel wagering.

The Governor is authorized to remove any member of the Commission at any time,<sup>20</sup> and any Commission member who misses more than two consecutive Commission meetings without good cause must be terminated.<sup>21</sup>

The Act requires the Commission to meet at least quarterly.<sup>22</sup>

Additionally, the Director of the Division is required to be qualified by training and experience to direct the work of the Division and be of good moral character and cannot have been convicted of any felony or gambling related offense.<sup>23</sup>

The Director's duties include, but are not limited to the following:<sup>24</sup>

- Investigate, supervise and administer the conduct of racing in accordance with the Act and the Commission Rules;
- Attend Commission meetings or appoint a designee to attend;
- Make available for inspection all books, records, files and any other related information and documents of the Director's Office;
- Advise the Commission and recommend rules to improve the conduct of racing;
- Make a continuous study and investigation of the operation and the administration of similar laws that may be in effect in other states or countries, any literature that may be published or available, any federal laws effecting the conduct of racing and the reaction of Colorado citizens to existing and potential features of racing events in Colorado; and
- Establish and adjust fees for all licenses and registrations.

Importantly, if fees rise more than 10 percent, they are required to be ratified by the Commission.<sup>25</sup>

A licensed veterinarian who is seasonally employed by the Director must be always present at the racetrack when racing activities are being conducted.<sup>26</sup>

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<sup>20</sup> § 44-32-301(1)(d), C.R.S.

<sup>21</sup> § 44-32-301(1)(e), C.R.S.

<sup>22</sup> § 44-32-301(1)(h), C.R.S.

<sup>23</sup> § 44-32-202(1), C.R.S.

<sup>24</sup> § 44-32-202(3), C.R.S.

<sup>25</sup> § 44-32-202(3)(h)(I), C.R.S.

<sup>26</sup> § 44-32-202(3)(c), C.R.S.



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The Director must authorize, by rule, a veterinarian to conduct the following:<sup>27</sup>

- Physical examinations of animals, including without limitation blood and urine tests and other tests for the presence of prohibited medications or drugs;
- Examinations to ensure that the animals are in proper physical condition to race; and
- Take any other necessary and proper action to ensure the health and safety of racing animals and the fairness of races.

The Act requires the Division to establish a board of three stewards or judges to assist in supervising race meets. Two of the stewards must be employees (seasonal) of the Division, and one steward must be an employee of the track. The Commission is authorized to remove stewards at any time for any reason that the Commission deems good and sufficient.<sup>28</sup>

### Licensing and Registration

The Commission is responsible for licensing all horse race meets that conduct pari-mutuel wagering.<sup>29</sup> Race facilities are required to be visited and inspected at least once per year.<sup>30</sup>

The Act requires the Commission to announce the place, time, number of races per day, duration of race meets and types of race meets.<sup>31</sup>

The Commission also licenses all kennels and stables housing racing animals to protect the general health and welfare of horses and greyhounds. Kennels and stables are also required to be visited and inspected at least once per year.<sup>32</sup>

The Commission regulates the operations of:<sup>33</sup>

- Pari-mutuel machines and equipment,
- Money rooms,
- Accounting rooms,
- Sellers' and cashiers' windows, and
- Weighing of jockeys.

The Commission licenses persons who manufacture or operate totalizators (totes). A tote is a device used for issuing and recording betting tickets, as well as calculating betting pools and current odds.<sup>34</sup>

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<sup>27</sup> § 44-32-202(3)(c), C.R.S.

<sup>28</sup> § 44-32-204, C.R.S.

<sup>29</sup> § 44-32-501(1)(a), C.R.S.

<sup>30</sup> § 44-32-501(1)(a), C.R.S.

<sup>31</sup> § 44-32-503(1)(b), C.R.S.

<sup>32</sup> § 44-32-501(1)(b), C.R.S.

<sup>33</sup> § 44-32-501(2)(a)(I), C.R.S.

<sup>34</sup> Britannica. *Pari-mutuel Gambling System*. Retrieved June 30, 2022, from <https://www.britannica.com/topic/pari-mutuel#ref145213>

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In-state simulcast facilities that conduct pari-mutuel wagering are required to obtain a license from the Commission.<sup>35</sup> The Commission regulates the operations of in-state simulcast facilities, including:<sup>36</sup>

- Pari-mutuel machines and equipment,
- All money and accounting facilities, and
- Sellers' and cashiers' windows.

To participate in a race meet, anyone who owns or leases a horse must be licensed or registered by the Commission. Anyone who works on the premises of a racetrack must also be licensed or registered by the Commission, unless the Commission waives this requirement for particular occupations.<sup>37</sup> The Commission has not waived the requirement.

All applicants for licensure are required to submit to both state and national fingerprint-based criminal background checks.<sup>38</sup>

The Commission established three license categories via rule: business, key and support. The Commission requires many racing-related occupations to be licensed, and it also allows some to be registered.

Business licenses include in-state simulcast facilities, totalizator companies and horse racing facilities. Key licenses include the Assistant General Manager of the horse track, in-state simulcast facility managers and totalizator operators. Support licenses include jockeys, trainers and horse owners. The Commission delegates to the Division the authority to establish sub-categories within each license category.<sup>39</sup> There are many sub-categories of licenses and registrations, and they are highlighted in Appendix B of this report.

The Commission is required to employ or contract with competent doctors, accountants, chemists and other persons necessary to supervise the conduct of race meets to ensure compliance with the Act and Commission rules.<sup>40</sup>

The Act requires the Commission to seek innovative and effective methods of testing humans and animals for prohibited substances to ensure their safety and maintain the integrity of racing.<sup>41</sup>

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<sup>35</sup> § 44-32-501(3), C.R.S.

<sup>36</sup> § 44-32-501(4), C.R.S.

<sup>37</sup> § 44-32-503(2), C.R.S.

<sup>38</sup> § 44-32-503(4)(a), C.R.S.

<sup>39</sup> 1 CCR § 208-1-3.102, Colorado Racing Commission Rules

<sup>40</sup> § 44-32-501(2)(a)(IV), C.R.S.

<sup>41</sup> § 44-32-501(2)(a)(IV), C.R.S.

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## Business License

To determine whether an applicant should be granted a business license, the Commission is authorized to examine the financial records of the applicant.<sup>42</sup>

The Commission has the discretion to deny a business license to an applicant if:<sup>43</sup>

- The applicant or any other of the directors, officers or original stockholders have violated any provisions of Act or Commission rules;
- The applicant failed to pay the Commission any money required by the Act; or
- It is in the best interest of the state and the racing industry based on the character, financial ability and experience of the applicant.

## Meet License

The Commission must hold a public hearing regarding any initial application for a license to hold a race meet, and it must provide public notice of the hearing at the physical location of the site and in an area newspaper with general circulation. The hearing must allow evidence to be provided for and against the application.<sup>44</sup>

The Commission may grant or refuse a license based on many factors, including:<sup>45</sup>

- The character, financial ability and experience of each individual applicant;
- The sentiments of the community and the character of the proposed area; or
- The evidence presented at such hearing.

The Commission has the discretion to grant or refuse a license if it finds that the applicant has violated the Act or Commission rules or the applicant has failed to pay sums required by the Act.<sup>46</sup>

A race meet may only be held by a person who is an owner or who controls the possession of a properly constructed racetrack with safe and suitable grandstands, reasonably sanitary accommodations and safe track conditions. The Commission may require other improvements necessary for the protection of the public and for the participants.<sup>47</sup>

The Division has the authority to procure any law enforcement records in order to carry out its duties. Upon request by the Colorado Bureau of Investigation, the Division must provide copies of any information obtained under the Act.<sup>48</sup>

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<sup>42</sup> § 44-32-504(2), C.R.S.

<sup>43</sup> § 44-32-504(3), C.R.S.

<sup>44</sup> § 44-32-505(2), C.R.S.

<sup>45</sup> § 44-32-505(4), C.R.S.

<sup>46</sup> § 44-32-505(5), C.R.S.

<sup>47</sup> § 44-32-512(1)(a), C.R.S.

<sup>48</sup> § 44-32-513, C.R.S.

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The Commission may not grant, accept or approve any applications for live greyhound racing and wagering on the speed or ability of greyhounds at a live greyhound race, as it is unlawful in Colorado.<sup>49</sup> However, wagering on simulcast greyhound racing continues to be permitted.

### Disciplinary Authority

The Commission may investigate any applicant, licensee, registrant or any other person on the premises of a licensed facility.<sup>50</sup>

The Commission is authorized to issue a letter of admonition or fine (fines are credited to the General Fund), suspend, deny an application for licensure or revoke a license or registration for, among other things:<sup>51</sup>

- Disregarding or violating the Act or Commission rules;
- Having been convicted of, or pleading guilty or *nolo contendere* to a criminal charge in another jurisdiction that is grounds for discipline in Colorado;
- Committing fraud, willful misrepresentation or deceit in racing;
- Failing to comply with any order or ruling of the Commission, the Stewards, the judges or any other racing official;
- Owning an interest in or participating in any bookmaking, pool-selling, touting, wager solicitation or illegal enterprise;
- Employing or harboring unlicensed persons on the premises of a racetrack;
- Being a person, employing a person, or being assisted by any person who is not of good record or good moral character;
- Being under suspension or revocation of a racing license in another jurisdiction, or having been subject to disciplinary action in another jurisdiction for acts or omissions that, if committed in Colorado, are grounds for discipline;
- Possessing, on the premises of a racetrack, a firearm, battery, buzzer, electrical device or other appliance to alter the speed of a horse;
- Possessing, on the premises of a racetrack, unless licensed as a veterinarian, a hypodermic needle, hypodermic syringe or other similar device, any medicine, narcotic, stimulant, depressant or anesthetic which could alter the normal performance of a horse;
- Being cruel to or neglecting a horse;
- Offering, accepting or soliciting a bribe regarding the outcome of a race;
- Causing the prearrangement of a race result; or
- Aiding or abetting any person to violate Commission rules.

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<sup>49</sup> § 44-32-604, C.R.S.

<sup>50</sup> § 44-32-507(1), C.R.S.

<sup>51</sup> § 44-32-507(1), C.R.S.

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It is grounds for discipline for an applicant for licensure who is currently being prosecuted or is awaiting charges for any felony in any jurisdiction. The Commission is, however, required to defer a decision at the request of the applicant.<sup>52</sup>

The Director may summarily suspend a license for cruelty to or neglect of an animal.<sup>53</sup>

The Commission must deny a license to an applicant for:<sup>54</sup>

- Failing to prove by clear and convincing evidence that the applicant is qualified;
- Failing to provide information, documentation and assurances required by the Act or the Commission; or
- Failing to reveal any fact material to qualification or supplying information which is untrue or misleading pertaining to qualifications.

The Commission is also required to deny a license to an applicant who:<sup>55</sup>

- Is convicted of any gambling-related offense or theft by deception,
- Is convicted of any crime involving fraud or misrepresentation committed within the previous 10 years, or
- Is currently being prosecuted or charges are pending in any jurisdiction for any of the above enumerated offenses.

For any of these offenses, at the request of the applicant or individual charged, the Commission must defer any decision concerning an application while charges are still pending.<sup>56</sup>

An applicant or licensee may appeal a final action or order of the Commission to the Colorado Court of Appeals.<sup>57</sup>

### Taxes and Fees

An in-state simulcast facility that receives simulcast races must pay to the Department 0.75 percent of the gross receipts derived from pari-mutuel wagers placed on races.<sup>58</sup>

The racetrack must also pay to Colorado State University (CSU), 0.25 percent of gross receipts of all exotic wagers<sup>59</sup> at race meets or on simulcast races to be paid to the School of Veterinary Medicine for racing-related equine research. In order to receive

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<sup>52</sup> § 44-32-507(1)(c), C.R.S.

<sup>53</sup> § 44-32-507(2), C.R.S.

<sup>54</sup> § 44-32-508(1), C.R.S.

<sup>55</sup> §§ 44-32-508(1)(c) and (d), C.R.S.

<sup>56</sup> § 44-32-508(1)(d), C.R.S.

<sup>57</sup> § 44-32-507(4), C.R.S.

<sup>58</sup> § 44-32-701(2)(a)(I), C.R.S.

<sup>59</sup> An exotic wager is any wager that is not to Win, Place or Show.

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the funds, the CSU School of Veterinary Medicine must describe and report to the Commission on all projects upon completion.<sup>60</sup>

For any wagers on simulcast greyhound races, in lieu of payments to CSU, racetracks and simulcast facilities must pay the equivalent amount into a trust account for distribution to greyhound welfare and adoption agencies.<sup>61</sup>

A simulcast facility must retain five percent of the gross receipts of pari-mutuel wagers to cover the facility's operating expenses.<sup>62</sup> Any offtrack simulcast facility must remit to the in-state racetrack from which it receives the simulcast signal one percent of the gross receipts of pari-mutuel wagers.<sup>63</sup>

To encourage horse breeding in Colorado, a racetrack must reserve at least one race each day exclusively for horses that were bred in Colorado, as long as Colorado-bred horses are available.<sup>64</sup>

A racetrack or simulcast facility may only retain a commission based on a percentage of gross receipts on wagers authorized by the Commission.<sup>65</sup> The Commission may annually determine the authorized takeout by rule, but the takeout may not exceed 30 percent of gross receipts of any pari-mutuel wagering on races originating in Colorado.<sup>66</sup>

Breakage is the cents by which the amount payable on each dollar wagered exceeds a multiple of 10 cents.<sup>67</sup> A racetrack must pay 50 percent of the breakage to the purse fund and may retain the remainder.<sup>68</sup> A simulcast facility must pay 50 percent of the breakage to the in-state host track within 60 days after the race meet and the remainder to the purse fund for the races at the in-state host track.<sup>69</sup>

A racetrack is required to file with the Commission an agreement between the racetrack and the association that represents the owners of horses competing in its races for each race meet. The agreement must specify the purse structure for the races, the minimum allowable purses per race and any conditions related to overpayments or underpayments.<sup>70</sup>

Any underpayments, less overpayments, of the amounts due to wagers placed, at the expiration of 30 days from the end of the meet, must be paid to the Racing Cash Fund.<sup>71</sup>

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<sup>60</sup> § 44-32-701(2)(a)(II)(A), C.R.S.

<sup>61</sup> § 44-32-701(2)(a)(II)(B)

<sup>62</sup> § 44-32-701(2)(c)(I), C.R.S.

<sup>63</sup> § 44-32-701(2)(c)(II), C.R.S.

<sup>64</sup> § 44-32-701(3), C.R.S.

<sup>65</sup> § 44-32-702(1)(b)(I), C.R.S.

<sup>66</sup> § 44-32-702(1)(b)(II), C.R.S.

<sup>67</sup> § 44-32-102(1), C.R.S.

<sup>68</sup> § 44-32-702(1)(h)(I), C.R.S.

<sup>69</sup> § 44-32-702(1)(h)(IV), C.R.S.

<sup>70</sup> § 44-32-702(1)(d), C.R.S.

<sup>71</sup> § 44-32-702(1)(g)(II), C.R.S.



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An in-state simulcast facility that receives signals of races held in another state may:<sup>72</sup>

- Take the percentage of the gross receipts from wagers on races as is permitted by the other state, and
- Adopt such procedures for computation and distribution of breakage as permitted by the other state.

A simulcast facility receiving simulcast races from an out-of-state host track may participate in a pari-mutuel pool for wagers placed at the facility or in an interstate common pool. For an interstate common pool, the simulcast facility may adopt the takeout percentage of the out-of-state host track.<sup>73</sup>

Wagering on the results of any horse or greyhound races may not be conducted outside a licensed racetrack or simulcast facility.<sup>74</sup> Except for licensed simulcast facilities, it is a violation of the Act and a Class 2 misdemeanor to place or receive a wager by messenger, telephone, telegraph, fax or any other electronic device.<sup>75</sup>

A live racetrack that also receives simulcast races of horses or greyhounds must pay 0.5 percent of the gross receipts on pari-mutuel wagers to win, place or show and 1.5 percent of the gross receipts from all other wagers to a trust account for the horse breeders' and owners' awards and supplemental purse fund (Fund).<sup>76</sup> This money must be paid into a trust account for the Fund on the 15<sup>th</sup> of the month following the month in which the sum was received.<sup>77</sup>

One year following the end of the race meet, any proceeds derived from unclaimed pari-mutuel tickets from each race meet and for simulcast horse races must also be paid to the Fund.<sup>78</sup>

The Fund must be distributed to owners and breeders of Colorado-bred horses. An administrative fee, not to exceed 10 percent of the money generated for the Fund, may be paid from the Fund to Colorado horse breeder associations for registering and maintaining breeding records.<sup>79</sup>

Any money credited to the Fund that is not distributed in three years may be paid either to:<sup>80</sup>

- Purses for live races in Colorado, or
- Fees for participation in an interstate compact.

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<sup>72</sup> § 44-32-702(4), C.R.S.

<sup>73</sup> § 44-32-703(2), C.R.S.

<sup>74</sup> § 44-32-704(1), C.R.S.

<sup>75</sup> § 44-32-704(2), C.R.S.

<sup>76</sup> § 44-32-701(2)(b), C.R.S.

<sup>77</sup> § 44-32-705(2), C.R.S.

<sup>78</sup> § 44-32-705(2), C.R.S.

<sup>79</sup> § 44-32-705(1), C.R.S.

<sup>80</sup> § 44-32-705(4), C.R.S.

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## Program Description and Administration

In a sunset review, the Colorado Office of Policy, Research and Regulatory Reform (COPRRR) is guided by sunset criteria located in section 24-34-104(6)(b), Colorado Revised Statutes (C.R.S.). The third, fourth and fifth sunset criteria question:

Whether the agency operates in the public interest and whether its operation is impeded or enhanced by existing statutes, rules, procedures practices and any other circumstances, including budgetary, resource and personnel matters;

Whether an analysis of agency operations indicates that the agency performs its statutory duties efficiently and effectively; and

Whether the composition of the agency's board or commission adequately represents the public interest and whether the agency encourages public participation in its decisions rather than participation only by the people it regulates.

In part, COPRRR utilizes this section of the report to evaluate the agency according to these criteria.

Section 44-32-101, *et seq.*, C.R.S., provides regulatory oversight of live horse racing and simulcast horse and greyhound racing.

The regulation of racing is vested in the Colorado Racing Commission (Commission). The Commission is comprised of five members who are appointed by the Governor and confirmed by the state Senate. The Commission is responsible for, among other things, rulemaking, and, when necessary, imposing formal discipline on practitioners.

The Act requires the Commission to meet at least quarterly,<sup>81</sup> and the Commission complies with this requirement.

The Division of Racing Events (Division), which is located within the Department of Revenue (Department), is responsible for the administrative functions related to the Commission. Specifically, Division staff is responsible for a variety of oversight duties, including: issuing licenses and registrations, conducting investigations, preparing meeting agendas, taking meeting minutes, and advising Commission members on regulatory issues.

Table 2 highlights the total expenditures and staff resources dedicated to the regulation of racing in calendar years 2017 through 2021. The regulatory program for racing is cash funded.

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<sup>81</sup> § 44-32-301(1)(h), C.R.S.

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**Table 2**  
**Total Program Expenditures**

Calendar Year	Total Program Expenditure	FTE
2017	\$1,435,655	7.7
2018	\$1,317,604	7.7
2019	\$1,487,507	7.7
2020	\$1,391,765	7.7
2021	\$1,448,127	7.7

As Table 2 indicates, the program expenditures and the full-time equivalent (FTE) employees have remained fairly consistent during the past five calendar years.

In calendar year 2022, the Division devoted 7.2 FTE to provide administrative functions for the Commission. The FTE are as follows:

- The Director (1.0 FTE), who oversees the conduct of pari-mutuel wagering in Colorado, manages the Division staff and its operations, and advises the Commission on all racing-related matters;
- A chief racing steward (1.0 FTE Program Management I), who oversees the conduct of races, determines official outcomes of races, and officiates at administrative and penalty hearings;
- A business analyst (1.0 FTE Analyst IV), who is responsible for staff in the test barn, implements the Division's testing program, and monitors medication usage, racehorses and track conditions;
- An enforcement and racing coordinator (1.0 FTE Criminal Investigator III), who oversees investigative and licensing staff assignments and duties and is responsible for the conduct of the live race meet;
- An investigator (1.0 FTE Criminal Investigator II), who performs site inspections at the racetrack and simulcast facilities, investigates racing violations, trains security personnel at the racetrack and simulcast facilities, performs background checks, and investigates license applicants and licensees;
- A chief auditor (0.7 FTE Auditor III), who oversees data collection and compiles statistical information based on reports from simulcast and live racing venues, and manages the distribution of funds from Horse Owners/Breeders Awards, Supplemental Purse Fund, and the Greyhound Welfare and Adoption Fund;
- An assistant to the Director (1.0 FTE Administrative Assistant III), who handles correspondence, reports, notices, agendas, and Commission meeting minutes, and who also schedules meetings, maintains Division files and records, prepares the Division's annual report and responds to public inquiries; and
- A licensing supervisor (1.0 FTE Administrative Assistant III), who assures that all applicants are properly licensed or registered, including instructing other staff

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on the licensing process and developing policies and procedures related to licensing.

During the summer racing season, the Director hires temporary staff to help at the live meets. The temporary staff are as follows:

- Two race stewards,
- Four veterinary assistants,
- Two veterinarians, and
- Two compliance investigators.

A Board of Stewards (Stewards), established by the Division, assists with overseeing the conduct of a race meet. The Stewards consist of two stewards employed (seasonally) by the Division and one steward employed by the racetrack.

The Stewards are racing officials who assist with supervising the conduct of live horse racing at the racetrack. They monitor each race from an office above the track. If there is a question about an incident on the track, the Stewards may review a recording of the race and determine whether a violation occurred. The Stewards also declare the official winners of each race.

The racetrack also hires judges and other racing officials (e.g., the starter, the clerk of scales, the clocker and the timer) who are stationed around the track to perform specific duties and to ensure the orderly and proper conduct of a race meet.

Veterinary assistants are responsible for assisting veterinarians in duties related to medical care of horses.

Veterinarians are responsible for the overall medical care of the racehorses.

Compliance investigators are responsible for conducting investigations into allegations of non-compliance with the Act or rules.

## **Licensing and Registration**

The eighth sunset criterion questions whether the scope of practice of the regulated occupation contributes to the optimum utilization of personnel and whether entry requirements encourage affirmative action.

In part, COPRRR utilizes this section of the report to evaluate the program according to this criterion.

The Commission issues a variety of licenses and registrations to ensure the proper regulation of racing. There are three categories of licenses: business (major and minor), key and support. Each of the aforementioned license categories, as well as registrations, contain various subcategories, which can be found in Appendix B.

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The level of occupational license is determined by the level of access an individual requires at the racetrack or simulcast facility. Business licensees include the racetrack, in-state simulcast facilities and totalizator companies. Also, key licensees, such as security directors, are allowed general access. Support licensees, such as horse owners and trainers, are only allowed access to specific areas. For employees who do not require access to restricted areas, such as concession employees, the Division issues registrations.

Appendix B highlights the number of licenses and registrations by year and classification over a five-year period.

Table 3 shows the total number of licenses and registrations for calendar years 2017 through 2021.

**Table 3**  
**Total Number of Licenses and Registrations in Calendars 2017 through 2021**

Calendar Year	Business Licenses	Key Licenses	Support Licenses	Registrations	Total
2017	24	21	216	96	357
2018	22	21	354	110	507
2019	25	21	325	141	512
2020	23	21	345	191	580
2021	23	25	219	86	353

As Table 3 indicates, the number of business and key licenses remained relatively constant in the past five calendar years. The increase in key licenses from 21 in calendar year 2020 to 25 in calendar year 2021 is attributable to the addition of new in-state simulcast facilities as well as new staff at existing and new in-state simulcast facilities.

Also, the number of support licenses and registrations increased in 2020 from the prior calendar year. The increase is attributable to, in part, trainers, owners and others applying for support licenses and registrations to race in Colorado because many other states postponed live racing due to the COVID-19 pandemic.

The subsequent decline in support licenses and registrations in 2021 is attributable the industry normalizing after the COVID-19 pandemic restrictions.

Table 4 highlights the license and registration fees assessed for calendar year 2021. As referenced in Table 4, there are two types of business licenses, minor and major. A minor business license includes, but is not limited to: the assistant general managers of the horse racing track, in-state simulcast facility managers and totalizator operators. Major business licenses include in-state simulcast facilities, totalizator companies and the horse racing track.

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**Table 4**  
**License and Registration Fees**

Type	New	Renewal
Minor Business License	\$135	\$65
Major Business License	\$75	\$40
Support License	\$75	\$25
Key License	\$225	\$75
Registration	\$15	Not Applicable

To obtain a license in any of the licensing categories, an applicant is required to complete an application and pass a fingerprint-based criminal background check.

Licenses are valid for three years, and licensees are required to pass a fingerprint-based background check every second renewal cycle (six years).

Individuals who apply for a registration are not required to pass a fingerprint-based criminal background check, but they are required to pass a criminal history check. Registrations are valid for one year.

The Division also checks for any disciplinary actions taken against a license or registration in other jurisdictions through a database maintained by the Association of Racing Commissioners International (RCI).

The program is cash funded by license and registration fees to cover the direct and indirect cost of regulatory oversight of racing. Taxes and fines from pari-mutuel activity are deposited into the General Fund.

Additionally, the racetrack is required to pay a license fee for a major business license and pay a fee for the meet, which is the racing season. Division staff reported that Colorado's lone racetrack has not paid a licensing fee for the meet in many years. The Act, in section 44-32-706(1)(b), C.R.S., enables the licensee of the horse racing track to provide veterinary services at the expense of the licensee. The licensee may deduct those expenses from the meet license fee. In the past several years, the fee for veterinary services has offset the meet fee. Thus, the licensee has not paid the meet fee in several years.

## Examinations

The eighth sunset criterion questions whether the scope of practice of the regulated occupation contributes to the optimum utilization of personnel and whether entry requirements encourage affirmative action.



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In part, COPRRR utilizes this section of the report to evaluate the program according to this criterion.

The only examination administered by the Commission is for horse trainers. A horse trainer is responsible for a variety of duties, including but not limited to, bridling and saddling, planning exercise routines and consulting with veterinarians when intensive care is required and treating minor injuries.<sup>82</sup>

Since trainers are ultimately responsible for a horse at the racetrack, it is important that they demonstrate a minimum level of competency prior to obtaining a license. In Colorado, the Commission rules require a trainer to pass oral, written and practical examinations, none of which have been psychometrically validated, before they are eligible to obtain a license.

The Stewards conduct the oral examination by asking the trainer applicant questions concerning racehorse-related issues. The oral examination is either pass or fail. If an applicant passes the oral examination, they are eligible to take the written examination.

The written examination is a multiple-choice examination, and applicants are required to score at least 75 percent to receive a passing score.

The written examination was developed by Division staff based on tests from other states. It primarily consists of multiple-choice questions that test basic knowledge about the following subjects:

- Horse anatomy and conditions,
- Horse health terms,
- Vaccinations,
- Racing equipment,
- Responsibilities of a trainer,
- Prohibited activities of a trainer, and
- Basic racing facts.

If an applicant passes the written examination, they are eligible to take the practical examination.

The practical examination is conducted in front of at least one Steward, a member of the Division staff and a licensed trainer. The practical examination tests an applicant's skills, which may include:

- Saddling a horse for racing,
- Bandaging a horse for racing, and
- Bringing a horse to the paddock.

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<sup>82</sup> Horsebreed.com *Horse Trainer: Job Description, Job Duties and Requirements*. Retrieved June 30, 2020, from <https://horsebreed.com/horse-trainer-job-description-duties-and-requirements/>

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The practical examination is either pass or fail.

Table 5 provides the number of trainer examinations that were given over a five-year period.

**Table 5**  
**Trainer Examinations**

<b>Calendar Year</b>	<b>Oral Examinations</b>	<b>Written Examinations</b>	<b>Practical Examinations</b>
2017	2	2	2
2018	2	2	2
2019	1	1	1
2020	3	3	3
2021	3	3	3

In the past five calendar years, the pass rate for all trainer examinations was 100 percent.

### **Complaint and Disciplinary Activity**

The seventh sunset criterion requires COPRRR to examine whether complaint, investigation and disciplinary procedures adequately protect the public and whether final dispositions of complaints are in the public interest or self-serving to the profession.

In part, COPRRR utilizes this section of the report to evaluate the program according to this criterion.

Anyone can file a complaint against a licensee or registrant. Most commonly, a complaint is initiated against a licensee or registrant by a state investigator, a race official or a licensed or registered person.

Table 6 highlights the total number of complaints filed against licenses and registrations in the past five calendar years.

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**Table 6**  
**Total Number of Complaints**

Nature of Complaint	2017	2018	2019	2020	2021
Horse Medication Violation	11	18	5	14	1
Jockey Discipline	9	6	4	5	1
Failure to Pay Fines	2	2	2	10	0
Financial Irresponsibility	0	20	0	0	0
Violation of Racing Rules	3	4	1	3	2
Citations	4	12	11	34	18
<b>Total</b>	<b>29</b>	<b>62</b>	<b>23</b>	<b>66</b>	<b>22</b>

As Table 6 indicates, the greatest number of complaints against licensees and registrants were in the citations category. Citations are utilized for lower-level violations such as if a jockey fails to show up at the paddock for weigh in on time.

In the past five calendar years, there were several complaints related to horse medication violations. This occurs when a horse is tested for drugs or banned medications, and a positive test is identified. Certain drugs or medications are banned on race day for two basic reasons: they may provide an unfair advantage because they are performance-enhancing drugs, or they put jockeys and horses at risk of injury or death.

The Division does not perform a drug test on every horse that races. It does, however, take random urine and blood samples for each horse who places first in a race and occasionally the second place horse is tested by a licensed veterinarian. The Division tests for drugs, such as methamphetamine, and other banned substances, such as steroids. However, the most common violation has to do with medications that are banned from being present at a certain level on race day, such as nonsteroidal anti-inflammatory drugs.

There were also complaints filed against jockeys in the past five calendar years. An example of a complaint against a jockey may involve an allegation that during a race, a jockey intentionally impedes the path of another jockey and horse.

Table 6 shows that there were 20 complaints initiated for financial irresponsibility. These complaints were related to issues such as a trainer who did not pay the stable fee to the track.

Table 7 illustrates the total number of disciplinary hearings conducted by the Commission, the Stewards and hearing officers in the past five calendar years.

**Table 7**  
**Disciplinary Hearings**

Calendar Year	Board of Stewards	Commission	Hearing Officer
2017	7	0	0
2018	9	1	0
2019	4	1	0
2020	3	4	0
2021	0	3	2
<b>Total</b>	<b>23</b>	<b>9</b>	<b>2</b>

As delineated in Table 7, the Stewards conducted most of the disciplinary hearings in the past five calendar years. This is common because the Stewards are the officials at live horse racing events. Typically, disciplinary hearings go before the Stewards. When the Stewards determine a violation of the Act or rules occurred, formal discipline is imposed. The licensee has the option of appealing the Stewards' decision to the Commission if they chose to do so.

The number of hearings is substantially lower than the number of complaints. Many of the complaints were citations, where a licensee paid a minimal fine. In these instances, the complaints did not warrant a hearing.

Table 7 also shows that two disciplinary hearings were conducted by a hearing officer. This occurs when the race season has ended. The Stewards are temporary seasonal employees, so when the racing season ends, they are no longer available to conduct disciplinary hearings.

Table 8 shows the total number of final actions by the Commission, the Stewards and hearing officers in the past five calendar years.

**Table 8**  
**Total Number of Final Agency Actions**

Type of Action	2017	2018	2019	2020	2021
Revocation/Surrender/Voluntary Relinquishment	0	0	0	0	0
Suspension	11	13	10	8	4
Probation/Practice Limitation	0	0	0	0	0
Letter of Admonition	0	0	0	0	0
License Denied	10	19	17	1	0
Other	1	0	0	1	2
<b>Total Disciplinary Actions</b>	<b>22</b>	<b>32</b>	<b>27</b>	<b>11</b>	<b>6</b>

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As highlighted in Table 8, the greatest number of final agency actions in the past five calendar years were suspensions and the denial of a license. Most commonly, a suspension is imposed by the Commission, Stewards or hearing officer for medication violations or if contraband such as syringes are found in a horse's stable. Also, several licenses were denied in the past five calendar years.

The "Other" category in Table 8 includes three cases that are currently pending in the Court of Appeals where the Commission's final agency action is under appeal. The original sanctions in the "Other" category were related to medication violations.

Importantly, when the Commission, the Stewards or hearing officers impose discipline on a license or registration, the Division shares the information with RCI.

### **Fining Activity**

The seventh sunset criterion requires COPRRR to examine whether complaint, investigation and disciplinary procedures adequately protect the public and whether final dispositions of complaints are in the public interest or self-serving to the profession.

In part, COPRRR utilizes this section of the report to evaluate the program according to this criterion.

The Commission, Stewards and hearing officers are authorized to issue fines to licensees and registrants for violations of the Act or applicable rules. The Stewards are authorized to impose a fine of up to \$2,500 per violation, and there is no limitation on the Commission. Table 9 illustrates the total number of fines imposed by the Commission, the Stewards and hearing officers in the past five calendar years, as well as the value of the fines imposed and actually collected.

**Table 9**  
**Fines**

<b>Calendar Year</b>	<b>Number of Fines Imposed</b>	<b>Total Value of Fines Imposed</b>	<b>Total Value of the Fines Collected</b>
2017	29	\$16,425	\$14,825
2018	22	\$13,075	\$9,525
2019	25	\$17,850	\$6,500
2020	59	\$63,200	\$14,100
2021	22	\$25,700	\$7,300
<b>Total</b>	<b>157</b>	<b>\$136,250</b>	<b>\$52,250</b>

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The Act authorizes the Commission to impose fines on licensees and those who possess a registration for violations of the Act or rules. As indicated in Table 9, there were several fines imposed in the past five calendar years. The most prevalent reason a fine was imposed was due to medication violations. That is, a banned substance was identified in a horse that raced. As such, a fine was imposed on the horse's trainer.

Table 9 shows that some of the fines that were imposed were not collected. There are many reasons as to why a fine is not paid, including in calendar year 2020, where a licensee appealed their case to the Colorado Court of Appeals; the case is still pending. Also, there were instances where trainers were fined for medication violations and did not pay the fines imposed. Generally, trainers who did not pay the imposed fine are no longer involved in racing.

All fines collected are credited to the General Fund.

## **Audits/Inspections**

The seventh sunset criterion requires COPRRR to examine whether complaint, investigation and disciplinary procedures adequately protect the public and whether final dispositions of complaints are in the public interest or self-serving to the profession.

In part, COPRRR utilizes this section of the report to evaluate the Program according to this criterion.

The Division performs inspections of in-state simulcast facilities, horse stables and kennels. Division staff inspects in-state simulcast facilities three to four times per year, inspects horse stables once a year and during live meets and kennels at least once per year.

The Division also audits greyhound adoption agencies and totalizators.

The purpose of inspecting in-state simulcast facilities is to ensure that they are in compliance with the Act as well as Commission rules. Inspections include, but are not limited to, observing the operations of the facility and meeting with current staff. Division staff also test the simulcast signal to confirm that players can see the races on which they are wagering.

Division staff conduct inspections of horse stables to, among other things, ensure that they are sanitary and safe to protect the safety and welfare of the horses and racing personnel. Division staff completes a pre-meet inspection on race days.

The Division inspects greyhound kennels that are licensed with the Division to protect the health and welfare of the animals that are bred to race in other states.



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Division staff periodically audits the totalizator (tote) at in-state simulcast facilities to verify that it is working properly. A tote is a device used for issuing and recording betting tickets, as well as calculating betting pools and current odds.<sup>83</sup>

Table 10 demonstrates the total number of in-state simulcast facilities, horse stables and greyhound kennel inspections completed by Division staff over a five-year period.

**Table 10**  
**Total Number of Inspections**

Calendar Year	Simulcast Inspections	Stable Inspections	Kennel Inspections
2017	78	114	5
2018	64	109	4
2019	70	88	3
2020	14	102	0
2021	18	47	2
<b>Total</b>	<b>244</b>	<b>460</b>	<b>14</b>

Table 10 highlights a significant decrease in the number of in-state simulcast facility inspections in 2020 and 2021. The decrease is, in part, attributable to the COVID-19 pandemic, which limited in-person contacts. Also, there were zero inspections of kennels in calendar year 2020 due to the COVID-19 pandemic.

The Division also performs hardware test audits when a newly licensed simulcast facility opens.

For existing in-state simulcast facilities, Division staff audits the tote numbers daily to ensure compliance with the Act regarding taxes, minimum purse amounts and payments to and distribution of the Horse Owners' and Breeders' Awards and Supplemental Purse Fund, the Greyhound Promotion and Welfare Fund, and the Colorado State University School of Veterinary Medicine for Equine Research Fund.

Table 11 highlights the total number of audits performed by the Division over a five-year period. The Act authorizes the Commission to award money to greyhound adoption agencies, so that they may place or house greyhounds that are either retired or unfit to race. To verify that money is being distributed fairly, the Division conducts simple audits of the greyhound adoption agencies.

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<sup>83</sup> Britannica. *Pari-mutuel Gambling System*. Retrieved June 30, 2022, from <https://www.britannica.com/topic/pari-mutuel#ref145213>

**Table 11**  
**Total Number of Audits**

Calendar Year	Hardware Test Audit	Greyhound Adoption Audit
2017	1	8
2018	2	8
2019	0	7
2020	3	6
2021	3	6
<b>Total</b>	<b>9</b>	<b>35</b>

As indicated in Table 11, the number of hardware test audits varied slightly. The reason for the variance is attributable to the addition of newly licensed in-state simulcast facilities.

The greyhound adoption audits remained fairly constant in the past five years.

## Race Days

The Commission is responsible for licensing race meets, and the Act requires the Commission to hold a public meeting before issuing such a license.

The Commission, among other things, approves the racetrack's takeout, which is the percentage of the total amount wagered in a pari-mutuel pool that is retained by the racetrack to cover overhead, profits, taxes and purses. Currently, the takeout is 19 percent on win, place and show wagers;<sup>84</sup> 24 percent on daily double, exacta and quinella wagers;<sup>85</sup> and 25 percent on trifecta, superfecta and pick 3 wagers.<sup>86</sup>

As mentioned earlier in this report, there is only one live horse racetrack in Colorado, and the Act requires there to be a minimum of 30 race days per year.

Currently, there are 12 licensed facilities for wagering on simulcast races, and the horse track itself offers wagering on simulcast races at the racetrack and broadcasts its own races to numerous out-of-state locations.

Table 12 delineates the total number of race days for simulcast horse and greyhound racing and live horse racing over a five-year period.

<sup>84</sup> Win, place and show: A player places three separate wagers to win (come in first), place (come in first or second) and show (come in first, second or third).

<sup>85</sup> Daily double is a wager in which a player picks winners in two consecutive races. Exacta is a wager in which a player picks the first two horses in the exact order they finish. Quinella is a wager in which a player picks the first two horses to finish, no matter the order.

<sup>86</sup> Trifecta is a wager in which a player picks the first three horses to finish in the exact order. Superfecta is a wager in which a player picks the first four horses to finish in the exact order. Pick 3 is a wager in which a player picks winners in three consecutive races.

**Table 12**  
**Race Days**

Calendar Year	Horse Simulcast	Greyhound Simulcast	Horse Live
2017	364	364	39
2018	364	364	39
2019	363	363	38
2020	267	267	36
2021	364	364	30

The number of simulcast race days remained fairly consistent in the past five calendar years. The decrease in the number of simulcast race days in 2020 is attributable to racetracks throughout the country postponing or cancelling racing due to the COVID-19 pandemic.

### **Pari-Mutuel Handle and Taxes**

The pari-mutuel handle is the total amount of money wagered in any pari-mutuel pool.

Table 13 shows the pari-mutuel handle for horse and greyhound simulcast racing and live horse racing over a five-year period.

**Table 13**  
**Pari-Mutuel Handle**

Calendar Year	Greyhound Simulcast	Horse Simulcast	Horse Live	Total
2017	\$31,364,112	\$38,031,754	\$4,789,094	<b>\$74,184,959</b>
2018	\$28,763,319	\$37,134,014	\$6,607,951	<b>\$72,505,284</b>
2019	\$28,644,148	\$36,695,802	\$6,778,029	<b>\$72,117,980</b>
2020	\$14,481,827	\$18,513,013	\$8,202,643	<b>\$41,199,473</b>
2021	\$20,664,935	\$27,605,163	\$4,736,863	<b>\$53,006,965</b>

As Table 13 indicates, the pari-mutuel handle for horse and greyhound simulcast racing decreased in 2020. The decrease is attributable to racetracks throughout the country postponing or cancelling races due to the COVID-19 pandemic. Also, the pari-mutuel handle for live horse racing increased in 2020. The increase is attributable to the racetrack remaining open during the COVID-19 pandemic.

The handle decreased from calendar year 2017 to 2021. There are a variety of reasons for the decrease including the overall decline, nationally, in horse and greyhound race betting.

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The Act establishes the tax rate for live and simulcast races at 0.75 percent of the gross pari-mutuel handle. All taxes collected are credited to the General Fund.

Table 14 highlights the pari-mutuel taxes derived from simulcast and live racing over a five-year period.

**Table 14**  
**Pari-Mutuel Taxes**

<b>Calendar Year</b>	<b>Greyhound Simulcast</b>	<b>Horse Simulcast</b>	<b>Horse Live</b>	<b>Total</b>
2017	\$235,231	\$285,181	\$15,439	<b>\$535,850</b>
2018	\$215,725	\$278,505	\$13,546	<b>\$507,776</b>
2019	\$214,831	\$275,219	\$50,835	<b>\$540,885</b>
2020	\$108,614	\$138,863	\$61,520	<b>\$308,996</b>
2021	\$154,987	\$207,039	\$35,526	<b>\$397,552</b>

As referenced in the previous tables, in 2020, there was a decrease in the number of races nationally due to the COVID-19 pandemic. As such, the total amount of pari-mutuel taxes derived in 2020 decreased.

### **Collateral Consequences - Criminal Convictions**

The ninth sunset criterion requires COPRRR to examine whether the agency under review, through its licensing processes, imposes any sanctions or disqualifications based on past criminal history, and if so, whether the disqualifications serve public safety or commercial or consumer protection interests.

The Division has the authority to deny, revoke and suspend licenses based on criminal history of fraud, misrepresentation, deceit in racing, and being cruel to or neglecting a racing animal.

In fact, the Division is required to disqualify applicants who have been convicted of gambling-related offenses and theft by deception. It is also required to disqualify applicants who have been convicted of any crime involving fraud or misrepresentation if the crime was committed within the previous 10 years.

From 2017 to 2021, the Division did not deny, revoke or suspend any licenses based on past criminal history.

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## Analysis and Recommendations

The final sunset criterion questions whether administrative and statutory changes are necessary to improve agency operations to enhance the public interest. The recommendations that follow are offered in consideration of this criterion, in general, and any criteria specifically referenced in those recommendations.

### **Recommendation 1 - Continue the Division of Racing Events and the Colorado Racing Commission for nine years, until 2032.**

Section 44-32-101, *et seq.*, Colorado Revised Statutes, (C.R.S.), (Act) provides regulatory oversight of live horse racing and simulcast horse and greyhound racing.

The regulation of racing is vested in the Colorado Racing Commission (Commission). The Commission is comprised of five members who are appointed by the Governor and confirmed by the state Senate. The Commission is responsible for, among other things, rulemaking, and, when necessary, imposing formal discipline on practitioners.

The Division of Racing Events (Division), which is located within the Department of Revenue (Department), among other things, is responsible for conducting inspections of horse stables as well as in-state simulcast facilities to ensure compliance with the Act and rules.

The Division is also responsible for the administrative functions related to the Commission. Specifically, Division staff is responsible for a variety of oversight duties, including: issuing licenses and registrations, conducting investigations, preparing meeting agendas, taking meeting minutes, and advising Commission members on regulatory issues.

There are a variety of licenses issued for both live horse racing and simulcast racing. For example, in-state simulcast facilities, the track, jockeys and trainers must secure a license.

Additionally, a Board of Stewards (Stewards), established by the Division, assists with overseeing the conduct of a race meet. The Stewards consist of two stewards employed (seasonally) by the Division and one steward employed by the racetrack.

Generally, the Stewards are racing officials who assist with supervising the conduct of live horse racing at the racetrack. They monitor each race from an office above the track. If there is a question about an incident on the track, the Stewards may review a recording of the race and determine whether a violation occurred. The Stewards also declare the official winners of each race.

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The racetrack also hires judges and other racing officials (e.g., the starter, the clerk of scales, the clocker and the timer) who are stationed around the track to perform specific duties and to ensure the orderly and proper conduct of a race meet.

The first sunset criterion asks whether regulation is necessary to protect the public. Regulation of live horse racing and horse and greyhound simulcasting is necessary to ensure that the public is adequately protected from unscrupulous acts such as the administration of banned medications to horses, which could create an unfair advantage.

Also, regulation is necessary to ensure that in-state simulcast facilities are operating in accordance with the Act and current rules. This is achieved by conducting periodic inspections of existing licensed simulcast facilities, and audits for newly licensed simulcast facilities. Doing so ensures that consumers who utilize these facilities are, for example, paid the correct amount of money for their wager on races.

In calendar years 2017 through 2021, the Commission and Stewards imposed discipline 98 times. The most common form of discipline was suspending a licensee for medication violations. Each horse who places first in a race and occasionally the second place horse is tested by a licensed veterinarian. Other horses are randomly tested as well.

The Commission and Stewards also imposed 157 fines in the past five calendar years, totaling \$136,250, of which \$52,250 was ultimately paid. There are many reasons as to why a fine is not paid, including in calendar year 2020, where a licensee appealed their case to the Colorado Court of Appeals; the case is still pending. Also, there were instances where trainers were fined for medication violations and did not pay the fines imposed. Generally, trainers who did not pay the imposed fine are no longer involved in racing. The number of disciplinary actions imposed indicates that there were violations of the Act and rules, which justifies the continued need to regulate the industry.

It is worth noting that a certain level of animosity exists between the racing industry and the Division. While such a situation is not unheard of in regulatory programs, it can cause unnecessary difficulties for both parties. Therefore, in the coming years, the parties could endeavor to improve their working relationship.

To ensure the integrity of live horse racing and simulcast racing, the Division and Commission should continue to provide oversight of the industry in Colorado. Doing so will serve to enhance consumer protection. As such, the General Assembly should continue the Division and Commission for nine years, until 2032. Since the sunset review did not identify substantive issues with regulatory oversight of the industry, a nine-year continuation is justified.

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**Recommendation 2 - Repeal the limitation on the number of additional in-state simulcast facilities and authorize local jurisdictions to opt out.**

Currently, section 44-32-102(11)(a)(II), C.R.S., limits the number of additional facilities to the number of facilities licensed to hold a race meet in 2003 plus one additional facility per licensee. The number of race meet licenses issued in 2003 was six, so the maximum number of additional facilities allowed in Colorado is 12. It is unclear why the number of additional facilities was limited to 12.

The second statutory sunset criterion asks whether existing statutes and regulation establish the least restrictive form of regulation consistent with public protection. Limiting the number of additional facilities is overly restrictive. In fact, this limitation not only constricts the number of additional facilities, but it also limits consumer choice. Additional facilities are typically located in bars, restaurants, or casinos, and they provide consumers a convenient way to place bets on horse and greyhound racing.

Private businesses should be able to proceed, unencumbered by overly restrictive requirements that minimize both simulcast facilities' business prerogative while also limiting consumer choice. This is particularly important given that the current number and limitation within the state of Colorado (12) appears to be arbitrary and without specific justification.

The absence of a limitation on licensed in-state simulcast facilities is not unprecedented. For example, the State of Arizona does not have a limitation. There are currently 49 simulcast facilities located throughout that state.

Importantly, local jurisdictions should have the ability to opt out of authorizing in-state simulcast facilities to operate and offer betting on horse racing and greyhound racing if they chose. This is important because it will enable local jurisdictions to ultimately determine whether in-state simulcast facilities should operate in their communities.

However, the existing additional facilities that are currently operating in their respective local jurisdiction should be authorized to continue to operate even if a local jurisdiction chooses not to permit additional facilities from operating in a particular community.

Therefore, the General Assembly should repeal the limitation on additional facilities and authorize local jurisdictions to determine whether additional facilities should operate in their communities.



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### **Recommendation 3 - Repeal duplicative inspection requirements on greyhound kennels.**

Section 44-32-501(1)(b), C.R.S., requires the Division to inspect greyhound kennels at least once per year. The purpose of kennel inspections is to, among other things, ensure that the kennels are safe and sanitary for racing greyhounds.

During the 2022 legislative session, the General Assembly passed Senate Bill 22-167 (SB22-167), which removed the exemption for greyhound breeders from the Pet Animal Care and Facilities Act (PACFA). The removal of the exemption means that greyhound breeders along with any other dog breeder, will be inspected by staff at the Department of Agriculture, which administers the PACFA program.

The removal of the exemption of greyhound breeders will enable the Department of Agriculture staff, under PACFA, to inspect greyhound breeder kennels. As such, it is no longer necessary for the Division to conduct its own inspections. Therefore, the General Assembly should repeal the requirement in the Act requiring that greyhound kennels be inspected by the Division at least once per year.

The first sunset statutory criterion asks whether regulation is necessary to protect the public. It is not necessary for duplicative inspections to be performed by the Department of Agriculture and Division staffs and will not provide greater protection for greyhounds. Also, the second statutory criterion ask whether the current regulation is the least restrictive form of regulation consistent with public protection. Kennels being subject to duplicative inspections is overly restrictive.

Therefore, the General Assembly should repeal the duplicative requirement that the Division inspect greyhound kennels.

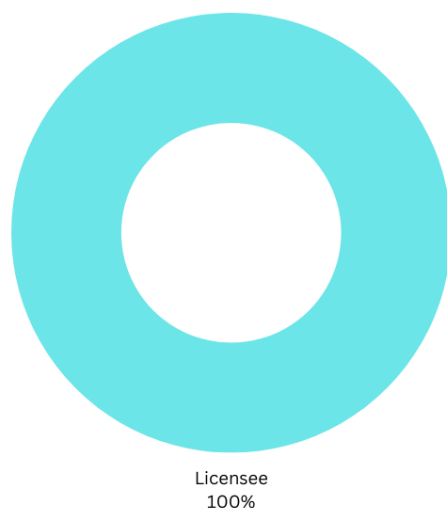
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## Appendix A - Customer Service Survey

In the spring of 2022, Colorado Office of Policy, Research and Regulatory Reform staff conducted a survey of all licensees and registrants in the racing industry who are regulated by the Colorado Racing Commission. The survey was sent to 1,685 licensees and registrants, and 319 emails were returned as undeliverable. The survey received 49 responses, which is a 3.6 percent response rate. Survey results are highlighted below.

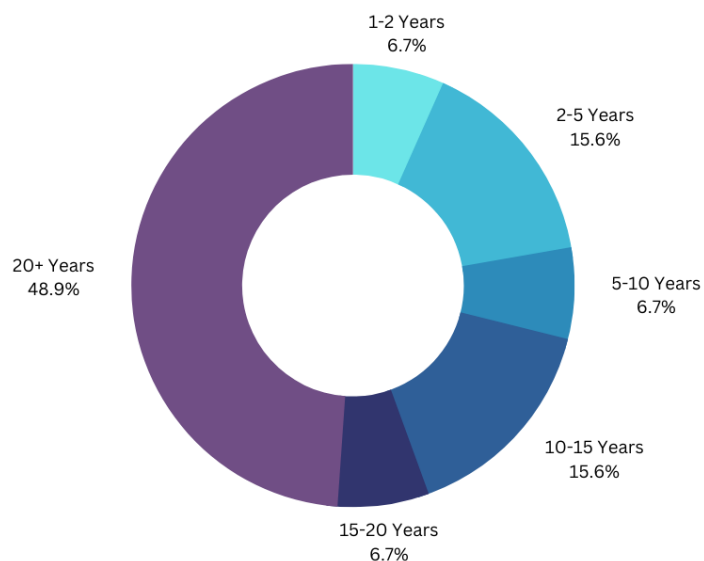
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**What is your relationship to the Division of Racing Events?**



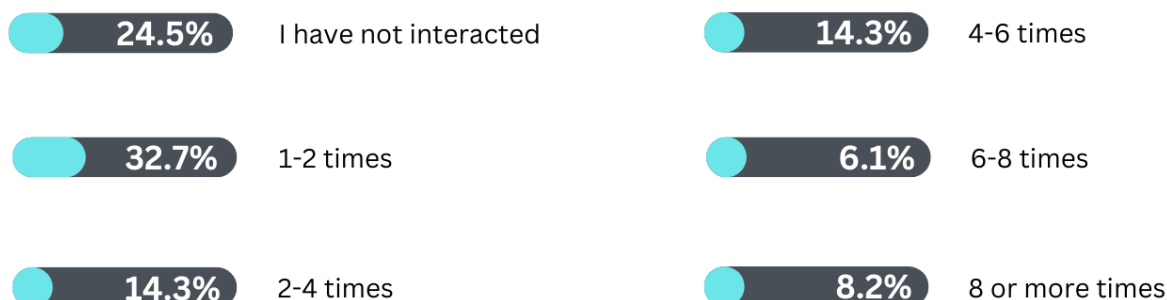
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**If you are a member of the profession or occupation that is regulated by the Division of Racing Events, please indicate your years of experience.**



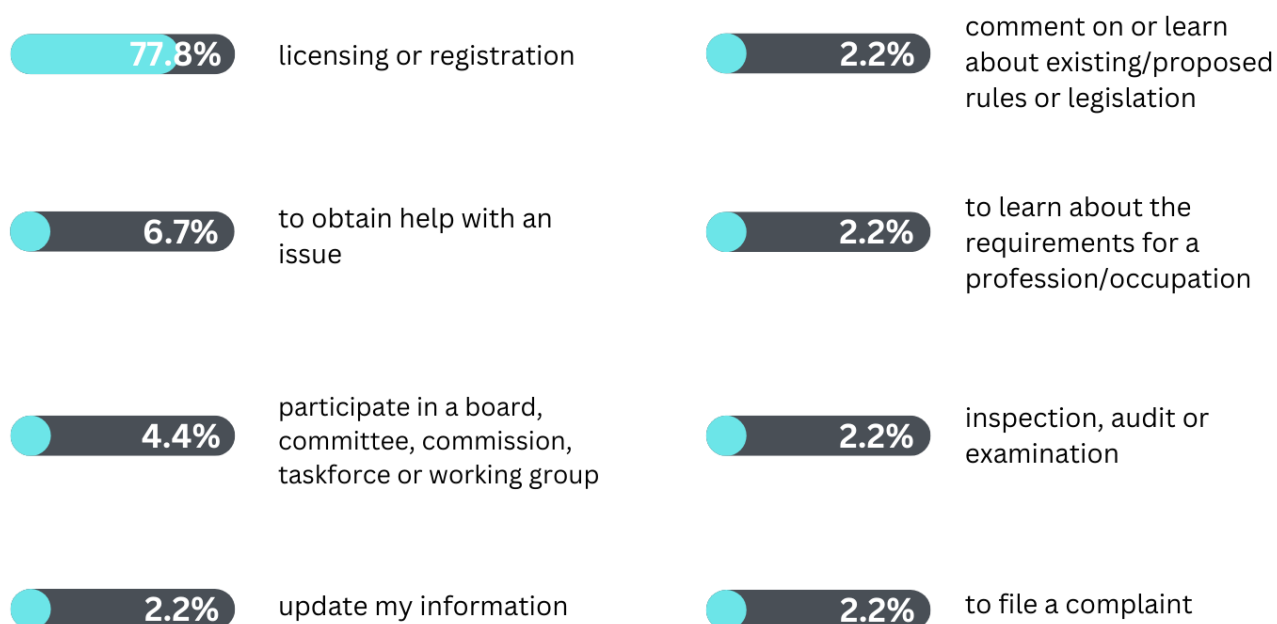
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**In the past year, how many times have you interacted with the Division of Racing Events?  
Please count all forms of interaction (telephone, e-mail, internet or website, regular mail, in person).**



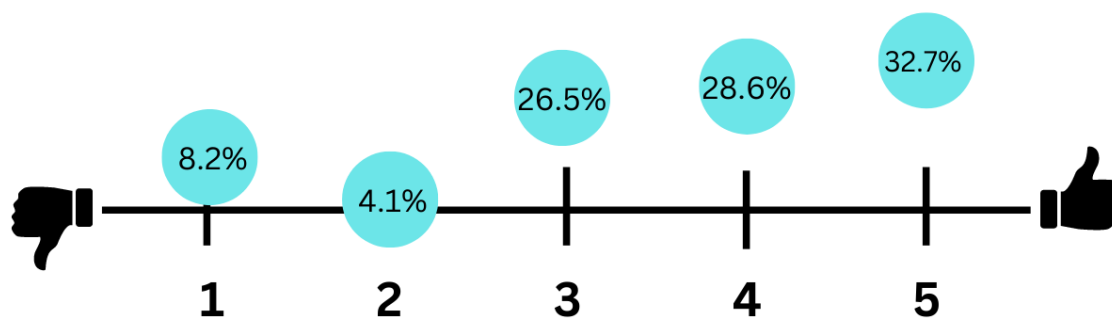
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**What was your primary purpose in interacting with the Commission?**



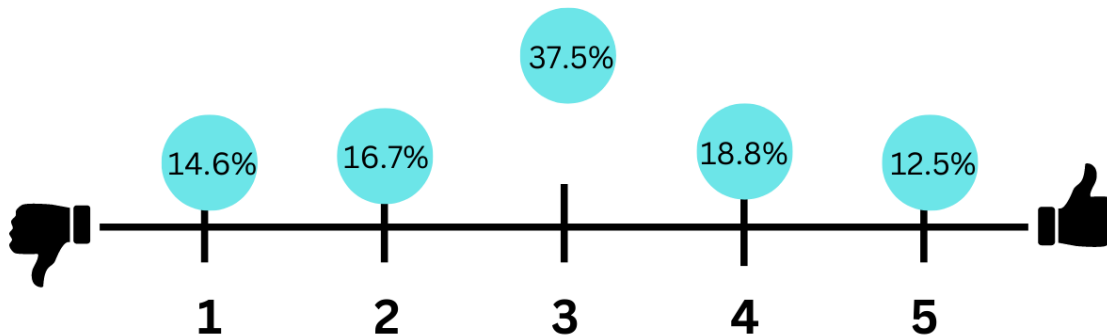
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Overall please rate the service provided by the Division of Racing Events on a scale of 1 to 5 with 1 being unacceptable and 5 being very acceptable.



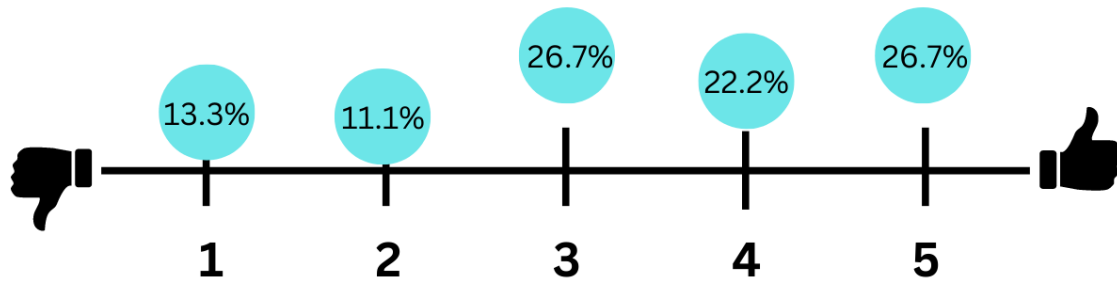
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Please rate the usefulness of the Division of Racing Events website in answering your questions or providing needed information on a scale of 1 to 5 with 1 being not very useful and 5 being very useful.



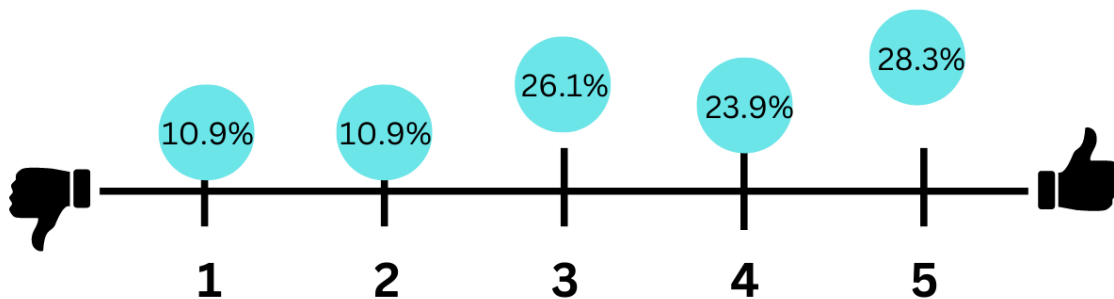
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Please rate the usefulness of the Division of Racing Events communications in answering your questions or providing needed information on a scale of 1 to 5 with 1 being not very useful and 5 being very useful.

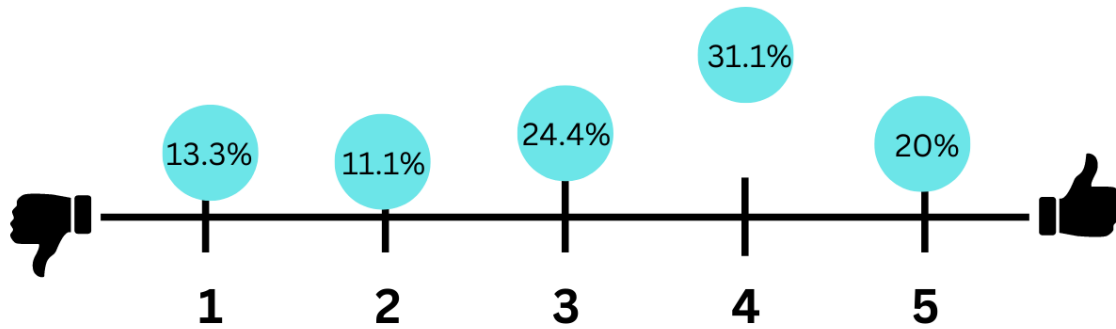


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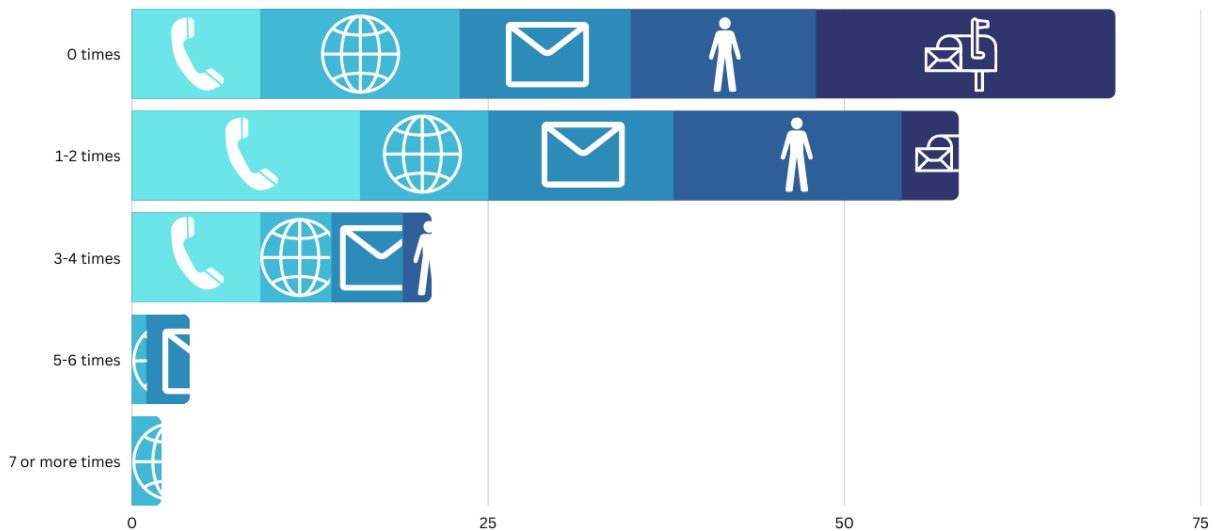
Regardless of the outcome of your most recent issue, do you feel the Division of Racing Events listened to your concerns? Please use a scale of 1 to 5, with 1 being none of my concerns were heard and 5 being all of my concerns were heard.



Please rate the timeliness of the Division of Racing Events in responding to your issues on a scale of 1 to 5 with 1 being very untimely and 5 being very timely.

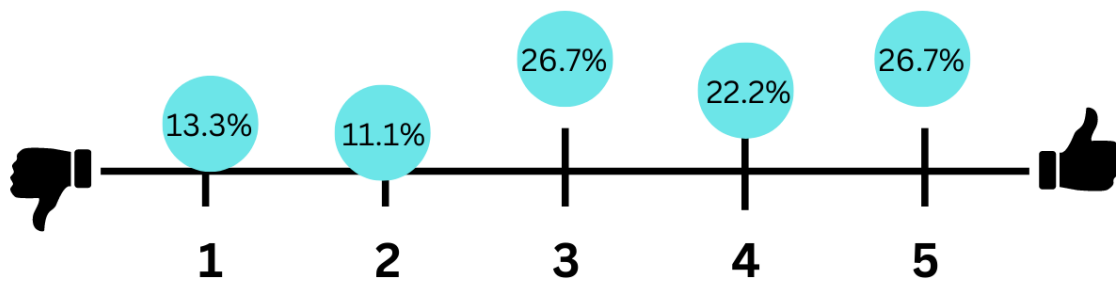


Please provide the number and types of interactions that were required to resolve or address your most recent issue. (Please select all applicable types of interactions used AND the number times for each type interaction selected.)



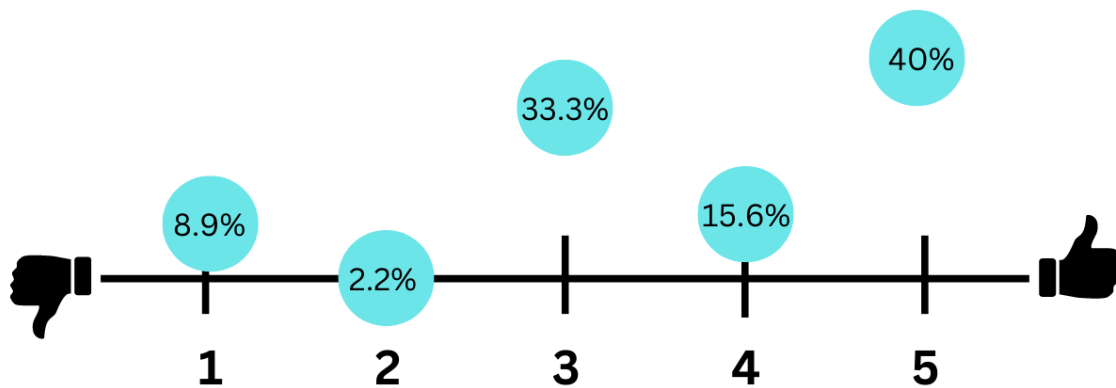
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Please rate the helpfulness of the Division of Racing Events in resolving your issue or need with 1 being not very helpful and 5 being very helpful.



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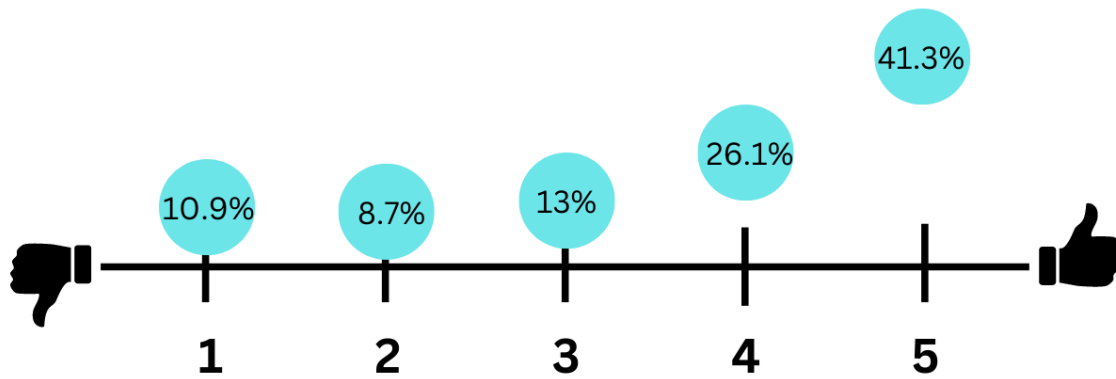
Please rate the professionalism of the program's staff on a scale of 1 to 5 with 1 being very unprofessional and 5 being very professional.





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On a scale of 1 to 5 please rate the accuracy of information provided by the agency with 1 being not very accurate and 5 being very accurate.



## Appendix B - License and Registration by Classification and Calendar Year

The following table provides the businesses and occupations licensed or registered by the Division over a five-year period.

Classification	2017	2018	2019	2020	2021
<b>Major Business Licenses</b>					
Simulcast facility	10	10	12	12	12
Tote Company	1	1	1	1	1
Horse racetrack	1	1	1	1	1
<b>Total</b>	<b>12</b>	<b>12</b>	<b>14</b>	<b>14</b>	<b>14</b>
<b>Minor Business Licenses</b>					
Adoption program/welfare	4	3	4	4	4
Concessions/food service	1	0	0	0	5
Kennel operator/owner	4	4	4	2	2
Photo finish business	1	1	1	1	1
Satellite communications	1	1	1	1	1
Training track	1	1	1	1	1
Video company	1	1	1	1	1
<b>Total</b>	<b>13</b>	<b>11</b>	<b>12</b>	<b>10</b>	<b>14</b>
<b>Key Licenses</b>					
Assistant general manager	4	4	4	4	5
Association steward	1	1	1	1	1
Simulcast facility manager	3	3	4	4	3
General manager/track	1	1	1	1	1
Mutuel manager	4	4	4	4	5
Simulcast facility manager	2	2	3	2	2
Racing secretary	1	1	1	1	1
Security director	1	1	1	1	1
Tote operator	1	1	1	1	1

<b>Total</b>	<b>18</b>	<b>18</b>	<b>20</b>	<b>19</b>	<b>20</b>
<b>Support Licenses</b>					
Apprentice jockey	1	2	3	1	2
Assistant mutuel manager	4	3	4	4	3
Assistant starter	1	1	1	1	3
Assistant trainer	6	6	4	4	4
Authorized agent	9	8	10	13	15
Clerk of scales	1	1	1	1	1
Director of simulcast	1	1	1	1	1
<b>Classification</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>
<b>Support Licenses (Continued)</b>					
Horsemen's bookkeeper	1	1	1	1	1
Identifier	1	1	1	1	1
Jockey	33	42	38	49	26
Jockey agent	1	2	3	4	3
Money room manager	4	5	5	4	5
Mutuel employee	72	101	53	53	67
Off-track betting manager	10	10	12	12	12
Simulcast facility manager	7	9	7	9	9
Horse Owner	59	114	104	137	62
Security guard	9	7	11	5	7
Starter	1	1	1	1	1
Tote technician	3	7	3	9	8
Trainer	54	110	131	124	58
Veterinarian tech/assistant	4	4	6	6	5
Veterinarian	2	2	4	2	3
Video operator	4	4	4	4	4
<b>Total</b>	<b>264</b>	<b>419</b>	<b>383</b>	<b>420</b>	<b>269</b>
<b>Registrations</b>					
Announcer	1	1	1	1	1

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Assistant starter	9	7	10	6	3
Clocker	1	1	1	1	1
Exercise rider	21	17	13	18	11
Groom	45	64	90	140	53
Maintenance employee	4	4	4	4	4
Outrider	2	2	2	2	2
Photographer/photo finish	2	2	2	2	2
Plater	3	4	2	6	2
Pony person	6	7	14	9	5
Track superintendent	1	1	1	1	1
Valet	1	1	1	1	1
<b>Total</b>	<b>96</b>	<b>111</b>	<b>141</b>	<b>191</b>	<b>86</b>