

NEW MEXICO HORSE RACING COMMISSION

MINUTES OF THE MEETING

Date: August 23, 2018 at 9:30 AM

Place: Ruidoso Downs Race Horse Hall of Fame Room, 26225 US Highway 70, Ruidoso Downs, NM

Members Present: Chairman Ray Willis; Vice-Chairman Gayla McCulloch; Commissioner Jerry Cosper, DVM, Commissioner Ken Corazza, and Commissioner Leonard Blach, DVM

NMRC Staff Participating: NMRC Executive Director Ismael Trejo; NMRC Manager Rosemary Garley; NMRC Paralegal Tina Marie Arce

Others Present/Participating: Assistant Attorney General James A. Hayes

AGENDA ITEM	TRANSCRIPT PAGE NUMBER(S)	DISCUSSION / CONCLUSIONS / RECOMMENDATIONS	ACTION TAKEN
Call to Order and Roll Call	00:00 to 00:21	Meeting called to order by Chairman Willis. Roll call was taken by NMRC Paralegal Tina Arce. Assistant Attorney General James A. Hayes is present.	No Action Taken.
Approval of Agenda	00:22 to 00:1:05	Chairman Willis asked Executive Director Ismael Trejo if there were any changes to the Agenda. Izzy Trejo, Executive Director of the NMRC stated that F second bullet point should be a ratification and moving 7E to 7K.	Motion to approve with changes by Commissioner Cosper; Second by Vice-Chairman McCulloch. Motion carried without objections or abstentions.
Minutes- July 30, 2018	00:1:10 to 00:1:42	Chairman Willis requested a motion to approve the minutes of the July 30, 2018 Special Commission Meeting.	Motion to approve by Vice-Chairman McCulloch; Second by Commissioner Blach. Motion carried without objections or abstentions.
Chairman's Agenda	00:1:20 to 00:1:46	Chairman Willis stated that there was not a Medication/Rules Committee.	No Action Taken
NMHBA Report Breeders Report	00:2:00 to 00:4:30	Tom Goncharoff, of the New Mexico Horse Breeders started by saying he was standing in for Executive Director of the NMHBA Mary Barber. The race a day report as follows: Ruidoso Downs has run 144 NM Bred races in 40 days through Sunday, August	No Action Taken

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		19, 2018. 65 TB Overnight, 34 QH Overnight, 26 QH Trials, 7 TB Trials, 6 TB Stakes, 5 QH Stakes and 1 QH overnight Stakes. There were 825 NM Breds that were scheduled to participate in these races for an average of 8.33% NM Breeds per race. In 31 days, 238 NM Breeds ran in open overnight races. Of these 238, 88 NM Breeds came in 1st, 2nd or 3rd, 59 TB and 29 QH for 37% and \$38,463.44 was wire transferred. Downs at Albuquerque has run 103 NM Bred races in 30 days through Sunday, August 19, 2018. 74 TB Overnight, 28 QH Overnight and 1 TB Stakes. There were 901 NM Breds scheduled to participate in these races for an average of 9.19% NM Breeds per race. In 22 days, 246 NM Breeds ran in open overnight races. Of these 246, 68 NM Breeds came in 1st, 2nd or 3rd. for an average of 28%, 18 TB and 50 QH. Wire transferred \$52,857.80. The Breeders had a terrific sale. The Breeders would like to commend Ruidoso Downs for being active in cleaning up racing.	
NMHA Horsemen's Report	00:4:30 and track 2 00:00 to 00:4:35	Pat Bingham, Executive Director of the NMHA and Jay Rader who is the newly appointed President of the NMHA. Mr. Bingham thanked Jeff True for hosting the NMRC Meeting and all of the NMHA who are present and past members. Mr. Bingham also thanked Jeff True for hosting the NMHA Banquet. The horsemen met for a legislature change meeting and it went well. Mr. Rader asked the Board why the test results for the Trials came back late. Mr. Trejo, Executive Director of the NMRC stated that the reason the test results for the Trials came back late was an oversight on the part of the Laboratory.	No Action Taken
NMRC Executive Director Report	00:4:45 to 00:10:00	Izzy Trejo, Executive Director of the NMRC started by saying it's been a very busy month for the Racing Commission. The 6th racing license closed on August 17, 2018. Mr. Trejo stated he will be going to Cloudcroft in September to take questions	No Action Taken.

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		from the Economic Development Committee. The State audit and the FBI audit will be ongoing this year. Commissioner Cosper asked what was done to correct the turnaround times on the testing. Mr. Trejo stated that the Lab has a list of Trials and Finals, and a courtesy email will be going out to the Lab to remind them. Ms. Garley also stated that the trial test cards will be marked accordingly. Commissioner Balch asked if the samples are sent off on Monday after a weekend of Trials, and to expedite that process maybe the Commission can overnight them. Mr. Trejo stated that nobody is at the Lab on Sunday so that wouldn't be possible, but that with the new protocols they have put in place, he doesn't see a delay in the future.	
Unfinished/ New Business and/or Action Items Regarding Licensing: Rules Hearing	00:10:04 to 00:36:30	1. Subsection D of 15.2.1.7 NMAC (Definitions beginning with the letter "d") was read into the record by Rosemary Garley 2. Subsection N of 15.2.1.7 NMAC (Definitions beginning with the letter "n") was read into the record by Rosemary Garley 3. Subsection C of 15.2.1.9 NMAC (Proceedings by the Commission) was read into the record by Rosemary Garley. Pat Bingham of the NMHA stated that the rule should read "Production" of books" not "product". 4. Subsection W of 15.2.2.8 NMAC (Stakes and Escrow Requirements) was read into the record by Rosemary Garley 5. Subsection D of 15.2.3.8 NMAC (Horsemen's Bookkeeper) was read into the record by Rosemary Garley 6. Subsection B of 15.2.5.8 NMAC (Entries and Nominations) was read into the record by Rosemary Garley 7. Subsection B of 15.2.6.8 NMAC (Veterinary Practices) was read into the record by Rosemary Garley. Commissioner Corazza clarified that a compounded drug expires 30 days from the day it was prepared by state law and a compounded drug should be for one horse only for one purpose only.	No Action Taken.

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		8. 15.2.6.9 NMAC (Medications and Prohibited Substances) was read into the record by Rosemary Garley 9. Subsection C of 15.2.6.9 NMAC (Medication Restrictions) was read into the record by Rosemary Garley 10. Subsection J of 15.2.6.9 NMAC (Out of Competition Testing) was read into the record by Rosemary Garley 11. Subsection B of 15.2.6.10 NMAC (Sample Collection) was read into the record by Rosemary Garley. Susan Vescovo commented that the stricken verbiage should be reinstated. Assistant Attorney General James Hayes stated that the verbiage could be deleted. Izzy Trejo, NMRC Executive Director stated that it was determined in Committee that there is no document named "International drug testing and quality assurance program external chain of custody guidelines" from ARCI and therefore the verbiage can be struck. Commissioner Blach asked to put the verbiage "NMRC official veterinarian and NMRC agency director" Rosemary Garley confirmed what Commissioner Blach was asking to do with this rule. 12. New Subsection G of 16.47.1.12 NMAC (Jockey Suspensions and Designated Races) was read into the record by Rosemary Garley. Vice-Chairman McCulloch asked if this was taken directly from ARCI and Rosemary Garley answered yes. Rules Hearing Adjourned at 10:17am.	
Unfinished/ New Business and/or Action Items Regarding Licensing: Rules Adoption	00:36:31 to 00:43:07	Motion to adopt Subsection D of 15.2.1.7 NMAC (Definitions beginning with the letter "d") by Commissioner Cosper; Second by Commissioner Blach. Motion to adopt Subsection N of 15.2.1.7 NMAC (Definitions beginning with the letter "n") by Vice-Chairman McCulloch; Second by Commissioner Cosper. Rosemary Garley asked if the verbiage should be "with" or "by" and the NMHBA stated the verbiage should be "by". Motion to adopt with change of 'Product' to 'Production'	All Motions approved without objections or abstentions.

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		Subsection C of 15.2.1.9 NMAC (Proceedings by the Commission) by Vice-Chairman McCulloch; Second by Commissioner Cosper. Motion to adopt Subsection W of 15.2.2.8 NMAC (Stakes and Escrow Requirements) by Vice-Chairman McCulloch; Second by Commissioner Cosper. Motion to adopt Subsection D of 15.2.3.8 NMAC (Horsemen's Bookkeeper) by Vice-Chairman McCulloch; Second by Commissioner Cosper. Motion to adopt Subsection B of 15.2.5.8 NMAC (Entries and Nominations) by Vice-Chairman McCulloch; Second by Commissioner Cosper. Motion to adopt Subsection B of 15.2.6.8 NMAC (Veterinary Practices) by Vice-Chairman McCulloch; Second by Commissioner Cosper. Motion to adopt 15.2.6.9 NMAC (Medications and Prohibited Substances) by Commissioner Blach; Second by Commissioner Cosper. Motion to adopt Subsection C of 15.2.6.9 NMAC (Medication Restrictions) by Commissioner Blach; Second by Commissioner Cosper. Motion to adopt Subsection J of 15.2.6.9 NMAC (Out of Competition Testing) by Vice-Chairman McCulloch; Second by Commissioner Cosper. Motion to adopt Subsection B of 15.2.6.10 NMAC (Sample Collection) with changes of verbiage "NMRC official veterinarian or the NMRC Executive Director" by Commissioner Blach; Second by Commissioner Cosper. Motion to adopt New Subsection G of 16.47.1.12 NMAC (Jockey Suspensions and Designated Races) by Commissioner Cosper; Second by Vice-Chairman McCulloch.	
Approval of 2018 Zia Park Stewards	00:43:08 to 00:43:45	Izzy Trejo, Executive Director of the NMRC requested approval of the 2018 Zia Park Stewards. Violet Smith as Presiding Steward, Jillian Cathey and Reuben Rivera.	Motion to approve Stewards by Commissioner Blach; Second by Commissioner Cosper. Motion carried without objections or abstentions.

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Ratification of Approval for Substitution of the DAA Official Veterinarian	00:43:53 to 00:44:06	Izzy Trejo, Executive Director of the NMRC requested approval for the Substitution of the DAA Official Veterinarian.	Motion to approve DAA Official Veterinarian by Commissioner Blach; Second by Vice-Chairman McCulloch. Motion carried without objections or abstentions.
Approval for Downs at Albuquerque • Second Quarter 2018 Simulcast Expense Adjustment • Ratification of Approval to cancel 4 races on Wednesday, August 1, 2018	00:44:07 to 00:45:20	Don Cook, Downs at Albuquerque thanked Jeff True for hosting the meeting. Mr. Cook requested approval for their Second Quarter 2018 Simulcast Expense Adjustment. Horsemen approval and there are no changes were received from the NMRC. Mr. Cook requested approval to ratify the cancellation of four races on Wednesday, August 1, 2018.	Motion to approve Second Quarter 2018 Simulcast Expense Adjustment by Vice-Chairman McCulloch; Second by Commissioner Blach. Motion to ratify approval to cancel races by Vice-Chairman McCulloch; Second by Commissioner Blach. Motion carried without objections or abstentions.
Approval for Ruidoso • Ratification of Approval to cancel races 5-10 on Friday July 27, 2018 • Change in All American Trials Post Times	00:46:06 to 00:48:51	Jeff True, of Ruidoso Downs Racetrack and Casino requested ratification of approval to cancel races 5-10 on Friday, July 27, 2018. Mr. True requested a ratification of the change in All American Trials Post times. Mr. True introduced the owners of Ruidoso Downs.	Motion to ratify approval to cancel races by Vice-Chairman McCulloch; Second by Commissioner Blach. Motion to ratify approval of change of post times by Commissioner Blach; Second by Vice-Chairman McCulloch. Motion carried without objections or abstentions.
Approval for Sunland Park • 2018-19 First Condition Book • 2018-19 Stakes Schedule • Nomination Blanks, Shue Fly, West Texas Maturity, West Texas Derby, NM Spring Futurity,	00:48:53 to 00:50:33	Dustin Dix, Director of Racing for Sunland Park thanked everyone at Ruidoso Downs for hosting the meeting. Mr. Dix requested approval of 2018-19 First Condition book, 2018-19 Stakes Schedule, Nomination Blanks and Gaming and Breakage.	Motion to approve 2018-19 First Condition Book by Vice-Chairman McCulloch; Second by Commissioner Blach. Motion to approve 2018-19 Stakes Schedule by Vice-Chairman McCulloch; Second by Commissioner Cosper. Motion to approve Nomination Blanks and Gaming and Breakage by

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• West Texas Futurity, Copper Top • Gaming and Breakage			Vice-Chairman McCulloch; Second by Commissioner Cosper.
Approval for Zia Park • Racing Officials	00:50:34 to 00:52:09	Matt Crawford, of Zia Park thanked Jeff True for the accommodations. Mr. Crawford requested approval of Zia Park's racing officials. Izzy Trejo, of the NMRC asked why there were four bookkeepers. Mr. Crawford stated that Arlene Steele the director of finance suggested rotating four to learn the system.	Motion to approve racing officials by Vice-Chairman McCulloch; Second by Commissioner Blach. Motion carried without objections or abstentions.
Announcement of 6th Race Track License Applicants	00:52:10 to 00:1:01:05	Izzy Trejo, NMRC Executive Director stated that the Commission is going to do a double blind draw, to pick where the Commission will go first for the 6th Race Track License Applicants. First position was pulled Clovis, NM, Second position pulled was Lordsburg, NM and third position pulled was Tucumcari, NM. The order of the Clovis, NM applicants to be visited by the Commission will be 1. Full House Resorts, 2. Clovis Racetrack and Casino, and 3. L&M Entertainment. The itinerary for visiting these locations will be announced at a later date. Vice-Chairman McCulloch asked if she could make an adjustment to these presentation, because she would like to group driving to Clovis and Tucumcari together. None of the participants objected to moving Lordsburg as first to be visited and Clovis second. Assistant Attorney General James Hayes stated that if there were no objections, it can be changed.	No Action Taken.

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Public Comment	00:1:01:25 to 00:1:06:47 To 00:1:40:16	Commissioner Blach stated that he would like Stan Sigman to come and explain Ruidoso's security with the dogs. Mr. Sigman stated that they have brought in trained dogs to search vehicles looking for drugs. Commissioner Corazza asked what happens to the dogs when found. Izzy Trejo stated that everything is turned over to the NMRC Investigator and the NMRC Stewards. The recording is inaudible starting at the 00:1:06:47 mark. Larry Strain's comment was inaudible. Debbie Robertson asked to be heard in Executive Session on behalf of Todd Fincher's race appeal. Assistant Attorney General James Hayes stated that it would be up to the Commissioners if they would like to hear any further testimony in Todd Fincher appeal, but that it should be in open Public Session if they allow it. The Commission allowed Ms. Robertson to read her statement in open Public Session and Chairman Willis left the room as he has recused himself from Todd Fincher's appeal due to a horse in the race. Tom McKenna's comment was inaudible. Daryl Winter spoke regarding the ministry at Ruidoso Race track. Tom Martin and Gayla Brumfield commented that they were looking forward to the Commission coming to Clovis. Susan Vescovo commented regarding the new laboratory and in the past the Executive Director allowed a grace period for overages with a new laboratory. Ms. Vescovo does not want NM to have a history of inconsistency.	
In the Matter of Leslie Amestoy	00:1:40:21 to 001:44:12	Leslie Amestoy was tabled until the September 13, 2018 Regular Commission Meeting. The Chairman would like all hearings that the Commission will hear, listed under item 6 and 7 on the Agenda.	Motion to table Leslie Amestoy to September Regular Commission by Chairman Willis; Second by Commissioner Cosper. Motion carried.

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In the Matter of Sal Soto	Ruidoso DVD 00:00 to 00:1:43:23	Attorney Daniel Marquez entered his appearance on behalf of Sal Soto. Assistant Attorney General James Hayes started the hearing. The Oath was given and testimony taken from Mr. Soto's witnesses Mr. Tony Sedillo, Mr. Joe Badilla, Mr. Casey Lambert and Mr. Joel Valeriano. All witnesses were cross-examined. The Oath was given and testimony taken from State Steward Smith's witnesses Mr. Fred Danley, Mr. Doug May, State Steward Reuben Rivera, Mr. Wes Giles and Mr. Richard Ford. All witnesses were cross-examined. Steward Smith entered Rule 15.2.5 NMAC into evidence. Attorney Daniel Marquez entered written objections and Legal Arguments into the Commission and had a Closing Statement. Hearing adjourned.	No Action Taken
Closed Executive Session	Ruidoso DVD 00:1:43:30 to 00:1:48:25	Chairman Willis motioned to go into closed Executive Session with only matters to be discussed being 7A, 7B, 7C, 7D, 7E, 7F, 7G, 7H, 7I, 7J and 7K. Paralegal Tina Arce called Roll, with all Commissioners present. Assistant Attorney General James Hayes, Executive Director Ismael Trejo and Manager Rosemary Garley were in attendance.	Motion to go into Executive Session by Commissioner Willis; Second by Vice-Chairman McCulloch. Motion carried without objections or abstentions and the Commission went into Executive Session.
Licensing/Pending Litigation/Appeals/Hearing Officer Reports (May be Closed pursuant to NMSA 1978, Sections 10-15-1(H)-(1),(3) and (7) and 10-15-1(I))	Track 3 00:05 to 00:26	Chairman Willis called to come out of Executive Session with the only matters discussed being 7A, 7B, 7C, 7D, 7E, 7F, 7G, 7H, 7I, 7J and 7K.	No Action Taken.
In the Matter of Alfredo Sanchez	00:33 to 00:2:55 And 00:8:00 to 00:8:57	James Hayes, Assistant Attorney General, Counsel to the NMRC stated that based on the deliberations in Executive Session it is his recommendation in the matter of Alfredo Sanchez to affirm the findings of the Hearing Officer, her conclusions of law and the recommendations for the Horse "Gonna Rock You" Alfredo	Motion to approve by Vice-Chairman McCulloch; Second by Commissioner Blach. Motion carried without objections or abstentions.

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		Sanchez is assessed a penalty of 180 days and a fine of \$2,500 for the first offense, for the horse "CD Josey Wales" Alfredo Sanchez is assessed a penalty of 60 days and a fine of \$1,000 and for the horse "Gonna Rock you" Alfredo Sanchez is assessed a penalty of 365 days and a fine of \$5,000 for the third offense. The owner Jesus Zubia will be assessed a \$5,000 fine. Mr. Sanchez is not allowed on the grounds of any association under the jurisdiction of the NMRC. Once eligible, Mr. Sanchez must retake and pass the trainer's test prior to the suspension being lifted. The Owners of "Gonna Rock you" and "CD Josey Wales" shall receive disqualification and loss of purse.	
In the Matter of Leslie Amestoy	00:2:56 To 00:3:11	Chairman moves again to table this item until the September 2018 Regular Commission Meeting.	Motion to table Chairman Willis; Second Commissioner Cosper. Motion carried without objections or abstentions.
In the Matter of Rodrigo Gonzalez	003:12 to 00:3:43	James Hayes, Assistant Attorney General, Counsel to the NMRC stated that based on the deliberations in Executive Session it is his understanding that the Commission wishes to accept the decision of the Race Review Committee.	Motion to accept Race Review Decision by Vice-Chairman McCulloch; Second by Commissioner Blach. Motion carried without objections or abstentions.
In the Matter of Todd Fincher	003:50 to 00:4:41	James Hayes, Assistant Attorney General, Counsel to the NMRC stated that based on the deliberations in Executive Session it is his understanding that the Commission wishes to accept the decision of the Race Review Committee. Chairman Willis excused himself during this deliberation. Rosemary Garley was not present in Executive Session during deliberations.	Motion to accept Race Review Decision by Commissioner Corazza; Second by Commissioner Blach. Motion carried with Chairman Willis abstaining.

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In the Matter of Sal Soto	004:54 to 00:7:40	James Hayes, Assistant Attorney General, Counsel to the NMRC stated that based on the deliberations in Executive Session it is his understanding that the Commission wishes to overturn the decision of the Stewards. Mr. Hayes called for a roll call vote. Roll Call Vote outcome is that the Steward's decision will be overturned. No Commission Staff was present in Executive Session during this deliberations.	Roll Call vote" Yes" to uphold Stewards Decision, "No" to overturn Stewards Decision. Commissioner Leonard Blach "No" Commissioner Ken Corazza "No" Chairman Ray Willis "Yes" Vice-Chairman Gayla McCulloch "Yes" Commissioner Jerry Cosper "No"
In the Matter of: • Javier Borunda • Adrian Huitron • Oscar Morales and Ebelyn Rojas • Contract with Industrial Laboratories • 6th Race Track License • Pending Litigation Horsemen	00:7:41 to 00:7:45	Discussions and Updates only	No Action Taken.
Adjournment	00:8:58 to 00:9:05	Chairman Willis called for a motion to adjourn.	Motion to adjourn by Vice-Chairman McCulloch; Second by Commissioner Cosper. Motion carried.

Ray Willis 9-4-18

Chairman Ray Willis

Date

Ismael Trejo

Executive Director Ismael Trejo

9-4-18

Date