

NEW MEXICO HORSE RACING COMMISSION
MINUTES OF THE REGULAR MEETING

Date: August 29, 2019 at 9:07 AM

Place: NMRC Boardroom, 4900 Alameda Blvd. NE, Albuquerque, NM 87113

Members Present: Chairwoman Beverly Bourguet, Vice-Chairman David "Hossie" Sanchez, Commissioner Ken Corazza, Commissioner John Buffington and Commissioner Billy Smith.

NMRC Staff Participating: Executive Director Ismael Trejo and Manager Rosemary Garley.

Others Present/Participating: Assistant Attorney General Gideon Elliot, Esq.

Transcription: Williams & Associates Court Reporting

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Public Session: 1. Call to Order and Roll Call	4	Meeting called to order by Chairwoman Bourguet. Roll call was taken by Rosemary Garley. Assistant Attorney General Gideon Elliott was also present.	No Action Taken.
2. Approval of Agenda	4-5	Chairwoman Bourguet asked if there were any amendments to the agenda; Commissioner Corazza motioned to amend the agenda moving Item 3 behind Item 7 L. Public Comments. Commissioner Corazza's motion and to make this change a permanent change to the agenda.	Motion to amend agenda by Commissioner Corazza; Second by Commissioner Sanchez, Motion passed unanimously.
3.Executive Session:	156-160	Chairwoman Bourguet motioned to go into closed	Motion to go into

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<p>Licensing/Pending Litigation/Appeals/Hearing officer Reports/Employment Contracts:</p> <ul style="list-style-type: none"> A. In the Matter of Trainer Miguel Hernandez (Race Appeal) B. In the Matter of Owner Arden Sue Floyd (Race Appeal) C. In the Matter of Jockey Jose Ramirez (Ruling Appeal) D. In the Matter of Trainer Gene Burden (Hearing Officer's Report) E. In the Matter of Trainer Jon Arnett & Larry Hagemerir (Hearing Officer's Report) F. In the Matter of Manuel V. Orozco & Owner Dana Cheiko-Yoshida Orozco (Licensing) G. In the Matter of Fernando Garcia (Order to Show Cause) H. In the Matter of Arnaldo Carrillo/Jorge Carrillo-Gutierrez (Hearing Officer's Report) I. 2019-2020 Race Dates J. Substitution of Hearing Officer 		<p>Executive Session with only matters to be discussed as:</p> <ul style="list-style-type: none"> A. In the Matter of Trainer Miguel Hernandez (Race Appeal) B. In the Matter of Owner Arden Sue Floyd (Race Appeal) C. In the Matter of Jockey Jose Ramirez (Ruling Appeal) D. In the Matter of Trainer Gene Burden (Hearing Officer's Report) E. In the Matter of Trainer Jon Arnett & Larry Hagemerir (Hearing Officer's Report) F. In the Matter of Manuel V. Orozco & Owner Dana Cheiko-Yoshida Orozco (Licensing) G. In the Matter of Fernando Garcia (Order to Show Cause) H. In the Matter of Arnaldo Carrillo/Jorge Carrillo-Gutierrez (Hearing Officer's Report) I. 2019-2020 Race Dates J. Substitution of Hearing Officer <p>NMRC Manager Rosemary Garley called Roll, with all Commissioners present. Manager Garley, AAG Gideon Elliot and Director Trejo were in attendance during executive session.</p>	<p>closed Executive Session by Commissioner Corazza; Second by Commissioner Sanchez. Motion passed unanimously.</p>

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4. Approval of Minutes: A. 1. August 1, 2019	5	Chairwoman Bourguet requested a motion to approve the minutes of the August 1, 2019 Regular Meeting.	1. Motion to approve August 1, 2019 Minutes by Commissioner Smith; Second by Commissioner Buffington. Motion carried unanimously.
5. Chairman's Agenda A. 1. AQHA Racing Council Summer Meeting	5-14	Chairwoman Bourguet gave a brief report on the AQHA meeting that she attended at Ruidoso. After the report was given, other members of the Commission and members of the public spoke on the positive and negative aspects of what the AQHA has done in the past and is working to do in the future. Don Cook of the Downs at Albuquerque was asked to speak about the Championship Challenge races that will be held at the State Fairgrounds racetrack on October 26, 2019. He gave a brief overview of the festivities that are planned for the this event and invited everyone to attend.	No Action Taken.
2. August 27, 2019 - Race Dates Committee Meeting	14	Commissioner Buffington informed everyone that a lively discussion was held and input was received from all parties. He stated that he was committed to start the process earlier next year on race dates discussions.	No Action Taken.
3. August 28, 2019 - Medication/Rules	14-15	Commissioner Corazza stated that the most	No Action Taken.

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Committee Meeting		effective item that was done during this meeting was a rule change regarding mitigating and aggravating factors. It was agreed that many rules passed will assist the Commission in regulating the industry.	
6. Agency Director Reports: A. NMHBA	16-26	Mary Barber, Executive Director, presented the Race a Day Report for Ruidoso Downs for their first 47 days of their race meet and the Downs at Albuquerque's first 31 days. Ms. Barber continued to give a report on New Mexico Breds in open overnight races reports and provided a break downs of the average field size by Quarter Horses and Thoroughbreds. She was happy to report that the NM Bred sale at Ruidoso was up 13.1 percent. Ms. Barber commented on the purse increase for 2020 New Mexico State Fair futurities and derbies. She completed her presentation with the New Mexico Horse Breeders' concern with the changes to the Ruidoso 2020 nominations blanks that were presented to the NMHBA the day before. A discussion ensued between Ruidoso Downs management, Ms. Barber and Commissioners. All were in agreement that prior to printing of the nomination blanks in question, management would work with the NMHA and the NMBA and get approval from the Commission.	No Action Taken.

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B. NMHA 1. Workman's Comp Insurance	26	Mr. Jay Radar president of the New Mexico Horsemen's Association spoke briefly on the Workmen's Comp Insurance pamphlet that was given to each Commissioner. Mr. Radar stated it has been discussed that the money would come out of the purse fund.	No Action Taken.
2. Cost of Walkers at Zia Park	26	Mr. Jay Radar, president of the New Mexico Horsemen's Association informed the Commission that the walker issued had been resolved.	No Action Taken.
3. Ruidoso Downs Closing Date & Zia Park's Opening Date	27-36	Mr. Jay Radar, president of the New Mexico Horsemen's Association stated that due to Ruidoso Downs closing on September 9th and Zia Park opening on the same day, there is not enough time for horsemen to get their horses moved in one day. He stated he has spoken to management at both tracks to see if there could be something done with the closing and opening dates, but to no avail. A discussion ensued with comments taken from the Horsemen's group, management of both tracks and Commissioners.	No Action Taken.
C. Jockey's Guild 1. Presentation by Mindy Coleman	36-54	Ms. Mindy Coleman, of the Jockey's Guild gave a brief introduction of the purpose of the Guilds and what they do and how they work with the industry and the regulators of the horse racing industry. Ms. Coleman touched on the background and history of the Guild, the jockey membership of New Mexico, their involvement in assisting in developing of rules that safeguard the jockeys, etc. She spoke of the	No Action Taken.

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		Guilds' concern of the use of the riding crop.	
D. Executive Director Report	55-77	Ismael "Izzy" Trejo, Executive Director of the NMRC, informed the Commissioners that he and his staff were working towards filling three positions within the Agency. Director Trejo commended the staff at the Racing Commission for doing an incredible job of keeping the pace since they've had to work shorthanded for the past couple of months. He updated the Commission of where the Commission was as far as the Budget, he thanked Sunland Park for their assistance during the out of competition session held on August 6 that was held at their facility, mentioned All American Weekend was this weekend, and reiterated that September 3, 2019 was the date of the pre race inspection of Zia Park. Director Trejo answered questions regarding the hiring process for investigators, full time legal counsel, hair testing, how results are handled within the Commission office, handling of medication violations within the Commission office and the handling of issuing trainer's tests.	No Action Taken.
Break 10:58 am to 11:15 AM			
7. Unfinished/New Business and/or Action Items Regarding Licensing: A. Ratification of Approval of Change in Ruidoso Downs Stewards	77-78	Director Trejo requested ratification of approval of Mr. Walter Soes as a Substitute Steward at Ruidoso Downs during the stewards transition for a total of 3 days and Jerry Burgess as Ruidoso Steward for the remainder of the 2019 race meet.	Motion to ratify approval of Walter Soes by Commissioner Corazza; Second Commissioner Smith.

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			<p>Motion passed unanimously.</p> <p>Motion to ratify approval of Jerry Burgess by Commissioner Smith; Second Commissioner Buffington. Motion passed unanimously.</p>
B. Approval of 2019 Zia Park Stewards	78-87	Director Trejo requested approval for Ron Walker, Victor Escobar and Bobby Granger to serve as the stewards for the 2019 Zia Park race meet. A discussion was held as how stewards are chosen, how it is determined if a steward is up-to-date on their CE and if they are accredited. Director Trejo stated he would provide the Commissioner with a roster of which tracks stewards have worked in New Mexico.	Motion to approve by Commissioner Corazza; Second by Commissioner Buffington. Motion passed with Commissioner Sanchez opposing.
C. Substitution of Hearing Officer	87-88	AAG Gideon Elliot requested this be tabled until the Commission had completed the items in executive session and return to open session.	Motion to table until later in the meeting by Commissioner Smith; Second Commissioner Buffington. Motion passed unanimously.
D. Test Results Notifications	87-88	AAG Gideon Elliot requested this be tabled until the	Motion to table until

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	179-181	<p>Commission had completed the items in executive session and return to open session.</p> <p>After the Commission came out of Executive Session, Director Trejo gave an update on the which staff members received test results and the turnaround time of notification of medication violations. Director Trejo stated that test results are sent to the Equine Medical Advisor, Executive Director, and two Managers of the Commission; Out of Competition test results are sent to the Equine Medical Advisor, Executive Director, two Managers and one Investigator. He continued to inform everyone that when a medication violation is involved, supporting documentation is compiled by one of the managers and supporting documentation is sent to the Equine Medical Advisor, Executive Director, an Investigator and the Board of Stewards. If the medication violation involves an Out of Competition sample, the investigator compiles the documentation and emails the supporting documentation to the Equine Medical Director, Executive Director and Board of Stewards. The turnaround time to get this information out is 24 hours.</p>	<p>later in the meeting by Commissioner Smith; Second Commissioner Buffington. Motion passed unanimously.</p> <p>No Action Taken</p>
E. 2019-2020 Race Dates	88-96	Discussion was held regarding moving this item to	No Action Taken

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	165-178	<p>closed session, it was decided after all tracks had presented their race date proposals, the Commission would come back to this item to vote on.</p> <p>Commissioner Buffington presented the following dates for approval:</p> <ul style="list-style-type: none"> • Sunland Park December 26, 2019 thru April 21, 2020 a total of 68 days • SunRay Park April 24 thru June 7, 2020, a total of 21 days • Ruidoso Downs May 22 thru September 7, 2020, a total of 50 days • Downs at Albuquerque July 17 thru August 29, 2020, a total of 27 days • New Mexico State Fair August 30 thru September 20, a total of 17 days • Zia Park September 21 thru December 22, 2020, a total of 54 days. <p>There was discussion regarding how many weeks each track would run, the days racing would be conducted, tracks staying open for training, overlap, etc.</p>	<p>Motion to approve the dates by Commissioner Buffington; Second by Commissioner Smith. Motion passed unanimously.</p>

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F. Approval for Sunland Park 1. Request for Approval of 2020 Primary Application/2020 Race Dates	96-106	Dustin Dix, Director of Racing for Sunland Park request approval of December 26, 2019 through April 21, 2020, for a total of 17 weeks with their first entry day as December 19, 2019. They will be running a total 68 race dates, 9 races on Tuesdays & Fridays and ten races on Saturdays and Sundays. A discussion was held regarding the interpretation of having a gap between race meets, Quarter Horse racing, and a simulcast license.	No Action Taken.
2. Request for Approval of 2020 Simulcast License	181	Mr. Dix, once again requested approval of a 2020 Simulcast License for Sunland Park.	Motion to approve by Commissioner Corazza; Second Commissioner Smith. Motion passed unanimously.

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			Motion passed unanimously.
2. Request for Approval of 2020 Simulcast License	182-183	Don Cook, Downs at Albuquerque requested approval of a 2020 Simulcast License.	Motion to approve by Commissioner Corazza; Second by Commissioner Smith. Motion passed unanimously.
3. Request for Approval of Second Quarter Simulcast Expense Adjustment	122-123	Don Cook of the Downs at Albuquerque, requested approval of the Expense Adjustment as presented.	Motion to Approve 2nd Quarter Simulcast Adjustment by Commission Smith; Second Commissioner Buffington. Motion passed unanimously.
I. New Mexico State Fair 1. 2020 Primary Application & 2020 Race Dates	112-118	Don Cook of the Downs at Albuquerque, representing the New Mexico State Fair, requested approval of 17 race days; August 30 through September 20, 2020. They would be running nine races during the week and ten races on the weekend. Discussion was held regarding night racing, overlap with other New Mexico racetracks, etc.	No Action Taken.

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	183	Don Cook of the Downs at Albuquerque representing the New Mexico State Fair requested approval of the 2020 Primary Application.	Motion to approve by Commissioner Corazza; Second by Commissioner Smith. Motion passed unanimously.
2. Request for Approval of 2020 Nomination Blanks-NMSF Quarter Horse Futurity; NMSF Quarter Horse Derby; NMSF Thoroughbred Futurity; La Fiesta QH Futurity and La Fiesta QH Derby.	118-123	Don Cook, of the Downs at Albuquerque, requested approval of the nomination blanks as submitted. Mary Barber of the NMHBA informed the Commission there were not objects to the blanks from the Breeders.	No Action Taken
	185-186	Paul Blanchard of the Downs at Albuquerque representing the New Mexico State Fair requested approval of the 2020 NMSF Nomination Blanks.	Motion to approve by Commissioner Corazza; Second by Commissioner Smith. Motion passed unanimously.

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			Corazza; Second by Commissioner Smith. Motion passed unanimously.
3. Request for Ratification of Approval to Cancel Races 5-10 on August 9, 2019	133-134	Jeff True, General Manager of Ruidoso Downs requested ratification of approval given to cancel races on August 9, 2019 due to a thunderstorm	Motion to ratify approval to cancel races by Commission Buffington; Second by Smith. Motion carried unanimously.
L. Public Comment	134-151	<p>Billy Blackburn - requested the Commission allow attorneys and their clients to appear before the Commission prior to any making a decision on a Hearing Officer's Report.</p> <p>Leslie Fincher - commented on running distances, the overlap between racetracks and a track running 17 days.</p> <p>Larry Strain - Stated he is the Chairman of Zia Park Committee and was there to comment regarding the race dates and the weather conditions during the Hobbs meet in December.</p> <p>Laura Bonar - Commented on reports on recent medication violations regarding New Mexico horses that she had reviewed. She spoke about what she believed was the misuse of therapeutic drugs and the quality of the reports on file.</p>	No Action Taken.

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7. Licensing/Pending Litigation/Appeals/Hearing Officer Reports/Employment Contracts (pursuant to NMSA 1978 Sections 10-15-1 (H) (1), (2), (3) and (7) and 10-15-1 ((I)) G. In the Matter of Fernando Garcia (Order to Show Cause)	151-155	Mr. Garcia went before the members of the Commission and presented his request to obtain a license as a groom.	No Action Taken.
Open Session Resumes	160	Chairwoman Bourguet announced the Commission was now in open session and affirmed that the Commission discussed only those matters specified in the motion to close the meeting in accordance with Section 10-15-1 (J).	
3.Executive Session: Licensing/Pending Litigation/Appeals/Hearing officer Reports/Employment Contracts: A. In the Matter of Trainer Miguel Hernandez (Race Appeal)	160-161	AAG Gideon Elliot, stated it was his understanding that the members of the Commission would like to uphold the Stewards ruling.	Motion to uphold Stewards ruling by Commissioner Smith; Second Commissioner Corazza. Motion passed unanimously.

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B. In the Matter of Owner Arden Sue Floyd (Race Appeal)	161	AAG Gideon Elliot, stated it was his understanding the members of the Commission would like to uphold the Race Review's Recommendation.	Motion to uphold recommendation by Commissioner Smith; Second by Commissioner Buffington. Motion passed unanimously.
C. In the Matter of Jockey Jose R. Ramirez (Ruling Appeal)	161-162	AAG Gideon Elliot stated it was his understanding the members of the Commission would like to uphold the Stewards' decision.	Motion to uphold the Stewards' decision by Commissioner Smith; Second Buffington. Motion passed unanimously.
D. In the Matter of Trainer Gene Burden (Hearing Officer's Report)	162	AAG Gideon Elliot stated it was his understanding the members of the Commission wished to adopt the Hearing Officer's Proposed Findings of Fact and Conclusion of Law and impose a Penalty of \$1,000 which must be paid within 30 days of the signed order.	Motion to approve by Commissioner Smith; Second Commissioner Buffington. Commissioner Sanchez recused himself. Motioned passed 4-0.
E. In the Matter of Trainer Jon Arnett & Owner Larry Heigermeier (Hearing Officer's Report)	162-163	AAG Gideon Elliott stated it was his understanding the members of the Commissioner wished to adopt the Hearing Officer's Proposed Findings of Fact and Conclusions of Law and impose a penalty on Trainer Jon Arnett a 1 year suspension and a \$10,000 fine. And as to the owner, Larry Heigermier, impose a loss of purse and disqualification and that the horse must be placed on the vet's list for 90 days and pass	Motion to approve by Commissioner Smith; Second Commissioner Buffington. Commissioner Sanchez recused himself. Motion

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		a Commission approved exam before becoming eligible to be entered.	passed 4-0.
F. In the Matter of Manuel V. Orozco & Owner Dana Cheiko-Yoshida Orozco (Licensing)	163-164	AAG Gideon Elliott stated it was his understanding the members of the Commission wished to assign this case to be re-heard by the Commission's Hearing Officer.	Motion to approve by Commissioner Smith; Second Commissioner Corazza Motion passed unanimously.
G. In the Matter of Fernando Garcia (Order to Show Cause)	163	AAG Gideon Elliott stated it was his understanding the members of the Commission wished to deny his application for a license.	Motion to deny application for license by Commissioner Smith; Second Buffington. Motion passed unanimously.
H. In the Matter of Arnoldo Carrillo/Jorge Carrillo-Gutierrez (Hearing Officer's Report)	164	AAG Gideon Elliott stated it was his understanding the members of the Commission wished to dismiss this matter.	Motion to dismiss by Commissioner Smith; Second Commissioner Corazza. Motion passed unanimously.
Adjournment		Chairwoman Bourguet called for a motion to adjourn. The meeting adjourned at 3:38 PM.	Motion to adjourn by Commissioner Corazza; Second by Commissioner Smith. Motion passed unanimously.


 30 Sept 19
 Chairwoman Bourguet Date


 9-30-19
 Executive Director Ismael Trejo Date