

Page 1	Page 3
1 BEFORE THE STATE OF NEW MEXICO RACING COMMISSION	1 INDEX
2 FINAL AGENDA	2 **TRANSCRIPT OF PROCEEDINGS**
3	3 ROLL CALL AND APPROVAL OF MINUTES 5
4	4 OPENING STATEMENT BY HEARING COMMISSIONER BOURGUET 5
5	5 APPROVAL OF AGENDA 5
6	6 APPROVAL OF MINUTES 5
7	7 CHAIRMAN'S AGENDA 5
8	8 AGENCY DIRECTOR REPORTS 15
9	9 UNFINISHED/NEW BUSINESS AND/OR ACTION ITEMS REGARDING LICENCING 77
10	10 PUBLIC COMMENT 134
11	11 LICENSING/PENDING LITIGATION/APPEALS/HEARING OFFICER 160
12	12 REPORTS/EMPLOYMENT CONTRACTS PURSUANT TO NMSA 1978, SECTIONS 10-5-1(H)-(1)(2)(3) AND (7) AND 10-151-(I)
13	13
14	14 ADJOURNMENT 186
15	15
16	16 REPORTER'S CERTIFICATE 188
17	17
18	18
19	19
20	20
21	21
22	22
23	23
24	24
25	25

Page 2	Page 4
1 APPEARANCES	1 PROCEEDINGS
2 Racing Commission Members:	2 HEARING CHAIRMAN COMMISSIONER BOURGUET: We have a
3 BEVERLY BOURGUET (HEARING COMMISSION CHAIRMAN)	3 situation on the freeway right now. Our attorney cannot be
4 COMMISSIONER JOHN BUFFINGTON	4 here, and so what we're going to need to do is move to move the
5 COMMISSIONER BILLY SMITH	5 number 3, Licensing/Pending/Litigation Appeals, et cetera, move
6 COMMISSIONER DAVID "HOSS" SANCHEZ	6 that to the bottom of the agenda. And hopefully he'll be here
7 COMMISSIONER KEN CORRAZA	7 in the next 15, 20 minutes, and that way we don't keep you
8 ISMAEL TREJO (AGENCY DIRECTOR)	8 waiting an extra period of time.
9 ROSEMARY GARLEY (ADMINISTRATIVE ASSISTANT)	9 So what we're going to do is just get started
10 For the New Mexico Racing Commission:	10 with the meeting and we'll have a motion to amend the agenda.
11	11 So this meeting will now come to order. It is 9:07. Could we
12	12 have roll call, please.
13	13 MS. GARLEY: John Buffington.
14	14 COMMISSIONER BUFFINGTON: Present.
15	15 MS. GARLEY: Billy Smith.
16	16 HEARING CHAIRMAN COMMISSIONER BOURGUET: Here.
17	17 MS. GARLEY: David Sanchez.
18	18 COMMISSIONER SANCHEZ: Here.
19	19 MS. GARLEY: Ken Corraza.
20	20 COMMISSIONER CORRAZA: Here.
21	21 HEARING CHAIRMAN COMMISSIONER BOURGUET: We have a
22	22 motion to, I think, amend the agenda.
23	23 COMMISSIONER CORRAZA: Madam Chair, I need to make a
24	24 motion to amend the agenda, to move item number 3 to after item
25	25 number 7L, Mr. Blackburn's short public comments. And I'd like

Page 5	<p>1 to make this as a permanent change to our agenda. I don't feel 2 that it's fair for everybody to sit around here while we're 3 talking about legal matters like we did last week and 4 everybody's sitting outside. It's unfair to those people. The 5 gentleman from Ruidoso has to get on his way today and some 6 people are from out of town, and I just think we need to make a 7 permanent thing to put licensing at the bottom of every agenda. 8 COMMISSIONER SANCHEZ: I second the motion. 9 HEARING CHAIRMAN COMMISSIONER BOURGUET: Second to 10 the motion. All those in favor, say, "Aye." 11 ALL COMMISSIONERS: "Aye." 12 HEARING CHAIRMAN COMMISSIONER BOURGUET: Any opposed? 13 Motion passes. 14 Let's move on to the approval of the minutes. Do 15 we have a motion to approve the minutes? 16 COMMISSIONER SMITH: I so move. 17 COMMISSIONER BUFFINGTON: I will second. 18 HEARING CHAIRMAN COMMISSIONER BOURGUET: We have a 19 motion and a second. Any discussion? All those in favor, say, 20 "Aye." 21 ALL COMMISSIONERS: "Aye." 22 HEARING CHAIRMAN COMMISSIONER BOURGUET: Motion 23 passes unanimously. Item 5, chairman's agenda, committee 24 meeting updates. I was going to give a report on an AQHA 25 meeting that I attended in Ruidoso, and this is the racing</p>	Page 7	<p>1 quarter horse. As you know, they have performance horses, and 2 so forth. But I just thought it was interesting that they have 3 a lot of different types of responsibilities. 4 Also, when they come to the championships in 5 October, they're going to have a racing committee and it's 6 going to be open to all the attendees. And they want to 7 discuss things such as facilitating uniformity amongst 8 jurisdictions, the regulatory issues in the industry, including 9 using out-of-competition testing as a mechanism to even the 10 playing field. Another item is how should regulators handle 11 repetitive offenders. And lastly, what should be done to 12 control program trainers. 13 These are a lot of the issues that we have that 14 they hear. And any way that they can help us and/or support 15 us, we will appreciate your help. 16 COMMISSIONER SMITH: I've got a comment, Madam 17 Chair. 18 HEARING CHAIRMAN COMMISSIONER BOURGUET: Go ahead. 19 COMMISSIONER SMITH: I work with AQHA a lot. Over 20 the years they've done good things. They've done bad things. 21 One of the bad things they've done -- this is a state statute 22 in the state of New Mexico that we follow the ARCI rules. 23 They, through the back door, regulate every quarter horse race 24 in this country by adding things in this statute, referring to 25 quarter horse only, quarter horse only. They're a registrar.</p>
Page 6	<p>1 council meeting that they had. 2 There are some items there that I thought were 3 interesting that I wanted to share with you. Also, I was going 4 to ask Don to make an announcement about the championship race 5 that they're going to have at the Downs at Albuquerque in 6 October. So I just need the date. I know you have a big 7 program planned and -- 8 MR. COOK: Madam Chairman, we're honored to hold the 9 challenge races this year October 26th, Saturday. We have 10 events leading up to that. We have Rick Trevino, Little Texas 11 booked Friday night at Tingley. We have a golf tournament on 12 Thursday. We have a Run Strong on Wednesday. But hopefully 13 today we'll announce that we're going to host them in 2020. So 14 we're very excited about it, and we're going to do our best to 15 put on a great show. 16 HEARING CHAIRMAN COMMISSIONER BOURGUET: Well, I'm 17 very pleased that you guys have the championship here. And 18 you'll have it next year, too, so that's even better. Good 19 job. 20 Also, the AQHA approves such things as -- they 21 approve the racecourses in Texas and in Kentucky. You know, I 22 never knew AQHA was involved with stuff like that. They also 23 decided not to recognize the World Champ Chariot Horse Race due 24 to noncompliance of race reporting. So their duties and 25 responsibilities are more than just, you know, the American</p>	Page 8	<p>1 They're not an entity that can hand out penalties. 2 I battled with them about three years ago. I 3 won. Now they're doing it through the back door. So I've got 4 a real problem with the AQHA regulating this state, Oklahoma, 5 Texas, Louisiana through this document. That's not right. And 6 with the help of this board, that's going to quit. I'm going 7 to do my damndest to get it out of the state statute. We will 8 follow it, but we will not follow the AQHA's. 9 In other words, they think what's good for the 10 thoroughbreds is not good for the quarter horses. That's not 11 their call. It's our call. So anyway, that's the way I feel 12 about the AQHA. I think they've hurt this business. Susan. 13 MS. VESCOVO: Madam Chairman, Commissioner Smith, I 14 think one of the problems -- I know for the last three years 15 Janet VanBebber has been at the ARCI meetings and stuff like 16 that, especially on the Clenbuterol/Albuterol position. I'm 17 trying to ban it. I brought Ventipulmin here in 2000 and did 18 human research on the drug. I think it's a good drug when 19 used judiciously. 20 But at the ARCI meeting last year in December, 21 not one person from here, not a commissioner, no one attended 22 the Wilson medication meeting. I was the only person there 23 from New Mexico. And in the past, you just haven't had 24 participation, so nobody's been there to dispute argument. 25 COMMISSIONER SMITH: That was the last commission.</p>

<p style="text-align: right;">Page 9</p> <p>1 That's not us.</p> <p>2 MS. VESCOVO: I understand that. But had somebody</p> <p>3 been there saying this isn't okay, you know, but everybody</p> <p>4 drank the Kool-Aid, so to speak.</p> <p>5 COMMISSIONER SMITH: Right. Well, we're going to</p> <p>6 pour the Kool-Aid out now. So there's going to be some changes</p> <p>7 because it's not right. I mean, we have no say. I mean, we</p> <p>8 have to do what they say because it's a state statute. I don't</p> <p>9 oppose these rules. I don't oppose these rules. I oppose them</p> <p>10 regulating the quarter horse industry, period. They're a</p> <p>11 registrar. They were going to take their tax-exempt</p> <p>12 certificate away. That's why they walked away this time.</p> <p>13 Now, the ARCI has become a political pundit.</p> <p>14 That's not the way this is done. We regulate this state, not</p> <p>15 them. And I'm going to need your help, and I expect because</p> <p>16 you're involved and you've done a great job and I admire your</p> <p>17 knowledge about the industry. But we need help from you and</p> <p>18 Candy and all the people involved.</p> <p>19 MS. VESCOVO: Yes, sir.</p> <p>20 MR. TRUE: Madam Chairman, if I may, this is your</p> <p>21 report, but I feel compelled to stand up for the AQHA. I'm a</p> <p>22 member of the racing council. I've been on the racing</p> <p>23 committee for more than 25 years of the AQHA. AQHA is not the</p> <p>24 enemy. They're an asset to us. We need to figure out how to</p> <p>25 work with them, and I know Billy knows that, and I know that</p>	<p style="text-align: right;">Page 11</p> <p>1 things that they discussed and I wanted to share that with you.</p> <p>2 You know me. I like to work with people. And, you know, you</p> <p>3 get your best efforts when you work together. And sometimes</p> <p>4 there are big compromises and sometimes we don't get what we</p> <p>5 want entirely. But you know what? That's how the world works</p> <p>6 today.</p> <p>7 So I want to share her invitation with all of</p> <p>8 you. Please spread it around the industry because this is an</p> <p>9 opportunity to have our voices heard. As Billy said, he has a</p> <p>10 concern. I think these are the type of topics that we need to</p> <p>11 start having and encourage others that, hey, we may not agree</p> <p>12 completely but can we work this out.</p> <p>13 COMMISSIONER SMITH: Jeff, one thing. I agree with</p> <p>14 you. You can help me with Mr. Trotter, and you and I agree on</p> <p>15 what has to be done. So I agree with what you're saying. I'm</p> <p>16 not bashing the AQHA. I know the problems, you know the</p> <p>17 problems, and I want to fix them, because Ruidoso is important</p> <p>18 to me. The quarter horse industry is important to me. That's</p> <p>19 the only reason I'm on this board.</p> <p>20 MR. TRUE: Thank you.</p> <p>21 HEARING CHAIRMAN COMMISSIONER BOURGUET:</p> <p>22 Representative Ezzell.</p> <p>23 REPRESENTATIVE EZZELL: Thank you very much, Madam</p> <p>24 Chair. I guess the reason that we implemented the ARCI rules</p> <p>25 is so there would be a standard set for our racing industry in</p>
<p style="text-align: right;">Page 10</p> <p>1 Billy has that sense that if we could work with them, we</p> <p>2 should. Here I am saying "them." It's not an us and them.</p> <p>3 AQHA is us.</p> <p>4 One of our owners is a former president. All</p> <p>5 three of four of our original owners were very active in the</p> <p>6 AQHA. The AQHA does more than just register horses. As an</p> <p>7 assessee, over the last 20 years the AQHA has done countless</p> <p>8 good things for the breed. Notwithstanding Billy's issue with</p> <p>9 how they dealt with the ARCI, I think that's something we can</p> <p>10 work out. But I don't want the board, the state, the public to</p> <p>11 think that AQHA is working against us.</p> <p>12 Jan VanBebber was a champion trainer for 25</p> <p>13 years. I've known her my whole life. She has nothing but the</p> <p>14 best in mind for this business. And when we have racing</p> <p>15 council meetings and racing committee meetings, it's with</p> <p>16 horsemen, people who are breeding and raising horses, selling</p> <p>17 horses, running horses at Ruidoso. It's not an us versus them</p> <p>18 issue.</p> <p>19 So I really encourage everyone in this room to</p> <p>20 figure out how we can work with the AQHA and not sit here and</p> <p>21 throw darts at them. It's a big deal and it's really</p> <p>22 disheartening to me to hear a bunch of AQHA bashing.</p> <p>23 HEARING CHAIRMAN COMMISSIONER BOURGUET: Let me just</p> <p>24 say, I brought this up because through transparency purposes it</p> <p>25 was my first council meeting. I was impressed with all the</p>	<p style="text-align: right;">Page 12</p> <p>1 the state of New Mexico. Because in the past -- I'm not</p> <p>2 throwing darts at you-all. Don't take it that way. But in the</p> <p>3 past, it was just like, okay, let's change this and let's</p> <p>4 change this and we're going to make it happen right now. We</p> <p>5 have to have a standard set where everybody follows the same</p> <p>6 rules where there is transparency.</p> <p>7 As far as the AQHA, yes, there are some things</p> <p>8 that I don't care for, either. A phone call that I put in</p> <p>9 several years ago over something they were doing, I informed</p> <p>10 them that state statute trumps an association's rules from</p> <p>11 another state. And whenever they checked, yes, they did figure</p> <p>12 that out real fast. So that's why we implemented the ARCI</p> <p>13 rules. And whenever we go to changing what we already have in</p> <p>14 statute, it has to go through legislatively and it is vetted</p> <p>15 very well.</p> <p>16 And what we need to look at also is why are we</p> <p>17 not following the same procedures for thoroughbreds as we are</p> <p>18 for the quarter horses. Maybe that's why the Jockeys' Guild</p> <p>19 needs to step in. Thank you, Madam Chairman.</p> <p>20 COMMISSIONER SMITH: I don't mind leaving it state</p> <p>21 statute if we could get the quarter horse thing out of there</p> <p>22 and we could do what we need to do with the quarter horse</p> <p>23 industry. This document doesn't bother me, other than what's</p> <p>24 good for the thoroughbred is not good for the quarter horse,</p> <p>25 which is terribly wrong. Susan Vescovo, she knows more about</p>

<p style="text-align: right;">Page 13</p> <p>1 medication, in my feeling, than the state. She will tell you 2 that Ventipulmin is probably the greatest therapeutic drug that 3 ever existed for a horse. Am I right? 4 MS. VESCOVO: Yes, sir. I think it is an incredible 5 bronchodilator. I do agree with what the Commission has done. 6 I don't have a problem with horses that are on Ventipulmin or 7 Albuterol being put on a vet's list. You know, I think one of 8 the reasons, possibly number one, AQHA puts in there over and 9 over at every meeting saying this has got to go away. But 10 because was being used holy water as a repartitioner. 11 But the thing is with our commission, Ventipulmin 12 was the only allowed drug and you had to use the Boehringer 13 Ingelheim product. Yet a few years ago when there was a push 14 to have this laboratory be our laboratory, we had an 15 investigator with milk jugs, hot pink, blue, orange, yellow, 16 saying, okay, this is allowed. This is Clenbuterol. No, it's 17 not. That's a five-year suspension. But the Commission never 18 did anything. 19 COMMISSIONER SMITH: I agree with you. 20 MS. VESCOVO: And so holy water was allowed to come 21 in through the back door and nothing was done about it, and 22 that's where the problem arose. You know, you want a quarter 23 horse to look like Arnold Schwarzenegger, a horse that's going 24 to run a mile, I'm just saying, if you look like Arnold, you're 25 not going to be able to go a mile. And so I think we didn't</p>	<p style="text-align: right;">Page 15</p> <p>1 now have items in place so that when a hearing officer gets a 2 report -- and I'll give you an example of what happened last 3 year. A person gets a bad test in race number one, and then he 4 gets a bad test in race number six. When it comes to us taking 5 up race number six, we can't bring up that he had a bad test in 6 race number one. 7 So what we did yesterday was allow the stewards 8 to write in their report everything as to whatever the bad 9 actor has done in the past so that it carries over to the 10 hearing officer so he knows what this person has done. And I 11 thought that was the most effective thing that we did 12 yesterday. 13 HEARING CHAIRMAN COMMISSIONER BOURGUET: And that was 14 regarding the mitigating and aggravating factors. 15 COMMISSIONER CORRAZA: Yes, ma'am. 16 HEARING CHAIRMAN COMMISSIONER BOURGUET: Thank you. 17 I thought it was a good rules committee medication meeting 18 also. Izzy, do you have any comments that you'd like to make? 19 DIRECTOR TREJO: Yes. Madam Chair, members of the 20 Commission, as Ken said, there are some very fruitful rules 21 that were agreed upon yesterday that will help us in regulating 22 the industry with a little more firm hand, and a couple of them 23 are things that I think were necessary. 24 HEARING CHAIRMAN COMMISSIONER BOURGUET: Okay. Thank 25 you. Any questions? The agency director reports. Can we have</p>
<p style="text-align: right;">Page 14</p> <p>1 have the abuse in thoroughbred like we had it in quarter horse. 2 COMMISSIONER SMITH: I agree with that, but there's a 3 way to regulate it. 4 HEARING CHAIRMAN COMMISSIONER BOURGUET: Thank you, 5 everyone, for your comments. 6 Moving on to our next item, the race dates 7 committee meeting. John. 8 COMMISSIONER BUFFINGTON: We met on Tuesday. We had 9 lively discussions, and I think we narrowed the gap a little 10 bit. I think we still have some closure. Keep in mind that 11 when we started the last proposal, there was a huge discrepancy 12 in race days between the track proposal and the horsemen's 13 proposal. I think we tried to narrow that. We tried to get 14 input from everybody, and I'm curious to see the follow-up. I 15 did commit to the both groups, all groups, tracks and horsemen, 16 that we'll start early next year, and we will hopefully not get 17 to the point where we get this year kind of at the last minute 18 trying to put something through. So thanks, everybody, for 19 participating in a conversation that's good and lively. 20 HEARING CHAIRMAN COMMISSIONER BOURGUET: Thank you, 21 John. Moving to the medication rules committee meeting. I'm 22 going to let -- Ken, do you have any comments that you'd like 23 to make on that? 24 COMMISSIONER CORRAZA: Well, the only comment I have 25 on that, we agreed to help this Commission in the fact that we</p>	<p style="text-align: right;">Page 16</p> <p>1 a report from the New Mexico Breeders Association, please? 2 MS. BARBER: Good morning. Mary Barber, New Mexico 3 Horse Breeders. I'd like to briefly go over two of the reports 4 that I sent you, and then I have a couple more items that I'd 5 like to report on. For the race a day report for Ruidoso 6 Downs, in their first 47 days they ran 168 New Mexico-bred 7 races. This is an average of 3.57 per day. They're running 51 8 percent thoroughbreds and 49 percent quarter horses. Their 9 average field size for New Mexico-bred overnight races for 10 quarter horses is 7.08 -- I'm sorry, for thoroughbreds is 7.08. 11 Quarter horses are 8.79. And for a combined average of 7.76. 12 So it's a little bit low there. 13 For the Downs at Albuquerque, in their first 31 14 days they ran 114 New Mexico-bred races. This is an average of 15 3.68 per day. They're running 63 percent thoroughbreds and 37 16 percent quarter horses, so that's great. Their thoroughbred 17 average field size is 8.73. Their quarter horses are 9.38 for 18 a combined total of 8.97. And since I've done this report, 19 that number has actually come up, so that's good news. 20 For Ruidoso Downs and their New Mexico-breds and 21 open overnight races, in their first 44 days, 391 New 22 Mexico-breds ran in overnight open races and 146 cities came in 23 first, second or third for an average of 37 percent. 24 For the Downs at Albuquerque, in their first 27 25 days, 255 New Mexico-breds ran open and 55 of those came in</p>

<p style="text-align: right;">Page 17</p> <p>1 first, second or third, and that's an average of 22 percent. 2 And both racetracks are pretty in line with what they did in 3 the previous year. 4 I'd also like to report that the New Mexico-bred 5 sale at Ruidoso Downs was up 13.1 percent, so we're very 6 excited about that. That's showing a really big trend. Last 7 year they were up over 50 percent. So we were very surprised 8 that they were up again this year at 13.1 percent. 9 HEARING CHAIRMAN COMMISSIONER BOURGUET: So that's 13 10 percent above the 50 percent? 11 MS. BARBER: Above last year's. 12 HEARING CHAIRMAN COMMISSIONER BOURGUET: So that's 13 pretty incredible. 14 MS. BARBER: It is. It's wonderful. 15 COMMISSIONER SMITH: What do you attribute that to? 16 MS. BARBER: I think the economy is coming back. I 17 think that the purses at some of our racetracks are wonderful, 18 and I think that gives people incentive to buy these horses and 19 run these horses. I think, you know, we're adding quite a bit 20 of money to the New Mexico-bred races, and I think that gives 21 people a lot of incentive. I've heard from the Downs at 22 Albuquerque that they would really like to run more overnight 23 New Mexico-bred races, and so next year they'll have to lower 24 things a little bit so we can get some more in. But they're 25 really in high demand.</p>	<p style="text-align: right;">Page 19</p> <p>1 He instructed me to pull my quarter horse trustees, and they 2 are unanimously against this change, this significant change to 3 those nomination blanks. And we ask you that when and if you 4 ever get them to approve, that you don't approve them as is. 5 Another problem we have is they do state that 6 it's \$45,000 added for our New Mexico-bred early closing races, 7 and nobody has contacted me to ask me how much we can add to 8 those purses. It also does not state that 30,000 of the 45,000 9 added comes from the New Mexico Horse Breeders. Like on the 10 New Mexico State Fair nomination blanks, it says, 100,000 11 estimated from the NMHBA stakes fund. 12 On Ruidoso's nomination blanks, it does not 13 mention the New Mexico Horse Breeders or give us any credit for 14 the added money. So we'd like you to consider that when and if 15 you get these nomination blanks to be approved. 16 HEARING CHAIRMAN COMMISSIONER BOURGUET: I don't 17 think I've seen -- 18 MS. BARBER: I saw them for the first time yesterday 19 when I got this email. 20 HEARING CHAIRMAN COMMISSIONER BOURGUET: And I just 21 want to make sure I'm following your story here, Ms. Barber. 22 So the nominations have already been approved by the prior 23 commission? 24 MS. BARBER: No, ma'am. I don't believe they've been 25 approved yet. This is the first time I've seen them was</p>
<p style="text-align: right;">Page 18</p> <p>1 I'd also like to thank Don Cook. We work 2 together on the New Mexico State Fair futurities and derby. We 3 will be raising those purses for 2020. They will be \$165,000 4 added each. The New Mexico Horse Breeders will be adding 5 \$100,000 to those races. I don't know if we'll be able to keep 6 that up in future years, but in 2020 that's what they will be. 7 Don was kind enough to contact me and work with me on that. He 8 also sent me his nomination blanks, and we are in agreement on 9 those, and you will have those to approve later in this 10 meeting. 11 On the downside, yesterday I received an email 12 from Ruidoso Downs with their nomination blanks. I was asked 13 to quickly look them over and get back to them because they 14 need to go to the printer on Tuesday. And I was a little 15 shocked that I was just hearing from them and they need to go 16 to the printer so soon. I replied back. You know, I really 17 don't have a lot of time to look these over. "Did you make any 18 changes from last year's nomination blanks?" And I was given a 19 list of 10 items that have changed, and on item number 3, they 20 had changed on the back of their blank their time trials. And 21 now instead of just taking the top 10 fastest times to go into 22 the finals, they are saying they also have to come in first, 23 second or third in their trial to be eligible to go into the 24 finals. 25 So this surprised me. I contacted my president.</p>	<p style="text-align: right;">Page 20</p> <p>1 yesterday. This email went out to myself, my president, the 2 Horsemens Association, the Ruidoso Downs representative from 3 their committee and to Izzy Trejo. And those are the people 4 that were notified yesterday along with a note saying we really 5 need to get this done quickly. Please respond if you have any 6 problems. 7 COMMISSIONER SANCHEZ: Madam Chairman, I have a 8 question for Mr. True. Sir, how can they go to the printer 9 without being approved by the Commission? 10 MR. TRUE: That's a good question. 11 COMMISSIONER SANCHEZ: I'm just asking. Because 12 that's what they're telling us here and I just want to know. 13 MS. BARBER: They're not on the agenda today. 14 COMMISSIONER SANCHEZ: How that could possibly 15 happen? 16 MR. TRUE: I don't have an answer for you. 17 HEARING CHAIRMAN COMMISSIONER BOURGUET: I think 18 Commissioner Sanchez has brought up a good question. And 19 that's why I was trying to follow Ms. Barber's story, because I 20 thought if it's already come before another commission, then 21 I'm trying to catch up here. So nothing has been approved. 22 MS. BARBER: Right. 23 HEARING CHAIRMAN COMMISSIONER BOURGUET: If I may get 24 some clarification here. And so you're coming up with these 25 changes before you send them out to the people that might want</p>

<p style="text-align: right;">Page 21</p> <p>1 to nominate in these races; is that correct?</p> <p>2 MR. TRUE: Madam Chairman, we are working on 2020</p> <p>3 races, and nominations for those races begin October 1. We've</p> <p>4 been delayed. We've actually been waiting on race days to be</p> <p>5 solidified before we did this. We are at the end of the</p> <p>6 summer. The conditions that we proposed, specifically the one</p> <p>7 about trials and top three entries, was discussed among many</p> <p>8 people. We sent the nomination blanks with these conditions to</p> <p>9 the horsemen for review. I'm not aware of the statute or rule</p> <p>10 that says the horsemen have to approve the nominations</p> <p>11 primarily because the races that we're talking about are the</p> <p>12 Triple Crown races.</p> <p>13 I'm willing to have a discussion with the</p> <p>14 horsemen about non-Triple Crown races and what those conditions</p> <p>15 are, but the Triple Crown races are ours. We proffer the</p> <p>16 conditions. Those are the conditions under which people run.</p> <p>17 The whole point of the new condition having to run first,</p> <p>18 second and third is to avoid five or six horses coming out of</p> <p>19 one trial that were wind aided or rain deteriorated. That was</p> <p>20 a change that was welcomed by everyone that I talked to. So</p> <p>21 there wasn't any discussion --</p> <p>22 MS. BARBER: You didn't have the same conditions.</p> <p>23 MR. TRUE: Pardon me, Mary. When we have these kinds</p> <p>24 of discussions, I sent conditions for her to look at, for her</p> <p>25 organization to look at, they responded, "We'll react</p>	<p style="text-align: right;">Page 23</p> <p>1 MS. BARBER: We just thought it was kind of important</p> <p>2 that we bring it to your attention before the printing.</p> <p>3 HEARING CHAIRMAN COMMISSIONER BOURGUET: Okay. And</p> <p>4 I'm sure Mr. True will make sure that they get it to the</p> <p>5 printer.</p> <p>6 MS. BARBER: We haven't had time to really look into</p> <p>7 these.</p> <p>8 COMMISSIONER SMITH: Isn't it the 2021 races you're</p> <p>9 talking about? The 2020s are already out, aren't they?</p> <p>10 MS. BARBER: No. This is the 2020 races.</p> <p>11 MR. TRUE: So everyone understands, what we do is we</p> <p>12 offer January nominations for all three Triple Crown races.</p> <p>13 Those are short yearlings in January. In October you start</p> <p>14 nominating to the individual races, the Ruidoso Rainbow and All</p> <p>15 American, independently. So the first three payments are for</p> <p>16 all three races. That puts horses that are yearlings, they're</p> <p>17 in the sale, nominated to the Triple Crown. After the sale</p> <p>18 October 1, people decide, yeah, I'm going to run them in all</p> <p>19 three or I'm only going to run them in one or two of the three.</p> <p>20 And that's what we're talking about at the Triple Crown.</p> <p>21 With respect to the other races, we can make</p> <p>22 adjustments for the New Mexico-breds. We can adjustments for</p> <p>23 other races that are on that list of 12 or 15. That's what</p> <p>24 we're talking about.</p> <p>25 COMMISSIONER SMITH: The 2020 are already out there.</p>
<p style="text-align: right;">Page 22</p> <p>1 accordingly." Nobody has violated any rules. Nobody has done</p> <p>2 anything wrong as of right now. So calm down. We'll take care</p> <p>3 of it.</p> <p>4 HEARING CHAIRMAN COMMISSIONER BOURGUET: So what</p> <p>5 we're looking at here is we need to have further discussion</p> <p>6 with the Breeders Association and the Horsemens Association.</p> <p>7 MR. TRUE: With respect to the conditions that we're</p> <p>8 proffering for Triple Crown, we're going to move forward.</p> <p>9 MS. BARBER: But these conditions were also changed</p> <p>10 under New Mexico-bred early closing stake races at Ruidoso</p> <p>11 Downs, and they are not for us to approve. They are for you to</p> <p>12 approve. And we are asking you not to approve them with these</p> <p>13 new conditions. If you have time trials, you can't control the</p> <p>14 weather; however, you can get a trial race. Some of the better</p> <p>15 horses maybe get into that trial. And the fourth-place horse</p> <p>16 has a better time than maybe another horse that came in first,</p> <p>17 second or third in another trial race. And the weather</p> <p>18 conditions could be exactly the same, but that fourth place</p> <p>19 horse does not get in the race because he came in fourth even</p> <p>20 though he had a faster time than someone else. So that's what</p> <p>21 we disagree with.</p> <p>22 HEARING CHAIRMAN COMMISSIONER BOURGUET: And I think</p> <p>23 these are the types of discussions that you need to have within</p> <p>24 your organizations. Settle them. Bring them to us and we'll</p> <p>25 take a look. If they're not settled, we'll take care of it.</p>	<p style="text-align: right;">Page 24</p> <p>1 They're selling next weekend.</p> <p>2 MR. TRUE: But they don't continue paying in those</p> <p>3 2020 Triple Crown races until October 1st after they're sold.</p> <p>4 COMMISSIONER SMITH: I understand that. But those</p> <p>5 nomination blanks have already been filled out by these</p> <p>6 horsemen that put them in there. So you're proposing to change</p> <p>7 that one, too?</p> <p>8 MR. TRUE: We're proposing to change 2020 to</p> <p>9 eliminate the weather variables in trials with a lot of</p> <p>10 horses.</p> <p>11 COMMISSIONER SMITH: You want to adjust the entry</p> <p>12 blanks that have already been filled out for these horses that</p> <p>13 are for sale next weekend.</p> <p>14 MR. TRUE: Yes.</p> <p>15 COMMISSIONER SMITH: So you want to offer something</p> <p>16 that's already been done, right?</p> <p>17 MR. TRUE: If you look at the conditions,</p> <p>18 Commissioner Smith, it says we can change conditions at any</p> <p>19 time for any reason. And we're making an adjustment we think</p> <p>20 that's positive. Notwithstanding the immediate action to it,</p> <p>21 we think it's a positive change. And until Mary sent me her</p> <p>22 email if we don't like it, everyone -- and I'm talking about 10</p> <p>23 or 12 people who nominate and run in these races said that's a</p> <p>24 good idea. So we'll continue to talk about it. Nobody is</p> <p>25 going to get gored or what have you. We'll take care of it.</p>

<p style="text-align: right;">Page 25</p> <p>1 HEARING CHAIRMAN COMMISSIONER BOURGUET: Well, I'm 2 encouraged that you-all are going to sit down and talk about it 3 and bring up all these different perspectives, as I think 4 Mr. Smith has a good point about the nominations of people that 5 have entered their horses for sale, and it puts it on the 6 bottom of the stack of nominated for the All American Futurity, 7 et cetera, et cetera. 8 MS. BARBER: Like Mr. True said, the open stakes 9 races really are not for me to discuss. But the New 10 Mexico-bred races, my board asked me to come here today and 11 report this to you and how they feel. 12 HEARING CHAIRMAN COMMISSIONER BOURGUET: So without 13 any further interruption, do you have anything else to add to 14 your report? 15 MS. BARBER: No, ma'am. That's it. 16 COMMISSIONER CORRAZA: Madam Chair, Rosemary needs to 17 say something. 18 MS. GARLEY: Jeff, will you be requesting that those 19 be placed on the agenda for approval, any changes to approve? 20 I didn't see the email, so I'm kind of out of the loop. 21 MR. TRUE: We'll deal with the approval for the 22 Commission after today. 23 MS. GARLEY: Thank you. 24 HEARING CHAIRMAN COMMISSIONER BOURGUET: Thank you 25 very much. Thank you, Mary.</p>	<p style="text-align: right;">Page 27</p> <p>1 The only problem we're having right now with anything is the 2 closing date at Ruidoso and the opening date at Zia. They're 3 going to close on the 9th, and then Zia wants to open up on the 4 9th. And we have a lot of horses in Ruidoso that need to get 5 moved, and they cannot do it in one day. 6 I have talked to Ruidoso and they don't want to 7 budge, and I've talked to Zia and they don't want to budge. So 8 we're asking the Commission to maybe do something. Otherwise I 9 really don't think they get all eight, nine horses out of 10 Ruidoso or Zia in one day. Now, Zia did say that they would 11 open up on the 4th now instead of the 7th to put sawdust in. 12 But they're holding to that date of move-in time to be on the 13 9th. So we don't know what to do about it, so we're bringing 14 it to the Commission to maybe help out how we can move the 15 horses. 16 HEARING CHAIRMAN COMMISSIONER BOURGUET: I was hoping 17 that this had been resolved before it came to the Commission. 18 I know I talked about various people. I don't know if any of 19 the other commissioners are aware of this. 20 COMMISSIONER SMITH: You mean opening the track or 21 opening for the horse? 22 MR. RADER: Just to let the horses move in. 23 COMMISSIONER SMITH: But if the track didn't open 24 till the 9th, you would be all right with that. 25 MR. RADER: They need to move the horses out of</p>
<p style="text-align: right;">Page 26</p> <p>1 MS. BARBER: Thank you. 2 HEARING CHAIRMAN COMMISSIONER BOURGUET: Okay. New 3 Mexico Horsemens Association, please. 4 MR. JASON RADER: We're hoping to have a new director 5 next week. I sent a pamphlet off to you for the workmen's 6 comp. It should be in your book. I did provide it at this 7 meeting to kind of look over it if you have any questions. 8 We're going to try to bring it up at the next meeting for a 9 vote on it. We wanted four percent out of the purse fund to 10 help try to pay for the workmen's comp so we don't get the new 11 owners trying to come in with a bigger bill than we're going to 12 have on that. Basically, we want to put the money in the 13 account and give it out at the rate of so much money, \$65 a 14 race for every horse that race. 15 We're trying to get every horse on the track 16 insured, or insurance on that and make sure that in the future 17 that all tracks are going to require it to be there. And then 18 we're trying to get ahead of it a little bit and do that. So 19 if you have any questions. 20 HEARING CHAIRMAN COMMISSIONER BOURGUET: I like 21 hearing that you're going to get ahead of the problem. That's 22 a good thing to my ears. Thank you. 23 MR. RADER: We talked to Zia Park and we got our 24 contract with them signed. And we're going to let go of the 25 ex-racino, and we also settled the Walker issue of the \$300.</p>	<p style="text-align: right;">Page 28</p> <p>1 Ruidoso in that direction. If they open it to let them move 2 in, the horses -- we don't care if the track itself opens up 3 till the 9th for workouts and stuff, but they need to move the 4 horses, get the horses started moving. 5 COMMISSIONER SMITH: Well, they're right there. Ask 6 them. 7 DIRECTOR TREJO: Madam Chair, members of the 8 Commission, what I think Mr. Rader is saying is that the last 9 day they have to get out at Ruidoso is on the 9th. They can't 10 stay till the 10th, 11th or 12th. And the first day of horses 11 being allowed on the grounds at Zia is the 9th. So a stable 12 of, say, 30 horses, it's going to have to go back and forth, 13 back and forth even with a six-horse trailer, utilize the 24 14 hours in a day, and still not get the job done. The horses are 15 still going to be in Ruidoso. So what they're saying is 16 logistically speaking, they don't have enough time to move a 17 larger outfit. 18 HEARING CHAIRMAN COMMISSIONER BOURGUET: That is 19 going to be quite impossible. It's dangerous to have all those 20 people driving back and forth on the road to make that date. 21 MR. TRUE: Madam Chair, just to clarify. Our track 22 will be open for training on the 9th. We have asked trainers 23 to be out by the 9th, but we're keeping the track open. If 24 there are horses still in the barn area Tuesday and Wednesday, 25 it would not shock me. And nobody's going to run over there</p>

<p style="text-align: right;">Page 29</p> <p>1 and put a padlock on a stall or anything. I mean, I think 2 we're talking -- we're making a tempest in a tea cup here. The 3 racetrack is open at Zia what day? 4 MR. RADER: I believe the 9th for horses. 5 MR. TRUE: So horses in on the 9th and we're still 6 training till the 9th. I understand that's a hardship, but 7 nobody is cracking the whip on the 9th to get them out of 8 Ruidoso. We're staying open a week early. We're keeping the 9 track open for training a week later than we have. We open up 10 three or four weeks before the meet. I'm not sure that absent 11 stall rent, there's any other track that you can do that. So 12 we're doing as much as we can, and we're not trying to drive 13 people out on the 9th, if that helps. 14 COMMISSIONER SANCHEZ: Madam Chair. Can I ask Mr. 15 True a question? Okay. How long do they have to keep horses 16 there? Let's say if they don't get them out by the 9th, you 17 say, it's all right, they stay there a couple days. Would it 18 be a week or what? Do you have a set date that they could stay 19 there? I mean, we've moved horses quite a bit and it takes a 20 lot. Like Izzy says, it just takes a lot to move these horses. 21 You have these horses going out, and two days isn't going to 22 make much difference. It has to be longer than that. I'm just 23 saying would you give them a week or a week-and-a-half or 24 something like that? 25 MR. TRUE: Commissioner Sanchez, we're already giving</p>	<p style="text-align: right;">Page 31</p> <p>1 situation. With the barn opening up the 9th, I would certainly 2 have to go back and talk with Zia and see if there is any 3 flexibility on that or work with Jeff on some time frames as 4 well to help out. So I'd like to get some further information 5 from Zia. Before I could give a definitive decision, I'd like 6 to talk to Mr. Maclaren. 7 HEARING CHAIRMAN COMMISSIONER BOURGUET: Well, it 8 still doesn't help us resolve this. One of the problems that I 9 think that we have here at the Commission is especially Zia 10 Park has this history of saying what exactly what you've just 11 ended with, I've got to check with the higher-ups at Zia. You 12 know, you either, A, need to send Chris here so he can answer 13 and we can take care of this problem right now. And if you 14 don't have the authority to do that, he needs to be here or 15 perhaps you can give him a call during a break or something. 16 We can come back to this issue. 17 But this is something that I know that I've 18 talked to Zia Park about, and so this is one of the reasonings, 19 as you stated, was not having the staff or the people there to 20 open up the track. You know, that's kind of inexcusable, in my 21 opinion. We have all these trainers and horses that need to 22 get moved and settled in to a track. It's just not moving 23 them. It's also giving them an opportunity to settle into a 24 new environment, so before they go out on the track, you know, 25 they know where they are.</p>
<p style="text-align: right;">Page 30</p> <p>1 them a week of training at no cost. If there's another need -- 2 if there's a need for more stall time, I would point to Zia who 3 is opening the meet, not Ruidoso who is closing the meet. 4 COMMISSIONER SMITH: Their last race date is the 2nd 5 of September. It's unreasonable, I think. 6 COMMISSIONER SANCHEZ: Well, I mean to move all those 7 horses is kind of tough. I'm just saying give them some slack 8 moving the horses. That's all I say. 9 MR. TRUE: Mr. Sanchez, we are providing an extra 10 week of training time. 11 HEARING CHAIRMAN COMMISSIONER BOURGUET: We 12 appreciate that, Mr. True. Thank you for that extra week of no 13 charge and they can train. I think the problem that we're 14 seeing here is Zia's inability to be flexible. But I haven't 15 heard from Zia Park. Mr. Goff? 16 MR. GOFF: So Frank Goff on behalf of Zia Park. What 17 I'm trying to understand is maybe from what has happened in the 18 past with the opening of Zia's barn area when Ruidoso closed if 19 we're in the same time frame. I know there's some staffing 20 concerns that Zia has, and I understand that's not a horsemens 21 issue, but that is one concern of having that barn area secured 22 24 hours once the horses get on board. 23 I know the discussion of allowing shavings and 24 getting the barn set up has been discussed, and I think we've 25 tried to move that open a little earlier to help in that</p>	<p style="text-align: right;">Page 32</p> <p>1 There's a lot of adjustments in this transition, 2 and it puts the owners at risk here, the trainers trying to get 3 all those horses moved. Without allowing them in before the 4 9th, it's stressful for a lot of people on the road. 5 MR. GOFF: I certainly understand. 6 HEARING CHAIRMAN COMMISSIONER BOURGUET: They have a 7 little trailer and they're hauling. 8 MR. GOFF: I certainly understand. Representative 9 Ezzell. 10 REPRESENTATIVE EZZELL: Thank you, Madam Chair. I 11 guess my question goes back to Zia. When will the track be 12 open where horses can get out there and actually work? 13 MR. GOFF: Let me confirm that. I believe it's a 14 week after the barn area opens. 15 REPRESENTATIVE EZZELL: No. That's unacceptable. 16 MR. GOFF: Can I confirm that, though, first, 17 before -- 18 REPRESENTATIVE EZZELL: I'm seeing this as a problem 19 with Zia Park, not as a problem with Ruidoso Downs. The reason 20 you-all are open is because of the racetrack, not because of 21 the casino. And I think that you should be accommodating to 22 the horsemen. Just me, Madam Chair. Thank you. 23 HEARING CHAIRMAN COMMISSIONER BOURGUET: Thank you 24 for your comments. Well, perhaps what we ought to do if you 25 can make a quick call today and if it can be resolved today, we</p>

<p style="text-align: right;">Page 33</p> <p>1 sure would like to see it resolved today. And maybe you and 2 Mr. Rader can have a discussion.</p> <p>3 MR. RADER: I talked to Chris. A lot of times he's 4 flat-out told me I'm not going to do it unless the Commission 5 tells me to. And then I will. But I'll talk to him, too.</p> <p>6 HEARING CHAIRMAN COMMISSIONER BOURGUET: The 7 Commission is asking for this to be taken care of and we're 8 asking for it to be taken care of today. So you two, 9 whenever -- just give me a heads-up when you're ready to 10 discuss this and we'll reconvene this discussion.</p> <p>11 REPRESENTATIVE EZZELL: Madam Chair, one of the 12 things regarding Zia, has there been an inspection of the track 13 yet on the 3rd?</p> <p>14 MR. RADER: That's when it's scheduled for, right?</p> <p>15 HEARING CHAIRMAN COMMISSIONER BOURGUET: I will be 16 there. I am planning to be there.</p> <p>17 REPRESENTATIVE EZZELL: So, Madam Chair, I guess my 18 concern is if Zia is going to make accommodations for horses to 19 come in early, those horses do need a chance to be able to 20 work. And I want to have some reassurance that these horses 21 are going to be able to get out on the track and be able to 22 work instead of just getting on the walk.</p> <p>23 MR. GOFF: Since the track condition came up, I did 24 speak with Mr. Woolley yesterday. He had a conversation with 25 the track consultant, Mr. Jameson. They discussed what's going</p>	<p style="text-align: right;">Page 35</p> <p>1 somebody that was sitting in the audience bringing that 2 particular item up. And it really disheartens me to see that 3 that is still something that we need to discuss. And I agree 4 with you. We should not be more worried about getting our 5 horse to the track than keeping them in the stall all the time.</p> <p>6 So let's see what we can do to get that fixed. I 7 understand there are some issues there with the underground, 8 electrical lines, and so forth. But let's add that to the 9 list, okay, Mr. Hoff.</p> <p>10 COMMISSIONER CORRAZA: Mr. Strain, did they solve all 11 the TV problems and simulcast and all of that that we've been 12 hearing the last two or three years?</p> <p>13 MR. STRAIN: The sports bar that I've had to go get 14 on races, it's still on soap operas. No football games.</p> <p>15 COMMISSIONER CORRAZA: Well, that needs to change. 16 This is a horse racing industry.</p> <p>17 MR. STRAIN: I agree.</p> <p>18 HEARING CHAIRMAN COMMISSIONER BOURGUET: Thank you, 19 Mr. Rader.</p> <p>20 MR. BLANCHARD: Actually, I have a comment about the 21 horsemen's report. In regards to the workmen's comp coming out 22 of the purse fund, I don't think there's been any agreement 23 that that would be okay, and I'm not even sure that's legally 24 possible. So, I mean, I think we need to sit down and talk 25 about that.</p>
<p style="text-align: right;">Page 34</p> <p>1 on at Zia. He sent some pictures to Mr. Woolley. He seemed 2 very pleased on what's going on there. I asked him had anyone 3 been on the property to see the work that's being done to the 4 track, and he said no. But he had a lot of positive things to 5 say about what was going on with that track at Zia Park. So I 6 just wanted to pass that along as well. I don't know if 7 Mr. Rader has had that same discussion with anyone or not.</p> <p>8 MR. LARRY STRAIN: I went by Zia Monday and they were 9 still working on the track, and they hadn't done anything on 10 the walk-up track from between the barn area. They had plowed 11 it from the racetrack up to kind of behind the test barn. They 12 had worked on that part, but they hadn't worked on the other. 13 I don't think but two people was working on the track. I'd 14 like to say it was a water truck and maybe a blade.</p> <p>15 HEARING CHAIRMAN COMMISSIONER BOURGUET: And what are 16 you saying? You want that area -- I know that was on the 17 letter, so --</p> <p>18 MR. STRAIN: We've had trouble. That walk-up lane 19 has been getting -- they used to plow it. I know it's a bad 20 design. Year before last, it was as hard as this floor here. 21 Last year it was as hard as the top of that table and had rocks 22 in it about that big. A lot of horses are getting injured.</p> <p>23 HEARING CHAIRMAN COMMISSIONER BOURGUET: You know, I 24 remember the rock issue being a problem when I was a 25 commissioner moons ago, and, you know, I think I even remember</p>	<p style="text-align: right;">Page 36</p> <p>1 MR. RADER: We can talk.</p> <p>2 MR. BLANCHARD: But that was a specific rule that was 3 agreed upon and agreed upon by the Commission. But I don't 4 think we've ever had a discussion about workmen's comp.</p> <p>5 MR. RADER: We can have one.</p> <p>6 MR. BLANCHARD: That was my comment.</p> <p>7 HEARING CHAIRMAN COMMISSIONER BOURGUET: That's a 8 good point. I'm glad you brought that up. And maybe we need 9 to have a discussion about that amongst the class and see what 10 we can do about that. I know workers' comp is very expensive 11 and it has really hurt California, the industry out there with 12 the cost of workers' comp. So thank you for bringing that up. 13 Be sure and report it at the next commission meeting.</p> <p>14 Thank you for everyone's comments. Ruidoso Downs 15 closing date, Zia Park's opening, we went through that, I 16 guess. Any other discussion or does anyone want to report on 17 anything else? Okay. Jockeys' Guild report. I believe we 18 have a presentation by Mindy. And John, Mr. Beech, is here. 19 Mr. Beech, we always love having you. You know I always have 20 to say that.</p> <p>21 MR. BEECH: Yes, ma'am. Thank you, Madam Chair.</p> <p>22 MS. COLEMAN: Good morning, Madam Chair, 23 Commissioners. Mindy Coleman on behalf of the Jockeys' Guild. 24 I'm not typically out here unless we have some sort of issue. 25 However, because it's a new commission, we want to introduce</p>

<p style="text-align: right;">Page 37</p> <p>1 ourselves and make sure that there's an understanding of the 2 purpose of the Jockeys' Guild and what we do and how we work 3 with the industry and the regulators for our sport and for 4 horse racing.</p> <p>5 To give a little bit of background and history, 6 for some people in the room, this may be redundant. For 7 others, even when I explain it to people that have been in 8 horse racing for years, it always seems to be a new thing for 9 them.</p> <p>10 Our organization was established in 1940 by 11 leading jockeys, including Eddie Arcaro, Sam Renick, Johnny 12 Longden. The reason it was established is because at that time 13 there was no coverage. There was no insurance coverage for the 14 riders. And riders began having issues and being ostracized 15 for passing the boot, if you will, when riders were hurt.</p> <p>16 Since that time, for almost 80 years, the guild 17 has worked to serve both the thoroughbred and quarter horse 18 riders throughout the country. Currently, we have 19 approximately 1,270 active, retired and permanently disabled 20 riders. The purpose of the guild is to provide representation 21 and serve as a voice for the jockeys throughout the country. 22 The main goal is to protect the riders by working with the 23 industry and regulators to strive for a safer racing 24 environment. To obtain and provide necessary benefits for 25 these individuals as they're performing their duties as</p>	<p style="text-align: right;">Page 39</p> <p>1 else that is afforded to them while riding at racetracks here 2 in New Mexico.</p> <p>3 The funding for our organization is based on 4 annual dues from the members, as well as \$4 or \$5 per amount 5 depending on the racetrack where they're riding and track 6 contributions. Based on the classifications of the racetrack, 7 depending on the average purse, the racetrack contributions 8 contributes to the amount based on the number of race days, as 9 well as the number of entries per day.</p> <p>10 With the tracks that we have industry partnership 11 agreements, we've entered into an agreement in which 50 percent 12 of those funds we receive are restricted for those jockeys, 13 meaning the jockeys here in New Mexico would receive those 14 benefits for those racetracks. For example, in addition to the 15 life insurance and AD&D, as I explained, and the supplemental 16 health and welfare benefit for items such as personal health 17 insurance for jockeys and their families, as well as the 18 long-term disability policies, we have provided -- for example, 19 last year in 2018 under our agreement at that time with Sunland 20 Park, qualifying jockeys were each individually provided \$1,615 21 for their reimbursements. That is in addition to the other 22 benefits that they were receiving.</p> <p>23 Accomplishments that we have created or 24 established over the years have been great, but most of them 25 all contribute to safety and the health and welfare not only to</p>
<p style="text-align: right;">Page 38</p> <p>1 jockeys, as well as monitoring developments in local, state and 2 federal laws that affect the racing industry and in particular 3 the jockeys.</p> <p>4 Now, the benefits that we provide, as I outlined 5 and are included in the booklets that I have provided you with, 6 are life insurance, AD&D temporary disability in the event that 7 they're injured both in the morning and during on-track 8 accidents. Supplemental healthcare reimbursements for the 9 riders, for jockeys that qualify at contributing racetracks, 10 which I'll briefly discuss later. Benefits and supplemental 11 reimbursements for our permanent disabled jockeys, as well as 12 representation.</p> <p>13 Here in New Mexico, we represent the majority of 14 the jockeys with approximately 85 to 90 percent thoroughbred, 15 depending on the track, and 60 percent quarter horse. Now, the 16 reason for the lower quarter horse representation, the stable 17 court horse riders that regularly ride in New Mexico are 18 members of the guild. However, because we do have a transient 19 population coming back and forth, unfortunately, not all of 20 those individuals are members of the guild.</p> <p>21 However, the policies that we established, the 22 regulations that are provided or that are created through the 23 Commission and the benefits, with the exception of the benefits 24 that we provide directly to our members, those individual 25 jockeys are entitled to those safety precautions and everything</p>	<p style="text-align: right;">Page 40</p> <p>1 the jockeys but also the horses. Many of the proposals that 2 you'll see, some of those originated -- even though they 3 pertain to horses, some of them actually originated with the 4 Jockeys' Guild, because it's our strong belief that if you have 5 safe horses, you have safe jockeys, and, in turn, safe jockeys 6 mean you have safe horses.</p> <p>7 In our industry, it's not a matter of if a jockey 8 is going to get hurt. It's when a jockey is going to get hurt. 9 Therefore, we feel that everybody in the industry has a 10 responsibility to ensure that the jockeys are riding in the 11 most safe racing environment possible.</p> <p>12 I'm going to cut out some of the concussion stuff 13 we spoke about yesterday during the rules and medication 14 meeting, which we will present in a more formal manner after 15 further discussion with the racetracks and the rules and 16 medication committee members. However, the goals that the 17 guild is continuing to work on is working with regulators 18 through the ARCI to initially develop the model rules. I know 19 there's questions about the ARCI and not every rule applies to 20 every jurisdiction exactly. However, when those rules are 21 developed, initially a rider and driver safety committee are 22 vetted before they're presented to the model rules committee.</p> <p>23 And we receive input from industry participants 24 both nationally and local organizations, as well as the 25 racetracks, including the racetracks and the horsemen</p>

<p style="text-align: right;">Page 41</p> <p>1 organizations. We also work with the race day medication 2 policies. We regularly attend the International Conference of 3 the Health and Safety and Welfare of the Jockeys. We are 4 trying to create uniformity not only here in the United States 5 but throughout the world.</p> <p>6 Because of being able to have the safe protocols, 7 a lot of the safety items that we're hoping to address, 8 including safety equipment, should be uniform and there 9 shouldn't be questions whether they're riding in England versus 10 in the U.S. of the safety equipment and safety protocols.</p> <p>11 What we would ask is that once we bring rules and 12 proposals here and we begin to develop this working 13 relationship with you as the regulators, that once we establish 14 the model rules, we then bring them back to you for your review 15 and consideration not only to assure we have the safest 16 standards but also to create some sort of uniformity, not only 17 for medication in horses but also for the human athletes.</p> <p>18 One area of concern that I have been specifically 19 asked to address is the current status with regards to the use 20 of the riding crops. We've seen something -- I'm sure you've 21 all seen some of the issues arising in California, and that 22 somehow became one of the main focal points. Although my 23 personal opinion -- and there are individuals who argued 24 against me -- I have a very strong opinion that the riding crop 25 did not contribute or cause the injuries and the issues that</p>	<p style="text-align: right;">Page 43</p> <p>1 any changes that approve the well-being of the horse, we do 2 believe it is important to recognize that the use of the riding 3 crop is absolute necessity not only for safety but also for 4 encouragement, communication and control of the horse. This 5 cannot be emphasized enough.</p> <p>6 It's also our belief as we as the industry, 7 including the owners, horsemen, racetrack and regulators, can 8 reach a mutually agreed upon regulation with regards to the use 9 of the riding crop that will be safe and humane for the horse 10 while still allowing the riders to use it in a way that is 11 necessary for encouragement and correction. The ultimate goal 12 is to establish the standards that's in the best interests of 13 the horse, as well as the industry as a whole, including the 14 betting public, as well as the owners and the horsemen whose 15 lives are invested in this sport.</p> <p>16 It would be our hope that establishing a rule 17 similar to many of the international standards would lead to a 18 universal riding crop usage. Such uniformity would be in the 19 best interest of the horse, enhance the perception of our 20 industry, and still provide fairness to the owners, the betting 21 public, the horsemen and the jockeys.</p> <p>22 With that being said, today's current riding crop 23 that is being used, that was implemented and created after the 24 incident with eight bells where there was the public outcry for 25 the change in the riding crop is used as a mechanism for</p>
<p style="text-align: right;">Page 42</p> <p>1 arose in California.</p> <p>2 However, after the statement issued by the 3 Stronach Group with regards to the matters and the breakdowns, 4 the CHRB -- including a comment with regards to the elimination 5 of the riding crop, the CHRB then responded -- after meetings 6 and discussions amongst the Stronach Group, CHRB and the guild, 7 they then responded by issuing a proposal in which the use of 8 the riding crop would be eliminated but for safety purposes. 9 We've taken exception to this proposal and have serious 10 concerns.</p> <p>11 However, it must be noted -- and a lot of people 12 have missed -- the CHRB's proposal that was discussed at the 13 beginning of the year has yet to begin the process for 14 legislative and for adoption by their committee. Therefore, we 15 have not been able to -- the change has not moved forward at 16 this point.</p> <p>17 With that being said, during the jockey club 18 round table in Saratoga this month, the issue was brought up 19 again, at which time the jockey club made the uniform -- said 20 that they were making their recommendation to eliminate the use 21 of the riding crop but for safety purposes. I will say the 22 guild has not had a board meeting since that time, so we do not 23 technically have a formal response. However, I can tell you 24 based on our discussions prior to that round table discussion 25 and during the issues in California, while we are supportive of</p>	<p style="text-align: right;">Page 44</p> <p>1 communication, encourage the horse, as I said, and absolutely 2 ensures the horse and rider safety without causing harm.</p> <p>3 The riders believe today's riding crop is safer 4 for the equine athlete and doesn't compromise the horse's 5 welfare. The cushion and shock absorbing poppers in the current 6 riding crop -- this is not the cylinder riding crop that's been 7 proposed. This is the current one that's been used for many 8 years. When it was introduced, it was strongly encouraged that 9 the horses be subject to an inspection by a racing or official 10 veterinarian for any cuts or welts, bruises on the skin, with 11 any of the adverse findings being reported to the stewards.</p> <p>12 When the riding crops have been used in an 13 appropriate manner, the welts and cuts have been almost 14 completely eliminated. Any situations that have arisen since 15 then have been reported and addressed by the regulators and the 16 commissions as necessary.</p> <p>17 The other response that they've had is just the 18 recent introduction of the 360 GT. This is a cylinder crop. 19 It has a cylinder popper with a loud audible encouragement. 20 This was used during the Kentucky Derby by the riders. 21 However, there needs to be some changes and modifications based 22 on the use by both the thoroughbred and quarter horse riders. 23 They are now in the process of modifying it to where the 24 cylinder is tapered at the end so it's easier to switch sticks 25 when they're switching through their hands.</p>

Page 45	<p>1 So at this time, I do not have an exact time line</p> <p>2 for the production, but they are working to modify and it is</p> <p>3 under research and development. I don't know if you have any</p> <p>4 questions on those. I'm sorry I've cut it down to a little</p> <p>5 bit. That seems to be one of the most pressing questions we're</p> <p>6 having at this time and one of the areas we're addressing</p> <p>7 throughout the country.</p> <p>8 HEARING CHAIRMAN COMMISSIONER BOURGUET: Thank you</p> <p>9 for your report. I would like to add that I think when this</p> <p>10 first came out about the riding crop, I contacted Jeff True</p> <p>11 from Ruidoso and asked him if he would be interested in looking</p> <p>12 into this, and he did respond. I'd like you to know what</p> <p>13 Ruidoso did.</p> <p>14 MR. TRUE: Yes, ma'am. Thank you, Madam Chairman.</p> <p>15 We purchased -- I believe it was six of those crops, different</p> <p>16 lengths, different sizes for the riders to use. I know the</p> <p>17 riders have been using them somewhat this summer. I don't have</p> <p>18 an "official" report of their feedback, but it was in use and</p> <p>19 it might be a source of current information if we wanted to dig</p> <p>20 into that.</p> <p>21 HEARING CHAIRMAN COMMISSIONER BOURGUET: I would</p> <p>22 encourage Mr. True to contact you and let you know what our</p> <p>23 jockeys thought about it or if they have recommendations or</p> <p>24 disgruntleness. I don't know.</p> <p>25 MS. COLEMAN: Madam Chairman, if I may, it's because</p>	Page 47	<p>1 the staple quarter horse riders, if you will, the ones that are</p> <p>2 in New Mexico are members of the guild. Part of those numbers,</p> <p>3 the way it is skewed, is partly because of the transient or if</p> <p>4 you have people coming over from Mexico. They don't join the</p> <p>5 guild. They don't think it's necessary or they, quite frankly,</p> <p>6 don't want to spend the \$4 and the \$5 per mount.</p> <p>7 COMMISSIONER SMITH: They have to pay it themselves</p> <p>8 or it comes out of the purse?</p> <p>9 MS. COLEMAN: No, it comes out of their earnings, so</p> <p>10 they pay it themselves. It comes from the horsemen's</p> <p>11 bookkeeper, but it's out of their earnings, their check.</p> <p>12 COMMISSIONER SMITH: What's the annual dues?</p> <p>13 MS. COLEMAN: \$100 annual dues.</p> <p>14 COMMISSIONER SMITH: So \$4 a race. Because I know</p> <p>15 when one of the riders get hurt, they sue the racetrack.</p> <p>16 There's no way to encourage them to belong to the guild?</p> <p>17 MS. COLEMAN: We have done a lot to encourage them.</p> <p>18 When I went to work for the guild, there was approximately 580</p> <p>19 members at that time. We have overcome a lot of the concerns</p> <p>20 of the previous history of the guild. But we've provided</p> <p>21 benefits and one of them is being what I explained about the</p> <p>22 supplemental health insurance reimbursements. Those tracks</p> <p>23 where we have contracts with the racetracks, there seems to be</p> <p>24 a higher participation rate partly because of that.</p> <p>25 As I said, though, we look at all the riders that</p>
Page 46	<p>1 of recommendations that we received from the riders here,</p> <p>2 California, Kentucky, Louisiana and Oklahoma that they -- and I</p> <p>3 may have missed a state in there. But those recommendations --</p> <p>4 that's why these modifications are being made at this time.</p> <p>5 Those are the initial prototypes. That's why we're making</p> <p>6 these changes is based on the recommendations.</p> <p>7 There was also quality and manufacturing review</p> <p>8 because we need to make sure that the glue and the adhesive for</p> <p>9 the poppers are being able to uphold through heat, extreme</p> <p>10 weather changes and extreme changes. I will point out the</p> <p>11 popper now, the way it is designed -- and I wish I had a</p> <p>12 prototype. They were supposed to get me one. I haven't</p> <p>13 received it. But it does not absorb water. So that was one</p> <p>14 concern that they had because of the squishiness of it, if you</p> <p>15 will. There was concern that it would absorb water and it does</p> <p>16 not. Thank you.</p> <p>17 HEARING CHAIRMAN COMMISSIONER BOURGUET: Thank you</p> <p>18 for coming.</p> <p>19 COMMISSIONER SMITH: I have a question. Do 85</p> <p>20 percent of the thoroughbred riders belong to the guild and 16</p> <p>21 percent of the quarter horse riders?</p> <p>22 MS. COLEMAN: Yes, sir.</p> <p>23 COMMISSIONER SMITH: Why do you think the percentage</p> <p>24 of quarter horse riders doesn't go up? I mean --</p> <p>25 MS. COLEMAN: As I was explaining, or what I said,</p>	Page 48	<p>1 are participating at the racetrack, and unfortunately they may</p> <p>2 only come in to ride five, ten mounts. They don't think that</p> <p>3 it's worth it. Because the benefits part of it with the</p> <p>4 temporary disability based on -- you receive a pro rata benefit</p> <p>5 based on the amount you've contributed up to a hundred mounts.</p> <p>6 So there are individuals that feel that it's not beneficial for</p> <p>7 them, not understanding that one mount -- if you're riding and</p> <p>8 contribute on one mount, you have a \$10,000 life insurance and</p> <p>9 a \$10,000 AD&D policy automatically. And then we pay \$250 a</p> <p>10 week for the first eight weeks of an injury and up to \$200 a</p> <p>11 week for up to 104 weeks, similar to the on-track accident</p> <p>12 policies. Honestly, they don't think they need it. There's</p> <p>13 quite a few that think they don't need it unless they get hurt,</p> <p>14 as you're saying, and realize the benefits.</p> <p>15 COMMISSIONER SMITH: Thank you.</p> <p>16 MR. COOK: Why can't you, with the help of the</p> <p>17 tracks, force every jockey to be in the guild? If I was a</p> <p>18 jockey, why wouldn't I want to be in the guild? Are you guys</p> <p>19 considered a union type?</p> <p>20 MS. COLEMAN: No, we are not. So we're</p> <p>21 technically -- we're considered a membership organization. And</p> <p>22 this goes to your comment yesterday as to whether or not</p> <p>23 jockeys are considered independent contractors or employees.</p> <p>24 Therefore, we're -- as of right now, by the Department of Labor</p> <p>25 we're considered a membership organization providing benefits</p>

<p style="text-align: right;">Page 49</p> <p>1 to our members.</p> <p>2 MR. COOK: Is it all major sports? Whether you play</p> <p>3 40 minutes a game or one minute a game you're covered by the</p> <p>4 NBA's union. I would like to see everybody in the guild. With</p> <p>5 the tracks' help, could the Jockeys' Guild make everybody be in</p> <p>6 the guild?</p> <p>7 MS. COLEMAN: Part of that has to go with the</p> <p>8 reasoning. What you're referring to, it has to do with some of</p> <p>9 the bargaining contracts, the different areas that are afforded</p> <p>10 to labor unions and the unions, as opposed to our level of</p> <p>11 organization, unfortunately. And it's a long time. We could</p> <p>12 get into it, but we are one of the few countries where jockeys</p> <p>13 are not required to participate in the organization. For</p> <p>14 example, Canada and other countries throughout the world, it's</p> <p>15 mandatory participation for the riders.</p> <p>16 MR. COOK: You and Mr. Beech come in front of these</p> <p>17 commissions. You lobby for all jockeys, but the jockeys that</p> <p>18 are in the guild or not in the guild get to ride on your coat</p> <p>19 tails going in front of all these commissions, coming to the</p> <p>20 tracks and saying we need this and that, and some of these guys</p> <p>21 aren't in the membership. I feel like they're riding you</p> <p>22 guys's coat tail. I feel like everybody should be in the</p> <p>23 guild.</p> <p>24 MS. COLEMAN: We appreciate your support and we have</p> <p>25 that same --</p>	<p style="text-align: right;">Page 51</p> <p>1 MS. COLEMAN: Yes, sir.</p> <p>2 MR. BLANCHARD: I think that most of those are in the</p> <p>3 guild anyway. Regardless if they're in California or if they</p> <p>4 come in from Oklahoma or whatever, most of them are in the</p> <p>5 guild anyway.</p> <p>6 MS. COLEMAN: I would say throughout the country, the</p> <p>7 top jockeys in both quarter horse and thoroughbred, what I'm</p> <p>8 referring -- a lot of times is it's the individuals that are</p> <p>9 riding five, ten races a year or that we -- are technically --</p> <p>10 should be more often than not act as exercise riders even</p> <p>11 though they're licensed as jockeys, those individuals are the</p> <p>12 ones that are not always --</p> <p>13 MR. BLANCHARD: Madam Chair, it would be a good</p> <p>14 discussion for us to have with the Horsemens Association. Get</p> <p>15 Jay and the breeders to talk a little bit about whether or not</p> <p>16 to get the tracks -- get the honorable Mr. Baugh and some of</p> <p>17 these other people together and talk about whether or not that</p> <p>18 makes sense for us to make that a condition to ride.</p> <p>19 HEARING CHAIRMAN COMMISSIONER BOURGUET: I think</p> <p>20 that's a great idea, getting the horsemen together with</p> <p>21 you-all. The other question I might add a tail on, you</p> <p>22 mentioned your 401(k)?</p> <p>23 MS. COLEMAN: No. We're a 501(c)(5).</p> <p>24 HEARING CHAIRMAN COMMISSIONER BOURGUET: So you're</p> <p>25 not a nonprofit.</p>
<p style="text-align: right;">Page 50</p> <p>1 COMMISSIONER SANCHEZ: Madam Chair, I've got a</p> <p>2 question. Couldn't the Commission write a rule or something to</p> <p>3 have all jockeys be part of the guild or not? It's just a</p> <p>4 question.</p> <p>5 MS. COLEMAN: As an attorney, I do not know that you</p> <p>6 have that authority to compel. But that is something that you</p> <p>7 would have to refer to your attorney. I cannot give that</p> <p>8 legal --</p> <p>9 MR. BLANCHARD: I'm not sure legally you could do</p> <p>10 that. But the track -- any track that would want to put that</p> <p>11 as a rule could do so. The tracks could individually do that</p> <p>12 if they wanted to.</p> <p>13 HEARING CHAIRMAN COMMISSIONER BOURGUET: That's</p> <p>14 correct.</p> <p>15 COMMISSIONER SMITH: So you're saying that if they're</p> <p>16 not a member of the guild, they couldn't ride at your track?</p> <p>17 MR. BLANCHARD: We have the authority to be able to</p> <p>18 say you can be here, you can't be here. So we could make that</p> <p>19 a condition to participate if we wanted to as a track.</p> <p>20 HEARING CHAIRMAN COMMISSIONER BOURGUET: And it kind</p> <p>21 of behooves a track to do that because the jockeys aren't then</p> <p>22 insured and less likely to sue the track.</p> <p>23 MR. BLANCHARD: For jockeys that are coming to New</p> <p>24 Mexico from California and the top notch jockeys, are most of</p> <p>25 them in the guild?</p>	<p style="text-align: right;">Page 52</p> <p>1 MS. COLEMAN: We are a not for profit, but it's</p> <p>2 under -- we're a membership organization.</p> <p>3 HEARING CHAIRMAN COMMISSIONER BOURGUET: For profit?</p> <p>4 MS. COLEMAN: No. We are not for profit.</p> <p>5 HEARING CHAIRMAN COMMISSIONER BOURGUET: If you're a</p> <p>6 nonprofit, do you have any types of programs that help</p> <p>7 supplement the cost or reduce the cost or a pilot program or a</p> <p>8 scholarship program for certain states or -- if you're a</p> <p>9 nonprofit, what do you do to give back?</p> <p>10 MS. COLEMAN: First of all, we're not for profit, not</p> <p>11 a nonprofit. Those are different things. For profit, not for</p> <p>12 profit and nonprofit are three different categories. Our</p> <p>13 funding is very limited, so we don't do fund-raising</p> <p>14 activities. People cannot donate to us as a charitable. So</p> <p>15 it's not that they have the ability to write off their</p> <p>16 donations. We're not a 501(c)(3).</p> <p>17 HEARING CHAIRMAN COMMISSIONER BOURGUET: Any other</p> <p>18 questions? Dr. Chastain.</p> <p>19 DR. ALAN CHASTAIN: I have a question for Ms.</p> <p>20 Coleman. Are there any racetracks in the United States that</p> <p>21 require their riders to be members of the guild, less the</p> <p>22 contingency about riding at that racetrack?</p> <p>23 MS. COLEMAN: No, sir, not at this time. There's not</p> <p>24 that requirement. With that being said, there are agreements</p> <p>25 that we've entered into -- and that's what I was saying. So</p>

<p style="text-align: right;">Page 53</p> <p>1 the industry partnership agreements, jockeys receive additional 2 benefits under those agreements that are not afforded to 3 non-guild members. They use that as a way to entice them to 4 join. And it's not only to join. It's also as an enticement 5 to create a partnership with the racetrack and the jockeys, so 6 that they then use those jockeys to promote the sport whether 7 it's meet-and-greets with the fans, whether it's the 8 commercials, other things we've done.</p> <p>9 For example, if you notice Remington Park does a 10 great thing. Regularly they have jockeys on the billboards and 11 they do weekly interviews with the jockeys highlighting 12 different things, getting to know them as athletes. We've been 13 able to create those types of partnerships. And to be honest 14 with you, at those racetracks when they're using jockeys for 15 whatever necessity with their racetrack, it increases the 16 membership participation because they want to be a part of it, 17 especially when they see the other jockeys doing it.</p> <p>18 With that being said, there are also benefits 19 under certain fee agreements that we have with the horsemens 20 organizations. It started in Florida two years ago.</p> <p>21 HEARING CHAIRMAN COMMISSIONER BOURGUET: Well, you 22 know what, Ms. Coleman? You've had all these good questions 23 and you've made a great presentation. And I would encourage 24 you to stay in touch with the New Mexico Horsemens Association, 25 pass this information on to all New Mexico entities so they can</p>	<p style="text-align: right;">Page 55</p> <p>1 give your executive director report? 2 MR. TREJO: Yes. Madam Chair, members of the 3 Commission, Izzy Trejo, director of the New Mexico Racing 4 Commission. First off, most importantly, I just want to give 5 credit to our staff as we go through the hiring process of 6 three different positions. They've had to work shorthanded 7 over the last couple months and they've really done an 8 excellent job with the workload that's come upon us. It's 9 budget time. It's audit time. So I've just got to commend our 10 staff at the Racing Commission for doing an incredible job of 11 keeping pace with the workload. I know she doesn't ever like 12 to take public credit, but someone sitting to my left deserves 13 a lot of it.</p> <p>14 Nonetheless, back to business. As mentioned, 15 we've prepared our budget. It's being submitted a couple days 16 early. It's due the first week of September. Our requests are 17 going to be reflective of increases for hiring 18 more veterinarians, attorneys, development of a very staunch 19 auditing program, and expansion of our out-of-competition 20 testing program. That's that.</p> <p>21 Then I also want to give a big thank you to 22 Sunland Park. We did a pretty significant testing session at 23 Sunland Park during their off season on August 6th. They were 24 kind enough to open up their testing facility. We brought in 25 24 horses from a local town near that location for testing. It</p>
<p style="text-align: right;">Page 54</p> <p>1 get this to their committees and each respective track and to 2 all the owners of each track. So we encourage this and we 3 thank you for your time today.</p> <p>4 MS. COLEMAN: Thank you.</p> <p>5 HEARING CHAIRMAN COMMISSIONER BOURGUET: The next 6 item on the agenda.</p> <p>7 MS. LESLIE FINCHER: I just wanted to ask, do you 8 still have different jockeys guilds memberships available? Do 9 you still have it?</p> <p>10 MS. COLEMAN: I can answer that question. We do not 11 full and partial anymore. That was when there was a health 12 insurance. They paid an additional amount to have full 13 coverage for health insurance. However, that was 15 years ago 14 and there's been changes because of the health insurance cost. 15 That's no longer afforded.</p> <p>16 HEARING CHAIRMAN COMMISSIONER BOURGUET: Thank you. 17 Mr. Trejo.</p> <p>18 DIRECTOR TREJO: Madam Chair, members of the 19 Commission, if I may just ask people that are going to ask 20 questions or make comments if they could just identify 21 themselves for Chris here, that way the record is accurate.</p> <p>22 HEARING CHAIRMAN COMMISSIONER BOURGUET: We just want 23 to make sure our court reporter gets your names correctly in 24 our transcript and recordings and everything that we do now. 25 Okay. Thank you, Mr. Trejo. Would you please</p>	<p style="text-align: right;">Page 56</p> <p>1 is fairly significant as far as the results go and the 2 findings. But I just want to give credit to Sunland Park for 3 working with us. It's a testament to show how working together 4 with the different stakeholders in this industry can be 5 conducive to the integrity of racing, too. Every member of 6 their upper management stopped by to see how we were doing. 7 They had security there for us the entire time. And I just 8 want to say thank you for the accommodations to Sunland Park 9 racetrack.</p> <p>10 Excitingly, All American weekend. It's time for 11 New Mexico racing. I believe a lot of us are going to head 12 over there for the weekend. I wish Ruidoso Downs and Mr. True 13 the best of luck. We're hoping for a great weekend. We've 14 done a lot of testing at Ruidoso this summer and we've got some 15 good results, but it really feels -- like I said yesterday at 16 the medication committee meeting, it feels like we haven't made 17 much ground in the world of drug testing and violations. But 18 when you look at the statistics that Dr. Waterman provided, 19 we're actually in a pretty darn good place. Our numbers have 20 dropped significantly. The unfortunate thing is that we have 21 been finding some off-base drugs that we haven't seen before. 22 But on the flipside, that's encouraging as well that our lab is 23 having the ability to find those types of drugs. So we're 24 pleased with that. 25 September 3rd, as mentioned, headed to Zia Park</p>

<p style="text-align: right;">Page 57</p> <p>1 for a long five-hour drive to Hobbs, New Mexico. And we look 2 forward to seeing the facility and some of the construction 3 items they've been working on over the off season. The purse 4 structure looks fantastic there. We're hoping to have a great 5 race meet over there. And hopefully we can all work together 6 with the horsemen and Zia Park and ourselves to make it 7 productive. I stand for any questions. 8 COMMISSIONER SANCHEZ: Madam Chair, I've got a 9 question. What about investigators? What about that in the 10 budget? Are you going to ask for budget for more 11 investigators? The reason I'm asking, when we recently got on 12 the Commission we just had one investigator. The last 13 commission I was on, we had four investigators. And I was just 14 wondering what the deal was there. 15 DIRECTOR TREJO: Yes. Madam Chair, Commissioner 16 Sanchez, on September 5th we're conducting interviews to hire 17 two more investigators. We had one resign in June. The 18 process has been real slow to get new bodies in here. But that 19 will get us up to three. And if we have budget, we can 20 certainly go for a fourth. 21 COMMISSIONER SANCHEZ: Okay. So you budgeted for 22 extra investigators? For more investigators? 23 DIRECTOR TREJO: Madam Chair, Commissioner Sanchez, 24 we have a budget for three investigators right now. But at 25 this time, I don't believe we've put in for more investigators,</p>	<p style="text-align: right;">Page 59</p> <p>1 whatever his name is. But every time we turn around, we get a 2 damming thing in the Paulick report. There's a history there. 3 Ray Paulick hates quarter horses. There's a history here, and 4 I don't want to go into that. 5 But I'd also like to say that we're going to 6 change the verbiage. And when we get a bad therapeutic 7 overage, that's what we're going to call it, a high therapeutic 8 overage. We're not going to call it a bad drug test unless 9 it's a drug test. So you read this and you think we're using 10 new morphine. I mean, you read this and you think, man, they 11 are at a loss. Really, that's not the case. We are getting 12 bad tests on things that are legal in the thoroughbred 13 industry. And so that's why these changes need to be made, and 14 that's why I'm on this Commission. I know I got a battle, but 15 we'll see. 16 COMMISSIONER SANCHEZ: Madam Chair, I've got a 17 question for Ms. Vescovo. Would that have to be done in 18 legislature, being that we're following these rules here? 19 MS. VESCOVO: I think, number one, if you're reading 20 ARCI, I think it says, "Recommended penalties," number one. So 21 I think this is one of the big problems we've had with the 22 corticosteroids where mitigating circumstances were ignored. 23 And I think you have mitigating and aggravating factors there. 24 So the Commission does have some leeway on the 25 decisions they make. There is a template there with</p>
<p style="text-align: right;">Page 58</p> <p>1 but we can probably make room for another investigator, a 2 fourth. 3 COMMISSIONER SANCHEZ: What about your budgeting for 4 a full-time counsel with the Commission? Where are we at on 5 that? 6 DIRECTOR TREJO: Madam Chair, Commissioner Sanchez, 7 yes, we're hoping to have an attorney hired by October and 8 we're budgeting for second attorney. 9 COMMISSIONER SANCHEZ: And who is going to approve 10 the attorneys, or what? 11 DIRECTOR TREJO: That's typically done through the 12 hiring process. We set up a committee within the agency and 13 conduct interviews and try to find the best candidate. 14 COMMISSIONER SANCHEZ: Okay. 15 COMMISSIONER SMITH: Madam Chair, I'd like to say 16 that 90 percent of all the bad tests at Ruidoso this summer are 17 on therapeutics that are legal in thoroughbreds. Now, we've 18 caught some bad stuff, too. But the reason we need to make big 19 changes in what's going on -- I don't know if you read this 20 article in the Poulick report, but it's damming to the quarter 21 horses. It is damming. Can we say what it says in there? 22 Everything in this report says exactly what needs 23 to be done. We need to level the playing field. They say it. 24 We're turning the good guys into bad guys. They say it right 25 in this article. I don't even know this guy, Gorajec, or</p>	<p style="text-align: right;">Page 60</p> <p>1 recommended penalties, but those are recommendations. And so 2 you have the ability to have wiggle room, but I think that's 3 probably more of a question to ask Billy Blackburn. He's the 4 attorney in the room. 5 COMMISSIONER SANCHEZ: I'll question Billy Blackburn, 6 then. 7 MR. BLACKBURN: Madam Chair, Commissioner Sanchez, 8 these are regulations. So as has been stated earlier, statutes 9 control. Statutes are number one is what your attorney will 10 tell you. Regulations are second. As long as the regulations 11 don't interfere with the statutes, then the regulations have 12 effect. But as she was saying, these are just recommendations. 13 And you have a lot of wiggle room in there that says these are 14 recommendations. You're entitled to take mitigation and 15 aggravation into effect. 16 For instance, if it is -- and I support your 17 comments, Commissioner Smith, about therapeutics that are 18 overages. Because if all it comes out is as being a bad drug 19 test, then that person gets a stigma for the rest of their life 20 with whatever goes into the ARCI or to anybody. 21 But those are recommendations, and you have the 22 right to take into effect mitigation to the extent, with all 23 due respect, that you could dismiss the case. If you thought 24 it was environmental contamination or maybe it was like two 25 picograms or it should be two snow flakes over the amount</p>

<p style="text-align: right;">Page 61</p> <p>1 allowed, you have the right to take that into effect. With all 2 due respect, that's not what's happening now. So I'm just 3 saying that.</p> <p>4 COMMISSIONER SMITH: So on the penalty process, you 5 say, "a penalty." Do we have to give it a penalty?</p> <p>6 MS. VESCOVO: It's recommended.</p> <p>7 MR. BLACKBURN: I think you have the right to do 8 anything. But these are just recommendations. They're saying 9 if you were to find, for instance, that you believe that 10 Clenbuterol should not be a level A or a level B or something, 11 you can take that into consideration. These are just 12 guidelines by the ARCI. Unless you make a statute that says 13 this is what we want to do, these are just recommendations. So 14 you are the regulators of this state. You have the right to do 15 what you want to do as long as it's within the purview of the 16 law. And if there's no law that says you have to do it, then 17 it's up to you, as long as it passes legal muster.</p> <p>18 COMMISSIONER SANCHEZ: My question was, where it 19 says, "quarter horse only." Can we ignore that? I mean, being 20 that -- I mean, the legislature made us use this thing, and the 21 way I look at it is when it says, "quarter horse only," can we 22 make that decision to take that off? That's what I was asking. 23 You would have to go through the legislature to do this.</p> <p>24 HEARING CHAIRMAN COMMISSIONER BOURGUET: It's in 25 statute. Once it's in statute, that is law. We follow law.</p>	<p style="text-align: right;">Page 63</p> <p>1 that any other samples, blood, serum, any other samples. Hair 2 is any other samples. So, no, there's no model rules in 3 regards to hair testing. The tests that come back negative at 4 Texas A & M -- Texas A & M does segmented hair analysis. We 5 don't know that those people didn't just cut the tip of the 6 mane with no regulatory oversight on some of those samples. We 7 don't know what part of the mane they cut. We don't know if 8 they went to the base like we did. There are some issues with 9 procedures at different labs, from what I am told. So that's 10 problematic.</p> <p>11 We have an official laboratory that we depend on. 12 They do it the way they do it, and we feel they do a very 13 thorough job. And we're going to live with those results.</p> <p>14 MR. BLANCHARD: The problem with when you actually 15 defer your regulatory authority to a national organization, 16 which in the state of New Mexico we've done by taking the ARCI 17 rules and adopting them in the statute, it limits the ability 18 of the Commission to make rules and regulations that pertain to 19 the problems that exist in the state of New Mexico that may not 20 exist in the state of California.</p> <p>21 So I'll give you an example. California, through 22 Stronach the great, has decided that they're going to push for 23 banning of Lasix. Well, you go out there and ban Lasix at 24 Ruidoso and see how many ambulances Mr. True has got to have 25 there to haul those horses off. Is that a correct application</p>
<p style="text-align: right;">Page 62</p> <p>1 COMMISSIONER SANCHEZ: That was my question. That 2 was to Susan. Do we have to go through the legislature to 3 remove it?</p> <p>4 MS. VESCOVO: And Commissioner Sanchez, while we're 5 going down this little rabbit hole, you-all have heard me say 6 this, many in the room, for probably three years now. You 7 know, one of the things as far as the testing and on the 8 penalties, hair testing is not accepted by ARCI because there 9 is no uniformity in the way the tests are done. And to 10 frivolously be spending state money on hair testing I think is 11 ludicrous.</p> <p>12 And we even had a horse -- I believe that was in 13 the Ruidoso Derby this year that got a positive hair test, was 14 scratched, and it comes back negative, you're going to find 15 that happening over and over and it's because of lack in 16 uniformity of methodology.</p> <p>17 Now, once all labs are testing the same and they 18 can make it black and white like blood, you know, I think 19 you'll see ARCI probably accepting it. But at this juncture, 20 there is no uniformity. And I think, you know, hopefully all 21 these things will end up going away because I think what 22 you-all are doing is violating statute.</p> <p>23 HEARING CHAIRMAN COMMISSIONER BOURGUET: Mr. Trejo, 24 do you have a comment about how we do our hair testing?</p> <p>25 DIRECTOR TREJO: Madam Chair, in ARCI it does say</p>	<p style="text-align: right;">Page 64</p> <p>1 of the authority of the New Mexico Racing Commission to defer 2 their regulatory authority to a national organization that 3 doesn't deal with 8,000 feet or 7,500 feet? That's why there 4 is a commission, for the Commission to rule on problems or 5 conditions that are pretty much germane to that state. That's 6 why I hate this thing with the ARCI. You're going to adopt 7 whatever you want, but sticking stuff into statute just limits 8 the authority of the Racing Commission.</p> <p>9 MS. VESCOVO: But, Paul, ARCI supports Lasix.</p> <p>10 MR. BLANCHARD: I understand that. But what if they 11 decide two years from now that they're going to put a Lasix ban 12 in there? What if they decide to do that?</p> <p>13 MS. VESCOVO: HBPA will prevent that problem.</p> <p>14 HEARING CHAIRMAN COMMISSIONER BOURGUET: The thing 15 is, I agree with the statement Mr. Blanchard made about we need 16 to regulate New Mexico for the problems that we have in New 17 Mexico. Now, I support hair testing as another means of 18 testing in equine because we need it. We have different 19 problems here. We are doing what we need to do in our state.</p> <p>20 Now, you can argue all you want whether it meets 21 statute or not. It is in ARCI. It's in our rules and we are 22 going to use that.</p> <p>23 MR. BLANCHARD: Well, Madam Chair, you don't follow 24 those rules blindly. Those rules are in there when they're 25 recommendations. Those don't mean you have to follow those</p>

<p style="text-align: right;">Page 65</p> <p>1 blindly. Recommendations you take into consideration. That's 2 all that means. So to go ahead and try to read that on a 3 literal basis that this is what we've got to do, again, all 4 you're doing is reducing the Commission's ability to regulate 5 the business.</p> <p>6 HEARING CHAIRMAN COMMISSIONER BOURGUET: It does 7 limit us because we have to follow statute. And there was a 8 movement at that time to put it into New Mexico law, and there 9 were people that basically went to a lot of legislators in our 10 state and said that the New Mexico Racing Commission had to be 11 regulated through ARCI, and it was pushed on us. Now --</p> <p>12 COMMISSIONER SMITH: The New Mexico Racing Commission 13 had nothing to do with putting it in.</p> <p>14 HEARING CHAIRMAN COMMISSIONER BOURGUET: No. This is 15 something that was put in by individuals who wanted it in 16 statute and went to the legislation and promoted that the 17 Commission will be regulated by state statute.</p> <p>18 Now, I think we've been under this statute long 19 enough to know what works and what doesn't work. And we, as a 20 Commission, have the authority, have the right to say you tried 21 to your way. Now we're going to try it our way. So we've done 22 it. There's flaws in it. I think we're all talking about the 23 flaws. It's our duty to make sure that we regulate this 24 business in the most appropriate way with the problems that we 25 have in our state.</p>	<p style="text-align: right;">Page 67</p> <p>1 HEARING CHAIRMAN COMMISSIONER BOURGUET: I would like 2 to ask Dr. Chastain, our veterinarian that we actually contract 3 with, if he could answer a good question for Mr. Sanchez.</p> <p>4 DR. CHASTAIN: I don't think I can. I'm instructed 5 from the laboratory what sample they want, whether that be 6 blood, urine or hair and how they he want it packaged. They do 7 not want cells is my understanding. They want the shaft of the 8 hair and they do procedures on that shaft to extract compounds. 9 That's my basic understanding. But I operate under a set of 10 guidelines, and that is to cut the hair as close as possible.</p> <p>11 COMMISSIONER SMITH: I think that when we make the 12 changes that we're talking about making, it's going to solve a 13 lot of that problem. There will still be some hair testing 14 because Albuterol, that's the only way you can pick that up. 15 There's a couple other illegal drugs that aren't in a horse 16 that you can't pick up in the horse. Albuterol is one of them. 17 And there's a couple others -- I can't recall them off the top 18 of my head -- that you cannot pick up in the horse.</p> <p>19 So we'll have a little hair testing for those 20 kind of bad drugs, but all this other stuff, if we make the 21 changes we're talking about making, there will be way less 22 problems.</p> <p>23 DR. CHASTAIN: Just a point of clarification, if I 24 could. My understanding is that that hair testing represents a 25 period of time and is for substances not supposed to be in a</p>
<p style="text-align: right;">Page 66</p> <p>1 COMMISSIONER SANCHEZ: I've got a question to Izzy 2 here. Why don't they pull the root when they're cutting hair? 3 We do it for DNA, I mean, both thoroughbred and quarter horses. 4 Any time we send a colt to be registered, we have to pull from 5 the root. And to me, that would be -- if you're going to do 6 this type of testing, it seems to me it had to be from the 7 root. Because I've read all this stuff on hair testing the 8 last two, three weeks that kind of drove me dizzy because it's 9 not consistent. But I think if they get it from the root, it 10 would be a whole different ballgame because it's right there 11 where it has to be. It's just a question.</p> <p>12 DIRECTOR TREJO: Madam Chair, Commissioner Sanchez, I 13 think that would probably be a better question for our equine 14 health and testing adviser to answer. Hair follicle testing is 15 different than the hair testing because, as you said, you're 16 actually getting the hair below the line in the skin and 17 pulling it. And perhaps we would have more violations that 18 way. I don't know. Maybe that is a way to go.</p> <p>19 COMMISSIONER SANCHEZ: I don't think so, because the 20 violations, the way I read it, are coming from drugs or 21 therapeutics that were taken six months, a year before. That's 22 where they're coming from. Because as the mane grows, they 23 come out. I think if it's the root, it's right there. In my 24 mind, what I've read, that's what it sounds like. I'm no 25 expert, but that's the way I look at it.</p>	<p style="text-align: right;">Page 68</p> <p>1 horse, ever. Therapeutics are not looked at in hair as far 2 substances that are not supposed to be in a horse, ever, any 3 time.</p> <p>4 REPRESENTATIVE EZZELL: Thank you, Madam Chair. 5 There are problems at Ruidoso that I've been helping certain 6 people out with because of things that have gone on through the 7 executive director and his employees. And I always think that 8 an organization needs to have internal control checks and 9 balances.</p> <p>10 But I know that at an LFC meeting in Ruidoso in 11 2016, it was brought up what the protocols would be as far as 12 any sort of overages in certain tests. And it stated that 13 other entities, other states, the results are sent 14 simultaneously to the executive director, the equine medical 15 director and the head stewards. And at that time Executive 16 Director Trejo said that this protocol would be followed in New 17 Mexico. Has that taken place?</p> <p>18 DIRECTOR TREJO: Madam Chair, members of the 19 Commission, they do go to staff as well as the equine medical 20 adviser, Dr. Waterman, simultaneously. The results on split 21 samples go to staff, equine medical director, myself and the 22 investigator that's conducted the out-of-competition testing.</p> <p>23 REPRESENTATIVE EZZELL: I guess my concern is why is 24 it going to staff and --</p> <p>25 DIRECTOR TREJO: Well, I'll be more specific. They</p>

<p style="text-align: right;">Page 69</p> <p>1 go to Ms. Rosemary Garley. She heads that department with her 2 agency. So she deals directly with the labs and they go to 3 her.</p> <p>4 REPRESENTATIVE EZZELL: And Madam Chair and Executive 5 Director Trejo, I guess the problem that resulted just very 6 recently in Ruidoso was a problem with the results being sent 7 to staff members instead of to the executive director, the head 8 steward and the medical equine director. Is that correct?</p> <p>9 DIRECTOR TREJO: Madam Chair, members of the 10 Commission, Representative Ezzell, I believe the problem arose 11 because of logistics. We have a person in our office that gets 12 the results. There's time off. The day was taken off the next 13 day. The results came in late on a Wednesday afternoon. There 14 was time off on a Thursday. There were no stewards available 15 in the office Thursday anyway. So even if the stewards got 16 them, the violation was still going to be processed on a 17 Friday, in which it was processed on a Friday.</p> <p>18 REPRESENTATIVE EZZELL: Well, Madam Chair and 19 Director Trejo, I guess therein lies a big problem because it 20 threw everything into a flux. And whatever is told to the 21 legislative finance committee that these protocols -- and it 22 was stated in 2016 that these protocols would be implemented 23 and they haven't yet and we've seen the huge problems that this 24 has created. I have a big problem with that. As far as who 25 notifies a certain trainer, any trainer, that they have had a</p>	<p style="text-align: right;">Page 71</p> <p>1 that New Mexico said that they would implement, that it should 2 be the head steward that does the notification to the trainer 3 whenever there is an overage.</p> <p>4 As far as the way that our testing takes place, 5 I'm assuming that these ID cards, they're sealed with evidence 6 tape and they're not unsealed until the report is issued so 7 that all testing is performed without any knowledge of whose 8 sample has been sent in. Is that correct, Director Trejo?</p> <p>9 DIRECTOR TREJO: Madam Chair, members of the 10 Commission, I believe that is correct. The test cards come 11 here sealed to the office and they're only open upon finding of 12 a violation on the final report from the laboratory.</p> <p>13 MS. GARLEY: So if I get a report that shows that 14 it's cleared, that there's no violations or if there's a 15 pending, I open up every envelope to make sure all samples are 16 accounted for on that result before I do anything with the 17 purses. So it is open, it's marked what I've done, it's sealed 18 back. So if there's a pending, there's a hold on the purse 19 release. When I get the final results, whether it's cleared or 20 a violation, I open it up again. I pull out that test card. I 21 make copies of the test card, the results, the program page and 22 the certificate of analysis. That's scanned and then sent out 23 to Waterman, Izzy, the stewards and the investigator.</p> <p>24 REPRESENTATIVE EZZELL: Well, Madam Chair, therein 25 lies a problem. The results should go to the executive</p>
<p style="text-align: right;">Page 70</p> <p>1 bad test, whose job is that?</p> <p>2 DIRECTOR TREJO: Typically it's the stewards or the 3 investigator.</p> <p>4 REPRESENTATIVE EZZELL: And what does the 5 investigator have to do with this? This is not an 6 interrogation. It's just for my own knowledge. What does the 7 investigator have to do with notification to that trainer of an 8 overage?</p> <p>9 DIRECTOR TREJO: Madam Chair, members of the 10 Commission, the investigator is the one that initiates the 11 investigation on the case. They open up the case and they 12 start the process. They notify the trainer within 48 hours of 13 the violation. The investigator is the one that writes the 14 notification letter indicating that they have 48 hours to 15 decide whether they want to send a split test. Just basically 16 a summary of the process, you can send a split test. You have 17 to contact the Horsemens Association, and so on. That's the 18 investigator's duties. So they're in the loop.</p> <p>19 REPRESENTATIVE EZZELL: But whenever we're seeing 20 what other states are doing as far as following protocol on who 21 notification goes to, New Mexico is not following that 22 protocol, and I think that it opens up a staff member -- it 23 leaves that person in a position that lots of accusations can 24 take place, and I don't want to see that happen. But I feel, 25 in my opinion, with the protocols that other states are doing</p>	<p style="text-align: right;">Page 72</p> <p>1 director, the medical equine director and the head steward. 2 And I don't know. Madam Chair, I'm going to touch on one more 3 thing. A couple of things, actually. I think that the 4 Commission is going to be faced with lots of problems as far as 5 hair testing because every lab does not test the same. There 6 is discrepancies between different labs. Some labs are no 7 longer accredited to do this, and there's a big problem.</p> <p>8 HEARING CHAIRMAN COMMISSIONER BOURGUET: Well, that's 9 why we choose the best lab, and that's why some labs aren't 10 chosen because they don't follow protocol. Representative, I 11 understand this is your opinion.</p> <p>12 REPRESENTATIVE EZZELL: But I do have another 13 question, Madam Chair. Director Trejo, we had a problem this 14 past summer with a certain trainer that was told that his 15 license had expired even though he had been licensed in the 16 state of New Mexico for 17 years. I was very concerned 17 whenever he was basically given this binder right here the 18 night before the test, to study to take that test. Is there 19 any sort of guidelines as far as a trainer's test go that is 20 not just randomly pulled out of the air? Is there some way 21 that these trainers can study for a test?</p> <p>22 DIRECTOR TREJO: Madam Chair, members of the 23 Commission, according to the young gal that created the 24 trainer's test, if they'd simply read the rule book. That's 25 all we ask. A lot of the questions are derived from the New</p>

<p style="text-align: right;">Page 73</p> <p>1 Mexico rule book. They can find that on the Internet. A lot 2 of the questions are derived from things that they should 3 commonly know as a trainer. What are the positions of poles on 4 the racetrack, what type of blinkers do you use, what type of 5 shoes are available, spell out the anatomy of a racehorse's 6 leg. The experience should be the main gear in someone passing 7 these tests, not reading a book. But because we have a rule 8 book and there are a lot of rules in horse racing, we expect 9 them to know some of the rules. And I think that's one of the 10 biggest problems we have in horse racing are participants in 11 our game not knowing the rules.</p> <p>12 If you look at our test scores from people that 13 have taking taken the trainer's examination, the portion they 14 fail the most is the New Mexico rules. I see percentages 38 15 percent, 49 percent. Read the rules. Imagine being an NFL 16 coach and not knowing the rules of the NFL. I feel the same 17 about people getting into this game and getting a license 18 that's as important as a trainer's license, not knowing the 19 rules and how to participate. And, hence here's the foundation 20 of a lot of our problems. People not knowing the rules.</p> <p>21 HEARING CHAIRMAN COMMISSIONER BOURGUET: I think 22 Representative Ezzell brings up a good point. I've been doing 23 a little research on that. In another sport, for example, in 24 tennis a lot of competitive tennis players have what they call 25 a code and that has the rules of the game for specific items</p>	<p style="text-align: right;">Page 75</p> <p>1 to help a program out. We did have Ms. Jill Catby implement a 2 training course on how to become a trainer.</p> <p>3 We'd be open to any program such as that to help 4 people understand the game because I think it only makes the 5 industry stronger if the people know what they are doing that 6 are participating in this industry.</p> <p>7 HEARING CHAIRMAN COMMISSIONER BOURGUET: We could 8 also bring ROAP in to maybe do some annual trainings for us so 9 it cuts down on the expense of people having to travel. Mr. 10 Strain.</p> <p>11 MR. STRAIN: In the past, wasn't there -- the test 12 for the trainers, weren't there three different tests? The 13 tests were standardized in years past? If a trainer went in to 14 take a test, weren't there three different tests and if he took 15 one of those three?</p> <p>16 DIRECTOR TREJO: Madam Chair, members of the 17 Commission, I believe that's the way it was set up prior. Now 18 we have a random generator software. It has, I don't know, 300 19 questions compiled in there. And when a guy comes in to take a 20 test, it will shoot out a different type of test. We had 21 problems with people getting pictures of the test and 22 disseminating them to potential trainers. So I think it played 23 right into the hands of paper training when it was easy to have 24 access to the tests you were going to be given and then you'd 25 pass.</p>
<p style="text-align: right;">Page 74</p> <p>1 that come up continuously. And I'd like to see us have 2 something. I think Texas has the trainer's guide. And I'm 3 going to introduce something like that similar that trainers 4 can put instead of -- not necessarily everyone should be 5 familiar with the rules. I agree with Director Trejo. But 6 someone that doesn't necessarily remember every single thing 7 every single day or a veterinarian comes to them and asks 8 questions about a specific thing, that trainer can refer to a 9 trainer's guide and pull up this information. It might be a 10 little bit easier to keep up with what's going on since we do 11 make changes from time to time.</p> <p>12 But that would be another way of someone handing 13 somebody a guide to look at, and then if they still want to 14 take the test, they have the option of reading the entire rule 15 book. Any other thing?</p> <p>16 REPRESENTATIVE EZZELL: Are trainers supposed to be 17 updated? Are they supposed to have X number of hours per year 18 as far as continuing education, as far as training goes?</p> <p>19 DIRECTOR TREJO: Madam Chair, members of the 20 Commission, there is a rule in the rule book that does require 21 trainers to do that rather than shut the industry down because 22 I don't believe any of our trainers have adequate hours of 23 continuing education. You know, we've discussed it. Groom 24 Elite come in here. The New Mexico Horsemens Association is 25 not put into gears as far as bringing that in for the horsemen</p>	<p style="text-align: right;">Page 76</p> <p>1 So we put some things in place to keep that from 2 happening, and I believe it's kept a lot of guys that weren't 3 really legitimate trainers from entering the training game.</p> <p>4 MR. STRAIN: If a person goes up there to take the 5 test and if it's not standardized, it looked like they're 6 picking on certain ones. If you go back to the standardized 7 test, there would be no way to say, well, they didn't like it. 8 He's on the list, looks like to me.</p> <p>9 Because I understand this summer this one 10 gentleman that was supposed to take a test, which he didn't 11 really need to take a test, he was asked certain questions that 12 there's no way for him to study for. It looked like to me if 13 there was a standardized test and everybody had to take one of 14 those three, it would make you-all look a lot better, that you 15 weren't picking on certain individuals.</p> <p>16 THE REPORTER: Madam Chair, I need a break.</p> <p>17 HEARING CHAIRMAN COMMISSIONER BOURGUET: You need a 18 break?</p> <p>19 THE REPORTER: Yes, please.</p> <p>20 REPRESENTATIVE EZZELL: Can I finish? And then I'll 21 be quiet. When we are talking about the test, it was very 22 bothersome to me. Even though this gentleman was asking 23 questions during an oral test, the answer he gave on one of 24 them was correct. Is Clenbuterol allowed in any jurisdiction 25 in New Mexico, and his reply was no. And they said, no, you're</p>

<p style="text-align: right;">Page 77</p> <p>1 wrong. But also, whenever he took the written test, the 2 certain trainer, he was not allowed to know what questions he 3 missed and one of them being how old do you have to be to be an 4 agent. How is that relevant to the trainer's test? 5 I guess where I'm going back to, though, Director 6 Trejo, if we have testified before LFC that the protocol would 7 be followed as far as bad results coming in, that's the way it 8 needs to be and that needs to be happening immediately. 9 Because I don't want to see another screw-up like we have had 10 at Ruidoso over what transpired with not everybody being 11 treated the same. And whenever you have one set of standards 12 for one trainer and another set for another trainer, I get 13 pissed. Thank you, Madam Chair. 14 HEARING CHAIRMAN COMMISSIONER BOURGUET: Thank you, 15 Representative. If you'll notice 7D on the agenda, test result 16 notifications, we've placed it on our agenda for discussion. I 17 think it's something that we need to address. Thank you for 18 your concern. 19 REPRESENTATIVE EZZELL: Well, I've already discussed 20 it. I'll be quiet. 21 HEARING CHAIRMAN COMMISSIONER BOURGUET: At this 22 time, let's take a 10-minute break. 23 (A recess was taken from 10:58 to 11:15.) 24 HEARING CHAIRMAN COMMISSIONER BOURGUET: We're going 25 to continue with our agenda. We are now on 7A, ratification of</p>	<p style="text-align: right;">Page 79</p> <p>1 HEARING CHAIRMAN COMMISSIONER BOURGUET: Any 2 discussion? All those in favor of ratifying the Zia Park -- is 3 this a ratification, Mr. Trejo, or an approval? 4 DIRECTOR TREJO: A ratification, ma'am. He started 5 to work two weeks ago. 6 COMMISSIONER SANCHEZ: Didn't you say Ruidoso? This 7 is Zia Park. 8 HEARING CHAIRMAN COMMISSIONER BOURGUET: I said Zia 9 Park. 10 COMMISSIONER SANCHEZ: He said Ruidoso, though. 11 DIRECTOR TREJO: I'm sorry. 12 HEARING CHAIRMAN COMMISSIONER BOURGUET: That's why I 13 was confused. Because I had a commissioner say, "Ratify." 14 MS. GARLEY: There's two approvals of change of 15 officials for the stewards at Ruidoso, and I think that's what 16 Izzy was asking. 17 HEARING CHAIRMAN COMMISSIONER BOURGUET: Okay. Point 18 of clarification. Thank you. So we are ratifying Walt Soes 19 and Jerry Burgess for Ruidoso. 20 DIRECTOR TREJO: Yes. 21 HEARING CHAIRMAN COMMISSIONER BOURGUET: May I have a 22 motion to ratify Jerry Burgess at this time? 23 COMMISSIONER SMITH: So moved. 24 COMMISSIONER BUFFINGTON: Second. 25 HEARING CHAIRMAN COMMISSIONER BOURGUET: All those in</p>
<p style="text-align: right;">Page 78</p> <p>1 approval of change in Ruidoso Downs stewards. 2 DIRECTOR TREJO: Yes. Madam Chair, members of the 3 Commission, seeking a ratification of approval to utilize Mr. 4 Walter Soes to work as a substitute steward at Ruidoso Downs 5 during the stewards transition; he'd work three days. 6 HEARING CHAIRMAN COMMISSIONER BOURGUET: How do you 7 spell his name? 8 DIRECTOR TREJO: Walter Soes. S-O-E-S. 9 HEARING CHAIRMAN COMMISSIONER BOURGUET: Okay. 10 COMMISSIONER CORRAZA: I move to ratify. 11 COMMISSIONER SMITH: Second. 12 HEARING CHAIRMAN COMMISSIONER BOURGUET: All in 13 favor, say, "Aye." 14 ALL COMMISSIONERS: "Aye." 15 HEARING CHAIRMAN COMMISSIONER BOURGUET: Motion 16 passes. Approval of the 2019 Zia Park Stewards. 17 DIRECTOR TREJO: Madam Chair, members of the 18 Commission, this is a request of approval for Mr. Jerry Burgess 19 to work as a state steward for the remainder of the 2019 20 Ruidoso Downs race meet. 21 HEARING CHAIRMAN COMMISSIONER BOURGUET: Do I have a 22 motion to approve? 23 COMMISSIONER SMITH: So moved. 24 COMMISSIONER CORRAZA: Move to ratify. 25 COMMISSIONER SMITH: Second.</p>	<p style="text-align: right;">Page 80</p> <p>1 favor, say, "Aye." 2 ALL COMMISSIONERS: "Aye." 3 HEARING CHAIRMAN COMMISSIONER BOURGUET: Motion 4 passes. 7B, approval of 2019 Zia Park stewards. 5 DIRECTOR TREJO: Yes. Madam Chair, members of the 6 Commission, seeking approval to put to work Mr. Ron Walker, 7 Victor Escobar and Mr. Bobby Granger as stewards for Zia Park. 8 COMMISSIONER SANCHEZ: I've got a question on that, 9 Madam Chair. Why did you pick those stewards there? Just a 10 question. 11 DIRECTOR TREJO: Madam Chair, Commissioner Sanchez, 12 Ron Walker is one of our presiding stewards in New Mexico. 13 We're looking for a leader. He's a leader. Victor Escobar 14 lives here in New Mexico. As you very well know, Ms. Jill 15 Catby left to the East Coast. Ms. Violet Smith is going home 16 to Arizona. We're left without many stewards to pick from. 17 And in order to set up for the next racing season, we're trying 18 to search for new blood to bring to New Mexico and put some 19 feelers out and see how these gentlemen work. 20 COMMISSIONER SANCHEZ: So there was one steward left 21 at Ruidoso, then? 22 DIRECTOR TREJO: Two, Mr. Sanchez. 23 COMMISSIONER SANCHEZ: Who is the other one? 24 DIRECTOR TREJO: Violet Smith is still there. Mr. 25 Ruben Rivera. Ms. Smith at the end of the Ruidoso meet is</p>

Page 81	<p>1 going home to Arizona.</p> <p>2 COMMISSIONER SANCHEZ: Okay. Do you ever mix and</p> <p>3 match stewards or anything, or not? Or you just send three at</p> <p>4 a time or what have you? I'm just wondering.</p> <p>5 DIRECTOR TREJO: It depends who's available.</p> <p>6 Traditionally, Mr. Ron Walker doesn't work the Zia meet. This</p> <p>7 year he is. Last year Mr. Escobar did not work the Zia meet.</p> <p>8 This year he is. So we do some rotations occasionally. I'd</p> <p>9 like the same set moving around down south once we can build a</p> <p>10 team together, and the same team up north. But we're in a</p> <p>11 rebuilding process right now.</p> <p>12 COMMISSIONER SANCHEZ: And what do you have planned</p> <p>13 for the Sunland meet?</p> <p>14 DIRECTOR TREJO: At this point in time, Commissioner</p> <p>15 Sanchez, I don't have a set plan yet. We'll see if these</p> <p>16 gentlemen work out well together. But I have spoke to some of</p> <p>17 the current stewards to see if they'd be available for the</p> <p>18 Sunland meet.</p> <p>19 COMMISSIONER SANCHEZ: Because there's some stewards</p> <p>20 that have been with us for a long time, quite a few years, and</p> <p>21 they are kind of left out there, and I was just wondering why</p> <p>22 that was.</p> <p>23 DIRECTOR TREJO: Madam Chair, Commissioner Sanchez,</p> <p>24 that will happen occasionally because we do have six stewards</p> <p>25 that have united with us in the past. But come down to winter</p>	Page 83	<p>1 commissioners feel we should re-implement, I would be more than</p> <p>2 happy to --</p> <p>3 COMMISSIONER SANCHEZ: I mean, I remember when we</p> <p>4 implemented that, it really helped. Because look at the</p> <p>5 problem we've had with stewards this last year. Stewards are</p> <p>6 hard to come by, and we're scrambling to find stewards for</p> <p>7 Ruidoso. And if we had extra stewards there, you know, on the</p> <p>8 pipeline, it would really help us out.</p> <p>9 DIRECTOR TREJO: And if I may add, Madam Chair,</p> <p>10 Commissioner Sanchez, we do keep some of these stewards on the</p> <p>11 roster throughout the winter, that way should one of our</p> <p>12 stewards have to go away or get sick, we always have someone</p> <p>13 that's already on the payroll to move in as a substitute</p> <p>14 steward.</p> <p>15 COMMISSIONER SANCHEZ: So when you're picking</p> <p>16 stewards, do you consider stewards working all year-round</p> <p>17 versus some other stewards with more experience not working all</p> <p>18 year-round? Would you consider that?</p> <p>19 DIRECTOR TREJO: Commissioner Sanchez, we've tried to</p> <p>20 be fair and keep them rotating. Last year I had to lay a</p> <p>21 person off. They had worked two years straight entirely. She</p> <p>22 didn't think it was fair. I thought it was fair to give</p> <p>23 someone else an opportunity. So they kind of rotate taking</p> <p>24 some time off during the racing season.</p> <p>25 COMMISSIONER SANCHEZ: Okay. Do you have a list of</p>
Page 82	<p>1 racing season, we only have room for three.</p> <p>2 DIRECTOR TREJO: I understand that. I'm saying there</p> <p>3 are stewards with a lot more experience that were left out, and</p> <p>4 I was just wondering why that was the case when you sent</p> <p>5 stewards that didn't have experience and some that were left</p> <p>6 out. It seemed like you would have got the better stewards to</p> <p>7 go down there, the ones that have been here the longest and</p> <p>8 have more experience.</p> <p>9 DIRECTOR TREJO: Well, Commissioner Sanchez, we're</p> <p>10 still working with this young guy named Victor Escobar. The</p> <p>11 more time he gets, we feel that he's going to be a leader here.</p> <p>12 COMMISSIONER SANCHEZ: So being that you're trying to</p> <p>13 develop them and we have stewards that are already developed,</p> <p>14 you would leave them out without a job? That's what it comes</p> <p>15 out to?</p> <p>16 DIRECTOR TREJO: Unfortunately, Commissioner Sanchez,</p> <p>17 as I said, we only have spots for three stewards.</p> <p>18 COMMISSIONER SANCHEZ: I understand that.</p> <p>19 DIRECTOR TREJO: I'd love to keep all six on during</p> <p>20 the year, but that's not possible. One thing we could look at</p> <p>21 is, if it's in the budget, redeveloping what they call a</p> <p>22 compliance steward. It's a roving steward. And we can carry</p> <p>23 four stewards per race meet if it's in the budget. That had</p> <p>24 been implemented two years ago and because of some budget cuts</p> <p>25 we took away that position. But if it's something that the</p>	Page 84	<p>1 how you rotate them or not?</p> <p>2 DIRECTOR TREJO: No, sir.</p> <p>3 COMMISSIONER SANCHEZ: How do you know when you</p> <p>4 rotate? I mean, if you don't have a list -- let's say you have</p> <p>5 a steward working all year-round and some of them were not?</p> <p>6 How do you know what steward's where.</p> <p>7 DIRECTOR TREJO: I just keep it up here in my head.</p> <p>8 COMMISSIONER SANCHEZ: It would be nice if you made a</p> <p>9 list so we could see it. It's pretty important, because when</p> <p>10 they call us on a steward, this and that, it's pretty nice to</p> <p>11 know. And then the tracks will call us on stewards, also.</p> <p>12 Because just the presiding steward is recognized by us, and the</p> <p>13 other two stewards have to be recognized by the tracks. And</p> <p>14 sometimes they don't want stewards and they call us on it. And</p> <p>15 it's nice to know what stewards we have and stuff.</p> <p>16 DIRECTOR TREJO: Commissioner Sanchez, I can get you</p> <p>17 a roster of the stewards that we've utilized.</p> <p>18 COMMISSIONER SANCHEZ: That would serve us real well,</p> <p>19 I think, if you did that.</p> <p>20 DIRECTOR TREJO: And if I may, Madam Chair,</p> <p>21 Commissioner Sanchez, I mentioned we are going to be looking</p> <p>22 for new stewards. We're going to work on the salaries of the</p> <p>23 stewards, so we're going to do a nationwide search and try to</p> <p>24 bring in some new blood. So that list is obviously going to</p> <p>25 change during the 2020 racing season.</p>

<p style="text-align: right;">Page 85</p> <p>1 COMMISSIONER SANCHEZ: I think once you raise the 2 salaries, that's going to catch the eye of some really good 3 stewards out there. That's what we have to do. 4 DIRECTOR TREJO: Commissioner Sanchez, that's exactly 5 what we're looking for. 6 COMMISSIONER SANCHEZ: Thank you. 7 HEARING CHAIRMAN COMMISSIONER BOURGUET: Thank you, 8 Mr. Trejo. 9 MS. VESCOVO: I have a question. I know last year 10 that there was a problem because Pinky Smith did not have her 11 current CEUs, yet was operating as a steward when she should 12 not have been. Also, Mr. Escobar said he still needed racing 13 experience, so they did not have him okayed to be a steward. 14 So I just have a question why Mr. Escobar would be going to Zia 15 when he was still, according to ROAP, lacking experience. 16 DIRECTOR TREJO: Madam Chair, members of the 17 Commission, Susan, that website, I was -- what term do they 18 use? LabCE? I was a LabCE for the last four months even 19 though I was up to date. We can only provide ROAP with the 20 information. We depend on them to update it. We don't have 21 access to update it ourselves. So if they don't update it, 22 there's nothing I can do about that. 23 COMMISSIONER SANCHEZ: So what you're saying is 24 Mr. Escobar does have what he needs to be a steward? 25 DIRECTOR TREJO: Mr. Escobar is a level two</p>	<p style="text-align: right;">Page 87</p> <p>1 clarification that that particular item referred to Ruidoso. 2 So let's go to approval of 2019 Zia Park stewards. Mr. Trejo. 3 DIRECTOR TREJO: Madam Chair, we respectfully request 4 approval of the following stewards for the 2019 Zia Park race 5 meet: Mr. Ron Walker, Victor Escobar and Bobby Granger. 6 HEARING CHAIRMAN COMMISSIONER BOURGUET: I would like 7 a motion. Do I have a motion on the floor? 8 COMMISSIONER CORRAZA: Move to ratify. 9 COMMISSIONER BUFFINGTON: Second. 10 HEARING CHAIRMAN COMMISSIONER BOURGUET: All those in 11 favor, say, "Aye." 12 COMMISSIONERS BOURGUET, CORRAZA, SMITH AND 13 BUFFINGTON: "Aye." 14 HEARING CHAIRMAN COMMISSIONER BOURGUET: Opposed? 15 COMMISSIONER SANCHEZ: No. 16 HEARING CHAIRMAN COMMISSIONER BOURGUET: We have one 17 no vote, Commissioner Sanchez. Now, 7C, substitution of 18 hearing officer. I have a request. Mr. Elliot, would you make 19 your request for C and D, please. 20 MR. ELLIOT: Simply that we table these until we've 21 completed the items under executive session and we return to 22 open session. 23 HEARING CHAIRMAN COMMISSIONER BOURGUET: Hearing 24 that, do I have a motion? 25 COMMISSIONER SMITH: So moved.</p>
<p style="text-align: right;">Page 86</p> <p>1 accredited steward. 2 MS. VESCOVO: My question was not on accreditation. 3 Because you can be an attorney, but if you are not current on 4 your CEUs, you really can't practice law. Or a doctor is the 5 same way. I think they were accredited, but they were not 6 current, and that was the issue I was addressing. Thank you. 7 HEARING CHAIRMAN COMMISSIONER BOURGUET: Okay. 8 Substitution of hearing officer. Mr. Trejo. 9 MR. ELLIOT: This was an item -- since we changed the 10 agenda, this was an item we were going to discuss in executive 11 session. So I'm not sure -- 12 HEARING CHAIRMAN COMMISSIONER BOURGUET: We're going 13 to do that with D, also. So you're saying you're requesting to 14 discuss that in executive session? 15 MR. ELLIOT: If we could table it for now. 16 HEARING CHAIRMAN COMMISSIONER BOURGUET: Okay. And 17 also 7D, same thing? 18 MR. ELLIOT: Yes. If we could have a motion on that. 19 MS. GARLEY: Did we ever vote on the stewards for 20 Zia? 21 COMMISSIONER SANCHEZ: No motion was ever made on 22 Zia. 23 HEARING CHAIRMAN COMMISSIONER BOURGUET: Let's move 24 back to 7B, and that's when we were talking about whether it 25 was going to be ratified or approved, and we got the</p>	<p style="text-align: right;">Page 88</p> <p>1 HEARING CHAIRMAN COMMISSIONER BOURGUET: Thank you, 2 Commissioner Smith. Do I have a second? 3 COMMISSIONER BUFFINGTON: Second. 4 HEARING CHAIRMAN COMMISSIONER BOURGUET: Thank you, 5 Commissioner Buffington. All those in favor, say, "Aye." 6 ALL COMMISSIONERS: "Aye." 7 HEARING CHAIRMAN COMMISSIONER BOURGUET: Opposed? 8 Motion passes. 7E, 2019-2020 race dates. I think we will 9 discuss this in executive session. Commissioner Buffington, do 10 you have anything else to add? 11 COMMISSIONER BUFFINGTON: No. We need to discuss it 12 in executive session. 13 HEARING CHAIRMAN COMMISSIONER BOURGUET: So you're 14 fine with tabling that? 15 COMMISSIONER BUFFINGTON: Yes. 16 COMMISSIONER SMITH: So we're not going to go into 17 approving them? 18 HEARING CHAIRMAN COMMISSIONER BOURGUET: We need to 19 have an opportunity to discuss it between the Commission first. 20 And the agenda was changed to not having the executive session 21 up first so we could have that discussion. What we were hoping 22 to do with 7E was to have a report from our executive session. 23 And then I'll also ask you for your proposals. 24 MR. BLACKBURN: Excuse me. I don't mind being the 25 bearer of bad news, but -- and I would defer to the attorney</p>

<p style="text-align: right;">Page 89</p> <p>1 general's office. I don't know that you can go into executive 2 session to figure out what's going on to come out to vote. I 3 may be wrong. I don't think that's what the Open Meetings Act 4 is about. I think you've got to discuss it now. I may be 5 wrong, but to say that you're going -- the whole point of the 6 Open Meetings Act is that everybody can come before you and 7 talk about what's going on and then you make the decision, as 8 opposed to making the decision beforehand.</p> <p>9 Unless I'm wrong, maybe you didn't say the motion 10 right, but I would defer to your attorney general on those 11 circumstances because everything you may do, with all due 12 respect, may be null and void. I'm just giving you a hint.</p> <p>13 HEARING CHAIRMAN COMMISSIONER BOURGUET: Well said, 14 Mr. Blackburn. We weren't prepared for this because it was 15 changed at the very beginning of the meeting. And it was our 16 intent to have a discussion and then follow up with you-all so 17 that we would know where we would stand. So it's not a matter 18 of not wanting to be transparent. Because the procedure 19 changed, it changes the dynamics for right now.</p> <p>20 MR. BLACKBURN: I still don't think it matters, 21 though. Am I wrong?</p> <p>22 MR. ELLIOT: I'm sorry. That it doesn't matter?</p> <p>23 MR. BLACKBURN: Yes. It doesn't matter whether it 24 was in open session or closed session at this point.</p> <p>25 MR. ELLIOT: I suppose an argument could be made that</p>	<p style="text-align: right;">Page 91</p> <p>1 been done. So we are not going into executive session without 2 having heard their dialogue, their suggestions and the chair's 3 leadership in that discussion. I don't want to go on the 4 record here, for the record, to say that's what we're doing.</p> <p>5 But I appreciate your comments and I understand what you're 6 saying.</p> <p>7 MR. BLACKBURN: No, I'm not trying to say anything 8 about transparency, but I'm just giving you a hint. Because 9 there's people out there that will file lawsuits under the Open 10 Meetings Act and he will have to defend it.</p> <p>11 HEARING CHAIRMAN COMMISSIONER BOURGUET: Well, we're 12 take the advice of our attorney. That's what they're getting 13 paid for.</p> <p>14 MR. ELLIOT: I would prefer because it was originally 15 on the agenda as being in executive session, we are going to 16 have that first, I would prefer that the conversation happen in 17 open session. But the substance of the decision is happening 18 in open session. I understand that you had proposals that you 19 wished to review. Is that right?</p> <p>20 HEARING CHAIRMAN COMMISSIONER BOURGUET: Correct. 21 And not every commissioner was at the race dates meeting as -- 22 the chair needed to be there listening, obviously. So we 23 haven't had an opportunity to have any discussion within 24 ourselves. That's the only thing this is. There might be some 25 suggestions from within the Commission, as has been given the</p>
<p style="text-align: right;">Page 90</p> <p>1 race dates are proposed by individual licensed racetracks. And 2 insofar as the approval of those race dates requires a 3 licensing decision, that it does fall under the licensing 4 exception of the Open Meetings Act. However, I think the 5 spirit of your comments are true and that insofar as this is a 6 discussion and decision that does require -- that does need be 7 made in public in an open meeting, that the Commission can 8 discuss in closed session the topic, but that any substantive 9 decision or even conversation about the subject should happen 10 in open session. It would be my preference that it happen in 11 open session. However --</p> <p>12 MR. BLACKBURN: So, I mean, my sort of deal was 13 you're putting the cart before the horse. In other words, have 14 the discussion now, then let them go do that, and then come 15 back and figure that out, as opposed to have closed suggestions 16 on something that they don't know what's going to be talked 17 about, and then go and then come back and listen. It was like 18 putting the cart before the horse, and that's why I just 19 wondered.</p> <p>20 HEARING CHAIRMAN COMMISSIONER BOURGUET: I would add 21 something to that, Mr. Blackburn. This Commission is not being 22 non-transparent. We have had specific race date meetings where 23 all the tracks, the horsemen, the breeders, industry, it's been 24 open to anybody that wanted to come and listen to any proposal, 25 suggestion, discussion. That has been allowed and that has</p>	<p style="text-align: right;">Page 92</p> <p>1 opportunity for all the other entities to have their 2 suggestions and opportunities for discussion. That has not 3 been had here.</p> <p>4 But we are certainly amenable to discussing 5 anything. As you can see, have we not discussed all morning? 6 Have we not allowed you-all to speak all morning? That's what 7 this Commission is doing. We want to hear from you.</p> <p>8 MR. COOK: What we do is we formulate -- we come 9 before you and ask for our race dates, and then you act on 10 them. So we have not formally applied for our race dates in 11 front of you yet. So I think that's what Billy's trying to 12 say, that you have nothing to act on yet because we formally 13 haven't gotten anything from you to request.</p> <p>14 COMMISSIONER BUFFINGTON: You're going to do that 15 during your --</p> <p>16 HEARING CHAIRMAN COMMISSIONER BOURGUET: You know 17 what? Maybe what we ought to do is, let's just move on to F 18 and allow every track to make their proposal so that we can 19 hear it. Thank you, Mr. Cook. I think that's a good point. 20 And if there's any other discussion we need to have, we can 21 always move it to the race dates. So that we are saying -- 22 because it's on the agenda. And then when we get into 23 executive session, we will have the discussion within the 24 Commission.</p> <p>25 MR. TRUE: Madam Chair, Jeff True, Ruidoso. Just</p>

<p style="text-align: right;">Page 93</p> <p>1 asking for a point of clarification. I don't see an executive 2 session on the agenda. 3 HEARING CHAIRMAN COMMISSIONER BOURGUET: I think you 4 got here late, Mr. True. We got that. 5 MR. TRUE: Was there a revised agenda? 6 MR. ELLIOT: We moved executive session from the 7 first item to the last item. 8 MR. TRUE: I'm simply looking at what's listed as the 9 final agenda that I picked up from the front. Under Public 10 Session, item 3 is licensing, and there's no executive session 11 or closed session listed on the agenda. I don't think you can 12 have one without having it listed on the agenda. 13 MR. ELLIOT: We've listed it as referring to the 14 statute in the past. 15 MR. TRUE: So the statute is the proposed meeting. 16 MR. ELLIOT: It's referencing the exceptions to the 17 Open Meetings Act. 18 MR. BLANCHARD: So what you're saying is that it's 19 your opinion that the Commission can go into executive session 20 to discuss the race dates? 21 MR. ELLIOT: I believe it can. Because each of you 22 propose your dates as part of your licensing application, 23 correct? 24 MR. BLANCHARD: Those are two separate issues. 25 MR. ELLIOT: But it is --</p>	<p style="text-align: right;">Page 95</p> <p>1 spirit of the law. 2 So if we were just talking about Ruidoso's 3 application solely, then I would say that that would be okay in 4 executive session. As it is written here, 2019-2020 race 5 dates, that does not constitute an exception to the Open 6 Meetings Act. So I would say that we shouldn't discuss that in 7 closed session. 8 HEARING CHAIRMAN COMMISSIONER BOURGUET: But we can 9 discuss each individual request from each track in closed 10 session. 11 MR. ELLIOT: You can discuss each individual track's 12 submission in closed session, but I would caution against 13 discussing them collectively for the purpose of saying how many 14 race dates in total do we have and where can we move one 15 track's numbers or anything such as that. That should not 16 happen in closed session. 17 COMMISSIONER SMITH: Gideon, you're walking the 18 fence. Tell us, do we do it in open session? 19 MR. ELLIOT: I would say I would prefer that it all 20 be done in open session. And I think that if you try and 21 discuss it collectively as race dates, that it doesn't 22 constitute an exception -- it wouldn't fall under an exception 23 for the Open Meetings Act. 24 HEARING CHAIRMAN COMMISSIONER BOURGUET: We'll 25 discuss it now, then. I think they want to make their</p>
<p style="text-align: right;">Page 94</p> <p>1 MR. BLANCHARD: It's not a condition of. 2 HEARING CHAIRMAN COMMISSIONER BOURGUET: It's been 3 past practice, Mr. Blanchard. 4 MR. BLANCHARD: I'm just asking for a legal opinion 5 on whether that would violate the Open Meetings Act or not. 6 COMMISSIONER SMITH: They just said they're going to 7 sue us. 8 MR. BLACKBURN: There could be somebody out there. 9 Not me, but there are a lot of attorneys that will make a lot 10 of money on lawsuits against the Open Meetings Act, not me. I 11 don't do that. 12 MR. BLANCHARD: I'm not an attorney. 13 HEARING CHAIRMAN COMMISSIONER BOURGUET: Let's keep 14 this discussion friendly, please. 15 MR. ELLIOT: Look, I believe that they can discuss 16 the race dates in executive session insofar as each of the 17 applicants is concerned and insofar as pertains to a component 18 of the license that you have. Now, I could be -- you know, 19 that may not comport with my general preference that all sorts 20 of conversations happen in open with respect to the approval of 21 all of the applications that are being submitted, which would 22 be race dates as a plural. All race dates should be discussed 23 if we're going to discuss them collectively as opposed to 24 individual submissions. We should be discussing that in open 25 session. Because I do think that that is in keeping with the</p>	<p style="text-align: right;">Page 96</p> <p>1 presentation first. So we're going to have Sunland Park. 2 MR. DIX: Madam Chair, members of the Commission, 3 Dustin Dix, director of racing, Sunland Park Racetrack & 4 Casino. Sunland Park respectfully requests approval of our 5 2019-20 race dates. And we're going to amend our race dates 6 for our start date to be December 26th to April 21st. There 7 will be 68 race days. The first entry day will be seven days 8 before that, December 19th. 9 HEARING CHAIRMAN COMMISSIONER BOURGUET: So, Mr. Dix, 10 could you repeat that, please? 11 MR. DIX: December 26th through April 21st, 17 weeks, 12 and our first entry day will be December 19th, seven days. So 13 the only difference from what we submitted is the start date 14 from December 27th to December 26th. 15 HEARING CHAIRMAN COMMISSIONER BOURGUET: And the 16 number of days? 17 MR. DIX: 68. We would just run -- the first week we 18 would replace the Friday with the Thursday. 19 COMMISSIONER BUFFINGTON: Zia ends on December 18th? 20 MR. DIX: Correct. 21 COMMISSIONER BUFFINGTON: And so the time between 22 December 28th and December 26th seems to be an issue? 23 MR. DIX: Our first entry day will be December 19th, 24 and I believe Zia is over on December 18th. 25 COMMISSIONER BUFFINGTON: That is the issue right</p>

Page 97	<p>1 there. You know the issue and I know the issue. So it is 2 not -- 3 COMMISSIONER SMITH: What is the issue? 4 COMMISSIONER BUFFINGTON: The issue is how you 5 interpret the statute and whether the statute says you can go 6 that many days without having live racing. 7 COMMISSIONER SMITH: Gideon. 8 MR. ELLIOT: You'll have to reiterate the question 9 with respect to these race dates specifically. 10 COMMISSIONER BUFFINGTON: The issue is with Zia 11 ending on December 18th and Sunland's request to start December 12 26th. That is 11 days or how many days that is. 13 MR. ELLIOT: Well, the 26th is the first date of live 14 racing, right, but your meet starts on the 19th. 15 MR. DIX: December 19th would be our first entry day. 16 COMMISSIONER BUFFINGTON: That is the 64,000, two 17 million, five million dollar question. And the question, as I 18 understand it, that will be a legal thing and to be determined 19 what definition is really there. 20 MR. ELLIOT: Well, that definition -- those dates 21 comport with the statute and the rule. 22 COMMISSIONER BUFFINGTON: That is a debatable point, 23 though. 24 MR. ELLIOT: My position on this is that the statute 25 permits, and it has been the office's position consistently</p>	Page 99	<p>1 understand. 2 HEARING CHAIRMAN COMMISSIONER BOURGUET: I was 3 actually looking to see -- John, do you have the statute rule 4 that you can read out loud? I would like, for clarification 5 purposes, to read the statute. Since I've been here, we're 6 following law, we're following statute, and we'll follow the 7 rules. 8 COMMISSIONER CORRAZA: Not to interrupt you, but 9 maybe we should hear from everybody and see what they're 10 proposing and then make a decision. I mean, we could argue 11 this point forever. Suppose somebody says they want to start 12 earlier or later. 13 COMMISSIONER SANCHEZ: They're just presenting this. 14 We're not going to make no decision now anyways. He's 15 presenting, and if it's not right, we'll change it. But that's 16 what he's presenting. Then the next one will come and present 17 it. We're not going to make no decision. This is what they're 18 presenting. 19 COMMISSIONER SMITH: Today we're not going to make a 20 decision? 21 COMMISSIONER SANCHEZ: No. 22 COMMISSIONER SMITH: That's what they're here for. 23 HEARING CHAIRMAN COMMISSIONER BOURGUET: We can make 24 a decision today if the Commission decides to make a decision 25 today. We obviously are going to have a lengthy discussion on</p>
Page 98	<p>1 that that is permitted under the statute and the rules. So 2 while it may be open to interpretation by some, it isn't the 3 advice I'm giving you. 4 COMMISSIONER BUFFINGTON: But it is a debatable point 5 that some have. 6 MR. ELLIOT: And for those who have that point and 7 wish to argue it, I would encourage them to bring it to the 8 legislature. Because the statute and the rule permits it by 9 definition as to requiring when -- you know, that there's -- 10 the date of entry, seven days, is no sooner than seven days 11 before the first live race date. 12 COMMISSIONER SMITH: When you're saying debatable, 13 who are you talking about? 14 COMMISSIONER BUFFINGTON: I'm saying that that 15 opinion is not shared universally. The first meeting I had and 16 the second meeting I attended, this came up as a question. And 17 I asked Gideon. He said, well, it could be interpreted either 18 way. 19 MR. ELLIOT: I think I was pretty consistent on it. 20 Because I've had further conversations, and this is our 21 position on it, that the way the statute is written is that you 22 can have your race dates start or your meet begin on the 19th 23 as your first date of entry. But that's when your meet begins. 24 I appreciate comments from the audience, but for the purpose of 25 just being clear as to who's saying what, I'm just trying to</p>	Page 100	<p>1 whether or not we can have a gap, and I just want to make sure 2 that we have all the language that we need from our legislature 3 and that we're following statute. Because I will be on record 4 that I will not break statute. That's just -- you know, I'm 5 not going down. Don't sue me. Because I support our state 6 law. 7 COMMISSIONER SMITH: Didn't he just tell you that -- 8 HEARING CHAIRMAN COMMISSIONER BOURGUET: He gave me 9 his interpretation of the statute, yes. 10 MS. BARBER: Excuse me. I have one question. 11 Dustin, how many races a day do you plan to run? 12 MR. DIX: Madam Chair, members of the Commission, 13 just to go a little more in-depth, we've agreed to run nine 14 races -- well, agreed. Tuesday and Friday we're going to run 15 nine races. Saturday and Sunday we're going to run 10 races. 16 And I'll meet with my local committee every two weeks and we'll 17 discuss if we need to make changes based on field size, purse, 18 things of that nature. But that's what we're planning to do is 19 to run ten races on Saturday and Sunday, nine races on Tuesdays 20 and Fridays -- or Thursday. For the first Thursday would be 21 nine races. 22 COMMISSIONER SMITH: What about quarter horses? 23 MR. DIX: We haven't went in-depth as of a breakdown 24 yet. I'm hoping once we get our days approved today, that 25 September. With us starting in December, time is of the</p>

Page 101	Page 103
<p>1 essence, so we're going to need to get condition books, stakes 2 schedules, stall apps, nomination blanks. We have a lot of 3 work to do in the next month or so. So that will be coming 4 shortly. We've discussed moving the quarter horses to multiple 5 days. We had them all on Fridays the last few years. We've 6 discussed running them over three days and all thoroughbreds on 7 Tuesdays, but we'll have more of that when we talk more 8 definite, when we talk to our horsemen's committee. 9 COMMISSIONER SANCHEZ: I've got a question, Madam 10 Chair. Mr. Dix, what about 870 races? I noticed last year 11 there was no 870 races. There's quite a few 870. I've been 12 approached all this time since I got on here about Sunland not 13 having no 870 races. And, I mean, that's the only track 14 running. There's a lot of 870 horses there, and it seems 15 like's more and more of them. I was just wondering why there's 16 not 870 races. 17 MR. DIX: Madam Chair, Commissioner Sanchez, we had 18 an agreement with our local committee that we eliminated our 19 870-yard races and our thousand-yard races. We haven't run the 20 870 yards at Sunland for the last three or four years, I 21 believe. I was in agreement with our local committees. 22 The reason behind it was with the 870s, we would 23 only get eight entrants, eight gambling. And I was pushing for 24 the thousands, they were pushing for 870, so we agreed to 25 eliminate both. We hear a lot about the split. The quarter</p>	<p>1 MR. DIX: Thank you. 2 HEARING CHAIRMAN COMMISSIONER BOURGUET: Any other 3 questions for Mr. Dix? 4 COMMISSIONER CORRAZA: What about your simulcast 5 license? 6 MR. DIX: I didn't know if we were going to do 7 approvals for that. 8 COMMISSIONER CORRAZA: Well, it's on the agenda if 9 you want to do it. 10 MR. DIX: I can ask for approval. I'll make a 11 motion. I'll make a motion for approval on our 2020 simulcast 12 license. 13 HEARING CHAIRMAN COMMISSIONER BOURGUET: Do I have a 14 motion on the floor? 15 DIRECTOR TREJO: Madam Chair, members of the 16 Commission, I don't believe they can get a simulcast license 17 until they get a racing license. 18 HEARING CHAIRMAN COMMISSIONER BOURGUET: That's 19 right. We have to do the license approval first as attached to 20 the race dates. I think that's in statute. 21 COMMISSIONER CORRAZA: Sorry, Dustin. 22 MR. DIX: That's okay. I tried to sneak it in 23 anyway. 24 REPRESENTATIVE EZZELL: Madam Chair, where it talks 25 about live racing, it is under 16-1-A(2)(W). "Where race meet</p>
Page 102	Page 104
<p>1 horse people didn't want the 870s to count as a quarter horse 2 race because thoroughbreds can run in those. So there were 3 some issues with that as well, but it was in agreement with our 4 horsemen's committee. 5 COMMISSIONER SANCHEZ: So being that they didn't want 6 870, then you decided you're not going to have 870? 7 MR. DIX: They didn't want a thousand and I didn't 8 want 870, so we came to an agreement. It was a decision 9 amongst management and our horsemen's committee. 10 COMMISSIONER SANCHEZ: Because, I mean, there's a lot 11 of 870 horses out there, quite a few of them. I mean, Don 12 knows every single one of them. I don't know about Zia, but 13 there's quite a few of them. You might look into it. 14 MR. DIX: It's our lowest handling race as well. 15 That's a business decision we've made. So we're not going to 16 run 870-yard races. 17 COMMISSIONER SANCHEZ: Good enough. Well said. 18 MR. STRAIN: If the local committee changes their 19 mind on 870s, would Sunland Park be open to running 870s if the 20 local committee changed their minds? 21 COMMISSIONER SANCHEZ: Mr. Dix, what do you think? 22 MR. DIX: I'm here to discuss race days. We could 23 work with the horsemen's committee I'm not going to make any 24 promises on the record. We're here for race days. 25 COMMISSIONER SANCHEZ: Okay. No problem.</p>	<p>1 means a period of time between dates specified by the 2 Commission and which a racetrack licensee is authorized to 3 conduct live racing on the racing grounds." 4 HEARING CHAIRMAN COMMISSIONER BOURGUET: 5 Representative, I've asked the staff to print out some copies 6 for us so that all the commissioners have a copy of the statute 7 and the arguments. And so I just think that it's only fair 8 that we have an opportunity to look those over. 9 REPRESENTATIVE EZZELL: And Madam Chair, this one is 10 out of the Horse Racing Act, and it's also reiterated in the 11 Gaming Control Act. 12 MR. ELLIOT: Madam Chair, members of the Commission, 13 I will just say that I don't want to put words in 14 Representative Ezzell's mouth. But if the argument is that 15 there can be no gap and that racing must occur 52 weeks of the 16 year, that is not supported in statute. That is an argument 17 you can make. If the statute wanted racing to occur 52 weeks 18 out of the year, it would have said so. It does not. And so 19 you have the discretion. The statute supports it, as do the 20 rules, to have a break if you so wish. 21 COMMISSIONER SMITH: The statute says 208 days, 22 right, of gaming, the compact? 23 MR. ELLIOT: That's in the Gaming Act. 24 MR. BLANCHARD: That's in the Gaming Control act. 25 MR. ELLIOT: I'm referring to the Horse Racing Act.</p>

Page 105	Page 107
<p>1 MR. BLANCHARD: The Horse Racing Act doesn't refer to 2 anything.</p> <p>3 MS. VESCOVO: In my opinion, Zia would really have to 4 run until the 23rd. Because the thing that's important about 5 the gaming control -- and I'm looking it up, but I know what it 6 says. It basically says you cannot have gambling without 7 simulcast, gaming slot machines without simulcast. Now, I 8 think it was two years ago, we lowered for Farmington and for 9 Ruidoso that they had to race three days a week. Before that, 10 it said that you had to race four days a week. So any 11 racetrack that pays over \$8 million, which is Sunland, Hobbs, 12 Albuquerque, they have to run four days a week. The smaller 13 tracks can run three.</p> <p>14 But you have to run -- so we have two big tracks 15 running against each other. Seven minus four is three. There 16 can be a three-day break. Because without simulcasting a live 17 race meet, you cannot have slot machines. And that's what the 18 law says, Mr. Elliot.</p> <p>19 COMMISSIONER CORRAZA: Madam Chair, I'd just like to 20 hear what everybody would like to propose, and then maybe we 21 can move on to make a decision. Maybe we're not going to have 22 gaps. But I think we could argue this point forever right now. 23 I would like to hear what SunRay and the rest of the tracks 24 have to say.</p> <p>25 HEARING CHAIRMAN COMMISSIONER BOURGUET: I agree,</p>	<p>1 what we did last year, May 1st through June 1st for five weeks.</p> <p>2 HEARING CHAIRMAN COMMISSIONER BOURGUET: Did I hear 3 that correctly, May 1st through June 1st?</p> <p>4 MR. BARBER: Yes, 17 days. I'm just wondering, to do 5 this is to get off the overlap with Ruidoso some more. We've 6 talked with Mr. True. That was one of his big concerns was the 7 overlap.</p> <p>8 HEARING CHAIRMAN COMMISSIONER BOURGUET: Any 9 questions for SunRay Park?</p> <p>10 COMMISSIONER CORRAZA: And everything worked out fine 11 last year, Lonnie, which I kept saying was going to work out.</p> <p>12 MR. BARBER: We took a chance and everything we did 13 was positive. We had more handle, lots of fields and horses 14 and just a lot of enthusiasm around there. We've got the 15 figures and stuff. Everything was positive about the race 16 meet. Bigger purses, better horses, better fields, more handle 17 live and off-track.</p> <p>18 COMMISSIONER CORRAZA: The horsemen were happy.</p> <p>19 COMMISSIONER SMITH: I like what he's talking about 20 right there, what he's talking about. Better horses, bigger 21 fields, more gamblers. I agree with that.</p> <p>22 MS. VENTURE: But less opportunity to run.</p> <p>23 MR. STRAIN: Do we need to argue the dates or do we 24 need to just let everybody submit them?</p> <p>25 HEARING CHAIRMAN COMMISSIONER BOURGUET: We're going</p>
Page 106	Page 108
<p>1 Commissioner. Let's hear what their date proposals are, which 2 is what I would like to hear. And we'll move into the 3 approvals from each track. So SunRay.</p> <p>4 MS. VENTURE: What was discussed in the open dates 5 meeting?</p> <p>6 HEARING CHAIRMAN COMMISSIONER BOURGUET: At the race 7 dates meeting?</p> <p>8 MS. VENTURE: Yeah. That was an open meeting.</p> <p>9 HEARING CHAIRMAN COMMISSIONER BOURGUET: That's why I 10 made my point earlier that we have had discussions for everyone 11 to attend except the commissioners have not had an opportunity.</p> <p>12 MS. VENTURE: That was my question. I mean, now 13 you're starting all over and you don't have the horsemen 14 representatives here, basically, that were here during the open 15 meeting, what previously went on during that meeting.</p> <p>16 COMMISSIONER SANCHEZ: But it's on the agenda. 17 They're not here. It was on the agenda. They should have been 18 here.</p> <p>19 MS. VENTURE: They were here at the open meetings and 20 discussed it.</p> <p>21 HEARING CHAIRMAN COMMISSIONER BOURGUET: I'm not sure 22 what you're talking about, to be honest.</p> <p>23 MR. BARBER: Lonnie Barber, director of SunRay Park & 24 Casino. Madam Chair, members of the Commission, I think we are 25 going to revise our dates a little, but we're going to mirror</p>	<p>1 to do like we do at race dates meeting, let everybody do their 2 presentation. Because now there's amendments to what was 3 presented at the race dates, which we've basically got to start 4 over. So I don't know where this is going, but obviously there 5 was no -- was there any discussion with the horsemen with your 6 proposal?</p> <p>7 MR. BARBER: No, ma'am, Madam Chair. The horsemen 8 haven't -- we reached out to the horsemen a couple of times. 9 We drove all the way here to Albuquerque to meet with them. We 10 came up with no -- we told them what we wanted to do and tried 11 to do and what -- which they know. They get all the figures 12 that we have, and they have not ever contacted us back and we 13 haven't talked to them while we're here. They didn't reach out 14 to us during the dates meeting on Tuesday. They did some of 15 the other tracks, but they had nothing to say to us.</p> <p>16 COMMISSIONER BUFFINGTON: On the open date meeting, I 17 believe you guys requested 18 days.</p> <p>18 MR. BARBER: That's correct. Madam Chair, 19 Commissioner Buffington, like I said, we revised it back to -- 20 we did ask for 18 days.</p> <p>21 COMMISSIONER BUFFINGTON: And the number of weeks. 22 This is five weeks, and I think at the horse date meeting there 23 were six weeks.</p> <p>24 MR. BARBER: We're trying to include all the 25 industry, not just ourselves.</p>

Page 109	Page 111
<p>1 HEARING CHAIRMAN COMMISSIONER BOURGUET: Mr. Strain, 2 did they make an effort to talk to you about this new proposal 3 from May 1st to June 1st? 4 MR. RADER: That's the same one that they brought up 5 at both of our meetings. They brought people in. We've all 6 heard this over and over for the last two months of those 7 meetings. I just think they need to put the dates in and have 8 you people talk about them in closed session. They have come 9 and talked to us. There's not much to talk about because they 10 don't want to go up to 24. They want to keep it down to 17 and 11 18. They're steadfast on that date. They're not moving up. 12 There's not much to talk about. We need to take it in front of 13 the Commission and let the Commission decide on it. 14 HEARING CHAIRMAN COMMISSIONER BOURGUET: Thank you, 15 Mr. Rader. 16 COMMISSIONER SMITH: I don't think it's our place to 17 shove days down a racetrack's throat. 18 MR. KENDRICK: Kenny Kendrick, managing member of 19 SunRay. A year ago, the previous commission gave us an 20 opportunity to either succeed or fail. For 12 months -- this 21 is the past year -- we were told our meet would be a disaster. 22 No one is going to show up. The field size is going to be 23 horrible. We have disseminated information to you with all the 24 statistics and metrics. In every category SunRay -- it was a 25 huge success. Our field sizes were increased, wage rate</p>	<p>1 HEARING CHAIRMAN COMMISSIONER BOURGUET: Downs at 2 Albuquerque. Mr. Cook. 3 MR. COOK: Madam Chairman, members of the Commission, 4 Don Cook with the Downs at Albuquerque requesting approval of 5 our 2020 race dates as submitted. It's to begin on Friday, 6 July 17th, concluding on Sunday, August 29th. That would be 7 nine races on Wednesdays and Fridays, 10 races on Saturdays and 8 Sundays and also the day of October 24th, and that is to host 9 the AQHA World Championships. There's a total of 27 days. 10 HEARING CHAIRMAN COMMISSIONER BOURGUET: And that was 11 nine races per day Wednesday and what? 12 MR. COOK: Fridays, and 10 on the weekends. 13 HEARING CHAIRMAN COMMISSIONER BOURGUET: Any 14 questions for Mr. Cook? 15 COMMISSIONER SMITH: Starting the 17th in July and 16 ending when, Don? 17 MR. COOK: August 29th, and then the auxiliary day of 18 October 24. 19 HEARING CHAIRMAN COMMISSIONER BOURGUET: And that 20 24 -- does that include your 27 days? 21 MR. COOK: Correct. 22 COMMISSIONER CORRAZA: When does the State Fair end? 23 MR. COOK: I will do that. 24 COMMISSIONER CORRAZA: Sorry, Don. 25 HEARING CHAIRMAN COMMISSIONER BOURGUET: Let's go</p>
Page 110	Page 112
<p>1 increased, attendance increased. And most importantly, purse 2 money was wonderful. 3 In the state of New Mexico you have three viable 4 tracks and two that were limping. After this last year of 17 5 race dates, you now have four racetracks that are very, very 6 viable. We're asking for the same 17 race days because it was 7 a tremendous success. It is what the New Mexico horse racing 8 industry needs. We provided fewer race days, quality of 9 racing, quality of betting. It was a win-win. I would hate to 10 have us go backwards by a decade by increasing our race dates 11 to 24 when 17 proved a wonderful event. 12 COMMISSIONER CORRAZA: Mr. Kendrick, last year during 13 our commission meeting, I warned them that this was going to be 14 a very good meet for you because Kentucky Downs runs a limited 15 schedule, \$125,000 to \$150,000 maiden races, and that's exactly 16 what you proved to me that it was going to be a success. And 17 sometimes more days don't make a better meet. It dilutes what 18 you're doing. That's my own personal opinion. And now we 19 have -- we're under the problem in California. The less days 20 we run, the better off we're going to be to protect the horse, 21 and that's what this is about. And it helps the betting 22 public, too. They want to go see a full field of horses. 23 That's all I have to say. 24 MR. KENDRICK: Absolutely. Thank you. 25 MR. BARBER: Thank you, Madam Chair.</p>	<p>1 ahead and go to the State Fair. 2 MR. COOK: Madam Chairman, members of the Commission, 3 Don Cook representing the New Mexico State Fair requesting 17 4 days beginning August 30th and concluding on September 20th, 5 again nine races during the week and 10 races on the weekend, a 6 total of 17 days. 7 COMMISSIONER SANCHEZ: Excuse me. Just a question, 8 Madam Chair. Are they going to be night races, day races, or 9 what? What do you have planned? 10 MR. COOK: During the fair, I think we only have one 11 night race day. We have to work around the rodeo. We don't 12 want to conflict anything pertaining to the rodeo, so the 13 majority of races are during the day. 14 HEARING CHAIRMAN COMMISSIONER BOURGUET: Any other 15 questions for Mr. Cook? 16 MR. BLANCHARD: Two things. Madam Chair, 17 Commissioner Sanchez, the fair requested us -- we'd like to run 18 at night during the fair, but they requested that because of 19 the PRCA Rodeo events that they have, they asked us to run 20 during the day because of a bad conflict on their crowds. So 21 we've accommodated that request. 22 On our dates, what's important to us and one of 23 the problems we have with overlapping with Ruidoso for two 24 months of the year is not only -- or obviously be competing for 25 the same horses, but we also have found that at the latter part</p>

<p style="text-align: right;">Page 113</p> <p>1 of Ruidoso's race meet, these horses that are coming out at the 2 middle of August, end of August, they skip over the Downs at 3 Albuquerque. They don't come here. They have the purse money 4 at Zia which starts right when we end. It's so attractive to 5 them that they don't come to Albuquerque. We were giving away 6 \$165,000 a day or whatever. They were giving away \$250,000 a 7 day.</p> <p>8 So our main races were \$20,000. Their main races 9 were \$40,000. Why break your maiden at Albuquerque when you 10 can go to Zia and break your maiden at exactly the same time, 11 and that's exactly what's happened here. One of the reasons 12 that we're doing this is because of the overlap. With our race 13 days, we're going to have probably somewhere around \$240,000, 14 maybe more, per race day. Now, our maidens are going to be 15 very similar to Zia. All of our races are going to be brought 16 up and the purse money is going to be substantial.</p> <p>17 Now we can keep some of these horses that you 18 were talking about earlier. Where are they going to go when 19 they open up and when Ruidoso closes? Hopefully, they'll come 20 right here to Albuquerque. They'll run at our track. They'll 21 leave Ruidoso, come up here. We have plenty of stalls. They 22 can run at our track and they can leave and go on to Zia. We 23 can create a circuit right up here by doing that. We can't do 24 it if we're not running for similar amounts of money as Zia. 25 They skip right over the top of us.</p>	<p style="text-align: right;">Page 115</p> <p>1 MR. BLANCHARD: So in response to that, I don't 2 believe that reducing the quality of racing, by reducing the 3 purse money, is what myself as a track owner is trying to 4 accomplish and trying to make Albuquerque a quality racetrack. 5 That formula doesn't work for me.</p> <p>6 COMMISSIONER SMITH: Why is it so important, the race 7 days number? The horsemen are going to get the money anyway. 8 The breeders get the money. Everybody gets the money. I 9 remember ranting and raving after their meet how great it was. 10 Now, all of a sudden you want to change them. I don't 11 understand the concept of running as many race days as we 12 probably can. PETA is after us. We've got things going on in 13 California we've got to look at. There's so many different 14 things. We don't work for the racetracks, we don't work for 15 the breeders, and we don't work for the horsemen. We are 16 stewards of racing and we've got to do what's good for racing, 17 not that track, not that track, not any horsemen or breeders. 18 We've got to do what's right for racing, period.</p> <p>19 MR. BLANCHARD: I'd like to say one last thing. We 20 submitted at the race days meeting -- you take a look at every 21 track's simulcast wagering from 2007 to 2018, and they're a 22 live handle in that same period of time, you are going to see a 23 freefall. The betting public is not betting on New Mexico 24 tracks in-state. We get more handle out of state for our night 25 racing. And if we hadn't done night racing, we would have been</p>
<p style="text-align: right;">Page 114</p> <p>1 As I've stated in the race dates meeting, we 2 supplied the Commission with all the information on starting 3 with how our stall applications had dropped by 50 percent, how 4 the amount of horses available on the thoroughbred side is 5 getting to be nonexistent. 90 percent of the thoroughbreds on 6 our back side run for 6,250 or less. 90 percent of them do.</p> <p>7 So you see that a lot of the horses that we have 8 on the back side, especially on the thoroughbred side, are just 9 housed there. They don't run them. Commissioner Buffington 10 brought up the fact that -- the same deal, a lot of horses in 11 these stalls in different tracks but they're not entering. 12 Part of it is they got no place else to put those horses. 13 These horses are stuck in the stalls 365 days a year, 20 hours 14 a day because they got nowhere else to go. These so-called 15 trainers have no place else to put them.</p> <p>16 So we want to change that dynamic. We want to 17 have a meet that can compete with Zia, and we can attract these 18 horses, instead of jumping us, going to Zia or going back to 19 Oklahoma and waiting for Remington or whatever. They'll come 20 to Albuquerque for this purse money.</p> <p>21 HEARING CHAIRMAN COMMISSIONER BOURGUET: Mr. Strain. 22 MR. STRAIN: That's even more reason to give Zia more 23 days so they'll run your purses down some. So they won't be so 24 attractive to that. Give Zia more days and get that day money 25 down a little bit.</p>	<p style="text-align: right;">Page 116</p> <p>1 down \$20 million on simulcasting from 2007 to 2018. \$20 2 million. That's a 40 percent drop. I believe every track here 3 can tell you the same exact scenario.</p> <p>4 People that aren't ever present at these meetings 5 are the betting public and they don't like the product. They 6 like SunRay. Once they did what they did, they brought their 7 numbers up. That's what it takes. It takes doing something 8 different instead of doing the same old ridiculous thing every 9 year.</p> <p>10 MR. KENDRICK: I would just like to add that our meet 11 was so successful, yet over 200 stalls were empty. Where were 12 the trainers?</p> <p>13 COMMISSIONER BUFFINGTON: I think we're missing a lot 14 of comments that were made at the race date meeting from the 15 horsemen. And this is a one-sided presentation here at this 16 point, because the horsemen had lots of input and opportunities 17 to say. And I just think we're kind of a one-way discussion at 18 this point without the horsemen's thoughts. We assess each 19 presentation that was presented. There was horsemen discussion 20 after each presentation, and there was definite differences of 21 opinion.</p> <p>22 COMMISSIONER SANCHEZ: Madam Chair, I'd like to add 23 to that. Right here in our agenda it says, "Race dates." 24 That's E. I mean, everyone gets this agenda. The horsemen 25 should see that and be here. That's just what it says. So</p>

Page 117	<p>1 there's no excuse for the horsemen not to be here. It's on the 2 agenda. So if they want to listen to what's going on, they 3 have to be here. Bottom line. 4 MR. RADER: You know, we've gone through meetings for 5 the last two months on this exact same thing. When you put on 6 the agenda the race date, we were under the impression that 7 probably your committee had already talked about this and we 8 were going to get the final race dates. We didn't realize we 9 were going back into the same old meeting again, back to the 10 same old stuff. His track did better, I agree, but it didn't 11 do better for the community there. All the people that wanted 12 to work didn't get to work because they shut the tracks down. 13 All the feed stores didn't get more money. 14 And it's not good for the horsemen to have all 15 these days missing when they get to the point when those 16 horses -- take them home. Let them sit at home for a while 17 because you don't have a track to go to to run. That doesn't 18 make money for the horse people. It doesn't make money for the 19 trainers when we can't get owners coming into the business if 20 we tell them you can only race part of the year. Buy a horse 21 part-time and try to sell it, I guess. 22 That's the only thing I'm saying. It's not quite 23 fair what we're doing here now going over this again. I don't 24 mind the racetracks here presenting the dates they want, but I 25 think the rest of it should have been taken out back and talked</p>	Page 119	<p>1 HEARING CHAIRMAN COMMISSIONER BOURGUET: I'm with you 2 now. Let's table that, then. If you need to get that out, you 3 can send it to Mr. Trejo. 4 DIRECTOR TREJO: Madam Chair, members of the 5 Commission, he can probably approve it and amend the dates as 6 long he doesn't go to print. 7 MR. COOK: So if I can move to item 2. 8 HEARING CHAIRMAN COMMISSIONER BOURGUET: 12. 9 MR. COOK: I request an approval of our 2020 10 nomination blanks for the New Mexico State Fair Quarter Horse 11 Futurity, the New Mexico State Fair Quarter Horse Derby, the 12 New Mexico State Fair Thoroughbred Futurity, La Fiesta Quarter 13 Horse Futurity, and La Fiesta Quarter Horse Derby. 14 HEARING CHAIRMAN COMMISSIONER BOURGUET: So a request 15 to approve the nomination blanks. Can we say without a date or 16 do you have to put a date on there? 17 MR. COOK: The dates are listed on the blanks, and 18 also the estimated purse amounts are on the blanks, which 19 you'll see a significant increase, also. 20 MR. BLANCHARD: Madam Chair, I'm going to say that 21 those State Fair dates, both races wouldn't change no matter 22 what happens. We run during the State Fair. That's part of 23 our obligation. So those dates wouldn't change no matter what 24 happened. 25 HEARING CHAIRMAN COMMISSIONER BOURGUET: And those</p>
Page 118	<p>1 about it again between you people, not an open floor meeting 2 again. We didn't realize that. 3 COMMISSIONER SANCHEZ: Fair. 4 HEARING CHAIRMAN COMMISSIONER BOURGUET: Thank you, 5 Mr. Rader. 6 MR. COOK: I do have on the agenda the approval Of 7 the 2020 nomination blanks. So I respectfully ask if we could 8 have a decision on the race dates today so I could get these 9 blanks out. 10 HEARING CHAIRMAN COMMISSIONER BOURGUET: Of your 11 nomination dates? 12 MR. COOK: On the nomination blanks under the State 13 Fair. 14 HEARING CHAIRMAN COMMISSIONER BOURGUET: Okay. I 15 think we can entertain a motion for that. Do you have 16 something to present or not? 17 MR. COOK: Well, I formally approved -- asked for our 18 dates. So I'll work off of that, and if I have to come up in 19 front of you again, I will. 20 HEARING CHAIRMAN COMMISSIONER BOURGUET: I think 21 what's on the agenda is that you're just asking for approval 22 for the State Fair Quarter Horse Futurity nomination blank and 23 the quarter horse nomination blank. 24 MR. COOK: Yes. I have race days on there that I 25 have to have approved.</p>	Page 120	<p>1 dates have already basically been kind of set. 2 MR. COOK: I was going to say, these are the less 3 controversial dates for 70, 80 years. 4 MR. BLANCHARD: Don, I'd like for you to tell the 5 Commission what you've got on there for the breed race that we 6 have. 7 MR. COOK: You'll see the estimated purse under the 8 New Mexico State Fair Quarter Horse Futurity is half a million. 9 And that is leaps and bounds for the last three years. And 10 we're taking pride in this futurity. Our goal is to get this 11 to a million dollars on the right track. 12 HEARING CHAIRMAN COMMISSIONER BOURGUET: Thank you. 13 Mr. Trejo. 14 DIRECTOR TREJO: Madam Chair, members of the 15 Commission. Mr. Cook, going back to item H on the agenda, I 16 don't know if you wanted to request approval for second quarter 17 simulcast expense adjustments. 18 MR. COOK: Sure. Might as well get it out of the 19 way. I asked for you to approve all these blanks. I think you 20 need to vote on them. 21 HEARING CHAIRMAN COMMISSIONER BOURGUET: Yes, we need 22 to vote on them. Gideon, do you see any problem accepting that 23 with the dates that are on the nomination blank? And those 24 will be disseminated or will not be disseminated before we get 25 the final dates?</p>

Page 121	<p>1 MR. ELLIOT: They can be changed; is that correct?</p> <p>2 MR. COOK: Yes.</p> <p>3 HEARING CHAIRMAN COMMISSIONER BOURGUET: Are they</p> <p>4 being disseminated with those dates in case they're not the</p> <p>5 same dates?</p> <p>6 MR. COOK: I am going to guess that these dates will</p> <p>7 not be changed on the State Fair.</p> <p>8 HEARING CHAIRMAN COMMISSIONER BOURGUET: Just for a</p> <p>9 point of clarification. Okay. I don't have a problem with</p> <p>10 that if the dates are going to be that, no matter what we</p> <p>11 decided on race dates.</p> <p>12 DIRECTOR TREJO: Madam Chair, members of the</p> <p>13 Commission, I don't know if the Commission wants to go ahead</p> <p>14 and approve dates for the State Fair actual fair itself. Just</p> <p>15 an option.</p> <p>16 COMMISSIONER CORRAZA: I would be willing to do that.</p> <p>17 MR. COOK: I'm going to guess that these are pretty</p> <p>18 safe.</p> <p>19 HEARING CHAIRMAN COMMISSIONER BOURGUET: I understand</p> <p>20 the reasoning there. It's just we're not doing it for the</p> <p>21 others. I think because -- you know, I understand it's not</p> <p>22 going to be a problem.</p> <p>23 COMMISSIONER SMITH: There is no decision to be</p> <p>24 made.</p> <p>25 MR. BLANCHARD: You've got an obligation under the</p>
Page 122	<p>1 adjustment from the Downs at Albuquerque?</p> <p>2 COMMISSIONER SMITH: So move.</p> <p>3 HEARING CHAIRMAN COMMISSIONER BOURGUET: Second?</p> <p>4 COMMISSIONER BUFFINGTON: Second.</p> <p>5 HEARING CHAIRMAN COMMISSIONER BOURGUET: Any</p> <p>6 discussion? All those in favor, say, "Aye."</p> <p>7 ALL COMMISSIONERS: "Aye."</p> <p>8 HEARING CHAIRMAN COMMISSIONER BOURGUET: Motion</p> <p>9 passes.</p> <p>10 MS. BARBER: The New Mexico horse breeders are in</p> <p>11 agreement on the nomination blanks for the State Fair.</p> <p>12 HEARING CHAIRMAN COMMISSIONER BOURGUET: Approval for</p> <p>13 Zia Park.</p> <p>14 MR. HOFF: Good afternoon, Madam Chair,</p> <p>15 Commissioners. My name is Frank Hoff. I'm here on behalf of</p> <p>16 Zia Park. There's been a lot of discussion regarding dates and</p> <p>17 the time frame in between the meets that exist. The original</p> <p>18 proposal from Zia Park was for 46 days. Zia Park would like to</p> <p>19 amend that and go to a 52-day meet that would start September</p> <p>20 21st and end on December 20th. Obviously the decision or the</p> <p>21 direction goes with the amount of time between the gap. We</p> <p>22 would work with the Commission for those dates. But 52 days</p> <p>23 would be our request for number of race dates for 2020.</p> <p>24 HEARING CHAIRMAN COMMISSIONER BOURGUET: And we do</p> <p>25 have Sunland proposing December 26th, so that's the gap that</p>
Page 123	<p>1 we're talking about?</p> <p>2 MR. HOFF: Correct.</p> <p>3 HEARING CHAIRMAN COMMISSIONER BOURGUET: You're</p> <p>4 saying Zia Park might be amenable to adding days on those</p> <p>5 dates?</p> <p>6 MR. HOFF: On both ends. Obviously run more in</p> <p>7 September than December. But we obviously understand the State</p> <p>8 Fair start date, the 21st.</p> <p>9 MS. VESCOVO: How many races?</p> <p>10 MR. HOFF: It obviously hasn't been discussed, but it</p> <p>11 beats nine races. We're working with the racing department</p> <p>12 over there. I'm sure that could be presented as well. But</p> <p>13 right now they're saying nine races.</p> <p>14 HEARING CHAIRMAN COMMISSIONER BOURGUET: Well, we</p> <p>15 would entertain 10 races a day, as all the other tracks are</p> <p>16 doing on the weekends. Zia Park would follow that.</p> <p>17 MR. HOFF: Correct.</p> <p>18 HEARING CHAIRMAN COMMISSIONER BOURGUET: Well, we</p> <p>19 appreciate you working with the Commission, Mr. Hoff, because I</p> <p>20 know that there are entities here that are looking to what's</p> <p>21 best for them. But I appreciate that you're looking at what's</p> <p>22 best for the industry, as well as yourself.</p> <p>23 MR. HOFF: We want to work with all the tracks as</p> <p>24 well. I understand one day off the end of the State Fair is</p> <p>25 tough. I understand that. But we'll try to work with all the</p>
Page 124	<p>1 State Fair's license to run 17 days. And so this is a State</p> <p>2 Fair license request -- I mean, race dates request based on</p> <p>3 State Fair dates. And it meets our obligation of 17 days under</p> <p>4 the statute. So what my point is, is that I don't think under</p> <p>5 any circumstance that approving that part changes anything</p> <p>6 because that's a finite State Fair race meet.</p> <p>7 COMMISSIONER BUFFINGTON: I agree with you, but I</p> <p>8 think we should take all the dates at one time.</p> <p>9 MR. COOK: If we're going to have a decision today on</p> <p>10 the race dates, I can wait till this afternoon or how long it's</p> <p>11 going to take you. I just wanted to tell you that I'd like to</p> <p>12 get these blanks out as soon as possible.</p> <p>13 HEARING CHAIRMAN COMMISSIONER BOURGUET: Thank you</p> <p>14 for your reasoning, Mr. Cook. I sure appreciate that.</p> <p>15 MR. ELLIOT: We didn't vote, so are we tabling it?</p> <p>16 HEARING CHAIRMAN COMMISSIONER BOURGUET: Well, we</p> <p>17 haven't tabled the others. We've just been listening to all</p> <p>18 these others. So right now we're doing a presentation and we</p> <p>19 can always readdress this if we need to.</p> <p>20 MR. COOK: I think what Izzy was talking about is</p> <p>21 going back to item H, number 3, request for approval of second</p> <p>22 quarter horse simulcast expense adjustment. That's not related</p> <p>23 to any of this.</p> <p>24 HEARING CHAIRMAN COMMISSIONER BOURGUET: Do I have a</p> <p>25 motion on the floor to approve the second quarter simulcast</p>

Page 125	<p>1 groups. That's what I'll present to the Commission today.</p> <p>2 HEARING CHAIRMAN COMMISSIONER BOURGUET: Okay.</p> <p>3 COMMISSIONER SMITH: So that puts that gap thing to</p> <p>4 bed, right?</p> <p>5 MR. HOFF: I'm not sure on the back end.</p> <p>6 HEARING CHAIRMAN COMMISSIONER BOURGUET: I'm not sure</p> <p>7 necessarily now that we have the new dates. We still have</p> <p>8 gaps.</p> <p>9 COMMISSIONER BUFFINGTON: We need to look at that.</p> <p>10 HEARING CHAIRMAN COMMISSIONER BOURGUET: At least</p> <p>11 you're giving us that flexibility. That helps us out a lot. I</p> <p>12 very much appreciate that, for you working for the racing</p> <p>13 industry in our state.</p> <p>14 MR. DIX: Madam Chair, just a quick point. The days</p> <p>15 that are presented, that affects Sunland's meets the next year.</p> <p>16 I just wanted that pointed out for the record in case there's</p> <p>17 any confusion.</p> <p>18 COMMISSIONER BUFFINGTON: This year we still have a</p> <p>19 gap, because December 18th ending and December 26th.</p> <p>20 MR. DIX: Because there's always that confusion every</p> <p>21 year, so I just wanted it on the record.</p> <p>22 COMMISSIONER BUFFINGTON: Next year with the ending</p> <p>23 on the December 20th, I predict that we'll have an issue that</p> <p>24 we'll have to figure out how to deal with next year, which</p> <p>25 seems like a long time away.</p>	Page 127	<p>1 MR. BLANCHARD: He's the State Fair.</p> <p>2 HEARING CHAIRMAN COMMISSIONER BOURGUET: Do you get</p> <p>3 my point?</p> <p>4 MR. HOFF: I understand. I know we've discussed it.</p> <p>5 I'll certainly passed that information along to Izzy.</p> <p>6 HEARING CHAIRMAN COMMISSIONER BOURGUET: We want a</p> <p>7 director of racing at Zia Park. If you've got enough to hire a</p> <p>8 director of racing, do it.</p> <p>9 MR. STRAIN: Could I ask that the director of racing</p> <p>10 be on the premises, not somebody in Pennsylvania?</p> <p>11 HEARING CHAIRMAN COMMISSIONER BOURGUET: Yes. Mr.</p> <p>12 Hoff and I had that discussion. You know, I think we need to</p> <p>13 make ourselves accessible to the industry. And we've already</p> <p>14 had several complaints. I think Commissioner Buffington had</p> <p>15 some items that it heard. He's received many calls. I've had</p> <p>16 certain calls about it, also. I think some of the associations</p> <p>17 obviously are already talking about it. We just want you-all</p> <p>18 to get off to a good start.</p> <p>19 MR. HOFF: I know we do have some new staff members</p> <p>20 there. The hope would be that everything does get off to a</p> <p>21 good start and issues that have occurred in the past are going</p> <p>22 to be rectified.</p> <p>23 HEARING CHAIRMAN COMMISSIONER BOURGUET: The safety</p> <p>24 inspection is on the 3rd of September, so I'm hoping that you</p> <p>25 will have a director of racing by that date.</p>
Page 126	<p>1 HEARING CHAIRMAN COMMISSIONER BOURGUET: All right.</p> <p>2 I think we're okay here with you.</p> <p>3 MR. HOFF: There was a couple other approvals for</p> <p>4 racing officials, and I believe the updated information was</p> <p>5 sent last night. As of right now, the only unfilled position</p> <p>6 at Zia Park is the program coordinator.</p> <p>7 HEARING CHAIRMAN COMMISSIONER BOURGUET: Let me just</p> <p>8 get to that page. We have a director of racing in here?</p> <p>9 MR. HOFF: No. There is no title under director of</p> <p>10 racing. Michael Shamburg, who is the racing secretary, is on</p> <p>11 site. He will be the one who will be the point person</p> <p>12 regarding questions or concerns at Zia Park for the 2019</p> <p>13 season.</p> <p>14 HEARING CHAIRMAN COMMISSIONER BOURGUET: Well, I</p> <p>15 think, Jeff, you have a director of racing, right?</p> <p>16 MR. TRUE: Yes.</p> <p>17 HEARING CHAIRMAN COMMISSIONER BOURGUET: SunRay?</p> <p>18 Brad? Lonnie?</p> <p>19 MR. BARBER: Yes.</p> <p>20 HEARING CHAIRMAN COMMISSIONER BOURGUET: Jeff, do you</p> <p>21 have a director of racing?</p> <p>22 MR. TRUE: Currently, Less Nichols.</p> <p>23 HEARING CHAIRMAN COMMISSIONER BOURGUET: Who am I</p> <p>24 leaving out?</p> <p>25 MR. COOK: We've got two.</p>	Page 128	<p>1 MR. HOFF: I will pass that along, Madam Chair.</p> <p>2 HEARING CHAIRMAN COMMISSIONER BOURGUET: Okay.</p> <p>3 Anything else, Mr. Hoff?</p> <p>4 MR. HOFF: So I guess it's just looking for approval</p> <p>5 for the race officials for 2019, and then there's a request for</p> <p>6 a revised wagering format for 2019 as well. So I don't know</p> <p>7 what order.</p> <p>8 DIRECTOR TREJO: Madam Chair, members of the</p> <p>9 Commission, can we vote on number 3 and then move on to number</p> <p>10 4?</p> <p>11 HEARING CHAIRMAN COMMISSIONER BOURGUET: Racing</p> <p>12 officials. Yes, we can, pending the appointment of a racing</p> <p>13 director. So we can vote to approve this, but the Commission</p> <p>14 is requesting a director of racing, which can be ratified at</p> <p>15 the next commission meeting.</p> <p>16 COMMISSIONER CORRAZA: Madam Chair, I'll move that we</p> <p>17 approve the racing official, providing that we give them about</p> <p>18 15 days to hire somebody that's responsible enough. They</p> <p>19 should have already had this done. And I really feel that this</p> <p>20 is a lack of what we're doing. So I'll approve it saying that</p> <p>21 we give them a certain period of time to get somebody on board.</p> <p>22 HEARING CHAIRMAN COMMISSIONER BOURGUET: Okay. Thank</p> <p>23 you, Commissioner. Do I have a motion to that, please?</p> <p>24 COMMISSIONER SMITH: So move.</p> <p>25 HEARING CHAIRMAN COMMISSIONER BOURGUET: Do I have a</p>

<p style="text-align: right;">Page 129</p> <p>1 second?</p> <p>2 COMMISSIONER BUFFINGTON: Second.</p> <p>3 HEARING CHAIRMAN COMMISSIONER BOURGUET: All those in</p> <p>4 favor, say, "Aye."</p> <p>5 ALL COMMISSIONERS: "Aye."</p> <p>6 HEARING CHAIRMAN COMMISSIONER BOURGUET: Motion</p> <p>7 passes. Mr. Hoff.</p> <p>8 MR. HOFF: The last item on the agenda is a revised</p> <p>9 wagering format for 2019. This would include some additional</p> <p>10 daily double wagering, a pick five wager, and additional pick</p> <p>11 four wagering. So this would just allow the betting public, if</p> <p>12 they -- since it's become a little more popular out there.</p> <p>13 They've handicapped the pick five. Ideally, they'll handicap</p> <p>14 the pick four, the pick three and the doubles, overall</p> <p>15 increasing an additional wagering and eyes on Zia Park, the</p> <p>16 program. The other one was the daily double minimum will go</p> <p>17 from 50 cents up to a dollar. So that was the other change to</p> <p>18 the wagering format.</p> <p>19 HEARING CHAIRMAN COMMISSIONER BOURGUET: Any</p> <p>20 discussion? Do I have a motion on the floor to approve the</p> <p>21 revised 2019 wagering format?</p> <p>22 COMMISSIONER SMITH: So move.</p> <p>23 HEARING CHAIRMAN COMMISSIONER BOURGUET: Do I have a</p> <p>24 second?</p> <p>25 COMMISSIONER CORRAZA: Second.</p>	<p style="text-align: right;">Page 131</p> <p>1 out works. I think it's good for the business. Ruidoso Downs,</p> <p>2 as you know, has a unique position in the state with respect to</p> <p>3 our Triple Crown races, with respect to the volume of handle</p> <p>4 and attendance during that race meet, with respect to the</p> <p>5 uniqueness of Ruidoso Downs. There's really no other time of</p> <p>6 year to run. And maximizing that summertime calendar period is</p> <p>7 what we're all about.</p> <p>8 So I'll not say a lot more about it and I'll</p> <p>9 stand for questions if you'd like. But our traditional, if you</p> <p>10 will, race meet is what's on request now.</p> <p>11 COMMISSIONER CORRAZA: Those dates do leave a gap</p> <p>12 between you and Zia, so that's good as far as the horsemen</p> <p>13 getting in and out.</p> <p>14 MR. TRUE: With respect to a gap between us and Zia,</p> <p>15 we will close the racetrack on approximately September 14th,</p> <p>16 2020 for training.</p> <p>17 COMMISSIONER CORRAZA: I'm just saying this</p> <p>18 additional gives you some time to -- we're not in the bind we</p> <p>19 were this year, so...</p> <p>20 MR. TRUE: Commissioner Corraza, I don't think we're</p> <p>21 in a bind with respect to Ruidoso and Zia. There probably</p> <p>22 needs to be a couple of days of transition, but I don't think</p> <p>23 we have a problem right now that can't be worked out amicably</p> <p>24 out in the lobby.</p> <p>25 COMMISSIONER BUFFINGTON: So if we hear a lot of</p>
<p style="text-align: right;">Page 130</p> <p>1 HEARING CHAIRMAN COMMISSIONER BOURGUET: All those in</p> <p>2 favor, say, "Aye."</p> <p>3 ALL COMMISSIONERS: "Aye."</p> <p>4 HEARING CHAIRMAN COMMISSIONER BOURGUET: Motion</p> <p>5 passes. Thank you. Mr. True.</p> <p>6 MR. TRUE: Thank you, Madam Chair. Jeff True,</p> <p>7 president and GM of Ruidoso Downs. Requesting for approval of</p> <p>8 our race dates as applied, which are 50 race dates beginning</p> <p>9 May 22nd, concluding September 7th, 2020. As you may recall,</p> <p>10 in 2019 we ran an additional two weeks earlier than the</p> <p>11 Memorial Weekend in May of this year. We underestimated the</p> <p>12 success of the SunRay Park meet, and we had decent racing but</p> <p>13 not very good racing, and we decided to back off those</p> <p>14 additional days. Of course, the overlap is something that</p> <p>15 we've all been discussing in our race dates meeting, and I'm</p> <p>16 happy to get off of those dates.</p> <p>17 Our original intent was to increase our business</p> <p>18 activity in May because we are a little bit constrained in</p> <p>19 terms of what our casino can do on a year-round basis. So at</p> <p>20 any rate, we're going to May 22nd, September 7th, 50 days</p> <p>21 running three days a week with the Mondays Memorial Day and</p> <p>22 Labor Day our traditional meet. I'm happy to see that SunRay</p> <p>23 has eliminated one of the additional overlap days for 2020</p> <p>24 versus 2018.</p> <p>25 So I think the schedule that the tracks have laid</p>	<p style="text-align: right;">Page 132</p> <p>1 thumping and banging, it's just working it out?</p> <p>2 MR. TRUE: You're going to hear thumping and banging</p> <p>3 over that issue. There may be some others that create some</p> <p>4 havoc.</p> <p>5 HEARING CHAIRMAN COMMISSIONER BOURGUET: We really</p> <p>6 appreciate that you-all will work that out.</p> <p>7 COMMISSIONER SMITH: Keeping the track open after</p> <p>8 racing, I think that's really fair, in my opinion.</p> <p>9 MR. TRUE: Thank you, Commissioner Smith. We</p> <p>10 opened -- as you may remember, when we didn't have those extra</p> <p>11 two weeks in May, we still opened the end of April. Because,</p> <p>12 again, Ruidoso is unique in that we have a lot of horses that</p> <p>13 are going into the Ruidoso futurity Memorial Weekend. They</p> <p>14 need to be on the track. They need to get acclimated. They</p> <p>15 need to get worked. That's the final bit of training before</p> <p>16 most of those horses make their first start.</p> <p>17 So we're open about four weeks ahead of our meet,</p> <p>18 and the addition of the week after the meet to close is really</p> <p>19 an accommodation to the horsemen and to Zia. So there's not a</p> <p>20 whole lot more to say about it. I think we're open before and</p> <p>21 after just about any track in the state. But, again, it fits</p> <p>22 our program.</p> <p>23 HEARING CHAIRMAN COMMISSIONER BOURGUET: Mr. Hoff.</p> <p>24 MR. HOFF: Frank Hoff on behalf of Zia. Just to give</p> <p>25 an update regarding what I spoke earlier about, about the</p>

<p style="text-align: right;">Page 133</p> <p>1 stable area opening at Zia Park. I had a conversation with 2 Mr. Maclare and Mr. Lambert. The ability to open up on the 3 8th is there. It could be a little bit longer getting in 4 because of staffing. But they were willing to open up on the 5 8th for horses to come in. It was agreed that we can allow 6 shavings and material to come in on the 5th at Zia Park. We 7 appreciate Ruidoso. 8 HEARING CHAIRMAN COMMISSIONER BOURGUET: Okay. Thank 9 you, Mr. Hoff. We really appreciate it. Those comments should 10 be kept to yourself. But we, as a Commission, appreciate that 11 you made that phone call. 12 MR. HOFF: Again, in my opinion, the best thing is 13 everyone works together. So, again, appreciate Jeff, what he 14 did over there. We're going to work and try to accommodate the 15 horsemen to try to get them in as well. So I just wanted to 16 pass that along. And the track will be open the 10th. I 17 misspoke earlier on that. 18 HEARING CHAIRMAN COMMISSIONER BOURGUET: Thank you 19 very much. Mr. True, anything that you'd like to add to your 20 report? You need anything else approved? I see K3. 21 MR. TRUE: Yes, ma'am. With respect to our requested 22 approvals, item K3 is a ratification of approval to cancel 23 races five through ten on August 9th, 2019. We had one of 24 those mountain storms come through. The lightning and rain was 25 pretty bad. The riders refused after the fourth, and so we</p>	<p style="text-align: right;">Page 135</p> <p>1 friend of mine. 2 And when you appear in front of the New Mexico 3 Supreme Court, the three judges are sitting up there on a bench 4 that's high in front of you and you're down there arguing in 5 front of them. I was up there one time -- and you only get 15 6 minutes to make your point to these guys. Justice Franchini 7 was there with a full staff or a full court. There was five, 8 and all of them were sort of leaned over like you guys are, 9 right? 10 And so after about 10 minutes he leans back like 11 this, so that he was sort of like Madam Chair if you move back, 12 so his other judges could see him. And he looked at me, and I 13 was making this brilliant argument, he pulled his tie out of 14 his robe and he went (Mr. Blackburn pulls his tie above his 15 head.) And I said in a nice way, "I see my time is up. Thank 16 you very much." He called me and says, "Billy, by the time you 17 got to your car, which was a total of about two minutes, we had 18 already decided the case." So don't do that to me, 19 Mr. Corraza. 20 I'm only here briefly, and I think that this 21 meeting today sort of points out my point. The ability for 22 everybody to come in front of you and to talk about their 23 issue, whether it is the moments we spend as it relates to the 24 Jockeys' Guild or whether it's the moments we spend as it 25 relates to the Horsemen's Association, to the transparency,</p>
<p style="text-align: right;">Page 134</p> <p>1 canceled the remainder of the card that day. 2 HEARING CHAIRMAN COMMISSIONER BOURGUET: I remember 3 hearing about that. Do I have a motion to ratify? 4 COMMISSIONER BUFFINGTON: So moved. 5 HEARING CHAIRMAN COMMISSIONER BOURGUET: Do I have a 6 second? 7 COMMISSIONER CORRAZA: Second. 8 HEARING CHAIRMAN COMMISSIONER BOURGUET: All those in 9 favor, say, "Aye." 10 ALL COMMISSIONERS: "Aye." 11 HEARING CHAIRMAN COMMISSIONER BOURGUET: Motion 12 passes. Move on to L, public comment. Mr. Blackburn. 13 MR. ELLIOT: Just before Mr. Blackburn begins, I just 14 want it to be known, he has an item that is on the agenda for 15 executive session. I would simply ask that Mr. Blackburn not 16 go into the details of the case, as that issue is going to be 17 discussed in executive session. 18 MR. BLACKBURN: I'm not trying to trump you on any of 19 those issues. I wouldn't do that. But I will be brief. As 20 Commissioner Corraza asked, those of us who practice for a 21 living and appear as lawyers, probably the most experience you 22 have or the highlight of your career is to be able to argue in 23 front of the New Mexico Supreme Court. And anybody who knew 24 Justice Franchini over the years, he was the chief justice of 25 the Supreme Court for about five or six years and he was a</p>	<p style="text-align: right;">Page 136</p> <p>1 Madam Chair, that you have talked about that makes this a 2 Commission for the people of the state of New Mexico. 3 And what I had talked about before was I think in 4 the first meeting that we had with this new commission was the 5 fact that for a number of years the Commission, for decades, 6 had allowed the lawyers to appear in front of the Commission 7 prior to any arguments on hearing officer's reports. 8 I think one of the reasons why for a number of 9 years, as you well know, the statute allows you, as the 10 commissioners, to be the hearing officers. We used to do that 11 all the time. So there wasn't as many hearing officers' 12 reports. I understand that. But as we've moved along, the 13 last commission, I think it was proposed after they had a 14 number of hearing officers' reports all the time, because you 15 had to catch up, that the chairman at the time which was 16 Mr. Doherty, who of all things was a lawyer, quit that policy. 17 So now what it's been other the last few years, 18 as I understand, is just like what's going to happen this 19 afternoon. You're going to go into a meeting. You're going to 20 look at these items on the hearing officer's reports and you're 21 going to make a decision without any input from me or my 22 client. And that's not the way it used to be. And I'm not 23 saying that just because it was done differently in the past, 24 that you should do it again. I'm telling you the reason why 25 you should do that is because it's right. Because the statutes</p>

Page 137	<p>1 and the reg's talk about the ability of the licensee to 2 participate in these proceedings. 3 What we have done on hearing officer's reports 4 that we have gone in front of the hearing officer, we've gone 5 in front of the hearing officer, we've presented our case. 6 He's made a recommendation to you or she's made a 7 recommendation to you. The rule of thumb that you would tell 8 somebody when they -- as a lawyer, when you appear in front of 9 a jury, that for every day that you spend in court arguing a 10 case, the jury should deliberate for at least an hour. So if 11 you spend one day in court, the jury should deliberate for an 12 hour. Two days in court, two hours. That's just the rule of 13 thumb. 14 And when we come in front of you, when you are 15 now the jury of my case looking at a document that's been 16 prepared on any case, on any person who comes in front of you 17 for a hearing officer's report, you are the jury. And I know. 18 I've been there. I was on this Commission for a number of 19 years. I know that you get transcripts. On a case that I did 20 previously before you-all came on here, the transcript was 368 21 pages and there were exhibits. 22 Now, I'm a lawyer and I know how long it takes me 23 to read 368 pages of deposition and I can read them a lot 24 faster than you. And I guarantee you that you-all having to 25 read that is overbearing as it relates to your job. You-all</p>	Page 139	<p>1 look to lose a day, 10 days, 20 days, a year, five years and a 2 fine, this is serious business to them. And not to have the 3 opportunity to have a look at you-all and talk to you I think 4 is not fair. 5 In particular, think about this. My client or 6 any client that I have or any lawyer that would be up here 7 making this argument when their client is charged with a 8 disciplinary issue before the Commission, they're looking at 9 days down and a fine, right? So the prosecutor is an 10 administrative prosecutor of the Attorney General's Office, the 11 Attorney General's Office, right? And then when it comes 12 before you as a hearing officer, you're represented by the 13 Attorney General's Office. 14 And my client is always looking at me going, "How 15 is it that the attorney general can be prosecuting and advising 16 at the same time?" Well, I have to explain all that, but to 17 them they don't understand. 18 HEARING CHAIRMAN COMMISSIONER BOURGUET: We have an 19 attorney general -- former attorney general here present that 20 could answer your question. 21 MR. BLACKBURN: I don't need that question answered. 22 I'm talking about what my client sees as fairness and due 23 process in this state. 24 HEARING CHAIRMAN COMMISSIONER BOURGUET: I understand 25 that. Mr. Blackburn, we've heard your arguments the last time</p>
Page 138	<p>1 have jobs to do. And the ability -- just as all these people 2 came here today and spoke their case to be able to talk to you 3 about issues that you may not know about. 4 I mean, we had an issue that came here today 5 about whether or not you should do this in an Open Meetings 6 Act, and I made a joke about the fact that I leaned over to 7 Mr. Blanchard afterwards and said there's a lawyer we know in 8 general. And I said, "Well, I hope you don't call and tell him 9 that I just lost him a case this afternoon." Because with that 10 dialogue between you, between all of us, it makes things go 11 faster and it gives my client the appearance of due process and 12 fairness. 13 And the reason why I say that is, I mean, giving 14 us five minutes, 10 minutes, 15 minutes to argue is only 15 helpful to you to preview what's going on. As I talked about 16 before, one day for one hour for one day of hearing, that's on 17 juries that have heard the arguments. They have been in court. 18 They have seen the witnesses. They've heard opening 19 statements. They've heard closing statements. They've heard 20 the arguments of counsel. They've seen the witnesses. They've 21 been able to look at them. 22 HEARING CHAIRMAN COMMISSIONER BOURGUET: You've had 23 your five minutes. 24 MR. BLACKBURN: So here's the point I'm trying to 25 make, is that to the people who are in a position where they</p>	Page 140	<p>1 you were here and we're hearing the same argument now. 2 MR. BLACKBURN: No, you're not. 3 HEARING CHAIRMAN COMMISSIONER BOURGUET: I'm going to 4 give you one more minute to wind this down, Mr. Blackburn. 5 MR. BLACKBURN: Well, I think that's unreasonable, 6 but whatever. So I have a suggestion. That you just call 7 these people in here. It gives the state the opportunity. If 8 the hearing officer ruled against the commission, it gives them 9 an opportunity to come in. You get to see who the 10 administrative prosecutors are. I asked you, "Have you ever 11 seen the administrative prosecutor?" I don't think any of you 12 have ever been to a hearing. The only thing I'm asking is that 13 you allow us the same opportunity that you allow every person 14 who comes in here to have five minutes to make a point. And if 15 they don't want to do it, they can waive it. 16 I know that Commissioner Sanchez recuses himself 17 on all of my cases. And the reason we never talk about any of 18 my cases in front you, we never talk about any that stuff, we 19 talk about me representing him on his business. And we don't 20 have anything to do with these issues here, but he, in the 21 interest of fairness, recuses himself. 22 Okay. So how does that look to somebody -- so 23 why doesn't -- if Hossie says from now on -- if Commissioner 24 Sanchez says, "From now on I'm not going to talk to you about 25 your case," why shouldn't he vote? Because the attorney</p>

<p style="text-align: right;">Page 141</p> <p>1 general says, "Hey, we don't talk to the administrative 2 prosecutors." We're in the same freaking office. I mean, give 3 me a break.</p> <p>4 But I'm glad to hear that the Racing Commission 5 is about to venture into an area that people have been 6 complaining about forever, to get your own attorney to advise 7 you that is different than the administrative prosecutor.</p> <p>8 Having said that, I would ask that you implement 9 this. And for the case that I would have this afternoon or any 10 cases on the hearing officer where they request that we be 11 allowed to argue in front of you and present -- not argue but 12 to enlighten you about what you read or didn't read in the 13 meantime. That's all I have. Thank you.</p> <p>14 HEARING CHAIRMAN COMMISSIONER BOURGUET: Thank you, 15 Mr. Blackburn.</p> <p>16 MS. FINCHER: Leslie Fincher. I'm a very small-time 17 breeder, owner, previous racehorse trainer. I've worked in 18 administration and as director of publications and also as a 19 horsemen's bookkeeper. I'm just trying to stand up for the 20 little horsemen, the ones that don't have the big money to go 21 buy the big horse. This gaming process was set up to protect 22 the horsemen in New Mexico, not California, not New York, not 23 anywhere in between. And what you keep doing is following 24 sanction, well, look what California did, look what so-and-so 25 did.</p>	<p style="text-align: right;">Page 143</p> <p>1 the same schedules.</p> <p>2 HEARING CHAIRMAN COMMISSIONER BOURGUET: Let's keep 3 our comments to ourselves. I can hear you from here.</p> <p>4 MS. FINCHER: And Sunland, but they keep cutting 5 back. So when you're talking about not overlapping, where do 6 these horses go? They go out of state or they quit. So I just 7 wanted you to remember these guys got the golden goose in the 8 gaming casinos because of the horsemen, the New Mexico 9 horsemen, the New Mexico agriculture. They didn't get it by 10 their brilliant pencil-pushing on the side of management. So 11 that needs to be taken into consideration.</p> <p>12 And in the open meetings that took place Tuesday 13 was a preliminary for your committeemen to discuss it with the 14 rest of the Commission, and you're not hearing all the 15 arguments that were presented. So I think that's kind of 16 one-sided. Am I up? Thank you. Can I pull my tie I don't 17 have?</p> <p>18 HEARING CHAIRMAN COMMISSIONER BOURGUET: Thank you, 19 Leslie. Appreciate it.</p> <p>20 Representative Ezzell? Or should I go to Larry 21 Strain?</p> <p>22 MR. STRAIN: I'm the chairman of the Zia Park 23 committee. I used to live in Hobbs. We used to always start 24 the weekend after Ruidoso was over. Now we're pushed two weeks 25 back. I just wish you-all would think of the people that are</p>
<p style="text-align: right;">Page 142</p> <p>1 The problem is you're eliminating horses -- 2 management's eliminating horses by not running the distances 3 that horses are allowed to run, sanction, and they're 4 eliminating a status quo to decide on where they want to run 5 their horse for what price. It would be like me in real 6 estate. Well, I can't list your house. You've got to sell 7 your house for \$300,000 and it's a \$50,000 piece of crap.</p> <p>8 Everybody's entitled to be able to have the 9 opportunity to run their horse. They don't make the big bucks 10 training. These owners that send their horses out, they're 11 going to be on the shelf. If I have a party and I invite 10 12 people, we're going to have a pretty good spread. But when you 13 have 20 people, yes, you're cutting down on the portions. And 14 that's what you're doing letting SunRay run 17 days. That 17 15 days was implemented strictly for the New Mexico State Fair.</p> <p>16 Now, everybody keeps elaborating on it. I think 17 they should run more days. The reason their purses have been 18 small in the past, they run these days. Then they turn around 19 and they run these days, and the full year of getting the 20 gaming and the handle and the simulcast all in one lump sum. 21 In fact, Mr. Blanchard offered to give them what, one or \$2 22 million a year to change their dates.</p> <p>23 MR. BLANCHARD: That's not true.</p> <p>24 MS. FINCHER: It's got to have some continuity. The 25 only one that you've got here that's close is Ruidoso running</p>	<p style="text-align: right;">Page 144</p> <p>1 having to work with the horses, not just the trainers but the 2 groups in the hot weather. You-all are pushing them so far 3 back into the cold weather. I've heard this story about, well, 4 there's a two-degree temperature between El Paso and Hobbs. 5 But El Paso doesn't get those 50, 60 miles an hour fronts come 6 in, that wind out of the northeast.</p> <p>7 And there's so many people in Zia Park that live 8 in the tack rooms and it's cold. And with electric heaters, 9 they can barely survive. But please don't -- when did overlap 10 become such a four-letter word? Why can we go back? And you 11 talk about the racing public. In September Zia Park is full of 12 people. The latter part of December nobody comes out there 13 because early September is before the hunting season, before 14 football really gets going.</p> <p>15 But, please, when you-all give these dates, don't 16 keep pushing so far into December, because think about the 17 people that's gotta work on the back side, gotta live there. 18 They're a part of this. They're not here represented and they 19 need to be. Thank you.</p> <p>20 HEARING CHAIRMAN COMMISSIONER BOURGUET: Thank you, 21 Mr. Strain. Appreciate your comments.</p> <p>22 MS. BONNER: Laura Bonner. Thank you, Madam Chair. 23 Madam Chair, members of the Commission, since last week's 24 meeting I've been going over about 1,400 pages of recent 25 medication violation records and, you know, I just wanted to</p>

<p style="text-align: right;">Page 145</p> <p>1 circle back to something that I think Commissioner Smith spoke 2 to earlier about therapeutic drugs and drug use. 3 You know, that word "therapeutic" indicates that 4 that drug is being used to heal disease. And I know I'm not 5 alone in talking about how drugs are not being used 6 therapeutically. They're being used to improve performance of 7 the horses, not to heal disease, right? 8 So when you speak about potentially changing the 9 way that the Commission refers to drug violations and not 10 talking about them as violations but kind of maybe mixing the 11 language a little bit, making it sound like it was maybe a 12 little overdose or something of a therapeutic medication, at 13 least that's what it sounded to me that you were discussing. 14 COMMISSIONER SMITH: That's not exactly true. The 15 therapeutical drugs are to protect the horse. For instance, 16 Ventipulmin, it thickens the lining in the esophagus. It also 17 thickens the lining of the lungs that prevents the horse from 18 bleeding so much. Now that we don't have the use of it in 19 Ruidoso, they use Lasix. You can't give a horse enough Lasix 20 to keep them from bleeding out. 21 So therapeutical is just exactly what it says. 22 It's to prevent. Just like if your doctor prescribed something 23 to you. It's preventative. It's not a stimulant. It's not a 24 painkiller. When you've got a headache, what do you take? 25 Aspirin. Well, that's what bute and banamine are to a horse.</p>	<p style="text-align: right;">Page 147</p> <p>1 racetracks as well. I recall I think there was some 2 paraphrasing, a statement from the previous meeting, you know, 3 about that that number was relatively small, a relatively small 4 number of deaths and injuries. 5 COMMISSIONER SMITH: It is in New Mexico. 6 MS. BONNER: Well, I mean, again, that's like a 7 matter of perspective, you know. There's a lot of comparison 8 in these meetings to other athletes, to other sports, to tennis 9 or football or whatever. And the comparison is totally false, 10 right, when we have individuals who are dying on the tracks. 11 Of course, that documentation doesn't even -- that's just 12 what's happening at the tracks. You know, maybe it was you who 13 earlier said that there's pressure from a lot of places. It's 14 not just -- I'm not speaking to you bringing anything new to 15 your mind, you know. 16 But I'll just say this about the records. Many 17 of the records that I've reviewed are not even readable, just 18 maybe it was scanned and it was filled out with like a light 19 pen or something. I'm not sure if -- I have several examples 20 here if maybe there was interest in discussing it afterwards. 21 And the records also show some really painful truths. 22 COMMISSIONER SMITH: If you would like, I'll take 10 23 hours, 15 hours and meet with you privately and we'll go over 24 all that stuff. I promise you we're looking out for the 25 welfare of the horse. We are doing nothing to -- the welfare</p>
<p style="text-align: right;">Page 146</p> <p>1 When they've got a temperature, you get temperature like you're 2 giving your baby, you stick it in the rump, we need to give 3 them banamine. So, yes, it is therapeutical. It's not any way 4 to enhance a horse to run at all, zero. 5 MS. BONNER: Thank you for that explanation. And 6 respectfully, I think there's a difference of opinions on that, 7 you know, and there are side effects to therapeutic drugs, 8 especially when they're given in large doses over large amounts 9 of time. 10 COMMISSIONER SMITH: I agree with you. That's what 11 we have racing commissions for. But we have bad actors that 12 are always going to be bad actors, and they're the ones that 13 abuse it. We're going to stop that because now there's a way 14 to tell between the stuff they call holy water and Ventipulmin. 15 There's a way to tell a difference. 16 So we have to look out for the welfare of the 17 horse. I'm sure you've read this Paulick report, right? Well, 18 that's part of the problem. We're handing down penalties that 19 we don't have to be handing down if we had the use of these 20 therapeutical drugs. 21 MS. BONNER: Well, you know, it's very helpful to 22 have this conversation about it. 23 COMMISSIONER SMITH: Sure. I appreciate that. 24 MS. BONNER: And, you know, there's about 300 pages 25 of records I requested on recent deaths and injuries at the</p>	<p style="text-align: right;">Page 148</p> <p>1 of the horse is what I'm concerned about, period. And with 2 some changes being made nationally, it is really detrimental to 3 us because we're at 7,000 feet, Albuquerque's 5,700 feet. We 4 bed in sawdust, they bed in straw. It's a completely different 5 animal. 6 MS. BONNER: Sure. But I'm not talking about -- 7 sorry to interrupt you, Mr. Commissioner. I'm just trying to 8 not lose all my time. I'm talking about New Mexico records, 9 New Mexico deaths. 10 COMMISSIONER SMITH: That's what I'm talking about. 11 I'll sit down with you. Any question you have, I will answer 12 and I will be at your beck and call. I'll give you my mobile 13 number and I'll be at your beck and call. And I'll be frank 14 with you, I'm for the welfare of the horse. Anybody in this 15 room will tell you that. 16 MS. BONNER: I appreciate that and I hear that over 17 and over again when I come to these meetings. And people talk 18 about the love and the passion they have for horses in this 19 industry. I mean, I don't understand why like in this digital 20 age why records are kept -- couldn't they be digitized? Isn't 21 there an easy way, like somebody could have an app on their 22 phone, fill it out, and then it would be online, searchable. 23 You know, transparency. There's been a lot of heated 24 conversations today. There's a lot of passion in this room, 25 right, about fairness, about serious business, about due</p>

<p style="text-align: right;">Page 149</p> <p>1 process and, you know, the horses are totally left out of this 2 conversation. 3 COMMISSIONER SMITH: No, they're not. 4 MS. BONNER: Respectfully, Madam Chair and 5 Commissioner, these are the comments that I hear from our 6 supporters and members of the public, not even my words. The 7 public is not a fan because of the injuries and deaths. To me, 8 it's like just a gladiator stadium cheering for pain and 9 injury. The industry is built around equine abuse. These 10 aren't comments that I've gone to people soliciting, "Oh, give 11 me the ugliest thing you can say." These are comments that 12 come out of people's mouths when you talk about this industry. 13 And I know it's uncomfortable to talk about, but 14 even if there were steps that the Commission could take. And I 15 appreciate your offer and I'd love to take you up on that. But 16 just about making these records more accessible, easier to 17 search through. 18 HEARING CHAIRMAN COMMISSIONER BOURGUET: We'll have a 19 discussion. You can have a discussion with Mr. Smith and 20 Mr. Trejo regarding your request for records, but you've 21 extended your five minutes. We've allowed more than five 22 minutes. 23 MS. BONNER: Madam Chair, I think other people here 24 have had more than five minutes. Some of these other people 25 had more than five minutes, and some of my time was used by the</p>	<p style="text-align: right;">Page 151</p> <p>1 we're doing? And that's what I want to hear from you. Next 2 time you want to come to talk to us, you bring any a good story 3 about our industry. 4 MS. BONNER: Respectfully, Madam Chair -- 5 HEARING CHAIRMAN COMMISSIONER BOURGUET: Thank you 6 very much, Ms. Bonner. 7 MS. BONNER: Thank you for your time. 8 HEARING CHAIRMAN COMMISSIONER BOURGUET: I appreciate 9 it, Ms. Bonner. Thank you very much. 10 MS. BONNER: I look forward to seeing you-all at the 11 next meeting. 12 HEARING CHAIRMAN COMMISSIONER BOURGUET: Don't forget 13 what I requested. 14 MS. BONNER: Thank you, Madam Chair. 15 HEARING CHAIRMAN COMMISSIONER BOURGUET: Thank you. 16 I think that that's it for our agenda. I think Ms. Garley 17 needs to -- would you please end this for us? 18 HEARING CHAIRMAN COMMISSIONER BOURGUET: We have one 19 more thing regarding my last page. I think we have someone 20 here regarding licensing, pending litigation, appeals. Do we 21 have any comments from Mr. Fernando Garcia? 22 MR. GARCIA: Good afternoon, Madam Chair, 23 Commissioners. My name is Fernando Garcia, and I'm here to 24 respectfully request to be licensed as a groom. 25 MR. ELLIOT: Mr. Garcia's application is in the</p>
<p style="text-align: right;">Page 150</p> <p>1 Mr. Commissioner, so... 2 HEARING CHAIRMAN COMMISSIONER BOURGUET: I'll be 3 happy to do the math here. 4 MS. BONNER: I will be happy to come back and have 5 another talk about this. 6 HEARING CHAIRMAN COMMISSIONER BOURGUET: I have a 7 question for you. Last time you were here and you came before 8 the Commission, you had your complaints, and so forth, and I 9 said to you, "I would like to see you talk about the goodness 10 of our industry. I would like you to bring forth stories about 11 what we do well at each respective track, the initiatives that 12 they've had, the growth that they've had, the support that they 13 get at each track." We have good stories about our horses. 14 New Mexico-breds, our open horses, our owners, the groomers, 15 the people that board horses, those are the stories of our 16 industry. 17 Now, I understand that subsequently at the 18 meeting you had a discussion with one of our people that has 19 horses and breeds and has stallions, and you were invited. 20 Crystal Springs invited you to their facility. Have you gone? 21 MS. BONNER: Madam Chair, I haven't gone to Crystal 22 Springs. Madam Chair, also, you know, it's not the job of an 23 advocacy organization to advocate -- 24 HEARING CHAIRMAN COMMISSIONER BOURGUET: Well, how 25 can you advocate for us if you don't listen to the good things</p>	<p style="text-align: right;">Page 152</p> <p>1 books. He's submitted an order to show cause, which is our 2 technical term for -- we submitted it to him basically saying 3 why should we issue you a license or reinstate your license. 4 He has had his license revoked. 5 COMMISSIONER SMITH: As a groom? 6 MR. GARCIA: Yes. 7 COMMISSIONER SMITH: Why was it revoked? 8 MR. GARCIA: Yes. It was because on the application 9 I put -- I was expelled, so they told me I had to come in front 10 of the members. 11 COMMISSIONER SMITH: First degree, second degree, 12 third degree? 13 MR. GARCIA: It was a federal offense. I did five 14 years in prison. It was no misdemeanor. It was a felony. 15 COMMISSIONER SMITH: Drugs? 16 MR. GARCIA: It was money laundering. 17 MR. ELLIOT: It's all in there. This would be an 18 opportunity for you, sir, to explain any factors that you would 19 like the Commission to consider with respect to your 20 application, you know, if you're on parole, if you've had any 21 violations since then, your current employer, family, friends. 22 MR. GARCIA: Yes. I was released from prison in 23 December of 2017. I was given years supervised release. I met 24 with my supervisor officer, went through other testing and 25 everything. I was meeting with them once a month. Then they</p>

<p style="text-align: right;">Page 153</p> <p>1 brought me down to a lower level. Now I just meet with them --</p> <p>2 I do my online reporting once a month, and I haven't had no</p> <p>3 violation. I talked to her and asked her if she could write me</p> <p>4 a letter for you-all. She said they can't do it, but anybody</p> <p>5 can call her at any time and she can talk to you-all. My</p> <p>6 supervised release, one of the requirements is that I have a</p> <p>7 job, and I like working with horses.</p> <p>8 HEARING CHAIRMAN COMMISSIONER BOURGUET: What do you</p> <p>9 like about being a groom, Mr. Garcia?</p> <p>10 MR. GARCIA: Just being around horses, feeding them,</p> <p>11 wrapping them, bathing them.</p> <p>12 COMMISSIONER SMITH: You have a lot of friends on the</p> <p>13 back side, I'm sure?</p> <p>14 MR. GARCIA: Some, yes.</p> <p>15 COMMISSIONER CORRAZA: Are you still under supervised</p> <p>16 probation of any type?</p> <p>17 MR. GARCIA: Yes. I have three years, so my term is</p> <p>18 up December 2020.</p> <p>19 COMMISSIONER CORRAZA: That includes drug testing?</p> <p>20 MR. GARCIA: Yes, sir.</p> <p>21 HEARING CHAIRMAN COMMISSIONER BOURGUET: Mr. Trejo.</p> <p>22 DIRECTOR TREJO: Madam Chair, Commissioners, if you</p> <p>23 turn to tab G, it has the conditions of Mr. Garcia's</p> <p>24 supervision, as well as some documentation such as support</p> <p>25 letters from a couple of different individuals and other</p>	<p style="text-align: right;">Page 155</p> <p>1 But somebody that's on federal probation, he's being monitored</p> <p>2 closely. I just wanted to say that on his behalf.</p> <p>3 HEARING CHAIRMAN COMMISSIONER BOURGUET: Thank you,</p> <p>4 Mr. Blackburn. Representative.</p> <p>5 REPRESENTATIVE EZZELL: This is an area of my life</p> <p>6 that I'm very passionate about. I think everybody else in this</p> <p>7 room is passionate about our racing industry as well and the</p> <p>8 welfare of the horse. And if we weren't here to do what's</p> <p>9 right by the animal, to do what's right by the betting public,</p> <p>10 it's a total waste of our time.</p> <p>11 Madam Chair, members of the Commission, I realize</p> <p>12 that you-all do not have an easy job up there because you're</p> <p>13 listening to everything that each individual wants to have to</p> <p>14 say. But about I do appreciate you taking the time to hear all</p> <p>15 this. If we all work together, we can be make New Mexico</p> <p>16 successful.</p> <p>17 I strongly encourage Ms. Bonner to talk to any</p> <p>18 one of the horse owners here or visit some of the farms and she</p> <p>19 will understand that these equine athletes are very well taken</p> <p>20 care of, that they are exclusive in the field of athletes. And</p> <p>21 we are going to do our best working collectively to make sure</p> <p>22 that all the bad actors are out of here. Thank you very much.</p> <p>23 HEARING CHAIRMAN COMMISSIONER BOURGUET: Thank you,</p> <p>24 Representative.</p> <p>25 COMMISSIONER CORRAZA: Madam Chair, that we move into</p>
<p style="text-align: right;">Page 154</p> <p>1 documentation implying what he's been through and what he's</p> <p>2 done. You can get a little more of a background in regards to</p> <p>3 his situation.</p> <p>4 MR. ELLIOT: And this might be a good time for us</p> <p>5 to -- thank you, Mr. Garcia. I think we're going to go into</p> <p>6 executive session. If you want to wait, we'll get back to you,</p> <p>7 and if we have additional questions, we can pull you in.</p> <p>8 HEARING CHAIRMAN COMMISSIONER BOURGUET: Thank you,</p> <p>9 Mr. Garcia. There's another name here that I skipped over for</p> <p>10 public comment. Representative Ezzell.</p> <p>11 MR. BLACKBURN: Can I just -- I do a lot of federal</p> <p>12 work and there's a major difference between the level of first</p> <p>13 degree, second degree, third degree in state cases as opposed</p> <p>14 to federal cases. They're all either zero to 20 years, five to</p> <p>15 15. And to his credit, I can tell you that once you're</p> <p>16 released you go on supervised release. It's totally different</p> <p>17 than you've ever heard of being like on state probation. It's</p> <p>18 a supervised release. They monitor you completely. The only</p> <p>19 time you get anything less is if you're so good for like two</p> <p>20 months. They monitor you to the extent that you can't have</p> <p>21 credit cards. You have to get permission to have a credit</p> <p>22 card. You get drug tested repeatedly.</p> <p>23 So to his credit, I wanted to be able to tell you</p> <p>24 that there was a major difference between what you may have</p> <p>25 thought about state probation and what they have to go through.</p>	<p style="text-align: right;">Page 156</p> <p>1 closed session.</p> <p>2 HEARING CHAIRMAN COMMISSIONER BOURGUET: Thank you,</p> <p>3 Commissioner Corraza. I move that the Commission go into</p> <p>4 closed executive session to discuss -- we have one other</p> <p>5 comment. I'm sorry.</p> <p>6 MR. STRATTON: Hal Stratton. I'm just hoping you</p> <p>7 will give us some direction on what you're going to do on this</p> <p>8 race date thing because everybody is sitting around waiting for</p> <p>9 it. I don't know if you're going to come back out and announce</p> <p>10 it today or what the intent is. I'd just like to make that</p> <p>11 inquiry of the Commission.</p> <p>12 HEARING CHAIRMAN COMMISSIONER BOURGUET: I think our</p> <p>13 intent is to make a decision. But since we've had several new</p> <p>14 requests for dates, it's going to take longer than I think I</p> <p>15 anticipated. I don't know how long you-all are willing to stay</p> <p>16 here. Maybe a few more hours if it necessitates that. Thank</p> <p>17 God Billy won't be in here.</p> <p>18 MR. STRATTON: I'm not going to defend Billy. I'm</p> <p>19 not speaking on behalf of Zia. I'm going to speak on my own</p> <p>20 behalf here, because as you pointed out, I worked in the</p> <p>21 office. I was charged with enforcing the Open Meetings Act and</p> <p>22 IPRA. I'm also on the Board of the Foundation for Open</p> <p>23 Government. I'm on their legal committee. I just want to make</p> <p>24 sure that I do endorse Billy's view of the Open Meetings Act</p> <p>25 and the assistant attorney general's. Because this is really</p>

Page 157	<p>1 not a close call on this race date thing, as far as discussing 2 it in executive session.</p> <p>3 And once again, this isn't Zia talking, and Zia 4 doesn't plan anything on this, but I believe you and I know you 5 are for good government and I know you want to follow the 6 statute and I know you want to follow the regulations and I 7 know you want to follow the rule of law. And so I'm just 8 trying to get a feel of how we react next on the race date 9 thing. Because you know you're in open session. You're 10 discussing it. Now, what's next? How would you direct us as 11 far as our next interaction with the Commission on this issue?</p> <p>12 HEARING CHAIRMAN COMMISSIONER BOURGUET: Okay. And I 13 don't know if Mr. Buffington has any comments about that. He's 14 our chairman for the race dates committee. So I'll give him an 15 opportunity to --</p> <p>16 COMMISSIONER BUFFINGTON: Well, we have a 17 considerable diversity in opinions, and I think we need to 18 consider that diversity of opinions. And that's what we have 19 to do. If you recall last year, I'm told, similar process, and 20 the Commission kind of decided these are the race dates. And I 21 know that we had a consensus last year. We don't, in my 22 opinion, have a consensus this year, and so we have to decide 23 what race days are going to be approved. And I guess that's --</p> <p>24 COMMISSIONER SMITH: I think we've got to take PETA 25 into consideration. I think there's going to be regular people</p>	Page 159
Page 158	<p>1 complaining.</p> <p>2 MR. BLACKBURN: Thank you for the endorsement. I 3 want to go one step further. Personally -- and I'll ask your 4 attorney -- I think that you have to have these discussions 5 about your differences in open session. The public has the 6 right to know what your disagreements are. And I don't think 7 it's proper. As somebody that's with the open government, I 8 think that's what got the New Mexico Regents in trouble last 9 year when they brought those people in and they went behind 10 closed doors and they cut the soccer and stuff. And they had 11 to redo it all over again because those discussions did not 12 occur.</p> <p>13 Now, you know, you can talk about these, but I 14 think that the process of what do we think about this, what do 15 we think about this, I believe under the Open Meetings Act has 16 to occur in open session. Now, I may be wrong, but I'll leave 17 it up to the experts. But I think I'm pretty right on this 18 issue.</p> <p>19 HEARING CHAIRMAN COMMISSIONER BOURGUET: Mr. Elliot, 20 do you have any comments about that?</p> <p>21 MR. ELLIOT: I'll reiterate what I said earlier. I 22 agree with the proposition that race dates can't be discussed 23 in closed session. If we were talking about individual 24 applications for individual tracks and the dates that they had 25 proposed in the context of that application and that license,</p>	Page 160
	<p>1 that would be one thing. But we're not. We're talking about 2 race dates in general. And so, yes, Mr. Blackburn and 3 Mr. Stratton are correct.</p> <p>4 HEARING CHAIRMAN COMMISSIONER BOURGUET: Okay. So I 5 have a motion on the floor to go into executive session if 6 we're done with your public comment. Do I have a second?</p> <p>7 COMMISSIONER SANCHEZ: Second.</p> <p>8 HEARING CHAIRMAN COMMISSIONER BOURGUET: I shall 9 read. Motion to go into closed session. I move that the 10 Commission go into closed executive session to discuss only 11 those matters issues pursuant listed on the Agency as closed 12 pursuant to Section 10-15-1(H) to discuss matters related to 13 the issuance, suspension, renewal or revocation of a license, 14 to discuss limited personnel matters, to deliberate in 15 connection with an administrative adjudicatory proceeding, to 16 discuss attorney-client privileged matters pertaining to 17 threatened or pending litigation. Roll call.</p> <p>18 MS. GARLEY: John Buffington.</p> <p>19 COMMISSIONER BUFFINGTON: Yes.</p> <p>20 MS. GARLEY: Billy Smith.</p> <p>21 COMMISSIONER SMITH: Yes.</p> <p>22 MS. GARLEY: Beverly Bourguet.</p> <p>23 HEARING CHAIRMAN COMMISSIONER BOURGUET: Yes.</p> <p>24 MS. GARLEY: Hossie Sanchez.</p> <p>25 COMMISSIONER SANCHEZ: Yes.</p>	
	<p>1 MS. GARLEY: Ken Corraza.</p> <p>2 COMMISSIONER CORRAZA: Yes.</p> <p>3 HEARING CHAIRMAN COMMISSIONER BOURGUET: Okay. We 4 are going into closed session.</p> <p>5 (WHEREUPON, the Commission in closed executive 6 session from 1:20 to 3:01 p.m.)</p> <p>7 HEARING CHAIRMAN COMMISSIONER BOURGUET: This meeting 8 will now come to order. We will move on to executive session, 9 closed session. After the closed session, I would state that 10 the Commission is back in open session and I affirm that the 11 Commission discussed only those matters specified in the motion 12 to close the meeting in accordance with section 10-15-1J.</p> <p>13 Mr. Elliot, I'm going to turn this over to you so 14 you can go through the decisions that we have made regarding 15 licensing, pending litigation, appeals, hearing officer 16 reports, employment contracts pursuant to N.M.S.A. 1978 17 Sections 10-15-1(H), (1),(2),(3) and (7) and 10-15-1(I).</p> <p>18 MR. ELLIOT: Thank you, Madam Chair, members of the 19 Commission. In the matter of trainer Miguel Hernandez, race 20 appeal, it's my understanding the Commission upholds the 21 stewards' ruling.</p> <p>22 HEARING CHAIRMAN COMMISSIONER BOURGUET: Do I have a 23 motion from the Commission?</p> <p>24 COMMISSIONER SMITH: So move.</p> <p>25 COMMISSIONER CORRAZA: Second.</p>	

Page 161	Page 163
<p>1 HEARING CHAIRMAN COMMISSIONER BOURGUET: All those in 2 favor, say, "Aye." 3 ALL COMMISSIONERS: "Aye." 4 HEARING CHAIRMAN COMMISSIONER BOURGUET: Motion 5 passes. 6 MR. ELLIOT: In the matter of owner Arden Sue Floyd, 7 race appeal, it's my understanding the Commission wishes to 8 uphold the race review committee's ruling. 9 HEARING CHAIRMAN COMMISSIONER BOURGUET: Do I have a 10 motion on the floor? 11 COMMISSIONER SMITH: So move. 12 HEARING CHAIRMAN COMMISSIONER BOURGUET: Second? 13 COMMISSIONER BUFFINGTON: Second. 14 HEARING CHAIRMAN COMMISSIONER BOURGUET: All those in 15 favor, say, "Aye." 16 ALL COMMISSIONERS: "Aye." 17 HEARING CHAIRMAN COMMISSIONER BOURGUET: Motion 18 passes. 19 MR. ELLIOT: In the matter of jockey Jose Ramirez, 20 ruling appeal, the Commission wishes to uphold the stewards' 21 decision. 22 COMMISSIONER SMITH: So move. 23 HEARING CHAIRMAN COMMISSIONER BOURGUET: Second? 24 COMMISSIONER BUFFINGTON: Second. 25 HEARING CHAIRMAN COMMISSIONER BOURGUET: All those in</p>	<p>1 HEARING CHAIRMAN COMMISSIONER BOURGUET: Okay. Do I 2 hear a motion on the floor? 3 COMMISSIONER SMITH: So move. 4 HEARING CHAIRMAN COMMISSIONER BOURGUET: Second? 5 COMMISSIONER BUFFINGTON: Second. 6 HEARING CHAIRMAN COMMISSIONER BOURGUET: All those in 7 favor, say, "Aye." 8 COMMISSIONERS: "Aye." 9 COMMISSIONER SANCHEZ: I recuse myself on that one, 10 also. 11 HEARING CHAIRMAN COMMISSIONER BOURGUET: We have one 12 recusal. Item G. 13 MR. ELLIOT: In the matter of Fernando Garcia, order 14 to show cause, the Commission voted to deny his application for 15 a license. I informed him. 16 COMMISSIONER SMITH: So move. 17 COMMISSIONER BUFFINGTON: Second. 18 HEARING CHAIRMAN COMMISSIONER BOURGUET: All those in 19 favor, say, "Aye." 20 ALL COMMISSIONERS: "Aye." 21 HEARING CHAIRMAN COMMISSIONER BOURGUET: Motion 22 passes. 23 MR. ELLIOT: In the matter of Manuel V. Orozco and 24 owner Dana Cheiko-Yoshida Orozco, it's my understanding that 25 the Commission wishes to to assign this case to be re-heard by</p>
Page 162	Page 164
<p>1 favor, say, "Aye." 2 ALL COMMISSIONERS: "Aye." 3 MR. ELLIOT: In the matter of trainer Gene L. Burden, 4 it's my understanding the Commission wishes to adopt the 5 hearing officer's proposed findings of fact and conclusions of 6 law and impose a penalty of \$1,000 which must be within 30 days 7 of this order. 8 COMMISSIONER SMITH: So move. 9 HEARING CHAIRMAN COMMISSIONER BOURGUET: Second? 10 COMMISSIONER BUFFINGTON: Second. 11 HEARING CHAIRMAN COMMISSIONER BOURGUET: All those in 12 favor, say, "Aye." 13 COMMISSIONERS: "Aye." 14 COMMISSIONER SANCHEZ: I recuse myself on that. 15 HEARING CHAIRMAN COMMISSIONER BOURGUET: We have one 16 recusal. And the motion passes. 17 MR. ELLIOT: In the matter of trainer Jon Arnett and 18 Larry Heigermeier, it's my understanding the Commission wishes 19 to adopt the hearing officer's proposed findings of fact and 20 conclusions of law and impose a penalty on the trainer of a 21 one-year suspension and a \$10,000 fine. And as to the owner, 22 impose a loss of purse and disqualification, and that the horse 23 must be placed on the vet's list for 90 days and pass a 24 Commission-approved examination before becoming eligible to be 25 entered.</p>	<p>1 the Commission's hearing officer. 2 COMMISSIONER SMITH: So move. 3 HEARING CHAIRMAN COMMISSIONER BOURGUET: Second? 4 COMMISSIONER CORRAZA: Second. 5 HEARING CHAIRMAN COMMISSIONER BOURGUET: All those in 6 favor, say, "Aye." 7 ALL COMMISSIONERS: "Aye." 8 HEARING CHAIRMAN COMMISSIONER BOURGUET: Motion 9 passes. 10 MR. ELLIOT: In the matter of Arnoldo Carrillo and 11 Jorge Carrillo-Gutierrez, it's my understanding that the 12 Commission wishes to dismiss this matter. 13 HEARING CHAIRMAN COMMISSIONER BOURGUET: Do I hear a 14 motion from the floor? 15 COMMISSIONER SMITH: So move. 16 HEARING CHAIRMAN COMMISSIONER BOURGUET: Do I have a 17 second? 18 COMMISSIONER CORRAZA: Second. 19 HEARING CHAIRMAN COMMISSIONER BOURGUET: All those in 20 favor, say, "Aye." 21 ALL COMMISSIONERS: "Aye." 22 HEARING CHAIRMAN COMMISSIONER BOURGUET: Motion 23 passes. 24 MR. ELLIOT: Thank you. 25 HEARING CHAIRMAN COMMISSIONER BOURGUET: Thank you,</p>


Page 165	Page 167
<p>1 Mr. Elliott, for your time today and patience with all that 2 we've discussed today. I appreciate that. The next item on 3 the agenda is the race dates. Commissioner Buffington. 4 COMMISSIONER BUFFINGTON: Okay. Thank you. I will 5 present a proposal and start with Sunland. A proposed starting 6 date of December 26, end date of April 21, which is 68 days. 7 SunRay proposed starting date of April 24th, end 8 date of June 7th, which is 21 days, three days a week. 9 Ruidoso proposed May 22nd through September 7th, 10 Friday, Saturday, Sunday, Memorial and Labor Day. 11 Downs at Albuquerque proposed July 17th through 12 August 29th, which is 27 days. 13 And then the State Fair proposed August 30th 14 through September 20th, the traditional days that have been 15 listed. 16 And Zia proposed starting September 21, ending 17 December 22nd, running Saturday, Sunday, Monday, Tuesday, which 18 would be 54 days. 19 HEARING CHAIRMAN COMMISSIONER BOURGUET: And the 20 number of days? 21 COMMISSIONER BUFFINGTON: That would be 54. 22 HEARING CHAIRMAN COMMISSIONER BOURGUET: No, I mean 23 total days. 24 COMMISSIONER BUFFINGTON: I believe it's 231; 25 however, I didn't add them up. 239. Okay. All you guys are</p>	<p>1 COMMISSIONER SMITH: I'd like to ask a question to 2 the Downs at Albuquerque. The 17 days that you run for the 3 State Fair, that comes out of your casino, doesn't it? 4 MR. BLANCHARD: If we didn't fund the State Fair, I 5 guess they would be running for about -- each race they would 6 be running for about 600, 750 bucks. 7 MR. COOK: They would just get what the parimutuel 8 generates, and they possibly could get 5.4 percent of the 9 simulcast handle. If Paul's right, it would be over \$1,000 a 10 race if it wasn't funded by the Downs. 11 MR. BLANCHARD: And we've funded -- 12 COMMISSIONER SMITH: Basically, you're funding for 40 13 full days. 14 MR. BLANCHARD: Exactly. 15 COMMISSIONER BUFFINGTON: I have a question, also. 16 From the date that SunRay end of meet, your meet would begin 17 and your stalls are open, would you be charging rent from the 18 time SunRay closed to the time of your race day? 19 MR. BLANCHARD: We could talk about that. What we do 20 normally is we charge because we train. We let them train 21 every day. So we have clockers, watering. The trackers are 22 running. The water trucks are running. I think we only charge 23 them what, five-something a stall. 24 MR. COOK: We charge \$6 a day. Very close to 25 breaking even for us.</p>
Page 166	Page 168
<p>1 probably adding them, right? We'll let everybody add up again. 2 HEARING CHAIRMAN COMMISSIONER BOURGUET: I've got 3 237. 4 COMMISSIONER BUFFINGTON: Sunland starting December 5 26th, ending April 21, running Friday, Saturday, Sunday and 6 Tuesday. That would be 68 days. 7 SunRay starting April 24th, ending June 7th, 8 running Friday, Saturday, Sunday. That would be 21 days. 9 Ruidoso starting May 22nd, ending September 7th. 10 That would be 50 days. They would be running Friday, Saturday, 11 and Sunday and Memorial and Labor Day. 12 Downs at Albuquerque starting July 7th, ending 13 August 29th. They run Friday, Saturday, Sunday, Wednesday. 14 The State Fair starting August 30th and ending 15 September 20th. Their days that they had were August 30th, 16 September 2nd, September 4th, September 5th, September 6th, 17 9th, 10th, 11th, 12th, 13th, 14th, 15th, 16th, 17th, 18th, 18 19th, 20th. 17 days. For July I meant to say 17. If I said 19 something else, I apologize. 20 MR. DIX: That's 27? 21 COMMISSIONER BUFFINGTON: That's 27 at Downs at 22 Albuquerque and 17 for the State Fair. If you take them both 23 together, that's 44. 24 Zia, December 21 through December 22nd, running 25 Saturday, Sunday, Monday and Tuesday.</p>	<p>1 MR. BLANCHARD: We haul the manure for that. 2 MR. COOK: If you put the pencil to it, we'd have a 3 10-person security staff. We'd have a five-person truck 4 maintenance staff. We'd have a clocker. At best, we break 5 even at \$6 a day. 6 COMMISSIONER SANCHEZ: Also, you have the feed store 7 there, too. 8 MR. COOK: We don't leave the track open to make it a 9 profit center for us. We do it to help out the horsemen. If 10 we wanted to turn it into a profit center for us, we'd charge 11 \$10 a day, at least. But we don't. We do it, we feel, to help 12 the horsemen out that maybe not get stalls in Farmington or 13 don't get stalls in Ruidoso. 14 MR. BLANCHARD: And they have a place to train the 15 horses. So your question is, we could talk to Lonnie and them 16 and see, and we can talk to the horsemen and say how many you 17 got, how long are we going to be here for. 18 COMMISSIONER BUFFINGTON: That's from the time 19 SunRay closes. If you would commit to discussing that, that 20 would be wonderful. 21 MR. BLANCHARD: We could have that discussion and see 22 how long he'll stay open for and how many we'll have to take 23 and how long we'll have them for. 24 COMMISSIONER BUFFINGTON: Thank you. 25 COMMISSIONER CORRAZA: Mr. Buffington, did we address</p>

<p style="text-align: right;">Page 169</p> <p>1 the one day that the Downs is going to run that race? Should 2 that be discussed now or -- 3 MR. COOK: That's in the 27 days. 4 COMMISSIONER CORRAZA: It is. Okay. 5 COMMISSIONER BUFFINGTON: Technically, I should have 6 said and October 4th or 6th. 7 MR. BLANCHARD: That will be every year now. 8 HEARING CHAIRMAN COMMISSIONER BOURGUET: Will there 9 be any New Mexico horses in there or are they going to be 10 coming from out of state? 11 MR. BLANCHARD: I hope so. I have a couple in there. 12 COMMISSIONER SMITH: They had challenge races all 13 over the country. 14 HEARING CHAIRMAN COMMISSIONER BOURGUET: I know. 15 That's why they had to qualify. 16 MR. BLANCHARD: There's a lot of New Mexico horses 17 running. 18 HEARING CHAIRMAN COMMISSIONER BOURGUET: I had a 19 question regarding the State Fair. Since you subsidize the 20 fair with everything, security, all that, do they give you any 21 certain percentage of their revenue? Do they pay you back at 22 all? 23 MR. BLANCHARD: We have a lease with the State Fair. 24 We pay them \$3 million a year, and in that lease we're required 25 to run the State Fair meet as a lease arrangement. And then we</p>	<p style="text-align: right;">Page 171</p> <p>1 irregardless of the funding. 2 MR. BLANCHARD: I ran into Commissioner Sanchez one 3 time. We were going to rename the State Fair. What was it, 4 State Fair -- we had a couple of State Fair races and we were 5 going to name them something else. We heard about that. Okay. 6 We'll leave them where they were. 7 COMMISSIONER BUFFINGTON: Anyway, that is my 8 proposal. 9 HEARING CHAIRMAN COMMISSIONER BOURGUET: Any 10 questions from the Commission? Hearing none, I think the last 11 thing we need to -- 12 COMMISSIONER SMITH: I make a motion that we ratify 13 his proposal. 14 MR. BRADLEY BOEHM: Madam Chair, Commissioners, if I 15 may. I know you guys are going to make a motion. I don't know 16 if you're entertaining the idea of potentially six weeks and 17 playing with the number of days. I know there's been some 18 concern of filling the gaps between us and Albuquerque. 19 Perhaps that's the reason for us running in June and 20 overlapping Ruidoso two weeks. 21 We would entertain the ideas of running some 22 different number of days in a six-week period if that's 23 something that would be entertained. 24 COMMISSIONER BUFFINGTON: One of the things that I 25 did hear considerable discussion about at the meeting was the</p>
<p style="text-align: right;">Page 170</p> <p>1 pay for all costs of the grandstand, racing surface. You know, 2 anything to to with the grounds that are under our lease, we 3 pay a hundred percent of. 4 COMMISSIONER SANCHEZ: It's all part of the lease 5 that the State Fair had with the Downs of Albuquerque when they 6 were awarded that. So they would negotiate it back and forth 7 till everyone agreed. 8 MR. BLANCHARD: It was a straight lease. That's how 9 it works, though. So I've often battled with Commissioner 10 Sanchez about why they even keep the license because they don't 11 really need it. Plus they could get it back any time they 12 wanted. But Hossie doesn't like that. It would be a lot 13 easier if we just had it. We could quit all this, get approval 14 for two things all at once. It all comes from the money that 15 we generate. 16 COMMISSIONER BUFFINGTON: I'm glad you clarified 17 that. 18 HEARING CHAIRMAN COMMISSIONER BOURGUET: And it's 19 better from the public's perception, too. 20 COMMISSIONER SANCHEZ: The State Fair -- I still feel 21 the State Fair is an icon and it still needs to be recognized. 22 That's what I feel. 23 COMMISSIONER BUFFINGTON: When we look at it, the 24 public needs to look at it like they're running 44 days. 25 COMMISSIONER SANCHEZ: And that's exactly what it is</p>	<p style="text-align: right;">Page 172</p> <p>1 seven weeks was important to horsemen. So that's just my 2 opinion. 3 MR. BOEHM: And we would be willing to play around 4 with some different scenarios where we ran -- I mean, in 5 particular we're concerned with the overlap between us and 6 Ruidoso. We did it this last year. And one of the primary 7 reasons -- as Commissioner Corraza recalled, one of the reasons 8 we did it is because of the poor structure that we were going 9 to have, we felt pretty comfortable competing against Ruidoso 10 with that purse structure. 11 With the scenario you've given us, that's a 26 12 percent increase in the number of races that we're going to 13 run. You know, we've heard concessions from the horsemen as 14 far as workers' comp fees and stuff maybe being four percent. 15 Where that goes, I don't know. And then we're dealing with a 16 major construction project. If you look at our 28A numbers 17 right now, we're not quite down double digits but we're pretty 18 close. 19 So just things to consider and think about. Six 20 weeks helps us out a little bit. We would be willing to play 21 around with the number of races per day and do some different 22 things there. Maybe leaving four days of racing on those last 23 couple weeks, that gives some momentum for the horsemen to have 24 some chances to run for the break between us. We would be open 25 to something different on --</p>

Page 173	<p>1 COMMISSIONER SMITH: So are these days at the point 2 it's going to make you or break you? In other words, I'm not 3 for shoving days down somebody if it's going to make your track 4 unprofitable. 5 MR. BOEHM: It's tough for me to answer that. What I 6 can tell you is that the 26 decrease in our purse structure is 7 going to have an impact. How much or what that's going to 8 be -- one thing Commissioner Buffington did ask us all to do 9 was to give us some information in regards to our stalls, where 10 we've been at and stuff. Our stalls for the last -- probably 11 since 2014 was the last time our stalls were filled. And 12 that's at a time when we were running -- I can look at the 13 charts in here, but we might have been running 39 days and 14 wherever we were at in that scenario. 15 So we have not filled stalls since that day. And 16 to me, I believe that, you know, even when we were running 39 17 days, 42 days, those scenarios, we still didn't fill our barns. 18 So I don't necessarily believe that it's a product of the 19 number of weeks of racing because it wasn't any different then. 20 Really, to me, what proved this last year was this purse money 21 per day. That really proved out to us. There's no other 22 explanation because we have tried a number of things to be 23 creative. We've tried field size bonuses. We tried to get 24 that to work. We tried that two years previous. We did a 20 25 percent purse bonus if they had a more zero significance on the</p>	Page 175	<p>1 double digit changes in our revenue. Again, I don't know what 2 that's going to be. I don't know what that's going to play. 3 It's two miles from Browning Parkway, which is the main feeder 4 from Farmington to SunRay. There have been days where it's 5 taken 35 minutes to get that two-mile stretch. 6 COMMISSIONER SANCHEZ: Have you talked to the DOT on 7 that? 8 MR. BOEHM: Yes, sir. We've tried everything. I 9 talked to the county CEO. I talked to the people over there, 10 and they're very firm in order to meet and maintain their 11 deadlines. We're within half a mile, so they've got to 12 maintain that infrastructure and kind of start and head that 13 direction. So they've got some of the work done on the north 14 side of the road and done stuff. Again, I don't know what it's 15 going to be. I don't know what it's going to do. As of this 16 morning, we were at 28 days. We're down six percent. 17 COMMISSIONER SANCHEZ: One good thing there. You 18 probably have the best contractor in the state there. If 19 anyone's going to get it done before time, it's them. 20 MR. BOEHM: I just know it's scheduled for September 21 of next year. So I don't know how that all falls in line and 22 stuff. So I'm concerned with this change and what it does. 23 Because if they didn't show up for nine or ten weeks of racing 24 previously, I'm not sure how seven weeks makes the difference 25 if the purse structure is diluted.</p>
Page 174	<p>1 number of -- 2 COMMISSIONER SMITH: So last year per day it was how 3 much? 4 MR. BOEHM: Right about \$200,000 a day. 5 COMMISSIONER SMITH: This year if they pass this, 6 what's it going to be? 7 MR. BOEHM: Let me just run real quick and do an 8 estimate. The thing I'm unsure about right now is what the 9 construction project is going to do to us. So that's kind of a 10 big -- you can ask John this. 11 HEARING CHAIRMAN COMMISSIONER BOURGUET: I'll ask 12 Mr. Baugh. 13 MR. RICK BAUGH: I was going to say 12 percent. 14 MR. BOEHM: That's where we're trending to right now. 15 Let me just figure out what's it's going to be for 20 run days. 16 So that puts us down to \$171,000 per day assuming we don't have 17 any changes in our revenue. 18 HEARING CHAIRMAN COMMISSIONER BOURGUET: Your revenue 19 will be going up. 20 MR. BOEHM: When the construction project is done, 21 hopefully, but that's not scheduled. It's scheduled to be 22 completed next fall. Starting this last Tuesday, a week ago 23 Tuesday, they shut off our main entrance and now everybody's 24 gotta go down, back around, come in kind of the back way to do 25 stuff. We do believe since that happened, we've seen some</p>	Page 176	<p>1 COMMISSIONER BUFFINGTON: I appreciate that, and I 2 think there is a sweet spot. And I personally say 21 days is a 3 sweeter spot, subject to my opinion. But that's what I think. 4 I also think that as far as field size, a lot of stuff can be 5 done with your race book and the amounts of money that you 6 allow in allowance races -- they're great -- and other races. 7 I mean, that's a whole art that I appreciate everybody that 8 deals with that. But a lot of that race book dictates the size 9 of the fields that you have. 10 MR. BOEHM: And as we've discussed, you know, it was 11 a huge science experiment, for lack of anything better, going 12 from 33 days to 17. And so we learned a lot of things going to 13 17 days. So we have a number of things on our list of things 14 to tweak and play with going into whatever our 2020 days are. 15 So we do have a list of ongoing things as soon as we decide 16 what the infrastructure is going to be. 17 HEARING CHAIRMAN COMMISSIONER BOURGUET: Any other 18 comments? 19 MR. BARBER: Madam Chair, just a couple more things. 20 The early starting date, I think that may be a little 21 detrimental to us for several reasons. Schools are still going 22 on. Phoenix is still running. That's where we get some of our 23 thoroughbred horses from. I doubt that they're going to leave 24 that early. We give them stalls. Then they're not here till 25 we're a couple of weeks into the meet.</p>

Page 177	<p>1 And as far as the gap that the horsemen stressed</p> <p>2 on us about the gap between us and Albuquerque, that doesn't</p> <p>3 help that a whole lot. Where we backed up into April starting</p> <p>4 the first of May.</p> <p>5 The construction part, the intersection really</p> <p>6 has been detrimental to us. They've got half of it finished.</p> <p>7 They say, well, they're going to get it done, but it took them</p> <p>8 last April to now to get half of it done. Then there's</p> <p>9 really -- half of it's not even completed. They don't have the</p> <p>10 intersection completed on the north side, and they've got to go</p> <p>11 through the whole same thing on the south side. So like Brad</p> <p>12 said, you know, our revenue may go downhill. Well, we know</p> <p>13 it's going to.</p> <p>14 COMMISSIONER BUFFINGTON: No doubt the construction</p> <p>15 blocks the entrance, but there's access to the racetrack and a</p> <p>16 little different than -- maybe it's not as convenient when the</p> <p>17 entrance was done, but I don't want people to think you can't</p> <p>18 get there either because the traffic is -- more of a problem</p> <p>19 than the entrance is the traffic.</p> <p>20 MR. BARBER: Understood.</p> <p>21 HEARING CHAIRMAN COMMISSIONER BOURGUET: Okay.</p> <p>22 Mr. Buffington, do we have a gap?</p> <p>23 COMMISSIONER BUFFINGTON: I don't believe we do.</p> <p>24 HEARING CHAIRMAN COMMISSIONER BOURGUET: Okay. I'm</p> <p>25 happy to hear that.</p>	Page 179	
Page 178	<p>1 COMMISSIONER BUFFINGTON: And by "gap," there was a</p> <p>2 discussion we had this morning about race days and time frame</p> <p>3 and things like that.</p> <p>4 HEARING CHAIRMAN COMMISSIONER BOURGUET: Are we</p> <p>5 following statute.</p> <p>6 COMMISSIONER BUFFINGTON: That should be are we</p> <p>7 following statute.</p> <p>8 HEARING CHAIRMAN COMMISSIONER BOURGUET: Well, that's</p> <p>9 good news to me. We're following statute. Do I have a</p> <p>10 motion on the floor regarding race dates? Do you accept?</p> <p>11 COMMISSIONER BUFFINGTON: So I make a motion that we</p> <p>12 adopt the dates as presented.</p> <p>13 COMMISSIONER SMITH: I second.</p> <p>14 HEARING CHAIRMAN COMMISSIONER BOURGUET: We have a</p> <p>15 second. Any discussion from the Commission? All those in</p> <p>16 favor, say, "Aye."</p> <p>17 ALL COMMISSIONERS: "Aye."</p> <p>18 HEARING CHAIRMAN COMMISSIONER BOURGUET: Motion</p> <p>19 passes. I guess the only other thing that we tabled was the</p> <p>20 test result notifications. We need to have Mr. Trejo report on</p> <p>21 that.</p> <p>22 DIRECTOR TREJO: Madam Chair, members of the</p> <p>23 Commission, do we want to go back and do the licenses for the</p> <p>24 racetracks?</p> <p>25 HEARING CHAIRMAN COMMISSIONER BOURGUET: We need to</p>	<p>1 do that, too, but can we move on to the test results? That was</p> <p>2 tabled. That's above Sunland Park on our agenda.</p> <p>3 DIRECTOR TREJO: You want to discuss test results,</p> <p>4 Madam Chair? Madam Chair, members of the Commission, regarding</p> <p>5 test results notification, the agency has implemented some</p> <p>6 changes and they confirmed with Dr. Scott Waterman that we will</p> <p>7 have results disseminated for drug violations within 24 hours</p> <p>8 of getting the final reports from the laboratories. People</p> <p>9 have been added to the dissemination list, including the backup</p> <p>10 person to Ms. Rosemary Garley, a gentleman named Fabian Lopez,</p> <p>11 and myself to the dissemination list from the laboratories.</p> <p>12 And I think that's it.</p> <p>13 HEARING CHAIRMAN COMMISSIONER BOURGUET: So there's</p> <p>14 four of you now that will be receiving. Dr. Waterman,</p> <p>15 executive director, Rosemary Garley and Fabian?</p> <p>16 DIRECTOR TREJO: Yes. And if I may add that right</p> <p>17 now I don't think we'll put the stewards on there because with</p> <p>18 the racing schedules that we have right now, like I've</p> <p>19 mentioned, for example, the results come in on Monday at</p> <p>20 Ruidoso. The stewards aren't going to get there until Friday,</p> <p>21 so that's a significant delay. So I think we're going to keep</p> <p>22 it based here in Albuquerque as far as disseminating violations</p> <p>23 out. Ms. Vescovo.</p> <p>24 MS. VESCOVO: In July of 2016, one thing the</p> <p>25 Commission said that they were implementing -- this was the</p>	Page 180

Page 181	<p>1 what was discussed for a proposed procedure. Any other 2 comments? Okay. Well, we'll do that. We'll take a look at 3 it. 4 MS. VESCOVO: Thank you. 5 HEARING CHAIRMAN COMMISSIONER BOURGUET: And go from 6 there. But right now I think Mr. Trejo has given us a protocol 7 and we'll follow that, and then we can always review it. Thank 8 you. Okay. Could we have Mr. Dix from Sunland Park, director 9 of racing. 10 MR. DIX: Madam Chair, members of the Commission, I'd 11 like to thank Commissioner Buffington for all of his work on 12 the race date committee. Hopefully, we can meet a little bit 13 more next year. I know this is something that snuck up on us. 14 But I guess the request I'll be making, since we have our 15 2019/20 race days, I'll request approval for our 2020 simulcast 16 license at this time. 17 HEARING CHAIRMAN COMMISSIONER BOURGUET: Do I have a 18 motion from the floor to approve? 19 COMMISSIONER CORRAZA: Motion to approve. 20 COMMISSIONER SMITH: Second. 21 HEARING CHAIRMAN COMMISSIONER BOURGUET: All those in 22 favor, say, "Aye." 23 ALL COMMISSIONERS: "Aye." 24 HEARING CHAIRMAN COMMISSIONER BOURGUET: SunRay Park. 25 MR. BARBER: At this time, we respectfully request</p>	Page 183	<p>1 have a motion? 2 COMMISSIONER CORRAZA: Motion to approve. 3 COMMISSIONER SMITH: Second. 4 HEARING CHAIRMAN COMMISSIONER BOURGUET: All those in 5 favor, say, "Aye." 6 ALL COMMISSIONERS: "Aye." 7 HEARING CHAIRMAN COMMISSIONER BOURGUET: Motion 8 passes. 9 MR. COOK: Madam Chairman, members of the Commission, 10 Don Cook representing the New Mexico State fair requesting 11 approval of their 2020 primary application and 2020 race dates 12 as submitted. 13 COMMISSIONER CORRAZA: Motion to approve. 14 COMMISSIONER SMITH: Second. 15 HEARING CHAIRMAN COMMISSIONER BOURGUET: All those in 16 favor, say, "Aye." 17 ALL COMMISSIONERS: "Aye." 18 HEARING CHAIRMAN COMMISSIONER BOURGUET: Zia Park. 19 MR. STRATTON: Madam Chair, Mr. Goff had to catch a 20 plane. And I know he had requested approval of primary 21 application and race dates. I have authority to request what 22 he gave you, but I don't have authority to request what 23 Mr. Buffington suggested. So I would just ask that you go 24 ahead and act on that without any request on our part, I guess. 25 HEARING CHAIRMAN COMMISSIONER BOURGUET: Okay.</p>
Page 182	<p>1 approval, Madam Chair, Commissioners, to approve or 2020 2 primary application and our simulcasting license. 3 HEARING CHAIRMAN COMMISSIONER BOURGUET: So your 4 primary application and simulcast license and race dates. 5 MR. BARBER: Yes. 6 HEARING CHAIRMAN COMMISSIONER BOURGUET: Do I have a 7 motion from the floor? 8 COMMISSIONER CORRAZA: Motion to approve. 9 HEARING CHAIRMAN COMMISSIONER BOURGUET: Second? 10 COMMISSIONER SMITH: Second. 11 HEARING CHAIRMAN COMMISSIONER BOURGUET: All those in 12 favor, say, "Aye." 13 ALL COMMISSIONERS: "Aye." 14 HEARING CHAIRMAN COMMISSIONER BOURGUET: Motion 15 passes. Mr. Barber, thank you for -- I know this is a concern 16 for you adding four more days, but I respectfully thank you for 17 being flexible and helping the industry out. 18 MR. BARBER: I have a lot of concern with the early 19 days. It's cold in Farmington in April. 20 HEARING CHAIRMAN COMMISSIONER BOURGUET: Mr. Cook. 21 MR. COOK: Madam Chairman, members of the Commission, 22 Don Cook with the Downs at Albuquerque requesting approval of 23 our 2020 primary application and our 2020 simulcast license as 24 submitted. 25 HEARING CHAIRMAN COMMISSIONER BOURGUET: Okay. Do I</p>	Page 184	<p>1 Mr. Buffington, would you like to go ahead -- for the record, 2 would you read the request for approval for 2020. 3 COMMISSIONER BUFFINGTON: I will. July 17th through 4 August 29th for the Downs at Albuquerque. August 30th through 5 September 20th with the dates that have previously been stated 6 for the fair. 7 MR. COOK: I think he was talking about Zia Park. 8 COMMISSIONER BUFFINGTON: Zia Park. Sorry about 9 that. September 21 through December 22nd. 10 HEARING CHAIRMAN COMMISSIONER BOURGUET: And approval 11 for primary application and simulcast license. I think we 12 approved the racing officials already and the wagering format. 13 So motion on the floor? 14 COMMISSIONER CORRAZA: Motion to approve. 15 HEARING CHAIRMAN COMMISSIONER BOURGUET: Second? 16 COMMISSIONER SMITH: Second. 17 HEARING CHAIRMAN COMMISSIONER BOURGUET: Okay. All 18 those in favor, say, "Aye." 19 ALL COMMISSIONERS: "Aye." 20 HEARING CHAIRMAN COMMISSIONER BOURGUET: Ruidoso 21 Downs? Anyone here from Ruidoso Downs? 22 MR. BARBER: Madam Chair, members of the Commission, 23 we talked to Jeff. He's got all this stuff going on and he 24 felt that he was probably going to get what was submitted, and 25 we told him we would address that for him. So at this time, we</p>

Page 185	<p>1 would ask approval of his 2020 simulcast race dates and the</p> <p>2 primary application.</p> <p>3 COMMISSIONER CORRAZA: Motion to approve.</p> <p>4 HEARING CHAIRMAN COMMISSIONER BOURGUET: Do we have a</p> <p>5 second?</p> <p>6 COMMISSIONER SMITH: Second.</p> <p>7 HEARING CHAIRMAN COMMISSIONER BOURGUET: All those in</p> <p>8 favor, say, "Aye."</p> <p>9 ALL COMMISSIONERS: "Aye."</p> <p>10 DIRECTOR TREJO: Madam Chair, in the spirit of being</p> <p>11 overly cautious, referring to item I2, I don't know that we got</p> <p>12 a motion. My notes don't indicate it nor does Rosemary's</p> <p>13 indicate that we took a vote on that item.</p> <p>14 HEARING CHAIRMAN COMMISSIONER BOURGUET: That's</p> <p>15 right, because we ended up deciding that we would come back to</p> <p>16 it.</p> <p>17 DIRECTOR TREJO: That was the request for approval of</p> <p>18 the 2020 nomination blanks for the State Fair Quarter Horse</p> <p>19 Futurity amongst other stakes races.</p> <p>20 MR. BLANCHARD: Requesting approval.</p> <p>21 DIRECTOR TREJO: I can read them, Don. New Mexico</p> <p>22 State Fair Quarter Horse Futurity, New Mexico State Fair</p> <p>23 Quarter Horse Derby, New Mexico State Fair Thoroughbred</p> <p>24 Futurity, the La Fiesta quarter Horse Futurity, and the La</p> <p>25 Fiesta Quarter Horse Derby.</p>
Page 187	<p>1 HEARING CHAIRMAN COMMISSIONER BOURGUET: We'll take</p> <p>2 that into consideration. Thank you, Ms. Venture. We</p> <p>3 appreciate that.</p> <p>4 COMMISSIONER CORRAZA: I move that we adjourn.</p> <p>5 COMMISSIONER SMITH: Second.</p> <p>6 HEARING CHAIRMAN COMMISSIONER BOURGUET: All those in</p> <p>7 favor, say, "Aye."</p> <p>8 ALL COMMISSIONERS: "Aye."</p> <p>9 (The hearing concluded at 3:38 p.m.)</p>
Page 186	<p>1 HEARING CHAIRMAN COMMISSIONER BOURGUET: Do I have a</p> <p>2 motion on the floor to approve?</p> <p>3 COMMISSIONER CORRAZA: Motion to approve.</p> <p>4 HEARING CHAIRMAN COMMISSIONER BOURGUET: Second?</p> <p>5 COMMISSIONER SMITH: Second.</p> <p>6 HEARING CHAIRMAN COMMISSIONER BOURGUET: All those in</p> <p>7 favor, say, "Aye."</p> <p>8 ALL COMMISSIONERS: "Aye."</p> <p>9 HEARING CHAIRMAN COMMISSIONER BOURGUET: Do I have a</p> <p>10 motion to adjourn?</p> <p>11 MR. RADER: One question. I'm sorry. Madam Chair, I</p> <p>12 just want to make sure. Does the record indicate that J2, 3</p> <p>13 and 4 were acted upon?</p> <p>14 HEARING CHAIRMAN COMMISSIONER BOURGUET: Yes. I</p> <p>15 thought we combined it.</p> <p>16 DIRECTOR TREJO: Yes. Madam Chairman, members of the</p> <p>17 Commission, item J3 and J4 were approved earlier today. And</p> <p>18 right now the 2020 race dates application and the simulcast</p> <p>19 license were approved.</p> <p>20 MR. RADER: Okay. Thank you.</p> <p>21 MS. VENTURE: I'd like to make a suggestion. Since</p> <p>22 you have your meetings at 9:00 in the morning, most of the</p> <p>23 horsemen are working at that time. Why don't you start doing a</p> <p>24 webcast, whatever? Let people that are out of state or</p> <p>25 whatever see what goes on here.</p>
Page 188	<p>1 REPORTER'S CERTIFICATE</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10 I, CHRISTOPHER R. SANCHEZ, CCR #217, DO HEREBY CERTIFY</p> <p>11 that I did, in stenographic shorthand, transcribe the</p> <p>12 proceedings set forth herein, and the foregoing 188 pages are a</p> <p>13 true and correct transcription to the best of my ability.</p> <p>14 I FURTHER CERTIFY that I am neither employed by nor</p> <p>15 related to nor contracted with (unless excepted by the rules)</p> <p>16 any of the parties or attorneys in this matter, and that I have</p> <p>17 no interest whatsoever in the final disposition of this matter.</p> <p>18</p> <p>19 </p> <p>20</p> <p>21</p> <p>22 Christopher R. Sanchez, CCR</p> <p>23 Certified Court Reporter #217</p> <p>24 License Expires: 12/31/19</p> <p>25</p>