



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2018-ZIA-32
Track: Zia Park
Ruling Date: 10/6/2018

Licensee: ESQUIVEL, JUAN M.
License Type: 2016 3 Year Trainer Applicant Id: 7532
License Number: 284209

Ruling # 2018-ZIA-32
Action Type: Case Continued
Ruling:

RE: 2018-ZIA-32 - Case Continued

Trainer, **Juan M. Esquivel**, was duly notified and **appeared** for a summary suspension hearing before the Board of Stewards on **October 8, 2018**. The summary suspension hearing was in regard to the detection of the **Class 3 Controlled Substance, clenbuterol, found in the urine of test sample #E290214 taken from the second place finisher (trained by Juan M. Esquivel), "Cds Tempress", in the 7th race on September 22, 2018, at Zia Park Racetrack.**

In accordance with **15.2.1.9(B)(3)(a)**, the Board of Stewards hereby continue the summary suspension of all licenses belonging to **Juan M. Esquivel** until a disciplinary hearing can be held (date to be determined when split sample results are received).

In accordance with **15.2.1.9 (C)(21)**, **Juan M. Esquivel** is hereby excluded from all areas of the grounds under the jurisdiction of the NMRC. Additionally, effective upon applicable suspension dates, all horses **owned, trained, or in the care and custody of Juan M. Esquivel** are ineligible to be entered or start in any race in this jurisdiction, per **15.2.1.9 (C)(21)(c)**. All transfers and sales of horses **trained, owned, or in the care and custody of Juan M. Esquivel** must be done in accordance with **15.2.6.9A(12)(a)(b) Medication and Prohibited Substances, 16.47.1.10 (D)(5) Assistant Trainers and 15.2.1.9(B)(8)(b) DUE PROCESS AND DISCIPLINARY ACTION**.

Licensee is found in violation of and this ruling is written in accordance with:

15.2.1.9(B)(3)(a) Proceedings Before The Stewards: Summary Suspension If the Stewards determine that a licensee's action constitute an immediate danger to the public health, safety, or welfare, the Stewards may summarily suspend the licensee pending a hearing.

15.2.1.7(C)(8)"Controlled substance" is any substance included in the five classification schedules of the (U.S.) Controlled Substance Act of 1970.

15.2.6.9(C)(4) There is no permissible concentration of clenbuterol that is allowed to appear in any official sample.

16.47.1.8 (U)(1) PROTECTION OF HORSES Each person licensed by the commission shall do all that is reasonable and within their power and scope of duty to guard against and prevent the administration of any drug, medication or other substance, including permissible medication in excess of the maximum allowable level, to any horse entered or to be entered in an official workout or race, as prohibited by these rules.

16.47.1.8(U)(2) Protection of horses No licensee or other person under the jurisdiction of the commission shall subject or permit any animal under their control, custody or supervision to be subjected to or to incur any form of cruelty, mistreatment, neglect or abuse or abandon, injure, maim or kill or administer any noxious substance to or deprive any animal of necessary care or sustenance, shelter or veterinary care.

16.47.1.8 (L)(1)(i) Grounds for disciplinary measures for a licensee, and refusal, denial, suspension, or revocation of a license The commission may refuse to issue a license to an applicant, or may suspend or revoke a license issued, or order disciplinary measures, if the applicant is a person whose conduct or reputation may adversely reflect on the honesty and integrity of horse racing or interfere with the orderly conduct of a race meeting; interfering with the orderly conduct of a race meeting shall include, but is not limited to, disruptive or intemperate behavior or behavior which exposes others to danger anywhere on the racetrack grounds; the fact that the race meet was not actually interrupted is not a defense to the imposition of discipline under this rule.

15.2.1.9(B)(3)(b) Proceedings Before The Stewards: Summary Suspension A licensee whose license has been summarily suspended is entitled to a hearing on the summary suspension not later than the 10th day after the license was summarily suspended. The licensee may waive their right to a hearing on the summary suspension within the 10-day limit

15.2.1.8(B)(1) COMMISSION GENERAL AUTHORITY/15.2.3.8 B (3)(a)(f) Stewards Disciplinary Action/15.2.3.8 B (1) (a)(c)(d) Stewards General Authority/16.47.1.8 (T) KNOWLEDGE OF RULES /16.47.1.3 Statutory Authority

16.47.1.8 (A)(1)(2) License Required /16.47.1.8(N) Changes In Application Information / 16.47.1.8(L)(1)(e) Grounds For Disciplinary Measures