



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-DAA-130
Track Downs at Albuquerque
Ruling Date: 8/28/2016

Licensee: VALERIO, RYNE A.

License Type: 2016 1 Year Jockey Ag Applicant Id: 18762

Date of Birth: 03/14/1985 License Number: 282601

Ruling # 2016-DAA-130

Action Type: Initial Ruling

Ruling:

Agent Ryne A. Valerio DOB 03/14/1985 having failed to pay the fines assessed in Ruling # 2016-RUI-115 at Ruidoso Downs racetrack is found to be in violation of Commission rules.

Mr. Valerio failed to pay his fine by, the time prescribed in accordance with

15.2.3.8 FLAT RACING OFFICIALS GENERAL PROVISIONS:

B. Stewards

(3) Disciplinary action

(1) All fines imposed by the stewards shall be paid to the commission within 30 days after the ruling is issued, unless otherwise ordered

T. KNOWLEDGE OF RULES: A licensee shall be knowledgeable of the rules of the commission; and by acceptance of the license, agrees to abide by the rules

For this rule violation, all licenses issued to him are suspended, and he will be ineligible to apply for a New Mexico Racing Commission license until the fine has been paid in full."

16.47.1.8(L)(1)(h) NMAC:

Which states that "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 reflect on the honesty and integrity of horse racing or interfere with the orderly conduct of a race meet. Interfering with the orderly conduct of the race meet shall include, but not limit 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):

Which states that "An appeal under this section must be filed not later than 10 days after the date of the ruling. If the deadline falls on a Saturday, Sunday or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday. The appeal must be received by noon, at the main commission offices or with the stewards who issued the ruling and must be accompanied by a fee in the amount of \$500. The fee must be in the form of cash, a cashier's check, money order or personal check."

By Order of The Downs at Albuquerque Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-DAA-131
Track Downs at Albuquerque
Ruling Date: 8/28/2016

Licensee: CHAVEZ, ALEJANDRO

License Type: 2015 3 Year Trainer Applicant Id: 31113
Date of Birth: 06/19/1968 License Number: 279701

Ruling # 2016-DAA-131

Action Type: Initial Ruling

Ruling:

Trainer, Alejandro Chavez, having been duly notified, and waiving his rights to a hearing before the Board of Stewards on August 27, 2016, regarding a lab report from UC/Davis (official testing laboratory for the NMSRC), for a confirmed positive test for the Class III drug "Stanozolol" (Winstrol V), which was found in sample NM32596, after it was collected from the horse "Chatham Road" during an Out of Competition test, June 26, 2016 at the Downs at Albuquerque.

(The original lab report indicated a finding of Stanozolol in blood at 116pg/ml. Split sampling rights, as provided in 15.2.6.10 (D) NMAC were afforded to, and denied by, Alejandro Chavez. With this drug, no level of detection is allowed to be found.

Alejandro Chavez is found to be in violation of:

15.2.1.7 (O) (9) NMAC: Out of competition testing" test(s) that may be conducted on any horse that is on the grounds of a racetrack or training center under the jurisdiction of the commission; or under the care or control of a trainer or owner licensed by the commission; or whose papers are filed in the racing office; or has been nominated to a stakes race.

15.2.6.9 (K)(3) NMAC: The penalty for a positive test resulting from an out of competition sample will be determined by the penalty class of the drug listed in the association of racing commissioners international "uniform classification guidelines for foreign substances and recommended penalties and model rule" and incorporated by reference under

15.2.6.9 NMAC. Positive tests for substances identified under Paragraph (5) of Subsection D of NMAC will be placed on the steward's list as per the conditions set forth in that subsection

15.2.6.11(A) NMAC and 16.47.1.10(B)(1) NMAC: Which states in pertinent part that "The Trainer is the absolute insurer of the condition of horses entered in an official workout or race, and is responsible for the presence of any prohibited drug or medication, or other prohibited substance in such horse. A positive test for a prohibited drug or medication or other prohibited substance or the presence of permitted medication in excess of maximum allowable levels as reported by the commission approved laboratory is prima facie evidence of a violation of this rule. The Trainer is absolutely responsible regardless of the acts of third party."

For this violation, the Board of Stewards assess Alejandro Chavez a penalty as follows:

- (1) A suspension of any/all NMSRC issued licenses for a period of 30 calendar days (September 8, 2016 through October 7, 2016, Inclusive);
- (2) A fine in the amount of one thousand dollars (\$1,000.00.);
- (3) Horse "Chatham Road" must pass a commission approved examination before entry.

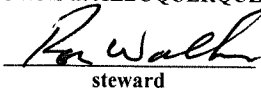
This is a second offense positive test violation in the past 365 day period, and is issued in accordance with 15.2.6.9 (C)(2) NMAC. The fine is to be paid on or before any reinstatement date, in accordance with 15.2.3.8(B)(3)(I) NMAC.

During said time of applicable suspension, Alejandro Chavez is hereby excluded from all areas of the grounds under the jurisdiction of the NMSRC, in accordance with 15.2.1.9 (C)(21)(a) NMAC, and 15.2.3.8 (B)(3)(f) NMAC.

Additionally, effective upon applicable suspension dates, all horses owned or trained, or under the care of Alejandro Chavez are ineligible to be entered or start in any race in this jurisdiction, per 15.2.1.9 (C)(21)(c) NMAC.


steward

BY ORDER OF THE DOWNS at ALBUQUERQUE BOARD OF STEWARDS


steward


steward

An appeal under this section must be filed not later than 10 days after the date of the ruling. If the deadline falls on a Saturday, Sunday or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday. The appeal must be received by noon, at the main commission offices or with the stewards who issued the ruling and must be accompanied by a fee in the amount of \$500. The fee must be in the form of cash, a cashier's check, money order or personal check.



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-DAA-132
Track Downs at Albuquerque
Ruling Date: 8/28/2016

Licensee: VALERIO, RYNE A.
License Type: 2016 1 Year Jockey Ag Applicant Id: 18762
Date of Birth: 03/14/1985 License Number: 282601

Ruling # 2016-DAA-132

Action Type: Initial Ruling

Ruling:

Jockey Agent Ryne A. Valerio DOB 03/14/2016 having Paid his fine on August 28, 2016 and having fulfilled the conditions required in Ruling #2016-RUI-115, is hereby reinstated, and restored, as of this August, 28, 2016.

(This ruling to supersede Ruling# 2016-DAA-130 issued on August 28, 2016.)

16.47.1.8(L)(1)(h) NMAC:

Which states that "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 reflect on the honesty and integrity of horse racing or interfere with the orderly conduct of a race meet. Interfering with the orderly conduct of the race meet shall include, but not limit 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):

Which states that "An appeal under this section must be filed not later than 10 days after the date of the ruling. If the deadline falls on a Saturday, Sunday or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday. The appeal must be received by noon, at the main commission offices or with the stewards who issued the ruling and must be accompanied by a fee in the amount of \$500. The fee must be in the form of cash, a cashier's check, money order or personal check."

By Order of The Downs at Albuquerque Stewards

Steward

Steward

Steward



NEW MEXICO RACING COMMISSION
4000 Alameda
Albuquerque, NM 87110

Ruling #: 2016-DAA-133
Track Downs at Albuquerque
Ruling Date: 8/31/2016

Licensee: RODRIGUEZ, PABLO

License Type: 2016 3 Year Owner Applicant Id: 10919
Date of Birth: 06/04/1963 License Number: 281033

Ruling # 2016-DAA-133

Action Type: Initial Ruling

Ruling:

Licensee Pablo Rodriguez was represented by Paul Smith before the Board of Stewards on August 31, 2016 concerning a security citation for kicking a horse in the paddock.

For this rule violation, the Board of Stewards assessed a penalty in the amount of Fifty dollar (\$50.00). The fine is to be paid on or before September 30, 2016 in accordance with NMAC 15.2.3.8 B. Stewards. (3) Disciplinary action.

(f) All fines imposed by the stewards shall be paid to the commission within 30 days after the ruling is issued, unless otherwise ordered. Failure to pay the fine within the time prescribed may result in immediate suspension.

This ruling is in accordance with:

NMAC: 16.47.1.8 GENERAL PROVISIONS

L. GROUNDS FOR REFUSAL, DENIAL, SUSPENSION, OR REVOCATION OF LICENSE::

(h) 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;

NMAC 15.2.3.8.(B) (1) (d)

B. Stewards.

(1) General authority. The stewards for each meeting shall be responsible to the commission for the conduct of the race meeting in accordance with the laws of this state and these rules.

(d) The stewards have the authority to interpret the rules and to decide all questions of racing not specifically covered by the rules. Whenever the stewards find any person culpable for any act or omission in violation of these regulations or any violation of the Horse Racing Act, the person shall be subject to disciplinary action, which could include a fine, suspension, or revocation/denial of license or any combination of these penalties

16.47.1.8(L)(1)(h) NMAC:

Which states that "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 reflect on the honesty and integrity of horse racing or interfere with the orderly conduct of a race meet. Interfering with the orderly conduct of the race meet shall include, but not limit 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):

Which states that "An appeal under this section must be filed not later than 10 days after the date of the ruling. If the deadline falls on a Saturday, Sunday or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday. The appeal must be received by noon, at the main commission offices or with the stewards who issued the ruling and must be accompanied by a fee in the amount of \$500. The fee must be in the form of cash, a cashier's check, money order or personal check."

By Order of The Downs at Albuquerque Stewards

Linda Salinas *Ron Walker*

Elia J.



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-DAA-134
Track Downs at Albuquerque
Ruling Date: 8/31/2016

Licensee: VEGA-VELARDE, RAUL

License Type: 2016 3 Year Trainer Applicant Id: 9954
Date of Birth: 03/11/1975 License Number: 282479

Ruling # 2016-DAA-134

Action Type: Initial Ruling

Ruling:

Trainer, Raul Vega, having been duly notified, and having appeared before the Board of Stewards on August 28, 2016, regarding a lab report from UC/Davis (official testing laboratory for the NMSRC), for a confirmed positive test for the Class III drug "Clenbuterol", which was found in sample NM20311, after it was collected from the horse "Rk First Call" which finished 1st in the 8th race, July 23, 2016 at The Downs at Albuquerque.

(The original lab report indicated a finding of Clenbuterol in urine at 294pg/ml. Split sampling rights, as provided in 15.2.6.10 (D) NMAC were afforded to, and accepted by, Raul Vega. The split was confirmed positive by TVMDL with a finding of 289pg/ml +/- 28 pg/ml in urine). With this drug, no level of detection is allowed to be found in a post-race sample.

Raul Vega is found to be in violation of:

15.2.6.9(D)(1) NMAC: A finding by the commission approved laboratory of a prohibited drug, chemical or other substance in a test specimen of a horse is prima facie evidence that the prohibited drug, chemical or other substance was administered to the horse and, in the case of a post-race test, was present in the horse's body while it was participating in a race. Prohibited substances include: drugs or medications for which no acceptable levels have been established; therapeutic medications in excess of established acceptable levels; substances present in the horse in excess of levels at which such substances could occur naturally; substances foreign to a horse at levels that cause interference with testing procedures.

15.2.6.11(A) NMAC and 16.47.1.10(B)(1) NMAC: Which states in pertinent part that "The Trainer is the absolute insurer of the condition of horses entered in an official workout or race, and is responsible for the presence of any prohibited drug or medication, or other prohibited substance in such horse. A positive test for a prohibited drug or medication or other prohibited substance or the presence of permitted medication in excess of maximum allowable levels as reported by the commission approved laboratory is prima facie evidence of a violation of this rule. The Trainer is absolutely responsible regardless of the acts of third party."

For this violation, the Board of Stewards assess Raul Vega a penalty as follows:

(1) A suspension of any/all NMSRC issued licenses for a period of 15 calendar days (Sept. 11, 2016 through Sept. 25, 2016, Inclusive);

(2) A fine in the amount of five hundred dollars (\$500.00.);

(3) Loss of purse of the 8th race, July 23, 2016, at the Downs at Albuquerque. New Order of Finish:

1st Ek Co Co	5th My Coronita
2nd Jess Like Stoli	6th Mts No Marks On Me
3rd Cement Flats	7th Aamos Moses
4th Vf Corona Air	8th Valiant Meltdown

Unplaced: Rk First Call

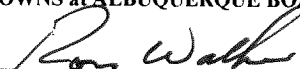
This is a first offense positive test violation in the past 365 day period, and is issued in accordance with 15.2.6.9 (C)(2) NMAC. The fine is to be paid on or before any reinstatement date, in accordance with 15.2.3.8(B)(3)(i) NMAC.

During said time of applicable suspension, Raul Vega is hereby excluded from all areas of the grounds under the jurisdiction of the NMSRC, in accordance with 15.2.1.9 (C)(21)(a) NMAC, and 15.2.3.8 (B)(3)(f) NMAC.

Additionally, effective upon applicable suspension dates, all horses owned or trained, or under the care of Raul Vega are ineligible to be entered or start in any race in this jurisdiction, per 15.2.1.9 (C)(21)(e) NMAC.

BY ORDER OF THE DOWNS at ALBUQUERQUE BOARD OF STEWARDS


steward


steward


steward

An appeal under this section must be filed not later than 10 days after the date of the ruling. If the deadline falls on a Saturday, Sunday or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday. The appeal must be received by noon, at the main commission offices or with the stewards who issued the ruling and must be accompanied by a fee in the amount of \$500. The fee must be in the form of



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-DAA-135
Track Downs at Albuquerque
Ruling Date: 8/31/2016

Licensee: POBLANO, JUAN ERNESTO
License Type: 2016 3 Year Owner Applicant Id: 35356
Date of Birth: 06/28/1970 License Number: 282543

Ruling # 2016-DAA-135

Action Type: Initial Ruling

Ruling:

Owner Juan E. Poblano, having been represented by trainer Raul Vega, who appeared before the Board of Stewards on August 28, 2016, regarding a lab report from UC/Davis (official testing laboratory for the NMSRC), for a confirmed positive test for the Class III drug "Clenbuterol", which was found in sample NM20311, after it was collected from the horse "Rk First Call" which finished 1st in the 8th race, July 23, 2016 at The Downs at Albuquerque.

(The original lab report indicated a finding of Clenbuterol in urine at 294pg/ml. Split sampling rights, as provided in 15.2.6.10 (D) NMAC were afforded to, and accepted by, Raul Vega. The split was confirmed positive by TVMDL with a finding of 289pg/ml +/- 28.5 pg/ml in urine). With this drug, no level of detection is allowed to be found in a post-race sample.

Juan E. Poblano is found to be in violation of:

15.2.6.9(D)(1) NMAC: A finding by the commission approved laboratory of a prohibited drug, chemical or other substance in a test specimen of a horse is prima facie evidence that the prohibited drug, chemical or other substance was administered to the horse and, in the case of a post-race test, was present in the horse's body while it was participating in a race. Prohibited substances include: drugs or medications for which no acceptable levels have been established; therapeutic medications in excess of established acceptable levels; substances present in the horse in excess of levels at which such substances could occur naturally; substances foreign to a horse at levels that cause interference with testing procedures.

For this violation, the Board of Stewards assess Juan E. Poblano a penalty as follows:

(1) Loss of purse of the 8th race, July 23, 2016, at the Downs at Albuquerque. New Order of Finish:

1st Ek Co Co	5th My Coronita
2nd Jess Like Stoli	6th Mts No Marks On Me
3rd Cement Flats	7th Aamos Moses
4th Vf Corona Air	8th Valiant Meltdown

Unplaced: Rk First Call

- (2) The horse "Rk First Call" placed on stewards list August 1, 2016 through Sept. 30, 2016**
(3) The horse "Rk First Call" must pass a commission-approved examination before becoming eligible to be entered.

15.2.6.9 (C)(2) NMAC 1st Offense Disqualification, Loss of purse, and horse must pass a commission-approved examination before becoming eligible to be entered.

15.2.6.9.(D) 6) NMAC In Part: Horses placed on the steward's list for a positive test for any of the substances listed, shall remain on the stewards list for 60 days.

This is a first offense positive test violation in the past 365 day period, and is issued in accordance with 15.2.6.9 (C)(2) NMAC. The fine is to be paid on or before any reinstatement date, in accordance with 15.2.3.8(B)(3)(I) NMAC.

BY ORDER OF THE DOWNS at ALBUQUERQUE BOARD OF STEWARDS

steward

steward

steward

An appeal under this section must be filed not later than 10 days after the date of the ruling. If the deadline falls on a Saturday, Sunday or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday. The appeal must be received by noon, at the main commission offices or with the stewards who issued the ruling and must be accompanied by a fee in the amount of \$500. The fee must be in the form of cash, a cashier's check, money order or personal check.



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-DAA-136
Track Downs at Albuquerque
Ruling Date: 8/31/2016

Licensee: GOMEZ, ENRIQUE

License Type: 2014 3 Year Jockey Applicant Id: 32586
Date of Birth: 07/13/1988 License Number: 174530

Ruling # 2016-DAA-136

Action Type: Initial Ruling

Ruling:

Jockey **Enrique Gomez** **DOB July 13, 2016** having appeared before the Board of Stewards on this date August 31, 2016 for careless riding, while aboard Windzy Weather in the 1st race, August 26, 2016, at The Downs at Albuquerque, is found to be in violation of Commission rules.

Mr Gomez failed to maintain a straight course causing interference and the horse # 10 Debbie Debs to stumble.

For this violation, the Board of Stewards assessed a suspension of three (3) racing days.

Days suspended shall be September 8th, 9th and 10th, 2016

Licensee is found to be in violation of:

15.2.5.13(E)(3)(c) NMAC:

Which states in pertinent part that "If the Stewards determine the foul was intentional, or due to careless riding, they may fine or suspend the guilty jockey."

15.2.5.13(E)(3)(a) NMAC:

Which states in pertinent part that "When the way is clear in a race, a horse may be ridden to any part of the course, but if any horse swerves, or is ridden to either side, so as to interfere with, impede, or intimidate any other horse, it is a foul."

15.2.5.13(E)(2)(a) NMAC:

Which states in pertinent part that "A jockey shall not ride carelessly or willfully so as to permit his/her mount to interfere with, impede or intimidate any other horse in the race."

15.2.1.9(b):

Which states in pertinent part that "An appeal under this section must be filed not later than 10 days after the date of the ruling. If the deadline falls on a Saturday, Sunday or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday. The appeal must be received by noon, at the main commission offices or with the stewards who issued the ruling and must be accompanied by a fee in the amount of \$500. The fee must be in the form of cash, a cashier's check, money order or personal check."

By Order of The Downs at Albuquerque Stewards



New Mexico Racing Commission
4800 Alameda NE
Albuquerque, NM 87112

Ruling #: 2016-DAA-137
Track Downs at Albuquerque
Ruling Date: 9/1/2016

Licensee: GOMEZ BARRAZA, DAVID MANUEL
License Type: 2015 3 Year Trainer
Date of Birth: 12/29/1989
Applicant Id: 45722
License Number: 246767

Ruling # 2016-DAA-137

Action Type: Initial Ruling

Ruling:

Owner/Trainer **David M Gomez-Barraza** having been duly notified, and having appeared before the Board of Stewards on September 1, 2016, regarding a lab report from UC/Davis (official testing laboratory for the NMSRC) for a confirmed overage of allowable limits for the Class IV drugs "Phenylbutazone" (Bute) and "Flunixin" (Banamine) which was found in sample NM20413, after it was collected from the horse, "Thebigbombokooker" which finished 1st in the 6th race, August 3, 2016, at the Downs at Albuquerque. (The original lab report indicated a finding of Phenylbutazone at 0.5 mcg/ml and Flunixin at 8.8 ng/ml in blood. Split sampling rights, as provided in 15.2.6.10 (D) NMAC were afforded, and denied.

David M Gomez-Barraza is found to be in violation of: 15.2.6.9. (O)(5) NMAC: A NSAID stacking violation with a penalty class C (fines only) occurs when any combination of two of the following non-steroidal anti-inflammatory drugs are found at or below the restrictions in Subparagraphs (a) through (e) of Paragraph 3 above but in excess of the noted restrictions:
;Flunixin - 3 nanograms per milliliter of plasma or serum
;Ketoprofen - 1 nanogram per milliliter of plasma or serum
;Phenylbutazone - 0.3 micrograms per milliliter of plasma or serum

15.2.6.9(D)(1-2-3) NMAC: Which states in pertinent part that "A finding by the Commission approved laboratory of a prohibited drug, chemical or other substance in a test specimen of a horse is prima facie evidence that the prohibited drug, chemical or other substance was administered to the horse and, in the case of a post-race test, was present in the horse's body while it was participating in a race (b) therapeutic medications in excess of established acceptable levels".

15.2.6.11(A) NMAC and 16.47.1.10(B)(1) NMAC: Which states in pertinent part that "The Trainer is the absolute insurer of the condition of horses entered in an official workout or race, and is responsible for the presence of any prohibited drug or medication, or other prohibited substance in such horse. A positive test for a prohibited drug or medication or other prohibited substance or the presence of permitted medication in excess of maximum allowable levels as reported by the commission approved laboratory is prima facie evidence of a violation of this rule. The Trainer is absolutely responsible regardless of the acts of third party."

For this violation, the Board of Stewards assessed **David M Gomez-Barraza** a penalty as follows:

A fine in the amount of Two Hundred Fifty dollars (\$250);

This is a 1st positive test violation in the past 365 day period, and is issued in accordance with 15.2.6.9 (C)(3) (c) NMAC. The fine is to be paid on or before any reinstatement date, in accordance with 15.2.3.8(B)(3)(l) NMAC.

BY ORDER OF THE DOWNS at ALBUQUERQUE BOARD OF STEWARDS

Appeal Filing Deadline: 15.2.1.9(B)(9)(b) NMAC: Which states in pertinent part that "An appeal under this section must be filed not later than 10 days from the date of the ruling. The appeal must be filed at the main Commission offices, or with the Stewards who issued the ruling.



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-DAA-138
Track Downs at Albuquerque
Ruling Date: 9/1/2016

Licensee: NUNEZ, ALEXIS ADRIAN

License Type: 2015 3 Year Owner Applicant Id: 157655

Date of Birth: 12/07/1992 License Number: 278187

Ruling # 2016-DAA-138

Action Type: Initial Ruling

Ruling:

Owner **Alexis Nunez**, having been duly notified, and having been represented by trainer **David M. Gomez** appeared before the Board of Stewards on September 1, 2016, regarding a lab report from UC/Davis (official testing laboratory for the NMSRC) for a confirmed overage of allowable limits for the Class IV drugs "Phenylbutazone" (Bute) and "Flunixin" (Banamine) which was found in sample NM20413, after it was collected from the horse, "Thebigbomboklooker" which finished 1st in the 6th race, August 3, 2016, at the Downs at Albuquerque.

(The original lab report indicated a finding of Phenylbutazone at 0.5 mcg/ml and Flunixin at 8.8 ng/ml in blood. Split sampling rights, as provided in 15.2.6.10 (D) NMAC were afforded, and denied.

Alexis Nunez is found to be in violation of: 15.2.6.9. (O)(5) NMAC: A NSAID stacking violation with a penalty class C (fines only) occurs when any combination of two of the following non-steroidal anti-inflammatory drugs are found at or below the restrictions in Subparagraphs (a) through (e) of Paragraph 3 above but in excess of the noted restrictions:

1. Flunixin - 3 nanograms per milliliter of plasma or serum;
2. Ketoprofen - 1 nanogram per milliliter of plasma or serum;
3. Phenylbutazone - 0.3 micrograms per milliliter of plasma or serum.

15.2.6.9(D)(1-2-3) NMAC: Which states in pertinent part that "A finding by the Commission approved laboratory of a prohibited drug, chemical or other substance in a test specimen of a horse is prima facie evidence that the prohibited drug, chemical or other substance was administered to the horse and, in the case of a post-race test, was present in the horse's body while it was participating in a race (b) therapeutic medications in excess of established acceptable levels".

For this violation, the Board of Stewards assessed **Alexis Nunez** a penalty as follows:

A warning as per 15.2.6.9 (C) NMAC

This is a 1st positive test violation in the past 365 day period, and is issued in accordance with 15.2.6.9 (C) (3):NMAC.

BY ORDER OF THE DOWNS at ALBUQUERQUE BOARD OF STEWARDS

Appeal Filing Deadline: 15.2.1.9(B)(9)(b)NMAC: Which states in pertinent part that "An appeal under this section must be filed not later than 10 days from the date of the ruling. The appeal must be filed at the main Commission offices, or with the Stewards who issued the ruling.



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-DAA-139
Track Downs at Albuquerque
Ruling Date: 9/1/2016

Licensee: TELFORD, CAMILLE MARIE
License Type: 2014 3 Year Trainer Applicant Id: 15091
Date of Birth: 12/31/1966 License Number: 184672

Ruling # 2016-DAA-139

Action Type: Initial Ruling

Ruling:

Licensee Camille Telford appeared telephonically before the board of Stewards on September 1, 2016 for failure to declare equipment "Blinkers ON" at time of entry on the horse "Double Dehere" entered in the 7TH race on August 28, 2016 at The Downs at Albuquerque.. Licensee is found to be in violation of Commission rules.

15.2.5.8 (B)(9) NMAC: Which states in pertinent part that " Any approved change of equipment must be declared at time of entry."Any changes after that time must be approved by the Stewards.

For this rule violation, the Board of Stewards assessed a penalty in the amount of Fifty dollars (\$50.00). The fine is to be paid on or before September 30, 2016 in accordance with:

NMAC 15.2.3.8 B. Stewards. (3) Disciplinary action.

(l) All fines imposed by the stewards shall be paid to the commission within 30 days after the ruling is issued, unless otherwise ordered.

Failure to pay the fine within the time prescribed may result in immediate suspension.

16.47.1.8(L)(1)(h) NMAC:

Which states that "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 reflect on the honesty and integrity of horse racing or interfere with the orderly conduct of a race meet. Interfering with the orderly conduct of the race meet shall include, but not limit 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):

Which states that "An appeal under this section must be filed not later than 10 days after the date of the ruling. If the deadline falls on a Saturday, Sunday or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday. The appeal must be received by noon, at the main commission offices or with the stewards who issued the ruling and must be accompanied by a fee in the amount of \$500. The fee must be in the form of cash, a cashier's check, money order or personal check."

By Order of The Downs at Albuquerque Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-DAA-140
Track Downs at Albuquerque
Ruling Date: 9/1/2016

Licensee: HENRY, GORMAN D.
License Type: 2016 1 Year Security St Applicant Id: 159055
Date of Birth: 07/22/1984 License Number: 282928

Ruling # 2016-DAA-140

Action Type: Initial Ruling

Ruling:

Security Staff employee Henry D. Gorman DOB 7/22/1984 appeared before the Board of Stewards on September 1, 2016, to resubmit his license application for Security Staff.
Upon further review Mr. Gorman's application is hereby denied.
This ruling is in accordance with:

16.47.1.8(L)(1)(h) NMAC:

Which states that "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 reflect on the honesty and integrity of horse racing or interfere with the orderly conduct of a race meet. Interfering with the orderly conduct of the race meet shall include, but not limit 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):

Which states that "An appeal under this section must be filed not later than 10 days after the date of the ruling. If the deadline falls on a Saturday, Sunday or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday. The appeal must be received by noon, at the main commission offices or with the stewards who issued the ruling and must be accompanied by a fee in the amount of \$500. The fee must be in the form of cash, a cashier's check, money order or personal check."

By Order of The Downs at Albuquerque Stewards

Steward

Steward

Steward



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-DAA-141
Track Downs at Albuquerque
Ruling Date: 9/2/2016

Licensee: SALCEDO, MAURO

License Type: 2016 3 Year Apprentice Applicant Id: 137075

Date of Birth: 09/17/1995 License Number: 280566

Ruling # 2016-DAA-141

Action Type: Initial Ruling

Ruling:

Jockey **Mauro Salcedo** DOB **9/17/1995** through his representative **Jorge Martin Bourdieu** having appeared before the Board of Stewards on this date **September 2, 2016** for careless riding while aboard **Una Linda Corona** in the **3rd race, September 1, 2016**, at **The Downs at Albuquerque**, is found to be in violation of Commission rules.

Mr. Salcedo failed to maintain a straight course causing interference. Resulting in a disqualification from 1st to 10th.

For this violation, the Board of Stewards assessed a riding suspension of seven (7) Calendar days.

Suspension shall start **September 10, 2016** through **September 16, 2016**

Mr. Salcedo is eligible to resume riding on **September 17, 2016**

Licensee is found to be in violation of:

15.2.5.13(E)(3)(d) NMAC:

Which states in pertinent part that "In a straightaway race, every horse must maintain position as nearly as possible in the lane in which it starts. If a horse is ridden, drifts or swerves out of its lane in such a manner that it interferes with, impedes or intimidates another horse, it is a foul and may result in the disqualification of the offending horse."

15.2.5.13(E)(3)(c) NMAC:

Which states in pertinent part that "If the Stewards determine the foul was intentional, or due to careless riding, they may fine or suspend the guilty jockey."

15.2.5.13(E)(2)(a) NMAC:

which states in pertinent part that "A jockey shall not ride carelessly or willfully so as to permit his/her mount to interfere with, impede or intimidate any other horse in the race."

15.2.1.9(b):

Which states in pertinent part that "An appeal under this section must be filed not later than 10 days after the date of the ruling. If the deadline falls on a Saturday, Sunday or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday. The appeal must be received by noon, at the main commission offices or with the stewards who issued the ruling and must be accompanied by a fee in the amount of \$500. The fee must be in the form of cash, a cashier's check, money order or personal check."

By Order of The Downs at Albuquerque Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-DAA-142
Track Downs at Albuquerque
Ruling Date: 9/2/2016

Licensee: MONDRAGON-RODRIGUEZ, JOSE GUADALUPE
License Type: 2015 3 Year Owner Applicant Id: 33760
Date of Birth: 09/02/1977 License Number: 279555

Ruling # 2016-DAA-142

Action Type: Initial Ruling

Ruling:

Owner Jose Mondragon- Rodriguez was called and failed to answer the Board of Stewards on September 2, 2016 for a disciplinary hearing for conduct concerning the test barn escort a racing official on August 31, 2016, was found in violation of Commission rules.

This ruling is in accordance with:

NMAC: 16.47.1.8 GENERAL PROVISIONS

L. GROUNDS FOR REFUSAL, DENIAL, SUSPENSION, OR REVOCATION OF LICENSE::

(h) 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;

NMAC 15.2.3.8.(B) (1) (d)

B. Stewards.

(1) **General authority.** The stewards for each meeting shall be responsible to the commission for the conduct of the race meeting in accordance with the laws of this state and these rules.

(d) The stewards have the authority to interpret the rules and to decide all questions of racing not specifically covered by the rules. Whenever the stewards find any person culpable for any act or omission in violation of these regulations or any violation of the Horse Racing Act, the person shall be subject to disciplinary action, which could include a fine, suspension, or revocation/denial of license or any combination of these penalties

For this rule violation, the Board of Stewards assessed a penalty in the amount of One hundred dollars (\$100.00). The fine is to be paid on or before October 2, 2016 in accordance with

NMAC 15.2.3.8 B. Stewards. (3) Disciplinary action.

(l) All fines imposed by the stewards shall be paid to the commission within 30 days after the ruling is issued, unless otherwise ordered.

Failure to pay the fine within the time prescribed may result in immediate suspension.

16.47.1.8(L)(1)(h) NMAC:

Which states that "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 reflect on the honesty and integrity of horse racing or interfere with the orderly conduct of a race meet. Interfering with the orderly conduct of the race meet shall include, but not limit 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):

Which states that "An appeal under this section must be filed not later than 10 days after the date of the ruling. If the deadline falls on a Saturday, Sunday or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday. The appeal must be received by noon, at the main commission offices or with the stewards who issued the ruling and must be accompanied by a fee in the amount of \$500. The fee must be in the form of cash, a cashier's check, money order or personal check."

By Order of The Downs at Albuquerque Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-DAA-143
Track Downs at Albuquerque
Ruling Date: 9/3/2016

Licensee: PANTOJA-SILVA, JOSE
License Type: 2015 1 Year Jockey Ag Applicant Id: 157368
Date of Birth: 04/03/1984 License Number: 279395

Ruling # 2016-DAA-143

Action Type: Initial Ruling

Ruling:

Jockey Agent **Jose Pantoja-Silva** DOB **04/03/1984** having appeared before the **Board of Stewards** on September 2, 2016 regarding the entry of **Spanish Gladiator** in the 5th race on September 4, 2016 at **The Downs at Albuquerque** racetrack is found to be in violation of Commission rules.

Mr. Silva switched the entry of **Spanish Gladiator** originally in condition race **Sub 1** to condition race **Extra 8** without the authorization or approval of trainer **Jeff A. Bustamante** necessitating the horse to be scratched.

For this rule violation, the **Board of Stewards** assessed a penalty in the amount of **Two Hundred Fifty dollars (\$250.00)**. The fine is to be paid on or before October 3, 2016 in accordance with, NMAC:

15.2.3.8 FLAT RACING OFFICIALS GENERAL PROVISIONS:

B. Stewards. (3) Disciplinary action.

(d) All fines imposed by the stewards shall be paid to the commission within 30 days after the ruling is issued, unless otherwise ordered.

Failure to pay the fine within the time prescribed may result in immediate suspension.

This ruling is in accordance with:

16.47.1.13(C) NMAC:

Which states in pertinent part "All persons permitted to make riding engagements shall maintain current and accurate records of all engagements made, such records being subject to examination by the Stewards at any time."

15.2.3.8(B)(1)(d) NMAC:

Which state in pertinent part that "The Stewards have the authority to interpret the rules and to decide all questions of racing not specifically covered by the rules. Whenever the Stewards find any person culpable for any act or omission in violation of these regulations or any violation of the Horse Racing Act, the person shall be subject to disciplinary action, which could include a fine, suspension or revocation/denial of license or any combination of these penalties."

15.2.1.9(b):

Which states in pertinent part that "An appeal under this section must be filed not later than 10 days after the date of the ruling. If the deadline falls on a Saturday, Sunday or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday. The appeal must be received by noon, at the main commission offices or with the stewards who issued the ruling and must be accompanied by a fee in the amount of \$500. The fee must be in the form of cash, a cashier's check, money order or personal check."

By Order of The Downs at Albuquerque Stewards

Steward

Steward

Steward



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-DAA-144
Track Downs at Albuquerque
Ruling Date: 9/3/2016

Licensee: HERNANDEZ-SANDOVAL, PEDRO

License Type: 2014 3 Year Trainer Applicant Id: 31154

Date of Birth: 12/04/1964 License Number: 112079

Ruling # 2016-DAA-144

Action Type: Initial Ruling

Ruling:

Trainer, **Pedro Hernandez-Sandoval**, having been duly notified, and having appeared before the Board of Stewards on Sep 3, 2016 regarding a lab report from UC/Davis (official testing laboratory for the NMSRC), for a confirmed positive test for the Class III drug "Clenbuterol", which was found in sample NM20435, after it was collected from the horse "**Proud Elias**" which finished 2nd in the 6th race, Aug 5, 2016 at the Downs at Albuquerque.

(The original lab report indicated a finding of Clenbuterol in urine at 248 pg/ml. in urine. Split sampling rights, as provided in 15.2.6.10 (D) NMAC were afforded to, and declined by, **Pedro Hernandez-Sandoval**. With this drug, no level of detection is allowed to be found in a post-race sample.

Pedro Hernandez-Sandoval is found to be in violation of:

15.2.6.9(D)(1) NMAC: A finding by the commission approved laboratory of a prohibited drug, chemical or other substance in a test specimen of a horse is prima facie evidence that the prohibited drug, chemical or other substance was administered to the horse and, in the case of a post-race test, was present in the horse's body while it was participating in a race. Prohibited substances include: drugs or medications for which no acceptable levels have been established; therapeutic medications in excess of established acceptable levels; substances present in the horse in excess of levels at which such substances could occur naturally; substances foreign to a horse at levels that cause interference with testing procedures.

15.2.6.11(A) NMAC and 16.47.1.10(B)(1) NMAC: Which states in pertinent part that "The Trainer is the absolute insurer of the condition of horses entered in an official workout or race, and is responsible for the presence of any prohibited drug or medication, or other prohibited substance in such horse. A positive test for a prohibited drug or medication or other prohibited substance or the presence of permitted medication in excess of maximum allowable levels as reported by the commission approved laboratory is prima facie evidence of a violation of this rule. The Trainer is absolutely responsible regardless of the acts of third party."

For this violation, the Board of Stewards assess **Pedro Hernandez-Sandoval** a penalty as follows:

- (1) A suspension of any/all NMSRC issued licenses for a period of 30 calendar days (Sept 13, 2016 through Oct 13, 2016, Inclusive);
- (2) A fine in the amount of seven hundred fifty dollars (\$750.00.);
- (3) Loss of purse of the 6th race, Aug 5, 2016, at the Downs at Albuquerque.

New Order of Finish:

1st Some Dandy	6th Markmepache
2nd Playin Tough	7th Thrillon
3rd Dr. Jessop	8th Hay Man Mark
4th Worrybouturself	9th Keagan's Way
5th Nuggets Please	

Unplaced: Proud Elias

- (4) The horse "Proud Elias is placed on the stewards list for 60 days (8/24/16 to 10/23/16) and after that must pass a commission-approved exam before becoming eligible to be entered.

This is a first offense positive test violation in the past 365 day period, and is issued in accordance with 15.2.6.9 (C)(2) NMAC. The fine is to be paid on or before Oct 3, 2016, in accordance with 15.2.3.8(B)(3)(I) NMAC.

During said time of applicable suspension, **Pedro Hernandez-Sandoval** is hereby excluded from all areas of the grounds under the jurisdiction of the NMSRC, in accordance with 15.2.1.9 (C)(21)(a) NMAC, and 15.2.3.8 (B)(3)(f) NMAC.

Additionally, effective upon applicable suspension dates, all horses owned or trained, or under the care of **Pedro Hernandez-Sandoval** are ineligible to be entered or start in any race in this jurisdiction, per 15.2.1.9 (C)(21)(c) NMAC.

BY ORDER OF THE DOWNS at ALBUQUERQUE BOARD OF STEWARDS

steward

steward

steward

An appeal under this section must be filed not later than 10 days after the date of the ruling. If the deadline falls on a Saturday, Sunday or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday. The appeal must be received by noon, at the main commission offices or with the stewards who issued the ruling and must be accompanied by a fee in the amount of \$500. The fee must be in the form of



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-DAA-145
Track Downs at Albuquerque
Ruling Date: 9/3/2016

Licensee: GUERRA, JR JIMMY WRIGHT
License Type: 2015 3 Year Trainer Applicant Id: 157998
Date of Birth: 05/06/1962 License Number: 279229

Ruling # 2016-DAA-145

Action Type: Initial Ruling

Ruling:

Licensee Jimmy W. Guerra Jr. was notified telephonically by the Board of Stewards on September 3, 2016 for having (no Flipping halter) which was designated at time of entry on the horse "Agoutis Hero" entered in the 10TH race, on September 2, 2016 at The Downs at Albuquerque Race track. Licensee is found to be in violation of Commission rules.

15.2.5.8 (B)(9) NMAC: Which states in pertinent part that " Any approved change of equipment must be declared at time of entry." Any changes after that time must be approved by the Stewards.

For this rule violation, the Board of Stewards assessed a penalty in the amount of Fifty dollars (\$50.00). The fine is to paid on or before October 3, 2016 in accordance with NMAC 15.2.3.8 B. Stewards. (3) Disciplinary action.

(l) All fines imposed by the stewards shall be paid to the commission within 30 days after the ruling is issued, unless otherwise ordered.

Failure to pay the fine within the time prescribed may result in immediate suspension.

16.47.1.8(l)(1)(h) NMAC:

Which states that "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 reflect on the honesty and integrity of horse racing or interfere with the orderly conduct of a race meet. Interfering with the orderly conduct of the race meet shall include, but not limit 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):

Which states that "An appeal under this section must be filed not later than 10 days after the date of the ruling. If the deadline falls on a Saturday, Sunday or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday. The appeal must be received by noon, at the main commission offices or with the stewards who issued the ruling and must be accompanied by a fee in the amount of \$500. The fee must be in the form of cash, a cashier's check, money order or personal check."

By Order of The Downs at Albuquerque Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-DAA-146
Track Downs at Albuquerque
Ruling Date: 9/3/2016

Licensee: ZUFELT, LARRY JOE

License Type: 2015 3 Year Owner Applicant Id: 16256
Date of Birth: 03/22/1944 License Number: 278385

Ruling # 2016-DAA-146

Action Type: Initial Ruling

Ruling:

Owner **Larry Zufelt**, having been duly notified, and having been represented by trainer **Pedro Hernandez-Sandoval** before the Board of Stewards on Sep 3, 2016 regarding a lab report from UC/Davis (official testing laboratory for the NMSRC), for a confirmed positive test for the Class III drug "Clenbuterol", which was found in sample NM20435, after it was collected from the horse "**Proud Elias**" which finished 2nd in the 6th race, Aug 5, 2016 at the Downs at Albuquerque.

(The original lab report indicated a finding of Clenbuterol in urine at 248 pg/ml. in urine. Split sampling rights, as provided in 15.2.6.10 (D) NMAC were afforded to, and declined by, trainer **Pedro Hernandez-Sandoval**. With this drug, no level of detection is allowed to be found in a post-race sample.

Larry Zufelt is found to be in violation of:

15.2.6.9(D)(1) NMAC: A finding by the commission approved laboratory of a prohibited drug, chemical or other substance in a test specimen of a horse is prima facie evidence that the prohibited drug, chemical or other substance was administered to the horse and, in the case of a post-race test, was present in the horse's body while it was participating in a race. Prohibited substances include: drugs or medications for which no acceptable levels have been established; therapeutic medications in excess of established acceptable levels; substances present in the horse in excess of levels at which such substances could occur naturally; substances foreign to a horse at levels that cause interference with testing procedures.

For this violation, the Board of Stewards assess **Larry Zufelt** a penalty as follows:

(1) Loss of purse of the 6th race, Aug 5, 2016, at the Downs at Albuquerque.

New Order of Finish:

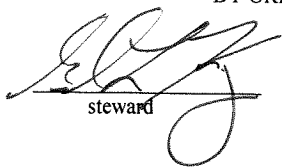
1st Some Dandy	6th Markmepache
2nd Playin Tough	7th Thrillon
3rd Dr. Jessop	8th Hay Man Mark
4th Worrybouturself	9th Keagan's Way
5th Nuggets Please	

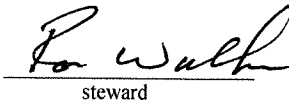
Unplaced: **Proud Elias**

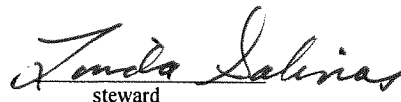
(4) The horse "**Proud Elias**" is placed on the stewards list for 60 days (Aug.24,2016 to Oct.23, 2016 and must pass a commission-approved exam before becoming eligible to be entered.

This is a first offense positive test violation in the past 365 day period, and is issued in accordance with 15.2.6.9 (C)(2) NMAC.

BY ORDER OF THE DOWNS AT ALBUQUERQUE BOARD OF STEWARDS


steward


steward


steward

An appeal under this section must be filed not later than 10 days after the date of the ruling. If the deadline falls on a Saturday, Sunday or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday. The appeal must be received by noon, at the main commission offices or with the stewards who issued the ruling and must be accompanied by a fee in the amount of \$500. The fee must be in the form of cash, a cashier's check, money order or personal check.



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-DAA-147
Track Downs at Albuquerque
Ruling Date: 9/3/2016

Licensee: AMAYA-RUIZ, DANIEL ROBERTO
License Type: 2015 3 Year Jockey Applicant Id: 33287
Date of Birth: 07/23/1993 License Number: 279286

Ruling # 2016-DAA-147

Action Type: Initial Ruling

Ruling:

Jockey Daniel Amaya having failed to appear when summoned by the Board of Stewards for race/film review regarding the 7TH race on August 27, 2016 at the Downs at albuquerque is found in violation of Commission rules.

Narrative: Daniel Amaya failed to view the films on August 28, 2016 as reported on the jockey infraction form.

For this rule violation, the Board of Stewards assessed a penalty of Fifty dollars (\$50.00). The fine is to be paid on or before October 3, 2016 in accordance with

NMAC 15.2.3.8 B.Stewards. (3) Disciplinary action.

(l) All fines imposed by the stewards shall be paid to the commission within 30 days after the ruling is issued, unless otherwise ordered.

Failure to pay the fine within the time prescribed may result in immediate suspension.

Licensee is found to be in violation of:

15.2.1.9(B)(4)(d)NMAC: Which states in pertinent part that "Nonappearance of a summoned party after adequate notice shall be construed as a waiver of the right to a hearing before the board of stewards

16.47.1.8(L)(1)(h) NMAC:

Which states that "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 reflect on the honesty and integrity of horse racing or interfere with the orderly conduct of a race meet. Interfering with the orderly conduct of the race meet shall include, but not limit 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):

Which states that "An appeal under this section must be filed not later than 10 days after the date of the ruling. If the deadline falls on a Saturday, Sunday or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday. The appeal must be received by noon, at the main commission offices or with the stewards who issued the ruling and must be accompanied by a fee in the amount of \$500. The fee must be in the form of cash, a cashier's check, money order or personal check."

By Order of The Downs at Albuquerque Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-DAA-148
Track Downs at Albuquerque
Ruling Date: 9/3/2016

Licensee: RAMIREZ, ESTEBAN
License Type: 2014 3 Year Trainer Applicant Id: 19424
Date of Birth: 08/09/1961 License Number: 205661

Ruling # 2016-DAA-148

Action Type: Initial Ruling

Ruling:

Trainer **Esteban Ramirez**, having been duly notified for a hearing and waving his rights to a hearing appeared before the Board of Stewards on this date, Sep. 3, 2016, regarding a lab report from UC/Davis (official testing laboratory for the NMSRC) for a confirmed overage of allowable limits for the Class IV drug "Dexamethasone" which was found in sample NM20571, after it was collected from the horse, "Ice Cold" which finished 1st in the 8th race, on Aug 14, 2016, at The Downs at Albuquerque.

(The original lab report indicated a finding of Dexamethasone at 84 pg/ml in blood/plasma, which exceeds the authorized limit of 5.0 pg/ml. Split sampling rights, as provided in 15.2.6.10 (D) NMAC were offered and denied by **Esteban Ramirez**.

15.2.6.9(D)(1-2-3) NMAC: Which states that "A finding by the Commission approved laboratory of a prohibited drug, chemical or other substance in a test specimen of a horse is prima facie evidence that the prohibited drug, chemical or other substance was administered to the horse and, in the case of a post-race test, was present in the horse's body while it was participating in a race (b) therapeutic medications in excess of established acceptable levels".

15.2.6.11(A) NMAC and 16.47.1.10(B)(1) NMAC: Which states that "The Trainer is the absolute insurer of the condition of horses entered in an official workout or race, and is responsible for the presence of any prohibited drug or medication, or other prohibited substance in such horse. A positive test for a prohibited drug or medication or other prohibited substance or the presence of permitted medication in excess of maximum allowable levels as reported by the commission approved laboratory is prima facie evidence of a violation of this rule. The Trainer is absolutely responsible regardless of the acts of third party."

For this violation, the Board of Stewards assessed **Esteban Ramirez** a penalty as follows;

1. A fine in the amount of One Thousand Dollars (\$1000.00);

This is a first positive test violation in the past 365 day period, and is issued in accordance with 15.2.6.9 (C)(3) NMAC. The fine is to be paid on or before Oct 3, 2016 in accordance with 15.2.3.8(B)(3) NMAC. Failure to pay the fine within the time prescribed may result in immediate suspension.

Appeal Filing Deadline: 15.2.1.9(B) (9) (b) NMAC: Which states in pertinent part that "An appeal under this section must be filed not later than 10 days from the date of the ruling. The appeal must be filed at the main Commission offices, or with the Stewards who issued the ruling.

By Order of The Downs at Albuquerque Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-DAA-149
Track Downs at Albuquerque
Ruling Date: 9/3/2016

Licensee: ESQUIBEL, JESSE

License Type: Applicant Id: 35033
Date of Birth: 10/17/1942 License Number:

Ruling # 2016-DAA-149

Action Type: Initial Ruling

Ruling:

Owner **Jesse Esquibel**, having been duly notified and represented by his trainer **Esteban Ramirez** for a hearing, and waving his rights to a hearing appeared before the Board of Stewards on this date, Sep. 3, 2016, regarding a lab report from UC/Davis (official testing laboratory for the NMSRC) for a confirmed overage of allowable limits for the Class IV drug "Dexamethasone" which was found in sample NM20571, after it was collected from the horse, "Ice Cold" which finished 1st in the 8th race, on Aug 14, 2016, at The Downs at Albuquerque.

(The original lab report indicated a finding of Dexamethasone at 84 pg/ml in blood/plasma, which exceeds the authorized limit of 5.0 pg/ml. Split sampling rights, as provided in 15.2.6.10 (D) NMAC were offered and declined by his trainer **Esteban Ramirez**.

15.2.6.9(D)(1-2-3) NMAC: Which states that "A finding by the Commission approved laboratory of a prohibited drug, chemical or other substance in a test specimen of a horse is prima facie evidence that the prohibited drug, chemical or other substance was administered to the horse and, in the case of a post-race test, was present in the horse's body while it was participating in a race (b) therapeutic medications in excess of established acceptable levels".

For this violation, the Board of Stewards assess **Jesse Esquibel** a penalty as follows;

1. A **warning** for the presence of a prohibited drug, chemical or other substance in a test specimen of a horse. 15.2.6.9.(D) NMAC

This is a first positive test violation in the past 365 day period, and is issued in accordance with 15.2.6.9 (C)(3) NMAC.

Appeal Filing Deadline: 15.2.1.9(B) (9) (b) NMAC: Which states in pertinent part that "An appeal under this section must be filed not later than 10 days from the date of the ruling. The appeal must be filed at the main Commission offices, or with the Stewards who issued the ruling.

By Order of The Downs at Albuquerque Stewards

Fonda Salinas

For Walk

[Signature]



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-DAA-150
Track Downs at Albuquerque
Ruling Date: 9/3/2016

Licensee: AMAYA-RUIZ, DANIEL ROBERTO
License Type: 2015 3 Year Jockey Applicant Id: 33287
Date of Birth: 07/23/1993 License Number: 279286

Ruling # 2016-DAA-150

Action Type: Initial Ruling

Ruling:

Jockey Daniel Amaya having failed to appear when summoned by the Board of Stewards regarding the 9TH race on August 26, 2016 at the Downs at albuquerque is found in violation of Commission rules.

Narrative: Daniel Amaya failed to appear on August 27, 2016 as reported on the jockey infraction form for misuse of the whip (whipping in the Post Parade) on the horse #1 Carters Annie.

For this rule violation, the Board of Stewards assessed a penalty of One Hundred and Fifty dollars (\$150.00). The fine is to be paid on or before October 3, 2016 in accordance with

NMAC 15.2.3.8 B.Stewards. (3) Disciplinary action.

(l) All fines imposed by the stewards shall be paid to the commission within 30 days after the ruling is issued, unless otherwise ordered.

Failure to pay the fine within the time prescribed may result in immediate suspension.

Licensee is found to be in violation of:

15.2.1.9(B)(4)(d)NMAC: Which states in pertinent part that "Nonappearance of a summoned party after adequate notice shall be construed as a waiver of the right to a hearing before the board of stewards.

NMAC 15.2.5.13.

E. POST TO FINISH.

(e) Indiscriminate use of the whip is prohibited including whipping a horse: on the head, flanks or on any other part of its body other than the shoulders or hind quarters except when necessary to control a horse; during the post parade or after the finish of the race except when necessary to control the horse; excessively or brutally causing welts or breaks in the skin; when the horse is clearly out of the race or has obtained its maximum placing; persistently even though the horse is showing no response under the riding crop; or striking another rider or horse.

15.2.3.8 FLAT RACING OFFICIALS GENERAL PROVISIONS

B. Stewards.

(1) General authority. The stewards for each meeting shall be responsible to the commission for the conduct of the race meeting in accordance with the laws of this state and these rules.

(d) The stewards have the authority to interpret the rules and to decide all questions of racing not specifically covered by the rules. Whenever the stewards find any person culpable for any act or omission in violation of these regulations or any violation of the Horse Racing Act, the person shall be subject to disciplinary action, which could include a fine, suspension, or revocation/denial of license or any combination of these penalties

15.2.5.13(E)(6)(e) NMAC:

Which states "Indiscriminate use of the whip is prohibited including whipping a horse on the head, flanks or on any other part of its body other than the shoulders or hind quarters."

15.2.1.9(b):

Which states that "An appeal under this section must be filed not later than 10 days after the date of the ruling. If the deadline falls on a Saturday, Sunday or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday. The appeal must be received by noon, at the main commission offices or with the stewards who issued the ruling and must be accompanied by a fee in the amount of \$500. The fee must be in the form of cash, a cashier's check, money order or personal check."

By Order of The Downs at Albuquerque Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-DAA-151
Track Downs at Albuquerque
Ruling Date: 9/3/2016

Licensee: TAPIA, ADAM A

License Type: Trainer

Applicant Id: 19262

Date of Birth: 02/16/1934

License Number: 163990

Ruling # 2016-DAA-151

Action Type: Initial Ruling

Ruling:

Trainer **ADAM TAPIA**, having been duly notified for a hearing and waving his rights to a hearing appeared before the Board of Stewards on this date, Sept 3, 2016, regarding a lab report from UC/Davis (official testing laboratory for the NMSRC) for a confirmed overage of allowable limits for the Class IV drug "Flunixin" which was found in sample NM20648, after it was collected from the horse, "Tylerate" which finished 1st in the 5th race, on August 21, 2016, at The Downs at Albuquerque.

(The original lab report indicated a finding of Flunixin at 92.9 pg/ml in blood/plasma, which exceeds the authorized limit of 20.0 pg/ml. Split sampling rights, as provided in 15.2.6.10 (D) NMAC were offered and declined by **ADAM TAPIA**.)

ADAM TAPIA is found to be in violation of:

15.2.6.9(D)(1-2-3) NMAC: Which states that "A finding by the Commission approved laboratory of a prohibited drug, chemical or other substance in a test specimen of a horse is prima facie evidence that the prohibited drug, chemical or other substance was administered to the horse and, in the case of a post-race test, was present in the horse's body while it was participating in a race (b) therapeutic medications in excess of established acceptable levels".

15.2.6.11(A) NMAC and 16.47.1.10(B)(1) NMAC: Which states that "The Trainer is the absolute insurer of the condition of horses entered in an official workout or race, and is responsible for the presence of any prohibited drug or medication, or other prohibited substance in such horse. A positive test for a prohibited drug or medication or other prohibited substance or the presence of permitted medication in excess of maximum allowable levels as reported by the commission approved laboratory is prima facie evidence of a violation of this rule. The Trainer is absolutely responsible regardless of the acts of third party."

For this violation, the Board of Stewards assess **ADAM TAPIA** a penalty as follows;

1. A fine in the amount of Two Hundred Fifty dollars (\$250.00);

This is a first positive test violation in the past 365 day period, and is issued in accordance with 15.2.6.9 (C)(3) NMAC. The fine is to be paid on or before October 3, 2016 in accordance with 15.2.3.8(B)(3) NMAC. Failure to pay the fine within the time prescribed may result in immediate suspension.

Appeal Filing Deadline: 15.2.1.9(B) (9) (b) NMAC: Which states in pertinent part that "An appeal under this section must be filed not later than 10 days

By Order of The Downs at Albuquerque Stewards

Steward

Steward

Steward



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-DAA-152
Track Downs at Albuquerque
Ruling Date: 9/3/2016

Licensee: FULMER, DREW C

License Type: 2014 3 Year Trainer Applicant Id: 21876
Date of Birth: 11/27/1956 License Number: 163380

Ruling # 2016-DAA-152

Action Type: Initial Ruling

Ruling:

Trainer **Drew C Fulmer** DOB **11/27/1956** having appeared telephonically before the **Board of Stewards** on September 2, 2016 for failure to declare equipment Blinkers On at time of entry on the horse **Look At Me**, entered in the 3rd race, on August 31, 2016 at **The Downs at Albuquerque**. Licensee is found to be in violation of Commission rules.NMAC:

For this rule violation, the **Board of Stewards** assessed a penalty in the amount of Fifty dollars (\$50.00). The fine is to paid on or before October 30, 2016 in accordance with 15.2.3.8(B)(3)(I) NMAC.

15.2.5.8 ENTRIES AND NOMINATIONS:

B. PROCEDURE

(10) Any approved change of equipment must be declared at time of entry. Any changes after that time must be approved by the stewards.

Failure to pay the fine within the time prescribed may result in immediate suspension.

Licensee is found to be in violation of:

16.47.1.8(L)(1)(h) NMAC:

Which states that "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 reflect on the honesty and integrity of horse racing or interfere with the orderly conduct of a race meet. Interfering with the orderly conduct of the race meet shall include, but not limit 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):

Which states that "An appeal under this section must be filed not later than 10 days after the date of the ruling. If the deadline falls on a Saturday, Sunday or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday. The appeal must be received by noon, at the main commission offices or with the stewards who issued the ruling and must be accompanied by a fee in the amount of \$500. The fee must be in the form of cash, a cashier's check, money order or personal check."

By Order of The Downs at Albuquerque Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-DAA-153
Track Downs at Albuquerque
Ruling Date: 9/3/2016

Licensee: Pena-Gonzalez, Eloy(Humberto) Humberto
License Type: 2015 3 Year Owner Applicant Id: 157689
Date of Birth: 06/05/1975 License Number: 278273

Ruling # 2016-DAA-153

Action Type: Initial Ruling

Ruling:

Owner **Eloy Humberto Rena**, having been duly notified and represented by his trainer **Adam Tapia** for a hearing and waving his rights to a hearing appeared before the Board of Stewards on this date, Sept 3, 2016, regarding a lab report from UC/Davis (official testing laboratory for the NMSRC) for a confirmed overage of allowable limits for the Class IV drug "Flunixin" which was found in sample NM20648, after it was collected from the horse, "Tylerate" which finished 1st in the 5th race, on August 21, 2016, at The Downs at Albuquerque.

(The original lab report indicated a finding of Flunixin at 92.9 pg/ml in blood/plasma, which exceeds the authorized limit of 20.0 pg/ml. Split sampling rights, as provided in 15.2.6.10 (D) NMAC were offered and declined by his trainer **Adam Tapia**.

Eloy Humberto Rena is found to be in violation of:

15.2.6.9(D)(1-2-3) NMAC: Which states that "A finding by the Commission approved laboratory of a prohibited drug, chemical or other substance in a test specimen of a horse is prima facie evidence that the prohibited drug, chemical or other substance was administered to the horse and, in the case of a post-race test, was present in the horse's body while it was participating in a race (b) therapeutic medications in excess of established acceptable levels".

For this violation, the Board of Stewards assess **Eloy Humberto Rena** a penalty as follows;

1. A warning for the presence of a prohibited drug, chemical or other substance in a test specimen of a horse. As per 15.2.6.9.(D) NMAC.

This is a first positive test violation in the past 365 day period, and is issued in accordance with 15.2.6.9 (C)(3) NMAC.

Appeal Filing Deadline: 15.2.1.9(B) (9) (b) NMAC: Which states in pertinent part that "An appeal under this section must be filed not later than 10 days from the date of the ruling. The appeal must be filed at the main Commission offices, or with the Stewards who issued the ruling.

By Order of The Downs at Albuquerque Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-DAA-154
Track Downs at Albuquerque
Ruling Date: 9/4/2016

Licensee: FULMER, DREW C

License Type: Applicant Id: 21876

Date of Birth: 11/27/1956 License Number:

Ruling # 2016-DAA-154

Action Type: Modified Ruling

Ruling:

RE: 2016-DAA-154 - Modified Ruling
already issued

By Order of The Downs at Albuquerque Stewards

Steward

Steward

Steward



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-DAA-155
Track Downs at Albuquerque
Ruling Date: 9/4/2016

Licensee: ROYBAL, MARK A

License Type: 2014 3 Year Owner Applicant Id: 35658
Date of Birth: 10/01/1975 License Number: 70322

Ruling # 2016-DAA-155

Action Type: Initial Ruling

Ruling:

Licensee Mark Roybal, had been notified to his last known address and failed to receive telephone calls on several occasions. The last attempt to contact him was September 4, 2016 by the Board of Stewards at the Downs at Albuquerque to schedule a financial responsibility hearing;

As a result of his failure to reply and not being able to contact Mark Roybal, the Board of Stewards found licensee to be in violation of Commission rules and ordered that any/all New Mexico Racing Commission license (s) issued to Mark Roybal be suspended and that he be deemed ineligible for any future licensing in New Mexico until such time that full payment to Alan D.Chastin DVM is made in the amount of \$678.76 dollars (Six hundred Seventy eight dollars, and Seventy six cents) plus 1.5% Per month/ 18% per annum until the Balance is Zero.

During said time of suspension MARK ROYBAL is denied access to all grounds under the jurisdiction of the New Mexico Racing Commission in accordance with 15.2.1.9(C)(21)(a) NMAC.

This ruling is in accordance with: 16.47.1.8 NMAC:

I. FINANCIAL RESPONSIBILITY:

- (1) Which states in pertinent part that " All persons engaged in racing shall maintain financial responsibility in matters pertaining to racing and the Parental Responsibility Act."
- (2) Any person licensed by the commission may file a financial responsibility complaint against another licensee. Any financial responsibility complaint against a licensee shall be in writing, signed by the complainant, and accompanied by documentation of the services, supplies or fees alleged to be due in connection with his/her operations as a licensee. A judgment from a civil court, which has been issued within one year of the date of the complaint, may be honored by the stewards as long as at least the defendant is a licensee.

16.47.1.8(L)(1)(h) NMAC:

Which states that "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 reflect on the honesty and integrity of horse racing or interfere with the orderly conduct of a race meet. Interfering with the orderly conduct of the race meet shall include, but not limit 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):

Which states that "An appeal under this section must be filed not later than 10 days after the date of the ruling. If the deadline falls on a Saturday, Sunday or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday. The appeal must be received by noon, at the main commission offices or with the stewards who issued the ruling and must be accompanied by a fee in the amount of \$500. The fee must be in the form of cash, a cashier's check, money order or personal check."

By Order of The Downs at Albuquerque Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-DAA-156
Track Downs at Albuquerque
Ruling Date: 9/4/2016

Licensee: ALDRETE-BIZCARRA, HECTOR
License Type: 2015 3 Year Jockey Applicant Id: 35261
Date of Birth: 12/21/1985 License Number: 280381

Ruling # 2016-DAA-156

Action Type: Initial Ruling

Ruling:

Jockey **Hector Aldrete-Bizcarra** DOB **12/21/1985** having appeared before the **Board of Stewards** on this date **September 4, 2016** for misuse of the whip (hit his mount over the head with the whip) while aboard **The Alabama Cartel** in the 8th race, on **September 3, 2016** at **The Downs at Albuquerque**; licensee is found to be in violation of Commission rules.

For this rule violation, the **Board of Stewards** assessed a penalty in the amount of **Two Hundred Fifty dollars (\$250.00)**. The fine is to be paid on or before **October 4, 2016** in accordance with NMAC.

15.2.3.8 FLAT RACING OFFICIALS GENERAL PROVISIONS: B. Stewards. (3) Disciplinary action.

(I) All fines imposed by the stewards shall be paid to the commission within 30 days after the ruling is issued, unless otherwise ordered.

Failure to pay the fine within the time prescribed may result in immediate suspension.

Licensee is found to be in violation of:

15.2.5.13(E)(6)(e) NMAC:

Which states "Indiscriminate use of the whip is prohibited including whipping a horse on the head, flanks or on any other part of its body other than the shoulders or hind quarters."

15.2.1.9(b):

Which states that "An appeal under this section must be filed not later than 10 days after the date of the ruling. If the deadline falls on a Saturday, Sunday or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday. The appeal must be received by noon, at the main commission offices or with the stewards who issued the ruling and must be accompanied by a fee in the amount of \$500. The fee must be in the form of cash, a cashier's check, money order or personal check."

By Order of The Downs at Albuquerque Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-DAA-157
Track Downs at Albuquerque
Ruling Date: 9/4/2016

Licensee: GONZALEZ, ANDRES S
License Type: Applicant Id: 28171
Date of Birth: 05/27/1987 License Number:

Ruling # 2016-DAA-157

Action Type: Initial Ruling

Ruling:

Trainer, **Andres Gonzalez**, having been duly notified, and having appeared before the Board of Stewards on Sep 3, 2016 regarding a lab report from UC/Davis (official testing laboratory for the NMSRC), for a confirmed positive test for the Class III drug "Clenbuterol", which was found in sample NM20610, after it was collected from the horse "**Dulce Rapida**" which finished 1st in the 7th race, Aug 19, 2016 at the Downs at Albuquerque. (The original lab report indicated a finding of Clenbuterol in urine at 428 pg/ml. in urine. Split sampling rights, as provided in 15.2.6.10 (D) NMAC were afforded to, and declined by, **Andres Gonzalez**. With this drug, no level of detection is allowed to be found in a post-race sample.

Andres Gonzalez is found to be in violation of:

15.2.6.9(D)(1) NMAC: A finding by the commission approved laboratory of a prohibited drug, chemical or other substance in a test specimen of a horse is prima facie evidence that the prohibited drug, chemical or other substance was administered to the horse and, in the case of a post-race test, was present in the horse's body while it was participating in a race. Prohibited substances include: drugs or medications for which no acceptable levels have been established; therapeutic medications in excess of established acceptable levels; substances present in the horse in excess of levels at which such substances could occur naturally; substances foreign to a horse at levels that cause interference with testing procedures.

15.2.6.11(A) NMAC and 16.47.1.10(B)(1) NMAC: Which states in pertinent part that "The Trainer is the absolute insurer of the condition of horses entered in an official workout or race, and is responsible for the presence of any prohibited drug or medication, or other prohibited substance in such horse. A positive test for a prohibited drug or medication or other prohibited substance or the presence of permitted medication in excess of maximum allowable levels as reported by the commission approved laboratory is prima facie evidence of a violation of this rule. The Trainer is absolutely responsible regardless of the acts of third party."

For this violation, the Board of Stewards assess **Andres Gonzalez** a penalty as follows:

- (1) A suspension of any/all NMSRC issued licenses for a period of 30 calendar days (Sept 15, 2016 through Oct 14, 2016, Inclusive);
- (2) A fine in the amount of seven hundred fifty dollars (\$750.00.);
- (3) Loss of purse of the 7th race, Aug 19, 2016, at the Downs at Albuquerque.

New Order of Finish:

1st Love You More	6th Family Favorite
2nd One Sweet Chick	7th Streakin Vago
3rd Relentless Reasons	8th Humble N Noble
4th Jesses Cash Run	9th Grc Graceful Azoom
5th Shining Denim	Unplaced: Dulce Rapida


- (4) The horse "**Dulce Rapida**" is placed on the stewards list for 60 days (9/1/16 to 11/1/16) and after that must pass a commission-approved exam before becoming eligible to be entered.

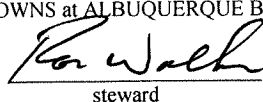
This is a first offense positive test violation in the past 365 day period, and is issued in accordance with 15.2.6.9 (C)(2) NMAC. The fine is to be paid on or before Oct 3, 2016, in accordance with 15.2.3.8(B)(3)(f) NMAC.

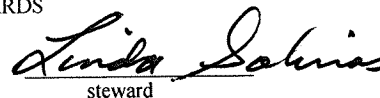
During said time of applicable suspension, **Andres Gonzalez** is hereby excluded from all areas of the grounds under the jurisdiction of the NMSRC, in accordance with 15.2.1.9 (C)(21)(a) NMAC, and 15.2.3.8 (B)(3)(f) NMAC.

Additionally, effective upon applicable suspension dates, all horses owned or trained, or under the care of **Andres Gonzalez** are ineligible to be entered or start in any race in this jurisdiction, per 15.2.1.9 (C)(21)(c) NMAC.

BY ORDER OF THE DOWNS at ALBUQUERQUE BOARD OF STEWARDS


steward


steward


steward

An appeal under this section must be filed not later than 10 days after the date of the ruling. If the deadline falls on a Saturday, Sunday or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday. The appeal must be received by noon, at the main commission offices or with the stewards who issued the ruling and must be accompanied by a fee in the amount of \$500. The fee must be in the form of cash, a cashier's check, money order or personal check.



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-DAA-158
Track Downs at Albuquerque
Ruling Date: 9/4/2016

Licensee: PEREZ-SALAZAR, JULIO CESAR
License Type: 2016 3 Year Owner Applicant Id: 159042
Date of Birth: 05/28/1990 License Number: 282889

Ruling # 2016-DAA-158

Action Type: Initial Ruling

Ruling:

Owner **Julio C. Perez**, having been duly notified, and having represented by trainer **Andres Gonzalez** before the Board of Stewards on Sep 3, 2016 regarding a lab report from UC/Davis (official testing laboratory for the NMSRC), for a confirmed positive test for the Class III drug "Clenbuterol", which was found in sample NM20610, after it was collected from the horse "**Dulce Rapida**" which finished 1st in the 7th race, Aug 19, 2016 at the Downs at Albuquerque.

(The original lab report indicated a finding of Clenbuterol in urine at 428 pg/ml. in urine. Split sampling rights, as provided in 15.2.6.10 (D) NMAC were afforded to, and declined by, **Andres Gonzalez**. With this drug, no level of detection is allowed to be found in a post-race sample.

Julio C. Perez is found to be in violation of:

15.2.6.9(D)(1) NMAC: A finding by the commission approved laboratory of a prohibited drug, chemical or other substance in a test specimen of a horse is prima facie evidence that the prohibited drug, chemical or other substance was administered to the horse and, in the case of a post-race test, was present in the horse's body while it was participating in a race. Prohibited substances include: drugs or medications for which no acceptable levels have been established; therapeutic medications in excess of established acceptable levels; substances present in the horse in excess of levels at which such substances could occur naturally; substances foreign to a horse at levels that cause interference with testing procedures.

For this violation, the Board of Stewards assess **Julio C. Perez** a penalty as follows:

(1) Loss of purse of the 7th race, Aug 19, 2016, at the Downs at Albuquerque.

New Order of Finish:



1st Love You More 6th Family Favorite
2nd One Sweet Chick 7th Streakin Vago
3rd Relentless Reasons 8th Humble N Noble
4th Jesses Cash Run 9th Grc Graceful Azoom
5th Shining Denim

Unplaced: **Dulce Rapida**

(2) The horse "**Dulce Rapida**" is placed on the stewards list for 60 days (9/1/16 to 11/1/16) and after that must pass a commission-approved exam before becoming eligible to be entered.

This is a first offense positive test violation in the past 365 day period, and is issued in accordance with 15.2.6.9 (C)(2) NMAC. The fine is to be paid on or before Oct 3, 2016, in accordance with 15.2.3.8(B)(3)(I) NMAC.

BY ORDER OF THE DOWNS at ALBUQUERQUE BOARD OF STEWARDS


steward
steward
steward

An appeal under this section must be filed not later than 10 days after the date of the ruling. If the deadline falls on a Saturday, Sunday or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday. The appeal must be received by noon, at the main commission offices or with the stewards who issued the ruling and must be accompanied by a fee in the amount of \$500. The fee must be in the form of cash, a cashier's check, money order or personal check.



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-DAA-159
Track Downs at Albuquerque
Ruling Date: 9/4/2016

Licensee: CUANDA, JESUS

License Type: 2015 3 Year Trainer Applicant Id: 157988

Date of Birth: 09/29/1976 License Number: 279206

Ruling # 2016-DAA-159

Action Type: Initial Ruling

Ruling:

T Trainer Jesus Cuanda DOB 9/29/1976 having appeared before **The Board of Stewards** telephonically **At the Downs at Albuquerque** on **September 4, 2016** for employing a person in a capacity for which he was not licensed.

Mr. Cuanda had unlicensed help in the 8th race that using another person license.

Licensee was found to be in violation of Commission rules. Thus, for this rule violation, the **Board of Stewards** assessed **Mr. Cuanda** a penalty in the amount of **Two Hundred Fifty dollars (\$250.00)**. The fine is to be paid on or before: October 4, 2016 in accordance with 15.2.3.8(B)(3)(I) NMAC.

Failure to pay this fine within the time prescribed may result in immediate suspension.

Licensee is found to be in violation of the following rules:

16.47.1.8(L)(1)(h) NMAC:

Which states that "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 reflect on the honesty and integrity of horse racing or interfere with the orderly conduct of a race meet. Interfering with the orderly conduct of the race meet shall include, but not limit 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):

Which states that "An appeal under this section must be filed not later than 10 days after the date of the ruling. If the deadline falls on a Saturday, Sunday or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday. The appeal must be received by noon, at the main commission offices or with the stewards who issued the ruling and must be accompanied by a fee in the amount of \$500. The fee must be in the form of cash, a cashier's check, money order or personal check."

By Order of The Downs at Albuquerque Stewards

Steward

Steward

Steward



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-DAA-160
Track Downs at Albuquerque
Ruling Date: 9/6/2016

Licensee: GALLEGOS, RAMON DENNIS
License Type: Trainer Applicant Id: 18143
Date of Birth: 08/02/1967 License Number: 81881

Ruling # 2016-DAA-160

Action Type: Initial Ruling

Ruling:

Trainer **Ramon D. Gallegos**, having been duly notified, and having been represented by attorney **Santiago Juarez** before the Board of Stewards on Sep 6, 2016 regarding a citation issued on Aug 24, 2016 citing his conduct, interfering with the orderly conduct of a race meeting, at the Downs at Albuquerque.

Ramon D. Gallegos is found to be in violation of:


Title 16 Chapter 47 Part 1 16.47.1.8 (L) NMAC:


1. 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


For this violation, the Board of Stewards assess **Ramon D. Gallegos** a penalty as follows:

1. A fine of Seven Hundred Fifty dollars (\$750.00)
2. Probation for six (6) months on his current trainer's license until (3/6/17) for any conduct violation under 16.47.1.8(L)(h) NMAC. Any violation under 16.47.1.8(L)(h) will result in a fine and a minimum 30-day suspension.

BY ORDER OF THE DOWNS at ALBUQUERQUE BOARD OF STEWARDS


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An appeal under this section must be filed not later than 10 days after the date of the ruling. If the deadline falls on a Saturday, Sunday or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday. The appeal must be received by noon, at the main commission offices or with the stewards who issued the ruling and must be accompanied by a fee in the amount of \$500. The fee must be in the form of cash, a cashier's check, money order or personal check.



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-DAA-161
Track Downs at Albuquerque
Ruling Date: 9/6/2016

Licensee: ARAIZA, OSVALDO

License Type: Owner

Applicant Id: 32935

Date of Birth: 07/31/1976

License Number: 152964

Ruling # 2016-DAA-161

Action Type: Initial Ruling

Ruling:

Licensee Osvaldo Araiza, had been notified to his last known address and failed to provide telephone number information . The last attempt to contact him was September 4, 2016 by the Board of Stewards at the Downs at Albuquerque.

As a result of his failure to have contact information available or reply to Dr Alan Chastain's billing notices the Board of Stewards found licensee Osvaldo Araiza to be in violation of Commission rules and ordered that any/all New Mexico Racing Commission license (s) issued to Osvaldo Araiza be suspended and that he be deemed ineligible for any future licensing in New Mexico until such time that full payment to Alan D.Chastin DVM is made in the amount of \$62.89. (Sixty Two dollars, and Eighty Nine cents) plus 1.5% Per month/ 18% per annum until the Balance is Zero.

During said time of suspension Osvaldo Ariaiza is denied access to all grounds under the jurisdiction of the New Mexico Racing Commission in accordance with 15.2.1.9(C)(21)(a) NMAC.

This ruling is in accordance with: 16.47.1.8 NMAC:

I. FINANCIAL RESPONSIBILITY:

- (1) Which states in pertinent part that " All persons engaged in racing shall maintain financial responsibility in matters pertaining to racing and the Parental Responsibility Act."**
- (2) Any person licensed by the commission may file a financial responsibility complaint against another licensee. Any financial responsibility complaint against a licensee shall be in writing, signed by the complainant, and accompanied by documentation of the services, supplies or fees alleged to be due in connection with his/her operations as a licensee. A judgment from a civil court, which has been issued within one year of the date of the complaint, may be honored by the stewards as long as at least the defendant is a licensee.**

16.47.1.8(L)(1)(h) NMAC:

Which states that "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 reflect on the honesty and integrity of horse racing or interfere with the orderly conduct of a race meet. Interfering with the orderly conduct of the race meet shall include, but not limit 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):

Which states that "An appeal under this section must be filed not later than 10 days after the date of the ruling. If the deadline falls on a Saturday, Sunday or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday. The appeal must be received by noon, at the main commission offices or with the stewards who issued the ruling and must be accompanied by a fee in the amount of \$500. The fee must be in the form of cash, a cashier's check, money order or personal check."

By Order of The Downs at Albuquerque Stewards