



New Mexico Racing Commission  
4900 Alameda NE  
Albuquerque, NM 87113

Ruling #: 2017-DAA-31  
Track Downs at Albuquerque  
Ruling Date: 7/21/2017

Licensee: LAVANWAY, DAYSON

License Type: 2016 3 Year Trainer Applicant Id: 158653  
License Number: 281557

Ruling # 2017-DAA-31

Action Type: Initial Ruling

Ruling:

Trainer Dayson LaVanway, having been duly notified and having waived his right to a 10 day notice and formal hearing before the Board Of Stewards on July 21, 2017, regarding a lab report from UC/Davis (official testing laboratory for the NMSRC), for a confirmed positive for the therapeutic drug, Phenylbutazone (class 4-Major penalty category C drug) found in test sample NM 27063 taken from the horse "Maria's Wildcat" following the 9th race, on May 28, 2017 at SunRay Park.

The original lab report indicated a finding of Phenylbutazone at 7.29 micrograms per milliliter in the blood, which exceeds the allowable limit of 2.0 micrograms per milliliter in the blood. Split sample rights as provided in 15.2.6.10 (D) NMAC, were afforded to and declined by Dayson LaVanway.

Licensee is found to be in violation of:

15.2.6.9(C)(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 FIRST Class 4C medication violation issued in accordance with 15.2.6.9 (C)(2)(b) NMAC, the Board of Stewards assessed Dayson LaVanway a penalty as follows:

1. A (\$1000.00) One Thousand dollar fine to be paid on or before Aug. 21, 2017, in accordance with 15.2.1.9(B)(7)(f) NMAC and 15.2.3.8 (B) (3)(l) NMAC: Failure to pay fine in prescribed time may result in an immediate suspension.

This ruling is written in accordance with:

15.2.6.9 A. UNIFORM CLASSIFICATION GUIDELINES (4) Class 4 - This category is comprised primarily of therapeutic medications routinely used in race horses. These may influence performance, but generally have a more limited ability to do so.

15.2.6.11(A) NMAC: Trainer Responsibility

16.47.1.10(B)(1) NMAC: Absolute Insurer 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."

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

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.

*Linda Salinas*      *Ra Walker*      *Martin Hamilton*



New Mexico Racing Commission  
4900 Alameda NE  
Albuquerque, NM 87113

Ruling #: 2017-DAA-32  
Track Downs at Albuquerque  
Ruling Date: 7/21/2017

Licensee: GONZALEZ-DELGADILLO, MARIA TRINIDAD  
License Type: 2016 3 Year Owner Applicant Id: 158654  
License Number: 281558

Ruling # 2017-DAA-32

Action Type: Initial Ruling

Ruling:

Owner: **Maria T. Gonzalez**, having been represented by trainer Dayson LaVanway before the Board Of Stewards on July 21, 2017, regarding a lab report from UC/Davis (official testing laboratory for the NMSRC), for a confirmed positive for the therapeutic drug, Phenylbutazone (class 4-Major penalty category C drug) found in test sample NM27063 taken from the horse "Maria's Wildcat" following the 9th race, on May 28, 2017, at SunRay Park Racetrack.

The original lab report indicated a finding of **Phenylbutazone at 7.29 mg/ml in the blood**, the allowable limit for Phenylbutazone is 2 mg/ml in the blood. Sample rights as provided in 15.2.6.10 (D) NMAC, were afforded to and denied by Dayson LaVanway., trainer of record.

Licensee is found to be in violation of:

**15.2.6.9(C)(1) : Prima Facie Evidence** 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.

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

For **Maria T. Gonzalez's** 1st Class 4C-Major medication violation, in a 365-day period, issued in accordance with 15.2.6.9 (B)(4), the Board of Stewards assessed a penalty as follows:

1. **A Warning**, in accordance with 15.2.3.8 (B)(3)(i) NMAC.

2. Next 4-C medication violation the penalty is disqualification, loss of purse and if same

horse, that horse shall be placed on veterinarian's list for 45 days and must pass a commission-approved examination before being eligible to run.

This ruling is written in accordance with:

**16.47.1.8. 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.

15.2.3.8 B (3)(f) Stewards Disciplinary Action

15.2.3.8 B (3)(a) Stewards Disciplinary Action

15.2.3.8 B (1) (d) Stewards General Authority

15.2.3.8 B (1) (a) Stewards General Authority

15.2.3.8 B (1) (c) Stewards General Authority

By Order of The Downs at Albuquerque 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.

*Linda Salinas*      *For Wash*      *Martin Hamilton*



New Mexico Racing Commission  
4900 Alameda NE  
Albuquerque, NM 87113

Ruling #: 2017-DAA-33  
Track: Downs at Albuquerque  
Ruling Date: 7/21/2017

Licensee: TALSMA, BRUCE KEVIN

License Type: 2016 3 Year Practicing Applicant Id: 4140  
License Number: 281064

Ruling # 2017-DAA-33

Action Type: Initial Ruling

Ruling:

Veterinarian, **Bruce Talsma** is hereby notified that his summary suspension effective July 5, 2017, after having appeared before the Board of Stewards on July 21, 2017, for refusing to allow the inspection of his vehicle during a compliance search by the investigator in the stable area of Albuquerque Downs on July 5, 2017 is cancelled as the result of the following:

**Bruce Talsma waived his right to a 10 day notice and a disciplinary hearing in this matter and consents to the stewards findings.**

**Licensee is found to be in violation of:**

**16.47.1.8 (E) : Agree to search and seizure** Which states in pertinent part "By acceptance of a license, a licensee consents to search and inspection by the Commission or its agents, and to the seizure of any prohibited medication, drugs, paraphernalia, or devices in accordance with State and Federal law"

**Board of Stewards assessed a penalty as follows:**

1. A (\$2,500.00) Two thousand Five Hundred dollar fine, to be paid on or before **Aug. 21, 2017**, in accordance with **15.2.3.8 (B) (3)(i) NMAC**. Failure to pay fine in prescribed time may result in an immediate suspension.
2. A suspension of all NMRC licenses starting **July 5, 2017, through July 31, 2017, inclusive.**
3. During said time of applicable suspension, **Bruce Talsma**, is hereby excluded from all areas of the grounds under the jurisdiction of the NMSRC, in accordance with **15.2.1.9 (C)(21)**.

**This ruling is written in accordance with:**

**16.47.1.8 (L)(1)(i) – Conduct** Which states in pertinent part "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"

**16.47.1.8 (E) : Agree to search and seizure** Which states in pertinent part "By acceptance of a license, a licensee consents to search and inspection by the Commission or its agents, and to the seizure of any prohibited medication, drugs, paraphernalia, or devices in accordance with State and Federal law"

**15.2.3.8 B (3)(f) Stewards Disciplinary Action**

**15.2.3.8 B (3)(a) Stewards Disciplinary Action**

**15.2.3.8 B (1) (d) Stewards General Authority**

**16.47.1.8. 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.

By Order of The Downs at Albuquerque 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  
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Ruling #: 2017-DAA-34  
Track Downs at Albuquerque  
Ruling Date: 7/22/2017

Licensee: SMITH, MARIE

License Type: 2017 1 Year Pony Pers Applicant Id: 14783  
License Number: 286108

Ruling # 2017-DAA-34

Action Type: Initial Ruling

Ruling:

**Pony Person Marie Smith** having been duly notified and having Trainer Terry Smith appear for a hearing before the Board of Stewards on **July 22, 2017**, concerning the licensee Marie Smith acting in a capacity for which she was not licensed, and being abusive toward test barn personnel.

For this rule violation, the Board of Stewards assessed **Marie Smith** a penalty of a fine in the amount of \$100 one hundred dollars. This fine is to be paid on or before **August 21, 2017** in accordance with 15.2.3.8(B)(3)(I) NMAC. 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)(C) 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: *who is unqualified, by experience or otherwise, to perform the activities* for which a license is required, or who fails to pass an examination prescribed by the commission.

**Licensee is found to be in violation of:**

16.47.1.8 (L)(1)(i) – CONDUCT Which states in pertinent part “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”

**This ruling is written in accordance with:**

15.2.3.8 B (1) (d) Stewards General authority. 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. T. KNOWLEDGE OF RULES:

*Martin Hamilton*      *Ron Walk*      *Tudo Salinas*

By Order of The Downs at Albuquerque 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.



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Ruling #: 2017-DAA-35  
Track: Downs at Albuquerque  
Ruling Date: 7/22/2017

Licensee: FENNELL, ERNEST  
License Type: 2015 3 Year Trainer      Applicant Id: 34414  
License Number: 277642

Ruling # 2017-DAA-35

Action Type: Initial Ruling

Ruling:

Trainer **Ernest Fennell** having been duly notified waved a hearing and appeared personally before the Board of Stewards on July 21, 2017 for failing to have a current **Coggins** on file for entry "**Thru the Night**" which resulted in a late scratch in the 6th race on July 16, 2017, at The Downs at Albuquerque.

Licensee is found to be in violation of.

15.2.5.12(Z) A horse shall be ineligible to start when "there is no current negative test certificate for equine infectious anemia on file with the racing office, as required by the commission".

16.47.1.10(C)(5) the proper identity, custody, care, health, condition, and safety of horses in their charge.

16.47.1.10(C)(7) maintaining a knowledge of the medication record and status of all horses in their care.

15.2.3.8 B (1) (d) **Stewards General authority.** 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 violation, the Board of Stewards assessed **Ernest Fennell** a fine in the amount of **two hundred dollars (\$200.00)**. The fine is to be paid on or before **August 21, 2017**, in accordance with 15.2.3.8 (B)(3)(1) NMAC. Failure to pay the fine within the time prescribed may result in immediate suspension

This ruling is written in accordance with

16.47.1.8. T. KNOWLEDGE OF RULES:

By Order of The Downs at Albuquerque 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  
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Ruling #: 2017-DAA-36  
Track Downs at Albuquerque  
Ruling Date: 7/22/2017

Licensee: ALDAVAZ, MARGARITA  
License Type: 2014 3 Year Owner Applicant Id: 24132  
License Number: 163527

Ruling # 2017-DAA-36

Action Type: Initial Ruling

Ruling:

**Owner Maggie Aldavaz** having been duly notified and having Trainer Jaime Aldavaz Sr. appear for a hearing before the Board of Stewards on **July 22, 2017**, concerning the licensee Maggie Aldavaz acting in a capacity for which she was not licensed.

**Licensee is found to be in violation of:**

**16.47.1.8 L (1)(C)** 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: *who is unqualified, by experience or otherwise, to perform the activities* for which a license is required, or who fails to pass an examination prescribed by the commission.

**This ruling is written in accordance with:**

**15.2.3.8 B (1) (d) Stewards General authority.** 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 **Maggie Aldavaz** a penalty of a fine in the amount of \$100 one hundred dollars. This fine is to be paid on or before **August 21, 2017** in accordance with 15.2.3.8(B) (3)(I) NMAC. Failure to pay the fine within the time prescribed may result in immediate suspension.

16.47.1.8. T. KNOWLEDGE OF RULES:

By Order of The Downs at Albuquerque 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  
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Ruling #: 2017-DAA-37  
Track Downs at Albuquerque  
Ruling Date: 7/22/2017

Licensee: Mora, Manuel Michael  
License Type: 2017 3 Year Owner      Applicant Id: 159967  
License Number: 286159

Ruling # 2017-DAA-37

Action Type: Initial Ruling

Ruling:

**MUST HAVE HEARING BEFORE REINSTATEMENT**

By Order of The Downs at Albuquerque 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.

Ruling # 2017-DAA-37

Action Type: Rescinded

Ruling:

RE: 2017-DAA-37 - Ruling Rescinded pending a disciplinary hearing.

By Order of The Downs at Albuquerque 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.