



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2017-DAA-92
Track Downs at Albuquerque
Ruling Date: 8/27/2017

Licensee: LEYBA, BERNIE ASENIO
License Type: 2015 3 Year Trainer Applicant Id: 15237
License Number: 277186

Ruling # 2017-DAA-92

Action Type: Initial Ruling

Ruling:

Trainer Bernie A. Leyba having been duly notified telephonically, and waved a hearing before the Board of Stewards on August 27, 2017, for failure to declare equipment (Flipping Halter ON) at time of entry for "**Strikeing Gold**", entered in the 8th race on August 26, 2017 at Downs at Albuquerque Park Racetrack.

Licensee is found to be in violation of:

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

15.2.5.8 (B)(6) Procedure For Entries No alteration may be made in any entry after the closing of entries, but an error may be corrected with permission of the stewards

For this rule violation, the Board of Stewards assessed **Bernie A. Leyba** a penalty in the amount of **One hundred dollars (\$ 100.00)**. The fine is to paid on or before **Sept. 25, 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.

This ruling is written in accordance with:

16.47.1.8. T. KNOWLEDGE OF RULES:

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.



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2017-DAA-93
Track Downs at Albuquerque
Ruling Date: 9/1/2017

Licensee: QUERY, MITCHELL LEE

License Type: 2017 1 Year Exercise P Applicant Id: 27021
License Number: 287257

Ruling # 2017-DAA-93

Action Type: Initial Ruling

Ruling:

Groom and Exercise Rider Mitchell Query appeared on September 1, 2017 before the Downs at Albuquerque board of Stewards and is hereby summarily suspended for his conduct on September 1, 2017.

For this violation, the Board of Stewards issue **Mitchell Query** the following penalty:
A summary suspension of any/all New Mexico Racing Commission licenses, effective immediately **September 1, 2017**.

During said time of applicable suspension **Mitchell Query** is hereby excluded from all areas of the grounds under the jurisdiction of the NMSRC pending the outcome of his hearing **September 11, 2017 at 10:00 A.M.** at The Downs at Albuquerque per 15.2.1.9 (B)(3)(b) NMAC and 15.2.1.9 (C)(21)(a-b) NMAC.

Licensee is found in violation of:

15.2.1.9(B)(3)(a) Summary Suspension Which states in pertinent part "If the Stewards determine that a licensee's action constitute an immediate danger to the public health, safety, or welfare, the Stewards may summarily suspend the licensee pending a hearing".

This ruling is written in accordance:

15.2.1.9 (B)(3)(b) NMAC. Summary Suspension

15.2.3.8 B (3)(f) Stewards Disciplinary Action

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"

15.2.3.8 B (3)(A) Stewards Disciplinary Action stewards shall take notice of alleged misconduct or rule violations and initiate investigations into the matters. The stewards shall have authority to charge any licensee for a violation of these rules, to conduct hearings and to impose disciplinary action in accordance with these rules.

16.47.1.8. T. KNOWLEDGE OF RULES:

By Order of The Downs at Albuquerque Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2017-DAA-94
Track Downs at Albuquerque
Ruling Date: 9/2/2017

Licensee: MARTINEZ, ADAM J
License Type: 2015 3 Year Jockey Applicant Id: 19893
License Number: 246742

Ruling # 2017-DAA-94

Action Type: Initial Ruling

Ruling:

Jockey, **Adam Martinez**, having been summoned and having appeared before the Board of Stewards on **September 2, 2017**, for careless riding during the running of the **9th race on September 2, 2017**, at The Downs at Albuquerque Racetrack while aboard "**Blazin Jr**" which resulted in his mount being disqualified from First place to Sixth place (Drifted out near the 1/16 pole crowding the outside horses #5#3 who had to check there horses and lose there positions.)

Licensee is found in violation of:

15.2.5.13(E)(2)(a) NMAC: Post to Finish 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."

15.2.5.13(E)(3)(d) NMAC: Post to Finish (d) 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.

This ruling is written in accordance with:

15.2.5.13(E)(3)(c) NMAC: Post to Finish 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)(d) NMAC: Post to Finish The offending horse may be disqualified, if in the opinion of the stewards, the foul altered the finish of the race, regardless of whether the foul was accidental, willful or the result of careless riding.

15.2.5.13(E)(4)(a) NMAC Disqualification. When the stewards determine that a horse shall be disqualified for interference, they may place the offending horse behind such horse as in their judgment it interfered with, or they may place it last

For this violation, the Board of Stewards assessed **Adam Martinez** a penalty in the amount of \$250.00 Dollars. The fine is to be paid on or before October 1, 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



New Mexico Racing Commission
4900 Alameda NE
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Ruling #: 2017-DAA-95
Track Downs at Albuquerque
Ruling Date: 9/2/2017

Licensee: ROMAN, SERGIO P
License Type: 2015 3 Year Trainer Applicant Id: 19056
License Number: 278978

Ruling # 2017-DAA-95

Action Type: Initial Ruling

Ruling:

Trainer Sergio Roman having been duly notified and having responded by telephone before the Board of Stewards on **September 2, 2017**, for sending a owner as a groom to the test barn with a horse he did not own , on September 1, 2017 at the Downs at Albuquerque.

Licensee is found to be in violation of:

15.2.6.10 TESTING:

A. Reporting to the test barn:

(4) A track security guard shall monitor access to the test barn area during and immediately following each racing performance. All persons who wish to enter the test barn area must be a minimum of 18-years-old, be currently licensed by the commission, display their commission identification badge and have a legitimate reason for being in the test barn area.

16.47.1.10 TRAINERS:

C. Other responsibility: A trainer is responsible for:

(25) attending the collection of urine or blood sample from the horse in their charge or delegating a licensed employee or the owner of the horse to do so;

The Board of Stewards assessed **Sergio Roman** a penalty in the amount of **One hundred dollars (\$100.00)**. The fine is to be paid on or before **October 1, 2017**, in accordance with 15.2.3.8(B)(3)(1) NMAC. Failure to pay this 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.