



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2019-DAA-34
Track Downs at Albuquerque
Ruling Date: 8/23/2019

Licensee: AMPARAN, ALBERTO

License Type: 2019 3 Year Trainer Applicant Id: 10520
License Number: 295266

Ruling # 2019-DAA-34

Action Type: Initial Ruling

Ruling:

Trainer Alberto Amperan was duly notified and waived his right to a hearing before the Board of Stewards on **August 23, 2019**. The hearing was in regard to Alberto Amperan failing to appear in paddock with entry "Justagambol", which resulted in a late scratch and mutuel refund in the **1st race on August 21, 2019 at the Downs of Albuquerque.**

The Board of Stewards hereby fines Alberto Amperan in the amount of **three hundred dollars (\$300.00)**. The fine is to be paid on or before **September 21, 2019**, in accordance with 15.2.3.8(B)(3) (K) NMAC. Failure to pay the fine within the time prescribed shall result in immediate suspension.

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

16.47.1.10 (C) (22) TRAINER RESPONSIBILITY presenting his/her horse in the paddock at least 20 minutes before post time or at a time otherwise appointed before the race in which the horse is entered;

15.2.4.8(C)(1) Claiming Races Any horse entered in a claiming race that is not present in the paddock at least 10 minutes to post will be scratched.

15.2.1.8(B)(1) COMMISSION GENERAL AUTHORITY/15.2.3.8 B (3)(a)(f) Stewards Disciplinary Action/15.2.3.8 B (1) (a)(c)(d)Stewards General Authority/16.47.1.8 (T) KNOWLEDGE OF RULES /16.47.1.3 Statutory Authority
16.47.1.8 (A)(1)(2) License Required /16.47.1.8(N) Changes In Application Information / 16.47.1.8(L)(1)(e) Grounds For Disciplinary Measures/
15.2.1.9(B)(9)(a)Failure to Appeal/ 15.2.1.9(B)(9)(b):

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 #: 2019-DAA-35
Track: Downs at Albuquerque
Ruling Date: 8/23/2019

Licensee: RUIZ-AMAYA, DANIEL ROBERTO
License Type: 2018 1 Year Jockey Applicant Id: 33287
License Number: 292102

Ruling # 2019-DAA-35

Action Type: Initial Ruling

Ruling:

Jockey Daniel Amaya was re-summoned and failed to appear or send a jockey guild's representative for film review on Wednesday August 21, 2019, regarding the **7th race on August 17, 2019, at the Downs of Albuquerque Racetrack and had his race review held in absentia, in accordance with 15.2.1.9(B)(4)(d) non-appearance** for failure to make sufficient effort to maintain his lane while aboard "**J R Bordeaux**", in the **7th race on August 17, 2019, at The Downs of Albuquerque Racetrack.**

For these violations the Board of Stewards hereby fines **Daniel Amaya** in the amount of **three hundred dollars (\$300.00)** for failure to appear and failure to make a sufficient effort to maintain his lane. The fine is to be paid on or before **September 21, 2019** in accordance with **15.2.3.8(B)(3)(k)**. Failure to pay the fine within the time prescribed shall result in immediate suspension.

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

15.2.1.9(B)(4)(d) Nonappearance Of A Summoned Party 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. 15.2.1.9(B)(4)(A) Notice Of Hearing- Jockey
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.
15.2.1.9(B)(4)(A) Notice of Hearing for Jockeys
15.2.1.8(B)(1) COMMISSION GENERAL AUTHORITY/15.2.3.8 B (3)(a)(f) Stewards Disciplinary Action/15.2.3.8 B (1) (a)(c)(d)Stewards General Authority/16.47.1.8 (T) KNOWLEDGE OF RULES /16.47.1.3 Statutory Authority
16.47.1.8 (A)(1)(2) License Required /16.47.1.8(N) Last Known Address/ 16.47.1.8(L)(1)(e) Grounds For Disciplinary Measures/ 15.2.1.9(B)(9) (a)Failure to Appeal/

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

2019-DAA-36

ISSUED

IN

ERROR



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2019-DAA-37
Track: Downs at Albuquerque
Ruling Date: 8/29/2019

Licensee: SOTO, JOSE J
License Type: 2017 3 Year Owner Applicant Id: 160004
License Number: 286316

Ruling # 2019-DAA-37

Action Type: Initial Ruling

Ruling:

Owner, Jose J. Soto was duly notified, and responded telephonically before the Board of Stewards on July 13, 2019. The hearing was in regard to the confirmed positive of the Drug Class 3 Penalty Class A (Quarter Horses), Controlled Substance, clenbuterol, found in test sample E316091 taken from the first place finisher, "Grandmas the Boss", in the 7th race on July 19, 2019, at the Downs of Albuquerque.

Split sample rights as provided in 15.2.6.10 (D) NMAC, were afforded to and declined by the trainer Francisco Soto.

Francisco Soto, the trainer of record for horse "Grandmas the Boss", was duly notified and failed to appear for this hearing. This is Francisco Soto's FIRST Class 3A medication violation in a LIFETIME.

For Francisco Soto's FIRST Class 3A medication violation in a LIFETIME the Board of Stewards hereby assess a penalty, issued in accordance with 15.2.6.9 (B)(1) Penalty Recommendations, as follows:

1. Pursuant to rules 15.2.3.8 (B)(9)(a)(e)Stewards List, 15.2.6.9(C)(8)(c) Positive Test Report, 15.2.6.9(C)(9) Positive Test List, 15.2.6.9(C)(10)(a-d)List Removal Requirements, the horse "Grandmas the Boss" is placed on the Stewards list for a period of 60 days (beginning August 8, 2019). During this period, the papers are to be removed from the racing office and horse is denied entry until he passes a commission approved veterinary examination with a negative blood and urine test.
2. Pursuant to 15.2.6.9 (B)(1) Penalty Recommendations "Grandmas the Boss" shall be placed on the veterinarian's list for 180 days and must pass a commission-approved examination before becoming eligible to be entered
3. In accordance with 15.2.5.13(E)(4)(d) Purse Redistribution, The horse "Grandmas the Boss" is hereby disqualified from First place and ordered unplaced from the 7th race on July 19, 2019, at the Downs of Albuquerque, for all but pari-mutuel wagering. The purse redistribution is as follows.

- 1) Golden Boy Ja
- 2) Lexy Fast Girl
- 3) Jess One More Corona
- 4) Jj Spanish Foose
- 5) Move On Lizzy
- 6) Freighttrain Bella
- 7) Firstsignificantdash
- 8) Royaly Gone
- 9) Rubys Got Em

Unplaced "Grandmas the Boss"

Licensee is found in violation of and ruling written in accordance with: 15.2.6.9 NMAC Attachment #1 ARCI Uniform Classification of Substances- Version 14.0- January 2019 pg 18- Clenbuterol Class A Classification for Quarter horses

15.2.6.9(C)(8)(a)(9)(10)(a)(b)(c)(d)Medication Restrictions/ 15.2.1.7(C)(8)"Controlled substance" is any substance included in the five classification schedules of the (U.S.) Controlled Substance Act of 1970./15.2.3.8(B)(1)(3)(f)(g)(j)Stewards/ 15.2.6.9(C)(1)(4)Medication Restrictions/ 15.2.6.11(A) Trainer Responsibility/ 15.2.6.9(B)(2) Penalty Recommendations /16.47.1.8(T)Knowledge Of The Rules/ 16.47.1.8(U)(1) Protection of Horses/ 16.47.1.10(B) (1)(2)(3)Absolute Insurer/15.2.1.9(B)(9)(b): Appeal Procedures 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 a money order, cashier's check or a corporate check.

By Order of The Downs at Albuquerque Stewards