

NEW MEXICO HORSE RACING COMMISSION
MINUTES OF THE MEETING

Date: February 16, 2017 at 8:30 AM

Place: New Mexico Racing Commission, 4900 Alameda Blvd. NE, Albuquerque

Members Present: Chairman Ray Willis; Vice-Chairman Gayla McCulloch; Commissioner Leonard Blach, DVM; Commissioner Ken Corazza.

Absent: Commissioner Jerry Cosper, DVM.

NMRC Staff Participating: NMRC Executive Director Ismael Trejo; NMRC Manager Rosemary Garley; NMRC Paralegal Tina Marie Arce

Others Present/Participating: Assistant Attorney General Audrey McKee

AGENDA ITEM	TRANSCRIPT PAGE NUMBER(S)	DISCUSSION / CONCLUSIONS / RECOMMENDATIONS	ACTION TAKEN
Call to Order and Roll Call	0 to 01:35	Meeting called to order by Chairman Willis and a moment of silence was recognized for the Barber family. Roll call was taken by NMRC Paralegal Tina Arce. Jerry Cosper was not in attendance although a quorum was recognized. Assistant Attorney General Audrey McKee the NMRC General Counsel was present.	No Action Taken.
Approval of Agenda	01:37 to 01:57	Chairman Willis asked Executive Director Ismael Trejo if there were any changes to the Agenda. Executive Director Trejo stated there were no changes to the Agenda.	Motion to approve by Vice-Chairman McCulloch; second Commissioner Corazza. Motion carried without objections or abstentions.

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Minutes- January 19, 2017	02:03 to 02:15	Chairman Willis requested a motion to approve the minutes of the January 19, 2017 Regular Commission Meeting.	Motion to approve by Commissioner Blach; Second by Vice-Chairman McCulloch. Motion carried without objections or abstentions.
Chairman's Agenda Rules Committee Update	02:18 to To 03:50	There was a Rules Committee Meeting on February 15, 2017. Vice-Chairman McCulloch stated that there were several rules discussed including several rules that the Committee looked at to make the Rules more consistent. A rule regarding licensing fees and increasing fees was presented. There were several Rules held over and will be looked at in the April 2017 Rules Committee meeting. A Medication Committee meeting did not take place.	No Action Taken.
NMHBBA Report Breeders Report	03:51 to 05:52	Anna Fay Davis, Executive Director of the New Mexico Horse Breeders Associations sent her condolences to the Barber family. Ms. Davis introduced Norma Aldavaz to the Commission. The race a day report is as follows: Zia Park through Tuesday, December 13, 2016: 220 NM Bred Races in 56 days with 150 TB overnight; 45 QH overnight, 11 QH trials, 9 TB stakes, 5 QH stakes for an average of 3.93% per day. New Mexico Breds in open overnight races: Zia Park; in 56 days, 195 NM bred's ran in open overnight; There were 1,769 NM Breds that were scheduled to participate in these races. Sunland Park through Tuesday, January 10, 2017: 71 NM Bred in 16 days with 47 TB overnight, 13 QH overnight, 5 QH trials, 4 TB stakes, 2 QH Stakes 4.44% In 16 days, 60 NM Bred overnight races. There were 547 NM Breds that were scheduled to participate in these races.	No Action Taken

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NMHA	05:55 to 22:52	Pat Bingham, Executive Director of the NMHA sent his condolences to the Barber family. The horsemen's board met yesterday and Mr. Bingham thanked Sunland Park for the use of the boardroom. After Tom McKenna addressed the horsemen at their monthly meeting, the horsemen will continue discussions with owners to better their relationship. The NMHA was involved in the Track Safety meeting yesterday and it went well. Mr. Bingham asked if he could introduce Susan Vescovo who would like to make a few comments. Chairman Willis allowed Ms. Vescovo to address the Commission. Susan Vescovo, NMHA legislative liaison stated that legislation that she has been working on with Dr. Scot Waterman and NMRC Executive Director Ismael Trejo is going before the House and Senate. Ms. Vescovo stated that this legislation would give the Commission the ability to pay Dr. Waterman out of the Horse Race Testing fund, which would give the NMRC extra dollars to be used in other places. Vice-Chairman McCulloch asked Ms. Vescovo if there was any legislation that would help with the Race Date gap. Ms. Vescovo directed the question to Larry Strain and stated that she did not believe the horsemen supported the gap but that currently there is a bill tracking that states any track that pays less than 8 million in taxes can run 3 days a week. Commissioner Corazza asked the horsemen to send an agenda to NMRC for the Regular Meetings going forward.	No Action Taken.
Jockey's Guild Report	22:59 to 25:50	John Beech, Executive Director for the Jockey's Guild sent his condolences to the Barber family. Mr. Beech attended the Safety Committee meeting. The Jockey's have stated that everything is going great at Sunland Park	No Action Taken.

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NMRC Executive Director Report	25:51 to 28:53	Ismael Trejo, Executive Director for NMRC sent his condolences to the Barber family. Mr. Trejo thanked Sunland Park for hosting the meeting. Mr. Trejo thanked Susan Vescovo for her support. The NMRC met with race track management regarding testing of hair follicles.	No Action Taken
Ratification of Approval for March 2017 Simulcast schedules for Zia Park, Sunland Park, SunRay Park, Ruidoso Downs and Downs at Albuquerque	28:59 to 29:28	Chairman Willis requested a motion to ratify approval of the March 2017 Simulcast schedules for all of the tracks.	Motion to ratify Vice-Chairman McCulloch; Second by Commissioner Corazza. Motion carried without objections or abstentions.
Approval of NMHBA	29:34 to 32:35	Anna Fay Davis, of the NMHBA asked for approval for amendment to the Award Distribution allocation changes as of December 13, 2016. The Award Distribution allocation distributed annually in November hasn't been changed since 2007.	Motion to approve Commissioner Blach; Second by Commissioner Corazza. Motion carried without objections or abstentions.
Approval of Zia Park 2017 Stakes Schedule Gaming & Breakage	32:36 to 33:52	Dusti Caviness, Representative for Zia Park requested approval of Zia Park's 2017 Stakes Schedule and Gaming and Breakage.	Motion to approve Zia Park Stakes Schedule Vice-Chairman McCulloch; Second by Commissioner Blach. Motion to approve Gaming & Breakage Vice-Chairman McCulloch; Second Commissioner Corazza. Motion carried without objections or abstentions.
Approval for Ruidoso Downs Racing Officials	33:53	Dennis Monroe, on behalf of Shaun Hubbard for Ruidoso Downs sent his condolences to the Barber family. Mr. Monroe	Motion to approve Commissioner Corazza;

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	to 35:58	requested approval for their Racing Officials. Ms. Paula Rogers is being considered as Ruidoso Downs' Head Clocker/Placing Judge.	Second Commissioner Blach. Motion carried without objections or abstentions.
Approval for Downs at Albuquerque 2016 4 th Quarter Expense Adjustment	36:00 to 37:57	Don Cook, for The Downs at Albuquerque sent his condolences to the Barber family on behalf of the Downs and Mr. Cook's family. Mr. Cook requested approval for the 2016 4 th Quarter Expense Adjustment.	Motion to approve Commissioner Blach; Second Vice-Chairman McCulloch. Motion carried without objections or abstentions.
Approval for Sunland Park 2017 Condition Book 2017 Condition Book Officials 2017 Post Time and Wagering Format Gaming & Breakage	38:00 to 40:11	Dustin Dix, of Sunland Park, sent his condolences to the Barber family. Mr. Dix, on behalf of Lonnie Barber for SunRay Park requested approval for the 2017 Condition book, 2017 Condition Book Officials, 2017 Post Time and Wagering Format and Gaming and Breakage. Pat Bingham, of the Horseman Association requested that the 2017 Condition book to be ratified at the next meeting, due to some changes that were discussed.	Motion to approve ratifying 2017 Condition book at the next meeting and to approve Condition book officials Vice- Chairman McCulloch; Second Commissioner Blach. Motion to approve 2017 Post Time and Wagering Format and Gaming & Breakage Vice- Chairman McCulloch; Second Commissioner Blach. Motions carried without objections or abstentions.
Approval for Sunland Park Ratification of Approval to Amend the West Texas Maturity Blank (Running 11 horses in trial race)	40:12 to 46:15	Dustin Dix, Director of Racing for Sunland Park requested ratification of approval to amend the West Texas Maturity Blank. Mr. Dix shared some of Sunland Park's statistics with the Commissioners. Catastrophics were at 1.08 per 1000 starts. All other statistics were up which includes handle and field size.	Motion to ratify Vice- Chairman McCulloch; Second Commissioner Corazza. Motion carried without objections or abstentions.
Public Comment	45:20 to	Larry Strain commented that he lives in Hobbs, NM and frequently visits Zia Park. Mr. Strain is concerned that they have moved the simulcast downstairs into the bar area and that there were insufficient TV's and several of the TV's were playing football and soap operas. Dusti Caviness of Zia Park stated that Zia Park has several TV's on order and that they are willing to	No Action Taken.

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	54:08	work with the horsemen to fix these concerns. Tom McKenna commented that this is a great business that is driven by owners. Mr. McKenna is concerned that owners are dwindling and would like to make sure owners feel included so that we could increase ownership in this business. Mr. McKenna would like one meeting a year for owners or have an "owner's day" on the tracks.	
In the Matter of Benjamin Corral	54:09 to 59:17	Ron Walker, presiding Steward at Sunland Park requested that the hearing happen in private due to sensitive material. Audrey McKee, General counsel to the NMRC, explained the proceedings would have to be in open forum due to the Open Meetings Act. Steward Walker explained that Mr. Corral was suspended due to none disclosure on his license application. Mr. Corral explained that he has a hard time reading and writing and a lady at the race office helped him fill the application out. He signed it without looking at how it was filled out. Mr. Corral has been a groom since he was 16 years old and he doesn't know how to do anything else. Mr. Corral is requesting to get his license reinstated. Commissioner Corazza questioned Mr. Corral on whether he has had any positive UA's and if he has someone he can work for.	No Action Taken.
In the Matter of Rogelio Carrasco	59:18 to <u>Track 2</u> 00:00 to 48:41	In the Matter of Rogelio Carrasco, all parties were sworn in, witnesses were questioned and testimony was taken. The Commissioners viewed the race in question.	No Action Taken.
In the Matter of Alejandro Morales Licensing/Pending	<u>Track 3</u> 00:00 to 00:39 <u>Track 3</u>	Mr. Alejandro Morales was not present when the Commission called his case. Chairman Willis called for a motion to go into Executive Session	Motion to dismiss Vice-Chairman McCulloch; Second Commissioner Corazza. Motion carried without objections or abstentions.

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Litigation/Appeals/Hearing Officer Reports (May be Closed pursuant to NMSA 1978, Sections 10-15-1(H)-(1),(3) and (7) and 10-15-1-(I)	00:40 to 01:59	to discuss items 7A, 7C, 7D, 7E, 7F and 7G. Roll call was taken with all present except Commissioner Cosper.	Motion to go into Executive Session Vice-Chairman McCulloch; Second Commissioner Blach. Motion carried without objections or abstentions.
Licensing/Pending Litigation/Appeals/Hearing Officer Reports (May be Closed pursuant to NMSA 1978, Sections 10-15-1(H)-(1),(3) and (7) and 10-15-1-(I)	Track 4 00:00 to 01:45	Chairman Willis called for a motion to come out of closed session. The only matters that were discussed were 7A, 7C, 7D, 7E, 7F and 7G. The Commission was informed that Alejandro Morales is now present and therefore Chairman Willis called for a motion to withdraw the dismissal of the appeal so that Mr. Morales could be heard.	Motion to come out of closed session Commissioner Corazza; Second Commissioner Blach. Motion carried without objections or abstentions. Motion to withdraw the dismissal of the appeal of Alejandro Morales Vice-Chairman McCulloch; Second Commissioner Corazza. Motion carried without objections or abstentions.
In the Matter of Alejandro Morales	Track 4 01:46 to 09:59	Audrey McKee, NMRC General Counsel, explained to Mr. Morales that he does not need to discuss sensitive materials relating to his criminal arrest history. Mr. Morales stated that he deliberately did not disclose his criminal history on his license application because he was afraid that he would not be able to work and the horses are the only thing he knows how to do. He needs to work to take care of his family and is asking for his license to be reinstated.	No Action Taken.

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Licensing/Pending Litigation/Appeals/Hearing Officer Reports (May be Closed pursuant to NMSA 1978, Sections 10-15-1(H)-(1),(3) and (7) and 10-15-1-(I)	Track 4 10:00 to 10:20	Chairman Willis called for a motion to go into closed session.	Motion to go into closed session Vice-Chairman McCulloch; Second Commissioner Blach. Motion carried without objections or abstentions.
Licensing/Pending Litigation/Appeals/Hearing Officer Reports (May be Closed pursuant to NMSA 1978, Sections 10-15-1(H)-(1),(3) and (7) and 10-15-1-(I)	Track 5 00:00 to 00:32 00:33 to 01:13 01:14 to 02:03 02:11 to 04:24	Chairman Willis called for a motion to come out of closed session. The only matter that was discussed was 7B. In the Matter of Rogelio Carrasco the race appeal. A roll-call vote to grant the appeal to overturn the Stewards' decision was taken. Commissioner Blach- No, Commissioner Corazza-Yes, Chairman Willis- No, Vice-Chairman McCulloch- Yes. With there being no majority to overturn the Stewards' decision, the Stewards' decision stands. In the Matter of Alejandro Morales the Commission tabled this matter until the March Regular Commission meeting. At that time the Commission would like to see documentation from his probation officer stating that he is in good standing and that he is required to hold a job. In the Matter of Elliot Bachicha the Commission would like to adopt the hearing officer's finding of fact and conclusions of law and adopt the recommendation of the penalties as follows: 1 year suspension and fine of \$25,000.00. As for the Owners Mr. Baca and Mr. Ortiz a penalty of disqualification of horse, loss of purse and the horse be placed on the veterinarians list for 90	Motion to come out of closed session Vice-Chairman McCulloch; Second Commissioner Corazza. Motion carried without objections or abstentions. Motion to table Mr. Morales case until the March meeting and receive documentation at that meeting Commissioner Blach; Second by Vice-Chairman McCulloch. Motion to adopt Hearing Officer report and further penalties as stated Commissioner Corazza; Second Commissioner Blach.

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	04:38 12:10	days and must pass an exam before being entered. In addition to these penalties, the Commission also states that after serving his year suspension, and paying his fine, Mr. Bachicha will have to request to be placed on the Agenda and go before the Commission to ask for his license to be reinstated. Mr. Bachicha will also need to re-take the Trainer's test to be reinstated. In the Matter of James J. Gonzales II the Commission agrees to the settlement with the following penalties: A \$2,000.00 dollar fine, Forfeiture of all purses and horses unplaced. Horses will be subject to a Commission approved Veterinary test prior to being able to enter. Mr. Gonzales' Trainer's license will be placed on 1 year probation upon signature of the settlement agreement. In the Matter of Benjamin Corral the Commission agrees to grant a 1 year Groom license. Mr. Corral will have to re-apply next year with his Probation officer's report showing that he has not had any positive test for drugs. In the Matter of Tomas G. Vallejos the Commission grants an order of dismissal for lack of jurisdiction.	Motion to accept settlement agreement Commissioner Blach; Second Vice-Chairman McCulloch. Motion to grant 1 year Groom license Vice-Chairman McCulloch; Second Commissioner Corazza. Motion to dismiss Vice-Chairman McCulloch; Second Commissioner Blach. All Motions carried without objections or abstentions.
VI. Adjournment	<u>Track 5</u> 15:01 to 15:35	Motion for adjournment.	Motion to adjourn by Vice-Chairman McCulloch; Second by Commissioner Corazza. Meeting adjourned.

Ray Willis 3-16-17
Chairman Ray Willis Date

Ismael Trejo 4-5-17
Executive Director Ismael Trejo Date