

NEW MEXICO HORSE RACING COMMISSION

MINUTES OF THE MEETING

Date: July 19, 2018 at 9:30 AM

Place: NMRC Boardroom, 4900 Alameda Blvd. NE, Albuquerque, NM 87113

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

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

Others Present/Participating: Deputy Attorney General Tania Maestas, Assistant Attorney General James A. Hayes

AGENDA ITEM	TRANSCRIPT PAGE NUMBER(S)	DISCUSSION / CONCLUSIONS / RECOMMENDATIONS	ACTION TAKEN
Call to Order and Roll Call	00:00 to 00:30	Meeting called to order by Chairman Willis. Roll call was taken by NMRC Paralegal Tina Arce. Deputy Attorney General Tania Maestas and Assistant Attorney General James A. Hayes are present.	No Action Taken.
Approval of Agenda	00:31 to 00:55	Chairman Willis asked Executive Director Ismael Trejo if there were any changes to the Agenda. Izzy Trejo, Executive Director of the NMRC stated that he would like to add 7C Adrian Huitron as an update onto the Agenda.	Motion to approve with changes by Vice-Chairman McCulloch; Second by Commissioner Cosper. Motion carried without objections or abstentions.
Minutes- June 21, 2018	00:56 to 00:1:42	Chairman Willis requested a motion to approve the minutes of the June 21, 2018 Regular Commission Meeting.	Motion to approve by Vice-Chairman McCulloch; Second by Commissioner Blach. Motion carried without objections or abstentions.
Chairman's Agenda	00:1:20 to 00:3:00	Chairman Willis stated that there was a Medication/Rules Committee. Vice-Chairman McCulloch stated that the Medication/Rules Committee passed 5 rules that will go to a rules hearing in October. There will be a rules hearing in August and the Committee will meet again in September.	No Action Taken

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NMHBA Report Breeder's Report	00:3:03 to 00:13:29	Ralph Vincent, of the New Mexico Horse Breeders started with introducing the Executive Director of the NMHBA Mary Barber. The race a day report as follows: SunRay Park has run 98 NM Bred races in 33 days through Sunday, June 17, 2018. 50 TB Overnight, 38 QH Overnight, 4 QH Trials, 3 TB Stakes and 3 QH Stakes. There were 746 NM Breds that were scheduled to participate in these races for an average of 8.48% NM Breds per race. In 33 days, 468 NM Breds ran in open overnight races. Of these 468, 176 NM Breds came in 1st, 2nd or 3rd, 88 TB and 88 QH for 38% and \$102,551.10 was wire transferred. Ruidoso Downs has run 74 NM Bred races in 22 days through Sunday, July 8, 2018. 40 TB Overnight, 20 QH Overnight, 10 QH Trials and 2 TB Trials, 2 TB Stakes and 1 QH Stakes. There were 508 NM Breds scheduled to participate in these races for an average of 8.47% NM Breds per race. In 8 days, 47 NM Breds ran in open overnight races. Of these 47, 18 NM Breds came in 1st, 2nd or 3rd. for an average of 38%, 15 TB and 3 QH. Wire transferred \$7,641.40. Mr. Vincent stated that the numbers are down and that the NMHBA would like to meet with all of the tracks to discuss why the numbers are down. Commissioner Corazza asked about the registrations. Mr. Vincent stated that he feels that NM has stabilized. Commissioner Cosper asked if he could look at the foal crop and get a rough estimate of registrations, and Mr. Vincent agreed.	No Action Taken
NMHA Horsemen's Report	00:13:36 to 00:18:19	Pat Bingham, Executive Director of the NMHA and Jay Rader who is the newly appointed President of the NMHA. Mr. Bingham stated that the DAA fulfilled their obligations on the races that were canceled the other day, and the Horsemen wanted to thank the Downs. The Horsemen would still like to address the break between Zia and Sunland Park in the race schedule. There is some question regarding the Gaming Statute	No Action Taken

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		60.2E.27 which requires 4 live race days per week. The Horsemen would like to bring this to the attention of the Commission. The Horsemen would also like to state that setting a 17 day race schedule for SunRay Park instead of a 33 day race schedule needs to be looked at when considering a 6th license. Mr. Bingham stated that the Horsemen's Association is requesting a summary of any applicant's information as well as a brief overview of how they intend to impact Horse Racing and the community they want their track in.	
Jockey's Guild Inc.	00:18:21 to 00:21:51	John Beech, of the Jockey's Guild Inc. stated that he was present for the opening of the Downs at Albuquerque and everything went well. Mr. Beech stated that he was happy to see Mr. Cook's dedication to safety when he shut the track down after torrential rains. There have been no complaints in Ruidoso from any of the riders. Mr. Beech stated that it was a good day when Mike Smith was in Ruidoso Downs signing autographs. Commissioner Corazza asked about procedures and safety in bad weather. Mr. Beech stated they do have procedures in place, didn't feel it was safe to ride and after contacting Stewards and Track Management it was decided to cancel racing.	No Action Taken.
NMRC Executive Director Report	00:21:52 to 00:24:15	Izzy Trejo, Executive Director of the NMRC started by congratulating Ms. Barber. Mr. Trejo continued by stating that racing at The Downs was canceled but The Downs ran a double card on Wednesday and it went off well. Mr. Trejo attended a presentation on Sports Wagering at the Crown Plaza on July 18, 2018 and gave a brief overview.	No Action Taken.

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Unfinished/ New Business and/or Action Items Regarding Licensing: Ratification of Approval of Juan Estrada	00:24:24 to 00:25:02	Izzy Trejo, Executive Director of the NMRC stated that Juan Estrada was going to help the Commission as an agent for the commission with the trials in Ruidoso Downs June 5-9.	Motion to approve by Vice-Chairman McCulloch; Second by Commissioner Cosper. Motion carried without objections or abstentions.
Approval of Michael Harbour as member of Race Review Committee	00:25:06 to 0025:53	Izzy Trejo, Executive Director of the NMRC requested approval of Michael Harbour as a member of the Race Review Committee. The Committee reviews the race appeals and submits a recommendation to the Commission.	Motion to approve Stewards by Vice-Chairman McCulloch; Second by Commissioner Blach. Motion carried without objections or abstentions.
Approval of Special Agents	00:25:53 to 00:36:07	Izzy Trejo, Executive Director of the NMRC requested approval of Special Agents who will be working in Ruidoso Downs for the Trials. Commissioner Blach asked how these special agents were paid and if they were licensed in NM. Mr. Trejo stated that some of these agents charge to come out, some don't and they are all licensed in the State of NM. The NMRC does not pay special agents. Jeff True, of Ruidoso Downs stated that all of these Special Agents are part of integrity teams. Commissioner Cosper asked who supervises these Special Agents and Mr. Trejo answered that these Special Agents are directly under NMRC Investigators. Mr. Trejo stated that if something were to be seized the investigator will contact State Police.	Motion to approve Stewards by Vice-Chairman McCulloch; Second by Commissioner Cosper. Motion carried without objections or abstentions.
Approval for SunRay Park Ratification of Approval to run Four Corners Futurity at the Downs at Albuquerque Racetrack	00:36:12 to 00:38:58	Lonnie Barber, Director of Racing for SunRay Park requested ratification of approval to run Four Corners Futurity at The Downs at Albuquerque Racetrack.	Motion to ratify approval by Vice-Chairman McCulloch; Second by Commissioner Cosper. Motion carried without objections or abstentions.

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Approval for Ruidoso • 2019 Nomination Blanks	00:39:02 to 00:41:08	Jeff True, of Ruidoso Downs Racetrack and Casino requested approval of their 2019 Nomination Blanks. Mr. True stated that they submitted some forms that changed some terms regarding credit card payments, payment of trial purses, and moving horses out of the final due to positive tests and he was informed this morning that there were some inconsistencies in the forms. Mr. True vowed to fix the forms and make sure they are all consistent. Chairman Willis asked if Rosemary Garley was satisfied with all of the changes, and Ms. Garley stated that she would like a copy of all the changes when they are available. Mr. True stated that their Mike Smith day was a success and he has brought some Mike Smith posters to share with everyone.	Motion to approve Nomination Blanks by Vice-Chairman McCulloch; Second by Commissioner Blach. Motion carried without objections or abstentions.
Approval for The Downs at Albuquerque • Ratification of Cancellation of races on July 14, 2018 • Ratification to run July 14, 2018 race card on July 18, 2018 • Ratification of Amended Post Times for July 18, 2018	00:41:42 to 00:43:04	Don Cook, of the Downs at Albuquerque requested ratification of approval of the cancellation of races on July 14, 2018, to run the July 14, 2018 race card on July 18, 2018, and requested ratification of amended post times for July 18, 2018. Mr. Cook stated the running of the July 14/18 card on July 18, 2018 went off perfectly.	Motion to ratify approval of cancellation of races on July 14, 2018 by Vice-Chairman McCulloch; Second by Commissioner Cosper. Motion to ratify approval to run July 14 card on July 18, 2018 by Commissioner Blach; Second by Vice-Chairman McCulloch. Motion to ratify approval of amended post times by Vice-Chairman McCulloch; Second by Commissioner Cosper. All Motions carried without objections or abstentions.
Approval for Sunland Park • 2018-19 Stall Applications	00:43:06 to 00:43:48	Dustin Dix, Director of Racing for Sunland Park started by congratulating Mary Barber and Jay Rader. Mr. Dix requested approval for their 2018-19 Stall Applications.	Motion to approve stall applications by Chairman Willis; Second by Vice-Chairman McCulloch. Motion carried without objections or abstentions.

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Public Comment on 6th License	00:43:48 to 00:55:33	Marcus Rael, Attorney for four of the five tracks stated that he was before the Commission to reiterate their concerns regarding the application process for the 6th license. Mr. Rael stated that he wanted to know if the Commission has ordered any feasibility studies to take place. Chairman Willis stated that they have not. Mr. Rael stated that four out of the five race tracks have requested the Commission take action to halt the process of the 6th license, to determine if the 6th license is good for the industry. Mr. Rael asked the Commission to take action today. Deputy Attorney General Tania Maestas explained to the Commission that they had two options. One is to order staff to conduct a feasibility study and seek comments on the sustainability on a 6th track or take action to halt the application process. Ms. Maestas also directed the Commissioners to a letter in their Red Book from the City of Raton which asked the Commission to give them a 90 day extension of the deadline to submit an application for the 6th license. Scott Berry, City Manager of Raton, stated he felt that the time that the Commission has offered is inadequate to complete the required due diligence and applicant requirements. Vice-Chairman McCulloch asked who would pay for the Feasibility study? Deputy Attorney General Tania Maestas stated that monies would come from the NMRC budget, she could not say how much it would cost but it would take 2-3 months to complete.	No Action Taken.
Closed Executive Session	00:55:41 to 00:55:51	Vice-Chairman McCulloch motioned to go into closed Executive Session with only matters to be discussed is the 6th license. Paralegal Tina Arce called Roll, with all Commissioners present. Deputy Attorney General Tania Maestas, Assistant Attorney General James Hayes, Executive Director Ismael Trejo and	Motion to go into Executive Session by Commissioner Corazza; Second by Commissioner Cosper. Motion carried without objections or abstentions and the Commission

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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 2 00:00 to 00:06:00	Manager Rosemary Garley were in attendance. Chairman Willis called to come out of Executive Session with the only matters discussed being the 6th license. Deputy Attorney General Tania Maestas stated that based on deliberations in Executive Session regarding the 90 day extension to Raton on the 6th license, it is the Commission's desire to not grant the 90 day extension. Leslie Fincher stated that she feels that the Commission should have given the 90 day extension. Attorney General Tania Maestas stated that based on deliberations in Executive Session regarding conducting a feasibility study, it is the Commission's desire to halt the application process to allow the Commission to review the possibility of conducting the Feasibility study with the understanding that all applicants will submit a letter of intent to the Commission by July 30, 2018 to assist the Commission to narrow the scope of the Feasibility study. Ms. Maestas stated that any individual who was intending to submit an application for the 6th license will now have to submit a letter of intent to the NMRC indicating the entity that wishes to file an application and the location of the City within which they want the new racetrack. Anyone who does not submit a letter of intent, will not be given full consideration. Ms. Maestas will work with the Commission to give an update of the 6th license at the August Commission Meeting.	went into Executive Session. Motion to deny 90 day extension by Vice-Chairman McCulloch; Second by Commissioner Cosper. Motion carried without objections or abstentions. Motion to halt application process to allow review and determine if the Commission can conduct a Feasibility study by Vice-Chairman McCulloch; Second by Commissioner Cosper. Motion carried without objections or abstentions.
Public Comment	00:06:17 To 00:09:33	Margaret Query of Raton asked the Commission to please consider Raton for the 6th license because they need it badly for their economy. Leslie Fincher commented that she would like to see the 6th racetrack somewhere nice in the State. Joann Van Der Geest commented that she would like the	No Action Taken

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		Commission to put together an investigation regarding a young horse that was impaled by a pole at the Downs. Ms. Van Der Geest would like the Commission to research what happened to this horse and make recommendation to the track regarding how to make it safer.	
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))	00:10:17 to 00:11:00	Chairman Willis Motioned to go into Executive Session to discuss only 7A, 7B and 7C all updates to the Commission. Paralegal Tina Arce called the Roll, with all Commissioners present. Deputy Attorney General Tania Maestas, Assistant Attorney General James Hayes, Executive Director Ismael Trejo Manager Rosemary Garley and Paralegal Tina Arce were in attendance in Closed Executive Session.	Motion to go into Closed Session by Chairman Willis.
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 3 00:00 to 00:17	Chairman Willis called to come out of closed session with the only matters discussed being 7A, 7B, and 7C updates.	Motion to come out of Closed Session by Chairman Willis.
Adjournment	00:30	Chairman Willis called for a motion to adjourn.	Motion to adjourn by Chairman Willis; Second by Vice-Chairman McCulloch Motion carried.

Ray Willis
Chairman Ray Willis

7-31-18
Date

[Signature]
Executive Director Ismael Trejo

8-1-18
Date