

NEW MEXICO HORSE RACING COMMISSION

MINUTES OF THE MEETING

Date: March 16, 2017 at 8:30 AM

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

Members Present: Chairman Ray Willis; Commissioner Cosper, DVM; Commissioner Leonard Blach, DVM; Commissioner Ken Corazza.

Absent: Vice-Chairman Gayla McCulloch

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 01:02	Meeting called to order by Chairman Willis. Roll call was taken by NMRC Paralegal Tina Arce. Vice-Chairman Gayla McCulloch 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	01:04 to 01:45	Chairman Willis asked Executive Director Ismael Trejo if there were any changes to the Agenda. Executive Director Trejo stated there would be one change to 6C Approval for The Downs at Albuquerque to amend 6C to read Approval for The Downs at Albuquerque and NMSF.	Motion to approve with changes by Commissioner Cosper; second Commissioner Corazza. Motion carried without objections or abstentions.

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Minutes- February 16, 2017	01:46 to 02:11	Chairman Willis requested a motion to approve the minutes of the February 16, 2017 Regular Commission Meeting.	Motion to approve by Commissioner Cosper; Second by Commissioner Blach. Motion carried without objections or abstentions.
Chairman's Agenda Rules Committee Update	02:16 to To 03:52	There was a Medication Committee Meeting on March 15, 2017. Commissioner Cosper stated that the main discussion was setting up a baseline for hair testing. At the Medication meeting Dr. Waterman introduced rules to put in place as hair testing becomes more popular. Another issue that was discussed was allowing the Racing Secretary to write races that have medication restrictions to them; this was tabled so that the AG's office could review.	No Action Taken.
NMHBA Report Breeders Report	03:53 to 07:21	Anna Fay Davis, Executive Director of the New Mexico Horse Breeders. Ms. Davis introduced Leslie Mikkelsen to the Commission. Leslie Mikkelsen's responsibilities include preparing the NM Breds report in Open Races in order for the wire transfers to be made in accordance with Commission Rules. Processing the 10% Track Breeders Awards weekly, updating Stallion Registry for compliance, coordinating Association Publications and updating Instagram. Ms. Davis continued with the race a day report as follows: Sunland Park through Tuesday, March 7, 2017: 205 NM Bred Races in 48 days with 150 TB overnight; 35 QH overnight, 5 QH trials, 9 TB stakes, 6 QH stakes for an average of 4.27% per day. New Mexico Breds in open overnight races: Sunland Park; in 36 days, 205 NM breds ran in open overnight; There were 56 NM Breds that were scheduled to participate in these races. 41 TB and 15 QH 27%, wire transferred \$42,781.10.	No Action Taken

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NMHA	07:25 to 015:05	Pat Bingham, Executive Director of the NMHA stated that preliminary discussions were taking place regarding race days. NMHA will not pay for any splits tested beginning 4/21/17. Owner or Trainer will be responsible for paying for the splits to be tested and if the split comes back negative, NMHA will reimburse Owner or Trainer for the cost of split testing. The NMHA will continue to process split requests as per rule. An Owners outreach/celebration is being discussed with Sunland Park and the NMHA Board to start a program that would be beneficial to Owners and to introduce new Owners to the industry. Mr. Bingham asked that Susan Vescovo be allowed to address the Commission regarding what is happening at the round house. Susan Vescovo started by saying that House Bill 230 was signed by the Governor. It allows for tracks that pay gaming taxes fewer than 8 million dollars to run 3 days a week, 10 races a day with any races canceled to be made up within 2 weeks. House Bill 473 which is known as the Roybal bill was tabled. Senate Bill 184 was vetoed by the Governor, but there is a Bill that is a mirror of Bill 184, House Bill 229 and hopefully House Bill 229 will be heard by the Senate.	No Action Taken.
NMRC Executive Director Report	015:12 to 017:58	Ismael Trejo, Executive Director for NMRC started by thanking everyone who supported all of the Bills in Santa Fe that benefit the NMRC. The NMRC audit department would like to thank all of the staff members of Ruidoso Downs and Sunland Park who supported and complied with the auditing process. There were some issues with the State audit regarding the NMHA and the NMHBA and after some searching they are now also in compliance. NMRC has started the process of hiring Stewards for SunRay Park, Downs at Albuquerque and NMSF meets and	No Action Taken.

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		have posted an ad for a State Investigator.	
Ratification of Approval for April 2017 Simulcast schedules for Zia Park, Sunland Park, SunRay Park, Ruidoso Downs and Downs at Albuquerque	017:59 to 018:27	Chairman Willis requested a motion to ratify approval of the April 2017 Simulcast schedules for all of the tracks.	Motion to ratify Commissioner Blach; Second by Commissioner Cosper. Motion carried without objections or abstentions.
Approval of 2017 SunRay Park Official Veterinarian	018:29 to 019:24	Ismael Trejo, Executive Director of the NMRC explained that there was 1 bid for that position, Dr. Anderson.	Motion to approve Commissioner Cosper; Second by Commissioner Blach. Motion carried without objections or abstentions.
Ratification of Approval for SunRay Park 2017 Condition Book	019:26 to 23:36	Lonnie Barber, of SunRay Park Racetrack and Casino requested ratification of approval. There were a few changes made with the horsemen. The monitor is going to be moved from the Racing Office. Mr. Barber also thanked the Racing industry for all of the support it gave the Barber family.	Motion to ratify 2017 Condition Book Commissioner Blach; Second by Commissioner Cosper. Motion carried without objections or abstentions.
Approval for Downs at Albuquerque 2017 Condition Book & Officials Stakes Schedule Stall Application Purse Structure Gaming & Breakage	23:53 to 30:55	Don Cook, of The Downs at Albuquerque and the NMSF requested approval of the 2017 Condition Book and Condition Book Officials. Two of the Officials to be approved are the Racing Secretary Gerald Richards and Stall Superintendent Santos Toquinto who were present. The Horsemen wanted the bottom purse to be \$5,000 which would be in alignment with other tracks, the Downs was adamant about keeping the number at \$6,250. Mr. Cook explained that the Downs is trying to create a middle ground as many horsemen will not run at the bottom purse. Mr. Cook also asked for approval of the Stakes Schedule,	Motion to approve 2017 Condition Book and Officials by Commissioner Blach; Second by Commissioner Cosper. Motion to approve Stakes Schedule by Commissioner Blach; Second by Commissioner Cosper. Motion to approve Stall application by Commissioner Blach; Second by Commissioner Cosper. Motion to approve Purse structure by Commissioner Cosper; Second by Commissioner Blach. Motion to approve Gaming & Breakage by Commissioner Blach; Second by

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Ratification of Approval for Sunland Park Amended Post Times and Wagering Format	30:56 to 35:00	Stall Application, Purse Structure and Gaming & Breakage. Dustin Dix, of Sunland Park requested ratification of approval to amend the number of races, post time schedules and wagering formats on February 19, March 4 and April 8; ten races will be run on these days. Mr. Dix also asked for ratification of approval to amend the number of races, post time schedules and wagering formats on April 1 and April 15; eleven races will run on these days. Quarter Horse Stakes will be run at the end of the card on those dates. Mr. Dix also updated the Commission on the Sunland Park meet and reported that it has been a very successful meet, and all the numbers are up. Sunland Park Derby is next weekend and Mr. Dix was excited that a local horse "Conquest Mo Money" would be running.	Commissioner Cosper. Motion carried without objections or abstentions. Motion to ratify approval by Commissioner Cosper; Second by Commissioner Corazza. Motion carried without objections or abstentions.
Update from Zia Park	35:01 to 39:36	Dusti Caviness, Racing Operations Manager with Zia Park updated the Commission regarding Larry Strain's complaint of the Simulcast area. The downstairs bar called The Starting Gate is now the Simulcast area. They will be adding 9 TV's including 4 60 inch TV's that will be replacing an outdated fuzzy big screen TV. There will be a total of 41 TVs in The Starting Gate and 40 of those will be on Racing. 1 TV will be on a sports channel. Within the next two weeks, all the TV's will be hung and more lighting will be installed. The jukebox will be removed in the next two weeks to alleviate the sound issue. Chairman Willis asked for an update after all of the changes have been made.	No Action Taken
Approval for Ruidoso Downs Assistant Racing Secretary	39:37 to 4:43	Chairman Willis called for a motion to approve Ruidoso Downs Assistant Racing Secretary.	Motion to approve by Commissioner Blach; Second by Commissioner Cosper. Motion carried without objections or abstentions.
Public Comment	40:51 to	Leslie Fincher commented that she would like the House or Senate Bills concerning horse racing to be placed on the	No Action Taken.

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	43:44	Horsemen's, Breeders or NMRC website. Commissioner Corazza agreed with Ms. Fincher. Pat Bingham of the NMHA apologized to Ms. Fincher and said he will look into placing a link on the horsemen's website.	
In the Matter of Andres Gonzalez	43:45 to 55:46	Audrey McKee, General counsel to the NMRC, explained the proceedings and directed the Commissioners to look in their red books at the documentation. Mr. Gonzalez is in front of the Commission due to a Decision and Order that stated he had to go in front of the Commission to ask for his license after 1 year. Commissioners asked Mr. Gonzalez several questions regarding his year on a probationary license.	No Action Taken.
In the Matter of Erik Mikkelson	55:51 to 01:12:30	Erik Mikkelson came before the Commission in regards to a settlement agreement proposed. Commissioners asked Mr. Mikkelson several questions regarding his two horse positives.	No Action Taken.
In the Matter of Daniel Antonio Torres 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)	01:12:34 to 01:28:04	Mr. Daniel Antonio Torres came before the Commission in regards to failing to disclose criminal/arrest history on his licensing application. Commissioners asked Mr. Torres several questions regarding why he failed to disclose his criminal/ arrest history. Chairman Willis called for a motion to go into Executive Session to discuss items 7B through 7F Roll call was taken with all present except Vice-Chairman McCulloch.	No Action Taken. Motion to go into Executive Session by Commissioner Blach; Second Commissioner Corazza. Motion carried without objections or abstentions.

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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)		Chairman Willis called for a motion to come out of closed session with the only matters that were discussed being 7B through 7F.	Motion to come out of closed session and second not recorded.
In the Matter of Casey Lambert	Track 2 12:49 to 35:37	In the Matter of Casey Lambert, all parties were sworn in, witnesses were questioned and testimony was taken. The Commissioners viewed the race in question.	No Action Taken.
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)	35:39 To 36:22	Chairman Willis called for a motion to go into Executive Session with the only matters to be discussed being 7A.	Motion to go into Executive Session by Commissioner Blach; Second by Commissioner Cosper. 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 3 00:00 to 9:25	In the Matter of Casey Lambert 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- Yes, Commissioner Cosper-Yes. The new order of finish will be 4,7,3,1,6,5,2.	Motion to overrule the Stewards' decision by Commissioner Cosper; Second by Commissioner Blach. Motion carried without objections or abstentions.

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		In the Matter of Taurino Gutierrez the Commission would like to adopt the hearing officer's finding of facts 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 a penalty of disqualification of horse, loss of purse and the horse be placed on the veterinarians list for 90 days and must pass a Commission approved exam before being entered. In addition to these penalties, the Commission also states that after serving his year suspension, and paying his fine, Mr. Gutierrez will have to request to be placed on the Agenda and go before the Commission to ask for his license to be reinstated. Mr. Gutierrez will also need to re-take the Trainer's test to be reinstated. In the Matter of Erik Mikkelson the Commission accepts the settlement agreement with the following penalties: 3 year suspension with 1 year deferred and a fine of \$15,000.00. Forfeiture of both purses. The horses be unplaced and must pass a Commission approved exam before becoming eligible. Mr. Mikkelson will also need to re-take the Trainer's test to be reinstated. It is also understood that the fine will be paid in one lump sum, no payment plan will be given. In the Matter of Alejandro Morales the Commission grants Mr. Morales' appeal for a Groom license. In the Matter of Andres Gonzalez the Commission agrees to reinstate his license on the condition that Assistant Attorney	Motion to adopt Hearing Officer Report by Commissioner Cosper; Second by Commissioner Blach. Motion carried without objections or abstentions. Motion to accept settlement agreement by Commissioner Cosper; Second by Commissioner Blach. Motion carried without objections or abstentions. Motion to grant Groom license by Commissioner Cosper; Second by Commissioner Blach. Motion carried without objections or abstentions. Motion to reinstate license by Commissioner Cosper; Second by Commissioner Blach. Motion carried without objections or

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		General checks with his probation officer and confirms that there have been no drug positive tests to date. In the Matter of Daniel Antonio Torres the Commission grants Mr. Torres' appeal for a Jockey's license with the condition that it will be a 1 year probationary license. After 1 year Mr. Torres will have to come before the Commission to ask for his license again. Assistant Attorney General Audrey McKee advised Mr. Torres that if he has his license rescinded in another jurisdiction, his probationary license will be revoked.	abstentions. Motion to grant 1 year probationary Jockey license by Commissioner Cosper; Second by Commissioner Blach. Motion carried without objections or abstentions.
VI. Adjournment	9:27 to 9:29	Motion for adjournment.	Motion to adjourn by Commissioner Cosper; Second by Commissioner Corazza. Meeting adjourned.

Ray Willis

Chairman Ray Willis

Date

Ismael Frejo

Executive Director Ismael Frejo

5-25-17

Date