

NEW ML CO HORSE RACING COMMISSION **MINUTES OF THE MEETING**

Date: May 11, 2017 at 9:30 AM

Place: SunRay Park Racetrack & Casino, StingRays Room

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

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 :35	Meeting called to order by Chairman Willis. Roll call was taken by NMRC Paralegal Tina Arce. Commissioner Corazza was not in attendance although a quorum was recognized. Assistant Attorney General Audrey McKee the NMRC General Counsel was present. Commissioner Corazza entered the room 11 minutes after the meeting started and was counted present.	No Action Taken.
Approval of Agenda	:36 to 02:19	Chairman Willis asked Executive Director Ismael Trejo if there were any changes to the Agenda. Executive Director Trejo directed the Chairman to 6A items 12, 17, 18, 6B items 12, 17, 18 and 7F, 7G and 7H and stated all will have to be removed from the Agenda.	Motion to approve with changes by Vice-Chairman McCulloch; second Commissioner Cosper. Motion carried without objections or abstentions.

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Minutes- April 13, 2017	02:26 to 02:49	Chairman Willis requested a motion to approve the minutes of the April 13, 2017 Regular Commission Meeting.	Motion to approve by Vice-Chairman McCulloch; Second by Commissioner Corazza. Motion carried without objections or abstentions.
Chairman's Agenda Rules Committee Update Medication Committee Update Race Dates Committee Update Walk Through at Ruidoso Downs	02:51 to 07:50	Ismael Trejo, Executive Director of the NMRC stated that there was a walk through at Ruidoso Downs on May 8, 2017. The facility was ready. Commissioner Cosper stated that there was a Medication Committee meeting on May 10, 2017. There were many discussions and rules that were changed. The health certificate protocols were discussed and changed. Dr. Waterman provided the Committee with statistics and data regarding horse positives. Vice-Chairman McCulloch stated that there was a Rules Committee meeting on May 10, 2017. Several rules were clean up rules that were passed and heard today at the Rules hearing and adoption hearing. A Race dates Committee meeting was held on May 10, 2017. The tracks and the NMHA were not all in agreement but the Commission will finalize the race dates in June, 2017.	No Action Taken.
NMHBBA Report Breeders Report	07:53 to 010:08	Anna Fay Davis, Executive Director of the New Mexico Horse Breeders started with the race a day report as follows: Sunland Park through Tuesday, April 18, 2017: 309 NM Bred Races in 72 days with 225 TB overnight; 45 QH overnight, 14 QH trials, 14 TB stakes, 8 QH stakes for an average of 4.29% per day. New Mexico Breds in open overnight races: Sunland Park; in 72 days, 450 NM breds ran in open overnight; Out of these 450 120 NM Breds came in 1 st , 2 nd and 3 rd . There were 2595 NM Breds that were scheduled to participate in these races. 91 TB and 29 QH 27%, wire transferred \$88,625.90. Race a day report for SunRay Park through Monday, May 1, 2017: 13 NM Bred races in 8 days with 9 TB overnight, 4 QH	No Action Taken

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NMHA Horsemen's Report	010:09 to 014:58	overnight, 4 QH trials, 1 TB stakes for an average of -6 for three a day. There were 109 NM Breds that were scheduled to participate in these races. This is an average of 8.38 NM Breds per race. Pat Bingham, Executive Director of the NMHA stated that the NMHA had their banquet on May 10, 2017. It was well attended and he congratulated all of the winners of each of the categories. There will be an Economic Impact Study that has been approved by the NMHA. There will be a comprehensive report that will encompass the entire industry. It will come out in the early part of the fall, 2017. They had a similar study done in 2009. The quarterly news letter came out with the NMHA taking a hard stand against substance abuse in the industry. The horsemen support the 60/40 division between QH and TB at all tracks.	No Action Taken
Jockey's Guild Jockey's Report	014:59 to 015:33	John Beech, Regional Manager for the Jockey's Guild stated that there are only good reports coming from the Jockeys at SunRay Park racetrack. The Jockeys room is clean and functional, the race track has received no complaints.	
NMRC Executive Director Report	015:35 to 017:43	Ismael Trejo, Executive Director for NMRC started by congratulating Lonnie Barber and his wife for receiving the lifetime achievement award at the NMHA banquet on May 10, 2017. Mr. Trejo attended the opening day of SunRay park and was very impressed by the turn out. The agency is still in search of another state investigator and interviewed a few candidates on May 1, 2017. The Agency needs to get approval from the DFA to hire an investigator. The Agency has started to work with Texas and Oklahoma to clean up the drug problem in New Mexico. The walk through at Ruidoso Downs was on May 8, 2017. It went well and Mr. Trejo is looking forward to Ruidoso opening.	

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Rules Hearing / Adoption 1. 15.2.6.9 NMAC (Medications and Prohibited Substances) 2. Subsection O of 15.2.1.7 NMAC (Definitions Beginning with O) 3. Subsection P of 15.2.1.7 NMAC (Definitions Beginning with P) 4. Subsection C of 15.2.1.9 NMAC (Proceedings Before the Commission) 5. Subsection C of 15.2.3.8 NMAC (Racing Secretary) 6. Subsection A of 15.2.5.11 NMAC (Workout Requirements) 7. Subsection B of 15.2.6.9 NMAC (Penalty Recommendations) 8. Subsection C of 15.2.6.9 NMAC (Medication Restrictions) 9. Subsection G of 15.2.6.9 NMAC (Androgenic Anabolic Steroids) 10. Subsection J of 15.2.6.9 NMAC (Out of Competition Testing) 11. Subsection A of 15.2.6.10 NMAC (Reporting to the Test Barn) 13. Subsection D of 15.2.6.10 NMAC (Storage & Shipment of Split Samples) 14. Subsection A of 16.47.1.8 NMAC (Licenses Required) 15. Subsection N of 16.47.1.8 NMAC (Changes in Application Information) 16. New Subsection 16.47.1.15 NMAC (Pony Person & Exercise Rider Eligibility)	017:55 To 45:27 Track 2 00:00 To 05:10	Vice-Chairman McCulloch opened the Rules Hearing. Rosemary Garley of the NMRC read the rules into the record. Number 8 was missing a section and there was a short break to get all of the Commission and audience members a copy of the rule that was missing. When the hearing commenced, the missing rule was read into the record. There were no comments to any of the proposed rules except for number 16. Beverly Bourguet questioned why the NMRC was not going to get a background check on minors. It was explained that no background information would be released on minors and it wouldn't be fair to charge them 44 dollars when no background information will be released. 6B. Rules Adoption- Each rule was adopted with a motion of approval by the Commission. #8. There was a second part of the rule that was not read into the record. A 10 minute break was taken so that the public could be provided with a copy of the omitted rule. Chairman McCulloch read the second part of the rule into the record and withdrew her first motion and re-motined to adopt with the second part of the rule.	Motion to approve #1 by Commissioner Blach; Second by Commissioner Cosper. Motion to approve #2 by Vice-Chairman McCulloch; Second by Commissioner Cosper. Motion to approve #3 by Vice-Chairman McCulloch; Second by Commissioner Cosper. Motion to approve #4 by Vice-Chairman McCulloch; Second by Commissioner Cosper. Motion to approve #5 by Vice-Chairman McCulloch; Second by Commissioner Cosper. Motion to approve #6 by Vice-Chairman McCulloch; Second by Commissioner Cosper. Motion to approve #7 by Vice-Chairman McCulloch; Second by Commissioner Cosper. Motion to approve #8 by Vice-Chairman McCulloch; Second by Commissioner Blach. Motion to approve #9 by Vice-Chairman McCulloch; Second by Commissioner Cosper. Motion to approve #10 by Vice-Chairman McCulloch; Second by Commissioner Cosper. Motion to approve #11 by Vice-Chairman McCulloch; Second by Commissioner Cosper. Motion to approve #13 by Vice-Chairman McCulloch; Second by Commissioner Cosper. Motion to approve #14 by Vice-Chairman McCulloch; Second by

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			Commissioner Cosper Motion to approve #15 by Vice-Chairman McCulloch; Second by Commissioner Cosper. Motion to approve #16 by Vice-Chairman McCulloch; Second by Commissioner Cosper. All Motions for rules labeled 1 through 16 were carried with no objections and abstentions.
Ratification of Approval of June 2017 Simulcast Schedules for Zia Park, Sunland Park, SunRay Park, Ruidoso Downs, and DAA	05:11 to 05:34	Chairman Willis called for a Motion to ratify the NMRC Executive Director's approval.	Motion to ratify by Vice-Chairman McCulloch; Second by Commissioner Cosper. Motion carried with no objections and abstentions.
NMRC Contagious Equine Disease Protocols	05:36 to 08:00	Chairman Willis explained that there is a protocol in place that is being changed to say that a health certificate must be issued within 30 days for in state horses. In the event of an emergency, it will automatically switch back to 72 hours. The horsemen must have proof of point of origin.	Motion to approve by Commissioner Cosper; Second by Commissioner Blach. Motion carried with no objections and abstentions.
Approval of 2017 Ruidoso Downs State Steward	08:08 to 08:48	Ismael Trejo, of the NMRC requested approval for the Ruidoso Downs State Stewards. Violet Smith Presiding Steward, Rueben Rivera and Jill Cathey.	Motion to approve by Vice-Chairman McCulloch; Second by Commissioner Cosper. Motion carried with no objections and abstentions.
Approval of 2017 Downs at Albuquerque / NMSF State Stewards	08:49 to 09:42	Ismael Trejo, of the NMRC requested approval for the Downs at Albuquerque/ NMSF State Stewards. Ron Walker Presiding Steward, Martin Hamilton and Linda Salinas.	Motion to approve by Commissioner Blach; Second by Vice-Chairman McCulloch. Motion carried with no objections and abstentions.

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Approval of 2017 Downs at Albuquerque Official Veterinarian	09:45 to 010:40	Ismael Trejo, Executive Director of the NMRC stated that the Commission has requested bids for the full time position of track veterinarian. Dr. Anderson is unable to bid for this position but will be helping for the first part of the opening at the Downs.	Motion to approve by Commissioner Cosper; Second by Vice-Chairman McCulloch. Motion carried with no objections and abstentions.
Approval for Downs at Albuquerque / NMSF Capital Improvement Priority List Retroactive Approval of Capital Improvement Project #1 2017 DAA Racing Officials First Quarter 2017 Simulcast Expense Adjustment.	010:41 to 014:30	Don Cook of the Downs at Albuquerque thank Lonnie for the hospitality and requested approval of their Capital Improvement Priority list, Retroactive approval of Project #1, 2017 DAA Racing Officials and the First Quarter 2017 Simulcast Expense adjustment.	Motion to approve Capital Improvement Priority List by Vice-Chairman McCulloch; Second by Commissioner Cosper. Motion to approve Project #1 by Vice-Chairman McCulloch; Second by Commissioner Blach. Motion to approve Officials by Commissioner Blach; Second by Commissioner Corazza. Motion to approve Simulcast expense adjustment by Vice-Chairman McCulloch; Second by Commissioner Blach. All Motions carried with no objections and abstentions.
Ratification of Approval for SunRay Park Amendment to Stakes Schedule and Condition Book	014:32 to Disc 2 00:00 To 02:00	Lonnie Barber of SunRay Park thanked the NMHA for allowing them to host the banquet. Mr. Barber requested to amend the Stakes Schedule and Condition book. Mr. Barber would like to change the closing date for the Marathon Handicap. He would also like to cancel the running of the NM Breeders Stakes due to lack of entries. Mr. Barber would like to amend the 2017 Stakes scheduling by adding the Totah Stakes to the schedule and changing the Ken Kendrick Stakes from 2 year old NM Bred to 2 year old NM Bred Fillies. Vice-Chairman McCulloch asked Mr. Barber how the money is redistributed from the NM Breeder's race. Mr. Barber did not take any money, so it was not redistributed.	Motion to approve Vice-Chairman McCulloch; Second by Commissioner Blach. Motion carried without objections or abstentions.

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Approval for Zia Park Secondary Application / Official Amended Stakes Schedule 2017 QH and TB Stall Applications	02:01 to 09:41	Matt Crawford from Zia Park requested approval for the Secondary Application and Mr. Crawford as Manager of Racing Operations, amended stakes schedule and the 2017 QH and TB stall application. There were a few changes on the closing dates on the stakes schedule. The NMHA do not oppose the changes. The NMHA and Zia Park were still negotiating the verbiage on the Stall Application in small print regarding the charge of \$300 to the trainer or owner of the euthanized horse for non-related main track incidents. Pat Bingham, of the NMHA stated that the Stall Applications can be approved but that they would like to continue negotiating this cost.	Motion to approve Secondary Application and Official Vice-Chairman McCulloch; Second by Commissioner Blach. Motion carried without objections or abstentions. Motion to approve amended stakes schedule by Vice-Chairman McCulloch; Second by Commissioner Blach. Motion carried without objections or abstentions. Motion to approve Stall Applications by Vice-Chairman McCulloch; Second by Commissioner Cosper. Motion carried without objections or abstentions.
Approval for Ruidoso Downs Jockey & Exercise Rider Insurance Officials	09:46 to 014:12	Shaun Hubbard, of Ruidoso Downs requested approval for their Jockey & Exercise Rider Insurance and racing Officials. Mr. Hubbard stated that their premium has dropped. Pat Bingham, of the NMHA commented but it was inaudible. Chairman Willis asked staff if the Officials were approved and Rosemary Garley of the NMRC stated that two of the Officials had never been licensed in New Mexico.	Motion to approve Jockey & Exercise Rider Insurance by Vice-Chairman McCulloch; Second by Commissioner Blach. Motion to approve Officials by Vice-Chairman McCulloch; Second by Commissioner Blach. Motion carried without objections or abstentions.
Ralph Vincent, Janet Van Bebbler Equitable Racing Plan	014:28 to 01:05:40	Ralph Vincent, President of the NMHBA stated that there was a concern by the NMHBA with the threat of tracks wanting to eliminate quarter horse racing. The breeding and racing in the state of NM has been shown to have an annual impact of \$400 million on the state's economy along with 10,000 associated jobs. Horse racing is the largest spectator sport and a major tourist attraction in NM that attracts more than two million out-	No Action Taken

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		of-state visitors while contributing over \$60 million to the state's general fund. These economic and industry facts were the primary reasons that the Legislature and Governor approved gaming at the NM tracks in 1997 with a goal of supporting a vital racing industry. Mr. Vincent reminded the Commissioners of the NMRC "Mission Statement" and the NMHBA goal to promote a climate of economic prosperity for all. The NMHBA are asking for the Commission to put into NMAC a 60/40 split rule. Janet Van Bebber, of the AQHA commented that she would like QH racing to receive equal merit in the industry. Ms. Van Bebber explained that there are approximately 567 QH to 518 TB. Ms. Van Bebber made a plea to the racetracks not to jump ship while the industry is trying to make improvements. There were many audience comments.	
Public Comment	01:05:49 To 01:19:15	Tom Goncharoff, of the NMHBA is looking forward to hearing the results of what Shaun Hubbard is bringing to the table with his idea. W. L. Mooring commented on whether or not the NMRC is testing TB horses. Mr. Mooring would like to stop the bad tests and feels it's unfair unless the TB are tested as much as the QH.	No Action Taken.
In the Matter of Wes Giles Race Appeal	Track 2 Disc 2/Disc 3 To 021:14	In the Matter of Wes Giles, all parties were sworn in, witnesses were questioned and testimony was taken. The Commissioners viewed the race in question.	
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)	021:17 to 022:09	Chairman Willis called for a motion to go into Closed Executive Session to discuss items 7A, 7B, 7C, 7D and 7E Roll call was taken with all present.	Motion to go into Executive Session by Chairman Willis; Second by Vice-Chairman McCulloch. 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)	<u>Track 2</u> 00:04 00:06	Chairman Willis called for a motion to come out of closed session with the only matters that were discussed being 7A, 7B and 7C.	Motion to come out of Closed Session by Chairman Willis;
In the Bernadette Lozano Hearing Officer Report	00:06 to 02:28	Audrey McKee, General counsel to the NMRC stated that the Commission would like to adopt the findings of fact and conclusions of law incorporated herein by reference. Appellant Trainer Bernadette Lozano is assessed a fine of \$10,000 for the first offense pertaining to horse "Duit Tuit." Ms. Lozano was assessed a suspension of 1 year. Once eligible, Ms. Lozano must retake and pass the trainer's test prior to the suspension being lifted. Ms. Lozano must appear before the Commission to ask for her license back. Ms. Lozano is not allowed on the grounds of the Association under the jurisdiction of the NMRC. The owner of "Duit Tuit" shall receive loss of purse and "Duit Tuit" shall be disqualified and unplaced. "Duit Tuit" must be on the veterinarians list for 90 days and pass a Commission approved examination prior to becoming eligible.	Motion to adopt Hearing Officer Report with added penalties by Vice-Chairman McCulloch; Second by Commissioner Blach. Motion carried without objections or abstentions.
In the Matter of Victor Escobar	02:35 to 04:37	Audrey McKee, General counsel to the NMRC stated that the Commission would like to adopt the findings of fact and conclusions of law incorporated herein by reference. Appellant Trainer Victor Escobar is assessed a fine of \$25,000 for offense pertaining to horses "Mango Chick" and "Threedewoodde". Victor Escobar is assessed a suspension of 2 years. Once eligible, Mr. Escobar must retake and pass the trainer's test prior to the suspension being lifted. Mr. Escobar must appear before the Commission to ask for his license back. Mr. Escobar is not allowed on the grounds of the Association under the jurisdiction of the NMRC. The owners of "Mango Chick" and	Motion to approve by Commissioner Cosper; Second by Vice-Chairman McCulloch. Motion carried without objections or abstentions

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		Threedeeewoodee" shall receive loss of purse and "Mango Chick" and "Threedeeewoodee" shall be disqualified and must be on the veterinarians list for 90 days and pass a Commission approved examination prior to becoming eligible.	
In the Matter of Wes Giles	04:38 to 05:40	Audrey McKee, General Counsel to the NMRC stated that the Commission will grant the appeal and the new finish order will be 2, 10, 1, 9, 6, 3, 8, 7, 4	Motion to approve by Commissioner Cosper; Second by Vice-Chairman McCulloch. Motion carried with Chairman Willis abstained.
In the Matter of Tomas Moreno	05:41 to 07:07	Audrey McKee, General Counsel to the NMRC stated that the Commission will grant the settlement agreement.	Motion to approve by Commissioner Cosper; Second by Vice-Chairman McCulloch. Motion carried with Chairman Willis abstained.
In the Matter of Eliseo Gonzalez	07:08 to 08:24	Audrey McKee, General Counsel to the NMRC stated that the Commission will grant the settlement agreement.	Motion to approve by Commissioner Cosper; Second by Commissioner Blach. Motion carried with Chairman Willis abstained.
Adjournment	08:25 to 08:59	Chairman Willis called for a motion to adjourn.	Motion to adjourn by Commissioner Cosper; Second by Commissioner Blach. Motion carried with Chairman Willis abstained.

Ray Willis 6-15-17

Chairman Ray Willis

Date

Ismael Trejo 6-15-17

Executive Director Ismael Trejo

Date