

## **NEW MEXICO HORSE RACING COMMISSION**

### **MINUTES OF THE MEETING**

Date: May 31, 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,

Members Absent: 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

<b>AGENDA ITEM</b>	<b>TRANSCRIPT PAGE NUMBER(S)</b>	<b>DISCUSSION / CONCLUSIONS / RECOMMENDATIONS</b>	<b>ACTION TAKEN</b>
<b>Call to Order and Roll Call</b>	00:00 to 00:42	Meeting called to order by Chairman Willis. Roll call was taken by NMRC Paralegal Tina Arce. Deputy Attorney General Tania Maestas the NMRC interim General Counsel and Assistant Attorney General James A. Hayes was present. Commissioner Leonard Blach was absent.	No Action Taken.
<b>Approval of Agenda</b>	00:43to 001:56	Chairman Willis asked Executive Director Ismael Trejo if there were any changes to the Agenda. Executive Director Ismael Trejo said there was one change and would like to move item G under Sunland Park down to 7A under Executive Session.	Motion to approve with changes by Commissioner Cosper; Second by Vice-Chairman McCulloch. Motion carried without objections or abstentions.
<b>Minutes- April 19, 2018</b>	00:1:57 to 00:2:15	Chairman Willis requested a motion to approve the minutes of the April 19, 2018 Regular Commission Meeting.	Motion to approve by Vice-Chairman McCulloch; Second by Commissioner Cosper. Motion carried without objections or abstentions.
<b>Chairman's Agenda</b>	002:17 to 00:7:22	Vice-Chairman McCulloch stated that there was a Race Dates Meeting on May 30, 2018. The bulk of the discussion surrounded SunRay Park and the lack of entries, the need to	No Action Taken

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		<p>change the state statute to allow a December break in the race schedule and the impact the 6th racing license would have on the race dates schedule. The race schedule was put together for 2019. Sunland Park would start on December 26, 2018 ending May 5, 2019. SunRay Park would start on May 19, 2019 and end on May 27, 2019. Ruidoso Downs will start on May 10, 2019 and end September 2, 2019. Downs at Albuquerque would begin on June 28, 2019 and end on August 31, 2019. There will also be a 1 day race meet on October 26, 2019 which is the running of the AQHA Challenge Championships. It's a three day event with one race day. NMSF will begin on September 1, 2019 and ends on September 22, 2019 and Zia Park will begin on September 21, 2019 and end on December 17, 2019 for a total of 255 race days. The NMRC will have to amend the 2018 race dates for Zia Park and they will begin on September 22, 2018 and end on December 18, 2018. This will be voted on at the June Regular Commission Meeting. There was also a Medication/Rules Committee, there was a lengthy agenda with several updates and discussions. Dr. Waterman gave a review of post race statistics. The next meeting will be in July, 2018. Doctor Cosper stated that on the medication side a lot of policies were put into place. The RTO system should be up and running with all of the horses stats.</p>	
<b>NMHBA Report</b> Breeders Report	007:25 to 00:12:45	Anna Fay Davis, Executive Director of the New Mexico Horse Breeders started with the race a day report as follows: Sunland Park has run 321 NM Bred races in 71 days through Tuesday, April 17, 2018. 240 TB Overnight, 40 QH Overnight, 4 TB Trials, 15 QH Trials, 14 TB Stakes and 8 QH Stakes. There were 2696 NM Breds that were scheduled to participate in these races for an average of 9.59% NM Breds per race. In 71 days, 519 NM Breds ran in open overnight races. Of these 519, 135 NM Breds	No Action Taken

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		<p>came in 1st, 2nd or 3rd, 100 TB and 35 QH for 26% and \$101,126.60 was wire transferred. SunRay Park has run 26 NM Bred races in 7 days through Monday, April 30, 2018. 12 TB Overnight, 9 QH Overnight, 4 QH Trials and 1 TB Stakes. There were 180 NM Breds scheduled to participate in these races for an average of 8.57% NM Breds per race. In 11 days, 144 NM Breds ran in open overnight races. Of these 144, 53 NM Breds came in 1st, 2nd or 3rd. 29 TB and 24 QH for 37% and \$29,966.32 was wired transferred. Tom Goncharoff the Second Vice President of the Horse Breeders Association was also present. Commissioner Corazza asked for the foal reports. Ms. Davis stated that she will submit these reports to the Commission for the next meeting.</p>	
<b>NMHA</b> Horsemen's Report	00:12:46 to 00:23:55	<p>Pat Bingham, Executive Director of the NMHA started by congratulating Ruidoso on their opening weekend. Mr. Bingham also stated that SunRay Park's wagering is up but that the Horsemen need to get a handle on how many horses are going up to SunRay. Mr. Bingham congratulated the Downs regarding Championship day. The Horsemen have brought in Juan Mesa, who is the superintendent over Golden Gate Fields to inspect SunRay Park and he found a few issues that have been fixed and are working for the track. Mr. Bingham stated that he does not want the industry marginalized and that the purses are up which is good for the industry. Chairman Willis asked if the Horsemen have addressed taking a couple of weeks vacation at the end of the year. Mr. Bingham stated that it is being addressed. Commissioner Corazza asked where the letter was that the Horsemen were supposed to send to the Commissioners regarding the Contracts the Horsemen want the Tracks to sign. Mr. Bingham stated that the reason the Horsemen want a contract with each track was because they</p>	No Action Taken

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		<p>have to formally approve granting the Simulcast and the Horsemen want some reassurances. Mr. Bingham stated that in regards to the Horsemen approving the Jockey's Insurance, he was waiting on a policy that he thought Tania Maestas of the AG's office was going to provide him. Mr. Bingham stated that their position is that the Statute and the Rules do not state that purse money is for purse money and should not cover Jockey insurance and the Horsemen have a right not to allow the tracks to simulcast. Tania Maestas of the Attorney General's Office clarified that the policy that Mr. Bingham referred to is actually a law and a rule approved by the Commission previously within 15.2.2.8 NMAC which allows for a portion of the Jockey's Insurance to be paid by Gaming money.</p>	
Jockey's Guild Inc.	00:23:56 to 00:25:29	<p>John Beech, of the Jockey's Guild thanked the Commission for their support regarding the Jockey's Insurance. The Jockey's at SunRay Park have made it known to Mr. Beech that the track is in great condition. Mr. Beech stated that he had the privilege of being at Ruidoso Downs when the track opened and there was some great racing. Ruidoso Downs has added a Jacuzzi tub into their Jockey's room so that the Jockey's can pull weight, and the Jockey's are very happy with this addition. The Jockey's are rooting for Mike Smith for the Triple Crown, he's a local boy.</p>	No Action Taken.
NMRC Executive Director Report	00:25:40 to 00:28:40	<p>Izzy Trejo, Executive Director of the NMRC stated that the U.S. Supreme Court has made its ruling allowing states to legalize sports gambling. Mr. Trejo stated that he would like to be hand in hand with this ruling instead of in competition with it. Mr. Trejo congratulated Jeff True on his opening weekend. Mr. Trejo introduced the NMRC Official Veterinarian Dr. Richard Mobley. Chairman Willis stated if Dr. Mobley can handle the opening of Ruidoso, he can do anything. Mr. Trejo stated that New Mexico is now involved in a monthly conversation with</p>	No Action Taken.

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		Western Region of the states to get on the same page regionally in horse racing.	
<b>Update on 6th Racing License</b>	00:28:50 to 00:31:25	Izzy Trejo, Executive Director of the NMRC stated that the Commission has started taking applications for the 6th racing license. As of today, the Commission has not received any licenses and Mr. Trejo would like to encourage everyone who will be submitting applications to get them in as soon as possible. The deadline to receive these applications is July 30, 2018 by end of business.	No Action Taken
<b>Unfinished/ New Business and/or Action Items Regarding Licensing: Ratification of Approval of 2018 Ruidoso Downs Stewards</b>	00:31:30 to 043:38	Izzy Trejo, Executive Director of the NMRC requested ratification of approval of the 2018 Ruidoso Stewards. Mr. Trejo stated that this is the same Stewards that Ruidoso had last year. Violet "Pinkie" Smith as Presiding Steward, Jillian Cathey and Reuben Rivera.	Motion to ratify all Stewards by Vice-Chairman McCulloch; Second by Commissioner Cosper. Motion carried without objections or abstentions.
<b>Approval of 2018 NMSF/DAA Stewards</b>	00:32:05 to 00:32:38	Izzy Trejo, Executive Director of the NMRC requested approval of the NMSF/ DAA Stewards. Linda Salinas, Victor Escobar and Ron Walker as the presiding Steward.	Motion to approve Stewards by Vice-Chairman McCulloch; Second by Commissioner Cosper. Motion carried without objections or abstentions.
<b>Approval of Contract for NMRC Official Laboratory</b>	00:32:44 to 00:43:28	Izzy Trejo, Executive Director of the NMRC requested approval of the Contract for NMRC Official Laboratory. Based on the Evaluation Committee's evaluation of the proposals submitted for the Equine Sample Testing Services RFP, the committee recommended awarding Industrial Laboratories a contract to perform the scope of work as outlined in the Equine Sample Testing Services contract #80-469-17-00597. Chairman Willis asked if Dr. Waterman had any further comments. Dr. Waterman stated that it was a grueling process and all of the Labs in this Country could do the work here in NM. Commissioner Corazza asked if someone from the lab will	Motion to approve by Vice- Chairman McCulloch; Second by Commissioner Cosper. Motion carried without objections or abstentions.

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		be able to come to meetings. Dr. Waterman stated that this lab would be open to that request by the Commission. Dr. Waterman also stated that the Commissioners should also visit the lab, as they are right outside of Denver. Commissioner Corazza asked if the lab would be using the same supplies. Dr. Waterman stated that the lab would supply all of the supplies. Pat Bingham of the NMHA asked if this lab did hair testing and if there was quick turnaround. Dr. Waterman stated that hair testing was part of the RFP and that hair testing is different than urine and blood samples and slower. Mr. Bingham asked if more labs were being added to the split process. Dr. Waterman stated that Davis may be interested in doing the splits, but they might be pricey. Dr. Waterman stated that this contract is a 4 year contract. Izzy Trejo stated that the Commission will start sending samples to this lab on June 22, 2018 from Ruidoso.	
<b>Approval for Second Half of 2018 Regular Commission Meeting Dates</b>	00:43:40 to 00:45:13	Chairman Willis read the proposed dates for the second half of 2018 into the record. Thursday, July 19, 2018 in Albuquerque at 9:30am, Thursday, August 23, 2018 in Ruidoso at 9:30am, Thursday, September 13, 2018 in Albuquerque at 9:30am, Thursday, October 18, 2018 in Hobbs at 9:30am, and Thursday, November 15, 2018 in Albuquerque at 9:30am. Vice-Chairman McCulloch will not be in attendance on September 13, 2018.	Motion to approve by Vice-Chairman McCulloch; Second by Commissioner Cosper. Motion carried without objections or abstentions.
<b>Approval for NMSF/DAA</b> <ul style="list-style-type: none"> <li>• First Quarter 2018 Simulcast Deduction</li> <li>• Racing Officials</li> </ul>	00:45:14 to 00:47:25	Don Cook, of the Downs at Albuquerque requested approval of their First Quarter 2018 Simulcast Deduction as submitted and as representative of the State Fair requested approval of their Racing Officials.	Motion to approve Simulcast Deduction and Racing Officials by Vice-Chairman McCulloch; Second by Commissioner Cosper. Motion carried without objections or abstentions.
<b>Approval for Zia Park</b> <ul style="list-style-type: none"> <li>• 2018 Stall Applications</li> <li>• 2018 Jockey and Exercise Rider Insurance</li> </ul>	00:47:35 to 00:49:20	Matt Crawford, Representing Zia Park requested to table the 2018 Stall Applications and to give Director Trejo the authority to approve and bring back for ratification in the June meeting. Mr. Crawford requested approval of Zia Parks 2018 Jockey and	Motion to table and allow Director Trejo authority to approve Stall applications by Vice-Chairman McCulloch; Second by Commissioner Cosper.

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		Exercise Rider Insurance. Pat Bingham of the Horsemen have no objection.	Motion to approve Jockey and Exercise Rider by Vice-Chairman McCulloch; Second by Commissioner Cosper. Motions carried without objections or abstentions.
<b>Approval for SunRay Park</b> <ul style="list-style-type: none"> <li>• Ratification to run 10 races on Saturday and Sunday for remainder of 2018</li> <li>• Ratification of Approval of Ft. Erie</li> <li>• Amendment of Stakes Schedule</li> </ul>	00:49:39 to 00:57:00	Lonnie Barber, Director of Racing of SunRay Park requested approval of ratification to run 10 races on Saturday and Sunday for the remainder of 2018. Mr. Trejo clarified to the Commissioners that it was starting on May 18, 2018 through the remainder of the meet. Mr. Barber requested approval of ratification to add Ft. Erie to the Simulcast. Mr. Barber requested to amend the Stakes schedule by adding \$20,000 to the purse for the OG Fisher Memorial Handicap and \$30,000 to the purse of the San Juan County Commissioner Handicap. The \$50,000 is money that was not used due to two stake races that did not fill. Those races were the Inaugural Handicap and the SunRay Park and Casino Handicap which were scheduled at the beginning of the meet. Pat Bingham, of the NMHA voiced the Horsemen's objection.	Motion to ratify adding 10 races by Vice-Chairman McCulloch; Second by Commissioner Cosper. Motion to ratify Ft. Erie signal by Vice-Chairman McCulloch; Second by Commissioner Cosper. Motion to approve amended Stakes Schedule by Commissioner Corazza; Second by Vice-Chairman McCulloch. All Motions carried without objections or abstentions.
<b>Public Comment</b> <ul style="list-style-type: none"> <li>• Ken Corazza</li> <li>• Tom Goncharoff</li> <li>• Leslie Fincher</li> </ul>	00:57:02 to 01:04:45	Commissioner Corazza gave a status on clenbuterol. Clenbuterol is now a class 3 substance and he will let the Executive Director know when this goes into effect. Tom Goncharoff of the NMHB questioned the track managers regarding banning trainers from the grounds. Mr. Goncharoff wanted to know if the tracks follow each other in banning horsemen. Rick Baugh of Sunland Park stated that Sunland Park has banned 31 horsemen from their facility. There was a question regarding betting with TVG at SunRay Park and Downs at Albuquerque. Don Cook of the Downs stated that he didn't think it was a Downs problem but that TVG was probably limiting his access. Jeff True of Ruidoso Downs stated that if he	No Action Taken

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		is a NM resident he would not be allowed to wager on NM tracks through the ADW. That is a policy that was enacted 2-3 years ago and that is something that they need to change via legislature. Leslie Fincher asked a question about phone wagering and the answer was that it's against the law to take a phone wager. Ms. Fincher asked why SunRay isn't taking Horse Racing Now. SunRay Park stated that they will look into that for Ms. Fincher.	
<b>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)</b>	01:04:56 to 01:34:55	Tania Maestas, Deputy Attorney General stated that matters 7B, 7C and 7D are all open to public review. The Commissioners watched the race on DVD for 7B, Fred I. Danley and 7C David J. Sierra and reviewed the Race Review Committee's recommendations. Pierre Amestoy presented before the Commission to address a procedural issue. Prosecuting Attorney Ismael Camacho presented his argument in Mr. Amestoy's case. Pierre Amestoy also presented his argument to the Commissioners. 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 Commissioner Blach absent. Executive Director Trejo and Manager Rosemary Garley were asked to remain in Executive Session.	Motion to go into Executive Session by Chairman Willis; Second by Commissioner Cosper. Motion carried without objections or abstentions.
<b>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)</b>	<u>Track 2</u> 00:00 to 00:17	Chairman Willis called to come out of closed session with the only matters discussed being 7A, 7B, 7C,7D, and 7E.	Motion to come out of Closed Session by Chairman Willis.
<b>In the Matter of Approval for Sunland Park Elizabeth Jones Fulton Michael Fulton</b>	00:18 to 00:37	Tania Maestas, Interim General Counsel to the NMRC stated that based on the deliberations in Executive Session it is her understanding that the Commission would like to approve these two applications.	Motion to approve by Commissioner Cosper; Vice-Chairman McCulloch. Motion carried without objections or abstentions.



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In the Matter of Elliot Bachicha District Court Decision	00:39 to 00:58	Tania Maestas, Interim General Counsel to the NMRC stated that based on the deliberations in Executive Session it is her understand that the Commission would like to direct the staff to release the purse in this matter, pursuant to the District Court Opinion and Order.	Motion to approve by Vice-Chairman McCulloch; Second by Commissioner Cosper. Motion carried without objections or abstentions
In the Matter of Fred I. Danley Race Review	00:59 to 00:01:21	Tania Maestas, Interim General Counsel to the NMRC stated that based on the deliberations in Executive Session it is her understanding that the Commission would like to keep the order of finish the same, because the appellant did not present valid evidence changing the order of the race.	Motion to approve by Vice-Chairman McCulloch; Second by Commissioner Cosper. Motion carried without objections or abstentions
In the Matter of David J. Sierra Race Review	001:22 to 00:1:45	Tania Maestas, Interim General Counsel to NMRC stated that based on deliberation in Executive Session it is her understanding that the Commission would like to follow the recommendation of the Race Review Committee, changing the order of the race, pursuant to their recommendation.	. Motion to approve by Vice-Chairman McCulloch; Second by Commissioner Cosper. Motion carried without objections or abstentions
In the Matter of Pierre Amestoy Appeal	00:1:45 to 00:2:22	Tania Maestas, Interim General Counsel to NMRC stated that based on deliberation in Executive Session it is her understanding that the Commission will accept Mr. Amestoy's appeal based upon the fact that Mr. Amestoy is not contesting the positive result, and only allowing for argument as to the penalty assessment. This matter will be heard at the next Regular Commission Meeting.	Motion to approve by Vice-Chairman McCulloch; Second by Commissioner Cosper. Motion carried without objections or abstentions.
Adjournment	00:2:22	Chairman Willis called for a motion to adjourn.	Motion to adjourn by Commissioner Cosper; Second by Vice-Chairman McCulloch Motion carried.

  
 Chairman Ray Willis \_\_\_\_\_ Date \_\_\_\_\_

 11-6-18  
 Executive Director Ismael Trejo \_\_\_\_\_ Date \_\_\_\_\_