



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-NMS-1
Track New Mexico State Fair
Ruling Date: 9/8/2016

Licensee: EIKLEBERRY, RY PATRICK
License Type: 2014 3 Year Jockey Applicant Id: 30493
Date of Birth: 01/11/1989 License Number: 184582

Ruling # 2016-NMS-1

Action Type: Initial Ruling

Ruling:

Jockey **Ry Patrick Eikleberry** DOB **01/11/1989** having contacted the **Board of Stewards** on this date September 7, 2016 for careless riding, while aboard **#5 Bonita Sexy** in the 7th race, September 4, 2016, at **The Downs at Albuquerque**, is found to be in violation of Commission rules. **Mr. Eikleberry** failed to maintain a straight course causing interference to the horse **#4 Silent Bounty**. Even though the interference did not warrant a disqualification due to the fact that in the opinion of the **Board of Stewards** the interference to **#5 Silent Bounty** would not have changed the order of finish.

For this infraction The Board of Stewards have assessed a penalty of Two Hundred Fifty dollars (\$250.00).

15.2.3.8 FLAT RACING OFFICIALS GENERAL PROVISIONS:

B. Stewards

(3) Disciplinary action.

(1) All fines imposed by the stewards shall be paid to the commission within 30 days after the ruling is issued, unless otherwise ordered.

Licensee is found to be in violation of:

15.2.5.13(E)(3)(c) NMAC:

Which states in pertinent part that "If the Stewards determine the foul was intentional, or due to careless riding, they may fine or suspend the guilty jockey."

15.2.5.13(E)(3)(a) NMAC:

Which states in pertinent part that "When the way is clear in a race, a horse may be ridden to any part of the course, but if any horse swerves, or is ridden to either side, so as to interfere with, impede, or intimidate any other horse, it is a foul."

15.2.5.13(E)(2)(a) NMAC:

Which states in pertinent part that "A jockey shall not ride carelessly or willfully so as to permit his/her mount to interfere with, impede or intimidate any other horse in the race."

15.2.1.9(b):

Which states in pertinent part that "An appeal under this section must be filed not later than 10 days after the date of the ruling. If the deadline falls on a Saturday, Sunday or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday. The appeal must be received by noon, at the main commission offices or with the stewards who issued the ruling and must be accompanied by a fee in the amount of \$500. The fee must be in the form of cash, a cashier's check, money order or personal check."

By Order of The New Mexico State Fair Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-NMS-2
Track New Mexico State Fair
Ruling Date: 9/8/2016

Licensee: GUTIERREZ, GERARDO
License Type: Trainer Applicant Id: 28971
Date of Birth: 06/12/1988 License Number: 81809

Ruling # 2016-NMS-2

Action Type: Initial Ruling

Ruling:

Trainer **Gerardo Gutierrez** having been duly notified, and failing to appear before the Board of Stewards on September 7, 2016, at 10:30 AM regarding a lab report from UC/Davis (official testing laboratory for the NMSRC) for a confirmed overage of allowable limits for the Class IV drugs "Phenylbutazone" (Bute) and "Flunixin" (Banamine) which was found in sample NM19954, after it was collected from the horse, "Dirty Mike" which finished 1st in the 6th race, June 26, 2016, at The Downs at Albuquerque.

(The original lab report indicated a finding of Phenylbutazone at 15.73 mcg/ml and Flunixin at 1680 ng/ml in blood. Split sampling rights, as provided in 15.2.6.10 (D) NMAC were afforded, and denied.

Gerardo Gutierrez is found to be in violation of: 15.2.6.9. (O) 2 in part

1. A NSAID stacking violation with a penalty class B occurs when any combination of two of the following non-steroidal anti-inflammatory drugs are found at or above:

1. Flunixin – 20 nanograms per milliliter of plasma or serum;
2. Phenylbutazone - 2 micrograms per milliliter of plasma or serum.

15.2.6.9(D)(1-2-3) NMAC: Which states in pertinent part that "A finding by the Commission approved laboratory of a prohibited drug, chemical or other substance in a test specimen of a horse is prima facie evidence that the prohibited drug, chemical or other substance was administered to the horse and, in the case of a post-race test, was present in the horse's body while it was participating in a race (b) therapeutic medications in excess of established acceptable levels".

15.2.6.11(A) NMAC and 16.47.1.10(B)(1) NMAC: Which states in pertinent part that "The Trainer is the absolute insurer of the condition of horses entered in an official workout or race, and is responsible for the presence of any prohibited drug or medication, or other prohibited substance in such horse. A positive test for a prohibited drug or medication or other prohibited substance or the presence of permitted medication in excess of maximum allowable levels as reported by the commission approved laboratory is prima facie evidence of a violation of this rule. The Trainer is absolutely responsible regardless of the acts of third party."

For this violation, the Board of Stewards assessed **Gerardo Gutierrez** a penalty as follows:

- (1) A suspension of any/all NMSRC issued licenses for a period of 365 calendar days (November 3, 2016 through November 3, 2017, Inclusive);
- (2) A fine in the amount of five thousand dollars (\$5000.00.);
- (3) Disqualification and Loss of purse of the 6th race, June 26, 2016 at The Downs at Albuquerque

New Order of Finish

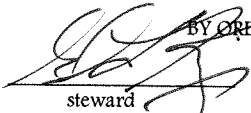
1st De Big Wave	5th Unfinished Biz	
2nd Blueskiesrainbows	6th Nmoceanfrontproperty	
3rd Mr Investment Junior	7th Folly N Dash	
4th Quatro Eagle	8th Cnc Dream On	Unplaced: Dirty Mike

This is the **sixth** offense positive test violation in the past 365 day period, and is issued in accordance with 15.2.6.9 (C)(2) NMAC. The fine is to be paid on or before October 8, 2016 in accordance with 15.2.3.8(B)(3)(l) NMAC.

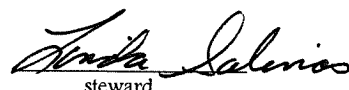
During said time of applicable suspension, **Gerardo Gutierrez** is hereby excluded from all areas of the grounds under the jurisdiction of the NMSRC, in accordance with 15.2.1.9 (C)(21)(a) NMAC, and 15.2.3.8 (B)(3)(f) NMAC.

Additionally, effective upon applicable suspension dates, all horses owned or trained, or under the care of **Gerardo Gutierrez** are ineligible to be entered or start in any race in this jurisdiction, per 15.2.1.9 (C)(21)(c) NMAC.

BY ORDER OF NEW MEXICO STATE FAIR BOARD OF STEWARDS


steward


steward


steward

An appeal under this section must be filed not later than 10 days after the date of the ruling. If the deadline falls on a Saturday, Sunday or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday. The appeal must be received by noon, at the main commission offices or with the stewards who issued the ruling and must be accompanied by a fee in the amount of \$500. The fee must be in the form of cash, a cashier's check, money order or personal check.



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-NMS-3
Track New Mexico State Fair
Ruling Date: 9/8/2016

Licensee: CHAVEZ, JAVIER M
License Type: 2015 3 Year Owner Applicant Id: 20279
Date of Birth: 11/19/1967 License Number: 279200

Ruling # 2016-NMS-3

Action Type: Initial Ruling

Ruling:

Owner **Javier M. Chavez** been duly notified, and failing to appear before the Board of Stewards on September 7, 2016, at 10:30 AM regarding a lab report from UC/Davis (official testing laboratory for the NMSRC) for a confirmed overage of allowable limits for the Class IV drugs "Phenylbutazone" (Bute) and "Flunixin" (Banamine) which was found in sample NM19954, after it was collected from the horse, "Dirty Mike" which finished 1st in the 6th race, June 26, 2016, at The Downs at Albuquerque.

(The original lab report indicated a finding of Phenylbutazone at 15.73 mcg/ml and Flunixin at 1680 ng/ml in blood. Split sampling rights, as provided in 15.2.6.10 (D) NMAC were afforded, and denied.

Javier M. Chavez is found to be in violation of: 15.2.6.9. (O) 2 in part

1. A NSAID stacking violation with a penalty class B occurs when any combination of two of the following non-steroidal anti-inflammatory drugs are found at or above:
 1. Flunixin – 20 nanograms per milliliter of plasma or serum;
 2. Phenylbutazone - 2 micrograms per milliliter of plasma or serum.

15.2.6.9(D)(1-2-3) NMAC: Which states in pertinent part that "A finding by the Commission approved laboratory of a prohibited drug, chemical or other substance in a test specimen of a horse is prima facie evidence that the prohibited drug, chemical or other substance was administered to the horse and, in the case of a post-race test, was present in the horse's body while it was participating in a race (b) therapeutic medications in excess of established acceptable levels".

For this violation, the Board of Stewards assessed **Javier M. Chavez** a penalty as follows:

- (1) A fine in the amount of five thousand dollars (\$5000.00.);
- (2) Disqualification and Loss of purse of the 6th race, June 26, 2016 at The Downs at Albuquerque
1st De Big Wave 5th Unfinished Biz
2nd Blueskiesrainbows 6th Nmoceanfrontproperty
3rd Mr Investment Junior 7th Folly N Dash
4th Quatro Eagle 8th Cnc Dream On Unplaced: Dirty Mike
- (3) The horse "Dirty Mike" must pass a commission -approved examination before becoming eligible to enter.

This is the **third** offense positive test violation in the past 365 day period, and is issued in accordance with 15.2.6.9 (C)(2) NMAC. The fine is to be paid on or before October 8, 2016 in accordance with 15.2.3.8(B) (3)(I) NMAC.

BY ORDER OF NEW MEXICO STATE FAIR BOARD OF STEWARDS

steward

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Ruling #: 2016-NMS-4
Track: New Mexico State Fair
Ruling Date: 9/9/2016

Licensee: AMESTOY, ROSS A.
License Type: 2016 3 Year Trainer Applicant Id: 16643
Date of Birth: 06/25/1959 License Number: 280897

Ruling # 2016-NMS-4

Action Type: Initial Ruling

Ruling:

Trainer, **Ross Amestoy**, having been duly notified, and representing owner **Pierr Jean Amestoy** waiving their rights to a hearing before the Board of Stewards on September 6, 2016, regarding a lab report from UC/Davis (official testing laboratory for the NMSRC), for a confirmed positive test for the Class III drug "Stanozolol" (Winstrol V), which was found in sample NC32579, after it was collected from the horse "A Sure First" during an Out of Competition test, June 26, 2016 at the Downs at Albuquerque.

(The original lab report indicated a finding of Stanozolol in blood at 98pg/ml. Split sampling rights, as provided in 15.2.6.10 (D) NMAC were afforded to, and confirmed by, Industrial Laboratories at 129 pg/ml. With this drug, no level of detection is allowed to be found.

Ross Amestoy is found to be in violation of:

15.2.1.7 (O) (9) NMAC: Out of competition testing" test(s) that may be conducted on any horse that is on the grounds of a racetrack or training center under the jurisdiction of the commission; or under the care or control of a trainer or owner licensed by the commission; or whose papers are filed in the racing office; or has been nominated to a stakes race.

15.2.6.9 (K)(3) NMAC: The penalty for a positive test resulting from an out of competition sample will be determined by the penalty class of the drug listed in the association of racing commissioners international "uniform classification guidelines for foreign substances and recommended penalties and model rule" and incorporated by reference under 15.2.6.9 NMAC.

15.2.6.11(A) NMAC and 16.47.1.10(B)(1) NMAC: Which states in pertinent part that "The Trainer is the absolute insurer of the condition of horses entered in an official workout or race, and is responsible for the presence of any prohibited drug or medication, or other prohibited substance in such horse. A positive test for a prohibited drug or medication or other prohibited substance or the presence of permitted medication in excess of maximum allowable levels as reported by the commission approved laboratory is prima facie evidence of a violation of this rule. The Trainer is absolutely responsible regardless of the acts of third party."

For this violation, the Board of Stewards assess **Ross Amestoy** a penalty as follows:

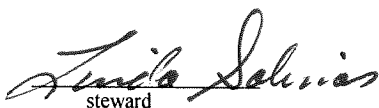
- (1) A suspension of any/all NMSRC issued licenses for a period of 15 calendar days (September 26, 2016 through October 11, 2016, Inclusive);
- (2) A fine in the amount of five hundred dollars (\$500.00.);

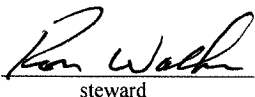
This is a first offense positive test violation in the past 365 day period, and is issued in accordance with 15.2.6.9 (C)(2) NMAC. The fine is to be paid on or before Oct. 7, 2016 in accordance with 15.2.3.8(B)(3)(l) NMAC.

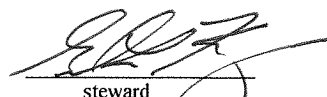
During said time of applicable suspension, **Ross Amestoy** is hereby excluded from all areas of the grounds under the jurisdiction of the NMSRC, in accordance with 15.2.1.9 (C)(21)(a) NMAC, and 15.2.3.8 (B)(3)(f) NMAC.

Additionally, effective upon applicable suspension dates, all horses owned or trained, or under the care of **Ross Amestoy** are ineligible to be entered or start in any race in this jurisdiction, per 15.2.1.9 (C)(21)(c) NMAC.

BY ORDER OF THE DOWNS at ALBUQUERQUE BOARD OF STEWARDS


steward


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New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-NMS-5
Track New Mexico State Fair
Ruling Date: 9/9/2016

Licensee: AMESTOY, PIERRE JEAN
License Type: Owner Applicant Id: 29594
Date of Birth: 11/08/1954 License Number: 81356

Ruling # 2016-NMS-5
Action Type: Initial Ruling
Ruling:

Owner, **Pierr Jean Amestoy**, having been duly notified, and represented by trainer **Ross Amestoy** waiving their rights to a hearing before the Board of Stewards on September 6, 2016, regarding a lab report from UC/Davis (official testing laboratory for the NMSRC), for a confirmed positive test for the Class III drug "Stanozolol" (Winstrol V), which was found in sample NC32579, after it was collected from the horse "A **Sure First**" during an Out of Competition test, June 26, 2016 at the Downs at Albuquerque.

(The original lab report indicated a finding of Stanozolol in blood at 98pg/ml. Split sampling rights, as provided in 15.2.6.10 (D) NMAC were afforded to, and confirmed by, Industrial Laboratories at 129 pg/ml. With this drug, no level of detection is allowed to be found.

Pierr Jean Amestoy is found to be in violation of:


- 15.2.1.7 (O) (9) NMAC: Out of competition testing" test(s) that may be conducted on any horse that is on the grounds of a racetrack or training center under the jurisdiction of the commission; or under the care or control of a trainer or owner licensed by the commission; or whose papers are filed in the racing office; or has been nominated to a stakes race.
- 15.2.6.9 (K)(3) NMAC: The penalty for a positive test resulting from an out of competition sample will be determined by the penalty class of the drug listed in the association of racing commissioners international "uniform classification guidelines for foreign substances and recommended penalties and model rule" and incorporated by reference under 15.2.6.9 NMAC.

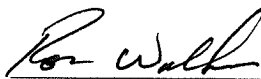
For this violation, the Board of Stewards assess **Pierr Jean Amestoy** a penalty as follows:


A **warning** for a positive test resulting from an out of competition sample of the drug listed in the association of racing commissioners international "uniform classification guidelines for foreign substances.

This is a first offense positive test violation in the past 365 day period, and is issued in accordance with 15.2.6.9 (C)(2) NMAC.

BY ORDER OF THE DOWNS at ALBUQUERQUE BOARD OF STEWARDS


steward


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