



New Mexico Racing Commission  
4900 Alameda NE  
Albuquerque, NM 87113

Ruling #: 2018-NMS-1  
Track New Mexico State Fair  
Ruling Date: 9/3/2018

Licensee: CARRIZOSA, FELIZARDO BORBON  
License Type: 2018 1 Year Groom Applicant Id: 35250  
License Number: 291029

Ruling # 2018-NMS-1

Action Type: Initial Ruling

Ruling:

**Groom/Exercise Rider** Felicardo Carrizosa having waived his right to a ten day notice appeared before the board of Stewards on **September 3, 2018** concerning a security citation for having unlicensed persons in his tack room several times after being warned is found in violation of Commission rules:

**Licensee is found to be in violation of:**

16.47.1.8 (L)(1)(i) – CONDUCT Which states in pertinent part “The Commission may refuse to issue a license to an applicant, or may suspend or revoke a license issued, or order disciplinary measures if the applicant is a person whose conduct or reputation may reflect on the honesty, and integrity of horse racing”

For this rule violation, the Board of Stewards assessed **Felicardo Carrizosa** a penalty in the amount of **Two Hundred dollars (\$200.00)**. This fine is to be paid on or before **October 3, 2018** in accordance with 15.2.3.8(B)(3)(I) NMAC. Failure to pay the fine within the time prescribed may result in immediate suspension.

**This ruling is written in accordance with:**

15.2.3.8 B (3)(f) Stewards Disciplinary Action

15.2.3.8 B (3)(a) Stewards Disciplinary Action

15.2.3.8 B (1) (d) Stewards General authority. The stewards have the authority to interpret the rules and to decide all questions of racing not specifically covered by the rules. Whenever the stewards find any person culpable for any act or omission in violation of these regulations or any violation of the Horse Racing Act, the person shall be subject to disciplinary action, which could include a fine, suspension, or revocation/denial of license or any combination of these penalties.

16.47.1.8. T. KNOWLEDGE OF RULES:

16.47.1.3 Statutory Authority

16.47.1.8 (A)(1) License Required

16.47.1.8 (A)(2) License Required

16.47.1.8(N) Last Known Address

By Order of The New Mexico State Fair Stewards

Appeal Filing Deadline: 15.2.1.9(B) (9) (b) NMAC: Which states in pertinent part that "An appeal under this section must be filed not later than 10 days from the date of the ruling. The appeal must be filed at the main Commission offices, or with the Stewards who issued the ruling.



New Mexico Racing Commission  
4900 Alameda NE  
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Ruling #: 2018-NMS-2  
Track: New Mexico State Fair  
Ruling Date: 9/3/2018

Licensee: ROMAN, JR JAVIER  
License Type: 2016 3 Year Trainer Applicant Id: 17950  
License Number: 284154

Ruling # 2018-NMS-2

Action Type: Initial Ruling

Ruling:

Trainer: **Javier Roman Jr.** was duly notified and **waived his right to a hearing** before the Board of Stewards on **September 2, 2018**. The hearing was in regard to a certificate of analysis from Industrial Laboratories (official testing laboratory for the NMRC) for a confirmed positive for the prohibited (class 3 penalty B) drugs "Clenbuterol" and Albuterol detected in the urine of horse "**Jess Botticelli**" (**Test Sample #: E276219**), who **finished in 1st place in the 7th race on June 29, 2018, at the Downs at Albuquerque Racetrack.**

The certificate of analysis detected "**Albuterol**" at a **level of 12.1 ng/ml in the urine, which exceeds the authorized limit of 1 ng/ml in urine and Clenbuterol. (15.2.6.9 NMAC attachment #2).** Split sample rights as provided in 15.2.6.10 (D) NMAC, were afforded to and declined by **trainer Javier Roman Jr.**

**Marco M. Loya**, is the **owner** of record for horse "**Jess Botticelli**", and was duly notified..

**For Javier Roman Jr. 1st Class 3B medication violation in a 365-day period, the Board of Stewards hereby assess a penalty issued in accordance with 15.2.6.9 (B)(2) Penalty Recommendations, as follows:**

1. **A 60 day suspension** of all NMRC licenses starting **September 14, 2018, through November 13, 2018, inclusive.**
2. **A (\$1000.00) One Thousand Dollar fine to be paid on or before October 3, 2018,** in accordance with 15.2.3.8 (B)(3)(I). Failure to pay fine in prescribed time will result in immediate suspension.

**Pursuant to rules 15.2.3.8 (B)(9)(a)(e)Stewards List, 15.2.6.9(C)(8)(c) Positive Test Report, 15.2.6.9(C)(9) Positive Test List, 15.2.6.9(C)(10)(a-d)List Removal Requirements, the horse "Jess Botticelli" is placed on the Stewards list for a period of 60 days (beginning July 28, 2018). During this period, the papers are to be removed from the racing office and horse is denied entry until he passes a commission approved veterinary examination with a negative blood and urine test.**

During said time of applicable suspension **Javier Roman Jr.** is hereby excluded from all areas of the grounds under the jurisdiction of the NMRC, in accordance with **15.2.1.9 (C)(21)**. Additionally, effective upon applicable suspension dates, all horses **owned, trained, or under the care of Javier Roman Jr.** are ineligible to be entered or start in any race in this jurisdiction, per **15.2.1.9 (C)(21)(e)**. All transfers and sales of horses **trained by, owned by, or in the care and custody of Javier Roman Jr.** must be done in accordance with **15.2.6.9A(12)(a)(b) Medication and Prohibited Substances, 15.2.1.9(B)(8)(b) DUE PROCESS AND DISCIPLINARY ACTION, and 16.47.1.10(D)(5)Assistant Trainers. Licensee is found in violation of and this ruling is written in accordance with: 15.2.3.8(B)(1)(3)(f)(g)(j)Stewards/ 15.2.6.9(C)(1)(4)Medication Restrictions/ 15.2.6.11(A)Trainer Responsibility/ 16.47.1.8(T)Knowledge of the Rules/ 16.47.1.8(U)(1)Protection of Horses/ 16.47.1.10(B)(1)(2)(3) Absolute Insurer/ 15.2.6.9(B)Penalty Recommendations.**

By Order of The New Mexico State Fair Stewards

Appeal Filing Deadline: 15.2.1.9(B) (9) (b) NMAC: Which states in pertinent part that "An appeal under this section must be filed not later than 10 days from the date of the ruling. The appeal must be filed at the main Commission offices, or with the Stewards who issued the ruling.

*Victor Enab* *For Walk* *Jaida Salinas*



New Mexico Racing Commission  
4900 Alameda NE  
Albuquerque, NM 87113

Ruling #: 2018-NMS-3  
Track: New Mexico State Fair  
Ruling Date: 9/3/2018

Licensee: Loya-Molina, Marco Antonio  
License Type: 2017 3 Year Owner      Applicant Id: 159627  
License Number: 284944

Ruling # 2018-NMS-3

Action Type: Initial Ruling

Ruling:

Owner: **Marco M. Loya**: was duly notified and **waived his right to a hearing** before the Board of Stewards on **September 2, 2018**. The hearing was in regard to a **certificate of analysis** from Industrial Laboratories (official testing laboratory for the NMRC) for a confirmed positive for the prohibited (class 3 penalty B) drugs "Clenbuterol" and Albuterol detected in the urine of horse "**Jess Botticelli**" (**Test Sample #: E276219**), who **finished in 1st place in the 7th race on June 29, 2018, at the Downs at Albuquerque Racetrack**.

The certificate of analysis detected "**Albuterol**" at a **level of 12.1 ng/ml in the urine, which exceeds the authorized limit of 1 ng/ml in urine and Clenbuterol. (15.2.6.9 NMAC attachment #2)**. Split sample rights as provided in 15.2.6.10 (D) NMAC, were afforded to and declined by **trainer Javier Roman Jr.**

**Javier Roman Jr.**, was the **trainer** of record for horse "**Jess Botticelle**", and was duly notified. In accordance with **15.2.6.9 (B)(2) Penalty Recommendations**, This is **Marco M. Loya FIRST Class 3B medication violation in a 365-day period**.

**For Marco M. Loya's FIRST Class 3B medication violation in a 365-day period, the Board of Stewards hereby assess a penalty, issued in accordance with 15.2.6.9 (B)(2) Penalty Recommendations, as follows:**

1. Pursuant to rules 15.2.3.8 (B)(9)(a)(e)Stewards List, 15.2.6.9(C)(8)(c) Positive Test Report, 15.2.6.9(C)(9) Positive Test List, 15.2.6.9(C)(10)(a-d)List Removal Requirements, the horse "**Jess Botticelli**" is placed on the Stewards list for a period of 60 days (beginning **July 28, 2018**). During this period, the papers are to be removed from the racing office and horse is denied entry until he passes a commission approved veterinary examination with a negative blood and urine test.
2. The horse "**Jess Botticelli**" is hereby disqualified from **1st place** and ordered unplaced from the **7th race on June 29, 2018, at the Downs at Albuquerque** for all but pari-mutuel wagering. The purse redistribution is as follows.

- |                         |                      |
|-------------------------|----------------------|
| 1. Wonderboy            | 7. Rock Hauler       |
| 2. Stoli Cartel         | 8. Jess Like Stoli   |
| 3. Big Brutus           | 9. Three Gold Medals |
| 4. Jess Dash Down First |                      |
| 5. Blow                 |                      |
| 6. Passemupjesse        |                      |

Unplaced "**Jess Botticelli**"

**Licensee is found in violation of and this ruling is written in accordance with:** 15.2.3.8(B)(1)(3)(f)(g)(j)Stewards/ 15.2.6.9(C)(1)(4)Medication Restrictions/ 15.2.6.11(A)Trainer Responsibility/ 16.47.1.8(T)Knowledge of the Rules/ 16.47.1.8(U)(1)Protection of Horses/ 16.47.1.10(B)(1)(2)(3) Absolute Insurer/ 15.2.6.9(B)Penalty Recommendations15.2.1.9(B)(9)(b): 15.2.5.13(E)(4)(d) Purse Redistribution

By Order of The New Mexico State Fair Stewards

Appeal Filing Deadline: 15.2.1.9(B) (9) (b) NMAC: Which states in pertinent part that "An appeal under this section must be filed not later than 10 days from the date of the ruling. The appeal must be filed at the main Commission offices, or with the Stewards who issued the ruling.



New Mexico Racing Commission  
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Ruling #: 2018-NMS-4  
Track: New Mexico State Fair  
Ruling Date: 9/6/2018

Licensee: APODACA, ELIZA

License Type: 2017 1 Year Spouse Pa Applicant Id: 8997  
License Number: 288456

Ruling # 2018-NMS-4

Action Type: Initial Ruling

Ruling:

**Spouse Eliza Apodaca** having been duly notified, having failed to appear, and had her hearing held in absentia, in accordance with **15.2.1.9(B)(4)(d)**, before the Board of Stewards on **September 7, 2018 at the New Mexico State fair**. The hearing was concerning a security citation where she was involved in disorderly conduct in the barn area near the test barn on August 17, 2018

For this violation, the Board of Stewards issued a penalty of \$300.00 Three Hundred Dollars. A suspension of any/all New Mexico Racing Commission licenses, effective immediately September 7, 2018. During said time of suspension **Elia Apodaca** is denied access to all grounds under the jurisdiction of the New Mexico Racing Commission in accordance with 15.2.1.9(C)(21)(a) NMAC.

**Licensee is found to be in violation of:**

**15.2.1.9(B)(4)(d) Nonappearance of a summoned party** after adequate notice shall be construed as a waiver of the right to a hearing before the stewards. The stewards may suspend the license of a person who fails to appear at a disciplinary hearing after written notice of the hearing has been sent, in compliance with this subsection.

**This ruling is written in accordance with:**

15.2.3.8 B (3)(f) Stewards Disciplinary Action  
15.2.3.8 B (1) (d) Stewards General Authority  
16.47.1.8. T. KNOWLEDGE OF RULES:  
16.47.1.3 Statutory Authority  
16.47.1.8 (A)(1) License Required  
16.47.1.8 (A)(2) License Required  
16.47.1.8(N) Last Known Address

By Order of The New Mexico State Fair Stewards

Appeal Filing Deadline: 15.2.1.9(B) (9) (b) NMAC: Which states in pertinent part that "An appeal under this section must be filed not later than 10 days from the date of the ruling. The appeal must be filed at the main Commission offices, or with the Stewards who issued the ruling.



New Mexico Racing Commission  
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Ruling #: 2018-NMS-5  
Track: New Mexico State Fair  
Ruling Date: 9/8/2018

Licensee: LEYBA, JR RUBEN  
License Type: 2018 3 Year Trainer      Applicant Id: 34791  
License Number: 288784

Ruling # 2018-NMS-5  
Action Type: Initial Ruling  
Ruling:

**Trainer Ruben Leyba Jr.**, having been duly notified and having appeared telephonically before the Board of Stewards on **September 7, 2018**, for failure to personally attend to saddling or appointing a substitute trainer for the entry "**Hiclass Czech**" in the paddock during the 2nd race on September 6, 2018, at the New Mexico State Fair Racetrack.

**Licensee is found to be in violation of:**

**16.47.1.10 (C)(23) TRAINER RESPONSIBILITY** personally attending to their horses in the paddock and supervising the saddling thereof, unless excused by the stewards; if the trainer is excused, the trainer must secure another trainer or assistant trainer who is licensed by the commission to assume those duties

**16.47.1.10 (E)(1) SUBSTITUTE TRAINER** If any licensed trainer is prevented from performing his duties or is absent from the track where he is participating, the stewards shall be immediately notified, and at the same time, a substitute trainer or assistant trainer, acceptable to the stewards, shall be appointed. The stewards shall be advised when the regular trainer resumes his duties

**15.2.6.11(E)(13): Trainer Responsibility** personally attending in the paddock and supervising the saddling thereof, unless excused by the stewards

The Board of Stewards hereby assessed Ruben Leyba Jr. a penalty in the amount of **One hundred dollars (\$100.00)**. The fine is to be paid on or before **October 7, 2018**, in accordance with 15.2.3.8(B)(3)(l) NMAC. Failure to pay the fine within the time prescribed may result in immediate suspension.

**This ruling is written in accordance with:**

15.2.3.8 B (3)(f) Stewards Disciplinary Action

15.2.3.8 B (3)(a) Stewards Disciplinary Action

15.2.3.8 B (1) (d) Stewards General Authority

16.47.1.8. T. KNOWLEDGE OF RULES:

16.47.1.3 Statutory Authority

16.47.1.8 (A)(1) License Required

16.47.1.8 (A)(2) License Required

16.47.1.8(N) Last Known Address

By Order of The New Mexico State Fair Stewards

Appeal Filing Deadline: 15.2.1.9(B) (9) (b) NMAC: Which states in pertinent part that "An appeal under this section must be filed not later than 10 days from the date of the ruling. The appeal must be filed at the main Commission offices, or with the Stewards who issued the ruling.



New Mexico Racing Commission  
4900 Alameda NE  
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Ruling #: 2018-NMS-6  
Track: New Mexico State Fair  
Ruling Date: 9/8/2018

Licensee: LUNA-SILVA, JOSE  
License Type: 2018 1 Year Trainer      Applicant Id: 157317  
License Number: 290119

Ruling # 2018-NMS-6

Action Type: Initial Ruling

Ruling:

**Trainer: Jose Luna Silva**, having been duly notified, and having appeared before the Board of Stewards on **September 7, 2018**, regarding a lab report from Industrial Laboratories (the official testing laboratory for the NMSRC) for a confirmed positive for the prohibited (Class 4 penalty C-Minor) presence of Furosemide above the allowable limit of 100 ng/ml, detected in horse "Aussie You Later" (Test Sample #: E276865), who finished 3rd in the 3rd race on August 11, 2018, at the Downs at Albuquerque.

Split sample rights as provided in 15.2.6.10 (D) NMAC, were afforded to **trainer Jose Luna Silva and declined.**

Licensee is found to be in violation of: 15.2.6.9(C)(1-2-3) NMAC: Which states 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 Jose Luna Silva FIRST Class 4-C Minor medication violation in a 365- day period issued in accordance with 15.2.6.9 (C)(3) Penalty Recommendations, the Board of Stewards assessed a penalty as follows**

1. A **(\$250.00) Two Hundred Fifty Dollar fine to paid on or before October 7, 2018**, in accordance with 15.2.1.9(B)(7)(f) NMAC and 15.2.3.8 (B)(3)(I) NMAC:
2. **No change in the official order of finish.**

This ruling is written in accordance with:

15.2.5.13(E)(4)(d) : Stewards General Authority/ 15.2.3.8 B (3)(f) Stewards Disciplinary Action/ 15.2.3.8 B (1) (d) Stewards General Authority/  
16.47.1.8. T. KNOWLEDGE OF RULES/ 16.47.1.3 Statutory Authority  
16.47.1.8 (A)(1)(2) License Required/ 16.47.1.8(N) Last Known Address

15.2.1.9(B)(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 #: 2018-NMS-7  
Track: New Mexico State Fair  
Ruling Date: 9/8/2018

Licensee: DAVIS, SHAWN HERSCHEL  
License Type: 2015 3 Year Owner      Applicant Id: 14538  
License Number: 278835

Ruling # 2018-NMS-7

Action Type: Initial Ruling

Ruling:

Owner Shawn H. Davis was duly notified and the hearing was held in absentia before the Board of Stewards on September 7, 2018. The hearing was in regard to a certificate of analysis from Industrial Laboratories (official testing laboratory for the NMRC) for a confirmed positive for the (class 4 penalty C- Minor) presence of Furosemide above the allowable limit of 100ng/ml, detected in the horse "Aussie You Later" (Test Sample #: E276865) who finished in 3rd place in the 3rd race on August 11, 2018, at the Downs at Albuquerque.

Split sample rights as provided in 15.2.6.10(D) NMAC, were afforded trainer Jose Luna Silva and declined. Jose Luna Silva, was the trainer of record for horse "Aussie You Later", and was duly notified. In accordance with 15.2.6.9 (B)(2) Penalty Recommendations

This is Shawn Davis FIRST Class 4 C-minor medication violation in a 365-day period.

Licensee is found to be in violation of: 15.2.6.9(C)(1-2-3) NMAC: Which states 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 Shawn H. Davis First Class 4C-Minor medication violation in a 365-day period he was given a warning.**

This ruling is written in accordance with:

Stewards General Authority/ 15.2.3.8 B (3)(f) Stewards Disciplinary Action/ 15.2.3.8 B (1) (d) Stewards General Authority/ 16.47.1.8. T. KNOWLEDGE OF RULES/ 16.47.1.3 Statutory Authority

By Order of The New Mexico State Fair Stewards

Appeal Filing Deadline: 15.2.1.9(B) (9) (b) NMAC: Which states in pertinent part that "An appeal under this section must be filed not later than 10 days from the date of the ruling. The appeal must be filed at the main Commission offices, or with the Stewards who issued the ruling.



New Mexico Racing Commission  
4900 Alameda NE  
Albuquerque, NM 87113

Ruling #: 2018-NMS-8  
Track: New Mexico State Fair  
Ruling Date: 9/9/2018

Licensee: DUNLEAVY,III CHARLES EDWARD  
License Type: 2016 3 Year Owner      Applicant Id: 159208  
License Number: 283424

Ruling # 2018-NMS-8

Action Type: Initial Ruling

Ruling:

Owner Charles Dunleavy III was duly notified and the hearing was held in absentia before the Board of Stewards on September 7, 2018. The hearing was in regard to a certificate of analysis from Industrial Laboratories (official testing laboratory for the NMRC) for a confirmed positive for the (class 4 penalty C-Minor) presence of Furosemide above the allowable limit of 100ng/ml, detected in the horse "Aussie You Later" (Test Sample #: E276865) who finished in 3rd place in the 3rd race on August 11, 2018, at the Downs at Albuquerque.

Split sample rights as provided in 15.2.6.10(D) NMAC, were afforded trainer Jose Luna Silva and declined. Jose Luna Silva, was the trainer of record for horse "Aussie You Later", and was duly notified. In accordance with 15.2.6.9 (B)(2) Penalty Recommendations,

This is Charles Dunleavy III FIRST Class 4 C-minor medication violation in a 365-day period.

Licensee is found to be in violation of: 15.2.6.9(C)(1-2-3) NMAC: Which states 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 Charles Dunleavy III First Class 4C-Minor medication violation in a 365-day period he was given a warning..**

Licensee is found in violation of and this ruling is written in accordance with: 15.2.3.8(B)(1)(3)(f)(g)(j) Stewards General authority/(f) Stewards Disciplinary Action/ 15.2.3.8 B (1) (d) Stewards General Authority/ 16.47.1.8. T. KNOWLEDGE OF RULES/ 16.47.1.3 Statutory Authority

By Order of The New Mexico State Fair Stewards

Appeal Filing Deadline: 15.2.1.9(B) (9) (b) NMAC: Which states in pertinent part that "An appeal under this section must be filed not later than 10 days from the date of the ruling. The appeal must be filed at the main Commission offices, or with the Stewards who issued the ruling.