



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

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

Licensee: PERKINS, JASON MARVYN

License Type: 2018 1 Year Trainer Applicant Id: 30393
License Number: 289617

Ruling # 2018-NMS-9

Action Type: Initial Ruling

Ruling:

Trainer **Jason Perkins** having been duly notified appeared telephonically before the Board of Stewards on September 9, 2018 regarding a security citation for having a unlicensed person on the backside in the barn area September 6, 2018, at The New Mexico State Fair Race Track.

Licensee is found to be in violation of: 16.47.1.8 GENERAL PROVISIONS:

R. License presentation:

(1) A person must present an appropriate license or other authorization issued by the commission to enter a restricted area. The commission may issue authorization to the spouse or child of a licensed owner, trainer or jockey to enter a restricted area. (2) The stewards may require visible display of a license while the licensee is engaged in the duty for which he/she is licensed and on the association grounds unless the licensee is mounted on a horse. (3) A license may only be used by the person to whom it is issued.

S. Temporary access authority:

Track security may authorize unlicensed persons temporary access to restricted areas. Such person shall be identified and their purpose and credentials verified and approved in writing by track security. Such authorization or credential may only be used by the person to whom it is issued. T. Knowledge of rules: A licensee shall be knowledgeable of the rules of the commission;

The Board of Stewards assessed **Jason Perkins** a penalty in the amount of **two hundred dollars (\$200)**. The fine is to be paid on or before **October 9, 2018** in accordance with 15.2.3.8(B)(3)(I) NMAC. Failure to pay this fine within the time prescribed will result in immediate suspension.

This ruling is written in accordance with:

15.2.1.8(B)(1) COMMISSION GENERAL AUTHORITY

15.2.3.8 B (3)(a)(f) Stewards Disciplinary Action

15.2.3.8 B (1) (a)(c)(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

16.47.1.8(L)(1)(e) Grounds For Disciplinary Measures

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-10
Track New Mexico State Fair
Ruling Date: 9/9/2018

Licensee: PARGA-LEOS, JAIME

License Type: 2017 3 Year Jockey Applicant Id: 30593
License Number: 284865

Ruling # 2018-NMS-10

Action Type: Initial Ruling

Ruling:

Jockey Jaime Pargo Leos having failed to appear or send a jockey guild's representative regarding the **8th race on September 7, 2018, at The New Mexico State Fair Racetrack**, is found in violation of Commission rules.

Licensee is found in violation of:

15.2.1.9(B)(4)(d)NMAC: Which states in pertinent part that "Nonappearance of a summoned party after adequate notice shall be construed as a waiver of the right to a hearing before the board of stewards.

15.2.1.9(B)(4)(A)NMAC Notice Except as provided by these rules regarding summary suspension, jockey riding infractions and trial races, the stewards or a racing commission designee shall provide written notice, at least 10 days before the hearing, to a person who is the subject of a disciplinary hearing. The person may waive their right to 10 days notice by executing a written waiver.

For this rule violation, the Board of Stewards assessed **Jaime Pargo Leos** a penalty of **One Hundred dollars (\$100.00)**. The fine is to be paid on or before **October 9, 2018** once with **15.2.3.8(B)(3)(I)**. Failure to pay the fine within the time prescribed will result in immediate suspension.

This ruling is written in accordance with:

15.2.1.8(B)(1) COMMISSION GENERAL AUTHORITY
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
15.2.3.8 B (1) (a) Stewards General Authority
15.2.3.8 B (1) (c) 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
16.47.1.8(L)(1)(c)Grounds For Disciplinary Measures
15.2.1.9(B)(9)(a)Failure to Appeal

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-11
Track New Mexico State Fair
Ruling Date: 9/9/2018

Licensee: GUTIERREZ, MANUEL

License Type: 2018 3 Year Jockey Applicant Id: 31992
License Number: 288794

Ruling # 2018-NMS-11

Action Type: Initial Ruling

Ruling:

Jockey Manuel Gutierrez having failed to appear or send a jockey guild's representative regarding the **4th race on September 7, 2018, at The New Mexico State Fair Racetrack**, is found in violation of Commission rules.

Licensee is found in violation of:

15.2.1.9(B)(4)(d)NMAC: Which states in pertinent part that "Nonappearance of a summoned party after adequate notice shall be construed as a waiver of the right to a hearing before the board of stewards.

15.2.1.9(B)(4)(A)NMAC Notice Except as provided by these rules regarding summary suspension, jockey riding infractions and trial races, the stewards or a racing commission designee shall provide written notice, at least 10 days before the hearing, to a person who is the subject of a disciplinary hearing. The person may waive their right to 10 days notice by executing a written waiver.

For this rule violation, the Board of Stewards assessed **Manuel Gutierrez** a penalty of **One Hundred dollars (\$100.00)**. The fine is to be paid on or before **October 9, 2018** once with **15.2.3.8(B)(3)(I)**. Failure to pay the fine within the time prescribed will result in immediate suspension.

This ruling is written in accordance with:

15.2.1.8(B)(1) COMMISSION GENERAL AUTHORITY
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
15.2.3.8 B (1) (a) Stewards General Authority
15.2.3.8 B (1) (c) 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
16.47.1.8(L)(1)(e)Grounds For Disciplinary Measures
15.2.1.9(B)(9)(a)Failure to Appeal

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-12
Track New Mexico State Fair
Ruling Date: 9/11/2018

Licensee: VALLEJO, RODRIGO SIGALA
License Type: 2015 3 Year Jockey Applicant Id: 32260
License Number: 279195

Ruling # 2018-NMS-12

Action Type: Initial Ruling

Ruling:

Jockey, **Rodrigo Sigala Vallejo** having been summoned and failed to appear before the Board of Stewards on **September 11, 2018** for careless riding during the running of the **3rd race on September 9, 2018** at The New Mexico State Fair Racetrack while aboard **"#4 Jesse Lane"** which resulted in his mount being disqualified from 1st place to 9th place behind the horse interfered with.

Licensee is found in violation of:

15.2.5.13(E)(2)(a) NMAC: Post to Finish 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."

15.2.5.13(E)(3)(d) NMAC: Post to Finish (d) In a straightaway race, every horse must maintain position as nearly as possible in the lane in which it starts. If a horse is ridden, drifts or swerves out of its lane in such a manner that it interferes with, impedes or intimidates another horse, it is a foul and may result in the disqualification of the offending horse.

For this violation, the Board of Stewards assessed **Rodrigo Sigala Vallejo** a suspension of **7 calendar days (September 18, 2018, through September 24, 2018)**. The terms of this suspension shall not prohibit participation in designated races.

This ruling is written in accordance with:

15.2.5.13(E)(3)(c) NMAC: Post to Finish 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)(d) NMAC: Post to Finish The offending horse may be disqualified, if in the opinion of the stewards, the foul altered the finish of the race, regardless of whether the foul was accidental, willful or the result of careless riding.

15.2.5.13(E)(4)(a) NMAC Disqualification. When the stewards determine that a horse shall be disqualified for interference, they may place the offending horse behind such horse as in their judgment it interfered with, or they may place it last

15.2.1.9(B)(4)(A) Notice of Hearing for Jockeys

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:

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-13
Track New Mexico State Fair
Ruling Date: 9/12/2018

Licensee: TOLEDO, TYSON Q

License Type: 2018 1 Year Security St Applicant Id: 161136
License Number: 290463

Ruling # 2018-NMS-13

Action Type: Initial Ruling

Ruling:

Security Staff Tyson Toledo license #161136 is hereby rescinded without prejudice, having terminated employment and no longer working in this licensed capacity.

This ruling is in accordance with:

16.47.1.8 (M)(2)Duration Of License Which states in pertinent part "A license is valid only under the condition that the licensee remains eligible to hold such a license.

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
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Ruling #: 2018-NMS-14
Track New Mexico State Fair
Ruling Date: 9/12/2018

Licensee: HERNANDEZ, RAUL

License Type: 2018 1 Year Security St Applicant Id: 161442
License Number: 291673

Ruling # 2018-NMS-14

Action Type: Initial Ruling

Ruling:

Security Staff Raul Hernandez license #161442 is hereby rescinded without prejudice, having terminated employment and no longer working in this licensed capacity.

This ruling is in accordance with:

16.47.1.8 (M)(2)Duration Of License Which states in pertinent part "A license is valid only under the condition that the licensee remains eligible to hold such a license.

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
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Ruling #: 2018-NMS-15
Track New Mexico State Fair
Ruling Date: 9/12/2018

Licensee: MACIAS, ANDREA STEPAHINE

License Type: 2018 1 Year Security St Applicant Id: 161199
License Number: 290678

Ruling # 2018-NMS-15

Action Type: Initial Ruling

Ruling:

Security Staff Andrea Mac license #161199 is hereby rescinded without prejudice, having terminated employment and no longer working in this licensed capacity.

This ruling is in accordance with:

16.47.1.8 (M)(2)Duration Of License Which states in pertinent part "A license is valid only under the condition that the licensee remains eligible to hold such a license.

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
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Ruling #: 2018-NMS-16
Track New Mexico State Fair
Ruling Date: 9/13/2018

Licensee: URIBE, MARIO R

License Type: 2018 1 Year Exercise P Applicant Id: 160665
License Number: 288731

Ruling # 2018-NMS-16

Action Type: Initial Ruling

Ruling:

Groom/ Pony Person/ Exercise Person **Mario R. Uribe** having been duly notified, appeared, and had his hearing before the Board of Stewards on **September 12, 2018**, concerning a fight in the barn area on 8/25/2018 at The Downs at Albuquerque.

Licensee is found to be in violation of:

16.47.1.8 (L)(1)(i) is a person whose conduct or reputation may adversely reflect on the honesty and integrity of horse racing or interfere with the orderly conduct of a race meeting; interfering with the orderly conduct of a race meeting shall include, but is not limited to, disruptive or intemperate behavior or behavior which exposes others to danger anywhere on the racetrack grounds; the fact that the race meet was not actually interrupted is not a defense to the imposition of discipline under this rule.

For this rule violation, the Board of Stewards assessed **Mario R. Uribe** a penalty of a fine in the amount of Three hundred dollars (\$300.00). This fine is to be paid on or before **October 12, 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
Albuquerque, NM 87113

Ruling #: 2018-NMS-17
Track New Mexico State Fair
Ruling Date: 9/13/2018

Licensee: VEGA-VELARDE, RAUL

License Type: 2016 3 Year Trainer Applicant Id: 9954
License Number: 282479

Ruling # 2018-NMS-17

Action Type: Initial Ruling

Ruling:

Trainer: Raul Vega-Velarde; having been duly notified and having waived his rights to a hearing before the **Board Of Stewards on September 12, 2018, regarding a lab report from Industrial Laboratories (The official testing laboratory for the NMSRC),** for a confirmed positive for the therapeutic drug, Methylprednisolone (class 4C-Major penalty) found in test sample **E276457** taken from the **2nd place finisher "Atlas Sparks"** following **the 9th race, on July 13, 2018, at the Downs at Albuquerque.**

The original lab report indicated a finding of **Methylprednisolone at 197 pg/ml in the blood.** The allowable limit for **Methylprednisolone** is 100 pg/ml in the blood **(15.2.6.9 Attachment 2 Page 3).** Split sample rights as provided in **15.2.6.10 (D) NMAC,** were afforded to and declined by **Raul Vega-Velarde.**

Angel Ponce de Leon is the owner of record for horse **"Atlas Sparks"**

In accordance with rules **15.2.6.9 (B)(4),** this is **Raul Vega-Velarde's FIRST Class 4C-Major medication violation.**

For Raul Vega-Velarde's FIRST Class 4C-Major medication violation, in a 365-day period, issued in accordance with 15.2.6.9 (B)(4), the Board of Stewards assessed a penalty as follows:

1. **A (\$1,000) One thousand dollar fine to paid on or before October 13, 2018,** in accordance with **15.2.3.8 (B)(3)(I) NMAC.** Failure to pay fine in prescribed time will result in an immediate suspension.

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.



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2018-NMS-18
Track: New Mexico State Fair
Ruling Date: 9/13/2018

Licensee: DE LA CRUZ, JOSE JUAN

License Type: Applicant Id: 31151
License Number:

Ruling # 2018-NMS-18

Action Type: Initial Ruling

Ruling:

Groom Jose Juan De La Cruz, having been duly notified, having failed to appear, and had his hearing held in absentia, in accordance with **15.2.1.9(B)(4)(d)**, before the Board of Stewards on September 13, 2018 at The New Mexico State Fair concerning a **summary suspension** for his conduct on **August 24, 2018 (refer to ruling 2018-DAA-81)**.

Groom **Jose Juan De La Cruz** tested positive for **Methamphetamine**, during a drug screening on **August 24, 2018** and is no longer employed.

Licensee is found to be in violation of: 16.47.1.8 (L)(i) NMAC – 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 violation, the Board of Stewards issue Jose Juan De La Cruz a penalty of the following:

A revocation of any/all New Mexico Racing Commission licenses, effective immediately **September 13, 2018** and is referred to the New Mexico Racing Commission for their further review prior to any further application.

Mr. De La Cruz must submit a negative sample.

Licensee is found to be in violation of and this ruling is written in accordance with:

16.47.1.17 (A)(1) TESTING PROCEDURES/

16.47.1.17 (A)(2) TESTING PROCEDURES

/16.47.1.16 (C)(7) Restricted Activities

16.47.1.8 (L)(1)(i) Conduct /

16.47.1.17 (A)(3) TESTING PROCEDURES /

16.47.1.8 (E) AGREEMENT TO SEARCH AND SEIZURE /15.2.1.8(B)(1)

COMMISSION GENERAL AUTHORITY

/15.2.3.8 B (3)(a)(f) Stewards Disciplinary Action/

15.2.3.8 B (1) (a)(c)(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

/ 16.47.1.8(L)(1)(e) Grounds For Disciplinary Measures/15.2.1.9(B)(9)(a) Failure to Appeal/

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-19
Track New Mexico State Fair
Ruling Date: 9/13/2018

Licensee: PONCE DE LEON, ANGEL

License Type: Applicant Id: 160332
License Number:

Ruling # 2018-NMS-19

Action Type: Initial Ruling

Ruling:

Owner: Angel Ponce de Leon; having been duly notified and having waived his rights to a hearing, being represented by trainer Raul Vega-Valverde before the Board Of Stewards on September 12, 2018, regarding a lab report from Industrial Laboratories (The official testing laboratory for the NMSRC), for a confirmed positive for the therapeutic drug, Methylprednisolone (class 4C-Major penalty) found in test sample E276457 taken from the 2nd place finisher "Atlas Sparks" following the 9th race, on July 13, 2018, at the Downs at Albuquerque.

The original lab report indicated a finding of Methylprednisolone at 197 pg/ml in the blood. The allowable limit for Methylprednisolone is 100 pg/ml in the blood (15.2.6.9 Attachment 2 Page 3). Split sample rights as provided in 15.2.6.10 (D) NMAC, were afforded to and declined.

Raul Vega-Valverde is the trainer of record for horse "Atlas Sparks".

In accordance with rules 15.2.6.9 (B)(4), this is Angel Ponce de Leon FIRST Class 4C-Major medication violation.

For Angel Ponce de Leon FIRST Class 4C-Major medication violation, in a 365-day period, issued in accordance with 15.2.6.9 (B)(4), the Board of Stewards assessed a penalty as follows:

1. The horse "Atlas Sparks" is hereby disqualified from 2nd place and ordered unplaced from the 9th race on July 13, 2018, at the Downs at Albuquerque for all but pari-mutuel wagering. The purse redistribution is as follows.

1 Msferrari Edition
2 Offended
3 My Moon Crest
4 Pancho Villa
5 Streakaway Star
6 Fiesta Corona
7 Catch This Train
8 Just Chic It
9 Thefame Ofthe Kid
Unplaced "Atlas Sparks"

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.



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2018-NMS-20
Track New Mexico State Fair
Ruling Date: 9/14/2018

Licensee: FERGUSON, DEBRA SUE

License Type: 2018 1 Year Horseman' Applicant Id: 20826
License Number: 289616

Ruling # 2018-NMS-20

Action Type: Initial Ruling

Ruling:

The Bookkeepers license issued to Debra Ferguson is hereby rescinded without prejudice as she has appeared before the Board of Stewards on September 1st, 2018, and stated that she no longer works in this capacity. Debra Ferguson is hereby issued an owners license.

This ruling is written in accordance with:

16.47.1.8 (M)(2) DURATION OF LICENSE: Which states in pertinent part "A license is valid only under the condition that the licensee remains eligible to hold such a license".

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
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2018-NMS-21
Track New Mexico State Fair
Ruling Date: 9/14/2018

Licensee: ITURRALDE, OMAR ANTONIO
License Type: 2018 3 Year Jockey Applicant Id: 159020
License Number: 288708

Ruling # 2018-NMS-21
Action Type: Initial Ruling
Ruling:

Jockey **Omar Iturralde**, having been summoned and having appeared before the Board of Stewards on **September 14, 2018** for failure to make sufficient effort to maintain his lane while aboard "**Flash of Victory**" in the **4th** race on **September 13, 2018** at The Downs at Albuquerque Racetrack.

Licensee is found to be in violation of:

15.2.5.13(E)(3)(d) NMAC: Post to Finish (d) In a straightaway race, every horse must maintain position as nearly as possible in the lane in which it starts. If a horse is ridden, drifts or swerves out of its lane in such a manner that it interferes with, impedes or intimidates another horse, it is a foul and may result in the disqualification of the offending horse.

The Board of Stewards hereby assessed, **Omar Iturralde**, a fine in the amount of **two hundred dollars, (\$200.00)**. The fine is to be paid on or before **October 14, 2018**, in accordance with **15.2.3.8 (B)(3)(I)**. Failure to pay the fine within the time prescribed will result in immediate suspension.

This ruling is written in accordance with:

15.2.1.9(B)(4)(A) Notice of Hearing for Jockeys
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
Albuquerque, NM 87113

Ruling #: 2018-NMS-22
Track New Mexico State Fair
Ruling Date: 9/14/2018

Licensee: CARRILLO, ARNOLDO

License Type: 2016 3 Year Trainer Applicant Id: 28913
License Number: 283562

Ruling # 2018-NMS-22

Action Type: Initial Ruling

Ruling:

T Trainer, **Arnoldo Carrillo**, is hereby summarily suspended (effective immediately, September 14, 2018 for the detection of the Class B drug **Clenbuterol** in sample #E277054, per 15.2.1.9(B)(2).

The summary suspension is in regard to a certificate of analysis from **Industrial Laboratories (official testing laboratory for the NMRC)** for a confirmed positive for the (class 3 penalty B) drug "**Clenbuterol**" in horse "**Coronas Dashin Injun**" (Test Sample #: **E277054**) who **finished SECOND place in the 4th race on August 26, 2018, at The Downs in Albuquerque, NM.**

15.2.6.9(C)(4) There is no permissible concentration of Clenbuterol that is allowed to appear in any official sample.

In accordance with **15.2.1.9 (C)(21)**, **Arnoldo Carrillo** is hereby excluded from all areas of the grounds under the jurisdiction of the NMSRC **and all horses owned, trained, or under the care Arnoldo Carrillo are denied entry**, pending the outcome of **his** hearing **on September 20, at 9:30 am in the Board of Steward's office at The Downs at Albuquerque Racetrack**, per **15.2.1.9 (B)(3)(b)**.

Licensee is found in violation of:

15.2.6.9(C)(4) There is no permissible concentration of Clenbuterol that is allowed to appear in any official sample.

16.47.1.8 (U)(1) PROTECTION OF HORSES Each person licensed by the commission shall do all that is reasonable and within their power and scope of duty to guard against and prevent the administration of any drug, medication or other substance, including permissible medication in excess of the maximum allowable level, to any horse entered or to be entered in an official workout or race, as prohibited by these rules.

This ruling is written in accordance:

15.2.1.9(B)(3)(a) NMAC: Which states in pertinent part "If the Stewards determine that a licensee's action constitute an immediate danger to the public health, safety, or welfare, the Stewards may summarily suspend the licensee pending a hearing".

15.2.6.9 (A)(11) NMAC: Any person who the stewards or the commission believe may have committed acts in violation of criminal statutes may be referred to the appropriate law enforcement agency. Administrative action taken by the stewards or the commission does not prohibit a prosecution for a criminal act, nor does a potential criminal prosecution stall administrative action by the stewards or the commission.

16.47.1.10(B)(1)(2) NMAC: Absolute Insurer 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."

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"

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(N) Last Known Address

By Order of The New Mexico State Fair Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2018-NMS-23
Track New Mexico State Fair
Ruling Date: 9/15/2018

Licensee: BOBROFF, JACQUELYN A
License Type: 2018 3 Year Jockey Applicant Id: 30189
License Number: 290445

Ruling # 2018-NMS-23

Action Type: Initial Ruling

Ruling:

Jockey, **Jacquelyn Bobroff** having appeared before the Board of Stewards on September 14, 2018, testing positive for prohibited substances Methamphetamine.

Licensee is found to be in violation of and This Ruling is written in accordance with

6.47.1.17 (A)(1) TESTING PROCEDURES At its discretion, the commission may conduct random or episodic random drug testing, as well as testing based on reasonable suspicion, in order to ensure safety on the racetrack.

16.47.1.16 (C)(7) Restricted Activities: It shall be an offense to exercise the privileges granted by a license from this commission if the licensee presently has drugs (controlled substances) or alcohol in his/her body. With regard to alcohol, the results of a test showing a reading of more than .05 percent of alcohol in the blood, urine, saliva or other bodily fluids of licensees in non-safety sensitive positions shall be the criterion for a finding of alcohol present in the body. With regard to other controlled substances, presence of the drug in any quantity measured by the testing instrument establishes the presence of the drug for purposes of this paragraph. Licensees in safety sensitive positions, jockeys, starters, assistant starters, exercise riders, pony persons, ambulance personnel, and outriders are in violation of this rule if they have any measurable level of alcohol.

16.47.1.8 (L)(1)(i) – 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”

16.47.1.18 (C) ASSESSMENT/TREATMENT REQUIREMENTS GENERAL SECOND-TIME OFFENDERS: (1) The license of the person may be revoked or suspended for a period of up to one year or a professional assessment of the person may be ordered by the commission. (2) If a professional assessment indicates presence of a problem or alcohol or other drug abuse that is not treatable within the reasonably foreseeable future (360 days) the license may be suspended for a period of up to one year. (3) If a professional assessment indicates presence of a treatable problem of alcohol or other drug abuse or dependence, the board of stewards or the commission may order the licensee to undergo treatment as a condition of continuing licensure. Such treatment will be through a program or by a practitioner, acceptable to the licensee and the board of stewards or the commission. Required features of any program or practitioner acceptable to the board of stewards or the commission will be: accreditation or licensure by an appropriate government agency, if required by state statute; a minimum of one year follow-up treatment; and, a formal contract indicating the elements of the treatment and follow-up program that will be completed by the licensee and, upon completion, certified to the board of stewards or the commission as completed. To effect the contract, the licensee will authorize release of information by the treating agency, hospital or individual.

For this violation, the Board of Stewards issue **Jacquelyn Bobroff** a penalty of the following:

1. Suspension of all NMRC licenses for 90 days retroactive September 14, 2018 through , December 13, 2018 inclusive.
2. In Addition **Jacquelyn Bobroff** must complete a formal assessment and treatment that must meet the conditions given in 16.47.1.18.C NMAC prior to reinstatement.

During said time of suspension **Jacquelyn Bobroff** 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.

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

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 #: 2018-NMS-24
Track New Mexico State Fair
Ruling Date: 9/15/2018

Licensee: GONZALEZ, JR RAMON

License Type: 2018 1 Year Owner Applicant Id: 28484
License Number: 290303

Ruling # 2018-NMS-24

Action Type: Initial Ruling

Ruling:

Owner Ramon Gonzalez, Jr. having been duly notified, appeared and had his hearing before the Board of Stewards on **September 15, 2018**, for disruptive and threatening behavior towards a racing official on August 3, 2018, at The Downs at Albuquerque Racetrack.

Licensee is found to be in violation of:

16.47.1.8 (L)(i) NMAC – 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 **Ramon Gonzalez Jr.** a penalty in the amount of **two hundred fifty dollars (\$250.00)**. The fine is to be paid on or before **October 15, 2018**, in accordance with 15.2.3.8(B)(3)(I) NMAC.

Failure to pay the fine within the time prescribed will result in immediate suspension.

This ruling is written in accordance with:

15.2.1.9(B)(4)(d) Nonappearance of a summoned party

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
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2018-NMS-25
Track New Mexico State Fair
Ruling Date: 9/16/2018

Licensee: CARRILLO, ARNOLDO

License Type: 2016 3 Year Trainer Applicant Id: 28913
License Number: 283562

Ruling # 2018-NMS-25

Action Type: Initial Ruling

Ruling:

Trainer, Arnoldo Carrillo, having been represented telephonically by attorney Daniel Marquez on September 15, 2018, filed a motion to lift the summary suspension and restore Arnoldo Carrillo's license privileges pending a notification and resolution of a future disciplinary hearing. per 15.2.1.9 (B)(3)(b).

The summary suspension is in regard to a certificate of analysis from Industrial Laboratories (official testing laboratory for the NMRC) for a confirmed positive for the (class 3 penalty B) drug "Clenbuterol" in horse "Coronas Dashin Injun" (Test Sample #: E277054) who finished SECOND place in the 4th race on August 26, 2018, at The Downs in Albuquerque, NM.

The Board of Stewards hereby cancel the summary suspension and restore Arnoldo Carrillo's license privileges, pending a notification and resolution of a future disciplinary hearing. per 15.2.1.9 (B)(3)(b).

Arnoldo Carrillo's hearing on September 20, at 9:30 am in the Board of Steward's office at The Downs at Albuquerque Racetrack, per 15.2.1.9 (B)(3)(b), is no longer necessary.

This ruling is written in accordance:

15.2.3.8 B (3) 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.

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.