

NEW MEXICO HORSE RACING COMMISSION **MINUTES OF THE MEETING**

Date: October 12, 2017 at 8:30 AM

Place: 4900 Alameda Blvd. NE, Albuquerque, NM 87113

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

NMRC Staff Participating: NMRC Executive Director Ismael Trejo; NMRC Manager Rosemary Garley; NMRC Paralegal Tina Marie Arce

Others Present/Participating: Assistant Attorney General Marlo Aragon

AGENDA ITEM	TRANSCRIPT PAGE NUMBER(S)	DISCUSSION / CONCLUSIONS / RECOMMENDATIONS	ACTION TAKEN
Call to Order and Roll Call	00:11 to 00:19	Meeting called to order by Chairman Willis. Roll call was taken by NMRC Paralegal Tina Arce. Commissioner Corazza was not in attendance. Assistant Attorney General Marlo Aragon the NMRC General Counsel was present.	No Action Taken.
Approval of Agenda	00:25 to 01:08	Chairman Willis asked Executive Director Ismael Trejo if there were any changes to the Agenda. Executive Director Ismael Trejo requested that item 7K and 7L to the front of #7 Executive Session making them 7A and 7B.	Motion to approve with changes by Commissioner Blach; Second by Vice-Chairman McCulloch. Motion carried without objections or abstentions.
Minutes- September 14, 2017 and September 29, 2017	01:10 to 01:30	Chairman Willis requested a motion to approve the minutes of the September 14, 2017 Regular Commission Meeting and September 29, 2017 Special Meeting.	Motion to approve by Vice-Chairman McCulloch; Second by Commissioner Cospers. Motion carried without objections or abstentions.
Chairman's Agenda	01:31 to 01:41	Chairman Willis stated there were no Committee meetings in the month of October. Commissioner Corazza entered the meeting.	No Action Taken

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NMHBA Report Breeders Report	001.41 to 06:47	Anna Fay Davis, Executive Director of the New Mexico Horse Breeders started with the race a day report as follows: The Downs at Albuquerque through Sunday, September 24, 2017: 61 NM Bred Races in 17 days with 24 TB overnight; 21 QH overnight, 9 QH trials, 2 TB trials, 3 TB stakes, 2 QH stakes for an average of 3.59% per day. New Mexico Breds in open overnight races: Downs at Albuquerque; in 40 days, 451 NM bred's ran in open overnight; Out of these 451, 138 NM Breds came in 1st, 2nd and 3rd, 38 TB and 100 QH 31%, wire transferred \$97,843.80. Race a day report for Zia Park through Tuesday, October 3, 2017: 58 NM Bred races in 16 days with 39 TB overnight, 19 QH overnight, for an average of 3.63%. There were 503 NM Breds that were scheduled to participate in these races. In 8 days, 58 NM Breds ran in open overnight races. Of these 58, 19 NM Breds came in 1st, 2nd or 3rd. 33%. Wire Transferred \$14,670.00. Ruidoso Downs: In 52 days, 421 NM Breds ran in open overnight races. Of these 421, 160 NM Breds came in 1st, 2nd or 3rd. 102 TB, 58 QH. Wire transferred \$61,499.60. NMSF: In 17 days, 179 NM Breds ran in open overnight races. Of these 179, 50 NM Breds came in 1st, 2nd or 3rd. 28% 22 TB and 28 QH. Wire Transferred \$34,872.80.	No Action Taken
NMHA Horsemen's Report	006:53 to 012:14	Pat Bingham, Executive Director of the NMHA started by congratulating Don Cook and the Downs at Albuquerque for having a great meet and for bringing the fun back into racing. The economic impact study is almost done and Mr. Bingham looks forward to sharing that with the industry. At the NMHA meeting the Committee looked at electronic voting as a means to have more people participate, their website has the ability to capture votes. Mr. Bingham stated that there was a delay in notifying a horsemen of a positive test, which resulted in the track taking action against the horsemen before any formal	No Action Taken

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		process with the Commission took place. Commissioner Corazza pointed out that the Tracks have the right to want to limit the bad actors from their track. Mr. Bingham stated that he would like to see Due Process from the Commission before the tracks get involved.	
NMRC Executive Director Report	012:18 to 014:38	Ismael Trejo, Executive Director for NMRC started by congratulating Don Cook and the Downs at Albuquerque for a great meet and the fact their handle was up 7% and per race 10%. Mr. Trejo stated that directly after this meeting he will be flying to Iowa to speak on behalf of the AQHA on a panel to discuss hair testing. Investigator Leasa Johnson has been invited to go to Iowa to participate in the AQHA enforcement team for the AQHA challenge races. Mr. Trejo is preparing for the Sunset Review meeting on October 27, 2017. Mr. Trejo stated that he had a long discussion with Dustin Dix of Sunland Park regarding 3rd party Lasix pertaining to what model of 3rd party Lasix would work in NM.	No Action Taken
Rules Hearing 15.2.6.9 NMAC (Medications and Prohibited Substances)	014:48 to 021:26	Vice-Chairman McCulloch opened the Rules Hearing. Vice-Chairman McCulloch reminded everyone to sign in. Roll Call was taken with all Commissioners present. Assistant Attorney General Marlo Aragon is present. Rosemary Garley of the NMRC read the rule into the record. Pat Bingham of the NMHA commented that they would like the final sentence modified. The Rules Hearing was adjourned at 8:50am.	No Action Taken
Rules Adoption 15.2.6.9 NMAC (Medications and Prohibited Substances)	021:53 to 037:42	Vice-Chairman McCulloch asked Mr. Bingham to read the verbiage that the NMHA would like to change and explain to the Commission. Mr. Bingham read into the record what the NMHA wanted changed. Mr. Bingham was questioned by Chairman Willis and Commissioners. Susan Vescovo commented regarding methamphetamine being an environmental contaminant.	Motion to adopt as is by Commissioner Corazza; Second by Vice-Chairman McCulloch. Motion carried with no objections and abstentions.

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Approval of Downs at Albuquerque Simulcast Imports Gaming and Breakage Ratification of Approval to add race	037:51 to 049:03	Don Cook, of the Downs at Albuquerque requested approval of Simulcast Imports, Gaming and Breakage and for the Commission to ratify approval to add a race. Commissioner Corazza asked when the deadline is for all of the new stake races. Mr. Cook answered November 1, 2017. Mr. Cook was asked who paid for the testing the Downs was doing. The answer was that the Downs paid for all of the tests. Commissioner Blach stated that he would not be opposed to a small fee for everyone to pay towards testing. Susan Vescovo stated that the NMHA have some concern regarding hair testing in the State of NM.	Motion to approve Simulcast Imports by Vice-Chairman McCulloch; Second by Commissioner Corazza. Motion to approve Gaming & Breakage by Vice-Chairman McCulloch; Second by Commissioner Blach. Motion to ratify approval to add race by Commissioner Blach; Second by Vice-Chairman McCulloch. Motions carried with no objections and abstentions.
Approval of Ruidoso Downs Simulcast Imports	0049:04 to 049:08	Vice-Chairman McCulloch moved to approve the Simulcast Imports for Ruidoso Downs	Motion to approve Vice-Chairman McCulloch; Second by Commissioner Cosper. Motions carried with no objections and abstentions.
Approval of SunRay Park Simulcast Imports	049:11 to 046:52	Lonnie Barber, of SunRay Park requested approval of their Simulcast Imports.	Motion to approve by Vice-Chairman McCulloch; Second by Commissioner Cosper. Motion carried with no objections and abstentions.
Approval of Sunland Park Simulcast Imports 2017-18 Purse Schedule Amendment to 2017-18 Nomination Blanks, Stakes Schedule, Condition Book	049:36 to 01:00:26	Dustin Dix, of Sunland Park requested approval of their Simulcast Imports as submitted, their 2017-18 Purse Schedule and the Amendments to the 2017-18 Nomination Blanks, Stakes Schedule, and Condition book. This amendment would include \$250 testing fee to the horsemen. Chairman Willis asked who	Motion to approve Simulcast Imports Vice-Chairman McCulloch; Second by Commissioner Blach. Motion to approve 2017-18 Purse Schedule by Commissioner

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		would do the testing. Mr. Dix explained that the NMRC will be doing the testing. The Horsemen and Sunland park were asked to come to an agreement with how much the horsemen would be paying for the testing fee. The Equine testing fund can receive gifts per the AG's office. Vice-Chairman McCulloch stated that she pays a drug fee every time she enters a horse show, which does not mean she would be tested and she feels that a nominal drug fee is not out of the question for the NM industry.	Blach; Second by Vice-Chairman McCulloch. Motion to approve amendments by Vice-Chairman McCulloch; Second by Commissioner Corazza. Motions carried with no objections and abstentions.
Approval of Zia Park Simulcast Schedule	01:00:39 to 01:01:04	Ismael Trejo stated that Matt Crawford was unable to make it to the meeting and requested approval of Zia Park's Simulcast Schedule as submitted.	Motion to approve by Vice-Chairman McCulloch; Second by Commissioner Blach. Motion carried with no objections and abstentions.
Public Comment	01:01:05 to 01:12:39	Commissioner Corazza speaking as a horsemen stated that he believes that owners should be held responsible to pay for testing if their horse comes up positive. He also stated that anyone who gets a bad test and loses their case should have to pay an administrative fee to cover the testing and hearing cost. Pat Bingham of the NMHA stated that because the NMHA is now making the horseman pay for their splits, this is saving the Commission money and some of them are not appealing which also saves the Commission money. Leslie Fincher asked why she cannot watch races from Sunland Park, Downs at Albuquerque and SunRay Park on the app Horse Racing Now. Don Cook of the Downs at Albuquerque said that they charge a fee to the tracks, and if it were free he would subscribe to it again. Commissioner Blach commented that there is evidence that is verified that hair testing for clenbuterol is the best way to find clenbuterol in the horse. Susan Vescovo stated that there are too many questions with hair testing. Commissioner Blach stated they are just trying to get everyone on a level playing field.	No Action Taken.

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Licensing/Pending Litigation/Appeals/Hearing Officer Reports (May be Closed pursuant to NMSA 1978, Sections 10-15-1(H)-(1),(3) and (7) and 10-15-1-(I)	01:12:39 to 01:14:01	Chairman Willis called for a motion to go into Closed Executive Session to discuss items 7A, 7B, 7C, 7D, 7E, 7F, 7G, 7H, 7I, 7J, 7K, 7L, 7M Roll call was taken with all present. Executive Director Trejo was 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.
Licensing/Pending Litigation/Appeals/Hearing Officer Reports (May be Closed pursuant to NMSA 1978, Sections 10-15-1(H)-(1),(3) and (7) and 10-15-1-(I)	<u>Track 2</u> 00:00 to 00:26	Chairman Willis called to come out of closed session with the only matters discussed being 7A, 7B, 7C, 7D, 7E, 7F, 7G, 7H, 7I, 7J, 7K, 7L, 7M Roll call was taken, all Commissioners present.	Motion to come out of Closed Session by Chairman Willis.
In the Matter of Jose Contreras Race Appeal	00:28 to 001:00	Marlo Aragon, General counsel to the NMRC stated that the Commission would like to accept the recommendation of the Race Review Committee.	Motion to approve by Commissioner Cosper; Second by Commissioner Blach. Motion carried without objections or abstentions.
In the Matter of Christian A. Dominguez Race Appeal	01:04 to 01:46	Marlo Aragon, General counsel to the NMRC stated that the Commission would like to accept the recommendation of the Race Review Committee and change the order of the race to 1, 7, 5, 9, 8, 3, 6, 2, 4	Motion to approve by Vice- Chairman McCulloch; Second by Commissioner Blach. Motion carried without objections or abstentions.
In the Matter of Todd Fincher Race Appeal	01:47 to 02:05	Marlo Aragon, General counsel to the NMRC stated that the Commission would like to accept the recommendation of the Race Review Committee.	Motion to approve by Vice- Chairman McCulloch; Second by Commissioner Cosper. Motion carried without objections or abstentions.
In the Matter of Tony Sedillo Race Appeal	02:06 to 08:48	Marlo Aragon, General counsel to the NMRC stated that the Commission would like to accept the recommendation of the Race Review Committee.	Motion to approve by Vice- Chairman McCulloch; Second by Commissioner Cosper. Motion carried without objections or abstentions.
In the Matter of Jackie Riddle Race Appeal	02:33 to 02:56	Marlo Aragon, General counsel to the NMRC stated that the Commission would like to accept the recommendation of the	Motion to approve by Vice- Chairman McCulloch; Second by Commissioner Cosper. Motion

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		Race Review Committee.	carried without objections or abstentions.
In the Matter of A&H Construction and Juan R. Vasquez Race Appeal	02:59 to 03:22	Marlo Aragon, General counsel to the NMRC stated that the Commission would like to accept the recommendation of the Race Review Committee.	Motion to approve by Commissioner Blach; Second by Vice-Chairman McCulloch. Motion carried without objections or abstentions.
In the Matter of Martin Orona Jr. Settlement Agreement	03:25 to 04:34	Marlo Aragon, General counsel to the NMRC stated that the Commission was presented with a settlement agreement that allowed for the trainer Martin Orona Jr. to serve 105 days suspension which would commence on December 1, 2017 and pay a 3 thousand dollar fine to be paid in 60 days, and that all purses related to the samples be forfeited. This is a full and complete settlement.	Motion to approve by Vice-Chairman McCulloch; Second by Commissioner Cosper. Motion carried without objections or abstentions.
In the Matter of Tony Gallegos Settlement Agreement	04:37 to 05:52	Marlo Aragon, General counsel to the NMRC stated that the Commission was presented with a settlement agreement that allowed for the trainer Tony Gallegos to serve 105 days suspension with this suspension period construed as time served and pay a 4 thousand dollar fine to be paid in 60 days. This is a full and complete settlement.	Motion to approve by Vice-Chairman McCulloch; Second by Commissioner Corazza. Motion carried without objections or abstentions.
In the Matter of Armando Orozco Settlement Agreement	05:53 to 06:35	Marlo Aragon, General counsel to the NMRC stated that the Commission was presented with a settlement agreement that was rejected by the Commission and the Commission requests this case be set for hearing.	Motion to reject and set for hearing by Vice-Chairman McCulloch; Second by Commissioner Blach. Motion carried without objections or abstentions.
Ronald Stephens, et al v. NMRC Settlement Agreement	06:36 to 06:50	Chairman Willis motioned to table this item.	Motion to table by Chairman Willis; Second by Vice-Chairman McCulloch. Motion carried without objections or abstentions.

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Approval of Application to Conduct a Horse Race Meeting for All American Ruidoso Downs LLC	06:53 to 07:25	Chairman Willis called for a Motion.	Motion to approve contingent upon approval of Gaming Control Board by Vice-Chairman McCulloch; Second by Commissioner Blach. Motion carried without objections or abstentions.
Approval of Secondary License Applications for Johnny E. Trotter, Narciso Flores Jr., Stanley T. Sigman and John A. Andreini	07:31 to 07:50	Chairman Willis called for a Motion.	Motion to approve contingent upon approval of Gaming Control Board by Vice-Chairman McCulloch; Second by Commissioner Cosper. Motion carried without objections or abstentions.
Adjournment	08:01	Chairman Willis called for a motion to adjourn.	Motion to adjourn by Vice-Chairman McCulloch; Second Commissioner Blach. Motion carried.

Ray Willis 12-20-17
Chairman Ray Willis Date

Ismael Trejo 12-22-17
Executive Director Ismael Trejo Date