

**NEW MEXICO HORSE RACING COMMISSION**

**MINUTES OF THE REGULAR MEETING**

Date: October 17, 2019 at 9:01 AM

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

Members Present: Chairwoman Beverly Bourguet, Vice-Chairman David "Hossie" Sanchez, Commissioner Ken Corazza, Commissioner John Buffington and Commissioner Billy Smith.

NMRC Staff Participating: Executive Director Ismael Trejo and Manager Rosemary Garley.

Others Present/Participating: Chief Deputy Attorney General Tania Maestas

Transcription: Williams & Associates Court Reporting

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<b>Public Session:</b> <b>1. Call to Order and Roll Call</b>	4	Meeting called to order by Chairwoman Bourguet. Roll call was taken by Rosemary Garley. Chief Deputy Attorney General Tania Maestas was present.	No Action Taken.
<b>2. Pledge of Allegiance</b>	4		Pledge of Allegiance was recited.
<b>3. Approval of Agenda</b>	4-5          5-6	Vice Chairman Sanchez made a motion to add the Pledge of Allegiance to all future agendas.          Chairwoman Bourguet made a motion to amend the 4-agenda by moving 6. A. 2. and 6. B. 2. to 6.F. and	Motion to add the Pledge of Allegiance to agendas by Commissioner Sanchez; Second by Commissioner Corazza. Motion passed unanimously. Motion to amend by Chairwoman

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		re-lettering the remainder of the agenda to accommodate that change.	Bourguet; Second Commissioner Smith. Motion passed unanimously.
<b>4. Approval of Minutes:</b> <b>A. September 26, 2019</b>	6	Chairwoman Bourguet requested a motion to approve the minutes of the September 26, 2019 Regular Meeting.	Motion to approve September 26, 2019 minutes by Commissioner Sanchez; Second by Commissioner Smith. Motion passed unanimously.
<b>5. Chairwoman's Report</b>	6-10	Chairwoman Bourguet gave a brief overview of what occurred at the Medication/Rules Committee that was held the day before. She touched on rules that were tabled, items that were removed from future agendas and proposed rules that will be presented at a future Rules Hearing. She informed everyone that the Committee was unable to address everything on the agenda and therefore, another committee meeting will be scheduled on November 20, 2019. She reminded everyone that a Rules Hearing will be held during the November 21st Commission meeting that will include rule changes that were addressed at previous committee meetings. Chairwoman Bourguet stated that the committee spent a lot of time on Sunland Park's third party lasix proposal. One of the veterinarians that was present at the meeting stated that he was concerned that this would be breaking the law and therefore he was asked to contact the Vet Board	No Action Taken.



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		<p>and to bring to the committee language confirming his comments. Dustin Dix, Director of Racing for Sunland Park advised the group that Sunland Park planned on having third-party lasix as a house rule but if it's in violation of any NMAC or state law, they certainly would not be able to do it. It is part of the NTRA accreditation and is done in 21 other jurisdictions. This item will be discussed at the November committee meeting.</p>	
<p><b>6. Agency Director Reports:</b> <b>A. NMHBA</b></p>	<p>10-12</p>	<p>Mary Barber, Executive Director of the New Mexico Horse Breeders Association, presented the final Race a Day Report for the Downs at Albuquerque race meet stating that in 55 days they had run 211 NM bred races. In overnight races, the NMHBA contributed \$543,000; in the six Thoroughbred races the NMHBA contributed \$325,000 and for their Quarter horse stake races they contributed \$195,000. This was \$134,400 more than in 2018. During the Downs meet they averaged 3.84 NM Bred races per day and plus 46 for the required three a day. Ms. Barber continued with her report for the Zia Park meeting. She stated the average field size for NM bred Thoroughbreds was 8.53 and for Quarter Horses it was 9.09, for a combination of 8.76. The first twelve days of Zia Park they held 55 NM Bred races, \$162,000 was contributed to 35 Thoroughbred overnight races by the Breeders; with \$55,000 going to eleven Quarter Horse overnight races. This was an increase of \$44,000 over 2018. Zia Park was averaging 4.58 NM bred races per day</p>	<p>No Action Taken.</p>

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		and were plus nineteen for the required three a day. She continued by giving the average field size after scratches. Ms. Barber also shared with the group the number of NM Breds that ran in open races at both Downs at Albuquerque and Zia Park and the percentage of NM Bred horses that placed first, second or third.	
<b>2. Tom Goncharoff-Ruidoso Downs Nomination Blanks</b>	52-59	Tom Goncharoff of the NM Breeders Association began by stating the main concern was the timing of the matter and the lack of communication and Ruidoso Downs basically changing the rules in the middle of the game and not including the Breeders Association in the conversation. A discussion was held regarding the matter.	No Action Taken
<b>B. NMHA 1. Update on NMHA Executive Director Search</b>	12	Mr. Jay Radar of the New Mexico Horsemen's Association stated they had narrowed their search down to three applicants and were planning on hiring an executive director in mid October.	No Action Taken.
<b>2. Ruidoso Downs Nomination Blanks (re top 3 finishers not fastest qualifiers)</b>	59-61	Jay Radar stated the horsemen were not in favor of going from a time trial to a placement type trial.	No Action Taken.
<b>3. Zia Park Update</b>	12-13	Mr. Radar stated the horsemen were glad to see that Zia Park will be offering 11 races per day and allowing twelve horses to run in the 5 1/2 furlong races. He assured the Commission that the NMHA would be monitoring the purse money so there is not a retro payment issued in 2019.	No Action Taken.
<b>C. Executive Director Report</b>	13-16	Ismael "Izzy" Trejo, Executive Director of the NMRC, began by introducing Liz Garcia as the new NMRC investigator and announcing the Commission has hired a paralegal who is to begin on October 21, 2019. He commented on AQHA Challenge event that	No Action Taken.



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		the Downs at Albuquerque was hosting and congratulated Don Cook and the Downs track maintenance crew for providing a safe racing surface for the horses. Director Trejo continued to say he was scheduled to go before the LFC on October 30th and planned to request funding for hiring of more veterinarians and expanding the out of competition testing program. He mentioned to the Commission that Tom Udalls's Senate Bill 1488 was emailed to him the day before requesting the Commission's position. Director Trejo stated that he had not responded as he had not had a chance to review the Bill.	
<b>7. Unfinished/New Business and/or Action Items Regarding Licensing:</b> <b>A. Approval of Stewards for AQHA Challenge Races</b>	16-17	Director Trejo requested approval of Dan Fick, Jerry Burgess and Ron Walker as stewards for the AQHA Challenge Races. He confirmed that Don Cook had no opposition to this request.	Motion to approve stewards by Commissioner Corazza; Second Commissioner Smith. Motion passed unanimously.
<b>B. Approval of AQHA Enforcement Team for Challenge Races</b>	17	Director Trejo requested approval of the list of enforcement agents as presented. He stated the agents were coming in from different parts of the country to help regulate on October 25 and 26.	Motion to approve by Commissioner Corazza; Second by Commissioner Sanchez. Motion passed unanimously.
<b>C. Letter from the New Mexico Racing Commission to the AQHA</b>	17-22	Director Trejo informed the Commission the letter in their books was written regarding certain specific items regarding regulation in the industry and he was awaiting their approval to send it out. A discussion was held as to the contents of the letter and staff	No Action Taken

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		was given instructions to have the letter finalized, with legal counsel approval, and sent sometime in November.	
<b>D. Approval from Sunland Park</b> <b>1. Request for Approval of 2020-20 Copper Top Futurity Blank</b>	22-25	Dustin Dix, Director of Racing of Sunland Park requested approval of their 2020 Copper Top nomination blank with the only change noted was an increase in the purse due to the NMHBA contribution.	Motion to approve by Commissioner Corazza; Second Commissioner Smith. Motion passed unanimously.
<b>2. Request for Approval of Gaming and Breakage for the Copper Top Futurity</b>	25	Dustin Dix, Director of Racing of Sunland Park requested approval of Gaming & Breakage.	Motion to approve by Commissioner Corazza; Second Commissioner Sanchez. Motion passed unanimously.
<b>E. Approval for the Downs at Albuquerque</b> <b>1. Request for Approval of Additional Racing Veterinarians for AQHA Challenge Races</b>	25-30	Don Cook of the Downs at Albuquerque requested approval of Dr. Becky Anderson and Dr. Mitzi Fisher as pre-race inspections veterinarians during the AQHA Challenge Races.  Mr. Cook gave a brief overview of the festivities that the Downs was having for the Challenge Races and invited everyone to participate. Jeff True as a member of the AQHA Racing Council thanked the Downs at Albuquerque for hosting this event.	Motion to approve by Commissioner Sanchez; Second by Commissioner Smith. Motion passed unanimously.
<b>F. Approval for Zia Park</b> <b>1. Request to Amend Condition Book (re: 12 starters in 5 1/2 furlong overnight races)</b>	30-31	Chris McErlean requesting ratification of approval to allow 12 starters in 5 1/2 furlong races. He stated he has received support from the jockeys and horsemen. He continued by stating this change will allow more horses in the race which allows bigger field sizes and hopefully more betting interest and	Motion to ratify approval by Commissioner Buffington; Second by Commissioner Smith. Motion



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		wagering and two extra horses per race.	passed unanimously.
<b>2. Request to Ratification to Run 11 races per Day</b>	31-33	Mr. McErlean requested ratification of approval to run 11 races per day for the remainder of the 2019 race meet. He reminded everyone that this would be done on a case by case basis.	Motion to ratify approval by Commissioner Smith; Second by Commissioner Sanchez. Motion passed unanimously.
<b>G. Approval for Ruidoso Downs 1. Request for Approval of 2020 Nomination Blanks</b>	33-62	Jeff True, General Manager for Ruidoso Downs, requested approval of their 2020 nomination blanks. He began by explaining the reasons behind how he handled requesting approval for the nomination blanks and informed everyone the changes to the blanks were made to strengthen the Triple Crown Series and the other races to make it as fair as possible to everyone. He stated there were key changes but he elaborated only on three. The first was the polygraph test that could be given (which later he confirmed the track would bear the expense); the second was that horses could be tested for drugs or soundness at any time at any location at the tracks discretion and last but not least, the amended trial qualifying condition. Comments were taken from the NM Horse Breeders Association and the NM Horsemen's Association. A discussion was held regarding the request.	Motion to approve by Commissioner Smith; Second by Commissioner Sanchez. Motion passed unanimously.
<b>F. Public Comment</b>	62-67	<b>Laura Bonar, Animal Protection of NM and Animal Protection Voters:</b> Ms. Bonar commented on what she felt was the high numbers of deaths and injuries to horses in New Mexico and the pressure to perform that everyone is under because of issues	No Action Taken.

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		<p>discussed during the meeting. She wanted the Commission to consider a more comprehensive review on how stats are kept on horses deaths and injuries. She also felt that it was a conflict of interest for Commissioners to own horses and sit as Commissioners.</p> <p><b>Mark Brown:</b> Started by saying he was a new member of New Mexico who has raced horses across the country. He stated he came to New Mexico because of the changes he has seen in the programs addressing problems like horse injuries and deaths. He commended New Mexico for the changes that have been implemented.</p> <p><b>Leslie Fincher:</b> She addressed the concerns the "animal alliance people" made stating that she felt horses are too valuable and too well loved to be abused and disagreed with their comments. She commented on the small print on the nomination blanks and on the medication-rules committee held the previous day. She also stated that she felt it was a good that Commissioners own horses because having knowledge of the industry is very important when you are regulating the industry. Mr. Brown agreed with Ms. Fincher's comments regarding the Commissioners as he has seen firsthand how a person that has no knowledge of the industry and is appointed as a Commissioner is not a good combination.</p>	
Closed: Executive Session (10:56 a.m.)	Am)48-	Chairwoman Bourguet motioned to go into closed	Motion Second by



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	49	Executive Session to discuss only those matters listed on the agenda as closed pursuant to Section 10-15-18 to discuss matters related to issuance, suspension, renewal or revocation of a license, to discuss limited personnel matters, to deliberate in connection with the administrative adjudicatory proceedings to discuss attorney-client privilege matters pertaining to current and threatened ligations. Roll call was called by Rosemary Garley, all Commissioners were present. Chief Deputy Attorney General Maestas, Director Trejo and Manager Garley were present during Executive Session. Hal Stratton and Chris McErlean of Zia Park were invited into Executive Session and also Pablo Rodriguez.	Commissioner Smith. Motion passed unanimously.
<b>Open Session Resumes at 12:12 p.m.)</b>	68	Chairwoman Bourguet announced the Commission was now in open session and affirmed that the Commission discussed only those matters specified in the motion to close the meeting in accordance with Section 10-15-1 (J).	
<b>8. Licensing/Pending Litigation/Appeals/Hearing officer Reports/Employment Contracts: A. Discussion of Zia Park Director of Racing</b>	68	Chief Deputy Attorney General Maestas stated that 8. A. was a discussion held on a licensing matter.	No Action Taken.
<b>B. In the Matter of Pablo Rodriguez (Order to Show Cause)</b>	68-69	Mr. Rodriguez was before the Commission on an Order to Show Cause asking for reinstatement of his grooms license. Chief Deputy Attorney General stating that based upon deliberation in executive session it was her understanding the Commission would like to approve the motion for reinstatement.	Motion to approve by Commissioner Smith; Second by Commissioner Corazza. Motion passed unanimously.

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<b>C. In the Matter of Trainer Joel M. Valeriano &amp; Owner Javier Rodriguez (Licensing)</b>	69-70	Trainer Joel M. Valeriano & Owner Javier Rodriguez were before the Commission on a request that is an objection to the appointed hearing officer, claiming an alleged conflict of interest. Chief Deputy Attorney General stating that based upon deliberation in executive session it was her understanding the Commission would like to deny the request as there is no conflict in this matter because of a prior selection of the hearing officer.	Motion to deny request by Commissioner Sanchez; Second by Commissioner Smith. Motion passed unanimously.
<b>D. In the Matter of Trainer Jon Arnett (Licensing)</b>	70	This matter was before the Commission requesting a Stay pending the appeal to the District Court. Chief Deputy Attorney General Maestas stated based upon deliberation in executive session that the Commission would like to approve the Stay.	Motion to approve the Stay by Commissioner Sanchez; Second Commissioner Smith. Motion passed unanimously.
<b>Adjournment</b>	70-71	Chairwoman Bourguet called for a motion to adjourn. The meeting adjourned at 12:15 PM.	Motion to adjourn by Commissioner Corazza; Second by Commissioner Smith. Motion passed unanimously.


  
Chairwoman Bourguet      Date


  
Executive Director Ismael Trejo      Date