

NEW MEXICO HORSE RACING COMMISSION

MINUTES OF THE MEETING

Date: October 18, 2018 at 8:30 AM

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

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

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

Others Present/Participating: Chief Deputy Attorney General Tania Maestas

<i>AGENDA ITEM</i>	<i>TRANSCRIPT PAGE NUMBER(S)</i>	<i>DISCUSSION / CONCLUSIONS / RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
Call to Order and Roll Call	(Track 1) 00:00:00 to 00:00:41	Meeting called to order by Chairman Willis. Roll call was taken by Manager Rosemary Garley. Chief Deputy Attorney General Tania Maestas was present.	No Action Taken.
Approval of Agenda	00:00:42 to 00:00:59	Chairman Willis asked Executive Director Ismael Trejo if there were any changes to the Agenda. Izzy Trejo, Executive Director of the NMRC responded that there were no changes.	Motion to approve by Vice-Chairman McCulloch; Second by Commissioner Cosper. Motion carried without objections or abstentions.
Minutes- <ul style="list-style-type: none">• September 13, 2018 Meeting• September 28, 2018 Lordsburg Public Hearing• October 4, 2018 Tucumcari Public Hearing• October 5, 2018 Clovis Public Hearing	00:01:00 to 00:01:33	Chairman Willis requested a motion to approve the minutes of the September 13, 2018 Meeting, September 28, 2018 Lordsburg Public Hearing; October 4, 2018 Tucumcari Public Hearing; October 5, 2018 Clovis Public Hearing	Motion to approve by Vice-Chairman McCulloch; Second by Commissioner Blach. Motion carried without objections or abstentions.
Chairman's Agenda	00:01:34 to 00:01:44	Chairman Willis stated that there was a Medication/Rules Committee.	No Action Taken
NMHBA Report Breeders Report	00:01:45 to 00:04:20	Mary Barber, Executive Director of the New Mexico Horse Breeders Association began with the Race A Day Report; for the	No Action Taken

AGENDA ITEM	TRANSCRIPT PAGE NUMBER(S)	DISCUSSION / CONCLUSIONS / RECOMMENDATIONS	ACTION TAKEN
		<p>Downs at Albuquerque/NMSF they ran 195 NM Bred races during their meets at an average of 3.61 NM Bred races per day, they were plus 33 for their 3 NM Bred races per day requirement and they also averaged 9.07 New Mexico Breds per race.</p> <p>For Zia Park in their first 16 days, they have run 64 NM Bred races per day and are averaging 4 NM Races per day and they are plus 16 for their 3 NM Bred races per day requirement and they are averaging 9.65 New Mexico Breds per race and that is up from 8.67 from last year.</p> <p>She continued to speak about the NM Breds in open races at the Downs at Albuquerque/NMSF 512 NM Breds ran in open overnight races of these 147 came in first, second or third and that's 29%. There were 100 QH and 47 TB.</p> <p>For Zia Park in their first seven days, 50 NM Breds ran in open overnight races, which is 26%; There were 23 QH and 7 TB and that is an average of fewer than 2 per open overnight race of NM Breds running in those races.</p>	
NMHA Horsemen's Report	00:04:21 to 00:06:32	<p>Pat Bingham, New Mexico Horsemen Association (NMHA) Executive Director informed the Commission that at the NMHA monthly meeting held on October 17, 2018 the board came to the conclusion Sports Betting in tribal casinos would be a plus to the tribe's business and would to get support from the public at large and also the horsemen. He stated that he was informed that a Taxation and Revenue meeting was scheduled to be held at the end of October to discuss this subject and the horsemen would be present at this meeting.</p>	No Action Taken

AGENDA ITEM	TRANSCRIPT PAGE NUMBER(S)	DISCUSSION / CONCLUSIONS / RECOMMENDATIONS	ACTION TAKEN
		He stated that the NMHA have now decided to support a 6 th racetrack, they would like to see races added to the calendar, new money to purses and new money to the state and the communities at large.	
NMRC Executive Director Report	00:06:33 to 00:11:40	Izzy Trejo, Executive Director of the NMRC began his report by speaking briefly of the different cities that he and staff traveled to with regard to the 6 th race track. He acknowledged Laura Valencia, Rosemary Garley and the rest of the staff for their team effort not only ensuring the public meetings went smoothly but also ensuring the day to day Commission business was not interrupted while traveling. He announced the Racing Commission was assigned Richard Blair as their LFC analyst and Mark Swanson as the NMRC Prosecutor from the Attorney General's Office. He continued to briefly speak about the Sports betting taking place at Santa Ana Casino in Bernalillo, New Mexico. He spoke of the Downs at Albuquerque's meet, stating handle numbers were up. Chairman Willis commended Director Trejo and his staff for the handling of the road trips to Lordsburg, Tucumcari and Clovis. Chairman Willis and Director Trejo discussed briefly the Sports Betting being conducted at the Santa Ana Casino.	No Action Taken.
Unfinished/ New Business and/or Action Items Regarding Licensing: Approval of NMRC Auditor for the 2018 Zia Park Meet	00:11:41 to 00:12:23	Izzy Trejo, Executive Director of the NMRC requested approval of Sheryl Edgar as the auditor for the 2018 Zia Park Meet.	Motion to approve by Vice Chairman McCulloch; Second by Commissioner Cosper. Motion carried without objections or abstentions.
Approval for Downs at Albuquerque/NMSF • Ratification of Approval	00:12:24 to 00:12:41	Don Cook, General Manager of the Downs at Albuquerque/NMSF requested ratification of approval to run 10 races on September 20 and 21, 2018.	Motion to ratify approval by Vice-Chairman McCulloch; Second by Commissioner Blach. Motion carried without objections or

AGENDA ITEM	TRANSCRIPT PAGE NUMBER(S)	DISCUSSION / CONCLUSIONS / RECOMMENDATIONS	ACTION TAKEN
Run 10 Races on September 20, 21, 2018		Commissioner Corazza asked Don Cook regarding the hair testing program that is currently being used at some racetracks.	abstentions.
Approval for Zia Park <ul style="list-style-type: none"> • Ratification of Approval of Updated List of Officials 	00:15:42 to 00:16:35	Matt Crawford, of Zia Park requested ratification of approval of Zia Park's updated list of officials as presented to Director Trejo and Manager Rosemary Garley.	Motion to ratify approval of the updated list of officials by Vice-Chairman McCulloch; Second by Commissioner Blach. Motion carried without objections or abstentions.
Approval for The Downs at Albuquerque <ul style="list-style-type: none"> • Ratification of Approval to Amend 2019 Nomination Blank 	00:16:36 to 00:17:38	Jeff True, of Ruidoso Downs, requested ratification of approval of the 2019 Rainbow QH Futurity and the Ruidoso QH Futurity nomination blanks as submitted.	Motion to ratify approval of the 2019 Nomination Blanks by Vice-Chairman McCulloch; Second by Commissioner Blach. Motion carried without objections or abstentions.
In the Matter of Hector Alderete Bizarra	00:22:43 to 00:30:30	Mr. Alderete-Bizarra was found to be in violation of Commission rules wherein he possessed a prohibited electronic device. This violation occurred in Zia Park on September 18, 2016. He was given the respective penalty according to Commission regulations and was told that he was must appear before the NMRC before further licensing. Mr. Alderete-Bizarra appeared before the Commission and made a plea for consideration of restoring his license.	No Action Taken.
In the Matter of Leslie Amestoy	00:30:31 to 00:48:45 (Track 2) 00:00:00 to 00:11:04	All parties stated their names for the record, Camille Cordova attorney for Leslie Amestoy, Leslie Amestoy and NMRC Investigator Johnson were present. The matter is regarding a medication violation that occurred at Sunland Park for the prohibited substance Methocarbamol. The only issue before the Commission is the penalty assessment against Ms. Amestoy. Ms. Amestoy is at question if it is a second or third offense. Both parties presented their case.	No Action Taken

AGENDA ITEM	TRANSCRIPT PAGE NUMBER(S)	DISCUSSION / CONCLUSIONS / RECOMMENDATIONS	ACTION TAKEN
Public Comment	00:11:05 to 00:21:38	Sandra Platero member of the Mescalero Council came before the Commission to present their opinion regarding the proposed 6 th racetrack licensing process with respect to the Tribes. Larry Strain – Commented on the corticosteroids positives and the change of the Official Lab and a request for a stay to be given to all the horsemen that have had a corticosteroids positive since the change of labs. He also spoke regarding the freezing of water at Zia Park.	No Action Taken.
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)	00:21:39 to 00:22:03	Leslie Fincher – Stall allocation at the racetracks. Chairman Willis moved to go into closed Executive Session with only matters to be discussed as the Matter of Hector Alderete Bizarra, the Matter of Leslie Amestoy, Threatened or Pending Litigation Discussion Item and the Sixth Racetrack License Discussion Item. Manager Rosemary Garley called Roll, with all Commissioners present. Chief Deputy Attorney General Tania Maestas, Executive Director Ismael Trejo and Manager Rosemary Garley were in attendance.	Motion to go into Closed Session by Chairman Willis.
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)	00:22:04 to 00:22:30	Chairman Willis called to come out of closed session with the only matters discussed being the Matter of Hector Alderete-Bizarra, the Matter of Leslie Amestoy, Threatened or Pending Litigation Discussion Item and the Sixth Racetrack License Discussion Item.	Motion to come out of Closed Session by Chairman Willis.

AGENDA ITEM	TRANSCRIPT PAGE NUMBER(S)	DISCUSSION / CONCLUSIONS / RECOMMENDATIONS	ACTION TAKEN
In the Matter of Hector Alderete Bizarra	(Track 3) 00:00:00 to 00:04:45	Chief Deputy Attorney General Tania Maestas stated it was her understanding from deliberations in Executive Session that the Commission is willing to amend Mr. Aldrete-Bizarra's Decision & Order and allow him to be reinstated under the conditions that for the remainder of the 5 year suspension that any other violation other than a riding infraction must come before the full Commission regarding his probationary status and to note he is still subject to all other conditions of his initial ruling including payment of the \$5000 fine which has been paid and any other conditions that were in his initial ruling.	Motion to approve Vice Chairman McCulloch; second Commissioner Blach. Motion carried without objections or abstentions.
In the Matter of Leslie Amestoy	00:04:46 to 00:05:56	Chief Deputy Attorney General Tania Maestas stated that it was her understanding based on deliberation in Executive Session that the Commission make a finding that Ms. Amestoy was not properly notice with regard to the hearing at which she was found to be in violation and given the penalty for a third violation. As such Ms. Amestoy will not receive the punishment of this violation therefore not being required to pay the \$5000 fine. However, the ruling in this matter issued by the Sunland Park Stewards on March 3, 2018 will stay intact. Thus the horse "Western Warning" must pass a commission approved veterinary examination before being eligible to enter. The horse "Western Warning" is disqualified from 1 st place and ordered unplaced from the 3 rd race on January 2, 2018 at Sunland Park Racetrack.	Motion to approve Commissioner Blach; second Vice Chairman McCulloch. Motion carried without objections or abstentions.

AGENDA ITEM	TRANSCRIPT PAGE NUMBER(S)	DISCUSSION / CONCLUSIONS / RECOMMENDATIONS	ACTION TAKEN
Threatened Litigation	00:05:57 to 00:06:18	Discussion Item	No Action
Sixth Racetrack License	00:06:19 to 00:08:29	Update with regard to the Sixth Racetrack License, the Commission will hold its regular scheduled meeting on Thursday, November 15, they will continue after the meeting and thru Friday, November 16 with deliberation on the applications. On November 28 the Commission will ask all applicants to come before the Commission to answer questions with regards to their applications. All applicants will receive notice asking them to make brief presentation/closing arguments as to their applications. All tribes required under the Gaming Compact will be invited to be present to provide comments or to provide written comments at that time. Tentative date of December 6 th as to which the Racing Commission will make their final decision on the applications.	No Action
Adjournment	00:08:30 to 00:08:31	Chairman Willis called for a motion to adjourn.	Motion to adjourn by Vice Chairman McCulloch; Second by Commissioner Blach Motion carried.

Ray Willis
Chairman Ray Willis
Date 10-18-2018

Ismael Trejo
Executive Director Ismael Trejo
Date 10-18-18