

NEW MEXICO HORSE RACING COMMISSION

MINUTES OF THE MEETING

Date: April 18, 2019 at 9:30 AM

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

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

NMRC Staff Participating: Executive Director Ismael Trejo, Manager Rosemary Garley, and Legal Assistant Kira Frazier.

Others Present/Participating: Assistant Attorney Generals Gideon Elliot and Angela Macdonald

AGENDA ITEM	TIME LOG	DISCUSSION / CONCLUSIONS / RECOMMENDATIONS	ACTION TAKEN
Open Public Session: Call to Order and Roll Call	<u>TRACK 1</u> 00:00:00 to 00:02:21	Meeting called to order by Chairman Willis. Roll call was taken by Kira Frazier. Also, Assistant Attorney Generals Gideon Elliott and Angela MacDonald were also present.	No Action Taken.
Approval of Agenda	00:02:22 to 00:02:58	Chairman Willis asked Director Izzy Trejo if there were any amendments to the agenda; Director Trejo stated there were changes, under Agenda Item 7, the Executive Session, Letter A, in the Matter of Jon Arnett & Larry Heigermeier; that it be tabled.	Motion to approve changes by Commissioner Cosper; Second by Commissioner McCulloch. Motion carried unanimously.
Approval of Minutes: March 21, 2019	00:02:59 to 00:03:23	Chairman Willis requested a motion to approve the minutes of the March 21, 2019 Meeting.	Motion to approve by Commissioner Blach; Second by Commissioner McCulloch. Motion carried unanimously
Chairman's Agenda	00:03:24 to 00:05:51	Chairman Willis asked for a Medication/Rules Committee meeting update. Vice-Chairman Gayla McCulloch stated that Committee was held on April 17, 2019 @ 1:30pm and	No Action Taken

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		reference what action items passed, items to be brought back for further discussion and analysis. Vice-Chairman McCulloch also stated then the Race Dates Committee meet at 3:30pm and discussed the upcoming challenges to finalize the dates. The Race Date Committee agreed to meet on May 15, 2019 to further finalize the race dates for the year.	
NMHBA Report Breeders Report	00:05:51 to 00:09:30	Mary Barber, Executive Director of the NMHBA, provided the the race a day report, as follows: For Sunland Park thru April 9, 2019 they have run 229 NM Bred Races, 40 less races than in 2018. Sunland is averaging 3.82 NM Bred races per day and are plus 49 and in compliance with an average field size of three a day. In the open overnight races at Sunland there were 205 NM Breds that ran open. There was 1,884 New Mexico Breds that were scheduled to participate in the overnight races. The average of New Mexico Breds per race = 9.19.	No Action Taken
NMHA Horsemen's Report	00:09:31 to 00:18:18	Pat Bingham, Executive Director of the NMHA, and Jay Raider, President of the NMHA, referring to a handout provided to Commissioners; referenced an overview for April 2019 at Sunland Park: Starts: QH= 1474; TB= 3469 for a total of 4943. Race Purses Paid: QH= \$2,589,695.00; TB= \$7,626,600.00 for a total of \$10,216,295.00 for the first 63 days. Mr. Bingham also stating that the NMHA and Ruidoso have come to an agreement for the backside for this race season; and SunRay Park and the NMHA are close to finalizing their agreement. He also commended Sunland Park for a well organized Track Safety Meeting. Mr. Raider additionally stated the importance of closing out the 2018 SunRay books prior to current year's books starting.	

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Jockey's Guild Report	00:18:19 to 00:19:12	John Beech, Regional Manager of the Jockey's Guild, congratulated Sunland Park for another record breaking Sunland Derby Day. Mr. Beech also stated that he has not received any complaints from the Jockey's at Sunland Park and is looking forward to upcoming races at SunRay Park.	No Action Taken
NMRC Executive Director Report	00:19:13 to 00:22:40	Izzy Trejo, Executive Director of the NMRC reported that he had taken two trips out of state since the last Commission meeting and both went well. The 2019 ARCI Annual Conference in Arcadia, California was informative on how to put the "equine athlete first and foremost" in light of the current breakdown issues at Santa Anita. Executive Director stated the federal government is now involved and may pass legislation in the near future. He also Congratulated Sunland Park for another great Derby Day.	No Action Taken.
6. Unfinished/ New Business and/or Action Items Regarding Licensing: A. Approval for NMRC of 2019 SunRay Park Board of Stewards	00:20:41 to 00:23:32	Izzy Trejo, Executive Director of the NMRC stated that two of the three stewards from last year will be returning; Mr. Ron Walker and Mr. Victor A. Escobar. The new steward listed is Mr. Jack Houghton Jr. with 25 years experience.	Motion to approve by Commissioner McCulloch; Second by Commissioner Blach. Motion carried unanimously.
B. Approval for NMRC of 2019 Ruidoso Downs Board of Stewards	00:23:34 to 00:24:03	Izzy Trejo, Executive Director of the NMRC stated that all three stewards from 2018 will stay on for 2019 race season; Ms. Violet "Pinkie" Smith, Ms. Jillian Cathey and Mr. Ruben Rivera.	Motion to approve by Commissioner McCulloch; Second by Commissioner Cosper. Motion carried unanimously.
C. Approval for NMRC of 2019	00:24:04 to	Izzy Trejo, Executive Director of the NMRC stated that the	Motion to approve by

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Ruidoso Downs Integrity Team	00:25:06	list of thirteen individuals listed would be utilized throughout the 2019 Racing Season; and by approving the list in full would alleviate the Commission from voting on individuals for the Integrity team on monthly basis.	Commissioner McCulloch; Second by Commissioner Cosper. Motion carried unanimously.
D. Amend NMRC Official Veterinarian for 2019 SunRay Park Meet	00:25:07 to 00:27:15	Executive Director Trejo stated that the NMRC received a bid for a Licensed Veterinarian to work as Official Veterinarian at the 2019 SunRay Park live race meet through June 2, 2019. Dr. Rodney F. Taylor, DVM submitted bid; \$15,725.00 including GRT-Recommended. Executive Director Trejo further explained that at last month's meeting Dr. Frank Anderson was presented as the Official Vet. The amendment is to assign Dr. Rodney Taylor as the NMRC Official Veterinarian; and if needed he would contract Dr. Anderson for assistance.	Motion to amend by Commissioner Corazza; Second by Commissioner McCulloch. Motion carried unanimously.
E. Approval for SunRay Park	00:27:16 to 00:41:29	Lonnie Barber, Manager SunRay Park and requested approval of:	
1. 2019 Wagering Format		1. Mr. Barber provided Wagering Formats for Saturday's and Sunday, also for Monday's and Friday's. The wagers vary in traditional betting structures and include the newly passed 123 Wager.	1. Motion to approve by Commissioner McCulloch; Second by Commissioner Blach. Motion carried unanimously.
2. 2019 Post Times		2. Mr. Barber provided Post for Saturday's and Sunday's with the first race commencing at 1:15pm and with the last race commencing at 4:51 pm. Also Monday and Friday race times; first race commencing at 3:00pm and the last race commencing at 6:36pm.	2. Motion to approve by Commissioner Corazza; Second by Commissioner McCulloch. Motion carried unanimously.
3. 2019 Jockey and Exercise		3. Mr. Barber stated the Jockey Insurance cost per race day	3. Motion to approve by Commissioner

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Rider Insurance 4. 2019 Racing Officials 5. 2019 Export Signal		stayed the same as 2018 at \$2,925.00. In 2019, Jockey premiums will total \$49,725.00 for 17 race days. The Exercise Riders Insurance will total \$5,712.00 (\$136 per day x 42 training day) 4. Mr. Barber stated that the list may have some upcoming changes and will provide the NMRC with updates. Mr. Bingham of the NMHA stated that they have some concerns over Ms. Debbie Ferguson and requested additional training prior to SunRay's open; Mr. Barber affirmed. 5. Mr. Barber stated that the NMHA and SunRay are very close to reaching an agreement for the contract for Export Signal. NMRC staff and Assistant Attorney Generals discussed the appropriate procedure for the approval of the Export Signal verses the approval of the Export List. It was determined that the Commission will approve the Export list pending the Export Signal Contract is finalized with the racetrack and NMHA. NMRC Auditor Ray Mitcham confirmed there were not any apparent conflicts with the Export List as presented. Additionally, Mr. Barber made announcement to the Commission and staff that SunRay will be conducting a walk thru on April 25, 2019. He also stated that they will be shutting down to refresh the track materials and also provided a soil analysis to NMRC Staff. Mr. Barber confirmed that they have 813 horses committed to utilizing SunRay's stalls.	McCulloch; Second by Commissioner Blach. Motion carried unanimously. 4. Motion to approve by Commissioner McCulloch; Second by Commissioner Blach. Motion carried unanimously. 5. Motion to approve the signal list as presented by Commissioner Cosper; Second by Commissioner McCulloch. Motion carried unanimously.

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F. Approval for Zia Park 1. 2019 Jockey and Exercise Rider Insurance 2. 2019 Stall Applications	00:41:30 to 00:44:45	Chris McErlean, Vice President of Penn National Gaming on behalf of Zia Park, requested approval for: 1. Mr. McErlean stated the Exercise Rider Insurance premium is listed as \$27,864.00 and Jockey Insurance premium is listed as \$99,904.56; for a total of \$123,768.56. 2. Mr. McErlean stated the Stall Applications are for Quarter Horses and Thoroughbreds. Additionally, Mr. McErlean noted that they hired a new Racing Secretary, Michael Shamburg. Mr. Bingham of the NMHA inquired about Zia Park's backside and if there have been improvements. Mr. McErlean stated that there are several capital improvement project going on to address some of last year's concerns; such as running new electric and frost free water lines to some of the barns, paving projects, grading the fences lines and leveling out some of the paths around the track.	1. Motion to approve by Commissioner McCulloch; Second by Commissioner Blach. Motion carried unanimously. 2. Motion to approve by Commissioner McCulloch; Second by Commissioner Blach. Motion carried unanimously.
G. Approval for Downs at Albuquerque/New Mexico State Fair 1. 2019 Waging Formats	00:44:46 to 00:52:32	Don Cook, Director of Racing for Downs at Albuquerque, requested approval for: 1. Mr. Cook stated the Wagering Formats are the same as the 2018 Wagering Formats except the addition of the "Half Late Daily Double" on last posted races.	1. Motion to approve by Commissioner McCulloch; Second Commissioner Blach.

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2. 2019 Post Times 3. 2019 Racing Officials		2. Mr. Cook stated the Post Times are the same as the 2018 Post Times for week day and Saturday, first race commencing at 6:05pm and last race commencing at 10:17pm; then on Sundays first race commencing at 1:30pm and last race commencing at 5:42pm 3. Mr. Cook stated there are no changes from 2018	Motion carried unanimously. 2. Motion to approve by Commissioner McCulloch; Second Commissioner Blach. Motion carried unanimously. 3. Motion to approve by Commissioner Blach; Second Commissioner McCulloch. Motion carried unanimously.
H. Approval for Ruidoso Downs 1. 2019 Jockey and Exercise Rider Insurance 2. Amendment of Racing Officials	00:52:33 to 01:00:35	Jeff True, President/GM Ruidoso Downs, requested approval for: 1. Mr. True stated that with the insurance premiums that the work out an agreement with the NMHA for transfers to cover some of the payments, as authorized by policy. 2. Mr. True stated that the amendment was due to a previous placing judge not being able to continue in 2019; his replacement will be Mr. Wyatt Steinbaugh. Mr. True said that Mr. Steinbaugh will start training soon.	1. Motion to approve by Commissioner Cosper; Second Commissioner McCulloch. Motion carried unanimously. 2. Motion to approve by Commissioner Blach; Second Commissioner McCulloch. Motion

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3. Update: 2019 Walk Thru		3. Mr. True stated that the original date set for the walk thru is scheduled for April 30, 2019. Ruidoso Downs had invited Mr. Dennis Moore to conduct a visit prior to the scheduled walk thru, however, Mr. Moore will not be able to make it and will postpone the trip until after the Kentucky Derby on May 4, 2019; New ETA of for Mr. Moore will be on May 7, 2019. Mr. True offered to provide the Commission any insight from the visit with Mr. Moore. He further stated that Ruidoso Downs has new barns and is pleased with the stall applications that have been received.	carried unanimously. 3. No action taken
I. Approval for Sunland Park 1. Ratification of Approval to Amend Post Time and Wagering Format for April 12, 2019 2. Ratification of Approval to Amend Post Time and wagering Format for April 13, 2019	01:00:36 to 01:08:21	Dustin Dix, Director of Racing Operations, requesting Ratification of approval: 1. Mr. Dix stated that the amended post time and wagering format was to accommodate twelve races carded for the West Texas Futurity Trials. First Post is set at 12:50pm with the 12 th race's post at 5:30pm 2. Mr. Dix stated that the amended post time and wagering format was to accommodate an eleven race card for the Spring Futurity Trials. First Post is set at 12:50pm with the 11 th race's post at 5:05pm.	1. Motion to ratify approval by Commissioner McCulloch; Second Commissioner Blach. Motion carried unanimously. 2. Motion to ratify approval by Commissioner McCulloch; Second Commissioner Blach. Motion carried

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3. Ratification of Approval to Amend Racing Officials		3. Mr. Dix stated that adding Mr. Jimmy Jamison as an Assistant Starter effective April 9, 2019 through the end of the racing season. He further stated that Mr. Jamison will work on the track maintenance crew at Sunland Park. Mr. Dix also provided update to the Commission about Sunland Derby Day and how it has progressed over the last several years.	unanimously. 3. Motion to ratify approval by Commissioner Blach; Second Commissioner McCulloch. Motion carried unanimously.
J. Sixth Racetrack License	01:08:22 to 01:08:39	Chairman Willis asked Director Trejo if there were any new matters on the Sixth Racetrack; Assistant Attorney General Elliot stated that they will discuss in Executive Session.	No Action Taken
K. Public Comment	01:08:40 to 01:11:14	Per the sign in sheet; Chairman Willis indicated that it was their turn to address the Commission; Ms. Leslie Fincher- stated she was in attendance at the Race Date Committee; and also directed questions to Sunland Park and Downs at Albuquerque- to which racetrack management requested Ms. Fincher to contact the racetrack individually to address her questions and or concerns about what type and how many particular races are offered.	No Action Taken
Closed: Executive Session Item 7 Licensing/Pending Litigation/Appeals/Hearing officer	01:11:15 to 01:12:02 <u>Track 2</u>	Chairman Willis motioned to go into closed Executive Session with only matters to be discussed as:	Motion to go into Executive Session by Commissioner Willis; Second by Commissioner Cosper.

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Reports/Employment Contracts: A. In the Matter of Jon Arnett & Larry Heigermeier B. In the Matter of Jose Gonzalez Sr. C. In the Matter of Carolina Gaytan D. In the Matter of Felipe Flores Jr. & Felipe Flores Sr. E. In the Matter of Juan Torres & Juan Esquivel Jr. F. Ratification of Settlement Agreement • D-202-CV-2018-08669 G. Sixth Race Track License	00:00:00 to 00:00:15	A. In the Matter of Jon Arnett & Larry Heigermeier B. In the Matter of Jose Gonzalez Sr. C. In the Matter of Carolina Gaytan D. In the Matter of Felipe Flores Jr. & Felipe Flores Sr. E. In the Matter of Juan Torres & Juan Esquivel Jr. F. Ratification of Settlement Agreement • D-202-CV-2018-08669 G. Sixth Race Track License Kira Frazier, Legal Assistant for the NMRC called Roll, with all Commissioners present. AAG's Gideon Elliot, Angela Macdonald, and Director Trejo were in attendance during executive session.	
Public Session Item 7 Licensing/Pending Litigation/Appeals/Hearing officer Reports/Employment Contracts: A. In the Matter of Jon Arnett &	<u>Track 3</u> 00:00:00-00:13:56	Chairman Willis 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). A. Executive Director Trejo tabled this matter during	A. Tabled

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2. "Quatro Eagle" 3. "No Playing Games"		first class 3B violation and Trainer Carolina Gaytan's first class 3B violation. The Commission will issue a \$750.00 fine and impose a 15 days suspension on to Ms. Gaytan. The Commission will disqualify the horse "Pampered Jess", the purse be redistributed and must pass a Commission approved exam prior to being eligible to enter. 2. The Commission wished to adopt Hearing Officer's Finding of Facts and Conclusions of Law and makes additional findings of Fact for the sample #NM21010 – that the horse tested positive for Albuterol. The Commission noted that this is Owner Robert Marquez's first class 3B violation. In regards to Trainer Carolina Gaytan, this was her third 3B violation in a 365 day period and is a third life time penalty. The Commission imposed a 240 suspension to be run consecutively with other issued suspensions for test samples NM19092 & NM19028, \$4,000 fine to be paid immediately. As to the Owner Roberto Marquez that the horse be disqualified, redistribution of purse and must pass a Commission approved exam prior to being eligible to enter. 3. The Commission wished to adopt Hearing Officer's Finding of Facts and Conclusions of Law and makes additional findings of Fact of Fact that the horse tested positive to Zilpaterol, that this test	Blach. Motion carried unanimously. 2. Motion to approve by Commissioner McCulloch. Second by Commissioner Blach. Motion carried unanimously. 3. Motion to approve by Commissioner McCulloch. Second by Commissioner Cosper. Motion

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4. "Jess Alota Fly" 5. "Brawley Slide"		was Trainer Carolina Gaytan's first class A violation in a 365 day period, Owner Andrea Gaytan's first class A violation and this was Trainer Carolina Gaytan's fifth violation in a two and half month period of time, which constitutes an aggravating factor and the Commission will impose a 3 year suspension, to be served consecutively with other suspensions and issue \$25, 000 fine 4. The Commission wished to adopt Hearing Officer's Finding of Facts and Conclusions of Law and makes additional findings of Fact of Fact for the sample #NM21275 - that the horse tested positive to Dexamethozone. This Owner Jesus Zubia's second class 4C violation and the Commission wished to impose a disqualification and redistribution of the purse. This was Trainer Carolina Gaytan's fourth class 4C violation in a 365 day period. The Commission wished to impose a 30 day suspension to be served consecutively with other suspensions, and to pay fine of \$2,500. 5. The Commission wished to adopt Hearing Officer's Finding of Facts and Conclusions of Law and makes additional findings of Fact of Fact for the sample #NM19092 - that the horse tested positive for Albuterol. This was the Owner Elizar Canava's first 3B violation and the Commission will impose a disqualification, redistribution of the purse and the horse must pass a Commission approved exam	carried unanimously. 4. Motion to approve by Commissioner McCulloch. Second by Commissioner Cosper. Motion carried unanimously. 5. Motion to approve by Commissioner McCulloch. Second by Commissioner Cosper. Motion carried unanimously.

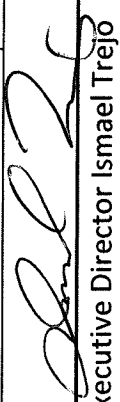
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6. "Gonna Rock You" D. In the Matter of Felipe Flores Jr. & Felipe Flores Sr.		prior to being eligible to enter. This was Trainer Carolina Gaytan's second 3B violation and the Commission will impose a 90 day suspension, and to pay fine of a \$2000. 6. The Commission wished to adopt Hearing Officer's Finding of Facts and Conclusions of Law and makes additional findings of Fact of Fact for the sample #NM21265 - that the horse tested positive for Dexamethozon. This was Owner Jesus Zubia's first 4C violation and the Commission wished to impose that the horse must pass a Commission approved exam prior to being eligible to enter. Additional, AAG Elliot stated that the Commission requests the Trainer Carolina Gaytan is to take the New Mexico Trainers Exam and must come before the full Commission prior to her license being reissued. D. Angela Macdonald, AAG, Counsel for the NMRC stated that it was her understanding that in the matter of Felipe Flores Jr. & Felipe Flores Sr., the Commission wished to adopt the Findings of Fact and Conclusions of Law and reject the recommendation and impose, for Trainer Felipe Flores Jr., a one year suspension, and a \$10,000 fine. As to Owner Felipe	6. Motion to approve by Commissioner McCulloch. Second by Commissioner Cosper. Motion carried unanimously. Motion to approve by Commissioner McCulloch. Second by Commissioner Cosper. Motion carried unanimously. D. Motion to approve by Commissioner McCulloch. Second by Commissioner Cosper. Motion carried unanimously.

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E. In the Matter of Juan Torres & Juan Esquivel Jr. F. Ratification of Settlement Agreement • D-202-CV-2018-08669 G. Sixth Race Track License		Flores Sr., the Commission will impose a disqualification, loss of purse, the horse being placed on the Vet's list for 90 days and the horse must pass a Commission approved exam prior to being eligible to enter. E. Angela Macdonald, AAG, Counsel for the NMRC stated that it was her understanding that in the matter of Juan Torres & Juan Esquivel Jr., as only to the Owner Juan Esquivel Jr. the Commission wished to adopt the Findings of Fact and Conclusions of Law in the Hearing Officer's Report but rejects the recommendation due to the rules in place at time of violation. The Commission wished to impose a disqualification and loss of purse and the horse must pass a Commission approved exam prior to being eligible to enter. F. Gideon Elliot AAG, Counsel for the NMRC stated that it was his understanding in the matter of the Settlement Agreement, that it is the Commissions wishes to accept the settlement agreement signed as of April 3, 2019. G. Chairman Ray Willis stated that there will be a Special Meeting to be held on April 30, 2019 at 9am for further discussion and action on the Sixth Race Track License.	E. Motion to approve by Commissioner McCulloch. Second by Commissioner Cosper. Motion carried unanimously. F. Motion to approve by Commissioner Blach. Second by Commissioner McCulloch. Motion carried unanimously. G. No Action Taken

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Adjournment	00:13:57 to 00:14:13	Commissioner Willis called for a motion to adjourn.	Motion to adjourn by Commissioner Corazza; Second by Commissioner Casper. Motion carried unanimously.


Chairman

6 June 19
Date


Executive Director Ismael Trejo

6-19-19
Date