

NEW MEXICO HORSE RACING COMMISSION

MINUTES OF THE MEETING

Date: March 21, 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, and Commissioner Leonard Blach.

Members Absent: Commissioner Jerry Cosper

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 00:00:34	Meeting called to order by Chairman Willis. Roll call was taken by Kira Frazier. Commissioner Cosper was Absent. Also, Assistant Attorney Generals Gideon Elliott and Angela MacDonald were also present.	No Action Taken.
Approval of Agenda	00:00:35 to 00:01:40	Chairman Willis asked Director Izzy Trejo if there were any amendments to the agenda; Director Trejo stated there were changes, as to typographical error; Under Agenda Item 6, Letter A., #7 reads "Subsection A of 15.2.6.8 NMAC Treatment Restrictions"; it should read "Subsection A of 15.2.6.8 NMAC Veterinary Practices" and it should also read the same under Agenda Item 7, Letter B., #7	Motion to approve by Commissioner McCulloch; Second by Commissioner Blach. Motion carried unanimously.

AGENDA ITEM	TIME LOG	DISCUSSION / CONCLUSIONS / RECOMMENDATIONS	ACTION TAKEN
Approval of Minutes: February 21, 2019	00:01:42 to 00:02:05	Chairman Willis requested a motion to approve the minutes of the February 21, 2019 Meeting.	Motion to approve by Commissioner Blach; Second by Commissioner Corazza. Motion carried unanimously
Chairman's Agenda	00:02:06 to 00:02:50	Chairman Willis asked for a Committee meeting update. Vice-Chairman Gayla McCulloch stated that the next Medication/Rules Committee will be held on April 17, 2019 @ 1:30pm, and then a Race Dates Committee Meeting at 3:30.	No Action Taken
NMHBA Report Breeders Report	00:02:51 to 00:10:39	Mary Barber, Executive Director of the NMHBA, provided the the race a day report, as follows: For Sunland Park thru March 12, 2019 they have run 167 NM Bred Races, 26 less races than in 2018, of which 127 were TB and 40 were QH. Sunland is averaging 3.8 NM Bred races per day and are in compliance with an average field size of 9.28 NM Breds per race. In the open overnight races at Sunland there were 149 NM Breds that ran open. In the first 40 days, 369 NM Breds ran in open overnight races. Of these 369, 87 NM Breds came in 1 st , 2 nd or 3 rd ; of that were 59 TB and 28 QH. Ralph Vincent, President of the NMHBA, provided an update on Bill 503. Bill 503 passed the Legislature session and wanted to thank the Racing Commission for their support. Also, discussed were the amendments that were made and the bill is now waiting for the Governors approval. Mr. Vincent additionally addressed the number of QH vs. TB in Sunland Parks races in 2019 with races run in 2018. Mr. Vincent stated that a letter was sent to Racing Commission, NMHA, Sunland Park and would hope to open up conversation to further address this issue.	No Action Taken
Jockey's Guild Report	00:10:40 to	John Beech, Regional Manager of the Jockey's Guild, stated	No Action Taken

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	00:11:29	that he has not received any complaints from the Jockey's at Sunland Park. He also wished Sunland Park the best for the upcoming Sunland Park Derby.	
NMHA Horsemen's Report	00:11:30 to 00:16:46	Pat Bingham, Executive Director of the NMHA, referring to a handout provided to Commissioners; referenced an overview for March 2019 at Sunland Park: Starts: QH= 908; TB= 2,461 for a total of 3,369. Race Purses Paid: QH= \$1,865,245.00; TB= \$4,980,735.00 for a total of \$6,845,980.00 for the first 43 days. Additionally, Mr. Bingham stated that the letter received from NMHBA about Sunland Park; he would like to encourage a discussion and hopes the NM QH and NM TB races will increase. Mr. Bingham announced Steve Woods went to Sunland to conduct a track review; overall was a good report, only noted that the track was hard and requested that sand be added; He also informed the Commission that Dustin Dix had 20 yards of sand added to meet Mr. Woods' request. Mr. Bingham also addressed the newly legalized sports betting in the State and how it may be affecting the Racing and Gaming industry. He also provided Sunland Park "Best Wishes for the Sunland Derby."	No Action Taken
NMRC Executive Director Report	00:16:47 to 00:20:40	Izzy Trejo, Executive Director of the NMRC reported that he and Dr. Mobley attended a regulatory veterinarian CE at Gulfstream Park in Miami, Florida on March 4-5, 2019. At the conference, out of competition testing was discussed and NM seems to be on track with our program by comparison to other jurisdictions. Director Trejo stated that he will be speaking at University of Arizona's Race Track Industry Program's Racing Law Class on March 27, 2019; in addition he will be traveling to the ARCI's Annual	No Action Taken.

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6. Unfinished/ New Business and/or Action Items Regarding Licensing: A. Rules Hearing: - Subsection B of 15.2.1.9 NMAC – Proceedings Before the Stewards - Subsection C of 15.2.1.9 NMAC – Proceedings Before the Commission	00:20:42 to 00:56:34	Conference on April 3, 2019. Furthermore, stated that it was a big weekend in the State of New Mexico as the Sunland Derby, as well as the Oaks will run. On March 25, 2019. In regards to the NMHA's comment on sports betting, Director Trejo stated that the handle is down and could be due to the newly passed law on sports betting but will need to monitor the issue. Chairman Willis stated that Vice Chairman McCulloch will now preside over the Rules Hearing & Rules Adoption Hearing as the Presiding Officer. Vice Chairman McCulloch opened the Rules Making Hearing by read the Public Rule Hearing Procedures and Opening Statement. Members of the Racing Committee that were present were announced. Additionally, the NMRC Assistant Attorney General (AAG) Gideon Elliot, AAG Angela Macdonald, NMRC Executive Director Trejo were present. Rosemary Garley read Rules 1-14 with the changes and Vice Chairman McCulloch allowed for public comment. - Rosemary Garley stated the changes made were to replace the verbiage of "cash, a cashier's check, money order or personal check" with "a money order or cashier's check." Also, that there was an additional suggestion to add corporate checks to rule as well. No public comment. - Rosemary Garley stated the changes made were to removing "or the agency director" from C.2 (d); Adding "calendar" in between "20" and "day" and adding new verbiage "if in any case in which a combination of objections to a presiding officer(s)"	No Action Taken.

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3. Subsection B of 15.2.3.8 NMAC – Stewards 4. Subsection A of 15.2.4.8 NMAC – General Provisions		would result in the matter not being heard, the removal of the hearing officer shall not be effective” to C.7(a); Removing “At the request of the respondent”, replacing with “ If necessary, at the front of C. 13 (a); removing “days of the hearing” and replacing “business days from the close of record” into C 15 (a); Adding “before close of business within 30 business days from the close of the record at the end of C.15 (b); removing both “working’ and replacing with “business” in C.15 (c). Ms. Garley stated that we had received comments and suggestions from Hearing Officer Felicia Orth and her email was attached for review. Comments from AAG Macdonald suggests that the record be closed at the conclusion of the hearing and not allowing the 30 business days to start upon receiving the transcripts or leaving the Hearing officers discretion. AAG Macdonald referred to handout documenting her suggestions. AAG Elliot inquired from the NMHBA or NMHA; Pat Bingham, of the NMHA, agreed with needing to close the record at the conclusion of the hearing. No further comment 3. Rosemary Garley stated the changes made were removing (C) in full- “The stewards shall consult with the official veterinarian to determine the nature and seriousness of a laboratory finding or an alleged medication violation”; which caused re-lettering of the rest of the section. No public comment or questions. 4. Rosemary Garley stated the changes made were to	

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5. Subsection D of 15.2.5.10 NMAC – Weights		add a number 5 – “a claim shall be voided if a horse is a starter as determined by the new Mexico racing commission, and the Horse: (a) dies on the track; or (b) suffers an injury which requires euthanasia of the horse a determined by the official veterinarian while the horse is on the racetrack.”. Executive Director Trejo commented that he would like to add “or Racing Veterinarian” to 5 (b) due to Racing Veterinarian being on the racetrack. Pat Bingham commented NMHA is in support of the change. No further comments. 5. Rosemary Garley stated the changes made were adding verbiage to title “Scale of” Weights, removing weight chart and striking current paragraphs 1-6. Replacing with paragraphs 1-5 with all new verbiage, 1. With the exception of apprentice allowances, handicaps, three year old horses entered to run in races against horses for years old and upwards, and the allowance provided in paragraph (2) of the subsection, no jockey shall be assigned a weight of less than 118 pounds. For three year old horses entered to run in races against horses four years old and upwards from January 1 through August 31, no jockey shall be assigned a weight of less than 116 pounds. 2. Except in handicaps, fillies two years old shall be allowed three pounds, and fillies and mares three years old and upward shall be allowed five pounds before September 1, and three pounds thereafter in races where competing against horses of the opposite sex. 3. Quarter Horses, minimum	

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6. Subsection E of 15.2.5.10 NMAC - Distance Conversions 7. Subsection A of 15.2.6.8 NMAC- Veterinary Practices 8. 15.2.6.9. NMAC – Medications and Prohibited Substances 9. Subsection A of 15.2.6.9 NMAC - Penalties 10. Subsection C of 15.2.6.9 NMAC – Medication Restrictions		scale weights shall be 124 pounds for two year olds, 126 for three year olds and 128 pounds for four year olds and older with the exception of handicap races. 4. A notice shall be included in the daily program that all jockeys will carry approximately three pounds more than the published weight to account for safety equipment (vest and helmet) that is not included in require weighting out procedures. Additionally, upon stewards' approval, jockeys may weigh in with an additional three pounds for inclement weather gear. No public comment or questions. 6. Rosemary Garley stated the changes made were to remove "and/or" and replace with "and". No public comment or questions. 7. Rosemary Garley stated the changes made were to remove "supervision" and add "authority", also striking last sentence of the paragraph. No public comments or questions 8. Rosemary Garley stated the changes made were to remove "January 18, 2018, version 13.4" and replacing with "January, 2019 version 14.0". No public comment or questions. 9. Rosemary Garley stated the changes made were to add (C), in section 12, "No entry in any race shall be accepted for a horse owned wholly or in part by, or trained by, a person whose husband or wife is under license suspension at time of such entry; except that, if the license of a jockey has been suspended for a routine riding offense, the stewards may waive this	

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11. Subsection G of 15.2.6.9 NMAC – Androgenic-Anabolic Steroids 12. Subsection J of 15.2.6.9 NMAC – Out of Competition Testing		rule. No public comments or questions. 10. Rosemary Garley stated the changes made were to add “or albuterol” to C.4 & C.8 (c). Commissioner Blach commented would like both amended parts of the rule to be breed specific to include verbiage of “Quarter Horses and Through Breds.” Pat Bingham commented that the rule reflects the current ARCI model rule. No further comments or questions. 11. Rosemary Garley stated the changes made to section G.1 was removing “residues of the major metabolite or nandrolone, and the naturally occurring substances boldenone and testosterone”, replacing with “endogenous contractions of the naturally occurring substances boldenone, nandrolone, and testosterone”. G.2, removing subsections a-c, replacing with new a- c, adding a new number 3. Then needing to renumber the remainder of the subsections (1-5) and adding new number 6 and 7. Pat Bingham, from NMHA, commented that with certain usage of words, such as plasma, serum or test samples may cause issues in future. Executive Director Trejo, responded to Mr. Bingham, stating that this rule is verbatim to the ARCI rule model with the exception of a few typographical and grammatical errors and identified those errors. Commissioner Corazza inquired to new number 7, as to a time constraint for testing. Executive Director Trejo responded, stating that there are no time constraints for testing due to differing time the drugs may or may not stay in the horses system. No further	

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13. Subsection K of 15.2.6.9 NMAC – Contraband 14. Subsection X of 15.2.7.12 NMAC – 123RACINGPICK(h)WAGER POOL		comments or questions. 12. Rosemary Garley stated the changes made were to add “or Albuterol” to J.2 (d). Discussion between Pat Bingham, of the NMHA, and Commissioner Corazza in regards to how the Commission will address the upcoming race season at Ruidoso and this rule going into effect around the same time and how it may affect test samples. No further comments or questions. 13. Rosemary Garley stated the changes made to both K.1 and K.2 the verbiage “or any premise under the jurisdictions of the New Mexico racing commission”. No public comments or questions. 14. Rosemary Garley stated we are adding a new subsection to address a new wager offered to racing patrons. No public comments or questions. Vice Chairman McCulloch stated the further proceeding for Closing the Rules Hearing, Thanking persons involved and adjourning at 10:29 am.	
B. Rule Adoption 1. Subsection B of 15.2.1.9 NMAC – Proceedings Before the Stewards 2. Subsection C of 15.2.1.9 NMAC	00:56:35 to 01:23:51	- Subsection B of 15.2.1.9 NMAC – Proceedings Before the Stewards: Vice Chairman McCulloch stated that she would like the rule to reflect the suggestion of adding corporate checks to the payment options. - Vice Chairman McCulloch advised Chairman Willis of	1. Motion to adopt by Commissioner Corazza; Second by Commissioner McCulloch. Motion carried unanimously.

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– Proceedings Before the Commission 3. Subsection B of 15.2.3.8 NIMAC – Stewards 4. Subsection A of 15.2.4.8 NIMAC – General Provisions 5. Subsection D of 15.2.5.10 NIMAC – Weights 6. Subsection E of 15.2.5.10 NIMAC - Distance Conversions		the advisement from the AAG Office. AAG Elliot reviewed verbatim the amendments suggested during the Rules Hearing. Chairman Willis commented on some of the issues that have happened with previous hearings, hearing officers and how these rules may have effect on future cases. Further discussion of reasoning for changes to clarify the rule and re-organization of the subsection. • No discussion/comment • Vice Chairman McCulloch stated that she would like to adopt the rule with suggested verbiage of “or Racing Veterinarian”. • No discussion/ comment • No discussion/ comment	2. Motion to adopt the rule with the changes submitted by AAG , approve by Commissioner McCulloch; Second by Commissioner Corazza. Motion carried, with 3.0 with Chairman Willis dissenting. 3. Motion to adopt by Commissioner McCulloch; Second by Commissioner Blach. Motion carried unanimously. 4. Motion to adopt by Commissioner McCulloch; Second by Commissioner Corazza. Motion carried unanimously. 5. Motion to adopt by Commissioner McCulloch; Second by Commissioner Blach. Motion carried unanimously.

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7. Subsection A of 15.2.6.8 NMAC- Veterinary Practices		No discussion/ comment	6. Motion to adopt by Commissioner McCulloch; Second by Commissioner Corazza. Motion carried unanimously.
8. 15.2.6.9. NMAC – Medications and Prohibited Substances		No discussion/ comment	7. Motion to adopt by Commissioner McCulloch; Second by Commissioner Corazza. Motion carried unanimously.
9. Subsection A of 15.2.6.9 NMAC - Penalties		No discussion/ comment	8. Motion to adopt by Commissioner McCulloch; Second by Commissioner Corazza. Motion carried unanimously.
10. Subsection C of 15.2.6.9 NMAC – Medication Restrictions		Vice Chairman McCulloch stated that she would like to adopt the rule with the suggestion from Commissioner Blach, to add verbiage of breed specificity.	9. Motion to adopt by Commissioner McCulloch; Second by Commissioner Blach. Motion carried unanimously.
11. Subsection G of 15.2.6.9 NMAC – Androgenic-Anabolic Steroids		Vice Chairman McCulloch stated the there were many changes with this rule and would like to adopt the rule as Executive Trejo read the rule in during the	10. Motion to adopt by Commissioner McCulloch; Second by Commissioner

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12. Subsection J of 15.2.6.9 NMAC – Out of Competition Testing 13. Subsection K of 15.2.6.9 NMAC – Contraband 14. Subsection X of 15.2.7.12 NMAC – 123RACINGPICK(n)WAGER POOL		Rules Hearing; identifying the amendments, typographical and grammatical errors. • No discussion/comments • No Discussion/ comments • No Discussion/ comments	Corazza. Motion carried unanimously. 11. Motion to adopt by Commissioner McCulloch; Second by Commissioner Blach. Motion carried unanimously. 12. Motion to adopt by Commissioner McCulloch; Second by Commissioner Corazza. Motion carried unanimously. 13. Motion to adopt by Commissioner Corazza; Second by Commissioner McCulloch. Motion carried unanimously. 14. Motion to adopt by Commissioner Corazza; Second by Commissioner McCulloch. Motion carried unanimously.
C. Approval of the NMRC Auditor for the 2019 SunRay Meet	01:23:52 to 01:24:29	Executive Director Trejo state that the NMRC received a bid for a Certified Public Accountant to work as an Auditor at the 2019 SunRay Park live race meet through June 2, 2019.	Motion to approve by Commissioner McCulloch; Second by Commissioner

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		Ms. Sheryl M. Edgar, CPA submitted bid; \$6,306.42, including GRT-Recommended.	Blach. Motion carried unanimously.
D. Approval of the NMRC Official Veterinarian for 2019 SunRay Park Meet	01:24:30 to 01: 25:19	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. Frank E. Anderson, DVM submitted bid; \$15,725.00 including GRT-Recommended.	Motion to adopt by Commissioner Corazza; Second by Commissioner McCulloch. Motion carried unanimously.
E. Approval for SunRay Park	01:25:20 to 01:52:33	Lonnie Barber, Manager SunRay Park and requested approval of:	
A. Capital Improvement Project #1		A. Mr. Barber provided three bids for a new Tote Board. The bid that SunRay accepted was not the lowest bid; reasons stated for going with different bid, Daktronics & San Juan Signs, was due to the fact the installation would be done by local contractor, whereas the other two bids were from out of state. Construction is scheduled to start March 2019 and the goal end date is May 3, 2019. Total Bid cost = \$159,175.00 (excluding tax)	A. Motion to approve by Commissioner McCulloch; Second by Commissioner Blach. Motion carried unanimously.
B. Export Signal		B. Mr. Barber stated that he has not received approval from the NMHA and wants to open a discussion. Discussion, between Mr. Barber and Pat Bingham, of the NMHA, as to what the reluctance is to authorize and create an agreement regarding the SunRay export signal. AAG Elliot advised the Commission that this item has not, in the past, been put before the Commission to approve. Moreover, is an agreement that needs to be resolved between the individual racetracks and the Horsemen. Chairman	B. No Action Taken.

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		Willis stated that he would not approve this item and strongly urged The Racetrack representation and the NMHA meet and come to an agreement that would be fair for all Racetracks and Horsemen. Commissioner Blach and Commissioner Corazza agreed that a meeting with all parties involved should take place.	
F. Approval for Downs at Albuquerque/New Mexico State Fair A. 2019 Jockeys & Exercise Insurance	01:52:34 to 01:53:25	Don Cook, Director of Racing for Downs at Albuquerque, requested approval for: A. The Exercise Rider Insurance premium is listed as \$25, 123.00 and Jockey Insurance premium is listed as \$229,320; for a total of \$254,443.00. The premiums are slightly higher than 2018. The total amount requested for approval was \$127,221.50.	A. Motion to approve by Commissioner Corazza; Second Commissioner McCulloch. Motion carried unanimously.
G. Approval for Zia Park A. Stakes Schedule – UPDATE	01:53:26 to 01:57:50	Matt Crawford, Director of Racing for Zia Park requested approval of: A. At the February 2019 Commission meeting, the Commission approved the Stakes Schedule pending trial dates being placed on the schedule. Mr. Crawford stated the updated stakes schedule submitted now reflects the trial dates for the upcoming Futurity and Derby Races. Additionally, Mr. Crawford informed the Commission that he will no longer be employed by Zia Park and introduced Mr. Frank Hopf, Senior Director of Racing for Zia Park.	A. No Action Taken

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H. Approval for Sunland Park A. Ratification of Approval to Amend Wagering format for 3rd race on March 3, 2019 B. Ratification of Approval to Amend Wagering Format and Post Time Schedule on March 24, 2019 C. Amend Purse Payout for Sunland Park Oaks	01:57:51 to 02:00:25	Fred Heinrich, Sunland Park, on behalf of Dustin Dix, Director of Racing, requested ratification of approval for: A. To amend wagering format for race 3 on March 3, 2019, due to dropping to a five horse field. B. To amend the wagering format and post time schedule to accommodate the large crowd for the Sunland Derby; added additional wagers for the twelve race card. C. Sunland Park Management requested to amend the purse payout for the Sunland Oaks race; to pay sixth place through last place 1% and the remaining will be paid out as followed 1st = 60%; 2nd = 22%; 3rd = 10%; 4th = 5% and 5th = 3%.	A. Motion to ratify approval by Commissioner Corazza; Second Commissioner McCulloch. Motion carried unanimously. B. Motion to ratify approval by Commissioner McCulloch; Second Commissioner Blach. Motion carried unanimously. C. Motion to approve by Commissioner Corazza; Second by McCulloch. Motion carried unanimously.
I. Approval for All American Ruidoso Downs A. First Amendment to Allocation Agreement	02:00:26 to 02:10:12	Jeff True, President/GM Ruidoso Downs, requested approval for: A. Management is requesting approval of the first amendment to Allocation Agreement of the Zia Ruidoso Slot agreement; needed some clarification and updates to further address revenue generated from machines at Zia Park. Zia Park signed the new	A. Motion to approve Chairman to sign off on agreement, after NMRC legal counsel has reviewed to allow AARD to put this amendment

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		agreement and NMHA has no issues with agreement. Executive Director Trejo stated that legal counsel and staff has not been able to review. The Gaming Control Board will be hearing this item at their April 2019 Board Meeting.	up, before the Gaming Control Boards April Board Meeting by Commissioner McCulloch; Second by Commissioner Corazza. Motion carried unanimously.
J. Sixth Racetrack License	02:10:13 to 02:10:55	Chairman Willis asked Director Trejo if there were any new matters on the Sixth Racetrack; Director Trejo indicated "no new news"; But did confirm the District Court Hearing on April 4, 2019.	No Action Taken
K. Public Comment	02:10:56 to 02:13:51	Per the sign in sheet; Chairman Willis indicated that it was their turn to address the Commission; • Hal Strattan- inquired to the April District Court Hearing (not on sign-in sheet) • Ms. Leslie Fincher- encouraged a resolution and agreement for exporting signals be made between the NMHA and Racetracks	No Action Taken
Closed: Executive Session Item 7 Licensing/Pending Litigation/Appeals/Hearing officer Reports/Employment Contracts: A. In the Matter of Manuel V. Orozco B. In the Matter of Jose Gonzalez Sr. C. In the Matter of Carolina Gaytan	02:13:52 to 02:15:37	Chairman Willis motioned to go into closed Executive Session with only matters to be discussed as: A. In the Matter of Manuel V. Orozco B. In the Matter of Jose Gonzalez Sr. C. In the Matter of Carolina Gaytan D. In the Matter of Gerardo Ochoa-Pena and Eusebio V. Sanchez E. In the Matter of Lorenzo Vega & Victor Diaz F. In the Matter of Juan Torres G. In the Matter of Casey Lambert	Motion to go into Executive Session by Commissioner Willis; Second by Commissioner Cosper.

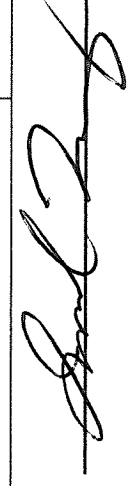
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D. In the Matter of Gerardo Ochoa-Pena and Eusebio V. Sanchez E. In the Matter of Lorenzo Vega & Victor Diaz F. In the Matter of Juan Torres G. In the Matter of Casey Lambert H. In the Matter of Beatriz Sanchez Carrillo I. In the Matter of Carlos Trujillo Jr. J. Sixth Race Track License		H. In the Matter of Beatriz Sanchez Carrillo I. In the Matter of Carlos Trujillo Jr. J. Sixth Race Track License Kira Frazier, Legal Assistant for the NMRC called Roll, with all Commissioners present, with the exception of Commissioner Cosper. AAG's Gideon Elliot, Angela Macdonald, and Director Trejo were in attendance during executive session.	
Back in Open Session Item 7 Licensing/Pending Litigation/Appeals/Hearing officer Reports/Employment Contracts: A. In the Matter of Manuel V. Orozco	Track 2 00:00:00-00:07:18	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. Angela Macdonald, AAG, Counsel for the NMRC stated that it was her understanding that in the matter of Manuel V. Orozco that the Commission would like to adopt the Hearing Officers Report except for the hearsay testimony of Dr. Fly, as it is unsubstantiated and unsupported and the testimony of the respondent will be rejected, the recommendations are rejected from the Hearing Officer given that no mitigating factors were proven to rebut the presumption that the absolute insurer	A. Motion to approve by Chairman McCulloch. Second by Commissioner Blach. Motion carried unanimously.

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B. In the Matter of Jose Gonzalez Sr. C. In the Matter of Carolina Gaytan D. In the Matter of Gerardo Ochoa-Pena and Eusebio V. Sanchez		was not responsible for the horse. The Commission will reject the recommendations and instead impose a \$10,000.00 fine and impose a one year suspension. B. Gideon Elliot AAG, Counsel for the NMRC stated that it was his understanding in the matter of Jose Gonzalez Sr., the Commission wished to table this matter until next Commission meeting. C. Gideon Elliot AAG, Counsel for the NMRC stated that it was his understanding in the matter of Carolina Gaytan, the Commission wished to table this matter until next Commission meeting to allow council to assist in preparing Finding of Fact and Conclusions of Law. D. Angela Macdonald, AAG, Counsel for the NMRC stated that it was her understanding that in the matter of Gerardo Ochoa-Pena and Eusebio V. Sanchez, the Commission wished to adopt the Findings of Fact and Conclusions of Law and reject the recommendation and impose, for Trainer Gerardo Ochoa-Pena, a nine (9) month suspension, of which six (6) months has already been served. The suspension will start two weeks from the Decision and Order and issue a \$4,000.00 fine, of which \$3,000.00 has been paid. As to the Owner Eusebio V.	B. Motion to table by Chairman McCulloch. Second by Commissioner Blach. Motion carried unanimously. C. Motion to table by Chairman McCulloch. Second by Commissioner Blach. Motion carried unanimously. D. Motion to approve by Chairman McCulloch. Second by Commissioner Blach. Motion carried unanimously.

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E. In the Matter of Lorenzo Vega & Victor Diaz F. In the Matter of Juan Torres		Sanchez, the horse "Taleas Pride" is required to pass a Commission approved exam before being eligible to run, a \$5,000.00 fine, loss of purse and a disqualification. E. Angela Macdonald, AAG, Counsel for the NMRC stated that it was her understanding that in the matter of Lorenzo Vega & Victor Diaz, the Commission wished to adopt the Findings of Fact and Conclusions of Law in the Hearing Officer's Report. In regards to Trainer Lorenzo Vega, the Commission will impose a 30 day suspension, of which all time has been served, issued a \$750.00 fine, which has been paid. As to the Owner Victor Diaz, the horse "TF I'm that Guy" is required to pass a Commission approved exam before being eligible to run, loss of purse and a disqualification. F. Gideon Elliot AAG, Counsel for the NMRC stated that it was his understanding in the matter of Juan Torres that the Commission agreed with the Hearing Officers' Finding of Fact and desires to make the additional Finding of Fact of the presence of two separate beta antagonist which constitutes aggravating circumstance. In addition, the Commission wished to adopt the Hearing Officer's recommendation of Conclusion of Law and accepts the Hearing Officers recommendation of penalty as to the fine of \$25,500.00, but amends the suspension from one year and 15 days to 3 years.	E. Motion to approve by Chairman Blach. Second by Commissioner McCulloch. Motion carried unanimously F. Motion to table by Chairman McCulloch. Second by Commissioner Blach. Motion carried unanimously.

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G. In the Matter of Casey Lambert		G. Angela Macdonald, AAG, Counsel for the NMRC stated that it was her understanding that in the matter of Casey Lambert, the Commission agrees with the Hearing Officers Report and wished to adopt the recommended fine of \$1,000.00, which is past due and is due immediately.	G. Motion to approve by Chairman McCulloch. Second by Commissioner Blach. Motion carried unanimously.
H. In the Matter of Beatriz Sanchez Carrillo		H. Gideon Elliot AAG, Counsel for the NMRC stated that it was his understanding in the matter of Beatriz Sanchez Carrillo, the Commission wished to uphold the Stewards decision and deny the appeal.	H. Motion to approve by Chairman Blach. Second by Commissioner McCulloch. Motion carried unanimously.
I. In the Matter of Carlos Trujillo Jr.		I. Gideon Elliot AAG, Counsel for the NMRC stated that it was his understanding in the matter of Carlos Trujillo Jr., the Commission wished to uphold the Stewards decision and deny the appeal.	I. Motion to approve by Chairman McCulloch. Second by Commissioner Blach. Motion carried unanimously.
J. Sixth Race Track License		J. Sixth Race Track License; No comments from Commission at this time	J. No Action Taken
Adjournment	00:07:19 to 00:07:35	Commissioner Willis called for a motion to adjourn.	Motion to adjourn by Commissioner McCulloch; Second by Commissioner Blach. Motion carried unanimously.





Chairman Ray Willis

Date

Executive Director Ismael Trejo

Date