

NEW MEXICO HORSE RACING COMMISSION
MINUTES OF THE REGULAR MEETING

Date: May 16, 2019 at 9:30 AM

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

Members Present: Chairwomen Beverly Bourguet, Vice-Chairman David "Hossie" Sanchez, Commissioner Freda McSwane, Commissioner John Buffington and Commissioner Billy Smith.

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

Transcription: Williams & Associates Court Reporting

AGENDA ITEM	Page #	DISCUSSION / CONCLUSIONS / RECOMMENDATIONS	ACTION TAKEN
Public Session: 1. Call to Order and Roll Call	1	Meeting called to order by Chairwoman Bourguet. Roll call was taken by Kira Frazier. Assistant Attorney Generals Gideon Elliott and Angela MacDonald were also present.	No Action Taken.
2. Approval of Agenda	1-2	Chairwoman Bourguet asked Director Izzy Trejo if there were any amendments to the agenda; Director Trejo stated there were changes, under Agenda Item 6, the Unfinished/New Business and/or Action Items Regarding Licensing, there is duplicated letter 'E' and will need to letter correctly; need to change 'E' to 'F' and 'F' to 'G' and 'G' to 'H'.	Motion to approve changes by Commissioner Smith; Second by Commissioner Sanchez. Motion carried unanimously.

AGENDA ITEM	Page #	DISCUSSION / CONCLUSIONS / RECOMMENDATIONS	ACTION TAKEN
3. Approval of Minutes: 1. April 18, 2019-Commission Meeting 2. May 3, 2019-Special Commission Meeting	3-4	Chairwoman Bourguet requested a motion to approve the minutes of the April 18, 2019 Regular Meeting and the May 3, 2019 Special Meeting	1. Motion to approve April Minutes by Commissioner Buffington; Second by Commissioner Smith. Motion carried unanimously 2. Motion to approve May Minutes by Commissioner Sanchez; Second by Commissioner McSwane. Motion carried unanimously
4. Chairman's Agenda A. Goals and Health of the Industry Study	4-9	A. Chairwoman Bourguet stated she would like to table	A. Motion to table by Commissioner Sanchez; Second by Commissioner McSwane. Motion carried

<i>AGENDA ITEM</i>	<i>Page #</i>	<i>DISCUSSION / CONCLUSIONS / RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
B. Committee Meeting Update 1. May 15, 2019 – Race Dates Committee 2. Appointment of Chairman for the following Committees: <ul style="list-style-type: none"> ▪ Race Dates Committee ▪ Medication/Rules Committee 		B. Chairwoman Bourguet stated that the Race Dates Committee met and are working on finalizing Race Dates prior to the June Regular Commission Meeting and that a Chairperson will be appointed for the Committees. No final proposals were entered and no action was taken.	unanimously B. No Action Taken
NMHBA Report	9-12	Mary Barber, Executive Director, presented the Race A Day Report for Sunland Park through Sunday, May 5, 2019. Additionally presenting the New Mexico Breds and Open Overnight Race Reports.	No Action Taken
NMHA Report	12-27	Pat Bingham, Executive Director presented information pertaining to the Sunland Park Race Meet. Susan Vescovo, Medication Liaison for the NMHA, gave a presentation on Corticosteroids to the Commissioners.	No Action Taken
Jockey's Guild Report	27-28	John Beech, Regional Manager presented comments on SunRay's Meet.	No Action Taken
NMRC Executive Director Report	28-41	Ismael "Izzy" Trejo, Executive Director of NMRC, welcomed the new commission and provided a brief synopsis of where the industry is in regards to equine welfare and potential reforms. Also discussed his visit to Sunland Park's closing weekend and the opening of Ruidoso Downs.	No Action Taken

AGENDA ITEM	Page #	DISCUSSION / CONCLUSIONS / RECOMMENDATIONS	ACTION TAKEN
Item 6. Unfinished/ New Business and/or Action Items Regarding Licensing: A. Approval of the NMRC Official Veterinarian for the 2019 Downs at Albuquerque and New Mexico State Fair Meets	41-46	A. Two bids were submitted this year for this contract. The NMRC selected Dr. Frank Anderson.	A. Motion to approve by Commissioner Sanchez; Second by Commissioner Smith. Motion carried unanimously.
B. Approval for Sunland Park 1. Ratification of Approval to Amend Racing Official List	46-58	Dustin Dix, Director of Racing, stated that his request was to remove Shawn Windsor as Clerk of Scales and to add John Ortiz, beginning April 26, 2019 through the end of Sunland's' meet. He also discussed previous racing seasons and compared them to current racing season.	Motion to approve by Commissioner McSwane; Second by Commissioner Smith. Motion carried unanimously.
C. Approval for Downs at Albuquerque/ New Mexico State Fair 1. First Quarter 2019 Simulcast Expense Adjustment	58-59	Don Cook, Director of Racing, explained the reason for the expense adjustment.	Motion to approve by Commissioner Sanchez; Second by Commissioner Buffington. Motion carried unanimously.
D. Approval for Ruidoso Downs 1. Gaming and Breakage	59-60	Jeff True, President/General Manager, stated that this action item was at the request of the Breeders organization to organize a race to recognize Rita Danley for her work with the industry of New Mexico.	Motion to approve by Commissioner McSwane; Second by Commissioner Sanchez. Motion

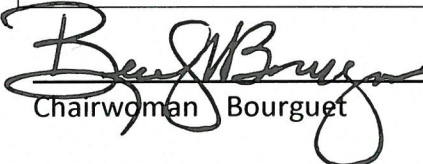
AGENDA ITEM	Page #	DISCUSSION / CONCLUSIONS / RECOMMENDATIONS	ACTION TAKEN
			carried unanimously.
E. Approval for SunRay Park 1. Ratification of Approval to run 10 races on May 11, 2019	60-63	Lonnie Barber, Director of Racing, stated that the additional race added on May 11, 2019 was to support a benefit called "Aztec Strong" in honor of the high school students killed during the campus shooting in December 2017.	Motion to approve by Commissioner Smith; Second by Commissioner Buffington. Motion carried unanimously.
F. Appointment of Hearing Officers	63-88	Discussion from the Commissioners, NMRC Staff and some public member was had about the current contracts with the Hearing Officers and the proposed ratification of approval from previous Commission.	Motion to Table by Commissioner Smith; Second by Commissioner McSwane. Motion carried unanimously.
G. Sixth Racetrack License	88-89	No discussion or comment	No Action Taken
H. Public Comment	89-110	1. Mr. Jack Muse, from Clovis, NM, commented of his opposition and reasoning to the potential racino in Clovis, NM. 2. Kathy Elliott, Vision 2020, commented in favor of a racino in Clovis, NM. 3. Ray Marquez, Trainer, commented that he will refrain from commenting until the Commission has made a decision on the sixth racetrack license. 4. Tom McKenna, Owner, commented in favor of the new Commissioners bringing unity to the industry, spoke as to the needs of racing in the State of New Mexico.	No Action Taken

AGENDA ITEM	Page #	DISCUSSION / CONCLUSIONS / RECOMMENDATIONS	ACTION TAKEN
		<p>5. Leslie Fincher, Trainer, agreed with Mr. McKenna's comments and further stated that she would like to see more live horse racing advertisements on the a casino's webpage and more promotions for horse racing to bring in more and new patrons.</p> <p>6. Warren Frost, Coronado Partners and the Tucumcari Group, commented in favor of a racino in Tucumcari, NM.</p>	
<p>Executive Session: Item 7 Licensing/Pending Litigation/Appeals/Hearing officer Reports/Employment Contracts:</p> <p>A. In the Matter of Trainer Lymon A. Perren B. In the Matter of Trainer Jesus Carrete C. In the Matter of Owner Dana Cheiko-Yoshida Orozco D. In the Matter of Owner Eusebio V. Sanchez E. In the Matter of Trainer Jon Arnett & Owner Larry Heigermeier F. Corticosteroids (Pending Litigation) G. Downs at Albuquerque (Compliance) H. Ruidoso Downs (Compliance) I. Sunland Park (Compliance) J. SunRay Park (Compliance) K. Zia Park (Compliance) L. Heath Reed (Motion to Reconsider) M. John Bassett (Motion to Reconsider) N. Equine Health and Testing Advisor (Contracts)</p>	111-113	<p>Chairwoman Bourguet motioned to go into closed Executive Session with only matters to be discussed as:</p> <p>A. In the Matter of Trainer Lymon A. Perren B. In the Matter of Trainer Jesus Carrete C. In the Matter of Owner Dana Cheiko-Yoshida Orozco D. In the Matter of Owner Eusebio V. Sanchez E. In the Matter of Trainer Jon Arnett & Owner Larry Heigermeier F. Corticosteroids (Pending Litigation) G. Downs at Albuquerque (Compliance) H. Ruidoso Downs (Compliance) I. Sunland Park (Compliance) J. SunRay Park (Compliance) K. Zia Park (Compliance) L. Heath Reed (Motion to Reconsider) M. John Bassett (Motion to Reconsider) N. Equine Health and Testing Advisor (Contracts)</p>	<p>Motion to go into closed Executive Session by Commissioner Smith; Second by Commissioner McSwane. Motion carried unanimously.</p>

AGENDA ITEM	Page #	DISCUSSION / CONCLUSIONS / RECOMMENDATIONS	ACTION TAKEN
O. Sixth Race Track License		<p>O. Sixth Race Track License</p> <p>Kira Frazier, Legal Assistant for the NMRC called Roll, with all Commissioners present. Manager Rosemary Garley, Financial Specialist Rosa Silva, AAG's Gideon Elliot, Angela Macdonald, and Director Trejo were in attendance during executive session.</p>	
<p>Public Session Item 7 Licensing/Pending Litigation/Appeals/Hearing officer Reports/Employment Contracts:</p> <p>A. In the Matter of Trainer Lymon A. Perren</p> <p>B. In the Matter of Trainer Jesus Carrete</p>	113-121	<p>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).</p> <p>A. Gideon Elliot, AAG, Counsel for the NMRC stated that it was his understanding that in the Matter of Trainer Lymon A. Perren, that the Commission wished to adopt the hearing officer's report and recommendations of a 15-day suspension with a \$500.00 fine.</p> <p>B. Gideon Elliot, AAG, Counsel for the NMRC stated that it was his understanding that In the Matter of Trainer Jesus Carrete, also the owner, the Commission wishes to adopt the Hearing Officers Report, recommended findings of fact and conclusions of law. As to</p>	<p>A. Motion to approve by Commissioner Buffington; Second by Commissioner Smith. Motion carried unanimously.</p> <p>B. Motion to approve by Commissioner McSwane; Second by Commissioner</p>

AGENDA ITEM	Page #	DISCUSSION / CONCLUSIONS / RECOMMENDATIONS	ACTION TAKEN
<p>E. In the Matter of Trainer Jon Arnett & Owner Larry Heigermeier</p> <p>F. Corticosteroids (Pending Litigation)</p> <p>G. Downs at Albuquerque (Compliance)</p> <p>H. Ruidoso Downs (Compliance)</p> <p>I. Sunland Park (Compliance)</p> <p>J. SunRay Park (Compliance)</p> <p>K. Zia Park (Compliance)</p> <p>L. Heath Reed (Motion to Reconsider)</p>		<p>E. Angela Macdonald, AAG, Counsel for the NMRC stated that it was her understanding that In the Matter of Trainer Jon Arnett & Owner Larry Heigermeier, the Commission wished to table this issue 30 days.</p> <p>F. No Discussion/comments</p> <p>G. No Discussion/comments</p> <p>H. No Discussion/comments</p> <p>I. No Discussion/comments</p> <p>J. No Discussion/comments</p> <p>K. No Discussion/comments</p> <p>L. The Motion to reconsider trainer Heath Reed on the basis that there are outstanding fines; respondent's motion denied, and the Commission will reconsider the matter upon payment of fines.</p>	<p>E. Motion to table by Commissioner Buffington; Second by Commissioner Sanchez. Motion carried unanimously.</p> <p>F. No Action Taken</p> <p>G. No Action Taken</p> <p>H. No Action Taken</p> <p>I. No Action Taken</p> <p>J. No Action Taken</p> <p>K. No Action Taken</p> <p>L. Motion to approve by Commissioner Smith; Second by Commissioner Sanchez. Motion carried</p>

AGENDA ITEM	Page #	DISCUSSION / CONCLUSIONS / RECOMMENDATIONS	ACTION TAKEN
Adjournment	121-122	Chairwoman Bourguet called for a motion to adjourn.	unanimously. Motion to adjourn by Chairwoman Bourguet; Second by Commissioner McSwane. Motion carried unanimously.


 1 Aug 19
 Chairwoman Bourguet Date


 8-1-19
 Executive Director Ismael Trejo Date