



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-RUI-18
Track Ruidoso Downs
Ruling Date: 6/5/2016

Licensee: RAMOS, ADRIAN ALFREDO
License Type: Jockey Applicant Id: 20427
Date of Birth: 11/03/1991 License Number: 80741

Ruling # 2016-RUI-18

Action Type: Initial Ruling

Ruling:

Jockey, Adrian Ramos, having been summoned and appeared before the Board of Stewards on June 5, 2016, for careless riding which resulted in the disqualification of his mount "Best Regardz" from fourth place to tenth place in the seventh race, June 3, 2016, at Ruidoso Downs.

For this violation, the Board of Stewards assessed Adrian Ramos a suspension of 3 race days (June 13, 2016, June 17, 2016 and June 18, 2016).

Adrian Ramos is allowed to ride designated races.

This ruling is in accordance with:

15.2.5.13(E)(3)(d) NMAC:

Which states in pertinent part that "In a straightaway race, every horse must maintain position as nearly as possible in the lane in which it starts. If a horse is ridden, drifts or swerves out of its lane in such a manner that it interferes with, impedes or intimidates another horse, it is a foul and may result in the disqualification of the offending horse."

15.2.5.13(E)(3)(c) NMAC:

Which states in pertinent part that "If the Stewards determine the foul was intentional, or due to careless riding, they may fine or suspend the guilty jockey."

15.2.5.13(E)(2)(a) NMAC:

which states in pertinent part that "A jockey shall not ride carelessly or willfully so as to permit his/her mount to interfere with, impede or intimidate any other horse in the race."

15.2.1.9(b):

Which states in pertinent part that "An appeal under this section must be filed not later than 10 days after the date of the ruling. If the deadline falls on a Saturday, Sunday or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday. The appeal must be received by noon, at the main commission offices or with the stewards who issued the ruling and must be accompanied by a fee in the amount of \$500. The fee must be in the form of cash, a cashier's check, money order or personal check."

By Order of The Ruidoso Downs Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-RUI-19
Track Ruidoso Downs
Ruling Date: 6/6/2016

Licensee: BELKHAM, LARRY DEAN
License Type: 2016 1 Year Assistant S Applicant Id: 13725
Date of Birth: 10/15/1955 License Number: 280426

Ruling # 2016-RUI-19

Action Type: Initial Ruling

Ruling:

The **Assistant Starter license (#280426)** issued to **Larry Belkham** is hereby rescinded without prejudice having appeared before the Board of Stewards and stated that he is no longer employed in that capacity is hereby reissued his **1 year pony person and 1 year groom** license.

This ruling is in accordance with:

16.47.1.8 (M)(2) NMAC: Which states in pertinent part "A license is valid only under the condition that the licensee remains eligible to hold such a license".

15.2.1.9(b):

Which states in pertinent part that "An appeal under this section must be filed not later than 10 days after the date of the ruling. If the deadline falls on a Saturday, Sunday or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday. The appeal must be received by noon, at the main commission offices or with the stewards who issued the ruling and must be accompanied by a fee in the amount of \$500. The fee must be in the form of cash, a cashier's check, money order or personal check."

By Order of The Ruidoso Downs Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-RUI-20
Track Ruidoso Downs
Ruling Date: 6/6/2016

Licensee: ALVAREZ, ARIEL IBUADO
License Type: Owner Applicant Id: 15731
Date of Birth: 07/05/1995 License Number: 81431

Ruling # 2016-RUI-20
Action Type: Initial Ruling
Ruling:

The **Owner license (#9-31-92177)** issued to **Ariel Ibuado Alvarez** is hereby rescinded without prejudice having appeared before the Board of Stewards and stated that he is no longer employed in that capacity is hereby reissued his 1 year **groom** license.

This ruling is in accordance with:

16.47.1.8 (M)(2) NMAC: Which states in pertinent part "A license is valid only under the condition that the licensee remains eligible to hold such a license".

15.2.1.9(b):

Which states in pertinent part that "An appeal under this section must be filed not later than 10 days after the date of the ruling. If the deadline falls on a Saturday, Sunday or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday. The appeal must be received by noon, at the main commission offices or with the stewards who issued the ruling and must be accompanied by a fee in the amount of \$500. The fee must be in the form of cash, a cashier's check, money order or personal check."

By Order of The Ruidoso Downs Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-RUI-21
Track Ruidoso Downs
Ruling Date: 6/6/2016

Licensee: GONZALEZ-CASTILLO, JOHAN A
License Type: Applicant Id: 158456
Date of Birth: 07/26/1992 License Number:

Ruling # 2016-RUI-21

Action Type: Initial Ruling

Ruling:

Veterinarian Assistant/Intern, **Johan Gonzalez-Castillo** having appeared before the Board of Stewards on June 6, 2016, testing positive for prohibited substances cocaine and marijuana and having waived his rights to a split sample and formal hearing.

For this violation, the Board of Stewards issued **Johan Gonzalez-Castillo** a penalty of the following:

1. Suspension of all NMRC licenses for 60 days retroactive from summary suspension ruling 2016-RUI-5 dated May 27, 2016 through July 26, 2016 inclusive.
2. In Addition, **Johan Gonzalez-Castillo must complete** a formal assessment and treatment that meet the conditions given in 16.47.1.18.C NMAC prior to reinstatement.

During said time of suspension **Johan Gonzalez-Castillo** is denied access to all grounds under the jurisdiction of the New Mexico Racing Commission in accordance with 15.2.1.9(C)(21)(a) NMAC.

60-1A-11(C) NMSA:

Which states in pertinent part that "A person issued or applying for an occupational license who has positive test results for a controlled substance or who has been convicted of a violation of a federal or state controlled substance law shall be denied a license or shall subject to revocation of an existing license unless sufficient evidence of rehabilitation is presented to the commission."

16.47.1.8(L)(1)(b) NMAC:

Which states in pertinent part that "The Commission may revoke a license issued if the applicant has been convicted of violating any law regarding gambling or a controlled or dangerous substance."

15.2.1.9(b):

Which states in pertinent part that "An appeal under this section must be filed not later than 10 days after the date of the ruling. If the deadline falls on a Saturday, Sunday or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday. The appeal must be received by noon, at the main commission offices or with the stewards who issued the ruling and must be accompanied by a fee in the amount of \$500. The fee must be in the form of cash, a cashier's check, money order or personal check."

By Order of The Ruidoso Downs Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-RUI-22
Track Ruidoso Downs
Ruling Date: 6/10/2016

Licensee: MEDINA, JESIERE MARIE
License Type: Jockey Applicant Id: 45958
Date of Birth: 08/08/1988 License Number: 80742

Ruling # 2016-RUI-22

Action Type: Initial Ruling

Ruling:

Jockey **JESIERE MEDINA**, having been summoned and having appeared before the Board of Stewards on **June 6, 2016**, for **failure to have sufficient control of her mount**, while aboard "**Win Ticket**" in the **6th Race June 5, 2016**, at Ruidoso Downs, is found to be in violation of Commission rules.

For this violation, the Board of Stewards assessed, **JESIERE MEDINA**, a fine in the amount of **two hundred dollars, (\$200.00)**.

The fine is to be paid on or before **July 10, 2016** in accordance with 15.2.3.8 (B)(3)(8) NMAC. Failure to pay the fine within the time prescribed may result in immediate suspension.

This ruling is in accordance with:

15.2.5.13(E)(3)(c) NMAC:

Which states in pertinent part that "If the Stewards determine the foul was intentional, or due to careless riding, they may fine or suspend the guilty jockey."

15.2.5.13(E)(3)(a) NMAC:

Which states in pertinent part that "When the way is clear in a race, a horse may be ridden to any part of the course, but if any horse swerves, or is ridden to either side, so as to interfere with, impede, or intimidate any other horse, it is a foul."

15.2.5.13(E)(2)(a) NMAC:

Which states in pertinent part that "A jockey shall not ride carelessly or willfully so as to permit his/her mount to interfere with, impede or intimidate any other horse in the race."

15.2.1.9(b):

Which states in pertinent part that "An appeal under this section must be filed not later than 10 days after the date of the ruling. If the deadline falls on a Saturday, Sunday or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday. The appeal must be received by noon, at the main commission offices or with the stewards who issued the ruling and must be accompanied by a fee in the amount of \$500. The fee must be in the form of cash, a cashier's check, money order or personal check."

By Order of The Ruidoso Downs Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-RUI-23
Track Ruidoso Downs
Ruling Date: 6/10/2016

Licensee: SALCEDO, MAURO

License Type: Applicant Id: 137075

Date of Birth: 09/17/1995 License Number:

Ruling # 2016-RUI-23

Action Type: Initial Ruling

Ruling:

Jockey MAURO SALCEDO, having been summoned and having appeared before the Board of Stewards on June 6, 2016, for misuse of whip, while aboard "Devonas Devil" in the 6th Race June 5, 2016, at Ruidoso Downs, is found to be in violation of Commission rules.

For this violation, the Board of Stewards assessed, MAURO SALCEDO, a fine in the amount of one hundred dollars, (\$100.00).

The fine is to be paid on or before July 10, 2016 in accordance with 15.2.3.8 (B)(3)(8) NMAC. Failure to pay the fine within the time prescribed may result in immediate suspension.

This ruling is in accordance with:

15.2.5.13(E)(6)(e) NMAC:

Which states "Indiscriminate use of the whip is prohibited including whipping a horse on the head, flanks or on any other part of its body other than the shoulders or hind quarters."

15.2.5.13(E)(3)(c) NMAC:

Which states in pertinent part that "If the Stewards determine the foul was intentional, or due to careless riding, they may fine or suspend the guilty jockey."

15.2.5.13(E)(3)(a) NMAC:

Which states in pertinent part that "When the way is clear in a race, a horse may be ridden to any part of the course, but if any horse swerves, or is ridden to either side, so as to interfere with, impede, or intimidate any other horse, it is a foul."

15.2.5.13(E)(2)(a) NMAC:

Which states in pertinent part that "A jockey shall not ride carelessly or willfully so as to permit his/her mount to interfere with, impede or intimidate any other horse in the race."

15.2.1.9(b):

Which states that "An appeal under this section must be filed not later than 10 days after the date of the ruling. If the deadline falls on a Saturday, Sunday or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday. The appeal must be received by noon, at the main commission offices or with the stewards who issued the ruling and must be accompanied by a fee in the amount of \$500. The fee must be in the form of cash, a cashier's check, money order or personal check."

By Order of The Ruidoso Downs Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-RUI-24
Track Ruidoso Downs
Ruling Date: 6/10/2016

Licensee: FUENTES, JR MIGUEL
License Type: 2014 3 Year Jockey Applicant Id: 4259
Date of Birth: 09/09/1992 License Number: 164265

Ruling # 2016-RUI-24

Action Type: Initial Ruling

Ruling:

Jockey, **Miguel Fuentes Jr**, having been summoned and having appeared before the Board of Stewards **on June 10, 2016**, for careless riding which resulted in the disqualification of his mount **“Mancation” from fourth place to eighth place in the eighth race, June 6, 2016, at Ruidoso Downs.**

For this violation, the Board of Stewards assessed **Miguel Fuentes Jr** a suspension of 3 race days (June 18, 2016, June 19, 2016 and June 20, 2016).

Miguel Fuentes Jr is allowed to ride designated races.

This ruling is in accordance with:

15.2.5.13(E)(3)(c) NMAC:

Which states in pertinent part that “If the Stewards determine the foul was intentional, or due to careless riding, they may fine or suspend the guilty jockey.”

15.2.5.13(E)(3)(a) NMAC:

Which states in pertinent part that “When the way is clear in a race, a horse may be ridden to any part of the course, but if any horse swerves, or is ridden to either side, so as to interfere with, impede, or intimidate any other horse, it is a foul.”

15.2.5.13(E)(2)(a) NMAC:

Which states in pertinent part that “A jockey shall not ride carelessly or willfully so as to permit his/her mount to interfere with, impede or intimidate any other horse in the race.”

15.2.1.9(b):

Which states in pertinent part that “An appeal under this section must be filed not later than 10 days after the date of the ruling. If the deadline falls on a Saturday, Sunday or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday. The appeal must be received by noon, at the main commission offices or with the stewards who issued the ruling and must be accompanied by a fee in the amount of \$500. The fee must be in the form of cash, a cashier’s check, money order or personal check.”

By Order of The Ruidoso Downs Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-RUI-25
Track Ruidoso Downs
Ruling Date: 6/11/2016

Licensee: ESQUIVEL, JR JUAN
License Type: 2015 3 Year Owner Applicant Id: 31907
Date of Birth: 08/22/1991 License Number: 246924

Ruling # 2016-RUI-25

Action Type: Initial Ruling

Ruling:

Owner **JUAN ESQUIVEL JR** having been duly notified and **having appeared before the Board Of Stewards on June 11, 2016, regarding a lab report from UC/Davis** (official testing laboratory for the NMSRC), for a confirmed positive for the Class 3B drug "clenbuterol" detected in horse "**Cartel Power**", who **finished 1st place in the 1st race, on April 16, 2016 at Sunland Park Racetrack in Sunland Park, NM., Test Sample NM18958.** (The original lab report indicated a finding of clenbuterol at 370 pg/ml in the urine. The split was confirmed by **Texas A&M with a finding of 316±29 pg/ml in the urine.**)

Juventino Ruiz is the trainer of record for horse "**Cartel Power**" which was the subject of the clenbuterol positive.

JUAN ESQUIVEL JR is found to be in violation of:

15.2.6.9(D)(1-2-3) NMAC: Which states that "A finding by the Commission approved laboratory of a prohibited drug, chemical or other substance in a test specimen of a horse is prima facie evidence that the prohibited drug, chemical or other substance was administered to the horse and, in the case of a post-race test, was present in the horse's body while it was participating in a race (b) therapeutic medications in excess of established acceptable levels". **15.2.6.9(P) NMAC:** Which states that the suspension of authorized medications, as outlined in sections 1-2-3-4, which led to a published, posted and distributed memo effective July 22, 2015, which states in part "clenbuterol is a prohibited substance and will constitute a violation of NMSRC rules"

For this **first Class 3B medication violation** in a 365- day period issued in accordance with 15.2.6.9 (C)(2)(b) NMAC, the Board of Stewards assessed **JUAN ESQUIVEL JR** a penalty as follows. This penalty has aggravating circumstances which are **JUAN ESQUIVEL JR** admitted full responsibility during the hearing to entering the horse "Cartel Power" without the knowledge or permission of the trainer, hiring a groom to care for the horse, and obtaining a licensee to saddle the horse the day of the race. **JUAN ESQUIVEL JR** waived his right to appeal ruling 2016-RUI-25 on June 6, 2016.

1. A 30 day suspension of all NMRC licenses beginning June 11, 2016 through July 11, 2016, inclusive.
2. (\$1000) one thousand dollar fine to paid on or before July 11, 2016, in accordance with 15.2.1.9(B)(7)(f) NMAC and 15.2.3.8 (B)(3)(l) NMAC: Which states that "All fines imposed by the Stewards shall be paid to the commission within 30 days after the ruling is issued, unless otherwise ordered." Failure to pay fine in prescribed time may result in an immediate suspension.
3. The horse "**Cartel Power**" must pass a commission approved veterinary examination before being eligible to enter.

4. Loss of purse from the 1st race, on April 16, 2016 at Sunland Park Racetrack in Sunland Park, NM, and the horse "Cartel Power" is HEREBY DISQUALIFIED AND ORDERED UNPLACED. The new order of finish is as follows

- 1) Louisiana Good Time 2) Lighting McQueen 3) Sea Cobra 4) Transfusion 5) Teddy Turner 6) Rc Movin Chicks 7) Bright Eyed Vision
- UNPLACED Cartel Power**

During said time of applicable suspension, **JUAN ESQUIVEL JR** is hereby excluded from all areas of the grounds under the jurisdiction of the NMSRC, in accordance with 15.2.1.9 (C)(21)(a-b) NMAC, and 15.2.3.8 (B)(3)(f) NMAC. Additionally, effective upon applicable suspension dates, all horses owned by **JUAN ESQUIVEL JR** are ineligible to be entered or start in any race in this jurisdiction, per 15.2.1.9 (C)(21)(c) NMAC.

15.2.6.9(D)(1) NMAC:

Which states in pertinent part that "a finding by the Commission approved laboratory of a prohibited drug, chemical or other substance in a test specimen of a horse is prima facie evidence that the prohibited drug, chemical or other substance was administered to the horse and, in case of a post-race test, was present in the horse's body while it was participating in a race."

15.2.6.9(C) NMAC:

Which states in pertinent part that "recommended penalties for a Category violation of this level is ."

15.2.5.13(E)(4)(d) NMAC:

Which states in pertinent part that "The Stewards may determine that a horse shall be unplaced for purpose of the purse distribution and trial qualification."



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-RUI-26
Track Ruidoso Downs
Ruling Date: 6/11/2016

Licensee: RUIZ, JUVENTINO MUNOZ
License Type: 2014 3 Year Trainer Applicant Id: 24326
Date of Birth: 03/28/1969 License Number: 174318

Ruling # 2016-RUI-26

Action Type: Initial Ruling

Ruling:

Trainer Juventino Ruiz having been duly notified and having appeared before the Board Of Stewards on June 11, 2016, regarding a lab report from UC/Davis (official testing laboratory for the NMSRC), for a confirmed positive for the Class 3B drug "clenbuterol" detected in horse "Cartel Power", who finished 1st place in the 1st race, on April 16, 2016 at Sunland Park Racetrack in Sunland Park, NM., Test Sample NMI8958. (The original lab report indicated a finding of clenbuterol at 370 pg/ml in the urine. The split was confirmed by Texas A&M with a finding of 316±29 pg/ml in the urine.)

JUAN ESQUIVEL JR is the owner of record for horse "Cartel Power" which was the subject of the clenbuterol positive.

Juventino Ruiz is found to be in violation of:

15.2.6.9(D)(1-2-3) NMAC: Which states that "A finding by the Commission approved laboratory of a prohibited drug, chemical or other substance in a test specimen of a horse is prima facie evidence that the prohibited drug, chemical or other substance was administered to the horse and, in the case of a post-race test, was present in the horse's body while it was participating in a race (b) therapeutic medications in excess of established acceptable levels". 15.2.6.9(P) NMAC: Which states that the suspension of authorized medications, as outlined in sections 1-2-3-4, which led to a published, posted and distributed memo effective July 22, 2015, which states in part "clenbuterol is a prohibited substance and will constitute a violation of NMSRC rules" 15.2.6.11(A) NMAC and 16.47.1.10(B)(1) NMAC: Which states in pertinent part that "The Trainer is the absolute insurer of the condition of horses entered in an official workout or race, and is responsible for the presence of any prohibited drug or medication, or other prohibited substance in such horse. A positive test for a prohibited drug or medication or other prohibited substance or the presence of permitted medication in excess of maximum allowable levels as reported by the commission approved laboratory is prima facie evidence of a violation of this rule. The Trainer is absolutely responsible regardless of the acts of third party." For this first Class 3B medication violation in a 365- day period issued in accordance with 15.2.6.9 (C)(2)(b) NMAC, the Board of Stewards assessed Juventino Ruiz a penalty as follows. This penalty has mitigating circumstances which are JUAN ESQUIVEL JR, the owner, admitted full responsibility during the hearing to entering the horse "Cartel Power" without the knowledge or permission of Juventino Ruiz, hiring a groom to care for the horse, and obtaining a licensee to saddle the horse the day of the race.

1. A 15 day suspension of all NMRC licenses beginning June 22, 2016 through July 6, 2016, inclusive.
2. (\$500) five hundred dollar fine to paid on or before July 11, 2016, in accordance with 15.2.1.9(B)(7)(f) NMAC and 15.2.3.8 (B)(3)(l) NMAC: Which states that "All fines imposed by the Stewards shall be paid to the commission within 30 days after the ruling is issued, July 11, 2016, unless otherwise ordered." Failure to pay fine in prescribed time may result in an immediate suspension.

3. The horse "Cartel Power" must pass a commission approved veterinary examination before being eligible to enter.

4. Loss of purse from the 1st race, on April 16, 2016 at Sunland Park Racetrack in Sunland Park, NM, and the horse "Cartel Power" is

HEREBY DISQUALIFIED AND ORDERED UNPLACED. The new order of finish is as follows

- 1) Louisiana Good Time 2) Lighting McQueen 3) Sea Cobra 4) Transfusion 5) Teddy Turner 6) Rc Movin Chicks 7) Bright Eyed Vision
- UNPLACED Cartel Power**

During said time of applicable suspension, Juventino Ruiz is hereby excluded from all areas of the grounds under the jurisdiction of the NMSRC, in accordance with 15.2.1.9 (C)(21)(a-b) NMAC, and 15.2.3.8 (B)(3)(f) NMAC. Additionally, effective upon applicable suspension dates, all horses owned or trained, or under the care of Juventino Ruiz are ineligible to be entered or start in any race in this jurisdiction, per 15.2.1.9 (C)(21)(c) NMAC.

15.2.5.13(E)(4)(d) NMAC:

Which states in pertinent part that "The Stewards may determine that a horse shall be unplaced for purpose of the purse distribution and trial qualification."

15.2.3.8(B)(3)(k) NMAC:

Which states in pertinent part that "Purses, prizes, awards and trophies shall be redistributed if the Stewards or Commission order a change in the official order of finish."

15.2.1.9(b):

Which states in pertinent part that "An appeal under this section must be filed not later than 10 days after the date of the ruling. If the deadline falls on a Saturday, Sunday or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday. The appeal must be received by noon, at the main commission offices or with the stewards who issued the ruling and must be accompanied by a fee in the amount of \$500. The fee must be in the form of cash, a cashier's check, money order or personal check."

Xiaohu Smith

[Signature]

[Signature]



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-RUI-27
Track Ruidoso Downs
Ruling Date: 6/11/2016

Licensee: ESQUIVEL, JUAN M.
License Type: 2016 1 Year Temporary Applicant Id: 7532
Date of Birth: 02/04/1966 License Number: 281681

Ruling # 2016-RUI-27

Action Type: Initial Ruling

Ruling:

Trainer, Juan M. Esquivel, having appeared before the Board of Stewards for a hearing that was continued from May 27, 2016, and held on June 11, 2016, for being in possession of needles, test tubes, and unlabeled medications while on the property grounds of Ruidoso Downs Racetrack during a search that was conducted on May 27, 2016, and found to be in violation of NMRC rules.

For this violation, the Board of Stewards issue Juan M. Esquivel the following penalty:

1. A fine of (\$1,500.00) of fifteen hundred dollars to paid within 30 days on or before July 11, 2016, or before reinstatement of license.
2. A suspension of 180 days of any/all New Mexico Racing Commission licenses, retroactive from ruling 2016-RUI-4 written May 27, 2016 through November 23, 2016 inclusive.
During his suspension Juan M. Esquivel is denied access to all grounds under the jurisdiction of the New Mexico Racing Commission in accordance with 15.2.1.9(C)(21)(a) NMAC.

Additionally, during the applicable term of this suspension, all horses owned, trained, or under the care of Juan M. Esquivel are denied further entry pending the outcome of his hearing May 30, 2016, per 15.2.1.9 (C) (21)(c) NMAC.

15.2.1.9 B(3) Summary suspension. (a) If the stewards determine that a licensee's actions constitute an immediate danger to the public health, safety, or welfare, the stewards may summarily suspend the license pending a hearing.

15.2.6.8 B(3) No person shall possess on any location under the jurisdiction of the commission any of the following unless approved by the commission: (a) any drug which is a narcotic, stimulant, or depressant, or any other substance or medication that has been prepared or packaged for injection by a hypodermic syringe, or hypodermic needle; (b) any hypodermic syringe, hypodermic needle or any equipment associated with the aid of intravenous administration

15.2.1.9(b):

Which states in pertinent part that "An appeal under this section must be filed not later than 10 days after the date of the ruling. If the deadline falls on a Saturday, Sunday or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday. The appeal must be received by noon, at the main commission offices or with the stewards who issued the ruling and must be accompanied by a fee in the amount of \$500. The fee must be in the form of cash, a cashier's check, money order or personal check."

By Order of The Ruidoso Downs Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-RUI-28
Track Ruidoso Downs
Ruling Date: 6/12/2016

Licensee: MOSELEY, SIERRA DAWN
License Type: 2016 3 Year Trainer Applicant Id: 30372
Date of Birth: 09/14/1992 License Number: 281053

Ruling # 2016-RUI-28

Action Type: Initial Ruling

Ruling:

Trainer Sierra Moseley having been duly notified and waived her rights to a formal hearing and rights to appeal **on June 11, 2016, regarding a lab report from UC/Davis** (official testing laboratory for the NMSRC), for a confirmed positive during out of competition testing taken at Ruidoso Downs on May 9, 2016, for the Class 3B drug "clenbuterol" detected in horses "**Burns Folly, Dyna O Mite, and Messed Up**". Split sampling rights, as provided in 15.2.6.10 (D) NMAC were afforded to, and waived by Sierra Moseley. Alberto Villanueva is the owner of record for horses **Burns Folly and Dyna O Mite** and Vicente Contreras is the recorded owner of horse **Messed Up** which was the subject of the clenbuterol positive for out of competition testing. Sierra Moseley is found to be in violation of: 15.2.6.9(D)(1-2-3) NMAC: Which states that "A finding by the Commission approved laboratory of a prohibited drug, chemical or other substance in a test specimen of a horse is prima facie evidence that the prohibited drug, chemical or other substance was administered to the horse and, in the case of a post-race test, was present in the horse's body while it was participating in a race (b) therapeutic medications in excess of established acceptable levels". 15.2.6.9(P) NMAC: Which states that the suspension of authorized medications, as outlined in sections 1-2-3-4, which led to a published, posted and distributed memo effective July 22, 2015, which states in part "clenbuterol is a prohibited substance and will constitute a violation of NMSRC rules" 15.2.6.11(A) NMAC and 16.47.1.10(B)(1) NMAC: Which states in pertinent part that "The Trainer is the absolute insurer of the condition of horses entered in an official workout or race, and is responsible for the presence of any prohibited drug or medication, or other prohibited substance in such horse. A positive test for a prohibited drug or medication or other prohibited substance or the presence of permitted medication in excess of maximum allowable levels as reported by the commission approved laboratory is prima facie evidence of a violation of this rule. The Trainer is absolutely responsible regardless of the acts of third party."

15.2.6.9 MEDICATIONS AND PROHIBITED SUBSTANCES. OUT OF COMPETITION TESTING: (1) A horse may be subject to out of competition testing without advance notice if the horse is: (a) on the grounds of a racetrack or training center under the jurisdiction of the commission (b) under the care or control of a trainer or owner licensed by the commission; or (c) any horse whose papers are filed in the racing office; or (d) has been nominated to a stakes race. (2) This rule applies to prohibited substances, practices and procedures are as follows (a) class I, class II and class III drugs as listed with the New Mexico racing commission; (b) blood doping agents including, but not limited to, erythropoietin (EP), darbepoetin, oxyglobin, hempure, aranesp or any substance that abnormally enhances the oxygenation of body tissues; and (c) gene doping agents or the non-therapeutic use of genes, genetic elements, or cells that have the capacity to enhance athletic performance or produce analgesia (3) The permitted quantitative test level of clenbuterol for out of competition horses shall be administered in such dosage amount that the official test sample shall not exceed 300 picograms per milliliter of serum or plasma. (4) Horses to be tested may be selected at random, with probable cause or as determined by the commission or an agent of the commission (5) The commission veterinarian, or any licensed veterinarian or licensed veterinary technician authorized by the commission, may at any time take a urine, blood or hair sample from a horse for this purpose (6) Split samples shall be collected in accordance with Subsection B of 15.2.6.10 NMAC and shall be secured and made available for further testing in accordance with Subsection D of 15.2.6.10 NMAC. (7) All horses selected for testing must be presented to the commission veterinarian, or any licensed veterinarian or licensed veterinary technician authorized by the commission, at the time designated, unless the trainer or owner provides verification of an extenuating circumstance that makes it impossible (8) Any licensee who does not comply with the rule or the commission veterinarian for a sample may be subject to disciplinary action. (9) Cooperation with the commission veterinarian, or any licensed veterinarian or licensed veterinary technician authorized by the commission, includes:

(a) assisting in the immediate location and identification of the horse selected for out of competition testing; and (b) assisting the veterinarian in properly procuring the samples (10) Out of competition samples will be sent to the official laboratory of the commission, or another laboratory as designated by the commission, with reports made in accordance with the provisions of the medication rules and the penalty provisions therefore L.

OUT OF COMPETITION PENALTY RECOMMENDATIONS: (1) The penalty for any horse not presented for testing upon notification is a maximum suspension of 120 days. (2) The penalty for the trainer of a horse not presented for testing upon notification is a maximum suspension of 180 days. (3) The penalty for any horse with a positive test is a maximum suspension of 120 days and the horse's papers will be removed from the racing office. (4) The penalty for the trainer of a horse with a positive test is a maximum \$1,500 fine and a maximum suspension of 180 days.

For this first out of competition testing Class 3B medication violation in a 365- day period issued in accordance with 15.2.6.9 (L) NMAC, the Board of Stewards assessed Sierra Moseley a penalty as follows.

1. A 60 day suspension of all NMRC licenses beginning June 11, 2016 through August 10, 2016, inclusive.
2. (\$1,000) one thousand dollar fine to paid on or before July 12, 2016, in accordance with 15.2.1.9(B)(7)(f) NMAC and 15.2.3.8 (B)(3)(l) NMAC: Failure to pay fine in prescribed time may result in an immediate suspension.
3. The horses "**Burns Folly, Dyna O Mite, and Messed Up**" are hereby placed in the Stewards list for a period of 60 days (June 11, 2016 through August 10, 2016 inclusive), during this period the papers must be removed from the racing office and horses are denied entry until they must pass a commission approved veterinary examination and the sample must be negative for any and all prohibited substances including clenbuterol before being eligible to enter. A positive finding will result in an additional 60 days on the Stewards list with the same requirements.

During said time of applicable suspension, Sierra Moseley is hereby excluded from all areas of the grounds under the jurisdiction of the NMSRC, in accordance with 15.2.1.9 (C)(21)(a-b) NMAC, and 15.2.3.8 (B)(3)(f) NMAC. Additionally, effective upon applicable suspension dates, all horses owned or trained, or under the care of Sierra Moseley are ineligible to be entered or start in any race in this jurisdiction, per 15.2.1.9 (C)(21)(c) NMAC.



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-RUI-30
Track Ruidoso Downs
Ruling Date: 6/13/2016

Licensee: VASQUEZ, JIMMY JOE
License Type: Applicant Id: 34727
Date of Birth: 09/30/1977 License Number:

Ruling # 2016-RUI-30

Action Type: Initial Ruling

Ruling:

Owner, JIMMY JOE VASQUEZ having appeared before the Board of Stewards on June 13, 2016, testing positive for prohibited substances cocaine and marijuana.

For this violation, the Board of Stewards issued JIMMY JOE VASQUEZ a penalty of the following:

1. Suspension of all NMRC licenses for 60 days retroactive from summary suspension ruling 2016-RUI-5 dated May 27, 2016 through July 26, 2016 inclusive.
2. In Addition, JIMMY JOE VASQUEZ must complete a formal assessment and treatment that meet the conditions given in 16.47.1.18.C NMAC prior to reinstatement.

During said time of suspension JIMMY JOE VASQUEZ is denied access to all grounds under the jurisdiction of the New Mexico Racing Commission in accordance with 15.2.1.9(C)(21)(a) NMAC.

Additionally, during the applicable term of this suspension, all horses owned by JIMMY JOE VASQUEZ are ineligible to enter per 15.2.1.9 (C)(21)(c) NMAC.

By Order of The Ruidoso Downs Stewards