



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-RUI-1
Track Ruidoso Downs
Ruling Date: 5/21/2016

Licensee: STURGEON, JOEL C
License Type: 2016 3 Year Trainer Applicant Id: 9204
Date of Birth: License Number: 281621

Ruling # 2016-RUI-1
Action Type: Initial Ruling
Ruling:

STIPULATED SETTLEMENT AGREEMENT

Wherein Applicant Joel Sturgeon, as the trainer responsible for the animal Tarcetti which tested positive for the substance Flunixin at a level of 46.0 ng/ml after finishing 1st in the 4th race at Ruidoso Downs Racetrack on June 22, 2015 was found to be violation of the State Racing Commission's (the "Commission") prohibition of Flunixin in excess of 20 ng/ml.

As full and final resolution of this matter, Trainer, Joel Sturgeon agrees to the following penalties:

- (1) Waive of Rights. Licensee's knowingly, intentionally and voluntarily waives his/her right to a hearing and the right to judicial appeal. This waiver includes, but not limited to, licensee's right to a full evidentiary hearing including the right to present evidence and cross examine witnesses; and any right to appeal this settlement or any decision in connection with this settlement agreement.
- (2). A fine in the amount of two hundred fifty dollars (\$ 250.00).

Effect of Settlement on Subsequent. With respect to the repeat offender penalty provisions in the Commission's regulations at 15.2.6.9(c) NMAC, the positive test Flunixin arising from the animal "Tarcetti" performance on June 22, 2015 constitutes a "1st offense" of a Category 4C offense. Thus, the parties agree that any subsequent NMRC rules violation for a prohibited drug or a therapeutic medication at a prohibited level within 180 days of this settlement agreement may be subject to penalties under 15.2.6.9(c) NMAC as a 2nd offense. A second subsequent Category C offense, and any thereafter within 365 days of this settlement agreement shall be treated as a 2nd offense under 15.2.6.9(c) NMAC

(Per the terms of a signed Stipulated Settlement Agreement, this Licensee knowingly and voluntarily waives his right to judicial appeal. This waiver includes but not limited to, Licensee's right to (a) a full evidentiary hearing, including the right to present evidence and cross-examine witnesses; and (b) any right to appeal this settlement or any decision by the Commission in connection with this Settlement Agreement.) This Settlement Agreement shall be deemed approved and executed upon being signed by both parties. This Settlement Agreement constitutes a full and complete resolution of all claims and defenses that either party did raise or could have raised with the respect to these proceeding and execution of this Settlement constitutes full and final resolution. It is so Stipulated and Agreed.

Travis Smith

[Signature]



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-RUI-2
Track Ruidoso Downs
Ruling Date: 5/26/2016

Licensee: CHAVIRA, GUADALUPE

License Type: 2015 1 Year Outrider Applicant Id: 29230
License Number: 280122

Ruling # 2016-RUI-2

Action Type: Initial Ruling

Ruling:

Licensee Guadalupe Chavira appeared before the Board of Stewards on May 25th, 2016 is no longer employed as an out-rider. Therefore, The Board of Stewards hereby rescind his outriders license without prejudice and re-issued a pony person's license.

16.47.1.8. A. License Required: A person as defined by Subsection P. paragraph (7) of 15.2.1.7 NMAC shall not participate in pari mutual racing under the jurisdiction of the commission, or be employed by an association who is a gaming operator, without a valid license issued by the commission.

By Order of The Ruidoso Downs Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-RUI-3
Track Ruidoso Downs
Ruling Date: 5/27/2016

Licensee: URISTA, JOSE DANIEL

License Type: Applicant Id: 24177

Date of Birth: 02/20/1961 License Number:

Ruling # 2016-RUI-3

Action Type: Modified Ruling

Ruling:

RE: 2016-RUI-3 - Modified Ruling

The **clocker license (#164161)** issued to **Jose Urista** is hereby rescinded without prejudice as he is no longer employed in that licensed capacity and is hereby reissued his Trainers 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-4
Track Ruidoso Downs
Ruling Date: 5/27/2016

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

Ruling # 2016-RUI-4

Action Type: Initial Ruling

Ruling:

Trainer, **Juan M. Esquivel**, having appeared before the Board of Stewards on May 27, 2016, for possessing needles, test tubes, and unlabeled medications 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 summary suspension of any/all New Mexico Racing Commission licenses, effective **May 27, 2016**.

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

16.47.1.8(L)(1)(h) NMAC:

Which states that "The Commission may refuse to issue a license to an applicant, or may suspend or revoke a license issued or order disciplinary measures, if the applicant is a person whose conduct or reputation may reflect on the honesty and integrity of horse racing or interfere with the orderly conduct of a race meet. Interfering with the orderly conduct of the race meet shall include, but not limit to, disruptive or intemperate behavior or behavior which exposes others to danger anywhere on the racetrack grounds. The fact that the race meet was not actually interrupted is not a defense to the imposition of discipline under this rule."

15.2.3.8(B)(1)(d) NMAC:

Which state in pertinent part that "The Stewards have the authority to interpret the rules and to decide all questions of racing not specifically covered by the rules. Whenever the Stewards find any person culpable for any act or omission in violation of these regulations or any violation of the Horse Racing Act, the person shall be subject to disciplinary action, which could include a fine, suspension or revocation/denial of license or any combination of these penalties."



New Mexico Racing Commission
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Ruling #: 2016-RUI-5
Track Ruidoso Downs
Ruling Date: 5/27/2016

Licensee: GONZALEZ-CASTILLO, JOHAN A
License Type: VET ASS'T INTERSHI Applicant Id: 158456
Date of Birth: License Number: 280808

Ruling # 2016-RUI-5

Action Type: Initial Ruling

Ruling:

Veterinarian Assistant/Intern, Johan Gonzalez-Castillo having appeared before the Board of Stewards on May 27, 2016, testing positive for prohibited substances cocaine and marijuana.

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

1. A summary suspension of any/all New Mexico Racing Commission licenses, effective **May 27, 2016**.

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.

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)(h) NMAC:

Which states that "The Commission may refuse to issue a license to an applicant, or may suspend or revoke a license issued or order disciplinary measures, if the applicant is a person whose conduct or reputation may reflect on the honesty and integrity of horse racing or interfere with the orderly conduct of a race meet. Interfering with the orderly conduct of the race meet shall include, but not limit to, disruptive or intemperate behavior or behavior which exposes otherS to danger anywhere on the racetrack grounds. The fact that the race meet was not actually interrupted is not a defense to the imposition of discipline under this rule."

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."

16.47.1.8(L)(1)(a) NMAC:

Which states in pertinent part that "The Commission may revoke a license issued if the applicant has been convicted of a felony."

15.2.3.8(B)(1)(d) NMAC:

Which state in pertinent part that "The Stewards have the authority to interpret the rules and to decide all questions of racing not specifically covered by the rules. Whenever the Stewards find any person culpable for any act or omission in violation of these regulations or any violation of the Horse Racing Act, the person shall be subject to disciplinary action, which could include a fine, suspension or revocation/denial of license or any combination of these penalties."

David Smith *On Case* *Kenner River*



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-RUI-6
Track Ruidoso Downs
Ruling Date: 5/27/2016

Licensee: VASQUEZ, JIMMY JOE
License Type: 2013 3 year Owner Applicant Id: 34727
Date of Birth: License Number: 56417

Ruling # 2016-RUI-6

Action Type: Initial Ruling

Ruling:

Owner, **JIMMY JOE VASQUEZ** having appeared before the Board of Stewards on May 27, 2016, for testing positive for prohibited substances cocaine and marijuana.

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

1. A summary suspension of any/all New Mexico Racing Commission licenses, effective **May 27, 2016**.

During his 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, trained, or under the care of **JIMMY JOE VASQUEZ** 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.

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)(h) NMAC:

Which states that "The Commission may refuse to issue a license to an applicant, or may suspend or revoke a license issued or order disciplinary measures, if the applicant is a person whose conduct or reputation may reflect on the honesty and integrity of horse racing or interfere with the orderly conduct of a race meet. Interfering with the orderly conduct of the race meet shall include, but not limit to, disruptive or intemperate behavior or behavior which exposes otherS to danger anywhere on the racetrack grounds. The fact that the race meet was not actually interrupted is not a defense to the imposition of discipline under this rule."

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."

Robert Smith

Don Carter

Barbara F...



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-RUI-7
Track Ruidoso Downs
Ruling Date: 5/28/2016

Licensee: RAMIREZ, RICARDO

License Type: 2015 3 Year Jockey Applicant Id: 31818
Date of Birth: License Number: 277970

Ruling # 2016-RUI-7

Action Type: Initial Ruling

Ruling:

Jockey, Ricardo Ramirez, having been summoned and appeared before the Board of Stewards on May 28, 2016 for careless riding which resulted in the disqualification of his mount "Bp Flingin South" from second place to tenth place in the 13th race on May 27, 2016, at Ruidoso Downs.

For this violation, the Board of Stewards assessed Ricardo Ramirez a suspension of 3 race days (June 4, 2016, June 5, 2016 and June 6, 2016). (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-8
Track Ruidoso Downs
Ruling Date: 5/30/2016

Licensee: CARRETE, JESUS J.

License Type: 2015 3 Year Trainer Applicant Id: 3671
Date of Birth: License Number: 277319

Ruling # 2016-RUI-8

Action Type: Initial Ruling

Ruling:

Trainer Jesus Carrete having been duly notified and having appeared before the Board Of Stewards on May 30, 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 "Bigtime Story", who finished 6th place in the first race, on March 27, 2016 at Sunland Park Racetrack. Test Sample #: NM16617.
(The original lab report indicated a finding of clenbuterol at 118 pg/ml in the urine. The split was confirmed by Texas A&M with a finding of 107±12 pg/ml in the urine.)

Joe Vital is the owner of record for horse "Bigtime Story" which was the subject of the clenbuterol positive.

Jesus Carrete 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" 15.2.6.1(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 Jesus Carrete a penalty as follows:

1. A 15 day suspension of all NMRC licenses beginning June 8, 2016 through June 23, 2016, inclusive.
2. A (\$500) five hundred dollar fine to paid on or before July 7, 2016, in accordance with 15.2.1.9(B)(7)(f) NMAC and 15.2.3.8 (B) (3)(I) 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 "Bigtime Story" must pass a commission approved veterinary examination before being eligible to enter.
4. Loss of purse from the first race on March 27, 2016 at Sunland Park Racetrack and the horse "Bigtime Story" is HEREBY DISQUALIFIED AND ORDERED UNPLACED. The new order of finish is as follows

1) Blue Envy 2) Famous Flying Eagle 3) Furr the South 4) Serendipity Jess 5) Brimmerton County 6) Brooks Signature BIGTIME STORY.
During said time of applicable suspension, Jesus Carrete 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 Jesus Carrete 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."

David Smith

Jim Carr

John P. [Signature]



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-RUI-9
Track Ruidoso Downs
Ruling Date: 5/30/2016

Licensee: DOMINGUEZ, HENRY

License Type: Trainer

Applicant Id: 11241

Date of Birth:

License Number: 81905

Ruling # 2016-RUI-9

Action Type: Initial Ruling

Ruling:

Trainer, Henry Dominguez, having been duly notified and appeared before the Board of Stewards on May 30, 2016, for failure to have owner, RONALD LOWENFIEL, properly licensed which resulted in the late scratch of horse Nuggets Please from the 6th race on April 26, 2016 at Sunland Park.

For this violation, the Board of Stewards assessed Henry Dominguez a fine in the amount of two hundred dollars, (200.00).

The fine is to be paid on or before July 7, 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
Henry Dominguez is found to be in violation of.

15.2.5.8(B)(2) NMAC: Which states in pertinent part "An entry shall be in the name of the horse's licensed Owner, and shall be made by the Owner, Trainer, or the licensed designee of the Owner or Trainer.

15.2.5.12(X) NMAC: Which states in pertinent part "A horse shall be ineligible to start in a race when its Owner, Lessor, and/or Trainer have not completed the licensing procedures required by the Commission".

16.47.1.10(C)(17) NMAC: Which states in pertinent part that "A Trainer is responsible for representing an Owner in making entries and scratches, and in all other matters pertaining to racing, horses entered as to eligibility and weight or other allowances claimed".

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-10
Track Ruidoso Downs
Ruling Date: 6/3/2016

Licensee: DOMINGUEZ, SERGIO G
License Type: 2015 3 Year Jockey Applicant Id: 86326
Date of Birth: License Number: 246771

Ruling # 2016-RUI-10

Action Type: Initial Ruling

Ruling:

Jockey Sergio Dominguez, having failed to appear or send a jockey guild's representative when summoned by the Board of Stewards for race/film review regarding the **13th race on May 28, 2016 and the 6th race May 29, 2016, at Ruidoso Downs**, is found in violation of Commission rules.

For this rule violation, the Board of Stewards assessed **Sergio Dominguez** a penalty of **one hundred and fifty dollars (\$150.00)**. The fine is to be paid on or before **July 3, 2016**, in accordance with 15.2.3.8(B)(3)(I) NMAC.

Failure to pay the fine within the time prescribed may result in immediate suspension.

Licensee is found to be in violation of:

15.2.1.9(B)(4)(d)NMAC: Which states in pertinent part that "Nonappearance of a summoned party after adequate notice shall be construed as a waiver of the right to a hearing before the board of stewards

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."

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New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-RUI-11
Track Ruidoso Downs
Ruling Date: 6/3/2016

Licensee: BECERRA, JR SERGIO

License Type: Jockey Applicant Id: 32539

Date of Birth: License Number: 80737

Ruling # 2016-RUI-11

Action Type: Initial Ruling

Ruling:

Jockey Sergio Becerra Jr, having failed to appear or send a jockey guild's representative when summoned by the Board of Stewards for race/film review regarding the **5th race on May 29, 2016, at Ruidoso Downs**, is found in violation of Commission rules.

For this rule violation, the Board of Stewards assessed **Sergio Becerra Jr** a penalty of **fifty dollars (\$50.00)**. The fine is to be paid on or before **July 3, 2016**, in accordance with 15.2.3.8(B)(3)(I) NMAC.

Failure to pay the fine within the time prescribed may result in immediate suspension.

Licensee is found to be in violation of:

15.2.1.9(B)(4)(d)NMAC: Which states in pertinent part that "Nonappearance of a summoned party after adequate notice shall be construed as a waiver of the right to a hearing before the board of stewards.

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."

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Ruling #: 2016-RUI-12
Track Ruidoso Downs
Ruling Date: 6/3/2016

Licensee: CORDOVA, OSCAR

License Type: 2014 3 Year Jockey Applicant Id: 31477
Date of Birth: License Number: 184705

Ruling # 2016-RUI-12

Action Type: Initial Ruling

Ruling:

Jockey Oscar Cordova, having been summoned and appeared before the Board of Stewards on May 30, 2016, for careless riding, while aboard "Silk Stockings" in the 12th Race May 29, 2016, at Ruidoso Downs, is found to be in violation of Commission rules.

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

The fine is to be paid on or before July 4, 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)(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."

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Ruling #: 2016-RUI-13
Track Ruidoso Downs
Ruling Date: 6/3/2016

Licensee: OCHOA-PENA, GERARDO

License Type: 2016 3 Year Trainer Applicant Id: 21264
Date of Birth: License Number: 280938

Ruling # 2016-RUI-13

Action Type: Initial Ruling

Ruling:

T Trainer Gerardo Ochoa-Pena having been duly notified, failed to appear, and his hearing was held in absentia before the Board Of Stewards on May 30, 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 "Transfusion", who finished 6th place in the second race, on March 27, 2016 at Sunland Park Racetrack. Test Sample #: NM16620. (The original lab report indicated a finding of clenbuterol at 198 pg/ml in the urine. The split was confirmed by Texas A&M with a finding of 196±18 pg/ml in the urine.)

Roberto Baeza is the owner of record for horse "Transfusion" which was the subject of the clenbuterol positive.

Gerardo Ochoa-Pena 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 Gerardo Ochoa-Pena a penalty as follows:

1. A 15 day suspension of all NMRC licenses beginning June 14, 2016 through June 29, 2016, inclusive.
2. A (\$750) seven hundred and fifty dollar fine to paid on or before July 3, 2016, in accordance with 15.2.1.9(B)(7)(f) NMAC and 15.2.3.8 (B)(3)(f) 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 "Transfusion" must pass a commission approved veterinary examination before being eligible to enter.
4. Loss of purse from the second race on March 27, 2016 at Sunland Park Racetrack and the horse "Transfusion" is HEREBY DISQUALIFIED AND ORDERED UNPLACED. The new order of finish is as follows

1) Untangled Vines 2) Oh Papas Baby 3) JI Diamond Jack 4) Miss Corona Daise 5) Red Finch 6) RI Jess Ryder UNPLACED RACER REGARD (2016-SUN-308) and TRANSFUSION.

During said time of applicable suspension, Gerardo Ochoa-Pena 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 Gerardo Ochoa-Pena 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."

15.2.5.13(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."



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-RUI-14
Track Ruidoso Downs
Ruling Date: 6/3/2016

Licensee: HERNANDEZ-SANDOVAL, PEDRO
License Type: 2014 3 Year Trainer Applicant Id: 31154
Date of Birth: License Number: 112079

Ruling # 2016-RUI-14

Action Type: Initial Ruling

Ruling:

Trainer Pedro Hernandez Sandoval, having been duly notified and responded by phone to give testimony to the Board of Stewards on June 3, 2016, for failure to appear in paddock with horse, Black Canyon, which resulted in a late scratch in the sixth race on April 26, 2016 at Sunland Park

For this rule violation, the Board of Stewards assessed Pedro Hernandez Sandoval a penalty in the amount of two hundred dollars (\$200.00). The fine is to be paid on or before July 3, 2016 in accordance with 15.2.3.8(B) (3)(I) NMAC.

Failure to pay the fine within the time prescribed may result in immediate suspension.

Licensee is found to be in violation of:

16.47.1.10 (C) (22) presenting his/her horse in the paddock at least 20 minutes before post time or at a time otherwise appointed before the race in which the horse is entered;

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

Travis Smith



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-RUI-15
Track Ruidoso Downs
Ruling Date: 6/3/2016

Licensee: JUNK, ROBERT LEE
License Type: 2015 1 Year Racing Se Applicant Id: 16099
Date of Birth: License Number: 280155

Ruling # 2016-RUI-15

Action Type: Initial Ruling

Ruling:

Racing Secretary **ROBERT LEE JUNK** having been duly notified and waived his right to a hearing on May 20, 2016, regarding an ineligible entry of "Up to Squall" (horse did not qualify for the race and was therefore ineligible, which resulted in a redraw of the 8th race on April 26, 2016, at Sunland Park.

ROBERT LEE JUNK is found to be in violation of

C. Racing secretary.

(1) **General authority.** The racing secretary shall be responsible for the programming of races during the race meeting, compiling and publishing condition books, assigning weights for handicap races, and shall receive all entries, subscriptions, declarations and scratches.

(4) **Conditions.**

(a) The racing secretary shall establish the conditions and eligibility for entering races and cause them to be published to owners, trainers and the commission and be posted in the racing secretary's office.

(b) For the purpose of establishing conditions, winnings shall be considered to include all monies won up to the time of the start of a race.

(c) Winnings during the year shall be calculated by the racing secretary from the preceding January 1.

(d) A minimum of three (3) races restricted to registered New Mexico bred horses shall be offered daily in the condition book excluding trials.

(5) **Listing of horses.** The racing secretary shall: examine all entry blanks and declarations to verify information as set forth therein; select the horses to start and the also eligible horses from the declarations in accordance with these rules.

For this rule violation, the Board of Stewards assessed **ROBERT LEE JUNK** a penalty in the amount of two hundred dollars (\$200.00). The fine must be paid within 30 days by June 3, 2016, in accordance with 15.2.3.8 (B)(3)(1) NMAC. Failure to pay this fine by prescribed time may result in immediate suspension.

5.2.1.9(b):

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 is 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."



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-RUI-16
Track Ruidoso Downs
Ruling Date: 6/5/2016

Licensee: CADENA, III EMILIO

License Type: 2016 3 Year Trainer Applicant Id: 18884
Date of Birth: 11/25/1983 License Number: 281882

Ruling # 2016-RUI-16

Action Type: Initial Ruling

Ruling:

Trainer **Emilio Cadena III** having been duly notified and having failed to appear, his hearing was held in absentia, before the Ruidoso Downs Board of Stewards **May 29, 2016**, for failure to have his entry, **Stepsun**, available for Lasix at deginated time, which resulted in a late scratch out of the 9th race on **April 22, 2016** at Sunland Park. In addition, **Emilio Cadena III** also failed to have registration papers on file for entry **Sakzyaams Party**, which resulted in a late scratch out of the 8th race on **April 22, 2016** at Sunland Park.

For these rule violations, the Board of Stewards assessed **Emilio Cadena III** a penalty in the amount of **three hundred** dollars (\$300.00). The fine is to paid on or before **July 5, 2016** in accordance with 15.2.3.8(B)(3)(I) NMAC.

Failure to pay the fine within the time prescribed may result in immediate suspension.

Licensee is found to be in violation of the following rule (s):

16.47.1.10 (C) (8) Trainers responsibility to immediately notify the stewards and commission veterinarian of all out-of-state certified horses on Salix®;

15.2.5.8 (B) (9) Any permitted medication must be declared on the original entry at each race meet. No further declaration will be required at that meet unless there is a change.

15.2.6.8 (E) (3) The use of furosemide (**Salix**) shall be permitted under the following circumstances on association grounds where a detention barn is not utilized: furosemide (**Salix**) shall be administered no less than three hours prior to post time for a quarter horse race for which the horse is entered and no less than four hours prior to post time for a thoroughbred race for which a horse is entered; the horse must be logged in at the stable gate with time and location no less than one hour prior to administration; the furosemide (**Salix**) dosage administered shall not exceed 250 milligrams nor be less than 100 milligrams for horses entered in a quarter horse race and the furosemide (**Salix**) dosage administered shall not exceed 500 milligrams nor be less than 150 milligrams for horses entered in a thoroughbred race; the trainer of the treated horse shall cause to be delivered to the official veterinarian or his/her designee no later than one hour prior to post time for the race for which the horse is entered the following information under oath on a form provided by the commission: the racetrack name, the date and time the furosemide (**Salix**) was administered to the entered horse; the dosage amount of furosemide (**Salix**) administered to the entered horse; the printed name and signature of the attending licensed veterinarian who administered the furosemide (**Salix**).

16.47.1.10(C)(7) NMAC:

Which states in pertinent part that "A Trainer is responsible for registering with the racing secretary each horse in his/her charge within 24 hours of the horse's arrival on association grounds."

15.2.5.12(B) NMAC:

Which states in pertinent part "A horse shall be ineligible to start in a race when its breed registration certificate is not on file with the racing secretary."

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."



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-RUI-17
Track Ruidoso Downs
Ruling Date: 6/5/2016

Licensee: ALVIDREZ, CARLOS O
License Type: Trainer Applicant Id: 31447
Date of Birth: 10/02/1964 License Number: 81855

Ruling # 2016-RUI-17
Action Type: Initial Ruling
Ruling:

Carlos O. Alvidrez having been duly notified and failed to appear, having his hearing held in absentia, before the Board of Stewards on **June 3, 2016**, for failure to declare equipment (flipping halter off) at time of entry for the horses **Borger Boy and One Famous Dimple**, entered in **the third race**, on **April 30, 2016, at Sunland Park**. Licensee is found to be in violation of Commission rules.

For this rule violation, the Board of Stewards assessed a penalty in the amount of **one hundred dollars (\$ 100.00)**. The fine is to paid on or before **July 5, 2016** in accordance with 15.2.3.8(B)(3) (1) NMAC.

Failure to pay the fine within the time prescribed may result in immediate suspension.
Licensee is found to be in violation of:

NMAC: 15.2.5.8 (B10) Any approved change of equipment must be declared at time of entry. Any changes after that time must be approved by the stewards.

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