

**NEW MEXICO HORSE RACING COMMISSION**  
**MINUTES OF THE REGULAR MEETING**

Date: May 28, 2020 at 9:06 a.m.

Place: Zoom Video Conference – Meeting IDs; Session 1 – **836 4996 0549** and Session 2 – **841 4177 2198**

Members Present: Chairwoman Beverly Bourguet, Vice-Chairman David “Hossie” Sanchez, Commissioner Ken Corazza, Commissioner John Buffington and Commissioner Billy Smith.

NMRC Staff Participating: Executive Director Ismael Trejo, Fabian Lopez, and Paralegal Denise Chavez.

Others Present/Participating: Assistant Attorney General Delilah Tenorio

<b>AGENDA ITEM</b>	<b>Recording #</b>	<b>DISCUSSION / CONCLUSIONS / RECOMMENDATIONS</b>	<b>ACTION TAKEN</b>
<b>Public Session:</b> <b>1. Call to Order and Roll Call</b>	22:33 – 24:17	Meeting called to order at 9:06 a.m. by Chairwoman Bourguet. Roll call was taken by Denise Chavez. Assistant Attorney General Delilah Tenorio, Executive Director Ismael Trejo, NMRC Paralegal, Denise Chavez and NMRC IT Manager, Fabian Lopez was present.	No Action Taken.
<b>2. Pledge of Allegiance</b>	24:22 – 24:40		Pledge of Allegiance was recited.
<b>3. Approval of Agenda</b>	24:45 – 26:00	Chairwoman Bourguet asked if there were any changes to be made to the Agenda.  Mr. Trejo requested that the Agenda be revised: Section 8.(E)(1) should just be “Approval of 2020 Racing Officials”	Motion to approve Agenda as amended by Vice-Chairman Sanchez. Commissioner Smith second motion. Motion passed unanimously.

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<b>4. Approval of Minutes:</b> <b>A. Regular Commission Meeting</b> <b>April 16, 2020</b>	26:04 – 27:00	Chairwoman Bourguet requested a motion to approve the minutes of the April 16, 2020 Special Meeting.	Motion to approve April 16, 2020 minutes by Commissioner Smith; Second by Commissioner Buffington. Motion passed unanimously.
<b>5. Chairwoman's Report</b> <b>A. Chairwoman's Report</b>  <b>B. Race Dates Committee Update</b>	27:05 – 33:40	<ul style="list-style-type: none"> <li>• Commission signed and submitted Annual Operating Budget for FY-2021</li> <li>• Reminder to Associations to submit your State of NM Application for License to Conduct Horse Racing Meets which is due June 1, 2020; required by Statute 60-1A-8</li> <li>• Madam Chair attended 2 ARCI meetings (5/8/20 and 5/19/20); there were some items that will be of interest in NM ~ one being Lasix and whether or not to use. Another topic was using a riding crop. The public is very concerned about the striking of a horse during a race; address during a model rule or address the penalty. Next meeting is scheduled June 4, 2020.</li> <li>• Madam Chair attended walk-through with Leasa Johnson and Liz Garcia at Ruidoso</li> </ul>	No Action Taken

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		<p>Downs on May 12, 2020 for opening May 22, 2020 with zero spectators. All were adhering to health orders directed by Governor (i.e. wearing masks, etc). Rail repair was addressed; met new stewards; Tony Langford, Presiding Steward, Mike McMullen and Ruben Rivera.</p> <ul style="list-style-type: none"> <li>• A Rules/Medication Committee Meeting on June 24<sup>th</sup>. We are planning on having a Rules Hearing on June 25<sup>th</sup>.</li> <li>• Race Dates Committee Chairman Buffington requested proposed race dates from tracks and association. Race Dates meeting date requested to address discrepancies. Preliminary requests 265 race dates from NMHA/NMHBA and 228 race dates from the tracks. Committee Chair Buffington is concerned about the purse structure going into next year due to loss of Casino revenue, live handle and simulcast money. Commissioner Smith asked if we should hold off until we know what is going to happen with the Casinos and when they will be allowed to open. Chairwoman suggested scheduling this meeting after June 15 but before June 25.</li> </ul>	
<b>6. Agency Director Reports:</b> <b>A. NMHBA</b>	33:45 – 38:23	Mary Barber, Executive Director of the New Mexico Horse Breeders Association. No regular reports since there hasn't been any racing. There has only been 1 day of racing that wasn't trials (5/25/20). Ruidoso ran 12 races and 5 of those were NM Breds.	No Action Taken.

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		<p>NMHBA unveiled new website with great new features; added Broodmare directory and NM Bred Directory in addition to the Stallion Directory to see if the horses are NM Breds. You can also check your membership to make sure it is current. There is a section for NM Breeders Association Magazine. There is also a section for horse sale; catalog and results of the sale. Newsletter, board meeting agenda and minutes; calendar of events, etc.</p> <p>There were a couple of meetings with the Horsemen and tracks.</p> <p>Commissioner Smith asked after the casinos reopen if the NMHBA would be able to come up with figures how much money they will have for the breed races. Mary said they can look into it, however, it may change quite a bit depending on how many people will be allowed to go to the casinos, how many machines they will have and if people will even attend. It would be a rough estimate.</p> <p>Madam Chair asked Mary Barber when the horse sale is: Mary said: in August, 2020.</p>	
<b>B. Jockey's Guild Report</b>	38:30 – 40:52	<ul style="list-style-type: none"> <li>John Beech had some issues joining the Zoom meeting, Ismael Trejo on behalf of John Beech reported: He is happy that we are back to running in NM and opening weekend went well. In regards to the riding crop – those discussions will continue. It will be a tough rule to tackle.</li> </ul>	No Action Taken.

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<b>C. NMHA Report</b>	40:57 – 46:13	<p>Executive Director Erhard reminded attendees of his concerns of the dispensation of funds following the closure of Sunland Park and the decision not to open SunRay Park meet this year. Subsequently NMHA had a series of meetings for the purpose of providing the Commission with a proposal regarding the dispensation of those funds. Asking for approval of provided Purse Tax Agreement during executive session.</p> <p>Attorney General Tenorio asked Mr. Erhard to confirm that NMHA's requests (2) were taken into consideration with the Purse Tax Agreement or if they were satisfied in full. Mr. Erhard confirms that the NMHA is satisfied.</p>	No Action Taken.
<b>D. NMRC Executive Director's Report</b>	46:18 – 52:05	<p>Executive Director Trejo presented current events in the industry.</p> <ul style="list-style-type: none"> <li>• Thanks to the NMRC Team getting ready for the race meet at Ruidoso Downs at short notice.</li> <li>• Recognized Chairwoman Bourguet's nomination to the ARCI Board of Directors by Ed Menton, Dog Racing Director from Alabama with the Mobile Racing Commission.</li> <li>• OOCT will be conducted to get suspect horses tested.</li> </ul>	No action taken.

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		<ul style="list-style-type: none"> <li>Commissioner Smith recognized NMRC Staff and asked if there is any indication at all that the Governor will open up the tracks for spectators in the near future. Director Trejo says that there has been no indication thus far.</li> </ul>	

<b>Open Session 2 called back into session at 2:36 p.m.</b>	9:58 – 10:19		
<b>7. Licensing/Pending Litigation/Appeals/Hearing officer Reports/Employment Contracts:</b>	10:21 – 10:49	AAG Tenorio stated that Agenda Item 7.A: The letter from Gary Mitchell on behalf of NMHA was just a legal update provided to the Commission to see how this issue was resolved.	No Action Taken.
<b>A. Letter from Gary Mitchell on behalf of NMHA</b>			
<b>B. NMHA's Purse Tax Agreement</b>	10:50 – 11:12	AAG Tenorio stated that Agenda Item 7.B: NMHA's Purse Tax Agreement, the Commission reserved any decision and further discussion when returning to Open Session and will discuss that when returning to Agenda Item 8.C.	No Action Taken
<b>C. SunRay Park (Audit)</b>	14:07 – 16:30	<p>AAG Tenorio stated that the Commission would like to entertain a motion to extend a Pre-Referral Settlement Agreement to the SunRay Park with the following terms and conditions:</p> <ul style="list-style-type: none"> <li>• SunRay Park pay a \$15,000 fine;</li> <li>• SunRay Park will come in compliance within one week prior to the next commission meeting on all issues that are outline in the Commission's Audit Action Plan;</li> <li>• SunRay Park continue to work and communicate with the Assigned Auditor, to provide her with documentation that is necessary to complete that Audit Action Plan;</li> <li>• The Auditor will provide a weekly report to the NMRC's Executive Director to ensure that SunRay Park has completed or is completing the Action Plan for the 2018 Audit</li> </ul>	Commissioner Corazza moved to extend the Pre-Referral Settlement Agreement to SunRay Park. Commissioner Sanchez second the motion. Motion passed unanimously.



<b>G. Jeramie Fennell (Licensing)</b>	19:06 – 20:13	AAG Tenorio stated that the Commission would like to table Mr. Fennell's request to require Mr. Fennell to apply for a license and supply any supporting documentation requested by the NMRC Executive Director or Licensing Director may request.	Commissioner Smith second the motion. Motion passed unanimously.  Commissioner Smith moved to table request. Commissioner Buffington second the motion. Motion passed unanimously.
<b>H. Guadalupe Chavez (Licensing)</b>	20:17 – 21:05	AAG Tenorio stated the Commission would like to entertain a motion to deny Mr. Chavez's request for an early reinstatement of his license.	Commissioner Corazza moved to deny Mr. Chavez's request. Commissioner Buffington second the motion. Motion passed unanimously.
<b>I. Brandon Marcom (Licensing)</b>	21:11 – 22:10	AAG Tenorio stated that the Commission would like to entertain a motion to approve the issuance of an Assistant Trainer's License to Mr. Marcom with a six (6) month probation period.	Commissioner Smith moved to approve the issuance of an Assistant Trainer's License. Commissioner Buffington second the motion. Motion passed unanimously.
<b>J. Julio Ramos (Licensing)</b>	22:15 – 23:07	AAG Tenorio stated that the Commission would like to entertain a motion to dismiss Mr. Ramos' request	Commissioner Smith moved to dismiss Mr. Ramos' request.

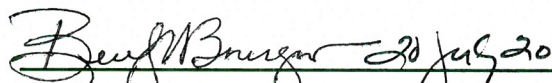
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		due to his failure to provide documentation and appear at his allotted time for the meeting.	Commissioner Sanchez second the motion. Motion passed unanimously.

<p><b>8. Unfinished/New Business and/or Action Items Regarding Licensing:</b></p> <p><b>A. Ratification of Approval for Stewards at 2020 Ruidoso Downs Meet</b></p>	<p>23:31 – 24:52</p>	<p>Executive Director Trejo is seeking ratification of approval of Mr. Langford, Mr. McMullen and Mr. Rivera to work as Stewards at the 2020 Ruidoso Downs Race Meet.</p>	<p>Commissioner Sanchez moved to ratify approval of new Stewards. Commissioner Smith second the motion. Motion passed unanimously.</p>
<p><b>B. Approval of July through November, 2020 Commission Meetings Dates</b></p>	<p>24:53 – 25:38</p>	<p>Commission would entertain a motion to approve Regular Commission Meeting Dates proposed.</p>	<p>Commissioner Smith moved to accept proposed meeting dates.</p>
	<p>43:37 – 44:26</p>	<p>Executive Director Ismael Trejo read the approved dates of the Regular Commission Meeting Dates July, 2020 through November, 2020.</p>	<p>Commissioner Buffington second the motion. Motion passed unanimously.</p>
<p><b>C. NMHA's Purse Tax Agreement</b></p>	<p>25:40 – 28:50</p>	<p>AAG Tenorio asked Mr. Erhard to confirm that all issues raised in Mr. Mitchell's and Mr. Erhard's letters including the operation of SunRay Casino have been resolved. Mr. Erhard confirmed all issues have been resolved.</p> <p>The Commission entertained a motion to approve the NMHA's Purse Tax Agreement.</p> <p>AAG Tenorio thanked all for coming together and preparing this Agreement.</p>	<p>Commissioner Smith moved to approve the Purse Tax Agreement. Commissioner Buffington second the motion. Motion passed unanimously.</p>

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<b>D. Approval of Ruidoso Downs</b> <b>1. Ratification of Approval of</b> <b>2020 Racing Officials</b>	28:51 – 30:24	The Commission will entertain a motion to ratify the approval of Ruidoso Downs 2020 Racing Officials.	Commissioner Smith moved to ratify approval of Ruidoso Downs 2020 Racing Officials. Commissioner Sanchez second the motion. Motion passed unanimously.
<b>2. ADW</b>	30:30 – 37:54	Chairwoman provided opportunity for anyone to discuss the amendment of the Horse Racing Act to allow for advance deposit wagering in New Mexico, especially in light of the Covid-19 pandemic. Mr. True of Ruidoso Downs discussed the ambiguity in NM law and the NM Racing rules with regard to ADW and the need for further review. Asking for everyone to seriously think about how to move forward with ADW.	No Action Taken.



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9. Adjournment		The meeting adjourned at 3:12 PM.	

  
 Chairwoman Beverly Bourguet      Date

 7-24-2020  
 Executive Director Ismael Trejo      Date