



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2017-SRP-79
Track SunRay Park
Ruling Date: 6/16/2017

Licensee: GUTIERREZ, OMAR

License Type: 2015 3 Year Trainer Applicant Id: 29540
Date of Birth: 04/20/1980 License Number: 277307

Ruling # 2017-SRP-79

Action Type: Initial Ruling

Ruling:

Trainer **Omar Gutierrez** having been duly notified, and appeared before the Board of Stewards June 12, 2017, regarding a lab report from UC/Davis (official testing laboratory for the NMSRC) for a confirmed positive for the prohibited (class 3 penalty B) drug "clenbuterol" detected at 93 pg/ml in the horse "**Green Eye Girl**" (**Test Sample #: NM26776**), who finished 2nd place in the 3rd race on April 22, 2017, at SunRay Park in Farmington, NM. Split sample rights as provided in 15.2.6.10 (D) NMAC, were afforded to and declined by **Omar Gutierrez**.

Licensee is found in violation of

15.2.6.9(C)(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(C)(3) There is no permissible concentration of Clenbuterol that is allowed to appear in any official sample.

For **Omar Gutierrez's** 2nd Class 3B medication violation issued in accordance with 15.2.6.9 (B)(2) Penalty Recommendations, the Board of Stewards assessed a penalty as follows.

1. A 60 day suspension of all NMRC licenses starting June 18, 2017, through August 17, 2017, inclusive.

2. A (\$1,500.00) fifteen hundred dollar fine to paid on or before **July 16, 2017**, in accordance with **15.2.3.8 (B)(3)(I)**. Failure to pay fine in prescribed time may result in an immediate suspension.

3. Pursuant to rules **15.2.3 (B)(9)(a)(e)**, **15.2.6.9(C)(7)(c)**, **15.2.6.9(C)(8)**, **15.2.6.9(C)(9)(a-d)**, the horse "**Green Eye Girl**" is placed on the Stewards list for a minimum period of 60 days (beginning **May 11, 2017**). During this period, the papers are to be removed from the racing office and horse is denied entry until he passes a commission approved veterinary examination with a negative blood and urine test.

During said time of applicable suspension, **Omar Gutierrez** is hereby excluded from all areas of the grounds under the jurisdiction of the NMSRC, in accordance with **15.2.1.9 (C)(21)**. Additionally, effective upon applicable suspension dates, all horses owned or trained, or under the care of **Omar Gutierrez** are ineligible to be entered or start in any race in this jurisdiction, per **15.2.1.9 (C)(21)(e)**.

This ruling is written in accordance with:

15.2.3.8 B (1)(3)(f)(g)(j)

16.47.1.10(B)(1) NMAC: Absolute Insurer 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."

16.47.1.8 (U)(1) PROTECTION OF HORSES Each person licensed by the commission shall do all that is reasonable and within their power and scope of duty to guard against and prevent the administration of any drug, medication or other substance, including permissible medication in excess of the maximum allowable level, to any horse entered or to be entered in an official workout or race, as prohibited by these rules.

16.47.1.8 (T) KNOWLEDGE OF RULES

15.2.1.9(B)(9)(b): Appeal Procedures 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 SunRay Park Stewards

Martin Hamelton *Don Walth*



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2017-SRP-80
Track SunRay Park
Ruling Date: 6/16/2017

Licensee: RODRIGUEZ DE QUINTANA, ADRIANA
License Type: 2017 3 Year Owner Applicant Id: 159635
Date of Birth: 06/05/1975 License Number: 284973

Ruling # 2017-SRP-80

Action Type: Initial Ruling

Ruling:

Owner, Adriana Quintana-Rodriguez, having been duly notified, and represented by trainer **Omar Gutierrez** before the Board of Stewards June 12, 2017, regarding a lab report from UC/Davis (official testing laboratory for the NMSRC) for a confirmed positive for the prohibited (class 3 penalty B) drug "clenbuterol" detected at 93 pg/ml in the horse "**Green Eye Girl**" (Test Sample #: NM26776), who finished 2nd place in the 3rd race on April 22, 2017, at SunRay Park in Farmington, NM. Split sample rights as provided in 15.2.6.10 (D) NMAC, were afforded to and declined by trainer **Omar Gutierrez**.

Licensee is found in violation of

15.2.6.9(C)(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(C)(3) There is no permissible concentration of Clenbuterol that is allowed to appear in any official sample.

For Adriana Quintana-Rodriguez 1st Class 3B medication violation issued in accordance with 15.2.6.9 (B)(2) Penalty Recommendations, the Board of Stewards assessed a penalty as follows.

1. Pursuant to rules 15.2.3 (B)(9)(a)(e), 15.2.6.9(C)(7)(c), 15.2.6.9(C)(8), 15.2.6.9(C)(9)(a-d), the horse "**Green Eye Girl**" is placed on the Stewards list for a minimum period of 60 days (beginning **May 11, 2017**). During this period, the papers are to be removed from the racing office and horse is denied entry until he passes a commission approved veterinary examination with a negative blood and urine test.
2. The horse "**Green Eye Girl**" is hereby disqualified from **SECOND PLACE** and ordered unplaced from the **3rd race on April 22, 2017 at SunRay Park Racetrack**, for all but pari-mutuel wagering. The purse redistribution is as follows.

1. Algol
2. Konas Streaker
3. Valentina Lady
4. Tellers Miss Okie
5. Dashing Aylin
6. Corona Bud

Unplaced "Green Eye Girl" Late Scratch: Kips Big Boy

This ruling is written in accordance with:

15.2.3.8(B)(3)(k): Redistribution of Purses and Prizes/ 15.2.5.13(E)(4)(d) : Stewards General Authority/ 15.2.3.8 B (3)(f) Stewards Disciplinary Action/ 15.2.3.8 B (1) (d) Stewards General Authority/ 16.47.1.8. T. KNOWLEDGE OF RULES/ 16.47.1.3 Statutory Authority
16.47.1.8 (U)(1) PROTECTION OF HORSES Each person licensed by the commission shall do all that is reasonable and within their power and scope of duty to guard against and prevent the administration of any drug, medication or other substance, including permissible medication in excess of the maximum allowable level, to any horse entered or to be entered in an official workout or race, as prohibited by these rules.

15.2.1.9(B)(9)(b): Appeal Procedures 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 SunRay Park Stewards

Martin Hamilton *Ron Walker*



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2017-SRP-81
Track SunRay Park
Ruling Date: 6/16/2017

Licensee: GUTIERREZ, OMAR

License Type: 2015 3 Year Trainer Applicant Id: 29540
Date of Birth: 04/20/1980 License Number: 277307

Ruling # 2017-SRP-81

Action Type: Initial Ruling

Ruling:

Trainer **Omar Gutierrez** having been duly notified and appeared before the Board of Stewards June 12, 2017, regarding a lab report from UC/Davis (official testing laboratory for the NMSRC) for a confirmed positive for the prohibited class 2 penalty B drug "Caffeine" detected at 1142 ng/ml (Limit 100ng/ml) and the prohibited class 4 penalty C drug Methylaminoantipyrine at 241,310 ng/ml (Dipyron Limit 1,000 ng/ml) the horse "**Big Memorys Kendy**" (**Test Sample #: NM26887**), who finished in 1st place in the 1st race on May 5, 2017, at SunRay Park in Farmington, NM. Split sample rights as provided in 15.2.6.10 (D) NMAC, were afforded to and declined by **Omar Gutierrez**.

Licensee is found in violation of

15.2.6.9(C)(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".

For **Omar Gutierrez's** 3rd Class B and 1st Class C medication violation issued in accordance with 15.2.6.9 (B)(2) Penalty Recommendations, the Board of Stewards assessed a penalty as follows.

1. A 6 month suspension of all NMRC licenses starting August 18, 2017, through February 17, 2018, inclusive. These dates are associated with other rulings, and may become effective immediately if those rulings are amended.

2. A (\$1,000.00) one thousand dollar fine for the 1st Class C violation. A (\$3,000.00) three thousand dollar fine for the 3rd Class B violation. Total \$4,000.00 to paid on or before July 16, 2017, in accordance with 15.2.3.8 (B)(3)(l). Failure to pay fine in prescribed time may result in an immediate suspension.

3. Referral of this matter to the NMSRC for any further action deemed necessary, in accordance with 15.2.3.8 (B)(3)(j) NMAC;

During said time of applicable suspension, **Omar Gutierrez** is hereby excluded from all areas of the grounds under the jurisdiction of the NMSRC, in accordance with 15.2.1.9 (C)(21). Additionally, effective upon applicable suspension dates, all horses owned or trained, or under the care of **Omar Gutierrez** are ineligible to be entered or start in any race in this jurisdiction, per 15.2.1.9 (C)(21)(c).

This ruling is written in accordance with:

15.2.3.8 B (1)(3)(f)(g)(j)

16.47.1.8 (U)(1) PROTECTION OF HORSES Each person licensed by the commission shall do all that is reasonable and within their power and scope of duty to guard against and prevent the administration of any drug, medication or other substance, including permissible medication in excess of the maximum allowable level, to any horse entered or to be entered in an official workout or race, as prohibited by these rules.

15.2.6.11(A) NMAC: Trainer Responsibility

and 16.47.1.10(B)(1) NMAC: Absolute Insurer 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."

16.47.1.8 (T) KNOWLEDGE OF RULES

15.2.1.9(B)(9)(b): Appeal Procedures 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 SunRay Park Stewards

Martin Hamilton For Wash



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2017-SRP-82
Track SunRay Park
Ruling Date: 6/16/2017

Licensee: GUTIERREZ, GUADALUPE I.
License Type: 2016 3 Year Owner Applicant Id: 35377
Date of Birth: 03/26/1978 License Number: 283293

Ruling # 2017-SRP-82

Action Type: Initial Ruling

Ruling:

Owner Guadalupe I. Gutierrez having been duly notified and represented by trainer **Omar Gutierrez** before the Board of Stewards June 12, 2017, regarding a lab report from UC/Davis (official testing laboratory for the NMSRC) for a confirmed positive for the prohibited class 2 penalty B drug "Caffeine" detected at 1142 ng/ml (Limit 100ng/ml) and the prohibited class 4 penalty C drug Methylaminoantipyrine at 241,310 ng/ml (Dipyrone Limit 1000 ng/ml) the horse "**Big Memorys Kendy**" (**Test Sample #: NM26887**), who finished in 1st place in the 1st race on May 5, 2017, at SunRay Park in Farmington, NM. Split sample rights as provided in 15.2.6.10 (D) NMAC, were afforded to and declined by **Omar Gutierrez**.

Licensee is found in violation of

15.2.6.9(C)(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".
16.47.1.8 (U)(1) PROTECTION OF HORSES Each person licensed by the commission shall do all that is reasonable and within their power and scope of duty to guard against and prevent the administration of any drug, medication or other substance, including permissible medication in excess of the maximum allowable level, to any horse entered or to be entered in an official workout or race, as prohibited by these rules.

For Guadalupe I. Gutierrez's 2nd Class B and 1st Class C medication violation issued in accordance with 15.2.6.9 (B)(2)&(4) Penalty Recommendations, the Board of Stewards assessed a penalty as follows.

1. The horse "**Big Memorys Kendy**" is hereby disqualified from **FIRST PLACE** and ordered unplaced from the 1st race on May 5, 2017 at SunRay Park Racetrack, for all but pari-mutuel wagering. The purse redistribution is as follows.

1. Ronas Dynasty
2. Eyesa Dashing Lady
3. Desierto Famoso
4. Pistolleta
5. Dashawayviking
6. El Tenedor
7. My Shotgun Ryder
8. Bars N Cars

Unplaced "**Big Memorys Kendy**"

2. The horse "**Big Memorys Kendy**" must pass a commission approved drug examination before becoming eligible for entry.

This ruling is written in accordance with:

15.2.3.8(B)(3)(k): Redistribution of Purses and Prizes/ 15.2.5.13(E)(4)(d) : Stewards General Authority/ 15.2.3.8 B (3)(f) Stewards Disciplinary Action/ 15.2.3.8 B (1) (d) Stewards General Authority/ 16.47.1.8. T. KNOWLEDGE OF RULES/ 16.47.1.3 Statutory Authority

15.2.1.9(B)(9)(b): Appeal Procedures 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 SunRay Park Stewards

Martin Hamilton

Ron Walker



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2017-SRP-83
Track SunRay Park
Ruling Date: 6/16/2017

Licensee: GUTIERREZ, OMAR

License Type: 2015 3 Year Trainer Applicant Id: 29540
Date of Birth: 04/20/1980 License Number: 277307

Ruling # 2017-SRP-83

Action Type: Initial Ruling

Ruling:

Trainer Omar Gutierrez having been duly notified and appeared before the Board of Stewards June 12, 2017, regarding a lab report from UC/Davis (official testing laboratory for the NMSRC) for a confirmed positive for the prohibited class 2 penalty B drug "Caffeine" detected at 1,239 ng/ml (Limit 100ng/ml) and the prohibited class 4 penalty C drug Methylaminoantipyrine at 221,657 ng/ml (Dipyrone, Limit 1,000 ng/ml) the horse "**I Wont Lose**" (Test Sample #: NM26909), who finished in 1st place in the 1st race on May 7, 2017, at SunRay Park in Farmington, NM. Split sample rights as provided in 15.2.6.10 (D) NMAC, were afforded to and declined by Omar Gutierrez.

Licensee is found in violation of

15.2.6.9(C)(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".

For Omar Gutierrez's 4th Class B and 2nd Class C medication violation issued in accordance with 15.2.6.9 (B)(2) Penalty Recommendations, the Board of Stewards assessed a penalty as follows.

1. A 1 year suspension of all NMRC licenses starting February 18, 2018, through February 17, 2019, inclusive. These dates are associated with other rulings, and may become effective immediately if those rulings are amended.

2. A (\$2,000.00) Three thousand dollar fine for the 2nd Class C violation. A (\$5,000.00) five thousand dollar fine for the 4th Class B violation. Total \$7,000.00 to paid on or before July 16, 2017, in accordance with 15.2.3.8 (B)(3)(l). Failure to pay fine in prescribed time may result in an immediate suspension.

3. Referral of this matter to the NMSRC for any further action deemed necessary, in accordance with 15.2.3.8 (B)(3)(j) NMAC;

During said time of applicable suspension, Omar Gutierrez is hereby excluded from all areas of the grounds under the jurisdiction of the NMSRC, in accordance with 15.2.1.9 (C)(21). Additionally, effective upon applicable suspension dates, all horses owned or trained, or under the care of Omar Gutierrez are ineligible to be entered or start in any race in this jurisdiction, per 15.2.1.9 (C)(21)(e).

This ruling is written in accordance with:

15.2.3.8 B (1)(3)(f)(g)(j)

15.2.6.11(A) NMAC: Trainer Responsibility

and 16.47.1.10(B)(1) NMAC: Absolute Insurer 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."

16.47.1.8 (U)(1) PROTECTION OF HORSES Each person licensed by the commission shall do all that is reasonable and within their power and scope of duty to guard against and prevent the administration of any drug, medication or other substance, including permissible medication in excess of the maximum allowable level, to any horse entered or to be entered in an official workout or race, as prohibited by these rules.

16.47.1.8 (T) KNOWLEDGE OF RULES

15.2.1.9(B)(9)(b): Appeal Procedures 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 SunRay Park Stewards

Martin Hamilton For Walter



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2017-SRP-84
Track SunRay Park
Ruling Date: 6/16/2017

Licensee: PEREA, MARIO CARDONA
License Type: 2016 3 Year Owner Applicant Id: 30999
Date of Birth: 01/18/1966 License Number: 283870

Ruling # 2017-SRP-84

Action Type: Initial Ruling

Ruling:

Owner Mario C. Perea having been duly notified and represented by trainer **Omar Gutierrez** before the Board of Stewards June 12, 2017, regarding a lab report from UC/Davis (official testing laboratory for the NMSRC) for a confirmed positive for the prohibited class 2 penalty B drug "Caffeine" detected at 1,239 ng/ml (Limit 100ng/ml) and the prohibited class 4 penalty C drug Methylaminoantipyrine at 221,657 ng/ml (Dipyrone, Limit 1000 ng/ml) the horse "**I Wont Lose**" (**Test Sample #: NM26909**), who finished in 1st place in the 1st race on May 7, 2017, at SunRay Park in Farmington, NM. Split sample rights as provided in 15.2.6.10 (D) NMAC, were afforded to and declined by **Omar Gutierrez**.

Licensee is found in violation of

15.2.6.9(C)(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".

For Mario C. Perea's 3rd Class B and 1st Class C medication violation issued in accordance with 15.2.6.9 (B)(2) Penalty Recommendations, the Board of Stewards assessed a penalty as follows.

1. A (\$5000.00) Five thousand dollar fine for the 3rd Class B violation to paid on or before July 16, 2017, in accordance with 15.2.3.8 (B)(3) (I). Failure to pay fine in prescribed time may result in an immediate suspension.
2. The horse "**I Wont Lose**" is hereby disqualified from FIRST PLACE and ordered unplaced from the 1st race on May 7, 2017 at SunRay Park Racetrack, for all but pari-mutuel wagering. The purse redistribution is as follows.

1. Lil Puddle Talk
2. An Agitator
3. Hey Ho Alina
4. Boppin Bayou
5. Victoire
6. Pee Bee N James
7. My Jess Charming
8. Mas Ronpope
9. First Down Willie

Unplaced "**I Wont Lose**"

3. The horse "**I Wont Lose**" must pass a commission approved drug examination before becoming eligible for entry.

This ruling is written in accordance with:

15.2.3.8(B)(3)(k): Redistribution of Purses and Prizes/ 15.2.5.13(E)(4)(d) : Stewards General Authority/ 15.2.3.8 B (3)(f) Stewards Disciplinary Action/ 15.2.3.8 B (1) (d) Stewards General Authority/ 16.47.1.8. T. KNOWLEDGE OF RULES/ 16.47.1.3 Statutory Authority
16.47.1.8 (U)(I) PROTECTION OF HORSES Each person licensed by the commission shall do all that is reasonable and within their power and scope of duty to guard against and prevent the administration of any drug, medication or other substance, including permissible medication in excess of the maximum allowable level, to any horse entered or to be entered in an official workout or race, as prohibited by these rules.
16.47.1.8 (T) KNOWLEDGE OF RULES

15.2.1.9(B)(9)(b): Appeal Procedures 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 SunRay Park Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2017-SRP-85
Track SunRay Park
Ruling Date: 6/16/2017

Licensee: GUTIERREZ, OMAR

License Type: 2015 3 Year Trainer Applicant Id: 29540
Date of Birth: 04/20/1980 License Number: 277307

Ruling # 2017-SRP-85

Action Type: Initial Ruling

Ruling:

Trainer **Omar Gutierrez** having been duly notified and appeared before the Board of Stewards June 12, 2017, regarding a lab report from UC/Davis (official testing laboratory for the NMSRC) for a confirmed positive for the prohibited class 2 penalty B drug "Caffeine" detected at 1,058 ng/ml (Limit 100ng/ml) and the prohibited class 4 penalty C drug Methylaminoantipyrine at 92,851 ng/ml (Dipyrone, Limit 1,000 ng/ml) the horse "**A Deadly Eagle**" (**Test Sample #: NM26922**), who finished in 1st place in the 1st race on May 8, 2017, at SunRay Park in Farmington, NM. Split sample rights as provided in 15.2.6.10 (D) NMAC, were afforded to and declined by **Omar Gutierrez**.

Licensee is found in violation of

15.2.6.9(C)(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".

For **Omar Gutierrez's** 5th Class B and 3rd Class C medication violation issued in accordance with 15.2.6.9 (B)(2) Penalty Recommendations, the Board of Stewards assessed a penalty as follows.

1. **A 1 year suspension** of all NMRC licenses starting **February 18, 2019, through February 17, 2020, inclusive**. These dates are associated with other rulings, and may become effective immediately if those rulings are amended.
2. A **(\$3,000.00) Three thousand dollar fine** for the 3rd Class C violation. A **(\$5,000.00) five thousand dollar fine** for the 5th Class B violation. **Total \$8,000.00** to paid on or before **July 16, 2017**, in accordance with 15.2.3.8 (B)(3)(l). Failure to pay fine in prescribed time may result in an immediate suspension.
3. **Referral of this matter to the NMSRC for any further action deemed necessary, in accordance with 15.2.3.8 (B)(3)(j) NMAC;**

During said time of applicable suspension, **Omar Gutierrez** is hereby excluded from all areas of the grounds under the jurisdiction of the NMSRC, in accordance with 15.2.1.9 (C)(21). Additionally, effective upon applicable suspension dates, all horses owned or trained, or under the care of **Omar Gutierrez** are ineligible to be entered or start in any race in this jurisdiction, per 15.2.1.9 (C)(21)(c).

This ruling is written in accordance with:

15.2.3.8 B (1)(3)(f)(g)(j)

15.2.6.11(A) NMAC: Trainer Responsibility

and 16.47.1.10(B)(1) NMAC: Absolute Insurer 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."

16.47.1.8 (T) KNOWLEDGE OF RULES

16.47.1.8 (U)(1) PROTECTION OF HORSES Each person licensed by the commission shall do all that is reasonable and within their power and scope of duty to guard against and prevent the administration of any drug, medication or other substance, including permissible medication in excess of the maximum allowable level, to any horse entered or to be entered in an official workout or race, as prohibited by these rules.

15.2.1.9(B)(9)(b): Appeal Procedures 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 SunRay Park Stewards

Martin Hamilton

Ron Walk



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2017-SRP-86
Track SunRay Park
Ruling Date: 6/16/2017

Licensee: DOMINGUEZ, JUAN GABRIEL
License Type: 2016 3 Year Owner Applicant Id: 159303
Date of Birth: 02/27/1975 License Number: 283782

Ruling # 2017-SRP-86

Action Type: Initial Ruling

Ruling:

Owner Juan G. Dominguez having been duly notified and represented by trainer **Omar Gutierrez** before the Board of Stewards June 12, 2017, regarding a lab report from UC/Davis (official testing laboratory for the NMSRC) for a confirmed positive for the prohibited class 2 penalty B drug "Caffeine" detected at 1,058 ng/ml (Limit 100ng/ml) and the prohibited class 4 penalty C drug Methylaminoantipyrine at 92,851 ng/ml (Dipyrone, Limit 1000 ng/ml) the horse "**A Deadly Eagle**" (**Test Sample #: NM26922**), who finished in 1st place in the 1st race on May 8, 2017, at SunRay Park in Farmington, NM. Split sample rights as provided in 15.2.6.10 (D) NMAC, were afforded to and declined by **Omar Gutierrez**.

Licensee is found in violation of

15.2.6.9(C)(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".

For Juan G. Dominguez's 1st Class B and 1st Class C medication violation issued in accordance with 15.2.6.9 (B)(2)&(4) Penalty Recommendations, the Board of Stewards assessed a penalty as follows.

1. The horse "**A Deadly Eagle**" is hereby disqualified from FIRST PLACE and ordered unplaced from the 1st race on May 8, 2017 at SunRay Park Racetrack, for all but pari-mutuel wagering. The purse redistribution is as follows.

1. Who Cut the Mustard
2. Starveillance
3. El Picoso Grande
4. Mamacita Cartel
5. Re Runaway Lady
6. Explorer
7. Sneakers Shack
8. Ojiwba
9. Separate Smash

Unplaced "**A Deadly Eagle**"

2. The horse "**A Deadly Eagle**" must pass a commission approved drug examination before becoming eligible for entry.

This ruling is written in accordance with:

15.2.3.8(B)(3)(k): Redistribution of Purses and Prizes/ 15.2.5.13(E)(4)(d) : Stewards General Authority/ 15.2.3.8 B (3)(f) Stewards Disciplinary Action/ 15.2.3.8 B (1) (d) Stewards General Authority/ 16.47.1.8. T. KNOWLEDGE OF RULES/ 16.47.1.3 Statutory Authority

16.47.1.8 (U)(1) PROTECTION OF HORSES Each person licensed by the commission shall do all that is reasonable and within their power and scope of duty to guard against and prevent the administration of any drug, medication or other substance, including permissible medication in excess of the maximum allowable level, to any horse entered or to be entered in an official workout or race, as prohibited by these rules.

16.47.1.8 (T) KNOWLEDGE OF RULES

15.2.1.9(B)(9)(b): Appeal Procedures 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 SunRay Park Stewards

Martin Hamilton

Ron Walker



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2017-SRP-87
Track SunRay Park
Ruling Date: 6/16/2017

Licensee: GUTIERREZ, OMAR

License Type: 2015 3 Year Trainer Applicant Id: 29540
Date of Birth: 04/20/1980 License Number: 277307

Ruling # 2017-SRP-87

Action Type: Initial Ruling

Ruling:

Trainer **Omar Gutierrez** having waived his right to a 10 day notice and appeared before the Board of Stewards June 12, 2017, regarding a lab report from UC/Davis (official testing laboratory for the NMSRC) for a confirmed positive for the prohibited class 2 penalty B drug "Caffeine" detected at 1398 ng/ml (Limit 100ng/ml) and the prohibited class 4 penalty C drug Methylaminoantipyrine at 410,363 ng/ml (Dipyrone, Limit 1000 ng/ml) the horse "**Meleros Cartel**" (**Test Sample #: NM26877**), who finished in 1st place in the 1st race on May 1, 2017, at SunRay Park in Farmington, NM. Split sample rights as provided in 15.2.6.10 (D) NMAC, were afforded to and declined by **Omar Gutierrez**.

Licensee is found in violation of

15.2.6.9(C)(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".

For **Omar Gutierrez's** 6th Class B and 4th Class C medication violation issued in accordance with 15.2.6.9 (B)(2) Penalty Recommendations, the Board of Stewards assessed a penalty as follows.

1. A 1 year suspension of all NMRC licenses starting February 18, 2020, through February 17, 2021, inclusive. These dates are associated with other rulings, and may become effective immediately if those rulings are amended.
2. A (\$3000.00) Three thousand dollar fine for the 3rd Class C violation. A (\$5000.00) five thousand dollar fine for the 5th Class B violation. Total \$8000.00 to paid on or before July 16, 2017, in accordance with 15.2.3.8 (B)(3)(l). Failure to pay fine in prescribed time may result in an immediate suspension.
3. Referral of this matter to the NMSRC for any further action deemed necessary, in accordance with 15.2.3.8 (B)(3)(j) NMAC;

During said time of applicable suspension, **Omar Gutierrez** is hereby excluded from all areas of the grounds under the jurisdiction of the NMSRC, in accordance with 15.2.1.9 (C)(21). Additionally, effective upon applicable suspension dates, all horses owned or trained, or under the care of **Omar Gutierrez** are ineligible to be entered or start in any race in this jurisdiction, per 15.2.1.9 (C)(21)(c).

This ruling is written in accordance with:

15.2.3.8 B (1)(3)(f)(g)(j)

16.47.1.8 (U)(1) PROTECTION OF HORSES Each person licensed by the commission shall do all that is reasonable and within their power and scope of duty to guard against and prevent the administration of any drug, medication or other substance, including permissible medication in excess of the maximum allowable level, to any horse entered or to be entered in an official workout or race, as prohibited by these rules.

15.2.6.11(A) NMAC: Trainer Responsibility

and 16.47.1.10(B)(1) NMAC: Absolute Insurer 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."

16.47.1.8 (T) KNOWLEDGE OF RULES

15.2.1.9(B)(9)(b): Appeal Procedures 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 SunRay Park Stewards

Martin Hamilton

Ron Walk



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2017-SRP-88
Track SunRay Park
Ruling Date: 6/16/2017

Licensee: GUTIERREZ, GUADALUPE I.

License Type: 2016 3 Year Owner Applicant Id: 35377
Date of Birth: 03/26/1978 License Number: 283293

Ruling # 2017-SRP-88

Action Type: Initial Ruling

Ruling:

Owner Guadalupe I. Gutierrez having waived her rights to a 10 day notice of hearing through **Omar Gutierrez** and represented by trainer **Omar Gutierrez** before the Board of Stewards June 12, 2017, regarding a lab report from UC/Davis (official testing laboratory for the NMSRC) for a confirmed positive for the prohibited class 2 penalty B drug "Caffeine" detected at 1,398 ng/ml (Limit 100ng/ml) and the prohibited class 4 penalty C drug Methylaminoantipyrine at 410,363 ng/ml (Dipyron Limit 1000 ng/ml) the horse "**Meleros Cartel**" (**Test Sample #: NM26877**), who finished in 1st place in the 1st race on May 1, 2017, at SunRay Park in Farmington, NM. Split sample rights as provided in 15.2.6.10 (D) NMAC, were afforded to and declined by trainer **Omar Gutierrez**.

Licensee is found in violation of

15.2.6.9(C)(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".

For Guadalupe I. Gutierrez's 3rd Class B and 2nd Class C medication violation issued in accordance with 15.2.6.9 (B)(2)&(4) Penalty Recommendations, the Board of Stewards assessed a penalty as follows.

1. A (\$5000.00) Five thousand dollar fine for the 3rd Class B violation to paid on or before July 16, 2017, in accordance with 15.2.3.8 (B)(3) (I). Failure to pay fine in prescribed time may result in an immediate suspension.
2. The horse "**Meleros Cartel**" is hereby disqualified from **FIRST PLACE** and ordered unplaced from the 1st race on May 1, 2017 at SunRay Park Racetrack, for all but pari-mutuel wagering. The purse redistribution is as follows.

1. Genuinely Valiant
2. Mister Jesstified
3. Easily Ratified
4. Stay in the Game
5. Jess Bna Tyger
6. Bonnies Runner
7. Serena Six
8. Calabcitas

Unplaced "**Meleros Cartel**" Late Scratch: Longing for Roses

3. The horse "**Meleros Cartel**" must pass a commission approved drug examination before becoming eligible for entry.

This ruling is written in accordance with:

15.2.3.8(B)(3)(k): Redistribution of Purses and Prizes/ 15.2.5.13(E)(4)(d) : Stewards General Authority/ 15.2.3.8 B (3)(f) Stewards Disciplinary Action/ 15.2.3.8 B (1) (d) Stewards General Authority/ 16.47.1.8. T. KNOWLEDGE OF RULES/ 16.47.1.3 Statutory Authority
16.47.1.8 (U)(1) PROTECTION OF HORSES Each person licensed by the commission shall do all that is reasonable and within their power and scope of duty to guard against and prevent the administration of any drug, medication or other substance, including permissible medication in excess of the maximum allowable level, to any horse entered or to be entered in an official workout or race, as prohibited by these rules.
15.2.1.9(B)(9)(b): Appeal Procedures 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 SunRay Park Stewards

Martin Hamilton

For Walker



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2017-SRP-89
Track SunRay Park
Ruling Date: 6/16/2017

Licensee: GUTIERREZ, OMAR

License Type: 2015 3 Year Trainer Applicant Id: 29540
Date of Birth: 04/20/1980 License Number: 277307

Ruling # 2017-SRP-89

Action Type: Initial Ruling

Ruling:

Trainer Omar Gutierrez having waived his right to a 10 day hearing notice, and appeared before the Board of Stewards June 12, 2017, regarding a lab report from UC/Davis (official testing laboratory for the NMSRC) for a confirmed positive for the prohibited (class 3 penalty B) drug "clenbuterol" detected at 409 pg/ml in the horse "Signature of a Hero" (Test Sample #: NM27041), who finished in 8th place in the 9th race on May 26, 2017, at SunRay Park in Farmington, NM. Split sample rights as provided in 15.2.6.10 (D) NMAC, were afforded to and declined by Omar Gutierrez.

Licensee is found in violation of

15.2.6.9(C)(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(C)(3) There is no permissible concentration of Clenbuterol that is allowed to appear in any official sample.

For Omar Gutierrez's 7th Class 3B medication violation issued in accordance with 15.2.6.9 (B)(2) Penalty Recommendations, the Board of Stewards assessed a penalty as follows.

1. A 1 year suspension of all NMRC licenses starting February 18, 2021, through February 17, 2022, inclusive. These dates are associated with other rulings, and may become effectively immediately if those rulings are amended.

2. A (\$5,000.00) Five thousand dollar fine to paid on or before July 16, 2017, in accordance with 15.2.3.8 (B)(3)(I). Failure to pay fine in prescribed time may result in an immediate suspension.

3. Pursuant to rules 15.2.3 (B)(9)(a)(e), 15.2.6.9(C)(7)(c), 15.2.6.9(C)(8), 15.2.6.9(C)(9)(a-d), the horse "Signature of a Hero" is placed on the Stewards list for a minimum period of 60 days (beginning June 7, 2017). During this period, the papers are to be removed from the racing office and horse is denied entry until he passes a commission approved veterinary examination with a negative blood and urine test.

4. Referral of this matter to the NMSRC for any further action deemed necessary, in accordance with 15.2.3.8 (B)(3)(j) NMAC;

During said time of applicable suspension, Omar Gutierrez is hereby excluded from all areas of the grounds under the jurisdiction of the NMSRC, in accordance with 15.2.1.9 (C)(21). Additionally, effective upon applicable suspension dates, all horses owned or trained, or under the care of Omar Gutierrez are ineligible to be entered or start in any race in this jurisdiction, per 15.2.1.9 (C)(21)(c).

This ruling is written in accordance with:

15.2.3.8 B (1)(3)(f)(g)(j)

16.47.1.10(B)(1) NMAC: Absolute Insurer 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."

16.47.1.8 (U)(I) PROTECTION OF HORSES Each person licensed by the commission shall do all that is reasonable and within their power and scope of duty to guard against and prevent the administration of any drug, medication or other substance, including permissible medication in excess of the maximum allowable level, to any horse entered or to be entered in an official workout or race, as prohibited by these rules.

16.47.1.8 (T) KNOWLEDGE OF RULES

15.2.1.9(B)(9)(b): Appeal Procedures 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 SunRay Park Stewards

Martin Hamilton

For Walsh



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2017-SRP-90
Track SunRay Park
Ruling Date: 6/16/2017

Licensee: NIETO, LETICIA F

License Type: 2017 3 Year Owner Applicant Id: 19221
Date of Birth: 08/09/1976 License Number: 285728

Ruling # 2017-SRP-90

Action Type: Initial Ruling

Ruling:

Owner, Leticia Nieto, having waived her rights to a 10 day notice of hearing through **Omar Gutierrez**, and represented by trainer **Omar Gutierrez** before the Board of Stewards June 12, 2017, regarding a lab report from UC/Davis (official testing laboratory for the NMSRC) for a confirmed positive for the prohibited (class 3 penalty B) drug "clenbuterol" detected at 409 pg/ml in the horse "Signature of a Hero" (Test Sample #: NM27041), who finished in 8th place in the 9th race on May 26, 2017, at SunRay Park in Farmington, NM. Split sample rights as provided in 15.2.6.10 (D) NMAC, were afforded to and declined by trainer **Omar Gutierrez**.

Licensee is found in violation of

15.2.6.9(C)(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(C)(3) There is no permissible concentration of Clenbuterol that is allowed to appear in any official sample.

For Leticia Nieto's 1st Class 3B medication violation issued in accordance with 15.2.6.9 (B)(2) Penalty Recommendations, the Board of Stewards assessed a penalty as follows.

1. Pursuant to rules 15.2.3 (B)(9)(a)(e), 15.2.6.9(C)(7)(c), 15.2.6.9(C)(8), 15.2.6.9(C)(9)(a-d), the horse "Signature of a Hero" is placed on the Stewards list for a minimum period of 60 days (beginning June 9, 2017). During this period, the papers are to be removed from the racing office and horse is denied entry until he passes a commission approved veterinary examination with a negative blood and urine test.
2. The horse "Signature of a Hero" is hereby disqualified from EIGHTH PLACE and ordered unplaced from the 9th race on May 26, 2017 at SunRay Park Racetrack, for all but pari-mutuel wagering. The purse redistribution is as follows.

1. Sweet Yess Fly
2. Niftygoinsixty
3. Pistol Pete Corona
4. Buildem Miracle
5. Sweet Dixie Lane
6. Louisiana Teller
7. Heavenly Girl
8. Bandits Miracle

Unplaced "Signature of a Hero"

This ruling is written in accordance with:

15.2.3.8(B)(3)(k): Redistribution of Purses and Prizes/ 15.2.5.13(E)(4)(d) : Stewards General Authority/ 15.2.3.8 B (3)(f) Stewards Disciplinary Action/ 15.2.3.8 B (1) (d) Stewards General Authority/ 16.47.1.8. T. KNOWLEDGE OF RULES/ 16.47.1.3 Statutory Authority

16.47.1.8 (U)(1) PROTECTION OF HORSES Each person licensed by the commission shall do all that is reasonable and within their power and scope of duty to guard against and prevent the administration of any drug, medication or other substance, including permissible medication in excess of the maximum allowable level, to any horse entered or to be entered in an official workout or race, as prohibited by these rules.

15.2.1.9(B)(9)(b): Appeal Procedures 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 SunRay Park Stewards

Martin Hamilton *Ron Walker*



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2017-SRP-91
Track SunRay Park
Ruling Date: 6/16/2017

Licensee: GUTIERREZ, OMAR

License Type: 2015 3 Year Trainer Applicant Id: 29540
Date of Birth: 04/20/1980 License Number: 277307

Ruling # 2017-SRP-91

Action Type: Initial Ruling

Ruling:

Trainer **Omar Gutierrez** having waived his rights to a 10-day notice of hearing, appeared before the Board of Stewards June 12, 2017, regarding a lab report from UC/Davis (official testing laboratory for the NMSRC) for a confirmed positive for the prohibited (class 3 penalty B) drug "clenbuterol" detected at 9,662 pg/ml in the horse "**Meleros Cartel**" (Test Sample #: **NM27043**), who finished in 3rd place in the 2nd race on May 28, 2017, at SunRay Park in Farmington, NM. Split sample rights as provided in 15.2.6.10 (D) NMAC, were afforded to and declined by **Omar Gutierrez**.

Licensee is found in violation of

15.2.6.9(C)(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(C)(3) There is no permissible concentration of Clenbuterol that is allowed to appear in any official sample.

For **Omar Gutierrez's** 8th Class 3B medication violation issued in accordance with 15.2.6.9 (B)(2) Penalty Recommendations, the Board of Stewards assessed a penalty as follows.

1. A 1 year suspension of all NMRC licenses starting February 18, 2022, through February 17, 2023, inclusive. These dates are associated with other rulings, and may become effective immediately if those rulings are amended.
2. A (\$5,000.00) Five thousand dollar fine to paid on or before July 16, 2017, in accordance with 15.2.3.8 (B)(3)(I). Failure to pay fine in prescribed time may result in an immediate suspension.
3. Pursuant to rules 15.2.3 (B)(9)(a)(e), 15.2.6.9(C)(7)(c), 15.2.6.9(C)(8), 15.2.6.9(C)(9)(a-d), the horse "**Meleros Cartel**" is placed on the Stewards list for a minimum period of 60 days (beginning June 9, 2017). During this period, the papers are to be removed from the racing office and horse is denied entry until he passes a commission approved veterinary examination with a negative blood and urine test.
4. Referral of this matter to the NMSRC for any further action deemed necessary, in accordance with 15.2.3.8 (B)(3)(j) NMAC;

During said time of applicable suspension, **Omar Gutierrez** is hereby excluded from all areas of the grounds under the jurisdiction of the NMSRC, in accordance with 15.2.1.9 (C)(21). Additionally, effective upon applicable suspension dates, all horses owned or trained, or under the care of **Omar Gutierrez** are ineligible to be entered or start in any race in this jurisdiction, per 15.2.1.9 (C)(21)(c).

This ruling is written in accordance with:

15.2.3.8 B (1)(3)(f)(g)(j)

16.47.1.8 (U)(1) PROTECTION OF HORSES Each person licensed by the commission shall do all that is reasonable and within their power and scope of duty to guard against and prevent the administration of any drug, medication or other substance, including permissible medication in excess of the maximum allowable level, to any horse entered or to be entered in an official workout or race, as prohibited by these rules.

16.47.1.10(B)(1) NMAC: Absolute Insurer: 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."

16.47.1.8 (T) KNOWLEDGE OF RULES

15.2.1.9(B)(9)(b): Appeal Procedures 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."

Martin Hamilton

Don Walker

By Order of The SunRay Park Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2017-SRP-92
Track SunRay Park
Ruling Date: 6/16/2017

Licensee: GUTIERREZ, GUADALUPE I.

License Type: 2016 3 Year Owner Applicant Id: 35377
Date of Birth: 03/26/1978 License Number: 283293

Ruling # 2017-SRP-92

Action Type: Initial Ruling

Ruling:

Owner, Guadalupe I Gutierrez, having waived her rights to a 10 day notice of hearing through **Omar Gutierrez**, and represented by trainer **Omar Gutierrez** before the Board of Stewards June 12, 2017, regarding a lab report from UC/Davis (official testing laboratory for the NMSRC) for a confirmed positive for the prohibited (class 3 penalty B) drug "Clenbuterol" detected at 9,662 pg/ml in the horse "**Meleros Cartel**" (**Test Sample #: NM27043**), who finished 3rd place in the 2nd race on May 28, 2017, at SunRay Park in Farmington, NM. Split sample rights as provided in 15.2.6.10 (D) NMAC, were afforded to and declined by trainer **Omar Gutierrez**.

Licensee is found in violation of

15.2.6.9(C)(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(C)(3) There is no permissible concentration of Clenbuterol that is allowed to appear in any official sample.

For Guadalupe I Gutierrez's 4th Class 3B medication violation issued in accordance with 15.2.6.9 (B)(2) Penalty Recommendations, the Board of Stewards assessed a penalty as follows.

1. A (\$5000.00) Five thousand dollar fine for the 4th Class B violation to paid on or before **July 16, 2017**, in accordance with **15.2.3.8 (B)(3)**
- (I). Failure to pay fine in prescribed time may result in an immediate suspension.
2. Pursuant to rules **15.2.3 (B)(9)(a)(e)**, **15.2.6.9(C)(7)(c)**, **15.2.6.9(C)(8)**, **15.2.6.9(C)(9)(a-d)**, the horse "**Meleros Cartel**" is placed on the Stewards list for a minimum period of 60 days (beginning **June 9, 2017**). During this period, the papers are to be removed from the racing office and horse is denied entry until he passes a commission approved veterinary examination with a negative blood and urine test.
3. The horse "**Green Eye Girl**" is hereby disqualified from **THIRD PLACE** and ordered unplaced from the **2nd race on May 28, 2017 at SunRay Park Racetrack**, for all but pari-mutuel wagering. The purse redistribution is as follows.

1. Simply La Jolla
2. Jess Gots Class
3. Saturday Nite Juliet
4. Dg Dashin Fury
5. Whilowah
6. Mister Know It All
7. Eyesaoldcountrygal
8. Push the Button D

Unplaced "**Meleros Cartel**" Late Scratch: An Agitator

This ruling is written in accordance with:

15.2.3.8(B)(3)(k): Redistribution of Purses and Prizes/ **15.2.5.13(E)(4)(d) :** Stewards General Authority/ **15.2.3.8 B (3)(f)** Stewards Disciplinary Action/ **15.2.3.8 B (1) (d)** Stewards General Authority/ **16.47.1.8. T. KNOWLEDGE OF RULES/ 16.47.1.3** Statutory Authority

16.47.1.8 (U)(1) PROTECTION OF HORSES Each person licensed by the commission shall do all that is reasonable and within their power and scope of duty to guard against and prevent the administration of any drug, medication or other substance, including permissible medication in excess of the maximum allowable level, to any horse entered or to be entered in an official workout or race, as prohibited by these rules.

15.2.1.9(B)(9)(b): Appeal Procedures 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 SunRay Park Stewards

Martin Hamilton

For Walter



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2017-SRP-93
Track SunRay Park
Ruling Date: 6/18/2017

Licensee: GUTIERREZ, LEE JOHN

License Type: 2015 3 Year Trainer Applicant Id: 28848
Date of Birth: 08/10/1957 License Number: 278055

Ruling # 2017-SRP-93

Action Type: Initial Ruling

Ruling:

Trainer **Lee Gutierrez** having waived his 10 day hearing notice, and appeared telephonically before the Board of Stewards June 17, 2017, regarding a lab report from UC/Davis (official testing laboratory for the NMSRC) for a confirmed positive for the prohibited (class 3 penalty B) drug "Gabapentin (Neurontin)" detected at 12 ng/ml in the horse "**Jess Gots Class**" (**Test Sample #: NM26773**), who finished in 1st place in the 2nd race on April 22, 2017, at SunRay Park in Farmington, NM. Split sample rights as provided in 15.2.6.10 (D) NMAC, were afforded to and declined by **Lee Gutierrez**.

Licensee is found in violation of

15.2.6.9(C)(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". **There is no permissible concentration of "Gabapentin" that is allowed to appear in any official sample.**

For **Lee Gutierrez's** 1st Class 3B medication violation issued in accordance with 15.2.6.9 (B)(2) Penalty Recommendations, the Board of Stewards assessed a penalty as follows.

1. A 15 day suspension of all NMRC licenses starting June 26, 2017, through July 10, 2017, inclusive.

2. A (\$750.00) Seven hundred fifty dollar fine to paid on or before July 17, 2017, in accordance with **15.2.3.8 (B)(3)(I).** Failure to pay fine in prescribed time may result in an immediate suspension.

During said time of applicable suspension, **Lee Gutierrez** is hereby excluded from all areas of the grounds under the jurisdiction of the NMSRC, in accordance with **15.2.1.9 (C)(21).** Additionally, effective upon applicable suspension dates, all horses owned or trained, or under the care of **Lee Gutierrez** are ineligible to be entered or start in any race in this jurisdiction, per **15.2.1.9 (C)(21)(c).**

This ruling is written in accordance with:

15.2.3.8 B (1)(3)(f)(g)(j)

16.47.1.10(B)(1) NMAC: Absolute Insurer 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."

16.47.1.8 (U)(1) PROTECTION OF HORSES Each person licensed by the commission shall do all that is reasonable and within their power and scope of duty to guard against and prevent the administration of any drug, medication or other substance, including permissible medication in excess of the maximum allowable level, to any horse entered or to be entered in an official workout or race, as prohibited by these rules.

16.47.1.8 (T) KNOWLEDGE OF RULES

15.2.1.9(B)(9)(b): Appeal Procedures 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 SunRay Park Stewards

Martin Hamilton

For Walsh



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2017-SRP-94
Track SunRay Park
Ruling Date: 6/18/2017

Licensee: CHAVEZ, ARTURO

License Type: 2015 3 Year Trainer Applicant Id: 23940
Date of Birth: 10/09/1957 License Number: 279870

Ruling # 2017-SRP-94

Action Type: Initial Ruling

Ruling:

Trainer ARTURO CHAVEZ having waived his 10 day notice of hearing and having appeared before the Board of Stewards on June 16, 2017, for failing to have a current Piroplasmosis Certificate on file for entry "STREAKAWAY STAR" which resulted in a late scratch in the second race on June 16, 2015 at Sunray Park.

Licensee is found to be in violation of.

15.2.5.12(Z) A horse shall be ineligible to start when "there is no current negative test certificate for equine infectious anemia on file with the racing office, as required by the commission" or Piroplasmosis certificate as required in the condition book.

16.47.1.10(C)(5) the proper identity, custody, care, health, condition, and safety of horses in their charge.

16.47.1.10(C)(7) maintaining a knowledge of the medication record and status of all horses in their care.

15.2.3.8 B (1) (d) Stewards General authority. 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

For this violation, the Board of Stewards assessed ARTURO CHAVEZ a fine in the amount **of two hundred dollars (\$200.00)**. The fine is to be paid on or before July 18, 2017, 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

16.47.1.8. T. KNOWLEDGE OF RULES:

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 SunRay Park Stewards

Martin Hamilton *La Walk*



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2017-SRP-95
Track SunRay Park
Ruling Date: 6/18/2017

Licensee: OROZCO-MORALES, RAY OSBALDO
License Type: 2016 1 Year Owner Applicant Id: 35495
Date of Birth: 10/13/1999 License Number: 283222

Ruling # 2017-SRP-95

Action Type: Initial Ruling

Ruling:

Owner, Ray O. Orozco-Morales, having been duly notified, and represented by trainer **Lee Gutierrez** before the Board of Stewards June 17, 2017, regarding a lab report from UC/Davis (official testing laboratory for the NMSRC) for a confirmed positive for the prohibited (class 3 penalty B) drug "**Gabapentin**" detected at 12 ng/ml in the horse "**Jess Gots Class**" (**Test Sample #: NM26773**), who finished 1st place in the 2nd race on April 22, 2017, at SunRay Park in Farmington, NM. Split sample rights as provided in 15.2.6.10 (D) NMAC, were afforded to and declined by trainer **Lee Gutierrez**.

Licensee is found in violation of

15.2.6.9(C)(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". **There is no permissible concentration of Gabapentin that is allowed to appear in any official sample.**

For Ray O. Orozco-Morales's 1st Class 3B medication violation issued in accordance with 15.2.6.9 (B)(2) Penalty Recommendations, the Board of Stewards assessed a penalty as follows.

1. The horse "**Jess Gots Class**" is hereby disqualified from 1st and ordered unplaced from the 2nd race on April 22, 2017 at SunRay Park Racetrack, for all but pari-mutuel wagering. The purse redistribution is as follows.

1. Brava Regazza
2. Paid the Chick
3. Fanfreakntastic
4. Royal Zoomin
5. Miracle Gold
6. Louisiana Teller
7. King James 440

Unplaced "**Jess Gots Class**" Late Scratch: Pistolleta, Captain Bigtime

2. The horse "**Jess Gots Class**" must pass a commission approved drug examination before becoming eligible for entry.

This ruling is written in accordance with:

15.2.3.8(B)(3)(k): Redistribution of Purses and Prizes/ 15.2.5.13(E)(4)(d) : Stewards General Authority/ 15.2.3.8 B (3)(f) Stewards Disciplinary Action/ 15.2.3.8 B (1) (d) Stewards General Authority/ 16.47.1.8. T. KNOWLEDGE OF RULES/ 16.47.1.3 Statutory Authority 16.47.1.8 (U)(1) PROTECTION OF HORSES Each person licensed by the commission shall do all that is reasonable and within their power and scope of duty to guard against and prevent the administration of any drug, medication or other substance, including permissible medication in excess of the maximum allowable level, to any horse entered or to be entered in an official workout or race, as prohibited by these rules.

15.2.1.9(B)(9)(b): **Appeal Procedures** 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

By Order of The SunRay Park Stewards

Martin Hamilton *Ra Walker*



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2017-SRP-96
Track SunRay Park
Ruling Date: 6/18/2017

Licensee: MUNOZ, EBERT

License Type: 2015 3 Year Trainer Applicant Id: 23853
Date of Birth: 02/07/1982 License Number: 246644

Ruling # 2017-SRP-96

Action Type: Initial Ruling

Ruling:

Trainer **Ebert Munoz**, having been duly notified and having waived his right to a 10 day notice and formal hearing before the Board Of Stewards on **June 17, 2017**, regarding a lab report from UC/Davis (official testing laboratory for the NMSRC), for a confirmed positive for the therapeutic drug, Phenylbutazone (class 4 penalty category C drug) found in test sample **NM 27037** taken from the horse "**Una Linda Corona**" following **the 7th race, on May 26, 2017 at SunRay Park Racetrack**.

The original lab report indicated a finding of Phenylbutazone at **2.45 ug/ml in the blood, which exceeds the allowable limit of 2.0 micrograms per milliliter in the blood**. Split sample rights as provided in 15.2.6.10 (D) NMAC, were afforded to and declined by **Ebert Munoz**.

Licensee is found to be in violation of:

15.2.6.9(C)(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".

Ebert Munoz is the owner and trainer of record for horse "Una Linda Corona". In accordance with 15.2.6.9 (C)(2)(b) NMAC, this is Ebert Munoz's 1st Class 4C minor violation.

For this **1st Class 4C medication violation** issued in accordance with **15.2.6.9 (C)(2)(b) NMAC**, the Board of Stewards assessed **Ebert Munoz a penalty as follows:**

1. A **(\$500.00) FIVE hundred dollar fine to be paid on or before July 18, 2017**, 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.
2. The horse "**Una Linda Corona**", must pass a commission-approved examination before being eligible to run.

This ruling is written in accordance with:

15.2.6.9 A. UNIFORM CLASSIFICATION GUIDELINES (4) Class 4 - This category is comprised primarily of therapeutic medications routinely used in race horses. These may influence performance, but generally have a more limited ability to do so.

15.2.6.11(A) NMAC: Trainer Responsibility

16.47.1.10(B)(1) NMAC: Absolute Insurer 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."

By Order of The SunRay Park Stewards

Martin Sanicette For Walker