

REGULAR MEETING
Before the NM Racing Commission

Transcript of Proceedings
September 26, 2019

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<p>1 NEW MEXICO RACING COMMISSION REGULAR MEETING</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10 TRANSCRIPT OF PROCEEDINGS September 26, 2019 9:08 a.m. 4900 Alameda, Northeast Albuquerque, New Mexico 87113</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20 REPORTED BY: DESTENIE VISARRAGA, RPR, NM CCR #136 WILLIAMS & ASSOCIATES, LLC 1608 5th Street, Northwest Albuquerque, New Mexico 87102</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 MR. CORAZZA: Present.</p> <p>2 CHAIRWOMAN BOURGUET: The next item on the agenda</p> <p>3 is the approval of the agenda. Are there any amendments</p> <p>4 to the agenda?</p> <p>5 Mr. Trejo?</p> <p>6 MR. TREJO: Madam Chair, Members of the</p> <p>7 Commission, if I may go down to item 7D, as in dog, in</p> <p>8 the matter of Trainer Joe Valeriano. If we can take</p> <p>9 Owner Javier Rodriguez out of that.</p> <p>10 CHAIRWOMAN BOURGUET: Okay. Do I have a motion</p> <p>11 to accept the agenda as amended?</p> <p>12 MR. SMITH: So moved.</p> <p>13 CHAIRWOMAN BOURGUET: Second?</p> <p>14 MR. BUFFINGTON: Second.</p> <p>15 CHAIRWOMAN BOURGUET: All those in favor say</p> <p>16 "Aye."</p> <p>17 ALL MEMBERS: "Aye."</p> <p>18 CHAIRWOMAN BOURGUET: Motion passes.</p> <p>19 Regarding the minutes, do I have any changes or</p> <p>20 amendments? I know Rosemary sent them out to us early,</p> <p>21 so if anybody had any suggestions, changes to the</p> <p>22 minutes.</p> <p>23 MR. CORAZZA: I move that we approve the minutes.</p> <p>24 CHAIRWOMAN BOURGUET: Do I have a second?</p> <p>25 MR. SMITH: Second.</p>
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<p>1 CHAIRWOMAN BOURGUET: Thank you, everybody, for</p> <p>2 coming today. We are going to go ahead and get started</p> <p>3 with our meeting this morning. It's 9:10, and I will</p> <p>4 move that we have roll call.</p> <p>5 And I would just like to say something before we</p> <p>6 get started. I may be a little discombobulated today.</p> <p>7 I just lost my father a few days ago, and so I'm busy</p> <p>8 planning funeral arrangements and trying to get this</p> <p>9 commission meeting going.</p> <p>10 I'm anticipating some good, healthy discussion,</p> <p>11 like we've always had. So I've already advised my</p> <p>12 commissioners that if there's anything that I've left</p> <p>13 out or I need to include, just to give me a good ol'</p> <p>14 tough elbow, and we'll move on. Okay.</p> <p>15 So anyway, Rosemary, can you do roll call,</p> <p>16 please?</p> <p>17 MS. GARLEY: John Buffington?</p> <p>18 MR. BUFFINGTON: Present.</p> <p>19 MS. GARLEY: Billy Smith?</p> <p>20 MR. SMITH: Present.</p> <p>21 MS. GARLEY: Beverly Bourguet?</p> <p>22 CHAIRWOMAN BOURGUET: Here.</p> <p>23 MS. GARLEY: David "Hossie" Sanchez?</p> <p>24 MR. SANCHEZ: Here.</p> <p>25 MS. GARLEY: Ken Corazza?</p>	<p>1 CHAIRWOMAN BOURGUET: All those in favor say</p> <p>2 "Aye."</p> <p>3 ALL MEMBERS: "Aye."</p> <p>4 CHAIRWOMAN BOURGUET: I would like to introduce a</p> <p>5 few people here that I think need introduction. We are</p> <p>6 very fortunate to have Tanya Maestas here from the</p> <p>7 attorney general's office. It's been a real pleasure</p> <p>8 reuniting with her. As you know, she used to be our</p> <p>9 assistant AG many years ago and worked very earnestly</p> <p>10 for us. We're also fortunate to have her working in the</p> <p>11 AG's office as top tier, and we come under her as one of</p> <p>12 her responsibilities. So we are having good</p> <p>13 representation. And I just want to thank her, since</p> <p>14 we've came on board, for all of the help that she's</p> <p>15 given us.</p> <p>16 Thank you very much.</p> <p>17 MS. MAESTAS: Thank you.</p> <p>18 CHAIRWOMAN BOURGUET: Also letting you-all know</p> <p>19 we have a new assistant attorney general, Delilah</p> <p>20 Tenorio. She comes very highly recommended, and we are</p> <p>21 fortunate to have her alongside.</p> <p>22 And, Delilah, any time that you feel you need to</p> <p>23 say anything, you're more than welcome to. We welcome</p> <p>24 you wholeheartedly. And we will apologize right now to</p> <p>25 you because, you know, it's going to be a tough job.</p>

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<p style="text-align: right;">Page 5</p> <p>1 And we are glad that you've come on board to help us 2 out. Thank you. 3 MS. TENORIO: Thank you, Madam Chairwoman. 4 CHAIRWOMAN BOURGUET: Okay. Chairwoman reports. 5 First announcement I'd like to make is that there will 6 be a rules and litigation committee meeting on 7 October 16th. Regular commission meeting is scheduled 8 for October 17th. And you might want to add that to 9 your calendars. As you know, chairman -- Commissioner 10 Corazza is our medication chair and will be presiding 11 over that meeting. I will be alongside as co-chair, but 12 we're very fortunate to have Commissioner Corazza as he 13 also offers service on the pharmacy board and has been a 14 significant help to the Commission knowing a lot about 15 the drugs that have been used or should not be used, and 16 the rules that should be made regarding the health and 17 safety of our industry. 18 Also in the audience, we have a representative -- 19 New Mexico Representative Ezzell, would you please say 20 hello. 21 MS. EZZELL: Thank you for acknowledging me this 22 morning. 23 CHAIRWOMAN BOURGUET: Good morning. We're happy 24 to have you. I think that will do for right now. If I 25 overlooked somebody, I apologize. I would like to thank</p>	<p style="text-align: right;">Page 7</p> <p>1 calls that have come to us. I think we've addressed 2 that. We will be -- subsequent to the conference call, 3 we're having a lot of the people who are contacting us, 4 contact their racing secretary, and we'll see how 5 communication goes with that. 6 I suspect if there's any other comments about Zia 7 Park, that the horsemen will have things that they'll 8 need to address. 9 That concludes my report. I will be announcing a 10 statement before public comment. And when we get to 11 that, I will explain to you how we're going to move 12 forward regarding public comment. 13 Okay. Moving to the agency director report, the 14 New Mexico Horsemen Breeders Association report. 15 MS. BARBER: Good morning. I'm Mary Barber from 16 the New Mexico Horse Breeders Association. You should 17 have copies of my report in front of you. We'll do the 18 race-a-day report starting with Ruidoso Downs. 19 In their 54 days of racing, they ran 197 New 20 Mexico-bred races. This is 30 races more than last 21 year. However, they did run like seven days more than 22 the previous year. They averaged 3.65 New Mexico-bred 23 races per day, and they were plus 35 for their required 24 three a day. Their average field size for thoroughbreds 25 was 7.02, quarter horses, 8.87, for a combined average</p>
<p style="text-align: right;">Page 6</p> <p>1 people who have shown up today to take an interest in 2 our business. As you know, that's the duty of this 3 commission to provide opportunities to better our 4 industry. And we know that with your input, that we can 5 all work together as a community. Thank you very much. 6 The next item that I wanted to talk about is my 7 visit with Izzy Trejo and Leasa Johnson, investigator, 8 when we went to Zia Park for the track safety 9 inspection. And we did that the day after Ruidoso had 10 their All American race and Derby race. The next day we 11 all drove to Hobbs for that. And, you know, we did get 12 there early, so not everything was completely done, but 13 I think we've had healthy conversations with Zia Park 14 about things that are ongoing, and we're hoping that 15 they will address -- I know the Commission will be 16 talking about this during executive session. And at our 17 last meeting, there were concerns that they had not 18 hired a director of racing, and when the motion was made 19 for them to do that, they decided that they would have 20 their current racing secretary also have the title of 21 director of racing. I'm not sure that's what the 22 intention of the Commission was. But like said, this is 23 something we'll be discussing. I would like to say that 24 Izzy and I have had telephone conference calls with Zia 25 Park trying to address some of the concerns -- phone</p>	<p style="text-align: right;">Page 8</p> <p>1 field size of 7.72. 2 For the Downs of Albuquerque, I'm only reporting 3 on 51 days. At the time that I made this report and had 4 to send it in, they had not run their final week of 5 racing. So in that time, they ran 196 New Mexico-bred 6 races. That's ten more than last year. They averaged 7 3.84 New Mexico-bred races per day, and they were plus 8 43 for their required three a day. Their thoroughbred 9 average field size was 7.01. Quarter horses, 8.83, for 10 a combination of 7.70. 11 CHAIRWOMAN BOURGUET: I had a question for you, 12 Ms. Barber. When you give your report, and you say that 13 there's 30 more or ten less or whatever, is there a way 14 that you can include in your report if those are stake 15 races or if they're claiming races or -- you know, it 16 doesn't really give us -- I know that you have a list 17 here of the races, but it would be easier for us to see 18 what type of races, were they new races, new stakes, new 19 -- you know, is it something that we -- 20 MS. BARBER: Well, it's this comparison that's 21 also a part of this report. I'm saying they're plus 35 22 a day, but that's for overall, of course. I don't -- 23 it's pretty much their overnight races is what they're 24 up or down on. If you look at their stake races and 25 their trials, they pretty much remain the same for the</p>

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<p style="text-align: right;">Page 9</p> <p>1 most part. But I can certainly try to include that in 2 my report for you next time. 3 CHAIRWOMAN BOURGUET: Okay. Maybe what you might 4 also include in that is the type of race and the monies 5 for that race -- the type of race that was, I think that 6 would be helpful. 7 MS. BARBER: All right. Sure. 8 CHAIRWOMAN BOURGUET: Thank you. 9 MS. BARBER: Okay. So then on to the New 10 Mexico-breds running in open overnight races at Ruidoso 11 Downs in their 54 days, 478 New Mexico-breds ran in 12 overnight races. And of these, 174 came in first, 13 second, or third. That is an average of 36 percent, 88 14 were thoroughbreds, 86 were quarter horses, and they 15 shared in 86,248. If you'd like to look back through 16 the report, you could see each individual horse, whether 17 they came in first, second, or third and exactly how 18 much extra funds they made for being a New Mexico-bred 19 in that race. There are also a few that are on hold 20 still. And that money is not included in this total, 21 because it has not been paid yet. 22 For the Downs of Albuquerque, in their first 23 47 days, which is what was clear at the time I did this 24 report, 435 New Mexico-breds ran in open overnight 25 races, and of those, 120 came in first, second, or</p>	<p style="text-align: right;">Page 11</p> <p>1 question. Does that influence the total? 2 MR. COOK: Yes, slightly. The quarter horses 3 just slightly. Thoroughbreds a little bit. But there 4 again, we've got a lot of scratches by the end of the 5 week, so our numbers and her numbers are going to be a 6 little bit different, but we figure our field size after 7 the scratches, what actually runs down the race. 8 CHAIRWOMAN BOURGUET: Right. And I think that's 9 kind of a good statistic for us. Maybe we can get that 10 information comparatively. 11 MR. SMITH: What do you attribute that to, the 12 scratches? 13 MR. COOK: Well, I mean, we had a couple of 14 turnovers at the gate, which that happens. 15 MR. SMITH: Sure. Most of the time, the trainer 16 inner tube. So the race will go, and then it will 17 scratch one. That happens quite a bit. 18 MR. COOK: You said that, not me. No, it 19 happens. And we do not like that. We hope that when 20 you enter, you enter to run, not to pull -- play any 21 games with us, you know. 22 CHAIRWOMAN BOURGUET: Do you have any house rules 23 about that, Mr. Cook, for somebody who uses it 24 continuously? 25 MR. COOK: Actually, we called out a trainer a</p>
<p style="text-align: right;">Page 10</p> <p>1 third, and that is 28 percent of those horses. 55 were 2 thoroughbreds, and 65 were quarter horses, and they 3 shared \$91,414.80, which was slightly down from that 4 same time last year. 5 That's all I have to report. Did you have any 6 questions for me? 7 MR COOK: Madam Chairman, Don Cook with the 8 Downs. 9 On your average field size, was that before 10 scratches or after scratches? 11 MS. BARBER: That is the horses that were 12 scheduled to participate. So it is before scratches. 13 MR. COOK: We went back -- we went to the Downs, 14 you ended up at 50 some days, with 55 scratched horses 15 in the quarter horse race and 48 scratched horses of 16 thoroughbreds, so your numbers and our numbers are going 17 to be a little bit different, because we consider the 18 field sizes after the scratches. 19 MS. BARBER: Okay. 20 MR. COOK: Your field sizes would be before -- 21 what's on the program? 22 MS. BARBER: Yes. I do this as they come in. I 23 do it before they even run. 24 MR. COOK: Okay. Thank you. 25 CHAIRWOMAN BOURGUET: Okay. That's a really good</p>	<p style="text-align: right;">Page 12</p> <p>1 few years ago about doing this. We put a halt to it. 2 So, no. We know who the people who push the envelope 3 are. 4 CHAIRWOMAN BOURGUET: Okay. Good to know. All 5 right. Thank you very much. 6 Thank you, Ms. Barber. Appreciate your report. 7 New Mexico Horsemen Association report, 8 Mr. Rader? 9 And I would say, make sure you say your name and 10 who you represent for the reporter's purposes. 11 MR. RADER: New Mexico Horsemen's Association, 12 Jay Rader. We're hoping to have a director hired at the 13 late part of October. They're looking for one at this 14 moment. And dorms and the grooms, we're working with -- 15 we're talking with the State Fair now maybe to try to 16 rent their dorm area for the State Fair period of time 17 so we can get the grooms out of the stalls, and we're 18 working with them at this moment. And then about the 19 only other things -- everything's going good. 20 Albuquerque finished good. Here at the Zia Park, we may 21 have a little bit of concern. We think they need to go 22 to ten race days every day for the rest of the meet. If 23 they don't, we believe they're going to have to retro at 24 the end of it. They're 2.4 million more than last year, 25 and their casino's doing good. And that might produce a</p>

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<p style="text-align: right;">Page 13</p> <p>1 retro, is what the girl's saying. They're not spending 2 the money quick enough. We thought we'd bring that to 3 your attention on that. 4 CHAIRWOMAN BOURGUET: Okay. I appreciate that. 5 And I think Mr. Trejo, our auditor, will take care of 6 that as the monitor. I think we addressed that within 7 our house. So thank you for bringing that to our 8 attention. 9 MR. RADER: Any other questions? 10 CHAIRWOMAN BOURGUET: No. If you have nothing 11 else, thank you very much. 12 MR. RADER: Thank you. 13 CHAIRWOMAN BOURGUET: Jockeys' Guild report. 14 MR. BEECH: Good morning, Madam Chair, 15 Commissioners and staff, my name's John Beech. I'm the 16 regional manager for the Jockeys' Guild, Incorporated. 17 First of all, I want to start off with Ruidoso 18 Downs, and what a great finish they had, despite the 19 hail on Friday. But everything went well and was well 20 received and the jocks -- and seeing the patrons have a 21 great time. 22 CHAIRWOMAN BOURGUET: You know my car has hail 23 damage. 24 MR. BEECH: Sorry to hear that. 25 And Zia Park was a good opening. I talked to</p>	<p style="text-align: right;">Page 15</p> <p>1 and ongoing. 2 And it's a good program, Donald. I can't say 3 enough nice things about that man, because he has really 4 taken this on by himself, and has done some really good 5 things. We're still growing. I'm probably not the 6 first to tell you that, but thank you for recognizing 7 that. 8 MR. BEECH: Yes. Also, if you'll notice, 9 throughout the country during the month, you'll see a 10 yellow ribbon on the jocks' boots. They all wear it on 11 the side of their boot. That signifies Children's 12 Cancer Awareness. 13 CHAIRWOMAN BOURGUET: Okay. Thank you. 14 MR. CORAZZA: Mr. Beech, you know, I'm proud of 15 you guys doing this type of stuff. 16 Ken Corazza, by the way. I'm sorry. 17 They show up, the boots are all shined. You 18 know, and the kids get a good kick out of it. And 19 people should recognize that we're in a childcaring 20 mode, as well as doing anything else. I applaud your 21 jocks for doing that and, you know, Don Cook allowing 22 you to take the time to do that stuff. 23 MR. BEECH: He's very supportive of it. So 24 that's all I have. 25 CHAIRWOMAN BOURGUET: Okay. Thank you so much,</p>
<p style="text-align: right;">Page 14</p> <p>1 Mr. Jameson and the jocks down there, they had no 2 complaints. So glad to hear that, and I'll be down 3 there this weekend with them. 4 So moving along. September is Childhood Cancer 5 Awareness month, and the jockeys are very much involved 6 in that, and throughout the country, they -- the jocks 7 get together with the chaplains, and they all go visit 8 the children's hospitals where the children are having 9 cancer treatments, and that. And I want to thank 10 Mr. Cook here, and Chaplain Stoller for doing that. 11 When we first approached Mr. Cook with it, how 12 many -- a few years back, he was on board with it, and 13 they've been doing it ever since. So it's a great 14 thing, you know. The jocks -- and the kids love to see 15 them. They get all dressed up in all their colors and 16 everything and show up with all kinds of gifts for them, 17 sit there and talk to them, take pictures with them, and 18 bring everything like that. 19 CHAIRWOMAN BOURGUET: Yeah, I serve on the 20 chaplain school board, as well as Mr. Trejo, and you 21 know, it's such a great program. And Donald has done a 22 -- we've been so busy this year, we have not been able 23 to attend a lot of the functions, but I could tell you 24 with the help with Mr. Cook and Albuquerque Downs, they 25 have been so supportive with trying to get this started</p>	<p style="text-align: right;">Page 16</p> <p>1 Mr. Beech. 2 MR. BEECH: Thank you. 3 CHAIRWOMAN BOURGUET: Next item on the agenda is 4 our commission director report. 5 Mr. Trejo? 6 MR. TREJO: Yes, Madam Chair, Members of the 7 Commission, Izzy Trejo, Director of the New Mexico 8 Racing Commission. Just following up, the race day came 9 to an end at the Downs of Albuquerque and, you know, a 10 lot of people measure up the success of your race meet 11 with the amount of dollars that were wagered. Some of 12 the new trends and new ways of thinking are: "Well, 13 it's a successful meet if you have a low catastrophic 14 breakdown number." 15 And that's exactly what happened at the Downs of 16 Albuquerque. So I deem it a very successful meet in 17 those regards. I believe we only had two catastrophic 18 injuries reported for the entire race meet. 19 Hats off to Don Cook's track maintenance crew, 20 Sammy and the guys, they kept a very good surface and 21 safe surface. I was there closing weekend and had some 22 people with me and the quarter horses were running right 23 by and you could barely hear them. It seemed like a 24 very good track surface. 25 Also I was there for some stake races, where</p>

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<p style="text-align: right;">Page 17</p> <p>1 children broke out of the starting gate on stake horses, 2 and the kids had so much fun. They came up and were 3 asking when we're going to do this again. So I think 4 it's very important that we focus at least a little bit 5 on that facet of the public, because those kids will 6 grow up to be our next racing fans to keep the industry 7 going. So I think it's very important that we 8 participate in that type of the activity. 9 Ruidoso Downs race meet ended and, of course, 10 it's a traditional Labor Day strong handle figures. I'm 11 not sure whether they're up or down, but closing day 12 handle was 1.7 -- almost 1.8 million. And the 13 impressive thing there is, \$740,000 was bet on track. 14 So that's a pretty strong number. Derby Day -- All 15 American Derby Day, they bet a little over 1.2 million 16 with over \$500,000 wagered on track as a strong figure. 17 So it's good to see that at Ruidoso. They drew the fans 18 in. Things went on without a hitch over there. It was 19 just a great weekend overall in Ruidoso. 20 We had the opening of Zia Park as mentioned. We 21 did the inspection there. Some items that were on the 22 to do list by the previous commission, they've appeared 23 to have gotten done, with some repaving of the backside 24 surfaces, grading of the grounds for water to funnel out 25 of the property into a basin. The horse path they've</p>	<p style="text-align: right;">Page 19</p> <p>1 Section 10-15H13, or section 10-5187 of the Open 2 Meetings Act to discuss matters related to the issue and 3 suspension, renewal, or revocation of a license, to 4 discuss limited personnel matters, to deliberate in 5 connection with administrative adjudicatory proceeding, 6 to discuss attorney-client privilege matters pertaining 7 to threatened or current litigation." 8 Do I have a second? 9 MS. TENORIO: Madam Chair, Members of the 10 Commission, before we enter into executive session, I 11 want to point out on the agenda that it's listed that 12 there's going to be public comment. I would recommend 13 that the Commission amend the agenda to do the public 14 comment before the Commission enters into executive 15 session at this time. 16 MS. MAESTAS: And if I may, just to add on to 17 that, Madam Chair, and Commission members, these are all 18 licensing matters subject to the Open Meetings Act to 19 allow you to go into executive session only if 20 necessary. This is an option for you to be able to do 21 this. But definitely not a requirement and should be 22 done in open session, unless there's a specific matter 23 that you feel needs to go into executive session. 24 So if I may make the recommendation that you 25 would go through the agenda, and if there's a matter on</p>
<p style="text-align: right;">Page 18</p> <p>1 been working on. It's been an ongoing project. They've 2 been trying to keep that safe, taking out some rocks. I 3 think they're going to put some sand or new surface on 4 there. I don't know what their opening weekend numbers 5 were, but I know they have full fields. The money's 6 there. So the people are probably going to come and run 7 their horses. So that goes hand in hand. 8 That's it. I stand for any questions. 9 CHAIRWOMAN BOURGUET: Do we have the fire marshal 10 -- did you just talk about that? 11 MR. TREJO: No. 12 CHAIRWOMAN BOURGUET: It's in the report. 13 MR. TREJO: The fire marshal came to visit the 14 racetrack. We'll leave it at that. 15 CHAIRWOMAN BOURGUET: Okay. And we had a very 16 good discussion. 17 MR. TREJO: Yeah. 18 CHAIRWOMAN BOURGUET: And all is well. 19 Thank you, Mr. Trejo. 20 Item 6 regarding unfinished new business and/or 21 action items regarding licensing. I'm going to read as 22 our new -- this says, "An AG has two asterisks under 23 number 6 which means the Commission may go into 24 executive session to discuss these items, and any other 25 items pursuant to Section 10-15IH1 and Section 15-1H2,</p>	<p style="text-align: right;">Page 20</p> <p>1 the agenda that you feel is a licensing matter that you 2 need to discuss in executive, at that time retreat. 3 CHAIRWOMAN BOURGUET: Okay. 4 MR. CORAZZA: Madam Chair, what happened to item 5 number 6? 6 CHAIRWOMAN BOURGUET: Item number 6? You mean, A 7 through F? 8 MR. CORAZZA: Well, it's talking about business, 9 and items, licensing, approval of the stewards at Zia 10 Park, and stuff. I think we should do that first. 11 CHAIRWOMAN BOURGUET: So that would be in 12 executive session. You want to do that in open session? 13 MR. CORAZZA: Yes, ma'am. 14 CHAIRWOMAN BOURGUET: All right. We will do that 15 in open session then. And so we will withdraw that 16 motion or -- 17 MS. MAESTAS: Yes, Madam Chair. Again, we 18 apologize for any miscommunication on that. Again, 19 these are licensing matters, so you could retreat into 20 executive session, but we would advise you to do this in 21 open session as much as possible. 22 CHAIRWOMAN BOURGUET: I apologize for not knowing 23 this format, but this is brand-new to us, and we did not 24 have a discussion about how we would proceed here. So 25 we will take the advice of our attorney general people</p>

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<p>1 here.</p> <p>2 So moving on to 6A, ratification of approval of</p> <p>3 change in Zia stewards.</p> <p>4 MR. TREJO: Yes, Madam Chair, Members of the</p> <p>5 Commission, I respectfully request ratification of</p> <p>6 approval of Mr. Ruben Rivera to work as a as-needed</p> <p>7 substitute steward throughout the entire Zia Park race</p> <p>8 meet. We think that will work in the first few weeks,</p> <p>9 and then he'll have time with us throughout the race</p> <p>10 meet, as needed.</p> <p>11 CHAIRWOMAN BOURGUET: This is for what track?</p> <p>12 MR. TREJO: Zia Park.</p> <p>13 CHAIRWOMAN BOURGUET: I'm sorry, I'm looking for</p> <p>14 6A.</p> <p>15 MR. CORAZZA: I move that we approve Rivera to</p> <p>16 work at Zia Park.</p> <p>17 MR. BUFFINGTON: So moved.</p> <p>18 CHAIRWOMAN BOURGUET: Any discussion? All those</p> <p>19 in favor say "Aye."</p> <p>20 ALL MEMBERS: "Aye."</p> <p>21 CHAIRWOMAN BOURGUET: Okay. Opposed?</p> <p>22 Motion passes.</p> <p>23 6B, ratification change in New Mexico State Fair</p> <p>24 stewards.</p> <p>25 MR. TREJO: Yes, Madam Chair, Members of the</p>	<p>1 to be a list of probably four people.</p> <p>2 MR. SANCHEZ: Well, nonetheless, let's say the</p> <p>3 first of the year -- from the first of the year, to</p> <p>4 now -- to present.</p> <p>5 MR. TREJO: Okay. Sure.</p> <p>6 CHAIRWOMAN BOURGUET: Thank you, Commissioner.</p> <p>7 6C, approval for the Sunland Park.</p> <p>8 MR. DIX: Madam Chair, Members of the Commission,</p> <p>9 Justin Dix, director of racing at Sunland Park</p> <p>10 racetrack.</p> <p>11 First, I'd like to start out, Madam Chair, and</p> <p>12 give you my condolences for losing your father.</p> <p>13 We have several items for approval. First, I'm</p> <p>14 requesting approval for our 2019/20 post-time schedule.</p> <p>15 MR. CORAZZA: I move to approve.</p> <p>16 CHAIRWOMAN BOURGUET: Do I have a second?</p> <p>17 MR. BUFFINGTON: Second.</p> <p>18 CHAIRWOMAN BOURGUET: Any discussion? All those</p> <p>19 in favor say "Aye."</p> <p>20 ALL MEMBERS: "Aye."</p> <p>21 CHAIRWOMAN BOURGUET: Motion passes unanimously.</p> <p>22 MR. DIX: Thank you, Madam Chair. Next item for</p> <p>23 approval is -- we're requesting approval for our</p> <p>24 2019/2020 wagering format as submitted.</p> <p>25 CHAIRWOMAN BOURGUET: What page would that be on,</p>
<p>Page 22</p> <p>1 Commission, respectfully request ratification of</p> <p>2 approval of Violet Smith to work as a substitute steward</p> <p>3 from September 11th through the end of this New Mexico</p> <p>4 State Fair meet. Due to the overlap, I had to do some</p> <p>5 swapping of stewards around, and that was the reason we</p> <p>6 needed her to come up here to finish the meet off.</p> <p>7 MR. CORAZZA: I move that we ratify.</p> <p>8 MR. SMITH: Second.</p> <p>9 CHAIRWOMAN BOURGUET: I have a second. Any</p> <p>10 discussion? Hearing none, all those in favor say,</p> <p>11 "Aye."</p> <p>12 ALL MEMBERS: "Aye."</p> <p>13 MR. SANCHEZ: Madam Chair, Mr. Trejo, I got a</p> <p>14 question. Our last meeting, I asked you for a report on</p> <p>15 how these stewards were used and how you used them. Did</p> <p>16 you ever get that report?</p> <p>17 MR. TREJO: Madam Chair, Commissioner Sanchez,</p> <p>18 no, I don't have that report.</p> <p>19 MR. SANCHEZ: When do you expect to get it?</p> <p>20 MR. TREJO: I could have it to you by the end of</p> <p>21 business today.</p> <p>22 MR. SANCHEZ: Okay. Sounds good. I really</p> <p>23 appreciate it. And for the rest of the Commission also.</p> <p>24 MR. TREJO: Absolutely. And at this point in</p> <p>25 time, seeing that the roster's down to three, it's going</p>	<p>Page 24</p> <p>1 Rosemary, the wagering form? Oh, here it is, page two.</p> <p>2 MR. CORAZZA: I move to approve.</p> <p>3 MR. SMITH: So moved.</p> <p>4 CHAIRWOMAN BOURGUET: A motion and a second, any</p> <p>5 discussion? All those in favor say "Aye."</p> <p>6 ALL MEMBERS: "Aye."</p> <p>7 CHAIRWOMAN BOURGUET: Motion passes unanimously.</p> <p>8 MR. DIX: Thank you, Madam Chair.</p> <p>9 Our next item for approval is our 2019/2020 purse</p> <p>10 schedule. And this is the same purse schedule that we</p> <p>11 started with last year.</p> <p>12 CHAIRWOMAN BOURGUET: Okay. I will ask for the</p> <p>13 horsemen's input and breeders input on the purse</p> <p>14 schedule. Horsemen, do you have comments about the</p> <p>15 purse schedule?</p> <p>16 MR. RADER: No comment.</p> <p>17 CHAIRWOMAN BOURGUET: Okay. Thank you very much.</p> <p>18 Breeders?</p> <p>19 MS. BARBER: We're fine with it too.</p> <p>20 CHAIRWOMAN BOURGUET: Okay. Thank you very much.</p> <p>21 MR. CORAZZA: I move to approve.</p> <p>22 CHAIRWOMAN BOURGUET: Do I have a second?</p> <p>23 MR. SMITH: Second.</p> <p>24 CHAIRWOMAN BOURGUET: Any discussion? All those</p> <p>25 in favor say "Aye."</p>

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<p style="text-align: right;">Page 25</p> <p>1 ALL MEMBERS: "Aye." 2 CHAIRWOMAN BOURGUET: Okay. Motion passes 3 unanimously. 4 MR. DIX: Thank you, Madam Chair. Our next item 5 for approval is our 2019/2020 stall applications, and 6 these are basically the same as last year with some 7 change in dates. The deadline will be October 28th. 8 CHAIRWOMAN BOURGUET: Okay. And the stable area 9 opens on December 11th, training on December 16th. 10 Okay. 11 I'm going to ask if the horsemen have reviewed 12 this. 13 MR. RADER: We have. 14 CHAIRWOMAN BOURGUET: Okay. No questions? 15 MR. RADER: No. 16 CHAIRWOMAN BOURGUET: Breeders? 17 MS. BARBER: We're fine with it too. 18 CHAIRWOMAN BOURGUET: Okay. Do I have a motion 19 to accept the stall applications? 20 MR. SMITH: So move. 21 MR. CORAZZA: Ken Corazza, second. 22 CHAIRWOMAN BOURGUET: Second? Any discussion? 23 All those in favor say "Aye." 24 ALL MEMBERS: "Aye." 25 CHAIRWOMAN BOURGUET: Motion passes unanimously.</p>	<p style="text-align: right;">Page 27</p> <p>1 report on at this time? 2 MR. DIX: Well, right now, Madam Chair, Members 3 of the Commission, we're under a provisional 4 accreditation. And there's some items that we have to 5 accomplish by the start of our meet, and one of them is 6 third-party Lasix, and we're putting a plan in place for 7 that as we speak. And there's some minor issues, but 8 third-party Lasix will be one of the major issues that 9 we'll have to do, or we'll lose our accreditation 10 January 1st. 11 CHAIRWOMAN BOURGUET: I'm hoping that the 12 horsemen, breeders, and commission, we can all work 13 together so that we ensure that you keep that race. 14 MR. DIX: Thank you. 15 CHAIRWOMAN BOURGUET: Definitely want that. 16 MR. DIX: I should mention too, that on our 17 stakes schedule, that the amount that the breeders put 18 in was up 15,000 per race, and each breed race will be 19 in excess of \$100,000. So that's something that's going 20 to get everybody's attention that every New Mexico-bred 21 stakes that we have will be in excess of 100,000. So 22 I'd like to applaud the breeders and Mary Barber for 23 that. 24 CHAIRWOMAN BOURGUET: Okay. All set. Thank you, 25 Mr. Dix.</p>
<p style="text-align: right;">Page 26</p> <p>1 MR. DIX: Thank you, Madam Chair. Our next item 2 for approval is our 2019/2020 stake schedule as 3 submitted. 4 CHAIRWOMAN BOURGUET: I heard that you-all 5 reduced your Sunland derby purse; is that right? 6 MR. DIX: Madam Chair, Members of the Commission. 7 We originally were going to reduce I believe seven or 8 eight open stakes and eliminate two bred stakes, and the 9 money that's from the purse account will be the same. 10 The actual Sunland Derby reduction is what comes from 11 the bottom line, and Sunland will put in excess of over 12 250,000 into the Sunland Derby. So it goes from 800,000 13 guaranteed to 700,000 guaranteed. 14 I had a discussion with the director of racing -- 15 or president of racing at Churchill Downs, and he said 16 this change would not affect the grade and not affect 17 the points for the derby. And it's a 50 point for 18 Kentucky Derby for 2020, and many races in that same 19 time are much less than the 700,000, so there was no 20 issue with that as well. 21 CHAIRWOMAN BOURGUET: Good. I'm very pleased to 22 hear that. That's one of our premiere races we have in 23 our state. We definitely want you to do that. 24 Regarding any future accreditation issues, is 25 everything okay? Is that something you don't want to</p>	<p style="text-align: right;">Page 28</p> <p>1 Mr. Rader from the Horsemen's Association, any 2 questions on the stakes schedule? 3 MR. RADER: No, we're okay with it. 4 CHAIRWOMAN BOURGUET: Okay. Thank you, sir. 5 Breeders Association? 6 MS. BARBER: Mary Barber, New Mexico Horse 7 Breeders. We are in agreement on the stake schedule, 8 and we'd like to thank Sunland for not eliminating two 9 races they had planned to eliminate. We really 10 appreciate it. And we plan to work with them in the 11 future to try to make things the best we can. 12 CHAIRWOMAN BOURGUET: Well said. I like to 13 encourage all of us to work well as a community. The 14 only way we're going to better our industry is if we 15 have these conversations, and I highly encourage, you 16 know, earlier conversations as much as possible. Thank 17 you. 18 All right. Happy to hear that. Do I have a 19 motion on the floor to approve the 2019/20 stakes 20 schedule of Sunland Park? 21 MR. SMITH: So moved. 22 CHAIRWOMAN BOURGUET: Do we have a second? 23 MR. BUFFINGTON: Second. 24 CHAIRWOMAN BOURGUET: Any discussion? Hearing 25 none, all those in favor say "Aye."</p>

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<p>1 ALL MEMBERS: "Aye." 2 CHAIRWOMAN BOURGUET: Opposed? Motion passes 3 unanimously. 4 MR. DIX: Thank you, Madam Chair. Our next item 5 for approval is our 2019/2020 condition book. And I've 6 been working with Rosemary Garley with that. There may 7 be a few typos on your submission. I don't know if 8 she's got the latest and greatest submitted to the 9 Commission, but I've been working with Ms. Garley on the 10 first commission book, and it's pretty much similar to 11 last year, a lot of the verbiage. 12 CHAIRWOMAN BOURGUET: Mr. Rader for the 13 Horsemen's Association? 14 MR. RADER: We're okay with the book. 15 CHAIRWOMAN BOURGUET: All right. Breeders 16 Association? 17 MS. BARBER: Mary Barber, New Mexico Horse 18 Breeders. We're in agreement with their commission 19 book, and we will also be racing their overnight races 20 for New Mexico-breds as well. 21 CHAIRWOMAN BOURGUET: Okay. 22 MR. DIX: Madam Chair, I would like to mention 23 too, and I don't know if Mary saw it or not, in day 12, 24 we had only two breed races, so we moved sub 1 up into 25 the body. So the copy that you have should have three</p>	<p>1 2019/'20 nomination blanks. The 2020 Shoe Fly West 2 Texas Derby, New Mexico Spring Futurity, West Texas 3 Futurity, West Texas Maturity, and Gaming and Breakage. 4 And that Gaming and Breakage document was submitted by 5 the breeders. 6 CHAIRWOMAN BOURGUET: Okay. Mr. Rader? 7 MR. RADER: We're okay with it. 8 CHAIRWOMAN BOURGUET: Ms. Barber? 9 MS. BARBER: Mary Barber, New Mexico Horse 10 Breeders. We are in agreement. 11 CHAIRWOMAN BOURGUET: Okay. So moving forward, 12 do we have a motion to approve the nomination blanks for 13 the races that are listed on the agenda? 14 MR. SMITH: So moved. 15 CHAIRWOMAN BOURGUET: Second? 16 MR. BUFFINGTON: Second. 17 CHAIRWOMAN BOURGUET: Okay. Any discussion? All 18 those in favor say "Aye." 19 ALL MEMBERS: "Aye." 20 CHAIRWOMAN BOURGUET: Opposed? Motions passes 21 unanimously. 22 MR. DIX: Thank you, Madam Chair. We'll put our 23 nomination blanks and our stall application on our 24 website either this afternoon or tomorrow so that way we 25 have some deadlines that are coming up with first</p>
<p>1 breed races in day 12. So that was a mistake that we 2 had. So that should be corrected. 3 CHAIRWOMAN BOURGUET: Okay. Thank you very much. 4 MR. DIX: Thank you. 5 CHAIRWOMAN BOURGUET: Do I have a motion on the 6 floor to pass the first conditions up for Sunland Park? 7 MR. SMITH: So moved. 8 CHAIRWOMAN BOURGUET: Do I have a second? 9 MR. BUFFINGTON: Second. 10 CHAIRWOMAN BOURGUET: Any discussion? Hearing 11 none all those in favor say "Aye." 12 ALL MEMBERS: "Aye." 13 CHAIRWOMAN BOURGUET: Motion passes unanimously. 14 Number 7. 15 MR. DIX: Thank you, Madam Chair. I should point 16 out in our commission book we added some 8/70 races as 17 well. And Commissioner Sanchez, last meeting, brought 18 that to my attention, and Horsemen had brought that to 19 my attention, and we had some discussions with our local 20 community. So hopefully we could get the word out to 21 the horseman, do not turn their 8/70s out. So they will 22 have some 8/70 races at Sunland Park. So I think that's 23 good news for a segment of our racing community. 24 MR. SANCHEZ: Thank you. 25 MR. DIX: Our next item for approval is our</p>	<p>1 payments. Also, I'll have our nomination secretary call 2 Zia Park and put that information on their overnights, 3 as well. Thank you. 4 CHAIRWOMAN BOURGUET: Thank you, Mr. Dix. I 5 really appreciate your communication with the Horsemen 6 and the Breeders Association. I think it makes 7 everything much easier for us. 8 Mr. Trejo, yes? 9 MR. TREJO: Madam Chair, Members of the 10 Commission. I wasn't sure if the approval of the 11 nomination was tied in with number 8, Gaming and 12 Breakage, or do you want to approve that separate? 13 CHAIRWOMAN BOURGUET: I think we approved 14 nomination blanks, along with the specific races that 15 were run in number 7. 16 MR. TREJO: Okay. We have item 8, gaming and 17 breakage. 18 MR. DIX: I'll make the motion separately. 19 CHAIRWOMAN BOURGUET: Okay. 20 MR. DIX: Madam Chair, Members of the Commission. 21 Sunland Park's requesting the Gaming and Breakage funds 22 for those nominated races. 23 MR. CORAZZA: Move to approve. 24 CHAIRWOMAN BOURGUET: Do I have a second on the 25 floor?</p>

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<p style="text-align: right;">Page 33</p> <p>1 MR. SMITH: So moved. 2 CHAIRWOMAN BOURGUET: Any discussion? All those 3 in favor say "Aye." 4 ALL MEMBERS: "Aye." 5 CHAIRWOMAN BOURGUET: Motion passes unanimously. 6 MR. DIX: Thank you. 7 CHAIRWOMAN BOURGUET: All right. I think Section 8 D and E, let's go to -- well, I'd like to have D and E 9 go into executive session, Ms. Tenorio, Ms. Maestas. 10 And I would like to have public comment so we don't skip 11 over that. So do we need to do public comment and then 12 go into -- okay. 13 So at this time, we'd like to move into public 14 comment. And I don't have the -- oh, thank you. We 15 have a volunteer for the clocker. I appreciate that 16 very much. Okay. So before we get into public comment, 17 I want to make a couple of statements. 18 The Commission is not obligated to provide public 19 comment, but we do it as a courtesy, because we want to 20 hear your opinions and comments. And it's not in 21 violation of the Open Meetings Act to have it or not to 22 have it. We do it as a courtesy, as I said. Moving 23 forward, we're setting some parameters to keep the 24 meeting flowing, and we have a sign-up sheet. And I 25 guess I would ask, is there anybody here that would like</p>	<p style="text-align: right;">Page 35</p> <p>1 you and all that are here to increase the penalty of our 2 out-of-competition testing regarding albuterol and 3 clenbuterol from two months to six months. As was 4 witnessed this past weekend at the Downs of Albuquerque, 5 with 12 bad tests, the penalty is not enough to even 6 come close to slapping the abuse. I have been proud of 7 this Commission and those in the industry who have 8 fought hard to clean up our sport and lead the way for 9 other states to do the same. I have heard from a few 10 who would like to go back to having acceptable levels of 11 clenbuterol and albuterol, but that would be a huge 12 mistake and send a very bad message throughout the 13 industry. 14 In closing, we need to continue to put strong 15 deterrents and penalize those who cheat and put our 16 horses, which we love, and our riders, which we love, in 17 peril. It is paramount to remember also that the eyes 18 of those who would love to do away with horse racing as 19 a sport are watching closely, and we mustn't give them 20 the reason to eliminate our sport. Thank you. 21 CHAIRWOMAN BOURGUET: Thank you, Ms. Alvarez. 22 Debra Laney. 23 MS. LANEY: Hi, Debra Laney. I'm a horse 24 breeder, horse owner, and on the board of the New Mexico 25 Horse Breeders. To be honest -- and thank you for</p>
<p style="text-align: right;">Page 34</p> <p>1 to add their name to the public comment list at this 2 time. 3 Right now I have ten signatures. We're going to 4 state that you keep it to three minutes. And we will 5 have no discussion from the Commission, but we will 6 allow you to use your three minutes to make your 7 comments. So we will not take any of your minutes away 8 from you by addressing these comments. Now, if you 9 would like to have any of your issues or concerns 10 further discussed, you do have an opportunity to bring 11 them to the Commission and ask for them to be placed on 12 the agenda. Okay. All right. So now we will go into 13 executive session. 14 MS. TENORIO: No. Madam Chair, we're going to do 15 public comment. 16 CHAIRWOMAN BOURGUET: I told you it was going to 17 be crazy for me today. Sorry. Thank you. Appreciate 18 it. First on the list is Norma Alvarez. Please come up 19 here. State your name. 20 MS. ALVAREZ: Norma Alvarez. I'm a breeder and 21 owner. 22 Madam Chairwoman and Commissioners, good morning, 23 and staff. My condolences for the loss of your father. 24 I just have one comment. I'm going to read it so 25 I don't get messed up. I have come here today to urge</p>	<p style="text-align: right;">Page 36</p> <p>1 hearing me, all of you. To be honest with you, I came 2 here today because I was upset with the three weeks 3 being eliminated at Albuquerque, and I'm not going to 4 tell you that I like it because number one, I think the 5 horsemen had a lot to do with getting casinos at the 6 racetrack passed through the legislature, and we're 7 always getting dinged as far as days go. And sure you 8 can increase the purse money for less races, but you 9 still eliminated opportunity. 10 With that said, I would like to say how proud I 11 am that I came to this meeting, and the things that 12 Mr. Dix said that they were doing at Sunland Park, which 13 is changing the path from past years, I'm very 14 encouraged over. I'm hoping that this is a start to a 15 new year, and a new way of looking at things. And when 16 he said 8/70 horses were going to be welcomed back at 17 Sunland Park, I almost fell out of my chair. But again, 18 I appreciate what you are doing, and thank you for 19 hearing me. 20 CHAIRWOMAN BOURGUET: Thank you, Ms. Laney. 21 Mr. Cook? 22 MR. COOK: I have a prop, is that okay? 23 CHAIRWOMAN BOURGUET: Are you related to Ross 24 Perot? 25 MR. COOK: I'm going to set that right there.</p>

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<p style="text-align: right;">Page 37</p> <p>1 Madam Chairman, Members of the Commissioners. 2 Sorry to hear about your loss, Madam Chair. 3 Don Cook with the Downs of Albuquerque. The last 4 day of the meet, we had a couple of people come up to us 5 and ask us how the fair can have million dollars purses, 6 and do they have a casino? Do they have sports 7 wagering? And these people, they -- most people in this 8 room understand how it works, but a lot of people don't. 9 So our lease with the New Mexico State Fair is to 10 operate their race meet. There's nothing in our lease 11 that says we have to fund the purses. Now, I'm not up 12 here today to complain about funding the purses, but if 13 we chose not to fund the purses, you could see that the 14 money generated for the State Fair purses through 15 on-track, live handle, you'll be 43,991, simulcast 16 import 32,000 and change. Simulcast export 42,4623, for 17 a total of 119,725, divided into 17 days of racing, 9.5 18 races a day, an average purse of \$743. Of course, that 19 would not work. 20 So we do fund the purses for the State Fair to 21 the amount of \$2,337,000, which 17 days, average 9.5 22 races a day, average purse during the State Fair was 23 \$15,263. 24 So again, we're not here to complain about 25 subsidizing the purses. We understand that we need to</p>	<p style="text-align: right;">Page 39</p> <p>1 that time, but the horsemen and management at the Downs 2 of Albuquerque agreed to do this because we didn't feel 3 like it was right for the horsemen to come there, and 4 then we chop off purses at the end of -- what we call 5 their reg at the State Fair. So keep the horsemen there 6 and to make things fair, the horseman agree to do this 7 back when we did it. 8 CHAIRWOMAN BOURGUET: Thank you, Mr. Barber. 9 Representative Ezzell? 10 MS. EZZELL: Thank you, Madam Chairman. I'm 11 sorry about your daddy. 12 CHAIRWOMAN BOURGUET: Thank you. 13 MS. EZZELL: Madam Chair, members of the 14 committee, thank you very much for allowing me to speak. 15 I have to say that so far our tracks have gone out of 16 their way to put on good meets, and I do have to applaud 17 all of them so far. I know as a horse owner and a horse 18 breeder and the representative from -- a representative 19 from Ruidoso Downs, people have learned that they can 20 come to me from the backside and ask me questions, and I 21 will direct them in which way they need to go. And some 22 of the things I've been hearing, I hate to say this, but 23 they're in regards to Zia Park, some of the problems 24 that have surfaced for the backside over there, and I 25 hope with the inspection that was done by the</p>
<p style="text-align: right;">Page 38</p> <p>1 do that. But what does bother us is when Albuquerque is 2 looked at as they run 38 days, or in 2020, 27 days. You 3 know, we run 56 -- this year, we run 56 days. We 4 operate the meet. 56 days, we also fund 56 days of the 5 meet. So I know next year's already set, but maybe 6 moving forward, we want to get away with -- Albuquerque 7 runs half the day, State Fair runs half the day. We'd 8 like to get that one number. Albuquerque runs 56 days, 9 and in 2020 it's going to be 44 days. So that's where 10 we're going with this. We don't want anybody to get 11 confused that Albuquerque's only running 27 days next 12 year. We're running 44, and we do that. And you can 13 see that we do supplement the State Fair purse. We have 14 no problem doing that. We know we need to do that. We 15 want to start well and go into the State Fair meet with 16 all of the momentum, that's why we fund the purses. But 17 we want to get away with Albuquerque runs only 27, Fair 18 runs 17. We want to combine that. My time's up. 19 CHAIRWOMAN BOURGUET: Thank you, Mr. Cook, I 20 appreciate that. Would it be possible to get a copy. 21 MR. COOK: I'll tell you what, you can have that. 22 CHAIRWOMAN BOURGUET: Yes? 23 MR. BARBER: Madam Chair, Lonny Barber, Director 24 of SunRay Park. I don't know when it was, it was a long 25 time ago, I think I was in charge of the horsemen at</p>	<p style="text-align: right;">Page 40</p> <p>1 Commission, that those problems will soon be resolved. 2 I hope. This does have to do with some of the grooms 3 that are there. I don't want to go into details on 4 that. 5 My next question though, and this is -- I would 6 like to ask this -- see what the status is, if Director 7 Trejo can tell me. I know that last meeting I had 8 concerns about notification of tests. And if the 9 protocol was being met as far as who notification is 10 sent to. And I know that it was, in order, supposed to 11 go to the executive director, the head steward, the 12 medication director, and I was just curious if that 13 protocol has been met as far as test results coming 14 back. 15 MR. TREJO: Madam Chair, Members of the 16 Commission. I can ensure you that it has been 17 implemented. As a matter of fact, staff had to come in 18 on a Saturday just to meet the protocol. A couple of 19 weeks ago, when we got some results back really, really 20 late on a Friday, we came in on Saturday. Not we -- she 21 came in on a Saturday and took care of business. 22 MS. EZZELL: Okay. So Madam Chair, Director 23 Trejo, I'm assuming any results that might be negatory 24 to the industry would be directed to you and to the 25 other two people I just mentioned simultaneously; is</p>

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<p style="text-align: right;">Page 41</p> <p>1 that correct?</p> <p>2 MR. TREJO: Madam Chair, Members of the</p> <p>3 Commission, Representative Ezzell, any violations are</p> <p>4 reported to me, Dr. Waterman, and investigator and the</p> <p>5 stewards.</p> <p>6 MS. EZZELL: Okay. And Madam Chair, Members of</p> <p>7 the Commission, I know there's been some tough</p> <p>8 challenges that you-all have had to deal with, and I</p> <p>9 know it's not an easy job. And the steps that you-all</p> <p>10 have taken, I think we can all work together to make</p> <p>11 this industry better than what we have right now. And I</p> <p>12 think working with the Horsemen's Association, the Horse</p> <p>13 Breeders Association, and the five tracks that are in</p> <p>14 place in the State of New Mexico, putting together</p> <p>15 another summit I think would benefit the industry</p> <p>16 tremendously. We are continually under attack by</p> <p>17 certain special interest groups, and they don't want to</p> <p>18 see the good that we do for betterment of equine racing.</p> <p>19 And they -- they're always trying to see the negative</p> <p>20 side of this. I think with the steps that all of us</p> <p>21 take to make the necessary changes to eliminate some of</p> <p>22 the bad publicity that racing gets, that we have done so</p> <p>23 so far can only be expounded on. So with that, I will</p> <p>24 step down.</p> <p>25 Thank you for allowing me this opportunity to</p>	<p style="text-align: right;">Page 43</p> <p>1 I am a member of the economic development</p> <p>2 leadership team in the City of Raton, and I am here</p> <p>3 representing the city. When the six license comes back</p> <p>4 to the table for discussion, the City of Raton would</p> <p>5 like to put up its nomination, if you will, for that</p> <p>6 license to reinstate the track in Raton. It's not in</p> <p>7 competition with any of the other tracks in our great</p> <p>8 state, but it is to bring more economic development to</p> <p>9 the northern part of the state. So bringing it back to</p> <p>10 Raton, where it was for many years, opens up</p> <p>11 opportunities for the surrounding areas that are really</p> <p>12 struggling. And it's also that opportunity for more</p> <p>13 workforce opportunities. And it sits right on the</p> <p>14 Colorado border. And a lot of the people from Texas,</p> <p>15 Oklahoma, Wyoming, as it has in the past, it gives them</p> <p>16 another opportunity.</p> <p>17 So with those magnificent creatures that want to</p> <p>18 get out there and run, and for the owners, the breeders,</p> <p>19 trainers, and the riders, this will give northern New</p> <p>20 Mexico the opportunity to invite them there, and bring</p> <p>21 in more for our state -- our great state. And that also</p> <p>22 can work alongside of Farmington, and in future meetings</p> <p>23 that you have with the Commission, we would like to talk</p> <p>24 about the mile-high circuit and the opportunities that</p> <p>25 our great state has.</p>
<p style="text-align: right;">Page 42</p> <p>1 speak. Thank you very much.</p> <p>2 CHAIRWOMAN BOURGUET: Thank you.</p> <p>3 Ms. Fincher?</p> <p>4 MS. FINCHER: Leslie Fincher, also an</p> <p>5 owner/breeder. I'm glad to see that the horsemen have</p> <p>6 stepped up to the plate and are being heard. I'd like</p> <p>7 to see more in here, but horsemen are taking care of</p> <p>8 their horses at this time in the morning. I'm glad that</p> <p>9 we're getting a podcast done, and 8/70 races are</p> <p>10 welcome. I just want to see more participation. I'd</p> <p>11 like to see more days at Albuquerque, because what's</p> <p>12 going to happen is the State Fair is going to book the</p> <p>13 days, and they're going to say "Oh, but we can't run</p> <p>14 that." I think that ought to be addressed in approving</p> <p>15 days. We had to buck Arabian Association shows every</p> <p>16 other year, which changed the schedule from spring to</p> <p>17 fall. Therefore, the buildup of the money for purses</p> <p>18 was always different. One year it would be good. One</p> <p>19 year it was half a year. So all these issues have to be</p> <p>20 addressed. And I sure want more horsemen here speaking</p> <p>21 out, instead of just me and a few others. Thank you.</p> <p>22 CHAIRWOMAN BOURGUET: Thank you, Ms. Fincher.</p> <p>23 Retha Shiplet?</p> <p>24 MS. SHIPLET: Yes. Good morning, Commissioners,</p> <p>25 Madam Chair, thank you for this opportunity.</p>	<p style="text-align: right;">Page 44</p> <p>1 So thank you very much.</p> <p>2 CHAIRWOMAN BOURGUET: Thank you for coming. Nice</p> <p>3 to meet you.</p> <p>4 Nice to meet you.</p> <p>5 MS. SHIPLET: Thank you.</p> <p>6 CHAIRWOMAN BOURGUET: Mr. Valenzuela?</p> <p>7 MS. MAESTAS: Madam Chair, I believe that</p> <p>8 Mr. Valenzuela is here listed on your agenda. It may be</p> <p>9 inappropriate to call him.</p> <p>10 CHAIRWOMAN BOURGUET: Do you mind if I scratch</p> <p>11 your name, Mr. Valenzuela? We'll talk with you much</p> <p>12 letter in the agenda. Thank you.</p> <p>13 Ms. Bonar?</p> <p>14 MS. BONAR: Good morning, Madam Chair, Members of</p> <p>15 the Commission. I'm very sorry for your loss.</p> <p>16 My name is Laura Bonar with Animal Protection of</p> <p>17 New Mexico and Animal Protection Voters. We are a</p> <p>18 statewide animal advocacy organization. I mentioned to</p> <p>19 you, I think in August, that we have a variety of</p> <p>20 programs that help animals, including operating a</p> <p>21 statewide animal cruelty hotline, and also help direct</p> <p>22 services to help equines in need around the state</p> <p>23 through emergency feed assistance for individuals,</p> <p>24 support for gelding and humane euthanasia, if people</p> <p>25 can't afford that and the horse needs that kind of care.</p>

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<p style="text-align: right;">Page 45</p> <p>1 And also we provide funding for veterinarian care for 2 horses, donkeys, or mules who have been seized through 3 equine cruelty cases through the State Livestock Board 4 to our state's shelters. 5 I'm here today to talk about the number of horses 6 who die at New Mexico racetracks, and have looked 7 through the paper records that the New Mexico Racing 8 Commission keeps. They're called dead and injured horse 9 reports. In addition to tallies by the racing 10 commission about the deaths, one thing that I thought 11 was -- I think the public is not aware of, as you may 12 know probably, the deaths are self-reported, and the 13 statistics are typically counted in that deaths per 14 thousand that's kind of tracked nationally. It's just 15 those deaths that happen during the races themselves, 16 not during training in the morning, so it's -- the 17 numbers to me, when I added them up from 2018 to 18 June 20, 2019, so just looking at a window of 18 months, 19 it's at least 73 deaths at New Mexico tracks. You know, 20 that's -- as we all know, that's just the paper trail 21 deaths. And I think there's a lot more horses who die 22 because of racing that aren't ever counted. I think 23 really these deaths are on all of us, are the 24 responsibility of all New Mexicans. You know, this 25 industry is supported by the state, and I think that</p>	<p style="text-align: right;">Page 47</p> <p>1 showed a minimum of 59 deaths over the past two years -- 2 I think it's mid -- 2018 and this part of 2019, and part 3 of '17. I think those numbers are extremely high. I 4 think if the general public knew that, they would be 5 horrified. And who can fix that? It really is up to 6 you-all and those of us with an interest in what's going 7 on to do what can be done. 8 I also looked at the licensing violations, and 9 there are a horrific number of doping violations, 10 prohibited drugs, and overmedications of allowed drugs. 11 I think that those license violations are unfortunately 12 not producing a deterrent effect. Even though trainers 13 and owners are fined, many of those fines aren't being 14 paid, so what good is that doing to change that climate. 15 I would simply ask that the Commission make this 16 a priority issue, and reassure people who are interested 17 in this sport that you're doing everything you can to 18 reduce the number of injuries and deaths and take care 19 of people who violate regulations. Thank you. 20 CHAIRWOMAN BOURGUET: Thank you, Ms. Sinclair. 21 UNIDENTIFIED SPEAKER: Yes, ma'am, what group are 22 you with? 23 MS. SINCLAIR: Group? I'm just here as a citizen 24 today. 25 UNIDENTIFIED SPEAKER: I'm sorry, I thought I</p>
<p style="text-align: right;">Page 46</p> <p>1 number is unacceptably too high, and I would -- I 2 understand that many people in this industry and on the 3 Commission have -- and as part of the regulatory body 4 have taken very seriously, you know, your 5 responsibilities in terms of medication violations. But 6 this is the other side of it that I feel doesn't get any 7 attention. And the only way, as you said, is to have 8 these kind of conversations. Thank you, Madam Chair. 9 CHAIRWOMAN BOURGUET: Thank you. Ms. Sinclair? 10 Leslie Fincher? 11 MS. FINCHER: Leslie Fincher. I have a question, 12 in her 73 count, does that count colics in the barn area 13 or are these injuries? 14 CHAIRWOMAN BOURGUET: I'd have to ask Mr. Trejo, 15 because I don't know what she's referring to. We'll 16 have to look into it. 17 MS. SINCLAIR: Good morning, ladies and gentlemen 18 of the Commission. My name is Jaelyn Sinclair. I am a 19 former attorney licensed in the State of Washington, and 20 now a resident of New Mexico for the past 18 years where 21 I'm able to pursue an interest in animal welfare issues, 22 which has always been an avocation of mine. And I have 23 had an opportunity to look at the number of deaths and 24 injuries from horse racing in this state, and my 25 personal review of your records that have been produced</p>	<p style="text-align: right;">Page 48</p> <p>1 missed something. 2 CHAIRWOMAN BOURGUET: Seeing no other public 3 comment, Mr. Trejo, do I make a motion to go into closed 4 session? 5 MS. MAESTAS: I would ask that you read from your 6 script the full motion, and in subsection 1, licensing, 7 that we go in, and then we'll need a second and a roll 8 call, please. 9 CHAIRWOMAN BOURGUET: Okay. I move that the 10 Commission go into closed executive session to discuss 11 only those matters listed on the agency as closed 12 pursuant to Section 10-15-18 to discuss matters related 13 to issuance, suspension, renewal or revocation of a 14 license, to discuss limited personnel matters, to 15 deliberate in connection with the administrative 16 adjudicatory proceedings, and to discuss attorney-client 17 privilege matters pertaining to current and threatened 18 litigation. 19 Do I have a second? 20 MR. SMITH: I second. 21 CHAIRWOMAN BOURGUET: All those in favor, say 22 "Aye." 23 ALL MEMBERS: "Aye." 24 MS. MAESTAS: We need a roll call. 25 CHAIRWOMAN BOURGUET: Okay. Roll call, please.</p>

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Page 49	<p>1 MS. GARLEY: John Buffington? 2 MR. BUFFINGTON: "Aye." 3 MS. GARLEY: Billy Smith? 4 MR. SMITH: Present. 5 MS. GARLEY: Beverly Bourguet? 6 CHAIRWOMAN BOURGUET: Present. 7 MS. GARLEY: David Sanchez? 8 MR. SANCHEZ: Here. 9 MS. GARLEY: Ken Corazza? 10 MR. CORAZZA: Yes. 11 CHAIRWOMAN BOURGUET: Thank you. We will now go 12 into executive session. 13 (Executive session 10:12 a.m. to 11:24 a.m.) 14 CHAIRWOMAN BOURGUET: If we could have roll call 15 to close the meeting, please. 16 MS. MAESTAS: So we're back on open session and 17 you'll need to read on your script the affirmation. 18 CHAIRWOMAN BOURGUET: Right. It says roll call. 19 Okay. After the closed session returns, the Commission 20 is back in open session and I affirm that the Commission 21 discussed only those matters specified in the motion to 22 close the meeting in accordance with Section 10-15-1J. 23 Okay. All right. I think the first item for us 24 to address would be 6D, approval for Zia Park. 25 MR. MCERLEAN: Madam Chair, Members of the</p>	Page 51	<p>1 Downs, request for ratification of approval of 2020 2 nomination blanks. 3 MR. SANCHEZ: Should we have voted on that last 4 one? 5 MS. MAESTAS: So we didn't take a motion. He 6 asked to step out before the motion happened. So 7 there's no action yet. 8 MR. SANCHEZ: No action yet. Okay. 9 MS. MAESTAS: So they have to come back before 10 you. 11 Mr. True, if I may, Madam Chair and 12 Commissioners, with regard to the matter of 6E, approval 13 for Ruidoso Downs, ratification of approval of 2020 14 nomination blanks, after deliberation in executive 15 session, it is my understanding that it is the pleasure 16 of the Commission to not approve the 2020 nomination 17 blanks. 18 The Commission feels strongly, and I would agree, 19 that pursuant to their statutory authority to approve 20 all information determined by the Commission to be 21 necessary to assess your licensure, that you shall bring 22 nomination blanks for approval before the full 23 Commission. The Commission would, therefore, ask you to 24 bring nomination blanks at the next meeting for full 25 approval, submitting that beforehand to Commission staff</p>
Page 50	<p>1 Commission, Chris McErlean representing Zia Park 2 racetrack. 3 MS. MAESTAS: Mr. McErlean, if I may defer to the 4 Madam Chair and the Commissioners, we have discussed the 5 matter of the agenda, the request for ratification of 6 approval of change in 2019 racing officials for Zia 7 Park, and after extensive deliberation in executive 8 session, it is the pleasure of the Commission that the 9 racing officials be approved as it relates to all other 10 officials to the racing secretary, but not approved as 11 it relates to the director of racing. It is the request 12 of the Commission that you have a separate individual be 13 the director of racing and to bring that individual back 14 before the Commission, there name and for approval at 15 the next commission meeting. 16 MS. MCERLEAN: Can I have one second to discuss 17 this with my counsel? 18 MS. MAESTAS: Of course. 19 MR. MCERLEAN: May we leave the room to discuss? 20 MS. MAESTAS: There's not a motion on the table 21 right now, this is just the recommendation, so yes, 22 because we're not taking action on this right now. 23 MR. MCERLEAN: Thank you. 24 MS. MAESTAS: We will move on to the next matter. 25 CHAIRWOMAN BOURGUET: 6D approval of Ruidoso</p>	Page 52	<p>1 so they have an opportunity for review. 2 MR. TRUE: Well, that's unfortunate because these 3 forms have already been approved and already been 4 printed and delivered and are already being returned to 5 us by horsemen. So when we receive that approval from 6 the executive director, we proceeded. Further, the 7 nomination form that was approved prior says that we may 8 change those conditions, which we did. So I'm a little 9 confused as to what we do now. 10 MS. MAESTAS: So before we move forward with what 11 you do now, I would ask the Commission if that 12 accurately represents your discussion in executive 13 session, to make a motion of such. 14 CHAIRWOMAN BOURGUET: What I recall from 15 executive session that the Commission felt that the 16 nomination blanks needed to come before the Commission, 17 and before the Commission as a whole to make that 18 decision. 19 MR. TRUE: I'm still confused on what's 20 happening. 21 MS. MAESTAS: We need a motion and a second on 22 the table before we can further discuss. 23 CHAIRWOMAN BOURGUET: I have a motion on the 24 floor. 25 MR. BUFFINGTON: So moved.</p>

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Page 53	<p>1 CHAIRWOMAN BOURGUET: Second?</p> <p>2 MR. SANCHEZ: I'll second.</p> <p>3 CHAIRWOMAN BOURGUET: Any discussion?</p> <p>4 MS. MAESTAS: So, Mr. True, in terms of</p> <p>5 discussion before a final vote, the Commission feels</p> <p>6 that the approval that was initially -- or the approval</p> <p>7 that you feel was initially given by the executive</p> <p>8 director was not approved by the full Commission. The</p> <p>9 full Commission is the only body that has the authority</p> <p>10 to give full approval. They always have ability to</p> <p>11 either ratify or rescind that approval, full Commission</p> <p>12 authority. The full Commission deliberated upon it, and</p> <p>13 at this point, they are making a motion to rescind that</p> <p>14 authority. Therefore, you need to bring it back before</p> <p>15 them.</p> <p>16 As stated, you do have within there the ability</p> <p>17 to make changes. The Commission is not denying you the</p> <p>18 ability to make changes. Rather, the Commission is</p> <p>19 saying, pursuant to their authority to approve it, they</p> <p>20 want to approve it. They want you to submit it all to</p> <p>21 them for their review and full approval.</p> <p>22 MR. TRUE: Okay. And so to the extent we have</p> <p>23 people already using these forms, we'll just wait on the</p> <p>24 final adjudication of the approval, is that what I'm</p> <p>25 hearing?</p>	Page 55	<p>1 MR. BUFFINGTON: So moved.</p> <p>2 CHAIRWOMAN BOURGUET: Second?</p> <p>3 MR. SMITH: Second.</p> <p>4 CHAIRWOMAN BOURGUET: All those in favor say</p> <p>5 "Aye."</p> <p>6 ALL MEMBERS: "Aye."</p> <p>7 CHAIRWOMAN BOURGUET: Motion passes.</p> <p>8 Okay. Number 7 licensing/pending</p> <p>9 litigation/appeals/hearing officer reports/employment</p> <p>10 contracts, 7A.</p> <p>11 MS. MAESTAS: Madam Chair and Commissioners, in</p> <p>12 the matter of Trainer Fred Danley, based upon your</p> <p>13 deliberations in executive session and extensive review</p> <p>14 of the race as well as a review by the race review</p> <p>15 committee, it's my understanding that you disagree with</p> <p>16 the board of stewards' decision, and instead would -- so</p> <p>17 it's my understanding based upon your deliberation that</p> <p>18 you would disqualify the number 1 decision -- not to</p> <p>19 disqualify the number 1 horse. Sorry about that.</p> <p>20 So the race order would be as originally 6, 2, 1,</p> <p>21 5, 3, 4.</p> <p>22 MR. SMITH: That's not right.</p> <p>23 CHAIRWOMAN BOURGUET: Yeah, I think ---</p> <p>24 MS. MAESTAS: So again, just for clarification, I</p> <p>25 apologize. I'm going to read the explanation from the</p>
Page 54	<p>1 MS. MAESTAS: That's correct, sir.</p> <p>2 MR. TRUE: Okay.</p> <p>3 MS. MAESTAS: You need to vote.</p> <p>4 CHAIRWOMAN BOURGUET: All those in favor, say --</p> <p>5 do I need an individual vote?</p> <p>6 MS. MAESTAS: No.</p> <p>7 CHAIRWOMAN BOURGUET: All those in favor say,</p> <p>8 "Aye."</p> <p>9 ALL MEMBER: "Aye."</p> <p>10 CHAIRWOMAN BOURGUET: Opposed? Motion passes.</p> <p>11 MR. TRUE: Thank you.</p> <p>12 CHAIRWOMAN BOURGUET: Okay. Mr. McErlean? There</p> <p>13 you are. Regarding approval for Zia Park request for</p> <p>14 ratification of approval in change in 2019 racing</p> <p>15 officials.</p> <p>16 MR. MCERLEAN: I have no other comments.</p> <p>17 CHAIRWOMAN BOURGUET: Okay.</p> <p>18 MS. MAESTAS: Hearing no comments, Madam Chair,</p> <p>19 and Members of the Commission, it's my understanding</p> <p>20 that at this time, you would approve all other</p> <p>21 officials, including the racing secretary, with the</p> <p>22 exception of the director of racing to be brought before</p> <p>23 you at the next regularly scheduled meeting.</p> <p>24 CHAIRWOMAN BOURGUET: Do I have a motion on the</p> <p>25 floor?</p>	Page 56	<p>1 race review committee that you agreed upon.</p> <p>2 So the race review committee, which you would</p> <p>3 agree with, disagrees with the board of stewards'</p> <p>4 decision not to disqualify the number 1 horse for</p> <p>5 interfering with the number 2 horse. Therefore, you</p> <p>6 recommend to overturn the board of stewards' decision,</p> <p>7 disqualifying the number 1 horse from second place,</p> <p>8 placing it in third, and moving the number 2 horse from</p> <p>9 third place to second. Sorry for that.</p> <p>10 CHAIRWOMAN BOURGUET: That's correct. Thank you</p> <p>11 for that, Ms. Maestas.</p> <p>12 Do I have a motion on the floor?</p> <p>13 MR. SMITH: So moved.</p> <p>14 CHAIRWOMAN BOURGUET: Second?</p> <p>15 MR. BUFFINGTON: Second.</p> <p>16 CHAIRWOMAN BOURGUET: Discussion? All those in</p> <p>17 favor say "Aye."</p> <p>18 ALL MEMBERS: "Aye."</p> <p>19 CHAIRWOMAN BOURGUET: Motion passes.</p> <p>20 7B, in the matter of owner Jennifer Lopez race</p> <p>21 appeal.</p> <p>22 MS. MAESTAS: Madam Chair and Commissioners,</p> <p>23 based upon your deliberations in executive session, it's</p> <p>24 my understanding that based upon your review of the</p> <p>25 race, and the race review committees' explanation that</p>

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<p style="text-align: right;">Page 57</p> <p>1 you agree with the board of stewards' decision to 2 disqualify the number 6 horse in this matter. 3 CHAIRWOMAN BOURGUET: Okay. Do I have a motion 4 on the floor? 5 MR. SMITH: So moved. 6 CHAIRWOMAN BOURGUET: Second? 7 MR. BUFFINGTON: Second. 8 CHAIRWOMAN BOURGUET: Any discussion? All those 9 in favor say "Aye." 10 ALL MEMBERS: "Aye." 11 CHAIRWOMAN BOURGUET: Motion passes. 12 7C, in the matter of Raul Valenzuela, order to 13 show cause. 14 Is Mr. Valenzuela here? 15 MS. MAESTAS: Madam Chair and Commissioners, 16 Mr. Valenzuela comes before you upon an order to show 17 cause. Mr. Valenzuela is currently a licensed jockey 18 suspended under a five-year suspension and is coming 19 before you asking to be reinstated. 20 CHAIRWOMAN BOURGUET: Mr. Valenzuela, do you want 21 to talk about the five years that you served your 22 penalty? 23 MR. VALENZUELA: Yeah, I was suspended 2014 in 24 August. I had a hearing with the stewards in Ruidoso. 25 It didn't happen. The date got changed. It got pushed</p>	<p style="text-align: right;">Page 59</p> <p>1 MR. VALENZUELA: Yes, sir. 2 MR. CORAZZA: Mr. Valenzuela, what trainer asked 3 you to carry an electrical device? 4 MR. VALENZUELA: No trainer. 5 MR. CORAZZA: What are your plans going forward 6 as far as should we put you under suspension for a while 7 or -- to make sure that you don't have any additional 8 rulings against you coming forward? Or what are you 9 asking us to do? 10 MR. VALENZUELA: I'm asking to be reinstated. I 11 believe, you know, the suspension I believe -- five 12 years is very severe, I believe. The suspension I had 13 completed is severe as opposed to other jockeys in my 14 position that have been caught red-handed with the 15 device and only get one year, or are back riding within 16 two years. 17 MR. SANCHEZ. In New Mexico? 18 MR. VALENZUELA: Here in New Mexico. 19 MR. SMITH: That's true. There's a couple of 20 cases -- a few cases. 21 MR. VALENZUELA: And in my criminal court, due to 22 the device, I was not found guilty of these charges. 23 You know, I still completed the five years due to the -- 24 on the Commission side, and I followed through with the 25 criminal case. I had a year probation. It's over.</p>
<p style="text-align: right;">Page 58</p> <p>1 back. I was in California at the time where I was 2 living. Now, they had a -- they had the hearing. I 3 never got notice of it, neither did the lawyer at the 4 time. So that's why the ruling on August 30th says, "No 5 show." I would have certainly showed up, if I would 6 have knew that was happening. So that's why they gave 7 me five years. At the time of the five years, I also 8 had a criminal case going on that got dismissed one time 9 and got brought back, and got settled again this past 10 year. So I'm coming before to see if I can get 11 reinstated. The time -- the ruling that you guys have 12 is on October 30th. But I haven't rode -- the last time 13 I rode a horse was in August 16, 2014. So if I was to 14 complete the ruling, it's going to be five years and two 15 months, I believe, from the ruling of October. 16 CHAIRWOMAN BOURGUET: Okay. Can I ask you, how 17 old were you when you had this? 18 MR. VALENZUELA: I was 21 years old. 19 CHAIRWOMAN BOURGUET: 21? 20 MR. VALENZUELA: Yes, ma'am. 21 MR. SANCHEZ: Madam Chair. That includes paying 22 your fine? 23 MR. VALENZUELA: Yes, sir. 24 MR. SANCHEZ: Pay your fine and get reinstated, 25 that's what you're saying?</p>	<p style="text-align: right;">Page 60</p> <p>1 It's finished. I had no problems with the law or 2 anything. 3 CHAIRWOMAN BOURGUET: What have you done in this 4 interim part, the five years? 5 MR. VALENZUELA: Between this time of five years, 6 I went back home to Arizona, where I'm from. My father 7 has been a trainer since 2005, licensed in Arizona, and 8 I galloped and worked horses and helped out at the barn, 9 working for him. 10 MR. CORAZZA: At a racetrack? 11 MR. VALENZUELA: At a racetrack. He's trained at 12 True Paradise. 13 MR. CORAZZA: Did you have a license to do that? 14 MR. VALENZUELA: No, he trained at True Paradise. 15 I trained at the ranch at home. 16 MR. CORAZZA: So yeah, but what I just asked you 17 is, did you work these horses at the racetrack? 18 MR. VALENZUELA: No, sir. At home, at the ranch. 19 He is licensed at True Paradise. 20 MR. SMITH: So you've learned your lesson, 21 basically? 22 MR. VALENZUELA: Yes, sir. 23 CHAIRWOMAN BOURGUET: Mr. Valenzuela, I know five 24 years is a long time, but having a machine is a serious 25 offense, and it's our duty to ensure to the public that</p>

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<p>1 when people are betting, that they're getting a fair 2 race, a fair opportunity to bet on that race. 3 MR. VALENZUELA: Correct. 4 CHAIRWOMAN BOURGUET: When we make decisions to 5 do that, it breaks that, you know, assurance and that 6 fair play. So I hope that you have learned your lesson, 7 and that you won't be tempted to do this or any other 8 situation that might take your license away, if you are 9 granted a license today. 10 MR. VALENZUELA: Correct. 11 MR. SMITH: I'd like to make a motion to give him 12 his license back after he pays the \$5,000. 13 CHAIRWOMAN BOURGUET: Do I have a second on that? 14 MR. BUFFINGTON: I will second. 15 CHAIRWOMAN BOURGUET: Any further discussion? 16 Questions? Okay. All those in favor say "Aye." 17 ALL MEMBERS: "Aye." 18 CHAIRWOMAN BOURGUET: Opposed? Motion passes. 19 Congratulations, Mr. Valenzuela. 20 MR. VALENZUELA: Thank you. 21 CHAIRWOMAN BOURGUET: Good luck. 22 Moving to 7E, in the matter of Trainer Martin 23 Orona. 24 MS. MAESTAS: In the matter of number D, Trainer 25 Joel Valeriano, Madam Chair and Commissioners, it's my</p>	<p>1 my understanding that you would like to direct staff to 2 dismiss this matter. 3 CHAIRWOMAN BOURGUET: Okay. Do I have a motion 4 on the floor to dismiss this matter? 5 MR. SMITH: So moved. 6 MR. BUFFINGTON: Second. 7 CHAIRWOMAN BOURGUET: Any discussion? All those 8 until favor say "Aye." 9 ALL MEMBERS: Aye. 10 CHAIRWOMAN BOURGUET: Opposed? Motion passes. 11 7G in the matter of Trainer Jose Ramirez and 12 Owner Carlos Trujillo. 13 MS. MAESTAS: Madam Chair and Commissioners, 14 based upon your deliberations in executive session, it's 15 my understanding that pursuant to the district court 16 order in this matter, you would like to dismiss this 17 matter. 18 CHAIRWOMAN BOURGUET: Okay. Do I have a motion 19 on the floor to dismiss this matter? 20 MR. SMITH: So moved. 21 MR. BUFFINGTON: Second. 22 CHAIRWOMAN BOURGUET: Okay. Any discussion? All 23 those in favor say "Aye." 24 ALL MEMBERS: "Aye." 25 CHAIRWOMAN BOURGUET: Motion passes.</p>
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<p>1 understanding based upon your deliberation in executive 2 session that a district court decision was issued in 3 this matter, and you were directing staff to dismiss 4 this case. 5 CHAIRWOMAN BOURGUET: So it doesn't take any 6 action, or it does? 7 MS. MAESTAS: You have to take action. 8 CHAIRWOMAN BOURGUET: Do I have a motion on the 9 floor to accept the district court's ruling? 10 MR. SMITH: So moved. 11 MR. BUFFINGTON: Second. 12 CHAIRWOMAN BOURGUET: Any further discussion? 13 All those in favor say "Aye." 14 ALL MEMBERS: "Aye." 15 CHAIRWOMAN BOURGUET: Motion passes. 16 7E, the matter of Trainer Martin Orona. 17 MS. MAESTAS: Madam Chair and Commissioners, 18 there is no action on this matter. This was a legal 19 update. 20 CHAIRWOMAN BOURGUET: Okay. Moving to 7F in the 21 matter of Trainer Gerardo Ochoa-Pena/Owner Eusebio 22 Sanchez. 23 MS. MAESTAS: Madam Chair and Commissioners, 24 based upon your deliberation in executive session, you 25 do have a district court order in this matter, and it is</p>	<p>1 Okay. Thank you very much. 2 MR. CORAZZA: I move that we adjourn. 3 CHAIRWOMAN BOURGUET: Okay. Thank you. Do I 4 have a second? 5 MR. SMITH: So moved. 6 CHAIRWOMAN BOURGUET: Motion accepted -- 7 approved. Thank you. 8 (Proceeding concluded at 11:42 a.m.) 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>

REGULAR MEETING
Before the NM Racing Commission

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REPORTER'S CERTIFICATE

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2 I, DESTENIE M. VISARRAGA, RPR, NM CCR #136, DO
3 HEREBY CERTIFY that I did report in stenographic
4 shorthand the questions and answers set forth herein,
5 and the foregoing is a true and correct transcript of
6 the proceeding had upon the taking of this transcript.
7 I FURTHER CERTIFY that I am neither employed by
8 nor related to nor contracted with any of the parties or
9 attorneys in this case, and that I have no interest
10 whatsoever in the final disposition of this case in any
11 court.

Destenie M. Visarraga

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14 Destenie M. Visarraga, RPR, NM CCR #136
License Expires: 12/31/19

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