

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

Date: September 14, 2017 at 8:30 AM

Place: 4900 Alameda Blvd. NE, Albuquerque, NM 87113

Members Present: Chairman Ray Willis; Vice-Chairman Gayla McCulloch; Commissioner Jerry Cosper, DVM; Commissioner Leonard Blach, DVM; Commissioner Ken Corazza.

NMRC Staff Participating: NMRC Executive Director Ismael Trejo; NMRC Manager Rosemary Garley; NMRC Paralegal Tina Marie Arce

Others Present/Participating: Assistant Attorney General Marlo Aragon

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Call to Order and Roll Call	0 to :35	Meeting called to order by Chairman Willis. Roll call was taken by NMRC Paralegal Tina Arce. Assistant Attorney General Marlo Aragon the NMRC General Counsel was present.	No Action Taken.
Approval of Agenda	00:37 01:00	Chairman Willis asked Executive Director Ismael Trejo if there were any changes to the Agenda. Executive Director Ismael Trejo stated that item 7B would need to be changed to "In the Matter of Felipe Flores Jr." on the Agenda.	Motion to approve with changes by Commissioner Blach; Second by Commissioner Cosper. Motion carried without objections or abstentions.
Minutes- August 17, 2017	01:02 to 01:17	Chairman Willis requested a motion to approve the minutes of the August 17, 2017 Regular Commission Meeting.	Motion to approve by Vice-Chairman McCulloch; Second by Commissioner Blach. Motion carried without objections or abstentions.
Chairman's Agenda Rules Committee Update	01:31 to 04:15	Chairman Willis asked for an update on the joint Medication Committee Meeting and the Rules Committee. Commissioner Cosper explained that the Medication Committee was updated by Dr. Waterman regarding the drop in positive tests overall in the State of New Mexico. The Medication Committee also talked about Necropsy and the challenges of getting the horse from	No Action Taken

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		one track to another. Vice-Chairman McCulloch explained that the Rules Committee met directly following the Medication Committee. Vice-Chairman McCulloch stated that there were reports from the Third party Lasix Sub-Committee and the Centralized Bookkeeping Sub-Committee and both would be updating the Rules Committee again in November. Vice-Chairman McCulloch also stated that three action items were brought before the Committee, 15.2.6 NMRC penalty phase was brought to the Committee so that the NMRC could be in compliance with ARCI rules and State Statute.	
NMHBA Report Breeders Report	04:25 to 09:35	Anna Fay Davis, Executive Director of the New Mexico Horse Breeders started with the race a day report as follows: Ruidoso Downs through Monday, September 4, 2017: 184 NM Bred Races in 52 days with 90 TB overnight; 44 QH overnight, 26 QH trials, 7 QH trials, 10 TB stakes, 6 QH stakes for an average of 3.54% per day. New Mexico Breds in open overnight races: Ruidoso Downs; in 42 days, 334 NM bred ran in open overnight; Out of these 334, 131 NM Breds came in 1st, 2nd and 3rd. There were 995 NM Breds that were scheduled to participate in these races. 83 TB and 48 QH 39%, wire transferred \$49,829.00 Race a day report for Downs at Albuquerque through Saturday, September 2, 2017: 137 NM Bred races in 40 days with 90 TB overnight, 44 QH overnight, 2 TB stakes, 1 QH stakes, for an average of 3.43%. There were 1,228 NM Breds that were scheduled to participate in these races. 34 TB and 72 QH 30%, wire transferred \$56,832.40. One day of racing on August 11, 2017 was lost due to weather. Commissioner Blach asked how many mares left the state after the rule change. Ms. Davis stated that she will email Commissioner Blach with that exact information but she stated 91 have paid the fee to leave the state.	No Action Taken

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NMHA Horsemen's Report	09:36 to 014:32	Pat Bingham, Executive Director of the NMHA started by saying that their board members met with Jeff True, the new General Manager of Ruidoso Downs, and they would like to welcome him. Mr. Bingham stated that the economic impact study is still ongoing; everyone should be receiving a post card to participate in the study, as it is a paper drive survey. The horsemen are happy to see the drop in medication positives, and would endorse hair pulling on the thoroughbred side as well. Mr. Bingham stated that there has been a decline in workers in the horse industry, and the horsemen are anticipating this will be a problem in the sport. Chairman Willis questioned why he hasn't seen anything on Farming, or the hay industries on the economic impact survey. Mr. Bingham explained that they will be contacting those industries.	No Action Taken
The Jockey's Guild	014:33 to 016:37	John Beech, Regional Manager for The Jockey's Guild Incorporated started by welcoming Jeff True to Ruidoso Downs. Mr. Beech thanked Ruidoso for sponsoring the Sam Thompson award. Mr. Beech complimented the enforcement team for their professionalism. There were no complaints from the Jockeys at the Downs at Albuquerque, and the air conditioning was fixed in the Jockey's changing room. Mr. Beech thanked Matt Crawford for the surface of the race track at Zia Park, and stated there were no complaints from the Jockeys at Zia Park.	No Action Taken
NMRC Executive Director Report	016:44 to 019:22	Ismael Trejo, Executive Director for NMRC welcomed Jeff True to the Ruidoso Downs. Mr. Trejo stated it was a great time for horse racing in New Mexico, with the All American Futurity and Derby. Numbers at Ruidoso were very good with over 20 thousand spectators during Futurity day and Derby day. The handle was very good with close to 1.5 million bet on All American Futurity day. The NMRC agency has started the paperwork for the new owners to take over Ruidoso Downs. The	No Action Taken

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		enforcement team was very professional in Ruidoso. The NMRC Sunset Review paperwork was submitted to the LFC and the Commission will go before the board to show how important this agency is on October 27, 2017.	
Ratification of Approval of October 2017 Simulcast Schedules for Zia Park, Sunland Park, SunRayPark, Ruidoso Downs, and DAA	019:23 to 020:22	Chairman Willis called for a Motion to ratify the NMRC Executive Director's approval of October Simulcast.	Motion to ratify by Chairman Willis; Second by Commissioner Corazza. Motion carried with no objections and abstentions.
Monthly Simulcast Approvals	020:28 to 021:05	Ismael Trejo, Executive Director of the NMRC stated that the process of approving the Simulcast schedules on an annual basis was looked at by Assistant Attorney General Marlo Aragon, and they can be approved on an annual basis with changes submitted throughout the calendar year.	Motion to approve by Commissioner Cosper; Second by Commissioner Blach. Motion carried with no objections and abstentions.
Ratification of Approval of AQHA Enforcement Team for All American Futurity and Derby	021:08 to 022:33	Ismael Trejo, of the NMRC requested approval for the AQHA Enforcement Team.	Motion to ratify approval by Vice-Chairman McCulloch; Second by Commissioner Cosper. Motion carried with no objections and abstentions.
Approval of Sunland Park Wagering Format Post Times	022:38 to 024:52	Dustin Dix, Director of Racing Operations, Sunland Park requested approval for 2017/2018 Wagering Format and Post Times. Mr. Dix submitted wagering formats for a 9, 10 and 11 race card and explained that Sunland Park changed their 20 cent solo pick six to a \$1.00 pick six with mandatory payouts on the last Tuesday of every month beginning in January 2018. Sunland Park is proposing a 12:30 pm first post schedule for the entire season and with the time change the last race will be sometime between 3:55 pm to 4:35 pm and then after March 11 4:00 pm to 4:50 pm depending on the number of races.	Motion to approve wagering format by Commissioner Blach; Second by Vice-Chairman McCulloch. Motion to approve post times by Vice-Chairman McCulloch; Second by Commissioner Blach. Motions carried with no objections and abstentions.

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Approval of Downs at Albuquerque 2018 Early Closing Nomination Blanks Ratification of Approval to run 10 races and to shorten the distance of races	024:53 to 030:55	Don Cook, with the Downs at Albuquerque requested approval of 2018 Early Closing Nomination Blanks as submitted. The advertising/clerical fee was increased \$5 on each blank. Testing protocols were added to the Quarter Horse Blanks to include hair testing. The Downs at Albuquerque is testing horses on their own and 30 horses had their hair pulled for the QH Derby and Futurity and the La Fiesta Derby and sent them to Texas A&M University at \$100 dollars per test. Mr. Cook stated that when he gets the results back and if there is a positive he will notify the trainer and owner of the horse and the horse will come off the program. Mr. Cook explained that due to safety reasons, management received approval to shorten the distance of the first three races that ran on August 12, 2017. Mr. Cook also explained that on August 23, 2017 the Downs had 10 races to make up the race that was cancelled on August 11, 2017.	Motion to approve Nomination Blanks by Vice-Chairman McCulloch; Second by Commissioner Blach. Motion to ratify to run 10 races and to shorten the distance of races by Vice-Chairman McCulloch; Second by Commissioner Cosper. Motions carried with no objections and abstentions.
Approval of Ruidoso Downs Secondary Application for New GM Stan Sigman comments	031:04 to 046:52	Stan Sigman, Prospective Owner of Ruidoso Downs started by saying that four businessmen are taking ownership of Ruidoso Downs. They are: Johnny Trotter, Chico Flores, John Andreini and Stan Sigman. Mr. Sigman and the prospective new owners would like to preserve the history of Ruidoso Downs. They are hoping to close and become the owners of Ruidoso Downs in 30 days. If it is the desire of the Commission to approve Mr. True's secondary application, staff would suggest that approval be given pending receipt of a favorable background investigation.	Motion to approve Secondary Application by Vice-Chairman McCulloch; Second by Commissioner Cosper. Motion carried with no objections and abstentions.
Licensing/Pending Litigation/Appeals/Hearing Officer Reports (May be Closed pursuant to NMSA 1978, Sections 10-15-1(H)-(1),(3) and (7) and 10-15-1(I))	047:00 to 047:40	Chairman Willis called for a motion to go into Closed Executive Session to discuss items 7A, 7B, 7C, 7D, 7E, and 7F. Roll call was taken with all present. Executive Director Trejo was asked to remain in Executive Session.	Motion to go into Executive Session by Vice-Chairman McCulloch; Second by Commissioner Cosper. Motion carried without objections or abstentions.
Licensing/Pending	<u>Track 2</u>	Chairman Willis called to come out of closed session with the	Motion to come out of Closed

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Litigation/Appeals/Hearing Officer Reports (May be Closed pursuant to NMSA 1978, Sections 10-15-1(H)-(1),(3) and (7) and 10-15-1-(I))	00:00 to 00:45	only matters discussed being 7A, 7B, 7C, 7D, 7E, 7F. Roll call was taken, all Commissioners present.	Session by Chairman Willis.
In the Matter of Edward Kereluk Hearing Officer Report	00:57 to 001:26	Marlo Aragon, General counsel to the NMRC stated that the Commission would like to remand this case for reconsideration to the Hearing Officer.	Motion to remand by Chairman Willis; Second by Vice-Chairman McCulloch. Motion carried without objections or abstentions.
In the Matter of Felipe Flores Jr. Settlement Agreement	01:35 to 02:55	Marlo Aragon, General counsel to the NMRC stated that the Commission would like to send the settlement agreement back for review with a stipulation added that the suspension would be increased to 3 years, that the trainer take and pass the trainer's test in NM and that Mr. Flores come before the Commission before his license is reinstated. If Mr. Flores does not agree to these terms, this case will be set for hearing.	Motion to approve by Vice-Chairman McCulloch; Second by Commissioner Cosper. Motion carried without objections or abstentions.
In the Matter of Mario Sanchez Settlement Agreement	03:01 to 06:32	Marlo Aragon, General counsel to the NMRC stated that the Commission would like to adopt the settlement agreement. A 25k fine is assessed with 10k suspended. 15k is due on or before January 1, 2018. If Mr. Sanchez commits any other violation the suspended portion of the fine shall become due and payable prior to Mr. Sanchez becoming licensed. Mr. Sanchez is assessed a four (4) year suspension with the fourth year suspended if Mr. Sanchez has not violated the terms of the settlement agreement. Mr. Sanchez must re-take and pass the trainers test and must appear before the Commission by requesting to be placed on the Agenda prior to being licensed. "MsFerrari Edition" shall be disqualified and unplaced, "Cautiously" shall be disqualified and unplaced, "MsFerrari Edition" and "Cautiously" shall both be subject to and pass a Commission approved examination before becoming eligible to be entered in any race, and shall be placed	Motion to approve by Commissioner Cosper; Second by Commissioner Blach. Motion carried without objections or abstentions.

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		on the veterinarian's list for ninety (90) days. Any purses related to "MsFerrari Edition" finishing third in the fifth race at Sunland Park on April 3, 2016 and "Caustionsly" finishing second in the ninth race at Zia Park on September 10, 2016 shall be completely forfeited. This settlement shall be deemed approved and executed upon being signed by both parties. Susan Vescovo asked what drug this settlement was for, Marlo Aragon answered "Zilpaterol"	
In the Matter of Taurino Gutierrez Hearing Officer Report	07:11 to 08:48	Marlo Aragon, General counsel to the NMRC stated that the Commission would like to adopt the findings of facts and conclusions of law of the Hearing Officer in part and reject in part with additional conditions. Appellant Trainer Taurino Gutierrez is assessed a fine of \$1,000 dollars. Mr. Gutierrez was assessed a suspension of 60 days. Mr. Gutierrez is not allowed on the grounds of the Association under the jurisdiction of the NMRC during his suspension. The owner of the horse "Valorous" shall receive loss of purse and the horse shall be disqualified and unplaced. The horse "Valorous" must be on the veterinarians list for 90 days and must pass a Commission approved examination prior to becoming eligible.	Motion to approve by Vice-Chairman McCulloch; Second by Commissioner Cosper. Motion carried without objections or abstentions.
In the Matter of Samuel Valeriano Race Appeal	08:49 to 09:21	Marlo Aragon, General counsel to the NMRC stated that the Commission would like to deny the appeal due to Mr. Valeriano not appearing for his hearing.	Motion to approve by Vice-Chairman McCulloch; Second by Commissioner Cosper. Motion carried without objections or abstentions.
Adjournment	09:41	Vice-Chairman McCulloch called for a motion to adjourn.	Motion to adjourn by Vice-Chairman McCulloch; Second Commissioner Blach. Motion carried.

Ray Willis

Chairman Ray Willis

10-18-17

Date

Ismael Trejo

Executive Director Ismael Trejo

10-18-17

Date