

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

Date: September 17, 2020 at 9:09 a.m.

Place: Zoom Video Conference – Meeting ID: 833 5334 2287

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

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

Others Present/Participating: Assistant Attorney General Delilah Tenorio

<i>AGENDA ITEM</i>	<i>RECORDING #</i>	<i>DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
<b>Public Session 1:</b> <b>1. Call to Order and Roll Call</b>	12:20 – 14:00	Meeting called to order at 9:04 a.m. by Chairwoman Bourguet. Roll call was taken by Denise Chavez. Assistant Attorney General Delilah Tenorio, Executive Director Ismael Trejo, and NMRC Paralegal Denise Chavez were present.	No Action Taken.
<b>2. Pledge of Allegiance</b>	14:03 – 14:25		Pledge of Allegiance was recited.
<b>3. Approval of Agenda</b>	14:29 – 15:18	Chairwoman Bourguet asked if there were any changes to be made to the Agenda. None were made.	Motion to approve Agenda by Commissioner Smith. Commissioner Corazza second motion. Motion passed unanimously.





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		<ul style="list-style-type: none"> <li>• Chairwoman Bourguet discussed a letter to the Governor signed by 4 of the 5 racetracks regarding consideration to open racetrack casinos in a limited capacity. The letter was signed by Zia Park, Sunland Park, Ruidoso Downs, and SunRay Park managers.</li> <li>• There has been a request by track management and others regarding ADWs – we need to look at statutes to allow New Mexicans to wager on NM tracks while they are not on a licensed track. In order to get this bill passed, collaboration needs to happen between all racing entities. NM is behind the curve when it comes to ADW.</li> <li>• Regarding the Horse Racing Integrity and Safety Act of 2020; We are waiting to see how this will impact all of the states and the horse racing industry. The NM Racing Industry needs to decide whether we want to opt out or partake in this for QHs. There is no choice for our TBs. Chairwoman Bourguet went over some of the particulars about this Act. “The Authority” (Federal Trade Commission) which is an Independent, self-regulatory entity</li> </ul>	

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	30:41 – 33:50	<p>that is going to develop and implement horse racing anti-doping, medication control program, and a race track safety program. How could this impact us in NM if it passes? State Racing Commissions will no longer make medication rules. They will be made by a NGO (Non-Governmental Organization). This entity will have its own penalty structure. They will have a mandated study on LASIX but this procedure will soon be phased out.</p> <ul style="list-style-type: none"> <li>• Commissioner Buffington discussed waiting for clarity (which not much more has been given) and now we are out of time. He has reached out to the horsemen group and track management with proposed dates. He has received the tracks' preliminary information. He understands that the horsemen's group met yesterday so Commissioner Buffington has not had a chance to follow-up to get their proposals. By next week, we should have more information and will figure out how far apart these proposals are, set up the meeting and begin having the discussion of next year's race dates. Commissioner</li> </ul>	



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		<p>Buffington does not anticipate that we can go past the next regular commission meeting date (October 15, 2020) to finalize these dates. We still have a huge problem with purse money due to closed casinos. He does not anticipate we will be back to normal anytime soon. Stay tuned for more information on upcoming meetings to set upcoming race dates.</p>	
<p><b>6. Agency Director Reports</b>  <b>A. NMHBA Report</b></p>	<p>33:54 – 39:30</p>	<p>Mary Barber began her discussion by asking Commissioner Buffington to please include the NMHBA at any meeting regarding future race dates. She was encouraged by Chairwoman Bourguet if NMHBA does not receive any invitations or feel like they are missing information, please let the Commissioners know as soon as possible.</p> <p>Mary Barber presented the Race-A-Day Report for Ruidoso Downs through Monday, September 7, 2020 stating that they ran 175 NM Bred Races in 50 days. In overnight races, the NMHBA contributed \$602,000. This is \$55,250 less than contributed last year. They averaged 3.50 NM Bred per day, +25 for three a day; 49% TB and 51% QH.</p>	<p>No Action Taken.</p>

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	39:35 – 42:29	<p>Mary Barber also presented the Race-A-Day Report for the Downs at Albuquerque through Sunday, September 6, 2020 stating that they ran 59 NM Bred Races in 18 days. In overnight races, the NMHBA contributed \$358,000. This is \$92,000 more than contributed last year. They averaged 3.28 NM Bred per day, +5 for three a day; 59% TB and 41% QH.</p> <p>Tom Goncharoff, President of NMHBA addressed the Commissioners Zia Park's Training Schedule. This request is coming directly from TB Trainers. It is their understanding that Zia Park will be available for 5 days a week of training. They are requesting the assistance from the Commissioners to help require Zia Park to make training available at least 6 days a week. Mr. Goncharoff was also asked to find out what is common, nationally, for training days of TB horses. Richard Mandella of California was surprised that Zia Park would only be open for training and was told that it is customary for tracks to be open 7 days a week for training. Mr. Goncharoff also spoke with Shug McGaughey and he had a similar response. The biggest concern from the trainers is a safety issue. There is a chance of injury with the lack of exercise. The NMHBA is</p>	



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<b>B. Jockey's Guild Report</b>	42:34 – 43:57	<p>just asking for assistance from the Commission.</p> <p>Izzy reported on behalf of John Beech stating he was having technical issues today. He wanted to congratulate Jockey, Ricky Ramirez for winning his first All American Futurity this year at Ruidoso Downs. Also, they are happy to hear that racing is going to start at Zia Park. They are looking forward to doing the best they can under difficult circumstances. Lastly, in order to help jockey Vinnie Bednar who took a bad spill at Los Alamitos last month, many top jockeys (Mike Smith, Johnny Velazquez, Manny Franco, Javier Castellanos and Tyler Gaffalione) pledged a percentage of their earnings from Kentucky Derby weekend.</p>	
<b>C. NMHA Report</b>	44:24 – 56:04	<p>NMHA Executive Director Richard Erhard First addressed Commissioner Buffington's comments: Mr. Erhard and Commissioner Buffington had a good discussion this past Monday and they did discuss that the horsemen are pulling together a small group that will include the NMHBA. He has not yet had the opportunity to reach out to Mary Barber or Tom Goncharoff, but they will be included to get a calendar of race dates together. They would like to get together</p>	

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		<p>with the race tracks management as well to have something for the Commission to approve at the next regular commission meeting in October and that they are all in agreement on.</p> <p>With regard to Mr. Goncharoff's presentation regarding the number of days Zia Park is available for exercise, NMHA does share the same concern. It is something that they will be addressing in the contract with Zia Park. It is one of the elements of the contract which currently is in negotiation. Mr. Erhard also did research on this issue. Mr. Erhard said he reached out to the American Association of Equine Practitioners and Association of QH Racing and it is best practice to be open 6-7 days per week for exercise, especially for TB horses. He is hopeful that Zia Park will realize this and be open at least 6 days a week for exercise.</p> <p>Mr. Erhard also made note of the number of collaborative conversations that they are having with the NMHBA and also all the track operators. He also noted that there may be times that he will have to disagree with the position of the racetrack operators, the Commission, as well as the members of the Horsemen Association. He said when</p>	



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<b>D. NMRC Executive Director Report</b>	56:11 – 1:04:24	<p>this happens, it is his duty to speak out (whether it be in spoken or written form) and will always do so in a civil and respectful way.</p> <p>Mr. Erhard shared an “Op-Ed” that he believes will be published in the Albuquerque Journal in the very near future. It is regarding the collaborative effort needed to recover after this COVID-19 pandemic.</p> <p>Executive Director Trejo reported the recent high winds caused damage to DAA. 2 races were canceled due to high winds and the rain, but the races were added on to the weekend cards.</p> <p>The NMRC is headed to Zia Park on September 30, 2020 for the facility inspection at 11:00 a.m.</p> <p>Handle figures as the DAA have skyrocketed since Labor Day. This shows that people are still interested in horse racing. This generates money for the equine test fund.</p> <p>We have been working on the logistics for the AQHA Bank of America Challenge Races on October 24. The schedule is ready</p>	

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		<p>for the out-of-competition testing of all the horses that will participate on that day. There will be a licensing clerk there to make sure everyone is in compliance.</p> <p>The Horse Racing Integrity and Safety Act will pass by the end of the year. Mr. Trejo suggested that the industry form a committee to explore the ramifications of this bill being passed and how NM Racing will work around some of the mandates of the bill. This is for TB horses with the opportunity for standard breds and QH to opt in. It will be interesting if the Feds are regulating the TB Industry in NM whereas the Commission has to maintain the finances to regulate the QH Industry.</p> <p>Commissioner Smith asked Izzy how the AQHA stands for QH opting in or out. Izzy replied the only read he has that a couple years ago the AQHA held a council meeting at Ruidoso Downs and their position was that they would be opposed to any federal regulation. He said he is not sure if minds have changed since then. Mr. Trejo stated that the industry suffers more with gathering intelligence more than drug testing. Commissioner Smith says that an aspect of this bill is getting rid of LASIX. If there is</p>	



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		no LASIX in Ruidoso, the times of QH racing is over. Mr. Trejo agreed.	
<b>7. Public Comments</b>	1:04:30 – 1:10:00	Public Comments read by Denise Chavez; 3 signed statements received by licensees;	No Action Taken.
<b>Executive Session: entered at 10:03 a.m.</b>	1:10:04 – end	Discussion of Items listed in the Agenda, pursuant to Sections 10-15-1-H(1), H(3) and H(7) of the Open Meetings Act authorizing closed sessions for matters related to issuance, suspension, renewal, or revocation of a license; deliberations on adjudicatory proceedings and pending or threatened litigation.	Motion to enter into Executive Session made by Commissioner Smith. Second by Commissioner Buffington. Motion passed unanimously.
<b>Open Session 2 called back into session at 1:18 p.m.</b>	17:52 – 18:19		
<b>8. Licensing/Pending Litigation/Appeals/Hearing Officer Reports/Employment Contracts:</b>			
<b>A. SunRay Park (Audit Update)</b>	18:21 – 20:05	Assistant Attorney General Tenorio reported that the Commission would like to entertain a motion to require: 1) that the Auditor submit a list of all documents to SunRay to complete the audit by September 23, 2020; 2) SunRay Park submit those requested documents to the Auditor by September 30, 2020; 3) the Auditor submit her final report	Commissioner Corazza moved to require all four actions be taken by the Auditor and SunRay Park. Second by Commissioner Smith.

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		to the Commission no later than October 13, 2020 and 4) any requests for additional time be sent to Executive Director, Trejo.	Motion passed unanimously.
<b>B. Ruidoso Downs/Jeff True (Licensing: Status Report, Presentation of Draft Letter and Pre-Referral Settlement Agreement for Commission's Approval)</b>	20:08 – 21:07	Assistant Attorney General Tenorio reported that the Commission would like to entertain a motion to approve the letter for signature by Executive Trejo and also approve the pre-referral settlement agreement, both of which will be sent to Ruidoso Downs, Jeff True and their attorney for their review and consideration.	Commissioner Sanchez moved to approve the letter for signature by Mr. Trejo and approval of the pre-referral settlement agreement. Second by Commissioner Buffington. Motion passed unanimously.
<b>C. In the Matters of Felipe Flores, Jr. and Felipe Flores, Sr. (Appeal)</b>	21:18 – 22:11	Assistant Attorney General Tenorio reported that the Commission would like to entertain a motion to approve the Nolle Prosequi that was submitted by the Administrative Prosecutor.	Commissioner Smith moved to approve the Nolle Prosequi. Second by Commissioner Corazza. Motion passed unanimously.
<b>D. In the Matters of Josue Ponce, Rogelio Marquez, Jr. and Kathryn Robinson (Hearing Officer's Report)</b>	22:15 – 23:15	Assistant Attorney General Tenorio reported that this Commission would like to entertain a motion to table this matter to give General Counsel the opportunity to file a Motion to Reconsider in a related case, Rodriguez & Valeriano v. NMRC.	Commissioner Smith moved to table this matter. Second by Commissioner Corazza. Motion passed unanimously.



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<b>9. Unfinished/New Business and/or Action Items Regarding Licensing</b>  <b>A. Approval of 2020 Stewards for Zia Park Race Meet</b>	23:18 – 24:47	Executive Director Trejo requested approval of Ron Walker, Victor Escobar, Reese Howard and Reuben Rivera (substitute steward) as 2020 Stewards for Zia Park	Commissioner Smith moved to approve the 2020 Stewards for Zia Park. Motion second by Commissioner Sanchez. Motion passed unanimously.
<b>B. Ratification of Approval of Substitute Steward on August 21-23 for the DAA Race Met</b>	24:54 – 26:17	Mr. Trejo requested approval of Gerald Richards on August 21-23, 2020.	Commissioner Smith moved to ratify the approval of the substitute steward on August 21-23, 2020 Stewards for DAA. Motion second by Commissioner Buffington. Motion passed unanimously.
<b>C. Approval for Zia Park</b>	26:22 – 29:34	Chris McErlean reported that items 1-6 on the agenda are updates of previously	





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		<p>approximately \$95k/day. Chairwoman Bourguet recalled that all these items were to be discussed with NMHA and NMHBA, and asked if this was done. Mr. McErlean confirmed that the Stakes Schedule, Purse Schedule and the Condition Book were sent to both the NMHA and NMHBA.</p> <p>Chairwoman Bourguet asked if Zia Park received any feedback. Mr. McErlean reported that there were changes made to the Stakes Schedule, the Condition Book was essentially the same conditions as previous. It just needed to be reformatted based on the adjusted race dates and the reflection of the purses. There was no mention of any specific items regarding the condition book races, however.</p> <p>Mr. Erhard reported that the horsemen are in the middle of negotiations with Zia Park regarding the Condition Book. Specifically, the issues are the starter fee and jockey and exercise rider insurance. Madam Chair asked Mr. Erhard to write a letter with these issues prior to the meeting in the future. General Counsel reminded Madam Chair to refrain from any further conversation regarding the condition book as we were still not at that item to discuss.</p>	

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<b>3. Approval of Amended 2020 Gaming &amp; Breakage</b>	37:27 – 38:50	Chris McErlean requested approval of the amended 2020 Gaming & Breakage for Zia Park. These changes are reflected in the letter from Mary Barber of NMHBA. Mr. McErlean confirmed that this was in fact discussed between NMHA, NMHBA and Zia Park.	Commissioner Smith moved to approve the amended 2020 Gaming & Breakage. Motion second by Commissioner Corazza. Motion passed unanimously.
<b>4. Approval of Amended 2020 Stakes Schedule</b>	38:54 – 44:15	<p>Chris McErlean requested approval of the amended 2020 Stakes Schedule for Zia Park. There were changes to this schedule pursuant to discussions with NMHA, NMHBA and Zia Park. Note, the Hobbs America Derby and Futurity races were eliminated and refunds will be sent out to original nominators. There was also an elimination of 3 open TB Stake Races at \$50k/piece. The remaining stakes are all NM Bred Stakes in a total of \$360k from the purse account will be used for these. All the NM Classic Stake Bred Races will happen on November 9 and November 11. Zia Park also moved back the trials for the NM Classic Futurity and Derby to mid-October with the finals on November 9.</p> <ul style="list-style-type: none"> <li>Chairwoman asked Mr. McErlean when the Hobbs America races usually take place. Mr. McErlean confirmed that</li> </ul>	Commissioner Sanchez moved to approve the amended 2020 Stakes Schedule. Second by Commissioner Buffington. Motion passed unanimously.



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		<p>those races are typically opening weekend - at the beginning of the meet. Mr. McErlean reported that there was a change, moving back trials for the NM Classic Futurity and Derby moved to mid-October, again with the finals on November 9.</p> <ul style="list-style-type: none"> <li>Chairwoman asked, how much money did Zia Park move around/added to other purses from the Hobbs America Races? Mr. McErlean responded: the added money for the 2 races was \$80k each; \$160k was eliminated there; there was also approximately another \$50k/\$60k on the QH side for the NM Bred Classic races that were reduced and approximately \$150k on the TB Open Stakes that were reduced. All those monies would have been applied towards overnight races for the current meet to increase the overnight average.</li> <li>Chairwoman wanted to know what that brings the overnight average to? Mr. McErlean reported: again on the previously approved schedule Zia is projecting \$95k per day for overnight purses for the current meet.</li> </ul>	

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<p><b>5. Approval of Amended Condition Book (Book #1)</b></p>	<p>44:17 – 52:08</p>	<ul style="list-style-type: none"> <li>Chairwoman asked for the stakes refunds, how many people were actually nominated for the Hobbs America Futurity and Derby. Mr. McErlean did not have an exact number but guessed there were probably close to 75 individuals a lot of them have multiple horses. There was approximately a couple hundred thousand in total funds collected that will be refunded in full.</li> </ul> <p>Chris McErlean requested approval of the Amended Condition Book (Book #1) for Zia Park. Zia Park resubmitted the Condition Book. The main body of the Book is the conditions for each day's worth of races for the first month. The actual conditions did not change, it was just reconfigured based on the new race day schedule. The purses had to be updated as well as the breeder awards. This condition book will be available online for the horsemen to utilize. Chairwoman Bourguet asked Mr. McErlean how many horses Zia Park has on the backside. Mr. Belcher confirmed that as of last night there were 304. Madam Chair agreed with Mr. McErlean that time is of essence to get this done ASAP, since there are only 304 horses on grounds there is no time to readdress this condition book.</p>	<p>Commissioner Smith moved to approve the amended Condition Book (Book #1). Second by Commissioner Buffington. Motion passed unanimously.</p>



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		<p>Madam Chair allowed Mary Barber of NMHBA comment on the condition book. Mary Barber confirmed that they received this condition book. She verified that the 3-a-day requirement was offered, NMHBA's contributions were correct, and the purses were correct. She said they support the NMHA and the issues that Mr. Erhard brought up earlier in the meeting.</p> <p>Chairwoman asked if these issues had been addressed with the NMHBA Executive Board. Mary Barber replied, no. They attended the meeting held by the NMHA, however all votes were taken from their board and not NMHBA. Several members of the NMHBA Board, not all, were present at this meeting. Mary Barber pointed out that they are not part of the contract that Mr. Erhard is discussing. Chairwoman Bourguet asked Mary how are the breeders effected by the starter fee, worker's comp and jockey's insurance – are the breeders not in support of that? Mary Barber replied that many of the board members of NMHBA are owners and would be effected by the \$150 starter fee and think that most people have a problem with that.</p> <p>Commissioner Buffington believes it is essential to get the Condition Book approved. Commissioner Smith replied that</p>	

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<b>6. Approval of Amended 2020 Wagering Format</b>	52:09 – 53:40	<p>the Commission does not have a say in the starter fee and neither does the NMHA. This is a track decision.</p> <p>Chris McErlean requested approval of the amended 2020 Waging Format for Zia Park. Based on the adjustment of racing dates and number of races per day and amended wagering format for 9 races and 10 races per day. Same number of offerings and types of wagers but just a realignment based on the number of races per day. Chairwoman commented that Race 10 is noted that would begin at 4:03.</p>	Commissioner Smith moved to approve the amended 2020 Wagering Format. Motion second by Commissioner Sanchez. Motion passed unanimously.
<b>D. Approval for Downs at Albuquerque</b>			
<b>1. Ratification of Approval of Kevin Paywa in place of Tim McKernan as Official Clocker on August 21 and August 22, 2020</b>	53:52 – 55:26	<p>Don Cook requested ratification of the approval of Kevin Paywa in place of Tim McKernan as Official Clocker on August 21 and August 22, 2020 at DAA. Mr. McKernan was battling a medical issue and is now back to work.</p>	Commissioner Smith moved to ratify the approval of Kevin Paywa in place of Tim McKernan as Official Clocker on August 21 and 22, 2020. Motion second by Commissioner Sanchez. Motion passed unanimously.



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<p><b>2. Approval of 2021 Nomination Forms:</b></p> <ul style="list-style-type: none"> <li><b>a. NMSF QH Futurity;</b></li> <li><b>b. NMSF QH Derby;</b></li> <li><b>c. NMSF TB Futurity;</b></li> </ul>	55:29 – 59:17	Don Cook requested approval of the 2021 Nomination Forms: a) NMSF QH Futurity; b) NMSF QH Derby; and c) NMSF TB Futurity. Mr. Cook noted that after meeting with Mary Barber, they decided to lower the added money from \$160k to \$100k. These are just estimates and it may be decided later to return to the amounts that they were this year. But, just felt that they better get the blanks out with the \$100k added. This is the only change made on the blanks (items a, b and c).	Commissioner Smith moved to approve the 2021 Nomination Forms a)NMSF QH Futurity; b)NMSF QH Derby; and c) NMSF TB Futurity. Motion second by Commissioner Sanchez. Motion passed unanimously.
<ul style="list-style-type: none"> <li><b>d. DAA La Fiesta Futurity; and</b></li> <li><b>e. La Fiesta Derby</b></li> </ul>	59:20 – 1:00:31	Don Cook further requested approval of the 2021 Nomination Forms: d) DAA La Fiesta Futurity and e) La Fiesta Derby. There were no changes to these blanks from 2020.	Commissioner Smith moved to approve the 2021 Nomination Forms d)DAA La Fiesta Futurity and e)La Fiesta Derby. Motion second by Commissioner Sanchez. Motion passed unanimously.
<b>3. Approval of 2021 Gaming and Breakage</b>	1:00:34 – 1:01:33	Don Cook requested approval of 2021 Gaming & Breakage for DAA. This is to include the added monies from the NMHBA for the 2 NM Bred Futurities and Derbies for the NMSF.	Commissioner Sanchez moved to approve the 2021 Gaming & Breakage. Motion second by Commissioner Smith.

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<b>4. Ratification of Approval of Amended Post Times on September 5, 2020</b>	1:01:36 – 1:02:57	Don Cook requested ratification of the approval of the amended post times on September 5, 2020 for DAA. This change was made to work around the Kentucky Derby.	Motion passed unanimously.  Commissioner Smith moved to ratify the approval of the amended post times on September 5, 2020. Motion second by Commissioner Buffington. Motion passed unanimously.
<b>5. Ratification of Approval to Run 8 Races on September 9, 2020</b>	1:03:00 – 1:05:07	Don Cook requested ratification of approval to run 8 races on September 9, 2020 for DAA. This change was due to extremely high winds and rain. DAA put these races back up closing weekend so the horsemen could run. Chairwoman asked if everything has been fixed or replaced. Mr. Cook said the grandstand is damaged but expects it to be fixed by Challenge Day on the 24 <sup>th</sup> .	Commissioner Smith moved to ratify the approval to run 8 races on September 9, 2020. Motion second by Commissioner Sanchez. Motion passed unanimously.



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<b>D. Approval for Ruidoso Downs</b>	1:05:15 – 1:11:32	Mr. True began with sharing the end of meet summary with the Commissioners.	
<b>1. Approval of Addendum to Approved Simulcast Agreement with Game Play (dba B Spot)</b>	1:11:33 – 1:12:39	Jeff True requested this item be withdrawn.	Agenda Item withdrawn. No further action taken.
<b>2. Ratification of Approval of Variance to Run 9 Races on September 4, 2020</b>	1:12:40 – 1:14:24	Jeff True requested ratification of the approval of the variance to run 9 races on September 4, 2020 for Ruidoso Downs.	Commissioner Smith moved to ratify the approval of the variance to run 9 races on September 4, 2020. Second by Commissioner Corazza. Motion passed unanimously.
<b>3. Approval of Early Post Times for August 21, 22 and 23, 2020</b>	1:14:28 – 1:29:16	Jeff True requested approval of early post times for August 21, 22 and 23, 2020 for Ruidoso Downs. Mr. True reported that The All American Futurity trials drew 16 trials per day and drew 13 for the derby and in order to get all those races in before too late in the evening Ruidoso Downs requested an early post time. The email sent to Mr. Trejo was informing the commission of the early post time and now this is a request to approve the early post times. Commissioner Sanchez asked why is the Commission approving and not ratifying the early post	Commissioner Sanchez motion to deny the approval of early post times for August 21, 22 and 23, 2020. Motion second by Commissioner Corazza. Motion passed unanimously.

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		<p>times. Mr. Trejo answered that we were never given a request at the appropriate time when this occurred. The event already had taken place. Mr. Trejo was never able to approve. Commissioner Sanchez has a problem with approving this item since it is after the fact. The email received from Mr. True was not a request. Mr. True was asked if he has questions about the process and told to follow the process that all the other tracks follow. Mr. True asked where to find the instruction to have items approved and/or ratified. Mr. Trejo referred Mr. True to NMAC 15.2.2.8(T)(1). Commissioner Corazza informed Mr. True to change the way he is doing things and do it right. Mr. True said he believes that these errors are because both he and Mr. Trejo no longer have their administrative assistants but promises to get these items to the Commission in the form and on time required by the Commission in the future. Chairwoman suggested that the Commission "approve by ratification" Ruidoso Downs' early post times. Commissioner Sanchez did not agree with Chairwoman. AAG Tenorio advised the Commission that the email was deficient and she would err on the side of caution and advised the Commission to deny the motion for approval at this point and require Mr. True to amend his request for</p>	



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<p>4. <b>Approval of 2 Races Listed in Condition Book 5 Each Day to Be Called Off for September 6 and 7, 2020</b></p>	1:29:20 – 1:33:13	<p>ratification and put it on the Agenda for the next meeting. Commissioner Corazza agreed with the legal advice from AAG Tenorio.</p> <p>Jeff True requested approval of 2 races listed in condition book 5 each day to be called off for September 6 and 7, 2020 for Ruidoso Downs. The condition book reflected the desire to run 12 races the last two days of the meet, however were unable to run these additional races. Mr. Trejo pointed out that Ruidoso Downs is approved to run 10 races and therefore an approval is not necessary. Chairwoman suggested withdrawing this item from the Agenda. No further action is necessary.</p>	<p>Agenda Item withdrawn. No further action taken.</p>
<p>5.</p> <p>6. <b>Approval of Amendments of 2021 Triple Crown Nomination Forms (a) All American Futurity; b) All American Derby/All American Oaks; c) Rainbow Futurity; d) Rainbow Derby/Rainbow Oaks; e) Ruidoso Futurity; f) Ruidoso Derby</b></p>	1:33:18 – 2:22:20	<p>Jeff True requested approval of the amended 2021 Triple Crown Nomination Forms: a) All American Futurity; b) All American Derby/All American Oaks; c) Rainbow Futurity; d) Rainbow Derby/Rainbow Oaks; e) Ruidoso Futurity and f) Ruidoso Derby all with a 15% increase in Administrative Fee for Ruidoso Downs. This request is to mitigate expenses running this meeting. It is temporary. Mr. True believes that when things return to normal, the administrative fee will go back down. Commissioner Sanchez asked how much Mr. True thinks</p>	<p>Chairwoman Bourguet moved to approve the amended 2021 Triple Crown Nomination Forms with the 15% Admin. Fee increase for one year only. Motion second by Commissioner Buffington. Motion passed 4-1.</p>

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		<p>this 5% increase will generate. Mr. True replied that there are 8 races that are being requested to increase which will be approximately \$400k annually.</p> <p>Commissioner Sanchez says it's very important that they know what this money is going to be used for. Mr. True replied it is used for race track operations. Mr. Sanchez asked if any of this money goes to testing. Mr. True responded that Ruidoso Downs generates quite a bit of money for testing. The NM Bred races will be left at 10% Administrative Fee. Mr. True told Commissioner Sanchez that he expects this request to be only for 2-3 years only.</p> <p>Commissioner Smith said in order for the Commission to approve this, they will need something in writing an end date to this request and spreading out the money. He suggested Ruidoso Downs consider a starter fee instead. Chairwoman will hear a motion for 2021 only increase. Commissioner Buffington was the only Commissioner to motion. No second. Chairwoman Bourguet asked if she made the motion, if Commissioner Buffington would second. Commissioner Buffington agreed.</p> <p>Commissioner Sanchez said he will vote for this if some of the money is ear-marked for testing. Commissioner Corazza said he will only vote yes if it is for one year only. Mr.</p>	



<i>AGENDA ITEM</i>	<i>RECORDING #</i>	<i>DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
7. Approval of Amendments to 2022 Triple Crown Nomination Form	2:22:25 – 2:38:12	<p>Trejo pointed out that the industry spends about \$190k - \$215k at Ruidoso a season and so the money generated is still lopsided. Sunland Park generates a majority of the pari-mutuel in this state. Testing money comes from both on track and pari-mutuel. The Agency has a lot of money going out for testing and not a whole lot coming in. This is a losing business proposition. Sooner or later the racing industry is going to run out of money for testing.</p> <p>Jeff True requested approval of the amended 2022 Triple Crown Nomination Forms with a 15% increase in Administrative Fee for Ruidoso Downs. This is for January 2021 for races in 2022 - 3 payments (Jan. March and June) in the first part of the year. They will go back for approval for an increase in 2022. Chairwoman Bourguet called for a motion. Nobody motioned. Chairwoman made the motion and Commissioner Buffington seconded the motion. Commissioners Corazza and Smith would like more time to think about this. Jeff True is asking for approval now to get these forms out as soon as possible.</p>	<p>Chairwoman Bourguet moved to approve the 2022 Triple Crown Nomination Forms with 15% Administrative Fee increase. Motion second by Commissioner Buffington. Motion passed unanimously.</p>
2. Adjournment @ 3:40 p.m.	2:38:14 - end		



10/28/20

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Chairwoman Beverly Bourguet

Date



10-28-2020

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Executive Director Ismael Trejo

Date