



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-SUN-149
Track Sunland Park
Ruling Date: 3/14/2016

Licensee: GONZALES, ANTOINETTE MARIE
License Type: 2015 3 Year Trainer Applicant Id: 26432
Date of Birth: 09/08/1977 License Number: 246806

Ruling # 2016-SUN-149

Action Type: Initial Ruling

Ruling:

Trainer, Antoinette Gonzales, having been duly notified, and having appeared telephonically before the Board of Stewards on this date, regarding a lab report from UC/Davis (official testing laboratory for the NMSRC), for a confirmed positive test for the Class III drug "Clenbuterol", which was found in sample NM13881, after it was collected from the horse "Favorite Celebrity" which finished third (3rd) in the first (1st) race, Monday, July 6, 2015 at Ruidoso Downs. (The original lab report indicated a finding of Clenbuterol at a level of 1,108 pg/ml in the urine. Split sampling rights, as provided in 15.2.6.10 (D) NMAC were afforded to, and denied by, Antoinette Gonzalez.)

Antoinette Gonzalez is found to be in violation of:

15.2.6.9(D) (1-2-3) NMAC: Which states that "A finding by the Commission approved laboratory of a prohibited drug, chemical or other substance in a test specimen of a horse is prima facie evidence that the prohibited drug, chemical or other substance was administered to the horse and, in the case of a post-race test, was present in the horse's body while it was participating in a race (b) therapeutic medications in excess of established acceptable levels".

15.2.6.9 (P) NMAC: Which states the suspension of authorized medications, as outlined in sections 1-2-3-4, which led to a published, posted, and distributed memo effective April 20, 2012, in which states in part "Clenbuterol in a post race test that exceeds the screening limit of 100 pg/ml in urine, or 2 pg/ml in serum/plasma will constitute a violation of NMSRC rules. A subsequent published, posted, and distributed memo dated April 26, 2013, stated the criteria for Clenbuterol remained in effect".

15.2.6.11(A) NMAC and 16.47.1.10(B)(1) NMAC: Which states that "The Trainer is the absolute insurer of the condition of horses entered in an official workout or race, and is responsible for the presence of any prohibited drug or medication, or other prohibited substance in such horse. A positive test for a prohibited drug or medication or other prohibited substance or the presence of permitted medication in excess of maximum allowable levels as reported by the commission approved laboratory is prima facie evidence of a violation of this rule. The Trainer is absolutely responsible regardless of the acts of third party."

For this violation, the Board of Stewards assessed Antoinette Gonzales a penalty as follows:

- (1) A suspension of any/all NMSRC issued licenses for a period of 60 calendar days (March 15 through May 14, 2016, Inclusive);
- (2) A fine in the amount of one-thousand dollars (\$1,000.00.);
- (3) Loss of purse of the first (1st) race, third (3rd) place date, July 6, 2015 at Ruidoso Downs. Final order of finish is (1) Her Number (2) Pradict a Storm (3) Diehard Diane (4) Blush Threat (5) Jessica James Jr. (6) Lion Chick (7) Genuine Princess (8) Swift Little Bree
- (4) Horse must pass a commission approved examine before becoming eligible to be entered in a race.

This is a first offense positive test violation in the past 365 day period, and is issued in accordance with 15.2.6.9 (C) (2) NMAC. The fine is to be paid on or before any reinstatement date, in accordance with 15.2.3.8(B) (3) (l) NMAC.

During said time of applicable suspension, Antoinette Gonzales is hereby excluded from all areas of the grounds under the jurisdiction of the NMSRC, in accordance with 15.2.1.9 (C) (21) (a-b) NMAC, and 15.2.3.8 (B) (3) (f) NMAC.

Additionally, effective upon applicable suspension dates, all horses owned or trained, or under the care of Antoinette Gonzales are ineligible to be entered or start in any race in this jurisdiction, per 15.2.1.9 (C) (21) (c) NMAC.

(Additional sanction is to apply to the Owner, and Horse, as outlined in number four above.)

BY ORDER OF THE SUNLAND PARK BOARD OF STEWARDS



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-SUN-150
Track Sunland Park
Ruling Date: 3/14/2016

Licensee: COLLETT, CARLTON SHAN
License Type: 2014 3 Year Practicing Applicant Id: 5852
Date of Birth: 03/08/1964 License Number: 205877

Ruling # 2016-SUN-150

Action Type: Initial Ruling

Ruling:

Licensee having appeared by telephone before the Board of Stewards on March 8, 2016 for employing a person in a capacity for which he/she was not licensed.

Narrative: 16.47.1.8 (G)(1) NMAC: Which states in pertinent part "The employment of any unlicensed person under the jurisdiction of the Commission is prohibited".

Licensee was found to be in violation of Commission rules. Thus, for this rule violation, the Board of Stewards assessed licensee a penalty in the amount of two hundred dollars (\$200). The fine is to be paid on or before April 9, 2016 in accordance with 15.2.3.8(B)(3)(I) NMAC.

Failure to pay this fine within the time prescribed may result in immediate suspension.

Licensee is found to be in violation of the following rules:

16.47.1.10 (C) (4) providing a list to the chief of security of the trainer's employees on association grounds and any other area under the jurisdiction of the commission; the list shall include each employee's name, occupation, social security number, and occupational license number; the chief of security shall be notified by the trainer, in writing, within 24 hours of any change;

By Order of The Sunland Park Stewards

2015-SUN-151

ISSUED

IN

ERROR



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-SUN-152
Track Sunland Park
Ruling Date: 3/15/2016

Licensee: TRUJILLO, NICOLE B
License Type: 2015 3 Year Trainer Applicant Id: 20418
Date of Birth: 09/14/1992 License Number: 278180

Ruling # 2016-SUN-152

Action Type: Initial Ruling

Ruling:

Trainer, Nicole Trujillo, having been duly notified, and having appeared before the Board of Stewards on this date, regarding a lab report from UC/Davis (official testing laboratory for the NMSRC), for a confirmed positive test for the Class III drug "Clenbuterol", which was found in sample NM15155, after it was collected from the horse "Gone Already" which finished first (1st) in the ninth (9th) race, Friday, September 11th, 2015 at The New Mexico State Fair. (The original lab report indicated a finding of Clenbuterol at a level of 3,797 pg/ml in the urine. Split sampling rights, as provided in 15.2.6.10 (D) NMAC were afforded to, and denied by, Nicole Trujillo.)

Nicole Trujillo is found to be in violation of:

15.2.6.9(D) (1-2-3) NMAC: Which states that "A finding by the Commission approved laboratory of a prohibited drug, chemical or other substance in a test specimen of a horse is prima facie evidence that the prohibited drug, chemical or other substance was administered to the horse and, in the case of a post-race test, was present in the horse's body while it was participating in a race (b) therapeutic medications in excess of established acceptable levels".

15.2.6.9 (P) NMAC: Which states the suspension of authorized medications, as outlined in sections 1-2-3-4, which led to a published, posted, and distributed memo effective April 20, 2012, in which states in part "Clenbuterol in a post race test that exceeds the screening limit of 100 pg/ml in urine, or 2 pg/ml in serum/plasma will constitute a violation of NMSRC rules. A subsequent published, posted, and distributed memo dated April 26, 2013, stated the criteria for Clenbuterol remained in effect".

15.2.6.11(A) NMAC and 16.47.1.10(B)(1) NMAC: Which states that "The Trainer is the absolute insurer of the condition of horses entered in an official workout or race, and is responsible for the presence of any prohibited drug or medication, or other prohibited substance in such horse. A positive test for a prohibited drug or medication or other prohibited substance or the presence of permitted medication in excess of maximum allowable levels as reported by the commission approved laboratory is prima facie evidence of a violation of this rule. The Trainer is absolutely responsible regardless of the acts of third party."

For this violation, the Board of Stewards assessed Nicole Trujillo a penalty as follows:

- (1) A suspension of any/all NMSRC issued licenses for a period of 60 calendar days (March 23 through May 22, 2016, Inclusive);
- (2) A fine in the amount of one-thousand dollars (\$1,000.00.);
- (3) Loss of purse of the ninth (9th) race, first (1st) place date, Friday, September 11, 2015 at The New Mexico State Fair. The new order of finish is (1) Sheza a Weda (2) Ugo Igo (3) Teller Ima Dream (4) Hardhitting Sawyer (5) Eyes On Brimmerton (6) Let Us Prey (7) Me Tuff --- Unplaced—Gone Already.
- (4) Horse must pass a commission approved examine before becoming eligible to be entered in a race.

This is a first offense positive test violation in the past 365 day period, and is issued in accordance with 15.2.6.9 (C) (2) NMAC. The fine is to be paid on or before any reinstatement date, in accordance with 15.2.3.8(B) (3) (I) NMAC.

During said time of applicable suspension, Nicole Trujillo is hereby excluded from all areas of the grounds under the jurisdiction of the NMSRC, in accordance with 15.2.1.9 (C) (21) (a-b) NMAC, and 15.2.3.8 (B) (3) (f) NMAC.

Additionally, effective upon applicable suspension dates, all horses owned or trained, or under the care of Antoinette Gonzales are ineligible to be entered or start in any race in this jurisdiction, per 15.2.1.9 (C) (21) (c) NMAC.

(Additional sanction is to apply to the Owner, and Horse, as outlined in number four above.)

BY ORDER OF THE SUNLAND PARK BOARD OF STEWARDS

Antoinette Gonzales
Nicole Trujillo



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-SUN-153
Track Sunland Park
Ruling Date: 3/18/2016

Licensee: RAMIREZ, ESGAR

License Type: Jockey

Applicant Id: 12647

Date of Birth: 06/07/1983

License Number: 80743

Ruling # 2016-SUN-153

Action Type: Initial Ruling

Ruling:

Licensee having been duly notified and appeared before the Board of Stewards on March 8, 2016 for failure to wear a required protective helmet and/or safety vest on February 9 2016, at Sunland Park.

JOCKEY ESAGR RAMIREZ found to be in violation of Commission rules.

For this rule violation the Board of Stewards assessed a penalty in the amount of fifty dollars (\$50). The fine is to be paid on or before Date: **April 17, 2016** in accordance with 15.2.3.8(B)(3)(I) NMAC.

Failure to pay the fine within the time prescribed may result in immediate suspension.

Licensee is found to be in violation of the following rules:

15.2.5.13 (8) Any licensed assistant starter and any licensee mounted on a horse or stable pony on the association's racing surface (racetrack surface) must wear a properly fastened New Mexico racing commission approved protective helmet and safety vest.

(a) The helmet worn must comply with one of the following minimum safety standards or later revisions:

- (i) American society for testing materials (ASTM 1163); or,
- (ii) UK standards (EN-1384 and PAS-015); or,
- (iii) Australian/New Zealand standard (AS/NZ 3838).

15.2.1.9(b):

Which states in pertinent part that "An appeal under this section must be filed not later than 10 days after the date of the ruling. If the deadline falls on a Saturday, Sunday or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday. The appeal must be received by noon, at the main commission offices or with the stewards who issued the ruling and must be accompanied by a fee in the amount of \$500. The fee must be in the form of cash, a cashier's check, money order or personal check."

By Order of The Sunland Park Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-SUN-154
Track Sunland Park
Ruling Date: 3/18/2016

Licensee: RAMIREZ, ESGAR

License Type: Jockey Applicant Id: 12647
Date of Birth: 06/07/1983 License Number: 80743

Ruling # 2016-SUN-154

Action Type: Initial Ruling

Ruling:

Jockey Esgar Ramirez having been duly notified and appeared before the Board of Stewards on March 8, 2016 regarding his conduct towards and official and failure to follow the instructions given by an official on February 8th on the backside of Sunland Park;

For this rule violation the Board of Stewards assessed Esgar Ramirez a penalty of fifty dollars (\$50.00). The fine is to be paid on or before Date: April 17, 2016 in accordance with 15.2.3.8(B)(3)(I) NMAC. Failure to pay the fine within the time prescribed may result in immediate suspension.

Jockey Esgar Ramirez is found to be in violation of:

16.47.1.8(L)(1)(h) NMAC:

Which states that "The Commission may refuse to issue a license to an applicant, or may suspend or revoke a license issued or order disciplinary measures, if the applicant is a person whose conduct or reputation may reflect on the honesty and integrity of horse racing or interfere with the orderly conduct of a race meet. Interfering with the orderly conduct of the race meet shall include, but not limit to, disruptive or intemperate behavior or behavior which exposes otherS to danger anywhere on the racetrack grounds. The fact that the race meet was not actually interrupted is not a defense to the imposition of discipline under this rule."

15.2.1.9(b):

Which states that "An appeal under this section must be filed not later than 10 days after the date of the ruling. If the deadline falls on a Saturday, Sunday or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday. The appeal must be received by noon, at the main commission offices or with the stewards who issued the ruling and must be accompanied by a fee in the amount of \$500. The fee must be in the form of cash, a cashier's check, money order or personal check."

By Order of The Sunland Park Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-SUN-155
Track Sunland Park
Ruling Date: 3/18/2016

Licensee: VALENZUELA, JOHNNY RAUL
License Type: 2016 3 Year Jockey Applicant Id: 16628
Date of Birth: 01/12/1961 License Number: 280990

Ruling # 2016-SUN-155

Action Type: Initial Ruling

Ruling:

Licensee having been duly notified appeared before the Board of Stewards on March 8, 2016, for galloping horses with an expired Jockey Agent License.

Licensee was found to be in violation of Commission rules. Thus, for this rule violation, the Board of Stewards assessed licensee a penalty in the amount of two hundred dollars (\$200). The fine is to be paid on or before April 17, 2016 in accordance with 15.2.3.8(B)(3)(I) NMAC.

Failure to pay this fine within the time prescribed may result in immediate suspension.

Licensee is found to be in violation of the following rules:

16.47.1.8 (G)(I) NMAC: Which states in pertinent part "The employment of any unlicensed person under the jurisdiction of the Commission is prohibited".

15.2.1.9(b):

Which states in pertinent part that "An appeal under this section must be filed not later than 10 days after the date of the ruling. If the deadline falls on a Saturday, Sunday or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday. The appeal must be received by noon, at the main commission offices or with the stewards who issued the ruling and must be accompanied by a fee in the amount of \$500. The fee must be in the form of cash, a cashier's check, money order or personal check."

By Order of The Sunland Park Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-SUN-156
Track Sunland Park
Ruling Date: 3/18/2016

Licensee: AMPARAN SALAS, BRAYAN
License Type: 2016 1 Year Groom Applicant Id: 86363
Date of Birth: 03/12/1996 License Number: 280743

Ruling # 2016-SUN-156

Action Type: Initial Ruling

Ruling:

Licensee having been duly notified and failed to appear before the Board of Stewards on March 5, 2016, for working with an expired grooms license for trainer Shaun Marrow.

Licensee was found to be in violation of Commission rules. Thus, for this rule violation, the Board of Stewards assessed licensee a penalty in the amount of one hundred dollars (\$100). The fine is to be paid on or before April 17, 2016 in accordance with 15.2.3.8(B)(3)(I) NMAC.

Failure to pay this fine within the time prescribed may result in immediate suspension.

Licensee is found to be in violation of the following rules:

16.47.1.8 L (1)(C) The commission may refuse to issue a license to an applicant, or may suspend or revoke a license issued, or order disciplinary measures, if the applicant: who is unqualified, by experience or otherwise, to perform the activities for which a license is required, or who fails to pass an examination prescribed by the commission.

16.47.1.8 (G)(1) NMAC: Which states in pertinent part "The employment of any unlicensed person under the jurisdiction of the Commission is prohibited".

15.2.1.9(b):

Which states in pertinent part that "An appeal under this section must be filed not later than 10 days after the date of the ruling. If the deadline falls on a Saturday, Sunday or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday. The appeal must be received by noon, at the main commission offices or with the stewards who issued the ruling and must be accompanied by a fee in the amount of \$500. The fee must be in the form of cash, a cashier's check, money order or personal check."

By Order of The Sunland Park Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-SUN-157
Track Sunland Park
Ruling Date: 3/18/2016

Licensee: HOLMES, JENNIFER R

License Type: Applicant Id: 136948
Date of Birth: 11/12/1980 License Number:

Ruling # 2016-SUN-157

Action Type: Initial Ruling

Ruling:

Licensee having been duly notified and appeared before the Board of Stewards on March 8, 2016, for working for Trainer Paul Smith in a capacity in which she was not licensed for, a groom working with an owners license.

Licensee was found to be in violation of Commission rules. Thus, for this rule violation, the Board of Stewards assessed licensee a penalty in the amount of one hundred dollars (\$100.00). The fine is to be paid on or before April 17, 2016 in accordance with 15.2.3.8(B)(3)(I) NMAC.

Failure to pay this fine within the time prescribed may result in immediate suspension.

Licensee is found to be in violation of the following rules:

16.47.1.8 L (1)(C) The commission may refuse to issue a license to an applicant, or may suspend or revoke a license issued, or order disciplinary measures, if the applicant: who is unqualified, by experience or otherwise, to perform the activities for which a license is required, or who fails to pass an examination prescribed by the commission.

15.2.1.9(b):

Which states in pertinent part that "An appeal under this section must be filed not later than 10 days after the date of the ruling. If the deadline falls on a Saturday, Sunday or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday. The appeal must be received by noon, at the main commission offices or with the stewards who issued the ruling and must be accompanied by a fee in the amount of \$500. The fee must be in the form of cash, a cashier's check, money order or personal check."

By Order of The Sunland Park Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-SUN-158
Track Sunland Park
Ruling Date: 3/18/2016

Licensee: JAIME, RICARDO

License Type: Jockey Applicant Id: 31030
Date of Birth: 07/16/1967 License Number: 80744

Ruling # 2016-SUN-158

Action Type: Initial Ruling

Ruling:

Jockey, Ricardo Jaime, appeared before the Board of Stewards on March 12, 2016, for dismounting horse Fall From Grace during post parade in the 5th race on March 11, 2016 without permission from the Stewards.

For this rule violation, the Board of Stewards assessed a penalty in the amount of one hundred dollars (\$100). The fine is to be paid on or before April 17, 2016 in accordance with 15.2.3.8(B) (3)(I) NMAC. Failure to pay the fine within the time prescribed may result in immediate suspension.

FOUND IN VIOLATION OF:

15.2.5.13 D. PADDOCK TO POST.

(1) Each horse shall carry the full weight assigned for that race from the paddock to the starting post, and shall parade past the stewards' stand, unless excused by the stewards. The post parade shall not exceed 12 minutes, unless otherwise ordered by the stewards. It shall be the duty of the stewards to ensure that the horses arrive at the starting gate as near to post time as possible.

15.2.1.9(b):

Which states in pertinent part that "An appeal under this section must be filed not later than 10 days after the date of the ruling. If the deadline falls on a Saturday, Sunday or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday. The appeal must be received by noon, at the main commission offices or with the stewards who issued the ruling and must be accompanied by a fee in the amount of \$500. The fee must be in the form of cash, a cashier's check, money order or personal check."

By Order of The Sunland Park Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-SUN-159
Track Sunland Park
Ruling Date: 3/19/2016

Licensee: GONZALEZ, ELVIN

License Type: Jockey Applicant Id: 86768
Date of Birth: 07/29/1986 License Number: 163919

Ruling # 2016-SUN-159

Action Type: Initial Ruling

Ruling:

Jockey Elvin Gonzalez, having appeared before the Board of Stewards on Sunday, March 13, 2016, for careless riding and failure to maintain a straight course, while aboard "De Facto" in the fifth race, Saturday, March 12, at Sunland Park, is found to be in violation of Commission rules.

For this violation, the Board of Stewards assessed Elvin Gonzalez fine in the amount of one hundred dollars (\$100.00).

The fine is to be paid on or before April 18, 2016 in accordance with 15.2.3.8 (B)(3)(8) NMAC. Failure to pay the fine within the time prescribed may result in immediate suspension.

This ruling is in accordance with:

15.2.5.13(E)(3)(d) NMAC:

Which states in pertinent part that "In a straightaway race, every horse must maintain position as nearly as possible in the lane in which it starts. If a horse is ridden, drifts or swerves out of its lane in such a manner that it interferes with, impedes or intimidates another horse, it is a foul and may result in the disqualification of the offending horse."

15.2.5.13(E)(3)(c) NMAC:

Which states in pertinent part that "If the Stewards determine the foul was intentional, or due to careless riding, they may fine or suspend the guilty jockey."

15.2.5.13(E)(2)(a) NMAC:

which states in pertinent part that "A jockey shall not ride carelessly or willfully so as to permit his/her mount to interfere with, impede or intimidate any other horse in the race."

15.2.1.9(b):

Which states in pertinent part that "An appeal under this section must be filed not later than 10 days after the date of the ruling. If the deadline falls on a Saturday, Sunday or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday. The appeal must be received by noon, at the main commission offices or with the stewards who issued the ruling and must be accompanied by a fee in the amount of \$500. The fee must be in the form of cash, a cashier's check, money order or personal check."

By Order of The Sunland Park Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-SUN-160
Track Sunland Park
Ruling Date: 3/19/2016

Licensee: AMAYA-RUIZ, DANIEL ROBERTO
License Type: 2015 3 Year Jockey Applicant Id: 33287
Date of Birth: 07/23/1993 License Number: 279286

Ruling # 2016-SUN-160

Action Type: Initial Ruling

Ruling:

Jockey Daniel Ruiz Amaya, having been summoned ^{and} appeared before the Board of Stewards on March 13, 2016, for careless riding and failure to maintain a straight course, while aboard "Una Linda Corona" in the first race, March 12, 2016, at Sunland Park, is found to be in violation of Commission rules.

For this violation, the Board of Stewards assessed Daniel Ruiz Amaya a fine in the amount of two hundred dollars (\$200.00).

The fine is to be paid on or before April 18, 2016 in accordance with 15.2.3.8 (B)(3)(8) NMAC. Failure to pay the fine within the time prescribed may result in immediate suspension.

This ruling is in accordance with:

15.2.5.13(E)(3)(d) NMAC:

Which states in pertinent part that "In a straightaway race, every horse must maintain position as nearly as possible in the lane in which it starts. If a horse is ridden, drifts or swerves out of its lane in such a manner that it interferes with, impedes or intimidates another horse, it is a foul and may result in the disqualification of the offending horse."

15.2.5.13(E)(3)(c) NMAC:

Which states in pertinent part that "If the Stewards determine the foul was intentional, or due to careless riding, they may fine or suspend the guilty jockey."

15.2.5.13(E)(2)(a) NMAC:

which states in pertinent part that "A jockey shall not ride carelessly or willfully so as to permit his/her mount to interfere with, impede or intimidate any other horse in the race."

15.2.1.9(b):

Which states in pertinent part that "An appeal under this section must be filed not later than 10 days after the date of the ruling. If the deadline falls on a Saturday, Sunday or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday. The appeal must be received by noon, at the main commission offices or with the stewards who issued the ruling and must be accompanied by a fee in the amount of \$500. The fee must be in the form of cash, a cashier's check, money order or personal check."

By Order of The Sunland Park Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-SUN-161
Track Sunland Park
Ruling Date: 3/19/2016

Licensee: RIVERA, RAMON ROBERTO

License Type: 2013 3 year Trainer Applicant Id: 23470
Date of Birth: 11/17/1964 License Number: 61732

Ruling # 2016-SUN-161

Action Type: Initial Ruling

Ruling:

Trainer Ramon Rivera having been duly notified, ~~having~~ and appeared telephonically before the Board of Stewards on March 11, 2016, regarding a confirmed positive test for the Class IV drug "Dexamethasone" at a level of(152 pg per ml.), which was found in sample NM12243, after it was collected from the horse "Play Misty Forme" which participated in the tenth(10th) race, May 29, 2015, at Ruidoso Downs; For this violation, the Board of Stewards assessed penalties:

As full and final resolution of this matter, Trainer, Ramon Rivera agrees to the following penalties: (1) Waive of Rights. Licensee's knowingly, intentionally and voluntarily waives his/her right to a hearing and the right to judicial appeal. This waiver includes, but not limited to, licensee's right to a full evidentiary hearing including the right to present evidence and cross examine witnesses: and any right to appeal this settlement or any decision in connection with this settlement agreement. (2). A five hundred dollar (\$ 500.00) fine to be paid within sixty(60) days.

As such, the following applies:

15.2.6.9 (C) NMAC: Which states "Category C penalties will be assessed as licensed Trainer, Ramon Rivera for violations due to the presence of a drug carrying a Category C penalty: First offense within a 365 day period in any jurisdiction shall have the horse must pass a Commission-approved examination before becoming eligible to be entered".

(Per the terms of a signed Stipulated Settlement Agreement, this Licensee knowingly and voluntarily waives his right to judicial appeal. This waiver includes but not limited to , Licensee's right to (a) a full evidentiary hearing, including the right to present evidence and cross-examine witnesses; and (b) any right to appeal this settlement or any decision by the Commission in connection with this Settlement Agreement.) This Settlement Agreement shall be deemed approved and executed upon being signed by both parties. This Settlement Agreement constitutes a full and complete resolution of all claims and defenses that either party did raise or could have raised with the respect to these proceeding and execution of this Settlement constitutes full and final resolution. It is so Stipulated and Agreed.

By Order of The Sunland Park Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-SUN-162
Track Sunland Park
Ruling Date: 3/19/2016

Licensee: MEDELLIN, ALEJANDRO HERRERA
License Type: Applicant Id: 31173
Date of Birth: 01/23/1978 License Number:

Ruling # 2016-SUN-162

Action Type: Initial Ruling

Ruling:

Jockey Alejandro Medellin having failed to appear or send a jockey guild's representative when summoned by the Board of Stewards for race/film review regarding the 6th race on March 12, 2016 at Sunland Park is found in violation of Commission rules.

For this rule violation, the Board of Stewards assessed Alejandro Medellin a penalty of fifty dollars (\$50.00). The fine is to be paid on or before April 18, 2016 in accordance with 15.2.3.8(B)(3)(I) NMAC.

Failure to pay the fine within the time prescribed may result in immediate suspension.

Licensee is found to be in violation of:

15.2.1.9(B)(4)(d)NMAC: Which states in pertinent part that "Nonappearance of a summoned party after adequate notice shall be construed as a waiver of the right to a hearing before the board of stewards"

15.2.1.9(b):

Which states in pertinent part that "An appeal under this section must be filed not later than 10 days after the date of the ruling. If the deadline falls on a Saturday, Sunday or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday. The appeal must be received by noon, at the main commission offices or with the stewards who issued the ruling and must be accompanied by a fee in the amount of \$500. The fee must be in the form of cash, a cashier's check, money order or personal check."

By Order of The Sunland Park Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-SUN-163
Track Sunland Park
Ruling Date: 3/19/2016

Licensee: TOHILL, KENNETH SEAN

License Type: 2015 3 Year Jockey Applicant Id: 23037
Date of Birth: 06/19/1962 License Number: 279606

Ruling # 2016-SUN-163

Action Type: Initial Ruling

Ruling:

Jockey Ken Tohill, having been summoned ^{and} appeared before the Board of Stewards on March 18, 2016, for careless riding and failure to maintain a straight course, while aboard "I LIKE TO ROXY" in the FOURTH race, March 15, 2016, at Sunland Park, is found to be in violation of Commission rules.

For this violation, the Board of Stewards assessed Ken Tohill a fine in the amount of ONE hundred dollars (\$100.00).

The fine is to be paid on or before April 18, 2016 in accordance with 15.2.3.8 (B)(3)(8) NMAC. Failure to pay the fine within the time prescribed may result in immediate suspension.

This ruling is in accordance with:

15.2.5.13(E)(3)(c) NMAC:

Which states in pertinent part that "If the Stewards determine the foul was intentional, or due to careless riding, they may fine or suspend the guilty jockey."

15.2.5.13(E)(3)(a) NMAC:

Which states in pertinent part that "When the way is clear in a race, a horse may be ridden to any part of the course, but if any horse swerves, or is ridden to either side, so as to interfere with, impede, or intimidate any other horse, it is a foul."

15.2.5.13(E)(2)(a) NMAC:

Which states in pertinent part that "A jockey shall not ride carelessly or willfully so as to permit his/her mount to interfere with, impede or intimidate any other horse in the race."

15.2.1.9(b):

Which states in pertinent part that "An appeal under this section must be filed not later than 10 days after the date of the ruling. If the deadline falls on a Saturday, Sunday or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday. The appeal must be received by noon, at the main commission offices or with the stewards who issued the ruling and must be accompanied by a fee in the amount of \$500. The fee must be in the form of cash, a cashier's check, money order or personal check."

By Order of The Sunland Park Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-SUN-164
Track Sunland Park
Ruling Date: 3/19/2016

Licensee: HERRERA, RAUL

License Type: 2014 3 Year Jockey Applicant Id: 46080

Date of Birth: 09/20/1990 License Number: 81953

Ruling # 2016-SUN-164

Action Type: Initial Ruling

Ruling:

Jockey, RAUL HERRERA, having been summoned and appeared before the Board of Stewards on March 19, 2016 for careless while aboard "Adi" in the Fifth race, March 18, 2016, is found to be in violation of Commission rules.

For this violation, the Board of Stewards assessed RAUL HERRERA a suspension of 1 day (March 27, 2016).

This ruling is in accordance with:

15.2.5.13(E)(3)(d) NMAC:

Which states in pertinent part that "In a straightaway race, every horse must maintain position as nearly as possible in the lane in which it starts. If a horse is ridden, drifts or swerves out of its lane in such a manner that it interferes with, impedes or intimidates another horse, it is a foul and may result in the disqualification of the offending horse."

15.2.5.13(E)(3)(c) NMAC:

Which states in pertinent part that "If the Stewards determine the foul was intentional, or due to careless riding, they may fine or suspend the guilty jockey."

15.2.5.13(E)(2)(a) NMAC:

which states in pertinent part that "A jockey shall not ride carelessly or willfully so as to permit his/her mount to interfere with, impede or intimidate any other horse in the race."

15.2.1.9(b):

Which states in pertinent part that "An appeal under this section must be filed not later than 10 days after the date of the ruling. If the deadline falls on a Saturday, Sunday or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday. The appeal must be received by noon, at the main commission offices or with the stewards who issued the ruling and must be accompanied by a fee in the amount of \$500. The fee must be in the form of cash, a cashier's check, money order or personal check."

By Order of The Sunland Park Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-SUN-165
Track Sunland Park
Ruling Date: 3/19/2016

Licensee: HERRERA, RAUL

License Type: 2014 3 Year Jockey Applicant Id: 46080

Date of Birth: 09/20/1990 License Number: 81953

Ruling # 2016-SUN-165

Action Type: Initial Ruling

Ruling:

Jockey, RAUL HERRERA, having been summoned and appeared before the Board of Stewards on March 19, 2016 for careless while aboard "Korina" in the 6th race, March 18, 2016, is found to be in violation of Commission rules.

For this violation, the Board of Stewards assessed RAUL HERRERA a suspension of 1 days (March 29, 2016).

This ruling is in accordance with:

15.2.5.13(E)(3)(d) NMAC:

Which states in pertinent part that "In a straightaway race, every horse must maintain position as nearly as possible in the lane in which it starts. If a horse is ridden, drifts or swerves out of its lane in such a manner that it interferes with, impedes or intimidates another horse, it is a foul and may result in the disqualification of the offending horse."

15.2.5.13(E)(3)(c) NMAC:

Which states in pertinent part that "If the Stewards determine the foul was intentional, or due to careless riding, they may fine or suspend the guilty jockey."

15.2.5.13(E)(2)(a) NMAC:

which states in pertinent part that "A jockey shall not ride carelessly or willfully so as to permit his/her mount to interfere with, impede or intimidate any other horse in the race."

15.2.1.9(b):

Which states in pertinent part that "An appeal under this section must be filed not later than 10 days after the date of the ruling. If the deadline falls on a Saturday, Sunday or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday. The appeal must be received by noon, at the main commission offices or with the stewards who issued the ruling and must be accompanied by a fee in the amount of \$500. The fee must be in the form of cash, a cashier's check, money order or personal check."

By Order of The Sunland Park Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-SUN-166
Track Sunland Park
Ruling Date: 3/19/2016

Licensee: RUIZ, JOSE DANIEL

License Type: 2015 3 Year Jockey Applicant Id: 32886
Date of Birth: 12/16/1994 License Number: 279612

Ruling # 2016-SUN-166

Action Type: Initial Ruling

Ruling:

Jockey Jose Daniel Ruiz, having been summoned ^{and} appeared before the Board of Stewards on March 19, 2016, for careless riding and failure to maintain a straight course, while aboard "Cash Four J" in the FOURTH race, March 18, 2016, at Sunland Park, is found to be in violation of Commission rules.

For this violation, the Board of Stewards assessed Jose Daniel Ruiz a fine in the amount of ONE hundred dollars (\$100.00).

The fine is to be paid on or before April 18, 2016 in accordance with 15.2.3.8 (B)(3)(8) NMAC. Failure to pay the fine within the time prescribed may result in immediate suspension.

This ruling is in accordance with:

15.2.5.13(E)(3)(d) NMAC:

Which states in pertinent part that "In a straightaway race, every horse must maintain position as nearly as possible in the lane in which it starts. If a horse is ridden, drifts or swerves out of its lane in such a manner that it interferes with, impedes or intimidates another horse, it is a foul and may result in the disqualification of the offending horse."

15.2.5.13(E)(3)(c) NMAC:

Which states in pertinent part that "If the Stewards determine the foul was intentional, or due to careless riding, they may fine or suspend the guilty jockey."

15.2.5.13(E)(2)(a) NMAC:

which states in pertinent part that "A jockey shall not ride carelessly or willfully so as to permit his/her mount to interfere with, impede or intimidate any other horse in the race."

By Order of The Sunland Park Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-SUN-167
Track Sunland Park
Ruling Date: 3/19/2016

Licensee: RIVERA, ALONSO

License Type: 2014 3 Year Jockey Applicant Id: 19096
Date of Birth: 07/31/1987 License Number: 206163

Ruling # 2016-SUN-167

Action Type: Initial Ruling

Ruling:

Jockey Alonso Rivera, having been summoned and represented by jockey Jose Daniel Ruiz before the Board of Stewards on March 19, 2016, for careless riding and failure to maintain a straight course, while aboard "Play Misty Foreme" in the 7th race, March 18, 2016, at Sunland Park, is found to be in violation of Commission rules.

For this violation, the Board of Stewards assessed Alonso Rivera a fine in the amount of ONE hundred dollars (\$100.00).

The fine is to be paid on or before April 18, 2016 in accordance with 15.2.3.8 (B)(3)(8) NMAC. Failure to pay the fine within the time prescribed may result in immediate suspension.

This ruling is in accordance with:

15.2.5.13(E)(3)(d) NMAC:

Which states in pertinent part that "In a straightaway race, every horse must maintain position as nearly as possible in the lane in which it starts. If a horse is ridden, drifts or swerves out of its lane in such a manner that it interferes with, impedes or intimidates another horse, it is a foul and may result in the disqualification of the offending horse."

15.2.5.13(E)(3)(c) NMAC:

Which states in pertinent part that "If the Stewards determine the foul was intentional, or due to careless riding, they may fine or suspend the guilty jockey."

15.2.5.13(E)(2)(a) NMAC:

which states in pertinent part that "A jockey shall not ride carelessly or willfully so as to permit his/her mount to interfere with, impede or intimidate any other horse in the race."

15.2.1.9(b):

Which states in pertinent part that "An appeal under this section must be filed not later than 10 days after the date of the ruling. If the deadline falls on a Saturday, Sunday or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday. The appeal must be received by noon, at the main commission offices or with the stewards who issued the ruling and must be accompanied by a fee in the amount of \$500. The fee must be in the form of cash, a cashier's check, money order or personal check."

By Order of The Sunland Park Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-SUN-168
Track Sunland Park
Ruling Date: 3/19/2016

Licensee: MARTINEZ, EDGAR S

License Type: 2013 3 year Jockey Applicant Id: 35567
Date of Birth: 11/25/1990 License Number: 69974

Ruling # 2016-SUN-168

Action Type: Initial Ruling

Ruling:

Jockey Edgar Martinez, having been summoned appeared before the Board of Stewards on March 19, 2016, for careless riding and failure to maintain a straight course, while aboard "Jess Corona Jr" in the 7th race, March 18, 2016, at Sunland Park, is found to be in violation of Commission rules.

For this violation, the Board of Stewards assessed Edgar Martinez a fine in the amount of ONE hundred dollars (\$100.00).

The fine is to be paid on or before April 18, 2016 in accordance with 15.2.3.8 (B)(3)(8) NMAC. Failure to pay the fine within the time prescribed may result in immediate suspension.

This ruling is in accordance with:

15.2.5.13(E)(3)(d) NMAC:

Which states in pertinent part that "In a straightaway race, every horse must maintain position as nearly as possible in the lane in which it starts. If a horse is ridden, drifts or swerves out of its lane in such a manner that it interferes with, impedes or intimidates another horse, it is a foul and may result in the disqualification of the offending horse."

15.2.5.13(E)(3)(c) NMAC:

Which states in pertinent part that "If the Stewards determine the foul was intentional, or due to careless riding, they may fine or suspend the guilty jockey."

15.2.5.13(E)(2)(a) NMAC:

which states in pertinent part that "A jockey shall not ride carelessly or willfully so as to permit his/her mount to interfere with, impede or intimidate any other horse in the race."

15.2.1.9(b):

Which states in pertinent part that "An appeal under this section must be filed not later than 10 days after the date of the ruling. If the deadline falls on a Saturday, Sunday or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday. The appeal must be received by noon, at the main commission offices or with the stewards who issued the ruling and must be accompanied by a fee in the amount of \$500. The fee must be in the form of cash, a cashier's check, money order or personal check."

By Order of The Sunland Park Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-SUN-169
Track Sunland Park
Ruling Date: 3/19/2016

Licensee: CAPPELLUCCI, JAMES

License Type: 2015 3 Year Trainer Applicant Id: 16113
Date of Birth: 06/26/1959 License Number: 226613

Ruling # 2016-SUN-169

Action Type: Initial Ruling

Ruling:

Trainer James Cappellucci, having been duly notified and having appeared before the Board of Stewards on March 11th, 2016 regarding a lab report from UC/Davis (official testing laboratory for the NMSRC), for a confirmed positive test for the Class 4C drug "Methylprednisolone", which was found in sample #NM17688, after it was collected from the horse "Mercedes Starlet" which participated in the 11th race, December 7, 2016 at Zia Park;

(The original lab report indicated a finding of Methylprednisolone at 516 picograms per milliliter. This exceeds the allowable limits of 100 picograms per milliliter. Split sampling rights, as provided in 15.2.6.10 (D) NMAC was conducted by LGC Science which confirmed a finding of Methylprednisolone with a concentration of 466 picograms per milliliter.)

Pacifica West Stables is the owner of record for horse "Mercedes Starlet" which was the subject of a Methylprednisolone positive. Trainer, James Cappellucci is found to be in violation of:

15.2.6.9 NMAC:

Class 4 - This category is comprised primarily of therapeutic medications routinely used in race horses. These may influence performance, but generally have a more limited ability to do so. Groups of drugs assigned to this category include the following.

D. MEDICATION RESTRICTIONS:

(1) A finding by the commission approved laboratory of a prohibited drug, chemical or other substance in a test specimen of a horse is prima facie evidence that the prohibited drug, chemical or other substance was administered to the horse and, in the case of a post-race test, was present in the horse's body while it was participating in a race. Prohibited substances include: drugs or medications for which no acceptable levels have been established; therapeutic medications in excess of established acceptable levels; substances present in the horse in excess of levels at which such substances could occur naturally; substances foreign to a horse at levels that cause interference with testing procedures.

(2) Drugs or medications in horses are permissible, provided: the drug or medication is listed by The Association of Racing Commissioners International's drug testing standards and practices program; the maximum permissible urine or blood concentration of the drug or medication does not exceed the published limit.

15.2.6.9 (C) 3 LICENSED TRAINER: Which states that, first offense (365-day period) in any jurisdiction in the following levels, the penalty is a minimum fine of \$1,000.00."

15.2.1.9(B)(7)(f) NMAC and 15.2.3.8 (B)(3)(i) NMAC: Which states that "All fines imposed by the Stewards shall be paid to the commission within 30 days after the ruling is issued, unless otherwise ordered.

Appeal Filing Deadline: 15.2.1.9(B)(9)(b)NMAC: Which states that "An appeal under this section must be filed not later than 10 days from the date of the ruling. The appeal must be filed at the main Commission offices, or with the Stewards who issued the ruling.

For this first violation in a (365 day period): James Cappellucci, a penalty of

1. A fine in the amount of one thousand hundred dollars (\$1,000.00).
- 2). The horse may be required to pass a commission approved examination before being eligible to run.

By Order of The Sunland Park Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2016-SUN-170
Track Sunland Park
Ruling Date: 3/19/2016

Licensee: GONZALEZ, CYNTHIA GUADALUPE
License Type: Trainer Applicant Id: 20355
Date of Birth: 08/24/1991 License Number: 81819

Ruling # 2016-SUN-170

Action Type: Initial Ruling

Ruling:

Trainer Cynthia Gonzalez, having been summoned and appeared before the Board of Stewards on March 18, 2016, for falsification of works on February 12, 2016, for horses First Noted and BrooksBad Boy and for failure to follow protocol for substitute training (having unapproved horses from another trainer in her stalls at Sunland Park).

Trainer Cynthia Gonzalez has been found in violation of

16.47.1.8(L)(1)(h) NMAC: Which states in pertinent part "The Commission may refuse to issue a license to an applicant, or may suspend or revoke a license issued or order disciplinary measures, if the applicant is a person whose conduct or reputation may reflect on the honesty and integrity of horse racing or interfere with the orderly conduct of a race meet. Interfering with the orderly conduct of the race meet shall include, but not limit to, disruptive or intemperate behavior or behavior which exposes others to danger anywhere on the racetrack grounds. The fact that the race meet was not actually interrupted is not a defense to the imposition of discipline under this rule."

15.2.5.11 B. IDENTIFICATION: (1) Each horse must be properly identified prior to its participation in an official timed workout

16.47.1.10 B. ABSOLUTE INSURER: (1) The trainer is the absolute insurer of the condition of horses entered in an official workout or race and is responsible for the presence of any prohibited drug or medication, or other prohibited substance in such horses. A positive test for a prohibited drug or medication or other prohibited substance or the presence of permitted medication in excess of maximum allowable levels as reported by a commission-approved laboratory is prima facie evidence of a violation of this rule. The trainer is absolutely responsible regardless of the acts of third parties.

16.47.1.10 E. SUBSTITUTE TRAINERS: (1) If any licensed trainer is prevented from performing his duties or is absent from the track where he is participating, the stewards shall be immediately notified, and at the same time, a substitute trainer or assistant trainer, acceptable to the stewards, shall be appointed. The stewards shall be advised when the regular trainer resumes his duties (2) A substitute trainer must accept responsibility for the horses in writing and be approved by the stewards. (3) A substitute trainer and the absent trainer shall be jointly responsible as absolute insurers of the condition of their horses entered in an official workout or race pursuant to Subsection B, Paragraphs (1), (2) and (3) of 16.47.1.10 NMAC.

For this violation, the Board of Stewards assessed Cynthia Gonzalez:

1. fine in the amount of two thousand five hundred dollars (\$2,500).
2. A suspension of 90 days to begin March 29, 2016 through June 27, 2016 inclusive

The fine is to be paid on or before April 18, 2016 or before reinstatement of license, in accordance with 15.2.3.8 (B)(3)(8) NMAC. Failure to pay the fine within the time prescribed may result in immediate suspension.

During said time of applicable suspension, Cynthia Gonzalez is hereby excluded from all areas of the grounds under the jurisdiction of the NMSRC, in accordance with 15.2.1.9 (C)(21)(a-b) NMAC, and 15.2.3.8 (B)(3)(f) NMAC.

Additionally, effective upon applicable suspension dates, all horses owned or trained, or under the care of Cynthia Gonzalez are ineligible to be entered or start in any race in this jurisdiction, per 15.2.1.9 (C)(21)(c) NMAC.

15.2.1.9(b):

Which states that "An appeal under this section must be filed not later than 10 days after the date of the ruling. If the deadline falls on a Saturday, Sunday or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday. The appeal must be received by noon, at the main commission offices or with the stewards who issued the ruling and must be accompanied by a fee in the amount of \$500. The fee must be in the form of cash, a cashier's check, money order or personal check."