



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: **2019-ZIA-93**
Track: Zia Park
Ruling Date: 11/30/2019

Licensee: HUDSON, JEFFERY DALE

License Type: 2017 3 Year Owner Applicant Id: 14485
License Number: 286506

Ruling # 2019-ZIA-93

Action Type: Initial Ruling

Ruling:

Trainer/ Owner: Jeffery D. Hudson, having been duly notified and appeared before the Board Of Stewards on November 27, 2019, to waive his right to a 10 day notice and a hearing, regarding a lab report from Industrial Laboratories (The official testing laboratory for the NMRC), for a confirmed positive for the drug, Furosemide (class 4C-Minor penalty drug) found in test sample E317509 taken from the 1st place finisher "Time is Precious" following the 1st race, on August 18, 2019, at the Downs at Albuquerque Race Track.

The original lab report indicated a finding of Furosemide at 167 ng/ml +/- 10 ug/ml in the blood, the allowable limit for Furosemide is 100 ng/ml in the blood (15.2.6.9 Attachment 2). Split sample rights as provided in 15.2.6.10 (D) NMAC, were afforded to trainer, and declined.

Barbara Welch, Thomas McElligott, and Jeffery D. Hudson are the owners of record for the horse "Time is Precious"

This is Jeffery D. Hudson's First Class 4C-Minor medication violation, in a 365-day period, issued in accordance with 15.2.6.9 (B)(4). The Board of Stewards assessed a penalty as follows:

1. A (\$500.00) Five Hundred dollar fine to paid on or before December 30, 2019, in accordance with 15.2.3.8 (B)(3)(I) NMAC. Failure to pay fine in prescribed time will result in an immediate suspension.
2. NO CHANGE IN THE ORDER OF FINISH.

Licensee is found in violation of and this ruling is written in accordance with: 15.2.3.8(B)(1)(3)(f)(g)(j) Stewards/ 15.2.6.9(C)(1)(4)Medication Restrictions/ 15.2.6.11(A)Trainer Responsibility/ 16.47.1.8(T) Knowledge of the Rules/ 16.47.1.8(U)(1)Protection of Horses/ 16.47.1.10(B)(1)(2)(3)Absolute Insurer/ 15.2.6.9(B)Penalty Recommendations.

Appeal Procedures 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 a money order, cashier's check or a corporate check.

By Order of The Zia Park Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2019-ZIA-94
Track Zia Park
Ruling Date: 11/30/2019

Licensee: WELCH, BARBARA S.

License Type: 2019 1 Year Owner Applicant Id: 34239
License Number: 294555

Ruling # 2019-ZIA-94

Action Type: Initial Ruling

Ruling:

Owner: **Barbara Walch**, having been duly notified and represented by trainer **Jeffery D. Hudson** before the **Board Of Stewards on November 27, 2019, to waive her right to a 10 day notice and a hearing, regarding a lab report from Industrial Laboratories (The official testing laboratory for the NMRC), for a confirmed positive for the drug, Furosemide (class 4C-Minor penalty drug) found in test sample E317509 taken from the 1st place finisher "Time is Precious" following the 1st race, on August 18, 2019, at the Downs at Albuquerque Race Track.**

The original lab report indicated a finding of **Furosemide at 167 ng/ml +/- 10 ng/ml in the blood**, which exceeds the allowable limit for **Furosemide** of 100 ng/ml in the blood **(15.2.6.9 Attachment 2)**. Split sample rights as provided in **15.2.6.10 (D) NMAC**, were afforded to trainer, and declined.

Barbara Welch, Thomas McElligott, and Jeffery D. Hudson are the owners of record for horse "**Time is Precious**"

This is Barbara Walch's First Class 4C-Minor medication violation, in a 365-day period, issued in accordance with 15.2.6.9 (B)(4). The Board of Stewards assessed a penalty as follows:

1. **This is a warning. NO CHANGE IN THE ORDER OF FINISH.**

Licensee is found in violation of and this ruling is written in accordance with: 15.2.3.8(B)(1)(3)(f)(g)(j) Stewards/ 15.2.6.9(C)(1)(4)Medication Restrictions/ 15.2.6.11(A)Trainer Responsibility/ 16.47.1.8(T) Knowledge of the Rules/ 16.47.1.8(U)(1)Protection of Horses/ 16.47.1.10(B)(1)(2)(3)Absolute Insurer/ 15.2.6.9(B)Penalty Recommendations.

Appeal Procedures 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 a money order, cashier's check or a corporate check.

By Order of The Zia Park Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: **2019-ZIA-95**
Track: Zia Park
Ruling Date: 11/30/2019

Licensee: MCELLIGOTT, THOMAS A.
License Type: 2019 3 Year Owner Applicant Id: 12114
License Number: 293788

Ruling # 2019-ZIA-95

Action Type: Initial Ruling

Ruling:

Owner: **Thomas A. McElligott**, having been duly notified and represented by trainer **Jeffery D. Hudson** before the **Board Of Stewards on November 27, 2019, to waive his right to a 10 day notice and a hearing, regarding a lab report from Industrial Laboratories (The official testing laboratory for the NMRC),** for a confirmed positive for the drug, **Furosemide** (class 4C-Minor penalty drug) found in test sample **E317509** taken from the **1st place finisher "Time is Precious"** following **the 1st race, on August 18, 2019, at the Downs at Albuquerque Race Track.**

The original lab report indicated a finding of **Furosemide at 167 ng/ml +/- 10 ng/ml in the blood**, which exceeds the allowable limit for **Furosemide** of 100 ng/ml in the blood **(15.2.6.9 Attachment 2)**. Split sample rights as provided in **15.2.6.10 (D) NMAC**, were afforded to trainer, and declined.

Barbara Welch, Thomas McElligott, and Jeffery D. Hudson are the owners of record for horse **"Time is Precious"**

This is Thomas A. McElligott's First Class 4C-Minor medication violation, in a 365-day period, issued in accordance with 15.2.6.9 (B)(4). The Board of Stewards assessed a penalty as follows:

1. **This is a warning. NO CHANGE IN THE ORDER OF FINISH.**

Licensee is found in violation of and this ruling is written in accordance with: 15.2.3.8(B)(1)(3)(f)(g)(j) Stewards/ 15.2.6.9(C)(1)(4) Medication Restrictions/ 15.2.6.11(A) Trainer Responsibility/ 16.47.1.8(T) Knowledge of the Rules/ 16.47.1.8(U)(1) Protection of Horses/ 16.47.1.10(B)(1)(2)(3) Absolute Insurer/ 15.2.6.9(B) Penalty Recommendations.

Appeal Procedures 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 a money order, cashier's check or a corporate check.

By Order of The Zia Park Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: **2019-ZIA-96**
Track: Zia Park
Ruling Date: 12/2/2019

Licensee: **ARRIETA, FRANCISCO J**

License Type: **2019 1 Year Jockey** Applicant Id: **161440**
License Number: **296073**

Ruling # **2019-ZIA-96**

Action Type: **Initial Ruling**

Ruling:

Jockey, Francisco Arrieta, having been summoned and appeared before the Board of Stewards on November 30, 2019 for failure to make sufficient effort to control his mount during the running of the 1st race on November 25, 2019, at Zia Park Racetrack while aboard "Poseidon Aquarius".

For this violation, the Board of Stewards hereby fines jockey Francisco Arrieta a fine in the amount of \$200. The fine is to be paid on or before January 1, 2020 in accordance with 15.2.3.8(B)(3)(k) NMAC. Failure to pay the fine within the time prescribed shall result in immediate suspension.

Licensee is found in violation of and written in accordance with:

15.2.5.13(E)(2)(a) NMAC: Post to Finish 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."

15.2.5.13 (E) (3) (a) NMAC Post to Finish 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) (3) (b) NMAC Post to Finish The offending horse may be disqualified, if in the opinion of the stewards, the foul altered the finish of the race, regardless of whether the foul was accidental, willful or the result of careless riding.

15.2.5.13 (E) (3) (c) NMAC Post to Finish If the stewards determine the foul was intentional, or due to careless riding, they may fine or suspend the guilty jockey.

15.2.1.9(B)(4)(A) Notice of Hearing for Jockeys

15.2.3.8 B (3)(f) Stewards Disciplinary Action

15.2.3.8 B (3)(A) Stewards Disciplinary Action

15.2.3.8 B (1) (d) Stewards General Authority

16.47.1.8. T. KNOWLEDGE OF RULES:

16.47.1.3 Statutory Authority

16.47.1.8 (A)(1) License Required

16.47.1.8 (A)(2) License Required

16.47.1.8(N) Last Known Address

By Order of The Zia Park Stewards

Appeal Filing Deadline: 15.2.1.9(B) (9) (b) NMAC: Which states in pertinent part 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.



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2019-ZIA-97
Track Zia Park
Ruling Date: 12/3/2019

Licensee: NEWCOMB, RALPH LINK

License Type: 2019 3 Year Owner Applicant Id: 5734
License Number: 294764

Ruling # 2019-ZIA-97

Action Type: Initial Ruling

Ruling:

Owner Ralph Newcomb was duly notified and being represented by his trainer Todd Fincher who waived his rights to a 10 day notice and disciplinary hearing before the Board of Stewards on October 13, 2019. The hearing was in regard to a certificate of analysis from Industrial Laboratories (official testing laboratory for the NMRC) for a confirmed positive for testosterone detected in the blood of horse "Sacred Nation"(Test Sample E340406), who finished in FIRST place in the 3rd race on September 21, 2019, at Zia Park Racetrack in Hobbs, NM.

After receiving the results of the HCG test, which verified that "Sacred Nation" is a cryptorchid, the Zia Park Board of Stewards hereby dismisses the case and no further action is deemed necessary.

There is no change to the order of finish to the 3rd race on September 21, 2019 at Zia Park racetrack.

Licensee is found to be in violation of and this ruling is written in accordance with:

15.2.1.8(B)(1) COMMISSION GENERAL AUTHORITY/15.2.3.8 B (3)(a)(f) Stewards Disciplinary Action/15.2.3.8 B (1) (a)(c)(d) Stewards General Authority/16.47.1.8 (T) KNOWLEDGE OF RULES /16.47.1.3 Statutory Authority
16.47.1.8 (A)(1)(2) License Required /16.47.1.8(N) Last Known Address/ 16.47.1.8(L)(1)(e) Grounds For Disciplinary Measures/ 15.2.1.9(B)(9)(a) Failure to Appeal/ 15.2.1.9(B)(9)(b):

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

By Order of The Zia Park Stewards

Appeal Filing Deadline: 15.2.1.9(B) (9) (b) NMRC: Which states in pertinent part 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.



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: **2019-ZIA-98**
Track: Zia Park
Ruling Date: 12/4/2019

Licensee: DELAVAN, BO JAY

License Type: 2018 3 Year Trainer Applicant Id: 6983
License Number: 289394

Ruling # 2019-ZIA-98

Action Type: Initial Ruling

Ruling:

Trainer Bo J. Delavan, is hereby summarily suspended, effective immediately, December 4, 2019, pending the outcome of his summary suspension hearing on December 14, 2019, at 8:30 a.m. in the office of the Board of Stewards at Zia Park (3901 W Millen Dr, Hobbs, NM 88240), per 15.2.1.9 (B) (3)(b) Summary Suspension. The summary suspension was in regard to the confirmed positive of the Drug Class 3 Penalty Class A (Quarter Horses), Controlled Substance, Clenbuterol, found in the urine, test sample E354750 taken from the second place finisher, "Jl Run Charley Horse", in the 2nd race on November 16, 2019, at Zia Park Racetrack.

In accordance with 15.2.1.9 (C)(21), Bo J. Delavan is hereby excluded from all areas of the grounds under the jurisdiction of the NMRC. Additionally, effective upon applicable suspension dates, all horses owned, trained, or under the care of Bo J. Delavan are ineligible to be entered or start in any race in this jurisdiction, per 15.2.1.9 (C)(21)(c). All transfers and sales of horses trained, owned, or in the care and custody of Bo J. Delavan must be done in accordance with 15.2.6.9A(12)(a)(b) Medication and Prohibited Substances, 16.47.1.10 (D)(5) Assistant Trainers and 15.2.1.9(B)(8)(b) DUE PROCESS AND DISCIPLINARY ACTION.

Licensee is found in violation of and this ruling is written in accordance with:

15.2.6 NMRC Attachment #1 ARCI Uniform Classification of Substances-Version 14.0- January 2019 pg 18- Clenbuterol Class A Classification for Quarter horses
15.2.6.9(C)(8)(a)(9)(10)(a)(b)(c)(d) Medication Restrictions
15.2.6.9(B)(1) Penalty Recommendations
15.2.1.7(C)(8) "Controlled substance" is any substance included in the five classification schedules of the (U.S.) Controlled Substance Act of 1970.
15.2.6.9(C)(4) There is no permissible concentration of clenbuterol that is allowed to appear in any official sample.
16.47.1.8 (U)(1)(2) PROTECTION OF HORSES
16.47.1.10(B)(1)(2) Absolute Insurer
16.47.1.8 (L)(1)(i) Grounds for disciplinary measures for a licensee, and refusal, denial, suspension, or revocation of a license
15.2.1.9(B)(3)(a) Proceedings Before The Stewards: Summary Suspension If the Stewards determine that a licensee's action constitute an immediate danger to the public health, safety, or welfare, the Stewards may summarily suspend the licensee pending a hearing.
15.2.1.9(B)(3)(b) Proceedings Before The Stewards: Summary Suspension A licensee whose license has been summarily suspended is entitled to a hearing on the summary suspension not later than the 10th day after the license was summarily suspended. The licensee may waive their right to a hearing on the summary suspension within the 10-day limit
15.2.1.8(B)(1) COMMISSION GENERAL AUTHORITY/15.2.3.8 B (3)(a)(f) Stewards Disciplinary Action/15.2.3.8 B (1) (a)(c)(d) Stewards General Authority/16.47.1.8 (T) KNOWLEDGE OF RULES /16.47.1.3 Statutory Authority
16.47.1.8 (A)(1)(2) License Required /16.47.1.8(N) Changes In Application Information

By Order of The Zia Park Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2019-ZIA-99
Track Zia Park
Ruling Date: 12/6/2019

Licensee: LEYBA, SAMANTHA J

License Type: 2018 3 Year Owner Applicant Id: 19487
License Number: 288964

Ruling # 2019-ZIA-99

Action Type: Initial Ruling

Ruling:

Owner, Samantha Leyba was duly notified and was represented by the trainer Ruben Leyba, for a hearing before the Board of Stewards on December 1, 2019. The hearing was in regard to the confirmed positive of the Drug Class 3 Penalty Class A (Quarter Horses), Clenbuterol, found in test sample E340622 taken from the 7th place finisher, "Allomi", in the 7th race on October 6, 2019, at Zia Park.

Split sample rights as provided in 15.2.6.10 (D) NMAC, were afforded to and declined by the trainer.

Ruben Leyba is the trainer of record for the horse "Allomi" who responded telephonically for this hearing.

For Samantha Leyba's First lifetime 3A medication violation issued in accordance with 15.2.6.9 (B)(1) Penalty Recommendations, the Board of Stewards hereby assess a penalty as follows.

1. Pursuant to rule 15.2.6.9 (B)(1), the horse "Allomi" is on the veterinarian's list for 180 days (December 1, 2019 to May 28, 2020) and must pass a commission-approved examination before becoming eligible to be entered.
2. The horse "Allomi", is hereby disqualified from Seventh place and ordered unplaced from the 7th race on October 6, 2019, at Zia Park Racetrack, for all but pari-mutuel wagering. The purse redistribution is as follows.
 1. Woodys Copy Cat
 2. CD Mamas Boy
 3. June Bug Daddy
 4. Quemados Royal Moon
 5. Hezajessforsure
 6. Cd flash and Fame
 7. Daddys Wine
 8. Royal KoaUnplaced "Allomi"

Licensee is found in violation of and this ruling is written in accordance with:

15.2.3.8(B)(1)(3)(f)(g)(i) Stewards/ 15.2.5.13(E)(4)(d) Running of the Race/ 15.2.6.9 MEDICATIONS AND PROHIBITED SUBSTANCES/ 15.2.6.9(L) (3)(o) MEDICATIONS AND PROHIBITED SUBSTANCES Environmental contaminants and substances of human use/ 15.2.5.14 D. 7 Protests, Objection and Inquiries/ 15.2.6.9(C)(1)(8)(c) Medication Restrictions/ 15.2.6.11 Trainer Responsibility/ 16.47.1.8(T) Knowledge of the Rules/ 16.47.1.8(U) Protection of Horses/ 16.47.1.10(B) Absolute Insurer/ 15.2.6.9(B) Penalty Recommendation/

By Order of The Zia Park Stewards

Appeal Filing Deadline: 15.2.1.9(B) (9) (b) NMAC: Which states in pertinent part 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.



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2019-ZIA-100
Track Zia Park
Ruling Date: 12/6/2019

Licensee: LEYBA, LILLY A

License Type: 2019 3 Year Owner

Applicant Id: 159315

License Number: 296274

Ruling # 2019-ZIA-100

Action Type: Initial Ruling

Ruling:

Owner, Lilly Leyba was duly notified and was represented by the trainer Ruben Leyba, for a hearing before the Board of Stewards on December 1, 2019. The hearing was in regard to the confirmed positive of the Drug Class 3 Penalty Class A (Quarter Horses), Clenbuterol, found in test sample E340622 taken from the 7th place finisher, "Allomi", in the 7th race on October 6, 2019, at Zia Park.

Split sample rights as provided in 15.2.6.10 (D) NMAC, were afforded to and declined by the trainer.

Ruben Leyba is the trainer of record for the horse "Allomi" who responded telephonically for this hearing. Owner Samantha Leyba is the authorized agent for Lilly Leyba and was duly notified.

For Lilly Leyba's First lifetime 3A medication violation issued in accordance with 15.2.6.9 (B)(1) Penalty Recommendations, the Board of Stewards hereby assess a penalty as follows.

1. Pursuant to rule 15.2.6.9 (B)(1), the horse "Allomi" is on the veterinarian's list for 180 days (December 1, 2019 to May 28, 2020) and must pass a commission-approved examination before becoming eligible to be entered.
2. The horse "Allomi", is hereby disqualified from Seventh place and ordered unplaced from the 7th race on October 6, 2019, at Zia Park Racetrack, for all but pari-mutuel wagering. The purse redistribution is as follows.
 1. Woodys Copy Cat
 2. CD Mamas Boy
 3. June Bug Daddy
 4. Quemados Royal Moon
 5. Hezajessforsure
 6. Cd flash and Fame
 7. Daddys Wine
 8. Royal Koa
 - Unplaced "Allomi"

Licensee is found in violation of and this ruling is written in accordance with:

15.2.3.8(B)(1)(3)(f)(g)(j)Stewards/ 15.2.5.13(E)(4)(d) Running of the Race/ 15.2.6.9 MEDICATIONS AND PROHIBITED SUBSTANCES/ 15.2.6.9(L) (3)(o) MEDICATIONS AND PROHIBITED SUBSTANCES Environmental contaminants and substances of human use/15.2.5.14 D. 7 Protests, Objection and Inquiries/ 15.2.6.9(C)(1)(8)(c) Medication Restrictions/ 15.2.6.11 Trainer Responsibility/ 16.47.1.8(T)Knowledge of the Rules/ 16.47.1.8(U) Protection of Horses/ 16.47.1.10(B)Absolute Insurer/ 15.2.6.9(B)Penalty Recommendation/

By Order of The Zia Park Stewards

Appeal Filing Deadline: 15.2.1.9(B) (9) (b) NMAC: Which states in pertinent part 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.



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: **2019-ZIA-101**
Track: Zia Park
Ruling Date: 12/6/2019

Licensee: PANTOJA-SILVA, JOSE

License Type: 2019 1 Year Trainer Applicant Id: 157368
License Number: 293773

Ruling # 2019-ZIA-101

Action Type: Initial Ruling

Ruling:

Trainer: Jose Pantoja-Silva, having been duly notified and appeared before the Board Of Stewards on December 2, 2019, regarding a lab report from Industrial Laboratories (The official testing laboratory for the NMRC), for a confirmed positive for the drug, 3-Hydroxylidocaine (class 4C-Major penalty drug) found in test sample E357728 taken from the 1st place finisher "Clifton Beach" following the 8th race, on October 7, 2019, at Zia Race Track.

The original lab report indicated a finding of **3-Hydroxylidocaine at 710 pg/ml +/- 4 pg/ml in the blood**, the allowable limit for **3-Hydroxylidocaine** is 20pg/ml in the blood **(15.2.6.9 Attachment 2)**. Split sample rights as provided in **15.2.6.10 (D) NMAC**, were afforded to trainer, and declined.

Jacqueline Wolesensky is the owner of record for the horse.

Mitigating Circumstances: After receiving testimony in the above matter, the stewards find that the chain of custody may have been broken. Therefore no further action will be taken and there will be no change to the final order of finish.

Licensee is found in violation of and this ruling is written in accordance with: 15.2.3.8(B)(1)(3)(f)(g)(j) Stewards/ 15.2.6.9(C)(1)(4)Medication Restrictions/ 15.2.6.11(A)Trainer Responsibility/ 16.47.1.8(T) Knowledge of the Rules/ 16.47.1.8(U)(1)Protection of Horses/ 16.47.1.10(B)(1)(2)(3)Absolute Insurer/ 15.2.6.9(B)Penalty Recommendations.

By Order of The Zia Park Stewards

Appeal Filing Deadline: 15.2.1.9(B) (9) (b) NMAC: Which states in pertinent part 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.



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2019-ZIA-102
Track Zia Park
Ruling Date: 12/6/2019

Licensee: WOLESENSKY, TYREE JACQUELINE
License Type: 2017 3 Year Owner Applicant Id: 159956
License Number: 286132

Ruling # 2019-ZIA-102

Action Type: Initial Ruling

Ruling:

Owner: Jacqueline Wolesensky, having been duly notified and was represented by **Jose Pantoja-Silva** before the **Board Of Stewards on December 2, 2019, regarding a lab report from Industrial Laboratories (The official testing laboratory for the NMRC)**, for a confirmed positive for the drug, **3-Hydroxylidocaine** (class 4C-Major penalty drug) found in test sample **E357728** taken from the **1st place finisher "Clifton Beach"** following **the 8th race, on October 7, 2019, at Zia Race Track.**

The original lab report indicated a finding of **3-Hydroxylidocaine at 710 pg/ml +/- 4 pg/ml in the blood**, the allowable limit for **3-Hydroxylidocaine** is 20pg/ml in the blood **(15.2.6.9 Attachment 2)**. Split sample rights as provided in **15.2.6.10 (D) NMAC**, were afforded to trainer, and declined.

Jose Pantoja-Silva is the trainer of record for the horse.

Mitigating Circumstances: After receiving testimony in the above matter, the stewards find that the chain of custody may have been broken. Therefore no further action will be taken and there will be no change to the final order of finish.

Licensee is found in violation of and this ruling is written in accordance with: 15.2.3.8(B)(1)(3)(f)(g)(j) Stewards/ 15.2.6.9(C)(1)(4)Medication Restrictions/ 15.2.6.11(A)Trainer Responsibility/ 16.47.1.8(T) Knowledge of the Rules/ 16.47.1.8(U)(1)Protection of Horses/ 16.47.1.10(B)(1)(2)(3)Absolute Insurer/ 15.2.6.9(B)Penalty Recommendations.

By Order of The Zia Park Stewards

Appeal Filing Deadline: 15.2.1.9(B) (9) (b) NMAC: Which states in pertinent part 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.



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Ruling #: 2019-ZIA-103
Track Zia Park
Ruling Date: 12/6/2019

Licensee: DAVIS, JOSEPH MICHAEL

License Type: Applicant Id: 162770
License Number:

Ruling # 2019-ZIA-103

Action Type: Initial Ruling

Ruling:

Applicant: Joseph Michael Davis, having applied for a trainer's license on December 2, 2019, is hereby denied by the Board of Stewards.

1. Aggravating Factor: Multiple Animal Medication/Drug Violations including several Albuterol and Clenbuterol positives.
2. Aggravating Factor: Applicant disclosed he has been convicted of a felony on his application.
3. Aggravating Factor: Applicant disclosed he has had licenses denied, suspended or revoked in Texas and Louisiana
4. Joseph Michael Davis must appear before the New Mexico Racing Commission prior to any further licensing.

Reason For Denial:

16.47.1.8 (L)(1)(i) - 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 adversely reflect on the honesty and integrity of horse racing".

16.47.1.10 (A) 3 NMAC: A trainer licensed and in good standing in another jurisdiction, having been issued within a 24 month period, and having no record of a class 1 or 2 violation, or has less than three class 3, 4, 5 violations in the preceding 24 month period in any jurisdiction maybe accepted if evidence of experience and qualifications are provided.

16.47.1.8 (L)(1)(a) - 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: has been convicted of a felony;

16.47.1.8 (L)(1)(h) - 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: has had a license denied, suspended, or revoked by any racing jurisdiction

This ruling is written in accordance with: 16.47.1.8 (L)

License denial:

(1) The commission may formally deny an application in accordance with these rules.

(2) An application denied, if requested by the applicant, shall be reported in writing to the applicant denied stating the reasons for denial, and the date when a reapplication may be submitted.

15.2.3.8 B (3)(f) Stewards Disciplinary Action

15.2.3.8 B (3)(a) Stewards Disciplinary Action

15.2.3.8 B (1) (d) Stewards General authority. The stewards have the authority to interpret the rules and to decide all questions of racing not specifically covered by the rules. Whenever the stewards find any person culpable for any act or omission in violation of these regulations or any violation of the Horse Racing Act, the person shall be subject to disciplinary action, which could include a fine, suspension, or revocation/denial of license or any combination of these penalties.

16.47.1.8. T. KNOWLEDGE OF RULES:

16.47.1.3 Statutory Authority

16.47.1.8 (A)(1) License Required

16.47.1.8 (A)(2) License Required

16.47.1.8(N) Last Known Address

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."