



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2017-ZIA-235
Track: Zia Park
Ruling Date: 12/11/2017

Licensee: FRANCO, ALBERT SERRANO

License Type: 2015 3 Year Trainer Applicant Id: 32103
License Number: 280123

Ruling # 2017-ZIA-235
Action Type: Modified Ruling
Ruling:

RE: 2017-ZIA-235 - Modified Ruling **15.2.3.8(B)(1)(e) Stewards Authority** The stewards shall have the authority to amend, revoke, rescind or modify any ruling that they issued in error in accordance with the laws of this state and these rules. Corrected the date of the race from July 2, 2017, to July 7, 2017

Trainer **Albert Franco**, having been duly notified and responded telephonically before the Board of Stewards on **December 11, 2017**, regarding an an affidavit from UC/Davis (official testing laboratory for the NMSRC) for a confirmed positive for the therapeutic drug Dexamethasone (class 4 penalty category C drug), found in test sample **NM28006**, taken from the **second place finisher "Heza Streakin Legacy"** following **the 10th race on July 7, 2017, at Ruidoso Downs in Ruidoso, NM.**

The original lab report indicated a finding of **Dexamethasone at 96 pg/ml in the blood**, the allowable limit for Dexamethasone is 5 pg/ml in the blood (**15.2.6.9 Attachment 2 Page 3**). Split sample rights as provided in 15.2.6.10 (D) NMAC, were afforded to and declined by **Albert Franco**.

Martin Ybarra, the **owner** of record for horse "**Heza Streakin Legacy**", was duly notified and failed to appear for this hearing. In accordance with **15.2.6.9(B)(4) PENALTY RECOMMENDATIONS**, this **Martin Ybarra's FIRST Class 4C medication violation in a 365- day period**.

For **Albert Franco's FIRST Class 4C medication violation in a 365 day period**, issued in accordance with **15.2.6.9 (B)(4) PENALTY RECOMMENDATIONS**, the Board of Stewards assessed a penalty as follows:

1. A **(\$1,000) one thousand dollar fine to paid on or before January 11, 2018**, in accordance with **15.2.3.8 (B)(3)(I) NMAC**. Failure to pay fine in prescribed time may result in an immediate suspension.

Licensee is found to be in violation of:

15.2.6.9(C)(1) : Prima Facie Evidence /16.47.1.8 (U)(1) PROTECTION OF HORSES /15.2.6.9 Attachment 2, Page 3 Threshold limit for Dexamethasone 5 pg/ml in the blood
15.2.6.9(B)(4) PENALTY RECOMMENDATIONS

This ruling is written in accordance with:

15.2.6.9 CLASS 4 UNIFORM CLASSIFICATION GUIDELINES /15.2.6.11(A) Trainer Responsibility/
15.2.6.11(B) Trainer Responsibility /16.47.1.10 (C) (5) TRAINER RESPONSIBILITY:
16.47.1.10(B)(1): Absolute Insurer / 16.47.1.8 (L)(1)(i) – CONDUCT 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

Dialet Smith

Juan Garcia

Ron Walker



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2017-ZIA-236
Track: Zia Park
Ruling Date: 12/11/2017

Licensee: YBARRA, JR MARTIN CORTEZ

License Type: 2015 3 Year Owner Applicant Id: 32227
License Number: 277531

Ruling # 2017-ZIA-236
Action Type: Modified Ruling
Ruling:

RE: 2017-ZIA-236 - Modified Ruling **15.2.3.8(B)(1)(e) Stewards Authority** The stewards shall have the authority to amend, revoke, rescind or modify any ruling that they issued in error in accordance with the laws of this state and these rules. Corrected the date of the race from July 2, 2017, to July 7, 2017

Owner **Martin Ybarra** was duly notified, failed to appear, and had **his** hearing held in absentia, in accordance with **15.2.1.9(B)(4)(d) non-appearance**, before the **Board of Stewards on December 11, 2017. The hearing was in regard to an affidavit from UC/Davis (official testing laboratory for the NMSRC)** for a confirmed positive for the therapeutic drug Dexamethasone (class 4 penalty category C drug), found in test sample **NM28006**, taken from the **second place finisher "Heza Streakin Legacy"** following the **10th race on July 7, 2017, at Ruidoso Downs in Ruidoso, NM.**

The original lab report indicated a finding of **Dexamethasone at 96 pg/ml in the blood**, the allowable limit for Dexamethasone is 5 pg/ml in the blood (**15.2.6.9 Attachment 2 Page 3**). Split sample rights as provided in 15.2.6.10 (D) NMAC, were afforded to and declined by the trainer **Albert Franco**.

Albert Franco, the **trainer** of record for horse "**Heza Streakin Legacy**", was duly notified responded telephonically for this hearing. In accordance with **15.2.6.9(B)(4) PENALTY RECOMMENDATIONS**, this **Albert Franco's FIRST Class 4C medication violation in a 365- day period.**

For **Martin Ybarra's FIRST Class 4C medication violation in a 365 day period**, issued in accordance with **15.2.6.9 (B)(4) PENALTY RECOMMENDATIONS**, the Board of Stewards assessed a penalty as follows:

1. The horse "**Heza Streakin Legacy**" must pass a commission approved veterinary examination before being eligible to enter.

Licensee is found to be in violation of:

15.2.6.9(C)(1) : Prima Facie Evidence /16.47.1.8 (U)(1) PROTECTION OF HORSES /15.2.6.9 Attachment 2, Page 3 Threshold limit for Dexamethasone 5 pg/ml in the blood
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