

NEW MEXICO HORSE RACING COMMISSION
MINUTES OF THE REGULAR MEETING

Date: February 18, 2021 at 9:00 a.m.

Place: Zoom Video Conference – Meeting ID: 819 0689 4928

Members Present: Chairman Sam Bregman, Vice-Chairman David “Hossie” Sanchez, 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>
Public Session 1: 1. Call to Order and Roll Call	16:13 – 16:58	Meeting called to order at 9:01 a.m. by Executive Director, Ismael Trejo. Roll call was taken by Denise Chavez. Newly appointed Commissioner, Sam Bregman, Assistant Attorney General Delilah Tenorio, Executive Director Ismael Trejo, and NMRC Paralegal, Denise Chavez were also present.	No Action Taken.
2. Pledge of Allegiance	18:04 – 18:24		Pledge of Allegiance was recited.
3. Approval of Agenda	18:30 – 19:28	It was confirmed that the Agenda for today’s meeting was reviewed prior to today. No changes to be made.	Motion to approve the Agenda was made by Commissioner Sanchez. Motion was seconded by Commissioner Smith.

<i>AGENDA ITEM</i>	<i>RECORDING #</i>	<i>DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
			Motion passed unanimously by roll call vote.
4. Approval of Minutes: January 14, 2021	19:31 – 20:31	It was confirmed that the minutes from the January 14, 2021 regular commission meeting were reviewed and no changes to be made. Commissioner Bregman did NOT vote since he did not participate at the January 14, 2021 meeting.	Motion to approve the minutes from the Regular Commission Meeting on January 14, 2021 made by Commissioner Smith; Second by Commissioner Buffington. Motion passed unanimously (3-0) by roll call vote.
5. Election of Commission Chairman	20:36 – 26:16	This part of the meeting was turned over to Vice-Chair Sanchez for the election of a Chairman. Sam Bregman was voted as Chairman of NMRC. Chairman Bregman thanked his fellow Commissioners for voting him in as Chairman. He addressed the Stakeholders of the industry saying that he is committed to helping bring the industry back from the destruction that the pandemic caused this past year. He concluded with if we all work together New Mexico will once again have a thriving racing industry.	Motion to nominate Sam Bregman as Chairman of NMRC was made by Vice-Chair Sanchez. Motion was second by Commissioner Smith. Motion passed unanimously by roll call vote.

<i>AGENDA ITEM</i>	<i>RECORDING #</i>	<i>DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
6. Agency Director Reports: A. NMHBA Report	26:18 – 28:34	<p>Mary Barber did not have any reports this month. She did, however, send her best to Beverly Bourguet and congratulated the new Chairman.</p> <p>The NMHBA had their annual meeting on January 28, 2021. Three of their trustees were off the board (Debra Laney, Jay Taylor and Miguel Gallegos). They chose not to go up for re-election. Three trustees went up for re-election: Annette McCloy, Mike Logan and Verner Query were re-elected. Three new trustees were voted in: Vanessa Alexander, Susie Prather and Helen Nave.</p> <p>The NMHBA also had their first Stallion Auction on-line and it went very well.</p>	No Action Taken.
B. NMHA Report	28:43 – 31:30	<p>Mr. Erhard congratulated Chairman Bregman and personally acknowledged his telephone call earlier this week. He agreed that having open communication to help the recovery of the industry. He noted he is hoping for NMRC's support on HB 199 which will be discussed in Open Session 2 of this meeting. He also stated that NMHA opposes Sunland Park's and SunRay Park's requests for extension to submit 2021 Condition Books, Stakes Schedules and Purse Schedules.</p>	No Action Taken.

<i>AGENDA ITEM</i>	<i>RECORDING #</i>	<i>DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
C. NMRC Executive Director Report	31:33 – 35:50	<p>Mr. Trejo welcomed and congratulated Chairman Bregman to NMRC and looks forward to working to bring the racing industry back from the pandemic.</p> <p>Mr. Trejo reminded everyone that with the departure of Beverly Bourguet and the passing of Commissioner Corazza, that there is no Chairman of that Committee. A Rules & Medication Committee Meeting is scheduled in March. They will have to decide what they want to do. The NMRC hired Anna Vigil as Purchasing Agent, she will start on January 26, 2021. The Agency went before the HAFC Committee, the Agency will be cut about \$59k for FY2022. The Agency has been doing a lot of bill analysis lately – had some interesting bills come before us. This includes HB 199. He noted NM is way behind as other jurisdictions have been dealing with ADW for years is conducted in New Mexico, just not regulated.</p> <p>Commissioner Smith asked if the rules that passed at the last meeting can go before the Commission now or not. Mr. Trejo reported that they can and said there is a Rules hearing scheduled next month (3/18/21). The Commission can vote on those rules but it is up to the Commission how they would like to proceed. Vice-Chair indicated that he believes that the Commission needs to review</p>	No Action Taken.

<i>AGENDA ITEM</i>	<i>RECORDING #</i>	<i>DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
		those rules prior to deciding how they would like to proceed. Commissioner Smith agreed.	
7. Public Comments	35:53 – 44:25	Ms. Chavez reported that there were 6 public comments sent in. All 6 comments were read into the record.	No Action Taken.
Executive Session: entered at 9:33 a.m.	44:29 - end	Chairman Bregman called for a motion to enter into executive session to discuss the items listed in the agenda, pursuant to Sections 10-15-1H(1), H(3) and H(7) of the Open Meetings Act authorizing closed sessions for matters related to issuance, suspensions, renewal or revocation of a license; deliberations on adjudicatory proceedings and pending or threatened litigation.	Commissioner Smith moved to enter into Executive Session. Commissioner Buffington seconded the motion. Motion passed unanimously by roll call vote.
Back into Open Session: 12:34 p.m.			
8. Licensing/Pending Litigation/Appeals/Hearing Officer's Reports/Employment Contracts	2nd Recording		
A. NMHA (Pending Litigation)	5:00 – 5:50	AAG Tenorio reported that this matter was an update. No action was taken.	No Action Taken.
B. NMHA (Licensing)		AAG Tenorio reported that this matter was an update. No action was taken.	No Action Taken.
C. Sunland Park (Licensing)	5:56 – 8:29	AAG Tenorio reported that it was her understanding that the Commission would like to entertain a motion for the cancellation of the remainder of the 2020/2021 Sunland race meet.	Motion to cancel the remainder of Sunland Park's 2020/2021 race meet made by Commissioner Buffington. Motion

<i>AGENDA ITEM</i>	<i>RECORDING #</i>	<i>DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
D. SunRay Park (Licensing) E. Zia Park (Licensing) F. Downs at Albuquerque (Licensing) G. NM State Fair (Licensing) H. Ruidoso Downs (Licensing)	8:33 – 9:07	Dustin Dix addressed the Commission regarding the cancellation of the remainder of their race meet due to the devastating pandemic.	seconded by Commissioner Sanchez. Motion passed unanimously by roll call vote.
		AAG Tenorio reported that no Commission action is needed for Items D-H. No action was taken.	No action was taken.
	9:09 – 9:30	Chairman Bregman did not participate in the discussion on matters I-L and removed himself from this part of the meeting (both in closed session and Open Session 2).	
	9:33 – 10:50	AAG Tenorio reported that the Commission would like to entertain a motion to issue an order of dismissal and release purses. Chairman Bregman recused himself from voting on this matter.	Motion to issue an Order of Dismissal and release purses made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote (3-0).
J. IMO: John Stinebaugh – “Hes Limitless” (Pending Litigation)	10:52 – 11:39	AAG Tenorio reported that the Commission would like to entertain a motion to issue an order of	Motion to issue an Order of Dismissal and release purses

<i>AGENDA ITEM</i>	<i>RECORDING #</i>	<i>DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
<p>K. IMO: Bart Hone:</p> <p>1. “J J’s Event” Sample #E276375;</p>	11:41 – 12:28	dismissal and release purses. Chairman Bregman recused himself from voting on this matter.	made by Commissioner Buffington. Motion seconded by Commissioner Smith. Motion passed unanimously by roll call vote (3-0).
		AAG Tenorio reported that the Commission would like to entertain a motion to issue an order of dismissal and release purses. Chairman Bregman recused himself from voting on this matter.	Motion to issue an Order of Dismissal and release purses made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote (3-0).
	12:30 – 13:11	AAG Tenorio reported that the Commission would like to entertain a motion to issue an order of dismissal and release purses. Chairman Bregman recused himself from voting on this matter.	Motion to issue an Order of Dismissal and release purses made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote (3-0).

<i>AGENDA ITEM</i>	<i>RECORDING #</i>	<i>DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
3. "Kar Keen" Sample #E276388; and	13:16 – 13:50	AAG Tenorio reported that the Commission would like to entertain a motion to issue an order of dismissal and release purses. Chairman Bregman recused himself from voting on this matter.	Motion to issue an Order of Dismissal and release purses made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote (3-0).
4. "Snowbound Jones" Sample #E276849 (Pending Litigation)	13:55 – 14:14	AAG Tenorio reported that there is no Commission action requested at this time. Chairman Bregman recused himself from voting on this matter.	No action taken.
L. IMO: Michael Barber: 1. "Mulberry" Sample #E276436;	14:16 – 14:54	AAG Tenorio reported that the Commission would like to entertain a motion to issue an order of dismissal and release purses. Chairman Bregman recused himself from voting on this matter.	Motion to issue an Order of Dismissal and release purses made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote (3-0).
2. "Mulberry" Sample #E277028; and	14:58 – 15:28	AAG Tenorio reported that the Commission would like to entertain a motion to issue an order of	Motion to issue an Order of Dismissal and release purses

<i>AGENDA ITEM</i>	<i>RECORDING #</i>	<i>DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
<p>3. “Magnum Moonflash” Sample #E276878 (Pending Litigation)</p>	15:33 – 16:06	<p>dismissal and release purses. Chairman Bregman recused himself from voting on this matter.</p> <p>AAG Tenorio reported that the Commission would like to entertain a motion to issue an order of dismissal. Chairman Bregman recused himself from voting on this matter.</p>	<p>made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote (3-0).</p> <p>Motion to issue an Order of Dismissal and release purses made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote (3-0).</p>
<p>9. Unfinished/New Business and/or Action Items Regarding Licensing</p> <p>A. Approval for Sunland Park</p> <p>1. Approval for Extension to Submit 2020/2021 Condition Book (Book #1), 2020/2021 Stakes Schedule, and 2020/2021 Purse Schedule</p>	17:00 – 18:20	<p>Chairman Bregman reported that this matter is moot and need no further action due to the earlier discussion of cancelling the remainder of the 2020/2021 race meet.</p>	<p>No further action taken.</p>

<i>AGENDA ITEM</i>	<i>RECORDING #</i>	<i>DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
<p>B. Approval for SunRay Park</p> <p>1. Approval for Extension to Submit 2021 Condition Book, 2021 Stakes Schedule and 2021 Purse Schedule</p>	18:23 – 29:41	<p>Bradley Boehm requested a 30-day extension to submit SunRay Park's 2021 Condition Book, 2021 Stakes Schedule and 2021 Purse Schedule.</p> <p>Commissioner Smith addressed Mr. Boehm and reminded him that when the State opens back up they are next in line so start thinking about what they are going to do. Mr. Boehm responded that they are already planning and having discussions with the horsemen.</p>	<p>Motion granting SunRay Park a 30-day extension to submit their 2021 Condition Book, 2021 Stakes Schedule and 2021 Purse Schedule made by Commissioner Buffington. Motion seconded by Commissioner Smith. Motion passed unanimously by roll call vote.</p>
<p>C. Approval for Ruidoso Downs</p> <p>1. Approval of 2021 Stakes Schedule</p>	23:45 – 28:28	<p>Jeff True requested an extension for another 30 days. He said he is optimistic that Ruidoso Downs will be opening on time in May. There's another health order coming from the DOH in another week/10 days and believes this will shed some light with regard to opening. They are having discussions about their opening plans</p>	<p>Motion to grant Ruidoso Downs a 30-day extension made by Commissioner Sanchez. Motion seconded by Commissioner Smith. Motion passed unanimously by roll call vote.</p>

AGENDA ITEM	RECORDING #	DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS	ACTION TAKEN
D. NMHA/NMHBA/Jeff True – HB 199, <i>An Act Related to Horse Racing – Providing for Advance Deposit Wagering</i>	28:35 – 43:09	<p>Mr. Erhard reported that on Feb. 8, 2021 the HB 199 was unanimously approved by the house, commerce, and economic development committee. This win is the first step to getting this law passed. He is requesting support from NMRC of this bill as well. Mary Barber added that NMHBA is in full support of this bill. Jeff True reported that he believes that this a very important bill for the NM industry. Chairman Bregman asked Jeff True if there has been discussion regarding distribution of these funds. Jeff True reported that there has been discussion/negotiations. He deferred to State Representative Candy Ezzell. State Representative Candy Ezzell stated that the amendment has been drafted, approved and is on its way to the committee. Whenever she receives the amendment she will forward it to NMHA, NMHBA and NMRC. She also requests the support of NMRC for this very important part of legislation. Chairman thanked State Representative Candy Ezzell for all her hard work and for keeping an eye out for the industry up in Santa Fe. Chairman recalled hearing Jeff True referring to “near universal support” and asked if there is any stake holder or entity that is NOT in support of this bill. Jeff True responded that reference is made to structural detail of the bill. All the entities in the state have expressed their support of the bill. There were different ideas of</p>	No Action taken.

AGENDA ITEM	RECORDING #	DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS	ACTION TAKEN
		<p>how the bill could be structured. But the objections were worked out and now all are in support of the bill. Chairman Bregman asked Mr. Erhard if any of the efforts to gain support of the commission for the passing of this bill was made prior to the NMHA filing suit against the NM Racing Commission. Mr. Erhard responded that this has nothing to do with the lawsuit. Chairman Bregman agreed and further stated it is wonderful to see such a collaboration of all the stakeholders and was just wondering if the same consideration was given before the horsemen decided to sue the commission. Was there any discussion about the issues and problems prior to filing a lawsuit? Mr. Erhard responded that he has attempted to reach out to the Commission since he has come onto the board of NMHA, however the NMRC has been non-responsive and felt like there was no further choice but to file a lawsuit. We can expect the Amendment right after this meeting according to State Representative Candy Ezzell. Jeff True reported that the amendment will change the basis of the distribution.</p>	
10. Adjournment at 1:10 p.m.	43:11 - end		


 Chairman Sam Bregman

4/8/21
 Date

 4-8-21
 Executive Director Ismael Trejo Date