NEW MEXICO HORSE RACING COMMISSION MINUTES OF THE REGULAR MEETING

Date: February 20, 2020 at 9:00 AM

Place: NMRC Boardroom, 4900 Alameda Blvd. NE, Albuquerque, NM 87113

Members Present: Chairwoman Beverly Bourguet, Commissioner Ken Corazza, Commissioner John Buffington and Commissioner Billy

Smith.

Members Absent: David "Hossie" Sanchez

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

Others Present/Participating: Assistant Attorney General Delilah Tenorio and Assistant Attorney General Valerie Joe

AGENDA ITEM	Recording #	DISCUSSION / CONCLUSIONS / RECOMMENDATIONS	ACTION TAKEN
Public Session: 1. Call to Order and Roll Call	0:44 – 1:06	Meeting called to order by Chairwoman Bourguet. Roll call was taken by Denise Chavez. Assistant Attorney General Delilah Tenorio was present.	No Action Taken.
2. Pledge of Allegiance	01:24 - 01:35		Pledge of Allegiance was recited.
3. Approval of Agenda	01:45 - 04:13	Chairwoman Bourguet asked if there were any changes to be made to the Agenda. Director Trejo made the following changes to the Agenda: Change to Item 7.(D)(2) should be Approval of 2020 Racing Officials; Also amended Items 6.(B) 1. Ruidoso Downs/House Bill 261 - NMHA, Executive Director, Richard Erhard corrected should be HB 271; 2. Visits to Sunland Park and 3. Downs at Albuquerque's Condition Book for 2020 Race Meet	Motion to adopt Agenda as amended by Commissioner Corazza. Commissioner Buffington second motion. Motion passed unanimously.

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4. Approval of Minutes: A. November 21, 2019	04:17 – 04:33	Chairwoman Bourguet requested a motion to approve the minutes of the January 16, 2020 Regular Meeting.	Motion to approve January 16, 2020 minutes by Commissioner Buffington; Second by Commissioner Smith. Motion passed unanimously.
5. Chairwoman's Report	04:35 - 10:12	 Highway named after Mike Smith in Dexter, New Mexico All Commissioners were confirmed in Santa Fe, NM Chairman Bourguet talked about the progress made at the two meetings on February 19, 2020 (Rules & Medication Committee Meeting – Commissioner Corazza commented that it was a good discussion for the industry and the Race Dates Committee Meeting – Commissioner Buffington was happy with the discussions had as a result of this meeting. It was a positive first step) ORI Conference upcoming to be held at the DAA. Thank you to Don Cook for hosting this and Leasa Johnson for organizing the Conference. 	No Action Taken.
6. Agency Director Reports: A. NMHBA	10:27 – 26:11	Mary Barber, Executive Director of the New Mexico Horse Breeders Association, presented the Race a	No Action Taken.

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		Day Report for Sunland Park through Tuesday, February 11, 2020 stating that they ran 120 NM Bred Races in 28 days. In overnight races, the NMHBA contributed \$340,500; in the five Thoroughbred races the NMHBA contributed \$250,000 and for their Quarter horse stake races they contributed \$215,000. This was \$151,000 more than in 2019. During the Sunland Park meet they averaged 4.29 NM Bred races per day and plus 36 for the required three a day. Discussion including Dustin Dix of Sunland Park to run more QH races in 2019-2020 season than 2018-2019 season. Discussion on how to improve TB Stock Commissioner Smith thinks that discussions needs to happen regarding split meets Mary Barber reported that their annual meeting was held on January 30, 2020 – results were: Tom Goncharoff was reelected as President; Mike Logan is 1st Vice-President; and Jay Taylor 2 nd Vice-President.	
B. NMHA Report	26:30 – 34:14	Executive Director of NMHA, Richard Erhard made his presentation: Congratulation to the Commissioners and their confirmation for this Commission He was sorry to report HB 271 did not pass, however, commended Jeff True for heading that bill	No Action Taken.

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		 He reported meeting between the Horsemen Association Committee and track management of Sunland Park, Downs at Albuquerque and Ruidoso Downs – positive discussions regarding Conditions Books and Purse Structure. 2020 Race Dates Committee Meeting held yesterday produced healthy discussions and the need for a 3-5 year strategic plan for certainty for all involved. A follow-up "unofficial meeting" was had with Tom Goncharoff, Lonnie Barber and Brad Boehm mostly discussing marketing as the horse racing industry. Getting stake holders from California to come to New Mexico. 	
C. NMRC Executive Director's Report	35:40 – 47:29	 Director Trejo presented the following: Congratulated the Commissioners on their confirmation. ORI Conference is on Sunday, February 23, 2020 at 6:00 p.m. Thanked Don Cook and Paul Blanchard for hosting the conference. Also thanked SunRay, Zia and Sunland Park for sponsoring some of the events at the conference. Dr. Waterman assisted with the statistics of recent drug violation results. Happy to report that even though the trend indicates a significant increase in testing, there is a decline in violations. The RC will vigorously 	No Action Taken

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		 work on getting the bad people out of the industry. Next week to Remington Park in Oklahoma City to give a presentation Mention of Sunland Park and how well they are doing. Discussion regarding the weekend's drug violation tests, need tracks' help, need to bar horses not just the owners and/or trainers. Commissioner Smith asked if we will ever get to the point of hair testing and penalize the trainer. For right now we will work on a case-by-case. We are headed in that direction 	

 7. Unfinished/New Business and/or Action Items Regarding Licensing: A. Approval of Substitute Steward Gerald Richards on February 15, 2020 at Sunland Park 	47:31 – 47:59	Director Trejo clarified that this should actually be ratification of approval of substitute steward, Gerald Richards on February 15, 2020 at Sunland Park.	Motion made to approve ratification made by Commissioner Smith. Second by Commissioner Buffington. Motion passed unanimously.
B. Approval for Sunland Park 1. Ratification of Approval to Run 9 Races on February 2, 2020 and 10 races on February 4, 2020	48:07 – 55:00	Dustin Dix asked for ratification of approval to run 9 races on February 2 and add that race to February 4 due to the Superbowl.	Motion made to ratify the approval by Commissioner Corazza. Second by Commissioner Smith. Motion passed unanimously.
2. Ratification of Approval to Amend Post Time Schedule and Wagering Format on February 2, 2020 and February 4, 2020		Mr. Dix asked to ratify the approval to amend the post time schedule and wagering format on the two above-referenced days.	Motion made to ratify the approval by Commissioner Smith. Second by Commissioner Buffington. Motion passed unanimously.
3. Ratification of Approval to Amend Wagering Format on February 14, 2020		Mr. Dix asked for ratification of approval to amend wagering format on February 14, 2020. Sunland ran an all QH race card.	Motion made to ratify the approval by Commissioner Corazza. Second by Commissioner Smith. Motion passed unanimously.

4. Ratification of Approval of Change in Officials		Mr. Dix asked for ratification of approval to promote Javier Monarrez since February 7, 2020. Mr. Dix introduced Javier Monarrez as Sunland's new starter. Mr. Monarrez has been working on starting gate for the past 16 years, gate foreman for 14 years. Johnnie Jamison, Sunland's starter groomed Mr. Monarrez to be track maintenance manager and oversee the barn area maintenance as well.	Motion made to ratify the approval by Commissioner Corazza. Second by Commissioner Smith. Motion passed unanimously.
5. Ratification of Approval to Add one race on Tuesdays beginning February 18, 2020 through April 21, 2020		Mr. Dix requested ratification of approval to add one race on Tuesdays beginning February 18, 2020 through the end of the meet.	Motion made to ratify the approval by Commissioner Corazza. Second by Commissioner Smith. Motion passed unanimously.
		 Mr. Dix gave a brief synopsis of their meet this is through 31 days through Sunday: Sunland is running 101 QH races, 194 TB races. On track they are up 5.72%, off track they are up 23.48%, over all they are up 19.1%. Bourbon & Whiskey Festival this weekend after the live races on Saturday. Prep races on Sunday for the Sunland Derby and Sunland Oaks 	Informational purposes only. No action taken.
C. Approval for Zia Park 1. Approval of 2020 Nomination Forms for New Mexico Classic Derby & Futurity	55:06 – 1:02:44	Mr. Hopf requested approval for the 2020 Nomination Form for the New Mexico Classic Derby and Futurity. There were only 3 changes made: 1) the derby will run at 400 yards and the futurity will run at 350 yards; 2) the payment schedule (dates	Motion made to approve by Commissioner Buffington. Second by Commissioner

		only); and 3) they will no longer take credit cards for payment. Horsemen and Breeders approved.	Smith. Motion passed unanimously.
2. Approval for 2020 Nomination Forms for Hobbs America Derby and Futurity	1:20:04 – 1:20:42	Mr. Hopf requested approval for the 2020 Nomination Form for the Hobbs America Derby and 2020 Hobbs America Futurity. There were only 3 changes made: 1) the derby will run at 400 yards and the futurity will run at 350 yards; 2) the payment schedule (dates only); and 3) they will no longer take credit cards for payment. Horsemen and Breeders approved. • Corazza expressed concern on the weight of the jockeys. Mr. Trejo explained that Mr. Hopf is not from this jurisdiction and is not sure that he was in the loop when the rule of the jockey minimum weights for QH were passed. Mr. Hopf was not aware of any changes • Mr. Hopf confirmed of the first \$200 nomination payment on the Hobbs America Derby nomination form was made. This is correct, same as last year and not a typo.	Motion made to approve Hobbs America Futurity Nomination form by Commissioner Buffington. Second by Commissioner Smith. Motion passed unanimously. Motion made to approve Hobbs America Derby Nomination Form after confirmation was made by Commissioner Smith. Second by Commissioner Buffington. Motion passed unanimously.
D. Approval for Ruidoso Downs 1. Approval of 2020 Condition Book	1:02:48 – 1:20:00	Mr. True asked for approval of initial 2020 Condition Book. • Opening weekend will be Ruidoso Futurity	Motion made to approve by Commissioner
		and Derby Trials	Buffington. Second

	 Ruidoso will also be racing that Monday – first mixed card. This book is basically the same book put out last year with the following change: the purses have increased by 5%. Because of the way the calendar falls this year Ruidoso will have 16 racing weeks where generally they have 15 weeks. There will be 50 racing days this year. Horsemen and Breeders have both had input on this condition book and is approved by both. 	by Commissioner Smith. Motion passed unanimously.
2. Approval of 2020 Racing Officials	 Mr. True asked for approval of 2020 Racing Officials. Significant changes (in quantity). Kelly McReynolds is replacing Les Nichols (retired) Kelly has been starter for a long time. Does a good job managing their team. Matt Crawford replacing Johnny Montes as Racing Secretary. Brenda Buckner is new Horsemen's Bookkeeper. Chairwoman addressed Kelly McReynold's many roles. Mr. True explains that McReynolds manages and is with horses throughout the day. Commissioners Buffington and Smith are ok with McReynold's roles. It has worked well and makes sense. Discussion with Mr. Trejo should take place regarding one person with multiple job roles requested by Chairwoman. Commissioner asked who will be replacing Amanda Geer. Mr. True reported they are interviewing right now. There will be a 	Motion made to approve by Commissioner Corazza. Second by Commissioner Smith. Motion passed unanimously.

		Celebration of Life (Blanket Race) in her honor on May 30.	
E. Approval for Downs at Albuquerque 1. Approval of 2020 Condition Book	1:20:48 – 1:34:39	 Mr. Cook is requesting approval of 2020 Condition Book as submitted. The biggest change is the purses. Horsemen and Breeders in agreement 	Motion made to approve by Commissioner Buffington. Second by Commissioner Smith. Motion passed unanimously
2. Approval of 2020 Condition Book Officials		Mr. Cook requested approval of Condition Book Officials which are: Gerald Richards, Racing Secretary; Santos Toquinto, Stall Superintedent; and Danielle Sena, Nomination Secretary.	Motion made to approve by Commissioner Smith. Second by Commissioner Buffington. Motion passed unanimously
3. Approval of 2020 Stakes Schedule		 Mr. Cook requested approval of 2020 Stakes Schedule. The biggest change is the NM Bred Stake Races. They are all \$100k guaranteed. Breeders kicked in \$60k DAA kicked in \$40k. They added a juvenile race as consolation. Other than that it is the same as last year. 	Motion made to approve by Commissioner Smith. Second by Commissioner Buffington. Motion passed unanimously.
4. Approval of 2020 Purse Structure		 Mr. Cook requested approval of 2020 Purse Structure. Increase in purse 25% Working with Horsemen to make sure all money is paid out. Surplus being monitored closely. Mr. Cook will report how this is going next month. 	Motion made to approve by Commissioner Smith. Second by Commissioner Buffington. Motion passed unanimously.

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Approval of 2020 Stall Application Gaming & Breakage		Mr. Cook requested approval of 2020 Stall Application. One item added after Downs At Albuquerque met with the Horsemen and the State Fire Marshal is listed on the bottom right hand – The Fire Marshal Code IFC 2015; the Tack Rooms will not be used as living quarters. There will be zero tolerance of any domestic living in the tack rooms. A Trainer's designated night watchmen are allowed to have a fold up cot in their tack room or in the shed row. Met with Fire Marshal to let the horsemen know what is and isn't going to be allowed. Everyone is on the same page. Mr. Cook presented the Gaming & Breakage as the added money from the NMHBA for the stake races. Letter from NMHBA is showing the break down of the breakage contribution. Mr. Cook is asking for approval.	Motion made to approve by Commissioner Smith. Second by Commissioner Buffington. Motion passed unanimously. Motion made to approve by Commissioner Smith. Second by Commissioner Buffington. Motion passed unanimously.

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J. Public Comment	1:34:45 – 1:39:50	 Reason we run QH early is because most tracks (eastern tracks especially and simulcast) won't take QHs. Part of the reason why the selectiveness of running them early. The Downs, she thinks they run theirs last because of the two-hour difference plus the lighting situation isn't the greatest. Condition books are getting far too complicated. Keep it simple. Challenge races – Are the horsemen aware that all the money going to their purses are coming out of their purse account. What good is it having "good" purses when a person can't run their horse. 	No Action Taken.
Closed: Executive Session	1:39:55 - End	Roll call vote to go into Executive Session taken by Denise Chavez.	Chairwoman moved to go into Executive Session.
Open Session Resumes	Recording - (Part 2) 01:35 – 02:00	Chairwoman Bourguet announced the Commission was now in open session and affirmed that the Commission discussed only those matters specified in the motion to close the meeting in accordance with Section 10-15-1 (J). Roll Call was taken by Denise Chavez.	No Action Taken.

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8. Licensing/Pending Litigation/Appeals/Hearing officer Reports/Employment Contracts: A. In the Matter of Dallas Jay Barton	02:00 -02:28	AAG Tenorio stated that the Commission would like to entertain a motion to table the adoption of the Hearing Officer's Report so that General Counsel may have an opportunity to review the Hearing Officer's Report and transcript.	All voted. Motion passed unanimously.
B. In the Matter of Joel Valeriano & Owner Javier Rodriguez (update and presentment of Board Order)	02:30 - 03:30	Assistant Attorney General Tenorio stated Commission would like to entertain a motion to adopt the Hearing Officer's Report and include that the Commission has reviewed and considered the mitigating circumstances presented by the Hearing Officer and concludes that those circumstances raised do NOT warrant a change in the fine amount	So Moved. Commissioner Corazza seconded motion. Motion passed unanimously.
C. In the Matter of Isidro Rodriguez (Race Appeal)	03:34 - 03:55	and penalty recommended by the Hearing Officer. AAG Tenorio is requesting a motion so that the Commission would like entertain a motion to uphold the recommendation of the Race Review Committee to keep the race order the same.	So Moved by Chairwoman Bourguet. Second by Commissioner Buffington. Motion passed unanimously.

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D. In the Matter of Bertha Irigoyen (Race Appeal)	03:37 -04:17	AAG Tenorio is requesting a motion so that the Commission would like entertain a motion to uphold the recommendation of the Race Review Committee to keep the race order the same.	So Moved by Chairwoman Bourguet. Second by Commissioner Smith. Motion passed unanimously.
E. In the Matter of Fred Danley (Race Appeal – October 26, 2019)	04:20 -04:42	AAG Tenorio is requesting a motion so that the Commission would like entertain a motion to uphold the recommendation of the Race Review Committee to keep the race order the same.	So Moved by Chairwoman Bourguet. Second by Commissioner Smith. Motion passed unanimously.
F. In the Matter of Fred Danley (Race Appeal – December 8, 2019)	04:44 - 05:04	AAG Tenorio is requesting a motion so that the Commission would like entertain a motion to uphold the recommendation of the Race Review Committee to keep the race order the same.	So Moved by Chairwoman Bourguet. Second by Commissioner Smith. Motion passed unanimously.
G. Esteban Martinez (Licensing)	05:06 – 05:26	AAG Tenorio noted that Esteban Martinez was a no show and asked for the Commission for a motion to close this matter because Mr. Martinez did not appear.	So Moved by Chairwoman Bourguet. Second by Commissioner Smith. Motion passed unanimously.

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H. Jose Luis Enriquez (Licensing)	05:30 – 05:52	AAG Tenorio requested a motion to table this matter until the next Commission meeting so that Mr. Enriquez can have an interpreter present.	So Moved by Chairwoman Bourguet. Second by Commissioner Smith. Motion passed unanimously.
I. Zia (Update)	05:55 – 06:24	AAG Tenorio requested a motion to direct General Counsel and Executive Director Trejo to draft a letter to the NMHA and Zia Park directing them to discuss issues related to the Horsemen and Track Management.	So Moved by Chairwoman Bourguet. Second by Commissioner Smith. Motion passed unanimously.
9. Adjournment	09:21 – 09:23	Chairwoman Bourguet called for a motion to adjourn. The meeting adjourned at 12:33 PM.	Motion was made to adjourn meeting by Commissioner Corazza. Second by Commissioner Sanchez. Motion passed unanimously.

Chairman Sam Bregman

Date

Executive Director Ismael Trejo

Date