

NEW MEXICO HORSE RACING COMMISSION
MINUTES OF THE REGULAR MEETING

Date: January 14, 2021 at 9:00 a.m.

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

Members Present: Chairwoman Beverly Bourguet, 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	26:36 – 28:03	Meeting called to order at 9:13 a.m. by Chairwoman Bourguet. Roll call was taken by Denise Chavez. Assistant Attorney General Delilah Tenorio, Executive Director Ismael Trejo, and NMRC Paralegal, Denise Chavez were also present.	No Action Taken.
2. Pledge of Allegiance	28:10 – 28:29		Pledge of Allegiance was recited.
3. A Moment of Silence in Honor of Commissioner Corazza	28:33 – 33:40	Executive Director Trejo expressed his condolences from himself and NMRC to his family and shared memories of Commissioner Corazza. A moment of silence in Commissioner Corazza’s honor was taken.	No Action Taken.

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4. A Moment of Silence in Honor of Stan Sigman	33:45 – 35:41	Chairwoman took a few moments to share Mr. Sigman's contribution to racing industry. A moment of silence was taken in honor of Mr. Sigman.	No Action Taken.
5. Approval of Agenda	35:48 – 37:37	Chairwoman asked for any changes needed to be made for the today's agenda. Commissioner Sanchez noted that the Agenda had the incorrect date for the Special Meeting Minutes. It should be December 4 th not 2 nd .	Motion to approve the Agenda as amended made by Commissioner Sanchez. Commissioner Smith second motion. Motion passed unanimously by roll call vote.
6. Approval of Minutes: November 19, 2020	37:40 – 38:28	Chairwoman Bourguet asked if there were any corrections that needed to be made to the minutes. There were none.	Motion to approve the minutes from the Regular Commission Meeting on November 19, 2020 made by Commissioner Smith; Second by Commissioner Buffington. Motion passed unanimously by roll call vote.
December 4, 2020 (Special Meeting)	38:30 – 39:21	Chairwoman Bourguet asked if there were any corrections that needed to be made to the minutes. There were none.	Motion to approve the minutes from the Special Meeting on

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			December 4, 2020 made by Commissioner Sanchez; Commissioner Smith seconded the motion. Motion passed unanimously by roll call vote.
7. Chairwoman Reports	39:27 – 43:32	<ul style="list-style-type: none"> • Chairwoman Bourguet gave an update regarding the HISA Bill. It passed late December. • AG will make sure there are no conflicts with our State laws and the HISA Bill. • The Bill will come into effect July, 2022. • The Commission is scheduled to appear before the LFC on January 18, 2021. • Rules & Medication Committee met yesterday. 22 rules were reviewed. A rules hearing will be scheduled at the next Regular Commission Meeting. 	No Action Taken.
8. Agency Director Reports: A. NMHBA Report	45:00 – 50:52	Mary Barber presented the Race-A-Day Report for Zia Park through Wednesday, December 23, 2020 stating that they ran 143 NM Bred Races in 28 days. In overnight races, the NMHBA contributed \$920,500. This is \$1,077,000 less than contributed last year. They averaged 5.11 NM Bred per day, +59 for three a day.	No Action Taken.

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B. NMHA Report	50:53 – 53:11	<p>Mary Barber reported that there will be an annual meeting on January 28, 2021 beginning at 1:00 p.m. via Zoom.</p> <p>Mr. Erhard wished everyone a very happy new year on behalf of the NMHA. He also expressed his condolences to the family and the NMRC of the loss of Commissioner Corazza. He noted that their ADW bill is later on the agenda. Expressed thanks to Jeff True and NMHBA for helping on this bill.</p>	No Action Taken.
C. NMRC Executive Director Report	53:13 – 56:39	<p>Executive Director, Izzy Trejo reported: the loss of Commissioner Corazza greatly impacted the NMRC, however, in his honor we will continue to fight the good fight. He pointed out that the Chairwoman already mentioned that HISA passed. He strongly encouraged stake holders to read the bill, be prepared as we need to know how to maneuver once the bill comes into effect. Happy to announce that a new Purchasing Agent (Anna Vigil) has been hired and will begin work on January 25, 2021. Mr. Trejo discussed the inaccurate chatter regarding Sunland Park not opening and the NMRC fielding calls to help people understand why decisions are made the way they are made. Sunset Committee to be held Monday, January 18, 2021 this will be the time to discuss how NM will regulate horse racing with</p>	No Action Taken.

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		the legislatures. On January 26, 2021 we will also be going in front of the HFC to see what we get appropriated to regulate the industry.	
9. Public Comments	56:56 – 1:12:00	Ms. Chavez reported that there were 11 public comments sent in. All 11 comments were read into the record.	No Action Taken.
Executive Session: entered at 10:00 a.m.	1:12:15 - end	Chairwoman Bourguet 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: 2:37 p.m.			
10. Licensing/Pending Litigation/Appeals/Hearing Officer's Reports/Employment Contracts	2nd Recording		
A. NMHA (Pending Litigation)	16:05 – 16:27	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)	16:29 – 20:35	Dustin Dix requested a 30 day extension to reassess opening Sunland Park for the 2020/2021 race meet.	Motion to grant a 30 day extension to reassess the start of Sunland Park's 2020/2021 race meet

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D. Paul Blanchard & Mike Abraham (Hearing Officer's Report)	20:45 – 21:44	AAG Tenorio reported that the Commission would like to entertain a motion to adopt the Hearing Officer's Findings of Fact and Conclusions of Law and recommendations and dismiss this matter.	made by Commissioner Sanchez. Motion seconded by Commissioner Smith. Motion passed unanimously by roll call vote. Motion to adopt the Hearing Officer's recommendations made by Commissioner Sanchez. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.
E. Alonzo & Sylvia Aranda (Hearing Officer's Report)	21:50 – 24:13	AAG Tenorio reported that the Commission would like to entertain a motion to adopt the Hearing Officer's Findings of Fact and Conclusions of Law which include assessing a penalty against Alonzo Aranda and Sylvia Aranda. In regard to mitigating circumstances that were addressed in the Hearing Officer's Report, the Commission have reviewed those mitigating circumstances and incorporate them into the final Decision & Order.	Motion to adopt the Hearing Officer's recommendations made by Commissioner Smith. Motion seconded by Commissioner Sanchez. Motion passed unanimously by roll call vote.

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F. Ruben Leyba, Jr. (Hearing Officer's Report)	24:17 – 25:20	AAG Tenorio reported that the Commission would like to entertain a motion to adopt the Hearing Officer's Findings of Fact and Conclusions of Law which include the penalties set therein.	Motion to adopt the Hearing Officer's recommendations made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.
G. Race Review Recommendations i. Coke Gage	25:24 – 26:22	AAG Tenorio reported that the Commission would like to entertain a motion adopt the Race Review Committee's Recommendations and overturned the BOS's Decision and adopted the final order of finish as presented by the Race Review Committee.	Motion to adopt the Race Review Committee's Recommendations made by Commissioner Smith. Motion seconded by Commissioner Sanchez. Motion passed unanimously by roll call vote.
ii. Mark McCloy	26:25 – 27:23	AAG Tenorio reported that the Commission would like to entertain a motion adopt the Race Review Committee's Recommendations and overturned the BOS's Decision and adopted the final order of finish as presented by the Race Review Committee.	Motion to adopt the Race Review Committee's Recommendations made by Commissioner Sanchez. Motion

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iii. Doug May	27:27 – 28:26	AAG Tenorio reported that the Commission would like to entertain a motion adopt the Race Review Committee's Recommendations and affirmed the BOS's Decision and adopted the final order of finish as presented by the Race Review Committee.	seconded by Commissioner Smith. Motion passed unanimously by roll call vote. Motion to adopt the Race Review Committee's Recommendations made by Commissioner Sanchez. Motion seconded by Commissioner Smith. Motion passed unanimously by roll call vote.
iv. Mario Fernandez	28:32 – 29:49	AAG Tenorio reported that the Commission would like to entertain a motion adopt the Race Review Committee's Recommendations and affirmed the BOS's Decision, adopted the final order of finish as presented by the Race Review Committee and to pursue disciplinary action against Mario Fernandez pursuant to NMRC 15.2.5.14(D)(5) and (D)(6) for filing a frivolous claim.	Motion to adopt the Race Review Committee's Recommendations made by Commissioner Smith. Motion seconded by Commissioner Sanchez. Motion passed unanimously by roll call vote.

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v. Joyce Erickson	29:56 – 30:54	AAG Tenorio reported that the Commission would like to entertain a motion adopt the Race Review Committee's Recommendations, overturned the BOS' decision and adopt the order of finish as presented by the Race Review Committee.	Motion to adopt the Race Review Committee's Recommendations made by Commissioner Buffington. Motion seconded by Commissioner Smith. Motion passed unanimously by roll call vote.
vi. Jaime Aldavaz, Sr.	30:59 – 32:24	AAG Tenorio reported that the Commission would like to entertain a motion adopt the Race Review Committee's Recommendations and affirmed the BOS's Decision, to pursue disciplinary action against Jaime Aldavaz pursuant to NMRC 15.2.5.14(D)(5) and (D)(6) for filing a frivolous claim, and adopted the final order of finish as presented by the Race Review Committee.	Motion to adopt the Race Review Committee's Recommendations made by Commissioner Smith. Motion seconded by Commissioner Sanchez. Motion passed unanimously by roll call vote.
vii. Ivan Tafoya	32:29 – 33:26	AAG Tenorio reported that the Commission would like to entertain a motion adopt the Race Review Committee's Recommendations, affirm the BOS's	Motion to adopt the Race Review Committee's Recommendations

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		Decision and the final order of finish as presented by the Race Review Committee.	made by Commissioner Sanchez. Motion seconded by Commissioner Smith. Motion passed unanimously by roll call vote.
H. Aminadab Alvidrez (Licensing)	33:33 – 34:14	AAG Tenorio reported that the Commission would like to entertain a motion to deny issuance of license as Mr. Alvidrez did not supply the Commission with more background information regarding his charges of conspiracy.	Motion to deny a license to Aminadab Alvidrez made by Commissioner Smith. Motion seconded by Commissioner Sanchez. Motion passed unanimously by roll call vote.
I. Juan Cesar Torres-Casas	34:18 – 35:11	AAG Tenorio reported that the Commission would like to entertain a motion to approve issuance of license to Mr. Torres-Casas.	Motion to approve issuance of license in NM made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.

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11. Unfinished/New Business and/or Action Items Regarding Licensing A. Open Meetings Resolution for 2021	35:37 – 36:13	Chairwoman Bourguet called for a motion to approve the Open Meetings Resolution for 2021.	Motion to approve the Open Meetings Resolution for 2021 made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.
B. Approval to Authorize Executive Director Trejo to Appoint Hearing Officers	36:19 – 37:40	Chairwoman Bourguet called for a motion granting Executive Director Trejo authority to appoint Hearing Officers for appealed matters in 2021.	Motion granting Executive Director Trejo authority to appoint hearing officers made by Commissioner Sanchez. Motion seconded by Commissioner Smith. Motion passed unanimously by roll call vote.
C. Appointment of Race Review Committee	38:15 – 39:04	Chairwoman Bourguet called for a motion appointing Stephen Gemlich, Walt Wiggins, Scot Waterman and Mike Harbour as the Race Review Committee for 2021.	Motion to appoint Stephen Gemlich, Walt Wiggins, Scot Waterman and Mike

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<p>D. 2021 Proposed Legislation NMHA/NMHBA/Jeff True</p>	39:35 – 53:37	Mr. Erhard led the conversation regarding the 2021 proposed legislation. Tagline: modernize and digitize our pari-mutuel domain. Working on an industry-wide legislation in the form of an advance deposit wagering bill. Legislation is supported by NMHA and NMHBA and is seeking support by the five racetracks. Mr. True said he did not have much to add to Mr. Erhard's presentation. Four of the Five tracks are on board with this bill. They are all kept apprised of the status of the draft of this bill. The current draft of this bill does not allow for historical horse racing. Mr. Gonchroff reported that the NMHBA met with Mr. Erhard and Mr. True and are all in favor of this bill.	<p>Harbour as the Race Review Committee for 2021 made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.</p> <p>No Action taken.</p>
<p>E. Approval for Sunland Park</p> <p>1. Approval for Extension to Submit 2020/2021 Condition Book (Book #1), Stakes Schedule, and Purse Schedule</p>	53:43 – 57:42	Dustin Dix requested approval of an extension for 30 days to submit the 2020/2021 Condition Book (Book #1), Stakes Schedule and Purse Schedule for Sunland Park.	Motion to approve a 30 day extension for Sunland Park to submit the 2020/2021 Condition Book (Book

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<p>F. Approval for Zia Park</p> <p>1. Ratification of Approval of 2020 Post Times</p> <p>2. Ratification of Approval of Javier Melero as Outrider (beginning December 14, 2020)</p>	<p>57:46 – 58:50</p> <p>58:55 – 59:51</p>	<p>Chairwoman Bourguet called for a motion to ratify the approval of 2020 Post Times.</p> <p>Chairwoman Bourguet called for a motion to ratify the approval of Javier Melero as Outrider (beginning December 14, 2020)</p>	<p>#1), Stakes Schedule and Purse Schedule made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.</p> <p>Motion to ratify the approval of 2020 Post Times made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.</p> <p>Motion to approve the ratification of approval of Javier Melero as Outrider made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.</p>

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G. Approval for Ruidoso Downs 1. Approval of 2021 Stakes Schedule	59:55 – 1:06:50	Jeff True requested approval of the 2021 Stakes Schedule as this matter was tabled at the November Regular Commission meeting. Motion to approve was made by Commissioner Smith but was withdrawn when the uncertainty of the Ruidoso's race meet due to the Pandemic.	Motion to table this matter made by Commissioner Sanchez. Motion seconded by Commissioner Smith. Motion passed unanimously by roll call vote.
2. Amendment to 2021 Ruidoso Downs Racing License	1:06:55 – 1:09:38	Jeff True referred to Executive Director Trejo regarding this issue. Executive Director Trejo explained that Ruidoso Downs changed a vendor (their Tote Company) after their original license was submitted. Jeff True confirmed that AmTote was previously a vendor throughout the state and is the oldest company in America.	Motion to approve the amendment of Ruidoso Downs' 2021 License to utilize AmTote Company made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.
12. Adjournment at 3:32 p.m.	1:10:52 - end		

Vice-Chairman David "Hossie" Sanchez

Date

2/18/2021

Executive Director Ismael Trejo

Date

2-18-21