

NEW MEXICO HORSE RACING COMMISSION
MINUTES OF THE REGULAR MEETING

Date: November 19, 2020 at 9:00 a.m.

Place: Zoom Video Conference – Meeting ID: 833 5334 2287

Members Present: Chairwoman Beverly Bourguet, Vice-Chairman David “Hossie” Sanchez, Commissioner Ken Corazza, 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> |
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| Public Session 1: 1. Call to Order and Roll Call | 18:14 – 19:37 | Meeting called to order at 9:04 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 | 21:49 – 22:04 | | Pledge of Allegiance was recited. |
| 3. Approval of Agenda | 22:06 – 22:46 | | Motion to approve November 19, 2020 Agenda as submitted made by Commissioner Smith. Commissioner Buffington second |

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| | | | motion. Motion passed unanimously by roll call vote. |
| 4. Approval of Minutes: October 15, 2020 | 22:50 – 23:38 | | Motion to approve the minutes from the Regular Commission Meeting on October 15, 2020 made by Commissioner Smith; Second by Commissioner Buffington. Motion passed unanimously by roll call vote. |
| 5. Chairwoman Reports | 23:45 – 32:49 | <ul style="list-style-type: none"> • Chairwoman Bourguet gave an update on the Senate Bill 4547. It has been placed on hold by 3 Senators. • Chairwoman discussed the riding crop rule and where other jurisdictions stand regarding this rule. • The Chairwoman encouraged everyone to become involved in the upcoming legislative session in January, 2021. | No Action Taken. |
| 6. Agency Director Reports: A. NMHBA Report | 32:55 – 37:45 | Mary Barber presented the Race-A-Day Report for Zia Park through Wednesday, November 11, 2020 stating that they ran 89 NM Bred Races in 18 days. In overnight races, the NMHBA contributed | No Action Taken. |

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| A. Jockey's Guild | 37:46 – 38:40 | <p>\$696,500. This is \$629,000 less than contributed last year. They averaged 4.95 NM Bred per day, +3.5 for three a day.</p> <p>Announcements: Tuesday, November 24, 2020 NMHBA will be mailing out Incentive Award Checks coming straight from US Bank.</p> <p>NMHBA changed from proxies to mail-in-ballot at the last annual meeting. The mail-in ballots will be going out on December 7. However, you must be a 2021 member on or before December 7 in order to receive a mail-in ballot.</p> <p>Mary was thankful that they were able to run the NM Cup Races at Zia Park before the shut down. They were successful races and all are very thankful to have been able to run.</p> <p>Chairwoman Bourguet asked if there will be a 2021 annual meeting. Mary reported Jan. 28 is scheduled for that meeting. There is a ballroom reserved at the Sheraton Hotel in Albuquerque. However, some discussions will have to happen to see how this meeting will actually happen. Elections will occur. More announcements regarding these events will be sent out as soon they know.</p> <p>Izzy Trejo announced on behalf John Beech his disappointment at the sudden shut down in horse</p> | No Action Taken. |

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| <p>C. NMHA Report</p> <p>1. Report re: Track Surface & Backside Working Conditions at Zia Park</p> | 40:00 – 49:40 | <p>racing in NM, however he is grateful for what they got in at Zia Park. He sent out wishes for happy holiday season.</p> <p>Richard Erhard expressed his condolences and same concerns about COVID-19 as the Chairwoman. He stood for any questions regarding his October 15 report. He was asked to send it again to all of the Commissioners. It was confirmed that Mr. Erhard's background picture today was the "infamous" manure pile at Zia Park. Mr. Erhard said that the picture is somewhat dated. However, there are still some issues at the racetrack. The manure is now being picked up on a regular basis and Mr. Erhard thanked Mr. Belcher for taking care of these "acute" matters. He reported an open dialog with Mr. Belcher and is pleased with that. He would like to discuss the chronic issues. Mr. Erhard asked the Commission, in light of the most recent health order issued on Friday the 13th by the Governor, if they have been able to make any traction with the Governor's office in regard to the Governor understanding that the horsemen are able to race safely without spectators and the horsemen using Covid-safe procedures. He was told at this point the Commission is doing whatever they can possible to keep racing going and obey health orders as they are given. We have to work together.</p> | No Action Taken. |

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| D. NMRC Executive Director Report | 49:42 – 53:52 | Executive Director, Izzy Trejo reported: his concerns as well regarding the COVID-19 Pandemic as it has hit very close to home. We had a staff member loose an uncle to it. Compliments to the DAA at the AQHA Bank of America Challenge Races – there were many challenges yet it was a success! Zia Park's Pari-Mutuel handle on NM Bred Day was just shy of 1.2 million. Went in front of DFA and discussed how no live spectators is hurting the industry. We are hiring a Purchasing Agent to help out the CFO in order to keep the checks in balance in place within the Agency. Mr. Trejo wished all Happy Holidays despite the hard times that have hit the Race Industry. | No Action Taken. |
| 7. Public Comments | 53:58 – 55:25 | Ms. Chavez reported that there was 1 public comment from Owner and State Representative Candy Ezzell. | No Action Taken. |
| Executive Session: entered at 10:00 a.m. | 55:35 – until end | | Commissioner Smith moved to enter into Executive Session. Commissioner Buffington seconded the motion. Motion passed unanimously by roll call vote. |
| Back into Open Session: 1:01 p.m. | 23:50 – 24:10 2nd Recording | | |

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| 8. Licensing/Pending Litigation/Appeals/Hearing Officer's Reports/Employment Contracts A. Sunland Park (Licensing) | 24:16 – 24:47 | AAG Tenorio reported that there was some discussion in closed session regarding Sunland Park and their extended plans for reopening. However, no action was taken. | No Action Taken. |
| B. Josue Ponce, Rogelio Marquez and Kathryn Robinson (Hearing Officer's Report) | 24:48 – 26:29 | AAG Tenorio reported that the Commission would like to entertain a motion to remand this matter back to the Hearing Officer to consider Dr. Scot Waterman's testimony in another matter and to determine whether that testimony will change the Hearing Officer's decision. | Motion to remand this matter back to Hearing Officer for reconsideration made by Commissioner Sanchez. Motion seconded by Commissioner Smith. Motion passed unanimously by roll call vote. |
| C. John Stinebaugh – "One Famous Stone" (Hearing Officer's Report) | 26:32 – 28:01 | 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 assess the Trainer, John Stinebaugh a \$1000.00 fine. | Motion to assess fine to J. Stinebaugh \$1000.00 made by Commissioner Smith. Motion seconded by Commissioner Sanchez. Motion passed 4-1 by roll call vote. |

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| D. John Stinebaugh – “He’s Limitless” (Hearing Officer’s Report) | 28:05 – 29:50 | AAG Tenorio reported that the Commission would like to entertain a motion to remand this matter to the Hearing Officer to reconsider the testimony of Dr. Scot Waterman. | Motion to remand this matter back to Hearing Officer made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed 4-1 by roll call vote. |
| E. Javier Rodriguez & Joel Valeriano(Court Order Update) | 29:55 – 30:10 | AAG Tenorio reported that this was a legal update and no further action is required at this time. | No Action Taken. |
| F. Aminadab Alvidrez (Licensing) | 30:17 – 32:01 | AAG Tenorio reported that the Commission would like to entertain a motion to table this matter to give Mr. Alvidrez time to supply the Commission with more background information regarding his charges of conspiracy. | Motion to table this matter made by Commissioner Sanchez. Motion seconded by Commissioner Smith. Motion passed 4-1 by roll call vote. |
| 9. Unfinished/New Business and/or Action Items Regarding Licensing A. Approval of First Half of 2021 Regular Commission Meetings | 32:22 – 33:50 | Executive Director Trejo presented the following dates for the first half of 2021 Regular Commission Meeting dates: January 14, 2021; February 18, 2021; March 18, 2021; April 22, 2021; May 20, 2021 and June 17, 2021. All to be held in Albuquerque, NM. | Motion to approve the dates for first half of 2021 Regular Commission Meeting dates made by Commissioner Smith. Motion seconded by Commissioner |

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| | | | Sanchez. Motion passed by majority roll call vote 4-1. |
| B. Ratification of Approval for Ron Burnham for the AQHA Challenge Enforcement Team | 33:55 – 35:15 | Executive Director Trejo reported that Mr. Burnham was not originally on the list of officials for the AQHA Challenge Enforcement Team, however, due to 2 of our staff members being quarantined, Ruidoso Downs sent Mr. Burnham to help. | Motion to ratify the approval of Ron Burnham for the AQHA Challenge Enforcement Team made by Commissioner Smith. Motion seconded by Commissioner Sanchez. Motion passed unanimously by roll call vote. |
| C. Ratification of Approval for Patricia Lynn Coyle as a Substitute Steward at Zia Park on October 19, 20 and 21, 2020 | 35:19 – 36:36 | Executive Director Trejo reported again due to the pandemic, Zia Park allowed us to utilize one of their officials as a substitute steward as some of our staff members were quarantined. | Motion to ratify the approval of Patricia Lynn Coyle as Substitute Steward at Zia Park on October 19, 20, and 21, 2020 made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote. |

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| D. Ratification of Approval for Janet Van Bebber, Reuben Rivera and Douglas Stout as Substitute Stewards at the DAA on October 24, 2020 | 36:41 – 37:57 | Executive Director Trejo requested the ratification of approval of Janet Van Bebber, Reuben Rivera and Douglas Stout as substitute stewards at the DAA on October 24, 2020. | Motion to ratify the approval of Janet VanBebber, Reuben Rivera and Douglas Stout as substitute stewards at the DAA on October 24, 2020 made by Commissioner Sanchez. Motion seconded by Commissioner Smith. Motion passed unanimously by roll call vote. |
| E. Ratification of Approval for Joy Marlin as Substitute Steward at Zia Park on October 26 and 28, 2020 | 38:01 – 39:25 | Executive Director Trejo reported that Joy Marlin was approved as substitute steward at Zia Park on October 26 and 28, 2020. | Motion to ratify the approval of Joy Marlin as substitute steward at Zia Park on October 26 and 28, 2020 made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote. |
| F. Approval for Sunland Park | 39:29 – 45:35 | Dustin Dix of Sunland Park reported that pursuant to Rule that states the Condition Book, | Motion to approve the extension for Sunland |

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| <p>1. Approval of Extension to Submit 2020/2021 Condition Book (Book #1)</p> <p>2. Approval of Extension to Submit 2020/2021 Stakes Schedule</p> <p>3. Approval of Extension to Submit 2020/2021 Purse Schedule</p> | | <p>Stakes Schedule and Purse Schedule need to be approved by the Commission at least 60 days prior to the first day of the race meet. Due to El Paso being a hot spot with the Pandemic, Sunland Park is requesting an extension to submit these three items. Sunland Park is committed to run a race meet, however due to the reality of the pandemic and the consequences of the pandemic to the industry, including the casinos, Sunland Park is not sure when they will be able to safely begin their race meet. Sunland Park is requesting an extension to submit their Condition Boo, Stakes Schedule and Purse Schedule when they have a clearer idea when they will be able to open the racetrack.</p> | <p>Park to submit 2020/21 Condition Book (#1) made by Commissioner Buffington. Motion seconded by Commissioner Smith. Motion passed unanimously by roll call vote.</p> <p>Motion to approve the extension for Sunland Park to submit 2020/21 Stakes Schedule made by Commissioner Buffington. Motion seconded by Commissioner Smith. Motion passed unanimously by roll call vote.</p> <p>Motion to approve the extension for Sunland Park to submit 2020/21 Purse Schedule made by Commissioner Smith. Motion seconded by</p> |

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| 4. Approval of 2021 Import simulcast | 45:40 – 46:31 | Dustin Dix requested approval of the 2021 Import Simulcast list as submitted. | Commissioner Buffington. Motion passed unanimously by roll call vote. |
| G. Approval for Zia Park | | | Motion to approve Sunland Park's 2021 Import Simulcast as submitted made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote. |
| 1. Ratification of Approval to Cancel Race Days of November 16, 17, 18, 23, 24, 25 and 30, 2020 | 47:00 – 49:33 | Chris McErlean requested ratification of approval to cancel race days of November 16, 17, 18, 23, 24, 25 and 30, 2020 due to the most recent health order by Governor Michelle Lujan Grisham. | Motion to ratify the approval of cancelling race days: November 16, 17, 18, 23, 24, 25 and 30, 2020 made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote. |
| 2. Ratification of Approval for Joy Marlin as Placing Judge from October 25, 2020 through November 7, 2020 | 49:39 – 51:00 | Chris McErlean requested ratification of approval for Joy Marlin as Placing Judge from October 25, | Motion to ratify the approval for Joy Marlin as Placing |

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| 3. Ratification of Approval of Race Day Cancellation (October 27, 2020) | 51:03 – 52:33 | 2020 through November 7, 2020. This was one move due to the pandemic issues. Chris McErlean requested ratification of approval of race day cancellation of October 27, 2020 due to ice storm. | Judge from October 25, 2020 through November 7, 2020 made by Commissioner Sanchez. Motion seconded by Commissioner Smith. Motion passed unanimously by roll call vote. Motion to ratify the approval of the cancellation of October 27, 2020 race day made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote. |
| 4. Ratification of Approval of Arlene Steele as Pari-Mutuel Manager on November 4, 2020 | 52:39 – 54:05 | Chris McErlean requested ratification of approval of Arlene Steel as Pari-Mutuel Manager on November 4, 2020. | Motion to ratify the approval of Arlene Steele as Pari-Mutuel Manager on November 4, 2020 made by Commissioner Smith. Motion seconded by |

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| 5. Ratification of Approval to Increase Number of Starters in 6.5 Furlong Races from 10 to 12 Horses | 54:08 – 57:24 | Chris McErlean requested ratification of approval to increase the number of starters in 6.5 furlong races from 10 to 12 horses. Asked to increase by the Jockey's Guild. A letter of support for that request was submitted. Commissioner Smith asked if this will increase the handle. Mr. McErlean responded it will be positive for gambling. It would be a good move for the wagering and the horsemen. | Commissioner Sanchez. Motion passed unanimously by roll call vote. Motion to ratify the approval to increase the number of starters in 6.5 furlong races from 10 to 12 horses was made by Commissioner Smith. Motion seconded by Commissioner Sanchez. Motion passed unanimously by roll call vote. |
| 6. Approval to Amend 2020 Racing Officials: A). Ramon Alvarez as Outrider. | 57:30 – 1:00:00 | Chris McErlean requested approval to amend 2020 Racing Officials: First amendment is to add Ramon Alvarez as outrider. Executive Director Trejo recommended that the Commission not approve Mr. Alvarez due to a pending disciplinary matter for animal abuse. Commissioner Sanchez withdrew his motion to approve Mr. Alvarez as outrider. | No Action taken. |
| B). Gabino Martinez, Hector Minjarez, Jose Camacho, Fernando Munoz and Luis Rojero as Assistant Starters | 1:00:07 – 1:01:15 | Chris McErlean requested approval of Gabino Martinez, Hector Minjarez, Jose Camacho, Fernando Munoz and Luis Rojero as assistant Starters. | Motion to approve Gabino Martinez, Hector Minjarez, Jose Camacho, Fernando |


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| C). George Moncrief as Track Superintendent | 1:01:18 – 1:03:39 | Mr. McErlean requested approval for George Moncrief as Track Superintendent as the current Track Superintendent, Raul Sanchez, has been named as Track Superintendent in Ohio beginning after Thanksgiving. Mr. Moncrief submitted a resume for this meeting. | Munoz and Luis Rojero as Assistant Starters made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote. Motion to approve George Moncrief as Track Superintendent made by Commissioner Sanchez. Motion seconded by Commissioner Smith. Motion passed unanimously by roll call vote. |
| 7. Approval to Add a Day of Live Racing on December 3, 2020 | 1:03:43 – 1:09:28 | Mr. McErlean requested approval to add a day of live racing to their meet on December 3, 2020. This addition is to replace the cancellation of October 27, 2020. Commissioner Buffington asked if Zia Park is going to put back the same races that were cancelled on October 27 or are they new races. McErlean responded some but not all of those races will be placed back. | Motion to approve the addition of December 3, 2020 of live racing made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion |

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| 8. Approval of 2021 Import Simulcast | 1:09:33 – 1:10:41 | Mr. McErlean requested approval of the 2021 Import Simulcast as submitted. | passed unanimously by roll call vote. Motion to approve the 2021 Import Simulcast as submitted by Zia Park made by Commissioner Smith. Motion seconded by Commissioner Sanchez. Motion passed unanimously by roll call vote. |
| H. Approval for SunRay Park 1. Approval of 2021 Import Simulcast | 1:10:52 – 1:12:00 | Lonnie Barber of SunRay Park requested approval of the 2021 Import Simulcast as submitted. | Motion to approve the 2021 Import Simulcast as submitted by SunRay Park made by Commissioner Sanchez. Motion seconded by Commissioner Smith. Motion passed unanimously by roll call vote. |
| I. Approval for Downs at Albuquerque 1. Ratification of Approval to Run 11 Races on September 19 and 20, 2020 | 1:12:29 – 1:13:47 | Don Cook requested ratification of approval to run 11 races on September 19 and 20, 2020. This was to make up the two races lost due to bad weather the week before. | Motion to ratify the approval to run 11 races on September 19 and 20, 2020 made by |

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| <p>2. Ratification of Approval of AQHA Challenge Championships' Officials on October 24, 2020</p> <p>a) Jim Collins as Announcer b) Mike Mitchell as Outrider</p> | 1:13:49 – 1:15:34 | Don Cook requested ratification of approval of the AQHA Challenge Championships Officials on October 24, 2020: Jim Collins as Announcer and Mike Mitchell as Outrider. | <p>Commissioner Sanchez. Motion seconded by Commissioner Smith. Motion passed unanimously by roll call vote.</p> <p>Motion to ratify the approval of AQHA Challenge Championships' Officials on October 24, 2020 (Jim Collins as Announcer and Mike Mitchell as Outrider) made by Commissioner Smith. Motion seconded by Commissioner Sanchez. Motion passed unanimously by roll call vote.</p> |
| 3. Approval of 2021 Import Simulcast | 1:15:37 – 1:16:22 | Don Cook requested approval of 2021 Import Simulcast as submitted. | Motion to approve the 2021 Import Simulcast as submitted by DAA made by Commissioner Sanchez. Motion seconded by |

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| J. Approval for Ruidoso Downs | | | Commissioner Smith. Motion passed unanimously by roll call vote. |
| 1. Approval of 2021 Stakes Schedule | 1:16:39 – 1:20:43 | Jeff True requested approval of the 2021 Stakes Schedule with a caveat that this schedule may change based on available purse money. It basically matches Ruidoso Downs' previous year. Commissioner Buffington pointed out that this would be better discussed later so as not to send a mixed-message. | Motion to table the approval of the 2021 Stakes Schedule made by Commissioner Buffington. Motion seconded by Commissioner Sanchez. Motion passed by majority roll call vote 4-1. |
| 2. Approval of 2021 Mountain Top Quarter Horse Derby Nomination Form | 1:20:48 – 1:24:26 | Jeff True requested the approval of the 2021 Mountain Top QH Derby Nomination Form as submitted. NMHBA requested that this be added to Ruidoso Downs' schedule. These nominations will be taken late in the year. Commissioner Corazza confirmed what the percentage taken out for administrative cost. Mr. True confirmed a 10% administrative fee for this. | Motion to approve Ruidoso Downs's 2021 Mountain Top Quarter Horse Derby Nomination Form made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote. |
| 3. Approval of 2021 Import Simulcast | 1:24:31 – 1:25:36 | Jeff True requested the approval of the 2021 Import Simulcast as submitted. | Motion to approve Ruidoso Downs's |

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| | | | 2021 Import Simulcast as submitted was made by Commissioner Smith. Motion seconded by Commissioner Sanchez. Motion passed unanimously by roll call vote. |
| 10. Adjournment at 2:04 p.m. | 1:25:40 - end | | |


1/14/21
Chairwoman Beverly Bourguet Date


1-14-21
Executive Director Ismael Trejo Date