

**NEW MEXICO HORSE RACING COMMISSION**  
**MINUTES OF THE REGULAR MEETING**

Date: July 16, 2020 at 9:06 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>
<b>Public Session 1:</b> <b>1. Call to Order and Roll Call</b>	20:02 – 22:00	Meeting called to order at 9:03 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 present.	No Action Taken.
<b>2. Pledge of Allegiance</b>	22:11 – 22:26		Pledge of Allegiance was recited.
<b>3. Approval of Agenda</b>	22:35 – 23:23	Chairwoman Bourguet asked if there were any changes to be made to the Agenda. None were made.	Motion to approve Agenda by Commissioner Corazza. Commissioner Smith second motion. Motion passed unanimously.

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<b>4. Approval of Minutes:</b> <b>A. Regular Commission Meeting June 25, 2020</b>  <b>B. Special Meeting July 1, 2020</b>	23:28 – 24:25  24:30 – 25:39	Chairwoman Bourguet requested a motion to approve the minutes of the Regular Commission Meeting on June 25, 2020.  Chairwoman Bourguet requested a motion to approve the minutes of the Special Meeting held on July 1, 2020.	Motion to approve the minutes from the Regular Commission Meeting on June 25, 202 by Commissioner Smith; Second by Commissioner Buffington. Motion passed unanimously.  Motion to approve the Special Meeting Minutes of July 1, 2020 by Commissioner Smith; Second by Commissioner Buffington. Motion passed unanimously.
<b>5. Chairwoman's Reports</b>	25:52 – 33:23	<ul style="list-style-type: none"> <li>Riding Crop issue; some of the discussions are how many strikes, whether it's over-hand/under-hand, etc.; ARCI Board of Directors have scheduled a roundtable discussion</li> </ul>	No Action Taken.

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	33:25 – 33:53	<p>including the jockeys guild to further discuss this issue.</p> <ul style="list-style-type: none"> <li>• New Mexico now has a seat at the Directors' Table of ARCI; being filled by Chairwoman Bourguet. In addition, Mr. Trejo and Chairwoman Bourguet have been assigned to a number of other committees for ARCI.</li> <li>• Redistribution of the Horsemen's Purse money; advised by the Assistant Attorney General to discuss this when it comes up later on the Agenda.</li> <li>• In regard to Public Comments there are references to The Commission's mission statement and rules. The mission was read in order to avoid any misinterpretation.</li> <li>• Race Dates Committee Chairman Buffington reported that he was hoping for a little more clarity by the Governor of NM. He feels we are running out of time and will be sending out requests via Ismael Trejo in the very near future.</li> </ul>	
<b>6. Agency Director Reports</b> <b>A. NMHBA Report</b>	34:00 -39:09	Mary Barber, Executive Director of the New Mexico Horse Breeders Association	No Action Taken.

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<b>B. Jockey's Guild Report</b>	39:11 – 39:50	<p>presented the Race-A-Day Report for Ruidoso Downs through Sunday, July 5, 2020 stating that they ran 74 NM Bred Races in 22 days. In overnight races, the NMHBA contributed \$172,500. This is \$3,500 more than contributed last year. They averaged 3.36 NM Bred per day, +8 for three a day; 46% TB and 54% QH.</p> <p>Chairwoman Bourguet asked Mary Barber for an update for the horse sale. Now that the horses in Ruidoso are moving to Oklahoma, how is this going to impact NM Breeders? Pursuant to a discussion with Ruidoso Horse Sale Company, they are not going to have a TB Session. So it will only be the QH yearlings NM Breds. The sale will be on August 27, 28 and 29, 2020. Mary believes that the 27<sup>th</sup> will be the day that they sell the NM Breds. Many of the TBs have decided to go to an online option, hoping to have this sale sometime in August (the exact day is yet to be determined). NMHBA is advertising as much as possible. As soon as they hear more on this, it will be posted on their website, a mass email will got out so that they can let everyone updated.</p>	

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<b>C. NMHA Report</b>	39:52 – 49:59	<p>Izzy reported on behalf of John Beech stating there was nothing to report at this time.</p> <p>NMHA Executive Director Richard Erhard reported that it is great to see a full barn area at Ruidoso Downs and racing going on. Mr. Erhard gave kudos to Jeff True for providing a Covid-19 safe environment at the racetrack. Mr. Erhard reported that he was at Ruidoso on July 10. The NMHA sponsored a third-party track inspection. In addition Mr. Erhard was also at Downs at Albuquerque earlier this week. He was able to watch the incoming materials and preparation for the upcoming race meet at DAA. He thanked Don Cook for getting that facility ready and is looking forward to a great meet.</p> <p>NMHA has been very busy since the last meeting. He thanked the Commission again for the approval of the Purse Tax Agreement. NMHA and the local committee from the DAA met with the Managers and Owners of DAA to discuss proposals of the Downs in regard to the upcoming meet. He thanked Don Cook for listening to the concerns of the local</p>	

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<p><b>D. NMRC Executive Director Report</b></p>	<p>50:10 – 1:01:35</p>	<p>committee. An agreement was ultimately reached.</p> <p>July 8 NMHA had a meeting with all the parties of the Purse Tax Agreement, regarding reopening the Purse Tax Agreement. There was not a consensus to reopen the Agreement, therefore it stands as is.</p> <p>The third-party track inspection of Ruidoso Downs was conducted by Kevin Seymour, the highly recommended trackman from Oaklawn Park in Hot Springs, AR. He observed, looked over the equipment used on the track and took samples. One issue is getting enough water on this track. Mr. Seymour gave his initial impressions of his observations that day. However, a written report of his soil analysis and all other findings will be provided within 10 days of this inspection. Overall, Mr. Erhard was very pleased to hear Mr. Seymour's initial impressions. More will be reported as soon as that is received.</p> <p>Izzy reported all the activities that have happened at the NMRC Office. Most importantly the recent hiring of the NMRC's CFO, Amber Trujillo. Amber introduced herself to the Commission and was</p>	

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		<p>welcomed by all the Commissioners. Met with HR to request hiring a Financial Specialist to help Amber.</p> <p>Spent time on July 10 at Ruidoso Downs. These are trying times but it was a great day.</p> <p>DAA inspection will take place July 21, 2020 at 11:00 a.m. for upcoming race meet. He pointed out that is very important that everyone do their part and follow protocols to avoid any further closure by the Governor.</p> <p>Commissioner Smith asked Director Trejo about his reporting of the 1 inch nozzle size on a water truck and ½ inch nipple size on the other two trucks at the Ruidoso Downs inspection. He wanted to know if they got changed. Mr. Trejo reported he was not aware if they got changed and said that would be a question for Mr. True. This could cause a bias.</p> <p>Some of these changes shouldn't cost too much to make. However, Mr. Trejo pointed out that there were more important issues that needed to be addressed. Chairwoman Bourguet asked Mr. Trejo if he would send all the Commissioners a copy of the report when received. Mr. Trejo pointed out that</p>	

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		this was paid by the NMHA and would ask Mr. Erhard to share that report prior to the next meeting.	
<b>7. Public Comments</b>	1:01:47 – 1:12:56	Public Comments read by Denise Chavez; 110 signed statements received by licensees; There were also 6 other comments emailed and read into the record.	No Action Taken.
<b>Executive Session: entered at 9:50 a.m.</b>	1:12:59 - end	Discussion of Items listed in the Agenda, pursuant to Sections 10-15-1-H(1), H(3) and H(7) of the Open Meetings Act authorizing closed sessions for matters related to issuance, suspension, renewal, or revocation of a license; deliberations on adjudicatory proceedings and pending or threatened litigation.	Motion to enter into Executive Session made by Commissioner Smith. Second by Commissioner Buffington. Motion passed unanimously.
<b>Open Session 2 called back into session at 12:49 p.m.</b>	26:01 -26:17		
<b>8. Licensing/Pending Litigation/Appeals/Hearing Officer Reports/Employment Contracts:</b>			
<b>A. SunRay Park (Audit Update)</b>	26:27 – 26:50	Assistant Attorney General Tenorio reported that this item was just an update.	No Action Taken.
<b>B. In the Matters of Arnoldo Carrillo &amp; Erick Carrillo-Gutierrez (Hearing Officer's Report)</b>	26:57 – 28:02	Assistant Attorney General Tenorio reported that the Commission would like to entertain a motion to Table this matter to allow General Counsel more time to review the	Commissioner Smith moved to table this matter. Second by Commissioner

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<b>C. Discussion of Redistribution of NMHA Purse Money</b> <ul style="list-style-type: none"> <li><b>i. Request from Ruidoso Downs to Redistribute 2020 Purse Money</b></li> <li><b>ii. Response from Downs at Albuquerque</b></li> <li><b>iii. Response from Sunland Park</b></li> <li><b>iv. Response from SunRay Park</b></li> <li><b>v. Response from Zia Park</b></li> <li><b>vi. Response from NMHA</b></li> <li><b>vii. Response from NMHBA</b></li> </ul>	28:06 – 28:43	<p>Hearing Officer's Report to give appropriate recommendations.</p> <p>Assistant Attorney General Tenorio reported that this matter will be discussed later in open session under Item 9.F</p>	<p>Buffington. Motion passed unanimously.</p> <p>No Action Taken.</p>
<b>9. Unfinished/New Business and/or Action Items Regarding Licensing</b> <ul style="list-style-type: none"> <li><b>A. Approval for 2020 Stewards for DAA Race Meet</b></li> </ul>	28:53 – 31:00	<p>Executive Director Trejo requested approval of Ron Walker, Presiding Steward, Victor Escobar and Reese Howard as 2020 Stewards for the DAA Race Meet. Chairwoman noted she was impressed with Mr. Howard's resume and thinks he will be great for the NMRC.</p>	<p>Commissioner Smith motion to approve Ron Walker, Victor Escobar and Reese Howard as 2020 Stewards for the DAA Race Meet. Motion second by Commissioner Corazza. Motion passed unanimously.</p>

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<b>B. Approval for Zia Park</b> <b>i. Approval for Extension to Submit 2020 Condition Book</b>  <b>ii. Approval to Change Race Date from November 25, 2020 to November 24, 2020</b>	31:02 – 34:35  34:43 – 36:37	Chris McErlean requested approval for an extension to submit 2020 Condition Book. Due to the recent uncertainty and circumstances. Requesting a 1 month extension and hopefully will have it ready by next meeting in August. Commissioner Smith asked Mr. McErlean how much money they have in their purse account right now without casinos, etc. Mr. McErlean reported approximately 3.5 million dollars.  Chris McErlean requested approval to change Race Date from November 25, 2020 to November 24, 2020 due to the cancellation of Land of Enchantment Stakes Day.	Commissioner Smith motion to approve the extension to submit 2020 Condition Book. Motion second by Commissioner Buffington. Motion passed unanimously.  Commissioner Smith motion to approve to change Race Date from Nov. 25 to Nov. 24, 2020. Motion second by Commissioner Buffington. Motion passed unanimously.
<b>C. Approval for NM State Fair</b> <b>i. Approval to Relinquish NM State Fair 2020 Stakes Race to Downs at Albuquerque Race Meet</b>	36:42 – 40:30	Don Cook requested approval to Relinquish NM State Fair 2020 Stakes Races to the Downs at Albuquerque Race Meet. (NMSF QH Futurity, NMSF QH Derby, NMSF TB Futurity and NMSF QH Juvenile). Vice-Chair confirmed with Mr. Cook that this is	Commissioner Smith motion to approve to relinquish NMSF 2020 Stakes Race to DAA Race Meet. Motion second by

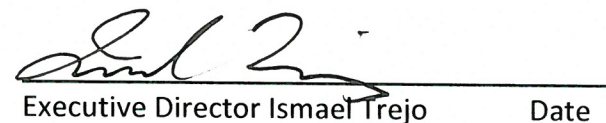
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		just for this year. Chairwoman asked Mr. Cook if La Fiesta Futurity/Derby is part of DAA or NMSF. Mr. Cook confirmed that it is part of the DAA race meet.	Commissioner Buffington. Motion passed unanimously.
<b>D. Approval for Downs at Albuquerque</b>			
<b>ii. Approval to Amend 2020 Post Times</b>	40:31 – 42:45	Don Cook requested approval to amend 2020 post times. Going from 6:05 p.m. to 1:30 p.m. first post. Last race should run about 5:15 p.m. No night racing without fans. If there are any changes where fans are permitted, then they will come back in front of the commission to go back to 6:05 p.m.	Commissioner Smith motion to approve to amend 2020 post times. Motion second by Commissioner Buffington. Motion passed unanimously.
<b>iii. Approval to Amend 2020 Racing Officials</b>	42:47 – 46:20	Don Cook requested approval to amend 2020 racing officials. Santos Toquinto as Barn Area Security Director and Vickie Duran as Grand Stand Security Manager. Mr. Cook introduced Ms. Duran to the Commissioners. Ms. Duran was welcomed by the Commissioners.	Commissioner Smith motion to approve to amend 2020 Racing Officials. Motion second by Commissioner Corazza. Motion passed unanimously.
<b>E. Approval for Ruidoso Downs</b>			
<b>i. Ratification of Approval of Amendment to Nomination Form (AA Gold Cup)</b>	46:31 – 50:13	Jeff True requested ratification of approval of amendment to Nomination Form for the AA Gold Cup. Due to recent issues with the purse account and casinos not being open, etc. the Gold Cup will be further reduced to \$125k guaranteed. Mr. Trejo confirmed that	Commissioner Smith motion to ratify the approval to amend Nomination Form. Motion second by Commissioner

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<p><b>ii. Approval to Amend 2021 Nomination Form (Triple Crown)</b></p>	<p>50:17 – 1:09:59</p>	<p>the conditions of preference will be from highest earnings in 2019-2020 to highweights, as well as the change in closing date from July 1 to August 2. Mr. True confirmed. Commissioner Smith confirmed with Mr. True that the Entry Fee has been reduced to \$5k due to the overall purse reduction.</p> <p>Jeff True requested approval to amend 2021 Nomination Forms (Triple Crown). Commissioner Buffington thanked Jeff True for the clarification. He was concerned about 3 additional days, funding, etc. but spreading out the triple crown race cleared up the concerns. Commissioner Buffington confirmed that Mr. True will be amending his previously proposed dates. Chairwoman is concerned about purses and how RD will take on more days.</p>	<p>Corazza. Motion passed unanimously.</p> <p>Commissioner Smith motion to approve to amend 2021 Triple Crown Nomination Forms. Motion second by Commissioner Buffington. Motion passed unanimously.</p>

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<b>iii. Approval of 2020 Advance Wagering (All American Futurity, Derby and Oaks)</b>	1:10:01 – 1:13:17	Jeff True requested approval of the 2020 Advance Wagering (AA Futurity, Derby and Oaks). This request is to open pools for these major races before the race day. This will also apply to simulcast.	Commissioner Smith motion to approve the 2020 Advance Wagering. Motion second by Commissioner Buffington. Motion passed unanimously.
<b>iv. Approval of 2020 AA Oaks/Derby Double Pool to Replace Derby/Futurity Double Pool on September 6</b>	1:13:22 – 1:15:51	Jeff True requested approval of 2020 AA Oaks/Derby Pool to Replace Derby/Futurity Double Pool on September 6. This is a promotional platform, not a money generator.	Commissioner Smith motion to approve 2020 AA Oaks/Derby Pool to replace Derby/Futurity Double Pool. Motion second by Commissioner Buffington. Motion passed unanimously.
<b>v. Approval to Amend 2020 Purse Schedule (Condition Book)</b>	1:15:54 – 1:18:25	Jeff True requested approval to amend 2020 purse schedule (condition book 4). This change is a result of the absence of casino wagering and contributions to RD's purse account. Purses have been cut back an additional 5% in Book 4.	Commissioner Smith motion to approve to amend 2020 purse schedule. Motion second by Commissioner Buffington. Motion passed unanimously.

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<b>F. Discussion of Redistribution of NMHA Purse Money</b> <ul style="list-style-type: none"> <li><b>i. Request from Ruidoso Downs to Redistribute 2020 Purse Money</b></li> <li><b>ii. Response from Downs at Albuquerque</b></li> <li><b>iii. Response from Sunland Park</b></li> <li><b>iv. Response from SunRay Park</b></li> <li><b>v. Response from Zia Park</b></li> <li><b>vi. Response from NMHA</b></li> <li><b>vii. Response from NMHBA</b></li> </ul>	1:18:44 – 1:20:40	Assistant Attorney General Tenorio announced that during Executive Session and a conversation with Ruidoso Downs, the other tracks and NMHA and NMHBA, Ruidoso Downs would like to withdraw their request to redistribute moneys, due to consensus at previously held meetings and agreement to not reopen this matter.	
<b>2. Adjournment @ 1:44 p.m.</b>	1:20:52 - end	Chairwoman Bourguet will entertain a motion to adjourn the meeting.	Commissioner Smith motion to adjourn meeting. Motion second by Commissioner Buffington.


  
Chairwoman Beverly Bourguet      Date


  
Executive Director Ismael Trejo      Date