

NEW MEXICO HORSE RACING COMMISSION
MINUTES OF THE REGULAR MEETING

Date: April 22, 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, In-House Counsel Richard Bustamante and Paralegal Denise Chavez.

| <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 | 6:15 – 7:45 | Meeting called to order at 9:02 a.m. by Chairman Bregman. Roll call was taken by Denise Chavez. Executive Director Ismael Trejo, NMRC In-House Counsel Richard Bustamante and NMRC Paralegal, Denise Chavez were also present. | No Action Taken. |
| 2. Pledge of Allegiance | 7:47 – 8:05 | | Pledge of Allegiance was recited. |
| 3. Approval of Agenda | 8:11 – 9:00 | Chairman Bregman asked if there were any changes to the Agenda. There were no changes. | Motion to adopt the Agenda made by Commissioner Sanchez. Commissioner Smith second the motion. Motion passed unanimously by roll-call vote. |
| 4. Approval of Minutes: March 18, 2021 | 9:03 – 9:39 | | Motion to approve the minutes from the |

| <i>AGENDA ITEM</i> | <i>RECORDING #</i> | <i>DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS</i> | <i>ACTION TAKEN</i> |
|------------------------------|--------------------|---|--|
| | | Chairman Bregman asked if the minutes were reviewed and if there were any changes. There were none. | Regular Commission Meeting on March 18, 2021 made by Commissioner Smith; Second by Commissioner Buffington. Motion passed unanimously by roll call vote. |
| 5. Chairman's Reports | 9:44 – 13:20 | <p>Chairman Bregman welcomed newly hired in-house counsel, Richard Bustamante to the NMRC. He has an excellent reputation in the legal community. He has knowledge and experience in litigation which is real important to the NMRC since the agency receives some frivolous lawsuits. However, the NMRC is looking forward to having a full-time attorney working with us.</p> <p>Chairman Bregman expressed excitement to have live racing starting tomorrow. He thanked all who have made this happen. He personally thanked his fellow Commissioners and the staff for working so hard this past year. He is feeling very encouraged that racing will keep going this year and with the consent of the rest of the commission, he encourages the Downs at Albuquerque to add 7 more days to their meet. He pointed out that the horsemen have suffered a great deal through this pandemic and feels anyway we can help out, the</p> | No Action Taken. |

| AGENDA ITEM | RECORDING # | DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS | ACTION TAKEN |
|---|----------------------|--|-------------------------|
| | | <p>members of the racing community should do all they can to help.</p> <p>Finally, the Chairman will be at SunRay tomorrow for opening day. He encouraged anyone with questions or anyone that would like to say hello, please do so.</p> | |
| <p>6. Agency Director Reports: A. NMHBA Report</p> | <p>13:22 – 20:30</p> | <p>Tom Goncharoff spoke on behalf of Mary Barber. Mr. Goncharoff reiterated Mr. Chairman by saying they too are very excited that racing is starting up again. He said when they first began discussing purse money particularly for SunRay Park they had to reduce TB purses from \$50k to \$40k. Because of this reduction NM would lose the “black type status.” However, with the really great outcome of gaming at SunRay Mary Barber and Lonnie Barber were able to raise those purses back to \$50k to maintain that Black Type Status. We would not have been able to regain that Black Type Status until 2023, so being able to raise it back up is a huge relief. The Breeders also reported that they are working closely with the DAA to create a million dollar futurity for NM Bred QHs. They are very close at finalizing those details. There should be some definitive information to report to the commission at the next meeting in May. They are also in discussions with Sunland Park to create a possible derby for NM Bred 3 year old TBs and Oaks for NM Bred 3 year olds with large purses as</p> | <p>No Action Taken.</p> |

| <i>AGENDA ITEM</i> | <i>RECORDING #</i> | <i>DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS</i> | <i>ACTION TAKEN</i> |
|--|--------------------|---|---------------------|
| | | <p>well which would also be another boost to the racing industry.</p> <p>Commissioner Sanchez asked Mr. Goncharoff about the dates that were changed by Ruidoso Downs and the conflict it is causing with the DAA. Mr. Goncharoff reported they are in discussions with Jeff True regarding this, the discussions are on-going and those conflicts have been identified. They are hopeful for some solutions that would be agreeable to all parties.</p> | No Action Taken. |
| B. Jockey's Guild Report | 20:38 – 21:15 | Executive Director Izzy Trejo reported on behalf of John Beech. Mr. Beech wanted to thank the Commission for working diligently at getting racing going again and is anxious for the opening day at SunRay Park. | No Action Taken. |
| C. NMRC Executive Director Report | 21:20 – 27:06 | Executive Director Izzy Trejo reported that staff is very happy to have Richard Bustamante as part of the staff and welcomed him to the team. Additionally, the advertisement for the Agency's Auditor position will be closing soon. The inspection at SunRay Park went very well and kudos were sent to Lonnie Barber and his staff for making the facility look exceptionally well after being shut down for 2 years. Lastly, a complete gambling bill was passed in Arizona recently. Mr. Trejo does not believe this is not a game changer or revenue generator for the racetracks in Arizona. | No Action Taken. |

| <i>AGENDA ITEM</i> | <i>RECORDING #</i> | <i>DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS</i> | <i>ACTION TAKEN</i> |
|---|--|--|---|
| | | <p>However, "what is bad for Arizona racing is good for New Mexico racing."</p> <p>Commissioner Smith asked if Zia Park did well when they opened up their casino. Mr. Trejo reported that they did do well. There was discussion regarding the county colors for COVID.</p> | |
| 7. Public Comments: | 27:08 – 29:13 | Ms. Chavez received one public comment received from Jill Giles and was it read into the record. | No Action Taken. |
| Executive Session: entered at 9:25 AM | 29:14 – 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: 10:52 AM | | | |
| 8. Licensing/Pending Litigation/Appeals/Hearing Officer's Reports/Employment Contracts | 2nd Recording 9:50 – 10:15 | | |
| 9. | | | |
| A. NMHA (Pending Litigation) | 10:17 – 10:38 | In-House Counsel Bustamante reported that this matter was an update. No action was taken. | No Action Taken. |
| B. In the Matter of Jesus Beltran – "Royal Sanson" (Hearing Officer's Report) | 10:41 – 11:27 | In-House Counsel Bustamante reported that the Commission would like to entertain a motion to adopt the Hearing Officer's Report, Findings of Fact, Conclusions of Law and recommendations. | Motion to adopt the Hearing Officer's Report, Findings of Fact, Conclusions of |

| <i>AGENDA ITEM</i> | <i>RECORDING #</i> | <i>DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS</i> | <i>ACTION TAKEN</i> |
|---|--------------------|--|---|
| C. IMO: Brandon Muniz (Licensing) | 11:30 – 12:36 | <p>There being no mitigating factors but aggravating factors being presented, the trainer Jesus Beltran will be fined \$20,000 and must be paid on or before May 30, 2021, and will serve a two-year suspension (until September 14, 2021; accounting for time served).</p> <p>In-House Counsel Bustamante reported that the Commission would like to entertain a motion to allow Mr. Muniz to apply for a NM License with the following conditions: Mr. Muniz must take and pass a New Mexico Racing Commission approved written trainer's test. Mr. Muniz will be on probation for a year, if the written test is passed. If there are any violations in any jurisdiction within that year, Mr. Muniz will face revocation of his license.</p> | <p>Law and Recommendation made by Commissioner Smith. Motion was seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.</p> <p>Motion to allow Mr. Muniz to begin taking steps to apply for a NM License with conditions stated by Mr. Bustamante made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.</p> |
| 10. Unfinished/New Business and/or Action Items Regarding Licensing A. Approval of 2021 Relief Vet for SunRay Park | 12:40 – 13:51 | Executive Director presented Joan D'Alonzo as the relief Vet for SunRay Park since there will be | Motion to approve Joan D'Alonzo as the |

| <i>AGENDA ITEM</i> | <i>RECORDING #</i> | <i>DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS</i> | <i>ACTION TAKEN</i> |
|--|--------------------|---|---|
| B. Approval of 2021 Stewards for Ruidoso Downs | 13:55 – 14:54 | <p>a small overlap in racing days with Ruidoso Downs.</p> <p>Executive Director Trejo presented Ron Walker as Presiding Steward, Reuban Rivera, Reese “Rug” Howard, and Jerry Richards as the 2021 Stewards for Ruidoso Downs and Victor Escobar as substitute steward.</p> | <p>relief Vet for SunRay Park made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.</p> <p>Motion to approve the Stewards for Ruidoso Downs as presented by Executive Director Trejo made by Commissioner Smith. Motion seconded by Commissioner Sanchez. Motion passed unanimously by roll call vote.</p> |
| C. Approvals for SunRay Park <ol style="list-style-type: none"> 1. Ratification of Approval to Amend 2021 Race Meet Beginning Date | 15:00 – 17:47 | Mr. Boehm of SunRay Park requested to ratify the approval to amend the 2021 Race Meet beginning date to March 26, 2021. Chairman Bregman called for a motion to ratify the approval to amend the 2021 Race Meet Beginning Date as presented by Mr. Boehm. | Motion ratify the approval to amend the 2021 race meet beginning date made by Commissioner Smith. Motion seconded by Commissioner |


| <i>AGENDA ITEM</i> | <i>RECORDING #</i> | <i>DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS</i> | <i>ACTION TAKEN</i> |
|---|--------------------|---|---|
| 2. Ratification of Approval of 2021 Condition Book | 18:55 – 18:22 | Mr. Boehm of SunRay Park requested to ratify the approval of the 2021 Condition Book. Chairman Bregman called for a motion to ratify the approval of the 2021 Condition Book for SunRay Park as presented by Mr. Boehm. Adding May 28, 29 and 30, 2021. | Buffington. Motion passed unanimously by roll call vote. Motion to ratify the approval of the 2021 Condition Book for SunRay Park made by Commissioner Smith. Motion was seconded by Commissioner Buffington. Motion passed unanimously by roll call vote. |
| 3. Ratification of Approval of 2021 Stakes Schedule | 18:28 – 19:44 | Mr. Boehm of SunRay Park requested that the Commission table the 2021 Stakes Schedule to allow SunRay Park to continue discussions with NMHBA Chairman Bregman called for a motion to table this item. | Motion to table this item for SunRay Park made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote. |
| 4. Ratification of Approval of 2021 Purse Schedule | 19:45 – 20:13 | Mr. Boehm of SunRay Park requested to ratify the approval of the 2021 Purse Schedule. Chairman Bregman called for a motion to ratify the approval of the 2021 Purse Shedule as presented by Mr. Boehm. | Motion to ratify the approval of the 2021 Purse Schedule for SunRay Park made by Commissioner Smith. Motion seconded by |

| <i>AGENDA ITEM</i> | <i>RECORDING #</i> | <i>DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS</i> | <i>ACTION TAKEN</i> |
|---|--------------------|--|---|
| 5. Ratification of Approval to Run 9 Races on April 23 and April 25 | 20:14 – 20:50 | Mr. Boehm of SunRay Park requested to ratify the approval to run 9 races on April 23 and April 25, 2021. Chairman Bregman called for a motion to ratify the approval to run 9 races on April 23 and April 25, 2021 as presented by Mr. Boehm. | Commissioner Buffington. Motion passed unanimously by roll call vote. Motion to ratify the approval to run 9 races on April 23 and April 25, 2021 made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote. |
| 6. Approval to Amend 2021 Jockey & Exercise Rider Insurance | 20:53 – 22:58 | Mr. Boehm of SunRay Park requested the approval to amend the 2021 Jockey & Exercise Rider Insurance. Chairman Bregman called for a motion to approve to amend the 2021 Jockey & Exercise Rider Insurance as presented by Mr. Boehm. Mr. Trejo clarified that this request is for approval of 50% payment for SunRay Park. Commissioner Sanchez thanked SunRay Park for doing a great job getting the track ready for the opening day tomorrow. | Motion to approve the amended 2021 Jockey & Exercise Rider Insurance made by Commissioner Smith. Motion seconded by Commissioner Sanchez. Motion passed unanimously by roll call vote. |
| D. Approvals for Downs at Albuquerque | | | |
| 1. Approval of 2021 Stall Application | 23:00 – 27:13 | Mr. Cook of the Downs at Albuquerque requested approval to amend the 2021 Stall Application. | Motion to approve to amend the 2021 Stall |

| <i>AGENDA ITEM</i> | <i>RECORDING #</i> | <i>DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS</i> | <i>ACTION TAKEN</i> |
|---|--------------------|---|--|
| | | <p>Chairman Bregman called for a motion to approve to amend the 2021 Stall Application as presented by Mr. Cook. The amendment will reflect the beginning date to be Saturday, August 14, 2021 and ending Sunday, September 19 with an additional day of October 23, 2021. With a total of 27 race days which is an additional 8 race days (Wednesday, Friday, Saturday and Sunday).</p> <p>Commissioner Sanchez asked Mr. Cook what his projection of how much purses will be. Mr. Cook predicts they will be like last year at \$215k/day. Mr. Cook pointed out that their biggest competitor is closed right now (Sandia Casino). When they do open back up, the DAA is expecting a hit; how much the DAA is not sure.</p> | <p>Application for the Downs at Albuquerque made by Commissioner Smith. Motion seconded by Commissioner Sanchez. Motion passed unanimously by roll call vote.</p> |
| <p>E. Approvals for Zia Park</p> <p>1. Approval to Amend 2021 Racing License</p> | 27:13 – 29:00 | <p>Mr. McErlean of Zia Park requested to approve to amend their 2021 Racing License to change the days of the week that they will be racing (changing to Sunday racing in place of Wednesday, starting September 26 through Tuesday, December 14 for a total of 36 days). Chairman Bregman called for a motion to ratify the approval to amend the 2021 Race Meet Beginning Date as presented by Mr. Boehm.</p> | <p>Motion to approve the 2021 Racing License for Zia Park made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.</p> |
| <p>2. Approval of 2021 Nomination Forms for NM Classic Derby & NM Classic Futurity</p> | 29:02 – 30:10 | <p>Mr. McErlean requested approval of 2021 NM Classic Futurity and Derby. The only changes were Zia Park pushed back the deadlines for</p> | <p>Motion to approve the 2021 NM Classic Futurity and Derby</p> |

| <i>AGENDA ITEM</i> | <i>RECORDING #</i> | <i>DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS</i> | <i>ACTION TAKEN</i> |
|--|--------------------|---|---|
| F. Approval for Ruidoso Downs 1. Approval to Amend 2021 Wagering Format | | payment schedules; first payment due on June 1 for both events. Everything else remains the same as last year. | made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote. |
| | 30:22 – 31:20 | Jeff True requested approval to amend the 2021 Post Times and Wagering Format with the following changes: changing the minimum wager on the pick 5 from \$1 to \$.50 minimum wager. | Motion to approve to amend the Post Times and Wagering Format as presented by Mr. True made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote. |
| | 31:25 – 34:04 | Mr. True requested the approval of the Amended 2021 Racing Officials. Robyn Draper replacing Roger Soves as Placing Judge; Anna Garcia replacing Maureen Murphy as Racing Office Secretary; and Brenda Buckner replacing Adriana Anguiano as Horseman's Bookkeeper. Mr. Trejo reported that Ms. Anna Garcia is currently under suspension and has not supplied any paperwork clearing her name. | Motion to approve to amend the 2021 Racing Officials Brenda Buckner and Robyn Draper ONLY made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion |

| <i>AGENDA ITEM</i> | <i>RECORDING #</i> | <i>DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS</i> | <i>ACTION TAKEN</i> |
|--------------------------------------|--------------------|--|---------------------------------------|
| | | Mr. True reported that the was not aware of Ms. Garcia's problems but will get on those issues and bring back in front of the Commission for approval. | passed unanimously by roll call vote. |
| 10. Adjournment at 11:17 a.m. | 34:07 - end | | |



 Chairman Sam Bregman

5/20/21

 Date



 Executive Director Ismael Trejo

5-20-21

 Date