

NEW MEXICO HORSE RACING COMMISSION
MINUTES OF THE REGULAR MEETING

Date: July 22, 2021 at 9:00 a.m.

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

Also present: 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	1:13 – 1:37	Meeting called to order at 9:00 a.m. by Chairman Bregman. Roll call was taken by Denise Chavez. Executive Director Ismael Trejo, In-House Counsel Richard Bustamante, Paralegal, Denise Chavez, and Assistant Attorney General, Delilah Tenorio were also present.	No Action Taken.
2. Pledge of Allegiance	1:39 – 1:59		Pledge of Allegiance was recited.
3. Approval of Agenda	2:46 – 4:04	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.

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4. Approval of Minutes: June 17, 2021	4:07 – 4:31	Chairman Bregman asked if the minutes were reviewed and if there were any changes. There were none.	Motion to approve the minutes from the Regular Commission Meeting on June 17, 2021 made by Commissioner Smith; Second by Commissioner Buffington. Motion passed unanimously.
5. Chairman's Reports	4:35 – 6:03	<ul style="list-style-type: none"> Chairman Bregman thanked NMRC staff and fellow Commissioners for all their hard work. Ruidoso is doing great. Chairman Bregman commented he's been to a few races and really enjoyed himself. Chairman Bregman pointed out that the purses continue to increase. Chairman Bregman acknowledged that we have received some written public comments and that most of them are regarding the race dates being announced today. He understands that a people have very strong feelings regarding the race dates for next race season and said that the Commission will take all those comments into consideration. He announced the NMHBA summit coming up at Ruidoso Downs. 	No Action Taken.

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6. Agency Director Reports:			
A. NMHBA Report	6:14 – 8:57	<p>Mary Barber presented the Race-A-Day Report for Ruidoso Downs through Sunday, July 11, 2021 stating that they ran 69 NM Bred Races in 22 days. In overnight races, the NMHBA contributed \$151,750, that's \$20,750 less than in 2020. They averaged 3.14 NM Bred per day, +3 for three a day.</p> <p>Ms. Barber announced that they are very excited for the upcoming summit and thanked Ruidoso Downs for sponsoring it.</p> <p>Ms. Barber asked the Commissioners to consider the race days proposed by the NMHBA.</p>	No Action Taken.
B. Jockey's Guild Report	9:01 – 9:35	<p>Executive Director Trejo spoke on behalf of John Beech. Mr. Beech reported that everything is going well and the track is safe. They are very happy that racing is back up and running. There are absolutely no complaints.</p>	No Action Taken.
C. NMRC Executive Director Report	9:36 – 18:51	<ul style="list-style-type: none"> Executive Director Trejo reported that Ruidoso Downs is doing well and the handle is up 88%. Great job Mr, Linder for holding a fantastic race meet and working well with NMRC. Mr. Trejo reported his concerns with HISA since his trip to Chicago. "The big take 	No Action Taken.

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		<p>away is that the Regulators [in NM] will not be involved in the rule making process.” The Feds expect to get out the draft of their rules out this fall.</p> <ul style="list-style-type: none"> • More discussion regarding HISA and “opting” out options between Mr. Trejo, Commissioner Smith and Commissioner Sanchez. 	
7. Public Comments:	19:05 – 35:51	<p>Mr. Tom McKenna spoke: He requested that the Commissioners consider the dates proposed by NMHBA.</p> <p>Mr. Mark Brown spoke: He requested that the Commissioners consider the dates proposed by NMHBA.</p> <p>Ms. Leslie Fincher spoke: She requested that the Commissioners consider the dates proposed by NMHBA.</p> <p>Ms. Chavez received 5 Public Comment and was read into the record.</p>	No Action Taken.
Executive Session: entered at 9:35 AM	36:10 – 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: 11:11 AM			

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8. Licensing/Pending Litigation/Appeals/Hearing Officer's Reports/Employment Contracts	2nd Recording 0:27 – 0:57		
A. NMHA (Pending Litigation)	1:20 – 1:47	In-House Counsel Bustamante reported that this matter was an update provided by In-House Counsel Bustamante. No action was taken.	No Action Taken.
B.– G. Sunland Park, SunRay Park, Ruidoso Downs, Downs at Albuquerque, NM State Fair, and Zia Park (Licensing)	1:55 – 2:26	Assistant Attorney General Delilah Tenorio reported during the close session Action Items B-G on the Agenda will be announced as each track is making their presentation for other action items.	See Action Taken below.
H. Alejandro Ignacio Lopez	2:27 – 4:06	Mr. Lopez was not present at the meeting. His name was called out to confirm that he was not present. He was a no show and therefore not approved to lift the revocation of his license.	Motion to not approve lifting the revocation of Mr. Lopez's license made by Commissioner Sanchez. Motion seconded by Commissioner Smith. Motion passed unanimously.
9. Unfinished/New Business and/or Action Items			
A. Approval of FY22 Hearing Officer	4:14 – 4:56	Mr. Trejo requested approval of Hearing Officer Fitzwater for FY22. This was the only bid received.	Motion to approve Kevin Fitzwater as Hearing Officer for

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B. Ratification of Approval of Substitute Steward on June 23-25, 2021 at Ruidoso Downs	4:57 – 5:34	Executive Director Trejo requested ratification of the approval of Elizabeth Garcia as substitute steward on June 23-25, 2021 at Ruidoso Downs.	FY22 made by Commissioner Smith. Motion seconded by Commissioner Sanchez. Motion passed unanimously. Motion to ratify the approval of the substitute steward on June 23-25, 2021 made by Commissioner Sanchez. Motion seconded by Commissioner Smith. Motion passed unanimously by roll call vote.
C. Approval of 2021 Official Vet for Downs at Albuquerque	9:22 – 6:14	Executive Director Trejo requested approval of Joan D'Alonzo as 2021 Official Vet for the Downs at Albuquerque.	Motion to approve Joan D'Alonzo as 2021 official vet at the Downs at Albuquerque made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.

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D. Approvals for Sunland Park			
1. 2021-2022 Race Dates & Primary Application	6:22 – 9:34	Mr. Dix of Sunland Park requested to approval of the 2021-2022 race dates and primary application as submitted. Mr. Bustamante announced that it is his understanding that the Commission would like to entertain a motion to approve the 2021-2022 Race Dates and Primary Application with the following conditions: The beginning and ending dates of the race meet will be December 15, 2021 and end April 3, 2022. Sunland Park will begin taking entries on December 16, 2021. Live racing will begin December 31, 2021 and end April 3, 2022 (running Friday, Saturday, Sunday and Tuesday), a minimum of 9 races a day; for a total of 55 race days. That's an addition 4 days from Sunland Park's original proposal.	Motion to approve the 2021-2022 race days made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.
	9:36 – 10:23	Mr. Dix requested that Items 5-12 listed on the Agenda be tabled due to the most recently approved race dates and the additional days.	Motion to approve the 2021-2022 primary application made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.
2. 2022 Simulcast License	10:32 – 11:03	Mr. Dix asked for approval of the 2022 Simulcast License for Sunland Park.	Motion to approve the 2022 Simulcast License made by Commissioner Sanchez. Motion seconded by Commissioner Smith.

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3. Approval of 2021-2022 Stall Application	11:05 – 11:40	Mr. Dix requested approval of the 2021-2022 Stall Application as submitted.	Motion passed unanimously. Motion to approve the 2021-2022 Stall Application as submitted for Sunland Park made by Commissioner Smith. Motion was seconded by Commissioner Buffington. Motion passed unanimously.
4. Approval of 2021-2022 Post Times & Wagering Format	11:42 – 12:52	Mr. Dix requested approval of the 2021-2022 Post Times & Wagering Format, changing the dates to December 31, 2021 and ending April 3, 2022.	Motion to approve 2021-2022 Post Times & Wagering Format as amended by Mr. Dix presented for Sunland Park made by Commissioner Sanchez. Motion seconded by Commissioner Smith. Motion passed unanimously.
5. Approval of 2021-2022 Stakes Schedule 6. Approval of 2022 Shue Fly Nomination Blanks	12:54 – 14:07	Mr. Dix requested that Items 5-12 listed on the Agenda be tabled due to the most recently approved race dates and the additional days. Mr. Dix will send this information to Mr. Trejo and	Items 5-12 were tabled for Sunland Park.

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2. 2022 Simulcast License	19:48 – 20:16	Mr. Amestoy asked why there is a gap between entry date and live racing. Chairman Bregman read statute 60-1A-4(B)(1); 60-1A-2(W) the definition of a race meet; NMAC 15.2.1.7(M)(4) the definition of meeting; and NMSA 60-2E-27(F), Gaming Control Act which apply to all race dates approved for the tracks today.	
F. Approvals for Ruidoso Downs			
1. Approval of 2022 Race Dates & Primary Application	20:24 – 22:41	Mr. Boehm requested approval of the 2022 Simulcast License for SunRay Park. Mr. Linder requested approval of 2022 Race Dates and Primary Application as submitted. Mr. Bustamante announced that it is his understanding that the Commission would like to entertain a motion to approve the 2022 Race Dates and Primary Application with the following conditions: The beginning and ending dates of the race meet will be May 19, 2022 and end September 5, 2022. Ruidoso Downs will begin taking entries on May 20, 2022. Live racing will begin May 27, 2022 and end September 5, 2022, including Memorial Day and Fourth of July	Motion to approve to the 2022 Simulcast License for SunRay Park made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously. Motion to approve the 2022 race days and Primary Application made by Commissioner Sanchez. Motion seconded by Commissioner Smith. Motion passed unanimously.

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2. Approval of 2022 Simulcast License	22:43 – 23:10	(running Friday, Saturday and Sunday), a minimum of 10 races a day; for a total of 47 race days. Mr. Linder requested approval of the 2022 Simulcast License for Ruidoso Downs.	Motion to approve the 2022 Simulcast License for Ruidoso Downs made by Commissioner Sanchez. Motion seconded by Commissioner Smith. Motion passed unanimously.
3. Approval of Secondary License for Gerry Sigman	23:11 – 23:41	Mr. Linder requested approval of a secondary license for Gerry Sigman.	Motion to approve the Secondary License for Gerry Sigman made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.
4. Ratification of Approval of Amended 2021 Purse Schedule	23:44 – 24:27	Mr. Linder requested ratification of the approval of the 2021 Purse Schedule.	Motion to ratify the approval of the 2021 Purse Schedule for Ruidoso Downs made by Commissioner Smith. Motion

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5. Ratification of Approval of Post Times & Wagering Format on July 9, 10, and 11, 2021	24:28 – 25:00	Mr. Linder requested ratification of approval of Post Times & Wagering Format on July 9, 10, and 11, 2021 for Ruidoso Downs.	seconded by Commissioner Sanchez. Motion passed unanimously. Motion to ratify the approval of post times & Wagering Format on July 9, 10 and 11, 2021 made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.
6. Ratification of Approval of Amended 2021 Racing Officials	25:01 – 25:29	Mr. Linder requested ratification of approval of the amended 2021 Racing Officials for Ruidoso Downs.	Motion to ratify the approval of the amended 2021 racing officials for Ruidoso Downs made by Commissioner Smith. Motion seconded by Commissioner Sanchez. Motion passed unanimously.
G. Approvals for Downs at Albuquerque			
1. Approval of 2022 Race Dates & Primary Application	25:31 – 27:19	Mr. Cook requested approval of 2022 Race Dates and Primary Application as submitted. Mr. Bustamante announced that it is his	Motion to approve the 2022 race days and Primary Application

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		understanding that the Commission would like to entertain a motion to approve the 2022 Race Dates and Primary Application with the following conditions: The beginning and ending dates of the race meet will be July 21, 2022 and end September 2, 2022. The Downs at Albuquerque will begin taking entries on July 22, 2022. Live racing will begin July 29, 2022 and end September 2, 2022, (running Friday, Saturday, Sunday & Wednesday), a minimum of 9 races a day; for a total of 21 race days. This was an additional 4 days from the dates requested by the DAA.	made by Commissioner Buffington. Motion seconded by Commissioner Smith. Motion passed unanimously.
2. Approval of 2022 Simulcast License	27:21 – 27:48	Mr. Cook of the Downs at Albuquerque requested the approval of the 2022 Simulcast License for the Downs at Albuquerque.	Motion to approve the 2022 Simulcast License for the Downs at Albuquerque made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.
3. Approval of the Amended 2021 Post Times	27:49 – 28:49	Mr. Cook of the Downs at Albuquerque requested approval of the 2021. He said this actually falls under the State Fair License. This Item will be moved to Item H. 2 in the Agenda. See, 39:28 – 40:51.	No Action taken until State Fair's requests.

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<p>4. Approval of the Amended 2021 Primary Application</p> <p>H. Approvals for New Mexico State Fair</p> <p>1. Approval of 2022 Race Dates & Primary Application</p>	<p>28:52 – 29:24</p> <p>29:30 – 31:32</p>	<p>Mr. Cook requested approval of the Amended 2021 Primary Application to change to United Tote for The Downs at Albuquerque</p> <p>Mr. Cook requested approval of 2022 Race Dates and Primary Application as submitted. Mr. Bustamante announced that it is his understanding that the Commission would like to entertain a motion to approve the 2022 Race Dates and Primary Application with the following conditions: The beginning and ending dates of the race meet will be August 26, 2022 and end September 25, 2022. The NM State Fair will begin taking entries on August 27, 2022. Live racing will take place on September 3, 4, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21, 23, 24, and 25, 2022; for a total of 17 race days. This was an additional 4 days from the dates requested by the DAA. Mr. Cook corrected that it should be September 8 instead of September 7.</p>	<p>Motion to approve the Amended 2021 Primary Application made by Commissioner Sanchez. Motion seconded by Commissioner Smith. Motion passed unanimously.</p> <p>Motion to approve the 2022 race days and Primary Application made by Commissioner Sanchez. Motion seconded by Commissioner Smith. Motion passed unanimously.</p>

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<p>2. Approval of Amended 2021 Post Times (moved from DAA requests to NMSF)</p>	31:36 – 32:34	Mr. Cook requested approval of the Amended 2021 Post Times for the NMSF. Switching from night to day-running.	Motion to approve the Amended 2021 Post Times for the Downs at Albuquerque made by Commissioner Smith. Motion seconded by Commissioner Sanchez. Motion passed unanimously.
<p>I. Approvals for Zia Park</p> <p>1. Approval of 2022 Race Dates & Primary Application</p>	32:37 – 34:17	<p>Mr. Belcher was present (in-person), however, Mr. McErlean made the requests for Zia Park via Zoom.</p> <p>Mr. McErlean requested approval of 2022 Race Dates and Primary Application as submitted. Mr. Bustamante announced that it is his understanding that the Commission would like to entertain a motion to approve the 2022 Race Dates and Primary Application with the following conditions: The beginning and ending dates of the race meet will be September 23, 2022 and end December 20, 2022. Zia Park will begin taking entries on September 24, 2022. Live racing will begin October 1, 2022 and end December 20, 2022 (running Saturday, Sunday, Monday and Tuesday); a minimum of 9 races per day, for a total of 48 race days. This was an additional 4 days from the dates requested by Zia Park.</p>	<p>Motion to approve the 2022 race days and Primary Application made by Commissioner Sanchez. Motion seconded by Commissioner Buffington. Motion passed unanimously.</p>

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2. Approval of 2022 Simulcast License	34:19 – 34:47	Mr. McErlean requested approval of the 2022 Simulcast License for Zia Park.	Motion to approve the 2022 Simulcast License for Zia Park made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.
3. Approval of 2021 Stakes Schedule	34:49 – 36:47	Mr. McErlean requested approval of the 2021 Stakes Schedule as submitted for Zia Park.	Motion to approve the 2021 Stakes Schedule for Zia Park made by Commissioner Sanchez. Motion seconded by Commissioner Smith. Motion passed unanimously.
4. Approval of 2021 Purse Schedule	36:49 – 37:40	Mr. McErlean requested approval of the 2021 Purse Schedule as submitted for Zia Park. Reflecting a purse schedule similar to 2019.	Motion to approve the 2021 Purse Schedule for Zia Park made by Commissioner Sanchez. Motion seconded by Commissioner Smith. Motion passed unanimously.

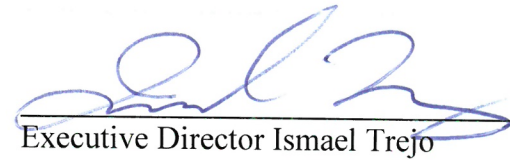
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5. Approval of 2021 Gaming & Breakage	37:47 – 38:36	Mr. McErlean requested approval of the 2021 Gaming & Breakage for Zia Park. NMHBA submitted letter on July 2, 2021.	Motion to approve the 2021 Gaming & Breakage for Zia Park made by Commissioner Smith. Motion seconded by Commissioner Sanchez. Motion passed unanimously.
6. Approval of 2021 Condition Book (#1)	38:47 – 39:21	Mr. McErlean requested approval of the 2021 Condition Book (Book #1) for Zia Park.	Motion to approve the 2021 Condition Book (Book #1) for Zia Park made by Commissioner Smith. Motion seconded by Commissioner Sanchez. Motion passed unanimously.
Amended: for the DAA	39:28 – 40:51	AAG Tenorio amended that the NMSF request for Approval of the Amended Post Times should have really been for the DAA. The original vote was rescinded and the Commission revoted to approve the 2021 Amended Post Times for DAA.	Motion to approve the 2021 Amended Post Times for the Downs at Albuquerque made by Commissioner Smith and Seconded by Commissioner Sanchez.
10. Adjournment at 11:57 a.m.	40:53 - end		



Chairman Sam Bregman

8/19/21

Date



Executive Director Ismael Trejo

8-19-21

Date