

NEW MEXICO HORSE RACING COMMISSION
MINUTES OF THE REGULAR MEETING

Date: October 14, 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 (VIA Zoom), Vice-Chairman David “Hossie” Sanchez, Commissioner John Buffington and Commissioner Billy Smith and Commissioner Margaret Branch.

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	0:28 – 2:30	Meeting called to order at 9:08 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	2:34 – 2:56		Pledge of Allegiance was recited.
3. Approval of Agenda	3:03 – 3:34	Chairman Bregman asked if there were any changes to the Agenda. No changes were made.	Motion to adopt the Agenda made by Commissioner Smith. Commissioner Buffington second the motion. Motion passed unanimously by roll call vote.

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4. Approval of Minutes: September 9, 2021	3:40 – 4:19	Chairman Bregman asked if the minutes for the September 9, 2021, meeting were reviewed and if there were any changes. There were none.	Motion to approve the minutes from the Regular Commission Meeting on September 9, 2021, made by Commissioner Smith; Second by Commissioner Buffington. Motion passed unanimously by roll call vote.
5. Chairman's Reports A. Zia Park Update	4:23 – 13:01	- Chairman Bregman welcomed Margaret Branch to the NM Racing Commission. The Chairman communicated to those in the racing industry that Commissioner Branch is going to be a great Commissioner. He added not only is she a great lawyer and business person, but she is also a great person. He is grateful the Governor has appointed Ms. Branch to the NM Racing Commission. - Chairman Bregman thanked NMRC staff for everything they do. He acknowledged the staff all do a great job day-in-and day-out and he knows they all are working very hard now that racing is back up and running after the pandemic. Chairman Bregman highlighted Denise Chavez, NMRC Paralegal, for doing an amazing job. He recognized Ms. Chavez for doing a great job behind the scenes preparing and	No Action Taken.

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		orchestrating these commission meetings and doing all the legal work for NMRC. Chairman Bregman talked about his concerns regarding the beginning of the meet at Zia Park. A week before racing began at Zia Park, Commissioners received complaints the track was a mess. Chairman Bregman went to Zia Park and confirmed that it was, in fact, a mess and in unacceptable condition. Zia Park knew the dates racing was to begin, and the Chairman was very disappointed to see for himself the condition it was in. Zia Park was not ready for this meet. The weeds were out of control, the bathrooms and the path between the field and the barns were unacceptable. Chairman Bregman talked with Mr. Belcher and was promised it would be taken care of. Zia Park did get it together before racing began. However, Chairman Bregman reported it was disappointing the "black-eye" this gave the racing industry in New Mexico. Improvements have been made and the horsemen have reported recently the track is in good condition. No further complaints have since been received. Review of Zia Park to be on next agenda.	
	10:22 – 10:55	Commissioner Buffington shared the Chairman's frustrations and found Zia	

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	10:58 – 11:29 11:30 – 12:40	Park's lack of preparation for this race meet unacceptable. • Commissioner Smith gave kudos to the Chairman for going to Zia Park and making sure things got turned around. • Commissioner Sanchez put Zia Park and all the other tracks on notice that this unacceptable situation should never happen again. He shared his deep disappointment overall that this even happened. Zia Park should have been ready to start.	
6. Agency Director Reports: A. NMHBA Report	13:17 –	Mary Barber presented the Race-A-Day Report for Ruidoso Downs through Monday, September 6, 2021, stating that they ran 159 NM Bred Races in 46 days. In overnight races, the NMHBA contributed \$656,250.00, which was \$54,250.00 more than in 2020. They averaged 3.46 NM Bred per day, +21 for three a day. Mary Barber also presented the Race-A-Day Report for The Downs at Albuquerque through Sunday, September 19, 2021, stating they ran 101 NM Bred Races in 26 days. In overnight races, the NMHBA contributed \$820,000.00, which is unfortunately \$46,000.00 less than in 2020. They averaged 3.85 NM Bred per day, +23 for three a day.	No Action Taken. No Action Taken.

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B. Jockey's Guild Report	21:01 – 22:13	Mary Barber welcomed Commissioner Branch to NMRC and thereafter asked her if she was a breeder of horseraces. Chairman Bregman interjected saying Commission Branch did not have to answer that question. Ms. Barber pointed out the "statute requires at least 3 of the 5 Commissioners should be breeders, and she only sees 1 (Commissioner Sanchez)." Chairman Bregman thanked Ms. Barber for her observations. Executive Director Trejo reported he did not hear from Mr. Beech on behalf of the Jockey's Guild. Chairman Bregman asked if the Commission was skipping over this portion. Mr. Trejo reported the last he heard from Mr. Beech was that everything was good at Zia Park.	No Action Taken.
C. NMRC Executive Director Report	17:11 – 21:00	• Executive Director Trejo congratulated Chairman Bregman on a great week in Chicago. • Director Trejo welcomed Commissioner Branch to NMRC. • Director Trejo reported all the progress made in at the NMRC; the hiring of Ms. Anne Custy as Purchasing Agent and Mr. Armando Munoz as Accountant/Auditor. • Director Trejo reported the IT problems the NMRC has been having are quickly being rectified. The agency is not 100% functional yet but expects that to happen	No Action Taken.

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		after the updated rewiring of the NMRC offices is completed. • Opening weekend at Zia Park went well. Its handling figures are holding steady at the \$400,000 mark. • NMRC staff is gearing up for the October 23, 2021, big race day at the Downs at Albuquerque. Mr. Trejo and Mr. Bustamante will be speaking on a panel at the AQHA conference held prior to the weekend's big race day.	
7. Public Comments:	22:15 – 22:29	Ms. Chavez reported 0 public comments were received.	No Action Taken.
Executive Session: entered at 9:30 AM	22:30 – 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: 10:35 AM	2nd Recording 0:16 – 0:45		
8. Licensing/Pending Litigation/Appeals/Hearing Officer's Reports/Employment Contracts/Personnel A. NMHA (Pending Litigation)	0:46 – 1:01	In-House Counsel Bustamante reported this matter was simply an update and no action was taken.	No Action Taken.

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B. Ruben Leyba, (Pending Litigation Update) C. Justin Evans (Pending Litigation Update)	1:16 – 1:31	Assistant Attorney General Tenorio reported this matter was an update and no action was taken. Assistant Attorney General Tenorio reported that this matter was an update and no action was taken.	No Action Taken. No Action Taken.
9. Unfinished/New Business and/or Action Items: A. Approvals for The Downs at Albuquerque 1. Ratification of Approval to Replace Dr. Robert Schwyzer with Dr. John Snyder on September 14 – September 19, 2021 2. Ratification of Approval to Run 11 Races on September 19, 2021	1:32 – 3:15 3:18 – 4:06	Mr. Don Cook welcomed Commissioner Branch to the NMRC. He requested ratification of approval to replace Dr. Schwyzer with Dr. Snyder on September 14 – September 19, 2021. Mr. Cook requested ratification of the approval to run 11 races on September 19, 2021.	Motion to ratify the approval to replace Dr. Schwyzer on 9/14-9/19 made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously. Motion to ratify the approval to run 11 races on 9/19 made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.

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3. Ratification of Approval of Wagering Format for 11 Race Card	4:07 – 4:44	Mr. Cook requested ratification of the approval of the 11 race card wagering format on September 19, 2021.	Motion to ratify the approval of the wagering format for 11 race card made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.
4. Ratification of Approval of Variance on September 17, 2021	4:49 – 6:20	Mr. Cook requested ratification of the approval to run 8 races on September 17, 2021, due to a violent spill. The DAA was not sure how long it would take to get that last race up and going after the incident. There were 5 participants in the last race and so that money was divided evenly 5 ways (each owner received approximately \$3980)	Motion to ratify the approval of the variance on 9/17 made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.
B. Approvals for the NM State Fair 1. Approval to Amend 2022 Purse for NMSF QH Futurity	6:21 – 7:45	Mr. Cook requested approval to amend the 2022 purse for NMSF QH Futurity. There is an increase from \$160k to \$250k. The additional 45k came from DAA and NMHBA.	Motion to approve to amend the 2022 Purse for NMSF QH Futurity made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously
C. Approvals for Zia Park	7:50 – 9:07		

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I. Ratification of Approval of Amended 2021 Racing Officials		Mr. Bill McErlean requested ratification of approval of the amended 2021 racing officials.	Motion to ratify the approval to amend the 2021 Racing Officials made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously
D. Approvals for Sunland Park 1. Approval of 2021/2022 Jockey & Exercise Rider Insurance	9:10 – 10:30	Mr. Dustin Dix welcomed Commissioner Branch to NMRC. Pursuant to 15.2.2.8(B)(11) Mr. Dix requested approval of the 2021/2022 Jockey & Exercise Rider Insurance offset from gaming money, specifically 50% of gaming money for the offset.	Motion to approve the 2021/2022 Jockey & Exercise Rider Insurance made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously
E. Hearing Officer's Reports 1. IMO: Bart Hone	10:39 – 38:23	In-House Counsel, Richard Bustamante, reported the attorney for licensee Hone, Mr. Billy Blackburn, was present in the meeting. Pursuant to Rule 15.2.1.9(c)(15)(f), and regarding the appeal for the horse "Snowbound Jones" the Hearing Officer recommended Trainer, Hone, be fined \$1,000 for the positive test stemming from the August 10, 2018, race. Chairman Bregman and Commissioner Buffington both abstained in this matter. Mr. Blackburn asked if he could clarify some matters. Chairman Bregman pointed out to Mr. Blackburn the Commission is deliberating on	Motion to waive the fine but accept the Hearing Officer's Report made by Commissioner Branch. Motion seconded by Commissioner Smith. Motion passed 3-0.

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10. Adjournment at 11:12 AM	38:25 - end	the Hearing Officer's recommendation and will NOT be taking any new testimony regarding this matter. Commissioner Sanchez, Commissioner Smith and Commissioner Branch deliberated in open session, which included comments from Mr. Blackburn. Director Trejo advised of the correction this was a 4C not a 3C violation as reported in the Hearing Officer's Report. The Commission asked why the Prosecuting Attorney was not present at this meeting so they could hear their side as well. The participating three (3) Commissioners agreed to accept and adopt the Hearing Officer's Report. However, the three Commissioner's agreed the \$1,000 fine would be waived.	


11/18/21

Chairman Sam Bregman
Date



Executive Director Ismael Trejo
Date