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New Mexico Racing Commission
Albuquerque, New Mexico

Re: Objections of New Mexico Horsemen's Association to proposed rule changes considered
at NMRC meeting on February 17, 2022

Dear Racing Commissioners:

The New Mexico Horsemen's Association object to the proposed rule changes regarding *NMAC Subsections H of 15.2.1.8; C of 15.2.1.9; A of 15.2.2.9 and B of 15.2.2.9.*

In the instances of proposed rule changes wherein the "New Mexico horsemen's association" is struck and "associations" substituted one must know the definition of "associations" as defined in *NMAC 15.2.1.7 A (8)*. It states: "Association" is an individual or business entity holding a license from the commission to conduct racing with pari-mutuel wagering." Association, by definition, is the racetracks/casinos.

The Horsemen know exactly what the Commission is doing. Collection, management, disbursement and dispensing of the gaming purse monies is being taken from the Horsemen and given to the Racetracks/Casinos. The long history of the failures to take proper care of the purse money before the Horsemen took over is being ignored by the Commission. The perfect management of the those funds by the Horsemen, at no expense except for the 20% of the interest earned, for administration fees for over 20 years is also ignored.

Worse, the Commission does not provide for access to those accounts by the Horsemen to monitor and protect that money. For example, you could require the racetracks/casino to provide simultaneous notice of deposits, disbursements and expenditures and twenty-four hour, seven-day-a-week access to the accounts, so the Horsemen could monitor the amounts in the accounts. Furthermore, you do not require the accounts be set up with secure, financially solvent, *Federally Insured*, federal and state licensed banks. The Commission is not even attempting to avoid the savings and loan fiascoes, or the manipulations of the first decade of this century by banks and savings and loan institutions, or deposits of the purse funds with an institution the racetrack/casino has leverage with, or control over. The Horsemen never lost a penny of those funds and you are fully aware of this fact! Now, without good cause or purpose and solely for revenge and retribution, you take the perfect protection and allow the **worst, most dangerous** oversight of these funds. Surely your revenge should be tempered by some common sense.

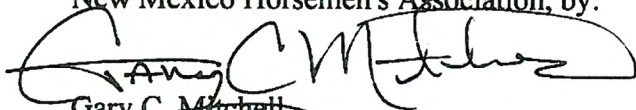
There is no doubt you intend to eliminate the New Mexico Horsemen's Association, as you not only take away the great protector of the purse monies, but do away with the Horsemen's approval of existing purse structures. Doing so is not in the best interest of gaming or horse racing. Indeed, it is against the best interest of both!

The Horsemen object to your further restrictions and attempts to avoid convening open meetings, as you are doing in the proposed modification to NMAC 15.2.1, wherein you change consideration of a proposed decision from an open meeting to a closed session. You, as Commissioners, should at least be willing to discuss publicly why you suggest a particular action. Now all will be a secret. The *Open Meetings Act* is meant to avoid these secret decisions on matters of public interest. You imply you are consistent with the Act, but in fact, your proposed actions are inconsistent with the Act and its intent.

As Commissioners, you should refuse to make any of the modifications of the rules which are on your agenda for your February 17, 2022 meeting. The proposed changes, as the other similar recent changes you have made to the NMAC, are both arbitrary, capricious, and serve no legitimate legal purpose. Furthermore, and to make matters worse, these proposed changes exceed the statutory authority of the Commission, and, in fact, are contrary to controlling state law. Thus, these proposed changes will likely spur additional litigation in which the Commission will waste additional time and taxpayer monies.

Respectfully objected to,

New Mexico Horsemen's Association, by:



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