

NEW MEXICO HORSE RACING COMMISSION
MINUTES OF THE REGULAR MEETING & RULES HEARING

Date: January 20, 2022, at 9:00 a.m.

Place: NMRC Boardroom; 4900 Alameda Blvd., NE, Albuquerque, NM and Zoom Video Conference – Meeting ID: 813 6685 1095

Members Present: Chairman Sam Bregman, Vice-Chairman David “Hossie” Sanchez, Commissioner John Buffington, Commissioner Billy Smith, and Commissioner Margaret Branch.

NMRC Staff Participating: Executive Director Ismael Trejo, In-House Counsel Richard Bustamante and Law Clerk 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	0:25 – 0:50	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, Assistant Attorney General, Delilah Tenorio and NMRC Law Clerk, Denise Chavez were also present.	No Action Taken.
2. Pledge of Allegiance	0:50 – 1:03		Pledge of Allegiance was recited.
3. Approval of Agenda	1:16 – 1:44	Chairman Bregman asked if there were any changes to the Agenda. No changes were made to the Agenda.	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: November 18, 2021	2:03 – 2:33	Chairman Bregman asked if the minutes for the November 18, 2021, meeting were reviewed and if there were any changes. There were none.	Motion to approve the minutes from the Regular Commission Meeting on November 18, 2021, made by Commissioner Smith; Second by Commissioner Buffington. Motion passed unanimously by roll call vote.
5. Chairman's Reports	2:35 – 8:12	- Chairman Bregman relayed that everyone in the room on this day have all been vaccinated. He encouraged everyone to get vaccinated. He was hoping we would be meeting in person by now but unfortunately, the pandemic and variants are running wild. - Chairman Bregman recognized and thanked the NMRC staff and all their hard work. - Chairman Bregman reported Sunland Park has been up and running since the last NMRC meeting. He has heard good comments about how the meet has been going since they have started. Great job! - Chairman Bregman talked briefly about HISA and how it is going to impact New Mexico Racing. He reminded everyone the safety of all the equine athletes is of	No Action Taken.

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		paramount concern and that the NMRC will continue to weed out the cheaters.	
6. Agency Director Reports: A. NMRC Report	8:20 – 17:57	• Executive Director Trejo welcomed everyone back after the holiday season. • Executive Director Trejo also congratulated Sunland Park for a job well done getting the track ready for the meet. He gave kudos to the Jockey organization as the weather and the track were a little “scary” opening weekend due to the weather, but the Jockeys chose to continue to run and did so successfully without any injuries. • Executive Director Trejo reported on the information gathered at the Racing Symposium attended in Tucson, AZ. He said the big topic was HISA. Not as much information was gathered as he hoped. The HISA projected date to begin is July 1. The cost of this program is a little scary. It appears the Feds don’t have any variables counted into their estimated costs. The big news was that USADA did not sign the contract for the testing of samples from horses. • January 26 legislative meeting in Santa Fe regarding the budget. • Executive Director pointed out that illness hit the office in a serious and wide-ranging manner. Shout out given to Denise Chavez and Richard Bustamante for teamwork and	No Action Taken.

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		making this meeting happen. It seemed impossible a few days ago. Great to see the teamwork. • Shout out to former NM Steward Ron Walker and well wishes to him on his retirement. • Commissioner Smith asked Executive Director Trejo if the biggest concern of HISA is where the money is going to come from for the states to contribute to the cost of this new program. Executive Director Trejo said, yes, it is a huge concern. • Commissioner Sanchez asked how HISA is going to impact the quarter horses. Executive Director Trejo reported HISA has said for starters the federal program is only taking on thoroughbreds. Therefore, the NMRC will continue testing the quarter horses. • Commissioner Smith asked about the feasibility of running mixed meets with HISA in place. Executive Director reported mixed meets will still take place. It might get a little messy, but it's doable.	
7. Public Comments:	17:58 – 23:36	Ms. Chavez reported 2 public comments were received. One was from Vanessa Alexander and another from Manny Sanchez. Because of the threats made to the NMRC staff, Ms. Alexander's comment was not read out loud. It is part of the record, however.	No Action Taken.

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		Leslie Fincher raised her hand (virtually). Her questions were very combative regarding the Commission's decision to not read Vanessa Alexander's comment into record and she questioned why the NMRC is not "talking to" the NMHA and NMHBA. Chairman reminded everyone that NMHA has sued the NMRC and any communication needs to run through legal counsel.	
8. Hearing on Petition for Rehearing IMO: Salvador R. Soto	23:36 – 39:25	Arguments were heard from both the Prosecutor for the State of NM, Assistant Attorney General, Erin Lecocq and Respondent counsel, Daniel Marquez, regarding this motion. NMRC will discuss the motion in closed session (since this is regarding litigation) and deliberate the decision in the second open session.	No Action Taken.
9. Unfinished/New Business and/or Action Items A. Hearing Officer's Reports 1. Beatriz Sanchez-Carrillo & Pedro Carrillo-Gomez	39:31 – 52:10	The Hearing Officer's Report regarding licensees Pedro Carrillo-Gomez and Beatriz Sanchez-Carrillo was presented by In-House Counsel, Richard Bustamante and deliberated by the Commissioners in open session. The Commissioners agreed these violations were egregious and the aggravating factors were taken into consideration. The Commission adopted the recommendations of the Hearing Officer with the following revisions: Ms. Sanchez-Carrillo was fined the maximum penalties because of the aggravating factors (3-year suspension and \$25k	Motion to approve adopt the Hearing Officer's Report with modifications made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.

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2. Jose I. DeHerrera & Javier M. Chavez	52:12 – 1:01:43	fine). Commissioner Sanchez asked Executive Director Trejo who administers the drug detected in that investigation and Executive Director responded that was the “million-dollar question”, but in order to necessarily have someone held accountable, he referenced the Absolute Insurer Rule. Commissioner Smith confirmed prior violations of the licensees. Owner Pedro Carrillo-Gomez’s penalty is disqualification, loss of purse, the horse will be on the vet’s list for 180 days and must pass a commission-approved test before being reentered. Time served will be accounted for and referenced in the Order. Fine to be paid within thirty (30) days from the date of the signing of the D&O. The Hearing Officer’s Report regarding licensees Javier M. Chavez and Jose I. DeHerrera was presented by In-House Counsel, Richard Bustamante and deliberated by the Commissioners in open session. The Commissioners considered aggravating factors (prior violations and zero-tolerance drug). They adopted the recommendations of the Hearing Officer with the following revisions: Mr. DeHerrera was fined the maximum penalties because of the aggravating factors (3-year suspension and \$25k fine). Owner Javier Chavez’s penalty is disqualification, loss of purse, the horse will be on the vet’s list for 180 days and must pass a commission-approved test before being reentered. Time served will be	Motion to approve adopt the Hearing Officer’s Report with modifications made by Commissioner Buffington. Motion seconded by Commissioner Smith. Motion passed unanimously by roll call vote.

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3. Armando Arreola, Jr.	1:01:44 – 1:10:44	accounted for and referenced in the Order. Fine to be paid within thirty (30) days from the date of the signing of the D&O. The Hearing Officer's Report regarding licensee Armando Arreola was presented by Assistant Attorney General Delilah Tenorio and deliberated by the Commissioners in open session. The Executive Director pointed out the Hearing Officer referred to the incorrect classification of the drug in this matter. The Commission remanded this matter back to the Hearing Officer for clarification of the classification of the drug.	Motion to remand back to the Hearing Officer for clarification made by Commissioner Buffington. Motion seconded by Commissioner Smith. Motion passed unanimously by roll call vote.
B. Open Meetings Resolution for 2022	1:10:52 – 1:13:05	Executive Director Trejo presented the Open Meetings Resolution for 2022. Assistant Attorney General Delilah Tenorio directed everyone's attention to the end of the Open Meetings Resolution for 2022 (Paragraph 10 on the 3rd page) to review and consider the added paragraph. The resolution includes language dealing with ways to hold public meetings during times such as now, referring to the continuing pandemic.	Motion to adopt the Open Meetings Resolution of 2022 as presented was made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.
C. Appointment of Hearing Officer	1:13:06 – 1:13:56	Executive Director Trejo requested authority to appoint hearing officer(s) in 2022.	Motion to authorize Executive Director Trejo to appoint

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D. Appointment of Race Review Committee	1:13:58 – 1:15:10	Executive Director Trejo requested approval of the appointment of Scot Waterman, Mike Harbour, Steve Gemlich and Walt Wiggins as the 2022 Race Review Committee. Chairman Bregman thanked the appointed Race Review Committee for donating their time to review these races. Their service is very much appreciated.	Hearing Officer(s) in 2022 made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote. Motion to approve the ratification of the appointment of Scot Waterman, Mike Harbour, Steve Gemlich and Walt Wiggins as the 2022 Race Review Committee made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.
E. Ratification of Approval of 2021/2022 Stewards for Sunland Park	1:15:12 – 1:16:30	Executive Director Trejo requested the ratification of approval for Hugh Gallagher to be presiding Steward for Sunland Park. He also requested ratification of the approval of substitute Stewards Elizabeth Garcia, Leasa Johnson, and Gerald Richards and Donald Smith	Motion to ratify the approval of Hugh Gallagher as presiding steward and Elizabeth Garcia, Leasa Johnson, Gerald Richards and

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F. Approvals for Sunland Park 1. Ratification of Approval to Amend 2021/2022 Stakes Schedule 2. Ratification of Approval to Amend 2021/2022 Wagering Format	1:17:41 – 1:22:14 1:22:18 – 1:25:19	as an Associate Steward for 2022 Sunland Park meet. Mr. Dix requested ratification of approval to Amend the 2021/2022 Stakes Schedule. There was a typographical error in the condition book on March 12. There was also a change to the payout of the Sunland Park Championship – 10 horses initially listed but only a 6-horse field participated. Commissioner Buffington asked for clarification how it was changed, and Mr. Dix clarified the purses went to all 6 entrants. Mr. Dix requested ratification of approval to amend 2021/2022 wagering format.	Donald Smith as substitute Stewards for the 2022 Sunland Park race meet made by Commissioner Smith. Motion was seconded by Commissioner Buffington. Motion passed unanimously by roll call vote. Motion to ratify the approval of the amended 2021/2022 post times made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote. Motion to ratify the approval to amend the 2021/2022 wagering format for Sunland Park made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion

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3. Ratification of Approval to Amend 2021/2022 Racing Officials	1:25:21 – 1:26:59	Mr. Dix requested ratification of approval to amend 2021/2022 Racing Officials. Sunland Park removed two Assistant Starters, Ramon Alveraz, Jr. and Tater Cox, and added Joaquin Arrieta and Lorenzo Urbina in their place. Ratification also sought for removing Eduardo Saenz as Track Superintendent and replacing with George Moncrief.	passed unanimously by roll call vote. Motion to ratify the approval to amend 2021/2022 Racing Officials for Sunland Park made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.
G. Approvals for Ruidoso Downs 1. Ratification of Approval to Amend 2022 Stakes Schedule	1:27:18 – 1:30:12	Mr. Rick Baugh was present to address the Commission but due to technical difficulties, Executive Director Trejo presented for Ruidoso Downs. Ratification of approval to amend 2022 Stakes Schedule. Ruidoso would like to move the finals dates of the Rainbow Futurity and Derby by one week to July 23 and 24, 2022. This allows the qualifiers almost 4 weeks between finals of the Rainbow trials and the All American. Also, moving Jess Burner Stakes to June 5, 2022, from September 3, 2022, in order to avoid a scheduling conflict with a similar stakes race at the DAA.	Motion to ratify the approval to amend 2022 stakes schedule for Ruidoso Downs made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.
2. Approval of 2022 Gaming & Breakage	1:30:14 – 1:30:56	Ruidoso Downs requested approval of 2022 Gaming & Breakage. \$370,000 NMHBA part.	Motion to approve the 2022 Gaming &

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3. Approval of Condition Book (#1)	1:31:01 – 1:32:21	Ruidoso Downs requested approval of Condition Book #1 with a caveat--a purse schedule is not included. However, Ruidoso is ahead of the game asking for approval of the first Condition Book. The Purse Schedule included herein can/may change. The Commission will require Ruidoso Downs to go before the Commission in the future to discuss the purse schedule.	Breakage for Ruidoso Downs made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote. Motion to approve the 2022 Condition Book (#1) for Ruidoso Downs but requiring them to return to discuss Purse Schedule in the near future made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.
H. Approvals for Zia Park 1. Ratification of Approval of Dr. Mary Capp as Substitute Associate Veterinarian on December 14, 2021	1:33:20 – 1:34:42	Mr. Belcher requested ratification of approval of Dr. Mary Capp as substitute Associate Veterinarian for Zia Park on December 14, 2021.	Motion to ratify the approval of Dr. Mary Capp as substitute Associate Veterinarian on December 14, 2021, for Zia Park made by

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I. Approvals for SunRay Park 1. Approval of 2022 Gaming & Breakage	1:34:49 – 1:36:18	Mr. Barber could not be found on Zoom. Director Trejo presented the 2022 Gaming & Breakage for SunRay Park.	Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote. Motion to approve the 2022 Gaming & Breakage for SunRay Park made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.
J. Race Review 1. Jacob J. Simmons, III	1:36:22 – 1:48:16	The video of the second race on November 2, 2021, at Zia Park was played and shared on Zoom for the Commissioners to view. All appeal material, including the Race Review Committee's Recommendation was also presented to the Commission for its consideration. The Race Review's recommendation was to disqualify the #1 horse (Mt Surabachi Raider) from 1 st to 7 th place for veering to the right at the start causing the #2 horse to change course and bumping into the #3 horse, as well as causing the #5 horse to alter course mid-stretch. The Stewards' decision to	Motion to adopt and uphold the Race Review Committee's Recommendation made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.

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		disqualify #1, Mt Surabachi Raider from first (1 st) to seventh (7 th) was upheld.	
Executive Session: entered at 11:56 AM	1:48:18 – 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.	Chairman Bregman moved to enter into Executive Session. Commissioner Smith seconded the motion. Motion passed unanimously by roll call vote.
Back into Open Session: 12:20 PM	2nd Recording 0:06– END		
10. Licensing/Pending Litigation/Appeals/Hearing Officer's Reports/Employment Contracts			
A. NMHA (Pending Litigation)	0:06 – 0:54	No action was taken.	No Action Taken.
B. Coronado Partners, LLC v. NMRC (Pending Litigation)	3:33 – 7:51	See Agenda Item 11., below.	See Agenda Item 11, below.
C. Salvador Soto, Decision on Prosecutor's Petition for Rehearing	0:55 – 1:35	The arguments made by counsel in open session on this matter were considered in closed session.	Commissioner Smith moved to deny Prosecution's Petition

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D. Ratification of Approvals of Order of Dismissal			for Rehearing. Commissioner Buffington seconded the motion. Motion passed unanimously by roll call vote.
1. Alonzo & Sylvia Aranda	1:37 – 2:21	This matter was simply approving the Orders of Dismissal pursuant to Order from the Court.	Commissioner Smith moved to dismiss this matter. Commissioner Buffington seconded the motion. Motion passed unanimously by roll call vote.
2. Gerardo Ochoa-Pena & Israel Bordier	2:23 – 2:53	This matter was simply approving the Orders of Dismissal pursuant to Order from the Court.	Commissioner Smith moved to dismiss this matter. Commissioner Buffington seconded the motion. Motion passed unanimously by roll call vote.
3. Ruben Leyba, Jr.	2:55 – 3:29	This Order of Dismissal has already been signed given the District Court ordered it be done immediately.	Commissioner Smith moved to ratify the dismissal of this matter. Commissioner Buffington seconded the motion. Motion passed unanimously by roll call vote.

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11. Sixth Racing License	3:33 – 7:51	Chairman Bregman reported that there has been NO decision made about a sixth racing license by this Commission or any prior Commission. Chairman Bregman suggested the following to the NMRC to instruct NMRC counsel: file a Motion to Quash the Writ as no decision has been made. He would also suggest in-house counsel prepare an Order detailing the reasons why the NMRC is not placing the sixth license issue on the agenda in order to make a decision regarding whether to issue it. Specifically, 1) none of the present Commissioners were on the NMRC when the applications were received back in 2018; 2) Since 2018 there have been other factors impacting the industry such as the pandemic, HISA; and gaming and sports betting landscape has changed significantly since 2018. All of these things need to be taken into consideration before deciding on a sixth racing license.	Commissioner Smith moved to instruct counsel to file a Motion to Quash and Order encompassing the reasons discussed. Commissioner Buffington seconded the motion. Motion passed unanimously by roll call vote.
12. Adjournment at 12:25 PM	8:13 - END		


 Chairman Sam Bregman

2/25/22
 Date


 Executive Director Ismael Trejo

2-25-22
 Date