

**NEW MEXICO HORSE RACING COMMISSION**  
**MINUTES OF THE REGULAR MEETING**

Date: March 24, 2022, at 9:00 a.m.

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

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>
<b>Public Session 1:</b> <b>1. Call to Order and Roll Call</b>	0:01 – 1:29	Meeting called to order at 9:01 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.
<b>2. Pledge of Allegiance</b>	1:35 – 1:52		Pledge of Allegiance was recited.
<b>3. Approval of Agenda</b>	1:56 – 3:20	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 seconded the motion. Motion passed unanimously by roll call vote.

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<b>4. Approval of Minutes:</b> February 17, 2022	3:27 – 4:05	Chairman Bregman asked if the minutes for the February 17, 2022, meeting were reviewed and if there were any changes. There were none.	Motion to approve the minutes from the Regular Commission Meeting on February 17, 2022, made by Commissioner Smith; Seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.
<b>5. Chairman's Report</b>	4:09 – 6:13	<ul style="list-style-type: none"> <li>Chairman Bregman recognized and thanked the NMRC staff and all their hard work. The Chairman recognized the Stewards and all their hard work.</li> <li>Chairman Bregman reported having a fantastic time at Sunland Park and is very impressed by the staff at Sunland Park and is happy with the facility.</li> <li>Chairman Bregman reported a big weekend coming up at Sunland Park. The Sunland Derby is coming up and welcomes all to go to Sunland Park this weekend and join the fun.</li> </ul>	No Action Taken.
<b>6. Agency Director Reports:</b> A. NMRC Report	6:17 – 14:52	<ul style="list-style-type: none"> <li>Executive Director Trejo followed up and echoed Chairman Bregman with regards to the big weekend coming up at Sunland Park. He, too, complimented the staff at Sunland Park for doing a job well done.</li> </ul>	No Action Taken.



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		<p>Hoping to "crack" the \$5 million mark in pari-mutuel handle.</p> <ul style="list-style-type: none"> <li>• Executive Director Trejo acknowledged Amber Trujillo for doing a job well done (with the audit being reported last month).</li> <li>• Executive Director Trejo reported they are headed to SunRay Park for inspection before the start of the race meet either on April 5 or 6. He predicts it will be in tip-top-shape as Mr. Lonnie Barber always had the facility ready.</li> <li>• Executive Director Trejo reported a digital tattoo training was held at Sunland Park. He was pleased with the turn out and it went well.</li> <li>• Commissioners and Executive Director Trejo will be headed to Lexington, Kentucky in mid-April for the annual ARCI meeting to meet with the Federal Government, again. Although HISA is rolling forward, it is Executive Director Trejo's gut feeling the testing portion will not be in place by July 1. There is still a lot of work to get done.</li> <li>• Executive Director Trejo applauded the OOC that occurred this last month at Sunland Park. Approximately 89 horses were tested and there 22 violations were found, for a "strike rate" of just under 25%. Chairman Bregman asked Executive Director Trejo where NM stands in</li> </ul>	No Action Taken.

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		<p>comparison to other states in the nation. Executive Director Trejo responded NM is in the lead and in fact, the Federal Government mentioned that NM should be the “spokesperson” for HISA. If other states would do what New Mexico has been doing for testing, the racing industry might not be in the place it is with the Federal Government coming and taking over the regulation of horseracing. Chief Investigator Leasa Johnson will be in NY doing a presentation this upcoming week specifically regarding our OOC. Commissioner Smith said pertaining to HISA all the paperwork he has read lately advises there is going to be some money due from somebody May 1, 2022, to pay for the new program. He understands we don’t know the exact figure yet but asked Executive Director Trejo to opine what that number will be. Executive Director Trejo replied the only numbers he’s heard of are that NM’s costs, based on purse structure and number of starts of TBs in NM, is going to cost the NM Commission \$31,600 per million dollars that the program spends. To put that into perspective, if the program is going to cost \$60 million dollars nationwide it will cost the NM racing industry about 1.8 million to pay for TBs ONLY. NM does TB and QH racing at a</p>	No Action Taken.



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B. NMHBA	(TEAMS Recording) 15:41 – 18:10	<p>high rate of testing, for \$6-\$7 hundred thousand a year. The cost is going to increase! Chairman Bregman asked who is going to pay for this, Executive Director Trejo replied the racetrack operators, jockeys, Breeders, Trainers, Owners and Vets are “covered” people and will end up paying for it. Chairman Bregman replied it is a shame the Horsemen are involved in suing the NMRC, as now the state’s racing industry needs to work collectively.</p> <p>Mary Barber presented the Race-A-Day Report for Sunland Park through Tuesday, March 8, 2022, stating they ran 172 NM Bred Races in 40 days. In overnight races, the NMHBA contributed \$1,551,500.00, which was \$338,000.00 more than in 2020. They averaged 4.30 NM Bred per day, +52 for three a day.</p>	No Action Taken.
7. Public Comments:	18:21 – 23:54	<p>Ms. Chavez reported no public comments were received. Ms. Leslie Fincher raised her virtual hand and said she couldn’t hear, everything was coming through “garbled.” She did not like using Teams instead of Zoom. There were no other complaints about the sound. Chairman Bregman asked for others to indicate if there were issues hearing the meeting.</p> <p>Mr. Dominic Rivera commented he came up with a calculation for starter fee. Chairman</p>	No Action Taken.

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		Bregman asked Mr. Rivera to send his calculations to NMRC via Executive Director Trejo.	
<p><b>8. Unfinished/New Business and/or Action Items</b></p> <p><b>A. Approval of Statewide Retro Purse Policy Change</b></p>	24:06 – 34:12	<p>Executive Director Trejo presented the Retro Purse Policy that is “archaic”. He referenced the old Retro Purse Payment Policy from 2006 and a new, revised one. Executive Director Trejo pointed out two matters: this policy should be specific to say “overnight purse money”; and he thinks there should be some accountability built in where the old policy had some percentages built in by including a “target” for tracks, such as 10% ,for the tracks to hit. If the track is over 10%, it must retro purse money as a means of “forcing” the tracks to try to distribute the money rather than “horde” it. Chairman Bregman asked Executive Director Trejo whether the specific suggested changes to the proposed Retro Purse Policy Change would mean that everywhere it says “purse estimates” it should precede the word “purse” with the phrase “overnight estimates.” On point #4 of the policy, it states “Any purse money not distributed will be carried over to the next meet unless otherwise approved by the Commission.” Executive Director Trejo believes the Commission</p>	<p>Motion to table made by Commissioner Buffington. Motion Seconded by Commissioner Smith. Motion passed unanimously by roll call vote.</p>



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		<p>should factor in a percentage here and it should read something to the effects of: “any non-distributed purse money over 10% of the overnight purse structure shall be distributed in a retro unless otherwise approved by the Commission.” Bottom line, Executive Director Trejo believes the Commission should have the final decision regarding retro purse policies given that statutorily the Commission has regulatory authority over purses. The Commission should have the flexibility whether to retro or not, depending on the circumstances.</p> <p>Commissioner Buffington agreed with Executive Director Trejo there should be some amount of percentage there and stated, “nobody wants a retro” and the accountability by putting a percentage there (although he believes 10% is too high) he thinks the Commission ought to try to keep that percentage reasonable (not too high), continue to monitor it, and the tracks need to stay on top of it.</p> <p>Commissioner Smith stated he believes 10% is a good number. However, he notes this year is different due to the impacts of the pandemic.</p> <p>Chairman Bregman asked if more thought needs to go into this and if tabling this matter right now is necessary. Commissioner Buffington recommended bringing this matter back next</p>	

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		month. Chairman Bregman asked Executive Director Trejo to bring this matter back before the Commission with more specifics. Commissioner Smith would like this matter resolved next meeting.	
<b>B. Approvals for Sunland Park</b>	34:30 – 35:56	Mr. Dix started off by recognizing Sunland Park's Race office because Sunday, Sunland had 12 TB races, 7 stakes and every stakes race had 7 or more horses. He also reminded everyone in addition to the Sunland Derby, the Sunland Oaks is also upcoming and is a qualifier for the Kentucky Oaks and will be running Lasix free! Hoping to have a record handle of over \$5 million dollars this weekend.	
<b>1. Ratification of Approval to Amend 2022 Racing Officials</b>	35:57 – 37:00	Mr. Dix requested ratification of approval of Mr. Scooter Rippy as the horse identifier beginning March 11th through the remainder of the meet.	Motion to ratify the approval of Mr. Rippy as horse identifier as stated by Mr. Dix made by Commissioner Smith. Motion Seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.
	37:02 – 37:49		Motion to ratify the approval of the



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<p><b>2. Ratification of Approval to Amend 2022 Wagering Format</b></p>		<p>Mr. Dix requested ratification of approval of the change in post times on February 27, 2022, due to having 1 QH race and 8 TB races on this day.</p>	<p>amended 2022 wagering format for Sunland Park made by Commissioner Smith. Motion Seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.</p>
<p><b>C. Approvals for SunRay Park</b></p>			
<p><b>1. Approval of the 2022 Post Times &amp; Wagering Format</b></p>	<p>38:00 – 39:31</p>	<p>Mr. Barber requested approval of the 2022 Post Times and Wagering Format as presented.</p>	<p>Motion to approve 2022 Post Times &amp; Wagering Format for SunRay Park made by Commissioner Smith. Motion Seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.</p>
<p><b>2. Approval of the 2022 Jockey &amp; Exercise Rider Insurance</b></p>	<p>39:32 – 40:20</p>	<p>Mr. Barber requested approval of the 2022 Jockey &amp; Exercise Rider Insurance offset in the amount of \$55,443.90 pursuant to 15.2.2.8(B).</p>	<p>Motion to approve 2022 Jockey &amp; Exercise Rider Insurance for SunRay Park made by Commissioner Smith. Motion Seconded by Commissioner Buffington. Motion</p>

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<p><b>3. Approval of the 2022 Racing Officials</b></p>	<p>40:24 – 42:26</p>	<p>Mr. Barber requested approval of the 2022 Racing Officials. Mr. Barber noted it most likely was not a complete list. He said he will probably have more people to add to this list, specifically some Assistant Starters. Executive Director Trejo asked Mr. Barber to clarify Ms. Victoria Mason's title as there was none listed. Mr. Barber said she will be a Mutuel Teller. Commissioner Buffington asked if this was all the people listed for the upcoming live meet. Mr. Barber replied this list shows just those who have been hired so far but anticipates more to come.</p>	<p>passed unanimously by roll call vote.</p> <p>Motion to approve 2022 Racing Officials for SunRay Park made by Commissioner Smith. Motion Seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.</p>
	<p>42:32 – 59:05</p>	<p>Chairman Bregman asked Mr. Barber how things were going with regards to the export signal. Mr. Barber asked GM, Brad Boehm, to respond to this question. Mr. Boehm reported they have been working diligently with the local horsemen committee and NMHA, since the end of last year's race meet, to have issues, including SunRay's condition book, ready for this year's race meet. Mr. Boehm expressed concern what not having the export signal approved by the horsemen will mean for SunRay and purses for the meet. He said he is still hopeful they will have a positive outcome, but the parties continue</p>	



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		<p>to work diligently on the condition book (In fact, some very specific changes have been made including changes to some specific races being offered pursuant to NMHA's suggestions.) The track has made all changes requested by NMHA and are patiently waiting for resolution. Chairman Bregman asked who SunRay is communicating with, and Mr. Boehm responded they have been told the local committee has advised them they are not permitted to have any communication with SunRay at this point. Chairman Bregman confirmed how much purse money the individual horsemen are potentially losing pursuant to the State Board withholding the export signal for this race meet. Mr. Boehm replied that when looking at last year's numbers they are looking at approximately \$70k in additional purse money that went directly to the horsemen and purse structure. SunRay was hoping to have all this in place by January 2022 so it can begin getting on people's lists to be imported by them as early as March, no later than April. SunRay at this point is already behind that curve.</p> <p>Commissioner Smith asked Mr. Boehm if the State Board's main problem is the maiden races' purse money. Mr. Boehm confirmed this is one of the issues. Mr. Boehm went on to say there seems to be 3 issues: purse structure; purse distribution; and a few races that they would like</p>	

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		<p>to be included. Mr. Boehm said they agreed to include those races in their extra races, so he feels this issue was addressed. As far as purse distribution, after discussions with the horsemen, SunRay did make some accommodations and thought the issue was resolved. It seems the main problem is the purse distribution at this point. It would be detrimental to SunRay to announce a decrease in the claim races to make up the money in the maiden races.</p> <p>Commissioner Smith confirmed with Executive Direct Trejo the purse structure is approved by the Commission and the NMHA has no say so in this matter. Further, this item has been approved by the NMRC since last month. Commissioner Smith further confirmed that over the years it was a courtesy for the Commission to allow the horsemen give their input on condition books, etc., even though their input is NOT required.</p> <p>Chairman Bregman asked if Mr. Gary Mitchell, Attorney for NMHA, was on the virtual meeting and if he would like to address the Commission regarding the issue of the export signal. Mr. Mitchell was not present.</p> <p>Commissioner Sanchez asked Executive Director Trejo what conditions go along with the export signal. Executive Director Trejo reported the export signal is a stand-alone item when it comes to Federal law. It is a very confusing</p>	



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<b>D. Approvals for The Downs at Albuquerque</b> <b>1. Approval to Amend 2022 Race Days</b>	59:17 – 1:02:41	<p>matter why the export signal would be essentially “held hostage” when doing so takes money off “their own plate”. Nothing else should be used as leverage by holding off approving the export signal. This “problem” has only begun since this current executive director of the NMHA has led that organization. Withholding the export signal is detrimental to everyone involved in the horseracing industry.</p> <p>Mr. Cook requested approval to amend 2022 race days. The number of race days will NOT change; however, the race days (if approved) will change as follows: a start date of Saturday, July 30, 2022 (original start date was July 29, 2022); end date will be Saturday, October 1 (original end date was Sunday, September 25); moving September 12, 13 to Wednesday, September 28 and Friday September 30 and July 29 to October 1. This will extend the race dates out a week on the calendar and give the horses another week of rest.</p>	<p>Motion to approve amending 2022 race days as described by Mr. Cook made by Commissioner Smith. Motion Seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.</p>
	1:02:44 – 1:04:24	<p>Mr. Cook requested approval of 2022 Stall Application. Mr. Cook submitted 2 stall applications in the event the amended race dates proposed earlier were not approved. Therefore, Mr. Cook is requesting approval of 2022 Stall Application (labeled “A”) reflecting a changed</p>	<p>Motion to approve 2022 Stall Application (labeled “A”) for the DAA made by Commissioner Smith. Motion Seconded by Commissioner</p>

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<b>E. Approvals for Ruidoso Downs</b> <b>1. Approval to Amend 2022 Racing Officials</b>	1:04:43 – 1:05:58	<p>start date of July 30, 2022, and an end date of October 1, 2022. Chairman Bregman asked if there were any changes in this Stall Application that needs to be noted. Mr. Cook reported there are no changes other than the dates.</p> <p>Mr. Baugh requested approval to amend 2022 Racing Officials adding Ms. Barbara Rippy as Clerk of the Course, Ms. Autumn Barton as program coordinator, and Mr. Jimmy Bankston as outrider for Racing Officials for the 2022 race meet.</p>	<p>Buffington. Motion passed unanimously by roll call vote.</p> <p>Motion to approve amended 2022 Racing Officials for Ruidoso Downs made by Commissioner Smith. Motion Seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.</p>
	1:06:04 – 1:08:22		
	1:08:29 – 1:11:02	<p>Mr. Baugh requested approval of the 2022 Jockey &amp; Exercise Rider Insurance in the amount of \$133,817 pursuant to 15.2.2.8(B). Mr. Baugh highlighted a total two-year savings of \$165,805.00 this year yet providing same coverage for the jockeys and exercise riders.</p> <p>Mr. Baugh wished Sunland Park lots of luck for this weekend's Derby Day. He reported that as of last Thursday, he, Stall Superintendent Rex Cox, and Racing Secretary Jamie Zamora had begun the stall application process. The track has completely filled its barn area. Additionally, they have started conversations with their local</p>	<p>Motion to approve amended 2022 Racing Officials for Ruidoso Downs made by Commissioner Smith. Motion Seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.</p>



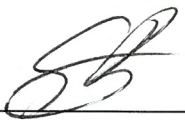
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		committee and the horsemen state board regarding approval of their export signal. The effect of NOT signing the export signal would have on Ruidoso Downs would be approximately \$800k in reduced purse money. They have full intention to sign what they signed last year.	
<b>Executive Session: entered at 10:30 AM</b>	1:11:05 – 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 Commissioner Buffington seconded the motion. Motion passed unanimously by roll call vote.
<b>Back into Open Session: 12:15 PM</b>	<b>2<sup>nd</sup> Recording</b> 0:07 – 0:35	Chairman Bregman affirmed ONLY the items listed on the Agenda were discussed in Executive Session pursuant to Section 10-15-1(J).	
<b>9. Licensing/Pending Litigation/Appeals/Hearing Officer's Reports/Employment Contracts</b>			
A. NMHA (Pending Litigation)	:49 – 1:42	Update only. No action was taken.	No Action Taken.

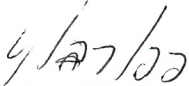
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B. Coronado Partners, LLC v. NMRC (Pending Litigation)		Update only. No action was taken.	No Action Taken.
C. Licensing of Minors		Discussion only for a possible rule change. No action was taken.	No Action Taken.
D. Kyle Lim (Licensing)	1:57 – 2:18	NMRC previously approved Mr. Lim pending his background check. His background came back positive, and Mr. Lim is fully licensed.	No Action Taken.
E. Ramon O. Gonzalez-Miranda	2:23 – 2:53	The Commission entertained a motion to deny the reissuing of Mr. Gonzalez-Miranda's license.	Commissioner Smith moved to deny the reissuing of Mr. Gonzalez-Miranda's license. Commissioner Buffington seconded the motion. Motion passed by unanimous roll call vote.
F. Christian Luis Cardenas	2:55 – 3:36	The Commission entertained a motion to deny the reissuing of Mr. Christian Luis Cardenas' license.	Commissioner Smith moved to deny the reissuing of Mr. Cardenas' license. Commissioner Buffington seconded the motion. Motion passed by unanimous roll call vote.



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G. Anselmo Cardenas	3:42 – 4:15	The Commission entertained a motion to approve the reissuing of Mr. Anselmo Cardenas' license.	Commissioner Smith moved to approve the reissuing of Mr. Cardenas' license. Commissioner Buffington seconded the motion. Motion passed by majority (4-1) roll call vote.
H. Alejandro Ignacio Lopez	4:26 – 4:57	The Commission entertained a motion to approve the reissuing of Mr. Alejandro I. Lopez's license.	Commissioner Smith moved to approve the reissuing of Mr. Lopez's license. Commissioner Buffington seconded the motion. Motion passed by majority (4-1) roll call vote.
I. Oscar Rincon	5:06 – 5:35	The Commission entertained a motion to approve the reissuing of Mr. Oscar Rincon's license.	Commissioner Branch moved to approve the reissuing of Mr. Rincon's license. Commissioner Buffington seconded the motion. Motion passed by majority (4-1) roll call vote.

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11. Adjournment at 12:20 PM			

  
 Chairman Sam Bregman

  
 Date

  
 Executive Director Ismael Trejo

  
 Date