



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: **2021-RUI-51**
Track **Ruidoso Downs**
Ruling Date: **7/26/2021**

Licensee: **HEBERT, TRACY JAMES**
License Type: **2020 1 Year Jockey** Applicant Id: **159170**
License Number: **300097**

Ruling # 2021-RUI-51

Action Type: Case Continued

Ruling:

RE: 2021-RUI-51 - Case Continued 7/29/21

Jockey: **Tracy Hebert** appeared before the Board of Stewards on July 29, 2021, for possessing unidentified pills during a compliance search by the investigator in the stable area of Ruidoso Downs on July 25, 2021. This hearing was conducted in accordance with 15.2.1.9 (B) (3), within 10 days of suspension.

After reviewing all evidence presented:

Aggravating Factor: Failure to notify stewards of medical condition which makes it necessary to possess a prohibited drug. 15.2.6.8 (B)(3) NMAC

Aggravating Factor: Pills not identified. 15.2.6.9 (H)(1)

Mitigating Factor: The 2 Unidentified pills found on Tracy Hebert were proven to be a prescription drug issued to Tracy Hebert on 5/27/2021 and filled on 6/22/2021

Mitigating Factor: Prescription states "Take 1 every 6 to 8 hours." Tracy Hebert had only one day's supply on him.

Mitigating Factor: Presbyterian Medical Group states "with this medication that he is able to complete function of his job properly"

Therefore, the Board of Stewards assess the following:

1. The Summary Suspension of Tracy Hebert is hereby rescinded pending a final disciplinary hearing and ruling.

This ruling is written in accordance with:

15.2.6.8 (B)(3) TREATMENT RESTRICTIONS: No person other than a veterinarian licensed to practice veterinary medicine in this jurisdiction and licensed by the commission, or a veterinary assistant licensed by the commission acting under the direct supervision of a licensed veterinarian, shall possess on any location under the jurisdiction of the commission any of the following unless approved by the commission (a) any drug which is a narcotic, stimulant, or depressant, or any other substance or medication that has been prepared or packaged for injection by a hypodermic syringe, or hypodermic needle; 15.2.6 NMAC 2 (b) any hypodermic syringe, hypodermic needle or any equipment associated with the aid of intravenous administration.

15.2.6.9 (H)(1) Medical Labeling No person on association grounds where horses are lodged or kept, excluding veterinarians licensed by the commission, shall have in or upon association grounds which that person occupies or has the right to occupy, or in that person's personal property or effect or vehicle in that person's care, custody or control, a drug, medication, chemical, foreign substance or other substance that is prohibited in a horse on a race day unless the product is labeled in accordance with this subsection.

16.47.1.8 (L)(1)(i) - Conduct Which states in pertinent part "The Commission may refuse to issue a license to an applicant, or may suspend or revoke a license issued, or order disciplinary measures if the applicant is a person whose conduct or reputation may reflect on the honesty, and integrity of horse racing"

16.47.1.8 (E) : Agree to search and seizure Which states in pertinent part "By acceptance of a license, a licensee consents to search and inspection by the Commission or its agents, and to the seizure of any prohibited medication, drugs, paraphernalia, or devices in accordance with State and Federal law"

15.2.3.8 B (3)(f) Stewards Disciplinary Action. 15.2.3.8 B (3)(a) Stewards Disciplinary Action. 15.2.3.8 B (1) (d) Stewards General Authority

16.47.1.8. T. KNOWLEDGE OF RULES: A licensee shall be knowledgeable of the rules of the commission; and by acceptance of the license, agrees to abide by the rules.

15.2.1.9 (B)(9)(b) Appeal Procedures An appeal under this section must be filed not later than 10 days after the date of the ruling. If the deadline falls on a Saturday, Sunday or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday. The appeal must be received by noon at the main commission offices or with the stewards who issued the ruling and must be accompanied by a fee in the amount of \$500. Last date of appeal August 8, 2021.