



New Mexico Racing Commission  
4900 Alameda NE  
Albuquerque, NM 87113

Ruling #: **2021-RUI-38**  
Track: Ruidoso Downs  
Ruling Date: 7/16/2021

Licensee: **ESPARZA, STEPHANIE ANNE**  
License Type: **2019 3 Year Trainer**      Applicant Id: **96588**  
License Number: **297022**

Ruling #            2021-RUI-38  
Action Type:        Case Continued  
Ruling:

RE: 2021-RUI-38 - Case Continued

Summary Suspension Hearing 7/24/2021

Trainer: Stephanie Esparza, currently under summary suspension, since July 16, 2021 had summary suspension hearing on July 24, 2021, at 10:00 a.m. in the office of the board of Stewards at Ruidoso Downs, (per 15.2.1.9 (B)(3)(b) Summary Suspension) Stephanie Esparza was represented by attorney Gene Chavez in regard to the confirmed positive of the Class 1, Penalty A drug, Oxymorphone, found in test sample E412731 taken from the horse "Feisty Foxy", who finished in first place in the 10th race on June 11, 2021, at Ruidoso Downs Racetrack.

**Note: No evidence was presented to disprove the findings of the racing commission.**

**Aggravating factor: The drug " Oxymorphone "has the potential to influence a horse's racing performance.**

In accordance with 15.2.1.9(B)(3)(a), the Board of Stewards hereby continue the summary suspension of all licenses belonging to Stephanie Esparza pending the results of her disciplinary hearing.

In accordance with 15.2.1.9 (C)(21), Stephanie Esparza is hereby excluded from all areas of the grounds under the jurisdiction of the NMRC. Additionally, effective upon applicable suspension dates, all horses owned, trained, or under the care of Stephanie Esparza are ineligible to be entered or start in any race in this jurisdiction, per 15.2.1.9 (C)(21)(c). All transfers and sales of horses trained, owned, or in the care and custody of Stephanie Esparza must be done in accordance with 15.2.6.9A(12)(a)(b) Medication and Prohibited Substances, and 15.2.1.9(B)(8)(b) DUE PROCESS AND DISCIPLINARY ACTION.

*Licensee is found in violation of, and this ruling is written in accordance with:*

15.2.6 NMAC Attachment #1 ARCI Uniform Classification of Substances-Version 14.4- December, 2020.

15.2.6.9(C)(1)(8)(a)(9)(10)(a)(b)(c)(d) Medication Restrictions

15.2.6.9(B)(1)Penalty Recommendations

16.47.1.8 (U)(1)(2) PROTECTION OF HORSES

16.47.1.10(B)(1)(2)Absolute Insurer

16.47.1.8 (L)(1)(i) Grounds for disciplinary measures for a licensee, and refusal, denial, suspension, or revocation of a license

15.2.1.9(B)(3)(a) Proceedings Before The Stewards: Summary Suspension If the Stewards determine that a licensee's action constitute an immediate danger to the public health, safety, or welfare, the Stewards may summarily suspend the licensee pending a hearing.

15.2.1.9(B)(3)(b) Proceedings Before The Stewards: Summary Suspension A licensee whose license has been summarily suspended is entitled to a hearing on the summary suspension not later than the 10th day after the license was summarily suspended. The licensee may waive their right to a hearing on the summary suspension within the 10-day limit

15.2.1.8(B)(1) COMMISSION GENERAL AUTHORITY/15.2.3.8 B (3)(a)(f) Stewards Disciplinary Action/15.2.3.8 B (1) (a)(c)(d)Stewards General Authority/16.47.1.8 (T) KNOWLEDGE OF RULES /16.47.1.3 Statutory Authority

16.47.1.8 (A)(1)(2) License Required /16.47.1.8(N) Changes In Application Information / 16.47.1.8(L)(1)(e) Grounds For Disciplinary Measures

By Order of The Ruidoso Downs Stewards



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.