



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: **2021-ZIA-126**
Track: Zia Park
Ruling Date: 12/8/2021

Licensee: **CAPPELLUCCI, DICK**
License Type: 2019 3 Year Trainer Applicant Id: 15418
License Number: 297118

Ruling # 2021-ZIA-126

Action Type: Initial Ruling

Ruling:

Trainer: **Dick Cappellucci** having been duly notified, and appeared before the **Board of Stewards on December 7, 2021, to waive his right to a hearing regarding a lab report from Industrial Laboratories (The official testing laboratory for the NMRC), for a confirmed positive for the drug, Phenylbutazone (class 4 penalty C drug) found in test sample E482968 taken from the 1st place finisher "Iza Daddy" following the 5th race, on November 16, 2021, at Zia Park Race Track.**

The original lab report indicated a finding of **Phenylbutazone confirmed** in the blood at 0.405 ug/ml exceeding the limit of 0.30 ug/ml (**15.2.6.9 Attachment 2**).

Split sample rights as provided in **15.2.6.10 (D) NMAC**, were afforded to the trainer and owner, and declined.

Ray Owen is the owner of record for the horse "**Iza Daddy**"

No evidence was presented to disprove the findings of the NMRC.

For **Dick Cappellucci** 1st Class 4-C medication violation, in a 365-day period, issued in accordance with 15.2.6.9 (B)(4), the Board of Stewards assess a penalty as follows:

1. A **(\$1000.00) One Thousand dollar fine to paid on or before January 7, 2022**, in accordance with **15.2.3.8 (B)(3)(I) NMAC**. Failure to pay fine in prescribed time will result in an immediate suspension.
2. In addition, **Dick Cappellucci** has accumulated "0" points prior to this ruling and "0.5" points in connection with this ruling for a current total of "0.5", under the multiple medication violation point system.

Licensee is found in violation of and this ruling is written in accordance with: 15.2.3.8(B)(1)(3)(f)(g)(j)Stewards/ 15.2.6.9(C)(1)(4)Medication Restrictions/15.2.6.9. 15.2.6.11(A)Trainer Responsibility/ 16.47.1.8(T)Knowledge of the Rules/ 16.47.1.8(U)(1)Protection of Horses/ 16.47.1.10(B)(1)(2)(3)Absolute Insurer/ 15.2.6.9(B)Penalty Recommendations.

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. The fee must be in the form of a money order or cashier's check. **Last date for appeal: Waived.**

By Order of The Zia Park Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: **2021-ZIA-127**
Track: Zia Park
Ruling Date: 12/8/2021

Licensee: **CAPPELLUCCI, DICK**
License Type: **2019 3 Year Trainer** Applicant Id: **15418**
License Number: **297118**

Ruling # 2021-ZIA-127

Action Type: Initial Ruling

Ruling:

Trainer: **Dick Cappellucci** having been duly notified, and appeared before the **Board of Stewards on December 7, 2021, to waive his right to a hearing regarding a lab report from Industrial Laboratories (The official testing laboratory for the NMRC), for a confirmed positive for the drug, Phenylbutazone (class 4 penalty C drug) found in test sample E482981 taken from the 1st place finisher "Short Pockets" following the 10th race, on November 16, 2021, at Zia Park Race Track.**

The original lab report indicated a finding of **Phenylbutazone confirmed** in the blood at 0.574 ug/ml exceeding the limit of 0.30 ug/ml **(15.2.6.9 Attachment 2).**

Split sample rights as provided in **15.2.6.10 (D) NMAC**, were afforded to the trainer and owner, and declined.

John Pinkerton is the owner of record for the horse "**Short Pockets**"

No evidence was presented to disprove the findings of the NMRC.

For **Dick Cappellucci** 1st Class 4-C medication violation, in a 365-day period, issued in accordance with 15.2.6.9 (B)(4), the Board of Stewards assess a penalty as follows:

1. **A (\$1500.00) One Thousand Five Hundred dollar fine to be paid on or before January 7, 2022, in accordance with 15.2.3.8 (B)(3)(I) NMAC.** Failure to pay fine in prescribed time will result in an immediate suspension.

2. A suspension of 15 days from December 15, 2021, thru December 30, 2021. During said time of applicable suspension **Dick Cappellucci** is hereby excluded from all areas of the grounds under the jurisdiction of the NMRC, in accordance with **15.2.1.9 (C)(21)**. Additionally, effective upon applicable suspension dates, all horses **owned, trained, or under the care of Dick Cappellucci** 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 by, owned by, or in the care and custody of Dick Cappellucci** must be done in accordance with **15.2.6.9 A (12) NMAC: Procedures shall be established to ensure that a licensed trainer is not able to benefit financially during the period for which the individual has been suspended.**

3. In addition, **Dick Cappellucci** has accumulated "0.5" points prior to this ruling and "0.5" points in connection with this ruling for a current total of "1.0", under the multiple medication violation point system.

Licensee is found in violation of and this ruling is written in accordance with: 15.2.3.8(B)(1)(3)(f)(g)(j)Stewards/ 15.2.6.9(C)(1)(4)Medication Restrictions/15.2.6.9. 15.2.6.11(A)Trainer Responsibility/ 16.47.1.8(T)Knowledge of the Rules/ 16.47.1.8(U)(1)Protection of Horses/ 16.47.1.10(B)(1)(2)(3)Absolute Insurer/ 15.2.6.9(B)Penalty Recommendations.

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. The fee must be in the form of a money order or cashier's check. Last date for appeal: Waived.

By Order of The Zia Park Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: **2021-ZIA-128**
Track: Zia Park
Ruling Date: 12/8/2021

Licensee: OWEN, RAY LYNN

License Type: Applicant Id: 158610
License Number:

Ruling # 2021-ZIA-128

Action Type: Initial Ruling

Ruling:

Owner: Ray Owen having been duly notified, and appeared through his trainer before the **Board of Stewards on December 7, 2021, to waive his right to a hearing regarding a lab report from Industrial Laboratories (The official testing laboratory for the NMRC)**, for a confirmed positive for the drug, **Phenylbutazone** (class 4 penalty C drug) found in test sample **E482968** taken from the **1st place finisher "Iza Daddy"** following the **5th race, on November 16, 2021, at Zia Park Race Track.**

The original lab report indicated a finding of **Phenylbutazone confirmed** in the blood at 0.405 ug/ml exceeding the limit of 0.30 ug/ml **(15.2.6.9 Attachment 2).**

Split sample rights as provided in **15.2.6.10 (D) NMRC**, were afforded to the trainer and owner, and declined.

Dick Cappellucci is the trainer of record for the horse "**Iza Daddy**"

No evidence was presented to disprove the findings of the NMRC.

This is **Ray Owen's first Class 4C-Major medication violation, in a 365-day period**, issued in accordance with **15.2.6.9 (B)(3)**. The Board of Stewards assessed a penalty as follows:

1. Pursuant to rule 15.2.6.9 (B)(3), the horse "**Iza Daddy**" must pass a commission-approved examination before becoming eligible to be entered.
2. The horse "**Iza Daddy**", is hereby disqualified from 1st place and ordered unplaced from the 5th race on November 16, 2021, at Zia Park Racetrack, for all but pari-mutuel wagering. The purse redistribution is as follows.

- | | |
|------------------------|-----------------------|
| 1. Gorky Park | 6. The Greatest Eagle |
| 2. McThanks | 7. Dom Strait |
| 3. Divine Favor | |
| 4. Sharpshootinggeorge | |
| 5. Disputed | |

Unplaced "**Iza Daddy**"

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

15.2.3.8(B)(1)(3)(f)(g)(j)Stewards/ 15.2.5.13(E)(4)(d) Running of the Race/ 15.2.6.9 MEDICATIONS AND PROHIBITED SUBSTANCES/ 15.2.6.9(L)(3)(o) MEDICATIONS AND PROHIBITED SUBSTANCES Environmental contaminants and substances of human use/15.2.5.14 D. 7 Protests, Objection and Inquiries/ 15.2.6.9(C)(1)(8)(c) Medication Restrictions/ 16.47.1.8(T)Knowledge of the Rules/ 16.47.1.8(U) Protection of Horses/ 15.2.6.9(B)Penalty Recommendation/ 15.2.5.13 E (4) (d) **Disqualification and purse distribution.**

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. The fee must be in the form of a money order or cashier's check. **Last day for appeal: Waived**



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: **2021-ZIA-129**
Track: Zia Park
Ruling Date: 12/8/2021

Licensee: **PINKERTON, JOHN P**
License Type: **2021 3 Year Owner** Applicant Id: **26088**
License Number: **301905**

Ruling # 2021-ZIA-129

Action Type: Initial Ruling

Ruling:

Owner: John Pinkerton having been duly notified, and appeared before the **Board of Stewards through his trainer on December 7, 2021, to waive his right to a hearing regarding a lab report from Industrial Laboratories (The official testing laboratory for the NMRC), for a confirmed positive for the drug, Phenylbutazone (class 4 penalty C drug) found in test sample E482981 taken from the 1st place finisher "Short Pockets" following the 10th race, on November 16, 2021, at Zia Park Race Track.**

The original lab report indicated a finding of **Phenylbutazone confirmed** in the blood at 0.574 ug/ml exceeding the limit of 0.30 ug/ml **(15.2.6.9 Attachment 2)**.

Split sample rights as provided in **15.2.6.10 (D) NMAC**, were afforded to the trainer and owner, and declined.

John Pinkerton is the owner of record for the horse **"Short Pockets"**

No evidence was presented to disprove the findings of the NMRC.

This is **John Pinkerton's first Class 4C-Major medication violation, in a 365-day period**, issued in accordance with **15.2.6.9 (B)(3)**. The Board of Stewards assessed a penalty as follows:

1. Pursuant to rule 15.2.6.9 (B)(3), the horse **"Short Pockets"** must pass a commission-approved examination before becoming eligible to be entered.
2. The horse **"Short Pockets"**, is hereby disqualified from 1st place and ordered unplaced from the 10th race on November 16, 2021, at Zia Park Racetrack, for all but pari-mutuel wagering. The purse redistribution is as follows.

1. Chuckies Chance
2. Delbert Too
3. Desert Reward
4. Dom Wayne
5. Spinning Black

Unplaced **"Short Pockets"**

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

15.2.3.8(B)(1)(3)(f)(g)(j)Stewards/ 15.2.5.13(E)(4)(d) Running of the Race/ 15.2.6.9 MEDICATIONS AND PROHIBITED SUBSTANCES/ 15.2.6.9(L)(3)(o) MEDICATIONS AND PROHIBITED SUBSTANCES Environmental contaminants and substances of human use/15.2.5.14 D. 7 Protests, Objection and Inquiries/ 15.2.6.9(C)(1)(8)(c) Medication Restrictions/ 16.47.1.8(T)Knowledge of the Rules/ 16.47.1.8(U) Protection of Horses/ 15.2.6.9(B)Penalty Recommendation/ 15.2.5.13 E (4) (d) **Disqualification and purse distribution.**

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. The fee must be in the form of a money order or cashier's check. **Last day for appeal: Waived**

By Order of The Zia Park Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: **2021-ZIA-130**
Track: Zia Park
Ruling Date: 12/12/2021

Licensee: **ROJERO, LUIS CARLOS**

License Type: 2019 3 Year Trainer Applicant Id: 6914
License Number: 293086

Ruling # 2021-ZIA-130

Action Type: Initial Ruling

Ruling:

Trainer: Luis Rojero, having been duly notified, and waived his rights to a hearing before the Board of Stewards on **December 12, 2020**, concerning allegations of:

Re: Misconduct in the test barn following the 10th race on November 22, 2021 at Zia Park.

For this rule violation, the Board of Stewards assessed **Luis Rojero** a penalty of a fine in the amount of \$500.00 (Five hundred dollars). This fine is to be paid on or before **January 12, 2022** in accordance with 15.2.3.8(B)(3)(I) NMAC. Failure to pay the fine within the time prescribed will result in immediate suspension.

Licensee is found to be in violation of:

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”

This ruling is written in accordance with:

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. The stewards have the authority to interpret the rules and to decide all questions of racing not specifically covered by the rules. Whenever the stewards find any person culpable for any act or omission in violation of these regulations or any violation of the Horse Racing Act, the person shall be subject to disciplinary action, which could include a fine, suspension, or revocation/denial of license or any combination of these penalties.

16.47.1.8. T. KNOWLEDGE OF RULES:

16.47.1.3 Statutory Authority

16.47.1.8 (A)(1) License Required

16.47.1.8 (A)(2) License Required

16.47.1.8(N) Last Known Address

15.2.1.9(b): Which states in pertinent part that "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. The fee must be in the form of cash, a cashier's check, money order or personal check."

15.2.1.9(b): Which states in pertinent part that "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. The fee must be in the form of a cashier's check, or money order.."

Last day for appeal: December 22, 2021.

By Order of The Zia Park Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: **2021-ZIA-131**
Track: Zia Park
Ruling Date: 12/13/2021

Licensee: MARTINEZ, LEZLY SALVADOR

License Type: 2020 3 Year Jockey Applicant Id: 33253
License Number: 297395

Ruling # 2021-ZIA-131

Action Type: Initial Ruling

Ruling:

The Jockey's License issued to L. Salvador Martinez is hereby rescinded without prejudice as he is no longer working in this capacity. His grooms license has been re-issued.

This ruling is in accordance with:

16.47.1.8(M)(2) Duration Of License, Which states" A license is valid only under the condition that the licensee remains eligible to hold such a license.

15.2.3.8 B(3)(f) Stewards Disciplinary Action

15.2.3.8 B(1)(d) Stewards General Authority

16. 47.1.8 T. Knowledge Of The Rules

16.47.1.3 Statutory Authority

16.47.1.8(A)(1) License Re3quired

16.47.1.8(A)(2) License Required

16.47.1.8(N) Last Known Address

By Order of The Zia Park Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: **2021-ZIA-132**
Track: **Zia Park**
Ruling Date: **12/14/2021**

Licensee: **GRADO, GABRIEL RAY**
License Type: **2020 1 Year Owner** Applicant Id: **32865**
License Number: **300205**

Ruling # 2021-ZIA-132

Action Type: Initial Ruling

Ruling:

Owner **Gabriel R. Grado** was duly notified and failed to appear so the hearing was held in absentia before the Board of Stewards on December 13, 2021. The hearing was regarding the confirmed positive of the Drug Class 3 Penalty Class A (Quarter Horses), Controlled Substance, Clenbuterol, found in the urine, test sample E482211 taken from the horse "**Code Talker Eleven**", who competed in the 4th race on August 29th, 2021, at Ruidoso Downs Racetrack.

Split sample rights were provided per 15.2.6.10 (D) NMAC, and confirmed by Kenneth L. Maddy Equine Laboratory.
15.2.6.9(C)(4) There is no permissible concentration of Clenbuterol that is allowed to appear in any official sample.

Mr. Manuel A. Vega is the trainer of record for the horse "**Code Talker Eleven**".

Aggravating factor: The drug "Clenbuterol" is a controlled substance in New Mexico.

Aggravating factor: The potential of this drug to influence a horse's performance.

For **Mr. Gabriel R. Grado's** First lifetime 3A medication violation issued in accordance with 15.2.6.9 (B)(1) Penalty Recommendations the Board of Stewards hereby assess a penalty as follows.

1. Pursuant to rule 15.2.6.9 (B)(1), the horse "**Code Talker Eleven**" is on the veterinarian's list for 180 days (December 13, 2021 to June 11, 2022) and must pass a commission-approved examination before becoming eligible to be entered.
2. The horse "**Code Talker Eleven**", is hereby disqualified from 3rd place and ordered unplaced from the 4th race on August 29, 2021, at Ruidoso Downs Racetrack, for all but pari-mutuel wagering. The purse redistribution is as follows
 - 1) Battle Rounds
 - 2) Mts Tall Tales
 - 3) Brooklynns Finest
 - 4) Magics Dotted Line
 - 5) Corona Tuffy
 - 6) Tuscani
 - 7) Firstblazing Romance
 - 8) La Maestra Runaway

Unplaced- Code Talker Eleven

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

15.2.3.8(B)(1)(3)(f)(g)(j)Stewards/ 15.2.5.13(E)(4)(d) Running of the Race/ 15.2.6.9 MEDICATIONS AND PROHIBITED SUBSTANCES/ 15.2.6.9(L) (3)(o) MEDICATIONS AND PROHIBITED SUBSTANCES Environmental contaminants and substances of human use/15.2.5.14 D. 7 Protests, Objection and Inquiries/ 15.2.6.9(C)(1)(8)(c) Medication Restrictions/ 15.2.6.11 Trainer Responsibility/ 16.47.1.8(T)Knowledge of the Rules/ 16.47.1.8(U) Protection of Horses/ 16.47.1.10(B)Absolute Insurer/ 15.2.6.9(B)Penalty Recommendation/ 15.2.5.13 E (4) (d) Disqualification and purse distribution.

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. The fee must be in the form of a money order or cashier's check. Last day for appeal: **December 24, 2021.**