New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2022-DAA-44
Track Downs at Albuquerque
Ruling Date: 9/2/2022

Licensee: GOMEZ-GONZALEZ, PEDRO

License Type: 2020 3 Year Trainer Applicant Id: 30693
License Number: 298277

Ruling # 2022-DAA-44

Action Type: Final Outcome

Ruling:

RE: 2022-DAA-44 - Ruling Final Outcome

Trainer: Pedro Gomez appeared for his Summary Suspension hearing having been duly notified and waived his right to a 10-day notice and disciplinary hearing before the Downs at Albuquerque Board of Stewards on September 9, 2022, regarding a lab report from Industrial Laboratories (The official testing laboratory for the NMRC).Clenbuterol (class 3 penalty A drug) confirmed in the urine in test sample E465106 taken from the 3rd place finisher "Deltas Harley Comet" following the 4th race on August 14th, 2022, at the Downs at Albuquerque Racetrack.

Split sample rights as provided in 15.2.6.10 (D)(2) NMAC, were afforded to trainer however, no split sample was requested within the required 48-hours.

Daniel Balderrama (Balderrama Racing, LLC) is the owner of record for the horse "Deltas Harley Comet" and was not represented by the Trainer.

Aggravating Factor(s):

- Clenbuterol is a Zero tolerance drug in New Mexico.
- No evidence was presented to disprove the findings of the racing commission.
- 3rd Medication Violation Lifetime, 2nd Clenbuterol

For **Pedro Gomez's** First-Class A medication violation in a 365 Days the Board of Stewards hereby assess a penalty, issued in accordance with 15.2.6.9 (B)(1) Penalty Recommendations, as follows:

1. A 5-year suspension of all NMRC licenses (retroactive from summary suspension) September 2nd, 2022, through November 2, 2027, inclusive.
2. A Fifty-Thousand-dollar ($50,000.00) fine to be paid on or before September 29, 2022, in accordance with 15.2.1.9 (B)(7)(f). Failure to pay the fine in the prescribed time shall result in an immediate suspension.

In addition, Pedro Gomez has accumulated "0.5" points prior to this ruling and "6" point in connection with this ruling for a current total of "6.5" points under the multiple medication violation point system. Under the multiple medication violation point system, Pedro Gomez is subject to an additional penalty of 60 days pursuant to section 15.2.6.9 (O)(7) of NMAC.

In accordance with 15.2.1.9 (C)(21), **Pedro Gomez** 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 **Pedro Gomez** 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 **Pedro Gomez** must be done in accordance with 15.2.6.9A(12)(a)(b) and approved by the Stewards.

Medication and Prohibited Substances.
Licensee is found in violation of and ruling written in accordance with:
15.2.6.9 NMAC Version 14.4- Dec 2020 – Medication and Prohibited Substances 15.2.6.9(C)(1)(3)(8)(a)(9)(10)(a-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
15.2.1.8(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/ 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 $400. **LAST DAY FOR APPEAL:** September 19, 2022

Connie Estes

By Order of The Downs at Albuquerque Stewards