



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: **2022-NMS-1**
Track: New Mexico State Fair
Ruling Date: 9/3/2022

Licensee: VALENZUELA, ERIC
License Type: 2022 3 Year Trainer Applicant Id: 163129
License Number: 305279

Ruling # 2022-NMS-1

Action Type: Initial Ruling

Ruling:

Trainer Eric Valenzuela having been duly notified and having waived his 10-day notice and formal hearing appeared telephonically before the Board of Stewards on September 3rd, 2022, for failing to be present in the paddock to saddle his horse "Coronas Freighttrain" in the 6th race on September 3, 2022, at THE DOWNS OF ALBUQUERQUE.

16.47.1.10 TRAINERS: C. Other responsibility: (23) personally attending to their horses in the paddock and supervising the saddling thereof, unless excused by the stewards; if the trainer is excused, the trainer must secure another trainer or assistant trainer who is licensed by the commission to assume those duties;

The Board of Stewards hereby assesses penalty as follows:

1. A fine of Two Hundred and Fifty Dollars (\$250.00) which must be paid on or before October 3rd, 2022.

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

15.2.1.9(B)(9)(b): Appeal Procedures, Which states "An appeal under this section must be filed not later than 10 days after the day of the ruling. If the deadline falls on a Sunday or a legal holiday, the period is extended to 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 \$400.00 dollars. The fee must be in the form of a cashier's check or a money order. **Last day to file is September 13, 2022.**

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

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

By Order of The New Mexico State Fair Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: **2022-NMS-2**
Track: New Mexico State Fair
Ruling Date: 9/8/2022

Licensee: GARCIA-HERRERA, ENRIQUE D
License Type: 2022 3 Year Jockey Applicant Id: 2011
License Number: 306155

Ruling # 2022-NMS-2

Action Type: Initial Ruling

Ruling:

Jockey **Enrique Garcia** having been represented by Victor Escobar Sr, appeared before the Board of Stewards and waving his 10-day notice and formal hearing on September 8, 2022 for failure to honor or be excused from his riding engagement on Thursday, September 8, 2022 in the 9th race, (#10 Under Rappes).

For this violation, the Board or Stewards assessed, Enrique Garcia a fine in the amount of Two Hundred and Fifty dollars, \$250.00. The fine is to be paid on or before October 8th, 2022, in accordance with 15.2.3.8 (B) (3) (1). Failure to pay the fine within the time prescribed shall result in immediate suspension.

Licensee is found to be in violation of:

15.2.5.13 (C)(1) (3) Jockey requirements: (1) Jockeys shall report to the jockeys' quarters at the time designated by the association. Jockeys shall report their engagements and any overweight to the clerk of scales. Jockeys shall not leave the jockeys' quarters, except to ride in scheduled races, until all their riding engagements of the day have been fulfilled except as approved by the stewards
(3) Except as otherwise provided by this subsection, a jockey engaged for a certain race or for a specified time may not fail or refuse to abide by the engagement agreement, unless excused by the stewards. Failure to fulfill riding engagements may result in disciplinary action.

This ruling is written in accordance with:

15.2.1.9(B)(4)(A)NMAC Notice Except as provided by these rules regarding summary suspension, jockey riding infractions and trial races, the stewards or a racing commission designee shall provide written notice, at least 10 days before the hearing, to a person who is the subject of a disciplinary hearing. The person may waive their right to 10 days notice by executing a written waiver.

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:

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 \$400. The fee must be in the form of a cashier's check, money order." **The last day to file an appeal is September 18, 2022.**



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: **2022-NMS-3**
Track: New Mexico State Fair
Ruling Date: 9/9/2022

Licensee: GOMEZ-PORTILLO, ENRIQUE
License Type: 2020 3 Year Jockey Applicant Id: 32586
License Number: 299717

Ruling # 2022-NMS-3

Action Type: Initial Ruling

Ruling:

Jockey **Enrique Gomez** having appeared before the Board of Stewards on September 9, 2022, for being disrespectful towards racing officials on September 8th, 2022 following the 8th race was found to be in violation of Commission rules.

For this rule violation, the Board of Stewards assessed Jockey **Enrique Gomez** a penalty in the amount of **Five Hundred Dollars (\$500.00)**. This fine is to be paid on or before **October 9th, 2022** in accordance with 15.2.3.8(B)(3)(I) NMAC. Failure to pay the fine within the time prescribed may 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 \$400. The fee must be in the form of cash, a cashier's check, money order or personal check."

The last day to appeal is September 19, 2022

By Order of The New Mexico State Fair Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: **2022-NMS-4**
Track: New Mexico State Fair
Ruling Date: 9/10/2022

Licensee: GILES, WESLEY T

License Type: 2019 3 Year Trainer Applicant Id: 21313
License Number: 297086

Ruling # 2022-NMS-4

Action Type: Initial Ruling

Ruling:

Trainer, **Wesley Giles** having been duly notified, appeared before the Downs at Albuquerque Board of Stewards on September 10, 2022. Mr Giles waived his 10 day notice and disciplinary hearing, regarding an Affidavit from Industrial Laboratories (The official testing laboratory for the NMRC), a confirmed positive for the drug, Flunixin (class 4 penalty C drug) in test sample E507088 taken from the 1st place finisher "Fanncee" following the 9th race, on June 25th, 2022 at the Ruidoso Downs Racetrack.

The original lab report indicated a finding of Flunixin confirmed in the blood at 10.9 ng/ml exceeding the threshold of 5 ng/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 confirmed by Texas A&M Laboratories.

MJ Farms (Mac Murray et al) is the owner of record for the horse "Fanncee."

For Wesley Giles 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 (\$1,000.00) One Thousand dollar fine to paid on or before October 10th, 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, Wesley Giles has accumulated "0.5" 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 \$400. The fee must be in the form of a money order or cashier's check. **Last date for appeal: September 20, 2022**



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2022-NMS-5
Track New Mexico State Fair
Ruling Date: 9/10/2022

Licensee: MURRAY, MAC

License Type: 2021 3 Year Owner Applicant Id: 21780
License Number: 300288

Ruling # 2022-NMS-5

Action Type: Initial Ruling

Ruling:

Owner, **Mac Murray** having been duly notified and represented by his trainer Wesley Giles before the Downs at Albuquerque Board of Stewards on September 10, 2022, regarding an Affidavit from Industrial Laboratories, the official testing laboratory for the NMRC, for a confirmed positive for the drug Flunixin (class 4 penalty C drug) found in test sample E507088 taken from the 1st place finisher "Fanncee" following the 9th race, on June 25th, 2022, at the Ruidoso Downs Racetrack.

Split sample rights as provided in 15.2.6.10 (D) NMAC, were afforded as the trainer and owner and were confirmed by Texas A&M Laboratories

Wesley Giles was the trainer of record for the horse "Fanncee" at the time of the violation.

In accordance with 15.2.6.9(B)(4) PENALTY RECOMMENDATIONS, this is Owner **Mac Murray** first Class 4C medication violation in a 365-day period. The Board of Stewards hereby assess penalty as follows:

1. The horse "Fanncee" is hereby disqualified from 1st place and ordered unplaced from the 9th race on June 25th, 2022, at Ruidoso Downs Racetrack for all but pari-mutuel wagering.

The purse redistribution is as follows:

1st - Crown N Royal Gall (Dead Heat)
1st - Hearts Mystic Rime (Dead Heat)
3rd - Jess to Reel
4th - Kellys First Moon
5th - Icy Morning Breeze
6th - Dream Lucky Charm
7th - Sweet Zulu
8th - Famous Julia

Unplaced: Fanncee

2. The horse "Fanncee" must pass a commission approved examination before being eligible to enter.

Licensee is found to be 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) Medication Restrictions / 15.2.6.9(F)Permissible/ 15.2.6.9 NMAC Attachment 2/ Medications with Acceptable Levels /15.2.6.9(B)(4) Penalty Recommendations/ 15.2.3.8(B)(3)(k) Redistribution of Prizes/ 15.2.5.13(E)(4)(d) NMAC

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 \$400.00. The fee must be in the form of a cashier's check, money order." **The last day to file an appeal: September 20, 2022**

By Order of The New Mexico State Fair Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: **2022-NMS-6**
Track: New Mexico State Fair
Ruling Date: 9/11/2022

Licensee: DOMINGUEZ, SERGIO G

License Type: 2022 1 Year Jockey Applicant Id: 86326
License Number: 305144

Ruling # 2022-NMS-6

Action Type: Initial Ruling

Ruling:

Jockey Sergio Dominguez, having been summoned and appeared before the DAA Board of Stewards on September 10, 2022, for excessive use of whip, while aboard "Bp Southern N Fancy" in the 2nd Race August 27th, 2022, at Ruidoso Downs Racetrack, is found to be in violation of Commission rules.

For this violation, the Board of Stewards have suspended Sergio Dominguez for 7 calendar days from September 17, 2022, through September 23, 2022. During the time of suspension Sergio Dominguez will be allowed to ride in designated races.

Licensee is found to be in violation of:

15.2.5.13(E)(6)(A) Use of riding crops. Although the use of a riding crop is not required, any jockey who uses a riding crop during a race shall do so only in a manner consistent with exerting his or her best efforts to win.

15.2.5.13(E)(6)(e) Use of riding crops. Indiscriminate use of the whip is prohibited including whipping a horse: on the head, flanks or on any other part of its body other than the shoulders or hind quarters except when necessary to control a horse; during the post parade or after the finish of the race except when necessary to control the horse; excessively or brutally causing welts or breaks in the skin; when the horse is clearly out of the race or has obtained its maximum placing; persistently even though the horse is showing no response under the riding crop; or striking another rider or horse.

This ruling is written in accordance with:

15.2.1.9(B)(4)(A)NMAC Notice Except as provided by these rules regarding summary suspension, jockey riding infractions and trial races, the stewards or a racing commission designee shall provide written notice, at least 10 days before the hearing, to a person who is the subject of a disciplinary hearing. The person may waive their right to 10 days notice by executing a written waiver.

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:

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 \$400. The fee must be in the form of a cashier's check or money order." **The last day to file an appeal is September 21, 2022**

By Order of The New Mexico State Fair Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: **2022-NMS-7**
Track **New Mexico State Fair**
Ruling Date: **9/11/2022**

Licensee: **DOMINGUEZ, SERGIO G**
License Type: **2022 1 Year Jockey** Applicant Id: **86326**
License Number: **305144**

Ruling # **2022-NMS-7**

Action Type: **Initial Ruling**

Ruling:

Jockey **Sergio Dominguez**, having been summoned and appeared before the DAA Board of Stewards on **September 10, 2022**, for **excessive use of whip**, while aboard "**Made the Cut**" in the **5th Race September 5, 2022**, at Ruidoso Downs Racetrack, is found to be in violation of Commission rules.

For this violation, the Board of Stewards have suspended **Sergio Dominguez** for 7 calendar days from September 24, 2022 through September 30, 2022. During the time of suspension **Sergio Dominguez** will be allowed to ride in designated races.

Licensee is found to be in violation of:

15.2.5.13(E)(6)(A) Use of riding crops. Although the use of a riding crop is not required, any jockey who uses a riding crop during a race shall do so only in a manner consistent with exerting his or her best efforts to win.

15.2.5.13(E)(6)(e) Use of riding crops. Indiscriminate use of the whip is prohibited including whipping a horse: on the head, flanks or on any other part of its body other than the shoulders or hind quarters except when necessary to control a horse; during the post parade or after the finish of the race except when necessary to control the horse; excessively or brutally causing welts or breaks in the skin; when the horse is clearly out of the race or has obtained its maximum placing; persistently even though the horse is showing no response under the riding crop; or striking another rider or horse.

This ruling is written in accordance with:

15.2.1.9(B)(4)(A) NMAC Notice Except as provided by these rules regarding summary suspension, jockey riding infractions and trial races, the stewards or a racing commission designee shall provide written notice, at least 10 days before the hearing, to a person who is the subject of a disciplinary hearing. The person may waive their right to 10 days notice by executing a written waiver.

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:

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 \$400. The fee must be in the form of a cashier's check or money order." **The last day to file an appeal is September 21, 2022**

By Order of The New Mexico State Fair Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: **2022-NMS-8**
Track: New Mexico State Fair
Ruling Date: 9/11/2022

Licensee: DOMINGUEZ, SERGIO G

License Type: 2022 1 Year Jockey Applicant Id: 86326
License Number: 305144

Ruling # 2022-NMS-8

Action Type: Initial Ruling

Ruling:

Jockey Sergio Dominguez, having been summoned and appeared before the DAA Board of Stewards on September 10, 2022, for Failure to Appear when summoned for Racing Films by the Ruidoso Board of Stewards, is found to be in violation of Commission rules.

For this violation, the Board or Stewards assessed, Sergio Dominguez a fine in the amount of Three Hundred dollars, \$300.00. (\$100 for each time he failed to appear). The fine is to be paid on or before October 10th, 2022, in accordance with 15.2.3.8 (B) (3) (1). Failure to pay the fine within the time prescribed shall result in immediate suspension.

Licensee is found in violation of:

15.2.1.9(B)(4)(d) NMAC: Which states in pertinent part that "Nonappearance of a summoned party after adequate notice shall be construed as a waiver of the right to a hearing before the Board of Stewards.

15.2.1.9(B)(4)(A) NMAC Notice Except as provided by these rules regarding summary suspension, jockey riding infractions and trial races, the stewards or a racing commission designee shall provide written notice, at least 10 days before the hearing, to a person who is the subject of a disciplinary hearing. The person may waive their right to 10 days' notice by executing a written waiver.

This ruling is written in accordance with:

15.2.1.8(B)(1) COMMISSION GENERAL AUTHORITY

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

15.2.3.8 B (1) (a) Stewards General Authority

15.2.3.8 B (1) (c) Stewards General Authority

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

16.47.1.8(L)(1)(e) Grounds For Disciplinary Measures

15.2.1.9(B)(9)(a) Failure to Appeal

15.2.1.9(B)(9)(b): Appeal Procedures 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 \$400. The fee must be in the form of a cashier's check or money order." Last date for appeal **September 21, 2022.**

 Connie Estes



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: **2022-NMS-9**
Track: New Mexico State Fair
Ruling Date: 9/11/2022

Licensee: DOMINGUEZ, SERGIO G
License Type: 2022 1 Year Jockey Applicant Id: 86326
License Number: 305144

Ruling # 2022-NMS-9

Action Type: Initial Ruling

Ruling:

Jockey **Sergio Dominguez** having appeared before the DAA Board of Stewards on September 10, 2022, for failure to honor or be excused from his riding engagement on Thursday, September 8, 2022, in the 3rd race, # 6 "Run Potion."

Sergio Dominguez failed to notify stewards that he would not ride which resulted in a late Jockey change.

For this violation, the Board or Stewards assessed, **Sergio Dominguez** a fine in the amount of Two Hundred and Fifty dollars, \$250.00. The fine is to be paid on or before September 20th, 2022, in accordance with 15.2.3.8 (B) (3) (1). Failure to pay the fine within the time prescribed shall result in immediate suspension.

Licensee is found to be in violation of:

15.2.5.13 (C)(1) (3) Jockey requirements: (1) Jockeys shall report to the jockeys' quarters at the time designated by the association. Jockeys shall report their engagements and any overweight to the clerk of scales. Jockeys shall not leave the jockeys' quarters, except to ride in scheduled races, until all their riding engagements of the day have been fulfilled except as approved by the stewards

(3) Except as otherwise provided by this subsection, a jockey engaged for a certain race or for a specified time may not fail or refuse to abide by the engagement agreement, unless excused by the stewards. Failure to fulfill riding engagements may result in disciplinary action.

This ruling is written in accordance with:

15.2.1.9(B)(4)(A)NMAC Notice Except as provided by these rules regarding summary suspension, jockey riding infractions and trial races, the stewards or a racing commission designee shall provide written notice, at least 10 days before the hearing, to a person who is the subject of a disciplinary hearing. The person may waive their right to 10 days notice by executing a written waiver.

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:

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 \$400. The fee must be in the form of a cashier's check, money order." **The last day to file an appeal is September 21, 2022.**

Connie Estes



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2022-NMS-10
Track New Mexico State Fair
Ruling Date: 9/11/2022

Licensee: VALERIO, RAYMOND G.

License Type: 2020 3 Year Trainer Applicant Id: 29856
License Number: 297416

Ruling # 2022-NMS-10

Action Type: Initial Ruling

Ruling:

Trainer, **Raymond Valerio** having been duly notified, appeared before the Downs at Albuquerque Board of Stewards on September 11, 2022, waived his 10 day notice and disciplinary hearing, regarding an Affidavit from Industrial Laboratories (The official testing laboratory for the NMRC), a confirmed positive for the drug, Dexamethasone in the blood (class 4 penalty C drug) for test sample E465192 taken from the horse "Bully Baby" who DNF in race 5, on August 24th, 2022 at the Downs at Albuquerque Racetrack.

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

Marcos Ordonez was the owner of record for the horse "Bully Baby" at the time of the race

For **Raymond Valerio** 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 (\$1,000.00) One Thousand dollar fine to paid on or before October 11th, 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, Raymond Valerio has accumulated "0.5" 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 \$400. The fee must be in the form of a money order or cashier's check. **Last date for appeal: September 21, 2022**

By Order of The New Mexico State Fair Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: **2022-NMS-11**
Track: New Mexico State Fair
Ruling Date: 9/11/2022

Licensee: **PARGA-LEOS, JAIME**

License Type: 2020 3 Year Jockey Applicant Id: 30593
License Number: 297659

Ruling # 2022-NMS-11

Action Type: Initial Ruling

Ruling:

Jockey **Jaime Parga Leos**, having been summoned and represented by Noe Garcia Jr, came before the DAA Board of Stewards **on September 11, 2022**, for careless riding during the running of the **6th race on September 10, 2022 at Downs at Albuquerque Racetrack**, while **aboard #4 "Jess Ring the Bell"**

For this rule violation, the Board of Stewards assessed Jockey Jaime Parga Leos a penalty in the amount of Five **Hundred Dollars (\$500.00)**. This fine is to be paid on or before **October 11th, 2022**, in accordance with 15.2.3.8(B)(3)(I) NMAC. Failure to pay the fine within the time prescribed may result in immediate suspension.

Licensee is found in violation of:

15.2.5.13(E)(2)(a) NMAC: Post to Finish Which states in pertinent part that "A jockey shall not ride carelessly or willfully so as to permit his/her mount to interfere with, impede or intimidate any other horse in the race."

15.2.5.13(E)(3)(d) NMAC: Post to Finish (d) In a straightaway race, every horse must maintain position as nearly as possible in the lane in which it starts. If a horse is ridden, drifts or swerves out of its lane in such a manner that it interferes with, impedes or intimidates another horse, it is a foul and may result in the disqualification of the offending horse.

This ruling is written in accordance with:

15.2.5.13(E)(3)(c) NMAC: Post to Finish Which states in pertinent part that "If the Stewards determine the foul was intentional, or due to careless riding, they may fine or suspend the guilty jockey."

15.2.1.9(B)(4)(A) Notice of Hearing for Jockeys

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:

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 \$400. The fee must be in the form of cash, a cashier's check or money order." **Last Day to Appeal September 21st, 2022**

By Order of The New Mexico State Fair Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: **2022-NMS-12**
Track: New Mexico State Fair
Ruling Date: 9/11/2022

Licensee: GARCIA, JR NOE

License Type: 2021 3 Year Jockey Applicant Id: 157715
License Number: 301912

Ruling # 2022-NMS-12

Action Type: Initial Ruling

Ruling:

Jockey **Noe Garcia Jr**, having been summoned and appeared before the Board of Stewards on **September 11th, 2022**, for **excessive use of whip**, while aboard "**Holland Rock**" in the **4th Race September 10, 2022** at the Downs at Albuquerque Racetrack, is found to be in violation of Commission rules.

For this violation, (Fourth violation) the DAA Board of Stewards have suspended **Noe Garcia Jr** for 14 calendar days from **September 19th, 2022**, through **October 2nd, 2022**. During the time of suspension **Noe Garcia Jr** will not be allowed to ride in designated races.

Licensee is found to be in violation of:

15.2.5.13(E)(6)(A) Use of riding crops. Although the use of a riding crop is not required, any jockey who uses a riding crop during a race shall do so only in a manner consistent with exerting his or her best efforts to win.

15.2.5.13(E)(6)(e) Use of riding crops. Indiscriminate use of the whip is prohibited including whipping a horse: on the head, flanks or on any other part of its body other than the shoulders or hind quarters except when necessary to control a horse; during the post parade or after the finish of the race except when necessary to control the horse; excessively or brutally causing welts or breaks in the skin; when the horse is clearly out of the race or has obtained its maximum placing; persistently even though the horse is showing no response under the riding crop; or striking another rider or horse.

This ruling is written in accordance with:

15.2.1.9(B)(4)(A) NMAC Notice Except as provided by these rules regarding summary suspension, jockey riding infractions and trial races, the stewards or a racing commission designee shall provide written notice, at least 10 days before the hearing, to a person who is the subject of a disciplinary hearing. The person may waive their right to 10 days notice by executing a written waiver.

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:

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 \$400. The fee must be in the form of a cashier's check or money order." **The last day to file an appeal is September 21, 2022.**

By Order of The New Mexico State Fair Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: **2022-NMS-13**
Track **New Mexico State Fair**
Ruling Date: **9/15/2022**

Licensee: **JIMENEZ, JR GUILLERMO**

License Type: **2022 1 Year Groom** Applicant Id: **20695**
License Number: **304167**

Ruling # **2022-NMS-13**

Action Type: **Initial Ruling**

Ruling:

Groom, Guillermo Jimenez Jr. was summarily suspended, effective September 15, 2022. Mr. Jimenez refused to submit to a drug test when ordered to do so by the Board of Stewards. per 15.2.1.9 (B)(3)(b) the Summary Suspension is due to Mr. Jimenez Jr.'s failure to provide a human urine sample as directed by the Stewards and admitted current use of unprescribed medications. Further, Mr. Guillermo Jimenez Jr. was verbally noticed that he is to appear before the Stewards for a Summary Suspension hearing scheduled to be held September 23, 2022, at 9:00 a.m. in the offices of the Board of Stewards at The Downs at Albuquerque Racetrack (125 Louisiana Blvd. Ne. Albuquerque, NM 87108) This is Mr. Guillermo Jimenez Jr.'s first violation of this classification. Regarding actions contrary to the best interest of horse racing. To Wit: Exhibiting conduct that may adversely reflect on the honesty and integrity of horse racing. During the term of this suspension Guillermo Jimenez Jr. is hereby excluded from all areas of the grounds under the jurisdiction of the NMRC, per 15.2.1.9 (C)(21) (a-b) Exclusion. During this hearing the Board of Stewards at NMS contacted Chaplain Donald Stovall to assist Mr. Jimenez in securing a place to go for help with his problems.

Licensee is found in violation of and this ruling is written in accordance with: 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 16.47.1.17 (A)(1) TESTING PROCEDURES At its discretion, the commission may conduct random or episodic random drug testing, as well as testing based on reasonable suspicion, in order to ensure safety on the racetrack. 16.47.1.17 (A)(2) TESTING PROCEDURES When conducted, random drug testing shall apply, equally, to all licensees who are, at the time of the random testing, exercising the privileges of their license in such ways as may affect the outcome of a race or diminish the conditions of safety or decorum required in restricted areas. 16.47.1.17 (C)(6) Human Drug Testing/ Restricted Activities It shall be an offense to exercise the privileges granted by a license from this commission if the licensee: refuses to submit to urine or drug testing, when notified that such testing is based on a random drug testing procedure, is based on reasonable suspicion that the person is using drugs or alcohol or is based on the licensee's acting as if in an impaired condition. No notice need be given as to onset or cessation of random testing. 16.47.1.8 (E) Consent to Search and Seizure 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. 16.47.1.8 (L)(1)(i) Grounds for disciplinary measures for a licensee, and refusal, denial, suspension, or revocation of a license 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 adversely reflect on the honesty and integrity of horse racing or interfere with the orderly conduct of a race meeting; interfering with the orderly conduct of a race meeting shall include, but is not limited to, disruptive or intemperate behavior or behavior which exposes others to danger anywhere on the racetrack grounds; the fact that the race meet was not actually interrupted is not a defense to the imposition of discipline under this rule. 16.47.1.19 ASSESSMENT/TREATMENT REQUIREMENTS: B. First-time offenders: (1) The board of stewards or the commission may, at its discretion, order the licensee to obtain a professional assessment to determine whether there is a substantial probability that the licensee is dependent on, or abuses, alcohol or other drugs or the board of stewards or the commission may act on the information at hand. (2) Actions in the case of first offenders may include revocation of the license, suspension of the license for up to six months, placing the offender on probation for up to 90 days or ordering formal assessment and treatment. (3) Treatment or assessment, if ordered, must meet the conditions given in Subsection C of 16.47.1.18 NMAC. 15.2.2.8(V)(1) EJECTION AND EXCLUSION An association shall immediately eject from the association grounds a person who is subject to such an exclusion order of the commission or stewards and notify the commission of the ejection.

By Order of The New Mexico State Fair Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: **2022-NMS-13**
Track: New Mexico State Fair
Ruling Date: 9/15/2022

Licensee: JIMENEZ, JR GUILLERMO

License Type: 2022 1 Year Pony Perso Applicant Id: 20695
License Number: 303778

Ruling # 2022-NMS-13

Action Type: Initial Ruling

Ruling:

Groom, Guillermo Jimenez Jr. was summarily suspended, effective September 15, 2022. Mr. Jimenez refused to submit to a drug test when ordered to do so by the Board of Stewards. per 15.2.1.9 (B)(3)(b) the Summary Suspension is due to Mr. Jimenez Jr.'s failure to provide a human urine sample as directed by the Stewards and admitted current use of unprescribed medications. Further, Mr. Guillermo Jimenez Jr. was verbally noticed that he is to appear before the Stewards for a Summary Suspension hearing scheduled to be held September 23, 2022, at 9:00 a.m. in the offices of the Board of Stewards at The Downs at Albuquerque Racetrack (125 Louisiana Blvd. Ne. Albuquerque, NM 87108) This is Mr. Guillermo Jimenez Jr.'s first violation of this classification. Regarding actions contrary to the best interest of horse racing. To Wit: Exhibiting conduct that may adversely reflect on the honesty and integrity of horse racing. During the term of this suspension Guillermo Jimenez Jr. is hereby excluded from all areas of the grounds under the jurisdiction of the NMRC, per 15.2.1.9 (C)(21) (a-b) Exclusion. During this hearing the Board of Stewards at NMS contacted Chaplain Donald Stovall to assist Mr. Jimenez in securing a place to go for help with his problems.

Licensee is found in violation of and this ruling is written in accordance with: 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 16.47.1.17 (A)(1) TESTING PROCEDURES At its discretion, the commission may conduct random or episodic random drug testing, as well as testing based on reasonable suspicion, in order to ensure safety on the racetrack. 16.47.1.17 (A)(2) TESTING PROCEDURES When conducted, random drug testing shall apply, equally, to all licensees who are, at the time of the random testing, exercising the privileges of their license in such ways as may affect the outcome of a race or diminish the conditions of safety or decorum required in restricted areas. 16.47.1.17 (C)(6) Human Drug Testing/ Restricted Activities It shall be an offense to exercise the privileges granted by a license from this commission if the licensee: refuses to submit to urine or drug testing, when notified that such testing is based on a random drug testing procedure, is based on reasonable suspicion that the person is using drugs or alcohol or is based on the licensee's acting as if in an impaired condition. No notice need be given as to onset or cessation of random testing. 16.47.1.8 (E) Consent to Search and Seizure 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. 16.47.1.8 (L)(1)(i) Grounds for disciplinary measures for a licensee, and refusal, denial, suspension, or revocation of a license 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 adversely reflect on the honesty and integrity of horse racing or interfere with the orderly conduct of a race meeting; interfering with the orderly conduct of a race meeting shall include, but is not limited to, disruptive or intemperate behavior or behavior which exposes others to danger anywhere on the racetrack grounds; the fact that the race meet was not actually interrupted is not a defense to the imposition of discipline under this rule. 16.47.1.19 ASSESSMENT/TREATMENT REQUIREMENTS: B. First-time offenders: (1) The board of stewards or the commission may, at its discretion, order the licensee to obtain a professional assessment to determine whether there is a substantial probability that the licensee is dependent on, or abuses, alcohol or other drugs or the board of stewards or the commission may act on the information at hand. (2) Actions in the case of first offenders may include revocation of the license, suspension of the license for up to six months, placing the offender on probation for up to 90 days or ordering formal assessment and treatment. (3) Treatment or assessment, if ordered, must meet the conditions given in Subsection C of 16.47.1.18 NMAC. 15.2.2.8(V)(1) EJECTION AND EXCLUSION An association shall immediately eject from the association grounds a person who is subject to such an exclusion order of the commission or stewards and notify the commission of the ejection.

By Order of The New Mexico State Fair Stewards

Connie Estes



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2022-NMS-14
Track New Mexico State Fair
Ruling Date: 9/16/2022

Licensee: GARCIA-SOLIS, CERVANDO
License Type: 2022 3 Year Trainer Applicant Id: 33147
License Number: 305278

Ruling # 2022-NMS-14

Action Type: Initial Ruling

Ruling:

Trainer, **Cervando Garcia Solis** is hereby summarily suspended, effective immediately, September 16, 2022, pending the outcome of his summary suspension hearing scheduled for Sunday, September 25 at 9:30 a.m. in the office of the board of Stewards at Downs at Albuquerque Racetrack (145 Louisiana Blvd, Albuquerque, NM 87018.), per 15.2.1.9 (B)(3)(b) Summary Suspension. The summary suspension is regarding the confirmed positive of the Class 1 penalty A drug, Methylphenidate and Ritalinic Acid, found in the blood in test sample E555734 taken from the Quarter Horse "Confidential Dash", who finished in 1st place in the 7th race on August 27th, 2022, at the Downs at Albuquerque Racetrack.

In accordance with 15.2.1.9 (C)(21), **Cervando Garcia Solis** 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 **Cervando Garcia Solis** 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 Cervando Garcia-Solis must be done in accordance with 15.2.6.9A(12)(a)(b) Medication and Prohibited Substances, 16.47.1.10 (D)(5) Assistant Trainers and 15.2.1.9(B)(8)(b) DUE PROCESS AND DISCIPLINARY ACTION.

Licensee is found in violation of and ruling written in accordance with: Licensee is found in violation of and this ruling is written in accordance with: 15.2.6.9 NMAC Attachment #1 ARCI Uniform Classification of Substances-Version 14.4-December 2020-Niketthamide Class A Penalty 1. 15.2.6.9(C)(8)(a)(9)(10)(a)(b)(c)(d) Medication Restrictions 15.2.6.9(B)(1) Penalty Recommendations 15.2.1.7(C)(8) "Controlled substance" is any substance included in the five classification schedules of the (U.S.) Controlled Substance Act of 1970. 15.2.6.9(C)(4) There is no permissible concentration of clenbuterol that is allowed to appear in any official sample. 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

By Order of The New Mexico State Fair Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: **2022-NMS-15**
Track: New Mexico State Fair
Ruling Date: 9/16/2022

Licensee: VALENZUELA, JOHNNY RAUL
License Type: 2022 1 Year Groom Applicant Id: 16628
License Number: 305769

Ruling # 2022-NMS-15

Action Type: Initial Ruling

Ruling:

Groom/Exercise Rider, Johnny Valenzuela appeared on September 16, 2022, before the DAA Board of Stewards concerning a security citation for failing to follow directions by security on multiple occasions while in the test barn and being on his cell phone (Cell Phones are not allowed in the Test Barn) at the Downs at Albuquerque on September 9, 2022, is found in violation of Commission rules.

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

(i) is a person whose conduct or reputation may adversely reflect on the honesty and integrity of horse racing or interfere with the orderly conduct of a race meeting; interfering with the orderly conduct of a race meeting shall include, but is not limited to, disruptive or intemperate behavior or behavior which exposes others to danger anywhere on the racetrack grounds; the fact that the race meet was not actually interrupted is not a defense to the imposition of discipline under this rule;

For this rule violation, the Board of Stewards assessed **Johnny Valenzuela** a penalty in the amount of Two Hundred and Fifty Dollars (\$250.00). This fine is to be paid on or before October 16, 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.

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 (R) 1 and 3 License presentation

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 \$400. The fee must be in the form of a cashier's check, or money order." **Last date for appeal: September 26, 2022**

By Order of The New Mexico State Fair Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: **2022-NMS-16**
Track New Mexico State Fair
Ruling Date: 9/18/2022

Licensee: **MORALES, DANIEL P.**

License Type: 2021 3 Year Trainer Applicant Id: 15111
License Number: 301518

Ruling # 2022-NMS-16

Action Type: Initial Ruling

Ruling:

Trainer, Daniel Morales having been duly notified and waived his 10-day notice and formal hearing before the DAA Board of Stewards on August 28th, 2022, for necessitating a late scratch for the horse "*I am the Juan*" for the 7th race on September 17, 2022, at Downs at Albuquerque Racetrack which resulted in a late scratch.

The Board of Stewards hereby assess penalty as follows:

1. For this rule violation, the Board of Stewards assessed Daniel Morales with a penalty in the amount of **Five Hundred Dollars (\$500.00)**. The fine is to be paid on or before October 18, 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 in violation of:

16.47.1.10 (C) (17) TRAINER RESPONSIBILITY

(17) representing an owner in making entries and scratches and in all other matters pertaining to racing; horses entered as to eligibility and weight, or other allowances claimed.

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

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 \$400.00. The fee must be in the form of cash, a cashier's check, money order or personal check."

Last day for appeal: September 28, 2022.

By Order of The New Mexico State Fair Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: **2022-NMS-17**
Track: New Mexico State Fair
Ruling Date: 9/18/2022

Licensee: **BECERRA, JR SERGIO**

License Type: 2020 3 Year Jockey Applicant Id: 32539
License Number: 297672

Ruling # 2022-NMS-17

Action Type: Initial Ruling

Ruling:

Jockey Sergio Becerra Jr, having been duly notified and appeared before the DAA Board of Stewards on September 18th, 2022, for whip violation (Striking horse 1 time after the wire) during the running of the 1st race on September 15th, 2022 at Downs at Albuquerque Racetrack, while aboard #5 "Apollitical Problem."

For this violation, the Board or Stewards assessed, Sergio Becerra Jr a fine in the amount of Two Hundred and Fifty dollars, \$250.00. The fine is to be paid on or before October 28, 2022, in accordance with 15.2.3.8 (B) (3) (1). Failure to pay the fine within the time prescribed shall result in immediate suspension.

Licensee is found in violation of:

15.2.5.13(E)(6)(e) NMAC:

(6) Use of riding crops.

(e) Indiscriminate use of the whip is prohibited including whipping a horse: on the head, flanks or on any other part of its body other than the shoulders or hind quarters except when necessary to control a horse; during the post parade or after the finish of the race except when necessary to control the horse; excessively or brutally causing welts or breaks in the skin; when the horse is clearly out of the race or has obtained its maximum placing; persistently even though the horse is showing no response under the riding crop; or striking another rider or horse.

This ruling is written in accordance with:

15.2.5.13(E)(6)(e) NMAC: Post to Finish Which states in pertinent part that "If the Stewards determine the foul was intentional, or due to careless riding, they may fine or suspend the guilty jockey."

15.2.1.9(B)(4)(A) Notice of Hearing for Jockeys

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:

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 \$400. The fee must be in the form of cash, a cashier's check or money order." **Last Day to Appeal September 28, 2022**

By Order of The New Mexico State Fair Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: **2022-NMS-18**
Track: New Mexico State Fair
Ruling Date: 9/18/2022

Licensee: **BOBROFF, JACQUELYN A**
License Type: 2022 3 Year Jockey Applicant Id: 30189
License Number: 304573

Ruling # 2022-NMS-18

Action Type: Initial Ruling

Ruling:

Jockey Jacquelyn Bobroff having been duly notified and appeared before the Board of Stewards on September 18, 2022, for being late to the paddock the 10th race on September 17, 2022, at Downs at Albuquerque Racetrack.

The Board of Stewards hereby assess penalty as follows:

1. For this rule violation, the Board of Stewards assessed **Jacquelyn Bobroff** a penalty in the amount of Two Hundred & Fifty Dollars (\$250.00). The fine is to be paid on or before October 28th, 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 in violation of:

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

(i) is a person whose conduct or reputation may adversely reflect on the honesty and integrity of horse racing or interfere with the orderly conduct of a race meeting; interfering with the orderly conduct of a race meeting shall include, but is not limited to, disruptive or intemperate behavior or behavior which exposes others to danger anywhere on the racetrack grounds; the fact that the race meet was not actually interrupted is not a defense to the imposition of discipline under this rule;

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

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 \$400.00. The fee must be in the form of cash, a cashier's check, money order or personal check."

Last day for appeal: September 28th, 2022.

By Order of The New Mexico State Fair Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: **2022-NMS-19**
Track: New Mexico State Fair
Ruling Date: 9/18/2022

Licensee: AMPARAN, FRANCISCO ALBERTO
License Type: 2021 3 Year Jockey Applicant Id: 34486
License Number: 301590

Ruling # 2022-NMS-19

Action Type: Initial Ruling

Ruling:

Jockey Francisco Amperian, having been duly notified and appeared before the DAA Board of Stewards on September 18th, 2022, for careless riding during the running of the 7th race on September 17th, 2022 at Downs at Albuquerque Racetrack, while aboard #6 "Diabolical Package"

For this violation, the Board of Stewards have suspended Francisco Amperian for 7 calendar days from September 26, 2022, through October 5, 2022. During the time of suspension Francisco Amperian will be allowed to ride in designated races.

Licensee is found in violation of:

15.2.5.13(E)(2)(a) NMAC: Post to Finish Which states in pertinent part that "A jockey shall not ride carelessly or willfully so as to permit his/her mount to interfere with, impede or intimidate any other horse in the race."

15.2.5.13(E)(3)(d) NMAC: Post to Finish (d) In a straightaway race, every horse must maintain position as nearly as possible in the lane in which it starts. If a horse is ridden, drifts or swerves out of its lane in such a manner that it interferes with, impedes or intimidates another horse, it is a foul and may result in the disqualification of the offending horse.

This ruling is written in accordance with:

15.2.5.13(E)(3)(c) NMAC: Post to Finish Which states in pertinent part that "If the Stewards determine the foul was intentional, or due to careless riding, they may fine or suspend the guilty jockey."

15.2.1.9(B)(4)(A) Notice of Hearing for Jockeys

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:

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 \$400. The fee must be in the form of cash, a cashier's check or money order." **Last Day to Appeal September 28, 2022**

By Order of The New Mexico State Fair Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: **2022-NMS-20**
Track: New Mexico State Fair
Ruling Date: 9/18/2022

Licensee: **VAZQUEZ, JOSE MIGUEL**
License Type: **2021 1 Year Jockey** Applicant Id: **163933**
License Number: **302756**

Ruling # 2022-NMS-20

Action Type: Initial Ruling

Ruling:

Jockey Jose Vazquez, having been duly notified and appeared before the DAA Board of Stewards on September 18th, 2022, for Careless Riding during the running of the 6th race on September 17th, 2022 at Downs at Albuquerque Racetrack, while aboard #7 "Patriot."

For this violation, the Board or Stewards assessed, Jose Vazquez a fine in the amount of Five Hundred dollars, \$500.00. The fine is to be paid on or before October 28, 2022, in accordance with 15.2.3.8 (B) (3) (1). Failure to pay the fine within the time prescribed shall result in immediate suspension.

Licensee is found in violation of:

15.2.5.13(E)(2)(a) NMAC: Post to Finish Which states in pertinent part that "A jockey shall not ride carelessly or willfully so as to permit his/her mount to interfere with, impede or intimidate any other horse in the race."

15.2.5.13(E)(3)(d) NMAC: Post to Finish (d) In a straightaway race, every horse must maintain position as nearly as possible in the lane in which it starts. If a horse is ridden, drifts or swerves out of its lane in such a manner that it interferes with, impedes or intimidates another horse, it is a foul and may result in the disqualification of the offending horse.

This ruling is written in accordance with:

15.2.5.13(E)(3)(c) NMAC: Post to Finish Which states in pertinent part that "If the Stewards determine the foul was intentional, or due to careless riding, they may fine or suspend the guilty jockey."

15.2.1.9(B)(4)(A) Notice of Hearing for Jockeys

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:

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 \$400. The fee must be in the form of cash, a cashier's check or money order." **Last Day to Appeal September 28, 2022**

By Order of The New Mexico State Fair Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2022-NMS-21
Track New Mexico State Fair
Ruling Date: 9/21/2022

Licensee: BERMEJO, BRICEIDA ALEXAUDRA
License Type: 2022 1 Year Owner Applicant Id: 164187
License Number: 303810

Ruling # 2022-NMS-21

Action Type: Initial Ruling

Ruling:

Covered Owner **Briceida Bermejo**, owner of the horse "**RIO HATO**", was properly noticed, and had trainer Martin Valdez-Cabral Jr appeared and represent her before the Downs at Albuquerque Board of Steward's office on September 18, 2022, in regard to a violation of HISA rule 2282 (a) (2) by her jockey, Luis Ramon Rodriguez while aboard "**Canyon Del Oro**" in the 5th race at the Downs at Albuquerque on August 10, 2022.

1. For this violation, the horse "**RIO HATO**" is hereby disqualified from 4th place and ordered unplaced from the 5th race on September 17th, 2022, at The Downs at Albuquerque Racetrack for all but pari-mutuel wagering purposes.

The purse redistribution for the 6th race on August 10, 2022, is as follows:

1. Silver Daddy
2. Mr Big Rig
3. Bitten
4. Eight Makar
5. Lea Costa Me
6. Quartano

Unplaced: "**Rio Hato**"

Licensee is found to be in violation of:

2282. Riding Crop Violations and Penalties

This ruling is written in accordance with HISA Rules and Regulations:

(a) Violations of Rule 2280 shall be categorized as follows, with the exception that use of the crop for the safety of Horse and rider shall not count toward the total crop uses:

- (1) Class 3 Violation—1 to 3 strikes over the limit.
- (2) Class 2 Violation—4 to 9 strikes over the limit.
- (3) Class 1 Violation—10 or more strikes over the limit.

(b) Unless the stewards determine the merits of an individual case warrant consideration of an aggravating or mitigating factor, the penalties for violations are as follows:

- (1) Class 3 Violation—
 - (i) \$250 or 10% of Jockey's portion of the purse, whichever is greater;
 - (ii) Minimum 1-day suspension for the Jockey; and
 - (iii) 3 points;
- (2) Class 2 Violation—
 - (i) \$500 or 20% of Jockey's portion of the purse, whichever is greater;
 - (ii) Horse disqualified from purse earnings,
 - (iii) Minimum 3-day suspension for the Jockey; and
 - (iv) 5 points;
- (3) Class 1 Violation—



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2022-NMS-21
Track New Mexico State Fair
Ruling Date: 9/21/2022

Licensee: BERMEJO, BRICEIDA ALEXAUDRA
License Type: 2022 1 Year Owner Applicant Id: 164187
License Number: 303810

- (i) \$750 fine or 30% of Jockey's portion of the purse, whichever is greater,
- (ii) Horse disqualified from purse earnings,
- (iii) Minimum 5-day suspension for the Jockey;
- (iv) 10 points.

Any Stewards ruling finding a violation may be appealed to the HISA Board pursuant to Rules 8320(a) and/or 8350 by filing a written request for appeal with the Board within 10 days of the issuance of the Stewards ruling. Rule 8350 specifies the requirements that must be included in the written request for appeal. An appeal to the Board will not automatically stay the Stewards ruling. A stay must be requested, and the Board shall order a stay for good cause shown.

By Order of The New Mexico State Fair Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: **2022-NMS-22**
Track: New Mexico State Fair
Ruling Date: 9/23/2022

Licensee: **ALAMOS, ARMANDO**

License Type: 2021 3 Year Trainer Applicant Id: 86507
License Number: 300439

Ruling # 2022-NMS-22

Action Type: Initial Ruling

Ruling:

Trainer: **Armando Alamos** was duly notified and waived his right to ten-day notice and his disciplinary hearing before the Board of Stewards on September 23, 2022, regarding an Affidavit from Industrial Laboratories, the official lab of the NMRC. The Affidavit was for a confirmed positive for the Furosemide (class 4 Penalty C) found in test sample E555818 taken from the 2nd place finisher "*Jess Botticelli*" following the 7th race, on September 3rd, 2022, at the Downs at Albuquerque Racetrack.

The certificate of analysis indicated a finding of Furosemide at 179 ng/ml \pm 1.7 ng/ml at 9 ng/ml in the blood, which exceeds the allowable limit of 100 ng/ml in the blood.

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

For Armando Alamos's FIRST Class 4 (C) medication violation in a 365-day period, the Board of Stewards hereby issues the following:

1. A warning letter, per 15.2.6.9(B)(6)

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 \$400. The fee must be in the form of a money order or cashier's check. Last date for appeal: **October 3, 2022**

By Order of The New Mexico State Fair Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: **2022-NMS-23**
Track: New Mexico State Fair
Ruling Date: 9/23/2022

Licensee: SALAS-LOPEZ, LUCINA

License Type: 2021 3 Year Owner Applicant Id: 160951
License Number: 300757

Ruling # 2022-NMS-23

Action Type: Initial Ruling

Ruling:

Owner: Lucina Salas-Lopez was represented by her trainer, Armando Alamos regarding an Affidavit from Industrial Laboratories, the official lab of the NMRC. The Affidavit was for a confirmed positive for the Furosemide (class 4 Penalty C) found in test sample E555818 taken from the 2nd place finisher "*Jess Botticelli*" following the 7th race, on September 3rd, 2022, at the Downs at Albuquerque Racetrack.

Ms. Salas Lopez was duly notified and waived her right to ten-day notice and her disciplinary hearing before the Board of Stewards on September 23, 2022,

The Affidavit indicated a finding of Furosemide at 179 ng/ml \pm 1.7 ng/ml at 9 ng/ml in the blood, which exceeds the allowable limit of 100 ng/ml in the blood.

Split sample rights as provided in 15.2.6.10 (D) NMAC, were afforded to and declined by the Trainer and Owner.

For Ms. Lucina Salas Lopez's FIRST Class 4 (C) medication violation in a 365-day period, the Board of Stewards hereby issues the following:

1. There is no change to the official order of finish in the 7th race on September 3, 2022, at the Downs at Albuquerque Racetrack.

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 \$400. The fee must be in the form of a money order or cashier's check. Last date for appeal: **October 3, 2022**

By Order of The New Mexico State Fair Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: **2022-NMS-24**
Track: New Mexico State Fair
Ruling Date: 9/23/2022

Licensee: HUDSON, JEFFERY DALE

License Type: 2020 3 Year Trainer Applicant Id: 14485
License Number: 299008

Ruling # 2022-NMS-24

Action Type: Initial Ruling

Ruling:

Trainer **Jeff Hudson** having appeared before the Board of Stewards on September 23rd, 2022, for being disrespectful towards security staff and stewards regarding a security citation issued for unlicensed help on September 23rd, 2022, was found to be in violation of Commission rules.

For this rule violation, the Board of Stewards assessed Trainer **Jeff Hudson** a penalty in the amount of **Three Hundred Dollars (\$300.00)**. This fine is to be paid on or before **October 25th, 2022**, in accordance with 15.2.3.8(B)(3)(I) NMAC. Failure to pay the fine within the time prescribed may 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 \$400. The fee must be in the form of cash, a cashier's check, money order or personal check."

The last day to appeal is October 4, 2022

By Order of The New Mexico State Fair Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: **2022-NMS-25**
Track: New Mexico State Fair
Ruling Date: 9/25/2022

Licensee: HUDSON, JEFFERY DALE

License Type: 2020 3 Year Trainer Applicant Id: 14485
License Number: 299008

Ruling # 2022-NMS-25

Action Type: Initial Ruling

Ruling:

Trainer Jeff Hudson having appeared before the Board of Stewards on September 23, 2022, regarding a security citation issued for having unlicensed help in his barn on September 23rd, 2022, and admitting she had been there a week is found to be in violation of Commission rules.

For this rule violation, the Board of Stewards assessed **Trainer Jeff Hudson** a penalty in the amount of **Two Hundred Dollars (\$200.00)**. This fine is to be paid on or before **October 25th, 2022**, in accordance with 15.2.3.8(B)(3)(I) NMAC. Failure to pay the fine within the time prescribed may result in immediate suspension.

Licensee is found to be in violation of:

16.47.1.8 (L)(1)(f) has been found to have made false or misleading statements to the commission, stewards, or any racing official;
16.47.1.8 (L)(1)(i) – CONDUCT Which states in pertinent part "(i) is a person whose conduct or reputation may adversely reflect on the honesty and integrity of horse racing or interfere with the orderly conduct of a race meeting; interfering with the orderly conduct of a race meeting shall include, but is not limited to, disruptive or intemperate behavior or behavior which exposes others to danger anywhere on the racetrack grounds; the fact that the race meet was not actually interrupted is not a defense to the imposition of discipline under this rule;

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 \$400. The fee must be in the form of cash, a cashier's check, money order or personal check."

The last day to appeal is October 4th, 2022

By Order of The New Mexico State Fair Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: **2022-NMS-26**
Track: New Mexico State Fair
Ruling Date: 9/25/2022

Licensee: MARQUEZ, JOSE LUIS
License Type: 2022 3 Year Trainer Applicant Id: 23709
License Number: 304990

Ruling # 2022-NMS-26

Action Type: Initial Ruling

Ruling:

Trainer **Jose Luis Marquez** having been duly notified and having waived his 10-day notice and formal hearing appeared before the Board of Stewards on September 25th, 2022, for not having a current Coggins for the horse "Mr. Charlie King" for the 5th race on September 24th, 2022, at the Downs at Albuquerque Racetrack which resulted in a late scratch.

The Board of Stewards hereby assesses penalty as follows:

1. A fine of Five Hundred Dollars (\$500.00) which must be paid on or before October 25, 2022.

*Licensee is found to be in violation of and this ruling is written in accordance with
15.2.5.12(A)(26) HORSES INELIGIBLE:*

A. A horse shall be ineligible to start in a race when:

(26) there is no current negative test certificate for equine infectious anemia on file with the racing office, as required by the commission

15.2.1.9(B)(9)(b): Appeal Procedures, Which states "An appeal under this section must be filed not later than 10 days after the day of the ruling. If the deadline falls on a Sunday or a legal holiday, the period is extended to 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 \$400.00 dollars. The fee must be in the form of a cashier's check or a money order. **Last day to appeal is October 5th, 2022**

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

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

By Order of The New Mexico State Fair Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: **2022-NMS-27**
Track: New Mexico State Fair
Ruling Date: 10/1/2022

Licensee: SILVA, LILLIAN NICHOLE
License Type: 2021 3 Year Trainer Applicant Id: 13206
License Number: 303136

Ruling # 2022-NMS-27

Action Type: Initial Ruling

Ruling:

Trainer Lillian Silva was duly notified and waived her right to ten-day notice and a disciplinary hearing before the Board of Stewards on October 1, 2022, regarding an Affidavit from Industrial Laboratories, the official lab of the NMRC. The Affidavit was for a confirmed positive for the Omeprazole Sulfide found in test sample E555837 taken from the 2nd place finisher "*Blue Luna Who*" following the 6th race, on September 4th, 2022, at the Downs at Albuquerque Racetrack.

The certificate of analysis indicated a finding of Omeprazole Sulfide at 40.35 ng/ml \pm 1.70 ng/ml in the blood, which exceeds the allowable limit of 10 ng/ml in the blood.

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

For Lillian Silva's FIRST Class 5 (D) medication violation in a 365-day period, the Board of Stewards hereby issues the following:

A (\$250.00) Two Hundred and Fifty dollar fine to paid on or before October 31st, 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.

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 \$400. The fee must be in the form of a money order or cashier's check. Last date for appeal: **October 11, 2022**

By Order of The New Mexico State Fair Stewards

Connie Estes



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: **2022-NMS-28**
Track: New Mexico State Fair
Ruling Date: 10/1/2022

Licensee: SILVA, LUIS JOEL

License Type: 2022 1 Year Owner Applicant Id: 30926
License Number: 303643

Ruling # 2022-NMS-28

Action Type: Initial Ruling

Ruling:

Owner **Luis Joel Silva** was represented by his trainer, Lillian Silva regarding an Affidavit from Industrial Laboratories, the official lab of the NMRC. The Affidavit was for a confirmed positive for Omeprazole Sulfide (class 5 Penalty D) found in test sample E555837 taken from the 2nd place finisher "*Blue Luna Who*" following the 6th race, on September 4th, 2022, at the Downs at Albuquerque Racetrack.

The certificate of analysis indicated a finding of Omeprazole Sulfide at 40.35 ng/ml \pm 1.70 ng/ml in the blood, which exceeds the allowable limit of 10 ng/ml in the blood.

Split sample rights as provided in 15.2.6.10 (D) NMAC, were afforded to and declined by the Trainer and Owner.

For **Luis Joel Silva** FIRST Class 5 (D) medication violation in a 365-day period, the Board of Stewards hereby issues the following:

1. There is no change to the official order of finish in the 6th race on September 4th, 2022, at the Downs at Albuquerque Racetrack.

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 \$400. The fee must be in the form of a money order or cashier's check. Last date for appeal: **October 11,**

By Order of The New Mexico State Fair Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: **2022-NMS-29**
Track New Mexico State Fair
Ruling Date: 10/1/2022

Licensee: WILSON, EDWARD FRANK

License Type: 2021 3 Year Owner Applicant Id: 157776
License Number: 301785

Ruling # 2022-NMS-29

Action Type: Initial Ruling

Ruling:

Owner **Edward Wilson** was represented by his trainer, Lillian Silva regarding an Affidavit from Industrial Laboratories, the official lab of the NMRC. The Affidavit was for a confirmed positive for Omeprazole Sulfide (class 5 Penalty D) found in test sample E555837 taken from the 2nd place finisher "*Blue Luna Who*" following the 6th race, on September 4th, 2022, at the Downs at Albuquerque Racetrack.

The certificate of analysis indicated a finding of Omeprazole Sulfide at 40.35 ng/ml \pm 1.70 ng/ml in the blood, which exceeds the allowable limit of 10 ng/ml in the blood.

Split sample rights as provided in 15.2.6.10 (D) NMAC, were afforded to and declined by the Trainer and Owner.

For **Edward Wilson** FIRST Class 5 (D) medication violation in a 365-day period, the Board of Stewards hereby issues the following:

1. There is no change to the official order of finish in the 6th race on September 4th, 2022, at the Downs at Albuquerque Racetrack.

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 \$400. The fee must be in the form of a money order or cashier's check. Last date for appeal: **October 11,**

By Order of The New Mexico State Fair Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: **2022-NMS-30**
Track: New Mexico State Fair
Ruling Date: 10/1/2022

Licensee: VALERIO, RAYMOND G.

License Type: 2020 3 Year Trainer Applicant Id: 29856
License Number: 297416

Ruling # 2022-NMS-30

Action Type: Initial Ruling

Ruling:

Trainer, **Raymond Valerio** having been duly notified, appeared before the Downs at Albuquerque Board of Stewards on October 1st, 2022, waived his 10 day notice and disciplinary hearing, regarding an Affidavit from Industrial Laboratories (The official testing laboratory for the NMRC), a confirmed positive for the drug Phenylbutazone confirmed in the blood at 1.09 ug/mL (class 4 penalty C drug) for test sample E555723 taken from the horse "Abbie's Way" who finished 1st in race 2, on August 27th, 2022 at the Downs at Albuquerque Racetrack.

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

Phillip F. Sanchez and Harry Gonzalez were the owners of record for the horse "Abbie's Way" at the time of the race

For **Raymond Valerio** 2nd 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 (\$1,500.00) One Thousand Five Hundred dollar fine to paid on or before October 31st, 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 15-day suspension of all NMRC licenses October 2, 2022, through October 16, 2022.

3. In addition, Raymond Valerio has accumulated "0.5" points prior to this ruling and "0.5" points in connection with this ruling for a current total of "1", 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 \$400. The fee must be in the form of a money order or cashier's check. **Last date for appeal: October 11, 2022**

By Order of The New Mexico State Fair Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: **2022-NMS-31**
Track: New Mexico State Fair
Ruling Date: 10/1/2022

Licensee: SANCHEZ, PHILLIP E
License Type: 2020 3 Year Owner Applicant Id: 159606
License Number: 297446

Ruling # 2022-NMS-31

Action Type: Initial Ruling

Ruling:

Owner **Phillip E. Sanchez** having been duly notified and represented by his trainer Raymond Valerio, appeared before the Downs at Albuquerque Board of Stewards on October 1st, 2022, waived his 10 day notice and disciplinary hearing, regarding an Affidavit from Industrial Laboratories (The official testing laboratory for the NMRC), a confirmed positive for the drug, Phenylbutazone confirmed in the blood at 1.09 ug/mL (class 4 penalty C drug) for test sample E555723 taken from the horse "Abbie's Way" who finished 1st in race 2, on August 27th, 2022 at the Downs at Albuquerque Racetrack.

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

Raymond Valerio was the trainer of record for the horse "Abbie's Way" at the time of the race

In accordance with 15.2.6.9(B)(4) PENALTY RECOMMENDATIONS, this is Owner **Phillip E. Sanchez** first Class 4C medication violation in a 365-day period. The Board of Stewards hereby assess penalty as follows:

1. The horse "Abbie's Way" is hereby disqualified from 1st place and ordered unplaced from the 6th race on August 27th, 2022, at the Downs at Albuquerque Racetrack for all but pari-mutuel wagering.

The purse redistribution is as follows:

1. Little Samurai
2. Time is Precious
3. Blue Xchange
4. Elegant Cricket
5. Carmon's Dance
6. Ragtime Rhythm

Unplaced: Abbie's Way

2. The horse "Abbie's Way" must pass a commission approved examination before being eligible to enter.

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 \$400. The fee must be in the form of a money order or cashier's check. Last date for appeal: **October 11, 2022**

By Order of The New Mexico State Fair Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: **2022-NMS-32**
Track: New Mexico State Fair
Ruling Date: 10/1/2022

Licensee: GONZALES, HARRY PAUL
License Type: 2020 3 Year Owner Applicant Id: 159607
License Number: 297464

Ruling # 2022-NMS-32

Action Type: Initial Ruling

Ruling:

Owner **Harry Gonzalez** having been duly notified and represented by his trainer Raymond Valerio, appeared before the Downs at Albuquerque Board of Stewards on October 1st, 2022, waived his 10 day notice and disciplinary hearing, regarding an Affidavit from Industrial Laboratories (The official testing laboratory for the NMRC), a confirmed positive for the drug, Phenylbutazone confirmed in the blood at 1.09 ug/mL (class 4 penalty C drug) for test sample E555723 taken from the horse "Abbie's Way" who finished 1st in race 2, on August 27th, 2022 at the Downs at Albuquerque Racetrack.

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

Raymond Valerio was the trainer of record for the horse "Abbie's Way" at the time of the race

In accordance with 15.2.6.9(B)(4) PENALTY RECOMMENDATIONS, this is Owner **Harry Gonzalez** first Class 4C medication violation in a 365-day period. The Board of Stewards hereby assess penalty as follows:

1. The horse "Abbie's Way" is hereby disqualified from 1st place and ordered unplaced from the 6th race on August 27th, 2022, at the Downs at Albuquerque Racetrack for all but pari-mutuel wagering.

The purse redistribution is as follows:

1. Little Samurai
2. Time is Precious
3. Blue Xchange
4. Elegant Cricket
5. Carmon's Dance
6. Ragtime Rythm

Unplaced: Abbie's Way

2. The horse "Abbie's Way" must pass a commission approved examination before being eligible to enter.

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 \$400. The fee must be in the form of a money order or cashier's check. Last date for appeal: **October 11, 2022**

By Order of The New Mexico State Fair Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: **2022-NMS-33**
Track: New Mexico State Fair
Ruling Date: 10/1/2022

Licensee: GONZALEZ, JR RAMON

License Type: Applicant Id: 28484
License Number:

Ruling # 2022-NMS-33

Action Type: Initial Ruling

Ruling:

Ramon Gonzalez Jr is an owner of record for the horse, "Cache this Cheque" on January 15, 2022. The owners for the horse "Cache this Cheque" were also represented by Attorney, Billy Blackburn.

For Ramon Gonzalez Jr, it is his 1st Class 4B 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:

The horse, who participated in the 3rd Race, 350 yards QH Starter Optional Claiming race and placing 2nd on January 15th, 2022, at Sunland Park Racetrack in Sunland Park, New Mexico. The horse is Disqualification, loss of purse (in the absence of mitigating circumstances) and horse must pass a commission-approved examination before becoming eligible to be entered.
15.2.6.9 NMAC.

In accordance with 15.2.6.9(B)(4) PENALTY RECOMMENDATIONS, this is Owner **Ramon Gonzalez Jr** First Class 4C medication violation in a 365-day period. The Board of Stewards hereby assess penalty as follows:

1. The horse "Cache this Cheque" is hereby disqualified from 2nd place and ordered unplaced from the 3rd race on January 15th, 2022, at Sunland Park Racetrack for all but pari-mutuel wagering.

The purse redistribution is as follows:

1. Billy de Kid
2. On a Wagon
3. Magna Moon
4. Gala Party Girl
5. His Princess
6. Eyesa Specialfeature
7. Magical Mushroom
8. Mountain Rainbow
9. Butch Up Sally

Unplaced: Cache this Cheque

2. The horse "Cache this Cheque" must pass a commission approved examination before being eligible to enter.

15.2.3.8(B)(1)(3)(f)(g)(j) Stewards/ 15.2.6.9(C)(1)(4) Medication Restrictions/ 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. 15.2.5.13(E)(4)(d) NMAC. Which states in pertinent part that "The Stewards may determine that a horse shall be unplaced for the purpose of the purse distribution."
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. The fee must be in the form of a money order, or a cashier's check. Last date for appeal: October 10, 2022

By Order of The New Mexico State Fair Stewards