

NEW MEXICO HORSE RACING COMMISSION
MINUTES OF THE REGULAR MEETING

Date: August 25, 2022, at 9:00 a.m.

Place: The Downs at Albuquerque, Jockey Club; 145 Louisiana Blvd., NE, Albuquerque, NM and Zoom Video Conference

Members Present: Chairman Sam Bregman, Vice-Chairman David “Hossie” Sanchez, Commissioner John Buffington, Commissioner Billy Smith, and Commissioner Margaret Branch.

NMRC Staff Participating: Executive Director Ismael Trejo, In-House Counsel Richard Bustamante and Law Clerk Denise Chavez.

Also present: Assistant Attorney General Sally Malave.

<i>AGENDA ITEM</i>	<i>RECORDING #</i>	<i>DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
Public Session 1: 1. Call to Order and Roll Call	2:35 – 3:13	Meeting called to order at 9:10 a.m. by Chairman Bregman. Roll call was taken by Denise Chavez. Executive Director Ismael Trejo, In-House Counsel Richard Bustamante, and NMRC Law Clerk, Denise Chavez were also present. Assistant Attorney General, Sally Malave was also present.	No Action Taken.
2. Pledge of Allegiance	3:20 – 3:35		Pledge of Allegiance was recited.
3. Approval of Agenda	3:43 – 5:17	Chairman Bregman asked if there were any changes to the Agenda. Executive Director Trejo requested the Agenda Item 10.(E)(5) should read: “Approval of 2024 All American Triple Crown Nomination Blanks”; Item 10.(E)(6) should read: “Approval of 2023 Ruidoso Maiden Stakes Nomination Blanks; and lastly, Item 10.(D) should be removed.	Motion to adopt the Agenda as amended made by Commissioner Smith. Commissioner Buffington seconded the motion. Motion passed unanimously.

<i>AGENDA ITEM</i>	<i>RECORDING #</i>	<i>DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
4. Approval of Minutes: July 21, 2022	5:25 – 5:55	Chairman Bregman asked if the minutes for the July 21, 2022, meeting was reviewed and if there were any changes. There were none.	Motion to approve the minutes from the Regular Commission Meeting on July 21, 2022, made by Commissioner Smith; Seconded by Commissioner Buffington. Motion passed unanimously.
5. Chairman's Report	6:00 – 10:53	<ul style="list-style-type: none"> Chairman Bregman thanked Beth McKenney and Don Cook of the Downs at Albuquerque for hosting this month's meeting. Chairman Bregman recognized and thanked the NMRC staff and all their hard work. Chairman Bregman recognized the Stewards and thanked them for working hard to ensure that racing is as safe as it could possibly be and as fair as it could possibly be. Chairman Bregman pointed out that this has been a busy month. There are two meets going on at two tracks and recognized the great job that they are both doing and thanked them for all their hard work in making both those meets successful. 	No Action Taken.

AGENDA ITEM	RECORDING #	DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS	ACTION TAKEN
		<ul style="list-style-type: none"> Chairman Bregman reminded and encouraged everyone to attend the All American coming up Labor Day weekend. Chairman Bregman talked briefly about HISA. Chairman Bregman expressed his hopes that all the shareholders in the racing industry can work together to make it successful in New Mexico. Chairman Bregman pointed out that the NMRC will continue to have meetings virtually as well as in-person so as many people that desire to attend can attend. 	
6. Agency Director Reports: A. NMRC Report	10:55 – 20:16	<ul style="list-style-type: none"> Executive Director Trejo also thanked everyone at the Downs at Albuquerque for hosting this month's meeting. Executive Director Trejo began by reporting his busy month of traveling. He traveled to Del Mar for the ARCI summer meetings. They met with the Federal Government to discuss what the racing industry has experienced with HISA in full effect now. They received complaints of the lack of communication and the constant changing of the whip rule, causing confusion among the officials. A staff chart was requested so that regulators can call if more questions arise. Executive Director Trejo reported that a letter from a gentleman named Ben Mosier, whom is the point guard for the HISA anti- 	No Action Taken.

AGENDA ITEM	RECORDING #	DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS	ACTION TAKEN
		<p>doping program. A meeting with Mr. Mosier and Executive Director Trejo will more than likely occur within the next 45 days. The assessment fees are supposed to be provided to the racing industry by October 1, 2022.</p> <ul style="list-style-type: none"> Executive Director Trejo reported that he also attended the Racing and Gaming Conference this past week at Saratoga Springs. He reported that the roundtable really promoted HISA. Executive Director Trejo reported that it was obvious to him that the TB industry is going to continue to build a perpetuated gap between QH racing and TB racing. He said they heard a lot about fixed odds, which is targeted to the younger generation. There was a great presentation from a woman that spoke on taking care of those who support the racing industry is facing alarming staffing issues. Commissioner Smith asked Executive Director Trejo about the mobile wagering in New Mexico and if it is accessible. Director Trejo referred the question to Dustin Dix of Sunland Park. It was confirmed that NM can place bets on tracks around the world but cannot place bets here at home in NM. The NMRC needs to take this issue to the upcoming legislative session to rectify this issue as NM is losing money. 	No Action Taken.

<i>AGENDA ITEM</i>	<i>RECORDING #</i>	<i>DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
B. NMHBA	20:35 – 25:00	<p>NMHBA's Mary Barber presented the Race-A-Day Report for Ruidoso Downs through Sunday, August 14, 2022, stating it ran 134 NM Bred Races in 38 days. In overnight races, the NMHBA contributed \$518,750.00, which was \$79,500.00 less than in 2021. It averaged 3.53 NM Bred per day, +20 for three a day.</p> <p>Ms. Barber also presented in her Race-A-Day Report for the Downs at Albuquerque through Sunday August 14, 2022, stating it ran 36 NM Bred Races in 10 days. In overnight races, the NMHBA contributed \$123,000.00, which was \$59,500 less than in 2021. It averaged 3.60 NM Bred per day, +6 for three a day.</p> <p>Ms. Barber thanked Ruidoso Downs, especially Crystal Sifuentes for hosting the NM Bred Sales.</p>	
7. Public Comments:	25:05 – 41:53	<p>Ms. Chavez reported no written public comments were received. However, 2 people in attendance raised their hands to make comments. First, was Leslie Fincher. Second was Simon Buechler.</p> <p>An attendee raised their virtual hand to make a comment. She identified herself as Vanessa Alexander.</p>	No Action Taken.

<i>AGENDA ITEM</i>	<i>RECORDING #</i>	<i>DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
		Another attendee raised their virtual hand to make a comment. She identified herself as Candy Ezzell.	
8. Executive Session: entered at 9:30 AM	42:00 – end	Chairman Bregman called for a motion to enter into executive session to discuss the items listed in the agenda, pursuant to Sections 10-15-1H(1), H(3) and H(7) of the Open Meetings Act authorizing closed sessions for matters related to issuance, suspensions, renewal or revocation of a license, deliberations on adjudicatory proceedings and pending or threatened litigation.	Commissioner Smith moved to go into closed session. Commissioner Buffington seconded the motion. Motion passed unanimously by roll call vote.
Back into Open Session: 12:00 PM 9. Licensing/Pending or Threatened Litigation/Appeals/Employment Contracts/Personnel Matters	2nd Recording 0:23 – 1:12	Chairman Bregman affirms that only those matters listed on the Agenda for Executive Session were discussed in Executive Session. Chairman Bregman asked In-House Counsel, Mr. Bustamante to report the status of Items A-H.	
A. NMHA (Pending Litigation)	01:26 – 1:40	There is pending litigation brought by the New Mexico Horsemen Association. This matter was a status update. No action was taken.	No Action Taken.
B. Coronado Partners (Pending Litigation)		There is pending litigation brought by Coronado Partners. This matter was a status update. No action was taken.	No Action Taken.
C. Pierre Amestoy (Pending Litigation)		There is pending litigation brought by Mr. Pierre Amestoy. This matter was a status update. No action was taken.	No Action Taken.

<i>AGENDA ITEM</i>	<i>RECORDING #</i>	<i>DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
D. Vanessa Alexander (Pending Litigation)		There is pending litigation brought by Vanessa Alexander. This matter was a status update. No action was taken.	
E. Brad Bolen (Pending Litigation)		There is pending litigation brought by Brad Bolen. This matter was a status update. No action was taken.	No Action Taken.
F. Gerardo Ochoa-Pena (Pending Litigation)		There is pending litigation brought by Gerardo Ochoa-Pena. This matter was a status update. No action was taken.	No Action Taken.
G. McMullen & Langford (Pending Litigation)		There is pending litigation brought by Mike McMullen and Tony Langford. This matter was a status update. No action was taken.	No Action Taken.
H. Equine Health & Testing Advisor (Employment Contract)		There was discussion regarding the employment contract for the Equine Health & Testing Advisor position and the details of the duties of such position. This matter was a status update. No action was taken.	No Action Taken.
10. Unfinished/New Business and/or Action Items	1:46 – 3:04	Chairman Bregman announced that Approvals of 2023 Primary Applications, Simulcast Licenses and Race Dates will be handled at approximately 4:00 p.m. to allow NMRC staff to prepare calendars for race dates.	
A. Ratification of Approval to Amend August 2022 Regular Commission Meeting Date	3:07 – 3:56	Executive Director Trejo requested ratification of the approval to move today's meeting from the original scheduled date August 18 to August 25 due to calendar conflicts.	Motion to ratify the approval to change today's meeting made by Commissioner

<i>AGENDA ITEM</i>	<i>RECORDING #</i>	<i>DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
B. Approval of FY24 NMRC Budget	4:00 – 5:58	NMRC CFO, Amber Trujillo presented the FY24 NMRC budget. Ms. Trujillo pointed out that because the State has not provided the software to complete the final budget. There may be a slight change when the final is complete.	Smith. Motion Seconded by Commissioner Buffington. Motion passed unanimously. Motion to approve the FY24 NMRC Budget as presented at NMRC CFO made by Commissioner Smith. Motion Seconded by Commissioner Buffington. Motion passed unanimously.
C. Ratification of Approval of 2022 Substitute Steward for the Downs at Albuquerque	6:00 – 7:16	Executive Director Trejo requested ratification of the approval of Sara Lopez and Connie Estes as substitute stewards at the Downs at Albuquerque for the remainder of the 2022 race meet.	Motion to ratify the approval of 2022 Substitute Stewards for DAA made by Commissioner Smith. Motion Seconded by Commissioner Buffington. Motion passed unanimously.
D. Discussion and Recognition of the New Mexico Horse Breeders Association as the Recognized Horsemen's Group in the State of NM		Removed from the Agenda at the Approval of the Agenda portion of the meeting.	No Action Taken.

<i>AGENDA ITEM</i>	<i>RECORDING #</i>	<i>DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
E. Approvals for Ruidoso Downs		Chairman Bregman announced that the request to approve the 2023 Primary Application and Simulcast License will be brought back at 4:00 p.m. to allow staff to prepare calendars to consider race dates.	No Action Taken. See action below.
1. Approval of 2023 Primary Application & Simulcast License			
2. Ratification of Approval of Variances	7:30 – 10:30	Rick Baugh requested ratification of approval of the variances on August 5, 6, 7, 12, 13 and 14, 2022. Due to lack of entries and unable to fill cards.	Motion to ratify the approval of variances requested by Ruidoso Downs made by Commissioner Smith. Motion Seconded by Commissioner Buffington. Motion passed unanimously.
3. Ratification of Approval to Amend 2022 Wagering Format	10:33 – 11:13	Rick Baugh requested ratification of approval to amend the 2022 wagering format on August 5, 6, and 7, 12, 13 and 14, 2022. These adjustments had to be made pursuant to the variances just ratified.	Motion to ratify the approval to amend 2022 wagering formats for Ruidoso Downs made by Commissioner Smith. Motion Seconded by Commissioner Buffington. Motion passed unanimously.
4. Ratification of Approval to Amend 2022 Stakes Schedule	11:15 – 12:55		Motion to ratify to amend 2022 Stakes

<i>AGENDA ITEM</i>	<i>RECORDING #</i>	<i>DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
<p>5. Approval of 2024 All American Triple Crown Nomination Blank</p> <p>6. Approval of 2023 Ruidoso Maiden Stakes</p>	12:57 – 14:03	<p>Rick Baugh requested ratification of approval to amend the 2022 Stakes Schedule to increase the purse by \$50k for the Grade 1 All American Gold Cup to \$150,000 guaranteed and a \$30k increase for the Bill Reed Memorial Stakes to \$50k. Lastly, he requested ratification of approval to add 4 overnight stakes to the 2022 stakes schedule.</p> <p>Rick Baugh requested approval of the 2024 All American Triple Crown Nomination Blank. No changes were made to the form from previous years.</p>	<p>Schedule for Ruidoso Downs made by Commissioner Smith. Motion Seconded by Commissioner Buffington. Motion passed unanimously.</p> <p>Motion to approve 2024 American Triple Crown Nomination Blank for Ruidoso Downs made by Commissioner Smith. Motion Seconded by Commissioner Buffington. Motion passed unanimously.</p>
	14:06 – 15:08	<p>Rick Baugh requested approval of the 2023 Ruidoso Maiden Stakes Nomination Blank. No changes were made to the form.</p>	<p>Motion to approve 2023 Ruidoso Maiden Stakes Nomination Blank for Ruidoso Downs made by Commissioner Smith. Motion Seconded by Commissioner Buffington. Motion passed unanimously.</p>

<i>AGENDA ITEM</i>	<i>RECORDING #</i>	<i>DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
F. Approvals for Zia Park			
1. Approval of 2023 Primary Application & Simulcast License		Chairman Bregman announced that the request to approve the 2023 Primary Application and Simulcast License will be brought back at 4:00 p.m. to allow staff to prepare calendars to consider race dates.	No Action Taken. See Action below.
2. Approval to Amend 2022 License Application	15:25 – 17:06	Executive Director Trejo presented Chris McErlean's request for Zia Park to approve to amend the 2022 license application. Zia Park requested to amend its previously approved racing calendar due to the change in the close date for the DAA. They requested that the original opening day of October 1 be moved to October 4. Zia Park will race Wednesday, October 5 and add Wednesdays on November 2 and December 14 to meet is requirement of 48 race days.	Motion to approve the amended dates as proposed by Zia Park made by Commissioner Smith. Motion Seconded by Commissioner Buffington. Motion passed unanimously.
3. Approval of 2022 Post Times & Wagering Format	17:11 – 17:44	Executive Director Trejo presented Chris McErlean's request for Zia Park to approve 2022 post times & wagering format as presented (10 and 11 race cards).	Motion to approve the amended dates as proposed by Zia Park made by Commissioner Smith. Motion Seconded by Commissioner Buffington. Motion passed unanimously.
4. Approval of 2022 Racing Officials	17:47 – 18:20	Executive Director Trejo presented Chris McErlean's request for Zia Park to approve 2022	Motion to approve the amended dates as


<i>AGENDA ITEM</i>	<i>RECORDING #</i>	<i>DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
<p>5. Approval of 2022 Purse Schedule</p> <p>6. Approval of 2022 Condition Book (Book #1)</p> <p>BREAK UNTIL 4:00 PM</p>	<p>18:22 – 18:51</p> <p>18:54 – 19:26</p>	<p>racetrack officials as presented – list is not complete, but Zia Park will resubmit as more officials are hired.</p> <p>Executive Director Trejo presented Chris McErlean's request for Zia Park to approve 2022 purse schedule as presented.</p> <p>Executive Director Trejo presented Chris McErlean's request for Zia Park to approve 2022 Condition Book #1 as presented.</p>	<p>proposed by Zia Park made by Commissioner Smith. Motion Seconded by Commissioner Buffington. Motion passed unanimously.</p> <p>Motion to approve the amended dates as proposed by Zia Park made by Commissioner Smith. Motion Seconded by Commissioner Buffington. Motion passed unanimously.</p> <p>Motion to approve the amended dates as proposed by Zia Park made by Commissioner Smith. Motion Seconded by Commissioner Buffington. Motion passed unanimously.</p>
RETURN FROM BREAK AT: 4:10 PM	02:09 – 18:36	Chairman Bregman announced that part of approving the Primary Application & Simulcast Licenses for the racetracks are reviewing and	

<i>AGENDA ITEM</i>	<i>RECORDING #</i>	<i>DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
<p>10. Unfinished/New Business and/or Action Items (Continued)</p>		<p>agreeing on possible race dates. The staff prepared 2 different calendars for the Commissioners' consideration. Calendar #1 is titled "Smith's Proposed 2022-23 Race Dates" and Calendar #2 is titled "Buffington's Proposed 2022-23 Race Dates".</p> <p>Commissioner Smith provided information regarding his proposed race dates. If his proposed race dates are adopted by the NMRC, there will be racing every weekend, almost no overlapping, and purses are bigger. He believes this will attract more horses to the state of NM. Chairman Bregman reported that he has heard from several trainers that they would like to have the holidays off and he believes this option will provide that break.</p> <p>Commissioner Buffington provided information regarding his proposed race dates. Last year there were 206 total race days and this proposal adds 10 more days of racing.</p> <p>Chairman Bregman agrees with proposal #1 because it he believes it will lead to bigger purses and attract more people overall to the industry, making the races an "event".</p> <p>Commissioner Sanchez disagrees with proposal #1. He believes that there should be more race days, not less. He does NOT believe that</p>	

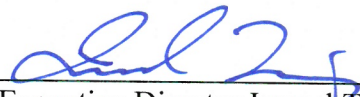
<i>AGENDA ITEM</i>	<i>RECORDING #</i>	<i>DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
		<p>increasing race days will negatively affect the purses. Commissioner Sanchez does not agree with decreasing days for the best casino in the State (Zia Park), and to pull money from Zia Park to Ruidoso is not right.</p> <p>Commissioner Branch supports proposal #1 and bigger purses.</p> <p>The Commissioners voted on both proposals. They voted 3-2 for proposal #1.</p>	
E. Approvals for Ruidoso Downs	19:54 – 21:00		
1. Approval of 2023 Primary Application & Simulcast License	26:23 – 27:01	Executive Director Trejo announced the race dates as follows: Ruidoso Downs race meet begins May 22, 2023 thru September 4, 2023; live racing start May 26, 2023, 3 days a week until September 4; with 4 day race weeks with Monday racing on May 29, 2022 and September 4, 2023 for a total of 46 race days.	Motion to approve Ruidoso Downs' 2023 Primary Application & Simulcast License made by Commissioner Smith. Motion Seconded by Commissioner Buffington. Motion passed unanimously.
F. Approvals for Zia Park	21:09 – 22:30		
1. Approval of 2023 Primary Application & Simulcast License	27:07 – 27:49	Executive Director Trejo announced the race dates as follows: Zia Park race meet begins October 30, 2023 thru December 20, 2023; live racing start November 3, 2023, 4 days a week of Sunday, Monday, Tuesday and Saturday with the exception of Friday racing on November 3 and Wednesday racing on December 20 for a total of 30 race days.	Motion to approve Zia Park's 2023 Primary Application & Simulcast License made by Commissioner Smith. Motion Seconded by Commissioner Branch.

<i>AGENDA ITEM</i>	<i>RECORDING #</i>	<i>DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
G. Approvals for Sunland Park	22:45 – 23:09	Executive Director Trejo announced the race dates as follows: Sunland Park race meet begins December 21, 2022 thru April 2, 2023; live racing start December 30, 2022, 4 days a week until April 2 for a total of 55 race days.	Motion passed by a 3-2 vote.
1. Approval of 2023 Primary Application & Simulcast License	27:53 – 28:23		Motion to approve Sunland Park's 2023 Primary Application & Simulcast License made by Commissioner Smith. Motion Seconded by Commissioner Buffington. Motion passed unanimously.
H. Approvals for the Downs at Albuquerque	24:24 – 24:55	Executive Director Trejo announced the race dates as follows: The Downs at Albuquerque race meet begins Monday, September 25 thru October 29, 2023; with live racing beginning September 27, their usual schedule of Wednesdays, Fridays, Saturdays and Sundays. For a total of 19 race days.	Motion to approve The DAA's 2023 Primary Application & Simulcast License made by Commissioner Smith. Motion Seconded by Commissioner Branch. Motion passed 3-2 vote.
1. Approval of 2023 Primary Application & Simulcast License	28:25 – 29:04		
I. Approvals for the NM State Fair	23:40 – 24:18	Executive Director Trejo announced the race dates as follows: The NM State Fair's race meet and live racing begins Friday, September 1 thru September 24, 2023; live racing starts Friday, September 1, 2, 3, 4, 7, 8, 9, 10, 13, 14, 15, 16, 17, 20, 22, 23, and 24, 2023 for a total of 17 race days.	Motion to approve NM State Fair's 2023 Primary Application & Simulcast License made by Commissioner Smith.
1. Approval of 2023 Primary Application & Simulcast License	29:07 – 29:33		

<i>AGENDA ITEM</i>	<i>RECORDING #</i>	<i>DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
J. Approvals for SunRay Park 1. Approval of 2023 Primary Application & Simulcast License	25:23 – 25:48 29:35 – 29:58	Executive Director Trejo announced the race dates as follows: SunRay Park's race meet begins Monday, April 3, racing thru Sunday, May 21, 2023; first day of live racing start Friday, April 7, 2023, 3 days a week for a total of 21 race days.	Motion Seconded by Commissioner Buffington. Motion passed unanimously. Motion to approve SunRay Park's 2023 Primary Application & Simulcast License made by Commissioner Smith. Motion Seconded by Commissioner Buffington. Motion passed unanimously.
11. Adjournment at 4:30 PM			


Chairman Sam Bregman

10/4/22
Date


Executive Director Ismael Trejo

10-4-22
Date