

**NEW MEXICO HORSE RACING COMMISSION**  
**MINUTES OF THE REGULAR MEETING**

Date: September 22, 2022, at 9:00 a.m.

Place: NMRC Boardroom; 4900 Alameda Blvd., NE, Albuquerque, NM and Zoom Video Conference – Meeting ID: 851 9467 0359

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>
<b>Public Session 1:</b> <b>1. Call to Order and Roll Call</b>	6:25 – 6:50	Meeting called to order at 9:05 a.m. by Chairman Bregman. Roll call was taken by Denise Chavez. Executive Director Ismael Trejo, In-House Counsel Richard Bustamante, Assistant Attorney General, Sally Malave and NMRC Law Clerk, Denise Chavez were also present.	No Action Taken.
<b>2. Pledge of Allegiance</b>	6:56 – 7:13		Pledge of Allegiance was recited.
<b>3. Approval of Agenda</b>	7:26 – 8:54	Chairman Bregman called for a motion, due to a very recent court decision, to remove Item 8. H.(2) from today’s Agenda. Executive Director Trejo suggested to also remove Item 8. I.(2) since they are the same rule.	Motion to approve the Agenda as amended made by Commissioner Smith. Commissioner Buffington second the motion. Motion passed unanimously.

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<b>4. Approval of Minutes:</b> August 25, 2022	8:55 – 9:22	Chairman Bregman asked if the minutes for the August 25, 2022, meeting were reviewed and if there were any changes. There were none.	Motion to approve the minutes from the Regular Commission Meeting on August 25, 2022, made by Commissioner Smith; Second by Commissioner Buffington. Motion passed unanimously.
<b>5. Chairman's Reports</b>	9:28 – 16:20	<ul style="list-style-type: none"> <li>Chairman Bregman reported on a district court ruling from two days prior finding and concluding that the long-standing rule providing for an offset of jockey and exercise health insurance premium with gaming money is not consistent with the statute. The district court entered an order granting partial summary judgment on this issue in favor of the NMHA. The court ordered a stay until the last day of the legislature based on its view that a legislative fix was necessary.</li> <li>Chairman Bregman reminded everyone that one of the duties of the NM Racing Commission is to make sure the tracks are properly insured to protect jockeys and exercise riders since this is a very dangerous sport. The reason the two draft rules were removed from the Agenda is</li> </ul>	No Action Taken.



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		<p>because of their similarity to the jockey insurance premium offset rule, namely providing for the use of gaming monies to pay HISA fees. HISA needs such fees to fund itself and the draft offset rule was a way to provide such funding. As provided for in the HISA law, it appears the tracks will begin to impose starter fees as a means of paying the assessment.</p> <ul style="list-style-type: none"> <li>• Chairman Bregman asked staff to do some research, not only in NM but in other jurisdictions, regarding the health insurance coverage options for jockeys and exercise riders. The question might be whether Stall Applications should or must include proof that there is medical coverage in place.</li> <li>• The industry needs to figure out a way that all jockeys and exercise riders are properly insured and how to handle the costs of that. What other options are there? Will it become the horseowners' responsibility to find and provide their own insurance? The NMRC does not know the answer but a solution is necessary given the importance of such coverage to the persons in question and the industry as a whole.</li> <li>• Chairman Bregman expressed hope the industry could work collaboratively through these issues.</li> </ul>	

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		<ul style="list-style-type: none"> <li>Chairman Bregman thanked the NMRC staff for all their hard work. He knows the under-staffed Agency needs some help. Chairman Bregman expressed his appreciation for all the staff does, and advised additional resources are desperately needed.</li> </ul>	
<b>6. Agency Director Reports:</b> A. NMRC Report	16:21 – 27:20	<ul style="list-style-type: none"> <li>Executive Director Trejo reported talking to HISA representatives prior to the meeting. Prior to receiving the recent order stay from the district court, the Commission was going to consider adopting a rule providing for the use of gaming account funds to cover HISA fees. As noted earlier, those proposed rules were tabled given the district court stay order regarding jockey and exercise rider insurance premium offsets.</li> <li>The HISA anti-doping program is revving up for the rollout on January 1, 2023.</li> <li>Executive Director Trejo made a presentation at Los Alamitos CA before approximately 70 stewards from across the country regarding some of the issues NM has experienced since the initial rollout of the HISA regulations. One issue (and the most significant) NM has been dealing with is the inconsistent interpretation of the HISA riding crop rule. The other issue discussed, and which caused some “buzz”</li> </ul>	No Action Taken.



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		<p>in California was HISA's directive to NM racing officials that if a jockey gets a HISA suspension for a violation, the jockey is restricted from riding TBs only. That means the jockey can still ride QHs, despite their suspension with HISA. This issue was brought to HISA's attention and it is researching the seeming conflict to perhaps develop a resolution.</p> <ul style="list-style-type: none"> <li>• Executive Director Trejo reported he and Chief Investigator Leasa Johnson met, by Zoom, with the Horseracing Integrity and Welfare Unit (HIWU) on September 13, 2022. The Unit's personnel were very complimentary of the NMRC for its attempts to clean up racing in NM and the implementation of a strong testing program, given their awareness of what NM was like in previous years. In their words, they summed up the previous state of NM horse racing by calling it the "wild-wild west". HIWU will oversee the anti-doping program for HISA. During the anti-doping discussion, it was mentioned HIWU will want the NMRC to sign an agreement similar to the one suggested for the safety program. They mentioned they would like to utilize both NMRC staff and racetracks' staff to operate the test barn. If that is the case, they will offer credits from the assessment fee back to the tracks. It was</li> </ul>	

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		<p>not clear how that offset can or will work for the benefit of NMRC staff.</p> <ul style="list-style-type: none"> <li>Executive Director Trejo reported he testified before the Economic Development and Policy committee in Hobbs, on September 15, 2022. Executive Director Trejo sat on a panel with Zia Park GM, William Belcher, and NMHBA representatives, Tom Goncharoff and Mike Logan, and David Dixon from a local university. There is no doubt the industry is in a significant transformation stage. Mr. Dixon opined the industry is dying. Mr. Dixon reported racehorse breeding has declined overall by 51% in NM just since 2007.</li> <li>The inspection at Zia Park went very well. Bill Belcher and his team did a great job getting the facility ready for the upcoming meet. There were a few cosmetic issues and a safety issue all of which were handled immediately after being discovered. Everyone is looking forward to the camel and ostrich races this year.</li> <li>Congratulations were made to Don Cook and his team at the Downs at Albuquerque. On and off-track handles are up this year. They have a big weekend coming up.</li> <li>Ruidoso Downs ended its season with a strong closing weekend. The handle on the All-American day was over \$3,000,000.</li> </ul>	



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B. NMHBA Report	27:31 – 30:55	<p>The day before a total handle of over \$2,400,000 was reported! Congratulations to the Ruidoso Downs Team for handling a massive crowd. Despite the staff issues, they still did great.</p> <ul style="list-style-type: none"> <li>• Commissioner Smith asked Executive Director if it was his opinion that HISA will be changing the race industry forever. Executive Director Trejo's agreed that HISA will, in fact, change the industry forever. Director Trejo expressed his fear HISA will potentially unravel all the hard work which has been done by the NMRC over the past few years with all the drug testing. He fears HISA's "one size fits all" approach is not going to work.</li> <li>• Chairman Bregman clarified with the Director that NM is doing more testing than HISA is going to require. Executive Director Trejo said HIWU was very complimentary of all of NM's work and aggressive regulating done by NMRC.</li> </ul> <p>NMHBA's Mary Barber presented the Race-A-Day Report for Ruidoso Downs through Monday, September 5, 2022, stating it ran 144 NM Bred Races in 47 days. In overnight races, the NMHBA contributed \$526,000.00, which was \$130,350.00 less than in 2021. It averaged 3.07 NM Bred per day, +3 for three a day.</p>	





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<b>8. Unfinished/New Business and/or Action Items</b>			
<b>A. Approval of 2022 Zia Park Stewards</b>	36:50 – 37:41	Executive Director Trejo requested approval of Larry Fontenot, Jr. as Presiding Steward and Reese “Rug” Howard and David Lupo as Stewards. Director Trejo also requested approval of Leasa Johnson, Elizabeth Garcia, Connie Estes and Violet “Pinky” Smith as Substitute Stewards.	Motion to approve the 2022 Zia Park Stewards as requested by Executive Director Trejo made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.
<b>B. Approvals for Ruidoso Downs</b>			
<b>1. Ratification of Approval to Amend Post Times &amp; Wagering Format</b>	37:51 – 40:35	Rick Baugh requested ratification of the approval to amend post times and wagering format for 16-race cards for the All-American QH Futurity Trials on August 19 and 20, 2022, and for the All-American weekend on September 3, 4 and 5, 2022.	Motion to ratify the approval to amend post times and wagering formats for August 19 and 20 and September 3, 4 and 5, 2022 made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.
<b>C. Approvals for The Downs at Albuquerque/NM State Fair</b>			
<b>1. Ratification of Approval to Add Overnight Stakes Race</b>	40:44 – 45:46	Don Cook requested ratification of approval to amend 2022 Stakes Schedule. The Champagne Lane Stakes for fillies and mares 3 YO and upward with a purse of \$50k was added. An increased	Motion to ratify the approval to amend the 2022 Stakes Schedule for The DAA made by

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		<p>purse for the NM State Fair QH Juvenile from \$65k to \$100k was also requested for approval.</p>	<p>Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.</p>
<b>2. Approval to Amend 2023 Primary Application</b>	45:50 – 48:52	<p>Don Cook requested approval to amend the DAA/NM State Fair's 2023 Primary Application. The same number of days which were assigned by the NMRC to the DAA/NMSF last month remain. However, Mr. Cook requested the NM State Fair race days be as follows: September 1, 2, 3, 7, 8, 9, 10, 13, 14, 15, 16, 17, 20, 22, 23, 24 and <b>27</b>, 2023 (<b>bold = change</b>). Mr. Cook requested the DAA race days be as follows: September 29, 30 and October 1, 4, 6, 7, 8, 11, 13, 14, 15, 18, 20, 21, 22, <b>25</b>, 27, 28, and 29, 2023 (<b>bold = change</b>).</p>	<p>Motion to approve to amend the 2023 Primary Application for The DAA made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.</p>
<b>3. Approval of 2024 State Fair QH Futurity Nomination Blanks (Weanlings)</b>	48:50 – 49:46	<p>Don Cook requested approval of the 2024 State Fair QH Futurity Nomination Blanks (Weanlings) as presented.</p>	<p>Motion to approve the 2024 State Fair QH Futurity Nomination Blanks made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.</p>
<b>4. Approval of 2023 State Fair QH Futurity Nomination Blanks</b>	49:50 – 50:42	<p>Don Cook requested approval of the 2023 State Fair QH Futurity Nomination Blanks as presented. The difference is there will be an increase of \$250k</p>	<p>Motion to approve the 2023 State Fair QH Futurity Nomination</p>



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		added from the breeders and the DAA to make it a total of \$50k added.	Blanks made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.
<b>5. Approval of 2023 State Fair QH Derby Nomination Blanks</b>	50:44 – 51:30	Don Cook requested approval of the 2023 State Fair QH Derby Nomination Blanks as presented. The only difference here is \$125k added from Breeders and DAA each to make a total of \$250k added.	Motion to approve the 2023 State Fair QH Derby Nomination Blanks made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.
<b>6. Approval of 2023 La Fiesta QH Futurity Nomination Blanks</b>	51:31 – 52:01	Don Cook requested approval of the 2023 La Fiesta QH Futurity Nomination Blanks as presented.	Motion to approve the 2023 La Fiesta QH Futurity Nomination Blanks made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.
<b>7. Approval of 2023 La Fiesta QH Derby Nomination Blanks</b>	52:03 – 52:27	Don Cook requested approval of the 2023 La Fiesta QH Derby Nomination Blanks as presented.	Motion to approve the 2023 La Fiesta QH Derby Nomination Blanks made by

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<b>8. Approval of 2023 State Fair TB Futurity Nomination Blanks</b>	52:30 – 52:57	Don Cook requested approval of the 2023 State Fair TB Futurity Nomination Blanks as presented.	Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.  Motion to approve the 2023 State Fair TB Futurity Nomination Blanks made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.
<b>9. Ratification of Approval of 2022 Wagering Format</b>	53:00 – 54:58	Don Cook requested ratification of approval of the 2022 Wagering Format on September 9, 2022.	Motion to ratify the approval the 2022 Wagering Format made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.
<b>D. Approvals for Zia Park</b> <b>1. Approval to Amend 2022 Racing Officials</b>	55:07 – 1:00:47	Christopher McErlean requested approval to amend 2022 Racing Officials for Zia Park. Highlighted Officials note the additions to the Racing Official List previously approved by the NMRC. Chairman Bregman thanked Zia Park	Motion to approve to amend the 2022 Racing Officials made by Commissioner Smith. Motion



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		staff for all the hard work preparing the facility for this racing season. Bill Belcher reported some of the improvements made to prepare for this season. Commissioner Buffington asked how many horses Zia Park has on grounds so far. Mr. Belcher reported so far (understating that some are still at DAA) it has 405 head on the grounds so far and 400 stalls available. Mr. McErlean clarified Zia has received 1800 applications, and it has allocated approximately 95% of the stalls, approximately 1200. Zia keeps a small handful available for late applications. He expects numbers to increase in the next few weeks.	seconded by Commissioner Buffington. Motion passed unanimously.
<b>E. Approvals for Sunland Park</b>			
<b>1. Approval of 2022/23 Stall Application</b>	1:00:50 – 1:02:44	Dustin Dix requested approval of the 2022/23 Stall Application as submitted. Commissioner Buffington asked if there were any differences from previous stall applications. Mr. Dix reported the only change was to the controversial allowing back two-year olds back on the grounds. Chairman Bregman asked if there was anything on this stall application which addresses workers' compensation for the jockeys and exercises riders. Mr. Dix said that was not addressed in this version of the stall application.	Motion to approve the 2022/23 Stall Application for Sunland Park made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.
<b>2. Approval of 2022/23 Purse Schedule</b>	1:02:45 – 1:03:12	Dustin Dix requested approval of the 2022/23 Purse Schedule as submitted.	Motion to approve the 2022/23 Purse Schedule for Sunland Park made by Commissioner Smith.

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<b>3. Approval of 2022/23 Stakes Schedule</b>	1:03:14 – 1:09:32	Dustin Dix requested approval of the 2022/23 Stakes Schedule as submitted. The only changes made were the removal of the Dona Ana County Stakes and the addition of an 870 NM Bred Stakes Race in its place. All purses are similar to those the past except the Sunland Derby was raised from \$500k to \$600k. It was just announced the Sunland Derby and Sunland Oaks will be part of the Kentucky Derby and Kentucky Oaks point system. Executive Director Trejo asked Mr. Dix if they have had communications with HISA regarding seeking an exemption to run Lasix free. Mr. Dix said he has not yet but will do so. Commissioner Smith asked Mr. Dix if HISA is going to require them to hire more people in their racing office. Mr. Dix reported he wasn't sure about the racing office, but they will definitely need more people for all the paperwork and reporting that is going to be required by HISA.	Motion seconded by Commissioner Buffington. Motion passed unanimously.  Motion to approve the 2022/23 Stakes Schedule for Sunland Park made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.
<b>4. Approval of 2022/23 Post Times &amp; Wagering Format</b>	1:09:33 – 1:10:06	Dustin Dix requested approval of the 2022/23 Post Times & Wagering Format as submitted.	Motion to approve the 2022/23 Stall Application for Sunland Park made by Commissioner Smith. Motion seconded by



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<b>5. Approval of 2023 Shue Fly Nomination Blanks</b>	1:10:43 – 1:11:06	Dustin Dix requested approval of the 2023 Shue Fly Nomination Blanks as submitted.	Commissioner Buffington. Motion passed unanimously.  Motion to approve the 2023 Shue Fly Nomination Blanks for Sunland Park made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.
<b>6. Approval of 2023 West Texas Derby Nomination Blanks</b>	1:11:08 – 1:11:38	Dustin Dix requested approval of the 2023 West Texas Derby Nomination Blanks as submitted.	Motion to approve the 2023 West Texas Derby Nomination Blanks for Sunland Park made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.
<b>7. Approval of 2023 West Texas Maturity Nomination Blanks</b>	1:11:40 – 1:12:08	Dustin Dix requested approval of the 2023 West Texas Maturity Nomination Blanks as submitted.	Motion to approve the 2023 West Texas Maturity Nomination Blanks for Sunland Park made by Commissioner Smith.

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<b>8. Approval of 2023 New Mexican Spring Futurity Nomination Blanks</b>	1:12:11 – 1:12:35	Dustin Dix requested approval of the 2023 New Mexican Spring Futurity Nomination Blanks as submitted.	Motion seconded by Commissioner Buffington. Motion passed unanimously.  Motion to approve the 2023 New Mexican Spring Futurity Nomination Blanks for Sunland Park made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.
<b>9. Approval of 2023 West Texas Futurity Nomination Blanks</b>	1:12:41 – 1:13:00	Dustin Dix requested approval of the 2023 West Texas Futurity Nomination Blanks as submitted.	Motion to approve the 2023 West Texas Futurity Nomination Blanks for Sunland Park made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.
<b>10. Approval of 2022/23 Gaming Breakage</b>	1:13:07 – 1:13:38	Dustin Dix requested approval of the 2022/23 Gaming & Breakage submitted by the NMHBA.	Motion to approve the 2022/23 Gaming & Breakage for Sunland Park made by



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<b>11. Introduction &amp; Approval of General Manager Mark Hettinger</b>	1:13:39 – 1:15:37	Dustin Dix introduced the new General Manager, Mark Hettinger. Mr. Hettinger appeared via Zoom.	Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.  Motion to approve Mark Hettinger as General Manager for Sunland Park pending his background made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.
<b>F. Approvals for SunRay Park 1. Introduction &amp; Approval of General Manager Max Moreland</b>	1:16:05 – 1:19:59	Brad Boehm introduced new General Manager, Max Moreland for SunRay Park.	Motion to approve Max Moreland as General Manager for SunRay Park pending his background made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.

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<b>2. Presentation by SunRay Park Management</b>  <b>G. Race Reviews</b> <b>1. IMO: Salvador M. Delgado</b>  <b>2. IMO: Gallegos Del Norte Racing</b>	1:20:00 – 1:41:13  1:47:16 – 2:10:37  2:11:00 – 2:29:37	<p>Brad Boehm, Kenny Kendrick, and Mr. Moreland made a presentation requesting the NMRC to consider decreasing the 2023 race days at SunRay Park and provided the Commission with statistics to support their request which showed a correlation between a decrease in race days an increase in entries for each race.</p> <p>Licensee Delgado and NMRC Steward, Larry Fontenot, Jr. both addressed the Commission regarding the race review of race #1 on August 7, 2022, at The Downs at Albuquerque. The video of the race was played. The Stewards ruled horse #1, “Daddys First Fire” should be disqualified from first place to ninth place due to the #1 horse moving all the way from the #1 path to the #5 path interfering with the #2, #3 and #4 horses.</p> <p>Regarding the second race review, Licensee Gallegos was not present NMRC Law Clerk, Denise Chavez, called Dr. Gallegos’ office and was told he was in surgery and would not be attending the hearing despite receiving proper notice. NMRC Steward, Larry Fontenot, Jr. presented race #4 on August 24, 2022, at The Downs at Albuquerque utilizing the recording of the actual race and other evidence. After a Stewards Inquiry and Jockey objection, the Stewards ruled, after review of the replay of the</p>	<p>No Action Taken.</p> <p>Motion to uphold the DAA BOS decision to disqualify the #1 horse from first place to ninth place made by Commissioner Buffington. Motion seconded by Commissioner Smith. Motion passed by majority (4-1).</p> <p>Motion to uphold the DAA BOS decision to NOT disqualify the #3 horse from first place made by Commissioner Smith. Motion seconded by Commissioner Branch. Motion passed unanimously.</p>



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<p><b>H. Rules Hearing &amp; Public Comments</b></p>	<p>2:29:55 – 3:33:41</p>	<p>race, the #10 horse was the main culprit of this incident and caused the #6 to go out. However, despite the jockey's objection, the #3 horse, did not cost the #6 horse "MG Lookingood" more than 3 lengths and therefore decided that the #3 horse, "Ar Ya Weegee" should not be disqualified.</p> <p>Chairman Bregman: "This rules hearing will please come to order. I am Sam Bregman, Chairman of the New Mexico Racing Commission. I will be acting as the Presiding Officer for this rule hearing."</p> <p>"The purpose of this hearing is for the Commission to receive public comment on proposed amendments to the Commission's current rules and regulations. The Commission welcomes everyone present at this hearing." Chairman Bregman encouraged all who is in attendance to participate with comments.</p> <p>"Let the record show the following Commission members are present. Commissioners, would you please introduce yourselves?" Commissioner Buffington, Commissioner Smith, Chairman Bregman, and Vice-Chair Sanchez were all introduced on record.</p>	

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		<p>Chairman Bregman: "Sally Malave of the Attorney General's office is present to advise the Commission. Also present are Ismael Trejo, the Commission Executive Director, Richard Bustamante, NMRC In-House Counsel and Denise Chavez, the Commission Law Clerk.</p> <p>This open meeting is being conducted pursuant to, and in accordance with, the provisions of the New Mexico Horse Racing Act, NMSA 1978, Sections 60-1A-1 through -30; the Open Meetings Act, Sections 10-15-1 through 10-15-4 and the New Mexico State Rules Act, NMSA 1978, Section 14-4-1 through -11.</p> <p>The New Mexico State Rules Act regulates rule-making proceedings and activities which are before Commissions and Boards. You may contact the Secretary of State's Office for further information.</p> <p>Public notice of this hearing was advertised in the New Mexico Register and the Albuquerque Journal. Copies of that notice have been available from the Commission's office since the notices were published and are available to the public attending this hearing. Copies of the proposed rule changes were also</p>	



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		<p>published on the Commission's website at <a href="http://www.nmrc.state.nm.us">www.nmrc.state.nm.us</a> and were available upon request.</p> <p>We continue to have these rules hearings in person and online via Zoom. There are a few attendees in the audience. <b>As Presiding Officer, I am requesting anyone who is present for these rules hearing and intends to comment on any of the proposed rule amendments, please raise your hand using the "Raise Hand" option in the "Reactions" option on Zoom.</b> Ms. Chavez will unmute you so you can make your comments on the proposed rule. Please first state your full name, affiliation, and the proposed rule you wish to comment on and thereafter make your specific comments about the proposed rule. <b>Please note the Commission cannot consider comments which addressed to rules which have not been specifically noticed as being considered for possible changes.</b> Ms. Chavez will keep a list of everyone who has submitted either a written or oral comment and that list will become part of the record of this rule hearing.</p> <p>This is a formal proceeding and it will be recorded. The recording will become a part of the rules hearing record. Therefore, when a</p>	

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		<p>person is recognized to address the Commission you are asked: To identify yourself for the record EACH time you address the Commission; and To speak loudly and clearly so the recorder can pick up your comments.</p> <p>This hearing will be conducted in the following manner:</p> <p>NMRC Law Clerk, Denise Chavez, will present Exhibits to the Commission. I, as the presiding officer, will rule on the admissibility of the Exhibits offered for admission after allowing questions from members of the Commission.</p> <p>Exhibits admitted into evidence are available for review by members of the public and will be available on the Commission's website and to members of the audience upon request. After Ms. Chavez offers Exhibits, and their admission has been ruled upon, I will open the hearing for comments from the audience.</p> <p>We will proceed in numerical sequence through each proposed rule.</p> <p>We will address only one rule at a time. However, you may refer to other rules that reasonably relate to the rule being discussed or which relate to your comments.</p>	



AGENDA ITEM	RECORDING #	DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS	ACTION TAKEN
		<p>The Commission does not follow the rules of evidence, but shall, in the interest of efficiency, reserve the right to limit all testimony deemed irrelevant, redundant, or unduly repetitious. The decision as to whether such testimony is irrelevant redundant or unduly repetitious shall be made by me as the presiding officer.</p> <p>After a person has provided comment, Commission members will be permitted to question that person. Any member of the audience wishing to question that person may do so after being recognized by me, the Presiding Officer, after identifying themselves for the record.</p> <p><b>At the conclusion of this rule hearing, the Commission will hold its meeting where Commission members will conduct discussions and take final action on the rules, such as amending, adopting, or tabling them.</b></p> <p>Ms. Chavez, has anyone submitted their names and intent to comment on any of the proposed rules?"</p> <p>Denise Chavez: 1 written comment was received by the NMRC; 1) correspondence from Gary Mitchell. No hands were raised in Zoom.</p>	

<i>AGENDA ITEM</i>	<i>RECORDING #</i>	<i>DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
		<p>We are ready to move forward and enter any exhibits into evidence. Each exhibit shall be introduced into the record. Commission members will be permitted to ask questions before I rule on the admissibility of the evidence. Upon admissibility, each exhibit will be marked and numbered and entered into the record. Ms. Chavez at this time do you have any Exhibits to introduce into evidence?"</p> <p>Ms. Chavez: I have the following exhibits to enter into evidence.</p> <p>Exhibit 1: Legal notice published in the NM Register and the Albuquerque Journal</p> <p>Exhibit 2: Notice sent to Interested Parties</p> <p>Exhibit 3: Proposed amendments to the Commission Rule 15.2.1.9(B)(3) and (6) NMAC entitled "Proceedings Before the Stewards"</p> <p>Proposed amendments to the Commission Rule 15.2.2.8(B)(13) NMAC entitled "Financial Requirements: Insurer of the Race Meeting" was</p>	<p>Exhibit 1 is admitted into record by PO Bregman.</p> <p>Exhibit 2 is admitted into record by PO Bregman.</p> <p>Exhibit 3 is admitted into record by PO Bregman.</p> <p>This rule (exhibit 4) was removed at the approval of the agenda</p>



<i>AGENDA ITEM</i>	<i>RECORDING #</i>	<i>DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
		<p>removed from the Agenda at the Approval of the Agenda portion of the meeting.</p> <p>Exhibit 5: Proposed amendments to the Commission Rule 15.2.3.8(A) NMAC entitled "Racing Officials"</p> <p>Exhibit 6: Proposed amendments to the Commission Rule 15.2.4.8(C) NMAC entitled "Claiming Horses"</p> <p>Exhibit 7: Proposed amendments to the Commission Rule 15.2.5.13(D) NMAC entitled "Paddock to Post"</p> <p>Exhibit 8: Proposed amendments to the Commission Rule 15.2.6.9(A) and (C) NMAC entitled "Penalties" and "Medication Restrictions"</p> <p>Exhibit 9: Proposed amendments to the Commission Rule 15.2.6.10(A) &amp; (B) NMAC entitled "Reporting to the Test Barn"</p> <p>Exhibit 10: Proposed amendments to the Commission Rule 16.47.1.8(P) NMAC entitled "More Than One License"</p>	<p>portion of this meeting and was not admitted as an exhibit.</p> <p>Exhibit 5 is admitted into record by PO Bregman.</p> <p>Exhibit 6 is admitted into record by PO Bregman.</p> <p>Exhibit 7 is admitted into record by PO Bregman.</p> <p>Exhibit 8 is admitted into record by PO Bregman.</p> <p>Exhibit 9 is admitted into record by PO Bregman.</p> <p>Exhibit 10 is admitted into record by PO Bregman.</p>

<i>AGENDA ITEM</i>	<i>RECORDING #</i>	<i>DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
		<p>Exhibit 11: Proposed amendments to the Commission Rule 16.47.1.10(A), (B) &amp; (D) NMAC entitled “TRAINERS: Eligibility”, “Absolute Insurer” and “Assistant Trainers”</p> <p>Exhibit 12: Letter from Gary Mitchell dated September 19, 2022 regarding the NMRC’s proposed amendments to 15.2.1, 15.2.2, 15.2.3, 15.2.4, 15.2.5, 15.2.6.9, 15.2.6.10 and 16.47.1.10 NMAC.</p> <p>Are there any questions from the Commission members?” No questions from the Commission.</p> <p>“Ms. Chavez, are there any other Exhibits to enter into the Record at this time?”</p> <p>Ms. Chavez: Presiding Officer Bregman, there are no further exhibits to enter at this time, however, I reserve the opportunity to enter more exhibits at a later time. For example, there is an attendance sheet and any written comments that the NMRC received regarding this Rules Hearing.</p> <p>Presiding Officer Bregman: At this time, each proposed rule will be introduced, and entered into the record. I will open the floor to members of the audience for comments on each rule. Members of the Commission or the audience may question</p>	<p>Exhibit 11 is admitted into record by PO Bregman.</p> <p>Exhibit 12 is admitted into record by PO Bregman.</p>



AGENDA ITEM	RECORDING #	DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS	ACTION TAKEN
<p>1. Subsection B of 15.2.1.9 NMAC – Proceedings Before the Stewards</p>		<p>each witness upon being recognized to speak. However, any discussion by the Commission will be held during the meeting following this hearing.</p> <p>At this time, I will present each rule. After the presentation of each rule, I will ask if anyone would like to comment on each rule.” Chairman Bregman said <b>he realizes that there are written comments that were sent to the NMRC. You do not have to raise your hand just read those comments in because they will be part of the record of this hearing. However, if you chose to that is fine too. I don’t plan on limiting anybody. I want to make it very clear that anybody, regardless of current litigation may be going on or anything like that, I want to hear from you if you have comments. For example, the NMHA counsel has submitted written comments, however, if someone from that organization wants to comment on a certain rule, please do so.</b></p> <p>Exhibit 3: Proposed amendments to the Commission Rule 15.2.1.9(B)(3)(a)(c) &amp; (d) and (6)(d) NMAC entitled “Proceedings Before the Stewards”: There was nobody who was present at the meeting in person did not have any comments. Leslie Fincher made a comment about not having proper notice of this rule.</p>	

AGENDA ITEM	RECORDING #	DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS	ACTION TAKEN
<p><b>Subsection B of 15.2.2.8 NMAC – Financial Requirements: Insurer of the Race Meeting</b></p> <p><b>3. Subsection A of 15.2.3.8 NMAC – Racing Officials</b></p> <p><b>4. Subsection C of 15.2.4.8 NMAC – Claiming Horses</b></p>		<p>Exhibit 4 has been removed from Agenda. See Approval of Agenda of open session #1.</p> <p>Exhibit 5: Proposed amendments to the Commission Rule 15.2.3.8(A) NMAC entitled “Racing Officials”: There were no comments made by anyone in the audience. Vanessa Alexander made comments not relevant to these proposed rule change. Candy Ezzell had comments regarding this rule. The amendments were read into the record by PO Bregman and the amendment was shared by Zoom. Leslie Fincher also had comments, not related to this rule.</p> <p>Exhibit 6: Proposed amendments to the Commission Rule 15.2.4.8(C)(4) NMAC entitled “Claiming Horses”: PO Bregman read the proposed changes to this rule and the amendments were shared on Zoom. Chairman Bregman asked the audience if there was anyone who would like to comment on this rule as presented. Confirmation of no other comments for this rule made by Chairman Bregman. Ms. Barber made a comment – she liked this rule. Ms. Alexander made comments not related to this rule. No other hands raised.</p>	



<i>AGENDA ITEM</i>	<i>RECORDING #</i>	<i>DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
<p>5. <b>Subsection D of 15.2.5.13 NMAC – Paddock to Post</b></p> <p>6. <b>Subsections A &amp; C of 15.2.6.9 NMAC – Penalties &amp; Medication Restrictions</b></p> <p>7. <b>Subsections A &amp; B of 15.2.6.10 NMAC – Reporting to the Test Barn</b></p>		<p>Exhibit 7: Proposed amendments to the Commission Rule 16.47.1.8(L) NMAC entitled “Grounds for Disciplinary Measures for a Licensee, and Refusal, Denial, Suspension, or Revocation of a License”: PO Bregman read the proposed changes to this rule and the rule was shared with the Zoom audience. Chairman Bregman asked the audience if there was anyone who would like to comment on this rule as presented. Vanessa Alexander made a comment regarding this rule. There were no other hands raised.</p> <p>Exhibit 8: Proposed amendments to the Commission Rule 16.47.1.8(L) NMAC entitled “Grounds for Disciplinary Measures for a Licensee, and Refusal, Denial, Suspension, or Revocation of a License”: PO Bregman read the proposed changes to this rule and the amendments were shared with the Zoom audience. Chairman Bregman asked the audience if there was anyone who would like to comment on this rule as presented. Ms. Alexander had a question not really related to this rule change.</p> <p>Exhibit 9: Proposed amendments to the Commission Rule 16.47.1.8(L) NMAC entitled “Grounds for Disciplinary Measures for a Licensee, and Refusal, Denial, Suspension, or</p>	





AGENDA ITEM	RECORDING #	DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS	ACTION TAKEN
		<p>were shared via Zoom. Chairman Bregman asked the audience if there was anyone who would like to comment on this rule as presented. Vanessa Alexander had comments regarding this rule. Leslie Fincher made no comments regarding this rule, but more about creating a rules committee.</p> <p>Chairman Bregman reminded everyone that <b>Exhibit 12</b> that has been admitted into evidence is the letter submitted by Gary Mitchell, the representative for the Horsemen's Group. Chairman Bregman asked Ms. Chavez if a list of everyone who has made comments regarding these rules is being kept. Chairman Bregman asked Ms. Chavez to submit that list as <b>Exhibit 13</b>.</p> <p>Chairman Bregman would like to thank all Commission Members and everyone else present for their participation and attendance today.</p> <p>The comments submitted and the discussions heard during the rules hearing will be considered and may be discussed further by the Commission during its meeting immediately following this rules hearing. The Commission will discuss and vote on the proposed rules at that time.</p> <p>Any rules adopted by the Commission will be filed at State Records Center and Archives in</p>	





AGENDA ITEM	RECORDING #	DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS	ACTION TAKEN
<ol style="list-style-type: none"> <li>2. Subsection B of 15.2.2.8 NMAC – Financial Requirements: Insurer of the Race Meeting</li> <li>3. Subsection A of 15.2.3.8 NMAC – Racing Officials</li> <li>4. Subsection C of 15.2.4.8 NMAC – Claiming Horses</li> <li>5. Subsection D of 15.2.5.13 NMAC – Paddock to Post</li> <li>6. Subsections A &amp; C of 15.2.6.9 NMAC – Penalties &amp; Medication Restrictions</li> <li>7. Subsections A &amp; B of 15.2.6.10 NMAC – Reporting to the Test Barn</li> <li>8. Subsection P of 16.47.1.8 NMAC – More Than One License</li> <li>9. Subsections A, B &amp; D of 16.47.1.10 NMAC – TRAINERS: Eligibility; Absolute Insurer; and Assistant Trainers</li> </ol>	<p>3:53:01 – 3:54:33</p>	<p>that makes better sense. Chairman Bregman read the justification listed on the proposed rule amendment. There were no other questions or comments from the Commission. Ms. Alexander's comments were difficult to address. A recess was called.</p> <p>Chairman Bregman called the meeting back into session. Chairman Bregman entertained a motion to terminate this rule hearing with the possibility of considering them at a later time.</p>	<p>Motion to terminate the rules hearing and bring back at a later time 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>
<b>Executive Session: entered at 1:11 PM</b>	3:54:34 – 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.	Chairman Bregman moved to enter into Executive Session. Commissioner Smith seconded the motion. Motion passed unanimously by roll call vote.
<b>Back into Open Session: 2:20 PM</b>	<b>Audio Only</b>		
<b>9. Licensing/Pending Litigation/Appeals/Hearing Officer's Reports/Employment Contracts</b>	3:49:25 – 3:49:57		
A. NMHA (Pending Litigation)	3:49:58 – 3:50:14	Litigation status update.	No Action Taken.
B. Pierre Amestoy (Pending Litigation)		Litigation status update.	No Action Taken.
C. Vanessa Alexander (Pending Litigation)		Litigation status update.	No Action Taken.
D. Brad Bolen (Pending Litigation)		Litigation status update.	No Action Taken.
E. Equine Health & Testing Advisor (Employment Contract)		See Action taken Below.	
F. Coronado Partners (Pending Litigation)		See Action taken Below.	
<b>10. Unfinished/New Business and/or Action Items</b>			
<b>A. Equine Health &amp; Testing Advisor</b>	3:50:19 – 3:50:59	Chairman Bregman entertained a motion to terminate the Equine Health & Testing Advisor contract.	Motion to terminate the Equine Health & Testing Advisor made by Commissioner



<i>AGENDA ITEM</i>	<i>RECORDING #</i>	<i>DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
<p><b>B. Decision on Coronado Partners' Motion to Establish Process to Evaluate Racetrack Application</b></p> <p>SS-01-11</p>	3:51:02 – 3:53:10	Chairman Bregman entertained a motion to deny Coronado Partners' Motion to Establish Process to Evaluate Racetrack Application. Chairman Bregman pointed out that pursuant to the district court order, the NMRC will deliberate and vote on Coronado Partners' initial application for a sixth racing license at the next NMRC meeting on October 20, 2022. That deliberation will include a review of all matters originally developed by the prior Commission related to Coronado's application, including the relevant town hall meeting and comments from the Native American tribes in the state. Mr. Frost, counsel for Coronado, asked if the NMRC wanted to see any presentation at the October meeting. Chairman Bregman explained Coronado Partners had already made a presentation to the NMRC, and the NMRC will be reviewing all material received by Coronado Partners from back in 2018.	<p>Smith. Motion seconded by Commissioner Sanchez. Motion passed unanimously.</p> <p>Motion to deny Coronado Partners' Process made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.</p>
<p><b>C. Discussion and Recognition of the NMHBA as the Recognized Horsemen's Group in the State of NM</b></p>	3:53:12 - End	Chairman Bregman entertained a motion to indefinitely table the discussion and recognition of the NMHBA as the recognized horsemen's group in the State of NM.	<p>Motion to terminate the Equine Health &amp; Testing Advisor made by Commissioner Smith. Motion</p>

AGENDA ITEM	RECORDING #	DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS	ACTION TAKEN
			seconded by Commissioner Buffington. Motion passed unanimously.
11. Adjournment at 2:25 PM			



Chairman Sam Bregman

11/10/22

Date



Executive Director Ismael Trejo

11-10-22

Date