

2023-SUN-6

ISSUED

IN

ERROR



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: **2023-SUN-7**
Track: Sunland Park
Ruling Date: 1/13/2023

Licensee: ENRIQUEZ-NAVARRO, JACOBO ABRAHAM
License Type: Applicant Id: 163276
License Number:

Ruling # 2023-SUN-7

Action Type: Initial Ruling

Ruling:

Jockey, Jacob Enriquez, having been summoned and appeared before the Board of Stewards January 13, 2023, for Careless Riding during the running of the 5th Race on January 7, 2023, at Sunland Park while aboard "Wahine". Approximately 40 yards from leaving gate the horse veered out without jockey trying to correct his horse action and without regard to other participants. He was taken down from First place and placed 9th, in order of finish.

For this violation, the Sunland Park Board of Stewards has suspended Jacob Enriquez for 7 calendar days from January 15 through January 21, 2023. During the time of suspension 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)(a) NMAC: Which states in pertinent part that "When the way is clear in a race, a horse may be ridden to any part of the course, but if any horse swerves, or is ridden to either side, so as to interfere with, impede, or intimidate any other horse, it is a foul."

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 (3)(d) Stewards Authority

15.2.3.8 B (3) (e) Stewards Authority

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." The last day to file an appeal is February 4, 2023.

By Order of The Sunland Park Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: **2023-SUN-8**
Track Sunland Park
Ruling Date: 1/14/2023

Licensee: EVANS, JUSTIN ROBERT

License Type: Applicant Id: 30562
License Number:

Ruling # 2023-SUN-8

Action Type: Initial Ruling

Ruling:

Having been duly notified, Trainer, Mr. Justin Evans appeared telephonically and was represented in person by Attorney, Cal Mundell. A formal hearing was held by the Sunland Park Board of Stewards, on January 11, 2023, at 9:00 am. This hearing was held to hear the facts involving 2 horses purchased at Delmar California horse sell in 2018. The two horses were tattooed under incorrect names; "Aim Happy" was tattooed as the horse "Spirita" and "Spirita" was tattooed as "Aim Happy." Mr. Evans was the trainer of record for both horses at the time the horses were tattooed.

This hearing was to determine whether Justin Evans had violated 15.2.5.12 (A)(4) Horse Ineligible, 15.2.6.11 (E)(1) Trainer Responsibility, 16.47.1.8 GENERAL PROVISIONS, 16.47.1.8. T. Knowledge of Rules, 16.47.1.10 (C) (5) TRAINERS and whether a penalty or other disciplinary action should be imposed.

Aggravating factor: Mr. Evans was present at the sale in Delmar, California at the time the two horses were purchased. He assisted the Nichols' in purchasing a "Ghost Zapper Filly". He saw the horse at that time and should have verified the identity of the horses prior to their being tattooed.

Aggravating factor: Mr. Evans was the trainer of record, for both horses at the time they were tattooed.

In accordance with 15.2.6.9(B)(4) penalty recommendations, for these violations Mr. Evans is hereby fined \$15,000. (Fifteen thousand) dollars by the Sunland Park Board of Stewards.

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:

15.2.5.12 (A)(4) HORSE INELIGIBLE,

15.2.6.11 (E)(1) TRAINER RESPONSIBILITY A. B.C. D. E.

16.47.1.8 (L)(1)(E)(I) GENERAL PROVISIONS, (T) KNOWLEDGE OF RULES,

16.47.1.10 (C) (5) TRAINERS - (5) **the proper identity, custody, care, health, condition, and safety of horses in their charge.**

NMAC 15.2.3.8 B. (1) (3) (F) (G) (J) STEWARDS:(1) GENERAL AUTHORITY. (3) (E) (F) (I)

60-1A -5. (A-E) Commission rules; all licenses; suspension, revocation, or denial of licenses; penalties.

(Repealed effective July 1, 2022.)

60-1A -28 NMSA 1978History: Laws 2007, Ch. 39, § 5; 2013, Ch. 103, § 1.

NMAC 15.2.3.8 B. STEWARDS: (9) Appeals. (b) 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 15.2.1 NMAC 14 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: January 24, 2023.

(f) All fines imposed by the stewards shall be paid to the commission within 30 days after the ruling is issued,



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4900 Alameda NE
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Ruling #: **2023-SUN-8**
Track: Sunland Park
Ruling Date: 1/14/2023

Licensee: EVANS, JUSTIN ROBERT

License Type: Applicant Id: 30562
License Number:

unless otherwise ordered. This fine is due on or before February 13, 2023

By Order of The Sunland Park Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2023-SUN-9
Track Sunland Park
Ruling Date: 1/14/2023

Licensee: CRAWFORD, CLINTON TYLER
License Type: 2021 3 Year Trainer Applicant Id: 12039
License Number: 300792

Ruling # 2023-SUN-9

Action Type: Initial Ruling

Ruling:

Trainer, Clinton Crawford having been duly notified appeared before the Sunland Park Board of Stewards January 14, 2023 and waived his 10-day notice for failing to have the correct equipment on the horse "Torts On a Wagon" upon entering the paddock for the 10th race on January 7, 2023, at Sunland Park Racetrack which resulted in a late scratch.

The Board of Stewards hereby assess penalty as follows:

Five Hundred Dollars (\$500.00) fine which must be paid on or before February 13, 2023.

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

15.2.5.11 B. IDENTIFICATION

15.2.3.8 F(1) (2) F. HORSE IDENTIFIER: (1) GENERAL AUTHORITY:

15.2.1.8(B)(1) COMMISSION GENERAL AUTHORITY

15.2.3.8 B (3)(A)(F) STEWARDS DISCIPLINARY ACTION

15.2.3.8 B (1) (A)(C)(D) STEWARDS GENERAL AUTHORITY 16.47.1.8 (T) KNOWLEDGE OF RULES 16.47.1.3 STATUTORY AUTHORITY 16.47.1.8 (A)(1)(2)

LICENSE REQUIRED 16.47.1.8(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 "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 an appeal is January 24, 2023.

By Order of The Sunland Park Stewards



New Mexico Racing Commission
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Ruling #: **2023-SUN-10**
Track: Sunland Park
Ruling Date: 1/14/2023

Licensee: PEREZ, MIGUEL ANGEL
License Type: 2021 3 Year Jockey Applicant Id: 31329
License Number: 300752

Ruling # 2023-SUN-10

Action Type: Initial Ruling

Ruling:

Jockey, **Miguel Perez**, having been summoned and having appeared before the Board of Stewards **on January 14, 2023**, for careless riding during the running of the **4th race on January 10, 2023 at Sunland Park Racetrack**, while aboard **"Playing Field"**.

For this violation, the Board of Stewards assessed, **Miguel Perez**, a fine in the amount of **Two Hundred and Fifty Dollars, (\$250.00)**. This fine is to be paid on or before **February 13, 2023** in accordance with **15.2.3.8 (B)(3)(I)**. 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)(a) NMAC: Which states in pertinent part that "When the way is clear in a race, a horse may be ridden to any part of the course, but if any horse swerves, or is ridden to either side, so as to interfere with, impede, or intimidate any other horse, it is a foul."

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 cashier's check, or money order." **The last day to file an appeal is January 24, 2023.**

By Order of The Sunland Park Stewards



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Ruling #: **2023-SUN-11**
Track: Sunland Park
Ruling Date: 1/20/2023

Licensee: VEGA, RAUL

License Type: 2022 3 Year Trainer Applicant Id: 9954
License Number: 305797

Ruling # 2023-SUN-11

Action Type: Initial Ruling

Ruling:

Trainer Raul V. Vega having been duly notified and having waived his 10-day notice and formal hearing appeared before the Board of Stewards on January 20, 2023, failure to have horse present for Lasix administration for the horse " The Time's Right "for the 2nd race on January 15th,2023, and causing a late scratch at Sunland Park.

The Board of Stewards hereby assesses penalty as follows:

1.A fine of Five Hundred Fifty Dollars (\$500.00) which must be paid on or before February 19, 2023.

This ruling in 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

15.2.6.11 TRAINER RESPONSIBILITY: The purpose of this subsection is to identify responsibilities of the trainer that pertain specifically to the health and wellbeing of horses in their care. A. The trainer is responsible for the condition of horses entered in an official workout or race and is responsible for the presence of any prohibited drug, medication or other substance, including permitted medication in excess of the maximum allowable level, in such horses. A positive test for a prohibited drug, medication or substance, including permitted medication in excess of the maximum allowable level, as reported by a commission approved laboratory, is prima facie evidence of a violation of this rule. In the absence of substantial evidence to the contrary, the trainer is responsible.

D. Furosemide: 15.2.6 NMAC 9 (1) Furosemide may be administered intravenously to a horse, which is entered to compete in a race. Except under the instructions of the official veterinarian for the purpose of removing a horse from the veterinarian's list or to facilitate the collection of a post-race urine sample, furosemide shall be permitted only after the trainer enters the horse on furosemide on the entry card and only after the official veterinarian has placed the horse on the furosemide list. In order for a horse to be placed on the furosemide list, the following process must be followed: (a) After the horse's licensed trainer and licensed veterinarian determine that it would be in the horse's best interests to race with furosemide the official veterinarian or their designee shall be notified using the prescribed form that the horse is to be put on the furosemide list. (b) The form must be received by the official veterinarian or their designee by the proper deadlines so as to ensure public notification. (c) A horse placed on the official furosemide list must remain on that list unless the licensed trainer and licensed veterinarian submit a written request to remove the horse from the list. The request must be made to the official veterinarian or their designee, on the proper form, no later than the time of entry. (d) After a horse has been removed from the furosemide list, the horse may not be placed back on the list for a period of 60 calendar days unless it is determined to be detrimental to the



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Ruling #: **2023-SUN-11**
Track: Sunland Park
Ruling Date: 1/20/2023

Licensee: VEGA, RAUL

License Type: 2022 3 Year Trainer Applicant Id: 9954
License Number: 305797

welfare of the horse, in consultation with the official veterinarian. If a horse is removed from the official furosemide list a second time in a 365-day period, the horse may not be placed back on the list for a period of 90 calendar days. (e) Furosemide shall only be administered on association grounds. (f) Furosemide shall be the only authorized bleeder medication. (2) The use of furosemide shall be permitted under the following circumstances on association grounds where a detention barn is utilized: furosemide shall be administered by the official veterinarian, the racing veterinarian, or practicing veterinarian no less than four hours prior to post in which the horse is entered. A horse qualified for furosemide administration must be brought to the detention barn one hour prior to the four hour administration requirement specified above. After treatment, the horse shall be required by the commission to remain in the detention barn in the care, custody and control of its trainer or the trainer's designated representative under association or commission security supervision until called to the saddling paddock.

15.2.1.9(B)(9)(A) FAILURE TO APPEAL 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 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 an appeal is January 30, 2023

By Order of The Sunland Park Stewards



New Mexico Racing Commission
4900 Alameda NE
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Ruling #: **2023-SUN-12**
Track: Sunland Park
Ruling Date: 1/22/2023

Licensee: **MONTOYA, JAVIER P**
License Type: **2022 3 Year Trainer** Applicant Id: **28152**
License Number: **305980**

Ruling # 2023-SUN-12

Action Type: Initial Ruling

Ruling:

Trainer Javier Montoya having been duly notified, telephonically waived his right to a 10-day notice and formal hearing before the Sunland Park Board of Stewards on January 22, 2023, for failure to have a flipping rig on the horse "Lip Stick on the Rim" in the 6th race on January 21, 2023, causing a late program scratch at Sunland Park Racetrack.

The Board of Stewards hereby assesses penalty as follows:

1. A fine of Five Hundred Fifty Dollars (\$500.00) which must be paid on or before February 21, 2023.

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

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)(9)(A) FAILURE TO APPEAL 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 an appeal is February 1, 2023.

By Order of The Sunland Park Stewards