



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: **2023-SUN-34**
Track: Sunland Park
Ruling Date: 2/21/2023

Licensee: **DYER, MARK D.**

License Type: **2021 3 Year Owner** Applicant Id: **4235**
License Number: **301325**

Ruling # 2023-SUN-34
Action Type: Modified Ruling
Ruling:

Owner, Mark Dyer having been properly noticed, appeared telephonically without legal counsel, before the Sunland Park Board of Stewards on Sunday, February 12, 2023, at 8:30 A.M. to hear the facts and consider the following: Purse Redistribution, after two horses tattooed under the incorrect names, "Aim Happy" was tattooed as the horse "Spirita" and "Spirita" was tattooed as, "Aim Happy". Mr. Mark Dyer was the owner of record for the horse "Aim Happy."

After hearing all the facts presented by NMRC State Investigator Elizabeth Garcia and Mr. Dyer, and considering the testimony provided along with the outcome of a hearing held for Trainer, Justin Evans in this same matter. The Sunland Park Board of Stewards have determined that in fact the two horses were entered and participated under the wrong identification in Race 8 at Sunland Park, on January 27, 2019. The horse that ran as "Aim Happy" was in fact the horse "Spirita" and is hereby disqualified and unplaced: (Mr. Dyer will be required to repay the purse to the appropriate bookkeeping offices no later than 90 days from today. Thursday, June 29, 2023)

SUNLAND PARK - January 27, 2019

Race 8 STAKES Borderplex S. Black Type - Thoroughbred FOR THREE-YEAR-OLD FILLIES. Weight: 121 lbs. non-winners of a sweepstakes allowed 3lbs. non-winners of \$15,000 allowed 5 lbs. (maiden and claiming races not considered in allowances). High weights preferred. Total lifetime earnings will be used to determine order of preference to horses assigned equal weights. Closed Friday January 18, 2019, with 13 nominations. Six And One Half Furlongs on The Dirt Current

Value of Race: \$65,000 1st \$39,000, 2nd \$13,000, 3rd \$6,500, 4th \$3,250, 5th \$1,950, 6th \$1,300

1st 7 Parade Of Roses
2nd 5 K P Slickem
3rd 9 Figure
4th 8 Elusive Rose
5th 6 D'tatway

15.2.5.12 (A)(4) HORSE INELIGIBLE,

16.47.1.8 (L)(1)(e)(i) GENERAL PROVISIONS,

16.47.1.8 (T) KNOWLEDGE OF RULES, 15.2.5.13 E (4) (d) Disqualification and purse distribution and NMSA

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

(Repealed effective July 1, 2022.) and if so, whether a penalty or other disciplinary action should be imposed upon you for the alleged rule violation(s) by the Board of Stewards.

NMAC 15.2.3.8 B. (1) (3) (f) (g) (j) STEWARDS: (1) General Authority. The stewards for each meeting shall be responsible to the commission for the conduct of the race meeting in accordance with the laws of this state and these rules. (3) (e) The stewards may impose any of the following penalties on a licensee for a violation



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of the act or these rules: issue a reprimand; assess a fine; require forfeiture or redistribution of purse or award, when specified by applicable rules and at their discretion; place a licensee on probation; suspend a license or racing privileges; revoke a license; exclude from grounds under the jurisdiction of the commission. (f) The stewards may order that a person be ineligible for licensing; or they may deny a license to an applicant on grounds set forth by these rules. (i) The stewards may refer any matter to the commission and may include recommendations for disposition. The absence of a steward's referral shall not preclude the commission action in any matter.

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. **The last day to file an appeal is April 12, 2023.**

By Order of The Sunland Park Stewards