



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: **2023-SUN-35**
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-35
Action Type: Modified Ruling
Ruling:

Owner, Mark Dyer have been duly noticed, appeared telephonically before the Sunland Park Board of Stewards without counsel, 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 the 3th race at Sunland Park on April 23, 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 - April 23, 2019

Race 3 CLAIMING – Thoroughbred FOR FILLIES AND MARES THREE YEARS OLD AND UPWARD WHICH HAVE NEVER WON TWO RACES OR (NEW MEXICO BREDS NON-WINNERS OF THREE RACES LIFETIME). Weight, 120 lbs.; Older, 123 lbs. Claiming Price \$6,250. New Mexico Bred Claiming Price \$8,000. (C) Claiming Price: \$8,000 - \$6,250 Five And One Half Furlongs On The Dirt Current Track Record: (Fearless Anthony - 1:01.62 - February 12, 2008) Purse: \$9,200 Plus: \$1,398 NMHBA - New Mexico Horse Breeders Assoc. Available Money: \$10,598 Value of Race: \$10,598 1st \$6,679, 2nd \$1,840, 3rd \$1,159, 4th \$460, 5th \$276, 6th \$184

1st 4 Drink Mo Hennessy
2nd 2 Sheza
3rd 1 Southwest Queen
4th 6 Sufficient Grace
5th 7 Overlooked
6th 3 Modjeska Heat
7th 8 Go Go Julie

Disqualified - UNPLACED: 5 Spirita (Amount to be repaid: 2nd \$1,840.)

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-IA-5 (C) Commission rules; all licenses; suspension, revocation or denial of licenses; penalties.



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: **2023-SUN-35**
Track: Sunland Park
Ruling Date: 2/21/2023

Licensee: DYER, MARK D.

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

(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 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.

15.2.5.12 A (4) HORSES INELIGIBLE: A. A horse shall be ineligible to start in a race when: (4) it has been fraudulently entered or raced in any jurisdiction under a different name, with an altered registration certificate, altered lip tattoo, altered or manipulated microchip (ISO11784), or freeze brand;

15.2.5.13 (E)(4)(d) RUNNING OF THE RACE: E. Post to finish: (4) Disqualification. (d) The stewards may determine that a horse shall be unplaced for the purpose of purse distribution and trial qualification.

16.47.1.8 L(e)(i) GENERAL PROVISIONS:

16.47.1.8. T KNOWLEDGE OF RULES:

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