



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2023-SUN-36
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-36
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 9th race at Sunland Park on May 3, 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 - May 3, 2019

Race 9 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 \$5,000. New Mexico Bred Claiming Price \$6,250. (C) Claiming Price: \$6,250 - \$5,000 Five And One Half Furlongs On The Dirt Track Record: (Fearless Anthony - 1:01.62 - February 12, 2008) Purse: \$8,700 Plus: \$418 NMHBA - New Mexico Horse Breeders Assoc. Available Money: \$9,118 . Value of Race: \$9,118 1st \$5,220, 2nd \$2,158, 3rd \$870, 4th \$435, 5th \$261, 6th \$174

1st 2 Twentyfour
2nd 9 Lucky Belle
3rd 5 Dublins Wildberry
4th 10 Can't Get Away
5th 8 Hunka Bull
6th 4 Sheza Dandy R F
7th 11 Lady Higbee
8th 7 Taraji
9th 6 Little Red Flyer

Disqualified - UNPLACED: 3 Spirita (Amount to be repaid: 1st \$5,220.)

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



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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 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