

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

Date: February 16, 2023, at 9:00 a.m.

Place: NMRC Boardroom; 4900 Alameda Blvd., NE, Albuquerque, NM and Zoom Video Conference – Meeting ID: 818 8056 1116

Members Present: Vice-Chairman David “Hossie” Sanchez, Commissioner John Buffington, and Commissioner Billy Smith.

NMRC Staff Participating: Executive Director Ismael Trejo, In-House Counsel Richard Bustamante and Law Clerk Denise Chavez.

Also Present: Assistant Attorney General Jennifer Salazar

<i>AGENDA ITEM</i>	<i>RECORDING #</i>	<i>DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
Public Session 1: I. Call to Order and Roll Call	0:04:59 – 0:05:25	Meeting called to order at 9:05 a.m. by Vice-Chairman Sanchez. Roll call was taken by Denise Chavez. Commissioner Branch was absent today. Executive Director Ismael Trejo, In-House Counsel Richard Bustamante, and NMRC Law Clerk Denise Chavez were present. Assistant Attorney General Jennifer Salazar was present via Zoom.	No Action Taken.
II. Pledge of Allegiance	0:05:27 – 0:05:40		Pledge of Allegiance was recited.
III. Approval of Agenda	0:05:56 – 0:06:55	Vice-Chairman Sanchez asked if there were any changes to the agenda today. Executive Director Trejo requested that Items 7.(E) and 8.(F) IMO: S. Trey Wood be tabled today. NMRC received a late request from counsel for Mr. Wood with a family emergency and will not be able to be present at meeting today.	Motion to approve the agenda as amended made by Commissioner Smith. Commissioner Buffington second the motion. Motion

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			passed unanimously by roll call vote.
IV. Approval of Minutes: January 5, 2023 (Special Meeting) January 17, 2023 (Special Meeting) January 26, 2023	0:06:58 – 0:07:39	Vice-Chairman Sanchez asked if the minutes for the January 5, 2023 and January 17, 2023 Special Meetings and January 26, 2023 meetings were reviewed and if there were any changes. Executive Director Trejo advised the Commission that the Minutes for the Special Meeting on January 17, 2023 indicate that AAG Jennifer Salazar was present and she was not. That needs to be revised.	Motion to approve the minutes from the Special Meeting on January 5, 2023 and January 17, 2023 (with amendment as stated by Executive Director Trejo) and Regular Meeting on January 26, 2023 made by Commissioner Smith; Second by Commissioner Buffington. Motion passed unanimously by roll call vote.
V. Commissioners' Reports	0:07:40 – 0:07:46	<ul style="list-style-type: none"> No comments. 	No Action Taken.
VI. Agency Director Reports: A. NMRC Report	0:07:47 – 0:26:33	<ul style="list-style-type: none"> Executive Director Trejo reported that the Agency has been very busy, representing the Agency up in Santa Fe during the legislature. Executive Director Trejo discussed Senate Bill 336, which is a very important bill for the industry. He reports that there are some 	No Action Taken.

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		<p>stakeholders that are opposing this legislation. However, what this legislation intends to do is: to have the jockey, exercise rider insurance and the HISA fees permitted to be withdrawn from the gaming moneys, thus, making it less of a burden on the stakeholders' wallet. The fees for HISA, for example are \$1.6 million and jockey insurance will be close to \$1 million making it a total of \$2.6 million dollars which will be passed onto the horsemen and the racetracks in the way of starter fees and overhead for the racetracks. The jockey's guild made it clear that they would not ride without jockey insurance. If this bill does not pass, it may cause the industry to come to a halt. HISA's model plan to collect their fees is to implement starter fees. There was discussion between the Commissioners and Executive Director Trejo of the ramifications if this bill does not pass.</p> <ul style="list-style-type: none"> • Executive Director Trejo also reported that the Agency is happy to announce the rolling-out of the breathalyzer program. • Executive Director Trejo reports that the Sunland meet so far is mediocre. No disrespect to the hard workers at Sunland Park. However, off-track handle is down almost 20%. On-track is up a little bit (4-5%) but will let Mr. Dix clarify those 	

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B. NMHBA Report	0:26:35 – 0:29:26	<p>numbers later. He says he believes this is due to NM not having a product (field size and lack of TBs).</p> <p>NMHBA's Mary Barber presented the Race-A-Day Report for Sunland Park through Sunday, February 5, 2023, stating it ran 93 NM Bred Races in 23 days. In overnight races, the NMHBA contributed \$884,000, which was \$104,000.00 more than in 2022. It averaged 4.05 NM Bred per day, +24 for three a day.</p>	No Action Taken.
Executive Session: entered at 9:28 AM	0:29:43 – end	Vice-Chairman Sanchez called for a motion to enter into executive session. Commissioner Buffington moved for the Commission 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.	Motion to enter into Executive Session made by Commissioner Buffington. Commissioner Smith seconded the motion. Motion passed unanimously by roll call vote.
Back into Open Session: 10:47 AM VII. Licensing/Pending Litigation/Appeals/Hearing Officer Reports/Employment Contracts/Personnel A. NMHA (Pending Litigation)	0:01:00 – 0:01:40	Commissioner Buffington affirmed the Commission discussed only those matters specified in the motion to close the meeting in accordance with Section 10-15-1(J).	No action taken.

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<p>B. Vanessa Alexander (Pending Litigation) C. Coronado Partners (Pending Litigation) D. Christian Cardenas (Licensing) E. IMO: S. Trey Wood (Licensing)</p>			No action taken.
<p>VIII. Unfinished/New Business and/or Action Items</p>			
<p>A. Presentation of FY22 NMRC Audit</p>	0:01:41 – 0:14:00	Scott Peck presented one finding for the FY22 NMRC audit – IPRA issue.	No action taken.
<p>B. Approvals for Sunland Park 1. Ratification of Approval to Amend Post Times on February 12, 2023</p>	0:14:31 – 0:15:58	Dustin Dix of Sunland Park requested ratification of approval to amend post times on February 12, 2023. The time adjustment was made so racing would not be competing with the Superbowl.	Motion to ratify the approval to amend post times on 2/12/23 made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.
<p>2. Ratification of Approval to Amend 2022/23 Officials</p>	0:16:02 – 0:16:38	Dustin Dix requested ratification of approval to amend 2022/23 Officials. Michelle Salazar filled in for Guadalupe “Lupe” Chavira due to death of a family member on Friday, February 3, 2023.	Motion to ratify the approval to amend 2022/23 Officials made by Commissioner Smith. Motion seconded by

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<p>3. Ratification of Approval to Amend 2022/23 Stakes Schedule</p>	<p>0:16:40 – 0:17:54</p> <p>0:17:57 – 0:20:30</p>	<p>Dustin Dix requested ratification of approval to amend 2022/23 Stakes Schedule. Sunland Park removed the banning of furosemide from all covered black type races with the exception of the Sunland Derby and Oaks, until further notice due to HIWU implementation being delayed.</p> <p>Dustin Dix gave a brief update of the Sunland Park race meet: He confirmed Executive Director Trejo’s amounts of on-track and off-track handles. He said he gets asked all the time by his bosses what he contributes the low numbers to and he said Mr. Trejo hit most of those points. He agreed with Mr. Trejo that it is a poor product being put out in NM.</p>	<p>Commissioner Buffington. Motion passed unanimously by roll call vote.</p> <p>Motion to ratify the approval to amend 2022/23 Stakes Schedule made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.</p>
<p>C. Approvals for Ruidoso Downs 1. Request for Approval of 2023 Condition Book (Book #1)</p>	<p>0:20:35 – 0:22:20</p>	<p>Rick Bough of Ruidoso Downs requested approval of Ruidoso Downs’ 2023 Condition Book (Book #1) as submitted. He informed the Commission that this first book will be just over \$1.2 million which will allow R.D. flexibility in the second book to enhance purses to around \$225-250 thousand dollars a day.</p>	<p>Motion to approve 2023 Condition Book #1 for Ruidoso Downs made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion</p>

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<p>2. Request for Approval of 2023 Post Times & Wagering Format</p>	<p>0:22:24 – 0:23:19</p>	<p>Rick Baugh requested approval of 2023 Post Times & Wagering Format</p>	<p>passed unanimously by roll call vote.</p> <p>Motion to approve of 2023 post times & wagering format made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.</p>
<p>3. Request for Approval of 2023 Officials</p>	<p>0:23:24 – 0:23:51</p>	<p>Rick Baugh requested approval of the 2023 Racing Officials as submitted.</p>	<p>Motion to approve the 2023 Racing Officials made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.</p>
<p>4. Request for Approval to Amend 2023 Stakes Schedule</p>	<p>0:23:56 – 0:24:43</p>	<p>Rick Baugh requested approval to amend 2023 Stakes Schedule for Ruidoso Downs. NM Bred portion gone over with Mary Barber of NMHBA and they concurred with the Jess Burner Stakes and Rita Danley Distaff requested by Ruidoso Downs.</p>	<p>Motion to approve to amend 2023 Stakes Schedule for Ruidoso Downs made by Commissioner Smith. Motion seconded by Commissioner</p>

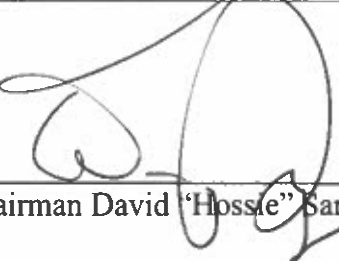
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<p>5. Request for Approval of 2024 Nomination Blanks a. 2024 All American QH Derby & QH Futurity</p> <p>b. 2024 Mountain Top NM Bred QH Derby & QH Futurity</p> <p>c. 2024 Rainbow QH Derby & QH Futurity</p>	<p>0:24:48 – 0:26:22</p> <p>0:26:26 – 0:26:50</p> <p>0:26:53 – 0:27:14</p>	<p>Rick Baugh requested approval of the 2024 All American QH Derby and QH Futurity Nomination Blanks as submitted.</p> <p>Rick Baugh requested approval of the 2024 Mountain Top QH Derby and QH Futurity Nomination Blanks as submitted.</p> <p>Rick Baugh requested approval of the 2024 Rainbow QH Derby and QH Futurity Nomination Blanks as submitted.</p>	<p>Buffington. Motion passed unanimously by roll call vote.</p> <p>Motion to approve the 2024 All American QH Derby and QH Futurity Nomination Blanks made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.</p> <p>Motion to approve the 2024 Mountain Top QH Derby and QH Futurity Nomination Blanks made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.</p> <p>Motion to approve 2024 Rainbow QH Derby and QH</p>

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<p>d. 2024 Rio Grande Senior Futurity</p>	<p>0:27:16 – 0:27:35</p>	<p>Rick Baugh requested approval of the 2024 Rio Grande Senior Futurity Nomination Blanks as submitted.</p>	<p>Futurity Nomination Blanks made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.</p> <p>Motion to approve 2024 Rio Grande Senior Futurity Nomination Blanks made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.</p>
<p>e. 2024 Rio Grande Seniorita Futurity</p>	<p>0:27:37 – 0:27:58</p>	<p>Rick Baugh requested approval of the 2024 Rio Grande Seniorita Futurity Nomination Blanks as submitted.</p>	<p>Motion to approve 2024 Rio Grande Seniorita Futurity Nomination Blanks made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion</p>

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<p>f. 2024 Ruidoso QH Derby & QH Futurity</p>	<p>0:28:00 – 0:28:18</p>	<p>Rick Baugh requested approval of the 2024 Ruidoso QH Derby and QH Futurity Nomination Blanks as submitted.</p>	<p>passed unanimously by roll call vote.</p> <p>Motion to approve the 2024 Ruidoso QH Derby & QH Futurity Nomination Blanks made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.</p>
<p>g. 2024 Ruidoso Maiden Stakes</p>	<p>0:28:20 – 0:28:39</p>	<p>Rick Baugh requested approval of the 2024 Maiden Stakes Nomination Blanks as submitted.</p>	<p>Motion to approve the 2024 Maiden Stakes Nomination Blanks made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.</p>
<p>h. 2024 Zia Derby & QH Futurity</p>	<p>0:28:41 – 0:29:01</p>	<p>Rick Baugh requested approval of the 2024 Zia Derby and QH Futurity Nomination Blanks as submitted.</p>	<p>Motion to approve the 2024 Zia Derby & QH Futurity Nomination Blanks made by Commissioner Smith.</p>

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<p>i. 2024 Mountain Top NM Bred TB Futurity</p>	<p>0:29:06 – 0:29:25</p>	<p>Rick Baugh requested approval of the 2024 Mountain Top NM Bred TB Futurity Nomination Blanks as submitted.</p>	<p>Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.</p> <p>Motion to approve the 2024 Mountain Top NM Bred TB Futurity Nomination Blanks made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.</p>
<p>j. 2025 All American Triple Crown</p>	<p>0:29:26 – 0:31:02</p>	<p>Mr. Baugh requested approval of the 2025 All American Triple Crown Nomination Blanks. Commissioners Smith asked if the payment schedule listed on the Nomination Blanks are the same as they were last year. Mr. Baugh confirmed they are the same and said they have had requests to add an additional supplemental payment in January and so that has been added to the blank as well.</p> <p>Mr. Baugh apologized for not being at meeting in person, weather was bad! Construction, however, is still moving along.</p>	<p>Motion to approve the 2025 All American Triple Crown Nomination Blanks made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.</p>

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D. Christian Cardenas	0:32:21 – 0:33:29	Mr. Cardenas went in front of the Commission to request a jockey license. The Commission instructed Mr. Cardenas to first obtain his license as an exercise rider and then go see the stewards to get approval to be licensed as jockey to be sure he meets all requirements.	Motion to approve Mr. Cardenas to be licensed as an Exercise Rider first then go to NM Stewards to get licensed as jockey made by Commissioner Buffington. Motion seconded by Commissioner Smith. Motion passed unanimously by roll call vote.
E. Johnny Luna	0:33:55 - End	Mr. Luna and NMRC Chief Investigator, Leasa Johnson presented their sides of issue. Mr. Luna apologized to NMRC and Ms. Johnson.	No action taken.
F. Hearing Officer's Reports 1. IMO: S. Trey Wood		This matter was tabled at the beginning of the meeting. See, approval of agenda for motion.	Tabled.
IX. Adjournment at 11:46 AM			


3-23-23
 Vice-Chairman David "Hossie" Sanchez Date


3-23-23
 Executive Director Ismael Trejo Date