

NEW MEXICO HORSE RACING COMMISSION
MINUTES OF THE REGULAR MEETING

Date: January 26, 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	0:00:10 – 0:00:34	Meeting called to order at 9:10 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, NMRC Law Clerk Denise Chavez, and Assistant Attorney General Jennifer Salazar were present.	No Action Taken.
II. Pledge of Allegiance	0:00:50 – 0:01:07		Pledge of Allegiance was recited.
III. Approval of Agenda	0:01:16 – 0:02:52	Vice-Chairman Sanchez asked if there were any changes to the agenda today. Commissioner Buffington moved to table Item 8.(K)(2) of the Agenda. Executive Director Trejo also requested that Item 8.(A) be tabled today as well as the FY22 NMRC Audit has not been made public so it is not ready to be discussed in public yet.	Motion to approve the agenda as amended made by Commissioner Buffington. Commissioner Smith second the motion. Motion passed

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			unanimously by roll call vote.
IV. Approval of Minutes: November 17, 2022	0:02:59 – 0:03:29	Vice-Chairman Sanchez asked if the minutes for the November 17, 2022, meeting were reviewed and if there were any changes. There were none.	Motion to approve the minutes from the Regular Commission Meeting on November 17, 2022, made by Commissioner Smith; Second by Commissioner Buffington. Motion passed unanimously by roll call vote.
V. Commissioners' Reports	0:03:35 – 0:03:40	<ul style="list-style-type: none"> No comments. 	No Action Taken.
VI. Agency Director Reports: A. NMRC Report	0:03:42 – 0:17:02	<ul style="list-style-type: none"> Executive Director Trejo welcomed everyone in attendance today and wished everyone a happy new year. He began by remembering those whom have passed away in the horseracing industry – Don French and Lonnie Elam. He also discussed the Jockey who was seriously injured on January 1. He sent all the families of these individuals our condolences. Executive Director Trejo reported that he attended the Global Symposium on Racing 	No Action Taken.

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		<p>in Tucson, AZ in early December. The Symposium was a great one and very informative. Executive Director Trejo shared the idea of new technology discussed at the Symposium wherein they put 3 ounce sensors in saddle cloths to track a horse's gait symmetry when a horse is racing or working out. It will measure acceleration in three directions, and also measure concussion on front and hind limbs. It will then determine a horse's "normal" gait and will raise a red "alert" rating, and a yellow "caution" rating when it detects significant changes from the normal gait of the individual horse. Vice-Chairman Sanchez asked if this new technology is for QHs or TBs. Executive Director Trejo said it would be for both. The technology still has not been perfected but is a great start.</p> <ul style="list-style-type: none"> • The inspection of Sunland Park prior to the start of the race meet went well. HIWU was with the staff for the inspection of the track and they were very complimentary of the testing facility. • We continue to get inquiries of the Animal Protection of NM about horses dying at our racetracks. Executive Director Trejo believes that we need to continue to play a major role in enhancing animal welfare. 	<p>No Action Taken.</p>

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B. NMHBA Report	0:17:03 – 0:19:20	<ul style="list-style-type: none"> Commissioner Smith asked Executive Director Trejo how the reception was up in Santa Fe this week. Executive Director Trejo reported it was a good time. He believes that the Legislators get it. They realize that we have limited funding to grow the drug testing program and the number of staff we have. Vice-Chairman Sanchez said he watched the past two days at the Legislation and said he noticed that the Legislators continued to ask about testing these horses and seemed quite surprised which Executive Director Trejo explained to them what kind of activity has been going on in racing and the Commission cannot let up and must continue to test and improve on testing the equine athletes to keep them healthy and safe. <p>NMHBA’s Mary Barber presented the Race-A-Day Report for Zia Park through Tuesday, December 20, 2022, stating it ran 184 NM Bred Races in 48 days. In overnight races, the NMHBA contributed \$1,871,000, which was \$592,500.00 more than in 2021. It averaged 3.84 NM Bred per day, +40 for three a day.</p>	No Action Taken.
Executive Session: entered at 9:30 AM	0:19:32 – end	Vice-Chairman Sanchez called for a motion to enter into executive session to discuss the items	Commissioner Buffington moved to

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		<p>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.</p>	<p>enter into Executive Session. Commissioner Smith seconded the motion. Motion passed unanimously by roll call vote.</p>
<p>Back into Open Session: 10:26 AM</p> <p>VII. Licensing/Pending Litigation/Appeals/Hearing Officer Reports/Employment Contracts/Personnel</p> <p>A. Coronado Partners (Pending Litigation)</p> <p>B. Ruidoso Downs (Licensing)</p> <p>VIII. Unfinished/New Business and/or Action Items</p> <p>A. Presentation of FY22 NMRC Audit</p> <p>B. Open Meetings Resolution for 2023</p>	<p>0:00:06 – 0:01:10</p> <p>0:25:01 – 0:31:09</p>	<p>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).</p> <p>Commissioner Buffington made a motion to move Agenda Item 8.(H) to the top of the VIII. Unfinished/New Business and/or Actions Items.</p> <p>This matter was tabled at the beginning of the meeting. Please see, Approval of Agenda.</p> <p>Assistant Attorney General, Jennifer Salazar suggested adding the provision in the OMA that says if it is otherwise difficult or impossible for a member to attend in person, the NMRC rules allow for telephonic attendance or attendance by Zoom.</p>	<p>Motion to move Agenda Item 8(H) up to the beginning made by Commissioner Buffington. Motion seconded by Commissioner Smith. Motion passed unanimously by roll call vote.</p> <p>Tabled</p> <p>Motion to approve the 2023 Open Meetings Resolution with revision as presented by AAG Jennifer Salazar made by</p>

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<p>C. Approval to Allow Executive Director Trejo to Assign Hearing Officer</p>	<p>0:31:15 – 0:31:55</p>	<p>The Commission expressed their desire to add this to the 2023 Open Meetings Resolution.</p> <p>In-House Counsel Richard Bustamante requested approval to allow Executive Director Trejo to appoint a hearing officer to appealed matters in 2023.</p>	<p>Commissioner Buffington. Motion seconded by Commissioner Smith. Motion passed unanimously by roll call vote.</p> <p>Motion to approve to allow Executive Director Trejo to Assign Hearing Officer in 2023 made by Commissioner Buffington. Motion seconded by Commissioner Smith. Motion passed unanimously by roll call vote.</p>
<p>D. Appointment of Race Review Committee</p>	<p>0:31:59 – 0:33:20</p>	<p>Executive Director Trejo requested approval of the appointment of Walt Wiggins, Mike Harbour and Dr. Waterman as the Race Review Committee in 2023.</p>	<p>Motion to approve Mr. Wiggins, Mr. Harbour and Dr. Waterman made by Commissioner Buffington. Motion seconded by Commissioner Smith. Motion passed</p>

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<p>E. Ratification of Approval to Amend Location of February 16, 2023 Commission Meeting</p>	<p>0:33:40 – 0:34:04</p>	<p>Today’s meeting was moved from Sunland Park to Albuquerque.</p>	<p>unanimously by roll call vote.</p> <p>Motion to ratify the approval to move today’s meeting from Sunland Park to Albuquerque, NM made by Commissioner Buffington. Motion seconded by Commissioner Smith. Motion passed unanimously by roll call vote.</p>
<p>F. Request for Approval to Amend Commission Meeting Dates</p>	<p>0:34:06 – 0:35:44</p>	<p>A request from a staff member of the NMRC requested that the regular Commission meeting date in May be moved from May 18 to May 11 for a very important family event.</p>	<p>Motion to approve changing the May 18 to May 11 regular Commission meeting date made by Commissioner Buffington. Motion seconded by Commissioner Smith. Motion passed unanimously by roll call vote.</p>

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<p>G. Approval for Sunland Park 1. Ratification of Approval to Amend 2023 Racing Officials</p> <p>2. Ratification of Approval to Run 10 Races January 7, 2023</p>	<p>0:35:54 – 0:37:45</p> <p>0:37:49 – 0:38:30</p> <p>0:38:39 – 0:41:16</p>	<p>Mr. Dustin Dix of Sunland Park requested ratification of approval to Amend 2022/23 Racing Officials. Mr. Dix explained that these were late additions after the November meeting. The changes include: John Everly as the Assistant Racing Secretary, Reuben Rivera as the Clerk of Scales, Barbara Rippy as the Placing Judge, Johnny Rodriguez as the Outrider and Dr. Schwyzer as the Inspection Veterinarian.</p> <p>Mr. Dix requested ratification of approval to run 10 races on January 7, 2023. Due to Sunland Park having 6 trials for the Shue Fly Stakes and they only anticipated 5 trials. Sunland Park was able to fill 10 races in the condition book from the numbered races.</p> <p>Mr. Dix gave a brief update of the current race meet at Sunland Park. On-track handle is up 7.11% and off-track handle is down 21.01%. Field size is down.</p>	<p>Motion to ratify the approval to amend 2022/23 Racing Officials made by Commissioner Buffington. Motion seconded by Commissioner Smith. Motion passed unanimously by roll call vote.</p> <p>Motion to ratify the approval to run 10 races on January 7, 2023 made by Commissioner Buffington. Motion seconded by Commissioner Smith. Motion passed unanimously by roll call vote.</p>
<p>H. Approvals for Ruidoso Downs 1. Property Update Presentation</p>	<p>0:01:42 – 0:21:39</p>	<p>Mr. Ethan Linder provided a Powerpoint presentation regarding all the recent property updates made to Ruidoso Downs Race Track & Casino.</p>	<p>No Action Taken.</p>

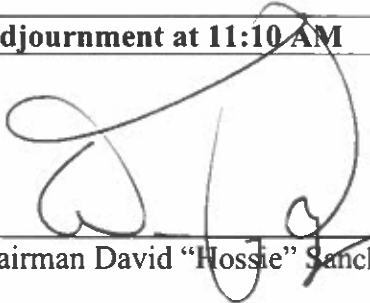
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<p>2. Request for Approval to Amend 2023 Racing License</p>	<p>0:21:41 – 0:22:28</p>	<p>Mr. Rick Baugh requested approval to amend Ruidoso Downs' 2023 Racing License to reflect Mr. Johnny Trotter's purchase Mr. Flores' and the Estate of Mr. Sigman's portions of Ruidoso Downs.</p>	<p>Motion to approve to amend Ruidoso Downs' 2023 Primary Application made by Commissioner Buffington. Motion seconded by Commissioner Smith. Motion passed unanimously by roll call vote.</p>
<p>3. Request for Approval of Purse Agreement Between Ruidoso Downs & Zia Park</p>	<p>0:22:30 – 0:23:03</p>	<p>Mr. Baugh requested approval of the purse agreement between Ruidoso Downs & Zia Park.</p>	<p>Motion to approve purse agreement between Ruidoso Downs and Zia Park made by Commissioner Buffington. Motion seconded by Commissioner Smith. Motion passed unanimously by roll call vote.</p>
<p>4. Request for Approval of 2023 Purse Schedule</p>	<p>0:23:05 – 0:24:04</p>	<p>Mr. Baugh requested approval of the 2023 Purse Schedule. Mr. Baugh thanked Ms. Mary Barber of the NMHBA for working with Ruidoso Downs on the 2023 Purse Schedule and enhancing the NM Bred Horse Fund.</p>	<p>Motion to approve 2023 Purse Schedule as submitted made by Commissioner Buffington. Motion</p>

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<p>I. Approvals for Zia Park 1. Ratification of Approval to Amend 2022 Racing Officials</p>	<p>0:41:25 – 0:42:17</p>	<p>Mr. Chris McErlean requested ratification of approval to amend 2022 Racing Officials. The changes included: Outriders Celio Trujillo, Tristan Ashford and Jenna Shehorn as well as Tyler Hart for the Horse Identifier.</p>	<p>seconded by Commissioner Smith. Motion passed unanimously by roll call vote.</p> <p>Motion to ratify the approval to amend 2022 Racing Officials made by Commissioner Buffington. Motion seconded by Commissioner Smith. Motion passed unanimously by roll call vote.</p>
<p>J. Approvals for SunRay Park 1. Ratification of Approval to Amend 2023 Stall Applications</p>	<p>0:42:25 – 0:43:24</p>	<p>Steve Fedunak requested ratification of approval to amend 2023 Stall Applications. This Stall Application was approved at the January regular Commission meeting. This amendment is fixing the error of the dates found in January.</p>	<p>Motion to ratify the approval to amend the 2023 Stall Application made by Commissioner Buffington. Motion seconded by Commissioner Smith. Motion passed unanimously by roll call vote.</p>

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<p>2. Request for Approval of 2023 Condition Book (Book #1)</p>	<p>0:43:27 – 0:45:38</p>	<p>Mr. Fedunak requested approval of the 2023 Condition Book (Book #1) for SunRay Park. Commissioner Buffington pointed out that in past years SunRay Park only had 1 Book and this year there will be 2? Mr. Fedunak agreed and said they are doing 2 books this year to make some adjustments, hopefully positive, as far as purses and conditions. Mr. Fedunak informed the Commissioners that he will be going on a recruiting trip next week.</p>	<p>Motion to approve the 2023 Condition Book (Book #1) made by Commissioner Buffington. Motion seconded by Commissioner Smith. Motion passed unanimously by roll call vote.</p>
<p>3. Request for Approval of 2023 Condition Book Officials</p>	<p>0:45:41 – 0:46:30</p>	<p>Mr. Fedunak requested approval of the 2023 Condition Book Officials for SunRay Park as submitted.</p>	<p>Motion to approve the 2023 Condition Book Officials made by Commissioner Buffington. Motion seconded by Commissioner Smith. Motion passed unanimously by roll call vote.</p>
<p>4. Request for Approval of 2023 Purse Distribution</p>	<p>0:46:36 – 0:48:22</p>	<p>Mr. Fedunak requested approval of the 2023 Purse Distribution for SunRay Park.</p>	<p>Motion to approve the 2023 Purse Distribution made by Commissioner Buffington. Motion seconded by Commissioner Smith. Motion passed</p>

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<p>5. Request for Approval of 2023 Jockey & Exercise Rider Insurance</p>	<p>0:48:23 – 0:49:32</p>	<p>Mr. Fedunak requested approval of the 2023 Jockey & Exercise Rider Insurance. SunRay Park is requesting 95%. Mr. Fedunak points out that the premium went up due to the extra 3 days to the race meet.</p>	<p>unanimously by roll call vote.</p> <p>Motion to approve 2023 Jockey & Exercise Rider Insurance made by Commissioner Buffington. Motion seconded by Commissioner Smith. Motion passed unanimously by roll call vote.</p>
<p>6. Request for Approval of 2023 Gaming & Breakage</p>	<p>0:49:38 – 0:52:15</p>	<p>Mr. Fedunak requested approval of the 2023 Gaming & Breakage as submitted. Executive Director Trejo asked if they received a report of how much money was left over in the Breeders Fund from NMHBA and Mr. Fedunak reported he has requested reports from Ms. Barber of NMHBA and as of today never received the report. Commissioner Smith asked Mr. Fedunak to follow up with the Breeders and report to Executive Director Trejo.</p>	<p>Motion to approve 2023 Gaming & Breakage made by Commissioner Buffington. Motion seconded by Commissioner Smith. Motion passed unanimously by roll call vote.</p>
<p>K. Hearing Officer's Reports 1. IMO: Stephanie Esparza & Dezmer Harris</p>	<p>0:52:30 – 0:54:20</p>	<p>After reviewing the complete record and recommendations of the Hearing Officer in this matter, the Commissioners deliberated in open session.</p>	<p>Motion to adopt the Hearing Officer's Recommendations in this matter made by Commissioner</p>

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2. IMO: S. Trey Wood		This matter was tabled at the beginning of the meeting. Please see III. Approval of Agenda, above.	Buffington. Motion seconded by Commissioner Smith. Motion passed unanimously by roll call vote. Matter tabled.
IX. Adjournment at 11:10 AM			


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


 Executive Director Ismael Trejo 3-23-23
 Date