



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: **2023-SRP-32**
Track: SunRay Park
Ruling Date: 5/1/2023

Licensee: HAMLING, DENISE K
License Type: 2022 1 Year Clocker Applicant Id: 163832
License Number: 306640

Ruling # 2023-SRP-32
Action Type: Final Outcome
Ruling:

RE: 2023-SRP-32 - Ruling Final Outcome
Clocker/Test Barn Assistant Denise Hamling having appeared and waive her summary suspension 10-day notice and disciplinary hearing before the Sunray Park Board of Stewards on May 5, 2023, On the matter of a positive random drug test conducted on Sunday April 30, 2023.

The Board of Stewards hereby assesses a penalty as follows:

1. A six-month (6) month suspension retroactive to the date of the summary suspension April 30, 2023, through October 30, 2023, with potential of reevaluation at the end of 3 months (July 30th, 2023). If re-instate prior to October 30th, 2023, the remainder of the suspension will be on probationary basis. During the Probationary Time any further positive drug tests will result in a suspension of licensees' license (See requirements below.)
2. Must pass a drug test.
3. Agree to any further testing or after care required by the New Mexico Racing Commission.
4. After further review Denise Hamling will be required to attend a 30-day program and be cleared by a medical review officer that is approved by the state (this is required prior to review prior to reinstatement).

In accordance with **15.2.1.9 (C)(21)**, Clocker/Test Barn Assistant Denise Hamling is hereby excluded from all areas of the grounds under the jurisdiction of the NMRC.

Licensee is found in violation and this ruling is written in accordance with:

16.47.1.17 (A)(1) TESTING PROCEDURES At its discretion, the commission may conduct random or episodic random drug testing, as well as testing based on reasonable suspicion, in order to ensure safety on the racetrack.

16.47.1.17 (A)(2) TESTING PROCEDURES When conducted, random drug testing shall apply, equally, to all licensees who are, at the time of the random testing, exercising the privileges of their license in such ways as may affect the outcome of a race or diminish the conditions of safety or decorum required in restricted areas.

on reasonable suspicion that the person is using drugs or alcohol or is based 16.47.1.17 (C)(6) Human Drug Testing/ Restricted Activities It shall be an offense to exercise the privileges granted by a license from this commission if the licensee: refuses to submit to urine or drug testing, when notified that such testing is based on a random drug testing procedure, is based on the licensee's acting as if in an impaired condition



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16.47.1.18 NMAC will be followed. B. First-time offenders: (1) The board of stewards or the commission may, at its discretion, order the licensee to obtain a professional assessment to determine whether there is a substantial probability that the licensee is dependent on, or abuses, alcohol or other drugs or the board of stewards or the commission may act on the information at hand. (2) Actions in the case of first offenders may include revocation of the license, suspension of the license for up to six months, placing the offender on probation for up to 90 days or ordering formal assessment and treatment

16.47.1.8 (E) Consent to Search and Seizure By acceptance of a license, 15.2.1.8(B)(1)
COMMISSION GENERAL AUTHORITY/15.2.3.8 B (3)(a)(f) Stewards Disciplinary Action/15.2.3.8
B (1) (a)(c)(d) Stewards General Authority/16.47.1.8 (T) KNOWLEDGE OF RULES/16.47.1.3
Statutory Authority 16.47.1.8 (A)(1)(2) License Required/16.47.1.8(N) Changes in Application
Information

Appeal Procedures An appeal under this section must be filed not later than 10 days after the date of the ruling. If the deadline falls on a Saturday, Sunday or legal holiday, the period is extended to include 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. The fee must be in the form of a money order, cashier's check or a corporate check. Last day to appeal May 15,2023.

By Order of The SunRay Park Stewards



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