

NEW MEXICO HORSE RACING COMMISSION
MINUTES OF THE REGULAR MEETING

Date: March 23, 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, Commissioner Billy Smith, and Commissioner Margaret Branch.

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

Also Present: Assistant Attorney General Serena Wheaton

<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	0:01:19 – 0:01:50	Meeting called to order at 9:02 a.m. by Vice-Chairman Sanchez. Roll call was taken by Denise Chavez. Executive Director Ismael Trejo, In-House Counsel Richard Bustamante, Law Clerk Denise Chavez, and Assistant Attorney General Serena Wheaton were also present.	No Action Taken.
II. Pledge of Allegiance	0:01:55 – 0:02:13		Pledge of Allegiance was recited.
III. Approval of Agenda	0:02:17 – 0:02:45	Vice-Chairman Sanchez asked if there were any changes to the agenda today. There were no changes.	Motion to approve the agenda made by Commissioner Buffington. Commissioner Smith second the motion. Motion passed unanimously.

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IV. Approval of Minutes: February 16, 2023	0:02:47 – 0:03:29	Vice-Chairman Sanchez asked if the minutes for the February 16, 2023 meeting were reviewed and if there were any changes. There were no changes.	Motion to approve the minutes from February 16, 2023 meeting made by Commissioner Buffington; Second by Commissioner Smith. Motion passed unanimously by roll call vote.
V. Commissioners' Reports		<ul style="list-style-type: none"> No comments. 	No Action Taken.
VI. Agency Director Reports: A. NMRC Report	0:03:37 – 0:14:36	<ul style="list-style-type: none"> Executive Director Trejo thanked everyone who participated and helped with the legislative session the past couple of months and involved with the passing of SB 336. Now we are waiting for the Governor to sign the bill, making it officially law. Executive Director Trejo discussed Senate Bill 336. He reported SB 336 will allow gaming tax money to go into a fund to pay for jockey and exercise rider insurance and fees related to HISA. Executive Director thanked Senator Padilla for working diligently to get everyone together to get this bill passed. The NMRC Agency will be meeting with the tracks to discuss logistics for this funding. 	No Action Taken.

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B. NMHBA Report	0:14:49 – 0:17:17	<ul style="list-style-type: none"> Executive Director Trejo reported SB 330, the bill to abolish the Racing Commission, did not see the light of day. In fact, we were told that this was a mere approach by the sponsor to get legislature colleagues to read the Horseracing Act and get conversations started regarding the tribal compacts. Executive Director Trejo reported that Sunland Derby was coming up this weekend. Executive Director Trejo discussed the drug testing statistics and how many compliments the agency has received for doing so well with the drug testing in NM. Vice-Chairman Sanchez thanked Mr. Trejo and his staff for doing a great job and all of their hard work. Executive Director Trejo reported that he and CFO, Amber Trujillo met with the State of NM Department of Corrections to collaborate with them to begin a “retirement” program for racehorses. They believe this program will help reduce recidivism with the prisoners. There will be horses on grounds and allow prisoners to learn horsemanship. <p>NMHBA’s Mary Barber introduced NMHBA’s Registrar, Amber Martin to the NMRC.</p>	No Action Taken.

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		Mary Barber presented the Race-A-Day Report for Sunland Park through Sunday, March 12, 2023, stating it ran 169 NM Bred Races in 43 days. In overnight races, the NMHBA contributed \$1,565,500.00 which was \$14,500.00 more than in 2022. It averaged 3.93 NM Bred per day, +40 for three a day.	No Action Taken.
Executive Session: entered at 9:22 AM	0:20:08 – 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: 12:16 PM VII. Licensing/Pending Litigation/Appeals/Hearing Officer Reports/Employment Contracts/Personnel A. NMHA (Pending Litigation) B. P. Amestoy (Pending Litigation) C. Vanessa Alexander (Pending Litigation)	0:00:15 – 0:00:38	In-House Counsel Bustamante 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 on Agenda Items VII (A-J).

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<p>2. Request for Ratification of Approval of Variance on February 26, 2023</p> <p>3. Request for Ratification of Approval to Run 13 Races on February 28, 2023</p>	0:03:09 – 0:03:57	Dustin Dix requested ratification of approval of Variance on February 26, 2023. Cancellation after the second race due to high-winds.	<p>Buffington. Motion passed unanimously by roll call vote.</p> <p>Motion to ratify the approval of variance on 2/26/2023 made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.</p>
	0:04:00 – 0:04:47	Dustin Dix requested ratification of approval to run 13 Races on February 28, 2023 to make up cancelled races pursuant to 60-2E-27(F)(1).	Motion to ratify the approval to run 13 races 2/28/23 made by Commissioner Smith.
	0:04:48 – 0:06:56	Mr. Dix gave a quick update to the Commissioners on Sunland Park's handle. He reported Sunland is basically flat on track - down a little more than 1% and off-track Sunland is down a little bit over 15%. He reports seeing an uptick in Sunland Park's handle the last three weeks of racing. He reminded everyone that Sunland Derby is this weekend and is very excited for the day. He reported that on Sunland Derby Day, Sunland Park will be part of a national tv (Fox Sports 1) as part of their American Day at the Races. Dustin said he is very excited for the national exposure.	Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.

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<p>C. Approvals for Ruidoso Downs</p> <p>1. Request for Approval of Payment of Jockey & Exercise Rider Insurance</p>	0:07:05 – 0:08:26	Rick Baugh of Ruidoso Downs requested approval of 2023 Payment of Jockey & Exercise Rider Insurance as submitted. Mr. Baugh acknowledged he received a document explaining this process, understands and concurred with the motion just made by Commissioner Buffington.	Motion to approve the offset of R.D.'s 2023 Payment of Jockey & Exercise Rider Insurance (pending District Court's Extension of Stay) made by Commissioner Buffington. Motion seconded by Commissioner Smith. Motion passed unanimously by roll call vote.
<p>D. Approvals for SunRay Park</p> <p>1. Ratification of Approval to Amend 2023 Stall Application</p>	0:08:41 – 0:09:40	Steve Fedunak of SunRay Park requested ratification of approval to amend 2023 Stall Applications. The amendment includes opening barn area early due to the DAA closing barn area.	Motion to ratify the approval to amend the 2023 Stall Applications made by Commissioner Buffington. Motion seconded by Commissioner Smith. Motion passed unanimously by roll call vote.

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2. Ratification of Approval to Amend 2023 NM Breeders' Futurity Nomination Blanks	0:09:45 – 0:10:27	Steve Fedunak requested ratification of Approval to Amend 2023 NM Breeders' Futurity Nomination Blanks. The amendments were to correct some typographical errors.	Motion to ratify the approval to amend 2023 NM Breeders' Futurity Nomination Blanks made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.
3. Ratification of Approval to Amend 2023 Four Corners Futurity Nomination Blanks	0:10:30 – 0:11:40	Steve Fedunak requested ratification of Approval to Amend 2023 Four Corners Futurity Nomination Blanks. The amendments were to correct some typographical errors.	Motion to ratify the approval to amend 2023 Four Corners Futurity Nomination Blanks made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.
4. Request for Approval of 2023 Racing Officials	0:11:40 – 0:12:48	Steve Fedunak requested Approval of 2023 Racing Officials.	Motion to approve the 2023 Racing Officials as presented made by Commissioner Smith. Motion seconded by Commissioner

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5. Request for Approval of 2023 Post Times & Wagering Format	0:12:51 – 0:13:30	Steve Fedunak requested Approval 2023 Post Times & Wagering Format. No changes from last year other than the name change of the Solo 6 Wager, below.	Buffington. Motion passed unanimously by roll call vote. Motion to approve 2023 Post Times & Wagering Format as presented made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.
6. Request for Approval to Change Name of Solo 6 Wager to SunRay 6	0:13:33 – 0:14:07	Steve Fedunak requested Approval to change the name of Solo 6 Wager to SunRay 6.	Motion to approve the name change of Solo 6 Wager to SunRay 6 made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.
E. Approvals for The Downs at Albuquerque			
1. Request for Approval of 2023 Stall Application	0:14:20 – 0:16:09	Mr. Don Cook of The Downs at Albuquerque requested approval of the 2023 Stall Application. The clause that is bold on the Stall Application is that “there will be zero tolerance for individuals	Motion to approve the DAA 2023 Stall Application as presented made by Commissioner Smith.

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F. Hearing Officer's Reports		living in the tack rooms. Please make living arrangements for employees prior to shipping."	Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.
1. IMO: S. Trey Wood	0:16:16 – 0:17:50	After review of the entire record and consideration of the NM Racing Commission appointed Hearing Officer's recommendation to Dismiss the Appeal of Mr. Wood as the appeal was filed late at the NMRC office (filed on the tenth day after stewards' ruling at 3:45) the NM Racing Commission deliberated in open session (Commissioner Smith abstained from voting).	Motion to adopt the Hearing Officer's Order of Dismissal of Appeal made by Commissioner Buffington. Motion seconded by Commissioner Branch. Motion passed unanimously by roll call vote.
2. IMO: Lance Moore	0:18:00 – 0:21:14	After review of the entire record and consideration of the NM Racing Commission appointed Hearing Officer's Report Findings of Fact, Conclusions of Law and Recommendation, the NM Racing Commission deliberated in open session. In-House Counsel recommended some amendments of typographical errors by the Hearing Officer to the Commission.	Motion to adopt the Hearing Officer's Report with suggested amendments made by Commissioner Buffington. Motion seconded by Commissioner Smith. Motion passed unanimously by roll call vote.

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3. IMO: Luis Guerrero	0:21:21 – 0:22:34	After review of the entire record and consideration of the NM Racing Commission appointed Hearing Officer's Report Findings of Fact, Conclusions of Law and Recommendation, the NM Racing Commission deliberated in open session.	Motion to adopt the Hearing Officer's Report made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.
IX. Adjournment at 12:38 PM	0:22:39 - end		

Vice-Chairman David "Hossie" Sanchez

Date

5/17/2023

Executive Director Ismael Frejo

Date

5-25-23