



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: **2023-RUI-9**
Track Ruidoso Downs
Ruling Date: 6/3/2023

Licensee: DE LA CRUZ, VILMA IRIS
License Type: 2022 3 Year Trainer Applicant Id: 22006
License Number: 306065

Ruling # 2023-RUI-9
Action Type: Final Outcome
Ruling:

Trainer **Vilma De La Cruz**, having waived her right to a formal hearing, via telephone, before the Board of Stewards on July 23, 2023, following a summary suspension issued on June 3, 2023, for being found in possession of a hypodermic needle and syringe, containing an unknown injectable substance, in her vehicle in the barn area of Ruidoso Downs on June 3, 2023.

For this violation the Board of Stewards issue the following penalty:

1. A **6 month** suspension of any/all New Mexico Racing Commission licenses, retroactively effective from the summary suspension date of **June 3, 2023, through and inclusive of November 29, 2023.**
2. A **(\$1,500) one thousand five dollar fine.** The fine is to paid on or before **August 22, 2023** in accordance with 15.2.3.8(B)(3)(l) NMAC. Failure to pay the fine within the time prescribed may result in immediate suspension.

During said time of applicable suspension **Vilma De La Cruz** is hereby excluded from all areas of the grounds under the jurisdiction of the NMSRC, in accordance with 15.2.1.9 (C)(21)(a-b) NMAC, and 15.2.3.8 (B)(3)(f) NMAC.

Licensee is found to be in violation of:

15.2.6.8 (B)(3) TREATMENT RESTRICTIONS: No person other than a veterinarian licensed to practice veterinary medicine in this jurisdiction and licensed by the commission, or a veterinary assistant licensed by the commission acting under the direct supervision of a licensed veterinarian, shall possess on any location under the jurisdiction of the commission any of the following unless approved by the commission(a) any drug which is a narcotic, stimulant, or depressant, or any other substance or medication that has been prepared or packaged for injection by a hypodermic syringe, or hypodermic needle; 15.2.6 NMAC 2 (b) any hypodermic syringe, hypodermic needle or any equipment associated with the aid of intravenous administration.

This ruling is written in accordance with:

15.2.5.12(A)(5)(6): HORSES INELIGIBLE:

A. A horse shall be ineligible to start in a race when:

(5) it is wholly or partially owned by a disqualified person or a horse is under the direct or indirect training or management of a disqualified person; (6) it is wholly or partially owned by the spouse of a disqualified person or a horse is under the direct or indirect management of the spouse of a disqualified person, in such cases, it being presumed that the disqualified person and spouse constitute a single financial entity with respect to the horse, which presumption may be rebutted;

16.47.1.8 (L)(1)(i) – Which states in pertinent part “The Commission may refuse to issue a license to an applicant, or may suspend or revoke a license issued, or order disciplinary measures if the applicant is a person whose conduct or reputation may reflect on the honesty, and integrity of horse racing”



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16.47.1.8 (E) : Agree to search and seizure Which states in pertinent part "By acceptance of a license, a licensee consents to search and inspection by the Commission or its agents, and to the seizure of any prohibited medication, drugs, paraphernalia, or devices in accordance with State and Federal law"

15.2.3.8 B (3)(f) Stewards Disciplinary Action, 15.2.3.8 B (3)(a) Stewards Disciplinary Action, 15.2.3.8 B (1) (d) Stewards General Authority, 16.47.1.8. T. KNOWLEDGE OF RULES: 16.47.1.3 Statutory Authority 16.47.1.8 (A)(1) License Required 16.47.1.8(N) Last Known Address 15.2.1.9(b): Which states in pertinent part that "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 \$500. The fee must be in the form of a cashier's check, or money order." **Last date for appeal: August 2, 2023.**

By Order of The Ruidoso Downs Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2023-RUI-72
Track Ruidoso Downs
Ruling Date: 7/16/2023

Licensee: RINCON, OSCAR ARMANDO
License Type: 2022 3 Year Owner Applicant Id: 28478
License Number: 304624

Ruling # 2023-RUI-72
Action Type: Final Outcome
Ruling:

Owner **Oscar Rincon**, having waived his summary suspension hearing and his 10 day notice, appeared on July 22, 2023, for his involvement in an unprovoked attack upon another licensee, behind the starting gate at Ruidoso Downs, during training hours on July 14, 2023. Mr. Rincon was admittedly the aggressor in the attack, which stemmed from a past "Drug Conspiracy" case, in which Mr. Rincon served five years in prison, is found in violation of Commission rules.

NMAC 16.47.1.8 (L) Grounds for disciplinary measures for a licensee, and refusal, denial, suspension, or revocation of a license:

(i) is a person whose conduct or reputation may adversely reflect on the honesty and integrity of horse racing or interfere with the orderly conduct of a race meeting; interfering with the orderly conduct of a race meeting shall include, but is not limited to, disruptive or intemperate behavior or behavior which exposes others to danger anywhere on the racetrack grounds; the fact that the race meet was not actually interrupted is not a defense to the imposition of discipline under this rule;

For this rule violation, the Board of Stewards hereby assess **Oscar Rincon** a penalty, issued in accordance with 15.2.6.9 (B)(1) Penalty Recommendations, as follows:

1. A ONE HUNDRED EIGHTY (180) Day Suspension beginning July 16, 2023, through and inclusive of January 12, 2024, with credit for time served retroactive from the date of summary suspension.
2. Mr. Rincon must complete an in-person anger management course, approved by the Board of Stewards.
3. Mr. Rincon must appear before the New Mexico Racing Commission, prior to reinstatement.

This ruling is written in accordance with:

15.2.3.8 B (3)(f) Stewards Disciplinary Action

15.2.3.8 B (3)(a) Stewards Disciplinary Action

15.2.3.8 B (1) (d) Stewards General authority. The stewards have the authority to interpret the rules and to decide all questions of racing not specifically covered by the rules. Whenever the stewards find any person culpable for any act or omission in violation of these regulations or any violation of the Horse Racing Act, the person shall be subject to disciplinary action, which could include a fine, suspension, or revocation/denial of license or any combination of these penalties.

16.47.1.8. T. KNOWLEDGE OF RULES:

16.47.1.3 Statutory Authority

16.47.1.8 (A)(1) License Required

16.47.1.8 (A)(2) License Required

16.47.1.8 (R) 1 and 3 License presentation

16.47.1.8(N) Last Known Address

15.2.1.9(b): Which states in pertinent part that "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 cashier's check, or money order." Last date for appeal: August 1, 2023.

By Order of The Ruidoso Downs Stewards