

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

Date: July 20, 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. Commissioner Bob Pitre present via Zoom.

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

Also Present: Assistant Attorney General Daniel Rubin

<i>AGENDA ITEM</i>	<i>RECORDING #</i>	<i>DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
<b>Public Session 1:</b> <b>I. Call to Order and Roll Call</b>	<b>0:10 – 2:19</b> <b>3:19 – 3:25</b>	Meeting called to order at 9:03 a.m. by Vice-Chairman Sanchez. Roll call was taken by Denise Chavez. Commissioner Bob Pitre was present via Zoom. A quorum was present.  Executive Director Ismael Trejo, In-House Counsel Richard Bustamante, Law Clerk Denise Chavez, and Assistant Attorney General Daniel Rubin were also present.	No Action Taken.
<b>II. Pledge of Allegiance</b>	<b>2:55 – 3:12</b>		Pledge of Allegiance was recited.
<b>III. Approval of Agenda</b>	<b>2:21 – 2:32</b>	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 Smith. Commissioner

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			Buffington second the motion. Motion passed unanimously.
<b>IV. Approval of Minutes:</b> June 15, 2023 – Regular Commission Meeting	<b>2:34 – 2:47</b>	Vice-Chairman Sanchez asked if the minutes for the June 15, 2023, regular meeting were reviewed and if there were any changes. There were no changes.	Motion to approve the minutes from June 15, 2023, meeting made by Commissioner Smith; Second by Commissioner Buffington. Motion passed unanimously.
<b>V. Commissioners' Reports</b>	<b>3:33 – 3:40</b>	No comments.	No Action Taken.
<b>VI. Agency Director Reports:</b> A. NMRC Report	<b>3:41 – 11:45</b>	<ul style="list-style-type: none"> <li>Executive Director Trejo reported on track handle at Ruidoso Downs is up double digits and off track is solid and up as well.</li> <li>Executive Director Trejo reported that staff is working on having a rules hearing to have some updated rules at the end of the Downs at Albuquerque meet. Commissioner Smith pointed out that the Staff needs to address the rule about testing for cannabis now that it is legal.</li> <li>Track inspection at the Downs at Albuquerque will be on August 18, 2023. Executive Director Trejo reports that we are actively looking for staff that can regulate that race meet.</li> </ul>	No Action Taken.

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		<ul style="list-style-type: none"> <li>• Executive Director Trejo reported meeting with the new Director of the Open Government Division of the Office of the Attorney General, Todd Baran. It was a good and transparent meeting. That office is still in transition and would like more representation from the NMRC with the workload that has historically been handled by the Attorney General's office. Kudos to Assistant Attorney General Dan Rubin for a stellar performance in the courtroom July 14, 2023 in Santa Fe for a TRO hearing.</li> <li>• Executive Director Trejo reported that he the Agency is very excited to rebuild the drug testing program. The new program will be headed by State Investigator Elizabeth Garcia and State Investigator Athur Pierre will be working alongside Liz. "If you are using dope while conducting business on the racetrack where safety is paramount, your days may be numbered. The enhanced program will begin next week.</li> <li>• Executive Director Trejo recognized NMRC's Chief Procurement Officer, Hector Lopez. He was charged with handling the RFP for our official laboratory. Despite never going through the RFP process in the past, he completed the task swiftly. Job well done! Commissioner Buffington echoed</li> </ul>	No Action Taken.

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B. NMHBA Report	12:00 – 14:43	<p>Executive Director Trejo's words regarding Hector Lopez's work. Vice-Chairman Sanchez also thanked Hector for his hard work and the Izzy and his staff for all they do for the Commission.</p> <p>Mary Barber presented the Race-A-Day Report for Ruidoso Downs through Sunday, July 2, 2023, stating it ran 66 NM Bred Races in 19 days. In overnight races, the NMHBA contributed \$209,500.00 which was \$67,250.00 more than in 2022. It averaged 3.48 NM Bred per day, +9 for three a day.</p> <p>Ms. Barber announced that this weekend is the Zia Festival at Ruidoso Downs. Saturday morning will be the town hall discussion.</p>	No Action Taken.
<b>Executive Session: entered at 9:18 AM</b>	14:58 – 15:50	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.
<b>Back into Open Session: 12:06 PM</b>	<b>2<sup>nd</sup> Open Session Recording:</b>	In-House Counsel, Richard Bustamante affirmed the Commission only discussed in Executive	No action taken on Agenda Items VII (A-

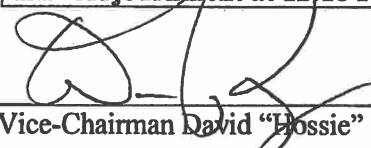
<i>AGENDA ITEM</i>	<i>RECORDING #</i>	<i>DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
<b>VII. Licensing/Pending Litigation/Appeals/Hearing Officer Reports/Employment Contracts/Personnel</b>  <b>A. NMHA (Pending Litigation)</b> <b>B. SunRay Park (Licensing)</b> <b>C. Sunland Park (Licensing)</b> <b>D. Ruidoso Downs (Licensing)</b> <b>E. Zia Park (Licensing)</b> <b>F. The Downs at Albuquerque (Licensing)</b> <b>G. NM State Fair (Licensing)</b> <b>H. Anselmo Garcia (Licensing)</b>	<b>0:00:00 – 0:00:29</b>	Session those matters listed under Items 7. A-H which were pending litigation, licensing matters, and deliberations in connection with adjudicatory proceedings as identified under Item VII of the meeting Agenda, in accordance with NMSA 1978, Sections 10-15-1(H)(1), (3) and (7) of the Open Meetings Act.	G). Agenda Item VII H. action item will be discussed below.
<b>VIII. Unfinished/New Business and/or Action Items</b>  <b>A. Request for Ratification of Approval to Move NMRC's Regular August 17, 2023 Meeting from Ruidoso Downs to Albuquerque</b>	<b>0:00:55 – 0:01:52</b>	Executive Director Trejo requested ratification of approval to move the August 17, 2023 Regular Commission meeting from Ruidoso Downs to NMRC Boardroom in Albuquerque so race dates can be allocated at this meeting.	Motion to ratify the approval to amend August 17, 2023 meeting made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.
<b>B. Awarding of Official Laboratory RFP</b>	<b>0:02:35 – 0:02:54</b>	Executive Director Trejo reported that the NMRC Official Laboratory will be Industrial Labs.	No action taken.


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<b>C. Request for Approval of Jocks Mount Scale</b>	<b>0:03:40 – 0:12:27</b>	Executive Director Trejo presented John Beech, Alfredo Juarez and Mindy Coleman representing the Jockeys' Guild. An increase of the jockeys' mounts has been requested and was presented in draft form to the Commissioners. Ms. Coleman made a brief presentation for the request. The pay increase will begin at the beginning of the NM State Fair race meet.	Motion to approve the increase as presented by Mindy Coleman made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.
<b>D. Approvals for Ruidoso Downs</b>	<b>0:12:40 – 0:13:32</b>	Rick Baugh of Ruidoso Downs requested ratification of approval to amend 2023 Post Times and Wagering Format. Ruidoso ran 16 races for the Rainbow Futurity Trials on June 30 and July 1. Ruidoso Downs requested to run 11 races on Saturdays and Sundays for the remainder of the meet, and lastly will run 12 races July 7, 16, 22, 23, 29, 30 and August 5 and 6 and change their post time to 12:30 p.m. to accommodate running more quarter horse maidens since there is an abundance of them at Ruidoso Downs.	Motion to ratify the approval to amend 2023 Racing Officials made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.
<b>1. Request for Ratification of Approval to Amend 2023 Post Times &amp; Wagering Format</b>			
<b>2. Request for Ratification of Approval to Amend 2023 Racing Officials</b>	<b>0:13:35 – 0:14:25</b>	Rick Baugh requested ratification of approval to amend 2023 racing officials. Autumn Barton will be the assistant racing secretary to replace Leon Cassell.	Motion to ratify the approval to amend 2023 racing officials made by Commissioner Smith. Motion seconded by Commissioner



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<b>E. Approvals for the Downs at Albuquerque</b>  <b>1. Request for Approval of 2023 Racing Officials</b>	<b>0:14:37 – 0:15:14</b>	Don Cook requested approval of 2023 Racing Officials having Robert Pryor replacing Louie Figueroa as clerk of scales.	Buffington. Motion passed unanimously.  Motion to approve 2023 Racing Officials with this change made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.
<b>F. Approvals for Zia Park</b>  <b>1. Request for Approval of 2023 Purse Schedule</b>	<b>0:15:25 – 0:17:10</b>	Christopher McErlean requested approval of the 2023 Purse Schedule as submitted. This is the highest schedule for Zia Park and all of New Mexico.	Motion to approve 2023 Purse Schedule made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.
<b>G. Approvals for Sunland Park</b>  <b>1. Request for Approval of Simulcast Coordinator &amp; Nominations Secretary</b>	<b>0:17:28 – 0:19:30</b>	Mr. Dustin Dix requested approval of Adriana (Anguiano) Munoz as Sunland Park's Simulcast Coordinator and Nomination Secretary.	Motion to approve Adriana Anguiano Muniz as Sunland Park's Simulcast Coordinator and Nomination Secretary made by Commissioner Smith. Motion seconded by

<b>H. IMO: Anselmo Garcia</b>	<b>0:19:35 – 0:21:33</b>	Licensee, Anselmo Garcia, requested to be allowed to apply for a New Mexico Trainer's License subject to presenting himself to the New Mexico Board of Stewards to take an Oral test and then present himself to the NM Racing Commission office to take the NM written trainer's test.	Commissioner Buffington. Motion passed unanimously.  Motion to approve Mr. Anselmo Garcia to be relicensed with the conditions set forth made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.
<b>IX. Adjournment at 12:18 PM</b>	<b>0:20:15 - end</b>	Vice-Chairman Sanchez adjourned meeting.	

  
 Vice-Chairman David "Bossie" Sanchez Date 9/6/2023

  
 Executive Director Ismael Trejo Date 9.6.23