



New Mexico Racing Commission  
4900 Alameda NE  
Albuquerque, NM 87113

Ruling #: 2023-DAA-7  
Track Downs at Albuquerque  
Ruling Date: 9/2/2023

Licensee: HARPER, WYATT WINGE  
License Type: 2023 1 Year Exercise P Applicant Id: 158056  
License Number: 309603

Ruling # 2023-DAA-7  
Action Type: Final Outcome  
Ruling:

RE: 2023-DAA-7 - Ruling Final Outcome

Exercise Rider/ Wyatt Harper having appeared telephonically on September 29, 2023 for his disciplinary hearing before the DAA Board of Stewards in the matter of a positive drug test when ordered to do so by the Downs of Albuquerque Board of Stewards on September 2, 2023.

The Board of Stewards hereby assesses a penalty as follows:

1. A one (1) year suspension retroactive to the date of the summary suspension September 2, 2023, through September 1, 2024, (see requirements below.)
2. Must provide certification of an in house 60-day completion and satisfactory evaluation from a professionally administered Rehabilitation Program approved by NMRC for the state of NM drug and alcohol program.
3. Must provide a negative U/A sample upon licensure by the NMRC.
4. Mr. Harper must appear before the NMRC prior to reinstatement of license.

In accordance with 15.2.1.9 (C)(21), Exercise Rider/ Wyatt Harper 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.

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 reasonable suspicion that the person is using drugs or alcohol or is based on the licensee's acting as if in an impaired condition.

C. Second-time offenders:

(1) The license of the person may be revoked or suspended for a period of up to one year or a professional assessment of the person may be ordered by the commission.

(2) If a professional assessment indicates presence of a problem or alcohol or other drug abuse that is not treatable within the reasonably foreseeable future (360 days) the license may be



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suspended for a period of up to one year.

(3) If a professional assessment indicates presence of a treatable problem of alcohol or other drug abuse or dependence, the board of stewards or the commission may order the licensee to undergo treatment as a condition of continuing licensure. Such treatment will be through a program or by a practitioner, acceptable to the licensee and the board of stewards or the commission. Required features of any program or practitioner acceptable to the board of stewards or the commission will be: accreditation or licensure by an appropriate government agency, if required by state statute; a minimum of one year follow-up treatment; and, a formal contract indicating the elements of the treatment and follow-up program that will be completed by the licensee and, upon completion, 16.47.1.17(A) (3) TESTING PROCEDURES No notice need be given as to onset or cessation of random testing.

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 October 9, 2023.

By Order of The Downs at Albuquerque Stewards