

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

Date: August 17, 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 and Commissioner Bob Pitre.

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>
<b>Public Session 1:</b> <b>I. Call to Order and Roll Call</b>	<b>0:05 – 0:42</b>	Meeting called to order at 9:07 a.m. by Vice-Chairman Sanchez. Roll call was taken by Denise Chavez. A quorum was present.  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.
<b>II. Pledge of Allegiance</b>	<b>0:50 – 1:04</b>		Pledge of Allegiance was recited.
<b>III. Approval of Agenda</b>	<b>1:08 – 2:03</b>	Vice-Chairman Sanchez asked if there were any changes to the agenda today. In-House Counsel, Richard Bustamante requested Item 9.(C.) be removed from the Agenda today as the GCB needs to act prior to NMRC on this matter. Item 9. (H.)(2.) was requested to be removed as this Item	Motion to approve the agenda with amendments requested by In-House Counsel, Richard Bustamante made by

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		was erroneously carried over from last month's Agenda; DAA did not request this Item.	Commissioner Smith. Commissioner Buffington second the motion. Motion passed unanimously.
<b>IV. Approval of Minutes:</b> July 20, 2023 – Regular Commission Meeting	<b>2:26 – 2:39</b>	Vice-Chairman Sanchez asked if the minutes for the July 20, 2023, regular meeting were reviewed and if there were any changes. There were no changes.	Motion to approve the minutes from July 20, 2023, meeting made by Commissioner Smith; Second by Commissioner Buffington. Motion passed unanimously.
<b>V. Commissioners' Reports</b>	<b>2:40 – 2:48</b>	No comments.	No Action Taken.
<b>VI. Agency Director Reports:</b> A. NMRC Report	<b>2:50 – 4:30</b>	<ul style="list-style-type: none"> <li>Executive Director Trejo reported that pari-mutuel numbers in Ruidoso continue to do well!</li> <li>Unfortunately, there were some issues at Ruidoso that took place this past weekend and will be discussed further along with some preventative measures for the remainder of the meet at Ruidoso at the Special Meeting following this meeting today.</li> <li>The NMRC will be at the Downs at Albuquerque for inspection as it gears up</li> </ul>	No Action Taken.

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B. NMHBA Report	4:38 – 8:48	<p>to begin its meet. The NMRC finally has the Veterinarian issue worked out.</p> <ul style="list-style-type: none"> <li>• Executive Director Trejo reported he will be at Ruidoso Downs on August 24, 25, 26 and 27th to meet with HISA personnel. He is looking forward to meeting with them.</li> <li>• Executive Director Trejo reported the NMRC made headlines with a couple of busts at Ruidoso Downs. Great job Team!</li> </ul> <p>Mary Barber presented the Race-A-Day Report for Ruidoso Downs through Sunday, August 6, 2023, stating it ran 143 NM Bred Races in 34 days. In overnight races, the NMHBA contributed \$698,500.00 which was \$179,750.00 more than in 2022. It averaged 4.21 NM Bred per day, +41 for three a day.</p>	<p>No Action Taken.</p> <p>No Action Taken.</p>
VII. Racetracks' Requested 2023/24 Race Dates	<p>9:16 – 14:28</p> <p>14:35 – 15:23</p>	<p><b>A. Sunland Park:</b> Dustin Dix of Sunland Park requested: Sunland Park's beginning date of the race meet be December 21, 2023 ending March 24, 2024. Live racing January 12 – March 24, 2024 (Fridays, Saturdays, Sunday, Mondays OR Thursdays, Fridays, Saturdays and Sundays) 9 Races a day for a total of 43 race days.</p> <p><b>B. SunRay Park:</b> Steve Fedunak of SunRay Park requested: SunRay Park's beginning date of the race meet be April 5, 2024 ending May 19, 2024. Live racing April 12, 2024 – May 19, 2024</p>	No Action Taken.

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		(Fridays, Saturdays and Sundays) 9 races a day for a total of 18 race days.	
	<b>15:30 – 18:38</b>	<b>C. Ruidoso Downs:</b> Rick Baugh of Ruidoso Downs requested: Ruidoso Down's beginning date of the race meet be May 24, 2024 ending September 2, 2024. Live racing May 24, 2024 – September 2, 2024 (Fridays, Saturdays, Sundays and Mondays) 11-12 races a day for a total of 47 race days. They are requesting to run on 4 <sup>th</sup> of July but NOT on the horse sale day.	No Action Taken.
	<b>18:43 – 20:16</b>	<b>D. NM State Fair:</b> Don Cook for the NM State Fair requested to run a total of 17 days beginning September 5, 2024 – September 29, 2024 (9 races a day on weekdays and 10 races a day on weekend). They will run at night if it does not conflict with the rodeo. September 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 20, 21, 22, 25, 27, 28 and 29.	
	<b>20:17 – 28:20</b>	<b>E. Downs at Albuquerque:</b> Don Cook for the DAA requested to run a total of 19 days beginning August 30, 2024 (all night races). They requested to run 9 races a day on weekdays and 10 races a day on weekends. August 30, 31; September 1; October 2, 4, 5, 6, 9, 11, 12, 13, 16, 18, 19, 20, 23, 25, 26 and 27. October 26 will be the AQHA Challenge Race.	
	<b>28:28 – 37:35</b>	<b>F. Zia Park:</b> Chris McErlean of Zia Park requested: Zia Park's beginning date of the race	

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		meet be November 2, 2024 ending December 18, 2024. Live racing November 2, 2024 – December 18, 2024 (Saturdays, Sundays, Mondays and Tuesdays) 10 races a day for a total of 30 race days.	
<b>Executive Session: entered at 9:45 AM</b>	<b>37:38 – 38:28</b>	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: 1:00 PM</b>  <b>VIII. Licensing/Pending Litigation/Appeals/Hearing Officer Reports/Employment Contracts/Personnel</b>  <b>A. NMHA (Pending Litigation)</b> <b>B. Coronado Partners (Pending Litigation)</b>  <b>C. Sunland Park (Licensing)</b>	<b>2<sup>nd</sup> Open Session Recording:</b>  <b>0:00:08 – 0:00:30</b>          <b>0:00:38 – 0:02:35</b>	<p>In-House Counsel, Richard Bustamante affirmed the Commission only discussed in Executive 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.</p> <p>In-House Counsel reported it was his understanding the Commission will entertain a motion to assign the following race dates for Sunland Park: Race meet to begin December 21, 2023 ending April 7, 2024. Sunland Park will run</p>	<p>No action taken on Agenda Items VIII (A &amp; B).</p> <p>Motion to assign the race dates as presented by In-House Counsel Bustamante made by Commissioner Smith.</p>

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		a total of 55 live race days. Beginning live racing on January 4, 2024 on Thursday, Friday, Saturday and Sundays; a minimum of 9 races a day.	Commissioner Buffington seconded the motion. The motion passed unanimously by roll call vote.
<b>D. SunRay Park (Licensing)</b>	<b>0:03:55 – 0:05:10</b>	In-House Counsel reported it was his understanding the Commission will entertain a motion to assign the following race dates for SunRay Park: Race meet to begin April 8, 2024 ending May 19, 2024. SunRay Park will run a total of 18 live race days. Beginning live racing on April 12, 2024 on Friday, Saturday and Sundays; a minimum of 12 races a day.	Motion to assign the race dates as presented by In-House Counsel Bustamante made by Commissioner Smith. Commissioner Buffington seconded the motion. The motion passed unanimously.
<b>E. Ruidoso Downs (Licensing)</b>	<b>0:05:15 – 0:06:14</b>	In-House Counsel reported it was his understanding the Commission will entertain a motion to assign the following race dates for Ruidoso Downs: Race meet to begin May 20, 2024 ending September 2, 2024. Ruidoso Downs will run a total of 47 live race days. Beginning live racing on May 24, 2024 on Friday, Saturday and Sundays and two (2) Mondays – Labor Day and Memorial Day; a minimum of 10 races a day. They will run 4 days on opening weekend and will also run on Thursday, July 4, 2024.	Motion to assign the race dates as presented by In-House Counsel Bustamante made by Commissioner Smith. Commissioner Buffington seconded the motion. The motion passed unanimously.

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<b>F. NM State Fair (Licensing)</b>	<b>0:06:16 – 0:07:36</b>	In-House Counsel reported that it was his understanding that the Commission will entertain a motion to assign the following race dates for the NM State Fair: Race meet to begin September 5, 2024 ending September 29, 2024. The NM State Fair will run a total of 17 live race days. A minimum of 9 races a day on weekdays and 10 races a day on weekends. Race days will be: September 5, 6, 7, 8, 11, 12, 13, 14, 15, 18, 20, 21, 22, 25, 27, 28 and 29.	Motion to assign the race dates as presented by In-House Counsel Bustamante made by Commissioner Smith. Commissioner Buffington seconded the motion. The motion passed unanimously.
<b>G. The Downs at Albuquerque (Licensing)</b>	<b>0:07:39 – 0:08:50</b>	In-House Counsel reported it was his understanding the Commission will entertain a motion to assign the following race dates for the Downs at Albuquerque: Race meet to begin August 29, 2024. The Downs at Albuquerque will run a total of 20 live race days. A minimum of 9 races a day on weekdays and 10 races a day on weekends. Race days will be: August 29, 30 and 31; September 1 and October 2, 4, 5, 6, 9, 11, 12, 13, 16, 18, 19, 20, 23, 25, 26 and 27.	Motion to assign the race dates as presented by In-House Counsel Bustamante made by Commissioner Smith. Commissioner Buffington seconded the motion. The motion passed unanimously.
<b>H. Zia Park (Licensing)</b>	<b>0:08:53 – 0:15:28</b>	In-House Counsel reported it was his understanding the Commission will entertain a motion to assign the following race dates for Zia Park: Race meet to begin October 28, 2024, and end December 18, 2024. Zia Park will run a total of 30 live race days. A minimum of 12 races a day. Live racing will begin November 2, 2024, on Saturdays, Sundays, Mondays and Tuesdays.	Motion to assign the race dates as presented by In-House Counsel Bustamante made by Commissioner Smith. Commissioner Buffington seconded the motion. The

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		<p>They will run 1 Friday – November 29, 2024 and 1 Wednesday – December 18, 2024.</p> <p>Commissioner Buffington pointed out that this schedule is an increase of 90 race opportunities. Chris McErlean of Zia Park expressed his concern about 12 races a day due to time change and loss of sunlight. Mr. McErlean further detailed that if post times were moved up earlier, that would negatively affect the training hours. They are willing to discuss adding days to achieve the more racing opportunities.</p> <p>In-house Counsel Bustamante reported that with these dates allocated by the NMRC for 2024, this will be 187 days of live racing (there is 188 days of live racing this year, 2023). These days offer 1,877 opportunities of racing in 2024 which is 116 more opportunities offered this year.</p>	<p>motion passed unanimously.</p>
<p><b>I. Aurelio Valdez &amp; Alex Prada (Licensing – Hearing Officer’s Report)</b></p>	<b>0:36:10 – 0:37:12</b>	<p>See, NMRC action below.</p>	
<p><b>IX. Unfinished/New Business and/or Action Items</b></p>			
<p><b>A. Request for Approval of 2023 Downs at Albuquerque Stewards</b></p>	<b>0:16:30 – 0:17:47</b>	<p>Executive Director Trejo requested approval of the 2023 State Stewards for the Downs at Albuquerque: Larry Fontenot, Jr. as Presiding, Geoff Waxler, Gary Terrien, and Leasa Johnson,</p>	<p>Motion to approve State Stewards for 2023 DAA Race Meet made by</p>

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		Elizabeth Garcia, Reese “Rug” Howard, Violet “Pinkie” Smith and Arthur Pierre, Jr. as Substitute Stewards. NMRC is still working to get Stewards to commit.	Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.
<b>B. Ratification of Approval to Amend 2023 AQHA Enforcement Team</b>	<b>0:17:49 – 0:18:49</b>	Executive Director Trejo requested ratification of approval for special agents Rafael Ruiz, George Quinlan, Julio Barragan, III, Danny Booker, Rodolpho Sanchez and George Dougherty to act as special agents for the NMRC, on an as needed basis for the remainder of the 2023 Ruidoso Downs race meet. Executive Director Trejo thanked Ms. VanBebber and Ruidoso Downs for financing this group.	Motion to ratify the approval of the 2023 AQHA Enforcement Team made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.
<b>C. Request for Approval for Sunland Park/Ruidoso Downs Slot Agreement</b>	<b>0:18:54 – 0:19:00</b>	This Item was removed from the Agenda at the start of this meeting. See, Approval of Agenda for Amendments.	Removed.
<b>D. Approvals for Sunland Park</b>			
<b>1. Request to Approve 2023/24 Primary Application &amp; Simulcast License</b>	<b>0:19:02 – 0:19:39</b>	Dustin Dix of Sunland Park requested approval of Sunland Park’s 2023/24 Primary Application Renewal and Simulcast License.	Motion to approve Sunland Park’s 2023/24 Primary Application Renewal with dates allocated earlier in the meeting and Simulcast License made by Commissioner Smith.

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<b>2. Request to Approve Kyle Lim as General Manager</b>	<b>0:19:41 – 0:20:13</b>	Dustin Dix requested approval of Kyle Lim as General Manager for Sunland Park. Mr. Lim was in the audience and the Commissioners welcomed Mr. Lim.	Motion seconded by Commissioner Buffington. Motion passed unanimously.
<b>E. Approvals for SunRay Park</b>			Motion to approve Kyle Lim as Sunland Park's General Manager made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.
<b>1. Request to Approve 2024 Primary Application &amp; Simulcast License</b>	<b>0:15:35 – 0:16:17</b>	In-House Counsel Bustamante stated it was his understanding the Commission would entertain a motion to approve the 2024 Primary Application Renewal subject to the race days allocated earlier today and Simulcast License for SunRay Park.	Motion to approve SunRay Park's 2024 Primary Application Renewal with dates allocated earlier in the meeting and Simulcast License made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.
	<b>0:20:19 – 0:21:23</b>	Steve Fedunak of SunRay Park requested approval of SunRay Park's 2024 Primary Application & Simulcast License.	
<b>F. Approvals for Ruidoso Downs</b>			Motion to approve Ruidoso Downs' 24 Primary Application
<b>1. Request to Approve 2024 Primary Application &amp; Simulcast License</b>	<b>0:21:47 – 0:22:31</b>	Rick Baugh of Ruidoso Downs requested approval of Ruidoso Downs' 2024 Primary Application & Simulcast License.	

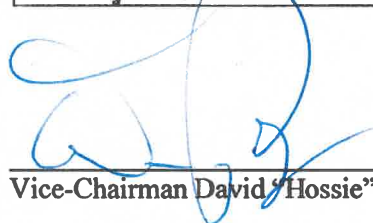
<i>AGENDA ITEM</i>	<i>RECORDING #</i>	<i>DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
<b>2. Request for Ratification of Approval to Amend 2023 Racing Officials</b>	<b>0:22:35 – 0:23:43</b>	Rick Baugh requested ratification of the approval of Robyn Draper as Substitute Placing Judge for the remainder of the meet, Rex Cox as Substitute for the Paddock Judge and Horse Identifier positions and Cy Leland as substitute to operate the photo finish calendar.	<p>Renewal with dates allocated earlier in the meeting and Simulcast License made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.</p> <p>Motion to ratify the approval to amend R.D.'s 2023 Racing Officials made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.</p>
<b>3. Request for Ratification of Approval to Amend 2023 Stakes Schedule</b>	<b>0:23:45 – 0:24:10</b>	Rick Baugh requested ratification of the approval to amend 2023 Stakes Schedule. The changes are additional ten overnight stakes to be run on closing weekend. These additional stakes will enhance the race cards surrounding the signature All-American Futurity weekend. Also, increase the purse for the All-American QH Championship to \$250,000.	<p>Motion to ratify the approval to amend R.D.'s 2023 Stakes Schedule made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.</p>

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<b>G. Approvals for NM State Fair</b>	<b>0:24:20 – 0:25:08</b>	Don Cook Representative for the New Mexico State Fair requested approval of the 2024 Primary Application Renewal.	Motion to approve the NM State Fair's 2024 Primary Application Renewal with dates allocated earlier in the meeting made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.
<b>1. Request to Approve 2024 Primary Application</b>			
<b>H. Approvals for the Downs at Albuquerque</b>	<b>0:25:14 – 0:26:01</b>	Don Cook of the Downs at Albuquerque requested approval the Downs at Albuquerque's 2024 Primary Application Renewal and Simulcast License.	Motion to approve the DAA's 2024 Primary Application Renewal with dates allocated earlier in the meeting and Simulcast License made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.
<b>1. Request to Approve 2024 Primary Application &amp; Simulcast License</b>			
<b>2. Request for Approval of 2023 Racing Officials</b>	<b>0:26:08 – 0:26:12</b>	Removed at the beginning of the meeting. See Approval of Agenda, above for the changes made.	REMOVED. No action taken.
<b>3. Review of Capital Improvement Request to Install Jumbo-Tron</b>	<b>0:26:13 – 0:33:58</b>	Don Cook of the Downs at Albuquerque requested approval for capital improvements by installing a	No Action Taken.

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<p><b>I. Approvals for Zia Park</b></p> <p><b>1. Request to Approve 2024 Primary Application &amp; Simulcast License</b></p>	<p><b>0:34:03 – 0:34:58</b></p>	<p>Jumbo-Tron at the Downs at Albuquerque Racetrack.</p> <p>Pursuant to 15.2.2.10(C)(3) NMAC: “At the next regularly scheduled commission meeting, the commission shall review, reject, modify or condition each proposal, or return the application for additional information. Then, at the subsequent scheduled commission meeting, the commission shall approve each capital improvement proposal reviewed.” Therefore, the Commission reviewed this request and asked Mr. Cook to supply the Commission with additional information as noted by In-House Counsel Bustamante and they will consider the approval at the upcoming Special Meeting scheduled Monday, August 21, 2023.</p> <p>Chris McErlean of Zia Park requested approval of Zia Park’s 2024 Primary Application renewal and Simulcast License. More discussion will occur regarding the issue of 12 races a day and lack of day light at that time of the year.</p>	<p>Motion to approve Zia Park’s 2024 Primary Application Renewal with dates allocated earlier in the meeting and Simulcast License made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.</p>

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<b>2. Request to Approve 2023 Condition Book (#1)</b>	<b>0:35:00 – 0:35:28</b>	Chris McErlean requested approval of Zia Park's First Condition Book of 2023.	Motion to approve Zia Park's 2023 Condition Book (#1) made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.
<b>3. Request for Ratification of Approval to Amend 2023 Import Simulcast List</b>	<b>0:35:32 – 0:36:01</b>	Chris McErlean requested ratification of the approval to amend 2023 Import Simulcast List. This list adds Fort Erie to the List of Approved import racetracks.	Motion to ratify the approval to amend Zia Park's 2023 Import Simulcast List made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.
<b>J. Hearing Officer's Reports:</b>			
<b>1. IMO: Aurelio Valdez and Alex Prada</b>	<b>0:36:10 – 0:37:12</b>	After review of the record and the Hearing Officer's Recommendations and deliberation in closed session, In-House Counsel Bustamante reported it was his understanding the Commission would entertain a motion to adopt the Hearing Officer's recommendations with the correction of the correct racetrack (Hearing Officer Fitzwater referenced the race taking place at Ruidoso Downs at the very end of his report and the race was actually at the Downs at Albuquerque). That	Motion to approve Sunland Park's 2023/24 Primary Application Renewal with dates allocated earlier in the meeting and Simulcast License made by Commissioner Smith. Motion seconded by Commissioner

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	0:37:15 – 0:39:06	<p>correction will be reflected in the Decision and Order.</p> <p>Commissioner Smith commented that he believes there is an issue wherein a TB gets 15 days and then a QH licensee comes up with the same violation and the Commission has to give him a minimum of 1 year. Ms. Janet VanBebber of the AQHA said she can respond to that idea with science. She said the agonistic drug effects the two breeds differently. It is not as much as a performance enhancing for TBs as it is for QHs. But over usage on QHs negatively effects their heart. She said she stands by her efforts to make Clenbuterol a zero-tolerance drug for QHs since it did indeed cause the death of many QHs in the past.</p>	<p>Buffington. Motion passed unanimously.</p>
<b>X. Adjournment at 1:39 PM</b>	<b>0:39:13 - end</b>	Vice-Chairman Sanchez adjourned meeting.	


 Vice-Chairman David "Hossie" Sanchez Date 10/25/2023


 Executive Director Ismael Trejo Date 10-26-23