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November 22, 2023

Via Email Only

Dr. Paul Jenson
President of the New Mexico Horsemen Association
drjenson@gmail.com

Dr. Jenson:

RE: Split Samples from Drug Medication Positives

I am in receipt of your correspondence dated November 17, 2023, advising the Commission about the NMHA's decision to no longer participate in its required role in processing split samples for drug violations.

As a point of clarification, the NMHA's role in split sample testing was to assist the trainers and owners, not the Commission as you state in your letter. The NMHA's decision to withdraw from its role means it has chosen to not comply with the statutory Horse Racing Act, NMSA 1978 Section 60-1A-14(C). The decision also appears to be directly contrary to the NMHA's repeated statements in court filings and proceedings about its role as an advocate for the horsemen. In light of the NMHA's minimal role and associated costs in split sample testing, the Commission finds it perplexing your organization's financial situation would lead to this decision.

That said, the Commission will move forward immediately with processes to assure licensees requesting split sample testing are in fact afforded that opportunity. Those processes will necessarily not involve the NMHA given its decision.

Given the one-percent funding of the NMHA from purse monies was not provided for by law, the Commission and the New Mexico Gaming Control Board acted properly in the action they took and, therefore, the Commission will not reconsider its position on the issue. Despite those

actions having occurred quite some time ago, it appears the NMHA chose not to seriously consider other methods of funding itself. With all due respect, that inaction is what has had a detrimental effect on the NMHA's ability to serve the horsemen.

Regards,



Ismael "Izzy" Trejo
NMRC Executive Director

cc: NMRC Commissioners
NM Attorney General's Office