

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

Date: October 19, 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, and In-House Counsel Richard Bustamante.

Also Present: Assistant Attorney General Dan 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>0:19 – 0:39</b>	Meeting called to order at 9:05 a.m. by Vice-Chairman Sanchez. Roll call was taken by in-house counsel Bustamante. A quorum was present.  Executive Director Ismael Trejo, In-House Counsel Richard Bustamante, and Assistant Attorney General Dan Rubin were also present.	No Action Taken.
<b>II. Pledge of Allegiance</b>	<b>0:41 – 0:59</b>		Pledge of Allegiance was recited.
<b>III. Approval of Agenda</b>	<b>1:04 – 1:26</b>	Vice-Chairman Sanchez asked if there were any changes to the agenda today. There were none.	Motion to approve the agenda made by Commissioner Smith. Commissioner Buffington second the

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			motion. Motion passed unanimously.
<b>IV. Approval of Minutes:</b> <b>August 17, 2023</b> – Regular Commission Meeting <b>August 17, 2023</b> – Special Commission Meeting <b>August 21, 2023</b> – Special Commission Meeting <b>August 28, 2023</b> – Special Commission Meeting	<b>1:30 – 2:13</b>	Vice-Chairman Sanchez asked if all the minutes for the August 17, 2023, regular meeting, and August 17, 2023, August 21, 2023 and August 28, 2023 Special Meetings were reviewed and if there were any changes. There were no changes.	Motion to approve all 4 meeting minutes made by Commissioner Smith; Second by Commissioner Buffington. Motion passed unanimously.
<b>V. Commissioners' Reports</b>		No comments.	No Action Taken.
<b>VI. Agency Director Reports:</b> A. NMRC Report	<b>2:20 – 26:24</b>	<ul style="list-style-type: none"> <li>Executive Director Trejo began wishing all the best during a difficult month (September) and thanked the Downs at Albuquerque for honoring a little boy who was shot outside of the Isotopes Ball Park and aspired to be a trainer when he grew up. The agency has been ravaged by illness and wished Denise Chavez a quick recovery.</li> <li>Executive Director Trejo reported that he and NMRC CFO, Amber Trujillo will be heading to Santa Fe October 24, 2023 to ask for a significant expansion of the budget, approximately 1.5 million to assist</li> </ul>	No Action Taken.

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		<p>with acting on the recent catastrophic injuries that recently took place.</p> <ul style="list-style-type: none"> <li>• State Investigators Arthur Pierre and Elizabeth Garcia will be going to Zia Park to inspect the facility in preparation for opening weekend. So far, the feedback from various horsemen is the track is in phenomenal shape. This is the best they have ever seen Zia Park's racing surface. Chairman Sanchez reminded Executive Director Trejo that the State Investigators should pay close attention to the trail between the barn area and paddock. Executive Director Trejo ensured that the area will be examined closely.</li> <li>• Executive Director Trejo reported he has been invited by the California Horse Racing Board to visit Santa Anita Racecourse to observe some of their programs that were implemented after Santa Anita experienced several catastrophic injuries. Executive Director Trejo reported he is most interested in the PET Scanners they are utilizing and is part of the expansion of the budget that he and the NMRC CFO, Amber Trujillo is requesting. Executive Director Trejo believes this would be a beneficial tool to use in New Mexico with all the 2-year old horses that race here. Only 2 racetracks in the U.S. have a PET Scan.</li> </ul>	No Action Taken.

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		<ul style="list-style-type: none"> <li>• Executive Director Trejo reported the 1.2-million-dollar State Fair QH Futurity at the DAA went very well. It had modest success. The crowd was good. The pari-mutuel windows did not surpass the million-dollar marker but got close. Executive Director reports that pari-mutuel handle is up almost 25%.</li> <li>• Executive Director Trejo reports that once the Agency increased the salary for vets, it was able to land a relief vet, Doctor Stephen Day, and a new regulatory vet, Brandi O'Sullivan.</li> <li>• Commissioner Smith asked Executive Director Trejo the price that these PET Scans will cost. Chairman Sanchez asked Executive Director Trejo how many of these PET Scan machines he thinks we need. Executive Director Trejo said he would like to get 2 for the state of New Mexico and the cost for the 2 would be approximately \$1 million dollars.</li> <li>• Commissioner Buffington asked Ruidoso Downs and the Downs at Albuquerque to report to the Commission some of the safety measures that were implemented and an overview of how those safety measures went. Ethan Linder began by stating that the rock-pickers was an issue that kept coming up so, they continued throughout the meet to ensure that the</li> </ul>	No Action Taken.

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		<p>surface was clean and cushioned as possible to make sure the equine athletes were safe. Ruidoso groomed the top three inches of the track on a daily basis. They upgraded their heavy machinery such as tractors. They also have 3 total functioning water trucks. When they still saw issues with the safety of the horses, they shifted their focus to the vets. Dr. Butler and Dr. Lowe were instructed to focus on pre-race exams. Blood testing machines were brought in for testing. Finalist horses were closely watched to ensure nobody had access to these horses. The isolation barn was not implemented because it was determined that an isolation barn might be more stressful on the horses. It's a great idea but too difficult to execute. Don Cook of the Downs at Albuquerque reported that every year they run a soil sample report. Chairman Sanchez asked Ethan Linder of Ruidoso Downs if it supplied the Commission with a soil sample report. Executive Director informed the Commission the Agency never received such a report from Ruidoso Downs. Mr. Linder was instructed to get that report to Executive Director Trejo ASAP. It is Mr. Cook's opinion that a bone scanning machine would be beneficial. He opines it is great having all these vets inspecting the</p>	No Action Taken.



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B. NMHBA Report	26:32 – 46:55	<p>horses, but a bone scanning machine would really benefit and improve the health and safety of the equine athletes. Chairman Sanchez told all the tracks we have been mandated to increase the safety of the horses and we are serious about abiding by the Governor's mandates.</p> <p>Mary Barber presented the Race-A-Day Report for Ruidoso Downs through Monday, September 4, 2023, stating it ran 174 NM Bred Races in 46 days. In overnight races, the NMHBA contributed \$800,000.00 which was \$274,000.00 more than in 2022. It averaged 3.87 NM Bred per day, +39 for three a day.</p> <p>Mary Barber presented the Race-A-Day Report for the New Mexico State Fair through Sunday, September 24, 2023, stating it ran 71 NM Bred Races in 16 days. In overnight races, the NMHBA contributed \$317,500.00 which was \$76,500.00 more than in 2022. It averaged 4.44 NM Bred per day, +23 for three a day.</p> <p>Commissioner Smith asked Ms. Barber how much money does the Breed Program give the QH vs. the TBs? Ms. Barber replied for the most part, it adds the same amount to a QH race as it does to a TB horse. It depends on what type of race it is. But, for the most part the exact same amount for both QH and TB is contributed.</p>	No Action Taken.

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		<p>Commissioner Buffington asked about the correspondence that he saw regarding contributions on stake races, historically SunRay got approximately 60% contribution and was changed to 50%. Ms. Barber replied there was a misunderstanding. They do not contribute by percentages. She said the process, since the beginning of time, is the NMHBA meets with the racetrack management and discusses their stake schedule, how much money the NMHBA has and how much money they will put in for those stake races. They come to an agreement, and Ms. Barber writes the gaming and breakage letter that is sent to the track management, the NMHA and the NMRC. It is then placed on the NMRC Agenda and then it is approved by the Commission. Since then, the NMHBA Trustees have voted on the contribution policy. The new policy is the NMHBA will be happy to match the racetracks on their contributions to our NM Bred Stakes Races as long as the NMHBA has the funds to do so. Commissioner Buffington asked Ms. Barber to confirm that this is a change. Ms. Barber says the NMHBA just does not have the money that they have had in past years. Commissioner Buffington asked Ms. Barber to send Executive Director Trejo the NMHBA newly voted rules/guidelines on the contributions by them to help reduce any confusion in the future. Mark Brown confirmed</p>	No Action Taken.

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		what Ms. Barber just explained to Commissioner Buffington.	
<b>Executive Session: entered at 9:55 AM</b>	<b>47:05 – end</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: 10:30 AM</b>  <b>VII. Licensing/Pending Litigation/Appeals/Hearing Officer Reports/Employment Contracts/Personnel</b>  <b>A. NMHA (Pending Litigation)</b> <b>B. Vanessa Alexander (Pending Litigation)</b> <b>C. Brad Bolen (Pending Litigation)</b> <b>D. Coronado Partners (Pending Litigation)</b> <b>E. IMO: Bobby Martinez/Jose Hernandez (Licensing/Hearing Officer's Report)</b>	<b>2<sup>nd</sup> Open Session Recording:</b>  <b>0:00:05 – 0:00:20</b>	In-House Counsel, Richard Bustamante affirmed the Commission only discussed in Executive Session those matters listed under Items 7. A-E 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.	No action taken on Agenda Items VIII (A & B).



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<b>VIII. Unfinished/New Business and/or Action Items</b>			
<b>A. Request for Approval of Amended FY25 NMRC Budget</b>	<b>0:00:25 - 0:17:08</b>	NMRC CFO Amber Trujillo presented the amended NMRC Budget for FY25.	Motion to approve FY25 NMRC Budget as presented by CFO Amber Trujillo made by Commissioner Smith. Commissioner Buffington seconded the motion. The motion passed unanimously.
<b>B. Request for Approval of 2023 Zia Park Stewards</b>	<b>0:17:12 – 0:18:06</b>	Executive Director Trejo requested approval of the 2023 State Stewards for Zia Park: Larry Fontenot, Jr. as Presiding, Reese “Rug” Howard, and Gary Terrien, and substitute stewards Leasa Johnson, Elizabeth Garcia, Violet “Pinkie” Smith Geoff Waxler, and Arthur Pierre, Jr. as Substitute Stewards.	Motion to approve 2023 State Stewards for Zia Park made by Commissioner Smith. Commissioner Buffington seconded the motion. The motion passed unanimously.
<b>C. Discussion to Organize a Task Force that will Assess NM’s Racing Model</b>	<b>0:18:09 – 0:28:00</b>	Executive Director Trejo discussed the need to organize a task force that will assess New Mexico’s racing model based on the recent events in New Mexico and the letter from the New Mexico Governor instructing the NMRC to do better. This idea would include bringing	No Action Taken.

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		horseracing industry experts from outside of New Mexico to evaluate a variety of items in New Mexico including race dates, stake schedules, catastrophic injuries, soil analysis, and rules and regulations. We would ask this team to evaluate and give some recommendations to improve the horseracing industry in New Mexico.	
<b>D. Request for Approval for Sunland Park/Ruidoso Downs Slot Agreement</b>	<b>0:28:15 – 0:29:29</b>	Mr. Fred Heinrich of Sunland Park requested approval of the Slot Agreement between Sunland Park and Ruidoso Downs as presented. This agreement has been in place since 2011. The only change is there are an additional 25 machines.	Motion to approve the Slot Agreement between Sunland Park and Ruidoso Downs made by Commissioner Smith. Commissioner Buffington seconded the motion. The motion passed unanimously.
<b>E. Request for Approval to Pay 10% Breeder Awards from the Purse Account</b>	<b>0:29:33 – 0:56:24</b>	Mr. Fred Heinrich reported that it is his understanding that all the tracks are in agreement with this request and all tracks will have a representative to answer and discuss this issue with the Commission. Mr. Heinrich made three points: 1) no money is being taken away from the Breeders' Association for this request. This is just a reallocation of where this money comes from; 2) this request is totally consistent with the NM Horseracing Act and the Gaming Control Act; and 3) This is not a change from the Breeders'	Matter was tabled.

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<p><b>F. Approvals for Ruidoso Downs</b></p> <p><b>1. Request for Ratification of Approval to Amend 2023 Wagering Format</b></p> <p><b>2. Request for Ratification of Approval of Variance on August 27, 2023</b></p>	<p><b>0:56:29 – 0:57:09</b></p> <p><b>0:57:12 – 0:57:54</b></p>	<p>standpoint, this is a change on how things have been done in the past. Dustin Dix gave numbers to the Commissioners and informed that the way this has been done in the past is a disincentive for the tracks to run NM Bred races. Mr. Dix's opinion is this move will make racing in NM look better. Chairman Sanchez said the Commission wants to see how this move, in fact, is improving the industry in New Mexico. Commissioner Pitre asked for projections so that the Commission will have a better handle on whether this move will improve the industry as a whole.</p> <p>Mr. Ethan Linder requested ratification of approval to amend 2023 wagering format. This amendment was for the All-American Derby and Futurity races Daily Double.</p> <p>Mr. Linder of Ruidoso Downs requested ratification of approval of the variance on August 27, 2023. This variance was requested and approved due to a severe thunderstorm that moved through Ruidoso area shortly after noon and racing was cancelled after one race on account of safety for the horses and the jockeys.</p>	<p>Motion to ratify the approval to amend 2023 wagering format made by Commissioner Smith. Commissioner Buffington seconded the motion. The motion passed unanimously.</p> <p>Motion ratify the approval of variance on August 27, 2023 made by Commissioner Smith. Commissioner Buffington seconded</p>



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<b>7. Request for Ratification of Approval of Variance on September 13, 2023</b>	<b>1:00:54 – 1:01:33</b>	Mr. Cook requested ratification of approval of the variance on September 13, 2023. This decision to cancel races 7, 8 and 9 was due to a substantial amount of rain received on September 13, 2023.	Motion to ratify the approval of the variance on September 13, 2023 made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.
<b>8. Request for Ratification of Approval to Amend 2023 Post Times &amp; Wagering Format</b>	<b>1:01:35 – 1:02:12</b>	Mr. Cook requested ratification of approval to amend 2023 post times & wagering format. This request was to run 15 races on September 22, 2023 and the wagering format on this same day as well.	Motion to ratify the approval to amend 2023 post times and wagering format on 9/22/2023 made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.
<b>9. Request for Ratification of Approval to Amend 2023 Purse Structure</b>	<b>1:02:15 – 1:04:44</b>	Mr. Cook requested ratification of approval to amend 2023 purse structure and 2023 Stakes Schedule. Purse Schedule 10% increase across the board. There was a consolation race added to the Stakes Schedule. The QH Maturity race was raced from \$75,000 to \$100,000 and Manzano Stakes from \$60,000 to \$75,000. Executive Director Trejo clarified the record to reflect that the original request was a 20% increase across the board that	Motion to ratify the approval to amend 2023 purse schedule and 2023 stakes schedule made by Commissioner Smith. Motion seconded by Commissioner
<b>10. Request for Ratification of Approval to Amend 2023 Stakes Schedule</b>			



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<p><b>H. Approvals for Zia Park</b></p> <p><b>1. Request for Approval of 2023 Post Times &amp; Wagering Format</b></p>	<p><b>1:05:00 – 1:07:40</b></p>	<p>was “in play for a handful of days” and then a second and final request was made to increase by 10% across the board instead of 20%.</p> <p>Chris McErlean of Zia Park requested approval of 2023 Post Times &amp; Wagering Format. Wagering Format is unchanged from last year. Post times daily is 12:05 p.m. First 2 days of race meet fall under day light savings time and then clocks go back so this will allow Zia Park to get 10 races in. Zia Park shall run the statutory minimum number of races per day required (9), and requests permission to add races up to 12 races per day based on sunlight availability.</p>	<p>Buffington. Motion passed unanimously.</p> <p>Motion to approve Zia Park’s 2023 Post Times &amp; Wagering Format made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously. Motion to approve Zia Park to add races up to 12 races per day based on sunlight availability made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.</p>
<p><b>2. Request for Approval of 2023 Racing Officials</b></p>	<p><b>1:07:42 – 1:07:58</b></p>	<p>Mr. McErlean requested approval of 2023 racing officials.</p>	<p>Motion to approve Zia Park’s 2023 racing officials made by Commissioner Smith. Motion seconded by Commissioner</p>

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<b>I. Approvals for Sunland Park</b>			Buffington. Motion passed unanimously.
<b>1. Request for Approval of 2023/24 Stall Application</b>	<b>1:09:09 – 1:09:48</b>	Mr. Dustin Dix of Sunland Park requested approval of 2023/24 Stall Application.	Motion to approve 2023/24 Stall Application for Sunland Park made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.
<b>2. Request for Approval to Amend 2023/24 Allocated Race Dates</b>	<b>1:09:49 – 1:10:54</b>	Mr. Dix requested approval to amend 2023/24 allocated race dates. Sunland Park was given 55 race dates, however, the final calendar shows 56 race days. Sunland Park is asking that they start their race meet on January 5 instead of January 4, 2024	Motion to approve to amend 2023/24 allocated race dates made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.
<b>3. Request for Approval to Amend 2023/24 Purse Schedule</b>	<b>1:11:00 – 1:11:35</b>	Mr. Dix requested approval to amend 2023/24 Purse Schedule. This is an amendment to Sunland Park's Primary Application. Sunland Park's Primary Application requested less day than what was allocated, therefore the purses were about 20% higher. This amended purse schedule is identical to last year's purse schedule.	Motion to approve to amend 2023/24 Purse Schedule made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.

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<b>4. Request for Approval of 2023/24 Condition Book (Book #1)</b>	<b>1:11:37 – 1:11:58</b>	Mr. Dix requested approval of 2023/24 Condition Book (#1) as submitted.	Motion to approve 2023/24 Condition Book (#1) made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.
<b>5. Request for Approval of 2023/24 Stakes Schedule</b>	<b>1:12:00 – 1:15:59</b>	Mr. Dix requested approval of 2023/24 Stakes Schedule. There were several changes this year: moving Sunland Derby from the traditional March date to Presidents' Day weekend – Churchill informed Sunland Park that they are no longer a 50 point race, they are now a 20 point race, so with that information, the decision was made to move the race earlier in the meet to give the horsemen more opportunity to earn points after the race for the Kentucky Derby and Kentucky Oaks; Sunland Park also shortened the length of the race; the purse for the Sunland Derby was also reduced and added money to another race later in the meet.	Motion to approve 2023/24 Stakes Schedule made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.
<b>6. Request for Approval of 2024 Shue Fly Nomination Blanks</b>	<b>1:16:00 – 1:16:28</b>	Mr. Dix requested approval of 2024 Shue Fly, 2024 West Texas Derby, 2024 West Texas Maturity, 2024 New Mexico Spring Futurity and 2024 West Texas Futurity Nomination Blanks for Sunland Park.	Motion to approve 2024 Shue Fly, 2024 West Texas Derby, 2024 West Texas Maturity, 2024 New Mexico Spring Futurity and 2024 West
<b>7. Request for Approval of 2024 West Texas Derby Nomination Blanks</b>			

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<p>8. Request for Approval of 2024 West Texas Maturity Nomination Blanks</p> <p>9. Request for Approval of 2024 New Mexican Spring Futurity Nomination Blanks</p> <p>10. Request for Approval of 2024 West Texas Futurity Nomination Blank</p> <p>11. Request for Approval of Gaming &amp; Breakage</p> <p><b>J. Hearing Officer's Reports</b></p> <p>1. IMO: Bobby Martinez/Jose Hernandez</p>	<p>1:16:32 – 1:16:50</p> <p>1:17:00 – 1:19:20</p>	<p>Mr. Dix requested approval of 2023/24 Gaming &amp; Breakage as submitted.</p> <p>Chairman Sanchez called for a motion to table this matter. Assistant Attorney General Rubin asked the Commission if they object to granting the parties additional time to respond to the exceptions filed by the State to the Hearing Officer's Report. No objections.</p>	<p>Texas Futurity Nomination Blanks for Sunland Park made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.</p> <p>Motion to 2023/24 Gaming &amp; Breakage made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.</p> <p>Motion to table the Hearing Officer's Report made by Commissioner Smith. Motion was seconded by Commissioner Buffington. Motion passed unanimously.</p>

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			Motion to allow parties to file a response to the exceptions to the Hearing Officer's Report made by Commissioner Smith. Motion was seconded by Commissioner Buffington. Motion passed unanimously.
IX. Adjournment at 11:55 AM	1:19:23 - end	Vice-Chairman Sanchez adjourned meeting.	

Vice-Chairman David "Bossie" Sanchez

11/16/2023  
Date

Executive Director Ismael Trujillo

11-16-23  
Date