



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: **SUN-2023-69**
Track: Sunland Park
Ruling Date: 12/29/2023

Licensee: **RIVERA, REUBEN ELIAS**

License Type: **2022 1 Year Clerk of S** Applicant Id: **12375**
License Number: **307226**

Ruling # **SUN-2023-69**

Action Type: **Initial Ruling**

Ruling:

Clerk of Scales, Reuben River having been duly notified and appearing before the Board of Stewards on December 29, 2023, at 9:00 a.m. at Sunland Park Racetrack, 1200 Futurity Drive, Sunland Park, NM 88063 regarding the failure to report the correct weight for Jockey Edgar Martinez in the 6th race at Zia Park on December 16, 2023, to the Zia Park Board of Stewards.

Aggravating Factors:

1. On February 10, 2023, Clerk of Scales, Reuben Rivera, was issued a letter of reprimand for failing to assure the jockeys had the correct weight after their saddles were switched during the post-parade on February 7, 2023, at Sunland Park Racetrack.
2. On November 18, 2023, Clerk of Scales, Reuben Rivera, was given a verbal warning that he must **verify the correct weight of each jockey at the time of weighing out and weighing in and report any discrepancies to the stewards immediately.** See. 15.2.3.8G) NMAC.
3. On December 16, 2023, Clerk of Scales, Reuben Rivera, was given another verbal warning for jockeys being over 5lb. limit.
4. Furthermore, on December 16, 2023, Clerk of Scales, Reuben Rivera **failed** to verify the correct weight of jockeys at Zia Park Racetrack which resulted in the Jockey, Edgar Martinez being taken off his mount because he was over the 5 lb. limit.

For these repeated violations, the Board of Stewards assessed a thirty (30) day suspension beginning on December 30, 2023, through and including January 28, 2024. For these violations, the Board of Stewards assessed a thirty (30) day calendar suspension from December 30, 2023 through January 28, 2024. Inclusive.

Licensee is found to be in violation of:

15.2.3.8 G. Clerk of scales: The clerk of scales shall: verify the presence of all jockeys in the jockeys' room at the appointed time; verify that all such jockeys have a current jockey's license issued by the commission; **verify the correct weight of each jockey at the time of weighing out and weighing in and report any discrepancies to the stewards immediately;** oversee the security of the jockeys' room including the conduct of the jockeys and their attendants; promptly report to the stewards any infraction of the rules with respect to weight, weighing, riding equipment or conduct; record all required data on the scale sheet and submit that data to the horsemen's bookkeeper at the end of each race day; maintain the record of applicable winning races on all apprentice certificates at the meeting; release apprentice jockey certificates, upon the jockey's departure or upon the conclusion of the race meet; assume the duties of the jockey room custodian in the absence of such employee.



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15.2.5.8(C)(1)(8)(11)(12). Jockey requirements: (1) Jockeys shall report to the jockeys' quarters at the time designated by the association. **Jockeys shall report their engagements and any overweight to the clerk of scales.** Jockeys shall not leave the jockeys' quarters, except to ride in scheduled races, until all of their riding engagements of the day have been fulfilled except as approved by the stewards. **(8) Jockeys shall be weighed out for their respective mounts by the clerk of scales not more than 30 minutes before post time for each race**

(11) A jockey's weight shall include their clothing, boots, saddle and its attachments and any other equipment except the whip, bridle, bit or reins, safety helmet, safety vest, blinkers, goggles and number cloth. Upon the stewards' approval, jockeys may be allowed up to three pounds more than published and announced weights to account for inclement weather clothing and equipment when weighing in.

(12) Five pounds is the limit of overweight any horse is permitted to carry.

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 Grounds for Disciplinary Measures and Jockey requirements 15.2.5.13. C. (3); 16.47.1.8 (i) Grounds for disciplinary measures for a licensee and refusal, denial, suspension, or revocation of a license; Knowledge of Rules 16.47.1.8. T. and whether a penalty or other disciplinary action should be imposed upon you for the alleged rule violations by the Board of

16.47.1.8(L)(1)(i) Grounds for disciplinary measures for a licensee and refusal, denial, suspension, or revocation of a license : The Commission may refuse to issue a license to an applicant or may suspend or revoke a license issued or order disciplinary measures, if the applicant is a person whose conduct or reputation may reflect on the honesty and integrity of horse racing or interfere with the orderly conduct of a race meet. Interfering with the orderly conduct of the race meet shall include, but not limit to, disruptive or intemperate behavior or behavior which exposes others to danger anywhere on the racetrack grounds. The fact that the race meet was not actually interrupted is not a defense to the imposition of discipline under this rule.

This ruling is written in accordance with:

15.2.3.8 B (1) (a-d) Stewards General Authority.

15.2.3.8 B (3) (a & e) Stewards Disciplinary Action.

15.2.3.8 B (3)(f) Stewards Disciplinary Action

16.47.1.8. T. KNOWLEDGE OF RULES:

16.47.1.3 Statutory Authority

16.47.1.8 (A)(1) License Required

16.47.1.8 (A)(2) License Required

16.47.1.8(N) Last Known Address



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15.2.1.9. (b) 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 15.2.1 NMAC 14 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 date of appeal: **Last date of appeal January 8, 2024.**

By Order of The Sunland Park Stewards