

NEW MEXICO HORSE RACING COMMISSION
MINUTES OF THE REGULAR MEETING

Date: November 16, 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, 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 Daniel Rubin

<i>AGENDA ITEM</i>	<i>RECORDING #</i>	<i>DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
Public Session 1: I. Call to Order and Roll Call	0:10 – 0:42	Meeting called to order at 9:01 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 Dan Rubin were also present.	No Action Taken.
II. Pledge of Allegiance	0:45 – 1:04		Pledge of Allegiance was recited.
III. Approval of Agenda	1:13 – 2:08	Vice-Chairman Sanchez asked if there were any changes to the agenda today. Assistant Attorney General Daniel Rubin requested that Agenda Items 7.C and 8.L(1) both reflect that no responses were ever received from opposing counsel in the matter of Bobby Martinez & Jose F. Hernandez.	Motion to approve the agenda with amendments requested by AAG Daniel Rubin made by Commissioner Smith. Commissioner

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			Buffington second the motion. Motion passed unanimously.
IV. Approval of Minutes: October 19, 2023 – Regular Commission Meeting	2:10 – 2:28	Vice-Chairman Sanchez asked if the minutes for the October 19, 2023, regular meeting were reviewed and if there were any changes. There were no changes.	Motion to approve the minutes from October 19, 2023, meeting made by Commissioner Smith; Second by Commissioner Buffington. Motion passed unanimously.
V. Commissioners' Reports	2:30 – 2:36	No comments.	No Action Taken.
VI. Agency Director Reports: A. NMRC Report	2:38 – 0:17:50	<ul style="list-style-type: none"> Executive Director Trejo reported that despite all the frenzy happening in the racing industry, it was not all bad for New Mexico. Ruidoso Downs handled \$37,944,946 this season for an average daily handled of \$824,890.13! The Downs at Albuquerque handled \$15,312,153.91 for an average of \$425,337.60 handled per day. Executive Director Trejo reported that CFO Amber Trujillo, In-House Counsel Richard Bustamante and Executive Director Trejo were in Santa Fe for the NMRC Agency's budget hearing. Now we wait to see if the Legislature responds with 	<p>No Action Taken.</p> <p>No Action Taken.</p>

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		<p>an appropriation expanding the Agency's budget for FY25. Executive Director Trejo thanked the lobbyist for Sunland and Ruidoso for showing up to the hearing for support of the racing industry in New Mexico.</p> <ul style="list-style-type: none"> Executive Director Trejo reported he visited Santa Anita a couple of weeks ago. He thanked the California Horse Racing Board, specifically Dr. Jeff Blea and Executive Director Scott Chaney for their time and insight regarding their push to improve animal welfare in their jurisdiction. Executive Director Trejo reported it was overwhelming to see the equine clinic they have. Executive Director Trejo last meeting suggested getting an MRI machine for New Mexico. However, there would have to be a lot of preparation for this type of equipment. A stand-alone building would have to be built to house the machine. One of the biggest takeaways from Executive Director Trejo's discussion with Dr. Blea regarding this equipment was to push for similar changes and upgrades in New Mexico and to work to secure a complete buy in from all the stakeholders regarding such changes. 2024 HISA Assessments were received. This year's assessment was \$1,749,715. 2025 fees are \$2,066,075. 	No Action Taken.

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B. NMHBA Report	0:17:53 – 0:20:45	Mary Barber presented the Race-A-Day Report for The Downs at Albuquerque through Sunday, October 29, 2023, stating it ran 125 NM Bred Races in 36 days. In overnight races, the NMHBA contributed \$1,236,500.00 which was \$232,000.00 more than in 2022. It averaged 3.48 NM Bred per day, +17 for three a day.	
VI. Executive Session: entered at 9:45 AM	0:21:02 – 0:22:06	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.
Back into Open Session VII. Licensing/Pending Litigation/Appeals/Hearing Officer Reports/Employment Contracts/Personnel A. IMO: Lauren Barrows (discussion of licensing) B. IMO: Juan C. Cordero Carmona (discussion of licensing)	2nd Open Session Recording: 0:00:34 – 0:00:55	In-House Counsel, Richard Bustamante affirmed the Commission only discussed in Executive Session those matters listed under Items 7. A-D which were licensing matters 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 VII (A - D).

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<p>C. IMO: Bobby Martinez & Jose Hernandez (discussion of licensing – Hearing Officer’s Report)</p> <p>D. IMO: Noe Garcia, Jr. (discussion of licensing – Hearing Officer’s Report)</p> <p>VIII. Unfinished/New Business and/or Action Items</p> <p>A. Request for Approval to Opt-In to the 2024 HISA Financial Assessment Fees</p> <p>B. Request for Approval of First Half of 2024 Regular Commission Meeting Dates</p>	<p>0:01:04 – 0:05:20</p> <p>0:05:25 – 0:07:10</p>	<p>Executive Director Trejo presented the 2024 HISA Financial Assessment Fees. Executive Director Trejo reported 2023 Assessment Fees were approximately \$1.7 billion dollars. The HISA Financial Assessment Fees for 2024 went up to \$2 billion dollars. He reported that as long as the NM Racing Commission and NM tracks continue to use our staff, there are over \$55,000 worth of credits.</p> <p>Executive Director Trejo requested approval of the first half of 2024 regular Commission meeting dates: January 25, 2024 in Albuquerque; February 15, 2024 in Sunland Park; March 21, 2024 in Albuquerque; April 18, 2024 in Albuquerque; May 16, 2024 in Albuquerque; June 13, 2024 in Albuquerque.</p>	<p>Motion to approve to opt-in to the 2024 HISA Financial Assessment Fees made by Commissioner Smith. Commissioner Buffington seconded the motion. The motion passed unanimously.</p> <p>Motion to first half of 2024 regular Commission meeting dates as presented made by Commissioner Smith. Commissioner Buffington seconded</p>

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C. Request for Approval of 2024 Sunland Park Stewards	0:07:15 – 0:07:54	Executive Director Trejo requested approval of the 2024 Sunland Park Stewards: Presiding Steward, Larry Fontenot, Jr.; Gary Terrien and Geoff Waxler; Violet “Pinkie” Smith, Reese “Rug” Howard, Leasa Johnson, Elizabeth Garcia, Arthur Pierre, Jr. and Jason Hart as substitute Stewards.	the motion. The motion passed unanimously. Motion to approve the 2024 Sunland Park Stewards as presented made by Commissioner Smith. Commissioner Buffington seconded the motion. The motion passed unanimously.
D. Request for Ratification of Approval to Amend NMRC’s Split Sample Testing Laboratories	0:07:56 – 0:09:10	Executive Director Trejo reported that Texas A&M Veterinary Medical Diagnostic Laboratory withdrew its availability for split samples earlier this month; the list provided is requesting the University of Kentucky replace Texas A&M be approved by the Commission.	Motion to approve the new list of approved split sample laboratories made by Commissioner Smith. Commissioner Buffington seconded the motion. The motion passed unanimously.
E. Request for Approval to Pay 10% Breeder Awards from the Purse Account	0:09:13 – 0:18:32	Executive Director Trejo reported he believed multiple NM Racetracks requested to remove this item from the Agenda at this time. Commissioner Smith believes this is going to place the NM Racing Industry in a bad spot. Vice-Chairman	Motion to table made by Commissioner Buffington. Commissioner Smith seconded the motion.

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<p>F. Approvals for Zia Park</p> <p>1. Request for Approval of Lauren Barrows as GM for Zia Park</p> <p>2. Request for Ratification of Approval to Amend 2023 Racing Officials</p>	<p>0:18:45 – 0:20:39</p> <p>0:20:42 – 0:21:22</p>	<p>Sanchez asked Mary Barber of the NMHBA what she thinks about this request. There was discussion between the Commissioners about where this money comes from and what ramifications this request may have on the industry. AAG Daniel Rubin said he would take a look at this request and laws and have answers for the Commissioners for the next meeting.</p> <p>Christopher McErlean requested approval of Ms. Lauren Barrows' secondary license as GM for Zia Park be approved.</p> <p>Christopher McErlean requested ratification of approval to amend 2023 racing officials. The amendments were the following: Ruben Rivera as Clerk of Scales; Alyxus Chavarria as Test Technician; Rey Vega, Carlos Madeira, Manuel Munoz, Jose Lomeli, Dexavier Thomas, Adan Fuentes, Lorenzo Gomez, Oscar Hernandez, Oscar Garcia, Eric Gonzalez and Heriberto Sarmiento as Assistant Starters/Valets.</p>	<p>The motion passed unanimously.</p> <p>Motion to approve Ms. Barrows' Secondary License as GM for Zia Park made by Commissioner Smith. Commissioner Buffington seconded the motion. The motion passed unanimously.</p> <p>Motion to ratify the approval to amend 2023 racing officials made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.</p>

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3. Request for Approval of 2024 Import Simulcast Schedule	0:21:24 – 0:21:52	Christopher McErlean requested approval of the 2024 Import Simulcast Schedule as presented.	Motion to approve the 2024 Import Simulcast Schedule as presented by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.
4. Request for Ratification of Approval of 2023 Payment of Purse	0:21:57 – 0:22:24	Christopher McErlean requested ratification of approval of 2023 payment of purse.	Motion to ratify the approval of 2023 payment of purse made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.
G. Approvals for Ruidoso Downs			
1. Request for Approval of 2024 QH Stall Application	0:22:29 – 0:23:00	Rick Baugh requested approval of 2024 QH Stall Applications as submitted.	Motion to approve 2024 QH Stall Applications for Ruidoso Downs made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.

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2. Request for Approval of 2024 TB Stall Application	0:23:01 – 0:23:18	Rick Baugh requested approval of 2024 TB Stall Applications as submitted.	Motion to approve 2024 TB Stall Applications for Ruidoso Downs made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.
3. Request for Approval of 2024 Stakes Schedule	0:23:19 – 0:23:44	Rick Baugh requested approval of the 2024 Stakes Schedule. He thanked Mary Barber, Tom Goncharoff and Mike Logan of the NM Breeders Association for working with Ruidoso Downs to get the 2024 Stakes Schedule done.	Motion to approve 2024 Stakes Schedule made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.
4. Request for Approval of 2024 Import Simulcast Schedule	0:23:45 – 0:24:01	Rick Baugh requested approval of the 2024 Import Simulcast Schedule as submitted.	Motion to approve the 2024 Import Simulcast Schedule made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.

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H. Approvals for The Downs at Albuquerque 1. Request for Approval of 2024 Import Simulcast Schedule	0:24:09 – 0:24:31	Don Cook requested approval of the 2024 Import Simulcast Schedule as submitted.	Motion to approve the 2024 Import Simulcast Schedule made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.
I. Approvals for SunRay Park 1. Request for Approval of 2024 Import Simulcast Schedule	0:24:40 – 0:25:23	Steve Fedunak of SunRay Park requested approval of SunRay Park's 2024 Import Simulcast Schedule as submitted.	Motion to approve the 2024 Import Simulcast Schedule made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.
2. Request for Approval of 2024 Stall Application	0:25:26 – 0:25:40	Steve Fedunak requested approval of the SunRay Park's 2024 Stall Application.	Motion to approve SunRay Park's 2024 Stall Application made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.
3. Request for Approval of 2024 Stakes Schedule	0:25:45 – 0:26:10	Steve Fedunak requested approval of SunRay Park's 2024 Stakes Schedule.	Motion to approve 2024 Stakes Schedule

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			made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.
4. Request for Approval of 2024 NM Breeders' Futurity Nomination Blank	0:26:13 – 0:26:31	Steve Fedunak requested approval of 2024 NM Breeders' Futurity Nomination Blanks for SunRay Park.	Motion to approve 2024 NM Breeders' Futurity Nomination Blank made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.
5. Request for Approval of 2024 Four Corners Futurity Nomination Blank	0:26:37 – 0:26:53	Steve Fedunak requested approval of 2024 Four Corners Futurity Nomination Blanks for SunRay Park	Motion to approve 2024 Four Corners Futurity Nomination Blank made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.
J. Approvals for Sunland Park			
1. Request for Approval of 2024 Import Simulcast Schedule	0:27:08 – 0:27:24	Dustin Dix requested approval of the 2024 Import Simulcast Schedule for Sunland Park.	Motion to approve 2024 Import Simulcast Schedule made by Commissioner Smith.

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2. Request for Approval of 2023/24 Post Times & Wagering Format	0:27:27 – 0:27:45	Dustin Dix requested approval of 2023/24 Post Times & Wagering format for Sunland Park.	Motion seconded by Commissioner Buffington. Motion passed unanimously. Motion to approve 2023/24 Post Times & Wagering Format made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.
3. Request for Approval of 2023/24 Payment of Purses for the Racing Season	0:27:48 – 0:28:10	Dustin Dix requested approval of 2023/24 Payment of Purses.	Motion to approve 2023/24 Payment of Purses made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.
K. Juan C. Cordero Carmona's Request for Approval to be eligible to Obtain a NMRC License	0:28:15 – 0:28:51	Mr. Juan C. Cordero Carmona asked to go in front of the Commission for approval to obtain a NMRC License. He was present for questions by the Commission.	Motion to approve to be eligible to obtain a NMRC License made by Commissioner Smith. Motion seconded by Commissioner

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<p>L. Hearing Officer's Reports:</p> <p>1. IMO: Bobby Martinez/Jose Hernandez</p>	<p>0:29:04 – 0:33:12</p>	<p>AAG Daniel Rubin presented the Hearing Officer's Report and Recommendation. He stated was his understanding that the Commission would like an Order to reflect: 1) upholding the Stewards' rulings in this matter; 2) adopting the Findings of Fact and Conclusions of Law as stated by Hearing Officer Fitzwater; 3) adopting in full the Aggravating Circumstances as set forth in the Hearing Officer's Report; 4) adopt in part the mitigating circumstances as set forth in the Hearing Officer's Report (specifically the first 3 paragraphs therein); and 5) rejecting the remaining mitigating circumstances as set forth in the Hearing Officer's Report (the remaining 3 paragraphs). An Order is to be prepared and should include the recommendation of the Executive Director regarding the amount of the maximum penalties for these individuals as the Commission did NOT violate due process, contrary to the Hearing Officer's recommendation to that effect.</p> <p>Assistant Attorney General/Prosecutor, Jeff D. Herrera requested to speak with the Commission about the above-referenced suggested motion. Mr. Herrera requested that this matter be remanded back to the Hearing Officer so that the record be</p>	<p>Buffington. Motion passed unanimously.</p> <p>Motion to remand the matter back to the Hearing Officer made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.</p>

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2. IMO: Noe Garcia, Jr.	0:33:20 – 0:33:43	<p>completed (Respondents present their case-in-chief).</p> <p>In-House Counsel Bustamante said it was his understanding that the Commission would like to entertain a motion to adopt the Hearing Officer's Report in whole in this matter.</p>	<p>Motion to adopt the Hearing Officer's Report in whole made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.</p>
X. Adjournment at 11:35 AM	0:33:50 - end	Vice-Chairman Sanchez adjourned meeting.	

Vice-Chairman David "Hossie" Sanchez Date

1/25/2024

Executive Director Ismael Trejo

Date

1-25-24