



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: **2024-SUN-31**
Track: Sunland Park
Ruling Date: 1/27/2024

Licensee: O'NEILL, EUGENE STEPHAN

License Type: 2023 1 Year Exercise P Applicant Id: 10081
License Number: 309640

Ruling # 2024-SUN-31
Action Type: Case Continued
Ruling:

RE: 2024-SUN-31 - Case Continued

Eugene Stephan O'Neill summary suspension hearing was held in absentia on February 3, 2024. @ 8:45 a.m. in the offices of the Board of Stewards at Sunland Park Racetrack (1202 Futurity Dr. Sunland Park NM 88063) per 15.2.1.9 (B)(3)(b) Summary Suspension is due to his failure to provide a human urine sample as directed by the Stewards. Eugene Stephan O'Neill was verbally notified that he is to appear before the Stewards at Sunland Park on February 3, 2024, at 8:45 a.m. This is Eugene Stephan O'Neill first violation, regarding actions contrary to the best interest of horse racing. Exhibiting conduct that may adversely reflect on the honesty and integrity of horse racing adversely reflect on the honesty and integrity of horse racing. During said time of applicable suspension Eugene Stephan O'Neill is hereby excluded from all areas of the grounds under the jurisdiction of the NMRC. **per 15.2.1.9 (C)(21) (a-b) Exclusion.**

For not appearing for his hearing, Eugene Stephan O'Neill will remain suspended until a discipline hearing is held.

Licensee is found in violation of and this ruling is written in accordance with:

15.2.1.9(B)(3)(a) Proceedings Before the Stewards: Summary Suspension If the Stewards determine that a licensee's action constitute an immediate danger to the public health, safety, or welfare, the Stewards may summarily suspend the licensee pending a hearing.

15.2.1.9(B)(3)(b) Proceedings Before the Stewards: Summary Suspension a licensee whose license has been summarily suspended is entitled to a hearing on the summary suspension not later than the 10th day after the license was summarily suspended. The licensee may waive their right to a hearing on the summary suspension within the 10-day limit

16.47.1.17 (A)(1) TESTING PROCEDURES At its discretion, the commission may conduct random or episodic random drug testing, as well as testing based on reasonable suspicion, in order to ensure safety on the racetrack.

16.47.1.17 (A)(2) TESTING PROCEDURES When conducted, random drug testing shall apply, equally, to all licensees who are, at the time of the random testing, exercising the privileges of their license in such ways as may affect the outcome of a race or diminish the conditions of safety or decorum required in restricted areas.

16.47.1.17 (C)(6) Human Drug Testing/ Restricted Activities It shall be an offense to exercise the privileges granted by a license from this commission if the licensee: refuses to submit to urine or drug testing, when notified that such testing is based on a random drug testing procedure, is based on reasonable suspicion that the person is using drugs or alcohol or is based on the licensee's acting as if in an impaired condition.

16.47.1.18 (B) ASSESSMENT/TREATMENT REQUIREMENTS GENERAL FIRST-TIME



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OFFENDERS

16.47.1.17 (A)(3) TESTING PROCEDURES No notice need be given as to onset or cessation of random testing.

16.47.1.8 (E) Consent to Search and Seizure By acceptance of a license, a licensee consents to search and inspection by the Commission or its agents, and to the seizure of any prohibited medication, drugs, paraphernalia, or devices in accordance with State and Federal law.

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 adversely reflect on the honesty and integrity of horse racing or interfere with the orderly conduct of a race meeting; interfering with the orderly conduct of a race meeting shall include, but is not limited 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.

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 (T) KNOWLEDGE OF RULES /16.47.1.3 Statutory Authority

16.47.1.8 (A)(1)(2) License Required

16.47.1.8(N) Changes In Application Information

15.2.2.8(V)(1) EJECTION AND EXCLUSION An association shall immediately eject from the association grounds a person who is subject to such an exclusion order of the commission or stewards and notify the commission of the ejection.

By Order of The Sunland Park Stewards