



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2024-SUN-51
Track Sunland Park
Ruling Date: 2/8/2024

Licensee: HERNANDEZ, ALAN ALEXIS
License Type: 2021 3 Year Jockey Applicant Id: 161096
License Number: 301635

Ruling # 2024-SUN-51

Action Type: Initial Ruling

Ruling:

Jockey Alan Hernandez was summoned and failed to appear, and had his hearing held in absentia, in accordance with 15.2.1.9(B)(4)(d) non-appearance on February 8, 2024, for failing to report correct weight in the 2nd race on 1/13/2024 and failing to show up to the steward's office on 1/14/2024 in addition will be suspended 10 calendar days starting 2/8/2024 through 2/18/2024.

The Board of Stewards hereby fines Alan Hernandez in the amount of five hundred dollars (\$500.00). The fine is to be paid on or before March 08, 2024, in accordance with 15.2.3.8(B)(3)(k) NMAC. Failure to pay the fine within the time prescribed shall result in immediate suspension. May ride in designated Races.

Licensee is found to be in violation of:

15.2.5.13 (C)(1) (3) 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 their riding engagements of the day have been fulfilled except as approved by the stewards

15.2.1.9 (4)(d) DUE PROCESS AND DISCIPLINARY ACTION:

(d) Nonappearance of a summoned party after adequate notice shall be construed as a waiver of the right to a hearing before the stewards. The stewards may suspend the license of a person who fails to appear at a disciplinary hearing after written notice of the hearing has been sent, in compliance with this subsection.

This ruling is written in accordance with:

15.2.1.9(B)(4)(A) NMAC Notice Except as provided by these rules regarding summary suspension, jockey riding infractions and trial races, the stewards or a racing commission designee shall provide written notice, at least 10 days before the hearing, to a person who is the subject of a disciplinary hearing. The person may waive their right to 10 days notice by executing a written waiver.

15.2.3.8 B (3)(f) Stewards Disciplinary Action

15.2.3.8 B (3)(A) Stewards Disciplinary Action

15.2.3.8 B (1) (d) Stewards General Authority

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

15.2.1.9(b): Which states in pertinent part that "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 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 cashier's check, money order." **The last day to file an appeal is February 18, 2024.**

Happy Waples

[Signature]

[Signature]



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: **2024-SUN-52**
Track: Sunland Park
Ruling Date: 2/3/2024

Licensee: **VILLANUEVA, JUAN CARLOS**
License Type: **2023 1 Year Jockey** Applicant Id: **34058**
License Number: **309648**

Ruling # 2024-SUN-52

Action Type: Initial Ruling

Ruling:

Jockey Juan Carlos Villanueva is hereby summarily suspended, effective immediately February 3, 2024, after he failed a drug (urine) test on February 3, 2024, at Sunland Park Racetrack. Mr. Juan Carlos Villanueva will remain suspended pending the outcome of his summary suspension hearing scheduled on February 10, 2024, at 9:00 A.M. in the offices of the Board of Stewards at Sunland Park Racetrack (1200 Futurity Drive Sunland Park, NM 88063) per 15.2.1.9 (B)(3)(b) (Summary Suspension). During said time of applicable suspension, Juan Carlos Villanueva 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.

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

15.2.1.9(B)(3)(B) Proceedings Before The Stewards: 16.47.1.18 (A)(2) TESTING PROCEDURES 16.47.1.18(A)(3) TESTING PROCEDURES 16.47.1.17 (C)(3) Human Drug Testing/ Restricted Activities 16.47.1.17 (C)(7) Human Drug Testing/ Restricted Activities 16.47.1.8(E) Consent To Search And Seizure 16.47.1.8(N) Changes In Application Information 15.2.2.8(V)(1) EJECTION AND EXCLUSION 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.

(3) If a professional assessment indicates presence of a treatable problem of alcohol or other drug abuse or dependence, the board of stewards or the commission may order the licensee to undergo treatment as a condition of continuing licensure. Such treatment will be through a program or by a practitioner, acceptable to the licensee and the board of stewards or the commission. Required features of any program or practitioner acceptable to the board of stewards or the commission will be: accreditation or licensure by an appropriate government agency, if required by state statute; a minimum of one year follow-up treatment; and, a formal contract indicating the elements of the treatment and follow-up program that will be completed by the licensee and, upon completion, certified to the board of stewards or the commission as completed.

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



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: **2024-SUN-52**
Track Sunland Park
Ruling Date: 2/3/2024

Licensee: VILLANUEVA, JUAN CARLOS

License Type: 2023 1 Year Jockey Applicant Id: 34058
License Number: 309648

/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



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: **2024-SUN-53**
Track: Sunland Park
Ruling Date: 2/10/2024

Licensee: MARQUEZ, JOSE LUIS

License Type: 2022 3 Year Trainer Applicant Id: 23709
License Number: 304990

Ruling # 2024-SUN-53

Action Type: Initial Ruling

Ruling:

Trainer/Owner Jose Luis Marquez having been duly notified, appeared before the Board of Stewards, and waived his right to a 10-day notice and formal hearing before the Sunland Park Board of Stewards on February 9, 2024, for selling the horse (Park in the Dark) after entries causing a late program scratch on February 9, 2024 Race 3 #8 at Sunland Park Racetrack.

The Board of Stewards hereby assesses penalty as follows:

1. A fine of Five Hundred Dollars (\$500.00) which must be paid on or before March 10, 2024.

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

This ruling is written in accordance with:

15.2.3.8 B (3)(f) Stewards Disciplinary Action

15.2.3.8 B (3)(A) Stewards Disciplinary Action

15.2.3.8 B (1) (d) Stewards General Authority

15.2.5.9 B(4) DECLARATIONS AND SCRATCHES

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

15.2.2.8(B)(2) Entries and Nominations

15.2.1.9(B)(9)(A) FAILURE TO APPEAL 15.2.1.9(B)(9)(B): APPEAL PROCEDURES, which states "An appeal under this section must be filed not later than 10 days after the day of the ruling. If the deadline falls on a Sunday or a legal holiday, the period is extended to the next day that is not a Saturday, Sunday, or legal holiday. The appeal must be received by noon at the main commission offices or with the Stewards who issued the ruling and must be accompanied by a fee in the amount of \$400.00 dollars. The fee must be in the form of a cashier's check or a money order. Last day to file an appeal is February 20, 2024.

By Order of The Sunland Park Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: **2024-SUN-54**
Track: Sunland Park
Ruling Date: 2/10/2024

Licensee: LEYVA, JOEL

License Type: 2023 3 Year Jockey Applicant Id: 163131
License Number: 309770

Ruling # 2024-SUN-54

Action Type: Initial Ruling

Ruling:

Jockey Joel Leyva, having been duly notified, and waived his right to a 10-day notice and hearing and having appeared before the Board of Stewards on Saturday February 10, 2024, concerning failure to make his assigned weight on February 4, 2023 at Sunland Park Racetrack for the 2nd race, resulting in late jockey change.(2nd Offense)

The Board of Stewards hereby assesses Joel Leyva a penalty in the amount of **Seven Hundred and Fifty Dollars (\$750.00)**. The fine is to be paid on or before March 10, 2024, in accordance with 15.2.3.8(B)(3)(I) NMAC. Failure to pay the fine within the time prescribed will result in immediate suspension.

Licensee is found to be in violation of:

15.2.5.13 (C)(1)(11)(12) RUNNING OF THE RACE:

C. 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.

(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.

This ruling is written in accordance with:

15.2.3.8 B (3)(f) Stewards Disciplinary Action

15.2.3.8 B (3)(a) Stewards Disciplinary Action

15.2.3.8 B (1) (d) Stewards General Authority

15.2.3.8 B (1) (a) Stewards General Authority

15.2.3.8 B (1) (c) Stewards General Authority

16.47.1.8 (T) KNOWLEDGE OF RULES

16.47.1.8(N) Last Known Address

16.47.1.8(L)(1)(e) Grounds for Disciplinary Measures

15.2.1.9(B)(9)(b): Appeal Procedures Which states in pertinent part that "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 offices or



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Albuquerque, NM 87113

Ruling #: **2024-SUN-54**
Track Sunland Park
Ruling Date: 2/10/2024

Licensee: LEYVA, JOEL

License Type: 2023 3 Year Jockey Applicant Id: 163131
License Number: 309770

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 cash, a cashier's check or money order. **The last day to file an appeal is February 20, 2024.**

By Order of The Sunland Park Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: **2024-SUN-55**
Track: Sunland Park
Ruling Date: 2/10/2024

Licensee: FLORES-GARCIA, LUIS ANGEL

License Type: 2021 3 Year Jockey Applicant Id: 163497
License Number: 300680

Ruling # 2024-SUN-55

Action Type: Initial Ruling

Ruling:

Jockey Luis Flores-Garcia, having been summoned and appeared before the Board of Stewards on February 10, 2024, for excessive use of whip, while aboard "Over Da Edge" in the 9th Race February 4, 2024, at Sunland Park Racetrack, is found to be in violation of Commission rules.

For this violation (2nd offense of 2024), the Board of Stewards assessed Jockey Luis Flores-Garcia, a fine in the amount of One Thousand Dollars. (\$1000.00). This fine is to be paid on or before March 10, 2024, in accordance with 15.2.3.8 (B)(3)(l) . Failure to pay the fine within the time prescribed shall result in immediate suspension.

Licensee is found to be in violation of:

15.2.5.13(E)(6)(A) Use of riding crops. Although the use of a riding crop is not required, any jockey who uses a riding crop during a race shall do so only in a manner consistent with exerting his or her best efforts to win.

15.2.5.13(E)(6)(e) Use of riding crops. Indiscriminate use of the whip is prohibited including whipping a horse: on the head, flanks or on any other part of its body other than the shoulders or hind quarters except when necessary to control a horse: during the post parade or after the finish of the race except when necessary to control the horse: excessively or brutally causing welts or breaks in the skin: when the horse is clearly out of the race or has obtained its maximum placing: persistently even though the horse is showing no response under the riding crop: or striking another rider or horse.

This ruling is written in accordance with:

15.2.1.9(B)(4)(A)NMAC Notice Except as provided by these rules regarding summary suspension, jockey riding infractions and trial races, the stewards or a racing commission designee shall provide written notice, at least 10 days before the hearing, to a person who is the subject of a disciplinary hearing. The person may waive their right to 10 days notice by executing a written waiver.

15.2.3.8 B (3)(f) Stewards Disciplinary Action

15.2.3.8 B (3)(A) Stewards Disciplinary Action

15.2.3.8 B (1) (d) Stewards General Authority

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

15.2.1.9(b): Which states in pertinent part that "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,



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Ruling #: **2024-SUN-55**
Track Sunland Park
Ruling Date: 2/10/2024

Licensee: FLORES-GARCIA, LUIS ANGEL

License Type: 2021 3 Year Jockey Applicant Id: 163497
License Number: 300680

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 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 cashier's check, money order." The last day to file an appeal is February 20, 2024.



By Order of The Sunland Park Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: **2024-SUN-56**
Track: Sunland Park
Ruling Date: 2/11/2024

Licensee: NIETO-SAENZ, JORGE IBRIAN

License Type: 2022 3 Year Jockey Applicant Id: 164761
License Number: 305975

Ruling # 2024-SUN-56

Action Type: Initial Ruling

Ruling:

Jockey Jorge Nieto-Saenz, having been summoned and appeared before the Board of Stewards on February 11, 2024, for excessive use of whip, while aboard "King Boogaloo" in the 1st Race February 10, 2024, at Sunland Park Racetrack, is found to be in violation of Commission rules.

For this violation (first offense of 2024), the Board of Stewards assessed Jockey Jorge Nieti-Saenz a fine in the amount of Five Hundred Dollars. (\$500.00). This fine is to be paid on or before March 12, 2024, in accordance with 15.2.3.8 (B)(3)(I) . Failure to pay the fine within the time prescribed shall result in immediate suspension.

Licensee is found to be in violation of:

15.2.5.13(E)(6)(A) Use of riding crops. Although the use of a riding crop is not required, any jockey who uses a riding crop during a race shall do so only in a manner consistent with exerting his or her best efforts to win.

15.2.5.13(E)(6)(e) Use of riding crops. Indiscriminate use of the whip is prohibited including whipping a horse: on the head, flanks or on any other part of its body other than the shoulders or hind quarters except when necessary to control a horse; during the post parade or after the finish of the race except when necessary to control the horse; excessively or brutally causing welts or breaks in the skin; when the horse is clearly out of the race or has obtained its maximum placing; persistently even though the horse is showing no response under the riding crop; or striking another rider or horse.

This ruling is written in accordance with:

15.2.1.9(B)(4)(A)NMAC Notice Except as provided by these rules regarding summary suspension, jockey riding infractions and trial races, the stewards or a racing commission designee shall provide written notice, at least 10 days before the hearing, to a person who is the subject of a disciplinary hearing. The person may waive their right to 10 days notice by executing a written waiver.

15.2.3.8 B (3)(f) Stewards Disciplinary Action

15.2.3.8 B (3)(A) Stewards Disciplinary Action

15.2.3.8 B (1) (d) Stewards General Authority

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

15.2.1.9(b): Which states in pertinent part that "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 offices or with the stewards who issued the ruling and must be



New Mexico Racing Commission
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Albuquerque, NM 87113

Ruling #: **2024-SUN-56**
Track **Sunland Park**
Ruling Date: **2/11/2024**

Licensee: **NIETO-SAENZ, JORGE IBRIAN**

License Type: **2022 3 Year Jockey** Applicant Id: **164761**
License Number: **305975**

accompanied by a fee in the amount of \$400. The fee must be in the form of a cashier's check, money order." The last day to file an appeal is February 21, 2024.

By Order of The Sunland Park Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: **2024-SUN-57**
Track: Sunland Park
Ruling Date: 2/11/2024

Licensee: **MARQUEZ, JOESAN**

License Type: **2023 3 Year Jockey** Applicant Id: **165441**
License Number: **309128**

Ruling # 2024-SUN-57

Action Type: Initial Ruling

Ruling:

Jockey Joesan Marquez, having been summoned and appeared before the Board of Stewards on February 11, 2024, for excessive use of whip, while aboard "The Cartel Master" in the 9th Race February 10, 2024, at Sunland Park Racetrack, is found to be in violation of Commission rules.

For this violation (first offense of 2024), the Board of Stewards assessed Jockey Joesan Marquez a fine in the amount of Five Hundred Dollars. (\$500.00). This fine is to be paid on or before March 12, 2024, in accordance with 15.2.3.8 (B)(3)(I) . Failure to pay the fine within the time prescribed shall result in immediate suspension.

Licensee is found to be in violation of:

15.2.5.13(E)(6)(A) Use of riding crops. Although the use of a riding crop is not required, any jockey who uses a riding crop during a race shall do so only in a manner consistent with exerting his or her best efforts to win.

15.2.5.13(E)(6)(e) Use of riding crops. Indiscriminate use of the whip is prohibited including whipping a horse: on the head, flanks or on any other part of its body other than the shoulders or hind quarters except when necessary to control a horse; during the post parade or after the finish of the race except when necessary to control the horse; excessively or brutally causing welts or breaks in the skin; when the horse is clearly out of the race or has obtained its maximum placing; persistently even though the horse is showing no response under the riding crop; or striking another rider or horse.

This ruling is written in accordance with:

15.2.1.9(B)(4)(A)NMAC Notice Except as provided by these rules regarding summary suspension, jockey riding infractions and trial races, the stewards or a racing commission designee shall provide written notice, at least 10 days before the hearing, to a person who is the subject of a disciplinary hearing. The person may waive their right to 10 days notice by executing a written waiver.

15.2.3.8 B (3)(f) Stewards Disciplinary Action

15.2.3.8 B (3)(A) Stewards Disciplinary Action

15.2.3.8 B (1) (d) Stewards General Authority

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

15.2.1.9(b): Which states in pertinent part that "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 offices or with the stewards who issued the ruling and must be




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Ruling #: **2024-SUN-57**
Track **Sunland Park**
Ruling Date: **2/11/2024**

Licensee: **MARQUEZ, JOESAN**

License Type: **2023 3 Year Jockey** Applicant Id: **165441**
License Number: **309128**

accompanied by a fee in the amount of \$400. The fee must be in the form of a cashier's check, money order." The last day to file an appeal is February 21, 2024.



By Order of The Sunland Park Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: **2024-SUN-58**
Track: Sunland Park
Ruling Date: 2/11/2024

Licensee: FLORES, JAMES ALEXANDER

License Type: 2022 3 Year Jockey Applicant Id: 35415
License Number: 305869

Ruling # 2024-SUN-58

Action Type: Initial Ruling

Ruling:

Jockey James Flores, having been summoned and appeared before the Board of Stewards on February 11, 2024, for excessive use of whip, while aboard "Hesa Gamer" in the 9th Race February 10, 2024, at Sunland Park Racetrack, is found to be in violation of Commission rules.

For this violation (first offense of 2024), the Board of Stewards assessed Jockey James Flores a fine in the amount of Five Hundred Dollars. (\$500.00). This fine is to be paid on or before March 12, 2024, in accordance with 15.2.3.8 (B)(3)(I) . Failure to pay the fine within the time prescribed shall result in immediate suspension.

Licensee is found to be in violation of:

15.2.5.13(E)(6)(A) Use of riding crops. Although the use of a riding crop is not required, any jockey who uses a riding crop during a race shall do so only in a manner consistent with exerting his or her best efforts to win.

15.2.5.13(E)(6)(e) Use of riding crops. Indiscriminate use of the whip is prohibited including whipping a horse: on the head, flanks or on any other part of its body other than the shoulders or hind quarters except when necessary to control a horse; during the post parade or after the finish of the race except when necessary to control the horse; excessively or brutally causing welts or breaks in the skin; when the horse is clearly out of the race or has obtained its maximum placing; persistently even though the horse is showing no response under the riding crop; or striking another rider or horse.

This ruling is written in accordance with:

15.2.1.9(B)(4)(A)NMAC Notice Except as provided by these rules regarding summary suspension, jockey riding infractions and trial races, the stewards or a racing commission designee shall provide written notice, at least 10 days before the hearing, to a person who is the subject of a disciplinary hearing. The person may waive their right to 10 days notice by executing a written waiver.

15.2.3.8 B (3)(f) Stewards Disciplinary Action

15.2.3.8 B (3)(A) Stewards Disciplinary Action

15.2.3.8 B (1) (d) Stewards General Authority

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

15.2.1.9(b): Which states in pertinent part that "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 offices or with the stewards who issued the ruling and must be



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Ruling #: **2024-SUN-58**
Track Sunland Park
Ruling Date: 2/11/2024

Licensee: FLORES, JAMES ALEXANDER

License Type: 2022 3 Year Jockey Applicant Id: 35415
License Number: 305869

accompanied by a fee in the amount of \$400. The fee must be in the form of a cashier's check, money order." The last day to file an appeal is February 21, 2024.

By Order of The Sunland Park Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: **2024-SUN-59**
Track: Sunland Park
Ruling Date: 2/11/2024

Licensee: HANCOCK, DAVID L

License Type: 2024 1 Year Trainer Applicant Id: 165043
License Number: 311413

Ruling # 2024-SUN-59
Action Type: Initial Ruling
Ruling:

Trainer David Hancock is hereby summarily suspended, effective immediately February 11, 2024, to pending the outcome of his summary suspension hearing to run concurrent scheduled on February 17th, 2024 at 8:30 A.M. in the offices of the Board of Stewards at Sunland Park Racetrack (1200 Futurity Drive Sunland Park NM 88063) per 15.2.1.9 (B)(3)(b) (Summary Suspension) regarding an incident involving unlicensed help found with a needle and syringe in his barn during pre-race inspection, horses had puncture wounds and blood found on the neck. During said time of applicable suspension, David Hancock 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.

16.47.1.10 TRAINERS: F. Program trainers:

(1) A program trainer, as defined in 15.2.1 NMAC, is a licensed trainer who, solely for the purposes of the official race program, is identified as the trainer of a horse that is actually under the control of, and trained by another person who may or may not hold a current trainer's license in any jurisdiction Any trainer shall be deemed a program trainer if they:

(a) enter into an agreement on behalf of an unlicensed, ineligible or suspended trainer for the sole purpose of completing an entry form for a race;

(b) pay an entry, nomination or starter fee on behalf of an unlicensed, ineligible or suspended trainer;

(c) receive a financial or beneficial interest from an unlicensed, ineligible or suspended trainer for the sole purpose of being listed as the trainer on the official race program; or

(d) obtain official works within New Mexico's jurisdiction on behalf of an unlicensed, ineligible or suspended trainer; or

(e) solicit or accepts a loan of anything of value from the unlicensed, ineligible or suspended trainer; or

(f) use the farm or individual name of the unlicensed, ineligible or suspended trainer when billing customers; or

(g) pay any compensation to the unlicensed, ineligible, or suspended trainer.

(2) A licensed trainer who violates Paragraph (1) of this subsection will be subject to the following penalties:

(a) First offense - six month suspension and a \$5,000 fine.

(b) Second offense - one year suspension and a \$10,000 fine.

(c) Third offense - license revocation with a three year ban on re-application and \$20,000 fine.

16.47.1 NMAC 12 (d) A fourth or subsequent offense shall carry the same penalty as that imposed for a third offense, and the penalties will run consecutively. (3) On request by the



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

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commission or any of its agents, a person who assumes the care, custody or control of the horses of the unlicensed, ineligible or suspended trainer, shall permit the commission or its agents to examine all financial or business records to ensure compliance with this section. [16.47.1.10 NMAC - Rp, 16 NMAC 47.1.10, 3/15/2001; A, 11/15/2001; A, 3/30/2007; A, 8/30/2007; A, 6/30/2009; A, 9/15/2009; A, 7/5/2010; A, 5/16/2014; A, 9/15/2014; A, 3/15/2016; A, 6/1/2016; A, 12/16/16; A, 3/14/2018; A, 2/25/2020; A, 12/28/2021]

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 U. Protection of horses: (1) Each person licensed by the commission shall do all that is reasonable and within their power and scope of duty to guard against and prevent the administration of any drug, medication, or other substance, including permissible medication in excess of the maximum allowable level, to any horse entered or to be entered in an official workout or race, as prohibited by these rules. (2) No licensee or other person under the jurisdiction of the commission shall subject or permit any animal under their control, custody or supervision to be subjected to or to incur any form of cruelty, mistreatment, neglect or abuse or abandon, injure, maim or kill or administer any noxious substance to or deprive any animal of necessary care or sustenance, shelter or veterinary care.

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. **16.47.1.10 B. Absolute insurer:** (1) The trainer is the absolute insurer of the condition of horses entered in an official workout or race and is responsible for the presence of any prohibited drug or medication, or other prohibited substance in such horses. A positive test for a prohibited drug or medication or other prohibited substance or the presence of



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permitted medication in excess of maximum allowable levels as reported by a commission-approved laboratory is prima facie evidence of a violation of this rule. The trainer is absolutely responsible regardless of the acts of third parties. (2) A trainer must prevent the administration of any drug or medication or other prohibited substance that may cause a violation of these rules. (3) A trainer whose horse has been claimed remains the absolute insurer for the race in which the horse is claimed.

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. Trainers 16.47.1.10.C(1)

15.2.1.9(b): Which states in pertinent part that "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 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 cashier's check, money order." The last day to file an appeal is February 21, 2024.

By Order of The Sunland Park Stewards