



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: Final Outcome

Ruling:

RE: 2024-SUN-31 - Ruling Final Outcome

Exercise Rider, **Eugene O'Neil was (summarily suspended per ruling 2017-RUI-124)**, Thereafter having been duly notified, but failing to appear, for both his summary suspension hearing (February 3, 2024) and his disciplinary hearing (February 24, 2024) **both -** hearings were held in absentia, in accordance with Rule **15.2.1.9(B)(4)(d)(non-appearance)**, before the **Board of Stewards on February 24, 2024, for refusing to submit to a drug test as requested by the Sunland Park Board of Stewards on January 27, 2024 (See Rulings 2017-RUI-124 and 2017-RUI-164).**

The following penalties are imposed upon Eugene O'Neil:

1. **A 6-month suspension** of all NMRC licenses, retroactive from summary suspension ruling 2024-SUN-31, to run from **January 27, 2024, through June 27, 2024, inclusive.**
2. **A \$250.00 fine for each time Mr. O'Neil failed to appear for hearings for which he was properly noticed for a total of \$500.00 in fines.** This fine is to be paid on or before **March 25, 2024,** in accordance with 15.2.3.8(B)(3)(l) NMAC. Failure to pay the fine within the time prescribed may result in immediate suspension.
3. **Mr. O'Neil shall undergo a formal assessment by an accredited New Mexico-base treatment facility dealing with drugs and alcohol addiction.**
4. Mr. O'Neil shall take an anger management course given by an accredited New Mexico facility which deals with such issues.
5. Mr. O'Neil must take and pass a drug test before getting his license reinstated.

During said time of applicable suspension **Eugene O'Neil** is hereby excluded from all areas of the under the jurisdiction of the NMSRC, per **15.2.1.9 (C)(21)(a-b) Exclusion,**

Aggravating Factors:

1. Failed to appear for his summary suspension hearing. (Disrespect to stewards)
2. Failed to appear for his disciplinary hearing. (Disrespect to stewards)
3. Failing to take a drug test.

Mitigating factors: None

Licensee is found to be in violation of:

6.47.1.17 (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



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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.

16.47.1.8 (L)(1)(i) - CONDUCT Which states in pertinent part "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"

16.47.1.8(L)(1) - Grounds for disciplinary measures for a licensee, and refusal, denial, suspension, or revocation of a license: (l) is disrespectful or intimidates any official, commissioner, or commission staff or any other licensee;

This Ruling is written in accordance with

16.47.1.8 (L)(1)(i) - Which states in pertinent part "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"

16.47.1.17 (A)(3) TESTING PROCEDURES No notice need be given as to onset or cessation of random testing. **16.47.1.18 (B) ASSESSMENT/TREATMENT REQUIREMENTS GENERAL FIRST-TIME OFFENDERS:** **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) Last Known Address/**

16.47.1.8(L)(1)(e) Grounds For Disciplinary Measures/ 15.2.1.9(B)(9)(a)Failure to Appeal/ 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 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, money order or personal check." Last day to file an appeal is March 5,2024

By Order of The Sunland Park Stewards