



FY25 Hearing Officer

The New Mexico Racing Commission is accepting proposals for a small purchase contract to provide Hearing Officer services for the FY25 Fiscal Year.

If interested in submitting a proposal for this position, please submit a proposal, letter of interest, and résumé.

Deadline to submit a proposal for these services is Wednesday, May 22, 2024, no later than 4:00 PM.

All proposals **MUST** be sealed and mailed, hand delivered, or sent via email to:

Attn: Hector Lopez
New Mexico Racing Commission
4900 Alameda Blvd. NE-Suite A
Albuquerque, NM 87113
Hector.lopez@rc.nm.gov

If you have any questions regarding this position, please contact the New Mexico Racing Commission at (505) 220-8971.

IT IS AGREED BETWEEN THE PARTIES:

Scope of Work.

The Contractor shall perform the following work:

- A. This is a FY25 single-year contract with the New Mexico Racing Commission. Services will be performed from July 1, 2024, through June 30, 2025. Although services are to start July 1, 2024, services will not begin until the execution of this contract.
- B. The Contractor shall provide the services of Hearing Officer, in matters relating to administrative and disciplinary hearings held primarily at the New Mexico Racing Commission Albuquerque office.
- C. The contractor shall be aware the majority of these hearings are less

than four hours in duration; a small percentage of the hearings are longer than four hours in duration and an even smaller percentage of the hearings are more than one day in duration.

- D. The Contractor shall have the power to:
1. Receive procedural motions, hear and rule on such;
 2. Issue subpoenas, for purposes of discovery and the hearing, and for witnesses and reproduction of books, records, papers correspondence, documents and other evidence;
 3. Authorize the taking of depositions
 4. Administer oaths or affirmations to witnesses called to testify;
 5. Take testimony;
 6. Examine witnesses;
 7. Direct a continuance; and
 8. Conduct hearings in accordance with all provisions of 15.2.1.9 NMAC.
- E. The Contractor shall, within twenty-five (25) business days from the close of record, provide Agency with a draft report containing his or her Findings of Fact, Conclusions of Laws and Recommendations on all matters argued before the Contractor for review by Agency staff for technical accuracy only and not to comment on or make substantive changes to the draft report. Thereafter, the Contractor shall, within thirty (30) business days from the close of record, provide Agency with a report containing his or her Findings of Fact, Conclusion of Law and Recommendations for the Agency's Commissioners' consideration and action.
- F. The Contractor shall serve a copy of each parties proposed Findings of Fact, Conclusions of Law, and the Hearing Officer's Recommendations within thirty (30) business days from the close of the record by close of the business day. All exhibits must be attached to the copy of the proposal submitted by the Hearing Officer to the Agency.
- G. The Contractor may impose any appropriate evidentiary sanction against a party who fails to provide discovery or comply with a subpoena.
- H. The Contractor may:
1. On written notice, either on his or her own motion or on a motion of any party direct each party to appear at a specified time and, place for a pre-hearing conference;
 2. Give probative weight and effect to evidence that is of a kind commonly relied on by reasonably prudent people in the conduct of serious affairs;

3. In his or her discretion exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence;
 4. Admit documentary evidence received in the form of copies or excerpts;
 5. Take notice of judicially cognizable facts;
- I. Services will be performed at the Agency's office located at 4900 Alameda Blvd., NE, Suite A, Albuquerque, NM 87113 or as determined by the Agency's Executive Director.
 - J. All invoices for payment will be submitted to the Agency no later than ten (10) days after receipt of the Hearing Officer's Report.

Performance Measures:

Contractor shall substantially perform the following Performance Measures:

1. Hold hearings to ensure rules and regulations pertaining to horse racing are enforced and applied equally to all participants.
2. Ensure the highest of quality and communication in all investigative cases; and
3. Ensure his or her written work product is of the highest quality.

The receipt of the deliverables completed under this Agreement shall assist the Agency in meeting its goal(s) as set forth in its Strategic Plan.