

**NEW MEXICO HORSE RACING COMMISSION**  
**MINUTES OF THE REGULAR MEETING**

**Date:** May 16, 2024, at 9:00 a.m.

**Place:** NMRC Boardroom; 4900 Alameda Blvd., NE, Albuquerque, NM and Zoom Video Conference – Meeting ID: 835 0537 2749

**Members Present:** Vice-Chairman David “Hossie” Sanchez, Commissioner John Buffington, and Commissioner Billy Smith.

**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>
<b>Public Session 1:</b> <b>I. Call to Order and Roll Call</b>	<b>0:00:06 – 0:00:33</b>	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.
<b>II. Pledge of Allegiance</b>	<b>0:00:35 – 0:00:52</b>		Pledge of Allegiance was recited.
<b>III. Approval of Agenda</b>	<b>0:01:00 – 0:01:11</b>	Vice-Chairman Sanchez asked if there were any changes to the agenda today. There were none.	Motion to approve the agenda made by Commissioner Smith. Commissioner Buffington second the motion. Motion passed unanimously.

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<b>IV. Approval of Minutes:</b> April 18, 2024 – Regular Commission Meeting	<b>0:01:14 – 0:01:30</b>	Vice-Chairman Sanchez asked if the minutes for the April 18, 2024, regular meeting were reviewed and if there were any changes. There were no changes.	Motion to approve the minutes from April 18, 2024 meeting made by Commissioner Smith; Second by Commissioner Buffington. Motion passed unanimously.
<b>V. Commissioners' Reports</b>	<b>0:01:31 – 0:01:34</b>	No comments.	No Action Taken.
<b>VI. Agency Director Reports:</b> A. NMRC Report	<b>0:01:36 – 0:07:18</b>	<ul style="list-style-type: none"> <li>Executive Director Trejo reported the 2024 SunRay meet is coming to an end this weekend. Executive Director Trejo reported there were a handful of catastrophic injuries at this meet where traditionally SunRay has had a low catastrophic injury rate. There appears to be more QHs than TBs suffering catastrophic injuries. He is still concerned those catastrophic injuries relate back to the idea there is a lack of horsemanship.</li> <li>NMRC will be headed to Ruidoso Downs on May 21, 2024, for the track inspection. Executive Director Trejo said he was at Ruidoso Downs a couple of weeks ago to observe the training races and reported the track surface looked different and way better than in the past.</li> </ul>	No Action Taken.

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		<ul style="list-style-type: none"> <li>Executive Director Trejo reported he received information The Downs At Albuquerque will be opening the barn area immediately upon the closure of the grounds at SunRay Park. Executive Director Trejo and the Commissioners all expressed their gratitude to Don Cook, Paul Blanchard for looking out for the interest of over 300 hundred horses and several horsemen. Executive Director Trejo also thanked the horsemen who met with Management at the Downs at Albuquerque to make this happen. Vice-Chair Sanchez thanked Don Cook for making this happen. Everyone expressed their content to see Track Management and reasonable horsemen discussing and agreeing on something to better the industry in NM. Vice-Chairman Sanchez said he would like to remind the horsemen to behave themselves back there. The Downs did NOT have to open up the barn area, yet it did. He asked them to just please take care of the grounds and behave.</li> <li>Executive Director Trejo reported the NM tracks handled the absence of the Kentucky Derby simulcast the best they could.</li> </ul>	No Action Taken.

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B. NMHBA Report	0:07:20 – 0:10:36	<p>Mary Barber presented the Race-A-Day Report for SunRay Park through Sunday, May 5, 2024, stating it ran 37 NM Bred Races in 12 days. In overnight races, the NMHBA contributed \$257,000.00 which was \$231,500.00 less than in 2023. It averaged 3.09 NM Bred per day, +1 for three a day.</p> <p>Commissioner Smith asked Ms. Barber if she includes the scratches in the average field size numbers she reports. Ms. Barber replied no. She said they go back and deduct the scratched horses from their numbers.</p>	No Action Taken.
<p><b>VII. Executive Session: entered at 9:15 AM</b></p> <p><b>A) D-202-CV-2020-06564 (S-1-SC-39693); D-202-CV-2021-03236 (A-1-CA-40911) and (A-1-CA-40915); and D-202-2022-03779 (Pending Litigation)</b></p> <p><b>B) D-202-CV-202200712 (Pending Litigation)</b></p>	<p>0:10:40 – end</p> <p><b>2<sup>nd</sup> Open Session Recording:</b></p> <p>0:00:05 – 0:00:40</p>	<p>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.</p> <p>In-House Counsel, Richard Bustamante affirmed the Commission only discussed in Executive Session those matters listed under Items 7. A &amp; B which were licensing matters as identified under Item VII of the meeting Agenda, in accordance</p>	<p>Motion to enter into Executive Session made by Commissioner Buffington. Commissioner Smith seconded the motion. Motion passed unanimously by roll call vote.</p> <p>No action taken on Agenda Items VII (A &amp; B).</p>





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<b>C. Request for Approval to Amend 2024 Ruidoso Downs Stewards</b>	<b>0:10:00 – 0:11:17</b>	Executive Director Trejo requested to Amend the 2024 Ruidoso Downs' Stewards previously approved, due to 1 deciding to take another job offer in Arizona.	Motion to approve the Amended 2024 Ruidoso Downs' Stewards as presented made by Commissioner Smith; Second by Commissioner Buffington. Motion passed unanimously.
<b>D. Approvals for The Downs At Albuquerque</b>			
<b>1. Request for Approval to Amend 2024 Primary License Application</b>	<b>0:11:20 – 0:14:12</b>	Don Cook of the Downs At Albuquerque requested approval to amend its 2024 Primary License Application. The amendment reflects 9 races a day, even on Saturdays and Sundays wherein its application indicated it would be running 10 races. Commissioner Buffington asked why the amendment. Mr. Cook replied, he hopes he is incorrect, but he's got a hunch there will be a TB shortage this race meet. He reported losing some to suspensions and Denver will be scheduled to run the same time the Downs at Albuquerque. He said he will keep a close eye and if numbers seem to be improving, he will come back and ask for an increase in races.	Motion to approve amending the DAA's 2024 Primary License Application made by Commissioner Smith; Second by Commissioner Buffington. Motion passed unanimously.
<b>2. Request for Approval of 2024 Condition Book and Condition Book Officials</b>	<b>0:14:14 – 0:14:41</b>	Don Cook of the Downs At Albuquerque requested approval of its 2024 Condition Book and Condition Book Officials.	Motion to approve DAA's 2024 Condition Book and

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<b>3. Request for Approval of 2024 Stakes Schedule</b>	<b>0:14:42 – 0:19:39</b>	<p>Don Cook of the Downs At Albuquerque requested approval of the 2024 Stakes Schedule. Mr. Cook reported there are a couple notable changes from last year: The TB Breed Stakes were lowered from \$100k to \$85k. He said The Downs just does not have the same amount of money it had last year.</p> <p>Commissioner Smith asked Mr. Cook to explain why there has been a decrease in the purse money. Commissioner Smith asked Mr. Cook if losing all the simulcast signals has caused this decrease. Mr. Cook replied he believes that is part of the issue. He said The Downs is back to being like it was pre-Covid. During the pandemic its biggest competitor was closed and it was doing well and able to ensure money in the “pot”. Now it is open and feeling the financial decrease. Executive Director Trejo reported the State of NM lost \$872,000 plus on the Kentucky Derby Day alone in pari-mutuel handle on that day. The Equine Test Fund also suffered a loss of a little</p>	<p>Condition Book Officials made by Commissioner Smith; Second by Commissioner Buffington. Motion passed unanimously.</p> <p>Motion to approve the DAA 2024 Stakes Schedule as presented made by Commissioner Smith; Second by Commissioner Buffington. Motion passed unanimously.</p>

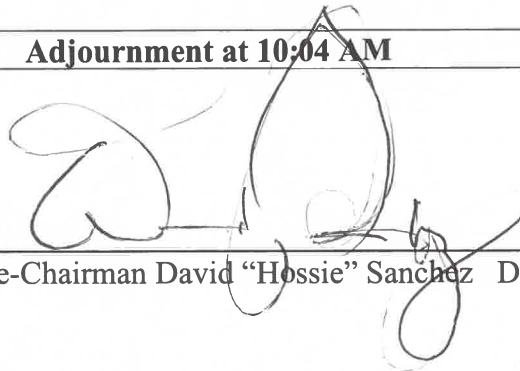
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<b>4. Request for Approval of 2024 Purse Schedule</b>	<b>0:19:40 – 0:20:25</b>	<p>over \$10,000 from Kentucky withholding its signal.</p> <p>Don Cook of the Downs At Albuquerque requested approval of the 2024 Purse Schedule.</p>	Motion to approve the DAA 2024 Purse Schedule made by Commissioner Smith; Second by Commissioner Buffington. Motion passed unanimously.
<b>5. Request for Approval of 2024 Post Times &amp; Wagering Format</b>	<b>0:20:26 – 0:20:45</b>	<p>Don Cook of the Downs At Albuquerque requested approval of the 2024 Post Times &amp; Wagering Format.</p>	Motion to approve the DAA 2024 Post Times & Wagering Format made by Commissioner Smith; Second by Commissioner Buffington. Motion passed unanimously.
<b>6. Request for Ratification of Approval to Amend 2024 Import List</b>	<b>0:20:46 – 0:21:42</b>	<p>Don Cook of the Downs At Albuquerque requested ratification of the approval to amend its 2024 Import List. It would like to import the 2024 Virginia Gold Cup. Mr. Cook said this was a steeplechase race card on Kentucky Derby Day and the fans enjoyed watching it.</p>	Motion to ratify the approval to amend DAA's 2024 Import List made by Commissioner Smith; Second by Commissioner Buffington. Motion passed unanimously.



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<b>E. Approvals for SunRay Park</b>			
<b>1. Request for Ratification of Approval of 11 Race Card on April 27, 2024</b>	<b>0:21:48 – 0:22:45</b>	Steve Fedunak of SunRay Park requested ratification of approval of the 11 Race Card on April 27, 2024. Mr. Fedunak reported this was the only day it was not able to run 12 races in a day and it was a TB Day. SunRay Park offered 9 extras and it was just not able to fill the card.	Motion to ratify the approval of the 11 Race Card on April 27, 2024 made by Commissioner Smith; Second by Commissioner Buffington. Motion passed unanimously.
<b>2. Request for Ratification of Approval of 13 Race Card and Post Times &amp; Wagering Format on May 3, 2024</b>	<b>0:22:47 – 0:25:12</b>	<p>Steve Fedunak of SunRay Park requested ratification of approval of the 13 Race Card and Post Times &amp; Wagering Format on May 3, 2024 (trial day). This ended up making up for the 11 Race Card the previous week.</p> <p>Vice-Chairman Sanchez asked Mr. Fedunak how and if the days it ran 12 races effected training, etc. Mr. Fedunak reported it was most difficult for SunRay Park's Trackman (Nacho). He had to start immediately after training was over. Commissioner Buffington told Mr. Fedunak he looks forward to a summation of the race meet soon and how the 12 races a day went. Mr. Fedunak said the horsemen were great and supportive this meet, but they expressed they did not want 12 races a day. They thought it was too many.</p>	Motion to ratify the approval of the 13 Race Card and Post Times & Wagering Format on May 3, 2024 made by Commissioner Smith; Second by Commissioner Buffington. Motion passed unanimously.

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<b>3. Request for Ratification of Approval to Amend Post Times on May 4, 2024</b>	<b>0:25:13 – 0:26:53</b>	Steve Fedunak of SunRay Park requested ratification of approval to amend post times on May 4, 2024. SunRay Park amended its post time so it could allow fans to watch the Kentucky Derby.	Motion to ratify the approval to amend post times on May 4, 2024 made by Commissioner Smith; Second by Commissioner Buffington. Motion passed unanimously.
<b>4. Request for Ratification of Approval to Amend 2024 Nomination Blanks</b>	<b>0:26:54 – 0:28:13</b>	Steve Fedunak of SunRay Park requested ratification of approval to amend its 2024 Nomination Blanks for the NM Breeders and Four Corners Futurities. This amendment is based on a request from the horsemen. It asked that a few more “also eligibles” be added to have more testing. He explained the expanded testing would allow additional horses to become eligible should there be an inordinate number of horses withdrawn and in hopes to preserve full fields and wagering opportunities.	Motion to ratify the approval to amend 2024 Nomination Blanks made by Commissioner Smith; Second by Commissioner Buffington. Motion passed unanimously.
<b>5. Request for Ratification of Approval to Amend 2024 Racing Officials</b>	<b>0:28:15 – 0:31:50</b>	Steve Fedunak of SunRay Park requested ratification of approval to amend its 2024 Racing Officials. These were primarily the gate crew.	Motion to ratify the approval to amend 2024 Racing Officials made by Commissioner Smith; Second by Commissioner

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			Buffington. Motion passed unanimously.
<b>X. Adjournment at 10:04 AM</b>	<b>0:31:58 - end</b>	Vice-Chairman Sanchez adjourned meeting.	


 Vice-Chairman David "Hossie" Sanchez Date 6/13/2024


 Executive Director Ismael Trejo Date 6-13-24