



New Mexico Racing Commission  
4900 Alameda NE  
Albuquerque, NM 87113

Ruling #: **2024-ZIA-13**  
Track: Zia Park  
Ruling Date: 11/11/2024

Licensee: **ACOSTA, GABRIEL MORALES**

License Type: 2023 3 Year Trainer      Applicant Id: 10183  
License Number: 308985

Ruling # 2024-ZIA-13

Action Type: Final Outcome

Ruling:

RE: 2024-ZIA-13 - Ruling Final Outcome

Trainer Gabriel Acosta, having been duly notified and having been represented by attorney Daniel Marquez, appeared via Microsoft Teams for his disciplinary hearing before the Ruidoso Downs Board of Stewards on June 16, 2025 at 9:00 a.m. regarding a medication violation on October 25, 2024, at the Downs at Albuquerque Racetrack involving the first place finisher of race 6 "JM Ferarri Lane" sample #E537988, confirmed positive in the blood, by Industrial Laboratories (the official lab for the NMRC) for the Class 2 Penalty B substance Caffeine at 1755 ng/mL (threshold 100ng/mL) and Theophylline (a metabolite of Caffeine).

Split sample rights were afforded and declined by trainer Gabriel Acosta and Owner Javier Marquez.

DNA samples were requested and completed by Kenneth L. Maddy Equine Analytical Chemistry Laboratory and confirmed to be from QH Horse "JM Ferarri Lane".

Mr. Gabriel Acosta was the Trainer of record for the horse "JM Ferarri Lane" on October 25, 2024.

Mr. Javier Marquez was the Owner of record for the horse "JM Ferarri Lane" on October 25, 2024.

In accordance with Rule **15.2.6.9(B)(2) Licensed Trainer**: This is Trainer Gabriel Acosta's first offense within 365 days for a Class 2 Penalty B medication violation

Aggravating factors considered:

1. Level of Caffeine exceeding threshold level by 17 times.
2. Out of competition positive for Albuterol taken from "JM Ferarri Lane" on November 4, 2024.

**Licensee is found in violation of NMAC:**

**15.2.6.9. C. Medication restrictions:**

(1) A finding by the commission approved laboratory of a prohibited substance in an official post-race or out-of-competition sample of a horse is prima facie evidence that the prohibited substance was administered to the horse and, in the case of a post-race test, was present in the horse's body while it was participating in a race.

(2) Subject to the approval of the commission nothing in this part shall prevent a racing association from setting eligibility conditions for individual races, or for its entire race meet,



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that prohibit the use or the presence of drug substances or medications in biological test samples collected from participating horses or detection levels lower than what is authorized by the commission. Such conditions if established in accordance with Paragraph (4) of Subsection C of 15.2.3.8 NMAC shall not be deemed in conflict with the rules and regulations of the commission.

**15.2.6.11 TRAINER RESPONSIBILITY**, which reads in part: "The purpose of this subsection is to identify responsibilities of the trainer that pertain specifically to the health and wellbeing of horses in their care.

A. The trainer is responsible for the condition of horses entered in an official workout or race and is responsible for the presence of any prohibited drug, medication or other substance, including permitted medication in excess of the maximum allowable level, in such horses. A positive test for a prohibited drug, medication or substance, including permitted medication in excess of the maximum allowable level, as reported by a commission-approved laboratory, is prima facie evidence of a violation of this rule. In the absence of substantial evidence to the contrary, the trainer is responsible.

B. A trainer shall prevent the administration of any drug or medication or other prohibited substance that may cause a violation of these rules."

NMAC 16.47.1.8 L. (1)(i)(o) Grounds for disciplinary measures for a licensee, and refusal, denial, suspension, or revocation of a license:

(1) 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:

(i) 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;

(o) has engaged in conduct unbecoming or detrimental to the best interests of racing;

**After viewing the evidence and testimony presented, the Board of Stewards hereby issue the following penalties.**

1. A 60-day suspension retroactive from Summary Suspension dated November 11, 2024, through January 9, 2025. (Time served) Pursuant to Rule 15.2.6.9 B. (2)

2. A fine of One Thousand Dollars (\$ 1,000.00) which must be paid on or before June 29, 2025, Pursuant to NMAC 15.2.1.9 A. (7)(f) all fines imposed by the Stewards shall be paid to the Commission within 14 days after the Ruling is issued, unless otherwise ordered.

3. Mr. Gabriel Acosta has accumulated "2" points for this infraction under the multiple medication violation point system. Per Rule 15.2.6.9 O (1)(2)(3)(5)(6).

**This Ruling is written in accordance with NMAC:**



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15.2.1.8 B. Commission General Authority  
15.2.1.9 A. Due Process and Disciplinary Action  
15.2.3.8 B. Stewards  
15.2.5.14 D. (7) Protests, Objections and Inquiries  
15.2.6.9 F. Permissible Medications with Acceptable Levels  
16.47.1.3 Statutory Authority  
16.47.1.8 A. (1)(2) License Required  
16.47.1.8 N. Changes in Application  
16.47.1.8 T. Knowledge of Rules  
16.47.1.8 U. (1)(2) Protection of Horses  
16.47.1.10 B. (1)(2) Absolute Insurer  
15.2.1.9 A. (9)(a)(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 June 25, 2025.

By Order of The Zia Park Stewards

*Geoff Wapler*

*[Signature]*

*[Signature]*