



New Mexico Racing Commission  
4900 Alameda NE  
Albuquerque, NM 87113

Ruling #: **2025-ZIA-26**  
Track: Zia Park  
Ruling Date: 11/26/2025

Licensee: **ARROYO, DIEGO GIOVANNI**  
License Type: 2024 3 Year Owner      Applicant Id: 137083  
License Number: 313595

Ruling #            2025-ZIA-26  
Action Type:      Modified Ruling  
Ruling:  
RE: 2025-ZIA-26 - Modified Ruling

Trainer/Owner Diego Arroyo is hereby summarily suspended, effective immediately, November 25, 2025, pending the outcome of his summary suspension hearing scheduled for December 1, 2025, at 8:15 A.M. in the office of the Board of Stewards at Zia Park (3901 West Millen Dr. Hobbs NM 88240), per 15.2.1.9 A.(3)(a)(b)(c) Summary Suspension. The Summary Suspension is regarding a medication violation on November 9, 2025, for first place finisher "Mr. Red Perry" from race 2 at Zia Park.

Sample E549278 tested positive for the drug Albuterol (Class 3 Penalty A drug). An affidavit from Industrial Laboratories (the official laboratory for the New Mexico Racing Commission) on November 24, 2025, reported Albuterol confirmed in the urine.

Diego Arroyo was listed as the Trainer of "Mr. Red Perry" on November 9th, 2025.  
Diego Arroyo was listed as the Owner of "Mr. Red Perry" on November 9th, 2025.

NMAC 16.47.1.8 L. (1)(e)(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:

(e) has been found in violation of rules governing racing in New Mexico and of other racing commissions or of any recognized regulatory organization:

(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;

NMAC 16.47.1.8 U. (2) Protection of Horses: 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.



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1900 Alameda NE  
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License Type: 2024 3 Year Owner      Applicant Id: 137083  
License Number: 313595

NMAC 16.47.1.10 B. (1) Absolute Insurer "The trainer is the absolute insurer of the condition of horses entered in an official workout or race..."

NMAC 16.47.1.10 C. (5) Trainers: A trainer is responsible for:  
(5) the proper identity, custody, care, health, condition, and safety of horses in their charge;

NMAC 15.2.6.9 C. (1) Medication Restrictions; 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.

NMAC 15.2.6.9 C. (4) There is no permissible concentration of clenbuterol or albuterol that is allowed to appear in any official sample. This includes samples collected from Quarter Horses and Thoroughbreds.

NMAC 15.2.6.9 MEDICATIONS AND PROHIBITED SUBSTANCES: The classification guidelines contained within the "Uniform Classification Guidelines for Foreign Substances and Recommended Penalties and Model Rule", December 2024 version 18.1 and "Association of Racing Commissioners International Controlled Therapeutic Medication Schedule for Horses", version 4.2.1, - December, 2020 update are incorporated by reference.

A. Penalties:

(1) In issuing penalties against individuals found guilty of medication and drug violations, a regulatory distinction shall be made between the detection of therapeutic medications used routinely to treat racehorses and those drugs that have no reason to be found at any concentration in the test sample on race day.

(2) The stewards or the commission will use the association of racing commissioner's international recommended penalty as a starting place in the penalty stage of the deliberations for a rule violation for any drug listed in the association of racing commissioners international uniform classification guidelines for foreign substances.

NMAC 15.2.6.9 B. Penalty Recommendations

NMAC 15.2.6.9 C. (8) Any horse that is the subject of a positive test report from the official laboratory for a drug in one of the following categories shall be placed immediately on the steward's list: (a) any drug categorized by the association of racing commissioner's international "uniform classification guidelines for foreign substance and recommended penalties and model rule" incorporated by reference under 15.2.6.9 NMAC as a penalty class A substance;



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License Type: 2024 3 Year Owner      Applicant Id: 137083  
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15.2.6.11 A. Trainer Responsibility: 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...

E. Additionally, with respect to horses in their care or custody, the trainer is responsible for:  
(1) the proper identity, custody, care, health, condition and safety of horses;

NMAC 15.2.3.8. B. (9)(a)(e) Stewards List

(a) The stewards shall maintain a stewards' list of the horses which are ineligible to be entered in a race because of poor or inconsistent performance behavior on the racetrack that endangers the health or safety of other participants in racing or for positive tests pursuant to Subsection C of 15.2.6.9 NMAC.

(e) A horse that has been placed on the steward's list for a positive test pursuant to Subsection C of 15.2.6.9 NMAC may only be removed if the criteria set forth in that subsection are met or in the event of a split sample result which does not confirm the official laboratory's original finding of a positive test.

In accordance with 15.2.1.9 B. (21), Diego Arroyo is hereby excluded from all areas of the grounds under the jurisdiction of the NMRC. Additionally, effective upon applicable suspension dates, all horses owned, trained, or under the care of Diego Arroyo are ineligible to be entered or start in any race in this jurisdiction, per 15.2.1.9 B.(21)(c). All transfers and sales of horses trained, owned, or in the care and custody of Diego Arroyo must be done in accordance with 15.2.6.9 A.(13)(a)(b)(c)(d) Medication and Prohibited Substances, 16.47.1.10 D (7) Assistant Trainers.

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

15.2.1.8 B. Commission General Authority  
15.2.1.9 A. Proceedings Before the Stewards  
15.2.2.8 V. Ejection and Exclusion  
15.2.3.8 B. Stewards  
15.2.6.11 E. Trainer Responsibility  
16.47.1.3 Statutory Authority  
16.47.1.8 A. (1)(2) License Required  
16.47.1.8.L. Grounds for Disciplinary Measures  
16.47.1.8 N. Changes in Application  
16.47.1.8 T. Knowledge of Rules  
16.47.1.8 U. Protection of Horses  
16.47.1.10 B. Absolute Insurer  
16.47.1.10. C. Trainer – Other Responsibility



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By Order of The Zia Park Stewards

*Geoff Wapler*

*Julie Farr*



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Licensee: ARROYO, DIEGO GIOVANNI  
License Type: 2024 3 Year Trainer      Applicant Id: 137083  
License Number: 313596

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Action Type: Modified Ruling  
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