

NEW MEXICO HORSE RACING COMMISSION
MINUTES OF THE SPECIAL PUBLIC MEETING

Date: February 10, 2026

Place: State Bar of New Mexico at 5121 Masthead St NE Albuquerque, NM and on Microsoft Teams

Members Present: Chairman Billy Smith, Commissioner John Buffington, and Commissioner Bob Pitre.

NMRC Staff Participating: Executive Director Ismael Trejo, In-House Counsel Richard Bustamante, and Senior Paralegal David Dominguez.

<i>AGENDA ITEM</i>	<i>DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
Public Session 1: I. Call to Order and Roll Call	Meeting called to order at 10:00 a.m. by Chairman Smith. Roll call was taken and a quorum was present.	No Action Taken.
II. Pledge of Allegiance		Pledge of Allegiance was recited.
III. Approval of Agenda	Chairman Smith asked if there were any changes to the agenda today. There were no changes.	Motion to approve the agenda made by Commissioner Buffington. Commissioner Pitre seconded the motion. Motion passed unanimously.

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<p>IV. Acknowledgement of the Record</p>	<p>The following was entered into the record via questions and answers between In-House Counsel Bustamante and Senior Paralegal Dominguez:</p> <ul style="list-style-type: none"> • Were the commissioners providing copies of the relocation application and all supporting documents? Yes, including the initial application and amended application. • Were the Commissioners provided with copies of the written submissions and supporting documentation submitted by Zia Park Racetrack and the Board of Count Commissioners of San Juan County? Yes • As required by Commission Rule 15.2.1.8(J)(4), was written notice provided by the NMRC to all federally recognized Native American tribes, nations and pueblos that are authorized by law to enter into a gaming compact with the State of New Mexico regarding the relocation application? Yes, twice. • And were those provided within 15 days of the applications filed? Yes. • Were those Native American tribes, nations and pueblos provided a copy of the relocation application? Yes. • Pursuant to Commission Rule 15.2.1.8(J)(4)(b), which provides for a 45-day period for Native American tribes, nations and pueblos to respond to the 	<p>No Action Taken.</p>

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	<p>relocation application. What was the total duration of time given to the Native American tribes, nations and pueblos to submit written comment regarding Western Gaming's relocation application? 91 days.</p> <ul style="list-style-type: none"> • What was the official end date for Native American tribes, nations and pueblos to submit written comment and how was that communicated to them? January 19, 2026, and that was communicated to them via a certified mailed letter per tribe, nation, and pueblo, which included the amended application. • Were the comments from Native American tribes, nations and pueblos immediately forwarded to the relocation applicant, Western Gaming LLC, as required by Commission Rule 15.2.1.8(J)(4)(b)? How exactly was that done? Yes, and they were immediately forwarded via email. • In total, how many comments, written or otherwise, were received from Native American tribes, nations and pueblos regarding the application? In total, both written and oral, 16 coming from 6 Native American tribes, nations and pueblos. • How many of that total were comments were made in person at the Commission's 	

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	<p>Special Hearing from Native American nations, tribes and pueblos? Three.</p> <ul style="list-style-type: none"> • Regarding comments from Native American nations, tribes and pueblos, what was the total breakdown regarding support for and opposition to the proposed relocation application? The final breakdown on the total number of Native American tribes, Nations and Pueblos was four in opposition, one in support and one that commented concerns on the process but did not provide a definitive opinion in support or in favor. • Was notice of the February 6, 2026, Special Hearing and Meeting provided to the public and if so, how? Yes, and via posting on the NMRC website as well as the NMRC bulletin board, and emailed to the dissemination list. • Was notice of today's Special Meeting provided to the public and if so, how? Yes, same as the answer to the last question. • Prior to the February 6, 2026, Special Hearing and Meeting on the relocation application, was the general public provided the opportunity to submit comments? Yes, they were provided the opportunity to submit written public comments to Senior Paralegal Dominguez's email address. This was 	

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	<p>communicated to them by providing the instructions on the NMRC website.</p> <ul style="list-style-type: none"> • How many written public comments in total were received up to the February 6th hearing? 223. • Out of that number, how many were in support and how many were against the proposed relocation? 96 in support, 127 against. • At the February 6th hearing, was public comment permitted, and if so, how? Yes, public comment was permitted both in person at the hearing and virtually through written comment to the NMRC's public comments email. • How many in-person public comments were made at the February 6th hearing? 18. • What was the breakdown of in person public comments in terms of support for and opposition to the proposed relocation application? For the in person public comments at the hearing it was 14 in support 4 against. • How many written public comments were received during the February 6th hearing? 33, via the public comments email. • Were those written public comments provided to the Commissioners, and if so, how? Yes, they were forwarded via email to the Commissioners. 	

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	<ul style="list-style-type: none"> • What was the breakdown of the February 6th written comments in terms of support for and opposition to the relocation application? 23 Opposed, 5 In Favor, and 5 were just comments that didn't have a definitive opinion one way or the other. • At the February 6th hearing, were other interested individuals or entities provided the opportunity to communicate their views to the Commission on the proposed relocation? Yes, specifically, the Zia Park Racetrack and Board of County Commissioners at San Juan County were each provided up to one half hour to present their respective positions on the application. They were also allowed to make visual presentations such as PowerPoint and a physical informational chart. • Did the Commissioners receive other forms of public comment regarding this relocation application? Yes, via voicemails. • Were those public comments provided to the Commissioners? Yes, the voicemails were downloaded and then forwarded to the Commissioners via email. • In total, what was the number of comments written, in person, voicemail received by the Commission on this relocation application. 256. 	

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	<ul style="list-style-type: none"> • What was the final breakdown regarding support for and opposition to the relocation application? 101 in support, 150 against, and 5 unclear. 	
<p>V. Executive Session:</p> <p>A. Deliberation on Application of Western Gaming LLC to Relocate its SunRay Park Racing License from Farmington, NM to Clovis, NM (Licensing)</p>	<p>Chairman Smith called for a motion to enter into executive session. Vice-Chairman 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>Motion to enter into Executive Session made by Commissioner Buffington. Commissioner Pitre seconded the motion. Motion passed unanimously by roll call vote.</p>
<p>Public Session 2:</p> <p>VI. <u>Unfinished/New Business and/or Action Items:</u></p> <p>A. Decision on Application of Western Gaming LLC to Relocate its SunRay Park Racing License from Farmington, NM to Clovis, NM</p>	<p>In-House Counsel Bustamante, per the authorization by the Commission, advised the following: The Commission thanked everyone for their participation in this process. The mission statement was emphasized and reiterated, as the mission statement from the New Mexico Racing Commission is to provide regulation in a manner which promotes a climate and economic prosperity for horsemen, horse owners and racetrack management. Pursuant to the Horse Racing Act, section 60-1A-5A, The Commission shall adopt rules to implement the Horse Racing Act and to ensure that horse racing in New Mexico is conducted with fairness and that the participants and patrons are protected against illegal practices.</p>	<p>Motion to approve the relocation application of Western Gaming LLC's racing license from Farmington, NM to Clovis, NM was made by Commissioner Pitre. Commissioner Buffington seconded the motion. Motion passed unanimously.</p>

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	<p>In Commission Rule 15.2.1.8.J(3), that rule specifically recognizes the application to relocate a racetrack and it says in issuing licenses for race meetings and again this is would be in issuing licenses, if the Commission decides to grant the application, in issuing licenses for race meetings and allocating race dates under this section, the Commission may consider the following factors: public interest, health of the industry, safety and welfare of participants, and the criteria for licensure to conduct a race meet set forth in the act and its administrative rules. In-House Counsel Bustamante emphasized that this has been a deliberative process, regarding whether an existing license should be allowed to relocate its place of business, and recognized the administrative rules and the gaming compact that the state has with the various tribes, nations and pueblos. The application was first brought to the Commission's attention in mid-October, and it's been more than 100 days later, with the Commission having received hundreds of in-person and written comments. The Commissioners sincerely and respectfully appreciate the gaming compact's Native American nations, tribes and pueblos concerns and comments and have considered those comments very thoughtfully.</p> <p>Chairman Smith stated that In-House Counsel Bustamante will have an order drafted in the coming days for it to be signed.</p>	

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VII. Adjournment	The meeting was adjourned after completion of items on the agenda.	Motion to adjourn the meeting was made by Commissioner Buffington. Commissioner Pitre seconded the motion. Motion passed unanimously.



Chairman Billy Smith



Executive Director Ismael Trejo