

NEW MEXICO HORSE RACING COMMISSION
MINUTES OF THE SPECIAL MEETING

Date: January 22, 2026

Place: NMRC Boardroom; 4900 Alameda Blvd., 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 9:30 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.
IV. Approval of Minutes:	Chairman Smith asked if the minutes for the November 20, 2025, Regular Commission	Motion to approve the November minutes

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August 30, 2025 – Special Commission Meeting	Meeting and December 19, 2025, Rules Hearing and Meeting were reviewed, and if there were any changes. There were no changes	and December minutes made by Commissioner Buffington. Commissioner Pitre seconded the motion. Motion passed unanimously.
V. Commissioners' Reports	No comments.	No Action Taken.
VI. Agency Director Reports A. NMRC Executive Director Report	<p>Director Trejo stated Sunland Park appears to be running well from what he saw during his visit there from the past weekend. Director Trejo was able to meet the Racing Commission's new veterinarian and he thanked all the veterinarians for the hard work they do, as they have been working 14 hours a day. Director Trejo added the veterinarians stand firm on their decisions, and have good horsemanship, as the Racing Commission counts on them for advocating for the horses.</p> <p>Director Trejo attended the global symposium on racing, reported on the discussion on the breed program, and stated he is hoping to see the program grow.</p> <p>Director Trejo will be traveling to Tampa Bay, Florida to be part of a program discussion on the drug carmoterol. His part of that discussion during the presentation will necessarily be restricted due to pending litigation in which the Commission is involved.</p>	No Action Taken.

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	<p>Director Trejo thanked the Commission staff for pulling together, as it is a small team that does a big job, and he is proud of all of them.</p> <p>Chairman Smith asked if NMRC was the first Commission to detect carmoterol. Director Trejo stated it hit simultaneously with Texas, California, and New Mexico but another drug, tulobuterol, was detected by NMRC's official testing lab late last year, resulting in New Mexico being the first racing jurisdiction to catch it.</p> <p>Director Trejo stated the lab does a phenomenal job.</p> <p>Chairman Smith urged cooperation from the racetracks to not give out stalls to the "undesirables", as it's a problem with drugs and the Commission has done a good job to get rid of them.</p>	
<p>VII. NM Horse Breeder's Association Reports</p>	<p>New Mexico Horse Breeders' Association</p> <p>Director Barber reported the following:</p> <p>Zia Park ran 142 New Mexico bred races in their 31-day meet. There were 63 thoroughbred overnights, 56 quarterhorse overnights, 7 quarterhorse trials, 9 thoroughbred stakes and 7 quarterhorse stakes. The total contribution to the races came to \$2,314,000 dollars, resulting in \$75,000 dollars more than in 2024. There was an average of 4.58 New Mexico breds per day.</p> <p>There were a total of 72 thoroughbred races and 70 quarterhorse races for New Mexico breds and they were plus 49 for three-a-day. For the average field size for New Mexico bred overnight races-</p>	<p>No Action Taken.</p>

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	<p>only and after deducting scratched horses, the thoroughbreds, there were 523 horses in 63 New Mexico bred overnight races for an average field size of 8.31. For the quarterhorses, there were 511 horses with 56 New Mexico bred overnight races and the average field size was 9.13. The combined average field size was 8.69. For New Mexico breeds running open overnight races in their 31 days, Zia Park had 231 New Mexico breds. Of those, there were 63 that ran first, second or third. There were 15 thoroughbreds and 48 quarterhorses. The contribution for those horses came to \$110,659 dollars.</p> <p>Vice Chairman Buffington asked how many Arizona breds have signed up now. Director Barber answered that there are 4 running at Sunland Park.</p> <p>Chairman Smith asked if any of the 4 had yet won a race. Director Barber answered "Brandon" won a race, another came in second, and another came in third in one of the stakes races, that were Arizona bred.</p>	
<p>VIII. Executive Session:</p> <p>A. NMHA v. NMRC (Pending Litigation)</p> <p>B. Keeton v. NMRC (Pending Litigation)</p> <p>C. IMO: Mary Meza (Hearing Officer's Report)</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;</p>	<p>Motion to enter into Executive Session made by Commissioner Buffington. Commissioner Pitre seconded the motion. Motion passed</p>

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<p>D. Matthew Wayne Flandermeyer (Licensing) E. Cristian Alcala (Licensing) F. Western Gaming Relocation Application (Licensing; Motions to Intervene)</p>	<p>deliberations on adjudicatory proceedings and pending or threatened litigation.</p>	<p>unanimously by roll call vote.</p>
<p>Public Session 2: IX. <u>Unfinished/New Business and/or Action Items:</u></p> <p>A. IMO: Mary Meza (Hearing Officer's Report)</p> <p>B. Request for Approval of Matthew Wayne Flandermeyer's Secondary License Application</p>	<p>In-House Counsel Bustamante confirmed with the Commissioners whether they wished to entertain a motion to adopt the Hearing Officer's Report regarding Ms. Meza's appeal, but clarifying in the written decision and order that Ms. Meza was properly notified of her right to a split sample and that the Commission rules do not affirmatively require notification of split sample rights. The modification would be a \$500.00 fine and 15-day suspension in which she has already served 14 of the 15 days. Ms. Meza will have 30 days to pay the fine, as the 30 days will be based on the filing date of the decision and order. Ms. Meza will further serve her one-day suspension immediately upon receiving the written and filed decision and order.</p> <p>In-House Counsel Bustamante confirmed with the Commissioners that they want to entertain a motion to tentatively approve Mr. Flandermeyer's secondary license application, pending a</p>	<p>Motion to adopt the Hearing Officer's Report with modifications was made by Commissioner Buffington. Commissioner Pitre seconded the motion. Motion passed unanimously.</p> <p>Motion to approve Mr. Flandermeyer's secondary license application, pending a successful background</p>

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<p>C. Cristian Alcala (Licensing)</p>	<p>successful background check conducted by the New Mexico Gaming Control Board.</p> <p>In-House Counsel Bustamante confirmed with the Commissioners that, in the disciplinary matter of the appeal of licensee Cristian Alcala, the Commission would like to entertain a motion denying Mr. Alcala's request to perhaps reach a negotiation on his disciplinary penalties handed down by the Stewards in lieu of him pursuing an appeal.</p>	<p>check conducted by the New Mexico Gaming Control Board was made by Commissioner Buffington. Commissioner Pitre seconded the motion. Motion passed unanimously.</p> <p>Motion to deny Mr. Alcala's request to reach a negotiation in lieu of him pursuing an appeal was made by Commissioner Buffington. Commissioner Pitre seconded the motion. Motion passed unanimously.</p>
<p>D. Request for Approval of the NMRC's Open Meeting Resolution of 2026</p>	<p>Director Trejo requested approval to execute NMRC's Open Meeting Resolution, as is done every January.</p>	<p>Motion to approve NMRC's Open Meeting Resolution of 2026 was made by Commissioner Buffington.</p>

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<p>E. Request for Approval to Allow Executive Director Trejo to Assign Hearing Officer</p>	<p>Director Trejo requested approval for Director Trejo to assign hearing officers to oversee appeals from Stewards' rulings.</p>	<p>Commissioner Pitre seconded the motion. Motion passed unanimously.</p> <p>Motion to approve Director Trejo to assign hearing officers was made by Commissioner Buffington. Commissioner Pitre seconded the motion. Motion passed unanimously.</p>
<p>F. Request for Approval to Amend 2025-26 Sunland Park Board of Stewards</p>	<p>Director Trejo requested approval to amend the 2025-2026 Sunland Park Board of Stewards with the addition substitute steward, Julie Farr.</p>	<p>Motion for approval was made by Commissioner Buffington. Commissioner Pitre seconded the motion. Motion passed unanimously.</p>

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<p>G. Western Gaming Relocation Application (Licensing; Motions to Intervene)</p>	<p>In-House Counsel Bustamante confirmed with the Commissioners to place on the record the following: Firstly, the Western Gaming relocation application is a licensing matter; it is not a disputed case matter of the sort that the Commission sometimes is involved in or presides over. It is also not a disciplinary matter; therefore, the only party to the application is Western Gaming. Additionally, In-House Counsel Bustamante confirmed with the Commissioners a motion to deny Zia Park's motion to intervene, and San Juan County Board of County Commissioners motion to intervene. However, both Zia Park and San Juan County Board of County Commissioners would be allowed to provide the Commission with their views of the relocation application, and the details regarding their presentations will be contained in the order that denies their motions to intervene. Chairman Smith asked for clarification, specifically, whether that they are going to have the same amount as Western Gaming during the hearing to lay out their case. In-House Counsel confirmed and stated the order will spell out that they will have the opportunity to present their position, their evidence in writing before the Commission. Then, at the hearing, if they so choose to, San Juan County and Zia Park will also have the opportunity to verbally present their positions to the Commission. Chairman Smith asked for clarification that the order will indicate that San Juan County and Zia</p>	<p>Motion for approval was made by Commissioner Buffington. Commissioner Pitre seconded the motion. Motion passed unanimously.</p>

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<p>H. Approvals for SunRay Park 1. Request for Approval of the 2026 Purse Distribution 2. Request for Approval of Condition Book #1 for 2026 Race Meet</p> <p>I. Approvals for Sunland Park 1. Request for Ratification of Approval of Racing Officials for the 2025-26 Race Meet</p>	<p>Park will have 10 days to provide the evidence, and that they will have the same time as Western Gaming to orally argue their case at the public hearing. In-House Counsel Bustamante confirmed, and stated, for the record, that the public comments received from the Native American nations, tribes and pueblos a part of the gaming compact, as well as the general public, were immediately submitted to the Commissioners and the applicant, pursuant to rule regarding relocation applications.</p> <p>Tim McKernan requested approval for the 2026 purse distribution and approval of the 2026 condition book.</p> <p>Director of Racing of Sunland Park, Dustin Dix, requested ratification of approval of its racing officials for the 2025-26 race meet, and ratification of approval to run 10 races on January 10th. Mr.</p>	<p>Motion for approvals to both items was made by Commissioner Buffington. Commissioner Pitre seconded the motion. Motion passed unanimously.</p> <p>Motion for approval of both items was made by Commissioner Buffington.</p>

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<p>2. Request for Ratification of Approval to Run 10 Races on January 10, 2026</p>	<p>Dix provided a brief update: thus far, Sunland's on-track handles are up 10.17% through the first three weeks and up 4.49% off track.</p>	<p>Commissioner Pitre seconded the motion. Motion passed unanimously.</p>
<p>J. Approvals for Zia Park</p> <ol style="list-style-type: none"> 1. Request for Ratification of Approval for a Variance for Running 2 Races on December 2, 2025 2. Request for Ratification of Approval for a Variance Regarding Temporary Clerk of Scales Coverage for Races 9 and 10 on December 6, 2025 3. Request for Ratification of Approval for a Variance for the Scheduling of 8 Races on December 8, 2025 4. Request for Ratification of Approval to change post times for December 15, 2025, and December 16, 2025, to 11:45am 5. Request for Ratification of Approval to schedule 11 live races on both December 15, 2025, and December 16, 2025 	<p>Vice President General Manager Ken Goetz requested ratification of approval for items one through five. Commissioner Buffington had a question regarding item three, specifically, why eight races and out of order. Director Trejo answered advising there was not enough thoroughbreds to enter that day.</p>	<p>Motion for approval of all five items was made by Commissioner Buffington. Commissioner Pitre seconded the motion. Motion passed unanimously.</p>
<p>K. Approvals for Downs at Albuquerque</p> <ol style="list-style-type: none"> 1. Request for Ratification of 	<p>Don Cook of the Downs at Albuquerque requested the ratification of approval of post time schedule and waging format for a change in post time</p>	<p>Motion for approval was made by Commissioner</p>

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Approval for a Change in Post Time Schedule and Wagering Format for October 19, 2025	schedule and wagering format for October 19, 2025.	Buffington. Commissioner Pitre seconded the motion. Motion passed unanimously.
X. 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