

NEW MEXICO HORSE RACING COMMISSION
MINUTES OF THE SPECIAL MEETING

Date: February 04, 2025, at 12:30 p.m.

Place: NMRC Boardroom; 4900 Alameda Blvd., NE, Albuquerque, NM and Zoom Video Conference – Meeting ID: 898 2925 4645

Members Present: Commissioners John Buffington, Billy Smith, and Robert “Bob” Pitre.

NMRC Staff Participating: Executive Director Ismael Trejo, In-House Counsel Richard Bustamante, and Law Clerk Denise Chavez.

<i>AGENDA ITEM</i>	<i>DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
<p>Public Session 1: I. Call to Order and Roll Call</p>	<p>Meeting called to order at 12:30 p.m. by Commissioner Billy Smith. A quorum was present.</p> <p>Executive Director Ismael Trejo, In-House Counsel Richard Bustamante, and Law Clerk Denise Chavez were also present.</p>	<p>No Action Taken.</p>
<p>II. Pledge of Allegiance</p>		<p>Pledge of Allegiance was recited.</p>
<p>III. Approval of Agenda</p>	<p>Commissioner Smith asked if there were any changes to the agenda today. No changes made to today’s agenda.</p>	<p>Motion to approve the agenda as amended made by Commissioner Buffington. Commissioner Pitre second the motion. Motion passed unanimously by roll call vote.</p>

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<p>IV. Executive Session:</p> <p>A. SunRay Park & The Downs at Albuquerque (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>V. <u>Unfinished/New Business and/or Action Items:</u></p> <p>A. Approvals for SunRay Park & The Downs at Albuquerque</p> <ol style="list-style-type: none"> 1. Request for Approval of Sale of SunRay Gaming of NM, LLC to Western Gaming 2. Request for Approval to Amend SunRay Park's 2025 Primary Application & Simulcast License 	<p>In-House Counsel Bustamante confirmed with the Commissioners that they would like to make a motion to approve the sale of SunRay Park to Western Gaming, subject to the later issuance of the racing license, simulcast license, and a gaming license (as done by the New Mexico Gaming Control Board).</p> <p>After the motion passed, In-House Counsel Bustamante explained to the audience in attendance that at a later time, the Commission will have another meeting to deal with the matter of the issuance of a racing license and simulcast license to SunRay Park under new ownership, which will then allow the New Mexico Gaming Control Board to conduct its due diligence regarding the</p>	<p>Motion to approve the sale of SunRay Park to Western Gaming made by Commissioner Buffington; Second by Commissioner Pitre. Motion passed unanimously.</p>

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	possible issuance of a gaming license to Western Gaming.	
VI. Race Review A. IMO: Ben Lee Ivey, et al.	<p>This is a race appeal of race #8 that ran on - January 16, 2025 at Sunland Park. This race review is pursuant to 15.2.5.14(E) NMAC. State Stewards Whitney Verbal, Geoff Waxler, Robert M Driggers, Ben Ivey, Simon Buechler, and Tracy Hebert were all sworn in. Mr. Ivey, Mr. Buechler, and Mr. Hebert presented the case. Mark Miller (one of the owners of “Gamblaway”), via Zoom, spoke regarding the review. The video replay of the race was replayed for testimony.</p> <p>Mr. Ivey’s horse #3, “Holy Hank”, was disqualified and placed third for interference with horse #5, “Gamblaway”.</p> <p>State Steward, Geoff Waxler presented the case on behalf of the Stewards. Steward Waxler called Presiding Steward, Violet “Pinkie” Smith as the only witness.</p>	
VII. Executive Session: A. IMO: Ben Lee Ivey, et al. (Potential Litigation)	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)	Motion to approve the sale of SunRay Park to Western Gaming made by Commissioner Buffington; Second by

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	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.	Commissioner Pitre. Motion passed unanimously.
VIII. <u>Unfinished/New Business and/or Action Items:</u> A. IMO: Ben Lee Ivey, et al	After hearing testimony from all parties present today, reviewing evidence presented and watching the replay of race #8 on January 16, 2025, at Sunland Park, the Commissioners deliberated and found that the #3 horse "Holy Hank" was clear when it changed lanes, such that it did not alter the finish of the race for horse #5, "Gamblaway". Any prizes such as belt buckles or trophies etc., need to be returned to the Commission offices by the initial first place finisher.	Motion to overturn the stewards' decision made by Commissioner Buffington; Second by Commissioner Pitre. Motion passed unanimously.
IX. Adjournment	Chairman Smith adjourned meeting.	



Billy G. Smith, Chairman

4/16/26

Date



Executive Director Ismael Trejo

Date