

**NEW MEXICO HORSE RACING COMMISSION
MINUTES OF THE SPECIAL MEETING**

Date: January 21, 2025, at 12:30 p.m.

Place: NMRC Boardroom; 4900 Alameda Blvd., NE, Albuquerque, NM and Zoom Video Conference – Meeting ID: 899 4896 8769

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>

<i>AGENDA ITEM</i>	<i>DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
<p>IV. Race Reviews: A. IMO: Andres Gonzalez</p>	<p>This is a race appeal of race #8 that ran on 1/5/2025 at Sunland Park. State Stewards Whitney Verbal, Geoff Waxler, and licensee Andres Gonzalez were all sworn in. Mr. Gonzalez presented his case. The video of the race was replayed for testimony.</p> <p>Mr. Gonzalez's horse was horse #2 "Suspicious Lipss" and was DQ'd by the Stewards and placed from 2 to 7th place.</p> <p>State Steward Whitney Verbal presented the case on behalf of the Stewards. Steward Verbal called Presiding Steward, Violet "Pinkie" Smith as the only witness.</p>	
<p>V. Executive Session: A) IMO: Andres Gonzalez (Potential Litigation)</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>

<i>AGENDA ITEM</i>	<i>DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
<p>VI. <u>Unfinished/New Business and/or Action Items:</u> A. Decision IMO: Andres Gonzalez (Race Review)</p>	<p>After hearing testimony from all parties present today, reviewing evidence presented and watching the replay of race #8 on January 5, 2025, at Sunland Park, the Commissioners voted in open session and found the #5 horse “Berkley” came in applying pressure to the #4 horse “Jets Between U N Me” from the inside. They also found that that pressure from the outside developed and was instigated by the #8 horse “Stagefrite” pressuring the #7 horse “Starr of the Show” causing a jam up of the #7, #6, #5 and #4 horses.</p>	<p>Motion to overturn the Stewards’ decision and restore the original order of finish made by Commissioner Buffington; Second by Commissioner Pitre. Motion passed unanimously.</p>
<p>IV. Race Review B. IMO: Jesus Soto</p>	<p>This is a race appeal of race #5 that ran on 1/11/2025 at Sunland Park. State Stewards Whitney Verbal, Geoff Waxler were present. Attorney Daniel Marquez was present on behalf of Jesus Soto, as well as Mr. Soto’s representative, Salvador Soto. All witnesses were sworn in. Jesus Soto presented his case. The video replay of the race was replayed for testimony.</p> <p>Jesus Soto’s horse was horse #4, “Harken” and was DQ’d by the Stewards and placed from 1st place to 5th place.</p>	

<i>AGENDA ITEM</i>	<i>DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
	State Steward Whitney Verbal presented the case on behalf of the Stewards.	
V. Executive Session: B) IMO: Jesus Soto (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) 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.	Motion to enter into Executive Session made by Commissioner Buffington. Commissioner Pitre seconded the motion. Motion passed unanimously by roll call vote.
VI. <u>Unfinished/New Business and/or Action Items:</u> B. Decision IMO: Jesus Soto (Race Review)	After hearing testimony from all parties present today, reviewing evidence presented and watching the replay of race #5 on January 11, 2025, at Sunland Park, the Commissioners voted in open session and found the #4 horse "Harken" lugged inward into the path of the #3 horse, "Bigg Al", causing "Bigg Al" to check, lose ground, and alter course shortly after the start. The Commissioners did not feel the #5 horse played a role in the #3 horse losing placement. The Commission concluded the actions of the #4 horse, "Harken", caused the #3 horse a better placing.	Motion to affirm the Stewards' decision made by Commissioner Buffington; Second by Commissioner Pitre. Motion passed unanimously.
VII. Adjournment	Chairman Smith adjourned meeting.	



Billy G. Smith, Chairman 4/16/26
Date



Executive Director Ismael Frejo Date