

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

Date: March 19, 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>
<b>Public Session 1:</b> <b>I. Call to Order and Roll Call</b>	Meeting called to order at 9:05 a.m. by Chairman Smith. Roll call was taken and a quorum was present.	No Action Taken.
<b>II. Pledge of Allegiance</b>		Pledge of Allegiance was recited.
<b>III. Approval of Agenda</b>	Chairman Smith asked if there were any changes to the agenda today. Director Trejo requested item 9.D. Request for Approval of 2026 Purse Agreement between Zia Park and Ruidoso Downs regarding Purse Money for Ruidoso Downs' 2026 Race Meet at the Downs at Albuquerque be tabled. In-House Counsel Bustamante added the Commission learned this morning from Zia Park that a purse agreement between Ruidoso Downs and Zia Park has made progress and is being	Motion to approve the amended agenda made by Commissioner Buffington. Commissioner Pitre seconded the motion. Motion passed unanimously.

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	<p>reviewed by Penn legal. In-House Counsel Bustamante informed everybody, for the record, that pursuant to the Horse Racing Act, 60-1A-4(B)(9), the Commission has the authority to regulate the size of purses to be offered at horse races run in New Mexico. Therefore, in the event the purse agreement is not reached between Zia Park and Ruidoso Downs, the Commission has the authority to step in and basically order the transfer of purse money.</p> <p>Director Trejo stated once the agreement gets signed and completed, the Commission will approve it and ratify it at the April Commission meeting.</p>	
<p><b>IV. Approval of Minutes:</b></p> <p><b>A.</b> Commission’s January 22, 2026, Special Meeting</p> <p><b>B.</b> Commission’s February 06, 2026, Special Public Hearing</p> <p><b>C.</b> Commission’s February 10, 2026, Special Meeting</p>	<p>Chairman Smith asked if the minutes for the January 22, 2026, Special Meeting, February 06, 2026, Special Public Hearing, and February 10, 2026, Special Public Hearing, and February 10, 2026, Special Meeting were reviewed, and if there were any changes. There were no changes</p>	<p>Motion to approve the January 22, 2026, minutes, February 06, 2026, minutes, and February 10, 2026, minutes made by Commissioner Buffington. Commissioner Pitre seconded the motion. Motion passed unanimously.</p>

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V. <b>Commissioners' Reports</b>	No comments.	No Action Taken.
VI. <b>Agency Director Reports</b> A. NMRC Executive Director Report	<p>Director Trejo described ongoing meetings with regulators from California, Louisiana, Texas, and Nebraska to address catastrophic injuries in quarter horse racing, highlighting efforts to change industry culture and reduce breakdowns, referring to recent incidents at Los Alamitos and Sunland Park, including a licensee suspended after 2 catastrophic injuries at Sunland Park. Director Trejo explained the rise of prediction markets, their impact on traditional gambling revenue, the lack of state control, and the potential adverse effects on New Mexico's horse racing industry.</p> <p>Director Trejo reported strategic drug testing is being conducted, especially for horses and trainers with violations from other jurisdictions, and that the implementation of a drug testing fee has restored funding, allowing for an expanded testing program in 2025. Director Trejo noted the Commission will continue to pay attention to the lawsuit of Texas AG versus Churchill Downs Inc. Chairman Smith asked for Director Trejo to emphasize a little bit on what the Commission has done regarding the trainer of the catastrophic breakdowns, and the owner. Director Trejo confirmed and applauded the Stewards for taking strong action and standing on principle with an owner who has received 8 drug violation Rulings among 6 different trainers during Director Trejo's time as the Executive Director of NMRC. The</p>	No Action Taken.

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	<p>owner's license was revoked, and they are ineligible for licensure for a minimal period of up to 10 years. Regarding the trainer who suffered catastrophic injuries at Sunland Park recently, all his horses entered to start at Sunland Park must be hair-tested, and he must provide radiographs for those horses.</p> <p>Chairman Smith stated that, contrary to the misconception that the Commission is not testing hair enough, it is testing on a regular basis. Chairman Smith also praised Zia Park for being the racetrack which contacts In-House Counsel Bustamante to find out about the "bad actors" for the purpose of refusing them stalls. Director Trejo agreed and stated his belief that all tracks should follow suit with a 3-strike policy on out-of-competition hair-testing. Director Trejo added the drug testing fee is making the Commission financially whole again, so the Commission can enhance the drug testing program, given 2025 and 2024 were anemic years due to the signals getting shut off, which resulted in not having money being generated for drug testing.</p> <p>Director Trejo announced track licensing renewals would be sent out by June 1st. Commissioner Buffington encouraged track operators to review and ensure accuracy to avoid delays.</p>	
<b>VII. NM Horse Breeder's Association Reports</b>	New Mexico Horse Breeders' Association Director Mary Barber reported the following:	No Action Taken.

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	<p>Sunland Park had to cancel 7 and a half days due to damage to the racetrack.</p> <p>Sunland Park had 46 thoroughbred overnights, 40 quarterhorse overnights, 5 quarterhorse trials, 7 thoroughbred stakes and 6 quarterhorse stakes.</p> <p>The total contribution to the races came to \$1,115,000 dollars, resulting in \$108,500 dollars more than in 2025. There was an average of 3.59 races per day. There were 53 thoroughbreds and 51 quarterhorses, and they were plus 17 for three-a-day. For the average field size, there were 432 thoroughbreds, less 20 that were scratched, divided by the 46 races. The average field size was 8.96. For the quarterhorses, the average field size was 9.2, and the combined average field size was 9.07. For New Mexico bred's running open overnight races in their first 19 days through February 14th, 205 New Mexico bred's ran, and of those, 54 finished first, second, or third, resulting in 27%. There were 22 thoroughbreds and 32 quarterhorses. The contribution to those purses for those horses was \$54,408.80.</p> <p>Vice Chairman Buffington asked how many Arizona bred's have signed up now. Director Barber answered there are 4 running at Sunland Park. Director Barber also thanked the Downs at Albuquerque for taking on the Ruidoso Downs meet again this year.</p>	
<b>VIII. Executive Session:</b>	Chairman Smith called for a motion to enter into executive session. Vice-Chairman Buffington	Motion to enter into Executive Session

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<p>A. NMHA v. NMRC (Pending Litigation)            B. Alexander v. NMRC (Pending Litigation)            C. Martinez and Hernandez v. NMRC (Pending Litigation)            D. Matthew Wayne Flandermeyer Background Check (Licensing)            E. IMO: Andres Gonzalez and Adrian Zapata (Hearing Officer's Report)            F. Downs at Albuquerque (Licensing)            G. Ruidoso Downs (Licensing)            H. Raul Gardea (Licensing)</p>	<p>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>made by Commissioner Buffington. Commissioner Pitre seconded the motion. Motion passed unanimously by roll call vote.</p>
<p><b>Public Session 2:</b>  <b>IX. <u>Unfinished/New Business and/or Action Items:</u></b></p> <p><b>A. Request for Approval of Matthew Wayne Flandermeyer's Secondary License Application</b></p> <p><b>B. IMO: Andres Gonzalez and Adrian Zapata (Hearing Officer's Report)</b></p>	<p>In-House Counsel Bustamante stated that having received the background check report from the New Mexico Gaming Control, the Commission would like to entertain a motion to approve Matthew Wayne Flandermeyer's secondary license application.</p> <p>In-House Counsel Bustamante stated the Commission would like to adopt the Hearing</p>	<p>Motion to approve the Matthew Wayne Flandermeyer's secondary license application was made by Commissioner Buffington. Commissioner Pitre seconded the motion. Motion passed unanimously.</p> <p>Motion to approve the Hearing Officer's</p>

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<p><b>C. IMO: Raul Gardea Licensure</b></p>	<p>Officer's Report with the following changes: 1. Indicating that Andreas Gonzalez has served his 60-day suspension, and; 2. The licensees shall be required to return any trophies such as blankets, saddles, belt buckles, etc., to the New Mexico Racing Commission</p> <p>In-House Counsel Bustamante stated the Commission would like to entertain a motion to deny Mr. Gardea's ability to apply for licensure by the New Mexico Racing Commission.</p>	<p>Report with the two changes was made by Commissioner Buffington. Commissioner Pitre seconded the motion. Motion passed unanimously.</p> <p>Motion to approve the deny Raul Gardea's ability to apply for licensure was made by Commissioner Buffington. Commissioner Pitre seconded the motion. Motion passed unanimously.</p>
<p><del><b>D. Request for Approval of 2026 Purse Agreement between Zia Park's and Ruidoso Downs regarding Purse Money for Ruidoso Downs' 2026 Race Meet at the Downs at Albuquerque</b></del></p>	<p>This agenda item was tabled earlier in the meeting by motion and vote.</p>	<p>Tabled.</p>
<p><b>E. FY25 Audit Review</b></p>	<p>CFO Trujillo introduced Audit Manager Mr. Juan Garcia of Beasley Mitchell and Co. to present the audit results for the 2025 audit of the New Mexico Racing Commission. Mr. Garcia thanked NMRC</p>	<p>No Action Taken.</p>

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	<p>management for their hard work with this audit. He outlined three findings related to procurement, contract documentation, and late audit submission, detailing ongoing corrective measures. Mr. Garcia reported a non-modified opinion for the financial statements, indicating fair presentation, and explained the differences between government-wide and fund financial statements, including a restatement due to new accounting standards (GASB 101). The audit identified a lack of formal agreements and documentation for certain expenditures, specifically related to horse race testing and AQHA challenge races, with recommendations for improved clarity and transparency in contracts and memoranda of understanding.</p> <p>Commissioner Buffington inquired on the audit finding about the lack of formal agreements, asking Mr. Garcia if the agreement should have been more formally documented. Mr. Garcia confirmed that it should have been.</p> <p>A late audit submission was noted due to delays in receiving a special investigation report by an external accounting firm, with management opting for a late submission rather than an unmodified opinion, as explained by Mr. Garcia.</p> <p>CFO Trujillo described ongoing efforts to formalize agreements with all tracks and industrial labs, including the implementation of MOUs and contracts to address audit findings, with support and recognition from the commissioners and staff.</p>	

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<p><b>F. Request for Approval of 2026 SunRay Park Board of Stewards</b></p> <p><b>G. Approvals for SunRay Park</b></p> <p>1. Request for Ratification of Approval to Amend 2026 Racing License</p> <p>2. Request for Approval of 2026</p>	<p>Chairman Smith believed these missteps are small. Commissioner Buffington agreed and noted that he believes it is good advice to put agreements in writing to avoid confusion.</p> <p>In-House Counsel Bustamante acknowledged CFO Trujillo and her financial staff as being very responsive to the auditors, as was visible day in and day out. Chairman Smith agreed, while praising CFO Trujillo for being very professional and very courteous.</p> <p>Mr. Garcia agreed and thanked CFO Trujillo.</p> <p>Director Trejo requested the approval of the following 2026 SunRay Park Board of Stewards: Presiding Steward, Julie Kagno, Ron Frazier, Geoff Waxler, and substitute stewards Leasa Johnson, Elizabeth Garcia, Violet Smith, and Julie Farr.</p> <p>Tim McKernan of SunRay Park requested the 1. Ratification for Approval to Amend 2026 Racing License, 2. Approval of 2026 Racing Officials, and 3. Approval of 2026 Amended Condition Book with Revised Dates.</p>	<p>Motion to approve the 2026 SunRay Park Board of Stewards was made by Commissioner Buffington. Commissioner Pitre seconded the motion. Motion passed unanimously.</p> <p>Motion to approve Items G. 1-3 was made by Commissioner Buffington. Commissioner Pitre</p>

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<p>Racing Officials</p> <p>3. Request for Approval of 2026 Amended Condition Book with Revised Dates</p>		<p>seconded the motion. Motion passed unanimously.</p>
<p>4. Request for Approval of 2026 Amended Stakes Schedule with Revised Dates</p> <p>5. Request for Approval of 2026 Amended Nomination Blanks for Four Corners Futurity and Breeders Futurity</p> <p>6. Request for Approval of 2026 Post Times and Wagering Formats</p>	<p>Mr. McKernan requested the 4. Approval of 2026 Amended Stakes Schedule with Revised Dates, 5. Approval of 2026 Amended Nomination Blanks for Four Corners Futurity and Breeders Futurity and 6. Approval of 2026 Post Times and Wagering Formats. Commissioner Buffington asked what the changes to the futurity's are. Mr. McKernan answered the finals are being run on the 16th instead of the 23rd.</p>	<p>Motion to approve Items G. 4-6 was made by Commissioner Buffington. Commissioner Pitre seconded the motion. Motion passed unanimously.</p>
<p><b>H. Approvals for Sunland Park</b></p> <p>1. Request for Ratification of Approval to Amend Wagering Format for the 2nd and 3rd Race on January 04, 2026</p> <p>2. Request for Ratification of Approval to Cancel Races 5-9 on January 23, 2026, and the 2026 Race Cards on January 24, 25, 26, 30, 31, and February 01 and 02</p>	<p>Director of Racing at Sunland Park, Dustin Dix, requested the 1. Ratification of Approval to Amend Wagering Format for the 2nd and 3rd Race on January 04, 2026, 2. Ratification of Approval to Cancel Races 5-9 on January 23, 2026, and the 2026 Race Cards on January 24, 25, 26, 30, 31, and February 01 and 02, and 3. Ratification of Approval of Variances for the 2026 Race Weeks of January 23-26, and January 30-February 02. Commissioner Buffington asked if the cancellations were due to the unsafe racetrack. Mr. Dix stated they had a 100-year rain event, followed</p>	<p>Motion to approve Items H. 1-3 was made by Commissioner Buffington. Commissioner Pitre seconded the motion. Motion passed unanimously.</p>

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<p>3. Request for Ratification of Approval of Variances for the 2026 Race Weeks of January 23-26, and January 30-February 02</p> <p>4. Request for Ratification of Approval to Distribute Purses equally to Entrants that were not Scratched prior to the Cancellations of Races 5-9 on January 23, 2026, and the 2026 Race Cards on January 24, 25, 26, 30, 31, and February 01 and 02</p> <p>5. Request for Ratification of Approval to Run 11 Races and Amend Post Times on February 07, 2026</p> <p>6. Request for Ratification of Approval to Amend 2025-26 Stakes Schedule</p> <p>7. Request for Ratification of Approval to Amend Post Times on February 08, 2026</p> <p>8. Request for Ratification of Approval to Run 10 Races on February 09, 2026</p>	<p>by snow, resulting in a lot of moisture on the track with cold weather. It took several days to dry out.</p> <p>Mr. Dix requested the 4. Ratification of Approval to Distribute Purses equally to Entrants that were not Scratched prior to the Cancellations of Races 5-9 on January 23, 2026, and the 2026 Race Cards on January 24, 25, 26, 30, 31, and February 01 and 02, 5. Ratification of Approval to Run 11 Races and Amend Post Times on February 07, 2026, and 6. Ratification of Approval to Amend 2025-26 Stakes Schedule.</p> <p>Mr. Dix requested the 7. Ratification of Approval to Amend Post Times on February 08, 2026, 8. Ratification of Approval to Run 10 Races on February 09, 2026, and 9. Ratification of Approval to Run 10 Thoroughbred Races and Amend Post Times and Wagering Format on February 15, 2026.</p>	<p>Motion to approve Items H. 4-6 was made by Commissioner Buffington. Commissioner Pitre seconded the motion. Motion passed unanimously.</p> <p>Motion to approve Items H. 7-9 was made by Commissioner Buffington. Commissioner Pitre seconded the motion. Motion passed unanimously.</p>

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<p>9. Request for Ratification of Approval to Run 10 Thoroughbred Races and Amend Post Times and Wagering Format on February 15, 2026</p> <p>10. Request for Ratification of Approval to Amend the Wagering Format and Post Time Schedule for a March 13, 2026, 14 Race Card</p> <p>11. Request for Ratification of Approval to Amend the Wagering Format and Post Time Schedule for a March 14, 2026, 13 Race Card</p> <p>12. Request for Ratification of Approval to Run a Minimum of 10 Races Beginning on March 06, 2026 Through the End of Live Racing on April 05, 2026</p>	<p>Mr. Dix requested the 10. Ratification of Approval to Amend the Wagering Format and Post Time Schedule for a March 13, 2026, 14 Race Card, 11. Request for Ratification of Approval to Amend the Wagering Format and Post Time Schedule for a March 14, 2026, 13 Race Card, and 12. Request for Ratification of Approval to Run a Minimum of 10 Races Beginning on March 06, 2026 Through the End of Live Racing on April 05, 2026.</p> <p>Mr. Dix informed the Commissioners regarding the loss of race days through Sunday, its on-track handle is only down less than 1%, with the average per race up 16% on track, and 7% off track.</p>	<p>Motion to approve Items H. 10-12 was made by Commissioner Buffington. Commissioner Pitre seconded the motion. Motion passed unanimously.</p>
<p><b>I. Approvals for Ruidoso Downs</b></p> <p>1. Request for Approval to Run the 2026 Race Meet at the Downs at Albuquerque</p> <p>2. Request for Ratification of Approval to Amend 2026 Racing License</p>	<p>Mr. Don Cook and Rick Baugh requested the 1. Approval to Run the 2026 Race Meet at the Downs at Albuquerque, 2. Ratification of Approval to Amend 2026 Racing License, and 3. Approval of the 2026 Stakes Schedule.</p>	<p>Motion to approve Items I. 1-3 was made by Commissioner Buffington. Commissioner Pitre seconded the motion. Motion passed unanimously.</p>

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<p>3. Request for Approval of the 2026 Stakes Schedule</p> <p>4. Request for Approval of the 2026 Purse Schedule</p> <p>5. Request for Approval of the 2026 Condition Book and Condition Book Officials</p> <p>6. Request for Approval of the Gaming/Breakage</p>	<p>Mr. Cook and Mr. Baugh requested the 4. Approval of the 2026 Purse Schedule, 5. Approval of the 2026 Condition Book and Condition Book Officials, and 6. Approval of the Gaming/Breakage. Chairman Smith thanked and appreciated Mr. Cook for working with Ruidoso Downs, and added that Ruidoso Downs will be back in 2028, if not sooner.</p>	<p>Motion to approve Items I. 4-6 was made by Commissioner Buffington. Commissioner Pitre seconded the motion. Motion passed unanimously.</p>
<p><b>J. Approvals for Downs at Albuquerque</b></p> <p>1. Request for Ratification of Approval to Amend 2026 Racing License</p> <p>2. Request for Approval of the 2026 Stakes Schedule</p> <p>3. Request for Approval of the 2026 Purse Schedule</p> <p>4. Request for Approval of the 2026 Condition Book Officials</p> <p>5. Request for Approval of the Gaming/Breakage</p>	<p>Mr. Cook requested the 1. Ratification of Approval to Amend 2026 Racing License, 2. Approval of the 2026 Stakes Schedule, and 3. Request for Approval of the 2026 Purse Schedule.</p> <p>Mr. Cook requested the 4. Approval of the 2026 Condition Book Officials and 5. Approval of the Gaming/Breakage.</p>	<p>Motion to approve Items J. 1-3 was made by Commissioner Buffington. Commissioner Pitre seconded the motion. Motion passed unanimously.</p> <p>Motion to approve Items J. 4 and 5 was made by Commissioner Buffington. Commissioner Pitre seconded the motion.</p>

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<p><b>K. IMO: Race Review of Licensee Wesley T. Giles, Race # 4, Sunland Park Racetrack, March 07, 2026</b></p>	<p>The Race Review is pursuant to Commission Rule 15.2.5.13(E). The NM Racing Commission heard arguments from both parties and reviewed the video several times of race #4 that ran on March 07, 2026, at Sunland Park Racetrack wherein horse #2, “Macdara”, placed first (1st). The Sunland Park Racetrack Board of Stewards ruled horse #2, “Macdara”, drifted out into the path of horse #3, interfering with horse #3, and causing horse #3 to check and alter course to avoid clipping heels with horse #2, costing horse #3 a chance at a better placing. Horse #3 was impeded and forced to check for several strides and alter courses, and horse #3 was beaten less than 3/100<sup>th</sup> of a second for a better placing. Therefore, the Sunland Park Racetrack Board of Stewards disqualified horse #2, “Macdara” and placed in 5<sup>th</sup>.</p> <p>Licensee Giles also had the opportunity to present his evidence and argument regarding the ruling of the Sunland Board of Stewards that day. The Commission also heard from other participants in the race at issue.</p> <p>The Commission ruled in open-session and found, based upon the presentations and the review of the films, the actions of the #4 horse and #5 horse both going towards each other</p>	<p>Motion passed unanimously.</p> <p>Motion to reverse the Sunland Park Racetrack Board of Stewards’ Decision made by Commissioner Buffington. Motion seconded by Commissioner Pitre. Motion passed unanimously.</p>

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	<p>pushed horse #3 in slightly such that horse #3 and horse #4 bumped, given the actions of horse #3 pushed in all the horses. As a result, the Commission concluded horse #3 caused problems for itself by running erratically and causing horse #4 to also run erratically. Accordingly, the Commission reversed the decision of the Sunland Park Racetrack Board of Stewards in this matter.</p>	
<p><b>X. Adjournment</b></p>	<p>The meeting was adjourned after completion of items on the agenda.</p>	<p>Motion to adjourn the meeting was made by Commissioner Buffington. Commissioner Pitre seconded the motion. Motion passed unanimously.</p>



Chairman Billy Smith



Executive Director Ismael Trejo