



New Mexico Racing Commission  
4900 Alameda NE  
Albuquerque, NM 87113

Ruling #: 2018-DAA-1  
Track Downs at Albuquerque  
Ruling Date: 6/22/2018

Licensee: ARAIZA, ARNULFO PERALTA

License Type: Applicant Id: 20673  
License Number:

Ruling # 2018-DAA-1

Action Type: Initial Ruling

Ruling:

The Trainer's License (20673) issued to Arnulfo Araiza is hereby rescinded without prejudice as he has appeared before the Board of Stewards on June 22, 2018, and stated that he no longer works in this capacity. Arnulfo Araiza is hereby issued a Clerk of Scales License.

**This ruling is written in accordance with:**

**16.47.1.8 (M)(2) DURATION OF LICENSE:** Which states in pertinent part "A license is valid only under the condition that the licensee remains eligible to hold such a license".

**15.2.3.8 B (3)(f) Stewards Disciplinary Action**

**15.2.3.8 B (1) (d) Stewards General Authority**

**16.47.1.8. T. KNOWLEDGE OF RULES:**

**16.47.1.3 Statutory Authority**

**16.47.1.8 (A)(1) License Required**

**16.47.1.8 (A)(2) License Required**

**16.47.1.8(N) Last Known Address**

By Order of The Downs at Albuquerque Stewards

Appeal Filing Deadline: 15.2.1.9(B) (9) (b) NMAC: Which states in pertinent part that "An appeal under this section must be filed not later than 10 days from the date of the ruling. The appeal must be filed at the main Commission offices, or with the Stewards who issued the ruling.



New Mexico Racing Commission  
4900 Alameda NE  
Albuquerque, NM 87113

Ruling #: 2018-DAA-2  
Track Downs at Albuquerque  
Ruling Date: 6/22/2018

Licensee: MACVITTIE, WILLIAM ROGER  
License Type: 2017 1 Year Assistant Applicant Id: 20734  
License Number: 287641

Ruling # 2018-DAA-2  
Action Type: Initial Ruling  
Ruling:

The Assistant Trainer's License (287641) issued to William Macvittie is hereby rescinded without prejudice as he has appeared before the Board of Stewards on June 22, 2018, and stated that he no longer works in this capacity. William Macvittie is hereby issued a Trainers License.

**This ruling is written in accordance with:**

**16.47.1.8 (M)(2) DURATION OF LICENSE:** Which states in pertinent part "A license is valid only under the condition that the licensee remains eligible to hold such a license".

**15.2.3.8 B (3)(f) Stewards Disciplinary Action**

**15.2.3.8 B (1) (d) Stewards General Authority**

**16.47.1.8. T. KNOWLEDGE OF RULES:**

**16.47.1.3 Statutory Authority**

**16.47.1.8 (A)(1) License Required**

**16.47.1.8 (A)(2) License Required**

**16.47.1.8(N) Last Known Address**

By Order of The Downs at Albuquerque Stewards

Appeal Filing Deadline: 15.2.1.9(B) (9) (b) NMAC: Which states in pertinent part that "An appeal under this section must be filed not later than 10 days from the date of the ruling. The appeal must be filed at the main Commission offices, or with the Stewards who issued the ruling.



New Mexico Racing Commission  
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Ruling #: 2018-DAA-3  
Track Downs at Albuquerque  
Ruling Date: 6/23/2018

Licensee: FUENTES, ADAN  
License Type: 2017 1 Year Assistant    Applicant Id: 33127  
License Number: 286803

Ruling # 2018-DAA-3

Action Type: Initial Ruling

Ruling:

Adan Fuentes appeared Telephonically before the Board of Stewards on June 22, 2018 and the Assistant Trainer license applicant #3127 issued July 21, 2017 is hereby rescinded without prejudice as of June 26, 2018.

**Narrative:** The Commission advised that the stipulations made July 22, 2017 are no longer in effect. Mr. Fuentes is no longer working for Justin Evans. The stipulations were stated as the following:

Adan Fuentes was Issued a Probationary Asst. Trainers License, having been licensed since 2001 as Jockey, Groom and Exercise Rider. (also recommended by Justin Evans and Dick Cappellucci).

(b) Shall be required to pass a written examination before obtaining a trainer's license Mr. Fuentes was issued a 1 yr probationary Asst Trainers License. Working for Justin Evans.

16.47.1.8 GENERAL PROVISIONS:

L. Grounds for disciplinary measures for a licensee, and refusal, denial, suspension, or revocation of a license:

(4) If a license is suspended or revoked by the commission or stewards pursuant to these rules the commission or stewards may probate all or any portion of the suspension.

(a) The order or ruling entered placing a licensee on probation shall state the specific probationary period and the terms and conditions of the probation.

(c) If the commission or stewards determine the licensee has failed to comply with the terms of the probation, the probation may be revoked on three days' notice to the licensee and the licensee may be required to appear before the New Mexico racing commission. Failure to comply with the terms of the probation may subject the licensee to additional disciplinary action.

**This ruling is in accordance with:**

16.47.1.8 (M)(2)Duration Of License Which states in pertinent part "A license is valid only under the condition that the licensee remains eligible to hold such a license.

15.2.3.8 B (3)(f) Stewards Disciplinary Action

15.2.3.8 B (3)(a) Stewards Disciplinary Action

15.2.3.8 B (1) (d) Stewards General Authority

16.47.1.8. T. KNOWLEDGE OF RULES:

16.47.1.3 Statutory Authority

16.47.1.8 (A)(1) License Required

16.47.1.8 (A)(2) License Required

16.47.1.8(N) Last Known Address

By Order of The Downs at Albuquerque Stewards

Appeal Filing Deadline: 15.2.1.9(B) (9) (b) NMAC: Which states in pertinent part that "An appeal under this section must be filed not later than 10 days from the date of the ruling. The appeal must be filed at the main Commission offices, or with the Stewards who issued the ruling.



New Mexico Racing Commission  
4900 Alameda NE  
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Ruling #: 2018-DAA-4  
Track Downs at Albuquerque  
Ruling Date: 6/23/2018

Licensee: RUIZ, JOE E.

License Type: Applicant Id: 26438  
License Number:

Ruling # 2018-DAA-4

Action Type: Initial Ruling

Ruling:

**Trainer: Joe E. Ruiz**, having been duly notified, and having failed to appear, had his hearing held in absentia, in accordance with 15.2.1.9(B)(4)(d) Non-Appearance, before the Board of Stewards on **May 12, 2018**, regarding a lab report from UC Davis (official testing laboratory for the NMSRC) for a confirmed positive for the prohibited (class 3 penalty B) drug "Clenbuterol", and the (Class 4 penalty C-Minor) presence of more than one NSAID, detected in horse "**Trip to The Jungle**"( **Test Sample #: NM10125**), who **finished FIRST place in the 4th race on December 21, 2014, at Sunland Park Racetrack.**

Split sample rights as provided in **15.2.6.10 (D) NMAC**, were afforded to **trainer Joe E. Ruiz and confirmed by LSU, with the Clenbuteraol level below the threshold at the time. Therefore only the Stacking violation will apply.**

Licensee is found to be in violation of: 15.2.6.9(C)(1-2-3) NMAC: Which states that "A finding by the Commission approved laboratory of a prohibited drug, chemical or other substance in a test specimen of a horse is prima facie evidence that the prohibited drug, chemical or other substance was administered to the horse and, in the case of a post-race test, was present in the horse's body while it was participating in a race (b) therapeutic medications in excess of established acceptable levels".

**For Joe E. Ruiz's FIRST Class 4-C Minor medication violation in a 365- day period issued in accordance with 15.2.6.9 (C)(3) Penalty Recommendations, the Board of Stewards assessed a penalty as follows**

1. **A (\$500.00) Five Hundred Dollar fine to paid on or before July 23, 2018**, in accordance with 15.2.1.9(B)(7)(f) NMAC and 15.2.3.8 (B)(3)(1) NMAC:
2. **No change in the official order of finish.**

This ruling is written in accordance with:

15.2.5.13(E)(4)(d) : Stewards General Authority/ 15.2.3.8 B (3)(f) Stewards Disciplinary Action/ 15.2.3.8 B (1) (d) Stewards General Authority/  
16.47.1.8. T. KNOWLEDGE OF RULES/ 16.47.1.3 Statutory Authority  
16.47.1.8 (A)(1)(2) License Required/ 16.47.1.8(N) Last Known Address

15.2.1.9(B)(9)b: Which states in pertinent part that "An appeal under this section must be filed not later than 10 days after the date of the ruling. If the deadline falls on a Saturday, Sunday or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday. The appeal must be received by noon, at the main commission offices or with the stewards who issued the ruling and must be accompanied by a fee in the amount of \$500. The fee must be in the form of cash, a cashier's check, money order or personal check."

By Order of The Downs at Albuquerque Stewards



New Mexico Racing Commission  
4900 Alameda NE  
Albuquerque, NM 87113

Ruling #: 2018-DAA-5  
Track Downs at Albuquerque  
Ruling Date: 6/24/2018

Licensee: CHAVEZ, ALEJANDRO  
License Type: 2015 3 Year Trainer Applicant Id: 31113  
License Number: 279701

Ruling # 2018-DAA-5

Action Type: Initial Ruling

Ruling:

Trainer: Alejandro Chavez, having been duly notified and having waived his right to a 10 day notice and a hearing before the Board Of Stewards on June 23, 2018, regarding a lab report from UC/Davis (official testing laboratory for the NMSRC), for a confirmed positive for the therapeutic drug, Phenylbutazone (class 4 penalty category C drug) found in test sample NM 31284 taken from the horse "Blazing Away" following the 8th race, on June 2, 2018 at SunRay Park Racetrack.

The original lab report indicated a finding of Phenylbutazone at 3.52 micrograms per milliliter in the blood, which exceeds the allowable limit of 2.0 micrograms per milliliter in the blood. Split sample rights as provided in 15.2.6.10 (D) NMAC, were afforded to and declined by Alejandro Chavez.

Pedro Gutierrez-Marquez is the owner of record for horse "Blazing Away".

Licensee is found to be in violation of:

**15.2.6.9(C)(1-2-3) NMAC:** Which states that "A finding by the Commission approved laboratory of a prohibited drug, chemical or other substance in a test specimen of a horse is prima facie evidence that the prohibited drug, chemical or other substance was administered to the horse and, in the case of a post-race test, was present in the horse's body while it was participating in a race (b) therapeutic medications in excess of established acceptable levels".

For this **FIRST Class 4C medication violation** issued in accordance with 15.2.6.9 (C)(2)(b) NMAC, the Board of Stewards assessed Alejandro Chavez a penalty as follows:

1. A **(\$250) Two Hundred Fifty dollar fine to be paid on or before July 24, 2018**, in accordance with 15.2.1.9(B)(7)(f) NMAC and 15.2.3.8 (B)(3)(I) NMAC: Failure to pay fine in prescribed time will result in an immediate suspension.

*This ruling is written in accordance with:*

**15.2.6.9 A. UNIFORM CLASSIFICATION GUIDELINES (4) Class 4** - This category is comprised primarily of therapeutic medications routinely used in race horses. These may influence performance, but generally have a more limited ability to do so.

**15.2.6.11(A) NMAC: Trainer Responsibility**

**16.47.1.10(B)(1) NMAC: Absolute Insurer** Which states in pertinent part that "The Trainer is the absolute insurer of the condition of horses entered in an official workout or race, and is responsible for the presence of any prohibited drug or medication, or other prohibited substance in such horse. A positive test for a prohibited drug or medication or other prohibited substance or the presence of permitted medication in excess of maximum allowable levels as reported by the commission approved laboratory is prima facie evidence of a violation of this rule. The Trainer is absolutely responsible regardless of the acts of third party."

**15.2.1.9(b):** Which states in pertinent part that "An appeal under this section must be filed not later than 10 days after the date of the ruling. If the deadline falls on a Saturday, Sunday or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday. The appeal must be received by noon, at the main commission offices or with the stewards who issued the ruling and must be accompanied by a fee in the amount of \$500. The fee must be in the form of cash, a cashier's check, money order or personal check."

By Order of The Downs at Albuquerque Stewards



New Mexico Racing Commission  
4900 Alameda NE  
Albuquerque, NM 87113

Ruling #: 2018-DAA-6  
Track Downs at Albuquerque  
Ruling Date: 6/24/2018

Licensee: GUTIERREZ-MARQUEZ, PEDRO  
License Type: 2017 3 Year Owner      Applicant Id: 160537  
License Number: 288228

Ruling # 2018-DAA-6

Action Type: Initial Ruling

Ruling:

Owner: Pedro Gutierrez-Marquez, having been duly notified and having waived his right to a 10 day notice and a hearing before the Board Of Stewards on June 23, 2018, regarding a lab report from UC/Davis (official testing laboratory for the NMSRC), for a confirmed positive for the therapeutic drug, Phenylbutazone (class 4 penalty category C drug) found in test sample NM 31284 taken from the horse "Blazing Away" following the 8th race, on June 2, 2018 at SunRay Park Racetrack.

The original lab report indicated a finding of Phenylbutazone at 3.52 micrograms per milliliter in the blood, which exceeds the allowable limit of 2.0 micrograms per milliliter in the blood. Split sample rights as provided in 15.2.6.10 (D) NMAC, were afforded and declined.

Alejandro Chavez is the Trainer of record for horse "Blazing Away".

Licensee is found to be in violation of:

15.2.6.9(C)(1-2-3) NMAC: Which states that "A finding by the Commission approved laboratory of a prohibited drug, chemical or other substance in a test specimen of a horse is prima facie evidence that the prohibited drug, chemical or other substance was administered to the horse and, in the case of a post-race test, was present in the horse's body while it was participating in a race (b) therapeutic medications in excess of established acceptable levels".

For this FIRST Class 4C medication violation issued in accordance with 15.2.6.9 (C)(2)(b) NMAC, the Board of Stewards assessed Pedro Gutierrez-Marquez a penalty as follows:

1. A Written Warning.
2. There is no change to the original order of finish of the 8th race on June 2, 2018. The purse distribution is as follows.
  - 1) Blazing Away
  - 2) Casablanca Hot
  - 3) Golden Canyon
  - 4) Storminrightthru
  - 5) Sabotare
  - 6) Golden Mile

This ruling is written in accordance with:

15.2.6.9 A. UNIFORM CLASSIFICATION GUIDELINES (4) Class 4 - This category is comprised primarily of therapeutic medications routinely used in race horses. These may influence performance, but generally have a more limited ability to do so.

By Order of The Downs at Albuquerque Stewards

Appeal Filing Deadline: 15.2.1.9(B) (9) (b) NMAC: Which states in pertinent part that "An appeal under this section must be filed not later than 10 days from the date of the ruling. The appeal must be filed at the main Commission offices, or with the Stewards who issued the ruling.



New Mexico Racing Commission  
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Ruling #: 2018-DAA-7  
Track: Downs at Albuquerque  
Ruling Date: 6/27/2018

Licensee: LEWIS, KEVIN ANDREW

License Type: 2018 1 Year Trainer      Applicant Id: 20948  
License Number: 289409

Ruling # 2018-DAA-7

Action Type: Initial Ruling

Ruling:

The Trainer license issued to Kevin Lewis applicant # 20948 appeared before the Board of Stewards on **June 27, 2018** is hereby **rescinded without prejudice**. He is no longer working as a Trainer.

**This ruling is in accordance with:**

**16.47.1.8 (M)(2)Duration Of License** Which states in pertinent part "A license is valid only under the condition that the licensee remains eligible to hold such a license.

15.2.3.8 B (3)(f) Stewards Disciplinary Action

15.2.3.8 B (3)(a) Stewards Disciplinary Action

15.2.3.8 B (1) (d) Stewards General Authority

16.47.1.8. T. KNOWLEDGE OF RULES:

16.47.1.3 Statutory Authority

16.47.1.8 (A)(1) License Required

16.47.1.8 (A)(2) License Required

16.47.1.8(N) Last Known Address

By Order of The Downs at Albuquerque Stewards

Appeal Filing Deadline: 15.2.1.9(B) (9) (b) NMAC: Which states in pertinent part that "An appeal under this section must be filed not later than 10 days from the date of the ruling. The appeal must be filed at the main Commission offices, or with the Stewards who issued the ruling.



New Mexico Racing Commission  
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Ruling #: 2018-DAA-8  
Track Downs at Albuquerque  
Ruling Date: 6/27/2018

Licensee: ROYBAL, MARK A

License Type: Applicant Id: 35658  
License Number:

Ruling # 2018-DAA-8

Action Type: Initial Ruling

Ruling:

This ruling was done in Error

By Order of The Downs at Albuquerque Stewards

Appeal Filing Deadline: 15.2.1.9(B) (9) (b) NMAC: Which states in pertinent part that "An appeal under this section must be filed not later than 10 days from the date of the ruling. The appeal must be filed at the main Commission offices, or with the Stewards who issued the ruling.





New Mexico Racing Commission  
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Ruling #: 2018-DAA-9  
Track Downs at Albuquerque  
Ruling Date: 6/29/2018

Licensee: ESCOBAR, RENEE BARBARA  
License Type: 2018 1 Year Jockey Ag Applicant Id: 27207  
License Number: 290239

Ruling # 2018-DAA-9

Action Type: Initial Ruling

Ruling:

The Agent license issued to Renee Barbara Escobar applicant # 27207 appeared telephonically before the Board of Stewards on **June 29, 2018** is hereby **rescinded without prejudice**. She is no longer working as a Agent.

**This ruling is in accordance with:**

**16.47.1.8 (M)(2)Duration Of License** Which states in pertinent part "A license is valid only under the condition that the licensee remains eligible to hold such a license.

15.2.3.8 B (3)(f) Stewards Disciplinary Action

15.2.3.8 B (3)(a) Stewards Disciplinary Action

15.2.3.8 B (1) (d) Stewards General Authority

16.47.1.8. T. KNOWLEDGE OF RULES:

16.47.1.3 Statutory Authority

16.47.1.8 (A)(1) License Required

16.47.1.8 (A)(2) License Required

16.47.1.8(N) Last Known Address

By Order of The Downs at Albuquerque Stewards

Appeal Filing Deadline: 15.2.1.9(B) (9) (b) NMAC: Which states in pertinent part that "An appeal under this section must be filed not later than 10 days from the date of the ruling. The appeal must be filed at the main Commission offices, or with the Stewards who issued the ruling.

*Linda Salinas Victor Escobar Ron Walsh*



New Mexico Racing Commission  
4900 Alameda NE  
Albuquerque, NM 87113

Ruling #: 2018-DAA-10  
Track Downs at Albuquerque  
Ruling Date: 6/30/2018

Licensee: MORALES-FLORES, JORGE A.

License Type: 2016 3 Year Trainer      Applicant Id: 34023  
License Number: 281233

Ruling # 2018-DAA-10

Action Type: Initial Ruling

Ruling:

Trainer **Jorge A. Morales-Flores** having been duly notified appeared telephonically before the Board of Stewards on **June 30, 2018**, for failure to have his entry, "**Moon River**" in the paddock at the designated time for the **8th race** on **June 29, 2018**, at The Downs at Albuquerque Racetrack.

**Licensee is found to be in violation of:**

**16.47.1.10 (C) (22)** presenting his/her horse in the paddock at least 20 minutes before post time or at a time otherwise appointed before the race in which the horse is entered;

For this rule violation, the Board of Stewards assessed Jorge A. Morales-Flores a penalty in the amount of **One hundred dollars (\$100.00)**. The fine is to be paid on or before **July 30, 2018**, in accordance with 15.2.3.8(B)(3)(I) NMAC. Failure to pay the fine within the time prescribed will result in immediate suspension.

**This ruling is written in accordance with:**

15.2.3.8 B (3)(f) Stewards Disciplinary Action  
15.2.3.8 B (3)(a) Stewards Disciplinary Action  
15.2.3.8 B (1) (d) Stewards General Authority  
16.47.1.8. T. KNOWLEDGE OF RULES:  
16.47.1.3 Statutory Authority  
16.47.1.8 (A)(1) License Required  
16.47.1.8 (A)(2) License Required  
16.47.1.8(N) Last Known Address

By Order of The Downs at Albuquerque Stewards

Appeal Filing Deadline: 15.2.1.9(B) (9) (b) NMAC: Which states in pertinent part that "An appeal under this section must be filed not later than 10 days from the date of the ruling. The appeal must be filed at the main Commission offices, or with the Stewards who issued the ruling.



New Mexico Racing Commission  
4900 Alameda NE  
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Ruling #: 2018-DAA-11  
Track: Downs at Albuquerque  
Ruling Date: 6/30/2018

Licensee: McCULLY, LUKE ARLEN

License Type: 2018 1 Year Security St Applicant Id: 160953  
License Number: 289835

Ruling # 2018-DAA-11

Action Type: Initial Ruling

Ruling:

The Security Staff license (# 289835) issued to **Luke McCully** is hereby rescinded without prejudice, having terminated employment and no longer working in this licensed capacity.

**This ruling is in accordance with:**

**16.47.1.8 (M)(2)Duration Of License** Which states in pertinent part "A license is valid only under the condition that the licensee remains eligible to hold such a license.

15.2.3.8 B (3)(f) Stewards Disciplinary Action

15.2.3.8 B (3)(a) Stewards Disciplinary Action

15.2.3.8 B (1) (d) Stewards General Authority

16.47.1.8. T. KNOWLEDGE OF RULES:

16.47.1.3 Statutory Authority

16.47.1.8 (A)(1) License Required

16.47.1.8 (A)(2) License Required

16.47.1.8(N) Last Known Address

By Order of The Downs at Albuquerque Stewards

Appeal Filing Deadline: 15.2.1.9(B) (9) (b) NMAC: Which states in pertinent part that "An appeal under this section must be filed not later than 10 days from the date of the ruling. The appeal must be filed at the main Commission offices, or with the Stewards who issued the ruling.