



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2018-ZIA-32
Track: Zia Park
Ruling Date: 10/6/2018

Licensee: ESQUIVEL, JUAN M.
License Type: 2016 3 Year Trainer Applicant Id: 7532
License Number: 284209

Ruling # 2018-ZIA-32
Action Type: Final Outcome
Ruling:

RE: 2018-ZIA-32 - Ruling Final Outcome

Trainer **Juan M. Esquivel** was summarily suspended on October 6, 2018 and appeared for a summary suspension hearing, before the Board of Stewards on October 8, 2018, where he waived his rights to a 10 day notice and formal disciplinary hearing. The hearing was in regards to a certificate of analysis from **Industrial Laboratories** (official testing laboratory for the NMRC) for a confirmed positive for the controlled substance and prohibited drug (class 3 penalty B) "clenbuterol" detected in the urine of horse "**Cds Temptress**" (Test Sample #: **E290214**), who finished **SECOND place in the 7th race on September 22, 2018, at Zia Park Racetrack**. Split sample rights as provided in 15.2.6.10 (D) NMAC, were afforded to and declined by **Juan M. Esquivel**.

German Amaya is the owner of record for horse "**Cds Temptress**" and this is his FIRST Class 3B medication violation in a 365-day period.

For Juan M. Esquivel's SECOND Class 3B medication violation in a 365-day period, the Board of Stewards hereby assess a penalty, issued in accordance with 15.2.6.9 (B)(2) Penalty Recommendations, as follows:

- 1. A 180 day suspension of all NMRC licenses retroactive from the summary suspension, October 6, 2018, through April 3, 2019, inclusive.**
- 2. A (2,500.00) two thousand and five hundred dollar fine to paid on or before November 8, 2018, in accordance with 15.2.3.8 (B)(3)(I). Failure to pay the fine in the prescribed time may result in an immediate suspension.**
- 3. Per 15.2.3.8 (B)(3)(j), the Board of Stewards hereby refer Juan M. Esquivel to the New Mexico Racing Commission for further action if deemed appropriate**

During said time of applicable suspension **Juan M. Esquivel** is hereby excluded from all areas of the grounds under the jurisdiction of the NMRC, in accordance with **15.2.1.9 (C)(21)**. Additionally, effective upon applicable suspension dates, all horses owned or trained by, or under the care of Juan M. Esquivel are ineligible to be entered or start in any race in this jurisdiction, per **15.2.1.9 (C)(21)(c)**. All transfers and sales of horses trained or owned by, or in the care and custody of Juan M. Esquivel must be done in accordance with **15.2.6.9A(12)(a)(b) Medication and Prohibited Substances, 15.2.1.9(B)(8)(b) DUE PROCESS AND DISCIPLINARY ACTION, and 16.47.1.10(D)(5) Assistant Trainers**.

Licensee is found in violation of and ruling written in accordance with: 15.2.3.8(B)(1)(3)(f)(g)(j)Stewards/ 15.2.6.9(C)(1)(4)Medication Restrictions/ 15.2.6.11(A) Trainer Responsibility/ 15.2.6.9(B)(2) Penalty Recommendations /16.47.1.8(T)Knowledge Of The Rules/ 16.47.1.8(U)(1) Protection of Horses/ 16.47.1.10(B) (1)(2)(3)Absolute Insurer/ 15.2.6.11 (A)(B)Trainer Responsibility **15.2.1.9(B)(9)(b): Appeal Procedures** 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.