



New Mexico Racing Commission  
4900 Alameda NE  
Albuquerque, NM 87113

Ruling #: 2018-RUI-10  
Track: Ruidoso Downs  
Ruling Date: 6/2/2018

Licensee: ARELLANO, RAFAEL

License Type: 2017 1 Year Groom      Applicant Id: 31124  
License Number: 286224

Ruling #            2018-RUI-10

Action Type:        Final Outcome

Ruling:

RE: 2018-RUI-10 - Ruling Final Outcome

**Groom, Rafael Arellano**, (currently summarily suspended) was duly notified, failed to appear, and had **his** hearing held in absentia, in accordance with **15.2.1.9(B)(4)(d) non-appearance**, before the Board of Stewards on **June 25, 2018**. The hearing was in regard to **Rafael Arellano** working as a pony person while intoxicated on **June 1, 2018**, at Ruidoso Downs.

For **Rafael Arellano's SECOND violation** for intoxication in 365-day period (per Ruidoso Downs exclusion 2017 for intoxication), the Board of Stewards hereby suspends all NMRC licenses belonging to **Rafael Arellano** for **6 months, June 1, 2018, through November 30, 2018, inclusive** (retroactive from the date the summary suspension was issued).

**Per 15.2.1.9 (C)(21)(a-b) NMAC**, While under suspension, **Rafael Arellano** is excluded from all areas of the grounds under the jurisdiction of the NMRC.

**Licensee is found to be in violation of and this ruling is written in accordance with:**

**16.47.1.16 (C)(7) Restricted Activities:** It shall be an offense to exercise the privileges granted by a license from this commission if the licensee presently has drugs (controlled substances) or alcohol in his/her body. With regard to alcohol, the results of a test showing a reading of more than .05 percent of alcohol in the blood, urine, saliva or other bodily fluids of licensees in non-safety sensitive positions shall be the criterion for a finding of alcohol present in the body. With regard to other controlled substances, presence of the drug in any quantity measured by the testing instrument establishes the presence of the drug for purposes of this paragraph. Licensees in safety sensitive positions, jockeys, starters, assistant starters, exercise riders, pony persons, ambulance personnel, and outriders are in violation of this rule if they have any measurable level of alcohol.

**16.47.1.8 (L)(1)(i) Conduct** -The Commission may refuse to issue a license to an applicant, or may suspend or revoke a license issued, or order disciplinary measures if the applicant is a person whose conduct or reputation may reflect on the honesty, and integrity of horse racing

**16.47.1.19 (C)(1) Second-time offenders:** The license of the person may be revoked or suspended for a period of up to one year or a professional assessment of the person may be ordered by the commission.

**16.47.1.19 (C)(3) ASSESSMENT/TREATMENT REQUIREMENTS GENERAL** If a professional assessment indicates presence of a treatable problem of alcohol or other drug abuse or dependence, the board of stewards or the commission may order the licensee to undergo treatment as a condition of continuing licensure. Such treatment will be through a program or by a practitioner, acceptable to the licensee and the board of stewards or the commission. Required features of any program or practitioner acceptable to the board of stewards or the commission will be: accreditation or licensure by an appropriate government agency, if required by state statute; a minimum of one year follow-up treatment; and, a formal contract indicating the elements of the treatment and follow-up program that will be completed by the licensee and, upon completion, certified to the board of stewards or the commission as completed. To effect the contract, the licensee will authorize release of information by the treating agency, hospital or individual.

**15.2.1.8(B)(1) COMMISSION GENERAL AUTHORITY/15.2.3.8 B (3)(a)(f) Stewards Disciplinary Action/15.2.3.8 B (1) (a)(c)(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/ 16.47.1.8(L)(1)(e) Grounds For Disciplinary Measures/ 15.2.1.9(B)(9)(a) Failure to Appeal/ 15.2.1.9(B)(9)(b): Appeal Procedures** 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."



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Ruling #: 2018-RUI-29  
Track Ruidoso Downs  
Ruling Date: 6/23/2018

Licensee: WILLOUGHBY, KYLE C

License Type: 2017 1 Year Exercise P Applicant Id: 5125  
License Number: 287555

Ruling # 2018-RUI-29  
Action Type: Final Outcome  
Ruling:

RE: 2018-RUI-29 - Ruling Final Outcome

Exercise Person **KYLE WILLOUGHBY** is hereby restored to good standing after he appeared before the Board of Stewards on **June 25, 2018**, and waived his summary suspension hearing scheduled for **June 30, 2018**. No further action is deemed necessary.

By Order of The Ruidoso Downs 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.