



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2018-SUN-85
Track Sunland Park
Ruling Date: 2/10/2018

Licensee: OCASIO, JR LUIS ALBERTO
License Type: 2017 1 Year Groom Applicant Id: 157345
License Number: 288497

Ruling # 2018-SUN-85
Action Type: Final Outcome
Ruling:

RE: 2018-SUN-85 - Final Outcome

Groom and Exercise Rider, LUIS ALBERTO OCASIO JR., was summarily suspended on **February 10, 2018,** and waived his rights to a 10 day notice of hearing before the Board of Stewards on **March 4, 2018.** **LUIS ALBERTO OCASIO JR.** tested positive for **amphetamine and methamphetamine** during a drug screening on **February 10, 2018.**

The Board of Stewards hereby issue **LUIS ALBERTO OCASIO JR.** penalty of the following:

1. A suspension of all NMRC licenses for **60 days** (retroactive from the summary suspension instated on **February 10, 2018**) **February 10, 2018, through April 10, 2018, inclusive.**

Per 15.2.1.9 (C)(21)(a-b) NMAC, LUIS ALBERTO OCASIO JR. is hereby 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:

16.47.1.17 (A)(1) TESTING PROCEDURES/16.47.1.17 (A)(2) TESTING PROCEDURES /16.47.1.16 (C)(7) Restricted Activities
16.47.1.8 (L)(1)(i) Conduct / 16.47.1.17 (A)(3) TESTING PROCEDURES /16.47.1.8 (E) AGREEMENT TO SEARCH AND SEIZURE
/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."

By Order of The Sunland Park 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-SUN-151
Track: Sunland Park
Ruling Date: 3/9/2018

Licensee: EVANS, JUSTIN ROBERT

License Type: 2015 3 Year Trainer Applicant Id: 30562
License Number: 246959

Ruling # 2018-SUN-151
Action Type: Modified Ruling
Ruling:

RE: 2018-SUN-151 - Modified Ruling **15.2.3.8(B)(1)(e) Stewards Authority** The stewards shall have the authority to amend, revoke, rescind or modify any ruling that they issued in error in accordance with the laws of this state and these rules. **SUSPENSION DATES CORRECTED**

Owner/Authorized Agent/Trainer **Justin Evans** was duly notified and represented telephonically by his attorney Gene Chavez before the Board of Stewards on **March 9, 2018**, for a hearing that was continued at the request of Gene Chavez from **February 10, 2018 to February 25, 2018 and then continued again to March 9, 2018**. The hearing was in regard to a confirmed positive for the therapeutic drug **Dexamethasone (class 4 penalty category C MAJOR drug)**, found in test sample **NM30226**. The test sample was taken from the **first place finisher "Dapirate"** following **the 8th race on November 26, 2017, at Zia Park Racetrack in Hobbs, NM**.

The **affidavit from UC/Davis (official testing laboratory for the NMRC)** indicated a finding of **Dexamethasone at 47 pg/ml in the blood**, the allowable limit for Dexamethasone is 5 pg/ml in the blood (**15.2.6.9 Attachment 2 Page 3**). Dexamethasone was confirmed at **59.1±3.1 pg/ml in the blood** of the split sample sent to **Industrial Laboratories on January 4, 2018**.

Larry Nichols, Denise Nichols, and Ms. Winifred Vick (trustee Robert Vick), the owners of record for horse "**Dapirate**", were duly notified for a hearing on **February 25, 2018**. **Denise Nichols**, failed to appear, and had **her** hearing held in absentia, in accordance with **15.2.1.9(B)(4)(d) non-appearance**. **Larry Nichols and Ms. Winifred Vick (trustee Robert Vick)** waived their rights to a formal hearing. This is their **first Class 4C MAJOR medication violation in a 365 day period, in accordance with 15.2.6.9 (B)(4) PENALTY RECOMMENDATIONS**

For **Justin Evans's THIRD Class 4C MAJOR medication violation in a 365 day period**, issued in accordance with **15.2.6.9 (B)(4) PENALTY RECOMMENDATIONS**, the Board of Stewards hereby assess penalty as follows:

1. A (\$2,500) two thousand and five hundred dollar fine to paid on or before **April 10, 2018**, in accordance with **15.2.3.8 (B)(3)(l) NMAC**. Failure to pay fine in prescribed time may result in an immediate suspension.
2. A **30 day suspension** of all NMRC licenses starting **March 14, 2018, through April 12, 2018, inclusive**.

15.2.6.9A(12)(a)(b) Medication and Prohibited Substances -Procedures shall be established to ensure that a licensed trainer is not able to benefit financially during the period for which the individual has been suspended. This includes, but is not limited to, ensuring that horses are not transferred to a licensed person within the first degree of affinity (marriage relationship) or first degree of consanguinity (blood relationship): (a) first degree of affinity shall mean the licensee's spouse or spouse's mother, father, brother, sister, son or daughter; (b) first degree of consanguinity shall mean the licensee's mother, father, brother, sister, son or daughter

15.2.1.9(B)(8)(b) DUE PROCESS AND DISCIPLINARY ACTION The transfer of a horse to avoid application of a commission rule or ruling is prohibited.

During said time of applicable suspension **Justin Evans** 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, trained, or under the care of **Justin Evans** are ineligible to be entered or start in any race in this jurisdiction, per **15.2.1.9 (C)(21)(c) Licensee is found to be in violation of and this ruling is written in accordance with 15.2.3.8(B)(1)(3)(f)(g)(j)Stewards /15.2.6.9(C)(4) Medication Restrictions/15.2.6.11 Trainer Responsibility/16.47.1.10(B)(1): Absolute Insurer /15.2.6.9(B)(4)Penalty Recommendations/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.

By Order of The Sunland Park Stewards