



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2017-ZIA-125
Track Zia Park
Ruling Date: 10/30/2017

Licensee: CUANDA, JESUS
License Type: 2015 3 Year Trainer Applicant Id: 157988
License Number: 279206

Ruling # 2017-ZIA-125
Action Type: Modified Ruling
Ruling:

RE: 2017-ZIA-125 - 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.

Trainer **Jesus Cuanda** having **been duly notified and having appeared** before the Board of Stewards **on October 30, 2017, regarding an affidavit from UC/Davis (official testing laboratory for the NMSRC)** for a confirmed positive for the prohibited (class 3 penalty B) drug "clenbuterol" detected in the urine of horse "**Pop Your Cork**" (**Test Sample #: NM27626**), who **finished 1st place in the 2nd race on September 24, 2017, at Zia Park Racetrack in Hobbs, NM.** Split sample rights as provided in 15.2.6.10 (D) NMAC, were afforded to and declined by **Jesus Cuanda.**

Edgar Martinez and Jose G. Martinez, the owners of record for horse "**Pop Your Cork**", were duly notified and failed to appear for this hearing. This is their **FIRST Class 3B medication violation in a lifetime.**

For **Trainer Jesus Cuanda's First Class 3B medication violation in a lifetime**, the Board of Stewards assessed a penalty issued in accordance with **15.2.6.9 (B)(2) Penalty Recommendations** as follows:

- 1. A 30 day suspension of all NMRC licenses starting October 30, 2017, through November 29, 2017, inclusive.**
- 2. A (\$750) seven hundred and fifty dollar fine to paid on or before November 30, 2017, in accordance with 15.2.3.8 (B)(3)(I).** Failure to pay fine in prescribed time may result in an immediate suspension.

During said time of applicable suspension Jesus Cuanda is hereby excluded from all areas of the grounds under the jurisdiction of the NMSRC, in accordance with 15.2.1.9 (C)(21). Additionally, effective upon applicable suspension dates, all horses owned, trained, or under the care of Jesus Cuanda are ineligible to be entered or start in any race in this jurisdiction, per 15.2.1.9 (C)(21)(c).

Licensee is found in violation of 15.2.6.9(C)(1-2-3) Prima Facie Evidence /15.2.6.9(C)(3) Clenbuterol There is no permissible concentration of Clenbuterol that is allowed to appear in any official sample 16.47.1.8 (U)(1) PROTECTION OF HORSES 15.2.6.9. B(2) Penalty recommendations This ruling is written in accordance with 15.2.6.11(A) NMAC Trainer Responsibility/ 16.47.1.10(B)(1) NMAC Absolute Insurer 15.2.3.8(B)(3)(k) NMAC/ Purse Redistribution 15.2.5.13(E)(4)(d) NMAC: Stewards Authority 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

By Order of The Zia Park Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2017-ZIA-121
Track Zia Park
Ruling Date: 10/30/2017

Licensee: MARTINEZ, EDGAR H
License Type: 2015 3 Year Owner Applicant Id: 32436
License Number: 279364

Ruling # 2017-ZIA-121
Action Type: Modified Ruling
Ruling:

RE: 2017-ZIA-121 -RE: 2017-ZIA-122 - Modified Ruling 15.2.3.8(B)(1)(c) 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.

Owners **Edgar Martinez and Jose G. Martinez** having **been duly notified** failing to appear, and had **their** hearing held in absentia, in accordance with **15.2.1.9(B)(4)(d) non-appearance**, before the Board of Stewards **on October 30, 2017, regarding an affidavit from UC/Davis (official testing laboratory for the NMSRC)** for a confirmed positive for the prohibited (class 3 penalty B) drug "clenbuterol" detected in the urine of horse **"Pop Your Cork" (Test Sample #: NM27626)**, who **finished 1st place in the 2nd race on September 24, 2017, at Zia Park Racetrack in Hobbs, NM.** Split sample rights as provided in 15.2.6.10 (D) NMAC, were afforded to and declined by their trainer **Jesus Cuanda.**

Jesus Cuanda, the trainer of record for horse **"Pop Your Cork"**, was duly notified and appeared for this hearing. This is **Jesus Cuanda's FIRST Class 3B medication violation in a lifetime.**

For Owners **Edgar Martinez and Jose G. Martinez's FIRST Class 3B medication violation in a lifetime**, the Board of Stewards assessed a penalty issued in accordance with **15.2.6.9 (B)(2) Penalty Recommendations** as follows:

1. Pursuant to rules **15.2.3.8 (B)(9)(a)(e) Stewards List, 15.2.6.9(C)(7)(c) Positive Test Report, 15.2.6.9(C)(8) Positive Test List, 15.2.6.9(C)(9)(a-d) List Removal Requirements**, the horse **"Pop Your Cork"** is placed on the Stewards list for a period of 60 days (beginning **October 4, 2017**). During this period, the papers are to be removed from the racing office and horse is denied entry until he passes a commission approved veterinary examination with a negative blood and urine test.
2. The horse **"Pop Your Cork"** is hereby disqualified from **FIRST PLACE** and ordered unplaced from the **2nd race on September 24, 2017, at Zia Park Racetrack**, for all but pari-mutuel wagering. The purse redistribution is as follows.

1. Azoom Policy
2. R O With Good Reason
3. Jess Pollitical
4. Skipper Reguard
5. DM Little B

Unplaced "Pop Your Cork"

Licensee is found in violation of 15.2.6.9(C)(1-2-3) Prima Facie Evidence /15.2.6.9(C)(3) Clenbuterol There is no permissible concentration of Clenbuterol that is allowed to appear in any official sample 16.47.1.8 (U)(1) PROTECTION OF HORSES 15.2.6.9. B(2) Penalty recommendations This ruling is written in accordance with 15.2.3.8(B)(3)(k) NMAC/Purse Redistribution 15.2.5.13(E)(4)(d) NMAC: Stewards Authority 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)(c) 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



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2017-ZIA-122
Track: Zia Park
Ruling Date: 10/30/2017

Licensee: MARTINEZ, JOSE G
License Type: 2016 3 Year Owner Applicant Id: 7866
License Number: 283685

Ruling # 2017-ZIA-122
Action Type: Modified Ruling
Ruling:

RE: 2017-ZIA-122 - 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.

Owners **Edgar Martinez and Jose G. Martinez** having **been duly notified** failing to appear, and had **their** hearing held in absentia, in accordance with **15.2.1.9(B)(4)(d) non-appearance**, before the Board of Stewards **on October 30, 2017, regarding an affidavit from UC/Davis (official testing laboratory for the NMSRC)** for a confirmed positive for the prohibited (class 3 penalty B) drug "clenbuterol" detected in the urine of horse **"Pop Your Cork" (Test Sample #: NM27626)**, who **finished 1st place in the 2nd race on September 24, 2017, at Zia Park Racetrack in Hobbs, NM.** Split sample rights as provided in 15.2.6.10 (D) NMAC, were afforded to and declined by their trainer **Jesus Cuanda.**

Jesus Cuanda, the trainer of record for horse **"Pop Your Cork"**, was duly notified and appeared for this hearing. This is **Jesus Cuanda's FIRST Class 3B medication violation in a lifetime.**

For Owners **Edgar Martinez and Jose G. Martinez's FIRST Class 3B medication violation in a lifetime**, the Board of Stewards assessed a penalty issued in accordance with **15.2.6.9 (B)(2) Penalty Recommendations** as follows:

1. Pursuant to rules 15.2.3.8 (B)(9)(a)(e) Stewards List, 15.2.6.9(C)(7)(c) Positive Test Report, 15.2.6.9(C)(8) Positive Test List, 15.2.6.9(C)(9)(a-d) List Removal Requirements, the horse **"Pop Your Cork"** is placed on the Stewards list for a period of 60 days (beginning **October 4, 2017**). During this period, the papers are to be removed from the racing office and horse is denied entry until he passes a commission approved veterinary examination with a negative blood and urine test.
2. The horse **"Pop Your Cork"** is hereby disqualified from **FIRST PLACE** and ordered unplaced from the **2nd race on September 24, 2017, at Zia Park Racetrack**, for all but pari-mutuel wagering. The purse redistribution is as follows.

1. Azoom Policy
2. R O With Good Reason
3. Jess PolITICAL
4. Skipper Reguard
5. DM Little B

Unplaced "Pop Your Cork"

Licensee is found in violation of 15.2.6.9(C)(1-2-3) Prima Facie Evidence /15.2.6.9(C)(3) Clenbuterol There is no permissible concentration of Clenbuterol that is allowed to appear in any official sample 16.47.1.8 (U)(1) PROTECTION OF HORSES 15.2.6.9. B(2) Penalty recommendations **This ruling is written in accordance with** 15.2.3.8(B)(3)(k) NMAC/Purse Redistribution 15.2.5.13(E)(4)(d) NMAC: Stewards Authority 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

David Smith *Julie Culler*

Jesus Cuanda



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2017-ZIA-128
Track: Zia Park
Ruling Date: 11/5/2017

Licensee: FENNELL, ERNEST
License Type: 2015 3 Year Trainer Applicant Id: 34414
License Number: 277642

Ruling # 2017-ZIA-128
Action Type: Modified Ruling
Ruling:

RE: 2017-ZIA-128 - 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.

Trainer **Ernest Fennell (currently under summary suspension, 2017-ZIA-39)**, was **duly notified and responded telephonically for his disciplinary hearing** before the Board of Stewards **on November 5, 2017. The hearing was in regard to an affidavit from UC/Davis (official testing laboratory for the NMSRC)** for a confirmed positive for the prohibited (**Class 2 Penalty A**) (reference **Uniform classification guideline page 11**) drug "**Zilpaterol**" and the prohibited (**class 3 penalty B**) drug "**clenbuterol**" detected in the urine of horse "**Peyote Run**"(Test Sample #: **NM29128**), who **finished 1st place in the 5th race on September 17, 2017, at the New Mexico State Fair in Albuquerque, NM.** "Zilpaterol" and "clenbuterol" were confirmed in the urine of the split sample sent to **TVMDL on October 13, 2017.**

David L. Martinez, the owner of record for horse "**Peyote Run**", was duly notified and failed to appear for this hearing. In accordance with **15.2.1.9(B)(4)(d) Non-Appearance and 15.2.6.9 (B)(1)(2) Penalty Recommendations**, this is **David L. Martinez's FIRST Class 2 Penalty A medication violation and FIRST Class 3 Penalty B medication violation in a lifetime.**

For **Ernest Fennell's FIRST Class 2 Penalty A medication violation in a lifetime and FOURTH CLASS 3 PENALTY B medication violation in a lifetime** issued in accordance with **15.2.6.9 (B)(1)(2) Penalty Recommendations**, the Board of Stewards assessed a penalty as follows.

- 1. A 30 month suspension of all NMRC licenses running consecutively from ruling 2017-ZIA-90 April 16, 2018, through October 10, 2020 inclusive.** (18 month suspension for the Class 2 Penalty Category A medication violation and a 12 month suspension for the Class 3 Penalty Category B medication violation)
- 2. A (\$20,000) twenty thousand dollar fine to paid on or before December 5, 2017,** in accordance with **15.2.3.8 (B)(3)(I)** (\$15, 000 fine for the Class 2 Penalty Category A medication violation and a \$5, 000 fine for the Class 3 Penalty Category B medication violation)Failure to pay fine in prescribed time may result in an immediate suspension.

During said time of applicable suspension, **Ernest Fennell** is hereby excluded from all areas of the grounds under the jurisdiction of the NMSRC, in accordance with **15.2.1.9 (C)(21) Exclusion**. Additionally, effective upon applicable suspension dates, all horses owned, trained, or under the care of **Ernest Fennell** are ineligible to be entered or start in any race in this jurisdiction, per **15.2.1.9 (C)(21)(e) Exclusion**. **Licensee is found in violation of 15.2.6.9(C)(1-2-3) NMAC: prima facie evidence /15.2.6.9(C)(3) There is no permissible concentration of Clenbuterol that is allowed to appear in any official sample/16.47.1.8 (U)(1)(2) PROTECTION OF HORSES/ 15.2.6.9(B)(1)(2) Penalty recommendations This ruling is written in accordance with 15.2.6.11(A) NMAC: Trainer Responsibility/16.47.1.10(B)(1) NMAC: Absolute Insurer/ Uniform classification guideline page 11 ZILPATEROL/Uniform Classification Guidelines Page iv/ 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

David L. Martinez *Jill Cochran*

Ernest Fennell



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2017-ZIA-131
Track: Zia Park
Ruling Date: 11/5/2017

Licensee: MARTINEZ, DAVID L.

License Type: 2016 3 Year Owner Applicant Id: 10472
License Number: 281256

Ruling # 2017-ZIA-131

Action Type: Modified Ruling

Ruling:

RE: 2017-ZIA-131 - Modified Ruling RE: 2017-ZIA-131 - Modified Penalty 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.

Owner David L. Martinez having been duly notified, failing 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 November 5, 2017, regarding an affidavit from UC/Davis (official testing laboratory for the NMSRC) for a confirmed positive for the prohibited (Class 2 Penalty A) (reference Uniform classification guideline page 11) drug "Zilpaterol" and the prohibited (class 3 penalty B) drug "clenbuterol" detected in the urine of horse "Peyote Run" (Test Sample #: NM29128), who finished 1st place in the 5th race on September 17, 2017, at the New Mexico State Fair in Albuquerque, NM. "Zilpaterol" and "clenbuterol" were confirmed in the urine of the split sample sent to TVMDL on October 13, 2017.

Ernest Fennell (currently under summary suspension, 2017-ZIA-39), the trainer of record for horse "Peyote Run", was duly notified and responded telephonically for this hearing. In accordance with 15.2.1.9(B)(4)(d) Non-Appearance and 15.2.6.9 (B)(1)(2) Penalty Recommendations, this is Ernest Fennell's FIRST Class 2 Penalty A medication violation in a lifetime and FOURTH CLASS 3 PENALTY B medication violation in a lifetime.

For David L. Martinez's FIRST Class 2 Penalty A medication violation in a lifetime and FIRST CLASS 3 PENALTY B medication violation in a lifetime issued in accordance with 15.2.6.9 (B)(1)(2) Penalty Recommendations, the Board of Stewards assessed a penalty as follows.

1. Pursuant to rules 15.2.3 (B)(9)(a)(e), 15.2.6.9(C)(7)(a), 15.2.6.9(C)(8), 15.2.6.9(C)(9)(a-d), the horse "Peyote Run" is placed on the Stewards list for a period of 60 days (beginning September 29, 2017). During this period, the papers are to be removed from the racing office and horse is denied entry until he passes a commission approved veterinary examination with a negative blood and urine test.

2. The horse "Peyote Run" is hereby disqualified from FIRST PLACE and ordered unplaced from the 5th race on September 17, 2017, at the New Mexico State Fair, for all but pari-mutuel wagering. The purse redistribution is as follows.

- 1. Cache This Cheque
- 2. MsFerrari Edition
- 3. Rod James
- 4. Fiery Streaflly
- 5. Rockin N Scootin
- 6. Professor X

Unplaced "Peyote Run"

Licensee is found in violation of 15.2.6.9(C)(1-2-3) NMAC: prima facie evidence /15.2.6.9(C)(3) There is no permissible concentration of Clenbuterol that is allowed to appear in any official sample/16.47.1.8 (U)(1)(2) PROTECTION OF HORSES/ 15.2.6.9(B)(1)(2) Penalty recommendations This ruling is written in accordance with Uniform classification guideline page 11 ZILPATEROL/Uniform Classification Guidelines Page iv/15.2.3.8(B)(3)(k) NMAC: Purse Redistribution 15.2.5.14(D)(7) FAILURE TO RETURN PURSES AND PRIZES 15.2.5.13(E) (4)(d) NMAC: Stewards Authority 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