



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2018-DAA-78
Track Downs at Albuquerque
Ruling Date: 8/19/2018

Licensee: ITURRALDE, OSMAN

License Type: 2016 3 Year Trainer Applicant Id: 33054
License Number: 281501

Ruling # 2018-DAA-78

Action Type: Initial Ruling

Ruling:

Trainer: Osman Iturralde was duly notified, appeared and waived his right to a hearing, before the Board of Stewards on August 19, 2018. The hearing was in regard to a certificate of analysis from Industrial Laboratories (official testing laboratory for the NMRC) for a confirmed positive for the (class 4 penalty C Major) drug "Dexamethasone" in horse "Discrete" (Test Sample #: E276575) who finished in First place in the 7th race on July 20, 2018, at the Downs at Albuquerque.

The certificate of analysis detected "Dexamethasone" at a level of 30.2 pg/ml in the blood, which exceeds the authorized limit of 5 pg/ml. (15.2.6.9 NMAC attachment #4). Split sample rights as provided in 15.2.6.10 (D) NMAC, were afforded to and declined by Osman Iturralde.

Ramon Sevastian Chavarria, the owner of record for the horse "Discrete", was duly notified.

In accordance with 15.2.6.9 (B)(4) Penalty Recommendations, This is Osman Iturralde's Second Class 4C-Major medication violation in a 365-day period.

For Osman Iturralde's Second Class 4C-Major medication violation in a 365-day period, the Board of Stewards hereby assess a penalty issued in accordance with 15.2.6.9 (B)(4) Penalty Recommendations, as follows:

1. A (\$1500.00) One Thousand Five Hundred dollar fine to paid on or before September 19, 2018. In accordance with 15.2.3.8 (B)(4)(I) NNRC, failure to pay the fine in the prescribed time will result in an immediate suspension.
2. A 15 day suspension of all NMRC licenses starting August 20, 2018, through September 3, 2018, inclusive.
3. During said time of applicable suspension Osman Iturralde 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 Osman Iturralde 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 by, owned by, or in the care and custody of Osman Iturralde must be done in accordance with 15.2.6.9A(12)(a)(b) NMAC.

Licensee is found 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)(1)(4)Medication Restrictions/ 15.2.6.11(A)Trainer Responsibility/ 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/ 15.2.6.9(B)Penalty Recommendations.

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-79
Track Downs at Albuquerque
Ruling Date: 8/19/2018

Licensee: ALVIDREZ, ARMANDO

License Type: 2018 1 Year Jockey Applicant Id: 157311
License Number: 291285

Ruling # 2018-DAA-79

Action Type: Initial Ruling

Ruling:

Jockey, **Armando Alvidrez** having been summoned and having appeared **telephonically** before the Board of Stewards on **August 19, 2018** for careless riding during the running of the **8th race on August 18, 2018** at The Downs at Albuquerque Racetrack while aboard "**#10 Ls Power**" which resulted in his mount being disqualified from 1st place to 2nd place behind the horse interfered with.

Licensee is found in violation of:

15.2.5.13(E)(2)(a) NMAC: Post to Finish Which states in pertinent part that "A jockey shall not ride carelessly or willfully so as to permit his/her mount to interfere with, impede or intimidate any other horse in the race."

15.2.5.13(E)(3)(d) NMAC: Post to Finish (d) In a straightaway race, every horse must maintain position as nearly as possible in the lane in which it starts. If a horse is ridden, drifts or swerves out of its lane in such a manner that it interferes with, impedes or intimidates another horse, it is a foul and may result in the disqualification of the offending horse.

For this violation, the Board of Stewards assessed **Armando Alvidrez** a suspension of **7 calendar days (August 27, 2018, through September 2, 2018)**. **The terms of this suspension shall not prohibit participation in designated races.**

This ruling is written in accordance with:

15.2.5.13(E)(3)(c) NMAC: Post to Finish Which states in pertinent part that "If the Stewards determine the foul was intentional, or due to careless riding, they may fine or suspend the guilty jockey."

15.2.5.13(E)(3)(d) NMAC: Post to Finish The offending horse may be disqualified, if in the opinion of the stewards, the foul altered the finish of the race, regardless of whether the foul was accidental, willful or the result of careless riding.

15.2.5.13(E)(4)(a) NMAC Disqualification. When the stewards determine that a horse shall be disqualified for interference, they may place the offending horse behind such horse as in their judgment it interfered with, or they may place it last

15.2.1.9(B)(4)(A) Notice of Hearing for Jockeys

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
Albuquerque, NM 87113

Ruling #: 2018-DAA-80
Track Downs at Albuquerque
Ruling Date: 8/22/2018

Licensee: GUILLEN-VEGA, BENITO

License Type: 2018 3 Year Trainer Applicant Id: 157627
License Number: 289719

Ruling # 2018-DAA-80

Action Type: Initial Ruling

Ruling:

Trainer: Benito Guillen-Vega, having been duly notified and having waived his right to a hearing before the Board Of Stewards on August 19, 2018, regarding a lab report from Industrial Laboratories (the 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 E276627 taken from the horse Harlan County following the 5th race, on July 22, 2018 at the Downs at Albuquerque

The original lab report indicated a finding of Phenylbutazone at 2.48 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 Benito Guillen-Vega.

Deni Rodarte-Puente is the owner of record for horse "Harlan County".

In accordance with 15.2.6.9 (C)(2)(b) NMAC, this is Benito Guillen-Vega's FIRST Class 4C-minor violation.

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

1. A (\$250.00) Two hundred Fifty dollar fine to be paid on or before September 19, 2018, in accordance with 15.2.1.9(B)(7)(f) NMAC and 15.2.3.8 (B)(3)(l) NMAC: Failure to pay fine in prescribed time will result in an immediate suspension.
2. The horse "Harlan County", must pass a commission-approved examination before being eligible to run.

Licensee is found to be in violation of, and in accordance with

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".

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."

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-81
Track Downs at Albuquerque
Ruling Date: 8/24/2018

Licensee: DE LA CRUZ, JOSE JUAN

License Type: 2018 1 Year Groom Applicant Id: 31151
License Number: 290644

Ruling # 2018-DAA-81

Action Type: Initial Ruling

Ruling:

Groom, **Jose De La Cruz**, is hereby summarily suspended (effective immediately, August 24, 2018) after having appeared before the Board of Stewards on August 24, 2018, for testing positive for Meth amphetamines (a prohibited substance) during a routine drug screening and drug paraphernalia and drugs found in the tack room.

During said time of applicable suspension **Jose De La Cruz** is hereby excluded from all areas of the grounds under the jurisdiction of the NMSRC, per 15.2.1.9 (C)(21), pending the outcome of his hearing on September 2, 2018, at 10:30 am in the board of Stewards Office at *The Downs at Albuquerque* in accordance with 15.2.1.9 (B)(3)(b).

Licensee is found to be in violation of:

15.2.1.9(B)(3)(a): Which states in pertinent part "If the Stewards determine that a licensee's action constitute an immediate danger to the public health, safety, or welfare, the Stewards may summarily suspend the licensee pending a hearing".

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.

This Ruling is written in accordance with

16.47.1.8 (L)(1)(i) – Which states in pertinent part "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"

16.47.1.17 (A)(1) **TESTING PROCEDURES** At its discretion, the commission may conduct random or episodic random drug testing, as well as testing based on reasonable suspicion, in order to ensure safety on the racetrack.

16.47.1.17 (A)(2) **TESTING PROCEDURES** When conducted, random drug testing shall apply, equally, to all licensees who are, at the time of the random testing, exercising the privileges of their license in such ways as may affect the outcome of a race or diminish the conditions of safety or decorum required in restricted areas.

16.47.1.17 (A)(3) **TESTING PROCEDURES** No notice need be given as to onset or cessation of random testing.

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**

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-82
Track Downs at Albuquerque
Ruling Date: 8/24/2018

Licensee: BOBROFF, JACQUELYN A

License Type: 2018 3 Year Jockey Applicant Id: 30189
License Number: 290445

Ruling # 2018-DAA-82

Action Type: Initial Ruling

Ruling:

Jockey, Jacquelyn A. Bobroff, was summarily suspended on **July 20, 2018**, and waived her right to a disciplinary hearing before the Board of Stewards. Jockey **Jacquelyn A. Bobroff** tested positive for **Methamphetamine**, during a drug screening on **July 20, 2018**.

The Board of Stewards hereby suspend all NMRC licenses belonging to **Jacquelyn A. Bobroff** for **60 days** (retroactive from the summary suspension issued on **July 20, 2018** **through September 19, 2018, inclusive**. *30 days will be deferred upon immediate enrollment in Chaplain Donald Stover's "Turning Point Program" (16.47.1.18(C) NMAC). After 30 days has been served Jacquelyn A. Bobroff must submit a negative sample and is given probationary status. Furthermore Jacquelyn A. Bobroff will be tested at the request of the stewards at any time. Failure to attend "The Turning Point Program" will result in Jacquelyn A. Bobroff's immediate suspension to serve the remainder of the 60 days.*

Per 15.2.1.9 (C)(21)(a-b) NMAC, While under suspension, **Jacquelyn A. Bobroff** 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:

16.47.1.17 (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/

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-83
Track Downs at Albuquerque
Ruling Date: 8/24/2018

Licensee: Lull, Richard Edward
License Type: 2018 1 Year Jockey Applicant Id: 159857
License Number: 290263

Ruling # 2018-DAA-83

Action Type: Initial Ruling

Ruling:

Jockey Richard Lull, having failed to appear or send a jockey guild's representative regarding the **6th race on August 12, 2018, at The Downs at Albuquerque Racetrack**, is found in violation of Commission rules.

Licensee is found in violation of:

15.2.1.9(B)(4)(d)NMAC: Which states in pertinent part that "Nonappearance of a summoned party after adequate notice shall be construed as a waiver of the right to a hearing before the board of stewards.

15.2.1.9(B)(4)(A)NMAC Notice Except as provided by these rules regarding summary suspension, jockey riding infractions and trial races, the stewards or a racing commission designee shall provide written notice, at least 10 days before the hearing, to a person who is the subject of a disciplinary hearing. The person may waive their right to 10 days notice by executing a written waiver.

For this rule violation, the Board of Stewards assessed **Richard Lull** a penalty of **One Hundred dollars (\$100.00)**. The fine is to be paid on or before **September 24, 2018** once with **15.2.3.8(B)(3) (I)**. Failure to pay the fine within the time prescribed will result in immediate suspension.

This ruling is written in accordance with:

15.2.1.8(B)(1) COMMISSION GENERAL AUTHORITY
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
15.2.3.8 B (1) (a) Stewards General Authority
15.2.3.8 B (1) (c) 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
16.47.1.8(L)(1)(e)Grounds For Disciplinary Measures
15.2.1.9(B)(9)(a)Failure to Appeal

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-84
Track Downs at Albuquerque
Ruling Date: 8/24/2018

Licensee: RODARTE-PUENTE, DENI

License Type: 2018 1 Year Owner Applicant Id: 160954
License Number: 289836

Ruling # 2018-DAA-84

Action Type: Initial Ruling

Ruling:

Owner Deni Rodarte-Puente, having been duly notified and having waived his right to a hearing before the Board Of Stewards on August 19, 2018, regarding a lab report from Industrial Laboratories (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 E276627 taken from the horse "Harlan County" following the 5th race, on July 22, 2018 at the Downs at Albuquerque.

The original lab report indicated a finding of Phenylbutazone at 2.48 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.

Benito Guillen-Vega is the trainer on record for horse "Harlan County".

In accordance with 15.2.6.9 (C)(2)(b) NMAC, this is Deni Rodarte-Puente's FIRST Class 4C minor violation. For this FIRST Class 4C medication violation issued in accordance with 15.2.6.9 (C)(2)(b) NMAC, the Board of Stewards assessed Deni Rodarte-Puente a penalty as follows:

1. A warning, in accordance with 15.2.1.9(B)(7)(f) NMAC and 15.2.3.8 (B)(3)(1) NMAC
2. There is NO change in the official order of finish.

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

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".

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
4900 Alameda NE
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Ruling #: 2018-DAA-85
Track Downs at Albuquerque
Ruling Date: 8/24/2018

Licensee: CHAVARRIA, RAMONE SEBASTIAN

License Type: 2017 3 Year Owner
Applicant Id: 160225
License Number: 287143

Ruling # 2018-DAA-85

Action Type: Initial Ruling

Ruling:

Owner Ramon S. Chavarria was duly notified, and waived his right to a hearing telephonically, before the Board of Stewards on August 19, 2018. The hearing was in regard to a certificate of analysis from Industrial Laboratories (official testing laboratory for the NMRC) for a confirmed positive for the (class 4 penalty C Major) drug "Dexamethasone" in horse "Discrete" (Test Sample #: E276575) who finished in First place in the 7th race on July 20, 2018, at the Downs at Albuquerque.

The certificate of analysis detected "Dexamethasone" at a level of 30.2 pg/ml in the blood, which exceeds the authorized limit of 5 pg/ml. (15.2.6.9 NMAC attachment #4). Split sample rights as provided in 15.2.6.10 (D) NMAC, were afforded to and declined.

Osman Itturalde, the trainer of record for the horse "Discrete", was duly notified.
In accordance with 15.2.6.9 (B)(4) Penalty Recommendations, This is Ramon Chavarria's First Class 4C-Major medication violation in a 365-day period.

For Ramon Chavarria's First Class 4C-Major medication violation in a 365-day period, the Board of Stewards hereby assess a penalty, issued in accordance with 15.2.6.9 (B)(4) Penalty Recommendations, as follows:

1. In accordance with 15.2.5.13(E)(4)(d) Purse Redistribution, the horse "Discrete" is hereby disqualified from First place and ordered unplaced from the 7th race on July 20, 2018, at the Downs at Albuquerque for all but pari-mutuel wagering. The purse redistribution is as follows.

- 1 Medessey
 - 2 Alluring Dash
 - 3 Famosita
 - 4 Hey Ho Alina
 - 5 Rare Valor
 - 6 Bonafide Hero
 - 7 Smilelikeahero
- Unplaced "Discrete"

This ruling is written in accordance with:

15.2.3.8(B)(3)(k): Redistribution of Purses and Prizes/ 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 (U)(1) PROTECTION OF HORSES Each person licensed by the commission shall do all that is reasonable and within their power and scope of duty to guard against and prevent the administration of any drug, medication or other substance, including permissible medication in excess of the maximum allowable level, to any horse entered or to be entered in an official workout or race, as prohibited by these rules.

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."

Victor Escobar For Watch

Travis Salinas



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2018-DAA-86
Track Downs at Albuquerque
Ruling Date: 8/26/2018

Licensee: GALVEZ, EMMANUEL

License Type: 2018 3 Year Trainer Applicant Id: 30148
License Number: 288996

Ruling # 2018-DAA-86

Action Type: Initial Ruling

Ruling:

Trainer: Emmanuel Galvez; having been duly notified and having waived his rights to a hearing before the **Board Of Stewards on August 24, 2018, regarding a lab report from Industrial Laboratories (The official testing laboratory for the NMSRC)**, for a confirmed positive for the therapeutic drug, Dexamethasone (class 4C-Major penalty) found in test sample **E276599** taken from the **3rd place finisher "The Alabama Cartel"** following **the 7th race, on July 21, 2018, at the Downs at Albuquerque.**

The original lab report indicated a finding of **Dexamethasone at 21.1 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)**. Split sample rights as provided in **15.2.6.10 (D) NMAC**, were afforded to and declined by **Emmanuel Galvez.**

Sherri S. Galvez is the owner of record for horse "**The Alabama Cartel**", in accordance with rules **15.2.6.9 (B)(4)**,

This is **Emmanuel Galvez's FIRST Class 4C-Major medication violation.**

For **Emmanuel Galvez's FIRST Class 4C-Major medication violation, in a 365-day period**, issued in accordance with **15.2.6.9 (B)(4)**, the Board of Stewards assessed a penalty as follows:

1. A (\$1,000) One thousand dollar fine to paid on or before **September 24, 2018**, in accordance with **15.2.3.8 (B)(3)(I) NMAC**. Failure to pay fine in prescribed time will result in an immediate suspension.

Licensee is found 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)(1)(4)Medication Restrictions/ 15.2.6.11(A)Trainer Responsibility/ 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/ 15.2.6.9(B)Penalty Recommendations.

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 Downs at Albuquerque Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2018-DAA-87
Track Downs at Albuquerque
Ruling Date: 8/26/2018

Licensee: RAMIREZ, ESTEBAN

License Type: 2017 3 Year Trainer Applicant Id: 19424
License Number: 287884

Ruling # 2018-DAA-87

Action Type: Initial Ruling

Ruling:

Trainer: Esteban Ramirez having been duly notified, and appeared telephonically before the Board of Stewards on **August 26, 2018**, for failure to declare equipment (**Flipping Halter ON**) at time of entry for **"Green Eye Girl"**, entered in the 10th race on August, 25, 2018 at The Downs at Albuquerque Racetrack.

Licensee is found to be in violation of:

15.2.5.8 (B)(10) Procedure For Entries Any approved change of equipment must be declared at time of entry. Any changes after that time must be approved by the stewards.

15.2.5.8 (B)(6) Procedure For Entries No alteration may be made in any entry after the closing of entries, but an error may be corrected with permission of the stewards

For this rule violation, the Board of Stewards assessed a penalty in the amount of **Two Hundred Dollars (\$ 200.00)**. The fine is to be paid on or before **September 26, 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
Albuquerque, NM 87113

Ruling #: 2018-DAA-88
Track Downs at Albuquerque
Ruling Date: 8/26/2018

Licensee: GALVEZ, SHERRI S.

License Type: 2017 3 Year Owner Applicant Id: 14976
License Number: 287105

Ruling # 2018-DAA-88

Action Type: Initial Ruling

Ruling:

Owner Sherri S. Galvez was duly notified, and waived her right to a hearing before the Board of Stewards on August 24, 2018. The hearing was in regard to a certificate of analysis from Industrial Laboratories (official testing laboratory for the NMRC) for a confirmed positive for the (class 4 penalty C Major) drug "Dexamethasone" in the horse "The Alabama Cartel" (Test Sample #: E276599) who finished in Third place in the 7th race on August 21, 2018, at the Downs at Albuquerque.

The certificate of analysis detected "Dexamethasone" at a level of 21.1 pg/ml in the blood, which exceeds the authorized limit of 5 pg/ml. (15.2.6.9 NMAC attachment 2 page). Split sample rights as provided in 15.2.6.10 (D) NMAC, were afforded to and declined.

Emmanuel Galvez, the trainer of record for the horse "The Alabama Cartel", was duly notified.

In accordance with 15.2.6.9 (B)(4) Penalty Recommendations, This is Sherri S. Galvez's First Class 4C-Major medication violation in a 365-day period.

For Sherri S. Galvez's First Class 4C-Major medication violation in a 365-day period, the Board of Stewards hereby assess a penalty issued in accordance with 15.2.6.9 (B)(4) Penalty Recommendations, as follows:

1. In accordance with 15.2.5.13(E)(4)(d) Purse Redistribution, the horse "The Alabama Cartel" is hereby disqualified from Third place and ordered unplaced from the 7th race on August 21, 2018, at the Downs at Albuquerque for all but pari-mutuel wagering. The purse redistribution is as follows.

1st #3 Captain Cheve
2nd #6 One Sweet King
3rd #5 Gentleman James
4th #2 Fortunate Stoli
5th #8 Calypso King
6th #7 Gch Furr Damin
7th #1 Bf Nutrageous

Unplaced #4The Alabama Cartel

This ruling is written in accordance with:

15.2.3.8(B)(3)(k): Redistribution of Purses and Prizes/ 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 (U)(1) PROTECTION OF HORSES Each person licensed by the commission shall do all that is reasonable and within their power and scope of duty to guard against and prevent the administration of any drug, medication or other substance, including permissible medication in excess of the maximum allowable level, to any horse entered or to be entered in an official workout or race, as prohibited by these rules.

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 Downs at Albuquerque Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2018-DAA-89
Track Downs at Albuquerque
Ruling Date: 8/30/2018

Licensee: MENDOZA, LUIS R

License Type: 2018 1 Year Owner Applicant Id: 160716
License Number: 288918

Ruling # 2018-DAA-89

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
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2018-DAA-90
Track Downs at Albuquerque
Ruling Date: 8/30/2018

Licensee: MARTINEZ, EDGAR

License Type: 2016 3 Year Jockey Applicant Id: 159102
License Number: 283094

Ruling # 2018-DAA-90

Action Type: Initial Ruling

Ruling:

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
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2018-DAA-91
Track Downs at Albuquerque
Ruling Date: 8/30/2018

Licensee: MARTINEZ, EDGAR

License Type: 2016 3 Year Jockey Applicant Id: 159102
License Number: 283094

Ruling # 2018-DAA-91

Action Type: Initial Ruling

Ruling:

Jockey **Edgar S. Martinez**, having been summoned and appeared before the Board of Stewards on **August 30, 2018**, for failure to make sufficient effort to control his mount and maintain a straight course interfering with the forward progress of the #5 Cindys Heart with his horse "**Im a Mac Daddy**" in the **2nd Race on August 26, 2018**, at The Downs at Albuquerque.

Licensee is found in violation of:

15.2.5.13(E)(2)(a) NMAC: Post to Finish Which states in pertinent part that "A jockey shall not ride carelessly or willfully so as to permit his/her mount to interfere with, impede or intimidate any other horse in the race."

15.2.5.13(E)(3)(d) NMAC: Post to Finish (d) In a straightaway race, every horse must maintain position as nearly as possible in the lane in which it starts. If a horse is ridden, drifts or swerves out of its lane in such a manner that it interferes with, impedes or intimidates another horse, it is a foul and may result in the disqualification of the offending horse.

The Board of Stewards hereby assess, **Edgar S. Martinez**, a fine in the amount of **two hundred fifty dollars, (\$250.00)**. This fine is to be paid on or before **September 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:

15.2.5.13(E)(3)(c) NMAC: Post to Finish Which states in pertinent part that "If the Stewards determine the foul was intentional, or due to careless riding, they may fine or suspend the guilty jockey."

15.2.1.9(B)(4)(A) Notice of Hearing for Jockeys

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
Albuquerque, NM 87113

Ruling #: 2018-DAA-92
Track Downs at Albuquerque
Ruling Date: 8/31/2018

Licensee: ORTIZ, JOSE ENRIQUE

License Type: 2016 3 Year Jockey Applicant Id: 35364
License Number: 281100

Ruling # 2018-DAA-92

Action Type: Initial Ruling

Ruling:

Jockey: Jose Enrique Ortiz having appeared telephonically before the Board of Stewards on August 31, 2018, for having failed to make weight, and subsequent failure to honor his riding engagement in the 5th race on August 26, 2018, at The Downs at Albuquerque Racetrack.

The Board of Stewards hereby assesses Jose Enrique Ortiz a penalty in the amount of Two hundred dollars (\$200.00). The fine is to be paid on or before October 1, 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.

Licensee is found to be in violation of: 15.2.5.13.(C)

11. A jockey's weight shall include their clothing, boots, saddle and its attachments and any other equipment except the whip, bridle, bit or reins, safety helmet, safety vest, blinkers, goggles and number cloth. Upon the stewards' approval, jockeys may be allowed up to three pounds more than published and announced weights to account for inclement weather clothing and equipment when weighing in.

12. Seven pounds is the limit of overweight any horse is permitted to carry.

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
15.2.3.8 B (1) (a) Stewards General Authority
15.2.3.8 B (1) (c) Stewards General Authority
16.47.1.8 (T) KNOWLEDGE OF RULES
16.47.1.8(N) Last Known Address
16.47.1.8(L)(1)(e) Grounds For Disciplinary Measures

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-93
Track Downs at Albuquerque
Ruling Date: 8/31/2018

Licensee: SIGALA, ALFREDO S.

License Type: 2015 3 Year Jockey Applicant Id: 158216
License Number: 279889

Ruling # 2018-DAA-93

Action Type: Initial Ruling

Ruling:

Jockey Alfredo Sigala having failed to appear or send a jockey guild's representative regarding the **7th race on August 24, 2018, at The Downs at Albuquerque Racetrack**, is found in violation of Commission rules.

Licensee is found in violation of:

15.2.1.9(B)(4)(d)NMAC: Which states in pertinent part that "Nonappearance of a summoned party after adequate notice shall be construed as a waiver of the right to a hearing before the board of stewards.

15.2.1.9(B)(4)(A)NMAC Notice Except as provided by these rules regarding summary suspension, jockey riding infractions and trial races, the stewards or a racing commission designee shall provide written notice, at least 10 days before the hearing, to a person who is the subject of a disciplinary hearing. The person may waive their right to 10 days notice by executing a written waiver.

For this rule violation, the Board of Stewards assessed **Alfredo Sigala** a penalty of **One Hundred dollars (\$100.00)**. The fine is to be paid on or before **October 1, 2018** once with **15.2.3.8(B)(3)(l)**. Failure to pay the fine within the time prescribed will result in immediate suspension.

This ruling is written in accordance with:

15.2.1.8(B)(1) COMMISSION GENERAL AUTHORITY

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

15.2.3.8 B (1) (a) Stewards General Authority

15.2.3.8 B (1) (c) 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

16.47.1.8(L)(1)(e) Grounds For Disciplinary Measures

15.2.1.9(B)(9)(a) Failure to Appeal

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-94
Track Downs at Albuquerque
Ruling Date: 8/31/2018

Licensee: SIGALA, ALFREDO S.

License Type: 2015 3 Year Jockey Applicant Id: 158216
License Number: 279889

Ruling # 2018-DAA-94

Action Type: Initial Ruling

Ruling:

Jockey Alfredo Sigala having failed to appear or send a jockey guild's representative regarding the **6th race on August 29, 2018, at The Downs at Albuquerque Racetrack**, is found in violation of Commission rules.

Licensee is found in violation of:

15.2.1.9(B)(4)(d)NMAC: Which states in pertinent part that "Nonappearance of a summoned party after adequate notice shall be construed as a waiver of the right to a hearing before the board of stewards.

15.2.1.9(B)(4)(A)NMAC Notice Except as provided by these rules regarding summary suspension, jockey riding infractions and trial races, the stewards or a racing commission designee shall provide written notice, at least 10 days before the hearing, to a person who is the subject of a disciplinary hearing. The person may waive their right to 10 days notice by executing a written waiver.

For this rule violation, the Board of Stewards assessed **Alfredo Sigala** a penalty of **Two Hundred dollars (\$200.00)**. The fine is to be paid on or before **October 1, 2018** once with **15.2.3.8(B)(3)(I)**. Failure to pay the fine within the time prescribed will result in immediate suspension.

This ruling is written in accordance with:

15.2.1.8(B)(1) COMMISSION GENERAL AUTHORITY
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
15.2.3.8 B (1) (a) Stewards General Authority
15.2.3.8 B (1) (c) 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
16.47.1.8(L)(1)(e)Grounds For Disciplinary Measures
15.2.1.9(B)(9)(a)Failure to Appeal

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-95
Track Downs at Albuquerque
Ruling Date: 9/1/2018

Licensee: ESCOBAR, RENEE BARBARA

License Type: 2018 1 Year Horseman' Applicant Id: 27207
License Number: 289301

Ruling # 2018-DAA-95

Action Type: Initial Ruling

Ruling:

The Bookkeeper license #289301 issued to Renee Escobar 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.



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2018-DAA-96
Track Downs at Albuquerque
Ruling Date: 9/1/2018

Licensee: Lull, Richard Edward

License Type: 2018 1 Year Jockey Applicant Id: 159857
License Number: 290263

Ruling # 2018-DAA-96

Action Type: Initial Ruling

Ruling:

Jockey Richard Lull is hereby suspended, effective **September 1, 2018**, having failed to pay the (\$500.00) Five hundred dollar fine assessed in Ruling DAA 52 2018

Licensee is found to be in violation of:

15.2.3.8 (B)(3)(1) NMAC All fines imposed by the Stewards shall be paid to the Commission within 30 days after the ruling is issued, unless otherwise ordered.

During said time of applicable suspension, **Richard Lull** is hereby excluded from all areas of the grounds under the jurisdiction of the NMSRC.

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.