

NEW MEXICO HORSE RACING COMMISSION

MINUTES OF THE MEETING

Date: January 17, 2019 at 9:30 AM

Place: NMRC Boardroom, 4900 Alameda Blvd. NE, Albuquerque, NM 87113

Members Present: Chairman Ray Willis; Vice-Chairman Gayla McCulloch; Commissioner Jerry Cosper, Commissioner Ken Corazza, and Commissioner Leonard Blach.

NMRC Staff Participating: NMRC Executive Director Ismael Trejo and Legal Assistant Kira Frazier.

Others Present/Participating: Assistant Attorney Generals Gideon Elliott and Angela Macdonald

AGENDA ITEM	TIME LOG	DISCUSSION / CONCLUSIONS / RECOMMENDATIONS	ACTION TAKEN
Call to Order and Roll Call	TRACK 1 00:00:00 - 00:00:39	Meeting called to order by Chairman Willis. Roll call was taken by Kira Frazier; Ken Corazza was absent. Assistant Attorney Generals Gideon Elliott and Angela Macdonald were also present.	No Action Taken.
Approval of Agenda	00:00:40- 00:00:55	Chairman Willis asked Director Izzy Trejo if there were any amendments to the agenda; Director Trejo stated no changes.	Motion to approve by Commissioner McCulloch; Second by Commissioner Cosper. Motion carried unanimously.
Approval of Minutes: December 28, 2018	00:00:56- 00:01:16	Chairman Willis requested a motion to approve the minutes of the December 28, 2018 Special Meeting.	Motion to approve by Commissioner Blach; Second by Commissioner McCulloch. Motion carried unanimously
Chairman's Agenda	00:01:17- 00:02:36	Chairman Willis asked for a Committee meeting update. Vice Chairman Gayla McCulloch stated a Medication/Rules Committee was held on January 16, 2019. Vice Chair McCulloch stated a majority of the rules on the agenda passed and a few were tabled. Those that were passed are expected to be in effect no later than May 1st. It was announced that the	No Action Taken

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		committee will meet again in February 2019 to address rules that were tabled and to continue discussion on the rules on the agenda as discussion items. Chairman Willis request to have record reflect at 00:01:37 Commissioner Corazza arrived to meeting.	
NMHBBA Report Breeders Report	00:02:38- 00:04:46	<p>Mary Barber, Executive Director of the NMHBBA, provided the race a day report as follows: The conclusion of the Zia Park meet, they 53 days and had a total run 229 NM Bred Races, an average of 4.32 NM Bred Races per day and Zia Park plus 70 for the required 3 NM Bred races a day. Zia Park's average field size was 9.6 NM Bred per restricted race. Sunland Park, for the first two weeks of their meet, they had run 38 NM Bred Races; averaging 4.75 NM Bred Races per day and that is plus 14 for the required 3 NM Bred races a day. Average field size is 9.56. On the NM Bred open overnight races at Zia there were 399 NM Breds that ran open, of those 399, 103 came in 1st, 2nd or 3rd and this is a 26%. These numbers are slightly up from last year. Ms. Barber extended an invitation to the NMHBBA annual banquet which will be held on January 21, 2019 and announced Executive Director Trejo will be guest speaker at the banquet. She also thanked Zia Park and Sunland Park for support of the NMHBBA program.</p>	No Action Taken
Jockey's Guild Report	00:04:47- 00:05:50	<p>John Beech, Regional Manager for the Jockey's Guild Incorporated, reported Zia Park closed on a good note and thanked Matt Crawford for all his help. As of Sunland Park's opening, the racetrack is in excellent shape; Mr. Jamison is doing great job and the jockeys had no complaints.</p>	No Action Taken
NMHA Horsemen's Report	00:05:51- 00:10:18	<p>Pat Bingham, Executive Director of the NMHA, referring to a handout provided to Commissioners; referenced an overview of the 2018 race year. Starts: QH= 9,680; TB= 11,241. Purses</p>	No Action Taken

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		<p>Paid: QH= \$16,160,482.00; TB= \$24,130,504.00; 2441 NM Bred races were run in at horses were run at meets; 57% TB and 43% of them were QH. Sunland Park's season, started on December 28, 2018 and as of January 12, 2019: Starts: QH= 338; TBs= 490; Totaling 828 for the first 10 days. Additionally, Mr. Bingham reiterated the horsemen wish to continue to see a decrease in drug positives in horses at future race meets. The Horsemen's Association commented on its commitment to raising the bar on grooms; so that they are better trained and knowledgeable about the horses' safety. Also, they wish to garner new horse ownership and stated their support of full gaming at the Racetrack & Casinos to create better competition with competitors.</p>	
NMRC Executive Director Report	00:10:19 to 00:14:11	<p>Izzy Trejo, Executive Director of the NMRC reported he attended Sunland Park's pre race inspection and Sunland Park's opening weekend. The facility was in great shape with the exception of a couple minor findings with the lavatory. Director Trejo stated he has been invited to speak at the Racing Medication and Testing Consortium (RMTC) on March 4-5, 2019 to explain New Mexico's out of competition testing program to the rest of the nation. Director Trejo stated New Mexico's program is being deemed as one of the most successful in the nation according to Dr. Dionne Benson who is the Director of the RMTC.</p>	No Action Taken.
Unfinished/ New Business and/or Action Items Regarding Licensing: A. Open Meetings Resolution Act	00:14:12-00:15:00	<p>Director Trejo requested approval of the NMRC annual Open Meeting Resolution Act; which has received Attorney General approval.</p>	<p>Motion to approve by Commissioner McCulloch; Second by Commissioner Cosper. Motion carried unanimously.</p>
B. Approval of 2018-2019 Sunland	00:15:01-	Director Trejo requested approval of the 2018-2019 Sunland	Motion to approve by

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Park Auditor	00:15:34	Park Auditor, Ms. Sheryl Edgar. Director Trejo stated one bid was recieved.	Commissioner McCulloch; second Commissioner Blach. Motion carried unanimously.
C. Approval for SunRay Park <ul style="list-style-type: none"> • Ratification of Approval to Add Sites to Approved Import List • Amendment to 2019 Primary Application • Revised Stakes Schedule • 2019 Condition Book • Purse Structure 	00:15:35-00:22:58	<ul style="list-style-type: none"> • Lonnie Barber, Director of Racing SunRay Park, requested approval for ratification of approval to add sites to the approved import List. • Lonnie Barber, SunRay Park, requested approval of the amendment to 2019 Primary Application; Director Trejo informed the Commission that there was a change in ownership percentages. • Lonnie Barber, SunRay Park, requested approval of the Revised Stakes Schedule. • Lonnie Barber, SunRay Park, requested approval of 2019 condition book. • Lonnie Barber, SunRay Park, requested approval of the purse structure. Pat Bingham of the Horseman's Association noted some concerns about Purse structure, Mr. Barber, will send the NMRC & Commission the revised purse structure information. 	<ul style="list-style-type: none"> • Motion to ratify approval; sites by Chairman Willis; Second Commissioner McCulloch. Motion carried unanimously. • Motion to approve amendment to 2019 primary application by Commissioner McCulloch; Second by Commissioner Cosper. Motion carried unanimously. • Motion to approve Revised Stake Schedule by Commissioner McCulloch; Second by Commissioner Cosper. Motion carried unanimously. • Motion to approve 2019 Condition Book by Commissioner Blach; Second by Commissioner McCulloch. Motion carried unanimously. • Motion to approve, pending Horsemen agreeing to the purse structure; Second by Commissioner McCulloch. Motion carried unanimously.


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<ul style="list-style-type: none"> Gaming & Breakage 		<ul style="list-style-type: none"> Lonnie Barber, SunRay Park, Requested approval of Gaming & Breakage 	<ul style="list-style-type: none"> Motion to approve Gaming & Breakage by Commissioner McCulloch; Second by Commissioner Blach. Motion carried unanimously.
<p>D. Approval for Sunland Park</p> <ul style="list-style-type: none"> Ratification of Approval for Officials Ratification of Approval to Add Sites to Approved Import List Amendment to 2018-2019 Condition Book 2018/2019 Jockey & Exercise Insurance 	00:22:59 – 00:28:49	<ul style="list-style-type: none"> Dustin Dix, Director of Racing for Sunland Park requested ratification of approval for Officials Dustin Dix, Director of Racing for Sunland Park requested ratification of approval to add sites to approved Import list Dustin Dix, Director of Racing for Sunland Park requested an amendment to their 2018-2019 Condition Book; Mr. Dix requested this item be tabled due to the its conflict with the current rule regarding jail time for claimed horses. Dustin Dix, Director of Racing for Sunland Park requested approval of their 2018/2019 Jockey & Exercise Rider Insurance fee for the month of January 2019 only. 	<ul style="list-style-type: none"> Motion to ratify approval of officials by Commissioner Blach; Second Commissioner McCulloch. Motion carried unanimously. Motion to ratify Approval to Add Sites to Approved Import List by Commissioner McCulloch; Second Commissioner Blach. Motion carried unanimously. Motion to Table Amendment to 2018/2019 Condition Book by Commissioner McCulloch; Second Commissioner Cosper. Motion carried unanimously. Motion to approve 2018/2019 Jockey & Exercise Rider Insurance by Commissioner McCulloch; Second Commissioner Blach. Motion carried unanimously.
E. Approval for Zia Park	00:28:50-		


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<ul style="list-style-type: none"> • Ratification of Retroactive Approval to Add Sites to Approved Import List 	00:30:46	<ul style="list-style-type: none"> • Matt Crawford of Zia Park, requested ratification of retroactive approval to add sites to the approved import list. Commission Blach inquired about Zia Park's water drainage issues in the barn area as well as other site issues to be completed prior to approval of renewal of their racing license approval. Mr. Crawford stated they were working on repairs and work will begin in February 2019. 	<ul style="list-style-type: none"> • Motion to ratify approval of Retroactive Approval to Add Sites to Approved Import List by Chairman Willis; Second Commissioner Blach. Motion carried unanimously.
<p>F. Approval for Downs at Albuquerque</p> <ul style="list-style-type: none"> • Ratification of Approval to Add Sites to Approved Import List • 2019 Stall Application 	00:30:47-00:32:10	<ul style="list-style-type: none"> • Don Cook, Downs at Albuquerque, requested ratification of Approval to add sites to the approved import list. • Don Cook, Downs at Albuquerque, requested approval for 2019 stall application 	<ul style="list-style-type: none"> • Motion to ratify approval for to add sites to the approved import list by Commissioner Blach; Second by Commissioner McCulloch. Motion carried unanimously. • Motion to approve 2019 Stall Application by Commissioner McCulloch; Second by Commissioner Blach. Motion carried unanimously.
<p>G. Approval for the Ruidoso Downs</p> <ul style="list-style-type: none"> • Ratification of Approval for Amended 2019 Stakes Schedule 	00:32:11-00:36:35	<ul style="list-style-type: none"> • Jeff True, President Ruidoso Downs, requested Ratification of Approval for Amended 2019 Stakes Schedule 	<ul style="list-style-type: none"> • Motion to ratify approval made by Commissioner McCulloch; Second Commissioner Blach. Motion carried unanimously.

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<ul style="list-style-type: none"> Amended Primary Application 2019 Stall Applications 2019 Condition Book 2019 Post Times 		<ul style="list-style-type: none"> Jeff True, Ruidoso Downs, requested Approval of Amended Primary Application. Mr. True stated amendment is needed due to the change in ownership due to death of one of the four partners; the remaining three owners purchased share. Jeff True, Ruidoso Downs, requested Approval of 2019 Stall Applications Jeff True, Ruidoso Downs, requested Approval of 2019 Condition Book; will be changing the weights to reflect the changes in weight that passed the Committee the day before. Jeff True, Ruidoso Downs, requesting approval for 2019 Post Times 	<ul style="list-style-type: none"> Motion to approve Amended Primary Application by Chairman Willis Second by Commissioner McCulloch. Motion carried unanimously. Motion to approve all three, 2019 Stall Application, 2019 Condition Book and 2019 Post Times by Commissioner McCulloch Second by Commissioner Blach. Motion carried unanimously
H. Sixth Racetrack License	00:36:36 - 00:37:13	Chairman Willis announced there was no update at this time.	No Action Taken
I. Public Comment	00:37:14 - 00:44:16	<p>Heath Reed- Requested the Commission to reinstate his license.</p> <p>Ken Mimmack- with L&M Entertainment thanked the Commission for their consideration and efforts on the 6th Racetrack license.</p> <p>Leslie Fincher- spoke about the claiming rule and her concerns with the rule.</p>	No Action Taken
Closed Executive Session Item 7 Licensing/Pending Litigation/Appeals/Hearing officer Reports/Employment Contracts A. In the Matter of Carlos O. Alvidrez; B. In	00:44:18 – 00:45:09	Chairman Willis motioned to go into closed Executive Session with only matters to be discussed as the Matter of Carlos O. Alvidrez; the matter of Johnny Soto & Juan Poblano; the matter of Martin Orona Jr.; and the Sixth Racing License. Kira Frazier, Legal Assistant for the NMRC called Roll, with all Commissioners	Motion to go into Executive Session by Commissioner Willis; Second by Commissioner Corazza.

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the matter of Johnny Soto & Juan Poblano; C. In the matter of Martin Orona Jr.; D. Sixth Racing License		present. Chief Deputy Attorney General Tania Maestas, AAG's Gideon Elliott, Angela Macdonald, Jennifer Saavedra and Director Trejo were in attendance.	
Back in Open Session Item 7 Licensing/Pending Litigation/Appeals/Hearing officer Reports/Employment Contracts A. In the Matter of Carlos O. Alvidrez; B. In the matter of Johnny Soto & Juan Poblano; C. In the matter of Martin Orona Jr.; D. Sixth Racing License	Track 2 00:00:00-00:04:54	<p>Chairman Willis announced the Commission was now in open session affirmed that the Commission discussed only those matters specified in the motion to close the meeting in accordance with Section 10-15-1 (j).</p> <p>A. Gideon Elliott, AAG, Counsel for the NMRC stated that it was his understanding that in the Matter of Carlos O. Alvidrez the fine was to be reduced to \$750.00 pursuant to the rules.</p> <p>B. Gideon Elliott, AAG, Counsel for the NMRC stated it was his understanding that the Commission would like to table the matter of Johnny Soto & Juan Poblano.</p> <p>C. Gideon Elliott, AAG, Counsel for the NMRC stated it was his understanding that it was the Commission's desire to fine Mr. Martin Orona Jr. \$3,500.00 due within 30 days of the Decision & Order; imposing a five month suspension from July 1 to Nov 31, 2018; impose a loss of purse; and the horse must pass a Commission approved examination before becoming eligible to enter pursuant to the rules.</p> <p>D. Sixth Racing License – Chairman Willis stated that the Racing Commission remains committed to issuing a 6th racing license and remain committed to make decisions that are in the best</p>	<p>A. Motion to approve by Commissioner McCulloch. Second by Commissioner Cosper. Motion carried unanimously.</p> <p>B. Motion to table the matter by Commissioner McCulloch. Second by Commissioner Cosper. Motion carried unanimously.</p> <p>C. Motion to approve by Commissioner McCulloch. Second by Commissioner Blach. Motion carried unanimously.</p> <p>D. Motion to approve by Commissioner McCulloch. Second by Commissioner Blach. Motion carried unanimously.</p>

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		<p>interest of the racing industry. The Chairman stated the Commission had received a request from Governor Lujan Grisham to do an additional research regarding the process and applicants. Also stating the Commission will be releasing, for public dissemination, an additional study contracted by the Commission. The additional comparison was completed in November 2018 and has been a part of the Commission's ongoing deliberations. This study will be available on the Racing Commission's website today. The Commission is following the request of the Governor and postponing the decision at this time and look forward to a resolution of our pending litigation. One the litigation is resolved the Commission may be in a position to make a decision at that time.</p> <p>Chairman Willis thanked everyone for the interest and attendance.</p>	
Adjournment	00:04:55- 00:05:10	Commissioner Willis called for a motion to adjourn.	Motion to adjourn by Commissioner Cosper; Second by Commissioner McCulloch. Motion carried unanimously.

 02-21-2019
Chairman Ray Willis Date

 3-12-19
Executive Director Ismael Trejo Date