MINUTES OF THE REGULAR MEETING NEW MEXICO HORSE RACING COMMISSION

Date: November 21, 2019 at 9:01 AM

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

Buffington and Commissioner Billy Smith. Members Present: Chairwoman Beverly Bourguet, Vice-Chairman David "Hossie" Sanchez, Commissioner Ken Corazza, Commissioner John

NMRC Staff Participating: Executive Director Ismael Trejo, Manager Rosemary Garley, and Paralegal Denise Chavez.

Others Present/Participating: Assistant Attorney General Delilah Tenorio

AGENDA ITEM	Recording #	DISCUSSION / CONCLUSIONS / RECOMMENDATIONS	ACTION TAKEN
Public Session: 1. Call to Order and Roll Call	0:06 – 0:45	Meeting called to order by Chairwoman Bourguet. Roll call was taken by Rosemary Garley. Assistant Attorney General Delilah Tenorio was present.	No Action Taken.
2. Pledge of Allegiance	0:53 – 1:08		
	7.00		Pledge of Allegiance
J. Apploval of Agenda	1:20-2:13	Chairwoman Bourguet asked if there were any	Motion to accept
			Agenda as submitted
			by Commissioner
			Commissioner
			Buffington second
			motion. Motion
			passed unanimously.

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4. Approval of Minutes: A. October 17, 2019	2:18 – 2:37	Chairwoman Bourguet requested a motion to approve the minutes of the October 17, 2019 Regular Meeting.	Motion to approve October 17, 2019 minutes by Commissioner Buffington; Second by Commissioner Smith. Motion passed unanimously.
5. Chairwoman's Report	2:49 - 8:44	the Medicati the Medicati day before (w "guest al sentative (Representati	No Action Taken.
		Corazza discussed ales Committee meeting yesterd gnized Rosemary Garley and Bourguet talked about the national street and get on track with the national street and get on track with the national street.	
6. Agency Director Reports: A. NMHBA	8:58 – 12:09	Mary Barber, Executive Director of the New Mexico Horse Breeders Association, presented the final Race a Day Report for Zia Park through Tuesday, November 12, 2019 stating that they ran 140 NM	No Action Taken.

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		bred races in 32 days. In overnight races, the NMHBA contributed \$533,500; in the eight Thoroughbred races the NMHBA contributed \$650,000 and for their Quarter horse stake races they contributed \$315,000. This was \$55,500 more than in 2018. During the Zia Park meet they averaged 4.38 NM Bred races per day and plus 44 for the required three a day.	
B. Jockey's Guild 1. Zia Park Update 2. Downs at Albuquerque/AQHA Challenge	12:25 – 14:32	Mr. Beech announced that it is Pancreatic Cancer Awareness Day and in honor of this day, all jockeys will be wearing a purple band around their arm. He was hopeful that Zia Park will do good next week. He thanked Mr. Cook and commended the Downs at Albuquerque for putting on a great event and	No Action Taken.
C. NMHA Report: 1. Introduction of New Director	14:50 – 17:45		No Action Taken.
D. NMRC Executive Director's Report	17:52 – 25:10	Director Trejo began his presentation by paying respect to Rosemary Garley who will be retiring at the end of December. This is her last Commission meeting. He introduced the new paralegal Denise Chavez. He also discussed CFO, Laura Valencia's retirement. He discussed his upcoming trip to Tucson, AZ for the Global Symposium on Racing.	No Action Taken

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		They will be discussing the following: the Racing's Safety and Welfare Initiatives; safety reforms at tracks around the country are coming. Horse Racing's Social License to Operate; Continuing the quest for the safest racing surface: synthetic surfaces; and Maintaining the Critical Mass in Racing: The Equine Population. He will also be attending the ARCI winter meeting that same week he is in Tucson. They will be discussing and voting on harsher penalties for trainers and owners involved in doping and equine endangerment violations. ARCI is also endorsing a 14 day injection ban for corticosteroids which could be problematic for Ruidoso races. Up for vote is also a 48 hour administration time for Non-Steroidal Anti Inflammatory drugs. "Category 1" Interference Rule will be discussed. He discussed going before the LFC on October 30, 2019 informing them that our increase in budget request was focused on improving the welfare of the equine athlete, reform and integrity. Job well done to all who put the AQHA Challenge Races together. It was a great success! He discussed serving on a panel at the AQHA Racing Council and how they are calling for significant changes. They want owner accountability as far as owners getting penalized when their trainer gets a bad test. Utah Racing Commission and other jurisdictions have asked for our rules in this regard so they can implement them	

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		into their rule books. Visit to Zia Park was good. There was a pretty good crowd at the races, the barn area looked fairly decent, the horse path was in decent shape and no complaints about the racing surface. The biggest issue is closing the track for training on a good handful of occasions due to the lack of adequate personnel to staff the ambulance. Inspection of Sunland Park on December 4, 2019. We will start webcasting our meetings live to eliminate possible editing the meetings before posting them on the internet by others who are recording them. Lastly, he gave a very brief introduction of State Representative of Arkansas, Fran Cavanaugh.	

2. Subsection C of 15.2.3.8 NMAC	B. Rules Adoption 1. Subsection B of 15.2.1.7 NMAC		Unfinished/New Business and/or Action Items Regarding Licensing:A. Rules Hearing
32:19 – 33:42	31:24 – 31:59		26:40 – 31:25
Rosemary Garley read the proposed amendment to Subsection C of 15.2.3.8 NMAC into record. Chairwoman Bourguet asked for any comments after the rule was read into record. No comments.	Rosemary Garley read the proposed amendment to Subsection B of 15.2.1.7 NMAC into record. Chairwoman Bourguet asked for any comments after the rule was read into record. No comments.	the Commissioners present for the Rules Hearing. Chairwoman Bourguet asked for all Rules Committee Members to identify themselves for the record. An attendance sheet was signed and marked as an exhibit. Hearing adjourned at 9:59 a.m.	Chairwoman Bourguet informed the audience of the rules that were going to be discussed, relayed rules for the discussion. Rosemary Garley took roll call of
Sanchez. Motion passed unanimously. 2. Motion to approve Subsection C of 15.2.3.8 NMAC by Commissioner Sanchez; Second by Commissioner Smith. Motion passed unanimously.	1. Motion to approve Subsection B of 15.2.1.7 NMAC by Commissioner Smith; Second by Commissioner		No Action Taken

7. Subsection C of 15.2.5.13 NMAC	6. 15.2.5.12 NMAC	5. Subsection B of 15.2.5.11 NMAC	4. Subsection O of 15.2.3.8 NMAC	3. Subsection F of 15.2.3.8 NMAC
39:07 – 39:37	36:07 – 38:52	35:31 – 35:57	34:48 – 35:20	33:55 – 34:37
Rosemary Garley read the proposed amendment to Subsection C of 15.2.5.13 NMAC into record.	Rosemary Garley read the proposed amendment to 15.2.5.12 NMAC into record. Chairwoman Bourguet asked for any comments after the rule was read into record. Comments were made regarding the word "start" in first sentence of 15.2.5.12 NMAC. The word "start" will remain in sentence.	Rosemary Garley read the proposed amendment to Subsection B of 15.2.5.11 NMAC into record. Chairwoman Bourguet asked for any comments after the rule was read into record. No comments.	Rosemary Garley read the proposed amendment to Subsection O of 15.2.3.8 NMAC into record. Chairwoman Bourguet asked for any comments after the rule was read into record. No comments.	Rosemary Garley read the proposed amendment to Subsection F of 15.2.3.8 NMAC into record. Chairwoman Bourguet asked for any comments after the rule was read into record. No comments.
7. Motion to approve Subsection C of 15.2.5.13 NMAC		Commissioner Sanchez. Motion passed unanimously. 5. Motion to approve Subsection B of 15.2.5.11 NMAC by Commissioner Sanchez; Second by	Motion passed unanimously. 4. Motion to approve Subsection 0 of 15.2.3.8 NMAC by Commissioner Smith; Second by	3. Motion to approve Subsection F of 15.2.3.8 NMAC by Commissioner Sanchez; Second by

11. Subsection O of 15.2.6.9 NMAC	10. Subsection L of 15.2.6.9 NMAC	9. Subsection C of 15.2.6.9 NMAC	8. Subsection A of 15.2.6.9 NMAC
42:41 – 43:12	41:53 – 42:24	41:10 – 41:40	39:47 – 40:57
Rosemary Garley read the proposed amendment to Subsection O of 15.2.6.9 NMAC into record. Chairwoman Bourguet asked for any comments after the rule was read into record. No comments.	Rosemary Garley read the proposed amendment to Subsection L of 15.2.6.9 NMAC into record. Chairwoman Bourguet asked for any comments after the rule was read into record. No comments.	Rosemary Garley read the proposed amendment to Subsection C of 15.2.6.9 NMAC into record. Chairwoman Bourguet asked for any comments after the rule was read into record. No comments.	Rosemary Garley read the proposed amendment to Subsection A of 15.2.6.9 NMAC into record. Rosemary Garley read the proposed amendment to Subsection A of 15.2.6.9 nmAC into record. Chairwoman Bourguet asked for any comments after the rule was read into record. Rosemary Garley corrected the last sentence of Subsection C of 15.2.6.9 NMAC the number 6 is missing from the
Motion passed unanimously. 11. Motion to approve Subsection O of 15.2.6.9 NMAC by Commissioner Sanchez; Second by Commissioner Smith.	Commissioner Smith. Motion passed unanimously. 10. Motion to approve Subsection L of 15.2.6.9 NMAC by Commissioner Sanchez; Second by Commissioner Smith.	Motion passed unanimously. 9. Motion to approve Subsection C of 15.2.6.9 NMAC by Commissioner Sanchez; Second by	Sanchez; Second by Commissioner Sanchez; Second by Commissioner Buffington. Motion passed unanimously. 8. Motion to approve Subsection A of 15.2.6.9 NMAC by Commissioner Sanchez; Second by Commissioner Smith.

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			Motion passed unanimously.
12. Subsection B of 15.2.6.12 NMAC	43:24 – 43:46	Rosemary Garley read the proposed amendment to Subsection B of 15.2.6.12 NMAC into record.	12. Motion to
		Chairwoman Bourguet asked for any comments	B of 15.2.6.12 NMAC
	43:47 - 44:24	after the rule was read into record. Ron Walker,	by Commissioner
		Steward, says Item B2 is in conflict with 15.2.3.8	Sanchez; Second by
		(O)(4)(a); "Horses so entered are ineligible to enter"	Commissioner Smith.
		is how it should read. You should strike out the	Motion passed
		word "start" to conform with the other one. Mr.	unanimously.
	44:37 – 45:16	Goncharoff pointed out a typo – under item 3,	
		second line says "racing soundless" should say	
		"soundness" next line should read "the list".	
13. Subsection P of 15.2.7.12 NMAC	45:30 – 46:51	Rosemary Garley read the proposed amendment to	13. Motion to
		Subsection P of 15.2.7.12 NMAC into record.	approve Subsection
		Chairwoman Bourguet asked for any comments	P of 15.2.7.12 NMAC
		after the rule was read into record. No comments.	by Commissioner
			Smith; Second by
			Commissioner
			Buffington. Motion
			passed unanimously.

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C. Approval of 2019/2020 Sunland Park Stewards		Director Trejo requested the approval of Ron Walker, Presiding Steward; Victor Escobar; and Reuben Rivera for the State Steward positions for the upcoming 2019/2020 Sunland Park race meet	Motion to approve Mr. Walker, Mr. Escobar and Mr. Rivera by Commissioner Buffington; Second by Commissioner Smith. Motion passed unanimously.
D. Approval of First Half of 2020 Commission Meeting Dates	00:00 – 4:36	Director Trejo presented proposed dates for the first half of 2020 for Commission Meeting Dates. Chairwoman Bourguet expressed concern of cost of June's meeting in Ruidoso. Director Trejo explained that this cost is "incorporated into the budget" and should be no problem. Counsel Tenorio has a calendar conflict with the January, 2020 meeting.	Motion to approve by Commissioner Corazza; Second Commissioner Sanchez. Motion passed unanimously.

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E. Ratification of Approval for Substitution of Official Vet at Zia Park	9r 4:38-5:13 Park	Executive Director Trejo requested ratification of approval of Dr. Mark Ashby and Dr. Frank Anderson as the Official Vet for Zia Park. Both have held the position of NMRC Official Vet in the past. Dr. Ashby acted as the Official Vet on 11/16 and Dr. Frank Anderson acted as the Official Vet on 11/17 – 11/19 due to illness of Dr. Mobley.	Motion to ratify approval by Commissioner Sanchez; Second by Commissioner Smith. Motion passed unanimously.

F. Approval for Sunland Park 1. Simulcast Imports for Jan. 1, 2020 thru Dec. 31, 2020 2. 2019-2020 Official and Introductions	AGENDA ITEM
5:17 – 7:55 8:55 – 1:02:04	Recording #
Dustin Dix requested approval of Simulcast Imports for January 1, 2020 – December 31, 2020. Comment by Leslie Fincher in the audience asking why Sunland is asking for approval for the entire year. She was concerned that if there were any changes, it would cause a mess. Reminding the Commissioners of what happened with "Exports" when it was done in the same manner. Director Trejo explained this process is meant for efficiency and explained that was exports we are dealing with Imports here. Mr. Dix Introduced the following: John Jamison, Track Superintendent/Starter. Mr. Jamison gave a little background on his security team and their duties. Commissioner Smith had questions for Mr. Luna which were answered. Ethan Linder, Director of Marketing discussed the new and approved construction to the road. He discussed a mailing that will be going out targeting casino customers. Last, Director of Publicity/Track Announcer Eric Alwan and Racing Analyst Julie Farr were introduced and talked about what they do at Sunland Park.	DISCUSSION / CONCLUSIONS / RECOMMENDATIONS
Motion to approve by Commissioner Sanchez; Second by Commissioner Smith. Motion passed unanimously. Motion to approve by Commissioner Sanchez; Second by Commissioner Sanchez; Second by Commissioner Smith. Motion passed unanimously.	ACTION TAKEN

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G. Approval for Downs at Albuquerque 1. Simulcast Imports for Jan. 1, 2020 thru Dec. 31, 2020	1:17:00 – 1:17:18	Don Cook requested approval of Simulcast Imports for January 1, 2020 – December 31, 2020.	Motion to approve by Commissioner Corazza; Second by Commissioner Sanchez. Motion
2. 2019 Third Quarter Simulcast Expense Adjustment	1:17:20 – 1:17:38	Don Cook requested approval of 2019 Third Quarter Simulcast Expense Adjustment as submitted.	Motion to approve adjustment by Commissioner Sanchez; Second by Commissioner Smith. Motion passed unanimously.
3. Amend 2020 La Fiesta Derby Date	1:17:41 – 1:29:01	Don Cook explained because of the way the calendar falls this year concerns of time between trials and finals is making it difficult proposing to change the date of the 2020 Derby to September 5, 2020. Comments from NMHA and Janice Murray concerned about changing this date might cause a bad turn out. The Horsemen want to keep it during the State Fair.	Motion to approve the changed date by Commissioner Sanchez; Second by Commissioner Smith. Motion passed unanimously.

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 H. Approval for Zia Park 1. Ratification of Approval for Change in Officials 2. Simulcast Imports for Jan. 1, 2020 thru 	1:29:40 - 1:30:10	Christopher McErlean for Zia Park requested permission to racing officials Mayo Newhouse replacing Joy Marlin and substitute Dr. Mary Capp DVM as racetrack vet for the following dates: 11/16 and 11/17 only. Dr. Ashby will resume his duties as racetrack vet thereafter. Mr. McErlean is requesting approval for Simulcast	Motion to approve ratification by Commissioner Buffington. Second by Commissioner Sanchez. Motion passed unanimously.
2. Simulcast Imports for Jan. 1, 2020 thru Dec. 31, 2020	1:30:12 – 1:30:40	Mr. McErlean is requesting approval for Simulcast Imports for January 1, 2020 through December 1, 2020 as list submitted.	Motion to approve by Commissioner Buffington. Second by Commissioner Smith. Motion passed unanimously.

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Condition Book/Condition Book Officials	2020 Stall Application	2020 NM Breeders Futurity and Four Corners Futurity Nomination blanks	2020 Stakes Schedule	Simulcast Imports for Jan. 1, 2020 thru Dec. 31, 2020	Approval for SunRay Park
1:38:20 – 1:48:17	1:37:29 – 1:38:18	1:36:06 – 1:37:25	1:34:04 – 1:36:04	1:33:40 – 1:33:57	
Mr. Barber is asking for approval of Condition Book Officials. There were a couple of typos. Typos have been corrected. Mr. Erhard asking for more time. He wants two Condition Books. Commissioner	Mr. Barber said the Stall Applications have stayed the same. Chairwoman Bourguet asked when opening date was, Lonnie Barber informed her Opening Day is on April 24, 2020.	Mr. Barber requested approval to "back the trials up to get behind Sunland."	Mr. Barber asked for approval of the 2020 Stakes Schedule as with corrections.	Lonnie Barber requested approval for Simulcast Imports for the year 2020	
Motion to approve by Commissioner Buffington. Second by Commissioner	Motion to approve by Commissioner Sanchez. Second by Commissioner Smith. Motion passed unanimously.	Motion to approve by Commissioner Smith. Second by Commissioner Sanchez. Motion passed unanimously.	Motion to approve by Commissioner Sanchez. Second by Commissioner Smith. Motion passed unanimously.	Motion to approve by Commissioner Sanchez. Second by Commissioner Smith. Motion passed unanimously.	

9. Gaming and Breakage	8. Wagering Format	7. Post Times	6. Purse Structure	
1:51:22 – 1:51:47	1:50:51 – 1:51:20	1:49:46 – 1:50:50	1:48:27 – 1:19:43	
Mr. Barber referred to a letter from Mary Barber	Mr. Barber requested approval of wagering format as listed on the post times sheet.	Mr. Barber requested approval of post times. The weekends will start at 1:15 and on Fridays will be 3:00 p.m.	Mr. Barber is requesting approval of purse structure.	Buffington and Commissioner Corazza agree with Mr. Barber only 1 book is needed.
Motion to approve by Commissioner Sanchez. Second by Commissioner Smith. Motion passed unanimously.	Motion to approve by Commissioner Sanchez. Second by Commissioner Smith. Motion passed unanimously.	Motion to approve by Commissioner Buffington. Second by Commissioner Sanchez. Motion passed unanimously.	Motion to approve by Commissioner Buffington. Second by Commissioner Sanchez. Motion passed unanimously.	Sanchez. Motion passed unanimously.

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J. Approval for Ruidoso Downs 1. Simulcast Imports for Jan. 1, 2020 thru Dec. 31, 2020	1:52:19 – 1:52:38	Jeff True requested approval of Simulcast Imports for the year 2020.	Motion to approve by Commissioner Buffington. Second by Commissioner Smith. Motion passed unanimously.
2. 2021 Triple Crown Nomination Blanks	1:52:44 -	2	Motion to approve
	1:55:18	Crown Nomination Blanks Nominating futurities beginning January 15. Major difference is discontinue the triple crown bonus for winning all 3 of those races. Premium has doubled. Not an incentive.	by Commissioner Sanchez. Second by Commissioner Buffington. Motion passed unanimously.
3. 2020 Stakes Schedule	1:55:19 - 1:57:04	Mr. True requested approval of 2020 Stakes Schedule. It is a week longer than last year's	Motion to approve by Commissioner
		schedule.	Smith. Second by Commissioner
			Buffington. Motion passed unanimously.
4. Gaming and Breakage	1:58:29 –	Mr. True requested approval for gaming and	Motion to approve
	1:59:10	breakage schedule.	by Commissioner
			Sanchez. Second by
			Commissioner
			Smith. Motion
			passed unanimously.

	Leslie Fincher – Doesn't understand why these racetracks are requesting dates being changed. She thinks dates should not be changed and they should work around the schedule. She would like to see more races in Albuquerque. She wanted to know where the money for the Challenge Races came from. Video of races are not very good, feels bad for Stewards who have to watch these poor quality videos to make decisions.	1	2:14:14 2:17:14	
	Retha Shiplet – From Raton discussed the town of Raton and referenced a formal letter from City Manager Scott Berry.	T	2:12:00 2:14:02	
	Mark Brown - Congratulated DAA on a job well done with the Challenge Races. It was a huge success.	Γ	2:09:13 2:11:41	
	New Mexico's State Representative, Candy Ezzell Asked why Trainers who are being ruled out of one park but yet allowed on other parks is being allowed. She wants a Standardize Test for Trainers so it will make it easier and more consistent for them to study and prepare for test. Concerns about multiple medication violations.	1	2:04:34 2:07:50	
No Action Taken.	Arkansas' State Representative, Fran Cavanaugh Discussed her concerns and suggestions to hold all Horse Owners accountable for what happens. She believes owners should know and take responsibility for everyone who is in contact with their horses (i.e. Trainers, Vets, etc.).		2:00:49 2:04:10	K. Public Comment

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Closed: Executive Session (12:30 p.m.)	2:17:16	Chairwoman Bourguet motioned to go into closed Executive Session to discuss only those matters listed on the agenda as closed pursuant to Section 10-15-18 to discuss matters related to issuance, suspension, renewal or revocation of a license, and to discuss limited personnel matters. Roll call was called by Rosemary Garley, all Commissioners were present. Assistant Attorney General Tenorio, Director Trejo and Manager Garley were present during Executive Session.	
Open Session Resumes at 1:35 p.m.	00:05 – 00:29	Chairwoman Bourguet announced the Commission was now in open session and affirmed that the Commission discussed only those matters specified in the motion to close the meeting in accordance with Section 10-15-1 (J).	
8. Licensing/Pending Litigation/Appeals/Hearing officer Reports/Employment Contracts: A. In the Matter of Robert Meche (Hearing Officer's Report)	00:30 - 01:22	Assistant Attorney General Tenorio stated that 8. A. In the Matter of Robert Meche, the Commission would like to entertain a motion to adopt the findings of fact and conclusions of law issued by the Hearing Officer and issue a suspension of the license for one year. The Commission would also like to include in its motion upon renewal of reinstatement of the Trainer's license that Mr. Meche take and pass the Trainer's test.	Motion to approve by Commissioner Smith. Second by Commissioner Corazza. Motion passed unanimously.

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B. In the Matter of Ricardo Garcia Armendariz, Jr. (Race Appeal)	01:23 – 01:49	Assistant Attorney General Tenorio stated that in the Matter of Ricardo Garcia Armendariz, Jr. the Commission would like to entertain a motion to uphold the Race Review Committee ruling.	Motion to approve by Commissioner Sanchez. Second by Commissioner Smith. Motion
C. In the Matter of Simon v. Taylor	01:50 - 01:59	Update of case law by Assistant Attorney General Tenorio that required no action at this time.	No Action Taken
2	02:04 - 02:50	Assistant Attorney General Tenorio stated that the Commission would like to entertain a motion to authorize the Executive Director Trejo and General Counsel to draft a letter to Zia Park outlining complaints that have been received by the Commission, the Commission's concerns, and a proposed action plan. That letter should be completed by November 27, 2019 and provide Zia Park an opportunity to respond within 30 days.	Motion to approve by Commissioner Sanchez. Second by Commissioner Smith. Motion passed unanimously.
E. SunRay Park (Licensing)	03:05 -03:45	Assistant Attorney General Tenorio stated that the Commission would like to entertain a motion to authorize General Counsel to draft a letter to SunRay Park regarding the compliance with the Commission's Rule 15.2.2.8 (a-d). Those portions of the rules deal with Racetrack Licensing and Requirements for submitting certain financial reports to the board.	Motion to approve by Commissioner Smith. Second by Commissioner Sanchez. Motion passed unanimously.

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9. Adjournment	03:46 – 03:51	Chairwoman Bourguet called for a motion to Motion was made to adjourn. The meeting adjourned at 1:41 PM. Motion passed unanimously.	Motion was made to adjourn meeting. Motion passed unanimously.

Chairwoman Bourguet

Date Date

Executive Director Ismael Trejo

Date

1-20-2020