



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2018-RUI-96
Track Ruidoso Downs
Ruling Date: 7/30/2018

Licensee: FOURNIER, IRVING JOEL

License Type: 2016 3 Year Trainer Applicant Id: 7130
License Number: 283903

Ruling # 2018-RUI-96

Action Type: Initial Ruling

Ruling:

Trainer **Irving Fournier** was duly notified, failed 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 **July 30, 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 3 penalty B) drug **"Albuterol"** in horse **"Mr. Moo"** (**Test Sample #: E282220**) who **finished SECOND place in the 10th race on June 22, 2018, at Ruidoso Downs in Ruidoso, NM.**

The certificate of analysis detected **"Albuterol"** at a **level of 309 ng/ml in the urine, which exceeds the authorized limit of 1 ng/ml in urine (15.2.6.9 NMAC attachment #2)**. Split sample rights as provided in 15.2.6.10 (D) NMAC, were afforded to and declined by **Irving Fournier**.

Cesar Mendoza, the owner of record for horse **"Mr. Moo"**, was duly notified and failed to appear for this hearing. In accordance with **15.2.6.9 (B)(2) Penalty Recommendations**, This **Cesar Mendoza's FIRST Class 3B medication violation in a 365-day period.**

For Irving Fournier's FIRST Class 3B medication violation in a 365-day period, the Board of Stewards hereby assess a penalty issued in accordance with **15.2.6.9 (B)(2) Penalty Recommendations**, as follows:

1. A **45 day suspension of all NMRC licenses starting August 9, 2018, through September 22, 2018, inclusive.**
2. A **(\$750) seven hundred and fifty dollar fine to paid on or before August 30, 2018.** In accordance with 15.2.3.8 (B)(3)(I) NNRC, failure to pay the fine in the prescribed time may result in an immediate suspension.

During said time of applicable suspension **Irving Fournier** 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 or trained by or under the care and custody of Irving Fournier** 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 **owned or trained by or under the care and custody of Irving Fournier** must be done in accordance with **15.2.6.9A(12)(a)(b) Medication and Prohibited Substances, 16.47.1.10 (D)(5) Assistant Trainers and 15.2.1.9(B)(8)(b) DUE PROCESS AND DISCIPLINARY ACTION.**

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."



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2018-RUI-97
Track Ruidoso Downs
Ruling Date: 7/30/2018

Licensee: MENDOZA, CESAR

License Type: 2017 3 Year Owner Applicant Id: 22567
License Number: 286111

Ruling # 2018-RUI-97

Action Type: Initial Ruling

Ruling:

Owner **Cesar Mendoza** was duly notified, failed 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 **July 30, 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 3 penalty B) drug **"Albuterol"** in horse **"Mr. Moo" (Test Sample #: E282220)** who **finished SECOND place in the 10th race on June 22, 2018, at Ruidoso Downs in Ruidoso, NM.**

The certificate of analysis detected **"Albuterol"** at a **level of 309 ng/ml in the urine, which exceeds the authorized limit of 1 ng/ml in urine (15.2.6.9 NMAC attachment #2)**. Split sample rights as provided in 15.2.6.10 (D) NMAC, were afforded to and declined by **Irving Fournier**.

Irving Fournier, the **trainer** of record for horse **"Mr. Moo"**, was duly notified and failed to appear for this hearing. In accordance with **15.2.6.9 (B)(2) Penalty Recommendations**, This **Irving Fournier's FIRST Class 3B medication violation in a 365-day period.**

For Cesar Mendoza's FIRST Class 3B medication violation in a 365-day period, the Board of Stewards hereby assess 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)(8)(c) Positive Test Report, 15.2.6.9(C)(9) Positive Test List, 15.2.6.9(C)(10)(a-d) List Removal Requirements, the horse **"Mr. Moo"** is placed on the Stewards list for a period of 60 days (beginning **July 14, 2018**). 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 **"Mr. Moo"** is hereby disqualified from **SECOND place** and ordered unplaced from the **10th race on June 22, 2018, at Ruidoso Downs** for all but pari-mutuel wagering. The purse redistribution is as follows.

1. Dukati
2. Cloud Harbor
3. Prospectors Note
4. Razorback Red
5. Rock Hard City
6. Peeta

Unplaced **"Mr. Moo"**

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."



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2018-RUI-98
Track Ruidoso Downs
Ruling Date: 7/30/2018

Licensee: DANLEY, FRED IKE

License Type: 2016 3 Year Trainer Applicant Id: 24866
License Number: 280582

Ruling # 2018-RUI-98

Action Type: Initial Ruling

Ruling:

Trainer Fred Danley was duly notified and waived his rights to a 10 day notice for a hearing before the Board of Stewards on **July 30, 2018**, for failing have his entry, **RUSTYS MIRACLE** in the paddock at the designated time for the **9th race on JuLY 22, 2018, at Ruidoso Downs.**

The Board of Stewards hereby fines **Fred Danley** in the amount of **one hundred dollars (\$100.00).** The fine is to be paid on or before **August 30, 2018,** in accordance with 15.2.3.8(B)(3)(I) NMAC. Failure to pay the fine within the time prescribed may result in immediate suspension.

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

16.47.1.10 (C) (22) Trainer Responsibility

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 (I) 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 Ruidoso Downs 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-RUI-99
Track Ruidoso Downs
Ruling Date: 8/3/2018

Licensee: JENNINGS, TODD BRADLEY
License Type: 2018 1 Year Security St Applicant Id: 161217
License Number: 290786

Ruling # 2018-RUI-99
Action Type: Initial Ruling
Ruling:

Security Staff, Todd Jennings, is hereby summarily suspended, effective immediately **August 3, 2018**, for his extensive criminal history, falsifying his licensing application, and being on probation.

During said time of applicable suspension **Todd Jennings** is hereby excluded from all areas of the grounds under the jurisdiction of the NMRC pending the outcome of his hearing **August 10, 2018, @ 9:30 p.m.** in the offices of the **Board of Stewards at Ruidoso Downs (26225 US-70, Ruidoso NM 88346)** per **15.2.1.9 (B)(3)(b) Summary Suspension and 15.2.1.9 (C)(21)(a-b) Exclusion.**

Licensee is found in violation of and this ruling is written in accordance:

15.2.1.9(B)(3)(a) Summary Suspension 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".

15.2.1.9 (B)(3)(b) Summary Suspension

16.47.1.8 (L)(1)(i) – Conduct 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"

15.2.3.8 B (3)(A) Stewards Disciplinary Action stewards shall take notice of alleged misconduct or rule violations and initiate investigations into the matters. The stewards shall have authority to charge any licensee for a violation of these rules, to conduct hearings and to impose disciplinary action in accordance with these rules.

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) Changes In Application Information / 16.47.1.8(L)(1) (e) Grounds For Disciplinary Measures



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2018-RUI-100
Track Ruidoso Downs
Ruling Date: 8/4/2018

Licensee: GARCIA-LUNA, FELIPE D

License Type: 2015 3 Year Jockey Applicant Id: 30961
License Number: 278824

Ruling # 2018-RUI-100

Action Type: Initial Ruling

Ruling:

Jockey **Felipe Garcia Luna** was summoned **and appeared** before the Board of Stewards on **August 3, 2018**, for failure to make sufficient effort to maintain his lane while aboard **“JESSE KLEE”**, which resulted in his mount being disqualified from **6th place to 10th place in the 7th race on July 29, 2018.**

The Board of Stewards hereby fines **Felipe Garcia Luna** in the amount of **two hundred dollars, (\$200.00).** The fine is to be paid on or before **September 4, 2018**, in accordance with **15.2.3.8 (B)(3) (I).** Failure to pay the fine within the time prescribed may result in immediate suspension.

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

15.2.5.13(E)(3)(d) Post to Finish 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.

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

15.2.1.8(B)(1) COMMISSION GENERAL AUTHORITY/15.2.3.8 B (3)(a)(f) Stewards Disciplinary Action/15.2.3.8 B (1) (a)(c)(d) Stewards General Authority/16.47.1.8 (T) KNOWLEDGE OF RULES /16.47.1.3 Statutory Authority

16.47.1.8 (A)(1)(2) License Required /16.47.1.8(N) Last Known Address/ 16.47.1.8(L)(1)(e) Grounds For Disciplinary Measures/ 15.2.1.9(B)(9) (a) Failure to Appeal/ 15.2.1.9(B)(9)(b): Appeal Procedures Which states in pertinent part that "An appeal under this section must be filed not later than 10 days after the date of the ruling. If the deadline falls on a Saturday, Sunday or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday. The appeal must be received by noon, at the main commission offices or with the stewards who issued the ruling and must be accompanied by a fee in the amount of \$500. The fee must be in the form of cash, a cashier's check, money order or personal check."

By Order of The Ruidoso Downs Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2018-RUI-101
Track Ruidoso Downs
Ruling Date: 8/5/2018

Licensee: PARGA-LEOS, JAIME

License Type: 2017 3 Year Jockey Applicant Id: 30593
License Number: 284865

Ruling # 2018-RUI-101

Action Type: Initial Ruling

Ruling:

Jockey **Jaime Parga Leos** was summoned **and appeared** before the Board of Stewards **August 5, 2018**, for careless riding during the running of the **3rd race on August 4, 2018, at Ruidoso Downs**, while **aboard "A Hot Leprechaun"**. (Failing to make sufficient effort to maintain his lane).

The Board of Stewards hereby assess **Jaime Parga Leos** a suspension of **7 calendar days (August 17, 2018, through August 23, 2018)**. **Jaime Parga Leos** is allowed to ride designated races.

Licensee is found in violation of and this ruling is written in accordance with:

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.

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**15.2.1.8(B)(1) COMMISSION GENERAL AUTHORITY/15.2.3.8 B (3)(a)(f) Stewards Disciplinary Action/15.2.3.8 B (1) (a)(c)(d)Stewards General Authority/16.47.1.8 (T) KNOWLEDGE OF RULES /16.47.1.3 Statutory Authority**
16.47.1.8 (A)(1)(2) License Required /16.47.1.8(N) Last Known Address/ 16.47.1.8(L)(1)(e) Grounds For Disciplinary Measures/ 15.2.1.9(B)(9) (a)Failure to Appeal/ 15.2.1.9(B)(9)(b): Appeal Procedures Which states in pertinent part that "An appeal under this section must be filed not later than 10 days after the date of the ruling. If the deadline falls on a Saturday, Sunday or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday. The appeal must be received by noon, at the main commission offices or with the stewards who issued the ruling and must be accompanied by a fee in the amount of \$500. The fee must be in the form of cash, a cashier's check, money order or personal check."

By Order of The Ruidoso Downs 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-RUI-102
Track Ruidoso Downs
Ruling Date: 8/5/2018

Licensee: FUENTES, JR MIGUEL

License Type: 2017 3 Year Jockey Applicant Id: 4259
License Number: 287685

Ruling # 2018-RUI-102

Action Type: Initial Ruling

Ruling:

Jockey Miguel Fuentes Jr., was summoned and failed to appear or send a jockey guild's representative for film review regarding the **5th race on August 3, 2018, at Ruidoso Downs.**

The Board of Stewards hereby fines **Miguel Fuentes Jr.** in the amount of **one hundred dollars (\$100.00).** The fine is to be paid on or before **September 5, 2018,** in accordance with **15.2.3.8(B)(3)(I).** Failure to pay the fine within the time prescribed may result in immediate suspension.

Licensee is found in violation of and this ruling is written in accordance with:

15.2.1.9(B)(4)(d) Nonappearance Of A Summoned Party 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) Notice Of Hearing- Jockey 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.

15.2.1.8(B)(1) COMMISSION GENERAL AUTHORITY/15.2.3.8 B (3)(a)(f) Stewards Disciplinary Action/ 15.2.3.8 B (1) (a)(c)(d) Stewards General Authority /16.47.1.8 (T) KNOWLEDGE OF RULES/16.47.1.3 Statutory Authority

16.47.1.8 (A)(1)(2) License Required/ 16.47.1.8(N) Last Known Address/ 16.47.1.8(L)(1)(e) Grounds For Disciplinary Measures/ 15.2.1.9(B)(9) (a) Failure to Appeal/ 15.2.1.9(B)(9)(b): Appeal Procedures Which states in pertinent part that "An appeal under this section must be filed not later than 10 days after the date of the ruling. If the deadline falls on a Saturday, Sunday or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday. The appeal must be received by noon, at the main commission offices or with the stewards who issued the ruling and must be accompanied by a fee in the amount of \$500. The fee must be in the form of cash, a cashier's check, money order or personal check."

By Order of The Ruidoso Downs 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-RUI-103
Track Ruidoso Downs
Ruling Date: 8/6/2018

Licensee: FIGUEROA, JUAN FRANCISCO

License Type: 2016 3 Year Trainer Applicant Id: 20687
License Number: 282023

Ruling # 2018-RUI-103

Action Type: Initial Ruling

Ruling:

Trainer **Juan Figueroa** was duly notified and responded telephonically for a hearing before the Board of Stewards on **August 6, 2018**, for failing have his entry, **"FIRST PRIZE DOWN"** in the holding barn at the designated time for the **6th race on July 20, 2018, at Ruidoso Downs**.

The Board of Stewards hereby fines **Juan Figueroa** in the amount of **one hundred dollars (\$100.00)**. The fine is to be paid on or before **September 6, 2018**, in accordance with 15.2.3.8(B)(3)(I) NMAC. Failure to pay the fine within the time prescribed may result in immediate suspension.

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

16.47.1.10 (C) (22) Trainer Responsibility The trainer is responsible for presenting his/her horse in the paddock at least 20 minutes before post time or at a time otherwise appointed before the race in which the horse is entered

15.2.3.8 B (1) (d) Stewards General authority. The stewards have the authority to interpret the rules and to decide all questions of racing not specifically covered by the rules. Whenever the stewards find any person culpable for any act or omission in violation of these regulations or any violation of the Horse Racing Act, the person shall be subject to disciplinary action, which could include a fine, suspension, or revocation/denial of license or any combination of these penalties.

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 Ruidoso Downs 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-RUI-104
Track Ruidoso Downs
Ruling Date: 8/6/2018

Licensee: MONTOYA, JOSE

License Type: 2015 3 Year Jockey

Applicant Id: 10625

License Number: 279178

Ruling # 2018-RUI-104

Action Type: Initial Ruling

Ruling:

Jockey **Jose Montoya** was duly notified, failed 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 **August 6, 2018**. The hearing was in regard to **Jose Montoya** failing to be excused from, or to notify the Board of Stewards of his absence, and subsequent failure to honor his riding engagement, entry "**Ur Daddys Lady**" in the **3rd race on July 14, 2018, at Ruidoso Downs**.

The Board of Stewards hereby fines **Jose Montoya** in the amount of **two hundred dollars (\$200.00)**. The fine is to be paid on or before **September 6, 2018** in accordance with 15.2.3.8(B)(3)(I) NMAC. Failure to pay the fine within the time prescribed may result in immediate suspension.

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

15.2.5.13(C)(1) Jockeys shall report to the Jockey's quarters at the time designated by the association. Jockeys shall report their engagements and any overweight to the clerk of scales. Jockeys shall not leave the Jockeys' quarters, except to ride in scheduled races, until all of their riding engagements of the day have been fulfilled except as approved by the Stewards.

5.2.5.13(C)(3) Except as otherwise provided by this subsection, a jockey engaged for a certain race or for a specified time may not fail or refuse to abide by the engagement agreement, unless excused by the Stewards.

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) Changes In Application Information / 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 Ruidoso Downs 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-RUI-105
Track Ruidoso Downs
Ruling Date: 8/6/2018

Licensee: MEDINA, ANTHONY CHAYANNE

License Type: 2018 1 Year Jockey Applicant Id: 30292
License Number: 291196

Ruling # 2018-RUI-105

Action Type: Initial Ruling

Ruling:

Jockey Anthony Medina was duly notified and appeared before the Board of Stewards on **August 6, 2018**. The hearing was in regard to **Anthony Medina using profane language in front of patrons in the track kitchen after the running of the 5th race on July 15, 2018, at Ruidoso Downs**

The Board of Stewards hereby fines **Anthony Medina** in the amount of **four hundred dollars (\$400.00)**. The fine is to be paid on or before **September 6, 2018**, in accordance with 15.2.3.8(B)(3) (1) NMAC. Failure to pay the fine within the time prescribed may result in immediate suspension.

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

16.47.1.8 (L)(1)(i) – CONDUCT 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"

15.2.1.8(B)(1) COMMISSION GENERAL AUTHORITY/15.2.3.8 B (3)(a)(f) Stewards Disciplinary Action/15.2.3.8 B (1) (a)(c)(d)Stewards General Authority/16.47.1.8 (T) KNOWLEDGE OF RULES/16.47.1.3 Statutory Authority

16.47.1.8 (A)(1)(2) License Required /16.47.1.8(N) Last Known Address/ 16.47.1.8(L)(1)(e) Grounds For Disciplinary Measures/ 15.2.1.9(B)(9) (a)Failure to Appeal/ 15.2.1.9(B)(9)(b): Appeal Procedures Which states in pertinent part that "An appeal under this section must be filed not later than 10 days after the date of the ruling. If the deadline falls on a Saturday, Sunday or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday. The appeal must be received by noon, at the main commission offices or with the stewards who issued the ruling and must be accompanied by a fee in the amount of \$500. The fee must be in the form of cash, a cashier's check, money order or personal check."

By Order of The Ruidoso Downs Stewards



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4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2018-RUI-106
Track Ruidoso Downs
Ruling Date: 8/6/2018

Licensee: BRADY, AMANDA M

License Type: 2018 1 Year Pari Mutue Applicant Id: 161204
License Number: 290760

Ruling # 2018-RUI-106

Action Type: Initial Ruling

Ruling:

Pari Mutuel Employee, Amanda Brady, is hereby summarily suspended, effective immediately, **August 6, 2018**, pending the outcome of **her** hearing on **August 10, 2018, @ 9:30a.m** in the offices of the **Board of Stewards at Ruidoso Downs (26225 US-70, Ruidoso NM 88346)**, per **15.2.1.9 (B)(3)(b) Summary Suspension. Amanda Brady** tested positive for **Marijuana (THC)** during a drug screening on **August 6, 2018**.

Per 15.2.1.9 (C)(21)(a-b) NMAC, Amanda Brady is hereby excluded from all areas of the grounds under the jurisdiction of the NMRC.

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

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.

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.

15.2.1.8(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

By Order of The Ruidoso Downs Stewards

Valerie Smith *Jill Cathey* *Kenner Lewis*



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2018-RUI-107
Track Ruidoso Downs
Ruling Date: 8/6/2018

Licensee: BRADY, AMANDA M

License Type: 2018 1 Year Pari Mutue Applicant Id: 161204
License Number: 290760

Ruling # 2018-RUI-107

Action Type: Initial Ruling

Ruling:

Pari Mutuel Employee, Amanda Brady was duly notified and appeared before the Board of Stewards **on August 6, 2018**, for failing to disclose **her** criminal history on **her** license application.

After considering the mitigating circumstances, the Board of Stewards hereby issues a warning letter to **Amanda Brady**.

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

16.47.1.8 (L)(1)(d) GROUNDS FOR REFUSAL, DENIAL, SUSPENSION, OR REVOCATION OF A LICENSE.

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) Changes In Application Information / 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 Ruidoso Downs 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-RUI-108
Track Ruidoso Downs
Ruling Date: 8/6/2018

Licensee: CASTILLO, JR FERNANDO

License Type: 2017 3 Year Jockey Applicant Id: 31628
License Number: 287759

Ruling # 2018-RUI-108

Action Type: Initial Ruling

Ruling:

Jockey **Fernando Castillo** was summoned, failed 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 August 6, 2018**, for careless riding during the running of the **3rd race on July 28, 2018, at Ruidoso Downs**, while **aboard "SR PYC MISTRESS", which resulted in his mount being disqualified from 1st place to 7th place. (Bore in under right handed whip, causing interference to the 8 and the 7.)**

For this violation, the Board of Stewards hereby assess **Fernando Castillo**, a suspension of **7 calendar days (August 17, 2018, through August 23, 2018)**. **Fernando Castillo** is allowed to ride designated races.

Licensee is found in violation of and this ruling is written in accordance with:

15.2.5.13(E)(2)(a) Post to Finish 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) Post to Finish 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.

15.2.5.13(E)(3)(c) NMAC: Post to Finish 15.2.5.13(E)(3)(d) NMAC: Post to Finish 15.2.5.13(E)(4)(a)

NMAC Disqualification./15.2.1.9(B)(4)(A) Notice of Hearing for Jockeys/15.2.1.8(B)(1) COMMISSION GENERAL AUTHORITY/15.2.3.8 B (3)(a)(f) Stewards Disciplinary Action/15.2.3.8 B (1) (a)(c)(d)Stewards General Authority/16.47.1.8 (T)

KNOWLEDGE OF RULES /16.47.1.3 Statutory Authority /16.47.1.8 (A)(1)(2) License Required /16.47.1.8(N) Last Known Address/ 16.47.1.8(L)(1)(e) Grounds For Disciplinary Measures/ 15.2.1.9(B)(9)(a)Failure to Appeal/ 15.2.1.9(B)(9)(b): Appeal Procedures Which states in pertinent part that "An appeal under this section must be filed not later than 10 days after the date of the ruling. If the deadline falls on a Saturday, Sunday or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday. The appeal must be received by noon, at the main commission offices or with the stewards who issued the ruling and must be accompanied by a fee in the amount of \$500. The fee must be in the form of cash, a cashier's check, money order or personal check."

By Order of The Ruidoso Downs Stewards