

NEW MEXICO HORSE RACING COMMISSION
MINUTES OF THE REGULAR MEETING

Date: April 16, 2020 at 9:00 a.m.

Place: Zoom Video Conference – Meeting IDs; Session 1 - **989 426 598** and Session 2 – **600 671 788**

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

NMRC Staff Participating: Executive Director Ismael Trejo, Fabian Lopez, 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	1:48 – 3:46	Meeting called to order at 9:13 a.m. by Chairwoman Bourguet. Roll call was taken by Denise Chavez. Assistant Attorney General Delilah Tenorio, Executive Director Trejo, NMRC Paralegal, Denise Chavez and NMRC IT Manager, Fabian Lopez was present. Explanation of how Zoom Meeting will be handled today by Chairwoman Bourguet.	No Action Taken.
2. Pledge of Allegiance	3:48 – 4:10		Pledge of Allegiance was recited.
3. Approval of Agenda	4:30 – 5:13	Chairwoman Bourguet asked if there were any changes to be made to the Agenda. No changes.	Motion to approve Agenda by Vice-Chairman Sanchez. Commissioner Buffington second motion. Motion passed unanimously.

<i>AGENDA ITEM</i>	<i>Recording #</i>	<i>DISCUSSION / CONCLUSIONS / RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
4. Approval of Minutes:			
A. Special Meeting March 2, 2020	5:14 – 6:20	Chairwoman Bourguet requested a motion to approve the minutes of the March 2, 2020 Special Meeting.	Motion to approve March 2, 2020 minutes by Commissioner Smith; Second by Commissioner Buffington. Motion passed unanimously.
B. Regular Commission Meeting February 20, 2020	6:26 – 13:30	Chairwoman Bourguet requested a motion to approve the minutes of the February 20, 2020 Regular Commission Meeting. Commissioner Smith wants to table these minutes (inaudible explanation). Vice-Chairman Sanchez moved to table minutes pursuant to Commissioner Smith's inaudible motion to table until further discussion in person.	Motion to Table February 20, 2020 minutes by Vice-Chairman Sanchez; Second by Commissioner Corazza. Motion passed unanimously.
C. Special Meeting March 31, 2020	13:31 – 14:34	Chairwoman Bourguet requested a motion to approve the minutes of the March 31, 2020 Special Meeting.	Motion to approve March 31, 2020 minutes by Commissioner Smith; Second by Vice-Chairman Sanchez. Motion passed unanimously.

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5. Chairwoman's Report A. Letter Regarding Fiscal Impact of 3-week Closure of NM Racing (Action Item)	14:39 – 29:55	<ul style="list-style-type: none"> Chairwoman Bourguet explained the spirit of the letter; asked for a motion to remove letter from Agenda. Commissioner Smith agrees with Chairwoman that this letter should be withdrawn The question as to where these number came from. Discussion about these types of letters and the way the Commission as a whole should handle them in the future 	Chairwoman Bourguet motioned to withdraw letter. Vice-Chair Sanchez second motion. Motion to withdraw letter passed unanimously.
6. Agency Director Reports: A. NMHBA	30:20 – 32:38	<p>Mary Barber, Executive Director of the New Mexico Horse Breeders Association, presented the Race a Day Report for Sunland Park through Sunday, March 15, 2020 stating at that point they ran 198 NM Bred Races in 47 days</p> <p>In overnight races, the NMHBA contributed \$581,500; in the eight Thoroughbred races the NMHBA contributed \$400,000 and for their Quarter horse stake races they contributed \$315,000. This was \$441,000 more than in 2019. During the Sunland Park meet they averaged 4.21 NM Bred races per day and plus 57 for the required three a day.</p>	No Action Taken.
B. Jockey's Guild Report	35:20 – 36:25	<ul style="list-style-type: none"> John Beech reported that this is an exceptionally tough time for the jockeys. 	No Action Taken.

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		<ul style="list-style-type: none"> • There have been a few riders that have gone out of state to run (to those states that continued to run without spectators) 	

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C. NMHA Report	36:30 – 1:01:00	<p>Executive Director Erhard presented the following proposals for the upcoming future:</p> <ul style="list-style-type: none"> • Sunland Park extend meeting beyond April 21 to May 12 and SunRay Park delay their start until May 15 • NMHA subsidize half (1/2) of operating costs incurred by Sunland Park until April 10, 2020 for Sunland to remain operating for training • Commissioner Buffington asked for clarification of dates in this proposal • Chairwoman Bourguet requested an updated letter with current dates since this letter presented by NMHA was composed at the beginning of the pandemic • Mr. Erhard and the NMHA are simply asking for the Commissioner's consideration • Vice-Chairman Sanchez pointed out that it is difficult to make any decisions until we know and get the "green light" from Governor MLG. • Vice-Chairman Sanchez suggested table any action taken presented by Mr. Erhard until after closed session, so they have the opportunity to discuss further. 	Vice-Chairman Sanchez moved to table NMHA's proposals. Second by Commissioner Smith. Motion passed unanimously.
D. NMRC Executive Director's Report	1:01:04 – 1:11:30	Executive Director Trejo presented current events in the industry.	No action taken.

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		<ul style="list-style-type: none"> • Kudos to Sunland Park for providing food to the people who are still working through this crisis • NMRC just signed a MOU with the Gaming Board to share a Human Resource Specialist • Interviews will be held this Friday to fill the CFO position • Commissioner Smith asked Executive Director Trejo what it takes to open up a track. Director Trejo confirmed it definitely is not as easy as flipping a switch • Commissioner Corazza expressed concerned about lodging even if race tracks were able to open • Vice-Chairman Sanchez pointed out that he believes if the Governor opens up racing, then lodging would probably be open as well • Chairwoman Bourguet discussed testing money 	

<p>Open Session 2 called back into session at 1: p.m.</p>	<p>10:54 -11:00</p>		
<p>7. Licensing/Pending Litigation/Appeals/Hearing officer Reports/Employment Contracts:</p>			
<p>A. Discussion of Possible Changes to 2020 Race Dates and 2020 Purse Money</p> <ol style="list-style-type: none"> 1. SunRay Park 2. Downs at Albuquerque 3. Ruidoso Downs 4. Sunland Park 5. Zia Park 	<p>12:56 – 13:55</p>	<p>AAG Tenorio stated that the Commission would like to entertain a motion to cancel the remaining 2020 race dates at Sunland Park and cancel the 2020 SunRay Park race dates.</p>	<p>Commissioner Smith moved for the May, 2020 race dates be cancelled. Commissioner Buffington second the motion. Motion passed unanimously.</p>
	<p>13:58 – 14:48</p>	<p>AAG Tenorio stated that the Commission would like to entertain a motion to redistribute the purse money without a retro to the remaining racetracks that will be running in 2020 at a later date.</p>	<p>Commissioner Smith moved to redistribute purse money. Commissioner Sanchez second the motion. Motion passed unanimously.</p>
<p>B. SunRay Park (Purse money and Audit)</p>	<p>11:15 – 12:23</p>	<p>AAG Tenorio stated that the Commission would like to entertain a motion to require Sun Ray Park to complete the audit action plan by May 25, 2020 and if not completed by this date the Commission will move forward and consider disciplinary action against Sun Ray Park's license.</p>	<p>Vice-Chairman Sanchez moved for SunRay Park's completed audit plan. Commissioner Corazza second the motion. Motion passed unanimously.</p>
<p>C. In the Matter of Dallas Jay Barton (Delilah Order)</p>	<p>15:00 – 15:42</p>	<p>AAG Tenorio stated that the Commission would like to entertain a motion to adopt the hearing officer's</p>	<p>Commissioner Smith moved to adopt the</p>

		report, findings of fact, conclusions of law and recommendations in its entirety.	Hearing Officer's Report in its entirety. Commissioner Sanchez second the motion. Motion passed unanimously.
D. In the Matter of James J. Gonzales, II (Hearing Officer's Report)	15:47 – 16:28	AAG Tenorio stated that the Commission would like to entertain a motion to adopt the hearing officer's report, findings of fact, conclusions of law and recommendations in its entirety.	Commissioner Smith moved to adopt the Hearing Officer's Report in its entirety. Commissioner Buffington second the motion. Motion passed unanimously.
E. Pending Litigation 1. In the Matter of Salvador R. Soto (D-202-CV-202002008) 2. In the Matter of Armando Arreola (D-202-CV-201900155) 3. In the Matter of Javier Rodriguez & Joel Valeriano (D-202-CV-202002481)	16:30 – 16:51	AAG Tenorio provided a legal update on these pending litigation matters.	No action taken.
F. Jose Luis Enriquez (Licensing) G. Benjamin Ochoa, Jr. (Licensing) H. Jeramie Fennell (Licensing)	16:52 – 17:40	AAG Tenorio stated that the Commission would like to entertain a motion to table agenda items 7. F, 7. G, and 7. H until the next regular commission meeting.	Commissioner Smith moved to table these matters. Commissioner Sanchez second the motion. Motion passed unanimously.

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8. Unfinished/New Business and/or Action Items Regarding Licensing: A. Approval for 2020 Official Vet for SunRay Park Race Meet B. Approval of Stewards for the 2020 SunRay Park Race Meet	18:00 – 18:46	Mr. Trejo requested that Items 8. A. and 8 B. be withdrawn from the agenda.	Commissioner Smith moved to remove these matters from the Agenda. Commissioner Buffington second the motion. Motion passed unanimously.
C. Amending Approved Commission Dates (changing June's meeting location from Ruidoso to Albuquerque)	18:55 – 19:59	Mr. Trejo requested that the Commission consider changing the location of the June's Regular Commission Meeting based on the current situation and the uncertainty of travel and occupancy restrictions during the pandemic.	Commissioner Smith moved to the change location of June's meeting from Ruidoso to Albuquerque. Commissioner Corazza second the motion. Motion passed unanimously.

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D. Ratification of Approval to Remove Truesdail Laboratory from List of Approved Split Sample Laboratories	20:00 – 21:07	Mr. Trejo requested ratification of approval to remove Truesdail Laboratory from the list of approved split sample laboratories due to the loss of their ISO 17025 accreditation and using them would be a violation of the NMRC Rules	Commissioner Smith moved to ratify the approval of removing Truesdail Lab from approved split sample list. Commissioner Sanchez second the motion. Motion passed unanimously.
E. Approval to Add Texas A&M Veterinary Medical Diagnostic Laboratory to List of Approved Split Sample Laboratories	21:12 – 22:38	Mr. Trejo requested approval to add Texas A&M Veterinary Medical Diagnostic Laboratory to list of approved split sample laboratories. Texas A&M has hired new personnel, purchased new elite equipment, and to replace the loss of Truesdail Laboratory.	Commissioner Sanchez moved to approve addition Texas A&M Laboratory to the approved split sample list. Commissioner Smith second the motion. Motion passed unanimously.

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F. Approval for Sunland Park 1. Ratification of Approval to Cancel Races 2 through 10 Due to Inclement Weather on March 3, 2020	22:43 – 24:05	Dustin Dix requested ratification of approval to cancel races 2 through 10 due to inclement weather.	Commissioner Smith moved to ratify the approval to cancel races due to inclement weather. Commissioner Corazza second the motion. Motion passed unanimously.
2. Ratification of Approval to Add 1 Race on Fridays Beginning March 13, 2020	24:10 – 25:03	Dustin Dix is seeking ratification of approval to add one race on Fridays beginning March 13, 2020 to make 10 races a day.	Commissioner Smith moved to ratify the approval to cancel races due to inclement weather. Commissioner Corazza second the motion. Motion passed unanimously.

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G. Approval for Zia Park 1. Ratification of Approval to Add the Saudi Cup to Approved Import Simulcast for February 29, 2020	25:32 – 26:36 26:38 – 28:24	<p>Christopher McErlean requested ratification of approval to add the Saudi Cup to approved import simulcast.</p> <p>Mr. McErlean introduced Mr. Bill Belcher who is the new General Manager of Zia Park and allowed him to address the Commissioners.</p>	<p>Commissioner Smith moved to ratify the approval to add Saudi Cup to approved import simulcast. Commissioner Buffington second the motion. Motion passed unanimously.</p>
H. Approval for Ruidoso Downs 1. Approval to Amend Stall Application for TB and QH	28:30 – 30:43	<p>Dates of the barn areas will open which were approved a few months ago. Based on the current situation a new date is being requested.</p> <p>Mr. True requested approval to amend the stall application to reflect a May 1, 2020 move-in date, subject to change.</p>	<p>Commissioner Smith moved to approve the amendment of the Stall Application as requested. Commissioner Buffington second the motion. Motion passed unanimously.</p>
I. Approval for Downs at Albuquerque 1. Approval to Amend Nomination Blanks i. 2020 NMSF Q.H. Futurity & Derby ii. 2020 La Fiesta Q.H. Futurity & Derby iii. 2020 NMSF T.B. Futurity	31:30 – 34:44	<p>Don Cook requested to amend nomination blanks. Extend April 15, 2020 sustaining payment to June 15, 2020 this pertains to the 5 races listed on the Agenda.</p>	<p>Commissioner Smith moved to approve the amendment of the Nomination Blanks as requested. Commissioner Buffington second the motion. Motion passed unanimously.</p>

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9. Future Commission Meeting Date	34:50 – 35:23	Chairwoman Bourguet announced that we may have a meeting prior to the Regular Commission Meeting on May 28, 2020, depending on any further health orders from Governor MLG.	No action taken.
10. Adjournment	35:27 – 37:37	Chairwoman Bourguet called for a motion to adjourn. The meeting adjourned at 3:06 PM.	Motion was made to adjourn meeting by Commissioner Corazza. Second by Commissioner Smith. Motion passed unanimously.


 23 June 20
 Chairwoman Beverly Bourguet Date


 6-23-2020
 Executive Director Ismael Trejo Date