

**NEW MEXICO HORSE RACING COMMISSION****MINUTES OF THE SPECIAL MEETING**

Date: July 1, 2020 at 1:00 PM

Place: Zoom Video Conference – Meeting IDs; Session 1 – **897 2150 9563** and Session 2 – **858 7832 8989**

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

NMRC Staff Participating: Executive Director Ismael Trejo and Paralegal Denise Chavez.

Others Present/Participating: Assistant Attorney General Delilah Tenorio

<b>AGENDA ITEM</b>	<b>Recording #</b>	<b>DISCUSSION / CONCLUSIONS / RECOMMENDATIONS</b>	<b>ACTION TAKEN</b>
<b>Public Session:</b> <b>1. Call to Order and Roll Call</b>	42:48 – 43:27	Meeting called to order by Chairwoman Bourguet at 1:04 p.m. Roll call was taken by Denise Chavez. Assistant Attorney General Delilah Tenorio, Executive Director Izzy Trejo and NMRC Paralegal Denise Chavez were present.	No Action Taken.
<b>2. Pledge of Allegiance</b>	43:37 – 43:56		Pledge of Allegiance was recited.
<b>3. Approval of Agenda</b>	44:00 – 44:43	Chairwoman Bourguet asked if there were any changes to be made to the Agenda. No Changes made to the Agenda.	Motion to approve Agenda by Commissioner Smith. Commissioner Buffington second motion. Motion passed unanimously.
<b>4. NMHA</b>	44:47 – 1:03:27	Richard Erhard reported after the meeting between Ownership, Track Management of DAA and the NMHA Monday, June 29, 2020 as well as negotiations yesterday, June 30, 2020, an	No Action Taken.

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		<p>agreement has been reached regarding the upcoming race dates for the DAA. The NMHA is in agreement with the Amended 2020 Race Dates, 2020 Stakes Schedule and 2020 Purse Money for the DAA as stated in 7.A) in the NMRC's Special Meeting, Final Agenda.</p> <p>Specifically, the NMHA have reached an agreement with the DAA to support a race meet from August 8, 2020 through September 20, 2020, with one final race day on October 24, 2020 for a total of 27 race days. In addition, at this time, the NMHA will support the Downs at Albuquerque's proposed \$100 per head starter fee. However, should the current restrictions on track casinos and fan-based attendance change over the course of this meet, the NMHA request that the DAA reconsider their request for this starter fee. NMHA would also request the issue of a starter fee be considered as a one-time, non-essential issue, that is a direct result caused by the Covid-19 Pandemic and not be cited as a precedent for future discussions.</p> <p>Finally, there is a request to bring the Purse Tax Agreement of May 11, 2020 and approved by the NMRC on May 28, 2020 before the Commission at this meeting. However, Mr. Erhard states that he believes this Agreement is outside the scope of today's meeting and will note that it is NOT on today's meeting Agenda. Mr. Erhard further notes that it is a stand-alone agreement between the</p>	

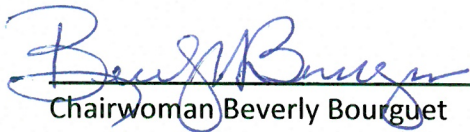
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		<p>named parties in the agreement; specifically, all 5 NM Race Tracks, NMHBA and NMHA. This agreement specifically states, under paragraph 13, that this is a final agreement.</p> <p>Commissioner Buffington asked Mr. Erhard about the \$100 starter fee and how it will actually get into the account. Mr. Erhard referred the question to Mr. Cook.</p> <p>Chairwoman Bourguet pointed out to Mr. Erhard that the dates on the Purse Tax Agreement are being changed. Chairwoman believes that asking for an amendment to this agreement is going to have to take another amendment or another Tax Purse Agreement so that it can be accepted. Commissioner Smith disagrees with Chairwoman Bourguet on this issue. Mr. Erhard states that this is an agreement between the Associations and the 5 tracks and the Commission does not have a say. If the proposed dates do not get approved and the need to amend the Purse Tax Agreement arises, the parties to this Purse Tax Agreement are then willing to get together and amend it and then go before the Commission again for approval.</p> <p>Commissioner Buffington asked if it is Mr. Erhard's understanding that these are firm dates even if casinos are not allowed to open or no spectators will be allowed. Mr. Erhard reports that this, in fact,</p>	

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		<p>an agreement between DAA and the Associations and the horsemen just want to run.</p> <p>Chairwoman Bourguet believes that this Purse Tax Agreement is part of the agenda as the 2020 purse money and the purse tax agreement is the horsemen's purse money and needs to be looked at. AAG, Tenorio respectfully disagrees and states that the letter written by Jeff True of Ruidoso Downs, referred to by Mr. Erhard in his report, while it does discuss purse money, that purse money is directly connected to the purse tax agreement that was signed back in May, the letter written by Mr. True that Mr. Erhard is referring to specifically requested that the agreement be reconsidered by this Commission. The issues on the Agenda for consideration by the Commission today pertain only to the DAA and any agreement that they have reached with the NMHA as well as anything that needs to be considered for the NMSF races. Attorney General Tenorio advises the Commission NOT to address the Purse Tax Agreement but instead place it on the Agenda for the next regular meeting so there can be a discussion between the Commission and all 5 race tracks.</p>	
5. NMHBA	1:03:33 – 1:16:07	Tom Goncharoff stated that they had a special meeting yesterday afternoon to discuss the proposal from the DAA and they are in agreement with the NMHA as Mr. Erhard stated. Mr.	No Action Taken.

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		<p>Goncharoff further states that he is not sure how the commission can make a decision on the 2020 purse money (as listed in the Agenda as 2020 purse money) if the Purse Tax Agreement issue is still outstanding.</p> <p>Don Cook states that the Purse Money/Stakes Scheduled was approved back in March, long before the Purse Tax Agreement. It is the original stakes schedule and purse schedule money. The dates of the meet are different due to the cancellation of the NM State Fair. There are no cuts. They are still running 27 days – no increase or decrease of days. Tom Goncharoff withdrew his challenge as he was not aware that his purse structure reflects days approved prior to the Purse Tax Agreement.</p> <p>Commissioner Smith, Co-Chair Sanchez and Commissioner Corazza ask Chairwoman Bourguet to move on. This issue of the Purse Tax Agreement is a moot issue at this point.</p>	
<b>6. Public Comment</b>	1:16:08 – 1:25:55	<p>Public Comments read by NMRC Paralegal, Denise Chavez.</p> <p>Comments from: David Gomez, Leslie Fincher, Adam Archuleta, State Representative Candy Ezzell, Leslie Fincher, Vanessa Alexander, and Susan Vescovo.</p>	No Action Taken.

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Open Session 2 called back into session at 3:47 p.m.	25:18 – 25:35		
7. Licensing/Pending Litigation/Appeals/Hearing officer Reports/Employment Contracts:			
A. Approval to Amend 2020 Race Dates, 2020 Stakes Schedule and 2020 Purse Money	25:44 – 27:15	AAG Tenorio states that the Commission would like to entertain a motion to approve the DAA amendments of 2020 Race Dates, 2020 Stakes Schedule and 2020 Purse Money. The amendments include the following: to begin August 8, 2020 and run through September 20, 2020 with an additional race day on October 24, 2020 for a total of 27 race days. This is the same amount of race days as approved in June, 2019. Also, change the Stakes Schedule days to coincide with the days listed above. The amendments as proposed do not make any changes to the stakes or the purses.	Motion to approve the DAA amendments by Vice-Chairman Sanchez. Commissioner Smith second motion. Motion passed unanimously.
1. Downs at Albuquerque (licensing)	27:16 – 28:37	AAG Tenorio addressed the NMHA and NMHBA to confirm that they are in agreement with the amendments as proposed by DAA. Mr. Goncharoff of NMHBA, approved. Mr. Erhard of NMHA approved.	
B. Approval to Amend 2020 Race Dates	28:44 – 30:40	AAG Tenorio states that the Commission would like to entertain a motion to approve the NM State Fair's request to cancel the 2020 NM State Fair Race Meet pursuant to request in letter dated June 30, 2020 to the NMRC. AAG Tenorio read this letter.	Motion to approve canceling 2020 NMSF Race Meet by Vice-Chairman Sanchez. Commissioner Smith
1. NM State Fair (licensing)			

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			second motion. Motion passed unanimously.
8. Announcements		No other announcements.	
9. Adjournment at 3:53 p.m.			


18 Aug 20  
 Chairwoman Beverly Bourguet      Date


8-24-2020  
 Executive Director Ismael Trejo      Date