NEW MEXICO HORSE RACING COMMISSION MINUTES OF THE SPECIAL MEETING

Date: March 2, 2020 at 8:00 AM

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

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

NMRC Staff Participating: Executive Director Ismael Trejo 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 | TRACK 1 0:38 – 1:04 | Meeting called to order by Chairwoman Bourguet. Roll call was taken by Denise Chavez. Assistant Attorney General Delilah Tenorio was present. | No Action Taken. |
| 2. Approval of Agenda | 01:07 - 01:22 | Chairwoman Bourguet asked for a motion to approve Agenda. | Motion to approve Agenda by Vice- Chairman Sanchez. Commissioner Smith second motion. Motion passed unanimously. |

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| Closed: Executive Session Item 3: Licensing/Pending Litigation/Appeals/Hearing officer Reports/Employment Contracts: A. Deliberation and action on the following pending litigation and appeals: 1. In the Matter of Trainer, Josue Ponce (Respondent's Objection to Hearing Officer) 2. In the Matter of Owner, Rogelio Marquez (Respondent's Objection to Hearing Officer) 3. In the Matter of Owner, Kathryn Robinson (Respondent's Objection to Hearing Officer) 4. In the Matter of Joel Valeriano & Owner Javier Rodriguez (Order on Hearing Officer's Report) 5. In the Matter of Juan Torres — D-202- CV-2019-04020 (Dismissal Order) 6. In the Matter of Armando Arreola (Discussion of appeal fee payment and refund) | 1:28 - End | Chairwoman asked for a motion to go into Executive Session Roll call vote to go into Executive Session taken by Denise Chavez. | Motion to go into closed session made by Commissioner Corazza. Second by Commissioner Smith. |

| Open Session Resumes | <i>TRACK 2</i> 0:52 – 1:04 | 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). | No Action Taken. |
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| Item 3: Licensing/Pending Litigation/Appeals/Hearing officer Reports/Employment Contracts: A. Deliberation and action on the following pending litigation and appeals: 1. In the Matter of Trainer, Josue Ponce (Respondent's Objection to Hearing Officer) | 1:07 – 1:47 | Commission intends to issue an order that states that Hearing Officer Fitzwater will remain Hearing Officer in the matter of Trainer, Josue Ponce. | Motion to issue an Order made by Vice- Chairman Sanchez. Commissioner Buffington Second Motion. Motion passed unanimously. |
| 2. In the Matter of Owner, Rogelio Marquez (Respondent's Objection to Hearing Officer) 3. In the Matter of Owner, Kathryn Robinson (Respondent's Objection to Hearing Officer) | 1:49 – 2:27 | The Commission would like to entertain a motion to issue Orders that state that Hearing Officer Fitzwater will remain Hearing Officer in the matters of Owners, Rogelio Marquez and Kathryn Robinson. | Motion to issue an Order made by Vice- Chairman Sanchez. Commissioner Smith Second Motion. Motion passed unanimously. |
| 4. In the Matter of Joel Valeriano & Owner Javier Rodriguez (Order on Hearing Officer's Report) | 2:30 – 4:06 | The Commission would like to entertain a motion adopting the Hearing Officer's recommendation regarding the fine and penalty amounts assessed by Trainer, Joel Valeriano in the amount of \$1,000 and as to the Owner, Javier Rodriguez, | Motion to adopt the Hearing Officer's recommendations made by Vice-Chairman Sanchez. |

| | | disqualification of the horse "Lethal Lil", loss of purse both at the trial and final race level and that the horse must pass a commission approved exam before being eligible to run. Also included is that the Commission has entertained supplemental facts surrounding mitigating circumstances in this matter; particularly regarding the testimony of Dr. Clement and Dr. Fenger which would support the Hearing Officer's conclusions and the Commission's conclusions that the mitigating circumstances addressed in this matter do not rise to the level or do not warrant a change in the fine or penalty amounts by the commission. | Commissioner Buffington Second Motion. Motion passed unanimously. |
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| 5. In the Matter of Juan Torres – D-202-CV-2019-04020 (Dismissal Order) | 4:08 – 5:00 | The Commission would like to entertain a motion to dismiss the proceedings against Mr. Torres pursuant to an Order issued. The Commission's Dismissal Order will also include the reimbursement of the amount to prepare the transcript by the Respondent; \$543.98 | Motion to issue an Order made by Commissioner Buffington. Commissioner Smith Second Motion. Motion passed unanimously. |
| 6. In the Matter of Armando Arreola (Discussion of appeal fee payment and refund) | 5:03 – 6:05 | The Commission wishes to entertain a motion which requires the Respondent Armando Arreola to proceed with the refund process as outlined by both Commission's Counsel and Paralegal in emails to Mr. Marquez and apply for the refund of the \$500 appeal fee. Respondent may also use the refund to apply towards his current appeal and that the Commission will toll the deadline for submitting the appeal for Mr. Arreola so that he can go through that process. | Motion made by Commissioner Smith. Commissioner Buffington Second Motion. Motion passed unanimously. |

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| | 6:08 – 6:53 | The Commission wishes to entertain a motion to deny Mr. Arreola's motion to dismiss filed by his Attorney, Daniel Marquez. The Respondent fails to point to any legal reason why the motion should be granted | Motion to deny Respondent's Motion to Dismiss made by Commissioner Smith. Co-Chair Sanchez Second Motion. Motion passed unanimously. |
| 4. Adjournment | 7:17 – 7:27 | Chairwoman Bourguet called for a motion to adjourn. The meeting adjourned at 9:39 AM. | Motion was made to adjourn meeting by Commissioner Corazza. Second by Commissioner Sanchez. Motion passed unanimously. |

Chairwoman Beverly Bourguet

Date

Executive Director Ismael Trejo

Date

5-27-2020