

NEW MEXICO HORSE RACING COMMISSION
MINUTES OF THE REGULAR MEETING

Date: May 20, 2021 at 9:00 a.m.

Place: Zoom Video Conference – Meeting ID: 819 0689 4928

Members Present: Chairman Sam Bregman, Vice-Chairman David “Hossie” Sanchez, Commissioner John Buffington and Commissioner Billy Smith.

NMRC Staff Participating: Executive Director Ismael Trejo, In-House Counsel Richard Bustamante and Paralegal Denise Chavez.

Others present/participating: Assistant Attorney General Delilah Tenorio

<i>AGENDA ITEM</i>	<i>RECORDING #</i>	<i>DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
Public Session 1: 1. Call to Order and Roll Call	No Recording for Open Session #1 due to technical issues	Meeting called to order at 9:00 a.m. by Chairman Bregman. Roll call was taken by Denise Chavez. Executive Director Ismael Trejo, In-House Counsel Richard Bustamante, and Paralegal, Denise Chavez were also present. Assistant Attorney General Delilah Tenorio joined virtually via Zoom.	No Action Taken.
2. Pledge of Allegiance	No Recording for Open Session #1 due to technical issues		Pledge of Allegiance was recited.
3. Approval of Agenda	No Recording for Open Session #1 due to technical issues	Chairman Bregman asked if there were any changes to the Agenda. There were no changes.	Motion to adopt the Agenda made by Commissioner Sanchez. Commissioner Smith second the motion. Motion passed

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			unanimously by roll-call vote.
4. Approval of Minutes: April 22, 2021	No Recording for Open Session #1 due to technical issues	Chairman Bregman asked if the minutes were reviewed and if there were any changes. There were none.	Motion to approve the minutes from the Regular Commission Meeting on April 22, 2021 made by Commissioner Buffington; Second by Commissioner Smith. Motion passed unanimously by roll call vote.
5. Chairman's Reports	No Recording for Open Session #1 due to technical issues	Chairman Bregman welcomed everyone to today's regular commission meeting. He thanked the NMRC staff and is proud to part of the NM Racing Commission. Chairman Bregman is very excited that horse racing is up and running and said SunRay Park is doing great! Chairman reported that SunRay Park has raised purses 4 times so far. He also reported that he spoke with the Governor, Michelle Lujan Grisham and she expressed that she is very pleased that horse racing is running. Chairman invited all who would like to attend to Ruidoso Downs on June 4, 2021 for a Summit. He said the NMRC will NOT take any action, but will meet and be available to talk.	No Action Taken.
6. Agency Director Reports: A. NMHBA Report	No Recording for Open Session #1 due to technical issues	Mary Barber presented the Race-A-Day Report for SunRay Park through Sunday, May 9, 2021 stating that they ran 35 NM Bred Races in 9 days. In	No Action Taken.

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<p>B. Jockey's Guild Report</p> <p>C. NMRC Executive Director Report</p>	<p>No Recording for Open Session #1 due to technical issues</p>	<p>overnight races, the NMHBA contributed \$204,000. This is \$43,000 less than contributed in 2019. They averaged 3.89 NM Bred per day, +8 for three a day.</p> <p>Executive Director Trejo spoke on behalf of John Beech. Mr. Beech also expressed how pleased he is that NM Racing is on again after the pandemic crisis and is pleased that it is doing well.</p> <p>Executive Director Trejo reported that pari-mutuel numbers at SunRay Park have been strong. Mr. Trejo congratulated Chairman Bregman for being named to the ARCI Board of Directors recently. Mr. Trejo reported that the NMRC is scheduled to appear before the Sunset Review Committee either on June 23, 24 or 25 in Ruidoso. A set time or date has not been provided yet. The NMRC Agency will be interviewing for the accountant/auditor position soon. Lastly, the inspection at Ruidoso Downs went well. The property is in as good shape as it can be. The track surface looks ready as training has been conducted since April and several training races have been held there in early May.</p>	<p>No Action Taken.</p> <p>No Action Taken.</p>
7. Public Comments:	<p>No Recording for Open Session #1 due to technical issues</p>	<p>Ms. Chavez received 15 Public Comments; 10 of which were identical in content. One of these duplicative comments was read along with each signature.</p>	<p>No Action Taken.</p>

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Executive Session: entered at 10:30 AM	29:14 – end	Chairman Bregman called for a motion to enter into executive session to discuss the items listed in the agenda, pursuant to Sections 10-15-1H(1), H(3) and H(7) of the Open Meetings Act authorizing closed sessions for matters related to issuance, suspensions, renewal or revocation of a license; deliberations on adjudicatory proceedings and pending or threatened litigation.	Commissioner Smith moved to enter into Executive Session. Commissioner Buffington seconded the motion. Motion passed unanimously by roll call vote.
Back into Open Session: 10:30 AM			
8. Licensing/Pending Litigation/Appeals/Hearing Officer's Reports/Employment Contracts A. NMHA (Pending Litigation)	Recording 3:56 – 4:37 4:38 – 4:59	 In-House Counsel Bustamante reported that this matter was an update provided Assistant Attorney General Tenorio and In-House Counsel Bustamante. No action was taken.	 No Action Taken.
9. Unfinished/New Business and/or Action Items A. Approval of Proposed Commission Meeting Dates for July through November, 2021	5:00 – 7:05	Executive Director Trejo presented the following proposed days for Commission Meeting Days for July through November, 2021: July 22, 2021; August 19, 2021; September 16, 2021; October 14, 2021 and November 18, 2021 all beginning at 9:00 a.m. in Albuquerque. Chairman Bregman requested that the September meeting be held on	Motion to approve July 22, 2021; August 19, 2021; September 9, 2021; October 14, 2021 and November 18, 2021 for second half of 2021 commission meetings

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		September 9 instead of September 16 to observe Yom Kippur.	made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.
B. Ratification of Approval of FY22 NMRC Operating Budget	7:10 – 9:19	Executive Director Trejo introduced Amber Trujillo, NMRC CFO, to present the FY22 NMRC Operating Budget.	Motion to approve FY22 NMRC Operating Budget as presented by Amber Trujillo made by Commissioner Sanchez. Motion seconded by Commissioner Smith. Motion passed unanimously by roll call vote.
C. Discussion and Possible Commission Action on Whether to Approve NMHA's Receipt of 1% of Purse Money, \$5.00 Starter Fee and \$2.00 PAC Fee	9:22 – 19:51	Chairman Bregman began this discussion by saying when he was appointed to the NMRC, one of the tasks that he assigned to himself was to make sure all laws and rules are being followed to the best of their abilities as the Commission. The purse money and its disbursement are directed by Statute and regulation. Any and all purse money must be distributed pursuant to the law. As the Regulatory body of this industry, we must do our best to ensure that the law is being followed. In	Motion prohibiting purse money to go to NMHA effective immediately made by Commissioner Sanchez. Motion seconded by Commissioner Buffington. Motion

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		<p>the past and up until today, the NMHA has been taking 1%, approximately \$500,000-\$600,000 a year of purse money with no authority under the law to do so. The NMHA has been taking a \$5.00 Starter Fee (in 2019 equaled to about \$103,000) and a \$2.00 Political Action Committee Fee (totaling about \$41,000) from the purse money with no authority under the law to do so. Chairman Bregman confirmed with Executive Director Trejo and Counsel whether they have seen any regulation or Statute which permits the NMHA to take this money. Mr. Trejo confirmed that he is not aware of any language permitting the NMHA to take the moneys. Mr. Bustamante confirmed that he has looked through the laws and regulations for the NMRC and has not seen any authority allowing the NMHA to take such money. Chairman further pointed out that if the NMHA did not take this money it would provide an additional \$700,000 to the purses for the individual horsemen to compete for which is Purse Money. Chairman Bregman went on to say that he cannot support the NMHA receiving this money when it should be going into the pockets of the individual horsemen in the form of purses when they win a race. He cannot and will not support the NMHA taking this money when it is not supported by law. Vice-Chair Sanchez agreed with Chairman Bregman and moved to stop this practice immediately.</p>	<p>passed unanimously by roll call vote.</p>

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		<p>Assistant Attorney General Tenorio clarified that the question before NMRC is whether or not the NMHA has the authority to require payments of money as outlined by the Chairman. If it does not the motion would then be that the NMHA to discontinue the practice of requiring the NMHA's membership pay their fees with whatever purse money that comes available to them or that they win during the racing season. This motion was suggested because these are items that are specifically set out in the NMHA's Bylaws. Bylaws are to provide that the NMHA or anybody knows what their authority is and specifically in this case there is no statutory or regulatory authority either that Mr. Bustamante, Ms. Tenorio or Chairman Bregman has been able to find that allows the NMHA to deduct these percentages or amounts from purse money that is received from the horses. It goes specifically against statute, not only under the Horse Racing Act but also the Gaming & Control Act. Both of these specifically provide the Commission the authority to, not only regulate purses, but also create rules and regulations regarding that 20% net take which makes up the purses for horseracing in NM.</p> <p>Chairman Bregman clarified that the motion as AAG Tenorio outlined, is Prohibiting, as the regulatory authority for horseracing in New Mexico, from continuing to allow the NMHA from taking this money from purse money; meaning the</p>	

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		1%, the \$5 starter fee and the \$2 PAC fee. If this motion passes today, that will stop immediately. NMRC will ensure this stops and this money should not come from the horsemen's purse money. The intent is that the purse money will go to the individual horsemen and NOT the Association.	
D. Approvals for SunRay Park			
1. Ratification of Approval of 2021 Racing Officials	19:59 – 21:55	Mr. Barber of SunRay Park requested to ratify the approval of the 2021 Racing Officials. Changes were Assistant Starters and Valets. Chairman Bregman called for a motion to ratify the approval of the 2021 Racing Officials.	Motion ratify the approval of the 2021 racing officials made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.
2. Ratification of Approval of the Amended 2021 Stakes Schedule	21:56 – 23:15	Mr. Barber of SunRay Park requested to ratify the approval of the Amended 2021 Stakes Schedule. These changes mainly have to do with the NM Bred Stakes in conjunction with the NMHBA. These were raised to \$50k so they could be accredited as Black-Type racing. SunRay Park raised its open TB Stake, at the end of the meet	Motion to ratify the approval of the Amended 2021 Stakes Schedule for SunRay Park made by Commissioner Sanchez. Motion was seconded by

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3. Ratification of Approval of the Variance to Run 8 Races on May 1, 2021	23:17 – 24:24	(San Juan County Commissioners) to \$50k in order to keep their Black-Type status. Mr. Barber of SunRay Park requested to ratify the approval of the variance to run 8 races on May 1, 2021. This variance was due to the inability to fill races as published in the Condition Book for Kentucky Derby day. Chairman Bregman called for a motion to ratify the approval this item.	Commissioner Smith. Motion passed unanimously by roll call vote. Motion to ratify the approval of the variance on May 1, 2021 for SunRay Park made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.
4. Ratification of Approval to Amend 2021 Post Times & Wagering Format for May 1, 2021 and May 15, 2021	24:28 – 25:46	Mr. Barber of SunRay Park requested to ratify the approval to Amend the 2021 Post Times and Wagering Format for May 1 and May 15, 2021 due to the Kentucky Derby and the Preakness. They had to move their starting post times for the races proceeding and after to meet their specifications to being off them 30 minutes before and after the races. Chairman Bregman called for a motion to ratify the approval of the amended 2021 Post Times and Wagering Format as presented by Mr. Barber.	Motion to ratify the approval of the amended 2021 Post Times and Wagering Format for SunRay Park made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.

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<p>5. Ratification of Approval of Amended 2021 Purse Schedule</p> <p>E. Approvals for Downs at Albuquerque</p> <p>1. Approval to Amend 2021 Racing License with Additional 8 Days</p> <p>2. Ratification of Approval to Amend 2021 Stall Application</p>	<p>24:14 – 27:37</p> <p>28:03 – 29:17</p> <p>29:20 – 30:07</p>	<p>Mr. Barber of SunRay Park requested to ratify the approval of the amended 2021 Purse Schedule. Because SunRay Park's competition has not been opening as much as they anticipated they would, SunRay Park has been able to raise purse money 4 times this season. Chairman Bregman called for a motion.</p> <p>Mr. Cook of the Downs at Albuquerque requested approval to amend the 2021 Racing License to add 8 additional days. Those added days are: August 14, 15, 18, 20, 21, 22, 25 and 27, 2021. Chairman Bregman called for a motion.</p> <p>Mr. Cook of the Downs at Albuquerque requested ratification of approval to amend the 2021 Stall Application to reflect the days just requested (August 14th thru September 19th and AQHA</p>	<p>Motion to ratify the approval of the amended 2021 Purse Schedule made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.</p> <p>Motion to approve to amend the 2021 Racing License to add 8 additional days for the Downs at Albuquerque made by Commissioner Sanchez. Motion seconded by Commissioner Smith. Motion passed unanimously by roll call vote.</p> <p>Motion to ratify of the approval of the 2021 Stall Application made by Commissioner Smith. Motion</p>

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3. Approval of the 2021 Condition Book & Condition Book Officials	30:09 – 30:58	<p>finals on October 23rd). Chairman Bregman called for a motion.</p> <p>Mr. Cook of the Downs at Albuquerque requested approval of the 2021 Condition Book and Condition Book Officials. The Officials being Jerry Richards as Racing Secretary, Santos Toquinto as Stall Superintendent, and Danielle Sena as Horsemen's Bookkeeper/Nomination Secretary. Chairman Bregman called for a motion.</p>	<p>seconded by Commissioner Sanchez. Motion passed unanimously by roll call vote.</p> <p>Motion to approve the 2021 Condition Book & Condition Book Officials made by Commissioner Sanchez. Motion seconded by Commissioner Smith. Motion passed unanimously by roll call vote.</p>
4. Approval of 2021 Purse Schedule	31:00 – 31:33	<p>Mr. Cook of the Downs at Albuquerque requested approval of the 2021 Purse Schedule as submitted. Chairman Bregman called for a motion.</p>	<p>Motion to approve the 2021 Purse Schedule made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.</p>
5. Approval of 2021 Stakes Schedule	31:34 – 32:54	<p>Mr. Cook of the Downs at Albuquerque requested approval of the 2021 Stakes Schedule.</p>	<p>Motion to approve the 2021 Stakes Schedule made by</p>

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6. Approval of 2022 La Fiesta Derby and Futurity Nomination Blanks	32:57 –34:08	<p>Commissioner Buffington asked Mr. Cook roughly how much percentage of purse money is going into the Stakes? Mr. Cook said roughly 19-20%. Chairman Bregman called for a motion.</p> <p>Mr. Cook of the Downs at Albuquerque requested approval of the 2022 La Fiesta Derby and Futurity Nomination Blanks. Commissioner Sanchez asked Executive Director Trejo if he reviewed these Nomination Blanks. Mr. Trejo confirmed he, in fact, did. Chairman Bregman called for a motion.</p>	<p>Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.</p> <p>Motion to approve the 2022 La Fiesta Derby and Futurity Nomination Blanks made by Commissioner Sanchez. Motion seconded by Commissioner Smith. Motion passed unanimously by roll call vote.</p>
7. Approval of 2022 NM State Fair TB Futurity Nomination Blank	34:10 – 34:57	<p>Mr. Cook of the Downs at Albuquerque requested approval of the 2022 NM State Fair TB Futurity Nomination Blank as submitted. Chairman Bregman called for a motion.</p>	<p>Motion to approve the 2022 NM State Fair TB Futurity Nomination Blank made by Commissioner Smith. Motion seconded by Commissioner Sanchez. Motion passed unanimously by roll call vote.</p>

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8. Approval of 2022 NM State Fair QH Derby Nomination Blank	34:58 – 35:52	Mr. Cook of the Downs at Albuquerque requested that the next two blanks be approved separately. He requested approval of the 2022 NM State Fair QH Derby Nomination Blank. Chairman Bregman called for a motion.	Motion to approve the 2022 NM State Fair QH Derby Nomination Blank made by Commissioner Sanchez. Motion seconded by Commissioner Smith. Motion passed unanimously by roll call vote.
Approval of 2022 NM State Fair QH Futurity Nomination Blank	35:53 – 39:52	Mr. Cook of the Downs at Albuquerque requested approval of the 2022 NM State Fair QH Futurity Nomination Blank. The changes to this blank are: a weanling payment was added for the 2023 futurity which will be on this blank. There is also a sustaining yearling payment in April, 2022. So, they are adding two more additional payments for the 2023 futurity. This is to, hopefully, get this NM Bred futurity to a million dollars. The \$250k committed to the AQHA Challenge the last three years, is going to be put towards this futurity in 2023 and he believes the NMHBA will match this so they will have \$500k added for this race in 2023 and they are confident that they can have the first NM Bred million dollar futurity in the	Motion to approve the 2022 NM State Fair QH Futurity Nomination Blank made by Commissioner Sanchez. Motion seconded by Commissioner Smith. Motion passed unanimously by roll call vote.


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<p>F. Approvals for Zia Park</p> <p>1. Approval of 2021 Jockey & Exercise Rider Insurance</p>	40:00 – 41:38	<p>state. He said they believe that if they can get there, this will grow like a weed. They are very excited about this. Mr. Cook stated he will be at the Breed sale in Ruidoso in August promoting this as well. Commissioner Sanchez asked what the DAA's take in this. Mr. Cook replied that they only have a \$50 Clerical fee. Chairman Bregman called for a motion.</p> <p>Mr. McErlean requested approval of 2021 Jockey & Exercise Rider Insurance. Requested pursuant to NMAC 15.2.2.8(B)(11). 50% share of policy is \$34,962 is based upon approved racing dates this year and 84 training days anticipated for this season.</p>	<p>Motion to approve the 2021 Jockey & Exercise Rider Insurance made by Commissioner Sanchez. Motion seconded by Commissioner Smith. Motion passed unanimously by roll call vote.</p>
<p>G. Approvals for Sunland Park</p> <p>1. Approval of Slot Allocation Agreement Between Sunland Park & Ruidoso Downs</p>	41:49 – 43:50	<p>Mr. Baugh requested approval of the Slot Allocation Agreement Between Sunland Park & Ruidoso Downs. Mr. Heinrich explained that the agreement was set to expire May 31, 2021. The parties agreed to a brief extension to see how they come out of the COVID-19 shut down and to give them some time to renegotiate their terms.</p>	<p>Motion to approve the Slot Allocation Agreement between Sunland Park and Ruidoso Downs made by Commissioner Smith. Motion seconded by Commissioner Sanchez. Motion</p>

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<p>H. Approval for Ruidoso Downs</p> <p>1. Approval to Amend 2021 Stakes Schedule</p>	<p>43:57 – 49:42</p>	<p>Mr. Dix as Consultant for Ruidoso Downs requested approval to amend 2021 Stakes Schedule. He explained that they were given the task of getting some more money into the overnight funds and outside of cutting race days, eliminating stakes and doing some other things is what they are proposing. Here are the proposals: eliminate the following stakes; on June 13 Dash for Speed Stakes; June 19, Ruidoso Sprint Stakes; June 27, Higheasternjet Hcp; July 3, First Lady Stakes; July 4, Brigand Stakes; July 25, Bobby Dan Crenshaw; September 4, Billy Reed; September 5, Billy the Kid; and September 6, Governor's Stakes for a total savings of \$227,000. Eliminate added money in Ruidoso Derby, Rainbow Derby and All American Derby for a savings of \$105k. Eliminate added money in Ruidoso Futurity, Rainbow Futurity, and All American Futurity for a savings of \$175k. Total savings would be \$507k which would add approximately \$13,702 per day into overnights. Mr. Dix added that the Mountain Top, Rio Grande Senor and the Rio Grande Senorita will revert back to the original dates as listed on the Nomination Blanks. The Mountain Top trials will be June 12 the finals on June 26 and Rio</p>	<p>passed unanimously by roll call vote.</p> <p>Motion to approve to amend the 2021 Stakes Schedule made by Commissioner Smith. Motion seconded by Commissioner Sanchez. Motion passed unanimously by roll call vote.</p>


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		Grande Senor and the Rio Grande Senorita trials will be July 30 and the finals will be August 15. All the TB NM Breed Races will have the Black-Type status. Commissioner Smith confirmed that this is not going to affect the "big races". Mr. Dix replied that the only thing it affects is the added money. They will be less the added money from the racetrack. Mr. Dix will get back with amounts of final purse amounts to Commissioner Smith.	
2. Approval of 2021 Jockey & Exercise Rider Insurance	49:43 – 50:54	Mr. Dix requested approval of the 2021 Jockey & Exercise Rider Insurance. Pursuant to NMAC 15.2.2.8(B)(11) Ruidoso is requesting for 50% of the premium from gaming monies (totaling \$96,800) to offset the 2021 Jockey & Rider Insurance. Chairman Bregman called for a motion.	Motion to approve the 2021 Jockey & Exercise Rider Insurance made by Commissioner Sanchez. Motion seconded by Commissioner Smith. Motion passed unanimously by roll call vote.
3. Approval of Interim General Manager for AARD	50:57 – 51:51	Mr. Dix requested approval of Curtis Hilling as the interim General Manager for AARD. Chairman Bregman called for a motion.	Motion to approve Curtis Hilling as Interim General Manager for AARD made by Commissioner Smith. Motion seconded by Commissioner

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4. Approval to Amend 2021 Racing Officials	51:53 – 53:12	Mr. Dix requested approval to amend 2021 Racing Officials. Changes are: removing Luis Alvarez as Integrity Liaison Officer; Ana Garcia is replacing Maureen Murphy as Racing Officer Secretary; Billy Rippy (known as Scooter) will be the paddock judge and identifier; Robert Fox will be the Announcer; and Ruben Olivas, Sal Martinez and Fernando Munoz as Valets. Chairman called for a motion.	Buffington. Motion passed unanimously by roll call vote. Motion to approve the Amended 2021 Racing Officials made by Commissioner Sanchez. Motion seconded by Commissioner Smith. Motion passed unanimously by roll call vote.
5. Approval of 2021 Gaming & Breakage	53:14 – 54:58	Mr. Dix requested approval of the 2021 Gaming & Breakage for Ruidoso Downs. Mr. Dix thanked the NMHBA that made the increase happen to help get back to the Black-Type Status. Chairman Bregman called for a motion.	Motion to approve the 2021 Purse Schedule made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.
I. Mac Murray Presentation	55:00 – 1:02:50	Mr. Murray presented that he and his Wife, Janice own and operate MJ Farms for 21 years. They moved their operation from Utah to NM and the primary factor for that move was the NM	No Action Taken.

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		<p>Bred program. He would like to voice his opposition to the NMHA's lawsuit. He said that the NMHBA was also opposed to the lawsuit. The NMHBA ignored written requests not to file the lawsuit. He said the timing of this lawsuit could not be worse. He said now is the time for all parties to come together and make horse racing thrive again. Commissioner Sanchez thanked Mr. Murray for speaking up at this meeting and expressing his concerns.</p> <p>Commissioner Smith also spoke to where the purse money comes from. He said there are many people that are misinformed about where the purse money comes from. He explained that purse money comes from the casinos at the racetracks. They are taxed 46.25% of their gross profits. In reality, the State of New Mexico provides 98% of the NM Racing purse money.</p>	
10. Adjournment at 11:30 a.m.	1:02:57 - end		


 Chairman Sam Bregman

6/17/21
 Date


 Executive Director Ismael Trejo

6-17-21
 Date