

NEW MEXICO HORSE RACING COMMISSION
MINUTES OF THE REGULAR MEETING

Date: June 17, 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.

<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	0:13 – 1:18	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.	No Action Taken.
2. Pledge of Allegiance	1:24 – 1:35		Pledge of Allegiance was recited.
3. Approval of Agenda	1:38 – 2:18	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 unanimously by roll-call vote.

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4. Approval of Minutes: May 20, 2021	2:19 – 3:00	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 May 20, 2021 made by Commissioner Smith; Second by Commissioner Buffington. Motion passed unanimously by roll call vote.
5. Chairman's Reports	3:03 – 6:30	<ul style="list-style-type: none"> Chairman Bregman thanked NMRC staff and fellow Commissioners for all their hard work. Chairman Bregman congratulated SunRay Park for running a successful meet and mentioned that Ruidoso Downs is also doing well at the start of their meet. Pari-mutuel handle is up. Chairman Bregman reported that the Summit on June 4, 2021 was a success! He said it was valuable and productive and was pleased with the tone of the conversations had that day. Chairman Bregman reported that testing by the NMRC is "rocking and rolling" and is being ramped up for the integrity of horse racing in NM. Chairman added that cheaters will not be tolerated in this industry. 	No Action Taken.

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		<ul style="list-style-type: none"> Chairman Bregman reported that he is looking forward to the Sunset Review next week in Ruidoso. Chairman Bregman is also looking forward to having the next meeting live and in person. He said we will continue to use Zoom for those who would like to attend the Commission meeting but cannot make the drive to Albuquerque. 	
6. Agency Director Reports:			
A. NMHBA Report	6:50 – 9:24	Mary Barber presented the Race-A-Day Report for SunRay Park through Sunday, May 30, 2021 stating that they ran 65 NM Bred Races in 18 days. In overnight races, the NMHBA contributed \$448,000. They averaged 3.62 NM Bred per day, +11 for three a day.	No Action Taken.
B. Jockey's Guild Report	9:29 – 9:46	Executive Director Trejo spoke on behalf of John Beech. Mr. Beech reported that everything is going well and the track is safe. They are very happy that racing is back up and running.	No Action Taken.
C. NMRC Executive Director Report	9:51 – 14:04	<ul style="list-style-type: none"> Executive Director Trejo reported that out of competition testing is happening. He thanked Investigators Johnson and Garcia and Dr. Alan Chastain for performing over 400 tests since 04/23/21. We have received 39 positives so far but are awaiting for results on the 111 horses tested last week. 	No Action Taken.

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		<ul style="list-style-type: none"> As Chairman Bregman reported, NMRC will be going to Ruidoso next week for the Sunset Review Hearing and staff will be there as well. Discussions at the Summit at the beginning of June suggested that the NMRC website needs up-grading and needs to be more user-friendly. The NMRC Agency is working on getting these matters addressed. Executive Director Trejo reported that the Agency is advancing its IT operation efficiency and will be moving its operation under the State Department of Information Technology. The staff is extremely excited for this change. 	
7. Public Comments:	14:05 – 15:00	Ms. Chavez received 1 Public Comment (from Peter B. Gallegos) and was read into the record.	No Action Taken.
Executive Session: entered at 9:16 AM	15:05 – 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	2nd Recording 0:17 – 0:42		

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A. NMHA (Pending Litigation)	0:52 – 1:45	In-House Counsel Bustamante reported that this matter was an update provided by In-House Counsel Bustamante. No action was taken.	No Action Taken.
B. IMO: Gerardo Ochoa-Pena & Maria Ochoa (Hearing Officer's Report)	1:47 – 3:21	In-House Counsel Bustamante reported that it is his understanding that the Commission would like to entertain a motion to adopt the Hearing Officer's recommendation in this matter wherein the Trainer Gerardo Ochoa-Pena shall be suspended for three years (beginning 7/19/21 – 7/17/24, inclusive) to run consecutive with the penalties assessed in 2021-COMM-9 and a \$25,000 fine to be paid within 30 days from 6/24/21. As to Maria Ochoa, the horse "Prince of Bo Dash" is DQ'd and unplaced in the 3 rd race on 12/26/19 at Sunland Park and the purse is to be redistributed. "Prince of Bo Dash" be placed on the vet's list for 180 days and must pass a commission-approved exam before being entered.	Motion to adopt the hearing officer's recommendations made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.
C. IMO: Bo Jay DeLavan (Hearing Officer's Report)	3:24 – 4:13	In-House Counsel Bustamante reported that it is his understanding that the Commission would like to entertain a motion to adopt the Hearing Officer's recommendation in this matter wherein this matter is dismissed.	Motion to adopt the Hearing Officer's recommendations made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.

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C. Ratification of Approval of Substitute Steward for Ruidoso Downs on May 28 through May 31, 2021	18:31 – 19:38	Executive Director Trejo requested ratification of approval to use State Investigator Leasa Johnson as a substitute steward at Ruidoso Downs on May 28 through May 31, 2021 due to difficulty hiring someone for 4 days as the expenses to travel and stay at Ruidoso Downs were exorbitant and not cost effective. Further, there was an overlap in race dates between Ruidoso Downs and SunRay Park and so the current stewards were not available.	Commissioner Sanchez. Motion seconded by Commissioner Smith. Motion passed unanimously by roll call vote. Motion ratifying the approval of the Substitute Steward for Ruidoso Downs on May 28 thru May 31, 2021 made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.
D. Ratification of Approval of Substitute Steward for SunRay Park on May 28 through May 30, 2021	19:40 – 20:23	Executive Director Trejo requested ratification of approval to use State Investigator Elizabeth Garcia as a substitute steward at SunRay Park on May 28 through May 30, 2021 due to difficulty hiring someone for 3 days as the expenses to travel and stay at SunRay Park were exorbitant and not cost effective. Further, there was an overlap in race dates between Ruidoso Downs and SunRay Park and so the current stewards were not available.	Motion ratifying the approval of the Substitute Steward for SunRay Park on May 28 thru May 30, 2021 made by Commissioner Sanchez. Motion seconded by Commissioner Smith.


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		NMAC 15.2.2.8(B)(11) to offset 50% of premium of Jockey & Exercise Rider Insurance. Total Premium is \$130,846, payable in 3 installments: 1)\$43,616 due 7/15 and 2)\$43,615 due 8/15 and 9/15 for 61 days of training and 27 days of racing.	Rider Insurance for the Downs at Albuquerque made by Commissioner Sanchez. Motion seconded by Commissioner Smith. Motion passed unanimously by roll call vote.
2. Approval of 2021 Racing Officials	23:47 – 24:41	Mr. Cook of the Downs at Albuquerque requested approval of 2021 Racing Officials. Mr. Cook corrected the given list to read: Santos Toquinto should be Stall Superintendent ONLY.	Motion to approve 2021 Racing Officials with Mr. Cook's correction for the Downs at Albuquerque made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.
3. Approval of 2021 Post Times & Wagering Format	24:42 – 25:20	Mr. Cook of the Downs at Albuquerque requested approval of the 2021 Post Times & Wagering Format.	Motion to approve 2021 Post Times & Wagering Format as submitted made by Commissioner Smith. Motion seconded by Commissioner

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<p>4. Approval of 2021 Gaming & Breakage</p>	25:23 – 26:03	Mr. Cook of the Downs at Albuquerque requested approval of the 2021 Gaming & Breakage.	<p>Buffington. Motion passed unanimously by roll call vote.</p> <p>Motion to approve 2021 Gaming & Breakage for the Downs at Albuquerque made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.</p>
<p>G. Approvals for Zia Park</p> <p>1. Approval of 2021 Stall Application</p>	26:20 – 27:06	Mr. McErlean requested approval of 2021 Stall Application.	<p>Motion to approve the 2021 Stall Application made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.</p>
<p>2. Zia Meet Update</p>	27:08 –28:29	Mr. Belcher presented a Zia update. He reported on capital improvements started on the both the backside and the track. They have 4 projects	<p>No Action Taken.</p>


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H. Approval for Ruidoso Downs 1. Ratification of Approval to Change Curtis Hilling's Title from Interim General Manager to Vice-President of Finance	28:30 – 29:28	<p>going: repairing and replacing some muck bins, they are running new water lines from the barns to the pony path that have deteriorated over the years; during the meet last year, they had some timing sensors on the track “misbehaving”, those are being replaced; and they have added improvements to the PA System on the backside. These improvements will total approximately \$160,000.</p> <p>Mr. Linder gave a brief update on the track before requesting approvals. He reported that cumulative handle is up 49.1% in the first 10 days of racing. There are no issues to report at this time and looking forward to the upcoming weekend.</p>	
	29:30 – 30:05	<p>Mr. Linder requested approval to change Curtis Hilling's title from Interim General Manager to Vice-President of Finance for Ruidoso Downs.</p>	<p>Motion to ratify the approval to change Curtis Hilling's Title from Interim GM to VP of Finance for Ruidoso Downs made by Commissioner Sanchez. Motion seconded by Commissioner Smith. Motion passed unanimously by roll call vote.</p>

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2. Ratification of Approval of Ethan Linder as General Manager	30:06 – 30:44	Mr. Linder requested ratification of approval of Ethan Linder as General Manager for Ruidoso Downs.	Motion to ratify the approval of Ethan Linder as GM for Ruidoso Downs made by Commissioner Smith. Motion seconded by Commissioner Sanchez. Motion passed unanimously by roll call vote.
3. Ratification of Approval to Amend Post Times & Wagering Format for May 28 and May 29, 2021	30:46 – 31:41	Mr. Linder requested ratification of approval to amend post times and wagering format for May 28 and May 29, 2021. Mr. Linder added that this was prior to his arrival and thanked the team at Sunland Racetrack, specifically Dustin Dix and Rick Baugh and Izzy Trejo, for assisting with this request.	Motion to ratify the approval to Amend Post Times & Wagering Format for May 28 and May 29, 2021 for Ruidoso Downs made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.
4. Ratification of Approval to Amend 2021 Purse Schedule	31:42 – 32:23	Mr. Linder requested ratification of approval to amend 2021 Purse Schedule. Mr. Linder added that he was proud to announce that the over-night purses are up 20%.	Motion to ratify the approval to Amend the 2021 Purse Schedule for Ruidoso Downs

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			made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.
10. Adjournment at 11:03 a.m.	32:30 - end	July meeting goal is to have a meeting in person.	


 Chairman Sam Bregman

07/26/2021
 Date


 Executive Director Ismael Trejo

7-26-21
 Date