

NEW MEXICO HORSE RACING COMMISSION
MINUTES OF THE REGULAR MEETING & RULES HEARING

Date: November 18, 2021, at 9:00 a.m.

Place: NMRC Boardroom; 4900 Alameda Blvd., NE, Albuquerque, NM and 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, Commissioner Margaret Branch.

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

Also Present: 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	4:29 – 6:08	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, Assistant Attorney General, Delilah Tenorio and Paralegal, Denise Chavez were also present.	No Action Taken.
2. Pledge of Allegiance	6:15 – 6:26		Pledge of Allegiance was recited.
3. Approval of Agenda	8:01 – 9:14	Chairman Bregman asked if there were any changes to the Agenda. Executive Director Trejo asked that we amend Agenda item 8.(E)(1) to include Stanley Bush to the names of officials listed on the Agenda.	Motion to adopt the Agenda as amended made by Commissioner Smith. Commissioner Buffington second the motion. Motion

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			passed unanimously by roll call vote.
4. Approval of Minutes: October 14, 2021	9:17 – 9:50	Chairman Bregman asked if the minutes for the October 14, 2021 meeting were reviewed and if there were any changes. There were none.	Motion to approve the minutes from the Regular Commission Meeting on October 14, 2021 made by Commissioner Smith; Second by Commissioner Buffington. Motion passed unanimously by roll call vote.
5. Chairman's Reports	9:53 – 13:35	<ul style="list-style-type: none"> • Chairman Bregman thanked NMRC staff for everything they do. • Chairman Bregman recognized the Stewards. He was at Zia Park's race meet and was impressed at how hard and efficiently the Stewards work. • Chairman Bregman reported he has been to Zia lately and talked to various horsemen and Zia Park is doing well. This does not excuse that Zia Park was not ready at the start, but everything is going well. • Chairman Bregman said with the upcoming HISA federal legislation and regulation the Racing Industry has a freight train headed right at it so the NMRC is preparing for what changes and impacts are 	No Action Taken.

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		coming. He stressed we really need to work collectively as industry.	
6. Agency Director Reports: A. NMRC Report	13:40 – 31:20	<ul style="list-style-type: none"> Executive Director Trejo reported the handle at Zia Park is up approximately 50% off track and 11% on track over 2020. Despite all the complaints at the start of the meet, all is well at Zia Park and everyone is happy. Challenge week at The Downs at Albuquerque was spectacular! Pari-Mutuel handle came in above \$900,000. Executive Director Trejo congratulated Commissioner Smith and his team for another great win. Danjer is impressive. Kudos to Don Cook and Beth McKinney for a job well done, Executive Director Trejo reported some of the NMRC staff and he attended ITW training. The training was held by former NMRC Auditor Paul Gordon and his wealth of knowledge is appreciated. NMRC staff is headed to Sunland Park December 17, 2021 to inspect the facility in preparation for the start of the meet. Executive Director Trejo added he was out there a couple of weeks ago and it was already looking good so he is confident the inspection will be fine. Executive Director Trejo and Investigator Liz Garcia visited Ruidoso Downs and observed some construction projects. The 	No Action Taken.

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		<p>upgrades were certainly needed and are coming along great.</p> <ul style="list-style-type: none"> • The Agency submitted its FY19 Annual Report. • Executive Director Trejo and some NMRC staff are headed to Tucson on December 6-10 for the annual Symposium on racing and the ARCI winter meetings. • Executive Direct Trejo reported he attended a Zoom meeting on November 15, 2021, regarding HISA. He advised the more meetings he attends regarding HISA the more concerned he becomes for the racing industry in NM. Only a few items of the new federal laws effecting the NM industry were discussed. Executive Director Trejo said everyone involved in the New Mexico Racing Industry really need to work together now before HISA laws go into effect or it really could be detrimental to the industry here in New Mexico. Commissioner Smith opined the HISA legislation is designed to kill the racing industry. However, he believes NM may be ok as it is mainly a quarter horse state. HISA will affect primarily thoroughbred racing. Executive Director Trejo reported today's Rules Hearing is a first wave of rule changes to prepare NM for the upcoming HISA laws. Commissioner Sanchez asked Executive 	

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		<p>Director Trejo what would happen if NM refused to participate with the new HISA laws. Executive Director Trejo responded the federal government could refuse access to simulcast signals across the world for non-participation, thus, losing that revenue stream for the racetracks. He believes this is all about "signals." Commissioner Buffington asked what the status of the slew of lawsuits. Executive Director Trejo said he was not sure but it has been stated that the NMRC will have to end up paying for all that litigation.</p> <ul style="list-style-type: none"> Executive Director Trejo wished everyone happy and safe holidays. 	
7. Public Comments:	31:27 – 31:50	Ms. Chavez reported 0 public comments were received.	No Action Taken.
8. Unfinished/New Business and/or Action Items A. Hearing Officer's Report 1. IMO: Sal Soto	31:58 – 49:24	<p>The Hearing Officer's Report regarding licensee Salvador Renteria Soto was deliberated by the Commissioners in open session. The Commissioners agreed these violations were egregious. They adopted the recommendations of the Hearing Officer with the following revisions. Mr. Soto is to be fined \$10,000.00 and a 30-day suspension for his 3rd Class 4C (major) violation and \$10,000.00 and 30-day suspension for his 4th Class 4C (major) violation; to be served consecutively.</p>	<p>Motion to approve adopt the Hearing Officer's Report with modifications made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.</p>

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B. Approval of 2021/2022 Stewards for Sunland Park Race Meet	49:25 – 50:07	Executive Director requested approval for the NMRC Stewards' positions for the upcoming 2021/2022 Sunland Park Meet.	Motion to approve the 2021/2022 NMRC Stewards for Sunland Park was made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.
C. Approval of First Half of 2022 Regular Commission Meeting Dates	50:11 – 51:47	The following dates were proposed for the first half of 2022 regular Commission meetings: Jan. 20, 2022 in Albuquerque; Feb. 17, 2022 in Albuquerque; March 24, 2022 in Albuquerque; April 21, 2022 in Albuquerque; May 19, 2022 in Farmington (SunRay Park); June 16, 2022 in Albuquerque;	Motion to approve the first half of 2022 regular Commission meeting dates as proposed made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.
D. Ratification of Approval of Special Agents for the AQHA Bank of America Challenge Races	51:50 – 52:27	Approval of the ratification of the Special Agents for the AQHA Bank of America Challenge Races at DAA was sought by Executive Director Trejo.	Motion to approve the ratification of the 2021 AQHA BOA Challenge Races

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<p>E. Approvals for Zia Park</p> <p>1. Ratification of Approval to Amend 2021 Racing Officials (Zach Briggs & Cesar Cornejo & <i>Stanley Bush (as amended by Izzy Trejo)</i>)</p> <p>2. Ratification of Approval to Amend 2021 Post Times</p>	<p>52:30 – 53:56</p> <p>54:37 – 54:48</p>	<p>Mr. McErlean requested approval of the ratification to Amend the 2021 Racing Officials to add Zach Briggs, Cesar Cornejo and Stanley Bush.</p> <p>Mr. Belcher requested approval of the ratification to amend 2021 Post Times. He reported that at the request of the committee Zia Park adjusted their training times to account for sunlight.</p>	<p>Special Agents made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.</p> <p>Motion to ratify the approval the to amend the 2021 racing officials made by Commissioner Smith. Motion was seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.</p> <p>Motion to ratify the approval of the amended 2021 post times made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.</p>

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3. Approval of 2022 Import Simulcast	54:50 – 55:29	Mr. McErlean requested approval of the 2022 Import Simulcast for Zia Park	Motion to approve the 2022 Import Simulcast for Zia Park made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.
F. Approvals for Downs at Albuquerque			
1. Approval of 2022 Import Simulcast	55:31 – 56:15	Mr. Cook requested approval of the 2022 Import Simulcast for the Downs at Albuquerque	Motion to approve the 2022 Import Simulcast for DAA made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.
2. Ratification of Approval to Amend 2021 Racing Officials	56:17 – 56:55	Mr. Cook requested ratification of approval to amend 2021 Racing Officials	Motion to ratify the approval to amend 2021 racing officials for DAA made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.

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3. Approval of 2022 Stall Applications	1:03:19 – 1:05:17	<p>further discussion with the NMHBA. Chairman Bregman asked Mary Barber of NMHBA, and she confirmed SunRay Park and NMHBA are working together. Commissioner Buffington asked if the stakes schedule is 20%. Mr. Barber reported it is more like 15%. They will keep it as it has been in the past.</p> <p>Mr. Barber requested approval of 2022 Stall Applications as submitted. A couple of changes have been made to these such as barn rules. They added wording in there to say that they needed simulcast export signal approval by the horsemen before this is a valid stall application. Item 5 in policies.</p>	<p>seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.</p> <p>Motion to approve the 2022 Stall Applications for SunRay Park made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.</p>
4. Approval of 2022 NM Breeder's Futurity Nomination Blanks	1:05:18 – 1:06:23	<p>Mr. Barber requested approval of the 2022 NM Breeder's Futurity Nomination Blanks. It raised the added money, \$120,000 added.</p>	<p>Motion to approve the 2022 NM Breeder's Futurity Nomination Blanks for SunRay Park made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.</p>

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5. Approval of 2022 Sunray Park Four Corners Futurity Nomination Blanks	1:06:24 – 1:07:40	Mr. Barber requested approval of the 2022 SunRay Park Four Corners Futurity Nomination Blanks.	Motion to approve the 2022 SunRay Park Four Corners Futurity Nomination Blanks for SunRay Park made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.
H. Approvals for Sunland Park			
1. Approval of 2022 Import Simulcast	1:07:50 – 1:09:29	Mr. Dix requested approval of the 2022 Import Simulcast. Mr. Dix invited the Commission to Sunland Park on January 1, 2022 for the NM Racing Commission Handicap.	Motion to approve the 2022 Import Simulcast for Sunland Park made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.
2. Approval of 2021/2022 Racing Officials	1:09:30 – 1:10:11	Mr. Dix requested approval of the 2021/2022 Racing Officials as submitted.	Motion to approve the 2021/2022 Racing Officials for Sunland Park made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion

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<p>3. Interstate Wagering Consent to Export Sunland Park's 2021/2022 Signal</p>	1:10:21 – 1:12:15	Mr. Dix reported this is not an action item but instead is just an update. He is happy to report Sunland Park signed an Interstate Wagering Consent to export Sunland Park's 2021/2022 signal with the horsemen this morning. He thanked Richard Erhard, the NMHA's legal counsel and Sunland Park's legal counsel for meeting and getting this worked out in plenty of time for the beginning of its race meet. Sunland Park's barn area will be open as scheduled.	passed unanimously by roll call vote.
<p>I. Approvals for Ruidoso Downs</p> <p>1. Approval Of 2022 Import Simulcast</p>	1:12:21 – 1:13:00	Mr. Linder requested approval of the 2022 Import Simulcast for Ruidoso Downs.	No Action Taken.
<p>2. Approval of 2021 Stakes Schedule</p>	1:13:05 – 1:13:37	Mr. Linder requested approval of the 2022 Stakes Schedule as submitted.	Motion to approve the 2022 Import Simulcast for Ruidoso Downs made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.
			Motion to approve the 2022 Stakes Schedule for Ruidoso Downs made by

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3. Approval of 2022 Gaming & Breakage	1:13:45 – 1:14:52	Mr. Linder requested this action item be tabled until January, 2022 as the NMHBA needed additional time.	Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote. Motion to table the 2022 Gaming & Breakage to the January, 2022 agenda for Ruidoso Downs made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.
4. Approval of 2022 Stall Applications	1:14:55 – 1:16:47	Mr. Linder requested approval of 2022 Stall Applications as submitted. Chairman Bregman asked Mr. Linder if there are any significant changes on which the Commission should be made aware. Two notable changes: Item 12 on both applications: horsemen must maintain their environment or will be fined. Item 36 access to the barn area will be restricted until a Simulcast Export Agreement is signed and submitted by the horsemen.	Motion to approve the 2022 Stall Applications for Ruidoso Downs made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.

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<p>J. Rules Hearing, Discussion & Adoption</p> <p>RULES HEARING:</p>	<p>1:17:31 – 1:30:00</p>	<p>Chairman Bregman: “This rules hearing will please come to order. I am Sam Bregman, Chairman of the New Mexico Racing Commission. I will be acting as the Presiding Officer for this rules hearing.”</p> <p>“The purpose of this hearing is for the Commission to receive public comment on proposed amendments to the Commission’s current rules and regulations. The Commission welcomes everyone present at this hearing.” Chairman Bregman encouraged all who is in attendance to participate with comments.</p> <p>“Let the record show the following Commission members are present. Commissioners, would you please introduce yourselves?” Commissioner Buffington, Commissioner Smith, Chairman Bregman, Vice-Chair Sanchez, and Commissioner Branch all introduced themselves on record.</p> <p>Chairman Bregman: “Assistant Attorney General, Delilah Tenorio, is present to advise the Commission. Also present are Ismael Trejo, the Commission Executive Director,</p>	

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		<p>Richard Bustamante, NMRC In-House Counsel and Denise Chavez, the Commission Law Clerk.</p> <p>This open meeting is being conducted pursuant to, and in accordance with, the provisions of the New Mexico Horse Racing Act, NMSA 1978, Sections 60-1A-1 through -30; the Open Meetings Act, Sections 10-15-1 through 10-15-4 and the New Mexico State Rules Act, NMSA 1978, Section 14-4-1 through -11.</p> <p>The New Mexico State Rules Act regulates rule-making proceedings and activities which are before Commissions and Boards. You may contact the Secretary of State's Office for further information.</p> <p>Public notice of this hearing was advertised in the New Mexico Register and the Albuquerque Journal. Copies of that notice have been available from the Commission's office since the notices were published and are available to the public attending this hearing. Copies of the proposed rule changes were also published on the Commission's website at www.nmrc.state.nm.us and were available upon request.</p>	

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		<p>Because of the continuing COVID-19 public health emergency declared by the Governor and following guidelines for public gatherings established by the Department of Health, this rule hearing is being held online via Zoom. There are a few attendees in the audience they are following the indoor mask requirements. As Presiding Officer, I am requesting anyone who is present for this rule hearing and intends to comment on any of the proposed rule amendments, please raise your hand using the “Raise Hand” option in the “Reactions” option on Zoom. Ms. Chavez will unmute you so you can make your comments on the proposed rule. Please first state your full name, affiliation, and the proposed rule you wish to comment on and thereafter make your specific comments about the proposed rule. Please note the Commission cannot consider comments which addressed to rules which have not been specifically noticed as being considered for possible changes. Ms. Chavez will keep a list of everyone who has submitted either a written or oral comment and that list will become part of the record of this rule hearing.</p> <p>This is a formal proceeding and it will be recorded. The recording will become a part of</p>	

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		<p>the rules hearing record. Therefore, when a person is recognized to address the Commission you are asked:</p> <p>To identify yourself for the record EACH time you address the Commission; and</p> <p>To speak loudly and clearly so the recorder can pick up your comments.</p> <p>This hearing will be conducted in the following manner:</p> <p>Delilah Tenorio, Assistant Attorney General, will present Exhibits to the Commission. I, as the presiding officer, will rule on the admissibility of the Exhibits offered for admission after allowing questions from members of the Commission.</p> <p>Exhibits admitted into evidence are available for review by members of the public and will be available on the Commission's website and to members of the audience upon request. After Ms. Tenorio offers Exhibits, and their admission has been ruled upon, I will open the hearing for comments from the audience.</p> <p>We will proceed in numerical sequence through each proposed rule.</p> <p>We will address only one rule at a time. However, you may refer to other rules that</p>	

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		<p>reasonably relate to the rule being discussed or which relate to your comments.</p> <p>The Commission does not follow the rules of evidence, but shall, in the interest of efficiency, reserve the right to limit all testimony deemed irrelevant, redundant, or unduly repetitious. The decision as to whether such testimony is irrelevant redundant or unduly repetitious shall be made by me as the presiding officer.</p> <p>After a person has provided comment, Commission members will be permitted to question that person. Any member of the audience wishing to question that person may do so after being recognized by me, the Presiding Officer, after identifying themselves for the record.</p> <p>At the conclusion of this rule hearing, the Commission will hold its meeting where Commission members will conduct discussions and take final action on the rules, such as amending, adopting, or tabling them.</p> <p>Ms. Chavez, has anyone submitted their names and intent to comment on any of the proposed rules?"</p>	

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	1:30:03 -1:30:11	<p>Denise Chavez: 4 written comments received by NMRC. So far, there was only 1 hand raised in Zoom.</p> <p>We are ready to move forward and enter any exhibits into evidence. Each exhibit shall be introduced into the record. Commission members will be permitted to ask questions before I rule on the admissibility of the evidence. Upon admissibility, each exhibit will be marked and numbered and entered into the record. Ms. Tenorio at this time do you have any Exhibits to introduce into evidence?"</p> <p>AAG Tenorio: I have the following exhibits to enter into evidence.</p> <p>Exhibit 1: Legal notice published in the NM Register and the Albuquerque Journal</p> <p>Exhibit 2: Notice sent to Interested Parties</p> <p>Exhibit 3: Proposed amendments to the Commission Rule 15.2.1.7(M)(4) NMAC entitled "Definitions beginning with the letter "m", "Meeting"</p>	<p>Exhibit 1 is admitted into record by PO Bregman</p> <p>Exhibit 2 is admitted into record by PO Bregman</p>

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		<p>Exhibit 4: Proposed amendments to the Commission Rule 15.2.1.9(B)(9) NMAC entitled "Appeals"</p> <p>Exhibit 5: Proposed amendments to the Commission Rule 15.2.3.8(D)(4) NMAC entitled "Payment of Purses"</p> <p>Exhibit 6: Proposed amendments to the Commission Rule 15.2.3.8(C)(4) NMAC entitled "Conditions"</p> <p>Exhibit 7: Proposed amendments to the Commission Rule 15.2.6.8(B)(5) NMAC entitled "Treatment Restrictions"</p> <p>Exhibit 8: Proposed amendments to the Commission Rule 15.2.6.9(C)(2) NMAC entitled "Medication Restrictions"</p> <p>Exhibit 9: Proposed amendments to the Commission Rule 15.2.6.10(D) NMAC entitled "Storage and Shipment of Split Samples"</p> <p>Exhibit 10: Proposed amendments to the Commission Rule 16.47.1.10(A)(5) NMAC entitled "Eligibility"</p>	

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	1:30:15- 1:31:54	<p>Exhibit 11: Proposed amendments to the Commission Rule 16.47.1.12(D) NMAC entitled "Jockeys Responsibility"</p> <p>Are there any questions from the Commission members?" No questions from the Commission.</p> <p>"Ms. Tenorio, are there any other Exhibits to enter into the Record at this time?"</p> <p>AAG Tenorio: Presiding Officer Bregman, there are no further exhibits to enter at this time, however, I reserve the opportunity to enter more exhibits at a later time for example there is an attendance sheet and any written comments that the NMRC received regarding this Rules Hearing.</p> <p>At this time, each proposed rule will be introduced, and entered into the record. I will open the floor to members of the audience for comments on each rule. Members of the Commission or the audience may question each witness upon being recognized to speak. However, any discussion by the Commission will be held during the meeting following this hearing.</p> <p>At this time, I will ask Ms. Tenorio to present each rule. After the presentation of each rule, I will ask if anyone would like to comment on each</p>	

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1. Subsection M of 15.2.1.7 NMAC – Definition of “Meeting”	1:32:06 – 1:37:34	<p>rule.” Chairman Bregman said he realizes that there are written comments that were sent to the NMRC. You do not have to raise your hand just read those comments in because they will be part of the record of this hearing. However, if you chose to that is fine too. I don’t plan on limiting anybody. I want to make it very clear that anybody, regardless of current litigation may be going on or anything like that, I want to hear from you if you have comments. For example, the NMHA counsel has submitted written comments, however, if someone from that organization wants to comment on a certain rule, please do so.</p> <p>Exhibit #3 15.2.1.7(M)(4) NMAC entitled the definition of “Meeting” AAG Tenorio read the proposed changes to this rule. We have received comment from Mr. Mitchell, NMHA Counsel, Mr. Heinrich, Counsel for Sunland Park and Mr. and Mrs. McKenna. Chairman Bregman asked the audience if there was anyone who would like to comment on this rule as presented by Ms. Tenorio. Mr. Erhard of the NMHA raised his hand to comment. Mr. Erhard noted that the letter submitted by NMHA counsel, Gary Mitchell to In-House Counsel, Mr. Bustamante, and the NMHA oppose all nine rules proposed in this hearing as stated in that letter. Chairman Bregman asked Mr. Erhard asked if there were</p>	The proposed changes to Subsection M of 15.2.1.7 NMAC is now admitted into evidence.

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		any other further input that should be brought to the Commission's attention. Mr. Erhard confirmed that Mr. Mitchell's letter covers all comments by the NMHA. No further comments made.	
	1:37:37 – 1:37:59	Ms. Tenorio reported that she will move at the end of this hearing to admit all written comments received from Gary Mitchell, counsel for NMHA; Chairman Bregman entered this letter into evidence now and it is marked as Exhibit 12 . Since Mr. Mitchell's letter addresses all the rules, this letter will be admitted for each rule following.	Exhibit 12 has been admitted into evidence.
	1:38:30 – 1:38:41	Ms. Tenorio moved to admit written public comment received from general counsel for Sunland Park, Mr. Heinrich as Exhibit 13 . This has been admitted.	Exhibit 13 has been admitted into evidence.
	1:38:48 – 1:39:10	Ms. Tenorio moved to admit written public comment received from Mr. and Mrs. McKenna as Exhibit 14 .	Exhibit 14 has been admitted into evidence.
	1:39:22 – 1:39:31	Ms. Tenorio moved to admit written public comment received from Dominic Rivera as Exhibit 15 .	Exhibit 15 has been admitted into evidence.
		Confirmation of no other comments for this rule.	

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2. Subsection B of 15.2.1.9 NMAC – Proceedings Before the Stewards	1:40:45 – 1:43:16	Exhibit #4 15.2.1.9(B)(9) NMAC entitled “Appeals”: Ms. Tenorio read the proposed changes to 15.2.1.9(B)(9) into the record. There were no public comments. Mr. Erhard was asked if there was any specific comment he would like to add regarding this change. Mr. Erhard reported that Mr. Mitchell’s correspondence dated November 16, 2021 regarding this rule addressed the NMHA’s concerns.	Exhibit 4 has been admitted into evidence.
3. Subsection D of 15.2.3.8 NMAC – Payment of Purses	1:43:34 – 1:47:56	Exhibit #5 15.2.3.8(D)(4) NMAC entitled “Payment of purses”: Ms. Tenorio read the proposed changes to 15.2.3.8(D)(4) into the record. There were no public comments. Mr. Erhard was asked if there was any specific comment he would like to add regarding this change. Mr. Erhard reported that Mr. Mitchell’s correspondence of November 16, 2021 regarding this rule addressed the NMHA’s concerns.	Exhibit 5 has been admitted into evidence.
4. Subsection C of 15.2.3.8 NMAC – Racing Secretary: Conditions	1:48:05 – 1:54:55	Exhibit #6 15.2.3.8(C)(4) NMAC entitled “Conditions”: Ms. Tenorio read the proposed changes to 15.2.3.8(C)(4) into the record. Mr. Dominic Rivera commented that he agrees with this change. Mr. Erhard was asked if there was any specific comment he would like to add regarding this change. Mr. Erhard reported that Mr. Mitchell’s correspondence of November 16,	Exhibit 6 has been admitted into evidence.

<i>AGENDA ITEM</i>	<i>RECORDING #</i>	<i>DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
5. Subsection B of 15.2.6.8 NMAC – Veterinary Practices: Treatment Restrictions	1:55:40 – 1:59:16	2021 regarding this rule addressed the NMHA’s concerns. Exhibit #7 15.2.6.8(B)(5) NMAC entitled “Treatment Restrictions”: Ms. Tenorio read the proposed changes to 15.2.6.8(B)(5) into the record. There were no public comments. Mr. Erhard was asked if there was any specific comment he would like to add regarding this change. Mr. Erhard reported that Mr. Mitchell’s correspondence of November 16, 2021 regarding this rule addressed the NMHA’s concerns.	Exhibit 7 has been admitted into evidence.
6. Subsection C of 15.2.6.9 NMAC – Medication Restrictions	1:59:25 – 2:03:14	Exhibit #8 15.2.6.9(C)(2) NMAC entitled “Medication restrictions”: Ms. Tenorio read the proposed changes to 15.2.6.9(C)(2) into the record. There were no public comments. Mr. Erhard was asked if there was any specific comment he would like to add regarding this change. Mr. Erhard reported that Mr. Mitchell’s correspondence of November 16, 2021 regarding this rule addressed the NMHA’s concerns.	Exhibit 8 has been admitted into evidence.
7. Subsection D of 15.2.6.10 NMAC – Testing: Storage and Shipment of Split Samples	2:03:24 – 2:05:48	Exhibit #9 15.2.6.10(D) NMAC entitled “Storage and shipment of split samples”: Ms. Tenorio read the proposed changes to 15.2.6.10(D) into the record. There were no public comments. Mr. Erhard was asked if there was any specific comment he would like to add regarding this change. Mr. Erhard reported that	Exhibit 9 has been admitted into evidence.

<i>AGENDA ITEM</i>	<i>RECORDING #</i>	<i>DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
8. Subsection A of 16.47.1.10 NMAC – Trainers: Eligibility	2:05:50 – 2:10:20	<p>Mr. Mitchell’s correspondence of November 16, 2021 regarding this rule addressed the NMHA’s concerns.</p> <p>Exhibit #10 16.47.1.10(A)(5) NMAC entitled “Eligibility”: Ms. Tenorio read the proposed changes to 16.47.1.10(A)(5) into the record. There were no public comments. Mr. Erhard was asked if there was any specific comment he would like to add regarding this change. Mr. Erhard reported that Mr. Mitchell’s correspondence of November 16, 2021 regarding this rule addressed the NMHA’s concerns. Chairman Bregman confirmed that the NMHA is taking no position on this rule. Confirmed by Mr. Erhard as stated in Mr. Mitchell’s correspondence dated November 16, 2021. Dominic Rivera asked whose recommendation will the “retest or interview be.” Chairman Bregman redirected Mr. Rivera’s attention to the rule.</p>	Exhibit 10 has been admitted into evidence.
9. Subsection D of 16.47.1.12 NMAC – Jockeys Responsibility	2:10:24 – 2:15:21	<p>Exhibit #11 16.47.1.12(D)(5) NMAC entitled “Jockeys responsibility”: Ms. Tenorio read the proposed changes to 16.47.1.12(D)(5) into the record. There were no public comments. Mr. Erhard was asked if there was any specific comment he would like to add regarding this change. Mr. Erhard reported that Mr. Mitchell’s correspondence of November 16, 2021 regarding this rule addressed the NMHA’s concerns.</p>	Exhibit 11 has been admitted into evidence.

<i>AGENDA ITEM</i>	<i>RECORDING #</i>	<i>DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
	2:15:22 – 2:20:00	<p>Chairman Bregman asked if there were any jockeys in the audience that would like to comment on this particular rule change. There were no further comments.</p> <p>Mr. Goncharoff asked if these exhibits that have been admitted into evidence will be available for the public to review. Chairman Bregman responded yes, they will be available for the public to review and further reported they have been on the website for review for over a month.</p> <p>Chairman Bregman confirmed Exhibits 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 have been admitted into record. He gave further opportunity for anyone in the public to make any comments regarding these exhibits. There were no further comments. Chairman Bregman asked Ms. Chavez if a list of who is in attendance and/or spoken today will be available and it will be admitted as Exhibit 16. Ms. Tenorio asked if Ms. Chavez could provide a snapshot or pull a list of all who were in attendance and that this list be admitted as Exhibit 17.</p> <p>Chairman Bregman thanked all Commissioners and everyone else present for their participation and attendance.</p>	

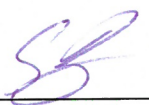
AGENDA ITEM	RECORDING #	DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS	ACTION TAKEN
<p>RULES ADOPTION:</p> <p>1. Subsection M of 15.2.1.7 NMAC – Definition of “Meeting”</p>	<p>2:20:11 – 2:23:13</p>	<p>Those in attendance were advised both the comments submitted and discussions heard during the rules hearing would be considered and might be discussed further by the Commission during its meeting immediately following this rules hearing. The Commission would discuss and vote on the proposed rules at that time.</p> <p>Any rules adopted by the Commission will be filed at State Records Center and Archives in accordance with the State Rules Act and New Mexico Register publication deadlines. The adopted rules become effective <u>30 days after they are filed at Records and Archives UNLESS otherwise noted.</u></p> <p>Let the record show that this rules hearing was adjourned at 11:27 a.m.</p> <p>Chairman Bregman opened the floor for any comments and/or discussion by the Commission. Chairman Bregman agrees with the NMHA’s comments regarding this rule and suggests taking out the proposed wording “and simulcasting” out of the rule change. Commissioner Smith agreed.</p>	<p>Motion to adopt the rule change with the amendment mentioned by NMHA and Chairman Bregman made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion</p>

<i>AGENDA ITEM</i>	<i>RECORDING #</i>	<i>DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
2. Subsection B of 15.2.1.9 NMAC – Proceedings Before the Stewards	2:23:25 – 2:26:47	Commissioner Sanchez proposed this be changed to \$400 instead of increasing it to \$1000 since the Commission can turn to the frivolous appeal rule if a frivolous claim is brought. Commissioners Smith and Buffington agreed.	passed unanimously by roll call vote. Motion to adopt the rule change with the amendment mentioned by Commissioner Sanchez made by Commissioner Sanchez. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.
3. Subsection D of 15.2.3.8 NMAC – Payment of Purses	2:26:57 – 2:30:55	Commissioner Smith commented he sees NMRC aligning with the federal law coming soon. There was discussion about HISA fees. Since those HISA laws and their full impacts are still unknown at this time, this rule may have to be revisited soon.	Motion to adopt the rule change as presented made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.
4. Subsection C of 15.2.3.8 NMAC – Racing Secretary: Conditions	2:30:58 – 2:32:30	Executive Director Trejo commented on this rule. Commissioner Smith also commented on this rule.	Motion to adopt the rule change as presented made by Commissioner Smith.

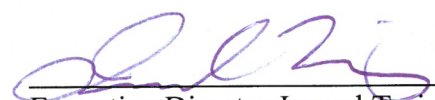
<i>AGENDA ITEM</i>	<i>RECORDING #</i>	<i>DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
5. Subsection B of 15.2.6.8 NMAC – Veterinary Practices: Treatment Restrictions	2:32:44 – 2:35:56	Executive Director Trejo was asked his thoughts regarding this proposed rule change. Executive Director Trejo reported this proposal is in line with the upcoming federal rules coming into effect soon. This rule is enhancing the safety for all involved in the racing industry. Chairman Bregman commented he cannot understand why anyone would be opposed to this rule since it is for everyone's safety.	Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote. Motion to adopt the rule change as presented made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.
6. Subsection C of 15.2.6.9 NMAC – Medication Restrictions	2:36:00 – 2:38:12	Chairman Bregman said he was in favor of this rule change. He asked if there were any other comments by any other Commissioners. He asked Executive Director Trejo to comment on this rule as well. Executive Director Trejo said this, too, is in line to prepare for HISA coming to NM soon.	Motion to adopt the rule change as presented made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.
7. Subsection D of 15.2.6.10 NMAC – Testing: Storage and Shipment of Split Samples	2:38:13 – 2:44:03	Chairman Bregman reported he read the NMHA's position regarding this rule and he is in agreement and wants to protect the due process of all involved. He does not agree with	Motion to reject the rule change as presented made by Commissioner Smith.

<i>AGENDA ITEM</i>	<i>RECORDING #</i>	<i>DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
		this proposed rule change. Commissioner Smith agrees but reminded Chairman Bregman this rule is also in line with HISA. Commissioner Sanchez asked for clarification if this rule is not adopted. Chairman Bregman suggested the Commission reject this rule at this time and revisit at the next rules hearing.	Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.
8. Subsection A of 16.47.1.10 NMAC – Trainers: Eligibility	2:44:06 – 2:45:40	Executive Director Trejo commented the NMRC does not have the resources to enforce this rule. If this rule was in effect, there would be no horsemen because as far as Executive Director Trejo is aware, nobody takes any continuing education courses.	Motion to adopt the rule change as presented made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.
9. Subsection D of 16.47.1.12 NMAC – Jockeys Responsibility	2:45:41 – 2:48:22	Chairman Bregman commented he believes everyone needs to be safe on the racetracks and the NMRC needs to be on board for the upcoming HISA laws. The word “prescribed” should be added to the second sentence suggested by Attorney General Tenorio.	Motion to adopt the rule change as amended made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.

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Executive Session: entered at 11:56 AM	2:48:23 – 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: 12:18 PM 9. Licensing/Pending Litigation/Appeals/Hearing Officer's Reports/Employment Contracts A. NMHA (Pending Litigation)	2nd Recording 0:07 – END	In-House Counsel Bustamante reported this matter was an update provided by him. No action was taken.	No Action Taken.
10. Adjournment at 12:18 PM			


Chairman Sam Bregman

1/20/22
Date


Executive Director Ismael Trejo

1-20-22
Date