

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

Date: June 15, 2023, at 9:00 a.m.

Place: NMRC Boardroom; 4900 Alameda Blvd., NE, Albuquerque, NM and Zoom Video Conference – Meeting ID: 818 8056 1116

Members Present: 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 Law Clerk Denise Chavez.

Also Present: Assistant Attorney General Daniel Rubin

<i>AGENDA ITEM</i>	<i>RECORDING #</i>	<i>DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
<b>Public Session 1:</b> <b>I. Call to Order and Roll Call</b>	<b>0:00:04 – 0:00:32</b>	Meeting called to order at 9:01 a.m. by Vice-Chairman Sanchez. Roll call was taken by Denise Chavez. Commissioners Margaret Branch and Bob Pitre were absent. A quorum was present.  Executive Director Ismael Trejo, In-House Counsel Richard Bustamante, Law Clerk Denise Chavez, and Assistant Attorney General Daniel Rubin were also present.	No Action Taken.
<b>II. Pledge of Allegiance</b>	<b>0:00:33 – 0:00:51</b>		Pledge of Allegiance was recited.
<b>III. Approval of Agenda</b>	<b>0:00:52 – 0:01:21</b>	Vice-Chairman Sanchez asked if there were any changes to the agenda today. There were no changes.	Motion to approve the agenda made by Commissioner Smith. Commissioner Buffington second the

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			motion. Motion passed unanimously.
<b>IV. Approval of Minutes:</b> May 11, 2023 – Regular Commission Meeting           May 11, 2023 – Special Commission Meeting (Race Review)	<b>0:01:23 – 0:01:48</b>           <b>0:01:50 – 0:02:08</b>	Vice-Chairman Sanchez asked if the minutes for the May 11, 2023, regular meeting were reviewed and if there were any changes. There were no changes.           Vice-Chairman Sanchez asked if the minutes for the May 11, 2023, special meeting were reviewed and if there were any changes. There were no changes.	Motion to approve the minutes from May 11, 2023, meeting made by Commissioner Smith; Second by Commissioner Buffington. Motion passed unanimously.           Motion to approve the minutes from May 11, 2023, special meeting made by Commissioner Smith; Second by Commissioner Buffington. Motion passed unanimously.
<b>V. Commissioners' Reports</b>	<b>0:02:10 – 0:02:17</b>	No comments.	No Action Taken.
<b>VI. Agency Director Reports:</b> A. NMRC Report	<b>0:02:21 – 0:05:55</b>	<ul style="list-style-type: none"> <li>Executive Director Trejo reported its been a very busy month. He visited SunRay Park closing weekend and reported having a great time. He congratulated Steve Fedunak and the rest of SunRay Park's staff on a successful race meet.</li> </ul>	No Action Taken.

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B. NMHBA Report	0:6:09 – 0:08:21	<ul style="list-style-type: none"> <li>Executive Director Trejo thanked SunRay Park, Dan Mourning at the Downs at Albuquerque and Commissioner Sanchez for working to open the Downs barn area back up so the horses had somewhere to go after the SunRay Park meet was over.</li> <li>Executive Director Trejo reported the inspection at Ruidoso Downs went well and the construction was successful and looked great opening weekend.</li> <li>Executive Director Trejo reported the implementation of the HISA Anti-doping program got off to a “little bit bumpy” start at Ruidoso Downs but believes it will all work out. Executive Director Trejo thanked Dr. Victoria Lowe and Dr. Alyssa Butler for coming out to NM from AZ to help out. They take their job to provide the best care to horses very seriously.</li> </ul> <p>Mary Barber presented the Race-A-Day Report for SunRay Park through Sunday, May 21, 2023, stating it ran 68 NM Bred Races in 21 days. In overnight races, the NMHBA contributed \$701,500.00 which was \$143,000.00 more than in 2022. It averaged 3.24 NM Bred per day, +5 for three a day.</p>	<p>No Action Taken.</p> <p>No Action Taken.</p>
<b>Executive Session: entered at 9:20 AM</b>	<b>0:08:35 – end</b>	Vice-Chairman Sanchez called for a motion to enter into executive session. Commissioner	Motion to enter into Executive Session

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		Buffington moved for the Commission 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.	made by Commissioner Buffington. Commissioner Smith seconded the motion. Motion passed unanimously.
<p><b>Back into Open Session: 11:58 AM</b></p> <p><b>VII. Licensing/Pending Litigation/Appeals/Hearing Officer Reports/Employment Contracts/Personnel</b></p> <p><b>A. NMHA (Pending Litigation)</b></p> <p><b>B. Brad Bolen (Pending Litigation)</b></p> <p><b>C. Vanessa Alexander (Pending Litigation)</b></p> <p><b>D. SunRay Park (Licensing/Possible Disciplinary Action)</b></p> <p><b>E. Sunland Park (Licensing/Possible Disciplinary Action)</b></p> <p><b>F. Ruidoso Downs (Licensing)</b></p> <p><b>G. Zia Park (Licensing)</b></p> <p><b>H. The Downs at Albuquerque (Licensing)</b></p> <p><b>I. NM State Fair (Licensing)</b></p>	<p><b>2<sup>nd</sup> Open Session Recording:</b></p> <p><b>0:00:06 – 0:01:36</b></p>	<p>In-House Counsel, Richard Bustamante affirmed the Commission only discussed in Executive Session those matters listed under Items 7. A-I which were pending litigation, licensing matters, and deliberations in connection with adjudicatory proceedings as identified under Item VII of the meeting Agenda, in accordance with NMSA 1978, Sections 10-15-1(H)(1), (3) and (7) of the Open Meetings Act.</p>	<p>No action taken on Agenda Items VII (A-G).</p>



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<p><b>C. Request for Approval for SunRay Park/The Downs at Albuquerque Slot Agreement</b></p>	<b>0:05:02 – 0:06:57</b>	Executive Director Trejo presented the Slot Allocation Agreement between SunRay Park and The Downs at Albuquerque. This Agreement needs to be approved by the Commission, having been approved by the NM Gaming Control Board. There was a very minor change from the last Agreement: the number of slot machines.	<p>Buffington. Motion passed unanimously.</p> <p>Motion to approve the Slot Allocation Agreement between SunRay Park and The Downs at Albuquerque made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.</p>
<p><b>D. Approvals for SunRay Park</b></p> <p><b>1. Request for Ratification of Approval to Amend 2023 Racing Officials</b></p>	<b>0:07:00 – 0:07:37</b>	Steve Fedunak of SunRay Park requested ratification of approval to amend 2023 Racing Officials (Javier Monarrez as valet).	Motion to ratify the approval to amend 2023 Racing Officials made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.
<p><b>2. Request for Ratification of Approval to Amend Post Times &amp; Wagering Format on May 20, 2023 – Preakness Day</b></p>	<b>0:07:40 – 0:07:57</b>	Steve Fedunak requested ratification of approval to amend Post Times & Wagering Format on May 20, 2023 so as not run on top of airing of Preakness Day races.	Motion to ratify the approval to amend 2023 post times & wagering format on May 20, 2023 made by Commissioner Smith.



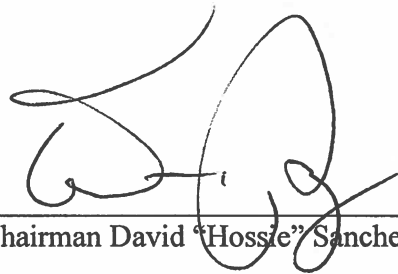
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<b>E. Approvals for Ruidoso Downs</b>	<b>0:08:03 – 0:09:50</b>	Mr. Fedunak gave an update on the meet. He reported the handle this year was up from last year's handle. \$669k on-track handle, and just from Canada alone, the handle was \$908k.	Motion seconded by Commissioner Buffington. Motion passed unanimously.
<b>1. Request for Ratification of Approval to Amend 2023 Racing Officials</b>	<b>0:09:57 – 0:10:43</b>	Rick Baugh of Ruidoso Downs requested ratification of approval to amend 2023 racing officials. This was to replace a starter, Alejandro Cruz replacing Faustino Rodriguez.	Motion to ratify the approval to amend 2023 Racing Officials made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.
<b>2. Request for Ratification of Approval to Amend 2023 Post Times</b>	<b>0:10:45 – 0:11:17</b>	Rick Baugh requested ratification of approval to amend 2023 post times. Opening weekend Ruidoso Downs ran 16 races and moved post time to noon for the Ruidoso Futurity Trials.	Motion to ratify the approval to amend 2023 Post Times made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.
<b>3. Request for Ratification of Approval to Amend 2023 Purse Schedule</b>	<b>0:11:21 – 0:11:53</b>	Rick Baugh requested ratification of approval to amend 2023 purse schedule to enhance trial purses by \$2,000 per trial and a 10% increase across the board for all overnight races.	Motion to ratify the approval to amend the 2023 Purse Structure made by Commissioner Smith.

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<b>F. Approvals for The Downs at Albuquerque</b>	<b>0:11:57 – 0:12:30</b>	Mr. Baugh gave a brief update of the meet in progress. He reported that Ruidoso was up 13%. On track, in state Ruidoso's handle is up approximately 4.5%.	Motion seconded by Commissioner Buffington. Motion passed unanimously.
<b>1. Request for Approval of 2023 Racing Officials</b>	<b>0:12:56 – 0:13:32</b>	Beth McKinney of The Downs at Albuquerque requested approval of the 2023 Racing Officials as submitted.	Motion to approve 2023 Racing Officials made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.
<b>2. Request for Approval to Amend 2023 Stakes Schedule</b>	<b>0:13:35 – 0:14:20</b>	Ms. McKinney requested approval to amend 2023 Stakes Schedule.  Commissioner Buffington asked Ms. McKinney if the overall percentage of stakes money vs. overnight purses was 20%. She agreed it was 20%.	Motion to approve 2023 Stakes Schedule made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.
<b>G. Approvals for Zia Park</b>			
<b>1. Request for Approval of 2023 Stall Applications</b>	<b>0:14:35 – 0:15:10</b>	Christopher McErlean requested approval of the 2023 Stall Applications as submitted.	Motion to approve to 2023 Stall Applications made by Commissioner Smith. Motion seconded by Commissioner



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<b>H. Christian Cardenas (Licensing)</b>	<b>0:15:28 – 0:16:49</b>	Mr. Cardenas was present at the meeting and made himself available for questioning by the NMRC. The Commission decided Mr. Cardenas may present himself to the Board of Stewards for possible reinstatement of his Exercise Rider license and will be subject to the following mandatory conditions: 1) he must provide clean Urine Analysis samples to the Stewards or NMRC Investigator Elizabeth Garcia every 2 weeks for the duration of his probation (through September, 2023), and; 2) he is responsible for the cost of those tests.	Buffington. Motion passed unanimously.  Motion to approve Mr. Cardenas to re-apply for his Exercise Rider License with 2 mandatory Conditions made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.
<b>I. Hearing Officer's Report re: Pedro Gomez Gonzalez</b>	<b>0:17:05 – 0:17:46</b>	After reviewing the complete record and recommendations from Hearing Officer Fitzwater, the Commission deliberated and voted in open session with a 3-0 vote to uphold the Stewards' rulings regarding penalties for both Trainer, Pedro Gomez Gonzalez and Owner, Balderrama Racing, LLC (Daniel Balderrama).	Motion to adopt the recommendations of Hearing Officer Fitzwater made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.
<b>J. Possible Initiation of Disciplinary Action</b>  <b>1. SunRay Park</b>	<b>0:18:01 – 0:18:55</b>	The Commission directed In-House Counsel, Richard Bustamante, to write a letter of warning to SunRay Park regarding incorrect payouts during their meet and to close out this matter.	Motion to direct In-House Counsel to prepare "letter of warning" to SunRay Park made by

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<b>2. United Tote &amp; Global Tote</b>	<b>0:18:57 – 0:19:27</b>	The Commission directed Executive Director Trejo to instruct the NM State Board of Stewards to follow through with a possible disciplinary hearing for simulcast incident on April 16, 2023.	Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.  Motion to direct Executive Director Trejo to instruct NM State Board of Stewards to begin disciplinary actions for simulcast mishap on April 16, 2023 made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.
<b>3. Sunland Park</b>	<b>0:19:32 – 0:20:11</b>	After discussion with the Director of Racing of Sunland Park, Dustin Dix, during Executive Session about Sunland Park having an unlicensed Outrider working on track for 2 weeks, the Commission voted (3-0) in open session to fine Sunland Park \$2,500.00 and close this matter.	Motion to fine Sunland Park made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.
<b>IX. Adjournment at 12:18 PM</b>	<b>0:20:15 - end</b>	Vice-Chairman Sanchez adjourned meeting.	



9/6/2023

Vice-Chairman David "Hossie" Sanchez Date



9-6-23

Executive Director Ismael Trejo

Date