

NEW MEXICO HORSE RACING COMMISSION
MINUTES OF THE SPECIAL MEETING (RACE REVIEW)

Date: August 21, 2023, at 11:30 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, Commissioner Billy Smith and Commissioner Bob Pitre.

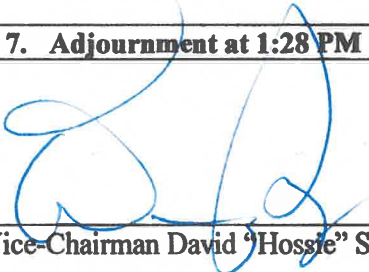
NMRC Staff Participating: Executive Director Ismael Trejo, In-House Counsel Richard Bustamante, Law Clerk Denise Chavez and Assistant Attorney General Daniel Rubin (via Zoom)

<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	0:02:06 – 0:02:37	Meeting called to order at 11:40 a.m. by Vice-Chairman Sanchez. Roll call was taken by Denise Chavez. Executive Director Ismael Trejo, In-House Counsel Richard Bustamante, and NMRC Law Clerk, Denise Chavez were also present.	No Action Taken.
2. Pledge of Allegiance	0:02:40 – 0:2:56		Pledge of Allegiance was recited.
3. Approval of Agenda	0:03:55– 0:04:20	In-House Counsel Richard Bustamante suggested one change to the Agenda; remove the matter of James J. Gonzales. There will only be one race review today.	Motion to Approve Agenda as amended made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.

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4. Request for Approval of FY25 NMRC Budget	0:04:28 – 0:14:48	NMRC's CFO, Amber Trujillo presented the proposed budget for FY 25 for the NM Racing Commission.	Motion to approve NMRC's FY25 Budget made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.
5. Approvals for The Downs At Albuquerque – Request for Approval of Capital Improvement to Install Jumbo-Tron	0:14:49 – 0:23:32	This was the second process for the Downs at Albuquerque's request for approval of capital improvement to install a jumbo-tron. Mr. Cook provided all requested information to the Commission.	Motion to approve the DAA request for capital improvement made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously by roll call vote.
6. Race Review: IMO: John A. Stinebaugh – Race #6 on August 13, 2023 at Ruidoso Downs (trials)	0:23:45 - end	NM Racing Commission Steward Violet "Pinkie" Smith was present today to present the Ruidoso Downs' Board of Stewards evidence. Also present was Mr. John A. Stinebaugh, who brought the race appeal. Both Steward Smith and Mr. Stinebaugh were sworn in to tell the truth and nothing but the truth.	Motion to reverse the Ruidoso Downs Board of Stewards' Decision made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion

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		<p>The NM Racing Commission heard arguments from both parties and reviewed the video several times of race #6 that ran on August 13, 2023, at Ruidoso Downs. Pursuant to Rule 15.2.5.13(E)(3)(a) NMAC states: 3) Maintaining a straight course. (a) When the way is clear in a race, a horse may be ridden to any part of the course, but if any horse swerves, or is ridden to either side, so as to interfere with, impede or intimidate any other horse, it is a foul. The Board of Stewards found that horse #4, "Fearless Moon", placed first (1st). The Ruidoso Downs Board of Stewards ruled horse #4, "Fearless Moon", intimated/impeded and altered the course of horse #5 and therefore, disqualified horse #1, "Fearless Moon" and placed him from first place to sixth place.</p> <p>Mr. Stinebaugh also had the opportunity to present his evidence and argument regarding the ruling of the Ruidoso Downs Board of Stewards that day. Mr. Stinebaugh called GR Carter as an "expert" witness.</p> <p>Ruidoso Downs State Steward Jason Hart also testified. If the interference causes a placing, the Stewards are tasked to make the call and be fair. The photos show how close they were to clipping heels.</p>	<p>passed unanimously by roll call vote.</p>

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		<p>Ruidoso Downs State Steward Donald Kausch also testified. Was there an infraction? Yes. Referred to photo showing the heels close to clipping. Did it cause a better placing? Yes.</p> <p>The Commission ruled in open-session and found "based on the totality of evidence reviewed, the #4 horse, "Fearless Moon" during the running of the 6th race on August 13, 2023 at Ruidoso Downs did not alter the course of the #5 horse, "Blues Girl"; The actions of horse #4, "Fearless Moon" were such that it did not cause a better placing for the number 5 horse, "Blues Girl" and did not violate Rule 15.2.5.13(E)(3)(d) NMAC. Therefore, the Ruidoso Downs' Board of Stewards' decision was reversed.</p>	
7. Adjournment at 1:28 PM			


 Vice-Chairman David "Hossie" Sanchez 10/25/2023
 Date


 Executive Director Ismael Trejo 10-26-23
 Date