

NEW MEXICO HORSE RACING COMMISSION
MINUTES OF THE SPECIAL MEETING

Date: August 28, 2023, at 11:00 a.m.

Place: NMRC Boardroom; 4900 Alameda Blvd., NE, Albuquerque, NM and Zoom Video Conference – Meeting ID: 896 9554 7398

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

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>
Public Session 1: I. Call to Order and Roll Call	0:33 – 1:03	Meeting called to order at 11:02 a.m. by Vice-Chairman Sanchez. Roll call was taken by Denise Chavez. A quorum was present. Executive Director Ismael Trejo, In-House Counsel Richard Bustamante, Law Clerk Denise Chavez, and Assistant Attorney General Serena Wheaton were also present.	No Action Taken.
II. Pledge of Allegiance	1:07 – 1:24	Pledge of Allegiance was recited.	No Action Taken.
III. Approval of Agenda	1:33 – 1:46	Vice-Chairman Sanchez asked if there were any changes to the agenda today. There were none.	Motion to approve the agenda made by Commissioner Smith. Commissioner Buffington second the motion. Motion passed unanimously.

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<p>IV. Unfinished/New Business and/or Action Items:</p> <p>A. Discussion and Possible Solutions Regarding NM Catastrophic Injuries</p>	<p>1:48 – end</p>	<p>Vice-Chairman Sanchez requested Executive Director Trejo to begin the meeting.</p> <p>Executive Director Trejo started the meeting to address the recent problems with the catastrophic injuries, illicit drug abuse of the equine athletes.</p> <p>Executive Director Trejo reported: Since 2016 the Agency took the initiative to increase efforts to battle the illicit drug abuse problem in the horseracing industry in New Mexico.</p> <p>Executive Director Trejo provided testing statistics in New Mexico: Back in 2016 there were approximately 176 drug violations. Between 2017 - 2022, drug violations decreased 84.7% despite the significant increase of testing. There were 4700 blood/urine tests analysis back in 2017, 2019 over 10k samples and in 2022 there were over 7k analysis sampled. 2021-2022 increase testing by 28% and violations found in blood decreased 41% and found in urine fell 67%. The NM Racing Commission agency has been working really hard at combating the drugging of horses. In fact, NM's testing model is being somewhat emulated by the Federal Government (HISA). The focus is on out-of-competition testing wherein the NM Racing Commission Agency is growing these numbers as well. In</p>	

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		<p>2017 there were approximately 329 out-of-competition samples collected and tested and in 2022 over 900 samples were tested. Executive Director Trejo reported that the Agency has been hearing a quite a bit that a lot of the catastrophic breakdowns are due to elicit drugs being used on the racetracks. However, the data gathered by the Agency, shows that approximately 76% of race related deaths to the horses at Ruidoso Downs are 2- and 3-year-old horses.</p> <p>Over the weekend, Executive Director Trejo worked with Mr. Baugh and Mr. Linder of Ruidoso Downs, Drs. Lowe and Butler meeting and attempting to think of ways to fight the problems in NM. Executive Director Trejo watched Dr. Butler and Dr. Lowe in action over the weekend, they really need help. They worked hard, but there is just not enough time to execute 100% of detailed, time-consuming testing by only 2 vets. They desperately need assistance.</p> <p>Vice-Chairman Sanchez asked Executive Director Trejo what are the budget restraints that are occurring to hinder the agency in getting the vets necessary to stop the problem. Executive Director Trejo referred to NMRC CFO, Amber Trujillo to talk to the Commissioners about the Agency's budgetary restraints. The agency requested an additional 1.8 million dollars to pay for more needed help, and only received 47,000.</p>	

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		<p>Commissioner Smith opines that the chances of catching these people using drugs on their horses is slim. He thinks the tracks need to begin barring these offenders. We need to make some drastic moves to make a real difference in NM.</p> <p>Executive Director Trejo reported that the Agency is also working on a Rules Hearing addressing issues to combat the problem.</p> <p>Vice-Chairman Sanchez is asking that the tracks also help combat the problem.</p> <p>Executive Director Trejo reports that the Agency is requesting an increase in budget money so NM can be competitive in paying and attracting more (and much needed) vets.</p> <p>Vice-Chairman Sanchez addresses the recent letter from Governor Michelle Lujan Grisham to the NM Racing Commission. That letter expects the Commission to act now! What is the plan to get things going today while we are waiting for the upcoming rules hearing.</p> <p>Executive Director asked Assistant Attorney General Rubin if the Commission can implement through a directive (before the All-American weekend) mandating that every horse that has</p>	

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		<p>qualified for the big races that weekend, have a vet affirm that said horse has been examined and is fit and sound to run the race. If the horse is not approved by all vets, then the horse will be scratched. Mr. Rubin advised he needed to look at the laws to see if that is possible.</p> <p>Dr. D'Alonzo also spoke about the problems in NM and addressing the Governor's letter to the NMRC as well. She says there is a shortage of vets nation-wide. For some reason, there seems to be a decline in interest in the vet occupation. She does not believe that the breakdowns in NM are due to a lack of testing. NM has a very aggressive testing program. However, many times the cheaters stay ahead of the testing. She reminded everyone that the big cases that have recently come to light such as the Navarro matter, these people were not caught by testing, they were caught by "intelligence." She is hopeful that this year there will be more vet help to address the Governor's concern about vet care for the equine athletes. Dr. D'Alonzo says we will do what we have been instructed to do by the Governor and will always listen to other regulatory agencies to attempt to get a handle on the problem.</p> <p>Assistant Attorney General Daniel Rubin looked at the rules and statutes to see if there was any law not allowing the NM Racing Commission to</p>	

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		<p>send out a directive prior to All-American weekend. There is nothing prohibiting the Commission from sending out mandates for ALL upcoming race meets. In-House Counsel Bustamante was instructed to draft an Order to get out to the tracks ASAP with mandates for participants, veterinarians, etc.</p> <p>Rick Baugh of Ruidoso Downs reported that Ruidoso Downs is taking steps to implement the Governor's directives. On August 18, 2023, Ruidoso Downs had a meeting at the Sales Pavilion with all qualifying trainers to inform them there would be 24 hours security in the barns and constant calls to the test barn. For example, immediately following the draw this morning, for the All-American Futurity Derby and the Oaks, the futurity qualifiers were asked to report to the test barn for out-of-competition testing at 11:30. At 12:30 the derby qualifiers will be at the test barn and then at 1:30 the Oaks qualifiers will be at the test barn for OOCT testing as well. Ruidoso Downs' Security Team showed up this morning and are in place and were given protocols. For example, a roster was prepared from every barn regarding who is to be around said horse and who's not. All qualifiers must be chipped to ensure the security team knows which horse is which. Random examinations by both the regulatory and racing vets will be performed. The practicing vets will</p>	

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		<p>also be required to show documentation that this horse has been examined and is fit and sound to race. Random barn searches will be performed, consistently. Limited visitation to barns will be implemented. Medication screenings will be performed as well. Therapeutic medications given will be logged by the attending veterinarian and turned in to the state veterinarian. Syringes will also be kept. CBC Kemp panels will be kept on these horses to monitor if anything seems to be questionable. All equipment being used around the barns will be inspected. Anything security finds will be reported. Security has been directed not to touch the horse but simply monitor what is going on around and in the barns. There will be NM State Police, Ruidoso Downs Police and numerous former FBI Agents will be present at the track. Mr. Baugh discussed plans for next year. Trainers will be screened before a panel. If the screening is not passed, the trainer will NOT be allowed on Ruidoso Downs Racetrack grounds. Ruidoso Downs is going to request approval from the Commission that in future, horses on Ruidoso Downs grounds will be given preference. They will be mandated to be on the grounds at least 5 days prior to racing so that they can be examined by the state vet, association vet, and attending vet. Lip chips will also be mandated next year. All owners, trainers and vets will be held accountable. The state vet found 2 trainers this past two weeks administering drugs</p>	

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		<p>to their horses and those trainers have been ejected from Ruidoso Downs grounds. Mr. Baugh opined with the cooperation of all the tracks, the NM Racing Commission and now the Governor, this problem can be rectified.</p> <p>Mr. Blanchard of the Downs at Albuquerque spoke and believes diagnostic equipment is needed in New Mexico so the horses can be properly evaluated for conditions that are not visible to the naked eye. The DAA will also be implementing stringent protocols for their meeting to increase the welfare of the equine athletes.</p> <p>Janet VanBebber of AQHA points out that the only thing not addressed was keeping in close contact with the testing laboratories and focus on the high-risk races to increase “intensity” of testing. The endeavor of Ms. VanBebber is intelligence – she wants to share information from other labs, such as those used by better funded entities, with the labs state government entities have to use due to budgeting restraints. She hopes that the NM Racing Commission’s contracted lab (Industrial) will use the information shared from other labs and make it part of their panel so they can begin detecting those compounds as well.</p>	

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		Don Cook of the Downs at Albuquerque says they too will be implementing some strict protocols to help deter cheating and impede breakdowns.	
V. Adjournment at 12:48 PM	0:39:13 - end	Vice-Chairman Sanchez adjourned meeting.	


Vice-Chairman David "Bossie" Sanchez

Date

10/25/2023


Executive Director Ismael Trejo

Date

10-26-23