

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

Date: January 25, 2024, at 9:00 a.m.

Place: NMRC Boardroom; 4900 Alameda Blvd., NE, Albuquerque, NM and Zoom Video Conference – Meeting ID: 835 0537 2749

Members Present: Vice-Chairman David “Hossie” Sanchez, Commissioner John Buffington, Commissioner Billy Smith, Commissioner Margaret Branch 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	0:10 – 0:32	<p>Meeting called to order at 9:01 a.m. by Vice-Chairman Sanchez. Roll call was taken by Denise Chavez. A quorum was present.</p> <p>Executive Director Ismael Trejo, In-House Counsel Richard Bustamante, Law Clerk Denise Chavez, and Assistant Attorney General Dan Rubin were also present.</p>	No Action Taken.
II. Pledge of Allegiance	0:41 – 1:00		Pledge of Allegiance was recited.
III. Approval of Agenda	1:03 – 1:18	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.

AGENDA ITEM	RECORDING #	DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS	ACTION TAKEN
IV. Approval of Minutes: November 16, 2023 – Regular Commission Meeting	1:20 – 1:30	Vice-Chairman Sanchez asked if the minutes for the November 16, 2023, regular meeting were reviewed and if there were any changes. There were no changes.	Motion to approve the minutes from November 16, 2023, meeting made by Commissioner Smith; Second by Commissioner Buffington. Motion passed unanimously.
V. Commissioners’ Reports	1:34 – 1:36	No comments.	No Action Taken.
VI. Agency Director Reports: A. NMRC Report	1:38 – 0:35:24	<ul style="list-style-type: none"> • Executive Director Trejo reported the NMRC Agency submitted language requested by the DFA and LFC to clean up last year’s SB 336. As of today, the status of that is unknown. Commissioner Sanchez asked about a bill that over-ruled SB 336. Executive Trejo reported that has been part of the conversation. HB 2 has some language that may suffice in place of the “clean up language” requested by DFA and LFC. • Executive Director Trejo reported attending the annual Global Symposium on Racing in Tucson. Veteran executives of the industry said we need to continue to educate legislatures and always show that our actions support the message we are telling people. HISA was a big topic in 	No Action Taken.

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		<p>Tucson. Executive Director Trejo believes at some point the Federal Government will subsidize HISA which will relieve all from the stress of the assessments.</p> <ul style="list-style-type: none"> • Executive Director Trejo reported he attended the NCGLS Conference in Miami. He said this was a very informative conference. They covered a broad spectrum of the gaming world. The simple takeaway is that when you offer a product for people to wager on, consumer confidence is paramount. Executive Director Trejo reported leaving this conference realizing that NM is getting left behind when it comes to opportunities to expand gaming. • Executive Director Trejo reported that Sunland Park's meet has begun and he and the Commissioners expressed excitement to attend the Sunland Derby on February 18, 2024. • Executive Director Trejo reported Zia Park ended their meet with a bang! They set several records, including pari-mutuel handles and field size. Commissioner Sanchez said the Commissioners have received a bunch of phone calls regarding purses not being paid out by Zia Park. Executive Director Trejo reported he was told by Zia Park as of yesterday, the last of owner checks have been sent out. The 	<p>No Action Taken.</p>

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<p>B. NMHBA Report</p>	<p>0:35:35 – 0:39:00</p>	<p>Commissioners would like Zia Park on the Agenda for next month to discuss what is going on with purses and possible solutions.</p> <ul style="list-style-type: none"> Executive Director Trejo recognized Investigators Leasa Johnson and Elizabeth Garcia and Dr. Brandi O’Sullivan for having tested over 230 out-of-competition hair samples at Zia Park. Commissioner Sanchez asked Executive Director Trejo if we have results on those tests. Executive Director Trejo reported: the first wave of testing, 101 samples analyzed, 32 violations for a 31% strike rate; the second wave had 21 samples analyzed, 9 violations for a 43% strike rate; the next session had 49 samples tested, 10 violations for a 20% strike rate; and lastly 65 samples tested, 15 positives for a 23% strike rate. Overall, this comes to an unfortunate 28% strike rate. In comparison, the annual strike rate in 2022 was 4%! <p>Mary Barber presented the Race-A-Day Report for Zia Park through Wednesday, December 20, 2023, stating it ran 126 NM Bred Races in 30 days. In overnight races, the NMHBA contributed \$2,075,000.00 which was \$204,000.00 more than in 2022. It averaged 4.20 NM Bred per day, +36 for three a day.</p>	<p>No Action Taken.</p>

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VII. Executive Session: entered at 9:40 AM A) D-202-CV-2020-06564 (S-1-SC-39693); D-202-CV-2021-03236 (A-1-CA-40911) and (A-1-CA-40915); and D-202-2022-03779 (Pending Litigation) B) D-202-CV-202200712 (Pending Litigation) C) D-202-CV-2021-06771; A-1-CA-41391; S-1-SC-40184 (Pending Litigation)	0:39:14 – 0:40:00 2nd Open Session Recording: 0:00:06 – 0:00:29	<p>Vice-Chairman Sanchez called for a motion to enter into executive session. Commissioner 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.</p> <p>In-House Counsel, Richard Bustamante affirmed the Commission only discussed in Executive Session those matters listed under Items 7. A-D which were licensing matters 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>Motion to enter into Executive Session made by Commissioner Buffington. Commissioner Smith seconded the motion. Motion passed unanimously by roll call vote.</p> <p>No action taken on Agenda Items VII (A - C).</p>
VIII. <u>Unfinished/New Business and/or Action Items:</u> A. Request for Approval to Pay 10% Breeder Awards from the Purse Account	0:00:43 – 0:04:40	Executive Director Trejo reminded the Commissioners that this item was rolled over from being tabled at November's meeting.	No Action Taken.

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<p>B. Request for Approval of 2024 Open Meetings Resolution</p>	<p>0:04:45 – 0:06:50</p>	<p>Assistant Attorney General Rubin told the Commissioners he researched this matter and asked them if they preferred an attorney-client memo regarding his findings or he could inform them in open session today. Commissioner Sanchez opined the Commission need not worry about this issue right now and would revisit the matter later. It was Commissioner Smith’s opinion that whatever AAG Rubin found needs to be heard by all. Commissioner Sanchez said when the tracks decide to pursue this issue, then the Commission can readdress this matter at that point. No action taken.</p> <p>Assistant Attorney General Rubin presented the 2024 Open Meetings Resolution.</p>	<p>Motion to approve 2024 Open Meetings Resolution made by Commissioner Smith. Commissioner Buffington seconded the motion. The motion passed unanimously.</p>
<p>C. Request for Approval to Allow Executive Director Trejo to Assign Hearing Officer</p>	<p>0:07:07 – 0:07:36</p>	<p>Executive Director Trejo requested approval to allow Executive Director Trejo to assign a hearing officer to oversee appealed matters in 2024.</p>	<p>Motion to approve Executive Director Trejo to Assign Hearing Officer made by Commissioner Smith. Commissioner Buffington seconded</p>

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<p>D. Request for Approval of Appointment of Race Review Committee</p>	<p>0:08:38 – 0:09:44</p>	<p>Executive Director Trejo requested Michael Harbour, Walt Wiggins and Les Nichols be approved to sit on the Race Review Committee for 2024.</p>	<p>the motion. The motion passed unanimously.</p> <p>Motion to approve the appointment of the Race Review Committee as presented made by Commissioner Smith. Commissioner Buffington seconded the motion. The motion passed unanimously.</p>
<p>E. Request for Approval to Change Location of February 15, 2024 Regular Commission Meeting</p>	<p>0:09:47 – 0:12:40</p>	<p>Executive Director Trejo reported the agency is having some issues with the traveling agent and therefore cannot make the meeting at Sunland Park. He requested February’s meeting be held in Albuquerque. Commissioner Smith requested the date of the February meeting be moved also. He opined the Commission needed a little more time between meetings. He would like to see it moved to the following week (February 22, 2024).</p>	<p>Motion to change location and date of the February regular Commission meeting to Albuquerque on February 22, 2024 by Commissioner Smith. Commissioner Buffington seconded the motion. The motion passed unanimously.</p>
<p>F. Approvals for Sunland Park</p>	<p>0:12:43 – 0:14:12</p>	<p>Dustin Dix gave a quick update on Sunland Park’s race meet so far: he reported field size is up slightly the first three weeks of racing. He also reported Sunland Park’s on-track is down slightly (approximately 2.47%). Sunland Park’s</p>	<p>Motion to change location and date of the February regular Commission meeting to Albuquerque on February 22, 2024 by Commissioner Smith. Commissioner Buffington seconded the motion. The motion passed unanimously.</p>

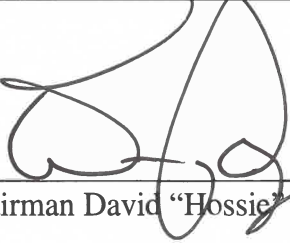
<i>AGENDA ITEM</i>	<i>RECORDING #</i>	<i>DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
<p>1. Request for Ratification of Approval of Variance on December 25, 2023</p>	<p>0:14:18 – 0:14:40</p>	<p>off-track is up 13%. Overall, they are up on handle and so far happy the way the meet is going.</p> <p>Dustin Dix requested ratification of approval of the variance on December 25, 2023. There was not any content to simulcast on Christmas day.</p>	<p>Motion to ratify the approval of the variance on December 25, 2023 made by Commissioner Smith. Commissioner Buffington seconded the motion. The motion passed unanimously.</p>
<p>2. Request for Ratification of Approval to Amend 2024 Racing Officials</p>	<p>0:14:44 – 0:15:55</p>	<p>Dustin Dix requested ratification of approval to amend 2024 racing officials. Mr. Dix reported that this approval was for Rick Thedford as Clerk of Scales.</p>	<p>Motion to ratify the approval to amend 2024 racing officials made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.</p>
<p>G. Approvals for Ruidoso Downs</p> <p>1. Request for Approval of 2024 Purse Schedule</p>	<p>0:20:45 – 0:21:24</p>	<p>Rick Baugh requested approval of the 2024 purse schedule.</p>	<p>Motion to approve the 2024 Purse Schedule made by Commissioner Smith. Motion seconded by Commissioner</p>

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<p>2. Request for Approval of 2024 Gaming & Breakage</p>	<p>0:21:28 – 0:21:56</p>	<p>Rick Baugh requested approval of the 2024 Gaming & Breakage.</p>	<p>Buffington. Motion passed unanimously.</p> <p>Motion to approve the 2024 Gaming & Breakage made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.</p>
<p>3. Request for Ratification of Approval of Variance on December 25, 2023</p>	<p>0:21:58 – 0:22:25</p>	<p>Rick Baugh requested ratification of approval of variance on December 25, 2023.</p>	<p>Motion to ratify the approval of the variance on December 25, 2023 made by Commissioner Smith. Commissioner Buffington seconded the motion. The motion passed unanimously.</p>
<p>H. Approvals for Zia Park</p> <p>1. Request for Ratification of Approval to amend 2023 Racing Officials</p>	<p>0:23:00 – 0:23:44</p>	<p>No representatives from Zia Park were in attendance either in person or on Zoom, so Executive Director Trejo requested ratification of approval to amend 2023 Racing Officials. Zia Park had a change on their Racetrack Superintendent at the end of their meet.</p>	<p>Motion to ratify the approval of the variance on December 25, 2023 made by Commissioner Smith. Commissioner Buffington seconded the motion. The</p>

<i>AGENDA ITEM</i>	<i>RECORDING #</i>	<i>DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
<p>I. Approvals for SunRay Park</p> <p>1. Request for Approval of 2024 Condition Book (Book #1)</p> <p>2. Request for Approval of 2024 Condition Book Officials</p> <p>3. Request for Approval of 2024 Purse Schedule</p>	<p>0:23:55 – 0:24:17</p> <p>0:24:21 – 0:24:39</p> <p>0:24:40 – 0:24:58</p>	<p>Max Moreland requested approval of the 2024 Condition Book (Book #1) for SunRay Park.</p> <p>Max Moreland requested approval of the 2024 Condition Book Officials as submitted.</p> <p>Max Moreland requested approval of the 2024 Purse Schedule.</p>	<p>motion passed unanimously.</p> <p>Motion to approve 2024 Condition Book (Book #1) made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.</p> <p>Motion to approve the 2024 Condition Book Officials made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.</p> <p>Motion to approve the 2024 Purse Schedule made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.</p>

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4. Request for Approval of 2024 Gaming & Breakage	0:25:00 – 0:25:15	Max Moreland requested approval of the 2024 Gaming & Breakage as submitted.	Motion to approve the 2024 Gaming & Breakage made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.
5. Request for Approval of 2024 Post Times & Wagering Format	0:25:16 – 0:25:33	Max Moreland requested approval of the 2024 Post Times & Wagering Format for SunRay Park.	Motion to approve 2024 Post Times & Wagering Format made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.
6. Request for Ratification of Approval of Variance on December 25, 2023	0:25:35 – 0:31:50	Max Moreland requested ratification of approval of the variance on December 25, 2023.	Motion to ratify the approval of the variance on December 25, 2023 made by Commissioner Smith. Commissioner Buffington seconded the motion. The motion passed unanimously.

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X. Adjournment at 11:25 AM	0:31:55 - end	Vice-Chairman Sanchez adjourned meeting.	


 Vice-Chairman David "Hossie" Sanchez Date 02-22-2024


 Executive Director Ismael Trejo Date 2-22-24