

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

Date: March 21, 2024, at 10:00 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, 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	0:01:45 – 0:02:16	Meeting called to order at 10:04 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 Dan Rubin were also present.	No Action Taken.
II. Pledge of Allegiance	0:02:20 – 0:02:37		Pledge of Allegiance was recited.
III. Approval of Agenda	0:02:41 – 0:03:02	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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IV. Approval of Minutes: February 22, 2024 – Regular Commission Meeting	0:03:04 – 0:03:19	Vice-Chairman Sanchez asked if the minutes for the February 22, 2024, regular meeting were reviewed and if there were any changes. There were no changes.	Motion to approve the minutes from February 22, 2024 meeting made by Commissioner Smith; Second by Commissioner Buffington. Motion passed unanimously.
V. Commissioners’ Reports	0:03:21 – 0:03:23	No comments.	No Action Taken.
VI. Agency Director Reports: A. NMRC Report	0:03:30 – 0:14:14	<ul style="list-style-type: none"> • Executive Director Trejo began by reporting on the travelling he did during the month of March. He and the NMRC Investigators travelled to Philadelphia, PA to attend the Organization of Racing Investigators (ORI) Conference and training. At this conference they learned about the drug Xylazine (horse tranquilizer) that is destroying a section of society. • Executive Director Trejo said they learned once again about horse racing’s “societal license” to operate. The message taken from that discussion was: be a leader, be trusted, be transparent, be proactive and be accountable. • Executive Director Trejo discussed Parx Racing Security Manager Robert Martin’s 	No Action Taken.

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		<p>demonstration of the stable access software used by his racetrack. Executive Director Trejo reported this software was created 20 years ago, and yet the industry is just now becoming familiar with it. Goes to show how behind in times the industry is with new technology. Executive Director Trejo reported this technology was amazing. The software ties licensees to employers and vehicles amongst other things.</p> <ul style="list-style-type: none"> • Executive Director Trejo reported there was discussion on how the United States Department of Agriculture’s Inspection Services is finding diseases in horses which are being smuggled to the U.S. from Mexico. They are also finding that unsanctioned racing is a major culprit in spreading equine diseases. • Executive Director Trejo reported that NMRC Chief Investigator, Leasa Johnson was recognized with a plaque by the ORI Board. • Executive Director Trejo reported he then travelled to Columbus, OH for the annual ARCI Conference. Executive Director Trejo was elected to the ARCI Board of Directors. He believes it is very important to have New Mexico represented. • Executive Director Trejo reported they discussed issues with the new AQHA digital tattooing program. They also 	No Action Taken.

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		<p>discussed implementing a rule about toe grabs for QHs. They discussed the possibility of limiting the toe grabs to no more than 4 mm on the hind feet and 2 mm on the front. A model rule has not been created yet. They also discussed criminal history checks. Executive Director Trejo said it appears some states are not in compliance with the FBI requirements. He said he checked NM statutes and they seemed to be in compliance. If there was an issue, the FBI would have reported back during our audit.</p> <ul style="list-style-type: none"> • Executive Director Trejo reported because of some bad experiences with other states, NM will no longer be reciprocating background checks with any jurisdiction. If you are racing in NM, you will be required to do a background check with the NMRC, unless you utilize the National Racing Compact. • Legal Counsel advised NMRC the Commission should no longer approve stall applications from the Associations. NMRC still wants to review them to assure there is no conflicting language with NMRC rules, but they will no longer go in front of the Commission for approval. • Lastly, Executive Director Trejo reported NMRC will be headed to SunRay Park for the annual inspection on March 26, 2024. 	No Action Taken.

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B. NMHBA Report	0:14:20 – 0:16:12	Mary Barber presented the Race-A-Day Report for Sunland Park through Sunday, March 3, 2024, stating it ran 135 NM Bred Races in 35 days. In overnight races, the NMHBA contributed \$1,296,000.00 which was \$121,000.00 more than in 2023. It averaged 3.86 NM Bred per day, +30 for three a day.	No Action Taken. No Action Taken.
VII. Executive Session: entered at 10:22 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) Race Appeals: 1. Appeal by: Arturo Rubio Cervantes 2. Appeal by: Jose R. Gonzalez, Jr. 3. Appeal by: Renee K. Wilson	0:16:20 – end 2nd Open Session Recording: 0:00:30 – 0:01:25	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. In-House Counsel, Richard Bustamante affirmed the Commission only discussed in Executive Session those matters listed under Items 7. A-C which was licensing matters as identified under Item VII of the meeting Agenda, in accordance	Motion to enter into Executive Session made by Commissioner Buffington. Commissioner Smith seconded the motion. Motion passed unanimously by roll call vote. No action taken on Agenda Items VII (A - C).

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<p>4. Appeal by: Jose I. DeHerrera 5. Appeal by: Jesus Rondan, Jr. 6. Appeal by: James J. Gonzales, II 7. Appeal by: John D. May 8. Appeal by: Christian Dominguez-Olivas</p>		<p>with NMSA 1978, Sections 10-15-1(H)(1),(3) and (7) of the Open Meetings Act.</p>	
<p>VIII. <u>Unfinished/New Business and/or Action Items:</u></p> <p>A. Approvals for Sunland Park 1. Request for Ratification of Approval to Amend 2024 Stakes Schedule</p> <p>2. Request for Ratification of Approval to Amend 2024 Racing Officials</p>	<p>0:00:53 – 0:02:22</p> <p>0:02:24 – 0:03:15</p>	<p>Mr. Dustin Dix of Sunland Park requested ratification of approval to amend Sunland Park's 2024 Stakes Schedule. Sunland Park cancelled the Winsham Lad Handicap on Friday, Feb. 9, 2024, and the Curriobot Handicap on Friday, March 8, 2024, due to lack of entries.</p> <p>Mr. Dustin Dix requested ratification of approval to amend Sunland Park's 2024 Racing Officials. Track Announcer, Eric Alwan had a medical emergency and was unable to call the races on March 2 and March 3. Dustin Dix "attempted" to fill in on March 2 and Jim Collins was the announcer on March 3.</p>	<p>Motion to ratify the approval to amend Sunland Park's 2024 Stakes Schedule made by Commissioner Smith. Commissioner Buffington seconded the motion. The motion passed unanimously.</p> <p>Motion to ratify the approval to amend Sunland Park's 2024 Racing Officials made by Commissioner Smith. Commissioner Buffington seconded the motion. The</p>

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<p>3. Request for Ratification of Approval to Amend 2024 Post Times & Wagering Format</p> <p>B. Approvals for SunRay Park</p> <p>1. Request for Approval to Amend 2024 Racing Officials</p> <p>C. Approvals for Zia Park</p> <p>1. Request for Approval of 2024 NM Classic Derby and Futurity Nomination Blanks</p>	<p>0:03:17 – 0:03:54</p> <p>0:03:58 – 0:04:06</p> <p>0:04:12 – 0:05:16</p> <p>0:05:29 – 0:06:03</p>	<p>Mr. Dustin Dix requested ratification of approval to amend Sunland Park’s 2024 Post Times & Wagering Format. This was for 10 races for the NM Spring Trials on March 16, 2024 and 12 trials on the West Texas Futurity Trials on March 17, 2024. The additional races changed Sunland Park’s wagering format as well.</p> <p>Dustin Dix reported he will have an update of Sunland Park’s race meet at the Commission’s April monthly meeting.</p> <p>Mr. Steve Fedunak of SunRay Park requested approval to amend SunRay Park’s 2024 Racing Officials. SunRay Park now has Joree Scriver as Entry Clerk, Belem Bujanda as Test Barn Coordinator, Carlos Madiera as Valet and Louis Figueroa as Assistant Clerk of Scales/Assistant Claims. Outrider and Jocks Quarters Housekeeping positions to be announced later.</p> <p>Mr. Christopher McErlean of Zia Park requested approval of Zia Park’s 2024 NM Classic Derby and Futurity Nomination Blanks. The only changes to these Nomination Blanks is: Zia Park’s</p>	<p>motion passed unanimously.</p> <p>Motion to ratify the approval to amend Sunland Park’s 2024 Post Times & Wagering Format made by Commissioner Smith. Commissioner Buffington seconded the motion. The motion passed unanimously.</p> <p>Motion to approve to amend SunRay Park’s 2024 Racing Officials made by Commissioner Smith. Commissioner Buffington seconded the motion. The motion passed unanimously.</p> <p>Motion to approve Zia Park’s 2024 NM Classic Derby and Futurity Nomination</p>

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<p>D. Race Appeals:</p> <p>1. Appeal by: Arturo Rubio Cervantes</p> <p>2. Appeal by: Jose R. Gonzalez, Jr.</p>	<p>0:06:41 – 0:07:55</p> <p>0:07:58 – 0:08:59</p>	<p>admin fee was moved from 5.0% to 7.5%. It is also requiring payment of entry fees at time of entry, not by the day of trials as in prior years.</p> <p>After review of the replay of races, the entire record and the Race Review Committee’s Recommendation, the Commission deliberated in open session and agreed with the Race Review Committee’s recommendation to uphold the Stewards’ decision to DQ the #9 horse “Deans Daddy” from 2nd place and placed him behind the #10 horse “Moonflasheagle” for drifting out, impeding and costing the #10 horse “Moonflasheagle” a better placing.</p> <p>After reviewing the replay of races, the entire record and the Race Review Committee’s Recommendation, the Commission deliberated in open session and declined to adopt the Race Review Committee’s recommendation to overturn the Stewards’ decision. Instead, the Commission voted to uphold the Stewards’ decision to DQ the #1 horse “Drest for Success” from 1st place to 5th place. The Commission found that the #1 horse “Drest for Success” bore out causing interference, intimidation and impeding the #2 horse “Jess Paid” costing the #2 horse a better placing.</p>	<p>Blanks made by Commissioner Smith. Commissioner Buffington seconded the motion. The motion passed unanimously.</p> <p>Motion to uphold the Stewards’ decision on the 9th race on November 5, 2023 at Zia Park made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.</p> <p>Motion to uphold the Stewards’ decision on the 10th race on November 26, 2023 at Zia Park made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.</p>

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<p>3. Appeal by: Renee K. Wilson</p>	<p>0:09:02 – 0:09:48</p>	<p>After reviewing the replay of races, the entire record and the Race Review Committee’s Recommendation, the Commission deliberated in open session and declined to adopt the Race Review Committee’s recommendation to overturn the Stewards’ decision. Instead, the Commission voted to uphold the Stewards’ decision to DQ the #5 horse “Margaret River” from 2nd place to 8th place. The Commission found the #5 horse “Margaret River” broke out into the path of and interfered with the #6 horse “Lp King”, #7 horse “Lil Newt”, #8 horse “Who U Daddy” and the #10 horse “Mistical Cyns”, therefore, placing the #5 horse “Margaret River” behind the #10 horse, “Mistical Cyns”.</p>	<p>Motion to uphold the Stewards’ decision on the 3rd race on December 17, 2023 at Zia Park made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.</p>
<p>4. Appeal by: Jose I. DeHerrera</p>	<p>0:09:50 – 0:10:35</p>	<p>After reviewing the replay of races, the entire record and the Race Review Committee’s Recommendation, the Commission deliberated in open session and declined to adopt the Race Review Committee’s recommendation to uphold the Stewards’ decision. Instead, the Commission voted to overturn the Stewards’ decision to DQ the #3 horse “Hide My Wine” from 1st place to 8th place. The Commission found the #3 horse “Hide My Wine” was clear and did not cost the #5 horse “Margaret River” a better placing.</p>	<p>Motion to overturn the Stewards’ decision on the 3rd race on December 17, 2023 at Zia Park made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.</p>
<p>5. Appeal by: Jesus Rondan, Jr.</p>	<p>0:10:38 – 0:11:20</p>	<p>After reviewing the replay of races, the entire record and the Race Review Committee’s</p>	<p>Motion to uphold the Stewards’ decision on</p>

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<p>6. Appeal by: James J. Gonzales, II</p>	<p>0:11:23 – 0:12:20</p>	<p>Recommendation, the Commission deliberated in open session and adopted the Race Review Committee’s recommendation to uphold the Stewards’ decision. The Commission found the #5 horse, “Wicked Corona Z” came out of its path at the start of the race and impeded the #6 horse, “Fdd Cloud”, the #7 horse “The Swamp” and the #8 horse “Sweet Brown Sugar”, costing the #7 horse “The Swamp” a better placing.</p> <p>After reviewing the replay of races, the entire record and the Race Review Committee’s Recommendation, the Commission deliberated in open session and adopted the Race Review Committee’s recommendation to uphold the Stewards’ decision. The Commission found the #3 horse “White Lightenin” drifted out into the path of the #4 horse “Wood Dee Queen”, causing it to take up sharply in order to avoid clipping heels with the #3 horse, “White Lightenin”, causing the #4 horse “Wood Dee Queen” to lose momentum resulting in a loss of a better placing.</p>	<p>the 6th race on December 17, 2023 at Zia Park made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.</p> <p>Motion to uphold the Stewards’ decision on the 9th race on June 17, 2023 at Ruidoso Downs made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.</p>
<p>7. Appeal by: John D. May</p>	<p>0:12:24 – 0:13:00</p>	<p>After review of the replay of races, the entire record and the Race Review Committee’s Recommendation, the Commission deliberated in open session and adopted the Race Review Committee’s recommendation to uphold the Stewards’ decision not to elevate the #9 horse “A Political Cluster” from 2nd place to 1st. The Commission found it was not proven that any</p>	<p>Motion to uphold the Stewards’ decision on the 8th race on September 4, 2023 at Ruidoso Downs made by Commissioner Smith. Motion seconded by</p>

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<p>8. Appeal by: Christian Dominguez-Olivas</p>	<p>0:13:04 – 0:13:58</p>	<p>inference which may have been caused by the #4 horse “Visa” and therefore not impacting the final outcome and order of the finish of race.</p> <p>After reviewing the replay of races, the entire record and the Race Review Committee’s Recommendation, the Commission deliberated in open session and adopted the Race Review Committee’s recommendation to uphold the Stewards’ decision to disqualify the #6 horse “Jess Tell Em Adios” from 1st place to 8th place. The Commission found the #6 horse “Jess Tell Em Adios” interfered with the #7 horse “Jet Foose Patriot”, forcing the #7 horse outside and denying it a better placing.</p>	<p>Commissioner Buffington. Motion passed unanimously.</p> <p>Motion to uphold the Stewards’ decision on the 7th race on February 3, 2024 at Sunland Park made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.</p>
<p>E. Proposed Initiation of Rulemaking on Subsection A of 15.2.7.10 NMAC – Simulcast Wagering</p>	<p>0:14:00 – 0:17:55</p>	<p>Assistant Attorney General Dan Rubin reported to the Commission this rule was part of the Rules Hearing back in November 2023. However, Assistant Attorney General Rubin advised the NMRC staff withdraw the prior changes, take a closer look at this rule to make sure it is consistent with the Horseracing Act, and initiate another Rules Hearing for that rule change.</p>	<p>Motion to withdraw prior suggested changes and initiate another Rules Hearing for 15.2.7.10 NMAC made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.</p>
<p>F. Discussion, Deliberation and Voting on Proposed Rule Changes:</p> <p>1. Subsections C, M, P and S of 15.2.1.7 NMAC - Definition</p>	<p>0:18:03 – 0:24:54</p>	<p>The additional words “sustained during racing or training” should be added to the original suggested</p>	<p>Motion to adopt the changes to subsections</p>

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		<p>language to define “Catastrophic Injury.” It will now read: <i>“Catastrophic Injury means an equine injury sustained during racing or training resulting in death or euthanasia of a horse within 72 hours of injury.”</i></p> <p>The definition of “Maiden” will read: “Maiden is a horse, which shows in <i>Equibase and RTO Incompass system</i> as never having won a race at a recognized meeting. A maiden, which has been disqualified after finishing first in a race, is still a maiden.</p> <p>The additional words “as listed in the official daily program” should be added to the definition of “Purse”. It will now read: <i>“Purse is the total dollar amount, including but not limited to extra New Mexico horse breeders association money, as listed in the official daily program for which a race is contested whether paid at the time of the race or at a future date.”</i></p> <p>The definition of Substitute Steward suggested changes will remain the same as presented in the November 30, 2023, Rules Hearing. It reads: <i>“Substitute Steward is a licensed or certified racing official pursuant to 60-1A-12, duly approved by the commission and appointed by the executive director or the presiding steward, with the powers and duties specified by the act and these rules.”</i></p>	<p>C, M, P and S of 15.2.1.7 NMAC, as read with amendments into the record by In-House Counsel Bustamante made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.</p>

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<p>2. Subsections C and J of 15.2.1.8 NMAC – Commission</p>	<p>0:25:00 – 0:26:20</p>	<p>There were no additional changes to either subsections from the November 30, 2023, Rules Hearing.</p>	<p>Motion to adopt the changes to subsections C and J of 15.2.1.8 NMAC, as read presented at the 11/30/23 Rules Hearing made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.</p>
<p>3. Subsections A and B of 15.2.1.9 NMAC – Due Process and Disciplinary Action</p>	<p>0:26:21 – 0:29:33</p>	<p>The words “shall send the written notice of the disciplinary hearing to the person who is the subject of the hearing either by hand delivery, or regular mail” should be added to 15.2.1.9(A)(4)(c) and the prior suggested words “the written notice of the disciplinary hearing to the person who is the subject of the hearing” should be deleted. This should now read: “The stewards or the racing commission designee shall send the written notice of the disciplinary hearing to the person who is the subject of the hearing either by hand delivery, certified or regular mail to the licensee’s last provided address or by email.”</p> <p>The words “shall send the ruling to the person who is the subject of the ruling either by hand delivery, or regular mail” should be added to</p>	<p>Motion to adopt the changes to subsections A and B of 15.2.1.9 NMAC, as read with amendments into the record by In-House Counsel Bustamante made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.</p>

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<p>4. Subsections E, G, H, L and R of 15.2.2.8 NMAC – Associations</p>	<p>0:29:37 – 0:36:45</p>	<p>15.2.1.9(A)(6)(d) and the prior suggested words “a copy of the ruling to the person who is the subject of the ruling. If hand delivery is not possible, the stewards shall mail the ruling to the person’s last known address, as found in the commission’s licensing files” should be deleted. This should now read: “The stewards or their designee shall send the ruling to the person who is the subject of the ruling either by hand delivery, certified or regular mail to the licensee’s last provided address or by email.”</p> <p>All other changes suggested at the November 30, 2023, Rules Hearing remain the same.</p> <p>In Subsection E, the original proposed words: “with at least one person being adequately trained in diagnosing and assessing concussions. (6) The association shall ensure that no fewer than two racing veterinarians are on duty at the association during all live racing. (7) The association shall ensure that a minimum of one racing veterinarian shall be on duty during all training hours.” And “An association must designate on the association grounds an area to be utilized as a helipad for emergency purposes.” Suggested at the November 30, 2023, rules hearing should be struck as these were HISA rules that have not yet been promulgated. All other suggestions at the November 30, 2023, Rules hearing should remain as suggested.</p>	<p>Motion to adopt the changes to subsections E, G, H, L and R of 15.2.2.8 NMAC, as read with amendments into the record by In-House Counsel Bustamante made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.</p>

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<p>5. Subsections A, B, C, E and O of 15.2.3.8 NMAC – Flat Racing Officials General Provisions</p>	<p>0:36:50 – 0:41:18</p>	<p>In subsection H(1), the original proposed words: “association shall ensure the” and “The association shall also ensure an adequate drainage system is in place for the racetrack surface.” Should be struck. Subsection H(2) it is suggested to leave the language as it was before the rules hearing in November, 2023. It is suggested that the first sentence of subsection H(3) that was originally struck at the rules hearing remain and strike the words “and midway through the race meet” In subsection H(4), H(4)(a), (b) and (c), all suggested changes at the Rules Hearing in November, 2023 shall be struck. All suggested changes in subsection H(5), (6)(a) and (b), and (7)(a), (b) and (c) all should be struck and original rule shall remain unchanged.</p> <p>The remaining changes that were suggested in the November 30, 2023, Rules Hearing remain the same.</p> <p>In subsection C(4)(f) at the rules hearing in November, 2023 the date of June 1st was originally suggested. The staff is now suggesting to keep it at March 1 in order to stay consistent with AQHA and pursuant to the comments at the Rules Hearing on November 30, 2023.</p> <p>In subsection O(2) and (3) the changes should be struck.</p>	<p>Motion to adopt the changes to subsections A, B, C, E and O of 15.2.3.8 NMAC, as read with amendments into the record by In-House Counsel Bustamante made by Commissioner Smith.</p>

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<p>6. Subsections A, C, F and G of 15.2.4.8 NMAC – Claiming Racings</p>	<p>0:41:20 – 0:42:27</p>	<p>The remaining changes that were suggested in the November 30, 2023 Rules Hearing remain the same.</p> <p>In Subsection A(7)(d) it was originally suggested the official or racing vet determines within 45 minutes of the race at the November 30, 2024, rules hearing. The staff suggests that should actually be 60 minutes instead.</p> <p>It was also suggested that added paragraph 8 to subsection F be struck entirely.</p> <p>The remaining changes that were suggested in the November 30, 2023, Rules Hearing remain the same.</p>	<p>Motion seconded by Commissioner Buffington. Motion passed unanimously.</p> <p>Motion to adopt the changes to subsections A, C, F and G of 15.2.4.8 NMAC, as read with amendments into the record by In-House Counsel Bustamante made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.</p>
<p>7. Subsection B of 15.2.5.8 NMAC – Entries and Nominations</p>	<p>0:42:29 – 0:44:16</p>	<p>In subsection B(4) it is suggested to remove the words “by email” to avoid fraud. Also add the word “either”, change the word from “and” to “or” and add the word “digits” to subsection B(12).</p> <p>The remaining changes that were suggested in the November 30, 2023, Rules Hearing remain the same.</p>	<p>Motion to adopt the changes to subsection B of 15.2.5.8 NMAC, as read with amendments into the record by In-House Counsel Bustamante made by Commissioner Smith. Motion seconded by Commissioner</p>

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<p>8. Subsection B of 15.2.5.9 NMAC – Declarations and Scratches</p>	<p>0:44:17 – 0:44:46</p>	<p>There were no additional changes to subsection B of 15.2.5.9 from the November 30, 2023, Rules Hearing.</p>	<p>Buffington. Motion passed unanimously.</p> <p>Motion to adopt the changes to subsection B of 15.2.5.9 NMAC, as suggested in the November 30, 2023, Rules Hearing made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.</p>
<p>9. Subsections A and B of 15.2.5.12 NMAC – Horses Ineligible</p>	<p>0:44:47 – 0:45:14</p>	<p>There were no additional changes to subsections A and B of 15.2.5.12 from the November 30, 2023, Rules Hearing.</p>	<p>Motion to adopt the changes to subsection B of 15.2.5.12 NMAC, as suggested in the November 30, 2023, Rules Hearing made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.</p>
<p>10. Subsections C, D and E of 15.2.5.13 NMAC – Running of the Race</p>	<p>0:45:17 – 0:47:58</p>	<p>There were no additional changes to subsections C and D of 15.2.5.13 from the November 30, 2023,</p>	<p>Motion to adopt the changes to subsections</p>

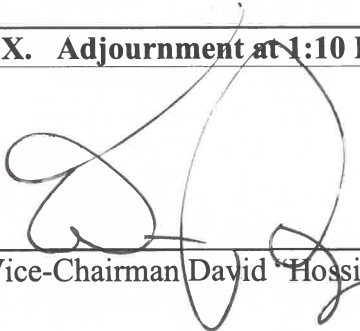
<i>AGENDA ITEM</i>	<i>RECORDING #</i>	<i>DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
<p>11. Subsection C of 15.2.5.14 NMAC – Protests, Objections and Inquiries</p>	<p>0:47:59 – 0:48:34</p>	<p>Rules Hearing. However, it was suggested in subsection E of 15.2.5.13(7)(c) the month of June suggested at the November 30, 2023, Rules Hearing be switched back to March pursuant to comments at the Rules Hearing. The language in (d) was revised to make better grammatical sense and to reflect comments by the jockeys’ guild to read: “The position of the riding crop should always be at or below helmet level of the jockey.” Finally, the entire suggested paragraph (9)(a) – (c) should be deleted as it is repetitive.</p> <p>There were no additional changes to subsection C of 15.2.5.14 from the November 30, 2023, Rules Hearing.</p>	<p>C, D and E of 15.2.5.13 NMAC, as suggested in the November 30, 2023, Rules Hearing and with amendments suggested today made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.</p> <p>Motion to adopt the changes to subsection C of 15.2.5.14 NMAC, as suggested in the November 30, 2023, Rules Hearing made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.</p>
<p>12. Subsection B of 15.2.6.8 NMAC – Veterinary Practices</p>	<p>0:48:36 – 0:49:03</p>	<p>There were no additional changes to subsection B of 15.2.6.8 from the November 30, 2023, Rules Hearing.</p>	<p>Motion to adopt the changes to subsection B of 15.2.6.8 NMAC, as suggested in the</p>

<i>AGENDA ITEM</i>	<i>RECORDING #</i>	<i>DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
<p>13. Subsections A and C of 15.2.6.9 NMAC – Medications and Prohibited Substances</p>	<p>0:49:05 – 0:57:27</p>	<p>The dates of the updated “Uniform Classification Guidelines for Foreign Substances and Recommended Penalties and Model Rule” and the Association of Racing Commissioners International Controlled Therapeutic Medication Schedule for Horses” were updated since the November, 30, 2023, Rules Hearing. Those dates were the only suggested changes. The words “to a horse” should be added to subsection C paragraph 7 of 15.2.6.9 NMAC to clarify that the nebulizer is being administered to and “the day the horse is scheduled to race” at the end of the sentence to make the rule clear of timing of the use of nebulizer.</p>	<p>November 30, 2023, Rules Hearing made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.</p> <p>Motion to adopt the changes to subsections A and C of 15.2.6.9 NMAC, as suggested in the November 30, 2023, Rules Hearing with amendments suggested today made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.</p>
<p>14. Subsections A and B of 15.2.6.10 NMAC – Testing</p>	<p>0:52:31 – 0:53:01</p>	<p>There were no additional changes to subsections A and B of 15.2.6.10 from the November 30, 2023, Rules Hearing.</p>	<p>Motion to adopt the changes to subsections A and B of 15.2.6.10 NMAC, as suggested in the November 30, 2023, Rules Hearing made by</p>

<i>AGENDA ITEM</i>	<i>RECORDING #</i>	<i>DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
<p>15. Subsection B of 15.2.6.12 of NMAC – Physical Inspection of Horses</p>	<p>0:53:03 – 0:53:38</p>	<p>There were no additional changes to subsection B of 15.2.6.12 from the November 30, 2023, Rules Hearing.</p>	<p>Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.</p> <p>Motion to adopt the changes to subsection B of 15.2.6.12 NMAC, as suggested in the November 30, 2023, Rules Hearing made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.</p>
<p>16. Subsections A, N and P of 16.47.1.8 NMAC – General Provisions</p>	<p>0:53:50 – 0:55:00</p>	<p>There were no additional changes to subsections A, N and P of 16.47.1.8 from the November 30, 2023, Rules Hearing.</p>	<p>Motion to adopt the changes to subsections A, N and P of 16.47.1.8 NMAC, as suggested in the November 30, 2023, Rules Hearing made by Commissioner Smith. Motion seconded by Commissioner</p>

<i>AGENDA ITEM</i>	<i>RECORDING #</i>	<i>DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
<p>17. Subsections A and B of 16.47.1.10 NMAC – Trainers</p>	<p>0:55:02 – 1:00:22</p>	<p>Suggested changes throughout both Subsections A and B are to change the word test to examination, add the words “demonstration of” practical skills, and change the words “test” to “New Mexico racing commission’s sanctioned written trainers examination” throughout the rule to be consistent. Taking all the comments received by the NM Racing Commission, the suggested rules presented at the November 30, 2023, Rules Hearing on Subsection B (adding paragraphs 4-6), those paragraphs should be struck from this rule change.</p>	<p>Buffington. Motion passed unanimously.</p> <p>Motion to adopt the changes to subsections A and B of 16.47.1.10 NMAC, as suggested in the November 30, 2023, Rules Hearing with amendments suggested today made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.</p>
<p>18. Subsections A, B and C of 16.47.1.17 NMAC – Human Drug Testing</p>	<p>1:00:24 – 1:02:00</p>	<p>The only additional changes to subsections A and B of 16.47.1.17 from the November 30, 2023, Rules Hearing were to change the BAC to .08 to make the BAC level consistent with the laws and reword new subsection E to read: “There is a zero tolerance for trainers and assistant trainers to be under the influence of controlled substances or alcohol or both while saddling horses in the paddock.”</p>	<p>Motion to adopt the changes to subsections A and B of 16.47.1.17 NMAC, as suggested in the November 30, 2023, Rules Hearing with amendments suggested today made by Commissioner Smith. Motion seconded by Commissioner</p>

<i>AGENDA ITEM</i>	<i>RECORDING #</i>	<i>DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
<p>19. Subsections A, B, C and D of 16.47.1.18 NMAC – Testing Procedures</p>	<p>1:02:02 – 1:03:31</p>	<p>There were no additional changes to subsection A. It was suggested to delete the new paragraph 5 in subsection and B of 16.47.1.18 from the November 30, 2023, Rules Hearing as it was redundant and change the BAC to .08, again to be consistent with state laws.</p> <p>Staff announced these rules will go into effect April 9, 2024.</p>	<p>Buffington. Motion passed unanimously.</p> <p>Motion to adopt the changes to subsections A and B of 16.47.1.18 NMAC, as suggested in the November 30, 2023, Rules Hearing with amendments suggested today made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.</p>
<p>X. Adjournment at 1:10 PM</p>	<p>0:16:16 - end</p>	<p>Vice-Chairman Sanchez adjourned meeting.</p>	


 Vice-Chairman David "Hossie" Sanchez / Date 4/18/2024


 Executive Director Ismael Trejo / Date 4-18-24