

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

**Date:** April 18, 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, 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/<br/>RECOMMENDATIONS</i>  | <i>ACTION TAKEN</i>  |
|---|--------------------------|--|--|
| <b>Public Session 1:</b><br><b>I. Call to Order and Roll Call</b> | <b>0:00:10 – 0:00:38</b> | Meeting called to order at 9:02 a.m. by Vice-Chairman Sanchez. Roll call was taken by Denise Chavez. A quorum was present.<br><br>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.   |
| <b>II. Pledge of Allegiance</b>                                   | <b>0:00:40 – 0:01:04</b> |  | Pledge of Allegiance was recited.  |
| <b>III. Approval of Agenda</b>                                    | <b>0:01:08 – 0:01:24</b> | 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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| <b>IV. Approval of Minutes:</b><br>March 21, 2024 – Special<br>Commission Meeting | <b>0:01:25 – 0:01:35</b> | Vice-Chairman Sanchez asked if the minutes for the March 21, 2024, special meeting were reviewed and if there were any changes. There were no changes.   | Motion to approve the minutes from March 21, 2024 meeting made by Commissioner Smith; Second by Commissioner Buffington. Motion passed unanimously. |
| <b>V. Commissioners' Reports</b>  | <b>0:01:37 – 0:01:38</b> | No comments.   | No Action Taken.  |
| <b>VI. Agency Director Reports:</b><br>A. NMRC Report                             | <b>0:01:39 – 0:10:56</b> | <ul style="list-style-type: none"> <li>• Executive Director Trejo began by reporting about the beginning of SunRay Park's race meet and the end of Sunland Park's. Executive Director Trejo reported that the catastrophics at Sunland Park were almost 3 times below the national average for TBs. He said QHs are a different story. Executive Director Trejo and the NMRC vets share the same thoughts as he that there is a lack of horsemanship in New Mexico. They question the fitness of these racehorses. Ultimately, we came up with some ideas to work on these issues to improve, however, it will take some rule changes.</li> <li>• Executive Director Trejo said the pre-inspection of SunRay Park was phenominal. There were a few issues</li> </ul> | No Action Taken.  |

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| B. NMHBA Report  | 0:10:57 – 0:15:29  | <p>opening weekend, however, track management was very responsive to those concerns. For the most part, opening weekend was great!</p> <ul style="list-style-type: none"> <li>• Executive Director Trejo discussed the agency working on a rule to levy suspensions to trainers whose horses test positive in the hair for out-of-competition testing.</li> <li>• Executive Director Trejo reported an EIA case on a QH farm in Dexter, NM. The horse may have been in contact with other racing stock that is currently stabled at SunRay Park. Horsemen have been advised to make sure they have a valid coggins before attempting to come onto the grounds of a NM racing facility.</li> </ul> <p>Mary Barber presented the Race-A-Day Report for Sunland Park through Sunday, April 7, 2024, stating it ran 222 NM Bred Races in 55 days. In overnight races, the NMHBA contributed \$2,231,500.00 which was \$90,000.00 more than in 2023. It averaged 4.04 NM Bred per day, +57 for three a day.</p> | <p>No Action Taken.</p> <p>No Action Taken.</p>                                |
| <b>VII. Executive Session: entered at 10:22 am</b><br><br><b>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</b> | 0:15:34 – end      | <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),</p>  | <p>Motion to enter into Executive Session made by Commissioner Buffington.</p> |

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| <p><b>D-202-2022-03779 (Pending Litigation)</b></p> <p><b>B) D-202-CV-202200712 (Pending Litigation)</b></p> <p><b>C) 1:22-cv-00740-DHU-LF (Pending Litigation)</b></p> <p><b>D) D-1226-CV-2024-00015 (Pending Litigation)</b></p> <p><b>E) D-412-CV-2024-00086 (Litigation Update)</b></p> <p><b>F) D-307-CV-2024-00825 (Litigation Update)</b></p> | <p><b>2<sup>nd</sup> Open Session Recording:</b></p> <p><b>0:00:00 – 0:01:57</b></p> | <p>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-F which were litigation updates 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>Commissioner Smith seconded the motion. Motion passed unanimously by roll call vote.</p> <p>No action taken on Agenda Items VII (A - F).</p> |
| <p><b>VIII. <u>Unfinished/New Business and/or Action Items:</u></b></p> <p><b>A. Possible Reconsideration of Remand Order in the Matter of: Jose F. Hernandez Appeal</b></p> <p><b>B. Legal Updates</b></p> <p><b>1. IMO: Stephanie Esparza – D-202-CV-2021-04781</b></p>  | <p><b>0:02:07 – 0:02:22</b></p> <p><b>0:02:23 – 0:04:19</b></p>                      | <p>No action taken on reconsideration of the NM Racing Commission’s Remand Order in the Matter of Jose F. Hernandez Appeal.</p> <p>In the matter of Stephanie Esparza v. NMRC (D-202-CV-2021-04781), the District Court Judge, Beatrice Brickhouse <b>denied both the Motion to</b></p>   | <p>No Action Taken.</p> <p>No Action Taken.</p>   |

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| <p>2. <b>IMO: Alex Prada &amp; Aurelio Valdez – D-202-CV-2023-07602</b></p>                | <p><b>0:04:21 – 0:05:28</b></p> | <p><b>Stay and Motion to Supplement</b> on 04.09.2024. The appeal in this matter is still pending in District Court.</p> <p>In the matter of Alex Prada &amp; Aurelio Valdez v. NMRC (D-202-CV-2023-07602) after review of the entire record, District Court Judge Nancy Franchini <b>affirmed the Commission’s decision.</b></p>  | <p>No Action Taken.</p> |
| <p>3. <b>IMO: Allison &amp; Kristi Rose Martinez – D-412-CV-2024-00086</b></p>             | <p><b>0:05:30 – 0:06:52</b></p> | <p>In the matter of Allison &amp; Kristi Rose Martinez v. NMRC (D-412-CV-2024-00086), this matter was brought before the District Court in San Miguel County on an “emergency temporary restraining order preliminary injunction” on April 1, 2024 before Judge Michael A. Aragon. On April 1<sup>st</sup>, Judge Aragon <b>denied</b> the petition for an emergency temporary restraining order preliminary injunction without prejudice; the Commission must have the administrative hearing on or before April 28, 2024; and found that “Kristi Rose Martinez should be entitled to file a notice of appeal of the stewards’ decision by close of business on April 1, 2024.”</p> | <p>No Action Taken.</p> |
| <p>4. <b>IMO: Jaime Martinez, Jose E. Meraz &amp; Jose Meraz – D-307-CV-2024-00825</b></p> | <p><b>0:06:54 – 0:07:53</b></p> | <p>In the matter of Jaime Martinez, Jose E. Meraz &amp; Jose Meraz v. NMRC (D-307-CV-2024-00825), this matter was brought before the District Court in Dona Ana County on an Emergency Temporary Restraining Order/Preliminary Injunction on April 5, 2024 before Honorable James T. Martin. Judge</p>   | <p>No Action Taken.</p> |

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| <p><b>C. Request for Ratification of Approval of SunRay Park’s 2024 Stewards</b></p>   | <p><b>0:07:54 – 0:08:50</b></p> | <p>Martin found “the petition is not meritorious and should be <b>denied.</b>”</p> <p>Executive Director Trejo requested ratification of approval of the 2024 SunRay Park’s State Stewards and Substitute Stewards as presented.</p> | <p>Motion to approve the 2024 SunRay Park’s State Stewards and Substitute Stewards as presented made by Commissioner Smith. Commissioner Buffington seconded the motion. The motion passed unanimously.</p>  |
| <p><b>D. Request for Ratification of Approval of Ruidoso Downs’ 2024 Stewards</b></p>  | <p><b>0:08:53 – 0:09:32</b></p> | <p>Executive Director Trejo requested approval of the 2024 Ruidoso Downs’ State Stewards and Substitute Stewards as presented.</p>   | <p>Motion to approve the 2024 Ruidoso Downs’ State Stewards and Substitute Stewards as presented made by Commissioner Smith. Commissioner Buffington seconded the motion. The motion passed unanimously.</p> |
| <p><b>E. Approvals for Sunland Park</b></p> <p><b>1. Request for Ratification of Approval to Amend 2024 Racing Officials</b></p> | <p><b>0:09:33 – 0:10:24</b></p> | <p>Mr. Dustin Dix of Sunland Park requested ratification of approval to Amend Sunland Park’s 2024 Racing Officials. Mr. Dix reported that Paddock Judge/Identifier, Jackie Riddle was out</p>  | <p>Motion to ratify the approval to amend Sunland Park’s 2024 Racing Officials made by Commissioner Smith. Motion</p>  |

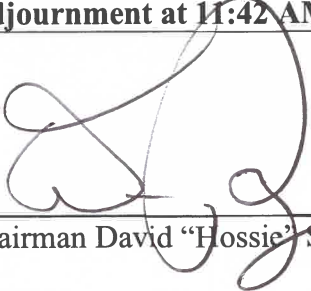
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| <p><b>F. SunRay Park</b></p> <p>1. Request for Ratification of Approval to Amend 2024 Purse Schedule</p> <p>2. Request for Ratification of Approval to Amend 2024 Condition Book (Book #1)</p> | <p><b>0:10:54 – 0:14:06</b></p> <p><b>0:14:14 – 0:16:09</b></p> <p><b>0:16:11 – 0:17:17</b></p> | <p>of town March 22, 23, and 24, 2024. Sunland Park had Roger Farrell fill in those position while Ms. Riddle was out of town.</p> <p>Mr. Dix of Sunland Park gave a brief update of Sunland Park’s 2024 race meet. He reported Sunland Park’s handle was down 2.84% and off-track handle was down 5.37%. Sunland Park determined that moving from Tuesdays to Thursdays lowered both on-track and off-track handles. Field size was down a bit. However, Management of Sunland Park was pleased with the result of moving the Sunland Derby to the end of March.</p> <p>Mr. Steve Fedunak of SunRay Park requested ratification of approval to amend SunRay Park’s 2024 Purse Schedule. The amendment is to reduce purses by 10% based on new gaming projections, with the exception of maiden special weight races which will be reduced from \$25,000.00 to \$21,500.00.</p> <p>Mr. Steve Fedunak of SunRay Park requested ratification of approval to amend SunRay Park’s 2024 Condition Book (Book #1) based on the requested ratification above. This amendment will reflect the 10% purse reduction on overnight races.</p> | <p>seconded by Commissioner Buffington. Motion passed unanimously.</p> <p>Motion to ratify the approval to amend SunRay Park’s 2024 Purse Schedule made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.</p> <p>Motion to ratify the approval to amend SunRay Park’s 2024 Condition Book (Book #1) made by Commissioner Smith.</p> |

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| 3. Request for Ratification of Approval to Amend 2024 Racing Officials           | <b>0:17:21 – 0:17:52</b> | Mr. Steve Fedunak of SunRay Park requested ratification of approval to amend SunRay Park’s 2024 Racing Officials. These amendments are adding and removing Assistant Starters, the Jockey Room Laundry Attendant and Outrider.  | Motion seconded by Commissioner Buffington. Motion passed unanimously.<br><br>Motion to ratify the approval to amend SunRay Park’s 2024 Racing Officials made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously. |
| 4. Request for Ratification of Approval to Amend 2024 Stakes Schedule            | <b>0:17:55 – 0:19:22</b> | Mr. Steve Fedunak of SunRay Park requested ratification of approval to amend SunRay Park’s 2024 Stakes Schedule. SunRay Park had to cancel the Inaugural Stakes scheduled April 13, 2024 due to a lack of entries. SunRay Park also requested approval to increase the purse for the Russell and Helen Foutz Distaff Stakes from \$70,000 to \$75,000 elevating the stake to “Black Type” status. | Motion to ratify the approval to amend SunRay Park’s 2024 Stakes Schedule made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.  |
| 5. Request for Ratification of Approval of 10 and 11 Race Card & Wagering Format | <b>0:19:26 – 0:20:46</b> | Mr. Steve Fedunak of SunRay Park requested approval of 10 and 11 Race Card & Wagering Format.   | Motion to ratify the approval of 10 and 11 Race Card & Wagering Format  |



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| <p><b>G. Approvals for Ruidoso Downs</b></p> <p>1. Request for Approval of 2024 Racing Officials</p> | <p><b>0:20:57 – 0:49:41</b></p> | <p>Mr. Rick Baugh of Ruidoso Downs requested approval of 2024 Racing Officials. Vice-Chairman Sanchez asked and expressed his concern of one of his employees listed. Vice-Chairman Sanchez expressed to Mr. Baugh that as the Commission, it is their job to make sure all five tracks' racing surfaces are in great and safe conditions. He expressed that the Commission wants to be sure that the track will be up to par to avoid any unnecessary injuries and catastrophic injuries. There was a lot of discussion about the condition of the track and they need to make sure it is in great condition for the safety of the equine athletes.</p> | <p>made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.</p> <p>Motion to approve Ruidoso Downs' 2024 Racing Officials made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.</p> |
| <p><b>H. Approvals for Zia Park</b></p> <p>1. Request for Approval of 2024 Stakes Schedule</p>       | <p><b>0:49:56 – 0:50:38</b></p> | <p>Mr. Chris McErlean of Zia Park requested approval of Zia Park's 2024 Stakes Schedule.</p>   | <p>Motion to approve Zia Park's 2024 Stakes Schedule made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously.</p>  |

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| 2. Request for Approval of GM Alex Rangel (Pending Background Check) | <b>0:50:40 - end</b> | Mr. Chris McErlean of Zia Park introduced and requested approval of the new GM, Alex Rangel for Zia Park. | Motion to approve Alex Rangel as GM, (pending his background check) made by Commissioner Smith. Motion seconded by Commissioner Buffington. Motion passed unanimously. |
| <b>X. Adjournment at 11:42 AM</b>                                    |                      | Vice-Chairman Sanchez adjourned meeting.  |  |

  
 Vice-Chairman David "Hossie" Sanchez Date 5/16/2024

  
 Executive Director Ismael Trejo Date 5-16-24