



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87117

Ruling #: **2024-RUI-40**
Track: Ruidoso Downs
Ruling Date: 7/22/2024

Licensee: SMITH, JEFFREY LOREN

License Type: 2024 1 Year Assistant S Applicant Id: 22085
License Number: 311158

Ruling # 2024-RUI-40

Action Type: Initial Ruling

Ruling:

Assistant Starter Jeffrey Smith having been properly summoned and having appeared before the Ruidoso Downs Board of Stewards on July 20, 2024 for failing a blood alcohol test on July 19, 2024. (Second offense of 2024).

The Board of Stewards hereby issue the following penalty:

1. A fine of Two Hundred Dollars (\$200.00) which must be paid on or before August 5, 2024, in accordance with NMAC 15.2.3.8 (B)(3)(e)(i). Failure to pay the fine within the prescribed time may result in immediate suspension. Pursuant to Rule NMAC 15.2.1.9 A(7)(f) all fines imposed by the stewards shall be paid to the commission within 14 days after the ruling is issued, unless otherwise ordered.
2. Mr. Smith is suspended for the remainder of the Ruidoso Downs race meet ending on September 2, 2024
3. Mr. Smith is required to complete a 60-day drug and alcohol program accredited by the State of New Mexico. A certificate of completion must be submitted to the Board of Stewards prior to any future licensure.

Licensee is found to be in violation of NMAC:

- 16.47.1.18 (B) Alcohol Testing
- 16.47.1.18 (B)(1) At its discretion, the commission may conduct random or episodic breath alcohol testing as well as testing based on reasonable suspicion, in order to ensure safety on the association grounds.
- 16.47.1.18 (B)(2) All licensees may be subject to breath alcohol testing.
- 16.47.1.18 (B)(3) No advance notice need be given as to random breath alcohol testing.
- 16.47.1.18 (B)(6) For a licensee's second breath testing violation in any jurisdiction, the licensee shall be referred to the board of stewards and shall be fined no less than two hundred dollars and shall be suspended for a period of not more than sixty days.

This ruling is written in accordance with NMAC:

- 15.2.1.9. (A)(4)(c) Last Known Address.
- 15.2.3.8 B (3)(f) Stewards Disciplinary Action
- 15.2.3.8 B (3)(A) Stewards Disciplinary Action
- 15.2.3.8 B (1) (d) Stewards General Authority
- 16.47.1.8. T. KNOWLEDGE OF RULES:
- 16.47.1.3 Statutory Authority
- 16.47.1.8 (A)(1) License Required
- 16.47.1.8 (A)(2) License Required



NEW MEXICO RACING COMMISSION
1000 Armada Blvd
Albuquerque, NM 87115

Ruling #: **2024-RUI-40**
Track: Ruidoso Downs
Ruling Date: 7/22/2024

Licensee: SMITH, JEFFREY LOREN

License Type: 2024 1 Year Assistant S Applicant Id: 22085
License Number: 311158

15.2.1.9(B)(9)(b): Appeal Procedures, which states "An appeal under this section must be filed not later than 10 days after the day of the ruling. If the deadline falls on a Sunday or a legal holiday, the period is extended to the next day that is not a Saturday, Sunday, or legal holiday. The appeal must be received by noon at the main commission offices or with the Stewards who issued the ruling and must be accompanied by a fee in the amount of \$400.00 dollars. The fee must be in the form of a cashier's check or a money order. The last day to file is August 1, 2024.

By Order of The Ruidoso Downs Stewards



New Mexico Racing Commission
4500 Central Blvd NE
Albuquerque, NM 87113

Ruling #: 2024-RUI-41
Track Ruidoso Downs
Ruling Date: 7/25/2024

Licensee: ESQUIVEL, JUAN

License Type: 2023 3 Year Owner Applicant Id: 7532
License Number: 307832

Ruling # 2024-RUI-41

Action Type: Initial Ruling

Ruling:

Owner Juan Esquivel was duly notified and appeared via Microsoft Teams for his disciplinary hearing on Thursday, June 27th, 2024, at 10:30 AM before the NMRC Board of Stewards. This hearing was to determine if Mr. Esquivel was the actual trainer of his horse "Chicks Comanchee", despite licensee Mr. David Hancock being listed as the trainer of record, and, if so, whether a penalty or other disciplinary action should be imposed upon Mr. Esquivel for such violation(s). The hearing involved the following Commission Rules and whether Mr. Esquivel has violated any such Rules:

NMAC 15.2.1.7(P)(15) "Program Trainer" defined;
NMAC 15.2.5.1(C)(2)(d): Protests, Objections and Inquiries;
NMAC 16.47.1.8.(L)(1)(d)(f)(i)(o); Grounds for Disciplinary Measures;
NMAC 16.47.1.8(T) Licensee Knowledge of Rules;
NMAC 16.47.1.10(C)(6)(7) Trainer responsibility, disclosure;
NMAC 16.47.1.10(F)(1)(a-g)(2)(a-d)(3) Trainer; Program Trainer

After hearing and reviewing the evidence presented regarding Mr. Esquivel and the alleged offenses outlined previously, the Board of Stewards has determined the evidence is insufficient and therefore dismisses this matter as it pertains to him. Therefore, no penalties are imposed upon the Owner, Mr. Juan Esquivel.

However, the horse "Chicks Comanchee" remains on the Stewards' List until the horse tests clean on a hair sample analysis conducted under the authority and supervision of the NMRC pursuant to Rule 15.2.6.9(J)(1-11).

This Ruling is written in accordance with the following Commission Rules:

NMAC 15.2.1.9(A) (Due Process and Disciplinary Action)
NMAC 15.2.3.8(B)(1)(a-e) (Stewards General Authority)
NMAC 15.2.3.8(B)(3)(a-k) (Disciplinary Action)
NMAC 15.2.5.12(B)(1) (Horse Ineligibility)
NMAC 15.2.5.13(E)(4)(d) (Penalty Recommendations);
NMAC 15.2.6.9(C)(1)(3)A (Trainer Responsibility);
NMAC 15.2.6.9(J)(1-11) (Out of Competition Testing);
NMAC 16.47.1.8. T. (Knowledge of Rules);
NMAC 16.47.1.3 (Statutory Authority);
NMAC 16.47.1.8(L)(1)(d)(e)(f)(i)(o) (Grounds for Disciplinary Measures);
NMAC 16.47.1.8 (A)(2) (License Required);
NMAC 16.47.1.8(U)(1) (Protection of horses);
NMAC 16.47.1.10(B)(1-3) (Absolute Insurer).



NEW MEXICO STATE THOROUGHBRED RACING
RUIDOSO DOWNS TRACK
RUIDOSO, NEW MEXICO 87050

Ruling #: 2024-RUI-41
Track: Ruidoso Downs
Ruling Date: 7/25/2024

Licensee: ESQUIVEL, JUAN
License Type: 2023 3 Year Owner Applicant Id: 7532
License Number: 305832

By Order of The Ruidoso Downs Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2024-RUI-42
Track Ruidoso Downs
Ruling Date: 7/23/2024

Licensee: HANCOCK, DAVID L
License Type: 2023 1 Year Owner Applicant Id: 165043
License Number: 310519

Ruling # 2024-RUI-42
Action Type: Initial Ruling
Ruling:

Trainer David Hancock was duly notified and appeared via Microsoft Teams for his disciplinary hearing on Thursday, June 27th, 2024, at 10:30 AM before the NMRC Board of Stewards. This hearing was to determine if Mr. Hancock was engaged in program training, in contravention to Commission Rules, regarding the horse "Chicks Comanchee", for which he was listed as the trainer of record. The hearing involved the following Commission Rules, whether Mr. Hancock has violated any such Rules and, if so, whether a penalty or other disciplinary action should be imposed upon him for such violation(s):

- NMAC 15.2.1.7(P)(15) "Program Trainer" defined;
- NMAC 15.2.5.1(C)(2)(d); Protests, Objections and Inquiries;
- NMAC 16.47.1.8.(L)(1)(d)(f)(i)(o); Grounds for Disciplinary Measures;
- NMAC 16.47.1.8(T) Licensee Knowledge of Rules;
- NMAC 16.47.1.10(C)(6)(7) Trainer responsibility, disclosure;
- NMAC 16.47.1.10(F)(1)(a-g)(2)(a-d)(3) Trainer; Program Trainer

Basis for and Factors Relevant to Board of Stewards' Ruling:

The evidence revealed Mr. Hancock, the trainer of record for "Chicks Comanchee" made false or misleading statements to a Commission Investigator during her investigation of this matter. Furthermore, Mr. Hancock also provided false or misleading testimony to the Board of Stewards at the hearing. Specifically, Mr. Hancock's conflicting and contradictory statements to the Commission Investigator and his testimony to the Board of Stewards at the hearing failed to comport with the documentary evidence presented in this matter. Therefore, the Board of Stewards has determined Mr. Hancock has done the following:

- 1) Made false or misleading statements to a Commission Investigator during her investigation of the licensee as well as to the Board of Stewards;
- 2) Made false or misleading statements while under oath during the Stewards' hearing which contradicted the evidence presented;
- 3) Changed his statements multiple times when dealing with a Commission Investigator, and
- 4) Failed to submit records of receipts of training or the cost of training the horse in response to a Commission-issued subpoena to do so.

Aggravating Factor: The horse "Chicks Comanchee" tested positive during Out of Competition Testing.
Mitigating Factors: None

Penalties Imposed on Licensee:

After hearing the evidence and testimony presented, and considering the Aggravating factor listed above, the NMRC Board of Stewards determines the following penalties be imposed:
1) Mr. David Hancock is hereby fined \$2,500.00 (Twenty-Five Hundred Dollars) for providing false statements to a Commission Investigator and false testimony under oath which conflicted with the documentary evidence presented. Mr. Hancock is hereby given a one (1) year suspension of his Commission issued license starting February 4th, 2025. through February 4th, 2026. The suspension term will run consecutively, meaning it



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2024-RUI-42
Track Ruidoso Downs
Ruling Date: 7/23/2024

Licensee: HANCOCK, DAVID L
License Type: 2024 1 Year Trainer Applicant Id: 165043
License Number: 311413

commences after his current suspension ends for Ruling 2024-SUN-60.

In accordance with Rule 15.2.1.9(B)(21)(a)(b), Mr. David Hancock will be excluded from all areas and grounds under the jurisdiction of the NMRC. Additionally, effective upon applicable suspension dates, all horses owned, trained, or under the care of David Hancock are ineligible to be entered or start in any race in this jurisdiction, per Rule 15.2.1.9(B)(21)(c). The fine is imposed in accordance with Rule 15.2.3.8(B)(3)(e). Failure to pay the fine within the prescribed time may result in immediate suspension. Pursuant to Rule 15.2.1.9(A)(7)(f), all fines imposed by the Board of Stewards shall be paid within 14 days after the Ruling is issued, unless otherwise ordered. Therefore, Mr. Hancock's fine is due on or before August 6, 2024.

This Ruling is written in accordance with the following Commission Rules:

- NMAC 15.2.1.9(A) (Due Process and Disciplinary Action)
- NMAC 15.2.3.8(B)(1)(a-e) (Stewards General Authority)
- NMAC 15.2.3.8(B)(3)(a-k) (Stewards Disciplinary Action)
- NMAC 15.2.5.12(B)(1) (Horse Ineligibility);
- NMAC 16.47.1.8. T. (Knowledge of Rules);
- NMAC 16.47.1.3 (Statutory Authority);
- NMAC 16.47.1.8(L)(1)(d)(c)(f)(i)(o) (Grounds for Disciplinary Measures);
- NMAC 16.47.1.8(A)(2) (License Required);
- NMAC 16.47.1.8(U)(1) (Protection of horses);
- NMAC 16.47.1.10(B)(1-3) (Absolute Insurer).

Licensee's Right to Appeal:

NMAC 15.2.1.9(A)(9)(b): Appeal Procedures, which states "An appeal under this section must be filed not later than 10 days after the day of the ruling. If the deadline falls on a Sunday or a legal holiday, the period is extended to the next day that is not a Saturday, Sunday, or legal holiday. The appeal must be received by noon at the main commission offices or with the Stewards who issued the ruling and must be accompanied by a fee in the amount of \$400.00 dollars. The fee must be in the form of a cashier's check or a money order. The last day to file an appeal is August 2, 2024.

By Order of The Ruidoso Downs Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: **2024-RUI-43**
Track: Ruidoso Downs
Ruling Date: 7/25/2024

Licensee: ITURRALDE, LUIS DANIEL
License Type: 2023 3 Year Trainer Applicant Id: 33065
License Number: 307714

Ruling # 2024-RUI-43

Action Type: Initial Ruling

Ruling:

Trainer Luis Daniel Iturralde having been properly notified and having responded via telephone before the Ruidoso Downs Board of Stewards @ DAA on July 25, 2024, waived his right to a 10-day notice and formal disciplinary hearing for his horse "Billy de Kid" who failed to show to the paddock for the 2nd race on July 20, 2024, necessitating a late scratch and pari - mutuel refunds at Ruidoso Downs Racetrack.

The Board of Stewards hereby issue the following penalty:

1. A fine of Five Hundred Dollars (\$500.00) which must be paid on or before August 8, 2024, in accordance with NMAC 15.2.3.8 (B)(3)(e)(i). Failure to pay the fine within the prescribed time may result in immediate suspension. Pursuant to Rule NMAC 15.2.1.9 A(7)(f) all fines imposed by the stewards shall be paid to the commission within 14 days after the ruling is issued, unless otherwise ordered.

Licensee is found in violation of:

16.47.1.10 (B)(22) Absolute Insurer: presenting horse in the paddock at least 20 minutes before post time or at a time otherwise appointed before the race in which the horse is entered;

This ruling is written in accordance with NMAC:

15.2.1.9. (A)(4)(c) Last Known Address.
15.2.3.8 B (3)(f) Stewards Disciplinary Action
15.2.3.8 B (3)(A) Stewards Disciplinary Action
15.2.3.8 B (1) (d) Stewards General Authority
16.47.1.8. T. KNOWLEDGE OF RULES:
16.47.1.3 Statutory Authority
16.47.1.8 (A)(1) License Required
16.47.1.8 (A)(2) License Required
16.47.1.8(N) Last Known Address

15.2.1.9(B)(9)(b): Appeal Procedures, which states "An appeal under this section must be filed not later than 10 days after the day of the ruling. If the deadline falls on a Sunday or a legal holiday, the period is extended to the next day that is not a Saturday, Sunday, or legal holiday. The appeal must be received by noon at the main commission offices or with the Stewards who issued the ruling and must be accompanied by a fee in the amount of \$400.00 dollars. The fee must be in the form of a cashier's check or a money order. The last day to file is August 4, 2024.



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: **2024-RUI-43**
Track: Ruidoso Downs
Ruling Date: 7/25/2024

Licensee: ITURRALDE, LUIS DANIEL
License Type: 2023 3 Year Trainer Applicant Id: 33065
License Number: 307714

By Order of The Ruidoso Downs Stewards

David Smith *Messy Wayles* *D. P. L.*



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2024-RUI-44
Track: Ruidoso Downs
Ruling Date: 7/25/2024

Licensee: TAFOYA, JACOB MANUEL
License Type: 2021 3 Year Owner Applicant Id: 160853
License Number: 302425

Unplaced: Fly Through Winter

The horse "Fly Through Winter" is placed on the Commission Veterinarian's list for 180 days beginning July 25, 2024, through January 25, 2025, and must pass a Commission approved examination before being eligible to enter, which shall include providing negative results in both a blood and hair sample done under the supervision and authority of the New Mexico Racing Commission. In the event an appeal is pursued from this Ruling, the horse "Fly Through Winter" shall remain on the Stewards' List until such time as the case is fully adjudicated.

This Ruling is written in accordance with the following Commission Rules:

- Rule 15.2.3.8(B)(1)(3)(f)(g)(j) Stewards General Authority;
- Rule 15.2.1.9(B)(3)(a-k) Due Process and Disciplinary Action;
- Rule 15.2.6.9(B) Penalty Recommendations;
- Rule 15.2.3.8(B)(3)(j) Purse, prize redistribution.
- Rule 15.2.5.13(E)(4)(d) Unplacing, purse redistribution.

15.2.6.9(B)(4) Penalty Recommendations:

Licensee's right to appeal: Rule 15.2.1.9(B)(9)(b) states in pertinent part "An appeal under this section must be filed not later than 10 days after the date of the ruling. If the deadline falls on a Saturday, Sunday or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday. The appeal must be received by noon, at the main commission offices or with the stewards who issued the ruling and must be accompanied by a fee in the amount of \$400.00. The fee must be in the form of a cashier's check, money order."

The last day to file an appeal: Monday August 5, 2024.

By Order of The Ruidoso Downs Stewards



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87117

Ruling #: 2024-RUI-44
Track Ruidoso Downs
Ruling Date: 7/25/2024

Licensee: TAFOYA, JACOB MANUEL

License Type: 2021 3 Year Owner Applicant Id: 160853
License Number: 302425

Ruling # 2024-RUI-44

Action Type: Initial Ruling

Ruling:

Owner Jacob Tafoya was duly notified for a disciplinary hearing and appeared before the NMRC Board of Stewards via Microsoft Teams at 10:00 a.m. on July 18, 2024, regarding a confirmed positive test for Albuterol, a Class 3, Penalty A drug, by Industrial Laboratory, the official laboratory of the NMRC, for sample #E546340 (Blood) on the horse "Fly Through Winter". "Fly Through Winter" placed 3rd in the 2nd race, QH Maiden Claiming Race, held at Sunray Park Racetrack in Farmington NM on April 26, 2024.

Split sample testing rights were afforded to trainer Armando Castellanos-Loza and owner Jacob Tafoya. Split sample #E546340 was submitted to UC Davis at the request of both the trainer and owner and was confirmed positive for Albuterol.

Mr. Armando Castellanos-Loza was the trainer of record on April 26, 2024, for "Fly Through Winter".

Given the evidence presented, Mr. Jacob Tafoya is found to be in violation of the following Commission Rules:

Rule 15.2.6.9(C)(1)(4) Medication Restrictions: no permissible levels of Albuterol;
Rule 16.47.1.8(U) Protection of Horses.

In accordance with Rule 15.2.6.9(B)(4) PENALTY RECOMMENDATIONS, this is Owner Jacob Tafoya first Class 3 Penalty A medication violation in a 365-day period.

The NMRC Board of Stewards hereby issue the following penalty:

Pursuant to Rule 15.2.5.13(E)(4)(d), "Fly Through Winter" is disqualified and unplaced for all but pari-mutuel wagering purposes. Pursuant to Rule 15.2.5.14(D)(7), the purse redistribution is as follows:

- 1) Jess Down the Rapids
- 2) King Boogaloo
- 3) Jess Gronkowski
- 4) Fiesty Six
- 5) Moonspiracy
- 6) Sky Jumpn
- 7) Chiklbaby