

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

**Date:** August 22, 2024, at 9:00 a.m.

**Place:** NMRC Boardroom; 4900 Alameda Blvd., NE, Albuquerque, NM and Zoom Video Conference – Meeting ID: 880 2753 8488

**Members Present:** Commissioners John Buffington, Billy Smith, Robert “Bob” Pitre, and Mary Kay Papen.

**NMRC Staff Participating:** Executive Director Ismael Trejo, In-House Counsel Richard Bustamante, Administrative Assistant Sara Lopez and Law Clerk Denise Chavez.

<i>AGENDA ITEM</i>	<i>RECORDING #</i>	<i>DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
<b>Public Session 1:</b> <b>I. Call to Order and Roll Call</b>	<b>0:02:23 – 0:03:15</b>	<p>Meeting called to order at 9:52 a.m. by Commissioner Billy Smith. Meeting began late due to technical difficulties. 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 Administrative Assistant Sara Lopez were also present.</p>	No Action Taken.
<b>II. Pledge of Allegiance</b>	<b>0:03:17 – 0:03:36</b>		Pledge of Allegiance was recited.
<b>III. Approval of Agenda</b>	<b>0:03:43 – 0:05:12</b>	Commissioner Smith asked if there were any changes to the agenda today. In-House Counsel Bustamante requested that Item 7.(C) be removed from this Agenda as it does not meet any exceptions per the OMA.	Motion to approve the agenda as modified made by Commissioner Buffington. Commissioner Pitre second the motion.

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			Motion passed unanimously by roll call vote.
<b>IV. Approval of Minutes:</b> July 18, 2024 – Regular Commission Meeting	<b>0:05:17 – 0:05:46</b>	Commissioner Smith asked if the minutes for the July 18, 2024, regular meeting were reviewed and if there were any changes. There were no changes.	Motion to approve the minutes from July 18, 2024 meeting made by Commissioner Buffington; Second by Commissioner Pitre. Motion passed unanimously.
<b>V. Commissioners’ Reports</b>	<b>0:05:51 – 0:06:02</b>	No comments.	No Action Taken.
<b>VI. Agency Director Reports:</b> A. NMRC Report	<b>0:06:05 – 0:17:19</b>	<ul style="list-style-type: none"> <li>• Executive Director Trejo congratulated Chairman Smith and Vice-Chairman Buffington for their appointments as such. They have the racing industry at heart, and the staff of the NMRC looks forward to working under their leadership. Executive Director Trejo also welcomed former Senator Mary Kay Papen to the NM Racing Commission.</li> <li>• Executive Director Trejo reported on the events of his recent trip to New York. At the Jockey Club Roundtable there was a lot of discussion about whether the horse racing industry is on its death bed, in</li> </ul>	No Action Taken.

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B. NMHBA Report	0:17:20 – 0:20:23	<p>transition or alive and well. Consensus was there is a revival in this industry.</p> <ul style="list-style-type: none"> <li>Executive Director Trejo reported while in Saratoga, the NY Association Vets were in a barn using new technology. They placed an iPhone on a tripod and the vets jogged a horse. The technology uses thermal imaging to give a color code to the horse's legs. The horse's legs will show up either green or yellow if they are sound. If they show up either red or orange, it means the horse still has issues and most likely will not be removed from the Vet's list. That technology is significantly cheaper than the pet scans discussed last year, and it is a lot easier to institute into a program. The subscription is only \$170.00/month and our Vets can use this equipment.</li> </ul> <p>Mary Barber presented the Final Race-A-Day Report for Ruidoso Downs through Sunday, August 11, 2024, stating it ran 112 NM Bred Races through August 11, 2024. In overnight races, the NMHBA contributed \$558,000.00 which was \$140,500.00 less than in 2023. However, Ms. Barber noted this reduction does not include the funds NMHBA added to the Rio Grande Senior and Seniorita and 2 NM Bred Stakes were cancelled. It averaged 3.40 NM Bred per day, +13 for three a day.</p>	<p>No action taken.</p> <p>No action taken.</p>

<i>AGENDA ITEM</i>	<i>RECORDING #</i>	<i>DISCUSSIONS/CONCLUSIONS/ RECOMMENDATIONS</i>	<i>ACTION TAKEN</i>
<p><b>VII. Executive Session:</b></p> <p><b>A) NMHA v. NMRC, et al. (Pending Litigation)</b></p> <p><b>B) Alexander v. NMRC (Pending Litigation)</b></p> <p><b>C) Discussion of Medications (removed from Agenda during 1<sup>st</sup> Open Session – Approval of Agenda)</b></p> <p><b>D) IMO: Hector Aldrete (Licensing)</b></p> <p><b>E) IMO: Ever Morales Flores (Licensing)</b></p> <p><b>F) NM Racetracks (Licensing)</b></p> <ol style="list-style-type: none"> <li>1) Sunland Park</li> <li>2) SunRay Park</li> <li>3) Ruidoso Downs</li> <li>4) The Downs at Albuquerque</li> <li>5) NM State Fair</li> <li>6) Zia Park</li> </ol>	<p><b>0:20:29 – end</b></p>	<p>Chairman Smith called for a motion to enter into executive session. Vice-Chairman 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>Item 7(C) was removed from the Agenda during the Approval of Agenda, above. This matter did not meet any exceptions for the OMA.</p>	<p>Motion to enter into Executive Session made by Commissioner Buffington. Commissioner Pitre seconded the motion. Motion passed unanimously by roll call vote.</p> <p><b>No action taken on Agenda Items VII (A, B, D, E and F).</b></p>

<p><b>VIII. <u>Unfinished/New Business and/or Action Items:</u></b></p> <p><b>A. Request for Approval of FY26 NMRC Budget</b></p> <p><b>B. IMO: Hector Aldrete (Licensing)</b></p> <p><b>C. IMO: Ever Morales Flores (Licensing)</b></p>	<p><b>2<sup>nd</sup> Open Session Recording:</b></p> <p><b>0:00:09 – 0:00:45</b></p> <p><b>0:00:47 – 0:09:49</b></p> <p><b>0:10:19 – 0:11:04</b></p> <p><b>0:11:07 – 0:13:57</b></p>	<p>In-House Counsel Bustamante affirmed the Commission only discussed in Executive Session those matters listed under Items 7. A, B, D, E and F which were pending litigation and/or 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>NMRC CFO, Amber Trujillo, presented the NMRC FY26 Budget for approval.</p> <p>Department of Justice Prosecutor, Rose Bryan, presented the Stipulated Settlement Agreement and was available via Zoom for any questions from the Commissioners.</p> <p>Mr. Ever Morales Flores requested approval to apply for Groom’s License with the NMRC.</p>	<p>Motion to approve NMRC’s FY26 Budget as presented made by Commissioner Buffington; Second by Commissioner Pitre. Motion passed unanimously by roll call vote.</p> <p>Motion to approve the Stipulated Settlement Agreement as presented made by Commissioner Buffington; Second by Commissioner Pitre. Motion passed unanimously by roll call vote.</p> <p>Motion to table matter to allow Mr. Morales</p>
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<p><b>D. Request for Approval of 2024 Zia Park Stewards</b></p>	<p><b>0:14:03 – 0:15:53</b></p>	<p>Executive Director Trejo requested approval of 2024 Zia Park Stewards: Presiding, Larry Fontenot, Jr., Geoff Waxler and Don Rausch. Substitute Stewards: Leasa Johnson, Elizabeth Garcia, Reese “Rug” Howard, Violet “Pinkie” Smith, and Sara Lopez.</p>	<p>Motion to approve 2024 Zia Park Stewards as presented made by Commissioner Buffington; Second by Commissioner Pitre. Motion passed unanimously.</p>
<p><b>E. Request for Ratification of Approval of Variances</b></p> <ol style="list-style-type: none"> <li><b>1. The Downs at Albuquerque</b></li> <li><b>2. SunRay Park</b></li> <li><b>3. Sunland Park</b></li> <li><b>4. Zia Park</b></li> <li><b>5. Ruidoso Downs</b></li> </ol>	<p><b>0:15:57 – 0:17:07</b></p>	<p>Executive Director Trejo requested ratification of the approvals for variances for all NM tracks due to the fires and flooding at Ruidoso Downs.</p>	<p>Motion to ratify the approval of all variances as presented made by Commissioner Buffington; Second by Commissioner Pitre. Motion passed unanimously.</p>
<p><b>F. Approvals for Sunland Park</b></p> <ol style="list-style-type: none"> <li><b>1. Request for Approval of 2025 Primary Application &amp; Simulcast License</b></li> </ol>	<p><b>0:17:30 – 0:19:17</b></p>	<p>Mr. Dustin Dix of Sunland Park requested approval of Sunland Park’s 2025 Primary Application &amp; Simulcast License. Sunland Park will begin their race meet on December 19, 2024 and will end April 6, 2025;</p>	<p>Motion to approve Sunland Park’s 2025 Primary Application &amp; Simulcast License as presented made by</p>

<p><b>2. Request for Approval of 2025 Nomination Blanks</b></p> <p><b>a. 2025 Shue Fly Nomination Blank</b></p> <p><b>b. 2025 West Texas Derby Nomination Blank</b></p> <p><b>c. 2025 West Texas Maturity Nomination Blank</b></p> <p><b>d. 2025 New Mexico Spring Futurity Nomination Blank</b></p> <p><b>e. 2025 West Texas Futurity Nomination Blank</b></p> <p><b>3. Request for Approval of 2025 Gaming &amp; Breakage</b></p> <p><b>G. Approvals for SunRay Park</b></p> <p><b>1. Request for Approval of 2025 Primary Application &amp; Simulcast License</b></p>	<p><b>0:19:32 – 0:20:51</b></p> <p><b>0:20:52 – 0:21:32</b></p> <p><b>0:22:00 – 0:23:55</b></p>	<p>Sunland Park will run Thursdays, Fridays, Saturdays, and Sundays. It will run a minimum of 9 races a day. First day of live racing will be January 3, 2025. Total number of live race days is 55.</p> <p>Mr. Dix requested approval of 2025 Nomination Blanks (as listed).</p> <p>Mr. Dix requested the Commission table this matter as Sunland Park was not ready for this approval.</p> <p>Mr. Max Moreland of SunRay Park requested approval of SunRay Park’s 2025 Primary Application &amp; Simulcast License. SunRay Park will begin its race meet on April 7, 2025, and will end May 25, 2025; It will run Fridays, Saturdays, and Sundays, and it will run a minimum of 11 races a day. First day of live racing will be April 18, 2025. Total number of live race days is 18.</p>	<p>Commissioner Buffington; Second by Commissioner Pitre. Motion 3-1 vote.</p> <p>Motion to approve 2025 Nomination Blanks as presented made by Commissioner Buffington; Second by Commissioner Pitre. Motion passed unanimously.</p> <p>Motion to table this matter made by Commissioner Buffington; Second by Commissioner Pitre. Motion passed unanimously.</p> <p>Motion to approve SunRay Park’s 2025 Primary Application &amp; Simulcast License as presented made by Commissioner Buffington; Second by Commissioner Pitre. Motion passed unanimously.</p>
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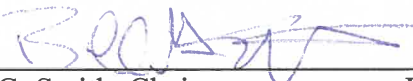
<p><b>2. Advisement of Changes to Management at SunRay Park</b></p>	<p><b>0:24:02 – 0:25:13</b></p>	<p>Mr. Moreland advised the Commission that Mr. Steve Fedunak is no longer with SunRay Park.</p>	<p>No Action Taken.</p>
<p><b>H. Approvals for Ruidoso Downs</b></p>			
<p><b>1. Request for Approval of 2025 Primary Application &amp; Simulcast License</b></p>	<p><b>0:25:14 – 0:27:01</b></p>	<p>Mr. Rick Baugh requested Ruidoso Downs’ 2025 race meet begin May 15, 2025, and run through September 1, 2025. First day of racing will be May 23, 2024. It will run Fridays, Saturdays and Sundays and Memorial Day and Labor Day. Ten (10) races a day. A total of 46 racing days.</p>	<p>Motion to approve Ruidoso Downs’ 2025 Primary Application &amp; Simulcast License as presented made by Commissioner Buffington; Second by Commissioner Pitre. Motion passed unanimously.</p>
<p><b>2. Request for Ratification of Approval to Move the Remainder of Ruidoso Downs’ 2024 Race Meet to The Downs at Albuquerque</b></p>	<p><b>0:27:08 – 0:27:36</b></p>	<p>Mr. Rick Baugh of Ruidoso Downs requested ratification of approval to move the remainder of Ruidoso Downs’ 2024 race meet to The Downs at Albuquerque due to continued flooding.</p>	<p>Motion to ratify the approval to move the remainder of the meet to DAA made by Commissioner Buffington; Second by Commissioner Pitre. Motion passed unanimously.</p>
<p><b>3. Request for Ratification of Approval to Amend 2024 Stakes Schedule</b></p>	<p><b>0:27:39 – 0:28:03</b></p>	<p>Mr. Rick Baugh requested ratification of approval to amend 2024 Stakes Schedule.</p>	<p>Motion to ratify the approval to amend Ruidoso Downs’ 2024 Stakes Schedule made by Commissioner Buffington; Second by Commissioner Pitre. Motion passed unanimously.</p>



<p><b>4. Request for Ratification of Approval to Amend 2024 Purse Schedule</b></p>	<p><b>0:28:06 – 0:28:31</b></p>	<p>Mr. Rick Baugh requested ratification of approval to amend Ruidoso Downs' 2024 Purse Schedule.</p>	<p>Motion to ratify the approval to amend Ruidoso Downs' 2024 Purse Schedule made by Commissioner Buffington; Second by Commissioner Pitre. Motion passed unanimously.</p>
<p><b>I. Approvals for The Downs at Albuquerque</b></p>			
<p><b>1. Request for Approval of 2025 Primary Application &amp; Simulcast License</b></p>	<p><b>0:28:42 – 0:30:15</b></p>	<p>Don Cook of the Downs at Albuquerque requested the DAA 2025 race meet begin August 20, 2025, through October 26, 2025. First day of racing will be August 28, 2025. It will run Wednesdays, Fridays, Saturdays and Sundays. Nine (9) races a day. A total of 20 racing days.</p>	<p>Motion to approve DAA's 2025 Primary Application &amp; Simulcast License as presented made by Commissioner Buffington; Second by Commissioner Pitre. Motion passed unanimously.</p>
<p><b>2. Request for Ratification of Approval to Amend 2024 Primary License</b></p>	<p><b>0:30:20 – 0:31:10</b></p>	<p>Mr. Cook requested ratification of approval to amend the DAA 2024 Primary License. There was overlap between the DAA and Ruidoso Downs (due to fires and flooding). He requested to remove August 29, 30, 31 and September 1. He also asked to add September 19 and 26, 2024.</p>	<p>Motion to ratify the approval to amend the DAA's 2024 Primary License as presented made by Commissioner Buffington; Second by Commissioner Pitre. Motion passed unanimously.</p>
<p><b>3. Request for Ratification of Approval to Amend 2024 Stakes Schedule</b></p>	<p><b>0:31:15 – 0:32:28</b></p>	<p>Mr. Cook requested ratification of approval to amend The Downs at Albuquerque's 2024 Stakes Schedule. The changes are the JR Maloof Marathon will be moved from August 29 to</p>	<p>Motion to ratify the approval to amend DAA's 2024 Stakes Schedule made by</p>

<p><b>J. Approvals for NM State Fair</b></p> <p><b>1. Request for Approval of 2025 Primary Application</b></p>	<p><b>0:32:35 – 0:33:48</b></p>	<p>September 5, 2024; trials for the AQHA Distance Challenge will be moved from August 30 to September 5, 2024 – no change to the final date of September 21; the Petticoat Stakes will move from August 31 to September 7, 2024; and lastly, the Pitre GMC Distaff will move from September 1 to September 8, 2024.</p> <p>Mr. Cook, representative of the NM State Fair requested the NM State Fair race meet begin on August 27, 2025, through September 28, 2025. The first day of live racing will be September 4, 2025. It will run Wednesdays, Thursdays, Fridays, Saturdays, and Sundays. Nine (9) races a day for a total of 17 live race days.</p>	<p>Commissioner Buffington; Second by Commissioner Pitre. Motion passed unanimously.</p> <p>Motion to approve NM State Fair’s 2025 Primary Application as presented made by Commissioner Buffington; Second by Commissioner Pitre. Motion passed unanimously.</p>
<p><b>K. Approvals for Zia Park</b></p> <p><b>1. Request for Approval of 2025 Primary Application &amp; Simulcast License</b></p>	<p><b>0:34:01 – 0:36:49</b></p>	<p>Mr. McErlean requested Zia Park’s race meet begin on October 24, 2025, through December 17, 2025. The first day of live racing will be November 1, 2025. It will run Saturdays, Sundays, Mondays and Tuesdays (2 Wednesdays and 1 Friday). Eleven (11) races on November 1, 2025 and ten (10) races thereafter due to daylight, for a total of 31 live race days.</p> <p>Mr. McErlean pointed out that December 10, 2025 was agreed on to add, however, Zia Park may come back requesting the Commission move that day to another day in 2025.</p>	<p>Motion to approve Zia Park’s 2025 Primary Application &amp; Simulcast License as presented made by Commissioner Buffington; Second by Commissioner Pitre. Motion passed 3-1 votes.</p>
<p><b>2. Request for Approval of 2024 Condition Book (Book #1)</b></p>	<p><b>0:36:58 – 0:38:37</b></p>	<p>Mr. McErlean requested approval of Zia Park’s 2024 Condition Book (Book #1) as presented. Mr. McErlean pointed out that the purse schedule for this condition book will be the same as last</p>	<p>Motion to approve Zia Park’s 2024 Condition Book (Book #1) made by Commissioner</p>

<p><b>3. Request for Approval of 2024 Post Times &amp; Wagering Format</b></p>	<p><b>0:38:40 – 0:39:41</b></p>	<p>year with approximate overnights of \$350,000.00 per day. Also, last year the NM Classic Stakes Day successfully ran over 2 days (Sunday for QHs and Monday for TBs), Zia Park is planning on doing this again this year and running the over night races as all NM Bred Races as well on those two days. On the Land of Enchantment Stakes Day (November 26, 2024), there will NOT be any NM Bred Races scheduled. The NMHBA endorsed this as they did last year.</p> <p>Mr. McErlean requested approval of Zia Park's 2024 Post Times &amp; Wagering Format as presented. Mr. McErlean informed the Commission that Zia Park will offer Pick 5 wagering ONLY on TB race cards; and also a second Pick 5, starting on Race 1, on November 25 and 26, 2024.</p>	<p>Buffington; Second by Commissioner Pitre. Motion passed unanimously.</p> <p>Motion to approve Zia Park's 2024 Post Times &amp; Wagering Format as presented made by Commissioner Buffington; Second by Commissioner Pitre. Motion passed unanimously.</p>
<p><b>X. Adjournment at 2:35 PM</b></p>	<p><b>0:39:47 - end</b></p>	<p>Chairman Smith adjourned meeting.</p>	

 9/19/24  
 Billy G. Smith, Chairman                      Date

 9-19-24  
 Executive Director Ismael Trejo                      Date