

NEW MEXICO HORSE RACING COMMISSION
MINUTES OF THE REGULAR MEETING

Date: June 13, 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, and Commissioner Billy Smith.

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	0:00:06 – 0:00:36	Meeting called to order at 9:02 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	0:00:37 – 0:00:56		Pledge of Allegiance was recited.
III. Approval of Agenda	0:01:03 – 0:01:17	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: May 16, 2024 – Regular Commission Meeting	0:01:20 – 0:01:33	Vice-Chairman Sanchez asked if the minutes for the May 16, 2024, regular meeting were reviewed and if there were any changes. There were no changes.	Motion to approve the minutes from May 16, 2024 meeting made by Commissioner Smith; Second by Commissioner Buffington. Motion passed unanimously.
V. Commissioners' Reports	0:01:37 – 0:01:44	No comments.	No Action Taken.
VI. Agency Director Reports: A. NMRC Report	0:01:46 – 0:12:38	<ul style="list-style-type: none"> • Executive Director Trejo introduced the newest member of the NM Racing Commission, Ms. Sara Lopez. • Executive Director Trejo reported Ruidoso Downs' meet is running now. He said there have been reports of rocks being on the track again this year. This matter was addressed with Ruidoso's management. So far, there has only been 1 catastrophic injury. It was a sudden death injury with no bone structure issues. • Executive Director Trejo reported HISA will be visiting Ruidoso Downs Racetrack soon to assess its operation as it relates to executing HISA policies, track safety and rules. Executive Director Trejo said it was his understanding HISA's evaluation will be a lot more stringent than the initial 	No Action Taken.

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		<p>evaluation since it has given the tracks a year to tighten up their enforcement of HISA's track safety rules. It was also his understanding that non-compliance can lead to shutting down the export signal.</p> <ul style="list-style-type: none"> • Executive Director Trejo expressed concern about the NMRC's budget to pay veterinarians in FY25. Executive Director Trejo reported he and NMRC's CFO have been devising game plans to secure funds to pay the veterinarians' salaries. Vice-Chairman Sanchez added the vets have already been found but the NMRC needs money to pay them. NMRC is doing all it can do to meet the salary requirements. Commissioner Smith asked Executive Director Trejo about the money which was used last year to pay the vets. Executive Director Trejo responded NMRC was appropriated \$500k for HISA fees (not part of SB 336) which was utilized significantly for HISA work. The agency was able to use that money to attract vets to come to NM to work with the hope to get money for the expansion and to keep the vet program going. However, when the agency was not appropriated any expansion for FY25, the question now is what the Agency can do to keep the vets. • Discussions were conducted regarding how much the withholding of the Kentucky 	No Action Taken.

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B. NMHBA Report	0:12:40 – 0:18:29	<p>Derby signal from NM impacted the racing industry in NM. Executive Director Trejo reported for the month of May the NM racing industry lost almost \$60k (comparing numbers from 2023 and 2024). This loss affects the agency’s equine testing fund.</p> <p>Mary Barber presented the Final Race-A-Day Report for SunRay Park through Sunday, May 19, 2024, stating it ran 56 NM Bred Races in 18 days. In overnight races, the NMHBA contributed \$430,500.00 which was \$271,000.00 less than in 2023. It averaged 3.12 NM Bred per day, +2 for three a day.</p>	No action taken.
<p>VII. Executive Session: entered at 9:21 AM</p> <p>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)</p> <p>B) D-202-CV-202200712 (Pending Litigation)</p> <p>C) 1:22-CV-202200712 (Pending Litigation)</p> <p>D) S-1-SC-40427 (Pending Litigation)</p>	0:18:30 – end	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.	Motion to enter into Executive Session made by Commissioner Buffington. Commissioner Smith seconded the motion. Motion passed unanimously by roll call vote.


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<p>E) D-307-CV-2021-00067 (Pending Litigation)</p> <p>F) IMO: Rick Baugh (Licensing)</p> <p>G) IMO: Allison Martinez (Hearing Officer's Report)</p> <p>H) Sunland Park (Licensing)</p> <p>I) SunRay Park (Licensing)</p> <p>J) Ruidoso Downs (Licensing)</p> <p>K) The Downs at Albuquerque (Licensing)</p> <p>L) NM State Fair (Licensing)</p> <p>M) Zia Park (Licensing)</p>	<p>2nd Open Session Recording:</p> <p>0:00:04 – 0:00:34</p>	<p>Assistant Attorney General Dan Rubin affirmed the Commission only discussed in Executive Session those matters listed under Items 7. A & M 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. He also affirmed that In-House Counsel excused himself during the Commission's deliberations on the matter of Allison Martinez (Hearing Officer's Report – Item 7(G) listed on the Agenda) as he was a witness in the matter.</p>	<p>No action taken on Agenda Items VII (A - M).</p>
<p>VIII. <u>Unfinished/New Business and/or Action Items:</u></p> <p>A. IMO: Allison Martinez (Hearing Officer's Report)</p>	<p>0:00:35 – 0:01:48</p>	<p>The Commission adopted the Hearing Officer's Recommendations with the following modifications: A) Trainer Allison Martinez will be fined \$25,000 and must pay this fine within 30 days of the signing of the Decision and Order; B) Trainer Allison Martinez is suspended for 3 years and shall be given credit served; C) Trainer</p>	<p>Motion to adopt the Hearing Officer's recommendation with modification as specified by AAG Rubin made by Commissioner Smith;</p>

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<p>B. Request for Ratification of Approval to Amend Split Sample Testing Labs</p>	<p>0:01:52 – 0:02:28</p>	<p>Allison Martinez will accumulate 6 points pursuant to the multiple medication violation system which will add another 60 days to her 3 year suspension; and lastly D) Ms. Martinez must take and successfully pass the State of NM Racing Commission’s sanctioned Trainer’s Test before applying for a new license.</p> <p>Executive Director Trejo requested ratification of approval to amend the Split Sample Testing Labs. Executive Director Trejo reported University of Kentucky Laboratory lost its accreditation and should be removed from the NMRC’s approved split sample testing labs.</p>	<p>Second by Commissioner Buffington. Motion passed unanimously.</p> <p>Motion to ratify the approval to amend the Split Sample Testing Labs as presented made by Commissioner Smith; Second by Commissioner Buffington. Motion passed unanimously.</p>
<p>C. Request for Approval to Amend 2024 Ruidoso Downs’ Stewards</p>	<p>0:02:30 – 0:02:58</p>	<p>Executive Director Trejo requested approval to amend 2024 Ruidoso Downs’ Stewards to add Mr. Donald Rausch.</p>	<p>Motion to approve the Amended 2024 Ruidoso Downs’ Stewards as presented made by Commissioner Smith; Second by Commissioner Buffington. Motion passed unanimously.</p>

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<p>D. Approvals for SunRay Park</p> <p>1. Request for Ratification of Approval to Amend 2024 Post Times & Wagering Format</p> <p>2. Request for Ratification of Approval to Change Entry Day for 4 Corners & NM Breeders Futurities</p> <p>3. Request for Ratification of Approval to Amend 2024 Racing Officials</p>	<p>0:03:04 – 0:03:48</p> <p>0:03:50 – 0:04:39</p> <p>0:04:41 – 0:05:17</p>	<p>Mr. Steve Fedunak requested ratification of approval to amend 2024 Post Times and Wagering Format for May 18, 2024. SunRay ran 12 races and wanted to allow its patrons time to watch and wager on the Preakness Stakes between the 9th and 10th races.</p> <p>Mr. Steve Fedunak requested ratification of approval to change the Entry Schedule for the Four Corners and NM Breeders Futurities to 72 hours out rather than 7 days out to allow final test results to be received before entry time.</p> <p>Mr. Steve Fedunak requested ratification of approval to amend 2024 Racing Officials. Closing weekend SunRay Park lost 2 gate crew employees and had to get those positions filled for the last weekend.</p>	<p>Motion to ratify the approval to amend 2024 Post Times & Wagering Format for SunRay Park made by Commissioner Smith; Second by Commissioner Buffington. Motion passed unanimously.</p> <p>Motion to ratify the approval to change entry day schedule made by Commissioner Smith; Second by Commissioner Buffington. Motion passed unanimously.</p> <p>Motion to ratify the approval to amend SunRay Park’s 2024 Racing Officials as presented made by Commissioner Smith; Second by Commissioner</p>

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<p>E. Approvals for The Downs at Albuquerque</p> <p>1. Request for Approval of 2024 Racing Officials</p>	<p>0:05:22 – 0:09:43</p>	<p>Mr. Don Cook of the Downs At Albuquerque requested approval of 2024 Racing Officials. Tony Fetty will be replacing Joe Chavez as Director of Security. Mr. Fetty was present at this meeting and was introduced to the Commissioners.</p> <p>Commissioner Smith asked Mr. Cook how things were going at the track so far. Mr. Cook reported things were going well and said it has a little over 200 horses on the grounds.</p>	<p>Buffington. Motion passed unanimously.</p> <p>Motion to approve the DAA’s 2024 Racing Officials made by Commissioner Smith; Second by Commissioner Buffington. Motion passed unanimously.</p>
<p>F. Approvals for Zia Park</p> <p>1. Request for Approval of 2024 Purse Schedule</p>	<p>0:09:47 – 0:11:27</p>	<p>Mr. Christopher McErlean of Zia Park requested approval of Zia Park’s 2024 Purse Schedule. Mr. McErlean reported this purse schedule is identical to the 2023 Purse Schedule which had a daily purse distribution of \$344,000 per day.</p>	<p>Motion to approve Zia Park’s 2024 Purse Schedule made by Commissioner Smith; Second by Commissioner Buffington. Motion passed unanimously.</p>
<p>G. Approvals for Ruidoso Downs</p> <p>1. Request for Ratification of Approval to Amend 2024 Post Times & Wagering Format</p>	<p>0:11:34 – 0:12:09</p>	<p>Mr. Rick Baugh of Ruidoso Downs requested ratification of approval to amend 2024 Post Times & Wagering Format. This request was due to the 16 card trials on May 24 and 25, 2024.</p>	<p>Motion to ratify the approval to amend 2024 Post Times & Wagering Format made by</p>

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<p>2. Request for Ratification of Approval to Amend 2024 Racing Officials</p> <p>3. Request for Approval of Rick Baugh as GM for Ruidoso Downs (Pending Background)</p>	<p>0:12:10 – 0:12:31</p> <p>0:12:34 – 0:14:02</p>	<p>Mr. Rick Baugh requested ratification of approval to amend 2024 Racing Officials, finalizing the gate crew for this meet.</p> <p>This matter was tabled until the NM Gaming Control Board is ready with Mr. Baugh's background check.</p>	<p>Commissioner Smith; Second by Commissioner Buffington. Motion passed unanimously.</p> <p>Motion to ratify the approval to amend 2024 Racing Officials made by Commissioner Smith; Second by Commissioner Buffington. Motion passed unanimously.</p> <p>No Action Taken.</p>
<p>X. Adjournment at 10:52 AM</p>	<p>0:31:58 - end</p>	<p>Vice-Chairman Sanchez adjourned meeting.</p>	


 Chairman Billy G. Smith Date 8/28/24


 Executive Director Ismael Trejo Date 8-28-24