

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

Date: October 24, 2024, at 9:00 a.m.

Place: NMRC Boardroom; 4900 Alameda Blvd., NE, Albuquerque, NM and Zoom Video Conference – Meeting ID: 820 8642 9688

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

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

<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		<p>Meeting called to order at 9:00 a.m. by Commissioner Billy Smith. A quorum was present.</p> <p>Executive Director Ismael Trejo, In-House Counsel Richard Bustamante, and Law Clerk Denise Chavez were also present.</p>	<p>No Action Taken.</p>
II. Pledge of Allegiance			<p>Pledge of Allegiance was recited.</p>
III. Approval of Agenda	0:00:07 – 0:00:27	<p>Commissioner Smith asked if there were any changes to the agenda today.</p>	<p>Motion to approve the agenda made by Commissioner Buffington. Commissioner Pitre second the motion. Motion passed unanimously by roll call vote.</p>

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IV. Approval of Minutes: September 19, 2024 – Regular Commission Meeting	0:00:38 – 0:01:00	Commissioner Smith asked if the minutes for the September 19, 2024, regular meeting were reviewed and if there were any changes. There were no changes.	Motion to approve the minutes from September 19, 2024, meeting made by Commissioner Buffington; Second by Commissioner Pitre. Motion passed unanimously.
V. Commissioners' Reports	0:01:04 – 0:01:35	Chairman Smith pointed out that behind him sits a NM QH Bred Million Dollar Winner Award that travels from track to track.	No Action Taken.
VI. Agency Director Reports: A. NMRC Report	0:01:41 – 0:07:03	<ul style="list-style-type: none"> • Executive Director Trejo reported that the NM Racing Commission Agency has been dealing closely with the United States Department of Agriculture and the NM Livestock Board regarding Equine Infectious Anemia outbreak through the southwest (mainly Texas and California). The Agency has been dealing with the outbreak through guidance from the USDA. A few horses have been quarantined in New Mexico. We have a duty to protect the larger horse population in this State and protect the racetracks from having to shut down. • Executive Director Trejo reported he, CFO Amber Trujillo and In-House Counsel Richard Bustamante appeared before a sub-committee in Santa Fe yesterday regarding the NM Racing Commission's 	No Action Taken.

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B. NMHBA Report	0:07:12 – 0:10:56	<p>tomorrow to explain to the youth about regulation and horse racing and our drug-testing program. We look forward to everyone coming out and enjoying the day at the races.</p> <p>Mary Barber presented the Race-A-Day Report for The Downs at Albuquerque & NM State Fair through Sunday, October 6, 2024, stating it ran 84 NM Bred Races through Sunday, October 6, 2024. In overnight races, the NMHBA contributed \$473,500.00 which was \$50,500.00 more than in 2023 (\$44,000.00 went to trials in 2024). It averaged 3.66 NM Bred per day, +15 for three a day.</p> <p>Ms. Barber thanked Dustin Dix of Sunland Park for locating the million-dollar winner trophy. She will be by the NM Racing Commission Office tomorrow to pick it up so it will be kept at the NMHBA's office and it will be taken to any award ceremony where there is a million-dollar winner present. She reported that they have 3 millionaires that they will be honoring at their next award ceremony.</p>	No action taken.
VII. Executive Session:	0:11:00 – 0:11:55	Chairman Smith called for a motion to enter into executive session. Vice-Chairman Buffington moved for the Commission to enter into executive	Motion to enter into Executive Session made by


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<p>A) NMHA v. NMRC, et al. (Pending Litigation)</p> <p>B) Alexander v. NMRC (Pending Litigation)</p> <p>C) IMO: John H. Bassett (Licensing)</p> <p>D) IMO: Eric D. Mikkelson (Licensing)</p> <p>E) IMO: Aurelio Valdez (Hearing Officer's Report)</p>		<p>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>Commissioner Buffington. Commissioner Pitre seconded the motion. Motion passed unanimously by roll call vote.</p> <p>No action taken on Agenda Items VII (A - H).</p>
<p>VIII. <u>Unfinished/New Business and/or Action Items:</u></p> <p>A. IMO: John Bassett (Licensing)</p>	<p>2nd Open Session Recording:</p> <p>1:41:22 – 1:41:36</p> <p>1:41:40 – 1:42:38</p>	<p>In-House Counsel Bustamante affirmed the Commission only discussed in Executive Session those matters listed under Items 7. A-H 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>The Commission spoke with Mr. Bassett about his suspension in closed session. Mr. Bassett served his entire 10-year suspension. Mr. Bassett asked that the \$10,000 fine be waived. No decisions were made in closed session.</p>	<p>Motion to allow Mr. Bassett to apply for a license with the NMRC and to waive his \$10,000 fine made by Commissioner Buffington. Commissioner Pitre seconded the motion. Motion passed</p>

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<p>B. IMO: Eric D. Mikkelson (Licensing)</p>	<p>1:42:53 – 1:43:36</p>	<p>The Commission spoke with Mr. Mikkelson about his suspension in closed session. Mr. Mikkelson served his entire suspension and paid his fine in full. No decisions were made in closed session.</p>	<p>unanimously by roll call vote.</p> <p>Motion to allow Mr. Mikkelson to apply for a license with the NMRC made by Commissioner Buffington. Commissioner Pitre seconded the motion. Motion passed unanimously by roll call vote.</p>
<p>C. IMO: Aurelio Valdez (Hearing Officer's Report)</p>	<p>01:43:42 – 01:44:41</p>	<p>After reviewing the entire record and the Hearing Officer's Recommendation, the Commission voted to adopt the Hearing Officer's recommendations in full. This includes a \$2500.00 fine, .5 point assessment per each violation (total of 1.0) and a 15-day suspension to run consecutively with Mr. Valdez's prior ruling.</p>	<p>Motion to adopt the Hearing Officer's Report in full made by Commissioner Buffington. Commissioner Pitre seconded the motion. Motion passed unanimously by roll call vote.</p>
<p>D. Request for Approval of First Half of 2025 Regular Commission Meeting Dates</p>	<p>01:44:49 – 01:47:13</p>	<p>Executive Director Trejo presented the following days for the first half 2025 regular Commission meeting dates: January 16, 2025; February 20,</p>	<p>Motion to approve the proposed dates made by Commissioner Buffington.</p>

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<p>E. Request for Approval to Amend 2024 Zia Park Stewards</p>	<p>01:47:16 – 01:48:21</p>	<p>2025; March 20, 2025; April 17, 2025; May 15, 2025; and June 26, 2025 all in Albuquerque, NM.</p> <p>Executive Director Trejo requested approval of Larry Fontenot, Jr. Geoff Waxler and Whitney Verbal as the 2024 Board of Stewards at Zia Park. This was amended from last month’s list as Mr. Rausch resigned.</p>	<p>Commissioner Pitre seconded the motion. Motion passed unanimously by roll call vote.</p> <p>Motion to approve the Amended 2024 Board of Stewards as presented made by Commissioner Buffington. Commissioner Pitre seconded the motion. Motion passed unanimously by roll call vote.</p>
<p>F. Approvals for NM State Fair</p> <p>1. Request for Ratification of Approval to Amend 2024 Post Times & Wagering Format</p>	<p>01:48:24 – 01:49:47</p>	<p>Mr. Cook of the Downs at Albuquerque requested ratification of approval to amend its 2024 Post Times & Wagering Format. The post time for Friday, September 20 was changed to 12:30 p.m. to accommodate 14 trials for the 2024 NM State Fair Futurity. The post time on September 27 was changed from 6:05 p.m. to 1:30 p.m. to accommodate trial day for the La Fiesta Futurity and Derby.</p>	<p>Motion to ratify the approval to Amend DAA’s 2024 Post Times and Wagering Format made by Commissioner Buffington. Commissioner Pitre seconded the motion. Motion passed unanimously by roll call vote.</p>
<p>G. Approvals for The Downs at Albuquerque</p>	<p>01:49:49 – 01:50:39</p>		

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<p>I. Request for Ratification of Approval to Amend 2024 Racing Officials</p> <p>H. Approvals for Sunland Park</p> <p>1. Request for Approval of 2025 Condition Book (Book #1)</p> <p>I. Approvals for Zia Park</p> <p>1. Request for Ratification of Approval to Amend 2024 Primary License</p>	<p>01:50:43 – 01:51:19</p> <p>01:51:24 – 01:52:33</p>	<p>Mr. Cook of the Downs at Albuquerque requested ratification of approval to Amend 2024 Racing Officials. Dr. Perce was unable to work the week of October 2, 2024. Dr. John Snyder replaced Dr. Perce October 2, 2024 and Dr. Cristian Amavisca replaced Dr. Perce on October 4 through 6, 2024.</p> <p>Mr. Dix of Sunland Park requested approval of 2024/25 Condition Book (Book #1).</p> <p>Mr. McErlean requested ratification of approval to Amend Zia Park’s 2024 Primary License. At the September Commission meeting, December 8 was added to Zia Park’s live race dates. Mr. McErlean reported there was a problem with technology and the Condition Book had already been printed and the date should have been December 4th instead.</p>	<p>Motion to ratify the approval to amend 2024 Racing Officials made by Commissioner Buffington. Commissioner Pitre seconded the motion. Motion passed unanimously by roll call vote.</p> <p>Motion to approve Sunland Park’s 2025 Condition Book (Book #1) made by Commissioner Buffington. Commissioner Pitre seconded the motion. Motion passed unanimously by roll call vote.</p> <p>Motion to ratify the approval to Amend Zia Park’s 2024 Primary License made by Commissioner Buffington. Commissioner Pitre seconded the motion.</p>

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<p>2. Request for Approval to Amend 2024 Racing Officials</p>	<p>01:52:38 – 01:53:14</p>	<p>Mr. McErlean requested approval to Amend Zia Park's 2024 Racing Officials as submitted.</p>	<p>Motion passed unanimously by roll call vote.</p> <p>Motion to approve Zia Park to Amend 2024 Racing Officials made by Commissioner Buffington. Commissioner Pitre seconded the motion. Motion passed unanimously by roll call vote.</p>
<p>X. Adjournment at 10:55 AM</p>	<p>0:12:47 - end</p>	<p>Chairman Smith adjourned meeting.</p>	


 Billy G. Smith, Chairman 11/21/24
 Date


 Executive Director Ismael Prejo 11-21-24
 Date