



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: 2024-ZIA-47
Track: Zia Park
Ruling Date: 12/10/2024

Licensee: ALFORTISH, SEAN DANIEL
License Type: 2023 3 Year Trainer Applicant Id: 165214
License Number: 308056

Ruling # 2024-ZIA-47
Action Type: Case Continued
Ruling:

RE: 2024-ZIA-47 - Case Continued 12/17/2024

Sean Alfortish's summary suspension hearing was held in absentia on December 17, 2024 at 8:30 am, after he was properly noticed by phone, e-mail and certified mail but failed to appear. The hearing was held in the office of the Board of Stewards at Zia Park Racetrack (3901 West Millen Drive Hobbs, NM 88240), per **Rule 15.2.1.9 (A)(3)(a)** (Summary Suspension), and Mr Alfortish was advised of how to remotely attend via Microsoft Teams. The summary suspension hearing was regarding the fact that the Zia Park Board of Stewards has learned licensee Sean Alfortish has been federally indicted by a grand jury in connection with a wide-ranging investigation regarding a conspiracy to stage automobile accidents in order to benefit from fraudulent financial settlements with the insurance companies of the other vehicles involved in the staged accidents. Mr. Alfortish was charged with one (1) count of conspiracy to commit mail and wire fraud, three (3) counts of obstruction of justice, and four (4) counts of witness tampering.

The Zia Park Board of Stewards has determined that Sean Alfortish will remain summarily suspended until the final adjunction of his federal charges.

This Ruling is written in accordance with NMAC:

NMSA 1978, Section 60-1A-5(B) of the statutory Horse Racing Act, provides "Every license issued by the commission shall require the licensee to comply with the rules adopted by the commission."

NMSA 1978, Section 60-1A-11(A) of the Horse Racing Act reads in part:

"A. A license shall not be issued or renewed unless the applicant has satisfied the commission that the applicant:

- (1) is of good moral character, is honest and has integrity;
- (2) does not currently have a license suspended by a horse racing licensing authority in another jurisdiction;
- (3) does not have any prior activities, criminal record, reputation, habits or associations that:
 - (a) pose a threat to the public interest;
 - (b) pose a threat to the effective regulation and control of horse racing, or
 - (c) create or enhance the dangers of unsuitable, unfair or illegal practices, methods and activities in the conduct of horse racing, the business of operating a horse racetrack licensed pursuant to the Horse Racing Act or the financial activities incidental to operating a horse racetrack;
- (4) is qualified to be licensed consistent with the Horse Racing Act..."

NMRC Rule 15.2.1.9(A)(3)(a) provides

"(3) Summary suspension.

1. If the stewards determine that a licensee's actions constitute an immediate danger



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to the public health, safety, integrity or welfare of the horseracing industry, the stewards may summarily suspend the license pending a hearing.”

NMAC 16.47.1.8 (L)(1)(i) "Grounds for disciplinary measures for a licensee, and refusal, denial, suspension, or revocation of a license: (1) The commission may refuse to issue a license to an applicant, or may suspend or revoke a license issued, or order disciplinary measures, if the applicant: (i) is a person whose conduct or reputation may adversely reflect on the honesty and integrity of horse racing or interfere with the orderly conduct of a race meeting; interfering with the orderly conduct of a race meeting shall include, but is not limited to, disruptive or intemperate behavior or behavior which exposes others to danger anywhere on the racetrack grounds; the fact that the race meet was not actually interrupted is not a defense to the imposition of discipline under this rule...."

The Zia Park Board of Stewards recognizes that under our criminal justice system in this country, every person is presumed innocent until and unless they are found guilty. However, an administrative license issued by the Commission to participate in horse racing in New Mexico is a privilege, not a right. Additionally, the Board of Stewards and Commission operate and regulate under both statutes and administrative rules specific to the civil administrative laws governing the state's horse racing industry. Civil administrative matters have different standards of review and burdens of proof, as compared to the beyond a reasonable doubt standard for criminal convictions. Mr. Alfortish, who was an attorney until he was disbarred based on a prior criminal conviction, was indicted by a grand jury of fellow citizens in his state for several serious federal law alleged criminal violations. The grand jury determined it heard evidence sufficient to warrant an indictment such that the federal government could prosecute him in criminal court and if successful have a jury convict Mr. Alfortish of federal crime(s).

.In accordance with Rule **15.2.1.9 (B)(21)(a)(b)**, Sean Alfortish is hereby excluded from all areas of the grounds under the jurisdiction of the NMRC. Additionally, effective upon applicable suspension dates, all horses owned, trained, or under the care of Sean Alfortish are ineligible to be entered or start in any race in this jurisdiction, per Rule **15.2.1.9(B)(21)(c)**. **NMSA 1978, Section 60-1A-4(A)** provides "The commission may exclude or compel the exclusion of a person from all horse racetracks who the commission deems detrimental to the best interests of horse racing..."

16.47.1.8 (L)(1)(i) Grounds for disciplinary measures for a licensee, and refusal, denial, suspension, or revocation of a license

15.2.1.9(B)(3)(a)(c) Proceedings Before the Stewards: Summary Suspension If the Stewards determine that a licensee's action constitute an immediate danger to the public health, safety, or welfare, the Stewards may summarily suspend the licensee pending a hearing.(c) At a hearing on a summary suspension, the sole issue is whether the licensee's license should remain suspended pending a final disciplinary hearing and ruling.

15.2.1.9(B)(3)(b) Proceedings Before the Stewards: Summary Suspension A licensee whose license has been summarily suspended is entitled to a hearing on the summary suspension not later than the 10th day after the license was summarily suspended. The licensee may waive their right to a hearing on the summary suspension within the 10-day limit.

15.2.1.9(A)(4)(b)(c)(d) Proceedings Before the Stewards



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- 15.2.1.8(B)(1) Commission General Authority
- 15.2.3.8 B (3)(a)(f) Stewards Disciplinary Action
- 15.2.3.8 B (1) (a)(c)(d) Stewards General Authority
- 16.47.1.8 (T) Knowledge of Rules
- 15.2.6.9 NMAC. Penalty Recommendations
- 16.47.1.3 Statutory Authority
- 16.47.1.8 (A)(1)(2) License Required
- 16.47.1.8(N) Changes in Application

By Order of The Zia Park Stewards