

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

Date: November 21, 2024, at 9:00 a.m.

Place: NMRC Boardroom; 4900 Alameda Blvd., NE, Albuquerque, NM and Zoom Video Conference – Meeting ID: 876 8084 2086

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>
<p>Public Session 1: I. Call to Order and Roll Call</p>	<p>0:00:15 – 0:00:29</p>	<p>Meeting called to order at 9:01 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>
<p>II. Pledge of Allegiance</p>	<p>0:00:50 – 0:01:06</p>		<p>Pledge of Allegiance was recited.</p>
<p>III. Approval of Agenda</p>	<p>0:01:14 – 0:01:33</p>	<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: October 24, 2024 – Regular Commission Meeting	0:01:45 – 0:02:09	Commissioner Smith asked if the minutes for the October 24, 2024, regular meeting were reviewed and if there were any changes. There were no changes.	Motion to approve the minutes from October 24, 2024, meeting made by Commissioner Buffington; Second by Commissioner Pitre. Motion passed unanimously.
V. Commissioners' Reports	0:02:21 – 0:02:25	None	No Action Taken.
VI. Agency Director Reports: A. NMRC Report	0:02:26 – 0:16:07	<ul style="list-style-type: none"> • Executive Director Trejo began by introducing the newest team member of the NMRC, State Steward, Whitney Verbal. • Executive Director Trejo reported this has been an interesting year (the largest equine infectious disease outbreak, natural disasters and continual litigation). He thanked the NMRC staff and the Commissioners for hanging in there and fighting a good fight. • AQHA Challenge Races came and went. We witnessed some outstanding performances by some good horses. Unfortunately, there seemed to be a decline in attendance. However, the DAA will be hosting this event for the next two years, so hopefully attendance will pick up again. 	No Action Taken.

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		<ul style="list-style-type: none"> • Races were cancelled on November 18, 2024 at Zia Park. The jockeys rode one race and then determined they did not want to ride the rest of the day. Executive Director Trejo said he heard from multiple officials, and they all reported the track was fine. Now, those races will have to be made up. • NMRC's CFO, Amber Trujillo and Executive Director Trejo attended the races at the Downs at Albuquerque with three representatives from the DFA. The DFA Representatives enjoyed the tour and expressed how they were eager to get back to watch the races another time. • Executive Director Trejo reported the NMRC continues to work with the NMLB and the USDA on the EIA outbreak. It appears to be slowing down a bit. The USDA investigation continues and we are eagerly awaiting to see this matter come to an end. • Vice-Chairman Buffington asked Executive Director Trejo how the cancellation of races on November 18 will be made up. Executive Director referred this question to Mr. McErlean of Zia Park. Mr. McErlean reported four races will be made up next week (December 4, 5, and 6, 2024); He said the horses that were scheduled on November 18th will receive 	No action taken.

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B. NMHBA Report	0:16:09 – 0:19:41	<p>“super” preference dates. There were 5 races that were not in the condition book which will be written in as extras. Mr. McErlean reported his staff is reaching out to everyone who was affected by this cancellation to let them know about these make-up races.</p> <ul style="list-style-type: none"> Chairman Smith asked Executive Director who the new Steward, Whitney Verbal, is replacing. Executive Director Trejo reported she replaced Don Rausch. <p>Mary Barber presented the Final Race-A-Day Report for The Downs at Albuquerque & NM State Fair through Sunday, October 27, 2024, stating it ran 120 NM Bred Races in 35 days through Sunday, October 27, 2024. In overnight races, the NMHBA contributed \$1,158,500.00 which was \$78,000.00 less than in 2023. It averaged 3.43 NM Bred per day, +15 for three a day.</p> <p>Chairman Smith said his understanding was that Breeder Awards were going out this month. Ms. Barber reported they should have been mailed out Monday. Chairman Smith asked Ms. Barber if the money for first, second and third place winners is higher or lower this year. Ms. Barber responded it’s slightly lower than last year, however, there were less horses receiving awards this year. So,</p>	<p>No action taken.</p> <p>No action taken.</p>

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		the individual awards are actually more than in 2023.	
<p>VII. Executive Session:</p> <p>A) Alexander v. NMRC (Pending Litigation)</p> <p>B) IMO: Jesus Soto (Hearing Officer's Report)</p> <p>C) IMO: Adam Pennell (Licensing)</p>	<p>0:19:45 – 0:20:30</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>Motion to enter into Executive Session made by Commissioner Buffington. Commissioner Pitre seconded the motion. Motion passed unanimously by roll call vote.</p> <p>No action taken on Agenda Items VII (A - C).</p>
<p>VIII. <u>Unfinished/New Business and/or Action Items:</u></p> <p>A. IMO: Jesus Soto (Hearing Officer's Report)</p>	<p>2nd Open Session Recording:</p> <p>1:28:32 – 1:28:48</p> <p>1:29:24 – 1:30:30</p>	<p>In-House Counsel Bustamante affirmed the Commission only discussed in Executive Session those matters listed under Items 7. A-C 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>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 six-</p>	<p>Motion to adopt the Hearing Officer's Recommendation in full made by</p>

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<p>B. IMO: Adam Pennell (Licensing)</p>	<p>1:30:31 – 1:31:03</p>	<p>month suspension with an additional one-year suspension for aggravating circumstances for a total of eighteen-months suspension, subject to time served. An additional fine of \$1,500.00 with an additional fine of \$3,500.00 for the aggravating circumstances determined in this appeal for a total fine of \$5,000 to be paid within 30 days of the issuance of the Decision and Order.</p> <p>Having heard from the Gaming Control Board regarding their background check, the Commission approved Mr. Pennell’s Secondary License Application.</p>	<p>Commissioner Buffington. Commissioner Pitre seconded the motion. Motion passed unanimously by roll call vote.</p> <p>Motion to approve Adam Pennell’s Secondary License made by Commissioner Buffington. Commissioner Pitre seconded the motion. Motion passed unanimously by roll call vote.</p>
<p>C. Request for Approval to Pay the 2025 HISA Financial Assessment Fees</p>	<p>01:31:15 – 01:33:37</p>	<p>Executive Director Trejo presented HISA’s 2025 Financial Assessment Fees to the Commission for approval.</p>	<p>Motion to approve to pay 2025 HISA Financial Assessment Fees made by Commissioner Buffington. Commissioner Pitre seconded the motion. Motion passed</p>

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<p>D. Discussion Regarding Cancellation of Training Hours</p>	<p>01:33:40 – 01:52:04</p>	<p>Mr. Chris McErlean discussed cancellation of training hours at Zia Park. He said the cancellations were due to two different reasons: 1) Weather. It was an exceptionally wet November in Hobbs (noting that through yesterday Hobbs received almost 3 inches of rain). Zia Park cancelled 3 days of training related to the weather. 2) Lack of paramedics. Mr. McErlean reported that pursuant to NMRC regulations and safety for all, there should be a paramedic present anytime horses are on the track. The availability of paramedics in the town of Hobbs is dire. It is NOT a money issue it is an unavailability issue. Zia Park firmly believes it should not bend the rule for paramedics and will not simply look the other way. They are just as frustrated by the lack of paramedics in town as everyone else.</p>	<p>unanimously by roll call vote.</p> <p>No Action Taken.</p>
<p>E. Request for Approval of 2025 Sunland Park Stewards</p>	<p>01:53:32 – 01:54:14</p>	<p>Executive Director Trejo requested approval of Larry Fontenot, Jr., Geoff Waxler and Whitney Verbal as the 2025 Board of Stewards at Sunland Park.</p>	<p>Motion to approve the 2025 Board of Stewards as presented made by Commissioner Buffington. Commissioner Pitre seconded the motion. Motion passed</p>

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<p>F. Approvals for The Downs at Albuquerque</p> <p>1. Request for Ratification of Approval to Cancel Races 2 through 9 on October 19, 2024</p> <p>2. Request for Ratification of Approval to Amend 2024 Stakes Schedule (move DAA Handicap to 10.27)</p> <p>3. Request for Approval of 2025 Import Simulcast Schedule</p>	<p>01:54:23 – 01:55:05</p> <p>01:55:06 – 01:55:50</p> <p>01:55:51 – 01:57:42</p>	<p>Mr. Cook of the Downs at Albuquerque requested ratification of approval to cancel races 2 through 9 on October 19, 2024. The reason for the cancellation was because the jockeys felt the track was too slick to run.</p> <p>Mr. Cook of the Downs at Albuquerque requested ratification of approval to Amend 2024 Stakes Schedule to move the DAA Handicap to October 27, 2024. Mr. Cook reported that one of the races cancelled on the 19th of October and requested to move the race to the 27th which ran without any issues.</p> <p>Mr. Cook of the Downs at Albuquerque requested approval of the 2025 Import Simulcast Schedule as presented. Chairman Smith asked Mr. Cook</p>	<p>unanimously by roll call vote.</p> <p>Motion to ratify the approval to Cancel Races 2-9 on October 19, 2024 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 2024 Stakes Schedule made by Commissioner Buffington. Commissioner Pitre seconded the motion. Motion passed unanimously by roll call vote.</p> <p>Motion to approve the 2025 Import Simulcast Schedule as presented</p>

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<p>G. Approvals for Zia Park</p> <p>1. Request for Ratification of Approval to Amend 2024 Racing Officials</p> <p>2. Request for Approval of 2025 Import Simulcast Schedule</p>	<p>01:58:24 – 01:58:58</p> <p>01:59:00 – 01:59:29</p>	<p>how losing Arkansas’ (Oaklawn Park) signal is going to negatively affect The Downs at Albuquerque. Mr. Cook reported Oaklawn Park is probably the largest handling track and that is really going to hurt if The Downs at Albuquerque is not able to simulcast that signal (about \$30-40k a day).</p> <p>Mr. Chris McErlean requested ratification of approval to amend 2024 Racing Officials.</p> <p>Mr. Chris McErlean requested approval of Zia Park’s 2025 Import Simulcast Schedule as presented.</p>	<p>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 Racing Officials made by Commissioner Buffington. Commissioner Pitre seconded the motion. Motion passed unanimously by roll call vote.</p> <p>Motion to approve Zia Park’s 2025 Import Simulcast Schedule made by Commissioner Buffington. Commissioner Pitre seconded the motion. Motion passed</p>

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<p>3. Request for Ratification of Approval of Variance on December 25, 2024</p> <p>H. Approvals for Sunland Park</p> <p>1. Request for Approval of 2024/25 Racing Officials</p> <p>2. Request for Approval of 2025 Import Simulcast Schedule</p>	<p>01:29:30 – 02:00:10</p> <p>02:00:13 – 02:01:24</p> <p>02:01:27 – 02:03:31</p>	<p>Mr. McErlean requested ratification of approval of the Variance on December 25, 2024.</p> <p>Mr. Dustin Dix of Sunland Park requested Approval of Sunland Park’s 2024/25 Racing Officials.</p> <p>Mr. Dustin Dix requested approval of Sunland Park’s 2025 Import Simulcast Schedule as submitted. Mr. Dix reported Sunland Park’s simulcast handle is down approximately 17-18%.</p>	<p>unanimously by roll call vote.</p> <p>Motion to approve Zia Park’s Variance on December 25, 2024 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 Racing Officials as presented 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 Import Simulcast Schedule made by</p>

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<p>3. Request for Ratification of Approval of Variance on December 25, 2024</p> <p>I. Approvals for Ruidoso Downs</p> <p>1. Request for Approval of 2025 Import Simulcast Schedule</p>	<p>02:03:36 – 02:03:59</p> <p>02:04:11 – 02:04:39</p>	<p>Mr. Dustin Dix requested ratification of the approval of the variance on December 25, 2024.</p> <p>Mr. Rick Baugh of Ruidoso Downs requested approval of Ruidoso Downs' 2025 Import Simulcast Schedule as presented.</p>	<p>Commissioner Buffington. Commissioner Pitre seconded the motion. Motion passed unanimously by roll call vote.</p> <p>Motion to ratify the approval of Sunland Park's Variance for December 25, 2024 made by Commissioner Buffington. Commissioner Pitre seconded the motion. Motion passed unanimously by roll call vote.</p> <p>Motion to approve Ruidoso Downs' 2025 Import Simulcast Schedule made by Commissioner Buffington. Commissioner Pitre seconded the motion. Motion passed</p>

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<p>2. Request for Ratification of Approval of Variance on December 25, 2024</p>	<p>02:04:44 – 02:05:16</p>	<p>Mr. Rick Baugh of Ruidoso Downs requested ratification of approval of the Variance on December 25, 2024.</p>	<p>unanimously by roll call vote.</p> <p>Motion to ratify the approval of Ruidoso Downs' December 25, 2024 Variance made by Commissioner Buffington. Commissioner Pitre seconded the motion. Motion passed unanimously by roll call vote.</p>
<p>J. Approvals for SunRay Park</p>			
<p>1. Request for Approval of 2025 Stall Applications</p>	<p>02:05:30 – 02:07:07</p>	<p>Mr. Max Moreland of SunRay Park requested approval of SunRay Park's 2025 Stall Application. Vice-Chairman Buffington asked Mr. Moreland if there were any changes to the Stall Application. Mr. Moreland responded there were no changes.</p>	<p>Motion to approve SunRay Park's 2025 Stall Applications as submitted made by Commissioner Buffington. Commissioner Pitre seconded the motion. Motion passed unanimously by roll call vote.</p>
<p>2. Request for Approval of 2025 Stakes Schedule</p>	<p>02:07:08 – 02:07:25</p>	<p>Mr. Max Moreland of SunRay Park requested approval of SunRay Park's 2025 Stakes Schedule.</p>	<p>Motion to approve SunRay Park's 2025 Stakes Schedule made by Commissioner</p>

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<p>3. Request for Approval of 2025 Gaming & Breakage</p>	<p>02:07:29 – 02:07:47</p>	<p>Mr. Max Moreland of SunRay Park requested approval of SunRay Park’s 2025 Gaming & Breakage.</p>	<p>Buffington. Commissioner Pitre seconded the motion. Motion passed unanimously by roll call vote.</p> <p>Motion to approve SunRay Park’s 2025 Gaming & Breakage made by Commissioner Buffington. Commissioner Pitre seconded the motion. Motion passed unanimously by roll call vote.</p>
<p>4. Request for Approval of 2025 Nomination Blanks</p> <p>a. 2025 NM Breeder’s Futurity</p> <p>b. 2025 Four Corners Futurity</p>	<p>02:07:48 – 02:10:38</p>	<p>Mr. Max Moreland of SunRay Park requested approval of SunRay Park’s 2025 Nomination Blanks (2025 NM Breeder’s Futurity and 2025 Four Corners Futurity). Chairman Smith looked to Executive Director Trejo for an explanation of the additional \$450 fee listed on the nomination blanks. Executive Director Trejo explained the tracks add a fee for additional testing of the qualifiers. The price of hair testing has gone from \$150 to \$450, therefore the tracks are adding this fee to offset the increased amount to test.</p>	<p>Motion to approve SunRay Park’s 2025 Nomination Blanks made by Commissioner Buffington. Commissioner Pitre seconded the motion. Motion passed unanimously by roll call vote.</p>

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<p>5. Request for Approval of 2025 Import Simulcast Schedule</p> <p>K. Race Reviews</p> <p>1. IMO: Cash Asmussen</p>	<p>02:10:39 – 02:11:03</p> <p>02:14:29 – 03:04:20</p>	<p>Mr. Max Moreland of SunRay Park requested approval of SunRay Park’s 2025 Import Simulcast Schedule.</p> <p>Licensee Cash Asmussen appealed race #5 that ran on November 17, 2024 at Zia Park. Mr. Asmussen presented his case and provided the Commission with a photo of the race. Mr. Asmussen explained the photo shows the whip from the winning horse jockey striking Mr. Asmussen’s horse, which he contends is a violation of the NM Racing Commission regulations. Presiding Steward Larry Fontenot, Jr. presented his case thereafter. Licensee Mr. Phillip Sanchez, owner of “The Smooch”, presented what he saw the day of the race. He said the Stewards thoroughly looked at the objection. Mr. Sanchez stated that as far as the photo presented by Mr. Asmussen, there is no way to tell when that photo was taken. Was it taken after the finish line or ever? Mr. Larry Chavez,</p>	<p>Motion to approve SunRay Park’s 2025 Import Simulcast Schedule made by Commissioner Buffington. Commissioner Pitre seconded the motion. Motion passed unanimously by roll call vote.</p> <p>Motion to overturn the Stewards’ decision of race #5 that ran on November 17, 2024, at Zia Park made by Commissioner Buffington. Commissioner Pitre seconded the motion. Motion passed unanimously by roll call vote.</p>

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2. IMO: Joel Gutierrez	03:09:02 – 03:22:12	<p>trainer of the #1 horse also testified to what he saw at the race. After watching the race on video multiple times, hearing both sides present their case and reviewing the photo presented by Mr. Asmussen, the Commissioners voted to overturn the Stewards' decision.</p> <p>In-House Counsel called out for Licensee Mr. Gutierrez multiple times and Zoom attendees were searched for Mr. Gutierrez as well. Mr. Gutierrez was not present for this Race Review. State Steward Geoff Waxler presented his case. The Commission reviewed the film multiple times and listened to State Steward Waxler and upheld the Stewards' decision.</p>	<p>Motion to uphold the Stewards' decision of race #5 that ran on August 18, 2024, at Ruidoso Downs made by Commissioner Buffington. Commissioner Pitre seconded the motion. Motion passed unanimously by roll call vote.</p>
X. Adjournment at 10:55 AM	03:22:13 - end	Chairman Smith adjourned meeting.	

 1-16-25
 Billy G. Smith, Chairman Date

 1-16-25
 Executive Director Ismael Crejo Date