

NEW MEXICO HORSE RACING COMMISSION
MINUTES OF THE REGULAR MEETING

Date: January 16, 2025, at 9:00 a.m.

Place: NMRC Boardroom; 4900 Alameda Blvd., NE, Albuquerque, NM and Zoom Video Conference – Meeting ID: 881 3551 3068

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	0:00:35 – 0:01:10	Meeting called to order at 9:00 a.m. by Commissioner Billy Smith. A quorum was present. Executive Director Ismael Trejo, In-House Counsel Richard Bustamante, and Law Clerk Denise Chavez were also present.	No Action Taken.
II. Pledge of Allegiance	0:01:16 – 0:01:29		Pledge of Allegiance was recited.
III. Approval of Agenda	0:01:36 – 0:02:25	Commissioner Smith asked if there were any changes to the agenda today. Executive Director Trejo reported that counsel for Licensee Sal Soto withdrew his appeal, therefore, requesting to remove the Race Review of Sal Soto from today’s Agenda.	Motion to approve the agenda as amended made by Commissioner Buffington. Commissioner Pitre second the motion. Motion passed unanimously by roll call vote.

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IV. Approval of Minutes: November 21, 2024 – Regular Commission Meeting	0:02:40 – 0:03:15	Commissioner Smith asked if the minutes for the November 21, 2024, regular meeting were reviewed and if there were any changes. There were no changes.	Motion to approve the minutes of the November 21, 2024, meeting made by Commissioner Buffington; Second by Commissioner Pitre. Motion passed unanimously.
V. Commissioners' Reports	0:03:21 – 0:03:35	None	No Action Taken.
VI. Agency Director Reports: A. NMRC Report	0:03:40 – 0:15:00	<ul style="list-style-type: none"> • Executive Director Trejo began wishing everyone a happy new year. He expressed his concern about the NMRC budget being reduced. Although it appears the NMRC received some money for a part-time vet, yet the budget in the contract section was reduced by almost \$100,000. • Executive Director Trejo reported the reduction is cause for concern for the equine testing. Year over year comparison from 2023 to 2024, we are down about \$115,000. The NMRC predicts as long as NM's everyday product continues to decline and signals withheld, the fund will decline more in 2025. Less testing means less integrity. The agency will come up with ways to compensate for lost revenue. The solutions will not be fun! 	No Action Taken.

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		<p>2023. It averaged 4.74 NM Bred per day, +52 for three a day.</p> <p>Ms. Barber announced the NMHBA's Annual meeting on Tuesday, January 28, 2025 at Sheraton Hotel Uptown at 2:00 p.m., everyone is invited.</p> <p>Ms. Barber also announced the NMHBA will have a booth at Ag-Fest on February 5, 2025 at the Santa Fe Convention Center.</p>	No action taken.
<p>VII. Executive Session:</p> <p>A) NMHA v. NMRC (Pending Litigation)</p> <p>B) Alexander v. NMRC (Pending Litigation)</p> <p>C) IMO: Homero Varela (Licensing)</p> <p>D) IMO: Reuben Rivera (Hearing Officer's Report)</p> <p>E) IMO: Erika Aldrete-Biscarra (Hearing Officer's Report)</p> <p>F) IMO: Samuel E. Valdivia (Licensing)</p> <p>G) IMO: Cash Asmussen (Pending Litigation)</p>	0:17:55 – end	<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>

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VIII. <u>Unfinished/New Business and/or Action Items:</u>	0:00:12 – 0:00:34	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.	
A. IMO: Homero Varela (Licensing)	0:01:02 – 0:01:57	After reviewing Mr. Varela’s record and asking Mr. Varela questions in executive session, the Commissioners deliberated and agreed to permit Mr. Varela to apply for his license by completing a new application, submitting fingerprints to begin the background check process, and the application must be reviewed and approved by the board of stewards prior to licensing.	Motion as voiced by in-house counsel made by Commissioner Buffington. Commissioner Pitre seconded the motion. Motion passed unanimously by roll call vote.
B. IMO: Reuben Rivera (Hearing Officer’s Report)	0:02:00 – 0:02:44	After reviewing the entire record and considering the recommendation by the Hearing Officer, the Commissioners deliberated and agreed to adopt the Hearing Officer’s Recommendation in full.	Motion to adopt the Hearing Officer’s Recommendations made by Commissioner Buffington. Commissioner Pitre seconded the motion. Motion passed

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C. IMO: Erika Aldrete-Biscarra (Hearing Officer's Report)	0:02:49 – 0:03:33	After reviewing the entire record and considering the recommendation by the Hearing Officer, the Commissioners deliberated and agreed to adopt the Hearing Officer's Recommendation in full.	unanimously by roll call vote. Motion to adopt the Hearing Officer's Recommendations made by Commissioner Buffington. Commissioner Pitre seconded the motion. Motion passed unanimously by roll call vote.
D. IMO: Samuel E. Valdivia (Licensing)	0:03:37 – 0:04:13	After reviewing the Stipulated Settlement Agreement already signed by Mr. Valdivia, the Commissioners agreed to sign and enter into the Settlement Agreement.	Motion to approve the Stipulated Settlement Agreement made by Commissioner Buffington. Commissioner Pitre seconded the motion. Motion passed unanimously by roll call vote.
E. Approval of 2025 Open Meetings Resolution	0:04:15 – 0:05:04	After reviewing the 2025 Open Meetings Resolution, the Commission agreed to adopt the 2025 OMA Resolution as presented.	Motion to ratify the approval to Cancel Races 2-9 on October 19, 2024 made by Commissioner

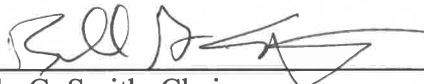
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<p>F. Approval to Allow Executive Director Trejo to Assign Hearing Officer</p>	<p>0:05:06 – 0:05:40</p>	<p>After reviewing the request from NMRC staff to allow Executive Director Trejo to assign Hearing Officers to matters brought to the NMRC in 2025.</p>	<p>Buffington. Commissioner Pitre seconded the motion. Motion passed unanimously by roll call vote.</p> <p>Motion to allow Executive Director Trejo to assign Hearing Officers to matters brought to the NMRC in 2025 made by Commissioner Buffington. Commissioner Pitre seconded the motion. Motion passed unanimously by roll call vote.</p>
<p>G. Request to Ratify the Approval to Amend 2025 Sunland Park Stewards</p>	<p>0:05:43 – 0:06:14</p>	<p>Executive Director Trejo requested ratification of approval to Amend 2025 Sunland Park Stewards. The amendment was to replace Larry Fontenet with Ms. Violet “Pinkie” Smith as the presiding steward.</p>	<p>Motion to approve to amend 2025 Sunland Park Stewards made by Commissioner Buffington. Commissioner Pitre seconded the motion. Motion passed unanimously by roll call vote.</p>

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<p>H. Request for Approval to Promulgate Rules Hearing</p> <ol style="list-style-type: none"> 1. Subsections D, I, M, R and S of 15.2.1.7 NMAC 2. Subsections A and B of 15.2.1.9 NMAC 3. Subsection E of 15.2.2.8 NMAC 4. Subsections A, B, D, F and N of 15.2.3.8 NMAC 5. Subsection B of 15.2.5.12 NMAC 6. Subsection E of 15.2.5.13 NMAC 7. Subsections A and B of 15.2.6.9 NMAC 8. Subsections A and C of 15.2.6.12 NMAC 9. Subsection L of 16.47.1.8 NMAC 10. Subsections C and E of 16.47.1.10 NMAC 	<p>0:06:16 – 0:08:00</p>	<p>Executive Director Trejo requested approval for staff to promulgate a rules hearing on March 20, 2025 as presented by Executive Director Trejo.</p>	<p>Motion to approve a rules hearing on March 20, 2025 made by Commissioner Buffington. Commissioner Pitre seconded the motion. Motion passed unanimously by roll call vote.</p>
<p>I. Approvals for Sunland Park</p> <ol style="list-style-type: none"> 1. Request for Ratification of Approval to Amend 2025 Racing Official 	<p>0:08:29 – 0:11:30</p>	<p>Mr. Dustin Dix requested ratification of approval to amend 2025 Racing Officials. Mr. Dix requested Jeb Loney replace Michelle Salazar as an outrider for the upcoming racing season and replace Dr. Lauren Canady for Dr. Mike Pirrone as Sunland Park’s Compliance Veterinarian.</p> <p>Mr. Dix gave a brief report how the race meet is doing as it is in its 3rd week.</p>	<p>Motion to ratify the approval for Sunland Park to Amend their 2025 Racing Officials made by Commissioner Buffington. Commissioner Pitre seconded the motion. Motion passed</p>

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<p>3. Request for Ratification of Approval to Amend 2024 Racing Officials</p>	<p>0:13:23 – 0:13:50</p>	<p>Mr. McErlean requested ratification of approval to amend Zia Park’s 2024 Racing Officials as submitted.</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>K. Approvals for Ruidoso Downs</p> <p>1. Request for Ratification of Approval to Not Import Simulcast Signals</p>	<p>0:14:21 – 0:15:20</p>	<p>Mr. Marc Estrada of Ruidoso Downs requested Variance on Christmas day. Executive Director Trejo corrected the record as it was our understanding that Ruidoso Downs was requesting ratification of approval to not import simulcast signals during a snowstorm Thursday, January 9, 2025.</p>	<p>Motion to ratify the approval of Ruidoso Downs not importing simulcast signal on January 9, 2025 due to a snowstorm made by Commissioner Buffington. Commissioner Pitre seconded the motion. Motion passed unanimously by roll call vote.</p>
<p>L. Approvals for The Downs at Albuquerque</p> <p>1. Request for Ratification of Approval to Amend 2025 Import Simulcast Schedule</p>	<p>0:15:22 – 0:16:01</p>	<p>Executive Director Trejo made request on behalf of the DAA. They requested ratification of approval to amend their 2025 Import Simulcast Schedule. They added Miami Valley Harness and</p>	<p>Motion to ratify the approval to amend the DAA’s 2025 Import Simulcast Schedule</p>

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<p>M. Approvals for SunRay Park</p> <p>1. Request for Approval of 2025 Condition Book (Book #1)</p> <p>2. Request for Approval of 2025 Purse Structure</p>	<p>0:16:28 – 0:17:10</p> <p>0:17:11 – 0:17:35</p>	<p>Dover Downs Harness to the already approved import simulcast list.</p> <p>Mr. Max Moreland of SunRay Park requested approval of SunRay Park’s 2025 Condition Book (Book #1) as presented. Vice-Chairman Buffington noted that SunRay Park will only have 1 condition book this year. Mr. Moreland affirmatively confirmed that statement.</p> <p>Mr. Moreland requested approval of SunRay Park’s 2025 Purse Structure as presented.</p>	<p>made by Commissioner Buffington. Commissioner Pitre seconded the motion. Motion passed unanimously by roll call vote.</p> <p>Motion to approve SunRay 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 approve SunRay Park’s 2025 Purse Structure as submitted made by Commissioner Buffington. Commissioner Pitre seconded the motion. Motion passed</p>

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<p>N. Race Reviews</p> <p>1. IMO: Sal Soto</p> <p>2. IMO: Cash Asmussen (Petition for Rehearing)</p>	<p>0:17:41 – 0:18:39</p>	<p>IMO: Sal Soto, this matter was removed from the Agenda at the beginning of the meeting (see Approval of Agenda). The attorney for Mr. Soto withdrew his appeal of this matter.</p> <p>After reviewing the Petition for Rehearing in this matter, the Commission deliberated and determined that a rehearing was not necessary as they will vote the same way they originally voted at the Race Review filed by Cash Asmussen.</p>	<p>unanimously by roll call vote.</p> <p>No Action Taken.</p> <p>Motion to deny the Petition for Rehearing 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>0:18:40 - end</p>	<p>Chairman Smith adjourned meeting.</p>	


2/20/25
 Billy G. Smith, Chairman Date


2-20-25
 Executive Director Ismael Trejo Date