

This is an amendment to 15.2.3 NMAC Section 8, effective 04/08/2025.

Explanatory paragraph: This is a short-form amendment to 15.2.3 NMAC, Section 8, effective April 8, 2025. For Section 8 of 15.2.3 NMAC, Subsections C, E, G - M, and O - P were not published as there were no changes.

15.2.3.8 FLAT RACING OFFICIALS GENERAL PROVISIONS:

A. Racing Officials: Officials at a race meeting include the following: assistant racing secretary; assistant starters; chief of security; director of racing, or similar position; claims clerk; clerk of scales; clocker; digital or lip tattoo technician; general manager; handicapper; horse identifier; horsemen's bookkeeper; state investigators; special agents of the commission; jockey room custodian; official veterinarian; outrider; paddock judge; pari-mutuel manager; patrol judge, absent video replay equipment; placing judge, if duty not performed by stewards; racing secretary; racing veterinarian; stable superintendent; starter; stewards; timer; track superintendent; any other person designated by the commission.

(1) **Eligibility:** To qualify as a racing official, the applicant shall be of good character and reputation; demonstrate experience in flat racing; be familiar with the duties of the position and with the commission's rules of flat racing and show an ability to fulfill the requirements of the position. Stewards must be ~~accredited~~ licensed or certified by ~~the~~ a nationally recognized horse racing ~~officials accreditation program and be current with continuing education requirements~~ organization.

(2) **Approval and licensing:** The commission, in its sole discretion, may determine the eligibility of a racing official and, in its sole discretion, may approve or disapprove any such official for licensing. An association shall submit to the commission its request for approval of racing officials 60 days prior to the first day of the race meet.

(3) **Prohibited practices:** While serving in an official capacity, racing officials and their assistants shall not: participate in the sale or purchase, or ownership of any horse racing at the meeting; sell or solicit horse insurance on any horse racing at the meeting; be licensed in any other capacity without permission of the commission, or in case of an emergency, the permission of the stewards; wager on the outcome of any race under the jurisdiction of the commission; consume or be under the influence of alcohol or any prohibited substances while performing official duties.

(4) **Report of violations:** Racing officials and their assistants shall report immediately to the stewards every observed violation of these rules and of the laws of this state governing racing.

(5) **Complaints against officials:** Complaints against any steward shall be made in writing to the commission and signed by the complainant.

(a) Any complaint against a racing official other than a steward shall be made to the stewards in writing and signed by the complainant. All such complaints shall be reported to the commission by the stewards, together with a report of the action taken or the recommendation of the stewards.

(b) A racing official may be held responsible by the stewards or the commission for their actions, and the actions of their assistants and employees.

(6) **Appointment:**

(a) A person shall not be appointed to more than one racing official position at a meeting unless specifically approved by the commission.

(b) The commission shall appoint or approve the stewards at each race meeting.

(7) **Appointment of substitute officials:** Where an emergency or prolonged vacancy exists among the association's employed racing officials, the stewards or the association, with the stewards' approval, shall make reasonable efforts to fill the vacancy immediately. Such appointment shall be reported to the commission and shall be effective until the vacancy is filled in accordance with these rules.

(8) **Appointment of substitute steward:** Should any steward be absent due to an emergency or prolonged vacancy the executive director or the presiding steward may appoint a substitute steward. If a substitute steward is appointed, the commission and the association shall be notified by the stewards. The director or any racing commissioner are prohibited from serving as a substitute steward.

B. Stewards:

(1) **General authority:** The stewards for each meeting shall be responsible to the commission for the conduct of the race meeting in accordance with the laws of this state and these rules.

- (a) The stewards shall enforce these rules and the racing laws of this state.
- (b) The stewards' authority includes supervision of all racing officials, track management, licensed personnel, other persons responsible for the conduct of racing, and patrons, as necessary to ensure compliance with the act and these rules.
- (c) The stewards shall have authority to resolve conflicts or disputes related to racing and to discipline violators in accordance with the provisions of these rules.
- (d) The stewards have the authority to interpret the rules and to decide all questions of racing not specifically covered by the rules. Whenever the stewards find any person culpable for any act or omission in violation of these regulations or any violation of the Horse Racing Act, the person shall be subject to disciplinary action, which could include a fine, suspension, or revocation/denial of license or any combination of these penalties.
- (e) The stewards shall have the authority to amend, revoke, rescind or modify any ruling that they issued in error in accordance with the laws of this state and these rules.
- (2) **Period of authority:** The stewards' period of authority shall commence up to ten days prior to the beginning of each meeting and shall terminate with the completion of their business pertaining to the meeting.
- (3) **Disciplinary action:** The stewards shall take notice of alleged misconduct or rule violations and initiate investigations into the matters.
 - (a) The stewards shall have authority to charge any licensee for a violation of these rules, to conduct hearings and to impose disciplinary action in accordance with these rules.
 - (b) The stewards may compel the attendance of witnesses and the submission of documents or potential evidence related to any investigation or hearing.
 - (c) The stewards may at any time inspect license documents, registration papers, and other documents related to racing.
 - (d) The stewards have the power to administer oaths and examine witnesses.
 - (e) The stewards may impose any of the following penalties on a licensee for a violation of the act or these rules: issue a reprimand; assess a fine; require forfeiture or redistribution of purse or award, when specified by applicable rules and at their discretion; place a licensee on probation; suspend a license or racing privileges; revoke a license; exclude from grounds under the jurisdiction of the commission.
 - (f) The stewards may order that a person be ineligible for licensing; or they may deny a license to an applicant on grounds set forth in the act or these rules.
 - (g) The stewards shall submit a written report to the commission of every inquiry and hearing.
 - (h) A stewards' ruling shall not prevent the commission from imposing a more severe penalty.
 - (i) The stewards may refer any matter to the commission and may include recommendations for disposition. The absence of a steward's referral shall not preclude commission action in any matter.
 - (j) Purses, prizes, awards, and trophies shall be redistributed if the stewards or commission order a change in the official order of finish.
 - (k) All fines imposed by the stewards shall be paid to the commission within ~~30~~ 14 days after the ruling is issued, unless otherwise ordered.
- (4) **Protests, objections, and complaints:** The stewards shall investigate promptly and render a decision in every protest, objection and complaint made to them. They shall maintain a record of all protests, objections and complaints. The stewards shall file daily with the commission a copy of each protest, objection or complaint and any related ruling.
- (5) **Stewards' presence:** Three stewards shall be present in the stewards' stand either physically or through any other electronic means during the running of each race subject to the discretion and approval of the executive director.
- (6) **Order of finish for pari-mutuel wagering:**
 - (a) The stewards shall determine the official order of finish for each race in accordance with 15.2.5 NMAC.
 - (b) The decision of the stewards as to the official order of finish, including the disqualification of a horse or horses as a result of any event occurring during the running of the race, shall be final for purposes of distribution of the pari-mutuel wagering pool.
- (7) **Cancel wagering:** The stewards have the authority to cancel wagering on an individual

betting interest or on an entire race and also have the authority to cancel a pari-mutuel pool for a race or races, if such action is necessary to protect the integrity of pari-mutuel wagering.

(8) Records and reports:

(a) The stewards shall prepare a daily report, on a form approved by the commission, detailing their actions and observations made during each day's race program. The report shall contain the name of the racetrack, the date, the weather and track conditions, claims, inquiries, and objections and any unusual circumstances or conditions. The report shall be signed by each steward and be filed with the commission not later than 24 hours after the end of each race day.

(b) The stewards shall maintain a detailed log of the stewards' official activities. The log shall describe all questions, disputes, protests, complaints, or objections brought to the attention of the stewards and all interviews, investigations and rulings made by the stewards. The log shall be available at all times for inspection by the commission or its designee.

(c) Not later than seven days after the last day of a race meeting, the stewards shall submit to the commission a written report regarding the race meeting. The report shall contain the stewards' observations and comments regarding the conduct of the race meeting and the overall conditions of the association grounds during the race meeting; any recommendations for improvement by the association or action by the commission.

(9) Stewards' list:

(a) The stewards shall maintain a stewards' list of the horses which are ineligible to be entered in a race because of poor or inconsistent performance behavior on the racetrack that endangers the health or safety of other participants in racing or for positive tests pursuant to Subsection C of 15.2.6.9 NMAC.

(b) The stewards may place a horse on the stewards' list when there exists a question as to the exact identification or ownership of said horse.

(c) A horse which has been placed on the stewards' list because of inconsistent performance or behavior, may be removed from the stewards' list when, in the opinion of the stewards, the horse can satisfactorily perform competitively in a race without endangering the health or safety of other participants in racing.

(d) A horse which has been placed on the stewards' list because of questions as to the exact identification or ownership of said horse, may be removed from the stewards' list when, in the opinion of the stewards, proof of exact identification or ownership has been established.

(e) A horse that has been placed on the steward's list for a positive test pursuant to Subsection C of 15.2.6.9 NMAC may only be removed if the criteria set forth in that subsection are met or in the event of a split sample result which does not confirm the official laboratory's original finding of a positive test.

D. Horsemen's bookkeeper:

(1) General authority: The horsemen's bookkeeper shall maintain the records and accounts and perform the duties described herein and maintain such other records and accounts and perform such other duties as the association and commission may prescribe.

(2) Records:

(a) The records shall include the name, mailing address, social security number or federal tax identification number, and the state or country of residence of each horse owner, trainer or jockey participating at the race meeting who has funds due or on deposit in the horsemen's account.

(b) The records shall include a file of all required statements of partnerships, syndicates, corporations, assignments of interest, lease agreements and registrations of authorized agents.

(c) All records of the horsemen's bookkeeper shall be kept separate and apart from the records of the association.

(d) All records of the horsemen's bookkeeper including records of accounts and monies and funds kept on deposit are subject to inspection by the commission at any time.

(e) The association licensee is subject to disciplinary action by the commission for any violations of or non-compliance with the provisions of this rule.

(3) Monies and funds on account:

(a) All monies and funds on account with the horsemen's bookkeeper shall be maintained: separate and apart from monies and funds of the association; in a trust account designated as "horsemen's trust account"; in an account insured by the federal deposit and insurance corporation or the federal savings and loan insurance corporation.

(b) The horsemen's bookkeeper shall be bonded in accordance with commission stipulations.

(c) The amount of purse money earned is credited in the currency of the jurisdiction in which the race was run. There shall be no appeal for any exchange rate loss at the time of transfer of funds from another jurisdiction.

(4) Payment of purses:

(a) Upon approval of the commission the horsemen's bookkeeper shall receive, maintain and disburse only the following from the purse accounts: the purses earned for each race; fees associated with post-mortem examinations, drug testing fees for the equine testing fund, entry, nomination, supplemental and starter fees in stakes races; jockey fees; lasix fees; win picture fees; and purchase money in claiming races, along with all applicable taxes that properly come into their possession in accordance with the provision of commission rules.

(b) The fact that purse money has been distributed prior to the issuance of a laboratory report shall not be deemed a finding that no chemical substance has been administered, in violation of these rules, to the horse earning such purse money.

(c) The horsemen's bookkeeper shall disburse only the purse earned for each race, entry, nomination, supplemental and starter fees in stakes races, jockey fees, lasix fees, win picture fees and purchase money in claiming races, along with all applicable taxes, upon request, within 48 hours of the completion of the race with respect to all horses not tested and when no timely appeal has been filed, and where a horse has been tested within 48 hours of receipt of notification that all tests with respect to such races have cleared the drug testing laboratory(ies) as reported by the stewards or the commission, except that minimum jockey mount fees may be disbursed prior to notification that the tests have cleared the testing laboratory(ies).

(d) Absent a prior request, the horsemen's bookkeeper shall disburse monies to the persons entitled to receive same within 15 days after the last race day of the race meeting, including purses for official races, provided that all tests with respect to such races have cleared the drug testing laboratory(ies) as reported by the stewards, and provided further that no protest or appeal has been filed with the stewards or the commission.

(e) In the event a protest or appeal has been filed with the stewards or the commission, the horsemen's bookkeeper shall disburse the purse within 48 hours of receipt of dismissal or a final non-appealable order disposing of such protest or appeal.

F. Horse identifier:

(1) **General authority:** The horse identifier shall [~~when required,~~] ensure the safekeeping of digital or paper registration certificates and racing permits for horses stabled or racing on association grounds; inspect documents of ownership, eligibility, registration or breeding necessary to ensure the proper identification of each horse scheduled to compete at a race meeting; examine every starter in the paddock for sex, color, markings lip tattoo [~~or~~] microchip [~~(ISO11784)] (ISO11784/11785)~~, freeze brand or other approved method of positive identification, for comparison with its registration certificate to verify the horse's identity; supervise the tattooing, micro chipping, freeze branding or other approved method of positive identification, for identification of any horse located on association grounds. Positive identification may include verification that the breed registration certificate has been submitted for correction or verification that the tattooing process has been initiated.

(2) **Report violations:** The horse identifier shall report to the stewards any horse not properly identified or whose registration certificate is not in conformity with these rules.

N. Official veterinarian: The official veterinarian shall:

- (1) be employed and licensed by the commission;
- (2) be a graduate veterinarian [~~and be licensed to practice in the state~~];
- (3) recommend to the stewards any horse deemed unsafe to be raced, or a horse that it would be inhumane to allow to race;
- (4) supervise the taking of all specimens for testing according to procedures approved by the commission;
- (5) provide proper safeguards in the handling of all laboratory specimens to prevent tampering, confusion or contamination;
- (6) have the authority and jurisdiction to supervise the practicing licensed veterinarians within the enclosure;
- (7) report to the commission the names of all horses humanely destroyed or which otherwise expire at the meeting and the reasons therefore;
- (8) refuse employment or payment, directly or indirectly, from any horse owner or trainer of

a horse racing or intending to race in this jurisdiction while employed as the official veterinarian for the commission;

(9) place horses on the bleeder list and remove horses from the bleeder list;

(10) place horses on the veterinarian's list that have been treated for a therapeutic purpose for any medication pursuant to Paragraph (9) of Subsection C of 15.2.6.9 NMAC and remove horses from the veterinarian's list when the criteria for removal pursuant to that subsection have been met; and

(11) be authorized to humanely destroy any horse deemed to be so seriously injured that it is in the best interests of racing the horse to so act.

[15.2.3.8 NMAC - Rp, 15 NMAC 2.3.8, 4/13/2001; A, 11/15/2001; A, 8/30/2007; A, 6/15/2009; A, 6/30/2009; A, 12/1/2010; A, 5/1/2015; A/E, 6/28/2016; A, 9/15/2016; A, 12/16/2016; A, 7/1/2017; A, 9/26/2018; A, 5/1/2019; A, 12/19/2019; A, 12/28/2021; A, 5/24/2022; A, 4/9/2024; A, 4/8/2025]

History of 15.2.3 NMAC: [RESERVED]