

This is an amendmen to 15.2.1 NMAC Sections 7 and 9, effective 12/28/2021.

Explanatory paragraph: This is a short-form amendment to 15.2.1 NMAC, Sections 7 and 9, effective December 28, 2021. For Section 7 of 15.2.1 NMAC, Subsections A thru L and N thru Z were not published as there were no changes. For Section 9 of 15.2.1 NMAC, Subsection A; Subsection B, Paragraphs (1) through (8) and (10); and Subsection C were not published as there were no changes.

15.2.1.7 DEFINITIONS:

M. Definitions beginning with the letter “m”:

(1) **“Maiden”** is a horse, which shows in the *daily racing form* or the *American quarter horse chart book* as never having won a race at a recognized meeting. A maiden, which has been disqualified after finishing first in a race, is still a maiden.

(2) **“Maiden race”** is a race restricted to maidens.

(3) **“Match race”** is a race between two horses under conditions agreed to by their owners.

(4) **“Meeting”** is ~~[the specified]~~ an entire period [and dates each year during which] of consecutive days that an association which is issued a racetrack license, is authorized by the commission to conduct live racing [by approval of the commission]. For purposes of this rule, the ~~[meeting begins on the first date prior to actual racing that entries are accepted by the racing secretary. Entries shall be accepted no sooner than seven days before racing commences.]~~ commission shall determine the beginning and end dates of the race meet as well as the dates in which live racing will be conducted within the determined consecutive days.

(5) **“Minus pool”** occurs when the payout is in excess of the net pool.

(6) **“Month”** is a calendar month.

(7) **“Mutuel field”** refers to two or more contestants in a contest that are treated as a single betting interest for pari-mutuel wagering purposes because the number of betting interests exceeds the number that can be handled individually by the pari-mutuel system.

[15.2.1.7 NMAC - Rp, 15 NMAC 2.1.7, 3/15/2001; A, 2/14/2002; A, 8/30/2007; A, 12/1/2010; A, 1/1/2013; A, 5/1/2013; A, 8/15/2014; A, 7/1/2017; A, 3/14/2018; A, 9/26/2018; A, 12/19/2019; A, 12/28/2021]

15.2.1.9 DUE PROCESS AND DISCIPLINARY ACTION:

B. Proceedings before the stewards:

(9) Appeals.

(a) A person who has been aggrieved by a ruling of the stewards may appeal to the commission. A person who fails to file an appeal by the deadline and in the form required by this section waives the right to appeal the ruling.

(b) An appeal under this section must be filed not later than 10 days after the date of the ruling. If the deadline falls on a Saturday, Sunday or legal holiday, the period is extended to include the next day that is not a Saturday, Sunday or legal holiday. The appeal must be received by noon, at the main commission offices or with the stewards who issued the ruling and must be accompanied by a fee in the amount of ~~[\$500]~~ \$400. The fee must be in the form of a money order, cashier's check or a corporate check.

(c) The commission may fine a license holder in the amount up to \$2,500 after considering an appeal if based on the evidence the appeal is frivolous, unreasonable or unnecessary or determined to be an abuse of process or malicious. Failure of an appealing party to appear at a noticed hearing or withdraw their appeal without providing five business days notice prior to the hearing date may result in the non appearing appealing party being fined up to \$1,000.

(d) An appeal must be in writing on a form prescribed by the commission. The appeal must include the name, address, telephone number and signature of the person making the appeal; and a statement of the basis for the appeal.

(e) On notification by the commission that an appeal has been filed, the stewards shall forward to the commission the record of the proceeding on which the appeal is based, and a statement of the reasons for their rulings.

(f) If a person against whom a fine has been assessed files an appeal of the ruling that assesses the fine, the person shall pay the fine in accordance with these rules.

[15.2.1.9 NMAC - Rp, 15 NMAC 2.1.9, 3/15/2001; A, 3/31/2003; A, 5/30/2003; A, 6/15/2004; A, 6/30/2009; A, 9/15/2009; A, 12/1/2010; A, 5/1/2013; A, 1/1/2014; A, 3/16/2015; A, 5/1/2015; A, 9/16/2015; A, 3/15/2016; A/E, 6/28/2016; A, 9/16/2016; A, 12/16/2016; A, 7/1/2017; A, 3/14/2018; A, 9/26/2018; A, 4/9/2019; A, 12/28/2021]