

This is an amendment to 16.47.1 NMAC, Section 8, effective 5/24/2022.

**Explanatory paragraph: This is a short-form amendment to 16.47.1 NMAC, Section 8, effective May 24, 2022. For Section 8 of 16.47.1 NMAC, Subsections A thru K and Subsections M thru V were not published as there were no changes.**

**16.47.1.8 GENERAL PROVISIONS:**

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**L. 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:

- (a) has been convicted of a felony;
- (b) has been convicted of violating any law regarding gambling or a controlled dangerous substance;
- (c) who is unqualified, by experience or otherwise, to perform the activities for which a license is required, or who fails to pass an examination prescribed by the commission;
- (d) has failed to disclose or falsely states any information required in the application;
- (e) has been found in violation of rules governing racing in this state or other jurisdictions;
- (f) has been found to have made false or misleading statements to the commission, stewards, or any racing official;
- (g) has been or is currently excluded from association grounds by a recognized racing jurisdiction;
- (h) has had a license denied, suspended, or revoked by any racing jurisdiction;
- (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;

(j) demonstrates a lack of financial responsibility by accumulating unpaid obligations, defaulting on obligations or issuing drafts or checks that are dishonored, or payment refused; for the purpose of this sub-section, non-compliance with the Parental Responsibility Act shall be considered grounds for refusal, denial, suspension, or revocation of a license; the application, or license as applicable, shall be reinstated if within 30 days of the date of the notice, the applicant provides the commission with a certified statement from the department that they are in compliance with a judgment and order for support;

(k) is ineligible for employment pursuant to federal or state law concerning age or citizenship.

(l) is disrespectful or intimidates any official, commissioner, or commission staff or any other licensee;

(m) attempts to influence any racing official or commission staff member;

(n) has knowingly filed a false complaint against another licensee or a racing official where the racing commission or the stewards determine that the complaint was made without reasonable or probable cause and for the purpose of the harassment or abuse of the complaint process;

(o) has engaged in conduct unbecoming or detrimental to the best interests of racing.

(2) A license suspension or revocation shall be reported in writing to the applicant and the association of racing commissioners international, incorporated, whereby other racing jurisdictions shall be advised.

(3) Any license denied, suspended or revoked by the commission pursuant to these rules shall state the time period for the effect of its ruling. When the action is taken for a misdemeanor or felony conviction, the time period shall be the period of the licensee's or applicant's imprisonment; or if not imprisoned,

the period of probation, deferral, unless the person can satisfy the commission of sufficient rehabilitation. This rule shall also apply to licensees who voluntarily turn in their license because of, or in anticipation of, a conviction.

**(4)** If a license is suspended or revoked by the commission or stewards pursuant to these rules the commission or stewards may probate all or any portion of the suspension.

**(a)** The order or ruling entered placing a licensee on probation shall state the specific probationary period and the terms and conditions of the probation.

**(b)** The terms and conditions of the probation must have a reasonable relationship to the violation and may include:

**(i)** passing a prescribed examination in a specific area;  
**(ii)** periodic reporting to the commission, stewards or other designated person on any matter that is the basis of the probation;

**(iii)** a medical evaluation and completion of a prescribed treatment program; and

**(iv)** other terms and condition as specified in the order or ruling that are reasonable and appropriate.

**(c)** If the commission or stewards determine the licensee has failed to comply with the terms of the probation, the probation may be revoked on three days' notice to the licensee and the licensee may be required to appear before the New Mexico racing commission. Failure to comply with the terms of the probation may subject the licensee to additional disciplinary action.

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[16.47.1.8 NMAC - Rp, 16 NMAC 47.1.8, 3/15/2001, A, 08/30/2001; A, 11/15/2001; A, 12/14/2001; A, 2/14/2002; A, 11/14/2002; A, 3/31/2003; A, 7/15/2003; A, 9/29/2006; A, 3/30/2007; A, 8/14/2008; A, 6/15/2009; A, 9/15/2009; A, 1/1/2014; A, 4/1/2014; A, 6/1/2016; A, 12/16/2016; A, 7/1/2017; A, 3/14/2018; A, 2/25/2020; A, 5/24/2022]