



New Mexico Racing Commission
4900 Alameda NE
Albuquerque, NM 87113

Ruling #: **2023-DAA-56**
Track: Downs at Albuquerque
Ruling Date: 10/18/2023

Licensee: **ASCENCIO, JR ARNULFO**
License Type: 2020 3 Year Owner Applicant Id: 23046
License Number: 300143

Ruling # 2023-DAA-56
Action Type: Modified Ruling
Ruling:

RE: 2023-DAA-56 - Modified Ruling
RE: 2023-DAA-56 - Ruling Final Outcome

Trainer **Arnulfo Ascencio Jr** having been duly notified and having failed appear, had his hearing held in absentia, in accordance with 15.2.1.9(B)(4)(d) non-appearance before Sunland Park Racetrack Board of Stewards (1200 Futurity Drive, Sunland Park NM 88063) on January 17, 2024 for a formal hearing, regarding a lab report from Industrial Laboratories (the Official testing laboratory for the NMRC) for a confirmed positive for the drug Clenbuterol (Class 3 penalty A) found in the blood for test sample E625947, obtained from the horse "Work Ethic" who finished 2nd place in the 4th race on September 27, 2023, at the Downs at Albuquerque Racetrack.

Aggravating Factors: Failure to guard.

Mitigating Factors: First medication violation in 365 days.

Split Sample rights were afforded to the trainer. Split Sample E625947 was submitted to UC Davis at the request of the trainer and was confirmed positive for Clenbuterol.

Arnulfo Ascencio Jr is the trainer of record for "Work Ethic".

After hearing the facts of the case and testimony, and considering all Mitigating and Aggravating factors the Sunland Park Board of Stewards determined the following:

- 1) Mr. **Arnulfo Ascencio Jr** is hereby fined **\$10,000.00 (Ten Thousand)**. Fine to be paid on or before **February 28, 2024**, in accordance with 15.2.1.9 (B)(7)(f). Failure to pay the fine in the prescribed time shall result in an immediate suspension.
- 2) A suspension of one (1) year. The term of this suspension will start retroactive from summary suspension dated **October 18, 2023, through October 18, 2024**.
- 3) In addition, **Arnulfo Ascencio Jr** had accumulated "0" points prior to this ruling and "6" points in connection with this ruling for a current total of "6"- points, under the multiple medication violation point system.
- 4) Mr. Arnulfo Ascencio Jr must take a written trainers test once he has served his penalty.

NMAC 16.19.20.67 SCHEDULE III
Miscellaneous (D)(3) Clenbuterol

15.2.5.13 e(4)(D) running of the race
E. Post to finish
(4) Disqualification



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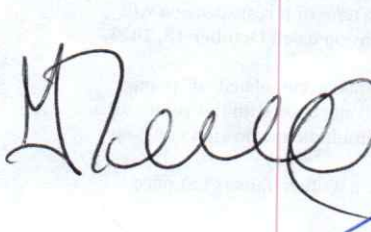
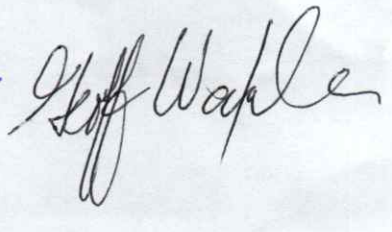
(d) The stewards may determine that a horse shall be unplaced for the purpose of purse distribution and trial qualification.

In accordance with **15.2.1.9 (C)(21)**, **Arnulfo Ascencio Jr** will be excluded from all areas and grounds under the jurisdiction of the NMRC. Additionally, effective upon applicable suspension dates, all horses **owned, trained, or under the care of Arnulfo Ascencio Jr are ineligible to be entered or start in any race in this jurisdiction**, per **15.2.1.9 (C)(21)(c)**. All transfers and sales of horses **trained, owned, or in the care and custody of Arnulfo Ascencio Jr** must be done in accordance with **15.2.6.9A(12)(a)(b) Medication and Prohibited Substances**.

This ruling is written in accordance with: NMAC 15.2.1.9 B (3) (d); Due Process and Disciplinary Action; NMAC 15.2.3.8 B (1) (a-e) Stewards General Authority; NMAC 15.2.3.8 B (3) (a-k) Disciplinary Action; NMAC 15.2.5.12 B (1) Horse Ineligibility; NMAC 15.2.5.13 E (4) (d) Running of the Race; NMAC 15.2.6.9. A (7) B (2) (7) Penalty Recommendations; NMAC 15.2.6.9(C)(1)(3) Medication Restrictions; NMAC 15.2.6.11 A Trainer Responsibility; NMAC 16.47.1.8. T. Knowledge of Rules; NMAC 16.47.1.3 Statutory Authority; NMAC 16.47.1.8 (A)(1)(B) (1) a through (e) (2,3)(a thru k) License Required; NMAC 16.47.1.8 (A)(2) License Required; NMAC 16.47.1.8(N) Last Known Address; NMAC 16.47.1.8 U (1) Protection of horses; NMAC 16.47.1.10 B (1-3) Absolute Insurer.

NMAC 15.2.1.9(B)(9)(b): Appeal Procedures, which states "An appeal under this section must be filed not later than 10 days after the day of the ruling. If the deadline falls on a Sunday or a legal holiday, the period is extended to 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 \$400.00 dollars. The fee must be in the form of a cashier's check or a money order.

Last day to file appeal is January 27, 2024.

 
By Order of The Downs at Albuquerque Stewards