



NEW YORK SIRE STAKES NO. 59 CONDITIONS (FOALS OF 2017)

SPONSOR:

Agriculture and New York State Horse Breeding Development Fund (the "Fund")

TO BE RACED AS:

Two-year-olds in 2019 and Three-year-olds in 2020

Two- and three-year old events will be raced in separate colt and filly divisions.

NOMINATION FEE:

\$50 on May 15, 2018 - Any payment due dates that fall on a weekend or a holiday will automatically become due on the next regular business day. All dates are postmark dates.

FUTURE SIRE STAKES PAYMENTS:

On 2-year-olds in 2019:

February 15, 2019 Continuation Fee\$200
April 15, 2019 Sustaining Fee - Specify Gait\$350

On 3-year-olds in 2020:

February 15, 2020 Continuation Fee\$250
April 15, 2020 Sustaining Fee - Specify Gait\$450

DECLARATION FEE:

In all events at each track is two percent (2%) of the total amount of the purse raced for, increased upwards to the nearest multiple of \$100. All declaration fees will be added to the event to which declared. Starters declare in at each track at the time that is the practice for overnight events at that track. The declaration fee for each final event is to be announced. There will be no refunds for horses scratched from any Sire Stakes event.

SUPPLEMENTARY ENTRIES:

May be made to this stake on foals of 2017 upon payment of \$500 by March 1 2019, in lieu of the May 15, 2018 nomination fee of \$50. All other payments must be made as regularly required. A 2-year-old which makes the May 15, 2018 nomination payment, but fails to make the first sustaining payment to New York Sire Stakes (NYSS) No. 59 may regain eligibility for the 3-year-old season by payment of a penalty of \$1100 providing such payment is made on or before April 15, 2019. Such horse will not be eligible to participate in NYSS No. 59 2-year-old events, but will be eligible to participate in NYSS No. 59 3-year-old events, provided that all payments to those events are made in a timely manner. All payment dates are postmark dates. All supplementary payments will be allocated as provided for in the case of regular continuation payments.

YEARLING ELIGIBILITY:

Each eligible must satisfy the following requirements:

- (1) bred by an eligible stallion (see Stallion Eligibility) registered to the Agriculture and New York State Horse Breeding Development Fund and standing in New York for the full season of service during which the dam was bred to produce such colt or filly.
- (2) The owner of the dam need not be a resident of New York State and foaling need not be in New York State.
- (3) Proof of registration by the USTA or by a USTA recognized Standardbred registry organization dated on or before the time of nomination, must accompany each nomination.
- (4) The foal of any mare which is inseminated by semen transported outside of New York State will be ineligible for nomination to any New York- bred events.

- (5) For a foal to be nominated to these New York events, it must be the first foal born to the dam for the given year, and its sire must be a New York eligible stallion. The only exception will be in the case of same birth twins. To be eligible, a twin status must be indicated on the USTA registration certificates for the individuals in question.

STALLION ELIGIBILITY:

Eligible Stallions are those stallions:

- (1) Owned by a resident of New York state and standing the entire stud season in New York State, or
- (2) Owned by a resident of a state other than New York but standing the entire stud season in New York State and leased (copy of lease must be filed with the Fund) by a resident of New York State for a term of not less than one year, or
- (3) Owned jointly by a resident or residents of a state other than New York State together with a resident or residents of New York State and standing the entire stud season in New York State with the same leasing requirements as (2).
- (4) To be eligible, a stallion must be registered with the Fund no later than January 1, of the year he will stand stud.

FUTURE ELIGIBILITY:

The February 15, 2019 payment must be made to race in 2019 or future years. The April 15, 2019 payment must be made to race as a 2-year-old in Sire Stakes. The February and April 2020 payments must be made to race as a 3-year-old in Sire Stakes.

PAYMENT DISTRIBUTION:

Fifty dollars from each nomination fee and thirty dollars from each 2- and 3-year-old payment will be retained to defray a portion of the expenses for managing, advertising, promoting and publicizing these New York-bred harness horse races.

- (1) All 2- and 3-year-old staking fees available each year will be divided equally among all scheduled events, and will be added to the purses and distributed as follows:
 - (a) the 2- and 3-year-old February 15 fees will be divided equally between trot and pace divisions for colts and equally between trot and pace divisions for fillies.
 - (b) the 2- and 3-year-old April 15 payment will follow the horse by sex and gait.
- (2) New York Sire Stakes Fund monies will be divided each year in accordance with ratios established by the Fund.

RACING CONDITIONS:

- (1) Each race to be held in one dash at one mile.
- (2) A NYSS final or consolation race, if scheduled, for 2- and 3-yearolds who participated in NYSS No. 59. Horses will be segregated by sex and gait in all events. Eligibility to these Championship events will be determined on a point basis. Points will be earned in legs of NYSS No. 59 raced at the participating pari-mutuel tracks and will be awarded as follows: 50 points for winning a leg, 25 points for placing second, 12 points for placing third, 8 points for placing fourth, and 5 points for placing fifth.



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The said horse would receive points according to its official finish, regardless of how many horses finish the race. A horse must finish the race to earn points, unless the race is cancelled (see race condition # 13, cancellation). Recalls – recalls in a NYSS race would be for the following reasons: Broken equipment, interference behind the starting gate, a horse falling before the word “go” is given, a horse scoring ahead of the gate or a horse assuming incorrect post position, or malfunction of the starting gate.

(3) All Sire Stakes events at each sex, age and gait shall be limited to as many starters as can be drawn to post in the first tier. Trailers will not be permitted to start in any New York Sire Stakes event. (Trailers are permitted to start at county fair events.) All owner entries must be split into different divisions for all Sire Stakes, if possible. No more than two entries from a common owner will be permitted in the same final or consolation, if scheduled. If an owner is affected by this condition, eligibility will be determined for those horses, with three or more starts, on highest points earned.

Any horse that changes owner within 30 days before the date of entry (draw date) for NYSS final or consolations, if scheduled, must get those changes approved by the Fund or its designee to be able to race in the finals or consolations.

(4) Sire Stakes races will be divided into divisions in a manner that ensures fields of equal size. When the number of horses entered into an event does not divide equally, the fields will not vary in size by more than one horse.

(5) In the event of a dead heat for any position in any leg of NYSS No. 59, points will be split evenly between the horses involved. In the event of a tie for the last entry in the final or consolation, if scheduled, the judges shall draw by lot from among the horses tied in the point standings to determine the final entry.

(6) All horses must enter the finals to race in either the finals or consolations. Consolations may be subject to race at a different venue on a different date. Horses must start in at least three legs to be eligible to the final or consolation race if scheduled (unless removed due to owner conflict as provided in 3 above). Judges official order of finish (points) will be used in determining eligibility to the finals or consolation race if scheduled. The top eight (or nine on a 5/8s or larger track) horses entered will race in the finals. The next eight (nine) horses will make up the consolation. Should there not be enough entries in the box with at least three starts to fill the finals race, the highest point earner which has entered with two starts shall be selected, etc. until there are enough entries to fill the first tier. There must be at least 5 horses entered in the consolations. If there are fewer than 5 horses in the consolation, but not less than 4 horses, the consolation race shall be held but the purse shall be prorated based on the number of horses entered unless reduced pursuant to 6 above. There shall be no consolation race scheduled if less than 4 horses are entered.

(7) All final and consolation races, if scheduled, will race for an announced purse to be determined by the Fund.

(8) No horse is eligible to declare in a NYSS event unless it meets the following:

- a) at least one charted satisfactory performance line within 30 days of declaration that meets the following qualifying time standards for its age and gait:

1/2 and 5/8 mile Tracks	7/8 mile or larger Tracks		
PACERS	2 YO 2:03	PACERS	2 YO 2:01
	3 YO 2:00		3 YO 1:58
TROTTERS	2 YO 2:07	TROTTERS	2 YO 2:05
	3 YO 2:05		3 YO 2:03

Add 7 seconds to the times above to get a mile and 1/16 mile equivalent. Charted track allowances may be used to meet the time standards.

b) and, the horse must not have consecutive breaks in its last two charted performance lines. If the horse does have two consecutive breaks, the horse must requalify and show a satisfactory charted performance line in the pertinent NYSS qualifying time, without a break, before being entered in a NYSS event. If the break was an equipment break or caused by interference, (ix) or driver caused the break, (dx), the break will not be counted against the horse. Also, any horse with one break that has been declared in before its second consecutive break will continue to be eligible to that declared event. Eligibility to subsequent events will be determined by a satisfactory performance, without a break, in said NYSS event. Officially charted workouts before the judges will not be allowed as a satisfactory charted line.

(9) Paddock time for the arrival of horses is one hour before the scheduled post time (excluding horses receiving lasix). Any trainer with a horse that is late to the paddock for a bona fide reason must contact the presiding judge before paddock time and receive permission to be late. In any event, the horse must be in the paddock at least 30 minutes before the scheduled post time of that race, or the horse shall be scratched by the presiding judge.

(10) Race Day Testing: All horses competing in any NYSS No. 59 event will be subject to race day testing for impermissible administration of a drug or other substance to the horse. The testing shall also include total carbon dioxide testing (TCO2). Such tests may be administered on a pre- or post-race basis. In the instance of a post-race test, the horse being tested must stand at rest for a minimum of one hour after such horse has raced. Blood samples shall be obtained from each horse tested by a veterinarian or technician licensed by New York State to perform such tasks. Failure to present a horse for testing may be cause for forfeiture of purse earnings. The testing shall be performed in a laboratory approved by the Fund. Samples shall be taken in accordance with the procedures found in 9 NYCRR 4120.17(b), and for the purposes of this condition, all references to the “Commission” in that rule shall be considered references to the Fund. Prohibited substances include those substances listed in 9 NYCRR 4120.17(c), and for the purposes of this condition, all references to the “Commission” in that rule shall be considered references to the Fund.

Where the TCO2 blood level, based upon the above criteria, equals or exceeds thirty-seven (37) millimoles per liter, or thirty-nine (39) millimoles per liter for horses administered furosemide (Lasix), the following penalties shall be incurred:

- (a) Said horse shall be disqualified from any purse winnings in the race for which it tests high, and said purse monies shall be redistributed.
- (b) Said horse shall be disqualified from participation in any New York Sire Stakes event, including the final and consolation, should there be one, for a period of sixty (60) days from the day of violation.



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(c) Said horse shall be disqualified from participation in any event sponsored by the Fund, including State and County Fair races for the duration of the penalty.

The New York State Gaming Commission (NYSGC) has regulatory authority over all pari-mutuel horse races in New York State. In any case of disparity between rules, the latest rules of NYSGC shall prevail.

(11) **Out-of-Competition Testing:** Any person who participates in the New York Sire Stakes shall be deemed to have given consent to submit their horse or horses to out-of-competition testing. Under such consent, the Fund may at a reasonable time on any date take blood, urine or other biologic samples from a horse that is entered to compete in the New York Sire Stakes in order to enhance the ability of the Fund to detect or confirm the impermissible administration of a drug or other substance to the horse. Horses to be tested may be selected at random, for cause or as determined by the Fund or an agent of the Fund. A selected horse that is not made available for sampling may be disqualified from competing in the Sire Stakes for the respective year in which the horse is eligible to compete. Samples shall be taken in accordance with the procedures found in 9 NYCRR 4120.17(b), and for the purposes of this condition, all references to the "Commission" in that rule shall be considered references to the Fund. Prohibited substances include those substances listed in 9 NYCRR 4120.17(c), and for the purpose of this condition, all references to the "Commission" in that rule shall be considered references to the Fund. A person whose horse was disqualified due to a finding of non-cooperation or a positive test for a prohibited substance may appeal such a finding in a hearing conducted in accordance with the State Administrative Procedure Act and before a hearing officer designated by the Fund.

(12) A horse that has a drug positive for a prohibited substance during any Sire Stakes event, such horse shall be ineligible for any Sire Stakes event final or consolation (Sire Stakes, Excelsior or County Fair series). Eligibility to the finals or consolation race, if scheduled, shall exclude all participants with appeals yet to be decided at the time of declaration to the finals or consolation. In the case of a positive drug test, all appeals will be excluded from eligibility to the finals or consolation, if scheduled, unless they are resolved by adjudication prior to declaration. A person whose horse was disqualified due to a finding of non-cooperation or a positive test for a prohibited substance may appeal such a finding in a hearing conducted in accordance with the State Administrative Procedure Act and before a hearing officer designated by the Fund.

Should any participant in the Sire Stakes program be notified of a positive drug result, he/she must notify the Agriculture and New York State Horse Breeding Development Fund within 10 days upon receipt of the notice that they demand a hearing. Any such demand must be made in writing to the Agriculture and New York State Horse Breeding Development Fund and sent either by e-mail (info@nysirestakes.com) or mail to the Agriculture and New York State Horse Breeding Development Fund, 1 Broadway Center, Schenectady, New York 12305.

(13) **Cancellation:** Should circumstances prevent the racing of any Sire Stakes event, the monies and points will be prorated among owners of entered horses on the grounds for the uncontested event at the time of declaring off. The money will not be counted as money earned. The points will count towards the finals. The cancelled event will also count as a Sire Stakes start.

Extenuating circumstances such as weather and labor disputes could be cause for rescheduling the final or consolation races, as per the NYSGC Rule 4114.3. All events shall be scheduled and run in cooperation with each licensee harness track in this state.

(14) All questions of ELIGIBILITY will be decided by the Fund and the NYSGC.

(15) When an owner has outstanding debts owed to any track, every horse owned in whole or part by that owner may be subject to be declared ineligible by any track the horse is entered at or subject to be possibly scratched by the judges and not allowed to start in any New York Sire Stake Race, including County Fair Races, until such time that debt and all fees are collected.

(16) If an owner or trainer has a horse eligible to an Excelsior Series Final and also any NYSS final or consolation, then the owner or trainer must choose which final to declare into. A horse may only race in one final event. If the horse is scratched from either the Excelsior Series Final or a NYSS final or consolation, it will be ineligible to enter in the other respective final.

Rules: These events are subject to the rules of the New York State Gaming Commission and the conditions of the Agriculture and New York State Horse Breeding Development Fund.

MONEY DIVISION:

5 or more starters: 50, 25, 12, 8, 5 percent

4 starters: 50, 25, 15, 10 percent

3 starters: 50, 30, 20 percent

2 starters: 65, 35 percent

1 starter: 100 percent

Starters must finish the race in order to qualify for purse money and points except for cancelled events.

Gait: Must be specified on April 15 payment. Transfer of gait may be made at time of declaration, but past payments remain in the respective funds.

Checks Payable To: Agriculture and NYS Horse Breeding Development Fund (U.S. Funds)

Mail To:

New York Sire Stakes, 230 Washington Avenue Extension, Suite 101, Albany, New York 12203

Phone: 518-388-0178

Email: info@nysirestakes.com





NEW YORK EXCELSIOR SERIES 2018 – CONDITIONS

SPONSOR:

Agriculture and New York State Horse Breeding Development Fund (the "Fund")

Must be nominated as a yearling to the New York Sire Stakes program (\$50 fee) or supplemented to the Fund, \$500 due on March 1st of the 2-year-old year.

SCHEDULE OF PAYMENTS:

Any payment due dates that fall on a weekend or a holiday will automatically become due on the next regular business day. All payment dates are postmark dates.

Two-year-olds in 2018— Colt and Filly Divisions at each gait

February 15, 2018 Staking Fee..... \$125

April 15, 2018 Sustaining Fee (specify gait)..... \$325

Three-year-olds in 2018 – Colt and Filly Divisions at each gait

February 15, 2018 Staking Fee..... \$125

April 15, 2018 Sustaining Fee (specify gait)..... \$325

These events are subject to the conditions of the Fund and rules and regulations of the New York State Gaming Commission. The purse for all Excelsior "A" Series Races will be \$15,000 guaranteed \$300 declaration fee. Generally, each leg of the New York Sire Stakes (NYSS) and the Excelsior Series will be scheduled on the same day at the same track. An owner may choose which series they wish to enter and race in provided they are staked to both series, but may choose only one for each horse on that day. Owners shall continue to have the option for each leg throughout the season and may alternate between Sire Stakes and Excelsior Series ("A" and "B" levels) provided they are staked to both NYSS and Excelsior (except as provided under the Excelsior "B" Series conditions below). Horses staked to only one series, either Sire Stakes or Excelsior Series may only enter the series to which they are staked.

The Excelsior "B" program is for all 2- and 3-year-olds who have paid into the Excelsior Series. The purses for the Excelsior "B" series will be \$6,000 guaranteed \$100 declaration fee. Generally the Excelsior (B) races will be raced on the same day as the Sire Stakes and Excelsior (A) races. An owner will still have the right to choose which class to race in if they are eligible under the following circumstances:

- a) Any Excelsior Series eligible horses that previously raced in County Fairs may go up or down between Excelsior "B" and County Fairs if eligible.
- b) If a horse races in Excelsior "B" series they may move up at any time. However, if a horse moves up from the Excelsior "B" to NYSS No. 57, NYSS No. 58 or the Excelsior "A" series, they may NOT go back down to the Excelsior "B" series thereafter for the race year 2017. There will be no points and no finals for Excelsior "B" events.

YEARLING ELIGIBILITY:

To be eligible to these New York Excelsior Series each horse must satisfy the following requirements:

- (1) Sired by an eligible stallion (see Stallion Eligibility) registered to the Agriculture and New York State Horse Breeding Development Fund and standing in New York for the full season of service during which the dam was bred to produce such colt or filly.
- (2) The owner of the dam need not be a resident of New York State and foaling need not be in New York State.

- (3) Must be registered with the United States Trotting Association (USTA) or a USTA recognized Standardbred registry at time of nomination. Proof of registration by the USTA or by a USTA recognized Standardbred registry organization dated on or before the time of nomination, must accompany each nomination.
- (4) The foal of any mare which is inseminated by semen transported outside of New York State will be ineligible for nomination to any New York bred events.
- (5) For a foal to be nominated to these New York events, it must be the first foal born to the dam for the given year, and its sire must be a New York eligible stallion. The only exception will be in the case of same birth twins. To be eligible, a twin status must be indicated on the USTA registration certificates for the individuals in question.

STALLION ELIGIBILITY:

Eligible Stallions are those stallions:

- (1) Owned by a resident of New York State and standing the entire stud season in New York State, or
- (2) Owned by a resident of a state other than New York but standing the entire stud season in New York State and leased (copy of lease must be filed with the Fund) by a resident of New York State for a term of not less than one year, or
- (3) Owned jointly by a resident or residents of a state other than New York State together with a resident or residents of New York State and standing the entire stud season in New York State with the same leasing requirements as (2).
- (4) To be eligible, a stallion must be registered with the Fund no later than January 1, of the year he will stand stud.

DECLARATION FEE:

The declaration fee is \$300 for Excelsior A and \$100 for Excelsior B. All declaration fees for Excelsior B will be added to the event to which declared. Declaration time for all events will be according to a published draw schedule at the host track. The declaration fee for each final and consolation event, if scheduled, will be announced. There will be no refunds on any horse scratched after the closing of entries from any Excelsior Series races.

RACING CONDITIONS:

- (1) Each race to be held in one dash at one mile.
- (2) Horses will be segregated by sex and gait in all events. Points earned in legs of the Excelsior Series will be used to determine eligibility.
 - (a) 50 points for winning a leg, 25 points for placing second, 12 points for placing third, 8 points for placing fourth, and 5 points for placing fifth.
 - (b) A horse must finish the race to earn points, unless the race is cancelled (see race condition No. 13, cancellation.) The said horse would receive points according to its official finish, regardless of how many horses finish the race.
 - (c) In the event of a dead heat for any position in any leg of the Excelsior Series races, points will be split evenly between the horses involved.
 - (d) In the event of a tie for the last entry in the final or consolation the judges shall draw by lot from among the horses tied in the point standings to determine the final entry.



NEW YORK EXCELSIOR SERIES

2018 – CONDITIONS

Recalls – recalls in Excelsior Series races would be for the following reasons: Broken equipment, interference behind the starting gate, a horse falling before the word “go” is given, a horse scoring ahead of the gate or a horse assuming incorrect post position, or malfunction of the starting gate.

- (3) Excelsior Series races will be divided into divisions in a manner that ensures fields of equal size. When the number of horses entered into an event does not divide equally, the fields will not vary in size by more than one horse.
- (4) All owner entries must be split into different divisions if possible. No more than two entries from a common owner will be permitted in the same final or consolation, if scheduled. If an owner is affected by this condition, eligibility will be determined for those horses, with three or more starts, on highest points earned. Any horse that changes owner within 30 days before the date of entry (draw date) for Excelsior final or consolations, if scheduled, must get those changes approved by the Fund or its designee to be able to race in the finals or consolations.
- (5) Horses must start in at least three legs to be eligible to the final or consolation race if scheduled (unless removed due to owner/trainer conflict as provided in 4 above). Judges official order of finish (points) will be used in determining eligibility to the finals or consolation race if scheduled. The top eight (or nine on a 5/8s or larger track) horses entered will race in the finals. The next eight (nine) horses will make up the consolation. Should there not be enough entries in the box with at least three starts to fill the finals race, the highest point earner which has entered with two starts shall be selected, etc. until there are enough entries to fill the first tier. There must be at least 5 horses entered in the consolations. If there are fewer than 5 horses entered in the consolation, but not less than 4 horses, the consolation race shall be held but the purse shall be prorated based on the number of horses entered unless reduced pursuant to 5 above. There shall be no Excelsior A consolation races scheduled if less than 4 horses are entered. There shall be no consolation races for the Excelsior B series.
- (6) Trailers will not be permitted to start in any Excelsior Series events.
- (7) In the event of a tie for the last entry in the final or consolation, if scheduled, the judges shall draw by lot from among the horses tied in the point standings to determine the final entry. All final and consolation races if scheduled, will race for an announced purse to be determined by the Fund.
- (8) No horse is eligible to declare in an Excelsior Series event unless it meets the following standards:

(a) At least one charted satisfactory performance line within 30 days of declaration that meets the following qualifying time standards for its age and gait:

1/2 and 5/8 mile tracks		7/8 mile or larger tracks	
PACERS	2 YO 2:06 3 YO 2:02	PACERS	2 YO 2:04 3 YO 2:00
TROTTERS	2 YO 2:09 3 YO 2:07	TROTTERS	2 YO 2:07 3 YO 2:05

Add 7 seconds to the times above to get a mile and 1/16 equivalent. Charted track allowances may be used to meet the time standards.

(b) and, the horse must not have consecutive breaks in its last two charted performance lines. If the horse does have two consecutive breaks, the horse must requalify and show a satisfactory charted performance line in the pertinent Excelsior Series qualifying time, without a break, before being entered in an Excelsior Series event. If the break was an equipment break or caused by interference, (ix) or driver caused the break, (dx), the break will not be counted against the horse. Also, any horse with one break that has been declared in before its second consecutive break will continue to be eligible to that declared event. Eligibility to subsequent events will be determined by a satisfactory performance, without a break. Officially charted workouts before the judges will not be allowed as a satisfactory charted line.

- (9) Paddock Time for the arrival of horses is one hour before the scheduled post time (excluding horses receiving Lasix). Any trainer with a horse that is late to the paddock for a bona fide reason must contact the presiding judge before paddock time and receive permission to be late. In any event, the horse must be in the paddock at least 30 minutes before the scheduled post time of that race, or the horse shall be scratched by the presiding judge.
- (10) Race Day Testing: All horses competing in any Excelsior Series event will be subject to race day testing for impermissible administration of a drug or other substance to the horse. The testing shall also include total carbon dioxide testing (TCO2). Such tests may be administered on a pre- or post-race basis. In the instance of a post-race test, the horse being tested must stand at rest for a minimum of one hour after such horse has raced. Blood samples shall be obtained from each horse tested by a veterinarian or technician licensed by New York State to perform such tasks. Failure to present a horse for testing may be cause for forfeiture of purse earnings. The testing shall be performed in a laboratory approved by the Fund. Samples shall be taken in accordance with the procedures found in 9 NYCRR 4120.17(b), and for the purposes of this condition, all references to the “Commission” in that rule shall be considered references to the Fund. Prohibited substances include those substances listed in 9 NYCRR 4120.17(c), and for the purposes of this condition, all references to the “Commission” in that rule shall be considered references to the Fund.

Where the TCO2 blood level, based upon the above criteria, equals or exceeds thirty-seven (37) millimoles per liter, or thirty-nine (39) millimoles per liter for horses administered furosemide (Lasix), the following penalties shall be incurred:

- (a) Said horse shall be disqualified from any purse winnings in the race for which it tests high, and said purse monies shall be redistributed.
- (b) Said horse shall be disqualified from participation in any New York Sire Stakes event, including the final and consolation, should there be one, for a period of sixty (60) days from the day of violation.
- (c) Said horse shall be disqualified from participation in any event sponsored by the Fund, including State and County Fair races for the duration of the penalty.

The New York State Gaming Commission (NYSGC) has regulatory authority over all pari-mutuel horse races in New York State. In any case of disparity between rules, the latest rules of NYSGC shall prevail.



NEW YORK EXCELSIOR SERIES 2018 – CONDITIONS

- (11) **Out-of-Competition Testing:** Any person who participates in the New York Sire Stakes shall be deemed to have given consent to submit their horse or horses to out-of-competition testing. Under such consent, the Fund may at a reasonable time on any date take blood, urine or other biologic samples from a horse that is entered to compete in the New York Sire Stakes in order to enhance the ability of the Fund to detect or confirm the impermissible administration of a drug or other substance to the horse. Horses to be tested may be selected at random, for cause or as determined by the Fund or an agent of the Fund. A selected horse that is not made available for sampling may be disqualified from competing in the Sire Stakes for the respective year that the horse is eligible to compete. Samples shall be taken in accordance with the procedures found in 9 NYCRR 4120.17(b), and for the purposes of this condition, all references to the "Commission" in that rule shall be considered references to the Fund. Prohibited substances include those substances listed in 9 NYCRR 4120.17(c), and for the purpose of this condition, all references to the "Commission" in that rule shall be considered references to the Fund. A person whose horse was disqualified due to a finding of non-cooperation or a positive test for a prohibited substance may appeal such a finding in a hearing conducted in accordance with the State Administrative Procedure Act and before a hearing officer designated by the Fund.
- (12) A horse that has a drug positive for a prohibited substance during any Sire Stakes event, such horse shall be ineligible for any Sire Stakes event final or consolation (Sire Stakes, Excelsior or County Fair series). Eligibility to the finals or consolation race, if scheduled, shall exclude all participants with appeals yet to be decided at the time of declaration to the finals or consolation. In the case of a positive drug test, all appeals will be excluded from eligibility to the finals or consolation, if scheduled, unless they are resolved by adjudication prior to declaration. A person whose horse was disqualified due to a finding of non-cooperation or a positive test for a prohibited substance may appeal such a finding in a hearing conducted in accordance with the State Administrative Procedure Act and before a hearing officer designated by the Fund.
- Should any participant in the Sire Stakes program be notified of a positive drug result, he/she must notify the Agriculture and New York State Horse Breeding Development Fund within 10 days upon receipt of the notice that they demand a hearing. Any such demand must be made in writing to the Agriculture and New York State Horse Breeding Development Fund and sent either by e-mail (info@nysirestakes.com) or mail to the Agriculture and New York State Horse Breeding Development Fund, 1 Broadway Center, Schenectady, New York 12305.
- (13) **Cancellation:** Should circumstances prevent the racing of any Excelsior Series races, with the exception of the finals, or consolation race, (if scheduled), the monies and points will be prorated among owners of entered horses on the grounds for the uncontested event at the time of declaring off. The money will not be counted as money earned. The points will count towards the finals. The cancelled event of Excelsior Series will also count as a start for the Excelsior Series final or consolation, if scheduled, for the horses declared in. Extenuating circumstances such as weather and labor disputes could be cause for rescheduling the final or consolation, if scheduled, as per the NYSGC Rule 4114.3. All events shall be scheduled and run in cooperation with each licensee harness track in this state.
- (14) All questions of ELIGIBILITY will be decided by the Fund and the New York State Gaming Commission.
- (15) When an owner has outstanding debts owed to any track, every horse owned in whole or part by that owner may be subject to be declared ineligible by any track the horse is entered at or subject to be possibly scratched by the judges and not allowed to start in any New York Sire Stake Race, including Excelsior Series and County Fair Races, until such time that debt and all fees are collected.
- (16) If an owner or trainer has a horse eligible to an Excelsior Series final and also any NYSS final or consolation, then the owner or trainer must choose which final to declare into. A horse may only race in one final event. If the horse is scratched from either the Excelsior Series final or a NYSS final or consolation, it will be ineligible to enter in the other respective final.
- Rules: These events are subject to the rules of the New York State Gaming Commission and the conditions of the Agriculture and New York State Horse Breeding Development Fund

MONEY DIVISION:

5 or more starters 50, 25, 12, 8, 5 percent
 4 starters 50, 25, 15, 10 percent
 3 starters 50, 30, 20 percent
 2 starters 65, 35 percent
 1 starter 100 percent

Starters must finish the race in order to qualify for purse money and points except for cancelled events.

Gait: Must be specified on April 15 payment. Transfer of gait may be made at time of declaration, but past payments remain in the respective funds.

Checks Payable To:

Agriculture and NYS Horse Breeding Development Fund (U.S. Funds)

Mail To:

New York Sire Stakes, 230 Washington Avenue Extension, Suite 101,
 Albany, New York 12203

Phone: 518-388-0178

Email: info@nysirestakes.com



NEW YORK SIRE STAKES COUNTY FAIR 2018 – CONDITIONS

SPONSOR:

Agriculture and New York State Horse Breeding Development Fund (the “Fund”)

Schedule of payments (in U.S. Funds) Any payment due dates that fall on a weekend or a holiday will automatically become due on the next regular business day. All payment dates are postmark dates.

February 15, 2018

2-Year-Old Nomination Fee.....	\$25
3-Year-Old Nomination Fee.....	\$25

April 15, 2018

2-Year-Old Sustaining Fee.....	\$75
3-Year-Old Sustaining Fee.....	\$75

Declaration fee in all events will be \$50 payable to the Fair Association

(1) These events are subject to the rules and regulations of the United States Trotting Association (USTA) and the Fund. The County Fair final events to be raced at the pari-mutuel tracks will be subject to the New York Sire Stakes conditions and the rules and regulations of the New York State Gaming Commission (NYSGC).

(2) All Drivers and trainers must have a current valid United States Trotting Association license.

(3) All horses must have been nominated as a yearling (\$50 fee) to the New York Sire Stakes (NYSS) in order to be eligible for any New York-bred event, including the County Fairs. A supplementary fee may be made in the event the horse was not nominated as a yearling. The fee is \$50, payable no later than March 1, 2018 for 2-year-olds and 3-year-olds in 2018. This payment must be made in addition to the regular fair nomination fee. This does not affect any other eligibility, such as Sire Stakes or Excelsior races. This supplementary payment is for NYSS County Fair races only.

(4) **Eligibility:** To be eligible to these events, each horse must satisfy the following requirements:

- (a) Sired by an eligible stallion (see section 5) enrolled with the Fund and standing in New York State for the full season of service when the dam was bred to produce such colt or filly.
- (b) The owner of the dam need not be a resident of New York State, and foaling need not take place in New York.
- (c) Must be registered with the United States Trotting Association (USTA) or a USTA recognized Standardbred registry at time of nomination. Proof of the USTA registration or USTA recognized Standardbred registry organizations registration certificate, dated on or before the time of nomination, must accompany each nomination.

(5) **Stallion Eligibility:** Eligible Stallions are those stallions:

- (a) Owned by a resident of New York State & standing the entire stud season in New York State, or
- (b) Owned by a resident of a state other than New York, but standing the entire stud season in New York State and leased (copy of lease must be filed with the Fund) for a term of not less than one year, or,
- (c) Owned jointly by a resident or residents of a state other than New York State together with a resident or residents of New York State and standing the entire stud season in New York with the same leasing requirements as No. 5 (b).

(d) To be eligible, a stallion must be registered with the Fund.

(6) Eligibility must be certified to the Fund.

(7) On all county fair tracks which can accommodate eight horses in the first tier behind the starting gate, when more than eight horses are declared in, the race will be run in divisions in single dashes at one mile. On all other county fair tracks, when more than six horses are declared in, the race will be run in divisions in single dashes at one mile. If eight (8) or fewer horses declare on tracks which can accommodate eight horses in the first tier, or six (6) or fewer horses on all other tracks declare in, the race shall be raced at one mile each.

(8) On tracks that can accommodate less than eight horses in the first tier, four horses will start in the first tier and two horses will start in the second tier.

(9) County Fair events will be divided into divisions in a manner that ensures fields of equal size. When the number of horses entered into an event does not divide equally, the fields will not vary in size by more than one horse.

(10) Racing and Money Division shall be as follows for eight classes: Races will be held for 2- and 3-year-olds who are participating in the County Fairs. Horses will be segregated by sex and gait in all events. Final races will be held for each sex and gait. Divisions - Monies will be divided equally with declaration fees following the horse in each division.

(11) In the event that more than one division is required, starters in the divisions shall be drawn by lot, with owner entries seeded. The splitting of horses into different divisions will be by ownership only, if possible, and no other criteria will be used.

(12) The gait must be specified on the April 15 payment. Transfer of the gait may be made on the April 15 payment or at time of declaration, but sustaining payments remain in the respective funds.

(13) Three Day Box: Declarations must be made by 10AM three days prior to the race (omitting Sundays except for Goshen). All horses must be tattooed or freeze branded before declaring. Declaration may be made by telephone to the race secretary. Once a horse is declared, the declaration fee is due and payable. Declaration to Championship Events will be at the time practiced for overnight events at the track holding the event.

(14) You may enter any fair on any given day but you can only enter one fair on that day. If you enter 2 fairs on any given day, you will be scratched from both fairs and subject to a fine for not honoring your declaration in addition to both starting fees.

(15) All declaration fees will be added to the event to which declared with payment to be made to the fair conducting the event. There will be no refunds for scratches.

(16) Should circumstances prevent the racing of any event, the race may not be declared off until published post time and monies will be prorated among owners of horses on the grounds for the uncontested event at the time of declaring off. The money will not count as money earned against the horse and no points will be awarded but will count as a start. The race must be held the day advertised with no carry-over.

(17) All participating horses shall be subject to tattoo, freeze brand, urine and/or blood testing on race day basis when deemed appropriate by the sponsor.



NEW YORK SIRE STAKES COUNTY FAIR 2018 – CONDITIONS

- (18) The Fund will allocate to these New York-bred horse races an estimated \$24,000 per fair participating. Of this amount, 45% will be apportioned to the two-year-old events and 55% to the three-year-old events. The two amounts will be divided equally for colts and filly events. In addition, each participating fair will receive a proportionate share of all nomination and sustaining fees received from those eligible to these events. Purses will be made up of these Fund monies and Horseman's fees, plus declaration fees. There will be no deduction for promotion, clerical, or other expenses.
- (19) In the event that there shall be New York County Fair final race at the participating pari-mutuel tracks, eligibility thereto shall be determined under a point system.
- (a) A maximum of 100 points shall be allocated for each 2- and 3-year-old race at each of the participating county fairs as follows: First – 50 points; Second – 25 points; Third – 12 points; Fourth – 8 points; Fifth – 5 points. 100 points will be given for each division. All races will be single heat events. Horses will be eligible to race one time each day.
 - (b) A list of such eligible horses with the total point accumulation will be furnished to the Race Secretary at the pari-mutuel track and he shall select from the list of horses from the top down until as many starters as can be drawn to post in the first tier are represented, limited to two entries from one common owner. Should there be a tie in the point standings for the final entrant, the judges will determine the final entrant by lot. Judges official order of finish will be used in determining eligibility to the Championship events exclusive of all appeals yet to be decided at time of declaration to the Championship event.
 - (c) Minimum starts: No horse shall be eligible to the Championship Race unless it has raced a minimum of five (5) different New York County Fairs that conduct NYSS races. Should there not be enough entries in the box with at least five starts to fill the race, the highest point earner which has entered with four starts shall be selected, etc. until there are enough entries to fill the first tier. Furthermore, any also eligible horses must have a minimum of four (4) NYSS County Fair starts.
 - (d) All horses that are to compete in the Championship Race must have an official charted satisfactory performance line within 45 days of declaration in order to be eligible to declare. Charters track allowances may be used to meet the time standards.
 - (e) Any horses for which a blood test shows the presence of any prohibited drug at any participating fair during the season will be ineligible for the county fair final.
 - (f) USTA Rule 21 and New York State Gaming Commission rules and regulations concerning positive drug tests will be strictly enforced.
 - (g) In the event of a close or disputed finish, the judge may consider a video replay of the finish if available from the representative of the Fund.
- (20) If track conditions do not allow the use of a mobile starting gate, the program will be cancelled. If a starting gate is unavailable at the last moment for unforeseen reasons, a walk-up start is permissible at the discretion of the Judge. In no event will the program be allowed to start more than two hours after the published post time.
- (21) All drivers, trainers and grooms must wear colors and safety helmets while warming up and racing at all county fairs.
- (22) **Race Day Testing:** All horses competing in any County Fair Series event will be subject to race day testing for impermissible administration of a drug or other substance to the horse. The testing shall also include total carbon dioxide testing (TCO2). Such tests may be administered on a pre- or post-race basis. In the instance of a post-race test, the horse being tested must stand at rest for a minimum of one hour after such horse has raced. Blood samples shall be obtained from each horse tested by a veterinarian or technician licensed by New York State to perform such tasks. Failure to present a horse for testing may be cause for forfeiture of purse earnings. The testing shall be performed in a laboratory approved by the Fund. Samples shall be taken in accordance with the procedures found in 9 NYCRR 4120.17(b), and for the purposes of this condition, all references to the "Commission" in that rule shall be considered references to the Fund. Prohibited substances include those substances listed in 9 NYCRR 4120.17(c), and for the purposes of this condition, all references to the "Commission" in that rule shall be considered references to the Fund.
- Where the TCO2 blood level, based upon the above criteria, equals or exceeds thirty-seven (37) millimoles per liter, or thirty-nine (39) millimoles per liter for horses administered furosemide (Lasix), the following penalties shall be incurred:
- (a) Said horse shall be disqualified from any purse winnings in the race for which it tests high, and said purse monies shall be redistributed.
 - (b) Said horse shall be disqualified from participation in any New York Sire Stakes event, including the final and consolation, should there be one, for a period of sixty (60) days from the day of violation.
 - (c) Said horse shall be disqualified from participation in any event sponsored by the Fund, including State and County Fair races for the duration of the penalty.
- The New York State Gaming Commission (NYSGC) has regulatory authority over all pari-mutuel horse races in New York State. In any case of disparity between rules, the latest rules of NYSGC shall prevail.
- (23) **Out-of-Competition Testing:** Any person who participates in the New York Sire Stakes shall be deemed to have given consent to submit their horse or horses to out-of-competition testing. Under such consent, the Fund may at a reasonable time on any date take blood, urine or other biologic samples from a horse that is entered to compete in the New York Sire Stakes in order to enhance the ability of the Fund to detect or confirm the impermissible administration of a drug or other substance to the horse. Horses to be tested may be selected at random, for cause or as determined by the Fund or an agent of the Fund. A selected horse that is not made available for sampling may be disqualified from competing in the Sire Stakes, including the Excelsior Series and County Fair races, for the respective year that the horse is eligible to compete. Samples shall be taken in accordance with the procedures found in 9 NYCRR 4120.17(b), and for the purposes of this condition, all references to the "Commission" in that rule shall be considered references to the Fund. Prohibited substances include those substances listed in 9 NYCRR 4120.17(c), and for the purposes of this condition, all references to the "Commission" in that rule shall be considered references to the Fund.



NEW YORK SIRE STAKES COUNTY FAIR 2018 – CONDITIONS

A person whose horse was disqualified due to a finding of non-cooperation or a positive test for a prohibited substance may appeal such a finding in a hearing conducted in accordance with the State Administrative Procedure Act and before a hearing officer designated by the Fund.

- (24) A horse that has a drug positive for a prohibited substance during any Sire Stakes event, such horse shall be ineligible for any Sire Stakes event final or consolation (Sire Stakes, Excelsior or County Fair series). Eligibility to the finals or consolation race, if scheduled, shall exclude all participants with appeals yet to be decided at the time of declaration to the finals or consolation. In the case of a positive drug test, all appeals will be excluded from eligibility to the finals or consolation, if scheduled, unless they are resolved by adjudication prior to declaration. A person whose horse was disqualified due to a finding of non-cooperation or a positive test for a prohibited substance may appeal such a finding in a hearing conducted in accordance with the State Administrative Procedure Act and before a hearing officer designated by the Fund.

Should any participant in the Sire Stakes program be notified of a positive drug result, he/she must notify the Agriculture and New York State Horse Breeding Development Fund within 10 days upon receipt of the notice that they demand a hearing. Any such demand must be made in writing to the Agriculture and New York State Horse Breeding Development Fund and sent either by e-mail (info@nysirestakes.com) or mail to the Agriculture and New York State Horse Breeding Development Fund, 1 Broadway Center, Schenectady, New York 12305.

- (25) **Cancellation:** Should circumstances prevent the racing of any County Fair Series races, with the exception of the finals, or consolation race, (if scheduled), the monies and points will be prorated among owners of entered horses on the grounds for the uncontested event at the time of declaring off. The money will not be counted as money earned. The points will count towards the finals. The cancelled event of County Fair Series will also count as a start for the County Fair Series final or consolation, if scheduled, for the horses declared in. Extenuating circumstances such as weather and labor disputes could be cause for rescheduling the final or consolation, if scheduled, as per the NYSGC Rule 4114.3. All events shall be scheduled and run in cooperation with each licensee harness track in this state.

- (26) All questions of ELIGIBILITY will be decided by the Fund. For those races in which pari-mutuel wagering is available ELIGIBILITY will be decided by the Fund and the New York State Gaming Commission.

Rules: These events are subject to the rules of the New York State Gaming Commission and the conditions of the Agriculture and New York State Horse Breeding Development Fund

- (27) When an owner has outstanding debts owed to any track, every horse owned in whole or part by that owner may be subject to be declared ineligible by any track the horse is entered at or subject to be possibly scratched by the judges and not allowed to start in any New York Sire Stake Race, including Excelsior Series and County Fair Races, until such time that debt and all fees are collected.

- (28) The Fund will allow counties that do not have a race track at their fair grounds to race county fair races at a horse track that is in the county. Such county fair organization must request such off-site racing by petitioning the Sire Stakes program before February 1, 2018 by e-mail (info@nysirestakes.com) or mail to the Agriculture and New York State Horse Breeding Development Fund, 1 Broadway Center, Schenectady, New York 12305 stating the unavailability of a track at their fairgrounds and providing a plan of how the agricultural mission as provided for in Article 3 of the Racing, Pari-Mutuel Wagering and Breeding Law, which provides in part for the Sire Stakes program, will be addressed at such off-site location.

MONEY DIVISION:

5 or more starters 50, 25, 12, 8, 5 percent
4 starters 50, 25, 15, 10 percent
3 starters 50, 30, 20 percent
2 starters 65, 35 percent
Walkover 100 percent (horse must race only once)

Starters must finish the race in order to qualify for purse money and points except for cancelled events.

Gait: Must be specified on April 15 payment. Transfer of gait may be made at time of declaration, but past payments remain in the respective funds.

Checks Payable to:

Agriculture and NYS Horse Breeding Development Fund (All payments must be made in U.S. Funds)

Mail to:

New York Sire Stakes, 230 Washington Avenue Extension, Suite 101, Albany, New York 12203

Phone: 518-388-0178

Email: info@nysirestakes.com

