



September 1, 2023

On behalf of the Agriculture & NYS Horse Breeding Development Fund, I would like to welcome you to the 2023 New York Sire Stakes Day of Champions at Yonkers Raceway. Attached are the Racing Security Protocols and Conditions for this year's New York Sire Stakes Finals event, which were developed in coordination with the New York State Gaming Commission and Yonkers Raceway.

The Fund appreciates your participation in this year's New York Sire Stakes, and we look forward to great day of racing on September 9, 2023.

If you have any questions, please do not hesitate to contact the following individuals:

Sarah Sheehan, Project Director, NYSS 518-694-5002

Alex Dadoyan, Director of Racing, MGM Yonkers, Inc. 914-457-2486

Best of luck to all the participants! Thank you.

NY Sire Stakes



Agriculture & New York State Horse Breeding Development Fund

DAY OF CHAMPIONS

The Agriculture and New York State Horse Breeding
Development Fund and Yonkers Raceway Present

2023 New York Sire Stakes Day of Champions

- SATURDAY, SEPTEMBER 9, 2023
- POST TIME 12:15 PM
- \$1.8 MILLION DAY OF CHAMPIONS
- FEATURING EIGHT \$225,000 NEW YORK SIRE STAKES FINALS



BY MGM RESORTS

230 Washington Ave Extension Suite 101 Albany NY 12203

P 518-694-5002 | F 518-463-8656 | info@nysirestakes.com | www.nysirestakes.com



One Broadway Center, P.O. Box 7500, Schenectady, NY 12301-7500
www.gaming.ny.gov

2023 New York Sire Stakes Day of Champions
MGM Yonkers Raceway - September 9, 2023

Racing Security Protocols

All horses must be on the grounds by 1:00 pm Friday, September 8, 2023. The race card will consist of an indeterminate number of races, including the eight New York Sire Stakes races (\$225,000 purse per race).

The New York State Gaming Commission (NYSGC) will be utilizing security protocols for all New York Sire Stakes Final races. These protocols require out-of-competition testing of ALL horses. These security protocols will provide additional safeguards to protect the integrity of the sport and the welfare of the horses. The measures foster transparency and accountability by ensuring compliance among horsepersons and veterinarians that travel to New York to compete.

The security protocols in effect for the Sire Stakes races include the following:

- Horses competing in the 2023 New York Sire Stakes Day of Champions races must be on the grounds of Yonkers Raceway by 1:00 p.m. Friday, September 8, 2023. These horses will be subject to a continuous 24-hour dedicated watch by experienced security personnel leading to post time. During a dedicated watch, a security guard or a NYSGC investigator will keep the horses under constant surveillance. Anyone (e.g., veterinarians) entering a stall or otherwise having physical contact with a horse under watch will be directly observed by a NYSGC investigator.
- The Commission will obtain out-of-competition blood and hair samples from participating horses in advance of the race and send them to the New York Equine Drug Testing and Research Program at Morrisville State College for immediate testing.
- Once arrived, horses must remain on the Yonkers Raceway facility grounds until after the running of the race. Exceptions will be granted only in the case of an unforeseeable emergency, as determined by the Equine Medical Director, in consultation with the Commission's Presiding Judge.
- Commission personnel will monitor all treatments of participating horses performed by veterinarians prior to the scheduled post times of the Sire Stakes Races. No veterinarians will treat horses without first making an appointment with Commission investigators. All medications and paraphernalia will be examined by Commission personnel prior to use. All containers for medications administered will be retained by the Commission for possible testing.
- Completed NYSGC Veterinary Record Forms (VR1a), identifying any treatments received on Wednesday 09/06/23, Thursday 09/07/23, and Friday 09/08/23, must be submitted to NYSGC officials by 5:00 p.m. on Friday, 09/08/2023. If no treatments were received, then the form must still be completed and submitted indicating "no treatment." The Commission will post these records on its Website at www.gaming.ny.gov. A blank VR1a form for use and a completed sample for reference are enclosed.

- Stall entry/exit logs will be maintained by security personnel. All persons, including grooms, veterinarians, trainers, assistant trainers, farriers, owners, or other connections – upon entering the stall, engaging in contact with the horse or performing any service for the horse – must have a valid Commission license or a Yonkers Raceway security badge on their person. All visits will be logged in by security along with the reason for the visit. Routine stall and horse maintenance by identified grooms and staff will be monitored but will be exempt from logging.
- All equipment, feed, hay bales, etc. will be subject to search and seizure, as provided by law, by both Yonkers Raceway and the Commission. Only new, sealed feed bags will be allowed in the detention area. No supplements will be allowed.
- All persons entering the quarantine barn will be subject to possible search per New York State Gaming Commission rules.
- Salix (furosemide) is the only permitted injection a horse may receive within 24 hours of the race and will be administered by Yonkers veterinarians. This administration is performed between 4 ½ and 4 hours prior to the horse's scheduled post time. You must have an attendant with the horse during this period. Yonkers veterinarians will not administer Salix to an unattended horse. The fee for Salix administration is paid directly to the track Vet. Syringes will be preserved by the Commission for possible testing.
- No oral administration of any medication or substance by dose syringe is permitted on race day.
- No more than two Non-Steroidal Anti-inflammatory Drugs (e.g., Banamine, phenylbutazone) may be administered to a racehorse during the week before racing. One may be used until 48 hours before racing, the other may be used only until 96 hours before the race.
- DMSO may not be administered by any means within 48 hours of the race.
- The use of pulsed electromagnetic therapy, laser therapy, electro-magnetic blankets, boots, electro-shock, or any other electrical devices is prohibited within 24 hours of the scheduled post time of the race.
- Nebulizer, puffer treatment or transdermal patches are prohibited within 24 hours of the scheduled post time of the race.
- Trainers should be mindful that over-the-counter nutritional supplements, homeopathic remedies, and herbal preparations are not regulated by the FDA and may contain prohibited substances with no notice on the product label.
- For horses receiving anti-ulcer medications, trainers are advised to perform daily administrations at least 24 hours prior to the horse's scheduled post time. The horse may then receive its race day anti-ulcer medication after racing and without interrupting its treatment schedule.
- On race day, blood samples for TCO₂ analysis will be collected from horses in the paddock 2 hours before post time.
- Only bedding provided by Yonkers Raceway may be used in the barn.

- On September 9, 2023, no attending veterinarians will have access to the horses entered in the Sire Stakes Races, except to provide emergency services under the direct supervision of the NYS Gaming Commission security person and with approval of the Presiding Judge or the NYSGC Equine Medical Director. Any horses receiving emergency medication of any kind on September 9, 2023 will be scratched from the race.

For specific questions concerning the drug rules for harness racing, please see NY Harness drug rules on the commission web site (9 NYCRR §§ 4100-4123) or call the Presiding Judge.

For questions related to veterinary matters, please contact:

Dr. Scott E. Palmer, NYSGC Equine Medical Director 518-441-7916

For questions related to any other security protocol issue, please contact:

Mr. Andrew Rakowsky, Director of Investigations, NYSGC 518-807-3451

NET: John Smith

TRAINER/CLIENT: Paul Jones



One Broadway Center, P.O. Box 7500, Schenectady, NY 12301-7500
WWW.GAMING.NY.GOV

NEW YORK
STATE OF
OPPORTUNITY
**Gaming
Commission**

SAMPLE FORM

HORSE: _____

Use is recommended to assure compliance with Section 4012.4 and 4120.9 of NYCRR 9E

Veterinary Record Form VR1a

DATE	TIME	DIAGNOSIS	TREATMENT - DRUG ADMINISTERED, DOSE & ROUTE OF ADMINISTRATION
9/8/22	1100	Inflammation	Phenylbutazone, 2gm IV
 			

New York Sire Stakes No. 62 – Conditions (Foals of 2020)

Sponsor:

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

To Be Raced As:

Two-year-olds in 2022 and Three-year-olds in 2023

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

Payments: 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.

Nomination Fee: May 15, 2021.....\$50

Future Sire Stakes Payments:

As 2-year-olds

February 15, 2022 \$200

April 15, 2022 (Specify Gait)..... \$350

As 3-year-olds

February 15, 2023 \$250

April 15, 2023 (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 2020 upon payment of \$500 by February 15, 2022, in lieu of the May 15, 2021 nomination fee of \$50. If the regular February 15, 2022 payment is made on time, but the horse was not nominated as a yearling, the Fund may, at its discretion, accept the supplementary fee upon notification of the individual making the payment. All other payments must be made as regularly required. A 2-year-old which makes the May 15, 2021 nomination payment, but fails to make the first sustaining payment to New York Sire Stakes (NYSS) No. 62 may regain eligibility for the 3-year-old season by payment of a penalty of \$1,100 providing such payment is made on or before April 15, 2022. Such horse will not be eligible to participate in NYSS No. 62 2-year-old events, but will be eligible to participate in NYSS No. 62 3-year-old events, provided that all payments to those events are made in a timely manner. 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) Sired by an eligible stallion (see Stallion Eligibility) registered to the 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, 2022 payment must be made to race in 2022 or future years. The April 15, 2022 payment must be made to race as a 2-year-old in Sire

Stakes. The February and April 2023 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-year-olds who participated in NYSS No. 62. 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. 62 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. 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 (two or more starts if five or fewer legs scheduled), 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. 62, 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 (at least two legs if five or fewer legs scheduled) 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 (at least two starts if five or fewer legs scheduled) 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 with horses that started in at least one New York Sire Stakes leg. There must be at least 4 horses entered in the consolations, however if there are four horses, the purse may be prorated based on the number of horses entered, unless reduced pursuant to 6 above, at the Fund’s discretion. 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 45 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. Chartist 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. 62 event will be subject to race day testing for impermissible administration of a drug or other substance to the horse. The testing may 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.

When a horse tests positive for an impermissible substance and/or 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 in question 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.

(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 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 & 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, NY 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 or the Fund, every horse owned in whole or part by that owner may be subject to be declared ineligible by the Fund or 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 Stakes 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 or County Fair final, 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 a final or consolation, it will be ineligible to enter in another final event. If a horse declares into a final event and is not selected or the race does not fill, it may declare into another final event that has not yet been drawn.

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

Mail To:
New York Sire Stakes
1 Broadway Center, Schenectady, NY 12305
Phone: 518-388-0178
Email: info@nysirestakes.com

NEW YORK SIRE STAKES NO. 63
Foals of 2021

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

To Be Raced As:

Two-year-olds in 2023 and Three-year-olds in 2024

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

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.

Nomination Fee: May 15, 2022.....\$50

Future Sire Stakes Payments:

As 2-year-olds

February 15, 2023..... \$200

April 15, 2023 (Specify Gait)..... \$350

As 3-year-olds

February 15, 2024..... \$250

April 15, 2024 (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 2021 upon payment of \$500 by February 15, 2023, in lieu of the May 15, 2022 nomination fee of \$50. If the regular February 15, 2023 payment is made on time, but the horse was not nominated as a yearling, the Fund may, at its discretion, accept the supplementary fee upon notification of the individual making the payment. All other payments must be made as regularly required. A 2-year-old which makes the May 15, 2022 nomination payment, but fails to make the first sustaining payment to New York Sire Stakes (NYSS) No. 63 may regain eligibility for the 3-year-old season by payment of a penalty of \$1,100 providing such payment is made on or before April 15, 2023. Such horse will not be eligible to participate in NYSS No. 63 2-year-old events, but will be eligible to participate in NYSS No. 63 3-year-old events, provided that all payments to those events are made in a timely manner. 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) Sired by an eligible stallion (see Stallion Eligibility) registered to the 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 Yorkbred 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, 2023 payment must be made to race in 2023 or future years. The April 15, 2023 payment must be made to race as a 2-year-old in Sire Stakes. The February and April 2023 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-year-olds who participated in NYSS No. 63. 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. 63 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. 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. 63, 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 5/8's 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 with horses that started in at least one New York Sire Stakes leg. There must be at least 4 horses entered in the consolations, however if there are four horses, the purse may be prorated based on the number of horses entered, unless reduced pursuant to 6 above, at the Fund's discretion. 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 45 days of declaration that meets the following qualifying time standards for its age and gait:

<u>1/2 and 5/8 mile Tracks</u>		<u>7/8 mile or larger Tracks</u>	
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. Charters track allowances may be used to meet the time standards, and
- b) 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. 63 event will be subject to race day testing for impermissible administration of a drug or other substance to the horse. The testing may 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.

When a horse tests positive for an impermissible substance and/or 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 in question 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.
- (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 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 or the Fund, every horse owned in whole or part by that owner may be subject to be declared ineligible by the Fund or 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 Stakes 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 or County Fair final, 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 a final or consolation, it will be ineligible to enter in another final event. If a horse declares into a final event and is not selected or the race does not fill, it may declare into another final event that has not yet been drawn.

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%
4 starters:.....	50%	25%	15%	10%	
3 starters:.....	50%	30%	20%		
2 starters:.....	65%	35%			
1 starter:.....	100%				

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.

Make Checks Payable (in U.S. Funds Only) To and Send To:

Agriculture & NYS Horse Breeding Development Fund
1 Broadway Center
Schenectady, NY 12305
Phone: 518-388-0178
Email: info@nysirestakes.com