

New York Excelsior Series

2023 Conditions

Sponsor:

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

Note:

Must be nominated as a yearling to the New York Sire Stakes program (\$50 fee) or supplemented to the Fund, \$500 due in the 2-year-old year, as per the conditions.

Schedule of Payments (U.S. Funds only):

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 2023— Colt and Filly Divisions at each gait

February 15, 2023 Staking Fee \$125

April 15, 2023 Sustaining Fee (specify gait) \$325

Three-year-olds in 2023 – Colt and Filly Divisions at each gait

February 15, 2023 Staking Fee \$125

April 15, 2023 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 Series Races will be \$20,000 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 provided they are staked to both NYSS and Excelsior. Horses staked to only one series, either Sire Stakes or Excelsior Series may only enter the series to which they are staked.

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. 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. 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 and then trainer 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 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 5 above, at the Fund's discretion. There shall be no Excelsior consolation races scheduled if less than 4 horses are entered.

(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 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	
2 YO 2:06	PACERS	2 YO 2:04	
3 YO 2:02		3 YO 2:00	
2 YO 2:09	TROTTERS	2 YO 2:07	
3 YO 2:07		3 YO 2:05	

Add 7 seconds to the times above to get a mile and 1/16 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 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 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 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, 230 Washington Ave Extension, Suite 101, Albany, NY 12203.

- (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 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 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 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
 230 Washington Ave Extension
 Suite 101
 Albany, NY 12203
 Phone: 518-694-5002
 Email: info@nysirestakes.com