

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