

New York Sire Stakes County Fair

2023 Conditions

Sponsor:

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

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.

February 15, 2023

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

3-Year-Old Nomination Fee\$25

April 15, 2023

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

Rules:

- (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 Feb. 15, 2023 for 2-year-olds and March 1, 2023 for 3-year-olds in 2023. 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. If the February 15, 2023 payment is made on time, but the horse was not nominated as a yearling, the Fund may, at its discretion, later accept the supplementary yearling fee upon notification to the individual making the payment that the supplementary yearling fee is required.
- (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, orOwned 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) Four Day Box: Declarations must be made by 10AM four days prior to the race (omitting Sundays except for Goshen). All horses must be microchipped before declaring. Declaration may be made by telephone to the race secretary, or if designated by the Fund, to a central entry hotline. 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) All participating horses shall be subject to microchip, urine and/or blood testing on race day basis when deemed appropriate by the sponsor.
- (17) The Fund will allocate to these New York-bred horse races an estimated \$30,000 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 colt 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, plus declaration fees. If an individual race purse, including declaration fees, does not equal \$2,000, the Fund will supplement that purse to reach \$2,000. There will be no deduction for promotion, clerical, or other expenses.
- (18) In the event that there shall be New York County Fair finals 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. 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 with horses that started in at least one New York County Fair event. 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, if the event is held at a pari-mutuel track.
- (e) If an owner or trainer has a horse eligible to a County Fair final and also any NYSS or Excelsior 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 a final or consolation event, it will be ineligible to enter 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.
- (f) 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.
- (g) USTA Rule 21 and New York State Gaming Commission rules and regulations concerning positive drug tests will be strictly enforced. In the case of a disparity of between rules, the New York State Gaming Commission rules and regulations will prevail.
- (h) 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.
- (19) 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.
- (20) All drivers, trainers and grooms must wear colors and safety helmets while warming up and racing at all county fairs.
- (21) All drivers, trainers, officials and anyone taking a horse onto the track will be subject to a breath analyzer test by a designee of the Fund. The results of the test shall be governed by USTA Rule 5.12(a). Anyone who refuses to submit to a test or whose test results detect alcohol or prohibited substances as detailed in USTA Rule 5.12 and 5.13, will be barred from handling any horse on the track for the remainder of the day.
- (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 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.
- (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. 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, 230 Washington Ave Extension, Suite 101, Albany, NY 12203.

(25) Cancellation: Should circumstances prevent the racing of any County Fair Series races, with the exception of the finals, or consolation race (if scheduled), a race or races may be canceled. County Fair races must be held the day advertised with no carryover. The race may not be declared off until the published first post time. The purse money 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. Each horse on the grounds for the uncontested event at the time of declaring off will be awarded 10 points and the event will count as a start for the County Fair Series final or consolation, if scheduled. 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. The final or consolation events, if scheduled, shall be held in cooperation with a 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.

(27) 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.

(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 April 1, 2023 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 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.

(29) A fair association may petition the Fund, due to unforeseen events creating unsafe track conditions, to move its racing to another track within the county or, if such track is not available, another fair association's track in an adjacent county. Such petition must be made to the Fund and received in writing from the Association requesting the track transfer stating in detail why racing would not be safe under the current conditions and the alternate track site where such racing will take place. The request must also include the race dates which must be scheduled within 72 hours of the originally scheduled race days. If such track is not located in the Association's county, the Association must also include a letter in support from the adjacent county's fair association noting their acceptance to permit such racing on their fair grounds at the time and date specified. Reimbursement shall be made to the original Fair Association as provided by the Fund's 2023 County Fair Harness Racing Program.

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%		
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.

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